

From: Chambers - Gostencnik DP [Chambers.Gostencnik.DP@fwc.gov.au]
Sent: Thursday, 9 February 2023 9:41 AM
To: Grace Morgan-Cocks [gmorgancocks@raffwu.org.au]
CC: Josh Cullinan [jcullinan@raffwu.org.au]; Amber Sharp [asharp@mccullough.com.au]; Kerry O'Brien [kobrien@mccullough.com.au]; 'kanemurtagh@icloud.com' [kanemurtagh@icloud.com]
Subject: RE: AG2022/5615 - Application by Gusset

OFFICIAL

Good morning,

The Deputy President has been satisfied that there is opposition to the termination application by employees covered by the Agreement.

He intends to notify Acting President Hatcher and, accordingly, the Directions issued 25 January 2023 are **vacated**.

Kind regards,

Ellen Roberts

Associate to Deputy President Gostencnik



Fair Work Commission

Australia's national workplace relations tribunal

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

This email was sent from Wurundjeri Woi Wurrung Country.

From: Grace Morgan-Cocks <gmorgancocks@raffwu.org.au>

Sent: Thursday, 9 February 2023 9:15 AM

To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>

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Subject: AG2022/5615 - Application by Gusset

Dear Associate

We refer to the above matter and the mention held on 3 February 2023.

We understand from the discussion in the Commission that there had been some preliminary indication from some individuals that they were opposed to the present application, and that subject to those individuals being confirmed to be employees covered by the *Apple Retail Enterprise Agreement 2014*, the Commission intended to vacate the Orders made in this proceeding on 25 January 2023 and refer the matter to a Full Bench for directions, pursuant to s 615A of the Act.

We are writing to enquire if the Commission has confirmed whether any of the relevant individuals are covered employees, and whether in that case it still intends to vacate the Orders of 25 January 2023, including the Orders that the Applicant file any evidence and submissions on 15 February 2023. Could you please confirm the Commission's position in this respect?

Thank you for your assistance. We have copied the other parties to this email.

Kind regards

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