



TRANSCRIPT OF PROCEEDINGS

Fair Work Act 2009

1052541

**JUSTICE ROSS, PRESIDENT
VICE PRESIDENT HATCHER
SENIOR DEPUTY PRESIDENT HAMBERGER
DEPUTY PRESIDENT BULL
COMMISSIONER ROE**

AM2014/198

AM2014/200

AM2014/203

AM2014/213

AM2014/214

s.156 - 4 yearly review of modern awards

Four yearly review of modern awards - Sub group 2A

AM2014/198 *Alpine Resorts Award 2010* [MA000092]

AM2015/200 *Aquaculture Industry Award 2010* [MA000114]

AM2014/203 *Graphic Arts Award 2010* [MA000026]

AM2014/213 *Seafood Processing Award 2010* [MA000068]

AM2014/214 *Storage Services and Wholesale Award 2010* [MA000084]

Sydney

9.40 AM, WEDNESDAY, 7 OCTOBER 2015

PN1

JUSTICE ROSS: I'll call on the matters listed as not before 9.30. Could I note at the outset that we'll deal with the Graphic Arts Award as the last award in this group. There's a WA party that has an interest and I think it's 6.30 in the morning over there, and so I wasn't aware of that when we set the time of the hearing. Hopefully they can join us at 10.30. We've advised them that if it's dealt with in their absence, they'll have access to the transcript and if they wish to say anything they'll be able to.

PN2

Now, can I have the appearances for any of the awards listed for 9.30 in Sydney.

PN3

MR M HARMER: May it please the Commission, Harmer, initial M, seeking permission to appear for the ASAA in the first award, AM2014/198.

PN4

JUSTICE ROSS: Thank you.

PN5

MR S CRAWFORD: If it please the Commission, Crawford, initial S, for the AWU.

PN6

JUSTICE ROSS: Mr Crawford.

PN7

MR B FERGUSON: If the Commission pleases, Ferguson, initial B, for the Australian Industry Group with MS R BHATT.

PN8

JUSTICE ROSS: Thank you.

PN9

MS J LIGHT: If the Commission pleases, Light, initial J for the Australian Federation of Employees and Industries.

PN10

MR J ARNDT: If it please the Commission, Arndt, initial J, appearing for the Thredbo Chamber of Commerce in the Alpine Award and Australian Business Industrial and New South Wales Business Chamber in Graphic Arts, Seafood and Storage.

PN11

JUSTICE ROSS: Thank you. No need to stand.

PN12

MR D ASTLEY: If it please the Commission, Astley, appearing for the AMWU.

PN13

JUSTICE ROSS: Thank you.

PN14

MS J GHERJESTANI: If the Commission please, Gherjestani, initial J, I appear for the Australian Workers Union.

PN15

MS G KUSUMA: If it please the Commission, Kusuma, initial G for the New South Wales Farmers Association.

PN16

MR S CRILLIG: May it please the Commission, Crillig, initial S, seeking permission to appear for the Fairfax Media Limited and its subsidiaries.

PN17

MR C DELANEY: May it please the Commission, Delaney, initial C for the Australian Security Industry Association in matter 215.

PN18

JUSTICE ROSS: The 215 is the Transport Cash in Transit.

PN19

MR DELANEY: Cash In Transit, yes.

PN20

JUSTICE ROSS: That's not before 2 pm on the hearing schedule.

PN21

MR DELANEY: I'll come back.

PN22

JUSTICE ROSS: That would be a good idea. In Melbourne.

PN23

MR D MUJKIC: If the Commission please, Mujkic, initial D, appearing for the National Union of Workers. We have an interest in the Storage Services and Wholesale Award this morning.

PN24

JUSTICE ROSS: Thank you.

PN25

MR M GALBRAITH: If it please the Commission, Galbraith, initial M, for the SDA.

PN26

JUSTICE ROSS: Thank you.

PN27

MS K MUDDAGANI: If the Commission pleases, Muddagani(?) initial K for Mount Hotham Resort Management Board in the Alpine Resorts Award.

PN28

JUSTICE ROSS: Thank you. And in Brisbane?

PN29

MR R HALL-BOMAN: If it pleases the Commission, Hall-Boman, initial R from the Printing Industries Association of Australia here regarding the Graphic Arts Award.

PN30

JUSTICE ROSS: Thank you. Any other interstate appearances? Just bear with me for a moment. We will commence with the Alpine Resorts Award.

PN31

MR FERGUSON: If I could just raise one general matter, it might colour how the day unfolds. It's just in relation to the proposal for there to be conferencing tomorrow.

PN32

JUSTICE ROSS: Yes.

PN33

MR FERGUSON: And it has occurred to us that certainly Ai Group - and others might be in a similar position - have an interest in - - -

PN34

JUSTICE ROSS: No, we appreciate that.

PN35

MR FERGUSON: So the only concern we have is about the schedule.

PN36

JUSTICE ROSS: I agree, but conferencing isn't going to be required in all of these awards, and it will just be as we go through the course of the day. If parties think it will be useful then the Bench member that will be dealing with the conferencing will raise the timing with you.

PN37

MR FERGUSON: And just in that sense, I thought it might be helpful to foreshadow that, at least in relation to the Road Transport Award. I know that we requested in relation to all five awards for conferencing. I also understand in relation to Health, there will be a request for conferencing in relation to that, which is a substantial award.

PN38

JUSTICE ROSS: Yes. We may only be able to deal with a couple tomorrow or a couple of groups tomorrow.

PN39

MR FERGUSON: Yes, and just thought from a time perspective the Bench should know that at the start.

PN40

JUSTICE ROSS: Yes, we are conscious of that. We will manage it as we go through, we don't want to be requiring parties to be in two places at the one time. We will grant permission to appear in each case on the basis that having regard to

the complexity of the matter they will be more efficiently dealt with if permission is granted.

PN41

Can I turn to the Alpine Resorts Award; the purpose here is to identify any errors in the revised summary of submissions and any change to the position of any party. If we can deal with that first, does anyone want to correct any aspect of the revised summary?

PN42

Don't stand, it will be easier for the camera. If you can just, for the purpose of the transcript, just announce who you are appearing for, that's all.

PN43

MR ARNDT: Arndt, J, for the Thredbo Chamber of Commerce.

PN44

JUSTICE ROSS: Yes.

PN45

MR ARNDT: In short, the revised summary of submissions omits a claim that has been made by the Thredbo Chamber of Commerce.

PN46

JUSTICE ROSS: Right.

PN47

MR ARNDT: I should note that the claim hasn't been fully articulated in the manner which was required by the Bench, that being a description of the types of evidence that it would take - - -

PN48

JUSTICE ROSS: What is the claim about?

PN49

MR ARNDT: The claim is about coverage. It's relevantly identical, really, to claim 2 or item 2, Falls Creek and Mount Hotham, but it's from a different party. It's to extend the coverage of the award.

