

**From:** Nick White <nwhite@gordonlegal.com.au>

**Sent:** Monday, 9 January 2023 1:04 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>

**Cc:** Awards <Awards@fwc.gov.au>; Nigel Ward (ACCI) <nigel.ward@ablawyers.com.au>; Jordan Lombardelli <jordan.lombardelli@ablawyers.com.au>; Alana.Rafter@ablawyers.com.au; Reeves, Stephen <Stephen.Reeves@ags.gov.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>

**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)

**Gordon  
Legal**

IT'S PERSONAL

Level 22, 181 William Street  
Melbourne VIC 3000

**T:** +61 (3) 9603 3035

**F:** +61 (3) 9603 3050

**DX:** 39315 Port Melbourne

**E:** [nwhite@gordonlegal.com.au](mailto:nwhite@gordonlegal.com.au)

**W:** [www.gordonlegal.com.au](http://www.gordonlegal.com.au)

**Please consider the environment before printing this email.**

This email and any attachments are confidential and may contain privileged information or protected by copyright. If you are not the intended recipient you must not disclose, print or use this email or any attachments. If you have received this message in error, please notify the sender immediately and delete it from your system.

Gordon Legal does not accept liability for any loss or damage (whether direct, indirect, consequential or economic) however caused, and whether by negligence or otherwise, which may result directly or indirectly from this email or any attachments (including as a result of your failure to scan this email for viruses or as a result of interference or unauthorised access during communication). In any event, our liability is limited to the cost of re-supplying this communication.