



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)

DEPUTY PRESIDENT ASBURY

DEPUTY PRESIDENT O'NEILL

COMMISSIONER BISSETT

BRISBANE, 13 JANUARY 2023

Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2020 – Social, Community, Home Care and Disability Services Industry Award 2010 – request for extension of time – responses to Background Document 10 – new directions issued.

[1] In a Statement published on 17 November 2022, we expressed a *provisional* view as to the programming of Stage 2 and invited parties to provide comments at a mention held on 22 November 2022.¹ Following that mention the directions for Stage 2 were amended in terms of dates by which submissions and evidence were to be filed.² The directions were further amended on 6 December 2022³ following correspondence from the ANMF.⁴ These remain the current directions.

[2] On 23 December 2022, we published Background Document 10 – Stage 3 outstanding issues. Background Document 10 sets out, amongst other things, a summary and comparison of the HSU's and ANMF's applications to change the classification structures in the *Aged Care Award 2010* and *Nurses Award 2020*, principles underpinning classification structures and key issues arising in relation to the proposed changes to classification structures.

¹ Statement [2022] FWCFB 208.

² Statement [2022] FWCFB 214.

³ Amended Directions dated 6 December 2022.

⁴ Correspondence from the ANMF dated 5 December 2022.

[3] Background Document 10 poses a number of questions for the parties. Parties were directed to file their responses to the questions by no later than 5pm Thursday 9 February 2023.⁵

[4] On 9 January 2023, the ANMF wrote to the Commission and applied to vary the directions to extend the date for parties to respond to the questions in Background Document 10 to 28 February 2023.⁶ The HSU and the Commonwealth supported the ANMF's application.⁷ The Joint Employers did not oppose the application.⁸

[5] We have decided to grant the extension in the terms sought. For completeness, we have consolidated the directions with respect to Stage 2 so that it includes the 6 December amendment and the amendment with respect to Background Document 10. The consolidated directions are published with this statement.



DEPUTY PRESIDENT

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⁵ [2022] FWCFB 248.

⁶ Correspondence from the ANMF dated 9 January 2023.

⁷ Correspondence from the HSU dated 10 January 2023; correspondence from the Commonwealth dated 13 January 2023.

⁸ Correspondence from the Joint Employers dated 12 January 2023.