

**From:** Natalie Dabarera [mailto:Natalie.Dabarera@unitedvoice.org.au]  
**Sent:** Friday, 9 November 2018 4:55 PM  
**To:** AMOD; Chambers - Ross J  
**Cc:** Stephen Bull  
**Subject:** AM2018/13 - Aged Care Award 2010 -Substantive claims agreed

Dear Associate,

We refer to the Mention this morning at 11am 9 November 2018 before President Ross.

United Voice undertook to provide further information in relation to the Joint Report in the *Aged Care Award 2010*, and we do so as follows:

1. Following several conferences regarding substantive matters in the *Aged Care Award*, a Final Report was issued by Commissioner Lee on 8 December 2017. The Final Report stated in paragraph [2] that *'The summary is attached which reflects the position of the parties'* and contains a hyperlink to the Summary of Proposed Substantive Variations republished 8 December 2017.
2. The Summary of Substantive Variations identifies that claims S1, S6, S7 and S19 were resolved, and claim S 16 part resolved, and identifies that agreed draft determinations for the resolved matters are found in appendices to the Draft Report dated 11 September 2017 as follows:
  - S 1 - On call allowance and Remote response allowance - agreement as per Appendix 2
  - S 6 - Clothing and equipment allowance - agreement as per Appendix 8
  - S 7 – Damaged clothing allowance –agreement as per Appendix 5
  - S 16 –Sleepovers – part resolved – agreement as per Appendix 6 (variations not agreed at Appendix 7)
  - S 19 –Ceremonial leave –agreement as per Appendix 9
3. The parties identified as participants in the Draft Report dated 11 September 2017 were:
  - United Voice
  - Health Services Union of Australia
  - Australian Nursing and Midwifery Federation
  - Aged and Community Services Australia
  - Leading Aged Services Australia
  - Australian Business Industrial and NSW Business Chamber
4. In the Decision dated 21 March 2018 on Group 4 Awards [2018] FWCFB 1548, the substantive changes agreed to by the parties was confirmed by the Fair Work Commission. We refer to paragraphs [33] to [35] of the Decision (bold mine):

#### *2.2 Aged Care Award 2010*

[33] An exposure draft based on the Aged Care Award 2010 29 (Aged Care Award) was published on 19 May 2016. A summary of submissions about technical and drafting matters was subsequently published on 30 November 2016. An initial hearing was held on 6 December 2016 to discuss the submissions received. Australian Industry Group (Ai Group), the HSU, AFEI, Leading Aged Services Australia Limited, Aged and Community Services, Australian Nursing and Midwifery Federation (ANMF) and South Australian Employers' Chamber of Commerce and Industry Inc trading as Business SA (Business SA) appeared at the Hearing.

[34] A number of matters were resolved at the initial hearing. The outstanding matters were subject of consideration at further conferences. Commissioner Lee issued a Final Report to the Full Bench about the Aged Care Award on 17 March 2017. A revised exposure draft was republished on 10 July 2017.

[35] Updated summaries of submissions were published for the technical and drafting matters and the substantive issues on 20 November 2017. **A further Report about the substantive matters was issued on 8 December 2017. We are satisfied that it is appropriate to make the changes agreed to by the interested parties, as outlined in the Reports.**

5. The latest Exposure Draft (dated 23 March 2018) has not been updated to reflect these changes.

Warm regards

**Natalie Dabarera**  
**National Industrial Officer**  
**United Voice**



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