



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

AM2008/73

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION
AWARD MODERNISATION
AM 2008/73 – GARDENING SERVICES INDUSTRY

1. The Australian Federation of Employers and Industries (AFEI) has made submissions concerning the Gardening Services Industry, which is included in Stage 4 of Award Modernisation.
2. AFEI relies on its earlier written and oral submissions in support of the creation of a stand alone Modern Award for the Landscaping Industry.
3. The submission by the Australian Landscape Industry Association (ALIA) dated 24 August 2009 indicates the significance of the industry with approximately 55,000 employees.
4. AFEI opposes the submissions of the AWU provided during the Commission's consultations that the Sportsground Maintenance and Venue Presentation Award (Victoria) 2001, (the Sportsgrounds Award) is the principal award for the Commission's consideration concerning landscaping and gardening.
5. AFEI also opposes the AWU draft Gardening and Sportsground Maintenance Award, based on the Sportsgrounds Award, filed on 24 July 2009. The Sportsgrounds Award was identified by the Commission as a relevant award concerning Entertainment and Broadcasting in Stage 3. A similar AWU draft award was filed by in Stage 3 concerning Licenced and Registered Clubs. The types of gardening work covered by the Sportsgrounds Award appear to have been dealt with by the Commission through the inclusion of gardening and greenkeeping in the Exposure Draft

Amusement, Events and Recreation Award 2010 (the maintenance of parks, enclosures and gardens) and the inclusion of a Ground Maintenance classification stream in the Exposure Draft Registered and Licenced Clubs Award 2010.

6. Current award coverage of landscaping is set out in the table below. The significant awards in each state are highlighted in bold text.

	Landscaping	Landscaping 'on construction'
NSW	Landscape Gardeners & c., (State) Award (NSW NAPSA)	Landscape Gardeners & c., on Building and Construction and Maintenance, Civil and Mechanical Engineering (State) Award (the NSW Construction NAPSA)
Victoria	Landscaping - Award free Gardening in connection with sportsground maintenance and venue presentation - Sportsgrounds Award	AWU Commercial Landscaping Award 1999 (the Commercial Landscaping Award) landscaping on site on commercial and civil projects up until practical completion.
Queensland	Nursery Award – State 2003 (Qld NAPSA)	Nursery Award – State 2003 AWU Commercial Landscaping Award 1999, very limited application (less than 1.1% of landscaping businesses) to landscaping on site on commercial and civil projects up until practical completion.
South Australia	Horticulture Industry (Nursery and Landscape) Award (SA NAPSA)	Horticulture Industry (Nursery and Landscape) Award AWU Commercial Landscaping Award 1999, very limited application (less than 2.7% of landscaping businesses) to landscaping on site on commercial and civil projects up until practical completion.
Western Australia	Landscape Gardening Industry Award (WA NAPSA)	Landscape Gardening Industry Award AWU Commercial Landscaping Award 1999 very limited application (less than 0.5% of landscaping businesses) to landscaping on site on commercial and civil projects up

		until practical completion.
Tasmania	Horticulturists Award (Tas NAPSA)	Horticulturists Award

7. The conclusions concerning current award coverage are:

- there is no principal or predominant industrial instrument;
- the Sportsground Maintenance and Venue Presentation Award 1999 has application within Victoria only, and only limited application to landscaping in Victoria;
- some construction award conditions have application to landscape gardeners in NSW and Victoria, but negligible application in other states. There are also significant differences in conditions between the construction related awards in NSW and Victoria;
- the Building and Construction industry specific redundancy scheme applies in NSW only, via the NSW on construction NAPSA. It is not an industry standard;
- there is considerable disparity between the conditions contained in the various instruments that currently apply. The following table shows the disparity in wage rates.

	NSW NAPSA	NSW Construction NAPSA	Victoria Commercial Landscaping Award	Qld. NAPSA	SA NAP SA	WA NAP SA	Tas. NAPSA
Specialist landscape Gardener	N/a	N/a	18.79#	N/a	N/a	N/a	N/a
Landscape Gardener	16.78	18.66*	18.25#	15.82	16.78	15.57	15.45
Landscaper	N/a	N/a	17.10##	N/a	N/a	N/a	N/a
Landscape Gardeners Assistant	15.84	N/a	16.85##	14.55	15.95	N/a	N/a
Landscape Labourer	14.86	17.20**	N/a	N/a	14.53	14.31	14.53 (Forklift driver, motor lorry driver)

*includes disability allowance, tool allowance, travel pattern allowance, and follow the job allowance

includes industry allowance, tool allowance and travel pattern allowance

** includes disability allowance, travel pattern allowance, and follow the job allowance

includes industry allowance and travel pattern allowance

8. AFEI has previously submitted that a stand alone Modern Award for the Landscaping and Gardening Services Industry should include the construction and/or establishment of landscape gardens, in place of the coverage of such work in Clause 4.7 (b) (viii) in the Building and Construction General On-site Award 2010.

9. Modern awards will have a significant impact on the landscaping industry and, potentially, significantly increase employment costs. AFEI has consulted with the ALIA in the development of the ALIA draft Landscaping Industry Award. AFEI submits that the ALIA draft award is appropriate as a modern award provided suitable transitional arrangements are also provided.

25 August 2009