

THE SHOP, DISTRIBUTIVE & ALLIED EMPLOYEES' ASSOCIATION (QLD BRANCH)

The national union representing workers in Retail Sales, Retail Distribution Centres, Fast Food Sales, Retail Hardware Sales, Retail Alcohol and Petrol Console Sales.



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The SDA News is edited by State Secretary, Chris Gazenbeek

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WORKING FOR YOU

Over the Christmas period, I was encouraged to read a McKell Institute Report concerning shop trading hours deregulation in Queensland which was written after the recent increase to shop trading hours. For members' benefit, the McKell Institute is an independent, not-for-profit, public policy institute dedicated to developing practical policy ideas and contributing to public debate.

The 21 page Report acknowledged that the retail industry is changing via automation, online shopping and the onset of multinational retail companies coming to Australia. It also looked at balancing the interests of small and large retailers; and between retail workers and consumers.

The comprehensive report systematically debunked many of the claims made by proponents of deregulation such as the National Retail Association and argues that the Queensland Government must not deregulate shop trading hours entirely, or risk putting some of our lowest paid workers and some of our smallest businesses under greater pressure.

The Report looked at the facts and existing literature surrounding retail trading hours deregulation and found that many of the arguments posed by large retailers and proponents of deregulation to be either misleading or based on false presumptions.

In closing, the Report concluded that policymakers must ask themselves whether, 'is it worth giving up the protection of retail workers to have a few days off per year with other Australians, or to not work regular unsocial hours, just for the convenience of a minority of consumers? We believe it is not'.

There is no doubt that if you have \$100 in your purse or wallet, you can only spend it once. Members continually tell me that customers say the same thing. Whether they fill their shopping basket at 8am or 8pm, they can only spend their money once and can only eat so many loaves of bread or use so many tubes of toothpaste.

Deregulation of shop trading hours is not the panacea for the retail industry as the NRA would have us believe!

Penalty rates decision

The SDA is deeply disappointed by the Fair Work Commission's decision to cut Sunday and public holiday penalty rates for retail and fast food workers covered by the Award. It is important to note that the vast majority of SDA members are covered by an SDA-

negotiated Agreement - this means the FWC's decision will not immediately impact your take home pay. However, it will make it more difficult to negotiate around penalty rates in new SDA-negotiated Agreements in the future.

Rest assured, the SDA will, as always, continue to protect your take-home pay and argue the importance of fair compensation for working on Sundays and public holidays when we sit down to negotiate a new Agreement with your employer.

The FWC decision is devastating for workers and their families – and Malcolm Turnbull and the Liberals are doing nothing to protect the take-home pay of workers. It is an outrage that the Turnbull Government has sat on its hands as employer groups have fought to cut penalty rates – it can't sit by and allow penalty rates to disappear.

Take action now, and call on Malcolm Turnbull and the Liberal Party to protect penalty rates and sign up to the campaign at www.protectpenaltyrates.org.au

Christmas Eve public holiday

I have been very pleased with members' response to Easter Sunday becoming legislated as a public holiday from 2017. Throughout 2016, the SDA lobbied the state government with great success. We fought hard and we won.

In 2017, we have already upped the ante regarding Christmas Eve becoming a public holiday after 6pm. I am personally committed to continue lobbying the State Government so that our members can enjoy the same Christmas Eve benefit as our South Australian and Northern Territory members.

SDA competitions

Once again the SDA is running the ever popular NRL, AFL and Netball competitions and secondly, we are supporting members and their families by conducting the first draw of the primary, secondary and tertiary scholarship program.

I know parents will welcome the opportunity to win a scholarship particularly after the federal government scrapped the school students' bonus scheme from 2017.

Entries for both competitions can be found in the pages of this publication.

Good luck!

In this issue: | *#noexcuseforabuse, car park safety and a mortality fund update!*

YOUR FEES AT WORK

Justin Power
SDA Assistant Secretary



Access to Industrial Advocates

Whilst there are a number of benefits from union membership, one of the most important aspects of membership is the benefit of having access to industrial advocates.

The SDA Queensland Branch has three full-time experienced Industrial Officers, namely Darryn Gaffy, Stephanie Purton and David Kerr. They work on a variety of issues and gain benefits or entitlements on behalf of the members.

When issues cannot be resolved at a workplace level, the Industrial Officers become involved and as such, are an integral part of the disputes or grievance procedure.

