



30 April 2018

Our Ref: 20170656

BY EMAIL Chambers.Hatcher.VP@fwc.gov.au

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Dear Associate

**NON-COMPLIANCE WITH ORDERS TO PRODUCE
C2013/6333 - S.302 APPLICATION FOR AN EQUAL REMUNERATION ORDER**

We refer to the Orders Requiring the Production of Documents (**Orders To Produce**) issued by His Honour Vice President Hatcher on 4 April 2018.

1. NON-COMPLIANCE

- 1.1 We confirm we attended the Fair Work Commission Registry today to access, inspect and copy the documents produced by the following recipients of Orders To Produce:
- (a) Trustees of the Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn (**Trustees**);
 - (b) Catholic Education Office/Sydney Catholic Schools;
 - (c) Langdale Consultants Pty Ltd (**Langdale Consultants**); and
 - (d) York Civil Pty Ltd (**York Civil**).
- 1.2 With the exception of the provision of certain documents that are held by schools and cannot be accessed during school holidays that will be produced by the Trustees and the Catholic Education Office, the above recipients were required to comply with the Orders To Produce by 4.00pm on Thursday 26 April 2018.
- 1.3 Our inspection of documents produced has confirmed that Langdale Consultants and York Civil have not produced any documents to the Registry and it would appear that they have therefore not complied with the Orders To Produce.

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2. CONSEQUENCES OF NON-COMPLIANCE

- 2.1 Our clients' are not presently aware of the precise time or date upon which Langdale Consultants and York Civil intend to comply with the Orders To Produce.
- 2.2 Given these circumstances, we respectfully request that the matter be relisted for hearing before His Honour, with a direction to be given to each of Langdale Consultants and York Civil to attend the Commission (pursuant to section 590 of the *Fair Work Act 2009*). The purpose of such a hearing would be for Langdale Consultants and York Civil to inform the Commission why they have not complied with the Orders for Production and when compliance can be expected.
- 2.3 Having regard to the above, and the delay in the production of documents by Langdale Consultants, York Civil and the Department of Education & Training Victoria (the latter having been granted an extension for production), it remains likely that our clients will suffer some prejudice in respect of filing and serving on their submissions and evidentiary material by 5pm on Monday 14 May 2018.
- 2.4 Depending on additional length of time required by Langdale Consultants and York Civil to comply with the Orders To Produce, we foreshadow that our clients may request a concomitant period of time upon which to file and serve its submissions and evidence.
- 2.5 We confirm the legal representatives for York Civil and Langdale Consultants will receive a copy of this correspondence.

If you have any questions, please contact Michal Roucek on (02) 9458 7018.

Yours sincerely



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