

FAIR WORK COMMISSION

MATTER NUMBERS AM2020/99; AM2021/63; AM2021/65

WORK VALUE CASE – AGED CARE INDUSTRY

COMMONWEALTH'S RESPONSE TO BACKGROUND DOCUMENT 10

A. INTRODUCTION

1. Background Document 10 (**BD10**) directed a series of questions to the parties and, in relation to the Commonwealth, requested that the Commonwealth 'file responses to any questions it has an interest in and wishes to express a view about'.
2. Where a question is not included below, the Commonwealth takes no position on that question.
3. The Commonwealth reiterates its support for a wage increase for aged care workers and its commitment at paragraph [5] of the 8 August 2022 submission to provide funding to support any increases to award wages made by the Commission in this matter.

B. RESPONSES TO QUESTIONS

Question 3: Does any party propose any amendments to the classification structure under the SCHADS Award?

4. Given its indirect role in the sector, the Commonwealth does not consider it is appropriately placed to propose detailed amendments or revisions to the classification structure in Schedule E of the *Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award)*. However, it does raise the following issues with the current classification structure, and would support amendments directed to addressing these issues.
5. *First*, the classification descriptions in the SCHADS place variable emphasis on personal care work, particularly at levels 3 and 4, which are the levels at which most qualified personal care workers in home care operate. The Aged Care Workforce Census 2020 reported that 80% of the home care workforce was in direct care roles. 88% of those were personal care workers and 63% of personal care workers held a Certificate III or higher.¹ These matters suggest that there should be a greater emphasis on personal care in the classification structure, while acknowledging that job roles in home care often combine personal care activities with other tasks including domestic assistance and there are some employees who provide no

¹ Annexure B, Table B12 to the Commonwealth's submissions of 8 August 2022 (**August Submissions**). Hearing Book (**HB**) 5627.

personal care but who are nonetheless engaged in activities which directly support the care recipients' health and wellbeing.²

6. *Second*, as set out in the Commonwealth's August Submissions regarding matters relating to career progression and the professionalisation of the workforce ([210]–[214]), the SCHADS Award does not articulate a pathway for personal care workers (or other direct care workers) to progress. The Commonwealth submits that this is in part due to the classification descriptions which list a large variety of tasks that may be undertaken by a home care worker with no clear progression between the levels particularly in relation to increasing responsibilities for personal care workers.
7. One option, which the Commonwealth would support, is to align the classification descriptions in Schedule E of the SCHADS Award more closely with the descriptions proposed by the HSU in relation to the *Aged Care Award 2010 (Aged Care Award)* (as set out in BD10 [18]). Such an alignment would create a more consistent approach between the two awards, which would also support the mobility of the workforce between both home and residential aged care settings, with a common set of expectations across awards, underpinned by commonly held qualifications (that is, the Certificate III in Individual Support and the Certificate IV in Ageing Support). This would be consistent with the Certificate III in Individual Support being the relevant qualification for individuals working in the community, home, or residential care setting (see paragraph [21.1] below). It would also be consistent with the potential mobility of workers between the different sectors (see the evidence discussed at paragraphs [42]–[44] below).
8. *Third*, the Commonwealth makes the following comments on specific classifications in the current classification structure:
 - 8.1. Home Care Employee level 2 — Clause E.2.5 stipulates indicative qualifications including 'Home Care Certificate or equivalent'. However, there is no current recognised qualification with this title. The Commonwealth notes its further submissions on the relationship between classification descriptions and qualifications in response to Question 7, below.
 - 8.2. Home Care Employee level 3 — the Commonwealth submits it would be appropriate for this classification to include reference to a qualified personal care worker in the same manner as the HSU's proposal for the level 4 classification under the Aged Care Award. The appropriate qualification would be at the level of a Certificate III or equivalent. If the current structure of the classification descriptions was maintained, the 'specialist skills and knowledge' section could be amended to be less prescriptive and less focussed on administrative or technical tasks and instead have a stronger focus on the skills that support the delivery of personal care.

² As addressed in the Note on Home Care Employee Evidence filed by the Joint Employers on 17 February 2023 and the HSU's Response to Questions posed by Full Bench at Hearing on 13 February 2023, filed on 17 February 2023 [7]–[23].