PN50

JUSTICE ROSS: That's fine. All right. Well, if you can send in a letter identifying that issue, then it will be amended accordingly.

PN51

MR ARNDT: Thank you.

PN52

JUSTICE ROSS: And other revisions to the summary?

PN53

MR HARMER: Yes, your Honour. Just in terms of some aspects of the summary don't fully capture issues that we've raised in some reply submissions, but if the

Bench please, we think it would be more efficient if we perhaps provide just a marked up adjustment to the Commission on that.

PN54

JUSTICE ROSS: Sure, that's fine.

PN55

MR HARMER: Secondly, your Honour, there are some additional areas of agreement, but perhaps I will address those when we come to that item.

PN56

JUSTICE ROSS: Yes.

PN57

MR HARMER: And finally, your Honour, there's a fairly major affront to this award that's come up in the context of the ACTU's application concerning minimum engagement in the casual and part-time context and it doesn't have a number in the context of this award, but it would probably be the major issue now in the award as far as employers are concerned, so I just wondered whether that needs some sort of identification in the context of this award, because I will seek to address it further when we come to the issue of reference to Full Benches.

PN58

JUSTICE ROSS: That will just go to the part-time and casual Full Bench, won't it?

PN59

MR HARMER: That's where it currently is. I seek to address that, your Honour.

PN60

JUSTICE ROSS: All right. We'll just go through them item by item. If there is any change to the position of a party or if agreement has been reached, or if you think the matter should go to either a Full Bench that's already been constituted or a specially constituted Full Bench. Item 1, any comment?

PN61

MR HARMER: No comment, thank you.

PN62

VICE PRESIDENT HATCHER: Mr Harmer, I thought you wanted it transferred from the part-time and casual Bench to a different Full Bench?

PN63

MR HARMER: If the Tribunal please, we seek that all substantive issues currently listed in the summary and all those matters currently before the casual and part-time Full Bench should go before a single Full Bench dealing with this award. The rationale for that in short is that item 2 raises significant issues of coverage as to the award, and some members of the Tribunal we're aware would require us to look at the unique history of the award and why its integrated set of fairly flexible arrangements came into play.

PN64

In essence, we consider that the Full Bench going through that extensive history in evidence would be best placed to consider applications which would be an affront to the award and would undermine its entire viability for the employers. They should have that evidence before them, and there would be considerable repetition if the casual and part-time Full Bench had to go through the entire history and evidence again, and deal with that matter. I am instructed it's like tampering with DNA in a way in terms of trying to split off these issues, they're inter-related.

PN65

If I take the example of the ACTU minimum engagement issue, we have ski instructors who come in and give a lesson for one hour. There's an application that they be paid for four hours. We have minimum engagement otherwise of two hours. That's to be doubled on that application. It would render the entire operations of the resorts nonviable, and yet it links into rates of pay that were permanent with that history and flexibility in mind. And, in our respectful submission, to split them off and try and deal with them separately would be not only duplicitous but would risk the integrity of the award in a way that we respectfully submit shouldn't be tolerated, so that's the rationale. We were trying to bring things all into one place in essence.

PN66

VICE PRESIDENT HATCHER: That would mean the ACTU would have to run its claim twice. That would mean the ACTU would have to run its claim twice: once in the part-time casual case and one for your award.

PN67

MR HARMER: It's running at a large number of awards in terms of tarring everyone with that brush, if the Commission pleases. In terms of the application in relation to this award it's a very specific issue in our respectful submission.

PN68

JUSTICE ROSS: Well it may mean, if your application is granted, as to how we deal with it, that it wouldn't be dealt with until after the casual and part-time Full Bench has concluded its deliberations. Otherwise we run the risk of inconsistent decision.

PN69

MR HARMER: We accept that.

PN70

JUSTICE ROSS: All right. Have you had a discussion with any of the other parties to the award about this?

PN71

MR HARMER: We raised it previously and we were previously joined by the AWU in correspondence that we wrote to the Commission.

PN72

JUSTICE ROSS: All right.

PN73

MR CRAWFORD: Can I just clarify our position, your Honour. I don't think we'd support any of the matters that have been referred to the casual and part-time Bench being removed from those proceedings. That seems a bit inefficient and problematic from our point of view. Our understanding is, aside from the casual and part-time issues, there's two significant substantive issues for this award. Those are applications to change the coverage.

PN74

JUSTICE ROSS: Yes.

PN75

MR CRAWFORD: Which were made by a few different parties, and there's also an AWU claim to insert annual leave loading.

PN76

JUSTICE ROSS: Yes.

PN77

MR CRAWFORD: So we don't really have a preference about whether those issues would be determined by this Bench or a separately constituted Bench. It would be largely in the Bench's hands.

PN78

JUSTICE ROSS: I think it'd probably be a separately constituted Bench to deal with the coverage question.

PN79

MR CRAWFORD: Well, we wouldn't have a problem with that.

PN80

JUSTICE ROSS: All right. Well, look, I wonder if the most efficient way of dealing with this, Mr Harmer, is if you can reduce your submission to writing and short form which items would you see going to a specially constituted Full Bench and why. If that can be provided in the next few days then we'll ensure that it gets posted on the website. Other interested parties will have seven days to respond to that proposal, and we'll make a decision based on the written material.

PN81

MR CRAWFORD: If it pleases, your Honour.

PN82

JUSTICE ROSS: All right. Anyone else wish to say anything about that? Anyone got any different ideas about how we should deal with it? No. All right. Well, clause 2 is coverage. Is it common ground that that's likely to be a significant matter, and I heard what the AWU said about it. They're sort of relaxed about whether it goes to a separate Full Bench or we deal with it. I don't think we're quite as relaxed, but what's the position with other parties? Do they see this as a substantive issue that should go to a specially constituted Bench?

PN83

MR FERGUSON: Yes.

PN84

JUSTICE ROSS: Does anyone have a different view? Anyone have a different view to that?

PN85

MR GALBRAITH: Your Honour, Matt Galbraith from the SDA. The coverage matter is the only matter within this award that we have an interest in.

PN86

JUSTICE ROSS: Yes.

PN87

MR GALBRAITH: But it would see it as a significant matter in its own right, and something that the SDA has had an interest in for a number of years, so just to confirm that we would see it as a substantive matter.

PN88

JUSTICE ROSS: All right. Anything else anyone wishes to say on this? Yes?

PN89

MS MUDDAGANI: Your Honour, the Mount Hotham Resort Management Board, whilst it's the only issue – coverage is the only issue it is interested in, in relation to this reward review, it doesn't have a view as to whether it should be referred to a separately constituted Bench or to be dealt with by this Bench.

PN90

JUSTICE ROSS: All right. Nothing further on that? We'll try and move through to some of the issues relatively quickly. Item 3, any comments on that, other than the ones that appear? Any change to the position of any party as set out in the summary? Anyone what to say anything further? No. Item 4 I think has been withdrawn; is that right?