Industrial officers conducted investigations or actions for 286 matters resulting in gross gains for members in the vicinity of \$156,272 dollars for the year ending 31 December 2016.

A significant proportion of the matters were Officers being heavily involved in terminations which invariably resulted in reinstatements or settlements. There were 73 such matters of which many were reinstated and others received agreed payouts totalling \$62,025. Wage disputes were also significant and Officers were able to settle 37 claims totalling \$13,697 in member payments. Additionally, Officers were able to gain monetary benefits in various other miscellaneous issues totalling \$33,463.

Industrial officers handle a variety of matters which may not necessarily have monetary significance but certainly impact or affect members' work/life balance. Leave and rostering issues whilst not necessarily resulting in a payment sometimes require industrial advocacy to settle rosters or gain leave entitlements. Our officers were involved in 58 rostering and leave related issues with a substantial proportion being settled with full benefits being gained.

Throughout 2016, Officers regularly gave advice or assisted hundreds of members with a whole range of matters ranging from bullying and harassment, performance to Workcover assistance.

Furthermore, the following table lists an outline of substantive matters actioned or investigated by Industrial Officers:

| Actual Number of claims/actions | Type of matter |
|---------------------------------|-----------------------|
| 14 | Harassment - bullying |
| 7 | Discrimination |
| 22 | Roster and Contracts |
| 10 | EBA's |
| 13 | Redundancies |
| 36 | Leave Issues |
| 73 | Terminations |
| 37 | Wages |
| 23 | Warnings |
| 8 | Trading Hours |
| 43 | Miscellaneous |

Members can be assured that our three industrial officers do a sterling job on behalf of the membership.

\$311,100 further reasons for being an SDA member

Between 1 January 2016 and 31 December 2016, SDA's \$45,000 FREE accident insurance policy paid out \$311,100 to members. These amounts were paid out to 233 members where the accident description ranged from \$300 for fractured toes or fingers, \$3,375 for a torn ACL knee reconstruction and \$45,000 to a member's family for a death benefit caused by an embolism.

It is worth noting that the SDA is the only union in Queensland which covers all its financial members with this policy.

We first took out this policy on behalf of our members over 30 years ago. The original policy was far more restrictive and over the years we have extended the cover. For example, the original policy did not cover fractures as they were not a permanent injury. Today, the policy is far broader and as a result, more members can enjoy the benefits of this policy.

More about this policy...

The SDA provides a FREE Accident Insurance Policy for all financial members outside working hours.

The policy provides world-wide protection for members outside working hours; this way SDA members have 24 hour cover WorkCover while at work and the SDA Accident Insurance Cover at all other times. By definition, the injury or worse has to occur as a result of an accident.

Naturally, once the injury has occurred, the affected member needs to complete a claim form and provide medical evidence.

If members had to insure themselves with a similar type of policy, it would cost approximately \$300 per annum for a member with dependants or \$230 for members without dependants.

The SDA provides an extensive range of benefits and services. Industrial Officers and the Accident Insurance Policy are two of the many excellent reasons for being an SDA member.

COLES EBA UPDATE

In 2015, the 2014 Coles National Supermarket Enterprise Agreement was certified and approved by the Fair Work Commission. In May 2016, the FWC subsequently was struck down by the FWC after it changed the 'ground rules' by deciding to change the way it applied the 'Better Off Overall Test'.

Coles members are now covered by the terms of the 2011 Enterprise Agreement but are still being paid (for now) the rates from the 2014 Agreement including the massive junior rate increases for the 18 and 19 year old employees.

In November 2016, we convened a meeting of Coles Shop Stewards who heard a comprehensive report on the history of Coles EBA negotiations. They then unanimously endorsed a resolution calling for Coles to recommence negotiations with the SDA to negotiate a BOOT-compliant EBA noting that the 'ground rules' have changed.



NO EXCUSE FOR CUSTOMER ABUSE

Leading up to Christmas, the SDA conducted a very successful campaign through emails and social media concerning customer abuse. Thousands of our members completed the online survey nationwide and nearly 50% of retail and fast food workers told us that they had experienced customer violence or abuse in the last 12 months. It ranged from verbal abuse to physical assaults and even armed assaults.

This is not acceptable as there is no excuse for customer abuse of any kind towards retail and fast food workers. We made a public call to shoppers to keep their cool and respect retail workers. This is the beginning of a long term campaign to demand respect for all SDA members who work face-to-face with customers.

