

**From:** Kristin Barlow [<mailto:Kristin.Barlow@cpsu.org.au>]  
**Sent:** Friday, 22 July 2016 3:43 PM  
**To:** 'TAIT,Donna'; Chambers - Johns C  
**Cc:** Lindsay Benfell; [skenna@nteu.org.au](mailto:skenna@nteu.org.au); [mike.nicolaides@amwu.asn.au](mailto:mike.nicolaides@amwu.asn.au); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [roneill@awu-nsw.asn.au](mailto:roneill@awu-nsw.asn.au); Stephanie Gheller; [andrew@afap.org.au](mailto:andrew@afap.org.au); [neal.swancott@unitedvoice.org.au](mailto:neal.swancott@unitedvoice.org.au); [jknights@asu.asn.au](mailto:jknights@asu.asn.au); [hchristiansen@aimpe.asn.au](mailto:hchristiansen@aimpe.asn.au); [civilair@civilair.asn.au](mailto:civilair@civilair.asn.au); [Paul.Vane-Tempest@ashurst.com](mailto:Paul.Vane-Tempest@ashurst.com); [rebecca.byun@holdingredlich.com](mailto:rebecca.byun@holdingredlich.com); [tony.rhynehart@nga.gov.au](mailto:tony.rhynehart@nga.gov.au); [mike.whitfield@casa.gov.au](mailto:mike.whitfield@casa.gov.au); RAUTIO,Dan; [cherie.enders@amsa.gov.au](mailto:cherie.enders@amsa.gov.au); [Sarah.Queenan@amsa.gov.au](mailto:Sarah.Queenan@amsa.gov.au); [Karina.Lejsek@amsa.gov.au](mailto:Karina.Lejsek@amsa.gov.au); [Shannon.McSwiney@aftrs.edu.au](mailto:Shannon.McSwiney@aftrs.edu.au); [David.Worthy@ausport.gov.au](mailto:David.Worthy@ausport.gov.au); [P.OREgan@aims.gov.au](mailto:P.OREgan@aims.gov.au); [judith.keogh@casa.gov.au](mailto:judith.keogh@casa.gov.au); [donna.hicks@casa.gov.au](mailto:donna.hicks@casa.gov.au); [David.Perceval@nga.gov.au](mailto:David.Perceval@nga.gov.au); [tony.nairn@finance.gov.au](mailto:tony.nairn@finance.gov.au); [smurphy@tourism.australia.com](mailto:smurphy@tourism.australia.com); [andrew.krestovsky@hearing.com.au](mailto:andrew.krestovsky@hearing.com.au); [J.Butler@australiacouncil.gov.au](mailto:J.Butler@australiacouncil.gov.au); [Rebecca.page@sbs.com.au](mailto:Rebecca.page@sbs.com.au); [warwick.escott@apra.gov.au](mailto:warwick.escott@apra.gov.au); [amanda.chadwick@ausport.gov.au](mailto:amanda.chadwick@ausport.gov.au); [t.blackwell@australiacouncil.gov.au](mailto:t.blackwell@australiacouncil.gov.au)  
**Subject:** RE: AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective [SEC=UNCLASSIFIED]

Dear Associate to Commissioner Johns.

I refer to the email below from the APSC. The CPSU supports the response provided by the APSC.

Regards,

K.B

**Kristin Barlow | Legal Officer |** Political, Industrial, Research Legal (PIRL) | CPSU | ph 02 8204 6949 | Fax 02 8204 6902 | mob 0404 096 031 | website [www.cpsu.org.au](http://www.cpsu.org.au) | member service centre 1300 137 636

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Find out more on 1300 137 636 or join online at <https://web.cpsu.org.au/join>

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**From:** TAIT,Donna [<mailto:Donna.Tait@apsc.gov.au>]  
**Sent:** Friday, 22 July 2016 3:17 PM  
**To:** Chambers - Johns C

