

AWARD MODERNISATION SUBMISSIONS AND DRAFT AWARD PROVISIONS

Stage 4

AM2008/85 – Labour Hire Services

**Further Joint Submission of Ai Group and the
RCSA**



28 October 2009

AWARD MODERNISATION – STAGE 4

AM2008/85 – ‘LABOUR HIRE’ SERVICES

BACKGROUND TO THIS FURTHER SUBMISSION

1. This submission is made jointly by the Australian Industry Group (Ai Group) and the Recruitment and Consulting Services Association (RCSA).

2. In our submission of 16 October 2009, proposed amendments were set out for all Stage 1, 2 and 3 modern awards to clarify the coverage of on-hire employees with the exception of:
 - Occupational awards, which cover employees in the relevant occupations, including on-hire employees;
 - Several awards which already contain provisions clarifying the coverage of on-hire employees.

3. Our submission of 16 October also included the following important note to alert the Commission and other interested parties to the fact that the drafting of appropriate provisions for all modern awards was not straightforward and that we were keen for other parties to identify any unintended consequences associated with the provisions that we had drafted:

IMPORTANT NOTE

Draft clauses for the above awards are set out below, for the consideration of the Commission and representatives of employers and employees in these industries. Modifications to the model clause appear in bold.

As the Commission and other parties will appreciate, drafting appropriate provisions for all modern awards is a huge task and Ai Group and the RCSA are still considering the effects of the draft provisions proposed. To date, time has not permitted consultation with other employer and union parties, but Ai Group and the RCSA are keen to understand any unintended effects of the proposed provisions.

4. Since filing our submission on 16 October (which dealt with Stage 1, 2 and 3 modern awards), we have carried out further analysis and studied the submissions of other parties.
5. Following this analysis, we have amended our position.
6. This submission includes:
 - An amended model provision;
 - Amendments to the provisions which we proposed to the Stage 1, 2 and 3 modern awards in our 16 October submission;
 - Proposed provisions for Stage 4 modern awards.

PROPOSED MODEL PROVISION

7. We now propose the following amended model provision:

*“4.x. This award covers any employer business which supplies labour to a business in the **[insert industry]** on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the **[insert industry]**. This subclause 4.x operates subject to the exclusions from coverage in this award ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

8. The reasons for the amendments are:
 - The replacement of the word “business” with the word “employer” provides greater clarity regarding the intended coverage of the clause and is more consistent with s.143 of the *Fair Work Act*,

- The use of the term “subclause”, rather than “clause”, is more appropriate given the fact that the proposed model provision would generally be inserted as a subclause in Clause 4 – Coverage, of modern awards;
- The deletion of the second half of the last sentence is important to avoid excluding on-hire employees who work in client workplaces covered by an enterprise award from coverage under industry based modern awards.

AMENDED PROVISIONS FOR STAGE 1, 2 AND 3 MODERN AWARDS

9. The proposed amendments to the coverage provisions of Stage 1, 2 and 3 modern awards are set out in ***Attachment A***.
10. ***Attachment A*** reproduces the amendments set out in our 16 October submissions, as altered to incorporate the amended model provision outlined above.
11. Some amendments have been made to address issues raised in the 22 October submission of the Qantas Group. These are highlighted and noted in ***Attachment A***, and explained later in this submission.

PROPOSED PROVISIONS FOR STAGE 4 MODERN AWARDS

12. The provisions proposed for Stage 4 awards (based upon the coverage of the Exposure Drafts), are set out in ***Attachment B***. We have assigned each modern award to one of the four categories which we used for the Stage 1, 2 and 3 awards. That is:
 1. Modern awards which expressly deal with the coverage of the on-hire industry and which do not require variation;
 2. Modern awards which are occupational awards, hence covering on-hire businesses in relation to on-hire employees in those occupations;

3. Modern awards into which a model clause can be inserted which clarifies the coverage of on-hire businesses providing labour to employers in the industries covered by the award; and
4. Modern awards which require a different clause.

