

From: Kyle Scott [mailto:Kyle.Scott@ablawyers.com.au]

Sent: Monday, 21 January 2019 2:41 PM

To: Chambers - Ross J

Cc: AMOD; 'Brent Ferguson'; 'Ruchi Bhatt'; 'Michael Pegg'; 'Natalie Dabarera'; 'Rachel Liebhaber'; 'info@lasa.asn.au'; 'admin@afei.org.au'; 'Anna-Maria Wade'

Subject: RE: AM2018/26 - Social, Community, Home Care and Disability Services Industry Award 2010 [ABLAW-ImanageDocs.FID135800]

Dear Associate,

We refer to the above matter and to your [email below](#) regarding the Unions' request for a 4 week extension to file its materials in support of the variations they are pursuing.

We confirm that we act for Australia Business Industrial (**ABI**) and the NSW Business Chamber Ltd (**NSWBC**) in this matter.

Our clients have a number of concerns with the Unions' request, which we set out as follows:

1. Firstly, we note that the Unions' proposal does not incorporate an equivalent 4 week extension for parties filing materials in reply. Rather, the proposal provides the Unions' with an additional 4 weeks to file their materials, but only provides other parties with an additional 3 weeks to reply to that material, meaning that parties who intend to file reply materials have less time than that which they were originally afforded under the Directions of 13 November 2018. It is regrettable that the Unions' proposed new directions disadvantage the replying parties.
2. Secondly, the proposed directions would result in there being only a 1 week gap between the deadline for filing reply materials and the commencement of the hearing. This places replying parties in a difficult position should they require additional time to file their materials, as no further time could reasonably be allocated without vacating the hearing dates.
3. Thirdly, we are not yet in a position to assess whether the 7 week timeframe afforded to our clients in the proposed revised directions will be sufficient, given that the scope and extent of materials to be filed by the Unions is not yet known. However, given the importance to the industry of the Unions' claims, and the need for our clients to properly consult with their respective memberships, we wish to foreshadow the possibility that our clients may make an application for additional time to reply to the Unions' claims.

As a potential compromise position, it may be that the Commission is minded to provide the Unions with a slightly shorter extension (for example, in the order of 2 or 3 weeks rather than the proposed 4 weeks), so that the replying parties are not disadvantaged

and so as to provide the best chance of retaining the current hearing dates. Our clients would not be opposed to such a course of action if the Commission considered it appropriate.

Lastly, we note that we have liaised with two other employer group parties, Aged & Community Services Australia (**ACSA**) and Leading Age Services Australia (**LASA**), and both of those parties have indicated that they share our clients' concerns as outlined above, and would be amenable to the alternate proposal.

Please do not hesitate to contact me should you wish to discuss.

Yours sincerely,

Kyle Scott

Associate Director
Australian Business Lawyers & Advisors

Newcastle Office: Suite 402, Level 4, Watt Street Commercial Centre
45 Watt Street, Newcastle NSW 2300

Dir: +612 4989 1010 | Mob: 0422 286 133 | Fax: +612 9954 5029
Tel: +612 9458 7005 | Web: www.ablawyers.com.au |  [LinkedIn](#)



Experts make things simple

Workplace + Employment Corporate + Commercial

**Voted #1 Workplace and Employment Law
Team of the Year**



This is an email from Australian Business Lawyers & Advisors Pty Limited (ACN 146 318 783). It is confidential to the named addressee and may contain copyright and/or legally privileged information. No-one else may read, print, store, copy, forward or act in reliance on all or any of it or its attachments. If you receive this email in error, please telephone us on +612 9458 7005 or email ablawyers@ablawyers.com.au. We do not accept liability in connection with computer virus, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Liability limited by a Scheme approved under the Professional Standards Legislation. Legal practitioners employed by or being directors of Australian Business Lawyers & Advisors Pty Limited are members of the Scheme. This notice must not be removed.