



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

11 December 2017

Vice President Hatcher
Fair Work Commission
80 William Street
East Sydney NSW 2011

Dear Vice President

Re. AM2017/51 - 4 yearly review of modern awards – overtime for casuals

We refer to the Commission's Statement ([2017] FWCFB 6417) of 4 December 2017 concerning overtime entitlements for casuals.

The Statement invites submission on the accuracy of the information in Attachment A to the Statement. The Attachment expresses a view, for each modern award, on whether the provisions in the award are:

1. Unclear regarding whether overtime is payable to casuals;
2. Unclear regarding when overtime commences; and
3. Unclear regarding the rate at which overtime is payable.

Given the large amount of work involved in checking the information in the table in Attachment A and the large number of other 4 Yearly Review matters underway, Ai Group is not able to express a view on whether the table is accurate.

However, it appears that the information in the table does not take into account relevant developments in 4 Yearly Review proceedings relating to numerous exposure drafts. The issue of overtime entitlements for casuals has been dealt with in the context of many exposure drafts. It would not be appropriate, or a good use of the Commission's and the industrial parties' resources, for the work that has already be done to be overlooked.

Ai Group suggests that the best approach may be for the Commission's research staff to update the table once the next version of the Group 1, 2, 3 and 4 exposure drafts have been published, and for the Directions in the proceedings to take account of this. Such an approach would enable the Full Bench and the parties to focus attention on those awards where problems potentially remain regarding the clarity of overtime entitlements for casuals.

Yours sincerely

Stephen Smith
Head of National Workplace Relations Policy