

MODERN AWARD GUIDE

derived from the

Medical Practitioners Award 2010 [MA000031]

Effective from 01 July 2010.

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This guide was developed by the Fair Work Ombudsman and is derived from the above modern award which commenced operating on 01 January 2010.

The wage rates in this guide apply from 01 January 2010.

Who should use the guide?

This guide is a helpful tool for all employees and employers who are covered by the above modern award to identify their wages and conditions.

The guide contains information about:

- who the award covers
- wage rates, including rates for casual employees, junior employees, trainees and apprentices if these employees are covered by the modern award
- penalties for working at particular times or under particular arrangements, including what hourly rate
- allowances and other conditions of employment.

What if an agreement applies to covered employees?

All employees covered by the modern award must not be paid less than the minimum wage rates contained in this guide. The terms of an agreement or modern award cannot exclude the terms of the National Employment Standards (the NES).

It is important to note that any other entitlements and conditions in this guide will not apply to employees covered by an agreement-based instrument (detailed below).

Employees and employers should refer to their agreement-based instrument for their employment conditions and entitlements.

Enquiries should be referred to the Fair Work Infoline on **13 13 94**.



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Coverage

This occupational award covers employers of medical practitioners throughout Australia in the classifications listed in clause 14—Minimum annual salaries to the exclusion of any other modern award.

The award does not cover an employee excluded from award coverage by the Fair Work Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies on - hire employees in classifications set out in clause 14 and those on - hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee. This subclause operates subject to the exclusions from coverage in this award.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

Wages

Adult

Full & Part Time

Classification	Basic Hourly Rate
Intern	
Intern	\$19.94
Resident medical practitioner	
Pay point 1	\$21.16
Pay point 2	\$22.02
Pay point 3	\$22.23
Registrar	
Pay point 1	\$24.08
Pay point 2	\$25.07
Pay point 3	\$26.21
Pay point 4	\$27.01
Senior registrar	
Pay point 1	\$31.47
Pay point 2	\$32.71
Career medical practitioner	
Pay point 1	\$31.79
Pay point 2	\$32.97
Pay point 3	\$33.63
Pay point 4	\$34.86

Classification	Basic Hourly Rate
Senior career medical practitioner	
Pay point 1	\$35.97
Pay point 2	\$37.11
Pay point 3	\$38.36
Pay point 4	\$39.52
Community medical practitioner	
Pay point 1	\$31.79
Pay point 2	\$32.95
Pay point 3	\$34.01
Pay point 5	\$35.96
Pay point 6	\$37.09
Pay point 7	\$38.34
Pay point 8	\$39.50
Community medical practitioner	
Pay point 4	\$34.86
Specialist minimum annual salary	
Specialist	\$36.47
Senior specialist	
Pay point 1	\$39.00
Pay point 2	\$40.34
Pay point 3	\$41.72
Pay point 4	\$44.67
Pay point 5	\$45.31
Principal specialist annual minimum salary	
Principal specialist	\$46.23
Senior principal specialist annual minimum salary	
Senior principal specialist	\$47.87
Deputy director of medical services	
Pay point 1	\$32.21
Pay point 2	\$35.33
Pay point 3	\$39.00
Pay point 4	\$43.17
Director of medical services	
Pay point 1	\$36.46
Pay point 2	\$40.32
Pay point 3	\$46.23
Pay point 4	\$50.01

Casual

Classification	Basic Hourly Rate
Intern	
Intern	\$24.93 (25.00%)
Resident medical practitioner	
Pay point 1	\$26.45 (25.00%)
Pay point 2	\$27.53 (25.00%)
Pay point 3	\$27.79 (25.00%)
Registrar	
Pay point 1	\$30.10 (25.00%)
Pay point 2	\$31.34 (25.00%)

