

From: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>

Sent: Monday, 20 April 2020 2:34 PM

To: Dudley, Ben <BDudley@seyfarth.com>

Cc: Noakes, Philippa <PNoakes@seyfarth.com>; Perry, Darren <DPerry@seyfarth.com>;

'matthew.chesher@meaa.org' <matthew.chesher@meaa.org>; Crilly, Stephen <SCrilly@seyfarth.com>;

AMOD <AMOD@fwc.gov.au>

Subject: RE: AM2018/24 - Review of Journalists Published Media Award 2010

Dear Mr Dudley,

Should the opportunity for filing further submissions and evidence be granted, please advise the date of operation Dailymail.com Australia would intend to seek.

Kind regards,

Elise Delpiano

Associate to Vice President Hatcher

Fair Work Commission

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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past present and emerging.



20 April 2020

www.seyfarth.com

BY EMAIL

Associate to Vice President Hatcher
Fair Work Commission
80 William Street
East Sydney NSW 2011

Dear Associate

AM2018/24 - Journalists Published Media Award 2010

As you know, we act for Dailymail.com Australia (**DMA**) in relation to the review of the above award.

1 Request for further submissions regarding technical and drafting matters

We refer to the decision of the Full Bench on 30 March 2020 ([2020] FWCFB 1695) and the Full Bench's invitation therein to the parties to make further submissions regarding technical and drafting matters by 20 April 2020. We confirm that our client does not have any further submissions regarding any technical and drafting matters relating to the proposed changes referred to in that decision.

2 Request for opportunity to make further submissions regarding the effective date of the application of Part 5 to online-only publications

DMA is conscious that the Full Bench determined, in November 2019¹, that Part 5 of the *Journalists Published Media Award 2010 (Award)* should apply to online-only publications with effect from 12 months after the date of that decision - that is, November 2020.

However, the Commission would be well aware of the many issues now confronting employers (including DMA) as a result of the impact of the COVID-19 pandemic over recent weeks and months and governmental initiatives to address the pandemic. DMA expects the situation to impact on DMA's business for at least the next 6 months. Those issues were obviously not apparent to the interested parties at the time that they made submissions in relation to the review of the Award, or to the Full Bench at the time the decision was made to vary the Award.

With that in mind, DMA respectfully requests that it be given the opportunity to file further submissions and evidence addressing the impact of the COVID-19 pandemic on DMA and the additional time that DMA will need to be able to reconfigure its systems and processes to address the changes to the Award. We expect that the matters that DMA would address in such submission and evidence would include:

- the significant negative financial impact of the COVID-19 pandemic on DMA; and

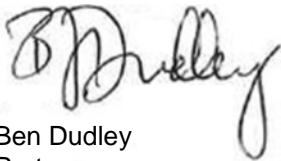
¹ See [2019] FWCFB 7603

- the additional logistical barriers to implementing and testing the necessary system and process changes (including because many staff are working remotely and because many resources have been diverted to dealing with the impact of COVID-19 on the business and its workforce).

While steps have been taken by DMA to comply with the Full Bench's decision on 20 November 2019, in the current extraordinary circumstances, our client respectfully requests the opportunity to put further material before the Full Bench in support of an extension to the date by which Part 5 of the Award would apply to online-only publications.

DMA would not require significant additional time, and expects it would be able to file such further submissions and evidence within three (3) weeks of being advised that it has the opportunity to do so. DMA would, of course, not object to other interested parties having an opportunity to respond to that material or to having a further hearing.

Yours faithfully



Ben Dudley
Partner

SEYFARTH SHAW AUSTRALIA