



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

JUSTICE HATCHER, PRESIDENT

AM2021/57

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

**Application by Australasian Meat Industry Employees Union, The
(AM2021/57)**

Meat Industry Award 2020

Melbourne

9.30 AM, TUESDAY, 2 MAY 2023

Continued from 30/04/21

PN1

JUSTICE HATCHER: I will take appearances. Mr Schultz, you appear for the AMIEU?

PN2

MR J SCHULTZ: That's correct.

PN3

JUSTICE HATCHER: Ms Bhatt, you appear for the Australian Industry Group?

PN4

MS R BHATT: Yes, your Honour.

PN5

JUSTICE HATCHER: Mr Herbert, you appear for the Australian Meat Industry Council?

PN6

MR A HERBERT: Yes, your Honour.

PN7

JUSTICE HATCHER: And, Mr Ash, you appear for JBS Australia?

PN8

MR W ASH: Yes, your Honour.

PN9

JUSTICE HATCHER: Yes, all right. So, Mr Schultz, I understand the parties have had discussions about your application; is that right?

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MR SCHULTZ: That's to my understanding, your Honour.

PN11

JUSTICE HATCHER: And what's the outcome of those discussions?

PN12

MR SCHULTZ: To my knowledge, your Honour - I don't know the full extent, I was just handed this case yesterday in relation to dealing with the directions for today. So to the extent I'm not sure.

PN13

JUSTICE HATCHER: Okay. Can any other party assist me as to how far the discussions have gone?

PN14

MR HERBERT: It's Andrew Herbert, your Honour. I think it would be fair to say that there's been no agreement between the parties about any of the issues raised. There has been some quite extended discussions, but there are a number of parties representing employer interests in this matter and there was unable to be

no unanimity in relation to the matters, the subject of the application, that's been able to be reached.

PN15

JUSTICE HATCHER: The main aspect of the application seems to be the classification structure. Is there any consensus on whether it needs to be reformed at all?

PN16

MR HERBERT: I think it was a general employer view, your Honour, if I may speak, that it does not.

PN17

JUSTICE HATCHER: All right. Ms Bhatt, I saw you shaking your head.

PN18

MS BHATT: There's no agreement that there is any need for reform or amendment.

PN19

JUSTICE HATCHER: And Mr Ash?

PN20

MR ASH: I agree with that view, your Honour, with the exception perhaps that the parties are agreed that there are some typographical errors and some gender neutralities used that could be addressed by consent.

PN21

JUSTICE HATCHER: All right. Mr Schultz, we've got correspondence from your union to seek a program for hearing. I must say I am reluctant to launch into a major hearing about this until the Commission itself has had an opportunity to confer with the parties. Unless you persuade me otherwise what I propose is this, that I will direct the AMIU to file a draft determination setting out all the variations to the award that it seeks with a brief explanation of why it's considered the changes are necessary. And then I would propose that a member of the Commission would undertake a conference between the parties as to that application. Do you want to say anything in opposition to that course, Mr Schultz?

PN22

MR SCHULTZ: Well, given my limited knowledge to it, your Honour, I would probably say that's probably a prudent approach.

PN23

JUSTICE HATCHER: All right. Does any other party have a view against that approach?

PN24

MR HERBERT: Not from our point, your Honour.

PN25

JUSTICE HATCHER: Mr Schultz, how am I - and I understand you have only just been briefed in the matter, but how long do you think the union might need to draft a document of that nature?

PN26

MR SCHULTZ: I'd have to confer with the other industrial representatives of the union. Obviously they had more dealings in the matter than I did.

PN27

JUSTICE HATCHER: What I might do is I will say four weeks, but obviously if you file it before then, then we can take the next step before then.

PN28

MR SCHULTZ: Would there be leave to extend if need be?

PN29

JUSTICE HATCHER: Yes, I will give you liberty to apply in the event that you need an extension. Once that's filed then I will allocate a member of the Commission to conduct a conference with the parties. All right. Thank you for your attendance. If there's nothing further we will now adjourn.

ADJOURNED TO A DATE TO BE FIXED

[9.35 AM]