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**From:** Chambers - Hatcher J  
**Sent:** Wednesday, 19 July 2023 6:04 PM  
**To:** Sean Morgan; Dudley, Ben; Noakes, Philippa; Jo Glynn; Federal Secretary; ALAEA  
**Cc:** Sunil Kemppe; Luis Izzo; Jessica.Tinsley@acci.com.au  
**Subject:** Adjournment refused - Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543) [SEYFARTH-SEY1.FID13077103]

**Importance:** High

OFFICIAL

Dear parties,

The Full Bench has noted the apparent developments advised in the applicant's email of today's date. The Full Bench is **not** currently minded to grant the adjournment application nor to vacate the dates for hearing, given that the application is opposed and only limited information has been provided in support of the adjournment. Other consequential matters may also be raised by the Full Bench considering the stated developments. As a result, the applicant may, if it wishes, renew the adjournment application at the commencement of the hearing on Friday 21 July 2023.

**Edrea Venal**  
**Associate to Justice Hatcher, President**

T (02) 9308 1812

E [chambers.hatcher.j@fwc.gov.au](mailto:chambers.hatcher.j@fwc.gov.au)

Level 11, Terrace Tower, 80 William Street, EAST SYDNEY NSW 2011  
[www.fwc.gov.au](http://www.fwc.gov.au)

**My working days are Monday, Tuesday, Wednesday and Friday.**

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.**

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**From:** Sean Morgan <sean.morgan@ALAEA.asn.au>  
**Sent:** Wednesday, July 19, 2023 5:18 PM  
**To:** Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>  
**Cc:** Dudley, Ben <BDudley@seyfarth.com>; Sunil Kemppe <skemppe@actu.org.au>; Noakes, Philippa <PNoakes@seyfarth.com>; Jo Glynn <Jo.Glynn@virginaustralia.com>; Federal Secretary <fedsec@ALAEA.asn.au>; Luis Izzo <luis.izzo@ablawyers.com.au>; Jessica.Tinsley@acci.com.au; ALAEA <alaea@ALAEA.asn.au>  
**Subject:** Re: URGENT - Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543) [SEYFARTH-SEY1.FID13077103]

Dear Associate

The ALAEA does not consent to the application, on the basis that the fact of a revised position indicates that the entire application is misconceived and should be discontinued or dismissed.

That said, in the event that the Commission is minded to grant the adjournment, we request that the matter be listed for a directions hearing following the period that VARA requests.

Sent from my iPhone

Regards,

Sean Morgan

**Legal Officer**

**Australian Licenced Aircraft Engineers Association**

M: 0438 678 671

P: 02 9554 9399

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On 19 Jul 2023, at 15:47, Chambers - Hatcher J <[Chambers.Hatcher.J@fwc.gov.au](mailto:Chambers.Hatcher.J@fwc.gov.au)> wrote:

OFFICIAL

Dear Mr Dudley,

I will bring your email below to the Full Bench's attention and revert when I have their instructions.

**Edrea Venal**

**Associate to Justice Hatcher, President**

T (02) 9308 1812

E [chambers.hatcher.j@fwc.gov.au](mailto:chambers.hatcher.j@fwc.gov.au)

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**This email was sent from Gadigal Country.**

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**From:** Dudley, Ben <[BDudley@seyfarth.com](mailto:BDudley@seyfarth.com)>  
**Sent:** Wednesday, July 19, 2023 3:37 PM  
**To:** Chambers - Hatcher J <[Chambers.Hatcher.J@fwc.gov.au](mailto:Chambers.Hatcher.J@fwc.gov.au)>  
**Cc:** Sunil Kemppe <[skemppi@actu.org.au](mailto:skemppi@actu.org.au)>; Noakes, Philippa <[PNoakes@seyfarth.com](mailto:PNoakes@seyfarth.com)>; Jo Glynn <[Jo.Glynn@virginaustralia.com](mailto:Jo.Glynn@virginaustralia.com)>; Federal Secretary <[fedsec@ALAEA.asn.au](mailto:fedsec@ALAEA.asn.au)>; Luis Izzo <[luis.izzo@ablawyers.com.au](mailto:luis.izzo@ablawyers.com.au)>; [Jessica.Tinsley@acci.com.au](mailto:Jessica.Tinsley@acci.com.au); Sean Morgan <[sean.morgan@alaea.asn.au](mailto:sean.morgan@alaea.asn.au)>; ALAEA <[alaea@ALAEA.asn.au](mailto:alaea@ALAEA.asn.au)>  
**Subject:** URGENT - Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543) [SEYFARTH-SEY1.FID13077103]  
**Importance:** High

OFFICIAL

Dear Associate,

We refer to the above matter. As you know, we act for the Applicant, Virgin Australia Regional Airlines (**VARA**).

We are instructed respectfully to request that the hearing set down for Friday, 21 July and Monday 24 July 2023 be adjourned on the following basis:

1. bearing in mind some of the matters set out in the statement of Mr Purvinas, filed on Friday, 14 July 2023 and while noting that VARA does not accept many of the matters set out therein, in the interests of a final attempt to determine whether employees are prepared to approve an enterprise agreement, VARA is prepared to put a revised agreement to a vote of employees as expeditiously as possible; and
2. VARA has liaised with the ALAEA regarding point 1 above, including the terms of the agreement to be put to a vote, the basis on which it is being put and whether the ALAEA will support that agreement.

VARA requests that the hearing be postponed for a period of no less than four weeks to allow that vote to take place (which would include our client not being required to file reply evidence today).

We note that the ALAEA has informed us that they do not consent to the adjournment of the proceedings on the above basis, but consents to VARA writing to the Commission to seek an adjournment. We respectfully suggest that the ALAEA articulate its position on the request to the Commission and that the Commission can then determine whether to grant the above request on the basis of the materials before it.

We have copied this email to the ALAEA and the interveners.

Regards

**Ben Dudley** | Partner | Seyfarth Shaw Australia  
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[bdudley@seyfarth.com](mailto:bdudley@seyfarth.com) | [www.seyfarth.com](http://www.seyfarth.com)



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