

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	The Australian Workers' Union	Proposed variation - 25 November 2014	17.2	25.2 - Overtime	Two clauses appear to be in conflict.	Refer to part-time and casual Full Bench Transcript , 2 December 2014 at PN 139-145
2.			10.1	22.1 - Ordinary hours of work and rostering	Seek to vary clause so casuals are entitled to overtime	Refer to part-time and casual Full Bench Transcript , 2 December 2014 at PN 139-145
3.	Fair Work Ombudsman	Correspondence - 24 November 2014	17.1	25.1 - Payment for work performed on public holidays	Unclear what casuals are to be paid on a public holiday	Refer to part-time and casual Full Bench Transcript , 2 December 2014 at PN 139-145
4.	Australian Ski Areas Association	Outline of issues 22 October 2014 (re-filed on 2 December 2014)	Schedule B	Schedule C	Seek to vary schedule due to recent name change of certification levels by the Australian Professional Snowsports Instructors	His Honour encourages parties to have discussion and file a consent variation Transcript , 2 December 2014 at PN 145
5.			6.4(a) and 10.3	10.4(b) - part-time employment and 22.3 - ordinary hours of work and rostering	Amend clauses so that part-time employees are characterised as employees who are 'engaged to work an average of at least eight and less than 38 hours per week over a work cycle of four weeks'	Refer to part-time and casual Full Bench Transcript , 2 December 2014 at PN 137

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1.	Business SA	Proposed variation - 25 November 2014	10.6(a)(i)	17.1(a) - payment of wages	Addition of sub-clause to provide for wages to be paid three or four weekly or monthly. Proposed additional sub-clause would become sub-clause (b), subsequent current clauses (b) and (c) to become (c) and (d)	AWU to inform FWC of their position on this issue. Transcript , 2 December 2014 at PN 169.
2.			15.3	23.4 - annual leave	Seek to replace 23.4 with the following <i>'annual leave is to be taken within six months of the full four week entitlement accruing'</i>	Variation subject to the outcome of the annual leave common issue Transcript , 2 December 2014 at PN 161-162.
3.	Austuna and the Bluefin Tuna Industry Association	Proposed variation - 1 December 2014	11.3(d)	15.4 - travel time and allowance	Seek to vary clause to allow for 'individual agreement' in addition to the existing provision by majority agreement	Parties to hold discussions Transcript , 2 December 2014 at PN 169
4.			8.4(c)	19.5(b) - methods of arranging ordinary working hours	Seek to vary clause to allow for 'individual agreement' in addition to the existing provision by majority agreement	Parties to hold discussions Transcript , 2 December 2014 at PN 169
5.			Schedule A	Schedule B – Classification structure	B.3.1 - seek to move fish harvesting function for the Tuna Industry from Level 3 to Level 2.	Parties to hold discussions Transcript , 2 December 2014 at PN 169

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1.	The Australian Workers' Union	Proposed variation - 25 November 2014	15.8	27.8 - cashing out of annual leave	Propose to delete cashing out provisions	Variation subject to the outcome of the annual leave common issue Transcript , 2 December 2014 at PN 181 - 182

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1.	AMWU	Submission - 25 November 2014	Schedule B	Schedule C– Competencies	Propose to update the competencies and references	Parties to have discussions directly. Transcript , 2 December 2014 at PN221
2.	Business SA	Proposed variation - 25 November 2014	6.4(d)	12.4(c) - Casual employment	Propose to delete this clause	Employer parties to have further discussions Transcript , 2 December 2014 at PN239
3.			17	24 - Higher duties	Propose to replace current clause with clause 24.2 of the <i>Manufacturing and Associated Industries Award 2010</i>	Employer parties to have further discussions Transcript , 2 December 2014 at PN239
4.			28.10	37.10 - Proportionate leave on termination of employment	Propose to replace current heading with 'annual leave on termination' Note: outcome of common issue will determine whether this variation is pursued	Employer parties to hold discussions Transcript , 2 December 2014 at PN239

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
5.	Australian Industry Group	Proposed variation - 25 November 2014	18.4	25.4 - Training allowance	Propose this clause exclude trainees	Employer parties to hold discussions Transcript , 2 December 2014 at PN224 and 228
6.			19.7	28.5 - Payment on termination	Propose this clause be varied to enable employers who pay by EFT to pay termination monies in accordance with the employer's pay cycle	Issue may not be award specific. Wait until annual leave decision is handed down Transcript , 2 December 2014 at PN203-211
7.	Fair Work Ombudsman	Correspondence - 24 November 2014	6.4(a)-(b)	12.4(a) - Casual employment; 30 - ordinary hours of work and rostering; 33.2 - payment for overtime	Alleged confusion regarding payments for casual employees when working overtime	Refer to part-time and casual Full Bench Transcript , 2 December 2014 at PN225

