

From: Richard Calver
Sent: Monday, 23 September 2019 12:21 PM
To: 'Chambers - Ross J' <Chambers.Ross.j@fwc.gov.au>
Cc: 'amod@fwc.gov.au.' <amod@fwc.gov.au.>; David Johns <david.johns@natroad.com.au>
Subject: [2019] FWCFB 6077 - responses to Full Bench- Road Transport and Distribution Award 2010 (the Award)

Dear Associate

The Commission gave parties until 20 September 2019 to file submissions on final exposure draft variation determinations and submissions that had not yet been responded to: see para 26 [2019] FWCFB 6077.

The TWU's 22 March 2019 submission regarding the Award said:

Natroad's (sic) submissions say the TWU no longer presses the issue of the hourly rate for oil distribution workers. This is not correct. The issue was never part of the Full Bench hearing in relation to the variations sought by the TWU. In those proceedings the TWU filed a number of draft determinations in relation to variations it was seeking. Subsequently a number of variations were withdrawn. At no time did the TWU file a draft determination in relation to the hourly rates for oil distribution workers. This issue was raised by the Commission when the exposure draft was first released for the Road Transport and Distribution Award. It is our understanding that the issue was to be referred to a Full Bench, however the issue has never been considered and was at no time not pressed by the TWU. It remains a live issue.

NatRoad now submits that the matter has not been advanced by the TWU with submissions or arguments and the matter should therefore be considered to be no longer pressed despite the submissions of the TWU set out above. We request that the matter be given no further consideration and the Full Bench rule accordingly.

This matter will be handled either by me or by Mr David Johns, copied in.

Regards

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