REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of proposed variations lodged for this award on or before 5.00pm on 29 November 2016. The summary has been revised to include feedback from the hearing on 6 December 2016 (<u>Transcript</u>).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	TWU	<u>Sub-30/06/16</u>	2	Definitions Definition of 'permanent night shift' should be deleted.	Paras 2-3	Agreed between parties, definition to be deleted, see <u>Transcript-6/12/16</u> [PN129]
	ASU	<u>Sub-30/06/16</u>		Opposes inclusion of this definition.	Para 7	
	ASU	<u>Reply-20/07/16</u>		Supports TWU submission.	Para 2	
	Qantas	<u>Reply-21/07/16</u>		Agree, given the definition is replicated in clause 17.1(d).	Para 9	
	AIG	<u>Reply-22/07/16</u>		Not opposed.	Para 94	
2	AMWU	<u>Sub-30/06/16</u>	2	Definitions Definition of 'airline operations industry' is unclear. Either leave per current award or add 'or' to read: '(a) and/or (b)'.	Pg 2	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN135]
	Qantas	<u>Reply-21/07/16</u>		Supports AMWU's primary submission. Current award wording should be retained.	Para 12	
	ASU	Reply-20/07/16		Supports AMWU submission.	Para 3	
3	AWU	<u>Sub-30/06/16</u>	2, 4	Definitions / Coverage Not necessary to repeat definition of 'Airline operations industry' in both clauses. Prefer only clause 4.2.	Para 4	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN137]
	AMWU	Reply-21/07/16]	Supports AWU's submission.	Para 5	
	AIG	Reply-22/07/16		Not opposed to AWU submission, but do not oppose its retention in its current form.	Paras 91-92	

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4	AIG	<u>Sub-30/06/16</u>	2	Definitions Ordinary hourly rate definition should refer to clause 18.	Para 218	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN139]
	Qantas	<u>Reply-21/07/16</u>		Agree with AIG.	Para 3	
	AMWU	<u>Reply-21/07/16</u>		Agree with AIG.	Para 6	
	AWU	<u>Reply-21/07/16</u>		Agree with AIG.	Para 4	
	ASU	<u>Reply-20/07/16</u>		Seeks clarification if the wording 'clause 18.3' is an error or if the intention was to only reference the engineering and maintenance stream.	Para 4	
5	AWU	<u>Sub-30/06/16</u>	7.2	Facilitative provisions – facilitation by individual agreement Clause 28.4(b) should be listed in this clause.	Para 5	
	Qantas	Reply-21/07/16		Do not agree. Support the clause being included as proposed by Commission at table 7.3.	Para 17	
	TWU	Reply- 21/07/2017		Agree with AWU submission.	Para 3	
6	AWU	<u>Sub-30/06/16</u>	7.3	Facilitative provisions – facilitation by majority or individual agreement Clauses 14.2(c), 14.2(d), 16.1(d), 16.2(e), 28.4(a) and 28.4(b) should be deleted.	Para 5	
	Qantas	<u>Reply-21/07/16</u>		Do not agree. Support terms in ED.	Para 18	

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	AMWU	<u>Reply-21/07/16</u>		Clauses 14.2(c) and 14.2(d) should be deleted. Clause 15.1 as a whole should be included. Clauses 16.1(b) and 16.1(c) should be included.	Para 7	AMWU advised (see <u>correspondence</u> , 4/12/16) submission was regarding cl.7.3, not 7.2 per the <u>summary of submissions</u> , 30/11/16. AMWU clarified position – only cl.15.1(a) and (b) should be included, not 15.1(c), see <u>Transcript-6/12/16</u> [PN172]. Submission that cl.16.1(c) should be included withdrawn, see <u>Transcript-6/12/16</u> [PN174].
	AIG	<u>Reply-22/07/16</u>		Do not agree 16.1(d) and 16.2(e) should be deleted.	Para 95	
7	AWU	<u>Sub-30/06/16</u>	7.4	Facilitative provisions – facilitation by majority agreement Clauses 16.1(d), 16.2(e) and 28.4(a) should be added.	Para 5	
	Qantas	<u>Reply-21/07/16</u>		Do not agree with AWU. Support terms in ED.	Para 19	
	TWU	<u>Reply-</u> 21/07/2017		Agrees with AWU that 28.4(a) should be included.	Para 4	
	AMWU	Reply-21/07/16		Should include clauses 16.1(d) and 16.2(e).	Para 8	

