



FairWork
Commission

REPORT TO THE FULL BENCH

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

LEGAL SERVICES AWARD 2010 (AM2014/233) [MA000116]

DEPUTY PRESIDENT CLANCY

MELBOURNE, 25 AUGUST 2016

Legal Services Award 2010

LEGAL SERVICES AWARD 2010

[1] A conference was held in Melbourne, with video links to Sydney and Adelaide on 9 August 2016 attended by representatives of:

- K&L Gates (on behalf of a number of Law firms)
- The Australian Municipal, Administrative, Clerical and Services Union (ASU)
- Business SA
- Ai Group
- The Australian Federation of Employers and Industries (AFEI)
- Australian Business Industrial and the NSW Business Chamber

[2] The parties discussed the exposure draft of the *Legal Services Award 2015* as published on 29 July 2016 and the Summary of Submissions dated 22 July 2016 completed by the Fair Work Commission and addressed the items still in dispute or under discussion.

[3] As to Item 2, the parties agreed on the following definition for law graduate, which would require amendment of the definition in Schedule G:

"law graduate means an employee who has completed a qualification in law and is undertaking a period of training within a law firm in satisfaction of requirements prescribed under relevant legislation in order to be admitted to practice as an Australian Lawyer but shall not include a lawyer that is admitted to practice as an Australian Lawyer or in a foreign jurisdiction."

[4] As to Item 8, the parties have expressed a preference not to depart from the wording and structure of clause 31 of the current Award, which uses allowances rather than rates for shift work. The parties will develop their position in their subsequent submissions and the AiGroup has foreshadowed a submission with broader application than this Award.

[5] As to Item 11, the parties agree that the wording at the start of sub clause 13.4(c)(iii) should be changed to “*where shifts fall partly on a public holiday...*”. The AFEI advised they would seek instructions regarding this wording and report back by close of business 23 August 2016.

[6] As to Item 13, the proposal of the Law firms to facilitate the averaging of hours of work for periods greater than 28 days but less than 12 months is not agreed.

[7] As to Item 14, the Law firms are giving further consideration as to whether they will pursue changes to the daylight saving provision and advised they would report back by 23 August 2016 with instructions as to whether they pursue these changes.

[8] As to Item 16, the proposal of the Law firms to insert the qualification “*subject to the reasonable business needs of the practice*” into the Paid rest breaks provision is not agreed.

[9] As to Item 18, the proposal of the Law firms which relates to special conditions of employment for Law graduates, the ASU and other parties will consider their positions after having regard to further particulars to be provided by the Law Firms which were due by close of business on 23 August 2016.



DEPUTY PRESIDENT

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