



REPORT TO THE PRESIDENT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards—Group 4 awards

(AM2014/260, AM2014/274, AM2014/278 and AM2014/280)

SENIOR DEPUTY PRESIDENT WATSON

MELBOURNE, 5 AUGUST 2016

4 yearly review – sub-group 4C Construction awards.

Background

[1] In the 24 February 2016 Statement¹ by Justice Ross, claims to vary the provisions of the *Building and Construction General On-site Award 2010*² (On-Site Award), the *Plumbing and Fire Sprinklers Award 2010*³ (Plumbing Award), the *Joinery and Building Trades Award 2010*⁴ (Joinery Award) and the *Mobile Crane Hiring Award 2010*⁵ (Mobile Crane Award) (collectively the Construction Awards) were referred to me in order to:

- “categorise the various issues raised in relation to the Construction awards”;
- “seek to resolve the matters in dispute”; and
- “identify those matters that require referral to a separately constituted Full Bench.”⁶

[2] The Construction Awards are within sub-group 4C of the 4 yearly review of modern awards process.

[3] Separate from the claims to vary the provisions of the Construction Awards, Justice Ross in his Statement of 24 February 2016 also published a timetable for the making of submissions and hearings in relation to exposure drafts in respect of each award. Directions were made in respect of the timetable and amended.⁷ The exposure drafts were published in May 2016, together with a comparison of each exposure draft to the relevant modern award. In a Statement and Directions of 10 May 2016,⁸ Justice Ross amended directions for the 4 yearly review of modern awards – award stage drafting and technical issues – in respect of the Group 4 awards. The amended directions in respect of the Group 4C exposure drafts required the filing of submissions in relation to drafting and technical issues in the 4C exposure drafts on 30 June 2016 and the filing of submissions in reply on 21 July 2016.

[4] In order to undertake the tasks referred to me on 24 February 2016, the following conferences of interested parties were undertaken:

DATE	AWARDS
30 March 2016	On-Site, Joinery, Mobile Crane, Plumbing Awards
14 April 2016	On-Site, Joinery, Mobile Crane, Plumbing Awards
19 April 2016	Plumbing Award

7 June 2016	On-Site and Joinery Awards
16 June 2016	On-Site and Joinery Awards
6 July 2016	On-Site and Joinery Awards
7 July 2016	Plumbing Award
19 July 2016	On-Site and Joinery Awards
2 August 2016	On-Site and Joinery Awards

[5] As the conciliation process proceeded, outcomes (the withdrawal or resolution of claims or their contested nature (requiring arbitration)) were recorded in amendments to the Summary of Proposed Variations for the Construction Awards which were first published on the 4 yearly review website for each of the awards on 11 December 2015. The summary was varied, with the varied summary posted to the website on 24 February 2016, 23 March 2016, 1 April 2016, 18 April 2016, 19 April 2016 and 14 June 2016. The final Summary of Proposed Variations for the Construction Awards attached to this Report, records the outcomes for the conciliation process in respect of the Construction Awards, as at 5 August 2016.

[6] Outcomes arising from the 30 March 2016 conference are also recorded in the Statement issued on 1 April 2016.⁹

[7] Arising out of the conferences, it is apparent that there are six broad groups of claims which affect more than one of the Construction Awards:

(i) Industry Specific Redundancy Scheme

- On-Site Award – Items 17–18 (HIA), 19 (CCF), 20–23 (MBA) and 20A (Barrett);
- Joinery Award – (less than five employees) Item 5 (MBA); and
- Plumbing Award – Items 2, 13 and 14 (an individual), 10 (MGP), 11 (MPMCA), 12 (FPAA) and 15 (Hall Baum Group).

(ii) Overtime – TOIL

- On-Site Award – Items 1 (HIA) and 2 (MBA); and
- Joinery Award – Items 1 (HIA) and 2 (MBA).

(iii) CFMEU common claims in respect of Travel and Living Away from Home claims

- On-Site Award – Item 121 (CFMEU);
- Joinery Award – Item 8 (CFMEU); and
- Mobile Crane Award – Item 1 (CFMEU).

[8] All other claims in respect of the Travel and Living Away from Home allowance in the On-Site Award (Items 122–146) and the Joinery Award (Item 9) should to be dealt with at the same time as the common CFMEU claims.

(iv) Payment of Wages

- On-Site Award – Items 151 (HIA), 152 (CCF), 153A and 153–154 (MBA); and
- Joinery Award – Items 10 and 11 (MBA).

[9] Some of these claims (Items 153A and 154 in the On-Site Award and Item 11 in the Joinery Award) have been considered in the context of the Common Issues – Payment of

Wages matter in AM2016/8, but were referred back to the Construction Awards proceedings.¹⁰

(v) **Coverage of Joinery**

- On-Site Award – Items 5 (CFMEU) and 6 (AWU – Classification schedule); and
- Joinery Award – Item 4 (MBA) – potentially affects On-Site Award coverage.

[10] These common claims should be dealt with together in one hearing across the Construction Awards.

[11] It should be noted that the Statement of 1 April 2016 identified a further common claim:

Junior Rates

- On-Site Award – Items 24 (MBA) and 25 (CCF); and
- Plumbing Award – Item 18 (MPG).

[12] During the conciliation process, it became evident that the On-Site Award claims (to introduce junior rates generally) were of a very different nature to the Plumbing Award claim (to introduce an “apprentice suitability trial rate”), such that they have no commonality and should be dealt with separately in the context of the determination of non-common claims in respect of the On-Site and Plumbing Awards.

[13] The additional non-common claims can be dealt with separately in relation to each of the Construction Awards.

[14] Although beyond the compass of the matters referred to me, it may be noted that it is necessary for technical and drafting issues arising from the exposure draft need to be finalised in respect of each of the sub-group 4C awards. The exposure draft issues need to be determined in addition to the substantive claims to vary in respect of the Construction Awards. This Report sets out a proposed process for determining both the substantive claims to vary and the exposure draft issues in respect of the Construction Awards.

[15] In a Statement and Directions of 10 May 2016, Justice Ross amended directions for the 4 yearly review of modern awards – award stage exposure draft drafting and technical issues – in respect of the sub-group 4C awards.¹¹ In a Further Statement of 15 July 2016,¹² the Directions were further amended in respect of the On-Site, Joinery and Mobile Crane Awards, with the 10 May 2016 requirement to file reply submissions on the exposure drafts being vacated, with later directions to be made in due course. In addition, the date for filing of reply submissions in respect of the Plumbing Award exposure draft was extended from 21 July 2016 to 3 August 2016.¹³ The amended directions of 10 May 2016 for the filing of reply submissions on the exposure drafts in respect of the *Architects Award 2010*,¹⁴ (Architects Award), *Electrical, Electronic and Communications Contracting Award 2010*¹⁵ (Electrical Award), *Hydrocarbons Field Geologists Award 2010*¹⁶ (Hydrocarbons Award) and *Surveying Award 2010*¹⁷ (Surveying Award) by 21 July 2016 remain in place.

[16] It can be noted that there are no substantive claims to vary to be determined in respect of the remaining sub-group 4C awards – the Architects Award, the Hydrocarbons Award and the Surveying Award. Only the exposure draft issues require finalisation in relation to those three awards. The exposure draft issues in respect of those three awards can be determined in accordance with the directions and proposed timetable within the 10 May 2016 Statement.

The Electrical Award was not subject to the reference for conciliation and specific claims in relation to it are not addressed in this report.

Finalising the substantive claims to vary and the exposure draft issues in respect of the Construction Awards

[17] The following groups of claims remain for the On-Site, Joinery, Mobile Crane and Plumbing Awards:

	Awards		Items
1	On-Site, Joinery, Mobile Crane and Plumbing Awards	Common Industry Specific Redundancy Scheme claim in respect of the On-Site, Joinery and Mobile Crane and Plumbing awards.	On-Site Award – Items 17–18 (HIA), 19 (CCF), 20–23 (MBA) and 20A (Barrett); Joinery Award – (less than five employees) Item 5 (MBA); and Plumbing Award – Items 2, 13 and 14 (an individual), 10 (MGP), 11 (MPMCA), 12 (FPAA) and 15 (Hall Baum Group).
2	On-Site, Joinery and Mobile Crane Awards	Remaining common claims in respect of the On-Site, Joinery and Mobile Crane Awards:	
		(i) Overtime – TOIL	On-Site Award – Items 1 (HIA) and 2 (MBA); and Joinery Award – Items 1 (HIA) and 2 (MBA).
		(ii) CFMEU common claim in respect of Travel and Living Away from Home	On-Site Award – Item 121 (CFMEU); Joinery Award – Item 8 (CFMEU); and Mobile Crane Award – Item 1 (CFMEU).
		(iii) Payment of Wages and	On-Site Award – Items 151 (HIA), 152 (CCF), 153A (AiG) and 153–154 (MBA); and Joinery Award – Items 10 and 11 (MBA).
		(iv) Coverage of Joinery.	On-Site Award – Item 5 (CFMEU) and Item 6 (AWU – Classification schedule) and Item 7 (CCF); and Joinery Award – Item 4 (MBA) – potentially affects On-Site Award coverage.

