

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996

s.576E - Procedure for carrying out award modernisation process

**Request from the Minister for Employment and Workplace Relations –
28 March 2008****Award Modernisation
(AM2008/1)**

JUSTICE GIUDICE, PRESIDENT
 VICE PRESIDENT LAWLER
 VICE PRESIDENT WATSON
 SENIOR DEPUTY PRESIDENT WATSON
 SENIOR DEPUTY PRESIDENT HARRISON
 SENIOR DEPUTY PRESIDENT ACTON
 COMMISSIONER SMITH

MELBOURNE, 20 JUNE 2008

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LIST OF MAIN ABBREVIATIONS

In this decision the following abbreviations are used:

ABI	Australian Business Industrial
ABS	Australian Bureau of Statistics
ACCI	Australian Chamber of Commerce and Industry
ACT	Australian Capital Territory
ACTU	Australian Council of Trade Unions
AEU	Australian Education Union
AFEI	Australian Federation of Employers and Industries
AHA	Australian Hotels Association
AHEIA	Australian Higher Education Industrial Association
AiG	The Australian Industry Group and the Engineering Employers Association, South Australia
AMIC	Australian Meat Industry Council
AMIEU	Australasian Meat Industry Employees Union
AMMA	Australian Mines and Metals Association
AMTIC	Australian Motor Trades Industrial Council
AMWU	Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union
ANF	Australian Nursing Federation
ANZIC	Australian and New Zealand Industry Classification
APESMA	Association of Professional Engineers, Scientists and Managers, Australia, The
ARA	Australian Retailers Association
ARTBIU	Australian Rail, Tram and Bus Industry Union
ASC	Anglican Schools Commission of the Diocese of Brisbane
ASIAL	Australian Security Industry Association Limited

ASMA	Australian Sugar Milling Association, Queensland, Union of Employers
ASU	Australian Municipal, Administrative, Clerical and Services Union
ATM	Automatic Teller Machine
AWA	Australian Workplace Agreement
AWU	Australian Workers' Union, The
AWUEQ	The Australian Workers' Union of Employees, Queensland
BSCAA	Building Services Contractors Association of Australia
CCI WA	Chamber of Commerce and Industry of WA
CCNT	Chamber of Commerce Northern Territory
CEPU	Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia
CFMEU (Construction and General Division)	Construction, Forestry, Mining and Energy Union – (Construction and General Division)
CFMEU (Mining and Energy Division)	Construction, Forestry, Mining and Energy Union – (Mining and Energy Division)
ConfACT	ACT & Region Chamber of Commerce and Industry
COPHE	Council of Private Higher Education
CPSU	CPSU, the Community and Public Sector Union
DEEWR	Department of Education, Employment and Workplace Relations
GO8	Group of Eight Universities
<i>Graphic Arts Award</i>	<i>Graphic Arts – General – Award 2000</i>
HSU	Health Services Union
ICT Industry	Information and Communications Technology Industry
ITEA	Individual Transitional Employment Agreement
LHMU	Liquor, Hospitality and Miscellaneous Union

MBA	Master Builders Association Inc and Master Builders Association, New South Wales
MEAA	Media, Entertainment and Arts Alliance
<i>Metal Industry Award</i>	<i>Metal, Engineering and Associated Industries Award 1998</i>
MGA	Master Grocers Australia
MIMAA	The Motor Inn, Motel and Accommodation Association, The
Minister	Minister for Employment and Workplace Relations
MTAWA	Motor Trade Association of Western Australia (Inc)
MVRC	Moonee Valley Racing Club
NAPSAs	Notional Agreements Preserving State Awards
NECA	National Electrical and Contractors Association, The
NRA and ANRA	National Retailers Association and the Australian National Retailers Association
NES	National Employment Standards
NFF	National Farmers' Federation
NTEU	National Tertiary Education Industry Union
NUW	National Union of Workers
PIAA	Printing Industries Association of Australia
QR	Queensland Rail
Restaurant and Catering Australia	Restaurant and Catering Industry Association of Australia
RVL	Racing Victoria Limited
SDA	Shop, Distributive and Allied Employees Association
TCFUA	Textile, Clothing and Footwear Union of Australia
VACC	Victorian Automobile Chamber of Commerce
WR Act	<i>Workplace Relations Act 1996</i>

DECISION

Introduction

[1] This decision deals with a number of important matters concerning the implementation of the award modernisation request received by the President from the Minister for Employment and Workplace Relations (the Minister). The request was made on 28 March 2008 pursuant to s.576C(1) of the *Workplace Relations Act 1996* (the WR Act). On receipt of the request the President took various steps to implement the request and subsequently issued a statement on 29 April 2008 setting out the process for award modernisation, identifying three priority tasks, establishing a program of consultation in relation to the priority tasks and dealing with some other matters. This decision should be read in conjunction with the President's statement. This Full Bench was established on 30 April 2008. Pursuant to s.576C(4) of the WR Act, on 16 June 2008 the Minister amended the request of 28 March 2008 and issued a consolidated version of the request. We shall refer to the request as amended on 16 June 2008 as the Minister's request.

[2] Clause 20 of the Minister's request requires the Commission to "*endeavour by 30 June 2008 to have identified a list of priority industries or occupations for award modernisation, developed a timetable for completing the award modernisation process and developed a proposed model award flexibility clause.*" Clause 21 provides that in carrying out these tasks the Commission "*is to consult with major workplace relations stakeholders and other interested parties.*" Since the President's statement of 29 April 2008 there has been a thorough consultation process involving public hearings in all States and Territories and the opportunity for written submissions and suggestions. A total of 197 interested parties or groups appeared or were represented in the public hearings. Approximately 127 parties or groups made written contributions. The consultations were transcribed and the transcripts as well as the exhibits and written submissions are available on the internet.¹

[3] As is apparent, the response to the President's request for input in relation to the award modernisation process has been extremely good. We have received a wealth of proposals and suggestions. We are encouraged by the willingness of so many to engage with award modernisation at this early stage. Their responses indicate the importance which interested parties attach to award modernisation and their commitment to work cooperatively to ensure the process is completed by the end of 2009, the date in the Minister's request. While most contributions related to the three priority tasks, many other issues were addressed which will be more relevant when the terms of modern awards are being considered. Nevertheless all of the contributions are valued. Taken together they demonstrate the breadth and complexity of the task. They have provided us with important information for our decision on the priority tasks and for the drafting process.

[4] This decision is divided into the following sections:

- list of priority industries/occupations
- the model flexibility clause
- timetable
- apprentices, trainees and supported wage

List of Priority Industries/Occupations

Overview

[5] Clause 20 of the Minister's request requires the Commission, in developing the priority list, to have regard to those industries and occupations with high numbers of Australian Workplace Agreements (AWAs) and Notional Agreements Preserving State Awards (NAPSAs). Clearly these are not the exclusive criteria for selection on the priority list, but they are criteria to which we must have regard. Reliable, current statistical information on the incidence of AWAs and NAPSAs is not abundant. In relation to AWAs the following table, produced by the Department of Education, Employment and Workplace Relations (DEEWR) in February of this year, is of some assistance.

Table 1: AWA-reliant employees by industry – ABS data compared with Workplace Authority Data*²

Industry	ABS	Workplace Authority		ABS	Workplace Authority ^(d)	
	Non-manual employees on AWAs in May 2006 ^(a)	Estimated 'live' AWAs as at the end May 2006 ^(b)	Estimated 'live' AWAs as at the end December 2007 ^(b)	% of non-manual employees on AWAs in May 2006 ^(c)	Estimated 'live' AWAs as at the end May 2006 as a % of all employees within each industry ^(e)	Estimated 'live' AWAs as at the end December 2007 as a % of all employees within each industry ^(f)
Agriculture, forestry and fishing	NA	8,300	13,900	NA	4.6	7.8
Mining	15,500	36,000	63,300	16.2	28.4	46.5
Manufacturing	27,200	67,100	82,900	3.6	6.8	8.2
Electricity, gas and water supply	300	1,600	3,400	0.5	1.9	4.0
Construction	4,700	29,600	51,300	1.2	5.0	7.6
Wholesale trade	9,400	9,800	13,000	2.3	2.4	3.1
Retail Trade	61,600	97,900	156,600	5.5	7.3	11.4
Accommodation, cafés and restaurants	15,100	76,400	126,700	4.3	17.3	26.6
Transport and storage	22,900	18,200	34,700	6.8	4.5	8.2
Communication Services	16,900	46,100	50,200	17.1	28.6	28.8
Finance and Insurance	9,500	12,500	19,000	3.4	3.5	5.0
Property and business services	29,200	73,900	95,200	2.8	7.3	9.0
Government administration and defence	5,500	25,200	45,600	1.4	5.5	9.5
Education	2,800	4,300	13,200	0.4	0.6	1.8
Health and community services	3,100	27,300	37,700	0.3	2.8	3.7
Cultural and recreational services	1,600	10,800	15,000	0.9	4.8	6.3
Personal and other services	3,300	15,400	56,200	1.1	4.9	17.1
All industries	228,800	560,400	877,900	3.1	6.4	9.6

Notes:

(a) The ABS Employee Earning and Hours (EEH) publication (Cat. No. 6306.0) provides an estimate of the coverage of AWAs for all employees at the aggregate level only (2.9% of the 8,341,800 employees in May 2006 were on AWAs). However, the department's more detailed unpublished EEH data are for non-manual employees rather than all employees, hence there is a small discrepancy between the ABS data in this table and those published in the publication.

(b) All AWAs that did not disclose an industry and/or sector have been excluded from the count, hence the totals will differ.

(c) The ABS EEH publication shows that there were 7,496,100 non-manual employees in May 2006.

(d) Due to the volatility of the quarterly ABS Labour Force data (Cat. No. 6291.0.55.003), the Workplace Authority averages the preceding four quarter's of ABS data to produce an estimate of the number of employees. For consistency, the department has adopted the same approach in this table.

(e) The average number of employees over the 4 quarters to May 2006 is 8,760,100.

(f) The average number of employees over the 4 quarters to November 2007 is 9,185,900.

*Source: Department of Education, Employment and Workplace Relations Submission to the Senate Standing Committee on Education, Employment and Workplace Relations 'Inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008'. 29 February 2008: Table 3.1.

[6] The table illustrates, based on the Workplace Authority's estimates as at December 2007, that the highest number of AWAs was in the following industries, in descending order: retail trade, accommodation, cafes and restaurants, property and business services, manufacturing and mining. (These are the Australian and New Zealand Standard Industry Classifications (ANZIC) which do not correspond directly with the Commission's industry classification system.) When these figures are expressed as a percentage of all employees within each industry, the highest incidence of AWAs was in the following (non-government) industries, in descending order: mining, communications services, accommodation, cafes and restaurants, personal and other services and retail trade. It is worth noting that significant numbers of AWA employees included in the communication services industry are likely to be otherwise covered by enterprise awards in the telecommunications services industry.

[7] Comprehensive information concerning the incidence of NAPSAs is also quite difficult to find. It is to be expected, however, that NAPSAs are likely to be common in large industries such as in the retail industry, the component sectors of the hospitality industry and in the broad category of clerical and administrative work performed across a range of industries and in the manufacturing sector.

[8] The Australian Council of Trade Unions (ACTU) provided some additional statistical material it had obtained from the Australian Bureau of Statistics (ABS). The material included a table purporting to show the proportion of employees in each industry in the federal jurisdiction but paid by state award or agreement.

Table 2: Proportion of employees in the federal jurisdiction and paid by State award or agreement, by Industry.

	Proportion of employees	Number of employees
	%	
Health and Community Services	21.0	171843
Property and Business Services	18.0	147294
Retail Trade	14.2	116199
Manufacturing	10.2	83467
Accommodation, Cafes and Restaurants	9.3	76102
Education	6.1	49916
Wholesale Trade	4.2	34369
Construction	3.8	31095
Transport and Storage	3.8	31095
Personal and Other Services	3.8	31095
Cultural and Recreation Services	3.1	25367
Other industries(d)	1.4	11456
Mining	0.9	7365
All industries	100.0	818300

Source: ACTU letter of 13 June 2008, ABS unpublished data

[9] Although this table does not distinguish between NAPSAs and agreements, these data suggest that the priority list we have selected coincides to some degree with the industries which have a large proportion of NAPSAs. A number of industries on that list are directly equivalent to industries in the table, such as accommodation, cafes and restaurants, retail trade and mining (including coal mining). Industries such as the metal and associated industries, rubber, plastic and cablemaking, textile, clothing and footwear and vehicle manufacturing, racing and security and the private sector clerical occupation are significant components of other industries in the table with a high proportion of employees covered by NAPSAs.

[10] We have had regard to a number of other considerations in selecting the priority list. Those include the size and importance of the industry, our assessment of the dimensions of the modernisation exercise in each case, the views of the parties and our desire to include industries from across the spectrum of industrial enterprises in the economy. We have also decided to reduce the number on the list circulated by the President. This will make the task more manageable for the parties, particularly parties with interests in multiple award areas. Obviously we have not been able to accommodate all of the requests for inclusion on the priority list but we shall indicate later a date for commencement of the second stage of modernisation and some of the industries likely to be involved in that stage.

[11] Clause 4 of the Minister's request indicates that the Commission is to make modern awards primarily along industry lines but may also create modern awards along occupational lines as it considers appropriate. In context the reference to industry awards is to awards based on the industry of employers. By contrast, the reference to occupational awards is a reference to awards based on the occupation or calling of an employee. The request therefore provides that modern awards should primarily be industry awards, although the Commission may also make occupational awards.

[12] Clause 9 of the Minister's request provides that the Commission should have regard to the desirability of avoiding the overlap of awards and minimising the number of awards that may apply to a particular employee or employer. Clause 3(d) of the request and s.576B(2) of the WR Act require the Commission to have regard to the desirability of reducing the number of awards operating in the workplace relations system. While these are considerations relevant to the scope of particular modern awards and to the award modernisation process overall, we have borne them in mind also in selecting the priority industries and occupations from the large number proposed by those who have participated in the consultations. In a general sense we consider that these considerations require the Commission to make awards primarily on broad industry lines and, as far as practical, to make those awards applicable to all award-covered employees in the relevant industry.

[13] We have received many detailed submissions concerning not only the appropriate boundaries between industries but also the appropriate boundaries between industries and occupations in relation to which modern awards might be made. Concerns have been expressed about maintaining existing union demarcations and respecting the historical boundaries between industries based not only on union demarcations but also on other factors such as the regulatory environment, training and qualifications and the peculiar circumstances of the enterprises in the industry. All of these issues will have to be worked through as part of the process. We encourage parties to continue their discussions. Where assistance is required from the Commission contact can be made with the relevant panel head on a bipartite basis. In relation to the industries and occupations on the priority list, however, we have attempted to give some guidance on the scope of the industry. We turn now to that list.

[14] We have had regard to the list attached to the President's statement of 29 April 2008, as well as a number of additional industries which were proposed for inclusion on the priority list during the recent consultations with major workplace relations stakeholders and other interested parties. We have endeavoured to explain why we have selected the industries and occupations and in many cases, although not all, we shall give an indication of why certain industries and occupations were not included.

Industries included

[15] **Coal Mining Industry.** The ACTU and the Construction, Forestry, Mining and Energy Union (Mining and Energy Division) (CFMEU (Mining and Energy Division)) proposed that the coal industry should be included on the priority list and this was accepted by a substantial group of coal industry employers.

[16] Although the data is limited, we accept the parties' submission that the incidence of AWAs in the coal industry is significant, although there are relatively few NAPSAs in the industry. We also note the indications that the coal industry is undergoing a significant expansion and the parties' desire that a modern award be made for the coal industry sooner rather than later. We are satisfied that, subject to a matter dealt with below, it is appropriate to include the coal industry in the list of priority industries but with the title of "*coal mining industry*".

[17] We received a number of submissions concerning the scope of the relevant industry. In particular the parties joined issue on whether the coal industry should be confined to coal mining for the purposes of inclusion on the priority list or whether it should extend to coal ports/terminals and coke works. We are not persuaded by the arguments advanced by the CFMEU (Mining and Energy Division) that coal ports and terminals or coke plants should be covered by a coal industry modern award. Established union coverage is not a sufficient basis for their inclusion. Such a criterion is not specified in Part 10A of the WR Act or in the Minister's request. That is not to say that the Commission will ignore union coverage issues in determining the scope of modern awards. Rather, coverage is one of potentially many factors that may affect a decision as to the scope of a modern award. The fact that all but one of the coal ports and terminals are operated by entities owned by coal mining companies is not a matter to which we attach substantial weight. Rather, we note that the operation of a coal port and terminal has much more in common with the operation of ports and terminals more generally than it does with the mining of coal. Similarly, a coke works has more in common with other manufacturing enterprises that process particular materials than it does with the mining of coal. Our decision to exclude ports, terminals and coke works does not pre-empt any later consideration of the appropriate award coverage for such operations. We are deciding only to exclude them from the priority list.

[18] The precise identification of criteria that will bring an employer within the scope of the coal mining industry modern award is a matter that will be determined at a later stage. We can say, however, that we agree with the CFMEU (Mining and Energy Division) that the modern award for the coal mining industry should not extend to mine construction. No party has submitted otherwise.

[19] **Glue and Gelatine Industry.** We deal with this industry later in that part of our decision which deals with the metal and associated industries.

[20] Higher Education Industry. The ACTU and the National Tertiary Education Union (NTEU) supported the creation of a whole of educational industry modern award as a priority award. In dealing with the higher education sector specifically NTEU submitted that:

- it is a national sector where there is a high level of bargaining in universities;
- in recent years funding has been tied to the requirement to offer all employees AWAs;
- it is a significant industry where there are distinct groups of employees i.e. academics and general staff; and
- there is a multiplicity of federal awards applying within universities and some NAPSAs.

[21] NTEU also proposed that private universities be included for consideration and argued that there is no industrially relevant distinction between the work of employees in the private universities compared with the public universities.

[22] The Australian Education Union (AEU) also supported the inclusion of the higher education industry on the priority list. It argued that universities are trading corporations funded by the Federal Government and contrasted the position of universities with public schools, including pre-schools and the TAFE sector. It submitted that the latter have been largely regulated by State awards applying to employers who are not constitutional corporations.

[23] CPSU the Community and Public Sector Union (CPSU) supported higher education, at least as far as universities are concerned, being on the priority list. It submitted that the list should include a sector which has a well-established enterprise bargaining culture. The CPSU also submitted that related or controlled entities of universities which are engaged in educational functions should be part of any consideration of the scope of the higher education industry. However, the CPSU took the view that the scope of the examination should not include private providers' colleges or TAFE colleges, arguing that in all states, except Victoria, TAFE colleges operate within the public service.

[24] The Australian National University, Monash University, University of Adelaide, University of Melbourne, University of New South Wales, University of Sydney, University of Queensland and the University of Western Australia, collectively known as the Group of Eight Universities (GO8), all supported higher education's inclusion on the priority list. The GO8 advanced the following arguments:

- universities have a significant number of employees and play a vital role in Australian society;
- there is a multiplicity of awards, including a number of awards or part thereof which are outdated, obsolete or unnecessarily complicated, and early modernisation would simplify the underlying regulation in the industry;
- the issues which would need to be addressed that could provide guidance in making modern awards which include: matters previously contained in awards but deleted as non-allowable matters and the scope and relevance of award coverage for highly paid academic and non-academic staff;

- the interaction with the National Employment Standards (NES), and
- the relevance of specifying ordinary hours of work for employees who have never had specified ordinary hours.

[25] The Australian Higher Education Industrial Association (AHEIA) opposed the higher education industry being included on the list. It argued that there is no evidence of high levels of AWAs in the sector. It further submitted that the incidence of NAPSAs is very low. It also referred to disagreement within the industry about the scope of the higher education industry and argued that the position of private providers should be resolved before the commencement of the process.

[26] Bond University, referred to as a private university, submitted that it is not part of the higher education industry as far as that industry is industrially defined but, to the extent that it is, then it is distinct from the public higher education industry. It submitted that if the distinction is not recognised in the priority list then it has a vital interest in the process. It argued that it would be impossible to create a single national award that could cover both the private and the public sectors.

[27] Avondale College Limited and the Council of Private Higher Education (COPHE) also opposed the making of a higher education industry modern award. Avondale College offers degree programmes but is a private not-for-profit faith-based provider of higher education. COPHE is an association of largely (although not exclusively) faith-based not-for-profit higher education facilities. Avondale College argued that a higher education award would not recognise the differences in higher education institutions. COPHE submitted that higher education should not be included on the priority list because:

- it does not meet the criteria set for priority listing;
- there are complexities in make-up of the sector which require further investigation; and
- the proposal for a higher education sector award, grouping together both public and private institutions would cause significant hardship for private providers and therefore should not be handled in haste.

[28] A number of submissions were made by organisations representing pre-school, school and post-school educational institutions opposing a whole of education industry award on the basis of different historical, funding and industrial arrangements applying to these sectors. Given our decision in this matter we will not deal with these submissions at this stage.

[29] In considering whether to include higher education on the priority list we have taken into account a range of factors including:

- the sector has a significant presence in all States and Territories;
- there is a diverse spread of occupational groups within each university;
- there is a diverse spread of conditions applying within each university relating to the historical and operational requirements of the sector; and

- there is an urgent need for simplification of regulation in the universities at the award level.

