



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

GARDENING AND LANDSCAPING SERVICES AWARD 2010

(AM2014/228) [MA000101]

DEPUTY PRESIDENT CLANCY

MELBOURNE, 25 AUGUST 2016

Gardening and Landscaping Services Award 2010

GARDENING AND LANDSCAPING SERVICES AWARD 2010

[1] A conference was held in Melbourne, with video links to Sydney and Adelaide on 9 August 2016 attended by representatives of:

- Business SA
- The Australian Federation of Employers and Industry (AFEI)
- The Australian Workers' Union (AWU)

[2] The parties discussed the exposure draft of the *Gardening and Landscaping Services Award 2015* as published on 29 July 2016 and the Summary of Submissions dated 22 July 2016 completed by the Fair Work Commission and addressed the items still in dispute or under discussion.

[3] As to Item 2, the parties confirmed there is no agreement on the AWU claim and they will await the decisions in the Casual and Part-time employment Common issue proceedings.

[4] As to Item 4, the AFEI remains of the view that the absence of the word “*regular*” before “*part-time employee*” in sub clause 6.4(b) of the exposure draft of the *Gardening and Landscaping Services Award 2015* as published on 29 July 2016 represents a substantive change and submit it should be inserted. The AWU does not agree this is necessary.

[5] As to Item 5, there was no opposition expressed in relation to the AWU proposal.

[6] As to Item 7, the AWU has advised that it has withdrawn its claim on the basis the wording in clause 8.4(a) of the exposure draft of the *Gardening and Landscaping Services Award 2015* as published on 29 July 2016 reflects the wording in clause 21.3(a) of the current Award.

[7] As to Item 11, the AWU has proposed the following wording for insertion at the end of the first sentence in clause 9.3 of the exposure draft of the *Gardening and Landscaping Services Award 2015* as published on 29 July 2016:

“...or at an appropriate time if water restrictions are in place.”

[8] Each of ABI/NSWBC, AFEI and Business SA should advise as to their position on this proposal.

[9] As to Item 16, the AWU confirmed its position is that the leading hand allowance is payable for all purposes. This position is opposed by ABI/NSWBC, AFEI and Business SA, so the item remains in dispute.

[10] As to Item 19, Business SA has advised that it no longer opposes the AWU’s proposal. Other interested parties are encouraged to have further discussions with the AWU to explore whether a consent position is possible.

[11] As to Item 23, following the conference, the AWU filed a draft table of casual overtime rates for interested parties to consider. This table should also be considered in light of any submission filed by the AiGroup outlining its position across a range of Awards on the issue of adopting the term “*ordinary hourly rate*” as opposed to “*minimum hourly rate*” in tables outlining overtime rates for casual employees.



DEPUTY PRESIDENT

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