well as in AIDS units in Oxford, Los Angeles, Seattle, Pittsburg, Paris and Berlin. Thus in England a most detailed code of practice for the control of legionnella in hospitals has been made mandatory while in the USA, West Germany and the Netherlands voluntary guidelines are used.

The new Standard places much importance on the design of the air-conditioning and water systems as it was recognized by the committee that some of the present design features make efficient maintenance difficult or may contribute in the multiplication of legionnella.

In conclusion, and this is especially in relation to the air-handling systems, the most important message of the new Standard is to carry out regular maintenance, or to describe it in another way - good housekeeping. This is because of the dictum of the Centre for Disease Control, USA, that there has never been an outbreak of Legionnaire's disease associated with a clean cooling tower. The new Standard should do much for Australia in putting forward reasonable measures based on the best engineering and scientific knowledge to date, and will certainly minimize the risk of contracting Legionnaire's disease.

- **Dr Peter Chrisptopher, Special Adviser, Communicable Diseases, Department of Health, NSW. Reprinted from The Australian Standard with permission.**

8. SEVERANCE PAY DECISION

A five-person Full Bench of the Australian Industrial Relations Commission handed down its decision on 22 March on union applications to include severance pay provisions in building and construction industry awards. The Commission has decided "to adopt a redundancy payment scheme designed to meet the needs of this industry", but has not granted the applications in the terms sought.

The Commission has determined that a redundancy pay scheme should operate as follows:

- An employee will be entitled to accrue redundancy benefits up until he or she leaves the industry.
- An employer will be required to provide a statement of service of an employee on each occasion that employee's service is terminated.
- When an employee decides that he or she no longer wishes to work in the industry, he or she shall produce to his or her current employer a statutory declaration to that effect.
- The employee will then be entitled to redundancy benefits commensurate with his/her years of service in the industry.
- For the purposes of implementation, credit will be given for service which an employee has given to his/her current employer.

The parties have been directed to draft orders reflecting this decision and incorporating the standard of benefits determined by a previous Full Bench in the Termination, Change and Redundancy case.

This decision is less than clear. Indeed, it is difficult to see how it can be implemented at all. The central thrust of it appears to be that a worker can get a redundancy benefit any time he fills out a statutory declaration saying he doesn't want to work in the industry any more. It is hard to imagine a more open invitation for constant abuse of a redundancy scheme's proper purpose.

The decision implies that a worker will get an accrued benefit for his time in the industry, but it does not suggest who should have to pay this benefit. It seems to support the concept of a central fund, but a fund receiving fixed weekly contributions is difficult or impossible to operate in conjunction with the standard benefits.

AFCC recognised the extreme complexity of redundancy pay for the building industry back in 1987. Major contractors worked long and hard with the unions to put in place schemes which provide genuine benefits and are practical to operate.

Other groups in the industry have been intensely critical of this development. They have maintained that any redundancy pay provision should be fixed by the Commission. Since they now have their wish, it will be interesting to see what they make of it.

- Ken Lovell, Director, Industrial Relations, AFCC

9. BUILDING INDUSTRY INQUIRY

The same five-person Full Bench as dealt with severance pay conducted the Inquiry into the Building and Construction Industry. It handed down its decision in this matter as well on 22 March 1989.

This decision vindicates AFCC's approach to industrial relations over recent years. Certain findings are completely consistent with recommendations put to the Commission by AFCC. One of the key findings is that the Commission will no longer regulate the "market rate" component of wages. This is in line with AFCC's policies and recommendations to the Inquiry.

The findings of the Inquiry can be summarised as follows:

State/Federal regulation

For the time being the Australian Commission will continue to make national awards for the industry, but is concerned about problems in States where the BLF continues to operate as a State union, but has no access to the Federal Commission. The parties are urged to do something themselves to overcome these difficulties and the Commission will monitor their progress.

Private arbitration

The Commission has "invited" the parties to insert dispute-settling clauses in awards, which take advantage of the new Commission's power to deal with lost time claims over safety issues. This should "substantially reduce the lost time claims going before private arbitrators".

Paid rates awards

Paid rates awards should be reconstructed to provide minimum rates and supplementary payments. The Commission does "not regard current wage levels and allowances as sacrosanct although (it does) not envisage any significant reduction in total pay". The Commission also anticipates that supplementary payments may vary "from sector to sector" and even "according to geographical areas". It seems to be suggested that the existing industry allowance and special rates should be completely re-examined so that all disability allowances are more appropriately expressed. "Disability payments should only be made to persons who experience the particular disability or disabilities". The precise way in which the Commission envisages future handling of disability payments is nevertheless far from clear. One definite statement which is made is that "in future, any disputes in relation to the existence of disabilities can be processed by way of application to vary the award."