



*A Division of Plato Enterprises
ABN: 46 099 461 962*

The Associate to, His Honour Justice Ross, AO,
President, Fair Work Commission
11 Exhibition Street
Melbourne Victoria 3000
Email: amod@fwc.gov.au chambers.Ross.j@fwc.gov.au

30th March, 2020.

Dear Associate,

RE: Response to the Draft Determination – ‘Fitness Industry Award 20XX (AM 2014/227)’.

The following responses to the ‘*Draft Determination - Fitness Industry Award 20XX*’, published on 29th January 2020, & the ‘*Tranche 3 Background Paper*’ dated 23rd March, are put forward on behalf of the ‘*Australian Swim Schools Association*’ (ASSA).

Submissions:

1. ASSA notes the submissions lodged by the Australian Business Industrial and NSW Business Chamber Ltd on 6th March, in regard to the above Draft Determination (at paragraph 6 (f));
 - 1.1 It further notes the views expressed in the submissions a paragraphs 85 and 86;
 - 1.2 ASSA wishes to convey to the Commission that it agrees with the sentiments expressed in the submissions as they relate to the Draft Determination of the ‘*Fitness industry Award 20XX (AM 2014/227)*’, with one minor concern;
 - 1.3 ASSA feels that the drafting of clause 12.3 (minimum engagement), paragraphs (a) & (b) would be enhanced by deletion of the references to “*clause 25.3*”, which appears in both, as the matters dealing with each of ‘*payment clause 12.2 (b) (ii)*’ and ‘*minimum engagement 12.3 (b)*’ of casuals on public holidays are already addressed adequately;
 - 1.3.1 ASSA acknowledges that the reference has appeared (albeit with renumbering), in previous versions of the Award/Draft Determination; however, contends that the opportunity should not be passed up to remove potential for confusion as to the proper, (intended), interaction of clause 12 and clause 25.3.
2. ASSA notes matters covered by its submissions of 20th March 2019 remain unaddressed by either the contents of the Draft Determination or decisions of the Commission;

- 2.1 further, no documentation has been lodged by any party in opposition to our submissions posted to the amod website in response to the Exposure Draft dated 1st March 2019;
- 2.2 Given that the 'Fitness Industry Award 2010' is listed under 'Attachment A – Awards in Tranche 3' (at page 76) of the Background paper, and further, that no mention is made of the award in the statement of the Full Bench [2020] FWCFB 1539, of 23rd March 2020, the Association respectfully seeks confirmation of the intended process in regard to the matters canvassed in its submissions of 20th March 2019.

Yours faithfully,



Michael Taylor
Principal Consultant.

