



Australian Fair Pay
Commission

Annual Report

2006-07



ISSN 1834-125X

Australian Fair Pay Commission Annual Report 2006-07

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Publication Inquiries This publication is available in hard copy (Tel: (03) 8621 8212) or PDF format from the Australian Fair Pay Commission website www.fairpay.gov.au

Contact Officer Requests for further information about any aspect of this report should be directed to Mr Justin Napier, Manager, Communications and Consultation, at the Australian Fair Pay Commission Secretariat, Locked Bag 35003, Collins Street West, MELBOURNE VIC 8007, Tel: (03) 8621 8212 Fax: (03) 9620 4868

Internet home page address www.fairpay.gov.au

Internet address for report www.fairpay.gov.au/fairpay/Publications/Annualreports



Chairman

Locked Bag 35003
Collins Street West
MELBOURNE VIC 8007

Telephone 03 8621 8209
Fax 02 6204 2765
www.fairpay.gov.au

26 November 2007

The Honourable Joe Hockey MP
Minister for Employment and Workplace Relations
Parliament House
Canberra ACT 2600

Dear Minister

Re: Australian Fair Pay Commission - Annual Report

I have pleasure in submitting the Annual Report of the Australian Fair Pay Commission for the period 1 July 2006 to 30 June 2007, in accordance with section 28 of the *Workplace Relations Act 1996* which requires the Australian Fair Pay Commission to prepare and give to you a report on the operation of the Australian Fair Pay Commission during the financial year.

Yours sincerely

Ian R. Harper
Chair

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Chair's review



Professor Ian Harper speaking at the Workplace Relations Summit

Year in review

This is my second report as Chair of the Australian Fair Pay Commission (Commission).

The Commission was required to make its first minimum wage-setting decision before the end of Spring 2006. I am pleased to report that we met this requirement, announcing Wage-Setting Decision 1/2006 on 26 October 2006.

The Commission is currently on track to deliver its second decision in the first week of July 2007, just eight months after our first.

Highlights

Delivering our first decision was an historic event and a significant achievement. From a standing start, supported by the Australian Fair Pay Commission Secretariat (Secretariat), we developed a new approach to minimum wage-setting and successfully completed our first wage review just months after our creation in March 2006.

As the Commission approaches its second wage-setting decision, it does so with confidence that the processes and methods supporting the decision are effective and well understood by our stakeholders.

Our second wage review builds on the process used in the first and I anticipate we will continue to make improvements as we go forward.

The Commission was established as a consultative wage-setting body. My fellow Commissioners and I decided early on that we needed to be open and transparent in our approach and we have enshrined these values in our operating principles.

Our wage-setting decisions are informed by the views of those who are directly affected by them and by the views of their representatives. It is important to us that no Australian is precluded from having a say on minimum wages in Australia.

Initiatives

Across the two reviews, we met with more than 120 different stakeholder organisations, received more than 240 submissions and travelled across Australia talking to people directly affected by our decisions. To support this work, we have established online discussion groups, held more than 40 public meetings and focus groups, and commissioned 10 important research projects, building a knowledge bank on minimum wages in Australia.

The changes announced to the Supported Wage System as part of the Commission's 2006 Wage-Setting Decision provide evidence of our consultative approach. These changes were developed in conjunction with our Disability Roundtable which examined the issues facing low-paid workers with a disability. The Disability Roundtable will continue to bring together representatives of workers with a disability, their employers, unions and government to discuss issues specifically related to disability wages.

During the current reporting period, the Commission established a range of mechanisms and processes to provide opportunities for stakeholder organisations and the Australian community to participate in our wage reviews.

One such initiative is our Stakeholder Research Consultative Committee which met for the first time in late 2006. This group works with the Commission to identify research gaps and priorities, and consists of employer, union and community sector representatives, federal and state governments.

A speaking calendar was developed for Commissioners to help raise awareness of the work of the Commission. As part of this program, I was pleased to deliver an address to the National Press Club which was televised nationally.

In late 2006, we commissioned benchmark research to understand the level of awareness of the Commission and its role across the Australian community. We will repeat this exercise in late 2007 to see how we are progressing.

Outlook

The Commission's decisions influence the Australian economy. It is therefore vital that we monitor the impact of our decisions and feed this information back into the wage review process. To this end, we commissioned external experts to develop a monitoring strategy for the Commission and provide research data to assist our future wage review program.

