

**FAIR WORK COMMISSION
AT MELBOURNE**

**APPLICATION BY AUSTRALIAN NURSING AND MIDWIFERY FEDERATION
(AM2024/11)**

RESPONSE TO THE APPLICANT'S POSITION DOCUMENT

CATHOLIC HEALTH AUSTRALIA

14 November 2025

SUMMARY OF POSITION

1. This response is prepared on behalf of Catholic Health Australia (**CHA**) and responds to the position document filed by the Australian Nursing and Midwifery Federation (**ANMF**) on 24 October 2025.

Matters Not in Dispute

2. The ANMF proposal in relation to the pay and classification structures for the following classifications is consistent with the approach followed by the Fair Work Commission (**the Commission**) in both the *Stage 3 Aged Care Decision* and *Nurses Decision*:
 - (a) assistants in nursing / nursing assistants (**AINs**);
 - (b) registered nurses (**RNs**); and
 - (c) occupational health nurses, occupation health clinical nurses and occupational health consultants (collectively, **OHNs**).
3. The following additional matters proposed by the ANMF are not opposed:
 - (a) change to the title of the *Nurses Award*;
 - (b) deletion of clause 15.2; and
 - (c) the operative date and phasing-in proposal (subject to the timing of the decision).

Matters in Dispute

4. CHA does not support the ANMF proposal in relation to the pay and classification structures proposed for enrolled nurses (**EN**) (including student ENs), nurse practitioners (**NP**) and nursing employees working in aged care.

Proposed Interim Orders

5. In light of the matters in dispute, CHA does not support the interim orders sought by the ANMF set out at paragraph 25.
6. The submissions of CHA follow.

MATTERS NOT IN DISPUTE

A. Nursing Assistants

Pay Structure

7. The ANMF proposal for the AIN pay structure is consistent with the pay and classification structure set for direct care employees under the *Aged Care Award 2010*.
8. This results from the application of the “*Caring Skills benchmark rate*” to the Certificate III-qualified AIN¹ and alignment to the ‘*new*’ classification structure created for direct care employees under the *Aged Care Award* (see Levels 1-3) as a result of the *Stage 3 Aged Care Decision*.
9. The appropriateness of that alignment is supported by the findings and observations of the Expert Panel in the *Priority Awards Review Decision*, which affirmed that the Caring Skills benchmark rate is relevant to “*caring*” work and not limited to an aged care setting. The Expert Panel observed:

*“in respect of work of a ‘caring’ nature involving the exercise of ‘soft’ or ‘invisible’ skills, the Caring Skills benchmark rate (currently \$1269.80 per week) established in the Stage 3 Aged Care Decision for a Certificate III-qualified employee indicates the upper end of the range of potential outcomes.”*²
10. In the *Priority Awards Review Decision*, the Caring Skills benchmark rate was applied to Certificate III-qualified employees under the *SCHADS Award* and *Children’s Services Award 2010*.³ That alignment reflects the Commission’s finding that the identified Certificate III-qualified workers “*exercise skills and discharge responsibilities which are of equal or comparable work value*” to PCWs/AINs working in aged care.⁴

Classification Structure

11. No amendment is required to the classification definitions in clauses A.1 and A.2.

¹ *Gender-based Undervaluation – Priority Awards Review Decision* [2025] FWCFB 74 at [62]-[64] (**Priority Awards Review Decision**), citing the *Stage 3 Aged Care Decision* [2024] FWCFB 150.

² *Priority Awards Review Decision* at [71].

³ *Ibid* at [394] and [551].

⁴ *Ibid* at [547].

B. Registered Nurses

Pay Structure

12. The ANMF proposal for the RN pay structure is consistent with the amendments made to the RN pay structure in the aged care stream following the *Nurses Decision*.⁵
13. The proposed amendments include:⁶
 - (a) adopting equivalent minimum rates for each RN level;
 - (b) the removal of pay points and/or progression based on annual service based movement from the pay structure; and
 - (c) adopting the same pay structure for RN1 and RN2, which includes progression to an increased rate following completion of a set number of years (e.g. ‘completion of 4 years’).

Classification Structure

14. No amendment is required to the classification definitions in clause A.5.
15. A single set of classification definitions may continue to apply to RNs (including those working in aged care) and midwives.
16. CHA does not oppose a reference to “*midwives*” being inserted into the title of cl A.5 (i.e. “*Registered Nurses / Midwives*”).

⁵ *Nurses Work Value Decision – Aged Care* [2024] FWCFB 452 (**Nurses Decision**).

