

**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]  
**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:** 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

Grace Morgan-Cocks  
National Legal Officer  
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