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Public Hospital (Medical Officers) Award - Conditions

1. Appeal against aspects of Conciliation Committee decision of 8 June 1982

1.1 Circular 82/318, issued on 17 September 1982, advised of certain variations of the conditions of employment prescribed in the Public Hospital (Medical Officers) Award, consequent upon a decision handed down by Mr. Conciliation Commissioner Cansdell on 18 June 1982.

1.2 As indicated therein, two aspects of the Commissioner's decision were subject to appeal by the former Health Commission. These were the grant of an additional week's annual leave for all employees and the introduction of a provision which compensated employees on call by payment of two hour's pay.

1.3 On 1 July 1983, the Industrial Commission (Justice Glynn) upheld the appeal in both respects. The basic annual leave entitlement of persons employed under the award will thus remain at four weeks. Compensation for officers on call will continue to be by way of payment of a flat money sum which has been increased to \$7.10 per on call period or \$35.50 per week, effective from the beginning of the first pay period in July 1982.

RP
 23/8/83

2. Clause 7. Time Worked

2.1 It was also indicated in Circular 82/318 that discussions were proceeding with the Public Service Association in connection with the content of Clause 7, Time Worked, of the Award. These discussions, coupled with negotiations which have taken place between the parties following dispute situations which have arisen at a number of hospitals have now resulted in resolution of the matter.

2.2 Details of the agreement reached are:

(i) The Award Provision

The first proviso in the 'Time Worked' clause has been amended to read as follows:

"Provided that time worked does not include uninterrupted breaks allowed and actually taken for meals."

(ii) Shifts Other Than Day Shifts Monday to Friday

Because of the widespread difficulty involved in officers leaving hospital premises for any purpose (including the taking of meal breaks) during 'Out of hours shifts', it has been decided that except where agreement is reached between a hospital and the Association in respect to arrangements for the taking of meal breaks (in which case the time involved shall not count as time worked), henceforth in all shifts other than Monday to Friday day shifts, all time an officer is required to be in attendance shall be regarded as working time and paid for accordingly. Payment for the whole of the elapsed time between the starting and finishing times of the shifts will be made irrespective of whether the work is overtime or forms part of the officer's ordinary hours.

(iii) Day Shifts - Monday to Friday

In respect to all Monday to Friday day shifts (i.e. between the hours of 8.00 a.m. and 6.00

p.m.) existing unpaid breaks are to continue to be taken.

It is not envisaged that fixed times would necessarily be designated for meal breaks but rather that sufficient flexibility should exist to enable breaks to be taken at any time which may be mutually convenient during the shift. For this reason it is expected that claims for overtime would rarely arise. Where such claims are made, however, it will be the responsibility of the officer concerned to demonstrate to the local administration that he or she was unable to avail themselves of the time allocated for breaks at any time during the shift.

In any isolated situations where because of work requirements it has been established practice in the past not to make provision for medical officers to have meal or other breaks during their shifts, these arrangements may continue.

(iv) General

The new arrangements described have been tailored with a view to ensuring that reasonable and workable provisions exist to compensate medical officers employed under the subject award for the exigencies of their employment.

Although they contemplate a degree of flexibility which is perhaps greater than that which applies to other categories of staff it is one which is considered to be appropriate to the circumstances and which merely reflects what is already the practice in a number of hospitals.

Whilst it is essential to ensure that local hospital administrations retain control of the manner in which their work requirements are carried out, it is expected that as a matter of sound industrial relations practice, consultation would take place as required between employers and the local resident staff, just as it would with any other category of employee, and it cannot be emphasised too strongly that the application of the arrangements set out herein requires the exercise of reasonableness and commonsense by all concerned.

(v) Operative Date

The amendment to the award provision takes effect from the beginning of the first pay period in July 1982.

The arrangements set out in (ii) to (iv) above are to apply from the commencement of the next pay period following the date of receipt of this circular.

3. General

3.1 Appended to this circular is a document which reflects all amendments to the Award since it was last published in a consolidated form in 1978. As this document merely reflects the provisions in force as at the date of issue of the circular, care should be taken to ensure that where appropriate, reference is also made to earlier relevant circulars (particularly 82/318 and 83/10) to ascertain the operative date of particular variations. To assist in this connection, those clauses which have been amended in any substantial way since 1978 are denoted by this symbol: #.

