

From: Chambers - Hatcher VP
Sent: Wednesday, 26 April 2017 4:36 PM
To: Karen Van Gorp; rachell@hsu.net.au; Katie Biddlestone; Kate Thomson; 'Jessica Light'; Jacki Baulch; Sharlene Wellard; Scott Harris; Leigh Svendsen; Chris Klepper (Business SA); Karen Van Gorp; AMOD
Subject: RE: AM2016/15 - Plain Language - Pharmacy Industry Award - Directions

Dear Ms van Gorp,

I note your email below and that Business SA will provide a response to the Commission by close of business 27 April 2017.

Kind regards,

Ingrid Stear
Relief Associate to Vice President Hatcher

Fair Work Commission
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From: Karen van Gorp (Business SA) [<mailto:karenv@business-sa.com>]
Sent: Wednesday, 26 April 2017 3:58 PM
To: chambers.hatcher.vp@air.gov.au
Cc: rachell@hsu.net.au; Katie Biddlestone; Kate Thomson; 'Jessica Light'; Jacki Baulch; Sharlene Wellard; Scott Harris; Leigh Svendsen; Chris Klepper (Business SA); Karen Van Gorp; AMOD
Subject: AM2016/15 - Plain Language - Pharmacy Industry Award - Directions

Dear Associate

Further to a hearing regarding this matter held on 18 April 2017, your directions by email to regarding the Pharmacy Industry Award Plain Language Pilot and specifically point 1, Business SA intends to provide a brief written submission with respect to this issue.

Business SA humbly apologises for not attending the 18 April Hearing for AM2016/15 – *Pharmacy Industry Award 2010*. Ultimately Business SA could not attend due to limited resources. We considered the impact our non-attendance would have on discussions and the position of other parties. We believed non-attendance would not prejudice the parties, particularly given our lack of involvement with the redrafted overtime provisions matter previously.

Business SA understood the purpose of the Hearing was to discuss a draft **determination of the Shop, Distributive and Allied Employees' Association ('SDA'), as amended** in consultation with the plain language expert. This understanding is based on paragraphs [80] and [81] of the Full Bench decision

of [2017] FWCFB 1612 ('the Decision'). Paragraph [81] stated: 'A conference will be held before Vice President Hatcher to provide interested parties with the opportunity to comment on the proposed overtime clause set out at paragraph [80].' Subsequently, a number of emails were circulated between the parties to determine an appropriate date for this conference, including one from the Commission on 7 April 2017 referring specifically to this matter. The result of these emails was a proposal to discuss paragraphs [80] and [81] of the Decision after 4.15pm on either 18 April or 19 April 2017. Following these directions Business SA indicated to parties that our preference would be for 19 April. However, we were still operating on the understanding that the only matter for discussion was the draft determination detailed in paragraphs [80] to [81] of the Decision.

With regard to point 1 of the Commission's directions, issued 18 April 2017 at 5.24pm, Business SA has concerns regarding the interpretation of the on-hire provisions following the question of the Full Bench at [77] of the 20th January 2017 Full Bench decision and requests an extension of time to provide our submission having reviewed the transcript this morning and discussed this matter with other interested parties.

We believe we will be in a position to respond by COB 27 April 2017.

I note also that when Business SA representation was returned to this email group my email was inadvertently missed and ask that the Commissions records be amended to include it in future correspondence.

Yours sincerely



Karen van Gorp
Senior Policy Adviser

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