⁶ *Ibid* at [52]-[60].

C. Occupational Health Nurses

17. The ANMF proposal for the OHN pay structure is consistent with the principles and reasoning set out in the *Nurses Decision*.

D. Operative Date and Phasing-in

18. Subject to the timing of a final decision regarding the remaining matters in dispute, a phasing-in arrangement that is operative from 30 June 2026 and consists of five annual increments that are weighted equally in 20% instalments is agreed.
19. The first instalment (together with any consequential changes to the *Nurses Award*) should commence no less than 6-months from the publication of the final determination.
20. That approach to implementation allows time to for:
- (a) CHA to address the material increase to their cost base, including through negotiations for increased funding from governments and private health insurers;
 - (b) employers to take steps to prepare for the increases, including communications with all affected employees; and
 - (c) the evaluative exercise of implementing any new classifications to be undertaken, including those covered by enterprise agreements (including s 206 considerations).

MATTERS IN DISPUTE

A. Enrolled Nurses

Pay Structure

21. The ANMF proposal for the EN pay structure is not agreed because there is no evidence to justify the progression or relativities proposed and the proposal is inconsistent with the *Stage 3 Aged Care Decision* and *Nurses Decision*.
22. In relation to the proposed minimum rate for an EN outside of aged care, it is agreed that \$1,419.40 per week is appropriate for an EN having regard to the *Priority Awards Review Decision*.⁷

Classification Structure

23. The ANMF proposal for the EN classification structure is not agreed because:
 - (a) it is inconsistent with the findings and reasoning in the *Stage 3 Aged Care Decision, Nurses Decision and Priority Awards Review Decision*;
 - (b) appears to largely replicate the current service based approach in a new form; and
 - (c) the “*integrated structure*” with respect to ENs working in aged care is inconsistent with findings of the Expert Panel in the *Nurses Decision*.
24. The classification definitions in clause A.4 will require amendment, including removal of reference to “*pay points*”. Subject to the classification structure determined, there is scope to materially simplify the wording.

⁷ *Priority Awards Review Decision* at [557] (see *provisional views for “CSE Level 5 Advanced Educator”*).

B. Nurse Practitioners

Payment Structure

25. The ANMF proposal for the NP pay rates is not agreed because there is currently no evidence to justify the increase proposed and the proposal to apply an equivalent increase to NPs working in aged care is inconsistent with the *Nurses Decision*.
26. In the *Nurses Decision*, the Expert Panel made a deliberate decision to not increase the minimum rates for NPs working in aged care (any further).⁸ The reasoning for that decision included (at [61]):
- (a) the “*very high relativity*” to the benchmark rate;⁹
 - (b) insufficient evidence before the Commission; and
 - (c) the Expert Panel were not satisfied that NP rates should be placed “*significantly above the Level 5 teacher who similarly practises their profession at an advanced level of accreditation*”.
27. These very appropriate concerns remain alive in this matter and the minimum award rates should be aligned to the NP pay structure in the aged care stream.

Classification Structure

28. No amendment is required to the classification definitions in clause A.7.

⁸ Noting a 15% increase was previously awarded in Stage 2: see *Stage 2 Aged Care Decision* [2023] FWCFB 40 at [17].

⁹ See also *Statement* [2024] FWCFB 405, Attachment A, footnote 11: “*No further increase is warranted since relativity to new benchmark rate for undergraduate degree-qualified nurse is already 130.5% at first year*”.

RESPONSE TO THE PROPOSED INTERIM ORDERS

29. CHA is not opposed to interim orders being made to the extent they result from an adoption of the findings and reasoning in the aged care decisions and *Nurses Decision*. That approach seems to only arise with respect to the proposed variations and interim increases for the nursing assistant, registered nurse / midwife, and occupational health nurse.
30. In the event that no final determination has been made varying the *Nurses Award* by 30 June 2026, CHA would support those classifications being awarded an interim increase of 20 per cent of the difference between the weekly rates set out in Annexure 1 to the ANMF's Position Document and the current rates in the *Nurses Award*.
31. The balance of the proposed variations to be made on an interim basis are opposed because they are inconsistent with the findings and reasoning in the aged care decisions and *Nurses Decision*.

On behalf of CHA:



Nigel Ward

CEO + Director

Australian Business Lawyers & Advisors

Nigel.Ward@ablawyers.com.au



Alana Rafter

Senior Associate

Australian Business Lawyers & Advisors

Alana.Rafter@ablawyers.com.au

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