- 8.3. Home Care Employee level 4 — as with level 3, the Commonwealth submits that a stronger emphasis on care-related work would make the description more consistent with the work of an employee at this level noting the evidence by the lay witnesses holding a Certificate IV qualification was that the majority perform direct care work in the home as their predominant activity.³ (One witness, Ms Seifert, held a Certificate IV and was employed as a team leader and provided supervision to care staff.⁴)

Question 5: Do parties support the HSU's proposed additional classification levels for RAOs?

9. The Commonwealth supports changes to classification levels that will help promote career progression for aged care workers, including for recreational activity officers (RAOs).
10. The Commonwealth supports the HSU's proposed additional classification levels for RAOs except that:
- 10.1. 'qualified' and 'unqualified' should be used consistently across the classification levels or the term 'unqualified' should be removed altogether; and
- 10.2. 'qualified' should be understood to mean either holding the relevant qualification or holding equivalent skills and experience. The Commonwealth would support including a definition to make this clear.

Question 7: Do the parties agree that the principles that should be applied by the Commission when establishing an appropriate classification structure are that:

- 1. It should be a career-based classification structure**
- 2. It should clearly state the skills, qualifications and experience required at each level**
- 3. It should provide a clear means to transition from one level to another?**

11. The Commonwealth supports the three principles outlined in Question 7 in the form of general guidance as to what it is desirable for modern award classification structures to achieve, but not being wholly determinative of outcomes in any particular case. Any variations to a classification structure must be justified on work value grounds and necessary to achieve the modern awards and minimum wages objectives. What is justified and necessary on those grounds may differ depending on the context of the particular award under consideration, and it may not be

³ Statement of Bridget Payton [2], [5] (Digital Hearing Book (HB) 15636); Statement of Veronique Vincent [23]-[25] (BHB 15664), [51] (HB 15667-8); Statement of Julie Kupke [15] (HB 15612) [2] (HB 15611); Statement of Karen [4], [7] (HB 16211-2); Witness Statement of Lyndelle Anne Parke [7] (HB 16178). [15] (HB 16180); Statement of Teresa Hetherington [2] (HB 16260), [36] (HB 16263); Statement of Ngari Inglis [5], [6] (HB 16228); Statement of Susan Toner [1], [2], [5] (HB 16248); Statement of Theresa Heenan [2] (HB 15578), [37] (HB 15582-3) [45]-[51] (HB 15584).

⁴ Witness statement of Lorri Seifert, dated 6 October 2021 at [2], [12]-[14] (HB 15203-4).

possible to give full effect to each element for every classification across every industry and occupation.

12. The Commonwealth makes the following specific comments.

Comments on career-based classification structures

13. The Commonwealth generally supports career-based classification structures because such structures generally provide opportunities for employees to progress based on skill level and/or experience in an occupation.
14. A career-based classification structure may recognise various means for employees to transition to higher levels, including:
- 14.1. attaining a higher level of qualification;
 - 14.2. time based (e.g. certain years of experience)
 - 14.3. competency based (e.g. certain periods of 'satisfactory' performance); or
 - 14.4. accreditation by an external body (e.g. industry professional accreditation).
15. Which means of transition is appropriate will generally depend on the particular industry context. For example, in the *Educational Services (Teachers) Award 2020* — in which a career-based classification structure was recently adopted as a result of a work value case⁵ — there is a five-level classification scale:
- 15.1. for entry to Level 1 teachers are generally required to hold a degree level qualification;
 - 15.2. for Level 2, a teacher must obtain proficient accreditation/registration or equivalent;
 - 15.3. for Level 3, a teacher must have 3 years' satisfactory teaching service at Level 2; and
 - 15.4. for Level 4, a teacher must have 3 years' satisfactory teaching service at Level 3; and
 - 15.5. for Level 5, a teacher must obtain Highly Accomplished / Lead Teacher accreditation / registration or equivalent.
16. In the case of teachers, 'satisfactory' service means compliance with the Australian Professional Standards for Teachers and there is a role for the employer in determining this. In relation to accreditation / registration, there are State and Territory bodies which oversee this.
17. In the case of the Aged Care Award, as set out in its August Submissions, the Commonwealth supports classifications being set in a way that aligns with the Australian Qualifications Framework (**AQF**) and the additional skills and training that

⁵ The classification structure was substantially amended on 21 November 2021 (PR735270) following work value proceedings in *Independent Education Union of Australia* [2021] FWCFB 6021.

workers may undertake over time (at [221]). Both Certificate III and Certificate IV should be recognised and additional training undertaken by workers in specific areas (e.g. units of competency) could be recognised (at [221]).

