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7 April 2020

Justice Ross, President
Deputy President Clancy
Commissioner Bissett
Level 4, 11 Exhibition Street
Melbourne VIC 3000

By email chambers.ross.j@fwc.gov.au

Your Honours

4 yearly review of modern awards (AM2019/17) - finalisation of Exposure Drafts and Draft variation determinations- Timber Industry Award 2010

HIA refers to the Fair Work Commission (**Commission**) Statement¹ (**Statement**) and corresponding Tranche 3 Background Paper (**Background Paper**) dated 23 March 2020 in relation to the abovementioned matter.

HIA maintains an interest in the *Timber Industry Award 2010* (**Timber Award**), and provides these reply submissions in accordance with the directions set out in paragraph 7 of the Statement.

Clause D.3.1- Public Holiday penalty rates for casual workers

At paragraph 370 of the Background Paper, parties are asked to comment on issues raised by ABI in relation to public holiday penalty rates for casual workers.

HIA agrees with ABI's comments as outlined in paragraph 369 of the Background Paper. Clause D.3.1 should be amended to provide public holiday rates only for casual workers in the General Timber Stream, and remove Saturday and Sunday rates as currently specified.

For the sake of absolute clarity and to assist the modern award reader HIA suggests that the table at Clause D.3.1 provide a note specifying ordinary rates also apply for the purposes of Saturday and Sunday work.

Clause 2- Standby

At paragraph 377 of the Background Paper, parties are asked to comment on issues raised by the CFMMEU in relation to standby, and the solution proposed.

HIA does not oppose the CFMMEU solution that the definition of standby in clause 2 should also contain the qualification of clause 14.3(p). However, it is preferred that a definition of 'standby' not be included in the

¹ [2020] FWCFB 1539

Timber Award general definitions of clause 2, but rather is restricted to clause 14 – Firefighting employees, as that is the group of employees to which the definition has relevance.

Whilst the proposed definition of 'standby' in clause 2 does note that it relates only to firefighting employees, including this definition in clause 2 and in clause 14.3(p) is an unnecessary duplication that has the potential to lead to unnecessary confusion for the modern award reader.

Clause 20.1- Adult Apprentices

HIA refers to, and supports the provisional views of the Commission expressed at paragraph 398 of the Background Paper.

Clause 26.15- Time off instead of payment for overtime

HIA refers to, and supports the Commissions views as expressed in paragraph 416 of the Background Paper.

Yours sincerely

HOUSING INDUSTRY ASSOCIATION LIMITED

A handwritten signature in black ink, appearing to be the initials 'LR' or a stylized 'LR'.

Laura Regan

Assistant Director- Industrial Relations