



**Professionals
Australia**

GPO Box 1272
Melbourne
Victoria 3001

27 October, 2014

The Hon Justice Ross AO
Fair Work Commission
8 Exhibition Street
MELBOURNE VIC 3000

Your Honour,

**Re: Modern Award Review 2014
AM2014/209 Pharmacy Industry Award 2010**

The Pharmacy Guild of Australia (PGA) recently forwarded to APESMA a copy of their correspondence to the Fair Work Commission dated 14 August, 2014 requesting to have their penalty rates issues relating to the Pharmacy Industry Award 2010 dealt with in conjunction with the General Retail Industry Award 2010 currently listed in Group 4 even though the majority of issues regarding the Pharmacy Industry Award are listed to be dealt with in group 2. This correspondence was posted on the Fair Work Commission website on 24 October.

APESMA believes that addressing the PGA penalty rate issues concerning the Pharmacy Industry Award 2010 in conjunction with the General Retail Industry Award penalty rates issues in Group 4 is achievable and we have no opposition to this occurring. We understand that the PGA has requested to have this issue dealt with in conjunction with the General Retail Industry Award because they have conducted research on penalty rates with the retail industry employer associations. Of course we would expect that all other issues around the Pharmacy Industry Award, except for common issues, would be addressed in Group 2.

Further, in light of the comments made in the Commission's Guide to the Award Stage at paragraphs 66 through 68 concerning amalgamation of some awards APESMA advises that our agreement to have the PGAs penalty rates issues dealt with in conjunction with the penalty rates issues for the General Retail Industry Award in no way indicates that we believe these two awards should be amalgamated. Our acceptance that this is an acceptable arrangement is purely because we are aware that the PGA has been working with the retail industry employer associations on this particular issue. We see very few synergies between the community pharmacy industry and the retail industry. In fact, we see them as very different with very different ways of operating and thus very different needs when it comes to industrial instruments. We would be happy to provide detailed submissions on this issue when the Commission so requests.

Yours Faithfully

Jacki Baulch

Senior Industrial Officer, National Office