

**From:** Stephen Bull [mailto:Stephen.Bull@unitedvoice.org.au]  
**Sent:** Wednesday, 8 June 2016 6:26 PM  
**To:** Chambers - Hatcher VP  
**Cc:** AMOD; Sally Pedlow; Stefan Russell-Uren; David McElrea  
**Subject:** AM2014/196 and 197

The Associate  
Vice President Hatcher

Dear Associate

Please find attached 3 draft orders that we ask the Commission to make in aid of the part time and casual employment common issue proceedings and specifically variations to the *Security Industry Award 2010* made by MSS Security Pty Ltd ('MSS'). MSS has filed 3 witness statements by Samantha Holmes, Trevor Paton and David Oliver. We have written to these witnesses indicating that we require them for cross examination when this matter is listed for hearing not before 12 July 2016.

If the draft orders sought are made, the material provided will assist the Commission and assist in the forensic examination of the matters in dispute and relevant to the review. United Voice has sought to obtain the material in a manner that minimises the burden on MSS and we note the recent history of our requests below.

On 30 May 2016, United Voice made a written request seeking material . A copy of the request is attached. This request was sent by email and the email also indicated that United Voice was amenable to discussions to reduce any burden on MSS occasioned by the request. This email and others is in the PDF document titled '*emails concerning request*'.

On 2 June 2016, Ms Sally Pedlow, human resource manager, MSS, replied that MSS would endeavour to make a response to our request in '*due course*'.

On 3 June 2016, Mr Bull sought some clarification from MSS as to whether it would be able to provide material and after some negotiation sought an indicative written response from MSS by close of business, Tuesday, 7 June 2016.

No response has been received from MSS.

United Voice will continue in co-operation with the Commission to work with MSS, if an order is made, to ensure that material sought is obtained as efficiently as possible. In light of the nearness of the hearing, a formal order would be appropriate.

We thank the Commission in anticipation of its assistance in this matter.

Stephen Bull  
**Industrial Coordinator/Legal Practitioner**  
National Office United Voice  
303 Cleveland Street  
Redfern NSW 2016  
Ph. (02) 8204 3050 | Mobile: 0412 199 787  
Facsimile: (02) 9281 4480 | Email:stephen.bull@unitedvoice.org.au



30 May 2016

Sally Pedlow  
HR Manager/National IR consultant  
MSS Security  
L2, Gatewat Business Park  
63-79 Parramatta Road  
Silver water, NSW, 2128.  
By email: [sally.pedlow@msssecurity.com.au](mailto:sally.pedlow@msssecurity.com.au)

Dear Ms Pedlow

**Four Yearly Review of Modern Awards – Penalty Rates – AM2014/196- Security Services Industry Award 2010**

We refer to the statements filed on behalf of MSS Security of Trevor Paton, signed 31 March 2016; David Oliver, signed 31 March 2016; and Samantha Holmes, signed 5 April 2016, in support of MSS Security's proposed variation to the *Security Services Industry Award 2010* ('the Award').

Request for Documents

We are writing to request copies of the material referred to in the statements. This material is necessary to enable us to understand the basis on which the witnesses make certain statements or assertions in their statements, and to ascertain which, if any, of these assertions need to be tested through cross-examination. Compliance with this request will save time in cross examination and may eliminate the need for some witnesses to attend for cross examination.

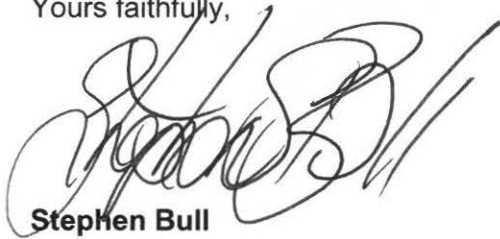
We trust that the material sought will be provided voluntarily and that we will not be required to request an order under section 590(2) of the *Fair Work Act 2009* ('the Act') for the items to be produce to the Fair Work Commission. This letter and any response will be supplied to the Commission if an application for orders is required to be made.

