

FAIR WORK COMMISSION

MATTER NO: AM2016/28

Four Yearly Review of Modern Awards: Pharmacy Industry Award 2010

STATEMENT OF AGREED FACTS

A. INTRODUCTION

1. This Statement of Agreed Facts is agreed between the Association of Professional Engineers, Scientists and Managers Australia (**APESMA**) and the Pharmacy Guild of Australia (**PGA**) for the purposes of Fair Work Commission proceeding AM2016/28, 4 yearly review of modern awards – *Pharmacy Industry Award 2020*.
2. This document has been jointly filed by APESMA and the PGA pursuant to the directions issued on 27 September 2022.
3. The facts agreed herein are agreed only for the purposes of this proceeding.

B. PHARMACY INTERNS

4. Under the *Pharmacy Industry Award 2020* (**Pharmacy Award**) the appropriate award classification for a pharmacy graduate is *Pharmacy Intern*.
5. A Pharmacy Intern, also referred to as a trainee, is someone who has completed an approved program of study (for example, a Bachelor of Pharmacy), and is undertaking a period of supervised clinical practice under an approved registered pharmacist which will lead to general registration as a pharmacist.
6. During this period, a Pharmacy Intern is granted provisional registration with the Pharmacy Board of Australia and are subject to health, performance and conduct standards as prescribed in the *Health Practitioner Regulation Law* (the National Law).

7. The supply of medication is heavily regulated in Australia. Each State and Territory has legislation and subordinate legislation that regulates the supply of drugs and medications, with penalties for non-compliance.

C. HISTORY OF THE PHARMACY AWARD

8. In the pharmacy award decision,¹ the Commission summarised the history of the award at paragraphs [170]-[176].
9. The first federal award applicable to pharmacists was the *Community Pharmacy (Victoria) Interim Award 1994*² made by the Australian Industrial Relations Commission (**AIRC**) following the referral by the State of Victoria of its industrial relations powers to the Commonwealth.³
10. In 1995 a new award was created – the *Community Pharmacy (Victoria) Interim Award 1995*⁴ – which left a number of ‘reserved’ matters including pay, classifications and relativities requiring subsequent arbitration.
11. On 6 March 1996, Commissioner O’Shea arbitrated these matters.⁵
12. On 24 December 1996, Commissioner O’Shea made by consent, the first national award covering the community pharmacy industry which was called the *Community Pharmacy Award 1996*.⁶
13. In 1998, the *Community Pharmacy Award 1996* was reviewed pursuant to the ‘award simplification’ process⁷ and a new consolidated award was made by a decision of Commissioner Hingley on 29 June 1998 called the *Community Pharmacy Award 1998*.⁸
14. The *Community Pharmacy Award 1998* adopted the classifications and relativities arising from Commissioner O’Shea decision⁹ of 6 March 1996 but added the ‘Experienced

¹ [2018] FWCFB 7621

² Print L4131

³ [2018] FWCFB 7621at [170]

⁴ Print M6246

⁵ Print M9831

⁶ Print N7370

⁷ *Workplace Relations and Other Legislation Amendment Act 1996* (Cth)

⁸ Print Q2258

⁹ Print M9831

Pharmacist' employment classification and removed several pay points in the employment classifications of 'Pharmacist in Charge' and 'Pharmacist Manager'.

15. When the 1998 Award was made, rates for trainee pharmacists and pharmacy students were imported directly from existing State and Territory pharmacy awards and therefore varied from state to state.
16. In respect of Pharmacists, the classification structure in the Pharmacy Award derives from the *Community Pharmacy (Victoria) Interim Award 1995*. For the purposes of assessing work value in the Pharmacy Award Decision the agreed datum point was 29 June 1998, being the creation date of the *Community Pharmacy Award 1998*.
17. However, the trainee rates were not altered in the 1996 and 1998 decisions. Commissioner O'Shea observed: "*Nothing has been put in these proceedings which would persuade the Commission that the percentages of the Pharmacist classification which currently apply to Pharmacy trainees in the interim award should be altered.*"¹⁰
18. On 9 September 2002, the Commission did consider and alter the rates for trainee pharmacists.¹¹
19. On 16 October 2002, the AIRC rationalised the pharmacy trainee wage around Australia which included a phasing in stage. Pharmacy Intern rates were to be based on the trainee rates of New South Wales with effect 1 November 2004.¹²
20. Pharmacy Intern rates and pharmacy student rates were further varied by consent of the PGA, Shop, Distributive and Allied Employees Association (**SDA**) and APESMA on 22 December 2009.¹³

¹⁰ Per Commissioner O'Shea, Print M9831

¹¹ Print [PR922278]

¹² See Print [PR923737]

¹³ [2009] AIRCFB 978.

D. RELATIVITIES

21. Under the *Community Pharmacy (Victoria) Interim Award 1995*, pharmacist rates were aligned with Professional Scientists rates under *Metal Industry Award 1976 – Part IV – Professional Scientists*.¹⁴
22. The commencement rate for a Professional Scientist under the *Metals Industry Award 1976 Part IV* with a four-year degree was agreed and fixed in accordance with structural efficiency principles at 130% of the C10 rate.¹⁵
23. In relation to Pharmacists, the 6 March 1996 decision regarding the *Community Pharmacy (Victoria) Interim Award 1995* established the following relativities:¹⁶

Classification	Relativity to C10
Pharmacist (1 st year)	140%
Pharmacist (2 nd year)	150%
Pharmacist-in-charge (i)	160%
Pharmacist-in-charge (ii)	170%
Pharmacist-in-charge (iii)	180%
Pharmacist Manager (i)	190%
Pharmacist Manager (ii)	200%
Pharmacist Manager (iii)	210%

24. When the Pharmacy Award was created, the classification structure simplified that used in the *Community Pharmacy Award 1996*. The classification *Pharmacist after first year of experience* was removed, as were the higher grade 1 and grade 2 rates for *Pharmacist in Charge* and *Pharmacist Manager*. The remaining classifications, existing rates and relativities were carried over into the Pharmacy Award.
25. The Pharmacy Award minimum rates no longer correlated to the 1996 decision's relativities due to flat dollar wage increases to all Awards.¹⁷

¹⁴ Commissioner O'Shea found that the *Metals Industry Award 1976* part IV provides the Commission with a strong reference point for an appropriate assessment of pharmacists' rates and also has legitimacy as a reference point for pharmacists: Print M9831.

¹⁵ [2018] FWCFB at [173]; see print J2540

¹⁶ Print M9831

¹⁷ [2018] FWCFB 7621 at [190]

E. AQF

26. The Australian Qualifications Framework (AQF) is the national policy for qualifications in Australian education and training.

27. The Commission decision¹⁸ noted the traditional alignment of the AQF levels with corresponding classifications in the *Manufacturing and Associated Industries and Occupations Award 2010* as follows:

Manufacturing Award classification	Qualification	Original Relativity to C10
C1	Degree	180/201%
C2(b)	Advanced Diploma + additional training	160%
C2(a)	Advanced Diploma + additional training	150%
C3	Advanced Diploma	145%
C4	80% towards Advanced Diploma	135%
C5	Diploma	130%
C6	Trade Certificate III + 80% towards Diploma or 50% towards Advanced Diploma	125%
C7	Certificate IV or 60% towards Diploma	115%
C8	C10 Trade Certificate III + 40% towards Diploma	110%

28. The Commission¹⁹ identified the above relativities did not align for equivalent qualifications, reflecting the difficulty arising from the original use of professional scientists as a reference point.

29. The Commission noted as an example “that the rate of pay for a Pharmacy Intern, first half of training, who must possess a bachelor degree and is thus at Level 7 of the AQF, is lower than that of classification C8 in the *Manufacturing Award*, who is at Level 3 in the

¹⁸ [2018] FWCFB 7621 at [194]

¹⁹ Ibid at paragraph [195]

AQF. Similarly, the base grade Pharmacist, who is at Level 7 in the AQF, is paid less than the C3, who is at Level 6 in the AQF.”²⁰

30. The Commission noted that this outcome would apparently be inconsistent with the *ACT Child Care Decision*.²¹
31. The *Review of the Australian Qualification Framework*²² proposes to replace the existing 10-level AQF with an eight-band framework which has not been implemented. In each proposed Qualification Type Alignments, Bachelor degrees remain at a higher band level than diplomas and vocational certificates.
32. The AQF was not raised by either APESMA or the PGA in the Pharmacist’s work value case.²³

F. CURRENT RATES OF PAY

33. The *Pharmacy Industry Award 2020* weekly award rates for an Intern Pharmacist as at 1 July 2022 are:
 - (a) Pharmacy Intern – 1st half of training - \$992.50;
 - (b) Pharmacy Intern – 2nd half of training - \$1026.40.
34. This represents a relativity of 105% and 109% respectively of the C10 rate in the *Manufacturing and Associated Industries and Occupations Award 2020*²⁴ (which is the corresponding modern award for the *Metal Industry Award*).
35. The Pharmacy Industry Award rate of pay for Intern Pharmacists is one of the lowest award rates for any four-year degree holder under any Modern Award.

²⁰ Ibid at paragraph [196]

²¹ Ibid., at paragraph [197].

²² Department of Education, Review of the Australian Qualifications Framework Final Report 2019 <<https://www.education.gov.au/higher-education-reviews-and-consultations/resources/review-australian-qualifications-framework-final-report-2019>>

²³ [2018] FWCFB 7621

²⁴ 1 July 2022

36. Once qualified as a professional pharmacist, the annual salary is \$63,398.40, and is an increase of \$11,788.40 from the starting graduate salary.²⁵
37. The community pharmacy industry is heavily award-reliant, with many widely dispersed small employers.
38. The 2021 Graduate Outcomes Survey (GOS) National Report October 2021 reported that the median pharmacy undergraduate salary was \$50,000 per annum which is the lowest of any university graduate.²⁶
39. The GOS National Report October 2021²⁷ reported that the labour force participation rate for the pharmacy graduate is 94.7% which is one of highest because of the mandatory internship for general registration.
40. The National Skills Commission identifies a shortage of pharmacists across Australia.²⁸
41. In 2013, a research report²⁹ cited that pay was a major reason why pharmacists were leaving the industry.

G. PHARMACY AWARD DECISION FINDINGS³⁰

42. The Commission awarded a 5% wage increase to the Pharmacist classification and above within the *Pharmacy Industry Award 2010*.³¹
43. The 5% wage increase was not awarded to Pharmacy Interns.³²

²⁵ As at 1 July 2022 wage rates

²⁶ Quality Indicators for Learning and Teaching (QILT), 2021 Graduate Outcomes Survey <[https://www.qilt.edu.au/surveys/graduate-outcomes-survey-\(gos\)#anchor-1](https://www.qilt.edu.au/surveys/graduate-outcomes-survey-(gos)#anchor-1)>

²⁷ Ibid.

²⁸ National Skills Commission, *Skills Priority List June 2022* <<https://www.nationalskillscommission.gov.au/skills-priority.list>>

²⁹ Mak, VSL, March J, Clark A, Gilbert A, 'Why do Australian registered pharmacists leave the profession?' *International Journal of Clinical Pharmacy* (2013) 35: 129-137.

³⁰ [2018] FWCFB 7621

³¹ [2019] FWCFB 3949

³² Ibid at [14]

Home Medicines Reviews and Residential Medication Management Reviews

44. The Pharmacy Award Decision,³³ recognised an increase in work value for Pharmacists performing Home Medicine Reviews (**HMRs**) and Residential Medication Management Reviews (**RMMRs**).
45. Pharmacy Interns may only assist accredited pharmacists in performing HMRs or RMMRs.

Vaccinations

46. In the Pharmacy Award Decision,³⁴ the Commission determined that administering an inoculation was an increase in work value.
47. Pharmacy Interns who have received appropriate training and certification can administer vaccines in most Australian states and territories under the supervision of a registered pharmacist.

Down scheduling of medications – emergency contraception

48. In the Pharmacy Award Decision,³⁵ the Commission determined the provision of emergency contraception by a registered Pharmacist was an increase in work value because it was new work involving an increase in accountability and responsibility.
49. Under direct supervision of a registered pharmacist, Intern Pharmacists can supply emergency contraception medication.

Down scheduling of other medicines

50. In the Pharmacy Decision,³⁶ the Commission determined that the down scheduling of a significant number of medications from prescription-only to Schedule 3 medications amounted to an increase in work value for pharmacists because it requires the pharmacist, in addition to dispensing the drug, to take on the functions previously exercised by a medical practitioner of diagnosing the patient and determining that issuing the medication would be a safe and effective medical response.

³³ [2018] FWCFB 7621 at [185]

³⁴ *Ibid* at [188]

³⁵ *Ibid*.

³⁶ *Ibid*.

51. Under the direct supervision of a registered pharmacist, Pharmacy Interns are permitted to supply schedule 3 medications to customers.

General Increase in the level of responsibility and accountability

52. In the Pharmacy Decision,³⁷ the Commission determined that the administrative work associated with patient programs established and funded under successive Community Pharmacy Agreements was an increase in work value.

53. Pharmacy Interns are permitted to perform these administrative tasks under the direct supervision of a registered pharmacist.

H. REGISTRATION REQUIREMENTS

54. The *Health Practitioner Regulation National Law* (National Law) came into operation in each State and Territory in 2010 and now regulates the registration of Pharmacists.

55. Prior to the introduction of the National Law, each State and Territory regulated the registration of Pharmacists through their own respective Pharmacy Board.

56. Under the National Law, prior to being able to apply for general registration as a Pharmacist, a pharmacy graduate must:

- apply for provisional registration;
- have their premises and preceptor approved by the Board;
- enroll and complete an intern training program;
- complete 1826 hours of supervised practice;³⁸
- pass the Registration Board Exam which consists of a written and oral exam.

57. In the Pharmacy Award Decision,³⁹ the Commission indicated that the evidence “demonstrated that the requirements for the completion of a pharmacist’s internship, being a prerequisite for registration as a pharmacist, have become more onerous and rigorous.

³⁷ Ibid.

³⁸ Reduced for COVID-19.

³⁹ [2018] FWCFB at [184]

However, this is a matter external to the work of pharmacists and does not constitute a change to the qualifications necessary to become a pharmacist.”

Recency of practice requirements

58. The nationalisation of pharmacy registration in 2010 introduced recency of practice requirements where pharmacists who had not practised for 450 hours within the preceding three years would be required to provide evidence to the Board of their current competence to practise.

Criminal History and English Proficiency

59. The nationalisation of pharmacy registration in 2010 introduced more stringent requirements in relation to criminal history checks and English language proficiency.

Intern arrangements

60. From 1 July 2010 all Pharmacy Interns were required to have provisional registration with the Pharmacy Board of Australia.
61. Prior to the date, the following states and territories did not have provisional registration: the Australian Capital Territory, Queensland, Tasmania and Western Australia.

CPD

62. All Intern Pharmacists are now required to complete 40-credits of continuing professional development (**CPD**) as registered pharmacists as part of their Pharmacist Intern Training Program.
63. Prior to the nationalisation of pharmacy registration in 2010, Intern Pharmacists were not required to undertake formal CPD in Queensland, Western Australia, Northern Territory and Tasmania. The other states introduced a requirement for 20 CPD hours from the mid-2000s.
64. From 1 December 2015, pharmacists and interns were required to develop an individual CPD plan for each CPD period, based on skills and knowledge that could be developed further. This is subject to compliance audits by the board.

I. COVID-19 PANDEMIC

COVID-19 Vaccinations

65. To administer COVID-19 vaccinations, the following requirements are to be met:

- completion of COVID-19 vaccination core modules; and
- completion of vaccine-specific training modules.

66. In most Australian States and Territories, Pharmacy Interns may administer COVID-19 vaccines under the supervision of a vaccination trained and registered pharmacist only if they have completed the appropriate training.

Continued dispensing arrangements

67. Continued dispensing refers to the supply of an eligible medicine to a person by a pharmacist without a prescription, where there is an immediate need for the medicine but where it is not practicable to obtain a valid PBS prescription from a prescriber (doctor).

68. Since around 2013, continued dispensing arrangements have existed for certain oral contraceptives and statins only. However, the list of medications that can now be provided under continued dispensing arrangements has expanded significantly since 2019.

69. Pharmacy Interns are permitted to supply medications under continued dispensing arrangements in most states and territories under the supervision of a registered pharmacist.

Dispensing Scripts

70. Pharmacy Interns are permitted to dispense scripts under the supervision of a registered pharmacist.

Therapeutic Substitution

71. Therapeutic substitution refers to the supply of alternative strengths, quantities, or dose forms of medicines without the prior approval of the prescriber.

72. Due to medication shortages caused by the COVID-19 pandemic, from 2020 the Australian Government allowed pharmacies to dispense certain medications that were declared by the Therapeutic Goods Administration (**TGA**) to be in serious shortage.
73. Intern Pharmacists may perform this work under the direct supervision of a fully registered pharmacist.

Dispensing Limits

74. In March 2020 dispensing limits were imposed on certain medications in response to increased consumer demand during the COVID-19 pandemic.
75. A significant number of prescription medications are required to be limited to one month's supply of the prescribed dose and a significant number of over-the-counter medications are restricted to a maximum of one unit per sale.
76. Pharmacies are strongly encouraged to limit all other medications to one month's supply unless there are exceptional circumstances.⁴⁰

Electronic Scripts

77. Electronic scripts became available in Australia from late May 2020. Electronic scripts (also known as 'e-scripts') contain the same information as a paper script but the information is contained in a QR or 'token' format.
78. The introduction of e-scripts has necessitated the adoption of new systems and software.

Increased intensity of work

79. A study commissioned by the Pharmacy Guild of Australia found that between July 2019 and February 2022 there was a 21.4% total increase in spending at community pharmacies and a 63.1% increase in in-store spending.⁴¹

⁴⁰ Department of Health and Aged Care Therapeutic Goods Administration, Limits on dispensing and sales of prescriptions and over-the-counter medicines < [Limits on dispensing and sales of prescription and over-the-counter medicines | Therapeutic Goods Administration \(TGA\)](#)>

⁴¹ The Pharmacy Guild of Australia and Westpac Bank, *Data Driven Insights: Counting on Community Pharmacies; the changing role of community pharmacies on the healthcare frontline*, < [Counting on community pharmacies \(westpac.com.au\)](#)>

80. This was attributed to a lack of access to doctors, increased demand for essential pandemic items, and because pharmacies did not close at all during the pandemic.