[30] We have decided to include a defined area of higher education on the priority list. We shall focus on mainstream universities both public and private. At this stage we shall not include the TAFE sector or the not-for-profit faith-based institutions which may offer a limited number of degree courses. Although we intend to include both public and private universities, the number of modern awards to be made is yet to be decided. But, in our view, it is preferable to examine all of the relevant issues at the same time.

[31] **Hospitality Industry.** There was a range of submissions from the ACTU, unions and various employer groups in the hospitality sector. The Commission's awards are classified into three industries the catering industry, the liquor and accommodation industry and the restaurant industry. A fourth industry is also potentially relevant, the fast food industry, although opinions differ as to whether that industry should be seen as part of hospitality, part of the retail industry or an industry in its own right. As we indicate later we have decided to consider the status of the fast food industry in the context of the drafting of the retail industry modern award. The majority of the employers and the principle union, the Liquor, Hospitality and Miscellaneous Union (LHMU), favour the creation of three modern awards in the hospitality industry. The awards would cover, respectively, the following industries:

- accommodation, hotels, pubs, taverns and gaming (including casinos);
- restaurants and catering; and
- clubs.

[32] This division is supported by the LHMU, the Australian Hotels Association (AHA), Clubs Australia and the Restaurant and Catering Industry Association of Australia. The Motor Inn, Motel and Accommodation Association of Australia and its affiliates in New South Wales and Queensland supported the creation of a fourth modern award dealing with the accommodation sector of the hospitality industry only.

[33] There are good reasons, based on the evidence of AWAs and NAPSAs, to include the hospitality industry on the priority list. It is not necessary at this stage to resolve the issues as to the number of modern awards that should be made. Nevertheless we think the proposals for a split into three or more awards have the potential for significant overlap and duplication. At the level of the safety net it may be difficult to justify the creation of four separate modern awards if the peculiar circumstances of each part of the industry could be dealt with satisfactorily by minor modifications to some of the terms of one industry award.

[34] We have decided to include the hospitality sector, constituted by the federal industries of catering, liquor and accommodation and restaurants on the priority list. This industry, at this stage, will also include the licensed club industry.

[35] **Metal and Associated Industries.** There was widespread support for the inclusion of the metal and associated industries on the priority list. Support came from the ACTU, Australian Industry Group (AiG) and a number of other unions and employers and employer bodies. The ACTU, supported by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (AMWU) and the National Union of Workers (NUW) among others, proposed that the rubber, plastic and cablemaking industry be considered at the same time with a view to its inclusion in a modern metals and associated industries award. It was also proposed that the award would extend to space tracking, drafting and production planners, among others. It was suggested by the LHMU and others that the adhesives, glue

and gelatine industry might also be included in consideration of the scope of the modern award. While the ACTU cautioned against an expansive approach to the scope of any modern metal and associated industries award at this stage, it also pointed out that the scope of proposed modern awards may change as other industry areas are considered throughout the modernisation process.

[36] Some other concerns were expressed about the scope of the proposed award. For example the LHMU reserved the right to argue that cleaning and security classifications should not be included, the ASU contended that clerical classifications should not be included, the National Electrical and Contractors Association (NECA) would object to the award extending beyond those electrical occupations covered by the various current awards and NAPSAs and Australian Business Industrial (ABI) expressed the view that the award should not cover the rubber, plastic and cablemaking industry.

[37] The Australian Sugar Milling Association, Queensland, Union of Employers (ASMA) believes it is possible to include the sugar processing industry in a modern metal and associated industries award but indicated there is an equally compelling argument for a sugar industry award comprehending all aspects of the industry from the farm through to rail transport, mills, refineries and terminals.

[38] The ACTU and the AMWU Vehicle Division proposed that the vehicle manufacturing industry should be on the priority list as did the Australian Motor Trades Industrial Council (AMTIC), the Victorian Automobile Chamber of Commerce (VACC), the Motor Trades Association of Western Australia (MTAWA) and Chamber of Commerce and Industry of WA (CCI WA).

[39] CCI WA included the Western Australian NAPSA – the *Vehicle Builders' Award 1971*³ amongst the metal industry awards identified within that priority industry.

[40] Given the widespread support for its inclusion, the historical central role of the Federal metal industry award in Australia's industrial relations system, and the criteria specified in the Minister's request, we have decided to include the metal and associated industries on the priority list. We note that it is proposed to include some additional industries in considering the scope of the proposed award. The relevant industry designations within Commission's classification are:

- brass, copper and non-ferrous metals;
- technical officers within the chemical industry;
- engine drivers and firemen;
- maintenance awards applying in the glass industry;
- jewellery manufacturing;
- optical mechanics within industries not otherwise assigned;
- mechanics within the meat industry;
- the metal industry award within the Northern Territory;
- public transport trades awards;
- scientific services,
- shipbuilding;
- space tracking
- sugar industry; and
- technical services.

[41] Like many of the organisations and other interested parties, we see some potential to broaden the scope of a modern metal and associated industries award to encompass comparable manufacturing industries. As a result, but without prejudging the ultimate scope of such an award, we will also include the rubber, plastic and cabling, glue and gelatine and vehicle manufacturing industries on the priority list to be considered in conjunction with the metal and associated industries. This will facilitate consideration of the possible broadening of the scope of the proposed award.

[42] Whilst we considered the inclusion of other manufacturing industries on the priority list to be considered in conjunction with the metal and associated industries modern award we have decided to limit the number of industries to make the initial task more manageable. However, consideration will be given to the expansion of the scope of a modern metal and associated industries award through the course of the award modernisation process. On the other hand, we note that the proposed award, like the current metal and associated industries award, apart from being an industry award, would also be an occupational award because of its coverage of the maintenance trades. One of the issues which will arise is whether it is more appropriate in a modern award context that maintenance and related classifications be included in the modern award made for a particular industry in order to reduce the number of awards which apply to a particular employer.

[43] **Mining Industry.** The Australian Mines and Metals Association (AMMA) submitted that the mining industry should be included on the list of priority industries. It had not been on the list of priority industries proposed by the ACTU. AMMA submitted that there are a large number of AWAs operating in the industry. It asserted there were probably a larger number of AWAs than in any of the priority industries that were being proposed by the ACTU. It identified 31 NAPSAs covering a very large number of employees.

[44] Noting that it was proposed that the coal mining industry should be a priority industry, AMMA submitted that whilst the coal and the mining industries should be covered by separate modern awards nonetheless there were common features in each of them justifying that they be modernised, concurrently but separately.

[45] The Australian Chamber of Commerce and Industry (ACCI), ABI, CCI WA and BHP Billiton Nickel West Pty Ltd supported AMMA's submission that the mining industry should be a priority industry.

[46] The CFMEU (Mining and Energy Division) submitted that it had an interest in metalliferous mining but it neither supported nor opposed it being a priority industry. It did however identify a list of awards it believed would be appropriate for consideration in the event a modern award was to be created for the mining industry.

[47] The Australian Workers Union (AWU) and the Australian Workers' Union of Employees, Queensland (AWUEQ) did not support the mining industry being on the priority list. They submitted that the industry was not heavily award reliant and there were a large number of enterprise awards in it which would fall outside the scope of a new modern award.

[48] It is appropriate that the mining industry be identified as a priority industry. We accept the submission made by AMMA about the prevalence of AWAs in the industry and also note the numbers of NAPSAs applying around Australia.

[49] Important parts of the industry have been experiencing significant growth and as a consequence there has been a sharp increase in employee engagement. It is appropriate that, at

an early stage, a modern award for this industry is created. Additionally, the industry has certain attributes that might not exist in others proposed for priority status. Many of the operations in this industry are in remote locations not reasonably accessible by daily commuting. The peculiarities of working in these locations are likely to give rise to considerations about terms and conditions that may or should be dealt with in a modern award, that may well not arise in any of the other priority industries. The industrial issues that have arisen over the years in relation to the terms and conditions of employment of mining industry employees require some particular considerations different to those of employees engaged in more central work locations operating on more conventional ordinary weekly hours.

[50] We have already indicated that the coal mining industry will be considered as a priority. It is appropriate that consideration of the terms of modern awards for each of these sectors of the mining industry be considered concurrently as it is likely some issues of a similar nature will arise. To the extent the Commission will be called on to resolve them they can be attended to in the most efficient way possible. In this respect we note the interest of unions with a traditional presence in each industry which have identified their wish to participate in consultations about any new modern award or awards and also, to some extent, the existence of the same or related employers within each industry.

[51] The issue of the scope of any modern mining industry award extending to those activities currently covered by any rail transport awards and occupational locomotive driver awards should be considered in pre-drafting consultations.

[52] **Private Sector Clerical Occupation.** The ACTU suggested that the private sector clerical occupation should be on the priority list. This was supported by the Australian Municipal, Administrative, Clerical and Services Union (ASU) which proposed a very broadly based private sector modern award covering clerical and administrative employees. The award would be based on existing federal awards and NAPSAs including some predominantly industry-based State awards. It proposed a number of exceptions. Various other unions and some employer bodies made suggestions as to the desirable scope of such an award. In particular there were different views expressed as to whether clerical employees should be covered by industry awards or an occupational award.

[53] Although it is very difficult to quantify, anecdotal evidence suggests that there are large numbers of employers and employees who have come into the federal system because their employment was previously governed by State common rule awards covering clerical employment generally. It is difficult to say what the extent of AWA coverage is among employees previously covered by State awards and indeed among employees covered by general federal clerical awards operating in Victoria and the Australian Capital Territory (ACT). Clerical and administrative work is carried out right across the economy and in many industries which do not have industry award coverage for such work. We have decided to include a private sector clerical occupation on the priority list.

[54] The modern award which results should cover the area governed by the *Clerical and Administrative Employees Victoria Award 1999*⁴ and the NAPSAs constituted by the general clerical awards in the other States, and the general clerical awards in the ACT and the Northern Territory. As a general principle it is not intended that this modern occupational award should cut across modern industry awards. As we have already noted, the Minister's request and the WR Act relevantly provide that modern awards should primarily be industry awards and that the Commission should have regard to the desirability of minimizing the number of awards that apply to a particular employer. In the circumstances at this stage a

modern clerical and administrative employees' award should be designed to provide a safety net for employees not covered by industry awards.

[55] The precise boundaries will have to await the conclusion of the process. The scope of the award should be limited, however, so as to exclude employers and employees subject to another modern award which includes clerical classifications. It should also be borne in mind that many employers and employees previously covered by State industry or enterprise awards might fall within the scope of this modern award initially but in due course be included in a modern industry award yet to be made. We have not adopted the list of awards and NAPSAs provided by the ASU. In our view it is too broad and includes awards covering employees more appropriately covered by modern industry awards. As we have indicated the awards of general application are likely to be the most relevant in formulating the scope and content of this modern award.

[56] **Racing Industry.** The ACTU submitted that the racing industry should be a priority industry and indicated what might be the potential scope of a modern award for the industry.

[57] The ASU, AWU, AWUEQ and the Media, Entertainment and Arts Alliance (MEAA) supported the racing industry being on the priority list, however each made submissions about the scope of any award that may be created. Submissions were also made about whether it should extend to 'TOTES' and TAB betting. The CPSU and the Public Service Association of South Australia Incorporated made submissions about the scope of the new award and in particular whether such an award should extend to the activities of industry regulators currently considered part of public or government administration. In this respect we note the CPSU referred to an agreement it had reached with the AWU to identify certain pre-reform awards and a NAPSA that should be excluded from consideration in the event an award was to be made for the industry.

[58] The ASU proposed that any new award for the racing industry should exclude clerical employees. To the extent clerical employees were currently covered by awards covering on and off course betting throughout Australia the ASU submitted that a modern award should be made in relation to this industry rather than it being incorporated into the racing industry.

[59] David Hayes Racing, an operator of racing stables in Australia and an employer of a significant number of employees under the *Horse Training Industry Award 1998*⁵ (a pre-reform award), supported the inclusion of the racing industry on the priority list. It indicated that although the current award coverage was in need of modernisation it may wish to make submissions as to whether any modern award should also extend to harness racing and/or dog racing.

[60] The Moonee Valley Racing Club (MVRC) had no substantive objection to the racing industry being a priority however it noted that in the creation of any modern award account needed to be taken of the substantial difference in the tasks and functions undertaken by employees on a race day and in relation to other business activities undertaken by the club.

[61] Racing Victoria Limited (RVL) had no substantive objection to the racing industry being identified as a priority industry. It reserved its position in relation to the ACTU/AWU proposed scope of a new award and whether a number of the employee tasks that might potentially come within that scope, and which were currently award free, should be included.

[62] ACCI submitted that as the proposed scope of the new modern award had not been the subject of any discussion with representatives from the industry it did not support it being included as a priority industry.

[63] CCI WA opposed the racing industry being considered a priority and submitted that it was not an industry in which there was a significant number of AWAs operating and that the industry was not reliant on NAPSAs.

[64] Australian Federation of Employers and Industries (AFEI) opposed this industry being included on the priority list. It submitted that while NAPSAs may operate within the industry the number of employees employed under them was relatively small when compared to those engaged in other proposed priority industries.

[65] The Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) proposed that a separate electrical trades occupational award should be made to cover electrical trades employees engaged in the racing industry.

[66] There are a number of NAPSAs operating in this industry and the industry is one which relies on the rates and other conditions contained within those NAPSAs and a number of pre-reform awards. There is no evidence of any significant enterprise bargaining agreements within the industry and no reliable evidence of the existence of AWAs. The industry is not one in which large or even medium sized employers are prevalent. It is one in which there are a very large number of small employers in both city and country locations and the level of employee engagement often fluctuates by reference to the racing industry calendar and the timing of city and country racing fixtures. It is an industry in which consideration will need to be given to the appropriate award conditions for its employees many of whom are engaged as casuals. The MEAA, for example, submitted that its members were almost exclusively casual employees required to attend as and when a fixture or event occurs. The appropriate terms to be included in an award having regard to the hours and peculiarities of, for example, thoroughbred racing industry operators, may raise issues that may well not arise in other priority industries.

[67] Our current view is that the scope of any modern award in this industry should not extend to employers and employees engaged in TOTES, TABs or betting agencies. We propose however, for the purposes of forthcoming consultations, that the scope would extend to harness and greyhound racing. In these discussions the question of the need for different award terms for these sectors of the industry can be addressed. We also propose to consider whether the scope of any new award should extend to the clerical and trades functions in the industry.

[68] **Rail Industry.** The ACTU proposed that the rail industry should be a priority and a modern award should be created to cover all employees employed in or in connection with the transport of freight and/or passengers by rail and construction, modification and maintenance of rolling stock, locomotives and railway infrastructure.

[69] The Australian Rail, Tram and Bus Industry Union (ARTBIU) supported the ACTU submission. It referred to the large number of NAPSAs operating within the industry and, to the extent there are pre-reform awards, it submitted that they largely operate on a state specific basis. It also referred to the historical regulation of much of the industry by various State Governments which had, over the last two decades, diminished with the private sector now having a significant role in the industry. It submitted that these considerations weighed

in favour of it being a priority industry. However it noted the ACTU submission as to the scope of the proposed award and indicated that it would be having discussions with several other unions about their interests before a final award scope could be agreed. In this respect the ARTBIU identified awards and unions traditionally operating within the mining, stevedoring and sugar industries.

[70] CFMEU (Mining and Energy Division), AMWU, CEPU, AWU, AWUEQ, the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) and ASMA either supported the rail industry being a priority, or at the least did not oppose it. Each made submissions that if a modern award was to be made they had an interest in the potential scope of such an award. For example, submissions were made about whether it might extend to certain technical, trade and professional classifications and occupations, construction and manufacturing and the sugar industry. The CFMEU (Mining and Energy Division) made submissions about the interface between the rail system and ports at which coal and iron ore is loaded and railways operated by mining companies.

[71] The ASU supported the creation of a modern rail industry award which would cover clerical employees engaged in that industry.

[72] ASMA did not oppose the rail industry being a priority but submitted that consideration needed to be given to the potential crossover with any such award and the sugar milling industry.

[73] The Australasian Railway Association Inc (ARAI) opposed the suggestion that the rail industry be included on the priority list. It represents government and private rail operators, track owners and managers and manufacturers of rolling stock and components. It submitted that there were over 40,000 persons directly employed in the rail sector throughout Australia. A larger number were engaged in industries providing goods and services to the rail industry. It submitted that there were a small number of employees within the industry covered by NAPSAs and AWAs. In the event rail was included on the priority list and a modern award was made ARAI submitted that the award should reflect national award standards rather than differences which currently exist between State awards.

[74] Queensland Rail (QR) submitted that there was no reason why the rail industry should be seen as a priority if consideration was given only to the coverage of NAPSAs and AWAs. It had no employees covered by AWAs and very few whose employment was covered by any relevant NAPSA. It did however make submissions about what might be an appropriate definition of the rail industry for the purposes of any modern award. It submitted the scope of the proposed new modern award suggested by the ACTU was too broad. It gave examples of employees it engaged who should not be considered to be in the rail industry but in the road haulage, construction, metals and engineering, and clerical industries. It proposed that those categories of employees should be excluded from any modern award created for the rail industry.

[75] CCI WA did not support the rail industry being a priority. It submitted the industry was largely covered by enterprise bargaining agreements and not reliant on AWAs or NAPSAs.

[76] We have decided to include the rail industry on the priority list. We note that there are a significant number of NAPSAs that have covered employees in the industry and also that many of the pre-reform awards of the Commission have been confined within particular State boundaries.

[77] Much of the industry has traditionally been covered by awards in which public sector terms and conditions existed. In more recent times the employers in the industry are either statutory corporations or corporate employers in the private sector. The extensive numbers of awards in the industry have not necessarily reflected these changes and some remain outdated and unnecessarily complicated.

[78] It is also appropriate, in our opinion, that one of the priority industries be within the transport sector. This was the only transport industry sector on the ACTU priority list and there was little support for any other sector of the industry to be included.

[79] Considerations relevant to both passenger and freight transport and the terms and conditions applicable to employees engaged in this sector of the transport industry are likely to raise issues about the appropriate terms to be included in a modern award which may not be addressed in other awards.

[80] **Retail Industry.** The ACTU proposed that there should be a modern retail industry award on the priority list. Most participants in the consultations agreed with that. The Shop, Distributive and Allied Employees Association (SDA) proposed that the modern retail industry award should cover all classifications of employees within the four walls of a shop. The SDA proposed, however, that the retail industry not include:

- community pharmacies;
- fast food outlets;
- hair and beauty salons;
- wholesale and warehouse activities except storage functions within a shop;
- clerical and administrative work not performed within a shop; and
- the retail component of the vehicle industry repair, services and retail industry

[81] The SDA further contended that there should be separate modern awards for the community pharmacy industry, the fast food industry, the vehicle repair, services and retail industry, the hair and beauty industry and the mannequins and models industry. The SDA's views in these respects were supported by the Pharmacy Guild of Australia, Quick Service Food Chains, AMTIC, the VACC and others. The Australian Meat Industry Council (AMIC), among others, suggested that the retail butcher shop operations should not be included in a modern retail award, while the SDA took a contrary view.

[82] The Australian Retailers Association (ARA) expressed some concern at the potential magnitude of the retail industry widely defined and proposed that a large number of industries should be excluded during the priority process including fast food, hairdressing services, meat, pharmacy operations and the vehicle industry. It also contended that clerical, administrative and other employees should be excluded from the modern retail award at this stage. The National Retailers Association (NRA) and the Australian National Retailers Association (ANRA) jointly proposed that where clerical and storage work is carried out or in connection with the mainstream retail function should be treated as part of mainstream retail. It also proposed that the video hire and fast food industries should be excluded. They went on to support the fast food industry being an industry with its own modern award. CCI WA supported a broader approach to the industry and proposed that bakers, pastrycooks, butchers, pharmacists and mechanics be included in a modern retail award. It suggested that the fast food industry should be seen as part of either the retail industry or the hospitality industry and expressed a preference for the latter. Master Grocers Australia proposed that the scope of the industry be relatively narrow at this stage, with the possibility of other industries being added

later. It also stated that clerical and administrative employees did not need to be covered by the retail award.

[83] In principle we have adopted the SDA's approach to the extent that it proposes a retail industry modern award covering all classifications employed in a shop. The range of classifications to be included will of course require further examination. Furthermore we do not agree with all of the exclusions the SDA proposes. In particular, at least at this stage, we do not intend to exclude community pharmacies, fast food outlets or hairdressing services. We have also decided to include retail meat operations. Obviously the precise scope of a modern retail award cannot be determined at this stage but we intend to include a broad range of awards in our consideration to maximize the potential for rationalisation of award coverage.

[84] We mention two other industries that we have decided not to include in this part of the process. The real estate industry requires separate consideration. The vehicle repair, services and retail industry should be considered after the scope of the modern awards to operate in relation to the metal and associated industries, vehicle manufacturing industry and retail industry has been settled.

[85] **Rubber, Plastic and Cablemaking Industry.** We have already dealt with this industry. It will be on the priority list in conjunction with the metal and associated industries.

[86] **Security Industry.** The security industry was not proposed by the ACTU as a priority industry however it was raised by us during consultations that it may be an industry that should be. We suggested this for a number of reasons. We are aware, and each person who made submissions conceded, that AWAs had become a feature of the industry although no estimate of the numbers was given. There are several NAPSAs in the industry. Pre-reform awards have also regulated this industry but each has been confined in its scope to a State or to the Territories.

