



DETERMINATION

Fair Work Act 2009

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

Australian Nursing and Midwifery Federation—Work value case—Aged care industry

(AM2021/63)

NURSES AWARD 2020

[MA000034]

Health and welfare services

DEPUTY PRESIDENT ASBURY
DEPUTY PRESIDENT O'NEILL
COMMISSIONER BISSETT

BRISBANE, 3 MARCH 2023

Applications to vary modern awards – work value – aged care industry – Nurses Award 2020 – interim increase.

A. Further to the Full Bench decisions issued by the Fair Work Commission on 4 November 2022 [[\[2022\] FWCFB 200](#)], 21 February 2023 [[\[2023\] FWCFB 40](#)] and 3 March 2023 [[\[2023\] FWCFB 45](#)], the above award is varied as follows:

1. By inserting the following definition in clause 2 in alphabetical order:

aged care employee means an employee engaged in the provision of:

- services for aged persons in a hostel, nursing home, aged care independent living units, aged care serviced apartments, garden settlement, retirement village or any other residential accommodation facility; or
- services for an aged person in a private residence.

2. By deleting the words “Registered nurse—level 1 Pay point 1 in clause 15.4(a)” appearing in the definition of “standard rate” in clause 2 and inserting “Registered nurse—other than aged care employee—level 1 Pay point 1 in clause 15.1(c)(i)”.

3. By deleting clause 15.1 and inserting the following:

15.1 Minimum rates for employees other than aged care employees

An employer must pay employees, other than aged care employees, the following minimum rates for ordinary hours worked by the employee.

4. By renumbering and renaming **clause 15.2—Nursing assistant** as **clause 15.1(a)—Nursing assistant—other than aged care employees**.
5. By renumbering and renaming **clause 15.3—Enrolled nurses** as **clause 15.1(b)—Enrolled nurses—other than aged care employees**.
6. By renumbering clauses 15.3(a) and (b) as clauses 15.1(b)(i) and (ii) respectively.
7. By renumbering and renaming **clause 15.4—Registered nurses** as **clause 15.1(c)—Registered nurses—other than aged care employees**.
8. By renumbering clauses 15.4(a) and (b) as clauses 15.1(c)(i) and (ii) respectively.
9. By renumbering and renaming **clause 15.5—Nurse practitioner** as **clause 15.1(d)—Nurse practitioner—other than aged care employees**.
10. By renumbering clause 15.6 as clause 15.1(e).
11. By inserting a new clause 15.2 as follows:

15.2 Minimum rates for aged care employees

An employer must pay aged care employees, as defined in clause 2—Definitions, the following minimum rates for ordinary hours worked by the employee.

(a) Nursing assistant—aged care employees

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
1st year	1015.90	26.73
2nd year	1031.80	27.15
3rd year and thereafter	1048.30	27.59
Experienced (the holder of a relevant certificate III qualification)	1082.00	28.47

(b) Enrolled Nurses—aged care employees**(i) Student enrolled nurse**

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Less than 21 years of age	943.80	24.84
21 years of age and over	990.60	26.07

(ii) Enrolled nurse

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Pay point 1	1102.00	29.00
Pay point 2	1116.70	29.39
Pay point 3	1131.50	29.78
Pay point 4	1147.80	30.21
Pay point 5	1159.30	30.51

(c) Registered nurses—aged care employees**(i) Registered nurse—Levels 1–5**

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Registered nurse—level 1		
Pay point 1	1179.00	31.03
Pay point 2	1203.10	31.66
Pay point 3	1232.70	32.44
Pay point 4	1265.50	33.30
Pay point 5	1304.30	34.32
Pay point 6	1342.10	35.32
Pay point 7	1380.90	36.34
Pay point 8 and thereafter	1416.80	37.28
Registered nurse—level 2		

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Pay point 1	1454.40	38.27
Pay point 2	1477.50	38.88
Pay point 3	1503.20	39.56
Pay point 4 and thereafter	1527.80	40.21
Registered nurse—level 3		
Pay point 1	1577.00	41.50
Pay point 2	1606.00	42.26
Pay point 3	1633.70	42.99
Pay point 4 and thereafter	1663.00	43.76
Registered nurse—level 4		
Grade 1	1799.90	47.37
Grade 2	1928.90	50.76
Grade 3	2041.40	53.72
Registered nurse—level 5		
Grade 1	1816.30	47.80
Grade 2	1912.70	50.33
Grade 3	2041.40	53.72
Grade 4	2168.70	57.07
Grade 5	2391.90	62.94
Grade 6	2617.10	68.87

(ii) Minimum entry rate

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
4 year degree ¹	1231.10	32.40
Masters degree ¹	1273.50	33.51

¹ Progression from these entry rates will be to level 1—Registered nurse pay point 4 and 5 respectively.

