

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988  
s.113 applications for variations

Electrical, Electronic, Plumbing and Allied Workers Union of Australia

PULP AND PAPER INDUSTRY (MAINTENANCE AND SERVICES) AGREEMENT, 1973  
(ODN C No. 00454 of 1973)  
[Print C1201 [P0049]]  
(C No. 21721 of 1993)

ELECTRICAL CONTRACTING INDUSTRY AWARD 1992  
(ODN C No. 21680 of 1990)  
[Print K3299 [E0068]]  
(C No. 21726 of 1993)

TELEVISION INDUSTRY AWARD 1987  
(ODN C No. 02618 of 1984)  
[Print G7971 [T0004]]  
(C No. 21717 of 1993)

ENGINEERING (OIL COMPANIES) AWARD 1988  
(ODN C No. 03040 of 1980)  
[Print H8977 [E0012]]  
(C No. 21725 of 1993)

CLERKS' (OIL COMPANIES) AWARD, 1988  
(ODN C No. 03040 of 1980)  
[Print H8029 [C0029]]  
(C No. 21842 of 1993)

BP MARKETING OPERATIONS - AWARD 1992  
(ODN C No. 32493 of 1991)  
[Print K3994 [B0175]]  
(C No. 21843 of 1993)

ESSO AUSTRALIA CLERICAL EMPLOYEES' INTERIM AWARD 1992  
(ODN C No. 21266 of 1988)  
[Print K9180 [E0139]]  
(C No. 21844 of 1993)

SHELL GEELONG REFINERY ADMINISTRATIVE INTERIM AWARD 1990  
(ODN C No. 26817 of 1989)  
[Print J8213 [S0244]]  
(C No. 21847 of 1993)

PLUMBING INDUSTRY (VICTORIAN GOVERNMENT DEPARTMENTS, INSTRUMENTALITIES  
AND PUBLIC HOSPITALS) AWARD 1983  
(ODN C No. 01315 of 1980)  
[Print F2219 [P0112]]  
(C No. 32391 of 1993)

PLUMBING TRADES (SOUTHERN STATES) CONSTRUCTION AGREEMENT, 1979  
(ODN C No. 02125 of 1977)  
[Print H9279 [P0092]]  
(C No. 32393 of 1993)

## DECISION - ELECTRICAL POWER INDUSTRY

## THE SPRINKLER PIPE FITTERS' AWARD 1975

(ODN C No. 02958 of 1975)

[Print C6628 [S0091]]

(C No. 32394 of 1993)

## VICTORIAN OFF-COURSE AGENCY EMPLOYEES AWARD 1993

(ODN C No. 30152 of 1993)

[Print K7772 [V0100]]

(C No. 32437 of 1993)

## STOREMEN AND PACKERS (OIL AGENTS/CONTRACTORS) AWARD 1984

(ODN C No. 01505 of 1982)

[Print F7508 [S0141]]

(C No. 32483 of 1993)

## STOREMEN AND PACKERS (BULK LIQUID TERMINALS, ETC.) AWARD 1978

(ODN C No. 00597 of 1978)

[Print D8596 [S0110]]

(C No. 32484 of 1993)

## STOREMEN AND PACKERS (OIL, ETC., STORES) AWARD, 1980

(ODN C No. 01444 of 1980)

[Print E6117 [S0042]]

(C No. 32499 of 1993)

## TRANSPORT WORKERS (OIL AGENTS/CONTRACTORS) AWARD 1981

(ODN C No. 01580 of 1980)

[Print E6477 [T0125]]

(C No. 32505 of 1993)

## TRANSPORT WORKERS' (L.P. GAS INDUSTRY) AWARD 1985

(ODN C No. 02489 of 1985)

[Print G2212 [T0163]]

(C No. 32506 of 1993)

## RAILWAYS METAL TRADES GRADES AWARD 1953

(ODN C No. 00169 of 1950)

[Print H5660 [R0009]]

(C No. 21719 of 1993)

## PORTLAND SMELTER SERVICES PTY. LIMITED AWARD 1985

(ODN C No. 03010 of 1985)

[Print G2163 [P0130]]

(C No. 21720 of 1993)

## STEVEDORING INDUSTRY AWARD 1991

(ODN C No. 36638 of 1989)

[Print K4259 [S0283]]

(C No. 21718 of 1993)

THE PORTS OF VICTORIA MAINTENANCE, CONSTRUCTION AND ANCILLARY  
SERVICES AWARD 1992

(ODN C No. 33171 of 1991)

[Print K4366 [P0264]]

(C No. 21722 of 1993)

The AWU - FIME Amalgamated Union

THE AUSTRALIAN WORKERS' UNION ASPHALT AND BITUMEN INDUSTRY (SOUTHERN STATES) AWARD 1989  
(ODN C No. 03914 of 1986)  
[Print H9177 [A0507]]  
(C No. 21836 of 1993)

INSULATION MATERIALS MANUFACTURE (CSR LIMITED - BRADFORD INSULATION WORKS - VICTORIA) AWARD 1987  
(ODN C No. 03173 of 1973)  
[Print G9337 [I0001]]  
(C No. 21830 of 1993)

AWU - AMATEK LTD AWARD 1990  
(ODN C No. 03895 of 1986)  
[Print J3595 [A0530]]  
(C No. 21832 of 1993)

AUSTRALIAN WORKERS' UNION CONSTRUCTION AND MAINTENANCE AWARD 1989  
(ODN C No. 20771 of 1988)  
[Print J0179 [A0516]]  
(C No. 21835 of 1993)

AUSTRALIAN WORKERS' UNION (VICTORIAN PUBLIC SECTOR) AWARD 1987  
(ODN C No. 03002 of 1987)  
[Print G6896 [A0373]]  
(C No. 21827 of 1993)

ALPINE RESORTS COMMISSION AWARD 1986  
(ODN C No. 00655 of 1986)  
[Print G3800 [A0338]]  
(C No. 21833 of 1993)

AUSTRALIAN WORKERS' UNION - DEPARTMENT OF AGRICULTURE VICTORIA AWARD 1988  
(ODN C No. 03002 of 1987)  
[Print K0380 [A0460]]  
(C No. 21829 of 1993)

THE AWU COMMERCIAL LANDSCAPING AWARD 1991  
(ODN C No. 03419 of 1986)  
[Print K1864 [A0589]]  
(C No. 21839 of 1993)

THE PORTS OF VICTORIA MAINTENANCE, CONSTRUCTION AND ANCILLARY SERVICES AWARD 1992  
(ODN C No. 21174 of 1990)  
[Print K4366 [P0264]]  
(C No. 21828 of 1993)

WOOL SCOURERS AND CARBONISERS AWARD 1987  
(ODN C No. 04756 of 1986)  
[Print G8785 [W0029]]  
(C No. 21837 of 1993)

## DECISION - ELECTRICAL POWER INDUSTRY

EGG PROCESSING AWARD 1989  
(ODN C No. 36054 of 1989)  
[Print J0058 [E0072]]  
(C No. 32489 of 1993)

Construction, Forestry, Mining and Energy Union

NATIONAL JOINERY AND BUILDING TRADES PRODUCTS AWARD 1993  
(ODN C No. 20543 of 1990)  
[Print K6616 [N0183]]  
(C Nos 21788 and 32473 of 1993)

NATIONAL BUILDING AND CONSTRUCTION INDUSTRY AWARD 1990  
(ODN C No. 20993 of 1990)  
[Print J4733 [N0122]]  
(C No. 21787 of 1993)

