

This table is a summary of proposed variations lodged for this award – updated 23 August 2016.

Plumbing and Fire Sprinklers Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be determined by the Construction Awards Full Bench in AM2016/23 (to be discussed at the conference before DP Gostencnik).

The summary has been revised to include feedback from the conference on 17 August 2017 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1.	An individual	Sub-12 Nov14		Award does not take into account small business and has a heavy financial impact on small business. Unrealistic demands in Award is damaging industry and placing financial strain on employers.	Page 1, 7-8	No substantive variation suggested
S2.	An individual	Sub-12 Nov14	18	Industry specific redundancy scheme Seeks to remove the entitlement for employees to resign and receive a redundancy payout.	Page 1	Requires arbitration
S3.	MPG	Sub-2Mar15	15.11	Apprenticeship—Common issue clause in relation to apprentice excess travel costs for attendance at block release.	Para 5(iii)	This has been determined by the Full Bench in [2014] FWCFB 9156.
S4.	MPMCA	Sub-2Mar15	15.11	Objects to ACTU proposed common issue clause in relation to excess travel costs for attendance at block release training. Concerned introduction may create a precedent for the rest of the awards not affected at this stage.	Item A., Para 2	Withdrawn see Sub-15Mar16

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S5.	MPG	Sub-2Mar15	15.11	Apprenticeship—Training fees and textbooks —Seeks amendment of definitions of “prescribed fees” and “prescribed textbooks”.	Para 5(i)	Withdrawn MPG have communicated with NFIA on issues they wish to progress. — Corr NFIA-16Mar16
S6.	MPG	Sub-2Mar15	15.11	Exclude electronic devices from the definition of “prescribed fees” and “prescribed textbooks”— see above submission.	Para 5(ii)	Withdrawn MPG have communicated with NFIA on issues they wish to progress. — Corr NFIA-16Mar16
S7.	MPMCA	Sub-2Mar15	15.11	Apprentice Conditions Issues — review conditions that apply to apprentices under Award and define the terms “prescribed fees” and “prescribed textbooks”. Absence of parameters in relation to the terms will lead to significant fee increases unless a cap on level of reimbursement is included in Award.	Item A., Para 1	Withdrawn See Sub-15Mar16
S8.	MPG	Sub-2Mar15	15.11(a)	Seeks interpretation of “unsatisfactory progress” and inclusion of a definition.	Para 5(iv)	Withdrawn MPG have communicated with NFIA on issues they wish to progress— Corr NFIA-16Mar16
S9.	MPMCA	Sub-2Mar15	15.11(a)	Clause is ambiguous, unclear and open to a range of interpretations. Seek clarity on	Item A., Para 3	Withdrawn

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				term “unsatisfactory progress” and suggests a definition be included.		
S10.	MPG	Sub-2Mar15	18	Industry specific redundancy scheme – deletion of the clause or variation to expressly exclude employees receiving redundancy pay where they resign.	Para 1	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S11.	MPMCA	Sub-2Mar15	18	Industry specific redundancy scheme Clause unduly restricts employment prospects – seeks variation to expressly exclude employees receiving redundancy pay where they resign.	Item B	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S12.	FPAA	Sub-2Mar15	18.2	Industry specific redundancy scheme – Definition – Support MPMCA – more clearly identify the circumstances surrounding a redundancy situation.	Para 2	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S13.	An individual	Sub-12Nov14	18	Industry specific redundancy scheme The requirement to pay redundancy when employees resign has a major impact on small businesses. Clause provides incentive for staff to resign and work somewhere else, or to start own business. Clause is being abused. Needs to be reviewed and small business taken into account.	Page 2-7	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S14.	An individual	Sub-12Nov14	18	Industry specific redundancy scheme Special consideration needs to be given to provision allowing staff that have left employer being able to seek redundancy	Page 7	Requires arbitration – Referred to Construction Full Bench in AM2016/23

