



20 September 2017

Our Ref: 20140547

Your Ref: AM2014/281

BY EMAIL amod@fwc.gov.au

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Dear Associate

AM2014/281 - PROFESSIONAL EMPLOYEES AWARD 2010 – OUTSTANDING ISSUES

We act for Australian Business Industrial and the NSW Business Chamber in relation to the above matter, and refer to email correspondence received from the Fair Work Commission (**FWC**) on 8 September 2017.

In its email, the FWC sought clarification from parties in relation to the following issues:

- (a) ordinary hours of work - and overtime/TOIL provisions that would apply where the average has been exceeded; and
- (b) the calculation of annual leave loading under clause 17.2(a) and whether the correct reference to ABS statistics of the September quarter should be to the year preceding the taking of leave, as opposed to the year proceeding the accrual of leave.

Having had the benefit of reviewing Ai Group's correspondence dated 18 September 2017, we confirm that our clients are generally supportive of the position adopted by Ai Group in their correspondence.

We also note that if changes were to be made to the Award in relation to either of these matters as proposed by the FWC, that they would constitute a significant departure from the terms of the current award and need to be dealt with as substantive claims, supported by submissions and probative evidence.¹

If you have any questions, please contact Margaret Chan on (02) 9458 7803.

Yours sincerely

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¹ Preliminary Issues Decision at [60]