2007 GENERAL APPLICATION TO REVIEW AWARD WAGES
DECISION
(Application No.1722 of 2007)

FULL INDUSTRIAL RELATIONS COMMISSION
His Honour President Judge P D Hannon
His Honour Deputy President Judge J P McCusker
Deputy President K M Bartel
Commissioner M J Doyle
Commissioner D G Steel

ORDER

FURTHER to the decision of the Full Commission issued on 13 September 2007, [2007] SAIRComm 16, this Full Commission ORDERS:

1. THAT this Order shall apply to the Awards that are listed in Schedule A or any Award substituted for an Award in Schedule A. Liberty is given to apply to vary an Award not in Schedule A on the merits of the particular circumstances in each case.

2. THAT subject to paragraph 5 below, existing adult Award wages (excluding trainee wages) are to be increased by:

- $10.25 per week in relation to adult Award wages up to and including $700.00 per week;
- $5.30 per week in relation to adult Award wages above $700.00 per week

Provided that where any such rate, once increased, is less than the State Minimum Award Wage, as varied in accordance with paragraph 8 below, such rate will be varied to reflect this rate ($522.15 per week).

3. THAT proportionate adjustments are to apply to juniors and other employees as set out in the relevant Award, subject to the result being no less favourable than the relevant rates in the Declaration of the Minimum Standard for Remuneration [2007] SAIRComm 4.

4. THAT traineeships rates payable under training wage arrangements in the relevant Awards will include an additional weekly rate for a school leaver at Year 10 and Year 11 at Wage Levels A, B and C to reflect the rates contained in the National Training Wage (Transitional) Award 2000 (AT790899 CAN) of the Australian Industrial Relations Commission, as varied for the 2007 adjustment.
5. **THAT** the existing phasing-in of adult apprenticeship wage rates in the Awards listed in Schedule B be increased by an amount consistent with paragraph 2 to give effect to this decision but capped at a maximum of $484.40 per week. Provided further, that at the final phase-in date in each Award listed in Schedule B, an adult apprentice will be paid no less than the adult apprentice rate in the Minimum Standard for Remuneration applying at that time.

6. **THAT** in the case of rates of wages or salaries for adult employees expressed as a wage for a period other than a week, or in the case of piecework or session rates, the increase consequent upon this Order shall be calculated in accordance with the provisions of the relevant Award. Where the Award is silent on the method of adjustment, the method will be as undertaken in the Award to give effect to the General Application to Review Award Wages July 2006 [2006] SAIRComm 18.

7. **THAT** the following terms be included in each Award:

   The rates of pay in this Award include the safety net adjustment payable under the 2007 General Application to Review Award Wages Decision [2007] SAIRComm 16. This safety net adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such above Award payments include wages payable pursuant to enterprise agreements, certified agreements, currently operating enterprise flexibility agreements, workplace agreements, Award variations to give effect to enterprise agreements and over Award arrangements. Absorption which is contrary to the terms of an agreement is not required.

   Increases made under the existing or previous State Wage Case principles, under the General Application to Review Award Wages July 2007 – Interim Decision [2007] SAIRComm 12 or the 2007 General Application to Review Award Wages Decision [2007] SAIRComm 16, excepting those resulting from enterprise agreements, or Award variations to give effect to enterprise agreements, are not to be used to offset safety net adjustments.

8. **THAT** the State Minimum Award Wage be increased to $522.15 per week.
9. **THAT** the minimum amount payable under the supported wage provisions in those Awards that contain the supported wage provisions model clause be increased to $66.00 per week.

10. **THAT** work related allowances and service increments be adjusted as a result of the increases granted in the *General Application to Review Award Wages July 2007 – Interim Decision* [2007] SAIRComm 12 and the *2007 General Application to Review Award Wages Decision* [2007] SAIRComm 16, consistent with the approach in the *Furnishing and Glass Industries Allowances Decision* [Print M9675]. Such work related allowances and service increments should be increased by a percentage derived as follows: divide the total increases arising from the above decisions by the rate of pay for the key classification in the relevant Award immediately prior to the increase awarded by *General Application to Review Award Wages July 2007 – Interim Decision* [2007] SAIRComm 12, and multiply by 100.

