

From: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Sent: Friday, October 13, 2023 5:29 PM
To: Alana Rafter <Alana.Rafter@ablawyers.com.au>
Cc: Nigel Ward <Nigel.Ward@ablawyers.com.au>; Mia Pantechis <MPantechis@mauriceblackburn.com.au>; Larissa Harrison <Larissa.Harrison@unitedworkers.org.au>; Penelope Parker <PParker@mauriceblackburn.com.au>; Ben Redford <Ben.Redford@unitedworkers.org.au>; Geoff Taylor <geoff.taylor@awu.org.au>; Cheri Taylor <cheri.taylor@awu.org.au>; mrobson@asu.asn.au; Reeves, Stephen <Stephen.Reeves@ags.gov.au>; Paul.Vermeesch@ags.gov.au; Nick White <nwhite@gordonlegal.com.au>
Subject: RE: AM2020/99, AM2021/63 & AM2021/65: Work value case – Aged care industry | Re: ACCPA and ABI Extension Request

OFFICIAL

Dear parties,

Further to my email below and the responses received from interested parties, Justice Hatcher has decided to extend the time for paragraphs 3 and 10 of the directions to **Wednesday, 1 November 2023**.

Please find **attached** amended directions confirming this change which will be uploaded to the matter webpage on Monday.

Regards,
Caroline

Caroline Beasley
Associate to Justice Hatcher, President



Fair Work Commission

Australia's national workplace relations tribunal

T (02) 9308 1812

E chambers.hatcher.j@fwc.gov.au

Level 11, Terrace Tower, 80 William Street, EAST SYDNEY NSW 2011
www.fwc.gov.au

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Gadigal Country.

From: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Sent: Friday, October 13, 2023 9:19 AM
To: Alana Rafter <Alana.Rafter@ablawyers.com.au>
Cc: Nigel Ward <Nigel.Ward@ablawyers.com.au>; Mia Pantechis

<MPantechis@mauriceblackburn.com.au>; Larissa Harrison
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Taylor <cheri.taylor@awu.org.au>; mrobson@asu.asn.au; Reeves, Stephen
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<nwhite@gordonlegal.com.au>

Subject: RE: AM2020/99, AM2021/63 & AM2021/65: Work value case – Aged care industry | Re:
ACCPA and ABI Extension Request

OFFICIAL

Dear Ms Rafter,

I have brought your request for an extension to the timeframes in paragraphs 3 and 10 of the directions issued on 2 August 2023 to Justice Hatcher's attention.

Before making a decision on the request, his Honour has asked the applicants and other interested union parties to provide their responses to the extension request by **5:00 pm (AEDT) today, Friday 13 October 2023**. Responses should be sent to chambers.hatcher.j@fwc.gov.au

Regards,
Caroline

Caroline Beasley
Associate to Justice Hatcher, President



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This email was sent from Gadigal Country.

From: Alana Rafter <Alana.Rafter@ablawyers.com.au>

Sent: Thursday, October 12, 2023 4:29 PM

To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>

Cc: Nigel Ward <Nigel.Ward@ablawyers.com.au>; Mia Pantechis
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<nwhite@gordonlegal.com.au>

Subject: AM2020/99, AM2021/63 & AM2021/65: Work value case – Aged care industry | Re: ACCPA and ABI Extension Request

OFFICIAL

Dear Associate,

We refer to the above proceedings and to the orders made by President Hatcher on 2 August 2023 (with items 2, 8 and 9 amended on 13 September 2023) (**Orders**).

On behalf of the ACCPA and ABI, we respectfully seek an extension of 1-week to comply with items 3 and 10 of the Orders, amending the date for filing to 3 November 2023.

This extension is sought due to the unfortunate timing of the ACCPA National Conference on 25-27 October 2023, which overlaps with the timetable set by the Commission. We are recently instructed that ACCPA will not be in a position to provide instructions over the course of that week.

In making this request, we note the extension sought is consistent with that previously granted to the HSU on 13 September 2023. We also note the applicants will still have the benefit of 2 and 3 weeks, respectively, to file any evidence and submissions in reply to the material filed pursuant to items 3 and 10 of the Orders.

We have included the legal representatives for the active parties in these proceedings in this email.

Yours faithfully,

Alana


Alana Rafter

Senior Associate

Australian Business Lawyers & Advisors

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AMENDED DIRECTIONS

Fair Work Act 2009

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

Application by Health Services Union & Others

(AM2020/99)

Application by Australian Nursing and Midwifery Federation

(AM2021/63)

Application by Health Services Union

(AM2021/65)

JUSTICE HATCHER, PRESIDENT

SYDNEY, ~~13 OCTOBER~~ 2 AUGUST 2023

Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2020 – Social, Community, Home Care and Disability Services Industry Award 2010.

Further to the mention and directions hearing held on 25 July 2023, the following directions are made:

1. For the purpose of these directions:
 - (a) ‘Wage adjustment issues’ are issues 17 and 18 in the revised Stage 3 Issues summary published on 2 August 2023.
 - (b) ‘Classifications and allowance issues’ are issues 1-16 in the revised Stage 3 Issues summary published on 2 August 2023.

Wage adjustments issues

2. The applicants and other interested union parties shall file evidence in chief and submissions in relation to the wage adjustment issues by **5:00 pm (AEST) on Friday, 15 September 2023**.
3. Interested employer parties shall file evidence and submissions in response in relation to the wage adjustments issues by **5:00 pm (AEST) on ~~Friday, 27 October~~ Wednesday, 1 November 2023**.
4. The Commonwealth may file submissions in response to the material filed pursuant to item 1 of these directions by **5:00 pm (AEST) on Friday, 27 October 2023**.

5. The applicants and other interested union parties shall file any evidence and submissions in reply to the material filed pursuant to items 2 and 3 of these directions by **5:00 pm (AEST) on Friday, 17 November 2023**.
6. The Commonwealth may file submissions in reply to the material filed pursuant to item 2 of these directions by **5:00 pm (AEST) on Friday, 17 November 2023**.
7. The above applications will be listed for hearing before an Expert Panel for pay equity in the Care and Community Sector in relation to the wage adjustments issues from **Monday, 4 December 2023 to Friday, 8 December 2023**.

Classification and allowance issues

8. Any party proposing a variation to award classification and pay structures, classification descriptors or allowances shall file a draft determination setting out its proposed variations by **5:00 pm (AEST) on Friday, 15 September 2023**.
9. Each interested party shall file a document setting out its position with respect to each of the classification and allowance issues by **5:00 pm (AEST) on Friday, 15 September 2023**.
10. Any party which has filed a draft determination pursuant to item 8 of these directions shall file evidence and submissions in support of its draft determination, as well as any other evidence in chief and submissions concerning the classification and allowance issues, by **5:00 pm (AEST) on ~~Friday, 27 October~~ Wednesday, 1 November 2023**.
11. Any other party may file evidence and submissions in response to material filed pursuant to item 10 of these directions or in relation to the classification and allowance issues by **5:00 pm (AEST) on Thursday, 23 November 2023**.
12. The Commonwealth may file submissions in response to the material filed pursuant to items 10 and 11 of these directions by **5:00 pm (AEST) on Wednesday, 6 December 2023**.
13. The above applications will be listed for hearing before an Expert Panel for pay equity in the Care and Community Sector in relation to the classification and allowance issues from **Monday, 11 December 2023 to Friday, 15 December 2023**.
14. The above applications will be listed for directions by video, using Microsoft Teams, at **9:30 am (AEST) on Friday, 24 November 2023**.
15. Liberty to apply is granted.



PRESIDENT

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