



STATEMENT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards—National Training Wage

(AM2016/15, AM2016/17)

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT HATCHER
COMMISSIONER HUNT

MELBOURNE, 23 FEBRUARY 2017

4 yearly review of modern awards – National Training Wage schedule.

1. Introduction

[1] This Statement provides an update on the review of the National Training Wage schedule (NTW schedule) following the Statement issued on 6 July 2016 (the July Statement).¹ The NTW schedule has been re-drafted in plain language and will be published today. A consultation process is set out at the end of this Statement.

2. Background

[2] In the July Statement, we expressed the provisional view that NTW schedules should be removed from all modern awards except the *Miscellaneous Award 2010* (the Miscellaneous Award). The NTW schedule runs to eight pages and there are currently minor variations in the NTW schedule across awards. With the objective of reducing the length and complexity of modern awards, the following changes were proposed:

- (i) standardising the NTW schedule; and
- (ii) removing the NTW Schedule from all modern awards, save for the *Miscellaneous Award 2010*, and incorporating the NTW schedule by reference into the other modern awards that currently contain the schedule in full.

[3] Parties were invited to make submissions on the proposal, the following parties made submissions:

- Construction, Forestry, Mining and Energy Union – Construction and General Division (CFMEU)²
- Australian Industry Group (Ai Group)³
- Australian Manufacturing Workers Union (AMWU)⁴
- National Farmers' Federation (NFF)⁵

[4] The NFF and Ai Group did not oppose to the removal of the NTW schedules from modern awards and the retention of the NTW schedule by reference, in the *Miscellaneous Award*.

[5] The AMWU and CFMEU propose that the NTW schedule should be relevant and appropriate to the work covered by the particular modern award. The unions' view is that the schedules should reflect the coverage of the award, the other provisions of the award which are relevant (for example other wage rates for trainees) and age restrictions on the qualifications being undertaken.⁶ The following awards were identified by the AMWU⁷ and CFMEU⁸ as requiring a NTW schedule, albeit in a modified form:

- *Airline Operations—Ground Staff Award 2010* (AMWU);
- *Airport Employees Award 2010* (AMWU);
- *Building and Construction General On-site Award 2010* (AMWU & CFMEU);
- *Food, Beverage and Tobacco Manufacturing Award 2010* (AMWU);
- *Joinery and Building Trades Award 2010* (CFMEU);
- *Manufacturing and Associated Industries and Occupations Award 2010* (AMWU);
- *Mobile Crane Hiring Award 2010* (CFMEU);
- *Sugar Industry Award 2010* (AMWU); and
- *Surveying Award 2010* (AMWU).

[6] The NTW schedule to be inserted in the *Miscellaneous Award* has been re-drafted by the plain language expert and will be published today for comment.

[7] Parties have made submissions on how the NTW schedule could be updated to reflect current legislation, training bodies, authorities and packages. The proposed updates are marked up in the revised version of NTW schedule.

3. The provisional view regarding the NTW schedule

[8] The Commission is of the *provisional* view that where parties have requested that the NTW schedule be tailored to a particular modern award that this should occur. A tailored version of the NTW schedule will be inserted in the awards listed above adopting the proposed plain language provisions where appropriate. Parties with an interest in those awards should file submissions setting out how the draft schedules should be tailored.

[9] For all other modern awards, apart from the *Miscellaneous Award*, the Commission is of the *provisional* view that the NTW schedule will be removed once the revised NTW schedule to be inserted into the *Miscellaneous Award* has been finalised. For modern awards which currently have an NTW schedule, the training wage conditions will be incorporated through reference to the *Miscellaneous Award* as outlined in the July Statement as follows⁹:

‘X. National training wage

X.1 Schedule E to the *Miscellaneous Award 2010* sets out minimum wage rates and conditions for employees undertaking traineeships.

X.2 This award incorporates the terms of Schedule E to the *Miscellaneous Award 2010* as at 1 July 2017.’

[10] The date in the reference at clause X.2 would be updated each year following any adjustment to the rates of pay for trainees in the NTW Schedule to the *Miscellaneous Award*.

[11] No change will be made to modern awards which do not currently contain the NTW schedule.

4. Next steps

[12] Submissions in relation to the plain language draft and the tailored draft schedules should be filed in accordance with the following timetable:

1. Submissions on the plain language re-draft of the NTW schedule should be filed by no later than **4.00 pm Friday 17 March 2017**.
2. Submissions on the form of the NTW schedule to be inserted in the 9 awards listed in paragraph [5] of this statement (including which training packages should be included in each award) should be filed by no later than **4.00 pm Friday 17 March 2017**.
3. Submissions in reply should be filed by no later than **4.00 pm on Thursday 30 March 2017**.

[13] The tailored NTW schedules to be inserted into the awards listed in paragraph [5] will be the subject of further consultation with the relevant parties following the finalisation of the form of the NTW schedule in the *Miscellaneous Award*.

PRESIDENT

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¹ Statement, 6 July 2016 [[2016\] FWC 4495](#).

² CFMEU, [Submission](#), 28 July 2016.

³ Ai Group, [Submission](#), 29 July 2016.

⁴ AMWU, [Submission](#), 29 July 2016.

⁵ NFF, [Submission](#), 29 July 2016.

⁶ See CFMEU, [Submission](#), 28 July 2016 at [5].

⁷ AMWU, [Submission](#), 5 December 2016.

⁸ CFMEU, [Submission](#), 9 December 2016.

⁹ Statement, 6 July 2016 [[2016\] FWC 4495](#) at [17]–[19].