



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
PO Box 289  
North Sydney NSW 2059  
Australia  
ABN 76 369 958 788

3 August 2016

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

Dear Justice Ross,

**Re. AM2016/8 Payment of wages – draft directions**

We refer to the above matter and a statement issued by the Commission on 2 August 2016 ([2016] FWCFB 5254). Pursuant to paragraph [27] of that statement, we write in respect of the draft directions proposed by the Full Bench.

The first direction requires parties seeking to vary the payment of wages term in any modern award to file written submissions and any supporting evidence by 4.00pm on 15 September 2016. The Australian Industry Group (Ai Group) has proposed variations to:

- Nine modern awards in respect of the payment of wages on termination; and
- Three modern awards in respect of the annual leave loading payable.

Ai Group has a significant interest in the ACTU's family and domestic violence leave common claim (AM2015/1). Comprehensive written submissions and evidence in opposition to that claim are also due by 15 September 2016. In light of the significance and scope of those proceedings, we anticipate that we may not be in a position to comply with a concurrent requirement to file material in support of the aforementioned claims.

Accordingly, we respectfully request that the draft directions proposed be amended such that parties seeking to vary the payment of wages term in any modern award be required to file written submissions and any supporting evidence **by 4.00pm on 20 September 2016**.

We thank the Commission for affording the parties with an opportunity to comment on the draft directions.

Yours sincerely,

**Stephen Smith**  
Head of National Workplace Relations Policy