Classification	Basic Hourly Rate
Pay point 3	\$32.76 (25.00%)
Pay point 4	\$33.76 (25.00%)
Senior registrar	
Pay point 1	\$39.34 (25.00%)
Pay point 2	\$40.89 (25.00%)
Career medical practitioner	
Pay point 1	\$39.74 (25.00%)
Pay point 2	\$41.21 (25.00%)
Pay point 3	\$42.04 (25.00%)
Pay point 4	\$43.58 (25.00%)
Senior career medical practitioner	
Pay point 1	\$44.96 (25.00%)
Pay point 2	\$46.39 (25.00%)
Pay point 3	\$47.95 (25.00%)
Pay point 4	\$49.40 (25.00%)
Community medical practitioner	
Pay point 1	\$39.74 (25.00%)
Pay point 2	\$41.19 (25.00%)
Pay point 3	\$42.51 (25.00%)
Pay point 5	\$44.95 (25.00%)
Pay point 6	\$46.36 (25.00%)
Pay point 7	\$47.93 (25.00%)
Pay point 8	\$49.38 (25.00%)
Community medical practitioner	
Pay point 4	\$43.58 (25.00%)
Specialist minimum annual salary	
Specialist	\$45.59 (25.00%)
Senior specialist	
Pay point 1	\$48.75 (25.00%)
Pay point 2	\$50.43 (25.00%)
Pay point 3	\$52.15 (25.00%)
Pay point 4	\$55.84 (25.00%)
Pay point 5	\$56.64 (25.00%)
Principal specialist annual minimum salary	
Principal specialist	\$57.79 (25.00%)
Senior principal specialist annual minimum salary	
Senior principal specialist	\$59.84 (25.00%)
Deputy director of medical services	
Pay point 1	\$40.26 (25.00%)
Pay point 2	\$44.16 (25.00%)
Pay point 3	\$48.75 (25.00%)
Pay point 4	\$53.96 (25.00%)
Director of medical services	
Pay point 1	\$45.58 (25.00%)
Pay point 2	\$50.40 (25.00%)
Pay point 3	\$57.79 (25.00%)
Pay point 4	\$62.51 (25.00%)

Deduction for board and lodging

Where the employer provides board and lodging, the annual minimum salaries prescribed in this award will be reduced by \$50.00 per week.

Junior

Junior rates of pay are not covered by this modern award

Apprentice

Apprentice rates of pay are not covered by this modern award

Trainee

Trainee rates of pay are not covered by this modern award.

Penalty Guide

Method of calculation

For **full time** and **part time** employees, the penalty rates set out in this table will be applied to the relevant rate of pay as follows (unless otherwise specified): rate of pay x penalty.

For **casual** and **loaded part time** employees, the method of calculation may differ. The reference table below sets out the different calculation methods that may apply and assigns a code to each method.

To determine which method of calculation will apply to a given penalty, the relevant code is displayed in the 'amount' column of the penalty table. For example, if (a) appears in the 'amount' column, the method of calculation that will apply is: (Rate of pay + casual/part time loading) x Penalty. If no code appears, the penalty rate will not apply to casuals or loaded part time employees.

Code	Casual/Part Time Rates Calculation
a	(rate of pay + casual/part time loading) x penalty
b	rate of pay x (casual/part time loading + penalty)
c	penalty
d	rate of pay + casual/part time loading
e	rate of pay x penalty (no casual/part time loading)

Clause	Penalty Type	Description	Amount
23	Weekend	Payment for all ordinary work performed between midnight Friday and midnight Sunday will be paid at the following rate.	150.00% (Loading) (b)
24.1(a)	Overtime	For all Medical Practitioners, except Senior Doctors, hours worked in excess of 38 per week will be deemed overtime. Such hours between Monday and Saturday will be paid for the first 2 hours.	150.00% (Loading) (b)
24.1(a)	Overtime thereafter	Overtime between Monday and Saturday, after the first 2 hours.	200.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
24.1(b)	Overtime - Sunday	Overtime worked on a Sunday will be paid at the following rate.	200.00% (Loading) (b)
24.1(c)	Overtime - Public holiday	Overtime worked on a public holiday will be paid at the following rate.	250.00% (Loading) (b)
24.3	Call out/call back	<p>Recall</p> <p>When a Medical Practitioner is recalled for duty, they will be paid the following - on weekdays.</p> <p>Such employee is entitled to a minimum payment of 3 hours.</p>	150.00% (Loading) (b)
24.3	Call out/call back	<p>Recall</p> <p>When a Medical Practitioner is recalled for duty, they will be paid the following - on weekends and public holidays.</p> <p>Such employee is entitled to a minimum payment of 3 hours.</p>	200.00% (Loading) (b)
25.2(a)	Shift work	<p>A Doctor in training whose rostered hours of ordinary duty commence or end between the hours of 9.00 pm and 6.00 am will be paid an additional 2.5% of the weekly rate for each such occasion in addition to payment for the hours worked.</p> <p>Intern</p> <p>For this purpose the pay for the calculations will be based on the rate for first year of experience of each respective classification.</p>	2.50% (Loading) (c)
25.2(a)	Shift work	<p>A Doctor in training whose rostered hours of ordinary duty commence or end between the hours of 9.00 pm and 6.00 am will be paid an additional 2.5% of the weekly rate for each such occasion in addition to payment for the hours worked.</p> <p>Resident Medical Practitioner</p>	2.50% (Loading) (c)

