



DRAFT DETERMINATION

Fair Work Act 2009

s 158—Application to vary or revoke a modern award

Applications by Australian Nursing and Midwifery Federation

(AM2021/63, AM2024/11)

NURSES AWARD 2020

[MA000034]

Health and welfare services

JUSTICE HATCHER, PRESIDENT

VICE PRESIDENT ASBURY

DEPUTY PRESIDENT O'NEILL

PROFESSOR BAIRD

DR RISSE

SYDNEY, XX MONTH 2024

Applications to vary the Nurses Award 2020 – work value cases – aged care industry – award varied.

A. Further to the decision issued by the Expert Panel on XX Month 2024 [[2024] FWCFB XX], the above award is varied as follows:

1. By deleting clause 15.3.
2. By renumbering clause 15.2 as new clause 15.3.
3. By inserting a new clause 15.2 as follows:

15.2 Progression through pay points—other than aged care employees

(a) Progression for employees other than aged care employees will be:

- (i) for full-time employees – by annual movement; or
- (ii) for part-time or casual employees – 1786 hours of experience.

(b) Progression to the next pay point for all classifications in clause 15.1 for which there is more than one pay point will have regard to:

- (i) the acquisition and use of skills described in the definitions contained in Schedule A—Classification Definitions; and

- (ii) knowledge gained through experience in the practice settings over such a period.

4. By deleting new clause 15.3(a)(ii) and inserting the following:

(ii) **Enrolled nurse**

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Enrolled nurse supervising other direct care employees	1301.60	34.25

NOTE: See Schedule F—Classification Translation Arrangements for the minimum rate of pay applicable to employees who were classified as an Enrolled nurse—aged care employee on 28 February 2025.

5. By deleting new clause 15.3(b)(i) and inserting the following:

(i) **Registered nurse—Levels 1–5**

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Registered nurse—level 1		
First year of employment classified at this level.	1345.60	35.41
In excess of 1 year and up to 4 years of employment classified at this level.	1411.10	37.13
In excess of 4 years of employment classified at this level.	1549.20	40.77
Registered nurse—level 2		
First 3 years of employment classified at this level.	1680.10	44.21
In excess of 3 years of employment classified at this level.	1746.50	45.96
Registered nurse—level 3	1828.70	48.12
Registered nurse—level 4	2141.80	56.36

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Registered nurse—level 5	2412.10	63.48

NOTE: See Schedule F—Classification Translation Arrangements for the minimum rate of pay applicable to employees who were classified as a Registered nurse—aged care employee on 28 February 2025.

- 6. By deleting new clause 15.3(b)(ii).
- 7. By inserting item A.4.6 in Schedule A as follows:

A.4.6 Enrolled nurse supervising other direct care employees

An enrolled nurse supervising other direct care employees is an employee who:

(a) has satisfactorily completed:

- a hospital based course of training in nursing leading to enrolment as an EN; or
- 500 hours or more theory content or a course accredited at advanced certificate, diploma or advanced diploma level leading to enrolment as an EN; or
- a course of training in a specified branch of nursing leading to enrolment on a register or roll maintained by the Nursing and Midwifery Board of Australia or its successor;

and

(b) has responsibility for supervising other direct care employees.

- 8. By deleting the table appearing in clause B.2.1(a) and inserting the following:

	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 of age	27.25	30.66	31.34	40.88	47.69	54.50
21 years of age and over	28.60	32.18	32.89	42.90	50.05	57.20

	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%
	\$	\$	\$	\$	\$	\$
Enrolled nurse supervising other direct care employees	34.25	38.53	39.39	51.38	59.94	68.50

9. By deleting the table appearing in clause B.2.1(b) and inserting the following:

	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 of age	40.88	54.50	54.50	68.13
21 years of age and over	42.90	57.20	57.20	71.50
Enrolled nurse supervising other direct care employees	51.38	68.50	68.50	85.63

10. By deleting the table appearing in clause B.2.1(c) and inserting the following:

	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%
	\$	\$	\$	\$	\$	\$
Student enrolled nurse						
Less than 21 years of age	34.06	37.47	38.15	51.09	59.61	68.12
21 years of age and over	35.75	39.33	40.04	53.63	62.56	71.50

