



Fair Work Commission: 4 yearly review of modern awards

SUBMISSIONS: GROUP 2 AWARDS

AUSTRALIAN BUSINESS INDUSTRIAL

- and -

THE NSW BUSINESS CHAMBER LTD

10 JULY 2017

BACKGROUND

1. These submissions relate to the Exposure Drafts for the majority of the Group 2 Awards.
2. In a statement issued on 9 June 2017 the Commission directed interested parties to file comprehensive written submissions on the remaining technical and drafting issues in Group 2 Awards.
3. These submissions are made on behalf of Australian Business Industrial (**ABI**) and the New South Wales Business Chamber Ltd (**NSWBC**). ABI is a registered organisation under the *Fair Work (Registered Organisations) Act 2009*. NSWBC is a recognised State registered association pursuant to Schedule 2 of the *Fair Work (Registered Organisation) Act 2009*.
4. ABI and NSWBC has a material interest in the following Group 2 Awards which are dealt with in these submissions:
 - (a) Graphic Arts, Printing and Publishing Award;
 - (b) Health Professionals and Support Services Award;
 - (c) Nurses Award;
 - (d) Pharmacy Industry Award;
 - (e) Road Transport (Long Distance Operations) Award;
 - (f) Road Transport and Distribution Award;
 - (g) Seafood Processing Award;
 - (h) Storage Services and Wholesale Award; and
 - (i) Waste Management Award.
5. ABI and NSWBC appreciate the opportunity to provide the following submissions on the Group 2 Award Exposure Drafts.

GRAPHIC ARTS, PRINTING AND PUBLISHING AWARD

6. The Exposure Draft released on 13 June 2017 requires amendments arising out of the decision of the Full Bench in [2017] FWCFB 3135 and the Determination with print number PR593788. Our clients support the correspondence provided on behalf of Fairfax Media Limited to the Commission dated 27 June 2017 as to the practical implementation of those changes.
7. Our clients have no further outstanding technical and drafting claims in relation to this Award. However the Exposure Draft released 13 June 2017 has the following typographical error:
 - (a) Clause 5.5(c): the second sentence should begin “Such an agreement” instead of “Such agreement”. The summary of submissions document notes that this change has been made.

HEALTH PROFESSIONALS AND SUPPORT SERVICES AWARD

8. Our clients have no outstanding technical and drafting claims in relation to this Award. However, we make the following observations and submissions in relation the Exposure Draft and other parties' submissions.
9. ABI and NSWBC submit that the following wording should be added to clauses 19.2(a), 19.2(b) and 19.2(c). This change arises from the Commission's decision to insert the following words into the awards:

"of the minimum hourly rate"¹

10. The Exposure Draft should be amended to reflect the wording of "of the minimum hourly rate" after the rate appearing in the above clauses to make it clear that the rates set out in clause 19 only apply to the minimum wage contemplated by the Award and not any overaward payments.
11. ABI and NSWBC note that there are a number of outstanding matters referred to various Full Benches in these proceedings. We accordingly rely on our previous submissions in respect of those matters.

NURSES AWARD

12. Our clients have no outstanding technical and drafting claims in relation to this Award and no further submissions to make in respect of the revised Exposure Draft.

ROAD TRANSPORT (LONG DISTANCE OPERATIONS) AWARD

13. Our clients do not have any outstanding technical and drafting claims in relation to this Award. However, we make the following submissions in relation the Exposure Draft:
 - (a) The word "Award" needs to be inserted in clause 1.1;
 - (b) the cross-reference in clause 5.2 to clause 8.5(c) should be changed to clause 8.5(b); and
 - (c) the numbering has dropped out of the document at clause 8.5(b).

ROAD TRANSPORT AND DISTRIBUTION AWARD

14. Our clients have no outstanding technical and drafting claims in relation to this Award and no further submissions to make in respect of the revised Exposure Draft.

SEAFOOD PROCESSING AWARD

15. Our clients have no outstanding technical and drafting claims in relation to this Award.
16. The Exposure Draft released 13 June 2017 contains the following typographical errors:
 - (a) Clause 2.2: 'the NES definitions applies' should read 'the NES definition applies'; this appears to be a drafting error.
 - (b) Clause 12.3(c): a space should be inserted between the first use of the word 'clauses', and 12.3(a); this appears to be a drafting error.

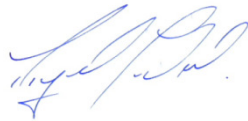
¹ FWCFB 4568

STORAGE SERVICES AND WHOLESALE AWARD

17. Clause 25.6: We maintain our earlier submission dated 2 February 2015, that the words ‘occupational health and safety legislation’ should be updated to ‘work health and safety legislation’ to reflect the language used in the vast majority of WHS statutes and to facilitate ease of reference and clarity.

WASTE MANAGEMENT AWARD

18. Our clients have no outstanding technical and drafting claims in relation to this Award and no further submissions to make in respect of the revised Exposure Draft.



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On behalf of Australian Business Industrial and the NSW Business Chamber Ltd

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