



DETERMINATION

Fair Work Act 2009

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

Health Services Union—Work value case—Aged care industry
(AM2021/65)

**SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES
INDUSTRY AWARD 2010**
[MA000100]

Social, community, home care and disability services

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 – Social, Community, Home Care and Disability Services Industry 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 definition in clause 3.1 in alphabetical order:

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

2. By deleting the words ‘Schedule E’ appearing in clause 4.1 and inserting ‘Schedule F’.

3. By deleting the words ‘Schedule E’ appearing in clause 13.1 and inserting ‘Schedule F’.

4. By inserting clause 31.2(c) as follows:

(c) Clause 31.2 does not apply to an employee subject to clause 31.3.

5. By renumbering clauses 31.3 to 31.8 as clauses 31.4 to 31.9.

6. By inserting a new clause 31.3 as follows:

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

- (a) Clause 31.3 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 clause 17.2 and inserting the following:

17.2 Home care employees—aged care

The following minimum wages apply to home care employees providing services to an aged person.

Classification	Per week
	\$
Home care employee level 1—aged care	1132.60
Home care employee level 2—aged care	1202.20
Home care employee level 3—aged care	1241.60
Home care employee level 4—aged care	1320.60
Home care employee level 5—aged care	1347.30
Home care employee level 6—aged care	1422.20

NOTE: See Schedule G—Classification Translation Arrangements for the minimum rate of pay applicable to Home care employees who provide services to an aged person who were covered by 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](#).

- 8. By renaming ‘Schedule E—Classification Definitions—Home Care Employees’ to ‘Schedule E—Classification Definitions—Home Care Employees—Disability Care’.
- 9. By renaming clause E.1 as ‘Home care employee level 1—disability care’.
- 10. By renaming clause E.2 as ‘Home care employee level 2—disability care’.
- 11. By renaming clause E.3 as ‘Home care employee level 3—disability care’.
- 12. By renaming clause E.4 as ‘Home care employee level 4—disability care’.

13. By renaming clause E.5 as ‘Home care employee level 5—disability care’.
14. By renumbering Schedules F to I as Schedules H to K.
15. By inserting a new Schedule F as follows:

Schedule F—Classification Definitions—Home Care Employees—Aged Care

F.1 Home care employee level 1—aged care—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.

F.2 Home care employee level 2—aged care—Home Carer

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

F.3 Home care employee level 3—aged care—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.

F.4 Home care employee level 4—aged care—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.

F.5 Home care employee level 5—aged care—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.

F.6 Home care employee level 6—aged care—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.

16. By inserting a new Schedule G as follows:

Schedule G—Classification Translation Arrangements

Schedule G specifies the classification and minimum rates of pay that apply to employees in the Home care employees—aged 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](#).

G.1 Translation arrangements for the *Social, Community, Home Care and Disability Services Industry Award 2010*

G.1.1 The classification structure previously applicable to Home care employees who provide services to an aged person is translated to the classification structure at Schedule F as follows:

Previous classification	Translated classification
Home care employee level 1—aged care	
With less than 3 months' experience	Home care employee level 1—aged care
With 3 months' experience or more	Home care employee level 2—aged care
Home care employee level 2—aged care	
Pay point 1	Home care employee level 2—aged care
Pay point 2	Home care employee level 2—aged care
Home care employee level 3—aged care	
Pay point 1	Home care employee level 3—aged care
Pay point 2	Home care employee level 3—aged care
Home care employee level 4—aged care	
Without a relevant Certificate IV qualification, Pay point 1	Home care employee level 4—aged care
Without a relevant Certificate IV qualification, Pay point 2*	Home care employee level 4—aged care
With a relevant Certificate IV qualification, Pay point 1	Home care employee level 5—aged care
With a relevant Certificate IV qualification, Pay point 2	Home care employee level 5—aged care
Home care employee level 5—aged care	
Pay point 1	Home care employee level 6—aged care
Pay point 2*	Home care employee level 6—aged care

*NOTE: Refer to clause G.1.2.

G.1.2 Retained minimum rates of pay for certain classifications

- (a) Clause G.1.2 only applies to an employee classified under this award on or before 31 December 2024 at Home care employee level 4—aged care, Pay point 2 or Home care employee level 5—aged care, Pay point 2.

- (b) The minimum rate of pay applicable to an employee subject to this clause is the higher of:
- (i) the minimum rate of pay that applies to the employee’s translated classification at clause G.1.1; and
 - (ii) the minimum rate of pay previously applicable to the employee under the award as at 31 December 2024, as follows:

Previous classification	Per week
	\$
Home care employee level 4—aged care	
Pay point 2	1321.00
Home care employee level 5—aged care	
Pay point 2	1443.40

G.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	Home care employee level 1—aged care
First year if 3 months’ or more work experience in the industry Second year Third year	Home care employee level 2—aged care
Experienced (the holder of a relevant Certificate III qualification)	Home care employee level 3—aged care

17. 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

Printed by authority of the Commonwealth Government Printer