3	On-Site and Joinery Awards	Substantive Allowance claims (in addition to common CFMEU claim in 2(b) above):	
		(a) skill, disability, expense allowances (On-Site Award only):	
		(i) MBA claims for the removal or amendment of skill, disability, expense allowance provisions, on the basis that they are inconsistent with WHS requirements and/or are obsolete.	Items 26, 27, 36, 39–64, 66–68, 71–74, 78, 79, 81–86 and 88–120
		(ii) Other	CCF: Item 76 HIA: Items 35 and 38 CFMEU: Item 37
		(b) Travel, Living Away from Home (includes Joinery Award)	
		(i) MBA	Items 123–130, 132, 133, 135–142 and 144–146 (On-Site) and Item 9 (Joinery)
		(ii) Other	CCF: Items 122, 134 and 143 (On-Site) HIA: Item 131 (On-Site)
4	On-Site Award	Other claims:	
		(a) Dispute resolution	MBA: Item 8
		(b) Casual employment	FWO: Item 16
		(c) Minimum wages	MBA: Items 26, 27, 30 and 31
		(d) Junior wages	MBA: Item 24 CCF: Item 25
		(e) National Training Wage	AiG: Item 147 MBA: Item 148 FWO: Item 149 CFMEU: Item 150
		(f) Ordinary hours of work	HIA: Item 155 MBA: Items 156–160
		(g) Shift work	MBA: Items 162–165
		(h) Meal breaks	MBA: Item 167
		(i) Overtime	MBA: Item 168
		(j) Annual leave	CCF: Item 169 MBA: Item 170 (agreed) HIA: Item 171
		(k) Lift industry	MBA: Item 173 (consequential renumbering)
		(l) Foremen and supervisors	MBA: Item 173A (agreed) AMWU: Item 173B (in-

			principle agreement)
		(m) Classification schedule	MBA: Item 178
5	Joinery Award	Other claims:	
		(a) Employer/employee duties	MBA: Item 6
		(b) Living away from home	MBA: Item 9
		(c) Hours of work	AiG: Item 12
		(d) Shiftwork	MBA: Items 13 and 14
		(e) Alternate working arrangements	MBA: Item 15
6	Mobile Crane Award	Other claims – none	The common claim in respect of the CFMEU Travel and Living Away from Home claim (Item 1) is the only substantive claim in respect of the Mobile Crane Award.
7	Plumbing Award	Other claims:	
		(a) Minimum wages – juniors	MPG: Item 18
		(b) Superannuation	Individual: Item 19
		(c) Penalty rates	MPG: Item 20
		(d) Overtime	MPG: Item 21 (agreed between MPG and CEPU)
		(e) Classification definitions	FCAA: Item 22
8	On-Site Award	Rationalisation and possible consolidation of those allowances in the On-Site Award (as varied following the determination of matters in 2 and 3 above).	During the conciliation process, the parties have agreed on tables of skill, disability and expense allowances to better direct award users to allowances relevant in their circumstances, involving a table of “all-purpose allowances” (agreed save for three allowances) and the grouping of other allowances by type. They do not propose to take this any further until the MBA claims in Item 3 above and the remaining claims to vary skill, disability and expense allowances: the parties will then direct their minds to the potential to consolidate any allowances.
		This should also deal with claims in respect of the hourly rate calculation; and	MBA: Item 28 CFMEU: Item 29
		The CFMEU claim to consolidate certain allowances	CFMEU: Item 65

9	All awards	Exposure draft issues:	
		On-Site, Joinery and Mobile Crane Awards	Best undertaken after allowance issues are addressed: this will deal with many exposure draft issues
		Plumbing Award	Reply submissions required on 3 August 2016: determination can occur in late August in accordance with [2016] FWC 4781
		Architects Award, the Hydrocarbons Award and the Surveying Award	Only the exposure draft issues are the only matters requiring finalisation and can be determined in accordance with the directions and proposed timetable within the 10 May 2016 Statement in [2016] FWC 2924 and [2016] FWC 4781

Traffic management issues raised by Mr John Broomhead

[18] In a submission of 2 March 2015, Mr Broomhead filed a submission proposing a number of variations to the On-Site Award in respect of work of persons undertaking traffic management functions:

- Items 9–12 – Types of employment;
- Items 69–70, 75, 77, 80, 87 – Allowances;
- Item 166 – Shiftwork; and
- Items 174–177 – Classification schedule.

[19] The Traffic Management Association of Australia (TMAA) applied in AM2014/195 to make a proposed Traffic Management Controllers Award. Mr Broomhead has made submissions in relation to that application, participated in a meeting with the TMAA in May 2015 and sought to be involved in conciliation in relation to the application.

[20] Mr Broomhead did not participate in conciliation in relation to the On-Site award. As a result, the applications to vary the On-Site Award by Mr Broomhead in respect of traffic management have not been included in the table above.

[21] The Full Bench dealing with the On-Site Award matters may wish to deal with Mr Broomhead’s claims, if he continues to press them, within the relevant grouping within the table above or, if it chooses to await the determination of AM2014/195 to ascertain whether it affects the coverage of traffic management in respect of the On-Site Award, deal with any remaining claims by Mr Broomhead, if he continues to press them, after the determination of AM2014/195 at the next relevant hearing in relation to the On-Site Award.

Proposed process for disposing of the On-Site, Joinery, Mobile Crane and Plumbing Award matters

[22] The following discussion of a proposed timetable is directed to assisting programming. It is recognised and accepted that conduct of the matters – including directions and hearing dates – is a matter for the Full Bench to which the relevant matters are assigned.

[23] In my view, the determination of outstanding claims (substantive claims and exposure draft issues) for the On-Site, Joinery, Mobile Crane and Plumbing Awards can be dealt with by a separate process for the On-Site, Joinery and Mobile Crane Awards, together, and the Plumbing Award issues can be separately determined, save for the determination of the common claims in respect of the Industry Specific Redundancy Schemes.

The Plumbing Award

[24] In respect of the Plumbing Award, the Industry Specific Redundancy Scheme claim should be determined in the same hearing which deals with the Industry Specific Redundancy Scheme claims in respect of the On-Site and Joinery Awards (which could be a discrete hearing or be dealt with in conjunction with some other claims – e.g. the other common claims, even though none are relevant to the Plumbing Award).

[25] The non-Industry Specific Redundancy Scheme claims in respect of the Plumbing Award – the other claims to vary and the exposure draft issues are limited and there is no overlap. The three categories of plumbing matters could be determined in any order:

- The Industry Specific Redundancy Scheme claims be dealt with by the Construction Awards “common claims” Full Bench at whatever time that occurs;
- The “other” (non-Industry Specific Redundancy Scheme) plumbing specific substantive claims and exposure draft matters can be dealt with:
 - sequentially in either order or together; and
 - either before or after the common redundancy issue is determined.

[26] The “other” (plumbing specific) substantive claims and exposure draft matters could be determined together in one hearing in respect of the Plumbing Award only or, if determined separately, the exposure draft matters could be determined together with the exposure draft matters in the non-Construction sub-group 4C awards – the Architects, the Electrical, the Hydrocarbons and the Surveying Awards.

The On-Site, Joinery and Mobile Crane Awards

[27] In the course of conciliation on 19 July 2016, the parties suggested a process for the separate and sequential determination of:

- (i) The MBA claims for the removal or amendment of skill, disability, expense allowance provisions;
- (ii) The common Industry Specific Redundancy Scheme claim;
- (iii) The remaining common claims;

- (iv) The remaining claims in respect of the On-Site and Joinery Awards – including remaining claims to vary non-travel/distant work provision allowance claims;
- (v) The rationalisation and possible consolidation of allowances; and
- (vi) The exposure draft issues.

[28] The program suggested by the parties was lengthy, causing me to express a view to that effect. At the request of the parties, I conferred with the President in relation to the program suggested by the parties and conveyed to them his view that all matters should proceed to hearing by March 2017. In light of that, the parties suggested during the conciliation of 2 August 2016, a possible variation to the process they had earlier suggested, with the possibility of dealing with all allowances together and all common issues together.

[29] The most significant sequencing issue, in the minds of the parties was that the rationalisation and possible consolidation of those allowances and the determination of the exposure draft in the On-Site Award should follow the determination of the applications to vary or delete various allowances, which would impact on the rationalisation and possible consolidation and potentially deal with many exposure draft issues.

[30] The conduct of the matters – including directions and hearing dates – is a matter for the Full Bench to which the relevant matters are assigned, having regard to the efficient disposition of the matters, an opportunity for the parties to put their cases and the availability of the members of the Full Bench.

[31] However, the following suggestions are made with a view to assisting the Full Bench:

- (i) The Full Bench be constituted at the earliest possible time;
- (ii) The Full Bench should list a hearing for mention and programming before a member of the Full Bench as soon as possible. The parties were advised during the 2 August 2016 conciliation that they should give further consideration to an efficient and timely program (and confer amongst themselves) and to formulate (and be in a position to put to the mention and programming hearing) a clear and accurate view of the nature and scope of the evidence they would rely on in support of their claims prior to the mention and programming hearing;
- (iii) The On-Site, Joinery and Mobile Crane Award matters can be dealt with together – there is a significant commonality of interested parties and the addition of the limited Joinery and Mobile Crane matters to the predominantly On-Site matters should be manageable;
- (iv) The CFMEU’s common claims in respect of Travel and Living Away from Home could be dealt with either as part of the “other” common claims or separate from the “other” common claims but dealt with together with the other substantive allowance claims (in point 3 in the table above);
- (v) The common Industry Specific Redundancy Scheme claims and the “other” common claims could be dealt with either separately or together;
- (vi) The “other” claims and the exposure draft issues in relation to the On-Site, Joinery and Mobile Crane Awards could be dealt with either separately or together;

- (vii) The rationalisation and possible consolidation of the allowances and the determination of the exposure draft in the On-Site Award should follow the determination of the applications to vary or delete various allowances within a program to determine all matters; and
- (viii) The exposure draft issues were not subject to the conciliation undertaken for the purpose of this Report. Accordingly, consideration should be given, in a program, for an opportunity for conciliation on the exposure draft issues soon after the determination of the applications to vary or delete various allowances and prior to the determination of the exposure draft issues.