3.2 The 'on call' allowances have been allocated the following industrial codes:-

152 - where payable per 24 hour on call period

153 - where payable weekly.

The new rates will be implemented by HOSPAY on 22 August 1983 but no retrospective calculation will be done. In the near future HOSPAY will produce an Estimate of Award Variation Cost Report and a Cash Flow Estimate for those hospitals using the system. The additional costs involved for other hospitals should be calculated both for the current year and on an annual basis. This information should be included in the next monthly advice forwarded to the Department in respect to the cost of awards, agreements, etc.

B.V. McKay,
Secretary

Public Hospital (Medical Officers) Award1. Basic Wage

(i) This award, in so far as it fixes rates of wages is made by reference and in relation to a basic wage for adult males of \$89.10 per week.

(ii) For the purpose of this clause "annual equivalent of the basic wage for adult males" means the sum ascertained by multiplying the basic wage for adult males from time to time in force by 52-1/7 and rounding off the product to the nearest dollar.

(iii) The annual equivalent of the basic wage for adult males of \$89.10 per week is \$4,646.

(iv) When, pursuant to section 58(3) of the Industrial Arbitration Act, 1940, any notification of a basic wage for adult males, as varied, pursuant to a direction of the Industrial Commission is notified in the Industrial Gazette, the amount of the difference between the annual equivalent of the basic wage for adult males as so notified and \$4,646 shall be ascertained.

(v) Thereupon, and with effect from the day specified in the notification published in the Industrial Gazette relating to that direction, clause 3, Salaries, of this award shall be varied by substituting for the salaries prescribed immediately before the said day new salaries calculated by adding or subtracting, as the case may require, to or from the salaries as originally fixed by the said clause 3, the amount of the difference so ascertained.

(vi) The provisions of subsection (5) of section 58 of the said Act, to the extent to which they are inconsistent with the provisions of this clause, are hereby expressly excluded.

2. Definitions

"Officer" means a medical officer employed on a full-time basis at a hospital.

"Association" means the Public Service Association of New South Wales.

"Service" for the purpose of clause 3, Salaries, means service before and/or after the commencement of this award in one or more hospitals or in other institutions approved from time to time by agreement between the parties of this award. It shall include service as a medical officer in the Australian Armed Forces and service whether continuous or not in other hospitals within the Commonwealth of Australia.

"Hospital" means any institution or organization listed in the second, third or fourth schedule of the Public Hospitals Act, 1929.

"Higher Medical Qualifications" means such qualifications obtained by a medical practitioner subsequent to graduation and includes:

- (i) post-graduate university degrees and diplomas

recognized by the Medical Board of New South Wales as qualifications, or

- (ii) membership or fellowship of the Royal College or Royal Australian College of Physicians or fellowship of the Royal College or Royal Australasian College of Surgeons or membership or fellowship of the Royal College of Obstetricians and Gynaecologists, or
- (iii) such other post-graduate qualifications obtained by examination and recognized by the Medical Board of New South Wales and acceptable to the Department of Health, New South Wales, including fellowship of the Royal Australian College of General Practitioners.

"Intern" means a medical officer serving in a hospital prior to his obtaining full registration pursuant to section 17(3)(a) of the Medical Practitioners Act, 1938.

"Resident" means a medical officer who has obtained full registration.

"Registrar" means a medical officer who:

- (i) has had at least three years' experience in public hospital service as defined under this award or any lesser period acceptable to the Department of Health, New South Wales, and
- (ii) is appointed as a registrar by a hospital, and
- (iii) is occupying a position of registrar in an established position as approved by the Department of Health, New South Wales.

"Senior Registrar" means a registrar holding higher medical qualifications and occupying a position of senior registrar in an established position as approved by the Department of Health, New South Wales.

