

# HMT Consulting

*A Division of Plato Enterprises*  
*ABN: 46 099 461 962*

The Associate to Mr Deputy President Clancy  
Fair Work Commission  
11 Exhibition Street  
Melbourne.  
Victoria. 3000.  
Email: chambers.clancy.dp@fwc.gov.au

26<sup>th</sup> October 2017.

Dear Associate,

**RE: Response to the Summary of Submissions, dated 10<sup>th</sup> October 2007, relating to the Four Yearly Review of *Fitness Industry Award 2010* - , [AM 2014/227].**

I write on behalf of my Client, the *Australian Swim Schools Association (ASSA)*, with regard to the *Summary of Submissions* posted on the FWC website on 10<sup>th</sup> October.

My Client is anxious to see this process of the Award Review expedited, as member organisations are uncertain as to their obligations under the terms of the current, 2010 Modern Award. This uncertainty arises over the broad range of views expressed by parties appearing in this matter, as to the proper interpretation and application of a number of matters regarding the employment and entitlements of casual employees.

However, leaving those particular matters aside for the moment, I draw your attention to a group of issues (numbered 17 – 32, in the document of 10<sup>th</sup> October), that are listed as '*Outstanding*'. All of these issues impact the operation of '*swim schools*'; many have been before the Commission in these proceedings, in one form or another, since 2015, whilst a small number have been introduced in the last 12 months. The majority go to the definitions found in Schedule 'A', of the Exposure Draft of the 2015 award, of classifications relating to swim personnel.

As the primary parties representing the broader '*Swim School Sector*' have changed, both in an organisational and personnel nature over the past eighteen months, (eg; in that time the ASSA has come into being), and further, there has been no discussion between the major players since February/March, I have been asked by my Client to seek a further video conference chaired by the Deputy President with a view to attempting to clarify, if not resolve, this list of issues (nos.17-32), as a precursor to the matter moving further forward to the Full Bench.

I would respectfully submit that the following organisations would have a direct interest, (although I do concede that other national representative groups could also wish

involvement), they being ASCTA, the AWU (both the National Office and the Victorian Branch), and the ASSA.

Given the nature of many of these issues, and the history of the Award to this point, I anticipate that a further conference chaired by the Commission could greatly assist all parties.

Yours faithfully,

Michael Taylor  
Principal Consultant.

cc: Mr Ross Gage (to be noted)  
CEO  
ASSA