

Fair Work Commission
Terrace Tower, 80 William Street
East Sydney NSW 2011
By email: amod@fwc.gov.au

28 January 2015

Re: AM2014/199 – Submissions for the Exposure Draft of the *Animal Care and Veterinary Services Award 2010*

The Australian Workers' Union (AWU) submits the following in relation to the identified clauses in the exposure draft:

1. General issues: We have not included submissions on drafting and technical issues already dealt with in the Full Bench Decision on 23 December 2014 on the basis that the Exposure Draft will subsequently be amended so it is consistent with this Decision.
2. Clause 8.3(a) Veterinary surgeons: The draft clause has changed employee entitlements. In the current Award, clause 22.3(a) provides the following:

“22.3 Veterinary surgeons

The following provisions apply to veterinary surgeons:

(a) Time taken for travel required in the performance of duties, except for active on call duty, will contribute to hours of work. Required in the performance of duties includes travel additional to one return trip between the associate’s place of residence and the place of work in any one day and travel between different locations of a practice”(our emphasis).

3. On the other hand clause 8.3(a) of the exposure draft states:

“8.3 Veterinary surgeons

The following provisions apply to veterinary surgeons:

(a) Time taken for travel in the performance of duties (except active on call duty) will be counted as time worked. Travel in the performance of duties does not include one return trip between the associate’s place of residence and the workplace on any one day. It does include travel

between different locations of a practice”(our emphasis).

4. The clause in the exposure draft omits “*one return trip between the associate’s place of residence and the workplace on any one day*” from contributing to hours of work. This is a significant change to employee entitlements.
5. We note that the intention of the exposure draft is not to alter employee entitlements; hence we submit that the draft clause must maintain the entitlement provided for under the current clause.
6. Clause 8.3(c) Veterinary surgeons: The second sentence in the clause states:

“Associates, other than casuals, will receive a minimum of three full days off per fortnight. Days off and time off instead of paid overtime will accumulate if not given and must be paid out at the associate’s ordinary rate of pay if not taken within six months” (our emphasis).

7. The underlined terms “of paid overtime” above do not appear in the current clause 22.3(c), hence it must be removed. Additionally the second underlined term “months” is incorrect and should state “weeks”.
8. Clause 8.3(c) Veterinary surgeons: In relation to the question asked on page 8, we submit that the three days off per fortnight includes being off duty from on call.
9. Clause 11.2(a)(i) Wage related allowances – veterinary surgeons – on call duty: In regards to the question asked on page 12 of the exposure draft, we submit that the payment in clause 11.2(a)(i) is in addition to the allowance of \$37.76 and that the “relevant hourly rate” should be the overtime rate.
10. Clause 11.3(a)(i) Clothing and laundry allowance: The clause in the exposure draft states:

“(a) Clothing and laundry allowance

i. An employee who is required to wear a uniform must be provided with:

- *an allowance equivalent to the cost of the uniform; and*
- *an allowance of \$6.51 per week.”*

11. We submit that the second dot point should read “*a laundry allowance of at least \$6.51 per week.*” These terms are evident in the current Award under clause 16.3(a). It is vital that the terms are maintained, as it ensures clarity that the \$6.51 per week is a “laundry allowance” and that it is the “minimum” payment

required.

12. Clause 11.4(a)(i) Meal allowance: The clause states:

“An employee who is required to work overtime for more than one and a half hours will be required to work the overtime, must be paid:” (our emphasis).

13. We submit that the underlined words appear to be a typographical error, thus should be removed.
14. Clause 16.1(b) Overtime rates for employees other than veterinary surgeons – Monday to Saturday: The clause uses the terms “Minimum hourly rate” and “ordinary hourly rate” interchangeably. This is reflected throughout the Award; hence we submit that to maintain consistency the clause should refer to “ordinary hourly rate” throughout the Award.
15. Further, in relation to the question asked on page 18, we submit that it is not necessary to repeat clause 16.1 (a)(ii), which relates to overtime in the penalty rates clause.
16. Clause 16.2(b) Veterinary surgeons: We note that in the exposure draft on page 19 the question refers to clause 17.2(b), but we assume that it is a typographical error and the question instead intends to refer to clause 16.2(b). Therefore, in response to the question on page 19 we submit that the Award should specify when and how frequently the allowance in clause 16.2(b) is payable.
17. Clause 16.4 On call: We are opposed to the inclusion of this new provision. Provisions regarding the on call allowance. On call allowances are already provided for at clause 11.1(c) for employees other than veterinary surgeons and at 11.2(a) for veterinary surgeons. Clause 16 deals with overtime, hence to insert a reference to the on call allowance at 16.4 will be confusing and is unnecessary.
18. Clause 20.5 Substitution provision: In relation to the question asked on page 22, we submit that the Award should contain a substitution provision.



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