Timing

We assume that there is no objection to providing us with the documents we have requested. If there is an objection to doing so, however, could you please let us know as soon as possible and no later than by close of business on **Thursday, 2 June 2016**

We would be grateful for the provision of copies of the relevant documents at your earliest convenience but in any event within 14 days of the date of this correspondence. Refusal or failure to do so will result in an application for orders from the Commission for production of documents being made forthwith.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Stephen Bull', written in a cursive style.

**Stephen Bull**

Industrial Co-ordinator/Legal Practitioner

United Voice

**Table 1: statements MSS Security – Document Request**

**Please note:**

1. Each request for records relates to the last financial relates to financial year commencing 1 July 2016 to 30 June 2015 unless otherwise stated.
2. 'The Period' is 1 January 2016 to 29 February 29.
3. Requests are for the primary source where appropriate summaries or other secondary sources produced by the maker of the statement can be supplied and we will accept answers set out in correspondence from the maker of the statement's legal representative or an appropriate senior employee or director.
4. In all cases, copies of the document can be provided.
5. In relation to requests that ask questions, these questions can be answered in correspondence. These requisitions are designed to provide MSS Security ('MSS') with the opportunity to provide accurate and timely answers to questions and saving time in cross examination.
6. Generally, the names of staff can be redacted although the employment status of the employee should be noted *i.e.* full time, part time or casual. This will save considerable time in cross examination.
7. The Award means the *Security Services Industry Award 2010*.
8. We have numbered of these requisitions to assist MSS in its reply.

Para	Document Sought
<b>Trevor Paton, signed 31 March 2016</b>	
1	1. As at 31 March 2016, a list of the 'approximately 900 employees' referred to including their job description and employment status <i>i.e.</i> full time, part time or casual. This list should include each employee's length of service
4	2. Any guidelines, templates or policies used by MSS Security for roster design in the workplace. 3. If an electronic or computer based rostering system is used a brief description of the system used. 4. All rosters issued for the Aviation division of MSS Security for January and February 2016 ('the Period') 5. All records of roster variations for the Period <i>i.e.</i> 1 January 2016 to 29 February 2016. 6. A record of actual hours worked for the Period.
6	7. Number of staff within the NSW Division of MSS Security as at 31 March 2016.
6	8. 2 current fixed price contracts for the NSW Division of MSS based on a standard scope of work as referred to.

Para	Document Sought
7	<p>9. For the MSS Aviation Division, all current contracts for aviation services that allow for charges on a rates per hour basis as referred to in the second sentence of the paragraph.</p> <p>10. For the MSS Aviation Division, all other current contracts of aviation services excluding those referred to above.</p> <p>For the contracts noted above at 1 and 2, the contracts or any related document that indicates the actual rates charged to the client should be included.</p>
10	<p>11. Rosters for Tamworth Airport for the Period being the month during the last music festival referred to in his paragraph and the month after.</p>
12-13	<p>12. All current individual flexibility agreements (IFA) with current employees of the Aviation Division of MSS Security.</p> <p>13. For the last financial year to 31 May 2016 any offer (including draft IFAs), document, policy, application or correspondence (including electronic) created by MSS and supplied to employees prior to an IFA being entered into.</p> <p>14. For the last financial year to 31 May 2016 any document, response, record (including electronic or file notes of MSS) or correspondence (including electronic) of employees of MSS in response to being offered by MSS an IFA.</p>
14	<p>15. For the last financial year to 31 May 2016 any document, correspondence (including electronic), notes of discussions, deed or heads of agreement, dispute notification, recommendation, decision of the Fair Work Commission or other things concerning disputes between United Voice and MSS as noted in this paragraph.</p> <p>16. For the last financial year to 31 May 2016 any document, policy, application or correspondence (including electronic) created by MSS and supplied to employees prior to the IFA being entered into.</p>
15	<p>17. If not already provided above, for the last financial year to 31 May 2016 all offers to candidates and employees of IFAs, their responses and all related correspondence and documentation.</p> <p>18. For the last financial year to 31 May 2016, any correspondence or documentation (including in letters of offer) provide by MSS to candidate and prospective employees.</p>
16	<p>19. Complete documentation and records of the current 'scale or order' used in which MSS rank labour impacts. If the scale varies from sites within the Aviation Divisions, the order or scales in use for the period of the last financial year up to 31 May 2016. If the scale or order contains the names of staff, the names of staff can be redacted although the job status of the employee <i>i.e.</i> full time, part time, or casual, should be identified with their length of service.</p>
18	<p>20. As referred to in the paragraph, the records used by rosters and managers to determine the restrictions applying to certain part time employees on days/times they can work and all the other times where they will be paid over time.</p>
20	<p>21. For the last financial year to 31 May 2016, any correspondence, email, file note and record (including electronic) concerning negotiation, requests and or agreements with employees concerning flexible working agreements.</p>

