



Business SA Submissions

4 yearly review of
modern awards – Group
2 Revised Exposure
Drafts (AM2014/198 and
others)

9 December 2016

Introduction

Business SA is pleased to provide feedback in response to the revised exposure drafts for the Group 2 Awards released 17 October 201 as directed by the Commission in the Decision [2016] FWCFB 7254. To assist in navigating this document each exposure draft response has been placed in a table signifying: the exposure draft clause; the title of that clause; and Business SA's position.

Why this matter is important to South Australian businesses

As South Australia's Chamber of Commerce and Industry, Business SA is the peak business membership organisation in the State. Our members are affected by this matter in the following ways:

- South Australian businesses are impacted by any changes in the award system.
- South Australian employers and employees will jointly benefit from well drafted and effective modern awards, better enabling both parties to understand their rights and responsibilities.
- Small business owners make up a large proportion of our membership, these businesses are often not able to devote the necessary resources to fully understand Australia's complex workplace regulations.
- The modern award objective is to provide a fair and relevant minimum safety net of terms and conditions.¹ Modern awards must be drafted such that those using the award can determine what they should expect and what is expected of them.

For further information from Business SA's policy team, please contact Karen van Gorp, Senior Policy Adviser, or Estha van der Linden on (08) 8300 0000 or at karenv@business-sa.com or esthav@business-sa.com.

¹ *Fair Work Act 2009 (Cth) s 134(1).*

1. Submissions

1.1 Storage Services and Wholesale Award 2016

Clause	Response
3	Clause refers to clause and 0. This may be meant to be a reference to Schedule G Definitions
4	BSA notes there is an agreed position regarding this clause which is not reflected in the current ED. We note however that AMOD is award of this (email AMOD 11/11/16) and the revised wording will be reflected in the next version.
9	9.2 Rest Breaks was to be varied to reflect the current award wording (replace 'starting or finishing time' with 'commencement or cessation of work') in doing so the preceding word 'normal' has been inadvertently deleted.
13	13.1 Insert 'who between 'employee' and 'perform' and remove the underscore between 'weekly' and 'employee'
16	16.4 at the third paragraph 'b)' should be amended to read 'c)'
17	Delete ';and' at the end of 17.5 (b) and amend 17.6 and 17.7 formatting

1.2 Health Professionals and Support Services Award 2016

Clause	Response
6.4(e)(ii)	The Business SA submission of 28/01/15 (Item 1, p.6) supported the removal of items related to Full Bench decision [2014] FWCFB 9412, see para [69]. and noted that 6.4(e)(ii) should be removed, in addition to 6.4(e)(iii), on the basis that the subclause also attempts to address provisions that do not apply to casual employees and is misleading as it does not address this completely. This submission was not opposed.
Schedule C	Schedule C Summary of Hourly rates contains the following note at the base of each table "1 Shift work means any shift where ordinary hours commence between 6.00 pm and 6.00 pm or finish between 6.00 pm and 8.00 am as defined in clause 18.4." '6pm to 6 pm' should read '6pm to 6am'.

1.3 Road Transport and Distribution Award 2016

Clause	Response
8.2	The reference to 6.4(a)(i), should read 6.4(a) as the reference (i) has been removed in the modernisation process.
13.2(b)	The reference in Clause 13.2(b) should be to 13.3(d) and (f) and not 13.3(c) and (b) as the reference only relates to daily allowances.

1.4 Road Transport (Long Distance Drivers) Award 2016

Clause	Response
3.2	It is Business Sa's view that all definitions should be contained in one location. The definition of "long distance operations" should only be contained in Schedule F, with only a reference to the definition in 3.2
11.5(a)	The note after 11.5(a)(ii) should refer to 11.5(a)(iii), not 11.5(a)(ii)
12.3(c)	Replace the words "on which means" in the second sentence with "which".
12.3(d)(iii)	Replace the amount \$3.20 with \$3.30 as per the current Award rate.
14.2(b)	In the first line move the word "in" to before "clause" in the first line.
14.7(b)(ii)	The reference to Schedule A should read Schedule H

1.5 Waste Management Award 2016

Clause	Response
Part 1	Delete the wording "Schedule ASchedule A"
1.4	Insert the wording "Schedule G" at the beginning of the sentence
16.4(b)	The reference to "Clause 0" should read "Clause 16.4(a)
16.4(d)	The reference to "Clause 0 - (c)" should refence "clause 16.4(a)-(c)

1.6 Graphic Arts, Printing and Publishing Award 2016

Clause	Response
Schedule I	The date "2015" should be updates to "2016"