



DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

(AM2014/218)

BUSINESS EQUIPMENT AWARD 2010 [MA000021]

Business equipment industry

COMMISSIONER ROE

MELBOURNE, 2 MAY 2016

Further to the Report to the Full Bench issued on 2 May 2016¹, the Fair Work Commission (the Commission) proposes to amend clause 10.2 of the exposure draft for the Business Equipment Award. The proposed amendment is provided at [Attachment A](#).

The Commission directs as follows:

1. Parties are requested to respond to this proposal by **4.00 pm** on **16 May 2016**.
2. If there is consensus the proposal will be included in the exposure draft. If there is discord a further conference may be needed.
3. Responses to the proposal should be sent to amod@fwc.gov.au

COMMISSIONER

¹ [Report to the Full Bench](#), para [4], item 2.

10. Exemptions

10.1 Exemptions for employees in the technical stream

The following award provisions will not apply to an employee in the technical stream in receipt of a salary of \$54,973 or higher:

- (a) clause 7—Ordinary hours of work and rostering;
- (b) clause 8—Meal breaks;
- (c) clause 9.5—Higher duties;
- (d) clause 11.2(c)—First aid allowance;
- (e) clause 11.2(d)—Representation allowance;
- (f) clause 11.3(d)—Area allowance;
- (g) clause 11.3(e)—Living away from home allowance;
- (h) clause 15—Special provisions for shiftworkers;
- (i) clause 16—Overtime; and
- (j) clause 21.3—Payment for time worked on a public holiday.

10.2 Exemptions for employees in the clerical stream

~~Except as to:~~

- ~~(a) clause 17—Annual leave;~~
- ~~(b) clause 18—Personal/carer's leave and compassionate leave;~~
- ~~(c) clause 20—Community service leave; and~~
- ~~(d) clause 21—Public holidays;~~

~~the terms of this award will not apply to any employee in the Clerical stream who is in receipt of a salary which exceeds the appropriate rate prescribed in clause 9.2 in which they are employed by 10%.~~

~~Except as to:~~

- ~~(a) Part 1—Application and Operation;~~
- ~~(b) Part 2—Types of Employment;~~
- ~~(c) Part 4—Wages and Allowances; clause 9.1 and 9.2 only;~~
- ~~(d) Part 6—Leave, Public Holidays and Other NES Entitlements;~~
- ~~(e) Part 7—Consultation and Dispute Resolution;~~

~~the terms of this award will not apply to any employee in the clerical stream who is in receipt of a salary which exceeds the appropriate rate prescribed in clause 9.2 in which they are employed by 10%.~~

10.3 Exemptions for employees in the commercial travellers stream

The following award provisions will not apply to employees in the commercial travellers stream:

- (a)** clause 9.5—Higher duties;
- (b)** clause 7—Ordinary hours of work and rostering;
- (c)** clause 15—Special provisions for shiftworkers;
- (d)** clause 8— Meal breaks;
- (e)** clause 16—Overtime;
- (f)** clause 17—Annual leave;
- (g)** clause 18—Personal/carer’s leave and compassionate leave;
- (h)** clause 20—Community service leave; and
- (i)** clause 21—Public holidays.