**Cc:** Lindsay Benfell; [skenna@nteu.org.au](mailto:skenna@nteu.org.au); [mike.nicolaides@amwu.asn.au](mailto:mike.nicolaides@amwu.asn.au); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [roneill@awu-nsw.asn.au](mailto:roneill@awu-nsw.asn.au); Stephanie Gheller; [andrew@afap.org.au](mailto:andrew@afap.org.au); [neal.swancott@unitedvoice.org.au](mailto:neal.swancott@unitedvoice.org.au); [jknights@asu.asn.au](mailto:jknights@asu.asn.au); [hchristiansen@aimpe.asn.au](mailto:hchristiansen@aimpe.asn.au); [civilair@civilair.asn.au](mailto:civilair@civilair.asn.au); [Paul.Vane-Tempest@ashurst.com](mailto:Paul.Vane-Tempest@ashurst.com); [rebecca.byun@holdingredlich.com](mailto:rebecca.byun@holdingredlich.com); [tony.rhynehart@nga.gov.au](mailto:tony.rhynehart@nga.gov.au); [mike.whitfield@casa.gov.au](mailto:mike.whitfield@casa.gov.au); RAUTIO, Dan; [cherie.enders@amsa.gov.au](mailto:cherie.enders@amsa.gov.au); [Sarah.Queenan@amsa.gov.au](mailto:Sarah.Queenan@amsa.gov.au); [Karina.Lejsek@amsa.gov.au](mailto:Karina.Lejsek@amsa.gov.au); [Shannon.McSwiney@aftrs.edu.au](mailto:Shannon.McSwiney@aftrs.edu.au); [David.Worthy@ausport.gov.au](mailto:David.Worthy@ausport.gov.au); [P.OREgan@aims.gov.au](mailto:P.OREgan@aims.gov.au); [judith.keogh@casa.gov.au](mailto:judith.keogh@casa.gov.au); [donna.hicks@casa.gov.au](mailto:donna.hicks@casa.gov.au); [David.Perceval@nga.gov.au](mailto:David.Perceval@nga.gov.au); [tony.nairn@finance.gov.au](mailto:tony.nairn@finance.gov.au); [smurphy@tourism.australia.com](mailto:smurphy@tourism.australia.com); [andrew.krestovsky@hearing.com.au](mailto:andrew.krestovsky@hearing.com.au); [J.Butler@australiacouncil.gov.au](mailto:J.Butler@australiacouncil.gov.au); [Rebecca.page@sbs.com.au](mailto:Rebecca.page@sbs.com.au); [warwick.escott@apra.gov.au](mailto:warwick.escott@apra.gov.au); [amanda.chadwick@ausport.gov.au](mailto:amanda.chadwick@ausport.gov.au); [t.blackwell@australiacouncil.gov.au](mailto:t.blackwell@australiacouncil.gov.au); Kristin Barlow  
**Subject:** RE: AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Dear Associate

Thank you for the opportunity to provide input into the latest changes to the proposed Australian Government Employment Award 2016.

I have consulted with the employers with enterprise award applications and this response incorporates their feedback.

### **In relation to the propose award:**

The APSC has reviewed the proposed award and has made a small number of drafting suggestions within the document. A copy is **attached**.

The position of the employers on the below issues has also been reflected in the proposed award. All the changes by the APSC have been tracked.

In addition, when looking into the issues raised in relation to Schedule O – Special Broadcasting Service, it became clear that Cadets, Cadet Journalists and Journalists entitlements were not clearly reflected. A number of changes have been made to address this and the comments provided by your Award Modernisation team. The changes have been brought to the attention of the two relevant unions, CPSU and MEAA, and both are supportive of the additions. A summary of the additions is **attached**.

### **In relation to the tables clarifying the changes made to the Proposed Award:**

The APSC has reviewed the proposed adjustments and has the following comments:

#### Salary Allowances

We note the two comments at the bottom of the salary allowance table.

In relation to note 1:

- we recommend these figures be inserted into the table at O.19(b) for consistency.

In relation to note 2:

- we recommend these figures be inserted into the table at O.19(b) for consistency.

