

From: Chambers - Hatcher VP
Sent: Monday, 6 November 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; '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'; 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;

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'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