

**23 February 2018**

**S.156 – Four Yearly Review of Modern Awards**

**Submissions on the Exposure Draft published 31 January 2018**

**IN THE FAIR WORK COMMISSION**

**FWC Matter No: AM2016/6**

***Real Estate Industry Award 2010 (MA000106)***

1. The Real Estate Employers Federation of Western Australia is an association of real estate employers in Western Australia.
2. On 17 January 2018, the Full Bench of the Fair Work Commission issued its decision finalising the outstanding matters that were the subject of a conciliation conference held in Brisbane before Asbury DP on 3 November 2017.<sup>1</sup>
3. The Full Bench published an exposure draft, which was updated on 31 January 2018 and invited interested parties to comment. REEFWA wishes to make the following comments.
4. REEFWA continues its objection to the following;  
  
Clause 9.7 (c)(ii) of the Exposure Draft  
*“125% of the employee’s classification rate”* contained in clause 9.7(d)(i) of the Exposure Draft
5. To that end, REEFWA reiterates and relies on its previous written submissions filed in August 2017 and its oral submissions contained in the transcript of the hearing dated 23 November 2016 from PN2116 – PN 2322.
6. It is REEFWA’s position that the increase in the percentage of minimum wage from 110% to 125% in order to qualify for commission only employment and the introduction of a review of a commission only sales person’s remuneration after a 12 month period, whether viewed alone or in combination with the rest of clause 9 in the latest exposure draft, are not necessary to achieve the Modern Awards objective.
7. As such, these variations do not meet the modern awards objective as contained in s.138 of the *Fair Work Act 2009*.

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<sup>1</sup> [2018] FWCFB 354