



Restaurant  
& Catering



1 September 2015

Justice IJK Ross, President  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 300

**Four Yearly Review of Modern Awards - Penalty Rates - AM2014/305  
United Voice - Notice to Produce Orders**

I refer to the correspondence filed today by United Voice seeking additional Notice to Produce Orders for Mr John Hart, Ms Carlita Warren and Mr James Packer.

Restaurant & Catering Industrial object to the Notice to Produce Orders being granted as it is well outside the Directions ordered by the Full Bench that clearly set such Orders were to be filed by 17 August 2015. The Notice to Produce Orders were subject to a hearing on 21 August 2015 and resulted in further Directions and Orders being made by Vice President Catanzariti.

It is noted that the Commission has reminded the parties in these proceedings on a number of occasions to strictly adhere to the Directions set given the tight timetable that exists and that United Voice have provided no cogent reason to step outside the Directions. To allow United Voice to be successful on an application filed some 16 days out of time would set a precedent to other parties which could jeopardise the entire proceedings. It would also be procedurally unfair for the Full Bench to now grant further Notice to Produce Orders requiring substantial documentation in such a limited timeframe for the Restaurant & Catering Industrial witnesses in a situation where we have been entitled to plan otherwise.

For the outlined reasons above we require seek the Commission dismiss the United Voice application.

If the Full Bench is against us on this response we seek an opportunity and the time to provide a line-by-line response to each of the items United Voice seek produced.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Greg Parkes'.

Greg Parkes  
**Workplace Relations Director**

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