Recognition of skills within Australian qualifications

18. To assist the Commission, the Commonwealth sets out below a summary of how skills are recognised within Australian qualifications:
 - 18.1. Qualifications are made up of the skills and knowledge required for a graduate to perform a job role. They can be described in terms of kinds and complexity and include cognitive skills, technical skills, communication skills, creative skills, interpersonal skills and generic skills.
 - 18.2. In vocational education and training (**VET**), training packages specify the knowledge and skills required by individuals to perform effectively in the workplace, known as ‘competencies’ and expressed in units of competency. Training packages also detail how units of competency can be packaged into nationally recognised skill sets and qualifications that align with the Australian Qualifications Framework (**AQF**).
 - 18.3. Training packages are maintained and updated by ten Jobs and Skills Councils (**JSCs**), which replaced the former Industry Reference Committees from 1 January 2023. JSCs are funded by the Commonwealth to update or develop training packages (including units of competency and qualifications) in response to identified workforce needs in consultation with their industries and key stakeholders.⁶
 - 18.4. The National Register of VET (**National Register**) is contained at the website Training.gov.au. The National Register contains the content of particular training package products including qualifications and units of competency.
19. It is desirable that classification descriptors accurately reflect the skills required at each classification level. Modern award classification descriptors that require the employee to hold an AQF qualification and use the skills gained are one important method for achieving this. This is because for each qualification, certain skills will be requirements for that qualification.
20. However, in drafting modern award classification descriptors that require the employee to hold an AQF qualification and use the skills gained, there is a risk that the skills listed as part of a unit of competency or qualification may overlap with the skills otherwise specified in the modern award.

⁶ Major updates to training products are endorsed by Commonwealth and state and territory ministers. This process ensures that nationally recognised training reflects an industry-agreed position on the competencies required to do a job role. The Training Package Organising Framework (<https://www.dewr.gov.au/training-packages>) contains the requirements agreed by skills ministers for the development of these products.

21. This can be illustrated by the following example.
- 21.1. The National Register indicates that a Certificate III in Individual Support reflects the role of individuals working in the community, home or residential care setting who work under supervision and delegation as a part of a multi-disciplinary team, following an individualised plan to provide person-centred support to people who may require support due to ageing, disability or some other reason.⁷
- 21.2. A Certificate III in Individual Support has a core unit required as part of the qualification that is *CHCCCS038 Facilitate the empowerment of people receiving support*. The unit of competency details on the National Register for this unit indicate, that is require, as part of 'performance evidence', the following in relation to communication skills:
- using communication skills according to the needs of the person to maintain positive and respectful relationships and facilitate empowerment.⁸
- 21.3. The Aged Care Award classification definition for Aged Care Employee Level 4 includes 'possesses good communication, interpersonal and/or arithmetic skills'. This overlaps with the communication skills identified in the CHCCCS038 unit.
22. Overlap between the skills in a unit of competency and the skills set out for a classification in an award may present a difficulty when consideration is being given to updating a particular qualification, or where there is an inconsistency between the drafting of a skill in an award and its drafting in a relevant unit of competency. It would be preferable to minimise the likelihood of such inconsistency.
23. Accordingly, in drafting modern award classifications, the Commission should carefully consider whether it is necessary or appropriate to draft into the terms of the classifications skills that overlap with components embedded in the relevant qualifications, and if it does so, should ensure they are consistent.
24. In making this submission, the Commonwealth is mindful that in its decision of 4 November 2022 (**Stage 1 Decision**), the Full Bench made a finding that some, but clearly not all, of the Spotlight skills identified by Assoc Prof Junor may be comprehended within the relevant Certificate III syllabus (at [895]). The Full Bench accepted the evidence of Assoc Prof Junor that the 'soft skills' identified through her Spotlight analysis are correctly characterised as skills (as opposed to personality traits or dispositions) and should be brought to account in the assessment of work value (at [896]).
25. The Commonwealth would support the Commission including in the relevant classification descriptors greater recognition of the 'soft skills' exercised by aged care workers. The Commonwealth's observations set out in paragraphs [20] to [23] above are not intended to dissuade the Commission from doing this.

⁷ <https://training.gov.au/Training/Details/CHC33021>.

⁸ <https://training.gov.au/Training/Details/CHCCCS038>.

