

From: Liz Dooley <ldooley@cfmeu.org>
Date: 14 August 2017 at 5:02:12 pm AEST
To: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>
Cc: Danijel Malbasa <dmalbasa@cfmeu.org>, ffpd industrial <ffpdindustrial@cfmeu.org>
Subject: RE: (AM2016/15) Plain Language - Standard Clauses [SEC=UNCLASSIFIED]

Dear Associate

Please accept for filing the **attached** Submission from CFMEU(FFPD) in the above matter.

I apologise for the lateness.

Kind regards

Liz Dooley
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CFMEU

14 August 2017

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Dear Associate

4 Yearly Review of Modern Awards – AM2016/5

In response to the Statement [2017] FWCFB 3745 published by the Commission on 20 July 2017 in the above matter, the CFMEU – Forestry, Furnishing, Building Products and Manufacturing Division (CFMEU (FFPD)) makes the following submission.

1. The CFMEU (FFPD) has a primary interest in the *Timber Industry Award 2010* ('the Timber Award') and the *Joinery and Building Trades Award 2010* ('the Joinery Award').
2. The CFMEU (FFPD) previously filed submissions in this matter on 3 November 2016.
3. We support and adopt in their entirety the submissions of the ACTU and the TCFUA filed in this matter on 11 August 2017 wherever each relevantly apply in respect to the Timber Award and the Joinery Award.
4. The Timber Award contains standard clauses and ancillary provisions which deviate from the relevant model term determined for modern awards. These include:
 - Clause 10 – Dispute resolution procedure training leave
 - Clause 14 - Termination of employment
 - Cause 15 – Redundancy
5. The Joinery Award contains a standard clause which deviates from the relevant model term determined for modern awards: Clause 17 Redundancy.

Stand up. Speak out. Come home.

Construction, Forestry, Mining & Energy Union – Forestry, Furnishing, Building Products & Manufacturing Division

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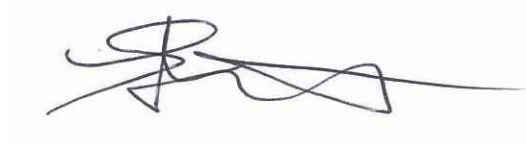
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6. As the TCFUA has noted in their submissions of 11 August 2017¹, on the issue of 'non-standard' standard clauses in modern awards, the Statement issued on 15 July 2016 provided:

[16] Where an award contains a provision that differs from the standard term or contains allied provisions (e.g. a dispute resolution training term), these terms may be dealt with by the Plain Language Full Bench or through the Award stage proceedings for the relevant awards following a decision on the plain language model terms.'

7. Taking the above into account, the CFMEU (FFPD's) filing of submissions with respect to standard clauses should not be taken as support for the inclusion of any final, settled model standard clause into the Timber Award or Joinery Award (without appropriate modification), where currently the standard clauses deviate from the relevant model term.

Yours faithfully



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¹ Submission of the Textile Clothing and Footwear Union of Australia in response to Statement, [6] (filed 11 August 2017)