

**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE
ADDITIONAL ESTIMATES 2008-09**

Outcome: 9

DEEWR Question No. EW1212_09

Senator Fisher asked on Thursday 26 February 2009, EEWR Hansard page 105:

Question

Award Modernisation

What does the government submission say about the balancing of those two aims (the creation of modern awards is also not intended to disadvantage employees or increase costs for employers) and provide a copy of the submission. In particular, highlight where the government submission may or may not go to those issues.

Answer

The award modernisation request includes in its Objects that the creation of modern awards is not intended to:

- (c) disadvantage employees;
- (d) increase costs to employers.

The Australian Government has made two submissions to the Australian Industrial Relations Commission (AIRC) with respect to the award modernisation process. The first was on 10 October 2008 regarding the exposure drafts of priority modern awards and the second was on 13 February 2009 in relation to the exposure drafts of Stage 2 modern awards. The submissions included specific references to this issue. Copies of the submissions are attached.

The Government's submission dated 10 October 2008

In its submission dated 10 October 2008, the Government addressed the need to balance the needs of employees and employers in respect to a number of specific issues: redundancy pay and small business, the award modernisation request and supplementation of the National Employment Standards (NES), existing small business redundancy entitlements in state and federal systems, accident make-up pay and savings and transitional arrangements.

Redundancy pay and small business

At paragraph 5: "The award modernisation request left it open to the Commission to include small business redundancy in modern awards "having regard to the terms of this request and *the existing award provisions (including under Notional Agreements Preserving State Awards [NAPSAs])* for those employees such as small business

redundancy entitlements” (Paragraph 32). Further, the request states that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).”

At paragraph 6: “The intent underpinning these elements of the request is that the creation of modern awards should see modern awards reflect existing provisions in awards and NAPSAs as opposed to including entitlements which extend beyond these existing provisions.”

The award modernisation request and supplementing the NES

Paragraphs 11 to 15 of the Government’s submission outline the inclusion in modern awards of provisions that supplement the NES. The submission notes at paragraph 16 that “the provisions are consistent with an overriding object of the request that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).”

At paragraph 19: “The Government stresses the importance of creating modern awards which balance the overall impact on employees and employers. In particular, it is important that the Commission take account of the overall costs and benefits that may accrue to employers and employees through each modern award. In the absence of any rationale from the Commission, the Government is concerned that an appropriate balance does not appear to have been struck between employee entitlements and employer costs when introducing a small business redundancy entitlement in all modern awards.”

Existing small business redundancy entitlements in state and federal systems

At paragraph 24: “In balancing the cost to employers and entitlements of employees in the award modernisation process, the Government urges the Commission to as far as possible, maintain existing levels of entitlements, not create new ones and to therefore limit the application of small business redundancy entitlements in modern awards to those industries where they currently exist.”

Accident make-up pay

At paragraph 76: “Consistent with the intention that the creation of modern awards not disadvantage employees, the Government supports the inclusion of an entitlement in this respect in modern awards where it is a current entitlement (either under a federal award or a Notional Agreement Preserving a State Award). However, as previously noted, the request does not envisage the creation of modern awards extending benefits beyond those areas where they already exist in awards and NAPSAs.”

Savings and transitional arrangements

In relation to the inclusion by the Commission of savings and transitional arrangements in its modern award exposure drafts, the Government’s submission states at paragraph 81: “The Government welcomes the inclusion of these arrangements in modern awards. These arrangements will assist the Commission to respond to the Government’s statement in the award modernisation request that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).”

The Government's submission dated 13 February 2009

This submission addressed the need to balance employee and employer interests in respect to transitional issues and hours of work provisions in the draft Pastoral Industry Award 2010.

Transitional Issues

In relation to a process for incorporating transitional provisions into modern awards, the Government's submission stated at paragraphs 7 to 10:

"(7) The Government repeats its earlier support for the use of transitional provisions in modern awards where appropriate. These provisions will assist the Commission to ensure the Government's objective in the award modernisation request that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).

(8) The Commission's view is that transitional provisions for all modern awards should be considered in a further proceeding after June 2009 to allow parties to give proper consideration to the effect of terms of the awards and to advance transitional proposals accordingly.

(9) The Government believes it is imperative that parties have sufficient time to become familiar with the content of modern awards (including transitional provisions) before their commencement on 1 January 2010. This is particularly important in light of the global financial crisis, with businesses requiring certainty regarding their costs.

(10) To ensure that employers and employees and their representatives have adequate time to understand modern awards prior to their commencement, the Government proposes that the Commission commence a process to determine transitional provisions for modern awards, immediately following the publication of final Stage 2 awards, due on 3 April 2009."

Ordinary hours of work – Pastoral Industry Award 2010

At paragraph 44: "The Government encourages the Commission to pay careful attention to previous longstanding arrangements and to the requirement of the award modernisation request that the making of a modern award should not increase costs for employers when determining the final shape of ordinary hours for each sector in the *Pastoral Industry Award 2010*."

ATTACHMENT

**Submission to the
Australian Industrial Relations
Commission**

Exposure drafts of priority modern awards

10 October 2008

Overview

1. The Australian Government (the Government) welcomes the opportunity provided by the Australian Industrial Relations Commission (the Commission) to comment on the exposure drafts of the priority modern awards released on 12 September 2008.
2. The Government commends the Commission for the consultative approach it is taking to modernising awards. The approach is consistent with the award modernisation request (the request) signed by the Minister for Employment and Workplace Relations on 28 March 2008 pursuant to s.576C(1) of the *Workplace Relations Act 1996* (the WR Act).
3. This submission seeks to assist the Commission in finalising modern awards consistent with the policy intent underpinning the award modernisation request and the provisions of the Government's proposed substantive workplace relations legislation. Specifically, the submission addresses the following issues:
 - the Commission's inclusion in each modern award exposure draft of provisions which extend redundancy arrangements to small businesses from 1 January 2010;
 - proposed protections for outworkers in the *Textile, Clothing, Footwear and Associated Industries Award 2010*.
 - areas where the Government's substantive workplace relations legislation will have implications for modern awards;
 - other matters of relevance to the Commission's work in modernising awards; and
 - changes to the supported wage system (SWS) model clause to reflect the contemporary operation of the SWS.

4. In addressing these issues, the submission highlights a number of issues which the Commission may wish to consider in determining the final form of modern awards.

