

From: Chambers - Catanzariti VP
Sent: Monday, 3 July 2017 2:42 PM
To: AMOD
Subject: RE: AM2016/25 – 4 yearly review of modern awards - Horticulture Award 2010

Dear Parties,

We confirm receipt of the below correspondence.

The Full Bench is unable to reschedule in accordance with the request. Accordingly, there will be no changes to the current schedule.

Kind regards

Josh Martin
Associate to Vice President Catanzariti AM

Fair Work Commission
Tel: (02) 9308 1966

chambers.catanzariti.vp@fwc.gov.au

Level 10, 80 William Street
East Sydney NSW 2011

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From: Stephen Crawford [<mailto:stephen@crawforddecarne.com.au>]
Sent: Monday, 3 July 2017 2:39 PM
To: Kara Sheehan; Kylie Dunn; Chambers - Catanzariti VP
Cc: Brent.Ferguson@aigroup.com.au; Chris.mossman@mk.com.au; Emma Macdougall; Genevieve Vaccaro; Jason.donnelly@nwlawyers.com.au; KPearsall@nff.org.au; Louise Houlihan ; roushan.walsh@nat.awu.net.au; Ruchi.Bhatt@aigroup.com.au; SMcKinnon@nff.org.au; stephen.smith@aigroup.com.au; Tass.Angelopoulos@nwlawyers.com.au; Paul Dugan; Justin Bourke (jlbourke@vicbar.com.au); Gillian Walker (gwalker@murraychambers.com.au)
Subject: Re: AM2016/25 – 4 yearly review of modern awards - Horticulture Award 2010

Dear Associate and Parties,

We confirm the AWU supports the NUW's request below for an inspection of Mitolo's Eastern Creek site. The AWU is prepared to forego providing an opening submission if this will enable the inspection to occur tomorrow afternoon.

The AWU also confirms its cross-examination of Mr Lightfoot will be brief and this should not prevent the evidence being concluded before the luncheon adjournment tomorrow.

Regards,

Stephen Crawford
Principal



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From: Kara Sheehan <ksheehan@nuw.org.au>

Date: Monday, 3 July 2017 at 1:58 pm

To: Kylie Dunn <kdunn@dmawlawyers.com.au>, "chambers.catanzariti.vp@fwc.gov.au" <chambers.catanzariti.vp@fwc.gov.au>

Cc: "Brent.Ferguson@aigroup.com.au" <Brent.Ferguson@aigroup.com.au>, "Chris.mossman@mk.com.au" <Chris.mossman@mk.com.au>, Emma Macdougall <emma.macdougall@mk.com.au>, Genevieve Vaccaro <genevieve.vaccaro@aigroup.com.au>, "Jason.donnelly@nwlawyers.com.au" <Jason.donnelly@nwlawyers.com.au>, "KPearsall@nff.org.au" <KPearsall@nff.org.au>, Louise Houlihan <lhoulihan@sladen.com.au>, "roushan.walsh@nat.awu.net.au" <roushan.walsh@nat.awu.net.au>, "Ruchi.Bhatt@aigroup.com.au" <Ruchi.Bhatt@aigroup.com.au>, "SMcKinnon@nff.org.au" <SMcKinnon@nff.org.au>, Stephen Crawford <stephen@crawforddecarne.com.au>, "stephen.smith@aigroup.com.au" <stephen.smith@aigroup.com.au>, "Tass.Angelopoulos@nwlawyers.com.au" <Tass.Angelopoulos@nwlawyers.com.au>, Paul Dugan <pdugan@dmawlawyers.com.au>, "Justin Bourke (jlbourke@vicbar.com.au)" <jlbourke@vicbar.com.au>, "Gillian Walker (gwalker@murraychambers.com.au)" <gwalker@murraychambers.com.au>

Subject: RE: AM2016/25 – 4 yearly review of modern awards - Horticulture Award 2010

Dear Vice President,

We refer to our email of 30 June 2017 and note the responses from Mitolo and AIG.

We intend to press our request for a view of the Mitolo Eastern Creek, but wish to propose two alternative times having regard to the AIG's response:

1. Tomorrow afternoon – 4 July 2017: We refer to the current timetable for tomorrow 4 July 2017 circulated by Mitolo on 26 June 2017. The NUW will be conducting limited cross examination of Ms Colquhoun, Mr Davis and Mr Turnbull and we no longer require Mr Lightfoot for cross examination. We think it likely that the all the evidence will be done before the luncheon adjournment and we will not be making an opening statement. On this basis, we

suggest that a brief view of the Mitolo Eastern Creek site could be conducted late in the afternoon.

2. 3 August 2017: The final two days of hearing which were scheduled in Melbourne at our request could be re-listed to be heard in Sydney, which would facilitate a view of the Eastern Creek site on the morning of 3 August 2017. We think there is sufficient time in the schedule for 3 and 4 August to accommodate this.

In the event that neither of these times are suitable, we would also be open to the view being conducted on another alternative date, subject to the Commission's convenience.