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8	AWU	<u>Sub-30/06/16</u>	10.2(b)	Part-time day workers ED drafting does not reflect the operation of clauses 7.4 and 15.1. Propose to amend the start of clause 10.2(b) to 'subject to the employer's rights in clause 15.1, changes in hours may only be made by agreement in writing'	Para 6	
	Qantas	<u>Reply-21/07/16</u>		Do not agree. ED drafting reflects current award.	Para 20	
	AMWU	<u>Reply-21/07/16</u>		Supports AWU's submission.	Para 9	Clarification on position. Reference at cl.7.4 should be restricted to cl.7.4(b) and reference to cl.15.1 should be to 15.1(a). See <u>Transcript-</u> 6/12/16 [PN176]
	AIG	<u>Reply-22/07/16</u>		Opposed to suggested deletion. Reference to clause 7.4 should remain.	Paras 100-101	
9	ASU	<u>Sub-30/06/16</u>	11	Casual employment Clause 11.5(c) of current award has been moved to payment of wages (18.7 ED). The ED should contain wording referring to the new location.	Para 10	
	AIG	<u>Reply-22/07/16</u>		Does not consider necessary.	Para 102	
10	AMWU	<u>Sub-30/06/16</u>	11.1	Casual employment Do not object to definition of casual employee in ED.	Pg 2	
	AIG	<u>Sub-30/06/16</u>		Definition of casual in current award should be reinstated – change substantially alters meaning of casual employee	Paras 219-223	

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	ASU	<u>Reply-20/07/16</u>		Supports AMWU submission. Do not agree with AIG submission.	Para 5	
	Qantas	<u>Reply-21/07/16</u>		Definition of a casual in current award should be preferred. Agree with AIG submission.	Para 4 and 13	
	AWU	Reply-21/07/16	-	Do not see any issued with wording in ED.	Para 5	
11	AIG	<u>Sub-30/06/16</u>	11.2(b)	Casual employment ED increases rate of pay for casuals. Results in the 25% loading being calculated on an amount that includes all purpose allowances. This is different from the current award which requires it to be calculated on a proportion of the relevant minimum weekly rate. Rely on earlier submissions made on a similar issue in the <i>Exposure Draft</i> – <i>Aircraft Cabin Crew Award 2016</i> .	Paras 224-226	
	ASU	<u>Reply-20/07/16</u>		ED wording should be maintained.	Para 5	
	AMWU	<u>Reply-21/07/16</u>		This issue was determined in the decision [2015] FWCFB 6656 (September 2015 decision). AIG has not established a case for departing from the general approach previously determined.	Paras 11-15	Party to provide further submissions on this issue, see <u>Transcript-6/12/16</u> [PN191]
	Qantas	Reply-21/07/16		Support AIG submission.	Para 5	