Redundancy pay and small business

5. The award modernisation request left it open to the Commission to include small business redundancy in modern awards “having regard to the terms of this request and *the existing award provisions (including under Notional Agreements Preserving State Awards [NAPSAs])* for those employees such as small business redundancy entitlements” (Paragraph 32 – *emphasis added*). Further, the request states that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).
6. The intent underpinning these elements of the request is that the creation of modern awards should see modern awards reflect existing provisions in awards and NAPSAs as opposed to including entitlements which extend beyond these existing provisions.
7. Against that background, the Government is concerned that all the draft priority modern awards developed by the Commission include a model redundancy clause that provides redundancy entitlements for employees of small business employers. The inclusion of these clauses involves extending this benefit beyond those areas where it is currently provided for in awards and NAPSAs.
8. The Government is mindful of the particular needs of small business and has consulted extensively with small business on the development of its substantive workplace relations reforms. The Government acknowledges that small business can face particular challenges when managing employee engagement and dismissal.

9. In recognition of current general standards, the National Employment Standard (NES) excludes small business from the obligation to pay redundancy to employees. Under the NES, only employees who are made redundant and are employed in workplaces with 15 or more employees are entitled to redundancy pay.
10. This is consistent with the Government's approach to unfair dismissal – employees of businesses with less than 15 employees will have a 12 month qualifying period during which they cannot make a claim for unfair dismissal. Beyond that, if small business employers comply with a Fair Dismissal Code, dismissals will be deemed to be fair.

The award modernisation request and supplementing the NES

11. The award modernisation request (consistent with the proposed terms of the NES) allows a modern award to include provisions that supplement the NES, but only if the effect of those provisions is not detrimental to an employee in any respect.
12. Paragraphs 31 and 32 of the request enable the Commission to supplement the NES in modern awards.
13. The request provides that a modern award may include industry-specific detail about matters in the NES (Paragraph 31).
14. The request enables modern awards to supplement the NES, in specified circumstances (Paragraph 32).
15. Importantly, paragraph 32 of the request specifies what the Commission must consider when exercising this discretion.
 - Firstly, the Commission must consider whether supplementing the NES is necessary to maintain a fair minimum safety net for employees covered by the modern award.

- Secondly, when determining this, the Commission must have regard to the terms of the request and existing award provisions (including NAPSAs).
16. This is consistent with an overriding object of the request that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).
 17. As previously noted, these elements of the request are intended to ensure that when the Commission is considering whether to supplement the NES in a modern award, it must consider whether the entitlement being considered for inclusion commonly exists within current industry or occupation awards or NAPSAs.

Rationale for inclusion of small business redundancy entitlements in modern awards

18. The rationale for including small business redundancy provisions in draft modern awards is not clear from the Commission's Statement of 12 September 2008.
19. The Government stresses the importance of creating modern awards which balance the overall impact on employees and employers. In particular, it is important that the Commission take account of the overall costs and benefits that may accrue to employers and employees through each modern award. In the absence of any rationale from the Commission, the Government is concerned that an appropriate balance does not appear to have been struck between employee entitlements and employer costs when introducing a small business redundancy entitlement in all modern awards.
20. The Government supports a case by case approach to the inclusion of redundancy pay entitlements in modern awards. Where this has previously

been a common entitlement in a particular industry for small business employees, the Government supports its inclusion in the modern industry award.

Existing small business redundancy entitlements in state and federal systems

21. The Government's research indicates that small business redundancy entitlements are not a common feature of federal awards or NAPSAs in many industries.
22. The NES small business exemption from redundancy payment is consistent with existing redundancy pay standards across the federal, New South Wales, Queensland and Western Australian workplace relations systems. South Australia is the only state jurisdiction where small business employees commonly have an entitlement to redundancy pay.
23. In the federal system, some small business employees have an entitlement to redundancy pay. However, this entitlement is limited to those small businesses that had a federal award obligation prior to 26 March 2006 to make redundancy payments. For example, among the priority industries, many awards in the Textile, Clothing and Footwear industry currently contain a small business redundancy entitlement.
24. In balancing the cost to employers and entitlements of employees in the award modernisation process, the Government urges the Commission to as far as possible, maintain existing levels of entitlements, not create new ones and to therefore limit the application of small business redundancy entitlements in modern awards to those industries where they currently exist.

Cost estimate of the small business redundancy pay clause

25. The Government is particularly concerned about the cost impact that the Commission's redundancy pay clause will have on small business.
26. While establishing the precise cost impact of extending redundancy arrangements to all federally covered small businesses is problematic, my Department has developed an indicative costing.
27. Estimates made in the costing are in 2006 dollars and assume 2006 labour market conditions. To that end, the indicative costing understate the likely actual costings to small business employers. To some extent, this will be counterbalanced by the indicative costings also including those few industries where long-standing entitlements to redundancy pay for small business employees exist. These indicative costings reflect the fact that service prior to 1 January 2010 is not considered in calculating redundancy benefits under these clauses.
28. More specifically, my Department estimates the cost being \$58.8 million in 2011, rising to \$94.9 million in 2014. As noted above, these costings are in 2006 dollars. In addition, the Government is concerned that an unknown percentage of these costs may end up being met by taxpayers, as there would be community demand that the General Employee Entitlements and Redundancy Scheme (GEERS) apply.
29. The methodology underpinning these estimates is set out at Attachment A.

Outworkers

30. The Government supports comprehensive and effective modern award protection for outworkers. The WR Act specifically provides for modern awards to include terms providing for pay and conditions for outworkers (s. 576K).

31. The award modernisation process provides an opportunity to ensure protections for workers in this industry. The Government supports the Commission including protections for outworkers to form a comprehensive and effective safety net for employees in the *Textile, Clothing, Footwear and Associated Industries Award 2010*.

National Employment Standards – interaction with modern awards

32. The Minister's award modernisation request explained the interaction between the NES and modern awards. Together with modern awards, the NES will operate to provide a fair safety net of minimum entitlements for award covered employees.
33. However, the Government wishes to advise the Commission and other stakeholders that it proposes to make some amendments to the NES in its substantive workplace relations legislation. Some amendments will address minor or technical issues. Other amendments will ensure that the NES intersects with other elements of the Bill as intended (eg rules governing interaction between the NES and enterprise agreements), and that consistent concepts and terminology are used across the Bill.
34. Most of these changes will only have a minor impact on award modernisation.
35. The NES provisions that permit modern awards to include terms about the cashing out of leave and paid/personal carer's leave require modern awards to prohibit an employer from exerting undue influence or undue pressure on an employee to cash out their leave.
36. The Government now proposes to provide this protection legislatively. Accordingly, the Government will amend the NES to remove the

obligation on the Commission to include this protection in modern awards as contained in section 36(2)(a) of the NES.