(d) Nurse practitioner—aged care employees

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
1st year	1814.70	47.76
2nd year	1868.60	49.17

NOTE: See Schedule B—Summary of Hourly Rates of Pay for a summary of hourly rates of pay, including overtime and penalty rates.

12. By renumbering clauses 15.7 and 15.8 as clauses 15.3 and 15.4 respectively.
13. By renumbering clauses B.1.1 to B.1.3 as clauses B.1.1(a) to (c).
14. By renumbering and renaming **clause B.1—Nursing assistant** as **clause B.1.1—Nursing assistant—other than aged care employees**".
15. By inserting a new clause B.1 as follows:

B.1 Summary of hourly rates of pay for employees other than aged care employees

16. By renumbering and renaming **clause B.2—Enrolled nurses** as **clause B.1.2—Enrolled nurses—other than aged care employees**.
17. By renumbering clauses B.2.1 to B.2.3 as clauses B.1.2(a) to (c).
18. By renumbering and renaming **clause B.3—Registered nurses** as **clause B.1.3—Registered nurses—other than aged care employees**.
19. By renumbering clauses B.3.1 to B.3.3 as clauses B.1.3(a) to (c).
20. By renumbering and renaming **clause B.4—Nurse practitioner** as **clause B.1.4—Nurse practitioner—other than aged care employees**.
21. By renumbering clauses B.4.1 to B.4.3 as clauses B.1.4(a) to (c).
22. By renumbering clause B.5 as clause B.1.5.
23. By renumbering clauses B.5.1 to B.5.3 as clauses B.1.5(a) to (c).

24. By inserting a new clause B.2 as follows:

B.2 Summary of hourly rates of pay for aged care employees

B.2.1 Nursing assistant—aged care employees

(a) Full-time and part-time employees—ordinary and penalty rates

	Minimum hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
% of minimum hourly rate						
	100%	112.5%	115%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
1st year	26.73	30.07	30.74	40.10	46.78	53.46
2nd year	27.15	30.54	31.22	40.73	47.51	54.30
3rd year and thereafter	27.59	31.04	31.73	41.39	48.28	55.18
Experienced (the holder of a relevant certificate III qualification)	28.47	32.03	32.74	42.71	49.82	56.94

(b) Full-time and part-time employees—overtime rates

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
% of minimum hourly rate				
	150%	200%	200%	250%
	\$	\$	\$	\$
1st year	40.10	53.46	53.46	66.83
2nd year	40.73	54.30	54.30	67.88
3rd year and thereafter	41.39	55.18	55.18	68.98
Experienced (the holder of a relevant certificate III qualification)	42.71	56.94	56.94	71.18

(c) Casual employees—ordinary and penalty rates

	Casual hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate			% of casual hourly rate ¹		
	125%	137.5%	140%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
1st year	33.41	36.75	37.42	50.12	58.47	66.82
2nd year	33.94	37.33	38.01	50.91	59.40	67.88
3rd year and thereafter	34.49	37.94	38.63	51.74	60.36	68.98
Experienced (the holder of a relevant certificate III qualification)	35.59	39.15	39.86	53.39	62.28	71.18

¹ The [casual hourly rate](#) is defined in clause 2—Definitions.

B.2.2 Enrolled nurses—aged care employees

(a) Full-time and part-time employees—ordinary and penalty rates

	Minimum hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
% of minimum hourly rate						
	100%	112.5%	115%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
Student enrolled nurse						
Less than 21 years	24.84	27.95	28.57	37.26	43.47	49.68
21 years and over	26.07	29.33	29.98	39.11	45.62	52.14
Enrolled nurse						
Pay point 1	29.00	32.63	33.35	43.50	50.75	58.00
Pay point 2	29.39	33.06	33.80	44.09	51.43	58.78
Pay point 3	29.78	33.50	34.25	44.67	52.12	59.56
Pay point 4	30.21	33.99	34.74	45.32	52.87	60.42
Pay point 5	30.51	34.32	35.09	45.77	53.39	61.02

(b) Full-time and part-time employees—overtime rates

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
	% of minimum hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
Student enrolled nurse				
Less than 21 years	37.26	49.68	49.68	62.10
21 years and over	39.11	52.14	52.14	65.18
Enrolled nurse				
Pay point 1	43.50	58.00	58.00	72.50
Pay point 2	44.09	58.78	58.78	73.48
Pay point 3	44.67	59.56	59.56	74.45
Pay point 4	45.32	60.42	60.42	75.53
Pay point 5	45.77	61.02	61.02	76.28