3. Salaries

The following minimum salaries shall be paid to officers:

Industrial Code		A \$ P.A.	B \$ P.A.	C \$ P.A.
03.001.11	Intern	15882	16517	18004
03.002.11	Resident - 1st year	17747	18457	20118
03.002.12	Resident - 2nd year	19613	20398	22234
03.003.11	Registrar - 1st year	21834	22707	24751
03.003.12	Registrar - 2nd year	23783	24734	26960
03.003.13	Registrar - 3rd year	25739	26769	29178
03.003.14	Registrar - 4th year	-	-	31308
03.004.11	Senior Registrar	29377	30552	34552
150	Qualification Allowance	1441	1499	1634

Note:

- (i) Column A is effective from the beginning of the first pay period commencing on or after 1.1.1982.

- (ii) Column B is effective from the beginning of the first pay period commencing on or after 1.11.1982.
- (iii) Column C is effective from the beginning of the first pay period commencing on or after 15.11.1982.

The salary for Senior Registrar takes into account that a higher medical qualification is a pre-requisite for appointment as such.

Provided that Medical Officers licensed under Section 21c(3) of the Medical Practitioners Act shall not be eligible for progression above the rate for the Intern without the prior approval of the Department of Health, New South Wales.

For the purpose of calculation of payments to officers pursuant to the provisions of this award, on days' pay shall be calculated in accordance with the following formula:

$$\frac{\text{Annual Salary} \times 1}{52.143 \times 5}$$

and one hour's pay shall be calculated by dividing "one day's pay" (as calculated in accordance with the above formula) by 8.

4. Qualification Allowance

An allowance of \$1634 per annum shall be paid to officers who obtain an appropriate higher medical qualification subject to graduation.

Provided that this clause shall not apply to an officer who is appointed as a senior registrar, the salary rate prescribed in clause 3, Salaries, of this award for such position having taken into account that a higher medical qualification is a pre-requisite for appointment.

Provided further that, where an officer in his fifth and subsequent years of registrarship is expected to meet the formal requirements of a higher medical qualification in that year, he shall be paid half the qualification allowance.

5. Hours of Work#

- (i) The ordinary hours of work shall be either forty hours in any period of seven consecutive days, or eighty in any period of fourteen consecutive days, provided that there are two days free from ordinary hours or duty each week, or where not practicable, four days per fortnight, where practicable such days to be consecutive.
- (ii) No shift shall be less than eight hours in length on a weekday or less than four hours in length on a Saturday, Sunday or public holiday.
- (iii) No broken or split shifts shall be worked.
- (iv) All time worked in excess of ten hours in any one shift shall be paid as overtime.
- (v) Where in any pay period, an officer is not

employed by a hospital for the whole of the pay period, the ordinary hours of work for the purpose of calculating his salary for that pay period (i.e. 40 or 80 hours) will be adjusted by the following factor, rounded to the nearest whole number:-

Number of calendar days employed
Number of calendar days in pay period

- (vi) Officers shall be given at least two weeks' notice of rosters to be worked in relation to ordinary hours of work and also where practicable, in relation to additional (overtime) rostered hours of work, provided that a hospital may change the rosters without notice to meet any emergent situation.

6. Penalty Rates

Any ordinary hours worked between the following hours shall be paid at ordinary time plus the appropriate penalty rate.

- (i) Hours worked between 6 p.m. and midnight Monday to Friday - 12 1/2 per cent.
- (ii) Midnight and 8 a.m., Midnight Sunday to Midnight Friday - 25 per cent.
- (iii) Midnight Friday and Midnight Saturday - 50 per cent.
- (iv) Midnight Saturday and Midnight Sunday - 75 per cent."

7. Time Worked

Time worked means the time during which an officer is required by a hospital to be in attendance at a hospital for the purpose of carrying out such functions as the hospital may call on him to perform, and it shall include times when the officer, in waiting to carry out some active functions, is studying or resting or sleeping or engaged in any other activity.

Provided that time worked does not include uninterrupted breaks allowed and actually taken for meals.

Provided further that where an officer attends of his own volition outside of hours rostered on duty, or where an officer remains in attendance when formally released from the obligation to perform professional duties, the hospital shall not be liable to make any payment for such attendance.