2 November 2022

[2009] AIRCFB 978

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

DECISION

Workplace Relations Act 1996

s.576H—Commission may vary modern awards

**The Pharmacy Guild of Australia;
Shop, Distributive and Allied Employees Association;
The Association of Professional Engineers, Scientists and Managers, Australia,
(AM2009/44)**

PHARMACY INDUSTRY AWARD 2010

[MA000012]

JUSTICE GIUDICE, PRESIDENT
VICE PRESIDENT LAWLER
VICE PRESIDENT WATSON
SENIOR DEPUTY PRESIDENT WATSON
SENIOR DEPUTY PRESIDENT HARRISON
SENIOR DEPUTY PRESIDENT ACTON
COMMISSIONER SMITH

MELBOURNE, 22 DECEMBER 2009

[1] This decision concerns a joint application filed by the Pharmacy Guild of Australia (PGA), the Shop Distributive and Allied Employees Association (SDA), and the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) to vary the *Pharmacy Industry Award 2010* [1](#) (the modern award).

[2] The variations are sought by agreement between the PGA, SDA and APESMA (the applicants) and no other parties have filed submissions in response to the application.

[3] The applicants seek a number of technical amendments which are set out below.

Part time employment

[4] The applicants submit the variations sought in relation to part-time employment give effect to the variation to the award modernisation request of 26 August 2009, which provides:

“Overtime penalty rates – part-time work

53. The Commission should ensure that the hours of work and associated overtime penalty arrangements in the retail, pharmacy and any similar industries the Commission views as relevant do not operate to discourage employers from:

- offering additional hours of work to part-time employees; and
- employing part-time employees rather than casual employees.”

[5] The application seeks to vary cl.12.3 and 12.8(a) which provide respectively:

“12.3 Any agreement to vary the regular pattern of work will be made in writing before the variation occurs.”

“12.8 Rosters

(a) A part-time employee’s roster, but not the agreed number of hours, may be altered by the giving of notice in writing of seven days or in the case of an emergency, 48 hours, by the employer to the employee.”

[6] The clauses as proposed by the applicants are set out below:

“12.3 Any agreement to vary the regular pattern of work will be made in writing before the variation occurs. Any agreement to vary the agreed hours may also be either a permanent agreed variation to the pattern of work or may be a temporary agreed variation, e.g. a single shift or roster period. Such a variation shall be agreed hours for the purposes of clause 12[2](f).”

“12.8 Rosters

(a) A part time employee’s roster, but not the agreed number of hours, may be altered by the giving of notice in writing of seven days or in the case of an emergency, 48 hours, by the employer to the employee. The rostered hours of part-time employees may also be altered at any time by mutual agreement between the employer and the employee.”

[7] The applicants also propose a new cl.12.11 in the following terms:

“12.11 Additional Hours as Casual Hours

A part-time employee who has worked their agreed hours may agree to work additional hours which are not reasonably predictable up to the daily, weekly or fortnightly maximum ordinary hours of work provided by the award, as a casual employee and subject to the casual employee provisions of this award. Nothing in this clause prevents such agreement between the parties.”

Rates of pay

[8] Two variations to cl.17 are sought, the first being a change of the term “pharmacy trainee” to “pharmacy intern” to more closely reflect industry terminology, the second being an adjustment to rates of pay for “pharmacy interns” and pharmacy students. The current and proposed rates of pay per week are set out below:

Classification	<i>Pharmacy Industry Award</i> 2010	Rates proposed by PGA, SDA, APESMA
<i>Pharmacy Intern</i>		
First half of training	\$637.60	\$674.00
Second half of training	\$665.00	\$698.00
<i>Pharmacy Students</i>		
1st year of course	\$550.00	\$600.00
2nd year of course	\$570.00	\$615.00
3rd year of course	\$600.00	\$637.60
4th year of course	\$620.00	\$665.00

[9] The applicants submit that cl.18 of the modern award requires amendment to reflect that junior rates of pay apply only to pharmacy assistant classifications.

[10] The applicants jointly seek the inclusion of an annualised salary provision limited in application to pharmacists in the following terms:

“27. Annualised salary (Pharmacists only)

27.1 An annualised salary for pharmacist employees may be developed. Such salary may be inclusive of overtime, penalty rates, payments for public holidays taken, annual leave taken, annual leave loading, meal allowance, recall allowances and meal break on call entitlements. Provided that the annual salary paid over a year was sufficient to cover what the employee would have been entitled to if all award entitlements had been complied with when calculated on an individual basis according to the hours worked.

27.2 Provided that in the event of termination of employment prior to completion of a year the salary paid during such period of employment will be sufficient to cover what the employee would have been entitled to if all award entitlements had been complied with.

27.3 When payment in accordance with this clause is adopted, the employer shall keep a daily record of hours worked by the employee which shall show the date and start and finish times of the employee for the day. The record shall be countersigned weekly by the employee and shall be kept at the place of employment for a period of at least six years.

27.4 The employee may be represented in the discussions in relation to the making of an Agreement under this clause by either their union or nominated representative, and any agreement reached under this clause must be recorded in writing, and a copy retained by the employer.”

Allowances

[11] A variation is sought concerning cl.19.1 – Meal Allowance. The clause proposed by the applicants is as follows:

“19.1 Meal allowance

(a) An employee who has worked six hours or more during ordinary time and who is then consecutively required to work overtime, or after the employees ordinary time of ending work, for more than one and a half hours shall be either supplied with an adequate meal by the employer or be paid a meal allowance of \$14.30. Where such overtime work exceeds four hours a further meal allowance of \$12.80 will be paid.

(b) This provision shall not apply in circumstances where the employer has advised the employee of the requirement to work overtime on the previous day.

(c) No meal allowance will be payable where any employee could reasonably return home for a meal within the period allowed.”

[12] A new clause is proposed to provide an on-premises meal allowance for pharmacists in the following terms:

“19.2 On-premise meal allowance (Pharmacists only)

An employee who is required to take their meal break on the premises for the purpose of attending to urgent matters requiring the input of a qualified pharmacist shall be paid at time and a half for the period of the meal break, regardless of other penalties that apply on that day.”

Superannuation

[13] The applicants seek to vary cl.21.4 – Superannuation fund, to include Guildsuper as a default fund.

Hours of work

[14] The applicants seek to vary cl.25.3 – 38 Hour week rosters clarify that overtime is payable when hours of work exceed the ordinary hours of work on a daily, weekly, or fortnightly basis, by removing cl.25.3(c) and (d). Clause 25.3 is currently in the following terms:

“25.3 38 Hour week rosters

A full-time employee will be rostered for an average of 38 hours per week, worked in any of the following forms:

- (a) 38 hours in one week;
- (b) 76 hours in two consecutive weeks;
- (c) 114 hours in three consecutive weeks; or
- (d) 152 hours in four consecutive weeks.”

[15] An additional rostering clause is proposed in the following terms:

“25.4 Rostering – Permanent Employees

25.4.1 The following roster requirements shall apply to permanent employees:

25.4.1.1 Ordinary hours will be worked so as to provide an employee with 2 consecutive days off each week or 3 consecutive days off in a two week period.

25.4.1.2 Ordinary hours and any reasonable additional hours may not be worked over more than 6 consecutive days.

25.4.1.3 Ordinary hours may not be worked over more than 5 days in a week, provided that ordinary hours may be worked on six days in one week where ordinary hours are worked on no more than four days in the following week.

25.4.1.4 An employee who regularly works Sundays will be rostered so as to have three consecutive days off each four weeks and the consecutive days off will include Saturday and Sunday.

25.4.2 A requirement will not apply where the employee requests in writing and the employer agrees to other arrangements, which are to be recorded in the time and wages records. It cannot be made a condition of employment that an employee make such a request.

25.4.3 An employee can terminate the agreement by giving four weeks' notice to the employer. The notice need not be given where the agreement terminates on an agreed date or at the end of an agreed period. For the avoidance of doubt this provision does not apply to part-time employees' agreed pattern of work under clause 12.2.

25.4.4 The rostering provision of clause 25.4.1.4 does not apply to a part-time employee whose agreed hours under clause 12.2(b) provides that the employee will work on either or both Saturday and Sunday each week and where the agreement provides that the employee will have at least 2 consecutive days off work each week.”

Overtime and penalty rates

[16] The variation sought is the removal of cl.26.2(a) and replacement with the following:

“26.2(a) Overtime

(i) Hours worked in excess of the ordinary number of hours of work prescribed in clauses 25.2 and 25.3 are to be paid at time and half for the first two hours and double time thereafter. Overtime worked on a Sunday is to be paid at the Sunday rate of double time, and overtime worked on a Public Holiday is to be paid at the Public Holiday rate of double time and half.

(ii) The rates provided by clause 26.2(b) and (c) shall not be cumulative on overtime rates.

(iii) For casual employees the casual loading is not payable on overtime.”

[17] Further the applicants seek the removal of the word “ordinary” appearing in cl.26.2(b) and (c):

“(b) Morning and Evening work Monday to Friday

A loading of 50% (casuals 75%) will apply for ordinary hours worked before 8.00 am and a loading of 25% (casuals 50%) for hours between 7.00 pm to 9.00 pm. A loading of 50% will apply to ordinary hours worked from 9.00 pm to midnight (casuals 75%).

(c) Saturday work

A loading of 100% (casuals 125%) will apply for ordinary hours worked before 8.00 am, and a loading of 25% (casuals 50%) will apply for ordinary hours of work from 8.00 am to 6.00 pm on a Saturday. A loading of 50% (casuals 75%) will apply from 6.00 pm to 9.00 pm, and a loading of 75% (casuals 100%) for hours from 9.00 pm to midnight.

Breaks

[18] The variation sought is the removal of references to ordinary hours in cl.27 – Breaks. Clause 27 provides as follows:

“27. Breaks

27.1 All employees working four or more ordinary hours on any day will be entitled to a 10 minute paid rest pause.

27.2 All employees working more than five ordinary hours on any day will be entitled to an unpaid meal break of not less than 30 minutes and no greater than one hour duration plus a 10 minute paid rest pause.

27.3 All employees working 7.6 or more ordinary hours on any day will be entitled to an unpaid meal break of not less than 30 minutes and no greater than one hour duration plus two 10 minute paid rest pauses.

Provided that:

(a) the meal breaks are to be taken after at least 2.5 hours and not later than five hours work:

(b) the rest pauses are not to be taken in the first hour of work or in the first hour after the meal break.”

[19] The applicants submit this variation is sought to clarify that meal breaks are available to employees based on the total number of hours worked on any day.

Transitional arrangements

[20] The applicants seek the inclusion of additional transitional arrangements in Schedule A. The arrangements sought include provisions enabling casual employees who may work regular and systematic hours to remain as casual employees, and the retention until July 2012 of a 500 hour student provision in Western Australia.

[21] The proposed clauses are set out below:

“A.8 Transitional arrangements for casual employees

A.8.1 Where an employee is engaged as a casual employee and paid as such immediately prior to the commencement of this award on 1 January 2010 they shall be deemed to be a casual employee within the definition of this award until 1 July 2014, notwithstanding that they may have an expectation or entitlement to reasonably predictable hours of work.

A.8.2 On 1 July 2010 and each anniversary thereafter, either the employee or the employer may elect to convert such a casual employee, who has an expectation or entitlement to reasonably predictable hours of work, to permanent employment. The consent of the other party is not required.

A.8.3 On 1 July 2014, this transitional arrangement will cease and all employees deemed casual by this Award who have an expectation or entitlement to reasonably predictable hours of work shall be converted to permanent employment.”

“A.9 Transitional arrangements for 500 hour students

A.9.1 500 hour student means a person who is undertaking an accredited course of study leading to registration as a pharmacist and who enters into an Articles of Traineeship with the Pharmaceutical Council of Western Australia to complete the first 500 hours of their pre-registration training in a pharmacy prior to satisfying the examination requirements for the course of study.

A.9.2 Employers in Western Australia may continue to engage 500 hour students during the transitional period until 1 July 2012.

A.9.3 500 hour students are considered trainees and their minimum weekly wage is:

500 hour student \$334.20”

[22] The application seeks the inclusion in Schedule B of the following:

“B.9 Pharmacy Student means a person who is undertaking an accredited course of study leading to registration as a pharmacist and who enters into a contract of employment with a proprietor of a pharmacy to work in that pharmacy.

B.10 Pharmacy Intern means a person who has satisfied the examination requirements for an accredited course of study leading to registration as a pharmacist and is engaging in the period of pre-registration training required under the relevant State/Territory Pharmacy Act.”

[23] The variations developed by the parties are designed to reflect the circumstances of the industry and deal with the transition from a large number of pharmacy awards to a single national prescription for the industry. We approve the changes and will issue an order reflecting the agreed variations.

BY THE COMMISSION:

PRESIDENT

1 MA000012.

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[2018] FWCFCB 7621

The attached document replaces the document previously issued with the above code on 14 December 2018.

In the first line of paragraph [123] the word “review” is added after the words “The conduct of the 4 yearly”.

In the first line of paragraph [141] the word “in” after Commission is replaced with “the”.

Error in footnote 78 corrected.

Associate to Vice President Hatcher

Dated 29 August 2019



DECISION

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards - *Pharmacy Industry Award 2010*

(AM2016/28)

VICE PRESIDENT HATCHER

DEPUTY PRESIDENT DEAN

COMMISSIONER SPENCER

SYDNEY, 14 DECEMBER 2018

Four yearly review of modern awards – Pharmacy Industry Award 2010 – APESMA Work Value Claim.

Introduction

[1] Pursuant to s 156(1) of the *Fair Work Act 2009* (the FW Act), the Fair Work Commission (the Commission) is required to conduct 4 yearly reviews of all modern awards. As part of the 4 yearly review of the *Pharmacy Industry Award 2010* (*Pharmacy Award*), the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) has made a claim for the variation of the *Pharmacy Award* pursuant to s 156(3) of the FW Act. Section 156(3) permits the variation by the Commission of the minimum wages prescribed in a modern award where it is satisfied that this is justified for work value reasons. APESMA's primary claim is for the minimum wages in the *Pharmacy Award* to be increased by an amount necessary to restore what was said to be the proper relativity with the C10 classification rate now found in the *Manufacturing and Associated Industries and Occupations Award 2010* (*Manufacturing Award*). The APESMA's submissions set out the following table explaining its primary claim as follows (noting that the table is based on the *Pharmacy Award* rates as they were prior to the 3.5% increase awarded as a result of the 2018 Annual Wage Review):

Employee classification under <i>Pharmacy Award</i>	The 1996 CPA rate compared with the 1996 C10 rate in the <i>Manufacturing Award</i>	Current rates under the <i>Pharmacy Award</i>	APESMA's claim
Pharmacy Interns			

First Half of Training		\$853.50	130% of current rate = \$1027.18
Second half of training		\$882.60	130% of current rate = \$1046.94
Pharmacist	140%	\$998.50	140% of current rate = \$1132.74
Experienced Pharmacist	150%	\$1093.50	150% of current rate = \$1213.65
Pharmacist in Charge	180%	\$1119.20	180% of current rate = \$1456.38
Accredited Pharmacist	N/A		210% of current rate = \$1699.11
Pharmacist Manager	210%	\$1247.20	210% of current rate = \$1699.11

[2] In the alternative, the APESMA sought a 25% increase to all wage rates in the *Pharmacy Award*. Both as part of its primary and alternative claims, the APESMA also sought a new classification of “*Accredited Pharmacist*”, to be defined as “*a pharmacist who is the holder of an Accredited Pharmacist qualification who undertakes professional services requiring pharmacist accreditation or credentialing*”.

[3] In summary terms, the APESMA contended in support of its claims that there had been an increase in the various educational, training and registration requirements for pharmacists, which it submitted was indicative of the increase in the skills, knowledge and responsibility required to perform the role of a pharmacist. It was also argued that the introduction of new types of work (such as professional services) requiring additional skills, knowledge and training, comparatively increased responsibility and accountability for pharmacists. Finally, it was posited that there had been an overall increase in workload, pressure and performance for pharmacists. These changes had occurred, the APESMA submitted, since the work value of pharmacists was last considered in a decision of the Australian Industrial Relations Commission (AIRC) issued on 29 June 1998.¹ The changes relied upon by the APESMA fell into the following five broad categories:

¹ C1790 Dec 727/98 M Print Q2258

- An increase in various educational and registration requirements which are indicative of the increase in the skills, knowledge and responsibility required to perform the role of a pharmacist.
- The introduction of additional training so a pharmacist can become and retain registration under the legislative requirements for registration of a pharmacist.
- The introduction of new work that requires additional skills, knowledge and training.
- The introduction of new work that has resulted in an increase in responsibility and accountability.
- An increase in workload and an increase in pressure and on skills and the speed with which vital decisions need to be made.

[4] The majority of the changes identified by the APESMA were said to have arisen because of changes in government health and medicines policy and industry initiatives designed to respond to these changes in government policy and to patient needs. The key Federal Government policy changes identified related to the following matters:

- Introduction of the Quality Use of Medicines (QUM) into the National Medicines Policy.
- Medical practitioner shortages, particularly in rural and regional areas.
- Escalating cost to the Australian tax payer of providing a high quality medical service and medicines to the Australian community.
- Increasing number of patients with multiple chronic diseases requiring complex treatment.
- Introduction of many new highly specialised medicines to the Australian market and the extra knowledge required to minimise drug interactions and adverse effects with patients.
- Increasing number of medicines being down-scheduled from prescription only status to pharmacist-only and pharmacy-only status, and the extra knowledge/skills required to safely provide these medicines to the public without a doctor's review.

[5] The APESMA contended that the introduction of the QUM into the National Medicines Policy in 1999 had been the “major instigator” of changes to the role and work of the pharmacist; in particular, it had changed the role from being someone who was responsible for safely storing and dispensing medicines to a professional playing an increasing role as part of a multi-disciplinary health care team providing a wide range of preventative and primary health care services. The APESMA pointed to the Community Pharmacy Agreements (CPAs) negotiated every five years between the Pharmacy Guild of Australia (PGA) and the Commonwealth Government as evidencing the nature of this change in the role and work of pharmacists. Particular initiatives affecting the work of pharmacists introduced as part of CPAs included Home Medicine Reviews (HMRs), Residential

Medication Management Reviews (RMMRs), MedsChecks, asthma management and diabetes management.

[6] The QUM was introduced into the National Medicines Policy in December 1999. It requires all medical professionals, including pharmacists, to select management options wisely, choose suitable medicines if a medicine is considered necessary, and use medicines safely and effectively. Relevantly, it requires:

- identification and implementation of methods to select and communicate the most appropriate medicine or non-medicine option from all available prevention and treatment options, so that the individual gains optimal, cost effective health outcomes;
- identification and implementation of methods to monitor the outcome of the selected treatment option, to allow rapid modification according to response, so that optimal health outcomes are maintained over time;
- provision to patients/consumers of information and counselling to promote quality use of medicines; and
- education of peers and adoption of appropriate standards and models of practice.

