



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

(AM2014/215)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 30 NOVEMBER 2015

4 Yearly Review of Modern Awards – Transport (Cash in Transit) Award 2010.

[1] A conference was held on 28 October 2015 attended by representatives from the following organisations:

- The Transport Workers' Union of Australia (TWU);
- The Australian Industry Group (AIG);
- The Australian Security Industry Association Ltd (ASIAL)
- Australian Business Industrial (ABI) and NSW Business Chamber (NSWBCL); and
- South Australia's Chamber of Commerce and Industry (Business SA)

[2] The parties discussed the exposure draft of the *Transport (Cash in Transit) Award 2010*¹ (the Award) published on 18 December 2014. Possible changes to the exposure draft that had the general support of the parties are summarised in Attachment A. Possible changes which did not have general support and may therefore need to be determined by a Full Bench are summarised in Attachment B. The parties have requested that any substantive variations sought by an interested party be referred to a separately constituted Full Bench Matters in dispute that have been referred to other Full Benches are summarised at Attachment C.



SENIOR DEPUTY PRESIDENT

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Attachment A

- Insert at clause 3.5: ‘and’ before ‘those trainees’;
- Delete the words ‘for a full-time employee in clause 9.1(a);
- Insert at beginning of Clause 9.1 (c): ‘Subject to the other provisions of this award’;
- Insert at clause 9.1(c) ‘on any day’ before ‘Monday to Friday’;
- In Clause 9.2(b)(i) replace ‘up to three’ with ‘three or less’;
- In clause 9.3 replace ‘provided in clause 9.1(c)’ with ‘provided in this award’;
- Replace wording in Clause 10.2 (a) with wording in clause 26.2(a) in current Award;
- Travelling allowances in clause 12.2(f) should be expressed as an expense related allowance and adjusted with the CPI;
- In clause 12.2(f)(i) the words ‘on work’ should be inserted after ‘on duty or’;
- In clause 12.3(a) (i) replace ‘Clause 12.3(a)(i)’ with ‘this provision’;
- In clause 12.3(a) (ii) replace ‘Clause 12.3(a)(ii)’ with ‘this provision’;
- In clause 12.3(a)(iii) remove words ‘clauses 12.3(a)(i) and 12.3(a)(ii)’ and replace with ‘this provision’;
- In clause 12.3(b) replace ‘Clause 12.3 (b)’ with ‘this provision’;
- References in clauses 14.2(b) and 14.2(c) to ‘clause 9’ should be replaced with ‘clause 9.1-9.3’;
- Clause 15.4 to be retained in current form;
- The current clause 25.9(c) should be reinserted at clause 14.9;
- In clause 15.3(b) insert the words ‘their ordinary’ before ‘work on one day’;
- The reference in clause 16.2(a) to 16.1 should be amended to read ‘s.87(1)(b) of the Act’;
- Wording of clause 19.5(a) should be replaced with wording of clause 30.2(a) from current Award;
- Reference in clause 19.5(b) to ‘clause 19.1’ should be replaced with ‘clause 19.5(a)’.

Attachment B

- Amend Clause 9.1(a) by inserting the words 'up to 38 hours per week';
- 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';
- Insert a new clause on 'the chain of responsibility' for contract work;
- Insert definition of armoured and non-armoured vehicle;
- 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;
- The public holiday column in Schedule A.2.3 should be removed.

Attachment C

- The issue of casual conversion to full-time or part-time employment is to be dealt with by the casuals Full Bench;
- The inclusion of accident pay provisions should be dealt with by the Transitional Provisions Full Bench.

¹ MA000042.