

**From:** Sophie Margaret Whish [mailto: Sophie.Whish@ablawyers.com.au]

**Sent:** Wednesday, 17 April 2019 10:32 AM

**To:** Chambers - Ross J; AMOD

**Cc:** Nigel Ward; Julian Arndt; Dean Tyler; Helen Hamberger; 'Natalie.Dabarera@unitedvoice.org.au'; 'aodgers@ieu.org.au'; 'michael@ieu.asn.au'; 'bellearrabalde@hotmail.com'; 'John.Gunn@ccsa.org.au'; 'Stephen.Bull@unitedvoice.org.au'; 'kez.tacar@junioradventuresgroup.com.au'; 'Kylie Brannelly'; Estha van der Linden; 'sofia.bahas@afei.org.au'; 'Arthur Dowdle'

**Subject:** AM2018/18 and AM2018/20: Children's Services Award/Teachers Award - Confidentiality Order

Dear Associate

**RE: AM2018/18 and AM2018/20 - Children's Services Award & Teachers Award**

As foreshadowed, please find **attached** an application for a confidentiality order in relation to the Statement of Gary Carroll dated 15 April 2019.

Yours sincerely

**Sophie Margaret Whish**

Senior Associate

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## Form F1 – Application (no specific form provided)

Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1

This is an application to the Fair Work Commission.

### The Applicant

<b>Name</b>	Australian Childcare Alliance Inc		
<b>Postal address</b>	C/- Australian Business Lawyers & Advisors Level 15, 140 Arthur Street		
<b>Suburb</b>	North Sydney		
<b>State or territory</b>	NSW	<b>Postcode</b>	2060
<b>Phone number</b>	(02) 9458 7431	<b>Fax number</b>	(02) 9954 5029
<b>Email address</b>	Sophie.whish@ablawyers.com.au		

### If the Applicant is a company or organisation please also provide the following details

<b>Legal name of business</b>	Australian Childcare Alliance Inc
<b>Trading name of business</b>	Australian Childcare Alliance
<b>ABN/ACN</b>	74 486 086 142
<b>Contact person</b>	Paul Mondo

### How would you prefer us to communicate with you?

Email (you will need to make sure you check your email account regularly)

Post

### Does the Applicant have a representative?

Yes – Provide representative's details below

No

### Applicant's representative

<b>Name of person</b>	Luis Izzo, Managing Director - Sydney Workplace		
<b>Contact Person</b>	Sophie Whish, Senior Associate		
<b>Firm, union or company</b>	Australian Business Lawyers & Advisors		
<b>Postal address</b>	Level 15, 140 Arthur Street		
<b>Suburb</b>	North Sydney		
<b>State or territory</b>	NSW	<b>Postcode</b>	2060
<b>Phone number</b>	(02) 9458 7431	<b>Fax number</b>	(02) 9954 5029
<b>Email address</b>	Sophie.whish@ablawyers.com.au		

## The Respondents

<b>Name</b>	Independent Education Union of Australia		
<b>Postal address</b>	GPO Box 116		
<b>Suburb</b>	Sydney		
<b>State or territory</b>	NSW	<b>Postcode</b>	2001
<b>Phone number</b>	(02) 8202 8900	<b>Fax number</b>	
<b>Email address</b>	michael@ieu.asn.au		

<b>Name</b>	United Voice		
<b>Postal address</b>	303 Cleveland St		
<b>Suburb</b>	Redfern		
<b>State or territory</b>	NSW	<b>Postcode</b>	2016
<b>Phone number</b>	(02) 8204 3048	<b>Fax number</b>	
<b>Email address</b>	Natalie.dabarera@unitedvoice.org.au Stephen.Bull@unitedvoice.org.au		

<b>Name</b>	Isabelle Arrabalde		
<b>Email address</b>	bellearrabalde@hotmail.com		

## 1. The Application

### 1.1 Please set out the provision(s) of the Fair Work Act 2009 (or any other relevant legislation) under which you are making this application.

Section 594 of the Fair Work Act 2009 (Cth).

## 2. Order or relief sought

### 2.1 Please set out the order or relief sought.

The Australian Childcare Alliance seeks an order from the Commission that the Statement of Gary Carroll dated 15 April 2019 be kept confidential in accordance with the terms of the Draft Order at Annexure A.

**2.2 Please set out grounds for the order or relief sought.**

1. The Australian Childcare Alliance Inc requests that the specific paragraphs that are the subject of the Draft Orders at Annexure A be kept confidential on the basis that these paragraphs in the Statement of Gary Carroll dated 15 April 2019 contain content which is confidential and commercially sensitive. Specifically, the paragraphs contain either:
- a. confidential internal remuneration details;
  - b. the specific financial costing of various changes which will necessarily impact G8 profits;
  - c. the allocation of individual duties within the business such as Responsible Person functions; and
  - d. statements identifying specific financial implications on G8's business arising from any of the proposed changes.

**3. The employer**

**3.1 What is the industry of the employer?**


Early Childhood Education and Care

**4. Industrial instrument(s)**

**4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.**

Not applicable.

**Signature**

<b>Signature</b>	
<b>Name</b>	Luis Izzo
<b>Date</b>	15 April 2019

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**

[number]



# ORDER

*Fair Work Act 2009*  
s 156 - 4 yearly review of modern awards

## **4 yearly review of modern awards-Award stage-Group 4 awards- Substantive Issues** (AM2018/18 and AM2018/20)

JUSTICE ROSS, PRESIDENT

SYDNEY, 16 APRIL 2019

### *Confidentiality Order*

Pursuant to s 594(1) of the *Fair Work Act 2009*, the Commission orders as follows, in respect of paragraphs 9, 12, 13, 16 - 26, 28, 29, 32 of the Statement of Gary Carroll dated 15 April 2019 (the **Confidential Statement**):

- [1] Access to the Confidential Statement is restricted to the representatives of the parties.
- [2] The Confidential Statement is to be kept confidential by the parties and the Commission and not disclosed or published, subject to and until further order of the Commission.
- [3] Documents containing or referring to the Confidential Statement filed by any party are to be marked as such, and treated (to the extent necessary) as confidential by the parties and the Commission, subject to and until further order of the Commission.
- [4] The parties have liberty to apply to vary these orders on three (3) days' notice.

PRESIDENT