FURNISHING TRADES AWARD, 1981  
(ODN C No. 00422 of 1961)  
[Print G0770 [F0029]]  
(C No. 32260 of 1993)

GLASS MERCHANTS AND GLAZING CONTRACTORS (TASMANIA) AWARD 1976  
(ODN C No. 02591 of 1976)  
[Print C6877 [G0003]]  
(C No. 32261 of 1993)

GLASS MERCHANTS AND GLAZING CONTRACTORS (VICTORIA) CONSOLIDATED AWARD 1988  
(ODN C No. 32180 of 1988)  
[Print H4634 [G0034]]  
(C No. 32262 of 1993)

GLASS MERCHANTS AND GLAZING CONTRACTORS (SOUTH AUSTRALIA)  
(CONSOLIDATED) AWARD 1984  
(ODN C No. 02709 of 1976)  
[Print F6568 [G0005]]  
(C No. 32264 of 1993)

MOBILE CRANE HIRING AWARD 1988  
(ODN C No. 21161 of 1988)  
[Print J5377 [M0142]]  
(C No. 21789 of 1993)

CSR WOODPANELS AWARD 1990  
(ODN C No. 01065 of 1982)  
[Print J2368 [C0275]]  
(C No. 50226 of 1993)

THE ATWU FIBREBOARD INDUSTRY AWARD 1990  
(ODN C No. 50017 of 1990)  
[Print J2367 [A0041]]  
(C No. 50227 of 1993)

TIMBER INDUSTRY (A.P.M WOOD PRODUCTS PTY LTD - GIPPSLAND) AWARD, 1974  
(ODN C No. 00847 of 1974)  
[Print C3367 [T0027]]  
(C No. 50228 of 1993)

TIMBER INDUSTRY AWARD 1990  
(ODN C No. 00031 of 1950)  
[Print J2380 [T0028]]  
(C No. 50229 of 1993)

Australian Liquor, Hospitality and Miscellaneous Workers Union

SECURITY EMPLOYEES (VICTORIA) AWARD 1993  
(ODN C No. 21725 of 1992)  
[Print K8045 [S0344]]  
(C No. 21740 of 1993)

SECURITY EMPLOYEES - STATE GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES  
- (VICTORIA) INTERIM AWARD 1993  
(ODN C No. 21725 of 1992)  
[Print K7687 [S0343]]  
(C No. 21741 of 1993)

LAUNDRY INDUSTRY (VICTORIA) INTERIM AWARD 1993  
(ODN C No. 21626 of 1992)  
[Print K8194 [L0125]]  
(C No. 21744 of 1993)

PEST CONTROL INDUSTRY (VICTORIA) INTERIM AWARD 1993  
(ODN C No. 21622 of 1992)  
[Print K7135 [P0300]]  
(C No. 21739 of 1993)

Automotive, Metals and Engineering Union

RAILWAYS METAL TRADES GRADES AWARD 1953  
(ODN C No. 00169 of 1950)  
[Print H5660 [R0009]]  
(C No. 21798 of 1993)

Australian Rail, Tram and Bus Industry Union

RAILWAYS METAL TRADES GRADES AWARD 1953  
(ODN C No. 00169 of 1950)  
[Print H5660 [R0009]]  
(C No. 21802 of 1993)

THE RAILWAYS MISCELLANEOUS GRADES AWARD [1960]  
(ODN C No. 00643 of 1960)  
[Print C2984 [R0010]]  
(C No. 21801 of 1993)

RAILWAYS TRAFFIC, PERMANENT WAY AND SIGNALLING WAGES  
STAFF AWARD, 1960  
(ODN C No. 00643 of 1960)  
[Print H5659 [R0014]]  
(C No. 21803 of 1993)

LOCOMOTIVE OPERATING GRADES (STATE TRANSPORT AUTHORITY,  
VICTORIA) AWARD 1987  
(ODN C No. 01239 of 1964)  
[Print G6100 [L0064]]

(C No. 21804 of 1993)

## DECISION - ELECTRICAL POWER INDUSTRY

TRAMWAY AND OMNIBUS PUBLIC TRANSPORT (VICTORIA) AWARD 1992  
 (ODN C No. 31644 of 1992)  
 [Print K4908 [T0359]]  
 (C No. 21805 of 1993)

RAILWAYS SALARIED OFFICERS AWARD, 1960  
 (ODN C No. 00403 of 1959)  
 [Print B7349 [R0013]]  
 (C No. 21806 of 1993)

The Association of Professional Engineers and Scientists, Australia

MUNICIPAL OFFICERS (METROPOLITAN TRANSIT AUTHORITY) AWARD 1984  
 (ODN C No. 01190 of 1968)  
 [Print F7329 [M0078]]  
 (C No. 32407 of 1993)

THE RAILWAYS PROFESSIONAL OFFICERS' AWARD, 1974  
 (ODN C No. 00074 of 1957)  
 [Print C1263 [R0012]]  
 (C No. 32408 of 1993)

THE GAS INDUSTRY UNIONS (GAS AND FUEL CORPORATION OF VICTORIA) AWARD 1991  
 (ODN C No. 31860 of 1990)  
 [Print K4342 [G0113]]  
 (C No. 32400 of 1993)

PORTS OF VICTORIA ADMINISTRATIVE, CLERICAL, PROFESSIONAL TECHNICAL  
 AND SUPERVISORY AWARD 1991  
 (ODN C No. 02369 of 1987)  
 [Print J9219 [P0240]]  
 (C No. 32406 of 1993)

Australian Municipal, Administrative, Clerical and Services Union

RAILWAYS SALARIED OFFICERS AWARD, 1960  
 (ODN C No. 00403 of 1959)  
 [Print B7349 [R0013]]  
 (C No. 32732 of 1993)

MUNICIPAL OFFICERS' (METROPOLITAN TRANSIT AUTHORITY) AWARD 1984  
 (ODN C No. 01190 of 1968)  
 [Print F7329 [M0078]]  
 (C No. 32741 of 1993)

PORTS OF VICTORIA ADMINISTRATIVE, CLERICAL, PROFESSIONAL TECHNICAL  
 AND SUPERVISORY AWARD 1991  
 (ODN C No. 02369 of 1987)  
 [Print J9219 [P0240]]  
 (C No. 32731 of 1993)

National Union of Workers

STOREMEN AND PACKERS (CABOT AUSTRALASIA PTY LTD) AWARD 1979  
 (ODN C No. 00625 of 1979)  
 [Print E0226 [S0030]]  
 (C No. 32488 of 1993)

WHOLESALE WINE AND SPIRIT STORES AWARD 1993

(ODN C No. 30101 of 1993)

[Print K7855 [W0086]]

(C No. 32490 of 1993)

INTERNATIONAL DUTY FREE STORES AWARD, 1980

(ODN C No. 01755 of 1980)

[Print H5945 [I0024]]

(C No. 32493 of 1993)

NUW CORK TRADES (INTERIM) AWARD 1993

(ODN C No. 30103 of 1993)

[Print K7058 [N0189]]

(C No. 32491 of 1993)

MANUFACTURING CHEMISTS (SIGMA COMPANY LIMITED) AWARD 1993

(ODN C No. 31790 of 1992)

[Print K6007 [M0416]]

(C No. 32702 of 1993)

STOREMEN AND PACKERS' FIBRE PROCESSING INDUSTRY AWARD 1982

(ODN C No. 00679 of 1982)

