

Australian Industry Group

4 YEARLY REVIEW OF MODERN AWARDS

Submission

Plain Language Re-Drafting:
Standard Clauses –
Draft Determinations

7 September 2018

Ai
GROUP

**4 YEARLY REVIEW OF MODERN AWARDS
AM2016/15 PLAIN LANGUAGE RE-DRAFTING:
STANDARD CLAUSES – DRAFT DETERMINATIONS**

Introduction

1. This submission of the Australian Industry Group (**Ai Group**) is made in response to the Statement issued by the Fair Work Commission (**Commission**) on 24 August 2018¹ (**Statement**) and the schedule of draft determinations published the same day. The draft determinations propose replacing existing modern award terms with the following redrafted standard clauses:
 - a) Award flexibility
 - b) Consultation about major workplace change
 - c) Consultation about changes to rosters or hours of work
 - d) Dispute resolution
 - e) Termination of employment
 - f) Redundancy
 - g) Transfer to lower paid job on redundancy
 - h) Employee leaving during redundancy notice period
2. At paragraph [8] of the Statement, parties are directed to provide any comments in relation to the draft determinations by 7 September 2018.

¹ *4 yearly review of modern awards – Payment of Wages – Plain Language – Standard Clauses* [2018] FWC 4976.

3. In our submission, the draft determinations published in respect of the following awards require amendment:
 - The *Aircraft Cabin Crew Award 2010*; and
 - The *Coal Export Terminals Award 2010*.

The *Aircraft Cabin Crew Award 2010*

4. Paragraph 7 of the draft determination should be amended as follows.

15.3 The time off under clause ~~15.2~~ 14.2 is to be taken at times that are convenient to the employee after consultation with the employer.

5. This appears to be a typographical error.

The *Coal Export Terminals Award 2010*

6. In order to rectify typographical errors, paragraph 6 of the draft determination should be amended as follows:

- a) The reference to clause “14.2” in the proposed clause 12.2(a) should be replaced with a reference to clause “12.2”.
- b) The reference to clause “14.2(b)(ii)” in the proposed clause 12.2(c) should be replaced with a reference to clause “12.2(b)(ii)”.

Revised Draft Determinations Published on 7 September 2018

7. On 7 September 2018, the Commission published a ‘revised schedule of draft determinations’. The revised schedule makes reference to an issue concerning the drafting of clause G.1, which was raised by the ACTU in its correspondence to the Commission of 5 September 2018.
8. Ai Group notes that although the Commission’s revised schedule states that clause G.1 has been amended, the draft determinations ‘linked’ to the schedule themselves do not appear to have been so amended.