
From: Jessica Tinsley <Jessica.Tinsley@acci.com.au>
Sent: Tuesday, 11 July 2023 5:04 PM
To: Chambers - Hatcher J
Cc: Jo.Glynn@virginaustralia.com; bdudley@seyfarth.com; fedsec@alaea.asn.au; lalaea@alaea.asn.au; pnoakes@seyfarth.com; skemppi@actu.org.au; Luis Izzo
Subject: Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543)

Dear Associate,

Application by Virgin Australia Regional Airlines Pty Ltd (B2023/543)

I refer to the above proceedings, which were the subject of amended directions by the Fair Work Commission on 5 July 2023.

The Australian Chamber respectfully requests leave to intervene in the proceedings to address two discrete points arising in the proceedings. Specifically, the Australian Chamber wishes to address:

- the considerations relevant to determining whether there are “*no reasonable prospect of agreement being reached*”, within the meaning outlined in s235(2)(b) of the FW Act; and
- the considerations relevant to determining whether it is “*reasonable in all of the circumstances*” to make an intractable bargaining declaration, within the meaning outlined in s235(2)(c) of the FW Act.

We do not intend to provide specific submissions on the facts of the case, which are better addressed by the parties involved in the relevant bargaining process.

The Australian Chamber submits that it both has a relevant interest affected by the proceedings and is in a position to provide assistance to the Commission, given that it is a peak employer body representing a large number of employer organisations and individual business members. The limited nature of our proposed involvement should also provide the Commission with comfort that allowing intervention presently will not prejudice the current timetabling of the proceedings.

The Australian Chamber would be in a position to file its submissions by 5:00pm Friday 14 July 2023, at the same time as those being filed by the ACTU.

Representatives of the parties to the proceedings are copied to this email.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully,

JESSICA TINSLEY
General Counsel
Director, Workplace Relations

Commerce House, Level 2
24 Brisbane Avenue Barton ACT 2600
PO Box 6005 Kingston ACT 2604
ABN 85 008 391 795
M: +61 418 796 788
E: jessica.tinsley@acci.com.au



W: www.acci.com.au



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