

16 May 2016

Associate
Vice President Watson
Fair Work Commission

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

Dear Associate,

AM2015/1 – Family and domestic violence clause

We write in relation to abovementioned award review matter.

We confirm that the ACTU have discussed the following matters with the representatives of ACCI, AIG and ABI.

The ACTU respectfully request that this matter be listed for mention to resolve the following matters:

1. Timetable
2. Confidentiality Matters
3. Hearing Dates

1. Timetable

Despite the ACTU's best endeavours, we request an extension to the filing of evidence, both to complete the preparation of evidence and submissions, and to accommodate and resolve the confidentiality matters (as discussed below) prior to the filing of our evidence.

We confirm that ACCI, ABI and AIG do not oppose the proposed amended timetable set out below.

Our proposed amended timetable is as follows:

1. The Australian Council of Trade Unions (ACTU), the Australian Chamber of Commerce & Industry (ACCI) and the Australian Industry Group (Ai Group) are to confer to determine if consensus can be reached on an agreed statement of facts, or something to similar effect. If agreement is reached any such document is to be filed by 4.00pm on ~~16 May 2016~~. 1 July 2016.
2. Any party who intends to file "expert" evidence is to provide the names of experts and a short outline of the nature of their evidence to AMOD within 4 weeks of the experts being engaged.
3. The ACTU and any other interested party supporting the introduction of Family and domestic violence leave shall file comprehensive written submissions and any witness statements or documentary material on which the party seeks to rely on by 4.00pm on ~~16 May 2016~~. 1 June 2016.
4. The ACCI and Ai Group and any party opposing the introduction of Family and domestic violence leave shall file comprehensive written submissions and any witness statements or documentary material on which the party seeks to rely on by 4.00pm on ~~1 September 2016~~. 15 September 2016.

5. The ACTU and any other interested party supporting the introduction of Family and domestic violence leave shall file written submissions and evidence in reply by ~~15 September 2016~~ 30 September 2016.
6. The matter will be listed for a directions hearing on or about 3 October 2016 for the purpose of scheduling the evidence.
7. The matter will be listed for hearing ~~October~~ not before 14 November 2016, or at the convenience of the Commission. At this time, the parties estimate that the hearing will take ~~5-10 days~~. 10-15 days.

We note in particular that we have amended the timetable with respect to the filing of an agreed statement of facts. The ACTU remains open to consulting with the employer parties to ascertain whether an agreed statement of facts can be filed. In the event that the parties are able to agree on such facts, this will make the hearing of this matter more efficient, and potentially truncate the number of hearing days required.

However, it has not been possible for us to consult with the employers until we have the information from our experts and other witnesses that might form part of the agreed statement of facts. The additional time will give the employer parties an opportunity to review and consider our evidence, so that we can then discuss which aspects might form part of any agreed statement of facts.

2. Confidentiality Matters

The ACTU are in consultation with representatives of ACCI, ABI and AIG with respect to procedures pertaining to the confidentiality of some of the lay witness statements, specifically those witness statements that disclose a personal experience of domestic violence. We hope that we will be able to communicate the parties consent position to the Commission shortly.

3. Hearing Dates

We request that, if possible, the Commission confirm the hearing dates for these proceedings as soon as practicable. The ACTU intend to call 5 experts and due to their commitments it would greatly assist if we could confirm for their benefit and convenience, the dates upon which the hearing will occur.

The ACTU notes that our counsel is unavailable in October and we would therefore propose that the hearings be set to begin in the second week of November. We anticipate that approximately 15 hearing days would likely be needed. This number could potentially be reduced, subject to the parties being able to file an agreed statement of facts as proposed, and subject to the extent of the evidence filed by the employer parties.

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