

29 March 2018

Award Modernisation Team
Fair Work Commission
80 William Street
East Sydney NSW 2011

Dear AMOD,

**AM2014/76 – 4 yearly review of modern awards – Marine Tourism and Charter Vessels Award and
AM2017/51 – 4 yearly review of modern awards – overtime for casuals**

We refer to the *Exposure Draft – Marine Tourism and Charter Vessels Award 2015 – further amended* published 13 June 2017 (**the Exposure Draft**), the Statement issued by the President dated 21 March 2018 and the *Summary of submissions – outstanding issues – revised* published 22 March 2018 (**the Summary**) in the above matter AM2014/76.

The first three matters in the Summary, noted as outstanding, are concerned with proposals by the Australian Workers Union (**AWU**) to amend the Exposure Draft in relation to overtime for casual employees. These three matters, in our view, are substantive issues.

We note further, however, that similar matters have been referred for consideration by a Full Bench in the overtime for casuals common matter. In its Statement dated 4 December 2017, the Full Bench in matter AM2017/51 identified the *Marine Tourism and Charter Vessels Award 2010* (**the Award**) as one in which it is 'unclear when overtime commences'. In response to this Statement the Maritime Union of Australia (**MUA**) filed a Draft Determination seeking to vary the Award which, if adopted, would result in similar substantive changes to the Award to those proposed by the AWU.

In the circumstances it appears that the changes proposed by the AWU in relation to the Exposure Draft and the MUA's proposed variation to the Award are both substantive changes dealing with the same matters. It is AFEI's intention to make submissions to the Full Bench about the proposed substantive variations in AM2017/51 at the time the Full Bench makes available for that purpose.

We request that a copy of this correspondence be included in both matters.

Yours faithfully,



Tony Doyle
Director, Workplace Relations