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12	AWU	<u>Sub-30/06/16</u>	11.3	Casual employment Wording does not express the intention to prescribe a minimum engagement period for each occasion an employee is required to attend work. Suggest redrafting to ' <i>Casual</i> <i>employees are entitled to a minimum</i> <i>payment of four hours' work at the</i> <i>appropriate rate on each occasion they are</i> <i>required to attend work'</i> .	Para 7	Agreed, see <u>Transcript-6/12/16</u> [PN139]
	AMWU	Reply-21/07/16		Support AWU submission.	Para 15	
13	TWU	<u>Sub-30/06/16</u>	12.16	Apprentices – travel payment for block release training Clause 12.6(b) and (c) are identical, one should be removed.	Para 4	Note: TWU refer to 12.6(b) and (c) in their submission. Assume the intended reference is 12.16(c) and (d).
	AWU	<u>Sub-30/06/16</u>	-	Clauses 12.16(c) and (d) are identical. 12.16(d) preferred.	Para 8	Agreed cl.12.16(b) [sic] to be deleted, see Transcript-
	Qantas	Reply-21/07/16	-	Agree with TWU. 12.16(c) can be deleted.	Para 11	<u>6/12/16</u> [PN139]
	AIG	<u>Reply-22/07/16</u>		Not opposed.	Para 104	Incorrect clause identified at hearing. ED updated by AMOD to include proposal to delete cl.12.16(c) <u>not</u> (b).
14	AMWU	<u>Sub-30/06/16</u>	12.17	Apprentices – Reduction of payment The clause functions as a subclause of the text above. Either retain as subclause or add 'for travel payment' to the heading.	Pg 2	
	AIG	Reply-22/07/16		Not opposed. If heading is amended, it should read 'Reduction of travel payment for block release training'.	Paras 105, 107	

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15	AMWU	<u>Reply-21/07/16</u>	14.2(c)	Ordinary hours of work – day work Reference to clause 31 (Consultation regarding change of hours) should be inserted.	Para 16	
16	AWU	<u>Sub-30/06/16</u>	15.1(a)	Method of arranging ordinary hours Wording of clause in current award is preferred over ED.	Para 9	AWU referred to clause 18.4(a) of current award – assume 28.4(a) was intended. Agreed that clause 15.1(a) ED to be replaced with clause 28.4(a) of current award, see <u>Transcript- 6/12/16</u> [PN141]
	AMWU	<u>Reply-21/07/16</u>		Supports AWU submission.	Para 17	
	Qantas	<u>Reply-21/07/16</u>		Do not agree with AWU. Support terms of ED.	Para 22	Withdrawn, see <u>Transcript-</u> <u>6/12/16</u> [PN144]
	AIG	Reply-22/07/16		Not opposed to reversion to current clause.	Para 107	
17	AWU	<u>Sub-30/06/16</u>	15.1(a)(i)	Method of arranging ordinary hours Reference to clause 14.2(c) should be clause 14.2.	Para 9	Withdrawn, see <u>Transcript-</u> <u>6/12/16</u> [PN115]
	Qantas	Reply-21/07/16		Do not agree with AWU.	Para 22	
	AMWU	<u>Reply-21/07/16</u>		Do not agree with AWU.	Para 19	
18	TWU	Sub-30/06/16	17.1(d)	Special provisions for shiftworkers Word 'permanent' should be removed and the clause moved to clause 17.4.	Paras 2-3 and 5	Resolved by parties' agreement in relation to item 1, see <u>Transcript_6/12/16</u> [PN129 and PN141]. Clause
	ASU	<u>Reply-20/07/16</u>		Supports TWU submission.	Para 2	to be deleted.
	AIG	<u>Reply-21/07/16</u>		Not opposed.	Para 94	

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	Qantas	<u>Reply-21/07/16</u>		Issue identified by TWU can be remedied by replacing 'an employee on permanent night shift' with 'If, during a period of engagement a shiftworker works permanent night shift, the employee'	Paras 9-10	
	TWU	<u>Reply-</u> 21/07/2017		'Permanent' should be replaced with 'consecutive'.	Para 5	
	AIG	Reply-21/07/16		If 'permanent' is deleted, clause 17.4 ED should be replaced with clause 30.4 of current award.	94	
19	AIG	<u>Sub-30/06/16</u>	17.3	Special provisions for shiftworkers – shift rates Replace 'rates' with 'loadings' and replace percentages in final column of table in ED with those found in current award clause.	Para 227	
	Qantas	<u>Reply-21/07/16</u>		Do not agree with submission unless the Commission proposes to take this approach across all awards.	Para 6	
	AWU	<u>Reply-21/07/16</u>		Do not see an issue with expressions used in ED.	Para 7	
20	AMWU	<u>Reply-21/07/16</u>	17.4	Special provisions for shiftworkers – shift rates Propose a heading 'permanent night shift' be added. Alternatively, the table at 17.3 could be amended by inserting 'permanent ordinary hours on night shift (refer Clause 17.1(d))	Para 20	

