

Form F48 – Application for directions on procedure

Fair Work Commission Rules 2013, Rule 7

This is an application to the Fair Work Commission for directions about procedure in relation to a matter in accordance with the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making this application. The applicant for directions on procedure may be different from the applicant in the matter before the Commission.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address	Level 1, 365 Queen Street		
Suburb	Melbourne		
State or territory	Victoria	Postcode	3000
Phone number	(03) 9602 8500	Fax number	(03) 9602 8567
Email address	kwischer@anmf.org.au		

If the Applicant is a company or organisation

If the Applicant is a company or organisation please also provide the following details

Legal name of Applicant	AUSTRALIAN NURSING AND MIDWIFERY FEDERATION
Applicant's trading name or registered business name	AUSTRALIAN NURSING AND MIDWIFERY FEDERATION
Applicant's ACN (if a company)	
Applicant's ABN (if applicable)	41 816 898 298
Contact person	KRISTEN WISCHER (Senior Federal Industrial Officer)

Does the Applicant need an interpreter?



If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Applicant have a representative?



A representative is a person or organisation who is representing the Applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative's details below

No

Applicant's representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person	NICHOLAS WHITE		
Firm, organisation or company	GORDON LEGAL		
Postal address	Level 22, 181 William Street		
Suburb	Melbourne		
State or territory	Victoria	Postcode	3000
Phone number	(03) 9603 3035	Fax number	(03) 9603 3050
Email address	nwhite@gordonlegal.com.au		

Is the Applicant's representative a lawyer or paid agent?

Yes

No

The other party



These are the details of the other party in the matter.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

If the other party is an organisation

If the other party is an organisation please also provide the following details

Legal name of organisation	
Trading name of organisation	
ABN/ACN	
Contact person	

1. Preliminary

1.1 Are you seeking directions for an existing matter?

Yes – Go to 1.2

No – Go to 1.3

1.2 What is the name and matter number for the matter?

Name: Work value case – aged care industry

Matter numbers: AM2020/99, AM2021/63 and AM2021/65

1.3 What is the type of matter that you want to initiate?

Briefly, provide the details of the type of matter.

2. Reasons for seeking directions

2.1 Why are you applying to the Commission for directions?

[X] The procedure is not prescribed by the FW Act, the Fair Work Commission Rules, the regulations or any other Act or regulations. Provide details below.

[] You are in doubt about the proper procedure to follow. Provide details below.

1. On 1 July 2021, the Commission made directions in these matters which included the following:
 6. *The Applicants will file any agreed position involving union parties, employers, employer associations and/or the Australian Government in relation to the matters by 4pm on **Friday 20 August 2021**.*
 - ...
 16. *The parties are granted liberty to apply to vary the above directions.*
2. On 30 July 2021, the Australian Nursing and Midwifery Federation (“ANMF”) made an application to vary the directions dated 1 July 2021 so that the Applicants will file any agreed position involving union parties, employers, employer associations and/or the Australian Government in relation to the matters by 4pm on **Friday 19 November 2021**.
3. On 2 August 2021, the Commission varied the directions dated 1 July 2021 as sought by the ANMF. See *Re Aged Care Award 2010* [2021] FWCFB 4667.
4. The amended directions dated 2 August 2021 included the following:
 6. *The Applicants will file any agreed position involving union parties, employers, employer associations and/or the Australian Government in relation to the matters by 4pm on **Friday 19 November 2021**.*
 - ...
 16. *The parties are granted liberty to apply to vary the above directions.*
5. The Aged Care Workforce Industry Council (“ACWIC”) has published three Communiqués referring to the Facilitated Stakeholder Discussions that it is conducting for the purpose of the matters before the Commission. Attached to this application is a copy of each of those Communiqués.
6. Parties to the Facilitated Stakeholder Discussions consider that an extension of time for compliance with paragraph [1](6) of the amended directions dated 2 August 2021 is required in order to allow sufficient time for the process to be completed. While noting that it is a matter for the Commission, the ACWIC suggested that the parties might seek an extension of time to 4pm on **Friday 17 December 2021**. None of the parties to the Facilitated Stakeholder Discussions have raised any objection to this proposed extension of time.
7. On that basis, the ANMF exercises liberty to apply to vary the amended directions dated 2 August 2021 so that the Applicants will file any agreed position involving union parties, employers, employer associations and/or the Australian Government in relation to the matters by 4pm on **Friday 17 December 2021**.

