

Productivity Commission

5 Pillars Inquiry

Submission of the United Workers Union

15 September 2025

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Acknowledgement to Country

The United Workers' Union is a national trade union. We acknowledge and respect the continuing spirit, culture and contribution of Traditional Custodians on the lands where we work, and pay respects to Elders – past, present and emerging. We extend our respects to Traditional Custodians of all the places that United Workers' Union members live and work around the country.

About the United Workers' Union

United Workers Union ('UWU') is a powerful union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. We are proud of the work we do – our early childhood educators are shaping the future of the nation one child at a time; supermarket logistics members pack food for your local supermarket and farms workers put food on Australian dinner tables; hospitality members serve you a drink on your night off; aged care members provide quality care for our elderly and cleaning and security members ensure the spaces you work, travel and educate yourself in are safe and clean.

Introduction

United Workers Union (UWU) members across areas as diverse as early childhood education and care (ECEC), aged care, disability support, logistics, manufacturing, casinos, cleaning, security, hospitality, public education and health would be impacted by the draft proposals contained in the Productivity Commission (the Commission)'s 'five pillars of productivity' interim reports.¹ This submission will address selected issues raised by the Commission, including corporate tax reform, business regulation, workforce skills and qualifications, AI and digital technology, and the delivery of quality care.

UWU is supportive of government taking the initiative to investigate ways to boost Australian productivity growth to enhance economic prosperity. However, we believe that the Commission's interim reports reflect a narrow view of the concept of productivity. The recommendations in these reports treat workers as 'inputs', with no scope for initiative, and little economic value to add. Employers on the other hand are treated as *the* source of productivity, which needs to be coaxed out of them through incentives such as business tax cuts, and light touch regulation.

What gets missed from a narrow view of productivity

Productivity measures output produced in a certain time frame and for a certain price as determined by a market.² However, while markets can value certain products at what the Australian Bureau of Statistics (ABS) calls ‘economically significant prices’, there is also a ‘non-market sector’ which provides services free of charge, or at very low prices not determined by markets.³

The non-market sector covers industries such as Education and Training, and Health care and Social Assistance. However, ‘non-market’ does not mean an absence of markets. The National Disability Insurance Scheme (NDIS) has a ‘market’ for its services even though its industry is in the non-market sector. The ‘non-market’ label means that work which is highly socially valued (such as care) does not ‘perform’ well in productivity measures.⁴ This makes determining its output per hour worked difficult.⁵ In residential aged care for example, there has been a workforce requirement since 2023 for 24/7 registered nurse coverage and mandatory targets for a certain number of minutes of direct care per day to each resident (the current sector wide average is 215 minutes of care per resident per day).⁶ UWU members advocated for the introduction of minimum care time, because it improves the quality of care for residents. But this is a benefit that would not be recognised under traditional measures of productivity.

Traditional measures of productivity overlook the facilitating roles that the care sector and human services such as education and health make to the efficient and productive functioning of society. Early childhood services facilitate greater participation in the workforce for parents, particularly women, through providing education and care for young children. Disability support services can also enhance engagement with the labour market and improve workforce participation for those with a disability. Investment in health and education services equips Australian workers with the skills and capacities needed to participate in the workforce.⁷ The value of these services is not captured by ‘output per hour worked’, but the market sector would not be (in the words of the Commission’s preliminary paper for these inquiries) ‘match fit’ without the conditions facilitated by the non-market sector.⁸ The Commission’s rhetoric about whether our ‘mindsets’ make us ‘match fit’ economically are an unfortunate distraction from crucial issues such as the quality of outcomes and the distribution of gains. The real question is who benefits from productivity growth, and UWU advocates for the benefits of productivity growth to be shared with workers through higher wages, better working conditions and more leisure time.

The role of unions as a worker voice on productivity

The widespread adoption of neoliberal reforms over the few decades, such as deregulation, privatisation, outsourcing, and de-unionisation, were sold on the promise that productivity

would flow from their adoption.⁹ In reality, this period has marked by low investment in technology and innovation by employers in Australia.¹⁰ Wealth and income inequality has also increased, and the increase would be even greater if it had not been restrained by the union movement's defence of workplace conditions such as minimum wages, and the right to bargain collectively.

The Commission should commit to engaging with unions and listening to the voices of workers, whose concerns are all too often absent from considerations in the interim reports.

In this submission, UWW has responded to the interim recommendations in 4 pillars including in relation to creating a more dynamic and resilient economy, building a skilled and adaptable workforce, harnessing data and digital technology and delivering quality care more efficiently. While we have not responded directly to the interim recommendations in Pillar 4: *Investing in cheaper, cleaner energy and the net zero transformation*, UWW recognises the importance of addressing climate change. UWW members are increasingly affected by its impacts at work and in their communities. As Australia transitions to a greener economy, it is essential to prioritise the creation of safe, secure, and well-paid local jobs in renewable energy, transmission, and storage projects. We support investment in re-skilling, retraining and redeploying workers. Addressing climate change requires creating secure climate resilient jobs.

UWW's positions and recommendations

Creating a more dynamic and resilient economy

1. UWW recommends reforms to improve the effectiveness of the tax system by closing loopholes that currently allow corporations to avoid paying their fair share. Actions should include:
 - Taxing the distributions from trusts at the corporate tax rate, to discourage the use of trusts in profit shifting.
 - Limiting the ability of multinationals to exploit intellectual property (IP) to shift profits, by restricting their ability to claim deductions.
 - Expanding the scope of public country-by-country reporting for corporations. This will increase the number of listed countries for which companies need to report to the ATO on their profits, revenues, and taxes paid. With more reporting there will be fewer remaining 'secrecy jurisdictions' in which companies can avoid paying tax by hiding their liabilities.

- Governments refusing contracts with businesses who avoid tax or tax transparency.
 - Strengthening whistleblower protections for workers revealing tax corruption.
2. UWU opposes the proposal to reduce the headline company tax rate to 20% for companies with turnover of less than \$1 billion.
 3. UWU does not support the proposed 5% net cash-flow tax on all firms. Instead, the Commission should consider options to ensure that businesses pay a minimum tax rate on revenues or a tax on the excess profits of large corporations.

Building a skilled and adaptable workforce

4. Rather than offering unproven financial incentives to employers, UWU recommends the Commission focus on directly improving access to workplace-related training for workers. This should be done with industry-specific policies targeted at lifting training rates, ensuring workers are paid for attending training and ensuring that shifts are properly backfilled to support participation.

Harnessing data and digital technology

5. UWU recommends that the Federal Government should require all employers to reach AI Implementation Agreements with workers (including worker representatives) before new technologies are introduced into workplaces. AI Implementation Agreements should include guarantees on job security, skills development and retraining, transparency over all technology used, genuine privacy protections for workers, and protections on the collation and use of worker data.
6. UWU recommends the Commission explore reforms that guarantee workers can access the data their employer holds about them and are protected in how that data is collected, stored, and used.
7. UWU supports making digital financial reporting the default. Financial statements should be filed in a machine-readable format, in the interests of increasing corporate accountability and making financial data more accessible to workers and the public.

Delivering quality care more efficiently

8. UWU supports a single national worker screening clearance across aged care, NDIS and veteran's care, but we strongly oppose the inclusion of ECEC in such a scheme.

The ECEC sector is already in the process of developing a national worker registration scheme (which will include screening checks), which is expected to be rolled out by February 2026.

