



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

JUSTICE HATCHER, PRESIDENT

AM2023/25

s.160 - Application to vary a modern award to remove ambiguity or uncertainty or correct error

**Application by Australian Industry Group T/A Ai Group
(AM2023/25)**

Textile, Clothing, Footwear and Associated Industries Award 2020

Sydney

9.30 AM, FRIDAY, 3 NOVEMBER 2023

Continued from 25/10/2023

AUDIO COMMENCED

[9.30 AM]

PN1

JUSTICE HATCHER: Just to be clear if you go to clause C.3.1 of the award - - -

PN2

MS WILES: Sorry, your Honour, I'm just getting a copy of the award.

PN3

JUSTICE HATCHER: Yes.

PN4

MS WILES: Was that C. - - -

PN5

JUSTICE HATCHER: 3.1.

PN6

MS WILES: Yes.

PN7

JUSTICE HATCHER: You will see there it's got the pay rates for shift workers. If you take permanent nightshift for example is it (indistinct) suggested the amount specified and payable per shift?

PN8

MS WILES: That's correct. We say that's the correct interpretation.

PN9

JUSTICE HATCHER: So it's skill level 1 who get in addition to payment for the shift \$264 for working a single shift?

PN10

MS WILES: That's correct.

PN11

JUSTICE HATCHER: All right. Ms Bhatt, you report on the progress of what's happened.

PN12

MS BHATT: Yes, your Honour, thank you. There have been some preliminary discussions between myself and Ms Wiles in the last couple of days. They have related only very briefly to the substance of the matter and concern primarily the process that might be implemented after today's directions hearing.

PN13

I did understand from those discussions that the union's starting point is that it opposes this application, but that nonetheless the parties think that there is some merit in having some initial discussions between us about the matter, and we're of the view that at least initially those discussions can occur just between ourselves independent of the Commission. Although I would foreshadow that from Ai

Group's perspective we may seek to make an application, depending on how those discussions unfold, for some assistance from the Commission to facilitate those discussions if the Commission is open to that.

PN14

But in light of those conversations that I have had with Ms Wiles in the last couple of days we would in essence seek that we're afforded some time to have those discussions. But at this stage no directions are issued for the filing of any material, and that the Commission essentially stand the matter over, perhaps require us to report back in early to mid December. I understand that there's some limitations from the union's perspective in having those discussions over the next few weeks because of the availability of the relevant officers.

PN15

JUSTICE HATCHER: All right. In my view any discussion should occur expeditiously. That is this application, having drawn this issue to the Commission's attention, it seems to me that if the applicant is correct there's a serious error in the award which may be having practical implications. I think I will allow three weeks for the discussions, and then a report back. If it's not resolved by then I will list it for hearing on an expeditious basis. So what I will do is, Ms Bhatt, I won't call the matter back on again, but can you give me written advice not later than three weeks from today as to whether the matter has been resolved or not. If it hasn't been I will make arrangements for the finalisation of the matter.

PN16

MS BHATT: Yes, your Honour.

PN17

JUSTICE HATCHER: All right. I thank everyone for their attendance. We will now adjourn.

PN18

MS WILES: Thank you.

ADJOURNED TO A DATE TO BE FIXED

[9.33 AM]