



30 June 2017

Fair Work Commission

Dear Fair Work Commission

**AM2014/207: 4 yearly review of modern awards – Nurses Award 2010 – Exposure Draft**

The ANMF refers to the revised exposure draft of the *Nurses Award 2010* published by the Fair Work Commission on 13 June 2017 and to the Statement issued on 9 June 2017. We provide the following comments.

Paragraph 4 and Attachment B of the Statement refers to items that are “yet to be resolved”.

Regarding **item 1 of Attachment B** relating to the Nurses Award, we note the submissions of the aged care employers dated 8 December 2016. The ANMF’s response is that it is our understanding that this issue was previously resolved. We refer to paragraph 48 of the Report to the Full Bench by Commissioner Roe dated 9 October 2015 which stated:

ITEM 62 Agreed. No action required to the exposure draft. The clause is sufficiently clear and there is no application for change by the parties.

This outcome reflected a conference held by Commissioner Roe on 8 October 2015: the relevant discussion is contained at PN207 to PN237 of transcript, especially at PN228 to PN237.

Regarding **item 2 of Attachment B** relating to the Nurses Award, the ANMF notes that its proposed rewording of clause A.1 has been withdrawn, as advised in submissions dated 17 March 2017 (at paragraph 3).

Finally, the ANMF considers that the changes proposed in **clauses 14.2(a) and 14.2(b) (shift penalties) and clauses 16.1 and 16.2 (Saturday and Sunday work)** should not be made, ie. the words ‘their minimum hourly rate’ should not be amended to ‘the amended minimum hourly rate’.

*Alternatively*, the wording should be amended to reflect similar wording agreed by the parties elsewhere in the exposure draft, for example clause 6.4(b) where the phrase “minimum hourly rate applicable to their classification and pay point” is used. This issue was discussed at length by the parties and the wording referred to was agreed in relation to several clauses, as indicated in paragraph 40 of the Report to the Full Bench by Commissioner Roe dated 9 October 2015 which stated:

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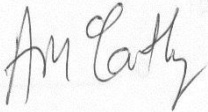
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ITEMS 2, 16, 19, 51, 53, 65, 68 AND 69 Agreed. These matters are resolved by the addition of the words “applicable to their classification and pay point” where the words “minimum hourly rate” are used in the clauses referred to in these items.

This outcome reflected a conference held by Commissioner Roe on 8 October 2015: the relevant discussion is contained at PN17 to PN64 of transcript, especially at PN58 to PN64. It is the ANMF’s submission that clauses 14.2 and 16 were inadvertently overlooked in that conference. The relevant clauses raise exactly the same issue as the agreed items. The rationale for the addition of the phrase is outlined in the ANMF’s submissions dated 21 August 2015 at paragraphs [8-9].

The ANMF has no further comments on the revised exposure draft, however reserves the right to respond to any other comments.

Yours sincerely

A handwritten signature in black ink, appearing to read "Am Cathy", is centered within a light gray rectangular box. The signature is written in a cursive, somewhat stylized font.

Andrew McCarthy  
Federal Industrial Officer