

From: Stephen Crawford [mailto:stephen@crawforddecarne.com.au]
Sent: Tuesday, 23 January 2018 3:07 PM
To: Chambers - Hatcher VP
Cc: AMOD
Subject: AM2014/196 and 197 - Casual and part-time employment - Horticulture Award

Dear Associate,

We write in relation to the Casual and Part-time employment hearings listed for 1 and 2 February and specifically concerning the *Horticulture Award 2010* (Horticulture Award). We act for the AWU in this matter.

Firstly, it does not appear that any of the witnesses for the Horticulture Award will be required for cross-examination. The AWU and NFF have agreed that cross-examination can be avoided if the NFF witnesses file supplementary statements outlining the extent to which their business pays piecework rates for harvesting work. Upon receipt of this material and subject to any unforeseen content, the AWU will then confirm that no cross-examination is required. This can occur by the close of business tomorrow.

Secondly, the above position appears likely to negate the need for a hearing in relation to the Horticulture Award on either 1 or 2 February 2018. However, the AWU and NFF have recently been engaging in discussions to try and reach an agreed position about some of the matters before the Full Bench. The parties consider a conference with a Commission member may assist with this process.

Therefore, subject to confirmation of the AWU's position by the close of business tomorrow, the AWU and NFF propose the following approach for the Full Bench's consideration:

- the hearing for the Horticulture Award be vacated and a conference with a Commissioner member listed for 1 or 2 February 2018 – depending on what best suits the Full Bench and the nominated Commission member;
- a direction be issued for affected parties to file any final written submissions by the close of business on 16 February 2018; and
- the matter to then be determined on the papers.

AIG has also confirmed their consent to these arrangements.

It would be appreciated if you could indicate whether the approach outlined above would be acceptable to the Full Bench.

Regards,

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