

AUSTRALIA / JUDGMENT

State Wage Case 2005 (Statement and Orders) [2005] NSWIRComm 212

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Industrial Relations Commission of New South Wales

CITATION: State Wage Case 2005 (Statement and Orders) [2005] NSWIRComm 212

PARTIES: See STATE WAGE CASE DECISION [2005] NSWIRComm 213

FILE NUMBER(S): IRC 2911 of 2005

CORAM: Wright J President; Walton J Vice-President; Harrison DP; Sams DP; Boland J; Tabbaa C

CATCHWORDS: STATEMENT AND ORDERS delivered extempore in the State Wage Case 2005 [2005] NSWIRComm 213 on Monday 20 June 2005.

HEARING DATES: 06/20/2005 EXTEMPORE JUDGMENT DATE: 06/20/2005

LEGAL REPRESENTATIVES: See STATE WAGE CASE DECISION [2005] NSWIRComm 213

JUDGMENT:

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES FULL BENCH CORAM: Wright J, President Walton J, Vice-President Harrison DP Sams DP Boland J Tabbaa C

Monday 20 June 2005

Matter No IRC 2911 of 2005

STATE WAGE CASE 2005

Summons to Show Cause - Commission on its own initiative pursuant to Part 3 of Chapter 2 of the Industrial Relations Act 1996

STATEMENT AND ORDERS OF THE FULL BENCH

[2005] NSWIRComm 212 (Extempore)

1 On 7 June 2005 the Commission issued a summons to industrial parties to appear before it to show cause why, after considering the decision of the Australian Industrial Relations Commission in the Safety Net Review - Wages, June 2005 Case, Print PR002005 ("the National decision"), the Commission should not take such action pursuant to Pt 3 of Ch 2 of the Industrial Relations Act 1996 ("the Act") as it may deem proper. 2 On 8 June 2005 the President made

directions as to the conduct of these proceedings and fixed the hearing today. 3 We have today heard submissions from the Labor Council of New South Wales, the major employer organisations, the Public Employment Office and the Minister for Industrial Relations. Apart from a formal submission by the Restaurants and Catering Association (NSW), no party opposed the adoption of the National decision. We have accordingly decided to adopt that course in light of the practical unanimity of the parties. We have also decided to announce our decision today. 4 We have decided to grant an increase in rates of pay in the amount of \$17 per week and will adjust relevant allowances by 3 per cent in State awards, in accordance with the provisions of s 50 of the Act having given consideration to the National decision. 5 Such an adjustment in rates of pay and allowances will only be available upon application and in accordance with the Orders and Principles to which reference will now be made. 6 The Commission makes the following orders:

1. Pursuant to s 50 of the Industrial Relations Act 1996 the Full Bench of the Industrial Relations Commission of New South Wales orders, for the purpose of awards and other matters under the Act, the adoption, partly and with modifications as contained in the decision and reasons of the Full Bench, of the Principles and provisions of the National decision of 7 June 2005.
2. Pursuant to order 1, the Commission orders that the Commission's Wage Fixing Principles shall be as set out in annexure D to the Labor Council's submissions (Exhibit 1 in the proceedings).
3. Pursuant to s 52 of the Act, the Commission orders that awards which do not contain wage increases awarded since 29 May 1991, other than safety net, State Wage Case and minimum rates adjustments, may be varied in accordance with the Commission's Wage Fixing Principles upon application to include a State Wage Case adjustment of \$17 per week. At the hearing of any such application, the Commission may, in its discretion, award the whole or part of the amounts referred to in the Principles or determine that no amount should be awarded.
4. Pursuant to s 52 of the Act, the Commission orders that the following rates may be increased by 3 per cent upon application in accordance with the Commission's Wage Fixing Principles:
 - (i) Existing allowances which relate to work or conditions which have not changed, including shift allowances expressed as monetary amounts and service increments; and (ii) Junior rates expressed as monetary amounts. Counterpart awards should be adjusted by the same amount as their federal award counterparts.
5. These orders shall operate on and from today until further order of the Commission. 7 The Full Bench will publish its reasons in due course. Subject to the delivery of those reasons, these proceedings are now concluded.

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