SUBMISSIONS OF THE QANTAS GROUP

13. On 22 October, the Qantas Group filed submissions relating to on-hire employees covered by the following modern awards:

- *Air Pilots Award 2010*;
- *Aircraft Cabin Crew Award 2010*;
- *Airline Operations – Ground Staff Award 2010*.

Air Pilots Award 2010

14. The Qantas Group concurred with our submissions that this is an occupational award which is drafted in a manner which would cover on-hire employees.

Aircraft Cabin Crew Award 2010

15. The Qantas Group submitted that this award is appropriately characterised as an occupational award and does not require any variation to address on-hire employees.

16. We agree with the view expressed by Qantas and amendments to reflect this position are included in ***Attachment A***.

Airline Operations – Ground Staff Award 2010

17. In lieu of the model provision proposed by Ai Group and the RCSA, the Qantas Group has proposed that the following provision be incorporated within the *Airline Operations - Ground Staff Award 2010*:

“This award covers any employer which supplies labour to an employer in the airline operations industry on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer in the airline operations industry. For the avoidance of doubt, the exclusions from coverage in this award also apply to an employer to whom this clause applies.”

18. Ai Group and the RCSA have no objection to the above provision being inserted into the *Airline Operations – Ground Staff Award 2010*, in lieu of the model provision, as sought by Qantas.
19. With regard to the model provision proposed in our submission of 16 October, the Qantas Group has raised two concerns about the wording.
20. Firstly, Qantas asserts that the term “business” is inconsistent with the language used in modern awards and creates uncertainty, and that the term “business” should be replaced with the term “employer” in the *Airline Operations – Ground Staff Award 2010*. We have addressed Qantas’ concern by supporting the inclusion of the wording proposed by Qantas in the *Airline Operations – Ground Staff Award 2010*.
21. Further, in response to the issue raised by Qantas (in respect of the *Airline Operations – Ground Staff Award 2010*), we have amended our model provision (as it relates to other awards) to replace the term “business” with the term “employer” where the term “business” first appears. This addresses the

requirements of s.143 of the *Fair Work Act 2009*. We maintain our support for the use of the term “business” in the other two places where this term appears in the model provision. The term “business” is used in the coverage clauses of a number of modern awards including, for example, the *Contract Call Centres Award 2010*, the *Electrical, Electronic and Communications Contracting Award 2010*, and the *Telecommunications Services Award 2010*. The term “business” is also used in the clauses agreed upon between Ai Group and the ICT Unions and included in the *Contract Call Centre Industry Victorian Common Rule Declaration* and the *Telecommunications Services Industry Victorian Common Rule Declaration* to clarify the coverage of labour hire employees.

22. The second concern expressed by the Qantas Group is that the last sentence of the model clause in the Ai Group / RCSA submission of 16 October would have the effect of excluding on-hire employees who are placed in workplaces covered by an enterprise award from coverage under the relevant industry award.
23. Ai Group and the RCSA accept that the model provision proposed in our 16 October submission could have that unintended effect. Therefore, we have amended the final sentence of our model provision to remove the words “so as to exclude any business which on-hires employees to an excluded business”. The new sentence simply states that “*This subclause 4.x operates subject to the exclusions from coverage in this award*”. The intent of this sentence is that any applicable exclusion in the industry award would apply. The exclusion for employers and employees bound by an enterprise award would not be applicable to employers of on-hire employees because such employers are not typically bound by enterprise awards.
24. As set out above, Ai Group and the RCSA support the inclusion of our amended model provision in all of the awards which we have included in Category 3 in **Attachments A and B**. With regard to the *Airline Operations* –

Ground Staff Award 2010 we have moved this award to Category 4 and do not oppose the wording suggested by Qantas.