[Print F3741 [S0137]]

(C No. 32487 of 1993)

STOREMEN AND PACKERS (SKIN AND HIDE STORES) AWARD 1981 (VICTORIA,  
TASMANIA AND NEW SOUTH WALSH)

(ODN C No. 02215 of 1980)

[Print E6213 [S0071]]

(C No. 32478 of 1993)

STOREMEN AND PACKERS (SKIN, HIDE, WOOL AND PRODUCE STORES) AWARD, 1979  
- PART 1 (VICTORIA, SOUTH AUSTRALIA, TASMANIA AND ALBURY)

(ODN C No. 00735 of 1975)

[Print E1604 [S0044]]

(C No. 32479 of 1993)

WHOLESALE GROCERS AWARD 1993

(ODN C No. 30099 of 1993)

[Print K9021 [W0098]]

(C No. 32480 of 1993)

ROTHMANS OF PALL MALL (AUSTRALIA) SALES REPRESENTATIVES AWARD 1992

(ODN C No. 33486 of 1991)

[Print K5690 [R0124]]

(C No. 32486 of 1993)

MILLING INDUSTRY AWARD 1990

(ODN C No. 22147 of 1988)

[Print J4295 [M0046]]

(C No. 32700 of 1993)

MUNICIPAL OFFICERS' (METROPOLITAN TRANSIT AUTHORITY) AWARD 1984

(ODN C No. 01190 of 1968)

[Print F7329 [M0078]]

(C No. 30792 of 1994)



## DECISION - ELECTRICAL POWER INDUSTRY

## STATE ENERGY COMMISSION OF WESTERN AUSTRALIA SALARIED OFFICERS' AWARD 1989

(ODN C No. 36372 fo 1972)

[Print J2335 [S0217]]

(C No. 60041 of 1994)

## Printing and Kindred Industries Union

## COUNTRY PRINTING AWARD, 1959

(ODN C No. 00772 of 1958)

[Print G8513 C0056]]

(C No. 21704 of 1993)

## GRAPHIC ARTS (NORTHERN TERRITORY) AWARD 1981

(ODN C No. 03782 of 1980)

[Print E6549 [G0040]]

(C No. 21705 of 1993)

## GRAPHICS ARTS AWARD, 1977

(ODN C No. 01751 of 1972)

[Print D3516 [G0014]]

(C No. 21706 of 1993)

## Transport Workers' Union of Australia

## TRANSPORT WORKERS (BREWERIES) CONSOLIDATED AWARD, 1987

(ODN C No. 00731 of 1977)

[Print G8350 [T0101]]

(C No. 32501 of 1993)

## TRANSPORT WORKERS' (ARMOURED VEHICLES) AWARD, 1978

(ODN C No. 00499 of 1978)

[Print D8207 [T0105]]

(C No. 32500 of 1993)

## TRANSPORT WORKERS (F. J. WALKER FOODS) AWARD 1990

(ODN C No. 37738 of 1989)

[Print J3097 [T0259]]

(C No. 32502 of 1993)

## TRANSPORT WORKERS' (LONG DISTANCE DRIVERS) AWARD 1993

(ODN C No. 00126 of 1986)

[Print K9314 [T0092]]

(C No. 32503 of 1993)

## TRANSPORT WORKERS' (REFUSE) AWARD, 1988

(ODN C No. 01106 of 1972)

[Print H6317 [T0107]]

(C No. 32504 of 1993)

## TRANSPORT WORKERS (BULK MILK CARTERS) AWARD 1985

(ODN C No. 01545 of 1985)

[Print G1688 [T0034]]

(C No. 32508 of 1993)

TRANSPORT WORKERS (MILK CARTERS) AWARD 1985  
(ODN C No. 00250 of 1983)  
[Print G2472 [T0042]]  
(C No. 32509 of 1993)

TRANSPORT WORKERS (MIXED INDUSTRIES) AWARD 1984  
(ODN C No. 00031 of 1950)  
[Print F6291 [T0150]]  
(C No. 32510 of 1993)

TRANSPORT WORKERS (PASSENGER VEHICLES) AWARD 1984  
(ODN C No. 00250 of 1983)  
[Print F7344 [T0091]]  
(C No. 32512 of 1993)

TRANSPORT WORKERS AWARD, 1983  
(ODN C No. 00113 of 1983)  
[Print F2076 [T0140]]  
(C No. 32513 of 1993)

Textile, Clothing and Footwear Union of Australia

CLOTHING TRADES AWARD 1982  
(ODN C No. 00696 of 1980)  
[Print G0207 [C0037]]  
(C No. 32300 of 1993)

The State Public Services Federation

PRIMARY INDUSTRY AGENCIES AWARD 1990  
(ODN C No. 04794 of 1981)  
[Print J4936 [P0113]]  
(C No. 32572 of 1993)

AUSTRALIAN BARLEY BOARD (INTERIM) AWARD 1992  
(ODN C No. 36441 of 1989)  
[Print K4401 [A0651]]  
(C No. 32578 of 1993)

Public Sector, Professional, Scientific Research, Technical,  
Communications, Aviation and Broadcasting Union

AWADI/PREIA AIRLINE AND AVIONICS AWARD 1991  
(ODN C No. 22826 of 1988)  
[Print J6976 [A0558]]  
(C No. 21892 of 1993)

Confectionery Workers and Food Preservers Union of Australia

FOOD PRESERVERS' INTERIM AWARD 1986  
(ODN C No. 02129 of 1985)  
[Print G5788 [F0015]]  
(C No. 32321 of 1993)

## DECISION - ELECTRICAL POWER INDUSTRY

The Australian Institute of Marine and Power Engineers

PORTS OF VICTORIA FLOATING PLANT AWARD 1990  
(ODN C No. 36116 of 1989)  
[Print J8139 [P0236]]  
(C No. 32717 of 1993)

The Gas Industry Salaried Officers Federation

THE GAS INDUSTRY UNIONS (GAS AND FUEL CORPORATION OF VICTORIA) AWARD 1991  
(ODN C No. 31035 of 1990)  
[Print K4342 [G0113]]  
(C No. 32157 of 1993)

Public Transport Corporation of Victoria

RAILWAYS TRAFFIC, PERMANENT WAY AND SIGNALLING WAGES STAFF AWARD, 1960  
(ODN C No. 00643 of 1960)  
[Print H5659 [R0014]]  
(C No. 32853 of 1993)

LOCOMOTIVE OPERATING GRADES (STATE TRANSPORT AUTHORITY, VICTORIA) AWARD 1987  
(ODN C No. 01239 of 1964)  
[Print G6100 [L0064]]  
(C No. 32854 of 1993)

MUNICIPAL OFFICERS' (METROPOLITAN TRANSIT AUTHORITY) AWARD 1984  
(ODN C No. 01190 of 1968)  
[Print F7329 [M0078]]  
(C No. 32855 of 1993)

TRAMWAY AND OMNIBUS PUBLIC TRANSPORT (VICTORIA) AWARD 1992  
(ODN C No. 31644 of 1992)  
[Print K4908 [T0359]]  
(C No. 32856 of 1993)

THE RAILWAYS MISCELLANEOUS GRADES AWARD [1960]  
(ODN C No. 00643 of 1960)  
[Print C2984 [R0010]]  
(C No. 32857 of 1993)

