

From: Ruchi Bhatt <ruchi.bhatt@aigroup.com.au>
Sent: Tuesday, December 19, 2023 10:01 AM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Cc: Kyle Scott <Kyle.Scott@ablawyers.com.au>; Colin Chang <colin.chang@aigroup.com.au>
Subject: RE: C2019/5259: Review of C14 / C13 rates

Dear Associates,

We refer to the correspondence below.

The Australian Industry Group has reviewed the list of awards filed and seeks to advise that in its submission, the second category of awards (described as being '*unclear as to whether they can apply to ongoing employment*') do in fact contemplate the performance of substantive work on an ongoing and indefinite basis at the relevant classification level.

Regards,

Ruchi Bhatt
Principal Advocate



51 Walker Street, North Sydney NSW 2060

E: ruchi.bhatt@aigroup.com.au

www.aigroup.com.au



From: Kyle Scott
Sent: 19/12/2023 9:39 AM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Cc: Claudia Simmons <Claudia.Simmons@Ablawyers.com.au>
Subject: C2019/5259: Review of C14 / C13 rates
Importance: High

Dear Associate,

C2019/5259: Review of C14 / C13 rates

We refer to the above matter and to the hearing before the Full Bench yesterday.

During the course of submissions yesterday, the President, Justice Hatcher, asked whether we could provide a list of the award classifications falling into the scope of my fourth proposition (namely, award classifications that capture work or jobs that are performed on an ongoing basis).

Please now find **attached** a list of those awards falling into that category.

I make some brief comments in relation to the attached document:

1. The document has been prepared based on a review of the awards in which ABI and BNSW have a material interest. There may therefore be some additional awards that do not appear in the list but which capture work or jobs performed on an ongoing basis.
2. The document contains two separate lists, as we have identified six awards for which we consider it to be unclear whether or not the classification captures work or jobs on an ongoing / indefinite basis. Those awards are contained in the second list.
3. There are a number of other awards, not included in our document, which contain classifications that, while entry-level / transitional in nature, require either attainment of a particular skill level or successful completion of prescribed training or accreditation in order to be classified into the next level. We have not been able to identify a complete list of those awards, but some examples include the:
 - Animal Care and Veterinary Services Award 2020: Introductory level (practice managers, veterinary nurses, receptionists, animal attendants and assistants) (Schedule A.2.1).
 - Cement, Lime and Quarrying Award 2020: Cement and lime industry – Level 1 (Schedule A.1.1) and Quarrying industry – Grade 1 (Schedule B.1.1).
 - Wine Industry Award 2020: Grade 1.
 - Sugar Industry Award 2020: Cultivation/cane production inductee/trainee (CPT) (Schedule A.2.1).

Where an employee fails to complete the necessary training requirements to progress to the next level, it appears they would remain at their existing level and so, in that sense, these award classifications may apply to employees on an ongoing / indefinite basis. We anticipate there would likely be a number of other awards falling into this category.

We trust this assists the Commission.

Yours sincerely,

Kyle Scott

Director

Australian Business Lawyers & Advisors