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21	TWU	<u>Sub-30/06/16</u>	17.4	Special provisions for shiftworkers – shift rates Word 'permanent' should be removed.	Para 6	Resolved by parties' agreement in relation to item 1, see <u>Transcript-6/12/16</u> [PN129 and PN146]. Clause 17.4 ED to be replaced with current award clause 30.4.
		<u>Reply-</u> 21/07/2017	17.4	'Permanent' should be replaced with 'consecutive'.	Para 6	
22	AWU	<u>Sub-30/06/16</u>	17.5 and Sch B	Special provisions for shiftworkers – continuous afternoon and night shifts Heading should be amended to 'non- successive afternoon and night shifts'	Para 10	
	Qantas	<u>Reply-21/07/16</u>		Do not agree with proposed amendments to the wording of the clauses.	Para 23	
23	ASU	<u>Sub-30/06/16</u>	17.6	Multiple shift allowance Amended wording in ED is unclear. Do not oppose removal of clause 30.6(c) of current award.	Paras 16-17	
	Qantas	<u>Reply-21/07/16</u>		Wording of current award should be retained.	Para 31	
	AMWU	<u>Reply-21/07/16</u>		Supports ASU submission. Proposes amendment to clause 17.6(b) by inserting the phrase 'in addition to the amount at 17.6(a), an additional' before the phrase '\$4.41 per starting time'.	Para 21	AMWU advised (see <u>correspondence</u> dated 4/12/16) that their reference to cl.17.1(a) should have been cl.17.6(a). It has been assumed that their reference to cl.17.1(b) should have been cl.17.6(b).
	AIG	<u>Reply-22/07/16</u>		Not opposed to the retention of current award clauses 30.6(a) and (b).	Para 108	

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24	AIG	<u>Sub-30/06/16</u>	18	Minimum wages Suggest 'full-time employees' be inserted directly below 'minimum weekly rate' in the tables.	Paras 228-230	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN146]
	AWU	Reply-21/07/16		Not opposed.	Para 8	
	Qantas	<u>Reply-21/07/16</u>		Agree with AIG.	Para 7	
25	AMWU	<u>Sub-30/06/16</u>	18	Minimum wages Retain separate clause numbering for minimum wages sections, or replace bullet points with current style (e.g. see 18.5(e)(i))	Pg 3	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN146]
26	AWU	<u>Sub-30/06/16</u>	18.5	Apprentice minimum weekly wages Heading should read 'apprentice minimum wages'	Para 11	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN150]
	AIG	<u>Reply-22/07/16</u>		Not opposed.	Para 110	
27	AWU	<u>Sub-30/06/16</u>	18.5(b)(i)	Apprentice minimum weekly wages Reference to clause 16.3 should be to 18.5(c).	Para 12	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN150]
	AIG	Reply-22/07/16		Agree.	Para 111	
28	AWU	<u>Sub-30/06/16</u>	18.5(b)(ii)	Apprentice minimum weekly wages Reference to clause 16.3 should be to 18.5(c).	Para 13	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN150]
	AIG	<u>Reply-22/07/16</u>		Agree.	Para 112	
29	AWU	<u>Sub-30/06/16</u>	18.5(b)(ii)	Apprentice minimum weekly wages Reference to clause 15.3 should be to clause 18.3.	Para 13	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN150]
	AIG	Reply-22/07/16		Agree.	Para 112	

