

**THE AUSTRALIAN NURSING AND MIDWIFERY FEDERATION**

Applicant

**APPLICATION UNDER SECTION 157 OF THE *FAIR WORK ACT 2009* (CTH) TO  
AMEND THE *NURSES AWARD 2020***

**APPLICANT’S NOTE REGARDING REPORT BACK OF 17 MAY 2024**

1. This note is filed at his Honour Justice Hatcher’s request following the Report-Back on 17 May 2024.
2. In respect of the Nurses and Midwives work value case (AM2024/11), His Honour enquired of the Australian Nursing and Midwifery Federation (“**the ANMF**”):
  - a. how long the ANMF needed to file evidence and submissions in support of its application;
  - b. whether the ANMF could, in the interim, file an outline of contentions of facts and law; and
  - c. how long the ANMF would need to file such an outline of contentions.
3. As indicated at the 17 May 2024 Report-Back, the ANMF would require six months to compile its evidence and formulate its submissions.
4. As the ANMF understood his Honour, it is envisaged that the filing of an outline of contentions of fact and law might assist the parties to narrow the issues in dispute.
5. The ANMF’s application of 9 February 2024 at Annexure 3 addressed the basis for the application (see [17] to [46]), the modern awards objective (see [47] to [51]) and the minimum wages objective (see [52]). The ANMF has also served a without-prejudice document setting out its proposed classification structure in the Nurses Award and the appropriate minimum rates of pay for each classification.

6. The ANMF is in a position to file and serve a preliminary outline of contentions of fact and law, based on that material, within one month.
7. The ANMF does not, however, consider the filing of a preliminary outline of contentions of that nature would further assist the parties to narrow the issues in dispute. It would largely be duplicative of material already in the possession of the other parties.
8. Conversely, a comprehensive outline of contentions of fact and law would largely overlap with the submissions that the ANMF would in due course file. Such an outline could not be completed until the ANMF had prepared its evidence. In that case, the estimate for a comprehensive outline is necessarily the same as for the estimate for evidence and submissions: six months.
9. The ANMF's respectful submission is that, before any order is made for any outline of contentions, the parties would be directed to confer on the basis of the material the ANMF has already filed. The ANMF is optimistic that it can work with the parties in the proceeding on the basis of that material to identify issues and hopefully narrow the issues in dispute. After that process, the issue of whether a contentions document would assist the other parties or the Commission could be revisited.

20 May 2024