

12 May 2014

The Fair Work Ombudsman [Attention: Natalie James]
GPO Box 9887
BRISBANE QLD 4001

Dear Ms James,

FWO Media release | Real estate industry urged to show leadership...

APSA Queensland (formerly the Property Sales Association of Queensland) read with interest the media release issued by your office on 11/3/2014, especially as the comments by both Judge Jarrett and yourself accurately reflect the observations we have made of some sectors of the real estate industry, both in Queensland and elsewhere in the country.

As you correctly stated, there appeared to be an appreciable improvement following the 2011 & 2012 award compliance campaigns, however our experience has been that in this industry such activities need to be conducted on an ongoing basis – especially because “of the common disregard of industrial instruments”.

For that reason, when representing members in complaints against their employers, in the past two years we have increasingly sought for significant civil penalties to be applied, in addition to recovery of entitlements. It is our view that, until such penalties are being applied more frequently, and publicly, the “general deterrence” referred to by Judge Jarrett will be lacking.

Therefore we ask that FWO considers conducting a further compliance campaign in Queensland’s real estate industry, with a determination to apply civil penalties where appropriate. We particularly ask this because after more than four years of operation of the Real Estate Industry Award 2010 (award), those who are determined **not** to comply should be offered no further comfort.

The Queensland Property Industry Registry (QPIR), is jointly administered by ourselves and the Real Estate Employers’ Association. QPIR maintains a database of businesses potentially subject to the award, showing those that do and do not have agreements registered as required by the award. Upon presentation of the relevant order from FWO, such data may be obtained from QPIR, in order to assist with “targeting” any compliance campaign.

Finally, should you or your officers wish to discuss any of these matters, we would be more than willing to do so.

Yours faithfully,


BARRY GANNON
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