



Workplace Relations Legislation Amendment (Youth Employment) Act 1999

No. 119, 1999



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No. 119, 1999

**An Act to amend legislation relating to workplace
relations**

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An Act to amend legislation relating to workplace relations

[Assented to 22 September 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Workplace Relations Legislation
Amendment (Youth Employment) Act 1999*.

2 Commencement

- (1) Sections 1, 2 and 3 commence on the day on which this Act
receives the Royal Assent.

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- (2) The Schedules to this Act commence on the 28th day after the day on which this Act receives the Royal Assent.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Workplace Relations Act 1996

1 After paragraph 3(a)

Insert:

- (aa) protecting the competitive position of young people in the labour market, promoting youth employment, youth skills and community standards and assisting in reducing youth unemployment; and

2 Paragraph 88A(d)

Repeal the paragraph, substitute:

- (d) the Commission's functions and powers in relation to making and varying awards are performed and exercised in a way that:
 - (i) encourages the making of agreements between employers and employees at the workplace or enterprise level; and
 - (ii) uses a case-by-case approach to protect the competitive position of young people in the labour market, to promote youth employment, youth skills and community standards and to assist in reducing youth unemployment.

3 After paragraph 88B(3)(b)

Insert:

- (ba) the need, using a case-by-case approach, to protect the competitive position of young people in the labour market, to promote youth employment, youth skills and community standards and to assist in reducing youth unemployment, through appropriate wage provisions, including, where appropriate, junior wage provisions;

4 At the end of section 88B

Add:

- (4) For the purposes of paragraph (3)(e), junior wage provisions are not to be treated as constituting discrimination by reason of age.

- (5) For the purposes of paragraph (3)(e), trainee wage arrangements are not to be treated as constituting discrimination by reason of age if:
- (a) they apply (whether directly or otherwise) the wage criteria set out in the award providing for the national training wage or wage criteria of that kind; or
 - (b) they contain different rates of pay for adult and non-adult employees participating in an apprenticeship, cadetship, or other similar work-based training arrangement.

5 After subsection 113(3)

Insert:

- (3A) The Commission may, on application by an organisation or person bound by an award, vary the award by:
- (a) including a junior rate of pay in the award; or
 - (b) varying a junior rate of pay in the award; or
 - (c) removing a junior rate of pay from the award.
- (3B) In any application of the kind referred to in subsection (3) or (3A), the onus of demonstrating that the award should be varied as set out in the application rests with the applicant.

6 After paragraph 143(1C)(e)

Insert:

- (ea) if it applies to work that is or may be performed by young people—protects the competitive position of young people in the labour market, promotes youth employment, youth skills and community standards and assists in reducing youth unemployment by including, if, on a case-by-case basis, the Commission determines it appropriate, junior rates of pay; and

7 After paragraph 143(1D)(a)

Insert:

- (aa) it provides:
 - (i) for a rate of pay worked out by applying (whether directly or otherwise) the wage criteria set out in the award providing for the national training wage or wage criteria of that kind; or

- (ii) for different rates of pay for adult and non-adult employees participating in an apprenticeship, cadetship or other similar work-based training arrangement; or

8 Subsection 143(1E)

Repeal the subsection.

9 After paragraph 170LU(6)(a)

Insert:

(aa) it provides:

- (i) for a rate of pay worked out by applying (whether directly or otherwise) the wage criteria set out in the award providing for the national training wage or wage criteria of that kind; or
- (ii) for different rates of pay for adult and non-adult employees participating in an apprenticeship, cadetship or other similar work-based training arrangement; or

10 Subsection 170LU(7)

Repeal the subsection.

Schedule 2—Amendment of the Workplace Relations and Other Legislation Amendment Act 1996

1 After paragraph 51(7)(e) of Schedule 5

Insert:

- (ea) if it applies to work that is or may be performed by young people—protects the competitive position of young people in the labour market, promotes youth employment, youth skills and community standards and assists in reducing youth unemployment by including, if, on a case-by-case basis, the Commission determines it appropriate, junior rates of pay; and

2 Subitem 54(2) of Schedule 5

Repeal the subitem.

*[Minister's second reading speech made in—
House of Representatives on 24 June 1999
Senate on 30 August 1999]*

(129/99)
