

**From:** Phillip Pasfield [Phillip.Pasfield@slatergordon.com.au]  
**Sent:** Thursday, 24 November 2022 4:25 PM  
**To:** Chambers - Acting President Hatcher[Chambers.Hatcher.VP@fwc.gov.au]  
**CC:** 'Jessica Dawson-Field (JDawson-Field@mauriceblackburn.com.au)'[JDawson-Field@mauriceblackburn.com.au]; J Bornstein[JBornstein@mauriceblackburn.com.au]  
**Subject:** Application by Kelly - D2022/10 [S+G-ACTIVE.7592.M659724.FID4985938]  
**Attachments:** 221124 - Letter to Associate to Acting President Hatcher.pdf; 221124 - MEU - Law in Order undertaking.pdf

Dear Associate

Please find attached my letter of today's date together with the enclosure thereto.

The lawyers for the CFMMEU have been copied into this email.

Regards

**Phillip Pasfield**  
National Practice Group Leader  
Industrial and Employment Law



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24 November 2022

Caroline Beasley  
Associate to Acting President Hatcher  
Level 11, Terrace Tower, 80 William Street  
EAST SYDNEY NSW 2011

By Email: [Chambers.Hatcher.VP@fwc.gov.au](mailto:Chambers.Hatcher.VP@fwc.gov.au)

Dear Associate,

**D2022/10 Application by Grahame Patrick Kelly**

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I refer to the letter to you from Maurice Blackburn dated 23 November 2022.

In the letter advice is provided for the first time that Maurice Blackburn proposes, if access is granted, to have an external provider, Law in Order, copy and digitise the documents. It is said this will assist in the process of reviewing the documents and the digital copies will be the subject of the same undertaking as the physical copies.

The applicant is of the view that if Law in Order is to have access to the documents that an appropriate officer of that firm provide a written undertaking to the Commission in the terms enclosed herewith.

With respect to what is said to be the only remaining issue being access to the two in-house solicitors, the applicant has made his submissions in this regard and maintains his position.

Yours faithfully

A handwritten signature in blue ink, appearing to read "P. Pasfield".

Phillip Pasfield  
National Practice Group Leader  
Industrial and Employment Law  
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Our Matter: M659724

**IN THE FAIR WORK COMMISSION**

**MATTER NO.: D2022/10**

**APPLICATION BY GRAHAME KELLY – WITHDRAWAL FROM  
AMALGAMATED ORGANISATION – MINING AND ENERGY DIVISION –  
CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION**

**CONFIDENTIALITY UNDERTAKING OF LAW IN ORDER**

I, \_\_\_\_\_, of \_\_\_\_\_, on behalf of Law In Order, undertake to the Fair Work Commission and the Applicant, in relation to the documents of the Applicant and the Mining and Energy Division of the Construction, Forestry, Maritime, Mining and Energy Union provided to Law In Order by Maurice Blackburn Lawyers (**the Membership Rolls**), that Law In Order (including by its servants, agents and employees):

1. Will treat the Membership Rolls as being strictly confidential.
2. Will not disclose the Membership Rolls or the information contained in the Membership Rolls to anyone other than Maurice Blackburn Lawyers.
3. Will not transmit or share the Membership Rolls or the information contained in the Membership Rolls to anyone other than Maurice Blackburn Lawyers.
4. Will return the Membership Rolls and any copies made of the Membership Rolls (including electronic copies) to Maurice Blackburn Lawyers, and delete any electronic copy (including from its server) once the Membership Rolls have been copied and digitised in the manner requested by Maurice Blackburn Lawyers.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Capacity

\_\_\_\_\_  
Date