



BACKGROUND PAPER

4 Yearly Review of modern awards—Transitional/sunsetting provisions relating to accident pay, redundancy and district allowances (AM2014/190)

MELBOURNE, 2 JUNE 2014

Note: This is a background document only. It has been prepared by the research area of the Commission for the assistance of the parties and does not represent the concluded views of the Commission on any issue.

Contents

Introduction.....	2
Accident pay	3
Award Modernisation Decision 2008	3
4 Yearly Review	4
Questions for parties	4
Redundancy.....	5
Termination, Change and Redundancy Decisions 1984	5
Redundancy Test Case 2004.....	5
Award Modernisation Decision 2008	6
Previous issues raised	7
Questions for parties	8
District allowances.....	8
Award Modernisation Decision 2008	8
1984 ACAC decision in relation to Northern Territory awards	10
Western Australian Awards	10
Questions for parties	10
National Training Wage.....	11
Attachment A—Provisions in modern awards	12

Introduction

[1] On 17 March 2014 the Commission released a [statement and directions](#) relating to the 4 yearly review of modern awards (the Review) and setting out the first tranche of common issues to be heard and determined.

[2] This paper deals with the transitional/sunset provisions relating to accident pay, redundancy and district allowances. There are other transitional or sunset provisions contained in modern awards, however, these are considered more award specific and will be dealt with during the [award phase](#) of the review, which commenced with Group 1 on 13 May 2014, with three further groups of awards to be dealt with throughout 2014 and 2015.

[3] The purpose of this paper is to facilitate discussion at a conference on 3 June 2014. The conference will provide the opportunity for interested parties to make submissions about the scope of the transitional provisions common issue.

[4] A number of modern awards contain transitional provisions which have the effect of preserving some entitlements contained in pre-reform awards, Notional agreement preserving state awards (NAPSAs) or state reference transitional awards for a period of five years. These entitlements are retained regardless of whether the instrument has been terminated as part of the award modernisation process.

[5] The Award Modernisation Full Bench made the following comments regarding the purpose of transitional provisions in modern awards:

It is apparent that s.576T requires that modern awards not include terms which apply by reference to State or Territory boundaries or which do not apply in all States and Territories. It provides, however, that such terms may be included in modern awards for a period of up to five years. In its decision of 3 April 2009 the Commission made the following observations about s.576T:

[19] In its 23 January 2009 statement the Commission sought proposals and submissions as to the manner in which transitional issues should be dealt with [\[\[2009\] AIRCFB 50\]](#). Most modern awards will contain terms which involve changes in minimum terms and conditions for many employees. That is because modern awards will replace a number, in some cases many, pre-reform awards and NAPSAs and establish a uniform safety net for employees and employers formerly covered by those pre-reform awards and NAPSAs. The effect of s.576T is that while modern awards must not include terms and conditions of employment that are determined by reference to State or Territory boundaries, a modern award may include such terms for an initial period of five years. It is no doubt the legislature's intention to permit the Commission to include transitional provisions in modern awards to cushion the impact of changes in wages and other conditions. In the case of employees such provisions might deal with any reductions in their terms and conditions. In the case of employers the focus might be on increases in costs."

We confirm those observations. It is also important that we indicate our view that the Commission's power to make transitional provisions is not limited to the removal of

differences in the conditions applying in the various States and Territories. If necessary, the Commission can make transitional provisions relating to other conditions which are not appropriate for a modern award.¹

[6] Some submissions have already been received that relate to transitional provisions generally. The Australian Industry Group (Ai Group) have foreshadowed an intention to pursue the removal of the transitional provisions in modern awards after the relevant sunset date has been reached.² The ACTU have proposed to remove the sunset provisions contained in modern awards so the provisions relating to accident pay continue to operate.³

[7] [Attachment A](#) to this paper provides a summary of current transitional provisions in modern awards prepared by Commission staff.

Accident pay

[8] Accident pay was a feature of many Federal awards for more than 25 years prior to the enactment of the *Workplace Relations Amendment (Work Choices) Act 2005* (the Work Choices Act) on 27 March 2006. The Work Choices Act invalidated accident pay provisions in pre-reform awards, but did not invalidate the provisions in NAPSAs.

Award Modernisation Decision 2008

[9] The Award Modernisation Full Bench Decision in 2008 confirmed that accident pay may be properly characterised as an allowance⁴.

[10] The Full Bench further stated:

[87] In light of these considerations we have decided to deal with accident pay on a transitional basis. Our intention is to preserve accident pay arrangements until 31 December 2014. We anticipate that in the period prior to that date an opportunity will arise to consider the formulation of a national standard to apply to all award covered employees. This task will be made considerably easier if uniformity is developed in relation to workers compensation schemes.⁵

[11] The Award Modernisation Full Bench held that where the accident pay scheme applying in a particular industry was clear, that scheme would be included in the relevant modern award.⁶ Where a number of different schemes were operating the following clause was inserted in modern awards:

1.1 Subject to clause 1.2, an employee is entitled to accident pay in accordance with the terms of:

¹ [\[2009\] AIRCFB 800](#), 2 September 2009, at [6].