11. **THAT** the following terms be included in each Award:-

   Any employer or group of employers bound by an Award may apply to, temporarily or otherwise, reduce, postpone and/or phase-in the application of any increase in labour costs flowing from the *2007 General Application to Review Award Wages Decision* [2007] SAIRComm 16 on the grounds of serious economic adversity. The merit of such application will be determined in the light of the particular circumstances of each case and the impact on employment at the enterprise level of the increase in labour costs is a significant factor to be taken into account in assessing the merit of any application. A party making such an application must seek that the matter be referred pursuant to s 212(1) of the Act. It will then be a matter for the President to decide whether it should be dealt with by a Full Commission.

   Any decision to temporarily postpone or reduce an increase will be subject to a further review, the date of which will be determined by the Commission at the time it decides any application under this provision.

   An individual employer making an application pursuant to this provision may make a request that the hearing of the matter be conducted in private as contemplated in s 150 and/or that some or all of the evidentiary material produced in the case not be available for inspection as contemplated in s 159 of the Act. Any such request will be determined by the Commission in the circumstances of each case.
12. **THAT** the Awards in Schedule A be varied from the first pay period commencing on or after the anniversary of the operative date given in each Award when varied in accordance with the *General Application to Review Award Wages July 2006* [2006] SAIRComm 18 or from the first pay period to commence on or after the 1 October 2007, whichever is the later. Liberty is granted to apply for a different operative date in an Award where phased-in increases apply, based upon its particular circumstances. Where only part of an Award was subject to variation in consequence of the General Application to Review Award Wages 2006 Decision or where different operative dates applied to different parts of the Award (such as training wage provisions) the variations will only apply to the relevant parts and from the relevant anniversary dates, or from the first pay period to commence on or after the 1 October 2007, whichever is the later.

13. **THAT** the Registrar settles the variations to each of the Awards in accordance with s 98 of the *Fair Work Act 1994*. Where there is a dispute as to the import of the variation order in a particular Award the Registrar may refer the Award(s) concerned to a Member of the Commission for determination.

**BY THE FULL COMMISSION**

[Signature]

