



17 July 2017

ABN 76 008 556 595

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Suite 402, Level 4,
Watt Street Commercial Centre,
Corner King and Watt Streets,
NEWCASTLE NSW 2300

BY EMAIL chambers.ross.j@fwc.gov.au

PO Box 481
Newcastle NSW 2300
DX 7858, Newcastle

The Associate to the Hon. Justice Ross
President
Fair Work Commission

t: 1300 565 846
f: +61 2 9954 5029
ablawyers.com.au

Dear Associate

AM2016/28 PHARMACY INDUSTRY AWARD

We write on behalf of our clients, Australian Business Industrial and the NSW Business Chamber Ltd, in relation to the Statement of the Full Bench dated 5 July 2017 ([2017] FWCFB 3570) and its Decision dated 21 June 2017 ([2017] FWCFB 3337) (**Decision**).

Our clients support the provisional conclusion expressed by the Full Bench at [9] of the Decision; that is, clause 4.3(a) of the Exposure Draft does not operate in such a way as to bring a pharmacy business under the coverage of the *Pharmacy Industry Award* merely by virtue of the fact it is supplied with on-hire labour by an on-hire employer.

Our clients filed submissions dated 9 May 2017 in response to the question posed by the Full Bench in its Decision of 20 January 2017 [2017] FWCFB 344 at [77], which concerned the current *Pharmacy Industry Award 2010* provision. To the extent that any ambiguity arose from the provision in the current Award, we consider the revised Exposure Draft to resolve any such ambiguity with respect to the intended effect of this provision.

Our clients do not oppose the amendments proposed by the Full Bench at [13] and [14] (relating to the Broken Hill Allowance), and [15] (relating to personal/carer's leave) of the Decision.

Our clients do not wish to make any submission or to otherwise comment on the definition of 'township' discussed at paragraphs [11] and [12] of the Decision.

If you have any questions, please contact Kate Thomson on (02) 4989 1003.

Yours sincerely

Nigel Ward
CEO + Director
Australian Business Lawyers & Advisors
(02) 9458 7286
nigel.ward@ablawyers.com.au

Kate Thomson
Lawyer
Australian Business Lawyers & Advisors
(02) 4989 1003
kate.thomson@ablawyers.com.au

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