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To: [AMOD](#)
Cc: [Chambers - Gostencnik DP](#)
Subject: AM2014/280 - Plumbing and Fire Sprinklers Award - Amendment to AWU Exposure Draft Submission
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Attachments: [FAD290AB-1696-498A-9EE1-AE74176589D0\[40\].png](#)
[Plumbing and Fire Sprinklers Award - AWU Exposure Draft submission - amendment 06 Dec 2016.pdf](#)

Dear Associate,

The AWU indicated today before the Full Bench Hearing for Group 4C Awards that we would write to amend our Exposure Draft Submission for the *Plumbing and Fire Sprinklers Award*.

The amendment relates to paragraph 6 of the AWU 06 July 2016 Exposure Draft Submission. We attach the amendment we seek to this correspondence.

Kind regards,

Roushan Walsh

National Legal Officer

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Fair Work Commission
Level 10, Terrace Tower, 80 William Street
East Sydney NSW2011
By email: amod@fwc.gov.au

06 December 2016

Re: AM2014/280 AWU additional Exposure Draft submission for the *Plumbing and Fire Sprinklers Award*

BACKGROUND

1. This Submission of the Australian Workers' Union relates to paragraph [6] of the AWU 06 July 2016 Exposure Draft Submission.¹
2. The nature of our original claim relates to the requirement under section 147 of the *Fair Work Act 2009* to ensure the ordinary hours of work for all classifications and types of employment can be determined under this Award.
3. In our 06 July Submission, the AWU identified three clauses that governed part time, casual and apprentice employees that did not meet the requirements of section 147.
4. The purpose of this Submission is to extend our claim to clause 9.1 of the Exposure Draft for the Plumbing and Fire Sprinklers Award in order to clarify the ordinary hours for daily hire employees.
5. This amendment is set out in red against the original wording of our 06 July 2016 Submission.

DAILY HIRE EMPLOYEES

Ordinary hours – part time, casual, and apprentice and daily hire employees

6. Ordinary hours are incompletely drafted for the above classes of employees. We refer to section 147 of the *Fair Work Act 2009* (Cth) ('the FWA') which states:

A modern award must include terms specifying, or providing for the determination of, the ordinary hours of work for each classification of employee covered by the award and each type of employment permitted by the award

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014280-sub-awu-060716.pdf>

7. Clause 9.3: A span of hours is not specified for daily hire employees. We suggest the wording at clause 15.2(c) of the Exposure Draft be inserted as 'clause 9.3 (a)' to rectify this issue. The amendment to the Exposure Draft, would read as follows:

9.3 The following provisions will apply to daily hire employees:

- (a) Subject to clause 15.3—Early start and clause 22—Penalty rates, ordinary hours are worked between 7.00 am and 6.00 pm Monday to Friday inclusive.

END



Roushan Walsh
NATIONAL LEGAL OFFICER