

From: Sina Zevari [<mailto:Sina.Zevari@Ablawyers.com.au>]

Sent: Tuesday, 14 November 2017 3:54 PM

To: Chambers - Booth DP

Cc: AMOD; Chambers - Hatcher VP; 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; 'kairsty.wilson@aed.org.au'; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chris@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitally@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor
Subject: RE: AM2014/286 - SES Award [ABLAW-ImanageDocs.FID135807]

Dear Associate

I refer to the email below, and specifically reference to the release of the ARTD report. We are yet to receive a response from AED Legal or the Commission with respect to same, and respectfully request an update in relation to same as soon as possible prior to the revised deadline for filing of materials in opposition next Tuesday 21 November.

Kind regards

Sina Zevari

Senior Associate | Accredited Specialist – Employment & Industrial Law

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From: Chambers - Hatcher VP [<mailto:Chambers.Hatcher.VP@fwc.gov.au>]

Sent: 06/11/2017 4:51 PM

To: Sina Zevari; Chambers - Booth DP; AMOD

Cc: 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; 'kairsty.wilson@aed.org.au'; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chris@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitally@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au';

'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com';
'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au';
'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor
Subject: RE: AM2014/286 - SES Award [ABLAW-ImanageDocs.FID135807]

Dear Mr Zevari,

I refer to your email below and the requested extension.

The Commission grants request such that:

1. Any parties opposing a variation proposal shall file in the Commission the witness statements, expert's reports and other evidentiary material upon which they intend to rely, together with an outline of submissions, on or before 4.00pm Tuesday 21 November 2017.
2. Any evidence and outlines of submissions in reply shall be filed in the Commission on or before 4.00pm Thursday 14 December 2017.

In light of this, the directions hearing listed on 18 December 2017 will be vacated and re-listed at **9.00am on Thursday 21 December 2017**. A notice of listing to this effect will shortly follow and be published on the website.

Kind regards,

Ingrid Stear

Associate to Vice President Hatcher

Fair Work Commission

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From: Sina Zevari [<mailto:Sina.Zevari@Ablawyers.com.au>]

Sent: Monday, 6 November 2017 2:15 PM

To: Chambers - Hatcher VP; Chambers - Booth DP

Cc: 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen;
'fogarty@denmanchambers.com.au'; 'kirsty.wilson@aed.org.au'; 'cainpaul@icloud.com';
'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chrisc@greenacres.net.au';
'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au';
'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au';
'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitaly@gmail.com';
'mj buck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au';
'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au';
'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com';
'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au';
'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor

Subject: RE: AM2014/286 - SES Award [ABLAW-ImanageDocs.FID135807]

Dear Associates

Directions

We refer to the Directions made by Vice President Hatcher regarding contested substantive matters in the above matter on 10 July 2017, which included the following orders:

1. Any party who proposes a variation to the Award shall file in the Commission a draft determination to give effect to their variation proposal on or before **4.00pm Monday 31 July 2017**.
2. Any parties supporting a variation proposal shall file in the Commission the witness statements, expert's reports and other evidentiary material upon which they intend to rely, together with an outline of submissions, on or before **4.00pm Monday 25 September 2017**.
3. Any parties opposing a variation proposal shall file in the Commission the witness statements, expert's reports and other evidentiary material upon which they intend to rely, together with an outline of submissions, on or before **4.00pm Monday 13 November 2017**.
4. Any evidence and outlines of submissions in reply shall be filed in the Commission on or before **4.00pm Monday 11 December 2017**.

On 20 September 2017 AED Legal requested an extension until 18 October 2017 for compliance with Order 2. No explanation was provided for the request.

Later on 20 September 2017, the Commission granted AED Legal until close of business **2 October 2017** to comply with Order 2 (an extension of one week).

On 21 September 2017, AED Legal requested that the extension granted by the Commission go beyond 2 October 2017, noting that a party to an Order for Production had been given an extension in relation to the production of its documents.

On 22 September 2017, the Commission denied AED Legal a further extension in relation to Order 2, and affirmed the revised due date of close of business 2 October 2017 (save for material derived from documents produced from orders for production issued by AED Legal).

On 2 October 2017, AED Legal filed two witness statements in partial compliance with Order 2, being those of Peggy Eagles and Kate Last.

On 3 October 2017 (and after the revised due date provided by the Commission) AED Legal filed two further witness statements (being those of Kairstien Wilson and Paul Cain) and an Outline of Submissions.

In fairness to the other parties involved in these proceedings, and to avoid prejudicing them in relation to the extension/delay associated with the filing of AED Legal's materials to date, we respectfully request that Orders 3 and 4 made by Vice President Hatcher on 10 July 2017 as referred to above be amended as follows:

Order 3	Any parties opposing a variation proposal shall file in the Commission the witness statements, expert's reports and other evidentiary material upon which they intend to rely, together with an outline of submissions, on or before 4.00pm Tuesday 21 November 2017 .
Order 4	Any evidence and outlines of submissions in reply shall be filed in the Commission on or before 4.00pm Thursday 14 December 2017 .