Clause	Penalty Type	Description	Amount
		For this purpose the pay for the calculations will be based on the rate for first year of experience of each respective classification.	
25.2(a)	Shift work	<p>A Doctor in training whose rostered hours of ordinary duty commence or end between the hours of 9.00 pm and 6.00 am will be paid an additional 2.5% of the weekly rate for each such occasion in addition to payment for the hours worked.</p> <p>Registrar</p> <p>For the purpose of this calculation the pay will be based on the rate for first year of experience of each respective classification.</p>	2.50% (Loading) (c)
25.2(a)	Shift work	<p>A Doctor in training whose rostered hours of ordinary duty commence or end between the hours of 9.00 pm and 6.00 am will be paid an additional 2.5% of the weekly rate for each such occasion in addition to payment for the hours worked.</p> <p>Senior Registrar</p> <p>For the purpose of this calculation the pay will be based on the rate for first year of experience of each respective classification.</p>	2.50% (Loading) (c)
25.2(b)(i)	Shift work	<p>Career Medical Practitioners and Senior Career Medical Practitioners</p> <p>The following penalty applies for ordinary hours worked between 6.00pm and midnight Monday to Friday.</p>	112.50% (Loading) (b)
25.2(b)(ii)	Shift work	<p>Career Medical Practitioners and Senior Career Medical Practitioners</p> <p>The following penalty applies for ordinary hours worked between midnight and 8.00am Monday to Friday.</p>	125.00% (Loading) (b)
25.2(b)(iii)	Shift work	<p>Career Medical Practitioners and Senior Career Medical Practitioners</p>	150.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
		The following penalty applies for ordinary hours worked between midnight Friday and midnight Saturday.	
25.2(b)iv	Shift work	Career Medical Practitioners and Senior Career Medical Practitioners The following penalty applies for ordinary hours worked between midnight Saturday and midnight Sunday.	175.00% (Loading) (b)
25.2(c)(i)	Shift work	Senior Doctors The following penalty applies for ordinary hours worked between 6.00pm and midnight, Monday to Friday.	112.50% (Loading) (b)
25.2(c)ii	Shift work	Senior Doctors The following penalty applies for ordinary hours worked between 7.00am and midnight Saturday.	150.00% (Loading) (b)
25.2(c)iii	Shift work	Senior Doctors The following penalty applies for ordinary hours worked between 7.00 am and midnight Sunday.	175.00% (Loading) (b)
25.2(c)iv	Shift work	Senior Doctors The following penalty applies for all hours worked on public holidays.	250.00% (Loading) (b)
25.2(d)(i)	Shift work	Community Medical Practitioners The following penalty applies for ordinary hours worked on any shift starting between 5.00am and before 6.30am and finishing between 6.00pm and before midnight. Where duty performed attracts more than one penalty, only the higher penalty will apply. For this purpose, the term penalty will include overtime.	102.50% (Loading) (b)

