



27 September 2016

Our Ref: 20140530

Your Ref: AM2014/219

BY EMAIL amod@fwc.gov.au

The Associate to Hon Justice I Ross AO
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

ABN 76 008 556 595

Suite 402, Level 4,
Watt Street Commercial Centre,
Corner King and Watt Streets,
NEWCASTLE NSW 2300

PO Box 481
Newcastle NSW 2300
DX 7858, Newcastle

t: 1300 565 846
f: +61 2 9954 5029
ablawyers.com.au

Dear Associate

AM2014/219 - SUBMISSIONS IN REPLY ON OUTSTANDING AND TECHNICAL DRAFTING ISSUES

We act on behalf of Australian Business Industrial (**ABI**) and the New South Wales Business Chamber Ltd (**NSWBC**) in respect of the above matter.

ABI and NSWBC each have a material interest in the *Clerks - Private Sector Award 2010*. In accordance with the Directions dated 17 August 2016, set out below are our clients' submissions in reply to those of other interested parties. We also seek to rely upon our submissions filed 6 September 2016.

1. Clause 5.2: Our clients agree with the submission of Business SA.
2. Clauses 8.1 and 14.1: Our clients agree with Business SA and submit that there may be some merit in including a definition of 'shiftworker' in the award. ABI and the NSWBC will consider any wording advanced by other interested parties. In the absence of a definition proposed by an interested party, our clients do not intend to pursue the issue.
3. Clauses 8.1 (a)(i) and 8.1 (a)(ii): Our clients do not oppose Ai Group's proposed amendments to this clause. In this regard we refer to paragraph 5.4 of our submission dated 6 May 2016. Our clients disagree with the position of the ASU in this regard.
4. Clause 8.2(b): Our clients agree with the submissions of Ai Group and Business SA. In this regard we refer paragraph 5.4 of our submission dated 15 April 2016. Our clients disagree with the position of the ASU in this regard.
5. Clause 13.4 (b)(i): Our clients agree with Business SA and submit that no change is required.
6. Clause 14.2: Our clients agree with the position of Business SA and Ai Group and disagree with the submissions of ASU. In this regard, our clients repeat and reply upon paragraph 5.14

859894_1

Australian Business Lawyers & Advisors Pty Limited (ACN 146 318 783) is the Trustee of Australian Business Lawyers & Advisors Trust (ABN 76 008 556 595). Liability limited by a scheme approved under Professional Standards Legislation. Legal practitioners employed by or being directors of Australian Business Lawyers & Advisors Pty Limited are members of the scheme.

of their submission dated 6 May 2016 and paragraph 5.4 of their submission dated 15 April 2016.

7. Clauses 14.4 and 14.7: Our clients agree with the submission of the Ai Group in relation to the amendment of the Exposure Draft.
8. Clause 15.2: Our clients oppose the change sought by the ASU and note that this will be pursued as a substantive claim.
9. Clause 15.3: Our clients support the other parties' view that no amendment is required and do not propose to make further submissions.
10. Clause 13: Our clients neither support nor oppose the submission of the Ai Group in relation to the deletion of clause 13.4(c) and insertion of a new clause 14.5(c) at this stage and would appreciate the opportunity to further discuss this proposal.

Our clients note the issue raised by the Ai Group in relation to inconsistent terminology being used throughout the document and support further discussion of this issue.

If you have any questions, please contact Kate Thomson on (02) 4989 1003.

Yours sincerely

per 

Nigel Ward
CEO + Director
Australian Business Lawyers & Advisors
(02) 9458 7286
nigel.ward@ablawyers.com.au

Kate Thomson
Lawyer
Australian Business Lawyers & Advisors
(02) 4989 1003
kate.thomson@ablawyers.com.au