23	22. For the last financial year to 31 March 2016, all advertisements placed by MSS for part time work positions.
1	23. Annual financial statements of the Aviation Division of MSS Security for the financial years ending 30 June 2010, 30 June 2011, 30 June 2012, 30 June 2013, 30 June 2014 and 30 June 2015.
6	24. Annual financial statements of the NSW Division of MSS Security for the financial years ending 30 June 2010, 30 June 2011, 30 June 2012, 30 June 2013, 30 June 2014 and 30 June 2015.
<b>25. David Oliver, signed 31 March 2016</b>	
1	26. The full name and function of the ' <i>PTA division of the WA business.</i> ' 27. As at 31 March 2016, a list of the ' <i>approximately 700 and 150 employees</i> ' of the Western Australian business of MSS Security and the PTA. In these lists please refer to employee's job description and employment status <i>i.e.</i> full time, part time or casual. This list should include each employee's length of service.
2	28. For the last financial year to 31 May 2016, all rosters provided for review and the roster after any review. 29. For the last financial year to 31 May 2016, all rosters prepared for quoting purposes. 30. For the last financial year to 31 May 2016, the request for quotes or requests from external clients that preceded each of the quotes noted above. 31. Any current, policy, guidelines, manuals or documents (including electronic) used by MSS to compile the quotes noted above.
4	32. Any correspondence, email, response or document (including electronic) refusing an employee's request to transfer from full time to part time employment. In any documents provided the industrial instrument covering the employment should be identified.
5	33. For the last financial year all successful quotes provided by the Western Australian business of MSS Security 34. Where those successful quotes have been operating, all rosters for each workplace for the last financial year up to 31 May 2016.
<b>35. Samantha Holme, signed 4 April 2016</b>	
1	36. The current contract between MMS and Hobart Airport (or the corporation that owns or controls Hobart Airport) for the provision of security services under which Ms Holmes works. 37. All quotes provided by MSS that preceded the formation of the contract noted above. 38. As at 31 May 2016, a list of all staff employed by MSS at Hobart Airport under the contract referred to above. The list should include a reference to the employee's job description and employment status <i>i.e.</i> full time, part time or casual. This list should include each employee's length of service. 39. For the last financial year up to 31 May 2016, all rosters issues by MSS for work at Hobart Airport. 40. For the last financial year up to 31 May 2016, all roster variations to the rosters issued at Hobart Airport.

4	41. The letter of engagement of Samantha Holmes and any related document concerning the agreed pattern of work, any subsequent document varying or evidencing any agreements between Samantha Holmes and MSS Security concerning her hours of work or variations.
6	42. The name of the employee and his or her job description that the verbal agreement with Ms Holmes to varied hours her hours has been made and when the agreement was made and any document, correspondence or thing that evidences this agreement.
7	43. <i>Andy's</i> full name and job description.
8	44. For the last financial year up to 31 May 2016, all rosters for Hobart Airport identifying Samantha Holmes' shifts clearly (others can be redacted) 45. For the last financial year up to 31 May 2016, all payslip for Samantha Holmes.

## Stephen Bull

---

**From:** Stephen Bull  
**Sent:** Friday, 3 June 2016 1:02 PM  
**To:** 'Sally Pedlow'  
**Cc:** Stefan Russell-Uren  
**Subject:** RE: AM2014/196 and AM2014/197 Claim by MSS Security

Sorry Sally

I was not aware of this Tuesday is fine. If we can negotiate most of this material this would be our preference. There is some flexibility. We thank you for your assistance.

