



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
PO Box 289
North Sydney NSW 2059
Australia
ABN 76 369 958 788

24 April 2020

Deputy President Gostencnik
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.gostencnik.dp@fwc.gov.au

Dear Deputy President,

Re. AM2020/1 Application to vary the Nurses Award 2010 – Draft Determination

We refer to the above matter.

Please find **enclosed** a draft determination setting out the variations sought to the *Nurses Award 2010* by the Australian Industry Group.

Yours sincerely,

Brent Ferguson
National Manager – Workplace Relations
Advocacy and Policy

Ruchi Bhatt
Senior Adviser – Workplace Relations
Policy



DRAFT DETERMINATION

Fair Work Act 2009

s.158 – Application to vary a modern award

Australian Industry Group, The
(AM2020/1)

NURSES AWARD 2010
[MA000034]

DEPUTY PRESIDENT GOSTENCNIK

MELBOURNE, [DATE]

Nurses Award 2010 – casual loading – weekend penalty rates – overtime rates.

A. Further to the decision issued on [date]¹, it is ordered that the *Nurses Award 2010*² be varied by:

1. Deleting clause 10.4(b) and inserting in lieu:

(b) A casual employee will be paid an hourly rate equal to 1/38th of the minimum weekly rate prescribed by this Award, appropriate to the employee's classification, plus a casual loading of 25% of that hourly rate.

2. Deleting clause 10.4(d) and inserting in lieu:

(d) Where a loading or a specified rate is payable to a casual employee for work performed during a shift, a weekend, a public holiday or overtime; it must be calculated on 1/38th of the minimum weekly rate prescribed by this Award. The 25% casual loading prescribed by clause 10.4(b) must be added to the rates payable during a shift, on a weekend, on a public holiday and during overtime.

3. By inserting a new clause 26.3:

26.3 The amount payable to a casual employee under clause 26 must be calculated in accordance with clause 10.4(d).

¹ [citation].

² MA000034.

4. By inserting a new clause 28.1(e):

(e) Casual employees

The amount payable to a casual employee under clause 28 must be calculated in accordance with clause 10.4(d).

5. By inserting a new clause 32.1(c):

(c) The amount payable to a casual employee under clause 32.1 must be calculated in accordance with clause 10.4(d).

B. This determination comes into operation on 1 January 2010.

DEPUTY PRESIDENT

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