Clause	Penalty Type	Description	Amount
25.2(d)ii	Shift work	<p>Community Medical Practitioners</p> <p>The following penalty applies for ordinary hours worked on any shift which is rostered between midnight and 5.00am.</p> <p>Where duty performed attracts more than one penalty, only the higher penalty will apply. For this purpose, the term penalty will include overtime.</p>	104.00% (Loading) (b)
25.2(d)iii	Shift work	<p>Community Medical Practitioners</p> <p>The following penalty applies for ordinary hours worked on shifts permanently worked between midnight and 5.00am.</p> <p>Permanently worked means any period in excess of 4 consecutive weeks.</p> <p>Where duty performed attracts more than one penalty, only the higher penalty will apply. For this purpose, the term penalty will include overtime.</p>	105.00% (Loading) (b)
29.1(a)	Public holiday	<p>A Medical Practitioner who is required to work on a public holiday can be paid according to three options.</p> <p>Payment at 2.5 times.</p> <p>Full details regarding these options are outlined in the award.</p>	250.00% (Loading) (b)
29.1(a)	Public holiday	<p>A Medical Practitioner who is required to work on a public holiday can be paid according to three options.</p> <p>payment at 1.5 times, and 1 day will be added to their annual leave entitlement.</p> <p>Full details regarding these options are outlined in the award.</p>	150.00% (Loading) (b)

Penalty Rates

Penalty rates are not covered by this Modern Award Guide.

Allowances

All states covered by this instrument

Full Time, Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
16.3	Manager's allowance	Managerial allowance for Senior Doctors only - Level 1 (5.56%of the standard rate per week x 38 = 211.28% of the hourly rate)	1/07/2010	\$82.3992 per week, for every week of the year (211.28%)
16.3	Manager's allowance	Managerial allowance for Senior Doctors only - Level 2 (13.02%of the standard rate per week x 38 = 494.76% of the hourly rate)	1/07/2010	\$192.9564 per week, for every week of the year (494.76%)
16.3	Manager's allowance	Managerial allowance for Senior Doctors only - Level 3 (20.50%of the standard rate per week x 38 =779% of the hourly rate)	1/07/2010	\$303.8100 per week, for every week of the year (779.00%)
16.4	Meal allowance	When an employee is rostered to work in excess of 10 continuous hours, the employee will be supplied with an adequate meal free of charge or will be paid a meal allowance.	1/07/2010	\$10.7500 per occasion
16.4	Meal allowance	Where the continuous period exceeds 15 hours, a further meal free of charge will be supplied or a further meal allowance will be paid.	1/07/2010	\$10.7500 per additional meal
16.6	Travel allowance	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance.	1/01/2010	\$0.7400 per kilometre