PUBLIC TRANSPORT CORPORATION OF VICTORIA (ARPOA, SIGNAL SYSTEMS OFFICERS,  
METROL) AGREEMENT 1993  
(ODN C No. 31855 of 1993)  
[Print K9448 [P0339]]  
(C No. 32858 of 1993)

RAILWAYS SALARIED OFFICERS AWARD, 1960  
(ODN C No. 00403 of 1959)  
[Print B7349 [R0013]]  
(C No. 32859 of 1993)

THE RAILWAYS PROFESSIONAL OFFICERS' AWARD 1974  
(ODN C No. 00074 of 1957)  
[Print C1263 [R0012]]  
(C No. 32860 of 1993)

RAILWAYS METAL TRADES GRADES AWARD 1953

(ODN C No. 00169 of 1950)  
[Print H5660 [R0009]]  
(C No. 32861 of 1993)

GRAPHIC ARTS AWARD, 1977  
(ODN C No. 01751 of 1972)  
[Print H6950 [G0014]]  
(C No. 32862 of 1993)

Totalizator Agency Board of Victoria

GRAPHIC ARTS AWARD, 1977  
(ODN C No. 01751 of 1972)  
[Print H6950 [G0014]]  
(C No. 32977 of 1993)

BUSINESS EQUIPMENT INDUSTRY (TECHNICAL SERVICE) AWARD, 1978

(ODN C No. 00639 of 1971)  
[Print D7070 [B0018]]  
(C No. 32983 of 1993)

Shop, Distributive and Allied Employees Association

AIRPORT RETAIL CONCESSIONS AWARD 1990  
(ODN C No. 03900 of 1984)  
[Print J6953 [A0470]]  
(C No. 32880 of 1993)

Geelong and District Water Board  
and Gippsland Water

REGIONAL WATER AUTHORITIES OFFICERS' AWARD 1990

(ODN C No. 01787 of 1990)  
[Print J5158 [R0072]]  
(C No. 32920 of 1993)

REGIONAL WATER AUTHORITIES EMPLOYEES' AWARD 1992

(ODN C No. 31068 of 1990)  
[Print K5075 [R0111]]  
(C No. 32922 of 1993)

Melbourne Water

MELBOURNE WATER CONDITIONS AWARD 1992

(ODN C No. 32345 of 1991)  
[Print No. K2886 [M0386]]  
(C No. 32942 of 1993)

Grain Elevators Board, Victoria

AUSTRALIAN WORKERS' UNION - GRAIN ELEVATORS BOARD VICTORIA AWARD 1987

(ODN C No. 03002 of 1987)  
[Print G8462 [A0184]]  
(C No. 32928 of 1993)

## DECISION - ELECTRICAL POWER INDUSTRY

GRAIN ELEVATORS BOARD ADMINISTRATIVE, CLERICAL, SUPERVISORY, PROFESSIONAL,  
TECHNICAL AND MAINTENANCE EMPLOYEES (INTERIM) AWARD 1991

(ODN C No. 31779 of 1988)

[Print J6731 [G0095]]

(C No. 32945 of 1993)

Commonwealth Bank Officers' Association

COMMONWEALTH BANK OF AUSTRALIA OFFICERS AWARD 1990

(ODN C No. 00506 of 1983)

[Print J6280 [C0290]]

(C No. 22056 of 1993)

Finance Sector Union of Australia

ANZ GROUP AWARD 1991

(ODN C No. 32814 of 1991)

[Print J9879 [A0576]]

(C No. 32793 of 1993)

BANK OFFICIALS' (FEDERAL) (1963) AWARD

(ODN C No. 01043 of 1962)

[Print J3681 [B0001]]

(C Nos 32794, 32795, 32796 and 32797 of 1993)

ADVANCE BANK GROUP AWARD 1992

(ODN C No. 00066 of 1987)

[Print K2604 [A0608]]

(C No. 32798 of 1993)

BARCLAYS BANK AUSTRALIA AWARD 1989

(ODN C No. 00135 of 1986)

[Print H9120 [B0091]]

(C No. 32799 of 1993)

BANK OF SINGAPORE AWARD 1988

(ODN C No. 00932 of 1986)

[Print H6073 [B0092]]

(C No. 32800 of 1993)

BANK OF TOKYO AWARD 1988

(ODN C No. 00135 of 1986)

[Print H1846 [B0093]]

(C No. 32801 of 1993)

BANKERS TRUST AUSTRALIA AWARD 1992

(ODN C No. 32816 of 1991)

[Print K2835 [B0090]]

(C No. 32802 of 1993)

CHASE AMP BANK AWARD 1988

(ODN C No. 00135 of 1986)

[Print H1848 [C0186]]

(C No. 32803 of 1993)

CITIBANK AWARD 1990  
(ODN C No. 02097 of 1987)  
[Print J5096 [C0287]]  
(C No. 32804 of 1993)

DEUTSCHE BANK AUSTRALIA AWARD 1988  
(ODN C No. 00455 of 1986)  
[Print H5972 [D0049]]  
(C No. 32805 of 1993)

HONGKONGBANK OF AUSTRALIA AWARD 1988  
(ODN C No. 00135 of 1986)  
[Print H6061 [H0045]]  
(C No. 32806 of 1993)

I.B.J. AUSTRALIA BANK AWARD 1988  
(ODN C No. 00335 of 1986)  
[Print H1844 [I0032]]  
(C No. 32807 of 1993)

LLOYDS BANK AUSTRALIA AWARD 1992  
(ODN C No. 32817 of 1991)  
[Print K4045 [L0104]]  
(C No. 32808 of 1993)

MACQUARIE BANK AWARD 1987  
(ODN C No. 00334 of 1985)  
[Print G9751 [M0235]]  
(C No. 32809 of 1993)

MITSUBISHI BANK OF AUSTRALIA AWARD 1988  
(ODN C No. 00335 of 1986)  
[Print H1847 [M0248]]  
(C No. 32810 of 1993)

NATWEST AUSTRALIA BANK AWARD 1992  
(ODN C No. 32815 of 1991)  
[Print K2762 [N0051]]  
(C No. 32811 of 1993)

STANDARD CHARTERED BANK AWARD 1992  
(ODN C No. 30358 of 1992)  
[Print K2820 [S0158]]  
(C No. 32812 of 1993)

CHALLENGE BANK AWARD 1992  
(ODN C No. 00066 of 1987)  
[Print K2603 [C0313]]  
(C No. 32813 of 1993)

BANK OF MELBOURNE AWARD 1991  
(ODN C No. 35923 of 1989)  
[Print J9361 [B0167]]  
(C No. 32814 of 1993)

## DECISION - ELECTRICAL POWER INDUSTRY

## PRIMARY INDUSTRY BANK OF AUSTRALIA (FEDERAL) AWARD 1989

(ODN C No. 02386 of 1987)

[Print H9992 [P0187]]

(C No. 32815 of 1993)

## BANK OF QUEENSLAND AWARD 1988

(ODN C No. 00506 of 1983)

[Print H4242 [B0065]]

(C No. 32816 of 1993)

## TRUST BANK TASMANIA AWARD 1992

(ODN C No. 30996 of 1992)

[Print K3820 T0348]]

(C No. 32817 of 1993)

## BANK OFFICIALS' (R&amp;I BANK OF WESTERN AUSTRALIA LTD) (FEDERAL) AWARD 1983

(ODN C No. 05005 of 1976)

[Print J8351 [B0080]]

(C No. 32818 of 1993)