9. UWU supports, in-principle, a unified worker registration scheme across aged care, disability support and veteran's care. However, the scheme must be sector specific where appropriate, and the implementation of the aged care personal care worker registration scheme, which is well-developed, should not be delayed while a unified scheme is considered.
10. UWU supports an initial common suitability assessment in aged care, NDIS and veteran's care but strongly opposes the inclusion of ECEC.
11. UWU does not support 'mutual recognition of audits' for NDIS and aged care providers.
12. UWU supports regulation of AI in the care sector, however whether the approach is consistent across specific sectors should be driven by the needs of care recipients and workers and requires consultation and engagement with both groups.
13. UWU opposes the proposal to standardise quality and safety reporting across the care sector, and we oppose the proposal to combine aged care quality standards and NDIS practice standards.
14. UWU opposes the establishment of a single quality and safety regulator in aged care, NDIS, and veterans' care.
15. UWU is not opposed, in principle, to exploring greater alignment in the regulation of behaviour support plans and use of restrictive practices. However, to improve outcomes for care recipients, it is essential that providers ensure workers receive training in implementing Behaviour Support Plans (BSPs) and restrictive practices, have access to relevant information about each client's BSP, and are supported by adequate staffing levels to meet the needs of those they are supporting.

Pillar 1: Creating a more dynamic and resilient economy

Corporate tax reform to spur business investment

- *Draft recommendation 1.1 - Pivot the corporate tax system to a more efficient mix of taxes.*
- *Draft recommendation 1.2 - Lower the headline company tax rate to 20%.*
- *Draft recommendation 1.3 - Introduce a net cashflow tax of 5%.*

While the perennial complaint about Australia's 30% corporate tax rate is that it is *'the second highest ... in the developed world'*,¹¹ it remains the case that 31% of large companies operating here do not pay *any* tax.¹² Favourable tax rules along with a lack of monitoring by tax authorities give corporations considerable scope to reduce their tax payable.

Therefore, pivoting the corporate tax system to a more efficient mix of taxes should not be treated as synonymous with a tax cut. A more efficient tax system is one that minimises the opportunities for tax avoidance that are rife throughout the tax system. These include profit shifting using trusts and/or intellectual property laws to claim deductions in low tax jurisdictions, or to avoid paying tax entirely. Efficiency in the tax system would also be enhanced by setting a minimum tax rate on corporate revenues, thus disincentivising companies from expending their administrative resources on reducing their tax payable to zero. Companies would gain more from investing in new productive assets, rather than finding ways to hide their profits.

The argument that reducing corporate taxation would spur economic growth has very little evidence behind it. An Australia Institute report from 2017 found no correlation between corporate tax rates and growth in OECD countries.¹³ A more recent discussion paper published by the Reserve Bank, written by ANU researchers positively inclined towards business tax cuts, nevertheless found the Australian evidence for the effectiveness of corporate tax cuts *'mixed at best'*.¹⁴ Reducing revenue from corporate taxes also means more revenue must be collected from either personal income taxes, or from the regressive GST – increasing the tax burden on low to middle income earners. A Treasury paper from 2019 by James Kelly and Robert Graziani notes that the benefits of increased foreign investment from cutting the company tax rate must *'be weighed against the costs (largely revenue) and implications for taxing residents'*.¹⁵ They also note that, whatever the theoretical objections to Australia's company tax rate, *'it is not clear that there are significant competitiveness problems'*, with the actual existing rate.

The Commission's specific proposal is to reduce the headline company tax rate to 20% for companies with turnover of less than \$1 billion, while those above would remain at 30%. UWU notes that, in the Interim Report's appendix on 'Supporting analysis' for corporate tax reform, modelling commissioned by the Commission for the inquiry estimates that in 2025, 54% of the company income tax base takes the form of economic rents – up from 41% in 2018. The appendix goes on to point out that *'[e]nduring economic rents, those that are sustained over a long period of time, can reduce living standards and reduce economic efficiency, to the extent that they are associated with lower quantities and/or higher prices for goods or services than is required for that good or service to be provided.'*¹⁶

Commentators such as Bernard Keane have pointed out that a reason for keeping the 30% tax rate on big companies earning above \$1 billion must be that *'the profits of those large firms are "economic rents", i.e. profits extracted by firms exploiting their strong competitive position to lift prices'*.¹⁷ Therefore any increased investment gains by a corporate tax cut would be limited by the market power of sufficiently large firms to maintain their economic rents. UWU proposes that, far from demonstrating the need to cut company taxes, the Commission has made a stronger case for a tax on economic rents, that is, the excess profits of big business.

While the Commission has asked for feedback about the impact of Artificial Intelligence (AI) in other areas covered by the 'Five Pillars' inquiries, it has not done so for taxation. This is an oversight, as the changes unleashed by AI could impact both the sources of government revenue, and how much revenue can be collected.

If jobs are replaced by AI resulting in reduced overall employment or lower aggregate wages and salaries, many workers will no longer be paying the same levels of income tax, thus reducing government revenues from that source.¹⁸ State governments which rely on payroll taxation also face a reduction in revenue from fewer employees. This in turn would impact the provision of education and health services which are state responsibilities but would become even more reliant on federal government funding. Reduced revenues from income and payroll taxes, which are harder to avoid, would increase government reliance on company tax which, as described earlier in this submission, has many tax avoidance loopholes that result in large companies often paying no tax at all.

An increased reliance on AI in Australian workplaces will in turn increase reliance on products provided by big international technology companies whose profits mainly go offshore, and the ATO has described as only having small amounts of taxable income in Australia.¹⁹ For example, in 2022-23 Apple paid almost \$142 million in tax on more than \$12 billion in income in Australia, of which only \$481 million (4%) of which was taxable.²⁰

Falling income and payroll tax receipts, combined with ongoing corporate tax avoidance, plus a company tax cut, raises the risk of *reduced* future government revenues at a time when there is increasing demand for government funded services such as in the care economy. The taxation impact from AI adoption is not discussed by the Commission, despite the danger it poses to the 'Growth Mindset' productivity pay-off of *'more revenue for governments to support their policy goals'*.²¹

UWU does not support the introduction of a new 5% net cash-flow tax on all firms. Instead, we recommend that the Commission should explore other options for tax reform such as ensuring businesses pay a minimum tax rate on revenues. In 2012 US President Barak Obama's National Economic Council proposed adopting the so-called 'Buffett Rule' to make taxes fairer.²² Businessman Warren Buffett discovered that his average tax rate was lower than that of his secretary and suggested that no household making over \$US 1 million annually should pay a smaller share of their income in taxes than a 'middle-class' family. While this was originally a rule for individuals, the same arguments can apply to business. A Buffett Rule for companies can ensure that those profiting from workers and consumers still pay their fair share of tax no matter how many deductions the law allows.²³

We also recommend that the Commission consider an excess profits tax. Excess profits often occur in extractive industries or the financial sector, where economic conditions beyond the control of an individual corporation (e.g. a commodity price spike caused by war) lead to significant price increases captured by profits. One method to discourage such extractive behaviour would be an 'excess profits tax'. This would tax economic rent – i.e. profits beyond what would normally be expected from safe or risk adjusted returns – and ensure that the broader community benefits from 'windfalls'.²⁴

UWU positions and recommendations

UWU recommends reforms to improve the effectiveness of the tax system by closing loopholes that currently allow corporations to avoid paying their fair share. Actions should include:

- Taxing the distributions from trusts at the corporate tax rate, to discourage the use of trusts in profit shifting.
- Limiting the ability of multinationals to exploit intellectual property (IP) to shift profits, by restricting their ability to claim deductions.
- Expanding the scope of public country-by-country reporting for corporations. This will increase the number of listed countries for which companies need to

report to the ATO on their profits, revenues, and taxes paid. With more reporting there will be fewer remaining 'secrecy jurisdictions' in which companies can avoid paying tax by hiding their liabilities.

- Governments refusing contracts with businesses who avoid tax or tax transparency.
- Strengthening whistleblower protections for workers revealing tax corruption.

UWU opposes the proposal to reduce the headline company tax rate to 20% for companies with turnover of less than \$1 billion.

UWU does not support the proposed 5% net cash-flow tax on all firms. Instead, the Commission should consider options to ensure that businesses pay a minimum tax rate on revenues or a tax on the excess profits of large corporations.

