

From: Adrian.Morris@ashurst.com <Adrian.Morris@ashurst.com>
Sent: Monday, 27 July 2020 6:15 PM
To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>;
Hamish.Harrington@aigroup.com.au; abha.devasia@amwu.org.au; yolla@etuaustralia.org.au;
rcoluccio@professionalsaustralia.org.au
Cc: AMOD <AMOD@fwc.gov.au>; esarlos@cfmeu.com.au
Subject: RE: AM2020/25 4 yearly review - Black Coal Mining Industry Award [SEC=UNCLASSIFIED]

Dear Associate,

For the following reasons the CMIEG does not consent to the CFMMEU's request:

1. The submissions filed by the CMIEG (and AiGroup) on 24 July were in reply to those of the CFMMEU and other unions dated 3 July 2020, in accordance with the Commission's directions;
2. The CFMMEU's request asserts that submissions of the CMIEG or AiGroup raise new matters and, by inference, go beyond a legitimate reply to the unions' submissions, but do not identify any such matters or submissions;
3. The CMIEG does not agree that any of its or the AiGroup submissions of 24 July go beyond a legitimate reply to any of the unions' submissions;
4. In these circumstances, there is, with respect, no justification for the Commission to provide the CFMMEU or other unions with an opportunity to make yet further submissions.

Yours faithfully

Adrian Morris

Senior Consultant

adrian.morris@ashurst.com

Ashurst

D: +61 2 9258 6025

Ashurst Australia, 5 Martin Place, Sydney, NSW 2000, Australia

T: +61 2 9258 6000 | F: +61 2 9258 6999

www.ashurst.com | [Global coverage](#)

[VISIT OUR CONTENT HUB](#) FOR HELP UNDERSTANDING THE LEGAL AND BUSINESS IMPLICATIONS OF COVID-19

From: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>

Sent: Monday, 27 July 2020 5:22 PM

To: Hamish Harrington <Hamish.Harrington@aigroup.com.au>; Morris, Adrian 66025
<Adrian.Morris@ashurst.com>; Abha Devasia <abha.devasia@amwu.org.au>; Yolla Abousleiman
<yolla@etuaustralia.org.au>; Robert Coluccio <rcoluccio@professionalsaustralia.org.au>

Cc: AMOD <AMOD@fwc.gov.au>; Eliza Sarlos <esarlos@cfmeu.com.au>

Subject: RE: AM2020/25 4 yearly review - Black Coal Mining Industry Award [SEC=UNCLASSIFIED]

Dear Parties,

The Deputy President seeks the views of the other parties in relation to the CFMMEU's request below.

A response is requested as soon as possible.

Regards,

Christopher McDermott

Associate to Deputy President Gostencnik

Fair Work Commission

Tel: (03) 8656 4528

Fax: (03) 9555 0401

chambers.gostencnik.dp@fwc.gov.au

11 Exhibition St, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

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: Eliza Sarlos <esarlos@cfmeu.com.au>

Sent: Monday, 27 July 2020 4:40 PM

To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>; AMOD <AMOD@fwc.gov.au>

Cc: Hamish Harrington <Hamish.Harrington@aigroup.com.au>; Adrian.Morris@ashurst.com; Abha Devasia <abha.devasia@amwu.org.au>; Robert Coluccio <rcoluccio@professionalsaustralia.org.au>; Yolla Abousleiman <yolla@etuaustralia.org.au>

Subject: AM2020/25 4 yearly review - Black Coal Mining Industry Award

Dear Associate

We refer to the above matter and to Direction 3 of the Directions of Deputy President Gostencnik issued on 12 June 2020 (**Directions**).

We understand that the Commission will not receive any request to cross examine any witness in this matter, and we note that in line with the Directions the intention is for the matter to be determined on the papers.

Notwithstanding that expectation, the employer groups involved in this matter have each recently filed submissions which deal with certain matters for the first time, particularly in relation to the history and surrounding circumstances of the current provisions. The CFMMEU seeks the opportunity to respond to those matters. We are of the view that this may be done most efficiently by way of short, written submissions confined to addressing only those issues and propose that the CFMMEU be given the opportunity to file those submissions by no later than 5pm, **6 August 2020**. Should the FWC prefer to conduct an oral hearing in relation to this matter, the CFMMEU is also content to address these issues in that context.

We confirm that we have informed the other parties of our intention to make the above request, and we understand that both the CMIEG and the AI Group do not consent to the approach proposed.

Kind regards

Eliza Sarlos
National Legal Officer
CFMEU Mining and Energy Division

Level 11, 215 Clarence Street
SYDNEY NSW 2000
T: + 61 2 9267 1035