



29 July 2016

Dear Parties,

Re: AM2014/196 and AM2014/197 – Casual and Part-time Employment

The matters will be listed for a mentions/directions hearing before Vice President Hatcher at **9.00am Friday 5 August 2016**.

Please refer to the attached draft witness list for the matters listed for hearing before the Full Bench on 15 – 19 August 2016.

Parties are directed to advise the Commission by **4.00pm Thursday 4 August 2016** of the following:-

- (1) Identify if any witnesses not already shaded in grey are required for cross-examination.
- (2) Identify the location and whether a video-link is required for any witness.

All advice is to be sent to amod@fwc.gov.au.

Parties that have requested a conciliation to be conducted in respect of the *Hospitality Industry (General) Award 2010* and *Registered and Licensed Clubs Award 2010* are to attend the mentions/directions hearing in order to address this issue.

Kind regards,

Katrine Huynh

Associate to Vice President Hatcher

Fair Work Commission

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WORKING WITNESS LIST

AM2014/196 – PART TIME EMPLOYMENT FULL BENCH

AM2014/197 – CASUAL EMPLOYMENT FULL BENCH

PLEASE NOTE:

1. The Full Bench will be sitting in Sydney for **ALL** hearings.
2. Parties with witnesses appearing via **telephone** must advise the Commission of the relevant telephone numbers **48 hours in advance of the witness being scheduled.**
3. Any party cross-examining a witness that is not located in the same State and wishes to provide that witness with any documents, must provide such documents to the Commission **48 hours in advance of the witness being scheduled.**
4. Any witnesses appearing in **Perth must give their evidence between 2.00pm– 5.00pm (EST) on the days in which a video-link to Perth has been booked.**
5. Any witnesses appearing in **Hobart must give their evidence before 4.00pm (EST) on the days in which a video-link has been booked.**

6. Road transport awards

(10.00am Monday 15 August 2016)

Party	Award	Witnesses (highlighted names requested for XXN)	Location	XXN
Australian Industry Group	Road Transport (Long Distance Operations) Award 2010			
Transport Workers' Union	Road Transport (Long Distance Operations) Award 2010 Passenger Vehicle Transportation Award 2010	Brad Osland	Not yet advised	<ul style="list-style-type: none"> • Ai Group • APITA
		Grant Hosking	Not yet advised	
		Robert Giddens	Not yet advised	
		Matthew Zander	Not yet advised	
		Norm Murray	Not yet advised	
		Steve Pink	Not yet advised	
		Tom Edwards	Not yet advised	
Australian Public Transport Industrial Association	Passenger Vehicle Transportation Award 2010	Benjamin James	Not yet advised	<ul style="list-style-type: none"> • TWU • ACTU
		Doolan		
		Ben Romanowski	Not yet advised	
		Shane Dewsbery	Not yet advised	
		Den Adam Campbell	Not yet advised	

Witness unavailable in July Hearings				
4B. Part-time hours of work, changes to hours of work, rosters and entitlement to overtime - NDIS and related issues				
Jobs Australia	<i>Social, Community, Home Care and Disability Services Award 2010</i>	Dr Jennifer Fitzgerald ¹	Sydney	<ul style="list-style-type: none"> • ANMF • ACTU • UV • HSU • ASU

7. Casual entitlement to overtime penalties

(10.00am Tuesday 16 August 2016 – Wednesday 17 August 2016)

Party	Award	Witnesses (highlighted names requested for XXN)	Location	XXN
Shop Distributive and Allied Employees Association	<i>Pharmacy Industry Award 2010</i> <i>General Retail Industry Award 2010</i> <i>Fast Food Industry Award 2010</i> <i>Hair and Beauty Industry Award 2010</i> ²			
United Voice	<i>Hospitality Industry (General) Award 2010</i> <i>Registered and Licensed Clubs Award 2010</i> <i>Restaurant Industry Award 2010</i>	Dr Damian Oliver Dr Olav Muurlink Keith Harvey Phoebe Dean Joanna Malicki Elena Marsiglia Padcrijona 'Jona' Hilario Alvero Shayne Dennis Jack Gibney Alexandra Kindness (replaced on 24/02) Marilyn Whitfield Confidential witness	Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised Not yet advised	<ul style="list-style-type: none"> • CAI • RCI • AHA
Rail, Tram and Bus Union		Gary Talbot	Not yet advised	
Aussie Aquatics	<i>Fitness Industry Award 2010</i>			
Witness unavailable in March Hearings				
Common Issues				
Australian Manufacturing Workers' Union		Warren Tegg	Sydney	<ul style="list-style-type: none"> • Ai Group

¹ Witness only available on 15, 18, 19 August ([corr-17/06/16](#))

² To be heard on papers see [Directions 15 July 2016](#).

