

**From:** Sophie Ismail

**Sent:** Monday, 19 December 2016 12:50 PM

**To:** Chambers - Watson VP

**Cc:** 'Ruchi Bhatt'; Julian Arndt

**Subject:** Timetabling - AM2015/2 - Four yearly review of modern awards - Family friendly work arrangements

Dear Associate,

The ACTU's proposed revised directions (clean and marked copies **attached**) have formed the basis for productive discussions between the parties regarding timetabling in this matter. However, despite best efforts, the parties have been unable to reach agreement on all aspects of the ACTU's proposal and the Commission's assistance in finalising a revised timetable is respectfully requested.

The employers parties are copied to this email and invited to advise the Commission separately of their position on these matters.

By way of explanation of the ACTU's proposed changes:

- In light of staff and witness absences over the holiday period, the ACTU seeks an extension for filing of its submissions and witness statements until **24 April 2017**. The revised timeframe provides the employer parties with approximately 14 weeks for their response.
- The ACTU asks the Commission to consider a variation to the initial submission process on the grounds that the filing of comprehensive submissions before the evidence is heard is inefficient, duplicates the closing submission process and creates unnecessary additional work for the Commission and the parties. Instead, the ACTU proposes that the parties file a short but detailed outline of submissions, which includes the findings the parties ask the Commission to make based on the evidence. The ACTU considers that such an outline will inform the employer parties of the case they have to meet, creating efficiencies without causing any prejudice or unfairness.
- The ACTU considers that a minimum of 3 weeks is needed for any reply to the employer parties' response.
- To enable efficient witness timetabling, the ACTU considers that parties must be in a position to inform the Commission of the witnesses required for cross-examination, and an estimate of the length of time required for cross-examination, a reasonable period in advance of the first hearing date.
- Any objections to witness evidence should be filed before the first hearing day, with the objections dealt with before the commencement of the evidentiary hearing.
- The hearing should be listed for up to 15 days in **August/September** at the Commission's convenience.
- The ACTU considers that efficiencies will be achieved if closing submissions are timetabled within a reasonable period after the end of the evidentiary hearing.

We thank the Commission for considering these proposed amendments. Please let me know if any further information is required.

Yours sincerely,

Sophie

**Sophie Ismail**

Legal and Industrial Officer

ACTU Level 4/365 Queen Street, Melbourne, Victoria 3000

# DIRECTIONS

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **Family friendly work arrangements**

(AM2015/2)

VICE PRESIDENT WATSON

1. The Australian Council of Trade Unions (**ACTU**) and any other interested party supporting the ACTU's claim shall file any witness statements or documentary material on which the party seeks to rely, and a short outline of submissions and the findings they submit the Commission should make based on the evidence to be tendered, by **4.00pm on 24 April 2017**.
2. The matter will be listed for mention in the **week of 1 May 2017** to set the matter down for evidentiary hearing in September 2017, on an estimate of up to 15 days for the hearing of evidence.
3. Any party opposing the ACTU's claim shall file any witness statements or documentary material on which the party seeks to rely, and a short outline of submissions and the findings they submit the Commission should make based on the evidence to be tendered, by **4.00pm on 28 July 2017**.
4. The ACTU and any other interested party supporting the ACTU's claim shall file any reply evidence by **4.00pm on 18 August 2017**.
5. The matter will be listed for a directions hearing in the **week of 21 August 2017** for the purpose of scheduling the evidence. At that hearing, all parties intending to participate in the hearing must be in a position to inform the Commission of the witnesses required for cross-examination, and an estimate of the length of time required for cross-examination.
6. Any objections to evidence are to be filed and served by **4.00pm on 28 August 2017**. Objections to evidence will be heard before the commencement of the evidence.
7. The ACTU and any other interested party is to file final written submissions by **4.00pm on 13 October 2017**.

8. Any party opposing the ACTU's claim is to file final written submissions by **4.00pm on 3 November 2017**.
9. The ACTU and any other interested party is to file any written submissions in reply by **4.00pm on 17 November 2017**.
10. The matter is listed for final hearing in **the week of 20 November 2017**.