



1 December 2017

By email [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Award Modernisation Team  
Fair Work Commission  
11 Exhibition Street  
MELBOURNE 3000

ABN 76 008 556 595  
140 Arthur Street  
North Sydney NSW 2060  
Locked Bag 938  
North Sydney NSW 2059  
DX 10541 North Sydney  
10 Felix Street  
Brisbane QLD 4000  
t: 1300 565 846  
f: +61 2 9954 5029 (NSW)  
f: +61 7 3832 1058 (QLD)  
[ablawyers.com.au](http://ablawyers.com.au)

Dear Associate,

**4 YEARLY REVIEW OF MODERN AWARDS: REVISED SUMMARY OF SUBMISSIONS - VARIOUS AWARDS - GROUP 4**

We act for Australian Business Industrial and the NSW Business Chamber Ltd in respect of numerous Group 4 awards.

On 24 November 2017, the Fair Work Commission directed interested parties to provide feedback on the accuracy of revised summaries of submissions regarding both technical and drafting issues and proposed substantive variations in relation to various Group 4 awards.

In this letter, our clients make the following comments in relation to the accuracy of the summaries of submissions for the following Group 4 awards:

1. Aged Care Award 2010;
2. Broadcasting, Recorded Entertainment and Cinemas Award 2010;
3. Journalists Published Media Award 2010;
4. Professional Employees Award 2010;
5. Registered and Licensed Clubs Award 2010; and
6. Social, Community, Home Care and Disability Services Industry Award 2010.

Our detailed comments are as set out below.

**Aged Care Award 2010**

1. In relation to the revised summary of proposed substantive variations published on 22 November 2017, our clients note that item S9 (a proposal by the Aged Care Employers in relation to clause is incorrectly marked as outstanding. This proposed variation was withdrawn by the Aged Care Employers on 25 September 2017.

**Broadcasting, Recorded Entertainment and Cinemas Award 2010 (AM2014/259)**

2. We understand the revised summaries for this Award published on 20 November 2017 to be accurate.

**Journalists Published Media Award 2010 (AM2014/275)**

3. No summary of proposed substantive variations has been published in respect of this Award since 18 March 2017. From our review of this matter, is it also not entirely apparent whether Directions were made in relation to the filing of submissions in reply regarding proposed substantive variations.
4. To the extent that further opportunity will be provided by the Commission for interested parties to file submissions in reply on the proposed substantive variations, our clients note that the current summary published on 8 March 2017 is accurate and otherwise reserves their rights to make submissions at such time.

**Professional Employees Award 2010 (AM2014/281)**

5. Both revised summaries for this Award published on 20 November 2017 appear to be accurate.

**Registered and Licensed Clubs Award 2010 (AM2014/283)**

6. At this stage, we do not purport to make any further comments in relation to the summaries in this Award since they have not been updated since 8 March 2017.

**Social, Community, Home Care and Disability Services Industry Award 2010 (AM2014/285)**

7. In relation to the revised summary of proposed substantive variations published on 22 November 2017, our clients note the following proposed claims that they originally raised are no longer pursued:
  - (a) item S27 - notwithstanding our clients withdrawal of their proposed variations, we note that the joint position reached between interested parties in relation to amending clause 25.4 of the current Award clause should not be disrupted;
  - (b) item S33;
  - (c) item S35; and
  - (d) item S55.
8. In addition, we note the following inconsistencies in the summary of proposed substantive variations:
  - (a) item S4 (NDS' claim in relation to the language of the Award) was moved to the list of technical and drafting matters as 1A, however there is no notation at S4 in the summary of proposed substantive variations indicating that this has occurred;
  - (b) item S26 - our clients indicated in their submissions of 21 March 2017 that this item had been incorrectly identified as a substantive issue when it should have more

appropriately been dealt with as part a technical and drafting matter. We note that this item has not yet been moved into the list of the technical and drafting matters;

- (c) items S40 and S44A - these appear to be duplicate references of United Voice's claim at S42.

9. In relation to the revised summary of submissions - technical and drafting, we note that item 10 should be marked as resolved in light of the agreement reached between the parties that the Exposure Draft should be updated to refer to both majority and individual agreement at clause 13.1(b) of the Exposure Draft.

If you have any questions in relation to any of the above, please contact Margaret Chan on (02) 9458 7803.

Yours sincerely



**Margaret Chan**

**Lawyer**

Australian Business Lawyers & Advisors Pty Limited

(02) 9458 7803

[margaret.chan@ablawyers.com.au](mailto:margaret.chan@ablawyers.com.au)