

**From:** Nicola Shaw <nicola.shaw@afei.org.au>  
**Sent:** Wednesday, 10 July 2019 3:02 PM  
**To:** Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>; AMOD <AMOD@fwc.gov.au>  
**Cc:** Leigh Svendsen <leighs@hsu.net.au>; Brent Ferguson <Brent.Ferguson@aigroup.com.au>; 'peggms24@gmail.com' <peggms24@gmail.com>; 'thalls@ja.com.au' <thalls@ja.com.au>; 'Michael Robson' <mrobson@asu.asn.au>; 'Stephen.Bull@unitedvoice.org.au' <Stephen.Bull@unitedvoice.org.au>; 'Natalie.Dabarera@unitedvoice.org.au' <Natalie.Dabarera@unitedvoice.org.au>; Estha van der Linden <esthav@business-sa.com>; Madeleine Tiedeman <Madeleine.Tiedeman@Ablawyers.com.au>; Kyle Scott <Kyle.Scott@ablawyers.com.au>; Ruchi Bhatt <Ruchi.Bhatt@aigroup.com.au>  
**Subject:** RE: AM2018/26 SCHCDS Award Proceedings [ABLAW-ImangeDocs.FID135800]

Dear Associate

We refer to the correspondence below.

AFEI also support the request for extension.

AFEI is affected by the same difficulties, and as such respectfully request that any extension granted in respect to the travel time claims also apply to AFEI.

Kind regards,

**Nicola Shaw | Workplace Relations Consultant**

**Australian Federation of Employers and Industries**

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

**Sent:** Wednesday, 10 July 2019 1:47 PM

**To:** 'Chambers - Ross J' <Chambers.Ross.j@fwc.gov.au>; 'AMOD' <AMOD@fwc.gov.au>

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**Subject:** RE: AM2018/26 SCHCDS Award Proceedings [ABLAW-ImangeDocs.FID135800]

Dear Associate,

We refer to the correspondence below.

The Australian Industry Group (**Ai Group**) supports the request for an extension of time sought by Australian Business Lawyers and Advisors on behalf of its clients.

Ai Group has endeavoured to prepare its material in opposition to the HSU's claims identified in Mr Scott's correspondence such that it be filed on Friday 12 July 2019, along with its material in relation to the a raft of other union claims. The significant and substantial overlap between the relevant HSU claims and that which is advanced by United Voice has, however, posed a material practical difficulty undermining our intention to do so. Whilst framed differently, the claims advanced by both unions require respondent parties to grapple with many of the same issues as well as overlapping arguments and evidence advanced by the unions in support of the claims.

These difficulties have been compounded by our inability to respond to the additional evidence filed by the HSU on 2 July 2019, for the reasons articulated in Mr Scott's correspondence.

Ai Group respectfully requests that the extension sought also be granted to Ai Group (if not all respondent parties).

Yours sincerely,

**Ruchi Bhatt**  
**Senior Adviser – Workplace Relations Policy**



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**Subject:** RE: AM2018/26 SCHCDS Award Proceedings [ABLAW-ImangeDocs.FID135800]

Dear Associate

We refer to the above matter and to the Amended Directions issued on 28 June 2019.

We note that the Amended Directions provide two separate sets of dates for employer parties to respond to the unions' claims, namely:

- direction 7 in respect of the "Outstanding Union Claims", and
- direction 5 in respect of the "United Voice Travel time claim".

Due to an oversight on our behalf, we had been operating on the understanding that the union parties had consolidated their positions with respect to the issue of travel time, and that there was only one claim being pursued in respect of travel time (being the United Voice claim). However, it has today come to our attention that there are other union claims on foot which relate to travel time. Specifically, the HSU are pursuing:

1. the introduction of an entitlement to payment for time travelling between segments of a broken shift (specifically the proposed clause 25.6(d)), which forms one component of broader proposed variations to the broken shifts clause; and
2. the existing travel allowance in clause 20.5 also be applied to travel undertaken between segments of a broken shift.

The HSU proposals are substantially similar to the United Voice claim, and there is significant overlap between the claims. The aforementioned claims give rise to the same issues as (or issues that are inherently connected to) the United Voice travel time claim. Our submissions in respect of the UV claims are due on 3 September 2019.

Given the substantial similarities between the HSU claims and the United Voice claim, we respectfully request a variation to the current Amended Directions to have all claims in respect of travel time dealt with together under direction 5. This would permit the employer parties to file reply submissions in respect of the HSU claims relating to the issue of travel time at the same time as responding to the United Voice travel time claim.

In support of this request, we submit that:

- there will be significant efficiencies in dealing with the travel time claims together, given the substantial overlap between the proposals;
- due to our oversight, we do not anticipate being in a position to properly respond to the HSU travel time proposals by this Friday; and

- the HSU filed additional statements in support of its travel time claims on 2 July 2019, and to date we only have redacted versions of those statements. We have not yet been provided with un-redacted versions of the statements (we understand this is because the HSU may still be considering whether they press the statements or withdraw them following yesterday's confidentiality hearing). We therefore have not been able to consider, seek instructions, or respond to their evidence and will not be in a position to do by Friday; and
- there is no serious prejudice to the HSU with this course of action, as they will still receive our material regarding the remaining union claims by the end of this week, and after we file in response to the travel time claim on 3 September 2019, there will still be over a month before the commencement of the hearing.

Given the above, we respectfully seek an extension in relation to employer parties' reply evidence regarding the claims set out at 1 and 2 above to the same date that we are required to respond to the United Voice travel time claim, being **4.00pm on 3 September 2019**.

Due to the impending filing deadline, we have not been able to seek the views of the other parties in relation to this request, however note that they have been copied in to this email.

If you have any questions or wish to discuss, or if I can be of any further assistance, please let me know.

Yours sincerely

**Kyle Scott**

Associate Director  
Australian Business Lawyers & Advisors

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