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Interns</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$15.1544 per occasion/day (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Resident Medical Practitioner - Pay point 1</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$16.0816 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Resident Medical Practitioner - Pay point 2</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$16.7352 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Resident Medical Practitioner - Pay point 3</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$16.8948 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Registrar - Pay point 1</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$18.3008 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Registrar - Pay point 2</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$19.0532 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Registrar - Pay point 3</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$19.9196 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Registrar - Pay point 4</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$20.5276 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Senior Registrar - Pay point 1</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$23.9172 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Senior Registrar - Pay point 2</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$24.8596 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Career Medical Practitioner - Pay point 1</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$24.1604 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Career Medical Practitioner - Pay point 2</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$25.0572 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Career Medical Practitioner - Pay point 3</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$25.5588 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Career Medical Practitioner - Pay point 4</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$26.4936 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Senior Career Medical Practitioner - Pay point 1</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$27.3372 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Senior Career Medical Practitioner - Pay point 2</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$28.2036 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Senior Career Medical Practitioner - Pay point 3</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$29.1536 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Senior Career Medical Practitioner - Pay point 4</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$30.0352 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 1</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$24.1604 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 2</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$25.0420 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 3</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$25.8476 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 4</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$26.4936 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 5</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$27.3296 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 6</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$28.1884 per day on call (76.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260.</p> <p>Community Medical Practitioner - Pay point 7</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$29.1384 per day on call (76.00%)
24.2(a)	On call allowance	<p>Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.</p> <p>Daily rate means the employee's minimum annual salary for the class of work performed divided by 260</p> <p>Community Medical Practitioner - Pay point 8</p> <p>(10% of the daily rate x 7.6 = 76% of the hourly rate)</p>	1/07/2010	\$30.0200 per day on call (76.00%)
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Specialist</p>	1/07/2010	\$3.6470 (multiply by 38 x 52) per annum (10.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Senior Specialist - Pay point 1</p>	1/07/2010	\$3.9000 (multiply by 38x52) per annum (10.00%)
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Senior Specialist - Pay point 2</p>	1/07/2010	\$4.0340 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Senior Specialist - Pay point 3</p>	1/07/2010	\$4.1720 (multiply by 38 x 52) per annum (10.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Senior Specialist - Pay point 4</p>	1/07/2010	\$4.4670 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Senior Specialist - Pay point 5</p>	1/07/2010	\$4.5310 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	<p>Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation.</p> <p>Principal Specialist</p>	1/07/2010	\$4.6230 (multiply by 38 x 52) per annum (10.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Senior Principal Specialist	1/07/2010	\$4.7870 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Deputy Director of Medical Services - Pay point 1	1/07/2010	\$3.2210 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Deputy Director of Medical Services - Pay point 2	1/07/2010	\$3.5330 (multiply by 38 x 52) per annum (10.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Deputy Director of Medical Services - Pay point 3	1/07/2010	\$3.9000 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Deputy Director of Medical Services - Pay point 4	1/07/2010	\$4.3170 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Director of Medical Services - Pay point 1	1/07/2010	\$3.6460 (multiply by 38 x 52) per annum (10.00%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Director of Medical Services - Pay point 2	1/07/2010	\$4.0320 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Director of Medical Services- Pay point 3	1/07/2010	\$4.6230 (multiply by 38 x 52) per annum (10.00%)
24.2(c)	On call allowance	Senior Doctors will remain on duty when patient needs require, notwithstanding the occurrence of normal meal breaks, conferences or the expiration of their normal hours and will be paid an allowance of 10% of their annual base salary. This allowance will be regarded as part of salary for all purposes, including leave entitlements and superannuation. Director Medical Services - Pay point 4	1/07/2010	\$5.0010 (multiply by 38 x 52) per annum (10.00%)
24.4(a)	Overnight stay	Where the employer requires a Doctor in training to sleepover, the following allowance will apply. The allowance compensates for the sleepover and all work necessarily undertaken by an employee up to a total of 1 hour duration.	1/07/2010	\$61.6512 per sleepover (158.08%)

The **On Call Allowance** for **Medical Practitioners, except Senior Doctors** as well as for **Senior Doctors** is payable to all employment types, at the full time rate.

Other Conditions

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
10.3	Part-time conditions (Instrument)	A part-time employee is an employee who works less than 38 hours per week on a reasonably predictable basis. A part-time employee is entitled to the same pay and conditions of a full-time employee on a pro rata basis.
10.4	Casual conditions (Instrument)	A casual employee will be paid at the rate of 1/38th of the relevant full time weekly rate plus 25%.

Clause	Conditions Type	Description
11.1	Termination of employment (Fair Work Act 2009 - National Employment Standard)	<p><u>Notice of termination by an employer</u></p> <p>An employer is required to provide notice of termination (or payment in lieu of notice) to an employee based on the employee's period of continuous service as follows:</p> <ul style="list-style-type: none"> - Not more than 1 year of service: 1 week - More than 1 year but not more than 3 years of service: 2 weeks - More than 3 years but not more than 5 years of service: 3 weeks - More than 5 years of service: 4 weeks <p>The period of notice will increase by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service with the employer.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
11.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
12.1	Redundancy (Fair Work Act 2009 - National Employment Standard)	<p>An employer is required to provide redundancy pay at the base rate of pay for ordinary hours based on the employee's period of continuous service with the employer as follows:</p> <ul style="list-style-type: none"> - At least 1 year but less than 2 years of service: 4 weeks - At least 2 years but less than 3 years of service: 6 weeks - At least 3 years but less than 4 years of service: 7 weeks - At least 4 years but less than 5 years of service: 8 weeks - At least 5 years but less than 6 years of service: 10 weeks - At least 6 years but less than 7 years of service: 11 weeks - At least 7 years but less than 8 years of service: 13 weeks - At least 8 years but less than 9 years of service: 14 weeks - At least 9 years but less than 10 years of service: 16 weeks - At least 10 years of service: 12 weeks

Clause	Conditions Type	Description
12.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
12.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the notional agreement preserving a State award that would have applied immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the notional agreement preserving a State award is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
16.3	Managerial allowance (Instrument)	Managerial allowance per annum for Senior Doctors only

