



The Australian Industry Group
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6 March 2017

The Hon. Justice Ross, President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.ross.j@fwc.gov.au

Dear Justice Ross,

Re. AM2014/301 Public Holidays – request for extension of time

We refer to the above matter, which relates to claims made by the Australian Manufacturing Workers' Union (**AMWU**), the Health Services Union (**HSU**) and the Shop, Distributive and Allied Employees' Association (**SDA**) (together, **Unions**) to vary public holiday provisions in numerous modern awards in which the Australian Industry Group (**Ai Group**) has a significant interest.

On 27 April 2016, the Fair Work Commission (**Commission**) issued directions requiring the Unions to file material in support of their claims by 10 October 2016. Submissions and any evidence in reply is to be filed by 15 March 2017. Regrettably, Ai Group will not be in a position to file its material within the timeframe contemplated by those directions. Accordingly, we respectfully request an extension of time to do so by **close of business on Wednesday, 29 March 2017**.

We note that notwithstanding the Commission's direction to the Unions:

- The AMWU sought, and was granted, an extension of time to file its submissions by 19 October 2016. It ultimately did so on 20 October 2016. Its application for an extension of time was made on the basis of 'changes to staffing'.
- The HSU sought, and was granted, an extension of time to file its material on 15 December 2015, well after the timeframe within which it was required to file its material. The application was made on the basis of an oversight of the HSU, as a result of which it had failed to file its material in October. The HSU was subsequently directed to file its material by 19 January 2017, some three months after the deadline contemplated by the aforementioned directions.

As a result of the accommodation made for the above unions and in particular, the HSU, the period of time available to Ai Group to prepare its material in reply has been truncated significantly.

Further, as we have previously indicated, the 4 yearly review of modern awards (**Review**) has placed, and continues to place, a serious strain on our resources.



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Ai Group was involved in a very significant number of Review matters during the period of time between the date upon which the SDA filed its material and the commencement of the Christmas/New Year period in 2016, which required the filing of submissions, evidence and/or attendance at Commission proceedings, including the following:

Common Issues

- Annual Leave (AM2014/47);
- Annualised Salaries (AM2016/13);
- Casual and Part-time Employment (AM2014/196 & AM2014/197);
- Family and Domestic Violence Leave (AM2015/1);
- Payment of Wages (AM2016/8); and
- Plain Language Re-Drafting (AM2016/15).

Award Stage – technical and drafting issues & substantive claims

- *Aged Care Award 2010* (AM2014/251);
- *Air Pilots Award 2010* (AM2014/252);
- *Aircraft Cabin Crew Award 2010* (AM2014/253);
- *Airline Operations – Ground Staff Award 2010* (AM2014/254);
- *Alpine Resorts Award 2010* (AM2014/198 and AM2016/30);
- *Black Coal Mining Industry Award 2010* (AM2016/34);
- *Building and Construction General On-Site Award 2010* (AM2016/23);
- *Corrections and Detention (Private Sector) Award 2010* (AM2014/201);
- *Children’s Services Award 2010* (AM2014/263);
- *Electrical, Electronic and Communications Contracting Award 2010* (AM2014/265);
- *Graphic Arts, Printing and Publishing Award 2010* (AM2014/203);
- *Hair and Beauty Industry Award 2010* (AM2014/271);
- *Health Professionals and Support Services Award 2010* (AM2016/32);
- *Horse and Greyhound Training Award 2010* (AM2014/205);
- *Horticulture Award 2010* (AM2016/25);
- *Joinery and Building Trades Award 2010* (AM2016/23);
- *Manufacturing and Associated Industries and Occupations Award 2010* (AM2014/75);
- *Nurses Award 2010* (AM2016/32);
- *Passenger Vehicle Transportation Award 2010* (AM2014/208);
- *Plumbing and Fire Sprinklers Award 2010* (AM2014/280);
- *Racing Industry Ground Maintenance Award 2010* (AM2014/210);
- *Road Transport (Long Distance Operations) Award 2010* (AM2014/211 and AM2016/32);
- *Road Transport and Distribution Award 2010* (AM2014/212 and AM2016/32);
- *Seafood Processing Award 2010* (AM2014/213);
- *Social, Community, Home Care and Disability Services Award 2010* (AM2014/265);
- *Storage Services and Wholesale Award 2010* (AM2014/214);
- *Transport (Cash in Transit) Award 2010* (AM2014/215);



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- *Vehicle Manufacturing, Repair, Services and Retail Award 2010* (AM2014/93); and
- *Waste Management Award 2010* (AM2014/216).