Regulating to promote business dynamism

- *Draft recommendation 2.1 - Set a clear agenda for regulatory reform.*
- *Draft recommendation 2.2 - Bolster high-level scrutiny of regulations.*
- *Draft recommendation 2.3 - Enhance regulatory practice to deliver growth, competition, and innovation.*

While UWU accepts the Commission's proposition that poorly designed regulation can hinder economic activity, we disagree with its priorities for regulatory reform. The interim report ignores the problem of regulations that restrict the ability of workers and their unions to achieve better working conditions, even though the Australian government has recently implemented reforms in this area. UWU members will benefit from the government's commitment to abolish non-compete clauses in employment contracts, which hamper the ability of workers to move to more productive employment. UWU also notes the recent letter to the Treasurer and Finance Minister from Fair Work Commission General Manager Murray Furlong – outlining the efficiency and productivity benefits of reversing the regulatory requirements imposed by the former Coalition Government on registered organisations (principally unions) that go beyond what is required of listed companies.²⁵

However, UWU has concerns about the framing of the Commission's agenda for regulatory reform – with the focus being '*delivering growth, competition, and innovation through regulatory systems*'. While these are important considerations, effective regulation should also prioritise quality *outcomes* for areas being regulated.

UWU notes that draft recommendation 2.3 includes the following statement:²⁶

The Australian Government should enhance the expectations placed on public servants, making them accountable for delivering growth, competition, and innovation through regulatory systems.

The expectation that public servants should be 'accountable' for growth, competition and innovation creates a problematic and potentially dangerous set of incentives for regulators. UWU members in health, education and care services - broadly defined in the Commission's Pillar 5 inquiry report as covering health care, ECEC, disability support, aged care, veterans' care and other community services²⁷ - often work for private providers that prioritise growth and profits over care outcomes. Regulators from state, territory, and national governments are rarely seen in their workplaces, and are often difficult to contact with complaints and concerns from staff.

One recent example is UWU's Snap poll of ECEC workers from May 2025, in which 35% of responders said they felt scared about reporting a concern to the regulator. This increased to 39% for workers at for-profit providers. However, 46.8% of educators said that, in their opinion, the regulatory consequences for employers failing to meet safety requirements are 'not serious', 'neutral', or of no consequence. The NSW ECEC Regulator was described by one educator as being too slow in responding to serious incidents. *'We do the right thing by notifying'*, she said, *'and they take months sometimes to get back to you.'*

ECEC, and many other areas in which UWU members work, need *more* initiative-taking regulators who are prepared to intervene if mandated standards are not met. However, if the public servants who staff these regulatory bodies are going to be held accountable for business growth, rather than quality care outcomes, this may incentivise them to avoid enforcing the necessary standards.

Pillar 2: Building a skilled and adaptable workforce

Building skills and qualifications for a more productive workforce

Credit transfer and recognition of prior learning (RPL)

- *Draft recommendation 2.1 – Move toward a national system of credit transfer and recognition of prior learning (RPL)*

UWU believes it is sensible to explore ways to improve the credit transfer process. Individuals may end up paying more for training because the process of having credits transferred from another educational institution was too complex or too lengthy. However, this is unlikely to be a quick or simple fix.

Recognition of prior learning (RPL) is particularly important in sectors that are moving towards minimum qualifications, transitioning to a green economy, or in sectors where there are severe labour shortages. However, the process must ensure workers are still appropriately skilled. This is of particular importance in sectors such as the 'care economy', where the quality of care, support or education delivered by workers should be prioritised.

Both suggestions, which may provide benefits to workers, would require cohesion and buy-in from multiple stakeholders if a national approach was pursued.

We note that a National Skills Passport was raised in submissions to the Commission for this inquiry, and in the interim report.²⁸ We support the ACTU's 2024 submission in relation to the National Skills Passport consultation in that we are not opposed but would urge careful consideration to workers' privacy and the information that would be available on an individual's 'passport'.²⁹

Access to workplace training

- *Draft recommendation 2.2 – Better target incentives to lift work related training rates in small to medium enterprises*

The Commission notes that rates of workplace-related training participation have stagnated over the last decade, and that less than two-thirds of workers (63%) did their training during work hours only.³⁰ In comparison to other countries such as the United Kingdom, Norway and Singapore, work-related training is relatively low.³¹

UWU members across a range of sectors can attest to poor access to paid training during work hours. Even on occasions where it is offered by their employer, arrangements are often not put in place to ensure workers can be released from their day-to-day duties to attend.

Many workers do want access to paid training and professional development; however, the expense is frequently pushed onto workers through unpaid time outside of their regular work hours, or through upfront costs where there is no alternative offered by their employer.

In aged care, workers are often required to complete compulsory online training. A typical scenario would involve workers receiving an email informing them that they need to complete online training within a certain period of time. Workers are not given the opportunity to complete it at work, i.e. in the case of personal care work no time off the floor is provided, nor is their role backfilled whilst a worker completes the training. There are an insufficient number of computers at the workplace, and no quiet space to concentrate. It is made impractical to complete training during workers' rostered hours therefore workers must complete it in their own time, yet employers provide no process to claim the training time as paid work. In one case, support staff in a residential aged care service were forced to complete their online training of up to 10-15 hours in their own time by their employer (the company contracted to provide support services at the residential care facility). The union intervened, and the matter had to be taken to the Fair Work Commission to ensure workers would be paid for the time taken to complete the training modules.

In the early childhood sector, minimum qualifications and ongoing professional development that informs educator-child interactions is a driver of high-quality early learning.³² Educators and teachers want to be given opportunities to develop their skills and practices, yet workers struggle to access paid professional development. In a UWU survey of over 3,000 ECEC workers in June-July 2025, 35% of ECEC workers said they never received access to paid, non-mandatory professional development. One in five respondents said they could only access it yearly. One in four ECEC workers surveyed were paying out of their own pocket for professional development, driven by a desire to better support children's emotional development and understand how children learn at a young age. In a sector dominated by private for-profit providers, yet funded by the Commonwealth, providers should be facilitating access to professional development to boost quality improvements in the sector.

UWU supports improving data collection on workplace training. There is a paucity of data available, and improving data collection (and therefore analysis) is very likely to offer insights that could support evidence-based initiatives to improve the delivery and access to workplace training across employers and industries.

Data collected on workplace training should also be considered in the context of the gender pay gap, and gender segregation in occupations across the Australian economy.

There are insights and benefits from this data that could support workforce policy design beyond productivity.

UWU recommendation

Rather than offering unproven financial incentives to employers, UWU recommends the Commission focus directly on improving access to workplace-related training for workers. This should be done with industry-specific policies targeted at lifting training rates, ensuring workers are paid for attending training and ensuring that shifts are properly backfilled to support participation.

Fit-for-purpose occupational entry regulations

- *Draft recommendation 3.1 – Remove excessive occupational entry regulations that offer limited benefits*

UWU is concerned about the approach recommended by the Commission in relation to occupational entry regulations (OERs).

There may be occupations where the risks of that occupation are sufficiently low as to consider whether an OER is necessary. However, this can only be done on a case-by-case basis, with thorough consultation with workers and their representatives. UWU does not accept that OERs are significant barriers to entry as a general proposition. It is important to note that there are other factors that may be affecting productivity, driving labour shortages or increasing costs for consumers. Overall, licensing and registration ensures a minimum standard, builds trust with the public and can be a marker of a professional identity without lowering productivity. Acquiring the relevant OER may provide a worker better knowledge of occupational health and safety (OHS) and empower workers to report unsafe conditions to their employer or regulator. This is particularly important for occupations where workers do not have a great degree of control over their duties and workplaces day-to-day and there is a significant power imbalance between workers and employers.

