



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
PO Box 289
North Sydney NSW 2059
Australia
ABN 76 369 958 788

5 August 2016

Vice President Hatcher
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.hatcher.vp@fwc.gov.au

Dear Vice President,

Re. AM2014/196 and AM2014/197 – Casual and Part-Time Employment – request for an extension of time

We refer to the above matters and the 'draft program for written submissions' published by the Commission on 9 March 2016. That draft program requires the filing of final comprehensive written submissions in reply in relation to the common claims by 5.00pm on 5 August 2016.

The Australian Industry Group (**Ai Group**) has made very extensive efforts to prepare our materials in accordance with this program but, regrettably, we will not be in position to file our materials today. Accordingly, we respectfully request a short extension of time to file our final comprehensive written submissions in respect of the common claims by **close of business on Tuesday, 9 August 2016**. Relevant considerations underpinning this request are addressed below.

As the Commission is of course aware, the breadth of Ai Group's interest in these proceedings is significant. Specifically, we have a substantial interest in the ACTU's claim as well as that mounted by the AMWU and AMWU – Vehicle Division, given the awards that those unions are seeking to have varied.

Final submissions by proponents of the common claims were due to be filed by 10 June 2016, however:

- The ACTU sought and was granted an extension of time to file its submissions by 17 June 2016. Its submissions were filed on **20 June 2016**.
- The AMWU sought and was granted an extension of time to file its submissions by 17 June 2016. Its response to the Commission's Issues Paper was filed on **14 June 2016** and a further supplementary submission that deals specifically with the submissions filed by Ai Group on 26 February 2016 was filed on **17 June 2016**.

Whilst we appreciate that a period of 6 – 7 weeks has passed since the filing of the aforementioned union submissions, Ai Group has been involved in a significant number of proceedings relating to the 4 yearly review of modern awards in the intervening period, which have collectively placed a serious strain on our resources. Such matters include but are not limited to:

- **21 June 2016:** AM2014/93 Vehicle Manufacturing, Repair, Services and Retail Award 2010 – deadline for filing submissions in reply to an SDA application.



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
Australia
ABN 76 369 958 788

- **30 June 2016:** AM2014/300 Award Flexibility – deadline for filing submissions regarding the ‘Multiple modern award coverage and the utility of majority clauses’ report.
- **30 June 2016:** Group 4A – 4C Awards – deadline for filing submissions regarding technical and drafting issues arising from exposure drafts.
- **30 June 2016:** AM2014/236 Market and Social Research Award 2010 – proceedings before Justice Ross.
- **30 June 2016:** AM2016/8 Payment of Wages – proceedings before Justice Ross.
- **1 July 2016:** AM2014/47 Annual Leave – proceedings before Commissioner Hampton.
- **5 July 2016:** AM2014/214 Storage Services and Wholesale Award 2010 – deadline for filing final submissions regarding all outstanding issues.
- **6 July 2016:** Group 4A – 4C Awards – deadline for filing submissions regarding technical and drafting issues arising from the construction industry exposure drafts.
- **6 July 2016:** AM2014/260 Building and Construction General On-site Award 2010 and AM2014/274 Joinery and Building Trades Award 2010 – proceedings before Senior Deputy President Watson.
- **7 July 2016:** AM2014/280 Plumbing and Fire Sprinklers Award 2010 – proceedings before Senior Deputy President Watson.
- **7 July 2016:** Group 2 Awards – proceedings before Your Honour.
- **8 July 2016:** AM2014/236 Market and Social Research Award 2010 – deadline for filing amended submissions regarding technical and drafting issues.
- **11 July 2016 and 15 July 2016:** AM2014/196 and AM2014/197 Casual and Part-time Employment – proceedings before the Full Bench as presently constituted.
- **11 July 2016:** AM2014/47 Annual Leave – deadline for filing comments regarding draft determinations published by the Commission.
- **14 July 2016:** AM2014/247 Sugar Industry Award 2010 – proceedings before Deputy President Asbury.
- **19 July 2016:** AM2016/8 Payment of Wages – deadline for filing draft determinations reflecting variations sought.
- **19 July 2016:** AM2014/260 Building and Construction General On-site Award 2010 and AM2014/274 Joinery and Building Trades Award 2010 – proceedings before Senior Deputy President Watson.
- **20 July 2016:** Various Group 3 Awards: proceedings before Commissioner Roe.



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
Australia
ABN 76 369 958 788

- **21 July 2016:** Group 4A – 4C Awards – submissions in reply regarding technical and drafting issues arising from the exposure drafts.
- **22 July 2016:** AM2014/196 and AM2014/197 Casual and Part-time Employment: deadline for filing submissions in reply regarding Ai Group’s claims to vary the *Black Coal Mining Industry Award 2010* and the *Joinery and Building Trades Award 2010*.
- **25 July 2016:** AM2014/300 Award Flexibility – deadline for filing comments regarding draft determinations published by the Commission.
- **27 July 2016:** AM2016/8 Payment of Wages – proceedings before Justice Ross.
- **28 July 2016:** AM2016/17 National Training Wage Schedule – deadline for filing submissions regarding changes proposed by the Commission.
- **28 July 2016:** Various Group 3 Awards – proceedings before Senior Deputy President Hamberger.
- **29 July 2016:** AM2016/15 Plain Language Drafting – deadline for filing submissions regarding proposed process and timeline.
- **29 July 2016:** deadline for filing submissions regarding general technical and drafting issues arising from all exposure drafts published by the Commission to date.
- **1 August 2016:** AM2016/3 Proposed Helicopter Aircrew Award – proceedings before Your Honour.
- **2 August 2016:** AM2016/195 Proposed Traffic Management Controllers Award – proceedings before Deputy President Gostencnik.
- **2 August 2016:** AM2014/260 Building and Construction General On-site Award 2010 and AM2014/274 Joinery and Building Trades Award 2010 – proceedings before Senior Deputy President Watson.
- **3 August 2016:** AM2014/280 Plumbing and Fire Sprinklers Award 2010 – deadline for filing submissions in reply regarding technical and drafting issues arising from the exposure draft.
- **4 August 2016:** AM2014/248 Telecommunications Services Award – deadline for filing submissions in reply regarding a technical and drafting matter arising from the exposure draft.
- **5 August 2016:** AM2014/204 Health Professionals and Support Services Award 2010 – deadline for filing draft determinations reflecting variations sought.

The abovementioned matters have seriously impacted upon our ability to comply with the abridged program. The unions’ delay in filing their material has also created difficulties because of relevant staff absences during the remaining period of time that we were afforded to prepare our response.



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
Australia
ABN 76 369 958 788

In addition to the massive demands of the 4 yearly review, Ai Group's workplace relations staff are involved in a large number of other important matters to represent the interests of our members.

Our request is also made in light of following matters have been listed before the Commission on **Monday 8 August 2016 and Tuesday 9 August 2016**. Ai Group has a significant interest in these awards and will be appearing before the Commission in respect of each:

- AM2014/75 Manufacturing and Associated Industries and Occupations Award 2010 – proceedings before Commissioner Bissett.
- AM2014/249 Wine Industry Award 2010 – proceedings before Deputy President Clancy.
- AM2014/231 Horticulture Award 2010 – proceedings before Deputy President Clancy.
- AM2014/233 Legal Services Award 2010 – proceedings before Deputy President Clancy.

We do not consider that an extension of the nature sought will cause interested parties any significant prejudice, given that the common claims are listed for closing oral submissions on 18 – 19 August 2016; more than one week after the aforementioned date.

We thank the Commission for its consideration of our request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Smith'.

Stephen Smith
Head of National Workplace Relations Policy