

[2026] FWCFB 47

The attached document replaces the document previously issued with the above code on 2 March 2026.

In [20] the sequential numbering has been corrected.

Kuwthar Aumarah  
Associate to Justice Hatcher, President

Dated 3 March 2026





# STATEMENT

*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 — *Health Professionals and Support Services Award 2020*** (AM2024/20)

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

SYDNEY, 2 MARCH 2026

*Gender-based undervaluation – priority awards review – Health Professionals and Support Services Award 2020 – health professionals – finalisation of variations to the award – identified error in rate of pay – draft determination issued.*

[1] In our initial decision issued on 16 April 2025<sup>1</sup> (**April decision**) we found that the classifications and minimum wage rates prescribed by the *Health Professionals and Support Services Award 2020* (**HPSS Award**) for health professionals 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) (**FW Act**), an adjustment to those rates of pay was justified by ‘work value reasons’ (as defined in s 157(2A)). We expressed *provisional* views as to how the identified gender-based undervaluation should be rectified by way of variations to the classifications and rates of pay.

[2] In our decision of 24 December 2025<sup>2</sup> (**December decision**), we determined the classification criteria and wage rates for health professionals and the operative date and approach to phasing-in that would be adopted. We also determined that we would replace the current Schedule B with a table which specifies, for each profession, what can be identified as the standard minimum qualification<sup>3</sup> noting that where no standard minimum qualification can be identified, the table will list the identifiable alternative minimum qualifications.

[3] We foreshadowed that the finalisation of variations to the award concerning health professionals under the HPSS Award would be subject to publication of a draft determination for comment, to be issued with a statement which explains its intended operation. The draft determination is published with this statement.

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<sup>1</sup> *Gender-based undervaluation – priority awards review* [\[2025\] FWCFB 74](#), 340 IR 1 (‘April decision’).

<sup>2</sup> [\[2025\] FWCFB 297](#).

<sup>3</sup> *Ibid* [137].

[4] This statement deals with the matters foreshadowed in the December decision and addresses an error concerning a rate of pay which we have identified in the course of finalising this matter.

### **Rates of pay – staged increases**

[5] In the December decision, we determined that the increases to the rates for health professionals would be phased in over a maximum of five approximately equal stages, 12 months apart, and that the implementation of the new structure and the first increase will operate from 30 June 2026<sup>4</sup>.

[6] The implementation of the new classification structure requires translating 19 existing classifications and rates of pay in the HPSS Award to 24 new classifications and rates of pay. The total percentage pay increase for employees moving to the new classification structure will differ depending on their current classification. Accordingly, to give effect to the December decision, and to remove any unintended anomalies in the rates for new classifications, the following methodology will be adopted to implement the new classification structure and the phasing-in of pay increases:

#### *Stage 1 rate*

- (1) Calculate the average of the incoming (current) rates of the current classifications which may translate to each new classification and rate (**Average Incoming Rate**).
- (2) Apply a 5% increase to the Average Incoming Rate to establish the Stage 1 rate for each new classification except for new Level 2.2 and Level 3.
- (3) In order to remove any unintended anomalies arising from this approach, the Level 2.2 and Level 3 Stage 1 rate is set as equivalent to the current rate for the Level 3, pay point 5 classification.

#### *Stage 2 to Stage 5 rates*

- (4) Calculate the difference between the Stage 1 rate and the final rate for each classification and divide the figure by four to get four equal increments (**Annual Increment**). The Annual Increment is the dollar increase in the rate.
- (5) Add the Annual Increment to the previous stage rate to establish the next stage rate, except where this results in a less than 3% annual increase in Stages 2 to 4.
- (6) For Stages 2 to 4, where the Annual Increment results in a less than 3% increase, a 3% increase will be applied. For the final stage the increase will be the balance required to reach the final rate of pay, which may be less than 3%.

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<sup>4</sup> Ibid [160].

