

Australian Industry Group

4 YEARLY REVIEW OF MODERN AWARDS

Further Reply Submission

Plain Language Re-Drafting –
Fast Food Industry Award 2010
(AM2016/15)

15 March 2021

Ai
GROUP

4 YEARLY REVIEW OF MODERN AWARDS
AM2016/15 PLAIN LANGUAGE RE-DRAFTING
– FAST FOOD INDUSTRY AWARD 2010

1. The Australian Industry Group (**Ai Group**) files this further reply submission in relation to the exposure draft (**Exposure Draft**) of the *Fast Food Industry Award 2010* (**Award**), which was published by the Fair Work Commission (**Commission**) on 18 February 2021. It responds to the submission filed by the Shop, Distributive and Allied Employees Association (**SDA**), dated 26 February 2021.

Items 4 and 35

2. Ai Group continues to rely on the submissions it has previously made in relation to items 4 and 35.

Items 7 – 13

3. Ai Group would not oppose the retention of the relevant extant coverage clauses and refers to the various concerns we have identified with the manner in which the coverage clause has been drafted in the Exposure Draft. Alternatively, the specific changes proposed by Ai Group to those clauses should be made.
4. The SDA's submission at paragraph 18 is misconceived and should not be adopted. Clause 4.4(b) relates to modern enterprise awards and enterprise instruments, not enterprise agreements, as suggested by the SDA.

Item 15

5. Ai Group maintains that the Award does not require that an employer prepare a roster in relation to part-time employees (or any other category of employees) and therefore, a reference to rostered hours in clause 10.2 of the Exposure Draft would be anomalous. Self-evidently, the Award does not contain any provision that creates an obligation on an employer to prepare and provide a roster. This

is to be compared to the *Hair and Beauty Industry Award 2010*, which expressly does so (see clause 29).

6. Contrary to the SDA's submission, clause 12.2 of the Award does not require that a roster be prepared in relation to part-time employees. It simply requires that agreement is reached at the commencement of a part-time employee's employment about their hours of work. The provision in no way requires the rostering of part-time employees.

Item 17

7. We do not seek to make any further submissions in this regard.

Item 18

8. Ai Group continues to rely on its earlier submissions in this regard.

Item 19

9. We remain unclear as to the meaning of the SDA's submission at paragraph 16 of its submission. Note 2 is already placed at the end of clause 11.3.

Items 21 and 22

10. Ai Group does not oppose the retention of the classification definitions currently found in the Award, as suggested by the SDA. Alternatively, the amendments proposed by Ai Group in our earlier submissions should be made.

Item 50

11. The SDA's submission in relation to item 50 do not advance the relevant matter any further. It refers to a provision of the *Fair Work Act 2009* that applies to award-free employees (and therefore has no relevance here) and to a previous submission made by Ai Group in relation to an unrelated issue.
12. Accordingly, we do not seek to advance any further submissions in this regard. We continue to rely on the submissions previously made.