

**From:** Michael Nguyen [<mailto:michael.nguyen@amwu.asn.au>]  
**Sent:** Friday, 24 March 2017 10:45 AM  
**To:** 'Melissa D'Avoine'; Chambers - Gostencnik DP; 'dperry@seyfarth.com'  
**Subject:** RE: AM2016/33 Graphic Arts, Printing and Publishing Award 2010

Dear Associate to Deputy President

Given the West Australian News opposition to the variation, the union respectfully provides some further submissions in support of the variation to the directions.

The AMWU seeks the variation to the directions because there has been a sudden change in the staffing at the AMWU National Research Centre, with the officer formerly responsible no longer working for the organisation.

I have just taken over carriage of this matter and require time to get across the file, confirm instructions and finalise submissions.

The AMWU is the only organisation representing employees with a history and interest in the metropolitan newspapers.

The 4 yearly review of modern awards is a public process conducted by the Commission taking into account submission from interested parties. The modern award system is not confined to parties as awards had been in the past. The Commission in the performance of its functions under Part 2-3 is not confined to proposals put by the parties (confirmed in the 4 yearly review annual leave decision). The responsibility for the modern award system rests solely with the Commission.

The Commission has already determined that the modern award system should in principle cover employees working on metropolitan newspapers.

[https://www.fwc.gov.au/documents/decisionsigned/html/2016fwcfb7254.htm#P642\\_55823](https://www.fwc.gov.au/documents/decisionsigned/html/2016fwcfb7254.htm#P642_55823)

*“[96] We consider that the first three issues identified above are substantive issues which should be referred to a separately constituted Full Bench for hearing and determination. In relation to the fourth issue, we accept in principle that it should be made clear that the Award’s coverage extends to metropolitan daily newspapers. However that change or clarification of coverage may require consequential changes to various other provisions of the Award having regard to the terms of the pre-2009 industrial instruments which applied. A number of parties have adverted to the need for this wider consideration to arise. Accordingly we will also refer this issue to the separately constituted Full Bench for finalisation.” (emphasis added)*

Taking this into account, the public process conducted by the Commission should aim to receive as many fully prepared views as possible from interested parties. In this context, directions should become a strict technicality that may mute or hinder the provision of properly resourced submissions which may assist the Commission in the performance of its functions under Part 2-3 Division 4 – 4 yearly reviews of modern awards.

Further, with no formal strict deadline for the conclusion of the 4 yearly review approaching, and with the informal deadline of December 2017 still some time away, there should be a priority put on receiving into the inquiry as much information and view points as possible for consideration by the Commission.

The variations proposed by the AMWU do not unduly lengthen or cause for the proceedings to be any more resource intensive, as no other party has as yet devoted any time or resources to this particular matter.

The variations proposed by the AMWU will ensure that there is a fair and just proceeding that it is also quick, informal and avoids unnecessary technicalities which are obligations under s.577 of the Fair Work Act.

Without a variation to the directions the AMWU would be significantly disadvantaged in the preparation of its submissions to assist the Commission in its independent function of maintaining the modern awards system.

The West Australian News position would mean that there would be unfairness between the parties in their respective abilities to put forward their views to the Commission, but most importantly, it would deprive the Commission of the properly resourced view of the only organisation representing print employees with an interest in the metropolitan newspaper industry and the printing industry more broadly.

Regards

Michael Nguyen  
Research Officer  
**Australian Manufacturing Workers' Union**