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21 January 2016

Deputy President Bull
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.bull.dp@fwc.gov.au

Dear Deputy President,

Re. AM2014/203 Graphic Arts, Printing and Publishing Award 2010

We refer to the aforementioned matter and the correspondence sent by your chambers on 14 December 2015. It referred to a report to the Full Bench published on 8 December 2015 (Report) and contained the following direction:

*The Commission requests parties file final submissions or comment, including any further discussions that have been held between the parties which have reached a consensus position in relation to any outstanding issues with respect to the Graphic Arts, Printing and Publishing Award 2010 by 3pm **22 January 2016**.*

We write in respect of two outstanding issues in which the Australian Industry Group (Ai Group) has a significant interest:

- Issue 94 in the Report; an Ai Group claim to vary clause 25.4 of the *Graphic Arts, Printing and Publishing Award 2010* (Graphic Arts Award or Award); and
- Issue 95 in the Report; a claim by the AMWU to replace the competencies listed at Schedule C to the Award with those identified in its submissions of 23 October 2015.

Each of the above two claims can properly be characterised as substantive variations that are sought to the Award. They are not matters that have arisen from the *Exposure Draft – Graphic Arts, Printing and Publishing Award 2015*.

Amended directions were issued by the Commission on 6 May 2015 regarding all group 2 awards, requiring interested parties to file 'an outline of written submissions' and 'the scope of evidentiary material' in relation to 'any substantive claims or variations being pursued', with a subsequent opportunity to file material in reply.

In response to joint correspondence sent by Ai Group, PIAA and the AMWU on 25 June 2015, the Commission advised that the amended directions, to the extent that they applied to the Graphic Arts Award, had been set aside.

As a result, the aforementioned direction of 14 December 2015 is the first (and it appears, final) opportunity that has been afforded to the parties to file material in

respect of items 94 and 95. In addition we note that the direction does not contemplate the filing of evidence, nor does it provide parties with an opportunity to file material in reply.

Whilst Ai Group and the AMWU have participated in ongoing discussions, it appears that the above two claims remain contentious. We note the potential significance of the variations sought and the absence of any prior opportunity to file submissions or evidence regarding the claims. On this basis, we respectfully request that the above claims be the subject of separate directions that allow for:

- the filing of comprehensive written submissions and evidence in support of each of the claims;
- the filing of comprehensive written submissions and evidence in opposition to each of the claims;
- a subsequent hearing before a Full Bench of the Commission.

We understand that the AMWU does not oppose the proposed approach.

For completeness, we note that Ai Group is also seeking a variation to clause 28.5 of the Graphic Arts Award. We refer to [correspondence](#) dated 13 November 2015, which we filed in respect of *AM2014/75 Manufacturing and Associated Industries and Occupations Award 2010*. We there identified that we are seeking a variation of a similar nature in respect of four awards, including the Graphic Arts Award.

As indicated in that correspondence, we would not oppose the proposed variations to those four awards being heard together. However, we respectfully request that we be given an opportunity to identify the precise terms of the variation sought to each award and to file written submissions in support of the proposals.

Yours sincerely,



Stephen Smith
Head of National Workplace Relations Policy