## BANK OFFICIALS (STATE BANK OF SOUTH AUSTRALIA) (FEDERAL) AWARD 1984

(ODN C No. 00506 of 1983)

[Print H8860 [B0061]]

(C No. 32819 of 1993)

## AMP EMPLOYEES' (CONSOLIDATED) AWARD 1990

(ODN C No. 02794 of 1982)

[Print J9396 [A0035]]

(C No. 32822 of 1993)

## GIO AUSTRALIA AWARD 1991

(ODN C No. 33441 of 1990)

[Print J9657 [G0100]]

(C No. 32823 of 1993)

## TRUSTEE OFFICERS' CONSOLIDATED AWARD 1990

(ODN C No. 01319 of 1972)

[Print J7858 [T0050]]

(C No. 32825 of 1993)

## INSURANCE OFFICERS (CLERICAL INDOOR STAFFS) CONSOLIDATED AWARD 1985

(ODN C No. 00571 of 1983)

[Print H4379 [I0002]]

(C No. 32827 of 1993)

## INSURANCE EMPLOYEES (LABOUR UNION) AWARD 1991

(ODN C No. 00306 of 1987)

[Print J7200 [I0044]]

(C No. 32828 of 1993)

## LOSS ADJUSTERS (CLERICAL INDOOR STAFFS') AWARD, 1979

(ODN C No. 01290 of 1978)

[Print E1509 [L0030]]

(C No. 32829 of 1993)

Gas and Fuel Corporation of Victoria

THE GAS INDUSTRY UNIONS (GAS AND FUEL CORPORATION OF VICTORIA) AWARD 1991  
(ODN C No. 31860 of 1990)  
[Print K4342 [G0113]]  
(C Nos 32916 and 33260 of 1993)

Victorian Dairy Industry Authority

PRIMARY INDUSTRY AGENCIES AWARD 1990  
(ODN C No. 04794 of 1981)  
[Print J4936 [P0113]]  
(C No. 32923 of 1993)

Department of Health and Community Services

METAL INDUSTRY (VICTORIAN GOVERNMENT DEPARTMENTS, INSTRUMENTALITIES  
AND PUBLIC HOSPITALS) AWARD 1985  
(ODN C No. 03392 of 1971)  
[Print E7025 [M0202]]  
(C No. 32978 of 1993)

THE ENGINE DRIVERS AND FIREMEN'S (GENERAL) AWARD 1968  
(ODN C No. 00216 of 1967)  
[Print B9728 [E0010]]  
(C No. 32979 of 1993)

The Queen in Right of the State of Victoria

PLUMBING INDUSTRY (VICTORIAN GOVERNMENT DEPARTMENTS, INSTRUMENTALITIES  
AND PUBLIC HOSPITALS) AWARD 1983  
(ODN C No. 01315 of 1980)  
[Print F2219 [P0112]]  
(C No. 32886 of 1993)

s.99 notifications of industrial disputes

The State Public Services Federation

and

Clerk of the Legislative Assembly and another  
(C Nos 33499 and 33605 of 1991)

Australian Nursing Federation

and

The Queen in Right of the State of Victoria  
(C Nos 30300 of 1992 and 31469 of 1993)

Health Services Union of Australia

and

The Queen in Right of the State of Victoria  
(C No. 31467 of 1992)



Variou employees

Electrical power industry

SENIOR DEPUTY PRESIDENT HANCOCK  
SENIOR DEPUTY PRESIDENT MACBEAN  
COMMISSIONER O'SHEA

ADELAIDE, 4 AUGUST 1994

Leave - public holidays - a safety net standard should apply - no argument to expand or contract standards which have developed in the 1990's - ten days prescribed - commitment to safety net not status quo however defined - Easter Saturday to be prescribed holiday - facilitative provision regarding substitute days included.

#### DECISION

The many matters listed in the heading of this decision have been referred to us at various times by the late President, Maddern J., the Acting President, Moore V.P., and the current President. With the consent of all parties concerned, matters have been added when referred without restarting proceedings. All are about award provisions conferring leave entitlements related to the observance of public holidays.

The case has its origin in decisions of the Victorian Government and Parliament which entailed reductions in the number of days of leave. These decisions had two effects relevant to our task:

- . various trade unions, represented by the Australian Council of Trade Unions (ACTU) and the Victorian Trades Hall Council (VTHC), sought award variations which would counter losses of leave entitlements consequent upon the governmental decisions in Victoria; and
- . the Victorian Government and some of its agencies sought award variations which would permit reductions in the amount of leave specified in some awards. (The Government withdrew applications which, if successful, would have affected employers and employees outside the public sector.)

There is a large measure of commonalty in the issues bearing upon the two groups of applications. They have, therefore, been dealt with jointly in the proceedings.

Because of perceived needs for award provisions to operate in the Christmas-New Year period of 1993-94 and at Easter 1994, we heard applications for interim orders. Decisions were published on 15 December 1993 [Print L0498], 14 February 1994 [Print L1693] and 29 March 1994 [Print L2597]. On 14 February we expressed the view that "we should work toward a comprehensive decision dealing with all of the matters relating to public holidays which are before us" and gave notice "that the scope of the final decision and orders . . . will not necessarily be limited to Victoria". The latter intimation is, we presume, the reason for the wide range of interests represented in the later proceedings.

It is convenient initially to consider the issues before us by reference to the circumstances of full-time employees working on week days only. Later in our decision, we refer to employees working under other arrangements.

With minor exceptions, none of the participants made any case for more or fewer holidays by reference to the social purposes of leisure or the state of the economy. The Australian Chamber of Commerce and Industry did contend that public holidays were a subject for micro-economic reform, but in the final analysis called upon us to accommodate whatever decisions were taken by the States. There were some international comparisons of public holiday provisions, which we found difficult to interpret and inconclusive. Mr F Parry, of counsel for the State of Victoria and its agencies, reminded us of the progressive reduction in the number of days of work which has occurred over a long period, involving the cessation of Saturday work, the advent and expansion of annual leave, the inception of long service leave and the introduction of rostered days-off. While these changes have occurred, the number of public holidays has altered very little.

The essence of the case presented by Mr G Belchamber, for the ACTU, the VTHC and unions, was that a standard for public holidays should form part of an award "safety net". He referred to the structure and objects of the Industrial Relations Act 1988, as recently amended. These, he said, favoured the determination of wages and conditions by bargaining, but with a safety net of award-prescribed terms. The safety net should include provisions to ensure that employees have an entitlement to leisure (or payment in lieu thereof) on an adequate number of days loosely designated as "public holidays". According to the final submissions of the ACTU and the VTHC, the union claims seek "a minimum of 10 prescribed (named) public holidays plus one additional public holiday in each State, as a safety net standard for workers covered by federal awards". The ten named days include Easter Saturday, which we consider later in this decision. The remaining nine named days are (according to the draft order tendered by Mr Belchamber): New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Eight Hours' Day (or Labour Day), Christmas Day and Boxing Day. Whenever New Year's Day, Australia Day, Christmas Day or Boxing Day fell on a Saturday or Sunday, a substitute holiday would be provided. Thus Anzac Day is outside the scope of the substitution claim.

