



# DECISION

*Fair Work Act 2009*

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

## **Gender-based undervaluation – priority awards review — *Social, Community, Home Care and Disability Services Industry Award 2010*** (AM2024/21)

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT ASBURY  
DEPUTY PRESIDENT O’NEILL  
DEPUTY PRESIDENT SLEVIN  
DEPUTY PRESIDENT GRAYSON

SYDNEY, 1 JUNE 2026

*Gender-based undervaluation – priority awards review – Social, Community, Home Care and Disability Services Industry Award 2010 – new single classification structure to replace Schedules B, C, E and F – finalisation of variations to the award.*

### **Introduction**

[1] On 7 June 2024, the Commission initiated a review of identified classifications in five modern awards to consider whether those classifications have been the subject of gender-based undervaluation (**Review**). This decision finalises the Review in respect of the *Social, Community, Home Care and Disability Services Industry Award 2010*<sup>1</sup> (**SCHADS Award**).

[2] In our initial decision issued on 16 April 2025<sup>2</sup> (**April decision**) we found that the classifications in Schedules B, C and E and the associated minimum wage rates prescribed by the SCHADS Award had been the subject of gender-based undervaluation and that, for the purpose of s 157(2)(a) of the *Fair Work Act 2009* (Cth), an adjustment to those rates of pay was justified by ‘work value reasons’ (as defined in s 157(2A)). The classifications in Schedule B relate to Social and Community Services employees (**SACS**); the classifications in Schedule C to Crisis Accommodation Employees; and Schedule E to Home Care Employees—Disability Care. We also found that the current system of classifications and rates of pay in the SCHADS Award is not fit for purpose. We expressed a *provisional* view as to the design of a new integrated and simplified classification structure to replace the classification structures in Schedules B to F, and their accompanying wage rates, that would address the intersecting problems of the identified gender-based undervaluation and the difficulties in the classification structures.

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<sup>1</sup> MA000100.

<sup>2</sup> [2025] FWCFB 74, (2025) 340 IR 1 [376] ff (‘**April decision**’).

[3] The April decision<sup>3</sup> laid down four fundamental principles that a new classification structure should be based on:

- (1) Classifications should be defined in terms which render compliance, as far as practicable, a straightforward matter not requiring any complex evaluative judgments to be made. They should not attempt to completely describe the skills, duties, responsibilities and working environment of individual job roles.
- (2) It should be structured on the Caring Skills benchmark rate and the C1(a) benchmark rates respectively.
- (3) It should appropriately recognise the acquisition of relevant qualifications at each level, whilst making allowance for the recognition of equivalent experience and training, obtained for example through ‘lived experience’ which is a particular feature of SACS work.
- (4) Current annual pay increments should not be retained as they are not properly based on work value (**April decision principles**).

[4] After the April decision, a member of this Expert Panel conducted conferences in an endeavour to gauge the response of interested parties to our *provisional* views. To aid this process, staff of the Commission published a Discussion Paper setting out a brief summary of the April decision, an overview of questions and principles that the parties may have regard to in preparing for the conference/s and potential approaches to translating current employees to a new classification structure. No consensus was able to be reached.

[5] Further hearing dates were set down for 27, 28 and 29 October 2025 to deal with the parties’ responses to our *provisional* views. In response to directions for the filing of evidence and submissions concerning the provisional views, the parties identified many concerns with our provisional view of an appropriate classification structure and proposed various changes to it. The ASU on 15 October 2025 advanced a comprehensive proposal for an alternative classification structure.

[6] On 24 October 2025 we issued a Statement<sup>4</sup> inviting the parties to engage in a conference process on a without prejudice basis to endeavour to reach consensus as to a new classification structure. We stated that any consensus reached by the parties that is consistent with the principles set out in the 24 October Statement (the **October Principles**), while not binding on us, would obviously be given significant weight. The October Principles are:

- (1) The gender-based undervaluation identified in the April decision at [376]–[378] must be remedied. This will require, at least, the Caring Skills benchmark wage of \$1314.30 to apply to all employees requiring a Certificate III qualification or an equivalent qualification or experience and the C1(a) benchmark wage rate of \$1579.30 for degree-qualified employees or those with equivalent qualifications or experience: see [389]. Consequentially, this will require the incorporation of

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<sup>3</sup> April decision [388]–[391].

<sup>4</sup> [2025] FWCFB 238.

the ERO rates into the SCHADS Award to avoid any unintended escalation in wage rates (since the ERO operates to apply percentage increments to the current wages structure).

- (2) The defects in the current classification structures identified in the April 2025 decision which render them not fit for purpose must also be remedied. These defects are twofold. First, at [379], it was found that ‘the division of the coverage of the SCHADS Award into different classification streams with different rates of pay sourced from different pre-modern awards has resulted in an outcome which is complex, does not value work equally across the classification streams, and is conducive of disputation and potential non-compliance.’ Second, at [381]–[382], it was found that ‘the classification structures in Schedules B and C are expressed in terms which makes it very difficult to determine at what level an employee should be classified and paid’ resulting in ‘the widespread misclassification of employees.’ The preferable course to remedy these defects is to establish ‘a single new classification structure for the SCHADS Award which rectifies gender-based undervaluation, is simple and easy to understand, and which provides common minimum wage rates for work of equal or comparable value that apply to all of the types of work covered by the award’: [388].
- (3) The new classification structure should also ‘appropriately recognise the acquisition of relevant qualifications at each level, whilst making allowance for the recognition of equivalent experience and training, obtained for example through “lived experience” which is a particular feature of SACS work’: [390].
- (4) The substantive outcome for home care employees in the aged care sector determined in the *Stage 3 Aged Care decision*<sup>5</sup> should not be disturbed.
- (5) Employees covered by the SCHADS Award should not go backwards as a result of the new classification structure and pay rates. This includes preservation of employees’ existing wage rates and comparable opportunities for pay progression, noting that transition to a new integrated and simplified classification structure may result in some anomalies.
- (6) Wages costs to employers should, as far as practicable, not be increased beyond that which is necessary to rectify gender-based undervaluation.

[7] The hearings proceeded on 27 and 28 October 2025 to hear the parties’ submissions concerning our provisional views in the April decision and the ASU’s alternative classification structure, together with the admission of evidence from a further 86 witnesses, and two supplementary witness statements.

[8] Deputy President O’Neill subsequently conducted conferences with interested parties in an endeavour to reach a consensus as to the new classification structure, without prejudice to the positions they advanced during the hearings. The Deputy President provided a report to the Expert Panel on 16 December 2025 which included an Alternative Classification Structure

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<sup>5</sup> [2024] FWCFB 150, 331 IR 137.

(including some definitions and select proposed clauses) (ACS) developed during the conference process, although no consensus was ultimately reached by the participants.<sup>6</sup> The report also identified that the following 13 issues concerning a new classification structure would need to be determined by the Expert Panel:

- (1) Whether the entry level for Disability support workers should be Level 2 or Level 3.
- (2) Whether the entry level for Social and Community Services (SACS) workers should be Level 2 or Level 5.
- (3) The inclusion of a definition of ‘counsellor’ or ‘counselling work’, and if included, whether ‘counsellor’ should be included as an indicative role at Level 7.
- (4) Proposed new clause 13.4 — Whether progression for part-time and/or casual employees should be contingent upon a period of full-time equivalent experience.
- (5) Application of the standard rate (i.e. whether percentages in entitlements clauses should be varied so allowance payable doesn't change).
- (6) Whether the classification structure should extend coverage to clerical employees in the Home Care and Crisis accommodation and supported housing sectors in lieu of the *Clerks—Private Sector Award 2020*<sup>7</sup>.
- (7) Whether the rate for Levels 3.3 and 4.1 should be \$1433.81 or \$1419.40 per week.
- (8) Whether the rate for:
  - (a) Level 6.2 should be \$1610.48 or \$1694.22;
  - (b) Level 6.3 should be \$1719.30 or \$1738.19; and
  - (c) Level 6.5 should be \$1859.40 or \$1822.92.
- (9) Whether the holding of a qualification must be ‘as a requirement for the performance of their duties by the employer’ at Levels 2–10, only at Levels 6 and 8, or not at all.
- (10) Whether equivalency of qualifications or experience should be:

‘Level X applies to an employee who performs [type of work] and who:

  - (a) has a [X qualification] or equivalent qualification and whose role requires, or involves as a necessary part of the role, performing duties substantially related to the qualification or
  - (b) does not have a [X qualification] or equivalent qualification but:

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<sup>6</sup> [Report to Expert Panel](#), 16 December 2025.

<sup>7</sup> MA000002.

- (i) whose role involves as a necessary part, the performance of work of a kind which utilises the same or similar skills, knowledge and experience as a [x qualification]; or
  - (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value.’
- (11) Whether the definition of Caseworker/Practitioner should exclude ‘therapeutic care workers’.
- (12) Whether crisis assistance and supported housing workers can access Levels 9 and/or 10.
- (13) Rates for the home care disability sector.

[9] The Expert Panel issued a Statement attaching the Deputy President’s report on 16 December 2025,<sup>8</sup> and invited interested persons to address whether the ACS is an appropriate replacement for the classification structures in the award, the identified issues in dispute and an appropriate process to finalise the matter, at a hearing on 19 December 2025.

[10] Directions were subsequently issued for interested parties to file written submissions in response to the statement and annexed report by 6 February 2026, and response material by 20 February 2026. Eighty-eight initial submissions and 11 submissions in reply were filed.

[11] The interested parties that have filed material responding to the ACS vary markedly. They include submissions from individuals, small organisations, constituent parts of a broader network, and large organisations that engaged in extensive consultation with their members or constituent bodies in formulating their submissions. Consequently, the weight to be attributed to the responses to the ACS cannot fairly be measured simply by the number of respondents with a particular view. We note that we have received a very high number of submissions in this matter and have taken them all into account in forming our final views.

## **The Alternative Classification Structure**

[12] The ACS differs markedly from the classification structures it replaces in Schedules B, C, E and F. Within the single structure, some differences in the classification levels apply based on the industry sector and nature of the work being performed by employees. The three defined industry sectors are the Social and Community Services sector (including disability services), the Crisis Assistance and Supported Housing sector, and the Home Care sector. The work performed by employees in each sector is delineated by defined work streams: Administrative/operational support work; Social and community services work; Crisis assistance and supported housing work; Disability support work; Home care aged work; and Home care disability work. The classification descriptors then specify the requirements that apply at each level for

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<sup>8</sup> [2025] FWCFB 287.

employees performing work within the different work streams. The relationship between the sectors and work streams is as follows:

- The Social and Community Services sector includes work performed within the definitions of the Administrative/ operational support work, Disability support work, and the Social and community services work streams.
- The Home Care sector comprises work performed within the definitions of the Home care aged work and the Home care disability work streams.
- The Crisis Assistance and Supported Housing sector comprises work within the definition of the Crisis assistance and supported housing work stream.

[13] The ACS also deletes the current detailed descriptors of the characteristics, responsibilities, and requirements (skills, responsibilities, experience, qualifications and training, prerequisites, organisational relationships and extent of authority) specified at each level. They are replaced with specified periods of relevant industry experience and/or qualification or equivalent experience criterion.

### **Response to the Alternative Classification Structure and Issues to be determined**

[14] There was significant support for the ACS. Many parties expressed the view that subject to satisfactory resolution of the issues in dispute, the ACS was a substantial improvement on our *provisional* view of an appropriate structure. A significant number of submissions raised concerns about the resources and support, including funding, that would be needed to implement a new classification structure. Three parties, who expressed these concerns and/or satisfaction with the current classification structures, did not support the ACS.

[15] We have given considerable weight to the very high level of support for the ACS in determining the new classification structure. We are satisfied that it is appropriate to adopt a single integrated classification structure based on the ACS, subject to our determination of the issues where no consensus was reached. Throughout the rest of this decision we refer to the new structure as the Final Classification Structure (**FCS**).

[16] We turn now to deal with the disputed issues.

#### **Issue 1: Whether the entry level for disability support workers should be Level 2.2 or Level 3.**

[17] The first issue is whether the entry level for disability support workers (**DSWs**) in the new classification structure should be Level 2.2 with a wage rate of \$1248.50 per week, or Level 3.1 at a rate of \$1314.20.

[18] The ACS provides that an employee who performs disability support work and who has less than 12 months' relevant industry experience and who does not otherwise fall within levels 3–5, will be classified at Level 2.2. After 12 months' relevant industry experience, a disability support worker will be classified at Level 3.1.

[19] The rate of \$1248.50 per week aligns with the outcome of the *Stage 3 Aged Care decision*, which determined this as the pay rate for a home care employee with three months' or more experience. The rate of \$1314.20 is the ERO-inclusive rate of pay for Level B.2.1 classified employees in the SCHADS Award. This rate, which has been rounded to \$1314.30 per week in the *Aged Care Award 2010*<sup>9</sup> following successive Annual Wage Review adjustments, was determined to be the appropriate Caring Skills Benchmark rate for a Certificate III-qualified employee in the *Stage 3 Aged Care decision*.<sup>10</sup>

[20] Ageing Australia, Australian Business Industrial, National Disability Services and NSW Business Chamber Ltd, represented by Australian Business Lawyers & Advisors (ABLA) and the Australian Industry Group (AiG)<sup>11</sup> submit that the entry level for disability support workers should be Level 2. They submit that DSWs can be classified at Level B.1 of the SCHADS Award, a position they submit is supported by various authorities. They submit that classifying unqualified DSWs at the same level as DSWs who hold a Certificate III qualification would also be inconsistent with work value principles, as unqualified and inexperienced DSWs do not have equal work value. They submit this outcome would also be inconsistent with the Expert Panel's findings that the classification structure should be structured on the Caring Skills Benchmark for Certificate III-qualified employees. They further submit that setting the entry for DSWs at Level 3 of the new classification structure would result in unjustified cost increases for employers which go beyond what is necessary to rectify gender-based undervaluation.<sup>12</sup>

[21] The Australian Services Union (ASU), Health Services Union (HSU) and United Workers' Union (UWU) submit that the entry for DSWs should be Level 3. They submit that there is no evidence that the work performed by DSWs is any different or less complex in the first 12 months of employment.<sup>13</sup> The ASU submits that the 'correct' classification for DSWs is at least Level B.2.1 noting that this is the minimum funding point for work of this kind under the National Disability Insurance Scheme (NDIS).<sup>14</sup>

[22] Few other parties expressed a view on this issue, although those that did mostly supported entry at Level 3.

[23] The current classification descriptor for a Schedule B employee includes at clause B.1.2(g) as responsibilities "resident contact and interaction including attending to their personal care or undertaking generic domestic duties under direct or routine supervision and either individually or as part of a team as part of the delivery of social, community or disability services." In our view, this clearly encompasses at least some work that falls within the definition of disability support work in the ACS. This view is also consistent with the authorities to which ABLA drew our attention, most notably the decision of Saunders C (as he then was)

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<sup>9</sup> MA000018.

