

**From:** David Carrington [<mailto:david.carrington@mornpen.vic.gov.au>]  
**Sent:** Wednesday, 18 April 2018 4:48 PM  
**To:** Michal Roucek; 'robert@ieu.asn.au'  
**Cc:** Sophie Margaret Whish; Manroop Soin; Chambers - Hatcher VP  
**Subject:** RE: Independent Education Union of Australia v Commonwealth of Australia as represented by the Department of Education and others [ABLAW-ImangeDocs.FID165140]

For the attention of the Associate to Vice President Hatcher:

Dear Ammy,

Further to the correspondence below, we wish to apply please to have the production order in question set aside on the basis that the witness statement to which it relates and derives will no longer be in evidence in the matter, per the [attached undertakings from the Union](#).

Please let me know if you have any questions, or what further steps may be required.

Thank you for your assistance.

Yours faithfully  
David

**From:** David Carrington  
**Sent:** Tuesday, 17 April 2018 11:31 PM  
**To:** 'Michal Roucek' <[Michal.Roucek@ablawyers.com.au](mailto:Michal.Roucek@ablawyers.com.au)>; 'robert@ieu.asn.au' <[robert@ieu.asn.au](mailto:robert@ieu.asn.au)>  
**Cc:** Sophie Margaret Whish <[Sophie.Whish@ablawyers.com.au](mailto:Sophie.Whish@ablawyers.com.au)>; Manroop Soin <[Manroop.Soin@Ablawyers.com.au](mailto:Manroop.Soin@Ablawyers.com.au)>; 'chambers.hatcher.vp@fwc.gov.au' <[chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)>  
**Subject:** RE: Independent Education Union of Australia v Commonwealth of Australia as represented by the Department of Education and others [ABLAW-ImangeDocs.FID165140]

Dear Mr Roucek,

Further to your email, please can you confirm what steps by the IEU would satisfy your position below regarding withdrawal.

It is our view that the undertaking provided is sufficient to provide assurance that the evidence will not form part of the case against your client.

Regards  
David Carrington

**From:** Michal Roucek [<mailto:Michal.Roucek@ablawyers.com.au>]  
**Sent:** Tuesday, 17 April 2018 6:12 PM  
**To:** David Carrington <[david.carrington@mornpen.vic.gov.au](mailto:david.carrington@mornpen.vic.gov.au)>; 'robert@ieu.asn.au' <[robert@ieu.asn.au](mailto:robert@ieu.asn.au)>  
**Cc:** Sophie Margaret Whish <[Sophie.Whish@ablawyers.com.au](mailto:Sophie.Whish@ablawyers.com.au)>; Manroop Soin <[Manroop.Soin@Ablawyers.com.au](mailto:Manroop.Soin@Ablawyers.com.au)>; 'chambers.hatcher.vp@fwc.gov.au' <[chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)>  
**Subject:** RE: Independent Education Union of Australia v Commonwealth of Australia as represented by the Department of Education and others [ABLAW-ImangeDocs.FID165140]

Dear Mr Carrington and Mr Seals

Thank you for your correspondence.

We will await confirmation the statement has been withdrawn by the Independent Education Union before providing our client's support for the Orders For the Production of documents to be set aside.

Yours faithfully

**Michal Roucek**

Senior Associate  
Australian Business Lawyers & Advisors

140 Arthur Street North Sydney NSW 2060  
Dir: +612 9458 7018 | Fax: +612 9954 5029 | Mob: 0407 196 970  
Tel: +612 9458 7005 | Web: [www.ablawyers.com.au](http://www.ablawyers.com.au) | [LinkedIn](#)



Experts make things simple

Workplace + Employment Corporate + Commercial



This is an email from Australian Business Lawyers & Advisors Pty Limited (ACN 146 318 783). It is confidential to the named addressee and may contain copyright and/or legally privileged information. No-one else may read, print, store, copy, forward or act in reliance on all or any of it or its attachments. If you receive this email in error, please telephone us on +612 9458 7005 or email [ablawyers@ablawyers.com.au](mailto:ablawyers@ablawyers.com.au). We do not accept liability in connection with computer virus, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Liability limited by a Scheme approved under the Professional Standards Legislation. Legal practitioners employed by or being directors of Australian Business Lawyers & Advisors Pty Limited are members of the Scheme. This notice must not be removed.

**From:** David Carrington [<mailto:david.carrington@mornpen.vic.gov.au>]

**Sent:** 17/04/2018 2:40 PM

**To:** Sophie Margaret Whish; Manroop Soin

**Cc:** [chambers.hatcher.vp@fwc.com.au](mailto:chambers.hatcher.vp@fwc.com.au)

**Subject:** Independent Education Union of Australia v Commonwealth of Australia as represented by the Department of Education and others

**Importance:** High

Dear Sirs,

I refer to the production order served upon Mornington Peninsula Shire dated 4 April 2018 in the matter of *Independent Education Union of Australia v Commonwealth of Australia as represented by the Department of Education and others* ("the Order").

Please find attached confirmation from the Union that the witness statement of Thomas Haines-Sutherland is being withdrawn from evidence.

We propose therefore that the Order be set aside/withdrawn by agreement as a matter of urgency.

I should be grateful if you could please confirm your intention in this regard by no later than 5pm tomorrow.

Regards  
David Carrington



**DAVID CARRINGTON | Corporate Counsel | MORNINGTON PENINSULA SHIRE**  
T: 03 5950 1693 E: [david.carrington@mornpen.vic.gov.au](mailto:david.carrington@mornpen.vic.gov.au)  
Private Bag 1000, Rosebud VIC 3939 | 90 Besgrove Street, Rosebud VIC 3939  
[www.mornpen.vic.gov.au](http://www.mornpen.vic.gov.au) | Twitter [@MornPenShire](https://twitter.com/MornPenShire) | Facebook [@MornPenShire](https://www.facebook.com/MornPenShire)



DISCLAIMER: This email (and attachments) is for the intended recipient only and may contain privileged, confidential or copyright information. If you have received it in error, please notify the sender immediately and delete the original. Any other use is prohibited. The Shire does not accept liability for any damage caused by this email (and attachments) due to viruses, corruption, delay, interruption, unauthorised access or use. Any views expressed are those of the individual sender and may not reflect the views of the Shire. The Shire is committed to protecting the privacy of individuals and their personal and health information. We will only collect personal information from you with your prior knowledge and consent, only use it for the purposes for which it was collected or as reasonably expected and will not disclose it without consent, except if required by law or other regulation. For further information please refer to our privacy policy -

[www.mornpen.vic.gov.au/privacystatement](http://www.mornpen.vic.gov.au/privacystatement)

-----Safe Stamp-----

Your Anti-virus Service scanned this email. It is safe from known viruses.  
For more information regarding this service, please contact your service provider.

DISCLAIMER: This email (and attachments) is for the intended recipient only and may contain privileged, confidential or copyright information. If you have received it in error, please notify the sender immediately and delete the original. Any other use is prohibited. The Shire does not accept liability for any damage caused by this email (and attachments) due to viruses, corruption, delay, interruption, unauthorised access or use. Any views expressed are those of the individual sender and may not reflect the views of the Shire. The Shire is committed to protecting the privacy of individuals and their personal and health information. We will only collect personal information from you with your prior knowledge and consent, only use it for the purposes for which it was collected or as reasonably expected and will not disclose it without consent, except if required by law or other regulation. For further information please refer to our privacy policy -

[www.mornpen.vic.gov.au/privacystatement](http://www.mornpen.vic.gov.au/privacystatement)