



Department of Consumer  
and Employment Protection  
Government of Western Australia

## Labour Relations

Our Ref: WM/0435/2002#2  
WB/0280/2004#4  
Enquiries: Kristin Berger 92227666

### CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 13 OF 2004

#### **WESTERN AUSTRALIAN GOVERNMENT/ LIQUOR HOSPITALITY AND MISCELLANEOUS UNION REDEPLOYMENT, RETRAINING AND REDUNDANCY CERTIFIED AGREEMENT 2004 AND WESTERN AUSTRALIAN GOVERNMENT/AUSTRALIAN LIQUOR HOSPITALITY AND MISCELLANEOUS WORKERS' UNION REDEPLOYMENT, RETRAINING AND REDUNDANCY (INTERIM) AWARD 1994**

The Western Australian Government/ Liquor Hospitality and Miscellaneous Union Redeployment, Retraining And Redundancy Certified Agreement 2004 (RRR Agreement) was certified on 25 October 2004 by a Full Bench of the Australian Industrial Relations Commission with an operative date of 19 October 2004. The RRR Agreement is between the Liquor Hospitality and Miscellaneous Union (LHMU) and public sector employers who employ workers eligible to be members of the LHMU. The agreement applies to all employees eligible to be members of the LHMU employed by the respondents.

The agreement is available on the Australian Industrial Relations Commission website [www.airc.gov.au](http://www.airc.gov.au) by searching with the following Agreement ID: AG837139 or Print ID PR952480.

The substantive provisions of the agreement mirror those applied in the WA public sector through application of the Western Australian Government/Australian Liquor, Hospitality and Miscellaneous Workers Union Redeployment, Retraining and Redundancy (Interim) Award 1994 (RRR Award). In addition, a number of enhancements have been included in the RRR Agreement to reflect what is currently already being applied by policy across the public sector:

- Clause 10(2) provides an increase in severance pay up from two weeks pay for each completed year of continuous service up to a maximum of 45 weeks wages to three weeks pay for each completed year of continuous service up to a maximum of 52 weeks wages.
- Clause 6 provides that where redeployment, retraining and redundancy entitlements in the WA public sector are superior or additional to those provided for in the agreement, those entitlements will also be made available to the employees covered by the agreement.

As prescribed by s170LJ(1) of the *Workplace Relations Act 1996* the RRR Agreement can only have as respondents those agencies with employees eligible to be members of the LHMU. Consequently, many of the current respondents to the RRR Award were unable to be respondent to the RRR Agreement as they do not

currently employ this category of employees. However, the Government has agreed that the RRR Agreement will be applied by policy to agencies, not currently signatories to the agreement, but which may in the future employ this category of employee.

As a result of the certification of the RRR Agreement the Government and the LHMU agreed to the setting aside of the RRR Award. On 30 November 2004 Deputy President McCarthy issued an order (see attached) setting aside the RRR Award.

Should you require further information about the above matter please contact Kristin Berger at [kberger@docep.wa.gov.au](mailto:kberger@docep.wa.gov.au) or on 9222 7666.

**JEFF RADISICH  
EXECUTIVE DIRECTOR  
LABOUR RELATIONS**

2 December 2004

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

*Workplace Relations Act 1996*

Review of award pursuant to Item 51 of Part 2 of Schedule 5 of the  
*Workplace Relations and Other Legislation Amendment Act 1996*  
(C No. 60458 of 1994)

**WESTERN AUSTRALIAN GOVERNMENT/AUSTRALIAN LIQUOR,  
HOSPITALITY AND MISCELLANEOUS WORKERS UNION (ALHMU)  
REDEPLOYMENT, RETRAINING AND REDUNDANCY (INTERIM) AWARD 1994**  
(ODN C No. 21625 of 1992)  
[AW802444 Print M9039]

State government administration

DEPUTY PRESIDENT MCCARTHY

PERTH, 30 NOVEMBER 2004

*Award simplification - setting aside of award.*

**PREAMBLE**

On 25 October 2004 a Full Bench of the Commission issued a Decision [PR952479] regarding the certification of the Western Australian Government/Liquor, Hospitality and Miscellaneous Union Redeployment, Retraining And Redundancy Certified Agreement 2004 [AG837139 PR952480]. This agreement was certified effective 19 October 2004.

As a result of the certification of this agreement, the Liquor, Hospitality and Miscellaneous Union and the Western Australian Government agreed that *Given the agreement substantially reflects the award, the workers would not be disadvantaged in any way by the setting aside of the award. On the contrary they would be advantaged as the agreement reflects current standards and award simplification may alter some of the provisions to the detriment of the workers<sup>1</sup> and the provisions of the RRR Award as well as enhanced conditions currently available in the WA public sector have been included in the RRR Agreement. Consequently, the employees will not be disadvantaged by the setting aside of the RRR Award<sup>2</sup>.*

I set aside the award on the basis that it has no present relevance and effect.

**ORDER**

- A. Further to the award issued by the Commission on 5 February 1995, [Print M9039] the above award is set-aside.
- B. This order shall come into force from the first pay period to commence on or after 30 November 2004 and shall remain in force for twelve months.

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<sup>1</sup> Liquor, Hospitality and Miscellaneous Union

<sup>2</sup> Department of Consumer and Employment Protection

BY THE COMMISSION:

DEPUTY PRESIDENT

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