<sup>10</sup> [2024] FWCFB 150 [172]–[173].

<sup>11</sup> AiG also filed on behalf of Ability First Australia and the Australian Federation of Employers & Industries.

<sup>12</sup> [AiG submission](#), 6 February 2026; [ABLA submission](#), 9 February 2026.

<sup>13</sup> [HSU and UWU submission](#), 6 February 2026 [9]–[14], [ASU submission](#), 2 March 2026 [9].

<sup>14</sup> [ASU submission](#), 2 March 2026 [5].

in *The Northcott Society*<sup>15</sup> and that of Steward J in *Australian Education Union v Yooralla*.<sup>16</sup> In the *Northcott* matter, the Commissioner in assessing whether a proposed enterprise agreement passed the Better Off Overall Test, rejected submissions by the HSU and ASU that disability support work cannot be classified at Level B.1 of the SCHADS Award. In the *Yooralla* decision, Steward J, in determining the appropriate classification for an employee, found that disability services work was included in Levels B.1 to B.3 of the SCHADS Award.

[24] We have decided that the entry level for DSWs should be Level 2.2 in the new classification structure with a wage rate of \$1248.50 per week. This is consistent with the current position in the award that some disability support work is provided for below the Certificate III-qualified level (at B.1 rather than B.2). As identified at [18], this entry level applies only when an employee would not otherwise be classified at a higher level, and only for the first 12 months of relevant industry experience.

**Issue 2: Whether the entry level for Social and Community Services (SACS) workers should be Level 2 or Level 5.**

[25] The ACS provides that the entry level for an employee who performs social and community services work is at Level 3 at a pay rate of \$1314.20. This is the same as the current rate for Level B.2.1 of the SCHADS Award.

[26] ABLA and the AiG submit that the entry level in the new classification structure should be Level 2. They submit that social and community services employees can currently be classified at all levels under the current structure in Schedule B of the SCHADS Award and there is no basis to introduce an arbitrary barrier in the new classification structure.<sup>17</sup> The AiG submits that excluding social and community services employees other than DSWs from Levels 1-4 in the new classification structure would result in an unjustified and blanket uplift to the diploma-level rate of pay and increased costs to employers.<sup>18</sup> They submit that the new classification structure should replicate the types of work and levels able to be performed currently under Schedule B.

[27] The ASU,<sup>19</sup> supported by the HSU and UWU,<sup>20</sup> submits that the entry level should be Level 6. They submit that prior to a variation to the SCHADS Award in 2024 following an application by Parkerville Children and Youth Care Incorporated (the **Parkerville Application**), social and community services work was not classifiable at either Level B.1 or Level B.2.<sup>21</sup>

[28] The COSS Network make no specific submission as to the appropriate entry level but submit that there should be no reduction of existing rates for any employees.<sup>22</sup> Submissions

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<sup>15</sup> [2017] FWCA 2164.

<sup>16</sup> *Australian Education Union v Yooralla* [2019] FCA 1511.

<sup>17</sup> [ABLA submission](#), 9 February 2026.

<sup>18</sup> [AiG submission](#), 6 February 2026.

<sup>19</sup> [ASU submission](#), 2 March 2026 [13].

<sup>20</sup> [HSU and UWU submission](#), 6 February 2026.

<sup>21</sup> [ASU submission](#), 2 March 2026 [16].

<sup>22</sup> [COSS submission](#), 27 February 2026.

from other parties who engaged with this issue were more mixed, although more supported having the entry at Level 5 than any other level.

[29] The classification descriptors of Level B.1 social and community service employees in Schedule B are set out under the headings ‘Characteristics of the level’, ‘Responsibilities’ and ‘Requirements of the position.’ At this level the Responsibilities listed are all of a clerical or administrative support nature, apart from subclauses B.1.2(g) and (h):

- (g) resident contact and interaction including attending to their personal care or undertaking generic domestic duties under direct or routine supervision and either individually or as part of a team as part of the delivery of social, community or disability services; (underlining added)
- (h) preparation of the full range of domestic duties including cleaning and food service, assistance to residents in carrying out personal care tasks under general supervision either individually or as part of a team as part of the delivery of social, community or disability services. (underlining added)

[30] These two Responsibilities were included in 2010 from an application to vary the SCHADS Award to integrate disability services and the social and community services sector classifications and definitions.<sup>23</sup> The variation in 2010 initially limited the two subclauses to the delivery of disability services. They were subsequently extended in 2024 to include the delivery of social and community services by the determination of the Parkerville Application.

[31] The Parkerville Application was an application to vary the SCHADS Award to, amongst other things, ‘clarify Award coverage in respect of persons providing therapeutic care duties (*Therapeutic Carers*) in the social and community services sector.’<sup>24</sup> The application did not identify the precise variation to the award sought. It was dealt with concurrently with applications by the AiG, the ASU, HSU, AWU, UWU and CPSU to vary provisions in the SCHADS Award dealing with sleepover shifts and rest breaks. At a directions hearing on 22 March 2024,<sup>25</sup> the presiding member, Hatcher J raised with the parties whether the award coverage clarification sought by the Parkerville Application could be dealt with as a discrete issue. As there was no dispute about award coverage for these employees, Hatcher J determined that a draft variation determination would be published and that absent any opposition to it, the variation to the award would be made.<sup>26</sup> No opposition to the draft determination having been received, the award was subsequently varied by changing “disability services” in B.1.2(g), B.1.2(h), B.2.2(l) and B.2.2(m) of Schedule B to “*social, community or disability services*” (**Parkerville Variations**).<sup>27</sup>

[32] At the hearing of this Review on 19 December 2025, the ASU submitted that it had not received the draft determination to give effect to the Parkerville Application in 2024. When it became aware of the Parkerville Variations shortly after they were made, the ASU did not quickly apprehend their significance in circumstances where the ASU understood that the

<sup>23</sup> [2010] FWAFB 2024; PR995399; PR995626.

<sup>24</sup> Form F46 filed by Parkerville Children and Youth Care Incorporated in matter AM2024/16.

<sup>25</sup> Transcript in matters AM2023/28 and AM2024/16, 22 March 2024.

<sup>26</sup> [2024] FWC 2045.

<sup>27</sup> [2024] FWCFB 385.

variation sought was simply to clarify the existing position, that therapeutic care workers are covered by the SCHADS Award.<sup>28</sup>

[33] Internal enquiries we have made confirm that the publication of the draft variation determination in 2024 did not occur in the usual way. As a result of a technical error, we understand that whilst a draft determination was published on the Commission's website, it was not visible on the website page for the case. It cannot safely be assumed that all interested persons, including the ASU, were made aware of the draft determination and had a reasonable opportunity to express their opposition to it. We are not satisfied that the Parkerville Variations were subject to proper argument and consideration.

[34] Accordingly, for the purposes of determining the new classification structure, we have decided the appropriate approach is to disregard the variations to the classification structure at Levels B.1 and B.2 arising from the Parkerville Application. It is of course open to any interested person to make a new application to vary the award in the way sought in the Parkerville Application, which will then be able to be properly considered.

[35] As earlier described, prior to the Parkerville Variations in 2024, at Level B.1 the classification descriptors were either administrative/clerical or disability support in nature. We consider that, leaving aside the Parkerville Variations, Level B.1 of the SCHADS Award was confined to employees that, under the ACS, perform Administrative/operational support work or disability support work and do not encompass other social and community service employees.

[36] We do not consider that to be the case, however, in relation to Level B.2. The classification descriptors of Level B.2 follow the same headings of 'Characteristics of the level', 'Responsibilities' and 'Requirements of the position' as at Level B.1. The Responsibilities are:

### **B.2.2 Responsibilities**

A position at this level may include some of the following:

- (a) undertake a range of activities requiring the application of established work procedures and may exercise limited initiative and/or judgment within clearly established procedures and/or guidelines;
- (b) achieve outcomes which are clearly defined;
- (c) respond to enquiries;
- (d) assist senior employees with special projects;
- (e) prepare cash payment summaries, banking reports and bank statements, post journals to ledger etc. and apply purchasing and inventory control requirements;
- (f) perform elementary tasks within a community service program requiring knowledge of established work practices and procedures relevant to the work area;
- (g) provide secretarial support requiring the exercise of sound judgment, initiative, confidentiality and sensitivity in the performance of work;
- (h) perform tasks of a sensitive nature including the provision of more than routine information, the receiving and accounting for moneys and assistance to clients;
- (i) assist in calculating and maintaining wage and salary records;

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<sup>28</sup> Transcript in matter AM2024/21, 19 December 2025 PNs 5826–5866.

- (j) assist with administrative functions;
- (k) implementing client skills and activities programmes under limited supervision either individually or as part of a team as part of the delivery of disability services;
- (l) supervising or providing a wide range of personal care services to residents under limited supervision either individually or as part of a team as part of the delivery of social, community or disability services;
- (m) assisting in the development or implementation of resident care plans or the planning, cooking or preparation of the full range of meals under limited supervision either individually or as part of a team as part of the delivery of social, community or disability services;
- (n) possessing an appropriate qualification (as identified by the employer) at the level of certificate 4 or above and supervising the work of others (including work allocation, rostering and providing guidance) as part of the delivery of disability services as described above or in subclause B.1.2.

[37] These classification descriptors, unaltered by the Parkerville Variations, include work that under the ACS would fall outside Administrative/operational support work or Disability support work. For example, subclause B.2(d) is ‘assist senior employees with special projects’; (f) is ‘perform elementary tasks within a community service program requiring knowledge of established work practices and procedures relevant to the work area’ and (h) ‘perform tasks of a sensitive nature including the provision of more than routine information, the receiving and accounting for moneys and assistance to clients.’ In our view, some social and community service employees can currently be classified at Level B.2, and we are not satisfied there is a proper basis to alter the status quo. We also note that the survey of employees detailed in the Cortis Report reports that a significant percentage of social and community services employees (other than disability support and office or facility support workers) are classified below Level B.3 (although this may well include some level of under-classification).<sup>29</sup>

[38] In summary our view is that but for the Parkerville Variations which were made without being subject to proper argument and are therefore not a sound basis to determine a new classification structure, the entry point for social and community services employees is currently Level B.2, at a pay rate of \$1314.13. We see no basis to alter the status quo and determine that the entry point for social and community services employees that do not otherwise fall within a higher classification level, such as Caseworker/ Practitioners, will be Level 3 of the new classification structure at a pay rate of \$1314.30. This rate is 10 cents higher than in the ACS to align it with the Caring Skills benchmark rate in the *Stage 3 Aged Care decision*.

**Issue 3: The inclusion of a definition of ‘counsellor’ or ‘counselling work’, and if included, whether ‘counsellor’ should be included as an indicative role at Level 7.**

[39] This issue relates to whether the new classification structure should include a definition of ‘counsellor’ or ‘counselling work’ and if so, what level this work should be classified at.

[40] There is no specific reference to the work of counsellors currently in the SCHADS Award although there is evidence in this Review that they are employed in the social and

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<sup>29</sup> Exhibit SCH26 (expert report of Associate Professor Natasha Cortis and Dr Megan Blaxland, 19 April 2024), Table A 8.

community services sector.<sup>30</sup> Likewise there is no specific reference to the roles of ‘social workers’, ‘youth workers’, ‘welfare workers’ or ‘community development workers’, however they are clearly roles in the social and community services sector which is defined in clause 3.1 as ‘the provision of social and community services including social work, ... , welfare work, youth work or community development work’. Many submissions supported the inclusion of a definition of counsellor, whilst views as to the appropriate level varied.<sup>31</sup>

[41] However, ABLA submits that contrary to the assumed position of parties in the Review, ‘counsellors’, ‘social workers’, ‘youth workers’, ‘welfare workers’ and ‘community development workers’ (**the affected occupations**) are not covered by the SCHADS Award. They are instead said to be exclusively covered by the *Health Professionals and Support Services Award 2020*<sup>32</sup> (**HPSS Award**) (provided the employees have the requisite qualifications to be eligible for membership of the relevant professional body). ABLA submits therefore that the new classification structure should not include classifications or rates of pay for roles that are not covered by the SCHADS Award.<sup>33</sup> The AiG supports ABLA’s position on this issue.

[42] The ASU,<sup>34</sup> supported by the HSU and UWU,<sup>35</sup> submits that ABLA’s submission regarding the legal position of the current award coverage is not obviously correct.

[43] Clause 4.2 of the SCHADS Award provides that it does not cover employers and employees covered by specified awards, including at cl 4.2(d), the HPSS Award. The relevant provisions in the HPSS Award are Clause 4 dealing with coverage of the HPSS Award, Schedule A entitled “Health Professional employees – definitions”, and Schedule B entitled ‘List of Common Health Professionals’.

[44] Clause 4 of the HPSS Award provides:

#### 4. Coverage

4.1 This industry and occupational award covers:

- (a) employers throughout Australia in the health industry and their employees in the classifications listed in Schedule A—Classification Definitions to the exclusion of any other modern award; and

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<sup>30</sup> Witness statement of Elizabeth Stary, 4 September 2025; Witness statement of Ollie Hayward, 3 September 2025; [Community Legal Centres Australia submissions](#), 6 February 2026; [Australian Alcohol and other Drugs Council submission](#), 6 February 2026; [Micah Projects submission](#), 6 February 2026; [Financial Counselling Australia and others submission](#), 6 February 2026; [Rural Financial Counselling Service providers submission](#), 20 February 2026.

<sup>31</sup> For example, The Benevolent Society [Submission](#), 5 February 2026, 2; [Australian Community Support Organisation Submission](#), 6 February 2026; [Councils of Social Service Network Submission](#), 6 February 2026 [38]; [Centrecare Submission](#), 6 February 2026 [3]; [Alcohol, Tobacco and Other Drug Association ACT Submission](#), 6 February 2026 [9]-[13]; [Queensland Alliance for Mental Health Submission](#), 6 February 2026, 10.

<sup>32</sup> MA000027.

<sup>33</sup> [ABLA Submission](#), 9 February 2026.

<sup>34</sup> [ASU submission](#), 2 March 2026 [23]-[24].

<sup>35</sup> [HSU and UWU submission](#), 6 February 2026.

- (b) employers engaging a health professional employee in the classifications listed in Schedule A—Classification Definitions.

4.2 The **health industry** means employers whose business and/or activity is in the delivery of health care, medical services and dental services.

[45] Subclause (a) prescribes the industry-based coverage and (b) the occupational-based coverage. ABLA submits that the affected occupations are covered by the occupational-based coverage.<sup>36</sup>

[46] As set out above, subclause 4.1(b) provides that the HPSS Award covers employers engaging a health professional employee in the classifications listed in Schedule A. Schedule A is in two parts. Relevantly Part A.2 deals with Health Professional employees and commences with “An indicative list of common health professionals which are covered by the definitions is contained in Schedule B – List of Common Health Professionals.” Schedule A then goes on to define Health Professionals level 1 to level 4. Schedule B is a list of more than 50 occupations including the affected occupations.

