

Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne, Vic, 3000
Via email: AMOD@fwc.gov.au
Cc: chambers.clancy.dp@fwc.gov.au

18 January 2017

Dear Associate to Deputy President Clancy,

Re: AM2014/244 *Silviculture Award 2010*

1. We refer to the matter above and the Directions of 14 December 2016 and in particular Directions 1 (i) and (ii) – parties are directed to confirm which if any technical and drafting claims are still being pursued or otherwise withdrawn.
2. The AWU continues to pursue all our claims in regards to the *Silviculture Award* that remain outstanding as reflected in the items set out in the Commission's Revised Summary of Submissions republished 22 July 2016. These items are as follows:
 - 2.1. Items agreed to by the NFF: 9, 10, 22, 33, 34, 38, 40, 42 and 51.
 - 2.2. Items pursued but not agreed: 6, 8, 13, 16, 17, 19, 24, 26, 31, 35, 39, 41, 43, 44 and 46.
3. We confirm the following amendments to our initial position, as first indicated in the Conference on 8 August 2016:
 - 3.1. Item 5: AWU submission to read, "*Clause 11.6(i) should be inserted as a facilitative provision.*"¹

¹ [Transcript 8 August 2016](#), at PN37, PN38.

3.2. Item 11: Clause 8.2 in the Exposure Draft published 29 July 2016 to read “*Ordinary hours of work must not exceed an average of 38 per week over an agreed and specified work cycle.*”²

3.3. Item 12: Clause 9.2 in the Exposure Draft republished 29 July 2016 to read “*An employee who is required to defer a meal break prescribed by clause 9.1 must, for the duration of such deferment, be paid at a rate of 200% of the applicable rate of pay.*”³

3.4. Item 14: Clause 10.2 in the Exposure Draft republished 29 July 2016, instead of being amended can be removed altogether.⁴

Yours faithfully,

A handwritten signature in black ink, appearing to be 'ZD', with several horizontal strokes underneath.

Zachary Duncalfe
NATIONAL LEGAL OFFICER
The Australian Workers' Union

² Ibid, at PN335 to PN342.

³ [Ibid](#), at PN90.

⁴ [Ibid](#), at PN142.