If you experience unreasonable or abusive customers, you do not have to take it. Immediately call your supervisor or manager over and let them deal with the customer.



Check out the **#NoExcuseforAbuse** campaign on the SDA's Facebook page [@ChrisGazenbeekSDA](https://www.facebook.com/ChrisGazenbeekSDA)



NO PROBLEM RINGING US FOR ADVICE AT ANY TIME

When a problem arises in a workplace, management often tell their staff not to ring the union.

Why?

- Could it be that some managers want to 'keep their staff in the dark'?
- Could it be that some management do not want their staff to be fully informed of their rights and entitlements?
- Could it be that some managers have something to hide?
- Could it be as simple as managers wanting to hold on to their power? After all, they have the power to hire and fire.

All of us have been to school and many of us have pursued further studies beyond school.

Why?

1 Because we have to but once we're there, we soon realise that school is not such a bad place and whilst we're there we might as well learn something between playing with our new friends.

2 School starts to get serious in our later secondary years and many of us decide to knuckle down. We try to educate ourselves so that we can get a good job

and/or pursue a career further down the track such as a trade or tertiary studies.

The whole point of this article is that no matter what your circumstance, whether you're studying or at work, we can always learn.

Therefore, if you have a question or encounter a problem in your workplace, what do you do?

- Do you decide to do nothing about it and let the problem fester and as a result, you become angrier and angrier?
- Do you decide to keep yourself in the dark?
- Do you decide to follow the manager's advice and not seek clarification or advice from the union?; or
- Do you ring the union office, speak to one of our experienced information officers and get your questions answered and if need be, escalate your concern to the organiser level or the industrial officer level?

Basically, it's up to you. You will determine the course of action.

What will you do?

Role of information officers

Each year we receive thousands of phone calls and emails from union members. Often, members want a simple question answered such as, "I have been granted some long service leave and Labour Day falls in the middle of it. Do I get another day added to my leave"?

Other questions range from proposed roster changes, bullying, public holidays to workers' compensation. These issues can be more complex and can require more time on the phone.

The information officer will provide the member with the correct information and then inform the member what the different options might be.

In consultation with the member, the information officer might suggest that the organiser needs to become involved. All phone calls are strictly confidential and importantly, no decision will take place without the member's 100% approval.

We look forward to your phone call or email.

P.S. By the way, if a public holiday falls in your long service leave, your long service leave is extended by one day.

ENSURING YOUR SAFETY IN SHOPPING CENTRE CAR PARKS

Those who drive to work and work in shopping centres are generally asked to park further away to leave the closer car parks available for customers. Many retail employees work late shifts, finishing around 9pm but not leaving the store until a later time to make their way back to their car. This journey in the dark, as short as it may seem, sometimes leaves people feeling unsafe and vulnerable due to poorly lit areas.

The legal responsibility for ensuring the safety of employees moving to or from shopping centre car parks rests primarily with Centre Management rather than with your employer. This is because it is Centre Management, not your employer, who has control over the car parks.

If you feel that you are at risk when moving through car parks, particularly at night, ask your employer to help you gain additional safety measures from Centre Management.

These may include:

- security escorts to cars;
- higher security presence in car parks at 'finishing' time;
- allowing staff to park near well lit building exits;
- better lighting;
- surveillance cameras;
- monitored, secure car parking areas for staff.

Many EBAs require store management, if requested, to provide after hours escorts for employees.

If this is not the case under your EBA, ask your employer to provide escorts regardless, and always try to leave the store in a group to avoid potentially dangerous situations.

In any case do not put your safety at risk, it is not worth it! For further information, please ring or email the union office.

THE SDA HELPS MEMBER TO WIN BULLYING CLAIM

Workers' compensation claims for psychological illness caused by workplace bullying are extremely difficult to get accepted in Queensland. This is due to a provision under our state workers' compensation legislation which enables insurers to reject such claims if the actions taken by management in response to the factors causing such psychological illness are deemed by the insurer to be 'reasonable management action'.

Of course, what passes as 'reasonable' for the insurer is often not seen the same way by the victim of the bullying or by the Union. Despite this, such claims are notoriously difficult to get accepted in the first place and just as hard to get the insurer's decision to reject overturned on Review.