PROPOSED APPROACH TO VARYING MODERN AWARDS TO CLARIFY THE COVERAGE OF ON-HIRE EMPLOYEES

25. Ai Group and the RCSA submit that it would be very onerous for separate applications to be made to vary each modern award to clarify their coverage of on-hire employees and that the best approach would be to vary modern awards in conjunction with the Commission's Stage 4 decision.
26. **A great deal of disruption and uncertainty will undoubtedly occur if modern awards come into operation on 1 January 2010 and they do not apply to on-hire employees. There are hundreds of thousands of on-hire employees in Australia.**
27. **Employers of on-hire employees need to know and understand where and how modern awards will apply to their employees well before 1 January 2010 to adapt commercial terms with clients, vary employment conditions with employees and prepare suitable employment systems and arrangements within their operations.**

ATTACHMENT A

PROPOSED AMENDMENTS TO STAGE 1, 2 AND 3 MODERN AWARDS

This Attachment reproduces the amendments set out in the Ai Group / RCSA submissions dated 16 October, as altered to reflect the issues dealt with in this latest submission. The alterations made to the proposals in our 16 October submissions are highlighted.

CATEGORY 1: MODERN AWARDS WHICH EXPRESSLY DEAL WITH COVERAGE OF THE ON-HIRE INDUSTRY

The following modern awards contain clauses dealing expressly with the coverage of on-hire businesses and their employees and do not require any variation:

- *Aluminium Industry Award 2010;*
- *Black Coal Mining Industry Award 2010;*
- *Contract Call Centres Award 2010;*
- *Electrical Power Industry Award 2010;*
- *Mining Industry Award 2010;*
- *Telecommunications Services Award 2010.*

CATEGORY 2: OCCUPATIONAL AWARDS

The following modern awards are occupational awards, which cover employers in the on-hire industry in respect of employees in the relevant occupations, and do not require variation:

- *Air Pilots Award 2010;*

- **Aircraft Cabin Crew Award 2010; (Note: This award has been added to Category 2 because it is an occupational award, as submitted by the Qantas Group)**
- *Architects Award 2010;*
- *Commercial Sales Award 2010;*
- *Clerks – Private Sector Award 2010;*
- *Hydrocarbon Field Geologists Award 2010;*
- *Nurses Award 2010;*
- *Plumbing and Fire Sprinklers Award 2010;*
- *Medical Practitioners Award 2010;*
- *Surveying Award 2010.*

Some of the above modern awards are industry and occupational awards but because of the extent of occupational coverage, on-hire employees would appear to be appropriately covered.

CATEGORY 3: MODERN AWARDS INTO WHICH THE MODEL CLAUSE CAN BE INSERTED

The following model clause can be readily inserted into the listed modern awards (in some cases with a minor variation as to formatting):

*“4.x. This award covers any employer business which supplies labour to a business in the **[insert industry]** on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the **[insert industry]**. This subclause 4.x operates subject to the exclusions from coverage in this award, ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

- *Aged Care Award 2010;*

- ~~*Airline Operations – Ground Staff Award 2010;*~~ **(NB. This award has been moved to Category 4)**
- *Amusement, Events and Recreation Award 2010;*
- *Asphalt Industry Award 2010;*
- *Banking, Finance and Insurance Award 2010;*
- *Book Industry Award 2010;*
- *Broadcasting and Radio Entertainment Award 2010;*
- *Building and Construction General On-site Award 2010;*
- *Business Equipment Industry Award 2010;*
- *Cement and Lime Award 2010;*
- *Cemetery Industry Award 2010;*
- *Cleaning Services Industry Award 2010;*
- *Concrete Products Award 2010;*
- *Dredging Industry Award 2010;*
- *Educational Services (Post-Secondary Education) Award 2010;*
- *Educational Services (Schools) General Staff Award 2010;*
- *Education Services (Teachers) Award 2010;*
- *Electrical, Electronic and Communications Contracting Award 2010;*
- *Fast Food Industry Award 2010;*
- *Food, Beverage and Tobacco Manufacturing Award 2010;*
- *Gas Industry Award 2010;*
- *General Retail Industry Award 2010;*
- *Hair and Beauty Industry Award 2010;*
- *Higher Education Industry – Academic Staff – Award 2010;*
- *Higher Education Industry – General Staff – Award 2010;*
- *Horse and Greyhound Training Award 2010;*
- *Horticulture Award 2010;*
- *Hospitality Industry (General) Award 2010;*
- *Hydrocarbons Industry (Upstream) Award 2010;*
- *Journalists Published Media Award 2010;*

