

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996
s.113 applications to variation
s.108 references of applications to vary

Shop, Distributive and Allied Employees Association
(C No. 39482 of 2000)

THE VEHICLE INDUSTRY - REPAIR, SERVICES AND RETAIL - AWARD 1983
(ODN C No. 01339 of 1974)
[Print G1066 [AW801827]]

Shop, Distributive and Allied Employees Association
(C No. 39483 of 2000)

RETAIL, WHOLESALE AND DISTRIBUTIVE EMPLOYEES (NT) AWARD 2000
(ODN C No. 02985 of 1980)
[Print S8032 [AW794741]]

Australian Liquor, Hospitality and Miscellaneous Workers Union
(C No. 39484 of 2000)

**THE HOSPITALITY INDUSTRY - ACCOMMODATION, HOTELS, RESORTS AND
GAMING AWARD 1998**
(ODN C No. 00389 of 1975)
[Print P9138 [AW783479]]

Australian Municipal, Administrative, Clerical and Services Union
(C No. 39485 of 2000)

CLERICAL AND ADMINISTRATIVE EMPLOYEES (VICTORIA) AWARD 1999
(ODN C No. 34749 OF 1995)
[Print S1367 [AW773032]]

Australian Municipal, Administrative, Clerical and Services Union
(C No. 39486 of 2000)

**TOTALIZATOR AGENCY BOARD OF VICTORIA OFF COURSE TOTALIZATOR
EMPLOYEES AWARD 1993**
(ODN C No. 21022 of 1992)
[Print K8649 [AW799665]]

Various employees

Various industries

JUSTICE GIUDICE, PRESIDENT
SENIOR DEPUTY PRESIDENT WATSON
SENIOR DEPUTY PRESIDENT ACTON
COMMISSIONER BACON
COMMISSIONER CRIBB

MELBOURNE, 31 MAY 2001

Parental leave – application to casual employees – variation to standard clause.

DECISION

Nature of the Applications

[1] This decision concerns applications by various unions to vary the parental leave clause in a number of awards so that the clause also applies to eligible casual employees.

[2] The awards sought to be varied are:

- The Vehicle Industry - Repair, Services and Retail - Award 1983 [AW801827].
- Retail, Wholesale and Distributive Employees (NT) Award 2000 [AW794741].
- Hospitality Industry - Accommodation, Hotels, Resorts and Gaming Award 1998 [AW73479].
- Clerical and Administrative Employees (Victoria) Award 1999 [AW773032].
- Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993 [AW799665].

[3] The applications are pursued as a test case. Through the applications the unions seek to have the Commission vary its existing parental leave test case standard and thereby establish a new parental leave test case standard which applies to eligible casual employees as well as full-time and regular part-time employees.

Hearings

[4] The applications in the matters were referred to a Full Bench of the Australian Industrial Relations Commission (the Commission) pursuant to s.108 of the *Workplace Relations Act 1996* (Cth) (the Act).

[5] The Full Bench issued directions for the filing and serving of written submissions and such submissions were received from:

- Australian Council of Trade Unions (ACTU).
- Australian Catholic Commission for Employment Relations.
- Australian Chamber of Commerce and Industry.
- Australian Hotels Association (AHA).
- Australian Industry Group.
- Commonwealth Government.
- Queensland Government.
- Victorian Government

- Human Rights and Equal Opportunity Commission
- Job Watch Inc.

[6] Supplementary oral submissions in the matters were heard by the Full Bench on 26 April 2001.

[7] At that hearing the ACTU, representing the unions, was granted leave to amend the applications.

[8] The amended applications seek to vary the awards by inserting the following provisions in the Parental Leave clause in each of the awards:

“The provisions of this clause apply to full-time, part-time and eligible casual employees but do not apply to other casual employees.

An eligible casual employee means a casual employee employed by an employer on a regular and systematic basis for several periods of employment or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months.

And that the employee has, but for the pregnancy or the decision to adopt, a reasonable expectation of ongoing employment.

For the purposes of this clause continuous service is work for an employer on a regular and systematic basis (including any period of authorised leave or absence).