8. Overtime

- (i) All time worked by officers in excess of the ordinary hours specified in clause 5 hereof, shall be paid for at the rate of time and a half for the first two hours, and time and three quarters for the remaining hours worked provided that all overtime performed on a Sunday shall be at double time.

(ii) An officer who works authorized overtime and was not notified on or prior to his previous shift of the requirement to work such overtime shall be paid in addition to payment for such overtime:

- (a) \$3.90 for breakfast when commencing such overtime work at or before 6.00 a.m.;
- (b) \$7.35 for an evening meal when such overtime is worked for at least one hour immediately following his normal ceasing time, exclusive of any meal break and extends beyond or is worked wholly after 7.00 p.m.;
- (c) \$5.15 for luncheon when such overtime extends beyond 2.00 p.m. on Saturdays, Sundays or holidays.

Or shall be provided with adequate meals in lieu of such payments.

The rates prescribed in this subclause shall be varied pro rata to any variations in the rates payable under Regulation 14 made under the Public Service Act, 1979, in force from time to time.

9. On Call and Call Back

(i) An "on-call period" is a period during which an officer is required by the hospital where he is employed, to be on call.

(ii) For the purposes of calculation of payment of on-call allowances and for call-back duty, an on-call period shall not exceed 24 hours.

(iii) An officer shall be paid for each on-call period, an allowance which shall be, at the option of the employer, either \$7.10 per on-call period or \$35.50 per week.

(iv) An officer who is called back for duty shall be paid for all time worked at the appropriate overtime rate, with a minimum of 2 hours pay at such rates.

(v) The amounts specified in subclause (iii) shall be taken to include expenses incurred in taking telephone calls at one's own residence and other expenses incurred in being available for emergency duty.

10. Annual Leave

(i) All officers shall be allowed four calendar weeks leave of absence on full pay in respect of each twelve months' service in a hospital plus one day on full pay in respect of each public holiday occurring within the period of such leave.

(ii) Officers who are required to work on Sundays and/or public holidays during a qualifying period of employment for annual leave purposes shall be entitled to receive additional annual leave in respect of each complete period of eight hours so worked as follows:

- (a) if 35 or more such periods on such days have been

worked - one week;

- (b) if less than 35 such periods on such days have been worked - leave proportionately calculated on the basis of 40 hours leave for 35 such periods worked;
- (c) work performed by reason of call backs pursuant to clause 9, On Call and Call Back, of this award shall be disregarded when assessing an officer's entitlement under the subclause.

The calculations referred to in paragraphs (a) and (b) of this subclause shall be made to the nearest one-fifth of the ordinary hours worked, half or more than half of one-fifth being regarded as one-fifth and less than half being disregarded.

(iii) Annual leave shall be given and shall be taken in one consecutive period, or if the officer and the hospital so agree, in either two or three separate periods, but not otherwise.

(iv) Annual leave shall be given and shall be taken within a period of six months after the date when the right to annual leave accrued; provided that the giving and taking of the whole or any separate period of such annual leave may, by mutual agreement between the hospital and the officer, be postponed for a further period not exceeding six months.

(v) If the officer and the hospital so agree, the annual leave or any such separate periods may be taken wholly or partly in advance before the officer has become entitled to that leave, but where leave is taken in such circumstances a further period of annual leave shall not commence to accrue until the expiration of the twelve months in respect of which the annual leave or part thereof has been so taken.

(vi) Except as provided by this clause, payment shall not be made by a hospital to an officer in lieu of any annual leave or part thereof nor shall any such payment be accepted by the officer.

(vii) The hospital shall give the officer at least two months' notice of the date from which his annual leave is to be taken.

(viii) The hospital shall pay each officer before entering upon annual leave his or her ordinary rate of salary for the period of leave. For the purposes of this subclause "ordinary rate of salary" means the award rate of salary and qualification allowance if applicable.

(ix) Where the employment of an officer is terminated, the officer shall be entitled to receive proportionate payment for each completed month of service together with such additional annual leave entitlements due under subclause (ii). All payments are to be made at the rate of salary to which such officer is entitled under this award.