Ai Group has also participated in several Review matters since the commencement of this year. In particular:

- 13 January 2017: we filed submissions in support of variations sought to the *Road Transport and Distribution Award 2010* (AM2016/32).
- 16 January 2017: we filed submissions in relation to several revised group 4A – 4C exposure drafts.
- 16 January 2017: we attended Commission proceedings regarding the blood and bone marrow leave common issues (AM2016/36).
- 18 January 2017: we filed submissions in relation to several group 4D – 4F exposure drafts.
- 23 January 2017: we attended Commission proceedings regarding the plain language re-drafting of the ‘standard clauses’ (AM2016/15).
- 23 January 2017: we attended Commission proceedings regarding the *Electrical, Electronic and Communications Contracting Award 2010* (AM2014/265).
- 2 February 2017: we attended Commission proceedings regarding the *Airline Operations – Ground Staff Award 2010* (AM2014/254).
- 3 February 2017: we filed submissions in relation to the *Exposure Draft – Wine Industry Award 2016* (AM2014/249).
- 6 February 2017: we attended Commission proceedings regarding the *Social, Community, Home Care and Disability Services Award 2010* (AM2014/285).
- 6 February 2016: we attended Commission proceedings regarding the *Aged Care Award 2010* (AM2014/251).
- 7 February 2017: we attended Commission proceedings regarding the *Children’s Services Award 2010* (AM2014/263).
- 7 February 2017: we attended Commission proceedings regarding the *Aged Care Award 2010* and the *Social, Community, Home Care and Disability Services Award 2010* (AM2014/251 and AM2014/285).
- 9 February 2017: we filed submissions in reply in relation to the payment of wages common issues (AM2016/8).
- 9 February 2017: we attended Commission proceedings regarding the *Air Pilots Award 2010* (AM2014/252) and the *Aircraft Cabin Crew Award 2010* (AM2014/253).
- 22 February 2017: we filed submissions in reply in relation to several group 4D – 4F exposure drafts.
- 28 February 2017: we filed submissions in relation to the plain language re-draft of the *Clerks – Private Sector Award 2010* (AM2016/15).
- 28 February 2017: we attended Commission proceedings in relation to the *Airline Operations – Ground Staff Award 2010* (AM2014/254).
- 28 February 2017: we attended Commission proceedings in relation to the *Electrical, Electronic and Communications Contracting Award 2010* (AM2014/265).



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- 3 March 2017: we filed submissions in reply to various changes sought to the *Road Transport and Distribution Award 2010* and the *Road Transport (Long Distance Operations) Award 2010* (AM2016/32).
- 3 March 2017: we attended Commission proceedings regarding the *Road Transport and Distribution Award 2010* and the *Road Transport (Long Distance Operations) Award 2010* (AM2016/32).
- 6 – 10 March 2017: we will attend Commission proceedings regarding the *Road Transport and Distribution Award 2010* and the *Road Transport (Long Distance Operations) Award 2010* (AM2016/32).
- 7 March 2017: we will attend Commission proceedings regarding the *Health Professionals and Support Services Award 2010* and the *Nurses Award 2010* (AM2016/31).
- 8 March 2017: we intend to file submissions regarding the *Exposure Draft – Electrical, Electronic and Communications Contracting Award 2010* (AM2014/265).
- 10 March 2017: we intend to file submissions in reply in relation to the construction industry awards (AM2016/23).
- 14 March 2017: we will attend Commission proceedings regarding the *Manufacturing and Associated Industries and Occupations Award 2010* (AM2014/75).

Due to our significant involvement in numerous concurrent matters in this Review, we are unable to comply with the Commission's directions in this matter. In requesting an extension of two weeks to file our material, we note that we will again be involved in multiple Commission proceedings in the intervening period.

We do not consider that the grant of the extension of time sought would cause prejudice to the Unions or other interested parties. This is particularly so as the Commission's directions do not require the Unions to file any further material, nor has the matter been set down for hearing. We note that the matter is listed for mention before Vice President Hatcher on 22 March 2017. If the extension of time we seek is granted, we respectfully suggest that the mention be rescheduled such that it is listed after Ai Group files its material in reply to the Unions' claims.

We thank the Commission for giving consideration to our request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Smith'.

Stephen Smith
Head of National Workplace Relations Policy

Cc: Vice President Hatcher (by email: chambers.hatcher.vp@fwc.gov.au)