[7] Home Medicine Reviews are undertaken by Accredited Pharmacists (discussed later) upon a referral from a medical practitioner, and usually require the pharmacist to conduct the review in the patient's home and then write a report for the medical practitioner. The pharmacist is required to review what prescription, non-prescription and complementary medicines the patient is taking and to make recommendations for the medical practitioner to discuss with the patient, which might include showing the patient how to take their medicines correctly, explaining why and when to take their medicines and what to expect when taking them, explaining the proper storage of medicines and what problems should be reported to the medical practitioner, checking that the medicines are appropriate to take together and changing them if necessary, clarifying any confusion with generic medicines, and assisting with the patient remembering to take their medicines. HMRs were introduced as part of the third CPA in July 2001, and are intended to reduce the number of persons hospitalised because of their use of medicines. RMMRs are similar to HMRs but are provided to permanent residents of a government-funded aged care facility, and are conducted in collaboration with the resident's health care team. Like HMRs, RMMRs were introduced as part of the third CPA in 2001 and must be conducted by an Accredited Pharmacist.

[8] MedsChecks and Diabetes MedsChecks were introduced under the fifth CPA in 2010, and involve a structured in-pharmacy review of a patient's medicines by a pharmacist. It takes about 30 minutes to complete, aims to help patients learn more about their medicines including their effects, proper use and storage and to identify problems patients may be experiencing with their medicines, and requires additional training to be undertaken. Diabetes management is undertaken pursuant to the National Diabetes Services Scheme (NDSS), which is an initiative of the Australian Government which is administered through registered pharmacies. The pharmacist's role is to provide patients with the equipment and medicines they need to manage their medicines as well as educating and counselling them on initiatives they can take to reduce or eliminate their diabetes such as through weight loss and exercise. The pharmacist must have additional knowledge and skills in the management of diabetes, which is usually obtained by undertaking an appropriate course delivered by an accredited

training organisation. As with the NDSS, pharmacies have since 1999 been charged with delivering asthma management services to patients with the aim of educating patients on the proper use of their inhaler device and to assist them to develop an asthma management plan. Pharmacists must obtain specialised training in asthma and its treatment to provide this service, with the training usually taking the form of a course delivered by an accredited training organisation.

[9] Downscaling from the prescription-only category to the pharmacist-only category has occurred with respect to many medicines since 1998, with a total of 33 having been switched between 2000 and 2011. With respect to these medicines, the pharmacist is now required to diagnose minor illnesses to ensure the patient needs the medicine being requested and to determine the appropriate medicine. Prior to dispensing a pharmacist-only medicine the pharmacist needs to determine if dispensing the medicine is appropriate or whether the patient needs to be referred to a medical practitioner. Pharmacists need to counsel the patient as to the illness and educate them on the appropriate use of the medication, and to avoid dispensing drugs (such as pseudoephedrine and codeine-based medications) to those who might be abusing them. The introduction of generic-based medicines into the Pharmaceutical Benefits Scheme (PBS) has also required pharmacies to place heavier reliance upon them for cost reasons, which has added to the responsibility of pharmacists to manage the risk of dispensing them by ensuring accuracy and compliance. It also requires pharmacists to explain to patients the option of using generic medicines, how they may affect them and what the impact and cost differences are.

[10] Other instances of new or changed work relied upon by the APESMA were as follows:

- *Clinical intervention*: This involves the pharmacist identifying a drug-related problem with a patient and making recommendations to a medical practitioner to prevent or resolve it, including by changing the medication, the means of administration or the patient's medication-taking behaviour. To undertake this service, introduced under the fifth CPA in 2010, the pharmacist must have undertaken the required training.
- *Dose administration aids*: Dose administration aids (DAAs) are adherence devices developed to assist medication management by dividing medicines into individual doses and arranged according to the dose schedule throughout the day. They may take the form of a unit dose or multi-dose pack. Since the fifth CPA in 2010 pharmacists have formally provided patients with DAAs, which requires the pharmacist to pack the patient's medicines into a specially-provided bag, with the pharmacist having to ensure that each medicine is correctly included in the appropriate pouches on order to avoid medical misadventure.
- *Staged supply of medicines*: This is a program, introduced under the fifth CPA in 2010, for patients to receive their PBS medicines in instalments, particularly patients with mental illness or drug addiction or who otherwise cannot manage their medications safely. Pharmacists are required to have additional skills and knowledge concerning mental illness, drug dependency, drug seeking behaviours, and interacting with and responding to the therapeutic concern of clients.
- *Certificates for absence from work*: Since the commencement of the FW Act in 2009 pharmacists have been able to provide certificates for absences from work due to illness. Pharmacists who undertake this service must undertake a detailed consultation

with the patient to determine the nature of their illness, assess how long they will be unable to attend work, and determine whether it is necessary to refer the patient to a medical practitioner. Pharmacists must have extensive counselling skills and should have undertaken additional training in order to provide this service.

- *Inoculations*: The Pharmacy Board of the Australian Health Practitioner Regulation Agency (AHPRA) in December 2013 authorised pharmacists to administer vaccinations if they had obtained suitable additional training, and the States have since enacted legislation to facilitate this occurring. Pharmacists are required to have completed a further approved course of study, maintained their authority to immunise, and hold a current statement of proficiency in cardiopulmonary resuscitation and first aid including anaphylaxis training.
- *Increase in use of complementary medicines and vitamins*: The increase in the use of complementary medicines and use of vitamins has required pharmacists to have knowledge of these products, how they affect various illnesses and diseases and any negative side effects. Additional training is recommended in these medicines if it was not covered in the undergraduate degree.

[11] It was contended by the APESMA that the work environment of pharmacists had become more complex due to the following matters:

- *Chronic disease*: Chronic diseases such as arthritis, asthma, back problems, cancer, chronic obstructive pulmonary diseases, cardiovascular disease, diabetes and mental health conditions are the leading cause of illness, disability and death in Australia, and 39% of persons aged 45 and over have at least 2 of these diseases. Patients with such co-morbidities are high users of the health system, and half of them have conditions that result in treatment conflict. Pharmacists are involved in not just supplying medicines to such patients but ensuring that they get the best out of their medicines and their conditions are managed effectively. This requires pharmacists to exercise a specific set of clinical knowledge and skills not used back in 1998, as well as social pharmacy skills such as communication skills, inter-professional collaboration, understanding behaviour and understanding psycho-social attributes.
- *Quality Care Pharmacy Program (QCPP)*: This quality assurance program was introduced by the PGA in 2000, and requires pharmacists in QCPP accredited pharmacies to undertake mandatory initial training, ongoing refresher training, implementing and following appropriate policies, ensuring there is evidence of practice in accordance with QCPP standards, and ensuring the pharmacy is prepared for re-assessment every 2 years. This imposes additional responsibilities on Pharmacy Managers in particular.
- *Forward Pharmacy Model of Practice*: This model of practice, adopted by almost all pharmacies since the introduction of the QUM, makes the pharmacist the main point of contact with patients, and requires pharmacists to exercise additional communication, counselling and customer skills not previously required of them.
- *Workloads*: There has been a significant increase in the number of PBS prescriptions dispensed within community pharmacies (at the rate of almost 13% per year over the last 10-15 years) without any corresponding increase in the number of pharmacies.

This together with the ageing population, the consequential increase in the number of patients taking multiple medicines, and the new work tasks and skills required of pharmacists has contributed to an increasing workload and complexity of work for pharmacists.

[12] The APESMA also relied on changes to the educational and registration requirements for pharmacists. In respect of the former, the changes relied upon were:

- The phasing out from 2000 of the option of undertaking a three year undergraduate degree. The minimum accredited undergraduate pharmacy degree now requires four years of full-time study.
- Since 2010 the Australian Pharmacy Council has accredited a number of undergraduate degrees of more than the minimum four years' duration which provide extended and more intensive training.
- Undergraduate degrees now cover areas of training not covered before 1998, in particular in relation to the counselling and education of patients in relation to the patient's diagnosis, the reasons for prescribing, and the safe and effective use of the prescribed medicine included any potential adverse effects. This arose largely in response to the introduction of the QUM.
- In 2010, formal recognition was given to the higher qualification of Accredited Pharmacist. The holder of an accredited pharmacy undergraduate degree who is a registered pharmacist can obtain the qualification by undertaking a higher course of study, and the qualification allows a pharmacist to undertake HMRs.

[13] The changes in registration requirements identified by the APESMA were as follows:

- The requirements for intern pharmacists to obtain registration had changed since 1998, In 1998 intern pharmacists were required to have completed 1824 hours of supervised practice, but now in addition they have to undertake further study conducted by an approved provider and undertake an oral examination and a written examination conducted by the Pharmacy Board of Australia.
- On and from 2010 the Pharmacy Board has developed Compulsory Professional Development (CPD) requirements for pharmacists to maintain their registration, and the CPD options for further training have been changed and expanded.
- Competency standards for pharmacists were introduced in 1999 which were mainly focused on the safe dispensing of medicines, but which have since been expanded to cover matters such as inoculations, medical certificates and HMRs.

[14] In addition or in the alternative, the APESMA contended that its claim should be granted on the basis that flat-dollar increases to award wages had eroded the basis upon which the work value of pharmacists had originally been assessed, namely identified relativities with the C10 rate in the *Metal Industry Award 1984* (now the *Manufacturing Award*), and that these relativities needed to be restored in order for the rates of pay to correctly reflect the work value of pharmacists.

[15] The APESMA's claim was opposed by the PGA, Australian Business Industrial and the NSW Business Chamber (ABI/NSWBC), and Business SA. The PGA's case in opposition to the APESMA's claim was, in summary, as follows:

- The relevant datum point for the assessment of any change in work value was the making of the pre-reform *Community Pharmacy Award 1998* on 24 December 1996, which was the last occasion when a federal industrial tribunal had determined the work value of pharmacists.
- The PGA accepted that the role of a pharmacist inherently involved change, as health services, treatment methods, medical information, community expectations, technology and procedures were changed or refined to better deliver health care services to the community.
- The PGA specifically acknowledged that elements of the competency standards and Bachelor of Pharmacy course had changed since 1998 to assist in the provision of better health care standards, that the provision of Government funded health service provided by pharmacists had been introduced to improve community health outcomes, and that community pharmacies had become more patient centred and focused on the delivery of primary health care to the community.
- However, the PGA contended that the resultant changes to the work of pharmacists had been evolutionary in nature but had not resulted in a significant net addition to the work value requirements of a pharmacist.
- The changes to the Bachelor of Pharmacy course content and duration commenced prior to the 1998 benchmark, were minor in nature, and did not contribute to a significant net addition to work value.
- Some changes to the competency standards had increased or altered the work value of some but not all pharmacist classification levels, but have not resulted in a significant net addition to work value.
- Pharmacists have always been engaged in continuing professional training, and the mandatory CPD requirements did not involve a significant net addition to work value.
- Pharmacists have since 1994 been required to achieve the competency standards for registration in their respective States and Territories, and so this did not represent a significant net addition to work value.
- The requirement to keep abreast of changes and developments is a requirement of a professional role and did not constitute any change in work value.
- The evolution in health care services required to achieve the community's health care objectives has evolved since 1998 due to improved technology, research/medical information and treatment information, but these did not involve any significant net addition to work value. Patient interactions and clinical interventions had always been part of the pharmacist's role.

- Both down-scheduling and up-scheduling of medicines occurred from time to time, but in any event the pharmacist had always needed to understand the nature, purpose and effect of those medicines and advise on managing conditions.
- Most of the changes relied upon by the APESMA did not involve genuinely new work, apart from perhaps inoculations, clozapine clinics and the provision of absence from work certificates.
- There had been no significant net addition in workload since 1998 in circumstances where the number of pharmacies had increased by 13% but the number of registered pharmacists had increased by 43%.
- Offsetting any changes was the fact that certain tasks were no longer done or were only performed in limited circumstances, such as compounding, and technology had simplified a number of tasks such as PBS claiming processes, automated scanning and dispensing of prescriptions, stock administration, dose administration and availability of patient information.
- HMRs and RMMRs fell within the core clinical skill set of a pharmacist, and only about 10% of pharmacists were accredited to perform these.
- It would be inappropriate to establish a new Accredited Pharmacist classification because the role was directly linked or related to several government-funded programs which might not continue, and instead the inclusion of a higher duties allowance should be considered.
- There was no demonstration by the APESMA on what the actual increases to work value were for each classification such as to justify the proposed increases to minimum rates, nor how the modern awards objective in s 134(1) would be achieved by the grant of the claim.

[16] ABI/NSWBC likewise contended that the changes relied upon by the APESMA did not satisfy the test for a significant net addition to work requirements to justify the wage increases sought, and that increases of that magnitude would not meet the modern awards objective and the minimum wages objective.

APESMA's Evidence

[17] The APESMA relied on the evidence of the following expert and lay witnesses:

- Professor Ines Krass and Professor Parisa Aslani, who provided an experts' report in two parts entitled "*Work value of a community pharmacist*" (Report);²
- Professor Philip Clarke, who provided an expert's report "*providing data and information on aspects of pharmacy ownership, pharmacy revenues and business sale prices*";

² Part I of Report entitled "*Work Value of a Community Pharmacist*", Exhibit 14; Part II of Report Entitled "*Work Value of a Community Pharmacist Part II: Semi-structured interviews*", Exhibit 15

- Dr Geoffrey March, President of Professional Pharmacists Australia;
- Ms Amy Thomson, Emergency Medicine Specialist Pharmacist and Specialist in Poisons Information in New South Wales;
- Mr Cameron Walls, Pharmacist Manager in Victoria;
- Ms Katerina Malakozis, Pharmacist in Charge in South Australia;
- Mr Cardin Le, Pharmacist in Charge in New South Wales;
- Mr Leon Wai Hon Yap, Clinical Hospital Pharmacist in Queensland;
- Ms Jennifer Ruth Madden, Locum Pharmacist in New South Wales;
- Ms Carmel McCallum, Locum Pharmacist in New South Wales; and
- Mr Alex Crowther, Surveys Manager of APESMA.

[18] The APESMA also tendered a large range of documents relevant to matters referred to by their witnesses. It will only be necessary for us to directly refer to some of the Community Pharmacy Agreements tendered by the APESMA.

Professor Krass and Professor Aslani

[19] Ines Krass is Professor of Pharmacy Practice at the University of Sydney, and Parisa Aslani is Associate Professor of Pharmacy Practice at the University of Sydney. The APESMA commissioned them to prepare the Report via a “*Commissioned Research Brief*” which contained as its research proposal “*To investigate changes in work value of a community pharmacist comparing 1998 with 2016*”. The brief noted that the Commission was undertaking a 4 yearly review of the *Pharmacy Award*, that the APESMA’s position was that the rate of pay received by pharmacists was not reflective of the work they do, that the current award minimum rates of pay do not reflect the skill, responsibility and complexity of the work they currently do, that the APESMA had lodged a claim seeking increases in the award rates of pay for pharmacists based on the proposition that there have been significant changes in work since 1998, and that it was necessary for the APESMA to adduce evidence addressing the relevant legislative provisions and demonstrating the facts supporting the proposed pay increases. The brief requested a literature review to identify changes in work value between 1998 and 2016 and semi-structured interviews with a sample of community pharmacists to explore their understanding and experiences of change in work value between 1998 and 2016.

[20] Professors Krass and Aslani prepared Part I of the Report, which was the requested literature review. They also prepared, with the assistance of Dr Vivien Tong, Part II of the Report, which was based on the requested semi-structured interviews. Professor Krass gave evidence before the Commission concerning the Report.

[21] The Preface to Part I of the Report discloses that the literature review was “*conducted to explore the range and evidence for cognitive pharmaceutical services delivered by pharmacists in community settings*”. The definition of “*cognitive pharmaceutical services*” (CPS) used was derived from one proposed for use in relation to professional pharmacy services as follows:

“A professional pharmacy service is an action or set of actions undertaken in or organised by a pharmacy, delivered by a pharmacist or other health practitioner, who applies their specialised health knowledge personally or via an intermediary, with a patient/client, population or other health professional, to optimise the process of care, with the aim to improve health outcomes and the value of healthcare.”

[22] The Preface went on to say that although the definition encompassed services which could be delivered by other health care professionals within a pharmacy setting, the focus of the Report was on the roles, responsibilities, and value of community pharmacists with respect to the provision of cognitive pharmaceutical services in community settings.

[23] The background to Part I of the Report included the following (omitting footnotes and references):

“Facilitating quality use of medicines: evolution of community pharmacy practice in Australia

Pharmacists play a vital role in supporting QUM, one of the four key components of the National Medicines Policy, which denotes ensuring medication use by patients is judicious, appropriate, safe and efficacious. The National Competency Standards Framework for Pharmacists in Australia, published by the Pharmaceutical Society of Australia, is underpinned by the National Medicines Policy.

Community pharmacy contributes to the facilitation of quality use of medicines. With the emergence of the concept of pharmaceutical care, patient-centred care within pharmacy practice has gained momentum, challenging the traditional dispensing-oriented role of pharmacists. Evident expansion of the provision of cognitive pharmaceutical services (CPS), within the community pharmacy setting is occurring both nationally and internationally. Pharmacy practice in Australia has since undergone a significant paradigm shift over the last two decades.

Pharmacy education

Accredited pharmacy programs in Australia should deliver a curriculum which helps equip pharmacy graduates with the necessary foundation for commencement of the intern training program, and then to progress on to achieve the competencies set out in the national competency standards for pharmacists. When comparing the overall indicative pharmacy curriculum components in place in 2008 versus those currently implemented (effective from January 2014), several notable differences are evident, reflecting changes in pharmacy practice. Along with changes to pharmacy curricula and subsequent training to upskill graduates to ensure they are workforce-ready, pharmacists are now also required to engage in continuing professional development (CPD) throughout their careers. To be able to provide some of the remunerated CPS, pharmacists must also undertake further training to gain accreditation, in addition to any upskilling necessary to ensure that core professional competencies are maintained.”

[24] The Prelude went on to discuss *“Government funding: supporting the viability of Australian community pharmacy”* as follows (omitting footnotes and references);

“In Australia, 5-yearly Community Pharmacy Agreements (CPAs) commenced in 1990 between The Pharmacy Guild of Australia (PGA) and the Australian Federal Government, have secured funding to support community pharmacy initiatives in promoting QUM and the viability of the industry. Over the years, increased funding has been allocated to the provision of CPS in community pharmacy. While the Second CPA (2CPA) (1995- 2000) pledged a modest amount of funding of up to \$4 million

for CPS, the current Sixth CPA (6CPA) effectively saw a doubling of funds pledged compared to the previous CPA to facilitate remuneration for CPS provision, yielding:

- \$613 million in funding to support community pharmacy programs, which comprise many cognitive pharmaceutical services,
- \$50 million for the Pharmacy Trial Program, along with
- ‘access to additional funding of up to \$600 million over the Term to support new and expanded Community Pharmacy Programmes’.

