



DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Real Estate Industry Award 2010

(AM2016/6)

VICE PRESIDENT HATCHER

DEPUTY PRESIDENT ASBURY

COMMISSIONER GREGORY

SYDNEY, 31 JULY 2018

[1] On 16 March 2018 we issued a decision and determination amending the Real Estate Industry Award 2010 following a number of earlier decisions in relation to the 4 yearly review of that Award.¹ An issue was subsequently raised by the parties with respect to the amendments excluding part-time employees from commission-only arrangements.

[2] In a further decision issued on 29 March 2018² we accepted that the parties had misunderstood provisional views conveyed in our earlier decisions about this matter and decided to provisionally amend the determination issued on 16 March 2018 to allow part-time employees to continue to be employed on commission-only arrangements. We also indicated our intention to relist the matter to allow the parties to make further submissions and call evidence in relation to our previously expressed provisional view that part-time employment is neither useful nor relevant for commission-only employees.

[3] Consistent with this process the following Directions are issued:

1. Parties wishing to make submissions and/or call evidence in relation to our provisional view that part-time employment is neither useful or relevant for commission-only employees are required to file an outline of submissions and statements of evidence from any witnesses to be relied on at hearing by **5.00 pm on Friday 14 September 2018**.
2. Any party seeking a further conference to resolve any outstanding matters or to be heard in relation to submissions filed in the Commission in accordance with these Directions is required to communicate this request by **5.00pm on Friday 28 September 2018**.
3. Submissions and requests are to be filed electronically by forwarding them to amod@fwc.gov.au

[4] The matter will be listed for a single day of hearing at **10.00 am on Monday 12 November 2018** in Sydney.



VICE PRESIDENT

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¹ [2018] FWCFB 1532; PR601130

² [2018] FWCFB 1882