Workplace Relations Act 1996

C. No.

IN THE MATTER of Metal, Engineering and Associated Industries Award, 1998 – Part 1 – as varied, and

IN THE MATTER of The Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (Applicant) and

Australian Industry Group and others (Respondent)

AND IN THE MATTER of an Application to vary the above Award

Re: Safety Net Review – Minimum Wages

APPLICATION TO VARY

Filed by: Barry Terzic

National Research Centre
AFMEPKIU
133 Parramatta Rd
GRANVILLE NSW 2142
Tele: (02) 9897 9133
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FORM R6

Workplace Relations Act 1996

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION TO SET ASIDE OR VARY AN AWARD

(C No )

IN the matter of: Metal, Engineering and Associated Industries Award, 1998 – Part 1

Application is made by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union for variation of the abovementioned Award as set out in the attached Schedule ‘A’.


The grounds upon which this application is made are set out in Schedule ‘A’.

DATED 1st November 2001

For and on behalf of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union

Doug Cameron
National Secretary

TO THE PERSONS & ORGANISATIONS BOUND BY THE ABOVEMENTIONED AWARD

You are hereby notified that the abovementioned application will be heard by

at [a.m./p.m.] on the day of

at

and that you may appear and be heard at the time and place so fixed.

DATED 2001

MEMBER OF COMMISSION
Workplace Relations Act 1996

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

IN THE MATTER of: Metal, Engineering and Associated Industries Award, 1998 – Part 1

AND IN THE MATTER of an application to vary the abovementioned award by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union in respect of Minimum Wages.

STATEMENT OF FACTS – APPLICATION TO VARY AN AWARD

(C No. )

I, Doug Cameron, Union Official, of 133 Parramatta Rd Granville, in the State of New South Wales, state the following:

1. That I am the National Secretary of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, an organisation of employees registered under the abovenamed Act.

2. That I am authorised to apply for a variation of the abovementioned Award.

AND I make this statement conscientiously believing the information herein to be true in every particular.

DEPONENT

Dated: 19th November, 2001
SCHEDULE ‘A’

METAL, ENGINEERING AND ASSOCIATED INDUSTRIES AWARD, 1998 – PART 1
(as varied)

A. That the above Award be varied in the following respects:

1. By deleting the table at clause 5.1.1(c) and inserting the following in lieu thereof:

<table>
<thead>
<tr>
<th>Wage group</th>
<th>Proposed Weekly award rate ($)</th>
<th>Proposed Hourly rate ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level C14</td>
<td>438.40</td>
<td>11.54</td>
</tr>
<tr>
<td>Level C13</td>
<td>455.10</td>
<td>11.98</td>
</tr>
<tr>
<td>Level C12</td>
<td>477.60</td>
<td>12.57</td>
</tr>
<tr>
<td>Level C11</td>
<td>498.50</td>
<td>13.12</td>
</tr>
<tr>
<td>Level C10</td>
<td>532.20</td>
<td>14.01</td>
</tr>
<tr>
<td>Level C9</td>
<td>553.10</td>
<td>14.56</td>
</tr>
<tr>
<td>Level C8</td>
<td>573.90</td>
<td>15.10</td>
</tr>
<tr>
<td>Level C7</td>
<td>592.80</td>
<td>15.60</td>
</tr>
<tr>
<td>Level C6</td>
<td>634.50</td>
<td>16.70</td>
</tr>
<tr>
<td>Level C5</td>
<td>655.40</td>
<td>17.25</td>
</tr>
<tr>
<td>Level C4</td>
<td>676.20</td>
<td>17.80</td>
</tr>
<tr>
<td>Level C3</td>
<td>717.90</td>
<td>18.89</td>
</tr>
<tr>
<td>Level C2(a)</td>
<td>738.80</td>
<td>19.44</td>
</tr>
<tr>
<td>Level C2(b)</td>
<td>778.50</td>
<td>20.49</td>
</tr>
<tr>
<td>Level C1(a)</td>
<td>862.00</td>
<td>22.68</td>
</tr>
<tr>
<td>Level C1(b)</td>
<td>987.10</td>
<td>25.98</td>
</tr>
</tbody>
</table>

2. By adjusting the rates appearing in the tables of wage rates at sub-paragraphs 5.3.1, 5.4.3, 5.5.1, 5.6.2(a) and Schedule C Clause 3.2.2, 3.3.3, 3.3.4, 3.3.5, 3.4.3 and 3.4.4 respectively, inclusive of junior apprentice and junior employees other than apprentices, to reflect the new minimum weekly award rates specified in the Safety Net Adjustment.

3. By adjusting all wage related allowances and special rates.

B. This order shall come into force from the beginning of the first pay period commencing on or after 1 May 2002.

THE GROUNDS upon which the application is made are as follows:

1. To give effect to the objects of the Workplace Relations Act 1996 ["The Act"], Part I, Section 3(a) and 3(d)(ii), by:

   • Encouraging the pursuit of high employment, improved living standards, low inflation and international competitiveness through higher productivity and a flexible and fair labour market [s3(a)]; and
- Ensuring the maintenance of an effective award safety net of fair and enforceable minimum wages and conditions of employment [3(d)(ii)].

2. To give effect to the Objects of Part VI, *Workplace Relations Act 1996*, provided for in Section 88A, by ensuring that:

- Wages and conditions of employment are protected by a system of enforceable awards established and maintained by the Commission [s88A(a)]; and
- Awards act as a safety net of minimum wages and conditions of employment [s88A(b)]; and
- The Commission’s functions and powers in relation to making and varying awards are performed and exercised in a way that encourages the making of agreements between employers at the workplace or enterprise level [s88A(d)].

3. To give effect to Section 88B(2), *Workplace Relations Act 1996*, by ensuring that a safety net of fair minimum wages and conditions of employment is established and maintained, having regard to:

- The need to provide fair minimum standards for employees in the context of living standards generally prevailing in the Australian community; and
- Economic factors, including levels of productivity and inflation, and the desirability of attaining a high level of employment, and
- When adjusting the safety net, the needs of the low paid.

4. To give effect to Section 90, *Workplace Relations Act 1996*, that:

"In the performance of its functions, the Commission shall take into account the public interest, and for that purpose shall have regard to:

(a) the objects of this Act, and, in particular, the objects of this Part; and
(b) the state of the national economy and the likely effects on the national economy of any award or order that the Commission is considering, or is proposing to make, with special reference to the likely effects on the level of employment and on inflation."

5. To provide protection against inflation for low paid workers and to ensure low paid workers share in growth of national prosperity, by raising minimum rates of pay.

6. To provide protection for low paid workers whose living standards have fallen relative to those of other groups in the Australian community since introduction from July 2000 of the goods and services tax package, by raising minimum rates of pay.

7. To maintain skill-based career paths in awards as determined by the Industrial Relations Commission [*Workplace Relations Act 1996* Section 89A(2)(a)].

8. To provide simple, equitable and enforceable minimum rates of pay.

9. To facilitate equal remuneration for work of equal value and viable flexible work arrangements.