## Expense Related Allowances

There is one with the adjustments to expense allowances, as outlined below:

Clause	Description	FWC proposed rate \$	Comment	Revised Formula	Suggested Rate \$
N.2	Vehicle allowance— carriage of more than 100kg— additional amount	0.84	In the proposed award this rate is \$0.0084 not 84 cents	$(97.2/96.6)*0.0084$	0.0083

This rate also has a negative CPI adjustment. This means the rate should not change, however clause N.2 needs to be updated to reflect this is \$0.0084 not 84 cents.

### **In relation to the memo:**

#### Changes

In relation to the changes at clause 6.3:

- the reference to K.5.1(a) should be K.5.2 and O.9 should be O.9.2.

In relation to new clause O.12.9

- this clause should never have been inserted within ceremonial leave. The move to shiftwork provisions (O.12) does not appear to be a more logical fit for this clause. We suggest that this should be its own clause at O.14 and the subsequent clauses be renumbered to reflect this insertion.

#### Questions

A – The APSC has no objections to this change.

B – Clause 13.1(b) has been changed to ‘The allowance will be \$0.66 per week. This rate will be adjusted in line with the Private motoring sub-group.’

C – The APSC has reviewed the feedback from the FWC. We agree that using the registered training organisation name and reference rather than courses specific to one provider is preferred:

<b>Qualification Held</b>	<b>Weekly Rate \$</b>	<b>% of standard rate</b>
<del>St John Ambulance Australia</del> 'Provide First Aid' (Registered Training Reference - HLTAID003) <del>(previously known as Apply First Aid or Senior First Aid)</del> or an equivalent qualification	10.82	49.51
<del>St John Ambulance Australia</del> 'Provide Advanced First Aid' (Registered Training Reference - HLTAID006) Certificate or an equivalent qualification	13.30	60.84
<del>St John Ambulance Australia</del> 'Occupational First Aid' (Registered Training Reference - HLTSS00027) or an equivalent qualification	16.32	74.66

D – The APSC has no objections to this change.

E – The APSC has reviewed the proposed changes to the CPI group for a number of allowances. The only proposal that the APSC does not agree to is the change for part-day travelling allowance from All Groups to the domestic holiday travel and accommodation subgroup.

The parties considered this issue during the drafting of the award. It was agreed that in the Commonwealth part-day travel allowance was designed for meals and incidental payments, for example newspapers and internet access. Referencing travel and accommodation does not reflect the intent of this allowances. The APSC preference would be that this allowance continue to be updated using the All Groups CPI figures.

F – CASA have confirmed that 'and' should be added between the lists at clause L.5.10.

G –Australian Hearing and SBS have advised the proposed working from the FWC reflects the intent of their clause.

The APSC has discussed the possible inclusion of a definition for dependant with the CPSU. We have reviewed the existing enterprise awards and two of the 12 define dependant, it is also defined in the GECSA. Given this the APSC is supportive of the inclusion of the below definition:

**Dependant** in relation to an employee means:

- the spouse of the employee; or
- a child or parent of the employee, or of the spouse of the employee, being a child or parent who ordinarily resides with the employee and who is wholly or substantially dependent upon the employee.

H –SBS has confirmed the reference to ‘prior to ceasing work’ refers to finishing the last shift prior to being required to return to work to deal with an emergency. Whilst we believe re-wording of the clause isn’t needed, if the FWC believes a change is required, SBS would not oppose this changing to “where notice of being required to come to work to deal with an emergency is given to an employee during their last shift”.

I – SBS have confirmed that the reference to union should be in lower case for consistency with the rest of the document.

J –SBS has confirmed that there are no objections with specific the ‘*Maternity Leave (Commonwealth Employees) Regulations 1982*’ in place of ‘Maternity Leave Regulations’ at clause O.15.2.

K –SBS have confirmed that the reference to ‘table C2’ should be ‘table 4 in clause O.20.3(b)’.

L –SBS have confirmed that references to ‘bands’ in this clause is not needed.

If there is anything else needed to finalise this matter please let me know.

A copy of this correspondence has been provided to all the parties.