[47] Following a decision of this Expert Panel<sup>37</sup> the HPSS Award will be varied via determination to amend Schedule B, however, the list in Schedule B will still include the affected occupations.

[48] In our view, the occupational coverage provision in clause 4.1(b) does not cover all employees in any industry who are engaged in any of the listed occupations. That is because the occupational coverage is confined to employers engaging a ‘health professional employee’ in the classifications listed in Schedule A. ABLA’s contention gives these words no work to do. If subclause 4.1(b) was intended to have such extensive (and exclusive) occupational coverage it would read either “*employers engaging an employee in the classifications listed in Schedule A—Classification Definitions*” or alternatively “*employers engaging a health professional employee.*”

[49] Read in context, the word ‘health’ in the phrase ‘health professional employee’ in subclause 4.1(b) is an important qualifying word. It confines the occupational coverage to employees that both fall within the definition of Health Professional Employee in Schedule A and the related Schedule B and who can be described as a ‘health professional’ within the ordinary meaning of those words. In our view, employees engaged by an employer otherwise covered by the SCHADS Award in the affected occupations do not fall within the ordinary meaning of the words ‘health professional’. That is, the HPSS Award currently applies to the exclusion of the SCHADS Award in respect of the industry but not the occupational coverage.

[50] We turn now to whether the new classification structure should include a definition of ‘counsellor’ or ‘counselling work’ and if so, whether ‘counsellor’ should be included as an indicative role at Level 7.

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<sup>36</sup> [ABLA Submission](#), 9 February 2026.

<sup>37</sup> [2026] FWCFB 123.

[51] In relation to financial counsellors, Financial Counselling Australia (FCA)<sup>38</sup> submits that there are no undergraduate or postgraduate degrees in financial counselling and that the Diploma of Financial Counselling is the only accredited qualification for entry into the profession. This would mean that Level 5 in the FCS is the appropriate entry level for, at least, financial counsellors. However, the FCA submission supports an entry-level for unqualified financial counsellors at Level 6 and at Level 7 for qualified financial counsellors.<sup>39</sup> We note that the Rural Financial Counselling Service (RFCS) does not support the FCA position and instead submits that Level 5 is the appropriate level for a qualified financial counsellor.<sup>40</sup>

[52] In relation to other counselling work in the social and community sector, the evidence is that there is no required qualification however a diploma-level qualification is necessary for membership of the Australian Counselling Association.<sup>41</sup>

[53] Given the appropriate entry level for a diploma-qualified counsellor is Level 5 in the FCS, which is also the entry level for Caseworker/Practitioners, it is not necessary nor appropriate to include a separate definition of “counsellor” nor to include it as an indicative role at Level 7. We intend to amend the definition of Caseworker/Practitioner to specifically include counselling work which will result in the entry level for Caseworker/Practitioners (including counsellors) to be Level 5. We note that in accordance with Principle 3, the structure is intended to recognise both formal qualifications and equivalent experience and training, and accordingly our decision to remove the indicative role of counsellor from Level 7, 8 and 9 does not preclude an employee being classified at those levels in the appropriate circumstances.

**Issue 4: Proposed new clause 13.4 — Whether progression for part-time and/or casual employees should be contingent upon a period of full-time equivalent experience.**

[54] Clause 13.4 in the ACS deals with progression to higher pay points and in two instances, progression to the next level in the classification structure.<sup>42</sup> Relevantly it provides that an employee will not progress where they have not demonstrated competency and satisfactory performance. Otherwise, an employee will progress to the next pay point or (where applicable) the next classification level by the end of the period of continuous employment specified in the classification structure.

[55] Throughout the classification structure the requisite period of continuous employment is expressed as a specified number of months’ relevant industry experience. In most instances the period is 12 months’, other than progression from Level 2.1 to 2.2 for Home care aged work and Home care disability work employees where the period is 3 months’, from Level 1 to 2.1 for Administrative/operational support employees where it is 24 months, and from Level 3.1 to 3.2 for Home care sector employees where the period is 4 years’ relevant industry experience.

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<sup>38</sup> [Financial Counselling Australia and others submission](#), 5 September 2025.

<sup>39</sup> [Financial Counselling Australia and others submission](#), 6 February 2026.

<sup>40</sup> [Rural Financial Counselling Service submission](#), 20 February 2026.

<sup>41</sup> [ABLA Submission](#), 9 February 2026 [149].

<sup>42</sup> Disability support workers progress from Level 2 to Level 3, and administrative/operational support workers progress from Level 1 to Level 2.

[56] Currently, clause 13.3 of the SCHADS Award provides that employees are eligible for progression to higher pay points within a level if they have demonstrated competency and satisfactory performance over a minimum period of 12 months at each point. However, two instances prescribe a different formulation. The first is subclause B.1.3(d) which provides that part-time employees engaged in responsibilities prescribed by B.1.2(g) (being personal care or general domestic duties) progress to pay point 2 on ‘completion of 1976 hours of industry experience.’ The second is subclause B.2.1(f) which provides that employees with an appropriate diploma will progress to B.2.3 after ‘12 full-time equivalent months’ satisfactory service.’

[57] ABLA submit that whilst the proposed clause 13.4 in the ACS is ‘generally workable and reasonable’,<sup>43</sup> progression for part-time and/or casual employees should be contingent upon a period of full-time equivalent experience to recognise different rates of work value enhancement between full-time employees and part-time and/or casual employees. They submit that the removal of the two existing instances that provide for advancement after 12 full-time equivalent months’ service will have material cost implications for employers. They note that the Expert Panel in respect of the *Nurses Award 2020*<sup>44</sup> determined to insert a new clause which includes a requirement for part-time or casual employees to obtain 1786 hours of experience to progress through pay points.<sup>45</sup>

[58] The AiG also submit that it is necessary to recognise the material differences in experience between full-time employees and part-time and casual employees. They submit that progression for part-time and casual employees should be contingent upon a period of full-time equivalent (FTE) service. They note that an employee working one shift per week could work as few as 104 hours in a 12-month period compared to 1976 hours for a full-time employee. The AiG also submits that it is unclear how progression applies with respect to casual employees who, by reason of being casually engaged, do not have continuous employment or service. Alternatively, the AiG submits that progression should be benchmarked for these employees based on the average number of hours worked by part-time employees in the industry.<sup>46</sup>

[59] Nine other parties expressed some support for an FTE or some other standard for progression for part-time and/or casual employees who work significantly less than full-time hours.<sup>47</sup>

[60] The ASU, HSU, UWU and the COSS all oppose any differentiated standard for part-time or casual employees. They point to the gendered impact of a different standard for part-time employees, who are disproportionately women.<sup>48</sup> Forty-five other parties also oppose a

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<sup>43</sup> [ABLA submission](#), 9 February 2026 [153].

<sup>44</sup> MA000034.

<sup>45</sup> [2024] FWCFB 452.

<sup>46</sup> [AiG submission](#), 6 February 2026 [67]–[71].

<sup>47</sup> [Disability Advocacy Network Australia submission](#), 4 February 2026; [Toy Libraries submission](#), 2 February 2026; [Conflict Resolution Service submission](#), 3 February 2026; [Team Health submission](#), 4 February 2026; [Benevolent Society submission](#), 5 February 2026; [Queensland Alliance for Mental Health submission](#), 6 February 2026; [Knowmore Legal Service submission](#), 30 January 2026; [Centrecare submission](#), 6 February 2026; [Access support services submission](#), 29 January 2026.

<sup>48</sup> [ASU submission](#), 2 March 2026 [34].

different standard for part-time and casual employees. The COSS submits that it is essential there be no differentiation to prevent indirect discrimination of women given the highly feminised profile of part-time employees in the sectors. They submit that any concerns about the financial implications for employers should be dealt with as part of the timing of the implementation for the new classification structure.<sup>49</sup> The ASU, HSU and UWU also point to the additional complexity and administrative overheads on employers who would be required to record hours worked by part-time and casual employees.<sup>50</sup> The HSU and UWU also submit that it is common for part-time and casual employees to work full-time or close to full-time hours across more than one employer, and that it would create practical difficulties tracking their hours across employers. The HSU and UWU also point to the rejection of a similar proposition in the *Aged Care case*<sup>51</sup> and submit that the differential standard is unnecessary because progression under clause 13.4 of the ACS is contingent upon demonstrated competency and satisfactory performance.<sup>52</sup>

**[61]** In response ABLA and the AiG submit that any additional administrative burden on employers from recording employees' hours can be avoided by employers electing to progress employees and disregard the requirement for FTE service,<sup>53</sup> and that the gender composition of the workforce is not itself a basis to establish rates that exceed the work value.<sup>54</sup>

**[62]** ABLA also submits that the reference in clause 13.4 to 'continuous employment' is unclear and should be replaced with 'continuous service.'<sup>55</sup>

**[63]** We do not intend to provide a different measure of the required period to progress within the classification structure for part-time or casual employees. Firstly, and most significantly, under clause 13.4 of the ACS progression through the classification structure is not automatic. It is not sufficient to simply have been employed for the prescribed period of calendar months. A part-time or casual employee may, because of the number of hours they have worked, be unable to demonstrate the competency and satisfactory performance necessary to progress. Secondly, we accept the submissions of the ASU, HSU, UWU, COSS and other parties concerning the gendered impact of any different standard, given the disproportionately high proportion of female employees who work less than full-time hours. Further, we reached the same conclusion in relation to the HPSS Award stream of this Review<sup>56</sup> and we also agree with the Expert Panel's reasoning in rejecting a similar proposal in the *Stage 4 Aged Care decision*.<sup>57</sup> Such an approach adds unnecessary complexity and is inconsistent with a classification structure based on qualifications and skills, notwithstanding that the ACS provides for broader recognition of equivalent qualifications or experience than under the *Aged Care Award 2010*. Finally, we note that the requirement in the *Nurses Award 2020* for part-time and casual employees to have 1786 hours of experience to progress was not introduced in the *Stage 3 Aged*

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<sup>49</sup> [COSS submission](#), 27 February 2026.

<sup>50</sup> [ASU submission](#), 2 March 2026 [34].

<sup>51</sup> [2024] FWCFB 298 [37]–[38].

<sup>52</sup> [HSU and UWU submission](#), 6 February 2026 [21]–[22].

<sup>53</sup> [ABLA submission](#), 9 February 2026 [160]; [AiG submission](#), 27 February 2026 [42].

<sup>54</sup> [ABLA submission](#), 27 February 2026 [52]; [AiG submission](#), 27 February 2026.

<sup>55</sup> [ABLA submission](#), 9 February 2026 [154].

<sup>56</sup> [2026] FWCFB 123 [72]–[74].

<sup>57</sup> [2024] FWCFB 298 [37]–[38].

*Care decision*. It appears to be a longstanding provision<sup>58</sup> and was not the subject of particular attention during the Aged Care work value case.

[64] Accordingly, we intend to include clause 13.4 as drafted in the ACS unchanged in the FCS, apart from replacing “continuous employment” with “continuous service.”

**Issue 5: Application of the standard rate (i.e. whether percentages in entitlements clauses be varied so allowance payable doesn't change).**

[65] Certain allowances payable under the Award are expressed as percentages of the ‘standard rate’ defined as the minimum wage for a social and community services employee Level B.3.3. The affected allowances are the First aid allowance (cl 20.6), Heat allowance (cl 20.9), On call allowance (cl 20.11), Broken shift allowance (cl 20.12), and the Sleepover allowance (cl 25.7(d)).

[66] The wage rate that the standard rate is defined as does not include the higher rates payable by reason of the Equal Remuneration Order presently in place. We have decided, as discussed at [145] of this decision to revoke the ERO because the minimum rates of pay set in the new classification structure have incorporated the rates from the ERO. Consequently, if the standard rate is unchanged and pegged to the relevant translated rate under the ACS at Level 6.1, the monetary amount of these allowances will increase. We do not consider there is a proper basis in this Review to increase the allowances in this way. The relevant allowances have no substantial connection with the rectification of gender-based undervaluation of female-dominated work. Accordingly, we intend to reduce the applicable percentage for each affected allowance to maintain their current monetary value. We note that this is consistent with the approach we have taken in this Review in respect to the HPSS Award<sup>59</sup> and in the *Stage 4 Aged Care decision*.<sup>60</sup>

**Issue 6: Whether the classification structure should extend coverage to clerical employees in Home Care and Crisis accommodation and supported housing sectors in lieu of the *Clerks—Private Sector Award 2020*.**

[67] ABLA raised the possibility of extending coverage to employees in both the Home Care and Crisis assistance and supported housing sectors to the exclusion of the *Clerks—Private Sector Award 2020*.<sup>61</sup>

[68] There is considerable disagreement amongst the parties as to whether the current classification descriptors in Schedule C and E of the Award cover employees engaged in clerical work. ABLA submits that clerical employees are not presently covered by Schedule E. However, they submit that extending coverage would deliver some benefit to employers by the reduced regulatory burden of not having to apply two separate awards.<sup>62</sup> They are not opposed

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<sup>58</sup> [PR986375](#).

<sup>59</sup> [2025] FWCFB 297 [154].

<sup>60</sup> [\[2024\] FWCFB 298](#) [34].

<sup>61</sup> [ABLA submission](#), 12 September 2025.

<sup>62</sup> [ABLA submission](#), 12 September 2025.

to the proposal provided the applicable rates of pay and terms and conditions of employment are broadly equivalent and any increases are phased in appropriately.

[69] Each of the ASU, HSU and UWU support the proposal, whilst contending that they are presently covered by the SCHADS Award, at least in part.<sup>63</sup> The COSS Network strongly supports the proposal along with many other parties.<sup>64</sup>

[70] The AiG is the only party that objects to the proposal. They contend that any expansion or contraction of existing award coverage is beyond the scope of this Review which is limited to ensuring that work already covered by the SCHADS Award is free from gender-based undervaluation.<sup>65</sup>

[71] We note the extensive support for the proposal and consider there may be some merit in it. However, we accept that altering the current award coverage in this way is not a necessary part of this Review. We have decided therefore not to determine the issue in this Review but leave it to a subsequent application by any interested party. Clause 4.9 of the FCS will make clear that the SCHADS Award does not cover employees that are not or would not be currently covered by it.

**Issue 7: Whether the rate for Levels 3.3 and 4.1 should be \$1433.81 or \$1419.40 per week.**

[72] Level 3 in the ACS applies to employees with a Certificate III or equivalent qualification or experience and to employees who perform Disability support work with 12 months or more relevant industry experience. It also applies to an employee who performs Social and community services work other than Caseworker/Practitioners who do not otherwise fall within Levels 4-10.

[73] The rates for Level 3 in the ACS are \$1314.20 at Level 3.1, \$1366.80 at Level 3.2 and \$1419.40 at Level 3.3.

[74] Progression to Levels 3.2 and 3.3 differs depending on the work performed. Home care sector employees progress to Level 3.2 after 4 years' relevant industry experience at Level 3.1 (with service counted from 1 January 2025). Employees performing Administrative/operational support work, Disability support work or Social and community services work progress to Level 3.2 after 12 months' relevant industry experience at Level 3.1, and to Level 3.3 after a further 12 months' experience at Level 3.2. For all employees, progression is contingent upon meeting the progression criteria in clause 13.4.

