



DETERMINATION

Fair Work Act 2009

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

s.160—Variation of modern award to remove ambiguity or uncertainty or correct error

Gender-based undervaluation – priority awards review

(AM2024/22)

Variation on the Commission’s own motion – Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020

(AM2025/2)

ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH WORKERS AND PRACTITIONERS AND ABORIGINAL COMMUNITY CONTROLLED HEALTH SERVICES AWARD 2020

[MA000115]

Indigenous organisations and services

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

SYDNEY, 28 NOVEMBER 2025

Gender-based undervaluation – priority awards review – Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020 – variation of the award on the Commission’s own initiative – award varied.

A. Further to the decision issued by the Expert Panel of the Fair Work Commission on 28 November 2025 [[\[2025\] FWCFB 271](#)], the above award is varied as follows:

1. By deleting the reference to “clause 16.1(a)” appearing in the definition of “standard rate” in clause 2 and inserting “clause 16.1(a)(ii)”.
2. By deleting the heading in clause 12.3 and inserting “Progression—Employees other than Dental/Oral Health Therapists”.
3. By inserting the words “, other than a Dental/Oral Health Therapist,” after the words “, an employee” in clause 12.3(a).

4. By renumbering clauses 12.4 to 12.5 as 12.5 to 12.6.
5. By inserting a new clause 12.4 as follows:

12.4 Progression—Dental/Oral Health Therapists

An employee classified as a Dental/Oral Health Therapist will be eligible for progression from one grade to the next based on their years of experience in the profession as defined in clause A.4—Dental/Oral Health Therapist.

6. By deleting clause 16.1(a) and inserting the following:
 - (a) **Dental Assistants and Aboriginal and/or Torres Strait Islander Health Worker employees**
 - (i) **Dental Assistants**

An employer must pay adult employees the following minimum rates for ordinary hours worked by the employee:

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Grade 2—Dental Assistant (unqualified)		
Level 1	1064.30	28.01
Level 2	1085.30	28.56
Grade 3—Dental Assistant (qualified with a Certificate III or assessed equivalent)		
Level 1	1106.40	29.12
Level 2	1175.20	30.93
Level 3	1215.20	31.98
Grade 4—Dental Assistant (qualified with a Certificate IV or assessed equivalent)		
Level 1	1106.40	29.12
Level 2	1175.20	30.93
Level 3	1215.20	31.98

NOTE: See Schedule H—Classification Translation Arrangements for the applicable classification for employees who were classified as a Dental employee—Dental Assistant on or before 31 December 2025.

(ii) Aboriginal and/or Torres Strait Islander Health Worker employees

An employer must pay adult employees the following minimum rates for ordinary hours worked by the employee:

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Grade 1—Aboriginal and/or Torres Strait Islander Health Worker Trainee (Entry) (Health Worker Trainee)		
Level 1	1019.70	26.83
Grade 2—Aboriginal and/or Torres Strait Islander Health Worker Trainee (Health Worker Trainee)		
Level 1	1092.00	28.74
Level 2	1129.40	29.72
Grade 3—Aboriginal and/or Torres Strait Islander Health Worker (Generalist Health Worker)		
Level 1	1188.40	31.27
Level 2	1250.60	32.91
Level 3	1311.30	34.51
Grade 4—Aboriginal and/or Torres Strait Islander Health Worker Advanced (Advanced Health Worker—Practice) Aboriginal and/or Torres Strait Islander Health Practitioner (Health Practitioner) Advanced Health Worker—Care		
Level 1	1348.00	35.47
Level 2	1384.20	36.43

7. By deleting clause 16.1(c) and inserting the following:

(c) Dental/Oral Health Therapists

An employer must pay adult employees the following minimum rates for ordinary hours worked by the employee:

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Grade 1—Entry Level—1st year	1271.40	33.46
Grade 2—2nd–3rd year	1304.70	34.33
Grade 3—4th–6th year	1398.50	36.80
Grade 4—7th year+	1587.30	41.77

NOTE: See Schedule H—Classification Translation Arrangements for the applicable classification for employees who were classified as a Dental employee—Dental Therapist on 31 December 2025.