Further, given that employer investment in workplace-related training has stagnated,³³ relevant OERs will be of greater importance in ensuring minimum standards and promoting safety and compliance for workers. Improving data collection on workplace training as proposed by the Commission would be pertinent to any review of OERs. Ensuring compliance with minimum standards where OERs have been removed or dropped to the lowest common denominator is likely to fall to regulators, workers, government and the public. As a result, there may only be very minor productivity gains (if any) to be made if this approach is not done with careful consideration of the impacts.

There are multiple factors at play in relation to labour shortages and its impact on productivity; focusing on OERs may not provide a full picture. Jobs and Skills Australia (JSA) released its first paper in its *Gender Economic Equality Study* in August 2025, analysing gender segregation in occupations across the Australian economy. A key finding from the paper, “New perspectives on old problems”, found that as gender segregation in occupations intensified, so did labour shortages.³⁴ This was particularly acute in very male dominated occupations at Skill Levels 3 and 4.³⁵ Skill Level 3 occupations typically require a Certificate III or IV, covering many trades occupations. Socio-cultural gender norms influence the training and education choices that individuals make when entering the workforce. The considerable pay gaps between sectors historically categorised as ‘women’s work’ and traditionally male dominated occupations are also likely to affect individual choices around what training or qualification to pursue. This is arguably a barrier to participation in gender segregated occupations *before* OERs are undertaken. The intersectional approach taken by JSA also highlighted the severe pay gaps and unique occupational segregation of culturally and linguistically diverse (CALD) and First Nations workers.³⁶

As noted by the Commission, pay and conditions are important factors in labour shortages.³⁷ The recent decision in the aged care work value case to increase pay by up to 28.5%³⁸ is a step in the right direction. Similarly, the Fair Work Commission has acknowledged that gendered undervaluation in ECEC must be addressed through an increase to award rates of pay, though the timing of the increases are still under consideration.³⁹ Aged care remains stubbornly gender segregated as does ECEC.⁴⁰ The historic undervaluation of care work has effectively obscured the complexity of this work, the skills that are required (both ‘soft’ and otherwise), and the professionalisation of occupations in aged care, ECEC and disability support as quality standards have increased. UWU supports a minimum qualification (Certificate III) for aged care workers and rejects notions that some people (i.e. women) are innately inclined to undertake such work and therefore a qualification is not required. Access to training and pathways to gaining relevant qualifications for marginalised cohorts is imperative and requires dedicated action (noting proposed changes to credit transfers and RPL), however UWU does not support the idea that OERs are a handbrake on productivity in certain occupations to the exclusion of other factors. OERs need to be set for specific sectors in line with the needs of workers, clients or users of that service, and to meet safety and quality standards.

Pillar 3: Harnessing data and digital technology

AI's productivity potential

- *Draft recommendation 1.1- Productivity growth from AI will be built on existing legal foundations. Gap analyses of current rules need to be expanded and completed.*
- *Draft recommendation 1.2 - AI specific regulation should be a last resort.*

UWU has serious concerns about the Commission's approach to regulation of artificial intelligence (AI). UWU members in a diverse range of industries report that AI is being implemented in their workplaces with little to no oversight or consultation. When employers introduce AI without genuine worker input, the negative effects are borne by workers, and in some cases, recipients of services as well. Some of the impacts UWU members have experienced include work intensification, unpredictable rosters, loss of hours of work, and loss of jobs without retraining or reskilling opportunities. Workplace safety is also a significant concern – when introduced without proper training for workers, AI robots can be unpredictable and dangerous. As will be expanded upon below, UWU members who work in the care economy, particularly in in-home aged care and disability support, have reported that the introduction of AI in their workplaces is resulting in worse outcomes regarding consistency of care for clients too.

The widespread adoption of AI is a significant change that will have far-reaching implications for Australian workers and society more broadly. Employers are already implementing AI poorly in many workplaces, but we now have an opportunity to address this, and to put into place regulations that will allow Australia to unlock the productivity benefits of AI, and to ensure that these benefits are shared with workers through higher wages, better working conditions and more leisure time.

Case study: Woolworths and the introduction of unsafe 'pick rates'

Whilst new technologies are key to increasing workforce productivity, there is an important distinction to be made between labour enhancing technology designed to assist workers and technology that simply facilitates or enhances management surveillance. Many new technologies are obscuring or even replacing traditional management structures, in effect automating middle management and human resources roles.⁴¹

In early 2024, Woolworths introduced a new worker performance management program.⁴² Under this program, members reported that they risked potential disciplinary action if they failed to achieve 100% adherence to a speed-related metric known as 'pick rates'. Many UWU members were worried that they were being pressured to perform at a rate that compromised

worker safety.

One member shared his safety concerns about the implementation of pick rates at his worksite: *“to meet their demands you have to work unsafely by breaking safety rules and so, accidents will happen”*.

Another member told us: *“Speaking from nearly 7 years of experience working for Woolworths I have seen the rapid decline in care for its employees and contractors. Our safety standards are slipping with the constant push from our management team for us employees to hit higher and unrealistic KPI’s on a daily basis. Many of my colleagues have suffered not only physical injuries but now the toll is starting to affect staff mentality”*.

Another experienced UWU member (who has been in the industry for over 30 years) was given a large order to complete in 40 minutes, when from experience he knew it could take up to 70 minutes. *“It’s supposed to be a fair day’s work for a fair day’s pay but there has been no consultation at all about these new performance standards. Anything less than 100% results in performance management”*.

These ‘pick rates’ are underpinned by software algorithms that automate the estimated time for task completion. This then generates statistics on individual pick rates which are then tied to staff performance and disciplinary action. This system facilitates considerable monitoring, data collection and increased management surveillance, which is then used against workers rather than as a tool to actually assist them.

The end goal of this technology is effectively work intensification: attempting to increase output through speeding up the pace of work. It inevitably requires unsafe practices and/or working at unsustainable speeds. Whilst it may appear to lift hourly productivity for a while or to a degree these gains are frequently superficial, temporary and unsustainable.⁴³ In fact, these practices ultimately interfere with true productivity by leading to fatigue, burnout, injuries (often through unsafe manual handling practices and/or repetitive strain injuries) and staff turnover.

The Woolworths performance management program was the subject of negotiations in the most recent enterprise agreement bargain. UWU members took industrial action over 17 days in November-December 2024, forgoing wages to win (amongst other matters) a new clause to be added to workplace agreements that ensures that the workers will not be disciplined for the speed that they can work at, and an acknowledgement that not everybody can pick at 100%. This was an important victory, but workers should not have to take strike action and forgo wages to have AI introduced to workplaces in a way that is transparent, fair and safe.

Case study: Roster 'optimisation' in home care

AI has also been introduced without proper consultation and worker engagement in home care. Mobile apps, such as Procura, are used for rostering, client notes, administration and geo-tracking. Under such apps, rosters typically change on a daily basis, updated in real time via the app, rather than workers receiving a roster two weeks in advance. In addition, geo-tracking software dictates the fastest routes between clients and allocates client sessions to home care workers based on the cheapest possible route for the provider.

Anna, a home care worker with over 20 years' experience in the sector, told us about the introduction of AI generated rostering in her workplace, and how this has negatively impacted on both the quality of care for clients, and the quality of jobs for home care workers.

"Previously, my employer had area coordinators who would be responsible for matching clients and support workers and would check in on them and check that things were going well, as well as local "allocators" who would prepare rosters for workers, two weeks in advance. We could talk to both the coordinators and allocators about issues that arose, and they knew us, and they knew about the clients. That is no longer the case. Now the coordinators are based all over Australia, and we aren't meant to talk to the allocators.

AI does a lot of the role that allocators used to do. It calculates the cheapest possible route between client sessions. So, say one client cancels a session at the last minute, this means the rostering program will re-calculate the cheapest route again, and my whole roster for the day will change. Sometimes you wake up and you're already behind schedule. You can never really switch off, you always have to be checking the app for roster changes.