[75] Level 4 in the ACS applies to the same employees as Level 3 if they hold a Certificate IV or equivalent qualification or experience. The rates for Level 4 in the ACS are \$1433.81 at Level 4.1 and \$1453.81 at Level 4.2. Progression to Level 4.2 is after 12 months' relevant industry experience at Level 4.1 for all employees, subject to meeting the progression criteria.

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<sup>63</sup> [HSU and UWU submission](#), 6 February 2026 [32]–[36], [ASU submission](#), 2 March 2026 [38]–[40].

<sup>64</sup> [COSS submission](#), 6 February 2026.

<sup>65</sup> [AiG submission](#), 27 February 2026 [67].

[76] Determining the rate for Levels 3.3 and 4.1 requires resolving a tension between Principle 4 that the new classification structure should not disturb the substantive outcome for home care employees in the aged care sector and Principle 5 that employees covered by the SCHADS Award should not go backwards as a result of the new classification structure and pay rates.

[77] Disability support workers currently classified at Level B.2 are able to progress to Level B.2.4 at a rate of \$1433.81. However, as we found at paragraph [379] of the April decision, some DSWs are currently classified and paid under Schedule E of the SCHADS Award:

[379] The evidence and submissions before us make it amply clear that the current system of classifications and rates of pay in the SCHADS Award is not fit for purpose. This is the case in two major respects. First, the division of the coverage of the SCHADS Award into different classification streams with different rates of pay sourced from different pre-modern awards has resulted in an outcome which is complex, does not value work equally across the classification streams, and is conducive of disputation and potential non-compliance. This can most clearly be seen in the way the SCHADS Award divides residential disability service work between Schedules B and E in a way that is not readily explicable. It is reasonably clear, we consider, that at the time the SCHADS Award was made in December 2009, the care of clients in their private residences was ‘home care’, and that care in other type of residential settings (such as group homes or supported independent living facilities) fell into the ‘disability services sector’, which was subsequently incorporated into the ‘social and community services sector’. However, changes to the sectoral definitions since the award was made, as described in our outline of the award history, have confused the position. The outcome is that some employers are paying disability support workers under Schedule B (to which the ERO applies) and others are paying them under Schedule E. This is work primarily funded by the NDIS, whose cost model assumes the payment of wages under Schedule B and the ERO. (emphasis added).<sup>66</sup>

[78] The substantive outcome of the *Stage 3 Aged Care decision*<sup>67</sup> for employees providing home care to aged care clients is reflected in the current Schedule F of the SCHADS Award:

Classification	Description	\$ per week
Level 1 – Introductory	An employee whose primary role is to provide home care to aged care clients and who has less than 3 months’ aged carer experience.	1182.80
Level 2 – Home Carer	An employee whose primary role is to provide home care to aged care clients and who has 3 months’ or more aged care experience.	1248.50
Level 3 – Qualified	An employee whose primary role is to provide home care to aged care clients and who has obtained a Certificate III in Individual Support (Ageing) or equivalent qualification.	1314.30

<sup>66</sup> [2025] FWCFB 74. See especially [373]–[374] and [379]–[380] and exhibit SCH11 (witness statement of Jennifer Duscher, 26 September 2024), exhibit SCH12 (witness statement of James Eddington, 25 September 2024), exhibit SCH15 (witness statement of Martin Laverty, 27 September 2024), exhibit SCH20 (witness statement of Madeleine Tapley, 26 September 2024).

<sup>67</sup> [2024] FWCFB 150 [199].

Classification	Description	\$ per week
Level 4 – Senior	An employee whose primary role is to provide home care to aged care clients and who has obtained a Certificate III in Individual Support (Ageing) or equivalent qualification and has obtained 4 years’ experience classified at level 3 after 1 January 2025.	1366.80
Level 5 – Specialist	An employee whose primary role is to provide home care to aged care clients and who has obtained a Certificate IV in Ageing Support or equivalent qualification as a requirement for the performance of their duties by the employer.	1419.40
Level 6 – Team Leader	A home care employee who has obtained a Certificate IV in Ageing Support or equivalent qualification as a requirement for the performance of their duties by the employer and is required to supervise and train other home care employees – aged care.	1472.00

[79] In relation to Level 3, the rates and access to progression in the ACS for employees in the home care sector align with the outcome of the *Stage 3 Aged Care decision* except that the ACS provides access to progression to Level 3.3 at a rate of \$1419.40. This rate is not available to employees without a Certificate IV qualification under the *Stage 3 Aged Care decision*. ABLA and the AiG submit there is no basis for home care employees to be able to access Level 3.3.<sup>68</sup> We agree and consider that there is no basis to depart from the Aged Care outcome in this respect. In the FCS we intend to delete access to Level 3.3 for employees in the Home care sector.

[80] In relation to DSWs with a Certificate III or equivalent qualification or experience, alignment with the outcome of the *Stage 3 Aged Care decision* would similarly involve not being able to progress beyond Level 3.2 at a rate of \$1366.80. However, this rate is inconsistent with Principle 5 being \$67.01 per week less than the pay rate they can currently progress to at Level B.2.4. Similarly, setting the Level 3.3 rate at \$1419.40 is \$14.41 per week less than currently available. The ASU, HSU and UWU submit that consistency with Principle 5 requires that the rate for Level 3.3 be set at \$1433.81. Similar submissions were made by some employers. We consider that the Level 3.3 rate should be set at \$1419.40 per week. Whilst this is 1 per cent lower than the current Level B.2.4 rate, this is offset in part by access to a higher rate at Level 3.2 of \$1366.80 which is \$11.34 per week higher than the current level B.2.2, and access to a higher rate at pay point 3 of \$1419.40 which is \$22.73 higher than the current level B.2.3 rate of \$1396.67. It also retains some incentive for employees to progress to Level 4 by providing access to a higher rate than Level 3.

[81] In relation to Level 4, setting the rate for Level 4.1 at \$1433.81 would also not align with the outcome of the *Stage 3 Aged Care decision* in respect of Home care employees with a relevant Certificate IV qualification or equivalent qualification, as the rate is 1 per cent (or \$14.41 per week) higher than the Level 5 rate in Schedule F of \$1419.40. It is consistent with Principle 5 in respect of disability support workers as they are eligible to progress to that pay rate.

<sup>68</sup> [ABLA submission](#), 9 February 2026; [AiG submission](#), 6 February 2026 [171].

[82] Proposed Level 4.2 in the ACS would provide a \$20 per week (or 1.4 per cent) increase for Level 4.1 employees after 12 months' service, subject to meeting the progression criteria. Including a higher rate at Level 4.2 is not directly referable to the current rates for DSWs and would create a further departure from the outcome of the *Stage 3 Aged Care decision*. We are not satisfied that it is necessary to include Level 4.2 and we intend to delete it from the FCS.

[83] Accordingly, we consider that the most appropriate alignment with the Principles is achieved by setting the rate of pay in the FCS at Level 3.3 at \$1419.40 and removing access to this level for Home care employees and by setting the rate of pay for Level 4.1 at \$1433.81 and removing Level 4.2 entirely.

**Issue 8: Whether the rates in the new classification structure for:**

- Level 6.2 should be \$1610.48 or \$1694.22
- Level 6.3 should be \$1719.30 or \$1738.19; and
- Level 6.5 should be \$1859.40 or \$1822.92.

[84] Level 6 in the ACS applies to identified employees with an undergraduate degree. Subject to meeting the requirements for progression, employees would progress to the next pay point after 12 months' relevant industry experience at each point. Accordingly, it is likely that a Level 6.1 employee with an undergraduate degree and 12 months' experience would progress to Level 6.2 under the ACS. Currently under Schedule B of the SCHADS Award, a degree-qualified employee with 12 months' experience would likely be classified at either current Level B.3.4 at a minimum rate including the ERO of \$1575.13 or at Level B.4.1 at \$1694.22.

[85] The AiG and ABLA submit that the rate for Level 6.2 should be set at \$1610.48 on the basis that it approximates the mid-point between the two rates and creates an appropriate relativity within Level 6.<sup>69</sup>

[86] The ASU, HWU, UWU, COSS and most other parties support the rate being set at the higher rate of \$1694.22 and/or submit that there should be no reduction from the current wage rates.<sup>70</sup>

[87] Setting the rate for Level 6.2 involves a degree of tension between Principle 5 that employees covered by the SCHADS Award should not go backwards as a result of the new classification structure and pay rates, and Principle 6 that wage costs to employers should, as far as practicable, not be increased beyond that which is necessary to rectify gender-based undervaluation.

[88] We agree with the AiG and ABLA and consider the appropriate rate is the lower amount and intend to set the rate for Level 6.2 at \$1610.48. Retained rates arrangements will apply to preserve higher rates for existing Level B.4.1 employees who translate to a classification with a lower rate.

[89] The same issue arises in relation to the rate for Level 6.3 in the ACS. A degree-qualified employee with two years' experience would likely be classified at either Level B.4.1 at a rate

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<sup>69</sup> [AiG submission](#), 6 February 2026 [119]; [ABLA submission](#), 9 February 2026 [177].

<sup>70</sup> [ASU submission](#), 2 March 2026 [41].

of \$1694.22 or Level B.4.2 at \$1738.19. We determine to set the rate for Level 6.3 at \$1719.30, being the approximate midpoint between these two rates.

[90] Level 6.5 of the ACS would likely apply to a degree-qualified employee with four years' experience. Such an employee would likely be currently classified at either Level B.4.3 at a rate of \$1783.19 or at Level B.4.4 at \$1822.92. We consider the appropriate rate for Level 6.5 is \$1822.92. This would mean maintenance of the current rate for existing Level B.4.4 employees and an increase of \$39.73 per week for current Level B.4.3 employees. The higher rate of \$1859.38, supported by the ASU,<sup>71</sup> HSU and UWU and many other parties is taken from the Level 6.4 rate in the structure in the *provisional* views expressed in the April decision. We see no basis to set the rate at that level given the wide divergence between the ACS and our provisional view as to an appropriate structure.

**Issue 9: Whether the holding of a qualification must be 'as a requirement for the performance of their duties by the employer' at Levels 2–10, only at Levels 6 and 8, or not at all; and**

**Issue 10: The definition of equivalency of qualifications or experience.**

[91] Issue 9 concerns the relationship between the holding of a qualification by an employee and the requirements of the role (**qualifications issue**) and issue 10 deals with what the appropriate standard or test should be to assess whether an employee has equivalent skills or knowledge to a formal qualification (**equivalency issue**). Issues 9 and 10 are related and we will deal with them together.

[92] The ACS provides different approaches for classifying employees at Levels 3-5 compared to Levels 6 and above. At Levels 3-5 the classification applies to employees who have a specified qualification or equivalent "*and whose role requires or involves, as a necessary part, performing duties substantially related to the qualification.*" At Level 3 the specified qualification is a Certificate III, at Level 4 a Certificate IV qualification, and at Level 5, a Diploma. Levels 6 and 8 of the ACS apply to an employee performing Administrative/operational support work, Crisis assistance and supported housing work, or Social and community services work who has an undergraduate degree or a post-graduate qualification, respectively, "*as a requirement for the performance of their duties by the employer.* Levels 1 and 7 in the ACS do not include a reference to qualifications. Employees at Levels 9 and 10 may be required by the employer to have obtained a post-graduate qualification.

[93] Accompanying these qualification standards at Levels 3-6 and 8 in the ACS is the following subclause to deal with the recognition of equivalent experience and training. The proposed subclause provides that the relevant classification level also applies to an employee whom:

- (b) does not have a [X qualification] or equivalent qualification but:
  - (i) whose role involves as a necessary part, the performance of work of a kind which utilises the same or similar skills, knowledge and experience as a [x qualification]; or

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<sup>71</sup> [ASU submission](#), 2 March 2026 [41].

- (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value.

[94] The purpose of proposed subclause (b)(i) is to provide an objective standard for the assessment of equivalence whereas subclause (b)(ii) also enables a subjective assessment by the employer of the comparable value of a role.

[95] In relation to the qualifications issue, ABLA submits that, whilst less of an issue at Levels 2 and 3 of the ACS, references to qualification at every level should be expressed “*as a requirement for the performance of their duties.*” They submit that the ACS formulation at Levels 3-5 that an employee who holds the prescribed qualification ‘*and whose role requires or involves, as a necessary part, performing duties substantially related to the qualification*’ is broad, unclear and doesn’t adequately link the qualification to the work required to be performed by the employer. They provide an anecdote of a DSW who holds a Certificate IV level qualification but indicates to their employer that they are only interested in working shifts with clients with lower care needs. An employer in that scenario, ABLA submits, would need to either not offer the employee the shifts they wish to work, or offer and pay the shifts at Level 4 of the ACS, which is above the level required by the employer.<sup>72</sup>

[96] In relation to the proposed subclause (b) dealing with equivalency, ABLA submits that the proposed objective standard in (i) should be removed. They submit that it introduces an unreasonably complicated test that would be virtually impossible to apply in practice, whilst exposing employers to sanctions if misapplied.

[97] The AiG also submits that at Levels 2-10 of the new classification structure, the qualification must be held “*as a requirement for the performance of their duties.*” The AiG further submits that there should be a hard qualification barrier at the degree level at Level 6, with no equivalency provision. They also submit that the proposed formulation ‘*and whose role requires or involves, as a necessary part, performing duties substantially related to the qualification*’ at Levels 3-5 is unclear and open to a range of interpretations as to the degree of connection required to constitute whether the duties are ‘substantially’ related to the qualification and would be overly burdensome on employers to assess.<sup>73</sup>

[98] In relation to equivalency, the AiG also submits that the objective standard in proposed subclause (b)(i) is uncertain and ambiguous and should be deleted. It submits, for example, that as qualifications do not necessarily impart experience, it is not clear how a role can be said to involve the performance of work of a kind which utilises the same or similar skills, knowledge and experience. Further, it submits that it is unclear what the threshold is for assessing whether work utilises the “same or similar” skills, knowledge and experience as a qualification, and therefore requires an employer to either apply the highest rate applicable to the qualification held by the employee or risk non-compliance.<sup>74</sup>

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<sup>72</sup> [ABLA submission](#), 9 February 2026.

<sup>73</sup> [AiG submission](#), 6 February 2026.

<sup>74</sup> [AiG submission](#), 6 February 2026.

[99] The AiG and Neami<sup>75</sup> also expressed concern that there is no reference to qualifications at Level 7 of the ACS. Neami proposed amending the descriptor to include the same qualification requirement as Level 6 to make the clause clearer and internally consistent.