- 8. By renaming clause A.2—Aboriginal and/or Torres Strait Islander Health Workers as “Dental Assistants and Aboriginal and/or Torres Strait Islander Health Workers”.
- 9. By renumbering clauses A.2.1 to A.2.24 as A.2.3 to A.2.26.
- 10. By inserting new clauses A.2.1 and A.2.2 as follows:

A.2.1 These classifications include Dental Assistants and Aboriginal and/or Torres Strait Islander Health Worker employees but there are important distinctions between these roles including:

- Aboriginal and/or Torres Strait Islander Health Worker roles can only be performed by, and require qualifications that can only be undertaken by Aboriginal and/or Torres Strait Islander people; and
- the profession of Aboriginal and/or Torres Strait Islander Health Practitioner is regulated by the Australian Health Practitioner Regulation Agency (AHPRA) and is a protected title under the Health Practitioner Regulation National Law.

A.2.2 Grade 1

An Aboriginal and/or Torres Strait Islander Health Worker Trainee (Entry) (**Health Worker Trainee**) is classified at Grade 1.

- 11. By deleting the words “- Grade 1” wherever they appear in renumbered clause A.2.3.
- 12. By renumbering clauses A.2.4 to A.2.25 to A.2.5 to A.2.27
- 13. By inserting a new clause A.2.4 as follows:

A.2.4 Grade 2

The following two roles are classified at Grade 2:

- (a) Aboriginal and/or Torres Strait Islander Health Worker Trainee (**Health Worker Trainee**)
- (b) **Dental Assistant** (unqualified)

It is desirable that staff employed as a Dental Assistant (unqualified) at this grade should have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 1.

- 14. By deleting the words “- Grade 2” wherever they appear in renumbered clause A.2.5.
- 15. By inserting the words “Health Worker Trainee” at the end of the heading of renumbered clause A.2.7.
- 16. By renumbering clauses A.2.8 to A.2.26 as A.2.9 to A.2.27.
- 17. By inserting a new clause A.2.8 as follows:

A.2.8 Grade 3

The following two roles are classified at Grade 3:

- (a) Aboriginal and/or Torres Strait Islander Health Worker (**Generalist Health Worker**)
- (b) **Dental Assistant** (qualified with a Certificate III or assessed equivalent)

In this clause, ‘**or assessed equivalent**’ means an employee has been assessed by an employer or Registered Training Organisation as having comparable and sufficient qualifications, skills, knowledge and/or training acquired, for example, through informal training or experience that enables the employee to perform the work required by the position.

- 18. By deleting the words “- Grade 3” appearing in the heading of renumbered clause A.2.9.
- 19. By inserting the words “: Generalist Health Worker” at the end of the heading of renumbered clause A.2.10.
- 20. By inserting the words “: Generalist Health Worker” at the end of the heading of renumbered clause A.2.11.
- 21. By inserting a new clause A.2.11(c) as follows:
 - (c) It is desirable that staff at this grade should have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 1.

22. By deleting the words “Aboriginal and/or Torres Strait Islander Health Practitioner, Advanced Health Worker – Practice & Advanced Health Worker – Care –” from the heading of renumbered clause A.2.12.

23. By deleting the words “three roles” appearing in renumbered clause A.2.12 and inserting “four roles”.

24. By inserting a new clause A.2.12(d) as follows:

(d) Dental Assistant (qualified with a Certificate IV or assessed equivalent)

In this clause, ‘**or assessed equivalent**’ means an employee has been assessed by an employer or Registered Training Organisation as having comparable and sufficient qualifications, skills, knowledge and/or training acquired, for example, through informal training or experience that enables the employee to perform the work required by the position.

25. By inserting clause A.2.16(b)(v) as follows:

- (v)** have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 3.