37. The inclusion of such provisions in modern awards made by the Commission is therefore unnecessary.
38. In addition, the Government will also amend the NES to ensure that where an industry specific redundancy scheme is included in a modern award but does not apply to all employees, employees to whom the scheme does not apply are not excluded from their entitlement to redundancy pay under the NES.

Dispute resolution

Dispute resolution training leave

39. Developing skills to enable the quick resolution of disputes in the workplace is in the interests of all parties, and has the potential to prevent the costs of such disputes (for both employees and business) and to improve productivity. More broadly, these skills can also facilitate improved workplace relations extending beyond the resolution of disputes at the workplace.
40. The Government notes that provision for dispute resolution training leave has been included in two of the draft modern awards published by the Commission. Resolution of disputes at the workplace level, rather than the automatic escalation of the matter outside of the enterprise, will be an important objective of the substantive legislation in contributing to a productive Australian economy. To that end, the Government acknowledges the significant potential for dispute resolution training leave to support this objective and supports the inclusion of such provisions in modern awards.

Dispute Resolution Clause

41. Paragraph 11A of the request requires the Commission to ensure that each modern award sets out a process or processes for the settlement of disputes in relation to matters arising under the award. The process or processes must also be suitable for settling disputes in relation to matters arising under the NES for employees to whom awards apply. Accordingly, the Commission has included a model dispute resolution clause in each modern award exposure draft.
42. The Government supports the provision of clear processes for resolution of disputes arising under modern awards and the NES. The Government supports the provision for resolution of disputes at the workplace level where possible, and also supports the employee being entitled to be represented in the dispute resolution process at the appropriate stages.
43. The substantive workplace relations legislation will contain a range of measures that provide for the means of resolving disputes through the means of alternative dispute resolution and for appropriate and effective enforcement mechanisms. Award dispute resolution clauses are one part of this framework.

Award dispute resolution clauses

44. The substantive workplace relations legislation will be primarily founded on the corporations power of the Constitution, and not upon the conciliation and arbitration of disputes power s51(xxxv). Under this system, the AIRC was able to settle disputes by varying awards to create new rights.
45. The separation of powers doctrine means that as an administrative body, Fair Work Australia will not be able to exercise the judicial power of the Commonwealth (*R v Kirby; Ex parte Boilermakers' Society of Australia*

(1956)). Judicial power involves the conclusive determination of existing legal rights (i.e., the enforcement of the law). Granting a remedy for a breach of the substantive workplace relations legislation or an instrument made under the legislation (e.g., the NES or an award) would involve the exercise of judicial power.

46. However, in exercising dispute resolution functions under a term of an award, Fair Work Australia will be able to exercise any of its general powers. These powers will include:

- attempting to settle the dispute through mediation or conciliation;
- ordering compulsory conferences;
- making recommendations or expressing an opinion; or
- informing itself, for example, by requiring parties to provide documents or information.

47. Fair Work Australia will not be able to make arbitral determinations pursuant to an award dispute settlement clause unless the parties have consented. However, even where there is consent Fair Work Australia must not do so to the extent that any decision resulting from the consent arbitration:

- affects the operation of the NES or a modern award, or
- is inconsistent with the rights and obligations under the Act or an instrument made under the Act.

Other mechanisms

48. It is important that employees are able to quickly and effectively enforce their award and NES entitlements.

49. Fair Work Divisions of the Federal Court and the Federal Magistrates Court will have jurisdiction in relation to compliance with the NES and modern awards. Employee organisations will be able to initiate enforcement action where they are entitled to represent employees at a workplace.
50. The courts will be able to make any orders they consider appropriate to remedy a contravention, including injunctions. The Fair Work Divisions will not be restricted to imposing a penalty or ordering payment of an unpaid amount. For example, inspectors will be able to seek compensation or injunctions to remedy breaches of the NES, an award or an agreement.
51. When considering whether to make a costs order, the courts will be able to take into account whether or not a party has genuinely participated in mediation or a dispute resolution process through Fair Work Australia.
52. The Fair Work Divisions will continue to use mediation where appropriate and Fair Work Australia will be able to negotiate the provision of mediation services on the courts' behalf in some circumstances.
53. The current small claims mechanism will be extended to the Fair Work Division of the Federal Magistrates' Court. This means that where an employee applies for an order about an amount that their employer was required to pay to them (or to a third party), for example, wages or superannuation, they can elect to have the matter dealt with under the small claims procedure.
54. The monetary limit under the small claims procedure will be increased to \$20,000.

55. When dealing with a matter under the small claims procedure, the Fair Work Division of the Federal Magistrates' Court (or a State or Territory Magistrates' Court) may act in an informal manner. It will not be bound by formal rules of evidence and it may act without regard to legal form and technicality.
56. Consistent with the principles of separation of powers, only a court will be able to finally determine a person's rights and entitlements under the NES and modern award safety net.
57. The Government requests that the Commission note the information provided on the scheme for dispute resolution under the new workplace relations system and invites the Commission to consider what amendments to its draft dispute resolution clause are necessary to take this into account.

Terminology in modern awards

58. In its Statement of 12 September 2008, the Commission expressed some uncertainty about how modern awards will deal with coverage and how this could interact with the enforceability of an instrument and other associated rights, for example, union right of entry.
59. To assist the Commission, this Submission provides some detail on how modern awards will operate in the new workplace relations system.
60. Rather than using a concept of parties being 'bound' to awards and other terminology associated with the conciliation and arbitration system, the substantive workplace relations bill will adopt two new key concepts which better reflect the new modern workplace relations system.
61. These are:

- that an instrument *covers* an employer and employee or organisation (that is they fall within the scope of the instrument); and
 - the instrument *applies* to the employer and employee (that is the instrument actually regulates rights and obligations).
62. An example of how the distinction operates is that an award will continue to cover employees/employers where an enterprise agreement is in operation, but during this time it is the agreement rather than the award that will regulate their conditions.
 63. The provisions of the WR Act which relate to modern awards ‘binding’ parties (for example, section 576V(1)) will reflect the new concepts.
 64. Under the new workplace relations system, an organisation will have standing to enforce an employee’s entitlements under a modern award where the organisation is entitled to represent the industrial interests of an employee covered by a modern award.
 65. Right of entry for discussion purposes will be linked to coverage of an employer and employee by a relevant modern award. Entry to investigate a breach of an award will be allowed where the award applies to the union.
 66. For this reason, the Government requests that modern awards use the terminology of ‘covering’ rather than ‘bound’ in relation to employers, employees, organisations and eligible entities.
 67. A pre-condition of right of entry will be that in addition to being covered by a modern award, a union must be entitled to represent the industrial interests of the relevant employee(s).
 68. Modern awards may combine provisions from pre-reform awards where different organisations were ‘bound’. To avoid potential demarcation

issues caused by this, Fair Work Australia will be able to make representation orders to ‘preserve’ the existing rights of unions relevant to particular workplaces or sectors. Fair Work Australia will be able to make these orders on application by the affected employer, union or the Minister.