(x) Where the annual leave under this clause or any part thereof has been taken in advance by an officer

pursuant to subclause (v), of this clause; and

- (a) the employment of the officer is terminated before he has completed the year of employment in respect of which such annual leave or part was taken; and
- (b) the sum paid by the hospital to the officer as ordinary pay for the annual leave or part so taken in advance exceeds the sum which the hospital is required to pay to the officer under subclause (ix) of this clause;

the hospital shall not be liable to make any payment to the officer under the said subclause (ix), and shall be entitled to deduct the amount of such excess from any remuneration payable to the officer upon the termination of the employment.

(NOTATION: The conditions under which the annual leave loading shall be paid to officers are contained in the Health Commission's General Instruction to all Hospitals No. 75/56 of 11 February 1975.)

11. Public Holidays

(i) Public holidays shall be allowed to officers on full pay.

(ii) Where an officer is required to and does work on any of the public holidays, as set out in this clause, the officer shall have one day added to the period of his annual leave for each public holiday so worked unless time off in respect of time worked on any such public holiday has already been granted to the officer. The provisions of this subclause shall also apply to officers where a public holiday falls on a rostered day off.

(iii) For the purpose of this clause, the following shall be deemed to be public holidays: New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Eight Hour Day, Christmas Day, Boxing Day, or in lieu of any such day any holiday proclaimed in lieu thereof together with any other day duly proclaimed as a special day and observed as a public holiday within the area in which the hospital is situated.

(iv) Hours worked on public holidays shall be paid for at the rate of time and one half.

12. Sick Leave

(i) An officer shall be allowed sick leave on full pay calculated by allowing fourteen calendar days for each year of continuous service less any sick leave on full pay already taken subject to the following conditions:

- (a) the employer may require the sickness to be certified to by the medical superintendent or by a legally qualified medical practitioner approved by the hospital, or may require other satisfactory evidence thereof;
- (b) an officer shall not be entitled to sick leave until the expiration of three months' continuous

service;

(c) each officer shall take all reasonably practicable steps to inform the employer of his or her inability to attend for duty and as far as possible state the estimated duration of the absence. Where practicable such notice shall be given within twenty-four hours of the commencement of such absence;

(d) an officer shall not be entitled to sick leave on full pay for any period in respect of which such officer is entitled to accident pay or workers' compensation; provided, however, that where an officer who has sick leave entitlements under this clause, the difference between the amount received as workers' compensation and full pay. The officer's sick leave entitlements under this clause shall, for each week during which such difference is paid, be reduced by that proportion of hours which the difference paid bears to full pay. On the expiration of available sick leave, weekly compensation payments only shall be payable;

(NOTATION: The conditions relating to the granting of accident pay are set out in the Hospital Commission's Notice to all Hospitals No. 73/35 of 30th March, 1973.)

(e) an officer is not eligible for sick leave during periods when he would have normally been rostered on overtime shifts;

(f) an officer is not entitled to more than 8 hours' sick leave in respect of any one day.

(ii) Continuous service for the purpose of this clause shall be calculated in the same manner as provided for in paragraph (a) of subclause (ii) of clause 15, Long Service Leave, of this award.

(iii) Full pay for the purpose of this clause shall include the uniform allowance where payable, under clause 17, Uniform and Laundry Allowance, of this award.

(iv) A hospital shall not terminate the services of an officer except on the grounds of misconduct during the currency of any periods of paid sick leave.

(v) Sick leave as defined shall accrue and be transferrable between hospitals at the rate of fourteen calendar days per year of continuous service, minus days taken.

13. Maternity Leave

The conditions for the granting of maternity leave to officers are set out in the Health Commission's Instruction to all Hospitals No. 75/23 of 22nd January 1975.

14. Compassionate Leave

An officer shall be entitled to compassionate leave according to the terms and conditions of the Hospital

Commission's Circular to all Hospitals No. 1606 of 12th September, 1966.

15. Long Service Leave

(i) (a) Each officer shall be entitled to two months' long service leave on full pay after ten years' service, thereafter additional long service leave shall accrue on the basis of five months' long service leave for each ten years' service.