[87] Traditionally, and with the exception of a small number of large employers, it has been an industry which has been award reliant with large numbers of employees paid by the hour and with limited enterprise bargaining. It is an industry that has experienced significant growth in the last decade. Employees in the industry work rosters that spread across 24 hours of the day, 7 days a week.

[88] The LHMU, the union with significant coverage within the existing awards in the security services industry, indicated that it had held discussions with the Australian Security Industry Association Ltd (ASIAL) and had commenced work on a new modern award for the industry. It was submitted that the scope of any award that might be made was being discussed with other unions. In this respect consideration was being given to whether it should extend to what is described as the cash-in-transit sector and also whether it should cover employees in public or private prisons.

[89] The CPSU, whilst not opposing the security industry being considered as a priority, submitted that staff who work in or in connection with private or public prisons should not be considered to be engaged in that industry. Any modern award should exclude those institutions from its scope.

[90] ASIAL indicated that it would support the inclusion of the security industry as a priority if that was the Commission's determination. It was a distinct industry and one which had grown significantly in recent times and was appropriate to be identified as an industry in its own right. It noted the existence within the industry of numerous NAPSAs and that AWAs

were used although the extent of that usage was uncertain. In its discussions with the LHMU consideration had been given to the scope of any new award going beyond traditional security activities and into the cash in transit, alarm installation and Automatic Teller Machine (ATM) work. ASIAL considered it appropriate these activities should be covered.

[91] This industry should be on the priority list. At this stage our consideration of the scope of the new award will not include private or public prisons, detention or correctional facilities. Nor, initially, should it extend to cash-in-transit activities. This however is a matter that should be further considered during consultations. Similarly the suggestions by ASIAL that any new modern award would cover alarm installation and ATM work needs to be discussed in consultations and the identification of the current regulation of those industries be taken into account.

[92] **Textile, Clothing and Footwear Industry.** This industry is comprised of two industry classifications in the Commission's panel of industries namely: clothing and textiles.

[93] The ACTU, Textile, Clothing and Footwear Union of Australia (TCFUA) the Victorian Government and Godfrey Hirst Australia Pty Ltd supported the inclusion of the textile, clothing and footwear industry on the priority list. No party opposed its inclusion.

[94] The TCFUA relied on the following arguments:

- the industry may be characterised as low paid;
- the industry combines both formal and informal (outworkers) sectors;
- the industry is largely award reliant;
- a great proportion of employees in the sector are from non-English speaking backgrounds and if the modern award is made as a priority would enable employees to be properly advised of a new award framework prior to its introduction in 2010;
- the majority of employees in the sector are women;
- throughout Australia the industry is regulated by both awards and NAPSAs;
- any award flexibility clause would have to be carefully examined as to how it would apply in a sector with vulnerable workers and issues such as intimidation and coercion being relevant; and
- there is little to no bargaining power for employees within the sector.

[95] Given the characteristics of the industry together with the fact that it appears that there is strong support for, and no opposition to, its inclusion, we will include it within the list of priority industries.

[96] **Vehicle Manufacturing Industry.** We have included this industry on the priority list. It will be dealt with in the consultations for the metal and associated industries.

[97] By way of summary, the priority list of industries/occupations is as follows:

- Coal mining industry
- Glue and gelatine industry
- Higher education industry
- Hospitality industry
- Metal and associated industries
- Mining industry
- Private sector clerical occupation

- Racing industry
- Rail industry
- Retail industry
- Rubber, plastics and cabling industry
- Security industry
- Textile, clothing and footwear industry
- Vehicle manufacturing industry

[98] As already indicated, the rubber, plastic and cabling, glue and gelatine and vehicle manufacturing industries will be dealt with in conjunction with the metal and associated industries. The priority list is also set out in Attachment A. Lists of awards and NAPSAs relevant to each of the industries/occupations on the list are in Attachment B. The awards on the list are indicative only but give a broad indication of the area to be covered by the modern awards. They also include pre-reform awards which may be described as enterprise awards and NAPSAs, broadly defined.

Industries not included

[99] A significant number of industries/occupations which were proposed have not been included. The selection process required a consideration of the matters specified in the Minister's request and the balancing of various factors we have mentioned both at the commencement of this part of our decision and throughout it. It is appropriate, however, to make some comment concerning a number of the industries/occupations which we have not included.

[100] **Aged Care Industry (excluding Nursing) and Nursing Occupation.** The ACTU proposed that aged care (excluding nursing) should be a priority industry and that nursing should be a priority occupation with a nursing occupational modern award applying to nurses employed in aged care. This position was generally supported by the Australian Nursing Federation (ANF) although it ultimately did not propose that aged care should be included on the priority list. Other unions such as the Health Services Union (HSU), LHMU and AWU opposed the exclusion of nurses from the proposed aged care industry modern award. There was also some employer opposition to aged care being on the priority list.

[101] Aged care and the health sector more generally have a particular circumstance that applies to relatively few industries, namely the existence of a substantial public sector alongside a substantial private sector. In some parts of Australia there are significant differences between award/NAPSA conditions applying in the public and private sectors.

[102] Without deciding the matter, we note that it is arguable that the definition of "enterprise award" in s.576U, the definition of "single business" in s.4 and the terms of s.322 (to which the definition of "single business" in s.4 refers) have the effect that the exclusion from the operation of modern awards of employers bound by "enterprise awards" in s.576V(3) will extend to most or all of the public sector presently covered by federal awards in Victoria and the Territories. In the remaining States the public sector is essentially covered by NAPSAs. However, in those States, to the extent that employees are employed by the Crown they are beyond the reach of modern awards made under the WR Act as it presently stands. It is arguable that most of the public sector will not be covered by modern awards in aged care and health (and nursing if it is determined that there should be a nursing occupational modern award). On the other hand, the limits of the Commission's jurisdiction in relation to the public sector in the future are yet to be determined.

[103] Once again, reliable statistics as to the incidence of AWAs in the aged care (whether including or excluding nursing) and the occupation of nursing are not available. On the available information we are not satisfied that the incidence of AWAs in aged care and nursing overall is substantial. It is probable that AWAs are significantly more prevalent in the private sector, particularly in aged care. Nevertheless, the number of AWAs as a proportion of employees in those areas is likely to be relatively small. While there are a relatively large number of NAPSAs in these areas covering both the private and public sector, the extent to which the public sector forms part of the award modernisation process may have a significant impact on the terms of any modern awards made in respect of aged care and health (irrespective of whether there is a separate occupational modern award for nursing).

[104] In all the circumstances we think it preferable that the aged care industry and nursing not be on the priority list. However we encourage the parties to commence award modernisation discussions right across the health sector. As we indicated earlier, modern awards should primarily be industry awards. The number of awards to be made and whether some should be occupation based are matters the parties should pursue as soon as practicable. We intend to give the health sector some priority in the next round of modernisation to commence later this year. We mention this again below.

[105] It is neither necessary nor desirable to decide now whether there should be a nursing occupational modern award rather than industry modern awards in aged care and health (or parts of health) that also cover nurses. That issue is better resolved by the Full Bench that will deal with aged care, health and nursing and will be determined, at least on a provisional basis, during or after the pre-drafting consultation when the Commission will be much better informed on the implications of deciding whether or not there should be an occupational nursing modern award.

[106] **Electrical Occupation.** The ACTU and CEPU proposed as a priority industry an electrical trades (occupational) award. Such an award is intended to apply only to those electrical trades employees who are in industries which employ relatively small numbers of electrical trades persons. It is not intended to apply to such employees who are in industries which employ a significant number of electrical tradespersons, such as the electrical contracting, coal and rail. The CEPU proposed occupational award is directed to enhancing access to appropriate classification structures and career paths in order to develop skills and productivity in those industries where such opportunities are not readily available. The ACTU/CEPU proposal was supported by the AWU.

[107] The AMWU's view, subject to further consultation, was that the modern *Metal, Engineering and Associated Industries Award 1998*⁶ (*Metal Industry Award*) may encompass all of the electrical industry. Whilst not opposed to an electrical industry modern award, the AMWU is of the view that such an award may have little work to do in the context of the inclusion of electricians in a modern metal industry award.

[108] The Master Builders Association Inc and Master Builders Association, New South Wales (MBA) submitted that the electrical occupation should be deleted from the list of proposed priority awards. It submitted that it was difficult to proceed with a separate occupational award without first considering the way in which all trades classifications might be integrated into new industry awards.

[109] NECA questioned the need for a modern occupationally based electrical industry award, given a small and declining number of 'in-house' and 'general' electricians. NECA

opposed the inclusion of the electrical occupation as a priority industry. It proposed that the electrical contracting industry be included as a priority industry.

[110] ABI opposed the inclusion of the electrical occupation as a priority award, submitting that industry, rather than occupational, awards are more appropriate for directly employed maintenance electricians.

[111] We have decided against the inclusion of possible modern occupational awards in respect of electricians (excluding electricians covered by relevant industry awards). Whilst this proposal will be considered in the course of the award modernisation process, we think it is premature to include these occupations within the priority industries. We think it better to progress the development of a modern industry award for the metal and associated industries in the priority industries, with consideration of the position of electricians in that context, before proceeding to consideration of occupational awards for these groups.

[112] **Gardening and Sportsground Maintenance.** The ACTU proposed that the gardening and sportsground maintenance industry should be identified as a priority and an award made covering grounds or enclosures used in conducting outdoor entertainment, sports, amusements, shows and grounds containing gardens, lawns and/or trees but not including gardens maintained by municipal or local government authorities or hospitality or catering, amusement parks and school grounds. It was proposed that the award for this industry should be considered in conjunction with a new modern award for the racing industry.

[113] Submissions in support were made by the AWU and ACT & Region Chamber of Commerce and Industry (ConfACT). The AWU submitted that it had the sole union interest in this industry. It identified only one Federal award in the industry and said that otherwise the industry was covered by NAPSAs. It had no information concerning the existence of AWAs. The CFMEU (Construction and General Division) indicated that it took issue with the AWU submission that it had the sole union interest in this industry indicating that there are a number awards that it was party to that covered the construction and maintenance of buildings and structures that formed part of racecourses, showgrounds and stadiums.

[114] The LHMU, whilst supporting priority status for the industry and a modern award being created for it, indicated that greenkeepers employed directly by bowling and golf clubs should more appropriately be covered by a modern award covering the clubs industry.

[115] The ASU, whilst not opposing the industry being identified as a priority, indicated that its support would be dependent on the exclusion of gardening services and sportsground maintenance provided under contract to local authorities. It submitted these activities should be covered by local government awards.

[116] The Anglican Schools Commission of the Diocese of Brisbane (ASC) submitted that there should be a limit placed on any modern award made for this industry. In particular it should not cover employees within primary or secondary schools. A similar submission was made by Chamber of Commerce Northern Territory (CCNT).

[117] CCI WA, ACCI, AFEI submitted that it should not be a priority industry. There were few AWAs operating within the industry and the NAPSAs that had been identified did not cover a significant number of employees.

[118] Although not expressed as opposition Clubs Australia made a submission consistent with that of the LHMU that a club industry award should be made covering greenkeepers, gardening and maintenance staff.

[119] This is not an industry which should be a priority. The awards identified by the AWU cover a small part only of what might be considered to be the industry in which they operate. It is not clear why the industry, however described, should be so confined. The description of the industry appears to predominantly reflect NAPSAs in the gardening services industry. We suspect the level of employment under these awards is not extensive. Furthermore there are many other awards contained in the lists of pre-reform awards and NAPSAs that appear to be appropriate to be considered in the identification of what is the relevant industry and the scope of any award or awards to be made for it. In this respect we note several awards in the entertainment and broadcasting industry and State Government administration that may be categorised as operating in this industry.

[120] Each of the matters raised by the parties, and referred to us, warrant further discussion prior to consideration being given by the Commission to the description of the industry and before embarking on consultation about any modern award or awards.

[121] **Graphic Arts Industry.** ACCI propose that graphic arts should be identified as a priority industry. Printing Industries Association of Australia (PIAA) and CCI WA supported that submission. Each submitted that there were NAPSAs operating in the industry. It was submitted that the *Graphic Arts – General – Award 2000*⁷ (*Graphic Arts Award*) is a major award of the Commission and had been relied on by unions in wage cases and test cases.

[122] Both CCI WA and PIAA submitted that the printing industry should also be a priority industry and considered together with the graphic arts industry. CCI WA pointed to the similarities in the nature of the work that was performed within each of these industries. It submitted that consideration might also be given to publishing being included within the industry given the similarity of functions undertaken by classifications within publishing awards. Similarly ABI submitted that it did not oppose the industry being identified as a priority provided it was taken to include the printing industry also.

[123] ACTU, AMWU and the AWU opposed this being a priority industry. They relied on the fact there were only two awards contained within the graphic arts industry. They submitted that neither ACCI nor PIAA had identified any NAPSAs which referred to the graphic arts industry and that it was not suggested AWAs were a feature of the industry. Additionally they referred to the resources that would need to be committed by the AMWU in particular to the making of a modern award for the metal and associated industries assuming that to be on the priority list. In that event there would be insufficient capacity and resources to also consider the graphic arts industry.

[124] The ASU also opposed this industry being a priority and submitted that clerical and administrative employees in the industry were currently under clerical awards and the union proposed that this coverage should continue.

[125] As submitted by the unions there is no suggestion that the industry is one in which there is a significant number of AWAs operating. Nor do there appear to be any NAPSAs that have been made specific to this industry although we accept the submission of PIAA that the NAPSAs it referred to may impact on employers in the industry. We note that, at least on the face of many of those awards, they relate to printing and not necessarily the current scope of the *Graphic Arts Award*.

[126] We also note the large number of awards referred to in PIAA's submissions that cover aspects of the production of newspapers. We are unaware as to whether there has been any discussion with any of the unions or employers engaged in that sector who might have an interest in a modern award which would have a scope extending to this aspect of the printing industry. On balance we are inclined to the view that priority status should not be assigned to the industry and that discussions should occur prior to the Commission, in consultation with the parties that would then wish to participate, identifying the nature of the industry and the scope of any modern award.

[127] **Information and Communications Technology Industry.** The information and communications technology industry (ICT industry) is an industry category proposed by AiG. For present purposes we will assume, without deciding, that the ICT industry has the scope proposed by AiG.

[128] The ICT industry is not one of the existing industry categories of the Commission: it covers a number of existing categories including business equipment industry, communications industry, data processing industry, telecommunications services and parts of technical services.

[129] We do not have reliable information on the incidence of AWAs in the ICT Industry although it would seem that the incidence of AWAs in that industry is probably high as a proportion of total employees in the industry relative to other industries. Table 1 (above) indicates that as at May 2006 the percentage of non-managerial employees on AWAs in the ANZIC communication services industry classification was 17.1 per cent, the highest of any ANZIC industry classification. However, it is possible, if not probable, that a significant proportion of the AWAs in the ICT industry will have been made with employers who are bound by enterprise awards that will not be affected by the award modernisation process.¹ For example, it would seem that Telstra and several of the other large telecommunications companies are covered by enterprise awards.

[130] It would appear that there are only a very small number of NAPSAs covering the ICT industry: there are only two NAPSAs in the AiG's list of awards.

[131] Key portions of the work of employers in the ICT industry is work that has historically been performed in-house by employers in unrelated industries and in respect of which there is an increasing tendency to out-source. For example, a bank operates in the banking industry but may have an in-house call centre and an in-house information technology area but then decide to out-source those functions to specialist call centre and information technology service providers. The industry of those specialist providers would be the ICT Industry. However, it is clear that a number of core business activities falling within the ICT industry are still performed in-house in a large number of businesses across a range of industries (and, in the case of information technology, across most industries). We think it undesirable to attempt to set a modern award standard for the ICT Industry until the likely interaction between that standard and the modern award standards for employees in other industries who perform work that falls within the core business activities of many employers in the ICT Industry is better understood.

¹ See s.576V(3)

[132] In all the circumstances we have concluded that the ICT Industry should not be included on the priority list. The proper scope of a modern award or awards applying in the proposed ICT industry will be determined in the next stage of the process.

[133] **Insurance Industry.** We do not have reliable information on the incidence of AWAs in the insurance industry but it would seem that the figure is relatively low. Table 1 (above) indicates that as at May 2006 the percentage of non-managerial employees on AWAs in the ANZIC finance and insurance industry classification was 3.4%. The number of NAPSAs applying in the insurance industry is very small.

[134] We are not persuaded that the insurance industry should be treated as a separate industry for award modernisation purposes. We think that consideration should be given to including insurance as part of a larger financial services industry to be covered by one modern award. All of the possible constituents of such a larger financial services industry should be considered at the same time. We have decided not to include the insurance industry on the priority list. We shall deal with financial services in the next stage of modernisation to commence later this year.

[135] **Poultry Processing Industry.** The ACTU proposed that the poultry processing industry should be on the priority list. It described the industry as one in or in connection with the killing, plucking or dressing of poultry or game, the selling by wholesale of poultry or game and/or marketing (in poultry markets) poultry or game. The NUW, the Australasian Meat Industry Employees Union (AMIEU), AWU and AMWU all supported the ACTU proposal.

[136] AMIC and Swift Australia Pty Ltd, although not opposed to the poultry industry being on the priority list, contended that the red meat industry should be kept distinct in point of award coverage because of characteristics of the meat industry differences such as the size and weight of the animals, the seasonal nature of work in the meat industry, daily hire and tallies and the use of production chains. The National Farmers Federation contended that any modern award in the poultry industry should not extend to the agricultural industry.

[137] CCI WA submitted that the industry should not be a priority. It referred to a NAPSA operating in Western Australia known as the *Food Industry (Food Manufacturing or Processing) Award*⁸ which covered poultry processing as well as a wide range of other food manufacturing. The award had operated successfully in that state and CCI WA did not support the separation of poultry processing from the processing of other foods in any future award regulation.

[138] The ACTU indicated that the industry is currently regulated by one pre-reform award and five NAPSAs. We note, however, that a number of the NAPSAs extend beyond poultry processing and into the processing of other foods. No party suggested that AWAs operated in this industry.

[139] We have decided this industry should not be on the priority list. The proposed scope of the industry is narrow and it is not readily apparent why it should not be dealt with in conjunction with some other types of food processing. The parties should have further discussions about where the line might properly be drawn between the processing of poultry, red meat, and all other foods. It would also assist us in deciding in due course what modern awards should be made and the scope of those awards if the parties also gave consideration to the relationship between activities traditionally considered to be agricultural, for example the

breeding and raising of animals, with the slaughtering and processing of animals and subsequent transport to wholesalers or retailers.

[140] Professional Engineers and Scientists Occupations. APESMA proposed that a modern occupational award for engineers and professional scientists employed in the private sector be included on the priority list. This award would bring together various major private sector awards covering these occupations, together with relevant NAPSAs, without altering the scope of the constituent awards. It proposed that the award be dealt with as a priority award because its scope would have important implications for the scope of proposed industry awards. It also pointed to the number of NAPSAs and the incidence of AWAs. APESMA contended that related occupations such as surveyors, information technology professionals, architects and quality auditors could be considered later in the modernisation process. It opposed proposals to include engineers and professional scientists within a metal and associated industries award, arguing that the inclusion of these classifications in the current *Metal Industry Award* arose in the context of a structural efficiency exercise which required the establishment of award wage relativities, with neither the salaries nor conditions applying to engineers and professional scientists.

[141] The AMWU proposed the inclusion of professional engineers and scientists classifications within a modern metal and associated industries award to promote the development of skills through an extended skill based classification structure. It contended that engineers and scientists had the relevant “*industry connection*” to the metal and associated industries.

[142] The CPSU submitted that State public sector engineers and scientists should be integrated with other State employment within public administration

[143] AiG proposed a separate professional engineers and scientists award as a priority because of the relatively large number of awards applying to these professions, but without prejudice to whether there should be only one award for these occupations.

[144] We have decided not to include the professional engineers and scientists occupations on the priority list. It is inappropriate, at this early stage of award modernisation, to determine whether there should be a modern occupational award for professional engineers and scientists and, if so, the scope of such an award. As with the proposed electrical occupational award, we think it is preferable to progress the development of a modern industry award for the metal and associated industries, with consideration of the position of engineers and scientists in that context, before proceeding to consideration of occupational awards for them. For this reason we will include the *Metal, Engineering and Associated Industries (Professional Engineers and Scientists) Award 1998*⁹ and the *Professional Engineers and Scientists (Metal Industry, Superannuation) Award 2000*¹⁰ among those current awards to be considered with the metal and associated industries as a priority industry. Given the different positions as to the ultimate approach to be applied to professional engineers and scientists, reflected in the submissions recorded above, we have included those awards for consideration at this time without determining a preferred outcome and without prejudice to the competing positions advanced in the initial consultation process.

[145] Recorded Entertainment Industry. The ACTU proposed that this industry should be a priority. The proposed scope of a modern award was described as applying to employees producing, performing in and distributing all audio and audio/visual material for communication to the public for sale, including feature films, Television programs, documentaries, video clips, DVDs, television commercials, training films, whether for

television or theatrical exhibition, sale to the public, digital media release or otherwise. It was proposed that the award would exclude employees of commercial free-to-air television employers.

[146] This proposal was supported by the MEAA which submitted that it was the principal union with an interest in the awards currently operating within the scope of the proposed modern award.

[147] Although not specifically opposing the inclusion of this industry as a priority, and a modern award being created for it, the NRA and ANRA proposed that there should be a video hire industry identified as an industry in its own right and subject to its own award.

