

From: Kyle Scott <Kyle.Scott@ablawyers.com.au>

Sent: Tuesday, 3 August 2021 11:38 AM

To: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>

Cc: 'Ben.redford@unitedworkers.org.au' <Ben.redford@unitedworkers.org.au>; Michael Robson <mrobson@asu.asn.au>; Leigh Svendsen <leighs@hsu.net.au>; peggms24@gmail.com; Tony Doyle <tony.doyle@afei.org.au>; Shue Yin Lo <shue.yin.lo@afei.org.au>; Ruchi Bhatt <ruchi.bhatt@aigroup.com.au>; Brent Ferguson <Brent.Ferguson@aigroup.com.au>; Sam Fary <sfary@asu.asn.au>; Victor Lin <victor.lin@afei.org.au>

Subject: RE: AM2018/26 - SCHCDS Award

Importance: High

Dear Associate

I refer to the above matter and to the Directions requiring parties to file submissions today in advance of a hearing listed for this Friday, 6 August 2021.

I have been asked to write to the Commission on behalf of all interested parties: the HSU, ASU, UWU, Ai Group, AFEI, NDS, ABI, NSWBC, ACSA and LASA.

Following discussions with the other interested parties, I can confirm the parties' readiness to file submissions today and attend the hearing on Friday, subject to one exception.

Regrettably, there has been some uncertainty and confusion between the parties as to whether the current Directions intended to deal with the issues of remote response and damaged clothing. Those issues were being treated separately on the basis that:

- They had been the subject of a Conferencing process;
- The parties had subsequently exchanged various proposals in respect of the issues; and
- The Draft Determination attached to the 4 May Decision does not include clauses in respect of remote response work or damaged clothing.

The parties are cognisant of the fact that the Directions have already been varied and the timeline extended on two previous occasions, and are also cognisant of the Statement issued by the Commission on 23 July 2021.

However, it is the joint view of the parties that there is merit in the parties having a short period of further time in order to finalise discussions in relation to the two discrete issues of remote response and damaged clothing. In that regard, there is a real prospect that the parties will be able to agree on the form of a suitable variation in relation to damaged clothing (as contemplated at [890] of the Decision), and also agree on a remote response clause (or at least materially narrow the issues in dispute).

The parties are keen not to further delay the finalisation of the proceedings, but consider that allowing a short further period of time to deal with the issues of remote response and damaged clothing will ultimately prove to be a more efficient way of dealing with the matter.

For the above reasons, the parties jointly request that these two discrete issues not be dealt with this week, and instead be dealt with separately in the following way:

1. A further Conference to be listed in the week commencing 9 or 16 August 2021 (subject to the availabilities of the Commission and the parties);
2. Parties are to exchange any further proposals in respect of remote response or damaged clothing prior to the Conference;
3. Parties file any submissions and evidence in respect of remote response and damaged clothing by 4.00PM on Wednesday, 25 August 2021;
4. A hearing be listed for a date convenient to the Commission on or after Wednesday, 1 September 2021 (subject to the availabilities of the parties);
5. The parties have liberty to apply.

The parties thank the Commission for its consideration of this request, and would be happy to discuss programming at the commencement of the hearing this Friday if convenient to the Commission.

Yours sincerely

Kyle Scott

Director

Australian Business Lawyers & Advisors

Suite 402, Level 4

Watt Street Commercial Centre

45 Watt Street, Newcastle NSW 2300
Dir: 02 4989 1010 | Fax: +612 9954 5029 | Mob: 0422 286 133
Tel: +612 9458 7005 | Web: www.ablawyers.com.au | [in](#) [LinkedIn](#)



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From: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>

Sent: 02/08/2021 3:51 PM

To: 'Ben.redford@unitedworkers.org.au' <Ben.redford@unitedworkers.org.au>; Michael Robson <mrobson@asu.asn.au>; Kyle Scott <Kyle.Scott@ablawyers.com.au>; peggms24@gmail.com; Tony Doyle <tony.doyle@afei.org.au>; Shue Yin Lo <shue.yin.lo@afei.org.au>; Ruchi Bhatt <ruchi.bhatt@aigroup.com.au>; Brent Ferguson <Brent.Ferguson@aigroup.com.au>; Sam Fary <sfary@asu.asn.au>; Victor Lin <victor.lin@afei.org.au>; Leigh Svendsen <leighs@hsu.net.au>

Cc: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>

Subject: AM2018/26 - SCHADS - Reminder - Submissions due 4pm tomorrow

OFFICIAL

Dear All

A gentle reminder that in accordance with the directions at [10] of the Statement issued on 23 July 2021 ([[2021 FWCFB 4426](#)]) interested parties are to file any submissions and evidence in respect of the draft variation determination and the Full Bench's *provisional* views by **4pm tomorrow**.

Kind regards

Jess

Jessica Gelsumini
Associate to The Hon. Justice IJK Ross
President

Fair Work Commission
Tel: +61 3 8656 4506
Fax: +61 3 9655 0401
chambers.ross.j@fwc.gov.au