



18 August 2021

Vice President Hatcher
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Via email: amod@fwc.gov.au

Dear Vice President,

Casual terms award review 2021 – Nurses Award

The ANMF makes this submission in response to the Statement issued on 11 August 2021 (Statement).¹

Concerning the table for the *Nurses Award 2010* (Award), the ANMF believes there is an error in the first row, which is extracted below:

Clause	Provisional view	Action	Notes
10.1(c)— requirement to inform at engagement (general)	<ul style="list-style-type: none"> inconsistent (at [120]-[121] of [2021] FWCFB 4144) 	<ul style="list-style-type: none"> variation necessary 	

As noted in the table extract above, the Award contains a general requirement to inform the nature of the employment being full-time, part-time or casual. Clause 10.1(c) of the Award states as its first sentence:

At the time of engagement an employer will inform each employee whether they are employed on a full-time, part-time or casual basis.

The first sentence of Clause 8.2 of the *Nurses Award 2020*² provides the same as the Award, except it inserts “to be” between “are” and “employed.”

The *Provisional view* in the Statement, that the Award is inconsistent and a variation is necessary, cannot be correct. Paragraph 121 of the July Decision of the Full Bench³ relevantly provides that:

...award terms requiring employees to be informed on engagement about the basis on which they are employed are not inconsistent with s.15A(1) and nor do such terms give rise to any uncertainty or difficulty...

¹ [\[2021\] FWCFB 4928](#)

² The *Nurses Award 2020* will replace the *Nurses Award 2010* from 9 September 2021.

³ [\[2021\] FWCFB 4144](#)

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Melbourne Office
Level 1, 365 Queen Street
Melbourne VIC 3000
Australia
T +61 3 9602 8500
F +61 3 9602 8567
E anmfederal@anmf.org.au
W www.anmf.org.au
.....

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On the basis of the above the ANMF submits that:

1. The **Provisional view** should state “Not inconsistent (at [120]-[121] of [\[2021\] FWCFB 4144](#))”;
and
2. **Action** should state “No variation necessary”.

Yours faithfully,
Daniel Crute
Federal Industrial Officer