Question 8: Do parties have further suggestions regarding specific changes to the classification structure for HCWs under the SCHADS Award?

26. The Commonwealth refers to its response to Question 3 above, and has no further suggestions.

Question 20: Does any party wish to present any further evidence and/or make any further submissions in addition to the evidence and submissions already before the Full Bench in Stage 1 in relation to this issue?

27. The Commonwealth does not take a particular position as to the issues in section 8.2 of BD10, and does not seek to file additional evidence or submissions on this issue.
28. However, the Commonwealth makes one comment in relation to the HSU's proposed descriptor for 'Senior Personal Care Workers', which follows from the Commonwealth's response to Question 7 above. The proposed descriptor would state that the worker may be required to assist residents with medication and hold the relevant unit of competency, as varied from time to time, and refers in brackets to HLTHPS006, the current unit.⁹ Units are from time to time updated. Given this, it would be preferable to avoid referring to specific units of competency (either by name or number) in modern awards. In the case of the HSU's proposed descriptor of Senior Personal Care Worker, referring to the 'relevant unit of competency' would be sufficient. The relevant unit of competency for assisting residents with medication can be located by searching the website Training.gov.au.

Question 35: Do the parties agree that AINs and PCWs perform functionally the same role? Are there differences in skills or qualifications acquired by the respective employees?

29. The Commonwealth's view is that:
- 29.1. Assistants in Nursing (**AINs**) and Personal Care Workers are generally both qualified at the Certificate III level.
- 29.2. In the aged care setting, their roles are essentially the same.
- 29.3. However, AINs are also employed in other settings, and in those settings may perform different functions (such as their functions in relation to the provision of acute care in a hospital setting).

Question 36: Should the classification structure and minimum wages for AINs in the Nurses Award and PCWs in the Aged Care Award be aligned and/or consolidated? If so, how? If not, what is the basis for maintaining a different classification structure and minimum wages for AINs and PCWs?

30. The Commonwealth's view is that the classification structure and minimum wages for AINs in the *Nurses Award 2020* (**Nurses Award**) should be aligned with PCWs in the Aged Care Award, but not consolidated. AINs should have the same access

⁹ The current Unit can be located here: <https://training.gov.au/training/details/HLTHPS006>.

to career and wage progression as PCWs. The different classification structures should be maintained to reflect the diversity of settings AINs work in across the health system, including in acute hospital settings in both public and private sectors.

Question 37: Does any party support moving the nursing classifications of such employees engaged in the aged care industry from the Nurses Award into the Aged Care Award?

31. Consistent with its responses to Questions 35 and 36, the Commonwealth does not support moving the nursing classifications of such employees engaged in the aged care industry from the Nurses Award into the Aged Care Award.
32. The Commonwealth supports nurses working in the aged care industry retaining access to the conditions available in the Nurses Award while also being able to access the wages increases available to them as direct care workers in aged care.

Questions 39–42 and 45 regarding key classifications for the purposes of the C10 Metals Framework Alignment Approach

33. The Commonwealth makes no submissions as to whether the identified classifications are the correct key classifications for the purposes of the C10 Metals Framework Alignment Approach.
34. However, the framing of questions 39-43 and 45 of BD10 indicates that the Full Bench may be minded to apply the C10 Metals Framework Alignment Approach to its assessment of the ultimate wage increases for relevant workers in Stage 3 of these proceedings. The Commonwealth takes no issue with the Commission using this approach as part of its process in fixing minimum rates in the relevant awards in this matter, and agrees with the matters set out by the Commission in the Stage 1 Decision (as summarised in BD10 at [156]–[157] and [162]), but makes the following brief submissions in relation to the approach.
35. *First*, it must be kept in mind that the C10 Metals Framework Alignment Approach does not displace the statutory test. While the Commission is not bound to use the Manufacturing Award as a benchmark, departing from this traditional approach to wage fixing in this matter could give rise to uncertainty in the absence of a clearly articulated alternative approach.
36. *Second*, if the Commission is minded to adopt the C10 Metals Framework Alignment Approach in its work value assessment in this matter, the Commonwealth submits it would be open to the Commission to align one or more rates in the relevant awards with rates for equivalent qualifications in the Manufacturing Award.
37. This is consistent with the approach taken in the *ACT Child Care Case*.¹⁰ In that case the Full Bench effectively used two key classifications for the purposes of making alignments with the Manufacturing Award under the 3-step process. The Full Bench concluded that the rate at the AQF Diploma level should be ‘linked’ to the C5

