

From: Michal Roucek [<mailto:Michal.Roucek@ablawyers.com.au>]

Sent: Friday, 15 June 2018 11:43 AM

To: Chambers - Hatcher VP

Cc: Luis Izzo; Sophie Margaret Whish; 'Michael Wright'; 'Robert Seals'; 'lucy.saunders@greenway.com.au'

Subject: C2013/6333 Application by IEU for an Equal Remuneration Order: Confidentiality Orders in respect of ACA Material [ABLAW-ImanageDocs.FID165140]

Dear Associate

**C2013/6333 Application by IEU for an Equal Remuneration Order:
Confidentiality Orders in respect of ACA Material**

In the days preceding the cancellation by the IEU of the notice of listing before the Full Bench for Thursday 14 June 2018 at 9.30am, and in the subsequent 24 hours, ACA and the IEU have been in discussions to attempt to put in place a regime to preserve the confidentiality of ACA Confidential Information whilst preserving the Third Party Confidential Information pursuant to Fair Work Commission Orders PR606760 and PR606299.

Whilst there has been some possibility of agreement and some refinement of the parties positions with respect to a regime, ultimately the discussions have yielded no final agreed position.

In order to resolve the impasse we **attach**, for the purposes of filing, our client's proposed confidentiality orders and respectfully request that the matter be relisted for hearing.

If you have any questions please contact Michal Roucek on 9458 7018.

Yours sincerely

Michal Roucek

Senior Associate

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DRAFT ORDER



Fair Work Act 2009

s.302 - Application for an equal remuneration order

Independent Education Union of Australia

(C2013/6333)

VICE PRESIDENT HATCHER

SYDNEY, [DATE] 2018

Confidentiality Order – Australian Childcare Alliance Inc.

A. Pursuant to s.594(1) of the Fair Work Act 2009, the Fair Work Commission orders as follows:

1. access to:
 - a. the ACA Confidential Information is restricted to:
 - i. the legal representatives of parties to this Application and in the case of the IEU its legal representatives and Dr Michael Wright and Ms Carol Matthews; and
 - ii. any witness, or prospective witness, in the proceedings for the purposes of preparing evidence in reply, subject to the witnesses, or prospective witness being provided with a copy of these Orders;
 - b. the Third Party Confidential Information is restricted to the legal representatives of parties to this Application.
2. the ACA Confidential Information and the Third Party Confidential Information is to be kept confidential by the Commission and the persons referred to in Orders 1(a) and (b) above and is not to be disclosed or published, including in any decision of the Commission;
3. the persons listed in Order 1(a) above must not disclose any part of the ACA Confidential Information to any other person not referred to in Order 1(a) and may not use the ACA Confidential Information for any purpose other than the conduct of these proceedings;
4. the persons listed in Order 1(b) above must not disclose any part of the Third Party Confidential Information to any other person not referred to in Order 1(b) and may not use the Third Party Confidential Information for any purpose other than the conduct of these proceedings;
5. documents containing or referring to the ACA Confidential Information or Third Party Confidential Information filed by any party are to be marked as such, accompanied by versions redacting the ACA Confidential Information or Third Party Confidential Information for publication where necessary, and treated (to the extent necessary) as confidential by the parties and the Commission; and

6. if the ACA Confidential Information or Third Party Confidential Information is referred to during the course of the hearing of the matter, whether in evidence or otherwise, the hearing will be held in private to the extent necessary to deal with the ACA Confidential Information or Third Party Confidential Information, and otherwise will be held in public.

B. ACA Confidential Information means the redacted portions of:

1. Australian Childcare Alliance Inc - Outline of Submissions dated 25 May 2018 other than the Additional Confidential Information.
2. Statement of Alexandra Hands dated 21 May 2018;
3. Statement of Gary Carroll dated 23 May 2018;
4. Statement of Jae Dean Fraser dated 25 May 2018;
5. Statement of Jennifer Mary Kearney dated 23 May 2018;
6. Statement of Karthika Viknarasah dated 23 May 2018;
7. Statement of Merran Edith Toth dated 16 May 2018;
8. Statement of Nicola Susanne Johnson dated 23 May 2018;
9. Statement of Shelley Prendergast dated 25 May 2018;
10. Reply Statement of Sarah Louise O'Donnell dated 7 May 2018; and
11. Reply Statement of Anne-Maree Wulff dated 21 May 2018.

C. Third Party Confidential Information means the sections of the Australian Childcare Alliance Inc - Outline of Submissions dated 25 May 2018 that have been redacted to ensure compliance with Fair Work Commission Orders PR606760 and PR606299.

D. This Order operates on and from [date] 2018.

[Insert Fair Work Commission Seal and Signature]

From: Michal Roucek [<mailto:Michal.Roucek@ablawyers.com.au>]

Sent: Thursday, 14 June 2018 5:01 PM

To: Michal Roucek; 'Michael Wright'; Chambers - Hatcher VP

Cc: Nigel Ward; 'Carol Matthews'; 'Robert Seals'; 'john.gunn@ccsa.org.au'; 'Cherie.Canning@ags.gov.au'; 'virginia.jay@employment.gov.au'; 'aeu@aeufederal.org.au'; 'gmclean@syd.asu.asn.au'; 'jknight@syd.asu.asn.au'; 'united@usu.org.au'; 'will.ash@unitedvoice.org.au'; Sophie Margaret Whish; 'katrena.stephenson@lgat.tas.gov.au'; 'adam.dansie@lgnsw.org.au'; 'KMoore@walga.asn.au'; 'office@ais.sa.edu.au'; 'cdcruz@ais.wa.edu.au'; 'admin@childcarens.w.com.au'; ACCI General Mail; 'lmononey@livingstones.com.au'; 'ausccs@cccinc.org.au'; 'executive@cmsolutions.org.au'; Manroop Sooin; 'info@childcarewa.com'; 'info@childcarequeensland.com.au'; 'info@childcaresa.com.au'; 'nick.gouliaditis@ags.gov.au'; Alex Diab; 'Simon Spence'; 'lburke@aisnsw.edu.au'; 'admin@ist.tas.edu.au'; 'Jessica McDonald'; 'sally.embleton@ags.gov.au'; 'info@asu.org.au'; 'Lucy Saunders'

Subject: RE: C2013/6333 Application by IEU for an Equal Remuneration Order: Application for order for production of documents [ABLAW-ImanageDocs.FID165140]

Dear Associate

We confirm that the Australian Childcare Alliance (**ACA**) is taking urgent steps to ascertain who amongst the remaining 47 businesses identified by the IEU is a member of ACA.

These steps will require the ACA to contact its constituent State based organisations to identify those members and should be able to completed by no later than COB Friday 15 April 2018.

We respectfully request that no Orders be made until those parties have been identified and provided us with instructions. This may avoid a situation in which there are a large number of applications to have the relevant Orders amended in a non-uniform manner.

Yours sincerely

Michal Roucek

Senior Associate

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