

From: Chambers - Lee C
Sent: Friday, 16 November 2018 2:56 PM
To: Natalie Dabarera
Cc: carlyonw@restaurantcater.asn.au; Stephen Bull
Subject: AM2017/57 - 4 yearly review of the Restaurant Industry Award 2010

Dear Ms Dabarera,

Please find attached Orders Requiring the Production of Documents issued by Fair Work Commission today in the above matter.

I confirm that pursuant to Rule 54.2 of the *Fair Work Commission Rules 2013* it is United Voice's responsibility to serve these Orders.

Kind regards,

VICTORIA FIJALSKI
Associate to Commissioner Lee

Fair Work Commission

Tel: 03 8656 4534

Fax: 03 9655 0401

chambers.lee.c@fwc.gov.au

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GPO Box 1994, Melbourne Victoria 3001

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



ORDER

Fair Work Act 2009

s.590(2)(c) - Order requiring a person to produce documents etc to the Fair Work Commission

4 yearly review of modern awards – *Restaurant Industry Award 2010*

Commission Matter: AM2017/57

COMMISSIONER LEE

MELBOURNE, 16 NOVEMBER 2018

TO: Frances Edmund Brailey

c/ Mr Carlyon Ward
In-house Counsel/Professional Advisory Services Manager
Restaurant and Catering Industry Association
Level 3, 154 Pacific Hwy
St Leonards, NSW 2065

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: 4:00pm
Date: 21 November 2018
Place: Fair Work Commission
80 William Street
Sydney NSW 2000



COMMISSIONER LEE

Note:

- This order has been issued at the request of United Voice
 - 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 specified above.
 - If you have any queries in relation to this order please contact the associate to Commissioner Lee at chambers.lee.c@fwc.gov.au.
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SCHEDULE

1. Document means any record of information, whether electronic or hard copy.
 2. Requests are for the primary source records. Where appropriate summaries or other secondary sources produced by the maker of the statement can be supplied and answers set out in correspondence from the maker of the statement's legal representative or its industrial officer can be an answer to a request.
 3. Documents evidencing the labour costs referred to in paragraph 10 of Frances Edmund Brailey's witness statement dated 24 July 2018 (**Brailey Statement**).
 4. Documents evidencing the 'legal-related expenses relating to employee sponsorship' referred to in paragraph 11 of the Brailey Statement.
 5. Annual profit and loss statement of The Marina Café Church Point (**Marina Café**) for the financial year ending 30 June 2018.
 6. By reference to paragraphs 14 to 16 of the Brailey Statement:
 - (a) Documents evidencing the number of junior employees currently employed at the Marina Café, including the ages of the junior employees, and whether each junior employee is employed on a full time, part time or casual basis and;
 - (b) Documents evidencing the number of junior employees currently employed at the Marina Café who deliver and/or serve alcohol.
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ORDER

Fair Work Act 2009

s.590(2)(c) - Order requiring a person to produce documents etc to the Fair Work Commission

4 yearly review of modern awards – *Restaurant Industry Award 2010*

Commission Matter: AM2017/57

COMMISSIONER LEE

MELBOURNE, 16 NOVEMBER 2018

TO: Kris Raymond Bunder

c/ Mr Carlyon Ward
In-house Counsel/Professional Advisory Services Manager
Restaurant and Catering Industry Association
Level 3, 154 Pacific Hwy
St Leonards, NSW 2065

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 3. By reference to paragraph 15 of Kris Raymond Bunder's witness statement dated 24 July 2018 (**Bunder Statement**):
 - (a) Documents evidencing the number of junior employees currently employed at Café Del Giorno including the ages of the junior employees, and whether each junior employee is employed on a full time, part time or casual basis and;
 - (b) Documents evidencing the number of junior employees employed at Café Del Giorno who deliver and/or serve alcohol.
 4. Annual profit and loss statements of Café Del Giorno for the financial year ending 30 June 2018.
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ORDER

Fair Work Act 2009

s.590(2)(c) - Order requiring a person to produce documents etc to the Fair Work Commission

4 yearly review of modern awards – *Restaurant Industry Award 2010*

Commission Matter: AM2017/57

COMMISSIONER LEE

MELBOURNE, 16 NOVEMBER 2018

TO: Glen Colin Day

c/ Mr Carlyon Ward
In-house Counsel/Professional Advisory Services Manager
Restaurant and Catering Industry Association
Level 3, 154 Pacific Hwy
St Leonards, NSW 2065

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 3. By reference to paragraph 16 of Glen Colin Day's witness statement dated 24 July 2018 (**Day Statement**):
 - (a) Documents evidencing the number of junior employees currently employed at Aruba Pty Ltd (**Aruba**) including the ages of the junior employees, and whether each junior employee is employed on a full time, part time or casual basis and;
 - (b) Documents evidencing the number of junior employees employed at Aruba who deliver and/or serve alcohol.
 4. Annual profit and loss statement of Aruba for the financial year ending 30 June 2018.
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