



DRAFT DETERMINATION

Fair Work Act 2009

s.160—Variation of modern award

Australian Southern Bluefin Tuna (SBT) Industry Association Ltd
(AM2017/46)

**PORTS, HARBOURS AND ENCLOSED WATER VESSELS AWARD
2010**
[MA000052]

Port authorities

SENIOR DEPUTY PRESIDENT HAMBERGER
DEPUTY PRESIDENT COLMAN
COMMISSIONER MCKINNON

SYDNEY, XX JANUARY 2018

Application to vary the Ports, Harbours and Enclosed Water Vessels Award 2010 to remove ambiguity or uncertainty or to correct an error – Fair Work Act 2009 (Cth) s.160 – coverage – wild catch fishing industry.

A. Further to the decision issued by the Full Bench on 17 January 2018 [[2018] FWCFB 368], the above award is varied as follows:

1. By inserting the following definition at the end of clause 3.1:

wild catch fishing industry means the commercial operation of an employer to catch fish and other seafood that has grown to maturity in its natural environment. It does not include operations covered by the *Aquaculture Industry Award 2010*.

2. By renumbering clauses 4.7 and 4.8 as 4.8 and 4.9, respectively.

3. By inserting a new clause 4.7 as follows:

4.7 This award does not cover employees in the wild catch fishing industry (as defined in clause 3 of this award).

4. By updating the cross-references accordingly.

B. This determination comes into operation from XX January 2018. In accordance with s.165(3) of the *Fair Work Act 2009*, this determination takes effect from the start of the first full pay period on or after XX January 2018.

SENIOR DEPUTY PRESIDENT

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