

4 December 2014

PENALTY RATES

**REVIEW OF THE PHARMACY INDUSTRY AWARD 2010 [MA 000012] (GROUP 2B)
AM 2014/209**

We act for the Pharmacy Guild of Australia (The Guild)

We refer to the Statement issued on 28 November 2014 ([2014] FWC 8575) and the directions set out at paragraph 7.

Set out below, we address:

- The nature of the changes sought
- The estimate of the extent of witness evidence and common evidence
- Number of hearing days
- Programing

Nature and scope of the changes sought

We are still in the process of gathering evidence which will determine the full scope of the changes The Guild may seek. The Guild is seeking a decrease in the penalty rate payable on weekends and on public holidays.

Evidence

For efficiency reasons, we submit that the evidence and submissions that is common to all or most penalty rates claims should be dealt with at the same time in a common hearing.

The common matters include evidence and submissions that go to:

- A review of current ABS data and other commissioned and available research dealing with weekend work and non-work activities.
- Current consumer needs and demands of service sector industries
- Modern consideration of the reason for penalty rates (having regard to their initial inclusion as a disincentive to employment on at those times)
- The appropriateness of the quantum of the public holiday penalty rate having regard to the operation of section 114 of the Fair Work Act

ML2012-7-270274

SYDNEY MELBOURNE NEWCASTLE BRISBANE

We estimate calling approximately 50 industry witnesses. Industry specific evidence could be dealt with separately (following the common hearing dates), potentially by a single member.

Number of Hearing Days

We estimate approximately 5-8 days of common evidence and approximately 5 -8 days of specific community pharmacy evidence (depending upon whether witnesses are required for cross examination).

Programing

We anticipate being in a position to file a draft determination in late March 2015 and submissions and evidence in late June 2015. It would be appropriate for the opposing interests to file evidence by late August. Allowing then for some time to review the evidence, we submit that the matter can be heard at a time convenient to the Commission in October 2015.

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