

**From:** Andrew Crabb [mailto:andrew.crabb@nat.awu.net.au]  
**Sent:** Friday, 15 September 2017 2:59 PM  
**To:** Chambers - Hamberger SDP  
**Cc:** ashannon@claytonutz.com; Smith, Graham; 'Frank McMahon' (frank@mcmahonandassociates.com.au); Brian Jeffriess (austuna@bigpond.com); janine.webster@fwo.gov.au  
**Subject:** Re: AM2017/46 - ASBTIAL Application to vary the Parts, Harbours and Enclosed Water Vessels Award 2010: Submissions regarding s. 163 threshold issue [CU-Legal.FID2215058]

Dear FWC

As to the threshold issue, the AWU's position is that it is for the party seeking the variation to satisfy the Commission that the threshold requirements under s. 163 of the Act are met.

As to the substantive application to vary the award, we confirm the AWU does not object to the application in principle, however we wanted to reserve our position until further evidence in relation to the actual work performed had been filed - so a complete analysis against other potentially relevant state awards (for example the NSW State award considered in the Federal Circuit Court decision referred to by the Applicant in these variations proceedings) can be conducted.

Please do not hesitate to contact our office if you wish to discuss further.

Yours sincerely

Andrew Crabb  
Senior National Legal Officer

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**From:** Chambers - Hamberger SDP <[Chambers.Hamberger.sdp@fwc.gov.au](mailto:Chambers.Hamberger.sdp@fwc.gov.au)>  
**Sent:** Thursday, 14 September 2017 3:36 PM  
**To:** Andrew Crabb  
**Cc:** [ashannon@claytonutz.com](mailto:ashannon@claytonutz.com); Smith, Graham; 'Frank McMahon' ([frank@mcmahonandassociates.com.au](mailto:frank@mcmahonandassociates.com.au)); Brian Jeffriess ([austuna@bigpond.com](mailto:austuna@bigpond.com)); [janine.webster@fwo.gov.au](mailto:janine.webster@fwo.gov.au)  
**Subject:** FW: AM2017/46 - ASBTIAL Application to vary the Parts, Harbours and Enclosed Water Vessels Award 2010: Submissions regarding s. 163 threshold issue [CU-Legal.FID2215058]

Dear Mr Crabb,

Could you please confirm for the Full Bench's records that the AWU does not oppose ASBTIAL's application?

**Edrea Tio**  
Associate to Senior Deputy President Hamberger

**Fair Work Commission**  
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