

**From:** Chambers - Clancy DP  
**Sent:** Wednesday, 18 January 2017 4:41 PM  
**To:** Roushan Walsh  
**Cc:** AMOD  
**Subject:** RE: AM2014/227: Fitness Industry Award and AM2014/245: Sporting Organisations Award

Dear Ms Walsh,

Thank you for your email below.

Deputy President Clancy is currently on a short period of leave and will review the extension request on Monday, 23 January 2017.

Kind regards,

**Lauren Thomas**  
Associate to Deputy President Clancy

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**From:** Roushan Walsh [<mailto:roushan.walsh@nat.awu.net.au>]  
**Sent:** Wednesday, 11 January 2017 4:42 PM  
**To:** AMOD  
**Cc:** Chambers - Clancy DP  
**Subject:** AM2014/227: Fitness Industry Award and AM2014/245: Sporting Organisations Award

Dear Award Modernisation Team,

I refer to the matters above. Please find attached, correspondence in accordance with the Directions of His Honour Deputy President Clancy on 14 December 2016.

Kind regards,

**Roushan Walsh**  
**National Legal Officer**  
**The Australian Workers' Union**  
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11 January 2016

Dear Associate to Deputy President Clancy,

**Re: AM2014/227 *Fitness Industry Award 2010* and AM2014/245 *Sporting Organisations Award 2010***

We refer to the matters above and the identical Directions of 14 December 2016 and in particular Directions 1 (i) and (ii) – parties are directed to confirm which if any technical and drafting claims are still being pursued or otherwise withdrawn.

Direction 2 asks parties with existing claims as to legal discrepancies between the current Award and the Exposure Draft to confirm such a position. The Australian Workers' Union (AWU) has no such claims on foot and does not wish to make additional submissions of this nature.

**Fitness Industry Award**

The AWU continues to pursue all existing claims / positions in regards to the *Fitness Industry Award* that remain outstanding as reflected at items 3, 6, 7, 10, 11, 13, 14 in the Commission's Revised Summary of Submissions published 22 July 2016.

Item 16A is a claim by the Australian Swim Schools Association (ASSA)<sup>1</sup> (formerly Aussie Aquatics) to vary the Schedule A to the Exposure Draft in

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<sup>1</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014227-sub-aa-070315.pdf>

regards to classification descriptors. The AWU are opposed to the proposed changes, and will file material in reply in accordance with Direction 4 of the 14 December 2016 Directions. The AWU are recorded as neutral to this claim as it has only recently come to our attention that the proposed changes are not appropriate for the swim industry.

Further, the AWU seek leave to file submissions and evidence as required to vary the classification descriptors in an alternative form to the ASSA and the Exposure Draft. If the Commission is minded to grant permission, the AWU seek a two-week extension to the 14 December 2016 Directions in regards only to Direction 4 and the discreet issue of classification descriptors in the swim industry. This extension will allow the AWU to submit our reply submissions and alternate proposal together on 17 February 2017 in regards to this issue. The AWU have sought the views of the ASSA as to this proposed course, including an additional reply date to be scheduled. The ASSA do not oppose this course provided the ASSA may reply by 3 March 2017.

### **Sporting Organisations Award**

The AWU continues to pursue all existing claims / positions that remain outstanding in regards to the *Sporting Organisations Award* as reflected at items 3 and 6 in the Commission's Revised Summary of Submissions published 22 July 2016.

Yours faithfully,



Roushan Walsh

**NATIONAL LEGAL OFFICER**

**The Australian Workers' Union**