



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
PO Box 289  
North Sydney NSW 2059  
Australia  
ABN 76 369 958 788

9 February 2017

Deputy President Gostencnik  
Fair Work Commission  
80 William Street,  
MELBOURNE, NSW

Dear Deputy President,

We refer to correspondence sent by Mr Krajewski dated 3 February 2017.

Ai Group received the proposal, from the Master Electricians on the 30<sup>th</sup> January 2017, referred to in Mr Krajewski letter. The subsequent conference between all parties including ABL and ourselves occurred on the 31<sup>st</sup> January.

The amended proposal failed to address the concerns that Ai Group had previously raised with the proposing parties. The previous iteration had made substantial changes to the Award terms, which we say would increase costs to employers.

In the amended proposal we were provided on the 30<sup>th</sup> January, the proponents added further changes such as removing the distinction between non continuous and continuous shift work. This is a substantial change to the Award.

The proposal most recently provided to the Commission on the 3<sup>rd</sup> February removes flexibilities provided to employers employing continuous shift workers.

Ai Group has indicated on a number of occasions to the proposing parties, that we do not agree their proposals and that they should not be determined in the technical and drafting stage of the Award Review process. We have indicated to them that should they wish to pursue such changes, they need to make the appropriate application to have the matter heard as a substantive variation to the Award.

We see no utility in further discussion at conference regarding their claim. Without the proposing parties filing their supporting submissions and evidence, we are not in a position to provide a response.

We seek their claim to be referred to a separate bench to be determined as a claim for a substantive variation.

Please do not hesitate to contact me, if you have any queries.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'P. Vasuki'.

Vasuki Paul  
National Manager – Construction Utilities and Resources