

From: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>

Sent: Thursday, 17 April 2025 10:45 AM

To: Brennan, Mitchell <Mitchell.Brennan@hsf.com>; nwhite@gordonlegal.com.au; Angelica Nippard <ANippard@gordonlegal.com.au>; Kate Plowman <Kate.Plowman@minterellison.com>; Bernadette McCabe <bernadette.mccabe@minterellison.com>; Zara Dwyer <Zara.Dwyer@minterellison.com>; Ogilvie, Nicholas <Nicholas.Ogilvie@hsf.com>; Munasinghe, Amandi <Amandi.Munasinghe@hsf.com>; Lamanna, Nicholas <Nicholas.Lamanna@hsf.com>; smcullough@vhia.com.au; Nigel Ward (ACCI) <Nigel.Ward@ablawyers.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>; Larissa.Harrison@unitedworkers.org.au; Geoff Taylor <geoff.taylor@awu.org.au>; iainb@asmof.org.au; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Besemeres, Clare <Clare.Besemeres@ags.gov.au>; simone.krauss@ags.gov.au; jane.griffiths@dayhospitalsaustralia.net.au
Subject: RE: AM2024/11 – Application by the Australian Nursing and Midwifery Federation [HSF-AUS01.FID6109179]

OFFICIAL

Dear parties,

The President directs any party that opposes the below request to email Chambers outlining the basis of their opposition by **1 pm today**.

Kind regards,

Kuwthar Aumarah (she/her)

Associate to Justice Hatcher, President



Fair Work Commission

Australia's national workplace relations tribunal

T (02) 9308 1812

E chambers.hatcher.j@fwc.gov.au

Level 11, Terrace Tower

80 William Street, EAST SYDNEY NSW 2011



At the Fair Work Commission we respect and celebrate the diversity of our communities and we are committed to creating a safe and welcoming space for all.

We acknowledge 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 and present.

This email was sent from Gadigal land.

From: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>

Sent: Thursday, 17 April 2025 9:58 AM

To: Brennan, Mitchell <Mitchell.Brennan@hsf.com>

Cc: nwhite@gordonlegal.com.au; Angelica Nippard <ANippard@gordonlegal.com.au>; Kate Plowman <Kate.Plowman@minterellison.com>; Bernadette McCabe <bernadette.mccabe@minterellison.com>; Zara Dwyer <Zara.Dwyer@minterellison.com>; Ogilvie, Nicholas <Nicholas.Ogilvie@hsf.com>; Munasinghe, Amandi <Amandi.Munasinghe@hsf.com>; Lamanna, Nicholas <Nicholas.Lamanna@hsf.com>; smccullough@vhia.com.au; Nigel Ward (ACCI) <Nigel.Ward@ablawyers.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>; Larissa.Harrison@unitedworkers.org.au; Geoff Taylor <geoff.taylor@awu.org.au>; iainb@asmof.org.au; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Besemeres, Clare <Clare.Besemeres@ags.gov.au>; simone.krauss@ags.gov.au

Subject: RE: AM2024/11 – Application by the Australian Nursing and Midwifery Federation [HSF-AUS01.FID6109179]

OFFICIAL

Dear Mr Brennan,

I have brought this to the President's attention.

Kind regards,

Kuwthar Aumarah (she/her)

Associate to Justice Hatcher, President



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This email was sent from Gadigal land.

From: Brennan, Mitchell <Mitchell.Brennan@hsf.com>
Sent: Thursday, 17 April 2025 9:30 AM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Cc: nwhite@gordonlegal.com.au; Angelica Nippard <ANippard@gordonlegal.com.au>; Kate Plowman <Kate.Plowman@minterellison.com>; Bernadette McCabe <bernadette.mccabe@minterellison.com>; Zara Dwyer <Zara.Dwyer@minterellison.com>; Ogilvie, Nicholas <Nicholas.Ogilvie@hsf.com>; Munasinghe, Amandi <Amandi.Munasinghe@hsf.com>; Lamanna, Nicholas <Nicholas.Lamanna@hsf.com>; smccullough@vhia.com.au; Nigel Ward (ACCI) <Nigel.Ward@ablawyers.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>; Larissa.Harrison@unitedworkers.org.au; Geoff Taylor <geoff.taylor@awu.org.au>; iainb@asmof.org.au; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Besemeres, Clare <Clare.Besemeres@ags.gov.au>; simone.krauss@ags.gov.au
Subject: RE: AM2024/11 – Application by the Australian Nursing and Midwifery Federation [HSF-AUS01.FID6109179]

Dear Associate,

We refer to the request for amended directions below. We respectfully request an update on our client's request in light of the current requirements under direction 3 which are to be complied with by 5:00 pm today absent variation.