Attachment A

Summary of proposed variations - construction awards 5 August 2016

This table is a summary of proposed variations lodged for this award – **updated 5 August 2016.**

Building and Construction General On-site Award 2010

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	HIA	Sub-12Nov15	36	Overtime Seeks to insert the model TOIL clause.	Page 1-2	Arbitration required Referred to Award flexibility Full Bench in AM2014/300 , but referred back to review of construction awards in AM2014/260 and AM2014/274 by the Award Flexibility Full Bench in [2015] FWCFB 7156 .
2.	MBA	Sub-12Nov15	36	Overtime Supports the insertion of the model TOIL clause.	Para 3.1-3.6	Arbitration required Referred to Award flexibility Full Bench in AM2014/300 , but referred back to review of construction awards in AM2014/260 and AM2014/274 by the Award Flexibility Full Bench in [2015] FWCFB 7156 .
3.	MBA	Sub 2Mar15	1	Title Party suggests changing the year of '2010' to '2015'.	Col 1 of Table	Resolved in exposure draft

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
4.	MBA	Sub-2Mar15	2.1	Commencement and transitional Party suggests changing the commencement date of award to a 'date to be determined'.	Col 2 of Table	Resolved in exposure draft See also Full Bench decision – drafting and technical issues at paras 3-9
4A	MBA	Submission — 26 Feb 2016;	3.1	Definition: Insert definition of "ordinary time hourly rate" for casual employees	Submission — 26 Feb 2016; para 3.33 and 3.37	Being dealt with in casual employment common issues in AM2014/196 and 197
5.	CFMEU	Sub-2Mar15	4	Coverage Seeks to vary clause to ensure the primacy of award applies to employees and employers engaged in the on-site building, engineering and civil construction industry.	Para 4	Arbitration required Overlaps with Item 6 in Joinery and Building Trades Award 2010

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
6.	AWU	Sub-2Mar15	4.1 Sched B.2.2(d)	Classification schedule Coverage Seeks to vary clause to include “the testing, concrete and aggregate” be identified as a broad-banded award classification into the CW/ECW 2 classification.	Para 17	Arbitration required Employer position relates to coverage and is related to Item 5. Correction to clarify intention is to vary classification schedule B.2.2(d), rather than coverage, clause 4.1, see [2016] FWC 1972 PN [4]
7.	CCF	Sub-2Mar15	4.10(b)(ii)	Coverage Seeks to delete clause 4.10(b)(ii) in accordance with s.160 and 163(1) of the <i>Fair Work Act 2009</i> .	Proposed Var 10	Arbitration required
8.	MBA	Sub-2Mar15	9.6	Dispute resolution Party asserts that this clause be deleted as it replicates general law.	Col 3 of Table	Arbitration required
9.	JB	Sub-2Mar15	10.1(a)	Types of employment – daily hire Daily hire is nothing more than casual workers. Party proposes deleting clause as it is essentially casual workers.	Para 310	Not supported by any other interested party

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
10.	JB	Sub-2Mar15	11	Types of employment—daily hire employees Daily hire is nothing more than casual workers. Party proposes deleting clause as it is essentially casual workers.	Para 310	Not supported by any other interested party
11.	JB	Sub-2Mar15	13	Types of employment—part-time weekly hire employment Party provides alternative wording for part time employees.	Para 320-430	Relates to Full Bench dealing with Part-Time/Casual Common Matter AM2014/196 & 194 See Statement of 1 December 2014 [2014] FWC 8583 , at [19] which referred all matters pertaining to casual employment to the Part-time and Casual Employment Full Bench
12.	JB	Sub-2Mar15	14	Types of employment—casual employment Party provides alternative wording for casual employees.	Para 440-590	
13.	CFMEU	Sub-2Mar15	14	Types of employment—casual employment Seeks to add a new provision to address the situation where a casual employee is required to work for more than one engagement per day.	Para 5	WITHDRAWN – see submission of 12 October 2015 to AM2014/197

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
14.	FWO	Sub-2Mar15	14.2 and 23	Casual employment Unclear whether casual employees entitled to increment weather provisions and if so, how to apply those provisions	<u>Point 5</u>	No change sought by any interested party
15.	FWO	Sub-2Mar15	14.5, 19.1 and 19.3	Casual employment Unclear whether the casual hourly rate should be calculated by adding 25% to the hourly rate, hourly rates of daily and weekly hire employees or any other basis.	Point 4	Deals with same issue raised in the HIA submission of 12 October 2015, which is currently before the Full Bench dealing with Part-time and Casual employment in AM2014/196 and 197
16.	FWO	Sub-2Mar15	14.6, 33.1 and 36	Casual employment Unclear how rostered days off and 20 day work cycle should be applied for a casual employee and how to determine a casual's ordinary hours of work.	Point 7	Arbitration required Disagreement as to whether roster cycle applies to casuals– CFMEU will seek to vary to make application to casuals clear as per circulated draft
17.	HIA	Sub-2Mar15	17	The industry specific redundancy scheme Party proposes to remove scheme as it adds significant employment	Para 2.1.1 –Para 2.5.4	Arbitration required Seeks to clarify submission – party proposes to remove

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				costs and regulatory burden. If unsuccessful at removing the scheme, party seeks a small business exemption. If unsuccessful at exempting small business, party seeks to insert incapacity to pay clause.		scheme as it adds significant employment costs and regulatory burden, Corr-11Mar16
18.	HIA	Sub-2Mar15	17.2	<p>The industry specific redundancy scheme Redundancy definition Proposes current definition be varied. Proposed definition in submission. If unsuccessful at removing the scheme, party:</p> <ul style="list-style-type: none"> • Proposes current definition of ‘Redundancy’ be varied. Proposed definition in submission. And • Seeks the insertion of a small business exemption; and • seeks to insert incapacity to pay clause. 	Para 2.3.5	<p>Arbitration required Seeks to clarify submission – if unsuccessful at removing the scheme, seeks the insertion of a small business exemption; and seeks the insertion of an incapacity to pay clause, Corr-11Mar16</p>
19.	CCF	Sub-2Mar15	17.2	<p>The industry specific redundancy scheme Proposes current definition be varied in accordance with</p>	Proposed Var 1	<p>Arbitration required</p>

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				s.141(3) of the <i>Fair Work Act 2009</i> .		
20.	MBA	Sub-2Mar15	17.2	The industry specific redundancy scheme Party asserts that redundancy is not resignation and is contrary to common sense and the modern awards objective. Party seeks for this matter to be deferred pending consideration of ABI's micro business schedule.	Col 3 of Table	Arbitration required
20A	J&A Barrett	Sub-15Mar16	17.2	The industry specific redundancy scheme: Definition For the purposes of this clause, redundancy means a situation where an employee ceases to be employed by an employer to whom this award applies, because of one of the following reasons: <ul style="list-style-type: none"> • the employer does not need the employee's job to be done by anyone anymore, or • the employer becomes insolvent or bankrupt, or • the employer introduces new technology (eg. the job can be done by a machine) or • the employer slows down due to lower sales or production, or • the employer closes down, or • the employer relocates interstate 	Page 1	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				or overseas, or • the employer restructures or reorganises because a merger or takeover happens.		
21.	MBA	Sub-2Mar15	17.3(a)	The industry specific redundancy scheme: Redundancy pay Party seeks to amend clause to include 'or where the employer employs five or fewer employees the period shall be two years'. Party will only press this if ABI application for a separate schedule is unsuccessful.	Col 4 of Table	Arbitration required
22.	MBA	Sub-2Mar15	17.3(b)	The industry specific redundancy scheme: Redundancy pay Party asserts that redundancy is not resignation and is contrary to common sense and the modern awards objective. Party seeks for this matter to be deferred pending consideration of ABI's micro business schedule.	Col 5 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
23.	MBA	Sub-2Mar15	17.7	The industry specific redundancy scheme: Transfer of business Party suggests amending the wording of this clause. Proposed wording in submission.	Col 6 of Table	Arbitration required
24.	MBA	Sub-2Mar15	19.1(a)	Minimum wages—general Party suggests insertion of junior rates.	Col 7 of Table	Arbitration required
25.	CCF	Sub-2Mar15		Proposes the insertion of junior rates in Award.	Proposed Var 2	
26.	MBA	Sub-2Mar15	19.2	Leading hands Party proposes to rationalise this clause, in line with submission in 2012 review.	Col 8 of Table	Arbitration required
27.	MBA	Sub-2Mar15	19.2(a)	Leading hands Party proposes to rationalise clause – see attachments B and C of submission.	Col 9 of Table	Arbitration required
28.	MBA	Sub-2Mar15	19.3 & 19.3(a)	Hourly rate calculation Party proposes to rationalise clause – see attachments B and C of submission.	Col 10-11 of Table	Arbitration required
29.	CFMEU	Sub-2Mar15	19.3	Hourly rate calculation Seeks to vary clause to include all relevant allowances in the hourly rate calculation.	Para 6	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
30.	MBA	Sub-2Mar15	19.5	Mobile cranes capacity adjustment formula Party proposes to rationalise clause as it has no practical effect – see attachments B and C of submission.	Col 12 of Table	Arbitration required
31.	MBA	Sub-2Mar15	19.6(b)	Piece rates Party suggests deleting clause as it replicates general law.	Col 13 of Table	Arbitration required MBA and AWU to discuss further
32.	MBA	Sub-13Oct14	19.7(d)	Apprentice wages Party seeks to retain transitional provisions for two year residential apprenticeships in WA.	Para 3.1	Resolved See decision [2014] FWCFB 9412 at paras 111–121
33.	HIA	Sub-27Oct14		Party seeks to retain transitional provisions for two year residential apprenticeships in WA.	Para 3.1.1	
34.	CFMEU	Sub-10Nov14		Party says that proposed variation offends s.154 of the <i>FW Act 2009</i> and opposes proposed variation sought by HIA & MBA.	Para 19	
35.	HIA	Sub-2Mar15	20	Expense related allowances Party seeks to rationalise and remove allowances that are no longer used across the award.	Para 6.1.1	Some level of agreement, pending determination of claims to delete/amend allowances

