

Our Ref: GSD MITO 160240
Your Ref:
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23 November 2016

Fair Work Commission
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By email: amod@fwc.gov.au

Dear Sir

AM2016/25 - Horticulture Award 2010 [MA000028]

We act for Mitolo Group Pty Ltd (**Mitolo**).

We refer to the modern award review proceeding currently before the Fair Work Commission in relation to the *Horticulture Award 2010* (**Horticulture Award**).

We understand that the proceeding will be set down for hearing in mid 2017 over a series of days. We wish to advise that our counsel will be unavailable on 1 to 5 May 2017 (inclusive), 22 to 26 May 2017 (inclusive), 10 to 12 July 2017 (inclusive) and 18 August 2017, and we respectfully request that this be taken into account when listing the matter for hearing.

If you would like to discuss the matter further, please contact the writer.

Yours faithfully
DMAW Lawyers Pty Ltd



Paul Dugan



DRAFT DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Horticulture Award 2010 (AM2016/25)

VICE PRESIDENT CATANZARITI

SYDNEY, 23 NOVEMBER 2016

4 yearly review of modern awards – Horticulture Award 2010 – substantive claims.

The Commission directs as follows:

- [1] Mitolo Group Pty Ltd (**Mitolo**) is to serve its application dated 18 November 2016 (**Mitolo Section 160 Application**) on the following parties within 7 days:
 - a. Australian Industry Group;
 - b. Carter & Spencer Pty Ltd;
 - c. National Farmers' Federation;
 - d. Australian Business Industrial and the NSW Business Chamber;
 - e. Australian Federation of Employers and Industries;
 - f. Business SA;
 - g. The Australian Workers' Union;
 - h. Voice of Horticulture;
 - i. Australian Government, Fair Work Ombudsman;
 - j. Potatoes SA;
 - k. Hortex Alliance Incorporated;
 - l. AusVeg SA;
 - m. Horticultural Coalition of South Australia;
 - n. Apple & Pear Growers Association of SA Inc;
 - ~~o.~~ National Union of Workers.
- [2] Mitolo has permission to be represented by solicitors and counsel pursuant to section 596(1) of the *Fair Work Act 2009* (Cth).
- [3] The Mitolo Section 160 Application is to be dealt with concurrently with the Commission's four year review of modern awards (AM2014/231, AM2016/25) in respect of the *Horticulture Award 2010* (in so far as relates to the coverage clause of the award the subject of the draft determination filed by Australian industrial group in the Modern Award Review proceeding) (**Modern Award Review Proceeding**).

- [4] All evidence in the Modern Award Review Proceeding is to be treated as evidence in the Mitolo Section 160 Application and all evidence in the Mitolo Section 160 Application is to be treated as evidence in the Modern Award Review Proceeding.
- [5] Mitolo and any other interested party that supports the Mitolo Section 160 Application is to file comprehensive written submissions and evidence by close of business on **19 December 2016**.
- [6] Any interested party that opposes the Mitolo Section 160 Application is to file comprehensive written submissions and evidence in reply by close of business on **7 April 2017**.
- [7] The matter will be listed for mention and directions before Vice President Catanzariti on 21 December 2016.
- [8] Parties are granted liberty to apply to vary these directions.
- [98] All submissions and evidence are to be sent to amod@fwc.gov.au.

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VICE PRESIDENT