

**RESCIND GENERAL ORDER NO. 24/09 AND ISSUE A NEW GENERAL ORDER
WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

PARTIES COMMISSION'S OWN MOTION

-v-

(NOT APPLICABLE)

APPLICANT

RESPONDENT

CORAM COMMISSION IN COURT SESSION
ACTING SENIOR COMMISSIONER P E SCOTT
COMMISSIONER J L HARRISON
COMMISSIONER S M MAYMAN

DATE WEDNESDAY, 23 JUNE 2010
FILE NO. APPL 117 OF 2010
CITATION NO. 2010 WAIRC 00369

Result General Order issued

General Order

HAVING heard Mr R Davenport on behalf of the Honourable Minister for Commerce; Mr T Dymond on behalf of the Trades and Labor Council of Western Australia; and there being no appearance on behalf of the Chamber of Commerce and Industry of Western Australia (Inc), the Commission in Court Session, pursuant to the powers conferred on it by the *Industrial Relations Act 1979* (WA) hereby orders –

- (1) THAT each award, industrial agreement or order cited in Schedule A of this General Order be varied by substituting for the location allowances provisions contained in each such award, industrial agreement or order the location allowance provisions in Schedule B of this General Order.
- (2) THAT each such variation shall have effect from the beginning of the first pay period to commence on or after the first day of July 2010.
- (3) THAT this General Order replace the General Order in Matter No 24 of 2009 which thereby shall be rescinded.

ACTING SENIOR COMMISSIONER P E SCOTT
FOR AND ON BEHALF OF THE COMMISSION IN COURT SESSION

SCHEDULE A

<u>Title of Award or Order</u>	<u>Clause No.</u>
Aerated Water and Cordial Manufacturing Industry Award 1975	31
Aged and Disabled Persons Hostels Award, 1987	28
Air Conditioning and Refrigeration Industry (Construction and Servicing) Award No. 10 of 1979	20
Animal Welfare Industry Award	14
Artworkers Award	20
The Australian Workers Union Road Maintenance, Marking and Traffic Management Award 2002	5.14
Bakers' (Country) Award No. 18 of 1977	20
Breadcarters (Country) Award 1976	27
Building Trades Award 1968	24
Building Trades (Construction) Award 1987	Appendix A
Child Care (Out of School Care - Playleaders) Award	10
Children's Services (Private) Award	12
Cleaners and Caretakers Award, 1969	21
Cleaners and Caretakers (Car and Caravan Parks) Award 1975	22
Clerks' (Accountants' Employees) Award 1984	23
Clerks (Commercial, Social and Professional Services) Award No. 14 of 1972	27
Clerks' (Control Room Operators) Award 1984	25
Clerks' (Credit and Finance Establishments) Award	31
Clerks' (Customs and/or Shipping and/or Forwarding Agents) Award	30
Clerks' (Hotels, Motels and Clubs) Award 1979	22
Clerks' (Taxi Services) Award of 1970	28
Clerks (Timber) Award	31
Clerks (Unions and Labor Movement) Award 2004 No. A 10 of 1996	37
Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947	28
Clothing Trades Award 1973	22
Contract Cleaners Award, 1986	24
Contract Cleaners' (Ministry of Education) Award 1990	21
Dental Technicians' and Attendant/Receptionists' Award, 1982	27
The Draughtsmen's, Tracers', Planners' and Technical Officers' Award 1979	32
Dry Cleaning and Laundry Award 1979	22
Earth Moving and Construction Award	25
Electrical Contracting Industry Award R 22 of 1978	22
Electrical Trades (Security Alarms Industry) Award 1980	19
Electronics Industry Award No. A 22 of 1985	24
Engine Drivers' (Building and Steel Construction) Award No. 20 of 1973	25
Engine Drivers' (General) Award	20

Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978	23
Foremen (Building Trades) Award 1991	15
Funeral Directors' Assistants' Award No. 18 of 1962	33
Furniture Trades Industry Award	46
Gate, Fence and Frames Manufacturing Award	21
Golf Link and Bowling Green Employees' Award, 1993	28
Hairdressers Award 1989	31
The Horticultural (Nursery) Industry Award, No. 30 of 1980	6
Hospital Salaried Officers (Good Samaritan Industries) Award 1990	29
Industrial Spraypainting and Sandblasting Award 1991	19
Independent Schools Administrative and Technical Officers Award 1993	22
Independent Schools (Boarding House) Supervisory Staff Award	22
Independent Schools Psychologists and Social Workers Award	21
Independent Schools' Teachers' Award 1976	18
Landscape Gardening Industry Award	18
Licensed Establishments (Retail and Wholesale) Award 1979	31
Lift Industry (Electrical and Metal Trades) Award, 1973	20
Materials Testing Employees' Award, 1984	12
Meat Industry (State) Award, 2003	21(1)
Metal Trades (General) Award 1966	5.6
Motel, Hostel, Service Flats and Boarding House Workers' Award, 1976	42
Motor Vehicle (Service Station, Sales Establishments, Rust Prevention and Paint Protection), Industry Award No. 29 of 1980	17
Nurses' (Day Care Centres) Award 1976	22
Nurses (Dentists Surgeries) Award 1977	23
Nurses (Doctors Surgeries) Award 1977	22
Nurses' (Independent Schools) Award	20
Nurses' (Private Hospitals) Award	30
Pastrycooks' Award No. 24 of 1981	11
Pest Control Industry Award 1982	14
Photographic Industry Award, 1980	29
Private Hospital Employees' Award, 1972	40
Quarry Workers' Award, 1969	19
Radio and Television Employees' Award	23
Restaurant, Tearoom and Catering Workers' Award, 1979	41
Retail Pharmacists' Award 2004	5.2
The Rock Lobster and Prawn Processing Award 1978	26
School Employees (Independent Day & Boarding Schools) Award, 1980	31
Security Officers' Award	20(3)
Sheet Metal Workers' Award No. 10 of 1973	26

The Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977	39
Teachers' Aides' (Independent Schools) Award 1988	17
Timber Yard Workers Award No. 11 of 1951	28
Transport Workers (General) Award No. 10 of 1961	5.13
Transport Workers (Mobile Food Vendors) Award 1987	18
Transport Workers' (North West Passenger Vehicles) Award, 1988	28
Transport Workers' (Passenger Vehicles) Award No. R 47 of 1978	24
Western Australian Surveying (Private Practice) Industry Award, 2003	8.4

<u>Title of Industrial Agreements</u>	<u>Clause No.</u>
Altone Continental and SDA Agreement 2002	32
Beverley Four Square Supermarket and SDA Agreement 2002	32
Bindoon General Store and SDA Agreement 2002	32
Bridgetown Mini Mart and SDA Agreement 2002	32
Broadwater Mini Mart and SDA Agreement 2002	32
Cadoux Traders and SDA Agreement 2002	32
Caversham Store and SDA Agreement 2002	32
Cherries Fine Food Super Mart and SDA Agreement 2002	32
Chicken Treat Dunsborough SDA Agreement 2001	34
Chicken Treat Katanning SDA Agreement 2001	34
Chicken Treat Narrogin SDA Agreement 2001	34
Chicken Treat Padbury SDA Agreement 2001	34
Chicken Treat Rockingham SDA Agreement 2001	34
Chidlow Growers Mart and SDA Agreement 2002	32
Cranberries and SDA Agreement 2002	32
Crisp's Corner Store & Newsagency and SDA Agreement 2002	32
Essentials Supermarket of South Perth and SDA Agreement 2002	32
Foodland Amelia Heights and SDA Agreement 2002	32
Foodland Bayswater (Beechboro Road) and SDA Agreement 2002	32
Foodland Bayswater (Whatley Crescent) and SDA Agreement 2002	32
Foodland Bindoon and SDA Agreement 2002	32
Foodland Boddington and SDA Agreement 2002	32
Foodland Dowerin and SDA Agreement 2002	32
Foodland Lesmurdie and SDA Agreement 2002	32
Foodland Manning and SDA Agreement 2002	32
Foodland Merredin and SDA Agreement 2002	32
Foodland Mukinbudin and SDA Agreement 2002	32
Foodland Ravensthorp and SDA Agreement 2002	32
Foodland Tarcoola and SDA Agreement 2002	32
Foodland Toodyay and SDA Agreement 2002	32
Foodland Wagin and SDA Agreement 2002	32
Foodys Express and SDA Agreement 2002	32
Fresh Food Corner Supermarket and SDA Agreement 2002	32
Glen Forrest Supermarket and SDA Agreement 2002	32
Hall's Creek Caravan Park and SDA Agreement 2002	32
Hannan's Foodmart and SDA Agreement 2002	32
John's Food and Liquor Store and SDA Agreement 2002	32
Kam Food & News Centre and SDA Agreement 2002	32

