



STATEMENT

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

Aged Care Award 2010

(AM2020/99, AM2021/63, AM2021/65)

Nurses Award 2010

(AM2021/63)

Social, Community, Home Care and Disability Services Industry Award 2010

(AM2021/65)

Aged care industry

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT ASBURY
COMMISSIONER O'NEILL

MELBOURNE, 20 JUNE 2022

Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2020 – Social, Community, Home Care and Disability Services Industry Award 2010 – Lay witness evidence report published.

[1] On 12 May 2022, we issued a [Statement](#) advising the parties that Commissioner O'Neill would prepare a draft report of the lay witness evidence and send it to the parties for comment on 3 June 2022.

[2] The draft report was circulated to the parties and to the Commonwealth for comment on 3 June 2022. The Commonwealth, ANMF and the Joint Employers provided feedback on 8 June 2022. The HSU provided feedback on 10 June 2022. The UWU did not comment on the draft report.

[3] The parties' comments have been taken into consideration and the lay witness evidence report has been finalised. Changes to the draft report have been made to correct a small number of typographical errors and omissions. Additionally, at the HSU's request some (but not all) additional examples of the witness evidence grouped by theme have been included.

[4] The final version of the lay witness evidence report has been published to the webpage.

[5] On 9 June 2022, we published [Background Document 1 – The Applications](#) and [Background Document 2 – Award Histories](#). We have now published the following additional Background Documents:

- Background Document 3 – Witness Overview contains a brief overview of each of the witness’ statements (including employers, union officials, and expert witnesses); the relevant page number of each witness statement in version 2 of the Digital Hearing Book, links to the final witness statements and transcript references; and specific paragraphs of the witnesses’ statements that they were taken to in cross-examination as well as links to any other documents referenced in the course of giving oral evidence.
- Background Document 4 – The Royal Commission: sets out links and extracts from the submissions, witness evidence and the Research Reference List that are relevant to the findings and recommendations of the Royal Commission reports.

[6] Any comments in relation to the lay witness evidence report or the 4 background documents are to be provided with the submissions due on **Friday 22 July 2022**.

[7] The Commonwealth is due to file its submission on 8 August 2022. In that submission the Commonwealth is requested to provide data on the composition of the aged care workforce, including a profile of the employees employed in the aged care sector (by classification and qualification, if available); and an overview of the aged care regulatory framework, having regard to the material filed in the proceedings.

PRESIDENT

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