

Form F52 Order Requiring Production of Documents etc. to the Fair Work Commission

Fair Work Act 2009, s.590(2)(c)

Fair Work Commission Rules 2013, Rule 54

FAIR WORK COMMISSION

Commission Matter No.: AM2014/67

Applicant: Coal Mining Industry Employer Group

Respondent(s): APESMA and others

To: The Coal Mining Industry Employer Group by its Proper Officer
c/o Adrian Morris
Ashurst Australian
Level 9, 5 Martin Place
Sydney NSW 2000

Pursuant to s.590(2) of the *Fair Work Act 2009* you are **ORDERED** to provide to the Fair Work Commission the documents, records and other information specified in the Schedule to this order before the Fair Work Commission at the following time, date and place:

Time: 12.00noon
Date: 17 August 2016
Place: Fair Work Commission
Level 10, 80 William Street
East Sydney, NSW, 2011

Dated: 3 August 2016



Vice President Hatcher

Note:

- This order has been issued at the request of APESMA.
- You can apply to have this order set aside or varied.
- Instead of attending to provide the documents etc. covered by this order at the time and place specified above, you may produce them to an officer of the Commission at the place specified above not later than 4.00 pm on the day before the day mentioned above.
- If you have any queries in relation to this order please contact the Associate to Vice President Hatcher on (02) 9308 1812.

SCHEDULE

In the following:

- **CMIEG Member** means a member of the Coal Mining Industry Employer group who employs Employees.
 - **document** has the meaning given by the *Evidence Act 1995* (Cth).
 - **Employee** means an employee whose employment is covered by the *Black Coal Mining Industry Award 2010*.
1. In respect of the statement of Ms Lorraine Margaret Merrit dated 24 March 2016:
 - a. any letter of instruction or briefing note provided to Ms Merrit;
 - b. the records referred to at paragraph 20 of the statement; and
 - c. any document relied upon in forming the opinion recorded in the first sentence of paragraph 30 of the statement.
 2. In respect of the statement of Ms Hannah Martin dated 4 February 2015:
 - a. the letter referred to at paragraph 2 of the statement; and
 - b. the spreadsheets referred to at paragraphs 3, 5 and 7 of the statement.
 3. In respect of the statement of Mr John Edwards dated 24 March 2016:
 - a. the payroll records referred to at paragraph 33 of the statement;
 - b. any document relied upon in reaching the conclusion at paragraph 33 of the statement that the cost of redundancies for the Centennial group between 1 January 2013 and 31 December 2015 is approximately \$25,538,355; and
 - c. any document relied upon in reaching the conclusion at paragraph 33 of the statement that redundancy costs are a very significant impost on the operations of the Centennial group and other employers in the black coal mining industry.
 4. In respect of the statement of Mr David Gunzburg dated 23 March 2016:
 - a. the data referred to at paragraph 11 of the statement;
 - b. the data referred to at paragraph 13 of the statement; and
 - c. the request and the responses referred to at paragraph 16 of the statement.
 5. In respect of each CMIEG Member:
 - a. each redundancy policy which applied to Employees of the CMIEG Member as at:
 - i. 1 January 2010; and

- ii. the date of this Order for Production;
- b. any enterprise agreement which applies to the CMIEG Member as at the date of this Order and which contains redundancy provisions; and
- c. any employment contract to which the CMIEG Member and an Employee are party and which contains one or more terms dealing with redundancy, with the name of the employee redacted.