

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.: AM2014/196 and 197

Applicant:

United Voice

(Applicant for an order to produce)

To: MSS Security Pty Ltd
Attention: Sally Pedlow
Suite 1, 235 Balcatta Road
Balcatta, WA, 6021, Australia.

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: 12:00 noon

Date: 8 July 2016

Place: Fair Work Commission (Sydney) **OR** Fair Work Commission (Perth)
Terrace Tower, Level 16, 111 St Georges
Level 10, 80 William Street, Terrace Perth WA 6000
East Sydney, NSW, 2011

Dated: 4 July 2016



Vice President Hatcher

Note:

- This order has been issued at the request of United Voice
- 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

- We draw your attention to the statement of Trevor Paton filed with the Fair Work Commission by MSS Security Pty Ltd (hereafter 'MSS') on 31 March 2016. The column on the left hand side of the following table identifies the paragraphs to which the documents on the right hand side of the table relate.
- Requests for records relating to the '*last financial year*' concern the financial year commencing 1 July 2015 to 30 June 2016 unless otherwise stated.
- '*The Period*' is 1 January 2016 to 29 February 2016.
- Requests are for the primary source materials but where appropriate summaries or other secondary sources can be produced by the maker of the statement, these should be supplied.
- In all cases, copies of the document can be provided.
- The Award means the *Security Services Industry Award 2010*.
- Where an answer to a question is sought, can this be provided by correspondence to avoid the requirement that an employee of MSS other than the maker of the statement be required to give evidence concerning the matter.

| Trevor Paton, signed 31 March 2016 | |
|---|--|
| 4 | <ul style="list-style-type: none"> • Any guidelines, templates or policies used by MSS Security for roster design in the workplace. |
| 6 | <ul style="list-style-type: none"> • Documents indicating or a summary of the number of staff within the NSW Division of MSS Security as at 31 March 2016. |
| 6 | <ul style="list-style-type: none"> • All current '<i>fixed price contracts based on a standard scope of work</i>' for the NSW Division of MSS based as referred to. |
| 7 | <ul style="list-style-type: none"> • For the MSS Aviation Division, all current contracts for aviation services. |
| 10 | <ul style="list-style-type: none"> • All rosters for MSS employees engaged at Tamworth Airport for the Period being the month during the last music festival referred to in his paragraph and the month after. |
| 12-13 | <ul style="list-style-type: none"> • All current individual flexibility agreements (IFA) with current employees of the Aviation Division of MSS Security. • For the last financial year to 31 May 2016, any offer (including draft IFAs), document, policy, application or correspondence (including electronic) created by MSS and supplied to employees prior to an IFA being entered into. • For the last financial year to 31 May 2016, any document, response, record or correspondence (including electronic) of employees of MSS in response to being offered by MSS an IFA. |
| 13 & 15 | <ul style="list-style-type: none"> • For the last financial year to 31 May 2016, any document, policy, application, offer of employment or correspondence (including electronic) created by MSS and supplied to employees or prospective employees explaining or offering an IFA to the employee. |

| | |
|----|--|
| 16 | <ul style="list-style-type: none"> All documents, correspondence (including electronic), record or thing concerning the 'scale or order' used in which MSS rank labour impacts for the last financial year. |
| 20 | <ul style="list-style-type: none"> For the last financial year to 31 May 2016, any correspondence, document, email, file note and record (including electronic) concerning negotiation, requests and or agreements with employees concerning flexible working agreements. |
| 1 | <ul style="list-style-type: none"> Annual financial statements for the Aviation Division of MSS Security for the financial year ending 30 June 2013, 30 June 2014 and 30 June 2015. |
| 6 | <ul style="list-style-type: none"> Annual financial statements of the NSW Division of MSS Security for the financial years ending 30 June 2013, 30 June 2014 and 30 June 2015. |