



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/23

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS
COMMISSION**

**AMM2008/23 - SANITARY & GARBAGE DISPOSAL
SERVICES**

1. The Australian Federation of Employers and Industries (AFEI), formed in 1904, is one of the oldest and most respected independent business advisory organisations in Australia. AFEI has been a peak council for employers in NSW and has consistently represented employers in matters of industrial regulation since its inception.
2. With over 3,500 members and over 60 affiliated industry associations, our main role is to represent, advise, and assist employers in all areas of workplace and industrial relations and human resources. Our membership extends across employers of all sizes and a wide diversity of industries.
3. AFEI provides advice and information on employment law and workplace regulation, human resources management, occupational health and safety and workers compensation. We have been the lead employer party in running almost every major test case in the New South Wales jurisdiction.
4. AFEI is a key participant in developing employer policy at national and state (NSW) levels and is actively involved in all major workplace relations issues affecting Australian businesses.

5. This group is covered by two State Awards (now NAPSAs) in NSW: the Transport Industry – Waste Collection and Recycling (State) Award and the Transport Industry Trade Waste (State) Award.
6. We have no objection to a modern award which would cover both trade waste and waste collection. However, these awards would not form an appropriate basis for such an award.
7. The Waste Collection NAPSA does not contain properly fixed minimum rates of pay in accordance with the Minimum Rates Adjustment process. The rates of pay under the NAPSA are substantially ahead of the rates of pay in the Federal award, due to 'industry settlements'.
8. These industry settlements have involved wage increases well ahead of safety net increases approved by the Industrial Relations Commission with the consent of the major parties, and were often accompanied by changes to conditions of employment. These industry settlements were processed as awards rather than by the making of enterprise agreements.
9. This industry has its origins in garbage collection for local councils, which over the years has been contracted out to waste collection contractors.

10. The clients of these waste collection contractors, the local governments, have not supported these industry settlements. However, as was established in the Transport Industry – Waste Collection and Recycling (State) Award [2000] NSWIR Comm 236 the Local Government and Shires association were not parties to the award which restricted their ability to oppose any increase conceded by way of an industry settlement. In that case, the industry settlement was a 10% increase (see paragraph 10). The rates of pay and other conditions under this award do not, therefore, form the basis for the creation of a modern award.

11. In addition if such an award was to continue in operation its scope should essentially cover work performed on behalf of local government and in the area covered by the Trade Waste NSW NAPSA.