[148] Also, whilst not opposing the recorded entertainment industry being a priority, the employer respondents to the *Television Industry Award 2000*¹¹ (*TV Award*), a pre-reform award, noted that the scope of the proposed award contained occupational based classifications and submitted that it should be referable to the scope of the industry of the employers.

[149] It was also submitted by employer respondents to the *TV Award* that there was a commercial free-to-air television industry and it should be identified as such and a specific award made for it.

[150] There are few NAPSAs that have been identified as operating in what was described as the recorded entertainment industry. The ACTU list identifies three only. There is no reliable evidence of AWAs operating.

[151] We are not persuaded that this industry should be dealt with as a priority. Many of the activities described in the scope of the industry and the proposed award are currently regulated by awards in the entertainment and broadcasting industry. When considered by reference to the coverage of those existing awards, both the description of the industry and scope of the proposed modern award appear unduly narrow. It is not apparent why the scope should be confined as suggested by the MEAA. Further consideration should be given to whether any new award should also extend, for example, to employees engaged in aspects of live theatre, musicians, theatrical employees and performing artists.

[152] Similarly consideration can be given to whether a separate award is warranted for commercial television employers or whether the activities of other employers associated with the television industry and also radio broadcasting should be covered.

[153] **Vehicle Repair, Services and Retail Industry.** The ACTU and the AMWU Vehicle Division supported the inclusion of the vehicle repair, services and retail industry as a priority industry as did the LHMU, the SDA, AMTIC, VACC, MTAWA and Carbon Enterprises Pty Ltd.

[154] We have decided not to include the vehicle industry repair, services and retail industry as a priority industry. Given the diverse nature of production, repair, services and retail activities within the industry we have decided to delay the consideration of this diverse sector until after consideration of the metal and associated industries and vehicle manufacturing and retail industries.

Model Award Flexibility Clause

Introduction

[155] The award modernisation request states that:

“10. The Commission will prepare a model flexibility clause to enable an employer and an individual employee to agree on arrangements to meet the genuine individual needs of the employer and the employee. The Commission must ensure that the flexibility clause cannot be used to disadvantage the individual employee.

11. Each modern award will include the model flexibility clause with such adaptation as is required for the modern award in which it is included.”

[156] The President’s Statement of 29 April 2008 attached two drafts of a model award flexibility clause. The first draft was proposed by the ACTU and the second draft proposed by the employers. The second draft contained two options, one of which is supported by ACCI and the other by AiG.

[157] During the consultations a number of other drafts were proposed. All of the drafts advanced have a number of common features. Obviously they all contemplate an agreement between an employer and an individual employee which meets their genuine individual needs. It is also common ground that the agreement should be a genuine one and should be in writing. As well, it is generally accepted that the agreement should be confined to the operation of provisions found in the award and not deal with other terms and conditions.

[158] Despite these areas of commonality, there is a range of differing views on a number of matters. Those matters include:

- whether the clause should provide for agreements between an employer and a majority of employees;
- the relationship between individual flexibility agreements and collective flexibility arrangements;
- whether the clause should permit a flexibility agreement to be made between a prospective employer and a prospective employee prior to the commencement of employment;
- whether agreements ought be permitted in relation to all of the terms of an award or whether there should be some limitation;
- whether limits should be specified on the type of agreement that can be made in relation to particular award provisions;
- whether a union must be involved in the making of the agreement or be notified of an agreement;
- whether there should be a dispute settlement procedure for disputes over the making of an agreement and the operation of an agreement and if so the powers that should be available under the procedure; and

- the period for which an agreement should operate and the arrangements for termination.

[159] Underlying the debate on these matters there are also questions to be resolved concerning the implementation of the Commission’s obligation to ensure that the flexibility clause cannot be used to disadvantage an individual employee who enters an agreement under the clause. In this connection we should also record the fact that a number of suggestions were made about the role the Commission might play in the making of agreements and in the operation of the clause generally.

[160] It can be seen that the Commission is faced with fundamental differences of view in relation to important aspects of the design and operation of the model flexibility provision. In crafting a model provision in such an environment it is obviously important that we pay close attention to the guidance which the legislature has provided. Section 576A of the WR Act describes the characteristics of modern awards. It reads:

“576A Object of Part

(1) The object of this Part is to provide for the Commission to make modern awards in accordance with an award modernisation request.

(2) Modern awards:

(a) must be simple to understand and easy to apply, and must reduce the regulatory burden on business; and

(b) together with any legislated employment standards, must provide a fair minimum safety net of enforceable terms and conditions of employment for employees; and

(c) must be economically sustainable, and promote flexible modern work practices and the efficient and productive performance of work; and

(d) must be in a form that is appropriate for a fair and productive workplace relations system that promotes collective enterprise bargaining but does not provide for statutory individual employment agreements; and

(e) must result in a certain, stable and sustainable modern award system for Australia.”

[161] Although general in character, the section contains principles to be applied in drafting modern awards in general and the flexibility provision in particular.

[162] It is also clear that the legislature, through the Minister’s request, has directly provided for a new form of individual flexibility. In the past the legislature has provided for statutory individual agreements subject to prescribed rules in the legislation itself. The Minister’s request specifically provides for such agreements at the award level. It is the Commission’s task to design a model clause which permits flexibility based on individual needs but also to “ensure” that the clause cannot be used to disadvantage an employee.

[163] It is evident from the scheme of the legislation that award terms prescribing wages and conditions are to operate as minimum entitlement of employees. It follows that there is no

statutory restriction on employers and employees agreeing to increase those minimum entitlements and an individual flexibility provision is unnecessary for agreements of that kind. The purpose of a model flexibility provision is to permit a reduction in one or more minimum award entitlements as part of an agreement which meets the genuine individual needs of the employer and the employee without disadvantaging the individual employee. This is the underlying basis on which we have approached the drafting of the model clause.

The matters to be included in the model clause

[164] We deal first with some issues concerning the nature of agreements to be permitted by the model clause and some questions concerning collective arrangements. It is evident from the terms of cll. 10 and 11 of the request, which we have set out above, that the clause should provide for agreements between an employer and an individual employee. It is not intended that the clause should deal with collective agreements such as those with a majority of employees. The use of terms such as “*individual employee*” and “*individual needs*” and “*the individual employee*” leave no room for doubt on the issue. For this reason the model clause should not provide for agreements between an employer and a majority of employees. Nor should the ability of an employer and an individual employee to make an agreement under the clause be in any way conditional on an agreement with a majority of employees in the area concerned.

[165] We next consider whether the model clause ought permit an agreement to be made prior to the commencement of employment. The terms of cl.10 suggest that an agreement ought be available only after employment has commenced. Had it been intended that an agreement be permitted between an employer and a prospective employee that could have been made clear. By way of contrast to the language of cl.10, s.326(5) specifically provides that an interim transitional employment agreement may be made prior to the commencement of employment. The absence of such direct language in cl.10 is telling. We recognise that this interpretation may limit the flexibility available under the clause in some circumstances. On the other hand it is consistent with the statutory concept of awards as a safety net that the parties should initially be bound by the award provisions, which then form the base from which a flexibility agreement might be made.

[166] The next issue concerns the clauses of the award in relation to which agreements might be made under the model clause. The ACTU suggested that we should not specify the types of clauses to which the model clause could apply, leaving that matter for consideration in relation to each model award. We do not think this is a sustainable approach. If it were accepted it would leave open for debate at some future time matters which we are able to decide now and thereby unnecessarily prolong the making of modern awards. Parties are entitled to whatever certainty about the operation of the model provision we can give at this point.

[167] Section 576J(1) provides that a modern award may include terms about a number of matters, as follows:

“576J Matters that may be dealt with by modern awards

General

(1) A modern award may include terms about any of the following matters:

(a) minimum wages (including wage rates for junior employees, employees with a disability and employees to whom training arrangements apply), and:

(i) skill-based classifications and career structures; and

(ii) incentive-based payments, piece rates and bonuses;

*Note: **Employee with a disability** and **junior employee** are defined in subsection (3).*

(b) type of employment, such as full-time employment, casual employment, regular part-time employment and shift work, and the facilitation of flexible working arrangements, particularly for employees with family responsibilities;

(c) arrangements for when work is performed, including hours of work, rostering, notice periods, rest breaks and variations to working hours;

(d) overtime rates;

(e) penalty rates, including for any of the following:

(i) employees working unsocial, irregular or unpredictable hours;

(ii) employees working on weekends or public holidays;

(iii) shift workers;

(f) annualised wage or salary arrangements that:

(i) have regard to the patterns of work in an occupation, industry or enterprise; and

(ii) provide an alternative to the separate payment of wages, or salaries, and other monetary entitlements; and

(iii) include appropriate safeguards to ensure that individual employees are not disadvantaged;

(g) allowances, including for any of the following:

(i) expenses incurred in the course of employment;

(ii) responsibilities or skills that are not taken into account in rates of pay;

(iii) disabilities associated with the performance of particular tasks or work in particular conditions or locations;

(h) leave, leave loadings and arrangements for taking leave;

(i) superannuation;

(j) procedures for consultation, representation and dispute settlement.”

[168] Dealing first with s.576J(1)(a), minimum wages, we note that there is another award matter which deals with flexibility in relation to wages. Pursuant to s.576J(1)(f) awards may include terms about annual wage and salary arrangements, including alternatives to the separate payment of wages or salaries and other monetary entitlements. Award terms made

under that paragraph must include appropriate safeguards to ensure that individual employees are not disadvantaged. In light of the fact that separate provision is made for flexibility in relation to the way in which wages, salaries and other monetary entitlements may be paid it is unnecessary to include terms about minimum wages in the model clause. Indeed it may be inappropriate to do so. It is difficult to see how the trading-off of minimum wages against other benefits could meet a genuine need for individual flexibility without at the same time weakening the function of the award as a safety net in an unacceptable way. There does not appear to be any sound basis for including award terms about minimum wages within the operation of the model clause. It follows also that award terms made under s.576J(1)(f), which is itself a flexibility provision, should not be included in the operation of the model flexibility clause either. We should emphasize that by excluding minimum wages from the model clause we obviously do not intend to limit arrangements which increase wages. Our concern is to guard against minimum wages being traded off.

[169] In relation to s.576J(1)(b), type of employment, award terms made under that section may include *“the facilitation of flexible working arrangements, particularly for employees with family responsibilities.”* Modern award terms about such matters will by definition provide for flexibility in the manner prescribed. For this reason there is no need to include award terms dealing with type of employment in the model clause.

[170] Award terms dealing with arrangements for when work is performed (paragraph (c)), overtime rates (paragraph (d)), penalty rates (paragraph (e)) and allowances (paragraph (g)) should all be brought within the operation of the model clause.

[171] Award terms of the kind described in s.576J(1)(h) require closer consideration. Generally speaking leave matters, although not leave loading, are dealt with in the NES. The interaction between the NES and modern awards is dealt with in cl. 28 to 46 of the Minister’s request. At this stage we would not be prepared to include any of the matters to be dealt with by the NES in the model flexibility clause. There are several reasons.

[172] The first point is that it is not clear what scope there will be for variation in the operation of the NES at the modern award level. Until the NES have been dealt with in the modern award concerned there will necessarily be uncertainty in relation to a number of aspects of their operation. It would not be prudent to make any provision for variation of NES terms at this stage. But there are other cogent reasons for caution. Clause 30 of the request provides that a modern award cannot exclude the NES or any provision of the NES. Clause 31 provides that a modern award may include industry specific detail about matters in the NES. Clause 32 provides that a modern award may supplement the NES in some circumstances. Clause 33 provides that particular types of provisions are able to be included in modern awards even though they might otherwise be inconsistent with the NES. It would seem to follow from these provisions that to the extent that modern awards will include terms about the NES those terms would deal directly with any flexibility issue in relation to the relevant NES entitlement.

[173] Returning to the terms of s.576J(1)(h), and with those considerations in mind, the only matter dealt with in that section which is appropriate for inclusion in the operation of the model clause at this stage is leave loading.

[174] The remaining award matters are superannuation (paragraph (i)) and procedures for consultation, representation and dispute settlement (paragraph (j)). There is a significant degree of uncertainty about the operation of any modern award clause dealing with superannuation and its relationship with relevant legislation. This is not an area in which the scope for flexibility is immediately apparent in any event. Modern award terms dealing with

consultation, etc will require to be simple and flexible since they will necessarily have application in a wide range of circumstances. To include such terms in the operation of the model clause would be likely to add complexity and unnecessary regulation rather than increase flexibility. We do not regard either of these matters as appropriate for inclusion in the scope of the model clause.

[175] In summary, the award terms which might be included within the scope of the model flexibility clause are:

- arrangements for when work is performed;
- overtime rates;
- penalty rates;
- allowances; and
- leave loading.

[176] Before leaving the matters to be included in the model clause there is another question to be considered – whether limits should be put on the flexibility available in relation to the particular award terms we have specified. That approach has some attraction in that it would provide some additional protections for employees. The difficulty with the proposal is that the limitations might not be appropriate in all circumstances and their adoption might lead to unfairness to employers and employees in some cases. Bearing in mind that the clause will have the potential to apply in a very broad range of cases it would be undesirable to place limits on what the parties might agree as appropriate to their needs. On balance we think that additional restrictions would be too prescriptive and the other protections the clause will contain should be adequate.

The test for disadvantage

[177] We next address the requirement in cl.10 of the award modernisation request that the Commission ensure the model flexibility clause cannot be used to disadvantage the individual employee. No party suggested that the operation of a flexibility agreement should be subject to a formal approval process, but various proposals were advanced which it was submitted would meet that obligation. We think there is merit in providing some guidance as to the way in which disadvantage should be measured. In the absence of guidance the situation will be uncertain and potentially chaotic. We have decided to include a definition of disadvantage in the model clause itself. The definition is based on familiar concepts. For some time successive versions of the WR Act have provided for the application of a no-disadvantage test of one kind or another in relation to the approval of collective and individual agreements. The WR Act now contains such a test in relation to the approval of Individual Transitional Employment Agreements (ITEAs). Section 346D(1) of the WR Act provides, in summary, that an ITEA passes the no-disadvantage test if the Workplace Authority Director is satisfied the ITEA does not result, or would not result, on balance, in a reduction in the overall terms and conditions of employment of the employee whose employment is subject to the agreement under any collective agreement and/or any relevant award relating to the employee.¹² We shall adopt a similar test in the model clause.

[178] We appreciate that under s.349(1) of the WR Act an award has no effect in relation to an employee while a workplace agreement operates in relation to the employee. Nevertheless the nature of the statutory regime in operation at the time modern awards will commence to operate is unclear. We consider it would be potentially unfair, where a collective agreement is operating under the WR Act, if concessions obtained by one party or the other in the collective agreement could provide a basis for a flexibility agreement reducing obligations or entitlements under the relevant modern award. The potential for this situation to occur may

depend upon the terms of legislation not yet passed. We therefore consider it appropriate that the no-disadvantage test in the model clause should include a reference to the terms and conditions under any relevant agreement under the WR Act. This issue may require reconsideration once the legislative regime to apply to model awards and agreements is known.

[179] We have also decided to include a requirement that the agreement not disadvantage an employee by reference to the terms of any relevant Commonwealth, State or Territory law. While this may not be strictly necessary, since the agreement will relate to the particular award terms, it may be desirable to remind parties they may have obligations under such laws.

[180] The no-disadvantage test should be applied as at the time the agreement commences to operate. We are not satisfied that the test should be continuously applied over the life of the agreement. This would add an extra process requirement to agreement-making and introduce an element of ongoing uncertainty. It is relevant to point out that the provision for termination on notice, which we deal with later, provides some additional protection against disadvantage arising during the life of the agreement. Some parties suggested that we should include provision for a public interest test in the model clause. We have decided not to do so because of the uncertainty which would result.

[181] Before we leave this consideration of how employees are to be protected from disadvantage, we should make it clear that we have assumed that the operation of the provision we have decided upon will be monitored by the authority with the responsibility for ensuring the observance of industrial laws. We add that monitoring and inspection is important not only on the question of disadvantage but also on the question of whether each agreement is reached freely and without coercion.

Additional matters

[182] A number of parties suggested that unions should have a role of one kind or another in relation to individual flexibility agreements. There are two issues involved in this. The first concerns the ability of an individual employee or employer to obtain advice or representation in relation to a flexibility agreement. The second is whether it should be mandatory to involve the relevant union or unions in the negotiation process. As to the first issue, there should be no inhibition on an individual employee seeking advice from his or her union, or for that matter any representative, in relation to a proposed flexibility agreement. Nor should an employee, or an employer, be prevented from having an agreement negotiated on their behalf by a union, an employer organisation or some other person. It is our expectation that in many cases genuine agreement-making will involve one party or both parties being represented by a union, an employer body or someone else. Whether parties seek outside advice or negotiate through a representative, the agreement must always be one between the employer and the individual employee. We do not intend to make any reference to this issue in the model clause itself as it seems unnecessary to do so, but we note that s.576J(1)(j) states that modern awards may include terms about procedures for representation. As to the second issue, the operation of the model clause should not be made contingent on union notification, union involvement in the process or union consent. Restrictions of that kind would have the potential to change the character of the agreement-making process so that it was no longer one between the employer and the individual employee. Such an outcome would be inconsistent with and tend to undermine the purpose of individual flexibility agreements.

[183] We deal now with the question of dispute settlement in relation to the operation of the model clause or any agreement reached under it. Pursuant to cl.11A of the Minister's request the Commission is to ensure that modern awards contain procedures for dispute settlement.

While it is not strictly necessary that an award contain only one dispute settlement provision we think it is preferable that it do so. And so far as practicable, dispute settlement should be dealt with consistently in relation to all of the relevant modern award terms. For that reason we shall not make specific reference to dispute settlement in the model clause.

[184] There was significant debate concerning the term or duration of flexibility agreements, how they might be brought to an end and related matters. It would not be appropriate that the model clause prescribe the duration of flexibility agreements. On the other hand it would not be right to leave these matters entirely to the parties. Unforeseen developments can render a flexibility agreement not only unacceptable to one of the parties but also substantially unfair. If that circumstance occurs the agreement ceases to be one which meets the needs of the parties. We shall provide that an agreement might be terminated at any time by agreement or by one party giving 4 weeks' notice in writing to the other. The provision for termination on notice will provide some protection for employees who through ignorance or for some other reason make an agreement which materially disadvantages them. In this way the provision will also assist in ensuring that employees are not disadvantaged by the operation of the model clause. We are conscious of employer concerns that provision for termination of the agreement on notice will lead to an unsatisfactory level of uncertainty for employers. We have balanced that consideration against the other matters to which we have just referred. Given the individual nature of the arrangements that are contemplated we do not think the problem will be too onerous. Where significant numbers of employees are involved the employer can obtain greater certainty by entering into a collective agreement should that course be a practical one.

[185] A number of suggestions were made for the provision of guidance of various kinds to parties to proposed agreements. These suggestions included the provision of information about award rights and obligations and the negotiation and operation of flexibility agreements either through a letter, a fact sheet or a code of conduct. Some suggestions involved procedural requirements relating to the bargaining process, such as a requirement to bargain in good faith. We are reluctant to include process requirements in the clause unless it is strictly necessary to do so because such requirements can unnecessarily complicate what should be a relatively simple and informal negotiation. Nevertheless there is merit in many of these suggestions. While we do not intend to make any provision in the model clause, we encourage the major employer and union parties to jointly give consideration to the development of such material. An agreed best practice guide to the negotiation of individual flexibility agreements, for example, would be highly desirable. In due course the appropriate statutory body might also provide relevant information of a similar kind so that parties would have ready access to information and advice about agreement-making under individual flexibility provisions in modern awards.

[186] Another suggestion was that the Commission might give a private ruling or advice as to whether a proposed agreement complied with the model clause. As we understand the proposal it would give parties comfort that a particular agreement did not disadvantage the individual employee concerned. We think this approach also has merit, provided it were to operate on a voluntary basis. But we do not think we should include this matter in the model clause. This is because of the uncertainty, mentioned earlier, about the legislative context in which the model clause will operate. No doubt the matter could be reconsidered at some future time.

The form of the model clause

[187] We have attempted to develop a model flexibility clause which is simple to understand and easy to apply, provides a reasonable level of protection for employees and

gives due weight to the matters listed in s.576A(2). The clause we have decided on is as follows:

1. *An employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:*
 - (a) *arrangements for when work is performed;*
 - (b) *overtime rates;*
 - (c) *penalty rates;*
 - (d) *allowances; and*
 - (e) *leave loading.*
2. *The employer and the individual employee must have genuinely made the agreement without coercion or duress.*
3. *The agreement between the employer and the individual employee must:*
 - (a) *be confined to a variation in the application of one or more of the terms listed in sub-clause 1; and*
 - (b) *not disadvantage the individual employee in relation to the individual employee's terms and conditions of employment.*
4. *For the purposes of sub-clause 3(b) the agreement will be taken not to disadvantage the individual employee in relation to the individual employee's terms and conditions of employment if:*
 - (a) *the agreement does not result, on balance, in a reduction in the overall terms and conditions of employment of the individual employee under this award and any applicable agreement made under the Workplace Relations Act 1996 (Cth), as those instruments applied as at the date the agreement commences to operate; and*
 - (b) *the agreement does not result in a reduction in the terms and conditions of employment of the individual employee under any other relevant laws of the Commonwealth or any relevant laws of a State or Territory.*
5. *The Agreement between the employer and the individual employee must also:*
 - (a) *be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;*
 - (b) *state each term of this award that the employer and the individual employee have agreed to vary;*
 - (c) *detail how the application of each term has been varied by agreement between the employer and the individual employee;*

- (d) *detail how the agreement does not disadvantage the individual employee in relation to the individual employee's terms and conditions of employment; and*
 - (e) *state the date the agreement commences to operate.*
6. *The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.*
 7. *The agreement may be terminated:*
 - (a) *by the employer or the individual employee giving four weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or*
 - (b) *at any time, by written agreement between the employer and the individual employee.*
 8. *The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.*

[188] Some features of the clause which we have not dealt with above justify some comment. We think it is appropriate to regard any flexibility agreement reached under the clause as varying the application of the terms of the award rather than as varying the terms themselves. The award terms remain even though their application is varied by the agreement between the employer and the individual employee concerned.

