



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
PO Box 289
North Sydney NSW 2059
Australia
ABN 76 369 958 788

17 February 2023

Deputy President Hampton
Fair Work Commission
Level 6, Riverside Centre
North Terrace, Adelaide SA 5000

By email: chambers.hampton.dp@fwc.gov.au

Dear Deputy President,

Re. C2019/5259 Review of certain C14 rates in modern awards – Request for extension of time

We refer to the above matter and the statement issued by the Fair Work Commission (**Commission**) on 24 January 2023. In particular, at paragraph [7] of the statement, interested parties were directed to advise the Commission of any '*developments, including any agreed and/or revised proposals*' by no later than 17 February 2023.

The matter was listed for a conciliation conference on 14 December 2022. Since then, the Australian Industry Group (**Ai Group**) has sought to engage with members about the proposals that have been advanced by the:

- Rail, Tram, and Bus Union (**RTBU**) in relation to the *Rail Industry Award 2020*; and
- Australian Workers' Union (**AWU**) in relation to the *Concrete Products Award 2020* and the *Sugar Industry Award 2020*.

In the time available since the aforementioned proceedings, we have not been able to complete our consultation process or to engage in detailed discussions with other interested parties about the key issues. We are, as a result, unable to advance a position in relation to the above proposals at this time. This is, in large part, due to pre-existing leave arrangements of key Ai Group representatives during the Christmas and New Year period, as well as Ai Group's involvement in a raft of other matters. This includes:

- (a) Engaging with, and assisting, Ai Group's members in relation to the new legislative amendments introduced by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*.
- (b) Consulting with the Commonwealth Government on further proposed legislative reforms.



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
Australia
ABN 76 369 958 788

- (c) Preparing material and appearing in various proceedings before the Commission, including:
- (i) The Commission's development of a '*Statement of Principles on Genuine Agreement*';
 - (ii) AM2022/29 Modern award superannuation clause review;
 - (iii) AM2022/36 Proposed Language Services Industry Award;
 - (iv) AM2022/35 Application to vary the *General Retail Industry Award 2020*;
 - (v) AM2022/7 Variation of the *Professional Employees Award 2020* on the Commission's own motion;
 - (vi) AM2016/15 4 yearly review of modern awards — Plain language — Shutdown provisions;
 - (vii) AM2023/2 Application to vary the *Social, Community, Home Care and Disability Services Industry Award 2010*; and
 - (viii) C2023/1 Annual Wage Review, including preliminary proceedings concerning copied State awards.

For the reasons set out above, we seek an extension of time to report back to the Commission until **5.00pm (AEDT) on 3 March 2023**. This would provide us with additional time to consult our members and engage with other interested parties.

Representatives of Australian Business Industrial and the NSW Business Chamber Ltd, the RTBU and the AWU have each advised that their respective organisations consent to the extension sought being granted.

We thank the Commission for its consideration of our request.

Yours sincerely,

Ruchi Bhatt
Principal Advocate