



# Notice of Listing

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**Title of Matter:** Four yearly review of modern awards

**Section:** s.156 - 4 yearly review of modern awards

**Subject:** Multiple modern awards - outstanding issues

**Matter Numbers:** AM2014/199 - Animal Care and Veterinary Services Award 2010  
AM2014/200 - Aquaculture Industry Award 2010  
AM2014/202 - Fire Fighting Industry Award 2010  
AM2014/203 - Graphic Arts, Printing and Publishing Award 2010  
AM2014/204 - Health Professionals and Support Services Award 2010  
AM2014/206 - Medical Practitioners Award 2010  
AM2014/207 - Nurses Award 2010  
AM2014/208 - Passenger Vehicle Transportation Award 2010  
AM2014/211 - Road Transport (Long Distance Operations) Award 2010  
AM2014/212 - Road Transport and Distribution Award 2010  
AM2014/215 - Transport (Cash in Transit) Award 2010  
AM2014/216 - Waste Management Award 2010

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## Listing Details:

The above matters are listed for Mention and/or Directions, by Video Link, before Vice President Hatcher at:

**02:00 pm (AEST)**  
**Thursday, 7 July 2016**  
**Fair Work Commission**  
**Terrace Tower**  
**80 William Street**  
**East Sydney**

**02:00 pm (AEST)**  
**Thursday, 7 July 2016**  
**Fair Work Commission**  
**11 Exhibition Street**  
**Melbourne**

**02:00 pm (AEST)**  
**Thursday, 7 July 2016**  
**Fair Work Commission**  
**Level 6**  
**Riverside Centre**  
**North Terrace**  
**Adelaide**

## Please note:

- Vice President Hatcher will be sitting in Sydney.
- Any party requiring a video-link to any other State must contact chambers by **4.00pm Tuesday 5 July 2016.**

## **Inquiries:**

All inquiries relating to this notice are to be directed to Katrine Huynh, Phone: (02) 9308 1812, email: [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au) , Fax: (02) 9380 6990.

**Fair Work Commission, 4 July 2016 05:21 pm**

## **Stage 2 Awards**

### ***Aquaculture Industry Award 2010***

Two outstanding issues below - does any party want the opportunity to make further submissions?

1. Cl.11.3(b)(iii) of the Exposure Draft - Meal allowance (Business SA)
2. Cl.15.3, *Taking annual leave* (Business SA)

### ***Graphic Arts, Printing and Publishing Award 2010***

Outstanding issues below – confirm that should be referred to separate Full Bench for substantive hearing?

1. Training allowances:
2. Competencies:
3. Payment of wages on termination:
4. Award Coverage of metropolitan daily newspapers:

### ***Animal Care and Veterinary Services Award 2010***

- A. Three outstanding issues below – does any party want the opportunity to make further submissions?
1. Clause 11.2(a)(i) – addition of note proposed in exposure draft
  2. Clause 13.3 – study leave – pro-rate for part-time vets?
  3. Clause 16.1(c) – unions propose amendment that for overtime, each day stands alone
- B. Confirm the following matters are substantive in nature and should be referred to a separate Full Bench:
- APESMA in their submission of 15 July 2015 propose a variation to Clause 16.2 of the exposure draft to clarify overtime rates for veterinary surgeons. They consider that the present provision which allows for an allowance to be paid as an alternative is too vague.
  - VNCA seek to vary Schedule A.2.6 of the exposure draft to introduce a diploma qualified classification and to vary Schedule A.2.5 to vary the competencies required for Level 4 to Certificate IV in Veterinary Nursing or equivalent.

### ***Health Professionals and Support Services Award 2010***

Confirm following matters are substantive in nature and to be referred to separate Full Bench:

1. Clauses 8.1, 9.1, 18 and 19 of the exposure draft re hours of work

2. MIERG proposal for a Schedule J – Medical Imaging which sets out comprehensively separate pay and conditions for medical imaging.
3. Whether the list of common health professionals in Schedules A and B (referred to Clauses 3.1(b) and 11) is exhaustive or indicative and whether or not the exposure draft should be varied to clarify this.
4. Proposed variations for translators and interpreters proposed by APESMA and HSU.
5. Proposal by AiGroup to introduce a provision for annualised salary for health professionals and employees at higher classification levels in the support services stream.
6. Proposal by HSU to introduce classification and pay rate for intern health professionals in Schedule A.
7. Proposals by HSU and APESMA to include some additional job titles in the list of common health professionals
8. HSU proposal to vary Clause 20 of the exposure draft, annual leave, in respect to the entitlement to an additional week of annual leave – referral to Annual Leave Full Bench

#### ***Medical Practitioners Award 2010***

Proposal by HSU to include a provision to similar to that included in the *Nurses Award 2010* and *Health Professionals and Support Services Award 2010* for ceremonial leave - can matter decided by current Full Bench after receipt of further written submissions?

#### ***Nurses Award 2010***

1. Confirm following matters to be referred to Casuals/Part time Full Bench:
  - proposal to vary Clause 6.4(d) of the exposure draft to clarify how casual employee's entitlement for working ordinary hours on weekends
  - proposal to vary Clause 15.1(c) of the exposure draft to clarify entitlement to receive casual loading in addition to overtime penalty
2. ANMF proposal for minimum shift length for all employees, including full time employees (see cl.10.4(c) - minimum two hour payment for casuals). Confirm to be finalised by this Full Bench after the Casual and Part/time Full Bench decision?
3. Confirm the following matters can be resolved by this Full Bench after the receipt of further submissions:
  - ANMF proposal to vary the classification definitions in Schedule A to update definitions and terminology to reflect current nomenclature regarding the regulation of

the nursing profession and to vary the definition of nursing assistant to remove “or enrolled” to reflect the current state of the law which they say does not allow enrolled nurses to supervise nursing assistants.

