

**From:** CM Coate [<mailto:cmcoate@nfia.com.au>]

**Sent:** Monday, 31 July 2017 11:50 AM

**To:** Chambers - Gostencnik DP

**Cc:** Wayne Smith; Phil Eberhard; Vasuki Paul; [louise.hogg@ablawyers.com.au](mailto:louise.hogg@ablawyers.com.au); [chrisk@business-sa.com](mailto:chrisk@business-sa.com); 'Paul Coffey'; Zach Duncalfe; Richard Krajewski

**Subject:** NFIA: Plumbing and Fire Sprinklers Award 2010 - modern award review - AM2014/280



*Contractors at the front line of fire protection*

Deputy President

I refer to the email of 21 July 2016 from your Chambers and apologise for the late lodgement of this report.

On behalf of Mr Wayne Smith, CEO, NFIA, I attach herewith the NFIA update for the Commission and other parties.

Regards

*Carmel*

*CM Coate*

*Director, Training & Education*

*National Fire Industry Association*

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28 July 2017



## Plumbing and Fire Sprinklers Award 2010 – Exposure Draft

### Introduction

1. In accordance with the request issued by the Fair Work Commission (**Commission**) on Friday 21 July 2017, the National Fire Industry Association (NFIA), based on the Revised Summary of Submissions – Technical and Drafting (dated 14 February 2017) (**FWC Summary of Submissions**), has reviewed the matters that remain outstanding between the parties and provide the following comments on those matters.
2. It is the NFIA view that the following clauses are the clauses that represent the outstanding matters for the Exposure Draft of the *Plumbing and Fire Sprinklers Award 2010 – (PFS Award)*:
  - Clause 11.3 - Part time employment; and
  - Clause 12 - Casual employment;
  - Clause 13.14 - Adult apprentices; and
  - Clause 20.3(f) -Allowances; and
  - Clause 22 - Shiftwork.

### Clause 11.3 – Part time employment

3. The AWU is seeking to include the word “finishing” in Clause 11.3(b). This would then require an employer, when employing a part – time employee, to advise them of their “commencing” time/s and “finishing” time/s.
4. NFIA would not oppose the AWU’s application to insert “finishing” in Clause 11.3(b).

### Clause 12 Casual employment

5. The AWU has raised issues with the fact that under the PFS Award there is no spread of hours provided within the casual employment clause. The AWU is seeking to include words at Clause 15.2(c) to rectify this situation and is yet to confirm if they will continue to press this item.
6. NFIA would oppose the AWU’s proposition it is, in our view, unnecessary to duplicate the spread of hours provisions provided in Clause 15.2(c) of the PFS Award. The hours of work provisions provided in Clause 15 apply to all employees covered by the award. A casual employee is not excluded from Clause 15.

**Clause 13.14 Adult apprentices**

7. NFIA supports the position put by The Master Plumbers Group in that it maintains our previously stated position: Clauses 13.14(d)(i) and 13.14(d)(ii) should be deleted as neither are enforceable.

**Clause 20.3(f) Allowances**

8. NFIA supports the Master Plumbers Group proposal of the insertion of a new Clause 20.3(f). The proposed amendment follows:-

**(f) Industry disability allowance and space, height and dirt money allowance—fire sprinkler fitter employees**

- (i) A fire sprinkler fitter tradesperson and a sprinkler fitting worker will receive the following additional weekly allowances for all purposes.

Allowance	\$ Per week
Industry disability allowance	\$29.77
Space, height and dirt money	\$27.42

- (ii) In accordance with Clauses 18.2(b)(iii) or 18.2(c)(iii), a sprinkler fitter apprentice will receive the applicable percentage of the allowances specified in the above table for all purposes.
- (iii)(A) In accordance with the first dot point of Clause 18.3(a)(iii) an adult sprinkler fitter apprentice is paid the full rate of the Industry disability allowance for all purposes, but not the Space, height and dirt money allowance.
- (iii)(B) In accordance with the second dot point of Clause 18.3(a)(iii) an adult sprinkler fitter apprentice is paid the applicable percentage of the allowances specified in the above table for all purposes, if the amount prescribed for apprentices generally is greater.

**Clause 22 Shiftwork**

9. The Master Plumbers Group's application on shiftwork was dealt with by the full bench during the substantive award proceedings. The full bench has now reserved their decision on that application. Therefore NFIA believes that any further proposition to vary shiftwork provisions should not be entertained by the commission during these proceedings

**Summary**

10. There remain a number of outstanding matters which means it may be necessary for the Commission to convene a further conciliation conference, so that the parties can try and settle the matters that remain outstanding.

National Fire Industry Association  
Friday 28 July 2017