

From: Chambers - Gostencnik DP [Chambers.Gostencnik.DP@fwc.gov.au]
Sent: Friday, 27 January 2023 11:38 AM
To: Kerry O'Brien [kobrien@mccullough.com.au]
CC: Josh Cullinan [jcullinan@raffwu.org.au]; Grace Morgan-Cocks [gmorgancocks@raffwu.org.au]; Amber Sharp [asharp@mccullough.com.au]
Subject: RE: AG2022/5615 - Application by Justin Gusset [MCR-W.FID4282665]

OFFICIAL

Good morning parties,

I write in relation to the below correspondence and also note the earlier email from the respondent's representatives notifying that they had not been included in the correspondence from the Commission issuing the Directions dated 25 January 2023 – chambers apologises for that omission and ensures the respondents representative's contact details are on file for all future correspondence.

Deputy President Gostencnik advises the following in relation to the request for varied Directions:

During the mention, it was agreed that parties were to have discussions about any errors in the declaration and the applicant accepted that if there were any errors it was appropriate to file an amended declaration. I made clear that I wanted the relevant discussions to be completed before the issuing of Directions, which was one of the reasons why the Directions were not issued immediately.

In any case, there is no need to vary the Directions already issued. If the applicant ultimately agrees there are errors in the declaration then he can file an amended declaration on or before 15 February 2023, pursuant to direction 2.

Kind regards,

Ellen Roberts

Associate to Deputy President Gostencnik



Fair Work Commission

Australia's national workplace relations tribunal

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Level 4, 11 Exhibition Street, Melbourne, VIC, 3000
PO Box 1994, Melbourne, Vic, 3001

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Wurundjeri Woi Wurrung Country.

From: Kerry O'Brien <kobrien@mccullough.com.au>
Sent: Friday, 27 January 2023 10:28 AM
To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>
Cc: Josh Cullinan <jcullinan@raffwu.org.au>; Grace Morgan-Cocks <gmorgancocks@raffwu.org.au>; Amber Sharp <asharp@mccullough.com.au>
Subject: RE: AG2022/5615 - Application by Justin Gusset [MCR-W.FID4282665]

Dear Associate

We refer to the directions published in the above matter on 25 January 2023.

At the directions hearing, the representatives and the Deputy President discussed additional directions to deal with two additional points not currently dealt with in the directions.

Firstly, that the employer's representatives were to write to the Applicant's representatives about errors the employer's representatives read in Mr Gusset's Declaration. Secondly, that any amended Declaration may be filed by the Applicant's representatives at a later time following consideration of that correspondence.

We note that the first step was completed in line with our understanding that this formed part of the directions to be published.

The directions do not contain any express direction or time for the Applicant to file an amended Declaration, other than the time to file its material in support of the application on 15 February 2023.

The employer respectfully requests that the Commission consider the transcript and, if necessary, issue a variation to the directions to deal with this topic.

The Applicant's representatives are copied to this email.

Kind regards,

Kerry O'Brien

Senior Associate

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From: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>
Date: 25 January 2023 at 5:02:02 am GMT+1
To: jcullinan@raffwu.org.au, bernard_ryan@apple.com
Cc: jcullinan@raffwu.org.au, Justingusset@gmail.com, Chambers - Gostencnik DP

<Chambers.Gostencnik.DP@fwc.gov.au>, gmorgancocks@raffwu.org.au
Subject: AG2022/5615 - Application by Justin Gusset

OFFICIAL

Good afternoon Parties,

AG2022/5615 - Application by Justin Gusset

Please find attached the Directions in the above matter which include a link to the following webpage:

[Application to terminate the Apple Retail Enterprise Agreement 2014 | Fair Work Commission \(fwc.gov.au\)](#)

Please note that on this webpage you will find a link where you can subscribe to receive updates when new information is published to this page.

Kind regards,

Lucinda Floyd *(she/her)*
Acting Associate to Deputy President Gostencnik



Fair Work Commission
Australia's national workplace relations tribunal

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This email was sent from Wurundjeri Woi Wurrung Country.

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