

**From:** Ruchi Bhatt [mailto:Ruchi.Bhatt@aigroup.com.au]  
**Sent:** Saturday, 19 March 2016 12:01 PM  
**To:** Chambers - Bull DP  
**Cc:** Brent Ferguson; Stephen Crawford; Julian Arndt (Julian.Arndt@ablawyers.com.au); Aaron Jones Valledor; Matt Galbraith; Elizabeth Barrett (ebarrett@nuw.org.au); Estha van der Linden  
**Subject:** RE: AM2014/214- Storage Services and Wholesale Award 2010

Dear Melissa,

We refer to the above matter and the Deputy President's direction of 15 March 2016.

### Further Written Submissions

On 22 January 2016, the Australian Industry Group (Ai Group) corresponded with the Commission in respect of a direction issued by Deputy President Bull on 7 December 2015. In that correspondence, we requested that "parties be given an opportunity to file submissions and/or comment regarding any outstanding issues once a final version of the further report to the Full Bench has been published" (emphasis added). That request was made on the basis that:

- Correspondence sent by chambers on 14 December 2015 referred to a report to the Full Bench on 7 December 2015 and directed parties to file "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 *Storage Services and Wholesale Award 2010* (Award) by 3pm 22 January 2016".
- A further conference was subsequently conducted before the Commission on 5 January 2016. Some progress was made during that conference and additional matters were resolved, whilst others remained the subject of discussions between the parties. Chambers circulated a further draft report to the Full Bench thereafter and various interested parties provided comment. A final version of this report, however, had not been published as at 22 January 2016.

In light of this, it appeared that the direction issued on 14 December 2015 was with reference to an initial report that did not represent the most recent position put by parties, nor did it reflect the outcome of the conference on 5 January 2016. Further, the final form of the further report to the Full Bench had not been published.

Whilst the request made by Ai Group was not responded to at that time, we note that an updated report to the Full Bench, reflecting discussions during the conference before the Deputy President on 5 January 2016 and submissions jointly filed by the AWU, NUW and SDA (the Unions) on 22 January 2016, was published on 15 March 2016. On that same date, a direction was issued to "provide a final update as to the status and outcome of these discussions by 4pm 22 March 2016".

Accordingly, Ai Group renews its request for an opportunity to file submissions or comment regarding any outstanding issues with respect to the Award, as identified in the report of 15 March 2016. As foreshadowed in our correspondence of 22 January 2016 and during the conference on 5 January 2016, we also seek an opportunity to file written submissions in reply to those filed by the Unions on 22 January 2016. We note that these submissions deal, in part, with substantive variations sought to the Award that are strongly opposed by Ai Group. Material in support of these claims has not previously been put by the Unions and as such Ai Group has not had an opportunity to respond to it.

For the reasons set out below, we request that we be given until **close of business on Friday, 8 April 2016** to file such submissions.

### Discussions Regarding Outstanding Issues

Discussions regarding certain substantive variations sought to the Award are continuing. However, due to Ai Group's significant involvement in the casual and part-time employment common issues case, our ability to advance these discussions has regrettably been impeded. We understand that other interested parties are also presently participating in the hearings listed before a Full Bench of the Commission, until 24 March 2016.

In light of this, Ai Group respectfully requests that the parties be given until **close of business on Friday, 8 April 2016** to comply with the Deputy President's direction of 15 March 2016. We understand that the SDA, AWU, ABI and the NSW Business Chamber do not oppose this request.

Kind regards,  
Ruchi.

**Ruchi Bhatt**  
Adviser – Workplace Relations Policy



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**From:** Chambers - Bull DP [<mailto:Chambers.Bull.DP@fwc.gov.au>]

**Sent:** Tuesday, 15 March 2016 3:55 PM

**To:** Ruchi Bhatt; 'jamil.gherjestani@nat.awu.net.au' ([jamil.gherjestani@nat.awu.net.au](mailto:jamil.gherjestani@nat.awu.net.au)); [Julian.Arndt@ablawyers.com.au](mailto:Julian.Arndt@ablawyers.com.au); [aaron.jv@afei.org.au](mailto:aaron.jv@afei.org.au); 'matt@sda.org.au' ([matt@sda.org.au](mailto:matt@sda.org.au)); Dario Mujkic <[dmujkic@nuw.org.au](mailto:dmujkic@nuw.org.au)> ([dmujkic@nuw.org.au](mailto:dmujkic@nuw.org.au)); Estha van der Linden

**Subject:** AM2014/214- Storage Services and Wholesale Award 2010

Dear Parties

I refer to the [Full Bench Report](#) for the above award, where there are 5 issues (numbers 72 through 77 of the Report) outstanding where the parties were to hold further discussions in an effort to resolve the issues.

The Commission requests parties provide a final update as to the status and outcome of these discussions by **4pm 22 March 2016**.

Kind regards,

**MELISSA PHANG**  
Associate to Deputy President Bull

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