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Sent: Wednesday, 15 February 2017 6:05 PM
To: Chambers - Gostencnik DP
Cc: Olya Valaire; Phil Eberhard; Vasuki Paul; louise.hogg@ablawyers.com.au; chrisk@business-sa.com; cmcoate@nfia.com.au; 'Paul Coffey'; Zach Duncalfe
Subject: Plumbing and Fire Sprinklers Award

Associate to Deputy President Gostencnik

Dear Associate,

During the Fair Work Commission conference on Monday the 6th February 2016 concerning the list of Technical and Drafting issues associated with the Plumbing and Fire Sprinklers Award, his Honour suggested that a small group consider a proposed change to the title (and (implied) application) of paragraph 20.3 (f) – “Industry Disability allowance and space, height and dirt money allowance – adult fire sprinkler fitter employees”.

This arose from a proposal during the Conference (6th February) to amend the title “adult fire sprinkler fitter employees” to “sprinkler fitter tradespersons”. It is noted that this proposal appeared to gain some support.

In reviewing this proposed change and in anticipation of an exchange of views, the Fire Protection Association Australia informed the other representatives of the group, that there may be a danger in changing the title of the classification to that of “sprinkler fitter tradespersons”. It was suggested that if that change were to occur and in restricting this title to tradespersons, it may result in a disadvantage to other employees covered by the Award.

It was further suggested that In changing the current title of “adult fire sprinkler fitter employees” to “sprinkler fitter tradespersons” may in fact reduce the award entitlement to some employees. It was then clarified that it was not only tradesmen (tradespersons) who are entitled to and experience industry disabilities and experience working in space, on heights and/or in dirt situations. Other employees covered by the Award, such as non-trades personnel also experience such discomforts/disabilities. Therefore they would be entitled to the disabilities payments set out in paragraph 20.3 (f). The word “employees” in the current award title, therefore has relevance. Suggesting that to substitute “employees” with “tradesperson”, would disadvantage employees other than “tradesmen” (“tradespersons”). It is noted that apprentices (who obviously are not tradesmen/tradespeople)) receive the Allowances albeit as a percentage. To make the change that was to be discussed, would in fact be a substantial change to the Award as it would disenfranchise a number of employees (who would currently be paid those allowances).

We trust that the above report assists in addressing the proposed change to the title of the provision set out in paragraph 20.3 (f), viz., – “Industry Disability allowance and space, height and dirt money allowance – adult fire sprinkler fitter employees” by relevantly substituting it with “sprinkler fitter tradespersons”.

Regards

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