



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

AM2008/87

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION
AWARD MODERNISATION

MATTERS NO. AM2008/87 – INDUSTRIES NOT OTHERWISE
ASSIGNED – REAL ESTATE INDUSTRY

1. AFEI has earlier provided written and oral submissions to the Commission concerning AM 2008/87.
2. During consultations before Senior Deputy President Harrison on 10 August 2009, the Senior Deputy President raised with AFEI two issues of concern. This supplementary submission seeks to address AFEI's position in relation to these matters.
3. At PN343, SDP Harrison sought AFEI's position in regards to commission only payments and whether this should extend beyond the current coverage provisions of the Real Estate Agents' (Commission Only) Australian Pay and Classification Scale to that sought by the REECCG and the Real Estate Unions'.
4. AFEI supports the inclusion of a commission only payment structure in the same terms as proposed by the above-mentioned parties. In this respect we support the comments made by the REECCG at pages 5 – 7 in their Additional Submission filed 17 August 2009.
5. At PN345, SDP Harrison raised the issue that when setting rates and/or conditions there is a requirement in either Part 10A or the consolidated request to look at comparable terms and conditions in another award. In particular, SDP Harrison was referring to whether there was a requirement to do this in respect of clerical employees. AFEI respectfully submit that we have been unable to identify such a requirement.

6. We note that in creating modern awards, the Commission has adopted classification structures and pay rates for clerical workers that are tailored to suit the particular needs of the relevant industry in which they work. Attached and marked Annexure A is a brief comparison of the grading structure and pay rates for clerical employees across a number of modern awards. The last column provides the Commission with a comparison to the current grading and wages rates applicable under the NSW Real Estate Industry (Clerical and Administrative Employees) (State) Award NAPSA which we submit forms an appropriate basis for clerical employees in the Real Estate industry.

7. As mentioned in our previous submission, it is our understanding that the conditions prescribed in the NSW Real Estate Industry (Clerical and Administrative Employees) (State) Award NAPSA represent the only arbitrated consideration of appropriate terms and conditions of employment for clerical employees working in this industry.

3 September 2009

ANNEXURE A

Clerks Private Sector Award 2010	Hospitality Industry (General) Award 2010	General Retail Industry Award 2010	Telecommunications Services Award 2010	Aged Care Award 2010	Real Estate Industry Clerical and Administrative Employees State Award - NSW
Level 1, Year 1: \$15.26 Level 1, Year 2: \$16.05 Level 1, Year 3: \$16.58	Clerical Grade 1 \$15.34	Clerical Assistant: \$15.79	Clerical Level 1: \$15.34	Level 1 "General Clerk" \$15.26	Grade 1: \$15.34
Level 2, Year 1: \$16.78 Level 2, Year 2: \$17.11	Clerical Grade 2 \$15.89	Clerical Grade 2: \$16.78	Clerical Level 2: \$15.89	Level 2 "General Clerk/Typist (between 3 mths – 1 year service): \$15.92	Grade 2: \$15.89
Level 3: \$17.76	Clerical Grade 3 \$16.78	Clerical Grade 3: \$17.76	Clerical Level 3: \$16.78	Level 3 "General Clerk/Typist (second and subsequent years of service)/Pay Clerk \$16.58	Grade 3: \$16.78
Level 4: \$18.68	Clerical Supervisor \$17.88	Clerical Grade 4: \$18.68	Clerical Level 4: \$18.37	Level 4 "Senior clerk/Senior receptionist") \$16.78	Grade 4: \$17.87
Level 5: \$19.47		Clerical Grade 5: \$19.47	Clerical Level 5: \$19.75	Level 5 Secretary interpreter (unqualified) \$17.37 Level 7 Clerk Supervisor \$18.68	Grade 5: \$19.34