An employer must not fail to re-engage a casual employee because:

- (a) *the employee or employee’s spouse is pregnant; or*
- (b) *the employee is or has been immediately absent on parental leave.*

The rights of an employer in relation to engagement and re-engagement of casual employees are not affected, other than in accordance with this clause.

[To be placed where appropriate]

An eligible casual employee who is employed by a labour hire company who performs work for a client of the labour hire company will be entitled to the position which they held immediately before proceeding on parental leave.

Where such a position is no longer available, but there are other positions available that the employee is qualified for and is capable of performing, the employer shall make all reasonable attempts to return the employee to a position comparable in status and pay to that of the employee’s former position.” [Exhibit ACTU 1]

[9] The first paragraph of the amended applications makes parental leave available to full-time, part-time and eligible casual employees.

[10] The next two paragraphs define an eligible casual employee.

[11] The fourth paragraph defines “*continuous service*” for the purposes of the parental leave clause in awards.

[12] The fifth and sixth paragraphs are designed to protect an eligible casual employee from not being re-engaged for unlawful reasons and safeguard employer rights about engagement and re-engagement of casual employees other than for prohibited reasons.

[13] The final two paragraphs are only relevant to awards covering an eligible casual employee who is employed by a labour hire company and who performs work for a client of the labour hire company.

[14] There was overwhelming support expressed for the amended applications. We do not propose to repeat all the submissions that were put to us concerning the applications. We will, however, deal with the caveats some parties expressed along with their support.

[15] Before doing so we will consider the history of the existing parental leave test case standard and recent trends in casual employment.

Parental Leave

[16] The existing parental leave test case standard has developed over time through a series of Commission decisions, including the:

- Maternity Leave test case decision [(1979) 218 CAR 120].
- Adoption Leave test case decision [(1985) 298 CAR 321].
- Parental Leave test case decision [Print J3596, 26 July 1990].
- Supplementary Award Simplification decision [Print Q5596, 15 September 1998].

[17] In the Parental Leave test case decision, the Commission established a “*package of leave ... associated with the birth or adoption of a child ... [in order to] ... provide additional choices for families.*” [Print J3596 at p.15].

[18] In granting the parental leave test case clause, the Commission said:

“The scheme we have decided upon establishes a flexible range of choices for families and is a further step towards the reconciliation of work with family responsibilities.”
[Print J3596 at p.16].

[19] The clause granted certain employees, but not casual employees, unpaid maternity, paternity and adoption leave.

[20] In the Supplementary Award Simplification decision, the parental leave test case clause established by the Parental Leave test case decision was reviewed with the aim of expressing it in plain English and making it easier to understand while maintaining its entitlements.

[21] As a result of that review, a revised parental leave test case standard was established for certain full-time and regular part-time employees but not casual employees.

[22] The parental leave test case standard established by the Supplementary Award Simplification decision is at Attachment A to this decision.

Casual Employment

[23] Since the 1990 parental leave test case decision there has been a substantial change in casual employment.

[24] With respect to the extent of casual employment, it is relevant to note that:

- Between 1990 and 1999, casual employees as a proportion of the employed labour force increased from 19.4 per cent to 26.4 per cent [I Campbell, 'The Spreading Net: Age and Gender in the Process of Casualisation in Australia' (2000) 45 *Journal of Political Economy* 68].
- Over that same period, some 71.4 per cent of total employment growth was casual [Australian Bureau of Statistics (ABS), *Labour Force, Australia*, August 1999, Cat. No. 6203.0].
- In June 1999, 31.8 per cent of female and 22 per cent of male employees were employed on a casual basis (ABS, *Australian Social Trends*, July 2000, Cat. No. 4102.0).

[25] In regard to the nature of casual employment, the most recently released ABS data from the *Survey of Employment Arrangements and Superannuation*, May 2000 [Cat. No. 6361.0] shows:

- over two-thirds of self-identified casuals work "regular hours";
- 40.6 per cent have a guaranteed minimum number of hours;
- over one half have been in their jobs for more than one year;
- 13.6 per cent have been in their job for five years or more;
- almost three quarters expect to be in the same job in 12 months time; and
- some 39.1 per cent report that their earnings have not varied.