26. By deleting the words “following roles” appearing in renumbered clause A.2.19 and inserting “following three roles”.

27. By deleting clause “A.4—Dental” and inserting the following:

A.4—Dental/Oral Health Therapists

A.4.1 Dental/Oral Health Therapist—Grade 1—Entry Level—1st year

- (a)** Dental/Oral Health Therapist—Grade 1—Entry Level—1st year means a Dental/Oral Health Therapist with up to 12 months’ experience in this profession.
- (b)** It is desirable that staff at this grade have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 1.

A.4.2 Dental/Oral Health Therapist—Grade 2—2nd–3rd year

- (a)** Dental/Oral Health Therapist—Grade 3—2nd to 3rd year means a Dental/Oral Health Therapist with more than 1 but less than 4 years’ experience in this profession.
- (b)** It is desirable that staff at this grade have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 1.

A.4.3 Dental/Oral Health Therapist—Grade 3—4th–6th year

- (a) Dental/Oral Health Therapist—Grade 3—4th–6th year means a Dental/Oral Health Therapist with more than 4 but less than 7 years' experience in this profession.
- (b) It is desirable that staff at this grade have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 1.

A.4.4 Dental/Oral Health Therapist—Grade 4—7th year+

- (a) Dental/Oral Health Therapist—Grade 4—7th year+ means a Dental/Oral Health Therapist with 7 years or more experience in this profession.
- (b) It is desirable that staff at this grade have Aboriginal and/or Torres Strait Islander knowledge and cultural skills—level 1.

28. By deleting the words “Aboriginal and/or Torres Strait Islander Health Worker” appearing in the heading of clause B.1 and inserting “Dental Assistant and Aboriginal and/or Torres Strait Islander Health Worker”.

29. By renumbering clauses B.1.1 to B.1.3 as B.1.4 to B.1.6

30. By inserting a new clause B.1.1 as follows:

B.1.1 Dental assistants—full-time and part-time adult employees—ordinary, shiftwork and penalty rates

	All employees		Shiftworkers			All employees	
	Ordinary hours	Outside normal span of hours ¹	Continuous night shift ²	Saturday	Sunday	Public holiday	Public holiday
% of minimum hourly rate							
	100%	115%	130%	150%	200%	150% plus one day off ³	250%
	\$	\$	\$	\$	\$	\$	\$
Grade 2—Dental Assistant (unqualified)							
Level 1	28.01	32.21	36.41	42.02	56.02	42.02	70.03
Level 2	28.56	32.84	37.13	42.84	57.12	42.84	71.40

Grade 3— Dental Assistant (qualified with a Certificate III or assessed equivalent)							
Level 1	29.12	33.49	37.86	43.68	58.24	43.68	72.80
Level 2	30.93	35.57	40.21	46.40	61.86	46.40	77.33
Level 3	31.98	36.78	41.57	47.97	63.96	47.97	79.95
Grade 4— Dental Assistant (qualified with a Certificate IV or assessed equivalent)							
Level 1	29.12	33.49	37.86	43.68	58.24	43.68	72.80
Level 2	30.93	35.57	40.21	46.40	61.86	46.40	77.33
Level 3	31.98	36.78	41.57	47.97	63.96	47.97	79.95

¹ **Outside normal span of hours** means where the ordinary rostered hours of work of an employee finish between 7.00 pm and 7.00 am or commence between 7.00 pm and 7.00 am in accordance with clause 21.1

² **Continuous night shift** means where a shiftworker is required to work ordinary hours continuously for a period exceeding 4 weeks on a shift wholly within the hours of 7.00 pm and 7.00 am in accordance with clause 21.2.

³ At the ordinary time rate, that is, an hour for each hour worked in accordance with clause 28.2(a)(ii).