Regards

Donna

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**Donna Tait | Director – Conditions Policy**  
Workplace Relations Group  
Australian Public Service Commission  
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**From:** Chambers - Johns C [<mailto:Chambers.Johns.C@fwc.gov.au>]

**Sent:** Tuesday, 19 July 2016 11:25 AM

**To:** TAIT, Donna

**Cc:** [lindsay.benfell@cpsu.org.au](mailto:lindsay.benfell@cpsu.org.au); [skenna@nteu.org.au](mailto:skenna@nteu.org.au); [mike.nicolaides@amwu.asn.au](mailto:mike.nicolaides@amwu.asn.au); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [roneill@awu-nsw.asn.au](mailto:roneill@awu-nsw.asn.au); Stephanie Gheller; [andrew@afap.org.au](mailto:andrew@afap.org.au); [neal.swancott@unitedvoice.org.au](mailto:neal.swancott@unitedvoice.org.au); [jknight@asu.asn.au](mailto:jknight@asu.asn.au); [hchristiansen@aimpe.asn.au](mailto:hchristiansen@aimpe.asn.au); [shannon.mcswiney@afrs.edu.au](mailto:shannon.mcswiney@afrs.edu.au); Paul O'Regan ([P.ORegan@aims.gov.au](mailto:P.ORegan@aims.gov.au)); [rebecca.byun@holdingredlich.com](mailto:rebecca.byun@holdingredlich.com); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [warwick.escott@apra.gov.au](mailto:warwick.escott@apra.gov.au); [J.Butler@australiacouncil.gov.au](mailto:J.Butler@australiacouncil.gov.au); [smurphy@tourism.australia.com](mailto:smurphy@tourism.australia.com); [andrew.krestovsky@hearing.com.au](mailto:andrew.krestovsky@hearing.com.au); [tony.rhynhart@nga.gov.au](mailto:tony.rhynhart@nga.gov.au); [mike.whitfield@casa.gov.au](mailto:mike.whitfield@casa.gov.au); [civilair@civilair.asn.au](mailto:civilair@civilair.asn.au); [david.worthy@ausport.gov.au](mailto:david.worthy@ausport.gov.au); [Sarah.queenan@amsa.gov.au](mailto:Sarah.queenan@amsa.gov.au); [Paul.Vane-Tempest@ashurst.com](mailto:Paul.Vane-Tempest@ashurst.com); [Helen.Ward@nga.gov.au](mailto:Helen.Ward@nga.gov.au); [tony.nairn@finance.gov.au](mailto:tony.nairn@finance.gov.au); [donna.hicks@casa.gov.au](mailto:donna.hicks@casa.gov.au); [amanda.chadwick@ausport.gov.au](mailto:amanda.chadwick@ausport.gov.au); [Karina.Lejsek@amsa.gov.au](mailto:Karina.Lejsek@amsa.gov.au);

RAUTIO, Dan

**Subject:** RE: AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective [SEC=UNCLASSIFIED]

Dear All,

Please note, any reply to the correspondence below must be sent to [Chambers.Johns.C@fwc.gov.au](mailto:Chambers.Johns.C@fwc.gov.au)

Kind regards,

**BASEL HOUCAR**

Associate to Commissioner Johns

**Fair Work Commission**

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**From:** HOUCAR, Basel

**Sent:** Tuesday, 19 July 2016 11:22 AM

**To:** TAIT, Donna ([Donna.Tait@apsc.gov.au](mailto:Donna.Tait@apsc.gov.au))

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**Subject:** RE: AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective [SEC=UNCLASSIFIED]

Dear Ms Tait,

The Full Bench is in the final stages of approving the Proposed Award in the above mentioned matter.

Upon review, the Fair Work Commission (**Commission**) considered the decision issued by the Expert Panel in the Annual Wage Review 2015–16 on 31 May 2016 [\[2016\] FWCFB 3500](#), the Commission proposes to adjust the wages and allowances in the Proposed Award.

Please see **attached**:

1. Proposed Award (including changes);
2. Tables clarifying the changes made to the Proposed Award; and
3. Memo to Commissioner Johns regarding the changes – the parties must consider the "questions" posed the memo, and provide comments by 4:00 pm Friday, 22 July 2016.