[25] The Prelude identified that when the provision of CPS are remunerated, this usually occurred via fee-for-service from government, with most such remuneration being provided to the pharmacy/pharmacy owner. Some CPS, such as DAAs and vaccinations were paid by the user of the service. The overall majority of CPA funding however remained directly linked with the dispensing/supply of medicine products to patients via the PBS. PBS reforms and price disclosure, which were aimed to reduce PBS expenditure, along with a proliferation of discount pharmacy business models, had led to financial pressure across the community pharmacy sector. An increase in CPS provision had been identified as an additional revenue source. The UTS Pharmacy Barometer, an annual report issued since 2012, highlighted in 2016 that 59% of pharmacist respondent had reported beginning to provide new CPS in the last 12 months, and 80% of employer pharmacists were providing CPS. Further, the Pharmacy Guild Customers’ Experience Index reported approximately 80% of respondent customers listed at least one of the six services as being provided by their local pharmacy: blood pressure monitoring, weight management, diabetes screening and management, vaccinations, addiction intervention and mental health support, with blood pressure checks and vaccinations the most frequently reported to be used.

[26] In relation to remuneration of pharmacists, the UTS Pharmacy Barometer reported that employed pharmacists perceived an imbalance between wages and workload expectations, and also said that an oversupply of pharmacists was leading to lower wages and devaluing of the skills of the profession. Pharmacy employers also complained that low award rates allowed discount pharmacies to pay low wages, which placed competitive financial pressure on other pharmacies which sought to pay higher wages for good pharmacists. The UTS Pharmacy Barometer reported that 68% of employed pharmacist respondents had received no change to their remuneration over the last 12 months. Pharmacy owners reported that 75% of employed pharmacists were paid \$30-\$40 per hour, which was broadly consistent with the APESMA’s 2015 Remuneration Survey. This reflected that pharmacy owners were cutting salaries and reducing staff in order to compete with discount pharmacies. One study identified the view of Australian pharmacists as being that they “*saw minimal opportunities to negotiate salaries*” as they were easily replaceable with other pharmacists willing to work for lower remuneration. This position of reduced wages and the devaluation of the skills and the value of employee pharmacists was attributed to the oversupply of pharmacists. More than half of the respondents believed that pharmacists providing CPS should be more highly remunerated than those with dispensing-oriented roles, and there were some indications that there were increasing job opportunities for “*professional services pharmacists*” providing CPS.

[27] Part I of the Report identified the aims of the literature review as being to identify the range of CPS and health services delivered by community pharmacists, changes in services over the past 20 years, changes in policy, legislation and reimbursement, changes in professional expectations and guidelines, and pharmacists’ skills, knowledge and expected competencies reflecting educational changes in training at undergraduate, intern and

postgraduate levels. The focus of the literature review was said to be “*The evidence of benefits surrounding implemented CPS that are currently or have been previously remunerated as part of previous CPSs in the Australian context*”.

[28] The Findings section of Part I of the Report identified in a table the present CPS provided in community pharmacies, and explained in each case the nature of the service provided, the skill or training required, the patient outcome benefits and the economic outcome benefits. The CPS so described were: Medication management reviews (HMRs and RMMRs); MedsCheck and Diabetes MedsCheck; Clinical Interventions; Medication Adherence Programs; DAAs; Staged Supply; Continued Dispensing; Continuity of Care, including through Community Pharmacy Liaison Services; Aboriginal and Torres Strait Islander (ATSI) QUM Service; Chronic Disease Management; Healthy Lifestyle Support; Smoking Cessation; Screening/Monitoring Activities (Health Checks); Compounding Services; Vaccination; Sleep Apnoea Services; Sexual Health Services; Mental Health Services; Palliative Care Services; Maternal and infant services; Wound Management; Advice on minor ailments; Provision of Pharmacist-Only (Schedule 3) medicines; Complementary and alternative medicine; Opioid Dependence Treatment; Return of Unwanted Medicines; and Absence from Work Certificates. The Report discussed studies which had analysed outcomes and the uptake of the identified CPS, noting that a number of them had not yet been the subject of substantial research evidence.

[29] The conclusions in Part I of the Report were, in summary, as follows:

- The roles and responsibilities of community pharmacists have expanded over the last 20 years, with a movement away from dispensing-oriented roles to increasing CPS provision in community settings.
- Fundamental responsibilities related to the dispensing and provision of therapeutic goods have provided a foundation upon which CPS can be expanded.
- Changes to legislation and funding in Australia have aided the facilitation of CPS provision and accessibility of these services to consumers in community settings.
- Pharmacists are now being remunerated for services for which funding was not previously available. Funding arrangements under the CPAs have formalised and refined pharmacists’ skills into distinct, targeted CPS.
- Each community pharmacist will likely provide multiple CPS as part of their practice of the profession and thus, increasing their work value (when considering that the evidence available for individual CPS to date is promising in terms of various different factors).
- In many instances, additional training is required to be completed by pharmacists in order to provide specific CPS interventions e.g. HMR accreditation, training to administer vaccinations, and other associated training to ensure professional standards and guidelines are met.
- With an ageing population and thus, potentially more complex medication regimens, medical conditions and potential disease burdens among the patient population,

pharmacists' diverse roles can help address the breadth of health and medication-related issues experienced.

- Each CPS provided by community pharmacists and/or in the community setting potentially contributes to improved patient health outcomes and/or economic outcomes for the health care system. Evidence from the literature also highlights the positive impact of CPS on clinical outcomes.
- There is also evidence to suggest that CPS provision is inclined to be cost-effective in many instances, which can yield savings from both the health care system and for patients as well. However, further research is still required to better ascertain the cost-effectiveness of CPS provided by community pharmacies from the perspectives of the health care system, patients, and also from the service providers where possible.
- To better determine the impact of currently implemented CPS within the Australian context, further Australian health and economic outcomes evaluations are necessary to more adequately determine the current work value of Australian pharmacists based in community settings. This will help to ensure that cost savings to the health care system are being appropriately invested back into remunerating pharmacists who provide these valuable services.
- Additional full economic evaluations are required within the Australian context to establish the extent of cost saving that CPS provide to the health care system. Evidence from the systematic reviews included in this review provide evidence to support the expanding role of community pharmacists and reinforces the need to ensure the implementation and expansion of evidence-based, value-added CPS.

[30] The objectives of Part II of the Report were set out as follows:

- to investigate and describe the cognitive pharmaceutical / health services currently provided by community pharmacists;
- to determine the reimbursement / revenue received by community pharmacists for the delivery of cognitive pharmaceutical / health services in their practice;
- to determine the self-reported patient health and economic outcomes of the cognitive pharmaceutical / health services delivered by the pharmacists;
- to determine the self-reported health system economic outcomes of the cognitive pharmaceutical / health services delivered by the pharmacists; and
- to investigate the training received by the pharmacists in delivering the cognitive pharmaceutical / health services.

[31] Part II of the Report was prepared by inviting a random sample of pharmacists in the APESMA's database to participate, and also by purposive sampling of pharmacists who were known to the research team as engaging in the provision of CPS, with variation sampling to capture pharmacists from a range of ages, years of practice, practice settings, cultural backgrounds and employee/employer status as well as to ensure gender representation. A total of 25 interviews were conducted, of which 14 were face-to-face and 11 by telephone.

[32] The key conclusions reached in Part II of the Report from the interviews may be summarised as follows:

- pharmacists perceived that a core set of services were applicable across the sector, but that the actual services provided varied between pharmacies with smaller pharmacies having to structure and prioritise service provision;
- additional support by way of an increased number of pharmacists and other staff enabled the provision of CPS;
- the role and responsibilities of pharmacists differed in terms of services provided;
- the core 6CPA-funded services reported as being delivered in community pharmacies included DAAs, HMRs, MedsChecks/Diabetes MedsChecks, clinical interventions and stage supply;
- pharmacists were responsible for checking DAAs, where DAAs were seen to facilitate improved patient adherence to medicines and QUM;
- MedsChecks allowed pharmacists to assess patients' understanding and use of their medicines, and were seen as a timely way to identify and address medication-related problems;
- HMRs enabled a detailed assessment and recommendations to be provided on a patient's medication regimen, and positive feedback received on HMRs and the implementation of recommendations were reported;
- clinical interventions encompassed a broad range of potential medication-related problems, and were primarily viewed as a change in the documentation process rather than a change in practice;
- non-6CPA CPS that were more commonly reported as being provided included point-of-care testing such as blood pressure/cardiovascular disease and/or blood glucose checks, pharmacist-delivered immunisation, and opioid substitution therapy;
- a range of other CPS were also reported including other point-of-care testing services, services provided to aged care and related facilities, chronic disease management (with and/or without diagnosis) and medication-oriented services;
- flu vaccinations were associated with a number of perceived benefits such as improved accessibility and uptake of flu vaccinations, increased convenience and perceived cost-effectiveness, and professional satisfaction;
- the most ubiquitous free service for patients was blood pressure checks; pharmacist involvement in these checks varied between pharmacies but pharmacists were involved at some point in the process, particularly in interpreting blood pressure readings;
- sleep apnoea diagnostic services were offered by some pharmacies;

- services provided to facilities such as aged care facilities commonly centred on DAA provision for residents;
- training varied significantly between undergraduate training, self-directed learning and completion of accredited training courses;
- accreditation courses were more likely completed for pharmacist-led immunisation, HMRs, and compounding;
- non-specific training typically included training received from company representatives and/or self-directed learning;
- financial support received for training undertaken by pharmacists varied; the most common course that was financially covered by employers was pharmacist-led immunisation training, but training opportunities received by staff potentially varied depending on their role within the pharmacy;
- reimbursements received for CPS varied; services typically provided at a charge to the patient included flu vaccinations, opioid substitution therapy, diagnostic testing of sleep apnoea, and absence from work certificates, while the common CPS offered free of charge to patients was blood pressure/cardiovascular disease checks;
- contributions for DAAs together with the funding received from the 6CPA was still regarded as insufficient to cover the costs involved in providing the service;
- a few participants noted that they had to decrease the fee-for-service for pharmacist-led vaccinations due to increased competition;
- pharmacists were cognisant of the notion that fee-for-service, although desired, should not act as a barrier for service uptake among patients, and user-pay funding models were not deemed appropriate for all CPS such as blood pressure checks;
- encouraging customer loyalty and maintaining rapport with other service users (such as aged care facilities) were motives for providing services for 'free';
- perceived benefits of CPS included improved patient accessibility to services and convenience, cost-effective facilitation of QUM, improved patient adherence, satisfaction, and loyalty, and improved patient rapport, health management, patient education and empowerment; however, it was noted that it was difficult to determine the true impact of CPS;
- reimbursement received by pharmacists for the provision of CPS was regarded as insufficient;
- CPS provision contributed to the need for increased wage costs for the pharmacy such as by employing an additional pharmacist, which were then offset via earnings from other aspects of the pharmacy such as the dispensing of prescriptions and/or sale of consumables;

- the perceived viability of community pharmacies had been impacted by PBS reforms;
- services were not regarded as a primary source of stand-alone income for pharmacies but rather, had flow-on effects for other aspects of the business which contributed to profitability;
- pharmacists had seen and experienced an evident expansion of services being provided in community pharmacies, and a certain level of service provision had become the status quo across the sector;
- an increased scope of practice for pharmacists has led to perceived opportunities for further role expansion in future;
- the quality of services might not be uniform across all community pharmacies;
- pharmacists' roles and responsibilities have changed, where there were now increased opportunities for clinical involvement and inter-professional collaboration in the provision of patient health care;
- reforms such as accelerated price disclosure and emergence of discount pharmacy models of pharmacy have impacted the sector, and created an impetus for the industry to evolve, so that sole reliance on pharmacy as a supply function was no longer viable;
- decreased revenue generated from dispensing prescriptions had led to increased service provision, used as a point of difference;
- perceived positive changes to the profession included the impact of increased competition leading to innovation and increased CPS remuneration via the 6CPA;
- perceived negative changes to the profession included the price-focused paradigm shift impacting the fee-for-service sought, decreased viability of community pharmacy, and the devaluing of pharmacy due to discount pharmacies and price reductions;
- the core work value of community pharmacists centred on accessibility of health care and advice, and the resultant broader impact on the community;
- pharmacists were perceived to be undervalued by others, influenced by discount pharmacies, and it was perceived that governments should better recognise the value of, and appropriately remunerate, pharmacists;
- a positive outlook on pharmacy stimulated support for increased scope of practice as well as ongoing provision of CPS;
- continued engagement in providing CPS by pharmacists was primarily motivated by patient satisfaction, professional satisfaction, view of the optimal direction towards which pharmacy should be heading, altruism, wanting to provide a service to the community to promote health, and duty of care;

- the service-oriented ethos of the community pharmacy or positive professional experiences involving senior members of the profession contributed to the service-oriented practice of several participants;
- external factors such as decreased profit margins for dispensing medicines and that other pharmacies were also offering services were also motivators for CPS provision;
- pharmacists recognised that there was limited profit earned for many CPS, and pharmacy proprietors noted that many services were being operated at a loss to the pharmacy;
- as pharmacist roles were perceived as having expanded, there was support for recognition of this expansion both professionally and financially;
- the government was seen as an important stakeholder in facilitating the increased remuneration of pharmacists;
- in general, employee pharmacists did not receive additional reimbursements for delivering services within the community pharmacy on top of their wages;
- some pharmacists felt that their wage received as an employee pharmacist was inadequate and did not reflect their knowledge, skills and contribution to health care; and
- a multitude of factors were acknowledged as impacting on pharmacist wage levels; several pharmacists reported negotiating their wage level, and believed that the onus was on the pharmacist to demonstrate their value to their employer and to negotiate their wage accordingly.

[33] The authors of Part II of the Report concluded that because the provision of professional services had become part of the status quo for the practice of the profession, “[t]his change indicates that there has also been a likely shift in the work value of community pharmacists”. In cross-examination Professor Krass affirmed this conclusion, saying:

“... I think the notion is that we were coming from the understanding is that the salary levels have not changed; in fact they have declined as I understand it. They have declined very significantly, and yet pharmacists are being expected to do more. The scope of their activities, the skill required to actually execute those activities has increased and changed over time, and that has not been reflected in the remuneration that they've received, and I would argue beyond that, if I might indulge you, that the community pharmacy agreements have delivered remuneration directly to the community pharmacy, but there's been no commensurate payment to the pharmacists themselves. So the employee pharmacists have been expected to do that – to expand the range of activities that they deliver, but that has not been reflected in any change to their salaries.

When you say you would argue you're advocating that as a position or are you advocating that as the outcome of the semi-structured interviews?---That's what I found out from the interviews, yes.”³

Professor Clarke

[34] Professor Philip Miles Clarke is Professor in Health Economics within the Centre for Health Policy at the Melbourne School of Population and Global Health in the University of Melbourne. He was commissioned by the APESMA via a research brief to provide a report on the current financial status of the community pharmacy industry covering: changes in the income received from government by community pharmacies since the late 1990s; any increases or reductions in remuneration received and the reasons for these changes; the profitability, or otherwise, of community pharmacies within Australia and an analysis of the reasons for their profitability; and whether a work value increase in the minimum rates of pay specified in the *Pharmacy Award* as proposed by the APESMA would have a significant negative impact on the financial sustainability of community pharmacies.

[35] In his report,⁴ Professor Clarke explained the regulatory framework in which community pharmacies operated. They are protected from competition by two sets of government regulations that form part of the Community Pharmacy Agreement, which is negotiated every five years between the Federal Government and the PGA and regulates most aspects of the pharmacy sector. The CPA provides for ownership rules which disallow non-pharmacists from owning a pharmacy in Australia and effectively prevent supermarkets and international pharmacy chains from owning pharmacies in Australia, while location rules restrict the establishment of new pharmacies within regulated distances (typically 1½ kilometres). Professor Clarke gave evidence that the ownership and location rule restrictions have prevented new entrants into the pharmaceutical sector, in that the number of pharmacies in Australia has remained relatively static for almost 50 years, over which period the number of medical practitioners had more than doubled. The result was that ratio of the number of persons per pharmacy had increased from around 2000 to 4000.

[36] In relation to pharmacy revenues, Professor Clarke referred to a performance audit of the administration of the Fifth CPA by the Australian National Audit Office (ANAO), which quantified the remuneration received by pharmacies from the Commonwealth Government for dispensing and mark-ups. The audit found that payments received by pharmacies from the Government had tripled from around \$750 million in 1991 to over \$2 billion by 2013, even after adjusting for inflation. Professor Clarke said that this growth in remuneration is due to much higher volumes of dispensing as a result of a combination of population increase, ageing, and expanded prescribing from newer classes of drugs. In addition to increases in the dispensing fees paid to pharmacists, government payments were now around 20% higher in real terms than in the early 1990s due to greater pharmacy remuneration from mark-ups.

[37] Professor Clarke outlined the findings of the ANAO report that more than 18% of pharmacies in Australia receive more than \$1 million in remuneration from dispensing drugs listed on the PBS, with 140 more pharmacies moving into the top-earning bracket when the 2012 and 2013 financial years were compared. He stated that the high profitability of

³ Transcript at PN1890-PN1893.

⁴ See Report of Professor Philip Clarke and associated documents, Exhibit 11

established pharmacies meant that business sale prices were very high, with the cost of inner-city and suburban pharmacies running into millions of dollars. These prices locked out many pharmacy graduates from ever owning their own business due to inflated business prices, and also mean that new entrants are saddled with levels of debt that turn what should be profitable businesses into marginal ones. Professor Clarke gave evidence that this creates a cycle of rent seeking: the ownership and location rules protect existing owners, forcing the next generation of owners to buy their businesses at inflated prices and thus seek ever more protection from competition in order to be profitable or even viable.

[38] In cross-examination, Professor Clarke acknowledged that not all pharmacies are part of the PBS (which is the scheme under which pharmacies are remunerated by the Government for dispensing scripts for scheduled medicines). He accepted that the practice of simplified price disclosure has reduced the benefits that pharmacies were getting, beyond the standard remuneration. Professor Clarke clarified that whilst the location and number of pharmacies in Australia is currently frozen, the number of pharmacists operating within the pharmacies has increased. However it remained the case that the pharmacist to population ratio is falling. Professor Clarke was of the view that this affected the labour market bargaining power of pharmacists, in that if employment opportunities for employed pharmacists are suppressed by restricting the number of pharmacies, this may impact on the price of a pharmacist's labour. Alternatively, in the presence of a monopoly, or some degree of monopoly by the employer, the bargaining powers change and that places downward pressure on wages of pharmacists. He stated that ultimately, the impact of the regulatory restrictions on the labour market would be determined by demand and supply factors.