31. By inserting a new clause B.1.2 as follows:

B.1.2 Dental assistants—full-time and part-time adult employees—overtime rates

	Employees other than shiftworkers		Shiftworkers – broken shifts		All employees	
	Outside the span of hours ¹	Outside the span of hours ¹	Outside a spread of 9 hours ²	Outside a spread of 12 hours ³	Excess hours ⁴	
	First 2 hours	After 2 hours			First 2 hours	After 2 hours
	% of minimum hourly rate					
	150%	200%	150%	200%	150%	200%
	\$	\$	\$	\$	\$	\$
Grade 2— Dental Assistant (unqualified)						
Level 1	42.02	56.02	42.02	56.02	42.02	56.02
Level 2	42.84	57.12	42.84	57.12	42.84	57.12
Grade 3— Dental Assistant (qualified with a Certificate III or assessed equivalent)						
Level 1	43.68	58.24	43.68	58.24	43.68	58.24
Level 2	46.40	61.86	46.4	61.86	46.4	61.86
Level 3	47.97	63.96	47.97	63.96	47.97	63.96
Grade 4— Dental Assistant (qualified with a Certificate IV or assessed equivalent)						
Level 1	43.68	58.24	43.68	58.24	43.68	58.24
Level 2	46.40	61.86	46.4	61.86	46.4	61.86
Level 3	47.97	63.96	47.97	63.96	47.97	63.96

¹ Outside the span of hours of 7.00am to 7.00pm Monday to Friday in accordance with clause 20.1(a).

² Outside a spread of 9 hours from the time of commencing work by an employee rostered to work broken shifts in accordance with clause 20.1(b).

³ Outside a spread of 12 hours from the time of commencing work by an employee rostered to work broken shifts in accordance with clause 20.1(b).

⁴In **excess** of the number of hours fixed as a day’s, a week’s or a fortnight’s work as the case may be in accordance with clause 20.1(a).

32. By inserting a new clause B.1.3 as follows:

B.1.3 Dental assistants—casual adult employees—ordinary, shiftwork and penalty rates

	All employees	Shiftworkers				All employees
	Day	Outside normal span of hours ¹	Continuous night shift ²	Saturday	Sunday	Public holiday
	% of minimum hourly rate					
	125%	140%	155%	175%	225%	150%
	\$	\$	\$	\$	\$	\$
Grade 2— Dental Assistant (unqualified)						
Level 1	35.01	39.21	43.42	49.02	63.02	42.02
Level 2	35.70	39.98	44.27	49.98	64.26	42.84
Grade 3— Dental Assistant (qualified with a Certificate III or assessed equivalent)						
Level 1	36.40	40.77	45.14	50.96	65.52	43.68
Level 2	38.66	43.30	47.94	54.13	69.59	46.40
Level 3	39.98	44.77	49.57	55.97	71.96	47.97
Grade 4— Dental Assistant (qualified with a Certificate IV or assessed equivalent)						
Level 1	36.40	40.77	45.14	50.96	65.52	43.68
Level 2	38.66	43.30	47.94	54.13	69.59	46.40
Level 3	39.98	44.77	49.57	55.97	71.96	47.97

¹**Outside normal span of hours** means where the ordinary rostered hours of work of an employee finish between 7.00 pm and 7.00 am or commence between 7.00 pm and 7.00 am in accordance with clause 21.1.

²**Continuous night shift** means where a shiftworker is required to work ordinary hours continuously for a period exceeding 4 weeks on a shift wholly within the hours of 7.00 pm and 7.00 am in accordance with clause 21.2.

33. By renaming renumbered clause B.1.4 “Aboriginal and/or Torres Strait Islander Health Worker—full-time and part-time adult employees—ordinary, shiftworker and penalty rates”.

34. By renaming renumbered clause B.1.5 “Aboriginal and/or Torres Strait Islander Health Worker—full-time and part-time adult employees—overtime rates”.

35. By renaming renumbered clause B.1.6 “Aboriginal and/or Torres Strait Islander Health Worker—casual adult employees—ordinary, shiftwork and penalty rates”.

