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**Subsidiary Entity:**



20 February 2015

Fair Work Commission  
Terrace Tower, 80 William Street  
East Sydney NSW 2011  
By Email [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

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

The Australian Trainers' Association (ATA) has reviewed the submissions of the Australian Workers' Union (AWU) and submits the following in reply:

**1. Clause 6.2 Types of employment:**

The ATA does not oppose the AWU's submission at [3] that the following wording be inserted at the beginning of clause 6.2:

**1.1 "Before the commencement of employment."**

However, the ATA is also not opposed to the AIG submission at [5.3] that the words "terms of their engagement" be deleted. The ATA submits the following wording replace Clause 6.2 of the Exposure Draft:

**1.2 "Before the commencement of employment an employer will inform each employee of their type of employment."**

**2. Clause 6.3 Probationary employment:**

In relation to the question asked as to whether the probationary clause should be maintained in the Award and with the Draft Determination *4 yearly review of modern awards- alleged inconsistencies with NES* published 22 January 2015 providing a Draft Determination in relation to this clause of the Award.

**2.1 The ATA opposes the AWU view at [6] that the Draft Determination should be incorporated into the exposure draft. We respond as follows.**

**2.2 Clause 11.2 Notice of termination by an employee of the current award states:**

*"The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on age of the employee concerned."* (our emphasis)

**2.3 For consistency and to remove any future ambiguity and meet the modern award objective of the FW Act s.134(g) the need to ensure a simple, easy to understand modern award. The ATA submits that Clause 6.3 Probationary employment be deleted.**

The Australian Trainers' Association (ATA) has reviewed the submissions of the Australian Industry Group (AIG) and submits the following in reply:

3. **Clause 6.1 Types of employment.**  
The ATA agrees with the AIG in its submission at [5.1] that the exception "subject to the casual employment clause" be reinstated.
- 3.1 **Clause 6.2 Types of employment.**  
The ATA is not opposed to the AIG submission at [5.2] & [5.3] and submits above at 1.2 of this reply, the wording to replace clause 6.2 of the Exposure Draft with the following. "Before the commencement of employment an employer will inform each employee of their type of employment."
- 3.2 **Clause 6.4 Types of employment – Part time employees.**  
The ATA is not opposed to the AIG submission at [5.6] that the current clause 10.3 Part-time employment should be retained.
- 3.3 **Clause 6.5(a) Types of employment – Casual employees.**  
The ATA acknowledges the AIG submission at [5.7] which the AIG submits that no amendment to the clause is necessary. However, the ATA submits that to ensure an easy and simple understanding of the clause, that the Exposure Draft Clause 6.5(a) be deleted and the following inserted:
  - 3.4 "A casual employee is to be employed by the hour and the employment of a casual employee may be terminated at any time if the employment is:
    - (i) within 6 months for non small employers or;
    - (ii) within 12 months for small employers or;
    - (iii) If the gap between days and times worked is long and irregular."
- 3.5 **Clause 6.5(e)(i) – Types of employment - Casual employees - Casual loading.**  
The ATA is not opposed to the AIG submission at [5.10] & [5.12].
- 3.6 **Clause 6.5(e)(ii) - Type of employment – Casual employees – Casual loading.**  
The ATA agree with the AIG submission at [5.13] and submits that clause 6.5(e)(ii) of the Exposure Draft be deleted and the following be inserted:
  - 3.7 "A casual employee will not be entitled to any of the leave or public holiday benefits to which a full-time and part time employee is entitled."
- 3.8 **Clause 7.3 – Ordinary Hours of work and rostering.**  
The ATA is not opposed to AIG submission at [5.16] & [5.19]
- 3.9 **Clause 9.4 (e) – Classifications and minimum wages – Apprentice minimum wage.**  
The ATA agrees with the AIG submission at [5.20 - 5.24].
4. **Clause 11.1 (b) – Allowances – Expense related allowances – Transport allowance.**  
The ATA agrees with the AIG submission at [5.25].

The Australian Trainers' Association (ATA) has reviewed the submissions of the Australian Federation of Employers and Industries (AFEI) and submits the following in reply:

5. **Clause 6.3 – Probationary Employees.**

The ATA supports the AFEI submission at [10] to delete this clause.

6. **Clause 6.5 – Casual employees.**

The ATA agrees with the AFEI in its submission at [13] in so far as the current term could be better expressed.

- 6.1 The ATA believes that our submission dealing with this clause, which is detailed above at [3.4] expresses the required modification necessary to ensure clarity and easy understanding of the clause, yet retain the employer's ability to terminate the employment of a casual employee without the requirement to give notice.



Wayne Lee  
Industrial Relations Manager