¹⁰ *Australian Liquor, Hospitality and Miscellaneous Workers Union re: Child Care Industry (Australian Capital Territory) Award 1998 and Children’s Services (Victoria) Award 1998 — re: Wage rates* [2005] AIRC 28 (ACT Childcare Case).

level in the Metal Industry Award and that 'it is appropriate' that there be a 'nexus' between the CCW level 3 on commencement classification in the ACT Award (and the Certificate III in the Victorian Award) and the C10 level in the Metal Industry Award.¹¹

38. *Third*, consistent with its previous submissions, and the findings of the Stage 1 Decision, the Commonwealth submits that, in this matter, increases above the C10 benchmark are justified for aged care workers. However, the considerations to be taken into account in step 3 of the C10 Metals Framework Alignment Approach are specific to the circumstances of a particular industry, and must be assessed on an award-by-award basis. The application of a 'premium' on C10 rates in the context of one award does not, by itself, justify increases to minimum wages in other awards.¹²
39. *Fourth*, to the extent the Commission may be minded to consider an alternative methodology to the C10 Metals Framework Alignment Approach for addressing external relativities, the Commonwealth submits that any broader consideration of such an alternative would require substantial consideration and should properly be the subject of separate proceedings with stakeholders from across all industries being given an opportunity to make submissions.
40. The Commonwealth otherwise adopts its August Submissions as to the proper role of the C10 Metals Framework Alignment Approach.

Question 44: *What changes, if any, are sought to the existing internal relativities of classifications in the Aged Care, Nurses, and/or SCHADS Awards?*

41. Consistent with its previous submissions,¹³ the Commonwealth submits it is open to the Commission to adjust internal relativities within the awards if the Commission is satisfied based on the evidence before it that such an adjustment is justified on work value grounds and necessary to achieve the modern awards and minimum wages objectives. However, the Commonwealth makes no positive submission for or against such an adjustment.

Question 46: *Parties are invited to comment on what extent there is evidence currently before the Full Bench suggesting that HCWs work across multiple sectors and with clients with multiple care needs (aged care and disability care).*

42. The Commonwealth's assessment of the evidence currently before the Commission is, in summary:
 - 42.1. There is sufficient evidence before the Commission to show that there are home care workers who work in both aged care and disability care. However, the evidence does not establish the extent or prevalence of this circumstance.

¹¹ 13 January 2005 decision PR957914 at [182] and [367].

¹² Cf, e.g., *ACT Child Care Case* at [191]; *Department of Premier and Cabinet (Victoria) and CPSU, the Community and Public Sector Union* PR955707 at [9].

¹³ August Submissions [222], [228].

- 42.2. There is also evidence to support the proposition that employees in the home care sector workforce move between employment in aged care and disability care, but again the evidence does not establish the extent or prevalence of this occurring.
43. Paragraph [128] of the Lay Witness Report to the Full Bench identified that there were 25 witnesses who gave evidence to the Commission of their experience of providing in-home care. Of these witnesses:
- 43.1. Five witnesses state that they perform home care work for a mix of aged clients and clients with a disability.¹⁴ Three of these employees (Julie Kupke, Theresa Heenan and Michael Purdon) provide explanations of how their current employment conditions operate working across the two sectors.
- 43.2. A further witness refers to their employer providing services to clients in both the aged care sector and the disability care sector, without indicating that they personally perform work in the disability care sector.¹⁵
- 43.3. Five witness who at the time of their statement appeared to only work in aged care home care refer to previous experience in providing home care services to persons with disability.¹⁶
44. In addition, there is the following evidence from employers:
- 44.1. Sue Cudmore, Chief Operating Officer - Recruitment Solutions Group Australia, stated that Alliance Health Services Group Pty Ltd 'employs approximately 450 employees who work in the aged care and disability services sector, mainly in in-home care'.¹⁷ Ms Cudmore did not indicate whether individual employees work across both sectors.
- 44.2. Michelle Jenkins, Chief Executive Officer of Community Vision Australia (CVA), stated that CVA provides home care services to both aged persons and persons with a disability.¹⁸ Ms Jenkins stated that employees are not segmented between the different types of home care provided.¹⁹
45. In addition to this evidence currently before the Commission, a Department of Social Services analysis conducted of National Disability Insurance Scheme (**NDIS**), aged

¹⁴ Statement of Susanne Wagner [24]–[25] (HB 15432), [98]–[109] (HB 15448–1450), Statement of Bridget Payton [14]–[17] (HB 15638), Statement of Theresa Heenan [26] (HB 15581) [45]–[58] (HB 15584–15585), Statement of Julie Kupke [20]–[32] (HB 15613–15614); Statement of Michael Purdon [13]–[15] (HB 15416).

