

22 January 2019

Justice Ross  
President  
Fair Work Commission

By email to: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Subject: 4 yearly review of modern awards – Plain language re-drafting – General Retail Industry Award 2010

Decision: [2019]FWCFB 276 – 18 January 2019



**Newsagents  
Association**  
of NSW & ACT Limited

I refer to the decision noted above and the invitation for interested parties to make submissions contained at [16] of same.

The Newsagents Association of NSW and ACT Ltd is the primary representative organisation for Newsagents in NSW and ACT. VANA Ltd is the primary representative body for Newsagents in Victoria. The views expressed below are submitted on behalf of both organisations.

The proposed clause 24.2 Payment of Overtime contained at [12], fails to adequately mention the extension to the spread of ordinary hours which applies to Newsagencies.

The General Retail Industry Award 2010 in its current form provides at Clause 27. Hours of Work, 27.2 Ordinary hours, (b) (i):

*the commencement time for ordinary hours of work for newsagencies on each day may be from 5.00 am;*

The Plain English Exposure Draft provides at Clause 15 Ordinary hours of work, 15.2 (a):  
*from 5:00 am in a newsagency;*

The proposed Clause 24.2 payment of overtime, (c) (i), (ii) and (iii), fails to recognise the extension of ordinary hours from 5:00 am for Newsagencies.

A strict reading of Clause 24.2 (c) (i) to (iii) will require the payment of overtime for casual employees for time worked between 5:00 am and 7:00 am in Newsagencies. The practical impact is that casual employees working on Saturdays in Newsagencies between 5:00 am and 7:00 am will be required to be paid at 175% of the ordinary rate rather than 140% as currently provided.

We submit that The Plain English Exposure Draft (as per [12] in the decision) requires further modification to Clause 24.2 (c) (ii) to accommodate the extended spread of ordinary hours which applies to newsagencies.

We have forwarded a copy of this correspondence to the SDA and NRA.

Ian Booth  
Chief executive Officer