

8 August 2016

**By email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)**

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Our ref: [monroej.molonem.7375653.00103](#)  
Your ref: AM2014/227

Dear Award Modernisation Team

**AM2014/245: 4 yearly review of the *Sporting Organisations Award 2010***

We act for Tennis Australia in this matter and refer to the mention hearing on 6 June 2016. At that hearing, we noted our client's opposition to the AWU's proposed variation to clause 6.5(a) of the Exposure Draft to limit the hours of casual employees to 38 ordinary hours. We have set out further details of this objection below.

1. Taken together with the drafting of the Exposure Draft at clauses 8.1(a) and 13.2(a), the proposal could have the effect that clerical and administrative casual employees will become entitled to overtime when they work:
  - (a) outside of the span of hours between 6.00am and 6.00pm; and
  - (b) over 38 hours per week.
2. Currently, ordinary hours are only defined for full-time and part-time clerical and administrative employees (at clause 21.1 of the Sporting Organisation Award 2010), and accordingly do not apply to casual employees. However:
  - (a) the AWU's proposed amendment seeks to expressly apply a limit of 38 ordinary hours per week to casual employees; and
  - (b) the Exposure Draft at clause 8.1(a) does not limit the span of hours (6.00am to 6.00pm) to full-time and part-time employees, as is the case in the existing award, therefore it seems this span of hours could start to apply to casual employees.
3. If the effect of the above changes will be to provide casual employees with an entitlement to overtime, this represents a substantial variation to the existing award.

Tennis Australia accordingly objects to the AWU's proposed variation and the drafting of the Exposure Draft at clause 8.1.

We would be happy to further discuss this objection at the conference in this matter on 9 August 2016.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Michaela Moloney".

**Michaela Moloney**  
**Partner**