As I noted above, in the coming year the Commission will announce our second wage-setting decision. This decision, like our first, will be published in a document along with detailed reasons for the decision.

I have recently confirmed that the Commission will announce an annual wage-setting decision in July of each year, to be implemented in October of that year. This provides the low-paid and their employers with certainty and gives businesses sufficient time to implement wage-setting decisions.

The Commission also has the important task of considering the role of Australian Pay and Classification Scales and how they may contribute to the economic prosperity of the people of Australia. The Commission will publish an Issues Paper to commence this process in September 2007. Next year I hope to report the results of this review of Pay Scales.

Conclusion

It has been a busy year for the Commission. On behalf of my fellow Commissioners, I acknowledge with thanks the participation of our many stakeholders, the involvement of the Australian community and the support of the Secretariat during this time.



Professor Ian Harper delivers a speech to the National Press Club

About the Commission

Role and function

The Commission is an independent body responsible for setting and adjusting federal minimum and classification wages to promote the economic prosperity of the people of Australia. These wages are one of the five minimum conditions that any agreement negotiated between an employer and employee must meet.

The Commission was established under the *Workplace Relations Act 1996*.

The legislation identifies two primary functions for the Commission:

- (i) wage-setting; and
- (ii) promoting public understanding of matters relevant to the Commission's functions.

Both functions are underpinned by the Commission's core values of independence, openness, honesty, transparency and fairness.

Wage-setting

In relation to its wage-setting function, the Commission:

- adjusts the standard Federal Minimum Wage;
- determines and adjusts minimum classification rates of pay (basic periodic rates of pay and basic piece rates of pay) in Australian Pay and Classification Scales;
- determines and adjusts special Federal Minimum Wages for junior employees, employees with disabilities and employees to whom training arrangements apply; and
- determines and adjusts casual loadings.

In fulfilling this function, the Commission must have regard to the following four key criteria:

- the capacity for the unemployed and low paid to obtain and remain in employment;
- employment and competitiveness across the economy;
- providing a safety net for the low paid; and
- providing minimum wages for junior employees, employees to whom training arrangements apply and employees with disabilities that ensure those employees are competitive in the labour market.

Any wage that is negotiated or agreed cannot be any lower than the minimum wage which is set as part of the Australian Pay and Classification Scales; or the standard Federal Minimum Wage.

The Commission decided early on that its wage reviews and decisions would be based on information gathered through research, consultations and submissions and has directed the Secretariat to develop and implement processes to achieve this.

Promoting public understanding

The Commission directs the Secretariat to develop and implement programs to support its function of promoting public understanding of matters relevant to its functions. Initiatives and programs conducted during the reporting year which were aimed at fulfilling this function are detailed later in this report (see *Public education page 16*).

Overview of the Australian Fair Pay Commission Secretariat

The Commission does not have any responsibilities under the *Financial Management and Accountability Act* or the *Public Service Management Act*. It is supported by the Secretariat which is responsible for financial management and the provision of resources to facilitate the work of the Commission.

The Secretariat performs a range of activities to assist the Commission in the performance of its legislative functions, including:

- conducting and commissioning research on behalf of the Commission;
- conducting consultation and submission processes;
- evaluating and monitoring the impact of the Commission's wage-setting decisions;
- undertaking activities to promote understanding of the Commission, its role and functions; and
- providing corporate and administrative support to the Commission.

The Commissioners



Left to right: Commissioners Ian Harper (Chair), Hugh Armstrong, Judith Sloan, Patrick McClure and Mike O'Hagan

Professor Ian Harper – Chair

A distinguished Australian academic economist, Professor Ian Harper was appointed as Chair of the Australian Fair Pay Commission in a part-time capacity on 15 December 2005. He is both Sidney Myer Professor and Executive Director of the Centre for Business and Public Policy at the Melbourne Business School. As a member of the Wallis Inquiry into financial market deregulation, Professor Harper was at the forefront of financial market reform in Australia.

Professor Harper's economic insights and expertise are utilised by governments, banks, the general business sector and leading professional firms. Professor Harper is Principal of Harper Associates Australia, a Senior Consultant with Access Economics and a Consultant to Aon Australia and Adelaide Bank.

In 2000, Professor Harper was elected as a Fellow of the Academy of Social Sciences in Australia in recognition of his standing as an academic economist.