PN91

MR HARMER: Yes, correct.

PN92

JUSTICE ROSS: All right. Item 5? Anyone want to add anything to that? Any shift in position? Item 6?

PN93

MR CRAWFORD: Can I just point out, sorry, your Honour, on 5, that I understand the casual Full Bench may, in their deliberations talk about provisions that casual employees are excluded from, so that may have implications on that issue. I think that's really what we're arguing about there.

PN94

JUSTICE ROSS: Yes. So do you think it should go to that Full Bench?

PN95

MR CRAWFORD: Potentially or, I guess, if it doesn't then whatever we agree to, or whatever gets decided might be impacted upon by that decision anyway.

PN96

JUSTICE ROSS: All right. Item 6? Is this – I won't spend too much time on the debate about ordinary and minimum.

PN97

MR FERGUSON: Yes, I think it's probably resolved by the submission, but just subject to seeing the revised exposure drafts.

PN98

JUSTICE ROSS: All right.

PN99

MR FERGUSON: And issue them.

PN100

JUSTICE ROSS: Is item 7 agreed?

PN101

MR FERGUSON: Yes.

PN102

MR HARMER: Yes.

PN103

JUSTICE ROSS: Yes. Item 8? Is the cross-referencing agreed?

PN104

MR FERGUSON: I think it's gone to the casual Full Bench.

PN105

JUSTICE ROSS: Yes, I know, but the cross-referencing you'd think would be – I don't think we need to trouble the casual Full Bench to deal with that issue.

PN106

MR FERGUSON: Sorry. You're right, sorry.

PN107

JUSTICE ROSS: And I think you agree with the AWU.

PN108

MR FERGUSON: We do. Yes.

PN109

JUSTICE ROSS: Does anyone have a different view about the cross-referencing issue? No. Nine?

PN110

MR FERGUSON: It is agreed.

PN111

JUSTICE ROSS: Anyone have a different view? Ten?

PN112

MR CRAWFORD: I was going to make the point, your Honour, that there's a range of issues arising from the NES inconsistencies decision about the loading for seasonal employees, and a conference may assist in trying to resolve all those issues, because it seems a number of consequential changes will need to be made to the award.

PN113

JUSTICE ROSS: All right. Is that a general view? We'll come back to the conference issue later. Eleven? Is this caught up in the same issue? Yes. Okay. Similarly with 12?

PN114

MR FERGUSON: I think 12 has been dealt with by the Full Bench apprentice decision.

PN115

JUSTICE ROSS: Yes. All right.

PN116

MR FERGUSON: But the exposure draft needs to reflect that.

PN117

JUSTICE ROSS: Yes. Thirteen?

PN118

MR CRAWFORD: We would agree to a generic reference to clause 13. I think as the AIG proposed, so that might – we're all in agreement, I think.

PN119

JUSTICE ROSS: All right.

PN120

MR FERGUSON: That would be in agreement.

PN121

JUSTICE ROSS: Anyone have a different view? No. Fourteen? There's agreement on that issue?

PN122

MR FERGUSON: It's agreed.

PN123

JUSTICE ROSS: Fifteen?

PN124

MR FERGUSON: Agreed.

PN125

JUSTICE ROSS: Sixteen?

PN126

MR FERGUSON: Casual Full Bench.

PN127

JUSTICE ROSS: Yes. Well, it'll be caught up in whether it's a separate Bench, but one way or another.

PN128

MR FERGUSON: Yes.

PN129

JUSTICE ROSS: Yes. Seventeen?

PN130

MR CRAWFORD: We wouldn't press that issue, your Honour.

PN131

JUSTICE ROSS: So that would mean it's deleted; is that right?

PN132

MR CRAWFORD: Yes.

PN133

JUSTICE ROSS: All right. Eighteen?

PN134

MR HARMER: That's agreed.

PN135

JUSTICE ROSS: Agreed?

PN136

MR FERGUSON: Bear with me. Agreed.

PN137

JUSTICE ROSS: Nineteen?

PN138

MR FERGUSON: I think it's just rounding. Is that - - -

PN139

MR CRAWFORD: Yes. We don't have a drama with that.

PN140

JUSTICE ROSS: All right. Twenty?

PN141

MR CRAWFORD: We withdraw that too, your Honour.

PN142

JUSTICE ROSS: Twenty-one?

PN143

MR FERGUSON: Is that the same?

PN144

MR CRAWFORD: Yes, that's the same issue.

PN145

JUSTICE ROSS: Same issue. All right. So that goes as well. Twenty-two?

PN146

MR CRAWFORD: It's agreed.

PN147

JUSTICE ROSS: It's agreed?

PN148

MR FERGUSON: Yes.

PN149

JUSTICE ROSS: In terms of?

PN150

MR FERGUSON: Both issues.

PN151

JUSTICE ROSS: AIG Group. Yes, both issues. Yes?

PN152

MR FERGUSON: Agreed. Yes.

PN153

JUSTICE ROSS: Twenty-three?

PN154

MR CRAWFORD: I think it's an outstanding issue?

PN155

MR HARMER: I think it's probably a substantive claim as well although it arose out of the exposure draft process we say it was being sought as a substantive claim and that may have to go to a separate Full Bench.

PN156

JUSTICE ROSS: All right. Twenty-four?

PN157

MR CRAWFORD: We'd be prepared to withdraw that, your Honour.

PN158

JUSTICE ROSS: All right. Twenty-five?

PN159

MR FERGUSON: Casual Full Bench.

PN160

JUSTICE ROSS: Any different view?

PN161

MR FERGUSON: Well, other than the one that's already been expressed.

PN162

JUSTICE ROSS: All right. Twenty-six? This is the leave loading claim.

PN163

MR FERGUSON: Yes. This is a separate - - -

PN164

JUSTICE ROSS: Twenty-seven? It's agreed.

PN165

MR FERGUSON: Twenty-seven is agreed.

PN166

MR CRAWFORD: Yes.

PN167

JUSTICE ROSS: Twenty-eight?

PN168

MR FERGUSON: Agreed.

PN169

JUSTICE ROSS: Twenty-nine?

PN170

MR FERGUSON: It's agreed.

PN171

JUSTICE ROSS: Thirty?

PN172

MR CRAWFORD: It was agreed.

PN173

JUSTICE ROSS: All right. Thirty-one? That's still in dispute; is that right?

PN174

MR FERGUSON: It might be caught up with the NES inconsistency decision.

PN175

JUSTICE ROSS: All right.

PN176

MR CRAWFORD: And the issue about casual public holidays rates which have slightly (indistinct).

PN177

JUSTICE ROSS: Yes. Yes. Is that the same with thirty-two?

PN178

MR FERGUSON: Yes.

