

28 September 2016

Justice Iain Ross AO
President
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

By email: chambers.ross.j@fwc.gov.au

Contact

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Our Reference

JK:4130712

Dear Associate

Re: C2013/5139 – Application by United Voice and the Australian Education Union for an equal remuneration order

We refer to the above proceeding and confirm we write on behalf of our client United Voice.

United Voice, as one of the applicants in this matter, has given consideration to the reasons for decision in the Equal Remuneration Order – Jurisdictional Decision [2015] FWCFB 8200 (the Jurisdictional Decision). After that consideration and extensive investigations, United Voice has determined to amend its application in the form **enclosed**.

We refer the Commission to paragraphs 46 to 56 of Annexure A to the enclosed application, which posits a comparator (as required by paragraph [290] of the Jurisdictional Decision). In view of the issue about comparators raised by the enclosed application we request that the Commission list the matter for a mention at its earliest convenience. At that mention United Voice will seek the timetabling of a hearing to determine a preliminary question as to whether the comparator proposed in the amended application satisfies paragraph [290] of the Jurisdictional Decision.

So as to avoid any doubt, we confirm that aside from changes associated with updating the contact details of the parties, the changes in the enclosed third further amended application are constituted by:

- (a) the deletion of the mistakenly repeated words of “EST Award” at paragraph 2(d) of Annexure A;
- (b) the insertion of new paragraphs 46 to 56 in Annexure A; and
- (c) the complete removal of Annexure B, and the insertion of a new replacement Annexure B.

We understand that a copy of this correspondence will be posted to the website. We confirm that we will also forward it to the respondents when serving the amended application.

Should you wish to discuss the foregoing, please contact the writer on 02 8338 8477 or by email at joek@hallpayne.com.au.

Yours faithfully



Joseph Kennedy
Hall Payne Lawyers
Encl