

IN THE FAIR WORK COMMISSION

Matter No: AM2018/13

Section 156 - Four Yearly Review of Modern Awards –Aged Care Award 2010

SUBMISSION OF UNITED VOICE

18 April 2019

1. This submission is in reply to the submission of Australian Business Industrial (ABI) and the NSW Business Chamber (NSW BC) dated 12 April 2019 regarding the Stewart Brown publications titled:
(a) Aged Care Financial Performance Survey - Sector Report (2018 Financial Year); and
(b) Aged Care Financial Performance Survey - Sector Report (Six months ended December 2018),
2. The Stewart Brown publications were provided during the hearing of the substantive claims of the *Aged Care Award 2010* (the ‘Award’). There appears to be no reason why ABI/NSW BC could not have filed this material in accordance with the directions, or provided the material to the Commission and to other interested parties prior to the hearing. On the face of the material it would have been available earlier this year as it concerns an audit up to December 2018.
3. ABI/NSW BC appears to invite the Commission to make a broad finding that aged care industry is under financial strain on the basis of the Stewart Brown publications. ABI/NSW BC have not particularised which specific claims this material is relevant to, but state this is relevant to ‘*any variation to the Award which imposes an additional monetary burden on employers*’.¹
4. If the Stewart Brown publications are intended to be in support of a general submission that the Commission should only vary the Award so as to reduce labour costs in the sector and reject any change to the status quo which will increase labour costs, this is an inappropriate submission.
5. It is not appropriate that the terms and conditions of employees under modern awards are tied to funding arrangements or financial trends within an industry, as there is likely to be some level of variability in both over time.
6. We say that the Commission should not have regard to this material.

¹ ABI/NSW BC submission, paragraph 8.