Clients receive a text message the day before a session, telling them when a home care worker will attend their home. The problem is – our roster will change overnight, so we will end up arriving at their home at a different time, and this often means clients are distressed and unhappy when we arrive. Often, I have to spend five to ten minutes helping the client calm down before even starting.

Consistency of care is really important for our clients, they want someone they know coming to their home to support them. It's a vulnerable thing – to let someone into your home, and to assist you with personal needs, to have to explain over and over again where things are and how things work. Before, we used to have regular clients that we could get to know and build relationships with over the long term. Now, our rosters change so often, and the rostering system doesn't take into account the importance of that relationship. Clients are constantly getting new support workers. This distresses them, sometimes they get 5 different support

workers a week.

This rostering system also makes it harder for me to do my job of checking on the clients. Part of my role is meant to be assessing clients, noticing any changes in their ability and raising with my employer if it seems that they may need additional support, or may need to look at moving into residential care. But I can't really do this when I'm regularly allocated to clients I don't know, who I may only see once a month for an hour. This way of rostering is really affecting quality of care.

It's a cost to the employer too. They keep trying to roll out new versions of software that end up not working. They are losing clients. They spend a lot of money on the upgrades, with one upgrade they also had to buy us all new phones because the old phones weren't compatible with the new software. We can see the issues that will arise when they introduce a new rostering system, but they aren't interested in our views."

UWU's position is that workers must be included in and consulted on the development and deployment of new technologies, including AI. This consultation would need to be at the outset, open, meaningful and genuine (as opposed to being reactive or perfunctory i.e. once decisions have already been made). Workers must be given opportunities to upskill or re-skill alongside and in conjunction with AI. Workers can and should be part of the process to help shape the effective deployment of AI and other innovative technologies.

OECD research indicates that new technology such as AI meets lower resistance and actually increases output when employees are consulted before its introduction, including on its functions and proposed use.⁴⁴ To be implemented effectively, AI fundamentally still requires human oversight, insight and judgement because workers still know things that algorithms don't.⁴⁵ AI works best when it amplifies human capability, rather than replacing it.⁴⁶

Reportedly, some 80% of AI projects end up failing (twice the rate of traditional IT projects) and only 1 in 4 executives in a global survey reported meaningful returns on their AI investments.⁴⁷ Furthermore, 55% of UK executives who replaced workers with AI later regretted it.⁴⁸ UTS academics Llewellyn Spink and Nicholas Davis argue that AI often fails because worker consultation and involvement is often absent when AI is introduced.⁴⁹ Listening to worker concerns and identifying pressure points would better ensure that deployment of AI systems help, rather than sideline employees.⁵⁰ But most importantly, worker consultation does not work if there is no mandate for concerns to be taken seriously: engagements with workers must actually influence outcomes.⁵¹

Worker consultation and engagement must be at the forefront of AI development and

implementation. This requires more than the usual perfunctory employer consultation over major workplace change. It requires a genuine exchange of ideas and collaboration. Workplace regulations specific to AI must be developed to support this process. The ACTU has proposed a new set of mandatory enforceable agreements that would require employers to consult with their staff before new AI technologies can be introduced into workplaces.⁵² This would be enforced by a new National AI Authority and a national Artificial Intelligence Act.⁵³ UWU supports the ACTU's proposals and recommends that the Commission adopt these.

The ACTU proposal is as follows:

Ensure AI and technology adoption benefits everyone

1. Legislate a National AI Authority and implement a national Artificial Intelligence Act to ensure there is a whole-of-Government approach to new technologies and AI deployed in Australia is well-regulated and safe.
2. Require employers to reach *AI Implementation Agreements* with their staff covering: job security, skills and retraining, privacy and data. Governments should not provide funding to employers in relation to or connection with AI if they do not have an agreement with their employees (including any research grants or incentives).
3. Protect Australian workers and their industries from large-scale theft by overseas big tech by making them pay for the content they use, ensure creative workers have control of their output, protect Indigenous Cultural and Intellectual Property, and ensure clear labelling of AI material.

Strong workplace regulation around the implementation of AI must be supported by better investment by Australian business in research and development (R&D). The failure of Australian businesses to invest in innovation, ideas and new technologies is an important cause of the worrisome stagnation (and more recently, outright decline) of productivity in Australia'.⁵⁴ Since the Global Financial Crisis (GFC), business investment in modern machinery and equipment, the most tangible forms of new technology, has plunged dramatically, with painful consequences for Australian economic growth, productivity, and innovation.⁵⁵

Australia's research and development commitments (especially business research spending) have been steadily declining.⁵⁶ For example, Australia's combined R&D spending in recent years has only been 1.79% of GDP which is one-quarter smaller than the OECD average (2.37%).⁵⁷ However, record-high business profits in recent years confirm that Australia's business community has ample resources to reinvest in research and better technology.⁵⁸

Whilst successive federal governments have provided some tax incentives for private R&D to drive innovation and investment, this has largely occurred without delivering substantial results.⁵⁹ International evidence suggests that countries which invest more public support directly in targeted innovation projects ultimately succeed in eliciting more private innovation spending.⁶⁰ Examples of this include big investments in renewable energy development and high-value public service investments (such as health care facilities).⁶¹

Another concern with AI is the ‘sovereign risk’ associated with relying upon overseas private tech companies, particularly those from the US and China, (where foundational model development of AI is occurring) for use in Australian workplaces, including the public sector.⁶² Developing our own Australian AI capabilities is vital not only for our local industry, but to protect democratic systems and processes, so we are not inherently reliant on overseas products from large private enterprises.

Increased spending by business on research and development is necessary because it is only through tangible technologies that productivity will improve. If tax incentives are used to stimulate investment, then they should be tied to reporting obligations to measure outcomes and enhance accountability in funding use. In addition, targeted innovation projects, guided by government strategies, are necessary to drive more innovation.

UWU recommendations

UWU recommends that the Federal Government should require all employers to reach AI Implementation Agreements with workers (including worker representatives) before new technologies are introduced into workplaces. AI Implementation Agreements should include guarantees on job security, skills development and retraining, transparency over all technology used, genuine privacy protections for workers, and protections on the collation and use of worker data.

Data access and privacy regulation

- *Draft recommendation 2.1- Establish lower cost and more flexible regulatory pathways to expand basic data access for individuals and businesses*
- *Draft recommendation 3.1- An alternative compliance pathway for privacy*

UWU agrees that individuals should have the right to access data about themselves, but we believe this should be supported by a strong right to privacy. Employer collection of data about workers has intensified with the introduction of AI and more invasive surveillance technologies. Workers must be able to know what data is held about them by their employer and be able to

access this data to support attempts to improve working conditions.

As detailed in a UWW report titled 'Technology and Power', UWW members across industries as diverse as casinos, security, and logistics have reported increasing use of surveillance involving the use of biometric data such as facial recognition, voice capture and fingerprinting.⁶³ These are considered a heightened and more invasive form of surveillance with unclear future consequences for privacy and non-workplace uses. Workers report these technologies to be particularly harmful and invasive.

Workers should have the right to co-determine how surveillance, data collection and labour-saving technologies are introduced in their workplaces and have the right to ban certain forms of surveillance or data collection when it infringes on privacy or causes harm. Technologies with bodily sensitivities such as facial recognition and biometric data collection should be "opt-in" only and require informed worker consent. To be meaningful, choice requires genuine alternatives that do not disadvantage the worker, and the cost of refusal must not be punitive. The personal health and medical data of workers must also be protected by law to safeguard against discrimination.

UWW recommendation

UWW recommends the Commission explore reforms that guarantee workers can access the data their employer holds about them and are protected in how that data is collected, stored, and used.

