

Fair Work Commission`
Terrace Tower, 80 William Street
East Sydney NSW 2011
By email: amod@fwc.gov.au

4 March 2015

Re: AM2014/205 – Submissions in reply for the Exposure Draft of the *Horse and Greyhound Training Award 2010*

The Australian Workers' Union (The AWU) has reviewed the submissions filed by the interested parties in relation to the Exposure Draft of this Award, and respond as follows:

Australian Trainers' Association (ATA)

1. Clause 9.4(g) Apprentice Jockey minimum wages: We oppose the variation sought by the ATA, as it is seeking to lower the wages of apprentice jockeys, hence varying the Award substantively, which is not the intention of the Exposure Draft.
2. Clause 13.1 Overtime and penalty rates: We agree with the ATA.
3. Clause 13.2 Overtime and penalty rates: We agree with the ATA.

Australian Industry Group (AIG)

4. Clause 6.1 Types of employment: We are not opposed to retaining the provision of the current clause.
5. Clause 6.4(a)(iii) Types of employment – part time employees: We are not opposed to retaining the wording of the current provision.
6. Clause 6.5(e)(i) Types of employment – casual employees – casual loading: The AIG is seeking to delete ordinary hourly rate and claims that ordinary hourly rate is not defined in the exposure draft.
7. The AWU rejects the AIG position and submits that in the definitions section ordinary hourly rate as applicable to casual employees is defined in the definition section of the exposure draft and reads as follows:

“Casual ordinary hourly rate includes the casual loading which is payable for all purposes”

8. Clause 6.5(e)(i) Types of employment – casual employees: The AWU does not agree with the AIG. The words “for the classification in which they are employed” does not deviate from the current Award, therefore it should be maintained.
9. Furthermore, clause 6.5(a) says a casual employee is to be employed by the “hour”. This is in direct conflict with clause 6.5(c)(i) which specifies the following:

“(c) A casual employee must be engaged:

(i) for a minimum daily period of three hours; and

(ii) not more than once on each day” (our emphasis)
10. Clause 6.5(e)(ii) Types of employment – casual employees – casual loading: The AWU agrees with AIG.
11. Clause 7.3 Ordinary hours of work and rostering: The AWU interprets the clause to mean that work performed after 12 noon constitutes overtime payments, as it is outside the ordinary hours of work.
12. Clause 7.3 Ordinary hours of work and rostering: The AWU is not opposed to retaining the wording of the current clause.
13. Clause 9.5(a) Classifications and minimum wages – Apprentice conditions of employment: The AWU submits that clause 9.4(e) should become part of 9.4(d), as it presently is in the current Award.
14. Clause 9.5(f) and (g) Classifications and minimum wages – Apprentice conditions of employment: We reject the wording for the clause as suggested by AIG and submit that the wording of the current clause should be maintained.
15. Clause 9.5(d) Classifications and minimum wages – Apprentice conditions of employment: There appears to be a typographical error at clause 9.5(d). In the exposure draft the clause is numbered as 9.5(d) and appears as a separate clause. In the comparison document it is numbered as 9.5(c)(iv) and appears as part of clause 9.5(c). This has impacted on the numberings of the rest of clause; hence paragraph 5.24 of the AIG submission in relation to the issue of cross-referencing.

END



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NATIONAL LEGAL OFFICER