

**From:** AED Legal <[aedlegal@aed.org.au](mailto:aedlegal@aed.org.au)>  
**Sent:** Friday, 12 August 2022 10:08 AM  
**To:** Chambers - Hatcher VP <[Chambers.Hatcher.VP@fwc.gov.au](mailto:Chambers.Hatcher.VP@fwc.gov.au)>  
**Subject:** AM2014/286 - Authorities and Materials list

Dear Associate

Please find **attached** a list of authorities and materials filed by the employee parties for the purposes of next week's hearing.

Kind regards

*Phillip Zlatkovic*

**Human Rights Advocate**

**On behalf of**

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## LIST OF AUTHORITIES AND MATERIALS

<b><i>Legislation and legislative materials</i></b>	
1	<i>Disability Discrimination Act 1992</i> , ss. 45(2), s 47(1).
2	<i>Disability Discrimination and other Human Rights Legislation Amendment Bill 2008</i> Explanatory Memorandum, pp 1, 17.
3	<i>National Disability Insurance Scheme Act 2013</i> , ss 3, 4, 33, 34
4	<i>National Disability Insurance Scheme (Provider registration and Practice Standards Rules 2018, Schedule 1, Part 2.</i>
5	<i>Social Security Act 1991</i> , ss 94 and 95
6	<i>Social Security (Active Participation for Disability Support Pension) Determination 2014</i> , s 7.
<b><i>Cases</i></b>	
7	<i>Re 4 Yearly Review of Modern Awards (Supported Employment Services Award) 3</i> December 2019 (2019) 293 IR 1 [13], [246]-[247], [248], [253], [319]-[339], [342], [348], [350], [366], [367], [372].
8	<i>Re 4 Yearly Review of Modern Awards (Pharmacy Industry Award) (2018) 284 IR 121</i> [131], [136], [160], [168]-[169].
9	<i>Re 4 Yearly Review of Modern Awards (General Retail Industry Award) (2020) 301 IR</i> 296, [28]-[29], [73]-[74], [84].
10	<i>Re Supported Employment Services Award</i> [2010] FWAFB 1980; (2010) 195 IR 240, [17]-[19].
11	<i>Re Annual Wage Review 2012-13</i> (2013) 235 IR 332, [76]-[79].
12	<i>Re Annual Wage Review 2017-18</i> (2018) 279 IR 215, [16], [478].
13	<i>Re Annual Wage Review 2021-2022</i> [2022] FWCFB 3500, [108], [449].
14	<i>Hossain v Minister for Immigration</i> (2018) 264 CLR 123, [23].
15	<i>Shop, Distributive and Allied Employees Association v National Retail Association</i> (2012) 205 FCR 227, [53].

16	<i>Australian Building and Construction Commissioner v McConnell Dowell Constructors (Aust) Pty Ltd</i> (2012) 203 FCR 345 [25]-[27], [49], [69], [74], [109], [111].
17	<i>SZTAL v Minister for Immigration and Border Protection</i> (2017) 262 CLR 362, [14].
18	<i>R v A2</i> (2019) 93 ALJR 1106 [32]-[37]; [124]; [163]-[165].
19	<i>CIC Insurance Ltd v Bankstown Football Club</i> (1995) 187 CLR 384, 408.
20	<i>Rose v Department of Social Security</i> (1990) 21 FCR 241, pp 243-244
21	<i>Noijn v the Commonwealth</i> (2012) 208 FCR 1, [12], [33], [138]-[139], [148], [266], [268].
22	<i>Qube Ports Pty Ltd v McMaster</i> (2016) 248 FCR 414, [55]-[56].
23	<i>Nicholson v Knaggs</i> [2009] VSC 64, [13]-[18].
24	<i>Souliotopoulos v LaTrobe University Liberal Club</i> (2002) 120 FCR 584, [33], [40]-[50], [52].
25	<i>Watts v Australian Postal Corporation</i> (2014) 222 FCR 220, [16], [18], [24].
<b>Other Materials</b>	
26	<i>International instruments filed with the Fair Work Commission.</i>
27	<i>Review of the Disability Discrimination Act 1992, Productivity Commission Inquiry Report, 30 April 2004, p, XL-XLI, p. 352-354.</i>