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				payment up to six years after resigning. Payments crippling business.		
S15.	HBG	Sub-13Nov14	18	Industry specific redundancy scheme Requires review and amendment. Employees who voluntarily leave employment are able to seek redundancy payments. Not financially viable for small businesses. Will lead to further job cuts and to employees being open to abuse employers.	Page 1	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S16.	MPG	Sub-2Mar15	18.6	Industry specific redundancy scheme – Transfer of business – support AFEI regarding constraint of operation of s.91 of the Fair Work Act 2009 (FW Act).	Para 6	This was determined by the Full Bench in [2015] FWCFB 3023 at [30] – [39]. Variation affected 12 January 2016 in PR568678
S17.	MPMCA	Sub-2Mar15	18.6	Clause purports to constrain s.91 of FW Act – should be deleted as it is inconsistent with the NES.		Withdrawn See Sub-15Mar16
S18.	MPG	Sub-2Mar15	20	Minimum wages – insert provisions providing for payment of Junior Rates to employees in the Plumbing and Mechanical Services Worker/ Sprinkler Fitting Worker Level 1(a) – 1(d).	Para 2	Requires arbitration – Referred to Construction Full Bench in AM2016/23 Withdrawn See Corr-09Jan17
S19.	An individual	Sub-12Nov14	28.5	Superannuation – Absence from work – requiring employers pay superannuation for employees on Work Cover (in addition to long service leave payments under	Page 1	Requires arbitration – Referred to Construction Full Bench in AM2016/23

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				South Australian legislation) is financially unsustainable for small businesses.		
S20.	MPG	Sub-2Mar15	32	Penalty rates – amend to simplify obligations payable under clause. Draft clause without Prejudice which has been uploaded to the website.	Para 3	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S21.	MPG	Sub-2Mar15	33	Overtime – insert a provision confirming “Each days (sic) overtime stands alone”.	Para 4	Requires arbitration – Referred to Construction Full Bench in AM2016/23
S22.	FPAA	Sub-2Mar15	Schedule B.3	Classification Definitions – Classification structure definitions – review non-trade definitions – level 1(d)	Para 1	Withdrawn Requires arbitration FPAA to circulate draft variation and parties to further discuss See correspondence of 8 August 2016
S23.	FPAA	Sub-30/06/16	N/A	Proposed Clause - Shiftwork Propose putting ‘shift work’ clause into Award.	Paras 32-34	Added to the list of substantive matters following Conference. See Transcript – 17Aug17 [PN83–PN88]
	BusSA	Reply-21/7/16		This would be a substantive change. Opposed by BusSA.	Paras 6.1 and 6.13	<u>Previous notes:</u> FPAA to circulate a document within the next fortnight and parties to

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	AIG	Reply-3/08/16		Does not agree with FPAA submission. Separate clause not necessary.	Para 34	indicate whether they're prepared to have a discussion or not. See Transcript-6Feb17 [PN572] Draft clause received from FPAA – Corr-01/03/17
	AWU	Reply-8/08/16		Agree with FPAA.	Para 17	FPAA noted it had not received any response from other parties to its proposed clause – Corr-25/07/17
	AIG	Sub-28/7/17		Opposes propositions to create or vary shiftwork provisions.	Para 7	
	ABI&NSWBC	Corr-31/07/17		Does not agree with FPAA proposal.	Pg 1	

List of abbreviations

ABI&NSWBC	Australian Business Industrial and NSW Business Chamber Ltd
AIG	Australian Industry Group
AWU	Australian Workers' Union
CCF	Civil Contractors Federation
CFMEU	Construction, Forestry, Mining and Energy Union, Mining and Energy Union
CFMEU C&G	Construction, Forestry, Mining and Energy Union, Mining and Energy Union (Construction & General Division)
HBG	Hall Baum Group
HIA	Housing Industry Australia
J&A Barrett	Jeff & Angus Barrett
JB	John Broomhead

List of abbreviations

FPAA	Fire Protection Association Australia
FWO	Fair Work Ombudsman
MBA	Master Builders Association
MPG	Master Plumbers Group
MPMCA	Master Plumbers Association of NSW