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
36.	MBA	Sub-2Mar15		Party seeks to rationalise all allowances and limit number. See prior submission in transitional review.	Col 14 of Table	Arbitration required
37.	CFMEU	Sub-2Mar15	20	Expense related allowances Seeks to insert a new allowance called 'communications equipment allowance'.	Para 7	Arbitration required
38.	HIA	Sub-2Mar15	20.1	Tool and employee protection allowance Clause implies that there is an obligation on the part of the employee to provide tools other than those supplied as a condition of the allowance. However, the award does not specify this. Party proposes to vary clause to clarify this.	Para 6.2.1	Arbitration required clarify that allowance is only payable where employee provides own tools and equipment. Corr-11Mar16
39.	MBA	Sub-2Mar15	20.1(a); 20.1(b); 20.1(b)(iv); 20.1(b)(vi); 20.1(b)(vii); 20.1(b)(vii) 20.1(b)(viii), 20.1(c); 20.1(d); 20.1(d)(iii).	Tool and employee protection allowance Party seeks to delete/rationalise clauses as it does not meet the modern awards objective and should be deleted as part of the 2014 review. Seeks to clarify submission - delete 20.1(b)(vii) and replace with 20.1(b)(viii), Sub-15Mar16	Col 15-21 of Table	Arbitration required
40.	MBA	Sub-2Mar15	20.2	Meal allowance	Col 22 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Party seeks to delete/rationalise clause as it does not meet the modern awards objective and should be deleted as part of the 2014 review.		
41.	MBA	Sub-2Mar15	20.2(a)	Meal allowance Party seeks to rationalise clause, proposes to delete 1.5 hours and replace it with 2 hours. Party seeks to add 'save where an employee given 24 hours' notice of the requirements to work' at end of clause.	Col 23 of Table	Arbitration Required
42.	MBA	Sub-2Mar15	20.2(e) 20.2(c)	Meal allowance Party seeks to rationalise clause – see attachments B and C of submission. Seeks to clarify submission – delete 20.2(e) and replace with 20.2(c) - Sub-15Mar16	Col 24 of Table	Arbitration required
43.	MBA	Sub-2Mar15	20.3	Compensation for clothes and tools Party seeks to rationalise clause – see attachments B and C of submission.	Col 25 of Table	Arbitration required
44.	MBA	Sub-2Mar15	20.3(d)	Compensation for clothes and tools	Col 26 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Party seeks to delete/rationalise clause as it does not meet the modern awards objective and should be deleted as part of the 2014 review.		
45.	MBA	Sub-2Mar15	21	Site and general wage related allowances Party seeks to rationalise all allowances and limit number. Party also seeks to renumber clause 21 as clause 21A, titled “Industry and general disability related allowances” and create a new clause 21B “Skills based allowance”.	Col 27 of Table	Arbitration required
46.	MBA	Sub-2Mar15	21.1	Special allowances Party seeks to rationalise allowance and include current clause 21(1) (Special Allowance) in new clause 21A as clause 21A.1 – see attachments B and C of submission.	Col 28 of Table	Arbitration required
47.	MBA	Sub-2Mar15	21.2	Industry allowance Party seeks to delete/rationalise clause as it does not meet the modern awards objective, and include current 21(2) (Industry Allowance) in new clause 21A as clause 21A.2.	Col 29 of Table	Arbitration required
48.	MBA	Sub-2Mar15	21.3	Underground allowance	Col 30 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Party seeks to delete/rationalise clause and include current clause 21(3) in new clause 21A as clause 21A.3 – see attachments B and C of submission.		
49.	MBA	Sub-2Mar15	21.3(a)	Underground allowance Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 31 of Table	Arbitration required
50.	MBA	Sub-2Mar15	21.4	Multistorey allowance Party seeks to delete/rationalise clause as it does not meet the modern awards objective. Party proposes new wording in submission.	Col 32 of Table	Arbitration required
51.	MBA	Sub-2Mar15	21.4(d)	Multistorey allowance Party seeks to rationalise clause as it does not meet the modern awards objective – see attachments B and C of submission.	Col 33 of Table	Arbitration required
52.	MBA	Sub-2Mar15	21.4(g)	Multistorey allowance—service cores Party seeks to rationalise allowance as it does not meet the modern awards objective – see attachments B and C of	Col 34 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				submission.		
53.	MBA	Sub-2Mar15	21.5	Laser operation allowance Party seeks to rationalise allowance and move clause to new clause 21B as clause 21B.1.	Col 35 of Table	Arbitration required
54.	MBA	Sub-2Mar15	21.6	Laser safety officer allowance Party seeks to rationalise allowance and move clause to new clause 21B as clause 21B.2 – see attachments B and C of submission.	Col 36 of Table	Arbitration required
55.	MBA	Sub-2Mar15	21.7	Carpenter-diver allowance Party seeks to delete/rationalise allowance and move clause to new clause 21B as 21B.3.	Col 37 of Table	Arbitration required
56.	MBA	Sub-2Mar15	21.8	Refractory bricklaying allowance Party seeks to delete/rationalise allowance and move clause to new clause 21B as clause 21B.4.	Col 38 of Table	Arbitration required
57.	MBA	Sub-2Mar15	21.9	Coffer dam worker Party seeks to delete clause as it does not meet the modern awards objective.	Col 39 of Table	Arbitration required
58.	MBA	Sub-2Mar15	21.9(a), 21.9(b)	Coffer dam worker Party seeks to rationalise clauses – see attachments B and C of submission	Col 40-41 of Table	Arbitration required
59.	MBA	Sub-2Mar15	21.10;	First aid allowance	Col 42-43 of	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
			21.10(a)(vi); 21.10(a)(viii)	Party seeks to rationalise clauses – see attachments B and C of submission.	Table	
60.	MBA	Sub-2Mar15	21.11	Air-conditioning industry and refrigeration industry allowances Party seeks to delete/rationalise clause as it does not meet modern awards objective. Party also seeks to renumber clause as clause 21A.5.	Col 44 of Table	Arbitration required
61.	MBA	Sub-2Mar15	21.12	Electrician's license allowance Party seeks to delete/rationalise clause and renumber clause as clause 21A.6.	Col 45 of Table	Arbitration required
62.	MBA	Sub-2Mar15	21.13	In charge of plant Party seeks to delete/rationalise clause and renumber clause as clause 21B.6.	Col 46 of Table	Arbitration required
63.	MBA	Sub-2Mar15	21.13(b)	In charge of plant Party seeks to amend current clause wording to 'an employee who is in charge of plant must be paid as a leading hand in charge of 2 to 5 persons'. See attachments B and C of submission.	Col 47 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
64.	MBA	Sub-2Mar15	22	Special rates Party seeks to rationalise clause – see attachments B and C of submission.	Col 48 of Table	Arbitration required
65.	CFMEU	Sub-2Mar15	22	Special rates Seeks the insertion of the consolidated rates allowance as initially proposed during the 2012 Award Review. Proposed wording in submission.	Para 8	Pending determination of claims to delete/amend allowances Consolidation proposal
66.	MBA	Sub-2Mar15	22.1	Conditions in respect of special rates Party seeks to renumber clause 22.1	Col 49 of Table	Arbitration required
67.	MBA	Sub-2Mar15	22.1(e); 22.1(d) 22.1(c), 21.2(d) and 22.1(e)	Conditions in respect of special rates - Party seeks to delete 22.1(c) and 22.1(d) and proposes new wording for 22.1(e) in submission. Seeks to clarify submission – delete "22.1(d)" and replace with "22.1(c)" - then delete "22.1(e)" and replace with "22.1(d)" - then delete "22.1(e)" and replace with "22.1(c)", Corr-15Mar16	Col 50 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
68.	MBA	Sub-2Mar15	22.2(a)	Special rates applicable to all sectors—insulation Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 52 of Table	Arbitration required
69.	JB	Sub-2Mar15	22.2(b)	Special rates applicable to all sectors—hot work Party appears to propose adding a new sub-clause to clause – see submission for proposed wording.	Para 610-620	Awaiting the finalisation of the application in AM2014/195
70.	JB	Sub-2Mar15	22.2(e)	Special rates applicable to all sectors—cold work Party appears to propose adding a new sub-clause for traffic controllers – see submission for proposed wording.	Para 630	Awaiting the finalisation of the application in AM2014/195
71.	MBA	Sub-2Mar15	22.2(d); 22.2(d)(i); 22.2(d)(ii)	Special rates applicable to all sectors—confined spaces Party seeks to delete rationalise clause as it does not meet the modern awards objective. Seeks to clarify submission – delete clause rather than rationalise, Corr-15Mar16	Col 53-55 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
72.	MBA	Sub-2Mar15	22.2(e)	Special rates applicable to all sectors—swing scaffold Party seeks to rationalise/delete clause as it does not meet the modern awards objective.	Col 56 of Table	Arbitration required
73.	MBA	Sub-2Mar15	22.2(e)(i); 22.2(e)(ii)	Special rates applicable to all sectors—swing scaffold Party seeks to rationalise clause – see attachments B and C of submission.	Col 57-58 of Table	Arbitration required
74.	MBA	Sub-2Mar15	22.2(f)	Special rates applicable to all sectors—explosive power tools Party seeks to delete/rationalise clause as it does not meet the modern awards objective and it also seeks to move clause to new clause 21B as 21B.7.	Col 59 of Table	Arbitration required
75.	JB	Sub-2Mar15	22.2(g)	Special rates applicable to all sectors—wet work Party appears to propose adding a new sub-clause for traffic controllers – see submission for proposed wording.	Para 640	Awaiting the finalisation of the application in AM2014/195
76.	CCF	Sub-2Mar15	22.2(h)	Special rates applicable to all sectors—dirty work Seeks the insertion of a clear definition for “unusually dirty work”.	Proposed Var 4	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
77.	JB	Sub-2Mar15	22.2(h)	Special rates applicable to all sectors—dirty work Party appears to propose adding a new sub-clause for traffic controllers – see submission for proposed wording.	Para 640	Awaiting the finalisation of the application in AM2014/195
78.	MBA	Sub-2Mar15	22.2(i); 22.2(i)(i); 22.2(i)(ii)	Special rates applicable to all sectors—toxic substances Party seeks to delete/rationalise clause as it does not meet the modern awards objective. Seeks clarify submission - delete 22.2(i)(i), see Corr-15Mar16	Col 60-63 of Table	Arbitration required
79.	MBA	Sub-2Mar15	22.2(j)	Special rates applicable to all sectors—fumes Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 64 of Table	Arbitration required
80.	JB	Sub-2Mar15	22.2(j)	Special rates applicable to all sectors—fumes Party appears to propose adding a new sub-clause for traffic controllers – see submission for proposed wording.	Para 650	Awaiting the finalisation of the application in AM2014/195

