

From: Brent Ferguson [mailto:Brent.Ferguson@aigroup.com.au]

Sent: Thursday, 6 June 2019 4:49 PM

To: Chambers - Ross J

Cc: Ruchi Bhatt

Subject: FW: AM2018/26 Social, Community, Home Care and Disability Services Industry Award 2010 – Request for extension of time

Dear Associate,

As requested, further information in relation to the matters referred to in our correspondence is set out below.

AM2019/5 Professional Employees Award 2010

The above matter relates to APESMA's proposal to vary the *Professional Employees Award 2010*. The claims, in Ai Group's assessment, pose a significant risk for a large number of Ai Group's members.

Ai Group is holding regular meetings with APESMA in order to narrow the differences between the parties. Significant resources are also being devoted to consulting with members in relation to the claims and potential compromise proposals in order to enable us to reach a compromise as well as to prepare our material in response to the union claim, including gathering witness evidence.

Ai Group's material is due on 30 September 2019. The matter has been listed for hearing on 29 – 31 October 2019.

We note that the Commission was not able to accede to a joint request from Ai Group and APESMA to postpone the hearing dates such that we would not be required to commence the preparation of our material whilst we are still engaged in discussions with APESMA.

AM2019/8 Black Coal Mining Industry Award 2010

The above matter relates to changes proposed by Ai Group to the coverage of the *Black Coal Mining Industry Award 2010*.

Ai Group has been involved in discussions with the relevant interested parties about the claim. The matter has been listed for conciliation before the Commission tomorrow (7 June).

Ai Group's submissions and evidence are due on 12 July 2019. To enable us to meet this deadline, extensive resources are already being devoted to the preparation of evidence and submissions.

The matter has been listed for hearing on 22 – 23 October 2019.

AM2018/15 Airline Operations – Ground Staff Award 2010

The above matter relates to claims advanced by the TWU, AMWU and the AWU. It is listed for hearing on 24 and 25 June 2019.

AM2018/22 Food, Beverage and Tobacco Manufacturing Industry Award 2010

As indicated by United Voice, the matter was the subject of a conciliation conference on 10 May 2019 in the hope of narrowing the matters in dispute. We are pleased United Voice have subsequently and only recently (3 June 2019) withdrawn their claims. However, we have nonetheless needed to undertake work on the matter in the interim.

In addition, the AMWU has proposed significant changes to the classification structure of the Award. Ai Group has engaged in discussions with the AMWU claim for the purposes of endeavoring to narrow the scope of matters in issue however those discussions have proven unsuccessful in achieving that end.

The AMWU's claim apparently has its genesis in a decision made by the Commission recently concerning a dispute involving an Ai Group member. Our material in response to that claim is due on 2 August 2019. The matter is listed for hearing on 19 – 22 August 2019.

We apprehend that the proximity of this deadline to the hearing will render it impracticable to seek a material extension of time to file our material in opposition to the AMWU's claim. We note that in proceedings before the Commission regarding the programming of the matter, the presiding member of the relevant Full Bench indicated that the Commission was not able to postpone the hearing dates.

AM2017/51 Overtime for Casuals

United Voice has advanced claims to vary a number of awards in the context of the above matter. Of particular relevance to Ai Group's membership are the claims advanced in relation to the *Cleaning Services Industry Award 2010*, the *Corrections and Detentions (Private Sector) Award 2010*, the *Miscellaneous Award 2010* and the *Security Services Industry Award 2010*.

The directions require Ai Group to file its submissions and any evidence in response by 5 July 2019. The matter has been listed for hearing during the week of 29 July – 2 August 2019.

We note that the Overtime for Casuals common claims have also been listed for mention on 12 July 2019. As we understand it, the purpose of the proceedings is to report back on whether any party considers that the revised exposure drafts, once published, are ambiguous as to the entitlement of casual employees to overtime rates. In order to be in a position to advise the Commission of Ai Group's view, we will need to dedicate significant resources to reviewing a large number of exposure drafts.

Other Matters

Finally, we note that Ai Group has been involved in a number of other Commission matters since the unions filed their material in support of the claims to vary the *Social, Community, Home Care and Disability Services Industry Award 2010* in late-February, which has impeded our ability to prepare our submissions and any evidence in opposition to them.

