



Our ref. 2100240

16 July 2021

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Associate to the Hon. Justice Ross AO
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne VIC 3000

Dear Associate

AM2020/99; AM2021/65 and AM2021/63

1. We refer to the above proceedings, and to the directions of the Fair Work Commission (**FWC**) on 1 July 2021.
2. As required by Direction 4, we provide the Commonwealth's response to the request for information and data filed by the Health Services Union (**HSU**) and the Australian Nursing and Midwifery Federation (**ANMF**). As required by Direction 4, this response sets out what information the Commonwealth can provide and by when. In some cases, this response further sets out the full details of the Commonwealth's response.
3. A number of the HSU's requests relate to data or information that will be included in the results of the most recent (2020) Aged Care Workforce Census (**Census**). The Commonwealth is currently conducting final checks on the Census data. It is presently not expected that the Census data will be ready by 23 July 2021. However, the Commonwealth is committed to responding to the information requests relating to the Census data as soon as that data is ready and available, this is anticipated to be by the end of August 2021.
4. As noted in the table below, a number of the requests are answered by publicly available information. In those instances, the Commonwealth seeks leave of the FWC to provide that information by linking the parties and the FWC to where that information is publicly accessible. The Commonwealth expects this approach would most practically assist the FWC and the parties by allowing the parties to draw on that information as they see fit in their evidence or submissions to the FWC.

Response to HSU Schedule

1	<p>The response to this question is dependent on the finalisation of the 2020 Census dataset.</p> <p>As such, the Commonwealth will not be able to provide a response to the request by 23 July 2021 but is committed to filing a response with the FWC by the end of August 2021. However, Census data will not address each and every point in this request.</p>
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2	<p>The response to this question is dependent on the finalisation of the 2020 Census dataset.</p> <p>As such, the Commonwealth will not be able to provide a response to request by 23 July 2021 but is committed to filing a response with the FWC by the end of August 2021. The Commonwealth also notes that the Census focuses on direct care staff and there is limited information in regard to some ancillary staff.</p>
3	<p>The response to this question is dependent on the finalisation of the 2020 Census dataset.</p> <p>As such, the Commonwealth will not be able to provide a response to the full scope of this request by 23 July 2021 but is committed to filing a response with the FWC by the end of August 2021.</p>
4	<p>The Commonwealth provides the following response.</p> <p>(1) The ABS is determining how it can progress work to better meet user demand in relation to the Australian and New Zealand Standard Industrial Classification (ANZSIC), through its participation in the International Standard Industrial Classification of all economic activity review, which is currently underway.</p> <p>(2) The ABS began a targeted update of the ANZSCO in March 2021, as an initial step in modernising ANZSCO. Alongside this targeted update, a new approach to maintaining classifications, like ANZSCO, is being developed.</p> <p>The new approach is researching:</p> <ul style="list-style-type: none"> - new data sources which can be used to inform classification maintenance; - the process to set priority areas for focus each update – the ABS are expecting that an update will be undertaken every 1-2 years; - a regular consultation process to ensure stakeholders are aware of when and how they can contribute; and - how statistical impacts can be managed, particularly when more structural changes are proposed (for example, moving occupations/unit groups to a new minor group/sub-major group/major group). <p>The focus of future targeted updates will be determined through stakeholder consultation on need and relative prioritisation. Further information on how to participate in this consultation process will be provided later in the year. Feedback has already been provided to the ABS from other parts of the Commonwealth (including the National Skills Commission) about the need to focus on care occupations. The feedback is a useful early indication of priority for future attention on care occupations.</p>
5	<p>The Commonwealth anticipates being able to provide a response to this question by 23 July 2021.</p>

