



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
PO Box 289  
North Sydney NSW 2059  
Australia  
ABN 76 369 958 788

21 September 2018

The Hon. Justice Ross, President  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

By email: chambers.ross.j@fwc.gov.au

Dear Justice Ross,

**Re. AM2016/8 Payment of Wages – Payment of Wages on Termination – Timber Industry Award 2010**

I refer to the above matter to the extent that it concerns the *Timber Industry Award 2010* (**Timber Award**).

A statement issued by the Fair Work Commission (**Commission**) on 21 August 2018 stated as follows in relation to the Timber Award:

**[9]** The payment of wages term in the Timber Industry Award will be considered in a separate process. Parties are encouraged to have discussion about whether there are any industry specific elements of the clause that should be retained in the event that the model term is inserted into the award. Interested parties are directed to report back to the Commission by 4pm on 7 September 2018. The matter will then be referred to the Plain Language Full Bench for determination.<sup>1</sup>

The following organisations have been involved in discussions of the nature contemplated by the above direction:

- The Australian Industry Group (**Ai Group**);
- The Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**); and
- The Australian Manufacturing Workers' Union (**AMWU**).

(collectively, **the Parties**)

Ai Group has also consulted with Australian Business Industrial and the NSW Business Chamber.

The aforementioned discussions have not resulted in an agreed position between the Parties as to the “industry specific elements of the clause that should be retained in the event that the model term is inserted into the award”.

Ai Group considers that to the extent that the extant provision dealing with payment on termination requires such payment to be made within 15 or 30 minutes of termination, the provision is unjustifiably restrictive and does not reflect the prevalence of payment by electronic funds transfer. Therefore, such elements of the clause should not be retained.

Whilst the Commission's direction did not expressly contemplate discussions concerning the payment of wages on termination under the Timber Award more broadly, the Parties have nonetheless engaged in productive discussions about various issues that arise from

---

<sup>1</sup> 4 *yearly review of modern awards – Payment of Wages* [2018] FWC 4935 at [9].



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
Australia  
ABN 76 369 958 788

the current provision and those which might arise from the possible insertion of the model clause; for the purposes of ascertaining whether there is any common ground between them as to an appropriate variation to the Timber Award.

In the time available, the Parties have not exhausted their discussions, however it appears that there remains scope to productively continue them, with the aim of, at the very least, narrowing the scope of the difference between the relevant organisations. Accordingly, notwithstanding that the matter is to be referred to the Plain Language Redrafting Full Bench, the Parties intend to continue their discussions.

Yours sincerely,

**Ruchi Bhatt**  
Senior Adviser – Workplace Relations Policy