



Ai GROUP WORKPLACE LAWYERS

51 Walker Street
North Sydney NSW 2060
Australia

Ai Group Legal Unit Trust ABN 68 671 268 671

26 February 2018

Vice President Catanzariti
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.catanzariti.vp@fwc.gov.au

Dear Vice President,

RE: AM2017/40 Penalty Rates – Hair and Beauty Industry Award 2010 – request for extension of time

I refer to the above matter and confirm that Ai Group Workplace Lawyers (**AIGWL**) represents Hair and Beauty Australia (**HABA**) in these proceedings. In response to paragraphs 2059 to 2062 of the Penalty Rates Decision¹, HABA is seeking to assist the Fair Work Commission to complete the review of the penalty rate provisions contained in the *Hair and Beauty Industry Award 2010* by acting as the proponent of a change to such provisions.

On 4 October 2017, the Fair Work Commission (**Commission**) issued directions that require HABA to file comprehensive written submissions and any evidence upon which it seeks to rely by close of business on 28 February 2018. Liberty to apply for a variation to these directions was afforded to all parties.

Regrettably, despite our best efforts, we will not be in a position to file the submissions and evidence in accordance with the aforementioned directions. This is primarily due to:

- The Australian Industry Group's significant involvement in numerous award review proceedings since the issue of the directions, including:
 - AM2015/1 Family and Domestic Violence Leave;
 - AM2015/2 Family Friendly Work Arrangements;
 - AM2016/197 Casual Employment;
 - AM2016/196 Part-time Employment;
 - AM2016/15 Plain Language Redrafting – Standard Clauses;
 - AM2016/15 Plain Language Redrafting – Clerks – Private Sector Award 2010;
 - AM2016/15 Plain Language Redrafting – Cleaning Services Award 2010;
 - AM2016/8 Payment of Wages;
 - AM2014/190 District Allowances;
 - AM2017/50 Hair and Beauty Industry Award 2010;
 - AM2016/23 Construction Industry Awards; and
 - Group 3 Exposure Drafts.
- The unavailability of certain key AIGWL personnel, HABA personnel and witnesses during the Christmas/New Year period.

Accordingly, we respectfully request an extension of time to file submissions and evidence in support of HABA's proposed changes until **close of business on 14 March 2018**.

We understand that the SDA and AWU will be involved in these proceedings and that neither party is opposed to the extension request. Although, the SDA requests that the

¹ [2017] FWCFB 1001

date for filing material in opposition to the proposed variation be amended to **6 June 2018**. HABA does not oppose this request given it will address any alleged prejudice that they might otherwise suffer.

If these changes are made to the directions it is proposed that the date for employer material in reply be amended to **2 July 2018**. We also respectfully suggest that the mention currently listed for **5 May 2018** be vacated and relisted on a date in the week commencing **11 June 2018**, subject to the Commission's availability.

Should the Commission not be minded to grant our request for an extension of time, we respectfully request that the matter be called on for mention such that we may be heard further in relation to the issue.

For convenience, we have attached draft amended directions.

We thank the Commission for its consideration of our request.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brent Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brent Ferguson
Special Counsel

