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Sent: Friday, 13 January 2023 12:40 PM
To: Chambers - Asbury DP <Chambers.Asbury.dp@fwc.gov.au>; Chambers - O'Neill DP <Chambers.O'Neill.DP@fwc.gov.au>; Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>; Awards <Awards@fwc.gov.au>
Cc: Nick White <nwhite@gordonlegal.com.au>; Nigel Ward (ACCI) <nigel.ward@ablawyers.com.au>; Jordan Lombardelli <jordan.lombardelli@ablawyers.com.au>; Alana.Rafter@ablawyers.com.au; Alex Grayson <AGrayson@mauriceblackburn.com.au>; Penny Parker <PParker@mauriceblackburn.com.au>; Ben Redford(unitedworkers) <Ben.Redford@unitedworkers.org.au>; Larissa.Harrison@unitedworkers.org.au; Philip Gardner <pgardner@gordonlegal.com.au>; Reeves, Stephen <Stephen.Reeves@ags.gov.au>; Barker, Paul <Paul.Barker@ags.gov.au>
Subject: RE: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value [SEC=OFFICIAL] [AGSDMS-DMS.FID4330342]

Dear Associates,

We refer to the email sent by Mr White on behalf of the Australian Nursing and Midwifery Federation on 9 January 2022 requesting an extension until 5 pm on 28 February 2023 for the parties to respond to the Commission's questions in Background Document 10. This application is supported by the HSU and not opposed by the Joint Employers.

The Commonwealth also supports the application, noting that Background Document 10 raises numerous issues and determining what response, if any, the Commonwealth should provide requires consideration across multiple Government portfolios.

Regards,
Clare

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From: Nick White
Sent: Monday, 9 January 2023 1:04 PM
To: Chambers - Asbury DP <Chambers.Asbury.dp@fwc.gov.au>; chambers.oneill.dp@fwc.gov.au;
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Subject: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value

Dear Associates

We continue to act for the Australian Nursing and Midwifery Federation in these matters.

Background

We refer to the Full Bench Statement of 23 December 2022 (corrected on 29 December 2022) referring to Background Document 10 and that the parties should file responses to the questions in the document by 5 pm on 9 February 2023.

We also refer to the Full Bench's Statement of 23 November 2022 in relation to the programming of Stage 3 and in particular to paragraphs [7] and [8]. Paragraph [8] was as follows:

"The parties are directed to have discussions to attempt to narrow the further issues to be determined and to report back to the Full Bench by the end of February 2023."

The 23 November 2022 Statement at [6] also provided a timetable for Stage 2 submissions and evidence including for the parties to file submissions and evidence by 20 January 2023 and material in reply by 9 February 2023 with a hearing to be held on 13 February 2023.

Background Document 10 published on 23 December 2022 is a 78 page document comprising 50 questions directed to the parties.

Application

The purpose of this correspondence is to seek an extension until 5 pm on 28 February 2023 for the parties to respond to the questions in Background Document 10.

Our client and its Counsel and solicitors made arrangements (including leave arrangements) for the January period on the basis of the statement of 23 November 2022. That Statement was issued following a mention on 22 November 2022. Our client had not anticipated that, in addition to filing Stage 2 material by 20 January 2023 and reply material by 9 February 2023, it would also be required to respond to Background Paper 10 by 9 February 2023.

As a result our client is not in a position to provide its response to Background Paper 10 by 9 February 2023 in such form that would be of real assistance to the Commission and the parties in progressing Stage 3 of the matter.

This email has been copied to the active parties including the Commonwealth.

Regards

Nick White

Principal Lawyer

Accredited Specialist (Workplace Relations)



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