Hugh Armstrong – Commissioner

Hugh Armstrong was appointed an Australian Fair Pay Commissioner in a part-time capacity on 17 March 2006. Mr. Armstrong's industrial relations career – dedicated to advocating for the interests of workers – has spanned more than 35 years, with expertise in dispute resolution, enterprise bargaining and wage-setting.

Mr Armstrong was the Australian Services Union's National Executive President.

In 1996, Mr Armstrong was appointed Conciliation Officer with the Victorian Accident Compensation Conciliation Service, a role he held until 2004.

His numerous offices included the presidency of the Industrial Relations Societies of Australia and Victoria; Executive Member of the United Trades and Labor Council (SA); Delegate to the International Labour Organisation; and Member of various Wages Boards and Conciliation and Arbitration Committees of the (then) Industrial Relations Commissions of Victoria and South Australia.

Patrick McClure, AO – Commissioner

Patrick McClure, AO was appointed an Australian Fair Pay Commissioner in a part-time capacity on 17 March 2006. Prior to becoming CEO of the Retirement Villages Group within Macquarie Bank in 2006, Patrick was CEO of Mission Australia for 10 years. Under his leadership, Mission Australia was developed into a highly successful national organisation providing employment, training, housing and youth initiatives.

He was Chairperson of the Federal Government's Reference Group on Welfare Reform from 2005-06 and Chairperson of the Welfare Reform 2000-01, Deputy Chairperson of the Welfare to Work Consultative Forum from 2005-06 and the Chairperson of the OECD-LEED Forum on Social Innovation based in Paris from 2003-06.

Mr McClure has been a Member of the Prime Minister's Community Business Partnership since 1999. He was awarded an Order of Australia (AO) in 2003 and an Australian Centennial Medal in 2001. He was selected as an AFR-BOSS True Leader in 2005 and a winner of the Equity Trustee's EQT CEO Awards for Lifetime Achievement in 2002.

Mike O'Hagan – Commissioner

Mike O'Hagan was appointed an Australian Fair Pay Commissioner in a part-time capacity on 17 March 2006. Mr O'Hagan is a respected employer. He arrived in Australia over 20 years ago as a backpacker from New Zealand with a few hundred dollars in his pocket and today owns a successful short distance furniture removal business, MiniMovers.

Through various government sponsored assistance and mentoring programs, Mr O'Hagan has helped hundreds of businesses with his commonsense approach.

He is a Fellow of the Australian Institute of Company Directors (AICD), a Fellow of the Australian Institute of Management (AIM), a Director of the Australian Institute of Management Qld & NT Pty Ltd, a Director of the Heart Research Institute (Qld) Association, and a member of the Small Business Advisory Panel to Glenn Stevens, Governor of the Reserve Bank of Australia.

Professor Judith Sloan – Commissioner

Professor Judith Sloan was appointed an Australian Fair Pay Commissioner in a part-time capacity on 17 March 2006. A respected and experienced economist and company director with expertise in industrial relations, labour markets, training and migration, Professor Sloan is also a part-time Commissioner for the Productivity Commission, the Chairman of Babcock and Brown Communities Group and a Director of Santos Ltd.

Professor Sloan has held academic appointments at the University of Melbourne and at Flinders University of South Australia. She was appointed Professor of Labour Studies in 1989 and held the position of Director of the National Institute of Labour Studies from 1992-98.

Professor Sloan has published widely in books, journals and newspapers and was a regular columnist for *The Australian Financial Review* and *The Australian*.



Commission decisions

2006 Wage-Setting Decision

With the announcement of Wage-Setting Decision 1/2006 on 26 October 2006, the Commission met its requirement to deliver its first decision before the end of Spring 2006.

The decision had three elements:

- an increase of \$27.36 per week in the standard Federal Minimum Wage;
- an increase of \$27.36 per week in all Pay Scales up to and including \$700 per week; and
- an increase of \$22.04 per week in all Pay Scales above \$700 per week.

These increases flowed on to junior employees, employees to whom training arrangements apply and employees with a disability.

Details of the decision were published in *Wage-Setting Decision and Reasons for Decision October 2006*. This publication was made available for download from the Commission's website along with 12 fact sheets in English and in nine other languages.

In the previous reporting year, the Commission directed the Secretariat to develop and commence consultation and submission processes that would enable it to hear a range of views on minimum wage issues from stakeholder organisations and the Australian community. These processes were completed during 2006-07 and the information gathered through them was used to inform the Commission's first wage-setting decision.

