

**From:** Sina Zevari [mailto:Sina.Zevari@Ablawyers.com.au]

**Sent:** Tuesday, 16 January 2018 7:18 AM

**To:** Chambers - Hatcher VP

**Cc:** 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; Kairsty Wilson; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chris@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith\_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'Imooney@dsa.org.au'; 'mlcinitaly@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor; 'Paul Musso (paul.musso@nds.org.au)'; AMOD; 'Noni Lord'

**Subject:** RE: AM2014/286 - Supported Employment Services Award 2010 [ABLAW-ImanageDocs.FID135807]

Dear Associate

I refer to the email from AED Legal Centre (**AED**) below.

### **Timeline**

On 15 December 2017, the Commission directed as follows:

*The Commission understands that some parties may wish to advance a proposal that the Full Bench should conduct an inspection of relevant sites in order to assist in the determination of issues in the above matter.*

*To this end, **any party wanting a site inspection should file a document setting out the inspection that it seeks by not later than close of business Wednesday 20 December 2017.***

*Any proposals will be the subject of consideration at the directions hearing before the Full Bench on Friday 22 December 2017*

[Emphasis added]

While other parties proposing inspections complied with this direction, neither AED, the HSU, nor any other party supporting AED, provided details of any inspections it proposed by this timeframe.

Following further discussions during the directions hearing on 22 December 2017, the Commission then directed as follows:

*At the mention and directions on 22 December 2017 the AED Legal Centre and the HSU foreshadowed that they may wish to propose a number of further site inspections to be held in either Sydney or Melbourne during the hearing weeks in the above matter.*

***The Commission requests that any such proposal be made by not later than 4.00pm Wednesday 10 January 2017 to enable time to program the matter for hearing and to allow the Commission and parties to make the necessary travel arrangements.***

[Emphasis added]

On 10 January 2018, AED requested an extension to the above until 4pm yesterday, 15 January 2018. The Commission granted this extension.

This then led to the further email below seeking a further extension.

## Issues with AED Proposal

As noted by his Honour on 22 December 2017, the purpose of the inspections is as follows:

[PN108] VICE PRESIDENT HATCHER: *Well, to be clear, Ms Svendsen and Mr Harding, what is proposed are inspections in the traditional sense which means they're not evidence as such. They merely serve as an aide so that the Full Bench can have a better understanding of matters that are referred to by witnesses when they give their evidence...*

Notwithstanding the fact that other parties (most if not all of whom would have also had Christmas shutdown periods) have complied with the Commission's initial deadline of 22 December 2017 (and previously filed evidence which the inspections proposed to date will assist the Full Bench to understand), AED has now requested yet another extension.

Further, while AED has stated that their request would not involve an amendment to the Commission's proposed timetable, the proposal to have inspections in Melbourne on Thursday 8 February would leave insufficient time on Friday 9 February for examination of the Melbourne witnesses, for which the estimate agreed with AED was two full days.

If it would assist the Commission we can make ourselves available to attend to a directions conference to assist in dealing with these programming concerns.

Kind regards

**Sina Zevari**

Senior Associate | Accredited Specialist – Employment & Industrial Law



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**From:** Noni Lord [<mailto:noni.lord@aed.org.au>]

**Sent:** 15/01/2018 2:51 PM

**To:** Chambers - Hatcher VP

**Cc:** 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; Kairsty Wilson; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chris@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith\_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitaly@gmail.com'; 'mj buck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor; Sina Zevari; 'Paul Musso ([paul.musso@nds.org.au](mailto:paul.musso@nds.org.au))'; AMOD

**Subject:** AM2014/286 - Supported Employment Services Award 2010

Dear Associate,

We refer to the directions made by the Commission on 22 December '17 and the extension granted by the Commission on 10 January '18.

Unfortunately, we are still in the process of liaising with two (2) ADEs in Melbourne, who have requested additional time to consult with others involved in such process. As such, we are unable to provide the Commission with a proposal for further site inspections by this afternoon.

We therefore request that the Commission allow a further extension until 4:00pm on Wednesday 17 January '18. We do not consider that a further extension will result in the Commission having to amend the proposed timetable for the Hearing.

Further, in the event that the abovementioned ADEs are agreeable to the site inspections, we propose that these inspections take place on Thursday 8 February '18, leaving Friday 9 February '18 for the Melbourne witnesses.

Regards,  
Courtney for

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**Noni Lord**  
**Legal Assistant**  
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