[189] Any agreement under the clause should be in writing, name the parties to the agreement, identify the specific term or terms of the award concerned, how the application of the terms is to be varied and the date the agreement is to commence. The agreement should be signed by the employer and the individual employee and, if the employee is under 18 years old, by the employee's parent or guardian. The employer must provide the individual employee with a copy of the agreement and the agreement itself should be kept as a time and wages record so that it is readily available for inspection by an authorised person.

[190] We have also provided for the continuation of other flexibility arrangements which might be in the modern award. There are two types of award terms which may be involved. The first are modern award terms which are made in relation to one of the matters specified in s.576J(1). A term made pursuant to the provision for annualised wage and salary arrangements in s.576J(1)(f) is an example of this type of provision. The second type of award term would be an individual flexibility provision in relation to a specific matter which is already contained in a pre-reform award which carries over into the modern award. Many awards include such terms as a result of earlier test case decisions, such as those relating to structural efficiency and award simplification. It is not our intention that the model clause should cut across the operation of modern award terms of either type. The model clause is reproduced in Attachment C.

Implementation and review

[191] The model clause may require adaptation to suit the circumstances of the industry or occupation covered by a particular modern award. Clause 11 of the Minister's request provides that the model flexibility clause is to be included in each modern award "*with such adaptation as is required for the modern award in which it is included.*" In this respect some of the proposals directed at ensuring employees are aware of their award rights which we have

not included in the model clause might be reconsidered in particular industries. We have in mind in particular proposals for translation of relevant materials into languages other than English. Overall, however, we would expect that changes in the model clause would not be numerous. An adaptation would only be appropriate where it is “*required*” in the modern award concerned.

[192] The model clause will not commence to operate before 1 January 2010. It is not possible to be certain about the award and legislative environment in which the clause will operate. While it is anticipated that the award modernisation process will have been completed, the content and scope of the awards is yet to be decided. In addition the details of the workplace relations system which will be operating at that time are also uncertain. While the Government has given indications of its policy on many matters the legislative process has barely begun. For a number of reasons, it is obviously desirable that there be a review of the operation of the model flexibility clause after it has been operating for a reasonable period. This review would provide an opportunity to assess whether the clause has achieved its purpose of providing flexibility to meet the genuine individual needs of employers and employees. An important related issue for consideration would be whether the provision has provided sufficient protection from disadvantage for employees. The experience of employers, employees and unions would be extremely helpful in such a review as would the views of the authority responsible for ensuring the observance of modern awards.

Timetable

[193] We have received many submissions giving general endorsement to the draft timetable appended to the President’s statement of 29 April 2008. Some concerns were expressed about the number and scope of the various industries that had been proposed for the priority list and the possibility that the effectiveness of the process and the quality of the modern awards which would result might be compromised if the priority list is too long. We have taken those concerns into account. The priority list has been considerably reduced since the initial proposals were published.

[194] We have also responded to requests by a number of those participating in the consultations that opportunities be provided for oral hearings at various stages in the process. We have provided for consultation hearings at the pre-drafting stage and as a final step in the consideration of the exposure drafts.

[195] We remain concerned about the potential for oral hearings to slow the process to an unsustainable pace. In order to reduce the potential for that to occur we have decided that written submissions and suggestions should be made prior to any hearings. Our experience with the first round of consultations suggests that in many cases the written contributions, being made after the hearings, contained a significant amount of overlapping material. We have decided that in relation to pre-drafting consultations for the priority modern awards all written submissions, draft modern awards and other proposals concerning the scope, content and transitional arrangements should be lodged with the Commission by 25 July 2008. Pre-drafting consultations will commence in the week following and continue until 12 August 2008. These consultations will not be for the purpose of reiterating material already filed. The pre-drafting consultation will assist the Commission to identify the type of work, industry and/or occupations covered by a modern award and the application of each award, as required by cl.8 of the Minister’s request.

[196] Following the pre-drafting consultations the Full Bench will prepare the exposure drafts. These will be published by 12 September 2008. Parties will then have until 10 October to lodge written submissions and suggestions in relation to the exposure drafts. The Full

Bench will hold further public consultations on 16, 17, 20, 21 and 22 October 2008. The final date for publication of the priority modern awards will be 19 December 2008.

[197] There are a number of industries/occupations which would have been included on the priority list but which were unable to be accommodated. There are a number of other industries/occupations which parties requested should be dealt with early in the process although not on the priority list. A further list of industries/occupations will be announced on 10 October 2008. At this stage we can indicate that the list is likely to include but not be limited to the following:

- Agricultural
- Banking services
- Building, metal and civil construction industries
- Cleaning services
- Finance and investment services
- Graphic arts
- Health and welfare services
- Insurance
- Information and communications technology sector
- Private road transport

[198] The announcement will set dates for pre-drafting consultations, publication of exposure drafts, consultation on the exposure drafts and the making of modern awards for the industries/occupations on the list.

[199] We shall not require that material which is lodged with the Commission should be served on other participants in the process. We shall make arrangements for that material to be available through the internet¹³ as soon as practicable after it has been received. Material can be lodged by post, fax or email.

[200] We publish a timetable in Attachment D. Although it would be desirable to publish a complete timetable for the process, to do so would involve a degree of speculation and would therefore have the potential to mislead those involved. The process of modernisation will necessarily have an evolutionary character. As the scope of modern awards is decided and the award terms settled the possibilities for further rationalisation will become clearer. While the Minister's request provides an end date for modernisation of 31 December 2009, we intend to review the order in which industries/occupations are dealt with in light of progress and in light of the eventual scope of the various modern awards. We are conscious that it is desirable that parties have as much notice as possible of when particular industries/occupations will be dealt with. We shall endeavour to do what can be done in that regard. We can indicate that the process will be divided into four stages. The first stage, which commences with this decision, will involve the priority list, and will be completed by 19 December 2008. The other three stages will involve the remaining industries and occupations. The second stage will commence on 10 October 2008 and conclude on 3 April 2009. The third stage will commence on 2 March 2009 and conclude on 4 September 2009. The final stage will commence on 6 July 2009 and conclude on 4 December 2009. As indicated, a programme will be announced for the industries/occupations in the second stage by 10 October 2008.

[201] There is of course no inhibition on parties commencing discussions on modern awards. On any view time is short given the overall time constraint on the process. We encourage parties to confer, exchange drafts and do whatever else can be done at this stage to advance the process in their area of concern. The Commission is available to provide assistance by way of conciliation should that be desired.

Apprentices, Trainees and Supported Wage

[202] Clause 25 of the Minister’s amended request points to the desirability of modern awards providing a comprehensive range of fair minimum wages for all employees “including, where appropriate, junior employees, employees to which training arrangements apply and employees with a disability.” Few submissions addressed these issues in a direct way. In the *Wages and Allowances Review 2006 Decision*¹⁴ the Commission decided that as a general rule transitional awards should contain a model clause dealing with school based apprentices and trainees and a model supported wage system clause.¹⁵ We shall adopt the same policy in relation to the drafting of modern awards.

BY THE COMMISSION:

PRESIDENT

Consultation details:

2008.
Melbourne.
May 26 and 27.

Sydney.
May 28.

Canberra, Brisbane and Adelaide.
May 29.

Perth, Darwin and Hobart.
May 30.

¹ www.airc.gov.au

² Table 3.1 to the DEEWR submission to the Senate Standing Committee on Education, Employment and Workplace Relations.

³ AN160328.

⁴ AP773032CRV.

⁵ AP783476CRV.

⁶ AP789529CRV.

⁷ AP782505CR.

⁸ AN160131.

⁹ AP787948CRV.

¹⁰ AP792459.

¹¹ AP799021.

¹² See also s.346E.

¹³ www.airc.gov.au.

¹⁴ PR002006.

¹⁵ (2007) 167 IR 361 at paras [42]-[58].

Priority Industry List

1. Coal mining industry
2. Glue and gelatine industry
3. Higher education industry
4. Hospitality industry
5. Metal and associated industries
6. Mining industry
7. Private sector clerical occupation
8. Racing industry
9. Rail industry
10. Retail industry
11. Rubber, plastic and cabling industry
12. Security industry
13. Textile, clothing and footwear industry
14. Vehicle manufacturing industry

Coal Mining Industry

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AIRC Industry	Publication Title	Pub ID	State
<i>Pre-reform awards</i>			
Coal industry	Coal Mining Industry (Production and Engineering) Consolidated Award 1997, The	AP774609	
Coal industry	Coal Mining Industry (Staff) Award, 2004	AP835164	
Coal industry	Coal Mining Industry Accident Pay (Managers) Award, 1986, New South Wales	AP772803	
Coal industry	Coal Mining Industry Award (Deputies and Shotfirers), 2002, The	AP813783	
<i>NAPSAs</i>			
Coal industry	Coal Mining Industry (Accident Pay) Interim Award 2004	AN120659	NSW
Coal treatment industry	Coal Services Pty Limited Award 1999	AN120141	NSW
Coal treatment industry	Ulan Coal Delivery Facility Consent Award 2004	AN120622	NSW
	Coal Mining Industry (Engineers) Award 1990		WA
	Coal Mining Industry (Staff) Award 1990		WA
	Coal Miners Industry (Miners' Western Australia) Consolidated Award 1981		WA
<i>Pre-reform enterprise awards</i>			
Coal industry	Camberwell Coal Mine Award 2000	AP773060	
Coal industry	Coal Industry - Blair Athol Coal (AMWU-Engineering Mechanical) Safety Net Award 1999	AP776299	
Coal industry	Coal Mining Industry (Mines Rescue Staff) Award, 2005, Queensland, The	AP839582	
Coal industry	Coal Mining Industry (Permanent Mines Rescue), New South Wales Award 2001, The	AP810111	
Coal industry	Moranbah North Coal Enterprise Award 2003	AP823307	

Higher Education Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform awards</i>				
Educational services	Education Services Industry Sector Order - Victoria 1998	AP780670		
Educational services	Higher Education Academic Salaries Award 2002	AP820200		
Educational services	Higher Education Academic Staff Core Conditions of Employment Award 2005	AP845730		
Educational services	Higher Education Contract of Employment Award 1998	AP784204		
Educational services	Higher Education General and Salaried Staff (Interim) Award 1989	AP783516		
Educational services	Higher Education General Staff Salaries and Classifications Award 2002	AP815928		
Educational services	Higher Education Workers Victoria Award 2005	AP844616		
Educational services	Queensland Post Compulsory and Higher Education Academic Staff (Conditions of Employment) Award 2002	AP818795		
Educational services	Queensland Universities (General Staff) Award 2000	AP817728		
Educational services	South Australian Post Compulsory and Higher Education Academic Staff (Conditions of Employment) Award 2002	AP821274		
Educational services	Universities and Affiliated Institutions Academic Research Salaries (Victoria and Western Australia) Award 1989	AP801440		
Educational services	Universities and Post Compulsory Academic Conditions Award 1999	AP801516		
Educational services	Victorian Post-Compulsory and Higher Education Academic and Teaching Staff (Conditions of Employment) Award 2002	AP818794		
Educational services	Victorian Universities (Controlled Entities and Affiliated Organisations) Employees' Award 2004	AP838705		
Educational services	Western Australia Universities General Staff Award 2002	AP819322		
<i>NAPSAs</i>				
Educational services	University of Newcastle Union Food and Beverage Staff (State) Award	AN120626		NSW
Educational services	South Australian Academic Staff Interim Award	AN150141		SA
Educational services	Salaried Staff Curtin University of Technology Award 1985	AN160283		WA
Educational services	University, Colleges and Swanleigh Award, 1980	AN160327		WA

Higher Education Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards</i>				
Educational services	A.N.U. Administrative, Managerial and Executive Staff (Specific Conditions and Salaries) Award 2004	AP833097		
Educational services	Academic Staff (Australian Maritime College) Conditions of Employment Award 1999	AP765704		
Educational services	Academic Staff (Edith Cowan University) Award 2001	AP818065		
Educational services	AMWU - ANU Printing Staff (Specific Conditions and Salaries) Award 2004	AP832379		
Educational services	AMWU - ANU Technical Staff (Specific Conditions and Salaries) Award 2004	AP833210		
Educational services	Australian Catholic University National General Staff Award 2003	AP823098		
Educational services	Australian Maritime College (General Staff) Award 2002	AP816411		
Educational services	Australian National University Employees (General Conditions of Employment) Award 2005, The	AP843175		
Educational services	Australian National University Maintenance Staff (Specific Conditions and Salaries) Award 2004	AP833207		
Educational services	Australian National University Staff (Specific Conditions and Salaries) Award 2004	AP833206		
Educational services	AWU - ANU Gardeners, etc. (Specific Conditions and Salaries) Award 2003	AP829907		
Northern Territory	Batchelor Institute of Indigenous Tertiary Education (General Staff) Conditions of Service Award 2003	AP822796		
Northern Territory	Batchelor Institute of Indigenous Tertiary Education Academic Staff Award 2003	AP822251		
Educational services	Bond University (General Staff) (Interim) Award 2003	AP829418		
Northern Territory	Charles Darwin University General Staff Award 2004	AP832941		
Educational services	Curtin University of Technology Academic Staff (Conditions of Employment) Award 1999	AP772283		
Educational services	Flinders University General Staff Award 2003	AP824393		
Educational services	LHMU - A.N.U. Hospitality (Specific Conditions and Salaries) Award 2004	AP833209		
Educational services	LHMU - ANU Cleaners, Security Officers, Etc. (Specific Conditions and Salaries) Award 2004	AP833208		
Northern Territory	Northern Territory University Higher Education Academic and Related Staff (Terms and Conditions of Service) Award 2001	AP806673		
Educational services	Open Universities Australia Pty Ltd Award 2005	AP839277		
Educational services	RMIT Training Pty. Ltd. Staff Conditions of Employment Award 1999	AP795160		

Higher Education Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards - continued</i>				
Educational services	University of Adelaide General Staff (Interim) Award 2000	AP805064		
Educational services	University of Canberra Academic Staff (Conditions of Service) Award 1999	AP801443		
Educational services	University of Canberra General Staff Award 2001	AP821906		
Educational services	University of Melbourne Controlled Entities and Affiliates General Staff Award 2005	AP846289		
Educational services	University of Melbourne Controlled Entities and Affiliates Academic Salaries Award 2005	AP843338		
Educational services	University of New England General Staff Award 2000	AP829163		
Educational services	University of New South Wales General Staff Award 2003, The	AP830787		
Educational services	University of New South Wales, Australian Defence Force Academy General Staff Award 2003, The	AP830788		
Educational services	University of Notre Dame Australia Academic Staff Award 1999	AP801722		
Educational services	University of Notre Dame General Staff Award 2004, The	AP838628		
Educational services	University of Queensland General Staff Award 2003, The	AP830887		
Educational services	University of Tasmania General Staff Award 2006	AP847484		
Educational services	University of Tasmania Launceston Academic Staff (Conditions of Employment) Award 2003	AP821428		
Educational services	University of Technology, Sydney, General Staff Award 2002	AP818689		
Educational services	University of Western Australia General Staff Award 2005, The	AP841897		
Educational services	University of Western Australia Guild of Undergraduates Award 1999	AP801504		
Educational services	University of Western Sydney General Staff Award 1999	AP821904		

Hospitality Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Catering industry				
Pre-reform awards				
Catering industry	Catering - Victoria - Award 1998	AP772681	CRV	
Catering industry	Industrial Catering, Cleaning and Incidental Services (AWU and LHMU) Award 2000	AP834748		
Airport operations	Airport Catering Award 2002	AP818292	CRV	
Northern Territory	Gove (Northern Territory) Industrial Catering Award 2003	AP821622		
NAPSAs				
Catering industry	ALHMMWU and GEMA Catering Vendors (State) Award	AN120014		NSW
Catering industry	Caterers Employees (State) Award	AN120106		NSW
Catering industry	Contract Catering and Industrial Services Award - South-Eastern Division 2004	AN140082		QLD
Catering industry	Burswood Catering and Entertainment Pty Ltd Employees Award 2001	AN160039		WA
Catering industry	Industrial Catering Workers' Award, 1977	AN160179		WA
Pre-reform enterprise awards				
Catering industry	Catering Industry - Geelong Grammar School - Award 1998	AP775320		
Catering industry	Catering Industry - Nationwide Facilities Management - Goulburn Police Academy - Consent Award 1998	AP775095		
Catering industry	Cleaning Services - Spotless Services Australia/ALHMMWU - Outdoor Facilities - Consent Award 1998	AP773373		
Catering industry	Gate Gourmet Services - Transport Workers' - Award 2002	AP818101		
Catering industry	Liquor Industries (Caterair Airport Services) Award 2000	AP787042		

Hospitality Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Liquor and accommodation industry</i>				
<i>Pre-reform awards</i>				
Liquor and accommodation industry	Accommodation, Cafes and Restaurants Industry Sector - Minimum Wage Order - Victoria 1997	AP767284		
Liquor and accommodation industry	Hospitality Industry - Accommodation, Hotels, Resorts and Gaming Award 1998, The	AP783479	CRV	
Liquor and accommodation industry	Hotels, Motels, Wine Saloons, Catering, Accommodation, Clubs and Casino Employees (Northern Territory) Award 2002	AP812953	CRN	
Liquor and accommodation industry	Licensed Clubs (Victoria) Award 1998	AP787060	CRV	
Liquor and accommodation industry	Liquor and Accommodation Industry - Hotels, Resorts and Gaming - (Managerial Staff) - Award 2003	AP821899		
Liquor and accommodation industry	Liquor and Accommodation Industry - Licensed Clubs - Managers and Secretaries (A.C.T) Award 2003	AP824122		
Liquor and accommodation industry	Liquor and Accommodation Industry - Licensed Clubs - Managers and Secretaries - Award 2002	AP817963		
Liquor and accommodation industry	Liquor and Accommodation Industry - Restaurants - Victoria - Award 1998	AP787213	CRV	
Liquor and accommodation industry	Liquor Industries Catering, Café, Restaurant, Etc. (Australian Capital Territory) Award, 1998	AP787016	CRA	
Liquor and accommodation industry	Liquor Industries Hotels, Hostels, Clubs and Boarding Establishments etc. (Australian Capital Territory) Award, 1998	AP787017	CRA	
Liquor and accommodation industry	Liquor Trades Hotels (Australian Capital Territory) Award, 1998	AP787018		
Liquor and accommodation industry	Motels, Accommodation and Resorts Award 1998	AP787952	CRV	

Hospitality Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Liquor and accommodation industry - continued</i>				
<i>NAPSAs</i>				
Liquor and accommodation industry	Club Employees (State) Award	AN120136		NSW
Liquor and accommodation industry	Club Industry (Variety Artists) (State) Award 2001	AN120137		NSW
Liquor and accommodation industry	Club Managers' (State) Award 2006	AN120138		NSW
Liquor and accommodation industry	Hotel Employees (State) Award	AN120249		NSW
Liquor and accommodation industry	Motels, Accommodation and Resorts (State) Award	AN120349		NSW
Liquor and accommodation industry	Accommodation Industry (other than Hotels) Award - South-Eastern Division 2003	AN140002		QLD
Liquor and accommodation industry	Boarding House Employees Award - State (Excluding South-East Queensland) 2003	AN140031		QLD
Liquor and accommodation industry	Clerical Award - Hotels, Resorts and Certain Other Licensed Premises - State (South East Queensland) 2002	AN140064		QLD
Liquor and accommodation industry	Clerical Award - Registered and Licensed Clubs - State 2003	AN140066		QLD
Liquor and accommodation industry	Clerks' Award - Hotels and Registered Clubs - State 2003	AN140068		QLD
Liquor and accommodation industry	Club Employees' Award - State (Excluding South-East Queensland) 2003	AN140072		QLD
Liquor and accommodation industry	Clubs Etc. Employees' Award - South East Queensland 2003	AN140073		QLD
Liquor and accommodation industry	Hotels, Motels, Resorts and Accommodation Award - State (Excluding South-East Queensland) 2005	AN140146		QLD
Liquor and accommodation industry	Hotels, Resorts and Accommodation Industry Award - State - South-Eastern Division 2002	AN140147		QLD