Digital financial reporting

- *Draft recommendation 4.1 Make digital financial reporting the default*

UWW supports making digital financial reporting the default. Australia lags far behind other countries in making corporate filings – that are formally public – genuinely accessible to the public. Countries like New Zealand and the UK make many corporate filings available for free. Jurisdictions such as the United States, European Union, UK, Japan, South Korea, India, and China already have some form of digital financial reporting in place.⁶⁴

We support the Tax Justice Network – Australia (TJN-Aus) and Centre for International Corporate Tax & Accountability (CICTAR)'s recent recommendation to Treasury's Economic Reform Roundtable that machine readable (xbrl) financial statements should be mandated for ASX-listed and private companies.⁶⁵ The implementation of such requirements could easily be implemented in Australia and would go a long way to increasing corporate accountability to the wider community, including to investors, workers and the public.

UWU position

UWU supports making digital financial reporting the default. Financial statements should be filed in a machine-readable format, in the interests of increasing corporate accountability and making financial data more accessible to workers and the public.

Pillar 5: Delivering quality care more efficiently

Reform of quality and safety regulation to support a more cohesive care economy

UWU represents workers in aged care, disability support, and ECEC. We hold serious concerns about many of the Commission's proposals in the Interim Report. Overall, the proposals indicate the Commission has not effectively engaged with care recipients or workers, nor fully understood the significant reforms underway in each sector. Alarmingly, many proposals appear to prioritise simplifying operations for providers across sectors, even when this would come at the expense of care recipients and workers.

Each sector has undergone significant reviews and reforms that the Commission has not adequately engaged with. In aged care, the Royal Commission into Aged Care Quality and Safety released its final report in March 2021. In the disability support sector, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability released its final report in September 2023. Both Royal Commissions made substantial recommendations aimed at improving quality and safety, many of which are still under consideration and subject to ongoing consultation.

Following several serious safety incidents, the ECEC sector is undergoing a significant and rapid reform process. In August 2025, Education Ministers across all jurisdictions of Australia agreed on a national reform agenda to improve safety and quality.⁶⁶ Key measures include strengthening child supervision rules, ensuring all services are assessed and rated every three years, increasing unannounced spot checks, and introducing mandatory national child safety training. Many of these reforms will be implemented within the next 12 months.

This is not to suggest that no further reform should be considered while current reforms are underway. UWU members continue to advocate for better outcomes for care recipients and improved conditions for workers, with the goal of building the high-quality care services all Australians deserve. However, future reforms should build on the progress already made, rather than follow the Commission's apparent approach of disregarding previous work and moving toward a standardised system that fails to reflect the specific needs of care recipients. Such a shift would be a step backwards, and we are deeply concerned that many of the Commission's proposals could lead to a decline in quality and an increase in safety incidents.

UWU urges the Commission to adopt an approach that prioritises the needs of older people, people with disabilities, and children, as well as the workers who care for, support, and educate them.

In this section, UWU will respond to a series of proposals under the following draft recommendation:

- *Draft recommendation 1.1 - The Australian Government should pursue greater alignment in quality and safety regulation of the care economy to improve efficiency and outcomes for care users.*

Commission proposal: To align care worker regulation, the Australian Government should, within three years, develop a national screening clearance for workers in the aged care, NDIS, veterans' care and early childhood education and care (ECEC) sectors in collaboration with state and territory governments.

UWU supports a single national worker screening clearance across aged care, NDIS and veteran's care, but we strongly oppose the inclusion of ECEC in such a scheme.

UWU has members who work in personal care across both aged care and the NDIS, and it is appropriate that they should only have to obtain one clearance. We note that the Commonwealth Department of Health, Disability, and Ageing (DHDA) has already been working with the states and territories to introduce a new aged care worker screening check for risk assessed roles to align with the NDIS.⁶⁷ In addition, the NDIS worker screening check is already recognised in aged care.⁶⁸

ECEC must explicitly be excluded from such a scheme. The role of personal care workers, and early childhood educators, are both female dominated roles, which have been undervalued based on gender, despite both being essential to society. However, beyond these similarities, the nature of the work in each role is fundamentally different. Educators must obtain sector-specific qualifications, develop a strong understanding of early childhood education pedagogy, and build the skills needed to assess and support children's development. While ECEC is often included in discussions of the "care economy", education is a core focus of the sector: educators both care for *and* educate young children. There is little crossover between workers in ECEC and workers in aged care and disability support, which means the administrative cost of setting up a joint scheme would far outweigh any limited benefit.

Further, work has already commenced on a National Educator Register. On 22 August, at a meeting of national, state, and territory Education Ministers, agreement was reached to develop a National Educator Register, which will collect and maintain information on all workers in ECEC, including their working with children checks.⁶⁹ In response to serious safety issues in the sector, reform in ECEC is moving ahead at a rapid pace. The National Educator

Register is expected to be in operation by February 2026, making the Commission's recommendation redundant.⁷⁰

In respect of aged care, disability support and veteran's care, a national screening scheme should be a *positive* scheme. Rather than being negatively framed as a 'ban' on working in care sectors, the screening outcome should affirm people's right and ability to work, and their right to be represented industrially by their union. Access to education about workplace rights from the relevant sector unions should be part of the screening process. There must be safeguards for information collected through the screening process, and procedural fairness in decisions that impact workers.

A national worker screening scheme should also be *administered* nationally. This would avoid problems such as those experienced by UWU members with NDIS screening. The NDIS national screening scheme is administered by states and territories, which means there are inconsistent decisions across jurisdictions, and the time taken for an application to be processed can vary significantly.

The implementation of such a national worker screening scheme in aged care, NDIS and veteran's care should also consider issues faced by Indigenous workers, whose experience of screening can involve lengthy delays due to difficulties in locating identity documents (e.g., birth certificates). Indigenous workers may also have been disproportionately impacted by interactions with the criminal justice system, which can further delay the outcomes of a screening process.

UWU position

UWU supports a single national worker screening clearance across aged care, NDIS and veteran's care, but we strongly oppose the inclusion of ECEC in such a scheme. The ECEC sector is already in the process of developing a national worker registration scheme (which will include screening checks), which is expected to be rolled out by February 2026.

Commission proposal: To align care worker regulation, the Australian Government should, within three years adopt a unified approach to worker registration across the aged care, NDIS and veterans' care sectors, supported by a national registration system and single portal for workers required to be registered.

The Commission's proposal for a 'unified' scheme calls for a single registration system, that would allow workers to register once to work across these care sectors.⁷¹ It says registration conditions should not be 'sector specific' unless 'absolutely necessary'.

UWU supports, in-principle, a unified scheme across aged care, disability support and veteran's care. As noted earlier, UWU has members who work as personal care workers across these sectors, and they should not have to obtain registration under multiple schemes (potentially at a significant cost) to continue their jobs.

However, it is important that any unified scheme still takes sector specific considerations into account. Workers should have access to training and professional development opportunities that are suitable for the sector/s that they work in. There are differences between the quality standards across the sectors, and it may be appropriate that there are different qualification and training requirements as well.

In addition, a substantial amount of work, over more than 5 years, has already been undertaken on the development of a personal care worker registration scheme in aged care. It is expected that the scheme in aged care will be implemented shortly, alongside or soon after the commencement of the new Aged Care Act in November 2025. UWU would oppose any delay to the introduction of the aged care worker registration scheme to undertake further consultation on a unified scheme. The aged care worker registration scheme should be introduced as planned, and following that, consideration of a unified scheme could take place.

In terms of key elements of a worker registration scheme, UWU argues that the registration process itself should be free of charge for workers, as should the renewal of a registration every 3-4 years.

