

Fair Work Commission  
Level 4, 11 Exhibition Street  
Melbourne, VIC 3000  
By email: amod@fwc.gov.au  
Cc: chambers.ross.j@fwc.gov.au

22 February 2017

## Re: AM2014/282 AWU reply submissions on drafting and technical issues in the Exposure Draft for the *Racing Clubs Events Award 2010*

### Background

1. On 21 December 2016 the President, Justice Ross published Amended Directions directing parties to file submissions in reply to drafting and technical issues raised in Group 4 exposure drafts by 22 February 2017.
2. The following parties filed submissions on drafting and technical issues found in the Exposure Draft for the *Racing Clubs Events Award 2010* ('the Exposure Draft') as published on 18 November 2016:
  - Australian Workers' Union (**AWU**)<sup>1</sup>
  - Australian Business Industrial & NSW Business Chamber (**ABI & NSWBC**)<sup>2</sup>
  - Australian Federation of Employers and Industries (**AFEI**)<sup>3</sup>
3. The AWU submissions in reply appear below.

### Reply submissions

#### Method of adjustment

4. **Schedule A.2.4** [ABI & NSWBC paragraph 6.1; AFEI paragraph 18]: In response to the Commission's comment at Schedule A.2.4, both ABI & NSWBC and AFEI prefer the current construction of the Exposure Draft.
5. We disagree with ABI & NSWBC and AFEI. The addition of the method of calculation has the potential to add clarity to the clauses and avoid

<sup>1</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014282-sub-awu-200117.pdf>

<sup>2</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014-256andors-sub-abinswbc-180117.pdf>

<sup>3</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014256andors-sub-afei-180117.pdf>

misinterpretation.

6. As clauses 12.4 and 12.5 are the only clauses in this award that specify a minimum payment without any express reference to a time period (such as per hour or per week), to avoid any misinterpretation regarding these minimum payments, the AWU suggests the following amendment to both clauses:

*“Bar attendants, cashiers and adults engaged in picking up glasses must be paid the rate for work performed on any one day as follows. **The minimum payment is the amount payable for the minimum engagement of four hours.**”*

### **Coverage**

7. **Clause 4.1** [AFEI paragraph 14]: We agree with the AFEI submission that the reference to “*and their employees*” in the first line of clause 4.1 is not required.

### **Junior employees**

8. **Clause 17.2** [AFEI paragraph 15]: We disagree with the AFEI submission that the words ‘minimum wage’ be introduced into clause 17.2. The relevant row in the table in clause 17.1 is titled “*Introductory level employee*”, with the minimum weekly and hourly rates set out in the row. Therefore, we submit that the reference to “*the introductory level rate*” in clause 17.2 in the Exposure Draft is sufficiently clear.

### **School-based apprentices**

9. **Clause 17.4** [AFEI paragraph 16]: We agree with the AFEI submission that Schedule D is not required.

### **Loss of clothing**

10. **Clause 20.1(b)** [AFEI paragraph 17]: We agree with the AFEI submission that the loss of clothing allowance would more appropriately be treated as an expense-related allowance.

Yours Faithfully,

A handwritten signature in black ink, appearing to be 'ZD', with a long horizontal flourish extending to the right.

Zachary Duncalfe  
**NATIONAL LEGAL OFFICER**