

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2010-2011**

Agency - Fair Work Ombudsman

DEEWR Question No.EW0555_11

Senator Abetz asked on 20/10/2010, Hansard page 23.

Question

FWO INTERNET AND PAYCHECK

Senator ABETZ—I have been told, for example, that if you use the pay calculator or PayCheck for the wine industry award, it does not show the transitional wage rate to be paid but the rate as it will be on 1 July 2014 at the end of the transitional period. Has that been drawn to your attention? Mr Wilson—I do not have direct knowledge of it and neither does Mr Bongi who is here this morning. It is possible. Senator ABETZ—In that case if you can take it on notice. I would invite you to not only check the wine industry award pay check but the others as well. I have not looked at this personally but the information I have received is that is what has occurred. Of course, this has led to considerable ill-feeling between workers and employers when an employer says, ‘No, I only have to pay you so much.’ Then the worker says, ‘No, have a look at this PayCheck on the Fair Work Ombudsman site,’ they go through it and a completely different figure comes up. Then the employer worked back and, I am told, realised that it was that final figure as of 1 July 2014 and was not going through the transitional steps. I cannot vouch for that fact, but that is as it has been explained to me. If you could please take that on notice and let us know first whether that is the case and, second, what you are going to do to rectify it—or, if somebody has misused the calculator, if you can let us know that as well. Mr Wilson—We will certainly take that on notice.

Answer

The Fair Work Ombudsman has provided the following response:

The Fair Work Ombudsman has completed an audit of the 118 possible translated classifications available through the online tools. As a result of this audit, The Fair Work Ombudsman believes that the wage information provided by the online tools with respect to the *Wine Industry Award 2010* is correct.

As a result of the audit some minor classification linkage issues (6 in total) were found and resolved. These issues do not relate to the scenario described.

In some instances the modern award rate does apply in full from 1 July 2010. This is a direct result of the application of the model transitional provisions contained in the *Wine Industry Award 2010*. For example:

Clause A.3.6 of the model transitional provisions contained within the Wine Industry Award 2010 provides that where the existing pre-modern award rate is higher than the modern award rate and the transitional amount is less than or equal to the increase resulting from the 2010 annual wage review, phasing does not occur and the modern award rate applies in full. The transitional amount is the difference between the pre-modern award rate immediately prior to 1 January 2010 and the modern award rate at 1 January 2010.