

THE AUSTRALIAN NURSING AND MIDWIFERY FEDERATION

Applicant

APPLICATION UNDER SECTION 157 OF THE *FAIR WORK ACT 2009* (CTH) TO
AMEND THE *NURSES AWARD 2020*

ANMF'S POSITION DOCUMENT IDENTIFYING VARIATIONS SOUGHT TO THE
NURSES AWARD 2020

A. INTRODUCTION

1. On 9 February 2024, the Australian Nursing and Midwifery Federation (“ANMF”) filed an application (“**application**”) seeking to vary the *Nurses Award 2020*.
2. On 6 December 2024, the Expert Panel published [2024] FWCFB 452 (“*Nurses decision*”) in this proceeding and in proceeding AM2021/63, regarding the classification and pay structure for registered nurses (“RNs”) and enrolled nurses (“ENs”) in the aged care sector.
3. On 13 February 2025, Hatcher J issued directions in this proceeding for the ANMF and interested parties to exchange without-prejudice documents addressing proposed changes to the classification structure in the Award and the appropriate minimum rates of pay for each classification. Thereafter, interested parties engaged in without-prejudice discussions partly overseen by Slevin DP.
4. On 7 October 2025, Hatcher J ordered the ANMF to file and serve a position document identifying the variations to the Award sought. This is that position document, incorporating compromises made by the ANMF during the without prejudice process identified above. This position document updates and supplements the application and prevails to the extent of any inconsistency.

B. CHANGE TO AWARD TITLE

5. As identified at [7] of the application, the ANMF proposes an amendment to the name of the Award in the title and at cl 1.1, to be the *Nurses and Midwives Award 2020*.

C. INTEGRATED CLASSIFICATION STRUCTURE

6. The ANMF applies to vary the Award such that the separate provision for aged care employees would be eliminated. That is, there would be a single classification structure for all employees covered by the Award, albeit that one classification will only apply to employees currently identified as “aged care employees” (namely EN – aged care) and some classifications only to employees currently identified as “other than aged care employees” (namely Nursing Assistants (“AINs”) and Occupational Health Nurses (“OHNs”)).
7. The proposed rate structure is at **Annexure 1**, a proposed set of EN classification descriptors is at **Annexure 2**, and all proposals are addressed in detail in Part D below.
8. As for RNs and midwives, the ANMF seeks an integrated classification structure and minimum rates of pay mirroring the outcome for *RNs – aged care employees* in the Nurses decision.
9. As for ENs, the ANMF seeks an integrated classification structure for all ENs incorporating a classification of EN working in aged care who may be required to supervise other direct care employees: *Nurses decision*, [51]; Award Schedule A.4.6.
10. As for Nurse Practitioners (“NPs”), at [61] of the *Nurses decision*, the Expert Panel identified that, due to the insufficiency of evidence at that time, it was desirable for the position of NPs across the health sector to be the subject of further review in this proceeding with the benefit of further and more focused evidence on the qualifications and role of NPs. In broad terms, the ANMF proposes that NPs should maintain their existing relativities to RNs.
11. The proposal in relation to AINs and OHNs is discussed below. In broad terms, AINs are proposed to match the outcome in the Nurses decision, and the number of OHN pay points has been reduced conformably with the approach taken in the Nurses decision but otherwise retaining relativities to RN classifications.

D. MINIMUM RATES AND CLASSIFICATIONS

12. The ANMF seeks the minimum rates and a classification structure for employees covered by the Award as identified in **Annexure 1**. The weekly rates identified in **Annexure 1** incorporate the total increases to minimum rates, subject to additional increases by reason of any annual wage review.

D.1 Nursing Assistants

13. The minimum rate and classification structure for AINs applies only to employees currently designated as “*other than aged care employees*”; see *Stage 3 Aged Care decision* [2024] FWCFB 150 at [190] (**Stage 3 decision**). The variations to the Award sought by the ANMF proceed on that basis.
14. The ANMF seeks minimum rates and classification structure for AINs identified in **Annexure 1**. That classification structure and those rates mirror the classifications and rates arising from the *Stage 3 decision* at [170] and [174]–[202] for:
 - (1) “*aged care employee – direct care-level 1*” to “*aged care employee–direct care-level 3*” covered by the *Aged Care Award 2020*; and
 - (2) “*home care employees – level 1-aged care*” to “*home care employees–level 3-aged care*” covered by the *Social, Community, Home Care and Disability Services Industry Award 2020*.
15. The ANMF does not seek any amendment to the classification descriptors for AINs at Schedule A.1 to the Award.