(b) Where the services of an officer with at least five years' service as an adult and less than ten years' service are terminated by the employer for any reason other than the officer's serious and wilful misconduct or by the officer on account of illness, incapacity or domestic or other pressing necessity, he shall be entitled to be paid a proportionate amount for long service leave on the basis of two months' long service leave for ten years' service.

For the purpose of this subclause "service as an adult" means service with an employer during which the officer received a rate of pay not less than the lowest rates fixed under this award for an adult male or adult female, as the case may be, in the same classification as the officer.

Where some of the service of the officer has not been under this award "service as an adult" means - in the case of a worker employed to do any work for which the price, rate or wage has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act, 1904, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under the said Acts, or an agreement or determination made pursuant to the Public Service Act, 1902, the period of service during which the remuneration applicable to the officer was at a rate not less than the lowest rate fixed under the award, industrial agreement, agreement or determination for an adult male or adult female in the same trade, classification, calling group or grade as the officer; or, in the case of an officer being an apprentice the terms of whose employment are governed by an award applicable only to apprentices - the period of service with an employer during which the remuneration applicable to the officer was at a rate not less than the rate prescribed by the award covering a journeyman carrying out work in the same trade, classification or calling as the officer.

(ii) For the purposes of subclause (i) of this clause:

(a) "Service" shall mean continuous service in one or more hospitals. For the purpose of this paragraph, continuous service shall have the same meaning as in the "Transferred Officers" Extended Leave Ac, 1961.

(b) Broken periods of service in one or more hospitals shall count as service subject to the following:

(1) where an officer after ceasing employment in a hospital subsequent to the 1st July, 1974, and after he has attained the age of sixty years, any service of that Officer before he was so re-employed shall not be counted for the purpose of determining any long service leave due to that officer in respect of his service after he was so re-employed;

(2) where an officer, after ceasing employment in a hospital is re-employed in a hospital subsequent to the 1st July 1974, and before he has attained the age of sixty years, any service of that officer before he was so re-employed shall not be counted for the purpose of determining any long service leave due to that officer in respect of his service after he was so re-employed unless he has completed at least five years' continuous service from the date of his being so re-employed;

(3) an officer employed in a hospital at the 1st July 1974 and who was entitled to count broken service under the provisions of the award in force prior thereto shall be entitled to count such broken service prior to the 1st July 1974.

(c) Service shall not include -

(1) any period of leave without pay except in the case of officers who have completed at least ten years' service (any period of absence without pay being excluded therefrom) in which case service shall include any period of leave without pay not exceeding six months taken after the 1st July, 1974;

(2) any period of part-time service.

(iii) Long service leave shall be taken at a time mutually arranged between the employer and the officer.

(iv) (a) On the termination of employment of an officer otherwise than by his death, an employer shall pay to the officer the monetary value of all long service leave accrued and not taken at the date of such termination and such monetary value shall be determined according to the salary payable to the officer at the date of such termination; provided that where an officer is transferring from one hospital to another he may, if he so desires and by agreement with his present employer and his proposed employer, be allowed to retain his credit to long service leave in lieu of payment of the monetary value under this subclause.

(b) Where an officer who has acquired a right to long service leave, or after having had five years' service as an adult and less than ten years' service, dies, the widow or widower of such officer or if there is no such widow or widower the children of such officer or if there is no such widow or widower or children, such person who, in the opinion of the employer was at the time of the death of such officer a dependent relative of such officer, shall be entitled to receive the monetary value of the leave not taken or which would have accrued to such officer had his

services terminated as referred to in subclause (i)(b) and such monetary value shall be determined according to the salary payable to the officer at the time of his death. Where there is a guardian of any children entitled under this paragraph the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

Where there is no person entitled under this paragraph to receive the monetary value of any leave payable under the foregoing provisions payment in respect thereof shall be made to the legal personal representative of such officer.

(v) Rights to long service leave under this clause shall be in replacement of rights to long service leave, if any, which at the 1st July 1974 may have accrued or may be accruing to an officer and shall apply only to persons in the employ of the employer on or after the 1st July 1974. Where an officer has been granted long service leave or has been paid its monetary value prior to the 1st July 1974 the employer shall be entitled to debit such leave against any leave to which the officer may be entitled pursuant to this clause.

