



AMENDED DIRECTIONS

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

Aged Care Award 2010

(AM2020/99 and AM2021/63)

Nurses Award 2020

(AM2021/63)

Social, Community, Home Care and Disability Services Industry Award 2010

(AM2021/65)

DEPUTY PRESIDENT ASBURY

DEPUTY PRESIDENT O'NEILL

COMMISSIONER BISSETT

BRISBANE, 6 DECEMBER 2022

Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2020 – Social, Community, Home Care and Disability Services Industry Award 2010 – amended directions

[1] On Friday 2 December 2022, the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022* (the Bill) passed both houses of the Australian Parliament. It is expected that the Bill will shortly receive royal assent, thus becoming an Act of Parliament that amends the *Fair Work Act 2009*.

[2] As we have previously observed, the Bill contains a number of provisions that would affect these proceedings. Of these, the following would commence on the day after the Bill receives royal assent:

- amendments to the object of the *Fair Work Act 2009* to include reference to the promotion of job security and gender equality¹
- amendments to the modern awards objective to include secure work and gender equality considerations, including ensuring equal remuneration for work of equal or comparable value, eliminating gender-based undervaluation of work and providing workplace conditions that facilitate women's full economic participation²
- amendments to the minimum wages objective to include gender equality considerations including ensuring equal remuneration for work of equal or comparable

¹ Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022, item 346.

² Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022, item 347.

value, eliminating gender-based undervaluation of work and addressing gender pay gaps³

- the addition of s.157(2B) specifying that the Commission's consideration of work value must be free of assumptions based on gender and include consideration of whether historically the work has been undervalued because of assumptions based on gender.⁴

[3] On 5 December 2022 the Commission received [correspondence](#) from the ANMF noting these changes and applying to amend the directions at paragraph [6] of the Statement of 23 November 2022.⁵

[4] The ANMF propose that the directions be amended so that the filings referred to at paragraphs 1 and 2 include reference to submissions and evidence in respect of each of the four abovementioned amendments together with any other provisions that have commenced and that the parties consider relevant to Stage 2 of these proceedings.

[5] We agree and the directions are amended as follows:

1. By **5pm on Friday, 16 December 2022 (AEDT)**, the Commonwealth will file submissions or evidence regarding:

- the matters set out at paragraph [3] of the 23 November 2022 Statement;
- each of the four amendments set out at paragraph [2] above, together with any other provisions that have commenced and that the Commonwealth considers relevant to Stage 2 of these proceedings; and
- if relevant, paragraph [10] of the 17 November 2022 Statement⁶ (consultation in respect of increases to minimum wages for Head Chefs/Cooks and Recreational Activities Officers/Lifestyle Officers).

2. By **5pm on Friday, 20 January 2023 (AEDT)**, the Applicant Unions, Joint employers and other interested parties will file submissions and evidence regarding:

- the matters set out at paragraph [3] of the 23 November 2022 Statement;
- each of the four amendments set out at paragraph [2] above, together with any other provisions that have commenced and that the parties consider relevant to Stage 2 of these proceedings; and
- if relevant, paragraph [10] of the 17 November 2022 Statement (consultation in respect of increases to minimum wages for Head Chefs/Cooks and Recreational Activities Officers/Lifestyle Officers).

³ Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022, item 349.

⁴ Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022, item 352.

⁵ [2022] FWCFB 214

⁶ [2022] FWCFB 208

3. All parties will file any submissions and evidence in reply by **5pm** on **Thursday, 9 February 2023 (AEDT)**.

4. The matters will be listed for Hearing (if required) in Melbourne at **10am** on **Monday, 13 February 2023 (AEDT)**.

[6] The parties remain at liberty to apply for further amendments.



DEPUTY PRESIDENT

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