Other matters for consideration by the Commission

Industry and occupational awards

69. In paragraph 4 of the award modernisation request, the Minister indicated that the Commission is to create modern awards primarily along industry lines, but may also create modern awards along occupational lines, as it considers it appropriate. In making a determination on whether to make an award under industry or occupational lines, the Government submits that the Commission should have regard to the views and submissions of the parties as they relate to the objects and factors set out in paragraphs 1 to 3 of the request.
70. Where the Commission includes the same occupation in more than one industry award, it is desirable that, so far as practicable, the terms and conditions for that occupation are consistent across the relevant industry awards.

Requirement to include certain matters in modern awards

71. The NES and modern awards are interdependent and the seamless interaction of these is necessary to provide an effective safety net for employees.
72. The Minister’s award modernisation request requires that the Commission must include certain provisions in modern awards, as these provisions will ensure the safety net operates as intended for all employees. For example,

many entitlements in the NES rely on modern awards to set out ordinary hours of work for employees covered by the award. This is why the award modernisation request requires modern awards to include ordinary hours of work for all classifications and type of employment.

73. To ensure the effective operation of the safety net, the Government asks the Commission to pay particular attention to ensuring that this aspect of the request is met in finalising modern awards.

Accident make-up pay

74. The Government notes that the Commission, in Paragraph 32 of its Statement of 12 September 2008, has not included accident make-up pay clauses in its draft modern awards.
75. The Government is of the view that accident make-up pay is an allowable award matter as it may be characterised as an allowance for the purposes of s 576J(1)(g).
76. Consistent with the intention that the creation of modern awards not disadvantage employees, the Government supports the inclusion of an entitlement in this respect in modern awards where it is a current entitlement (either under a federal award or a Notional Agreement Preserving a State Award). However, as previously noted, the request does not envisage the creation of modern awards extending benefits beyond those areas where they already exist in awards and NAPSAs.

Allowances

77. Section 576T(1)(b) of the WR Act provides that a modern award must not include terms and conditions of employment that do not have effect in each state and territory. The Government requests that the Commission note that this provision does not necessarily prevent or limit a modern award from including an allowance for disabilities associated with the

performance of work in particular locations (eg remote location allowance or tropical allowance) under section 576J(g)(iii) of the WR Act. While the award would need to be drafted to operate in each state and territory, it could provide for an allowance which only had application in the regions of a state or territory (if any) which had specified physical characteristics (eg a particular degree of remoteness or particular climatic conditions).

78. The request requires the Commission to ensure that all modern awards include an appropriate method or formula for automatically adjusting relevant allowances when minimum wage rates are adjusted (Paragraph 27).
79. In the Commission's draft modern awards, the Commission has expressed all allowances, including those that relate to the reimbursement of expenses, as a percentage of the key classification rate. The Government notes that allowances in many awards have been historically adjusted in line with movements in the Consumer Price Index. The Government encourages the Commission to consider the inclusion of formulae for the adjustment of cost-related allowances in modern awards that reflect the historical adjustment of these allowances.

Savings and transitional arrangements

80. The Commission included savings and transitional arrangements in its modern award exposure drafts.
81. The Government welcomes the inclusion of these arrangements in modern awards. These arrangements will assist the Commission to respond to the Government's statement in the award modernisation request that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).

82. The Government encourages the Commission to make use of these provisions in developing the final modern awards. The Commission may wish to consider, having regard to the terms of the award modernisation request, whether it is appropriate to include such transitional provisions in relation to significant remuneration-related entitlements, such as wages, casual loadings or superannuation.

Supported Wage System Model Clause

83. In its decision 20 June 2008, the Commission stated that as a general rule, modern awards should contain a model supported wage system (SWS) clause.¹ The exposure draft awards released by the Commission on 12 September 2008 contained an SWS model clause.
84. The Government welcomes the Commission's decision to include a model SWS clause in modern awards. The SWS is an important provision for improving employment opportunities for people with a disability. In 2007-2008 the SWS assisted over 5 100 employees with a disability to obtain or continue in employment. The SWS is administered through the Department of Education, Employment and Workplace Relations.
85. A model SWS clause was initially established in 1994 through joint applications to the Commission by the ACTU and employers. The applications were supported by the Commonwealth Government and several state and territory governments.²
86. In recent years, there have been changes to the way in which the SWS program is administered by the Government, which necessitate some changes of a technical nature to the current model SWS clause. To ensure that modern awards include provisions that reflect the SWS as it currently

¹ Australian Industrial Relations Commission, Award Modernisation, Decision, Print PR062008, paragraph 202.

² Australian Industrial Relations Commission, Supported Wage System, Decision, Print L5723.

operates, the Government proposes the following changes to the model SWS clause.

- clause 1.1 – the document that is currently used by the Department of Employment, Education and Workplace Relations (DEEWR) to provide guidelines and procedures for the SWS is the ‘Supported Wage System Handbook’. The reference in the clause to the ‘Supported Wage System: Guidelines and Assessment Process’ should be updated to reflect the new document.
- Clause 1.2 – from October 2006, a National Panel of SWS Assessors was established. People satisfying the minimum required qualifications and experience are approved by DEEWR to conduct SWS assessment as a member of that Panel. Prior to this, SWS assessors underwent an accreditation process in order to undertake assessments. The Government therefore recommends that the definition of ‘accredited assessor’ be amended to ‘approved assessor’.
- Clause 1.4 – Since 2007 the assessment instrument for the SWS has been an electronic form accessed from DEEWR’s JobAccess website. It would be appropriate to replace the word ‘form’ with ‘tool’ in this subclause to better describe the assessment instrument currently used.
- Clause 1.5 – The Government proposes that the Commission include a new definition of ‘wage assessment agreement’ in the model clause. The wage assessment agreement is the document signed by the employer and employee and lodged with the relevant industrial relations authority, not the assessment

instrument as currently provided in the model clause. The assessment instrument is used by the SWS assessor to document and calculate the productive capacity of the employee, and does not include the agreed wage rate.