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Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Australian Industry Group	Proposed variation - 25 November 2014	Schedule A	Schedule B - Classifications	Propose to reword <i>B.8 - Wholesale Employee Level 4</i>	
2.				New clause - Annualised salary clause	Propose to insert annualised salary clause in award	Parties to hold discussions Transcript , 2 December 2014 at PN254-255
3.			8.2	22.2(a) - Spread of hours	Propose to change end of ordinary hours from 5.30 pm to 6:00 pm	
4.			11.3	20.3 - Payment of wages on termination of employment	Propose this clause be varied to enable employers who pay by EFT to pay termination monies in accordance with the employer's pay cycle	Issue may not be award specific. Wait until annual leave decision is handed down Transcript , 2 December 2014 at PN203-211 and PN250
5.	Shop, Distributive and Allied Employees' Association	Proposed variation - 25 November 2014	8.4	22.4 - Rostered days off	Propose to amend clause so RDOs are not capped at 12 over a 12 month period	Parties to hold discussions Transcript , 2 December 2014 at PN268

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
6.	Fair Work Ombudsman	Correspondence - 24 November 2014	6.2	11.2 - Full-time employment	Clause may have capacity to cause confusion	Parties to look at FWO issues raised. Identify if an issue exists and if not, what mutual intention of clause is Transcript , 2 December 2014 at PN263
7.			10.1 and Schedule A	15.1 - Minimum wage rates and Schedule B - Classifications	Different pay rates for level 1 employees 'on commencement, after 3 months and after 12 months'	
8.			8.1 and 15	22.1 - Ordinary hours of work - day workers and 25 - shiftwork	Unclear what entitlements apply to employees whose hours of work traverse the hours that apply to both shift and day workers	
9.			8.2	22.2(b) - Spread of hours	Confusion around altering spread of ordinary hours	
10.			15.2	25.1(d) - Shiftwork definitions	Confusion around altering span of hours on afternoon shift	
11.			17.3(b)	26.4(a) - Annual leave applicable loading	Confusion around applicable loading payable to employee on annual leave	
12.			17.4	26.5(c) - Annual close down	Unclear what 'qualifying period of employment' refers to	

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ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence - 24 November 2014	11.2(a)	16.1(b) - On call duty 22.3(c) - Veterinary surgeons	Clause 22.3(c) - associates should receive a minimum of three full days off per night, which will accumulate. Unclear whether this reference to "days off" includes time when an associate is allocated to on call duties in accordance with 16.1(b)	
2.			16.1(b)(i)	24.2(b)(ii) - Overtime rates and penalties - other than veterinary surgeons	Unclear whether minimum payment period applies for each occasion an employee is engaged to work overtime on a Sunday	
3.			15.2	25 - Shiftwork (other than veterinary surgeons)	Award does not contain a definition of "shiftworker" or "shiftwork" - unclear when these entitlements apply.	

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4.			20.5(c)(i)	29.2(c) - Public holidays - Veterinary surgeons	Award does not establish a rate of pay for work performed on a public holiday.	
5.			20.3	29.3 - Public holidays - other than veterinary surgeons	Unclear whether minimum payment period applies to each occasion an employee works a split shift on a public holiday	
6.	The Australian Veterinary Association Limited	Proposed variation - 25 November 2014	Schedule G	3 - Definitions and interpretation	Propose to amend definitions of “intern” and “internship”	Parties to hold discussions. To advise the Commission if a conference facilitated by Member would be of assistance Transcript , 2 December 2014 at PN314
7.			10.3	14.1 - Minimum wages - Veterinary surgeons	Review minimum wages clause to reflect appropriate relativities between different classifications	Parties to hold discussions. To advise the Commission if a conference facilitated

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						by Member would be of assistance Transcript , 2 December 2014 at PN314
8.			8.3	22.3 - Ordinary hours of work and rostering - Veterinary surgeons	Inclusion of travel time provisions for veterinary surgeons in the performance of active call duty.	Parties to hold discussions. To advise the Commission if a conference facilitated by Member would be of assistance Transcript , 2 December 2014 at PN314
9.			15.2	25 - Shiftwork (other than veterinary surgeons)	Removal of shiftwork penalties (other than veterinary surgeons) to allow sustainable 24 hour veterinary services	Parties to hold discussions. To advise the Commission if a conference facilitated by Member would be of assistance Transcript , 2 December 2014 at PN314

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
10.			20	29 - Public holidays	Public holiday provisions to be clarified and aligned with those in clause 29.3 (other than veterinary surgeons).	Parties to hold discussions. To advise the Commission if a conference facilitated by Member would be of assistance Transcript , 2 December 2014 at PN314

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Conference to be convened by Commissioner Bissett - refer to [Transcript](#), 2 December 2014 at PN340 - 348

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence - 24 November 2014	3.1(b), 11 and Schedule A & B	4.1(b), 15 and Schedule B & C	Unclear how Schedule C - List of Common Health Professionals is to be applied	
2.			18.1 and 19.1	26 - Saturday and Sunday work 28.1 - Overtime penalty rates	Unclear as to whether casuals are entitled to overtime and if they are, what they should be paid	
3.			18.4	29 - Shiftwork	Unclear whether the additional 15% is paid only for the hours within the span of hours or if the loading is paid for every hour worked in the shift	
4.	Leading Age Services Australia NSW-ACT	Proposed variation - 25 November 2014	8.3	25 - Rostering	Proposed variation to remove ambiguity or uncertainty, ensure there are no adverse effects to the aged care industry including in respect of flexibility, rostering arrangements, labour costs and government funding	

