

From: Chambers - Watson VP
Sent: Friday, 11 November 2016 11:52 AM
To: Bronwyn Byrnes
Cc: AMOD
Subject: RE: AM2015/1 - Family and domestic violence clause [DLM=Sensitive:Legal]

Dear Ms Byrnes

The Vice President has considered the below reasons for the AHRC's request for video-link to Sydney for the hearing of evidence in this matter and determined that the Commission will not be providing a video-link for the purposes of observation by interested parties.

Regards

Richard Williamson
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Tribunal Services Branch

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From: Bronwyn Byrnes [<mailto:bronwyn.byrnes@humanrights.gov.au>]
Sent: Thursday, 10 November 2016 4:17 PM
To: Chambers - Watson VP
Cc: AMOD
Subject: RE: AM2015/1 - Family and domestic violence clause [DLM=Sensitive:Legal]

Dear Vice President Watson,

I respectfully request a video-link to Sydney for the hearing of evidence in this matter listed to be heard in Melbourne on 14-18 November.

The Australian Human Rights Commission is an interested party supporting the introduction of Family and domestic violence leave. On 16 May 2016 it filed written submissions and on 14 October 2016 it filed further written submissions in reply.

The Commission does not intend to give evidence at the hearing or cross-examine witnesses. However, it would be beneficial for a representative from the Commission to be able to observe the hearing. The Commission notes the Vice President's directions to the parties to keep cross-examination short. However, it is of the view, that regardless of how long it takes, the questioning of witnesses will reveal vital information that is necessary for the Commission to consider.

In the Commission's view, observing the hearing of evidence via video-link would be the most efficient use of its very limited resources. Under s 10A of the *Australian Human Rights Commission Act 1986* (Cth), the Commission has a statutory duty to 'ensure that its functions are performed efficiently and with the greatest possible benefit to the people of Australia'.

The Commission's office and staff are located in Sydney. Sending a staff member to Melbourne to observe the hearing would not only be costly, it would require that staff member to be away from their family. In the Commission's view, this is not necessary given that the Commission does not intend to give evidence or cross-examine witnesses itself at the hearing.

Further, in the Commission's view, reading transcripts of the hearing will not give the staff of the Commission an equivalent understanding of the evidence. Transcripts present propositional content, and do not record many important elements of speech, such as emphasis, intonation, volume, and pauses used by Commissioners, representatives or witnesses. It may give rise to misunderstandings regarding whether something is said incredulously or seriously. It does not reveal any visual cues, such as body language or facial expressions used. It is also possible that it may take longer for a staff member to read and comprehend the transcripts (even if the cross-examination is short, which it may not be) without having had the benefit of hearing and seeing the evidence being given beforehand.

For all these reasons, we respectfully request that you consider our request.

Please contact me if you require any further information.

Yours sincerely,

Bronwyn

Bronwyn Byrnes

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Human rights: everyone, everywhere, everyday