

From: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Sent: Friday, October 27, 2023 5:29 PM
To: Reeves, Stephen <Stephen.Reeves@ags.gov.au>
Cc: Nigel Ward (ACCI) <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(unitedworkers) <Ben.Redford@unitedworkers.org.au>; Geoff Taylor <geoff.taylor@awu.org.au>; Cheri Taylor <cheri.taylor@awu.org.au>; mrobson@asu.asn.au; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Nick White <nwhite@gordonlegal.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>
Subject: RE: AM2020/99, AM2021/63 & AM2021/65: Work value case – Aged care industry [AGSDMS-DMS.FID4330342]

OFFICIAL

Dear Mr Reeves,

The President will grant the extension sought. The Commonwealth's material (if any) pursuant to item 4 of the directions as amended on 13 October 2023, is now due by **5:00 pm (AEDT) on Tuesday, 31 October 2023**. I attach a set of further amended directions reflecting this.

Edrea Venal
Associate to Justice Hatcher, President



Fair Work Commission

Australia's national workplace relations tribunal

T (02) 9308 1812

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Level 11, Terrace Tower, 80 William Street, EAST SYDNEY NSW 2011
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My working days are Monday, Tuesday, Wednesday and Friday.

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: Reeves, Stephen <Stephen.Reeves@ags.gov.au>
Sent: Friday, October 27, 2023 4:22 PM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Cc: Nigel Ward (ACCI) <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(unitedworkers) <Ben.Redford@unitedworkers.org.au>; Geoff Taylor

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

Subject: AM2020/99, AM2021/63 & AM2021/65: Work value case – Aged care industry [AGSDMS-DMS.FID4330342]

Dear Associate

We refer to the above proceedings and to the amended directions made by President Hatcher on 13 October 2023.

Direction 4 provides that the Commonwealth may file submissions in response to the applicants and other interested union parties' materials in relation to the wage adjustment issues by 5pm (AEST) on Friday, 27 October 2023.

The Commonwealth is finalising its position on whether to file submissions in accordance with this direction. We are instructed that due to the availability of key decision makers, the Commonwealth will not be in a position to finalise its position by 5pm today.

The Commonwealth respectfully seeks an extension to the time to comply with direction 4 until **5pm (AEST) on Tuesday 31 October 2023**, should it decide to file a submission. We note that this would be prior to the amended timeframe for the ACCPA and ABI to file their materials under direction 3, and for any party to file their materials under direction 10.

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

Regards,

Stephen Reeves

Senior Lawyer

Australian Government Solicitor

T 03 924 21206

stephen.reeves@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

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FURTHER 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, ~~27-13~~ OCTOBER 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 (AEDT) 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 (AEDT) on ~~Friday, 27 October 2023~~ Tuesday, 31 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 (AEDT) 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 (AEDT) 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 (AEDT) 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 (AEDT) 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 (AEDT) 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 (AEDT) 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 (AEDT) on Friday, 24 November 2023**.
15. Liberty to apply is granted.



PRESIDENT

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