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
81.	MBA	Sub-2Mar15	22.2(k)	Special rates applicable to all sectors—asbestos Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 65 of Table	Arbitration required
82.	MBA	Sub-2Mar15	22.2(l)	Special rates applicable to all sectors—asbestos eradication Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 66 of Table	Arbitration required
83.	MBA	Sub-2Mar15	22.2(m)	Special rates applicable to all sectors—furnace work Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 67 of Table	Arbitration required
84.	MBA	Sub-2Mar15	22.2(n)	Special rates applicable to all sectors—acid work Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 68 of Table	Arbitration required
85.	MBA	Sub-2Mar15	22.2(o); 22.2(o)(i); 22.2(o)(ii); 22.2(o)(iii)	Special rates applicable to all sectors—heavy blocks—employees laying other than standard bricks Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 69 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
86.	MBA	Sub-2Mar15	22.2(p)	Special rates applicable to all sectors—bitumen Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 70 of Table	Arbitration required
87.	JB	Sub-2Mar15	22.2(p)	Special rates applicable to all sectors—bitumen Party appears to propose adding a new sub-clause for traffic controllers – see submission for proposed wording.	Para 650	Awaiting the finalisation of the application in AM2014/195
88.	MBA	Sub-2Mar15	22.2(q)	Special rates applicable to all sectors—height work Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 71 of Table	Arbitration required
89.	MBA	Sub-2Mar15	22.2(e); 22.2(e)(i); 22.2(e)(ii) 22.2(r); 22.2(r)(i); 22.2(r)(ii)	Special rates applicable to all sectors—suspended perimeter work platform Party seeks to delete/rationalise clause as it does not meet the modern awards objective. Seeks to clarify submission – delete 22.2(e), 22.2(e)(i) and 22.2(e)(ii) and replace with 22.2(r), 22.2(r)(i) and 22.2(r)(ii). See Corr-15Mar16	Col 72 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
90.	MBA	Sub-2Mar15	22.2(s)	Special rates applicable to all sectors—employee carrying fuels, oils and greases Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 73 of Table	Arbitration required
91.	MBA	Sub-2Mar15	22.2(t)	Special rates applicable to all sectors—pile driving Move clause to new clause 21B as clause 21B.8 and rationalise clause – see attachments B and C of submission.	Col 74 of Table	Arbitration required
92.	MBA	Sub-2Mar15	22.2(u)	Special rates applicable to all sectors—dual lift allowance Move clause to new clause 21B as clause 21B.9 and rationalise allowance.	Col 75 of Table	Arbitration required
93.	MBA	Sub-2Mar15	22.2(v)	Special rates applicable to all sectors—stonemasons—cutting tools Party seeks to rationalise clause as it does not meet the modern awards objective.	Col 76 of Table	Arbitration required
94.	MBA	Sub-2Mar15	22.3(a); 22.3(a)(i); 22.3(a)(ii)	Special rates applicable only to the general building and construction sector—towers allowance Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 77-79 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
95.	MBA	Sub-2Mar15	22.3(b)	Special rates applicable only to the general building and construction sector—cleaning down brickwork Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 80 of Table	Arbitration required
96.	MBA	Sub-2Mar15	22.3(e) 22.3(c)	Special rates applicable only to the general building and construction sector—bagging Party seeks to delete/rationalise clause as it does not meet the modern awards objective. Seeks to clarify submission – delete 22.3(e) and replace with 22.3(c). See Corr-15Mar16	Col 81 of Table	Arbitration required
97.	MBA	Sub-2Mar15	22.3(d)	Special rates applicable only to the general building and construction sector—plaster or composition spray Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 82 of Table	Arbitration required
98.	MBA	Sub-2Mar15	22.3(e)	Special rates applicable only to the general building and construction sector—slushing Party seeks to delete/rationalise	Col 83 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				clause as it does not meet the modern awards objective.		
99.	MBA	Sub-2Mar15	22.3(f)	Special rates applicable only to the general building and construction sector—dry polishing of tiles Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 84 of Table	Arbitration required
100.	MBA	Sub-2Mar15	22.3(g)	Special rates applicable only to the general building and construction sector—cutting tiles Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 85 of Table	Arbitration required
101.	MBA	Sub-2Mar15	22.3(h)	Special rates applicable only to the general building and construction sector—second-hand timber Party seeks to rationalise clause as it does not meet the modern awards objective – see attachments B and C of submission.	Col 86 of Table	Arbitration required
102.	MBA	Sub-2Mar15	22.3(i); 22.3(i)(i); 22.3(i)(ii)	Special rates applicable only to the general building and construction sector—roof repairs Party seeks to delete/rationalise	Col 87 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				clause as it does not meet the modern awards objective.		
103.	MBA	Sub-2Mar15	22.3(j)	Special rates applicable only to the general building and construction sector—computing quantities Move to new clause 21B as clause 21B.10 and rationalise clause – see attachments B and C of submission.	Col 88 of Table	Arbitration required
104.	MBA	Sub-2Mar15	22.3(k)	Special rates applicable only to the general building and construction sector—grindstone allowance Party seeks to rationalise clause as it does not meet the modern awards objective – see attachments B and C of submission.	Col 89 of Table	Arbitration required
105.	MBA	Sub-2Mar15	22.3(l); 22.3(l)(i); 22.3(l)(ii).	Special rates applicable only to the general building and construction sector—brewery cylinders—painters Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 90 of Table	Arbitration required
106.	MBA	Sub-2Mar15	22.3(m)	Special rates applicable only to the general building and construction sector—certificate allowance	Col 91 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Move clause to new 21B as clause 21B.11 and rationalise clause – see attachments B and C of submission.		
107.	MBA	Sub-2Mar15	22.3(m)(i); 22.3(m)(ii)	Special rates applicable only to the general building and construction sector—certificate allowance Party seeks to rationalise clause as it does not meet the modern awards objective.	Col 92-93 of Table	Arbitration required
108.	MBA	Sub-2Mar15	22.3(n)	Special rates applicable only to the general building and construction sector—spray application—painters Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 94 of Table	Arbitration required
109.	MBA	Sub-2Mar15	22.3(o)	Special rates applicable only to the general building and construction sector—pneumatic tool operation Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 95 of Table	Arbitration required
110.	MBA	Sub-2Mar15	22.3(p)	Special rates applicable only to the general building and construction sector—bricklayer operating cutting machine Party seeks to delete/rationalise	Col 96 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				clause as it does not meet the modern awards objective.		
111.	MBA	Sub-2Mar15	22.3(q)	Special rates applicable only to the general building and construction sector—hydraulic hammer Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 97 of Table	Arbitration required
112.	MBA	Sub-2Mar15	22.3(e) 22.3(r)	Special rates applicable only to the general building and construction sector—waste disposal Party seeks to delete/rationalise clause as it does not meet the modern awards objective. Seeks to clarify submission – delete 22.3(e) and replace with 22.3(r), see Corr-15Mar16	Col 98 of Table	Arbitration required
113.	MBA	Sub-2Mar15	22.4(a)	Special rates applicable only to the civil construction sector—pipe enamelling Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 99 of Table	Arbitration required
114.	MBA	Sub-2Mar15	22.4(b);	Special rates applicable only to	Col 100 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
			22.4(b)(i); 22.4(b)(ii); 22.4(b)(iii); 22.4(b)(iv); 22.4(b)(v)	the civil construction sector— powdered lime dust Party seeks to delete/rationalise clause as it does not meet the modern awards objective.		
115.	MBA	Sub-2Mar15	22.4(e) 22.4(c)	Special rates applicable only to the civil construction sector— sand blasting Party seeks to delete/rationalise clause as it does not meet the modern awards objective. Seeks to clarify submission – delete 22.4(e) and replace with 22.4(c), see Corr-15Mar16	Col 101 of Table	Arbitration required
116.	MBA	Sub-2Mar15	22.4(d)	Special rates applicable only to the civil construction sector— live sewer work Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 102 of Table	Arbitration required
117.	MBA	Sub-2Mar15	22.4(e)	Special rates applicable only to the civil construction sector— timbering Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 103 of Table	Arbitration required
118.	MBA	Sub-2Mar15	22.4(f)	Special rates applicable only to the civil construction sector— special work	Col 102 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Party seeks to delete/rationalise clause as it does not meet the modern awards objective.		
119.	MBA	Sub-2Mar15	22.4(g)	Special rates applicable only to the civil construction sector—compressed air work Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 103 of Table	Arbitration required
120.	MBA	Sub-2Mar15	22.4(h)	Special rates applicable only to the civil construction sector—cutting stone Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 104 of Table	Arbitration required
121.	CFMEU	Sub-2Mar15	24	Living away from home—distant work Seeks to have clause updated to make the entitlements clearer. Variation includes updating clause to reflect current costs of accommodation and meals; better reflect modern means of transport and providing improved rest and recreation entitlements, see Corr-15Mar16	Para 9	Arbitration required
122.	CCF	Sub-2Mar15	24.3(a)(i)	Living away from home—	Proposed Var 5	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				distant work Seeks to insert a sub-clause with the separate monetary values for accommodation and each meal.		
123.	MBA	Sub-2Mar15	24.3(a); 24.3(a)(i); 24.3(a)(i)(ii) 24.3(a)(iii)	Living away from home— distant work—entitlement Party seeks to rationalise clause as it does not meet modern awards objective – see attachments B and C of sub. Seeks to clarify submission – insert additional clause reference 24.3(a)(i)(ii), see Corr-15Mar16	Col 105-110 of Table	Arbitration required
124.	MBA	Sub-2Mar15	24.3(a)(ii)	Living away from home— distant work—entitlement Amend clause to clarify meanings of terms “board” and “lodging” and rationalise clause – see attachments B and C of sub.		Arbitration required
125.	MBA	Sub-2Mar15	24.3(b)	Living away from home— distant work—entitlement Party seeks to rationalise clause as it does not meet the modern awards objective.		Arbitration required
126.	MBA	Sub-2Mar15	24.5	Camping allowance Party seeks to rationalise clause – see attachments B and C of submission.	Col 111 of Table	Arbitration required
127.	MBA	Sub-2Mar15	24.7(a);	Travelling expenses—forward	Col 112 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
			24.7(a)(i); 24.7(a)(ii); 24.7(iii)	journey Party seeks to rationalise clause – see attachments B and C of sub. Seeks to clarify submission – delete 24.7(iii), see Corr-15Mar16		
128.	MBA	Sub-2Mar15	24.7(b); 24.7(b)(i); 24.7(b)(ii)	Travelling expenses—return journey Party seeks to rationalise clause – see attachments B and C of submission.	Col 113-115 of Table	Arbitration required
129.	MBA	Sub-2Mar15	24.7(d)	Travelling expenses—daily fare allowances Party proposes new wording for clause – see submission.	Col 116 of Table	Arbitration required
130.	MBA	Sub-2Mar15	24.7(e); 24.7(e) (i); 24.7(e) (ii); 24.7(e) (iii)	Travelling expenses—weekend return home Party seeks to rationalise clause – see attachments B and C of submission.	Col 117-120 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
131.	HIA	Sub-2Mar15	25	Fares and travel patterns allowance Party asserts that clause does not meet modern award objectives. Seeks to clarify initial submission – proposes a number of variations in order to the address of ‘radial areas’ and outlines areas where the allowance is payable and not payable, see Corr-11Mar16	Para 3.1.1	Requires Arbitration
132.	MBA	Sub-2Mar15		Party seeks to rationalise this clause – see attachments B and C of submission.	Col 121 of Table	Arbitration required
133.	MBA	Sub-2Mar15	25.2	Fares and travel patterns allowance—metropolitan radial areas Party proposes to delete the words “other than an employee in the metal and engineering sector”.	Col 122 of Table	Arbitration required
134.	CCF	Sub-2Mar15	25.2	Fares and travel patterns allowance—metropolitan radial areas Seeks to vary award to exclude employees not working on building sites as part of their normal duties.	Proposed Var 6	Arbitration required CCF and AWU to discuss further