3. Proposed directions.

Set out your proposed directions you are seeking, if any (optional).

1. The time for compliance with paragraph [1](6) of the amended directions dated 2 August 2021 is varied to 4pm on **Friday 17 December 2021**.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	NICHOLAS WHITE GORDON LEGAL
Date	12 November 2021
Capacity/Position	Applicant's representative



Where this form is not being completed and signed by the Respondent, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS



AGED CARE

WORKFORCE INDUSTRY COUNCIL

COMMUNIQUÉ 8 JULY 2021 COUNCIL MEETING

Strategic Action 6 Request for Quote (RFQ) Advertised

The Council continues to implement the Strategic Actions outlined within Australia's aged care workforce strategy 'A Matter of Care'. This Communique outlines key achievements made on two of the Strategic Actions.

Development of a digitally interactive Workforce Planning Tool

Our aim is to foster and develop practical tools to create a better, more sustainable aged care system across Australia with a clear focus on the consumer.

Community expectations have changed to require more individualised models of care and to deliver on the preference of older people to stay in their own homes. The Council has agreed to develop a tool to support aged care organisations to understand and manage their workforce, anticipate changes and enhance their business outcomes.

To this end we are working to establish an interactive workforce planning tool with an embedded skills mix functionality that can be tailored to meet the individual needs of aged care providers and their workforce.

To inform this work, on Monday 28 June, the Council released a Request for Quote for SA 6 titled '*Workforce Planning: Interactive workforce planning digital tool for the aged care sector*'. It is available on the [Council's website](#) and the [Australian Tenders website](#). It closes on 26 July.

Supporting applications to increase wages across the aged care sector

The Council is about to start a comprehensive engagement process to facilitate discussions across unions, providers and the Federal Government with regard to developing a clear position to inform the aged care related work value claims currently before the [Fair Work Commission](#).

The Council agreed to undertake this role at the request of the Health Services Union, Australian Nursing and Midwifery Federation and the United Workers Union. This approach is also consistent with Recommendation 76.2e from the Royal Commission into Aged Care Quality and Safety Final Report which outlines that:

"the Council should lead the Australian Government and the aged care sector to a consensus to support applications to the Fair Work Commission to improve wages based on work value and/or equal remuneration, which may include redefining job classifications and job grades in the relevant awards."



The Council welcomes this recommendation and is well placed to support. We are very pleased to announce that Anna Booth and Julius Roe, who both have significant experience in industrial relations matters, will be engaged to assist the Council in this work to:

- (i) facilitate discussions across unions, Government and providers, in support of the Fair Work work-value cases, and
- (ii) provide advice on the projects to deliver strategic actions 4, 8 and 13.

This work is the core remit of the Council. It is a critical area that requires strong and rigorous alignment to support reform. This includes development of a strong case to support current industrial relations matters, as well as designing the blueprint that envisages the longer-term workforce structure, industrial relations framework, and the true costs of the aged care workforce.

This blueprint will inform current and future Governments and Sector leaders in planning for a robust, well supported aged care workforce into the future.

The Council's next Board meeting will take place on 5 August 2021.

AGEDCARE

WORKFORCE INDUSTRY COUNCIL

COMMUNIQUÉ

Facilitated Stakeholder Discussion

Introduction

On Wednesday 8 September and Monday 27 September 2021, the Council convened meetings with stakeholders from the aged care sector to discuss the applications made by the Health Services Union and the Australian Nursing and Midwifery Federation (the unions) to the Fair Work Commission (FWC) to increase the wage rates of aged care sector workers by 25%. The meeting was facilitated by CoSolve.

ACWIC convened this meeting in response to the recommendation of the Royal Commission into Aged Care, Quality and Safety Recommendation 76.2.e¹ and supported by the unions.

Participants from stakeholder organisations that represent the aged care workforce, aged care providers, and consumers - older Australians and their families attended the meeting. The Commonwealth Government through the Department of Health declined the invitation to attend. The names of the organisations represented are listed below.

