

From: Chambers - Catanzariti VP <Chambers.Catanzariti.VP@fwc.gov.au>

Sent: Monday, 19 April 2021 4:58 PM

To: Dominic Macken <djmacken@macken.com.au>; Brent Ferguson <brent.ferguson@aigroup.com.au>; Ruchi Bhatt <Ruchi.Bhatt@aigroup.com.au>

Cc: Chambers - Catanzariti VP <Chambers.Catanzariti.VP@fwc.gov.au>

Subject: RE: Four Yearly Review of Modern Awards - Matter AM2017/40 - Hair and Beauty Industry Award 2010

OFFICIAL

Dear Parties,

I refer to Mr Macken's below correspondence. I have related the parties' request to vary the existing directions to the Full Bench. The Full Bench has granted this request.

Kind regards,

Andrew Thai

Associate to Vice President Catanzariti AM

Fair Work Commission

Tel: (02) 9308 1810

chambers.catanzariti.vp@fwc.gov.au

Level 10, 80 William Street

East Sydney NSW 2011

www.fwc.gov.au

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past present and emerging.



From: Dominic Macken <djmacken@macken.com.au>

Sent: Monday, 19 April 2021 4:17 PM

To: Chambers - Catanzariti VP <Chambers.Catanzariti.VP@fwc.gov.au>; Brent Ferguson <brent.ferguson@aigroup.com.au>; Ruchi Bhatt <Ruchi.Bhatt@aigroup.com.au>

Subject: Re: Four Yearly Review of Modern Awards - Matter AM2017/40 - Hair and Beauty Industry Award 2010

Dear Associate,

We refer to the above matter.

As foreshadowed in the email below, we have engaged with the Solicitors for HABA in relation to amending the Commission's directions to accommodate the late filing of the expert report of Dr Martin O'Brien.

If convenient to the Commission, we can advise the Commission that the Solicitors for HABA do not oppose varying the current directions in the following terms:

1. The Union Parties have leave to file the report of Martin O'Brien dated 9 April 2021 and the Amended Outline of Submissions dated 12 April 2021.
2. Employers and opposing parties to file and serve any materials (submissions and/or evidence) by [Monday, 14 June 2021](#).
3. Any reply materials (submissions and/or evidence in reply) from the Union Parties to be filed and served by [Monday, 5 July 2021](#).

We note that the above proposed amendments to the existing directions do not alter the hearing dates previously fixed by the Commission. We would be grateful for the Commission's consideration of this consent position at its earliest convenience.

Yours faithfully,

Dominic Macken
A J MACKEN & CO

On 12 Apr 2021, at 12:04 pm, Dominic Macken <djmacken@macken.com.au> wrote:

Dear Associate,

We refer to the above matter.

We enclose amended submissions filed on behalf of the Union Parties (Shop, Distributive and Allied Employees' Association and the Australian Workers' Union) for which leave will be sought to rely upon. Amendments to the documents as previously filed (essentially inserted paragraphs) are marked by underlining.

As was foreshadowed in the earlier submissions, leave will be sought to be rely upon a further witness statement herewith attached, namely the expert report prepared by Associate Professor Martin O'Brien.

Associate Professor O'Brien's report was only received on 9 April 2021 and was delayed as a result of procedural processes now mandated by the Australian Bureau of Statistics as a condition precedent to accessing and using for approved purposes ABS data. That final approval from the ABS was only received on 9 April 2021.

We apologise for the delay in finalising this material.

It is accepted that the Commission's timetable will need to be revised to afford an opportunity to the opposing parties to address this new material. We do not anticipate that any such amendment will impact upon the fixed hearing dates. We will liaise with the other parties in relation to a consent position about a revised timetable and revert back to the Commission as soon as possible.

A copy of this communication has been provided to AMOD.

Yours faithfully,

A J MACKEN & CO.