16. Board and Accommodation

(i) Where an officer lives at a hospital, the following deductions from his salary may be made by the employer:

\$ P.W.

Separate accommodation	11.64
Shared accommodation	7.00
Full board	23.00

(ii) Where individual meals only are provided, the officer may be charged the charges applicable under the Public Hospital Nurses' (State) Award.

(iii) The abovementioned amounts shall vary in accordance with the board, accommodation and individual meal charges as prescribed in the Public Hospital Nurses' (State) Award as varied from time to time.

(iv) No deduction shall be made from the salary of an officer for board and accommodation when the officer is absent from the hospital on annual, sick or long service leave, provided that the employer shall be entitled to make the deduction for accommodation where the officer:

- (a) having been requested to leave his room completely vacant fails to do so; or
- (b) is absent from the hospital on sick leave and such absence does not exceed six consecutive days.

17. Uniform and Laundry Allowances

(i) Sufficient suitable and serviceable uniforms shall be provided for each officer required to wear a uniform and such uniforms shall be laundered at the expense of the hospital.

(ii) Where a hospital requires a uniform to be worn but does not provide such uniform, the following allowances shall be paid:

(a) where a full uniform, including special shoes, is required, \$2.30 per week;

(b) in other cases, \$1.70 per week.

18. Termination of Employment

Employment may be terminated only by four weeks' notice given in writing either by the hospital or the officer at any time during the week or by payment or forfeiture of four weeks' salary as the case may be, provided that the officer and the hospital may agree to a lesser period of notice. Nothing in this clause shall prevent the summary dismissal of an officer for misconduct or neglect of duty.

19. Settlement of Disputes

(i) With a view to an amicable and speedy settlement, all disputes that firstly cannot be settled by a hospital board shall be submitted to a committee consisting of four members; two of whom shall be appointed by the Department of Health and two by the Association. Such committee shall have power to investigate all matters in dispute and to report to the Department of Health and the Association respectively, with such recommendations as it may think right and in the event of no mutual decision being arrived at by such committee, the matter in dispute may be referred to the Medical Officers Hospital Resident Medical Officers' (State) Conciliation Committee.

(ii) This clause shall not interfere with the right of either party to institute proceedings for the determination of any matter in accordance with the Industrial Arbitration Act, 1940.

20. Study Leave

(i) Subject to the terms of this clause a hospital may grant to officers other than interns, study leave without loss of pay as follows:

For face-to-face courses: Half hour study time for every hour of compulsory lecture and/or tutorial attendance, up to a maximum of four hours study time per week.

Where no face-to-face course is provided: A maximum of four hours study time per week for a maximum of 27 weeks per year.

(ii) Study leave shall only be granted in respect of a course:

(a) leading to higher medical qualifications as defined in clause 2, Definitions, of this award, and

(b) in respect of a qualification which when obtained would be relevant to the needs of the hospital.

(iii) The officer shall submit to the chief executive

officer a timetable of the proposed course of study and evidence of the officer's enrolment in the course.

(iv) The grant of study leave is subject to the convenience of the hospital and should not interfere with the maintenance of essential services nor with patient care.

(v) Periods of study leave granted shall not be taken into account for the purposes of calculating overtime payments.

(vi) Study leave granted subject to the terms of this clause, may be accrued to a maximum of seven working days for the purpose of enabling the officer to study prior to a written, oral or clinical examination. An option to accumulate study leave in terms of this subclause, shall be exercised at the commencement of each academic year, and the officer shall notify the chief executive officer accordingly. Officers who have given continuous service of more than one year shall be allowed to accrue study leave not taken up to a maximum of fourteen calendar days.

21. Travelling Allowances

(i) An officer seconded to another hospital may be granted a daily travel allowance at the rate of the difference between the cost of travel by public transport to his normal place of employment and travel by public transport to the seconding hospital. Provided that where an officer drives his own vehicle, he shall, in lieu, be eligible for a mileage allowance equivalent to the "Transport Allowance" mileage rate payable to members of the New South Wales Public Service by determination of the Public Service Board of New South Wales, as amended from time to time, for the difference between the distance to his normal place of employment and the distance to the seconding hospital.

