



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
PO Box 289  
North Sydney NSW 2059  
Australia  
ABN 76 369 958 788

1 December 2017

Justice Ross  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

Deputy President Gooley  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

Commissioner Spencer  
Level 14, Central Plaza Two, 66 Eagle Street,  
Brisbane QLD4000

By email: [chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au); [chambers.gooley.dp@fwc.gov.au](mailto:chambers.gooley.dp@fwc.gov.au) and  
[chambers.spencer.c@fwc.gov.au](mailto:chambers.spencer.c@fwc.gov.au)

Dear Members of the Full Bench,

**Re. AM2015/2 Family Friendly Work Arrangements – Hearing Schedule**

We refer to the above matter, which was listed for directions before the Fair Work Commission (**Commission**) on 28 November 2017. Pursuant to the directions subsequently issued by Deputy President Gooley, the Australian Industry Group (**Ai Group**) has engaged in discussions with the Australian Council of Trade Unions (**ACTU**) regarding the scheduling of the upcoming hearing, currently listed on 12 – 14 December 2017 and 18 – 22 December 2017.

Ai Group supports the proposed schedule for the hearing set out in the ACTU's correspondence of 1 December 2017. In particular, we respectfully request that the Commission consider listing the matter for closing oral submissions on 21 – 22 December 2017 (in substitution for 18 – 19 December 2017) for the reasons that follow, noting that we understand that the Full Bench is unable to sit on 20 December 2017.

Firstly, given the number of interested parties that have filed material in these proceedings, the significance of the issues raised by the ACTU's claim, the breadth of those issues and the Commission's indication that it will not issue directions that contemplate the filing of final written submissions in early 2018, we consider that it would be prudent to set aside two days for the hearing of submissions. We are concerned that if the matter were listed for oral submissions on one day only, there may be insufficient scope and opportunity for interested parties to deal with all of the necessary issues.

Secondly, we consider that it would be prudent not to list closing oral submissions on 18 December 2017 in the event that, despite the relevant parties' best efforts, the evidence cannot be completed on 12 – 14 December 2017.



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
Australia  
ABN 76 369 958 788

Thirdly, if the proposal were accepted, interested parties would have 3 – 4 working days to prepare their oral submissions, potentially with the benefit of the transcript of any cross-examination that occurs during the preceding week. In circumstances where there are approximately 25 witnesses to be cross-examined, we consider that parties should be given a greater opportunity to consider and deal with the evidence.

Fourthly, the proposal includes an opportunity for interested parties to file final written submissions by noon on 19 December 2017. We anticipate that this will enable oral submissions to proceed more efficiently and thereby, have the effect of shortening the duration of the final hearing.

Fifthly, we hope that utilising 21 and 22 December 2017 in the manner proposed will enhance the prospect of proceedings relating to this matter being finalised this year by reducing the necessity for any party to make an application seeking a further opportunity to file submissions during 2018 due to the truncated timetable. In this regard we again note that both the ACTU and Ai Group had previously understood that the December 2017 proceedings would only deal with the taking of evidence.

Finally, we understand from the proceedings before Deputy President Gooley on 28 November 2017 that the Full Bench intends to sit in Melbourne during the week commencing 18 December 2017. Given that the hearing is currently listed in Sydney, Ai Group has not made travel arrangements for its advocates from Sydney to Melbourne. Given the potential costs associated with arranging travel at short notice, particularly where it immediately precedes the holiday season, we respectfully request that the Commission provide the parties with an indication as to whether our request is granted in substitution for deferring any decision in this regard until the evidence is heard, so as to enable us to make the necessary arrangements in advance.

We thank the Commission for its consideration of our request.

Yours sincerely,

A handwritten signature in black ink that reads "Brent Ferguson".

**Brent Ferguson**  
National Manager – Workplace Relations Advocacy & Policy