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5.	Chiropractors Association of Australia	Proposed variation - 25 November 2014	Schedule I	3.1 - Definitions	Award does not contain a definition for 'ordinary hours'	
6.			Schedule I and 20.2	3.1 - Definitions 31.1 - Annual leave - Quantum of Leave	Definition of "shiftworker" and entitlements of shiftworkers is unclear	
7.			18.4	29 - Shiftwork	Unclear in some circumstances whether and when shiftworker loading applies	
8.			18.1 and 18.4	26 - Saturday and Sunday work 29 - Shiftwork	Ambiguity in relation to the interaction between shift loadings and weekend penalties	
9.				Annualised salaries	Seek the inclusion of an annualised salaries provision	
9A.			8.2	24 - span of hours	Seek to vary the span of hours for chiropractic practices	
10.	Health Services Union of Australia	Proposed variation - 25 November 2014	Schedule I	3.1 - Definitions	Seek to have the term "day worker" replaced with the term "employee" so that a single term is used throughout the award	
11.			8	23 - Ordinary hours of work	Vary current ordinary hours of work to clarify that time worked in excess of 10 ordinary hours	

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					for all employees in any one day will be paid the overtime provisions of award	
12.			8.2	24 - Span of Hours	Considering application for a simplified variation of span of hours. Likely to look like the following: (a) - Monday to Friday, 7am to 7pm; and (b) - Saturday, 8am to 2pm	
13.			8.3	25 - Rostering	Vary rostering clause to include a reference back to the ordinary hours of work. Will seek to add clarity by ensuring the current award is referenced directly to ordinary hours of work	
14.			19	28 - Overtime penalty rates	Removal of substitution arrangements for shift allowances and the payment of overtime for time worked beyond the rostered hours	

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15.			20	31 - Annual leave	Expressing the safety net entitlement to an additional week of annual leave for shift workers in a similar way to that expressed in the Exemplar Award	
16.			Schedule A	Schedule B - Classification Definitions	Vary "Support Services employees" that describes the job outcome and reflects the language used in the AQS Framework. Vary "Health Professional Stream" to clarify pay point at which health professionals undertaking an intern position commence	
17.			Schedule B	Schedule C - List of Common Health Professionals	Group the indicative list of common health professional titles by practice areas	
18.				Training plan	Propose the inclusion of a provision for an employee to request a training plan so skills are maintained	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
19.	Australian Physiotherapy Association	Proposed variation - 25 November 2014	8.2	24.4 - Span of Hours - Physiotherapy practices	Amend clause to allow greater flexibility in the ordinary span of hours for physiotherapy practices on weekdays and Saturdays	
20.	Australasian Podiatry Council	Proposed variation - 25 November 2014	new sub- clause within 8.2	New sub-clause within Span of Hours (Clause 24)	Insert new sub-clause to allow greater flexibility in the ordinary span of hours for practices on weekdays and Saturdays	
21.	Business SA	Proposed variation - 25 November 2014	18.1(b)	26.2 - Saturday and Sunday work (casuals)	Intention of clause not clearly reflected in current wording. Seeking variation to remove ambiguity.	
22.			18.4	29. Shiftwork	Unclear whether hours worked should be treated as ordinary hours for a day worker or shift hours. Seeking variation to clause	
21.	Association of Professional Engineers, Scientists and Managers Australia (APESMA)	Proposed variation - 25 November 2014	Schedule A	Schedule B - Classification Definitions	B1.5 & 1.7 Support Services employee - level 7 Seeks to extend the coverage of the Award to Translators and Interpreters who are not covered by any modern award	

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22.		Proposed variation - 25 November 2014	8.2	24 - Span of Hours	Award prevents a host of other health professionals such as chiropractors, acupuncturists and naturopaths from having ordinary hours on a weekend	
23.	Australian Industry Group	Supplementary outline of issues - 28 November 2014	9.1	27.1 - Meal breaks	Propose inclusion of facilitative provision to enable 5 hour maximum period before an unpaid meal break is taken to be extended to 6 hours by agreement	
24.				New clause - annualised salary	Inclusion of annualised salary clause for employees in the health professionals stream and employees at higher classification levels in the support services stream	
25.	Australian Federation of Employers and Industries	Submission - 25 November 2014	8.2	24 - Span of hours	In discussions with members and associations to ascertain whether a variation to this clause will be jointly pursued	

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Following Group 2 conference held on 2 December 2014.

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1.	Fair Work Ombudsman	Correspondence - 24 November 2014	8.1(a)(ii)	20.1(b) - Ordinary Hours of Work - Senior Career Medical Practitioners, Career Medical Practitioners and Doctors in Training	Clause may have capacity to cause confusion	
2.	Health Services Union of Australia	Proposed variation - 25 November 2014		New clause - Ceremonial leave	Proposes inserting a new Ceremonial leave clause similar to those included in the Health Professionals and Support Services and the Nurses Award	HSU to file draft determination outlining variation Transcript , 2 December 2014 at PN361-362

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

Conference to be convened by Commissioner Bissett - refer to [Transcript](#), 2 December 2014 at PN340 and PN389-391

