



STATEMENT

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

Aged Care Award 2010

(AM2020/99, AM2021/63, AM2021/65)

Nurses Award 2010

(AM2021/63)

Social, Community, Home Care and Disability Services Industry Award 2010

(AM2021/65)

Aged care industry

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT ASBURY
COMMISSIONER O'NEILL

MELBOURNE, 22 AUGUST 2022

Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2010 – Social, Community, Home Care and Disability Services Industry Award 2010 – Background Documents 6, 7 & 8 published.

[1] On 5 August 2022, the Commission published Background Document 5, which set out:

- The parties' responses to the *provisional views* set out in the Statement dated 9 June 2022.¹
- The answers to the questions posed in Background Documents 1 and 2.
- Main points of agreement between the parties.
- Main points of contention between the parties.

[2] Background Document 5 also posed a number of additional questions to the parties. The answers to those questions were to be filed with the submissions due on Friday 19 August 2022.

[3] On 8 August 2022, the Commonwealth filed a [submission](#).

¹ [\[2022\] FWCFB 94](#).

[4] On 17 August 2022, submissions in reply to the Commonwealth's submission were filed by:

- [Health Services Union \(HSU\)](#)
- [Aged & Community Services Australia \(ACSA\), Leading Age Services Australia \(LASA\) and Australian Business Industrial \(ABI\)](#) (collectively the Joint Employers)

[5] [The Australian Nursing and Midwifery Federation \(ANMF\)](#) filed both its submissions in reply to the Commonwealth, closing submissions in reply and responses to the questions posed in Background Document 5, on 17 August 2022.

[6] The UWU [advised](#) that it did not intend to file a submission in reply to the Commonwealth.

[7] On 19 August 2022, parties filed submissions in reply to the closing submissions and responses to the questions posed in Background Document 5. Submissions were received from the following:

- [HSU](#)
- [UWU](#)
- [Joint Employers](#)

[8] Three further Background Documents have been prepared and are published with this statement:

Background Document 6 summarises the Commonwealth's submissions and the parties' submissions in reply to the Commonwealth.

Background Document 7 sets out the parties' submissions in relation to the modern awards objective.

Background Document 8: summarises the closing submissions in reply and the answers to the questions posed in Background Document 5.

[9] The matter is listed for oral hearing as follows:

- a. **24 and 25 August 2022** for submissions by the Applicants and the Commonwealth to be held **in person** in at the Commission's Melbourne office.
- b. **1 September 2022** (with 2 September reserved) for submissions by ABI, ACSA and LASA and reply submissions to be held **in person** at the Commission's Sydney office.

[10] Background Documents 6, 7 and 8 pose a number of additional questions for the parties. The Applicants are to respond to these questions at the oral hearing on **24 and 25 August 2022**.

The Commonwealth and the Joint Employers are to respond to the additional questions, in writing, by no later than **4pm** on **Monday 29 August 2022**.

PRESIDENT

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