



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

ACTING PRESIDENT HATCHER

AM2022/29

s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective

**Telstra Award 2015
(AM2022/29)**

Sydney

9.00 AM, THURSDAY, 16 FEBRUARY 2023

Continued from 15/12/2022

PN37

ACTING PRESIDENT HATCHER: Ms Abousleiman, you appear for the CEPU?

PN38

MS ABOUSLEIMAN: Yes, that's correct. Thank you.

PN39

ACTING PRESIDENT HATCHER: Mr Maxwell, Ms Wiles, and Mr Kentish, you appear for the CFMMEU?

PN40

MR MAXWELL: That's right.

PN41

MR KENTISH: Thank you.

PN42

ACTING PRESIDENT HATCHER: Mr Zhu, you appear for the Restaurant and Catering Association?

PN43

MR ZHU: Yes, thank you, Your Honour.

PN44

ACTING PRESIDENT HATCHER: Okay, who would like to report. Ms Bhatt, let's start with you.

PN45

MS BHATT: Yes, thank you, Acting President. There have been further discussions between the peak bodies since we were last before you, including an exchange of some written proposals. In our view, those discussions have been productive and we appear to be narrowing the scope of the dispute between us.

PN46

The most recent proposal about this provided jointly by Ai Group and ACCI just yesterday to the ACTU - from our perspective we think there is meriting a further period of time being allowed for those discussions to continue, unless my colleagues have a different view, of course.

PN47

ACTING PRESIDENT HATCHER: Does anybody have a different view to that?

PN48

SPEAKER: No, we agree with that.

PN49

ACTING PRESIDENT HATCHER: Ms Bhatt, I am a bit concerned about how long this is taking because it may - the current position might mean there are employers who are not compliant with either the award or the superannuation guarantee legislation. I think this will be the last occasion that this should

occur. What I think I will do is - how long do you think you will need? Another four weeks?

PN50

MS BHATT: From my perspective, that would appear to be enough time, but Mr Kemppi might have a view about that, given that the most recent proposal has been sent to him and he might have a need to consult his affiliates.

PN51

ACTING PRESIDENT HATCHER: Mr Kemppi?

PN52

MR KEMPPI: I think four weeks would be sufficient.

PN53

ACTING PRESIDENT HATCHER: All right, what I will do is make a direction that the parties should, four weeks from today's date - and I will formalise this in writing - provide to my chambers precisely as to firstly whether there has been or not an agreement at least between the peak counsels, and secondly if there has been an agreement to what the agreed term of the variations is.

PN54

The parties can assume that if there is no agreement by that time, I will make directions for the final termination of the matter. If there is an agreement, what I will do next will depend on the terms of the agreement. Is that a suitable course?

PN55

MS BHATT: If it pleases, yes, thank you.

PN56

ACTING PRESIDENT HATCHER: Does any other party wish to say anything? No, all right. Well, I thank you all for your attendance, so we will now adjourn.

ADJOURNED INDEFINITELY

[9.03 AM]