



REVISED DIRECTIONS

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Penalty rates (AM2014/305)

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
COMMISSIONER LEE

MELBOURNE, 7 AUGUST 2015

It is directed that:

The following revisions are made to the directions issued on 3 March 2015 ([\[2015\] FWC 1482](#)):

1. On or before **4.00 pm on Monday, 10 August 2015** each union party is to file their hospitality lay evidence **and** an outline of submissions and the findings they submit the Commission should make based on the hospitality lay evidence they have filed.
2. On or before **4.00 pm on Monday, 10 August 2015** each employer party is to file retail lay evidence **and** an outline of submissions and the findings they submit the Commission should make based on the retail lay evidence they have filed.
3. On or before **4.00 pm on Monday 17 August 2015** United Voice and any other party are to file their notices to produce in respect of the lay hospitality witnesses. A hearing will be held at **9.30 am on Friday 21 August 2015** to deal with any objections to the notices to produce.
4. The matter will be listed for further mention at **9.00 am on 27 August 2015**. This mention will deal with the order of the witnesses during the hearing scheduled for 8 to 25 September 2015, inclusive, and the venue for the hearing. At this stage it is anticipated that the allotted hearing days will be split between Sydney and Melbourne, with video links as required. The parties are encouraged to discuss the scheduling of witnesses and the venue for the hearing, prior to the mention. The Commission's intention is to deal with the lay hospitality evidence and, if time permits, as much as the expert evidence as possible during this sitting period.

5. Any objection/s by any party to any of the lay hospitality evidence are to be filed by **4.00 pm on Friday 28 August 2015**. Parties should set out the aspect of the evidence which is the subject of the objection, the nature of the objection and a short submission in support of the position put (including a reference to any relevant authorities). Any objection/s to the lay hospitality evidence filed will be dealt with at the commencement of the proceedings on **Tuesday 8 September 2015**.
6. On or before **4.00 pm on Friday 4 September 2015** each union party is to file expert evidence and common material.
7. On or before **4.00 pm on Friday 4 September 2015** all parties are to file the specific findings they submit the Commission should make based on the statement of each particular expert upon which they rely and the proposed findings they seek based on any common material or survey evidence they have filed.
8. Any objection/s by any party to any of the expert evidence are to be filed by **4.00 pm Tuesday 8 September 2015**. Parties should set out the aspect of the evidence which is the subject of the objection, the nature of the objection and a short submission in support of the position put (including a reference to any relevant authorities). Any objection to the expert evidence filed will be dealt with at the commencement of the proceedings on **Thursday 17 September 2015**.
9. The matter will be listed for hearing in relation to hospitality lay evidence before a Full Bench from **Tuesday 8 September 2015 to Friday 25 September 2015** (inclusive). Each hearing day will commence at 9:30am, unless otherwise notified. In the event that the 14 hearing days allocated are not required to deal with the lay hospitality evidence, the hearing of expert evidence will commence. The employer experts will be dealt with first.
10. On or before **4.00 pm on Wednesday 16 September 2015** each employer party is to file reply evidence from the employer experts.
11. The following days are reserved for the hearing of the expert evidence, if required: **30 September to 2 October 2015** (inclusive) and **4, 5 and 6 November 2015** (inclusive).
12. On or before **4.00 pm on Monday 5 October 2015** each union party is to file retail evidence **and** an outline of submissions and the findings they submit the Commission should make based on the retail evidence to be filed.
13. The matter will be listed for hearing in relation to retail evidence before a Full Bench from **Monday 12 October 2015 to Friday 30 October 2015** (inclusive).
14. On or before **4.00 pm on Wednesday 14 October 2015** each employer party is to file final hospitality submissions.
15. On or before **4.00 pm on Monday 9 November 2015** each employer party is to file final retail submissions.

16. On or before **4.00 pm** on **Wednesday 25 November 2015** each union party is to file final hospitality submissions.
17. On or before **4.00 pm** on **Wednesday 2 December 2015** each employer party is to file hospitality submissions in reply.
18. On or before **4.00 pm** on **Wednesday 2 December 2015** each union party is to file final retail submissions.
19. On or before **4.00 pm** on **Wednesday 9 December 2015** each employer party is to file retail submissions in reply.
20. The matter will be listed for hearing before a Full Bench from **Monday 14 December 2015** to **Friday 18 December 2015** (inclusive) in relation to the hospitality and retail award-specific issues.
21. Leave is granted to apply generally.
22. All material should be sent to amod@fwc.gov.au.

ATTACHMENT A—Timetable by subject (7 August 2015)

Common	
4 September 2015	Expert evidence—Closing date for filing expert evidence and common material— union parties
4 Sep 2015	Closing date for filing specific findings sought based on expert evidence and the proposed findings sought based on common material or survey evidence filed— all parties
8 Sep 2015	Expert evidence—Closing date for filing of any objection to any of the expert evidence— all parties
16 Sep 2015	Expert evidence—Closing date for reply evidence from employer experts
17 Sep 2015	Hearing of any objections to the expert evidence
21–25 Sep 2015	Hearing of Expert evidence if dates available
28 Sep–2 Oct 2015 4, 5 and 6 Nov 2015	<i>Expert evidence—hearing dates tentatively reserved</i>

Hospitality	
10 August 2015	Hospitality evidence—Closing date for filing evidence and outline of submissions and the findings they submit the Commission should make based on the hospitality evidence to be filed— union parties
17 Aug 2015	Hospitality— United Voice and any other parties are to file their notices to produce in respect of the lay hospitality witnesses.
21 Aug 2015	Hospitality – Hearing in relation to objections to any notices to produce filed
27 Aug 2015	Hospitality—Further mention—to deal with matters relating to the hearing scheduled 8–25 September
28 Aug 2015	Hospitality—Closing date for filing of any objections by any part to lay hospitality evidence— all parties
8 Sep 2015	Hearing of any objections to the lay hospitality evidence
8–25 Sep 2015	Hospitality—Evidentiary hearing lay witness (<i>expert evidence may be called depending on period required for lay evidence</i>)
14 Oct 2015	Hospitality—Closing date for filing final submissions— employer parties
25 Nov 2015	Hospitality—Closing date for filing final submissions— union parties
2 Dec 2015	Hospitality—Closing date for filing submissions in reply— employer parties
14–18 Dec 2015	Hospitality & Retail—Final hearings

Retail	
10 August 2015	Retail evidence—Closing date for filing evidence and outline of submissions and the findings they submit the Commission should make based on the retail evidence to be filed— employer parties
5 Oct 2015	Retail evidence—Closing date for filing evidence and outline of submissions and the findings they submit the Commission should make based on the retail evidence to be filed— union parties
12–30 Oct 2015	Retail—Evidentiary hearing
9 Nov 2015	Retail—Closing date for filing final submissions— employer parties
2 Dec 2015	Retail—Closing date for filing final submissions— union parties
9 Dec 2015	Retail—Closing date for filing final submissions— employer parties
14–18 Dec 2015	Hospitality & Retail—Final hearings