D.2 Enrolled Nurse and Student Enrolled Nurse

16. The ANMF seeks the minimum rates and a classification structure for ENs and Student ENs in the Award as identified in **Annexure 1** and **Annexure 2**.
17. That classification structure and rates incorporate the following principles:
 - (1) A minimum rate for an Introductory EN of \$1,419.40 per week, being the rate identified for a diploma qualified early childhood educator, Advanced Educator under the *Children’s Services Award* in the *Gender-based Undervaluation – Priority Award Review Decision* [2025] FWCFB 74 (provisional views) at [557];
 - (2) A structure that provides progression through levels after the completion of 6 months’ (EN 1), 2 years’ (EN 2), 4 years’ (EN 3) and 6 years’ (EN 4) practical experience in providing nursing care and/or services and completing professional development as required by the NMBA or its successor;

- (3) Minimum rates for levels EN 1 to EN 4 where EN4 has a relativity of 107.21 per cent of the Introductory EN rate;
- (4) A classification of “*EN – aged care*” based on the classification identified at [205] of the *Stage 3 decision*, [51] of the *Nurses decision* and Schedule A.4.6 but amended in accordance with the submissions of the ANMF and Joint Employers dated 13 December 2024. This recognises that the term “*direct care employees*” is not defined in the Award. The amendment to the title ensures ENs in aged care who may not (or may not yet) be required to supervise other direct aged care employees are not excluded from the classification;
- (5) Provision for ENs in aged care to progress to the classifications of EN 3 after the completion of four years’, and to EN 4 after the completion of six years’, practical experience and the completion of required professional development;
- (6) The modernisation of existing classification descriptors for ENs; and
- (7) Retaining classifications for Student ENs who are less than 21 years of age, or 21 years of age and over and the existing relativity of these classifications to the Introductory EN classification.

D.3 Registered Nurses and Midwives

18. The ANMF seeks a single classification structure and set of minimum rates for all RNs and midwives as identified in **Annexure 1**. This would involve a direct application of the *Nurses decision* to RNs outside aged care and to midwives.
19. The coverage of the Award includes employers who employ a nurse/midwife, principally engaged in nursing/midwifery; see cl 4.1(b). Similarly, “*nursing care*” is defined by Schedule A.2 of the Award to include “*care provided by midwives*”.

D.4 Nurse Practitioners

20. As identified above, the Expert Panel in the *Nurses decision* at [36] identified that it would be desirable for the position of NPs across the health sector to be the subject of further review, with the benefit of further and more focused evidence on the qualifications and role of NPs, in the current proceeding.

21. The ANMF seeks a single classification structure and increased minimum rates for all NPs as identified in **Annexure 1**. That classification structure and minimum rates would:

- (1) Apply to all NPs, whether working in aged care or outside of aged care;
- (2) Retain the existing two levels of NP, being first year and second year;
- (3) Retain the existing definition of NP at Schedule A.7; and
- (4) Retain existing relativities as between RNs and NPs outside of aged care.

D.5 Occupational Health Nurses

22. The ANMF seeks a simplification of the classification structure for OHNs and increases to minimum rates as set out in **Annexure 1**. These proposed changes are consistent with the *Nurses decision* and:

- (1) Retain the primary classifications and definitions of OHN – level 1, OHN – level 2, Senior occupational health clinical nurse and OHN-level 3 and these definitions at Schedule A.6;
- (2) Remove all pay points, save that a OHN – level 2 would receive a higher minimum rate after the completion of three years, consistently with an RN-2 to which it is aligned; and
- (3) Be aligned with the minimum rates determined in the Nurses decision and existing relatives.

E. TIME BASED PROGRESSION

23. The ANMF seek the deletion of cl 15.2 of the Award “*Progression through pay points—other than aged care employees*”. No equivalent provision currently applies to aged care employees.

F. OPERATIVE DATE AND PHASING IN

24. The ANMF seeks the following phasing in arrangements:

- (1) A first operative date of 30 June 2026;
- (2) Five annual increments starting on 30 June 2026, with further increases on 30 June 2027, 2028, 2029 and 2030; and

- (3) Increases weighted equally in 20 per cent instalments across the 5 increments.
25. In the event that no final determination has been made varying the Award by 30 June 2026, the ANMF seeks an interim order for the following variations to the Award:
- (1) Variations to the AIN, Student EN, RN / Midwife and OHN classification structures in accordance with **Annexure 1**;
 - (2) Increases of 20 per cent of the difference between the weekly rates for AINs, Student ENs, RNs / Midwives and OHNs set out in **Annexure 1** and the current weekly rates for equivalent classifications under the Award;
 - (3) Increases of 20 per cent of the difference between the rates determined for NPs in the *Nurses Decision* and the current weekly rates under the Award; and
 - (4) Increases of 20 per cent of the difference between the introductory EN rate of \$1,419.40 as set out in **Annexure 1**, and the current weekly rates for ENs *other than aged care* under the Award.