Another problem for an injured worker whose bullying claim gets rejected is that the cost of taking a review is very expensive and many workers simply cannot afford to do so if they are unable to get financial assistance.

The SDA recently funded legal action to try to overturn a decision by one of the larger retail self-insurers to reject one of our member's workers' compensation claims for psychological illness caused by management bullying in his workplace.

The reason given by this self-insurer for rejecting the member's claim was that the alleged bullying actions were deemed to be 'reasonable management action', thereby excluding the claim. This left the member without income from the time that the bullying occurred. It would have also left this member vulnerable

to termination of his employment had he been too ill to return to work within three months of his injury.

The member approached the Union for assistance and we agreed to fund a legal Review of the decision to reject his claim. Our lawyers subsequently won this Review, resulting in Q Comp. finding that the management action taken against the member was, in fact, not 'reasonable'. The self-insurer was therefore ordered to accept this member's claim and pay it. As a result, the member was backpaid their full wages right back to when the illness started (which amounted to thousands of dollars). Also, the member had his sick and annual leave used re-credited to his available balances and thirdly, the employer then had to provide suitable duties until the member was cleared to return to full, normal duties. Furthermore, the member's ongoing employment was also assured due to this.

This example just goes to show that, with the union's help, members who are subject to unfair decisions on their workers' compensation claims can fight on and win, even when it seems that it is against the odds that they will be able to change an unfair decision.

Editor's note: To my knowledge, the SDA is the only union in Queensland which funds such cases.

MORTALITY FUND HAS INCREASED FROM 24/11/2016

The State Council of the union has decided to increase the amounts payable from the Mortality Fund. Money is made available to the next of kin of those members who lose their life through either accidental or natural causes. The money is made available to assist with funeral arrangements which can be very costly. The amount paid relates to the number of hours worked each week.

Although this money will never compensate for the loss of a loved one, it does help make things easier for the family at this very difficult time. (Note: membership eligibility applies).

Payment from the Mortality Fund to an approved claimant shall be as follows:

| | |
|---|---------------|
| Deceased member who worked 20 hours or more per week | \$3000 |
| Deceased member who worked 10 but less than 20 hours per week | \$2500 |
| Deceased member who worked less than 10 hours per week | \$2250 |

CHANGE OF ADDRESS

Are you changing your address or other personal details? It is important you keep the SDA informed of your move, your change of phone number or even a new email address. Please send us an email to info@sdaq.asn.au with your new details.

It is equally important you keep your details updated with your REST superannuation fund. REST can be emailed through their website at www.rest.com.au

Happy moving!

HAD AN ACCIDENT OUTSIDE OF WORK?

SDA COVERS THAT!

SDA members are covered by the FREE **SDA Accident Insurance scheme** which covers injuries outside of work ranging from broken bones to third degree burns. Visit the SDA website to put in a claim or phone the office on 3833 9500 to find out if your injury is covered.



WAREHOUSE NEWS

Workcover can be difficult to understand, even when you have a minor injury. Now that many companies are introducing 'early intervention' or 'injurynet' as a means of supporting workers, it's more confusing.

Working in warehousing exposes members to long days often in uncomfortable conditions, during laborious work, and also to working around machinery. These factors increase the chances of something happening, so if it happens to you what should you do? Take up the company's offer?

Firstly, if something happens always report it as soon as possible, via an Incident report, then there is no debate about where/when the injury occurred.

Secondly, the SDA will always advise members to lodge a Workcover claim. The company programs generally only cover you for a short period, not long term. Remember that there are specific timeframes involved in Workcover claims, and by delaying lodgement it could be to your own detriment.

Workers' compensation and workers' compensation claims can be a legal minefield. Over the years, the SDA has advised and supported hundreds of DC members with their workers' compensation claims.

We recommend always contacting the SDA straight away for work related injuries, be it through your Organiser or the Office.

YOU CAN
ALSO APPLY
ONLINE AT
www.sdaq.asn.au

SELF/CHILDREN/GRANDCHILDREN SCHOLARSHIPS

Proudly supporting
members and their
families!



**MEMBERS, WE ENCOURAGE YOU TO APPLY FOR ONE OF THE
SDAs FREE TEXTBOOK SCHOLARSHIP .**

- Entry is by application, please return the below completed form or visit us online to enter.
- Winners will be chosen at random.
- Members can only win once in 2017.
- Must be a financial member of the SDA at the time of the draw to win.

