

**New South Wales Government**

**Submission to the Australian Industrial  
Relations Commission**

**Exposure Draft Modern Awards  
Stage 4**

**16 October 2009**

## Introduction

1. On 25 September 2009 the Australian Industrial Relations Commission (the Commission) published a further 29 exposure drafts in the final stage of the award modernisation process.
2. Throughout the award modernisation process, the NSW Government has argued for the preservation of NSW award and legislative standards within modern awards so as to ensure it does not leave employees in this State worse off, nor add to employer costs and wage bills.
3. In its first submission to the Commission, the NSW Government stated its position as follows:

A strong, effective and relevant award system, together with an independent tribunal with broad powers, are the key elements of the NSW industrial relations jurisdiction. The NSW Government is concerned to ensure that the employees and employers who currently enjoy the benefits of that system are not left worse off by the award modernisation process.<sup>1</sup>

4. This remains the broad objective of the NSW Government. It is concerned that the Commission's recent Statement<sup>2</sup> proposes by way of the modern award exposure drafts to:
  - exclude certain conditions contained in NSW Notional Agreements Preserving State Awards (NAPSAs); and/or

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<sup>1</sup> See NSW Government submission to the Australian Industrial Relations Commission, Award Modernisation, May 2008, para 9

<sup>2</sup> See [2009] AIRCFB 865

- reduce employee conditions or rates of pay when compared to those NAPSAs and the relevant Australian Pay and Classification Scales (Pay Scales).<sup>3</sup>
5. As noted in a previous submission<sup>4</sup> the industrial conditions contained within NAPSAs were determined by the Industrial Relations Commission of NSW (IRC) having been satisfied that the award it made (from which the NAPSA was derived) contains fair and reasonable conditions of employment for employees.<sup>5</sup>
  6. Once such conditions and rates of pay were enshrined in a State award they became the minimum standard required to be paid in NSW for a particular class of employees. To this extent they would be held to constitute a 'fair minimum safety net of enforceable terms and conditions of employment for employees' consistent with the objects of the ministerial request.<sup>6</sup>
  7. The NSW Government submits that when making modern awards the Commission should therefore ensure that these important minimum conditions and rates of pay are not lost and that modern awards should provide outcomes for NSW employees at least as beneficial as current State provisions.

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<sup>3</sup> For the purposes of consistency with previous NSW Government submissions terms used are those set down in the *Workplace Relations Act 1996* rather than the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*. For example: The terms Notional Agreements Preserving State Awards (NAPSAs) and Australian Pay and Classification Scales (Pay Scales) are used rather than 'award-based transitional instruments' and 'transitional APCS' respectively.

<sup>4</sup> See NSW Government submission to the Australian Industrial Relations Commission, Exposure Draft Modern Awards – Stage 2, February 2009, para 5

<sup>5</sup> See s.10 of the *Industrial Relations Act 1996 (NSW)*.

<sup>6</sup> See 1(b) of Ministerial Request and s576A(2)(b) of *Workplace Relations Act 1996 (Cth)*

8. To disregard rates of pay and conditions contained within NAPSAs as part of the award modernisation process is to the detriment of both employers and employees in this State. This is particularly so where workplaces currently covered by NSW NAPSAs will clearly form the majority of the proposed modern award coverage.<sup>7</sup>

### **Specific concerns of the NSW Government regarding the Stage 4 exposure drafts**

9. The NSW Government notes that generally the Commission appears to have not adopted conditions contained in NSW state awards, including rates of pay.
10. It is noted in that regard that while the Australian Fair Pay Commission recently decided to freeze minimum wages in the federal jurisdiction the IRC awarded a 2.8 per cent increase at the 2009 NSW State Wage Case. As a result, rates of pay in almost all state awards are now conspicuously higher than their corresponding Pay Scales in the federal jurisdiction.
11. Certain particular areas of concern in respect of four exposure draft awards are detailed below. The NSW Government submits that the concerns identified below would cause the Commission to review the relevant terms and conditions of those exposure drafts before those modern awards are finalised.

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<sup>7</sup> Examples are the *Hair and Beauty Industry Award 2010* and the proposed *Restaurant Industry Award 2010*.

12. It is noted that the immediate impact of some of the proposed changes for employees and employers in NSW may be ameliorated by a transition period. A transition period is appropriate, but that does not address the NSW Government's concerns that certain proposed rates and conditions should not be adopted.

