



DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards—Award flexibility (AM2014/300)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT KOVACIC
COMMISSION ROBERTS

MELBOURNE, 6 OCTOBER 2015

Further to the decision¹ issued on 6 October 2015 it is directed that:

1. Draft determinations varying the 113 modern awards listed in Attachment F to the decision² of 16 July 2015 (see attachment) will be published on the 4 yearly review section of the [website](#) by 16 October 2015.
2. Interested parties who contend that a particular modern award should not be varied to incorporate the model Time off in lieu of payment for overtime (TOIL) term, or that the draft determination does not correctly reflect the outcome of the decisions in this matter are to file a submission and any evidence sought to be adduced in support of the submission on or before **4.00 pm on Monday 9, November 2015**.

Note: To be clear, interested parties must file fresh submissions. The Full Bench will not have regard to submissions already filed in respect of this issue as those submissions were made before the model term was finalised.

3. Any submissions and evidence in reply are to be filed on or before **4.00 pm on Monday, 30 November 2015**.
4. The matter will be listed for further hearing before the Full Bench at **9.30 am on Thursday, 10 December 2015**, in Sydney.
5. Leave is granted to apply generally.
6. All material should be sent to amod@fwc.gov.au.

PRESIDENT

¹ [2015] FWCFB 6847

² [\[2015\] FWCFB 4466](#)

ATTACHMENT F TO 16 JULY 2015 DECISION

Schedule of draft determinations

Award code	Award title	Overtime provision	TOIL	
MA000115	<i>Aboriginal Community Controlled Health Services Award 2010</i>	24	24.6	ordinary rate
MA000018	<i>Aged Care Award 2010</i>	25	25.1(c)	ordinary rate
MA000047	<i>Aircraft Cabin Crew Award 2010</i>	B.6, D.6	(-)	(-)
MA000048	<i>Airline Operations—Ground Staff Award 2010</i>	32	32.1(d)	ordinary rate
MA000049	<i>Airport Employees Award 2010</i>	30	30.8	overtime rate
MA000092	<i>Alpine Resorts Award 2010</i>	25	(-)	(-)
MA000060	<i>Aluminium Industry Award 2010</i>	21	21.8	ordinary rate
MA000098	<i>Ambulance and Patient Transport Industry Award 2010</i>	24	24.3	overtime rate
MA000080	<i>Amusement, Events and Recreation Award 2010</i>	23	23.4(d)	ordinary rate
MA000118	<i>Animal Care and Veterinary Services Award 2010</i>	24	24.4	ordinary rate
MA000114	<i>Aquaculture Industry Award 2010</i>	22	(-)	(-)
MA000079	<i>Architects Award 2010</i>	19	19.2(a)	<i>silent</i>
MA000054	<i>Asphalt Industry Award 2010</i>	24	24.8	ordinary rate
MA000019	<i>Banking, Finance and Insurance Award 2010</i>	23	23.4 - 23.5	ordinary rate
MA000001	<i>Black Coal Mining Industry Award 2010</i>	17	(-)	(-)
MA000078	<i>Book Industry Award 2010</i>	19	19	ordinary rate (not for some senior staff)
MA000091	<i>Broadcasting and Recorded Entertainment Award 2010</i>	29, 39, 40, 52, 58, 64, 71, 76	<i>various</i>	<i>various</i>
MA000021	<i>Business Equipment Award 2010</i>	30	(-)	(-)
MA000095	<i>Car Parking Award 2010</i>	23	(-)	(-)
MA000055	<i>Cement and Lime Award 2010</i>	23	23.9	ordinary rate
MA000070	<i>Cemetery Industry Award 2010</i>	23	23.2	ordinary rate
MA000120	<i>Children's Services Award 2010</i>	23	23.2(c)	ordinary rate
MA000022	<i>Cleaning Services Award 2010</i>	28	28.9	ordinary rate
MA000002	<i>Clerks—Private Sector Award 2010</i>	27	27.5	ordinary rate
MA000045	<i>Coal Export Terminals Award 2010</i>	18	(-)	(-)
MA000083	<i>Commercial Sales Award 2010</i>	23	23.4	ordinary rate
MA000056	<i>Concrete Products Award 2010</i>	24	(-)	(-)
MA000023	<i>Contract Call Centres Award 2010</i>	26	26.5	ordinary rate
MA000110	<i>Corrections and Detention (Private Sector) Award 2010</i>	22	22.3	<i>silent</i>

