

Fair Work Commission
Terrace Tower, 80 William Street
East Sydney NSW 2011
By email: amod@fwc.gov.au

10 June 2016

Re: AM2014/196 and AM2014/197 Casual Employment and Part-time Employment – witness list for July hearings

Background

1. In correspondence dated 9 June 2016 the Commission directed parties affected by the witness list for the hearings scheduled for 11 – 15 July 2016 to do the following:
 - Identify or confirm witnesses required for cross-examination; and
 - Identify or confirm the availabilities, location and whether a video-link is required for any witness.
2. The relevant information for The Australian Workers' Union (AWU) appears below.

Initial point – error in the witness list

3. The witness list currently indicates that the statement of Kim Shepherd¹ dated 19 February 2016 has been withdrawn.
4. The AWU has not intentionally withdrawn the witness statement of Mr Shepherd and we still intend to call him as a witness during the July hearings.

Additional witnesses withdrawn

5. Our understanding is the National Farmers' Federation (NFF) is withdrawing the following witness statements:
 - Nicole Jolley

¹ See <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/common/AM2014196-197-sub-AWU-220216.pdf> at Attachment 2

- Kimberley Pearsall
- Chris Schreurs

Witnesses for cross-examination

6. The AWU confirms the following witnesses are required for cross-examination:

National Farmers' Federation

Pastoral Award 2010 – claim to reduce minimum engagement for part-time and casual employees in the dairying industry

- Noel Campbell
- Leigh Shearman
- Susan Wearden

Horticulture Award 2010 – reply witnesses concerning the AWU's claim for casual overtime penalties and the ACTU common claims

- Alice De Jonge
- Brock Sutton
- Christopher Schreurs
- Donna Mogg
- John Dollison
- Lachlan Donovan
- Steve Chapman
- Andreas Rehberger
- Brendan Miller
- Clint Edwards
- Kylie Collins
- Rhonda Jurgens
- Tracey McGrogan

Costa Group

Horticulture Award 2010 – reply witnesses concerning the AWU's claim for casual overtime penalties and the ACTU common claims

- Peter McPherson
- Richard Roberts

South Australian Wine Industry Association

Wine Industry Award 2010 – claim to reduce the casual minimum engagement

- Jeremy Dineen
- Steven Todd
- Richard van Ruth
- Kirsty Balnaves
- Fred Peacock

Availability of AWU witnesses

7. The AWU witnesses are all available for cross-examination on 11 July 2016 at the following locations:

Horticulture Award

- Adam Algate: Melbourne
- Keith Ballin: Brisbane
- Ron Cowdrey: Sydney

Pastoral Award – dairying minimum engagement

- Kim Shepherd: Melbourne
- Mark Bell: Melbourne

Wine Industry Award

- Adam Algate: Melbourne
- Ron Cowdrey: Sydney
- Mahmut Melkic: Perth

8. We note Mr Algate, Mr Ballin, Mr Cowdrey and Mr Shepherd are all travelling significant distances to attend at these capital city locations.



Stephen Crawford

SENIOR NATIONAL LEGAL OFFICER