## **Social, Community, Home Care and Disability Services Industry Award 2010**

13. The Commission has published an exposure draft for this sector that largely adopts the classifications and wage rates contained in the federal *Social and Community Services (Queensland) Award 2001*. The Commission has noted that the relevant NSW NAPSA provides for 'generally higher wage rates than the federal awards'.<sup>8</sup>
14. The NSW Government submits that the fact the rates of pay derived from the relevant NSW NAPSA are higher than other federal awards within this industry cannot of itself be a sufficient justification to consider them inappropriate for inclusion within the proposed modern award.
15. On 3 March 2006, prior to the commencement of the federal Work Choices amendments, the *Social and Community Services (State) Award* (SACS Award) was made by consent, by a Full Bench of the IRC. Under the Work Value Principle of the NSW State Wage Fixing Principles the award provided for three separate increases of 3.5 per cent between July 2006 and July 2008.<sup>9</sup>

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<sup>8</sup> [2009] AIRCFB 865 paras 99 &101

<sup>9</sup> *Social and Community Services Employees (State) Award*, Re [2006] NSWIRComm 87

16. As a consequence of that decision, the SACS Award was not varied pursuant to the NSW State Wage Case decisions handed down between 2006 and 2008.
  
17. By contrast, those employees who moved into the federal industrial relations system under the SACS Award/NAPSA received the increase handed down by the Australian Fair Pay Commission in its first Minimum Wage Review in 2006.<sup>10</sup> The effect of this is that within the social and community sector in NSW it is currently the position that employees whose wage rates are determined by Pay Scales are entitled to receive a higher rate of pay than those employed under the SACS Award.<sup>11</sup>
  
18. As the following table illustrates the rates of pay in the proposed modern award are considerably lower than the rates contained within the SACS Award. The disparity is even greater when compared with the relevant Pay Scales in the federal jurisdiction.

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<sup>10</sup> Note: AFPC's first Minimum Wage Review handed down an increase of \$27.36 to all APCS up to \$700 per week and an increase of \$22.04 to all APCS above \$700 per week.

<sup>11</sup> Note: The NSW *Social and Community Services (State) Award* is still to receive the increase awarded by the IRC in the 2009 State Wage Case. This is expected to increase all current rates of pay by 2.8 per cent.

<b>State Award classification</b>	<b>Rate of pay per week \$</b>	<b>Modern Award classification</b>	<b>Rate of pay per week \$</b>	<b>Reduction per week \$</b>
Community Service Worker Grade 2 Year 4	727.25	Social and community services employee Level 2 Pay point 4	698.22	29.03
Community Service Worker Grade 4 Year 4	972.06	Social and community services employee Level 4 Pay point 4	831.84	140.62
Community Service Worker Grade 6 Year 2	1,195.47	Social and community services employee Level 8 Pay point 3	1,080.16	115.31

19. The social and community services industry is a heavily award reliant sector of the workforce where a majority of employees have a minimal capacity to bargain for overaward payments. Accordingly, the NSW Government is concerned that many minimum rates of pay in the proposed modern award are significantly less than those set down in the SACS Award and its related Pay Scales. Indeed, in many instances, the proposed modern award would deliver rates of pay lower than those contained in the SACS Award prior to the work value case decision in 2006. That is of great concern given that the case was specifically intended to rectify the undervaluation of work performed in the sector.<sup>12</sup>
20. The NSW Government is concerned that should the current minimum rates of pay be included in the proposed modern award, then the Commission will have effectively disregarded the deliberations of both the IRC and the Queensland Industrial Relations Commission<sup>13</sup> and caused rates to be set that do not reflect a fair value for the work done.

<sup>12</sup> Internal analysis undertaken by NSW Office of Industrial Relations shows in December 2005, approximately half of the classifications in the NSW *Social and Community Services Employees (State) Award* prescribed higher rates of pay than the rates in the proposed modern award.

<sup>13</sup> For Queensland decision see: *A/2008/5 Queensland Community Services and Crisis Assistance Award – State 2008*, 6 May 2009

21. As the NSW Government is a major funder of the social and community sector it has a vested interest in ensuring employees in this industry are appropriately remunerated for the work performed. The NSW Government submits the best way of achieving proper outcomes for employees who will fall within the coverage of the proposed modern award is for the Commission to give full and careful consideration to the most recent deliberations about the notions of work value and pay equity before state industrial tribunals.
22. The NSW Government also wishes to bring to the Commission's attention that there are presently ongoing discussions between two tiers of government and the relevant union about possible future jurisdictional coverage within this industry. Depending upon the outcome of those discussions, the NSW Government may seek to forward a supplementary submission to the Commission as to this industry at a later date.