Kendenup Stores and SDA Agreement 2002	32
Kimberley Super Value and SDA Agreement 2002	32
Kirkwood Food Store & Delicatessen and SDA Agreement 2002	32
K-Mart Western Australia Distribution Centres Enterprise Agreement No. AG 16 of 1995	40
K-Mart Western Australia Distribution Centres Enterprise Agreement No. AG 100 of 1996	40
Laverton Stores and SDA Agreement 2002	32
Leighton Contractors Maintenance Personnel Agreement 2000	Schedule 1, Cl 6
Leighton Contractors Mining and Processing Personnel Enterprise Agreement 1997	Schedule 1, Cl 9
Lionel St Markets and SDA Agreement 2002	32
Little Bucks Supermarket and SDA Agreement 2002	32
Mariella's Continental Deli and SDA Agreement 2002	32
McDonald Wholesalers and SDA Agreement 2002	32
Midland Junction Fresh Markets and SDA Agreement 2002	32
MJ and VD Quinlan and SDA Agreement 2002	32
Muir's Fresh Food Supermarkets and SDA Agreement 2002	32
Murdoch Drive Continental Super Deli and SDA Agreement 2002	32
Noakes Store Denmark and SDA Agreement 2002	32
P.R. & B.M. Harrington and SDA Agreement 2002	32
Pemberton General Store and SDA Agreement 2002	32
Perenjori Supermarket and SDA Agreement 2002	32
Pioneer Store and SDA Agreement 2002	32
Port Hedland Truck Stop and SDA Agreement 2002	32
R & E General and SDA Agreement 2002	32
Retail Food Establishments Employees Agreement 1992	34
Retail Food Services Employees' Agreement 1991	39
River Rooster Broome Agreement No. AG 271 of 1996	34
River Rooster Bunbury Agreement No. AG 264 of 1996	34
River Rooster Busselton/Dunsborough Agreement No. AG 285 of 1996	34
River Rooster Carnavorn Agreement No. AG 270 of 1996	34
River Rooster Merriwa Agreement No. AG 268 of 1996	34
River Rooster Narrogin Agreement No. AG 265 of 1996	34
South Metropolitan Youth Link (Inc.) Agreement 1997	20
South Perth Food Mart and SDA Agreement 2002	32
Supa Valu Capel and SDA Agreement 2002	32
Supa Valu Dongara and SDA Agreement 2002	32
Supa Valu Hamilton Hill and SDA Agreement 2002	32
Supa Valu High Wycombe and SDA Agreement 2002	32
Supa Valu Huntingdale and SDA Agreement 2002	32
Supa Valu Innaloo and SDA Agreement 2002	32
Supa Valu Kelmscott and SDA Agreement 2002	32

Supa Valu Ocean Reef and SDA Agreement 2002	32
Supa Valu Stirling and SDA Agreement 2002	32
Supa Valu Willetton and SDA Agreement 2002	32
Three Springs General Store and SDA Agreement 2002	32
Top Valu Supermarket and SDA Agreement 2002	32
Trade Winds Supermarket and SDA Agreement 2002	32
Wundowie One Stop and SDA Agreement 2002	32
Wyndham Supermarket and SDA Agreement 2002	32
York Mini Mart and SDA Agreement 2002	32

SCHEDULE B

Subject to the provisions of this clause, in addition to the rates prescribed in the wages clause of this award, an employee shall be paid the following weekly allowances when employed in the towns prescribed hereunder. Provided that where the wages are prescribed as fortnightly rates of pay, these allowances shall be shown as fortnightly allowances.

