



17th October 2017

Associate to his Honour Deputy President Gostencnik

Deputy President Gostencnik
Fair Work Commission
80 William Street,
MELBOURNE, NSW

Plumbing and Fire Sprinklers Award 2010
s.156 – 4 yearly review of modern awards – Technical, Drafting and Substantive Issues
Summaries

Dear Associate,

On 11th October 2017 the Fair Work Commission provided the parties with an interest in the *Plumbing and Fire Sprinklers Award 2010*, with a Report and up-dated Technical and Drafting Summary and Proposed Substantive issues outline, for consideration. The parties were required to advise the Commission by 25th October 2017 whether they wish to make any amendments to the attached documents.

The Fire Protection Association Australia (FPA) wishes to advise the Commission that it does not seek to make any amendments to the respective documents but respectfully make the following comments and observations.

1. Technical and Drafting:

- Item #12 – Adult Apprentices: notwithstanding FPA’s original position that the provision should be retained, comments by the Fair Work Commission during proceedings of 17th August 2017 assist in providing an opportunity for alternate considerations. The relevant provision (paragraph 13.14 (d) (ii)) states that "*adult apprentices will not be employed at the expense of other employees*" (emphasis added). Together with the clarifying and opening words of paragraph 13.14 (d) (i), i.e., "*Where possible...*", paragraph 13.14 (d) (ii) is quite definitive with the inclusion of the words "will not" – will not be at the expense other apprentices. Therefore it does not seem that any discrimination is present in the proposed wording. However, it may be that additional wording can be inserted to assist in resolving this matter to avoid any discriminatory perceptions and/or conditions. Either way, a plain language approach may assist.
- Item #14 – Overtime – agree with summary Notes.
- Item #16 – Payment of Wages – agree with summary Notes.
- Item #17 – Allowances – notwithstanding FPA’s original position with reference to the application of this Allowance, subsequent FPA correspondence, e.g., 15th February 2017, outlines a change in that earlier position. Accordingly the more generic approach including recognition of apprentice entitlements based on respective apprenticeship relativities was suggested.

2. Substantive Issues:

- Item #S12 – Industry Redundancy – as per submission put before Full Bench concerning definition of “redundancy” to not include “resignation”.
- Item #S23 – Shiftwork – maintain position that this is a Technical and drafting matter but accepts move to place item into Substantive matters, list.

Yours sincerely,



Richard Krajewski

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Fire Protection Association Australia

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