



REPORT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

(AM2014/262)

CEMETERY INDUSTRY AWARD 2010

[MA000070]

Cemetery industry

JUSTICE ROSS, PRESIDENT

MELBOURNE, 31 MARCH 2017

4 yearly review of modern awards – Cemetery Industry Award 2010.

[1] A conference in relation to the review of the *Cemetery Industry Award 2010* (Cemetery Award) was held in Sydney on 29 March 2017 to discuss the [summary of submissions](#) (the summary) published on 8 March 2017. The transcript of the conference proceedings is available on the Review website ([AM2014/262](#)). The following parties were in attendance at the 29 March 2017 conference:

- Australian Business Industrial and the NSW Business Chamber
- Australian Federation of Employers and Industry
- United Voice
- The Australian Workers' Union (AWU)

[2] The following items in the summary were discussed at the 29 March 2017 conference:

- Item 1: The parties were advised that this issue is before the Group 3 Full Bench and it will be determined by this Bench and applied across the awards generally.
- Item 2: Proposal to insert a definition of 'cemetery and crematorium industry' into the coverage clause (such a definition is not currently contained in the award). Parties are asked to confer and file a short common position on whether it is necessary to insert a definition and if so its terms. Parties are to file a joint response by no later than **4.00pm on Wednesday 19 April 2017**.
- Item 3: This provision is contained as a discrete clause in all Group 4 Exposure Drafts in accordance with the plain language principles. The provision will be retained and parties will have an opportunity to make a further submission after the revised exposure draft is published.

- Item 4: In relation to the proposal that the wording in the current award should be retained, the parties were advised that the clause will be varied as appropriate depending on the outcome of the casual and part-time common issue. Parties rights are reserved pending the outcome of the Full Bench.
- Items 5 and 6: There is general agreement that the industry allowance is paid for all purposes.
- Item 7: the cross reference at clause 17.1(a) will be amended to read ‘clause 12’.
- Item 8: In relation to the summary of hourly rates of pay, the industry allowance will be included in the rates of pay in all of the tables in Schedule B of the exposure draft.

Next steps

[3] A revised Exposure Draft will be published on the Commission’s website and parties are asked to make submissions related to the revised Exposure Draft by no later than **4.00 pm Wednesday 19 April 2017**.

PRESIDENT

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