Stephen Bull  
**Industrial Coordinator/Legal Practitioner**  
National Office United Voice  
303 Cleveland Street  
Redfern NSW 2016  
Ph. (02) 8204 3050 | Mobile: 0412 199 787  
Facsimile: (02) 9281 4480 | Email:stephen.bull@unitedvoice.org.au

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**From:** Sally Pedlow [mailto:Sally.Pedlow@msssecurity.com.au]  
**Sent:** Friday, 3 June 2016 1:01 PM  
**To:** Stephen Bull; Margaret Stinson  
**Cc:** Stefan Russell-Uren; David McElrea  
**Subject:** RE: AM2014/196 and AM2014/197 Claim by MSS Security

Hi Stephen

You have requested a large number of documents and we are currently working through that list with a view to determining what information we are able to provide.

We will provide you with a response in due course.

If this does not meet your requirements or timelines, it is at your discretion as to what applications you make in the meantime.

For your information it is a public holiday on Monday in WA.

Regards

Sally Pedlow



HR Manager (WA) National IR Consultant

Suite 1, 235 Balcatta Road, Balcatta WA 6021 Australia

t 08 9347 2715

f 08 9347 2747

m 0402 781 810

e [Sally.Pedlow@msssecurity.com.au](mailto:Sally.Pedlow@msssecurity.com.au)

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**From:** Stephen Bull [<mailto:Stephen.Bull@unitedvoice.org.au>]

**Sent:** Friday, 3 June 2016 7:18 AM

**To:** Sally Pedlow <[Sally.Pedlow@msssecurity.com.au](mailto:Sally.Pedlow@msssecurity.com.au)>; Margaret Stinson <[Margaret.Stinson@msssecurity.com.au](mailto:Margaret.Stinson@msssecurity.com.au)>

**Cc:** Stefan Russell-Uren <[Stefan.Russell-Uren@unitedvoice.org.au](mailto:Stefan.Russell-Uren@unitedvoice.org.au)>; David McElrea <[david.mcelrea@unitedvoice.org.au](mailto:david.mcelrea@unitedvoice.org.au)>

**Subject:** RE: AM2014/196 and AM2014/197 Claim by MSS Security

Dear Sally

Thank you for your response. We would appreciate a more precise indication of what MSS intends to provide voluntarily. As noted we will consider making a request for an order for production for items not agreed to be produce. In the absence of any indication of what can be done voluntarily we will be compelled to seek orders in relation to the totality of our request.

Could we have an answer by close of business Monday, 6 June 2016.

Stephen Bull  
**Industrial Coordinator/Legal Practitioner**  
National Office United Voice  
303 Cleveland Street  
Redfern NSW 2016  
Ph. (02) 8204 3050 | Mobile: 0412 199 787  
Facsimile: (02) 9281 4480 | Email:[stephen.bull@unitedvoice.org.au](mailto:stephen.bull@unitedvoice.org.au)

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**From:** Sally Pedlow [<mailto:Sally.Pedlow@msssecurity.com.au>]  
**Sent:** Thursday, 2 June 2016 12:28 PM  
**To:** Stephen Bull; Margaret Stinson  
**Cc:** Stefan Russell-Uren; David McElrea  
**Subject:** RE: AM2014/196 and AM2014/197 Claim by MSS Security

Hi Stephen

Please find attached a letter in response to your request for documents.

Regards

**Sally Pedlow**  
HR Manager (WA) National IR Consultant

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t 08 9347 2715  
f 08 9347 2747  
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**From:** Stephen Bull [<mailto:Stephen.Bull@unitedvoice.org.au>]  
**Sent:** Monday, 30 May 2016 12:28 PM  
**To:** Sally Pedlow <[Sally.Pedlow@msssecurity.com.au](mailto:Sally.Pedlow@msssecurity.com.au)>; Margaret Stinson <[Margaret.Stinson@msssecurity.com.au](mailto:Margaret.Stinson@msssecurity.com.au)>  
**Cc:** Stefan Russell-Uren <[Stefan.Russell-Uren@unitedvoice.org.au](mailto:Stefan.Russell-Uren@unitedvoice.org.au)>; David McElrea <[david.mcelrea@unitedvoice.org.au](mailto:david.mcelrea@unitedvoice.org.au)>  
**Subject:** AM2014/196 and AM2014/197 Claim by MSS Security

Dear Ms Pedlow

We note the 3 statements filed by MSS Security concerning the above matter. This matter is listed for hearing before the Full Bench on 12 – 13 July 2016.

