

The Shop, Distributive and Allied Employees' Association

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NATIONAL PRESIDENT

Joe de Bruyn

NATIONAL SECRETARY

Gerard Dwyer

10 August 2016

The Hon. Justice Ross, President  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

Dear Justice Ross,

**Re. AM2016/8 Payment of wages – draft directions**

We refer to the above matter and a statement issued by the Commission on 2 August 2016 ([2016] FWCFB 5254) and in particular section 2(i) Timing of payment of wages, which refers to the variation the SDA is seeking in the Fast Food Industry Award 2010, Hair and Beauty Award 2010 and General Retail Award 2010.

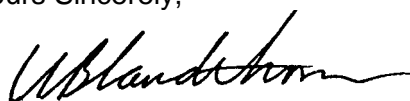
Paragraph [8] of the Statement provides a draft term for the Fast Food Industry Award 2010 and the Hair and Beauty Industry Award 2010 for consideration of parties following the conciliation conference held on 27 July 2016. No draft term has been provided for the General Retail Industry Award 2010.

It is unclear from the Statement and Draft Directions how the Commission would like the parties to proceed in relation to this. We believe that there is scope for agreement and would like until the end of next week to enable parties to discuss the draft term and a possible agreed position which would negate the need for full written submissions.

The SDA would also like to address an issue raised at Conference on 27 July 2016. The SDA raised concerns regarding the accuracy of Attachment A of the Statement issued on 15 June 2016. The SDA has identified other Awards which provide for payment of wages within a specified period but this is expressed as a day in the week rather than a number of days. The SDA considers this to be a more accurate reflection of the Awards which contain payment of wages within a specified period.

The SDA respectfully provides a complete list of the 30 Awards which contain provision for payment of wages within a specified period whether expressed as a number of days or days of the week, at Attachment A.

Yours Sincerely,



IAN BLANDTHORN  
NATIONAL ASSISTANT SECRETARY

**Attachment A: Payment of Wages Clauses containing provision for payment within specified period after pay cycle.**

| <b>Award</b>  | <b>Clause</b>  |
|---|--|
| Ambulance and Patient Transport Industry Award 2010 [MA000098]              | No later than Wednesday  |
| Amusement, Events and Recreation Award 2010 [MA000080]                      | No later than Thursday   |
| Animal Care and Veterinary Services Award 2010 [MA000118]                   | On a set day and preferably at a regular time  |
| Aquaculture Industry Award 2010 [MA000114]                                  | No later than Thursday of the agreed pay period  |
| Black Coal Mining Industry Award 2010 [MA000001]                            | Within 7 days of the end of the pay cycle  |
| Broadcasting and Recorded Entertainment Award 2010 [MA000091]               | Within 7 days of the end of the pay cycle  |
| Building and Construction General On-Site Award [MA000020]                  | No later than Thursday of each working week  |
| Car Parking Award 2010 [MA000095]   | No later than Friday in each pay week  |
| Cleaning Services Award 2010 [MA000022]                                     | No later than Thursday   |
| Electrical, Electronic and Communications Contracting Award 2010 [MA000025] | Within 2 days  |
| Horse and Greyhound Training Award 2010 [MA000008]                          | Within 2 days  |
| Joinery and Building Trades Award 2010 [MA000029]                           | No later than Thursday of each working week.   |
| Labour Market Assistance Industry Award 2010 [MA000099]                     | Within 5 days  |
| Mannequins and Models Award 2010 [MA000117]                                 | No later than Thursday in each pay period and must be paid during working hours.   |
| Marine Tourism and Charter Vessels Award 2010 [MA000093]                    | No later than Thursday in each pay cycle.  |
| Market and Social Research Award 2010 [MA000030]                            | Within 14 days   |
| Northern Territory News Award 2015 [MA000129]                               | An employee shall be paid his/her wages on Thursday or Friday in each week.  |
| Passenger Vehicle Transportation Award 2010 [MA000063]                      | Within 2 days.   |
| Pharmaceutical Industry Award 2010 [MA000069]                               | Not later than Thursday in each pay week.  |
| Plumbing And Fire Sprinklers Award 2010 [MA000036]                          | Not later than the cessation of ordinary hours of work on Thursday of each working week.                                   |
| Racing Industry Ground Maintenance Award 2010 [MA000014]                    | No later than Thursday of the agreed pay period, unless the employer and the majority of employees agree to later payment. |
| Road Transport (Long Distance Operations) Award 2010 [MA000039]             | within 2 days  |
| Road Transport And Distribution Award 2010 [MA000038]                       | Within four business days  |
| Security Services Industry Award 2010 [MA000016]                            | Not later than Thursday in the pay week.   |
| Silviculture Award 2010 [MA000040]  | Within 2 days  |

|   |  |
|---|--|
| Textile, Clothing, Footwear And Associated Industries Award 2010 [MA000017] | No later than Thursday   |
| Transport (Cash In Transit) Award 2010 [MA000042]                           | Payment will be made not later than Thursday in the pay week.  |
| Travelling Shows Award 2010 [MA000102]                                      | No later than the Thursday of the agreed pay period  |
| Vehicle Manufacturing, Repair, Services And Retail Award 2010 [MA000089]    | Not later than Thursday in any pay cycle, provided that wages will be paid if possible not later than Wednesday in a week in which a public holiday falls on the Thursday or Friday. |
| Waste Management Award 2010 [MA000043]                                      | Within 3 days  |