

SUMMARY OF PROPOSED VARIATIONS

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	SUMMARY OF ISSUE
1	The Australian Workers' Union	Proposed variation - 25 November 2014	25.2 - Overtime	Two clauses appear to be in conflict.
2			22.1 - Ordinary hours of work and rostering	Seek to vary clause so casuals are entitled to overtime
3	Fair Work Ombudsman	Correspondence - 24 November 2014	25.1 - Payment for work performed on public holidays	Unclear what casuals are to be paid on a public holiday

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1	Business SA	Proposed variation - 25 November 2014	17.1(a) - payment of wages	Amend clause to provide for wages to be paid three or four weekly or monthly
2			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> ' Note: outcome of common issue will determine whether Business SA pursue this variation
3	Austuna and the Bluefin Tuna Industry Association	Proposed variation - 1 December 2014	15.4	Seek to vary clause to allow for 'individual agreement' in addition to the existing provision by majority agreement
4			19.5(b)	Seek to vary clause to allow for 'individual agreement' in addition to the existing provision by majority agreement
5			Schedule B	B.3.1 - seek to move fish harvesting function for the Tuna Industry from Level 3 to Level 2.

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1	The Australian Workers' Union	Proposed variation - 25 November 2014	27.8 - cashing out of annual leave	Propose to delete cashing out provisions subject to the outcome of the annual leave common issue

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1	AMWU	Submission - 25 November 2014	Schedule C–Competencies	Propose to update the competencies and references
2	Business SA	Proposed variation - 25 November 2014	12.4(c) - Casual employment	Propose to delete this clause
3			24 - Higher duties	Propose to replace current clause with clause 24.2 of the <i>Manufacturing and Associated Industries Award 2010</i>
4			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
5	Australian Industry Group	Proposed variation - 25 November 2014	25.4 - Training allowance	Propose this clause exclude trainees
6			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
7	Fair Work Ombudsman	Correspondence - 24 November 2014	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

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1	Australian Industry Group	Proposed variation - 25 November 2014	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
3			22.2(a) - Spread of hours	Propose to change end of ordinary hours from 5.30 pm to 6:00 pm
4			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
5	Shop, Distributive and Allied Employees' Association	Proposed variation - 25 November 2014	22.4 - Rostered days off	Propose to amend clause so RDOs are not capped at 12 over a 12 month period
6	Fair Work Ombudsman	Correspondence - 24 November 2014	11.2 - Full-time employment	Clause may have capacity to cause confusion
7			15.1 - Minimum wage rates; Schedule B - Classifications	Different pay rates for level 1 employees 'on commencement, after 3 months and after 12 months'

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
8			22.1 - Ordinary hours of work - day workers; 25 - shiftwork	Unclear what entitlements apply to employees whose hours of work traverse the hours that apply to both shift and day workers
9			22.2(b) - Spread of hours	Confusion around altering spread of ordinary hours
10			25.1(d) - Shiftwork	Confusion around altering span of hours on afternoon shift
11			26.4(a) - Annual leave applicable loading	Confusion around applicable loading payable to employee on annual leave
12			26.5(c) - Annual close down	Unclear what 'qualifying period of employment' refers to

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1	Fair Work Ombudsman	Correspondence - 24 November 2014	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			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			25 - Shiftwork (other than veterinary surgeons)	Award does not contain a definition of “shiftworker” or “shiftwork” - unclear when these entitlements apply.
4			29.2(c) - Public holidays - Veterinary surgeons	Award does not establish a rate of pay for work performed on a public holiday.
5			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	3 - Definitions and interpretation	Propose to amend definitions of “intern” and “internship”
7			14.1 - Minimum wages - Veterinary surgeons	Review minimum wages clause to reflect appropriate relativities between different classifications

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
8			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.
9			25 - Shiftwork (other than veterinary surgeons)	Removal of shiftwork penalties (other than veterinary surgeons) to allow sustainable 24 hour veterinary services
10			29 - Public holidays	Public holiday provisions to be clarified and aligned with those in clause 29.3 (other than veterinary surgeons).