PN179

JUSTICE ROSS: Thirty-three?

PN180

MR CRAWFORD: That's a seasonal issue again.

PN181

MR HARMER: That's linked to item 10, isn't it?

PN182

MR CRAWFORD: Yes. I don't know if it's 10, but - - -

PN183

JUSTICE ROSS: All right. Thirty-four?

PN184

MR CRAWFORD: That's disputed still at this stage I think.

PN185

JUSTICE ROSS: Anything further? All right. Let's move to the next of the awards. The Aquaculture Award and to the summary of submissions. Any general points in relation to this award? Well, let's deal with the award specific issues. In relation to coverage.

PN186

MR FERGUSON: I think we raised the concern about the drafting, the wording, that it produced a change in the coverage. I think the parties agree.

PN187

JUSTICE ROSS: So it's not proposed that the coverage be extended. It's a question of whether the exposure draft properly reflects the current awards coverage.

PN188

MR FERGUSON: That's right. There's been a subtle change in the wording and there's a concern that it may have slightly varied the scope of the coverage and I think - - -

PN189

JUSTICE ROSS: Okay. I'd understood it to be that the AWU had agreed to the proposed wording from AI Group; is that the case?

PN190

MR HARMER: I think that's right.

PN191

MR CRAWFORD: Yes.

PN192

JUSTICE ROSS: Does anyone else have a different view? No. Item 3?

PN193

MR FERGUSON: We withdraw that I think.

PN194

JUSTICE ROSS: Okay. Item 4?

PN195

MR CRAWFORD: I thought that may have been withdrawn. There were some claims by - - -

PN196

JUSTICE ROSS: Yes. It looked as if they withdrew in their 15 July submissions. Well, if we note it on the revised summary as withdrawn then we'll soon find out when we get the comments back on it whether it has been or not.

PN197

MR CRAWFORD: Yes.

PN198

JUSTICE ROSS: Item 5? That seems to be agreed.

PN199

MR CRAWFORD: Yes.

PN200

JUSTICE ROSS: Item 6? Yes.

PN201

MS KUSUMA: We would submit – sorry, Kusuma from NSW Farmers. We would submit that the current proposal already in the exposure draft should stand as it is because it's reflective of the NES provision anyway.

PN202

JUSTICE ROSS: All right. But that looks as if that's still a question of dispute, is that right?

PN203

MR CRAWFORD: Yes, we raise it as an issue because the exclusions for casuals in the exposure draft seemingly go further than the current award.

PN204

JUSTICE ROSS: All right. Item 7? The AWU says it's a typo but others don't agree. Have you had a - - -

PN205

MR CRAWFORD: I think it's pretty clearly a typo, your Honour. It's just whether hour should be hours, so, "In excess of 38 hour per week on average", I don't think that makes sense.

PN206

JUSTICE ROSS: Yes, all right. Item 8?

PN207

MR CRAWFORD: I'm not sure if that's been withdrawn.

PN208

JUSTICE ROSS: Well, we'll find out. Item 9?

PN209

MR CRAWFORD: I think that's definitely been withdrawn by that July correspondence.

PN210

JUSTICE ROSS: All right. Item 10?

PN211

MR CRAWFORD: That's agreed.

PN212

JUSTICE ROSS: Yes. Item 11?

PN213

MR CRAWFORD: That's a pretty minor technical issue. I'm not sure if it's disputed or not.

PN214

JUSTICE ROSS: I don't know either. Does anyone want to say anything about that? Any opposition? No. All right. Item 12?

PN215

MR CRAWFORD: It's been agreed.

PN216

JUSTICE ROSS: I think that looks like it's agreed. Item 13?

PN217

MR CRAWFORD: Again, I'm not sure if that's been pursued or withdrawn. It would be a substantive change.

PN218

JUSTICE ROSS: All right. Well, we'll seek clarification about that issue. Can someone remind me who the ATBTA are?

PN219

MR FERGUSON: Austuna.

PN220

MS KUSUMA: Austuna, Tassal.

PN221

JUSTICE ROSS: And they're not here?

PN222

MS KUSUMA: I don't think so.

PN223

JUSTICE ROSS: No. You represent them?

PN224

MS KUSUMA: No.

PN225

JUSTICE ROSS: All right.

PN226

MR CRAWFORD: Your Honour, could I just point out that for item 13 the first three issues look like they're about paid breaks but then there's a business essay one that I think talking - - -

PN227

JUSTICE ROSS: Facilitation.

PN228

MR CRAWFORD: - - - more about pay periods which it looks like it's been agreed. I think they're separate issues.

PN229

JUSTICE ROSS: Anything further about the term? Fourteen?

PN230

MR CRAWFORD: I think it's been withdrawn.

PN231

JUSTICE ROSS: It's been withdrawn. Fifteen?

PN232

MR CRAWFORD: I think it's more of a general comment.

PN233

JUSTICE ROSS: Yes. It's not really seeking a change, just noting. Sixteen?

PN234

MR CRAWFORD: I think it's withdrawn.

PN235

JUSTICE ROSS: Seventeen?

PN236

MR CRAWFORD: I think it's withdrawn.

PN237

JUSTICE ROSS: Eighteen?

PN238

MR CRAWFORD: I think that's a technical debate about the drafting.

PN239

JUSTICE ROSS: All right. Business essay say they're no longer pursuing it. What does that mean? That they do support the amendment now or they don't?

PN240

MR CRAWFORD: Are they here?

PN241

JUSTICE ROSS: No.

PN242

MR CRAWFORD: Because I think we initially proposed something, they weren't happy with it, and proposed an alternative and, yes, I don't know where's up to beyond that.

PN243

JUSTICE ROSS: All right. Nineteen is more of a comment. Twenty?

PN244

MR CRAWFORD: I think that's agreed.

PN245

JUSTICE ROSS: Yes. Twenty-one?

PN246

MR CRAWFORD: I think that's withdrawn by Business South Australia.

PN247

JUSTICE ROSS: Yes. That's right. They've withdrawn theirs. What do you say about the – I think there's one other – the New South Wales FA proposal?

PN248

MS KUSUMA: I think we've reached an agreement on that one, your Honour, because it's just an extraction of – between the two allowances that one is still payable even though the other one is payable. It's between diving allowance and diving equipment allowance, so one is a work related allowance. The other one is expense related allowance.

PN249

JUSTICE ROSS: Can you send us a short note reflecting the agreement on that issue?

PN250

MS KUSUMA: Yes.

PN251

JUSTICE ROSS: Thank you. 22?

PN252

MR CRAWFORD: I think that's a technical debate.

PN253

JUSTICE ROSS: 23, is that still being pursued as far as you know?

PN254

MR CRAWFORD: I think it's withdrawn.

PN255

JUSTICE ROSS: Item 24?

PN256

MS KUSUMA: I think we've agreed with the AWU position in that it's - - -

PN257

JUSTICE ROSS: No need for a variation?

