

Thursday, 14 July 2016

Commissioner Johns,  
Fair Work Commission

By email: [chambers.johns.c@fwc.gov.au](mailto:chambers.johns.c@fwc.gov.au)

Dear Commissioner,

**Re: AM2015/6 – request for amended directions**

Due to the death of one of our witnesses, NTEU requests an amendment to the directions in this matter to permit us to provide one or two late witness statements to replace that of our late member, Dr Clare McCarty. Dr McCarty died on 21 June, 2016, and NTEU's industrial team became aware of this yesterday.

We understand that the AHEIA contest at least some of the evidence set out in Dr McCarty's witness statement and would object to it now being admitted into evidence.

In these circumstances, and noting that hearings are scheduled through until November, NTEU submits that it would not materially disadvantage the other parties if the NTEU were able to provide one or two witness statements in substitution for the evidence which we would have adduced through Dr McCarty.

As the parties, including the NTEU's industrial team, will be attending to an intensive bloc of hearings for the coming fortnight, we request until Wednesday 10 August to lodge up to two further witness statements, with the employer parties given until Friday 26 August to lodge any further materials in reply, and the additional witness(es) to be scheduled to appear during one of the hearing days on or after 1 September.

A draft order to this effect is enclosed.

Yours sincerely,



Linda Gale  
**Senior Industrial Officer**

## Draft Order:

### DIRECTIONS

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

#### **4 yearly review of modern awards – Education group (AM2015/6)**

COMMISSIONER JOHNS

MELBOURNE, 15 JULY 2016

Further to the request made by the National Tertiary Education Industry Union (NTEU) for leave to submit further witness evidence in substitution for the witness statement of Dr Clare McCarty, the Fair Work Commission (**Commission**) directs that:

**[1]** By **4.00 pm on Wednesday, 10 August 2016**, NTEU must file in the Commission and serve on the other parties up to two further witness statements in support of their variation applications, provided that those statements go to the same subject matters as the statement previously lodged in the name of Dr Clare McCarty.

**[2]** By **4.00 pm on Friday, 26 August 2016**, each other interested party may file in the Commission and serve on the NTEU any written outline of submissions, witness statements and documentary materials in reply to material filed by the NTEU pursuant to these directions.

COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<Price code A>