

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

York Civil Pty Ltd

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 Australian Childcare Alliance.
- 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 the York Civil remuneration policy, salary, remuneration and payments as it is relevant to the employment of Mr Brad Broughton, including:
 - a. payslips for the past 3 months;
 - b. contract of employment; and
 - c. timesheets.
2. All documents recording or evidencing the nature of the work including the position descriptions or job description however described of Mr Broughton.
3. All documents recording or evidencing training undertaken by Mr Broughton.
4. All documents recording or evidencing performance management and performance appraisals of Mr Broughton in the past five years.
5. All documents recording or evidencing an organisational chart or similar document displaying the position in which Mr Broughton works in relation to the other employees employed by York Civil.
6. All documents recording or evidencing:
 - a. the projects upon which Mr Broughton participated in the past two years;
 - b. total fees generated for the projects upon which Mr Broughton participated in the past two years.
7. All documents recording or evidencing the annual turnover of York Civil in the past 12 months.
8. All documents recording or evidencing the nature of the work performed by Mr Broughton and other employees employed in his role, including the responsibilities, skills necessary to perform the responsibilities, and the position descriptions.
9. All documents recording or evidencing the specific day to day duties of engineers including any special tasks and more complicated tasks that may arise.
10. All documents recording or evidencing the conditions under which the work of Mr Broughton is performed, for instance, whether the work involves outdoor work, working in hot or cold temperatures, wet work, etc.

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.