- *Live Performance Award 2010;*
- *Market and Social Research Award 2010;*
- *Maritime Offshore Oil and Gas Award 2010;*
- *Marine Tourism and Charter Vessels Award 2010;*
- *Marine Towage Award 2010;*
- *Mobile Crane Hiring Award 2010;*
- *Nursery Award 2010;*
- *Oil Refining and Manufacturing Award 2010;*
- *Passenger Vehicle Transportation Award 2010;*
- *Pastoral Award 2010;*
- *Pharmaceutical Industry Award 2010;*
- *Pharmacy Industry Award 2010;*
- *Ports, Harbours and Enclosed Water Vessels Award 2010;*
- *Poultry Processing Award 2010;*
- *Premixed Concrete Award 2010;*
- *Quarrying Award 2010;*
- *Racing Clubs Events Award 2010;*
- *Racing Industry Ground Maintenance Award 2010;*
- *Marine Towage Award 2010;*
- *Maritime Offshore Oil and Gas Award 2010;*
- *Meat Industry Award 2010;*
- *Road Transport and Distribution Award 2010;*
- *Road Transport (Long Distance Operations) Award 2010;*
- *Seafood Processing Award 2010;*
- *Security Services Industry Award 2010;*
- *Silviculture Award 2010;*
- *Stevedoring Industry Award 2010;*
- *Storage Services and Wholesale Award 2010;*
- *Sugar Industry Award 2010;*
- *Textile, Clothing, Footwear and Associated Industries Award 2010*

- *Transport (Cash in Transit) Award 2010;*
- *Vehicle Manufacturing, Repair, Services and Retail Award 2010*
- *Waste Management Award 2010;*
- *Wine Industry Award 2010;*
- *Wool Storage, Sampling and Testing Award 2010.*

CATEGORY 4: MODERN AWARDS WHICH REQUIRE A DIFFERENT CLAUSE

The remaining Stage 1, 2 and 3 modern awards, which have not been assigned to one of the above categories, are:

- ~~*Aircraft Cabin Crew Award 2010;*~~ **(Note: This is an occupational award, and has been moved to Category 2)**
- *Airline Operations – Ground Staff Award 2010;*
- *Airport Employees Award 2010;*
- *Alpine Resorts Award 2010;*
- *Coal Export Terminals Award 2010;*
- *Cotton Ginning Award 2010;*
- *Graphic Arts, Printing and Publishing Award 2010;*
- *Health Professionals and Support Services Award 2010;*
- *Joinery and Building Trades Award 2010;*
- *Manufacturing and Associated Industries and Occupations Award 2010;*
- *Port Authorities Award 2010;*
- *Professional Employees Award 2010;*
- *Rail Industry Award 2010;*
- *Registered and Licensed Clubs Award 2010;*
- ~~*Storage Services and Wholesale Award 2010;*~~ **(NB. This award is appropriately included in Category 3)**
- *Sporting Organisations Award 2010;*
- *Timber Industry Award 2010.*

These modern awards require a different clause. This category can be broken up into the following two sub-categories:

- Modern awards which apply to specified employers; and
- Modern awards which apply to both industries and occupations).

Modern awards which apply to specified employers

~~Aircraft Cabin Crew Award 2010~~

~~*“This award covers any business which supplies labour to **an employer of aircraft cabin crew** on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for **an employer of aircraft cabin crew**. This clause operates subject to the exclusions from coverage in this award, so as to exclude any business which on-hires employees to an excluded business.”*~~

Airline Operations – Ground Staff Award 2010

The Qantas Group, in its submission of 22 October 2009, proposes the following clause for this award. Ai Group and the RCSA have no objection to the clause being inserted into this award:

“4.x. This award covers any employer which supplies labour to an employer in the airline operations industry on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer in the airline operations industry. For the avoidance of doubt, the exclusions from coverage in this award also apply to an employer to whom this clause applies.”

