

From: rob [<mailto:rdiamond5@bigpond.com>]

Sent: Thursday, 31 May 2018 2:30 PM

To: Chambers - Hatcher VP

Cc: Rob Diamond; Chris Rowbotham

Subject: Re: FW: C2013/6333 Application by IEU for an Equal Remuneration Order: Order requiring a person to attend [ABLaw-ImanageDocs.FID162488]

To: The Associate to Vice President Hatcher

Dear Ammy,

Thank you for taking my call yesterday. However, being an engineer not a lawyer I am still very much in the dark as to what response I am supposed to give to your email and would very much appreciate your assistance in sorting out what I am required to do.

1) I can attend a hearing, but with a few reservations:

a) I have a holiday booked for the whole month of September, and have already paid in advance for the airfares and paid a non-refundable deposit for some local travel in Europe, so hopefully the hearing would take place before then?

b) I am currently working, mostly on-site at Huntingwood, on a large software project for our principal client Endeavour Energy. This work involves meetings almost every day, and on several days we have Internet meetings with the software vendor who is based in Serbia. Therefore I would ask for at least a week's notice, preferably two weeks so that I can re-arrange any scheduled meetings. Can you give me any indication of how long I would need to set aside for the hearing? A few hours? One day?

c) While I can provide information about remuneration and working conditions (1.2 - 7 a) and d) of the Application) the other Langdale director, Chris Rowbotham, is much better placed to respond to questions about employee management and the nature of the engineering work carried out because he has performed the bulk of the management and supervision of Mr Toker. However, as you would be aware from previous correspondence, Mr Rowbotham is recovering from cancer surgery and is currently on "light duties". He recently had an adverse reaction to his medication, and had to spend a day in bed recovering. So he may be unable to attend a scheduled hearing if any medical complications coincide with the date he is scheduled to attend. If you would like to discuss this further please contact Chris or myself (I am copying Chris in on this email).

2) Langdale is an "involuntary party" to these proceedings. It has already cost our small organisation a considerable amount of money to service the FWC's demands to date. Attendance at a hearing will add further costs. We request that the FWC provide compensation to Langdale in a similar way to other parties providing services to the FWC.

3) Am I required/permitted to/prohibited from bringing notes in to a hearing, and consulting them when answering questions?

4) Am I required to prepare for the hearing in any way? For example, generate some notes on the items listed in the Application? Is it possible to get some more detail from ABL in advance of the hearing as to what information they would like? For example:

a) level of remuneration - Langdale has already provided pay slips which provide a complete record

of Mr Toker's remuneration, so what other information do ABL want??

d) conditions under which the engineering work is performed - Langdale has previously advised that Mr Toker works exclusively in an air-conditioned office at Belrose. So is there some other "special meaning" to the word "conditions"??

It is in the interests of all involved to get the required information as expeditiously as possible. ABL's vague and legalistic "...including but not limited to.." is not very helpful in specifying exactly what information they want!

I will call later this afternoon to make sure that you have received this response, and that I have not left out anything that is required.

Yours Sincerely,

Rob Diamond.
Langdale Consultants Pty Ltd.

On 30/05/18 16:28, Chambers - Hatcher VP wrote:
Dear Parties,

Re: C2013/6333 – Application by IEU for an Equal Remuneration Order

I refer to the below email and the attached Form F51 documents requiring a person to attend before the Fair Work Commission.

Please provide a response to these documents by **5.00pm tomorrow Thursday 30 May 2018.**

Kind regards,

Ammy Lewis
Associate to Vice President Hatcher

Fair Work Commission
Tel: (02) 9308 1812
Fax: (02) 9380 6990
chambers.hatcher.vp@fwc.gov.au

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www.fwc.gov.au

From: Sophie Margaret Whish [<mailto:Sophie.Whish@ablawyers.com.au>]
Sent: Tuesday, 29 May 2018 6:36 PM
To: Chambers - Hatcher VP
Cc: Nigel Ward; Michal Roucek; Emily Slaytor

Subject: C2013/6333 Application by IEU for an Equal Remuneration Order: Order requiring a person to attend [ABLAW-ImanageDocs.FID162488]

Dear Associate

C2013/6333 – Application by IEU for an Equal Remuneration Order

We act for the Australian Childcare Alliance.

We **attach**, for the purposes of filing, two applications (*Form F51 – Application for order requiring a person to attend before the Fair Work Commission*).

For administrative ease, we attach each application (and draft order) in word version for the Commission.

If you have any questions please contact me on (02) 9458 7431.

Yours sincerely

Sophie Margaret Whish

Associate

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