



Restaurant
& Catering

03 October 2018

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Commissioner Lee,

REVIEW OF THE RESTAURANT INDUSTRY AWARD 2010 (AM2017/57) -CONFIDENTIALITY EVIDENCE APPLICATION

I refer to the above matter and the amended directions notice dated 27 September 2018.

In support of our confidential evidence application, the Restaurant and Catering Industry Association (RCI) makes the following submissions for your consideration:

- 1) Section 594(1) of the Fair Work Act 2009 grants discretionary powers to the FWC in prohibiting or restricting the publication of:
 - (a) *evidence given to the FWC in relation to the matter;*
 - (b) *the names and addresses of persons making submissions to the FWC in relation to the matter;*
 - (c) *matters contained in documents lodged with the FWC or received in evidence by the FWC in relation to the matter;*
 - (d) *the whole or any part of its decisions or reasons in relation to the matter;*

- 2) RCI will be relying on evidence submitted by a number of witnesses in these proceedings;

- 3) The RCI witnesses have stated that they are not willing to submit evidence unless they are able to do so with anonymity;
- 4) In order to fully consider the facts, issues, and competing perspectives that are pertinent to these proceedings, the FWC will be greatly assisted by the evidence submitted by the witnesses.
- 5) The witnesses have expressed a concern that publication of their details poses a significant risk to their business through the potential for negative media implications, targeted harassment and bullying from unions and lobby groups and harming their relationship with their employees.
- 6) The RCI submits that the witnesses concerns are not unreasonable in the circumstances and requests the FWC makes the following orders in accordance with the original application:
 - i) That the name, business name, business address and any other identifying information of the witnesses in the statements marked “confidential” be redacted; and
 - ii) That interim orders be granted to redact the details outlined above prior to the commencement of any hearing of the application for confidentiality orders.

CWard

Carlyon Ward

Restaurant & Catering Industry Association