

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.: C2013/6333

Applicant: Independent Education Union of Australia

Respondent(s): Commonwealth of Australia as represented by the Department of Education, Employment and Workplace Relations; Australian Chamber of Commerce and Industry; Australian Childcare Centres Association; Australian Community Children's Services; Australian Community Services Employers Association, Union of Employers; Australian Federation of Employers and Industries; Association of Independent Schools of South Australia; The Association of Independent Schools of Tasmania Incorporated; Association of Independent Schools of Western Australia (Inc); Association of Quality Child Care Centres of NSW Inc; Australian Childcare Alliance Victoria; Childcare Queensland Inc; Childcare South Australia; Child Care Association of Western Australia; Community Connections Solutions Australia; Australian Municipal, Administrative, Clerical and Services Union-New South Wales and ACT (Services) Branch; NSW Business Chamber Limited; The Association of Independent Schools of New South Wales Limited T/A AISNSW; Catholic Commission for Employment Relations

TO:

The Proper Officer

The Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn

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: 4.00pm

Date: Wednesday 25 April 2018

Place: Terrace Tower, 80 William Street, East Sydney

Dated: 4 April 2018



Vice President Hatcher

Note:

- This order has been issued at the request of the Australian Childcare Alliance Inc.
- 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 9308 1812.

SCHEDULE

1. All documents recording or evidencing planning for the bargaining process for the NSW and ACT Catholic Systemic Schools Enterprise Agreement 2015.
2. All documents recording or evidencing planning or preparing for meetings involving managers or other participants in the bargaining process for the NSW and ACT Catholic Systemic Schools Enterprise Agreement 2015.
3. All documents recording or evidencing meeting minutes taken in the bargaining meetings for the NSW and ACT Catholic Systemic Schools Enterprise Agreement 2015.
4. All documents recording or evidencing The Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn strategy for the NSW and ACT Catholic Systemic Schools Enterprise Agreement 2015, including:
 - a. wages offers made in the course of bargaining in respect of Mr Luke Donnelly's position;
 - b. wages offers made in general;
 - c. wages position finally agreed; and
 - d. the capacity for The Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn or St Joseph's O'Connor to pay these wages.
5. All documents recording or evidencing the remuneration received by Mr Donnelly, namely:
 - a. contract of employment;
 - b. payslips for the past three months;
 - c. remuneration policy that applies to Mr Donnelly's employment.
6. All documents recording or evidencing the nature of the work including the position descriptions or job description however described of Mr Donnelly.
7. All documents recording or evidencing the:
 - a. school curriculum;
 - b. extra-curricular activities including school camps, school excursions, sports teams coached etc;
 - c. number of pupils in a class;
 - d. timetables; in connection with the employment of Mr Donnelly.

8. All documents recording or evidencing training undertaken by Mr Donnelly.
9. All documents recording or evidencing the organisational chart displaying the position in which Mr Donnelly works.
10. All documents recording or evidencing performance management and performance appraisals for Mr Donnelly for the past five years.
11. All documents recording or evidencing the school fees charged by St Joseph's O'Connor.
12. All documents recording or evidencing the nature of the work performed by Mr Donnelly and other employees employed in his role, including the responsibilities, skills necessary to perform the responsibilities, and the position descriptions.
13. All documents recording or evidencing the specific day to day duties of Mr Donnelly including any special tasks and more complicated tasks that may arise.
14. All documents recording or evidencing the conditions under which the work of Mr Donnelly is performed, for instance, class room environment, school environment, and any other environment in which work is performed.

In the above, "Document" means any document including, without limitation, any handwriting, correspondences, letter, facsimile transmissions, emails, printouts of emails, memoranda, notes, records, diaries, files, file notes, receipts, invoices, cheques, cheque butts, accounts, accounting records, letters of instruction, bank account statements, reports, witness statements, statutory declarations, affidavits, submissions, audio tapes, videotapes, analogue or digital sound or video recordings, computer printouts, computer disks and all other documents whatsoever whether stored electronically, optically or otherwise.