[100] The ASU submits that in relation to qualifications, the ACS aligns with the status quo under Schedule B of the SCHADS Award and that imposing a condition that a qualification be ‘required for the performance of their duties’ is not suitable for the social and community services industry.<sup>76</sup> In relation to equivalency, whilst acknowledging that the assessment required by subclause (b)(i) is complex, the ASU submits the objective standard must be retained otherwise the classification of an employee is based entirely on an employer’s subjective opinion and would be impossible to enforce.<sup>77</sup>

[101] The HSU and UWU oppose the holding of a qualification as a requirement by the employer at any level of the new classification structure, but particularly at Levels 2-5.<sup>78</sup> They submit that imposing such a requirement would, for example, enable an employer to never *require* a disability support worker to hold a Certificate III qualification given there is no regulatory requirement for such a qualification. They submit that including such a requirement would result in ongoing under-classification of employees and allow employers to obtain the benefit of employees exercising skills and knowledge obtained through attaining a qualification, without remuneration. They provide an example of a witness who gave evidence that their Certificate IV in Disability Support was not recognised for the purposes of classification. The HSU and UWU also submit that the ACS adequately addresses the concern expressed by ABLA and the AiG that employers may be liable to pay employees for qualifications that are not genuinely relevant or required. That is because the clause connects the duties required or necessarily involved in the role to be substantially related to the qualification. Accordingly, they submit, employers could in position descriptions for example, make it clear that a role does not require or involve a particular qualification.<sup>79</sup> In relation to equivalency, the HSU and UWU sought an amendment to the proposed clause (b)(ii) that provides a subjective standard for employers to assess the comparable value of a role. They seek that (ii) be amended to delete the ‘employer considers’ and replaced with “the employer indicates through a job advertisement, job description or other criteria”.<sup>80</sup>

[102] The COSS supports the draft clauses in the ACS dealing with both qualifications and equivalency. They oppose the AiG’s proposal of a hard barrier at Level 6.<sup>81</sup> A large number of other parties engaged with these two issues, and there was a very high level of support for the clause proposed in the ACS. There was also significant support for the inclusion at Level 7 in the ACS of indicative roles of Family and Domestic Violence Worker and Specialised/Experienced Caseworker/Practitioner.<sup>82</sup>

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<sup>75</sup> [Neami National submission](#), 6 February 2026.

<sup>76</sup> [ASU submission](#), 15 September 2025 [110]–[129], [ASU submission](#), 2 March 2026 [44].

<sup>77</sup> [ASU submission](#), 2 March 2026 [48].

<sup>78</sup> [HSU and UWU submission](#), 6 February 2026 [42].

<sup>79</sup> [HSU and UWU submission](#), 6 February 2026 [49].

<sup>80</sup> [HSU and UWU submission](#), 6 February 2026 [51].

<sup>81</sup> [COSS submission](#), 27 February 2026.

<sup>82</sup> [DV West submission](#), 5 February 2026; [QLD Domestic and Family Violence Services Network submission](#), 5 February 2026; [Ending Violence Against Women Queensland submission](#), 20 February 2026.

**[103]** Requirements for formal qualifications are not a feature of the classification structure for social and community services employees or crisis assistance and supported housing employees in Schedules B and C. The current structures take a ‘minimum pegging’ approach that involves specifying the minimum classification level of an employee with a particular qualification and/or experience.

**[104]** The concept of qualifications ‘being required’ first occurs at Level B.3. Clause B.3.3 commences with ‘Some or all of the following are needed to perform work at this level.’ It then sets out at (a) requirements under the heading ‘Skills, knowledge, experience, qualifications and/or training’, at (b) ‘Prerequisites’, at (c) ‘Organisational relationships’ and at (d) ‘Extent of authority’. The ‘prerequisites’ at clause B.3.3(b) are:

**B.3.3(b) Prerequisites**

- (i) entry level for graduates with a relevant three year degree that undertake work related to the responsibilities under this level – pay point 3;
- (ii) entry level for graduates with a relevant four year degree that undertake work related to the responsibilities under this level – pay point 4;
- (iii) associate diploma with relevant experience; or
- (iv) relevant certificate with relevant experience, or experience attained through previous appointments, services and/or study of an equivalent level of expertise and/or experience to undertake the range of activities required.”

**[105]** Currently a high level of discretion operates given the opening words that “some or all” of the requirements in (a)–(d) are needed. Despite the heading, the reference to ‘prerequisites’ does not actually mean the specified qualifications are mandatory requirements. With regards to DSWs, there is no current requirement in either regulation or practice for a Certificate III level qualification, nor is one likely to be introduced in the foreseeable future given the Disability Royal Commission found an insufficient basis to recommend that a Certificate III qualification be required.<sup>83</sup>

**[106]** Conversely, the classification structure for Home Care—Aged Care employees introduced by the Aged Care work value case decisions does provide that the holding of a Certificate III level qualification at Levels 3 and 4 and a Certificate IV level qualification at Levels 4 and 5, apply to employees where the qualification is held ‘as a requirement for the performance of [the employee’s] duties by the employer.’

**[107]** Principle (3) reflects the strong theme throughout this part of the Review of the value the social and community services industry places on skills and knowledge acquired other than through attainment of formal qualifications. There is almost universal recognition amongst the parties that the new classification structure must recognise equivalency of formal qualifications obtained through experience and training such as from ‘lived experience.’ Other than ABLA and the AiG virtually all other parties expressed broad support for the draft clause in the ACS and there was overwhelming opposition to the assessment of ‘equivalency’ being a subjective assessment by the employer.

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<sup>83</sup> [ASU submission](#), 15 September 2025 [110].

[108] We are persuaded, in the particular context of the social and community services sector, that in relation to both qualifications and equivalency, the ACS strikes an appropriate balance. In relation to qualifications, the proposed subclause (a) provides an appropriate nexus between the holding of a qualification and the duties required by the employer to be performed. An employee who happens to hold a qualification that is not substantially related to the duties performed would not be entitled to be classified at that level. In relation to the treatment of equivalency, whilst the proposed subclause (b)(i) requires an evaluative exercise to be conducted, employers are able to determine and make clear that a particular role does not involve the performance of work utilising the same or similar skills, knowledge and experience as a particular formal qualification. Further, given the high level of support for the draft provision, we are not persuaded by ABLA's and the AiG's submissions that significant disputation will ensue.

[109] We have decided to retain the proposed clauses dealing with qualifications and equivalency in the FCS, except for a minor amendment to address an inconsistency at A.4.1(a) which refers to performing 'duties' whereas A.5.3(a) refers to performing 'work'. We have decided to replace the reference to 'work' in A.5.3(a) to 'duties.' In relation to proposed subclause (b)(i) we have replaced the phrase 'same or similar' with 'equivalent.' We do not consider it necessary to replicate the qualification requirement of Level 6 in Level 7 or amend the objectively assessed requirement at Level 7 for the performance of work at a higher level than contemplated by Levels 1-6.

**Issue 11: Whether the definition of Caseworker/Practitioner should exclude 'therapeutic care workers'.**

[110] This issue is related to Issue 2 concerning the entry level for social and community services employees, which we have determined to be Level 3 in the FCS.

[111] Neither the ACS nor the current Schedule B of the SCHADS Award explicitly refer to 'therapeutic care workers.' Excluding 'therapeutic care workers' from the definition of Caseworker/Practitioner in the new classification structure would mean that such employees could be classified at Level 3 unless they have a qualification-based entitlement to a higher level.

[112] ABLA and the AiG submit that the exclusion should be made to maintain the status quo that therapeutic care workers can currently be classified at Levels B.1 and B.2.<sup>84</sup>

[113] The ASU, supported by the HSU and UWU, is agnostic to any inclusion or exclusion of therapeutic care workers from the definition of Caseworker/Practitioner and submit it is unnecessary to provide any specific inclusion because the work is encompassed within the definition by the reference to youth work.<sup>85</sup>

[114] As a result of the Parkerville Variations 'therapeutic care workers' can undoubtedly presently be classified at Level B.1 or B.2 of the SCHADS Award. However, for reasons

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<sup>84</sup> [ABLA submission](#), 9 February 2026; [AiG submission](#), 27 February 2026.

<sup>85</sup> [ASU submission](#), 2 March 2026 [56].

expressed earlier in this decision, we have decided to disregard those variations in determining a new classification structure.

[115] Leaving the Parkerville Variations aside, we do not consider that therapeutic care workers can presently be classified at Levels B.1 or B.2 of Schedule B even though the work has at least superficial similarities with the work of disability support work, in that both involve providing care and support in a residential setting.<sup>86</sup>

[116] At paragraph [35] we expressed the view that Level B.1 does not apply to social and community services employees not engaged in either administrative or clerical or disability support work. Whilst less clear given the broad descriptors, we also do not consider that therapeutic care workers fall within the classification descriptors at Level B.2. Unlike disability support work, the Responsibilities at this level [set out at paragraph [36] above] do not appear to encompass therapeutic care work. Responsibilities at B.2.2 (c), (d), (e), (g), (h), (i) and (j) are not applicable to the work and the Responsibilities at (k)-(n) are all (but for the Parkerville Variations) confined to the delivery of disability services. The remaining Responsibilities at B.2.2(a), (b), and (f) whilst expressed very broadly – ‘*undertake a range of activities*’, ‘*achieve outcomes which are clearly defined*’, ‘*perform elementary tasks within a community service program*’ - read in the context of the entire Schedule B, do not, in our view, encompass employees engaged as therapeutic care workers.

[117] Accordingly, disregarding the Parkerville Variations, the entry level for therapeutic care workers is currently Level B.3. This translates to Level 5 of the ACS which is the entry level for Caseworker/Practitioners. We have determined to maintain the status quo that existed prior to the Parkerville Variations by not excluding therapeutic care workers in the definition of Caseworker/Practitioners with the result that the entry level is Level 5 of the FCS.

[118] It is of course open to any interested person to make a new application to vary the appropriate classification of therapeutic care workers in the way sought in the Parkerville Application.

## **Issue 12: Whether crisis assistance and supported housing workers can access Levels 9 and/or 10.**

[119] This issue concerns whether Crisis Assistance and Supported Housing employees can be classified at the two levels in the new classification structure that align with current Levels B.7 and B.8 in Schedule B for Social and community services employees.

[120] The classification structure for Crisis Accommodation Employees in Schedule C comprises four levels and accompanying rates of pay, which align with Levels 3-6 in Schedule B for social and community services employees. Schedule C does not include levels that align with Levels 7-8 in Schedule B, which translate to Levels 9 and 10 in the ACS.

[121] The ASU (supported by the HSU and UWU) submits that there is no reason to exclude senior managerial employees from the new classification structure and that because the social and community services and crisis assistance and supported housing sectors overlap, more

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<sup>86</sup> See for example witness statements of [Annette Toser](#), 4 September 2025; [Bernie O’Hearn](#), 3 September 2025; [Liam McAlinden](#), 4 September 2025; [Vanessa Wood](#), 9 September 2025.

senior roles likely ‘correctly’ fall within the higher levels of Schedule B.<sup>87</sup> The nature and degree of the asserted overlap is not identified.

[122] The SCHADS Award is an industry award that covers employers in the four defined sectors and their employees in the associated classifications in the schedules. The sectors are crisis assistance and supported housing; social and community services; home care; and the family day care scheme sector. On one view the definition of the social and community services sector is sufficiently broad to encompass the other three sectors. However, for the purposes of classification and associated rates of pay, the SCHADS Award treats the sectors discretely. Apart from a very small number of submissions made, there is no evidence before us of crisis assistance and supported housing employees performing work like that described under Schedule B at levels B.7 or B.8. In our view, crisis assistance and supported housing employees are presently confined to the classification levels in Schedule C and we are not satisfied that there is any basis in this Review to alter the status quo. We intend to expressly exclude employees performing Crisis assistance and supported housing work from Levels 9 and 10 in the FCS.

### **Issue 13: Rates for the home care disability sector.**

[123] The ACS defines Home care disability work as domestic assistance or home maintenance that does not require the employee to engage with the person with a disability. The intention of this is to make clear that Home care disability work does not include disability support work. We have determined to make this clearer by amending the definition in the FCS of Home care disability work to be domestic assistance or home maintenance that does not include disability support work. The rates of pay for Home care disability work are the same as the rates for Home care aged work, which includes the provision of personal care as well as domestic assistance or home maintenance provided to an aged care client.

[124] ABLA and the AiG submit that because the ACS limits Home care disability work to domestic assistance or home maintenance, such work cannot be assumed to involve the exercise of ‘invisible skills.’ They submit that the pay rates should therefore not be aligned to the rates for Home care aged work set in the Aged Care work value case decisions, which were based on findings made concerning the exercise of ‘invisible skills.’<sup>88</sup>

[125] Prior to the Aged Care work value case decisions, the home care sector was defined in the SCHADS Award as ‘the provision of personal care, domestic assistance or home maintenance...’ to both aged persons and persons with a disability. The classification levels and descriptors for both clients with a disability and aged clients were the same. Because of the increase in pay rates for aged care work determined in the Aged Care decisions, the classification descriptors and associated rates of pay had to be separated into the current Schedules E (disability care) and F (aged care).

[126] The roles performed by home care employees under the SCHADS Award involve varying levels of interaction with clients and the associated exercise of invisible skills.

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<sup>87</sup> [ASU submission](#), 2 March 2026 [58].

<sup>88</sup> [AiG submission](#), 6 February 2026 [164]; [ABLA submission](#), 9 February 2026.

Notwithstanding this diversity, the Expert Panel in the *Stage 3 Aged Care decision* drew no distinction between employees providing direct personal care and other home care employees.<sup>89</sup>

[241] In respect of home care work covered by the SCHADS Award, the position is different. In the Stage 1 decision, the Full Bench drew no distinction between direct and indirect care work for the purpose of the award of the interim increase to HCWs, and we see no reason to depart from that position in this decision. The (somewhat limited) evidence suggests that even where HCWs engage in work that is strictly classified as ‘domestic care’ rather than ‘personal care’ (noting that some do a mix of personal and domestic care shifts), it is still necessary for the employee to conduct their duties in the client’s home and engage closely with the client in a way that requires the exercise of ‘invisible’ skills. Jennifer Wood, a HCW who provides ‘domestic and personal support’, but not personal care as such, gave evidence in Stage 1 of the proceedings that she performs the following services during a typical 1–2 hour visit to a client:

- domestic assistance in the client’s home (changing bed linen, doing laundry, vacuuming and mopping and cleaning bathrooms);
- transportation services (to and from medical appointments, for example);
- shopping,
- community access,
- social support (such as taking a client for a walk and speaking and looking at photos with a client), and
- meal preparation.

[242] The effective performance of such duties in close liaison with clients plainly requires the exercise of skills of interpersonal and contextual awareness, verbal and non-verbal communication and emotion management. This makes a distinction between direct and indirect care work in the home care context inutile for the purpose of the work value assessment of HCWs. Therefore, the classifications and rates of pay set out in paragraph [199] above will apply to all HCWs covered by the SCHADS Award.