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1	Fair Work Ombudsman	Correspondence - 24 November 2014	4.1(b), 15 and Schedule B & C	Unclear how Schedule C - List of Common Health Professionals is to be applied
2			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			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	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
5	Chiropractors Association of Australia	Proposed variation - 25 November 2014	3.1 - Definitions	Award does not contain a definition for 'ordinary hours'
6			3.1 - Definitions 31.1 - Annual leave - Quantum of Leave	Definition of "shiftworker" and entitlements of shiftworkers is unclear
7			29 - Shiftwork	Unclear in some circumstances whether and when shiftworker loading applies

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
8			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
10	Health Services Union of Australia	Proposed variation - 25 November 2014	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			23 - Ordinary hours of work	Vary current ordinary hours of work to clarify that time worked in excess of 10 ordinary hours for all employees in any one day will be paid the overtime provisions of award
12			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			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			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			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 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 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
19	Australian Physiotherapy Association	Proposed variation - 25 November 2014	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 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

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21	Association of Professional Engineers, Scientists and Managers Australia (APESMA)	Proposed variation - 25 November 2014	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
22		Proposed variation - 25 November 2014	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	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	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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1	Fair Work Ombudsman	Correspondence - 24 November 2014	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

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1	Fair Work Ombudsman	Correspondence - 24 November 2014	21 - Ordinary Hours of Work 28.1 - Overtime	Unclear whether and when casuals are entitled to overtime
2			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 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”
4	Leading Age Services Australia NSW-ACT	Proposed variation - 25 November 2014	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
5	Health Services Union of Australia	Proposed variation - 25 November 2014	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			29 - Shiftwork	Seeks to vary provisions that preclude shift allowances being paid when a shiftworker undertakes overtime

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
7			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	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			16 - Allowances - In-charge allowance (new clause)	Proposes the introduction of a clause providing for an in-charge allowance
10			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			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
12			27.1(a) - Meal breaks	Clause does not specify when during the shift the meal break must be taken
13			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			29 - Shift penalties	Proposes to clarify when shift penalties are payable. Clause is arguably ambiguous and may need clarification

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15			32.3 - Public holidays	Seeks to extend clause to at least some part-time employees
16			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
17			Classification, wage rates and definitions	Seeking to vary the classification structure in relation to enrolled nurses and specific levels in the registered nurse structure
18	Australian Industry Group	Supplementary outline of issues - 28 November 2014	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	27.2 - Tea breaks	Intends to pursue insertion of flexibility to provide a paid crib break in lieu of an unpaid meal break for shift workers

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1	Fair Work Ombudsman	Correspondence - 24 November 2014	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	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			18 - Junior Rates	Vary clause to provide for the payment of junior rates to Level 1 employees only
4			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
5			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

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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	17 - Minimum weekly wages	Seeks to have rates for Pharmacists and Pharmacy students increased
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 B - Classification Definitions	Amend definitions of Pharmacists and Pharmacy Intern

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14	Pharmacy Guild of Australia	Proposed variation - 25 November 2014	11 - Full-time employees	Requires a full-time definition
15			12 - Part-time employees	Review clause to provide more flexible work practices
16			17 - Minimum weekly wages	Specify when a pharmacy student moves up to the next pay point
17			19.3(b) - Special clothing	Review allowance so that it applies fairly having regard to the number of days an employee works
18			22 - Payment of Wages	Address the FWO interpretation issue
19			25 - Hours of Work	Two hour minimum engagement for school students
20			25.3 - Hours of Work	Address the FWO interpretation issue
21			25.4(iv) - Hours of Work	Define “regularly works Sundays”
22			26.2 - Overtime and penalty rate	Reduce weekend and public holiday penalty rates
23			27 - Annualised salary	Annualised salary for pharmacy assistants
24			Schedule B - Classification definitions	Review of the classification descriptions, payment for offsite training and replace out of date terminology

