

14 August 2014

The Associate to His Honour President Ross
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

By email: amod@fwc.gov.au

Dear Associate

Re: 4 yearly Review Pharmacy Industry Award 2010
Our Ref: 2008724

We act for the Pharmacy Guild of Australia (PGA) and the Australian Hotels Association (AHA).

As noted in the Statement ([2014] FWC 4437) the PGA has foreshadowed raising penalty rates as an issue in relation to the *Pharmacy Industry Award 2010* (at [15]). The *Pharmacy Industry Award 2010* is to be reviewed in Group 2, commencing with a conference in September.

The other awards where penalty rates are likely to be a contested issue are in Group 4. As noted in the Statement this will allow time for interested parties to gather evidence to support their claims (at [14]).

The PGA, AHA, the Australian Retailers Association (ARA) and the Australian Chamber of Commerce and Industry (ACCI), have jointly commissioned research to assist the Commission to determine penalty rate claims.


To allow sufficient time for that research report to be prepared and for the PGA and other interested parties to prepare their evidence, the PGA (supported by the AHA, the ARA and ACCI), respectfully request that the penalty rates issue (and that issue alone) in the *Pharmacy Industry Award 2010* be dealt with at the same time as the penalty rates issue is dealt with in Group 4.

We submit that the penalty rates issues will be dealt with efficiently if any common research, including the PGA / AHA / ARA / ACCI research, is presented to the Commission on one occasion rather than repeatedly in award specific hearings. Award specific hearings will only be necessary for the adducing of industry specific evidence.

Having regard to the fact that awards will not be taken to be reviewed until all common issues are finalised, having the penalty rates issues all dealt with in Group 4 will not delay the finalisation of the *Pharmacy Industry Award 2010*.

It would assist to have this matter resolved in advance of the Group 2 consultation.

Yours sincerely


Principal: Sharlene Wellard
Direct line: (02) 9018 9939
Email: swellard@meridianlawyers.com.au

ML2012-7-247768