[127] We consider that the conclusion of the Expert Panel in the *Stage 3 Aged Care Decision* is also relevant and appropriate to apply to Home care disability work. Employees engaging in domestic assistance or home maintenance are similarly conducting their duties in the client’s home and engaging with them in a way that requires the exercise of ‘invisible skills.’ We see no reason to depart from the outcome in the Aged Care Decision.

[128] We have amended the classification descriptor of Level 5.1 to make clear that employees who coordinate or schedule home care work continue to be covered by the classification structure.

### **Other issues raised concerning the ACS**

[129] Additional issues concerning the new classification structure were raised by some parties in their submissions.

[130] ABLA (supported by the AiG) raised an issue concerning Level 5 of the ACS as it applies to Disability support work employees.<sup>90</sup>

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<sup>89</sup> [2024] FWCFB 150 [241]–[242]; see also [2022] FWCFB 200.

<sup>90</sup> [ABLA submission](#), 9 February 2026 [243]–[263].

[131] Level 5 of the ACS includes:

**A.5.2 Disability support work employees**

Level 5 applies to an employee who:

- (a) is engaged as a disability support worker and who is required to exercise specialised knowledge, experience or skills; or
- (b) is required to supervise or train volunteers or other employees at Levels 1-4 of this Award.

[132] ABLA submits that this is an unjustified and significant departure from the current position under Schedule B of the SCHADS Award. They submit that the only disability-sector descriptors at Level B.3 (which translates to Level 5 of the ACS) are those at B.3.1(d) and B.3.2(o):

- (d) At this level, employees may be required to supervise lower classified staff or volunteers in their day-to-day work. Employees with supervisory responsibilities may undertake some complex operational work and may undertake planning and co-ordination of activities within a clearly defined area of the organisation including managing the day-to-day operations of a group of residential facility for persons with a disability.
- ...
- (o) in the delivery of disability services as described in subclauses B.1.2 or B.2.2, taking overall responsibility for the personal care of residents; training, co-ordinating and supervising other employees and scheduling work programmes; and assisting in liaison and co-ordination with other services and programmes.

[133] ABLA submits that Level B.3 therefore only applies to DSWs who:

- (a) supervise employees in their day-to-day work;
- (b) have overall responsibility for the personal care of residents;
- (c) train, coordinate and supervise other employees and scheduling work programmes; and
- (d) assist in liaison and co-ordination with other services and programmes.

Otherwise, DSWs who exercise specialised knowledge, experience or skills are currently classified no higher than Level B.2.

[134] The ASU disagrees with ABLA's position and submits that subclause A.5.2(a) in the ACS simply provides a 'shorthand for the broad range of specialised skills currently contemplated by [clause] B.3.2(o)'.<sup>91</sup>

[135] We consider that the language of A.5.2(a) of the ACS should more clearly reflect the specified specialised skills encompassed by subclause B.3.2(o). We have decided to replace A.5.2 in the FCS with:

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<sup>91</sup> [ASU submission](#), 2 March 2026 [65].

### A.5.2 Disability support work employees

Level 5 applies to an employee who:

- (a) supervises employees or volunteers in their day-to-day work;
- (b) has overall responsibility for the personal care of residents;
- (c) trains, co-ordinates and/or supervises other employees and scheduling work programmes; or
- (d) assists in liaison and co-ordination with other services and programmes.

**[136]** Toy Libraries Australia, the peak body for 330 not-for-profit toy libraries, of which 258 are members, raised an issue concerning the classification of the 109 employees they employ, some of whom are required to supervise or train volunteers.<sup>92</sup> Toy Libraries Australia advises their members that employees who are required to supervise volunteers should be classified at minimum at Level B.2.1, and at Level B.3.1 if they also supervise other employees. Toy Libraries Australia submits that as the ACS provides that Social and community services employees who are required to supervise or train volunteers or other employees are classified at Level 5, this would involve a 15 per cent increase on current pay rates, which could not be absorbed.

**[137]** However, it does not appear to us that employees who are required to supervise or train volunteers are currently appropriately classified at Level B.2.1 under Schedule B. Whilst Toy Libraries Australia do not articulate the basis for their view as to the correct level, the classification descriptors provide at B.2.1(c) that employees ‘...*may provide assistance to lower classified employees or volunteers concerning established procedures to meet the objectives of a minor function*’ and at (d) ‘... *may be required to oversee and/or guide the work of a limited number of lower classified employees or volunteers.*’ Supervision of employees or volunteers is introduced at Level B.3.1(d) which provides that at this level ‘*employees may be required to supervise lower classified staff or volunteers in their day-to-day work ...*’ Read as a whole, we consider that employees that are required to supervise or train employees or volunteers, as opposed to providing a level of guidance to them, are currently correctly classified at Level B.3. We therefore do not consider that the new classification structure will increase the pay rates in the manner submitted by Toy Libraries Australia.

**[138]** Several parties expressed the view that the new classification structure should also recognise and embed cultural knowledge and expertise including that held by First Nations women, Aboriginal and Torres Strait Islander people, migrant women and others. Examples include the submissions of Basic Rights Queensland,<sup>93</sup> DVWest,<sup>94</sup> and Community Mental Health Australia.<sup>95</sup> We consider that these submissions raise legitimate but broader questions about the work value of such expertise that may form the basis of a future application. However, in the context of this Review dealing with gender-based undervaluation, we consider that it is sufficient to enable the explicit recognition in the new classification structure of skills, knowledge and expertise attained other than through formal qualifications, including lived experience.

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<sup>92</sup> [Toy Libraries Australia submission](#), 2 February 2026.

<sup>93</sup> [Basic Rights Queensland submission](#), 6 February 2026.

<sup>94</sup> [DV West submission](#), 5 February 2026.

<sup>95</sup> [Community Mental Health Australia submission](#), 6 February 2026.

[139] Some parties sought a specific exclusion in the new classification structure for chief executive officers (CEOs).<sup>96</sup> However, no such exclusion exists in the current schedules and we do not consider it appropriate to introduce one in the FCS. The FCS includes the provision in the ACS to maintain the status quo by making it clear that the new classification structure does not cover employees who were not covered by the current classification structures in the SCHADS Award.

## The Final Classification Structure

[140] We have decided to replace the current Schedules B, C, E and F of the SCHADS Award with a single classification structure. Attachment A to this decision is a copy of the Final Classification Structure. The minimum pay rates in the FCS have been rounded to the nearest 10 cents. A marked-up copy of the ACS showing the changes we have made in this decision concerning the contested issues together with minor clarification changes will also be published with this decision.

[141] We have, as we foreshadowed, given great weight to the strong support amongst the industry parties for the ACS. The Final Classification Structure adopts the ACS modified by our determinations as to the contested issues and the additional issues raised by parties. The FCS is vastly different to the current classification structures in the Schedules in the SCHADS Award that it replaces.

[142] Determining a new single classification structure which addresses the myriad defects in the current structures has involved balancing competing and at times, conflicting, considerations. We are satisfied that the FCS is consistent with the April decision principles and the more detailed October Principles later enunciated as far as reasonably possible in the circumstances.

[143] We consider that the FCS defines the classifications in terms which render compliance far more straightforward than the current structures. At the same time, we recognise there remains a need for some evaluative judgments to be made concerning equivalency of qualifications and experience. The FCS is structured on the Caring Skills and the C1(a) benchmark rates at Levels 3 and 6 respectively. The provisions dealing with qualifications and equivalency in the FCS adequately address the principle of appropriately recognising the acquisition of qualifications whilst allowing for equivalent experience and training to be recognised. We are satisfied it is appropriate to include pay points within classification levels on the basis that they are not simply time based but require the demonstration of enhanced work value by the need to demonstrate competency and satisfactory performance in order to progress.

[144] In relation to the additional October Principles, for the reasons set out in this decision we are satisfied that the FCS does not disturb the substantive outcome for home care employees in the aged care sector determined in the *Stage 3 Aged Care decision* more than is necessary to balance the need to ensure employees not go backwards. We are also satisfied that, as far as practicable, the FCS does not increase wage costs to employers more than necessary to rectify gender-based undervaluation.

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<sup>96</sup> [Centre for Excellence in Child Family Welfare submission](#), 6 February 2026.

[145] In the April decision we expressed our provisional view that the ERO should be revoked upon implementation of the new classification structure. As the minimum wage rates in the FCS eliminate the gender-based undervaluation of work and ensure equal remuneration for work of equal or comparable value, the ERO is redundant, and we confirm our provisional view.

[146] In relation to Schedule D—Classification Definitions—Family Day Care Employees, in the April decision we expressed the provisional view that the inclusion of family day care work in the SCHADS Award is an anomaly, and that all such work should be covered by the *Children’s Services Award 2010*.<sup>97</sup> In our decision finalising the Review in respect of the *Children’s Services Award 2010* we did not implement that provisional view.<sup>98</sup> An Expert Panel for pay equity in the Care and Community Sector will shortly be established to deal with the issue to finality. We expect this issue will be determined before the implementation of the new classification structure in the SCHADS Award.

### **Translation to the Final Classification Structure**

[147] The draft determination accompanying the publication of this decision includes translation tables. Translations are based on the new classification level that best aligns to employees’ current roles, qualifications and experience.

[148] Our decision to replace the current classification structures was in part because they are expressed in terms which make it very difficult to determine at what level an employee should be classified and paid, resulting in widespread misclassification. It is difficult to distinguish one level from another, even where concrete descriptors exist and a large amount of discretionary language exists.<sup>99</sup> Translation from the current structures to the FCS is not a straightforward exercise in such circumstances given the great divergence between them.

[149] The current classification structures provide for the same classification level to apply to employees with qualifications at widely varying levels. The relevant qualifications are sometimes specified and sometimes referred to as ‘*an appropriate certificate*’, for example, in B.2.1(e). Establishing a new classification structure that appropriately recognises the acquisition of relevant qualifications at each level, necessarily means that employees who hold different level qualifications but are classified at the same level, will translate to differing levels in the FCS, based on the level of the qualification they hold and exercise. As a result, in combination with the need to preserve existing wage rates and comparable opportunities for pay progression, some employees will receive more significant increases in their applicable minimum wage rate under the FCS than anticipated in our April decision.<sup>100</sup>

[150] We remain of the view expressed in the April decision that the new classification structure will not require significant additional NDIS funding on the part of the Commonwealth Government in respect to disability support work. The wage rates for employees performing

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<sup>97</sup> MA000120; April decision [395] and [558].

<sup>98</sup> [2025] FWCFB 283 [9].

<sup>99</sup> April decision [381].

<sup>100</sup> April decision [394].

disability support work with a Certificate III or equivalent qualification or experience currently classified at Level B.2.1 are unchanged under the FCS. Those currently classified at B.2.2 and B.2.3 are increased by 1 per cent (\$11.34 per week) and 2 per cent (\$22.73 per week) respectively. The rates for the smaller cohort of employees performing this work holding a Certificate IV qualification or equivalent, or those required to supervise or train others are increased by 0-9 per cent, depending on their current classification. Employees currently engaged at Level B.1 will be entitled to significantly higher pay rates as it is structured on the Caring Skills benchmark and because the ERO does not apply to the wage rates at Level B.1. However, as the funding model for NDIS providers is based on the wage rates at Level B.2 (inclusive of the ERO) in relation to disability support work, this should not have a dramatic impact on funding requirements. We do, however, note the views expressed by some employer interests that the current funding model is otherwise inadequate to cover the employment costs incurred.

**[151]** In respect of other types of work, the implementation of the FCS will involve varying increases in wage rates for employees. The translations to the FCS result in changes from existing pay rates of employees performing Social and community services work, Administrative/ operational support work, and Crisis assistance and supported housing work range from a reduction of 1 per cent (except for those administrative/operational support employees identified at [153]) to an increase of 17 per cent. The wage rates for employees performing Disability support work will be entitled to significantly greater increases, up to 27 per cent, if they are currently classified at either Level B.1 or under Schedule E (neither of which is subject to the ERO).

**[152]** The translation tables set out the impact of the FCS covering the range of potential translations, which include unrealistic and rare translations. We have also considered the translations for the lay employee witnesses who gave evidence in the Review which indicates that most would translate to a classification in the FCS at their current wage.

**[153]** In the few instances where the translations result in employees' existing rate of pay being greater than the minimum rate under the FCS, the higher rate will be preserved for existing employees. One potential instance identified in the translation tables are employees performing Administrative/operational support work who hold a Certificate II level qualification. Because of the ambiguous reference to "an appropriate certificate" in clause B.2.1(e), such an employee may currently be classified at Level B.2 but would translate to Level 2 in the FCS at a significantly lower pay rate. However, the reference in Level 2 of the FCS is intended, aligned with Principle 3, to recognise the acquisition of qualifications and is not intended to be the basis of lowering the classification of those currently working at a level equivalent to those holding a Certificate III level qualification.

### **Consequential and other amendments to the SCHADS Award**

**[154]** The draft determinations varying the SCHADS Award to implement the decisions we have made and the provisional views we have expressed in this decision are published together with this decision. It includes necessary consequential amendments to the Award, which are not intended to make any substantive alterations to terms and conditions under the Award.

**[155]** A draft order revoking the ERO is also published together with this decision.

[156] We have also determined that current Schedules A, G and I should be deleted on the basis that they have no continuing operation. In relation to Schedule A, this was confirmed at the hearing on 20 December 2024, in response to a question from the presiding Member.<sup>101</sup> Schedule G concerned the translation resulting from the Aged Care work value case decisions, and the retained rates have since been surpassed.

[157] Schedule I is entitled National Training Wage. When inserted in 2010<sup>102</sup> it prescribed the terms and conditions applicable to employees engaged under traineeships. However, the SCHADS Award was subsequently varied to incorporate into the SCHADS Award the provisions dealing with these issues in Schedule E of the *Miscellaneous Award 2020*.<sup>103</sup> The contents of Schedule I of the SCHADS Award were also deleted, and our view is that Schedule I, being devoid of content should also be deleted.

[158] To assist the parties, staff of the Commission have prepared a marked-up version of the SCHADS Award incorporating the outcomes of this decision which will be published at the same time as this decision.

### **Operative date and phasing-in**

[159] For two main reasons there is a broad consensus amongst parties that the new classification structure should not commence operating before at least July 2027. The first concerns the scale of the change involved and the need to accommodate the sectors' limited access to necessary specialist legal assistance and human resources support. The second reason is to allow for the singular implementation of both the outcome of this Review and the ASU's work value application in AM2024/27 (and the outcome of the issue concerning the retention of provisions dealing with the Family Day Care Scheme including Schedule D).

[160] The COSS submits that it is essential that the sector be afforded sufficient time for a successful transition to the new classification structure, a view shared by all parties. COSS submits that until the disputed issues concerning the structure are determined, it is difficult to provide useful submissions on implementation issues. They submit that a further hearing to deal with implementation issues should be held, allowing at least 12 weeks for the parties to prepare. If such a hearing is not convened, COSS submits that a period of at least 18 months should be provided to allow for a smooth transition and to allow for the necessary engagement with the Commonwealth, state and territory governments, philanthropy and other key funders on securing funding for the outcomes we have determined.<sup>104</sup> COSS also submits that if the ASU work value case is progressed and would likely materially alter the new classification structure, the timeframes would need to be revisited.<sup>105</sup>

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<sup>101</sup> Transcript, 20 December 2024 PNs 9275–9280.