² [Submission](#), 3 February 2014 at [3.2].

³ [Submission](#), 3 February 2014 at Appendix 1.

⁴ [\[2008\] AIRCFB 1000](#), 19 December 2008, at [83].

⁵ *Ibid* at [87].

⁶ *Ibid* at [88].

(a) a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the *Workplace Relations Act 1996* (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the *Workplace Relations Act 1996* (Cth) had applied to the employee; and

(b) that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.

1.2 The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.

1.3 This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument.

1.4 This clause ceases to operate on 31 December 2014.⁷

4 Yearly Review

[12] In making the modern awards the Full Bench of the AIRC contemplated that the Commission would give subsequent consideration to the formulation of a national standard in respect of accident pay, to apply to all modern awards, however this issue has not been considered since the 2008 decision.

[13] The CFMEU⁸ and the Coal Mining Industry Employer Group⁹ proposed that the Commission should deal with the issue of the appropriate accident pay provisions to replace the present transitional provisions as a 'common issue' in the review. The CFMEU had previously made a separate application to vary the *Black Coal Mining Industry Award 2010* outside the Review on 27 September 2013.¹⁰

Questions for parties

[14] The Commission requests that the parties consider the following in relation to accident pay provisions:

- (i) What is proposed by the parties in relation to the accident pay provisions in modern awards?
- (ii) How many awards do the proposals relate to?
- (iii) How would the parties like to proceed?

⁷ Ibid.

⁸ [Submission](#), 31 January 2014.

⁹ [Submission](#), 30 January 2014.

¹⁰ CFMEU, Application to vary a modern award, [AM2013/20](#).

Redundancy

Termination, Change and Redundancy Decisions 1984

[15] The general standard for redundancy pay was developed in the 1984 Termination, change and redundancy decisions¹¹ by the Australian Conciliation and Arbitration Commission (ACAC). These cases established a national standard for redundancy pay as follows:

In the circumstances, we are prepared to decide that an employee whose employment is terminated due to redundancy shall be entitled to the following severance payments in addition to the extended period of notice of termination prescribed for ordinary termination;

<i>Service</i>	<i>Severance pay</i>
Less than one year	nil
More than one but less than two years	4 weeks' pay
More than two but less than three years	6 weeks' pay
More than three but less than four years	7 weeks' pay
More than four years	8 weeks' pay

“week’s pay” means the ordinary time rate of pay for the employee concerned¹²

[16] The general standard also included an obligation for employers to consult about redundancy with the exception of employers who employ less than 15 people (the ‘small business exemption’). A number of other claims were advanced including an increased notice period, criteria for selecting employees for redundancy, however the Full Bench concluded that these issues were best considered on a case by case basis.

[17] The standards were amended in a supplementary decision to exclude small business from the redundancy provisions and to clarify provisions in relation to consultation, transfer to lower paid duties and time off work during the notice period.¹³

Redundancy Test Case 2004

[18] The Redundancy Test Case in 2004 considered evidence and submissions from the ACTU, ACCI, the Commonwealth and various other parties.¹⁴ The Full Bench was not persuaded that the rationale of the 1984 decision was incorrect or that the level or severance pay was manifestly inadequate.¹⁵ The Full Bench noted that because severance pay had been expressed in terms of weekly pay it had maintained its value since 1984.¹⁶ However, the Bench concluded that because the maximum amount of severance pay was reached at 4 years

¹¹ Print [F6230](#); (1984) 8 IR 34, 2 August 1984. and Print [F7262](#); (1984) 9 IR 115, 1, 14 December 1984.

¹² Print [F6230](#); (1984) 8 IR 34, 2 August 1984.

¹³ [PR0602004](#), 8 June 2004.

¹⁴ (2004) 129 IR 155, 26 March 2004.

¹⁵ Ibid at [152].

¹⁶ Ibid.

the scale did not properly take into account the effect and various hardships faced by employees who had served more than 4 years upon being made redundant.¹⁷ The severance pay scale was accordingly increased to include service up to 10 years.¹⁸

[19] The Full Bench also considered submissions in relation to the small business exemption and concluded that as a general proposition, employees working in small business should be entitled to some form of severance pay as they face the same hardships as those working in larger organisations.¹⁹ The Full Bench concluded that the small business exemption should be partially removed so that small business employees would be entitled to a severance payment of 8 weeks' pay after 4 years of service.²⁰

Award Modernisation Decision 2008

[20] The Award Modernisation Decision considered the issue of redundancy payments.²¹ Ai Group opposed the inclusion of small business redundancy pay in modern awards as they contended it breached the NES.²² ACTU sought to have small business redundancy pay included within all modern awards²³ but the Full Bench concluded that such provisions would exclude a term of the NES and that they were bound to observe the small business exemption.²⁴

‘...Most awards will contain a transitional provision as follows:

“1.1 Subject to clause 1.2, an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a NAPSA:

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement made under the *workplace Relations Act 1996* (Cth) had applied to the employee; and
- (b) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.

