

*Building on a Century of Service*  
1908-2008



Shop, Distributive & Allied Employees' Association

REGISTERED OFFICE: SIXTH FLOOR, 53 QUEEN STREET, MELBOURNE 3000 TELEPHONE: (03) 8611 7000 FAX: (03) 8611 7099 E-MAIL: general@sda.org.au  
ABN 99 789 302 470

**NATIONAL PRESIDENT**  
Gerard Dwyer

**NATIONAL SECRETARY**  
Joe de Bruyn

JdB/al  
Friday 9<sup>th</sup> April, 2010

Vice President Watson  
Fair Work Australia  
Level 8, 80 Williams Street  
East Sydney 2010

Dear Vice President,

**Re: AM 2010/44**

The SDA has become aware of the above matter which was filed with FWA on the 7<sup>th</sup> April, 2010, but was signed by the applicant on the 10<sup>th</sup> March 2010.

Currently there are four other applications namely, AM2010/16, AM2010/17, AM2010/36 and AM2010/39, dealing with substantially the same matter. The SDA is concerned that further applications may be made which will undermine the procedural fairness.

The SDA has previously raised similar concerns when an additional application dealing with the same issue is made, once a proper timetable for dealing with the issue has been established.

The SDA is conscious that this is a new process for all parties, including FWA, but an abuse of the process should be discouraged so that matters can be addressed appropriately in a considered manner.

The SDA would request that directions be issued that any material in support are to be made by the 15<sup>th</sup> April.

If other applications are made then the SDA may be seeking guidance from FWA, to ensure that procedural fairness is maintained.

If you have any queries please contact Sue Anne Burnley at the National Office.

Yours faithfully,

A handwritten signature in blue ink that reads 'J. de Bruyn'.

**JOE DE BRUYN**  
**National Secretary - Treasurer**

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SAB:dw  
Friday 9<sup>th</sup> April, 2010

Vice President Watson  
Fair Work Australia  
Level 8, 80 Williams Street  
East Sydney 2010

Dear Vice President,

**Re: AM 2010/39**

The SDA has reviewed the directions in the above matter, which have now been issued.

These directions have parties supporting the application filing written outlines of submissions and witness statements by the 16<sup>th</sup> March, 2010 and parties opposing the application filing their material on the 22<sup>nd</sup> March, 2010.

The SDA has concerns over the timeframe and seeks this opportunity to express these concerns in advance of events happening, as a courtesy to FWA.

Our concerns are that there could be substantial material filed by parties in support by the 16<sup>th</sup> March. This material will only be available late on the 16<sup>th</sup> March or if the material is filed close to 5pm then they will not be available until the 19<sup>th</sup> April. Under either of these scenarios the SDA could be in a position of being prejudiced by not having sufficient time to prepare material in response by the 22<sup>nd</sup> April, 2010.

At this time the SDA can only wait for the material to be filed, and then make an evaluation of it at that time. Following this evaluation the SDA may then seek an extension of time for filing or other action so that we are not prejudiced in the proceedings.

If you have any queries please contact Sue Anne Burnley at the National Office.

Yours faithfully,

A handwritten signature in blue ink that reads 'J. de Bruyn'.

**JOE DE BRUYN**  
National Secretary - Treasurer