



DECISION

*Fair Work
(Transitional)*

Provisions and Consequential Amendments) Act 2009

Sch. 5, Item 6 - Review of all modern awards (other than modern enterprise and State PS awards) after first 2 years

**National Fire Industry Association; Communications, Electrical,
Electronic, Energy, Information, Postal, Plumbing and Allied Services
Union of Australia - Plumbing Division**
(AM2012/146 & others)

Plumbing industry

SENIOR DEPUTY PRESIDENT WATSON

MELBOURNE, 16 DECEMBER 2013

Modern Award Review 2012 - application to vary the Plumbing and Fire Sprinklers Award 2010 - modern award varied.

[1] The *Plumbing and Fire Sprinklers Award 2010*¹ (PFS Award) was varied on 19 July 2013² to give effect to the Modern Awards Review 2012 decision.³

[2] One of the variations introduced a new Schedule G—All-purpose rates of pay to provide a summation of the operation of all-purpose rates and to provide “clarity and an easy to use reference point”.⁴

[3] Communication was received from the Chamber of Commerce and Industry Western Australia (CCIWA) on 15 November 2013, which raised a potential error in the determination, reflecting a disparity between clause 21.1(h)—Sprinkler fitters adjustment and the new Schedule G (clause G.3—Fire sprinkler fitting).

[4] In a statement of 20 November 2013, that possible error, and others identified by the Fair Work Commission (the Commission), in relation to clause G.3 of Schedule G were drawn to the attention of interested parties. An opportunity was afforded to interested parties to put submissions as to the potential errors by 29 November 2013. The statement and the submissions received were posted on the Modern Awards Review 2012 website in the usual way.

[5] One submission, received on 2 December 2013, was made in response to the statement, a submission by the Master Plumbers and Mechanical Services Association of Australia (MPA). The submission accepted that a referencing error appeared in clause 21.1(f)(i), (iii) and (iv)

and a proposed replacement clause G.3 of Schedule G was developed, following discussion with other interested parties, which corrected errors identified in my statement of 20 November 2013.

[6] I am satisfied that clause G.3 of Schedule G, as published on 19 July 2013⁵ contains errors in clause 21.1(f)(i), (iii) and (iv) and the summation of the substantive allowance provisions within the PFS Award and that they should be corrected by a determination in the form proposed by the MPA, save for the repetition of the row for the Adult apprentice. The determination, which is in the nature of a correction determination, will have effect from the first full pay period commencing on or after 19 July 2013.

SENIOR DEPUTY PRESIDENT

Printed by authority of the Commonwealth Government Printer

<Price code A, MA000036 PR545289>

¹ MA000036.

² [2013] FWC 2987 and PR539029.

³ [2012] FWAFB 5600.

⁴ [2013] FWC 2987, at para 79.

⁵ PR539029.