1.2 The employee's entitlement to redundancy pay under the NAPSA is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.

1.3 This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.

1.4 This clause ceases to operate on 31 December 2014.”

¹⁷ Ibid.

¹⁸ Ibid at [153].

¹⁹ Ibid at [272].

²⁰ Ibid at [276].

²¹ [2008] AIRCFB 1000, 19 December 2008.

²² [Submission](#), 10 October 2008, at [125].

²³ [Submission](#), 10 October 2008, at [59].

²⁴ [2008] AIRCFB 1000, 19 December 2008, at [62].

The NES excludes employees from redundancy entitlements where the award covering them contains an industry specific redundancy scheme. Where a modern award specifies an industry specific redundancy scheme that scheme operates in place of the NES. For example, we have decided that the higher education redundancy scheme should be an industry specific redundancy scheme and the *Higher Education—Academic Staff—Award 2010* will provide accordingly.²⁵

[21] The Award Modernisation decision also considered redundancy pay schemes in State awards and legislation, which were reflected in NAPSAs.²⁶ A number of those schemes contained entitlements that were more beneficial than those in the NES including more generous severance pay, different calculations and severance pay for small business employees.²⁷ The Full Bench concluded that it would be appropriate to take into account the State award and legislative differentials.²⁸

Previous issues raised

[22] The impact of loss of non-transferrable credits (untaken accrued personal leave, contingent long service leave credits, untaken parental leave, loss of seniority) was a consideration in the determination of the amended severance pay scale in the 2004 decision.

[23] The small business exemption has been an issue in all of the redundancy cases set out above. The exemption was partially removed by the 2004 redundancy test case decision but this was overturned with the enactment of the *Workplace Relations Amendment (Work Choices) Act 2005*.

[24] In 2004 the ACTU submitted that casual employees with more than 12 months continuous service should be entitled to the same notice and severance payments as full-time and part-time employees. This argument was rejected by the Full Bench, who referred to the decision in the *Metals Casuals Case*, which had increased the casual loading from 20 per cent to 25 per cent based on, among other things, estimation of losses associated with redundancy and the Full Bench concluded:

...it would be inappropriate to award severance pay for casuals. Such an approach would, in the case of the metal industry at least, be “double dipping” and likely to be so in other industries. Although there are other cogent arguments for and against this part of the ACTU application, this issue is decisive. It follows that we reject this aspect of the application. The ACTU also sought the payment of a ‘job search allowance’ to each redundant employee and a 25% loading for redundant employees over 45 years of age, both of these arguments were rejected.²⁹

²⁵ Ibid at [62]-[63].

²⁶ Ibid at [61].

²⁷ Ibid.

²⁸ Ibid.

²⁹ (2004) 129 IR 155, 26 March 2004 at [316].

Questions for parties

[25] The Commission requests that the parties consider the following in relation to redundancy pay provisions:

- (i) What is proposed by the parties in relation to the redundancy pay provisions in modern awards?
- (ii) How many awards do the proposals relate to?
- (iii) How would the parties like to proceed?

District allowances

[26] Section 154 of the Act deals with State-based differences in modern awards:

154 Terms that contain State-based differences

General rule—State-based difference terms must not be included

(1) A modern award must not include terms and conditions of employment (*State-based difference terms*) that:

- (a) are determined by reference to State or Territory boundaries; or
- (b) are expressed to operate in one or more, but not every, State and Territory.

When State-based difference terms may be included

(2) However, a modern award may include State-based difference terms if the terms were included in the award:

- (a) in the award modernisation process; or
- (b) in accordance with subsection (3);

but only for up to 5 years starting on the day on which the first modern award that included those terms came into operation.

(3) If:

- (a) a modern award includes State-based difference terms as permitted under subsection (2); and
- (b) the FWC is making or varying another modern award so that it (rather than the modern award referred to in paragraph (a)) will cover some or all of the classes of employees who are covered by those terms;

the FWC may include those terms in that other modern award. However, the FWC must not extend the coverage of those terms to classes of employees that they did not previously cover.

