

From: Ruchi Bhatt [mailto:Ruchi.Bhatt@aigroup.com.au]
Sent: Monday, 27 June 2016 6:33 PM
To: Chambers - Hatcher VP; AMOD
Subject: AM2014/196 & AM2014/197 Casual and Part-time Employment

Dear Katrine,

We refer to the above matters, directions issued by the Fair Work Commission (**Commission**) on 9 June 2016 and proceedings conducted before Vice President Hatcher on 16 June 2016. We write to address various matters arising from the aforementioned. We regret and apologise for the delay in providing the advice below.

AWU witnesses required for cross examination

We refer to correspondence from the Australian Industry Group (**Ai Group**) dated 4 March 2016, in which we identified those witnesses that we require for cross examination. This included the following three witnesses called by the AWU in support of their claim to vary the *Horticulture Industry Award 2010*:

- Adam Algate;
- Ron Cowdrey; and
- Keith Ballin.

Please be advised that Ai Group no longer requires these witnesses for cross examination.

AMWU witnesses required for cross examination

During the proceedings on 16 June 2016, in response to a matter raised by the AMWU, Ai Group was directed to confirm whether the following witnesses are required for cross examination:

- Vinh Thi Yuen; and
- James Fornah.

We confirm that neither of these witnesses are required for cross examination.

A witness statement of Mr Warren Tegg was filed by the AMWU in March 2016, during the course of proceedings before the Full Bench. It goes to the Joint Employer Survey. Mr Tegg is required by Ai Group for cross examination.

We are presently preparing a statement in reply to that of Mr Tegg which we envisage will confine the scope of matters that are to be the subject of our cross examination of Mr Tegg. We expect to be in a position to file that statement by 22 July 2016. Accordingly, we propose that Mr Tegg be called for cross examination during the hearings that have been listed during the week commencing 15 August 2016. We understand that the AMWU does not oppose this course of action.

Closing submissions in respect of Ai Group's claim to vary the *Joinery and Building Trades Award 2010*

Ai Group, HIA and the MBA are seeking a reduction to the minimum engagement period for casual employees in the *Joinery and Building Trades Award 2010*. Submissions in support of this claim have been filed by each of the aforementioned organisations. Submissions in reply were subsequently

filed in opposition to the claim. As identified during the proceedings on 16 June 2016, no interested party has filed witness evidence in respect of the proposed variation.

Consistent with the views expressed by MBA and HIA, Ai Group seeks an opportunity to file submissions in reply to those filed in opposition to our claim. We propose that such submissions be filed by 22 July 2016. If the Commission is minded to adopt this course, we are content for the matter to be dealt with on the papers, without an oral hearing.

Closing submissions in respect of Ai Group's claim to vary the *Black Coal Mining Industry Award 2010*

Ai Group is seeking the insertion of provisions that enable the engagement of production and engineering employees on a casual basis under the *Black Coal Mining Industry Award 2010*. Submissions in support of this claim were filed on 14 October 2015. Submissions in reply were subsequently filed by the CFMEU – Mining and Energy Division. As identified during the proceedings on 16 June 2016, no interested party has filed witness evidence in respect of the proposed variation.

Ai Group seeks an opportunity to file submissions in reply to those filed in opposition to our claim. We propose that such submissions be filed by 22 July 2016. If the Commission is minded to adopt this course, we are content for the matter to be dealt with on the papers, without an oral hearing. We understand that the CFMEU – Mining and Energy Division does not oppose such an approach.

Kind regards,
Ruchi.

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