

From: Chambers - Ross J

Sent: Thursday, 11 July 2019 9:40 AM

To: Kyle Scott

Cc: Leigh Svendsen; 'Brent.Ferguson@aigroup.com.au'; 'Ruchi.Bhatt@aigroup.com.au'; 'peggms24@gmail.com'; 'nicola.shaw@afei.org.au'; 'thalls@ja.com.au'; 'Michael Robson'; 'Stephen.Bull@unitedvoice.org.au'; 'Natalie.Dabarera@unitedvoice.org.au'; Estha van der Linden; Madeleine Tiedeman

Subject: RE: AM2018/26 SCHCDS Award Proceedings [ABLAW-ImanageDocs.FID135800]

Dear Mr Scott and parties,

Commissioner Lee has considered the below request and each party's view, and granted the extension to the opposed parties re the 'Outstanding Union Claims' (per Direction 7 of the [amended Directions dated 28 June 2019](#)) from 4:00 pm 12 July 2019 to **4:00pm 3 September 2019**. This will allow all claims relating to travel time to be dealt with together.

Amended Directions will be published in due course.

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

Sent: Wednesday, 10 July 2019 1:19 PM

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

Cc: Leigh Svendsen <leighs@hsu.net.au>; 'Brent.Ferguson@aigroup.com.au' <Brent.Ferguson@aigroup.com.au>; 'Ruchi.Bhatt@aigroup.com.au' <Ruchi.Bhatt@aigroup.com.au>; 'peggms24@gmail.com' <peggms24@gmail.com>; 'nicola.shaw@afei.org.au' <nicola.shaw@afei.org.au>; 'thalls@ja.com.au' <thalls@ja.com.au>; 'Michael Robson' <mrobson@asu.asn.au>; 'Stephen.Bull@unitedvoice.org.au' <Stephen.Bull@unitedvoice.org.au>; 'Natalie.Dabarera@unitedvoice.org.au' <Natalie.Dabarera@unitedvoice.org.au>; Estha van der Linden <esthav@business-sa.com>; Madeleine Tiedeman <Madeleine.Tiedeman@Ablawyers.com.au>

Subject: RE: AM2018/26 SCHCDS Award Proceedings [ABLaw-ImangeDocs.FID135800]

Dear Associate

We refer to the above matter and to the Amended Directions issued on 28 June 2019.

We note that the Amended Directions provide two separate sets of dates for employer parties to respond to the unions' claims, namely:

- direction 7 in respect of the "Outstanding Union Claims", and
- direction 5 in respect of the "United Voice Travel time claim".

Due to an oversight on our behalf, we had been operating on the understanding that the union parties had consolidated their positions with respect to the issue of travel time, and that there was only one claim being pursued in respect of travel time (being the United Voice claim). However, it has today come to our attention that there are other union claims on foot which relate to travel time. Specifically, the HSU are pursuing:

1. the introduction of an entitlement to payment for time travelling between segments of a broken shift (specifically the proposed clause 25.6(d)), which forms one component of broader proposed variations to the broken shifts clause; and
2. the existing travel allowance in clause 20.5 also be applied to travel undertaken between segments of a broken shift.

The HSU proposals are substantially similar to the United Voice claim, and there is significant overlap between the claims. The aforementioned claims give rise to the same issues as (or issues that are inherently connected to) the United Voice travel time claim. Our submissions in respect of the UV claims are due on 3 September 2019.

Given the substantial similarities between the HSU claims and the United Voice claim, we respectfully request a variation to the current Amended Directions to have all claims in respect of travel time dealt with together under direction 5. This would permit the employer parties to file reply submissions in respect of the HSU claims relating to the issue of travel time at the same time as responding to the United Voice travel time claim.

In support of this request, we submit that:

- there will be significant efficiencies in dealing with the travel time claims together, given the substantial overlap between the proposals;
- due to our oversight, we do not anticipate being in a position to properly respond to the HSU travel time proposals by this Friday; and
- the HSU filed additional statements in support of its travel time claims on 2 July 2019, and to date we only have redacted versions of those statements. We have not yet been provided with un-redacted versions of the statements (we understand this is because the HSU may still be considering whether they press the statements or withdraw them following yesterday's confidentiality hearing). We therefore have not been able to consider, seek instructions, or respond to their evidence and will not be in a position to do by Friday; and
- there is no serious prejudice to the HSU with this course of action, as they will still receive our material regarding the remaining union claims by the end of this week, and after we file in response to the travel time claim on 3 September 2019, there will still be over a month before the commencement of the hearing.

Given the above, we respectfully seek an extension in relation to employer parties' reply evidence regarding the claims set out at 1 and 2 above to the same date that we are required to respond to the United Voice travel time claim, being **4.00pm on 3 September 2019**.

Due to the impending filing deadline, we have not been able to seek the views of the other parties in relation to this request, however note that they have been copied in to this email.

If you have any questions or wish to discuss, or if I can be of any further assistance, please let me know.

Yours sincerely

Kyle Scott

Associate Director

Australian Business Lawyers & Advisors

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