

**FAIR WORK COMMISSION**

**Matter no.:** AM2024/11

**Re Application by:** The Australian Nursing and Midwifery Federation

**AUSTRALIAN PRIVATE HOSPITALS ASSOCIATION**

**AUSTRALIAN PRIVATE HOSPITALS ASSOCIATION'S RESPONSE TO THE APPLICANT'S  
POSITION DOCUMENT IDENTIFYING VARIATIONS SOUGHT TO *NURSES AWARD 2020***

- [1] This document is filed pursuant to paragraph [2] of the Direction made on 7 October 2025. Consistent with that Direction, its purpose is to respond to the 'Position Document' dated 24 October 2025 filed by the Applicant (**ANMF Position**) by:
- (a) identifying matters not in dispute; and
  - (b) identifying matters in dispute and setting out the Australian Private Hospitals Association's alternative position.

Change to Award Title

- [2] The change to the Award's title, as proposed in ANMF Position [5], is **not opposed**.

Minimum rates

- [3] Subject to what follows, the minimum rates in ANMF Position Annexure 1 are **not opposed**.

Classifications, including the proposed 'Integrated Classification Structure'

- [4] APHA **is opposed to** the proposal at ANMF Position [6]-[9] (and repeated elsewhere) to integrate the aged care and non-aged care classification structures.
- [5] The combined Enrolled Nurse (EN) classification structure as currently presented at Annexure 1 of the ANMF Position is likely to cause confusion as to the correct structure and rates that apply to ENs in aged care.

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[6] In any event, APHA understands that any variation affecting aged care employers and employees would require the reopening of application 2021/63 (**Aged Care Proceeding**), in which APHA has no relevant interest.

[7] Subject to that qualification, the variations sought in ANMF Position [13]-[19] and [22] (and the classification descriptors in Annexure 2) are **not opposed**.

#### Nurse Practitioners

[8] The variations proposed in relation to Nurse Practitioners (ANMF Position [20]-[21] and the minimum pay rates in Annexure 1) are **opposed**.

[9] APHA says that the minimum rates for Nurse Practitioners should be:

(a) 1<sup>st</sup> year: \$2,060.70;

(b) 2<sup>nd</sup> year: \$2,121.90.

[10] The increase proposed by the ANMF is of the type rejected by the Expert Panel in the Aged Care Proceedings: *Re Australian Nursing and Midwifery Federation* [2024] FWCFB 452 at [61].

#### Time-based progression

[11] The deletion of cl 15.2 of the Award, as proposed in ANMF Position [23], is **opposed**.

[12] The ANMF proposal involves part-time and casual employees progressing through incremental time-based pay points after the passage of a single calendar year. APHA maintains that a single year for the purposes of time-based incremental progression for part-time and casual employees should be based on attainment of 1,786 hours (as currently provided at Award cl 15.2(a)(ii)). Such an approach would ensure that casual and part-time employees moving through time-based pay points are able to acquire the requisite knowledge and skill through on-the-job experience that would justify any work value increase in minimum rates of pay. APHA's approach accords with established principles for properly set minimum wage rates (and ANMF's does not).

#### Operative date and phasing in

[13] The operative date and phasing in proposed in ANMF Position [24] is **opposed in part**.

[14] APHA's position is that the operative date should be consistent with the default provided in s 166(1)(a). That is, the operative date (being the date of the first instalment) should be 1 July 2026, with further instalments on 1 July of each of the next four years.

[15] The 20% weighting and five yearly increments contained in the ANMF Position is otherwise **not opposed**.

Interim order

[16] Subject to the anterior oppositions articulated herein, the interim order proposed in ANMF Position [24] is **not opposed**.

HERBERT SMITH FREEHILLS KRAMER

Solicitors for the Australian Private Hospitals Association

14 November 2025