Kind regards,

Kara Sheehan | National Industrial Officer
National Union of Workers
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From: Kylie Dunn [<mailto:kdunn@dmawlawyers.com.au>]
Sent: Monday, 3 July 2017 11:56 AM
To: chambers.catanzariti.vp@fwc.gov.au
Cc: Brent.Ferguson@aigroup.com.au; Chris.mossman@mk.com.au; Emma Macdougall <emma.macdougall@mk.com.au>; Genevieve Vaccaro <genevieve.vaccaro@aigroup.com.au>; Jason.donnely@nwlawyers.com.au; KPearsall@nff.org.au; Kara Sheehan <ksheehan@nuw.org.au>; Louise Houlihan <lhoulihan@sladen.com.au>; roushan.walsh@nat.awu.net.au; Ruchi.Bhatt@aigroup.com.au; SMcKinnon@nff.org.au; Stephen Crawford <stephen@crawforddecarne.com.au>; stephen.smith@aigroup.com.au; Tass.Angelopoulos@nwlawyers.com.au; Paul Dugan <pdugan@dmawlawyers.com.au>; Justin Bourke (jlbourke@vicbar.com.au) <jlbourke@vicbar.com.au>; Gillian Walker (gwalker@murraychambers.com.au) <gwalker@murraychambers.com.au>
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Dear Vice President

Please see our attached [letter](#) and [enclosures](#) on behalf of the Mitolo Group.

Kind regards

Kylie Dunn | Senior Associate



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Connect with us



Connect with me

From: Stephen Smith [<mailto:Stephen.Smith@aigroup.com.au>]
Sent: Friday, 30 June 2017 5:41 PM
To: Chambers - Catanzariti VP
Cc: Kara Sheehan; lhoulihan@sladen.com.au; chris.mossman@mk.com.au; pdugan@dmawlawyers.com.au; Kate.Sheridan@mk.com.au; paula.colquhoun@mitologroup.com.au; Kylie Dunn; Genevieve Vaccaro; Paul White; Tass Angelopoulos; Kimberly Pearsall; Stephen Crawford; Roushan Walsh
Subject: RE: AM2016/25 - 4 yearly review of modern awards – Horticulture Award 2010

Dear Vice President Catanzariti

We refer to the request forwarded to the Commission this afternoon by Ms Sheehan on behalf of the NUW. The NUW has requested that an Inspection take place of Mitolo's facility in New South Wales on Wednesday 5 July.

The hearing on 5 July was cancelled with the agreement of all parties, and an Amended Notice of Listing was issued by the Commission on Tuesday 27 June.

Ai Group is no longer able to participate in any proceedings relating to the Horticulture Award on 5 July. I will be travelling to Adelaide on an early flight on 5 July and have arranged a series of important meetings in Adelaide that day, ahead of the Inspections at Mitolo and Zerella on 6 July.

We submit that the NUW's very late request for an Inspection of a further site be rejected. While it appears that the transcript for the hearing on 21 June 2017 is not yet available, our recollection is that the Full Bench made it clear at the hearing on 21 June, that only one day of Inspections would take place in the proceedings – on 6 July in South Australia.

Yours sincerely

Stephen Smith
Head of National Workplace Relations Policy



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From: Kara Sheehan [<mailto:ksheehan@nuw.org.au>]
Sent: Friday, 30 June 2017 4:39 PM
To: Chambers - Catanzariti VP <Chambers.Catanzariti.VP@fwc.gov.au>; Stephen Smith <Stephen.Smith@aigroup.com.au>
Cc: lhoulihan@sladen.com.au; chris.mossman@mk.com.au; pdugan@dmawlawyers.com.au; Kate.Sheridan@mk.com.au; paula.colquhoun@mitologroup.com.au; Kylie Dunn <kdunn@dmawlawyers.com.au>; Genevieve Vaccaro <Genevieve.Vaccaro@aigroup.com.au>; Paul White <PaulWhite@zerella.com.au>; Tass Angelopoulos <Tass.Angelopoulos@nwlawyers.com.au>; Kimberly Pearsall <KPearsall@nff.org.au>; Stephen Crawford <stephen@crawforddecarne.com.au>; Roushan Walsh <roushan.walsh@nat.awu.net.au>
Subject: RE: AM2016/25 - 4 yearly review of modern awards – Horticulture Award 2010

Dear Associate,

We refer to proceeding AM2010/25 and we write in relation to two matters.

1. Site inspections

We have recently become aware of a site operated by the Mitolo Group in Eastern Creek, Sydney. We consider that there is utility in the Commission conducting a short visit to this site.

In support of this application, we rely on the attached statements of George Robertson and Jafar Kazmi.

We have foreshadowed this issue with Mitolo's lawyers and the other parties, but understand that to date Mitolo has not consented to the view occurring.

The site is located approximately 1 hour from the Commission, so we suggest that the view occur on Wednesday 5 July 2017 which was previously set down for hearing this matter.

We would greatly appreciate if we could be informed whether the Commission is minded to conduct a view in advance of the commencement of Tuesday's hearing.

2. Further material for filing

We also wish to be provided with leave to rely on the attached 3 witness statements in relation to the site visits and in response to the third witness statement of Ms Paula Colquhoun filed on 15 June 2017.

Sincerely,

Kara Sheehan | National Industrial Officer
National Union of Workers
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