

From: Ralph Clarke <clarker@bigpond.net.au>

Sent: Wednesday, 6 May 2020 1:27 PM

To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>; Bryan Wilcox - REEF <bryan@reef.org.au>; Sophie Ismail <sismail@actu.org.au>; Nigel Ward <Nigel.Ward@ablawyers.com.au>; David Collits <David.Collits@businessaustralia.com>; Arvin Bisbal <arvin@reefsant.org.au>; lmassonforbes@gmail.com; foxhome@adam.com.au; Tom French <Tom.French@myapsa.com.au>; Justin Lilleyman <Justin.Lilleyman@cciwa.com>; Bill McKenzie SOCO REALTY <bill@socorealty.com.au>; Paul Moss <Paul.Moss@cciwa.com>; nathan@smallacombe.com.au; Joe Murphy <Joe.Murphy@ablawyers.com.au>

Cc: AMOD <AMOD@fwc.gov.au>

Subject: RE: AM2020/14 - Application to vary the Real Estate Industry Award

Dear Vice President Hatcher

I attach a proposed amendment to the Schedule 1 put forward by REEF and REEF SA/NT with respect to their variation application to the Real Estate Award. RESA proposed amendments and the grounds upon which they are made have already been detailed in correspondence to the Commission and the employers.

Regards
Ralph Clarke

Agent for RESA

Amendment to proposed Schedule 1

Insert a new paragraph number 3 to read as follows;

3. Notwithstanding any other provision in the award the following provisions shall apply for the period (Date of Order coming into force) and 31st October 2021

- (a) No employee, employed pursuant to clauses 14 & 16 of the award shall have any payments made to them by their employer, pursuant to the Coronavirus Economic Response Package Omnibus (Measures No.2) Act 2020 – No. 38, 2020, (Jobkeeper payment), debited against the employee's agreed share of the employer's commission, bonus or incentive payment with respect to the sale or lease of real property.
- (b) An employee, employed pursuant to clause 16.7 of the award, (Commission – Only) shall not be paid less than the minimum wage (annualised) as prescribed by clause 14 of the award, for the period from the date of this Schedule coming into force and the 31st October 2021, or at an earlier date (on a pro rata basis), should the employee's employment cease prior to the 31st October 2021.
- (c) No employee who is not already employed as a commission – only salesperson as at the date of this schedule coming into force, shall be eligible to be employed on a commission – only basis until the 1st November 2021.