

From: Ashley Sherr <Ashley.Sherr@sparke.com.au>
Sent: Monday, 4 July 2022 3:32 PM
To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>
Cc: Emma Gruschka <Emma.Gruschka@sparke.com.au>; Noni Lord <noni.lord@aed.org.au>; marywalsh6@bigpond.com; Alana.Rafter@ablawyers.com.au; ben.redford@unitedworkers.org.au; Leigh Svendsen <leighs@hsu.net.au>; kairsty.wilson@aed.org.au; skemppi@actu.org.au
Subject: RE: AM2014/286 - Application for a notice to produce [SPARKE-MATT.FID6015583]

Dear Associate,

Thank you for your email.

We are very grateful for the further extension of time that has been granted. We confirm that the AED and the Department have reached an agreed position. A copy of the agreed orders is **attached**.

Should you have any questions, please let us know.

Kind regards

Ashley Sherr | Senior Associate | Workplace (Safety, Employment & IR)
Sparke Helmore Lawyers | Level 40, 600 Bourke Street, Melbourne VIC 3000
t: +61 3 9291 2224 | f: +61 3 9291 2399
e: Ashley.Sherr@sparke.com.au | www.sparke.com.au

From: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>
Sent: Monday, 4 July 2022 11:20 AM
To: Ashley Sherr <Ashley.Sherr@sparke.com.au>
Cc: Emma Gruschka <Emma.Gruschka@sparke.com.au>; Noni Lord <noni.lord@aed.org.au>; marywalsh6@bigpond.com; Alana.Rafter@ablawyers.com.au; ben.redford@unitedworkers.org.au; Leigh Svendsen <leighs@hsu.net.au>; kairsty.wilson@aed.org.au; skemppi@actu.org.au
Subject: RE: AM2014/286 - Application for a notice to produce [SPARKE-MATT.FID6015583]

OFFICIAL

Dear Ms Sherr,

I refer to your email below. The Vice President has granted the Department of Social Services' (Department) request for an extension of time until **5:00pm today (Monday 4 July)** to provide a response to the AED Legal Centre's application for a notice to produce.

Accordingly, the below direction is further varied such that any response by the Department to the application is now due by **5:00pm today, Monday 4 July 2022**.

Kind regards,
Caroline

Caroline Beasley
Associate to Vice President Hatcher



Fair Work Commission
Australia's national workplace relations tribunal

T (02) 9308 1812

E chambers.hatcher.vp@fwc.gov.au

Level 11, Terrace Tower, 80 William Street, EAST SYDNEY NSW 2011
www.fwc.gov.au

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Gadigal Country.

From: Ashley Sherr <Ashley.Sherr@sparke.com.au>

Sent: Friday, 1 July 2022 5:42 PM

To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>

Cc: Emma Gruschka <Emma.Gruschka@sparke.com.au>; Noni Lord <noni.lord@aed.org.au>;
marywalsh6@bigpond.com; Alana.Rafter@ablawyers.com.au; ben.redford@unitedworkers.org.au;
Leigh Svendsen <leighs@hsu.net.au>; kairsty.wilson@aed.org.au; skemppi@actu.org.au

Subject: RE: AM2014/286 - Application for a notice to produce [SPARKE-MATT.FID6015583]

Dear Associate,

We refer to the above matter and the email from chambers dated 23 June 2022.

We note that the parties appear to be very close to reaching a consent position regarding the AED's application for a notice to produce. We would be grateful if the Commission would grant the parties a further, brief period to confer regarding this. We anticipate being in a position to advise the Commission regarding the parties respective positions on Monday. If the parties cannot reach an agreement, the Department's submissions will be filed promptly after this.

We apologise for the lateness of this correspondence.

