

Plumbing and Fire Sprinklers Award 2010 – Exposure Draft

Introduction

1. In accordance with the request issued by the Fair Work Commission (**Commission**) on Friday 21 July 2017, the Master Plumbers Group, based on the Revised Summary of Submissions – Technical and Drafting (dated 14 February 2017) (**FWC Summary of Submissions**), have reviewed the matters that remain outstanding between the parties and provide the following comments on those matters.
2. It is the Master Plumbers Group view that the following clauses are the clauses that represent the outstanding matters for the Exposure Draft of the *Plumbing and Fire Sprinklers Award 2010 – (PFS Award)*:
 - Clause 11.3 - Part time employment; and
 - Clause 12 - Casual employment;
 - Clause 13.14 - Adult apprentices; and
 - Clause 20.3(f) -Allowances; and
 - Clause 22 - Shiftwork.

Clause 11.3 – Part time employment

3. The AWU are seeking to include the word “finishing” in Clause 11.3(b). This would then require an employer, when employing a part – time employee, to advise them of their “commencing” time/s and “finishing” time/s.
4. The Master Plumbers Group has reviewed the AWU’s proposition.
5. During this review, the Master Plumbers Group has considered the part time clauses in the:-
 - *Building and Construction General On – Site Award 2010 (BCGO Award)*
 - *Clerks – Private Sector Award 2010 (CPS Award)*,
 - *Joinery and Building Trades Award 2010 (JBT Award)*
 - *Manufacturing and Associated Industries and Occupations Award 2010 (MAIO Award)*.
6. Based on the provisions provided in the CPS Award, the JBT Award and the MAIO Award, the Master Plumbers Group would not oppose the AWU’s application to insert “finishing” in Clause 11.3(b).

Clause 12 Casual employment

7. The AWU have raised issues with the fact that under the PFS Award there is no spread of hours provided within the casual employment clause. The AWU are seeking to include words at Clause 15.2(c) to rectify this situation.
8. During the Commission Conference on 6 February 2017, the AWU advised that they would advise as to whether they would continue to press this item. The AWU have not yet advised the Commission as to whether they are, or they are not, continuing to press this item.

- 9. The Master Plumbers Group would oppose the AWU’s proposition.
- 10. The Master Plumbers Group does not believe that it is necessary to duplicate the spread of hours provisions provided in Clause 15.2(c) of the PFS Award.
- 11. The hours of work provisions provided in Clause 15 apply to all employees covered by the award.
- 12. A casual employee is not excluded from Clause 15.

Clause 13.14 Adult apprentices

- 13. The Master Plumbers Group maintains our previously stated position; that is that Clauses 13.14(d)(i) and 13.14(d)(ii) should be deleted as neither are enforceable.

Clause 20.3(f) Allowances

- 14. The Master Plumbers Group have proposed the insertion of a new Clause 20.3(f).
- 15. The proposed amendment follows:-

(f) Industry disability allowance and space, height and dirt money allowance—fire sprinkler fitter employees

- (i) A fire sprinkler fitter tradesperson and a sprinkler fitting worker will receive the following additional weekly allowances for all purposes.

Allowance	\$ Per week
Industry disability allowance	\$29.77
Space, height and dirt money	\$27.42

- (ii) In accordance with Clauses 18.2(b)(iii) or 18.2(c)(iii), a sprinkler fitter apprentice will receive the applicable percentage of the allowances specified in the above table for all purposes.
- (iii)(A) In accordance with the first dot point of Clause 18.3(a)(iii) an adult sprinkler fitter apprentice is paid the full rate of the Industry disability allowance for all purposes, but not the Space, height and dirt money allowance.
- (iii)(B) In accordance with the second dot point of Clause 18.3(a)(iii) an adult sprinkler fitter apprentice is paid the applicable percentage of the allowances specified in the above table for all purposes, if the amount prescribed for apprentices generally is greater.

16. The Master Plumbers Group understands (and accepts) that the proposed clause is detailed (and potentially difficult to understand), however, it represents the existing provisions of the *Plumbing and Fire Sprinklers Award 2010* – which of themselves are detailed and difficult to understand.

Clause 22 Shiftwork

17. During the substantive award proceedings, the Master Plumbers Group proposed the restructuring of the shiftwork provisions.
18. This application was dealt with by the full bench during the substantive award proceedings. The full bench has now reserved their decision on that application.
19. The Master Plumbers Group believes that the proposition to vary the shiftwork provisions should not be entertained by the commission during these proceedings. An application of this kind should have been advanced by the applicants during the substantive award proceedings; not during the technical and drafting award proceedings.

Summary

20. There remain a number of outstanding matters. It is the Master Plumbers Group that based on the information presently at hand, that it will be necessary for the Commission to convene a further conciliation conference, so that the parties can try and settle the matters that remain outstanding.

Master Plumbers Group
Thursday 27 July 2017