Clause	Conditions Type	Description
		<p>To be eligible for this payment the additional management responsibilities will include direct line responsibility for a unit, department or service and involvement in a number of, but not necessarily all of the following:</p> <ul style="list-style-type: none"> - cost centre management including budget preparation and management of allocated budget - participation in planning and policy development - responsibility for the co-ordination of research, training or teaching programs - membership and participation in senior executive management teams. <p>A Level 1 allowance is payable to Senior Doctors who satisfy the above criteria and who are specifically required to undertake these additional managerial responsibilities. It is expected that a Senior Doctor receiving a Level 1 allowance will as a minimum perform human resource management responsibilities which include the direct supervision of staff, allocation of duties, approval of staff rosters, monitoring of hours worked and other performance management matters. It is also expected that a senior doctor receiving a Level 1 allowance will be responsible for ensuring that quality improvement and clinical governance activities are implemented.</p> <p>A Level 2 allowance is payable to those Senior Doctors satisfying the criteria of a Level 1 allowance who, in the assessment of the employer, have significant additional managerial responsibilities involving multiple units, services or departments.</p> <p>A Level 3 allowance is payable to those Senior Doctors who, in addition to satisfying the criteria of a Level 2 allowance, have a level of managerial responsibility deemed by the employer to require an allowance at the Level 3 rate. It is recognised that managerial responsibilities at this level may not involve the duties at a department or unit level.</p>
16.5	Telephone allowance (Instrument)	Where the employer requires an employee to install and/or maintain a telephone for the purpose of being on call, the employer will refund the installation costs and the subsequent rental charges on production of receipted account(s).
16.6(b) & (c)	Transport of employees (Instrument)	When an employee is travelling on duty, if the employer cannot provide the appropriate transport, all expenses reasonably incurred regarding fares, meals and accommodation will be met by the employer on production of a receipt or other evidence acceptable to the employer.

Clause	Conditions Type	Description
		The employee will not however be entitled to reimbursement for expenses which exceed the mode of transport, meals or the standard of accommodation agreed with the employer.
17.1 & 17.2	District allowance (Instrument)	<p>An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or notional agreement preserving a State award under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee and that would have entitled the employee to payment of a district allowance.</p> <p>This clause ceases to operate on 31 December 2014.</p>
18	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and - that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument. <p>The employee's entitlement to accident pay under the notional agreement preserving a State award or the award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
19	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
20.1	Hours of work (Instrument)	<p>Ordinary hours of work</p> <p>The ordinary hours of work will be an average of 38 hours per week and may be worked by agreement between the employer and employee in one of the following ways:</p> <ul style="list-style-type: none"> - over 5 days per week or over 19 days per 4 week period - over 40 hours in any period of 7 consecutive days or 80 hours in any period of 14 consecutive days, or - 38 hours per week or 10 sessions per week over 5 days per week or, as agreed between the employee and the employer, averaged over 4 days per week or a longer roster period.
20.2	Hours of work (Instrument)	<p>Senior Career Medical Practitioners, Career Medical Practitioners and Doctors in training</p> <p>The following provisions apply to these classifications:</p> <ul style="list-style-type: none"> - these medical practitioners will be free from ordinary hours of duty for at least 2 days a week or where this is not practicable, 4 days in each fortnight. Where practicable, the days off will be consecutive. - additional rostered days off will be granted to up to 1 day per calendar month which may accumulate to a maximum of 12 days and which will be granted for periods ranging from 1 day to 2 weeks. - upon termination of employment, any untaken rostered leave will be paid at the medical practitioner's ordinary time rate.
21	Span of hours (Instrument)	<p>The span of hours for full-time day work Medical Practitioners except Senior Doctors is 6.00am to 6.00pm Monday to Friday.</p> <p>The span of hours for Senior Doctors is between 7.00am and 6.00pm Monday to Friday. Where normal duties are averaged over a roster period longer than 1 week, normal duties may be worked between Monday and Friday inclusive.</p>

