

From: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>
Sent: Monday, 31 August 2020 8:34 AM
To: Eliza Sarlos <esarlos@cfmeu.com.au>
Cc: Adrian.Morris@ashurst.com; rcoluccio@professionalsaustralia.org.au;
Hamish.Harrington@aigroup.com.au; abha.devasia@amwu.org.au; yolla@etuaustralia.org.au;
AMOD <AMOD@fwc.gov.au>
Subject: RE: AM2020/25 - Four yearly review of modern awards [SEC=UNCLASSIFIED]

Dear Ms Sarlos,

I write in relation to the above matter and refer to your email of 20 August 2020 below.

The Deputy President is aware of the Decision in [2020] FWCFB 4350 and invites you to clarify on which aspects of the Decision the CFMMEU would seek to address the Full Bench and what in particular it would intend to say.

A response is requested as soon as practicable.

Regards,

Christopher McDermott
Associate to Deputy President Gostencnik

Fair Work Commission
Tel: (03) 8656 4528
Fax: (03) 9555 0401
chambers.gostencnik.dp@fwc.gov.au

11 Exhibition St, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

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: Eliza Sarlos <esarlos@cfmeu.com.au>
Sent: Thursday, 20 August 2020 10:23 AM
To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>
Cc: Adrian.Morris@ashurst.com; rcoluccio@professionalsaustralia.org.au;
Hamish.Harrington@aigroup.com.au; abha.devasia@amwu.org.au; yolla@etuaustralia.org.au;
AMOD <AMOD@fwc.gov.au>
Subject: Re: AM2020/25 - Four yearly review of modern awards [SEC=UNCLASSIFIED]

Dear Associate

We write in relation to the above matter, and refer to Tuesday's Full Bench decision in *4 yearly review of modern awards – Overtime for casuals* [2020] FWCFB 4350.

In our view, the application of the relevant principles in this decision, and the wording proposed by the Full Bench in the resulting Draft Determination, are relevant to matters currently before the Full Bench in AM2020/25. Noting that submissions have now closed in AM2020/25, we bring this to the Deputy President's attention to enquire as to whether the Full Bench wish to be addressed by the parties on this matter.

We have raised these views with both the other unions and the employer groups involved in this matter to date. Neither the AI Group or the CMIEG support the CFMMEU in bringing this matter to the Full Bench's attention, and it is our understanding that they consider it would be inappropriate for further submissions to be made as the "*Yallourn/Domain approach*" is not new, and that it has already been accepted that there would be no opportunity to file further submissions in the current proceedings. We can confirm that the other union parties do not object to the CFMMEU bringing this decision to the attention of the Full Bench.

Kind regards

Eliza Sarlos
National Legal Officer
CFMEU Mining and Energy Division

Level 11, 215 Clarence Street
SYDNEY NSW 2000
T: + 61 2 9267 1035
M: +61 410 343 352