[39] Professor Clarke conceded that the available data concerning the profitability of pharmacies is imperfect and is ultimately based on averages rather than looking at the specific profitability of individual pharmacies. He acknowledged that not all pharmacies would be highly profitable and highlighted the lack of good public data in relation to the profitability of pharmacies. However the rules and restrictions applicable to pharmacies provide a regulated operating environment that protects existing pharmacy owners. There is a significant spread of remuneration to pharmacies from dispensing drugs listed in the ANAO report with only 18% being in the top income bracket, and an increase to wages could affect low-income pharmacies, and in turn have consequences for the employment of pharmacists.

Dr Geoffrey March

[40] Dr Geoffrey March is the President of Professional Pharmacists Australia, a division of the APESMA, and is also a National Assembly member of the APESMA. He has held various academic and professional appointments throughout his career, including as a Lecturer at the School of Pharmacy and Medical Sciences at the University of South Australia until his retirement in 2016. He was a registered pharmacist from 1977 until he retired from the profession in 2016, and worked as a practising pharmacist until 1997.

[41] He provided two statements in support of the claim. In his first statement dated 10 December 2017,⁵ Dr March referred to his period of practice as a pharmacist, and said that when he commenced practice as an intern in 1976, he was ethically prevented from discussing or describing medication to patients, and his training and practice involved a focus on the

⁵ Statement of Dr Geoffrey March dated 21 December 2017, Exhibit 1

drug itself, how it worked, dosages and formulation. He was not trained to appreciate consumer wants, desires or needs, and it was expected that the consumer would accept his directions.

[42] Dr March described a process of policy reform commencing in 1987 when the World Health Organisation issued a resolution calling upon all member countries to develop a national medicinal drug policy. In 1988 the Australian Government committed itself to the establishment of such a policy. The Australian Pharmaceutical Advisory Council (APAC) was subsequently established as a multi-disciplinary representative body, and in 2000 it published the National Medicines Policy. The QUM strategy was also introduced in conjunction with the policy in 2000. A second committee established by the Australian Government, the Pharmaceutical Health and Rational Use of Medicines (PHARM) committee, also provided advice to the Minister and Department for Health and Ageing concerning strategies for the QUM in Australia.

[43] In line with the principles of the National Medicines Policy, the strategy for achieving QUM was based on a partnership approach, in which a “medication team” consisting of consumers, doctors, pharmacists and nurses who each have a role to play in ensuring the medicines are used wisely in an environment that both supports and is conducive to the QUM. The strategy was implemented by pharmacists in a number of ways, including in interactions with individuals patients, community groups and organisations.

[44] Dr March gave evidence that he was part of a research team that investigated the development and implementation of a pharmacy practice based on the philosophy of pharmaceutical care as the QUM strategy where pharmacists in collaboration with the consumer and the consumer’s medical practitioner worked to identify and resolve medication-related problems. One outcome of this research was the implementation of the HMR program, firstly in aged care facilities and eventually in the community.

[45] Dr March considered that the developments he described caused the “*practice paradigm*” in the pharmacy profession to change from pharmacists dispensing medication for a medical condition to a focus on the person suffering from a medical condition for which medication may or may not be appropriate. In terms of the University education of pharmacists, it was no longer sufficient for pharmacists to be trained only in all aspects of medicines including their formulation and action on the body. They also needed the ability to apply that knowledge through the use of “soft” skills - for example, by effective communication with customers and collaboration with other health professionals. New courses were added to the pharmacy curriculum to teach students the necessary skills to become patient care practitioners. These “Applied Therapeutics” courses covered topics such as pharmacists’ roles and responsibilities; understanding the health system; the role of standards, guidelines and ethics in practice; communication theory and skills development; cultural sensitivity; behavioural theory and application; problem solving skills including the basis of the pharmaceutical care model; inter-professional learning and collaboration; literature researching and critical evaluation skills to facilitate access to independent information; and understanding the roles and responsibilities of various professional bodies.

[46] By the time of his retirement in 2016, Dr March stated, pharmacy students were being taught to accept responsibility for the outcomes of the prescriptions and over-the-counter medicines they were dispensing by being able to effectively communicate with customers, exploring behavioural strategies to assist consumers in changing behaviours, developing the

skill to identify and resolve medication related problems, and communicating effectively with other health professions. These changes in the curriculum preceded changes in practice in the community setting, so that as at 2000 relatively few pharmacies had established a practice involving medication review and it was a challenge to find pharmacists who were beginning to practice in a more patient-centred manner or providing specific patient care services or student placements.

[47] Dr March also described the commencement of the accreditation of pharmacy programs in 1998 with the creation of the New Zealand and Australian Pharmacy Schools Accreditation Committee. The latest Accreditation Standards introduced in 2014 include a learning domain relating to the health consumer, which was an acknowledgement of the supremacy of the consumer in practice.

[48] In his reply statement dated 30 April 2018,⁶ Dr March further detailed the changes in education as a result of adopting a more patient-centric approach. He said that the new patient-centred approach started to be implemented partially in universities in around 1998 and was rolled out in the following few years. In a formal sense patient-centred care became a core part of practice with the National Medicines Policy in 2000. QUM was at the heart of the policy, and it emphasised: selecting management options wisely; choosing suitable medicines; using medicines safely and effectively; greater engagement with the patient; understanding the health-care system and inter-professional learning and collaboration; making more complex judgments in applying standards, guidelines and ethics' communication theory and skills development, cultural sensitivity, behavioural theory and application, and problem-solving skills; and literature research and critical evaluation skills. Dr March set out that pharmacists were now required to engage on a higher level with patients and were not only required to consider the impact of medication on patients, but also matters such as the availability of other therapies, and costs for the individual, the community and the health system as a whole.

[49] In terms of the impact of the proposed variation on collective bargaining within the pharmacy industry, Dr March stated that, with the exception of one chain of pharmacies, no other community pharmacies have consistently entered into enterprise agreements. He noted that the majority of community pharmacies are geographically diverse and have fewer than 20 employees. He stated that this made it difficult to commence bargaining with these pharmacies.

Amy Thomson

[50] Amy Thomson⁷ is an Emergency Medicine Specialist Pharmacist employed by NSW Health at the Mona Vale Hospital NSW and a Specialist in Poisons Information at the NSW Poisons Information Centre at The Children's Hospital Westmead. She is currently classified as a Pharmacist Grade 3 at Mona Vale and a Pharmacist Grade 2 at NSW Poisons Information Centre.

[51] Ms Thomson stated that her duties as an Emergency Medicine Specialist include:

⁶ Reply Statement of Dr Geoffrey March dated 30 April 2018, Exhibit 2

⁷ See Statement of Amy Thomson dated 10 December 2017, Exhibit 4

- the provision and development of clinical pharmacy services;
- obtaining detailed medical histories from patients;
- undertaking medication reviews;
- preparing pharmaceutical care plans;
- providing information to nursing and medical staff on relevant aspects of drug usage and availability; and
- strategic planning for the pharmacy department.

[52] In relation to her appointment as a Specialist in Poisons Information, Ms Thomson stated her main responsibilities include:

- the assessment of patients exposed to various toxins and advice on treatment;
- advising on the treatment of bites and stings and on the side effects and interactions of medications; and
- answering general queries relating to poisoning, pesticides and chemical safety.

[53] Ms Thomson was awarded a Bachelor of Pharmacy at Sydney University in 2010. She described in detail the content of her undergraduate course, which she said had a focus on the quality use of medicines and how to improve patient outcomes. Relevantly, students were taught how to perform professional services and to integrate into the health care team, why pharmacists as experts were essential to the health care team, and how best to communicate to patients and doctors to improve patient outcomes. As examples of training in this area, Ms Thomson said she did a laboratory exercise about the appropriate use of amitriptyline for different patient groups, particularly the elderly; participated in role plays communicating key health messages to the general public; and learnt how to communicate with medical prescribers.

[54] Following the completion of her degree, Ms Thomson obtained provisional registration with the Pharmacy Board of Australian Health Practitioner Regulation Agency (AHPRA). Ms Thomson set out that for her intern year she was required to complete 1824 hours of supervised practice, make and complete a training plan including obtaining 40 CPD points, undertake a written and an oral examination (with an overall pass mark of 65%), and complete the University of Queensland Pharmacy intern training course. The written examination included areas such as professional and ethical practice, the supply of prescribed medicines, the preparation of pharmaceutical products, and the delivering of primary and preventative health care. There was also a role play element based on a scenario where a patient presented a script for a medication, under questioning disclosed she had a history of seizures, and contact had to be made with the prescriber to recommend alternate treatment. Skills taught in her intern year included detecting, diagnosing and treating minor ailments, detecting more serious conditions, when to refer patients to another professional and how to treat the more serious condition.

Cameron Walls

[55] Cameron Walls⁸ is a Pharmacist Manager at a pharmacy in Wodonga, Victoria. He completed his degree in pharmacy at Charles Sturt University in 2009, and gained full registration as a pharmacist in 2011. He worked in two other pharmacies before his current position. He is classified as a Pharmacist Manager under the Pharmacy Award. He is paid \$44 per hour Monday-Friday, \$55 per hour for Saturdays and overtime, and \$65 per hour on Sundays.

[56] In addition to managing the business, Mr Walls undertakes duties providing prescriptions and medicines (typically dispensing 130-150 prescriptions per day), and performing services such as providing medical leave certificates, in-Pharmacy medication reviews, supervision of daily medication collection, screening and provision of sleep apnoea treatments and weight management consultations, and ensuring the pharmacy operates within the relevant legal framework and professional standards. He is required to supervise or be involved in the supply of Schedule 2 and Schedule 3 pharmacy-only medicines where the patient does not require a prescription. It is necessary for him to ensure that such medicines are safe for the person taking, by considering their medical conditions, other medications they are taking, their age and gender and any other relevant information; it is also necessary for him to make sure that the treatment is likely to be effective, considering the nature and severity of the condition, the treatment options and, when required, to recommend an alternative treatment or make a referral to an alternative healthcare provider.

[57] Mr Walls also gave evidence that his duties now increasingly involve the provision of “*professional services*” which do not necessarily involve the sale of medicines or products. These include such services as:

- pharmacist vaccinations;
- providing medical leave certificates;
- opioid replacement therapy;
- dose administration aids;
- staged supply;
- clinical interventions;
- sleep apnoea screening and treatment;
- weight loss programs;
- in-pharmacy medication reviews (MedsCheck and Diabetes MedsCheck);
- HMRs; and
- blood pressure, blood glucose and cholesterol screening.

[58] He stated that with the exception of vaccinations and HMRs, he had personally provided all of these services, and that many of these professional services required training and accreditation in addition to his pharmacy degree. He set out that he had received specific training to provide opioid replacement therapy in accordance with Victorian legislation, sleep apnoea screening and treatment, and a specific weight loss program.

[59] In addition, Mr Walls stated that as a Pharmacist Manager, he had developed skills in human resourcing, stock control, and financial analysis. He stated that his pharmacy degree

⁸ See Statement of Cameron Walls dated 15 December 2017, Exhibit 5

did not provide him with these skills nor had he received any formal training from his employer. Finally, Mr Walls set out that increasingly, the responsibility of managing pharmacies is being undertaken by pharmacists who do not have ownership of the pharmacy, and that the training of interns is now falling on employees within the pharmacy, rather than the owner of the pharmacy. In that connection he has taken on the role of Preceptor, which involves supervising the learning and competence of an intern pharmacist during their registration year.

[60] Mr Walls also referred to the introduction of compulsory CPD and learning plans, which has occurred since he graduated. This had increased the burden of work in terms of documenting his learning activities, and all CPD activities had to be done in his own time and at his own expense.

Katerina Malakozis

[61] Ms Katerina Malakozis⁹ is employed as Pharmacist in Charge at National Pharmacies in Adelaide, and is paid \$48.51 per hour. She gained full registration as a pharmacist in 1989, and has been employed since then in a range of pharmacies. Her responsibilities extend from managing all employees of the pharmacy and ensuring they have proper training, dispensing prescriptions and checking compatibility with other medications, counselling patients concerning how to take their medications and how they work and what to expect from them, performing MedsChecks, administering influenza inoculations, supplying Pharmacist Only Medicine, issuing absence from work certificates, supplying and packing DAAs, providing health information to patients, taking back and disposing of unwanted medicines, operating diabetes assistance functions under the National Diabetes Supply Scheme, acting as Preceptor for interns, and ensuring the safe storage of medicines and providing advice about this.

[62] Ms Malakozis gave evidence that during her period of employment as a pharmacist she had experienced a “*dramatic change*” in procedures and processes and in her work. At the commencement of her career in 1989/90, the main tasks she performed related to dispensing medication and providing information surrounding prescriptions. The prescriptions also had to be collated and missing scripts identified and removed from the claim, and then sent to Department of Health for payment. These tasks were now performed by dispensary technicians, but the pharmacist still needed to check the claim and personally sign it off. Today, Ms Malakozis said, there was much more work in her daily tasks. Increasingly the general public would seek medical advice from pharmacists rather than from their general practitioner. She stated that pharmacists had become more accessible and now offered services such as providing medical leave certificates, administering vaccinations, providing codeine products, and providing advice in respect of both minor and major health concerns (which often required referral to a GP). Ms Malakozis set out that there is a greater demand by the community to have a pharmacist deal with their health issues before they go to the doctor. Customers also sought advice on weight loss and the use of complementary medicines, and may want their blood pressure, blood sugar and/or cholesterol checked. Other interactions with customers included assistance with medication packs, dealing with requests to get expired scripts renewed, advice about generic medications and dealing with medications that are out of stock.

⁹ See Statement of Katerina Malakozis dated 20 December 2017, Exhibit 6

[63] Ms Malakozis said that she typically was involved in the dispensing of 250-350 prescriptions per day, along with constant requests for advice. All products dispensed were scanned using a Medicare/drug scanner to ensure minimal mistakes, and during this time it was necessary to record customer interactions, review customer history and offer advice and MedsChecks. It may also be necessary to administer first aid, deal with a customer in crisis, contact a GP about a prescription and check PBS claims. She also had the management responsibility to ensure staff complied with the new Professional Practice Standards and Code of Ethics. Generally, the scope of regulation of the profession requiring compliance had significantly expanded, including the introduction of mandatory CPD. The downscheduling of medication, which had increased the number of pharmacy-only medicines, had increased the workload.

[64] Mr Malakozis' employment was covered by an enterprise agreement, with National Pharmacies having entered into a series of enterprise agreements over 20 years. The current agreement provided for study leave and assisted in contributing towards accreditation of pharmacists to perform HMRs.

Cardin Le

[65] Cardin Le¹⁰ is currently employed as a Pharmacist in Charge at a pharmacy in Wagga Wagga, at which he is paid \$37 per hour for ordinary hours, \$45 per hour on Saturdays and \$50 per hour on Sundays and public holidays. He graduated at Charles Sturt University in 2009 and gained full registration as a pharmacist in 2011. His current duties include rostering pharmacists, dispensary management, stock orders and control, inventory, compounding non-manufactured medicines, and reporting to owners. He stated that during his time working as a pharmacist, he had observed a number of changes to the profession. Mr Le said that the profession had evolved from predominately dispensing medicines and administration to an increased demand for professional services. The services included counselling patients, daily staged supply of methadone to assist with the elimination of drug addiction, providing vaccinations, medications reviews, and QUM.

[66] Mr Le stated that an ordinary day involved dispensing approximately 250 or more scripts, checking Webster packs (a type of DAA), providing consultations for, on average, 20 walk-in patients per day regarding minor health advice or pharmacist only medicine requests, conducting medication reviews and administer walk-in vaccinations.

[67] Mr Le's evidence was that the demographic of the pharmacy in a rural area was significantly different from other pharmacies in that there is diversity in age, ethnic backgrounds and socio-economic circumstances. Dealing with patients with special requirements, such as ones who spoke limited English, in combination with dispensing their prescriptions and managing the supervision of staff, whilst other customers were left waiting, caused pressure in the role particularly when Mr Le was the sole pharmacist on duty. Mr Le stated that there may be the need to dispense between 250 and 350 scrips during an eight hour shift, some being more complicated than others, and requiring the provision of particular advice to customers.

¹⁰ See Statement of Cardin Lee dated 13 December 2017, Exhibit 7

[68] Mr Le emphasised that there was a significant amount of new work in the role not previously undertaken by pharmacists, compared to when he had commenced practising in 2011. This new work included administering vaccinations, the impact of QUM, down-scheduling of medicines, and the administration of medication to an ageing population. Accordingly, Mr Le stated that there is more work and pressure on pharmacists without any additional remuneration. The evidence was that often prescription choices made it necessary to exercise judgement and skill in relation to the suite of appropriate medication.

[69] In addition he stated that since the completion of the undergraduate degree, further training has had to be undertaken to perform many of the newly required pharmacy services. The further training included training for vaccinations, medication reviews, and down-scheduling of drugs.

Leon Wai Hon Yap

[70] Leon Wai Hon Yap¹¹ is employed as a Clinical Hospital Pharmacist at the Gold Coast Health and Hospital Service. He completed a Bachelor of Pharmacy at the University of Queensland in 1998, and gained full registration as a pharmacist with the Pharmacy Board in 1999. Mr Yap's employment is classified as a Health Professional Level 3 Paypoint 6 at \$45.40 per hour under the *Health Practitioners and Dental Officers (Queensland Health) Award - State 2015*, a Queensland state award. Prior to his current position, he worked in community pharmacies from 1999 until 2016. In his last pharmacy in 2016 he was paid \$35 per hour Monday-Friday and \$40 per hour on Saturdays.

[71] He set out that during his career he had seen changes in both the way he performed his work and the types of work performed. Mr Yap stated that whilst at university from 1996 to 1998, the curriculum focussed on the pharmacology of medicines, basic human anatomy, human physiology, basic medicine compounding, the science behind medicine design and delivery systems, prescription legalities, dispensing, patient counselling, and over the counter prescribing.

