

**From:** Christopher Nowland [<mailto:christopher.nowland@harmers.com.au>]

**Sent:** Friday, 20 October 2017 3:30 PM

**To:** Chambers - Dean DP

**Cc:** Luis Izzo; Kyle Scott; Emily Slaytor; 'Muddagouni, Kamna'; Michael Harmer; David Bates; 'Matt Galbraith'; 'Sean.Morrissey@ahansw.com.au'; AMOD; Chambers - Hatcher VP; AMOD

**Subject:** Alpine Resorts Award 2010 (AM2016/30)

Dear Ms Wong,

**Alpine Resorts Award 2010 (AM2016/30)**

We refer to the directions made by Deputy President Dean on 9 October 2017 in the above matter.

In regards to Directions 1 to 3, the Australian Ski Areas Association (“**Association**”) is content to rely on cross examination and submissions on weight in relation to any evidentiary issues. We note that objections have been raised by the Mount Hotham Resort Management Board (“**MHRMB**”), and Australian Business Industrial/New South Wales Business Chamber/Thredbo Chamber of Commerce (“**together ABI**”) to certain aspects of the witness statement of Gavin Girling. We **attach** the Association’s response to those objections, which has been provided to the other parties.

In regards to Direction 4, it has been agreed between the parties that the following witnesses who have given evidence in these proceedings will be required for cross examination:

1. Gavin Girling from the Association;
2. Nick Cook from Mount Beauty Supermarket Pty Ltd;
3. Jason Moon from White Winter Investments Pty Ltd;
4. Brett Williams from FSCM Pty Ltd;
5. Ian Foster from Valley Management Pty Ltd;
6. Narelle Clarke from Cedarwood Apartments;
7. Rob Aivatoglou from George’s Ski Hire;
8. Sandra Connor from Black Bear Inn;
9. Greg Quinn from Chalets Thredbo Pty Ltd;
10. John Leggett from Candlelight Lodge;
11. Stephen Pennington of DPSI General Pty Ltd;
12. Steve Owen from Thredbo Burger Bar Pty Ltd;
13. Keith Archibald from Summit Ridge Alpine Lodge;
14. Luis Izzo of Australian Business Lawyers & Associates;
15. Emily Slaytor of Australian Business Lawyers & Associates; and
16. Jon Hutchins from the Mount Hotham Resort Management Board.

In regards to Direction 5, the parties have agreed to the following program for the hearing dates Monday 30 October 2017 through Thursday 2 November 2017:

1. The following parties make opening submissions on the issue of coverage in the order in which they appear:
  - a. the ABI;
  - b. the Australian Hotels Association (“**AHA**”);
  - c. the Association;
  - d. the SDA; and
  - e. the AWU;
2. The ABI witnesses give evidence and are cross examined by the Association, SDA and/or the AWU. The Association, SDA and the AWU have no preferences in relation to the order in

which ABI's witnesses give evidence, so long as the Association, SDA and the AWU are provided with notice of the order on or before Wednesday 25 October 2017;

3. The Association's witness gives evidence and is cross examined by ABI and/or the AHA;
4. ABI and AHA make closing submissions on the issue of coverage;
5. The Association, SDA and the AWU make closing submissions on the issue of coverage; and
6. ABI and the AHA reply to the closing submissions from the Association, SDA and the AWU.

Likewise, the parties have agreed to the following program for the final day of hearing on Friday 3 November 2017:

1. the MHRMB, the AWU, and the Association make opening submissions on the issue of Resort Management Board coverage;
2. the MHRMB's witness gives evidence and is cross examined by the Association on the issue of Resort Management Board coverage;
3. the Association's witness gives evidence and is cross examined by the MHRMB and the AWU on the issue of Resort Management Board coverage;
4. the MHRMB, the AWU, and the Association make closing submissions on the issue of Resort Management Board coverage;
5. the AWU and the Association make submissions on:
  - a. the removal of the 8.33% loading for seasonal employees;
  - b. the inclusion of an annual leave loading for non-casual employees;
  - c. the application of overtime penalty rate provisions to casual employees.

If you have any questions regarding the above, please do not hesitate to contact our offices.

Yours faithfully,

Christopher Nowland  
Solicitor

**D | M | T** +61 2 9267 4322 | **F** +61 2 9264 4295  
**E** [christopher.nowland@harmers.com.au](mailto:christopher.nowland@harmers.com.au) | **W** [www.harmers.com.au](http://www.harmers.com.au)  
**A** Level 27, St Martins Tower, 31 Market Street, Sydney NSW 2000

