



REPORT TO THE FULL BENCH

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 Yearly Review of Modern Awards: Various Awards (AM2014/206 and ors)

COMMISSIONER ROE

MELBOURNE, 27 NOVEMBER 2015

Four yearly Review of Modern Awards: Various Awards - Report to the Full Bench.

SUPPLEMENT TO REPORT OF 9 OCTOBER 2015

This report updates the report of 9 October 2015 taking into account the submissions received subsequent to the earlier conferences. The items in paragraphs 2 and 3 below require further response from interested parties.

MEDICAL PRACTITIONERS AWARD 2010

[1] Further to paragraph 4 and 8 of the report of 9 October 2015.

Item 10 – This is now resolved. No change is required to the exposure draft.

ANIMAL CARE AND VETERINARY SERVICES AWARD 2010

[2] Further to paragraphs 14 and 36 of the report of 9 October 2015.

Items 5 and 9

AVA have provided draft wording of a note to be added to Clause 11.2(a)(i): “Note: For the purposes of Clause 8.3(c), the associate’s entitlement of a minimum of three full days off per fortnight, includes not being required for on call duty on these days off.”

The Ai Group and AFEI wish to ensure that there is no implication that on-call time is to be considered ‘ordinary hours of work’.

It is suggested that the parties consider the following alternative wording of the note to be added to Clause 11.2(a)(i): “Note: An associate is not in receipt of a day off for the purposes of Clause 8.3(c) if they are required to be on call on that day.”

The parties are requested to provide any comments on the AVA proposal and the alternative suggestion by **4 December 2015**.

[3] Further to paragraphs 20 and 37 of the report of 9 October 2015.

Items 14 and 15

The substantive claims for changes to the exposure draft have been withdrawn. The AWU, United Voice and AVA have agreed to a note being added to Clause 15.2: “Note: these shift penalties do not apply to employees engaged as day workers”.

Other parties are to advise by **4 December 2015** if they oppose this change. If there is no opposition the change will be reflected in the exposure draft and items 14 and 15 will be resolved.

[4] Further to paragraphs 29 and 37 of the report of 9 October 2015.

Item 24 - This matter is now resolved. There is now no proposal to change the exposure draft.

[5] Further to paragraphs 30 and 37 of the report of 9 October 2015.

Item 25 - This matter is now resolved. If an employee is required to work broken shift, and broken shift allowance applied, then minimum hours of engagement should apply over the combined shifts.

[6] Further to paragraphs 32 and 37 of the report of 9 October 2015.

Item 31 - There is now agreement with the FWO proposed amendment.

NURSES AWARD 2010

[7] Further to paragraphs 44 and 54 of the report of 9 October 2015.

Item 28 - This matter is now resolved. There is now no proposal to change the exposure draft.

[8] Further to paragraphs 49 and 54 of the report of 9 October 2015.

Item 63 - The submissions in respect to this issue have been noted. The exposure draft will be updated to reflect the approach taken by the Full Bench in respect to the use of the term ‘ordinary pay’. The parties can then clarify if there are any remaining substantive issues.

[9] Further to paragraphs 51 and 54 of the report of 9 October 2015.

Item 72 – This has not been resolved through this process and is now a substantive matter.



COMMISSIONER