



The Australian Industry Group
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Australia
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30 May 2017

Commissioner Cirkovic
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.cirkovic.c@fwc.gov.au

Dear Commissioner,

Re. AM2014/281 Professional Employees Award 2010 – technical and drafting issues

We refer to the above matter and proceedings conducted before the Fair Work Commission (**Commission**) on 7 April 2017. Following those proceedings, the interested parties below have participated in discussions regarding outstanding technical and drafting issues arising from the *Exposure Draft – Professional Employees Award 2016 (Exposure Draft)*:

- The Australian Industry Group (**Ai Group**);
- Australian Business Industrial and the New South Wales Business Chamber (**ABI**);
- The Australian Federation of Employers and Industries (**AFEI**); and
- The Association of Professional Engineers, Scientists & Managers, Australia (**APESMA**).

We hereafter refer to the aforementioned organisations collectively as ‘the Parties’.

The purpose of this correspondence is to inform the Commission of the progress of the discussions held between the Parties ahead of further proceedings listed on 31 May 2017. Ai Group understands that ABI, AFEI and APESMA concur with the summary provided below regarding the outstanding issues.

The item numbers below have been identified by reference to the ‘revised summary of submissions – technical and drafting’ (**Summary of Submissions**) published on 15 May 2017.



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Item 2 – clause 2.1 of the Exposure Draft

AFEI withdraws its submission. This resolves item 2.

Item 10 – clause 2.4 of the Exposure Draft

Pursuant to discussions between the Parties, APESMA has undertaken to provide additional information relating to the variations it seeks. The Parties request that we be afforded additional time to continue discussions regarding this issue.

Item 13 – clause 4.1 of the Exposure Draft

The Parties agree that clauses 4.1 and 4.2 of the Exposure Draft should be replaced with the following, and that subsequent provisions should be renumbered as necessary:

- 4.1** This industry and occupational award covers employers throughout Australia as follows:
- (a)** Employers throughout Australia with respect to their employees performing professional engineering and professional scientific duties who are covered by the classifications in Schedule A of the award and those employees.
 - (b)** Employers throughout Australia principally engaged in the information technology industry, the quality auditing industry or the telecommunications services industry and their employees who are covered by the classifications in Schedule A.

If adopted, this proposal would resolve the issue raised by Ai Group, as at item 13 of the Summary of Submissions.

Item 16 – clause 7.2 of the Exposure Draft

This matter remains in contention. It is Ai Group's position that the reference to clause 13.7 in the table found at clause 7.2 of the Exposure Draft amounts to a substantive change and should therefore be deleted.

Item 17 – clause 7.2 of the Exposure Draft

Ai Group's submission that the reference to clause 17.5 in the table found at clause 7.2 of the Exposure Draft is no longer opposed by APESMA. This resolves item 17.



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Item 18 – clause 7.2 of the Exposure Draft

Ai Group's submission that the reference to clause 17.6 in the table found at clause 7.2 of the Exposure Draft is no longer opposed by APESMA. This resolves item 18.

Item 19 – clause 7 of the Exposure Draft

The Parties agree that Business SA's proposal to insert the current clause 8.4 in the Exposure Draft should not be adopted, consistent with a decision issued by a Full Bench of the Commission in the context of the 4 yearly review of modern awards in December 2014 (*4 yearly review of modern awards* [2014] FWCFB 9412 at [42]).

Item 21 – clause 11.1 of the Exposure Draft

This matter remains in contention. The Parties request that we be afforded a further opportunity to continue discussions in relation to it.

Item 22 – clause 13 of the Exposure Draft

This matter remains in contention. The Parties request that we be afforded a further opportunity to continue discussions in relation to it.

Item 26 – clause 14.1 of the Exposure Draft

The Parties agree that the column titled 'Casual minimum hourly rate' should be deleted from clause 14.1 of the Exposure Draft.

APESMA seeks the insertion of a new schedule to the Exposure Draft that contains casual hourly rates. Ai Group, ABI and AFEI do not oppose this proposal, but request that the Commission grant interested parties an opportunity to review and provide comment on any such schedule that is subsequently prepared by the Commission.

Item 28 – clause 15.3 of the Exposure Draft

This matter remains in contention. The Parties request that we be afforded a further opportunity to continue discussions in relation to it.

Item 29 – clause 17.2 of the Exposure Draft

No variation has been proposed by any of the Parties to clause 17.2 of the Exposure Draft.

Items 31 – 35 – clause 17.4 of the Exposure Draft

This matter remains in contention. The Parties request that we be afforded a further opportunity to continue discussions in relation to it.



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Yours sincerely,

Ruchi Bhatt
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