The inclusion of this definition will necessitate further updates to the terminology used in clauses 4 and 5.

- Clause 2.3 – the term ‘sheltered employer’ is now commonly known as a ‘business service provider’. This terminology should be reflected in the model clause.
- Clause 4 – Under the current arrangements, SWS assessments can only be undertaken by an approved assessor on the National Panel of SWS Assessors. It is proposed that the clause be amended to clarify this arrangement.
- Clause 5.1 – the reference in this clause to the Registrar of the Australian Industrial Relations Commission should be updated to reflect Fair Work Australia.

87. An updated model SWS clause is at Attachment A. The Government’s proposed changes are underlined for ease of reference.

Conclusion

88. The Government welcomes the release of the modern award exposure drafts of 12 September 2008 and thanks the Commission for its ongoing role in creating a new modern award system.

89. The Government also thanks the stakeholders for their active and continued participation in this process.
90. Modern awards will form an important part of the safety net in the Government's new workplace relations system which will apply from 1 January 2010.

Attachment A: Methodology for assessing the cost of the proposed small business redundancy pay clause

91. Data on redundancies are available from the ABS Labour Mobility survey.³ The Department has obtained unpublished data from this survey for employees excluding owner managers of incorporated enterprises (OMIEs).
92. For the purposes of this costing, the population of interest is employees (excluding OMIEs) who ceased a job involuntarily because they were retrenched or the business in which they were employed went out of business.⁴ This includes all persons who were made redundant, dismissed or had no work available, but does not include people who involuntarily ceased employment because their job was seasonal, temporary or a holiday job or people who left because of their own ill health or injury. The data are presented in Table 1.

Table 1: Employees who ceased a job involuntarily by duration of last job

Item	Duration of last job	Employees (excluding OMIEs) who ceased a job involuntarily ('000)
A	Under 12 months	106.3
B	1 year and under 2 years	33.0
C	2 years and under 3 years	22.2
D	3 years and under 5 years	20.7
E	5 years and under 10 years	21.4
F	10 years and under 20 years	15.6
G	20 years and over	7.8

Source: ABS Labour Mobility, *Feb 2006 (Reissue)* (Cat. No. 6209.0)

93. The Commission's proposed redundancy pay clause has a different level of redundancy pay for employees with 3 to 4 years experience than those with 4 to 5 years experience. Table 1 groups these employees in the 3 to 5 years category. To account for this, the Department assumes that those

³ABS *Labour Mobility, Feb 2006 (Reissue)* (Cat. No. 6209.0).

⁴As the source data includes persons who involuntarily ceased work because their employer went out of business, the final estimate is likely to be overstated.

employees who ceased a job involuntarily after job duration of three years but less than five years are evenly distributed (see Table 2).

Table 2: Employees who ceased a job involuntarily by duration of last job (adjusted data)

Item	Duration of continuous service	Persons who ceased a job involuntarily ('000)
A	Less than 1 year	106.3
B	At least 1 years but less than 2 years	33.0
C	At least 2 years but less than 3 years	22.2
H	At least 3 years but less than 4 years	10.4
I	At least 4 years and over	55.2

94. Table 2 presents data for all employees, not just businesses with fewer than 15 employees. In Table 3 below, we adjust the data in Table 2 to account for redundancies in small businesses. According to ABS Employee Earnings and Hours unpublished data, as at May 2006, 20.31 per cent of employees were employed in businesses that employ fewer than 15 employees.⁵ We apply this proportion to the number of employees who ceased a job involuntarily to derive estimates for those working in small business in Table 3.

95. In reality, this is likely to be an underestimate as we would expect a greater proportion of redundancies in small businesses.

Table 3: Employees in small business by duration of continuous service

Item	Duration of continuous service	Employees in small businesses who ceased work involuntarily ('000)
J	Less than 1 year	21.6
K	At least 1 years but less than 2 years	6.7
L	At least 2 years but less than 3 years	4.5
M	At least 3 years but less than 4 years	2.1
N	At least 4 years and over	11.2

96. To calculate the average payout for each person made redundant, the entitlement for each duration of service category is multiplied by the Average Weekly Ordinary Time Cash Earnings for small business

employees.⁶ In May 2006, Average Weekly Ordinary Time Cash Earnings for small business employees stood at \$600.00.⁷ This is shown in Table 4.

Table 4: Average redundancy payout for employees who ceased a job involuntarily by duration of continuous service

Duration of continuous service	Redundancy pay entitlement	Average Weekly Ordinary Time Cash Earnings for employees of businesses with fewer than 20 employees, 2006		Average payout, 2006 (\$)
Less than 1 year	0 weeks	\$600.00	0 × 600	0
At least 1 years but less than 2 years	4 weeks	\$600.00	4 × 600	2,400
At least 2 years but less than 3 years	6 weeks	\$600.00	6 × 600	3,600
At least 3 years but less than 4 years	7 weeks	\$600.00	7 × 600	4,200
At least 4 years and over	8 weeks	\$600.00	8 × 600	4,800

97. Finally, the average redundancy payout for each duration of service category in Table 4 is multiplied the corresponding number of small business employees who ceased work involuntarily as estimated in Table 3. The result is displayed in Table 5.

Table 5: Estimated cost to business of redundancy payouts by duration of continuous service

Duration of continuous service	Cost to business (\$'000)
Less than 1 year	0
At least 1 years but less than 2 years	16,082
At least 2 years but less than 3 years	16,229
At least 3 years but less than 4 years	8,827
At least 4 years and over	53,754
	94,892

98. The above calculations show a cost of approximately \$94.9 million in 2014. It is important to remember that this cost is in 2006 dollars.
99. Using the same methodology, the Department can also calculate the total economy-wide cost for 2013, 2012 and 2011.

⁵The Department assumes distributions are constant across all categories of years of service

⁶Due to data constraints, in this instance, 'small business' refers to businesses with fewer than 20 employees. While this may cause some overstatement in the estimate, these data remain a much closer proxy for businesses with fewer than 15 employees than ABS *Average Weekly Earnings*, which considers all business sizes.

