

**From:** Stephen Smith [mailto:Stephen.Smith@aigroup.com.au]  
**Sent:** Wednesday, 28 November 2018 5:25 PM  
**To:** Chambers - Gostencnik DP  
**Cc:** Margaret Hogan; 'paul.mitchell@paaa.org.au'; Abha Devasia  
**Subject:** RE: AM2016/33 - Graphic Arts, Printing & Publishing Award

Dear Deputy President Gostencnik

We refer to the AMWU's correspondence of today's date which again seeks to delay the finalisation of the above proceedings.

The AMWU was directed to file any submissions and evidence in response to Ai Group's claim by 19 October 2018. The Commission's directions were very clear. The AMWU filed a submission in response on 24 October, after Ai Group agreed to an extension because the AMWU claimed that it needed more time to respond to Ai Group's submission and evidence. It had the opportunity to file witness statements in opposition to Ai Group's claim on 24 October, but it chose not to do so. The AMWU cross-examined Mr Murray, who gave evidence in support of Ai Group's claim, on 31 October 2018.

Ai Group's claim has not changed since we filed a draft determination, together with a detailed supporting submission and witness evidence, on 15 October 2018. Our claim was foreshadowed in our submission of 5 June 2018 and discussed at the conference on 17 August 2018.

Ai Group strongly opposes the AMWU or any other party being given a further opportunity to file evidence or other written materials at this extremely late stage of the proceedings. All interested parties have the opportunity to make final oral submissions about Ai Group's claim at the hearing on 10 December 2018. The final hearing in this proceedings was scheduled for 31 October but adjourned to accommodate the AMWU. Any further delay to the timing of the final hearing would be unfair to Ai Group. Also, the filing of any further evidence or materials ahead of the final hearing on 10 December would be unfair to Ai Group, because we would not have an adequate opportunity to respond.

Yours sincerely

**Stephen Smith**  
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**From:** Abha Devasia <abha.devasia@amwu.org.au>  
**Sent:** Wednesday, 28 November 2018 3:12 PM  
**To:** Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>  
**Cc:** Margaret Hogan <Margaret.Hogan@amwu.org.au>; Stephen Smith <Stephen.Smith@aigroup.com.au>; 'paul.mitchell@paaa.org.au' <paul.mitchell@paaa.org.au>  
**Subject:** AM2016/33 - Graphic Arts, Printing & Publishing Award

Dear Deputy President,

We refer to the above matter and to the directions issued by the Commission on 23rd November 2018.

The directions were made following correspondence from the AMWU and the AiG of 19th November 2018. In its correspondence, the AiG sought that its proposed amendments to Schedule C of the *Graphic Arts, Printing and Publishing Award 2010* (the "Award"), be dealt with at a relisted hearing on 10 December 2018, without further directions being issued.

The AMWU maintains that the variation of Schedule C as proposed by the AiG should not be heard on the papers. Further, to conduct a hearing on 10 December 2018 without issuing further directions is unlikely to result in a hearing on that day being conducted efficiently, in the event that other stakeholders wish to provide submissions on AiG's proposal.

We do not consider that the events reflected in the AiG's correspondence demonstrate that interested parties have been given an opportunity to provide responses to the AiG's proposed changes. Notably:

- In the directions issued on 20 August 2018, there was no formal direction for interested parties, other than the AMWU, to file further materials in respect of the AiG's proposed amendments.
- Direction 2 of the Commission's directions issued on 31 October 2018, is clearly directed to interested parties filing evidence in opposition to the AMWU's proposal.

The AMWU did not understand (perhaps mistakenly) either sets of directions to contemplate an opportunity to provide substantive responses to the AiG's proposed changes to Schedule C. In any event, it seems unarguable that other interested parties have not been given an opportunity to respond to the AiG's proposed amendment to Schedule C. To not provide the opportunity to address this radical change would be procedurally unfair.

In light of the Commission's decision to hear the AiG's proposed amendments to Schedule C of the Award, we respectfully submit that the Commission should amend the hearing on the 10th December to a directions hearing.

If the Commission is of the view that further directions and a hearing date are not required, the AMWU seeks that the directions of 31 October 2018 be amended to allow parties to file material opposing the AiG's proposed amendments to schedule C of the Award. Specifically, that direction 3 of the 31 October 2018 be varied to allow interested parties to file any witness statements or documentary evidence by 6th December 2018.

Kind regards  
Abha Devasia