	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%
	\$	\$	\$	\$	\$	\$
Enrolled nurse supervising other direct care employees	42.81	47.09	47.95	64.22	74.92	85.62

11. By deleting the table appearing in clause B.2.2(a) and inserting the following:

	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						
First year of employment classified at this level	35.41	39.84	40.72	53.12	61.97	70.82
In excess of 1 year and up to 4 years of employment classified at this level	37.13	41.77	42.70	55.70	64.98	74.26
In excess of 4 years of employment classified at this level	40.77	45.87	46.89	61.16	71.35	81.54
Registered nurse—level 2						
First 3 years of employment classified at this level	44.21	49.74	50.84	66.32	77.37	88.42
In excess of 3 years of employment classified at this level	45.96	51.71	52.85	68.94	80.43	91.92
Registered nurse—level 3	48.12	54.14	55.34	72.18	84.21	96.24

	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 4¹	56.36	63.41	64.81	84.54	98.63	112.72
Registered nurse— level 5¹	63.48	71.42	73.00	95.22	111.09	126.96

12. By deleting the table appearing in clause B.2.2(b) and inserting the following:

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
	% of minimum hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
Registered nurse— level 1				
First year of employment classified at this level	53.12	70.82	70.82	88.53
In excess of 1 year and up to 4 years of employment classified at this level	55.70	74.26	74.26	92.83
In excess of 4 years of employment classified at this level	61.16	81.54	81.54	101.93
Registered nurse— level 2				
First 3 years of employment classified at this level	66.32	88.42	88.42	110.53
In excess of 3 years of employment classified at this level	68.94	91.92	91.92	114.90
Registered nurse— level 3	72.18	96.24	96.24	120.30

	Monday to Saturday		Sunday	Public holiday
	First 2 hours	After 2 hours		
	% of minimum hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
Registered nurse— level 4¹	84.54	112.72	112.72	140.90
Registered nurse— level 5¹	95.22	126.96	126.96	158.70

13. By deleting the table appearing in clause B.2.2(c) and inserting the following:

	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%
	\$	\$	\$	\$	\$	\$
Registered nurse— level 1						
First year of employment classified at this level	44.26	48.69	49.57	66.39	77.46	88.52
In excess of 1 year and up to 4 years of employment classified at this level	46.41	51.05	51.98	69.62	81.22	92.82
In excess of 4 years of employment classified at this level	50.96	56.06	57.08	76.44	89.18	101.92
Registered nurse— level 2						
First 3 years of employment classified at this level	55.26	60.79	61.89	82.89	96.71	110.52
In excess of 3 years of employment classified at this level	57.45	63.20	64.34	86.18	100.54	114.90
Registered nurse— level 3	60.15	66.17	67.37	90.23	105.26	120.30

	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 4²	70.45	77.50	78.90	105.68	123.29	140.90
Registered nurse—level 5²	79.35	87.29	88.87	119.03	138.86	158.70

14. By inserting “Schedule F—Classification Translation Arrangements” as follows:

Schedule F—Classification Translation Arrangements

Schedule F specifies the classification and minimum rates of pay that apply to Enrolled Nurses—aged care employees and Registered Nurses—aged care employees who were classified under previous classification structures in this award.

F.1 An employee who was classified as an Enrolled Nurse—aged care employee on 28 February 2025 is classified as follows:

Previous classification	Translated classification
Enrolled nurse—aged care employee	Enrolled nurse supervising other direct care employees
Pay point 1	
Pay point 2	
Pay point 3	
Pay point 4	
Pay point 5	

F.2 Subject to clause F.3, an employee who was classified as a Registered Nurse—aged care employee on 28 February 2025 is classified as follows:

Previous classification	Translated classification
Registered nurse—level 1	Registered nurse—level 1
Pay point 1	First year of employment classified at this level
Pay point 2	In excess of 1 year and up to 4 years of employment classified at this level
Pay point 3	
Pay point 4	