Award Modernisation Decision 2008

[27] In the statement on 12 September 2008 the Award Modernisation Full Bench made the following observation about district allowances:

There is an unresolved issue concerning allowances variously described as district, locality or remote area. A number of pre-reform awards and NAPSAs contain such allowances. Questions arise about such allowances. They are by nature confined to particular locations. In that connection it is relevant that modern awards will apply throughout Australia. If it is appropriate that these allowances be included in modern

awards, which is a matter for discussion, there must be a consistent and fair national basis for their fixation and adjustment. Without a rational system the inclusion of these allowances in modern awards could lead to inconsistency and consequent unfairness.³⁰

[28] The Award Modernisation decision on 19 December 2008 considered district allowances for Western Australia and the Northern Territory.³¹ At the time of the decision the allowances in Western Australia were contained in NAPSAs and had not been adjusted from the relevant levels as at 27 March 2006.³² The allowances in the Northern Territory had been frozen in 1984 as the result of an Australian Conciliation and Arbitration Commission (ACAC) decision.³³

[29] The Full Bench held that the Western Australian district allowances should be maintained until there was a proper opportunity to consider whether they should become a permanent part of the modern awards and, if so, their fixation and adjustment.³⁴ In relation to the Northern Territory allowance, the Full Bench found that it could not be maintained for more than 5 years and, due to the 1984 ACAC decision referred to below, should not be adjusted during that period.

[30] The Full Bench concluded that there could be a full examination of the matters relevant to the allowances sometime after 1 January 2010 either on application or as part of the review contemplated by the Fair Work Bill. The review referred to by the Bench is the current 4 Yearly Review being undertaken by the Commission. The following provision was inserted into modern awards:

1.1 Northern Territory

An employee in the Northern Territory is entitled to payment of a district allowance in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement made under that Act had applied to the employee; and
- (b) that would have entitled the employee to payment of a district allowance.

1.2 Western Australia

An employee in Western Australia is entitled to payment of a district allowance in accordance with the terms of a NAPSA or an award made under the *Workplace Relations Act 1996* (Cth):

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement made under that Act had applied to the employee; and

³⁰ [2008] AIRCFB 717, 12 September 2008, at [28].

³¹ [2008] AIRCFB 1000, 19 December 2008, at [79].

³² Ibid at [80].

³³ Print F4832, 10 April 1984; [2008] AIRCFB 1000, 19 December 2008, at [80].

³⁴ [2008] AIRCFB 1000, 19 December 2008, at [81].

(b) that would have entitled the employee to payment of a district allowance.

1.3 This clause ceases to operate on 31 December 2014.

1984 ACAC decision in relation to Northern Territory awards

[31] This case arose out of applications by the Northern Territory Confederation of Industry and Commerce to delete the district allowance provisions in 14 awards. Cross-applications to increase the district allowances were then made by unions. The range of options considered by ACAC were as follows:

- Abolishing all district allowances;
- Increasing all district allowances;
- Establishing a uniform district allowance at a rate above or below the current level;
- Making or determining not to make provisions for regular adjustment.

[32] District allowances have been part of the wage fixing procedure in the Northern Territory since a 1915 award made by Powers J in the Commonwealth Court of Conciliation and Arbitration. The basis for the allowance was:

Climactic conditions and excessive heat causing great discomfort, loss of energy and inconvenience may be considered in awarding wages.

And

Darwin residents are cut off from the rest of the world except for the occasional call of steamers.³⁵

[33] ACAC considered that endorsement of a cost of living differential for the Northern Territory would be a retrograde step and would encourage claims based on inter-capital city and country differentials. Considering all the evidence relating to cost of living, climate and isolation factors ACAC held that district allowances should be retained at the existing levels without further adjustment by indexation or otherwise.

Western Australian Awards

[34] The district allowances applying in Western Australia have appeared in a number of Federal awards (see AP834748 *Industrial Catering, Cleaning and Incidental Services (AWU and LHMU) Award 2000*). These allowances were adjusted each year in accordance with the annual wage cases conducted by the Australian Industrial Relations Commission.

Questions for parties

[35] The Commission requests that the parties consider the following in relation to district allowance provisions:

³⁵ (1915) 9 CLR 1 at 23.

- (i) What is proposed by the parties in relation to the district allowance provisions in modern awards?
- (ii) How many awards do the proposals relate to?
- (iii) How would the parties like to proceed?

National Training Wage

[36] During the Award Modernisation process the Full Bench declined to extend the national training wage schedule to cover state developed qualifications that had not been endorsed at the national level.³⁶ The appendix to the schedule, which allocated traineeships to wage levels, did include two traineeships that are only relevant to Western Australia. The Full Bench noted that these State based provisions would only apply until 31 December 2014.³⁷

³⁶ [\[2009\] AIRC FB 865](#), 25 September 2009, at [272].

³⁷ [\[2009\] AIRCFB 945](#), 4 December 2009, at [210].

