



30 October 2019

Our Ref: 20140547

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Associate to Vice President Hatcher
Fair Work Commission
80 William Street
EAST SYDNEY NSW 2010

Dear Associate,

AM2019/5 - PROFESSIONAL EMPLOYEES AWARD 2010 [MA000065]

As you would be aware, we act for Australian Business Industrial (**ABI**) and the NSW Business Chamber (**NSWBC**) in relation to the above proceedings. Our clients have a material interest in the *Professional Employees Award 2010 (Award)*.

On 28 May 2019 the Fair Work Commission issued Amended Directions, requiring any parties opposing the claim advanced by Association of Professional Engineers, Scientists and Managers, Australia (**APESMA**) to file submissions, witness statements and other evidence by 30 September 2019. This claim primarily deals with the Award's hours of work clause.

ABI and NSWBC understood that APESMA's claim had been the subject of discussions between APESMA and the Australian Industry Group (**AIG**) and that a consent position had been reached.

Our clients understood that this consent position was part of a 'package of award amendments' and, while they did not support APESMA's proposed changes, they elected not to directly oppose them for this reason.

Having now had the opportunity to read submissions filed by AIG on 30 September 2019 and submissions in reply filed by APESMA on 14 October 2019, our clients wish to inform the Commission that:

1. ABI and NSWBC are broadly supportive of the consent position reached by the parties (as outlined in AIG's submissions of 30 September 2019).
2. This support is based on the understanding that the Award's hours of work clause is not currently, and will not become, an annualised wage provision. This understanding is discussed at part 7.4 of AIG's submissions.

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Should you have any queries in relation to the above, please do not hesitate to contact us.

Yours sincerely



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