

From: Stephen Bull [<mailto:Stephen.Bull@unitedvoice.org.au>]

Sent: Wednesday, 5 June 2019 11:44 AM

To: Chambers - Ross J; Madeleine Tiedeman; Natalie Dabarera 'Ruchi Bhatt'; Leigh Svendsen; mrobson@asu.asn.au; Nicola Shaw; Michael Pegg; Rachel Liebhaber; kyle.scott@ablawyers.com.au; Toby Halls; 'sofia.bahas@afei.org.au'; Lisa Doust; paul.musso@nds.org.au; 'thalls@ja.com.au'; 'rachell@hsu.net.au'; 'peggms24@gmail.com'

Cc: AMOD; Brent.Ferguson@aigroup.com.au

Subject: RE: AM2018/26 Social, Community, Home Care and Disability Services Industry Award 2010 - Request for extension of time

The Associate

The President

Dear Associate

We are reluctant to oppose a participant in this review seeking an extension but extensions should be sought for some sort of good reason. It is not clear that the reasons advanced by the AiG are good reasons.

In relation to the reasons listed under (a)

The AiG is apparently engaged in a '*constructive discussion*' with APESMA in relation to the review of the Professional Employees Award which does not seem to be too burdensome. Different personnel from the AiG to those working on the SCHDS Award appear to be constructively discussing matters with APESMA.

The workload issues with the Black Coal Mining industry Award appear to be entirely of the AiG's own making as it has lodged an out of time claim in the review of an award which is well reviewed. There are hearing dates for 22 and 23 October 2019 which conflict with dates for the review of the SCHDS Award. Once again different personnel from the AiG appear to be progressing the AiG's out of time claim in this review. No evidence has been filed or appears to be directed to be filed.

In relation to the Food, Beverage and Tobacco Manufacturing Award, we withdraw on Monday what were the main substantive claims in the review of this award. The remaining claim is a classification claim by the AMWU that the AiG is also constructively engaging with. The AiG appeared to have had time on its hand last month to demand a conference so it could gratuitously critique all the claims then on foot despite there being a time table for the progression of claim which we complied with. We assessed our position in accordance with the time table and made a decision about progressing our claims at the appropriate time.

The overtime for casual common issue is a proceeding which has been going for some time. A group called '*Chefs on the Run*' has made a more written substantial submission than the AiG. The AiG's main contribution to date has been to attend the directions hearing on 23 February 2019 and suggest that everything be adjourned to an unknown date in the future pending the release of new exposure drafts for all modern awards. This approach was not adopted.

The review of the Airline Operations (Ground Staff) Award is listed for a hearing on 24 and 25 June. The AiG participation appears to be entirely focused on disputing various union claims. It has filed no evidence.

In relation to the reason listed under (b), the AiG appears to be saying in an oblique fashion it is not progressing any claim itself. This is despite effectively derailing what was a consent position between

the employers and unions that participated in good faith in a careful and thoughtful conciliation conducted by DP Booth. The AiG is the main cause of what is now a convoluted and complex hearing concerning disputed claims but it has no claim. This is extraordinary hubris. Further the AiG has never disclosed who it represents in these proceedings. It is entirely possible that whoever it represents could have been previously represented by another employer organisation still participating in this proceeding or hold dual memberships. The failure of the AiG to actually say who they represent and the likely hood that their contribution will be an anonymous submission raises genuine concern as to whether the Commission should now vary direction that will affect participants who are prepared to put their name on witness statements or submissions.

More generally, no employer has filed any evidence. The Unions have filed their evidence generally in accordance with direction in February 2019. United Voice may file some additional statement evidence concerning travel time and broken shifts but our case is substantially filed and disclosed.

In relation to the reason listed under (c), as the AiG was involved in the annual leave common issue and would be aware that the employer can always refuse an application by an employee for annual leave.

The AFEI request is in comparison innocuous but should also be refused.

We trust this response assists.

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