Attachment A—Provisions in modern awards

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000001	MA000001	Black Coal Mining Industry Award 2010	cl.18 *not standard	cll C.5 & C.6	NT & WA cl.C.3 & C.4	Transitional Provisions in Sched C - C.1, C.2 - Preserved allowances for Qld and NSW - ceases 31 December 2014.	-
MA000002	MA000002	Clerks—Private Sector Award 2010	cl.20	cll.14.5 & 14.6	NT & WA cl.19.8	Sched A.8 (inserted)- Exemption clause re no entitlement to some provisions if paid above a certain rate - until 30 June 2014.	-
MA000003	MA000003	Fast Food Industry Award 2010	cl.20	cll.15.5 & 15.6	NT, WA & Broken Hill cl.19.9	✓	-
MA000004	MA000004	General Retail Industry Award 2010	cl 21	cl 15.5 & 15.6	NT, WA & Broken Hill cl 20.13	✓	-
MA000005	MA000005	Hair and Beauty Industry Award 2010	cl 23	cl 15.5 & 15.6	NT, WA & Broken Hill cl 22	✓	-
MA000006	MA000006	Higher Education Industry— Academic Staff—Award 2010	-	-	-	Clause 2 only; no Schedule A.	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000007	MA000007	Higher Education Industry—General Staff—Award 2010	cl 18.3	-	-	Sched A.2.1, A.3.1 - applies specifically to university union and student union employers.	
MA000008	MA000008	Horse and Greyhound Training Award 2010	cl 16	cl 12	cl 15	✓	-
MA000009	MA000009	Hospitality Industry (General) Award 2010	cl 21.5	cl 17	NT & WA cl 21.4	Model clause + special provision for SA & WA (Scheds B & C).	-
MA000010	MA000010	Manufacturing and Associated Industries and Occupations Award 2010	cl 32.7	cl 23 *Not standard	NT & WA cl 32.6	✓	-
MA000011	MA000011	Mining Industry Award 2010	cl 14.6	cl 12	NT & WA cl 14.3 (b)	✓	-
MA000012	MA000012	Pharmacy Industry Award 2010	cl 20.12 *Also Accident make-up pay clause	cl 15	NT, WA & Broken Hill cl 19.7	Model clause + special provision casuals and students.	Accident Make-Up pay (cl 20) only applies in Victoria and ceases 31 dec 2014.
MA000013	MA000013	Racing Clubs Events Award 2010	cl 22	cl 16	NT & WA cl 21	✓	-
MA000014	MA000014	Racing Industry Ground Maintenance Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000015	MA000015	Rail Industry Award 2010	cl 17	cl 13	NT & WA cl 16	Clause 2 only; no Schedule A.	-
MA000016	MA000016	Security Services Industry Award 2010	cl 17	cl 12 *Not standard	NT & WA cl 16	✓	Schedule B contains industry specific district allowances.

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000017	MA000017	Textile, Clothing, Footwear and Associated Industries Award 2010	cl 24.2	cl 19 *Not standard	NT & WA cl 24.3	✓	-
MA000018	MA000018	Aged Care Award 2010	cl 18	cl 12	NT, WA & QLD (Div 2B) cl 16	✓	cl 28.2(c) - WA employees entitled to 1 week's addit. Annual leave until 31 December 2014 & cl 15.5(b) operated until 1 Jan 2011.
MA000019	MA000019	Banking, Finance and Insurance Award 2010	cl 19	cl 12	NT & WA cl 18.3	Model clause + exemption clauses - A.8.2 until 30 June 2010.	-
MA000020	MA000020	Building and Construction General On-site Award 2010	cl 27	-	NT, WA & Christmas island cl 26	✓	cl 19.7(c), 19.7(d) (apprentice provisions), cl 24.8 (airfares to christmas island) ceases 31 December 2014.
MA000021	MA000021	Business Equipment Award 2010	cl 24	cl 19	NT & WA cl 23	✓	cl 22.1(g)(iii) - NT area allowance ceases 31 Dec 2014
MA000022	MA000022	Cleaning Services Award 2010	cl 18	cl 14 *Not standard	NT & WA cl 17.3	Not model Clause State based wages in Schedule A.8 cease 31 December 2014.	Special transitional rates schedules (Sched B & C) & cl 24.2 (g),(h)- part time & casuals - until 31 Dec 2015
MA000023	MA000023	Contract Call Centre Award 2010	cl 21	cl 17	NT & WA cl 20.7	✓	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000024	MA000024	Cotton Ginning Award 2010	-	cl 12	NT & WA cl 17.7	✓	-
MA000025	MA000025	Electrical, Electronic and Communications Contracting Award 2010	cl 18	cl 15 *Not standard	Christmas Island cl 17.8	✓	cl 13 (Adult apprentices) ceases 31 Dec 2014 & cl 16.4(c) , (d) (Apprentices) ceases 31 Dec 2014 & cl 17.6(c) (airfares to christmas island) ceases 31 Dec 2014
MA000026	MA000026	Graphic Arts, Printing and Publishing Award 2010	cl 26	cl 16	NT & WA cl 25.5	✓	-
MA000027	MA000027	Health Professionals and Support Services Award 2010	cl 21	cl 12	NT & WA cl 19	✓	cl 31.5 (Annual leave in WA) ceases 31 Dec 2014
MA000028	MA000028	Horticulture Award 2010	cl 20	cl 12	NT & WA cl 17.2	✓	-
MA000029	MA000029	Joinery and Building Trades Award 2010	cl 24.7	cl 17 *Not standard	NT & WA cl 24.6	✓	cl 17.4(c) - redundancy provisions for small employers ceases 31 Dec 2014.
MA000030	MA000030	Market and Social Research Award 2010	cl 18	cl 13	NT & WA cl 17.1	✓	-
MA000031	MA000031	Medical Practitioners Award 2010	cl 18	cl 12	NT & WA cl 17	Clause 2 only; no Schedule A	-
MA000032	MA000032	Mobile Crane Hiring Award 2010	cl 14.5	-	NT, WA & Christmas Island cl 14.4	✓	cl 14.3(c)(ii) - NSW allowance - ceases 31 Dec 2014 & cl 14.6 - airfares to christmas island - ceases 31 Dec 2014.

