



Reference: MT003351

Date Notice Issued: Thursday, 24 April 2008

NOTICE TO PRODUCE DOCUMENTS
PURSUANT TO SECTION 169(2)(C) OF THE *WORKPLACE RELATIONS ACT 1996*

TO: MR DAVID KERIN re: UNION SOLIDARITY GROUP

**SERVED: IN PERSON BY ANTHONY BROBBEL, PRINCIPAL
WORKPLACE INSPECTOR ON MONDAY 21 APRIL 2008**

ATTENTION: MR DAVID KERIN

I, CHRISTINE GALLAGHER, an Inspector appointed under section 167(2) of the *WORKPLACE RELATIONS ACT 1996* (the Act), have reasonable cause to believe DAVID KERIN of UNION SOLIDARITY GROUP (the Company) has custody of, or access to, documents relevant to determining whether Part 9 – Industrial Action of the *Workplace Relations Act 1996* (the Act) is being or has been observed.

Pursuant to section 169(2)(c) of the Act, I require you to produce to me at Level 6, 414 Latrobe Street Melbourne, by **5.00pm on Thursday 8 May 2008**, the following documents:

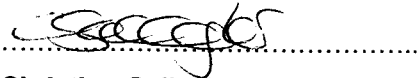
1. All documents recording any communication, contact, dealing or otherwise between any member, sponsor, volunteer or other person(s) affiliated with Union Solidarity, and any employee of, associate to, or representative of, the Australian Manufacturing Workers' Union (AMWU), in particular, those AMWU members currently employed by Hawker De Havilland Aerospace Pty Ltd (the Company), which records or relates to any industrial action, either proposed, planned, discussed or taken at the Port Melbourne site of the Company;
2. All documents recording any payments, donations or financial assistance, howsoever described, received by Union Solidarity, or any member, sponsor, volunteer, or other person(s) affiliated with Union Solidarity, which was made by, or on behalf of any employee, associate to or representative of the AMWU.

A contravention, without reasonable excuse, of the requirement to produce the documents identified in this notice is an offence under section 819 of the Act. Failure to comply with this notice could result in your being liable to imprisonment for up to 6 months.

For the purposes of this Notice, the term:

1. **“Document”** means the original (including any copy on which alterations or markings have been made) of any document (including without limitation, any handwriting, correspondence, file notes, memoranda, letters, diaries howsoever described, including but not limited to electronic diaries and personal diaries, facsimile transmissions, invoices, cheques, cheque butts, accounts, accounting records, letters of instruction, reports, witness statements, statutory declarations, affidavits, submissions, audio tapes, video tapes, analogue or digital sound or video recordings, computer print outs, computer disks and all other documents whatsoever whether stored electronically, optically or otherwise) or if the original is not available, a copy or duplicate of the document.
2. **“Organisation”** has the same meaning as ‘organisation’ in s 4(1) of the *Workplace Relations Act 1996*.
3. **“Industrial Association”** has the same meaning as “industrial association” in s.779 of the *Workplace Relations Act 1996* and includes:
 - a) any branch of an organisation; or
 - b) any official, officer, employee, member, representative or agent of the organisation or any branch of the organisation; or
 - c) the Victorian Employers’ Chamber of Commerce and Industry; or
 - d) the Australian Mines and Metals Association (Inc); or
 - e) the Master Builders Association of Victoria; or
 - f) the Australian Industry Group; or
 - g) the Australian Constructors Association; or
 - h) the National Union of Workers
4. **“Person”** includes but is not limited to:
 - (a) a natural person;
 - (b) a body corporate including an incorporated association or society;
 - (c) an unincorporated body including an unincorporated association or society;
 - (d) a currently or previously registered organisation of employers or employees under any law of the Commonwealth or State;
 - (e) a trust and in relation to a trust, one or more or all of those trustees together;
 - (f) a partnership and in relation to a partnership, one or more or all of the partners together;
 - (g) a joint venture and in relation to a joint venture, one or more or all of the joint venturers;
 - (h) an alliance, and in relation to an alliance, one or more or all of the alliance members or participants (howsoever described);
5. **“Related body corporate”** has the same meaning as “related body corporate” in s 9 of the *Corporations Act 2001*.

Should you require further information or wish to discuss this notice, please contact me on (03) 9954 2549, fax (02) 6276 7009 or email me at Christine.gallagher@wo.gov.au.



Christine Gallagher
Senior Workplace Inspector
Complex Case Investigations
WORKPLACE OMBUDSMAN