

PRESIDENT

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EXECUTIVE DIRECTOR

Bruce Morgan

Vice President Hatcher
Fair Work Commission
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1 September 2021

Dear Vice President,

RE: CASUAL TERMS AWARD REVIEW 2021

***Response of Country Press Australia to AMWU submission of 18 August 2021
pertaining to Group 2 Awards; namely the Graphics Arts, Printing and Publishing
Award 2020***

1. INTRODUCTION

- 1.1 Country Press Australia (**CPA**) provides the following response to the submission of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (**AMWU**) made to the Fair Work Commission (**Commission**) on 18 August 2021 relating to the Commission's Casual Terms Award Review 2021.
- 1.2 The CPA's response is made in accordance with the Directions of the Commission of 24 August 2021 to deal with the objections of the AMWU to the *provisional views* of the Commission as expressed in its Statement of on 11 August 2021 as it applies to various Awards.
- 1.3 The CPA's response is limited to the application of this matter to the *Graphic Arts, Printing and Publishing Award 2020 (GAPPA)*, being the only Award of those listed relevant to the operations of its members.

2. BACKGROUND

- 2.1 CPA is a not for profit membership body which represents the interests of small to medium sized enterprises involved in the print and online publishing of regional media.
- 2.2 The majority of CPA members are employers, with many falling within the definition of 'small business employer' prescribed in Section 23(1) of the *Fair Work Act 2009*.
- 2.3 The vast majority of CPA members do not employ a dedicated Human Resources department or professional within their operations.

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3. AMWU SUBMISSION RELATED TO GAPPA

- 3.1 In its Statement of 11 August 2021, the Commission stated at paragraph 36 in relation to the current casual conversion clause within the GAPPA:

..... it is our provisional view that the term should be deleted from the award and replaced with a reference to the NES casual conversion entitlements in order to satisfy the requirement in cl.48(3) of Schedule 1.

- 3.2 It is the CPA's understanding that the reasoning the Commission relied upon in arriving at this position was the same as that expressed in the Commission's decision of 16 July 2021 in relation to the deletion of current casual conversion provisions in the *Manufacturing and Associated Industries and Occupations Award 2020 (Manufacturing Award)*. The relevant conclusion on 16 July 2021 in support of deletion of the previous term being found at paragraph 247:

This variation will satisfy the requirement in cl.48(3) of Schedule 1. We do so on the basis of our assessment that the casual conversion NES, considered as a whole, provides a scheme of entitlements for employees which is more beneficial to them than that provided by cl.11.5 as it operated prior to the commencement of the Amending Act.

- 3.3 In the AMWU's submission of 18 August 2021 it argues at paragraph 28 that the decision made in relation to the Manufacturing Award should not be extended to the GAPPA because the:

..... exercise was not performed correctly and, therefore, the conclusions ought not be simply rolled over to the Group 2 awards.

- 3.4 The AMWU contends in support of the above proposition that the Commission did not have appropriate material before it when making the decision of 16 July 2021 and seeks in its submission of 18 August 2021 to provide further information in support of its claim that GAPPA should not be amended in the same manner as that decided for the Manufacturing Award.

- 3.5 In paragraph 37, the AMWU states in further support of its position:

The regulatory burden imposed by the residual right under the NES would be simply replicated at one extra time point, imposing no substantial extra regulatory burden on employers.

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4. CPA RESPONSES TO AMWU SUBMISSION

- 4.1 THE CPA does not dispute any of the factual evidence provided by the AMWU in its submission but does not consider that it provides any substantive reason that the Commission would, or should, decide that the relevant terms in the GAPPA should be different in their design or orientation to that which it made for the Manufacturing Award.
- 4.2 Further, the CPA with a view of the limitations of its members, submits that there is significant '*extra regulatory burden*' in having varying casual conversion obligations in the Awards which cover their operations.

5. CONCLUSION

- 5.1 On the basis that the AMWU's submission does not provide a substantive reason that the Commission should undertake a different approach to that previously adopted for the varying of the GAPPA's casual conversion terms, and the significant regulatory burden that would result on its members, the CPA seeks that the Commission confirm its *provisional view* relating to the amending of the GAPPA as per its Statement of 11 August 2021.

If the Commission, or interested parties have any questions about this response, please don't hesitate to contact the CPA's Industrial Advisor:

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Yours sincerely



.....
Andrew Manuel
Chair
Country Press Australia