

From: Penelope Parker <PParker@mauriceblackburn.com.au>
Sent: Monday, March 11, 2024 6:59 PM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>; Nigel Ward (ACCI) <Nigel.Ward@ablawyers.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>; Mia Pantechis <MPantechis@mauriceblackburn.com.au>; Larissa Harrison <Larissa.Harrison@unitedworkers.org.au>; Ben Redford(unitedworkers) <Ben.Redford@unitedworkers.org.au>; Besemeres, Clare <Clare.Besemeres@ags.gov.au>; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Philip Gardner <pgardner@gordonlegal.com.au>; Nick White <nwhite@gordonlegal.com.au>
Subject: RE: AM2020/99 & Ors – Aged Care Work Value Case – Nurses Award Rates [MBC-VIC.FID4764043]

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Dear Associate

I refer to the email below.

The HSU's response is as follows.

The HSU observes that while the Level 1 Pay Point 1 rate was \$697 at the time the modern nurses award was made, per cl.14(3)(a) the rate for an entry level registered nurse with a four year degree was \$729.00 per week, progressing to Level 1 Pay Point 4 thereafter.

The reference to a nursing degree in cl.5.3.6(a)(i) in the pre-modern award, by its reference to (UG1) appears to encompass (but not be limited to) a Bachelor Degree with Honours (<https://www.aqf.edu.au/equivalency-pre-aqf-qualifications>). The clause also appears to contemplate a person achieving a degree after being appointed as a registered nurse, which the HSU understands is no longer the case (noting 3.3 of the attached ANMF submissions).

This may be relevant to the identified anomaly. It also suggests that there is a broader structural difficulty with the classifications in the Nurses Award not confined to aged care, and the question of their internal (and thus external) relativities may not be able to be suitably resolved in this case.

The legal representatives for the active parties in these proceedings, are included in this email.

Kind regards

Penelope Parker
Senior Associate

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From: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Sent: Wednesday, March 6, 2024 10:50 AM
To: Nigel Ward (ACCI) <Nigel.Ward@ablawyers.com.au>; Alana Rafter <Alana.Rafter@ablawyers.com.au>; Penelope Parker <PParker@mauriceblackburn.com.au>; Mia Pantechis <MPantechis@mauriceblackburn.com.au>; Larissa Harrison <Larissa.Harrison@unitedworkers.org.au>; Ben Redford(unitedworkers) <Ben.Redford@unitedworkers.org.au>; Besemeres, Clare <Clare.Besemeres@ags.gov.au>; Vermeesch, Paul <Paul.Vermeesch@ags.gov.au>; Philip Gardner <pgardner@gordonlegal.com.au>; Nick White <nwhite@gordonlegal.com.au>
Subject: AM2020/99 & Ors – Aged Care Work Value Case – Nurses Award Rates

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Dear parties,

In relation to the above matter, the Expert Panel as part of its decision-making process is considering the manner in which the entry-level rate for a degree-qualified registered nurse under the Nurses Award was arrived at when the modern award was first made as part of the award modernisation process in 2009.

The pre-modern award which served as the primary source for the modern award's classifications and rates appears to have been the [Nurses \(ANF – South Australian Private Sector\) Award 2003](#) (SA Private Sector Award) (noting that federal nursing awards had largely aligned rates of pay at the time). The effect of clause 5.3.6(a) of the SA Private Sector Award was that the entry rate for a degree-qualified registered nurse was at Level 1, 2nd year of service. The Expert Panel has attempted to calculate this rate as it was at the time immediately before the modern Nurses Award was made. Converting the 2005 salary rate of \$34,125 into a weekly rate, and taking into account the wage increases resulting from Australian Fair Pay Commission decisions in 2006, 2007 and 2008, the Expert Panel has calculated that the rate was \$713.42 per week.

The Expert Panel invites the ANMF to comment upon the correctness of this calculation. The Expert Panel considers that this issue is of some significance given that the entry rate for a degree-qualified registered nurse in the Nurses Award when it was first made on 3 April 2009 was \$697.00 per week. The Expert Panel also notes the submissions made by the Australian Nursing Federation in the award modernisation process in October 2008 (see pg. 98 of [attached](#)).

The Expert Panel would be assisted if any comments could be sent to chambers by **11 March 2024**.

Regards,

Mahmoud Al Rifai (he/him)
Associate to Justice Hatcher, President



Fair Work Commission

Australia's national workplace relations tribunal

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