PN258

MS KUSUMA: No need for a variation. It's understood that it's (indistinct) to only one side of the span of hours.

PN259

JUSTICE ROSS: The typo is agreed, "an" instead "and" in the first dot point?

PN260

MS KUSUMA: Yes. Yes.

PN261

JUSTICE ROSS: 25, Business SA is no longer pursuing that I think.

PN262

MR CRAWFORD: Yes.

PN263

JUSTICE ROSS: 26?

PN264

MR CRAWFORD: Again, I'm not sure if that's withdrawn.

PN265

JUSTICE ROSS: 27?

PN266

MR CRAWFORD: Your Honour, I think this issue is part of a broader debate that's arisen during the review about how the facility provision for shift length works. I'm not exactly sure which proceedings are going to deal with this issue.

PN267

JUSTICE ROSS: Yes.

PN268

MR CRAWFORD: It definitely arises in the manufacturing award too.

PN269

JUSTICE ROSS: It does. 28? Business SA is no longer pursuing the change, is that right?

PN270

MS KUSUMA: Mm-hm.

PN271

JUSTICE ROSS: 29? There's a proposition that the title be changed in the table. Anyone else have a view about that?

PN272

MS KUSUMA: We would support their submission, your Honour, on that one.

PN273

JUSTICE ROSS: AWU?

PN274

MR CRAWFORD: I might have to get back to your Honour. I thought we might have agreed about that sort of wording issue as part of discussions but I'll have to confirm that.

PN275

JUSTICE ROSS: Item 30, is that agreed?

PN276

MR CRAWFORD: Yes.

PN277

MS KUSUMA: I think that's agreed, yes.

PN278

JUSTICE ROSS: Item 31?

PN279

MR CRAWFORD: Looks like a technical debate. I assume they're still pursuing it.

PN280

JUSTICE ROSS: 32, where's that up to?

PN281

MR CRAWFORD: That's just a pretty minor technical issue.

PN282

JUSTICE ROSS: Any other party want to say anything about that?

PN283

MS KUSUMA: No.

PN284

JUSTICE ROSS: 33?

PN285

MS KUSUMA: Similar to the other point, your Honour. It's just a minor wording issue, just to clarify and provide consistency.

PN286

JUSTICE ROSS: AWU?

PN287

MR CRAWFORD: Yes, I mean it says Business SA are no longer pursuing the change but it looks like it's a farmers' issue, so I might have to check where that's up to. I'm not sure.

PN288

JUSTICE ROSS: 34, any views about that? New South Wales Farmers?

PN289

MS KUSUMA: No.

PN290

JUSTICE ROSS: 35?

PN291

MS KUSUMA: That's just clarification, your Honour.

PN292

MR CRAWFORD: I think that's been similar to the issue in 34. From memory, the AWU drafted some proposed words to try and clarify the position but I don't - I'm not sure they have been agreed.

PN293

MS KUSUMA: We'll need further time to consider that one and I'll come back.

PN294

JUSTICE ROSS: 36, the Business SA item that's mentioned first is not being pursued. The other variation is in relation to annual leave and the debate, that can probably be sorted out in the settlement of the annual leave common issue matter. 37, is that agreed?

PN295

MR CRAWFORD: Yes.

PN296

JUSTICE ROSS: 38?

PN297

MR CRAWFORD: Withdrawn.

PN298

JUSTICE ROSS: 39?

PN299

MR CRAWFORD: That's agreed.

PN300

JUSTICE ROSS: 40?

PN301

MR CRAWFORD: That's agreed.

PN302

MS KUSUMA: Agreed, yes.

PN303

JUSTICE ROSS: 41?

PN304

MS KUSUMA: Agreed as well.

PN305

JUSTICE ROSS: 42, no longer being pursued, is that right?

PN306

MR CRAWFORD: Yes.

PN307

JUSTICE ROSS: 43, that's agreed?

PN308

MS KUSUMA: Agreed.

PN309

MR CRAWFORD: Yes.

PN310

JUSTICE ROSS: 44, is agreed?

PN311

MS KUSUMA: Yes, agreed.

PN312

JUSTICE ROSS: 45, is agreed?

PN313

MR CRAWFORD: Yes.

PN314

JUSTICE ROSS: Then we have the proposed substantive variations. Has there been - I notice in the second one, that's withdrawn and the first one is withdrawn and so is the third, so none of those are pursued?

PN315

MR CRAWFORD: That's my understanding.

PN316

MS KUSUMA: Yes, that's our understanding as well from - - -

PN317

JUSTICE ROSS: Anything further in relation to this award?

PN318

MS KUSUMA: Yes, your Honour. Just on point - sorry, I have to go back to point 4, your Honour.

PN319

JUSTICE ROSS: Yes.

PN320

MS KUSUMA: It's just for the purpose of clarification for the facilitative provisions.

PN321

JUSTICE ROSS: Yes.

PN322

MS KUSUMA: To also include clause 4 in the table.

PN323

JUSTICE ROSS: Right. So the exposure draft reference should refer to clause 4 as well as 5?

PN324

MS KUSUMA: Yes.

PN325

DEPUTY PRESIDENT BULL: Can I just ask the parties, just going back to the Alpine Award. Mr Harmer, you're only here for that matter, is that right? You probably want to get going.

PN326

MR HARMER: That's correct.

PN327

DEPUTY PRESIDENT BULL: Would there be any purpose served by having a conference in the spare day that you might have put aside for tomorrow?

PN328

MR HARMER: If the Commission pleases, my instructions don't permit me to support a conference but obviously if one was to be held on the issues that the AWU identified, I can certainly be here. If the Commission pleases.

PN329

DEPUTY PRESIDENT BULL: Mr Crawford, do you have any comment about - I know there was a matter before Bissett C in May, a conference. Is there any purpose served in having another one to try and narrow down the outstanding issues?

PN330

MR CRAWFORD: I believe so, Commissioner. I had identified a few matters that I thought might be amenable to a conference. There's, I think, some prospect for reaching agreement on a few issues.

PN331

DEPUTY PRESIDENT BULL: Well if yourselves and Mr Harmer's client are going to be available then we might do that. Would 9 o'clock be all right for yourself?

PN332

MR CRAWFORD: Yes, that's fine for me.

PN333

MR HARMER: Yes, thank you, Commissioner.

PN334

DEPUTY PRESIDENT BULL: Does anybody else in any other states - - -

PN335

MS MUDDAGANI(?): Sorry, in Melbourne we just couldn't hear what the two issues were that were going to be conferenced for the Alpine Resorts Award.

PN336

DEPUTY PRESIDENT BULL: Sorry, I missed that. I didn't hear what you said, sorry.