We attach a letter requesting documents and note that we ask that MSS Security indicate by this Thursday whether it intends to supply all or some of the items sought voluntarily. If there is a refusal please indicate why as it will assist us formulate our request for orders. It is not our intention to place an oppressive administrative burden on MSS and if the substance of the request can be responded to by another statement being made this is appropriate.

At this stage Trevor Paton, David Oliver and Samantha Holmes are required for cross examination.

Stefan Russell-Uren will be appearing at the hearing as the undersigned is overseas.

We thank you in anticipation of your assistance.

Stephen Bull  
**Industrial Coordinator/Legal Practitioner**  
National Office United Voice  
303 Cleveland Street  
Redfern NSW 2016  
Ph. (02) 8204 3050 | Mobile: 0412 199 787  
Facsimile: (02) 9281 4480 | Email: [stephen.bull@unitedvoice.org.au](mailto:stephen.bull@unitedvoice.org.au)

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**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.: AM2014/196 and 197**

**Applicant:**

United Voice

(Applicant for an order to produce)

**First Respondent:**

*David Oliver*

(First Respondent to an order to produce)

**Second Respondent:**

*MSS Security Pty Ltd*

(Second Respondent to an order to produce)

**TO:**

MSS Security Pty Ltd

Attention: Sally Pedlow

Suite 1, 235 Balcatta Road

Balcatta, WA, 6021, Australia.

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: 12:00

Date: 24 June 2016

Place: Level 10, Terrace Tower, 80 William Street, East Sydney, NSW, 2011.

Dated:

---

Member of the Fair Work Commission

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 mentioned above.
- If you have any queries in relation to this order please contact the associate to Vice President Hatcher on (02) 9 308 1812

## SCHEDULE

- We draw your attention to the statement filed with the Fair Work Commission on your behalf by the MSS Security Pty Ltd (hereafter 'MSS') on 31 March 2016. The column on the left hand side of the following table identifies the paragraphs to which the documents on the right hand side of the table relate.
- Requests for records relating to the '*last financial year*' concern the financial year commencing 1 July 2015 to 30 June 2016 unless otherwise stated.
- '*The Period*' is 1 January 2016 to 29 February 29.
- Requests are for the primary source materials but where appropriate summaries or other secondary sources can be produced by the maker of the statement, these should be supplied.
- In all cases, copies of the document can be provided.
- The Award means the *Security Services Industry Award 2010*.
- Where an answer to a question is sought, can this be provided by correspondence to avoid the requirement that an employee of MSS other than the maker of the statement be required to give evidence concerning the matter.

<b>David Oliver, signed 31 March 2016</b>	
1	<ul style="list-style-type: none"> <li>• Any document, record or things indicating the full name and function of the '<i>PTA division of the WA business.</i>'</li> <li>• As at 31 March 2016, documents or records (including electronic) or a summary list of the '<i>approximately 700 and 150 employees</i>' of the Western Australian business of MSS Security and the PTA. If a list is supplied please refer to employee's job description and employment status <i>i.e.</i> full time, part time or casual. This list should include each employee's length of service.</li> </ul>
2	<ul style="list-style-type: none"> <li>• For the last financial year to 31 May 2016, all rosters prepared for quoting purposes.</li> <li>• For the last financial year to 31 May 2016, all requests for quotes or requests from external clients that preceded each of the quotes noted above.</li> <li>• Any current, policy, guidelines, manuals or documents (including electronic) used by MSS to compile the quotes noted above.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Any correspondence, email, response or document (including electronic) refusing an employee's request to transfer from full time to part time employment.</li> </ul>
5	<ul style="list-style-type: none"> <li>• For the financial years ending 30 June 2014 and 30 June 2015, all successful quotes provided by the Western Australian business of MSS Security and correspondence indicating acceptance.</li> <li>• Where those successful quotes have been operating, all rosters for each workplace for the last financial year up to 31 May 2016.</li> </ul>

**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.: AM2014/196 and 197**

**Applicant:**

United Voice

(Applicant for an order to produce)

**First Respondent:**

*Samantha Holmes*

(First Respondent to an order to produce)

**Second Respondent:**

*MSS Security Pty Ltd*

(Second Respondent to an order to produce)

**TO:**

MSS Security Pty Ltd

Attention: Sally Pedlow

Suite 1, 235 Balcatta Road

Balcatta, WA, 6021, Australia.

