

**From:** Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>  
**Sent:** Friday, 28 August 2020 5:56 PM  
**To:** Christopher Nowland <christopher.nowland@harmers.com.au>; Dominic Macken <djmacken@macken.com.au>; Michael Harmer <michael.harmer@harmers.com.au>; Sudhir Sivarajah <sudhir.sivarajah@harmers.com.au>; 'Stephen Crawford' <stephen.crawford@nat.awu.net.au>  
**Cc:** AMOD <AMOD@fwc.gov.au>  
**Subject:** RE: AM2020/4 - Application by Shop, Distributive and Allied Employees Association (Alpine Resorts Award) [HWL-HARMERS.FID873488]

Dear parties,

I refer to Mr Nowland's email below.

Please find attached directions issued by the Vice President.

The Vice President has vacated the amended directions issued 3 July 2020 and the directions hearing listed for **10.00am Friday 18 September 2020**. Please find attached a listing cancellation notice.

Kind regards,

**Elise Delpiano**  
Associate to Vice President Hatcher

#### **Fair Work Commission**

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**From:** Christopher Nowland <[christopher.nowland@harmers.com.au](mailto:christopher.nowland@harmers.com.au)>  
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**To:** Chambers - Hatcher VP <[Chambers.Hatcher.VP@fwc.gov.au](mailto:Chambers.Hatcher.VP@fwc.gov.au)>  
**Cc:** Dominic Macken <[djmacken@macken.com.au](mailto:djmacken@macken.com.au)>; Michael Harmer <[michael.harmer@harmers.com.au](mailto:michael.harmer@harmers.com.au)>; Sudhir Sivarajah <[sudhir.sivarajah@harmers.com.au](mailto:sudhir.sivarajah@harmers.com.au)>; 'Stephen Crawford' <[stephen.crawford@nat.awu.net.au](mailto:stephen.crawford@nat.awu.net.au)>  
**Subject:** AM2020/4 - Application by Shop, Distributive and Allied Employees Association (Alpine Resorts Award) [HWL-HARMERS.FID873488]

Dear Associate,

**AM2020/4 - Application by Shop, Distributive and Allied Employees Association (Alpine Resorts Award)**

We continue to act for the Australian Ski Areas Association (**Association**) in relation to the above matter and refer to the Mention before Vice President Hatcher on 24 August 2020.

During the Mention the Vice President stated that he would maintain the current directions and hear the Association's application to dismiss simultaneously with the SDA's principal application unless the Association confirmed it would not call evidence in the event its summary dismissal application was unsuccessful. If the Association made such an election, the Vice President stated that he would make the parties consent directions for the further programming of this matter (provided to the Commission in Dominic Macken's email at 8:25am on 24 August 2020) with any necessary adjustments to the dates.

We write to confirm that the Association is content for its application to dismiss to be heard simultaneously with the SDA's principal application. We further confirm that the Association will elect not to call evidence in the event its summary dismissal application is unsuccessful and will instead solely refer and rely upon the Commission's records behind the making and variation of the Alpine Resorts Award 2020. In these circumstances, the Association respectfully requests that the Vice President approves the following proposed directions for the further programming of this matter (as adjusted):

1. The ASAA, and any other interested party, shall file in the Commission and serve on the other parties its outline of submissions:
  - a) in reply to the SDA's principal application dated 18 February 2020 (**Principal Application**); and
  - b) in support of the ASAA's application to dismiss dated 19 August 2020 (**Application to Dismiss**),

by 5:00pm on 28 September 2020.

2. The SDA and the AWU, and any other interested party, shall file in the Commission and serve on the other parties its outline of submissions in reply to the ASAA's outline of submissions regarding the Principal Application and the Application to Dismiss by 5:00pm on 26 October 2020.
3. The ASAA, and any other interested party, shall file in the Commission and serve on the other parties any outlines of submissions in reply to the SDA and AWU outline of submissions regarding the Application to Dismiss by 5:00pm on 9 November 2020.
4. The matter be listed for hearing on a date to be fixed with an estimate of one day.

If the Vice President finds these orders acceptable, the parties would appreciate if they could be made in chambers without the need for a further appearance before the Vice President.

This correspondence has been copied to the legal representatives for the SDA and the AWU and they consent to same.

Kind regards,

Christopher Nowland

Solicitor

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