

From: Michal Roucek [<mailto:Michal.Roucek@ablawyers.com.au>]
Sent: Wednesday, 18 April 2018 10:26 AM
To: 'Robert Seals'; Chambers - Hatcher VP
Cc: 'info@childcarealliance.org.au'; 'info@childcaresa.com.au'; 'admin@childcarens.com.au'; 'info@childcarequeensland.com.au'; 'qld@childcarealliance.org.au'; 'info@childcarewa.com.au'; 'wa@childcarealliance.org.au'; Nigel Ward; 'Michael Wright'; Luis Izzo
Subject: RE: C2013/6333 - Application to set aside Orders Requiring Production of Documents [ABLaw-ImanageDocs.FID165140]

Dear Associate

We refer to the correspondence below.

We **attach** our letter of today's date.

If you have any questions about this correspondence please contact Michal Roucek on [REDACTED]

Yours sincerely

Michal Roucek

Senior Associate

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18 April 2018

Our Ref: 20170656

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

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Dear Associate

**C2013/6333 APPLICATION FOR AN EQUAL REMUNERATION ORDER
IEU REQUEST FOR EXTENSION ON RETURN DATE ON ORDERS TO PRODUCTION**

We write with respect to the Orders for Production issued in these proceedings and the IEU's correspondence of 17 April 2018 (**the Orders**), seeking an extension to the timeframes for production.

Given that the Orders have not been issued on the IEU, it is extraordinarily unusual for the IEU to be expressing concern about the ability of companies and other organisations it does not represent to comply with the Orders.

The sole ground advanced in support of an extension to the timeframe for compliance with the Orders relates to the "oppressiveness" of complying. However, there has been no indication provided from the IEU that they have been instructed by (or even been in contact with) the recipients of the Orders. In such circumstances, it is difficult to understand how the IEU is able to make any informed submission about the practical capability of the recipients of the Orders to comply with the Orders' terms.

In such circumstances, ACA, ABI and NSWBC contend that there have been insufficient grounds advanced to change the return date of the Orders. Having said that, given that the Orders are returnable on a public holiday, ACA, ABI and the NSWBC do not have a difficulty with the date for compliance with the Orders being extended to 26 April 2018.

18 April 2018

C2013/6333 APPLICATION FOR AN EQUAL REMUNERATION ORDER
IEU REQUEST FOR EXTENSION ON RETURN DATE ON ORDERS TO PRODUCTION

Should the Commission be minded to grant the IEU's request for extension to the timeframe for compliance, we respectfully wish to foreshadow that our clients will likely seek an extension for the filing and serving of our client's evidence and submissions in the proceedings.

If you have any questions about this correspondence please contact Michal Roucek on 9458 7018.

Yours sincerely



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From: Robert Seals [<mailto:robert@ieu.asn.au>]

Sent: 17/04/2018 9:54 PM

To: Chambers - Hatcher VP

Cc: info@childcarealliance.org.au; info@childcaresa.com.au; admin@childcarens.w.com.au; info@childcarequeensland.com.au; qld@childcarealliance.org.au; info@childcarewa.com.au; wa@childcarealliance.org.au; Nigel Ward; Michal Roucek; Michael Wright; Luis Izzo

Subject: Re: C2013/6333 - Application to set aside Orders Requiring Production of Documents

Dear Associate

I write in relation to the above matter, and with regard to the listing of the IEU's application [at 4pm on Tuesday 24 April](#).

The production orders, which the IEU is seeking to have set aside in part on grounds of oppressiveness due to the volume of material they seek, are currently returnable [on 25 April 2018](#). This is a public holiday.

Accordingly, it is likely that the companies the subject of the orders will have substantially advanced their compliance efforts, and some production may have already occurred. If the IEU succeeds in whole or in part, these efforts (and associated costs) will be wasted.

As such, I respectfully request that the time for production of the orders be extended to [4 May 2018](#), to prevent these wasted costs. This still leaves sufficient time for any material ultimately produced to be incorporated into the respondents' material.

Alternatively, I respectfully request that the matter be listed earlier. The IEU's representatives are available at any time on Thursday or [Friday this week, after 4pm on Monday 23 April](#) or any time [on Tuesday 24 April](#).

Yours sincerely,

Robert Seals | Industrial Officer