

## **FAIR WORK ACT2009**

### **FAIR WORK COMMISSION MATTER NO: AM 2016/6**

#### **RESPONSE BY THE AUSTRALIAN PROPERTY SERVICES ASSOCIATION TO THE**

**DRAFT PROPOSAL FOR A VARIATION TO THE REAL ESTATE INDUSTRY AWARD 2010 ("the award")  
MADE BY THE QUEENSLAND REAL ESTATE INDUSTRIAL ORGANISATION OF EMPLOYERS.**

**APSA rejects the proposal by QREIOE and strenuously opposes the introduction of provisions for part time Commission Only (PTCO) employment to the Award on the following grounds:**

- 1 Ample provision for part time and casual employment exists in the current Award – Debit/Credit agreement would adequately accommodate**
- 2 It is understood that the quest by the employers to have PTCO employment provisions included in the Award is to accommodate the likes of semi retired salespersons, house and home keepers, parents of school aged children, persons with other employment. Under QREIOE proposal, these categories of employee would be required to have a written agreement stating the “average weekly hours” that they are engaged to work. We believe that a major number of such employees would not work, or wish to work, a consistent number of weekly hours over a period**
- 3 QREIOE proposal includes payment at the minimum hourly Award rate for any additional hours formally requested by the employer – that would most likely trigger a debit credit provision in any written agreement. The QREIOE proposal does not mention the consequence of the PTCO employee not working the agreed number of average weekly hours or over what period the weekly hours should be averaged. The implication is that PTCO employee could be required to pay to the employer at the minimum hourly Award rate for any agreed average weekly hours not worked? Also, there is no provision for the PTCO employee to request additional hours if needed for a specific project.**
- 4 The QREIOE proposal does not contemplate or provide for time keeping records**
- 5 We anticipate probable breaches of the respective States legislation regarding supervision of registered salespeople as a consequence of PTCO employees not being required to work from the Agency office – we are of the opinion that an employer would be reluctant to provide office accommodation for a PTCO employee considering the cost of office space/desk, telephone, computer access etc**
- 6 The above apparently undeterminable actual hours worked by a PTCO employee would at least provide for inconsistent, and at worst, rorting of, claims/payments for entitlements under the NES provisions of the Fair Work Act 2009**

- 7 In the event that PTCO employment is approved by the Commission, the door would then be open for further applications to pro rate the MIT which again we strenuously oppose

A handwritten signature in black ink, appearing to be 'TF', written in a cursive style.

**Tom French**

**Secretary**

**Australian Property Services Association – Queensland Branch**

**Delegate of APSA Federal**