



DETERMINATION

Fair Work Act 2009

s 160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

Variation on the Commission’s own motion – flexible work and unpaid parental leave amendments (AM2023/8)

AGED CARE AWARD 2010 [MA000018]

Aged care industry

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
VICE PRESIDENT ASBURY

SYDNEY, 10 JULY 2023

Variation on the Commission’s own motion – Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 – consequential amendments – flexible working arrangements – unpaid parental leave.

A. Further to the decision issued by the Full Bench on 30 June 2023 [[\[2023\] FWCFCB 107](#)], the above award is varied as follows:

1. By inserting the following notes as new paragraphs at the end of clause “9—Dispute resolution”:

NOTE 1: In addition to clause 9, a dispute resolution procedure for disputes regarding the NES entitlement to request flexible working arrangements is contained in section 65B of the Act.

NOTE 2: In addition to clause 9, a dispute resolution procedure for disputes regarding the NES entitlement to request an extension to unpaid parental leave is contained in section 76B of the Act.

2. By deleting the words “section 65(5)” appearing in the note to clause 25.2(j) and inserting “section 65A(3)”.

3. By deleting clause “27A—Requests for flexible working arrangements” and inserting the following:

27A. Requests for flexible working arrangements

Requests for flexible working arrangements are provided for in the NES.

NOTE: Disputes about requests for flexible working arrangements may be dealt with under clause 9—Dispute resolution and/or under section 65B of the Act.

4. By inserting clause “30A—Parental leave and related entitlements” as follows:

30A. Parental leave and related entitlements

Parental leave and related entitlements are provided for in the NES.

NOTE: Disputes about requests for extensions to unpaid parental leave may be dealt with under clause 9—Dispute resolution and/or under section 76B of the Act.

5. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation on 1 August 2023. In accordance with s 165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 August 2023.



PRESIDENT