[72] Mr Yap stated that in 1999, to satisfy the requirements to be eligible for registration in Queensland as a pharmacist, he was required to complete an open book written exam and to complete 48 weeks of supervised practice. He stated that the exam covered topics such as pharmacy law and ethics, pharmacological questions, and pharmacy practice questions. His first job as a pharmacist consisted of serving customers with minor ailments, receiving prescriptions from customers, interpreting and dispensing prescriptions, explaining to customers how to use medications, and providing over the counter medications to treat minor ailments, limited to conditions such as colds and flu, minor aches and pain, hay fever and minor skin irritations. Other duties included collating prescriptions for reimbursement by the government under the PBS, ordering stock and placing stock on the shelves. He provided customers with over-the-counter medicines, but the quantity and variety of these was much smaller than today. The minor ailments he diagnosed and treated were limited to conditions such as colds and flu, minor aches and pains, hay fever and minor skin irritations.

[73] Mr Yap outlined the responsibilities of contemporary pharmacists, and stated that pharmacists were now required to be trained and competent to diagnose, treat, or to decide

¹¹ See Statement of Leon Wai Hon Yap dated 18 December 2017, Exhibit 8

when to refer a patient to a doctor for, a much wider range of conditions. These new duties related to “*bacterial conjunctivitis (Chloramphenicol), Nausea related to migraine (Metoclopramide and Prochlorperazine), medicated weight loss treatments (Orlistat), provision of Proton pump inhibitors (PPI' s) for the treatment of Gastroesophageal Reflux Disease (GORD), assessing the requirement for and providing nasal decongestants facilitated with the use of Project Stop, providing Emergency Contraception (the morning after pill), oral antiviral treatments for cold sores (Famciclovir), oral treatments for vaginal thrush (fluconazole) and the provision of Naloxone for the emergency treatment of acute opioid overdose.*”

[74] Furthermore, he stated that the provision of Emergency Contraception required pharmacists to be able to determine not only that the product will be appropriate, safe and effective for the particular patient but also to be able to assess and assist in cases where the patient may be underage or there is the possibility that a sexual assault has taken place. He stated that this may require specialist knowledge of local sexual health clinics, sexual assault services as well as the requirements for mandatory reporting of suspected cases of child sexual abuse. Pharmacists also now had to operate a screening and recording database (Project Stop) established by the PGA to facilitate the supply of nasal decongestant products containing pseudoephedrine.

[75] Mr Yap said that the dispensing process had become “*slightly faster*” due to improved technology and better software, but his patients had increased requirements to assess the appropriateness of a treatment due to the higher prevalence of type 2 diabetes, heart disease, neurological conditions, autoimmune diseases, and the increasing complexity of the medicines used to treat these conditions. He stated that this had resulted in more complex and comprehensive patient counselling, in order to better educate patients on the medicines they are taking. He stated that this was in addition to the demands of patients who were generally becoming more interested in their health and medicines and requesting more information about medicines. The introduction of Quality Standards as part of the QCPP from around 2000-1 onwards placed a greater burden on the pharmacist in charge or pharmacist manager, who usually undertakes the role of QCPP standards coordinator. The introduction of dose administration aids, which occurred since Mr Yap became registered, was an important but time consuming and mentally challenging service. Creating a DAA involved repacking a person’s dispensed medicine into a single disposable 7-day blister pack that sets out a person’s medicines in an easy-to-read and accessible way. The role of packing DAAs is often carried out by pharmacy assistants, although in smaller pharmacies it may be carried out by the pharmacist, but they always need to be checked for accuracy by the pharmacist. The number of persons on opioid replacement had increased in Mr Yap’s experience from 5-19 to 20-40, the legal requirements for dispensing opioid had become more explicit and the types of opioid replacement had increased. Each patient who presents to the pharmacy for opioid replacement has to be identified and assessed as to whether they are able to be dosed, and the pharmacist must then measure out the dose, provide it, watch it being consumed and make sure it is not diverted. In addition, a range of recording requirements must be carried out.

[76] Mr Yap stated that with the establishment of the Pharmacy Board of AHPRA in around 2000, pharmacists are now required to complete a certain amount of hours of CPD. For the most part, this learning had to be done in the pharmacist’s own time and very rarely were pharmacists paid to undertake this learning.

[77] He also referred to the advent of professional services now being provided by community pharmacies. These professional services included HMRs, MedsChecks and Diabetes MedsChecks, and in the case of one pharmacy where Mr Yap was employed, a Clozapine clinic. In order to provide HMRs, a pharmacist had to obtain accreditation, which involved either a face-to-face workshop or online preparatory course, the completion of a communication module, a multiple choice examination and the completion of four case studies by correspondence. In respect of HMRs, a portion of the money the pharmacy receives from the federal government, through 6CPA funding for this service is passed on to the pharmacist. In the case of MedsChecks and Diabetes MedsChecks, he stated that very rarely was any of the money that the pharmacy received as part of 5CPA and 6CPA funding shared with the actual pharmacist performing these services. The conduct of a Clozapine clinic in the last pharmacy Mr Yap worked in involved servicing 30-40 clients per clinic and required a patient's blood test results to be inspected and signed off on a special monitoring website, and the details of dispensing of the Clozapine entered into the website. This process was time consuming and only commenced about 3 years ago.

Jennifer Madden

[78] Jennifer Madden¹² completed a Bachelor of Pharmacy at the Victorian College of Pharmacy in 1968, and gained full registration as a pharmacist with the Pharmacy Board of Victoria in 1970. She has worked, always on a part-time basis, in community, hospital, military, academic, research and consulting pharmacy roles. She remains registered as a pharmacist and is currently employed as a locum pharmacist with several pharmacies. She is currently classified as a Pharmacist in Charge, and is paid \$40 per hour. Her duties include the usual activities of dispensing and supervising the sale of Schedule 2 and Schedule 3 medicines, and providing advice on medications as requested or necessary. She is not required to pay wages or manage stock, apart from during busy times, and would make corrections to Webster Packs when needed. As an Accredited Pharmacist she manages the HMR process, and also works with nursing homes regarding RMMRs to identify suitable residents and request reviews from their doctor as well as performing them.

[79] Ms Madden gave evidence that the university curriculum when she studied pharmacy at that time focused on becoming familiar with medicines prescribed by doctors and becoming expert in over-the-counter medicines, preparations and counter dispensing (for coughs and colds, pain remedies and first aid). She studied pharmacology, physiology and drug scheduling. When she commenced working as an intern in 1969, she said there was very little pressure and responsibility, and she performed typing, compounding and packing of bulk medicines. She did a practical and oral examination at the end of her internship. Ms Madden compared this to her experience of internships in recent years as a tutor and supervisor, and said that the intern year was now intense and demanding with a lot of assignment work and a more strenuous examination at the end.

[80] In relation to the work of a pharmacist, she said that in her experience there had been little change in the work until the advent of computers, initially in dispensing, in the 1980s. Computerised records allowed easy access to a patient's history of use of medicines, and facilitated analysis of a patient's profile when dispensing medicines. The introduction of

¹² See Statement of Jennifer Ruth Madden dated 14 December 2017, Exhibit 9

Schedule 3 pharmacist-only medicines in the 1990s added another level of responsibility to pharmacists.

[81] Ms Madden said that during the 1990s, the rapidly expanding drug compendium available for prescribing, in conjunction with increased legal obligations, highlighted the need for continuing education which was initially voluntary but is now compulsory, being 40 hours required for continued registration. However it was emphasised that no increased remuneration was provided in response for this compulsory activity. She is required to undertake at least 60 hours of continuing education per year in order to maintain her registration as an Accredited Pharmacist.

[82] She set out that she had been accredited to undertake HMRs and RMMRs for about 15 years, and this constitutes about half her work. The skills required to be an Accredited Pharmacist are those of any registered pharmacist, but the accreditation process requires the pharmacist to show good communications skills at the professional and lay level and a good clinical understanding of medicines and medical conditions. To become accredited she need to undertake a course accredited by the Australian Pharmacy Council, which included a communication module and ten case studies involving the preparation of a medication profile in each case. The course took almost a year to complete. She stated that she is required to sit an exam every three years to maintain her registration as an Accredited Pharmacist. Now that she is accredited she can write the report to the doctor based on feedback from another pharmacist or her own knowledge without actually interviewing the patient, but in fact of her 800 clients she only participated in one review without actually interviewing the client.

[83] Ms Madden also identified the additional professional services and duties performed by pharmacists. She stated that she frequently provided clinical interventions to customers, extending from directing a patient who wanted an antiseptic for a dog bite to go to their doctor as the antiseptic was an inadequate therapy, to a scenario involving checking why a patient was now taking a higher strength asthma medicine than six months prior, or intervening in not selling another patient Ventolin for a cough as they had not been diagnosed with asthma. In addition Clinical Interventions occurred with particular doses of drugs where “*black box*” warnings apply, that is, the medical professional is alerted to a potential problem with a particular drug or dose of drug. Her evidence was that the intervention may only take a number of minutes, or more than 10 minutes and often involved related phone calls to a doctor or carer. These interventions reduce the burden on the health system.

[84] In relating the nature of her changed duties, she stated that in the last two days of work in the community pharmacy, she filled 304 prescriptions between 9.00 am and 5.30 pm. She completed this task with one dispensary assistant and three competent shop staff. In addition she recorded 10 interventions and a range of other discussions with patients. She also checked 50 to 60 Webster packs, made changes to 2 Webster packs and initiated a new pack. In addition she supervised the sale of 20 Schedule 3 medicines and had discussions with two General Practitioners that were time-consuming. She noted that on this day there were no requests for Blood Pressure or Blood Glucose Level checks, no vaccinations or requests from hospitals for patient profiles or supply pick-ups.

[85] She stated that increasingly, pharmacists are often asked to respond to symptom based requests where in contrast previously the pharmacist was not called on as often to communicate about medicines, they were just dispensed. She stated that since the 1980s, in terms of Schedule 3 medicines, there has been significant movement of medications down the

Schedule, which has placed pressure on Pharmacists to communicate information about these drugs to assist the patient. There is a need to dispense medications in an informed manner, taking into account the patient's circumstances.

Carmel McCallum

[86] Carmel McCallum¹³ graduated in 1977 at the University of Sydney and gained full registration as a pharmacist in 1977, and retains current registration as a pharmacist. She has worked at a range of community pharmacies, and has previously been an owner of a pharmacy, and is currently employed as a locum pharmacist. She is classified as a Pharmacist in Charge and is paid \$40 per hour. Ms McCallum's duties in her current position extend from dispensing and checking prescriptions; dispensing, checking and signing off DAAs; logging Schedule 8 medicines (including opioids, fentanyl, central nervous system stimulants such as Ritalin, and alprazolam); counselling patients regarding new prescription medications, adverse reactions or when interactions with other drugs may occur; counselling, diagnosing and recommending treatments for ailments as the first point of contact for patients; interpreting patient blood pressure readings and blood sugar levels; pain management and alternative recommendations when drug dependence is suspected; dispensing and delivery of methadone or buprenorphine under the NSW Opioid Treatment Program; issuing medical certificates; overseeing the general day-to-day performance of staff; managing the supply of drugs at the pharmacy; and ascertaining the entitlement of patients to receive prescriptions under the National Health Scheme.

[87] Ms McCallum gave evidence that she commenced work in 1977 as an unregistered graduate pharmacist in a small pharmacy in New South Wales. She stated that at that time her duties involved handwriting copies of prescriptions into a log book, handwriting repeats and typing labels on a typewriter, and that all her work was checked off by a more senior registered pharmacist. If a product such as creams, ointments or mixtures had to be prepared, it could take ten minutes to an hour and about 70-80 scripts would be processed per day. Ms McCallum stated that she was able to spend up to 10 minutes per patient, and was able to provide them with advice on minor ailments, such as bites, rashes, minor burns, injuries, allergies, upper respiratory tract infections, vomiting and diarrhoea, difficulties with new-born babies, recommending the appropriate treatment which was available over the counter, or other non-drug related action. She also made up proprietary products, such as cough medicine, in bulk.

[88] She stated that over her time in the profession she had observed additional expectations, regulations and increases in workloads for pharmacists. She stated that much of the increased workload has come about as a result of the increase in life expectancy, change in medications, and increases in co-morbidity and lifestyle disease states. Pharmacists now had to oversee the accuracy of dispensing huge numbers of prescriptions. A number of pharmacies were now providing dispensing services in locations near large hospitals with casualty wards operating 24 hours per day. She referred to the up-scheduling since the 1990s of products containing codeine, pseudoephedrine and dihydrocodeine to Schedule 3 and 3R (which required recording), which required the pharmacist to ascertain need, usage, possible interactions, adverse reactions and addiction and misuse issues. The up-scheduling of codeine products to Schedule 4 would be challenging in terms of dealing with patients with

¹³ See Statement of Carmel McCallum dated 18 December 2017, Exhibit 12

addictions. The down-scheduling of products since the 1990s also increased pharmacists' responsibilities.

[89] Ms McCallum also referred to other changes and new work such as blood pressure measurement (which might lead to a medical referral), training for the Diabetes Medication Assistance Service (although this had not proved successful), an exponential increase in the prescribing of Schedule 8 drugs over the last 6-7 years (which required much longer to be dispensed), and an increase in interventions. She had also dealt with at least six differing digital dispensing systems over the last 35 years.

[90] She stated that unlike most professionals, pharmacists were not able to make appointments for enquiries during the work day, as there was an expectation that pharmacists are available at all times during operating hours. Pharmacists were required to be available at all times of the day during opening hours while on the premises, but the pressure and workloads had increased enormously since 1977.

Mr Alex Crowther

[91] Mr Alex Crowther is employed as the Surveys Manager of the APESMA. In his first witness statement,¹⁴ Mr Crowther said that his duties include the collection of data using online surveying tools for the purposes of creating market research of interest to APESMA, and he conducts regular surveys of remuneration and employment conditions in a number of industries covered by the APESMA. Relevantly the APESMA had published the Community Pharmacists' Remuneration Survey Report series since 1995. Data published in this series was collected from members of the APESMA's pharmacy division as well as non-member pharmacists who had previously interacted with the APESMA through online campaigns or social media. He stated that the report series benchmarked the employment conditions and remuneration of pharmacists employed in the community pharmacy sector. It collected and reported data including community pharmacists' hourly rates of pay, additional responsibilities required of community pharmacists beyond dispensing medicine, sentiment regarding working in the community pharmacist sector, and demographic information.

[92] Mr Crowther's statement annexed copies of the report series since 1995. He stated the following conclusions, derived from the report series, about wages movement for pharmacists:

- The 2016 Remuneration Survey identified mean hourly rates of pay for permanent employee pharmacists at each of the classifications outlined in the Award as follows: Pharmacy Intern (\$23.02), Pharmacist (\$32.49), Experienced Pharmacist (\$36.66), Pharmacist-in-Charge (\$35.95), and Pharmacist Manager (\$38.49).
- Mean hourly rates of pay reported by community pharmacists were lower in 2016 than they were for community pharmacists surveyed in 2011, with decreases of 5.49% for Pharmacists, 3.73% for Experienced Pharmacists, 7.94% for Pharmacists-in-Charge, and 1.86% for Pharmacist Managers. Prior to 2011 community pharmacists mean hourly rates of pay had increased steadily.

¹⁴ See Statement of Alex Crowther dated 13 December 2017, Exhibit 17

- Growth in the hourly rates of pay for community pharmacists had also fallen behind growth in the Australian wages generally, as measured by the Wage Price Index (WPI), and the cost of living, as measured by the Consumer Price Index (CPI), for each of the classifications above that of Pharmacy Intern.
- Since 1998, Pharmacists had experienced a decline in the real value of their wages of 11.59%, Pharmacists-in-Charge of 7.35%, and Pharmacist Managers of 3.52%. Pharmacists had also experienced wage growth 21.47% below that of the average Australian, 17.69% for Pharmacists-in-Charge, and 14.29% for Pharmacist Managers.
- The underperformance of pharmacist wage growth relative to both CPI and WPI was largely due to stagnant and declining hourly rates of pay since 2011. Prior to 2011 pharmacists tended to outperform both CPI and WPI year on year.

[93] In respect of the this decline in wages, Mr Crowther noted that as the report series does not use the same respondents year-on-year, this was likely due to a combination of both stagnant wage movement and new entrants to the industry at each classification being offered progressively lower starting packages.

[94] The report series also surveyed whether the respondents were required to provide any professional services as part of their duties, including HMRs, RMMRs, MedsChecks, vaccinations, and other services. The results were as follows:

- MedsChecks services: 85.9%
- Vaccinations: 20.98%
- Other services: 15.41%
- HMRs: 15.41%
- RMMRs: 4.59%.

[95] Only 8.4% of respondents that performed one or more of these services reported receiving additional compensation.

[96] In his statement in reply,¹⁵ Mr Crowther referred to the Graduate Outcome Survey published by Quality Indicators for Learning and Teaching. He stated that this survey provides information regarding commencing salaries for Australian graduates, and that the latest report published January 2018 identified pharmacy graduates were the most poorly remunerated of any professionals. Based on this survey he said that “... compared to other allied health professionals, pharmacy graduates had commencing salaries 26.7% less than Nursing graduates, and 23.6% less than Psychology graduates in 2017. Compared to Engineering graduates, another professional that requires a four-year degree and covered by Professionals Australia, Pharmacy graduates have a commencing salary 31.3% less in 2017.”

¹⁵ Reply Statement of Alex Crowther dated 1 May 2018, Exhibit 18

Community Pharmacy Agreements

[97] The APESMA tendered copies of the six Community Pharmacy Agreements which have been entered into between the Federal Government and the PGA in 1990, 1995, 2000, 2005, 2010 and 2015 (amended in 2017) respectively. We will refer to certain aspects of those agreements relied upon by the APESMA.

[98] The First CPA entered into in 1990 had two parts. The first was concerned primarily with the adjustment of the Commonwealth's price for pharmaceutical benefits. That price consisted of two elements: a dispensing fee and a mark-up component. The agreement provided for the dispensing fee to be indexed in accordance with a formula that included a 75% "*labour component*" which was adjustable in accordance with award wage movements. The second part was concerned with various restrictions on competition in the pharmacy sector and dealt with matters such as the subsidised closure and amalgamation of pharmacies, the payment of an "*Essential Pharmacy Allowance*" by the Commonwealth "*to approved pharmacies to maintain an essential pharmacy service and to maintain access to pharmaceutical benefits*", ownership laws, pricing and location rules. The Second CPA entered into in 1995 removed the labour component from the indexation process, and simply used the CPI. It also dealt with various agreed restrictions on competition, and provided for the payment of an additional allowance for isolated and remote pharmacies.