### **Children's Services Award 2010**

23. In previous submissions the NSW Government has drawn attention to the importance of the Commission providing reasons for its decisions to ensure that the award modernisation process is both transparent and readily understandable. The absence of reasons for the non-inclusion of certain conditions and rates of pay that have been determined by the IRC in the NSW jurisdiction to be fair and reasonable, continues to raise concerns since there is an absence of a readily understandable justification for that course.<sup>14</sup> The Commission's Statement in respect of

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<sup>14</sup> See NSW Government submission to the Australian Industrial Relations Commission, Exposure Draft Modern Awards, October 2008, paras 23-30

this exposure draft contains little rationale, or indeed particulars, as to the source of the classifications and rates of pay contained within it.

24. In broad terms, a modern award made in the terms of the exposure draft will provide for lower minimum weekly rates of pay when compared to those provided within the Pay Scales derived from the NSW *Miscellaneous Workers Kindergartens and Child Care Centres, &c. (State) Award/NAPSA*. While some employees would derive a higher rate of pay under the proposed modern award, internal analysis suggests that close to two-thirds of the classifications within the relevant Pay Scales would suffer a diminution in rates of pay.

<b>NAPSA Classification</b>	<b>Rate of pay per week \$</b>	<b>Modern Award classification</b>	<b>Rate of pay per week \$</b>	<b>Reduction per week \$</b>
Support worker	588.62	Support Worker Level 1.1	557.00	31.62
Child care worker – Pre schools (Cert III)	668.42	Children's Services Employee Level 3.1	637.64	30.78
Child Care Worker – Long Day Care Certificate III Step 5	692.74	Children's Services Employee Level 3.1	637.64	55.10
Assistant Co-ordinator - Long Day Care Qualified	916.56	Children's Services Employee Level 5.1	791.54	125.02
Co-ordinator - Long Day Care Qualified (OOSH)	985.72	Children's Services Employee Level 6.1	916.56	69.16

25. Within the NSW jurisdiction in 2006, the Full Bench of the IRC awarded a series of wage increases to the *Miscellaneous Workers Kindergartens and Child Care Centres, &c., (State) Award* under the NSW Work Value

and Equal Remuneration Principles. The increases were to be phased in over five instalments between March 2006 and March 2008.

26. In its decision, the Full Bench found that child care workers had been historically undervalued and had never been afforded the protections of properly set rates reflecting the real value of their work. With over 95 per cent of those employed in the industry being women, the Full Bench acknowledged the existence of a gender pay gap from the conception of the industry and accordingly awarded a pay increase intended to redress that undervaluation.<sup>15</sup>

27. At the 2007 NSW State Wage Case, the IRC again recognised the long standing undervaluation of work in this industry by allowing (upon application by the relevant union) increases awarded in the preceding two State Wage Case decisions to apply to the *Miscellaneous Workers Kindergartens and Child Care Centres, &c., (State) Award*.

28. In its 2007 State Wage Case decision, the Full Bench noted:

If increases resulting from State Wage Cases are not applied to that Award, the wage rates may not reflect the true value of the work as determined by the Full Bench and its decision in the Award proceedings may effectively be reversed as State Wage Case increases are progressively absorbed into the increases awarded.<sup>16</sup>

29. The NSW Government submits that the Commission should give full and careful consideration to those decisions and set rates of pay in the modern award which recognises the distinct characteristics of this

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<sup>15</sup> See *Miscellaneous Workers Kindergartens and Child Care Centres &c., (State) Award*, Re [2006] NSWIRComm 64 & [2007] NSWIRComm 118, paras 229-231

<sup>16</sup> [2007] NSWIRComm 118, para 275

industry. This should encompass the principle of equal remuneration for work of equal or comparable value in a manner consistent with those decisions and with paragraph 3(e) of the Ministerial Request (or provide clear reasons as to why such an approach is not appropriate).

