ORDER

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

4 yearly review of modern awards—penalty rates—retail group—expert evidence
(AM2014/305)

GENERAL RETAIL INDUSTRY AWARD 2010 AND OTHERS
[MA000004 and others]

Retail industry

VICE PRESIDENT CATANZARITI SYDNEY, 26 OCTOBER 2015

Confidentiality order – Dr Fiona Macdonald – expert witness

A. Pursuant to s.594 of the *Fair Work Act 2009* (Cth) (**the Act**), it is ordered that:

1. The materials identified in the attached schedule relating to the Orders to Produce directed at Dr. Fiona Macdonald (the material) are not to be published on the Fair Work Commission website or otherwise.

2. Access to the material is granted to the following persons for the sole purpose of the Penalty Rates matter AM2014/305 in the 4 yearly review of modern awards:

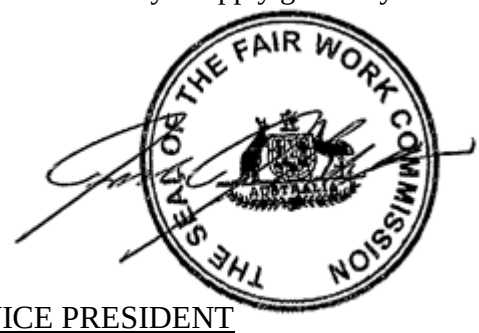
    a. Employees of the Fair Work Commission who need to deal with the material in the ordinary course of their duties;

    b. The Australian Industry Group, Australian Retailers' Association, National Retail Association, Master Grocers' Australia, New South Wales Business Chambers, Australian Business Industrial, Australian Hotels Association and the Pharmacy Guild of Australia including their representatives and counsel, but not including their members.

3. Any other persons or party who wishes to view the material may apply to the Fair Work Commission and the application shall be determined following a hearing involving affected parties.

B. It is noted that any party is at liberty, in the course of the hearing when oral evidence is being given touching upon these matters, to make an application under s.594 of the Act for confidentiality in respect of the particular evidence.

C. Liberty to apply generally on these matters is granted.



VICE PRESIDENT

Schedule

1. Materials filed by Dr Fiona Macdonald Senior Research Fellow at the Centre for Sustainable Organisations and Work, School of Management, RMIT University GPO Box 2476 Melbourne, in response to the Order to Produce issued by Vice President Catanzariti on 12 October 2015 specifically:

(a) Each document constituting the working notes of Dr Richard Phillips.

(b) Each document constituting the working notes of any other person working with Dr Macdonald on the preparation of the report of Dr Charlesworth and Dr Macdonald dated 26 August 2015 (the Report).

2. Materials filed by Dr Fiona Macdonald Senior Research Fellow at the Centre for Sustainable Organisations and Work, School of Management, RMIT University GPO Box 2476 Melbourne, in response to the amended Order to Produce issued by Justice Ross, President on 30 September 2015 which fall within the scope of those documents identified at paragraphs 1(a) and (b) of this schedule.