



The Association of Professional  
Engineers, Scientists &  
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Award Modernisation Team  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

Email: AMOD@fwc.gov.au

Dear Fair Work Commission

**AM/2014/281 – PROFESSIONAL EMPLOYEES AWARD 2010 – OUTSTANDING ISSUES**

I refer to the correspondence of 8th September 2017.

In respect of the issues which have been raised the position of the Association is as follows:

1. Item 22 – Ordinary Hours of Work

Firstly, I refer to the views expressed by Mr Smith on behalf of the AI Group. The AI Group and APESMA with the support of the other interested employer organisations reached agreement that there should be a 12 – month cycle for the averaging of hours of work. Regarding the matter of TOIL and Overtime provisions this has not been specifically addressed to date by the parties in their discussions. The current provision in the existing award which is broadly applicable to this subject matter is Clause 18.2. This sub-clause provides for a range of options when determining compensation for a range of factors including for time worked regularly in excess of ordinary hours of duty. In this regard attention is drawn to the Summary of Proposed Substantive Variations dated 4th September 2017. Item S5 of that document refers to a proposed amendment to clause 18.2 which seeks to address concerns which the Association has with the operation of the current provision. Accordingly, the issue of TOIL and Overtime is in the view of the Association is best considered along with the other substantive matters.

2. Item 29 and 30 – Annual Leave

The words “*year preceding the year in which the date of the accrual of the annual leave falls*” has been interpreted to be a reference to the year prior to the full accrual of the annual leave entitlement. As annual leave now accrues progressively it would be appropriate to amend the current provision so that the entitlement must not exceed the ABS earnings etc “*for the September quarter of the year preceding the year of the anniversary date in which the full annual leave entitlement has accrued*”. The Association is open to further discussions on this matter.

*Michael L. Butler*

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Director Industrial Relations