(ii) An officer who, with the approval of the chief executive officer, uses on official business, a motor vehicle maintained primarily for other than official business, shall be paid the abovementioned mileage allowance from time to time effective. However, where it is estimated that an officer will, with the approval of the chief executive officer, be required to use his private vehicle on official business on at least 50 days during any period of 12 months and during that period aggregate at least 500 miles of official running, he shall be paid at the "Official Business Rate" prescribed by Regulation 91 of the Public Service Regulations in force from time to time throughout the year.

(iii) For the purpose of subclause (ii) travel on official business:

(a) occurs when an officer is required by the chief executive officer as part of his duty to use his motor vehicle to attend away from his normal place of employment or seconding hospital to another clinic, annexe or hospital. Where an officer travels on official business direct from his place of residence to a clinic, annexe or hospital, other than his normal place of employment he shall be paid for the difference between the distance to his normal place of employment or seconding

hospital and that other annexe, clinic or hospital;

(b) does not include "call backs";

(c) shall include other arrangements as agreed to between the Department of Health and the Public Service Association from time to time.

(iv) Nothing in this clause shall make the employer liable for the cost of the officer's daily travel to his usual and normal place of employment.

(NOTATION: For conditions relating to secondments see Health Commission's General Instruction to all Hospitals No. 75/461 of 19th December 1975.)

21A Preference of Employment

(i) (a) Subject to the provisions of this clause absolute preference of employment shall be given to members of the Public Service Association of New South Wales.

(b) Such preference shall be limited to the point where a member of such union and a person who is not such a member are offering for service or employment at the same time and, in the case of retrenchment, to the point where either such a member or such a person is to be dismissed from service or employment.

(c) The employment to which this subclause applies is employment in an industry or calling in respect of which the said union is entitled to enrol members pursuant to its rules.

(d) The provisions for preference made by this clause shall not apply to or in respect of the employment in any industry or calling of a person who has been issued by the Industrial Registrar with a certificate of exemption, pursuant to subsection (2) of section 129B of the Industrial Arbitration Act, 1940, covering that industry or calling if the period specified in such certificate or any renewal thereof has not expired.

(ii) (a) A like absolute preference of employment shall be given to persons who are competent for the work required and who have been members of the Forces during the war.

(b) In this clause:

"Auxiliary Service" means Army Medical Corps, Nursing Service of the Crown, Australian Army Medical Nursing Service, Australian Women's Army Medical Nursing Service, Australian Women's Army Service, Women's Royal Australian Naval Service, Women's Australian Auxiliary Air Force or such other organisation as the Governor may, by proclamation from time to time, declare to be an auxiliary service for the purpose of subsection (4), of section 20, of the Industrial Arbitration Act, 1940.

"Combat Area" means an area prescribed as such for the purposes of the Australian Repatriation Act, 1920-1943, of the Commonwealth of Australia.

"Enlistment" means an engagement, whether by appointment, enlistment or otherwise rendering a person liable to be employed on active service abroad or in a combat area as a member of the Forces or of an auxiliary service.

"Member of the Forces" means any person who was, at the time of his enlistment, a resident in the Commonwealth of Australia or in a mandated territory of the Commonwealth or in any territory under the jurisdiction of the Commonwealth or who was domiciled in any State of the Commonwealth or in any such territory and who, during the war, served abroad or within a combat area as a member of any Australian Military Force or of the Royal Australian Naval Force or as a member of the Royal Australian Air Force or as a member of an

auxiliary service and who has been duly discharged from such service.

"War" means the war against Germany which commenced on the third day of September, one thousand nine hundred and thirty nine and the subsequent war against Italy and other allies of Germany and the war against Japan.

(iii) This clause shall be subject to -

- (a) the Returned Soldiers and Sailors Employment Act, 1919, and
- (b) any law relating to preference in employment to persons who have served as members of the Naval, Military or Air Forces of the Commonwealth.

Note: Effective on and from 7 January 1983.

22. Leave Reserved

23. Area Incidence and Duration