MEMBER DETAILS

MEMBERSHIP #:

NAME:

ADDRESS:

EMAIL:

HOME PH:

MOBILE PH:

EMPLOYER:

LOCATION:

ENTRY FOR PRIMARY SCHOOL (PRIZE \$75)

STUDENTS NAME:

RELATIONSHIP: ☐ child ☐ grandchild

SCHOOL ATTENDING
IN 2017

YEAR/GRADE/LEVEL
IN 2017

ENTRY FOR HIGH SCHOOL (PRIZE \$100)

STUDENTS NAME:

RELATIONSHIP: ☐ self ☐ grandchild
☐ child

SCHOOL ATTENDING
IN 2017

YEAR/GRADE/LEVEL
IN 2017

ENTRY FOR TERTIARY (UNI/TAFE) (PRIZE \$200)

Not for lifestyle courses such as pottery.

STUDENTS NAME:

RELATIONSHIP: ☐ self ☐ grandchild
☐ child ☐ spouse

UNI/TAFE ATTENDING
IN 2017

COURSE BEING
STUDIED IN 2017

**PLEASE PROVIDE PROOF OF ENROLMENT WITH THIS APPLICATION.
PROOF INCLUDES CONFIRMATION OF ENROLMENT PRINTOUT OR
UNI/TAFE STAMP.**

UNI/TAFE STAMP HERE:

Mail to: The Secretary
SDA, PO Box 490, Spring Hill, QLD 4004 or fax to 3833 9590 (or apply online at www.sdaq.asn.au)

MEMBERS SAY

Thank you



Dear SDA,

Just writing to let you know I have resigned from my position at Officeworks Brisbane CBD effective from the 15th of January. As I'm the shop steward, I thought I should give you as much notice as I can.

I have enjoyed my time at Officeworks, but more importantly, I have enjoyed the opportunity to work in an industry with a proud tradition of unionism and have benefited immensely from my SDA membership. I want to thank everyone at the SDA for their tireless work on behalf of retail workers, who, without the SDA, would be in a much, much weaker position. **Thank you also for the generous insurance payment** I received when I broke my leg a few years ago - without this I would have been in dire financial trouble, having used all my sick pay and not being able to qualify for a Centrelink payment. Thanks also for the wonderful shop steward training!

I am leaving for a career as a social worker, and I like to think **I will take the lessons of compassion, advocacy and fighting for a fair go that I've learnt at the SDA with me.**

Kind Regards, Paul G.

Hi Darryn and David,

I just want to say **thank you for all your help** throughout my horrible ordeal. I have now found full-time employment with Woolworths. I will eventually move on from the hurt I had to deal with. Again thank you so much for all you both done.

Regards, Theresa L.

To whom it may concern,

After 15.5 years as a union member I now have to tender my resignation from the SDA as I am retiring. **I would just like to say thank you for all you have done for us over this time.**

Regards, Carolyn M.

To all at the SDA - thanking you for the great work done and help offered.

I'd like to wish everyone over the festive period. Merry Christmas and a joyous 2017

THANK YOU, Mai.

Subject: Thank you for the fuel voucher

Good morning

I just wanted to say thank you very much for the \$100 fuel voucher I won. **What a great surprise to open the letter** and find it, and just in time for Christmas too.

Thank you and Merry Christmas.

Kind regards, Susan J.

Dear Mr Chris Gazenbeek:

I am reluctantly writing to you to tender my resignation from the SDA as I am moving on to work outside the retail industry. I am sad to have to leave the ranks of the union and assure you that I will have no hesitation in re-joining should I return to work in the retail industry.

I still have a workers' compensation claim being processed with Woolworths. It is my hope that my injury will heal in the near future and this claim will be finalised. I appreciate knowing that the SDA will continue to stand ready to assist should I need it as this commenced while I was still a financial member.

Thank you for your assistance and support over the past four years. I would like to take this opportunity to particularly extend my sincerest **thanks and best wishes to Di Kirk** (SDA Information Officer) who has helped on more than one occasion.

Her patience and experience knows no bounds and I am most grateful for her advice and support. I extend my best wishes to everyone at the SDA for continued success.

Yours Sincerely, Chris L.