Previous classification	Translated classification
Pay point 5	In excess of 4 years of employment classified at this level
Pay point 6	
Pay point 7	
Pay point 8 and thereafter*	
Registered nurse—level 2	Registered nurse—level 2
Pay point 1	First 3 years of employment classified at this level
Pay point 2	
Pay point 3	
Pay point 4 and thereafter	In excess of 3 years of employment classified at this level
Registered nurse—level 3	Registered nurse—level 3
Pay point 1	Registered nurse—level 3
Pay point 2	
Pay point 3	
Pay point 4 and thereafter	
Registered nurse—level 4	Registered nurse—level 4
Grade 1	Registered nurse—level 4
Grade 2	
Grade 3*	
Registered nurse—level 5	Registered nurse—level 5
Grade 1	Registered nurse—level 5
Grade 2	
Grade 3	
Grade 4	
Grade 5*	
Grade 6*	

*NOTE: Refer to clause F.3.

F.3 Retained minimum rates of pay

F.3.1 Clause F.3 only applies to employees classified under this award on 28 February 2025 as Registered nurse—aged care employees at the following classifications:

- Registered nurse—level 1—Pay point 8 and thereafter
- Registered nurse—level 4—Grade 3

- Registered nurse—level 5—Grade 5
- Registered nurse—level 5—Grade 6

F.3.2 The minimum rate of pay applicable to an employee subject to clause F.3 is the higher of:

- (a) the minimum rate of pay under this award that applies to the employee’s translated classification at clause F.2; and
- (b) the minimum rate of pay previously applicable to the employee under this award as it was on 28 February 2025, as follows:

Previous classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Registered nurse—level 1		
Pay point 8 and thereafter	1554.50	40.91
Registered nurse—level 4		
Grade 3	2239.80	58.94
Registered nurse—level 5		
Grade 5	2624.30	69.06
Grade 6	2871.40	75.56

NOTE: See clause F.3.3 for a summary of hourly rates of pay under the *Nurses Award 2020* at 28 February 2025, including overtime and penalty rates.

F.3.3 Summary of hourly rates of pay under the Nurses Award 2020 at 28 February 2025

Clause F.3.3 contains the summary of hourly rates of pay under the *Nurses Award 2020* as it was on 28 February 2025 for the purposes of determining the minimum rate of pay applicable to employees subject to clause F.3.

- (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 8 and thereafter	40.91	46.02	47.05	61.37	71.59	81.82
Registered nurse—level 4¹						
Grade 3	58.94	—	—	88.41	103.15	117.88
Registered nurse—level 5¹						
Grade 5	69.06	—	—	103.59	120.86	138.12
Grade 6	75.56	—	—	113.34	132.23	151.12

¹ Shiftwork loadings do not apply to Registered nurse levels 4 and 5 in accordance with clause 20.2(e) of the *Nurses Award 2020* at 28 February 2025.

(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 8 and thereafter	61.37	81.82	81.82	102.28
Registered nurse—level 4¹	—	—	—	—
Registered nurse—level 5¹	—	—	—	—

¹ Overtime rates do not apply to Registered nurse levels 4 and 5 in accordance with clause 19.1(b) of the *Nurses Award 2020* at 28 February 2025..

(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 8 and thereafter	51.14	56.25	57.27	76.71	89.50	102.28
Registered nurse—level 4²						
Grade 3	73.68	–	–	110.52	128.94	147.36
Registered nurse—level 5²						
Grade 5	86.33	–	–	129.50	151.08	172.66
Grade 6	94.45	–	–	141.68	165.29	188.90

¹ The casual hourly rate is defined in clause 2—Definitions of the *Nurses Award 2020* at 28 February 2025.

² Shiftwork loadings do not apply to Registered nurse levels 4 and 5 in accordance with clause 20.2(e) of the *Nurses Award 2020* at 28 February 2025.

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

B. This determination comes into operation on 1 March 2025. In accordance with ss 165(3) and 166(5) of the *Fair Work Act 2009* (Cth) 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 1 March 2025.

PRESIDENT