Hospitality Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Liquor and accommodation industry - continued</i>				
<i>NAPSAs - continued</i>				
Liquor and accommodation industry	Hotels, Resorts and Certain Other Licensed Premises Award – State (Excluding South-East Queensland) 2003	AN140148		QLD
Liquor and accommodation industry	Off-Shore Island Resorts Award – State 2005	AN140196		QLD
Liquor and accommodation industry	Queensland Accommodation Clerical Award 2005	AN140234		QLD
Liquor and accommodation industry	Boarding Houses, Guest Houses, Etc., Award	AN150015		SA
Liquor and accommodation industry	Hotels, Clubs, Etc., Award	AN150066		SA
Liquor and accommodation industry	Motels (SA) Award	AN150087		SA
Liquor and accommodation industry	Clerks' (Hotels, Motels and Clubs) Award 1979	AN160075		WA
Liquor and accommodation industry	Club Workers' Award, 1976	AN160082		WA
Liquor and accommodation industry	Hotel and Tavern Workers' Award, 1978	AN160174		WA
Liquor and accommodation industry	Motel, Hostel, Service Flats and Boarding House Workers' Award, 1976	AN160221		WA
Liquor and accommodation industry	Hotels, Resorts, Hospitality and Motels Award	AN170047		TAS
Liquor and accommodation industry	Licensed Clubs Award	AN170057		TAS
Clerical industry	Clerks (Clubs, Hotels & Motels) Award	AN150037		SA

Hospitality Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Restaurants</i>				
<i>NAPSAs</i>				
Restaurants	Canteen Workers (State) Award	AN120672		NSW
Restaurants	Restaurant, &c., Employees' Retail Shops (State) Award	AN120467		NSW
Restaurants	Restaurants, &c., Employees (State) Award	AN120468		NSW
Restaurants	Cafe Restaurant and Catering Award - State (Excluding South-East Queensland) 2003	AN140052		QLD
Restaurants	Hospitality Industry - Restaurant, Catering and Allied Establishments Award - South-Eastern Division 2002	AN140144		QLD
Restaurants	Cafes & Restaurants (SA) Award	AN150025		SA
Restaurants	Delicatessens, Canteens, Unlicensed Cafes and Restaurants Etc. Award	AN150170		SA
Restaurants	Restaurant, Tearoom and Catering Workers' Award, 1979	AN160276		WA
Restaurants	Restaurant Keepers Award	AN170086		TAS

Metal Industry

(Page 1 of 6)

AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform awards</i>				
Brass, copper and non-ferrous metals industry	Brass, Copper and Non-Ferrous Metals Industry Award 1998	AP769405	CRV	
Chemical industry	Chemical Industry - Scientific and Technical Officers Award, 1998	AP775101		
Metal industry	Draughting, Production Planners and Technical Workers Award 1998	AP778735	CRV	
Technical services	Draughtspersons, Planners and Technical Officers (ACT) Award 2000	AP778701	CRA	
Engine Drivers and Firemen	Engine Drivers and Firemen - General - Award 1998	AP780049	CRV	
Engine Drivers and Firemen	Engine Drivers and Firemen's (ACT) Award 2000	AP805250	CRA	
Glass industry	Glass Industry Maintenance Employees (Hours of Work) Award 1981	AP782194		
Metal industry	Industrial Services (Australian Workers' Union) Award 2002	AP819983	CRV	
Technical services	Land Surveyors General Award 1998	AP787068	CRV	
Metal industry	Manufacturing and Associated Industries - Skills Development - Wages and Conditions Award 2004	AP837606	CRV	
Industries not otherwise assigned	Manufacturing Industry Sector Minimum Wage Order - Victoria 1997	AP789236		
Northern Territory	Metal Industry (Northern Territory) Award 2003	AP825130	CRN	
Metal industry	Metal Industry (Victorian Public Hospitals) Award 2002	AP829982		
Metal industry	Metal Trades (Australian Capital Territory) Award 2000	AP787983	CRA	
Metal industry	Metal, Engineering and Associated Industries (Accident Pay, Victoria) Award 1998, The	AP789881	CRV	
Metal industry	Metal, Engineering and Associated Industries (Professional Engineers and Scientists) Award 1998	AP787948	CRV	
Metal industry	Metal, Engineering and Associated Industries (Superannuation) Award 2000	AP805076	CRV	
Metal industry	Metal, Engineering and Associated Industries Award 1998	AP789529	CRV	
Technical services	Metals and Engineering Workers' Union (ACT) Superannuation Award 1988	AP804588	CRA	
Metal industry	Professional Engineers and Scientists (Metal Industry, Superannuation) Award 2000	AP792459		
Public transport industry	Railways Metal Trades Grades Award 2002	AP817167		
Metal industry	South Australian Government Departments and Instrumentalities (Metal Trades) Award 1999	AP798297		
Space tracking industry	Space Tracking Industry Award 1998	AP795978		

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
NAPSAs				
Metal industry	Abbott Australasia Pty Ltd Consent Award 2004-2006	AN120002		NSW
Metal industry	Australian Steel Mill Services Pty Enterprise Award 2005 - 2008	AN120037		NSW
Metal industry	AWU-AMR Enterprise Award 2004	AN120041		NSW
Metal industry	BHP Steel (AIS) Pty Ltd Port Kembla Steel Works Employees Award 2000	AN120049		NSW
Metal industry	BHP Steel (AIS) Pty Ltd Supervisors and Technical Officers	AN120050		NSW
Metal industry	Bluescope Steel (AIS) Pty Ltd - Maintenance Restructuring Award	AN120055		NSW
Metal industry	BlueScope Steel (AIS) Pty Ltd - Port Kembla Steelworks Employees Award 2006	AN120056		NSW
Metal industry	Bluescope Steel Limited - Springhill and CRM Employees Award 2006	AN120057		NSW
Metal industry	Bullivants Pty Limited - Unanderra Award	AN120093		NSW
Metal industry	Clerical and Administrative Employees (Bluescope Steel (AIS) Pty Ltd) Award	AN120125		NSW
Metal industry	Clerical and Administrative Employees (Bluescope Steel Limited - Port Kembla) Award	AN120126		NSW
Metal industry	Clerical and Administrative Employees (Onesteel Manufacturing Pty Ltd) Award	AN120128		NSW
Coal treatment industry	Coal Superintending Samplers (State) Award	AN120142		NSW
Metal industry	Com 10 Pty Ltd Enterprise Award 1998	AN120148		NSW
Technical services	Draughting Employees, Planners, Technical Employees, &c (State) Award	AN120185		NSW
Engine Drivers and Firemen	Engine Drivers General (State) Award	AN120196		NSW
Metal industry	Engine Packing Manufacture (State) Award	AN120197		NSW
Metal industry	Fluor Global Services Australia Pty Ltd and United Goninan Ltd Bluescope Steel, Port Kembla Steelworks Rail and Rolling Stock Maintenance Award 2004	AN120210		NSW
Metal industry	Friction Materials, &c., Manufacture (State) Award	AN120218		NSW
Metal industry	Illawara Services Pty Ltd Employees Award	AN120258		NSW
Jewellery manufacturing	Jewellers And Watchmakers, &C. (State) Award	AN120271		NSW
Metal industry	K&R Fabrications (W'Gong) Pty Ltd (Port Kembla Steel Works) Maintenance Award 2004 - 2007	AN120289		NSW
Metal industry	Mainteck Services Pty Ltd Port Kembla Slab Caster Segment Workshop Industrial Award	AN120324		NSW
Industries not otherwise assigned	Mechanical Opticians (State) Award	AN120332		NSW
Metal industry	Metal Trades (Training Wage) (State) Award	AN120333		NSW
Metal industry	Metal, Engineering and Associated Industries (State) Award	AN120334		NSW

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Metal industry	MM Kembla Products (Clerical and Administrative Employees) Enterprise Award	AN120348		NSW
Metal industry	OneSteel Manufacturing Pty Ltd Newcastle Rod and Bar Award	AN120392		NSW
Metal industry	OneSteel Trading Pty Ltd Newcastle Award	AN120393		NSW
Metal industry	OneSteel Wire Pty Ltd Newcastle Fence Post Plant Award	AN120394		NSW
Metal industry	OneSteel Wire Pty Ltd Newcastle Wiremill Award	AN120395		NSW
Metal industry	OneSteel Wire Pty Ltd Ropes Award	AN120396		NSW
Metal industry	QCM (Ozrock) Pty Ltd and Australian Workers' Union, Port Kembla (State) Award	AN120445		NSW
Metal industry	Sandvik Hard Materials Mayfield (State) Award	AN120486		NSW
Metal industry	Sandvik Mayfield (State) Award	AN120487		NSW
Metal industry	Sandvik Smithfield (State) Award 1999	AN120488		NSW
Metal industry	Smorgon Steel Group - Reinforcing and Steel Products Division - Manufacturing and Grinding Media Waratah - Award 2006	AN120503		NSW
Sugar industry	Sugar Field Workers (State) Consolidated Award	AN120517		NSW
Metal industry	The Integrated Steel Mill Services Pty Limited Enterprise Award 2003-2006	AN120559		NSW
Metal industry	Tomago Aluminium Smelter AP22 Capacity Expansion Project Consent Award 2002	AN120585		NSW
Metal industry	Transfield Services (Australia) Pty Ltd (Port Kembla Steelworks) Facility Maintenance Award 2004 - 2007	AN120589		NSW
Metal industry	Transfield Services (Australian) Pty Ltd (Port Kembla Steelworks) Maintenance Award 2004 - 2007	AN120590		NSW
Metal industry	Unions NSW Port Kembla Steelworks Construction Award 2006	AN120701		NSW
Metal industry	Engineering Award - State 2002	AN140107		QLD
Jewellery manufacturing	Jewellers And Watchmakers Award - State 2003	AN140152		QLD
Shipbuilding industry	Marine Vessels Builder And Repairer Award - State 2003	AN140162		QLD
Meat Industry	Meat Industry (Private Export Companies) Mechanical Etc. Award - State 2002	AN140167		QLD
Metal industry	Queensland Nickel Employees' Award - State 2003	AN140243		QLD
Scientific services	Sugar Cane Testers Award - State 2003	AN140281		QLD
Sugar industry	Sugar Field Sector Award - State 2005	AN140282		QLD
Sugar industry	Sugar Milling Industry Award - State 2005	AN140283		QLD

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Technical services	The Draftpersons, Production Planners and Engineering Assistants Award - State 2002	AN140289		QLD
Metal industry	Clerks Metal Industry (SA) Award	AN150040		SA
Technical services	Draughtspersons, Planners and Technical Officers (Consolidated) Award	AN150047		SA
Jewellery manufacturing	Manufacturing Jewellers, Watchmakers, Badge Makers & Precious Metals Industry Award	AN150075		SA
Metal industry	Metal Industry (SA) Award	AN150082		SA
Metal industry	OneSteel Employees Award (formerly BHP)	AN150098		SA
Metal industry	OneSteel Trak-Lok Whyalla Employees Award	AN150099		SA
Metal industry	Port Pirie Smelting & Refining Award	AN150112		SA
Technical services	Draughting, Tracers, Planners and Technical Officers Award 1979	AN160100		WA
Metal industry	Electronics Industry Award No. A 22 of 1985	AN160112		WA
Engine Drivers and Firemen	Engine Drivers (General) Award	AN160115		WA
Metal industry	Engineering and Engine Drivers' (Nickel Smelting) Award, 1973	AN160121		WA
Metal industry	Engineering Trades and Engine Drivers (Nickel Refining) Award, 1971	AN160120		WA
Metal industry	Gate, Fence and Frames Manufacturing Award	AN160140		WA
Metal industry	Heat Containment Industries (Refractory Specialties) Award No. 3 of 1981	AN160157		WA
Metal industry	John Lysaght (Australia) Limited Award, The	AN160186		WA
Technical services	Materials Testing Employees Award 1984	AN160200		WA
Metal industry	Metal Trades (General) Award 1966	AN160206		WA
Metal industry	Metals and Engineering Rapid Metal Developments (Aust) Pty Ltd Award 1993	AN160207		WA
Industries not otherwise assigned	Optical Mechanics' Award, 1971	AN160237		WA
Metal industry	Saw Servicing Establishments Award No. 17 of 1977	AN160284		WA
Metal industry	Sheet Metal Workers' Award No. 10 of 1973	AN160290		WA
Shipbuilding industry	Ship Painters' and Dockers' Award No. 29 of 1960	AN160291		WA
Jewellery manufacturing	Watchmakers' and Jewellers' Award, 1970	AN160331		WA
Metal industry	Wire Manufacturing (Australian Wire Industries Pty. Ltd.) Award No. 24 of 1970	AN160340		WA

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Metal industry	Wundowie Foundry Award 1986	AN160345		WA
Technical services	Draughting and Technical Employees (Private Industry) Award	AN170027		TAS
Metal industry	Electrical Engineers Award	AN170029		TAS
Metal industry	Metal and Engineering Industry Award	AN170120		TAS
Shipbuilding industry	Shipbuilders Award	AN170094		TAS
Metal industry	TEMCO Enterprise Award	AN170104		TAS
Metal industry	Wireworking Award	AN170115		TAS
<i>Pre-reform enterprise awards</i>				
Metal industry	Adelaide Brighton Cement Ltd Employees (SA) Award 1999	AP768788		
Metal industry	Airflite-Aerospace Maintenance Award 1999	AP813962		
Metal industry	Ampcontrol Group of Companies (Superannuation) Award 1988	AP765701		
Metal industry	ASC Engineering Pty Limited Employee Relations Award 1999	AP765764		
Metal industry	Bekaert Australia Steel Tyre Cord Award 2005	AP844906		
Metal industry	BHP Steel Products - Technical Employees (Western Port) Award 1998	AP769748		
Metal industry	BHP Steel Products - Western Port Tradespersons Award 1998	AP769487		
Metal industry	BHP Steel Products Division Western Port Award 1998	AP769489		
Metal industry	BlueScope Steel Limited Service Centre Award, 2003	AP835272		
Metal industry	Clyde Engineering Motive Power Division Bathurst NSW Superannuation Award 1988	AP772276		
Metal industry	Coca Cola Bottlers, Melbourne (Superannuation) Award 1987	AP772262		
Metal industry	Corning Noble Park Pty Ltd Award 2001	AP808941		
Metal industry	Electrical Wholesaling (Metal Manufactures Limited) Award 2001	AP815676		
Metal industry	Gerard Industries Pty Ltd/Blue Point Products Pty Ltd Superannuation Award 1988	AP782211		
Metal industry	Gilbarco Aust. Ltd. (Superannuation) Award 1987	AP782208		
Metal industry	Godfrey Hirst Interim (Consent) Award 2000	AP783434		
Metal industry	Hunter Douglas Limited Award 2000	AP783522		
Metal industry	Imerys Minerals Australia Pty. Ltd. - Tasmania - Award 2003	AP821444		

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards - continued</i>				
Metal industry	Manchester Tank and Equipment Co. (Aust) Award 2002	AP816859		
Metal industry	Metal Trades (TransAdelaide) Award 1999	AP790108		
Metal industry	Metal Trades Grades (Tramways Victoria) Award 2002	AP818843		
Metal industry	Major Engineering Interim (Consent) Award 1999	AP790182		
Metal industry	OneSteel Geelong Wiremill Award 2003	AP831206		
Metal industry	OneSteel Reinforcing Products Award 2003	AP824810		
Metal industry	Simsmetal Ltd (Superannuation) Award 1988	AP796074		
Metal industry	Smorgon (Steel Mill) Award 2002	AP814594		
Metal industry	Smorgon Wire Award 2002	AP818423		
Metal industry	Sneddon & Kingston Award 2003	AP823593		
Metal industry	Standard Telephones and Cables Pty Limited (Superannuation) Award 1988	AP796071		
Metal industry	Steel - Tubing and Profiles - Tubemakers Somerton Pty Limited - Award 2003	AP827102		
Metal industry	Unilever Australia Limited (Rosella Lipton Division) Metals and Engineering Workers' Union Superannuation Award 1988	AP801438		
Metal industry	Van Leer Australia Pty Limited (Superannuation) Award 1987	AP801836		
Metal industry	Yarraville Refinery and Distillery Award 1998	AP803907		

Metal Industry — Rubber, Plastic and Cablemaking & Glue and Gelatine

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Pre-reform awards				
Glue and gelatine industry	Adhesives Industry and Gelatine Manufacturing Award 2001	AP808495	CRV	
Industries not otherwise assigned	Ionising Processing (Irradiation) Award 2002	AP817717		
Industries not otherwise assigned	Manufacturing Industry Sector Minimum Wage Order - Victoria 1997	AP789236		
Rubber, plastic and cable making industry	Plastics, Resins, Synthetic Rubbers and Rubbers (Plastic Sheet Fabrication) Award 1999	AP792347		
Rubber, plastic and cable making industry	Rubber, Plastic and Cable Making Industry - General - Award 1998	AP794720	CRV	
Rubber, plastic and cable making industry	Rubber, Plastic and Cable Making Industry - Rubber, Plastic, Adhesive Tape, Abrasive and Coated Materials Award 2000	AP794708		
Rubber, plastic and cable making industry	Rubber, Plastic and Cable Making Industry - Technical and Supervisory Award 2000	AP807603	CRV	
NAPSAs				
Glue and gelatine industry	Gelatine and Glue Industry (State) Award	AN120227		NSW
Rubber, plastic and cable making industry	Plastic Moulding, &c. (State) Award	AN120421		NSW
Rubber, plastic and cable making industry	Rubber Workers (State) Award	AN120483		NSW
Rubber, plastic and cable making industry	Rubber and Plastic Industry Award - State 2003	AN140262		QLD

Metal Industry — Rubber, Plastic and Cablemaking & Glue and Gelatine

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Rubber, plastic and cable making industry	Fibreglass and Plastics Award	AN170034		TAS
Rubber, plastic and cable making industry	Rubber Trades Award	AN170090		TAS
Rubber, plastic and cable making industry	Plastic Manufacturing Award 1977	AN160249		WA
<i>Pre-reform enterprise awards</i>				
Rubber, plastic and cable making industry	Bridgestone Australia Ltd Group (Superannuation) Award 2000	AP769472		
Glue and gelatine industry	Davis Consolidated Industries Ltd (Superannuation) Award 1988	AP778711		
Glue and gelatine industry	Emhart Aust. Pty. Limited Superannuation No. 2 Award 1987	AP780063		
Rubber, plastic and cable making industry	AWU Visypak, Beverage Packaging, P.E.T. Manufacturing Award 2003	AP825121		
Rubber, plastic and cable making industry	Pirelli Cables Australia Limited Superannuation Award 1988	AP792388		
Rubber, plastic and cable making industry	Pirelli Power Cables and Systems Australia Pty Limited, Liverpool Award, 2002	AP816731		
Rubber, plastic and cable making industry	Plastics, Resins, Synthetic Rubbers and Rubbers (Bridgestone) Consolidated Award 1999	AP811623		

Metal Industry — Vehicle Manufacturing

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Pre-reform awards				
Vehicle industry	Vehicle Industry (Long Service Leave) Award 1977	AP801831	CRV	
Vehicle industry	Vehicle Industry Award 2000	AP801818		
NAPSAs				
Building, metal and civil construction industries	Coachmakers, &c., Rail (State) Award	AN120139		NSW
Building, metal and civil construction industries	Coachmakers, &c., Road Perambulator Manufacturers (State) Award	AN120140		NSW
Vehicle industry	Vehicle Builders' Award 1971	AN160328		WA
Vehicle industry	Automotive Industries Award	AN170005		TAS
Pre-reform enterprise awards				
Vehicle industry	Air International Interior Systems (Vehicle Industry) Award 2001	AP812310		
Vehicle industry	Caterpillar Logistics Services Award 2001	AP823670		
Vehicle industry	Compaction Systems Pty Limited (Superannuation) Agreement 1988	AP772277		
Vehicle industry	Daimler Chrysler Australia/Pacific Pty Ltd Clerks Award 1999	AP779920		
Vehicle industry	Ford Motor Company (Vehicle Industry) - Consolidated Award 1998	AP781629		
Vehicle industry	General Motors Holden's Automotive Limited (Part 1) General Award 1988	AP782213		
Vehicle industry	General Motors Holden's Automotive Limited (Part 2 - Draughting, Production Planning and Technical Grades) General Award 1988	AP782214		
Vehicle industry	General Motors Holden's Automotive Limited (Part 3 - Supervisors) General Award 1988	AP782215		
Vehicle industry	General Motors Holden's Automotive Limited (Part 4 - Clerks) General Award 1988	AP782216		
Vehicle industry	General Motors Holden's Automotive Limited (Part 5 - Professional Engineers and Professional Scientists) General Award 1988	AP782217		
Vehicle industry	General Motors Holden's Automotive Limited Long Service Leave Award 1988	AP782220		
Vehicle industry	Holden Limited Consolidated Award 1998	AP784248		
Vehicle industry	Holden's Engine Company (Part 1) Award 1993	AP783500		
Vehicle industry	Holden's Engine Company (Part 2) Award 1993	AP783501		