The final union submissions, as quoted in the previous paragraph, referred to "one additional public holiday in each State". This appears consistent with an earlier draft order, which provided: "In addition to the public holidays prescribed in paragraph (i) of this sub-clause, one additional public holiday shall apply." The draft order tendered in May, however, stated: "In addition to the public holidays prescribed in paragraph (i) of this sub-clause additional public holidays shall apply to an employee in each State or Territory where this award operates as follows: [Insert specific named days]". Both drafts contained a provision to ensure that additional public holidays prescribed in States, Territories and localities were observed under the awards. The revision apparently has a separate purpose. Mr Belchamber, at the time of tendering the revised draft order, gave us the following explanation:

"In our submission it is not our intent to seek to reduce unilaterally existing standards in awards many of which are in excess of the minimum or safety net standard which we say this Commission should determine. It is not about paring back or reducing to some lowest common factor the standard for public holidays in awards. The claim seeks to rather establish a minimum entitlement. And in some States and in some awards the insertion . . . will be of a single specific named day. In other States and regions reflecting long standing practice and convention there will be more than one day inserted." [transcript p.375]

In our understanding, the intention was to allow for the continuance in awards of extra "public holidays" previously provided through the operation of State Acts, regulations and proclamations but no longer so provided. Easter Tuesday and Show Day in Victoria are examples. Although this aspect of the draft order was not mentioned in the final summary of the unions' claims, we assume that it remains a "live" issue and deal with it accordingly.

The unions' claims were generally supported by the Commonwealth and the ACT and opposed by the States, the Northern Territory and most other interests. The principal case against the claims was put by Mr Parry on behalf of the Victorian Government and instrumentalities. Without detracting from the range of issues that were canvassed, we think it fair to say that the major argument pertained to the autonomy of the States and Territories and the appropriate limits to the Commission's exercise of its jurisdiction. The Commission, it was said, does not have the authority to declare public holidays. This is a responsibility of Parliaments and Governments. Although the Commission may be able to prescribe leave with pay and require higher payments when employees work at certain times, the Commission's practice has been to recognise the public holidays determined by the appropriate authorities and, in various ways, to incorporate them in its awards. This traditional approach was a proper one and ought to be continued. When a State Government decided - as the Victorian Government had done - to alter public holiday standards, the Commission should respect that decision and, where practicable, give effect to it. (The force of this contention was reduced somewhat by the Victorian Government's abandonment of its applications insofar as they went beyond the public sector.)

In our interim decision of 15 December 1993, we discussed briefly the subject of State autonomy:

"The Victorian Government and its agencies, along with the majority of employers, stress (inter alia) previous decisions about public holidays by the Commission's predecessors. These have commonly treated public holidays as a subject upon which policies of the States should prevail and be accommodated by the awards.

We do not lightly depart from the principles previously enshrined in arbitral decisions. Nevertheless we think that the industrial relations context which now exists is a material factor which warrants a different approach from that previously adopted. The wage-fixing principles imply a systematic approach to the prescription of pay and conditions which tells against both increases and reductions of leave entitlements without considered decisions of the Commission. For this reason, we do not think that workers under the Commission's awards should suffer a loss of leave in the coming holiday period."

This, of course, was an opinion formed with specific reference to an immediate problem. We emphasised in the decision of 15 December 1993 that all views expressed therein were provisional. An eventual decision to resume the traditional practice of accommodating State policies was entirely open to us. Accordingly, we have now reconsidered the issue in some depth.

We agree with Mr Belchamber that a "safety net" perspective is now appropriate. This is true particularly of minimum rate awards. Paid rate awards may lend themselves to a different approach. Some of the matters referred to us do pertain to paid rates awards, but no party to the proceedings

has asked us to consider any special adaptations of our decision in recognition of their distinctive character. It is appropriate, therefore, to encompass them within the terms of this decision, accepting that they may eventually move in directions of their own. A safety net standard will reflect the Commission's judgement as to what is the minimum acceptable entitlement in respect of a particular benefit, such as public holidays. By means of bargaining, of course, an increase in one benefit may be accommodated by a reduction in another.

We also accept that the declaration of public holidays, by whatever legal instrument, is the prerogative of the various Governments. There is a need, therefore, to reconcile, if possible, the Commission's "safety net" function with the authority of the Governments. There are certain days which do not require any action by the States to permit their identification in the Commission's awards. No State law is necessary to define Christmas Day as 25 December, Boxing Day as 26 December or New Year's Day as 1 January. Good Friday and the Monday thereafter also stand in their own right. The Commission, at its discretion, may prescribe any of these days to be holidays - just as it can make award provisions about "Saturdays" and "Sundays". An award provision that Good Friday is a holiday entails no intrusion by this Commission upon the law-making authority of the States. Some other holidays have a different character. Australia Day, Anzac Day, the Queen's Birthday and Labour Day, as well as local holidays such as Melbourne Cup Day and Proclamation Day, exist by reason of governmental instruments, although that fact may perhaps be circumvented by alternative designations such as "25 April" and "the first Tuesday in November". The Commission, we think, ought not to usurp the function of "declaring" such days to be public holidays. There is, however, no usurpation if the Commission prescribes that a day identified by a State as a public holiday is to be observed as a holiday in its awards. Thus an award provision that the Queen's Birthday is to be observed as a holiday would be nugatory if, in a given State, no instrument identifying that day existed.

Further, the Commission does not trespass on the States' authority if it prescribes that, when a specified day such as Christmas Day or Australia Day falls on a Saturday or a Sunday, there will be a holiday on the next Monday in lieu of the "actual" day. Such a prescription is limited, of course, to the Commission's awards.

The above comments, it may be said, deal only in a formal sense with the potential for conflict with State authority. Traditionally, the States have determined, indirectly, the number of "public holidays" as well as the specific days on which they occur. When the Victorian Government decided that there would be fewer "substitute days" (holidays in lieu of actual days which fall on weekends) and that there would be no public holidays on Easter Tuesday or Show Day, this was a decision to reduce the number of days of leave. Former decisions of arbitral tribunals imply that such a decision would be adopted, for the State of Victoria, by the Commission. That practice is challenged by the "safety net" principle advocated by the unions.

Although the leave which employees enjoy under the broad characterisation of "public holidays" is a significant benefit and, as such, ought not to be excluded from the "safety net" concept, the safety net standard goes more, we think, to the quantum of leave than to the specification of days. There are, however, some days which have special significance in community mores - a significance which the awards may well reflect. These days are

Good Friday, Anzac Day and Christmas Day. Otherwise, the specification of days should be seen as variable over time and between States, Territories and even localities. No arguments have been put to us which justify either an expansion or a contraction in the standards which had developed by the early 1990s. Though there are some variations between States, we think that a prescription of ten days (excluding Easter Saturday) gives reasonable effect to the criterion of minimum change. With that standard in mind, we think that award provisions at this time should normally provide:

- . that holidays (or payment in lieu) be observed in respect of New Year's Day, Good Friday, the Monday thereafter, Anzac Day, Christmas Day and Boxing Day;
- . that holidays (or payment in lieu) be observed also in respect of the days specified in the relevant States and Territories as Australia Day, the Queen's Birthday and Labour Day;
- . for an additional holiday (or payment in lieu) which may be a day identified by a governmental prescription (for example, Melbourne Cup Day) or a day otherwise specified (for example, for a union picnic); and
- . that when a prescribed holiday, other than Anzac Day, falls on a Saturday or Sunday, a substitute day is provided.

An effect of the above provisions is that the amount of leave is reduced by one day in those years wherein Anzac Day falls on a Saturday or Sunday. This accords with current practice in most States and, with respect to those States, is accepted by the unions.