PN337

MS MUDDAGANI: Sorry, we can't hear very well in Melbourne and it wasn't clear what issues are going to be conferenced in relation to the Alpine - - -

PN338

DEPUTY PRESIDENT BULL: Well we don't have the issues identified at this stage but we'll just go through the ones that have been identified and see whether we can resolve any outstanding matters.

PN339

MS MUDDAGANI: So, sorry, would that include the issue of coverage?

PN340

DEPUTY PRESIDENT BULL: I don't think that will get resolved tomorrow, no.

PN341

MR CRAWFORD: If it assists, the issues I thought might be worth conferencing were this debate about the appropriate CPI measure, our issue about hire duties, the range of issues about the seasonal employment and penalty rates for casuals on public holidays.

PN342

DEPUTY PRESIDENT BULL: That's a start, that will keep us busy, I think. Is anybody in the other states available to attend that conference, or have any other comment?

PN343

MR FERGUSON: I just note the IA Group - - -

PN344

DEPUTY PRESIDENT BULL: Yes, go ahead.

PN345

MR GALBRAITH: Your Honour, Matt Galbraith from the SDA. As our only interest is in the coverage matter I don't think it's necessary that we be there tomorrow.

PN346

MS MUDDAGANI: I would echo the same thing.

PN347

MR CRAWFORD: The same would go - - -

PN348

DEPUTY PRESIDENT BULL: Sorry, in Melbourne?

PN349

MS MUDDAGANI: Sorry, I would just echo the same comments by my colleague that the only issue that the Mount Hotham Resort Management Board is concerned with is coverage, so we wouldn't envisage attending a conference tomorrow. Unless that issue was - - -

PN350

MR ARNDT: The same would go for the Thredbo Chamber of Commerce.

PN351

DEPUTY PRESIDENT BULL: All right.

PN352

MR FERGUSON: Just to clarify, Ai Group would want attend that conference as well,

PN353

DEPUTY PRESIDENT BULL: Yes, all right. We'll send out a listing as soon as possible and obviously those matters are of some substance, the coverage issue, all that, to be put aside for a Full Bench at some stage. The other one if anyone wishes to have a conference you can let me know, we've just gone through now with the President the Agricultural Award, is there any - there seems to be a lot of matters that are agreed so is there any other issues that can be discussed with the potential to resolve?

PN354

MR CRAWFORD: I wouldn't have thought it was necessary, Commissioner. I think we're pretty close really on that. That the only remaining issues are pretty minor and technical.

PN355

DEPUTY PRESIDENT BULL: All right. Sorry, so you're saying there's no point in having a conference?

PN356

MR CRAWFORD: We might be able to resolve some of the remaining technical issues. We're not opposed to attending a conference if there's time, but if there's priority being given to awards where a conference will probably assist a lot, I would have thought that might not be one of them.

PN357

DEPUTY PRESIDENT BULL: Anyone else have any comments about a conference tomorrow for the Agricultural Award? All right, we've got a number of awards. Maybe if you say it's not a priority, Mr Crawford, we can put it to one side and if we've got time we can think about it later in the day.

PN358

MR CRAWFORD: Yes.

PN359

DEPUTY PRESIDENT BULL: All right.

PN360

JUSTICE ROSS: All right, let's go to the Seafood Processing Award. If we go to the award-specific issues starting with item 6. I don't think the Austuna, Bluefin Tuna Industry Association and Tassal are represented are they? All right, let's move to item 7.

PN361

MR FERGUSON: That's substantive. It would need to go to a Full Bench.

PN362

JUSTICE ROSS: So that's a fight?

PN363

MR FERGUSON: Yes, that is. Look, I might just - I suppose if it assists there have been discussions between the parties in relation to this award and I think that then culminated in some correspondence being sent through from Business SA identifying the matters that are agreed. What it seems to have resulted in this summary is actually very accurate. We haven't identified any errors in it at all and certainly in relation to the exposure draft matters our view would be that there would be no merit in a conference, that they could be dealt with on the material before the Full Bench. But there are five substantive issues.

PN364

JUSTICE ROSS: Yes.

PN365

MR FERGUSON: Which item 7 - and I can list those if it assists but I don't want to cut off what you're doing - but item 7, item 9, item 10, item 26 and item 41 and I think they're all going to be fights, so to speak.

PN366

JUSTICE ROSS: Yes.

PN367

MR FERGUSON: And they'll - - -

PN368

JUSTICE ROSS: Well, let's just touch the base with the other parties for a moment.

PN369

MR FERGUSON: Okay.

PN370

JUSTICE ROSS: In respect of those five items does anyone have a different view as to the one that has been expressed by Ai Group? That is that there's a difference between the parties and it's substantive and should go to a specially constituted Full Bench?

PN371

MR CRAWFORD: Is it possible just to do them individually again?

PN372

MR FERGUSON: To read them?

PN373

MR CRAWFORD: Well, just which items again.

PN374

MR FERGUSON: So item 7.

PN375

JUSTICE ROSS: Item 7, item 9. Well, seven and nine both relate to coverage.

PN376

MR FERGUSON: Yes.

PN377

JUSTICE ROSS: 10 is also coverage.

PN378

MR FERGUSON: Yes.

PN379

JUSTICE ROSS: 26 which is - - -

PN380

MR FERGUSON: Varying the spread of hours.

PN381

MR CRAWFORD: You see, I think that's that general type issue that has arisen again.

PN382

JUSTICE ROSS: Yes, I think that has come up in a few.

PN383

MR FERGUSON: It is but I'm not sure it's always the exact same form of words or the same solution.

PN384

JUSTICE ROSS: No, no, I agree. It's just it has come up in the 1(c), (d) and (e) awards in one of them and I think Ai Group there made the submission that this is a common formulation though the circumstances and context might differ and for that reason it might be preferable if once we have gone through the award process, if one Bench deals with all of the matters.

PN385

MR FERGUSON: It may be, although I think as it's unfolding that some of these issues may be being resolved in the context of individual awards.

PN386

JUSTICE ROSS: Yes, none of them so far but - by agreement anyway. Some are not taken. In some they don't take the point.

PN387

MR FERGUSON: That's right.

PN388

JUSTICE ROSS: In others it's sought to be clarified.

PN389

MR FERGUSON: Yes.

PN390

JUSTICE ROSS: Yes.

PN391

MR FERGUSON: So I don't know if we have a fixed view, given the way the discussions have been evolving, as to whether or not it will need to go somewhere.

PN392

JUSTICE ROSS: What I don't want is three different Full Benches dealing with it in three different ways.

PN393

MR FERGUSON: I understand that as well. Yes. No, no, I understand.

PN394

JUSTICE ROSS: That's what I'm trying to avoid. But you say this is a substantive issue.

PN395

MR FERGUSON: It's a substantive issue.

PN396

JUSTICE ROSS: That should go to a Full Bench?

PN397

MR FERGUSON: Yes.

PN398

JUSTICE ROSS: That's item 26.

