

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

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2011-2012**

Agency - Fair Work Australia

DEEWR Question No. EW0720_12

Senator Abetz asked on 19 October 2011 , Hansard page 11

Question

Application of modern awards

Senator ABETZ: Has Fair Work Australia received any feedback as to some confusion in the application of modern awards? For example, I refer to the Housing Industry Association media release of 18 May where we are told: Businesses in the kitchen and bathroom industry could be covered by up to four different awards ... They go through them. The Housing Industry Association then considers that administrative aids could assist and: ... a proper review by FWA to clarify the coverage of Awards themselves is the only answer. Is Fair Work Australia aware of the Housing Industry Association's view in this matter? Ms O'Neill: Senator, I may have to take that question on notice. Nothing comes to mind.

Answer

Fair Work Australia has provided the following response:

The four awards referred to in the Housing Industry Association (HIA) press release of 18 May 2011 are:

- Building and Construction General On-Site Award 2010;
- Joinery and Building Trades Award 2010;
- Manufacturing and Associated Industries Award 2010; and
- Timber Industry Award 2010

Advice to employers and employees about award coverage provisions in awards is provided by the Fair Work Ombudsman (FWO), not Fair Work Australia. Fair Work Australia has participated in discussions with the FWO in relation to coverage issues in the above awards.

There have been several applications to Fair Work Australia by both employers and unions to vary the above modern awards in relation to award coverage. As a result of these applications the tribunal has issued decisions varying the coverage provisions for various occupations, for example, glass cutters, spray painters, roof slaters and art workers.

It is open to members of HIA who are covered by particular modern awards to apply to vary the awards if they believe that award coverage needs to be clarified.

Coverage terms may be varied under s.158 of the *Fair Work Act 2009* (the Act) or applications can be made to remove ambiguity or uncertainty under s.160 of the Act.

The review of modern awards required by the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* is another opportunity for members of HIA to raise award coverage issues. The review is due to commence early in 2012. Justice Giudice issued a [statement](#) on 17 November 2011 outlining the initial process for the review.