



The Australian Industry Group
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24 March 2017

Commissioner Cirkovic
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.cirkovic.c@fwc.gov.au

Dear Commissioner,

Re. AM2014/263 Children's Services Award 2010

We refer to the above matter and proceedings listed before the Fair Work Commission (**Commission**) on 27 March 2017.

Regrettably, due to various resource constraints resulting from the 4 yearly review of modern awards, the Australian Industry Group (**Ai Group**) will not be able to attend the aforementioned conference. We have, however, engaged in discussions with United Voice regarding various outstanding technical and drafting issues arising from the *Exposure Draft – Children's Services Award 2016 (Exposure Draft)* and confirm our position in relation to those below.

Item 2 – definition of 'ordinary hourly rate'

We agree with United Voice that the definition set out at paragraph 5 of its submission dated 13 March 2017 should replace the definition presently found at clause 2 of the Exposure Draft.

Items 3 and 4 – definition of 'minimum hourly rate'

We do not oppose United Voice's proposal that the definition set out at paragraph 6 of its submission dated 13 March 2017 be inserted in the Exposure Draft.

Item 9 – calculation of the casual rate of pay

Ai Group continues to rely on its submissions of 30 June 2016 at paragraphs 41 – 53 and paragraph 241. We understand that United Voice opposes our position. We are content for the matter to be determined on the papers based on the material before the Commission.



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Item 17 – Schedule B

In response to United Voice's submissions of 13 March 2017:

- We do not oppose the deletion of clause B.1.1.
- We do not oppose the amendment proposed to clause B.1.2.

We continue to press our submission that the reference to the 'ordinary hourly rate' in the tables contained in B.2 and B.3 should be replaced with a reference to the 'minimum hourly rate' for the reasons articulated at paragraphs 244 – 248 of our submission dated 30 June 2016.

Yours sincerely,

Stephen Smith
Head of National Workplace Relations Policy