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12 July 2016

Vice President Hatcher  
Fair Work Commission  
80 William Street  
East Sydney NSW 2011

By email: chambers.hatcher.vp@fwc.gov.au

Dear Vice President,

**Re. AM2014/196 and AM2014/197 – Casual and Part-Time Employment – further evidence regarding Joint Employer Survey**

We refer to the above matters and a witness statement of Mr Warren Tegg filed by the AMWU, having been so invited by the Fair Work Commission (**Commission**) during proceedings before the Full Bench in March 2016.

During the hearing on 11 July 2016, the Australian Industry Group (**Ai Group**) raised the manner in which Mr Tegg's evidence, and any evidence in reply to be filed by Ai Group, should be received by the Commission. Ai Group was then directed to file draft directions reflecting the approach we there proposed to the Commission. Accordingly, attached to this correspondence are draft directions prepared by Ai Group. We understand that they are not opposed by the AMWU.

As we canvassed yesterday, it is our respectful request that, should the witnesses be required for cross examination, a short hearing be listed before the Commission (noting the possibility that, were the Commission so minded, this matter could be referred to a single member of the Full Bench) prior to the filing of final written submissions in reply on 5 August 2016.

The basis for our request is twofold. Firstly, our witness will not be available during the hearings set down for 15 – 19 August 2016, due to pre-planned overseas travel. This poses an obvious difficulty if our witness is required for cross examination and is scheduled to be called during those proceedings.

Secondly, we anticipate that the receipt of the evidence in this manner would assist the parties with the preparation of their final written and oral submissions, as well as to further the resolution of this matter in an efficient and timely fashion. It would provide the parties with a reasonable opportunity to deal with the evidence in a considered way, without the need to seek an amendment to the existing timetable.

We thank the Commission for its consideration of our request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Smith'.

**Stephen Smith**  
Head of National Workplace Relations Policy



# DRAFT DIRECTIONS

*Fair Work Act 2009*  
s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards – Casual and Part-time Employment** (AM2014/196 and AM2014/197)

VICE PRESIDENT HATCHER  
SENIOR DEPUTY PRESIDENT HAMBERGER  
DEPUTY PRESIDENT KOVACIC  
DEPUTY PRESIDENT BULL  
COMMISSIONER ROE

SYDNEY, 12 JULY 2016

*4 yearly review of modern awards – casual and part-time employment – further evidence regarding Joint Employer Survey.*

[1] The Australian Industry Group is to file any witness evidence in reply to the statement of Mr Warren Tegg by **close of business on 15 July 2016**.

[2] Any party that requires for cross examination Mr Tegg or Ai Group's witness who has provided a statement pursuant to the first direction is to advise the Commission of this by **close of business on 26 July 2016**.

[3] Parties are granted liberty to apply to vary these directions.

VICE PRESIDENT

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