**Notice**

**VARIATION OF THE *COMMERCIAL TRAVELLERS AND SALES REPRESENTATIVES' AWARD 1978* PURSUANT TO S 40B OF *THE INDUSTRIAL RELATIONS ACT 1979* (WA)**

Notice is given of an application on the motion of the Western Australian Industrial Relations Commission to vary the *Commercial Travellers and Sales Representatives' Award 1978* with a view to:

1. ensuring the Award does not contain wages that are less than the minimum award wage as ordered by the Commission under s 50A of the *Industrial Relations Act 1979* (WA) (**IR Act**);
2. ensuring the Award does not contain conditions of employment that are less favourable than those provided by the *Minimum Conditions of Employment Act 1993* (WA) (**MCE Act**);
3. ensuring the Award does not contain provisions that are obsolete or need updating; and
4. ensuring the Award is consistent with the facilitation of the efficient organisation and performance of work according to the needs of the industry and enterprises within it, balanced with fairness to the employees in the industry and enterprises.

The following clauses of the Award are affected by the proposed variations:

* Clause 1 “Title” to contemporise the award’s title.
* Clause 2 “Arrangement” to arrange the clauses into parts and insert appropriate part headings.
* Clause 5 “Term” which is redundant.
* Clause 7 “Wages” to substitute the wages for probationary representatives which are below the statutory minimum wage with the statutory minimum wage.
* Clause 11 “Payment of Wages” to remove reference to payment of wages by cheque.
* Clause 12 “Records” to align with the record keeping requirements of Division 2F of Part 2 of the IR Act.
* Clause 13 “Contract of Employment and Termination” to align the termination provisions with Division 3 of Part 6-3 of the National Employment Statements of the *Fair Work Act 2009* (Cth).
* Clause 14 “Holidays” to rename the clause “Public Holidays” and align with the *Public and Bank Holidays Act 1972* (WA) as amended.
* Clause 15 “Annual Leave” to ensure conditions are not less favourable than the MCE Act.
* Clause 16 “Absence Through Sickness” to ensure conditions are not less favourable than the MCE Act conditions for personal leave.
* Clause 17 “Bereavement Leave” to ensure conditions are not less favourable than the MCE Act.
* Clause 18 “Long Service Leave” to refer to the *Long Service Leave Act 1958 (WA)*.
* Clause 19 “Air Conditioning” to update the clause generally.
* Clause 20 “Aged and Infirm Workers” to align with the Supported Wage System in the national industrial relations system.
* Clause 21 “Union Notices and Posting of Award” to enable a copy of the Award to be made available electronically.
* Clause 23 “Occupational Superannuation” to ensure conditions comply with s 48B of the IR Act.
* Clause 24 “Enterprise Agreements” which is obsolete.
* Clause 26 “Redundancy” to ensure the clause is not less favourable than the Termination, Change and Redundance General Order.
* “Appendix – Resolution of Disputes Requirements” to remove subclause (1) as obsolete and to update the clause generally.
* All definitions, terms and clauses for consistent, non-discriminatory terminology and gender neutral language.
* To include provision for domestic and family violence leave and parental leave.
* To remove and update references to repealed and amended legislation.
* To update various allowances that have not been updated since 2006 or earlier.
* To remove gendered language.

A For Mention and Directions hearing has been listed before Senior Commissioner Cosentino for the purpose of ascertaining who might seek to be heard and what steps should be taken to ensure such parties may be heard in relation to the proposed variations. The hearing will take place:

**AT: 10:00 AM**

**ON: Thursday, 6 February 2025**

**LOCATION: Level 18, 111 St Georges Terrace, Perth**

Any person wishing to appear at this hearing should provide notice to the Senior Commissioner’s Associate on (08) 9420 4455 or at [chambers-cosentino@wairc.wa.gov.au](mailto:chambers-cosentino@wairc.wa.gov.au) by no later than **30 January 2025**. For further information please contact the Senior Commissioner’s Associate.

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7 JANUARY 2025