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence - 24 November 2014	8	21 - Ordinary Hours of Work 28.1 - Overtime	Unclear whether and when casuals are entitled to overtime	
2.			8, 8.1(a), 16 and 15	21, 22, 26, and 28	Unclear whether an employee who works on Saturday or Sunday is entitled to penalty rates of pay under clause 26 or overtime rates at clause 28	
3.			Schedule A	Schedule B, B.4.5 - Classification Definitions	Unclear as to whether an employee can still be classified at level if they have <u>more</u> than "one further year of practical experience"	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
4.	Leading Age Services Australia NSW-ACT (Aged Care Employers)	Proposed variation - 25 November 2014	8.2	25 - Rostering	Proposed variation to remove ambiguity or uncertainty, ensure there are no adverse effects to the aged care industry including in respect of flexibility, rostering arrangements, labour costs and government funding	
4A.	Leading Age Services Australia NSW-ACT (Aged Care Employers)	Proposed variation - 25 November 2014		New clause 16.6	Telephone advice allowance	
5.	Health Services Union of Australia	Proposed variation - 25 November 2014	15	28 - Overtime	Proposed variation to the definition of overtime to clarify that overtime applies to all employees working in excess of their hours as rostered	
6.			14	29 - Shiftwork	Seeks to vary provisions that preclude shift allowances being paid when a shiftworker undertakes overtime	

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7.			19	33 - Ceremonial leave	Proposes varying clause to include a reference to Torres Strait Islander tradition	
8.	Australian Nursing and Midwifery Federation	Proposed variation - 25 November 2014	10.2(a) and Schedule A	14.2(a) and Schedule B - B.3 - Student enrolled nurse	Seeks the deletion of the classification of student enrolled as it is not required and provides for lower wage rates than the Nursing Assistant classification	
9.			11	16 - Allowances - In-charge allowance (new clause)	Proposes the introduction of a clause providing for an in-charge allowance	
10.			8.1	21 - Ordinary Hours of Work	Clause 10.4(c) provides for a minimum two hour payment for casuals. Proposes the introduction of a clause providing for a minimum shift length for all employees	
11.			9.3	23 - Rest breaks between rostered work	Increase the rest break between ordinary shifts from the existing eight hours and outline the consequences of a breach of this entitlement	

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12.			9.1(a)	27.1(a) - Meal breaks	Clause does not specify when during the shift the meal break must be taken	
13.			15.5 and 15.6	28.5 - 28.6 and 16.4 - Recall to work and on-call	Proposes to vary these clauses to confirm that they apply to situations where nurses are recalled to perform work remotely	
14.			14	29 - Shift penalties	Proposes to clarify when shift penalties are payable. Clause is arguably ambiguous and may need clarification	
15.			18.4	32.3 - Public holidays	Seeks to extend clause to at least some part-time employees	
16.			Schedule A	Schedule B - Classification Definitions	Proposes to vary several of the classification definitions outlined in Schedule B to ensure that the definitions and terminology in the Schedule reflect current nomenclature regarding the regulation of the nursing profession	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
17.			Schedule A, 10 and Schedule I	Classification, wage rates and definitions	Seeking to vary the classification structure in relation to enrolled nurses and specific levels in the registered nurse structure	Substantial variation See Transcript , 2 December 2014 at PN380-383
18.	Australian Industry Group	Supplementary outline of issues - 28 November 2014	9.1	27.1 - Meal breaks	Propose inclusion of facilitative provision to enable 5 hour maximum period before an unpaid meal break is taken to be extended to 6 hours by agreement	
19.	Australian Federation of Employers and Industries	Submission - 25 November 2014	9.1	27.1 - Meal Breaks	Intends to pursue insertion of flexibility to provide a paid crib break in lieu of an unpaid meal break for shift workers	AFEI still considering appropriate placement and wording for variation Transcript , 2 December 2014 at PN386

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Following Group 2 conference held on 2 December 2014.

Conference to be convened by Commissioner Bissett - refer to [Transcript](#), 2 December 2014 at PN340, PN403 and PN415

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence - 24 November 2014	13.1(a)	26.1(a) - Reasonable Overtime 26.1(a)(iii) - Reasonable Overtime	Unclear whether casual employees are able to work overtime and whether they are entitled to overtime rates for this work	
2.	Shop, Distributive and Allied Employees Association	Proposed variation - 25 November 2014	6.3	11 - Full-time employees	Vary clause to include the requirement for agreement in writing at the time of engagement on a regular pattern of work. Also seeks to vary the award to include minimum shift of 4 hours for full-time employees	
3.			10.2	18 - Junior Rates	Vary clause to provide for the payment of junior rates to Level 1 employees only	
4.			10.3	22 - Payment of Wages	Vary clause so that all wages shall be paid on a regular pay day within 4 days of the end of the pay period	

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5.			13.3(a)	26.2(a)(i) - Overtime	Vary clause to ensure that there is no ambiguity as to the payment of overtime for all permanent and casual employees performing work	
6.				New clause - Blood Donor Leave	New clause to provide all employees with 2 hours paid leave on a maximum of 4 occasions per year. Casuals would be entitled to be absent for 2 hours, up to 4 occasions per year without pay	
7.				New clause - Bone Marrow Donor Leave	New clause to provide all employees with 2 hours paid leave on a maximum of 2 occasions per year. Casuals would be entitled to be absent for the equivalent time, without pay	
8.	Association of Professional Engineers, Scientists and Managers (APESMA)	Proposed variation - 25 November 2014	10.1	17 - Minimum weekly wages	Seeks to have rates for Pharmacists and Pharmacy students increased	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
9.				New clause - Professional Services Allowance	New allowance to cover additional duties	
10.				New clause - Reimbursement of Expenses	Provision providing reimbursement of a number of work related expenses	
11.				New clause - CPD Training and Study Leave	Seeks inclusion of new provision providing for employers to provide financial and time assistance	
12.				New clause - Workloads	Seeks inclusion of new provision restricting the number of prescriptions pharmacists may dispense in one day	
13.	Health Services Union of Australia	Proposed variation - 25 November 2014	Schedule A	Schedule B - Classification Definitions	Amend definitions of Pharmacists and Pharmacy Intern	