[26] Overall, the latest ABS statistics suggest that self-identified casuals are being employed in two different ways with 43.4 per cent employed for relief work and 46.2 per cent working a set number of days per week or fortnight [Commonwealth Government Written Submissions, April 2001 at p.7].

[27] We will now turn to consider the amended applications before us.

Conclusion

[28] We are satisfied we should grant the unions' amended applications in these matters, excepting the application in respect of the Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993. We will deal with that award later in this decision.

[29] The evidence before us clearly indicated that:

“A number of casual employees today have ongoing associations with their employers and their employment is not necessarily limited to short periods. There are also many cases where casuals have reasonably predictable working patterns and regular earnings with expectations of ongoing employment.” [Commonwealth Government Written Submissions, April 2001 at p.2]

[30] We consider it is inequitable to deny parental leave to such casual employees while making it available to full-time and regular part-time employees.

[31] Further, the granting of the amended applications will promote the objects of the Act. It will do this in particular, by assisting:

- employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers; and
- in giving effect to Australia's international obligations in relation to labour standards.

[32] In this regard, most parties submitted the granting of the amended applications would assist employees in balancing work and family responsibilities while encouraging employee loyalty and retention of skills for employers.

[33] Parties also submitted the extension of parental leave to eligible casuals would be consistent with ILO *Convention 156, Workers with Family Responsibilities, 1981*.

[34] Moreover, on the submissions before us, we consider the amended applications will have negligible cost impact.

New Parental Leave Test Case Standard

[35] While supporting the amended applications in principle, the Commonwealth Government urged us not to establish the wording in the amended applications as part of the parental leave test case standard.

[36] It submitted that the definition of an eligible casual contained in the amended applications would not necessarily prove to be adequate or well-suited to the circumstances of all other awards and industries given the diverse nature of casual employment.

[37] It was said that the differing characteristics of casual employment across awards and industries need to be taken into account in any decision relating to the extension of parental leave to a sub-set of casual employees. Implementation of extended parental leave provisions on an award-by-award basis would allow consideration by the direct award parties of the appropriateness of including such provisions, and the tailoring of any proposed award variation, in light of the range of variables which are operating on a practical level.

[38] Accordingly, the Commonwealth Government maintained that the Full Bench should decide the matters currently before it:

“In terms of the principle of extending parental leave to certain casual employees and provide guidance to the parties to assist in reaching agreement in individual awards, where possible, on a formulation of the entitlement which will be better adapted to their particular circumstances or to provide a basis for consideration within the Commission.” [Commonwealth Government Written Submissions, April 2001 at p.10]

[39] In conclusion, the Commonwealth Government submitted:

“The Commonwealth is concerned that the extension of parental leave to certain casual employees be considered by the Commission in the context of the circumstances that arise in relation to industries and specific awards. The outcome of these proceedings should permit appropriate flexibility to accommodate the significant variability that characterises casual employment and its role in different industries. The Commonwealth believes the best way of achieving this is not by including a fixed ‘one size fits all’ definition in the existing Parental Leave Test Case clause, but by allowing for the parties to tailor outcomes to meet specific industry or award considerations. The provision of general guidance by the Commission will assist the parties in determining an appropriate outcome in respect to their award.” [Commonwealth Government Written Submissions, April 2001 at pp.13-14]

[40] Several other parties, however, submitted we should vary the existing parental leave test case standard to include the wording in the amended applications. They also submitted we should require a special case to be made out by those who oppose an application for the granting of the newly established parental leave test case standard in respect of a particular award or industry or who make an application which departs from that test case standard.

[41] The diversity of the awards before us in these matters and the extent of agreement between the parties on the amended applications suggest to us that the definition of an eligible casual employee contained in the amended applications is broad enough to cover the situation in most awards or industries. Those factors also suggest it is appropriate to establish a new parental leave test case standard as a result of our decision in these matters.

[42] We have therefore decided we will establish a new parental leave test case standard through this decision. The new parental leave test case standard will combine the parental leave test case standard arising from the Supplementary Award Simplification decision [Print Q5596] and the following wording:

The provisions of this clause apply to full-time, part-time and eligible casual employees but do not apply to other casual employees.

