

**IN THE FAIR WORK COMMISSION**

**Matter No: AM2014/289**

**Section 156 - Four Yearly Review of Modern Awards – Water Industry Award 2010**

**SUBMISSION IN REPLY**

**UNITED VOICE**

1. This submission is made pursuant to the direction of Justice Ross on 26 August 2016. This submission is made in reply to a number of submissions concerning technical and drafting matters in the exposure draft of the *Water Industry Award 2010* ('the Award').
2. All references in this submission are to the exposure draft, unless otherwise specified.
3. United Voice relies on its submissions of 16 December 2016.

*Clause 19.4 – Rest period after overtime*

4. In its submission of 18 January 2017, AIG submits that the words 'subject to the provisions of this clause' should be added between the words 'at least 10 consecutive hours off duty' and 'must be released' at clause 19.4 (b).
5. United Voice opposes this proposal. The additional words proposed by AIG would make the clause cumbersome to read without adding any additional meaning. It is clear, even without the words proposed by AIG, that the under clause 19 an employee is entitled to 10 consecutive hours off duty under clause 19.4 (b). Where an employee is instructed to resume work without having had 10 consecutive hours off, the employee is paid a penalty rate until the employee is released to enjoy the full 10 hour break.

*Schedule C – Summary of Monetary Allowances*

6. AIG submits that the allowance paid under clause 16.3 (c) (v) should be included in Table C.2 - Expense-related allowances rather than Table C.1 – Wage-related allowances. AIG further suggests that this allowance should be treated as an expense-entitlement. United Voice opposes this proposal. The change suggest by AIG would be substantive.
7. Clause 16.3 (c) – *Normal starting point – Transfers, travelling and working away from normal starting point* provides an allowance in the situation where an employee is expected to

work away from their 'normal starting point'. This allowance is grouped with expense related allowances.

8. Under clause 16.3 (c) (v) the employee must be provided with a vehicle or paid a monetary allowance where they are directed to work away from their normal starting point. The monetary allowance is a certain percentage (50 per cent) of the standard rate per day (currently \$10.31) (*the Allowance*). The standard rate is the minimum hourly rate for a Level 4 employee under the Award. Therefore, the method of adjustment for the Allowance is actually wage-related. It will be adjusted according to the value of the standard rate.
9. Thus, it is better to group the Allowance with other wage-related expenses at for the purposes of the summary in Schedule C. Schedule C.1 summarises those allowances calculated with reference to the standard rate. Schedule C.1.1 provides the means by which the wage-related allowances are adjusted. Wage-related allowances are 'adjusted in accordance with increases to wages and are based on a percentage of the standard rate'. It will be easier to accurately summarise the Allowance in schedule C.1 rather than schedule C.2. This will ensure that the summary of allowances actually assists the reader to understand the conditions provided by the Award.
10. Per schedule C.2.1, expense-related allowances are adjusted by reference to the applicable Consumer Price Index figure. If the Allowance were to be treated as an expense related allowance this would substantially change the way in which the Allowance is adjusted. This would be a substantial change and should not be decided in the technical and drafting proceedings.

**UNITED VOICE  
22 FEBRUARY 2017**