



The Australian Industry Group
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1 April 2020

Deputy President Gostencnik
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.gostencnik.dp@fwc.gov.au

Dear Deputy President,

Re. AM2020/1 Application to vary the Nurses Award 2010 – Variation to Directions

We refer to the above matter.

On 19 February 2020, the Fair Work Commission (**Commission**) directed the Australian Industry Group (**Ai Group**) to file a draft determination identifying the variations it seeks to the *Nurses Award 2010* by 5pm on 27 March 2020. We have regrettably not been able to file a draft determination in accordance with the Commission's directions. We write to respectfully request that we be afforded an extension of time to do so and to request that consequential variations also be made to the other deadlines set by the directions.

Since the directions for this matter were issued, there has been a significant escalation in the impact of the COVID-19 pandemic (**Pandemic**), and in the measures implemented to mitigate its spread. We have as a result been unexpectedly and extensively involved in:

- (a) Providing various forms of urgent advice and assistance to industry and individual members.
- (b) Making an application to vary the *Clerks – Private Sector Award 2010* to insert new provisions that apply in the context of the Pandemic. That application was determined on Saturday 28 March 2020 and was preceded by lengthy discussions with the other interested parties.
- (c) Preparatory work in respect of other potential applications of a similar nature.

We understand that the Pandemic has also significantly impacted upon the capacity of the various associations¹ representing private hospitals who support our application and who we will represent in these proceedings.

We expect that the aforementioned consequences of the Pandemic will continue to reduce our scope to prepare material in relation to our application. This will include the gathering of

¹ The Australia Private Hospitals Association, The Private Hospitals Association of Queensland, The Australian Private Hospitals Association – New South Wales Branch, The Australian Private Hospitals Association – South Australia Branch, The Australian Private Hospitals Association – Western Australia Branch and Day Hospitals Australia.



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evidence from employers who are very significantly impacted by the Pandemic and whose resources are, as a result, diverted to various time critical matters.

In the circumstances, we respectfully request that the Commission vary the directions by delaying each of deadlines at paragraphs (1) – (4) by a period of four weeks. This would see the material contemplated by paragraph (4) being filed on 7 August 2020, leaving three weeks until the hearing scheduled for 1 September 2020.

We understand from our discussions with the Australian Nursing and Midwifery Federation that they consent to the proposed changes to the directions.

We thank the Commission for its consideration of our request.

Yours sincerely,

Brent Ferguson
National Manager – Workplace Relations
Advocacy and Policy

Ruchi Bhatt
Senior Adviser – Workplace Relations
Policy