Award code	Award title	Overtime provision	TOIL	
MA000024	<i>Cotton Ginning Award 2010</i>	24	(-)	(-)
MA000085	<i>Dredging Industry Award 2010</i>	22	(-)	(-)
MA000096	<i>Dry Cleaning and Laundry Industry Award 2010</i>	22	22.2	overtime rate
MA000075	<i>Educational Services (Post-Secondary Education) Award 2010</i>	24	24.3(a), 24.4(a)	ordinary rate
MA000076	<i>Educational Services (Schools) General Staff Award 2010</i>	27	27.2 (a)	ordinary rate
MA000077	<i>Educational Services (Teachers) Award 2010</i>	B.4	Sched B.4.2	ordinary rate
MA000088	<i>Electrical Power Industry Award 2010</i>	26	26.3	ordinary rate
MA000025	<i>Electrical, Electronic and Communications Contracting Award 2010</i>	26	(-)	(-)
MA000003	<i>Fast Food Industry Award 2010</i>	26	26.3	overtime rate
MA000111	<i>Fire Fighting Industry Award 2010</i>	26	26.2(c)	ordinary rate (Private sector only)
MA000094	<i>Fitness Industry Award 2010</i>	26	26.4	ordinary rate
MA000073	<i>Food, Beverage and Tobacco Manufacturing Award 2010</i>	33	33.1 (d)	ordinary rate
MA000105	<i>Funeral Industry Award 2010</i>	24	24.5	ordinary rate
MA000101	<i>Gardening and Landscaping Services Award 2010</i>	22	(-)	(-)
MA000061	<i>Gas Industry Award 2010</i>	23	23.2	ordinary rate
MA000004	<i>General Retail Industry Award 2010</i>	29	29.3	overtime rate
MA000026	<i>Graphic Arts, Printing and Publishing Award 2010</i>	33	33.9	ordinary rate
MA000005	<i>Hair and Beauty Industry Award 2010</i>	31	31.3	overtime rate
MA000027	<i>Health Professionals and Support Services Award 2010</i>	28	28.3	ordinary rate
MA000007	<i>Higher Education Industry—General Staff—Award 2010</i>	23	26.1	overtime rate (except for HEW9 above at ordinary rate)
MA000008	<i>Horse and Greyhound Training Award 2010</i>	22	22.3	overtime rate
MA000028	<i>Horticulture Award 2010</i>	24	24.1	ordinary rate
MA000009	<i>Hospitality Industry (General) Award 2010</i>	33	(-)	(-)
MA000062	<i>Hydrocarbons Industry (Upstream) Award 2010</i>	26	26.4	ordinary rate
MA000067	<i>Journalists Published Media Award 2010</i>	22	22.3	ordinary rate

Award code	Award title	Overtime provision	TOIL	
MA000099	<i>Labour Market Assistance Industry Award 2010</i>	<u>23</u>	<u>23.3</u>	overtime rate
MA000116	<i>Legal Services Award 2010</i>	<u>34</u>	<u>34.5</u>	ordinary rate
MA000081	<i>Live Performance Award 2010</i>	<u>28, 34, 41, 47</u>	(-)	(-)
MA000112	<i>Local Government Industry Award 2010</i>	<u>24</u>	<u>24.3</u>	ordinary rate
MA000117	<i>Mannequins and Models Award 2010</i>	<u>23</u>	<u>23.3(b)</u>	overtime rate
MA000010	<i>Manufacturing and Associated Industries and Occupations Award 2010</i>	<u>40</u>	<u>40.1(d)</u>	ordinary rate
MA000093	<i>Marine Tourism and Charter Vessels Award 2010</i>	<u>22</u>	(-)	(-)
MA000050	<i>Marine Towage Award 2010</i>	<u>22</u>	(-)	(-)
MA000030	<i>Market and Social Research Award 2010</i>	<u>22</u>	<u>22.2</u>	ordinary rate
MA000059	<i>Meat Industry Award 2010</i>	<u>36</u>	<u>36.2</u>	overtime rate
MA000031	<i>Medical Practitioners Award 2010</i>	<u>24</u>	<u>24.1(d)</u>	ordinary rate
MA000011	<i>Mining Industry Award 2010</i>	<u>20</u>	<u>20.4</u>	ordinary rate
MA000104	<i>Miscellaneous Award 2010</i>	<u>22</u>	(-)	(-)
MA000032	<i>Mobile Crane Hiring Award 2010</i>	<u>24</u>	<u>24.11</u>	ordinary rate
MA000033	<i>Nursery Award 2010</i>	<u>26</u>	(-)	(-)
MA000034	<i>Nurses Award 2010</i>	<u>28</u>	<u>28.2</u>	overtime rate
MA000072	<i>Oil Refining and Manufacturing Award 2010</i>	<u>24</u>	<u>24.4</u>	ordinary rate
MA000063	<i>Passenger Vehicle Transportation Award 2010</i>	<u>23</u>	<u>23.3</u>	ordinary rate
MA000035	<i>Pastoral Award 2010</i>	<u>31</u>	<u>31.3 & 42.2</u>	ordinary rate
MA000097	<i>Pest Control Industry Award 2010</i>	<u>22</u>	(-)	(-)
MA000069	<i>Pharmaceutical Industry Award 2010</i>	<u>25</u>	(-)	(-)
MA000012	<i>Pharmacy Industry Award 2010</i>	<u>26</u>	<u>26.3</u>	overtime rate
MA000036	<i>Plumbing and Fire Sprinklers Award 2010</i>	<u>33</u>	(-)	(-)
MA000051	<i>Port Authorities Award 2010</i>	<u>21</u>	<u>21.3</u>	ordinary rate
MA000052	<i>Ports, Harbours and Enclosed Water Vessels Award 2010</i>	<u>20</u>	<u>20.2</u>	ordinary rate
MA000074	<i>Poultry Processing Award 2010</i>	<u>26</u>	(-)	(-)
MA000057	<i>Premixed Concrete Award 2010</i>	<u>23</u>	<u>23.9</u>	ordinary rate
MA000108	<i>Professional Diving Industry (Industrial) Award 2010</i>	<u>24</u>	(-)	(-)
MA000109	<i>Professional Diving Industry (Recreational) Award 2010</i>	<u>22</u>	(-)	(-)
MA000037	<i>Quarrying Award 2010</i>	<u>28</u>	<u>28.9</u>	ordinary rate
MA000013	<i>Racing Clubs Events Award 2010</i>	<u>29</u>	(-)	(-)