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
135.	MBA	Sub-2Mar15	25.2(a)	Fares and travel patterns allowance—metropolitan radial areas Party proposes to delete '50 kilometres' and replace with '75 kilometres'.	Col 123 of Table	Arbitration required
136.	MBA	Sub-2Mar15	25.2(b)	Fares and travel patterns allowance—metropolitan radial areas Party proposes to delete '50 kilometres' and replace with '75 kilometres'.	Col 124 of Table	Arbitration required
137.	MBA	Sub-2Mar15	25.3	Fares and travel patterns allowance—distant work Party proposes to delete '50 kilometres' and replace with '75 kilometres'.	Col 125 of Table	Arbitration required
138.	MBA	Sub-2Mar15	25.4	Fares and travel patterns allowance—country radial areas Party seeks to rationalise clause – see attachments B and C of submission.	Col 126 of Table	Arbitration required
139.	MBA	Sub-2Mar15	25.4(a)	Fares and travel patterns allowance—country radial areas Party proposes to delete '50	Col 127 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				kilometres’ and replace with ‘75 kilometres’.		
140.	MBA	Sub-2Mar15	25.5; 25.5(a); 25.5(b); 25.5(b)(i); 25.5(b)(ii)	Fares and travel patterns allowance—travelling outside radial areas Party seeks to rationalise clause – see attachments B and C of submission.	Col 128-131 of Table	Arbitration required
141.	MBA	Sub-2Mar15	25.7	Fares and travel patterns allowance—travelling between radial areas Party seeks to rationalise clause – see attachments B and C of submission.	Col 132 of Table	Arbitration required
142.	MBA	Sub-2Mar15	25.8(b)	Fares and travel patterns allowance—provision of transport Party proposes to delete clause or in the alternative add the words ‘and for no other private use’ at the end of the clause	Col 133 of Table	Arbitration required
143.	CCF	Sub-2Mar15	25.8(b)	Fares and travel patterns allowance—provision of transport Seeks to vary clause to exclude employees who are issued with a company vehicle free of charge by the employer from receiving travel allowance.	Proposed Var 7	Arbitration required CCF and AWU to discuss further

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
144.	MBA	Sub-2Mar15	25.9; 25.9(a); 25.9(b)	Fares and travel patterns allowance—transfer during working hours Party seeks to rationalise clause – see attachments B and C of submission.	Col 134-136 of Table	Arbitration required
145.	MBA	Sub-2Mar15	25.12(a)	Fares and travel patterns allowance—apprentices Seeks to amend clause as there is no differentiation between junior and adult apprentices.	Col 137 of Table	Arbitration required
146.	MBA	Sub-2Mar15	25.12(b)(iv)	Fares and travel patterns allowance—apprentices Seeks to insert new clause to align trainee entitlements with apprentice entitlements	Col 138 of Table	Arbitration required
147.	AIG	Sub-2Mar15	28 & Schedule C	National training wage Party proposes that the interaction between clause and schedule be clarified; updating required to reflect current skill arrangements	Page 6	Arbitration <u>may</u> be required In principle agreement– CFMEU and AIG to discuss and provide draft variation
148.	MBA	Sub-2Mar15	28	National training wage Proposes to delete clause 28 as it is illogical to not have national training wage apply to all trainees	Col 141 of Table	Requires arbitration

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				within Australia.		
149.	FWO	Sub-2Mar15	28.1, 28.3, C5.1 and C5.2	National training wage Unclear whether clause 28.1 has any application to part-time and school-based trainees. Unclear how to apply progression structures in clause 28.2 and 28.2 as award does not define 'stage' or 'skill level'.	Point 6	Requires arbitration Agreement updating required to reflect current skill arrangements – CFMEU and AIG to discuss and provide draft variation
150.	CFMEU	Sub-2Mar15	28.2	National training wage Seeks to vary clause to provide for competency based wage progression through the stages similar to that provided for 3 year apprenticeships.	Para 10	Arbitration required
151.	HIA	Sub-2Mar15	31.3	Payment of wages Party asserts that clause does not meet modern award objectives. Seeks to clarify initial submission – provision currently provides for weekly payment of wages. Proposes with majority agreement, an employer can make wages payments on a weekly or monthly basis, Corr-11Mar16	Para 4.1.1	Arbitration required
152.	CCF	Sub-2Mar15	31.3	Payment of wages Seeks to vary clause so employees can agree on the timing of	Proposed Var 3	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				payment.		
153.	MBA	Sub-2Mar15	31.3	Payment of wages Proposes to delete and substitute clause. Proposed wording in submission	Col 142 of Table	Arbitration required
153A	Ai Group		31.4	Payment of wages Payment of wages within specified period from Termination		Arbitration required This claim has been considered in the context of the Common Issues –Payment of wages matter in AM2016/8, but were referred back to the building industry awards proceedings: see transcript of 27 July 2016, at PN 330-332 and statement in [2016] FWCFB 5254