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards - continued</i>				
Vehicle industry	Holden's Engine Company (Part 3) Award 1993	AP783502		
Vehicle industry	Holden's Engine Company (Part 4) Award 1993	AP783503		
Vehicle industry	Holden's Engine Company (Part 5) Award 1993	AP783504		
Vehicle industry	Holden's Engine Company Long Service Leave Award 1993	AP783509		
Vehicle industry	Mitsubishi Motors Australia Limited (Clerks) Award 1998	AP788031		
Vehicle industry	Mitsubishi Motors Australia Limited (P & A Warehouse, New South Wales) Award 1998	AP788124		
Vehicle industry	Mitsubishi Motors Australia Limited (Vehicle Industry) Award 1998	AP788028		
Vehicle industry	Mitsubishi Motors Australia Ltd (Supervisory and Technical Employees) Award 1998	AP788068		
Vehicle industry	Nissan Motor Co. (Australia) Pty Ltd Clerks Award 1998	AP790701		
Vehicle industry	Professional Engineers (Vehicle Industry - Mitsubishi) Award 1998	AP792686		
Vehicle industry	Toyota Australia (Professional Engineers and Scientists) Consent Award 1992	AP799630		
Vehicle industry	Toyota Australia Vehicle Industry Award 1988	AP799602		
Vehicle industry	Toyota Design Award 2004	AP832412		
Vehicle industry	United Goninan - Taree Plant Award 2002	AP814593		
Vehicle industry	Vehicle Industry - Henderson's Automotive (South Australia) Trim Plant - Award 2002	AP819403		
Vehicle industry	Vehicle Industry - Kenworth Trucks - Award 1998	AP802096		
Vehicle industry	Vehicle Industry - Nissan Australia (Parts and Vehicle Distribution Operations) - Award 1998	AP802117		
Vehicle industry	Vehicle Industry - Nissan Casting Australia (Parts Manufacture) - Award 1998	AP801953		
Vehicle industry	Vehicle Industry - PACCAR Parts - Award 2002	AP822887		
Vehicle industry	Vehicle Industry - Woodbridge Henderson's Australia (Victoria) Foam Plant - Award 2002	AP819416		
Vehicle industry	Vehicle Industry (Austral Pacific Group Limited) Award 1998	AP801821		
Vehicle industry	Vehicle Industry (Australian Automotive Air Pty Limited) Award 2002	AP828642		
Vehicle industry	Vehicle Industry (BTR Automotive) Award 2002	AP823689		
Vehicle industry	Vehicle Industry (Iveco Trucks Australia Limited) Award 2000	AP812431		
Vehicle industry	Vehicle Industry (Iveco Trucks Australia Limited) Retail Operations Award 2004	AP831948		
Vehicle industry	Vehicle Industry EDI Rail - (a Division of EDI Limited) Award 2002	AP825268		

Mining Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform awards</i>				
Mining industry	AWU Mining Industry (Iron Ore Contracting) (WA) Award 2003	AP823097	CRV	
Mining industry	Drilling and Exploration Industry (AWU) Award 1998, The	AP778713		
Mining industry	Drilling and Exploration Industry (Superannuation) Award 1991, The	AP778712		
Mining industry	Mining Industry Sector - Minimum Wage Order - Victoria 1997	AP789237		
Northern Territory	Mining and Processing Industry (Northern Territory) Award 2003	AP826474		
Industries not otherwise assigned	Salt Industry (Superannuation) Award 1991, The	AP796099		
Industries not otherwise assigned	Salt Industry (Victoria) Award 2001	AP812765		
<i>NAPSAs</i>				
Mining industry	Elura Mine Enterprise (Consent) Award 2001	AN120194		NSW
Mining industry	Flyash Australia (State) Award 2002	AN120211		NSW
Mining industry	Galong Mine Lease 1496 (State) Award	AN120224		NSW
Mining industry	UNIMIN Australia Limited - Attunga (NSW) Enterprise Award 2004	AN120623		NSW
Mining industry	Metalliferous Mining Industry (State) Award 1995	AN120681		NSW
Mining industry	Mineral Sands Mining and Treatment Industry (State) Consolidated Award	AN120338		NSW
Brass, copper and non-ferrous metals industry	Copper Refineries Pty Ltd Award - State 2002	AN140085		QLD
Mining industry	Mineral Sands Industry Award - State 2002	AN140178		QLD
Mining industry	Mining (Non-Coal) Award - State 2003	AN140179		QLD
Mining industry	Mount Isa Mines Limited Award 2004	AN140185		QLD
Mining industry	Mount Isa Mines Limited Contractors' and Sub-Contractors' Employees Award 2002	AN140186		QLD
Metal industry	Queensland Nickel Employees' Award - State 2003	AN140243		QLD
Industries not otherwise assigned	Salt Industry Award - State 2002	AN140265		QLD
Mining industry	Xstrata Queensland Limited - Port Operations Award - State 2005	AN140320		QLD
Mining industry	Mining Miscellaneous Award	AN150086		SA
Metal industry	Port Pirie Smelting & Refining Award	AN150112		SA

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Industries not otherwise assigned	Salt Industry Award	AN150136		SA
Mining industry	UNIMIN Australia Limited Award	AN150165		SA
Mining industry	AWU Gold (Mining and Processing) Award 1993	AN160003		WA
Mining industry	Argyle Diamonds Production Award 1996	AN160013		WA
Mining industry	BHP-Utah Minerals International Cadjebut Production Award 1989	AN160018		WA
Mining industry	BRADKEN Bassendean (WA) Way Forward Enterprise Award 2003	AN160026		WA
Mining industry	Building Trades (Goldmining Industry) Award	AN160035		WA
Mining industry	Building and Engineering Trades (Nickel Mining and Processing) Award, 1968	AN160038		WA
Industries not otherwise assigned	Cargill Australia Limited - Salt Production and Processing Award 1988	AN160046		WA
Industries not otherwise assigned	Dampier Salt Award 2004	AN160096		WA
Mining industry	Engine Drivers' (Gold Mining) Consolidated Award, 1979	AN160116		WA
Mining industry	Engine Drivers' (Nickel Mining) Award 1968	AN160117		WA
Industries not otherwise assigned	Engine Drivers' Minerals Production (Salt) Industry Award 1970	AN160118		WA
Metal industry	Engineering and Engine Drivers' (Nickel Smelting) Award, 1973	AN160121		WA
Metal industry	Engineering Trades and Engine Drivers (Nickel Refining) Award, 1971	AN160120		WA
Mining industry	Gold Mining Consolidated Award, 1980	AN160141		WA
Mining industry	Gold Mining Engineering and Maintenance Award	AN160142		WA
Mining industry	Iron Ore Production & Processing (BHP Billiton Iron Ore Pty Ltd) Award 2002	AN160182		WA
Mining industry	Iron Ore Production and Processing (Hamersley Iron Pty Ltd) Award 1987	AN160183		WA
Mining industry	Iron Ore Production & Processing (Locomotive Drivers) Award 2006	AN160352		WA
Mining industry	Iron Ore Production & Processing (Locomotive Drivers Rio Tinto Railway) Award 2006	AN160353		WA
Mining industry	Kalgoorlie Consolidated Gold Mines Award 2002	AN160188		WA
Mining industry	Mineral Earths Employees' Award	AN160211		WA
Industries not otherwise assigned	Minerals Production (Salt) Industry Award 1969	AN160215		WA

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Mining industry	Mineral Sands Industry Award 1991	AN160212		WA
Mining industry	Mineral Sands Mining and Processing (Engineering and Building Trades) Award, 1977	AN160213		WA
Mining industry	Mineral Sands Mining and Processing Industry Award, 1981	AN160214		WA
Mining industry	Nickel Mining and Processing Award, 1975	AN160225		WA
Mining industry	Nickel Refining Award, 1971	AN160226		WA
Mining industry	Nickel Smelting (WMC Resources Ltd) Award 2003	AN160227		WA
Gypsum, plaster board etc. manufacturing industry	Shark Bay Salt and Gypsum (Production and Processing) Useless Loop Award 1989	AN160288		WA
Mining industry	Telfer Gold Mine Fly In/Fly Out Award	AN160310		WA
Mining industry	Tin and Associated Minerals Mining and Processing Industry Award No. 14 of 1971	AN160316		WA
Chemical industry	Titanium Oxide Manufacturing Award 1975	AN160317		WA
Mining industry	Metalliferous Mining and Processing Award	AN170065		TAS
Aluminium industry	Zinifex Hobart Smelter Enterprise Award	AN170116		TAS
Mining industry	Zinifex Rosebery (Mining) Award	AN170117		TAS
<i>Pre-reform enterprise awards</i>				
Mining industry	Beaconsfield Operations - A.W.U. Award 2001	AP810985		
Mining industry	Birla Mt Gordon Pty Ltd (AWU) Award 2000	AP833195		
Mining industry	Cape Flattery Silica Mines Pty Ltd Award 2005, The	AP841208		
Mining industry	Cape Flattery Silica Mines Pty Ltd Superannuation Award 1988	AP772279		
Mining industry	Consolidated Rutile Limited Mineral Sands Award 2000, The	AP805841		
Mining industry	Costain Group Superannuation Award 1992, The	AP772278		
Mining industry	Energy Brix Australia Pty Ltd Award 2003	AP824296		
Mining industry	Greenbushes Mining and Processing Award 2000	AP782224		
Northern Territory	Groote Eylandt Mining Company Award 2002	AP815268		
Mining industry	Hellyer Mining Award 2001	AP810982		

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards - continued</i>				
Mining industry	Mining Industry - Metalliferous Mining - Aberfoyle Mining Workers - Superannuation - Award 1996, The	AP788918		
Mining industry	Mining Industry - Rio Tinto Iron Ore Award 2004	AP835206		
Mining industry	Mt Leyshon Gold Mine Award 2000	AP790462		
Mining industry	Pajingo Gold Mine Award 2000	AP793797		
Mining industry	Peak Gold Mine Award 1999	AP792488		
Mining industry	QMAG Award 2000, The	AP808096		
Mining industry	Ravenswood Gold Mine Award 2000	AP794747		
Mining industry	Ravenswood Gold Mine Superannuation Award 2000	AP794755		
Mining industry	Rishton (Gold) Pty Limited Award 2000	AP794792		
Mining industry	Ross Mining Gold Mine Award 2000	AP795734		
Mining industry	Tasmania Mines - A.W.U. Award 2002	AP819562		
Mining industry	Thalanga Base Metals Award 2000, The	AP799645		
Mining industry	Tiwest Award 2000	AP807672		
Mining industry	Wirralie Gold Mine Superannuation Award 1990	AP802346		
Northern Territory	Uranium Mining and Processing (Northern Territory) Award 2003	AP821320		

Private Sector Clerical Occupation

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Pre-reform awards				
Clerical industry	Clerical and Administrative Employees (Victoria) Award 1999	AP773032	CRV	
Northern Territory	Clerical and Administrative Employees (Northern Territory) Award 2000	AP839196	CRN	
Clerical industry	Clerks (A.C.T.) Award 1998	AP772208	CRA	
Clerical industry	Clerks (Long Service Leave - A.C.T.) Award 2000	AP804574		
Clerical industry	Group Training (Victoria) Award 1999	AP783267		
Clerical industry	Off-Course Agency Employees Award 2001	AP812511		
Clerical industry	Records Management Services Award 2002	AP817097		
Clerical industry	Victorian Legal Professional, Clerical and Administrative Employees Award 2004	AP831581		
NAPSAs				
Clerical industry	Clerical and Administrative Employees in Temporary Employment Services (State) Award	AN120130		NSW
Clerical industry	Clerks Redundancy (State) Award	AN120134		NSW
Clerical industry	Clerical and Administrative Employees (State) Award	AN120664		NSW
Clerical industry	Clerical and Administrative Employees Legal Industry (State) Award	AN120675		NSW
Health and welfare services	Clerical and Administrative Employees (Catholic Personal Carers Leave) Award	AN120127		NSW
Industries not otherwise assigned	Real Estate Industry (Clerical and Administrative) (State) Award	AN120457		NSW
Industries not otherwise assigned	Tab Clerical and Administrative Agency Casual Staff Award 2002	AN120533		NSW
Industries not otherwise assigned	Tab Clerical and Administrative Staff Phonetab Operators Award 2004	AN120534		NSW
Journalism	Mirror and Telegraph Publications Clerical Award 2000	AN120339		NSW
Metal industry	Clerical and Administrative Employees (Bluescope Steel (AIS) Pty Ltd) Award	AN120125		NSW
Metal industry	Clerical and Administrative Employees (Bluescope Steel Limited - Port Kembla) Award	AN120126		NSW
Metal industry	Clerical and Administrative Employees (onesteel Manufacturing Pty Ltd) Award	AN120128		NSW
Metal industry	MM Kembla Products (Clerical and Administrative Employees) Enterprise Award	AN120348		NSW
Printing industry	Clerical Employees In Metropolitan Newspapers (State) Award	AN120676		NSW

Private Sector Clerical Occupation

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
NAPSAs – continued				
Private transport industry	Clerical and Administrative Employees, Hire Cars and Taxis (State) Award	AN120131		NSW
Publishing industry	Clerical and Administrative Employees (John Fairfax Publications) Award 2000	AN120124		NSW
Security services	Chubb Security Services Cash Processing and Clerical and Administrative Employees (State) Award	AN120121		NSW
Clerical industry	Clerical Employees Award – State 2002	AN140067		QLD
Health and welfare services	Clerical Award – Private Hospitals – State 2003	AN140065		QLD
Health and welfare services	Uniting Healthcare Clerical Employees Enterprise Award – State 2004	AN140309		QLD
Private transport industry	Taxi Industry – Call Centre Operators and Clerical Employees Award – State 2004	AN140294		QLD
Sugar industry	Clerical and Administrative Award – Sugar Mills – State 2003	AN140063		QLD
Clerical industry	Clerks (SA) Award	AN150039		SA
Metal industry	Clerks Metal Industry (SA) Award	AN150040		SA
Clerical industry	Clerical and Administrative Employees (Private Sector) Award	AN170017		Tas
Clerical industry	Totalizator Agency Award	AN170107		Tas
Clerical industry	Clerks (Commercial, Social and Professional Services) Award No. 14 of 1972	AN160066		WA
Clerical industry	Clerks (Timber) Award	AN160067		WA
Clerical industry	Clerks (Unions and Labor Movement) Award 2004	AN160068		WA
Clerical industry	Clerks' (Accountants' Employees) Award 1984	AN160069		WA
Clerical industry	Clerks' (Bailiffs' Employees) Award 1978	AN160070		WA
Clerical industry	Clerks' (Control Room Operators) Award 1984	AN160071		WA
Clerical industry	Clerks' (R.A.C Control Room Officers) Award of 1988	AN160076		WA
Entertainment and broadcasting industry	Clerks (Commercial Radio and Television Broadcasters) Award of 1970	AN160065		WA
Entertainment and broadcasting industry	Clerks' (Racing Industry – Betting) Award 1978	AN160077		WA

Private Sector Clerical Occupation

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs – continued</i>				
Food, beverages and tobacco industry	Clerks' (Swan Brewery Co. Ltd.) Award 1986	AN160078		WA
Grain handling industry	Clerks' (Grain Handling) Award, 1977	AN160074		WA
Private transport industry	Clerks' (Taxi Services) Award of 1970	AN160079		WA

Racing Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform awards</i>				
Entertainment and broadcasting industry	Cultural and Recreational Services Industry Sector Minimum Wage Order – Victoria – 1997	AP774566		
Entertainment and broadcasting industry	Entertainment and Broadcasting Industry – Recreation Grounds – Western Australia Award 2000	AP780970		
Entertainment and broadcasting industry	Entertainment and Broadcasting Industry (Recreation Grounds etc – Victoria) Award 2000	AP780960		
Entertainment and broadcasting industry	Entertainment Industry – Recreation Grounds Queensland Award 2000	AP780966		
Industries not otherwise assigned	Horse Training Industry Award 1998	AP783476	CRV	
Liquor and accommodation industry	Licensed Clubs (Victoria) Award 1998	AP787060	CRV	
Liquor and accommodation industry	Liquor Industries – Racecourses Showgrounds etc. – Casuals Award 1998	AP787006		
Entertainment and broadcasting industry	Municipal Employees' (Sporting Grounds – Western Australia) Award 2000	AP807139		
Entertainment and broadcasting industry	Sportsground Maintenance and Venue Presentation (Victoria) Award 2001	AP812760	CRV	
Entertainment and broadcasting industry	Theatrical Employees (Recreation Grounds and Raceday Racing officials – NSW and ACT) Award 2000	AP799620	CRA	
Entertainment and broadcasting industry	Theatrical Employees (Recreation Grounds, Etc) South Australia Award 2000	AP799048		
<i>NAPSAs</i>				
Entertainment and broadcasting industry	Australian Jockey Club – Electrical and Plumbing Enterprise Award 2002	AN120031		NSW
Entertainment and broadcasting industry	Australian Jockey Club – Single Bargaining Unit Enterprise Award 2004	AN120032		NSW
Entertainment and broadcasting industry	Australian Jockey Club Hospitality Employees Award 2004	AN120033		NSW
Entertainment and broadcasting industry	Australian Jockey Club Track Maintenance and Ancillary Staff Award 2005	AN120034		NSW

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs – continued</i>				
Entertainment and broadcasting industry	AWU Racing New South Wales (State) Award	AN120039		NSW
Entertainment and broadcasting industry	Farriers (State) Award	AN120206		NSW
Entertainment and broadcasting industry	Greyhound Racing Authority (NSW) Award	AN120238		NSW
Gardening services	Race Clubs Employees (State) Award	AN120450		NSW
Entertainment and broadcasting industry	Strappers and Stable Hands (State) Award	AN120516		NSW
Entertainment and broadcasting industry	Theatrical Employees Recreation and Leisure Industry (State) Award 2000	AN120573		NSW
Entertainment and broadcasting industry	Theatrical Employees' Redundancy (State) Award	AN120574		NSW
Entertainment and broadcasting industry	Albion Park Harness Racing Club Incorporated and The Brisbane Greyhound Racing Club Award – State 2005	AN140009		QLD
Entertainment and broadcasting industry	Metropolitan Race Clubs Maintenance Employees' Award – Brisbane and Ipswich 2003	AN140172		QLD
Entertainment and broadcasting industry	Racecourse and Showground Employees Award – Brisbane 2003	AN140252		QLD
Entertainment and broadcasting industry	Racecourse Employees Award – Southern Division (Eastern District) – 2003	AN140253		QLD
Entertainment and broadcasting industry	Racing Industry Employees' Occupational Superannuation Award – State 2003	AN140254		QLD
Entertainment and broadcasting industry	Racecourse Employees – Townsville Turf Club Enterprise Award – State 2004	AN140255		QLD
Entertainment and broadcasting industry	Sports Ground Employees' Award – Southern Division (Eastern District) 2002	AN140276		QLD
Entertainment and broadcasting industry	Trotting Club Employees' Award – State 2002	AN140306		QLD
Gardening services	Race-Course Groundspersons Award	AN150124		SA

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs – continued</i>				
Entertainment and broadcasting industry	Theatrical, Entertainment Etc., SA Award	AN150161		SA
Entertainment and broadcasting industry	Clerks' (Racing Industry - Betting) Award 1978	AN160077		WA
Entertainment and broadcasting industry	Theatrical Employees Entertainment, Sporting and Amusement Facilities (Western Australian Government) Award 1987	AN160312		WA
<i>Pre-reform enterprise awards</i>				
Industries not otherwise assigned	Australian Workers' Union, Tasmanian Racecourse (Track Maintenance Employees) Award 2002	AP814639		
State government administration	Greyhound Racing Victoria Employees Award 2004	AP831656		
State government administration	Harness Racing Victoria Employees Award 2004	AP831659		
Liquor and accommodation industry	Moonee Valley Racing Club - LHMU Award 1999	AP790078		
Entertainment and broadcasting industry	Municipal Employees (Western Australia) Turf Club Award 2000, The	AP807999		
Catering industry	Victoria Amateur Turf Club Casual Catering Employee Award 2000	AP802287		

Rail Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Pre-reform awards				
Public transport industry	Locomotive Drivers (Victoria) Award 2001	AP811428		
Public transport industry	Locomotive Enginemen's - New South Wales Award 2002	AP815558		
Public transport industry	Locomotive Operations Award 2002	AP822080		
Public transport industry	Railway Traffic Operating, Workshops and Miscellaneous Grades Award 2003	AP832844		
Public transport industry	Railways Metal Trades Grades Award 2002	AP817167		
Public transport industry	Railways Miscellaneous Grades Award [1960], The	AP794728		
Public transport industry	Railways Professional Officers Award 2002	AP817162	CRV	
Public transport industry	Railways Salaried Employees (Victoria) Award 2002	AP815560		
Public transport industry	Railways Salaried Employees Award 2003	AP830364		
Public transport industry	Railways Traffic, Permanent Way and Signalling Wages Staff Award 2002	AP817741		
Public transport industry	Salaried Officers' (Railways - New South Wales) Award 2002	AP818510		
Public transport industry	Senior Officers - Rail, Bus and Ferries New South Wales Award 2002	AP818251		
NAPSAs				
Building, metal and civil construction industries	Coachmakers, &c., Rail (State) Award	AN120139		NSW
Public transport industry	Connex Sydney Pty Ltd Trading as Metro Monorail (State) Enterprise Award 2003	AN120158		NSW
Building, metal and civil construction industries	Gangers (State) Award	AN120225		NSW
Public transport industry	Government Railways (Building Trades Construction Staff) Award			NSW
Public transport industry	Government Railways (Building Trades Maintenance Staff) Award			NSW
Public transport industry	Sydney Light Rail (State) Award 1997	AN120689		NSW
Public transport industry	Queensland Rail Award - State 2003	AN140246		QLD
Public transport industry	Queensland Railways Institute Inc. Employees' Award 2003	AN140247		QLD
Public transport industry	Prospector and AvonLink on Train Customer Service Officers Award	AN160264		WA
Public transport industry	Railway Employees' Award No. 18 of 1969	AN160273		WA
State Government administration	Public Transport Authority (Transwa) Award 2006	AN160355		WA
State Government administration	Public Transport Authority Rail Car Drivers (Transperth Train Operations) Award 2006	AN160354		WA

