



3 June 2020

Vice President Hatcher
Fair Work Commission

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Dear Vice President Hatcher

AM2020/18 - Application to vary SCHADS Award

We refer to the Form F52 applications made by our clients on 1 June 2020 (the **Applications**) and the letter from the Australian Services Union (**ASU**) to the Fair Work Commission dated 3 June 2020.

We maintain that the categories of documents sought by our clients in the Applications are relevant, appropriate and properly contained.

In its letter, the ASU asserts that the orders sought by our clients would:

- be so broad that the production of documents would be oppressive to the respondents;
- invade the privacy of the respondent organisations, their employees and their clients; and
- go beyond the legitimate purpose of gathering evidence to inform the Commission.

However, the ASU does not identify any particular aspects of the draft orders that would result in the orders being so oppressive, invasive or illegitimate. As a result, it is difficult for us to understand the exact basis on which the ASU objects to the Applications.

Our clients reject the insinuation that the Applications were made in “retaliation” against the “Aruma Services” and “Lifestyle Solutions”. We note that our clients have also made similar applications with

respect to “Life Without Barriers” and “Lithgow Information and Neighbourhood Centre”, as well as nearly a dozen other organisations in related proceedings AM2020/13.

The ASU asserts that the Applications are “unnecessary” on the basis that our clients may have been able to obtain some of the documents on a voluntary basis. We contend that this is not a proper basis for opposing the Applications. In any event, it is our experience that, in award review matters, employers are often more comfortable providing documents in circumstances where this is required by the FWC.

Notwithstanding the above, our clients are willing to engage in a conciliatory process in relation to any dispute about the scope of the orders sought. However, we are concerned that such a process might prejudice our clients by delaying the preparation of our evidence and submissions.

Accordingly, we respectfully request that any conciliation conference be held as soon as practicable, or otherwise that the timetable for the filing of material be amended to account for any delay in the production of documents.

Yours sincerely

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