Airport Employees Award 2010

*“This award covers any **employer** business which supplies labour to an employer that operates airports on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer that operates airports. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

Alpine Resorts Award 2010

*“This award covers any **employer** business which supplies labour to an employer who operates an alpine resort on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who operates an alpine resort. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

Cotton Ginning Award 2010

*“This award covers any **employer** business which supplies labour to an employer who operates a cotton ginnery on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who operate a cotton ginnery. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

Coal Export Terminals Award 2010

*“This award covers any **employer** business which supplies labour to an employer who operates a coal export terminal on an on-hire basis in respect of on-hire*

employees in classifications covered by this award while engaged in the performance of work for an employer who operate a coal export terminal. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Port Authorities Award 2010

“This award covers any **employer business** which supplies labour to an employer who is a port authority on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who is a port authority. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Rail Industry Award 2010

“This award covers any **employer business** which supplies labour to an employer who is a Rail Transport Operator on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who is a Rail Transport Operator. This **subclause 4.x** operates subject to the exclusions from coverage in this award ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Registered and Licensed Clubs Award 2010

“This award covers any **employer business** which supplies labour to a club covered by the award on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for the club. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Sporting Organisations Award 2010

*“This award covers any **employer business** which supplies labour to a national, State or Territory sporting organisation on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a national, State or Territory sporting organisation. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

Timber Industry Award 2010

*“This award covers any **employer business** which supplies labour to an employer in the industry sectors described in clause 4.2 on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer in the industry sectors described in clause 4.2. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

Modern awards which apply to both industries and occupations

Graphic Arts, Printing and Publishing Award 2010

*“This award covers any **employer business** which supplies labour to a business in **the graphic arts, printing and publishing industries** on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the **graphic arts, printing and publishing industries. This award also covers on-hire employees in occupations covered by this award.** This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”*

Health Professionals and Support Services Award 2010

“This award covers any employer business which supplies labour to a business in the health industry on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the health industry. This award also covers on-hire employees in occupations covered by this award. This subclause 4.x operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Joinery and Building Trades Award 2010

“This award covers any employer business which supplies labour to a business in the joinery and building trades industries on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the joinery and building trades industries. This award also covers on-hire employees in occupations covered by this award. This subclause 4.x operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Manufacturing and Associated Industries and Occupations Award 2010

“This award covers any employer business which supplies labour to a business in the manufacturing and associated industries on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the manufacturing and associated industries. This award also covers on-hire employees in occupations covered by this award. This subclause 4.x operates subject to the exclusions from coverage in this award. ~~so as to exclude any business which on-hires employees to an excluded business.~~”

Professional Employees Award 2010

*“This award covers any **employer** ~~business~~ which supplies labour to an employer who is principally engaged in the information technology industry, the quality auditing industry or the telecommunications services industry on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who is principally engaged in the information technology industry, the quality auditing industry or the telecommunications services industry. This award also covers on-hire employees in occupations covered by this award. This **subclause 4.x** operates subject to the exclusions from coverage in this award. ~~,so as to exclude any business which on-hires employees to an excluded business.”~~*

ATTACHMENT B

PROPOSED AMENDMENTS TO STAGE 4 MODERN AWARDS

This Attachment sets out proposed provisions for Stage 4 awards (based upon the coverage of the Exposure Drafts) to clarify the coverage of on-hire employees.

We submit that the issue of whether or the *Miscellaneous Award 2010* should include a clause dealing with on-hire employees, should be delayed until the award is made.

CATEGORY 1: MODERN AWARDS WHICH EXPRESSLY DEAL WITH COVERAGE OF THE ON-HIRE INDUSTRY

There are no Stage 4 awards in this category.

