

From: Sarah Kemp [<mailto:Sarah.Kemp@minterellison.com>]

Sent: Wednesday, 13 July 2016 5:20 PM

To: Chambers - Hatcher VP

Cc: Aaron.jv@afei.org.au; Liza.isho@afei.org.au; geoffl@acs.asn.au; keiran.brown@nswact.lasa.asn.au; kawad@ja.com.au; mpegg@ja.com.au; judith@asu.org.au; jcooney@asu.asn.au; Leigh Svendsen; Michael Robson; Kyle.Scott@ablawyers.com.au; Beth Robinson

Subject: AM2014/196, AM2014/197 - common issue - casual and part-time employment

Dear Associate

Please find attached correspondence confirming St Ives Group is discontinuing its application in the Modern Award Review as it relates to the *Nurses Award 2010*. We apologise for the late notice in relation to the discontinuance.

We confirm St Ives Group's application in relation to the *Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award)* and the *Aged Care Award 2010* currently remains on foot.

Draft Determination

We refer to the Commission's correspondence on 12 July 2016 permitting Australian Business Industrial and the NSW Business Chamber Ltd (**ABI**) to amend its claim as proposed by its amended draft determination of the SCHADS Award filed by ABI on 5 July 2016.

We were instructed last night that our client supports ABI's amended draft determination to vary clause 10.3 of the SCHADS Award. Our client makes this proposal in order to assist in streamlining the proceedings, unless any party objects. Similarly, subject to any party to the proceedings objecting, our client supports a draft determination in the same terms as proposed by ABI to vary clause 10.3 of the *Aged Care Award 2010*.

Appearance at hearing

We confirm we will be appearing as the St Ives Group representative via videoconference from the Perth Registry and we will be present during the listed time of 1pm – 5pm EST (11am – 3pm WST).

We are instructed to rely on our filed submissions and not to undertake any cross-examination. As such, we do not anticipate that this limited attendance will impact on the efficiency of proceedings.

We confirm St Ives Group witnesses will be appearing at the hearing of the abovementioned matter on Thursday, 14 July 2016 between 2pm – 5pm EST as per the instructions in the 6 July 2016 working witness list.

We anticipate filing written closing submissions in line with the Commission's directions.

Please do not hesitate to contact us if you require any further information prior to the hearing.

Kind Regards

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13 July 2016

**PRIVATE & CONFIDENTIAL
BY EMAIL**

Associate to Vice President Hatcher
Fair Work Commission
Level 10 Tower Terrace
80 William Street
East Sydney NSW 2011

Dear Associate

AM 2014/196, AM 2014/197 – common issue - casual and part-time employment

We act for St Ives Group (**St Ives**) in relation to the above matter. In accordance with order 2 of the directions issued on 29 June 2015 by the Casual and Part-Time Employment Modern Award Review Bench in relation to the common issues proceedings AM2014/196 and AM2014/197, on 17 July 2015 St Ives filed submissions and draft determinations seeking to vary the following awards:

- *Social, Community, Home Care and Disability Services Industry Award 2010*
- *Aged Care Award 2010*; and
- *Nurses Award 2010 (Application)*.

The proposed variations relate to the part-time employment and roster provisions of the above awards.

St Ives wishes to discontinue its proposal to vary the *Nurses Award 2010* as set out in the Application. For the avoidance of doubt, we confirm St Ives intends to proceed with its Application in relation to the *Social, Community, Home Care and Disability Services Industry Award 2010* and the *Aged Care Award 2010*.

Yours faithfully
MinterEllison



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OUR REF: 1131885 YOUR REF: AM2014/196 and AM2014/197