

## Award Modernisation—Pre-drafting Consultations

The Australian Industrial Relations Commission (AIRC) has begun consultations in the industries and occupations given priority status in the award modernisation process.

The pre-drafting consultations are taking place over a period of just over two weeks – 4 to 19 August 2008. Exposure drafts will then be prepared for modern awards in each of the priority industries and occupations.

Details of the consultations including dates, times and locations can be found in the notice of listing issued on 22 July 2008. The notice of listing and other documents related to the Full Bench proceedings can be found on the AIRC website at [www.airc.gov.au/awardmod/fullbench](http://www.airc.gov.au/awardmod/fullbench).

The AIRC's Award Modernisation Full Bench issued a decision on 20 June 2008 determining:

- 14 priority industries and occupations;
- a model award flexibility clause; and
- a timetable for completion of the award modernisation process.

Information aimed at assisting the parties involved in the process can be found in the *Award modernisation section* of the AIRC website at [www.airc.gov.au/awardmod](http://www.airc.gov.au/awardmod). This section is updated regularly with documents posted the same day that they are received. It includes:

- individual websites for each of the priority industries and occupations (providing access to all relevant documents including submissions);
- comparative schedules for awards in the priority industries and occupations; and
- an interim guide to drafting modern awards.

For further information about award modernisation look on the AIRC website or send an email to [amod@air.gov.au](mailto:amod@air.gov.au).

## Wages and Allowances Review 2008

The Wages and Allowances Review 2008 is listed for hearing before a five-member Full Bench of the Australian Industrial Relations Commission this month.

Parties involved in the review must lodge before the hearing an outline of submissions, affidavits of witness evidence and any draft orders in accordance with a schedule set down in Full Bench directions issued on 29 July 2008.

The case involves applications by seven unions seeking to vary 24 awards to reflect the 8 July 2008 minimum wage decision of the Australian Fair Pay Commission.

AIRC President, Justice Geoffrey Giudice, held a directions hearing on 25 July 2008. The hearing before the Full Bench was scheduled for 14-15 August 2008.

Documents related to the Wages and Allowances Review 2008 are available on a dedicated website accessible from the AIRC website. Go to the *Cases & decisions* section, click on *Significant cases* and then look under *Current major cases*. Alternatively, you can go directly to the site at [www.e-airc.gov.au/wages2008](http://www.e-airc.gov.au/wages2008).

## Cambodian Internships with AIRC

An arbitrator and a senior administrator dealing with collective labour disputes in Cambodia have completed internships with the Australian Industrial Relations Commission.

**Ms Ann Vireak**, an arbitrator with the Cambodian Arbitration Council and **Mr Sok Lor**, Deputy Executive Director of the Arbitration Council Foundation, were attached to the Melbourne-based chambers of Commissioner Dominica Whelan and Senior Deputy President Brian Lacy respectively.

The internships ran for two weeks—from 2 June to 13 June 2008—and preceded a week-long visit to the AIRC in Melbourne by a delegation of arbitrators and legal advisers from the Cambodian Arbitration Council. The delegation observed the conduct of cases in the AIRC and received briefings from AIRC members and Australian Industrial Registry staff.

The Cambodian Arbitration Council was established in 2003. An independent body, its function is to resolve collective labour disputes that cannot be resolved by conciliation.

The AIRC has a particularly close relationship with the Arbitration Council. Since 2003, Commissioner Michael Gay has visited Cambodia several times to assist in the professional development of the Arbitration Council arbitrators and Ministry of Labour conciliators as well as to brief employer associations and unions.

Delegations from the Arbitration Council have been visiting the AIRC in Melbourne at least annually since 2004.

For more information go to the Arbitration Council's website at [www.arbitrationcouncil.org/eng\\_index.htm](http://www.arbitrationcouncil.org/eng_index.htm).

## Former Commissioners

Three former members of the Australian Industrial Relations Commission, or one of its predecessors, recently passed away.

Former Commissioner **John Gough** died on 20 July 2008. A Rhodes scholar and senior oil industry industrial relations manager, Mr Gough was appointed to the Commonwealth Conciliation and Arbitration Commission in 1962 and retired in 1984.

Former Commissioner **Pauline Barnes** died on 13 July 2008. An industrial lawyer, Ms Barnes was appointed a Commissioner of the Australian Conciliation and Arbitration Commission in 1978 and retired in 1985.

Former Commissioner **Keith Mahon** died on 20 June 2008. A former senior executive with Ford Australia, he was a member of the Australian Industrial Relations Commission from 1994 until 1998.

## Decisions by Subject

The *Decisions by Subject* list available through the online edition of *AIRC News* is now updated to 1 August 2008. The list features AIRC decisions dating back to 1 July 2007—with hyperlinks to the actual decisions. To access the list go to [www3.e-airc.gov.au/newsletter/decisions](http://www3.e-airc.gov.au/newsletter/decisions).

## Unfair and Unlawful Dismissal

On **1 July 2008** new remuneration and compensation limits took effect for unfair and some unlawful dismissal applications under the [Workplace Relations Act 1996](#). There was also an increase in the lodgment fee for dismissal applications.

Under the changes:

- the filing fee for unfair and unlawful dismissal applications is now **\$57.30**;
- an employee not employed under award-derived conditions whose remuneration exceeds **\$106,400** (indexed from \$101,300) per year is excluded from making certain applications;
- the limit of compensation that may be awarded by the AIRC in lieu of reinstatement to an employee not employed under award-derived conditions is **\$53,200** (indexed from \$50,700).

## Did you know?

A video information package providing an **overview of the conciliation process** in unfair and unlawful dismissal cases is available online through the AIRC website at:

[www.airc.gov.au/dismissals/termmovie.htm](http://www.airc.gov.au/dismissals/termmovie.htm).

The package comprises a 15-minute video presentation and a 12-page booklet. It is designed to assist those involved in termination of employment cases who are unfamiliar with the workings of the AIRC.

The package is also available in a DVD format for the video presentation and a printed booklet. For copies contact the AIRC Information Line on **1300 799 675**.

If you have any feedback on this newsletter please send an email to [communications@air.gov.au](mailto:communications@air.gov.au).

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