Consultations for the 2006 minimum wage review included:

- 13 general community consultation meetings held across Australia;
- nine targeted focus groups;
- meetings with more than 100 stakeholder organisations; and
- site visits to a range of businesses employing low-paid workers.

On 1 May 2006, the Commission invited stakeholder organisations and members of the Australian community to provide written submissions on issues regarding minimum wages. The invitation was issued through a national advertising campaign. By the closing date of 28 July 2006, more than 180 submissions were received and those lodged as non-confidential were posted to the Commission's website.

2007 Wage-Setting Decision

The Commission will announce its second wage-setting decision in early July 2007.

As in 2006, this decision will be informed by a range of information and economic data gathered through consultations, submissions and research and will be published in detail along with the reasons for the decision.

Building on experience from the previous minimum wage review, the Commission included a number of new consultation initiatives as part of the 2007 minimum wage review to ensure the views of employees and employers directly affected by minimum wage decisions were heard. These included additional, targeted focus groups and the use of online discussion bulletin boards.

Consultations for the 2007 minimum wage review included:

- 24 targeted focus groups held across Australia;
- meetings with key national employer, employee, business and industry, and community sector stakeholder organisations;
- roundtable forums involving disability organisations;
- a Business Consultative Group (BCG) consisting of small to medium employers;
- online discussion bulletin boards; and
- site visits to workplaces and employment and training providers.

The Commission invited submissions from stakeholder organisations and the Australian community through a national advertising campaign on 2 December 2006. To further encourage community participation in the 2007 minimum wage review, a national mail-out of information was conducted to more than 7,000 organisations including local government agencies, employment service providers, libraries and community resource centres. For the first time an online submission form was used.

By the closing date of 30 March 2007, more than 60 submissions had been received, a substantial number given the short time period between the first and second minimum wage reviews. Those submissions lodged as non-confidential were posted to the Commission's website.



Review of minimum wages in the real estate sector

During its first general wage review, the Commission received submissions from the real estate sector requesting the Commission to examine wage and pay rates for the industry.

The Commission decided to conduct this review separately from its program of general wage reviews.

Currently, the real estate industry features a wide range of pay structures, from employees who are paid commission only, to others who receive both a retainer and an agreed commission rate. The review of minimum wage arrangements in the real estate sector will provide information to help the Commission determine appropriate basic minimum rates of pay for the sector.

The Commission invited submissions in early 2007 on the following matters:

- the merits of creating a new Australian Pay and Classification Scale for the real estate sector that provides for basic piece rates of pay; and
- appropriate basic piece rates for the real estate sector.

Twelve submissions were received and those lodged as non-confidential were posted to the Commission's website.

The Commission is currently completing this review and will announce its decision in mid-2007.

Research

Research capability is an important priority for the Commission. Early on, the Commission directed the Secretariat to develop a research program aimed at providing quality independent research and analysis to inform its wage-setting decisions.

Over time, it is anticipated that this program will provide the Commission with access to a significant repository of data and expertise in regard to the setting of minimum wages and their impact on Australians.

The Commission has requested research on the following topics:

- Minimum wages and employment;
- Characteristics of low-paid employees;
- Characteristics of employers of the low paid;
- Interactions between minimum wages and the tax/transfer system;
- Monitoring strategy to determine the impact of the 2006 Decision; and
- Economic and social circumstances of young people aged 15-20.

During 2006-07, 10 topics of external research were commissioned, delivered and published on the Commission's website. Additional internal research and data monitoring was provided by the Secretariat.

During initial consultations for its 2006 minimum wage review, the Commission invited stakeholder organisations to identify gaps in the current data and research on minimum wages and to provide suggestions for future research priorities.

The Commission has formalised this relationship by establishing a Stakeholder Research Consultative Committee. The committee comprises representatives from the Australian Council of Trade Unions, Australian Chamber of Commerce and Industry, Australian Industry Group, Australian Council of Social Services, Department of Education, Science and Training, Department of Employment and Workplace Relations, Treasury and state governments.



Monitoring

The legislation directs that in performing its wage-setting function, the Commission may inform itself in any way it thinks appropriate, including by monitoring and evaluating the impact of its wage-setting decisions.