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30	AWU	<u>Sub-30/06/16</u>	18.5(b)(ii)	Apprentice minimum weekly wages Reference to 'ordinary weekly wage rate' should be 'ordinary hourly rate'.	Para 13	
31	AWU	<u>Sub-30/06/16</u>	18.5(e)(i)	Apprentices – competency based progression First dot point should refer to clause 18.5(d) as opposed to just (d).	Para 14	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN150 and PN152]
	AIG	Reply-22/07/16		Agree.	Para 113	
32	AWU	<u>Sub-30/06/16</u>	18.6(b)	Junior rates Yes, the reference to 'trades assistant' should be to 'Aircraft Worker 3'	Para 15	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN150 and PN152]
	Qantas	<u>Sub-30/06/16</u>		Yes – reference should be to 'Aircraft Worker 3'	Pg 2, Item 1 of table	
	AMWU	<u>Sub-30/06/16</u>		Agree the heading 'adult trades assistant' should be 'Aircraft Worker 3'.	Pg 3	
	AIG	Reply-22/07/16		Not opposed.	Para 114	
33	AWU	<u>Sub-30/06/16</u>	18.7(c)	Payment of wages Reference to 'full-time employees' should be 'permanent employees'	Para 16	
	Qantas	Reply-21/07/16		Reference to 'full-time' is appropriate. Support terms of ED.	Para 24	
34	ASU	<u>Sub-30/06/16</u>	19.6(a)	Laundry allowance Do not oppose change to drafting.	Para 13	
35	Qantas	Reply 21/07/16	19.7(a)	Maintenance and engineering workers – wage related allowances Tool allowance should be added.	Para 28	Withdrawn, see <u>Transcript-</u> <u>6/12/16</u> [PN164]

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36	Qantas	<u>Sub-30/06/16</u>	19.7(e)(i)	Maintenance and engineering workers – wage related allowances Reference to CAO 104.1.3.2 In process of confirming and will advise Commission when correct reference is ascertained.	Pg 2. Item 2 of the table	
	AMWU	<u>Reply-21/07/16</u>		CASA advised CAO 104.1 was repealed about 15 years ago. This CAO may still be relevant for CAR 1988 operated aircraft.	Para 23	
37	AWU	<u>Sub-30/06/16</u>	19.7(e)(i)	Allowances – special appointments – additional payments Bullet three - the reference to '1.38% of the standard rate' should be '\$10.56 per week'	Para 17	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN154]. AIG noted some allowances do not appear in the ED schedule, because the manner in which those allowances are derived or calculated is no longer apparent. Commission to take this up. See <u>Transcript-6/12/16</u> [PN154].
	AIG	Reply-22/07/16		Not opposed. Schedule C should also be amended to include allowances in current award clause 21.24.	Paras 115-116	
38	AMWU	<u>Reply-21/07/16</u>	19.7(a)(iii)	Maintenance and engineering workers – wage related allowances Reference to clause '19.7(d)' should be to clause 19.7(e).	Para 22	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN158]
39	AMWU	<u>Sub-30/06/16</u>	21	Indemnity/insurance Rates should be updated, appears there has been no change to them since 2010.	Pg 3	Qantas submitted proposal is a substantive variation and should be dealt with in
	AWU	<u>Sub-30/06/16</u>		It would be appropriate for the amounts to be increased.	18	accordance with the process for dealing with such