- ANMF propose to vary Schedule B Summary of hourly rates to include tables dealing with situations where more than one loading potentially applies, for example, where casuals perform overtime.
4. Confirm the following issues are substantive in nature and should be referred to a separate Full Bench:
- ACE proposal to amend Clause 8.2(e) to allow for greater flexibility in rostering by adding the words “unless the employee otherwise agrees”. This would enable rosters to be altered with less than seven days notice.
  - Employer organisations proposal to vary Clause 9.1 to include a facilitative provision to extend the period prior to a break from 5 hours to 6 hours.
  - ANMF proposal to vary Clause 9.1(a) to specify that meal breaks must be taken between the fourth and the sixth hour after beginning work unless otherwise agreed by the majority, so that employer and the employee may agree to forfeit the meal break where shifts are less than six hours.
  - ANMF proposal to insert a new paragraph 27.1(c) to provide for compensation while being effectively on call during a meal break.
  - ANMF proposal to extend the rest break between ordinary shifts in Clause 9.3 and to introduce a penalty for breach.
  - ACE proposal to insert in Clause 11.3(b) a “remote communication allowance” for aged care employees where an employee provides advice or assistance remotely by telephone or other device.
  - ANMF proposal to insert in Clause 11 an in charge allowance for registered nurses and a leading hand allowance for enrolled nurses and nursing assistants.
  - HSU proposal to vary Clause 14.2 to ensure that shift allowances are payable on weekends.
  - HSU and ANMF proposal for variations to the overtime clause 15.1 to clarify that all work in excess of rostered hours is overtime and that each period of overtime stands alone.
  - ANMF and HSU proposal to vary clauses 15.5 and 15.6 to confirm that these clauses apply to situations where nurses are recalled to perform work remotely.

Substantive issues to be referred to separate Full Bench or can they be dealt with by further submissions before this Full Bench?

1. The award flexibility clause should specify that it applies to 'hours of work' and 'breaks';
2. Insert the word 'up to' in clause 8.1 (a) such that it reads 'The ordinary hours of work will be an average of up to 38 hours per week';
3. A span of hours clause should be introduced;
4. The provisions in the current award governing two driver operations should be retained.

***Road Transport (Long Distance Operations) Award 2010***

Substantive issues to be referred to separate Full Bench or can they be dealt with by further submissions before this Full Bench?

1. Amend definition of 'long distance operation'
2. Include a provision in Clause 11.5(a)(iii) stating that the fatigue management plan is to be provided to the employee
3. Add a provision to clause 12.1(c) (i) specifying a minimum payment, and that an employee is only to perform work under one award per day
4. Add a new clause allowing for payment where an employee is required to travel as a passenger
5. Add a new clause specifying the rates for employees engaged in 'two up' driving
6. Add a new clause providing for payment for drivers spending excessive amounts of time waiting during loading or unloading
7. In Clause 12.3(a) replace the term 'a weekly employee' with 'an employee'.

***Road Transport and Distribution Award 2010***

Substantive issues to be referred to separate Full Bench or can they be dealt with by further submissions before this Full Bench?

1. The introduction of an 'early morning shift' clause
2. The introduction of additional limitations on circumstances where the meal allowance is paid
3. In clause 8.1 (a) delete reference to 'for a full time employee' and insert 'up to 38 per week'
4. Amend clause 12.6 to restrict circumstances in which the higher duties clause applies

5. Amend classifications in Schedule B to recognise advances in heavy vehicle development and manufacturing
6. Whether oil distribution workers should receive higher hourly rates
7. The application of minimum engagement for casuals outside ordinary hours
8. Revise the rates for casuals in clause 16.2 (work on public holidays)
9. Amend the definition of ‘road transport and distribution industry’
10. Insert a definition of ‘driver’.
11. An AIG claim to introduce an additional limitation on circumstances in which an employee is entitled to a meal break; and
12. A variation sought to Schedule C.4 of the Exposure Draft – Road Transport and Distribution Award 2010 to clarify that the rates prescribed there are payable for the performance of ordinary hours of work.

***Transport (Cash in Transit) Award 2010***

Substantive issues to be referred to separate Full Bench or can they be dealt with by further submissions before this Full Bench?

1. Amend Clause 9.1(a) by inserting the words ‘up to 38 hours per week’
2. In clause 14.8 heading should be amended to read ‘Shiftwork allowances’ and preamble to table should be amended by deleting words ‘penalty rates’ with ‘shift allowances’
3. Footnote to Schedules A.2.2 and A.3.2 should make clear that rates prescribed for non-continuous afternoon or night shifts only apply to work on Saturday, Sunday or a public holiday
4. The public holiday column in Schedule A.2.3 should be removed.

***Waste Management Award 2010***

Substantive issues to be referred to separate Full Bench or can they be dealt with by further submissions before this Full Bench?

1. Insert requirement in clause 6.24 that employer notify employee of their classification at the time of engagement
2. amend clause 9.2(a) to allow for paid meal breaks when an employee is working overtime
3. a new crib time provision in clause 15

4. insert a provision in clause 15 to provide for a paid meal break of 20 minutes for shift workers
5. clause 16.7 (clause 30.4 of the current Award) identify that employees recalled to work overtime must be paid at overtime rates
6. include a new provision relating to additional leave for shift workers
7. Change to clause 6.5(h) of the Exposure Draft to clarify the relevant rate of pay for casual employees working overtime or outside ordinary hours.

***Fire Fighting Industry Award 2010***

Issue re clause 22 of exposure draft re possible insertion of provision to clarify the rate of pay for an employee on annual leave - confirm that the parties want the opportunity to make further submissions?