

## FAIR WORK COMMISSION

**Matter No.:** AM2014/203

**Re Matter:** Review of the *Graphic Arts, Printing and Publishing Award 2010*

### COMMENTS OF FAIRFAX MEDIA IN RELATION TO REVISED SUMMARY OF SUBMISSIONS

1. These written comments are made on behalf of Fairfax Media Ltd and its subsidiaries (collectively, **Fairfax Media**) pursuant to the Statement of the Full Bench of 30 September 2015<sup>1</sup> and the directions on transcript of 7 October 2015.<sup>2</sup> They relate to the Revised Summary of Submissions (**Revised Summary**) published by the Fair Work Commission (**Commission**) on 30 September 2015 in relation to the four-yearly review of the *Graphic Arts, Printing and Publishing Award 2010* (**Award**).

#### The scope of Fairfax Media's interest

2. At this stage in the proceedings, Fairfax Media's interest in the review of the Award is largely confined to the Award's coverage of metropolitan daily newspapers. At this time, therefore, Fairfax Media's comments are directed only to item 21 of the Revised Summary. However, Fairfax Media may in future make submissions regarding other matters that touch on the Award's coverage of metropolitan daily newspapers. These issues may include proposed variations to hours of work or penalty rate provisions which vary depending on the kind of enterprise in which an employee performs work.

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<sup>1</sup> [2015] FWCFB 6662.

<sup>2</sup> Transcript of proceedings, 7 October 2015 (FWCFB, Matter No. AM2014/203) at PN474.

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## Item 21: Coverage – daily metropolitan newspapers

3. This item relates to a claim by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (**AMWU**) to vary the Award in relation to metropolitan daily newspapers.
4. In relation to the accuracy of the Revised Summary, it appears that following the Conference on 2 September 2015,<sup>3</sup> this item in fact encompasses two elements:
  - (a) a proposal to clarify that the Award covers the production of metropolitan daily newspapers (**Metropolitan Coverage Proposal**); and
  - (b) a claim by the AMWU to “*include specific metropolitan newspapers safety net terms and conditions*” (**Metropolitan Terms Proposal**).<sup>4</sup>
5. In relation to the Metropolitan Coverage Proposal, Fairfax Media considers that the Award already covers metropolitan daily newspaper printing and publishing operations. The current Award provides in clause 4.1 that it covers employers in the “*graphic arts, printing and publishing industry*” and their employees who fall within the Award’s classifications. While the definition of the “*graphic arts, printing and publishing industry*” in clause 4.9 does not make specific reference to metropolitan daily newspapers, it does include the industries, parts of industries and occupations of:
  - (a) *composing, reading, electrotyping, stereotyping, letterpress machining, lithographing, screen printing, **printing of all classes**, slug-casting or type-casting machine attending and adjusting and/or repairing;*

and

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<sup>3</sup> Transcript of proceedings, 2 September 2015 (FWC—Ross J, Matter No. AM2014/2013) at PN172–PN196.

<sup>4</sup> AMWU, Exposure Draft – Reply Submissions, 16 February 2015 at p. 4, [9]; AMWU, Exposure Draft – Summary of Part 4 Technical and drafting concerns, undated (published by the Commission on 26 August 2015) at p. 4.

(e) ***publishing.***

6. Although the Award does not refer specifically to metropolitan daily newspapers, its coverage of employers in the industries of “*printing of all classes*” and “*publishing*” appears sufficiently broad to encompass such operations. Fairfax Media therefore regards the Metropolitan Coverage Proposal as a clarification to remove a drafting ambiguity rather than a claim to substantively vary the Award, and does not oppose such a variation in principle. This position has been communicated to the AMWU, West Australian Newspapers Ltd, and other parties with an interest in this issue.
7. However, Fairfax Media reserves all of its rights in relation to the Metropolitan Terms Proposal. In this respect, it is noted that despite the directions of Justice Ross on 30 October 2014,<sup>5</sup> the AMWU is yet to indicate the actual “*specific metropolitan newspapers safety net terms and conditions*” that it seeks. As such, it is unclear whether this claim is pressed. Further, it is possible that the AMWU’s position on this issue may affect the appropriate form of variation to give effect to the Metropolitan Coverage Proposal.
8. Fairfax Media therefore considers that in relation to item 21:
  - (a) if the Metropolitan Terms Proposal is not pressed by the AMWU, the remaining issue of how the Award should be varied to clarify its coverage of metropolitan daily newspapers might well be resolved by agreement between the interested parties, potentially with the assistance of the Commission at the Conference listed for 18 November 2015; but
  - (b) if the Metropolitan Terms Proposal is pressed, then this is a substantive claim which should be referred to a Full Bench for determination.

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<sup>5</sup> [2014] FWC 7743 at [5].

9. For completeness, in relation to the accuracy of the Revised Summary, in the final column of item 21 there is a reference to “*PN188 transcript 8 September 15*”. It appears that this is a typographical error, and the transcript to which it refers is that of the Conference on 2 September 2015.

**Seyfarth Shaw Australia**  
23 October 2015