[7] An example of this method for the *Level 1—AQF 7—1st year* classification is as follows (noting that the rates for Stages 2 to 5 may be affected by any future Annual Wage Review adjustments):

Previous classifications translating to Level 1—AQF Level 7—1st year	Previous rates (\$)	Average of previous rates (Average Incoming Rate)	Stage 1 rate (\$) 30 June 2026	Stage 2 rate (\$) 30 June 2027	Stage 3 rate (\$) 30 June 2028	Stage 4 rate (\$) 30 June 2029	Stage 5 rate (\$) 30 June 2030
			<i>Average Incoming Rate plus 5%</i>	<i>Stage 1 rate plus \$62.60 Annual Increment</i>	<i>Stage 2 rate plus \$62.60 Annual Increment</i>	<i>Stage 3 rate plus \$62.60 Annual Increment</i>	<i>Stage 4 rate plus \$62.60 Annual Increment</i>
Level 1, pay point 2 (3 year degree entry)	1164.20	1190.00	<b>1249.50</b>	<b>1312.10</b>	<b>1374.70</b>	<b>1437.30</b>	<b>1499.90</b>
Level 1, pay point 3 (4 year degree entry)	1215.70						

*NB – Annual Increment: Final rate minus Stage 1 rate, divided by four.*

[8] Adopting this methodology produces the following average percentage increase from existing rates to the new classification structure and the Stage 1 rates:

New classification	Stage 1—Average increase of incoming rates (%)
Level 1—AQF 5—1st year	5.00
Level 1—AQF 5—2nd – 3rd year	5.05
Level 1—AQF 5—4th – 6th year	1.20
Level 1—AQF 5—7th year+	0 (-2.30)
Level 1—AQF 6—1st year	5.00
Level 1—AQF 6—2nd – 3rd year	5.05
Level 1—AQF 6—4th – 6th year	5.26
Level 1—AQF 6—7th year+	5.18
Level 1—AQF 7—1st year	5.05
Level 1—AQF 7—2nd – 3rd year	5.27
Level 1—AQF 7—4th – 6th year	5.08
Level 1—AQF 7—7th year+	5.10
Level 1—AQF 8—1st year	5.00
Level 1—AQF 8—2nd – 3rd year	5.19
Level 1—AQF 8—4th – 6th year	5.03
Level 1—AQF 8—7th year+	5.05
Level 1—AQF 9—1st year	5.19
Level 1—AQF 9—2nd – 3rd year	5.03
Level 1—AQF 9—4th – 6th year	5.18

<b>New classification</b>	<b>Stage 1—Average increase of incoming rates (%)</b>
Level 1—AQF 9—7th year+	5.00
Level 2.1	5.22
Level 2.2	0
Level 3	7.27
Level 4	5.91

[9] For a small number of pay points in the new Levels 1 and 2, some employees holding an AQF Level 5 qualification and, for one pay point, employees holding an AQF Level 6 qualification, the changes to the classification structure and rates will result in a pay decrease (in a range of -0.36% to a maximum of -7.8%). These changes will be implemented in full on 30 June 2026. The phasing methodology will also result in temporary pay decreases for some classifications of employees translating to new Level 1—AQF Level 7, Level 1—AQF Level 9, Level 2.1 and Level 4 for the first stage or first two stages of the phasing-in period. A retained rates clause for current employees has been inserted into the draft determination to address these issues.

[10] The rates to be implemented in the first stage are reflected in the draft determination. The Appendix to this statement contains the rates of pay which will be implemented at each stage (excluding any future *Annual Wage Review* adjustments which may apply).

#### **Error concerning the rate of pay for Level 1—AQF Level 8—7<sup>th</sup> year+**

[11] In the April decision, we expressed a *provisional* view concerning the base level classifications and rates of pay for health professional employees at [177]. We articulated a number of principles on which our *provisional* view was based, including at [176]:

- (1) A new classification and pay structure should be established which is based on alignment of a benchmark classification with the C10 Metals Framework for equivalent qualifications.