Meeting purpose

The purpose of the meetings was to explore the potential for developing consensus amongst the stakeholders about the FWC applications.

Participants agreed that there is value in undertaking a consensus process in relation to the FWC applications. The consensus will be documented and provided to the FWC Full Bench for their deliberation.

Next steps

A sub-committee of the group has been established to seek to refine a report that will be presented to the FWC by Friday 19 November 2021.

Opportunities to provide input

¹ Royal Commission into Aged Care, Quality and Safety Recommendation 76
(2) By 30 June 2022, the Aged Care Workforce Industry Council Limited should:

...

(e) lead the Australian Government and the aged care sector to a consensus to support applications to the Fair Work Commission to improve wages based on work value and/or equal remuneration, which may include redefining job classifications and job grades in the relevant awards.

Should you wish to provide input into the discussions, please contact your representative organisation to share your views and feedback.

Organisations represented at the 8 and 27 September 2021 Facilitated Stakeholder Discussions

Aged & Community Services Australia (ACSA)

Aged Care Industry Association (ACIA)

Aged Care Reform Network

Australian Nursing and Midwifery Federation (ANMF)

Carers Australia

Council on the Ageing (COTA)

Dementia Australia (*27 September 2021 meeting only*)

Health Services Union (HSU)

Leading Age Services Australia (LASA)

National Seniors Australia (*8 September 2021 meeting only*)

Older Persons Advocacy Network (OPAN) (*8 September 2021 meeting only*)

United Workers Union (UWU)

Directors of the Aged Care Workforce Industry Council's Board participated in the discussions in their capacity as 'A Matter of Care' Strategic Action sponsors.

AGED CARE

WORKFORCE INDUSTRY COUNCIL

COMMUNIQUÉ 2 SEPTEMBER & 7 OCTOBER 2021 COUNCIL MEETINGS

Implementing the Royal Commission's recommendations

The Final Report of the Royal Commission into Aged Care Quality and Safety has shown that having a workforce with the right skills mix and attributes is essential to delivering person-centred, quality care.

The success of any reforms to the aged care sector are contingent upon a clear pathway to grow, upskill and better acknowledge the aged care workforce. The Council is committed to creating a better, more sustainable aged care system across Australia with a clear focus on building the capacity of the aged care workforce so that workers feel supported and valued to deliver the care that older people, their families and carers expect.

The majority of recommendations reiterate the importance of the work the Council is currently undertaking to oversee, coordinate and sequence the implementation of 'A Matter of Care'. Within the report, Commissioners Briggs and Pagone made specific recommendations for the Council to implement (recommendation 76).

An update on the Council's activities against the recommendation is outlined below.

Recommendation 76.1

By 1 July 2021, the Aged Care Workforce Industry Council Limited should:

- a. invite the Australian Government to become a member**
- b. review membership of the Council to ensure it is comprised of individuals, including worker representatives, who represent the breadth and diversity of the aged care workforce with an appropriate mix of skills and experience to lead and drive change across the sector**

On 1 July 2021, the Council welcomed its inaugural Chair, Libby Lyons. The Council has commenced the process of filling two Board Director positions. Consideration is being given to the specific skills and expertise to capture the diversity of the aged care sector and their workforce.

The Council values its relationship with the Australian Government. The Chair and CEO meet monthly with Senator the Hon Richard Colbeck (Minister for Senior Australians and Aged Care Services), and a senior member of the Department of Health is invited to attend each month's Board meeting through the Department of Health. Council staff work closely with the Department of Health to oversee and sequence the implementation of 'A Matter of Care'.

