

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Application No. CICS 4 OF 2023

**COMMISSION'S OWN MOTION PURSUANT TO SECTION 37D TO VARY THE
CLEANERS AND CARETAKERS AWARD, 1969**

NOTICE is given by the Commission's Own Motion pursuant to section 37D of the *Industrial Relations Act 1979* (WA) of the Commission's intention to vary the scope of the *Cleaners and Caretakers Award, 1969*. The proposed variations which relate to scope are published in the annexed table.

A copy of the application and proposed variations may be inspected at my office by appointment at 111 St Georges Terrace, Perth.

A hearing for the purpose of affording interested persons an opportunity to be heard in relation to the proposed variations will be held at the Commission, Level 18, 111 St Georges Terrace Perth on Wednesday 6th day of September 2023 at 10.30 am.

Any person who wishes to be heard in relation to the proposed variations should contact Chief Commissioner Kenner's Chambers by email at Chambers-Kenner@wairc.wa.gov.au.

S. BASTIAN
REGISTRAR

10 AUGUST 2023

CLEANERS AND CARETAKERS AWARD, 1969

Current Award	Proposed Variations
<u>1.3. - AREA AND SCOPE</u>	<u>1.3. - AREA AND SCOPE</u>
<p>1.3.1 This award applies to all employees (as defined in s 7 of the <i>Industrial Relations Act 1979</i>) in the callings set out in 3.1 – Wages who are employed in Western Australia by churches, clubs, local government, societies and/or organisations and private industry employers other than constitutional corporations.</p> <p>1.3.2 Notwithstanding the provisions of 1.3.1 above, this award shall not apply to any employee who:</p> <p>(1) carries out the duties of a verger in a church; or</p> <p>(2) is otherwise subject to the terms and conditions of the:</p> <p style="padding-left: 40px;">(a) Cleaners and Caretakers (Car and Caravan Parks) Award 1975;</p> <p style="padding-left: 40px;">(b) Contract Cleaners Award, 1986; or</p> <p style="padding-left: 40px;">(c) Security Officers' Award.</p>	<p>1.3.1 (1) This Award has effect throughout Western Australia.</p> <p>(2) This Award also has effect with respect to employers who are connected to the State of Western Australia and their employees while performing work covered by this Award.</p> <p>Note: For a non-exhaustive list of indicators of when an employer may be connected to the State of Western Australia, see section 3(2) of the <i>Industrial Relations Act 1979</i>. Indicators include, but are not limited to, whether the employer is:</p> <ul style="list-style-type: none"> • domiciled or resident in, or has an office or a place of business in, the State; or • registered, incorporated, or established under a law of the State; or • the holder of a licence, lease, tenement, permit, or other authority, granted under a law of the State or by a public authority. <p>1.3.2 This Award applies to all employees in the classifications set out in 3.1 – Wages who are employed by private sector businesses, community and religious organisations, clubs and societies, and local government, as well as to their employers.</p> <p>1.3.3 This Award also applies to employers that supply labour on an on-hire basis to host employers in respect of on-hire employees employed in the classifications provided in Clause 3.1 – Wages,</p>

and those on-hire employees, while engaged in the performance of work covered by this award.

1.3.4 Notwithstanding the provisions of this clause, this Award does not apply to any employee who:

- (1) carries out the duties of a vergers in a church; or
- (2) is otherwise subject to the terms and conditions of the:
 - (a) *Cleaners and Caretakers (Car and Caravan Parks) Award 1975;*
 - (b) *Contract Cleaners Award, 1986;* or
 - (c) *Security Officers' Award.*

1.3.5 This Award does not apply to employers and employees who are subject to the national industrial relations system.