

From: Chambers - Clancy DP
Sent: Wednesday, 21 December 2016 7:19 PM
To: Monroe, John
Cc: AMOD
Subject: RE: 4 yearly review of modern awards - Fitness Industry Award (AM2014/227) [KLG-AU_Active01.FID2216856]

Dear Mr Monroe,

Your email below has been noted by the Deputy President.

It would appear the position of Gymnastics Australia is that the proposed amendments to the Classification Structure in Item 16B of the Summary of Submissions published on 22 July 2016 are being pursued and that they have been agreed by interested parties.

This will be reflected in the material to be considered by the Full Bench, together with your submissions dated 12 November 2015.

Kind regards,

Lauren Thomas
Associate to Deputy President Clancy

Fair Work Commission
Tel: +61 3 8656 4527
Fax: +61 3 9655 0401
chambers.clancy.dp@fwc.gov.au

11 Exhibition Street, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

From: Monroe, John [<mailto:John.Monroe@klgates.com>]
Sent: Tuesday, 20 December 2016 4:39 PM
To: AMOD; Chambers - Clancy DP
Cc: Moloney, Michaela
Subject: 4 yearly review of modern awards - Fitness Industry Award (AM2014/227) [KLG-AU_Active01.FID2216856]

Dear Associate

We are writing on behalf of Gymnastics Australia and refer to the above matter.

On 12 November 2015, Gymnastics Australia made submissions seeking variations to the classifications in the *Fitness Industry Award 2010 (FIA)* so as to better reflect the nature of work performed by gymnastics coaches.

In Deputy President Clancy's report to the Full Bench dated 3 June 2016, the Deputy President noted at Item 16 that the variations to the classifications proposed by Gymnastics Australia had been agreed. However, the Exposure Draft – Revised dated 29 July 2016 did not contain these variations, in contrast to the majority of agreed variations. This was raised at the conference on 9 August 2016, and the Deputy President stated that he would follow up this issue. It was then noted at item 6 of the

Deputy President's Report to the Full Bench dated 25 August 2016 that these were not opposed and Gymnastics Australia sought their inclusion in the Exposure Draft.

The directions in this matter dated 14 December 2016 require interested parties to:

Direction 1 - By 10 January 2017, file any comments they have in relation to the **accuracy** of the most recent exposure draft and summary of submissions, and identify which **claims are still being pursued**; and

Direction 3 - By 20 January 2017, file submissions and evidence in support of **outstanding claims** identified in their submissions filed in accordance with Direction 1.

We note that, on our reading of the directions, submissions and evidence do not seem to be required in support of agreed variations included in the revised Exposure Draft.

Given the agreed variation to classifications has not been included in the exposure draft, we request clarification of the following:

- Should Gymnastics Australia treat the omission of the agreed variation as:
 - A matter relating to the accuracy of the exposure draft; and/or
 - A claim still being pursued under 1(i)?
- Is Gymnastics Australia required to submit written submissions and evidence, in support of the agreed variation to the classifications, in accordance with Direction 3?

We would appreciate any clarification that the Commission can provide at your earliest convenience.

Kind regards

The logo for K&L GATES, featuring the text "K&L GATES" in white, bold, sans-serif capital letters on a dark blue rectangular background.

John Monroe

Lawyer

K&L Gates

Level 25 South Tower, 525 Collins Street

Melbourne VIC 3000, Australia

Phone: +61 3 9205 2141

Fax: +61 3 9205 2055

john.monroe@klgates.com

www.klgates.com