PN399

MR FERGUSON: Correct.

PN400

JUSTICE ROSS: What does the AWU say about that?

PN401

MR CRAWFORD: It's more of an AMWU issue, your Honour. We're supporting them.

PN402

MR ASTLEY: So, Dean Astley from the AMWU.

PN403

JUSTICE ROSS: Yes?

PN404

MR ASTLEY: The instructions I have - and I myself do not have personal carriage of this matter but if this item could be best expedited by going to the Full Bench then there wouldn't be any opposition from the AMWU for that.

PN405

JUSTICE ROSS: All right.

PN406

MR ASTLEY: Actually if I could also just say I believe that seven - sorry, this is items 7, 10, 26 and 41 are all AMWU matters.

PN407

JUSTICE ROSS: Yes.

PN408

MR ASTLEY: And the same also goes for them as well.

PN409

JUSTICE ROSS: All right. Well, in fact the five items that AiG mentioned fall into two categories. They either deal with spread of hours in one way or another or they deal with coverage. All right. For the parties that are involved and represented in this award, leave aside the five matters we have just deal with, has there been any shift in the position or any agreement reached in relation to the other items in the summary?

PN410

MR CRAWFORD: For item 16 I think we're just talking about simple omissions of what are facilitative provisions. So I mean if that's all it is we're not opposed. We'd agree to that.

PN411

JUSTICE ROSS: Yes. So as long as it accurately reflects - - -

PN412

MR CRAWFORD: Yes. We're not trying to change anything.

PN413

JUSTICE ROSS: Yes. Because that's really only intended to be an index, isn't it?

PN414

MR CRAWFORD: Yes. In 27 it looks like the drafters of this document are querying whether it's agreed or not.

PN415

JUSTICE ROSS: Yes. Well, is that agreed or not? ABI? I think Ai Group doesn't oppose the proposal.

PN416

MR ARNDT: Insofar that ABI have opposed the change, we wouldn't press that opposition.

PN417

JUSTICE ROSS: All right.

PN418

Was there anything else Mr Crawford?

PN419

MR CRAWFORD: I mean, 66, the last one, it seems to be one of what you could call the comments from Austuna that might be able to be deleted. But no, I don't think I've got any other - - -

PN420

JUSTICE ROSS: Any other party that has changed its position or withdrawing a claim?

PN421

MR ASTLEY: No, your Honour.

PN422

DEPUTY PRESIDENT BULL: The same thing goes for this award, the Seafood Processing Award. Is there any purpose served in the parties coming together for a conference? It doesn't have to be tomorrow, but if that suits you that's fine. Mr Crawford do you have any view on that?

PN423

MR CRAWFORD: My view would be it's in the same category as the Aquaculture Award. I mean we might be able to just finish off these remaining technical issues in a conference.

PN424

DEPUTY PRESIDENT BULL: Does anybody else have a comment? Well, do you want to list that for tomorrow or have you got more important awards you want to deal with?

PN425

MR FERGUSON: I think there are quite a few awards that would probably be lengthy, so I wouldn't put it as a priority. But I'm not sure what exactly is going to be achieved but we're happy to attend the conference if there's time permitting of course.

PN426

MR ASTLEY: Also from the AMWU's perspective I'm not sure if the particular AMWU representative would be able to attend tomorrow's conference either as well, if there were to be one.

PN427

DEPUTY PRESIDENT BULL: All right, we'll note that the conference will be conducted but not necessarily tomorrow. We'll wait and see probably at the end of today's hearing as to whether there's any spare time available.

PN428

JUSTICE ROSS: Do you have a view at the moment, Mr Ferguson, as to which of the awards that we're yet to deal with will require a conference? I mean I can't see - if we take the last four, perhaps firefighting because nobody seems to have said much about it, but the others seem relatively straightforward, and then you've got the transport awards.

PN429

MR FERGUSON: So we've got the transport awards which I think they'll be keen - well, the TWU at least would support conferencing in relation to all the exposure draft issues.

PN430

JUSTICE ROSS: Yes.

PN431

MR FERGUSON: And then in relation to some of the substantive issues with some awards.

PN432

JUSTICE ROSS: All right.

PN433

MR FERGUSON: And I think that there would actually be a fair bit of work in that.

PN434

JUSTICE ROSS: Yes.

PN435

MR FERGUSON: And I know that in relation to the Health Professionals and Support Services Award the parties want to have a conference, and I think the summary for that is some 56 pages long. I'm not close to that proceedings.

PN436

JUSTICE ROSS: No.

PN437

MR FERGUSON: And we've got another officer of Ai Group there so they can run concurrently.

PN438

JUSTICE ROSS: And look, the Vet Award has also got a range of issues in it as well.

PN439

MS LIGHT: As does nurses, your Honour. Nurses.

PN440

JUSTICE ROSS: Yes, you're right, they do as well. Okay.

PN441

MR FERGUSON: That's probably them all. That's probably the main ones that we thought would be - - -

PN442

JUSTICE ROSS: All right. Okay, anything further in relation to the Seafood Processing Award? We might just before we get to storage services, it might be convenient to deal with graphic arts.

PN443

MR CRAWFORD: May I be excused, your Honour?

PN444

JUSTICE ROSS: Certainly.

PN445

Just bear with me for a moment. I gather there's an additional appearance in WA?

PN446

MS B POLE: Thank you, yes, sir. Pole, P-o-l-e, first initial B, appearing for Western Australian Newspapers Limited.

PN447

JUSTICE ROSS: Thank you Ms Pole. Sorry about the timing of the matter. I had not appreciated that there would be an appearance from WA.

PN448

MS POLE: No problem.

PN449

JUSTICE ROSS: If we can go to the revised summary of submissions in respect of this award. Just bear with me for a moment. Is there a representative for the Printing Industries Association?

PN450

MR HALL-BOMAN: Yes, your Honour. Mr Hall-Boman here in Brisbane.

PN451

JUSTICE ROSS: Thank you.

PN452

All right, can I ask each of the parties with an interest in this award are there any items in the revised summary that you want to correct or has your position shifted in relation to any of the matters listed in the summary?

PN453

MR FERGUSON: Yes, your Honour, getting to that just as a general comment, you may recall there was a conference I think before yourself, your Honour, in relation to this.

PN454

JUSTICE ROSS: I do recall, yes.

PN455

MR FERGUSON: And then what has happened over the last week is the release of the updated exposure draft which includes significant amendments to the hours of work clause.

PN456

JUSTICE ROSS: Yes.

PN457

MR FERGUSON: And a number of other variations that seem to address various matters and so forth agreed. Now I think with all candour we're not in a position to verify whether all of those matters are adequately dealt with.

PN458

JUSTICE ROSS: Yes. No, I follow. Yes.

PN459

MR FERGUSON: So in this case it may be that the better course of action is to leave the parties a period of time to review that.