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1	Fair Work Ombudsman	Correspondence , 24 November 2014	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	7.1 - Award flexibility	Award flexibility clause should specify that that it applies to 'hours of work' and 'breaks'
3			10.5(d) - Casual employment	Clause should specify circumstances in which the employer and a casual employee can agree to a lesser minimum payment
4	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	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
5			9 - Dispute resolution	Insert a 'dispute resolution training leave' clause
6			10.5 - Casual employment	Add a provision to clarify the operation of clause 10.5(d)

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7			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			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
9			17 - Accident pay	Maintain transitional provision in recognition of heightened risk of injury in the industry
10			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			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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1	Fair Work Ombudsman	Correspondence , 24 November 2014	13.2(c) - Guaranteed minimum payment	Clause uses the phrase 'held on call' but the award does not provide a definition
2			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			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			14.1(c)(i) - Other allowances	Unclear whether the allowance is payable on an hourly basis or per occasion
5	National Road Transport Association	Proposed variation , 25 November 2014	3 - Definitions and interpretation	Amendment to 'loading or unloading' definition
6			10 - Types of employment	Insert a new sub-clause on part-time employment
7			13.4(b) - Rates of pay—kilometre driving method	Amend 'Schedule of agreed distances'
8			13.5(a)(i) - Rates of pay—hourly driving method	Amend clause to allow for use of real time tracking systems

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9			13.5(c) - Rates of pay— hourly driving method	Amend ‘Schedule of agreed driving hours’
10			13.6 - Loading or unloading	Amend clause to reflect efficiencies and operational standards within the industry
11			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			14.2(e) - Training allowance	Insert a new clause to allow for a bonding arrangement in connection with employer sponsored training
13			20.5(b) - Rostered days off	Amend clause to allow for RDOs to be paid out as a weekly allowance
14			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	10 - Types of employment	Insert a new sub-clause on part-time employment
16	Transport Workers’ Union of Australia	Proposed variation , 25 November 2014	3.1 - Definitions and interpretation	Remove ‘cartonised, or otherwise covered’ from the definition of ‘furniture’
17			3.1 - Definitions and interpretation	Remove definition of ‘interstate operation’

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18			3.1 - Definitions and interpretation	Amend the definition of 'long distance operation'
19			10.1 - Types of employment	Amend clause to require employer to inform employees of their classification at the time of engagement
20			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			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			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			13.6 - Loading or unloading	Expand the scope of the clause to include payment for other 'necessary non-driving duties'
24			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			14.2(c) - Travelling allowance	Align allowance rates between <i>Transport (Long Distance Operations) Award</i> and <i>Road Transport and Distribution Award</i>

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26			16 - Accident pay	Maintain transitional provision in recognition of heightened risk of injury in the industry
27			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			23.1 - Annual leave	Amend clause to reflect NES requirement for a definition of 'shiftworker' for the benefit of the additional weeks' leave
29			23.2(b)(ii) - Payment for a period of annual leave	Amend clause to specify that the leave loading is payable upon termination
30			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			New clause	Add a new clause allowing for payment where an employee is required to travel as a passenger
32			New clause	Add a new clause specifying the rates for employees engaged in 'two-up' driving
33			New clause	Add a new clause providing for payment for drivers spending excessive amounts of time waiting during loading or unloading
34			9 - Dispute resolution	Add a new clause providing for dispute resolution training leave

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1	Fair Work Ombudsman	Correspondence , 24 November 2014	3.1(f), 4.1, 23 - Definitions and interpretation	Absence of a definition of 'petroleum products' is problematic
2			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			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			16.2 - Allowances	Method of calculating the amount of 'money handled', for purpose of the allowances, is unclear
5			22.4 - Ordinary hours of work	Unclear how the 30% loading applies in certain circumstances
6			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			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