Clause	Conditions Type	Description
22	Break between work periods (Instrument)	Rest period between periods of duty—Community Medical Practitioners Community Medical Practitioners will be allowed 8 hours off duty between shifts.
24.1(d)	Overtime – time off in lieu (Instrument)	A doctor in training can choose, with the employer's consent, to take time off instead of payment for overtime. Such time off shall be taken at a mutually agreed time within 4 weeks of accrual and calculated on the basis of hour for hour worked. If time off instead is not taken with 4 weeks of accrual it is to be paid out at the appropriate overtime rate.
24.3	Recall (Instrument)	When a Medical Practitioner is recalled for duty they will be paid their basic rate of pay for travelling time.
24.4(b)	Sleepovers (Instrument)	Sleepover arrangement—Doctors in training Any work performed by the Doctor in training in excess of 1 hour during their sleepover will attract the appropriate overtime payment.
24.4(c)	Sleepovers (Instrument)	Sleepover arrangement—Doctors in training If during a sleepover a Doctor in training is called to active duty more than 5 times, the entire period of the sleepover will be paid as active duty at the appropriate rate instead of the sleepover allowance.
25.3	Shiftwork (Instrument)	Shift length—Doctors in training No shift will be less than 8 hours in length on a week day, or less than 4 hours in length on Saturday, Sunday or a public holiday. No broken or split shifts will be worked. All time worked in excess of 10 hours in any 1 shift will be paid as overtime.
26.1	Rostering (Instrument)	Doctors in training Doctors in training will be given at least 2 weeks' notice of their ordinary rostered hours. Where feasible, this will include overtime, provided that the employer may change the rosters without notice in emergency situations. These provisions will not apply to additional roster leave granted by the employer.

Clause	Conditions Type	Description
		<p>Time worked does not include breaks allowed and taken for meals.</p> <p>Time worked means the time when the Doctor in training is required by the employer to be in attendance.</p>
26.2	Rostering (Instrument)	<p>Senior Doctors</p> <p>Development of rosters</p> <p>The employer, when developing rosters, will ensure that:</p> <p>Senior Doctors are consulted, and the personal and professional concerns identified by the Senior Doctor are regarded, to ensure that where feasible, they are not negatively affected, and that alternative arrangements can be made if possible (e.g. change of childcare or other arrangements)</p> <p>Rosters will identify the general nature of the work to be performed on each shift (clinical/direct patient care, administrative, teaching, research or quality improvement) and the facility at which the shift is to be worked.</p> <p>Wherever feasible, the pattern of work will be consistent from 1 roster period to the next.</p> <p>Notice of changes</p> <p>Wherever possible, the following notice periods will apply to changes to the normal duties roster:</p> <p>3 months' notice of a permanent change, or</p> <p>1 month's notice of short-term change (e.g. to cover a planned absence or one-off event).</p> <p>These provisions do not prevent the employer from varying the roster on short notice in an emergency, in response to an unplanned event or to cover an unplanned absence.</p> <p>Shifts are to be shared equally amongst the Senior Doctors unless otherwise agreed.</p>

Clause	Conditions Type	Description
27	Higher duties (Instrument)	Where an employee temporarily occupies a position in a higher classification for more than 3 days, that employee must be paid at the higher rate of pay for the duration, including any relevant managerial allowance.
28	Annual leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee (excluding casual) is entitled to:</p> <p>4 weeks of paid annual leave, or 5 weeks of paid annual leave for a shiftworker</p> <p>An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p> <p>All accrued untaken annual leave must be paid to the employee on termination.</p>
28.1	Annual leave (Instrument)	<p>Quantum of leave</p> <p>A medical practitioner required to work shifts including weekends is entitled to an additional week's annual leave.</p>
28.2	Annual leave (Instrument)	<p>Public holidays falling during annual leave</p> <p>An additional day will be added to a medical practitioner's annual leave entitlement for any public holiday which falls during the period of annual leave.</p>
28.3	Annual leave loading (Instrument)	<p>At the time of taking leave, a medical practitioner will be paid a loading of 17.5% of the weekly wage based on a maximum of 4 weeks' annual leave.</p> <p>A shiftworker, in addition to their ordinary pay, will be paid the higher of the annual leave loading or the weekend and shift penalties the employee would have received had they not been on leave during the relevant period.</p>
29	Public holidays (Fair Work Act 2009 - National Employment Standard)	<p>The following are public holidays:</p> <ul style="list-style-type: none"> - 1 January (New Year's Day) - 26 January (Australia Day)