PN460

JUSTICE ROSS: Yes.

PN461

MR FERGUSON: And then have a further conference.

PN462

JUSTICE ROSS: So the proposition might be in relation to this, that if the parties have for example two weeks to consider the revised exposure draft and to put in a written submission about what they say about that, and once that material has come in there will be a revised summary published and then a conference held in relation to this award. Is that broadly the idea?

PN463

MR FERGUSON: That would be fine, yes.

PN464

JUSTICE ROSS: Does anyone have a different view about that? If I can deal firstly with the Sydney parties before going to Brisbane?

PN465

MR ASTLEY: Yes, so from the AMWU's perspective that would be fine.

PN466

JUSTICE ROSS: All right.

PN467

MR FERGUSON: The only minor issue, it may become clear as the matter - and that involves why I've raised this, in relation to two weeks, three weeks may be preferable. I don't want to test the Bench's patience.

PN468

JUSTICE ROSS: All right.

PN469

MR FERGUSON: But there may be other work flowing at the end of the day - - -

PN470

JUSTICE ROSS: Yes, well we can probably settle on Friday fortnight.

PN471

MR FERGUSON: We'll take what we can get.

PN472

JUSTICE ROSS: Yes, all right. And in Brisbane are you content with that process?

PN473

MR HALL-BOMAN: Yes, we concur with that process, your Honour. Thank you.

PN474

JUSTICE ROSS: All right, does anyone have a different view? No? All right, well then that's what we'll adopt. The parties will have until 4 pm on 23 October to make any comments in respect of the revised exposure draft that was released a week or so ago. We'll then publish a revised summary of submissions and a conference will be convened to deal with issues that remain outstanding. Are there any matters in here in terms of that are regarded as substantive and weren't dealt with in the - or perhaps we can ask that question when we get to the revised

summary of submissions document. You can take it you will be asked to identify which awards - or sorry, which issues should go to a separately constituted Full Bench because of their substantive nature.

PN475

Ms Pole, are you content with that course?

PN476

MS POLE: Thank you yes, sir.

PN477

JUSTICE ROSS: Does any other party have anything they wish to say in relation to the Graphic Arts Award?

PN478

MR CRILLIG: Only this, your Honour. Mr Crillig for Fairfax. I'm just instructed to place on the record that the Fairfax entities are represented in these proceedings solely by the group as represented by my firm, and the reason we put that on the record is just to make clear that while this is Fairfax's first appearance none of the previous submissions or positions put by the other parties should be attributed to Fairfax in any way.

PN479

JUSTICE ROSS: Sure. You'll have the opportunity to comment on the revised exposure draft and if you disagree with anything in that you'll be able to say what you wish to say, okay?

PN480

MR CRILLIG: Thank you, your Honour.

PN481

JUSTICE ROSS: Nothing further on the Graphic Arts Award?

PN482

Ms Pole, that was the only matter you had an interest in, wasn't it?

PN483

MS POLE: It was. Thank you.

PN484

JUSTICE ROSS: I'm content for you to stay and observe the rest of the day's proceedings but if you - - -

PN485

MS POLE: No thank you, that's fine.

PN486

JUSTICE ROSS: If you wish to be excused that's fine as well. Okay?

PN487

MS POLE: Thank you very much.

PN488

JUSTICE ROSS: Thanks very much.

PN489

We might move to the Storage Services Award. Any preliminary observations about this matter?

PN490

MR FERGUSON: Yes. Yes, Ai Group have had discussions with the other relevant parties and there seems to be a different sort of issue in relation to the summary document, and that is that there seems to be in the way it has been displayed a sort of conflation of various issues within particular item numbers. So that to characterise it as one issue actually includes various different issues the parties have raised.

PN491

JUSTICE ROSS: Yes, I noticed the same thing.

PN492

MR FERGUSON: Now the difficulty is that there seems to be a shared view that it's going to be very hard today to try and decipher what all the issues are orally, and what we were going to propose is that it may be more prudent for the Bench to give us an opportunity to prepare a more accurate summary document.

PN493

JUSTICE ROSS: Yes, that's fine.

PN494

MR FERGUSON: If the Bench would send Ai Group perhaps a Word version?

PN495

JUSTICE ROSS: Yes. No, if you're prepared to do the work we're more than happy to give you the Word document.

PN496

MR FERGUSON: I won't say we're happy to but we're prepared to.

PN497

JUSTICE ROSS: Yes.

PN498

MR FERGUSON: And at the same time some of them may even of themselves just updating the exposure draft as well.

PN499

JUSTICE ROSS: No that would be fine and, look, can I encourage you - we'll send you the Word document immediately so you don't change your mind. Can I also get you to just look at the status column when you split it up into the award-specific issues, and it would be very helpful if you can agree amongst the group about where the various matters are up to.

PN500

MR FERGUSON: And that's what we were going to - envisaging doing that and then sending it back, and in light of that we were proposing three weeks.

PN501

JUSTICE ROSS: Yes. No, that's fine. Well, if you're doing the work, Mr Ferguson, no problem, you have three weeks.

PN502

Is every other party with an interest in that award content with that process? Let's deal with the parties in Sydney first and then go to Melbourne.

PN503

MS GHERJESTANI: Your Honour, Gherjestani for the AWU. We don't oppose that approach.

PN504

JUSTICE ROSS: Everyone else content? And in Melbourne?

PN505

MR MUJKIC: Yes, your Honour. Mujkic for the NUW. We certainly support that approach.

PN506

JUSTICE ROSS: Okay.

PN507

MR GALBRAITH: Your Honour, Galbraith for the SDA. The AiG were fairly clear about what they proposed in a series of emails over the last couple of days and we're happy to proceed that particular way.

PN508

JUSTICE ROSS: All right.

PN509

Anyone have a contrary view? No? All right, that deals with the last of the awards listed at 9.30. The next group of awards will commence at 11 am. Anything further in relation to the matters in the first five awards anyone wants to say?

PN510

MR CRAWFORD: No.

PN511

JUSTICE ROSS: No?

PN512

MR HALL-BOMAN: Your Honour?

PN513

JUSTICE ROSS: Yes?

PN514

MR HALL-BOMAN: Sorry, your Honour, it's Mr Hall-Boman here from Brisbane.

PN515

JUSTICE ROSS: That's all right.

PN516

MR HALL-BOMAN: Just in relation to Graphic Arts Award, there was one typographical error in the revised summary of submissions. It just appears to be a cut and paste error from the previous submissions. I'd say I would just write the - put the correction in writing to your chambers, your Honour.

PN517

JUSTICE ROSS: Yes, that's fine. We'll make sure the change is made.

PN518

MR HALL-BOMAN: Thank you.

PN519

JUSTICE ROSS: Thank you for that. Nothing further, we'll adjourn until 11.

ADJOURNED INDEFINITELY

[10.40 AM]