



31 March 2017

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Associate to Vice President Hatcher
Level 10 Tower Terrace
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Dear Associate

AM2016/23 - CONSTRUCTION AWARDS

We act on behalf of Australian Business Industrial (**ABI**) and New South Wales Business Chamber Ltd (**NSWBC**) in respect of the above matter.

Application for permission to appear -

The final hearing for the Construction Awards is scheduled to run from 3 April 2017 to 13 April 2017. We respectfully request that permission be granted by the Fair Work Commission for a lawyer to represent ABI and NSWBC at the final hearing, pursuant to section 596 of the *Fair Work Act 2009* (**the Act**).

This request is made on the basis that the representation of ABI and NSWBC would enable the matter to be dealt with more efficiently, taking into account the complexity of the matter in accordance with s596(a) of the Act. In particular, we note the following complexities:

1. Extensive evidence has been filed in the matter which will require forensic cross-examination;
2. The claims filed by the parties involve matters of award interpretation; and
3. Submissions will need to be made concerning the admissibility of evidence and the appropriate weight to be given to certain evidence.

Accordingly we submit that the granting of permission for a legal representative to appear would enable the matter to be dealt with more efficiently.

Attendance at hearing -

ABI and NSWBC have an interest in the Construction Awards. Our clients have a particular interest in the coverage claim made by the Australian Workers' Union (**AWU**).

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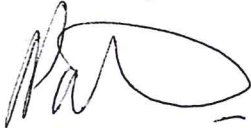
We will attend at the Fair Work Commission in Melbourne on Wednesday, 5 April 2017 to cross-examine the AWU witnesses in respect of the claim. We will also attend at the Fair Work Commission the following week for closing submissions in respect of the AWU claim.

Based on our discussions with the other parties, we understand that closing submissions will be done in topic order, as per the witness evidence, and will likely run for three (3) days. On that basis, we anticipate that closing submissions in respect of the AWU claim will not take place until Wednesday, 12 April 2017. Accordingly, we advise that we will attend at the Fair Work Commission in Melbourne on 12 April 2017 to present closing submissions on behalf of our clients. These submissions will be confined to the AWU claim.

We note that our clients have a broader interest in the Construction Awards. Therefore, we have arranged for the Housing Industry Association (**HIA**) to mention our clients' appearance on the hearing days which we are not present. We advise that our clients support the position of HIA in respect of the various claims made in the proceedings.

If you have any questions, please contact Louise Hogg on (07) 3218 0905.

Yours faithfully



Alana Paterson

Director

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