An eligible casual employee means a casual employee employed by an employer on a regular and systematic basis for several periods of employment or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months.

And that the employee has, but for the pregnancy or the decision to adopt, a reasonable expectation of ongoing employment.

For the purposes of this clause continuous service is work for an employer on a regular and systematic basis (including any period of authorised leave or absence).

An employer must not fail to re-engage a casual employee because:

- (a) the employee or employee's spouse is pregnant; or*
- (b) the employee is or has been immediately absent on parental leave.*

The rights of an employer in relation to engagement and re-engagement of casual employees are not affected, other than in accordance with this clause.

[To be placed where appropriate]

An eligible casual employee who is employed by a labour hire company who performs work for a client of the labour hire company will be entitled to the position which they held immediately before proceeding on parental leave.

Where such a position is no longer available, but there are other positions available that the employee is qualified for and is capable of performing, the employer shall make all reasonable attempts to return the employee to a position comparable in status and pay to that of the employee's former position.

[43] The last two paragraphs concerning labour hire companies need only be included in the new parental leave test case standard where the award incorporating the standard covers an eligible casual employee who is employed by a labour hire company and who performs work for a client of the labour hire company.

[44] We recognise there may be some awards or industries for which the new parental leave test case standard arising from this decision is inappropriate.

[45] Accordingly, we have also decided that where an application to extend parental leave to eligible casual employees does not conform with the parental leave test case standard established by this decision or a party objects to an application for that test case standard, either the party making the application or the objector must make and justify an application pursuant to s.107 of the Act. It will then be a matter for the President to decide whether it should be dealt with by a Full Bench.

[46] The AHA suggested the wording in the amended applications be altered to require:

- both the employer and the employee to have a reasonable expectation of ongoing employment; and
- an employer not to fail to re-engage a casual employee merely because of pregnancy or parental leave.

We are not persuaded to adopt these alterations.

Orders

[47] The orders necessary to give effect to this decision in the awards before us, except the Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993, should

be drawn up and filed by the applicants. Senior Deputy President Acton will settle the orders with recourse to the Full Bench.

[48] With respect to the Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993, the relevant parties suggested the Commission consider the application to vary that award separately to the other matters before it. We propose to adopt that course.

[49] The Full Bench directs Senior Deputy President Acton to report to it on the application to vary the Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993 [C No 39486/00].

BY THE COMMISSION:

PRESIDENT

Appearances:

B. Corney for the Victorian Government.

L. Dickinson for Job Watch.

T. Donaghy and *R. Mimmo* for the Australian Hotels Association.

R. Hamilton for the Australian Chamber of Commerce and Industry and for the Totalizator Agency Board, the Australian Retailers Association (Vic); the Victorian Employers' of Commerce and Industry; Australian Business Industrial; the Tasmanian Chamber of Commerce and Industry; the Metal Industries Association of Tasmania; Business SA; the Motor Trade Association of South Australia Inc; the Motor Traders Association of New South Wales; the Victorian Automobile Chamber of Commerce; and the Northern Territory Chamber of Commerce and Industry and with *J. Hargrave* for the Printing Industries Association of Australia.

R. Preston for Tabcorp Holdings Limited.

J. Macken with *T. Cole* for the Minister for Employment, Workplace Relations and Small Business.

M. Moir for the Australian Industry Group and the Engineering Employers' Association of South Australia.

E. Porter for the Queensland Government.

J. Ryan for Australian Catholic Commission for Employment Relations.

R. Watts for the Australian Council of Trade Unions with *T. Veenendaal* for the Australian Liquor, Hospitality and Miscellaneous Workers' Union, with *K. Harvey* for the Australian Municipal, Administrative, Clerical and Services Union and with *S. Burnley* for Shop Distributive and Allied Employees' Association.

M. Young for Human Rights and Equal Opportunity Commission.

Hearing details:

2001.

Melbourne:

February 15.

March 23.

April 4, 26.

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**PARENTAL LEAVE TEST CASE CLAUSE ESTABLISHED BY THE
SUPPLEMENTARY AWARD SIMPLIFICATION DECISION
(PRINT Q5596, 15 SEPTEMBER 1998)**

PARENTAL LEAVE

The provisions of this clause apply to full-time and regular part-time employees, but do not apply to casual employees.