Any party wishing to object to the proposed changes, must inform these chambers and provide reasons for their objection by **4:00 pm Friday, 22 July 2016.**

Kind regards,

**BASEL HOUCAR**

Associate to Commissioner Johns

**Fair Work Commission**

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**From:** Chambers - Johns C

**Sent:** Friday, 24 June 2016 3:57 PM

**To:** TAIT, Donna ([Donna.Tait@apsc.gov.au](mailto:Donna.Tait@apsc.gov.au))

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**Subject:** RE: AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective [SEC=UNCLASSIFIED]

Dear Ms Tait,

Further to your email below, the Full Bench will make the following minor changes to the Award:

- Clause 4.1 – add in (NES) after National Employment Standards;
- Schedule J – clause J.9.1 add in in the words “of the award” after the reference to clause 17.2(b)(i); and
- Schedule H – clause H8.8 the period should be 5 years.

The Full Bench does not see any reasonable ground for objection, hence the changes will be made on the Commissions own accord.

I **attach** a copy of the Proposed Award with marked up changes.

Kind regards,

**BASEL HOUCAR**

Associate to Commissioner Johns

**Fair Work Commission**

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**From:** TAIT, Donna [<mailto:Donna.Tait@apsc.gov.au>]

**Sent:** Wednesday, 22 June 2016 11:24 AM

**To:** Chambers - Johns C

**Cc:** [lindsay.benfell@cpsu.org.au](mailto:lindsay.benfell@cpsu.org.au); [skenna@nteu.org.au](mailto:skenna@nteu.org.au); [mike.nicolaidides@amwu.asn.au](mailto:mike.nicolaidides@amwu.asn.au); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [roneill@awu-nsw.asn.au](mailto:roneill@awu-nsw.asn.au); Stephanie Gheller ([SGheller@professionalsaustralia.org.au](mailto:SGheller@professionalsaustralia.org.au)); [andrew@afap.org.au](mailto:andrew@afap.org.au); [neal.swancott@unitedvoice.org.au](mailto:neal.swancott@unitedvoice.org.au); [jknight@asu.asn.au](mailto:jknight@asu.asn.au); [hchristiansen@aimpe.asn.au](mailto:hchristiansen@aimpe.asn.au); [shannon.mcswiney@aftrs.edu.au](mailto:shannon.mcswiney@aftrs.edu.au); Paul O'Regan; [rebecca.byun@holdingredlich.com](mailto:rebecca.byun@holdingredlich.com); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [warwick.escott@apra.gov.au](mailto:warwick.escott@apra.gov.au); [J.Butler@australiacouncil.gov.au](mailto:J.Butler@australiacouncil.gov.au); [smurphy@tourism.australia.com](mailto:smurphy@tourism.australia.com); [andrew.krestovsky@hearing.com.au](mailto:andrew.krestovsky@hearing.com.au); [tony.rhynehart@nga.gov.au](mailto:tony.rhynehart@nga.gov.au); [mike.whitfield@casa.gov.au](mailto:mike.whitfield@casa.gov.au); [civilair@civilair.asn.au](mailto:civilair@civilair.asn.au); [david.worthy@ausport.gov.au](mailto:david.worthy@ausport.gov.au); [Sarah.queenan@amsa.gov.au](mailto:Sarah.queenan@amsa.gov.au); [Paul.Vane-Tempest@ashurst.com](mailto:Paul.Vane-Tempest@ashurst.com); [Helen.Ward@nga.gov.au](mailto:Helen.Ward@nga.gov.au); [tony.nairn@finance.gov.au](mailto:tony.nairn@finance.gov.au); [donna.hicks@casa.gov.au](mailto:donna.hicks@casa.gov.au); [amanda.chadwick@ausport.gov.au](mailto:amanda.chadwick@ausport.gov.au); [Karina.Lejsek@amsa.gov.au](mailto:Karina.Lejsek@amsa.gov.au);

RAUTIO, Dan

**Subject:** RE: AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Dear Associate

As per your below email please find attached two copies of the proposed Australian Government Industry Award 2016 – one marked up with tracked changes and a clean copy.