(c) Casual employees—ordinary and penalty rates

	Casual hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate			% of casual hourly rate ¹		
	125%	137.5%	140%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
Student enrolled nurse						
Less than 21 years	31.05	34.16	34.78	46.58	54.34	62.10
21 years and over	32.59	35.85	36.50	48.89	57.03	65.18
Enrolled nurse						
Pay point 1	36.25	39.88	40.60	54.38	63.44	72.50
Pay point 2	36.74	40.41	41.15	55.11	64.30	73.48
Pay point 3	37.23	40.95	41.69	55.85	65.15	74.46
Pay point 4	37.76	41.54	42.29	56.64	66.08	75.52
Pay point 5	38.14	41.95	42.71	57.21	66.75	76.28

¹ The [casual hourly rate](#) is defined in clause 2—Definitions.

B.2.3 Registered nurses—aged care employees**(a) Full-time and part-time employees—ordinary and penalty rates**

	Minimum hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate					
	100%	112.5%	115%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
Registered nurse—level 1						
Pay point 1	31.03	34.91	35.68	46.55	54.30	62.06
Pay point 2	31.66	35.62	36.41	47.49	55.41	63.32
Pay point 3	32.44	36.50	37.31	48.66	56.77	64.88
Pay point 4	33.30	37.46	38.30	49.95	58.28	66.60
Pay point 5	34.32	38.61	39.47	51.48	60.06	68.64
Pay point 6	35.32	39.74	40.62	52.98	61.81	70.64
Pay point 7	36.34	40.88	41.79	54.51	63.60	72.68
Pay point 8 and thereafter	37.28	41.94	42.87	55.92	65.24	74.56
Registered nurse—level 2						
Pay point 1	38.27	43.05	44.01	57.41	66.97	76.54
Pay point 2	38.88	43.74	44.71	58.32	68.04	77.76
Pay point 3	39.56	44.51	45.49	59.34	69.23	79.12
Pay point 4 and thereafter	40.21	45.24	46.24	60.32	70.37	80.42
Registered nurse—level 3						
Pay point 1	41.50	46.69	47.73	62.25	72.63	83.00
Pay point 2	42.26	47.54	48.60	63.39	73.96	84.52
Pay point 3	42.99	48.36	49.44	64.49	75.23	85.98
Pay point 4 and thereafter	43.76	49.23	50.32	65.64	76.58	87.52
Registered nurse—level 4¹						
Grade 1	47.37	—	—	71.06	82.90	94.74
Grade 2	50.76	—	—	76.14	88.83	101.52

	Minimum hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
% of minimum hourly rate						
	100%	112.5%	115%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
Grade 3	53.72	–	–	80.58	94.01	107.44
Registered nurse— level 5¹						
Grade 1	47.80	–	–	71.70	83.65	95.60
Grade 2	50.33	–	–	75.50	88.08	100.66
Grade 3	53.72	–	–	80.58	94.01	107.44
Grade 4	57.07	–	–	85.61	99.87	114.14
Grade 5	62.94	–	–	94.41	110.15	125.88
Grade 6	68.87	–	–	103.31	120.52	137.74
Minimum entry rates						
4 year degree	32.40	36.45	37.26	48.60	56.70	64.80
Masters degree	33.51	37.70	38.54	50.27	58.64	67.02

¹ Shiftwork loadings do not apply to Registered nurse levels 4 and 5 in accordance with clause 20.2(e).

(b) Full-time and part-time employees—overtime rates

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
% of minimum hourly rate				
	150%	200%	200%	250%
	\$	\$	\$	\$
Registered nurse— level 1				
Pay point 1	46.55	62.06	62.06	77.58
Pay point 2	47.49	63.32	63.32	79.15
Pay point 3	48.66	64.88	64.88	81.10
Pay point 4	49.95	66.60	66.60	83.25
Pay point 5	51.48	68.64	68.64	85.80
Pay point 6	52.98	70.64	70.64	88.30
Pay point 7	54.51	72.68	72.68	90.85

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
	% of minimum hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
Pay point 8 and thereafter	55.92	74.56	74.56	93.20
Registered nurse— level 2				
Pay point 1	57.41	76.54	76.54	95.68
Pay point 2	58.32	77.76	77.76	97.20
Pay point 3	59.34	79.12	79.12	98.90
Pay point 4 and thereafter	60.32	80.42	80.42	100.53
Registered nurse— level 3				
Pay point 1	62.25	83.00	83.00	103.75
Pay point 2	63.39	84.52	84.52	105.65
Pay point 3	64.49	85.98	85.98	107.48
Pay point 4 and thereafter	65.64	87.52	87.52	109.40
Registered nurse— level 4¹	—	—	—	—
Registered nurse— level 5¹	—	—	—	—
Minimum entry rates				
4 year degree	48.60	64.80	64.80	81.00
Masters degree	50.27	67.02	67.02	83.78

¹ Overtime rates do not apply to Registered nurse levels 4 and 5 in accordance with clause 19.1(b).