This includes:

1. The tranche 1 proceedings in relation to this matter in April 2019 and the filing of detailed submissions in opposition to the tranche 1 claims in March 2019.
2. **AM2017/40 Penalty Rates – Hair and Beauty Industry Award 2010.** The matter was listed for hearing to deal with the evidence and hear submissions on 11 – 13 March and 28 – 29 March 2019. On Sunday 10 March, the hearing was adjourned to accommodate a request from the respondent unions on the basis that their legal representative was no longer able to appear due to personal illness. In the period preceding the hearing, Ai Group had devoted significant resources to preparing for the hearing. This including responding to orders requiring witnesses to produce documents and interlocutory proceedings relating to objections to the admissibility of the evidence filed by all parties.

The matter has now been listed for hearing on 26 – 28 August 2019 and 5 – 6 September 2019.

3. **AM2018/15 Airline Operations – Ground Staff Award 2010.** Ai Group filed its submission in opposition to the aforementioned union claims on 28 February 2019.
4. **AM2016/23 Construction Industry Awards.** The matter was listed for hearing before a Full Bench on 4 – 5 March 2019.
5. **AM2016/15 Plain Language Redrafting and the Plain Language Light Touch Process.** Ai Group filed submissions in response to the Commission's directions concerning a number of issues in March and April.

6. **AM2017/15 Overtime for Casuals.** Ai Group appeared in proceedings before the Commission in 25 February 2019 and filed submissions in response to the HSU's substantive claims in April 2019.
7. Ai Group appeared in a number of directions hearings concerning the following matters in April 2019:
 - a. AM2018/22 Food, Beverage and Tobacco Manufacturing Award 2010;
 - b. AM2018/25 Plumbing and Fire Sprinklers Award 2010;
 - c. AM2018/21 Electrical, Electronic and Communications Contracting Award 2010;
 - d. AM2019/5 Professional Employees Award 2010;
 - e. AM2019/6 Water Industry Award 2010; and
 - f. AM2019/2 Health Professionals and Support Services Award 2010 and Horse and Greyhound Training Award 2010;
8. **AM2016/13 Annualised Salaries.** Ai Group filed submissions in response to the Commission's decision concerning the matter in April 2019. Prior to filing the submission, Ai Group consulted a number of concerned members about the Commission's provisional views.
9. **AM2018/6 Corrections and Detentions (Private Sector) Award 2010.** Ai Group filed a submission and attended a hearing in April 2019 regarding an application to vary the award.
10. **AM2015/1 Family and Domestic Violence Leave.** Ai Group filed a submission responding the ACTU's opposition to the variation of the standard clause currently included in modern awards.
11. **The Annual Wage Review,** including filing submissions and appearing in the hearings.

This is not an exhaustive list of award related matters that we have been involved in since the unions filed their material in the *Social, Community, Home Care and Disability Services Industry Award 2010*.

Regards,

Brent Ferguson

National Manager – Workplace Relations Advocacy & Policy



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From: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>
Sent: Thursday, 6 June 2019 8:51 AM
To: Brent Ferguson <Brent.Ferguson@aigroup.com.au>
Cc: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>
Subject: FW: AM2018/26 Social, Community, Home Care and Disability Services Industry Award 2010 – Request for extension of time

Dear Mr Ferguson,

Thank you for your **attached** correspondence.

We kindly request that you provide us with details of Ai Group's involvement in the matters listed in the attached correspondence, including hearing date and dates for filing submissions in those matters.

Thank you, 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: Brent Ferguson [<mailto:Brent.Ferguson@aigroup.com.au>]
Sent: Tuesday, 4 June 2019 11:44 AM
To: Chambers - Ross J
Subject: AM2018/26 Social, Community, Home Care and Disability Services Industry Award 2010 – Request for extension of time

Dear Associate,

Please find [attached correspondence](#) requesting an extension for filing part our material in relation to the review of the Social Community, Home Care and Disability Services Industry Award 2010.

Regards,

Brent Ferguson
National Manager – Workplace Relations Advocacy & Policy



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