



7 February 2017

Our Ref: 20150511

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Awards Modernisation Team
Fair Work Commission
11 Exhibition St
Melbourne VIC 3000

Dear Sir/Madam

AM2014/227 - FITNESS INDUSTRY AWARD

We act on behalf of Australian Business Industrial (**ABI**) and the New South Wales Business Chamber Ltd (**NSWBC**) in respect of the above matter.

ABI and NSWBC each have a material interest in the *Fitness Industry Award 2010*.

In accordance with the Directions dated 14 December 2016, set out below are our clients' submissions in reply concerning the technical and drafting claims:

1. Our clients agree with the submissions of Gymnastics Australia¹ and Tennis Australia² that:
 - (a) clause 8 of the Exposure Draft has been drafted such that it has a different legal effect to the current clause 24 of the *Fitness Industry Award 2010*;
 - (b) the drafting of clause 8 of the Exposure Draft has consequential effects on a casual employee's entitlement to overtime under clause 14 of the Exposure Draft; and
 - (c) the drafting of clause 8 of the Exposure Draft should be amended to reflect the wording in the current clause 24 of the *Fitness Industry Award 2010*.
2. Our clients repeat and rely upon its previous submissions filed in respect of Items 6, 7, 10 and 11 of the Summary of Submissions dated 22 July 2016.

Our clients appreciate the opportunity to provide the above submissions.

¹ Submissions dated 10 January 2017 and 20 January 2017

² Submission dated 20 January 2017

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If you have any questions, please contact Louise Hogg on (07) 3218 0905.

Yours faithfully



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