

**OUTLINE OF SUBMISSION OF AUSTRALIAN INDUSTRY GROUP
RELATING TO DRAFT DETERMINATION OF THE FULL BENCH ISSUED 24 FEBRUARY 2017**

1. On 24 February 2017, the Full Bench released a draft determination to give effect to two variations to the Fast Food Industry Award 2010 (the “**Fast Food Award**”) – the first relating to the starting time of the evening work penalty in clause 25.5(a)(i) of the Fast Food Award and the second relating to the ending time of the late night work penalty in clause 25.5(a)(ii) of the Fast Food Award. At the time of the release, the Full Bench afforded parties the opportunity to file submissions relating to the draft determination.
2. Ai Group has no objections to the form of the draft determination.
3. Ai Group notes that it had, as part of the Group 4 process of the Four Yearly Review (AM 267 of 2014), proposed that the ending time of the late night work penalty be 5.00am (rather than 6.00am found by the Full Bench in these proceedings to be the fair and relevant ending time (see [2017] FWCFB 1001 at [1134], [1135], [1333], [1335])). Ai Group appreciates that it will need to revisit its proposal in the Group 4 process in light of the decision of this Full Bench on the issue. Ai Group also wishes to reserve its right in the Group 4 process to seek a variation to the Fast Food Award to permit individual arrangements to be made or facilitative provisions to be developed that permit, by agreement, the ending time of the late night penalty to be 5.00am.

3 March 2017

Ai Group Workplace Lawyers