[99] The Third CPA entered into in 2000 stated that it was based on a number of principles, one of which was "*expanding community pharmacy's professional roles*", and also provided for objectives that included "*development of enhanced medication reviews, in cooperation with the medical profession, aimed at improving health outcomes and quality use of medicines for the Australian community*" and "*coordination in the delivery of primary health care services and achievement of a multi-disciplinary approach to the provision of quality health and pharmacy services for all sections of the community*". The agreement contained a specific endorsement of the PGA's Quality Care Pharmacy Program as an appropriate quality assurance and professional practices standards program, and noted that funding for such standard were derived from the Pharmacy Development Program (PDP). The PDP was a program to be administered by the PGA and funded by the Commonwealth to the amount of \$188 million over five years for the purpose of promoting "*the enhanced involvement of community pharmacy in the pursuit of quality and cost effective service delivery*". The agreement also provided for Medication Management Services (MMS) to patients in residential aged care and domiciliary settings to "*reduce the risk of drug misadventure and optimise the benefits achieved from drug treatment by focussing on the achievement of quality use of medicines*." The Third CPA stated that it "*builds on previous arrangements for delivery of medication review by incorporating several new elements*", including MMS to residents of residential aged care facilities, domiciliary MMS and case discussion and care planning, and these would be funded to the amount of \$114 million over the life of the agreement.

[100] The Fourth CPA entered into in 2005 had different principles and objective, one of which was to "*ensure that the Programs target areas of need in the community including continued improvement in community pharmacy services provided to Aboriginal and Torres Strait Islander people*". It noted that the Third CPA made provision for a total of \$400 million for pharmacy programs, which included an amount contributed by the pharmacy that was funded through a reduction in the dispensing fee. The Fourth CPA indicated the amounts of funding assigned to various programs over five years, including \$73.5 million for the QCPP, \$39.7 million for DAAs, \$10.4 million each for the diabetes and asthma pilot programs, \$10.5

million for improved counselling for dispensing emergency contraception, \$66.75 million of RMMRs and \$54.15 million for HMRs.

[101] The Fifth CPA entered into in 2010 had further re-formulated principle and objectives, including to “*ensure that the Programs are patient-focused and target areas of need in the community ...*” and, in relation to professional pharmacy programs, had specific objectives including to “*recognise that beneficial health outcomes can be achieved through the delivery of evidence based professional pharmacy programs and services*”. The program finding priorities for the Fifth CPA were identified as including Medication Management Programs, Pharmacy Practice Incentive and Accreditation and Medication Continuance. In addition to the priority programs, there was funding for a new Medicines Use Review Program (to “*provide an in-pharmacy medicine review between pharmacists and patients to enhance the quality use of medicines and reduce the number of adverse medicines events*”) of \$29.6 million over five years, and funding for a number of existing programs including HMRs (\$52.11 million), RMMRs (\$70 million), Diabetes Medication Management Service (\$12.2 million), Pharmacy Practice Incentive and Accreditation (\$75 million) and Medicine Continuance (\$1 million). Other programs funded over the five years included \$97 million for Clinical Interventions by Pharmacist (which program was to “*build on 3rd and 4th Agreement Research and Development Projects to encourage Approved Pharmacists to provide and document clinical interventions arising from their patients’ medicine use*” and had the aim to “*increase the number of clinical interventions provided and documented and improve communications with patients and prescribers*”), \$132 million to support the provision of DAAs, \$35 million for the Staged supply support allowance (which program would “*provide a payment to eligible Approved Pharmacists which meet specified performance requirements in providing dispensed PBS medicines in instalments when requested by the prescriber...*”), \$5 million to support the Accreditation System and roll-out of Additional Programs to Support Patient Services, and a total of \$8 million for other programs.

[102] The Sixth CPA entered into in 2015 and amended in 2017 continued to provide funding totalling \$613 million for Community Pharmacy Programs including Medication Adherence Programs, DAAs, Staged Supply, Medication Management Programs, Clinical Interventions, HMRs, RMMRs and MedsCheck (a new name for the Medicines Use Review Program initiated in the fifth CPA).

Summary of the PGA’s Evidence

[103] The following persons gave evidence on behalf of the PGA:

- Ms Natalie Willis, pharmacist and owner of two pharmacies in Western Australia;
- Mr Angelo Pricolo, pharmacist and a partner in a pharmacy in New South Wales; and
- Mr Nicholas Loukas, pharmacist and owner of several pharmacies across Queensland.

Natalie Willis

[104] Natalie Willis¹⁶ graduated in 1994 and began practising as a pharmacist in 1996 after completing her intern year. She initially worked as a locum pharmacist, and then became an owner of a pharmacy in Western Australia in 1999 (initially as a partner and later as a sole

¹⁶ See Statement of Natalie Willis dated 18 April 2018, Exhibit 24

owner). She works in the pharmacy about three days per week performing a variety of clinical and administrative tasks. She is also a partner in a second pharmacy in Western Australia but does not work in the pharmacy itself. She said that all the pharmacists employed in the pharmacies were paid above the minimum wages prescribed in applicable Western Australian State award. No Accredited Pharmacists were employed. All her pharmacists were accredited to provide influenza vaccinations but were not paid more because of this.

[105] Ms Willis gave evidence that pharmacists had always been accountable for the safe and judicious use of medicines, but there was now a greater need to record, document and be able to justify the actions of a pharmacist in order to receive government payments and as a defence to litigation. Since 1998 there had been an increase in the level of Federal Government funding for community pharmacy services, in recognition of the capacity of pharmacies to enhance community health outcomes. Payment mechanisms had been developed for some of these services such as HMRs, MedsChecks, staffed supply, clinical interventions and DAAs. However most of these services were being performed by pharmacies prior to Government funding streams; the funding was more a recognition of the contribution of pharmacists to community health and to get these activities recorded, not to encourage pharmacies to do them. The tasks were performed by pharmacies in 1998, but were offered free of charge or on a fee-for-service basis. Because there was no funding available, the need for documentation for these activities was far less. She stated that there had been a shift in government funding in terms of the remuneration moving away from the dispensing function (as this waned) to provide for the true cost of funding the professional services activities of community pharmacy.

[106] Ms Willis said that pharmacists now routinely performed services outside dispensing and counselling such as point of care testing and formal MedsChecks. However they were still performed but were less commonplace 20 years ago and pharmacists had always been educated and qualified to perform these. The increased prevalence of these duties was offset by a greater number of dispensing staff. Pharmacists now were able to administer influenza vaccinations, which they had only been able to dispense before. Improvements in technology such as automated dispensing and scanning had improved dispensary speed, efficiency and accuracy, and developments in dispensing software had made it easier to assess the suitability of a medicine for a patient since script history, allergies and interactions with other medicines were more readily apparent. She stated that whilst automated systems existed for packing dosage administration aids, her pharmacies did not use one but instead used a computer to record medication profiles and track virtual pill counter patients. She stated that computers were increasingly used to record information and communicate with patients.

[107] In response to the list of new work claimed by APESMA, she considered that the administration of vaccinations was the only new work that required her to undertake additional training above her degree. She stated that with the exception of HMRs and RMMRs, she had performed every other professional service relied on by APESMA, either formally or informally, and had not required further education. She stated that her pharmacists have performed these services since 1998 and they are seamlessly integrated into their workflows. In the case of HMRs and RMMRs, Ms Willis stated that whilst these services required a pharmacist to obtain additional accreditation, it only required the pharmacist to prove clinical skills and adherence to a standardised documentation process, and does not require any special skills over and above those possessed by any other pharmacist.

[108] She stated asthma and diabetes management programs were highly variable, ranging from involving a patient who had an asthma action plan for an understanding of their blood glucose meter operation. Alternatively, it may involve simply ensuring the patient properly took the medication. She stated counselling on these conditions had always been part of her practice since commencement. She stated there were very few pharmacies providing specialised services in these areas where they had undertaken advanced training to provide a new service. Her evidence was that if the government decided to find a more formalised service then most of the training process driven would be a refresher in nature as pharmacists already handled these necessary clinical skills. She stated that pharmacists had always undertaken clinical interventions, with the difference being that these are now recorded.

[109] She stated that sleep apnoea services had become possible due to the advances in technology. However, she stated pharmacists understood sleep apnoea, it being a part of the university course requirement. In this regard the pharmacists play the support role in the communication with the patient and fitting of the machines but the sleep apnoea physician gives the actual diagnosis. She gave evidence that all pharmacists have undertaken drug compounding in their degree. She also stated that weight management services in a pharmacy will usually involve information on the use of meal and replacement weigh-ins and that often non-pharmacists conduct these. Point of care blood pressure testing had been undertaken by pharmacists since before she graduated. As for smoking cessation services, in most pharmacies this was largely limited to providing advice on nicotine replacement products, and rarely did pharmacies provide any formalised service involving counselling and cognitive behavioural therapy. The provision of absence of work certificates, which started in 2009, did not involve new skills, and the only training required was how to fill out a form.

[110] Ms Willis noted that the requirement to diagnose and treat of minor ailments and if necessary referral of patients to their treating medical practitioner, was not a new duty. Furthermore, in terms of the down-scheduling of various medicines from Prescription Only Medicine to Pharmacist Only Medicine, she stated that pharmacists were required to learn about these medicines when they were prescription only and are already fully conversant in these medications and the conditions they are used to treat, regardless of their scheduling. The Quality Care Pharmacy Program did not involve changed work, but was just a means of ensuring good practice. Clozapine clinics only required pharmacists to follow a process of recording pathology results into a database prior to supply, and only affected a small number of pharmacists.

[111] Ms Willis also gave evidence that there were aspects of pharmacists' work that were no longer performed. Most pharmacies were not doing any significant compounding in 1998, and now compounding pharmacies were doing more and regular pharmacies were doing less. Manual processing of PBS claims, scheduled medicine recording, reporting, ordering and stocktaking had ceased, and while prescription volumes had increased, this had not been evenly distributed. The main change from her perspective was that, unlike 1998, it was now difficult to make a viable profit from dispensing. Any increase in pressure on pharmacists was mainly caused by owners and managers not employing adequate staff in order to minimise costs. In her experience, a typical pharmacist was dispensing less prescriptions and performing more patient services than 20 years ago. Technology had vastly streamlined dispensing and reporting services, and this together with more support staff had created more time for the pharmacist to spend with the patient. The degree of interaction between pharmacists and patients varied depending upon the service model adopted at each pharmacy, but generally the industry was moving towards being a personal service industry.

[112] In Mr Willis' opinion, there had been no significant net addition to the work or responsibility of pharmacists since 1998, but pharmacists' role had evolved into one whereby the skills they learned at university were now more frequently used.

Angelo Pricolo

[113] Mr Angelo Pricolo¹⁷ is a Pharmacist and a partner in the ownership of a pharmacy located in Melbourne. The pharmacy employs 22 staff, and pays above the minimum rates in the *Pharmacy Award*. Mr Pricolo graduated in pharmacy in 1986 and was registered as a pharmacist in 1987.

[114] He stated that although the work for pharmacists has evolved over the past 20 years, their core tasks have remained the same: supplying prescription medicines to patients, and recommending additional measures and products if required. The drugs and the directions for their use changed over time, but this had always been the case and that was why continuing professional development remained essential. The need to talk to patients, understand their health issues and relevant medicines and their effects had always been part of the role of the pharmacist, although pharmacists had tended to make themselves more accessible to patients.

[115] Mr Pricolo stated that the impact of technology meant that pharmacists are now no longer required to remember significant amounts of information about various drugs and medications, and that although there are more drugs and medications available today, this information is easily accessible electronically. Pharmacists made up a lot more extemporaneous medicines in 1998 compared to now, and there are far fewer scripts that require compounding. His pharmacy began issuing medical certificates in about 2008, and this had become a popular service, but it was a relatively straightforward task drawing on the existing skills of the pharmacist to talk to a patient and understand their health issues.

[116] Mr Pricolo disagreed that there is a significant amount of new work being undertaken by pharmacists. He stated that a variety of professional services now offered by pharmacies, were in many instances done informally, and they had been formalised because they now attracted federal government funding. For instance, he stated that pharmacists have always dispensed inoculation drugs and the fact that some pharmacists are now able to inject some inoculation drugs is a "*small additional component*" to the existing practice but consistent with health care services a pharmacist had always provided. Asthma and diabetes management programs were also not new, although the form of medical treatment had changed. Similarly, HMRs and RMMRs were performed informally previously, and formal training in these services was now required to be able to claim it through the PBS. None of Mr Pricolo's pharmacists performed this task. Clinical interventions had always been performed, although they are now recorded formally to document how often they happen because the pharmacy can now be remunerated for them. DAAs were also not new, although these were now done differently through the use of blister packs. Sleep apnoea services were not provided in Mr Pricolo's pharmacy. Weight management services required talking to patients, understanding their needs and providing them with advice and products to meet that need; it did not require any additional skill or accountability. There had always been a capacity and knowledge to perform blood pressure level tests and blood glucose tests, and the

¹⁷ See Statement of Angelo Pricolo dated 18 April 2018, Exhibit 21

current devices made this task easier and quicker. Smoking cessation services were not new. Diagnosing and treating minor ailments such as colds and flu, minor aches and pains, hay fever, minor skin irritations and wounds, had always occurred and predominately only the products have developed and changed. Down-scheduling of drugs had not affected the skill, workload or responsibility of pharmacists, and it was still the role of the pharmacist to talk to the patient about the drug. The issue of emergency contraception was not common, but in any event still required the normal responsibility of ensuring that the medication was appropriate and safe.

[117] Mr Pricolo gave evidence that the introduction of quality standards had “*formalised what we have all aspired to but not in itself added to workload or the responsibility/accountability of a pharmacist.*” He stated that the pressure faced by pharmacists is not new and prioritising tasks and managing workflow has always been part of the job. He considered that there has not been a significant increase in the workload, accountability or responsibility of a pharmacist. He stated that whilst pharmacists may now spend more time talking to patients, technology has meant that less time may be spent in other areas (such as retrieving patient histories, providing insurance receipts and printing out consumer medicine information leaflets).

Nicholas Loukas

[118] Nicholas Loukas¹⁸ graduated as a pharmacist in 1991 and began practising in 1992. He has held ownership interests in pharmacies since 1993, and is currently the owner of five pharmacies in Northern Queensland. He pays all of his employed pharmacists above the minimum wage rates prescribed by the *Pharmacy Award*. He does this because the market rate is higher than the award and he has to pay more to attract suitable and experienced pharmacists to work in rural locations.

[119] Mr Loukas stated that since 1998, he has experienced a “*lessening*” in the administrative workload of pharmacists, so that although more administrative work was required for the Sixth CPA, there was less administrative work overall due to improvements in PBS claiming processes and software advances. PBS claims had in 1998 been a major component of the work, requiring extensive paper work, data claiming and couriering of claims. There had also been a huge drop in extemporaneous dispensing activities, so that it was rare to make up things such as creams and solutions. The scanning of prescriptions since 1998 had meant that the data entry work of a pharmacist had dropped significantly, and higher volumes of prescriptions were now able to be processed with the same resources due to IT improvements, and accuracy had improved, with scan checking of prescriptions taking some pressure off pharmacists. Mr Loukas said that it was his opinion that the accountability of pharmacists had decreased because of the improvements in IT systems such as script scanning and scan checking. He stated reduced administrative responsibilities had allowed pharmacists to have more direct contact with customers. In his statement, Mr Loukas considered that whilst the type of work he performed had shifted, this did not represent an overall increase in how much work was being performed.

[120] In relation to the APESMA claim that there had been a significant amount of new work taken by pharmacists, Mr Loukas disagreed and said:

¹⁸ See Statement of Nicholas Loukas dated 19 April 2018, Exhibit 22

- no one in his pharmacies performed HMRs or RMMRs;
- no one in his pharmacies performed inoculations;
- pharmacists carried out asthma and diabetes management programs in 1998, with there being a drop in the workload requirements but better education for patients and awareness of the use of preventative medicines;
- pharmacists had always done clinical interventions, but the recording of this was new;
- DAA work had been performed since 1998, although there had been a small increase in the number of DAAs provided;
- none of his pharmacies provided sleep apnoea services;
- none of his pharmacies provided compounding services;
- very little weight management services work was performed in his pharmacies and the focus was on providing general medicines advice as pharmacists had always done;
- blood pressure level tests had been conducted in his pharmacies since 1998, and the work was the same and did not require any new skills;
- none of his pharmacies did blood glucose level tests or provided smoking cessation services;
- diagnosis and treatment of minor ailments such as colds and flu, minor aches and pains, hay fever, minor skin irritations and wounds and, if necessary, referral to a medical practitioner was done in exactly the same way as in 1998;
- the introduction of quality standards through QCCP had not led to any further work load, but was just the formalisation of work practises already in place;
- absence from work certificates were not provided in any of his pharmacies as no demand for them had been identified; and
- in respect of Clozapine clinics, only one of his pharmacies had 2 patients, for which very little administrative work was required.

[121] Mr Loukas said that with the down scheduling of a large number of previous prescription-only medicines, pharmacists now had to diagnose and treat conditions such as bacterial conjunctivitis (chloramphenicol), nausea related to migraines (Metoclopramide), medicated weight loss treatments (orlistat) provision of pump inhibitors (PPI) for treatment of GORD, nasal decongestants (facilitated with the use of Project Stop), providing emergency contraception(morning after pill), oral antiviral treatments for cold sores (famciclovir), oral treatments for vaginal thrush (fluconazole) and the provision of Naloxone for the emergency treatment of acute opioid overdose. However he said that this had caused very little change in work load as the same amount of the mentioned conditions were presented at the pharmacy;

the diagnosis process was the same as it was in 1998, but there were better options for treatment to recommend to patients. Mr Loukas did accept that emergency contraception was new work for pharmacists, and that whilst it did represent an increase in the accountability and responsibility of a pharmacist, there were no other instances of this. He also said that dangerous drug recording was a manual task required in 1998 which was now undertaken electronically.

Statutory framework and the assessment of work value

[122] The task required to be undertaken in a 4 yearly review is set out in s 156(2) as follows:

What has to be done in a 4 yearly review?

(2) In a 4 yearly review of modern awards, the FWC:

- (a) must review all modern awards; and
- (b) may make:
 - (i) one or more determinations varying modern awards; and
 - (ii) one or more modern awards; and
 - (iii) one or more determinations revoking modern awards; and
- (c) must not review, or make a determination to vary, a default fund term of a modern award.

[123] The conduct of the 4 yearly review is subject to s 138, which provides:

138 Achieving the modern awards objective

A modern award may include terms that it is permitted to include, and must include terms that it is required to include, only to the extent necessary to achieve the modern awards objective and (to the extent applicable) the minimum wages objective.

[124] The modern awards objective is set out in s 134 of the FW Act, and provides as follows:

134 The modern awards objective

What is the modern awards objective?

