



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

JUSTICE HATCHER, PRESIDENT

AM2023/5

s.158 - Application to vary or revoke a modern award

**Application by Mental Health Australia
(AM2023/2)**

**Application by Plan International Australia
(AM2023/5)**

Social, Community, Home Care and Disability Services Industry Award 2010

Sydney

1.00 PM, THURSDAY, 13 JULY 2023

Continued from 21/03/2023

PN55

JUSTICE HATCHER: I'll take the appearances. Mr Ash, you appear for Mental Health Australia?

PN56

MR S ASH: I do, yes.

PN57

JUSTICE HATCHER: Sorry, can you hear me properly?

PN58

MR ASH: Yes, I can.

PN59

JUSTICE HATCHER: Thank you. Ms Bhatt, you appear for Plan International Australia and the Australian Industry Group?

PN60

MS R BHATT: Yes, your Honour.

PN61

JUSTICE HATCHER: Mr Rabaut, you appear for the Australian Services Union?

PN62

MR C RABAUT: Yes, your Honour.

PN63

JUSTICE HATCHER: And Ms Barry, you appear for the United Workers Union? Ms Barry seems to have disappeared. Just hold on a minute and we'll just find out where she's gone.

PN64

THE ASSOCIATE: Ms Barry, can you hear me?

PN65

MS C BARRY: Yes. Thank you.

PN66

JUSTICE HATCHER: Ms Barry, you appear for the United Workers Union?

PN67

MS BARRY: Yes. Thank you, your Honour.

PN68

JUSTICE HATCHER: All right. So who'd like to report? We've had correspondence that the parties have reached a position as to an agreed variation. Is that correct?

PN69

MS BHATT: Your Honour, can I describe the position that has been reached in this way? After Ai Group and the applicants filed their material in this matter, there were various discussions between the parties.

PN70

The position that has been reached has the support of the various unions appearing in these proceedings, as well as the two applicants, that is, Mental Health Australia and Plan International Australia. Ai Group's position is perhaps more nuanced. We don't oppose the variation that's being proposed, noting that it's less flexible than what was initially proposed by Plan International Australia.

PN71

We're really in the Commission's hands as to how the Commission intends to deal with this matter moving forward and whether there's a need for parties to file any further submissions.

PN72

JUSTICE HATCHER: Look, I've looked at the variation. I think - and I'll discuss it with the expert panel that has been constituted for this matter, but I think the appropriate course is that the Full Bench will express a provisional view about the matter in a statement.

PN73

I can't see any reason why the provisional view would not be in favour of making the proposed amendment to the award. At least that will allow any parties to file any other submissions in opposition to it, and if we receive nothing we'll proceed to make the variation. If there's a submission comes from somewhere, we might have to list the matter for further hearing. Is that an appropriate course?

PN74

MS BHATT: It is from our perspective, your Honour. Thank you.

PN75

JUSTICE HATCHER: Mr Ash, do you agree with that course?

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MR ASH: Yes, your Honour, we support that.

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JUSTICE HATCHER: Well, if there's nothing further, that's the course we'll take. So the parties can expect in the next fortnight or so that statement to issue, and then we'll see what happens.

PN78

I thank everyone for their attendance. We'll now adjourn, which means you can simply disconnect.

ADJOURNED INDEFINITELY

[1.09 PM]