

22 April 2020

**VIA E-MAIL**

Associate to Vice President Hatcher  
Fair Work Commission  
80 William Street  
East Sydney NSW 2011

Dear Associate

**AM2018/24 - Journalists Published Media Award 2010**

As previously advised, we are instructed to act for and on behalf of Rural Press Pty Limited (**Rural Press**) in relation to the ongoing review of the *Journalists Published Media Award 2010* (**Award**).

We refer to the decision of the Full Bench in November 2019 to amend clause 21.4 of the Award.<sup>1</sup> Specifically, and for ease of reference, the amendment which the Commission determined to introduce has the effect that employees employed by country non-daily newspapers who are rostered or required to perform (and do perform) ordinary hours of work on a shift the greater part of which falls between midnight Friday and midnight Sunday will be entitled to receive an additional penalty rate equivalent to 10% of their ordinary rate of pay for that shift. That amendment is currently scheduled to take effect from November 2020.

In light of the unforeseen and unprecedented challenges arising as a result of the COVID-19 pandemic, Rural Press respectfully requests an opportunity to file further evidence and submissions on behalf of the various subsidiaries forming part of the Australian Community Media group (**ACM**), in support of an application to defer the proposed effective date of the amendments to clause 21.4 of the Award. Rural Press anticipates that the current extraordinary circumstances relating to COVID-19 will continue to have significant and ongoing financial impacts on members of the ACM group until at least March 2021. In those circumstances, Rural Press supports the position set out in correspondence from Dailymail.com Australia (**DMA**) on 20 April 2020 seeking an extension to the commencement of various amendments until 1 March 2021, and respectfully requests that the Commission also consider deferring the effective date of the amendments to clause 21.4 until a date not before 1 March 2021.

Should the Commission be minded to grant Rural Press an opportunity to file further submissions and evidence in support of an application to defer the commencement date of the amendments to clause 21.4, we expect that those materials would deal with the serious financial impacts of COVID-19 on Rural Press and members of the ACM group, and the financial pressures which would arise should the amendments to clause 21.4 take effect from November 2020. In the event that Rural Press is provided an opportunity to file further materials to address these issues, we anticipate our client would be in a position to do so within three weeks of permission being granted.

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<sup>1</sup> [2019] FWCFB 7603 at [65].

Rural Press would not oppose other interested parties having an opportunity to respond to Rural Press' further materials, nor would it oppose the matter being listed for a further hearing at a time convenient to the Commission to deal with these issues.

Yours faithfully



Darren Perry  
Partner

SEYFARTH SHAW AUSTRALIA