



STATEMENT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Plain language re-drafting – *Security Services Industry Award 2010* (AM2016/15, AM2014/89)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 29 JUNE 2018

4 yearly review of modern awards – plain language re-drafting – Security Services Industry Award 2010.

Background

[1] This Statement concerns the plain language redrafting of the *Security Services Industry Award 2010*.

[2] A revised summary of submissions¹ was published on the Commission's website on 25 January 2018, along with a revised plain language exposure draft² (the revised PLED) for the *Security Services Industry Award 2010* incorporating amendments arising from the November 2017 conference and parties' submissions.

[3] A Statement³ issued on 21 February 2018 (the February 2018 statement) set out the updated status of the items of the revised summary of submissions. An agenda for the next conference was attached to the February 2018 statement.

[4] A summary of agenda items was published on 28 February 2018. A revised agenda and summary of agenda items was published on the Commission's website on 19 June 2018.

[5] A conference was held on 22 June 2018 (the June 2018 conference) to address the outstanding issues. A transcript of the conference is available on the 4 yearly review of modern awards [webpage](#). The conference was attended by representatives of:

- Australian Business Industrial and New South Wales Business Chamber (ABI);
- Australian Security Industry Association Limited (ASIAL); and
- United Voice (UV).

¹ [Revised summary of submissions](#), 25 January 2018

² [Revised plain language exposure draft](#), 25 January 2018

³ [\[2018\] FWC 1118](#)

[6] This Statement sets out the outcome of the June 2018 conference and the next steps in finalising the plain language re-drafting of the *Security Services Industry Award 2010*.

Confirmation of provisionally resolved items

[7] During the June 2018 conference, the parties confirmed that the following matters were resolved:

- Clause 4 – coverage (items 5 and 6);
- Clause 10 – part-time employment (items 12, 13, 14, 15 and 16);
- Clause 11 – casual employment (item 17);
- Clause 12 – classifications (item 19); and
- Clause 19 – allowances (items 38, 40 and 42).

[8] The parties also agreed that clause 15—Minimum rates (item 33) is to be varied as follows:

‘15.1 An employer must pay an employee the rate applicable to the employee’s classification specified in column 1 of **Table 4—Minimum rates** for ordinary hours of work.

Table 4—Minimum rates

Column 1	Column 2	Column 3
Employee Classification	Minimum weekly rate	Minimum hourly rate
Security Officer Level 1	\$780.70	\$20.54
Security Officer Level 2	\$803.10	\$21.13
Security Officer Level 3	\$816.70	\$21.49
Security Officer Level 4	\$830.30	\$21.85
Security Officer Level 5	\$857.20	\$22.56

NOTE 1: Overtime rates are specified in clause 21—Overtime. Penalty rates are specified in clause 22—Penalty rates.

NOTE 2: Provisions for calculating rates for casual employees are at clause 11—Casual employment.

NOTE 3: Schedule B—Summary of Hourly Rates of Pay contains a summary of hourly rates of pay including casual, overtime and penalty rates.’

Proposed amendments at Attachment A

[9] The revised agenda also identified a number of provisionally resolved items at 1.b) that had not yet been incorporated into the revised PLED.

[10] The issue in respect of casuals and overtime at clause 21.3 will be determined by the Overtime for casuals Full Bench ([AM2017/51](#)).⁴

[11] The proposed amendment to clause 23.2 will be included in the next version of the PLED and parties will advise if there are any residual issues with the clause.

[12] The proposed amendment to clause 23.3 – Payment for Annual Leave will be included in the next version of the PLED, United Voice will then advise if it has any residual issues with the clause.

[13] There is a residual issue in respect of Item 55 and the proposed amendment to clause 23.4—Temporary close down. United Voice sought to have the proposed amendment varied to clarify that public holidays falling during a period of close down need to be paid (consistent with clause 24.9(c) of the current award). This issue will be referred to the expert drafter for comment.

[14] All other items set out at Attachment A were agreed.

Outstanding items

Item 3

[15] Item 3 relates to clause 2 (definitions). ASIAL submits that a definition of shiftworker should be included in the definitions clause and propose the definition at clause 24.2 of the current award.⁵ United Voice does not object, provided that the definition is in the same terms as the current award.⁶

[16] During the November 2017 conference, the Commission indicated that issue would be referred back to the expert and there would be an opportunity for the parties to respond to the expert's comments.⁷

[17] The matter was resolved on the basis of the expert's comments.

Item 18

[18] Item 18 relates to clause 12.1 (classifications). ASIAL submits that the wording in the clause should be amended as follows:

⁴ [\[2017\] FWCFB 6417](#)

⁵ [ASIAL submission, 6 October 2017](#), paragraph 4

⁶ [United Voice reply submission, 20 October 2017](#), paragraph 8

⁷ [Transcript 8 November 2017](#), paragraph 280

‘An employer must pay an employee the rate of pay applicable to the classification in which the employee works.’⁸

[19] At the November 2017 conference ASIAL indicated that security officers are often engaged at different levels and it would be highly restrictive to state that they would have to be paid for the classification in which they work, but not necessarily engaged in a particular classification in the first instance.

[20] The Commission indicated that issue would be referred back to the expert and there would be an opportunity for the parties to respond to the expert’s comments.⁹

[21] ASIAL withdrew its earlier objection.

Item 39

[22] Item 39 relates to clause 19.5 (supervision allowance). This item was withdrawn at the conference.

Item 41

[23] Item 41 relates to clause 19.6 (relieving officer allowance). The item was resolved at the conference.

Items 48 and 49

[24] Items 48 and 49 relate to clause 22.2 (penalty rates). These matters are being dealt with by the Part time and Casual employment Full Bench.

Item 56

[25] ASIAL is to make a separate application to vary the award in respect of this issue.¹⁰

Next steps

[26] The next steps in the plain language redrafting of the *Security Services Industry Award 2010* are as follows:

1. On 16 July 2018 the Commission will publish an updated PLED, reflecting the outcome of the June 2018 conference and a list of the outstanding issues. Parties are invited to review the amended PLED and the list of outstanding issues and to advise the Commission whether there are any *further* issues that require determination by **4pm Monday, 30 July 2018**.

⁸ [ASIAL submission, 6 October 2017](#), paragraph 11

⁹ [Transcript 8 November 2017](#), paragraph 311-315

¹⁰ [Application](#) received on 25 June 2018.

2. A further conference will take place on **Tuesday, 14 August 2018 at 4:30pm in Sydney**. A notice of listing will be issued in due course.

Note: any outstanding issues will be discussed at the conference.

PRESIDENT

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