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**Subject:** RE: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value

Dear Associates

While the ANMF proposes to press the objection foreshadowed in our email at 2:31 pm today, it has no objection to the application below.

Regards

**Nick White**  
Principal Lawyer  
Accredited Specialist (Workplace Relations)



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**Subject:** RE: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value

Dear Associate,

In circumstances where the witnesses for the Joint Employers may be required for cross-examination on Monday, 13 February 2023, the Joint Employers make an application the witnesses be permitted to provide their evidence via video (Microsoft Teams).

In support of this application, we note the following for the consideration of the Commission:

1. The witnesses are located in NSW and Western Australia.
2. The short estimates proposed for cross-examination by the ANMF (15-30 minutes).
3. The confined nature of the evidence.
4. The extant objection to evidence being before the Commission.

In these circumstances, the possibility of prejudice to the ANMF (or any further party that seeks to cross-examine) is limited (if any).

We apologise for the late timing of the application.

Yours faithfully,

Alana


**Alana Rafter**

Associate

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**From:** Nick White <[nwhite@gordonlegal.com.au](mailto:nwhite@gordonlegal.com.au)>  
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**Subject:** AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value

Dear Associates

We refer to paragraph [4] of the Statement and Directions dated 10 February 2023.

As foreshadowed in its reply submissions of 9 February 2023 at paragraph [20], the ANMF will object to the Joint Employers' reliance on the evidence of Mr Corderoy, Mr Brockhaus, Ms Jenkins and Mr Shaw.

The ANMF is not currently in a position to indicate that these witnesses will not be required for cross-examination in the event that the Full Bench rules their evidence admissible. This matter is under current consideration. As things stand, each will be required for cross-examination. Should the ANMF's position change, we will notify the Full Bench and parties without delay.

The ANMF's estimate of the time that will be required for such cross-examination is as follows:

- Mr Corderoy – 30 minutes;
- Mr Brockhaus – 15 minutes;
- Ms Jenkins – 15 minutes; and
- Mr Shaw – 15 minutes.

The ANMF does not seek to cross-examine Professor Eager.

Regards

**Nick White**  
Principal Lawyer  
Accredited Specialist (Workplace Relations)



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