



DETERMINATION

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

**Health Services Union, Australian Nursing and Midwifery Federation,
Virginia Ellis and others—Work value case—Aged care industry**

(AM2020/99 & AM2021/63)

AGED CARE AWARD 2010

[MA000018]

Aged care industry

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT ASBURY
DEPUTY PRESIDENT O'NEILL
PROFESSOR BAIRD
DR RISSE

SYDNEY, 11 SEPTEMBER 2024

*Applications to vary modern awards – work value – aged care industry – Aged Care Award
2010 – stage 3.*

A. Further to the Expert Panel decision issued by the Fair Work Commission on 11 September 2024 [[\[2024\] FWCFB 367](#)], the above award is varied as follows:

1. By inserting the following definitions in clause 3.1 in alphabetical order:

aged care employee—direct care is an employee whose primary responsibility is to directly provide:

- (a) personal care services to residents under the supervision of a registered or enrolled nurse, or
- (b) recreational/lifestyle activity services to residents;

including but not limited to undertaking duties of the following kind:

- assisting with daily living activities;
- attending to personal hygiene, physical, administrative and cognitive needs;
- providing emotional care and social support;

- assisting with participation in social and recreational activities; or
- assisting with clinical care and provision of medical treatments and procedures where qualified to do so.

aged carer experience means previous employment experience as an aged care employee—direct care under this award or as a home care employee in aged care.

2. By deleting the table appearing in clause 14.1 and inserting the following:

Classification	Per week
	\$
Aged care employee—general—level 1	973.40
Aged care employee—general—level 2	1012.00
Aged care employee—general—level 3	1050.90
Aged care employee—general—level 4	1063.30
Aged care employee—general—level 5	1099.30
Aged care employee—general—level 6	1158.50
Aged care employee—general—level 7	1179.30

3. By deleting the table appearing in clause 14.3 and inserting the following:

Classification	Per week
	\$
Aged care employee—direct care—level 1—Introductory	1119.50
Aged care employee—direct care—level 2—Direct Carer	1168.10
Aged care employee—direct care—level 3—Qualified	1221.50
Aged care employee—direct care—level 4—Senior	1253.90
Aged care employee—direct care—level 5—Specialist	1299.40
Aged care employee—direct care—level 6—Team Leader	1363.70

NOTE: See Schedule I—Classification Translation Arrangements for the minimum rate of pay applicable to employees who were classified as an Aged care employee—direct care under this award on or before 31 December 2024 and employees covered by the *Nurses Award 2020* on 31 December 2024 who became covered by this award as a result of [PR779152](#).

4. By inserting clause 28.2(c) as follows:

(c) Clause 28.2 does not apply to an employee subject to clause 28.3.

5. By renumbering clauses 28.3 to 28.8 as clauses 28.4 to 28.9.

6. By inserting a new clause 28.3 as follows:

28.3 Quantum of annual leave—employees previously covered by the *Nurses Award 2020*

- (a) Clause 28.3 only applies to an employee employed by their employer as a nursing assistant who was covered by the *Nurses Award 2020* on 31 December 2024 and who became covered by this award as a result of [PR779152](#).
- (b) An employee subject to this clause is entitled to the same quantum of annual leave as if they were covered by the *Nurses Award 2020*.

NOTE: In addition to the entitlements in the NES, an employee under the *Nurses Award 2020* is entitled to an additional week of annual leave on the same terms and conditions.

7. By deleting the words “Laundry hand”, “Cleaner”, “Food Services” and “Food services assistant” appearing in the table in clause B.1.2.

8. By deleting the table appearing in clause B.1.3 and inserting the following:

General and administrative services	Food services
General clerk/Typist (second and subsequent years of service)	Cook
Receptionist	Food services assistant
Pay clerk	
Driver (less than 3 ton) who is required to hold a St John Ambulance first aid certificate	
Laundry hand	
Cleaner	

9. By deleting Schedule B.2 and inserting the following:

B.2 Aged care employee—direct care

B.2.1 Aged care employee—direct care—level 1—Introductory

An employee whose primary role is to provide direct care to residents and who has less than 3 months’ aged carer experience.

B.2.2 Aged care employee—direct care—level 2—Direct Carer

An employee whose primary role is to provide direct care to residents and who has 3 months’ or more aged carer experience.

B.2.3 Aged care employee—direct care—level 3—Qualified

An employee whose primary role is to provide direct care to residents and who has obtained a Certificate III in Individual Support (Ageing) or equivalent qualification.

B.2.4 Aged care employee—direct care—level 4—Senior

An employee whose primary role is to provide direct care to residents 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.

B.2.5 Aged care employee—direct care—level 5—Specialist

An employee whose primary role is to provide direct care to residents 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.

B.2.6 Aged care employee—direct care—level 6—Team Leader

A direct 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 direct care employees.

10. By inserting Schedule I—Classification Translation Arrangements as follows:

Schedule I—Classification Translation Arrangements

Schedule I specifies the classification and minimum rates of pay that apply to employees in the Aged care employee—direct care stream classified under the previous classification structure in this award and employees covered by the *Nurses Award 2020* on 31 December 2024 who became covered by this award as a result of [PR779152](#).

I.1 Translation arrangements for the *Aged Care Award 2010*

I.1.1 Subject to clause I.1.2, an employee who was classified as an Aged care employee—direct care under the *Aged Care Award 2010* on or before 31 December 2024 is classified as follows:

Previous classification	Translated classification
Aged care employee—direct care—level 1	Aged care employee—direct care—level 1—Introductory
Aged care employee—direct care—level 2 Aged care employee—direct care—level 3*	Aged care employee—direct care—level 2—Direct Carer
Aged care employee—direct care—level 4	Aged care employee—direct care—level 3—Qualified
Aged care employee—direct care—level 5 (without relevant Certificate IV qualification)	Aged care employee—direct care—level 4—Senior

Previous classification	Translated classification
Aged care employee—direct care—level 5 (with relevant Certificate IV qualification) Aged care employee—direct care—level 6	Aged care employee—direct care—level 5— Specialist
Aged care employee—direct care—level 7	Aged care employee—direct care—level 6— Team Leader

*NOTE: Refer to clause I.1.2.

I.1.2 Retained minimum rates of pay

The minimum rate of pay applicable to an employee previously classified as an Aged care employee—direct care—level 3 and translated to Aged care employee—direct care—level 2—Direct Carer under clause I.1.1 is the higher of:

- (a) the minimum rate of pay that applies to the employee’s translated classification of Aged care employee—direct care—level 2—Direct Carer; and
- (b) the minimum rate of pay previously applicable to the employee under the award as at 31 December 2024, which is \$1173.30 per week.

I.2 Translation arrangements for the *Nurses Award 2020*

An employee who was covered by the *Nurses Award 2020* on 31 December 2024 and who became covered by this award as a result of [PR779152](#) is classified as follows:

Previous classification	Translated classification
First year if less than 3 months’ work experience in the industry	Aged care employee—direct care—level 1
First year if 3 months’ or more work experience in the industry Second year Third year	Aged care employee—direct care—level 2
Experienced (the holder of a relevant Certificate III qualification)	Aged care employee—direct care—level 3

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

B. This determination comes into operation on 1 January 2025. 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 2025.



PRESIDENT

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