⁷ABS *Employee Earnings and Hours, Australia, May 2006* (Cat. No. 6306.0), unpublished data.

100. In 2013, when the maximum amount of service since 2010 will be three years and the maximum entitlement will be 7 weeks of pay, the Department estimates that the cost would be approximately \$88.2 million.
101. In 2012, when the maximum amount of service since 2010 will be two years and the maximum entitlement will be 6 weeks of pay, the Department estimates that the cost would be approximately \$80.2 million.
102. In 2011, when the maximum amount of service since 2010 will be one year and the maximum entitlement will be 4 weeks of pay, the Department estimates that the cost would be approximately \$58.8 million.

Attachment B: Proposed Model Supported Wage System Clause

Supported wage system

1. This clause defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this agreement/award. In the context of this clause, the following definitions will apply:

1.1 Supported wage system means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook.

1.2 Approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system.

1.3 Disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

1.4 Assessment instrument means the form provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system.

1.5 SWS wage assessment agreement means the document that records the employee's productive capacity and agreed wage rate.

2. Eligibility criteria

2.1 Employees covered by this clause will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this agreement/award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

2.2 This clause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this agreement/award relating to the rehabilitation of employees who are injured in the course of their employment.

2.3 This clause does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of service provider and business service provider to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the Disability Services Act, or if a part only has received recognition, that part.

3. Supported wage rates

3.1 Employees to whom this clause applies will be paid the applicable percentage of the minimum rate of pay prescribed by this award/agreement for the class of work which the person is performing according to the following schedule:

Assessed capacity (clause 4)	Prescribed award rate
%	%
10*	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

3.2 Provided that the minimum amount payable must be not less than \$69 per week.

3.3 * Where a person's assessed capacity is 10%, they must receive a high degree of assistance and support.

4. Assessment of capacity

For the purpose of establishing the percentage of the award rate to be paid to an employee under this award/agreement, the productive capacity of the employee will be assessed by an approved assessor in accordance with the supported wage system and documented in a SWS wage assessment agreement by either:

4.1 The employer and an approved assessor from the panel, who is agreed to by the parties to the award and employee, or if desired by any of these;

4.2 The employer and a union party to the award, in consultation with the employee.

5. Lodgement of SWS wage assessment agreement

5.1 All SWS wage assessment agreements under the conditions of this clause, including the appropriate percentage of the award wage to be paid to the employee, must be lodged by the employer with Fair Work Australia.

5.2 All SWS wage assessment agreements must be agreed and signed by the parties to the assessment, provided that where a union which is party to the award/agreement, is not a party to the assessment, it will be referred by the Registrar to the union by certified mail and will take effect unless an objection is notified to the Registrar within ten working days.

6. Review of assessment

The assessment of the applicable percentage should be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

7. Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the wage rate only. Employees covered by the provisions of the clause will be entitled to the same terms and conditions of employment as all other workers covered by this award/agreement paid on a pro rata basis.

8. Workplace adjustment

An employer wishing to employ a person under the provisions of this clause must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

9. Trial period

9.1 In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this clause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

9.2 During that trial period the assessment of capacity will be undertaken and the proposed wage rate for a continuing employment relationship will be determined.

9.3 The minimum amount payable to the employee during the trial period must be no less than \$69 per week.

9.4 Work trials should include induction or training as appropriate to the job being trialled.

9.5 Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause [4](#) hereof.

**Submission to the
Australian Industrial Relations
Commission**

Exposure drafts of Stage 2 modern awards

13 February 2009

Overview

1. The Australian Government (the Government) welcomes the opportunity provided by the Australian Industrial Relations Commission (the Commission) to comment on the exposure drafts of the Stage 2 modern awards released on 23 January 2009.
2. The Government commends the Commission for the consultative approach it is taking to modernising awards. The approach is consistent with the award modernisation request (the request) signed by the Minister for Employment and Workplace Relations on 28 March 2008 pursuant to s.576C(1) of the *Workplace Relations Act 1996* (the WR Act).
3. This submission seeks to assist the Commission in finalising modern awards consistent with the policy intent underpinning the award modernisation request and the provisions of the Fair Work Bill 2008. Specifically, the submission addresses the following issues:
 - the processes for incorporating transitional provisions into modern awards;
 - exposure drafts of the supported wage system, national training wage and school-based apprenticeship schedules;
 - rationalisation of allowances; and
 - ordinary hours of work for the pastoral industry.
4. In addressing these issues, the submission highlights a number of issues that the Commission may wish to consider in determining the final form of modern awards.

Transitional issues

5. In its Statement issued on 23 January 2009, the Commission requested that parties submit their views on a process for incorporating transitional provisions into modern awards.
6. The Commission has acknowledged that modern awards may need to be reviewed to reflect occurrences including:

- the passage of the Fair Work Bill 2008 and transitional legislation;
 - variations to the award modernisation request; and
 - the 2009 Australian Fair Pay Commission wage-setting decision.
7. The Government repeats its earlier support for the use of transitional provisions in modern awards where appropriate. These provisions will assist the Commission to ensure the Government's objective in the award modernisation request that the creation of modern awards is not intended to disadvantage employees or increase costs for employers (Paragraph 2).
 8. The Commission's view is that transitional provisions for all modern awards should be considered in a further proceeding after June 2009 to allow parties to give proper consideration to the effect of terms of the awards and to advance transitional proposals accordingly.
 9. The Government believes it is imperative that parties have sufficient time to become familiar with the content of modern awards (including transitional provisions) before their commencement on 1 January 2010. This is particularly important in light of the global financial crisis, with businesses requiring certainty regarding their costs.
 10. To ensure that employers and employees and their representatives have adequate time to understand modern awards prior to their commencement, the Government proposes that the Commission commence a process to determine transitional provisions for modern awards, immediately following the publication of final Stage 2 awards, due on 3 April 2009.

Draft Schedules

11. In its Statement of 23 January 2009, the Commission published three draft schedules containing provisions for the supported wage system (SWS) for employees with a disability, national training wages and school-based apprentices. In its Statement, the Commission indicated that it anticipated these schedules will be included in modern awards and be of general application.⁸

⁸ Australian Industrial Relations Commission, Statement, Award Modernisation, 23 January 2009, paragraph 13.