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8			23, 24.2 - Shiftwork	Unclear whether shiftwork provisions in clause 24.2 apply to oil distribution employees undertaking shiftwork
9			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)
10			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	24.1 - Shiftwork definitions	'Early morning shift' clause should be included
12			24.3 - Shift allowances	'Early morning shift' should attract a loading of 17.5%
13			29 - Annual leave	Remove obligation to pay leave loading on termination
14	Australian Industry Group	Proposed variation , 25 November 2014	29.2 - Annual leave	Remove obligation to pay leave loading on termination
15			26 - Allowances	Additional limitations on circumstances where the meal allowance is paid should be introduced
16			General	Award should be amended to provide greater capacity for ordinary hours of work to be performed early in the morning

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17	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	3.1 - Definitions and interpretation	Amend definition of 'dirty material' by replacing the reference to 'Quickardo cement' with 'cement'
18			3.1 - Definitions and interpretation	Amend definition of 'furniture' to remove reference to furniture being 'otherwise covered'
19			3.1 - Definitions and interpretation	Remove definition of 'interstate operation'
20			3.1 - Definitions and interpretation	Remove definition of 'long distance operation'
21			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			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'
23			12.2 - Types of employment	Amend to include a requirement to notify the employee of their classification
24			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

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
25			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			19 - Higher duties	Amend clause to allow for review of classification where higher duties are being performed
27			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			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			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			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>)
31			27.3 - Rest period after overtime	Remove the exclusion of casuals from the entitlement
32			Schedule C - Classification Structure and Minimum Rates of Pay	Amend classifications to recognise advances in heavy vehicle development and manufacturing

SUMMARY OF PROPOSED VARIATIONS

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	SUMMARY OF ISSUE
1	Fair Work Ombudsman	Correspondence , 24 November 2014	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	3.1 - Definitions and interpretation	'Armoured vehicle' definitions should be amended to refer to Australian Standard to reflect necessary minimum ballistic proof requirements
3			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
4			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>
5			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

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
6			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
7			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
8			16.1(c) - Industry allowance	Industry allowance should be increased to 12%
9			17.3 - District allowance	Transitional provision should be maintained.
10			18 - Accident pay	Maintain transitional provision in recognition of heightened risk of injury in the industry
11			19 - Higher duties	Amend clause to allow for review of classification where higher duties are being performed
12			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 (NSW)</i> and the <i>Cash Transportation (Non-Armoured Vehicles) Interim Award</i>

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ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
1	Fair Work Ombudsman	Correspondence , 24 November 2014	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			27, 28.3, 28.5(c), 32.1 - Shiftwork–overtime	Ordinary hours and overtime entitlements for shiftworkers is unclear
3			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	New clause	Employees required to attend an approved training course should be paid at the ordinary rate of pay
5			14.5, 19, 20.6 - Casual employees; Minimum wages; Industry allowance	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
6			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 day" where required to work more than 2 hours on that day at the higher level

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
7			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			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			31.2 - Call-back	Compensate employees holding themselves for call-back with an allowance rather than the ordinary rate of pay
10			33 - Annual leave	Provide for cashing out of annual leave
11			Schedule B - Classification	Provide a classification for 'forklift drivers' and expand the scope of level 7
12	Transport Workers' Union of Australia	Proposed variation , 25 November 2014	11.2 - Types of employment	Amend to include a requirement to notify the employee of their classification
13			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			22 - Accident Pay	Maintain transitional provision in recognition of heightened risk of injury in the industry

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
15			23 - Higher duties	Amend clause to allow for review of classification where higher duties are being performed
16			New clause	Insert a new provision relating to 'crib time'
17			29.2(a) - Overtime meal breaks	Overtime meal break should be paid
18			33.1 - Annual leave	Amend to specify the NES requirement that shiftworkers be afforded an additional weeks' leave

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SUMMARY OF PROPOSED VARIATIONS

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ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE
1	Fair Work Ombudsman	Correspondence - 24 November 2014	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	10 - Types of employment– public sector	Requires amendment in order to accommodate more flexible employment arrangements (primary amendments)
3			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			26 - Overtime	Consequential amendment: in order for primary amendments to operate in a practical way amendment to this clause is also necessary
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			28 - Annual leave	Consequential amendment: in order for primary amendments to operate in a practical way amendment to this clause is also necessary

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