



STATEMENT

Fair Work Act 2009

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

Review of certain C14 rates in modern awards

(C2019/5259)

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 24 JANUARY 2023

Review of the classification rates at the C14 rate in modern awards – introductory rates – conference conducted – further Statement.

[1] The Commission has initiated a review of certain modern awards which have classification rates at the C14 rate which are either not transitional rates or where the transition period is not specified (**the Review**). The C14 rate is equivalent to the National Minimum Wage (NMW).

[2] The Background to the Review and the progress of the matters is set out in 3 earlier Statements¹ issued by the former President, a Report² to the Full Bench, by this arm of the Commission dated 5 September 2022 and a further Statement³ of the Full Bench dated 4 November 2022 (**November 2022 Statement**).

[3] Amongst other matters, the November 2022 Statement requested this arm of the Commission to convene a conference to advance discussions concerning certain modern awards. As a result of various developments and the views of the Full Bench, the remaining modern awards requiring further consideration at that conference were as follows:

Awards in which the C14 classification appears to be transitional, but no particular transition period is specified:

- *Concrete Products Award 2020*
- *Meat Industry Award 2020*
- *Rail Industry Award 2020*

Awards in which the C14 classification level is not a transitional level:

- *Dry Cleaning and Laundry Industry Award 2020*
- *Funeral Industry Award 2020*
- *Sugar Industry Award 2020*
- *Travelling Shows Award 2020*

[4] The further conference of relevant parties was conducted on 14 December 2022.

[5] Prior to the conference the Commission was notified that the major organisations involved had agreed proposals concerning the *Dry Cleaning and Laundry Industry Award 2020* and the *Funeral Industry Award 2020*.

[6] In terms of the remaining awards, with the exception of the *Travelling Shows Award 2020*, proposals to vary each instrument have been foreshadowed or advanced by one or more parties. These proposals were discussed at the conference and some progress was made in relation to certain modern awards. However, no agreed positions were evident at the conference. The parties were encouraged to undertake further discussions and consult with affected employees and employers with a view to confirming their respective positions.

[7] The parties participating in the process are to advise the Commission of any developments, including any agreed and/or revised proposals, by no later than **Friday 17 February 2023**. Correspondence should be sent to awards@fwc.gov.au. Any material received will be published on the relevant page on the Commission's website.

[8] I observe that the Full Bench has advised⁴ that it will give further consideration to the inclusion of the *Travelling Shows Award 2020* in the C14 Review after interested parties have had an opportunity to comment on the submission filed by the Showmen's Guild of Australasia seeking that Award's exclusion.

[9] A Report to the Full Bench will be issued soon after receipt of any further submissions filed.



DEPUTY PRESIDENT

Appearances:

B Ferguson of The Australian Industry Group.

K Scott and *C Simmons* for Australian Business Industrial and The NSW Business Chamber Ltd.

S Crawford of The Australian Workers' Union.

C Buckley of the Australasian Meat Industry Employees Union.

S McKenna of the Australian Meat Industry Council.

Conference details:

2022
December 14.
MS Teams Video.

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¹ [\[2019\] FWC 5863](#), [\[2019\] FWC 8159](#), [\[2022\] FWC 1989](#)

² [\[2022\] FWC 2239](#)

³ [\[2022\] FWCFB 198](#)

⁴ November 2022 Statement at [20].