In some States, the provisions which we have outlined fall below existing "State" standards. The unions propose that the additional leave should be provided in the Commission's awards. This implies that the States and Territories may add to but not subtract from the safety net leave provisions. Upon consideration we have decided to accede to this proposal, notwithstanding its inconsistency with the safety net principle. We do so because it is not open to us to prevent a State or Territory from creating "extra" public holidays. Where it does so, the existence of a lesser standard in the Commission's awards would be a likely source of industrial unrest. We do not, however, accede to the union request that where "extra" public holidays - above the safety net standard - have existed in the past but are eliminated by a State or Territory, their continued observance should be enforced by the Commission. The Commission's commitment is to the safety net, not the status quo (however defined). In effect, our decision allows for State or Territory autonomy, subject to meeting, as a minimum, the safety net standard.

We do not intend our accommodation of State-determined holidays above the safety net standard to be the basis of double-counting, achieved by identifying the additional day in some other manner. For example, we envisage that in Victoria the additional day which is part of the safety net standard will normally be Melbourne Cup Day or a local equivalent. If the additional day is a union picnic day, this will be in lieu of Melbourne Cup Day.

We come now to the question whether Easter Saturday should be included within the safety net standard. To most workers under the Commission's awards, this is irrelevant; for they do not work on Saturdays in any event. For employees who do work on Easter Saturday and their employers, the question has significance because the answer affects the penalty rates that apply. The rates for working on "public holidays" exceed those for working on Saturdays. The higher rate constitutes a disincentive to the operation of businesses on Easter Saturday. Having regard to the "extended break" which the Easter period constitutes for most people, we think that such a disincentive is acceptable. In saying this, we do not overlook the special circumstances of the tourist and hospitality industries. Those circumstances do not, in our view, warrant treating Easter Saturday as an "ordinary" day when Good Friday and Easter Monday are not so treated. We believe, however, that the facilitative provision described below may alleviate some of the problems of employers for whom generally-observed holidays are periods of peak business.

Accordingly, we add Easter Saturday to the list of prescribed holidays.

The draft order submitted by the unions contains the following award provision:

"By agreement between any employer and his/her employees, and the unions concerned, other days may be substituted for the said days or any of them as to such employer's undertaking, and the unions shall not unreasonably withhold consent."

Some objection was taken to the terms of this facilitative provision because of the de facto power of veto which it confers on unions. We agree that there should be a facilitative provision. It should, we think, accord a role to the relevant unions, but one that is more circumscribed than that allowed in the above proposal. We envisage the following:

- "(i) An employer, with the agreement of the union(s) which is (are) party to this award, may substitute another day for any prescribed in this clause.
- (ii) (1) An employer and his or her employees may agree to substitute another day for any prescribed in this clause. For this purpose, the consent of the majority of affected employees shall constitute agreement.
- (2) An agreement pursuant to (1) shall be recorded in writing and be available to every affected employee.
- (3) The union(s) which is (are) party to this award shall be informed of an agreement pursuant to (1) and may within seven days refuse to accept it. The union(s) will not unreasonably refuse to accept the agreement.
- (4) If a union, pursuant to (3), refuses to accept an agreement, the parties will seek to resolve their differences to the satisfaction of the employer, the employees and the union.

employer

(5) If no resolution is achieved pursuant to (4), the  
may apply to the Commission for approval of the agreement  
reached with his or her employees. Such an application must  
be made fourteen or more days before the prescribed holiday.  
After giving the employer and union(s) an opportunity to be  
heard, the Commission will determine the application."

There are problems in applying a standard provision to the circumstances of employees whose working arrangements differ from the norm. One which was brought to our notice concerns employees who normally work on Saturdays. The substitution provision may affect such persons harshly. We take as an example a year wherein Christmas Day falls on a Saturday. A person who works on Christmas Day will receive the amount normally paid for Saturday work; and if he or she does not work on the substitute day, the higher rate prescribed for work on that day will be irrelevant. Mr Belchamber said:

". . . [T]o give practical effect to the minimum standards for all workers on a consistent basis, we seek that this Full Bench in its decision, indicate that it remains open to unions to pursue what may be called a 'savings clause' or an amendment variation of a standard clause, to meet the circumstances of workers regularly rostered to work on weekends.

We say, and we will submit, that it is neither practical, nor necessary, to determine a single particular provision for such workers out of these proceedings, and that the matter is best addressed in the way it has customarily been in the context of specific industries and specific awards, having regard to the particular circumstances and merits which apply." [transcript p.371]

We agree that this problem requires further attention; but we propose to deal with it in a somewhat different manner from that suggested by Mr Belchamber. There may well be other problems affecting persons with non-standard work arrangements to which attention should be given. We wish to establish a procedure for dealing with all such problems. Attached to this decision is a draft order which will form the basis of award variations to be effected as soon as practicable. We reserve the right of all parties to the matters which are before us to advise us in writing of further variations which they believe to be necessary to deal with special problems likely to arise in the relevant awards. Such advice should be received by 30 September 1994. A member of this Bench will list those matters for hearing with a view to preparing a report to the Bench. We hope in this way to be in a position to provide further general guidance and to minimise the need for award-by-award hearings with their potential for inconsistencies. In adopting this procedure, rather than the alternative suggested by Mr Belchamber, we are influenced by our belief that the model draft order can operate for some months before the need for additional award variations becomes acute.

The initial orders, based on the attachment, will be settled by O'Shea C. Those orders will be the Bench's response (subject to the further proceedings foreshadowed above) to both the union applications (including that pertaining to the Australian Barley Board (Interim) Award 1992) and the applications of the Victorian Government and its instrumentalities.



## Appearances:

G. Belchamber with D. Lowe, A. Findley and G. Barbour for the Construction, Forestry, Mining and Energy Union, D. Matson and G. Main for the Electrical, Electronic, Plumbing and Allied Workers Union of Australia, M. Borowick and J. Manning for The AWU - FIME Amalgamated Union, P. Robson for the Public Sector, Professional, Scientific Research, Technical, Communications, Aviation and Broadcasting Union, D. Haynes for The State Public Services Federation, B. Soraghan for the Textile, Clothing and Footwear Union of Australia, J. Cahill for Printing and Kindred Industries Union, P. Richardson for the National Union of Workers, P. Hull for the Confectionery Workers and Food Preservers Union of Australia, J. Ryan for The Gas Industry Salaried Officers Federation, R. McMullen for the Australian Liquor, Hospitality and Miscellaneous Workers Union, P. Parkinson for the Australian Rail, Tram and Bus Industry Union, J. Artis for The Association of Professional Engineers and Scientists, Australia, S. Gibbs for the Australian Municipal, Administrative, Clerical and Services Union, M. Lester for the Transport Workers' Union of Australia, S. Dargavel for the Automotive, Metals and Engineering Union, M. Jackson for the Finance Sector Union of Australia, R. Donn for the Musicians' Union of Australia, S. Burnley for the Shop, Distributive and Allied Employees Association; and intervening for the Australian Council of Trade Unions and with M. Burr for the Victorian Trades Hall Council.

A. Mussert for Master Builders' Association of Victoria, Master Plumbers Association of South Australia, Master Plumbers Association of Tasmania, Master Painters and Decorators and Signwriters Associations in the various States, Association of Wall and Ceiling Contractors of New South Wales, and Sub-Contractors Association of New South Wales.