Award code	Award title	Overtime provision	TOIL	
MA000014	<i>Racing Industry Ground Maintenance Award 2010</i>	23	(-)	(-)
MA000015	<i>Rail Industry Award 2010</i>	23	23.3	ordinary rate
MA000106	<i>Real Estate Industry Award 2010</i>	24	24.2	ordinary rate
MA000058	<i>Registered and Licensed Clubs Award 2010</i>	28	28.5	overtime rate
MA000119	<i>Restaurant Industry Award 2010</i>	33	33.5	overtime rate
MA000038	<i>Road Transport and Distribution Award 2010</i>	27	27.7	overtime rate
MA000107	<i>Salt Industry Award 2010</i>	23	23.4	ordinary rate
MA000068	<i>Seafood Processing Award 2010</i>	26	26.1(d)	ordinary rate
MA000016	<i>Security Services Industry Award 2010</i>	23	(-)	(-)
MA000040	<i>Silviculture Award 2010</i>	26	(-)	(-)
MA000100	<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>	28	28.2	ordinary rate
MA000082	<i>Sporting Organisations Award 2010</i>	24	24.3(a)	time and a half within fortnight or single time within 12 months
MA000121	<i>State Government Agencies Administration Award 2010</i>	23	23.4	ordinary rate
MA000053	<i>Stevedoring Industry Award 2010</i>	19	(-)	(-)
MA000084	<i>Storage Services and Wholesale Award 2010</i>	24	24.3	ordinary rate
MA000087	<i>Sugar Industry Award 2010</i>	31	31.6	ordinary rate
MA000103	<i>Supported Employment Services Award 2010</i>	21	21.7	ordinary rate (Mon – Fri only)
MA000066	<i>Surveying Award 2010</i>	23	23.1(b)	ordinary rate
MA000041	<i>Telecommunications Services Award 2010</i>	21	21.5	ordinary rate
MA000017	<i>Textile, Clothing, Footwear and Associated Industries Award 2010</i>	39	39.5	overtime rate
MA000071	<i>Timber Industry Award 2010</i>	30	31.1	overtime rate
MA000042	<i>Transport (Cash In Transit) Award 2010</i>	28	28.2	ordinary rate
MA000102	<i>Travelling Shows Award 2010</i>	23	(-)	(-)
MA000089	<i>Vehicle Manufacturing, Repair, Services and Retail Award 2010</i>	28	28.3	overtime rate
MA000043	<i>Waste Management Award 2010</i>	30	30.5	ordinary rate
MA000113	<i>Water Industry Award 2010</i>	26	26.3	ordinary rate
MA000090	<i>Wine Industry Award 2010</i>	30	29.6	ordinary rate
MA000044	<i>Wool Storage, Sampling and Testing Award 2010</i>	25	25.5	ordinary rate