



9 May 2019

The Honourable Justice Ross AO
President Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: amod@fwc.gov.au

Dear President

**Re. Four Yearly Review of Modern Awards
(AM2014/1)**

**Four Yearly Review of Modern Awards - Plain Language Drafting
(AM2016/15)**

**Submission of the ANMF on *Gardening and Landscape Services Award*
("Gardening Award") Exposure Draft published 18 April 2019 (AM2016/15)**

1. The ANMF makes the following submission in response to the Statement published by the President on 2 May 2019 [2019] FWC 2984, which invited parties to file written submissions in relation to the *Gardening Award* example and the scope of the light touch process.
2. The ANMF has had the opportunity to view the submission of the Construction, Forestry, Maritime, Mining and Energy Union (Manufacturing Division) of 2 May 2019. The ANMF agrees with that submission.
3. The ANMF would add the following with respect to the *Gardening Award* example:

Clause 2 – Definitions

- a. The beginning of this clause states "In this award, ~~unless the contrary intention appears~~". The text with strikethrough is currently contained in the exposure drafts of the *Nurses Award* and the *Aged Care Award*. Removing this text could have unintentional consequences in terms of the meaning of award clauses. The ANMF submits it goes beyond a mere technical change.

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ANMF Journals

Australian Nursing and
Midwifery Journal (ANMJ)
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Australian Journal of
Advanced Nursing (AJAN)
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ABN 41 816 898 298



Clause 22 – Annual leave

- b. The proposed clause 22.2(a) ‘Additional paid annual leave for certain shiftworkers’ is not a technical change with respect to the *Nurses Award*. The *Nurses Award* exposure drafts address the largely unique situation of this award, which currently provides 5 weeks of annual leave for all workers and 6 weeks of annual leave for shift workers. The proposed wording in the *Gardening Award* is inadequate to address this situation.
- c. Therefore, the ANMF submits that the *Gardening Award* wording should not be replicated in the *Nurses Award*, with respect to annual leave.

Yours sincerely,

Kristen Wischer
Senior Federal Industrial Officer