F. Parry (of counsel) for Her Majesty the Queen in the right of the State of Victoria, Her Majesty the Queen in right of the State of Western Australia, Alpine Resorts Commission, Ambulance Services of Victoria, Department of Agriculture, Department of Arts, Sport and Tourism, Department of Conservation and Natural Resources, Department of Health and Community Services representing Public Hospitals and Community Health Centres, Department of Planning and Development, Gas and Fuel Corporation, Geelong and District Water Board, Gippsland Water, Grain Elevators Board of Victoria, Greyhound Racing Control Board, Harness Racing Board, Legal Aid Commission of Victoria, Melbourne Water, Melbourne Wholesale Fruit and Vegetable Market Trust, Port of Melbourne Authority, Public Transport Corporation, Respondent Agencies to Victorian State Agencies Award, Roads Corporation of Victoria, Rural Water Commission, Totalisator Agency Board, Upper Yarra Valley and Dandenong Ranges Authority, Vic Workcover Authority, Victorian Dairy Industry Authority, Australian Barley Board and Western Australian State Energy Commission.

J. Lange for Her Majesty the Queen in right of the State of Western Australia, State Energy Commission of Western Australia, Building Management Authority and Fremantle Port Authority.

D. O'Connell for the Government of the Northern Territory and with D. Shone for Her Majesty the Queen in right of the State of South Australia.

R. Gaussen and D. Jones for Her Majesty the Queen in right of the State of New South Wales.

## Appearances - contd:

M. McKenney with P. Drever, G. Doxey and J. Bornstein for the Minister for Industrial Relations on behalf of the Commonwealth (intervening).

I. Gourlay for Her Majesty the Queen in Right of the State of Victoria.

D. Gregory for the Association of Employers of Waterside Labour, respondent members of the Chamber of Manufactures of New South Wales and of the Northern Territory Chamber of Commerce and Industry, National Electrical Contractors Association, Portland Aluminium, Entertainment Industry Employers' Association, Insurance Employers Industrial Association Inc., Australian Wool Selling Brokers Employers Federation, Australian Bus and Coach Association, Bus Proprietors Association of Victoria and Australian Chamber of Commerce and Industry (intervening).

B. Ashton for the Australian Chamber of Manufactures, CSR Ltd, respondent members of the Queensland Confederation of Industry and of the Victorian Milk Distributors Association and the Victorian Association of Forest Industries.

D. Tulip for the Victorian Employers Chamber of Commerce and Industry and with C. Harnath for the Master Plumbers and Mechanical Services Association of Victoria.

J. Hargrave for Printing and Allied Trades Employers Federation of Australia and respondent members of Country Press Australia.

F. Cavallaro on behalf of The Timber Merchants' Association (Victoria).

C. Platt for Australian Wool Selling Brokers Employers Federation.

M. Teahan (solicitor), R. West and P. Mercuri for the Federation of Australian Commercial Television Stations.

S. Bussell for H J Heinz, SPC Ltd, Unifood Inc, ACL Comcor and Cabot Australasia Ltd and with S. Smith for Metal Trades Industry Association of Australia (intervening).

P. Hill for AMP Society.

G. Henderson for Allders International Pty Ltd.

R. Felmingham for the State Public Services Federation.

M. Jackson for the Finance Sector Union of Australia.

M. Wilde for the Commonwealth Bank Officers' Association.

M. Irving for the Health Services Union of Australia.

T. Lyons (solicitor) for GIO Australia.

## Appearances - contd:

G. Smith (of counsel) with R. Smith for Australia and New Zealand Banking Group Ltd, National Australia Bank Limited, Westpac Banking Corporation, Primary Industry Bank of Australia, Commonwealth Bank of Australia, Rural Industry Bank of Western Australia Limited, State Bank of South Australia, Insurance Employers Industrial Association Inc. and their respondent members with the exception of National Mutual and Bank of New Zealand.

S. Bowman on behalf of Rothmans Pall Mall Australia Ltd.

M. Serong (of counsel) with J. D'Abasco (solicitor) for various banks and Trustee Corporations Association of Australia.

D. Blanksby for the Victorian Glass Merchants Association.

R. Bunting (solicitor) on behalf of Tasmanian Pulp and Forest Holdings Pty Ltd and North Broken Hill Ltd (Forest Products Division).

B. Troy and J. Trolley for Australian Road Transport Industrial Organisation.

D. Huett for Australian Earthmovers and Road Contractors Federation and respondent members of the South Australian Employers' Chamber of Commerce and Industry Inc.

A. Markiewicz for Metal Trades Industry Association of Australia, the Australian Chamber of Manufactures and Rothmans of Pall Mall Australia Ltd.

M. Paynter for Metal Trades Industry Association of Australia National Construction Council, Air Conditioning and Mechanical Contractors Association of Victoria and the Fire Protection Industry Association of Australia.

A. Salmon for Metal Trades Industry Association of Australia and the Engineering Employers Association, South Australia.

S. Smith for Metal Trades Industry Association of Australia.

J. Woodrow for the Government of the Australian Capital Territory and with E. Porter for Her Majesty the Queen in right of the State of Queensland (intervening).

N. Hughes and M. Coleman for the Entertainment Industry Employers' Association (intervening).

P. Monagle for Australian Hotels Association (intervening).

## Hearing details:

1993.

Melbourne:  
December 8, 14.

1994.

Melbourne:  
February 8, 9.  
March 17.  
Adelaide:

March 28.  
Melbourne:  
May 12, 13, 17, 18.

## ATTACHMENT

## DRAFT ORDER

A. The above award is varied by deleting . . . and inserting the following in its stead:

- (a) An employee shall be entitled to holidays on the following days
- Monday, (i) New Year's Day, Good Friday, Easter Saturday, Easter Christmas Day and Boxing Day; and
- (ii) the following days, as prescribed in the relevant States, Territories and localities: Australia Day, Anzac Day, Queen's Birthday and Eight Hours' Day or Labour Day; and
- Territory (iii) [one other day to be specified according to State, or locality or on some other basis]
- (b) (i) When Christmas Day is a Saturday or a Sunday, a holiday in lieu thereof shall be observed on 27 December.
- (ii) When Boxing Day is a Saturday or a Sunday, a holiday in lieu thereof shall be observed on 28 December.
- Sunday, (iii) When New Year's Day or Australia Day is a Saturday or a holiday in lieu thereof shall be observed on the next Monday.
- holidays are (c) Where in a State, Territory or locality, public declared or prescribed on days other than those set out in (a) and (b) above, those days shall constitute additional holidays for the purpose of this award.
- (d) (i) An employer, with the agreement of the union(s) which is (are) party to this award, may substitute another day for any prescribed in this clause.
- (ii) (1) An employer and his or her employees may agree to substitute another day for any prescribed in this clause. For this purpose, the consent of the majority of affected employees shall constitute agreement.
- (2) An agreement pursuant to (1) shall be recorded in writing and be available to every affected employee.
- (3) The union(s) which is (are) party to this award shall be informed of an agreement pursuant to (1) and may within seven days refuse to accept it. The union(s) will not unreasonably refuse to accept the agreement.
- (4) If a union, pursuant to (3), refuses to accept an

agreement, the parties will seek to resolve their differences to the satisfaction of the employer, the employees and the union.

- (5) If no resolution is achieved pursuant to (4), the employer may apply to the Commission for approval of the agreement reached with his or her employees. Such an application must be made fourteen or more days before the prescribed holiday. After giving the employer and union(s) an opportunity to be heard, the Commission will determine the application.

B. This order shall come into force from the beginning of the first pay period commencing on or after . . . and shall remain in force for a period of 12 months.

\*\* end of text \*\*