Subject to the terms of this clause employees are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child.

1 Definitions

- 1.1** For the purpose of this clause **child** means a child of the employee under the age of one year except for adoption of a child where ‘child’ means a person under the age of five years who is placed with the employee for the purposes of adoption, other than a child or step-child of the employee or of the spouse of the employee or a child who has previously lived continuously with the employee for a period of six months or more.
- 1.2** Subject to clause 1.3, in this clause, **spouse** includes a de facto or former spouse.
- 1.3** In relation to clause 5, spouse includes a de facto spouse but does not include a former spouse.

2 Basic entitlement

- 2.1** After twelve months continuous service, parents are entitled to a combined total of 52 weeks unpaid parental leave on a shared basis in relation to the birth or adoption of their child. For females, maternity leave may be taken and for males, paternity leave may be taken. Adoption leave may be taken in the case of adoption.
- 2.2** Subject to 3.6, parental leave is to be available to only one parent at a time, in a single unbroken period, except that both parents may simultaneously take:
- 2.2.1** for maternity and paternity leave, an unbroken period of up to one week at the time of the birth of the child;
- 2.2.2** for adoption leave, an unbroken period of up to three weeks at the time of placement of the child.

3 Maternity leave

- 3.1** An employee must provide notice to the employer in advance of the expected date of commencement of parental leave. The notice requirements are:
- 3.1.1** of the expected date of confinement (included in a certificate from a registered medical practitioner stating that the employee is pregnant) – at least 10 weeks;
 - 3.1.2** of the date on which the employee proposes to commence maternity leave and the period of leave to be taken – at least 4 weeks.
- 3.2** When the employee gives notice under 3.1(a) the employee must also provide a statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse and that for the period of maternity leave she will not engage in any conduct inconsistent with her contract of employment.
- 3.3** An employee will not be in breach of this clause if failure to give the stipulated notice is occasioned by confinement occurring earlier than the presumed date.
- 3.4** Subject to clause 2.1 and unless agreed otherwise between the employer and employee, an employee may commence parental leave at any time within six weeks immediately prior to the expected date of birth.
- 3.5** Where an employee continues to work within the six week period immediately prior to the expected date of birth, or where the employee elects to return to work within six weeks after the birth of the child, an employer may require the employee to provide a medical certificate stating that she is fit to work on her normal duties.
- 3.6 Special maternity leave**
- 3.6.1** Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child, then the employee may take unpaid special maternity leave of such periods as a registered medical practitioner certifies as necessary.
 - 3.6.2** Where an employee is suffering from an illness not related to the direct consequences of the confinement, an employee may take any paid sick leave to which she is entitled in lieu of, or in addition to, special maternity leave
 - 3.6.3** Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take any paid sick leave to which she is then entitled and such further unpaid special maternity leave as a registered medical practitioner certifies as necessary before her return to work. The aggregate of paid sick leave, special maternity leave and parental leave, including parental leave taken by a spouse, may not exceed 52 weeks.
- 3.7** Where leave is granted under clause 3.4, during the period of leave an employee may return to work at any time, as agreed between the employer and the employee

provided that time does not exceed four weeks from the recommencement date desired by the employee.

4 Paternity leave

4.1 An employee will provide to the employer at least ten weeks prior to each proposed period of paternity leave, with:

4.1.1 that a certificate from a registered medical practitioner which names his spouse, states that she is pregnant and the expected date of confinement, or states the date on which the birth took place; and

4.1.2 written notification of the dates on which he proposes to start and finish the period of paternity leave; and

4.1.3 a statutory declaration stating:

4.1.3(i) he will take that period of paternity leave to become the primary care-giver of a child;

4.1.3(ii) particulars of any period of maternity leave sought or taken by his spouse; and

4.1.3(iii) that for the period of paternity leave he will not engage in any conduct inconsistent with his contract of employment.

4.2 The employee will not be in breach of clause 4.1 if the failure to give the required period of notice is because of the birth occurring earlier than expected, the death of the mother of the child, or other compelling circumstances.

