
From: Chambers - Hatcher J
Sent: Thursday, 20 July 2023 2:01 PM
To: Dudley, Ben
Cc: Sunil Kemppt; Luis Izzo; Jessica.Tinsley@acci.com.au; Sean Morgan; Noakes, Philippa; Jo Glynn; Federal Secretary; ALAEA
Subject: RE: Adjournment refused - Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543) [SEYFARTH-SEY1.FID13077103]

OFFICIAL

Dear Mr Dudley,

I have brought your email below to the attention of the Full Bench. On the basis that Virgin wishes to discontinue its application, I confirm the hearing listed for tomorrow and Monday will be vacated and the Commission will then close its file. A notice of listing confirming this will be issued shortly.

Kind regards
Caroline

Caroline Beasley
Associate to Justice Hatcher, President



Fair Work Commission

Australia's national workplace relations tribunal

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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 Gadigal Country.

From: Dudley, Ben <BDudley@seyfarth.com>
Sent: Thursday, July 20, 2023 1:16 PM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Cc: Sunil Kemppt <skemppt@actu.org.au>; Luis Izzo <luis.izzo@ablawyers.com.au>; Jessica.Tinsley@acci.com.au; Sean Morgan <sean.morgan@alaea.asn.au>; Noakes, Philippa <PNoakes@seyfarth.com>; Jo Glynn <Jo.Glynn@virginaustralia.com>; Federal Secretary <fedsec@ALAEA.asn.au>; ALAEA <alaea@ALAEA.asn.au>
Subject: RE: Adjournment refused - Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543) [SEYFARTH-SEY1.FID13077103]
Importance: High

OFFICIAL

Dear Associate

We write to advise that we are instructed that, following the Full Bench's decision to decline the adjournment application at this stage, the Applicant wishes to discontinue the application in these proceedings. This is for the reason that:

1. following the filing of the evidence in these proceedings, and in particular some of the matters referred to in Mr Purvinas' evidence, further discussions have taken place between the Applicant and the ALAEA up to last night about an enterprise agreement;
2. while the Application was made on the basis that the bargaining was clearly intractable, given the new information contained in Mr Purvinas' evidence at paragraph 13 and 14, and in the interests of a final attempt to determine whether that truly remains the position with employees, the Applicant is prepared to put a revised agreement to a vote of employees as expeditiously as possible. The terms of the revised agreement reflect the terms set out in paragraph 13 of the statement of Mr Purvinas;
3. the Applicant understands that the ALAEA will not oppose the approval (by employees) of a revised agreement; and
4. in those circumstances, there is little to be gained by pursuing the application when employees are being asked to vote on the proposed enterprise agreement. In the event that this vote is unsuccessful however, the Applicant is likely to file a further application on substantially the same terms and will seek to rely on substantially the same evidence.

Regards

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