

From: Ruchi Bhatt [<mailto:Ruchi.Bhatt@aigroup.com.au>]

Sent: Tuesday, 4 April 2017 4:38 PM

To: Chambers - Hatcher VP; roushan.walsh@nat.awu.net.au; chrisk@business-sa.com; Sharlene Wellard; Julian.Arndt@ablawyers.com.au; T.Wild@nra.net.au; Katie Biddlestone; Julia Fox; Michael Donovan; 'mmoretta@sdavic.org'

Cc: AMOD

Subject: RE: RE AM2016/36 - 4 Yearly review of Modern Awards - SDA Claim for blood and bone marrow leave

Dear Vice President,

We refer to the correspondence below and that filed by the Shop, Distributive and Allied Employees' Association (**SDA**) on 30 March 2017. We provide the following response on behalf of the Australian Industry Group (**Ai Group**) and the Hair and Beauty Australia Industry Association. Ai Group has a significant interest in these proceedings in relation to the *Fast Food Industry Award 2010*, the *Hair and Beauty Industry Award 2010* and the *General Retail Industry Award 2010*.

The SDA is seeking an extension of time to file material in support of its claims by approximately four weeks. Whilst it has requested an extension until Friday 14 May, we proceed on the basis that this is intended to read '12 May'.

We do not oppose, in principle, the grant of an extension of time to the SDA, however we note the following:

- Presently, respondent parties are to file submissions and evidence in reply by 16 June 2017. The grant of the extension of time sought by the union would curb the time available to respondent parties by four weeks. This would allow opponents only five weeks to prepare their reply material.
- We are not in a position to conclusively assess whether five weeks is a sufficient period of time to prepare our case before the SDA has filed its material. However, having regard to the fact that these proceedings encompass claims for two very significant award variations and the comments made by the SDA during proceedings before the Commission on 16 January 2017 regarding the scope and nature of the evidentiary case it intends to mount, we consider that the period of time remaining to prepare our reply material may be insufficient. In so observing, we reiterate that we have an interest in three of the four awards sought to be varied and note that we will also be involved in many other concurrent 4 yearly award review proceedings during the relevant period of time.
- If the SDA was granted the extension it seeks, the timetable presently in force by virtue of directions issued by the Commission on 17 January 2017 would not permit the grant of a commensurate period of time to respondent parties, which may prejudice them. This is because a four week extension to the deadline imposed on opponents of the claim would result in a requirement to file our material by Friday, 14 July 2017. This would subsume the time presently permitted to the SDA to file reply material (due by 30 June 2017). Furthermore, the hearing is presently scheduled to commence on Monday, 17 July 2017, leaving very little time for interested parties to consider the material filed.

Accordingly, we consider that the Commission should adopt either of the following courses of action:

1. The SDA be granted an extension of time of less than four weeks. The precise extension granted should be determined having regard to the directions presently in place and should allow scope for respondent parties to be granted a commensurate extension of time if required; or
2. The Commission's directions of 17 January 2017 be varied to grant the SDA the extension of time sought, respondent parties be granted a commensurate extension of time and the hearing on 17 – 19 July be relisted at a later time. When relisting the matter, we respectfully request that the Commission ensure that it is not listed on the same dates as any other 4 yearly award review proceedings before another Full Bench of the Commission in which Ai Group will be appearing. If the Commission proposes to adopt this course of action, we would be pleased to provide a list of all such dates.

Regards,
Ruchi.

Ruchi Bhatt
Senior Adviser – Workplace Relations Policy



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From: Chambers - Hatcher VP [<mailto:Chambers.Hatcher.VP@fwc.gov.au>]
Sent: Friday, 31 March 2017 5:12 PM
To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>; roushan.walsh@nat.awu.net.au;
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Cc: AMOD <AMOD@fwc.gov.au>
Subject: FW: RE AM2016/36 - 4 Yearly review of Modern Awards - SDA Claim for blood and bone marrow leave

Dear Parties,

AM2016/36 – SDA Claim for Blood and Bone Marrow Donor Leave

I refer to the email below.

Could parties please provide a response to this extension request by **Tuesday 5pm 4 April 2017**.

Kind regards,

Helen Hamberger
Associate to Vice President Hatcher

Fair Work Commission

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From: Mauro Moretta [<mailto:mmoretta@sdavic.org>]
Sent: Thursday, 30 March 2017 2:53 PM
To: Chambers - Hatcher VP
Subject: RE AM2016/36 - 4 Yearly review of Modern Awards - SDA Claim for blood and bone marrow leave

Dear Vice President Hatcher,

Please find attached our correspondence with respect to the above matter.

If you have any queries in relation to the above, please do not hesitate to contact me.

Kind Regards,

Mauro Moretta

Research Officer



Shop, Distributive & Allied Employees' Association – Victorian Branch

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