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14.	Pharmacy Guild of Australia	Proposed variation - 25 November 2014	6.3	11 - Full-time employees	Requires a full-time definition	
15.			6.4	12 - Part-time employees	Review clause to provide more flexible work practices	
16.			10.1	17 - Minimum weekly wages	Specify when a pharmacy student moves up to the next pay point	
17.			11.2(c)(ii)	19.3(b) - Special clothing	Review allowance so that it applies fairly having regard to the number of days an employee works	
18.			10.3	22 - Payment of Wages	Address the FWO interpretation issue	
19.			8	25 - Hours of Work	Two hour minimum engagement for school students	
20.			8.2(d)-(f)	25.3 - Hours of Work	Address the FWO interpretation issue	
21.			8.1(a) and (b)	25.4(iv) - Hours of Work	Define “regularly works Sundays”	

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22.			13.2	26.2 - Overtime and penalty rate	Reduce weekend and public holiday penalty rates	
23.			10.4	27 - Annualised salary	Annualised salary for pharmacy assistants	
24.			Schedule A	Schedule B - Classification definitions	Review of the classification descriptions, payment for offsite training and replace out of date terminology	

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This table is a summary of proposed variations lodged for this award on or before 12 noon on 1 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence , 24 November 2014	TBC	10.5(d) - Casual employment	Unclear whether a casual employee employed to collect school children in the morning and then again in the afternoon is entitled to be paid a minimum of two hours for each run	
2.	Australian Public Transport Industrial Association	Draft determination , 25 November 2014	TBC	7.1 - Award flexibility	Award flexibility clause should specify that that it applies to 'hours of work' and 'breaks'	Parties to hold discussions. Parties to inform Commission when ready for conference See Transcript , 2 December 2014 at PN428, 431 and 435
3.			TBC	10.5(d) - Casual employment	Clause should specify circumstances in which the employer and a casual employee can agree to a lesser minimum payment	Parties to hold discussions. Parties to inform Commission when ready for conference See Transcript , 2 December 2014 at PN428, 431 and 435

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4.	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	TBC	3.1 - Definitions	Amend definition of 'standard rate' from grade 3 to grade 4 to reflect the fact that the average vehicle size currently in operation sits within the grade 4 classification	Parties to hold discussions. Parties to inform Commission when ready for conference See Transcript , 2 December 2014 at PN428, 431 and 435
5.			TBC	9 - Dispute resolution	Insert a 'dispute resolution training leave' clause	
6.			TBC	10.5 - Casual employment	Add a provision to clarify the operation of clause 10.5(d)	
7.			TBC	12.2 - Transfer to lower paid duties	The current clause undermines the NES in relation to the 'suitable alternative employment' test (s.120 of the FW Act) and should be deleted	
8.			TBC	15.2(e) - Medical examination allowance	Narrow the scope for requesting medical examinations and confine the release of the medical evidence to the employer/employee to what is relevant to the inherent requirements of the job	

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9.			TBC	17 - Accident pay	Maintain transitional provision in recognition of heightened risk of injury in the industry	
10.			TBC	21.1 - Ordinary hours of work and rostering	Amend clause to specify that ordinary hours are to be worked between 6.00 am and 7.00 pm.	
11.			TBC	23.5 - Overtime and penalty rates	Amend clause to clarify that the penalty is payable on all ordinary hours worked where any of the ordinary hours are worked outside the 6.00 am to 7.00 pm span	

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Following Group 2 conference held on 2 December 2014.

Conference to be convened by Senior Deputy President Harrison - refer to [Transcript](#), 2 December 2014 at PN489-503 and PN532