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: 12:00

Date: 24 June 2016

Place: Level 10, Terrace Tower, 80 William Street, East Sydney, NSW, 2011.

Dated:

---

Member of the Fair Work Commission

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 mentioned above.
- If you have any queries in relation to this order please contact the associate to Vice President Hatcher on (02) 9 308 1812

## SCHEDULE

- We draw your attention to the statement filed with the Fair Work Commission on your behalf by the MSS Security Pty Ltd (hereafter 'MSS') on 5 April 2016. The column on the left hand side of the following table identifies the paragraphs to which the documents on the right hand side of the table relate.
- Requests for records relating to the '*last financial year*' concern the financial year commencing 1 July 2015 to 30 June 2016 unless otherwise stated.
- '*The Period*' is 1 January 2016 to 29 February 29.
- Requests are for the primary source materials but where appropriate summaries or other secondary sources can be produced by the maker of the statement, these should be supplied.
- In all cases, copies of the document can be provided.
- The Award means the *Security Services Industry Award 2010*.
- Where an answer to a question is sought, this can be provided by correspondence to avoid the requirement that an employee of MSS other than the maker of the statement be required to give evidence concerning the matter.

<b>Samantha Holme, signed 4 April 2016</b>	
1	<ul style="list-style-type: none"> <li>• The current contract between MSS and Hobart Airport (or the corporation that owns or controls Hobart Airport) for the provision of security services under which Ms Holmes works.</li> <li>• All written quotes and correspondence (including electronic) provided by MSS that preceded the formation of the contract noted above.</li> <li>• As at 31 May 2016, any document or thing evidencing or a summary list of all staff employed by MSS at Hobart Airport under the contract referred to above. The summary list should include a reference to the employee's job description and employment status <i>i.e.</i> full time, part time or casual. This list should include each employee's length of service.</li> <li>• For the last financial year up to 31 May 2016, all rosters issues by MSS for work at Hobart Airport.</li> <li>• For the last financial year up to 31 May 2016, all roster variations to the rosters issued at Hobart Airport.</li> </ul>
4	<ul style="list-style-type: none"> <li>• The letter of engagement of Samantha Holmes and any related document concerning the agreed pattern of work, any subsequent document varying or evidencing any agreements between Samantha Holmes and MSS Security concerning her hours of work or variations.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Any document or thing indicating the name of the employee and his or her job description that the verbal agreement with Ms Holmes to vary her hours has been made with and when the agreement was made and any document, correspondence or thing that evidences this agreement.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Any document or thing indicating <i>Andy's</i> full name and job description.</li> </ul>

8	<ul style="list-style-type: none"><li>• For the last financial year up to 31 May 2016, all rosters for Hobart Airport identifying Samantha Holmes' shifts clearly.</li><li>• For the last financial year up to 31 May 2016, all payslip for Samantha Holmes.</li></ul>
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## **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.: AM2014/196 and 197**

**Applicant:**

United Voice

(Applicant for an order to produce)

**First Respondent:**

*Trevor Paton*

(First Respondent to an order to produce)

**Second Respondent:**

*MSS Security Pty Ltd*

(Second Respondent to an order to produce)

**TO:**

MSS Security Pty Ltd

Attention: Sally Pedlow

Suite 1, 235 Balcatta Road

Balcatta, WA, 6021, Australia.

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: 12:00

Date: 24 June 2016

Place: Level 10, Terrace Tower, 80 William Street, East Sydney, NSW, 2011.