**PRESIDENT**

25 September 2007
SCHEDULE A

Aboriginal Education Workers (DETE) Award
Actors Feature Film (South Australia) Award
Actors Theatrical (South Australia) Award
(Training Wage Arrangements only)
Adchem (Australia) Pty Ltd Award
Adelaide Casino Award
Adelaide City Corporation Award
Adelaide University Union Employees' Award
Aerated Waters Manufacturing Award
Animal Welfare League (Animal Attendants) Award
Construction and Maintenance (South Australia) Award
Baking Industry Carter's Award
Biscuit and Confectionery Award
Boarding Houses, Guest Houses, Etc., Award
Boot and Shoe Award 2006
Bread and Yeast Goods Award
Brushmaking Award
Building and Construction Industry (South Australia) Award
Building Trades and Labourers (Mixed Enterprise and Factories) Award
Bulk Handling of Grain Award
Cafes and Restaurants (South Australia) Award
Cake and Pastry Baking Trades Award
Caretakers and Cleaners Award
Cement Brick and Roofing Tile Award
Cemetery Employees Award
Central Linen Employees Award
Chauffeurs (Ministerial) Public Service Award
Chicken Meat Producers And Distributors Award
Child Care (South Australia) Award
Clay Brick and Roofing Tile Award
Clerks (Retail Industry) Award
Clerks Clubs, Hotels and Motels (SA) Award
Clerks Metal Industry (South Australia) Award
Clerks' (South Australia) Award
Clothing Trades Award
Commercial Travellers Award
Credit Union Employees (SA) Award
Delicatessens, Canteens, Unlicensed Cafes and Restaurants Etc. Award
Dental Technicians and Attendants Award
Disabilities Services Award
Draughtspeople Planners Technical Officers (Consolidated) Award
Dry Cleaners Award
Early Childhood Workers Award
Electrical Contracting Industry (SA) Award
Fibre and Cement Articles Manufacturing Award
Fibrous Plasterers (Factory) Award
Fish and Crustacea Processing Award
Forest And Building Products, Manufacturing And Merchandising (General) (SA) Award
Furnishing Trades Award
General Storeworkers Packers Wholesale Sellers and Distributors Award
Glassworkers and Glazing (South Australia) Award
Government Stores Employees Interim Award
Greenkeepers Award
Gypsum Industry Award
Hairdressers and Beauty Salons Award
Health Recreation and Fitness Award
Health Services Employees Award
Horticulture Industry (Nursery and Landscape) Award
Hotels, Clubs, Etc., Award
Intellectual Disability Services Award
Ketches and Schooners Award
Laundries (South Australia) Award
LeisureCo Employees Award (S.A.)
Local Government Employees Award
Mannequins and Models Award
Manufacturing Jewellers, Watchmakers, Badge Makers and Precious Metal Industry Award
Manufacturing Wholesale Chemists and Grocers Award
Meat Industry (South Australia) Award
Medical Scientists (Australian Red Cross Blood Service, South Australia) Award
Medical Scientists (South Australian Public Sector) Award
Messenger Newspaper State Award
Metal Industry (South Australia) Award
Milk Processing and Cheese Etc., Manufacturing Award
Minda Incorporated Award
Minda Incorporated Salaried Staff Award
Mining Miscellaneous Award
Motels (South Australia) Award
Musicians (South Australia) Award
Natural Resources Management Boards Award
Novita Children's Services Award
Nurses (Medical Practitioners' Rooms) Award
Nurses (South Australia) Award
Nurses (South Australian Public Sector) Award
Optical Employees Award
Paint Etc. Manufacturing Award
Part-Time Interpreters or Translators (Public Service) (SA) Award
Pastoral Industry (South Australia) Award
Personal Assistants to Members of the Parliament of South Australia 1989
Pest Control Award
Physiotherapists (South Australia) Award
Plumbers and Gasfitters (South Australia) Award
Pre-School (Kindergarten) Teaching Staff Award
Printing and Packaging (Country) Award
Printing Award
Private Contractors (Public Hospitals) Award
Professional Engineers (General Industries) Award
Professional Scientists (General Industries) South Australia Award
Public Service (Recreation Leave Loading) Award
Quarrying Industry Award
RAA Assistance Centre Award
RAA Automotive Engineering Technical Grades Award
Race-Course Groundspersons Award
Real Estate Award
Rehabilitation (Vocational) Award
Renmark Irrigation Trust Award
Retail Industry (South Australia) Award
Retail In-Store Bakehouse Award
Retail Pharmaceutical Chemists Award
Royal Society for the Prevention of Cruelty to Animals (S.A.) Incorporated Award
Saddlery, Leather, Canvas and Plastic Material Workers' Award
Salaried Lawyers Award
Salt Industry Award
School Assistants (Non-Government Schools) Award
School Services Officers (Government Schools) Award
Security Officers' Award
Social and Community Services Award
South Australian Ambulance Service Award
South Australian Government Building Trades Award
South Australian Government Civil Construction And Maintenance Award
South Australian Government Health Etc. Ancillary Employees Award
South Australian Government Printing Interim Award
South Australian Government Services Award
South Australian Government Transport Workers Award 1994
South Australian Medical Officers Award
South Australian Municipal Salaried Officers Award
South Australian Public Sector Salaried Employees Interim Award
South Australian Totalizator Agency Board Award
South Australian Water Corporation Terms and Conditions of Employment Award 1999
Stonemasons and Monumental Workers Award
Tafe (Educational Staff) Interim Award
Taxi Telephonists and Radio Operators Award
Teachers (DECS) Award
Teachers (Non-Government Schools) Award
The Smith's Snack Food Company Ltd (South Australia) Award
Theatrical, Entertainment Etc. South Australia Award
Thermal Ceramics Award
Transport Workers (Passenger Vehicles) Award
Transport Workers' (South Australia) Award
Unimin Australia Ltd Award
Vehicle Industry (South Australia) Repair Service and Retail Award
Wine and Spirit Industry (South Australia) Award
**SCHEDULE B**

**PHASING-IN OF ADULT APPRENTICESHIP RATES IN NOMINATED AWARDS**

<table>
<thead>
<tr>
<th>Award Title</th>
<th>Final Phase-in Date for Adult Apprenticeship Rate</th>
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<tbody>
<tr>
<td>Building and Construction Industry (SA) Award</td>
<td>1 November 2007</td>
</tr>
<tr>
<td>Building Trades and Labourers (Mixed Enterprise and Factory) Award</td>
<td>1 November 2007</td>
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<tr>
<td>Electrical Contracting Industry (SA) Award</td>
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<td>Fibrous Plasterers (Factory) Award</td>
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<td>Printing and Packaging (Country) Award</td>
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<td>10.</td>
<td>Stonemasons and Monumental Workers Award</td>
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<td>11.</td>
<td>Wine and Spirit Industry (South Australia) Award</td>
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<td>12.</td>
<td>Cafes and Restaurants (South Australia) Award</td>
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<td>13.</td>
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