



STATEMENT

Fair Work Act 2009

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

Aged Care Award 2010

(AM2020/99 and AM2021/63)

Nurses Award 2020

(AM2021/63)

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

(AM2021/65)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 25 NOVEMBER 2024

Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2020 – Social, Community, Home Care and Disability Services Industry Award 2010 – rates in determinations

[1] On 11 September 2024, the Expert Panel in these matters issued a decision¹ and determinations varying the awards the subject of these proceedings.² The determinations effect the first tranche of increases to wage rates for direct care workers and home care workers covered by the *Aged Care Award 2010* and *Social, Community, Home Care and Disability Services Industry Award 2010*, in accordance with the Panel’s decision³ of 27 June 2024 concerning the phasing-in of these rates.

[2] The HSU and the UWU wrote to the Commission on 24 September 2024 requesting that the Commission provide the parties with details of the methodology used to calculate the wage rates in the determinations. A response, including an explanation of the methodology and a rates calculation spreadsheet was provided the same day. This correspondence was published on the Commission’s webpage.⁴

[3] On 17 October 2024, the ANMF, UWU and HSU sent a Joint Note addressing the details of the methodology provided and requested that the Commission consider amending the rates in the determination for the *Aged Care Award 2010* based on an alternative calculation methodology. The Joint Note and its two attachments will be published with this statement.

[4] I have considered the Joint Note from the union parties, which has been the subject of analysis by the Commission’s staff. I am satisfied that the rates published in the determinations are consistent with the Panel’s decision of 27 June 2024. The Joint Note proposes an alternative phasing-in path to the final outcome determined in that decision but does not, in my view,

demonstrate any error in the determinations already published. Accordingly, no amendments to the determinations issued on 11 September 2024 are necessary to be made.



PRESIDENT

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¹ [\[2024\] FWCFB 367](#).

² [Determination — Aged Care Award 2010 \[MA000018\]](#); [Determination — Nurses Award 2020 \[MA000034\]](#); [Determination — Social, Community, Home Care and Disability Services Industry Award 2010 \[MA000100\]](#)

³ [\[2024\] FWCFB 298](#).

⁴ [Correspondence](#) and [rates calculation spreadsheet](#).