24 October 2025

ANNEXURE 1

Classifications	Weekly rate (\$)
<u>Nursing assistant</u>	
Less than 3 months	1182.80
3 months or more	1248.50
Experienced (certificate III qualification)	1314.20
<u>Student enrolled nurse</u>	
Less than 21 years of age	1215.50
21 years of age and over	1275.90
<u>Enrolled nurse</u>	
Introductory Enrolled Nurse	1419.40
EN 1 – Completion of 6 months	1445.00
EN 2 – Completion of 2 years	1470.00
EN – Aged care	1472.00
EN 3 – Completion of 4 years	1495.00
EN 4 – Completion of 6 years	1521.74
<u>Registered nurse/midwife</u>	
Level 1	
1st year	1500.30
Completion of 1st year (1 year plus)	1579.30
Completion of 4 years (4 years plus)	1719.30
Level 2	
1–3 years	1859.40
Completion of 3 years	1953.10
Level 3	1999.30
Level 4	2282.00
Level 5	2588.20

<u>Nurse practitioner</u>	
1st year	2381.90
2nd year	2452.60
<u>Occupational health nurse</u>	
Level 1	1719.30
Level 2	
1–3 years	1859.40
Completion of 3 years	1953.10
Senior occupational health clinical nurse	1953.10
Level 3	1999.30

ANNEXURE 2

A.4 Enrolled nurses

A.4.1 Enrolled nurse – Introductory

- (a) Enrolled nurse – Introductory refers to the pay point to which an enrolled nurse (EN) has been appointed.
- (b) An employee will be appointed based on training and experience including:
- holding registration as an EN with the Nursing and Midwifery Board of Australia (NMBA) or its successor; and
 - having practical experience of up to but not more than six months in the provision of nursing care and/or services, and, the completion of continuing professional development as required by the NMBA or its successor.
- (c) **Skill indicators**
- The employee has limited or no practical experience of current situations; and
 - The employee exercises limited critical thinking skills, not yet developed by practical experience.

A.4.2 Enrolled nurse – pay point 1

- (a) Pay point 1 refers to the pay point to which an EN has been appointed.
- (b) An employee will be appointed to this pay point based on training and experience including:
- not more than six further months of practical experience in the provision of nursing care and/or services in addition to the experience, skill and knowledge requirements specified for an Enrolled nurse – Introductory; and
 - the completion of continuing professional development as required by the NMBA or its successor.
- (c) **Skill indicators**
- The employee is required to demonstrate some of the following in the performance of their work:
- a developing ability to recognise changes required in nursing activity and in consultation with the RN, implement and record such changes, as necessary;
 - an ability to relate theoretical concepts to practice; and/or
 - requiring assistance in complex situations and in determining priorities.

A.4.3 Enrolled nurse – pay point 2

- (a) Pay point 2 refers to the pay point to which an EN has been appointed.
- (b) An employee will be appointed to this pay point based on training and experience including:

- not more than 18 further months of practical experience in the provision of nursing care and/or services, in addition to the experience, skill and knowledge requirements specified for an Enrolled nurse – pay point 1; and
- the completion of continuing professional development as required by the NMBA or its successor.

(c) Skill indicators

The employee is required to demonstrate some of the following in the performance of their work:

- an ability to organise, practise and complete nursing functions in stable situations with limited direct supervision;
- observation and assessment skills to recognise and report deviations from stable conditions;
- flexibility in the capacity to undertake work across the broad range of nursing activity and/or competency in a specialised area of practice; and/or
- communication and interpersonal skills to assist in meeting psycho-social needs of individuals/groups.

A.4.4 Enrolled nurse – aged care

An enrolled nurse – aged care is an aged care employee who:

- (a) holds registration as an EN with the NMBA or its successor; and
- (b) may be required to supervise other direct care employees.

A.4.5 Enrolled nurse – pay point 3

- (a) Pay point 3 refers to the pay point to which an EN has been appointed.
- (b) An employee will be appointed to this pay point based on training and experience including:
 - not more than two further years of practical experience in the provision of nursing care and/or services in addition to the experience, skill and knowledge requirements specified for an Enrolled nurse – pay point 2; and
 - the completion of continuing professional development as required by the NMBA or its successor.
- (c) An Enrolled nurse – aged care will be appointed to this pay point based on training and experience including having practical experience of not more than four years in the provision of nursing care and/or services, and, the completion of continuing professional development as required by the NMBA or its successor.

(d) Skill indicators

The employee is required to demonstrate some of the following in the performance of their work:

- timeliness and flexibility in accurate decision making;
- organisation of own workload and ability to set own priorities with minimal direct supervision;

- observation and assessment skills to recognise and report deviations from stable conditions across a broad range of patient and/or service needs; and/or
- communication and interpersonal skills to meet psychosocial needs of individual/groups.

A.4.6 Enrolled nurse – pay point 4

- (a) Pay point 4 refers to the pay point to which an EN has been appointed.
- (b) An employee will be appointed to this pay point based on training and experience including:
- not more than two further years of practical experience in the provision of nursing care and/or services in addition to the experience, skill and knowledge requirements specified for an Enrolled nurse – pay point 3; and
 - the completion of continuing professional development as required by the NMBA or its successor.

(c) **Skill indicators**

The employee is required to demonstrate some of the following in the performance of their work:

- contributes information in assisting the RN with development of nursing strategies/improvements within the employee’s own practice setting and/or nursing team, as necessary;
- responds to situations in less stable and/or changed circumstances resulting in positive outcomes, with minimal direct supervision; and
- efficiency and sound judgment in identifying situations requiring assistance from an RN.