



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**JUSTICE HATCHER, PRESIDENT**

**AM2022/35**

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

**Application by Woolworths Group Limited  
(AM2022/35)**

**General Retail Industry Award 2020**

**Sydney**

**9.30 AM, WEDNESDAY, 19 JULY 2023**

**Continued from 19/04/2023**

PN87

JUSTICE HATCHER: Good morning, I'll take the appearances.

PN88

Mr Gotting, you appear for the applicant, Woolworths.

PN89

MR GOTTING: I do, thank you, your Honour.

PN90

JUSTICE HATCHER: Ms Owens-Strauss, you appear for the Transport Workers' Union.

PN91

MS OWENS-STRAUSS: Yes, thank you, your Honour.

PN92

JUSTICE HATCHER: Mr Saunders, you appear for the United Workers' Union.

PN93

MR SAUNDERS: Yes, your Honour.

PN94

JUSTICE HATCHER: Mr Guy, for the SDA.

PN95

MR GUY: Yes, your Honour.

PN96

JUSTICE HATCHER: Ms Bhatt for the Australian Industry Group.

PN97

MS BHATT: Yes, your Honour.

PN98

JUSTICE HATCHER: And Mr Izzo for ABI and the New South Wales Business Council.

PN99

MR IZZO: Yes, that's right, your Honour.

PN100

JUSTICE HATCHER: All right.

PN101

So do the parties agree that this matter can now be set down for hearing?

PN102

MR GOTTING: Yes, your Honour.

PN103

JUSTICE HATCHER: All right.

PN104

MR GOTTING: It appears to me, from the applicant's view - I'm sorry, your Honour. I wasn't trying to cut across you, your Honour.

PN105

JUSTICE HATCHER: That's all right.

PN106

Well, I was just going to raise one thing first. So the matter will be referred to a Full Bench and that might require a repetition of inspection. So can you take that into your account when you speak to me about programming the matter, Mr Gotting?

PN107

MR GOTTING: Yes, I can, your Honour. The estimate that I was going to provide the Commission was one to two days for the hearing, and an additional half day, or a day, for the inspection that your Honour's just foreshadowed.

PN108

JUSTICE HATCHER: All right. So there's six witnesses, is that right?

PN109

MR GOTTING: It might be a bit higher. There's four witnesses from Woolworths, there's four witnesses from the UWU.

PN110

JUSTICE HATCHER: Four.

PN111

MR GOTTING: And there's one witness from the TWU.

PN112

JUSTICE HATCHER: That's nine, I'm sorry. All right, nine.

PN113

So are the parties able to indicate how many of those are required for cross-examination?

PN114

MR GOTTING: I anticipate that the amount of cross-examination from the applicant's viewpoint will be limited. I need to have some further discussions with Mr Saunders and Mr Boncardo about that issue. But the estimate that I've given has included a small amount of time to deal with any cross-examination, if it is necessary.

PN115

JUSTICE HATCHER: All right.

PN116

Well, for the UW and the TW, can some indication be given as to the extent of cross-examination that might be required?

PN117

MR SAUNDERS: From the UWU's perspective, at this stage, it's possible that there would be some short cross-examination of each of the four. That might be reduced through the discussions Mr Gotting's referred to.

PN118

JUSTICE HATCHER: All right.

PN119

For the TWU?

PN120

MS OWENS-STRAUSS: Yes, I think that's the same for us, your Honour. I think Mr Boncardo had suggested that two days would be sufficient, and perhaps that was after speaking to Mr Gotting and Mr Saunders.

PN121

JUSTICE HATCHER: All right.

PN122

Can I take it from the location of all the advocates that it will be practicable to have the hearing in Sydney?

PN123

MR GOTTING: From the applicant's viewpoint, yes.

PN124

JUSTICE HATCHER: All right.

PN125

So we've got an inspection plus two days in Sydney. Now, are there any particular time constraints, unavailabilities, that I need to take into account?

PN126

MR SAUNDERS: Yes. I'm unavailable from 14 to really, 24 August, and 5 through to 29 September.

PN127

JUSTICE HATCHER: All right.

PN128

Well, look, rather than asking everyone to give unavailabilities, can I ask all parties to, during the course of the morning, send any unavailable dates for their representatives, August, September and October, to my Chambers?

PN129

MR GOTTING: Yes, your Honour.

PN130

JUSTICE HATCHER: And we'll attempt to fashion some hearing dates out of that.

PN131

All right. Are there any other programming issues that we need to deal with?

PN132

MR SAUNDERS: Can I just foreshadow that, you know, the UWU sees benefit in a view of a secondary, non-Woolworths site. Obviously, the logistics of us organising that, in that we don't actually operate on, are a little complicated but there may be a proposal for a second view, which could be accommodated on the same day as the first one. I just raise that.

PN133

JUSTICE HATCHER: Yes, all right. Well, I think what we'll do is we'll set aside half a day for inspection process. And if UW wants to try and arrange a second inspection office in Sydney they should confer with the other parties in the first instance, and then raise in my Chambers.

PN134

Obviously, there will need to be some sort of proximity between the inspection locations and (indistinct), obviously. So I will let you deal with that, in the first instance, Mr Saunders.

PN135

Anything else?

PN136

MR GOTTING: Can I just indicate to the Commission that the inspection will be at the Mascot CFC, which was the location that your Honour attended on the previous occasion. And in that sense, the half day estimate seems to be appropriate.

PN137

JUSTICE HATCHER: All right.

PN138

Mr Gotting, in terms of inspection, perhaps - I don't know how to put this - the last inspection was a bit cursory. Is there someone who can give us a more detailed, walk-through of that facility when we take the Full Bench through there?

PN139

MR GOTTING: I take on board what your Honour's saying.

PN140

JUSTICE HATCHER: Yes.

PN141

MR GOTTING: And I'll make sure that occurs.

PN142

JUSTICE HATCHER: Yes. All right.

PN143

MR GOTTING: I think there's been a slight dispute between the parties as to the operations at the relevant CFC, but I'll have a discussion with Mr Saunders about that as well. It may be that the evidence addresses some of that issue.

PN144

JUSTICE HATCHER: Yes. Well, it would be desirable that we can observe everything and see evidence that's been discussed in the evidence, and that might require a more detailed look at some of the physical features of the facility.

PN145

Now, are there any other procedural issues we need to deal with? No? All right. Well, once the parties have given me their unavailabilities, we'll organise for a notice of listing to be issued.

PN146

Other than that, we'll now adjourn.

**ADJOURNED INDEFINITELY**

**[9.48 AM]**