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence , 24 November 2014	TBC	13.2(c) - Guaranteed minimum payment	Clause uses the phrase 'held on call' but the award does not provide a definition	
2.			TBC	13.1, 13.2, 13.3(a), 13.4, 13.5, 13.6 - Guaranteed minimum payment	Unclear whether an employee engaged in long distance driving operations should be paid in accordance with the 'cents per kilometre' rates (clause 13.4) or the hourly rate (clause 13.5), and whether the effect of clause 13.2 is to merely guarantee a minimum amount	
3.			TBC	13.1, 20.5(a), 20.5(d) - Rostered days off	Unclear how the payment for an RDO is calculated by reference to a weekly rate	
4.			TBC	14.1(c)(i) - Other allowances	Unclear whether the allowance is payable on an hourly basis or per occasion	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
5.	National Road Transport Association	Proposed variation , 25 November 2014	TBC	3 - Definitions and interpretation	Amendment to 'loading or unloading' definition	
6.			TBC	10 - Types of employment	Insert a new sub-clause on part-time employment	
7.			TBC	13.4(b) - Rates of pay—kilometre driving method	Amend 'Schedule of agreed distances'	
8.			TBC	13.5(a)(i) - Rates of pay—hourly driving method	Amend clause to allow for use of real time tracking systems	
9.			TBC	13.5(c) - Rates of pay—hourly driving method	Amend 'Schedule of agreed driving hours'	
10.			TBC	13.6 - Loading or unloading	Amend clause to reflect efficiencies and operational standards within the industry	
11.			TBC	14 - Allowances	Consider alignment of the seven allowances common to the <i>Transport (Long Distance Operations) Award</i> and <i>Road Transport and Distribution Award</i>	
12.			TBC	14.2(e) - Training allowance	Insert a new clause to allow for a bonding arrangement in connection with employer sponsored training	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
13.			TBC	20.5(b) - Rostered days off	Amend clause to allow for RDOs to be paid out as a weekly allowance	
14.			TBC	Schedule A - Classification Structure	Amend to align with classification structure of <i>Road Transport and Distribution Award</i> by reverting to pre-modern award structure	
15.	Australian Industry Group	Proposed variation , 25 November 2014	TBC	10 - Types of employment	Insert a new sub-clause on part-time employment	
16.	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	TBC	3.1 - Definitions and interpretation	Remove 'cartonised, or otherwise covered' from the definition of 'furniture'	
17.			TBC	3.1 - Definitions and interpretation	Remove definition of 'interstate operation'	
18.			TBC	3.1 - Definitions and interpretation	Amend the definition of 'long distance operation'	
19.			TBC	10.1 - Types of employment	Amend clause to require employer to inform employees of their classification at the time of engagement	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
20.			TBC	13.2 - Guaranteed minimum fortnightly payment	Amend clause to reflect fact that ordinary hours are 38 per week and remove references to 'fortnightly period'	
21.			TBC	13.4(a) - Rates of pay—kilometre driving method	Add provisions specifying the method of calculation where an RDO system is in place and where an RDO system is not in place	
22.			TBC	13.5(a)(iii) - Rates of pay—hourly driving method	Include a provision stating that the fatigue management plan is to be based on no more than 75kph	
23.			TBC	13.6 - Loading or unloading	Expand the scope of the clause to include payment for other 'necessary non-driving duties'	
24.			TBC	14.1(c)(i) - Other allowances	Add a provision specifying a minimum payment, and that an employee is only to perform work under one award per day	
25.			TBC	14.2(c) - Travelling allowance	Align allowance rates between <i>Transport (Long Distance Operations) Award</i> and <i>Road Transport and Distribution Award</i>	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
26.			TBC	16 - Accident pay	Maintain transitional provision in recognition of heightened risk of injury in the industry	
27.			TBC	20.2 - Hours of work and fatigue management	Amend clause to make reference to '60 hours in any week' rather than '120 hours in any fortnight'	
28.			TBC	23.1 - Annual leave	Amend clause to reflect NES requirement for a definition of 'shiftworker' for the benefit of the additional weeks' leave	
29.			TBC	23.2(b)(ii) - Payment for a period of annual leave	Amend clause to specify that the leave loading is payable upon termination	
30.			TBC	23.2(c) - Payment for a period of annual leave	Amend clause to specify that the rate of pay for annual leave is the greater of two options	
31.			TBC	New clause	Add a new clause allowing for payment where an employee is required to travel as a passenger	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
32.			TBC	New clause	Add a new clause specifying the rates for employees engaged in 'two-up' driving	
33.			TBC	New clause	Add a new clause providing for payment for drivers spending excessive amounts of time waiting during loading or unloading	
34.			TBC	9 - Dispute resolution	Add a new clause providing for dispute resolution training leave	

REVISED SUMMARY OF PROPOSED VARIATIONS

Conference to be convened by Senior Deputy President Harrison - refer to [Transcript](#), 2 December 2014 at PN489-503 and PN532