Dated:

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Member of the Fair Work Commission

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 mentioned above.
- If you have any queries in relation to this order please contact the associate to Vice President Hatcher on (02) 9 308 1812

## SCHEDULE

- We draw your attention to the statement filed with the Fair Work Commission on your behalf by the MSS Security Pty Ltd (hereafter 'MSS') on 31 March 2016. The column on the left hand side of the following table identifies the paragraphs to which the documents on the right hand side of the table relate.
- Requests for records relating to the '*last financial year*' concern the financial year commencing 1 July 2015 to 30 June 2016 unless otherwise stated.
- '*The Period*' is 1 January 2016 to 29 February 29.
- Requests are for the primary source materials but where appropriate summaries or other secondary sources can be produced by the maker of the statement, these should be supplied.
- In all cases, copies of the document can be provided.
- The Award means the *Security Services Industry Award 2010*.
- Where an answer to a question is sought, can this be provided by correspondence to avoid the requirement that an employee of MSS other than the maker of the statement be required to give evidence concerning the matter.

<b>Trevor Paton, signed 31 March 2016</b>	
1	<ul style="list-style-type: none"> <li>• As at 31 March 2016, any document or thing evidencing or a summary list of the '<i>approximately 900 employees</i>' referred to including their job description and employment status <i>i.e.</i> full time, part time or casual. This list should include each employee's length of service.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Any guidelines, templates or policies used by MSS Security for roster design in the workplace.</li> <li>• If an electronic or computer based rostering system is used, the manual or written specifications for the system.</li> <li>• All rosters issued for the Aviation division of MSS Security for January and February 2016 ('the Period').</li> <li>• All records of roster variations for the Period <i>i.e.</i> 1 January 2016 to 29 February 2016.</li> <li>• All records of actual hours worked for the Period.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Documents indicating or a summary of the number of staff within the NSW Division of MSS Security as at 31 March 2016.</li> </ul>
6	<ul style="list-style-type: none"> <li>• All current '<i>fixed price contracts based on a standard scope of work</i>' for the NSW Division of MSS based as referred to.</li> </ul>
7	<ul style="list-style-type: none"> <li>• For the MSS Aviation Division, all current contracts for aviation services.</li> </ul>
10	<ul style="list-style-type: none"> <li>• All rosters for MSS employees engaged at Tamworth Airport for the Period being the month during the last music festival referred to in his paragraph and the month after.</li> </ul>

12-13	<ul style="list-style-type: none"> <li>• All current individual flexibility agreements (IFA) with current employees of the Aviation Division of MSS Security.</li> <li>• For the last financial year to 31 May 2016, any offer (including draft IFAs), document, policy, application or correspondence (including electronic) created by MSS and supplied to employees prior to an IFA being entered into.</li> <li>• For the last financial year to 31 May 2016, any document, response, record or correspondence (including electronic) of employees of MSS in response to being offered by MSS an IFA.</li> </ul>
13 & 15	<ul style="list-style-type: none"> <li>• For the last financial year to 31 May 2016, any document, policy, application, offer of employment or correspondence (including electronic) created by MSS and supplied to employees or prospective employees explaining or offering an IFA to the employee.</li> </ul>
16	<ul style="list-style-type: none"> <li>• All documents, correspondence (including electronic), record or thing concerning the 'scale or order' used in which MSS rank labour impacts for the last financial year.</li> </ul>
18	<ul style="list-style-type: none"> <li>• Any document, record (including electronic) or thing used by managers of MSS to determine the restrictions applying to part time employees on days/times they can work and all the other times where they will be paid over time.</li> </ul>
20	<ul style="list-style-type: none"> <li>• For the last financial year to 31 May 2016, any correspondence, document, email, file note and record (including electronic) concerning negotiation, requests and or agreements with employees concerning flexible working agreements.</li> </ul>
23	<ul style="list-style-type: none"> <li>• For the last financial year to 31 March 2016, all advertisements placed by MSS for part time work positions.</li> </ul>
1	<ul style="list-style-type: none"> <li>• Annual financial statements for the Aviation Division of MSS Security for the financial years ending 30 June 2013, 30 June 2014 and 30 June 2015.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Annual financial statements of the NSW Division of MSS Security for the financial years ending 30 June 2013, 30 June 2014 and 30 June 2015.</li> </ul>