

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

**QUESTIONS ON NOTICE  
BUDGET ESTIMATES 2009-10**

**Outcome** 5

**DEEWR Question No.** EW0289\_10

Senator Collins asked on 2 June 2009, EEWHR Hansard page 88.

**Question**

*Award modernisation*

What problems have arisen in the award modernisation process and been resolved?

**Answer**

The consultative process required by the Minister for Employment and Workplace Relations' award modernisation request (the request) to the Australian Industrial Relations Commission (the Commission) allows interested parties to provide their views on the particular content of a modern award through the exposure draft process. The Commission considers the views of the parties, the requirements of the Minister's request and relevant provisions of the *Workplace Relations Act 1996* prior to making final modern awards.

The exposure draft process has provided a mechanism for interested parties to raise a range of issues. It is not possible to compile an exhaustive list of these issues.

However, the following are some examples where the Commission has accommodated the views of parties.

The Commission initially included small business redundancy pay in exposure drafts of modern awards for priority industries. Following the provision of submissions by interested parties, including the Australian Government, the Commission decided to maintain the small business exemption, except for those federal awards and industries in which there was no small business exemption prior to the *Redundancy Case 2004* (paragraph 60 of [2008] AIRCFB 1000 refers).

The Commission also decided in the light of submissions from interested parties through the exposure draft process not to include fast food, hair and beauty and community pharmacies in the general retail award (paragraph 284 of [2008] AIRCFB 1000 refers).

The Commission decided to make one national award for plumbing, mechanical servicing and fire sprinkler contracting businesses and employees. The Commission made a number of changes to the exposure draft of the *Plumbing and Fire Sprinklers Award 2010*, based on the views of the parties as part of the exposure draft process. These changes are outlined at paragraph 105 of [2009] AIRCFB 345.

When considering the Financial Services Group in Stage 2, the Commission noted that both employers and unions sought changes to the exposure draft and "We have acceded to many of these requests and made other changes." (paragraph 136 of [2009] AIRCFB 345).