Supported Wage System

12. The Government generally supports the Commission's draft schedule for the SWS and including it in each modern award.
13. The SWS is a program administered through the Department of Education, Employment and Workplace Relations (DEEWR) and is targeted at improving employment opportunities for people with a disability.
14. The current provisions facilitating employment under the SWS are based on a model clause initially established by the Commission in 1994.⁹
15. The Commission's draft schedule updates the current SWS model clause to reflect changes that have occurred, including updating terminology as appropriate.
16. The changes are largely of a technical nature and take into account many of the outcomes agreed in discussions between the Australian Council of Trade Unions (ACTU), the Australian Chamber of Commerce and Industry (ACCI) and DEEWR to progress the modernisation of the SWS schedule.
17. The Government notes there is one substantive change proposed at subclause 6.2, regarding the lodgement process for SWS wage assessment agreements. The draft provision transfers the responsibility for providing the wage assessment agreement to the relevant union by certified mail from the Registrar to employers.
18. The Government's submission to the Commission on the exposure drafts of priority modern awards of 10 October 2008 provided a draft SWS clause which retained the Registry as the appropriate body for referring wage assessment agreements where unions were not a party to such agreements. This reflects the current approach. The Government considers that this approach should be retained.

⁹ Australian Industrial Relations Commission, Supported Wage System for People with a Disability, Decision 1831/94, S Print L5723.

19. It is the Government's view that the function should transfer to the equivalent new role as provided in the Fair Work Bill, being the General Manager of Fair Work Australia.
20. The Government makes one further note that the references to the "Commission" in clauses 6.1 and 6.2 of the draft schedule should more appropriately refer to "Fair Work Australia".

National training wages

21. The Government is generally supportive of the Commission's draft schedule for national training wages and including it in each modern award.
22. The Government welcomes the opportunity provided by the Commission for parties to consider a number of issues raised in relation to the draft schedule in its Statement of 23 January 2009. The Government makes the following comments in relation to these issues.

One common national training wage schedule

23. The Government supports the adoption by the Commission of a common national training wage schedule for inclusion in all modern awards.
24. In its Statement, the Commission noted that the exposure draft had been put forward on the basis that, at this stage, the Full Bench favours one common national training wage schedule, but that it will make a final decision on the matter in light of material and arguments advanced during the consultations.¹⁰
25. The Government considers it important that training arrangements are made available on as wide a basis as possible. The exclusion of training packages from some modern awards could limit the employment opportunities afforded by traineeships and potentially undermine the effective operation of the schedule.
26. A common national training wage schedule for inclusion in all modern awards would help ensure that, as far as possible, there are no gaps in

¹⁰ Australian Industrial Relations Commission, Statement, Award Modernisation, 23 January 2009, paragraph 14.

modern award coverage across the range of training packages available. Gaps in the coverage of minimum wages are a key concern in developing and improving the skills base of the Australian economy.

27. A key potential impact which may arise if the draft schedule is tailored on a modern award by modern award basis relates to the effective operation of the default wage level which is included in the draft schedule (at skill level B). The operation of the proposed default wage level mechanism is dependent on a common national training wage award. Differences on an industry basis, particularly in relation to the range of training packages included in a schedule, could potentially undermine the effectiveness of the default wage-level mechanism.
28. The default wage level is intended to operate only where a training package has not been allocated to a specific wage level within the schedule. However, if schedules to modern awards do not include all training packages that have been allocated to wage levels, the default wage level may inadvertently be used in relation to a training package which is not listed in that schedule, but has otherwise been allocated to a specific wage level. The effective operation of the default wage level becomes administratively more complex in these situations and may not operate consistently across all modern awards.

Allocation of training packages

29. The Government notes that the draft schedule for national training wages has allocated training packages which were previously unallocated. The Government supports this measure as an important element in ensuring that modern awards are up-to-date and relevant to today's workplaces and, as outlined above, to maximise employment opportunities and skills development.
30. Attachment A replicates Appendix 6 of the draft schedule and provides some additional comments regarding training package nomenclature and availability of certificates. The Attachment does not provide comment on the proposed allocation of training packages within the Appendix.
31. The Government considers that industry parties are best placed to determine the allocation of training packages to specific wage levels. It

also strongly believes that there needs to be an effective and speedy avenue for this to occur.

32. The Government believes that the proposed annual wage review to be conducted by the Fair Work Australia Minimum Wage Panel provides an appropriate avenue through which the allocation of training packages to wage levels can be determined. The annual wage review process will enable parties to make submissions on appropriate allocations and provides a process to ensure that new packages are allocated in a timely manner.

Default wage mechanism

33. The Government supports the Commission's proposal to establish a default wage level at skill level B for new training packages that have not been allocated to a wage level.
34. There are currently several packages which have not formally been allocated to a particular wage level under the *National Training Wage Award 2000*. The traineeships that have not yet been allocated to a wage level tend to be those where the industry parties have been unable to reach agreement on the appropriate level. This means that these training packages cannot be undertaken under the award and the employment of trainees is effectively precluded.
35. Where an industrial instrument does not include appropriate training wages for a particular class of trainee, the trainee must be paid the applicable full-time rate. As this rate does not reflect the 'unproductive' time spent by the trainee in structured off the job training, employers are unlikely to hire them, thus limiting employment opportunities and the potential take-up of the training packages.
36. Existing gaps in the coverage of minimum wages for trainees can also partly be attributed to the lack of an effective, streamlined mechanism, under both current and previous workplace relations arrangements, for allocating new training packages to appropriate skills levels. New training packages are continually being developed across industries and to assist in optimal skill formation it is desirable that employment under these packages be available as soon as practical.

37. A national review of some training packages is currently underway and a number of existing training packages will either have name changes or be subsumed into broader training packages. Any changes to training packages may have implications for the draft schedule and in particular the allocation of the new larger training packages to wage levels. An appropriate time to deal with any necessary changes would be the Fair Work Australia Minimum Wage Panel's first annual wage review.

School-based Apprentices

38. The Government supports the Commission's draft schedule for school-based apprentices and including it in each modern award.

Allowances

39. In its Statement of 23 January 2009, the Commission acknowledged the significant efforts parties on all sides have put into the task of rationalising allowances. The Government echoes this acknowledgement.

40. However the Government believes that in some industries it will not be possible or appropriate to rationalise all allowances. It is understandable for these industries that some allowances be separately specified.

