

31 May 2016

Associate
Vice President Watson
Fair Work Commission

BY EMAIL: chambers.watson.vp@fwc.gov.au

Dear Associate and AMOD,

AM2015/1 – Family and domestic violence leave – Filing of Evidence

We write in relation to abovementioned award review matter and the Directions in this matter that require the ACTU to file our evidence by 1 June 2016.

For the benefit of the Commission and the other parties, we wish to advise as follows with respect to the various evidentiary materials that will be filed by the ACTU in support of our application.

1. The ACTU intends to file the following expert reports, and we confirm that those reports may be made publically available immediately via the FWC Award Review website:
 - (a) Professor Cathy Humphreys
 - (b) Dr Peta Cox
 - (c) Dr Michael Flood; and
 - (d) Ms Ludo McFerran (reports 1 and 2).
2. The ACTU intend to file an expert report by Dr Natasha Cortis. This expert report and the yet to be published ANROWS Report authored by Dr Cortis and Dr Bullen are currently under embargo (**Embargoed Reports**).

The ACTU proposes that we will provide copies of the Embargoed Reports to the Commission and to other parties by request. Recipients of the Embargoed Reports will be asked prior to receipt of the report, to comply with the terms of the DSS license, and the ANROWS embargo. The embargo means that the parties are not permitted to distribute the report or cite any of the research contained therein in any public forum.

We would request that the Embargoed Reports not be posted to the FWC Award Review website until such time as the embargo is lifted. The ACTU will advise the Commission as soon as this has occurred (we expect this to be in July 2016).

3. The ACTU has referred to the Embargoed Reports in its Outline of Submissions. We request that those parts of the Submissions be redacted for the purpose of the FWC Award Review website. The ACTU will

provide unredacted copies to the Commission and to the other parties by request (subject to the same embargo terms outlined above).

4. The ACTU will file a number of general lay witness statements, all of which (except for those stated below) can be made available immediately on the FWC Award Review website.
5. The ACTU will file the following lay witness statements (**Redacted Witness Statements**):
 - (a) Julie Jun (Women's Information and Referral Exchange);
 - (b) Jessica Stott (Women's Information and Referral Exchange); and
 - (c) Karen Willis (Rape & Domestic Violence Services Australia);

Given the sensitive nature of the case studies contained in the Redacted Witness Statements, we request that only the redacted versions be made available on the FWC Award Review website. The ACTU will provide unredacted copies to the Commission and to the other parties by request.

6. The ACTU will file witness statements where the testimony refers to a personal experience of domestic violence (**Confidential Witness Statements**). The Confidential Witness Statements are the subject of the ACTU's application for Confidentiality Orders as per our correspondence dated 26 May 2016.

We confirm that, in accordance with the Directions, we will provide a copy of these witness statements to the Commission. However we would request that until our application can be determined, they not be provided to any other parties or be posted on the FWC Award Review website.

Any party wishing to request copies of any evidentiary material outlined above, should contact the undersigned.

If you have any questions, please contact Gabrielle Starr on (03) 9664 7333 or gstarr@actu.org.au.

Yours sincerely, .



Gabrielle Starr

Industrial and Legal Officer