The Commission is aware of the need for a strategy to monitor the effects of its decisions on businesses, employees and the Australian economy and to this end has directed the Secretariat to commission two research projects. These projects identify relevant existing data and how these might be used to monitor the Commission's decisions in light of its wage-setting remit.

The two projects were commissioned to consider the impacts of wage-setting decisions from differing perspectives. One takes a social focus, considering the effect on individual workers and unemployed people as well as a range of household types. The other project adopts a macroeconomic approach to changes in labour supply and demand. This project considers the impact of the Commission's decisions on the aggregate economy including employment, unemployment, inflation, wages growth and productivity.

These reports were received at the end of the reporting year and will be considered by the Commission in 2007-08.

Public education



Commissioners Ian Harper and Hugh Armstrong attend a delegation from the Peoples Republic of China

A primary function of the Commission is to promote public understanding of matters relevant to its functions.

Following the announcement of the Commission's first wage-setting decision, the Chair embarked upon a round of speaking engagements to discuss its role and functions and to articulate the reasons for its decision.

This also provided opportunities for the Commission to meet stakeholders and better understand the impact of its decision.

Another important communication tool for the Commission is its website. During the period 1 August 2006 – 30 June 2007, the Commission's website registered approximately seven million hits.

In late 2006, the Secretariat commissioned a survey to measure benchmark levels of awareness of the Commission in the Australian community. This provides a baseline from which the Commission can work with the Secretariat to identify new and more effective ways of raising awareness of the Commission, its role and functions.

Interest in the Commission extends beyond Australia. During the year, the Commission met with Lord Turner, the former Chair of the United Kingdom's Low Pay Commission, and hosted two delegations from the Peoples Republic of China.

Future directions

Creation and publication of new Australian Pay and Classification Scales

The Commission has commenced the process of creating and publishing new Australian Pay and Classification Scales (Pay Scales). The creation of new Pay Scales will provide certainty for employers and employees in regard to minimum wage entitlements.

The Secretariat received \$5.0 million of additional funding in the 2007-08 budget to create and publish new Pay Scales. This funding is spread over three years and includes \$3.0 million in 2007-08.

The creation of Pay Scales raises a number of complex issues that will take some time to resolve. The Commission is committed to a cooperative approach with its stakeholders and will consult with them on issues as they arise.

Review of Australian Pay and Classification Scales

A major focus for the Commission is considering the role of Pay Scales and how they may contribute to the economic prosperity of the people of Australia.

This process will commence with the release of an Issues Paper in September 2007. The paper will inform interested parties about the issues for consideration and the Commission will invite written submissions in response to the issues raised.

Review of junior and training wages

A number of submissions to the 2006 wage review urged the Commission to consider adjusting wages for junior employees and employees to whom training arrangements apply in the context of a possible rationalisation of Pay Scales.

Upon consideration of these submissions, the Commission decided to conduct a review. The review of wages for junior employees and employees to whom training arrangements apply will be undertaken in conjunction with the review of Pay Scales.

Future decisions

During 2006-07, the Commission decided that it will make wage-setting decisions on an annual cycle, with decisions announced in July and implemented in October of each year.

Key dates and meetings

Dates	Attendees				
	Ian Harper	Hugh Armstrong	Judith Sloan	Mike O'Hagan	Patrick McClure
2006					
17 July	P	A	P	P	P
28 July	P	A	P	P	P
17 August	P	A	P	P	P
25 August	P	P	P	P	A
5 September	P	P	P	P	A
15 September	P	P	P	P	P
29 September	P	P	P	P	P
13 October	P	P	P	P	A
27 October	P	P	P	P	P
24 November	P	P	P	P	P
2007					
12 February	P	P	P	P	P
21 March	P	P	P	P	P
27 April	P	P	P	P	P
16 May	P	P	P	P	P
31 May	P	P	P	P	P
8 June	P	P	P	P	P

P Present

A Absent

Meetings and events

2006

5 July	Public consultation process for the 2006 minimum wage review commences, with 13 general and nine targeted consultation sessions conducted around Australia
26 July	Meeting with Lord Turner, former Chairman of the UK Low Pay Commission
24 August	Second round of stakeholder organisation meetings commences
30 August	Site visit to Perth to meet with Job Network Providers
14 September	First Disability Roundtable meeting
29 September	Second Disability Roundtable meeting
26 October	Wage-Setting Decision 1/2006 is announced
30 November	Wage-Setting Decision 2/2006 is announced
1 December	Wage-Setting Decision 1/2006 comes into effect
1 December	Interested organisations and individuals are invited to make written submissions to the Commission to help inform its second wage-setting decision
15 December	First Stakeholder Research Consultative Committee meeting