41. In respect of industries where a number of relevant allowances remain in an award, such as the *Building, Metal and Civil Construction Group*, it may be of assistance to both employers (particularly small businesses) and employees if the Commission were to include an 'all-up' rate of pay as an alternative to separately specifying each allowance. This would further help to create simple, easy to understand and apply modern awards, as well as providing employers and employees with flexibility to suit their particular workplace needs.

Ordinary hours of work

Pastoral Industry Award 2010

42. The Government notes that the Minister's award modernisation request requires that the Commission include ordinary hours of work in

each modern award for the purpose of calculating entitlements in the National Employment Standards. The Government also notes the nature of work in the Pastoral Industry may require ordinary working hours suited to the specific characteristics of that industry.

43. For example, businesses in the dairy sector may require employees to commence ordinary work early in the morning for milking. Also, the nature of broadacre farming and fruit growing may require ordinary hours that take into account industry specific characteristics, such as harvesting requirements.
44. The Government encourages the Commission to pay careful attention to previous longstanding arrangements and to the requirement of the Award Modernisation request that the making of a modern award should not increase costs for employers when determining the final shape of ordinary hours for each sector in the *Pastoral Industry Award 2010*.

Redundancy Pay and Contract Change

Contract Cleaning Award

45. The Government notes paragraph 61 of the Commission's Statement of 23 January 2009:

“[61] The major parties proposed that the award make provision for an outgoing contractor to be exempt from making severance payments provided for by the NES under certain circumstances. We are of the view that such a provision would be contrary to the terms of the consolidated request, in particular cl.30, and we have therefore not included it in the exposure draft.”

46. The Government is giving consideration to the issues raised and will advise the Commission of the outcome of these considerations.

WAGE LEVEL A

Training Package	Certificate Level	Comments
Aviation		Certificate levels I, II and III are available
Beauty	III	
Business Services	I II III	
Chemical, Hydrocarbons and Refining	III	Certificate levels I and II are also available
Civil Construction	III	
Community Pharmacy	III	Now part of Retail Services
Community Services	II III	Certificate level I is also available
Correctional Services	III	Certificate level II is also available
Drilling		Certificate levels II and III are available
Electricity Supply Industry Generation Sector		Certificate levels II and III are available
Electricity Supply Industry Transmission distribution and Rail Sector		Certificate levels II and III are available
Electrotechnology		Certificate levels I, II and III are available
Financial Services	II III	Certificate level I is also available
Floristry	III	
Food Processing Industry	III	
Gas Industry (Utilities)	III	Correct title is Gas Industry.
General Construction		Certificate levels I, II and III are available. This package is being superseded by the Construction, Plumbing and Services Integrated Framework package which is already in effect. The General Construction package is subject to a one year teach-out period.
Hairdressing		Certificate levels II and III are available
Hospitality	III	Now part of Tourism, Hospitality and Events
Information Technology	II III	Correct title is Information and Communications. Certificate I is also available
Laboratory Operations	III	Certificate II is also available
Lift		Now part of Electrotechnology (see above). Certificate II is available
Local Government (Environment, Health and Regulation)	II III	This is a qualification which is available under the broader Local Government package
Local Government (General Construction)	III	This certificate level is no longer available
Local Government (Governance and Administration)	I II III	This is a qualification which is available under the broader Local Government package
Local Government (Government)	II III	This is a qualification which is available under the broader Local Government package
Manufacturing		Certificate levels I, II and III are available
Manufacturing Mineral Products	III	
Maritime		Certificate levels I, II and III are available
Metal and Engineering Industry Engineering Production Certificate	III	These two qualifications are part of the broader Metal and Engineering package. The Engineering Production certificate is also available at certificate level II.

WAGE LEVEL B

Training Package	Certificate Level	Comments
AeroSkills	II	
Animal Care and Management	I II III	
Asset Maintenance	II III	Certificate level I is also available. It is likely this package will become part of the Property Services package in early 2009.
Asset Security	I II III	Now part of Property Services
Australian Meat Industry	I II III	
Automotive Industry Manufacturing	II	Certificate level III is also available
Automotive Industry Retail, Service and Repair	II III	Certificate level I is also available
Beauty	II	
Caravan Industry	I II III	Certificate level I is no longer available
Civil Construction	I II	Certificate level II is no longer available
Community Pharmacy	II	Now part of Retail Services.
Community Recreation Industry	II III	Certificate level I is also available
Entertainment Industry	I II	Correct title is Entertainment. Certificate level III is also available
Extractive Industry	II III	Correct title is Extractive Industries
Film, TV, Radio and Multimedia	II III	Correct title is Screen and Media. Certificate level I is also available
Fitness Industry	II III	Certificate level II is not available. This package is expected to be subsumed into the Sport, Fitness and Recreation package by mid-2009.
Floristry	II	
Food Processing Industry	I II	
Forest & Forest Products Industry	I II III	
Furnishing		Certificate levels I, II and III are available
Gas Industry (Utilities)	II	Correct titles is Gas Industry. Certificate level I is also available
Health		Certificate levels II and III are available
Hospitality	I II	Now part of Tourism, Hospitality and Events

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Local Government (General Construction)	I II	This is a qualification which forms part of the broader Local Government package. The correct title of the qualification is Local Government (Operational Work)
Manufactured Mineral Products	I II	
Metal and Engineering Industry	I II	Certificate level III is also available
Off-site Construction		Certificate levels I, II and III are available.
Outdoor Recreation Industry	II III	Certificate level I is also available. This package is expected to be subsumed into the Sport, Fitness and Recreation package by mid-2009.
Plastics, Rubber and Cablemaking	I II	Certificate level I is no longer available
Printing and Graphic Arts	II	Certificate level III is also available
Property Development and Management		Correct title is Property Services. Certificate levels I, II and III are available
Public Safety	II	Certificate level I is also available
Pulp and Paper Manufacturing Industries	I II	
Retail	II	Correct title is Retail Services. Certificate level I is also available
Sport Industry	I II III	Certificate level I is no longer available. This package is expected to be subsumed into the Sport, Fitness and Recreation package by mid-2009.
Sugar Milling		Certificate levels I, II and III are available
Textiles, Clothing and Footwear	I II	
Transport and Distribution	I II	Correct title is Transport and Logistics.
Visual Arts, Craft and Design		Certificate levels I, II and III are available
Water Industry (Utilities)	II	Correct title is Water. Certificate level I is also available
Wholesale	II	Correct title is Retail Services