



Schedule of draft determinations

AM2014/300—Award Flexibility

Further to the decision issued on 8 July 2016 [\[2016\] FWCFB 4258](#) (8 July 2016 decision) and the decision issued on 11 July 2016 [\[2016\] FWCFB 4579](#) (11 July 2016 decision), the following draft determinations have been prepared for comment:

1. Draft determinations have been published for the 73 modern awards listed in the schedule below. In accordance with paragraph [63] of the 8 July 2016 decision and paragraph [101] of the 11 July 2016, parties will have 7 days to comment on the form of the determinations but this should not be viewed as an opportunity to re-agitate issues already determined by the relevant decisions. Written submissions should be sent to amod@fwc.gov.au by **4.00 pm on Friday 22 July 2016**.
2. Notes on 4 modern awards for which draft determinations have been published can be found at the end of this schedule. It should be highlighted here that parties will have 14 days to comment on the draft determinations for the *Children's Services Award 2010* and *Supported Employment Services Award 2010*. Written submissions should be sent to amod@fwc.gov.au by **4.00 pm on Friday 29 July 2016**.
3. At this stage draft determinations have not been published for 49 modern awards. These modern awards have not been listed in the schedule below.

Award (link to determination)	Award code (link to current award)	Replaces existing TOIL provision with new TOIL provision (47 modern awards)	Inserts new TOIL provision (26 modern awards)
Aboriginal Community Controlled Health Services Award 2010	MA000115	✓	
Aged Care Award 2010	MA000018	✓	
Aircraft Cabin Crew Award 2010	MA000047		✓
Airline Operations-Ground Staff Award 2010	MA000048	✓	
Alpine Resorts Award 2010	MA000092		✓
Aluminium Industry Award 2010	MA000060	✓	
Animal Care and Veterinary Services Award 2010	MA000118	✓	
Aquaculture Industry Award 2010	MA000114		✓
Asphalt Industry Award 2010	MA000054	✓	
Banking, Finance and Insurance Award 2010	MA000019	✓	
Black Coal Mining Industry Award 2010	MA000001		✓
Book Industry Award 2010	MA000078	✓ See note 1 at end of schedule	
Business Equipment Award 2010	MA000021		✓
Car Parking Award 2010	MA000095		✓
Cement and Lime Award 2010	MA000055	✓	
Cemetery Industry Award 2010	MA000070	✓	
Children's Services Award 2010	MA000120	✓ See note 2 at end of schedule.	
Cleaning Services Award 2010	MA000022	✓	
Coal Export Terminals Award 2010	MA000045		✓
Commercial Sales Award 2010	MA000083	✓	
Concrete Products Award 2010	MA000056		✓
Contract Call Centres Award 2010	MA000023	✓	
Cotton Ginning Award 2010	MA000024		✓
Educational Services (Post-Secondary Education) Award 2010	MA000075	✓	
Educational Services (Schools) General Staff Award 2010	MA000076	✓	
Educational Services (Teachers) Award 2010	MA000077	✓	
Electrical Power Industry Award 2010	MA000088	✓ See note 3 at end of schedule.	
Electrical, Electronic and Communications Contracting Award 2010	MA000025		✓
Fire Fighting Industry Award 2010	MA000111	✓	
Fitness Industry Award 2010	MA000094	✓	
Food, Beverage and Tobacco Manufacturing Award 2010	MA000073	✓	
Funeral Industry Award 2010	MA000105	✓	
Gardening and Landscaping Services Award 2010	MA000101		✓
Gas Industry Award 2010	MA000061	✓	

Award (link to determination)	Award code (link to current award)	Replaces existing TOIL provision with new TOIL provision (47 modern awards)	Inserts new TOIL provision (26 modern awards)
Graphic Arts, Printing and Publishing Award 2010	MA000026	✓	
Health Professionals and Support Services Award 2010	MA000027	✓	
Hospitality Industry (General) Award 2010	MA000009		✓
Legal Services Award 2010	MA000116	✓	
Local Government Industry Award 2010	MA000112	✓	
Manufacturing and Associated Industries and Occupations Award 2010	MA000010	✓	
Marine Tourism and Charter Vessels Award 2010	MA000093		✓
Market and Social Research Award 2010	MA000030	✓	
Miscellaneous Award 2010	MA000104		✓
Nursery Award 2010	MA000033		✓
Passenger Vehicle Transportation Award 2010	MA000063	✓	
Pest Control Industry Award 2010	MA000097		✓
Pharmaceutical Industry Award 2010	MA000069		✓
Plumbing and Fire Sprinklers Award 2010	MA000036		✓
Port Authorities Award 2010	MA000051	✓	
Poultry Processing Award 2010	MA000074		✓
Premixed Concrete Award 2010	MA000057	✓	
Professional Diving Industry (Recreational) Award 2010	MA000109		✓
Quarrying Award 2010	MA000037	✓	
Racing Clubs Events Award 2010	MA000013		✓
Racing Industry Ground Maintenance Award 2010	MA000014		✓
Rail Industry Award 2010	MA000015	✓	
Real Estate Industry Award 2010	MA000106	✓	
Seafood Processing Award 2010	MA000068	✓	
Security Services Industry Award 2010	MA000016		✓
Silviculture Award 2010	MA000040		✓
State Government Agencies Award 2010	MA000121	✓	
Stevedoring Industry Award 2010	MA000053		✓
Storage Services and Wholesale Award 2010	MA000084	✓	
Sugar Industry Award 2010	MA000087	✓	
Supported Employment Services Award 2010	MA000103	See note 2 at end of schedule.	
Surveying Award 2010	MA000066	✓	
Telecommunications Services Award 2010	MA000041	✓	
Transport (Cash in Transit) Award 2010	MA000042	✓	
Travelling Shows Award 2010	MA000102		✓
Waste Management Award 2010	MA000043	✓	
Water Industry Award 2010	MA000113	✓	

Award (link to determination)	Award code (link to current award)	Replaces existing TOIL provision with new TOIL provision (47 modern awards)	Inserts new TOIL provision (26 modern awards)
Wine Industry Award 2010	MA000090	✓	
Wool Storage, Sampling and Testing Award 2010	MA000044	✓	

Note 1: In relation to the *Book Industry Award 2010* our provisional view is that the [current] TOIL term in this award does not provide a fair and relevant safety net and on that basis does not achieve the modern awards objective. [The draft determination replaces it with the model term]. We intend to list the matter for further hearing on 24 August 2016. (See paragraph [111] of the 11 July 2016 decision).

Note 2: As these issues have not been the subject of any argument to date we propose to adopt the provisional view that these two modern awards [*Children's Services Award 2010* and *Supported Employment Services Award 2010*] should be varied to delete the existing TOIL provisions and to insert the model term and the associated schedule. Interested parties will have 14 days to comment on the draft variation determinations. If there is no opposition to the draft variation determinations we will make variation determinations in those terms. In the event that the draft variation determinations are opposed, the matter will be listed for further hearing on 24 August 2016. Directions for the further hearing of this matter will be listed in due course. (See paragraphs [120] and [121] of the 11 July 2016 decision. Also see paragraphs [112]-[119] of the 11 July 2016 decision).

Note 3: Attachment F to the [\[2015\] FWCFB 4466](#) decision incorrectly showed the *Electrical Power Industry Award 2010* as providing for TOIL at an ordinary rate but it provides TOIL at overtime rates in clause 26.3.