Kind regards

Ashley Sherr | Senior Associate | Workplace (Safety, Employment & IR)
Sparke Helmore Lawyers | Level 40, 600 Bourke Street, Melbourne VIC 3000
t: +61 3 9291 2224 | f: +61 3 9291 2399
e: Ashley.Sherr@sparke.com.au | www.sparke.com.au

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

Sent: Thursday, 23 June 2022 2:26 PM

To: Ashley Sherr <Ashley.Sherr@sparke.com.au>

Cc: Emma Gruschka <Emma.Gruschka@sparke.com.au>; Noni Lord <noni.lord@aed.org.au>;
marywalsh6@bigpond.com; Alana.Rafter@ablawyers.com.au; ben.redford@unitedworkers.org.au;
Leigh Svendsen <leighs@hsu.net.au>; kairsty.wilson@aed.org.au; skemppi@actu.org.au

Subject: RE: AM2014/286 - Application for a notice to produce [SPARKE-MATT.FID6015583]

OFFICIAL

Dear Ms Sherr,

I refer to your email below. The Vice President has granted the Department of Social Services' (Department) request for an extension of time to provide a response to the AED Legal Centre's application for a notice to produce.

Accordingly, the direction below is varied such that any response by the Department to the application is due by **5:00pm Friday 1 July 2022**.

Kind regards,
Caroline

Caroline Beasley
Associate to Vice President Hatcher



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This email was sent from Gadigal Country.

From: Ashley Sherr <Ashley.Sherr@sparke.com.au>

Sent: Thursday, 23 June 2022 1:07 PM

To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>

Cc: Emma Gruschka <Emma.Gruschka@sparke.com.au>; Noni Lord <noni.lord@aed.org.au>;
marywalsh6@bigpond.com; Alana.Rafter@ablawyers.com.au; ben.redford@unitedworkers.org.au;
Leigh Svendsen <leighs@hsu.net.au>; kairsty.wilson@aed.org.au; skemppi@actu.org.au

Subject: RE: AM2014/286 - Application for a notice to produce [SPARKE-MATT.FID6015583]

Dear Associate,

We refer to the above matter, the application by the AED for a notice to produce dated 16 June 2022 (**Application**) and the directions of Vice President Hatcher on 16 June 2022.

Presently, the Department of Social Services (**Department**) and the AED are engaged in discussions with a view to potentially reaching a consent position on the Application. To enable the parties to have fulsome discussions on this matter, the Department requests that the Vice President's directions be varied such that the Department provide any response to the Application by 5:00pm 1 July 2022. We foreshadowed seeking this variation with the AED earlier today but, at the time of sending this email, have not yet received any confirmation of the AED's view on this.

Should you have any questions, please let us know.

Kind regards

Ashley Sherr | Associate | Workplace
Sparke Helmore Lawyers | Level 40, 600 Bourke Street, Melbourne VIC 3000
t: +61 3 9291 2224 | f: +61 3 9291 2399
e: Ashley.Sherr@sparke.com.au | www.sparke.com.au

From: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>
Sent: Thursday, 16 June 2022 5:54 PM
To: 'Noni Lord' <noni.lord@aed.org.au>; Emma Gruschka <Emma.Gruschka@sparke.com.au>
Cc: 'marywalsh6@bigpond.com' <marywalsh6@bigpond.com>; 'Alana.Rafter@ablawyers.com.au' <Alana.Rafter@ablawyers.com.au>; 'ben.redford@unitedworkers.org.au' <ben.redford@unitedworkers.org.au>; Leigh Svendsen <leighs@hsu.net.au>; Kairsty Wilson <kairsty.wilson@aed.org.au>; 'skemppi@actu.org.au' <skemppi@actu.org.au>
Subject: RE: AM2014/286 - Application for a notice to produce

EXTERNAL EMAIL: Do not reply, click links, or open attachments unless you have verified the sender and know the content is safe.

OFFICIAL

Dear Parties,

I have brought your application and draft order to the attention of the Vice President. He directs the Commonwealth to provide any response to the application for the order by 5:00pm Thursday 23 June 2022, should it wish to do so.

Kind regards,
Caroline

Caroline Beasley
Associate to Vice President Hatcher



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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Gadigal Country.