Other issues that should be addressed in setting up such as scheme include:

- The incorporation of education about work rights as part of the registration or renewal process, including the right to be represented by their union.
- The scheme should incorporate recognition of prior learning (RPL) when assessing the skills and qualifications of workers who are currently working in aged care and NDIS and need to re-register under the new scheme.
- Given the strong presence within these care sectors of workers from non-English speaking backgrounds, language requirements under a unified worker registration scheme should not act to unreasonably deter people from working in aged care or NDIS. For example, a Certificate III level qualification should be treated as evidence of competency in English.

In arguing that worker registration should be 'non sector specific', the Commission has ignored differences between the sectors and missed an opportunity for workers to utilise a registration

scheme to update their skills and knowledge for the benefit of the people they provide care and support to.

UWU position

UWU supports, in-principle, a unified worker registration scheme across aged care, disability support and veteran's care. However, the scheme must be sector specific where appropriate, and the implementation of the aged care personal care worker registration scheme, which is well-developed, should not be delayed while a unified scheme is considered.

Commission proposal: To align the approach taken to care provider accreditation, registration and audits, the Australian Government should, within three years, establish a common suitability assessment for providers operating across the aged care, NDIS, veterans' care and ECEC sectors.

UWU supports an initial common suitability assessment in aged care, NDIS and veteran's care but strongly opposes the inclusion of ECEC. Even in aged care, NDIS and veteran's care, an initial common suitability assessment must be followed by a consideration of the applicant's ability to provide services that meet the specific needs of care recipients in each sector. An initial common suitability assessment for aged care, NDIS and veteran's care should consider the applicant's record on work, health and safety, adherence to workplace laws and demonstrated commitment to the provision of high-quality care.

ECEC is a distinct sector with a dual focus on both care and education. As previously noted, the sector is currently undergoing major reforms aimed at improving safety and quality outcomes for children. These reforms were prompted by a series of serious abuse and neglect cases, which revealed in part that provider suitability had not been adequately or consistently assessed across different states and territories. In August 2025 the Federal Government passed legislation to strengthen assessments of provider suitability, and to improve compliance and enforcement actions against providers who fail to meet their obligations.⁷² Given the pace and scope of these changes, the Commission's recommendation to introduce a common suitability test that includes ECEC is unnecessary and out of step with current developments.

UWU position

UWU supports an initial common suitability assessment in aged care, NDIS and veteran's care but strongly opposes the inclusion of ECEC.

Commission proposal: To align the approach taken to care provider accreditation, registration and audits, the Australian Government should, within three years, establish mutual recognition of audits against the aged care quality standards and NDIS practice standards.

UWU regards the proposal for a ‘mutual recognition of audits’ as entirely missing the underlying issue that the current auditing system is failing in both NDIS and aged care. These failings are especially evident in the private for-profit sector.

The Final Report of the *NDIS Review* found that the external third-party quality audits for the Practice Standards are preoccupied with paperwork, procedures and policies rather than the quality of support delivery and the experience of participants.⁷³ Because only *registered* providers are required to meet practice standards, auditing misses a significant and growing proportion of NDIS-funded support work that is undertaken by staff who are *not* employed by registered providers and are not themselves registered providers.⁷⁴ In June 2025 the NDIS Quarterly Report found that out of 269,432 providers, 16,363 were registered while 254,018 were unregistered.⁷⁵

For aged care, UWU and other unions have developed the ‘Aged Care Watch’ website (agedcarewatch.org.au).⁷⁶ It is designed to empower aged care workers, residents, and family members to shine a light on the staffing, pay, and workload issues that impact the quality of aged care across Australia. There have been around 14,300 reports submitted to Aged Care Watch over the four years since it was launched, including incidents of residents being distressed, being left soiled for extended periods, missing medication, and other instances of poor-quality care. These are incidents which are picked up by workers every day, and which are rarely noticed by regulators.

UWU members also inform us about unscrupulous residential care providers manipulating care time reporting. These providers reclassify the jobs of non-direct care workers, to create the impression that they are meeting minimum care time standards, rather than recruiting or training the additional direct care workers they need to ensure residents are receiving mandated care time.⁷⁷

In 2023 the *Aged Care Provider Workforce Survey Summary Report* by the Australian Institute of Health and Welfare (AIHW) provided an indication of this unscrupulous behaviour.⁷⁸ It showed the total estimated number of nursing and personal care staff in residential aged care increasing by 8% from 195,000 in 2020 to 210,000 in 2023, while the number of non-direct care staff (such as cleaners, laundry attendants and kitchen attendants) decreased by 73% (from 52,800 in 2020 to 14,000 in 2023). The massive drop in the number of non-direct care

staff is notable, as the need for cleaning, laundry services and kitchen services has not changed in that period.

The focus of governments should be on fixing the current auditing process of standards across these sectors, so that they can accurately determine the overall quality of care. Regulators should make use of resources such as Aged Care Watch as sources of information when assessing providers.

UWU position

UWU does not support 'mutual recognition of audits' for NDIS and aged care providers.

Commission proposal: To align the broader regulatory landscape, the Australian Government should ensure a consistent approach to the regulation of artificial intelligence across the aged care, NDIS and veterans' care sectors (within three years)

UWU addressed Artificial Intelligence (AI) more fully in its response to the interim report *'Harnessing data and digital technology'*. However, we do believe it is valuable for the Australian Government to assess how AI is being used across the care sector, including its impact on both care recipients and workers. The Government should take steps through regulation to ensure AI is implemented fairly and with meaningful involvement from both groups. Whether the approach to AI is consistent across different sectors should depend on the specific needs of care recipients and workers in each sector.

UWU position

UWU supports regulation of AI in the care sector, however whether the approach is consistent across specific sectors should be driven by the needs of care recipients and workers and requires consultation and engagement with both groups.

Commission proposal: To align the approach taken to care provider accreditation, registration and audits, the Australian Government should within three years, create a single (potentially modular) set of practice and quality standards across aged care and NDIS services.

Commission proposal: To align the broader regulatory landscape, the Australian Government should establish a standardised quality and safety reporting framework and data repository to hold data reported against the framework, which could also be used to more consistently measure productivity and report on performance across sectors (within three years).

UWU opposes the Commission's proposal to standardise indicators and metrics for assessing quality and safety across the different care sectors.⁷⁹ Each sector has developed indicators and standards that vary widely because of the different needs of care recipients. For example, a key quality standard in residential aged care is 'care minutes' – the minimum amount of direct care time provided to residents by personal care workers and assistants in nursing, as well as both registered and enrolled nurses.⁸⁰ Only direct 'clinical care' and 'personal care' activities provided by those specific workers on-site can count as care minutes.⁸¹ This is a standard that would have no meaningful application in the home care subsector of aged care, let alone in other care sector services. 'Standardised' reporting that tried to cover the diverging indicators of quality and safety across different parts of the care sector would be either unworkably complex, or too superficial to be of any use. Most worryingly, it would likely lead to poorer outcomes for care recipients.

UWU also points out that current quality and safety reporting standards for these sectors still do not reflect the recommendations of previous inquiries. In aged care, for example, the current the quality standards do not fully incorporate the Aged Care Royal Commission's recommendations, particularly around staff development, and training requirements.⁸²

The interim report also proposes that over time '*governments should consider extending the [standardised quality and safety reporting] framework to more care services*'. UWU would strongly oppose the inclusion of ECEC in a standardised care sector quality and safety reporting framework.

The ECEC sector has been through numerous sector specific reforms to improve quality and safety for children. The National Quality Framework was introduced in 2012, and since then, there have been several reviews and legislative reforms to improve staffing levels and assessment and ratings processes.⁸³ There is no doubt that further reform is required. As noted earlier, in August 2025, Education Ministers came together and agreed on a reform agenda to improve safety and quality including improving child supervision rules, ensuring all services are assessed and rated on a 3-year cycle, increasing unannounced spot checks, and mandatory national child safety training.⁸⁴ The quality and safety considerations in ECEC are fundamentally different to those in aged care and the NDIS, and could not, in any meaningful way, be included in standardised quality and safety reporting framework.

