

**From:** Rawson, Craig <[Craig.Rawson@ags.gov.au](mailto:Craig.Rawson@ags.gov.au)>  
**Sent:** Thursday, 16 February 2023 5:50 PM  
**To:** Chambers - Acting President Hatcher <[Chambers.Hatcher.VP@fwc.gov.au](mailto:Chambers.Hatcher.VP@fwc.gov.au)>;  
[chambers.hatcher.j@fwc.gov.au](mailto:chambers.hatcher.j@fwc.gov.au)  
**Cc:** 'Jessica Dawson-Field ([JDawson-Field@mauriceblackburn.com.au](mailto:JDawson-Field@mauriceblackburn.com.au))' <[JDawson-Field@mauriceblackburn.com.au](mailto:JDawson-Field@mauriceblackburn.com.au)>; J Bornstein <[JBornstein@mauriceblackburn.com.au](mailto:JBornstein@mauriceblackburn.com.au)>; Phillip Pasfield <[Phillip.Pasfield@slatertgordon.com.au](mailto:Phillip.Pasfield@slatertgordon.com.au)>; Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>  
**Subject:** RE: Application by Kelly - D2022/10 [S+G-ACTIVE.7592.M659724.FID4985938]  
[SEC=OFFICIAL] [AGSDMS-DMS.FID4471973]

Dear Associate,

**RE: Application by Kelly - D2022/10**

We note that on 20 October 2022 we informed the Fair Work Commission that the Registered Organisations Commissioner (**Commissioner**) did not consider there are any additional matters which require or warrant his making submissions in respect of that application. With permission from the former President, the Commissioner has not participated in this proceeding since that date.

We note as a matter of courtesy that, pursuant to Schedule 1, Item 6 of the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, the office of the Commissioner will be abolished with effect from a date to be proclaimed. By proclamation dated 9 February 2023 this will occur on 6 March 2023. From this date the functions of the Commissioner will transfer to the General Manager of the Fair Work Commission.

Accordingly we are instructed to confirm that the Commissioner does not propose to participate any further in this proceeding.

Yours sincerely,

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**Craig Rawson**

Senior Executive Lawyer

Australian Government Solicitor

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**From:** Rawson, Craig

**Sent:** Thursday, 20 October 2022 2:21 PM

**To:** 'Chambers - Ross J' <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>; Phillip Pasfield <[Phillip.Pasfield@slatertgordon.com.au](mailto:Phillip.Pasfield@slatertgordon.com.au)>

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**Subject:** RE: Application by Kelly - D2022/10 [S+G-ACTIVE.7592.M659724.FID4985938] [SEC=OFFICIAL]

**OFFICIAL**

Dear Ms Castles,

The Registered Organisations Commissioner has noted the submissions filed by the parties in respect of the section 94A application. Having done so the Commissioner does not consider there are any additional matters which require or warrant his making submissions in respect of that application.

Accordingly, if there are no issues which the Full Bench consider warrant the Commissioner's attendance at the hearing which is listed for 25 October 2022 the Commissioner requests that he be excused from attendance.

Yours sincerely

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**Craig Rawson**

Senior Executive Lawyer

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**From:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>

**Sent:** Friday, 7 October 2022 9:56 AM

**To:** Phillip Pasfield <[Phillip.Pasfield@slatergordon.com.au](mailto:Phillip.Pasfield@slatergordon.com.au)>

**Cc:** 'Jessica Dawson-Field' (<[JDawson-Field@mauriceblackburn.com.au](mailto:JDawson-Field@mauriceblackburn.com.au)>) <[JDawson-Field@mauriceblackburn.com.au](mailto:JDawson-Field@mauriceblackburn.com.au)>; J Bornstein <[JBornstein@mauriceblackburn.com.au](mailto:JBornstein@mauriceblackburn.com.au)>; Rawson, Craig <[Craig.Rawson@ags.gov.au](mailto:Craig.Rawson@ags.gov.au)>

**Subject:** RE: Application by Kelly - D2022/10 [S+G-ACTIVE.7592.M659724.FID4985938]

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OFFICIAL

Good morning,

The parties will have the opportunity to make submissions before the Full Bench on the issue of the consent order at the hearing on 25 October 2022.

Kind regards,

**Madeleine Castles (she/her)**

Associate to the Hon. Justice Ross AO

President



**Fair Work Commission**

Australia's national workplace relations tribunal

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E [madeleine.castles@fwc.gov.au](mailto:madeleine.castles@fwc.gov.au)

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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

**This email was sent from Wurundjeri Woi Wurrung Country.**

**From:** Phillip Pasfield <[Phillip.Pasfield@slatertgordon.com.au](mailto:Phillip.Pasfield@slatertgordon.com.au)>

**Sent:** Friday, 7 October 2022 8:29 AM

**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>

**Cc:** 'Jessica Dawson-Field ([JDawson-Field@mauriceblackburn.com.au](mailto:JDawson-Field@mauriceblackburn.com.au))' <[JDawson-Field@mauriceblackburn.com.au](mailto:JDawson-Field@mauriceblackburn.com.au)>; J Bornstein <[JBornstein@mauriceblackburn.com.au](mailto:JBornstein@mauriceblackburn.com.au)>;

'Craig.Rawson@ags.gov.au' <[Craig.Rawson@ags.gov.au](mailto:Craig.Rawson@ags.gov.au)>

**Subject:** Application by Kelly - D2022/10 [S+G-ACTIVE.7592.M659724.FID4985938]

Dear Associate

I refer to the mention of this matter on 3 October last and to the discussion concerning the provision of a draft consent order pursuant to section 594 of the FW Act.

I advise that the Applicant and the CFMMEU have been unable to reach agreement on the form of the draft order.

Please find attached the draft order proposed by the Applicant. The second attachment is the draft order proposed by the CFMMEU which is marked up.

The Applicant and the CFMMEU wish to address the Full Bench on the form of the order that should be made. It may be convenient for this to be done at the short hearing on 25 October next.

The legal representatives of the CFMMEU and the ROC have been copied into this email.

Regards

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



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