## **Miscellaneous Award 2010**

30. The NSW Government supports the safeguarding of industrial conditions of employees who perform work of a type that has traditionally been covered by awards, but who are not covered by another modern award. It recognises that the current exposure draft may extend coverage to some employees who have formerly been defined as 'award free' in the NSW jurisdiction.
31. There are, however, concerns about the minimum rate of pay prescribed for Level 1 (the lowest rate in the exposure draft) and the description of the proposed award's coverage.
32. As the Commission notes in its Statement the rate of pay for Level 1 is set at the minimum wage (\$543.90) in the federal jurisdiction and will apply to employees with less than three months service.<sup>17</sup>
33. Since June 2008, there has been a State Minimum Wage Order in the NSW jurisdiction that applies to all adult employees whose employment is not subject to an industrial instrument. The minimum rate of pay for such adult employees in NSW is currently \$568.20, which is \$24.30 higher than the minimum rate contained in the exposure draft.

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<sup>17</sup> [2009] AIRCFB 865, para 82

34. It is difficult to determine in any definitive way the number of employees who do not fall within the parameters of an industrial instrument in NSW. ABS data<sup>18</sup> suggests that there are approximately 615,000<sup>19</sup> persons working in award free occupations in the NSW jurisdiction, which equates to approximately 18 per cent of the total labour force. It is further estimated that approximately 30 per cent of the total number of persons working in award free occupations, or approximately 185,000 persons, are currently receiving less than \$799 per week. It would be possible (depending upon their skill levels and status of employment) for a reasonable proportion of these persons to derive a benefit from the basic minimum rates of pay contained in the exposure draft.<sup>20</sup>
35. Internal analysis undertaken shows there are a number of occupations within the NSW jurisdiction that have traditionally been considered award free. These occupations are set out in Appendix A of this submission. The NSW Government acknowledges that, in some instances, a number of those occupations listed are covered under pre-reform federal awards or may have coverage under modern awards when they come into operation on 1 January 2010.
36. The NSW Government acknowledges the Commission has been directed by means of the ministerial request to create an award with coverage that is uncharacteristic in its scope.<sup>21</sup> There are concerns, however, regarding the uncertainty of that coverage by virtue of it being defined on an exclusionary basis, rather than referring to specific

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<sup>18</sup> ABS, Census of Population and Housing, Table 1, Selected occupations by individual income (weekly) for NSW.

<sup>19</sup> This figure should be treated with caution as it includes employees, independent contractors and owner managers.

<sup>20</sup> Note: Clause 14.1, Minimum Wages of the Exposure Draft *Miscellaneous Award 2010* prescribes the highest rate of pay at \$733.70.

<sup>21</sup> See paras 4A and 8A of Ministerial Request

occupations and callings, as is customary in common rule NSW state awards.

37. The Commission has recognised this lack of clarity in its own Statement. As it notes, 'It is unclear which employees will be covered by this award. It may be that it will have application in some areas of the workforce which have not been covered by awards before.'<sup>22</sup>
  
38. Should the coverage clause of the exposure draft be made in its current terms, there may well be unintended consequences, exacerbated by the lack of representation for those employers and employees who have inadvertently fallen within its coverage.
  
39. Under the *Fair Work Act 2009* (Cth), Fair Work Australia may make a determination varying a modern award to remove any uncertainty or ambiguity.<sup>23</sup> Given the potential doubt concerning the coverage of this exposure draft, the NSW Government suggests the Commission should alert the parties to such provisions in its decision when the *Miscellaneous Award 2010* is made in December of this year.
  
40. The NSW Government supports the making of a comprehensive award in particular, to cover those employees who would formerly have been afforded the protections of an award or NAPSA in NSW but have potentially been left without award coverage due to the award modernisation process. It is equally important, however, that employers (particularly those who operate small to medium size enterprises and do not have access to advice from employer organisations) are permitted to

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<sup>22</sup> [2009] AIRCFB 865, para 84

<sup>23</sup> See Section 160 of *Fair Work Act 2009* (Cth)

operate their businesses with certainty when employing staff and are fully aware of their industrial obligations.

41. As noted above, the *Miscellaneous Award 2010* may well apply to classes of employers and employees who are not accustomed to having their workplace arrangements determined by awards. The NSW Government contends that it is incumbent upon the Fair Work Ombudsman to take an active role in ensuring employers and employees who are to be covered by the award understand their workplace rights and responsibilities.