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
154.	MBA	Sub-2Mar15	31.5 31.2	Payment of wages Proposes to delete clause as waiting time is anomalous – see submission in Timber Industry Award, attachment D. [2015] FWCFB 2856 [86]–[129]: deletion of clause 31.2 – time to attend bank	Col 143 of Table	Arbitration required This claim has been considered in the context of the Common Issues –Payment of wages matter in AM2016/8, but were referred back to the building industry awards proceedings: see transcript of 27 July 2016, at PN 330-332 and statement in [2016] FWCFB 5254
155.	HIA	Sub-2Mar15	33.1	Ordinary hours of work Party asserts that clause does not meet modern awards objective. Seeks to clarify initial submission – proposes varying the current provision to allow for the implementation and operation of a system for averaging hours. Corr-11Mar16	Para 5.1.1	Arbitration required
156.	MBA	Sub-2Mar15	33.1(a)(ii)	Ordinary hours of work— agreement on alternate RDOs Proposes to delete words “nominated industry rostered day off” and replace with “prescribed	Col 144 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				rostered days off as per clause 33.1(a)(i).		
157.	MBA	Sub-2Mar15	33.1(a)(iii)	Ordinary hours of work— agreement on banking RDOs Proposes to delete current clause and replace with alternative wording as it reflects industry practise. Proposed wording in submission.	Col 145 of Table	Arbitration required
158.	MBA	Sub-2Mar15	33.1(a)(vi)	Ordinary hours of work— agreement on banking RDOs Proposes to delete current clause and replace with alternative wording as it adds clarity. Proposed wording in submission.	Col 146 of Table	Arbitration required
159.	MBA	Sub-2Mar15	33.1(d)	Ordinary hours of work—work in compressed air Party seeks to delete/rationalise clause as it does not meet the modern awards objective.	Col 147 of Table	Arbitration required
160.	MBA	Sub-2Mar15	33.1(e) (iii)	Ordinary hours of work— hours—underground work Proposes to delete and replace with clause 38.	Col 148 of Table	Arbitration required AWU and MBA to further discuss having regard to pre-modern ACT award
161.	MBA	Sub-2Mar15	34	Shiftwork	Col 149 of Table	Not a claim

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Proposes to amend clause to clarify ordinary hours—see attachment E and F in submission.		This item summarised items 162-165
162.	MBA	Sub-2Mar15	34.1	Shiftwork—general building and construction and metal and engineering construction sectors Seeks to amend clause and insert wording to avoid confusion between shift work and work outside the spread of hours. Proposed wording in submission.	Col 150 of Table	Arbitration required
163.	MBA	Sub-2Mar15	34.1(a)	Shiftwork— general building and construction and metal and engineering construction sectors —definitions Seeks to delete clause and insert new clause. Proposed wording in submission.	Col 151 of Table	Arbitration required
164.	MBA	Sub-2Mar15	34.1(b)	Shiftwork— general building and construction and metal and engineering construction sectors Seeks to delete clause and insert new clause. Proposed wording in submission.	Col 152 of Table	Arbitration required document
165.	MBA	Sub-2Mar15	34.2	Shiftwork—civil construction sector—roster	Col 153 of Table	Arbitration required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Seeks to clarify ordinary hours – see attachment E and F in submission.		
166.	JB	Sub-2Mar15	34.2	Shiftwork—civil construction sector—roster Party appears to propose adding a new sub-clauses to recognise traffic controllers – see submission for proposed wording	Para 660	Awaiting the finalisation of the application in AM2014/195
167.	MBA	Sub-2Mar15	35.4	Meal breaks—working with toxic materials Seeks to delete clause as it is anomalous.	Col 154 of Table	Arbitration required
168.	MBA	Sub-2Mar15	36.7	Overtime Party asserts that this is a replication of clause 15.3(e).	Col 155 of Table	Arbitration required
169.	CCF	Sub-2Mar15	38	Annual leave Seeks to vary award to permit employees to cash accrued Annual Leave in accordance with the terms in section 93 of the <i>Fair Work Act 2009</i> .	Proposed Var 9	Arbitration required See decision in AM2014/47 – Full Bench Decision – [2015] FWCFB 5771
170.	MBA	Sub-2Mar15	38.1(a)	Annual leave—leave entitlement Seeks to amend clause and insert new wording. Proposed wording in submission.	Col 156 of Table	Agreed

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
171	HIA	Sub-2Mar15	38.2	Annual leave loading Party asserts that clause does not meet modern award objective. Seeks to clarify initial submission – proposes the removal of some allowances from the calculation of the loading and also proposes that the loading be calculated on the amount the employee would have received working hours if they had not been on leave, see Corr-11Mar16	Para 7.1.1	Requires Arbitration
172.	CCF	Sub-2Mar15	38.2(a)	Payment of annual leave Seeks to vary clause so that employers and employees can agree for annual leave to be paid with the normal payroll cycle.	Proposed Var 8	Resolved See decision in AM2014/47 – Full Bench Decision – [2015] FWCFB 3406, at [430] –[431] and [443] , [2016] FWCFB 3177, at [295] -[298] and Schedule of draft determinations – May 2016 published on 26 May 2016.

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
173.	MBA	Sub-2Mar15	42.3	Lift industry—conditions of employment Consequential renumbering upon finalisation of broader allowance issues	Col 157 of Table	AGREED This is a consequential renumbering only, dependant on determination of other claims.
173A.	MBA	Sub-15Mar16	43	Forepersons and supervisors Seeks to amend heading title	Page 1	Agreed
173B.	AMWU	Sub-2Feb15	43.2	Forepersons and supervisors Seek to make changes to rates of pay for supervisors/forepersons	Paras 4–5	Agreed In principle agreement: AMWU and AiG to discuss and provide draft variation
173C.	AMWU	Sub-2Feb15	B.1.13	Work in a technical field Party seeks to review the changes to this definition made as a result of PR538792		Resolved in PR538792 Submission not previously included
174.	JB	Sub-2Mar15	B.2.3	Classification schedule Party appears to propose adding a new sub-clause to recognise traffic controllers – see submission for proposed	Para 750	Awaiting the finalisation of the application in AM2014/195

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				wording.		
175.	JB	Sub-2Mar15	B.2.4	Classification schedule Party appears to propose adding a new sub-clause to recognise traffic controllers – see submission for proposed wording.	Para 750	Awaiting the finalisation of the application in AM2014/195
176.	JB	Sub-2Mar15	B.2.5	Classification schedule Party appears to propose adding a new sub-clause to recognise traffic controllers – see submission for proposed wording.	Para 750	Awaiting the finalisation of the application in AM2014/195
177.	JB	Sub-2Mar15	B.2.6	Classification schedule Party appears to propose adding a new sub-clause to recognise traffic controllers – see submission for proposed wording.	Para 760	Awaiting the finalisation of the application in AM2014/195
178.	MBA	Sub-2Mar15	B.2.7	Classification schedule Schedule and clause 43 needs to be clearer about the confinement of the On-Site Award to only certain forepersons and that generally they are not covered by the On-Site Award.	Col 158 of Table	Arbitration required

This table is a summary of proposed variations lodged for this award – updated 5 August 2016.

Joinery and Building Trades Award 2010

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	HIA	sub-12/11/15	30 – Overtime	Seeks to insert the model TOIL clause.	Page 1-2	Arbitration Required Referred to Award flexibility Full Bench in AM2014/300 , but referred back to review of construction awards in AM2014/260 and AM2014/274 by the Award Flexibility Full Bench in [2015] FWCFB 7156 .
2.	MBA	sub-12/11/15	30 – Overtime	Supports the insertion of the model TOIL clause.	Para 3.1-3.6	
3.	AIG	sub-12/11/15	32 — Annual leave	Seeks to vary clause to remove inappropriately entitling employees to either payment of both the relevant shift loading and an additional annual leave loading or, alternatively, potentially requiring the payment of shift loadings twice when an employee receives annual leave entitlements.	Para 5-12	Being dealt with by the Payment of Wages Full Bench in AM2016/8: see [2016] FWCFB 5254 , at paras 22-25.
4.	MBA	sub-02/03/15	3	Definitions Amend definition of joinery work to clarify coverage.	Page 6	Arbitration Required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
4A	HIA	<u>Corr-11Mar16</u>	12.3	Minimum engagement Proposes to reduce the minimum engagement period for casuals from 7.6 hours to 4 hours.	Page 4	Deals with same issue raised in the HIA submission of 12 October 2015, which is currently before the Full Bench dealing with Part-time and Casual employment in AM2014/196 and 197
5.	MBA	<u>sub-02/03/15</u>	17.4(e) 17.4(a) and (b)	Redundancy Propose insertion of subclause where if employer employs 5 or less, provision of clause 17.2(a) and (b) don't apply.	Page 9	Arbitration Required Seeks to clarify initial submission – delete 17.4(e) and replace with 17.2(a) and (b). <u>Corr-15Mar16</u> Parties are asked to clarify whether they mean 17.2(a) and (b) or 17.3(a) and (b).
6.	MBA	<u>sub-02/03/15</u>	23.3	Employer and Employee Duties Delete this clause	Page 9	Arbitration Required
7.	MBA	<u>sub-02/03/15</u>	24.2(b)	Meal Allowance Delete 1.5 hours and insert 2 hours.	Page 9	Withdrawn by MBA
8.	CFMEU C & G	<u>sub-02/03/15</u>	24.5(a)	Living away from home for a distant job Varied to include more comprehensive living away from home clause. Variation includes	Para 12	Arbitration Required

