From: Chambers - Hamberger SDP
Sent: Thursday, 2 March 2017 12:13 PM
To: Ruchi Bhatt
Subject: RE: AM2016/32 Transport Industry Awards - request for extension of time

Dear Ms Bhatt,

Senior Deputy President Hamberger will grant Ai Group an extension of time until 3:00 pm on Friday 3 March 2017 in which to file its submissions.

EDREA TIO
Associate to Senior Deputy President Hamberger

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2 March 2017

Senior Deputy President Hamberger
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.hamberger.sdp@fwc.gov.au

Dear Senior Deputy President,

Re.   AM2016/32 Transport Industry Awards – request for extension of time

We refer to the above matter and amended directions issued by the Fair Work Commission (**Commission**) on 20 December 2016. Those directions require parties opposing any variation sought to the *Road Transport and Distribution Award 2010* and the *Road Transport (Long Distance Operations) Award 2010* (together, **the Awards)** to file submissions and evidence in reply by 3pm on 2 March 2017.

The Australian Industry Group (**Ai Group**) opposes the variations proposed by the Transport Workers' Union (**TWU**) to the Awards. Regrettably, despite our best efforts, we are not in a position to file our submissions in accordance with the timeframe contemplated by the aforementioned directions. Accordingly, we respectfully request an extension of time to do so by **3pm on Friday, 3 March 2017**.

On 1 December 2016, the Commission issued directions that required the TWU to file submissions and evidence in support of its claims by 13 January 2017. It sought, and was granted, an extension of time to do so by close of business on 18 January 2017. This was despite concerns raised by NatRoad regarding the TWU's request.

The TWU's material was ultimately filed on 18 and 19 January 2017, leaving respondent parties with a reduced period of time to file submissions and evidence in reply to several proposed award variations and 12 witness statements.

In the intervening period, Ai Group has been heavily involved in a number of 4 yearly award review (**Review**) matters. This includes filing submissions in relation to the Commission's plain language re-drafting exercise (AM2016/15), numerous group 4D – 4F exposure drafts, the payment of wages common issues proceedings (AM2016/8) and substantive variations sought to the *Health Professionals and Support Services Award 2010* and the *Nurses Award 2010* (AM2016/31). In addition, we have appeared before the Commission for the purposes of some 12 proceedings in relation to the Review.

It is primarily as a result of the many concurrent Review matters in which we have been participating, and the consequential strain that this has imposed upon our resources, that we are unable to file our submissions today.

In addition, we do not consider that the grant of the modest extension of time sought will cause any prejudice to the TWU or other interested parties. Whilst the matter has been listed to hear evidence from 6 March 2017, Ai Group is not calling any evidence in opposition to the TWU's claims and accordingly, will not be filing any witness statements which the TWU might otherwise have required time to consider. Closing oral submissions in this matter will be heard on 23 – 24 March 2017, giving interested parties some three weeks to consider and prepare a response to our written submissions.

For all of the reasons here articulated, we respectfully request that the Full Bench grant Ai Group the extension of time sought.

We thank the Commission for giving consideration to our request.

Yours sincerely,

Brent Ferguson
National Manager – Workplace Relations Advocacy and Policy