



DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

(AM2017/49)

FAST FOOD INDUSTRY AWARD 2010

[MA000003]

JUSTICE ROSS, PRESIDENT

DEPUTY PRESIDENT MASSON

COMMISSIONER LEE

SYDNEY, 8 FEBRUARY 2018

4 yearly review of modern awards – Fast Food Industry Award 2010.

[1] These directions arise out of a conference before Commissioner Lee on 8 February 2018.

[2] Item S16 of the Summary of Proposed Substantive Variations (the summary) concerns a proposal by the Australian Industry Group (Ai Group) to insert a facilitative provision in the following terms:

“3. In sub-clause 25.5(a)(ii), inserting after the words “25% casual loading.” of clause 25.5(a)(ii):

The evening penalty end time (6.00 am) may be altered by up to one hour at the end of the spread (up to 5.00am), by agreement between an employer and the majority of employees concerned.”

[3] The Shop, Distributive and Allied Employees Association (SDA) have raised a jurisdictional objection to Ai Group’s proposal. Both Ai Group and the SDA have filed written submissions on the jurisdictional point. The following directions are issued in relation to the filing of further submissions:

1. Ai Group (and those supporting the Ai Group’s proposal) are directed to file any *further* written submissions in relation to the jurisdictional objection by **4:00pm, Friday 9 February 2018.**
2. The SDA (and those opposing the Ai Group’s proposal) are directed to file any written submissions in reply by **4:00pm, Tuesday 20 February 2018.**
3. It is noted that Ai Group and the SDA intend to also rely on submissions already filed in this matter.

4. Consistent with the views expressed by Ai Group and the SDA, the Full Bench intends to determine the jurisdictional objection on the written materials filed, without the need for hearing.
5. Liberty to apply generally.

PRESIDENT

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