<sup>102</sup> [PR508061](#).

<sup>103</sup> MA000104; [PR593874](#).

<sup>104</sup> [COSS submission](#), 27 February 2026 [30]–[34].

<sup>105</sup> [COSS submission](#), 27 February 2026.

**[161]** On 12 August 2024 we determined to stand over the ‘third phase’ of the ASU work value application made on 8 July 2024 in AM2024/27.<sup>106</sup> This part of the ASU application seeks unspecified variations to the SCHADS Award to address undervaluation said to be caused by work value changes in the industry since 2012 and to simplify the classification structure. For reasons not clear to us, no further detail regarding the changes sought by the ASU has been forthcoming.

**[162]** Despite this lacuna, the ASU submits that implementation of the new classification structure should await the outcome of its work value case (other than the changes in respect of the home care sector employees) so that the sectors only need to implement any changes once.<sup>107</sup>

**[163]** The HSU and UWU acknowledge the concerns raised about the challenges the sector will face if required to implement the outcomes of this decision and the ASU work value case separately. However, it submits that in the interim the rectification of the gender-based undervaluation in respect of the home care disability employees engaged under Schedule E should take effect as soon as possible and in no more than two instalments, no further than 12 months apart.<sup>108</sup> They submit that, pending the implementation of the new classification structure, this should be achieved by retaining Schedule E in its current form with the minimum rates applying to the classifications being to align with the rates that will apply to the new classification structure, at the equivalent, translated levels.

**[164]** ABLA submits that in the absence of any clear position from the Commonwealth or state and territory governments about funding, any material increases in minimum wage rates should be implemented in three equal annual instalments.<sup>109</sup> They also oppose any interim or earlier increase in respect of employees engaged under Schedule E. Their opposition is partly because they are opposed to any increase in the rates of pay for employees classified under Schedule E. We rejected this submission when dealing with Issue 13 earlier in the decision. The second objection is that it would likely force employers in the home care sector to adjust their business model and pricing, undertake reclassification and payroll changes, earlier and faster than other sectors, which is very resource intensive and when done too quickly risks creating undue stress and anxiety on clients and staff and financial stress for some employers. ABLA also opposes it so as to avoid having to implement two sets of changes which would impose an unreasonable administrative burden on employers.

**[165]** The AiG submits that we ought not decide the operative date for the new classification structure until the nature and scope of the ASU’s work value claim is known, to avoid the need for employers to undertake multiple rounds of changes to their payroll, rostering, human resources and other systems. They submit that a further process should be undertaken to allow parties to make submissions and file evidence concerning implementation and phasing in of any increases once the final classification structure is determined and the financial impact can be assessed. Otherwise, the AiG submits that the implementation should not occur before 1 July

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<sup>106</sup> [2024] FWCFB 334.

<sup>107</sup> [ASU submission](#), 2 March 2026 [74].

<sup>108</sup> [HSU and UWU submission](#), 6 February 2026.

<sup>109</sup> [ABLA submission](#), 9 February 2026 [31].

2028.<sup>110</sup> The AiG also opposes an earlier implementation in respect of employees engaged under Schedule E for the same reasons as those advanced by ABLA.<sup>111</sup>

**[166]** The Commonwealth Government’s submission at the hearing on 28 October 2025 was that changes to the classification structure should commence no earlier than six months after the Commission’s final decision, and that it should have appropriate phasing in to support an orderly transition period.<sup>112</sup>

**[167]** We have determined that the Final Classification Structure will commence on 1 October 2027. However, in relation to employees currently engaged under Schedule E, our *provisional* view is that the increased pay rates that we have determined, should begin to apply earlier, with an initial increase applying from 1 October 2026. There is no reason for these employees to wait until October 2027 for the rectification of the gender-based undervaluation of their minimum pay rates that has been identified. Home care aged employees have had the benefit from the *Stage 1 Aged Care decision* of an interim 15 per cent uplift in their pay rates since 30 June 2023. The prospect of the pay rates in Schedule E being increased to align with the outcome of the Aged Care work value case decisions has been apparent since at least the *Annual Wage Review 2023–24 decision*,<sup>113</sup> where the Expert Panel identified the situation as ‘plainly anomalous’ and that there was no reason to think that the work value of employees servicing disability clients was any less than that of employees servicing aged care clients.<sup>114</sup> Further, removing the significant pay rate differentials between Schedule B and Schedule E that presently exist will likely reduce the disputation about which classification structure applies to disability support work performed in a private residence that we found in the April decision.<sup>115</sup>

**[168]** We consider that the circumstances of employees engaged under Schedule E are similar to the circumstances that existed in respect of Home care aged employees and warrant a similar approach to that taken in the *Stage 1 Aged Care decision*<sup>116</sup> by granting an initial 15 per cent increase with effect from the first full pay period on or after 1 October 2026. As shown in the table below, the remaining increases that will apply after the interim 15 per cent increase are between 1.97 and 6.97 per cent (median 3.7 per cent). To minimise the administrative burden on employers and given the modest nature of remaining increases, we do not intend to include a second interim increase. Instead, any remaining increase will be applied on implementation of the FCS.

**[169]** The implementation of the initial increase in the wage rates for employees currently classified at Levels E.4.2 and E.5.2 would be 14.96 per cent and 13.31 per cent respectively. Accordingly, the interim increase for such employees will be in these percentages and not 15 per cent.

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<sup>110</sup> [AiG submission](#), 6 February 2026.

<sup>111</sup> [AiG submission](#), 27 February 2026.

<sup>112</sup> Transcript, 28 October 2025 PNs 3433–3440.

<sup>113</sup> [2024] FWCFB 3500, 331 IR 248.

<sup>114</sup> *Ibid* [117]–[118].

<sup>115</sup> April decision [373].

<sup>116</sup> [2022] FWCFB 200, 319 IR 127.

Schedule E Home Care Employees – Disability Care		From 1 October 2026 (15% increase) (\$)	Wage rate for translated level under FCS (\$)	Remaining increase	
Classification	per week (\$)			\$	%
Level 1 Pay point 1	989.80	1138.30	1182.80	44.50	3.91
Level 2 Pay point 1	1046.90	1203.90	1248.50	44.60	3.70
Level 2 Pay point 2	1054.00	1212.10	1248.50	36.40	3.00
Level 3 Pay point 1	1068.40	1228.70	1314.30	85.60	6.97
Level 3 Pay point 2	1101.40	1266.60	1314.30	47.70	3.77
Level 4 Pay point 1	1165.60	1340.40	1366.80	26.40	1.97
Level 4 Pay point 2	1188.90	1366.80	1366.80	0.00	0.00
Level 4 Pay point 1 (with Certificate IV)	1165.60	1340.40	1433.80	93.40	6.97
Level 4 Pay point 2 (with Certificate IV)	1188.90	1367.20	1433.80	66.60	4.87
Level 5 Pay point 1	1249.80	1437.30	1472.00	34.70	2.41
Level 5 Pay point 2	1299.10	1472.00	1472.00	0.00	0.00

[170] We have determined that any increases in wage rates will be implemented at the commencement of the Final Classification Structure on 1 October 2027, with no phasing arrangement. In reaching this conclusion, we have taken into account the submissions of the parties that it is preferable to avoid, as far as possible, multiple implementation exercises. Whilst we acknowledge that there are some significant increases at select levels, in accordance with Principle 6, most increases are relatively modest, and many translations do not result in a change of rates at all. We consider that a commencement date of 1 October 2027 will provide parties an opportunity to undertake the necessary steps to prepare to implement the structure.

[171] Published with this decision is a table showing the impact of increases for each translation, a summary of which is set out in the below table.

Level in the FCS	Lowest increase (%)	Highest increase (%)	Average pay point increase (%)	Average level increase (%)
Level 1.1	No change	No change	No change	No change
Level 1.2	No change	No change	No change	
Level 2.1	-9.99	10.71	1.16	2.41
Level 2.2	-12.92	24.92	2.97	
Level 3.1	0.01	27.40	10.05	7.73
Level 3.2	0.00	12.76	4.70	
Level 3.3	-14.41	17.10	7.45	
Level 4.1	0.00	6.97	3.55	3.55
Level 5.1	0.00	8.60	2.81	3.96
Level 5.2	0.00	8.19	3.62	
Level 5.3	0.00	7.64	4.17	
Level 5.4	0.00	9.85	5.62	

Level in the FCS	Lowest increase (%)	Highest increase (%)	Average pay point increase (%)	Average level increase (%)
Level 6.1	0.26	7.52	3.37	5.29
Level 6.2	2.25	6.58	4.41	
Level 6.3	-1.10	11.4	5.23	
Level 6.4	0.00	13.21	6.61	
Level 6.5	0.00	15.73	7.86	
Level 7.1	No change	No change	No change	No change
Level 7.2	No change	No change	No change	
Level 7.3	No change	No change	No change	
Level 8.1	No change	No change	No change	No change
Level 8.2	No change	No change	No change	
Level 8.3	No change	No change	No change	
Level 9.1	No change	No change	No change	No change
Level 9.2	No change	No change	No change	
Level 9.3	No change	No change	No change	
Level 10.1	No change	No change	No change	No change
Level 10.2	No change	No change	No change	
Level 10.3	No change	No change	No change	

### Modern awards objective and minimum wages objective

[172] In this part of the decision, we express our view that the variations to the SCHADS Award which arise from this decision are necessary to achieve the modern awards objective in s 134(1), as required by s 138. For the award safety net to be ‘fair and relevant’, minimum wage rates must properly reflect work value and their determination must be free of assumptions based on gender.

[173] In reaching this view, we have taken into account the considerations specified in s 134(1) of the FW Act in the following way (using the paragraph designations in the subsection):

*Paragraph (a):* Using the measure of ‘low paid’ as being two-thirds of median adult ordinary-time earnings for full-time employees, the ‘low paid threshold’ may be quantified in two ways: \$1164.67 per week, using the ABS Characteristics of Employment data for August 2025 or \$1131.33 per week, using the ABS Employee Earnings and Hours data for May 2023. Employees classified at Levels 1-3 of Schedule E and at Level 1 of Schedule B currently have a weekly minimum rate of pay that falls below both measures. The implementation of the FCS will increase the rates of pay for many of these employees up to or above the low paid threshold. Accordingly, this consideration weighs in favour of the variations.

*Paragraph (aa):* There is no evidence before us that the variations will have any effect, detrimental or otherwise, as to the need to improve access to secure work. This is therefore a neutral consideration.

*Paragraph (ab):* As set out in the April decision and above, the variations will rectify gender-based undervaluation of work in female-dominated occupations and therefore aid in achieving gender equality, ensuring equal remuneration for work of equal value and eliminating gender-based undervaluation of work. This weighs significantly in favour of making the variations and, we consider, should be given paramount weight.

*Paragraph (b):* Whilst collective bargaining occurs in the social and community services, crisis assistance and supported housing, and home care industries, there is insufficient evidence about its extent to enable us to conclude whether the variations will or will not encourage collective bargaining. We consider this to be a neutral factor.

*Paragraph (c):* It is possible that workforce participation will increase by higher minimum rates of pay attracting more employees (or aiding the retention of existing employees). However, there is minimal evidence before us concerning this issue, and we treat this as a neutral factor.

*Paragraph (d):* We do not consider that this is a relevant consideration in this matter.

*Paragraph (da):* We do not consider that this is a relevant consideration in this matter.

*Paragraph (f):* We accept that the variations will have an impact on employment costs for employers in each of the impacted industries. This weighs against making the variations. However, the adverse weight of the increased costs is ameliorated to some extent by the delay in commencement of some of the increased rates. There is no reason to consider that the variations will deleteriously affect productivity or the regulatory burden in the industries, and these are therefore neutral considerations.

*Paragraph (g):* The replacement of complex, unclear classification structures that are not fit for purpose with a single classification structure is a significant change that will make the SCHADS Award simpler and easier to understand, as evidenced by the high level of support for the new structure. This consideration weighs heavily in favour of the variations.

*Paragraph (h):* There is no evidence before us presently that the variations will have any effect, detrimental or otherwise, upon the national economy and we have treated this as a neutral factor.

[174] We also consider that the variations are consistent with the achievement of the minimum wages objective in s 284(1) of the FW Act. In respect of the considerations in ss 284(1)(a), (aa), (b) and (c), we make the same findings as in relation to ss 134(1)(h), (ab), (c), and (a) respectively. Section 284(1)(e) is not relevant to this matter.

## **Next Steps**

[175] Two draft determinations varying the SCHADS Award to implement the changes arising from this decision are published with this decision. The first is to give effect to the interim increase we have decided to award employees who are engaged under Schedule E. The second to take effect from 1 October 2027, implements the remaining changes we have

determined to make to the SCHADS Award. A draft order revoking the ERO is also published with this decision. The draft determinations will be revised to the extent necessary to account for any increases determined in Annual Wage Review decisions.

[176] Parties will have 28 days to file any submissions concerning our *provisional* view at [167] that the pay rates for employees engaged under Schedule E will be increased by 15 per cent on 1 October 2026, with any remaining increases applying from the commencement of the FCS on 1 October 2027, or any technical issues with either the draft determinations or the draft order revoking the ERO.

[177] We do not anticipate that any further hearing will be necessary to finalise the Review in relation to the SCHADS Award. However, we will consider this further once all submissions are filed in accordance with the above step.



PRESIDENT

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## **Attachment A: Final Classification structure (and select clauses and definitions)**

### **Definitions**

**administrative/operational support work** means clerical and administrative duties such as reception and the provision of basic or routine information, and/or operational support activities such as human resources, finance and information technology.

**caseworker/practitioner** means an employee performing crisis assistance and supported housing work or social and community services work whose work involves assisting or advocating for marginalised or vulnerable persons, groups or communities navigating issues or experiences in their life.

Caseworkers/Practitioners will be involved in assisting people directly (including through a range of therapeutic, practical or developmental interventions and person-centred practice) and/or policy, advocacy, brokerage, counselling, research, community development or the like. Caseworkers/ Practitioners do not include disability support workers.

Examples of fields that Caseworker/Practitioners work in include:

- (a) community mental health services; or
- (b) alcohol and other drug services; or
- (c) out of home care (including residential services); or
- (d) small, local and neighbourhood services; or
- (e) refuge services; or
- (f) youth services; or
- (g) housing and homelessness services; or
- (h) community legal or advocacy services; or
- (i) services related specifically to Aboriginal and Torres Strait Islander peoples; or
- (j) women, children and family services; or
- (k) LGBTQIA+ community services; or
- (l) services related specifically to people with disability; or
- (m) services related specifically to culturally linguistically diverse groups; or
- (n) crisis and domestic and family violence services; and
- (o) peak bodies.

