



STATEMENT

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

Family Friendly Work Arrangements

(AM2015/2)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT GOOLEY
COMMISSIONER SPENCER

MELBOURNE, 4 OCTOBER 2017

Four yearly review of modern awards–family friendly work arrangements–application for amendment to directions.

[1] On 6 September 2017, the Australian Council of Trade Unions (ACTU) sought leave to file the [expert report](#) of Dr James Stanford (the expert report). On 15 September 2017, we issued a [Statement](#)¹ granting leave for the expert report to be filed. The Statement also amended previously issued directions to allow parties a further period to respond to the expert report, parties were also granted liberty to apply.

[2] On 29 September 2017, we received [correspondence](#) from the Australian Industry Group (Ai Group) seeking the following amendments to the directions issued on 15 September 2017:

1. Any party opposing the ACTU’s claim shall file comprehensive written submissions and any witness statements or documentary material on which the party seeks to rely by **4.00 pm on ~~Friday 6~~ Monday 30 October 2017**.

~~2. Any party wishing to file additional written submissions, witness statements or documentary material in response to the Stanford report shall do so by **4pm on Friday 20 October 2017**.~~

3. The ACTU and any other interested party supporting the ACTU’s claim shall file any reply evidence written submissions and evidence in reply (sic) by **4.00 pm on ~~Friday 3~~ Monday 20 November 2017**.

4. The matter will be listed for a directions hearing on ~~Wednesday 8~~ **during the week commencing 27 November 2017** for the purpose of scheduling the evidence. At that hearing, all parties intending to participate in the hearing must be in a position to inform the Commission of the witnesses required for cross-examination, and an estimate of the length of time required for cross-examination.

5. The matter will be listed for hearing on **12-14 December 2017** and **18-22 December 2017**, inclusive.

6. Liberty to apply.

[3] Ai Group sought the above amendments on the basis that the expert report includes a large volume of material not otherwise traversed in the ACTU case. Ai Group's position is that this report has resulted in a reconsideration of its approach to responding to the ACTU's case and, in addition, that this is not something that can be done in a discrete supplementary submission as envisaged in the directions issued on 15 September 2017. Ai Group also note that it has a significant interest in the Family and Domestic Violence Leave matter which is due to be heard in October.

[4] On 2 October 2017, we received [correspondence](#) from the ACTU supporting the Ai Group's request for revised directions.

[5] Having regard to the reasons advanced by Ai Group and the ACTU's consent to the amendment, we propose to grant the amendment to the directions as requested. Amended Directions are set out at Attachment A. We note that the amended directions do not affect the listed dates for the hearing of this matter.

PRESIDENT

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<Price code A, PR596551>

ⁱ [2017] FWCFB 4729

Attachment A

AMENDED DIRECTIONS

Fair Work Act 2009

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(AM2015/2)

JUSTICE ROSS, PRESIDENT

DEPUTY PRESIDENT GOOLEY

COMMISSIONER SPENCER

MELBOURNE, 4 OCTOBER 2017

The directions issued on 15 September 2017 are vacated and the following directions are made:

- 1.** Any party opposing the ACTU's claim shall file comprehensive written submissions and any witness statements or documentary material on which the party seeks to rely by **4.00 pm on Monday 30 October 2017**.
- 2.** The ACTU and any other interested party supporting the ACTU's claim shall file any written submissions and evidence in reply by **4.00 pm on Monday 20 November 2017**.
- 3.** The matter will be listed for a directions hearing during the week of **27 November 2017** for the purpose of scheduling the evidence. At that hearing, all parties intending to participate in the hearing must be in a position to inform the Commission of the witnesses required for cross-examination, and an estimate of the length of time required for cross-examination.
- 4.** The matter will be listed for hearing on **12-14 December 2017** and **18-22 December 2017**, inclusive.
- 5.** Liberty to apply.

PRESIDENT