

**Application ID**

19605485

Application lodged

14/06/2024 12:20:21 PM

SAET case number (if blank, quote Application ID)

ET-24-02587

About this form

This is a copy of the details of an application lodged online to the South Australian Employment Tribunal (SAET) in relation to Fair Work Act 1994 (SA) - s100(1) State Wage Case (FW-17).

APPLICATION SUMMARY**Application type****Fair Work Act 1994 (SA) - s100(1) State Wage Case (FW-17)****Applicant(s)****United Trades and Labor Council of SA (Union)****Respondent(s)****Chief Executive, Attorney-General's Department (Employer)****Other party(ies)****Local Government Association (Other Party)****Corporation of the City of Adelaide (Other Party)****Other proceedings before SAET**

Are there any other proceedings before SAET involving the same parties to this application??

No



APPLICATION DETAILS

Grounds

Specify the grounds and reasons in support of your application

1. The United Trades and Labor Council of South Australia (SA Unions) initiates these proceedings, known as the “State Wage Case”, under sections 69(3), 90 and 100 of the Fair Work Act 1994 (SA) (the Act). These proceedings include the following.

1.1 An application by SA Unions to increase rates of pay and allowances – including work-related allowances and the maximum amount of leave loading payable under the Public Sector (Recreational Leave Loading) Award – in Awards of the South Australian Employment Tribunal (SAET) pursuant to s 90 of the Act;

1.2 An application by SA Unions to increase the Minimum Standard for Remuneration (MSR) pursuant to s 69(3) of the Act; and

1.3 An application by SA Unions that the determination of remuneration and working conditions as determined at the Commonwealth level by the Fair Work Commission (FWC) in its annual wage review decision be “flowed on” by the SAET pursuant to s 100.

2. In accordance with s 100(1), it is open to the SAET to “...make a declaration adopting in whole or in part, and with or without modification, principles, guidelines, conditions, practices or procedures enunciated or laid down in, or attached to, a decision or determination of Fair Work Australia” if the terms of the declaration are consistent with the objects of the Act.

3. The Fair Work Act 2009 (Cth) establishes the Fair Work Commission’s Expert Panel (the Panel) to conduct and

complete a yearly review of the National Minimum Wage and modern award minimum wages.

4. On 3 June 2024, the Panel handed down its Annual Wage Review 2023–24 [2024] FWCFB 3500.

5. Taking all relevant considerations into account, the Panel determined:

5.1 to increase the National Minimum Wage and all modern award minimum wage rates by 3.75 per cent, effective from 1 July 2024 – see paragraphs [8], [174]–[176], and

5.2 to establish a program for the timely resolution of gender undervaluation issues arising in respect of certain modern awards – see paragraphs [10], [112]–[123], [169]–[172] and [179].

6. SA Unions is respectfully seeking a declaration under s 100 of the Act that the SAET adopt the principles of the FWC in Annual Wage Review 2023–24 [2024] FWCFB 3500 by applying an increase of 3.75% for all purposes of the State Wage Case.

7. SA Unions submits that this application is consistent with, and furthers, the objects of the Act, including the objects set out at ss 3(1)(a), (b), (ca), (e), (fa) and (fb).

Outcome / Orders sought

Set out orders sought in successively numbered paragraphs. A request for a stay of operation, where appropriate, may be included in this application. Alternatively the application may be made separately by lodging an Application for Directions.

Declarations

1. The South Australian Employment Tribunal (SAET) declares pursuant to s 100 of the Fair Work Act 1994 (the Act) that it adopts the decision of the Minimum Wage Panel of the Fair Work Commission in Annual Wage Review 2023–24 [2024] FWCFB 3500, in the form set out hereunder.
2. SAET makes this Declaration pursuant to s 100(3)(c) of the Act on the basis that it applies to specified awards. The awards are set out in Schedule A, appended hereto.
3. This declaration will come into force on the first pay period to commence on or after 1 July 2024 and remain in force until further order of SAET.
4. The Registrar will settle the variations to each of the Awards in Schedule A in accordance with s 90 and s 98 of the FW Act.

Orders

1. THAT the State Minimum Standard for Remuneration be increased by 3.75% per week to \$932.51.
2. THAT existing adult Award wages are to be increased by 3.75% provided that where any such rate, once increased, is less than the Minimum Standard for Remuneration, as varied in accordance with paragraph 1 above, will be varied to reflect this rate (\$932.51 per week).
3. THAT proportionate adjustments are to apply to juniors, trainees and other employees as set out in the relevant Award, subject to the result being no less favourable than the relevant rates in the Declaration of the Minimum Standard for Remuneration.
4. THAT in the case of piecework or session rates, the increase consequent upon this order shall be calculated in accordance with the provisions of the relevant Award, or where the Award is silent on the method of adjustment, such rates will be increased by 3.75%.
5. THAT the minimum amount payable under the supported wage provisions in those Awards that contain the supported wage provisions be increased by 3.75%.
6. THAT all work-related allowances and service increments within the Awards be increased by 3.75%.

7. THAT the maximum loading to be applied to an employee during a period of recreation leave or pro rata recreation leave under clause 1.5.2 of the Public Service (Recreation Leave Loading) Award be increased by 3.75% to \$1,132.02.