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000033	MA000033	Nursery Award 2010	-	cl 13	NT & WA cl 21	✓	cl 16.2 - trainee apprentice in NSW min wage - ceases 31 December 2014
MA000034	MA000034	Nurses Award 2010	cl 19	cl 12	NT & WA cl 17	✓	-
MA000035	MA000035	Pastoral Award 2010	cl 21	cl 13	NT & WA cl 18	Model clause (+ A.2.8) + special provision for WA shearing contractors and wages cl A.9 ceased 1 July 2012 & A.10 (Non-constitutional corp. Employers in dairy or broadacre field crop enterprise QLD) ceases 1 July 2014	-
MA000036	MA000036	Plumbing and Fire Sprinklers Award 2010	cl 23	-	NT, WA & Christmas Island cl 22	Model clause	cl 21(l)(iii) - registration allowance for NSW & ACT ceases 31 Dec 2014- cl 21.1(k)(iii) Tas nominee allowance ceases 31 Dec 2014 - cl 21.9(f) - airfares to christmas island - ceases 31 Dec 2014 - cl 32.1(a)(i), 33.1(a)(ii) & cl 33.2(a)(i) - provide for specific penalties in Victoria until 31 December 2014.

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000037	MA000037	Quarrying Award 2010	cl 19	cl 15	NT, QLD, WA cl 18.13	Schedule A - not model clause - specifies transitional provisions for Hours, Shift allowances & overtime for WA, NSW, Vic & QLD.	-
MA000038	MA000038	Road Transport and Distribution Award 2010	cl 18	cl 14	NT & WA cl 17	✓	-
MA000039	MA000039	Road Transport (Long Distance Operations) Award 2010	cl 16	cl 12	NT & WA cl 15	Clause 2 only; no schedule A.	-
MA000040	MA000040	Silviculture Award 2010	cl 22	cl 12	-	✓	-
MA000041	MA000041	Telecommunications Services Award 2010	-	cl 13	NT & WA cl 17.1 (f)	✓	cl 18.4 - permits any existing wage paying practices, notwithstanding the clause, if they were in place as at 31 December 2009.
MA000042	MA000042	Transport (Cash in Transit) Award 2010	cl 18	cl 13	NT & WA cl 17	Clause 2 only; no Schedule A.	-
MA000043	MA000043	Waste Management Award 2010	cl 22	cl 17	NT & WA cl 21	✓	-
MA000044	MA000044	Wool Storage, Sampling and Testing Award 2010	cl 18	cl 12	-		
MA000045	MA000045	Coal Export Terminals Award 2010	-	cl 12 *Not standard	-	✓	-
MA000046	MA000046	Air Pilots Award 2010	cl 22 *Not standard	cl 13 *Not standard	NT & WA cl 21	✓	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000047	MA000047	Aircraft Cabin Crew Award 2010	cl 21	cl 16 *Not standard	NT & WA cl 20	✓	-
MA000048	MA000048	Airline Operations—Ground Staff Award 2010	cl 23	cl 13	NT & WA cl 22	✓	Schedule G - transitional provisions for maintenance and engineering stream - ceases 1 July 2014.
MA000049	MA000049	Airport Employees Award 2010	cl 23	cl 14	NT & WA cl 22	✓	-
MA000050	MA000050	Marine Towing Award 2010	cl 17	-	NT & WA cl 15	✓	cl 14.1(d) , 14.2(h)(i) - Allowances - ceases 31 Dec 2015
MA000051	MA000051	Port Authorities Award 2010	cl 16	cl 12	NT & WA cl 15	✓	-
MA000052	MA000052	Ports, Harbours and Enclosed Water Vessels Award 2010	cl 15	cl 12	-	✓	-
MA000053	MA000053	Stevedoring Industry Award 2010	cl 15	cl 12	NT & WA cl 14.19	✓	-