The focus needs to be on ensuring that current lines of reporting on quality and safety operate properly, and that care recipients are safe and receiving high quality services, rather than attempting a standardisation that risks obscuring the specific needs of each sector. The recommendations of previous reviews, including two Royal Commissions, should also be fully incorporated into quality standards.

UWU position

UWU opposes the proposal to standardise quality and safety reporting across the care sector, and we oppose the proposal to combine aged care quality standards and NDIS practice standards.

Commission proposal: To align the broader regulatory landscape, the Australian Government should explore the suitability of a single regulator across the aged care, NDIS and veterans' care sectors (within six years).

In UWU's experience, the quality and safety regulators currently operating across the care sector are already overwhelmed by their existing quality and safety responsibilities and have been for years.⁸⁵ The Inspector General of Aged Care has found over the course of the last two 'Progress Reports' (2024 and 2025) that *'the capacity for residents or their families to lodge complaints with ACQSC falls short of the channels the Royal Commission proposed'*.⁸⁶ This is despite aged care complaints having increased from 9,092 in 2022–23 to 9,458 in 2023–24. A recent review of the NDIS Commission found that a *'cultural transformation'* was needed at the agency, as staff spoke of bullying, harassment, and widespread burnout – with a quarter of all employees saying their health was negatively impacted by working long hours.⁸⁷

With two existing regulators having these difficulties, how could a new, single regulator (in the words of the Commission) *'streamline oversight of these sectors'*?⁸⁸ Such a regulator would need to maintain distinct monitoring and enforcement streams for aged care and the NDIS, but with the reduced staff of a single agency. We have serious concerns that safety standards would drop under a single regulator, with terrible consequences for older people and people with disabilities. A single regulator would also need to report to multiple Ministers, given that in the current Federal Cabinet there are distinct Ministers for Health and Ageing; the NDIS, and for Aged Care and Seniors.⁸⁹

The advantages that the Commission cites for a single regulator, such as gathering *'the regulatory intelligence required to ensure the quality and safety of services'*, could also be achieved by properly staffed and funded specialised regulators sharing information with one another while retaining a focus on specific areas (aged care and the NDIS). The current regulators in the sector need to be fully funded to conduct their existing roles in their specialist areas, reporting to specific Ministers. The creation of a single regulator that attempts to do the work of two regulators without a clear line of Ministerial accountability will be disruptive to the aged care, disability support and veteran's care sectors.

UWU Position

UWU opposes the establishment of a single quality and safety regulator in aged care, NDIS, and veterans' care.

Commission proposal: To align the broader regulatory landscape, the Australian Government should, in collaboration with state and territory governments, explore the potential for greater alignment in the regulation of behaviour support plans and use of restrictive practices focusing on the aged care and NDIS sectors, and implement agreed actions (within six years).

UWU is not opposed to exploring the possibility of regulatory alignment in this area. However, even under an aligned system, the specific needs of older people and people with disabilities will have to be taken into when developing regulation on behaviour support plans (BSP) and restrictive practices.

One of the priority issues for workers in both sectors is that they are often not even informed about a client having a BSP. Workers often lack both the necessary information, assistance from other staff, and training to properly implement a BSP, which could compromise client safety. Staff need adequate information about which care recipients have BSPs, along with appropriate training on how to implement those plans. Adequate staffing is also an essential element in improving outcomes for care recipients – in both aged care and the NDIS, understaffing can lead to an overreliance on restrictive practices.

In this regard, regulatory alignment is less of a priority than training in the implementation of BSPs and restrictive practices, adequate staffing levels, and providers ensuring workers are fully informed about care recipient needs.

UWU position

UWU is not opposed, in principle, to exploring greater alignment in the regulation of behaviour support plans and use of restrictive practices. However, to improve outcomes for care recipients, it is essential that providers ensure workers receive training in implementing Behaviour Support Plans (BSPs) and restrictive practices, have access to relevant information about each client's BSP, and are supported by adequate staffing levels to meet the needs of those they are supporting.

Conclusion

The Commission's 'five pillars of productivity' inquiries are a missed opportunity to make an imaginative and innovative response to the problems of Australia's productivity performance. In its initial *'Growth Mindset'* paper, the Commission described the 'pay off' for productivity growth as *'higher incomes for workers, and more revenue for governments to support their policy goals'*.⁹⁰ These in turn would lead to more things that *'matter for a good life'*: better health, housing, education, and leisure time. Unfortunately, very few of draft recommendations contained within the five interim reports, if they were implemented, would make improvements that would lead to this 'good life'.

In *'Creating a more dynamic and resilient economy'*, the proposals to cut company tax to 20% below a \$1 billion turnover threshold and maintain 'revenue neutrality' by introducing net cashflow tax of 5%, would do nothing for increasing government revenue to support ambitious policy goals.⁹¹ The Commission is not proposing to close the loopholes that allow rampant corporate tax avoidance. With no action to ensure companies pay the taxes they already owe, changes to the 'headline' company rate will leave government with *less* revenue for public and community services. The 'promise' of company tax cuts – that they lead to more investment – has very little evidence to back it up.

The Commission's proposals for regulatory reform to promote 'business dynamism' show little awareness that regulators in Australia are often under resourced and lack the authority to carry out the tasks they are already given.⁹² UWU members experience of regulators in many industries is that they are often distant from and unresponsive to problems at the service level, and are often unwilling to engage with issues such as how understaffing can lead to poor safety and quality outcomes. Regulation that prioritises 'growth and dynamism' will end up prioritising profits over the quality outcomes needed for the good life.

In the interim report *'Building a skilled and adaptable workforce'*, the Commission acknowledges stagnating work-related training rates over the last decade, and the reliance on a substantial proportion of workers undertaking training in their own time (37% in 202-21).⁹³ UWU members attest to poor access to paid training during work hours, with employers making little effort to facilitate workers being released from their regular duties to attend.

However, the Commission's proposal to address this situation is to trial incentives for *employers* in small and medium enterprises (SMEs) – including tax incentives.⁹⁴ This is a lopsided, employer focused approach is recommended despite the acknowledgment within the report that broad-based tax credits can be *'inefficient and costly'*. Increased levels of workplace training will not be associated with a higher income, 'good life' productivity pay off

for workers if they are expected to pay for that training by eroding their own work-life balance. The Commission should instead focus on industry specific policies to improve workplace training, including provision of paid training time and paid backfill to support worker attendance. This would be a more direct way of ensuring that training rates are improved.

The Commission's report on *'Harnessing data and digital technology'* is similarly disappointing in that its proposals such as *'AI-specific regulation should be a last resort'* assume that Australians can do nothing except let big tech companies from the overseas unleash any technology they want.⁹⁵ UWU backs the ACTU's call for regulatory guardrails to steer the future roll-out of AI in workplaces.⁹⁶ These would include negotiated AI Agreements between employers and workers to provide job security, skills development and retraining, transparency over the use of AI technology, as well as genuine privacy and data collection protections. Rather than leaving regulation until it is too late, regulating AI early to ensure that the productivity gains are fairly shared with workers will be a concrete contribution to the 'good life' of higher incomes for a more skilled workforce.

The interim report on *'Delivering quality care more efficiently'* makes sweeping proposals for the 'care economy'. Unfortunately, those proposals often reflect a lack of knowledge by the Commission of how specific care sectors work. For example, while there are some commonalities between aged care and disability support, this does not mean that safety and quality frameworks for the two sectors are so interchangeable that they can be combined. Similarly, sector specific reforms in ECEC to improve safety and quality are moving ahead at a fast pace, and many of the Commission's recommendations in relation to the sector are already outdated.

For more information about this submission, please contact Natalie Dabarera, Research Coordinator, at [REDACTED]

Yours sincerely,

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