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence , 24 November 2014	TBC	3.1(f), 4.1, 23 - Definitions and interpretation	Absence of a definition of 'petroleum products' is problematic	
2.			TBC	3.1, 4 - Definitions and interpretation; Coverage	It is unclear whether the definition of the industry extends to transportation of the empty vehicles themselves	
3.			TBC	12.4(f), 23.2 - Types of employment; Ordinary hours of work for oil distribution workers	Difficult to determine the hourly wage for part-time oil distributions workers	
4.			TBC	16.2 - Allowances	Method of calculating the amount of 'money handled', for purpose of the allowances, is unclear	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
5.			TBC	22.4 - Ordinary hours of work	Unclear how the 30% loading applies in certain circumstances	
6.			TBC	22.3, 22.4, 24.1, 24.3 - Shiftwork	Rate of pay is unclear where an employee is working shiftwork but those shifts do not fit within the definition of afternoon, day or night shift	
7.			TBC	22, 27.1 - Overtime	The overtime provisions relating to day workers and shiftworkers, respectively, are worded differently and it is unclear whether the application is different	
8.			TBC	23, 24.2 - Shiftwork	Unclear whether shiftwork provisions in clause 24.2 apply to oil distribution employees undertaking shiftwork	
9.			TBC	Schedule C - Classification Structure and Minimum Rates of Pay	Unclear whether the award covers employees engaged to clean the premises of a transport company (and not the vehicles)	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
10.			TBC	Schedule C - Classification Structure and Minimum Rates of Pay	May be unclear to parties that additional loadings are payable to particular drivers when driving particular vehicles	
11.	National Road Transport Association	Proposed variation , 25 November 2014	TBC	24.1 - Shiftwork definitions	'Early morning shift' clause should be included	
12.			TBC	24.3 - Shift allowances	'Early morning shift' should attract a loading of 17.5%	
13.			TBC	29 - Annual leave	Remove obligation to pay leave loading on termination	
14.	Australian Industry Group	Proposed variation , 25 November 2014	TBC	29.2 - Annual leave	Remove obligation to pay leave loading on termination	
15.			TBC	26 - Allowances	Additional limitations on circumstances where the meal allowance is paid should be introduced	
16.			TBC	General	Award should be amended to provide greater capacity for ordinary hours of work to be performed early in the morning	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
17.	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	TBC	3.1 - Definitions and interpretation	Amend definition of 'dirty material' by replacing the reference to 'Quickardo cement' with 'cement'	
18.			TBC	3.1 - Definitions and interpretation	Amend definition of 'furniture' to remove reference to furniture being 'otherwise covered'	
19.			TBC	3.1 - Definitions and interpretation	Remove definition of 'interstate operation'	
20.			TBC	3.1 - Definitions and interpretation	Remove definition of 'long distance operation'	
21.			TBC	3.1 - Definitions and interpretation	Amend definition of standard rate to be calculated by reference to a grade 6 worker, in order to align the <i>Transport (Long Distance Operations) Award</i> and <i>Road Transport and Distribution Award</i>	
22.			TBC	11 - Dispute resolution training leave	Amend existing table at clause 11.5 so that it doesn't end at '101 and over' but extends, incrementally, to '201 and over'	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
23.			TBC	12.2 - Types of employment	Amend to include a requirement to notify the employee of their classification	
24.			TBC	14.2 - Transfer to lower paid duties	The current clause undermines the NES in relation to the 'suitable alternative employment' test (s.120 of the Act) and should be deleted	
25.			TBC	16.1(f) - Travelling allowance	Clause should be amended to align the allowance rate between <i>Transport (Long Distance Operations) Award</i> and <i>Road Transport and Distribution Award</i>	
26.			TBC	19 - Higher duties	Amend clause to allow for review of classification where higher duties are being performed	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
27.			TBC	20 - Payment of wages	Amend clause to reinstate terms of the <i>Transport Workers' Award 1998</i> regarding penalties for late payment of wages and termination payments	
28.			TBC	22.3 - Ordinary hours of work	Remove 'Agreement may thereafter be reached between the employer and an individual employee' from the end of the clause	
29.			TBC	26.1 - Regular meal break	Insert a new provision allowing for payment at the ordinary time rate where a meal break must be taken in the cabin of the vehicle	
30.			TBC	26.3 - Meal allowance	Insert a new provision allowing for an additional meal allowance if an employee is required to work overtime for 4 hours after having qualified for the first meal break (in line with the <i>Transport Workers' Award 1998</i>)	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
31.			TBC	27.3 - Rest period after overtime	Remove the exclusion of casuals from the entitlement	
32.			TBC	Schedule C - Classification Structure and Minimum Rates of Pay	<p>Amend classifications to recognise advances in heavy vehicle development and manufacturing</p> <p>Seek to insert the following note:</p> <p>NOTE: The classification description for a driver includes but is not limited to the performance of driving, loading, unloading, delivery, document preparation, fuelling, vehicle checks, and other necessary non-driving duties as required as part of a transport operation.</p>	

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence , 24 November 2014	TBC	25(10) - Rate when shift extends beyond midnight	Clause states that the rate of payment is to be determined by reference to the day on which the major portion of the shift is worked, but does not specify what happens when a shift is equally split between two days	
2.	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	TBC	3.1 - Definitions and interpretation	'Armoured vehicle' definitions should be amended to refer to Australian Standard to reflect necessary minimum ballistic proof requirements	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
3.			TBC	3.1 - Definitions and interpretation	'Non-armoured vehicle' definition should be amended to make clear that a 'soft-skin' vehicle is to be provided by the employer	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
4.			TBC	4.4 - Coverage	Amend coverage clause to ensure that employees performing cash-in-transit duties as a minor/incidental part of security or courier work (and covered by another award) receive pay and conditions no less than those covered by the <i>Transport (Cash in Transit) Award 2010</i>	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
5.			TBC	4.8 - Coverage	Amend clause to require the employer to have regard to clause 4.4 when determining which award is appropriate to cover a particular employee	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
6.			TBC	13.2 - Transfer to lower paid duties	The current clause undermines the NES in relation to the 'suitable alternative employment' test (s.120 of the Act) and should be deleted	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
7.			TBC	15.1 - Minimum rates	Minimum rates are linked to classifications 4 and 5 of the <i>Road Transport and Distribution Award 2010</i> . This should be reviewed, as the minimum rates do not take into account the role, risk and duties of cash-in-transit employees	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
8.			TBC	16.1(c) - Industry allowance	Industry allowance should be increased to 12%	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
9.			TBC	17.3 - District allowance	Transitional provision should be maintained.	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
10.			TBC	18 - Accident pay	Maintain transitional provision in recognition of heightened risk of injury in the industry	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547
11.			TBC	19 - Higher duties	Amend clause to allow for review of classification where higher duties are being performed	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
12.			TBC	New clause	Insert a new clause on the 'chain of responsibility' for contract work, thereby reinstating the terms of the <i>Transport Industry – Cash-In-Transit (State) Award 2002</i> (NSW) and the <i>Cash Transportation (Non-Armoured Vehicles) Interim Award</i>	Parties to hold discussions. Parties to inform Commission if a conference is required. Transcript , 2 December 2014 at PN547

