

From: Chambers - Hatcher VP
Sent: Wednesday, 22 February 2017 2:42 PM
To: Jacki Baulch; Jessica Light
Cc: Madeleine.Tiedeman@Ablawyers.com.au; Leigh Svendsen; Katie Biddlestone; Sharlene Wellard
Subject: RE: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim [ML-Legal.2008724.FID21138]

Dear Parties,

Re: AM2014/209 Pharmacy Industry Award 2010 – APESMA Claim.

The Commission has considered the submissions and attached is the Commission's amended directions regarding the above matter.

Kind regards,

Helen Hamberger
Associate to Vice President Hatcher

Fair Work Commission
Tel: (02) 9308 1812
Fax: (02) 9380 6990
helen.hamberger@fwc.gov.au

Level 10 Tower Terrace
80 William Street
East Sydney NSW 2011
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From: Jacki Baulch [<mailto:jBaulch@professionalsaustralia.org.au>]
Sent: Tuesday, 21 February 2017 8:12 PM
To: Jessica Light; Chambers - Hatcher VP
Cc: Madeleine.Tiedeman@Ablawyers.com.au; Leigh Svendsen; Katie Biddlestone; Sharlene Wellard
Subject: Re: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim [ML-Legal.2008724.FID21138]

No concerns from APESMA Jessica.
We just extended the dates of the original Directions . Your proposal makes sense
Regards
Jacki Baulch

----- Original message -----

From: Jessica Light <jligh@meridianlawyers.com.au>
Date: 21/02/2017 16:47 (GMT+10:00)
To: chambers.hatcher.vp@fwc.gov.au
Cc: Madeleine.Tiedeman@Ablawyers.com.au, Leigh Svendsen <leighs@hsu.net.au>, Jacki Baulch <jBaulch@professionalsaustralia.org.au>, Katie Biddlestone <katie@sda.org.au>, Sharlene Wellard <swellard@meridianlawyers.com.au>
Subject: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim [ML-Legal.2008724.FID21138]

Dear Associate,

Re: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim

We refer to the above matter in which we act for the Pharmacy Guild of Australia and the Draft Amended Directions provided to the parties for comment.

Our client does not oppose the extension of time sought by APESMA. We note however there are some issues arising from the Draft Amended Directions which require alteration.

The date presently listed in the Draft Amended Directions for the filing of employer party submissions is Friday 24 April 2017 and the Union reply date is Wednesday 29 April 2017, however 24 April 2017 is a Monday and 29 April 2017 is a Saturday.

Further, the slippages in the timetable have resulted in the Employer parties submissions being due shortly after the Easter period, during which there are a number of public holidays. As such, it would assist if a further week could be afforded to the employer parties to file the relevant outline of submissions and the findings we submit the Commission should make.

On this basis, we respectfully request that the paragraphs [2] and [3] of the Amended Directions read as follows:

2. On or before ~~5.00 pm Tuesday, 7 March 2017~~ **5.00 pm Monday 1 May 2017** any employer parties are to file an outline of submissions and the findings they submit the Commission should make.
3. On or before ~~5.00 pm Wednesday, 12 April 2017~~ **5.00pm Monday 8 May 2017** APESMA is to file any submissions in reply.

Please don't hesitate to contact the undersigned should you have any questions concerning our correspondence.

Regards,

Jessica Light | Solicitor



Level 6, 20 Bond Street, Sydney NSW 2000

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From: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>

Date: 17 February 2017 at 1:57:33 PM AEDT

To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>, Sharlene Wellard

<swellard@meridianlawyers.com.au>, Madeleine Tiedeman

<Madeleine.Tiedeman@Ablawyers.com.au>, Katie Biddlestone <katie@sda.org.au>, 'Scott Harris'

<Scott.Harris@guild.org.au>, 'Zoe Blandfort' <Zoe.Blandfort@guild.org.au>, Jacki Baulch

<jbaulch@professionalsaustralia.org.au>

Subject: RE: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim

Dear Parties,

I refer to my email below.

My apologies, I attached the wrong draft amended directions for parties to look at, it is now attached.

Kind regards,

Helen Hamberger

Associate to Vice President Hatcher

Fair Work Commission

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Fax: (02) 9380 6990

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From: Chambers - Hatcher VP

Sent: Friday, 17 February 2017 1:18 PM

To: Sharlene Wellard; Madeleine Tiedeman; Katie Biddlestone; 'Scott Harris'; 'Zoe Blandfort'; Jacki Baulch

Subject: FW: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim

Dear Parties,

Re: AM2014/209 – Pharmacy Industry Award 2010 – substantive issues.

I refer to the email below from Jacki Baulch dated Friday 10 February 2017.

Could the other parties please file a response to this extension request by APESMA by **5.00pm Tuesday 21 February 2017.**

Kind regards,

Helen Hamberger

Associate to Vice President Hatcher

Fair Work Commission

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From: Jacki Baulch [<mailto:jBaulch@professionalsaustralia.org.au>]

Sent: Friday, 10 February 2017 4:21 PM

To: Chambers - Ross J; AMOD

Cc: Sharlene Wellard

Subject: AM 2014/209 4 Yearly Review Pharmacy Industry Award - APESMA Substantive Claim

Dear President Ross and Vice President Hatcher

On 21st September 2016 President Ross issued Directions relating to the filing of submissions regarding the APESMA claim for work value increases to the minimum wages for the pharmacist classifications contained in the Pharmacy Industry Award 2010.

At point two of those Directions APESMA was required to:

2. On or before 5.00 pm Monday, 13 February 2017 APESMA is to file submissions and a list of expert witnesses to be called (including their qualifications and the nature of their evidence) and an outline of submissions and the findings they submit the Commission should make based on the expert evidence. file an outline of submissions by 5 pm on 31st October 2016.

Unfortunately, we have just been advised by the academics providing the expert evidence in relation to this matter that they will not be able to provide their results to us in time for us to submit them and provide submissions on the findings APESMA believe the Commission should make from this evidence by 13 February. They cite the academic semester break and leave as the reasons for not being able to do so. You will also note that APESMA filed extensive submissions on the changes we believe that have occurred to the work done by pharmacists employed in community pharmacies in our submission of 3 November 2016.

In addition, late last year APESMA decided that the Commission would benefit from the provision of expert evidence from a Health Economist on the financial situation of the community pharmacy industry. We have been able to contact such an academic and they have agreed to provide this expert evidence. However, they have just this week returned from leave and have indicated that it will take up to six weeks for them to provide this evidence.

As all of this expert evidence is crucial to the conduct of this matter we write to respectfully request your agreement to an extension on the time to file these submissions until 5pm on Monday 27th March 2017.

The Directions issued by President Ross also contain additional dates for the provision of submissions by employer parties and submissions in reply by APESMA. These Directions are:

3. On or before 5.00 pm Tuesday, 7 March 2017 any employer parties are to file an outline of submissions and the findings they submit the Commission should make.
4. On or before 5.00 pm Wednesday, 12 April 2017 APESMA is to file any submissions in reply.

We respectfully write to also request that these dates be amended to reflect consequential changes. We seek a change in the date by which employer parties are to file their outline of submissions to 5.00pm 24th April 2017 and an extension until 500pm 29th April for APESMA to file submissions in reply.

APESMA is mindful of the need for the 4 yearly review of modern awards to be finalised, but unfortunately we are not able to provide this expert evidence at this stage. However, we will ensure that it available in six weeks' time and are happy to fast tract hearings etc. after parties have had the opportunity to file their submissions and evidence.

Please feel free to contact me if you wish to discuss this request.

Regards

Jacki Baulch
Senior Industrial Office