

From: Marianne Wells [mailto:Mariannew@restaurantcater.asn.au]
Sent: Monday, 8 August 2016 2:05 PM
To: Chambers - Hatcher VP; AMOD
Cc: Richard Tait; Helen Carayannis; Stephen Bull; John Sweetman; Phillip Ryan
Subject: RE: AM2014/196 & AM2014/197

Dear Associate,

We refer to the above matter, the directions on 29 July 2016 and email correspondence from AHA below.

Please note that R&CI will now require Ms Phoebe Dean for cross-examination in respect of the overtime claim by United Voice. We have conferred with Mr Bull, who does not take issue with our request.

Regards,

Marianne Wells | In-House Counsel – Professional Advisory Services Manager
Restaurant & Catering Industry Association

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From: Phillip Ryan [mailto:Phillip.Ryan@ahansw.com.au]
Sent: Thursday, August 4, 2016 2:25 PM
To: AMOD@fwc.gov.au
Cc: Chambers.Hatcher.VP@fwc.gov.au; Richard Tait <RTait@clubsnsw.com.au>; Helen Carayannis <HCarayannis@clubsnsw.com.au>; Marianne Wells <Mariannew@restaurantcater.asn.au>; Stephen Bull <Stephen.Bull@unitedvoice.org.au>; John Sweetman AM <j.sweetman@ahavic.com.au>
Subject: AM2014/196 & AM2014/197

Dear Associate,

RE: FOUR YEARLY REVIEW OF MODERN AWARDS: PART-TIME AND CASUAL EMPLOYMENT COMMON ISSUE (AM2014/196 AND AM2014/197)

We refer to the directions issued on 29 July 2016 and hereby respond on behalf of the AHA (including AAA and MIMAA), Clubs Australia Industrial and Restaurant and Catering Industrial.

We advise that we require the following witnesses to be available for cross examination:

1. In relation to the reply by United Voice to the claims made by the AHA, AAA, MIMAA and Clubs Australia Industrial:
 - Mr. Keith Harvey (subject to our objection below);
 - Ms. Marilyn Whitfield.

Mr. Keith Harvey

In separate correspondence dated 8 March 2016, the AHA and Clubs Australia Industrial advised the Commission that the whole statement of Mr Harvey was objected to being admitted into evidence on the basis that the statement is not evidence, but rather submission/argument and the witness expresses conclusions/opinions, yet the witness is not qualified as an expert.

In the event that our objection is not upheld, we will require Mr Harvey for the purposes of cross examination.

2. In relation to the casual overtime claim made by United Voice, we require the following witnesses for cross examination:

- Dr Damian Oliver (subject to our objection below);
- Dr Olav Muurlink;
- Mr. Keith Harvey (see comment above);
- Ms. Padcrijona 'Jona' Hilario Alvero;
- Mr. Shayne Dennis; and
- Mr. Jack Gibney.

Dr Damian Oliver

We object to the whole statement on the basis that it is submission / argument.

Other Matters

Ms. Jenny Wregg

On 24 June 2016, the Australian Hotels Association filed a statement on behalf of Ms. Jenny Wregg. Ms. Wregg does not appear on the working witness list issued on 29 July 2016.

Yours faithfully,

Phillip Ryan
Director, Legal and Industrial Affairs

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