36. By deleting clause “B.3—Dental employees” and inserting the following:

B.3 Dental/Oral Health Therapist employees

B.3.1 Full-time and part-time adult employees—ordinary, shiftwork and penalty rates

	All employees	Shiftworkers				All employees	
	Ordinary hours	Outside normal span of hours ¹	Continuous night shift ²	Saturday	Sunday	Public holiday	Public holiday
% of minimum hourly rate							
	100%	115%	130%	150%	200%	150% plus one day off ³	250%
	\$	\$	\$	\$	\$	\$	\$
Grade 1—Entry Level—1st year	33.46	38.48	43.50	50.19	66.92	50.19	83.65
Grade 2—2nd–3rd year	34.33	39.48	44.63	51.50	68.66	51.50	85.83
Grade 3—4th–6th year	36.80	42.32	47.84	55.20	73.60	55.20	92.00
Grade 4—7th year +	41.77	48.04	54.30	62.66	83.54	62.66	104.43

¹ **Outside normal span of hours** means where the ordinary rostered hours of work of an employee finish between 7.00 pm and 7.00 am or commence between 7.00 pm and 7.00 am in accordance with clause 21.1

² **Continuous night shift** means where a shiftworker is required to work ordinary hours continuously for a period exceeding 4 weeks on a shift wholly within the hours of 7.00 pm and 7.00 am in accordance with clause 21.2.

³ At the ordinary time rate, that is, an hour for each hour worked in accordance with clause 28.2(a)(ii).

B.3.2 Full-time and part-time adult employees—overtime rates

	Employees other than shiftworkers		Shiftworkers – broken shifts		All employees	
	Outside the span of hours ¹	Outside the span of hours ¹	Outside a spread of 9 hours ²	Outside a spread of 12 hours ³	Excess hours ⁴	
	First 2 hours	After 2 hours			First 2 hours	After 2 hours
	% of minimum hourly rate					
	150%	200%	150%	200%	150%	200%
	\$	\$	\$	\$	\$	\$
Grade 1—Entry Level—1st year	50.19	66.92	50.19	66.92	50.19	66.92
Grade 2—2nd–3rd year	51.50	68.66	51.50	68.66	51.50	68.66
Grade 3—4th–6th year	55.20	73.60	55.20	73.60	55.20	73.60
Grade 4—7th year +	62.66	83.54	62.66	83.54	62.66	83.54

¹ **Outside the span of hours** of 7.00am to 7.00pm Monday to Friday in accordance with clause 20.1(a).

² **Outside a spread of 9 hours** from the time of commencing work by an employee rostered to work broken shifts in accordance with clause 20.1(b).

³ **Outside a spread of 12 hours** from the time of commencing work by an employee rostered to work broken shifts in accordance with clause 20.1(b).

⁴ In **excess** of the number of hours fixed as a day's, a week's or a fortnight's work as the case may be in accordance with clause 20.1(a).

B.3.3 Casual adult employees—ordinary, shiftwork and penalty rates

	All employees	Shiftworkers				All employees
	Day	Outside normal span of hours ¹	Continuous night shift ²	Saturday	Sunday	Public holiday
	% of minimum hourly rate					
	125%	140%	155%	175%	225%	150%
	\$	\$	\$	\$	\$	\$
Grade 1—Entry Level—1st year	41.83	46.84	51.86	58.56	75.29	50.19

	All employees	Shiftworkers				All employees
	Day	Outside normal span of hours ¹	Continuous night shift ²	Saturday	Sunday	Public holiday
% of minimum hourly rate						
	125%	140%	155%	175%	225%	150%
	\$	\$	\$	\$	\$	\$
Grade 2—2nd–3rd year	42.91	48.06	53.21	60.08	77.24	51.50
Grade 3—4th–6th year	46.00	51.52	57.04	64.40	82.80	55.20
Grade 4—7th year +	52.21	58.48	64.74	73.10	93.98	62.66

¹ **Outside normal span of hours** means where the ordinary rostered hours of work of an employee finish between 7.00 pm and 7.00 am or commence between 7.00 pm and 7.00 am in accordance with clause 21.1.

