

**50A. Commission to determine rates of pay for purposes of MCE Act and awards**

- (1) The Commission shall before 1 July in each year, of its own motion make a General Order (the “**State Wage order**”) —
  - (a) setting —
    - (i) the minimum weekly rate of pay applicable under section 12 of the MCE Act to employees who have reached 21 years of age and who are not apprentices or trainees;
    - (ii) the minimum weekly rate or rates of pay applicable under section 14 of the MCE Act to apprentices;
    - (iii) the minimum weekly rate or rates of pay applicable under section 15 of the MCE Act to trainees;
  - (b) adjusting rates of wages paid under awards;
  - (c) having regard to the statement of principles issued under paragraph (d) —
    - (i) varying each award affected by the exercise of jurisdiction under paragraph (b) to ensure that the award is consistent with the order; and
    - (ii) if the Commission considers it appropriate to do so, making other consequential changes to specified awards;

and

  - (d) setting out a statement of principles to be applied and followed in relation to the exercise of jurisdiction under this Act to set the wages, salaries, allowances or other remuneration of employees or the prices to be paid in respect of their employment.
- (2) The Commission may, in relation to awards generally or specified awards, do any or all of the following for the purposes of subsection (1)(b) —
  - (a) adjust all rates of wages;
  - (b) adjust individual rates of wages;
  - (c) adjust a series of rates of wages;
  - (d) adjust specialised rates of wages.
- (3) In making an order under this section, the Commission shall take into consideration —
  - (a) the need to —
    - (i) ensure that Western Australians have a system of fair wages and conditions of employment;
    - (ii) meet the needs of the low paid;
    - (iii) provide fair wage standards in the context of living standards generally prevailing in the community;

- (iv) contribute to improved living standards for employees;
  - (v) protect employees who may be unable to reach an industrial agreement;
  - (vi) encourage ongoing skills development; and
  - (vii) provide equal remuneration for men and women for work of equal or comparable value;
- (b) the state of the economy of Western Australia and the likely effect of its decision on that economy and, in particular, on the level of employment, inflation and productivity in Western Australia;
  - (c) to the extent that it is relevant, the state of the national economy;
  - (d) to the extent that it is relevant, the capacity of employers as a whole to bear the costs of increased wages, salaries, allowances and other remuneration;
  - (e) for the purposes of subsection (1)(b) and (c), the need to ensure that the Western Australian award framework represents a system of fair wages and conditions of employment;
  - (f) relevant decisions of other industrial courts and tribunals; and
  - (g) any other matters the Commission considers relevant.
- (4) Without limiting the generality of this section and section 26(1), in the exercise of its jurisdiction under subsection (1)(b) and (c) the Commission shall ensure, to the extent possible, that there is consistency and equity in relation to the variation of awards.
  - (5) A State Wage order takes effect on 1 July in the year it is made and is applicable in respect of an employee, apprentice or trainee on and from the commencement of the first pay period of the employee, apprentice or trainee on or after that date.
  - (6) A State Wage order in effect under this section when a subsequent order is made under subsection (1) ceases to apply in respect of an employee, apprentice or trainee on the day on which the subsequent order commences to apply in respect of the employee, apprentice or trainee.
  - (7) A State Wage order shall not be added to or varied.
  - (8) Nothing in subsection (7) affects the Commission's powers under section 27(1)(m).

*[Section 50A inserted by No. 36 of 2006 s. 14.]*