

**From:** Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>  
**Sent:** Wednesday, 13 November 2019 8:55 AM  
**To:** Rhys Kingston <Rhys.Kingston@Ablawyers.com.au>; Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>  
**Cc:** Nigel Ward <Nigel.Ward@ablawyers.com.au>; stephen.smith@aigroup.com.au; Trevor Clarke <tclarke@actu.org.au>; AMOD <AMOD@fwc.gov.au>  
**Subject:** RE: C2019/52259 - Review of Certain C14 Rates in Modern Awards - submissions in reply invited

Dear Mr Kingston,

Thank you for bringing this to our attention.

Justice Ross confirms that interested parties are invited to file submissions in reply (to [Ai Group's submission](#) filed Monday 11 November 2019) by no later than **4:00 pm Monday 18 November 2019**.

We apologise that this was not expressed at paragraph [8] in Statement [\[2019\] FWC 7182](#) issued 17 October 2019 (October 2019 Statement)

Further, in your email that you note that the upcoming conference for this matter is listed for Friday 22 November 2019, which is also expressed at paragraph [8] of the October 2019 Statement. For completeness, we recently issued an [amended Notice of Listing](#) which changed the conference date to **Friday 29 November 2019**. Please do not hesitate to review the relevant [page](#) on our website for any future updates on this matter.

Thanks, Tahleah.

**Tahleah Gillard**  
**Associate to The Hon. Justice IJK Ross**  
**President**

**Fair Work Commission**

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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:** Rhys Kingston <[Rhys.Kingston@Ablawyers.com.au](mailto:Rhys.Kingston@Ablawyers.com.au)>  
**Sent:** Tuesday, 12 November 2019 3:29 PM  
**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>  
**Cc:** Nigel Ward <[Nigel.Ward@ablawyers.com.au](mailto:Nigel.Ward@ablawyers.com.au)>; [stephen.smith@aigroup.com.au](mailto:stephen.smith@aigroup.com.au); Trevor Clarke <[tclarke@actu.org.au](mailto:tclarke@actu.org.au)>  
**Subject:** C2019/52259 - Review of Certain C14 Rates in Modern Awards

Dear Associate,

We act for Australian Business Industrial and NSW Business Chamber in relation to the above matter.

In the proceedings of Tuesday 8 October, AI Group raised a potential jurisdictional objection in relation to the Commission's power to instigate section 157 proceedings on its own motion. President Ross outlined a proposed process for dealing with this objection whereby AI Group would file a written submission within four weeks. His Honour indicated that parties would then have two weeks to file submissions in response (see PN67-PN68 on [Transcript](#)).

The subsequent [Statement](#) issued on 17 October 2019 directed AI Group to file its submission by 11 November 2019 and scheduled a further conference for Friday 22 November 2019. The Statement makes no reference to submissions in response.

We note that AI Group filed its submission yesterday and we ask that the Commission confirm whether or not parties are invited to file submissions in response. Our clients had intended to respond in accordance with the directions issued in transcript. Is this opportunity still available?

Please do not hesitate to contact me on the below details if required.

Sincerely,

**Rhys Kingston**

Associate

Australian Business Lawyers & Advisors

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