



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

SPORTING ORGANISATIONS AWARD 2010

(AM2014/245) [MA000082]

DEPUTY PRESIDENT CLANCY

MELBOURNE, 25 AUGUST 2016

Sporting Organisations Award 2010

SPORTING ORGANISATIONS AWARD 2010

[1] A conference was held in Melbourne, with video links to Sydney, Adelaide and Brisbane on 9 August 2016 attended by representatives of:

- K&L Gates (for Gymnastics Australia and Tennis Australia)
- Australian Federation of Employers and Industry (AFEI)
- The Australian Workers' Union (AWU)
- Fitness Australia
- Australian Swim Schools Association Ltd (ASSA)
- Business SA

[2] The parties discussed remaining items in dispute, having regard to the exposure draft of the *Sporting Organisations Award 2015* as published on 29 July 2016 and the Summary of Submissions dated 22 July 2016 completed by the Fair Work Commission.

[3] Item 3 relating to casual employment and the entitlement to overtime could not be resolved by consent. During discussion, the AWU proposed inserting the words “*and works up to 38 ordinary hours per week*” at the end of sub clause 6.5(a) but this was opposed by the AFEI.

[4] Further, a related dispute was raised in relation to whether there is an entitlement to overtime for casual clerical and administrative staff. It was submitted on behalf of Gymnastics Australia and Tennis Australia that a similar issue has been raised in relation to the *Fitness Industry Award 2010*. It was submitted for Gymnastics Australia and Tennis Australia that sub clause 8.1 of the Exposure Draft contains a substantial variation to the terms of sub clause 22.1 of the existing Award, which has restricted overtime to full-time and part-time clerical and administrative staff. The AWU submitted that the Exposure Draft is clearer as to how the provisions work and that there is no rationale to support the proposition that a casual clerical and administrative staff member should not be entitled to overtime.

[5] As to Item 6, AFEI remains opposed to the AWU proposal to replace the reference to “% of Grade 1 or 2” in the table in sub clause 10.2(b)(i) with “% of the appropriate minimum wage in clause 10.2” and favours instead the retention of the wording in the current version of the Award at sub clause 17.2(b).

[6] The proposal in Item 7 was confirmed as withdrawn.



DEPUTY PRESIDENT

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