5 Adoption leave

5.1 The employee will notify the employer at least ten weeks in advance of the date of commencement of adoption leave and the period of leave to be taken. An employee may commence adoption leave prior to providing such notice, where through circumstances beyond the control of the employee, the adoption of a child takes place earlier.

5.2 Before commencing adoption leave, an employee will provide the employer with a statutory declaration stating:

5.2.1 the employee is seeking adoption leave to become the primary care-giver of the child;

5.2.2 particulars of any period of adoption leave sought or taken by the employee's spouse; and

5.2.3 that for the period of adoption leave the employee will not engage in any conduct inconsistent with their contract of employment.

- 5.3 An employer may require an employee to provide confirmation from the appropriate government authority of the placement.
- 5.4 Where the placement of child for adoption with an employee does not proceed or continue, the employee will notify the employer immediately and the employer will nominate a time not exceeding four weeks from receipt of notification for the employee's return to work.
- 5.5 An employee will not be in breach of this clause as a consequence of failure to give the stipulated periods of notice if such failure results from a requirement of an adoption agency to accept earlier or later placement of a child, the death of a spouse, or other compelling circumstances.
- 5.6 An employee seeking to adopt a child is entitled to unpaid leave for the purpose of attending any compulsory interviews or examinations as are necessary as part of the adoption procedure. The employee and the employer should agree on the length of the unpaid leave. Where agreement cannot be reached, the employee is entitled to take up to two days unpaid leave. Where paid leave is available to the employee, the employer may require the employee to take such leave instead.

6 Variation of period of parental leave

Unless agreed otherwise between the employer and employee, an employee may apply to their employer to change the period of parental leave on one occasion. Any such change to be notified at least four weeks prior to the commencement of the changed arrangements.

7 Parental leave and other entitlements

An employee may in lieu of or in conjunction with parental leave, access any annual leave or long service leave entitlements which they have accrued subject to the total amount of leave not exceeding 52 weeks.

8 Transfer to a safe job

- 8.1 Where an employee is pregnant and, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee will, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.
- 8.2 If the transfer to a safe job is not practicable, the employee may elect, or the employer may require the employee to commence parental leave for such period as is certified necessary by a registered medical practitioner.

9 Returning to work after a period of parental leave

- 9.1 An employee will notify of their intention to return to work after a period of parental leave at least four weeks prior to the expiration of the leave.

9.2 An employee will be entitled to the position which they held immediately before proceeding on parental leave. In the case of an employee transferred to a safe job pursuant to clause 8, the employee will be entitled to return to the position they held immediately before such transfer.

9.3 Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee will be entitled to a position as nearly comparable in status and pay to that of their former position.

10 Replacement employees

10.1 A replacement employee is an employee specifically engaged or temporarily promoted or transferred, as a result of an employee proceeding on parental leave.

10.2 Before an employer engages a replacement employee the employer must inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

Decision Summary

Conditions of Employment - parental leave - casual employees - variation to standard clause - full bench - test case - application to vary existing parental leave test case standard and establish new standard which applies to eligible casual employees as well as full-time and regular part-time employees - Commission satisfied should grant application except for *Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993* - considered inequitable to deny parental leave to casual employees - granting applications promotes objectives of Act - most parties submitted would assist employees balance work and family responsibilities while encouraging employee loyalty and retention of skills for employers - consistent with *ILO Convention 156, Workers with Family Responsibilities, 1981* - considered applications will have negligible cost impact - recognised there may be some awards or industries which new parental leave test case standard is inappropriate - where application to extend parental leave to eligible casual employees does not conform with standard established by this decision or party objects, either party must make and justify application pursuant to s107 - orders should be drawn up and filed by applicants - Acton SDP to settle orders - application to vary *Totalizator Agency Board of Victoria Off Course Totalizator Employees Award 1993* to be considered separately - Acton SDP directed to report to Full Bench.

The Vehicle Industry - Repair, Services and Retail - Award 1983 & oths

C No. 39482 of 2000

Giudice J

Watson SDP

Acton SDP

Bacon C

Cribb C

Melbourne

PR904631

31 May 2001

** end of text **