



The Australian Industry Group
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25 January 2019

Commissioner Bissett
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Dear Commissioner,

Re. AM2018/6 Section 158 Application to vary the Corrections and Detention (Private Sector) Award 2010

We refer to the above matter, the application by Ms Vonni Champman (**Applicant**) received by the Fair Work Commission (**Commission**) on 29 April 2018 (**Application**). Ai Group is opposed to the Application.

In correspondence from the Commission sent on 25 September 2018, the Applicant was requested to provide the following information to the Commission:

- Whether it is the Applicant's intention that the classification range included in the Commission's 25 September correspondence (the Suggested Classification Range) be included in the *Corrections Award* and replace the current Court Security Officer and Court Security Supervisor classifications in that Award
- Whether it is the Applicant's intention that the same classification range be included in the *Security Services Industry Award 2010* (SSI Award).
- Advice on how the Applicant arrived at the hourly rates of pay in the Suggested Classification Range.
- Advice on why the Applicant selected a starting rate of \$21.29 per hour in the Suggested Classification Range and adjusted it from 2008 onwards.
- What the position descriptions referred to in the Suggested Classification Range broadly might be for each classification level.

On 17 October 2018, the Applicant responded to the Commission's correspondence of 25 September 2018 as follows:

... If the classification range could be inserted into the Security Services Industry Award 2010 it would definitely eliminate any loose ends, nor have us officers carry out high risk security as per permits states, which is not recognize nor reflected in the hourly rate. Additionally, by inserting the classification range into the SSI Award, would prevent officers being paid less if the employer has officers under this award for less payment rates to satisfy the client. ...

The Applicant has failed to provide the information requested to the Commission. The Applicant appears to have only provided, by correspondence provided to the Commission on 17 October 2018, a number of points which may support the insertion of the Suggested Classification Range into the *SSI Award*. Despite the commencement of this matter as an application to amend the *Corrections Award*, the Applicant has not confirmed any aspect of their application in relation to this Award, despite repeated requests from the Commission.

Directions subsequently issued by the Fair Work Commission on 4 December 2018 (**the Directions**) invited any person or party in support of the application to file with the Commission any relevant submissions and evidence by 4:00 pm Friday 4 January 2019. Parties opposed to the Application were directed to file relevant material by 25 January 2019.



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We note that, to date, no submissions have been posted on the Commission's website in support of this Application. It also appears that the Applicant has not sought any form of extension.

Given the Applicant's failure to comply with the Directions, it is unclear whether the Application is still pressed. The failure also means that Ai Group is not in a position to file material in reply, as contemplated by the Directions.

Given the Applicant's failure to advance appropriate material in support of the claim, Ai Group respectfully requests that the Commission exercise its discretion to dismiss an application under s 587 of the *Fair Work Act 2009* (Cth) (**FWA**). The Application has no reasonable prospects of success, based on the material filed.

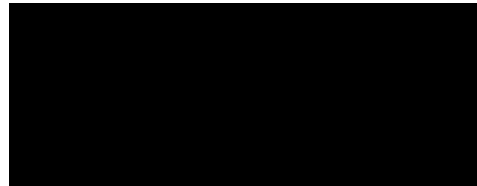
If the Commission is not minded to dismiss the Application on the material before it, Ai Group would seek an opportunity to be heard further in relation to both why this is an appropriate course of action and our opposition to the claim.

Please contact our office if you require any additional information concerning our position in this matter.

Yours sincerely



Brent Ferguson
National Manager
Workplace Relations Advocacy & Policy



Hamish Harrington
Workplace Relations Policy Adviser