[12] The December decision confirmed our *provisional* view with respect to the base level classification structure and rates for health professionals.<sup>5</sup>

[13] We have identified that the weekly rate of pay we expressed in the April decision for the *AQF Level 8—7th year+* classification is not consistent with the relativity of other *AQF Level 8* rates to their *AQF Level 7* counterparts (103%). This anomalous relativity was inadvertent and is not consistent with principle (1) above. The same error flowed through to the December decision. The correct weekly rate, applying a consistent relativity of 103% from the *AQF Level 7—7th year+* rate to the *AQF Level 8—7th year+* rate (and adjusted for the *Annual Wage Review 2025*) is **\$1,915.20**. Consistent with the principles articulated in the April decision, this will be the final wage rate for the *AQF Level 8—7th year+* classification. This

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<sup>5</sup> Ibid [136]–[146].

adjusted rate is reflected in the draft determination published with this statement and is effected by formal corrections to the April and December decisions which have been published today.<sup>6</sup>

### **Schedule B—Common Health Professionals and Standard Minimum Qualifications**

[14] At [137] of the December decision, we outlined that the list of common health professionals contained in Schedule B of the HPSS Award will be replaced with a table which specifies what can be identified as the standard minimum qualification, or alternative minimum qualifications, for each profession.

[15] We articulated a framework for applying the ‘standard minimum qualification’ criterion including:

- Removing ‘outlier’ courses at lower AQF Levels from consideration<sup>7</sup>; and
- Accounting for where there is genuinely no standard as to the qualification level necessary to enter the profession, such as where there are significant numbers of qualifying courses available across multiple AQF levels, or where there are only a few qualifying courses available<sup>8</sup>.

[16] The draft determination published with this statement includes a proposed new Schedule B—Common Health Professionals and Standard Minimum Qualifications. The table identifies either a standard minimum qualification for a profession or a number of alternative qualifications consistent with the approach articulated in the December decision. We observed, at [140] of the December decision, that the nomenclature of some Schedule B professions may no longer be fit for purpose and that this presented difficulties in identifying a standard minimum qualification. We also noted that some of the professions currently identified in Schedule B may not properly be characterised as a health professional. Given these observations, the following professions have not been included in Schedule B of the draft determination:

- Biomedical Technologist
- Client Advisor/Rehabilitation Consultant
- Homeopathist
- Medical Laboratory Technician
- Medical Photographer/Illustrator
- Medical Record Administrator
- Medical Technician/Renal Dialysis Technician
- Musculoskeletal Therapist
- Nuclear Medicine Technologist
- Pastoral Carer
- Play Therapist
- Radiation Therapy Technologist (RTT)
- Research Technologist

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<sup>6</sup> PR797250; PR797251.

<sup>7</sup> [\[2025\] FWCFB 297](#) [136].

<sup>8</sup> Ibid [138].

- Ultrasonographer

[17] For some of the indicative health professions in the current Schedule B of the HPSS Award, it would appear that the profession is not one distinct profession but a varied professional discipline requiring different qualifications. By way of example, the requisite qualification for a counsellor appears to differ based on the type of counselling that the health professional provides. Similar issues appear to arise for welfare workers, community development workers and youth workers. In these circumstances, the proposed Schedule B includes multiple qualifications.

[18] Finally, we consider that where an employer requires an employee to hold a qualification which is higher than the level identified for the health professional in Schedule B, then the employee should be paid at the rate specified in the award for the AQF level qualification required by the employer.

### **Submission from NP Exercise Physiology**

[19] On 23 January 2026, NP Exercise Physiology (**NPEP**) provided the Expert Panel with a submission regarding the GST arrangements for Exercise Physiologists. The submission was to the effect that the requirement to charge Goods and Services Tax (**GST**) places exercise physiology services at an inherent financial disadvantage as compared to other health professionals and contributes to downward pressure on wages for employees covered by the HPSS Award. This issue was not raised by NPEP in the hearing before the Expert Panel in December 2024 nor by way of prior submission. We have determined not to change the approach identified in the April decision based on the alleged differential tax treatment, which is a matter beyond the Commission's control.