Release of ARTD Report

In response to the email on behalf of the Advocate Parties and the Unions below regarding release of the ARTD report (and on behalf of our client, National Disability Services) we are instructed to respond as follows:


- NDS will consent to the release of the three reports referred to below relating to trials and demonstrations;
- As to consultation with the relevant employees, given the impracticality of all participants being contacted and providing their consent, we would propose to redact the relevant parties' details, as referred to below.

Should the Commission be minded to grant the extension to Order 3 referred to above, NDS would file redacted versions of the ARTD Report and trial/demonstration reports as part of its materials in reply on or before 4pm on 21 November 2017.

Kind regards

Sina Zevari

Senior Associate | Accredited Specialist – Employment & Industrial Law

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From: Chambers - Booth DP [<mailto:Chambers.Booth.dp@fwc.gov.au>]

Sent: 03/11/2017 15:58

To: 'KEMP, James'; Stephen.bull@unitedvoice.org.au; Leigh Svendsen; fogarty@denmanchambers.com.au; kairsty.wilson@aed.org.au; cainpaul@icloud.com; craig.rawson@ags.gov.au; abigail.cooper@ashurst.com; Nigel Ward; Emily Baxter; chrisc@greenacres.net.au; MarkW@greenacres.net.au; pfrench@disabilitylaw.org.au; samanthaf@pwd.org.au; Anthony.rohr@maiwel.com.au; Smith_c1@optusnet.com.au; Steve.burgess@flagstaffgroup.com.au; Roy.rogers@flagstaffgroup.com.au; lmooney@dsa.org.au; mlcinitaly@gmail.com; mjbuck2@telstra.com; estelleshields@hotmail.com; hdickens@dsa.org.au; kerrie.langford@nds.org.au; bree.willsmore@dss.gov.au; johnharvey@greenacres.net.au; marywalsh6@bigpond.com; mpatrick@disabilitylaw.org.au; Skillsmaster275@outlook.com; cnewbold@actu.org.au; Rowena.Freeland@dss.gov.au; Sina Zevari; Joe Murphy; cwatts@actu.org.au; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'

Cc: Chambers - Booth DP

Subject: FW: AM2014/286 - SES Award

Dear Parties

Please see the below response received from Kairsty Wilson concerning the ARTD report.

Should the employers have any response, please provide this to chambers.

Kind regards

Grace Cummings

Associate to Deputy President Booth

Fair Work Commission

Tel: 02 9308 1818

chambers.booth.dp@fwc.gov.au

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10/80 William Street, East Sydney, NSW 2011

From: Kairsty Wilson [<mailto:kairsty.wilson@aed.org.au>]

Sent: Thursday, 2 November 2017 3:59 PM

To: Chambers - Booth DP

Cc: Paul Cain; samanthaf@pwd.org.au; Mark Patrick; Leigh Svendsen; Stephen.bull@unitedvoice.org.au

Subject: RE: AM2014/286 - SES Award

Dear Deputy President Booth.

The Advocate Parties (AED, Inclusion Australia & PWDA) and the Unions (HSU & United Voice) have discussed the request as detailed below. As a united group, we would only agree to the release of this report if the three reports referring to the trials and demonstrations of the "modified" SWS including all data and documentation that was relied upon (including but not limited to:- the survey of ADEs using the SWS.) are also released. We believe that the ARTD report on the evaluation of the SWS modifications is incomplete without the individual employee assessment data in its entirety, also being released and therefore an inaccurate account will result.

To make it clear, we will not consent to the ARTD report on the evaluation of the SWS modifications being released unless all documents as outlined above are also released.

Further the employer and employees who were part of the trials/demos/surveys need to be consulted as they may have been told or signed documents that their involvement would be confidential. The documents that haven't been, should be, redacted to ensure entities and employees are not named.

It is also noted that some witness statements being used to support a specific position already refer to the demonstration.

Regards,

Kairsty Wilson

Legal Manager

AED LEGAL CENTRE

Suite 4 Level 9, 276 Flinders Street, Melbourne 3000.

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From: Chambers - Booth DP [<mailto:Chambers.Booth.dp@fwc.gov.au>]

Sent: Friday, 27 October 2017 5:06 PM

To: Chambers - Booth DP <Chambers.Booth.dp@fwc.gov.au>

Subject: AM2014/286 - SES Award

Dear parties

Kerrie Langford from NDS has requested that she be able to publically release the ARTD report on the evaluation of the SWS modifications.

Could anyone who objects to this inform Chambers by **COB Thursday 2 November 2017**. If no one objects Deputy President Booth will take it that the parties to the conciliation agree to this course and will advise Ms Langford accordingly.

Kind regards

Grace Cummings

Associate to Deputy President Booth

Fair Work Commission

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