## **Restaurant Industry Award 2010**

42. On 29 May 2009, the Deputy Prime Minister wrote to the Commission advising of amendments to the ministerial request. The amended request required the Commission to create a separate modern award covering the restaurant and catering industry.
43. The coverage clause of the *Restaurant Industry Award 2010* exposure draft is broadly similar to that contained within the NSW *Restaurants, &c., Employees (State) Award*. The standard Saturday and Sunday penalty rates that were formerly contained within the *Hospitality Industry (General) Award 2010* have been reduced and reflect the rates within the NSW Award/NAPSA, with respect to full time and part time employees.
44. As noted in the NSW Government's submission of July 2009, approximately 93 per cent of employees who are employed in the broader hospitality industry work in the food and beverage sector, which includes cafes and restaurants. While the hospitality industry as a whole

is dominated by young workers, this is particularly so for the food and beverage sector, with two-thirds of all their employees aged between 16 and 24 years. Furthermore, the food and beverage sector is also characterised by a high incidence of casual employment (69 per cent) and is three times more likely to employ workers on a casual basis than the broader labour market.<sup>24</sup>

45. Given the high incidence of casual employment in this sector the NSW Government is concerned that the exposure draft contains proposed rates which if adopted would result in significant reductions in minimum hourly rates of pay for casual employees when compared to the Pay Scales derived from the *Restaurants, &c., Employees (State) Award/NAPSA*, as the following table reveals.

<b>NAPSA classification (casual)</b>	<b>Rate of pay per hour</b>	<b>Modern Award classification (casual)</b>	<b>Rate of pay per hour</b>	<b>Reduction per hour</b>
<b>Grade 2 (general waiting)</b>	<b>\$</b>	<b>Level 2 (food and beverage)</b>	<b>\$</b>	<b>\$</b>
Monday to Friday	19.42	Monday to Friday	19.18	0.24
Saturday	23.90	Saturday	23.01	0.89
Sunday	28.39	Sunday	26.85	1.54
<b>Grade 3 (specialised waiting)</b>		<b>Level 3 (food and beverage)</b>		
Monday to Friday	20.29	Monday to Friday	19.87	0.42
Saturday	24.98	Saturday	23.84	1.14
Sunday	29.66	Sunday	27.81	1.85
<b>Grade 5 (tradesperson)</b>		<b>Level 4 (Cook Grade 3 - tradesperson)</b>		
Monday to Friday	22.11	Monday to Friday	20.97	1.14
Saturday	27.22	Saturday	25.17	2.05
Sunday	32.32	Sunday	29.36	2.96

<sup>24</sup> See NSW Government submission to the Australian Industrial Relations Commission, Restaurant and Catering Industry Modern Award, 24 July 2009, paras 7-10 and Industry Analysis: Hospitality, Workplace Research Centre, July 2008, p.4

46. Part of the reason for the disparity in wage rates is that the exposure draft prescribes a 25 per cent loading for casuals, but not a one-twelfth loading in respect of annual leave. This is because the annual leave provisions of the National Employment Standards contained within the *Fair Work Act 2009* (Cth) do not apply to casual employees. By contrast, the NSW *Restaurants, &c., Employees (State) Award/NAPSA* and its related Pay Scales provides for a 20 per cent casual loading plus an additional one-twelfth loading (an aggregate 28.3 per cent loading) as prescribed by the NSW *Annual Holidays Act 1944*.<sup>25</sup> If the *Fair Work Act* does not provide annual leave for casuals then the casual loading ought to be set at a correspondingly higher rate that recognises that fact, to prevent casual employees being worse off.
47. Further, as the table above illustrates, the disparities between the two rates of pay are greater when work by casual staff is performed on weekends. This is because the proposed modern award prescribes various penalty rates to be paid on the relevant base minimum rates of pay, whereas under the NSW *Restaurants, &c., Employees (State) Award/NAPSA*, penalty rates are calculated on the loaded casual rate of pay.
48. Of further concern with respect to casual employment under the proposed modern award is the reduction in minimum engagements as compared to the NSW Award/NAPSA and the loss of casual conversion provisions.

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<sup>25</sup> Under the *Annual Holidays Act 1944* a full time or part time worker is entitled to four weeks annual holiday for each completed year of employment with an employer. A casual employee is effectively entitled to a payment in lieu of the leave entitlement determined on the basis of one-twelfth of the worker's ordinary pay for each hour worked (s4(3)).