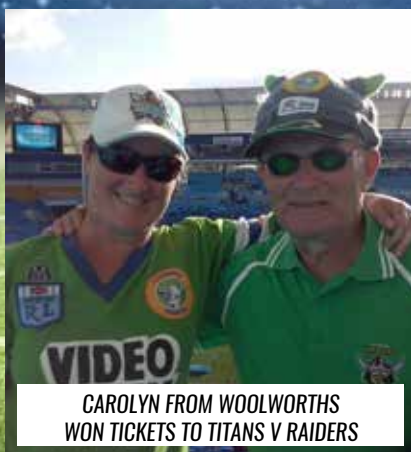
THE BIG SDA SEASON DRAW!

138 DOUBLE PASSES TO BE WON IN TOTAL!

2016 WINNERS



LAIMA FROM WOOLWORTHS
WON TICKETS TO BRONCOS V ROOSTERS



CAROLYN FROM WOOLWORTHS
WON TICKETS TO TITANS V RAIDERS



WARREN FROM COLES DC
WON TICKETS TO BRONCOS V DRAGONS

YOUR DETAILS

MEMBERSHIP #:

NAME:

ADDRESS:

EMAIL:

MOBILE PH:

EMPLOYER:

LOCATION:

SELECT YOUR TEAM


☐

☐

☐

☐

GAME 1:

#

GAME 3:

#

GAME 2:

#

GAME 4:

#

BRONCOS

| | | |
|----|-----------------------|----------|
| 01 | BRONCOS V COWBOYS | 10/3/17 |
| 02 | BRONCOS V RAIDERS | 24/3/17 |
| 03 | BRONCOS V ROOSTERS | 6/4/17 |
| 04 | BRONCOS V TITANS | 14/4/17 |
| 05 | BRONCOS V PANTHERS | 27/4/17 |
| 06 | BRONCOS V WEST TIGERS | 19/5/17 |
| 07 | BRONCOS V RABBITOHS | 9/6/17 |
| 08 | BRONCOS V STORM | 30/6/17 |
| 09 | BRONCOS V BULLDOGS | 20/7/17 |
| 10 | BRONCOS V SHARKS | DATE TBA |
| 11 | BRONCOS V DRAGONS | DATE TBA |
| 12 | BRONCOS V EELS | DATE TBA |

FIREBIRDS

| | | |
|---------------|----------------------------------|--------------------|
| 01 | FIREBIRDS V LIGHTNING | 18/2/17 |
| 02 | FIREBIRDS V MAGPIES | 25/2/17 |
| 03 | FIREBIRDS V SWIFTS | 10/3/17 |
| 04 | FIREBIRDS V VIXENS | 18/3/17 |
| 05 | FIREBIRDS V GIANTS | 8/4/17 |
| 06 | FIREBIRDS V FEVER | 22/4/17 |
| 07 | FIREBIRDS V THUNDERBIRDS | 13/5/17 |

TITANS

| | | |
|----|---------------------|----------|
| 01 | TITANS V ROOSTERS | 4/3/17 |
| 02 | TITANS V EELS | 17/3/17 |
| 03 | TITANS V COWBOYS | 25/3/17 |
| 04 | TITANS V RAIDERS | 8/4/17 |
| 05 | TITANS V KNIGHTS | 29/4/17 |
| 06 | TITANS V SEA EAGLES | 20/5/17 |
| 07 | TITANS V WARRIORS | 10/6/17 |
| 08 | TITANS V ST GEORGE | 30/6/17 |
| 09 | TITANS V SHARKS | 15/7/17 |
| 10 | TITANS V TIGERS | DATE TBA |
| 11 | TITANS V BRONCOS | DATE TBA |
| 12 | TITANS V BULLDOGS | DATE TBA |

LIONS

| | | |
|----|-------------------------|---------|
| 01 | LIONS V ESSENDON | 1/4/17 |
| 02 | LIONS V RICHMOND | 16/4/17 |
| 03 | LIONS V PORT ADELAIDE | 29/4/17 |
| 04 | LIONS V CROWS | 20/5/17 |
| 05 | LIONS V FREMANTLE | 10/6/17 |
| 06 | LIONS V GIANTS | 24/6/17 |
| 07 | LIONS V CATS | 8/7/17 |
| 08 | LIONS V CARLTON | 23/7/17 |
| 09 | LIONS V BULLDOGS | 5/8/17 |
| 10 | LIONS V GC SUNS | 12/8/17 |
| 11 | LIONS V NORTH MELBOURNE | 26/8/17 |