REVISED SUMMARY OF PROPOSED VARIATIONS

Conference to be convened by a Commissioner Member - refer to [Transcript](#), 2 December 2014 at PN578 - PN587

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence , 24 November 2014	TBC	3.1, 10.6, 14.4, 28.3(a), 28.3(b), 30, 31.3 - Minimum wage	Unclear whether the “relevant minimum wage” is intended to include the 25% casual loading	
2.			TBC	27, 28.3, 28.5(c), 32.1 - Shiftwork– overtime	Ordinary hours and overtime entitlements for shiftworkers is unclear	
3.			TBC	31.2 - Saturday and Sunday work	Phrase ‘any custom now prevailing’ is unclear	
4.	Waste Contractors & Recyclers Association of NSW	Outline of submissions , 25 November 2014	TBC	New clause	Employees required to attend an approved training course should be paid at the ordinary rate of pay	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
5.			TBC	14.5, 19, 20.6 - Casual employees; Minimum wages; Industry allowance	<p>Correct rates of pay are difficult to ascertain and require readers to calculate allowances and loadings which are located in different parts of the award to the minimum rates of pay.</p> <p>Submits the issue can be addressed with the industry allowance being 'rolled up' into the classifications under clause 19 and then removing the need for separate reference to industry allowance in clause 20.6.</p> <p>It is submitted that in a new version of the Award the industry allowance of 11% applicable to level 6 be calculated and added to each classification level. This will provide a 'grossed up' figure at each level, inclusive of the industry allowance.</p>	
6.			TBC	23 - Higher duties	Insert a provision that an employee is only entitled to be paid at the minimum wage for "the highest level ... for the whole	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
					day" where required to work more than 2 hours on that day at the higher level	
7.			TBC	27 - Hours of work	Propose increasing span of hours by two hours in the morning, allow ordinary hours to be up to 10 hours per day and 40 hours per week, allow ordinary hours to be worked on weekends, and clarify the definition of 'ordinary hours' for shiftworkers	
8.			TBC	27.3(ii) - Hours of work	Include a provision allowing for RDOs to be cashed out at ordinary rates of pay where more than 10 RDOs are accrued	
9.			TBC	31.2 - Call-back	Compensate employees holding themselves for call-back with an allowance rather than the ordinary rate of pay	
10.			TBC	33 - Annual leave	Provide for cashing out of annual leave	
11.			TBC	Schedule B - Classification	Provide a classification for 'forklift drivers' and expand the scope of level 7	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
12.	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	TBC	11.2 - Types of employment	Amend to include a requirement to notify the employee of their classification	
13.			TBC	17.2 - Transfer to lower paid duties	The current clause undermines the NES in relation to the 'suitable alternative employment' test (s.120 of the Act) and should be deleted	
14.			TBC	22 - Accident Pay	Maintain transitional provision in recognition of heightened risk of injury in the industry	
15.			TBC	23 - Higher duties	Amend clause to allow for review of classification where higher duties are being performed	
16.			TBC	New clause	Insert a new provision relating to 'crib time'	
17.			TBC	29.2(a) - Overtime meal breaks	Overtime meal break should be paid	
18.			TBC	33.1 - Annual leave	Amend to specify the NES requirement that shiftworkers be afforded an additional weeks' leave	

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
NO SUBMISSIONS RECEIVED						

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
1.	Fair Work Ombudsman	Correspondence - 24 November 2014	TBC	15 - Minimum wages - public sector 27.2 - Penalty rates	Unclear whether allowances payable to public sector employees under clause 27.2 for working Saturdays, Sundays and public holidays.	
2.	Metropolitan Fire and Emergency Services Board	Submission - 21 November 2014	TBC	10 - Types of employment–public sector	Requires amendment in order to accommodate more flexible employment arrangements (primary amendments)	
3.			TBC	22 - Ordinary hours of work	Consequential amendment: in order for primary amendments to operate in a practical way amendment to this clause is also necessary	
4.			TBC	26 - Overtime	Consequential amendment: in order for primary amendments to operate in a practical way amendment to this clause is also necessary	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
5.				27 - Penalty rates	Consequential amendment: in order for primary amendments to operate in a practical way amendment to this clause is also necessary	
6.			TBC	28 - Annual leave	Consequential amendment: in order for primary amendments to operate in a practical way amendment to this clause is also necessary	

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
NO SUBMISSIONS RECEIVED						

REVISED SUMMARY OF PROPOSED VARIATIONS

Following Group 2 conference held on 2 December 2014.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	NOTES
NO SUBMISSIONS RECEIVED						