² **Continuous night shift** means where a shiftworker is required to work ordinary hours continuously for a period exceeding 4 weeks on a shift wholly within the hours of 7.00 pm and 7.00 am in accordance with clause 21.2.

37. By deleting the footnotes that appear below the table at clause B.4.2— Full-time and part-time adult employees—overtime rates and replacing with footnotes as follows:

¹ **Outside the span of hours** of 7.00am to 7.00pm Monday to Friday in accordance with clause 20.1(a).

² **Outside a spread of 9 hours** from the time of commencing work by an employee rostered to work broken shifts in accordance with clause 20.1(b).

³ **Outside a spread of 12 hours** from the time of commencing work by an employee rostered to work broken shifts in accordance with clause 20.1(b).

⁴ In **excess** of the number of hours fixed as a day's, a week's or a fortnight's work as the case may be in accordance with clause 20.1(a).

38. By deleting the reference to “clause 16.1(a)” in clause C.1.1 and inserting “clause 16.1(a)(ii)”.

39. By inserting Schedule H—Classification Translation Arrangements as follows:

Schedule H—Classification Translation Arrangements

Schedule H specifies the classification and minimum rates of pay that apply to employees who were employed as a Dental Assistant or Dental Therapist under the previous dental classification structure of this award on or before 31 December 2025.

H.1 Translation Arrangements for Dental Assistants

An employee who was classified as a Dental employee—Dental Assistant under this award on or before 31 December 2025 is classified as follows:

Previous classification	Translated classification
Dental employees—Dental Assistant	Dental Assistant and Aboriginal and/or Torres Strait Islander Health Worker employees
Grade 1	Grade 2 Level 1
Grade 2 if less than 12 months' service	Grade 2 Level 1
Grade 2 if 12 or more months' service	Grade 2 Level 2
Grade 3 if qualified with a Certificate III or assessed equivalent or unqualified	Grade 3 Level 1
Grade 3 if qualified with a Certificate IV	Grade 4 Level 1
Grade 4 if qualified with a Certificate III or assessed equivalent or unqualified	Grade 3 Level 2
Grade 4 if qualified with a Certificate IV	Grade 4 Level 2
Grade 5 if qualified with a Certificate III or assessed equivalent or unqualified	Grade 3 Level 3
Grade 5 if qualified with a Certificate IV	Grade 4 Level 3

H.2 Translation Arrangements for Dental Therapists

H.2.1 An employee who was classified as a Dental employee—Dental Therapist under this award on or before 31 December 2025 is classified as follows:

Previous classification	Translated classification
Dental employees—Dental Therapist	Dental/Oral Health Therapist
Grade 1 Level 1	Grade 1—Entry Level—1st year
Grade 1 Level 2	Grade 2—2nd–3rd year
Grade 1 Level 3	Grade 2—2nd–3rd year
Grade 1 Level 4	Grade 3—4th–6th year
Grade 1 Level 5	Grade 3—4th–6th year
Grade 1 Level 6	Grade 3—4th–6th year
Grade 1 Level 7	Grade 4—7th year+
Grade 2 Level 1	Grade 4—7th year+
Grade 2 Level 2	Grade 4—7th year+
Grade 2 Level 3	Grade 4—7th year+
Grade 2 Level 4	Grade 4—7th year+
Grade 2 Level 5	Grade 4—7th year+

H.2.2 Retained minimum rates of pay

The minimum rate of pay applicable to an employee previously classified as a Dental Therapist Grade 2 Level 5 and translated to a Dental/Oral Health Therapist Grade 4—7th year+ in clause H.2.1 is the higher of:

- (a) the minimum rate of pay that applies to the employee’s translated classification of Dental/Oral Health Therapist Grade 4—7th year+; and
- (b) the minimum rate of pay previously applicable to the employee under the award as at 31 December 2025, which is \$1590.90 per week.

40. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation on 1 January 2026. In accordance with s 166(5) of the *Fair Work Act 2009* (Cth) this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 January 2026.



PRESIDENT