The issues raised in your email have all been addressed and agreed by the parties.

I have also made some further editing changes – these are tracked in the marked up version of the award. For ease of reviewing, these changes are also identified in the attached summary document. These edits do not change the content, rather address inconsistencies in formatting and clause referencing issues.

If there are any concerns with the attached please let me know.

We look forward to the Order and reasons for decision being issued.

Thank you for all your assistance in finalising this matter.

Regards

Donna

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**Donna Tait | Director – Conditions Policy**

Workplace Relations Group

Australian Public Service Commission

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**From:** Chambers - Johns C [<mailto:Chambers.Johns.C@fwc.gov.au>]

**Sent:** Monday, 20 June 2016 3:21 PM

**To:** [lindsay.benfell@cpsu.org.au](mailto:lindsay.benfell@cpsu.org.au); [skenna@nteu.org.au](mailto:skenna@nteu.org.au); [mike.nicolaides@amwu.asn.au](mailto:mike.nicolaides@amwu.asn.au); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [roneill@awu-nsw.asn.au](mailto:roneill@awu-nsw.asn.au); Stephanie Gheller ([SGheller@professionalsaustralia.org.au](mailto:SGheller@professionalsaustralia.org.au)); TAIT, Donna; [andrew@afap.org.au](mailto:andrew@afap.org.au); [neal.swancott@unitedvoice.org.au](mailto:neal.swancott@unitedvoice.org.au); [jknight@asu.asn.au](mailto:jknight@asu.asn.au); [hchristiansen@aimpe.asn.au](mailto:hchristiansen@aimpe.asn.au); [shannon.mcswiney@afrs.edu.au](mailto:shannon.mcswiney@afrs.edu.au); [poregan@aims.gov.au](mailto:poregan@aims.gov.au); [rebecca.byun@holdingredlich.com](mailto:rebecca.byun@holdingredlich.com); [matthew.chesher@meaa.org.au](mailto:matthew.chesher@meaa.org.au); [warwick.escott@apra.gov.au](mailto:warwick.escott@apra.gov.au); [J.Butler@australiacouncil.gov.au](mailto:J.Butler@australiacouncil.gov.au); [smurphy@tourism.australia.com](mailto:smurphy@tourism.australia.com); [andrew.krestovsky@hearing.com.au](mailto:andrew.krestovsky@hearing.com.au); [tony.rhynehart@nga.gov.au](mailto:tony.rhynehart@nga.gov.au); [mike.whitfield@casa.gov.au](mailto:mike.whitfield@casa.gov.au); [civilair@civilair.asn.au](mailto:civilair@civilair.asn.au); [david.worthy@ausport.gov.au](mailto:david.worthy@ausport.gov.au); [Sarah.queenan@amsa.gov.au](mailto:Sarah.queenan@amsa.gov.au); [Paul.Vane-Tempest@ashurst.com](mailto:Paul.Vane-Tempest@ashurst.com)

**Subject:** AM2016/12 - s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective

Dear Parties

I refer to the hearing before the Full Bench today and its decision to make the *Australian Government Industry Award 2016 (AGIA)* subject to the finalisation of its terms in conference with Commissioner Johns.

To enable the Full Bench to issue the Order, Commissioner Johns has indicated that it will be sufficient for his purposes if the parties jointly file in the Commission two versions (one clean and one with marked up tracked changes) of the *AGIA* which incorporate the amendments proposed during the hearing, namely:

- to clarify the definition of PC1s/PC2s in Schedule A.5;
- to provide for transitional arrangements in relation to the district allowance in Schedule H.8;
- to address the different span of hours issue in Schedule J.9.1.(b)(i);
- to delete study cost allowance in Schedule L10.1; and
- to delete financial assistance to approved students in Schedule N.8.

The Commissioner anticipates that the Full Bench will be able to issue the Order and reasons for its decision soon after the filing of the amended version of the *AGIA*.

Kind regards,

**BASEL HOUCAR**

Associate to Commissioner Johns

**Fair Work Commission**

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