6	<p>Data addressing some of these questions at an aggregate or consolidated level has been collected by the Aged Care Financing Authority, since its creation 4 years ago.</p> <p>The Commonwealth will only be able to provide responses to this question in relation to the last 4 years as the data was not collected before this time or would be incomplete.</p> <p>The Commonwealth does not collect data in relation to questions 6.b.iv or 6.b.v.</p> <p>The Commonwealth will be able to provide data in response to this question by 23 July 2021, subject to the limitations above.</p>
7	<p>The Commonwealth will be able to respond to this request by 23 July 2021. This information is publicly available, including for the years 2010 to 2021, at: https://www.pc.gov.au/research/ongoing/report-on-government-services/2021/community-services/aged-care-services. See Table 14A.12 of 14 Data Tables.xlsx, which is available to download from this page. Data is provided for the 2010-11 to 2019-2020 financial years, broken down at the State and Territory level and Australia as a whole.</p>
8	<p>The Commonwealth will be able to provide a response to this question by 23 July 2021. The Commonwealth notes the following publicly available reports, held by the Commonwealth:</p> <ul style="list-style-type: none"> • https://www.gen-agedcaredata.gov.au/Topics/Care-needs-in-aged-care; • https://www.gen-agedcaredata.gov.au/Resources/Reports-and-publications/2020/September/Report-on-the-operation-of-the-Aged-Care-Act; and • https://www.gen-agedcaredata.gov.au/Resources/Reports-and-publications/2021/February/Report-on-Government-Services-2021-part-f.-chapter
9	<p>The Commonwealth will be able to provide a response to this question by 23 July 2021. This information is included in the publicly available Health Portfolio Budget Statement (see page 106).</p> <p>https://www.health.gov.au/sites/default/files/documents/2021/05/budget-2021-22-portfolio-budget-statements-budget-2021-22-health-portfolio-budget-statements.pdf</p>
10	<p>The Commonwealth will not be able to provide a response to questions regarding any planned decisions, as these are subject to decisions of Government and would be subject to Cabinet confidentiality, except where Government has publicly announced its position. In this regard, the Commonwealth refers the parties to the Australian Government's response to the Royal Commission's Final Report, in particular, the responses to Recommendations 78–83.</p>

Response to ANMF Schedule

8	<p>The Commonwealth notes that some data on this topic is publicly available from the Aged Care Financing Authority, but that data does not relate specifically to wages:</p>
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	<p>https://www.health.gov.au/resources/publications/eighth-report-on-the-funding-and-financing-of-the-aged-care-industry-july-2020</p> <p>The Commonwealth will prepare a bespoke data set request to address this request.</p> <p>The Commonwealth will be able to provide a response to the full scope of this request by 23 July 2021.</p>
9	<p>This data is publicly available in the Reports on the Operation of the Aged Care Act 1997 (ROACA). See the Expenditure tab of this: https://www.gen-agedcaredata.gov.au/resources/access-data/2020/october/aged-care-data-snapshot—2020.</p> <p>A series covering the requested time period (other than 2020-21) is at the following link: Report on the operation of the Aged Care Act - AIHW Gen (gen-agedcaredata.gov.au)</p> <p>As such, the Commonwealth will be able to provide this data for financial years 2010-11 to 2019-20 by 23 July 2021.</p> <p>However, the Commonwealth will not be able to provide the figures for the 2020-21 financial year, as they will not be available. However, this will be publicly available in November 2021.</p>
10	<p>The Commonwealth will be able to provide this information by 23 July 2021.</p> <p>This information is included in the publicly available Health Portfolio Budget Statement.</p> <p>https://www.health.gov.au/sites/default/files/documents/2021/05/budget-2021-22-portfolio-budget-statements-budget-2021-22-health-portfolio-budget-statements.pdf.</p>
11	<p>The Commonwealth will be able to provide a response to this question by 23 July 2021.</p>
12	<p>The Commonwealth provides the following response.</p> <p>Currently, and up to 2023, the basic subsidies for home and residential care are indexed annually based on Wage Cost Index 9 (WCI-9). From 2023 the Independent Hospital and Aged Care Pricing Authority (IHACPA) will start reviewing and recommending pricing for aged care. In developing its pricing advice for aged care, IHACPA will consider and analyse the costs of care and services, including consideration of the impact of staff wages in the aged care sector.</p>
13	<p>The Government has not yet made a decision on this matter as it does not want to pre-empt a decision of the FWC. Any additional funding following a decision by the FWC would be subject to a decision of Government.</p>

14	The Government has not yet made a decision on this matter as it does not want to pre-empt a decision of the FWC. Any additional funding following a decision by the FWC would be subject to a decision of Government.
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Yours sincerely



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