TOWN	PER WEEK
Agnew	\$19.30
Argyle	\$51.30
Balladonia	\$19.70
Barrow Island	\$33.40
Boulder	\$8.10
Broome	\$31.00
Bullfinch	\$9.10
Carnarvon	\$15.90
Cockatoo Island	\$34.00
Coolgardie	\$8.10
Cue	\$19.80
Dampier	\$26.90
Denham	\$15.90
Derby	\$32.20
Esperance	\$5.70
Eucla	\$21.60
Exmouth	\$28.20
Fitzroy Crossing	\$39.00
Goldsworthy	\$16.90
Halls Creek	\$44.90
Kalbarri	\$6.80
Kalgoorlie	\$8.10
Kambalda	\$8.10
Karratha	\$32.20
Koolan Island	\$34.00
Koolyanobbing	\$9.10
Kununurra	\$51.30
Laverton	\$19.70
Learmonth	\$28.20
Leinster	\$19.30
Leonora	\$19.70
Madura	\$20.70
Marble Bar	\$49.50
Meekatharra	\$17.10
Mount Magnet	\$21.30
Mundrabilla	\$21.20
Newman	\$18.50
Norseman	\$16.90
Nullagine	\$49.40
Onslow	\$33.40
Pannawonica	\$25.10
Paraburdoo	\$25.00
Port Hedland	\$26.80
Ravensthorpe	\$10.20
Roebourne	\$37.10

Sandstone	\$19.30
Shark Bay	\$15.90
Shay Gap	\$16.90
Southern Cross	\$9.10
Telfer	\$45.60
Teutonic Bore	\$19.30
Tom Price	\$25.00
Whim Creek	\$31.90
Wickham	\$30.90
Wiluna	\$19.60
Wittenoom	\$43.70
Wyndham	\$48.10

- (2) Except as provided in subclause (3) of this clause, an employee who has:
- (a) a dependent shall be paid double the allowance prescribed in subclause (1) of this clause;
 - (b) a partial dependent shall be paid the allowance prescribed in subclause (1) of this clause plus the difference between that rate and the amount such partial dependent is receiving by way of a district or location allowance.

- (3) Where an employee:
- (a) is provided with board and lodging by his/her employer, free of charge; or
 - (b) is provided with an allowance in lieu of board and lodging by virtue of the award or an order or agreement made pursuant to the Act;

such employee shall be paid $66\frac{2}{3}$ per cent of the allowances prescribed in subclause (1) of this clause.

The provisions of paragraph (b) of this subclause shall have effect on and from the 24th day of July, 1990.

- (4) Subject to subclause (2) of this clause, junior employees, casual employees, part time employees, apprentices receiving less than adult rate and employees employed for less than a full week shall receive that proportion of the location allowance as equates with the proportion that their wage for ordinary hours that week is to the adult rate for the work performed.
- (5) Where an employee is on annual leave or receives payment in lieu of annual leave he/she shall be paid for the period of such leave the location allowance to which he/she would ordinarily be entitled.
- (6) Where an employee is on long service leave or other approved leave with pay (other than annual leave) he/she shall only be paid location allowance for the period of such leave he/she remains in the location in which he/she is employed.
- (7) For the purposes of this clause:
- (a) "Dependant" shall mean -
 - (i) a spouse or defacto partner; or
 - (ii) a child where there is no spouse or defacto partner;

who does not receive a location allowance or who, if in receipt of a salary or wage package, receives no consideration for which the location allowance is payable pursuant to the provisions of this clause.

- (b) "Partial Dependant" shall mean a "dependent" as prescribed in paragraph (a) of this subclause who receives a location allowance which is less than the location allowance prescribed in subclause (1) of this clause or who, if in receipt of a salary or wage package, receives less than a full consideration for which the location allowance is payable pursuant to the provisions of this clause.
- (8) Where an employee is employed in a town or location not specified in this clause the allowance payable for the purpose of subclause (1) of this clause shall be such amount as may be agreed between Australian Mines and Metals Association, the Chamber of Commerce and Industry of Western Australia and the Trades and Labor Council of Western Australia or, failing such agreement, as may be determined by the Commission.
- (9) Subject to the making of a General Order pursuant to s.50 of the Act, that part of each location allowance representing prices shall be varied from the beginning of the first pay period commencing on or after the 1st day in July of each year in accordance with the annual percentage change in the Consumer Price Index (excluding housing), for Perth measured to the end of the immediately preceding March quarter, the calculation to be taken to the nearest ten cents.