



DECISION

Fair Work Act 2009
s.185—Enterprise agreement

Commonwealth of Australia represented by the Department of Health and Aged Care
(AG2023/5417)

DEPARTMENT OF HEALTH AND AGED CARE ENTERPRISE AGREEMENT 2024–2027

Commonwealth employment

DEPUTY PRESIDENT MASSON

MELBOURNE, 18 JANUARY 2024

Application for approval of the Department of Health and Aged Care Enterprise Agreement 2024-2027.

[1] An application has been made for approval of an enterprise agreement known as the *Department of Health and Aged Care Enterprise Agreement 2024-2027* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). It has been made by Commonwealth of Australia represented by the Department of Health and Aged Care. The Agreement is a single enterprise agreement.

[2] The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) (Amending Act) made a number of changes to enterprise agreement approval processes in Part 2-4 of the Fair Work Act, which commenced operation on 6 June 2023. By reason of the transitional arrangements for the Amending Act and the *notification time* for the Agreement of 24 February 2023, the *genuine agreement* requirements for agreement approval in Part 2-4 of the Fair Work Act, as it was just before 6 June 2023 apply to the present application. Further, as the Agreement was *made* on 15 December 2023 the *better off overall test* provisions in Part 2-4 of the Fair Work Act as amended on 6 June 2023 apply.

[3] I am satisfied that each of the requirements of ss.186, 187 and 188 as are relevant to this application for approval have been met.

[4] The Community and Public Sector Union, the Australian Salaried Medical Officers Federation and the Australian Nursing and Midwifery Federation being bargaining representatives for the Agreement, have given notice under s.183 of the Act that they want the Agreement to cover them. In accordance with s.201(2) I note that the Agreement covers these organisations.

[5] The Agreement is approved and, in accordance with s.54 of the Act, will operate from 25 January 2024. The nominal expiry date of the Agreement is 28 February 2027.



DEPUTY PRESIDENT

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