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards</i>				
Public transport industry	Australian National Railways (Superannuation) Award, 1990	AP765749		
Public transport industry	Australian Railroad Group Employment Pty Ltd Interim Award 2003	AP827577		
Building, metal and civil construction industries	AWU Railway Alteration and Maintenance Award 2002	AP818906		
Public transport industry	Berkeley Challenge/P&O Services Interstate Rail Passenger Services (Passenger Terminal Operations) Award 1998	AP771300		
Public transport industry	BHP Steel Transport and Logistics Steel Terminal Award 2003	AP825825		
Public transport industry	CMM Railway - Infrastructure (Public Transport) Maintenance Award - 2002	AP821760		
Public transport industry	Heritage Train Consent Award - 1998	AP784370		
Public transport industry	Manildra Group - Rail, Tram and Bus Union Rail Operations Award 2001	AP811046		
Metal industry	Metal Trades (TransAdelaide) Award 1999	AP790108		
Public transport industry	National Rail Corporation Limited Award 2001	AP806902		
Public transport industry	Public Transport (Railways) Salaried Officers Award of Western Australia 2003	AP821161		
Public transport industry	Public Transport Corporation (Disruption to Work) Award 1990, The	AP792471		
Public transport industry	Public Transport Corporation Interim Award 1990	AP792482		
Public transport industry	Rail Industry (TransAdelaide) Award 2002	AP816599		
Public transport industry	Rail Infrastructure Maintenance (Transfield) Award 1997	AP795531		
Public transport industry	Rail Infrastructure Maintenance Award 2001	AP811050		
Public transport industry	Railway Infrastructure (Maintenance - Fluor Daniel) Award 1997	AP795293		
Public transport industry	Salaried, Professional and Technical (TransAdelaide) Award 2001	AP809096		
Public transport industry	Serco On-Train Hospitality Services Award 1998	AP797846		
Private transport industry	West Coast Wilderness Railway Award 2004	AP832176		

Retail Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform awards</i>				
Airport operations	Airport Retail Concessions Award 2003	AP830231	CRV	
Pharmacy operations	Chemists (Australian Capital Territory) Award 2000	AP772207	CRA	
Wholesale and retail trade	Commercial Sales (Victoria) Award 1999	AP772623	CRV	
Wholesale and retail trade	Commercial Travellers (A.C.T.) Award 2000	AP805733		
Pharmacy operations	Community Pharmacy Award 1998	AP773671	CRV	
Meat industry	Federal Meat Industry (Retail and Wholesale) Award 2000	AP805114	CRV	
Grocery products manufacture	Master Grocers' Association and the Shop, Distributive and Allied Employees Association Award 2005	AP839407		
Fast food industry	National Fast Food Retail Award 2000	AP806313	CRV	
Wholesale and retail trade	Queensland Coles/Woolworths Supermarket Meat Employees' Award 2002, The	AP819360		
Wholesale and retail trade	Retail and Wholesale Industry - Shop Employees - Australian Capital Territory - Award 2000	AP794740	CRA	
Northern Territory	Retail, Wholesale and Distributive Employees (NT) Award 2000	AP794741	CRN	
Wholesale and retail trade	Retail Trade Industry Sector - Minimum Wage Order - Victoria 1997	AP795238		
Pharmacy operations	S.D.A Western Australian Community Pharmacy - Pharmacy Assistants Award 2000	AP806529		
Wholesale and retail trade	Shop, Distributive and Allied Employees' Association - Hardware Retail Industry Award 1999	AP798407	CRV	
Wholesale and retail trade	Shop, Distributive and Allied Employees' Association Public Holidays Interim Award 1999	AP798478		
Pharmacy operations	Shop, Distributive and Allied Employees Association - Victorian Pharmacy Assistants Award 2000	AP796289	CRV	
Wholesale and retail trade	Shop, Distributive and Allied Employees Association - Victorian Shops Interim Award 2000	AP796250	CRV	
Wholesale and retail trade	Video Industry (South Australia) Award 2000	AP822182		

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform awards - continued</i>				
Wholesale and retail trade	Video Shops (A.C.T.) Industrial Agreement 1992, The	AP801855		
Wholesale and retail trade	Shop, Distributive and Allied Employees Association - Victorian Shops Interim Award 2000	AP796250	CRV	
<i>NAPSAs</i>				
Wholesale and retail trade	Avon Products Pty Limited (Brookvale) Consent Award 2004	AN120038		NSW
Wholesale and retail trade	Avon Products Pty Ltd (Brookvale) Clerical Employees Consent Award 1997	AN120666		NSW
Clothing industry	Bootmakers and Heel Bar Operatives, &c. (State) Award	AN120060		NSW
Wholesale and retail trade	Butchers, Retail (State) Award	AN120096		NSW
Wholesale and retail trade	Chanel (Australia) Pty Limited (State) Award	AN120115		NSW
Wholesale and retail trade	Clerical Employees in Retail (State) Award	AN120132		NSW
Wholesale and retail trade	Coles Myer Logistics Pty Ltd Goulburn and Somersby D.C. Consolidated Award 2004	AN120147		NSW
Wholesale and retail trade	Commercial Travellers, &c., (State) Award	AN120149		NSW
Pharmacy operations	Community Pharmacy (State) Award 2001	AN120152		NSW
Wholesale and retail trade	J. Blackwood and Son Limited Storemen and Packers (State) Award 1994	AN120268		NSW
Wholesale and retail trade	Motor Vehicle Salesperson (State) Award	AN120352		NSW
Wholesale and retail trade	PFD Food Services (Qld) Pty Ltd Sales and Distribution Employees Enterprise Award	AN120415		NSW
Wholesale and retail trade	Pharmacy Assistants (State) Award	AN120416		NSW

Retail Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Wholesale and retail trade	Retail Industry (State) Superannuation Award	AN120716		NSW
Wholesale and retail trade	Retail Industry (State) Training Wage Award	AN120469		NSW
Wholesale and retail trade	Retail Services Employees (State) Award	AN120470		NSW
Wholesale and retail trade	Shop Employees (Catholic Personal/Carers Leave) (State) Award	AN120498		NSW
Wholesale and retail trade	Shop Employees (State) Award	AN120499		NSW
Wholesale and retail trade	Storeworkers Campbells Cash and Carry Pty. Limited (NSW), NUW NSW Branch Award 2001	AN120515		NSW
Wholesale and retail trade	Sydney Markets Award 2003	AN120527		NSW
Wholesale and retail trade	The EnergyAustralia Appliance Sales Consent Award 2003	AN120557		NSW
Wholesale and retail trade	Transport Industry Retail (State) Award 1999	AN120618		NSW
Wholesale and retail trade	Van Sales Employees' (State) Award	AN120629		NSW
Wholesale and retail trade	Wholesale Fruit and Vegetable Employees' (State) Award	AN120644		NSW
Wholesale and retail trade	Wholesale Fruit and Vegetable Market Employees (Newcastle, &c.) Award	AN120645		NSW
Wholesale and retail trade	Woolworths Limited and Woolstar Pty Limited Yennora, Moorebank, Helles Ave D.C. Award 2003	AN120654		NSW
Wholesale and retail trade	Woolworth's Supermarkets and Warehouse Administration (State) Award	AN120653		NSW
Agricultural industry	Agricultural Produce, Fruit and Grain Stores' Award - Southern Division (Eastern District) 2002	AN140007		QLD
Wholesale and retail trade	Baking and Pastrycooking (Retail Stores) Award - Northern Division 2003	AN140022		QLD

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Wholesale and retail trade	Baking and Pastrycooking (Retail Stores) Award - Southern and Mackay Divisions 2002	AN140023		QLD
Wholesale and retail trade	Brisbane Markets Award - 2003	AN140042		QLD
Wholesale and retail trade	Commercial Travellers' Award - State 2003	AN140076		QLD
Fast food industry	Fast Food Industry Award - South Eastern Division 2003	AN140113		QLD
Fast food industry	Fast Food Industry Award - State (Excluding South-East Queensland) 2003	AN140114		QLD
Wholesale and retail trade	Fishery Employees' Award - State 2003	AN140116		QLD
Wholesale and retail trade	Milk and Cream Distributors and Vendors' Award - Northern and Mackay Divisions 2003	AN140173		QLD
Wholesale and retail trade	Motor Vehicle Salespersons Award - State 2003	AN140183		QLD
Wholesale and retail trade	Parents and Citizens and Other Associations Retail Award - State 2004	AN140200		QLD
Pharmacy operations	Pharmacy Assistants' Award - State 2003	AN140207		
Fast food industry	Quick Service Food Outlets (QSFO'S) Award - State 2004	AN140250		
Wholesale and retail trade	Retail Industry Award - State 2004	AN140257		QLD
Fast food industry	Retail Take-Away Food Award - South-Eastern Division 2003	AN140258		
Wholesale and retail trade	Van Sales Persons Award - Northern and Mackay Divisions 2002	AN140311		QLD
Wholesale and retail trade	Van Salespersons' Award - Southern Division 2003	AN140312		QLD

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Wholesale and retail trade	Voluntary Work - Extended Trading Hours - Non-Exempt Shops - Award - State	AN140314		QLD
Wholesale and retail trade	Wine and Spirit Stores Award - South-Eastern District 2002	AN140316		QLD
Wholesale and retail trade	Clerks (Retail Industry) Award	AN150038		SA
Wholesale and retail trade	Commercial Travellers Award	AN150042		SA
Wholesale and retail trade	Retail Industry (SA) Award	AN150130		SA
Wholesale and retail trade	Retail In-Store Bakehouse Award	AN150129		SA
Wholesale and retail trade	Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947	AN160080		WA
Wholesale and retail trade	Commercial Travellers and Sales Representatives' Award 1978	AN160084		WA
Fast food industry	Fast Food Outlets Award 1990	AN160127		
Fast food industry	Transport Workers (Mobile Food Vendors) Award 1987	AN160321		
Wholesale and retail trade	Foodland Associated Limited (Western Australia) Warehouse Award 1982	AN160132		WA
Wholesale and retail trade	Fruit and Produce Market Employees Award No. 50 of 1955	AN160135		WA
Wholesale and retail trade	Licensed Establishments (Retail and Wholesale) Award 1979	AN160192		WA
Wholesale and retail trade	Meat Industry (Western Australian Lamb Marketing Board) Award, 1981	AN160203		WA
Pharmacy operations	Retail Pharmacists' Award, 2004	AN160277		
Wholesale and retail trade	Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977, The	AN160292		WA

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>NAPSAs - continued</i>				
Wholesale and retail trade	Supermarkets and Chain Stores (Western Australia) Warehouse Award 1982	AN160303		WA
Wholesale and retail trade	Meat Retailing Award	AN170059		TAS
Wholesale and retail trade	Produce Award	AN170083		TAS
Pharmacy operations	Retail Pharmacy Award	AN170087		TAS
Wholesale and retail trade	Retail Trades Award	AN170088		TAS
Wholesale and retail trade	Clerical Employees in Retail (State) Award	AN120132		NSW
Wholesale and retail trade	Avon Products Pty Ltd (Brookvale) Clerical Employees Consent Award 1997	AN120666		NSW
Wholesale and retail trade	Clerks (Retail Industry) Award	AN150038		SA
Wholesale and retail trade	Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947	AN160080		WA
<i>Pre-reform enterprise awards</i>				
Wholesale and retail trade	BBC Hardware Limited Retail Award 2001	AP811337		
Wholesale and retail trade	Bi-Lo Pty. Ltd. Retail Award 2002	AP817663		
Wholesale and retail trade	Coles Myer Occupational Superannuation Award 1992	AP772301		
Wholesale and retail trade	Coles Supermarkets Australia Pty. Ltd. Retail Award 2002	AP817683		
Wholesale and retail trade	Harris Scarfe Limited Employees Award, 2003	AP823645		
Restaurants	KFC National Enterprise Award 2001	AP807485		

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards - continued</i>				
Wholesale and retail trade	Kmart Australia Ltd Award 2002	AP817693		
Liquor and accommodation industry	Liquor and Accommodation Industry - Wine and Spirit Stores - Award 1999	AP787002		
Wholesale and retail trade	Myer/Grace Bros Stores Award 2002	AP818144		
Wholesale and retail trade	Officeworks Superstores Pty. Ltd. Award 2002	AP817698		
Restaurants	Pizza Hut - SDA National Employee Relations Award 2000	AP792506		
Wholesale and retail trade	Post Fulfilment OnLine Consent Award 2004	AP838502		
Restaurants	Restaurants Industry - McDonalds's - Australian Capital Territory - Award 2000	AP811475		
Restaurants	Restaurants Industry - McDonalds's - South Australia/Northern Territory - Award 2000	AP795822		
Wholesale and retail trade	SDA - Campbells Cash & Carry Pty Ltd - Victoria - Award 2003	AP827938		
Restaurants	SDA Hungry Jack's Victoria Award 2002	AP818850		
Restaurants	SDA/Pizza Hut (South Australia) Award 2002	AP814341		
Wholesale and retail trade	SDAEA - Toys R Us (South Australia) Award 2002	AP817958		
Wholesale and retail trade	Shop Distributive and Allied Employees Association - Liquorland (Australia) Pty Ltd Consent Award 2002	AP817697		
Restaurants	Shop Distributive and Allied Employees' Association - Red Rooster Award 2002	AP819039		
Wholesale and retail trade	Shop Distributive and Allied Employees' Association Toys "R" Us Western Australia Award 2002, The	AP817961		
Wholesale and retail trade	Shop Distributive and Allied Employees' Association/Paris Miki Pty Ltd Optical Shop Associates Award 2001	AP811334		
Wholesale and retail trade	Shop, Distributive and Allied Employees Association/Toys "R" Us (Victoria) Award 2002	AP817956		

Retail Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
<i>Pre-reform enterprise awards - continued</i>				
Wholesale and retail trade	Shop, Distributive and Allied Employees Association/Toys R Us (NSW) Award 2002	AP817959		
Wholesale and retail trade	Target Australia Pty Ltd Award 2002	AP817699		
Wholesale and retail trade	Wholesale and Retail Trade - The Disney Store Award 2002	AP815963		
Wholesale and retail trade	Woolworths (South Australia and Northern Territory) Award, 2003	AP825337		
Wholesale and retail trade	Woolworths Distribution Centre Award 2004	AP837192		
Wholesale and retail trade	Woolworths Limited (WA Supermarkets) Award 2004	AP835548		

Security Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Pre-reform awards				
Northern Territory	Communications, Electronics and Security Industries (Northern Territory) Award 2002	AP819355		
Industries not otherwise assigned	Property and Business Services Industry Sector Minimum Wage Order - Victoria - 1997	AP793164		
Security services	Security Employees (A.C.T.) Award, 1998	AP796056	CRA	
Security services	Security Employees (Victoria) Award 1998	AP796143	CRV	
Security services	Security Industry (New South Wales) Award 1999	AP796356		
Security services	Security Industry (Northern Territory) Award 2002	AP819072	CRN	
Security services	Security Officers (Western Australia) Award 2002	AP814209		
NAPSAs				
Security services	Armaguard, NSW Road Crew Enterprise Award 2002 2005	AN120021		NSW
Security services	Chubb Security Services Cash Processing and Clerical and Administrative Employees (State) Award	AN120121		NSW
Security services	Miscellaneous Workers' Security Industry (State) Superannuation Award	AN120715		NSW
Security services	Orica Australia Security Industry (State) Site Award	AN120683		NSW
Security services	Security Industry (State) Award	AN120497		NSW
Entertainment and broadcasting industry	Sydney Cricket and Sports Ground Trust Security Enterprise Award 2001	AN120525		NSW
Security services	Security Industry (Contractors) Award - State 2004	AN140269		QLD
Security services	Security Officers' Award	AN150139		SA
Security services	Miscellaneous Workers' (Security Industry) Superannuation Award, 1987	AN160218		WA
Printing industry	Security Officers and Cleaners (West Australian Newspapers) Award	AN160286		WA
Security services	Security Officers' Award	AN160287		WA
State government administration	Western Australian Mint Security Officers' Award, 1988	AN160335		WA
Security services	Security Industry Award	AN170092		TAS

Textile, Clothing and Footwear Industry

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AIRC Industry	Publication Title	Pub ID	Common Rule	State
Pre-reform awards				
Clothing industry	Clothing Trades Award 1999	AP772144	CAV	
Clothing industry	Felt Hatting Industry Award 1999	AP781105		
Textile industry	Fibre Processing Industry Award 1998	AP781530		
Clothing industry	Footwear Industries Award 2000	AP781127	CRV	
Textile industry	Textile Industry Award 2000	AP799036	CRV	
NAPSAs				
Clothing industry	Bootmakers and Heel Bar Operatives, &c. (State) Award	AN120060		NSW
Clothing industry	Button Makers (State) Award	AN120099		NSW
Clothing industry	Clothing Trades (State) Award	AN120135		NSW
Clothing industry	Footwear Manufacturing Industry (State) Award	AN120213		NSW
Textile industry	Textile Industry (State) Award	AN120549		NSW
Clothing industry	Clothing Trades Award - Southern and Central Divisions 2003	AN140071		QLD
Clothing industry	Clothing Trades Award - State (Excluding South-East Queensland) 2003	AN140070		QLD
Clothing industry	Footwear Manufacturing Award - State 2005	AN140120		QLD
Clothing industry	Surgical Bootmaking, Bespoke Bootmaking and Boot Repairing Award - State 2003	AN140286		QLD
Clothing industry	Boot & Shoe Award	AN150016		SA
Clothing industry	Clothing Trades Award	AN150041		SA
Textile industry	Bag, Sack and Textile Award	AN160021		WA
Clothing industry	Bespoke Bootmakers' and Repairers' Award No. 4 of 1946	AN160024		WA
Clothing industry	Clothing Trades Award 1973	AN160081		WA
Clothing industry	Bootmakers Award	AN170118		TAS
Clothing industry	Clothing Industry Award	AN170018		TAS
Textile industry	Textile Award	AN170105		TAS

Model Flexibility Clause

1. *An employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:*
 - (a) *arrangements for when work is performed;*
 - (b) *overtime rates;*
 - (c) *penalty rates;*
 - (d) *allowances; and*
 - (e) *leave loading.*
2. *The employer and the individual employee must have genuinely made the agreement without coercion or duress.*
3. *The agreement between the employer and the individual employee must:*
 - (a) *be confined to a variation in the application of one or more of the terms listed in sub-clause 1; and*
 - (b) *not disadvantage the individual employee in relation to the individual employee's terms and conditions of employment.*
4. *For the purposes of sub-clause 3(b) the agreement will be taken not to disadvantage the individual employee in relation to the individual employee's terms and conditions of employment if:*
 - (a) *the agreement does not result, on balance, in a reduction in the overall terms and conditions of employment of the individual employee under this award and any applicable agreement made under the Workplace Relations Act 1996 (Cth), as those instruments applied as at the date the agreement commences to operate; and*
 - (b) *the agreement does not result in a reduction in the terms and conditions of employment of the individual employee under any other relevant laws of the Commonwealth or any relevant laws of a State or Territory.*
5. *The Agreement between the employer and the individual employee must also:*
 - (a) *be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;*
 - (b) *state each term of this award that the employer and the individual employee have agreed to vary;*

- (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;*
 - (d) detail how the agreement does not disadvantage the individual employee in relation to the individual employee's terms and conditions of employment; and*
 - (e) state the date the agreement commences to operate.*
- 6. The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.*
- 7. The agreement may be terminated:*
 - (a) by the employer or the individual employee giving four weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or*
 - (b) at any time, by written agreement between the employer and the individual employee.*
- 8. The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.*

Award Modernisation Timetable

2008

25 July Closing date for lodging written submissions, drafts of modern awards and other proposals concerning the scope, content and transitional arrangements for each of the priority modern awards.

28 July Pre-drafting consultations commence.

Melbourne

28 July	Higher Education (part of Educational Services Industry)
29 July	Clothing Industry (including Footwear Manufacturing), Textile Industry
30 July AM	Coal Mining (part of Coal Industry)
30 July PM	Mining Industry
31 July	Racing Industry (part of Entertainment and Broadcasting Industry)
1 August	Security Services
4 August	Private Sector Clerical Occupation (part of Clerical Industry)
5 & 6 August	Metal and Associated Industries, Rubber Plastic and Cablemaking Industry, Glue and Gelatine Industry and Vehicle Manufacturing Industry.
7 & 8 August	Retail Industry (part of Wholesale and Retail Trade), Fast Food Industry, Hairdressing Services.
11 & 12 August	Catering Industry, Liquor and Accommodation Industry, Restaurants.
13 August	Rail Industry (part of Public Transport Industry)

12 September Closing date for publication of exposure drafts of each of the priority modern awards.

10 October	Closing date for lodging written comments on the exposure drafts of the priority modern awards. Announcement of second stage industries/occupations and commencement of second stage.
16, 17, 20, 21 & 22 October	Full Bench sits in Sydney for final consultations in relation to the exposure drafts of the priority modern awards.
19 December	Final date for making priority modern awards.
2009	
2 March	Announcement of third stage industries/occupations and commencement of third stage.
3 April	Final date for making second stage modern awards
6 July	Announcement of fourth stage industries/occupations and commencement of fourth stage.
4 September	Final date for making third stage modern awards.
4 December	Final date for making fourth stage modern awards.