8. THAT all increases are effective from the first pay period commencing on or after 1 July 2024.

Supporting documents

Filename(s) of uploaded attachments:

State Wage Case SCHEDULE A.docx

Provide a brief description of any attachments supporting this application

List of Awards.

LODGEMENT DECLARATION

By lodging this application, I declare that:

- I am the applicant or I am legally authorised to lodge this application
- To the best of my knowledge, all information provided in this application is true and correct
- I will attach all relevant supporting documents to this application form
- I understand that the information provided will be used to determine eligibility to initiate proceedings
- I understand that a copy of this application, and any supporting documents, may be sent to others who may have a direct interest in the proceedings. The South Australian Tribunal Act 2014 governs what information is available to be viewed publicly

Name of person lodging the application

Your email address for a receipt and copy of the completed application

PARTY DETAILS

Applicant

Type Individual or organisation
Union Organisation

Applicant organisation's details

Organisation legal name
United Trades and Labor Council of SA
Organisation trading name
SA Unions

Applicant organisation's contact details

Address
Level 3, 170 Greenhill Road
Parkside
SOUTH AUSTRALIA 5063

Representative details

Is the applicant represented?
No

Respondent

Type Individual or organisation
Employer Organisation

Respondent organisation's details

Organisation legal name
Chief Executive, Attorney-General's Department
Organisation trading name
(as the declared employer, Fair Work Act 1994)

Respondent organisation's contact details

Name
Address
L6, State Administration Centre Victoria Square
Adelaide
SOUTH AUSTRALIA 5000

Other parties

Type Individual or organisation

Other Party

Organisation

Other party organisation's details

Organisation legal name

Local Government Association

Organisation trading name

LGA

Other party organisation's contact details

Name

Address

Care of Norman Waterhouse Lawyers L11, 431
King William Street
Adelaide
SOUTH AUSTRALIA 5000

Other parties

Type

Individual or organisation

Other Party

Organisation

Other party organisation's details

Organisation legal name

Corporation of the City of Adelaide

Organisation trading name

Adelaide City Council

Other party organisation's contact details

Address

Care of Norman Waterhouse Lawyers L11, 431
King William Street
Adelaide
SOUTH AUSTRALIA 5000

SCHEDULE A

NAME OF AWARD
Aboriginal Education Workers (DECS) Award (PS)
Adelaide Cemeteries Authority Officers Award (PS)
Adelaide City Corporation Award (LG)
Caretakers and Cleaners Award (LG)
Cemetery Employees (SA Authorities) Award (LG) (PS)
Central Linen Employees Award (PS)
Chauffeurs (Ministerial) Public Service Award (PS)
Clothing Trades Award
Early Childhood Workers Award (PS)
Firefighting Industry Employees (South Australian Metropolitan Fire Service) Award 2007 (PS)
Government Stores Employees Interim Award (PS)
Health Recreation and Fitness Award (LG)
Hotels – Adelaide Entertainments Corporation and Staff employed under the Parliament (Joint Services) Act 1985 Award (PS)
Intellectual Disability Services Award (PS)
Live Theatre and Concert (Adelaide Festival Centre Trust) Award (PS)
Local Government Tourism, Hospitality and Retail Award (LG)
Local Government Employees Award (LG)
Local Government (Health Services) Award (LG)
Medical Scientists (South Australian Public Sector) Award (PS)
Municipal Employees (Adelaide City Council) Award, 2012 (LG)
Nurses (South Australian Local Government Sector) Award (LG)
Nurses (South Australian Public Sector) Award 2002 (PS)
Part-Time Interpreters or Translators (Public Service) (SA) Award (PS)
Performing Arts Centre (Adelaide Festival Centre Trust) Award (PS)
Personal Assistants to Members of the Parliament of South Australia 1989 (PS)
Police Officers Award (PS)

NAME OF AWARD
Pre-School (Kindergarten) Teaching Staff Award (PS)
Public Service (Recreation Leave Loading) Award
ReturnToWork SA Award 2015 (PS)
SA Ambulance Service Award (PS)
SA Public Sector and Local Government Entities Clerks Award (PS & LG)
SA Public Sector Cafes and Restaurants Adelaide Convention Centre Award (PS)
SA Public Sector Clerks Adelaide Entertainments Corporation Award (PS)
S.A. Public Sector Live Performance Award (PS)
S.A. Public Sector Plumbers and Gasfitters Award (PS)
S.A. Public Sector Salaried Employees Interim Award (PS)
School Services Officers (Government Schools) Award (PS)
South Australian Government Building Trades Award (PS)
South Australian Government Civil Construction And Maintenance Award (PS)
South Australian Government Departments and Instrumentalities (Metal Trades) Award 2007 (PS)
South Australian Government Health Etc. Ancillary Employees Award (PS)
South Australian Government Printing Interim Award (PS)
South Australian Government Services Award (PS)
South Australian Government Transport Workers Award 1994 (PS)
South Australian Medical Officers Award (PS)
South Australian Municipal Salaried Officers Award (LG)
TAFE (Educational Staff) Interim Award (PS)
Teachers Award (PS)