Witness unavailable in July Hearings				
3. Wine industry, pastoral, horticultural awards				
South Australian Wine Industry Association	<i>Wine Industry Award 2010</i>	Jeremy Dineen ³	Phone	<ul style="list-style-type: none"> • ACTU • UV • AWU
		Richard van Ruth	Adelaide	
		Kirsty Balnaves ⁴	Adelaide	

8. Miscellaneous issues

(Not before 2.00pm Wednesday 17 August 2016)

Party	Award	Witnesses	Location	XXN
Master Builders Australia	<i>Building and Construction General On-site Award 2010</i>			
Housing Industry Association	<i>Building and Construction General On-site Award 2010</i>	Annica Cloet ⁵	Brisbane	<ul style="list-style-type: none"> • CFMEU
Independent Education Union	<i>Educational Services (Post-Secondary Education) Award 2010</i>			
Witnesses who were unable to be heard during July hearing				
4A. Part-time hours of work, changes to hours of work, rosters and entitlement to overtime				
Clubs Australia Industrial	<i>Registered and Licensed Clubs Award 2010</i>	Alan Raymond	Sydney	<ul style="list-style-type: none"> • UV⁶ • ACTU⁷
		Robinson		
		Carrol Anne Jarvis ⁸		
		Kristy Gardiner		
		Brenda Devine		
Gerard Robinson ⁹	Sydney			

9. Closing submissions

(Not before 10.00am Thursday 18 August 2016 – Friday 19 August 2016)

³ Not available on 11 July 2016; SA Wines request for witnesses to be moved to August hearing dates ([cor-06/07/16](#))

⁴ Not available from 11 July to 19 Aug 2016; SA Wines request for witnesses to be moved to August hearing dates ([cor-06/07/16](#))

⁵ Request Videolink to Brisbane [08/03/16](#)

⁶ Advised 7 witnesses no longer required for XXN by United Voice correspondence dated [4 May 2016](#) and [16 June 2016](#).

⁷ Mentioned at hearing, ACTU has not confirmed whether still requires these witnesses for XXN.

⁸ Available 15-19 August only. UV requests ([16/06/16](#)) that if Robinson and Jarvis are the only evidence on that day they be allowed to XXN in Canberra by video-link.

⁹ Ibid.

KEY	
ABI	Australian Business Industrial and NSW Business Chamber
ACTU	Australian Council of Trade Unions
AHA	Australian Hotels Association
Ai Group	Australian Industry Group
ANMF	Australian Nurses and Midwifery Federation
APITA	Australian Public Transport Industrial Association
ASU	Australian Services Union
AWU	Australian Workers Union
CAI	Clubs Australia Industrial
CFMEU	Construction Forestry Mining and Energy Union
HSU	Health Services Union
NFF	National Farmers Federation
RCI	Restaurant and Catering Industrial
SA Wines	South Australian Wine Industry Association
TWU	Transport Workers' Union of Australia
UV	United Voice

Final written and oral submissions timetable	
10 June 2016	Written submissions for proponents of the common claims
22 July 2016	Supplementary written submissions concerning common claims
	Australian Industry Group's written reply submissions in respect of its claim to vary the <i>Black Coal Mining Industry Award 2010</i> .
	Written submissions in reply by the proponents of claim to reduce the casual minimum engagement period in the <i>Joinery and Building Trades Award 2010</i>
29 July 2016	Any further written submission from the Pharmacy Guild of Australia (Guild) and the Shop, Distributive and Allied Employees Association (SDA) in respect of their claims to vary the <i>Pharmacy Industry Award 2010</i>
5 August 2016	Written reply submissions in relation to common claims
26 August 2016	Written reply submissions from the Guild, SDA and any other interested parties in respect the claims to vary the <i>Pharmacy Industry Award 2010</i>
30 September 2016 TBC	<i>Australian Business Industrial, NSW Business Chamber Ltd, St Ives Group and any interested parties supporting to file final written submission in support of these claims</i>
11 November 2016 TBC	<i>ASU, HSU, ACTU and the ANMF and any other parties opposing to file any written reply submissions</i>
28 November 2016	Full Bench hearing of oral closing submissions for NDIS and related issues.