

**From:** Chambers - Hatcher VP

**Sent:** Thursday, 18 January 2018 2:07 PM

**To:** '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; 'chrisc@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'; '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](mailto:paul.musso@nds.org.au))'; 'Noni Lord'; 'Claire Bratney'; 'jzadel@hwle.com.au'; 'sryan@hwle.com.au'; 'Sina Zevari'

**Subject:** AM2014/286 – Supported Employment Services Award

Dear Parties,

### **AM2014/286 – Supported Employment Services Award**

I refer to the above matter and the hearings listed for 5-9 February 2018 and 12-16 February 2018.

1. Please see the attached [draft program](#) for consideration by the parties. Any comments regarding the draft program should be made by not later **5.00pm Friday 19 January 2018**. Parties should ensure that their witnesses are available on the dates proposed and should advise if the witness will give evidence in person or by telephone.
2. With respect to the site inspections, a court reporter will not attend, as requested by Australian Business Lawyers. In light of this request and other communications regarding the site inspections the Full Bench considers that it should clarify what is considered to be the nature and purpose of the inspections. First, it is not considered that anything that occurs during the inspection constitutes evidence in the proper sense. The function of the inspections is to assist the Commission in understanding the evidence which will be adduced by the parties at the hearing. Second, the inspections are not to be used as an opportunity, through interactions with persons encountered on the inspections, to bring in evidence “by the backdoor”. It may be necessary during the inspections for identified persons to explain what is being shown to the Full Bench, and members of the Full Bench may ask questions as part of that process to assist in their understanding of this. However, this will not constitute evidence. Third, representatives of the parties may wish, either at an appropriate stage of the inspections or at the hearing, to place on record a summary of what has occurred during the inspections. This may be done with the permission of the Full Bench and, if permission is granted, any such summary will be recorded on a portable device and a transcript produced. The inspections will not otherwise be recorded. Fourth, parties may, at the hearing, make submissions concerning the relevance, if any, of the inspections to the evidence adduced at the hearing and the issues in the proceedings. Any such submissions will of course be considered by the Full Bench.
3. The Commission will not adopt the proposal, advanced by the AED Legal Centre in its letter of 17 January 2018, to hold a "focus group" with Clean Force for the purpose of providing information regarding the use of the SWS. Should the AED Legal Centre wish to provide information concerning Clean Force and its use of the SWS, it may be possible for it do so in the ordinary manner by filing a witness statement. Leave to file any further evidence should be applied for by **5.00pm Friday 19 January 2018**.

Kind regards,

**Helen Hamberger**

Associate to Vice President Hatcher

**Fair Work Commission**

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