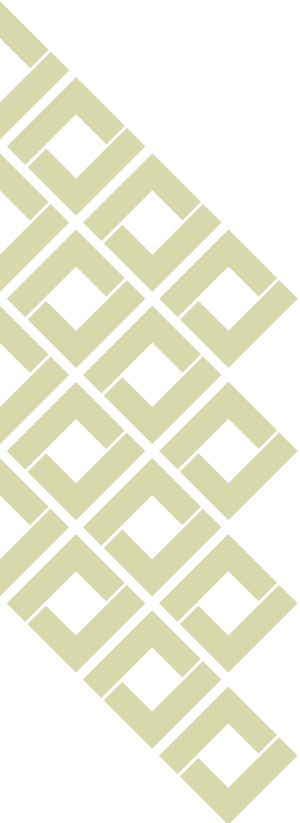
2007

12 February	Wage-Setting Decision 1/2007 is announced
12 February	First Business Consultative Group (BCG) meeting
13 February	Site visits to organisations involved with juniors, trainees and apprentices
23 February	Second Stakeholder Research Consultative Committee meeting
31 March	Interested groups and individuals wishing to provide input into a review of minimum wage arrangements in the real estate sector are invited to make written submissions to the Commission
16 April	Third round of stakeholder organisation meetings commence
1 May	First meeting of the Pay Scale Reference Group
2 May	Site visit to Roma to meet with drought-affected farmers
4 May	Site visit to Wagga Wagga to meet with drought-affected farmers
9 May	Presentation to visiting Chinese delegation
21 May	Key stakeholder meetings conducted
30 May	Third Disability Roundtable meeting

Speeches

2006

1 November	The Melbourne Business School
2 November	The Melbourne Institute of Applied Economic and Social Research at the Economic and Social Outlook Conference
8 November	The Rotary Club of Melbourne
9 November	The Australian National University at the PHD Conference
10 November	The Australian Institute of Company Directors (NSW)
14 November	The Tasmanian Chamber of Commerce and Industry
16 November	The Australian Institute of Company Directors (VIC)
17 November	The Workplace Relations Conference organised by the Law Institute of Victoria
20 November	The Melbourne Business School
23 November	The Recruiting and Consulting Services Association
28 November	The Victorian Commercial Teachers Association Annual Conference
29 November	The Australian Davos Connection
8 December	The Centre for Employment and Labour Relations Law and the Economic Society of Australia
13 December	The Department of Employment and Workplace Relations Business Review Group



2007

14 March	The Williamson Community Leadership Program
15 March	The Australian Workplace Relations Summit 2007
16 March	The Queensland Industrial Relations Consultation Day
28 March	The Australian Hotels Association Accommodation HRM Forum
30 March	The Workplace Research Centre at the University of Sydney
17 April	Education City Distinguished Speaker Series
16 May	Discussions with Archbishop Freier and Professor John Langmore at the Breakfast Conversation
25 May	The Public Policy Forum at Curtin University
19 June	The National Press Club



During the year, Commissioners visited farmers in regional NSW

Completed research

2006

- 28 August** Characteristics of Minimum Wage Employees
- 25 September** Characteristics of Employers of the Low Paid
- 26 September** An Updated Profile of the Minimum Wage Workforce in Australia
- 13 October** What are the Characteristics of the Employers of the Low Paid in Australia
- 19 October** Work Decisions and the Tax/Transfer System
- 20 October** Interaction Between Wages and the Tax/Transfer System

2007

- 31 March** Benchmarking Research and Stakeholder Survey
- 20 April** Targeted Focus Group Public Consultations for the Australian Fair Pay Commission's 2007 Minimum Wage Review
- 15 June** Monitoring Strategy for Wage-Setting Decisions
- 15 June** A Strategy for Monitoring the Micro-Economic and Social Impacts of the Australian Fair Pay Commission



Australian Fair Pay Commission
Locked Bag 35003, Collins Street West, MELBOURNE VIC 8007
Tel: 1300 139 699 or (03) 8621 8212 Fax: (03) 9620 4868
www.fairpay.gov.au