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - Good Friday - Easter Monday - 25 April (Anzac Day) - the Queen's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory) - 25 December (Christmas Day) - 26 December (Boxing Day) - any other day, or part-day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part-day, or a kind of day or part-day, that is excluded by the regulations from counting as a public holiday. <p><u>Substituted public holidays under State or Territory laws</u></p> <p>If, under (or in accordance with a procedure under) a law of a State or Territory, a day or part-day is substituted for a day or part-day that would otherwise be a public holiday, then the substituted day or part-day is the public holiday.</p>
29(iii)	Public holidays (Instrument)	A Medical Practitioner may, instead of the public holiday penalties prescribed, be paid at the ordinary rate of pay, with 1.5 days added to their annual leave entitlement, or taken at another time.
30	Personal/carer's leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave.</p> <p>The entitlement accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p>
30	Compassionate leave (Fair Work Act 2009 - National Employment Standard)	<p>An employee is entitled to 2 days of compassionate leave for each permissible occasion when a member of the employee's immediate family, or a member of the employee's household:</p> <ul style="list-style-type: none"> - contracts or develops a personal illness that poses a serious threat to his or her life, or - sustains a personal injury that poses a serious threat to his or her life, or - dies.

Clause	Conditions Type	Description
31	Community service leave (Fair Work Act 2009 - National Employment Standard)	<p>An employee who engages in an eligible community service activity is entitled to be absent from his or her employment for a period if:</p> <ul style="list-style-type: none"> - the period consists of one or more of the following: - time when the employee engages in the activity - reasonable travelling time associated with the activity - reasonable rest time immediately following the activity, and <p>unless the activity is jury service—the employee’s absence is reasonable in all the circumstances.</p>

Frequency of Payment

In accordance with the Fair Work Act 2009, an employer must pay an employee at least monthly.

Modern Award Guide - Background

This guide provides information on wages, penalties, loadings, allowances and other conditions of employment, derived from the 01 January 2010 version of the modern award.

Employers that a modern award applies to must provide at least the minimum terms and conditions in that modern award to all employees to whom the modern award applies.

One of the responsibilities of the Fair Work Ombudsman is to ensure compliance with the Fair Work Act 2009.

If an employer is able to demonstrate that they have paid at least the rates published in this guide, including wages, allowances, loadings and penalties, the Fair Work Ombudsman will be satisfied that the employer has met those obligations under the modern award. The employer will need to have paid the wage rate for all hours worked and for the correct classification for the work the employee does.

The Fair Work Act 2009 requires that time and wages records be kept and payslips issued. Employers will also need to demonstrate that this requirement has been complied with.

Who is not covered by this guide?

Despite the coverage provisions of this guide, conditions in this guide do not apply to an employee or employer while the employee or employer is covered by one of the following agreements:

- Australian Workplace Agreements (AWA)
- Certified agreements (made before 27 March 2006)
- Collective agreements (made between 27 March 2006 and 30 June 2009)
- Enterprise agreements (made after 01 July 2009)
- Individual Transitional Employment Agreements (ITEA)
- Old IR Agreements (made before 1997)
- Preserved Collective State Agreements (made in a state system before 27 March 2006)
- Preserved Individual State agreement (made in a state system before 27 March 2006)
- Section 170MX Awards (made before 27 March 2006)
- Workplace Determinations

The guide will also not apply to employees covered by an enterprise specific award-based transitional instrument, including:

- pre-reform awards (made prior to 27 March 2006)
- notional agreements preserving state awards (made in a state system before 27 March 2006)

Take home pay orders

Modern awards are not intended to reduce an employee's take-home pay. If an employee suffers a reduction in their overall take-home pay as a result of the modern award applying, they can apply for Fair Work Australia to make an order ensuring their pay is not reduced.

If you require assistance with any provisions of this guide please call Fair Work Infoline on 13 13 94.

IMPORTANT NOTE: Disclaimer

This information has been provided by the Fair Work Ombudsman (FWO) as part of its function to promote compliance with the *Fair Work Act 2009* by providing education, assistance and advice (but not legal or professional service advice). The FWO does not provide this information for any other purpose.

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