



# DRAFT REPORT

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## 4 yearly review of modern awards

(AM2014/281)

### PROFESSIONAL EMPLOYEES AWARD 2010 [MA000065]

COMMISSIONER CIRKOVIC

MELBOURNE, 21 JUNE 2017

*4 yearly review of modern award – Professional Employees Award 2010.*

[1] On Friday 7 April and Wednesday 31 May 2017 conferences were held to discuss the Summary of Submissions – Technical and Drafting (the summary) in relation to the review of the *Professional Employees Award 2010*.

[2] The following items in the summary were discussed at the conferences:

- Item 1: To be determined by the Award Stage-Group 3 Full Bench.
- Item 2: ~~AFEI requested more time to consider its position. To be discussed further at next conference. Withdrawn by AFEI.~~
- Item 3: Agreed, as per AIG proposal.
- Item 4: Agreed, as per AIG proposal.
- Item 5: Agreed, as per AIG proposal.
- Item 6: Agreed, as per ABI & NSW Business Chamber proposal.
- Item 7: Agreed, as per AIG proposal.
- Item 8: Agreed, as per AIG proposal.
- Item 9: Agreed between parties that the wording of the definition of ‘experienced scientist’ in the current award be restored.
- Item 10: ~~APESMA to provide other parties with relevant information about the proposed amendments within 21 days and parties to hold discussions prior to the next conference. APESMA to provide other parties with a table identifying the old grade and its qualifications and experience requirements compared to what is being proposed as the new grade within 14 days of the conference. Parties to hold discussions and report back to the Commission 14 days after receiving the table from APESMA.~~
- Item 11: Agreed, as per AIG proposal.
- Item 12: Agreed, as per AIG proposal.
- Item 13: ~~APESMA will circulate a proposed redraft between the parties within 21 days and parties are to consider prior to the next conference. Agreed, as per the proposed clause outlined in the correspondence of AIG dated 30 May 2017.~~
- Item 14: Withdrawn by ABI & NSW Business Chamber.
- Item 15: Agreed, as per AFEI proposal.

- Item 16: Agreed between the parties that reference to clause 13.7 in clause 7.2 amounts to a substantive change. ~~To be discussed further at next conference. Item to be moved to substantive issues.~~
- Item 17 and Item 18: ~~Parties to hold discussions prior to the next conference. Agreed, as per AIG proposal.~~
- Item 19: ~~BusSA did not have a representative present. AIG retains its objection to BusSA's proposal. AFEI and ABI & NSW Business Chamber support AIG's position. APESMA to consider its position prior to the next conference. Withdrawn by BusSA in correspondence of 7 June 2017.~~
- Item 20: Agreed, as per AIG proposal.
- Item 21: ~~APESMA will provide written submission to parties within 21 days. To be discussed further at next conference. Parties to hold further discussions and provide a report back within 28 days of the conference.~~
- Item 22: ~~Might be a substantive issue. Parties to hold discussions prior to the next conference. Parties to hold further discussions and provide a report back within 28 days of the conference.~~
- Item 23: Agreed, as per AIG proposal.
- Item 24: Withdrawn by APESMA.
- Item 25: Agreed, as per AIG proposal.
- Item 26: ~~APESMA to consider its position prior to the next conference. Agreed, as per AIG proposal. APESMA seeks the insertion of a new schedule of rates of casual employees. Actions: AMOD to prepare a draft schedule and circulate to parties for comment.~~
- Item 27: Withdrawn by APESMA.
- Item 28: ~~Parties to hold discussions prior to the next conference. Parties to hold further discussions and provide a report back within 28 days of the conference.~~
- Item 29: ~~APESMA and AIG not seeking a variation to clause 17.2. Parties to hold discussions prior to the next conference. In response to the question of the Commission the parties do not propose any variation.~~
- Item 30: Agreed, as per AIG proposal.
- Items 31 - 35: ~~Parties prefer wording in current award at clause 19.4 as opposed to clause 17.4 in the Exposure Draft (ED); with the exception that APESMA proposes the retention of the word 'will' from the ED and AIG, AFEI and ABI & NSW Business chamber prefer the word 'may'. Parties to hold discussions prior to the next conference. Parties to hold further discussions and provide a report back within 28 days of the conference.~~
- Item 36: Withdrawn by APESMA.
- Item 37: Agreed as per AFEI's response to the question posed in the ED.
- AIG position: if it arises that in relation to consent positions reached between parties, that the Commission is not minded to make the changes proposed, the AIG would seek another opportunity to be heard due to very significant potential ramifications.

[3] This matter is to be listed for further conference at **9:00am Wednesday 5 July 2017** in Sydney. Any comments on the accuracy of the draft record are to be filed by no later than **5:00pm on Wednesday 28 June 2017.**

COMMISSIONER

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