

**From:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>  
**Sent:** Thursday, 3 October 2019 5:19 PM  
**To:** Dominic Macken <[djmacken@macken.com.au](mailto:djmacken@macken.com.au)>  
**Cc:** [julian.arndt@ablawyers.com.au](mailto:julian.arndt@ablawyers.com.au); 'nrt@fcbgroup.com.au' <[nrt@fcbgroup.com.au](mailto:nrt@fcbgroup.com.au)>; Sue-Anne Burnley <[sue-anne@sda.org.au](mailto:sue-anne@sda.org.au)>; [jcullinan@raffwu.org.au](mailto:jcullinan@raffwu.org.au); Kate Thomson <[kate.thomson@ablawyers.com.au](mailto:kate.thomson@ablawyers.com.au)>; Katie-Maree O'Brien <[Katie-Maree.OBrien@aigroup.com.au](mailto:Katie-Maree.OBrien@aigroup.com.au)>  
**Subject:** RE: 4 yearly review of modern awards—Group 4—General Retail Industry Award 2010—substantive issues (AM2017/60)

Dear Mr Macken,

Thank you for your *below* emails.

Accordingly, we confirm that the Hearing at 9:30 am on Tuesday 8 October 2019 in relation to the above matter will be confined solely to witness evidence. Closing oral submissions and argument will be adjourned to a later date. We will advise of this date in due course.

Thank you, Tahleah.

**Tahleah Gillard**  
**Associate to The Hon. Justice IJK Ross**  
**President**

**Fair Work Commission**  
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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders, past, present and emerging.

**From:** Dominic Macken <[djmacken@macken.com.au](mailto:djmacken@macken.com.au)>  
**Sent:** Thursday, 3 October 2019 5:11 PM  
**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>  
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**Subject:** Re: 4 yearly review of modern awards—Group 4—General Retail Industry Award 2010—substantive issues (AM2017/60)

Dear Associate,

We refer to the above matter.

As requested by his Honour, we have made inquiries of the representatives for the ARA and the ABI and the NSWBC.

We are advised that none of the opposing parties resist the SDA's proposal in the circumstances which have arisen for transacting the receipt of evidence on Tuesday next and adjourning to a convenient date closing submissions and argument.

We are grateful for the understanding of the Commission and the parties.

Yours faithfully,

A J MACKEN & CO.

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**From:** Dominic Macken <[djmacken@macken.com.au](mailto:djmacken@macken.com.au)>  
**Sent:** Thursday, October 3, 2019 2:23 PM  
**To:** Chambers - Ross J <[chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au)>  
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**Subject:** 4 yearly review of modern awards—Group 4—General Retail Industry Award 2010—substantive issues (AM2017/60)

Dear Associate,

We refer to the above matter and to a recent telephone conversation between yourself and the SDA industrial Officer who has the carriage and conduct of this matter on behalf of the Union.

We act on behalf of the Shop, Distributive and Allied Employees' Association.

We understand that the above matter is fixed for hearing in Sydney on Tuesday, 8 October 2019.

As advised in the telephone call, there are some unexpected [REDACTED] matters [REDACTED] [REDACTED] impact on the SDA's industrial officer who is the principal instructor, to be available for the hearing.

In the circumstances, and having regard to the Industrial Officer's detailed knowledge of the history of the relevant application, we are instructed, with apologies for the late notice, to seek the vacation of the hearing to a alternative date convenient to the Commission and to the parties.

In the alternative, we are instructed to invite the Full Bench to agree to limit the hearing on Tuesday next to the receipt of the expert evidence of Associate Professor O'Brien who we understand is presently required for cross-examination and who will in any event be available to assist in addressing any questions that the Full Bench may have.

The proceedings in terms of submission and argument could then be adjourned to a convenient date to the Full Bench and the parties when the SDA's instructor will be available to attend.

We are instructed that the need to make this application and any potential inconvenience that may be occasioned to the Full Bench and the interested parties is very much regretted. The circumstances that have necessitated the need to do so were not known to the SDA's industrial officer until today.

A copy of this communication has been provided to the other parties.

Yours faithfully,

Dominic Macken  
A J MACKEN & CO.