

**From:** ROBINSON, Michelle **On Behalf Of** Chambers - Kovacic DP  
**Sent:** Wednesday, 4 October 2017 10:36 AM  
**To:** 'Trent.Sebbens@ashurst.com'; 'oshie.fagir@greenway.com.au';  
'aguy@professionalsaust.onmicrosoft.com'; 'abha.devasia@amwu.org.au';  
'athomas@cfmeu.com.au'  
**Cc:** 'Elysse.Lloyd@ashurst.com'  
**Subject:** AM2014/190 - Four yearly review of modern awards - Transitional Provisions -  
Accident Pay in the Black Coal Mining Industry Award 2010

Dear All

With regard to items 4(a), 4(c), 5(a) and 5(c) of the draft order to produce, I have examined the electronic version of the documents provided by the CMIEG to the Commission and had regard to the submissions of the CMIEG and APESMA regarding whether the documents are protected by privilege. Having done so, I am satisfied that each of the documents in respect of which privilege is claimed are protected by legal professional privilege/client professional privilege. Accordingly, I do not propose to make the order sought by APESMA in respect of the relevant documents related to items 4(a), 4(c), 5(a) and 5(c) of the draft order to produce and over which privilege is claimed by the CMIEG.

I look forward to seeing you tomorrow.

Yours sincerely

JOHN KOVACIC PSM  
Deputy President

*Please note my new telephone number below*

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