Recommendations 76.2 & 76.4

2. (Commissioner Briggs) By 30 June 2022, the Aged Care Workforce Industry Council Limited should:

- a. **review the qualifications and skills framework to address current and future competency and skill requirements and to create longer-term career paths for aged care workers, in conjunction with the work to be undertaken to seek review of award rates in aged care**
- b. **review all aged care occupational groups, jobs and job grades to ensure they reflect the skills, capabilities, knowledge and competencies as well as the structure required in the new aged care system**
- c. **revise the competency and accreditation requirements for all job grades in the aged care sector to ensure education and training builds the required skills and knowledge**
- d. **standardise job titles, job designs, job grades and job definitions for the aged care sector, and**
- e. **lead the Australian Government and the aged care sector to a consensus to support applications to the Fair Work Commission to improve wages based on work value and/or equal remuneration, which may include redefining job classifications and job grades in the relevant awards.**

4. From 1 July 2022, the Aged Care Workforce Industry Council Limited should map career pathways for the aged care sector. These career pathways should:

- a. **highlight opportunities for nurses to advance in clinical and managerial roles in the aged care sector**
- b. **facilitate personal care workers having opportunities to move laterally across aged care, disability care, community care and primary health care and vertically in aged care by advancing into nursing, specialist care roles and supervisory or managerial roles**
- c. **develop and document career opportunities in the aged care sector for non-direct care workers, including kitchen hands, cooks, cleaners, gardeners, drivers, security and people performing administrative roles.**

The Council has commenced work to document the future structure of the aged care workforce, that is, the job roles and job families that will be required across the workforce to deliver models of care which holistically address the physical, social and emotional needs of older people. This will include career pathways mapping, acknowledging that the Government has also asked the Human Services Skills Organisation to lead on work regarding qualifications and career pathways.

This work will benefit the key groups in the following ways:

- **Employees:** Outline clear career pathways for people working in aged care
- **Employers:** Support business and service delivery planning now and into the future
- **Government:** Assist with aged care policy, workforce and budget planning and development
- **Registered training organisations:** Inform the skills and knowledge required by future students enrolled in Certificate III and IV courses

The Council has accepted the Royal Commission's recommendation to document consensus to support applications to the Fair Work Commission (FWC) to improve wages based on work value and/or equal remuneration (76.2.e). While we have an important role to play, the Council is not party to any application before the FWC. We are holding facilitated discussions with key stakeholders (unions, provider organisations and consumer groups) with the aim of achieving

consensus in relation to the applications. Arising from these discussions a report will be submitted to the FWC by 19 November 2021. Refer to the Council's earlier [Communique](#) for further information.

Recommendation 76.3

The Aged Care Workforce Council Limited should work collaboratively with the Aged Care Workforce Planning Division so that its work complements aged care workforce design and planning.

The Council works closely with the newly established Market and Workforce Division within the Department of Health. If an Aged Care Workforce Planning Division is established, the Council will extend the working relationship to the new Division.

Recommendation 76.5

By 1 July 2022, the Aged Care Workforce Industry Council Limited should lead a national multimedia campaign aimed at raising awareness of career paths and opportunities in aged care.

The Council ran the first part of our '[Bring your thing](#)' campaign from March until August this year. The social media campaign encouraged those whose employment was impacted by the pandemic (e.g. hospitality, retail, tourism, travel), and who have transferable skills, to consider a role in aged care.

We also targeted males, younger people and those wanting a career change where they can make a positive change each and every day by bringing their IT, finance or communications skills to a new sector. In addition, we aimed to positively change people's perceptions of ageing and aged care.

The Department of Social Services (DSS) has recently launched its '[Life changing life](#)' campaign. We are considering where we can deliver most impact following the DSS campaign before we develop our next steps, noting that Council funding for the social change campaign is significantly smaller than the DSS budget.

Recommendation 76.6

The Australian Government should provide the necessary funding and resources to enable the Aged Care Workforce Industry Council Limited to implement the workforce recommendations of this Royal Commission and to build on its work implementing the Aged Care Workforce Strategy Taskforce's strategic actions.

The Council receives funding from the Commonwealth Government to oversee, coordinate and sequence the implementation 'A Matter of Care'. Funding does not cover implementation of all Strategic Actions under A Matter of Care, particularly those which relate to Royal Commission recommendations such as 76.2 a, b, c and d where responsibility lies with other Government portfolios such as Education, Skills and Employment.

Information on opportunities and how to participate in the work of the Council will be listed on our website www.acwic.com.au.

If you have any questions, please do not hesitate to contact the Council via contact@acwic.com.au.

The Council's next Board meeting will take place on 4 November 2021.