



# DECISION

*Fair Work Act 2009*  
s.185—Enterprise agreement

**Corumbene Nursing Home For The Aged Inc. T/A Corumbene Care**  
(AG2024/1389)

## **CORUMBENE NURSING HOME FOR THE AGED INC. GENERAL AGREEMENT 2023**

Aged care industry

COMMISSIONER WILSON

MELBOURNE, 28 MAY 2024

*Application for approval of the Corumbene Nursing Home for the Aged Inc. General Agreement 2023*

[1] An application has been made for approval of an enterprise agreement known as the *Corumbene Nursing Home for the Aged Inc. General Agreement 2023* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). It has been made by Corumbene Nursing Home For The Aged Inc. T/A Corumbene Care. The Agreement is a single enterprise agreement.

[2] The notification time for the Agreement under s.173(2) was 18 December 2023 and the Agreement was made on 16 April 2024. Accordingly, both the genuine agreement and the better off overall test requirements are those applying on and from 6 June 2023.<sup>1</sup>

[3] The Employer has provided written undertakings. A copy of the undertakings is attached in Annexure A. I am satisfied that the undertakings will not cause financial detriment to any employee covered by the Agreement and that the undertakings will not result in substantial changes to the Agreement. The undertakings are taken to be a term of the agreement.

[4] Subject to the undertakings referred to above, I am satisfied that each of the requirements of ss.186, 187, 188, 193 and 193A as are relevant to this application for approval have been met. The Agreement does not cover all of the employees of the employer. However, taking into account the factors in sections 186(3) and (3A), I am satisfied that the group of employees was fairly chosen.

[5] The Health Services Union 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 the organisations.

**[6]** The Agreement is approved and, in accordance with s.54 of the Act, will operate from 4 June 2024. The nominal expiry date of the Agreement is 30 June 2026.



COMMISSIONER

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**Annexure A**



**CORUMBENE NURSING HOME FOR THE AGED INC. GENERAL ENTERPRISE AGREEMENT 2023**

The organisation undertakes that the following clauses will be amended as follows:

1. Clause 6 is amended to ensure it is in keeping with the National Employment Standards (NES). The particular definition (ie. member of the employee's household) is to have no effect.
2. Clause 19.3 will operate only if an Individual Flexibility Arrangement is entered in to in accordance with Clause 9.
3. Clause 26.7 notice requirements are amended in keeping with the National Employment Standards (NES).
4. Clause 28(f) is amended to state that the term 'pregnancy loss' includes loss of a child by way of miscarriage or stillbirth.

Yours sincerely

Alison Standen  
Chief Executive Officer

16 May 2024

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<sup>1</sup> The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) made a number of changes to enterprise agreement approval processes in Part 2-4 of the Fair Work Act. Those changes broadly commenced operation on 6 June 2023, subject to various transitional arrangements which are not applicable to the present application.