¹⁵ Statement of Marea Phillips [5] (HB 15341).

¹⁶ Statement of Lyn Cowan [4] (HB 14817), Statement of Camilla Sedgman [23], HB 15068, Statement of Susan Morton [26]–[27] (HB 16245), Statement of Lyndale Parke [10] (HB 16179), Statement of Maria Moffat [10]–[13] (HB 16222–16223). In addition. Jennifer Wood describes previously working 'in a disability boarding house as a support worker' at [5] (HB 15084).

¹⁷ Statement of Sue Cudmore [16] (HB 17771).

¹⁸ Statement of Michelle Jenkins [6], filed by the Joint Employers on 9 February 2023.

¹⁹ Ibid [12].

care and veteran's care registered providers indicates that, as at June 2020, around 30 per cent of aged care providers also operated in the NDIS or veterans' care programs. However, this analysis centres on providers so it does not indicate to what extent individual employees of these providers work in both disability care and aged care.

Question 47: *If a separate classification structure is created for home aged care workers, how will this apply to HCWs who work with both aged persons and people with a disability or who also work in the social and community services sector?*

46. This question raises two separate issues:
- 46.1. determining whether an employee performing services for a person with a disability is correctly classified under Schedule B or Schedule E of the SCHADS Award — which is an issue that can arise under the SCHADS Award as currently in effect; and
 - 46.2. determining whether a home care worker (classified under Schedule E) who provided aged care in-home care and disability care in-home care would be a 'home aged care employee'²⁰ and so entitled to the higher minimum wages applicable to such employees compared to other employees under Schedule E.
47. The Commonwealth considers that the resolution of either of these issues would be, broadly, as was stated by Senior Counsel for the HSU in the final paragraph quoted at [185] of BD10. As noted above, the need to conduct this analysis is an existing requirement of the SCHADS Award in respect of the distinction between Schedule B and Schedule E for employees in the disability sector.²¹ The requirement to distinguish between a 'home aged care employee' and other employees under Schedule E would be a new product of the proposed amendments to the SCHADS Award.
48. The application before the Commission in respect of the SCHADS Award (and as a consequence the supporting evidence currently available to the Commission) is only concerned with home care workers in the aged care sector. The Commission has made findings that the work of home care workers in the aged care sector is undervalued. While the Commission is not confined in its final decision by the terms of the application,²² extending wage increases to home care workers in the disability sector would require an assessment of whether that increase was justified on work value grounds (and further whether it was necessary to achieve the modern awards objective and minimum wages objective).
49. Granting a wage increase to home aged care employees and not to other employees under Schedule E will create a difference between the wages of these

²⁰ Assuming the Commission adopts the form of the amendments proposed by the application in AM2021/65.

²¹ As well as determining whether the *Social, Community and Disability Services Industry Equal Remuneration Order 2012* applies to the employee.

²² *Fair Work Act 2009* s 599.

two cohorts, where employees in these two cohorts currently have the same minimum wage rates. However, assessing the work value of other employees under Schedule E as part of these proceedings could impact on the timing of a final decision and the implementation of the wage increases.

Question 48: Does any party consider that there should be any changes to the classification structure to take account of any differences between the home care and residential care settings?

50. As indicated in its response to Question 3, the Commonwealth supports alignment between the classification structures for residential aged care workers and home care workers to support mobility between the sectors. The Commonwealth does not propose any further particular changes.

Questions 49 and 50

51. The Commonwealth may wish to file submissions as to the approach adopted by the Commission in considering wage increases for indirect care workers or further wage increases for direct care workers, particularly in relation to any legal or conceptual issues that arise during the course of that consideration.
52. The Commonwealth also remains available to provide such information and data available to it as may assist the Commission, if requested.

Date: 7 March 2023

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These submissions were settled by Yaseen Shariff SC and Dan Fuller, counsel for the Commonwealth of Australia.