CATEGORY 2: OCCUPATIONAL AWARDS

The following modern award is an occupational award, which covers employers in the on-hire industry in respect of employees in the relevant occupations, and does not require variation:

- *Mannequins and Models Award 2010*

CATEGORY 3: MODERN AWARDS INTO WHICH THE MODEL CLAUSE CAN BE INSERTED

The following model clause can be readily inserted into the listed modern awards (in some cases with a minor variation as to formatting):

“4.x. This award covers any employer which supplies labour to a business in the [insert industry] on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the [insert industry]. This subclause 4.x operates subject to the exclusions from coverage in this award”

- *Aboriginal Community Controlled Health Services Award 2010;*
- *Ambulance and Patient Transport Industry Award 2010;*
- *Car Parking Award 2010;*
- *Children’s Services Award 2010;*
- *Corrections and Detention (Private Sector) Award 2010;*
- *Dry Cleaning and Laundry Industry Award 2010;*
- *Educational Services (Teachers) Award 2010;*
- *Employment Services Industry Award 2010;* (NB. We strongly oppose the title of this award and its coverage of the Group Training Sector)
- *Fire Fighting Industry Award 2010;*
- *Fitness Industry Award 2010;*
- *Funeral Industry Award 2010;*
- *Gardening and Landscaping Services Award 2010;*
- *Legal Services Award 2010;*
- *Local Government Industry Award 2010;*
- *Pest Control Industry Award 2010;*
- *Real Estate Industry Award 2010;*
- *Restaurant Industry Award 2010;*
- *Salt Industry Award 2010;*
- *Seagoing Industry Award 2010;*
- *Social, Community, Home Care and Disability Services Industry Award 2010;*
- *Travelling Shows Award 2010;*
- *Veterinary Services Award 2010;*
- *Water Industry Award 2010.*

CATEGORY 4: MODERN AWARDS WHICH REQUIRE A DIFFERENT CLAUSE

The remaining Stage 4 modern awards, which have not been assigned to one of the above categories, are:

- *Aquaculture Industry Award 2010;*
- *Professional Diving Industry (Industrial) Award 2010;*
- *Professional Diving Industry (Recreational) Award 2010;*
- *Social, Community, Home Care and Disability Services Industry Award 2010;*
- *Supported Employment Services Award 2010;*

These modern awards require a different clause, as set out below.

Aquaculture Industry Award 2010

“This award covers any employer which supplies labour to an employer engaged in the breeding, production, farming and related harvesting of fish, shellfish, crustacea and marine vegetation and operations ancillary thereto on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who is engaged in the breeding, production, farming and related harvesting of fish, shellfish, crustacea and marine vegetation and operations ancillary thereto. This subclause 4.x operates subject to the exclusions from coverage in this award.”

Professional Diving Industry (Industrial) Award 2010

“This award covers any employer which supplies labour to an employer engaged in the provision of underwater services to industry, including offshore exploration and development diving and related shipboard services on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who is engaged in the provision of underwater

services to industry, including offshore exploration and development diving and related shipboard services. This subclause 4.x operates subject to the exclusions from coverage in this award.”

Professional Diving Industry (Recreational) Award 2010

“This award covers any employer which supplies labour to an employer engaged in the provision of underwater services for the purposes of recreational diving and related shipboard services on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer engaged in the provision of underwater services for the purposes of recreational diving and related shipboard services. This subclause 4.x operates subject to the exclusions from coverage in this award.”

Social, Community, Home Care and Disability Services Industry Award 2010

“4.x. This award covers any employer which supplies labour to a business in the crisis assistance and supported housing sector, the social and community services sector, the home care sector, the family day care scheme sector, or the disability services sector, on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for a business in the crisis assistance and supported housing sector, the social and community services sector, the home care sector, the family day care scheme sector, or the disability services sector. This subclause 4.x operates subject to the exclusions from coverage in this award.”

Supported Employment Services Award 2010

“This award covers any employer which supplies labour to an employer who operates supported employment services on an on-hire basis in respect of on-hire employees in classifications covered by this award while engaged in the performance of work for an employer who operates supported employment services. This subclause 4.x operates subject to the exclusions from coverage in this award.”