From: Noni Lord <noni.lord@aed.org.au>
Sent: Thursday, 16 June 2022 3:21 PM
To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>
Cc: 'marywalsh6@bigpond.com' <marywalsh6@bigpond.com>; 'Alana.Rafter@ablawyers.com.au' <Alana.Rafter@ablawyers.com.au>; 'ben.redford@unitedworkers.org.au' <ben.redford@unitedworkers.org.au>; Leigh Svendsen <leighs@hsu.net.au>; Kairsty Wilson <kairsty.wilson@aed.org.au>; 'skemppi@actu.org.au' <skemppi@actu.org.au>
Subject: AM2014/286

Dear Associate

RE: Supported Employment Services Award review (AM2014/286)

We refer to the above matter.

We attach for filing a notice to produce (F52), and draft orders.

Regards

Noni Lord
Legal Co-ordinator
AED LEGAL CENTRE
Level 9, 45 William Street, Melbourne 3000.
Tel: (03) 9639 4333 Fax: (03) 9650 2833 web: www.aed.org.au
Liability limited by a scheme approved under Professional Standards Legislation

 Find us on
Facebook www.facebook.com/aedlegalcentre



AED has adopted both a COVIDsafe Plan as well as a comprehensive COVID-19 policy prepared in accordance with Government and Law Institute Guidelines.

Liability limited by a scheme approved under Professional Standards Legislation

AED acknowledges the traditional custodians of the lands across Australia and particularly the Wurundjeri people of the Kulin Nation, on which AED is situated. We pay deep respect to Elders past and present.

Help AED by making a Tax Deductible donation at: www.aed.org.au

WARNING – a new era of cyber fraud exists!

Accordingly please verify any email received from us requesting a transfer of monies to our bank accounts by calling us on (03) 9639 4333 before transferring the money. We will not use new bank account details supplied by you without calling you first.

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REGISTRY: SYDNEY

**4 Yearly review of modern awards – Supported
Employment Services Award**

Proposed minute of consent orders

1. Any reports or other documents (excluding emails) in the possession of the Commonwealth of Australia as represented by the Department of Social Services that record the number of ADEs that use the SWS for the financial year ending 30 June 2022. To the extent that any document duplicates the same information on the number of ADEs using the SWS, only one document containing this information needs to be provided.
2. Any reports or other documents (excluding emails) in possession of the Commonwealth of Australia as represented by the Department of Social Services that contain statistical, modelling or other summary information about the take-up of the SWS by ADEs over such period or periods the Department has that information for the financial year ending 30 June 2022. To the extent that any document duplicates the same information relating to statistical, modelling or other summary information about the take-up of the SWS by ADEs, only one document containing this information needs to be provided.
3. Any reports or other documents (excluding emails) in the possession of the Commonwealth of Australia as represented by the Department of Social Services that show the number and name of the ADEs that graded employees at each of the wage levels referred to in table A28 of the Fair Work Commission New Wage Assessment Structure Evaluation Report (Evaluation Report). To the extent that any document duplicates the same information relating to the names of the ADEs that graded employees at each of the wage levels referred to in table A28 of the Evaluation Report, only one document containing this information needs to be provided.
4. Documents (excluding emails) that, in respect of the wages tools referred to in Table 19 on page 75 of the Evaluation Report, shows:
 - (a) the current wage level (classification and hourly rate after assessment) of each of the sampled employees, by wages tool;
 - (b) the wage outcomes (classification and hourly rate after assessment) of each of the sampled employees if the FWC preferred wage assessment structure is applied, by wages tool.

To the extent that any document duplicates the same information in relation to the matters set out at a. and/or b. above, only one document containing this information needs to be provided.

5. The Department will have three weeks to comply with these orders
6. References to documents in the possession of the Commonwealth as represented by the Department of Social Services is taken to mean those documents in the possession

of the Department itself (as a Commonwealth Government department) and not in the possession of the Commonwealth more broadly.

7. Any documents produced in response to these orders will be redacted to remove any information (including personal information as defined in the Privacy Act 1988) from which a natural person is reasonably identifiable. This includes redacting the name(s) of ADEs to the extent that their presence means a natural person is reasonably identifiable. For the avoidance of doubt, such de-identified information is no longer considered to be personal information.