

**From:** AMOD  
**Sent:** Friday, 14 May 2021 9:52 AM  
**To:** 'Daniel Crute' <[dcrute@anmf.org.au](mailto:dcrute@anmf.org.au)>  
**Subject:** RE: AM2019/17 - finalisation of Exposure Drafts and draft variation determinations

OFFICIAL

Dear Mr Crute,

I refer to matter **AM2017/19** and your correspondence of 5 May 2021.

President Ross advises that a revised exposure draft and a revised draft variation determination for the *Nurses Award 2010* will shortly be published by the Commission.

This email and your correspondence will shortly be published to the website.

If you have any further queries, please contact me on the email address below.

Kind regards,

**Erin Bulluss**  
Modern Awards, Economics and Research Section

Fair Work Commission  
[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

**From:** Daniel Crute <[dcrute@anmf.org.au](mailto:dcrute@anmf.org.au)>  
**Sent:** Wednesday, 5 May 2021 1:22 PM  
**To:** AMOD <[AMOD@fwc.gov.au](mailto:AMOD@fwc.gov.au)>  
**Subject:** AM2019/17 - finalisation of Exposure Drafts and draft variation determinations

Dear Sir/madam,

Please find attached correspondence for your attention.

Kind regards,

**Daniel Crute** | **Federal Industrial Officer**  
**Australian Nursing & Midwifery Federation**  
Level 1, 365 Queen Street Melbourne Victoria 3000  
T: (03) 9602 8500 | F: (03) 9602 8567  
E: [dcrute@anmf.org.au](mailto:dcrute@anmf.org.au) | W: [www.anmf.org.au](http://www.anmf.org.au)



5 May 2021

President Ross  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

Via email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear President,

**4 yearly review of modern awards – finalisation of Exposure Drafts and draft variation determinations – Nurses Award 2010 (AM2019/17)**

The ANMF notes that finalisation of the four yearly review has not been completed with respect to the *Nurses Award 2010* (the Award).

On 4 December 2020, the Full Bench issued a Statement concerning the Award and the finalisation of Exposure Drafts and draft variation determinations.<sup>1</sup> The Full Bench stated it would not issue a final variation determination for the Award at that time and would await the decision in matter AM2020/1.<sup>2</sup>

On 13 January 2021, the Full Bench handed down its decision in matter AM2020/1.<sup>3</sup> The Full Bench stated:

[81] We have found that the Relevant Clauses are not ambiguous or uncertain nor do they contain an error for the purposes of s.160 of the Act. We therefore decline to make a determination varying the Nurses Award as sought in the Proposed Variations. We have also found that the Proposed Variations are not necessary to achieve the modern awards objectives pursuant to s.157. Accordingly, we also decline to make a determination varying the Nurses Award as sought in the Proposed Variations pursuant to s.157.

The Full Bench then went on to dismiss the application of The Australian Industry Group to vary the Award.<sup>4</sup>

In light of the above, the ANMF respectfully request a revised Exposure Draft and draft final variation determination be issued by the FWC at its earliest convenience so we can finalise the making of the new *Nurses Award*.

Yours faithfully,  
Daniel Crute  
Federal Industrial Officer

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<sup>1</sup> [2020] FWCFB 6499

<sup>2</sup> *Ibid.*, at [23]

<sup>3</sup> [2021] FWCFB 115

<sup>4</sup> *Ibid.*, at [81]

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