MA000054	MA000054	Asphalt Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000055	MA000055	Cement and Lime Award 2010	cl 16	cl 12	-	✓	-
MA000056	MA000056	Concrete Products Award 2010	cl 18	cl 13	WA cl 17	✓	-
MA000057	MA000057	Premixed Concrete Award 2010	cl 16	cl 12	-	✓	-
MA000058	MA000058	Registered and Licensed Clubs Award 2010	cl 20	cl 14	NT & WA cl 19	✓	Sched B - special provision for SA - ceases 31 Dec 2014; cl 26.8(l) transitional provision for NSW and ACT from 1 Jan 2013.
MA000059	MA000059	Meat Industry Award 2010	cl 27	cl 17	NT & WA cl 26.8	✓	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000060	MA000060	Aluminium Industry Award 2010	cl 16	cl 12	-	✓	-
MA000061	MA000061	Gas Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000062	MA000062	Hydrocarbons Industry (Upstream) Award 2010	cl 15.6 (includes journey insurance)	cl 12	NT & WA cl 16	✓	-
MA000063	MA000063	Passenger Vehicle Transportation Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000064	MA000064	Hydrocarbons Field Geologists Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000065	MA000065	Professional Employees Award 2010	-	cl 13	-	✓	-
MA000066	MA000066	Surveying Award 2010	cl 19	cl 13	NT & WA cl 17	✓	-
MA000067	MA000067	Journalists Published Media Award 2010	-	cl 12	-	✓	-
MA000068	MA000068	Seafood Processing Award 2010	cl 19.4	cl 14	NT & WA cl 19.3	✓	-
MA000069	MA000069	Pharmaceutical Industry Award 2010	cl 19.10	cl 14	NT & WA cl 19.9	✓	-
MA000070	MA000070	Cemetery Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000071	MA000071	Timber Industry Award 2010	cl 23	cl 15 *non standard	NT & WA cl 22	✓	cl 15.7 (c) - special clause on redundancy - ceases 31 Dec 2014
MA000072	MA000072	Oil Refining and Manufacturing Award 2010	cl 17	-	NT & WA cl 16	✓	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000073	MA000073	Food, Beverage and Tobacco Manufacturing Award 2010	cl 26.7	cl 19	NT & WA cl 26.6	✓	cl 26.8 - annual bonus - ceases 31 Dec 2014; cl 34.5(c) annual leave loading - ceases 31 Dec 2014; cl 34.6 - annual leave bonus - ceases 31 Dec 2014.
MA000074	MA000074	Poultry Processing Award 2010	-	cl 15	NT & WA cl 20.3	✓	-
MA000075	MA000075	Educational Services (Post-Secondary Education) Award 2010	cl 16	cl 12	NT & WA cl 15.2	✓	-
MA000076	MA000076	Educational Services (Schools) General Staff Award 2010	cl 17	cl 13	NT & WA cl 16.2	✓	-
MA000077	MA000077	Educational Services (Teachers) Award 2010	cl 16	cl 12	NT & WA cl 15.2	✓	-
MA000078	MA000078	Book Industry Award 2010	cl 15	cl 12	-	✓	-
MA000079	MA000079	Architects Award 2010	cl 17	cl 13	-	✓	-
MA000080	MA000080	Amusement, Events and Recreation Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000081	MA000081	Live Performance Award 2010	cl 15	cl 12	-	✓	-
MA000082	MA000082	Sporting Organisations Award 2010	-	cl 15	NT & WA cl 19	✓	-
MA000083	MA000083	Commercial Sales Award 2010	cl 18	cl 12	NT & WA cl 17	✓	-
MA000084	MA000084	Storage Services and Wholesale Award 2010	cl 18	cl 13	NT & WA cl 17	✓	-
MA000085	MA000085	Dredging Industry Award 2010	-	-	-	Clause 2 only; no Schedule A.	-

