

**Fair Work Commission**

**Four Yearly Review of Modern Awards**

***Aged Care Award***

**Matter No: AM2018/13**

**SUBMISSIONS IN REPLY TO AUSTRALIAN BUSINESS INDUSTRIAL & NSW BUSINESS CHAMBER**

1. The HSU submits that the two StewartBrown reports, *Aged Care Financial Performance Survey - Sector Report (2018 Financial Year)*, and *Aged Care Financial Performance Survey - Sector Report (Six months ended December 2018)* ('the reports') that ABI and NSW Business Chamber (ABI) have sought leave to file and rely on in this matter should not be accepted.
2. ABI have not led any witness evidence from the authors of these reports which would allow the union parties to cross-examine as to the assumptions and methods underpinning the reports.
3. ABI has also filed these reports at a very late stage in proceedings. The union parties saw the reports for the first time at hearing.
4. It is also not apparent from the reports or ABI's sparse submission of 12 April 2019 what qualifications or background the authors of the reports have, for their opinions to be treated as independent and authoritative information on the aged care sector.
5. In paragraphs 4 and 5 of their 12 April submission, ABI seek to draw very broad, non-specific and, we say, unsubstantiated conclusions from the reports. These conclusions should not be accepted.

**Health Services Union**

**18 April 2019**