### **Next steps**

[20] We foreshadowed that interested parties would be given an opportunity to comment on the draft determination. This may include submissions regarding the following matters:

- (1) Any changes required to Schedule B—Common Health Professionals and the Standard Minimum Qualifications to ensure that the award is fit for purpose. This may include consideration of whether the professions listed in [16] should, or should not, be included in Schedule B.
- (2) Noting matter (1), where it is proposed that a profession which is not included in Schedule B—Common Health Professionals and Standard Minimum Qualifications be inserted into the schedule, what the nomenclature and qualification(s) should be (consistent with the framework at [134] to [140] of the December decision).
- (3) Any qualifications which should be included or excluded in relation to any health professional listed in Schedule B of the draft determination (consistent with the framework at [134] to [140] of the December decision).
- (4) Any perceived technical or drafting issues in the draft determination.

[21] Interested parties are to file any submissions regarding the draft determination by 4:00 pm (AEDT) on Monday, 23 March 2026.



PRESIDENT

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## Appendix: Health professionals—Staged rates of pay

Translated classification	Weekly rate (\$)				
	Stage 1 30 June 2026 <i>(less AWR)</i>	Stage 2 30 June 2027 <i>(less AWR)</i>	Stage 3 30 June 2028 <i>(less AWR)</i>	Stage 4 30 June 2029 <i>(less AWR)</i>	Stage 5 30 June 2030 <i>(less AWR)</i>
Level 1—AQF 5—1st year	1176.80	1188.00			
Level 1—AQF 5—2nd – 3rd year	1249.50	1250.10			
Level 1—AQF 5—4th – 6th year	1361.30				
Level 1—AQF 5—7th year+	1471.40				
Level 1—AQF 6—1st year	1176.80	1212.10	1248.50	1283.30	
Level 1—AQF 6—2nd – 3rd year	1249.50	1287.00	1325.60	1350.80	
Level 1—AQF 6—4th – 6th year	1416.00	1458.50	1471.00		
Level 1—AQF 6—7th year+	1584.00	1589.90			
Level 1—AQF 7—1st year	1249.50	1312.10	1374.70	1437.30	1499.90
Level 1—AQF 7—2nd – 3rd year	1345.10	1403.70	1462.30	1520.90	1579.30
Level 1—AQF 7—4th – 6th year	1494.40	1550.60	1606.80	1663.00	1719.30
Level 1—AQF 7—7th year+	1612.90	1674.50	1736.10	1797.70	1859.40
Level 1—AQF 8—1st year	1276.50	1343.70	1410.90	1478.10	1545.40
Level 1—AQF 8—2nd – 3rd year	1379.40	1441.20	1503.00	1564.80	1626.70
Level 1—AQF 8—4th – 6th year	1512.90	1577.50	1642.10	1706.70	1771.10
Level 1—AQF 8—7th year+	1643.40	1711.40	1779.40	1847.40	1915.20
Level 1—AQF 9—1st year	1379.40	1446.90	1514.40	1581.90	1649.40
Level 1—AQF 9—2nd – 3rd year	1475.10	1540.40	1605.70	1671.00	1736.20
Level 1—AQF 9—4th – 6th year	1584.00	1643.60	1703.20	1762.80	1822.50
Level 1—AQF 9—7th year+	1675.40	1749.00	1822.60	1896.20	1969.80
Level 2.1	1857.20	1912.90	1970.30	1999.30	
Level 2.2	1893.30	1950.50	2009.00	2069.30	2121.90
Level 3	1893.30	1990.50	2087.70	2184.90	2282.00
Level 4	2385.80	2457.40	2531.10	2588.20	