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				updating clause to reflect current costs of accommodation and meals; to better reflect modern means of transport; and providing improved rest and recreation entitlements, see Corr-15Mar16		
9.	MBA	sub-02/03/15	24.5(a)(ii)	Living away from home for a distant job Amend clause to clarify meanings of the terms “board” and “lodging”.	Page 9	No objection to clarification of terms, but clause will be affected by other LAFH claims
10.	MBA	sub-02/03/15	26.1	Payment of Wages Amend clause to permit fortnightly wage payments.	Page 9	Arbitration Required
11.	MBA	sub-02/03/15	26.3	Payment of Wages Delete.	Page 9	Arbitration Required This claim has been considered in the context of the Common Issues – Payment of wages matter in AM2016/8, but were referred back to the building industry awards proceedings: see transcript of 27 July 2016, at PN 330-332 and statement in [2016]

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
						FWCFB 5254
12.	AIG	sub-02/03/15	28	Hours of Work Proposes more flexible and less costly hours of work and shift work provisions.	Page 6	Arbitration Required
13.	MBA	sub-02/03/15	28.3(a)	Shiftworkers Delete definition of shifts contained in sub clauses (a), (b), (c) and (d) and insert new shift definitions.	Page 10	Arbitration Required
14.	MBA	sub-02/03/15	28.3(d)(i)	Shift rates Delete clause and insert clause with revised penalty rates	Page 10	Further conciliation in light of MBA mid –July draft variations document
15.	MBA	sub-02/03/15	31.1(b)	Alternative Working Arrangement Delete ‘60%’ and replace with ‘a majority’ of employees.	Page 10	Arbitration Required
16.	Ai Group		32.3	Alleged anomaly in the annual leave clauses relating to provisions dealing with payment of annual leave and annual leave loading		Being dealt with in Payment of Wages common issues in AM2016/8, see [2016] FWCFB 3737,at [21] –[24]

This table is a summary of proposed variations lodged for this award – updated 5 August 2016.

Mobile Crane Hiring Award 2010

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	CFMEU C&G	Sub-02Mar15	14.3(e)	Accommodation and overnight allowance should include more comprehensive 'living away from home' provisions, similar to the clause in the Building and Constructions General On-site Award 2010 . update clause to reflect the current costs of accommodation and meals; better reflect modern means of transport; and providing for improved rest and recreation entitlements, see Corr-15Mar16	Para 11	Arbitration required

This table is a summary of proposed variations lodged for this award – updated 5 August 2016.

Plumbing and Fire Sprinklers Award 2010

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	An individual	Sub – 12 November 2014		Award does not take into account small business and has a heavy financial impact on small business. Unrealistic demands in Award is damaging industry and placing financial strain on employers.	Page 1, 7-8	No substantive variation suggested
2.	An individual	Sub – 12 November 2015	18	Industry specific redundancy scheme Seeks to remove the entitlement for employees to resign and receive a redundancy payout.	Page 1	Requires arbitration
3.	MPG	Sub – 2 March 2015	15.11	Apprenticeship – Common issue clause in relation to apprentice excess travel costs for attendance at block release.	Para 5(iii)	This has been determined by the Full Bench in [2014] FWCFB 9156.
4.	MPMCA	Sub – 2 March 2015	15.11	Objects to ACTU proposed common issue clause in relation to excess travel costs for attendance at block release training. Concerned introduction may create a precedent for the rest of the awards not affected at this stage.	Item A., Para 2	Withdrawn see Sub-15Mar16

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
5.	MPG	Sub-2 March 2015	15.11	Apprenticeship—Training fees and textbooks —Seeks amendment of definitions of “prescribed fees” and “prescribed textbooks”.	Para 5(i)	Withdrawn MPG have communicated with NFIA on issues they wish to progress. —Corr NFIA 16Mar16
6.	MPG	Sub-2 March 2015	15.11	Exclude electronic devices from the definition of “prescribed fees” and “prescribed textbooks”—see above submission.	Para 5(ii)	Withdrawn MPG have communicated with NFIA on issues they wish to progress. —Corr NFIA 16Mar16
7.	MPMCA	Sub-2 March 2015	15.11	Apprentice Conditions Issues —review conditions that apply to apprentices under Award and define the terms “prescribed fees” and “prescribed textbooks”. Absence of parameters in relation to the terms will lead to significant fee increases unless a cap on level of reimbursement is included in Award.	Item A., Para 1	Withdrawn See Sub-15Mar16

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
8.	MPG	Sub – 2 March 2015	15.11(a)	Seeks interpretation of “unsatisfactory progress” and inclusion of a definition.	Para 5(iv)	Withdrawn MPG have communicated with NFIA on issues they wish to progress – Corr NFIA 16Mar16
9.	MPMCA	Sub – 2 March 2015	15.11(a)	Clause is ambiguous, unclear and open to a range of interpretations. Seek clarity on term “unsatisfactory progress” and suggests a definition be included.	Item A., Para 3	Withdrawn
10.	MPG	Sub – 2 March 2015	18	Industry specific redundancy scheme – deletion of the clause or variation to expressly exclude employees receiving redundancy pay where they resign.	Para 1	Requires arbitration
11.	MPMCA	Sub – 2 March 2015	18	Industry specific redundancy scheme Clause unduly restricts employment prospects – seeks variation to expressly exclude employees receiving redundancy pay where they resign.	Item B	Requires arbitration
12.	FPAA	Sub – 2 March 2015	18.2	Industry specific redundancy scheme – Definition – Support MPMCA – more clearly identify the circumstances surrounding a redundancy situation.	Para 2	Requires arbitration

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
13.	An individual	Sub – 12 November 2014	18	Industry specific redundancy scheme The requirement to pay redundancy when employees resign has a major impact on small businesses. Clause provides incentive for staff to resign and work somewhere else, or to start own business. Clause is being abused. Needs to be reviewed and small business taken into account.	Page 2-7	Requires arbitration
14.	An individual	Sub – 12 November 2014	18	Industry specific redundancy scheme Special consideration needs to be given to provision allowing staff that have left employer being able to seek redundancy payment up to six years after resigning. Payments crippling business.	Page 7	Requires arbitration
15.	HBG	Sub – 13 November 2014	18	Industry specific redundancy scheme Requires review and amendment. Employees who voluntarily leave employment are able to seek redundancy payments. Not financially viable for small businesses. Will lead to further job cuts and to employees being	Page 1	Requires arbitration

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				open to abuse employers.		
16.	MPG	Sub – 2 March 2015	18.6	Industry specific redundancy scheme – Transfer of business – support AFEI regarding constraint of operation of s.91 of the Fair Work Act 2009 (FW Act).	Para 6	This was determined by the Full Bench in [2015] FWCFB 3023 at [30] – [39]. Variation affected 12 January 2016 in PR568678
17.	MPMCA	Sub – 2 March 2015	18.6	Clause purports to constrain s.91 of FW Act – should be deleted as it is inconsistent with the NES.		Withdrawn See Sub-15Mar16
18.	MPG	Sub – 2 March 2015	20	Minimum wages – insert provisions providing for payment of Junior Rates to employees in the Plumbing and Mechanical Services Worker/ Sprinkler Fitting Worker Level 1(a) – 1(d).	Para 2	Requires arbitration Parties to further discuss
19.	An individual	Sub – 12 November 2014	28.5	Superannuation – Absence from work – requiring employers pay superannuation for employees on Work Cover (in addition to long service leave payments under South Australian legislation) is financially unsustainable for small businesses.	Page 1	Not supported by other parties – may be a superannuation/long service leave legislative issue

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
20.	MPG	Sub – 2 March 2015	32	Penalty rates – amend to simplify obligations payable under clause. Draft clause without Prejudice which has been uploaded to the website.	Para 3	Requires arbitration Parties to further discuss
21.	MPG	Sub – 2 March 2015	33	Overtime – insert a provision confirming “Each days (sic) overtime stands alone”.	Para 4	Requires arbitration Parties to further discuss. Agreed by MPG & CEPU
22.	FPAA	Sub – 2 March 2015	Schedule B.3	Classification Definitions – Classification structure definitions – review non-trade definitions – level 1(d)	Para 1	Requires arbitration FPAA to circulate draft variation and parties to further discuss

List of abbreviations

AIG	Australian Industry Group
AWU	Australian Workers’ Union
CCF	Civil Contractors Federation
CFMEU	Construction, Forestry, Mining and Energy Union, Mining and Energy Union
CFMEU C&G	Construction, Forestry, Mining and Energy Union, Mining and Energy Union (Construction & General Division)
HBG	Hall Baum Group
HIA	Housing Industry Australia

List of abbreviations

J&A Barrett	Jeff & Angus Barrett
JB	John Broomhead
FPPA	Fire Protection Association Australia
FWO	Fair Work Ombudsman
MBA	Master Builders Association
MPG	Master Plumbers Group
MPMCA	Master Plumbers Association of NSW

SENIOR DEPUTY PRESIDENT

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¹ [2016] FWC 1191 at para 13.

² MA000020; AM2014/260.

³ MA000036; AM2014/280.

⁴ MA000029; AM2014/274.

⁵ MA000032; AM2014/278.

⁶ [2016] FWC 1191 at para 13.

⁷ Statement and Amended Directions [2016] FWC 1838, (Statement 23 March 2016; Amended Directions 22 March 2016).

⁸ [2016] FWC 2924.

⁹ [2016] FWC 1972.

¹⁰ See Transcript of 27 July 2016, at paras 330–332 and Statement of 2 August 2016 [2016] FWCFB 5254 at para 17.

¹¹ [2016] FWC 2924.

¹² [2016] FWC 4781.

¹³ *Ibid.*, at paras 7–9.

¹⁴ MA000079; AM2014/257.

¹⁵ MA000025; AM2014/265.

¹⁶ MA000064; AM2014/273.

¹⁷ MA000066; AM2014/287.