**crisis assistance and supported housing sector** means the provision of crisis assistance and supported housing services.

**crisis assistance and supported housing work** means work performed by an employee whose employer is in the crisis assistance and supported housing sector, but not an employee performing administrative/operational support work.

**disability support work** means engaging with a person with disability to provide them with personal care or support by an employee whose employer is in the social and community services sector.

**home care aged work** means personal care, domestic assistance or home maintenance that is provided to an aged care client performed by an employee whose employer is in the home care sector.

**home care disability work** means domestic assistance or home maintenance that is provided to a client with a disability, performed by an employee whose employer is in the home care sector, but does not include disability support work.

**home care sector** means the provision of services comprising:

- (a) home care aged work in a private residence; and/or
- (b) home care disability work.

**social and community services sector** means the provision of:

- (a) social and community services including social work, recreation work, welfare work, youth work and/or community development work, including organisations which primarily engage in policy, advocacy or representation on behalf of organisations carrying out such work; and
- (b) social, community or disability services including the provision of personal care and domestic and lifestyle support to a person with a disability, but excluding home care disability work in the home care sector.

**social and community services work** means work performed by an employee whose employer is in the social and community services sector, such as Caseworkers/Practitioners, but not disability support work or administrative/operational support work.

**standard rate** means the minimum wage for a Schedule A employee level 6 at pay point 1 in clause 15.

**Select award clauses and minimum rates of pay**

**4. Coverage**

...

**4.9** The award does not cover employees not covered, or who would not have been covered by the classification structure of the award as at 30 September 2027.

**13. Classifications**

...

**13.3 Progression – Schedule C Family Day Care employees**

...

**13.4 Progression – Schedule A employees**

- (a) Subject to clause 13.4(b), an employee will progress to the next pay point within their classification level, or (where applicable) be reclassified to the next classification level, by the end of the period of continuous service specified in Schedule A (specified period).
- (b) An employee will not progress where they have not demonstrated competency and satisfactory performance, (for example, they have not acquired and satisfactorily used

new or enhanced skills (if required by the employer)) against any documented standards of performance in a performance assessment conducted by the employer within the specified period; or

- (c) Where progression is based on a period of relevant industry experience with another employer, progression will be subject to the employee providing reasonable evidence of any such relevant industry experience, where requested by the employer.
- (d) With respect to progression for employees who perform home care aged work, relevant industry experience will include experience in home care aged work under this award or as a direct care employee in residential aged care.

**15. Minimum weekly wages—Schedule A employees**

The following minimum wages apply to employees in the classifications listed in Schedule A—Classification Definitions.

<b>Employee classification</b>	<b>Minimum weekly rate (full time employee) \$</b>	<b>Minimum hourly rate \$</b>
<b>Level 1</b>		
Level 1.1	999.40	26.30
Level 1.2	1031.60	27.15
<b>Level 2</b>		
Level 2.1	1182.80	31.13
Level 2.2	1248.50	32.86
<b>Level 3</b>		
Level 3.1	1314.20	34.58
Level 3.2	1366.80	35.97
Level 3.3	1419.40	37.35
<b>Level 4</b>		
Level 4.1	1433.80	37.73
<b>Level 5</b>		
Level 5.1	1472.00	38.74
Level 5.2	1511.10	39.77
Level 5.3	1543.40	40.62
Level 5.4	1575.10	41.45
<b>Level 6</b>		
Level 6.1	1579.30	41.56
Level 6.2	1610.50	42.38
Level 6.3	1719.30	45.24
Level 6.4	1783.20	46.93
Level 6.5	1822.90	47.97
<b>Level 7</b>		
Level 7.1	1938.10	51.00
Level 7.2	1979.90	52.10
Level 7.3	2026.00	53.32

<b>Employee classification</b>	<b>Minimum weekly rate (full time employee)</b>	<b>Minimum hourly rate</b>
<b>Level 8</b>		
Level 8.1	2117.50	55.72
Level 8.2	2164.30	56.96
Level 8.3	2211.20	58.19
<b>Level 9</b>		
Level 9.1	2290.20	60.27
Level 9.2	2338.30	61.53
Level 9.3	2385.90	62.79
<b>Level 10</b>		
Level 10.1	2484.70	65.39
Level 10.2	2533.60	66.67
Level 10.3	2582.60	67.96

## **Schedule A—Classification Definitions**

### **A.1 Level 1**

**A.1.1** Level 1 applies to an employee who performs administrative/operational support work.

**A.1.2** Subject to clause 13.4, or another term of this award, an employee with 24 months' experience at Level 1 will be reclassified to Level 2.1.

#### **A.1.3 Progression**

(a) An employee with less than 12 months' relevant industry experience will be classified at Level 1.1.

(b) An employee with 12 months or more relevant industry experience at Level 1.1 will be classified at Level 1.2.

**A.1.4** Level 1 does not apply to an employee who performs:

(a) crisis assistance and supported housing work; or

(b) disability support work; or

(c) home care aged work; or

(d) home care disability work; or

(e) social and community services work.

### **A.2 Level 2**

#### **A.2.1 Administrative/operational support employees**

(a) An employee who performs administrative/operational support work and who has more than 24 months' relevant industry experience at Level 1, or who has obtained a relevant Certificate II qualification will be classified at Level 2.1.

- (b) Subject to clause 13.4, or another term of this award, an employee who performs administrative/operational support work and who has 12 months' relevant industry experience at Level 2.1 will be classified at Level 2.2.

### **A.2.2 Disability support work employees**

An employee who performs disability support work and who has less than 12 months' relevant industry experience, and who does not otherwise fall within Levels 3-5, will be classified at Level 2.2.

### **A.2.3 Home care aged work and Home care disability work employees**

- (a) An employee who performs home care aged work or home care disability work and who has less than 3 months' relevant industry experience will be classified at Level 2.1.
- (b) Subject to clause 13.4, or another term of this award, an employee who performs home care aged work or home care disability work and who has 3 months' relevant industry experience at Level 2.1 will be classified at Level 2.2.

**A.2.4** Level 2 does not apply to an employee who performs crisis assistance and supported housing work or social and community services work.

## **A.3 Level 3**

**A.3.1** Level 3 applies to an employee who performs administrative/operational support work, social and community services work, disability support work, home care aged work, or home care disability work and:

- (a) has a Certificate III or equivalent qualification and whose role requires or involves, as a necessary part, performing duties substantially related to the qualification; or
- (b) does not have a Certificate III or equivalent qualification but:
  - (i) whose role involves as a necessary part, the performance of work of a kind which utilises the equivalent skills, knowledge and experience as a Certificate III qualification; or
  - (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value.

**A.3.2** Level 3 applies to an employee who performs social and community services work and who is not a Caseworker/Practitioner or does not otherwise fall within Levels 4-10.

**A.3.3** An employee who performs disability support work who would otherwise be classified at Level 2 but who has 12 months or more of relevant industry experience at Level 2 will be classified at Level 3.1.

**A.3.4** Level 3 does not apply to an employee who performs crisis assistance and supported housing work.

**A.3.5 Progression – administrative/operational support work, disability support work, social and community services work**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 3.1 will be classified at Level 3.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 3.2 will be classified at Level 3.3.

**A.3.6 Progression – home care sector employees**

Subject to clause 13.4, or another term of this award, an employee performing work for an employer in the home care sector who has 4 years' relevant industry experience at Level 3.1 (with service to be counted from 1 January 2025) will be classified at Level 3.2.

**A.4 Level 4**

**A.4.1** Level 4 applies to an employee who performs administrative/operational support work, social and community services work, disability support work, home care aged work, or home care disability work and:

- (a) has a Certificate IV or equivalent qualification and whose role requires or involves, as a necessary part, performing duties substantially related to the qualification or;
- (b) does not have a Certificate IV or equivalent qualification but:
  - (i) whose role involves as a necessary part, the performance of work of a kind which utilises the equivalent skills, knowledge and experience as a Certificate IV qualification; or
  - (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value.

**A.4.2** Level 4 does not apply to an employee who performs crisis assistance and supported housing work, or who is a Caseworker/Practitioner.

**A.5 Level 5**

**A.5.1 Home care sector employees**

- (a) Level 5.1 applies to an employee who works for an employer in the home care sector and who is required to train, co-ordinate and/or supervise volunteers or other employees at Levels 1-4 of this Award, or schedule work programmes.
- (b) Despite clause 13.4, an employee described in clause A.5.1 will not be classified at a pay point higher than Level 5.1.

**A.5.2 Disability support work employees**

Level 5 applies to an employee who:

- (a) supervises employees or volunteers in their day-to-day work;
- (b) has overall responsibility for the personal care of residents/clients;

- (c) trains, co-ordinates and/or supervises other employees and scheduling work programmes; or
- (d) assists in liaison and co-ordination with other services and programmes.

### **A.5.3 Employees other than home care work and disability support work employees**

Level 5 applies to an employee who performs social and community services work, crisis assistance and supported housing work, or administrative/operational support work for an employer in the social and community services sector, and who:

- (a) holds a Diploma or equivalent qualification and whose role requires or involves, as a necessary part, performing duties substantially related to the Diploma; or
- (b) does not have a Diploma or equivalent qualification but:
  - (i) whose role involves as a necessary part, the performance of work of a kind which utilises the equivalent skills, knowledge and experience as a Diploma qualification; or
  - (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value.
- (c) in disability services, has overall responsibility for coordinating and scheduling disability support work; or
- (d) is required to supervise or train volunteers or other employees at Levels 1-4 of this Award.

**A.5.4** Level 5.1 is the minimum entry point for an employee who is employed as a Caseworker/Practitioner, unless otherwise classified at a higher level in these classification descriptors.

### **A.5.5 Progression – employees other than home care sector employees**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 5.1 will be classified at Level 5.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 5.2 will be classified at Level 5.3.
- (c) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 5.3 will be classified at Level 5.4.

## **A.6 Level 6**

**A.6.1** Level 6 applies to an employee who performs administrative/operational support work, crisis assistance and supported housing work, or social and community services work and who:

- (a) has an undergraduate degree or equivalent qualification as a requirement for the performance of their duties by the employer; or
- (b) does not have a relevant undergraduate degree or equivalent qualification but:
  - (i) whose role involves as a necessary part, the performance of work of a kind which utilises the equivalent skills, knowledge and experience as an undergraduate degree qualification; or
  - (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value.

**A.6.2** Levels 6.1 and 6.2 are limited to Level 6 Caseworker/Practitioners who work under direct supervision.

**A.6.3** Level 6.3 is the minimum entry point for an employee who is engaged as a Level 6 Caseworker/Practitioner who operates under general direction only, or an employee who is working as a sole employee.

**A.6.4** Level 6 does not apply to an employee who:

- (a) performs disability support work; or
- (b) is employed by an employer in the home care sector.

#### **A.6.5 Progression**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 6.1 will be classified at Level 6.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 6.2 will be classified at Level 6.3.
- (c) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 6.3 will be classified at Level 6.4.
- (d) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 6.4 will be classified at Level 6.5.

### **A.7 Level 7**

**A.7.1** Level 7 applies to an employee who performs administrative/operational support work, crisis assistance and supported housing work, or social and community services work and whose role involves the performance of work of a kind which utilises skills, qualifications, knowledge and experience and responsibilities at a higher level than contemplated by Levels 1–6 including an employee:

- (a) who has a supervisory and/or training role over other employees including at Level 6 and/or volunteers; or
- (b) whose role involves undertaking responsibilities for various functions in a specialised area, exercising initiative in the application of established procedures or where there are not clearly established procedures; or
- (c) whose role involves providing expert guidance or professional supervision to other employees.

**A.7.2** Indicative roles for an employee at this level include: Family and Domestic Violence Worker or Specialised/Experienced Caseworker/Practitioner.

**A.7.3** Level 7 does not apply to an employee who:

- (a) performs disability support work; or
- (b) is employed by an employer in the home care sector.

#### **A.7.4 Progression**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 7.1 will be classified at Level 7.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 7.2 will be classified at Level 7.3.

### **A.8 Level 8**

**A.8.1** Level 8 applies to an employee who performs administrative/operational support work, crisis assistance and supported housing work, or social and community services work and who:

- (a) holds a post-graduate qualification or equivalent qualification as a requirement for the performance of their duties by the employer; or
- (b) does not have a post-graduate qualification or equivalent qualification but:
  - (i) whose role involves, as a necessary part, the performance of work of a kind which utilises the equivalent skills, knowledge and experience as a post-graduate qualification; or
  - (ii) the employer considers the role involves skills, knowledge and/or experience (including through lived experience) of comparable value; or
- (c) exercises managerial responsibility, for example as a Team Leader (in a complex welfare setting) or Coordinator of a small service.

**A.8.2** Employees at this level:

- (a) may be required to work independently as senior specialists; or
- (b) may be a senior member of a single discipline project team; or
- (c) may provide specialist support to a range of programs or activities; or
- (d) will have comprehensive knowledge of organisation policies and procedures, or of requirements relevant to the discipline and work under limited direction.

**A.8.3** Indicative roles for an employee at this level include: Senior Specialist Caseworker/Practitioner, Specialist practitioner within family violence sub-sector/program, therapeutic specialist.

**A.8.4** Level 8 does not apply to an employee who:

- (a) performs disability support work; or
- (b) is employed by an employer in the home care sector.

#### **A.8.5 Progression**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 8.1 will be classified at Level 8.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 8.2 will be classified at Level 8.3.

## **A.9 Level 9**

**A.9.1** Level 9 applies to an employee who performs administrative/operational support work or social and community services work and who:

- (a) is a Caseworker/Practitioner employed as a practice expert and who operates independently or under limited direction. Indicative roles include expert practitioner or a member of a specialised professional team; or
- (b) is employed as a leader of a multidisciplinary team of professionals; or a manager of an occupational unit, program or project; or is part of a management team; or is a manager or coordinator of services.

**A.9.2** Employees at this level may be required to have obtained a relevant post-graduate qualification.

**A.9.3** Level 9 does not apply to an employee who:

- (a) performs crisis assistance and supported housing work; or
- (b) performs disability support work; or
- (c) is employed by an employer in the home care sector.

### **A.9.4 Progression**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 9.1 will be classified at Level 9.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 9.2 will be classified at Level 9.3.

## **A.10 Level 10**

**A.10.1** Level 10 applies to an employee who has been appointed to a senior managerial role and who:

- (a) exercises managerial responsibility for an organisation; or
- (b) may operate as a senior specialist providing multi-functional advice to other professional employees, the employer, Committee or Board of Management; or
- (c) may be required to have obtained a post-graduate qualification.

**A.10.2** Level 10 does not apply to an employee who:

- (a) performs crisis assistance and supported housing work; or
- (b) performs disability support work; or
- (c) is employed by an employer in the home care sector.

### **A.10.3 Progression**

- (a) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 10.1 will be classified at Level 10.2.
- (b) Subject to clause 13.4, or another term of this award, an employee who has 12 months' relevant industry experience at Level 10.2 will be classified at Level 10.3.