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Wednesday 3 June, 2020

Vice President Hatcher  
Fair Work Commission

By email: [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)

Dear Vice President Hatcher

**Re: AM2020/18 – Application to vary the Social, Community, Home Care and Disability Services Industry Award 2010**

We refer to the applications for orders to produce filed by Australian Business Lawyers and Advisors ('ABLA') on Monday, 1 June 2020.

The ASU objects to ABLA's applications. The applications go beyond the legitimate purpose of gathering evidence to inform the Commission's deliberations. The information and documents requested by ABLA are so broad that producing them would be oppressive to the respondents and would invade the privacy of the respondents, their employees and their clients. Indeed, the applications could be regarded as a measure taken in retaliation against employers who do not share ABLA's views about the proposed COVID Care allowance. These employers are providing support and care to some of the most vulnerable members of our communities. This performance of this essential work should not be put at risk by unnecessary and onerous applications by ABLA.

The applications are unnecessary because ABLA could have written to the ASU or the respondents to request this information voluntarily before filing the applications, but chose not to do so. We understand that ABLA has not contacted all of the respondents to request information voluntarily. The ASU wishes to provide as much information as is necessary to the Commission in its consideration of the substantive application to vary the Award. As such the ASU and the respondents may be willing to share some of the information requested by ABLA voluntarily.

We believe that with the assistance of the Commission, the parties can come to an agreement to produce a more narrow range of documents voluntarily. This will be a more efficient way of dealing with the matter for both the Commission and the parties involved. In the circumstances we respectfully request that the matter be listed for conciliation and that the directions made with respect to the applications for orders to produce be deferred pending the outcome of the conciliation.

Michael Robson, ASU National Industrial Officer, has carriage of this matter. He is on leave from Friday, 5 June 2020, returning to work on Wednesday, 10 June 2020. We respectfully request that the Commission consider Mr Robson's availability when listing the matter for conciliation.

Yours faithfully

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Robert Potter  
NATIONAL SECRETARY

cc. Interested parties