

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

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Outcome 5 - Workplace Relations

DEEWR Question No.EW1018_11

Senator Abetz provided in writing.

Question

TASMANIAN INDUSTRIAL COMMISSION - WHOLESALE TRADES AWARD

"1. Can the Department confirm that the Tasmanian Industrial Commission Wholesale Trades Award covered manufacturing agents and other wholesalers' complete workforce? 2. Which modern award now covers that one award? 3. Is it correct that there are now four documents, namely the National Employment Standards, the Clerk's Private Sector Award, the Storage and Service Wholesale Award and the Commercial Sales Award that cover the previous Tasmanian Industrial Commission Wholesale Trades Award? 4. Is it correct that the final version of the Commercial Sales Award was handed down on 25 June? Did it commence 1 July 2010?"

Answer

1. Part I, Clause 3 (Scope) of the Tasmanian Wholesale Trades Award (AN170114) states it was established in respect of:
 - (a) wholesale grocer and/or wholesale wine and spirit merchant;
 - (b) wholesale tobacconist;
 - (c) manufacturer of any one or more of the following articles:
condiments, coffee, baking powder, self-raising flour, soap powder, soap, washing soda, blacking, sand-soap, candles;
 - (d) manufacturers of grocers' sundries, millet brooms, and/or cereal breakfast foods;
 - (e) manufacturers of products containing dried fruits, pudding and cake mixes, icing sugar, and other sugar based products;
 - (f) wholesale seller of electrical goods; and
 - (g) wholesalers not specifically subject to the jurisdiction of any other award of the Tasmanian Industrial Commission.

The employee classification descriptors in the Tasmanian Wholesale Trades Award (Part III, Clause 2) cover warehouse and storeworker employees, manufacturing and packing employees, clerical and administrative employees, transport employees and commercial travellers, telephone salespersons and merchandisers.

It is not clear from the above to what extent the Tasmanian Wholesale Trades

Award comprehensively covered manufacturing agents beyond the categories specified in the Award's scope clause. For wholesalers covered by the Tasmanian Award, it would appear that the Award would cover most of their workforce with the possible exception of managers who are presumed to be award free.

2. Based on a draft awards audit available on the Fair Work Australia website, the Tasmanian Wholesale Trades Award articulated into four modern awards: Clerks—Private Sector Award 2010; Commercial Sales Award 2010; Food, Beverage and Tobacco Manufacturing Award 2010; and the Storage Services and Wholesale Award 2010.
3. The National Employment Standards (NES) apply to all employees covered by the national workplace relations system. The NES, together with applicable modern awards, form the safety net for employees.
4. The Commercial Sales Award 2010 (Sales Award) was handed down by the Australian Industrial Relations Commission on 4 September 2009. The Sales Award commenced operation on 1 January 2010 with pay rates and certain other pay related matters commencing a transition towards the modern award standard from 1 July 2010.