(c) Casual employees—ordinary and penalty rates

	Casual hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate			% of casual hourly rate ¹		
	125%	137.5%	140%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
Registered nurse—level 1						
Pay point 1	38.79	42.67	43.44	58.19	67.88	77.58
Pay point 2	39.58	43.53	44.32	59.37	69.27	79.16
Pay point 3	40.55	44.61	45.42	60.83	70.96	81.10
Pay point 4	41.63	45.79	46.62	62.45	72.85	83.26
Pay point 5	42.90	47.19	48.05	64.35	75.08	85.80
Pay point 6	44.15	48.57	49.45	66.23	77.26	88.30
Pay point 7	45.43	49.97	50.88	68.15	79.50	90.86
Pay point 8 and thereafter	46.60	51.26	52.19	69.90	81.55	93.20
Registered nurse—level 2						
Pay point 1	47.84	52.62	53.58	71.76	83.72	95.68
Pay point 2	48.60	53.46	54.43	72.90	85.05	97.20
Pay point 3	49.45	54.40	55.38	74.18	86.54	98.90
Pay point 4 and thereafter	50.26	55.29	56.29	75.39	87.96	100.52
Registered nurse—level 3						
Pay point 1	51.88	57.06	58.10	77.82	90.79	103.76
Pay point 2	52.83	58.11	59.16	79.25	92.45	105.66
Pay point 3	53.74	59.11	60.19	80.61	94.05	107.48
Pay point 4 and thereafter	54.70	60.17	61.26	82.05	95.73	109.40
Registered nurse—level 4²		—	—			
Grade 1	59.21	—	—	88.82	103.62	118.42
Grade 2	63.45	—	—	95.18	111.04	126.90
Grade 3	67.15	—	—	100.73	117.51	134.30

	Casual hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate			% of casual hourly rate ¹		
	125%	137.5%	140%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
Registered nurse—level 5²						
Grade 1	59.75	–	–	89.63	104.56	119.50
Grade 2	62.91	–	–	94.37	110.09	125.82
Grade 3	67.15	–	–	100.73	117.51	134.30
Grade 4	71.34	–	–	107.01	124.85	142.68
Grade 5	78.68	–	–	118.02	137.69	157.36
Grade 6	86.09	–	–	129.14	150.66	172.18
Minimum entry rates						
4 year degree	40.50	44.55	45.36	60.75	70.88	81.00
Masters degree	41.89	46.08	46.91	62.84	73.31	83.78

¹ The [casual hourly rate](#) is defined in clause 2—Definitions.

² Shiftwork loadings do not apply to Registered nurse levels 4 and 5 in accordance with clause 20.2(e).

B.2.4 Nurse practitioner—aged care employees

(a) Full-time and part-time employees—ordinary and penalty rates

	Minimum hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate					
	100%	112.5%	115%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
1st year	47.76	53.73	54.92	71.64	83.58	95.52
2nd year	49.17	55.32	56.55	73.76	86.05	98.34

(b) Full-time and part-time employees—overtime rates

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
	% of minimum hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
1st year	71.64	95.52	95.52	119.40
2nd year	73.76	98.34	98.34	122.93

(c) Casual employees—ordinary and penalty rates

	Casual hourly rate	Monday to Friday		Saturday	Sunday	Public holiday
		Afternoon shift	Night shift			
	% of minimum hourly rate			% of casual hourly rate¹		
	125%	137.5%	140%	150%	175%	200%
	\$	\$	\$	\$	\$	\$
1st year	59.70	65.67	66.86	89.55	104.48	119.40
2nd year	61.46	67.61	68.84	92.19	107.56	122.92

¹The [casual hourly rate](#) is defined in clause 2—Definitions.

25. By deleting the words “Registered nurse—level 1, pay point 1 in clause 15.4” appearing above the table in clause C.1.1 and inserting “Registered nurse—other than aged care employee—level 1, pay point 1 in clause 15.1(c)(i)”.

26. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation on 30 June 2023. In accordance with s.166(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 30 June 2023.



DEPUTY PRESIDENT

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