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MA000086	MA000086	Maritime Offshore Oil and Gas Award 2010	-	-	-	✓	-
MA000087	MA000087	Sugar Industry Award 2010	cl 25	cl 16 *Not standard	-	✓	-
MA000088	MA000088	Electrical Power Industry Award 2010	cl 20	cl 15	NT & WA cl 19	✓	-
MA000089	MA000089	Vehicle Manufacturing, Repair, Services and Retail Award 2010	cl 22	cl 18	NT & WA cl 20	✓	cl 35 , cl 48, cl 51.3 - Apprentice wage rates - transitional provisions ceased 1 Jan 2014 & 31 Dec 2014.
MA000090	MA000090	Wine Industry Award 2010	cl 23.8	cl 15	NT & WA cl 23.7	✓	-
MA000091	MA000091	Broadcasting and Recorded Entertainment Award 2010	cl 20	cl 13	NT & WA cl 19	✓	-
MA000092	MA000092	Alpine Resorts Award 2010	cl 18	cl 14	-	Model clause + additional wording re collective State agreements in Sched A.	-
MA000093	MA000093	Marine Tourism and Charter Vessels Award 2010	cl 16	-	NT & WA cl 15	✓	cl 12 - redundancy - no transitional provision.
MA000094	MA000094	Fitness Industry Award 2010	cl 20	cl 15	NT & WA cl 19	✓	-
MA000095	MA000095	Car Parking Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000096	MA000096	Dry Cleaning and Laundry Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000097	MA000097	Pest Control Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000098	MA000098	Ambulance and Patient Transport Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-

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MA000099	MA000099	Labour Market Assistance Industry Award 2010	cl 18	cl 12	NT & WA cl 17	✓	cl 25.4 - additional annual leave - ceases 31 Dec 2015
MA000100	MA000100	Social, Community, Home Care and Disability Services Industry Award 2010	cl 22	cl 12 *Not standard	NT & WA cl 21	Additional clauses A.2.8-9 - ceased 1 Jul 2012 the remainder cease 1 Jul 2014	-
MA000101	MA000101	Gardening and Landscaping Services Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000102	MA000102	Travelling Shows Award 2010	cl 17	cl 12	NT & WA cl 16	✓	cl 23.3 - overtime - ceases 31 Dec 2014 - 'to be reviewed as part of 4 yearly review'.
MA000103	MA000103	Supported Employment Services Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000104	MA000104	Miscellaneous Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000105	MA000105	Funeral Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000106	MA000106	Real Estate Industry Award 2010	-	cl 12	-	✓	Sched E - Transitional provisions for written agreements - ceases 31 Dec 2014 (see also E.2.2); cl 18.4 motor vehicle allowance - ceases 31 Dec 2014; cl 18.7 - mobile phone allowance - ceases 31 Dec 2014; cl 20.5 - stand-by - ceases 31 Dec 2014; 25.5 - annual leave loading - ceases 31 Dec 2014; cl 28.4 - public holidays in QLD ceases 31 Dec 2014
MA000107	MA000107	Salt Industry Award 2010	-	cl 12	NT & WA cl 16	✓	-
MA000108	MA000108	Professional Diving Industry (Industrial) Award 2010	cl 17	cl 12	-	✓	-
MA000109	MA000109	Professional Diving Industry (Recreational) Award 2010	cl 16	cl 12	-	✓	-
MA000110	MA000110	Corrections and Detention (Private Sector) Award 2010	-	cl 12	NT & WA cl 16	✓	-
MA000111	MA000111	Fire Fighting Industry Award 2010	cl 18	-	-	✓	

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MA000112	MA000112	Local Government Industry Award 2010	cl 17	cl 12	NT & WA cl 16	✓	cl 15.9 - transitional provision for payment of fares and library allowance - ceases 31 Dec 2014; cl 29 - special provision for annual, personal & compassionate leave- ceases 31 Dec 2014.
MA000113	MA000113	Water Industry Award 2010	cl 21	cl 12	cl 20	✓	-
MA000114	MA000114	Aquaculture Industry Award 2010	-	cl 12	-	✓	-
MA000115	MA000115	Aboriginal Community Controlled Health Services Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000116	MA000116	Legal Services Award 2010	cl 21	cl 12	NT & WA cl 20	✓	-
MA000117	MA000117	Mannequins and Models Award 2010	cl 16	cl 12	NT & WA cl 15	✓	-
MA000118	MA000118	Animal Care and Veterinary Services Award 2010	cl 18	cl 12	NT & WA cl 17	✓	-
MA000119	MA000119	Restaurant Industry Award 2010	cl 26	cl 17	NT & WA cl 25	✓	-

Link to Doc	link to HTML	Award title	Accident pay	Redundancy	District allowances	Model Transitional provisions	Additional transitional provisions
MA000120	MA000120	Children's Services Award 2010	cl 17	cl 12	NT & WA cl 16	Model clause + Sched A.3.7 & 8 - special provision for NSW, WA and Tas employers - ceases 1 Jul 2014; Sched A.9 - Health screen & police clearance allowances - ceases 31 Dec 2014.	-
MA000121	MA000121	State Government Agencies Administration Award 2010	cl 17	cl 12	NT & WA cl 16	✓	-
MA000122	MA000122	Seagoing Industry Award 2010	-	-	-	✓	