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	Qantas	<u>Reply-21/07/16</u>		Rates should remain as they are.	Para 14	variations. Position of AMWU and AWU to be clarified at a conference, see <u>Transcript-6/12/16</u> [PN166- PN168]
40	AWU	<u>Sub-30/06/16</u>	23.1	Overtime – payment for working overtime Current award clause has been omitted from ED. Should be retained.	Para 20	
	Qantas	<u>Reply-21/07/16</u>		Do not think it is necessary to reinstate the clause.	Para 27	
	AIG	<u>Reply-22/07/16</u>		Not opposed to the inclusion of this provision, but do not consider it necessary.	Para 119-121	
41	AWU	Sub-30/06/16	23.1(b)	Overtime Reference to clause 14.2(c) should be to clauses 14 and 15.	Para 19	
	Qantas	<u>Reply-21/07/16</u>		Do not agree. ED wording better reflects current award.	Para 26	
42	ASU	<u>Sub-30/06/16</u>	25.1	Annual leave Support inclusion of note referencing ss. 16 and 90 of the Fair Work Act.	Para 18	
43	AWU	<u>Sub-30/06/16</u>	25.5(b)	Annual leave loading Provision should be deleted given the Full Federal Court's decision in <i>Centennial</i> Northern Mining Services Pty Ltd v Construction, Forestry, Mining and Energy Union [2015] FAFC 100.	Para 23	Referred to annual leave common issue Full Bench (AM2014/47), see <u>Transcript-6/12/16</u> [PN158- PN161]

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44	AIG	<u>Sub-30/06/16</u>	Sch B	Summary of Hourly Rates of Pay The tables in the ED set out hourly rates that are payable, however the structure of the tables suggests they reflect a percentage of the ordinary hourly rate. This will be inaccurate in some instances. The structure is likely to mislead readers. Suggest '% of ordinary hourly rate' is replaced with '% of the minimum hourly rate', or note in each table that different rates may apply where an employee is entitled to an allowance pursuant to clause 19.7(a).	Paras 231-235	
	Qantas	<u>Reply-21/07/16</u>		Do not agree with AIG's suggested changes. It is not appropriate to refer to or incorporate all purposes allowances in these tables.	Para 8	
45	AMWU	<u>Reply-21/07/16</u>		 AIG's concern could be alleviated by: 1. Adding 'refer to B.1.1' in all table rows following '% of ordinary hourly rate' or 2. Adding '(relevant all purpose allowances from 19.7(a) and 19.9(b)) in all table rows following '% of ordinary hourly rate'. 	Para 24	
46	AWU	<u>Sub-30/06/16</u>	Sch B.1.1	Summary of Hourly Rates of Pay A reference to clause 19.9(a) of ED should be added.	Para 24	Agreed, see <u>Transcript-</u> <u>6/12/16</u> [PN162]
	AIG	Reply-22/07/16		Not opposed.	Para 125	
47	TWU	<u>Sub-30/06/16</u>	Sch B.2.2	Classification Definitions Word 'permanent' should be removed.	Para 7	Resolved by parties' agreement in relation to item
	ASU	<u>Reply-21/07/16</u>		Supports TWU submission.	Para 2	1, see <u>Transcript-6/12/16</u>

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	TWU	<u>Reply-21/07/16</u>		'Permanent' should be replaced with 'consecutive'.	Para 7	[PN162]
48	AWU	Sub-30/06/16 Reply-21/07/16	Sch B.2.4, B.3.4, B.4.4 and B.5.4	Overtime – shiftworkers Do not agree the rate payable for overtime by shiftworkers on Sunday is 150% for the first 2 hours and 200% for after 2 hours. Clause 17.7(a) means all overtime by shiftworkers on a Sunday is 200%. Support AWU submission.	Para 25 Paras 25-29	
	Qantas	<u>Reply-21/07/16</u>		Do not agree with AWU. Support terms of ED.	Para 29	
49	AMWU	<u>Reply-21/07/16</u>	Sch B.6- B.9	Summary of Hourly Rates of Pay Schedules should contain overtime rates for casuals.	Para 30	Issue being dealt with in the casual employment and part- time employment common issue Full Bench (2014 196 & 197). See <u>Transcript-6/12/16</u> [PN192-PN196]

List of abbreviations (in alphabetical order)

AIGAustralian Industry GroupAMWUAustralian Manufacturing Workers' UnionASUAustralian Services UnionAWUAustralian Workers UnionEDExposure DraftQantasQantas GroupTWUTransport Workers' Union of Australia