49. In the NSW jurisdiction a large majority of state awards (including the *Restaurants, &c., Employees (State) Award*) provide minimum engagements of three hours for casual employees. Furthermore, when giving consideration to the determination of minimum engagements for part time work agreements, made under the *Industrial Relations Act 1996 (NSW)*, the IRC expressed its concerns ‘that for some employees the time and expense incurred in preparing for and travelling to and from work may in reality outweigh the remuneration and benefits which such work provides’.<sup>26</sup> For that reason, subject to a number of exceptions, the IRC chose to fix a minimum engagement of three hours per day for such workers in the 1998 State Part-Time Work Case.
50. Secure employment provisions, which establish a right for casual employees with a regular and systematic work history to seek conversion to permanent full-time or part-time employment is included in a majority of NSW state awards, including the *Restaurants, &c., Employees (State) Award*.
51. Furthermore, prior to the amended ministerial request, employees working within the restaurants sector were to be afforded casual conversion provisions under the *Hospitality Industry (General) Award 2010* which was made on 19 December 2008. In its recent Statement,<sup>27</sup> having regard to the weight of current coverage within pre-reform federal awards and other State NAPSAs, the Commission has now deemed it appropriate to exclude this important provision from a modern award that will undoubtedly cover a high number of casual employees.

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<sup>26</sup> See State Part-Time Work Case [1998] NSWIRComm 142 Note: In this case the IRC determined a part time work agreement must provide for 3 continuous hours per shift. However, a 2 hour shift can be worked if: for personal reasons the employee wants to work for 2 hours per shift or the employee’s workplace is within 5km of their home or the relevant award or enterprise agreement would otherwise allow for a 2 hour shift.

<sup>27</sup> [2009] AIRCFB 865, para 204

52. The NSW Government reiterates its previous position that the right of casual employees to elect to convert to permanent employment is an important test case standard in the NSW jurisdiction and should be applied uniformly across modern awards to provide a fair and relevant safety net of employment conditions.<sup>28</sup>

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<sup>28</sup> For the NSW Government's position re secure employment provisions see NSW Government submission to the Australian Industrial Relations Commission, July 2008, paras 18-22 & NSW Government submission to the Australian Industrial Relations Commission, Exposure Draft Modern Awards – Stage 2, February 2009, paras 21-24

## Appendix A

NSW Possible Award Free Occupations  
(Common Rule Awards Only, Enterprise Awards & Public Sector industrial instruments  
excluded)

- Accountant
- Advertising sales representatives (excludes Advertising Sales Reps & Commercial Travellers Awards)
- Aquaculture employee
- Art gallery guide
- Artist
- Auctioneer
- Baby sitter
- Charity collections (door to door etc)
- Chiropractor
- Clothing designer/pattern maker using a computer
- Debt collector
- Deckhand on fishing trawlers
- Dentist
- Disc jockey
- Driving instructor
- Drivers delivering pre-ordered food to homes and offices (own vehicle)
- Estimator
- Equipment hire company hirer (excludes retail sales)
- Financial Planning
- Gardener working in or about domestic premises (excludes working for landscape gardener)
- Grain silo attendant
- Hire car driver
- Host/ess (no sales)
- Information booth attendant (excludes Shop & Theatrical Employees Awards)
- Information technology industry employee
- Insurance sales employee (federal coverage)
- Interior designer
- Lawn mowing (residential)
- Legal professional
- Manager (exceptions apply)
- Market research employee (excludes by phone)
- Marketing and business management professions
- Medical doctor
- Medical technician (excludes Mechanical Opticians, Dental Technicians & Orthoptists Awards)
- Nanny
- Optometrist
- Pamphlet, letter, magazine or brochure delivery employee
- Personal carer, private residences (excludes Miscellaneous Workers Home Care Industry (State) Award)

- Pilot (federal coverage exists)
- Plumber's labourer
- Professional architect
- Public relations officer
- Recruitment consultant
- Research officer
- Sales representatives (selling only services)
- Sculptor
- Solicitor
- Tax consultant
- Telephone canvasser (cold canvassing for the sale of goods)
- Tour guide (excludes Theatrical Employees Recreation and Leisure Industry (State) Award)
- Travel consultant working in a travel agency (federal coverage exists)
- Tree lopper (excludes civil works)
- Tutor, including a private tutor
- Vet
- Water taxi driver