We confirm that the ANMF and all known interested parties are copied into this email correspondence to the Commission.

Yours sincerely,
Herbert Smith Freehills.

Mitchell Brennan
Senior Associate
Herbert Smith Freehills

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www.herbertsmithfreehills.com

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From: Brennan, Mitchell <Mitchell.Brennan@hsf.com>

Sent: Monday, 14 April 2025 10:53 AM

To: chambers.hatcher.j@fwc.gov.au

Cc: nwhite@gordonlegal.com.au; Angelica Nippard <ANippard@gordonlegal.com.au>; Kate Plowman <Kate.Plowman@minterellison.com>; Bernadette McCabe <Bernadette.McCabe@minterellison.com>; Zara Dwyer <Zara.Dwyer@minterellison.com>; Ogilvie, Nicholas <Nicholas.Ogilvie@hsf.com>; Munasinghe, Amandi <Amandi.Munasinghe@hsf.com>; Lamanna, Nicholas <Nicholas.Lamanna@hsf.com>; smccullough@vhia.com.au; Nigel Ward (ACCI) <Nigel.Ward@ablawyers.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>; Larissa.Harrison@unitedworkers.org.au; Geoff Taylor <geoff.taylor@awu.org.au>; iainb@asmof.org.au; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Besemerer, Clare <Clare.Besemerer@ags.gov.au>; simone.krauss@ags.gov.au

Subject: AM2024/11 – Application by the Australian Nursing and Midwifery Federation [HSF-AUS01.FID6109179]

Dear Associate,

AM2024/11 – Application by the Australian Nursing and Midwifery Federation

We refer to the amended directions made by Justice Hatcher dated 20 March 2025.

Our client, the Australian Private Hospitals Association, is an interested party that is presently required to respond to the Australian Nursing and Midwifery Federation's without prejudice proposal by 5:00 pm on Thursday 17 April 2025. Our client's members require further time to consider the ANMF's without prejudice proposal and will not be in a position to respond to it until after the Fair Work Commission hands down its decision in the Gender-based undervaluation – priority awards review at 10:00 am on Wednesday 16 April 2025. This will allow the APHA's members, before committing to a response, to properly understand and consider:

1. the potential financial impact of the ANMF's proposal on top of increases to minimum rates under the priority awards (specifically the *Health Professionals and Support Services Award 2020* and the *Pharmacy Industry Award 2020*); and
2. the Commission's position in relation to the "list of issues to be considered", in particular:

[4] Is the benchmark rate identified in paragraph [170] of the Stage 3 Aged Care decision appropriate to apply to any of the classifications for which a Certificate III qualification or equivalent is required?

[5] Is the benchmark rate identified in paragraph [204] of the Stage 3 Aged Care decision appropriate to apply to any of the classifications for which an undergraduate degree qualification or equivalent is required?

[7] To the extent that any increases to the minimum rates for any classifications are justified by work value reasons in order to remedy gender undervaluation, what is an appropriate

implementation timetable for such increases having regard to funding and related issues?

In these circumstances, our client respectfully requests that the time for compliance with direction 3 be extended to 5:00 pm on Monday 5 May 2025 and that the time in direction 4 be extended to Monday 26 May 2025.

The ANMF and the interested parties represented by MinterEllison in these proceeding consent to this communication being sent to the Commission.

We confirm that the ANMF and all known interested parties are copied into this email correspondence to the Commission.

Yours sincerely,
Herbert Smith Freehills.

Mitchell Brennan
Senior Associate
Herbert Smith Freehills

T +61 3 9288 1312
M +61 460 853 147
E mitchell.brennan@hsf.com

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[Connect with me on LinkedIn](#)

www.herbertsmithfreehills.com

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