(1) The FWC must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions, taking into account:

- (a) relative living standards and the needs of the low paid; and

- (b) the need to encourage collective bargaining; and
- (c) the need to promote social inclusion through increased workforce participation; and
- (d) the need to promote flexible modern work practices and the efficient and productive performance of work; and
- (da) the need to provide additional remuneration for:
 - (i) employees working overtime; or
 - (ii) employees working unsocial, irregular or unpredictable hours; or
 - (iii) employees working on weekends or public holidays; or
 - (iv) employees working shifts; and
- (e) the principle of equal remuneration for work of equal or comparable value; and
- (f) the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden; and
- (g) the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards; and
- (h) the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.

This is the modern awards objective.

When does the modern awards objective apply?

- (2) The modern awards objective applies to the performance or exercise of the FWC's modern award powers, which are:
- (a) the FWC's functions or powers under this Part; and
 - (b) the FWC's functions or powers under Part 2 6, so far as they relate to modern award minimum wages.

Note: The FWC must also take into account the objects of this Act and any other applicable provisions. For example, if the FWC is setting, varying or revoking modern award minimum wages, the minimum wages objective also applies (see section 284).

[125] The minimum wages objective is set out in s 284(1), which provides:

284 The minimum wages objective

What is the minimum wages objective?

(1) The FWC must establish and maintain a safety net of fair minimum wages, taking into account:

- (a) the performance and competitiveness of the national economy, including productivity, business competitiveness and viability, inflation and employment growth; and
- (b) promoting social inclusion through increased workforce participation; and
- (c) relative living standards and the needs of the low paid; and
- (d) the principle of equal remuneration for work of equal or comparable value; and
- (e) providing a comprehensive range of fair minimum wages to junior employees, employees to whom training arrangements apply and employees with a disability.

This is the *minimum wages objective*.

[126] The general principles applicable to the conduct of the 4-yearly review were recently summarised in *Alpine Resorts Award 2010*¹⁹ as follows:

- section 156(2) provides that the Commission *must* review all modern awards and *may*, among other things, make determinations varying modern awards;
- “review” has its ordinary and natural meaning of “survey, inspect, re-examine or look back upon”;²⁰
- the discretion in s 156(2)(b)(i) to make determinations varying modern awards in a review, is expressed in general, unqualified, terms, but the breadth of the discretion is constrained by other provisions of the FW Act relevant to the conduct of the review;
- in particular the modern awards objective in s 134 applies to the review;
- the modern awards objective is very broadly expressed,²¹ and is a composite expression which requires that modern awards, together with the NES, provide “a

¹⁹ [2018] FWCFB 4984 at [52]

²⁰ *Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161 at [38], (2017) 253 FCR 368 at [38], (2017) 272 IR 88 at [38]

fair and relevant minimum safety net of terms and conditions”, taking into account the matters in ss 134(1)(a)–(h);²²

- fairness in this context is to be assessed from the perspective of the employees and employers covered by the modern award in question;²³
- the obligation to take into account the s 134 considerations means that each of these matters, insofar as they are relevant, must be treated as a matter of significance in the decision-making process;²⁴
- no particular primacy is attached to any of the s 134 considerations and not all of the matters identified will necessarily be relevant in the context of a particular proposal to vary a modern award;²⁵
- it is not necessary to make a finding that the award fails to satisfy one or more of the s 134 considerations as a prerequisite to the variation of a modern award;²⁶
- the s 134 considerations do not set a particular standard against which a modern award can be evaluated; many of them may be characterised as broad social objectives;²⁷
- in giving effect to the modern awards objective the Commission is performing an evaluative function taking into account the matters in s 134(1)(a)–(h) and assessing the qualities of the safety net by reference to the statutory criteria of fairness and relevance;
- what is necessary is for the Commission to review a particular modern award and, by reference to the s 134 considerations and any other consideration consistent with the purpose of the objective, come to an evaluative judgment about the objective and what terms should be included only to the extent necessary to achieve the objective of a fair and relevant minimum safety net;²⁸

²¹ *Shop, Distributive and Allied Employees Association v National Retail Association (No 2)* (2012) 205 FCR 227 at [35], (2012) 219 IR 382 at [35]

²² [2017] FWCFB 1001 at [128]; *Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161 at [41]–[44], (2017) 253 FCR 368 at [41]–[44], (2017) 272 IR 88 at [41]–[44]

²³ [2018] FWCFB 3500 at [21]–[24].

²⁴ *Edwards v Giudice* (1999) 94 FCR 561 at [5]; *Australian Competition and Consumer Commission v Leelee Pty Ltd* [1999] FCA 1121 at [81]–[84]; *National Retail Association v Fair Work Commission* (2014) 225 FCR 154 at [56], (2014) 244 IR 461

²⁵ *Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161 at [33], (2017) 253 FCR 368 at [33], (2017) 272 IR 88 at [33]

²⁶ *National Retail Association v Fair Work Commission* (2014) 225 FCR 154 at [105]–[106]

²⁷ See *National Retail Association v Fair Work Commission* (2014) 225 FCR 154 at [109]–[110]; albeit the Court was considering a different statutory context, this observation is applicable to the Commission’s task in the Review

²⁸ *Ibid* at [28]–[29]; *Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161 at [49]

- the matters which may be taken into account are not confined to the s 134 considerations;²⁹
- section 138, in requiring that modern award may include terms that it is permitted to include, and must include terms that it is required to include, only to the extent necessary to achieve the modern awards objective and (to the extent applicable) the minimum wages objective, emphasises the fact it is the minimum safety net and minimum wages objective to which the modern awards are directed;³⁰
- what is necessary to achieve the modern awards objective in a particular case is a value judgment, taking into account the s 134 considerations to the extent that they are relevant having regard to the context, including the circumstances pertaining to the particular modern award, the terms of any proposed variation and the submissions and evidence;³¹
- where an interested party applies for a variation to a modern award as part of the 4 yearly review, the task is not to address a jurisdictional fact about the need for change, but to review the award and evaluate whether the posited terms with a variation meet the objective.³²

[127] The capacity of the Commission to vary minimum wages in a modern award in the course of the conduct of the 4 yearly review is constrained by s 135 of the FW Act, which provides:

135 Special provisions relating to modern award minimum wages

(1) Modern award minimum wages cannot be varied under this Part except as follows:

(a) modern award minimum wages can be varied if the FWC is satisfied that the variation is justified by work value reasons (see subsections 156(3) and 157(2));

(b) modern award minimum wages can be varied under section 160 (which deals with variation to remove ambiguities or correct errors) or section 161 (which deals with variation on referral by the Australian Human Rights Commission).

Note 1: The main power to vary modern award minimum wages is in annual wage reviews under Part 2-6. Modern award minimum wages can also be set or revoked in annual wage reviews.

²⁹ *Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161 at [48]

³⁰ *CFMEU v Anglo American Metallurgical Coal Pty Ltd* [2017] FCAFC 123 at [23]; cited with approval in *Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161 at [45]

³¹ See generally: *Shop, Distributive and Allied Employees Association v National Retail Association (No.2)* (2012) 205 FCR 227

³² *Ibid* at [46]

Note 2: For the meanings of modern award minimum wages, and setting and varying such wages, see section 284.

(2) In exercising its powers under this Part to set, vary or revoke modern award minimum wages, the FWC must take into account the rate of the national minimum wage as currently set in a national minimum wage order.

(Underlining added)

[128] Section 156(3), referred to in the underlined part of s 135(1)(a) above, provides:

(3) In a 4 yearly review of modern awards, the FWC may make a determination varying modern award minimum wages only if the FWC is satisfied that the variation of modern award minimum wages is justified by work value reasons.

[129] The expression “*work value reasons*” is defined under s 156(4) of the FW Act:

(4) ***Work value reasons*** are reasons justifying the amount that employees should be paid for doing a particular kind of work, being reasons related to any of the following:

- (a) the nature of the work;
- (b) the level of skill or responsibility involved in doing the work;
- (c) the conditions under which the work is done.

[130] Section 157(2), also referred to in the underlined portion of s 135(1)(a) above, provides for the variation of awards outside the system of 4 yearly reviews for work value reasons in specified circumstances.

[131] The fixation of award wages based on an assessment of the value of the work performed has been a feature of the industrial arbitration system in Australia from its earliest days. Work value assessment has its origin in the need to fix the wage margins for skilled workers to be paid in addition to the basic wage for unskilled workers. As was explained by H.B. Higgins J, in his capacity as President of the Court of Conciliation and Arbitration, in his decision in 1921 to make the first federal award for the metals and engineering industry (emphasis added):

“This Court assumes that a skilled man should, as has been the uniform practice, get more for his *skill or other necessary qualifications* than a mere labourer – more or better commodities, and to that end more money wages. This Court takes the basic wage for the labourer and then adds to it the extra wage without which, under present conditions, lads will not take the trouble of mastering the difficulties of a skilled trade. If there is one thing that has been made clear in all the Australian tribunals it is that the basic wage is the wage at the base – the wage for the unskilled worker; and that the secondary wage for skill and other necessary qualifications has to be added to the basis

wage. The basic wage must not take into account the conditions appropriate to the skilled workers at all.”³³

[132] The considerations taken into account in assessing work value underwent refinement in succeeding decades (including after the introduction of the “total wage” in 1966). For example, in the work value inquiry conducted in relation to the *Metal Trades Award* in 1967, the Australian Conciliation and Arbitration Commission (Gallagher J) referred to the subject matter of the assessment as being the “work, its nature and responsibilities”, and took into account:

“...all relevant facts and circumstances, including qualifications, training and skill, technological changes, changed conditions, changes in metals, alterations of methods of work, increased temp of work, responsibilities individually and as a member of a team, availability for skilled work and the length of time which has elapsed since previous fixations ...”³⁴

[133] In the 1968 *Vehicle Industry Award* decision of Senior Commissioner Taylor, regard was had to the following matters in adjusting award rates of pay on the basis of work value:

- “1. The qualifications necessary for the job;
2. The training period required;
3. Attributes required for the performance of the work;
4. Responsibility for the work, material and equipment and for the safety of the plant and other employees;
5. Conditions under which the work is performed such as heat, cold, dirt, wetness, noise, necessity to wear protective equipment etc;
6. Quality of work attributable to, and required of, the employee;
7. Versatility and adaptability (e.g. to perform a multiplicity of functions);
8. Skill exercised;
9. Acquired knowledge of processes and of plant;
10. Supervision over others or necessity to work without supervision; and
11. Importance of work to the overall operations of plant.”³⁵

³³ (1921) 15 CAR 297 at 303-4

³⁴ (1967) 121 CAR 587 at 677

³⁵ (1968) 124 CAR 295 at 308

[134] These considerations were considered in the context of manufacturing work, and the Senior Commissioner made it clear that he did not suggest that “these are the only factors proper for consideration in the fixation of wage rates”.³⁶

[135] Both these last two decisions referred to emphasised two important requirements if the assessment of work value: the identification of the date from which the assessment of change is to commence (sometimes referred to in later decisions as the “datum point”), and the need to avoid “double counting” of matters potentially relevant to changes in work value in relation to which wage increases had already been paid. In respect of the former, the *Metal Trades Award* decision of Gallagher J identified the datum point by reference to the last occasion on which there had been a proper work value assessment:

“Proceeding to consideration of wage fixations and first dealing with tradesmen, although Beeby J by 1937 had determined margins which he regarded as proper for their classifications, the fact remains that rates for tradesmen in the metal trades industry have not over a period of 30 years been fixed by reference to their training, work, duties and responsibilities. The decision given by Mr Conciliation Commissioner Galvin (as he then was) in 1952 although reached after a hearing in which there had been lengthy evidence resulted in award rates being left as they then stood, with relativities except for minor adjustments remaining undisturbed. There were, of course, prior to the Galvin award and subsequently to it, increases on economic grounds but these were of a general character applying to all employees in all industries. In my opinion, the economic increases taken in the aggregate have failed to provide for tradesmen the award wages to which on the whole of the course of the evidence in this case they are justly entitled.”³⁷

[136] In relation to the latter requirement, Senior Commissioner Taylor in the *Vehicle Industry Award* decision said:

“National productivity is considered in National Wage Cases and any increase is allowed for in the wage rates determined in such cases. As such rates apply to employees in all industries, employees in the industry now under review have already received any increases considered appropriate on account of national productivity. As the productivity of this industry is taken into account in determining the national average, it would be a double counting to again increase wages in this industry on account of its productivity.”³⁸

[137] In 1972, the concept of work value was considered in the *1972 Equal Pay Case*³⁹ in the context of implementing equal pay for women. The Commission determined to move beyond the narrow principle of equal pay for men and women doing the same work covered by a single award (which had been affirmed in the *1969 Equal Pay Case*⁴⁰) to a broader concept of “equal pay for work of equal value”. It established a new principle to give effect to this concept which required that “female rates be determined by work value comparisons

³⁶ Ibid

³⁷ (1967) 121 CAR 587 at 679

³⁸ (1968) 124 CAR 295 at 308

³⁹ (1972) 147 CAR 172

⁴⁰ (1969) 127 CAR 1142

without regard to the sex of the employees concerned”. The new principle relevantly provided that: “Implementation of the new principle by arbitration will call for the exercise of the broad judgement which has characterised work value enquiries. Different criteria will continue to apply from case to case and may vary from one class of work to another.”⁴¹

[138] The capacity to adjust award wage rates on work value grounds was regulated and constrained by the adoption of principles of wage fixation by the Australian Conciliation and Arbitration Commission in the September 1975 *National Wage Case*.⁴² This was done in association with the introduction of wage indexation, and was intended to restrict the extent to which award wages might be increased outside of National Wage Cases following the “wage explosion” of 1974. Principle 7 of the principles then adopted provided that, in addition to wage increases arising from the wage indexation system, the “only other grounds which should justify wage increases” were changes in work value, a catch-up of community movements and anomalies. The work value exception (in Principle 7(a)) was expressed in the following terms:

“Changes in work value being changes in the nature of the work, skill and responsibility required, or the conditions under which the work is performed. This would normally apply to some classifications in an award although in rare cases it might apply to all classifications.”

[139] The intended operation of this principle was discussed in some detail in the September 1975 *National Wage Case* decision. The Commission made it clear that the identification in the principle of the type of changes necessary was intended to be exhaustive and not merely illustrative.⁴³ It also made it clear that the principle was not intended to codify all previous forms of work value assessment - in particular, the notion of comparative wage justice. In this respect the Commission said:

“Our view in April to which we still adhere was that to extend Principle 7(a) to cover all previously recognized forms of work value assessment would be simply to superimpose indexation on wage fixing methods which in 1974 had created instability both industrially and economically. It is disturbing that this is not apparent to many unions and even to some arbitrators. With a multiplicity of systems, organizations and arbitrators, the pressure of historical relationships and the use of the comparative wage justice concept it is extremely difficult for a wage adjustment to be confined to a particular case. We do not intend that the doctrine of comparative wage justice—that universal test which means all things to all men—should be available to justify every wage increase whenever sought.”⁴⁴

[140] The Commission also discussed new constraints on the datum point to be used for any work value assessment as follows:

“Another related matter which has caused problems is the time from which work value changes should be measured. Despite strong argument that one should go back to the

⁴¹ (1972) 147 CAR 172 at 179-180

⁴² (1975) 171 CAR 79

⁴³ *Ibid* at 83

⁴⁴ *Ibid* at 83

last ‘genuine’ work value assessment we consider this is an exercise which in itself could cause endless debate. We therefore adopt as a *prima facie* position the pragmatic approach of a Full Bench in the Municipal Officers Adelaide City Council case (31 July 1975) when the Bench said ‘the words are intended to relate to the last movement in the award rates concerned apart from national wage and indexation’. That *prima facie* position can only be rebutted if a party demonstrates that special circumstances exist warranting a departure from it. Should an application be made for an earlier starting point we envisage that the issue would normally be heard and determined as a preliminary matter. Further where the application is successful and the starting point claimed is earlier than 1 January 1970 only changes that have occurred since 1 January 1970 shall be taken into account and this is so even if there has never been a previous work value fixation. We do not agree that before a job has been given a work value there must have been some formal process or announcement. The mere existence of a rate in an award is evidence of the fact that the job has been valued even if only by acquiescence. We take this view because we believe that although we should allow some latitude as to starting point, if we left the matter completely open, people might seek to indulge in protracted unhelpful historical exercises.”⁴⁵

[141] The Commission also emphasised two other propositions: first, that changes in work by themselves did not necessary lead to changes in work value and what was required a “significant net addition to work requirements” and, second, that the expression in the principle “the conditions under which the work was performed” was not intended to the non-wage conditions of the award but rather to the environment in which the work was performed.

[142] In the May 1976 *National Wage Case*⁴⁶ the Commission codified the above propositions into Principle 7(a), so that it read as follows:

“(7) In addition to the above increases, the only other grounds which would justify pay increases are:

(a) Changes in work value

Changes in work value being changes in the nature of the work, skill and responsibility required, or the conditions under which the work is performed. This would normally apply to some classifications in an award although in rare cases it might apply to all classifications.

- (i) *Prima facie* the time from which work value changes should be measured is the last movement in the award rates concerned apart from National Wage and Indexation. That *prima facie* position can only be rebutted if a party demonstrates special circumstances and even then changes can go back only to 1 January 1970.

⁴⁵ Ibid at 83-4

⁴⁶ (1976) 177 CAR 335

- (ii) Changes in work by themselves may not lead to changes in the value of work. The change should constitute a significant net addition to work requirements to warrant a wage increase.
- (iii) Where it has been demonstrated that a change has taken place in accordance with the principles, an assessment will have to be made as to how that change should be measured in money terms.
- (iv) The expression ‘the conditions under which the work is performed’ relates to the environment in which the work is done.
- (v) In respect of new work for which there is no current rate, an appropriate rate may be struck in accordance with proper work evaluation.
- (vi) Re-classification of existing jobs is to be determined in accordance with this principle.”

[143] It is important to observe that the wage-fixing principles were imposed on an award system in which wages rates had been developed on an award-by-award basis through ad hoc combinations of arbitrated work value decisions, consent settlements to industrial disputes and National Wage Cases. That what was being done involved an attempt to graft standardised wage fixing on to an existing system characterised by its irregularity was recognised at the time; for example in 1976 a Full Bench commented that: “The relevant background against which the indexation principle was introduced contained an irregular pattern which no system of wage fixation could entirely reconcile”.⁴⁷

[144] The principles established in 1975 remained in place until 1981, when the wages indexation system was scrapped by the Commission in the face of a further wage explosion caused by claims made outside of the system. During the 1975-1981 period the system, notwithstanding the apparent restrictiveness of Principle 7(a), accommodated a “work value round” commencing in 1978 which resulted in a remarkably uniform flat \$8 increase being granted across most awards. The exception was the 1979 decision of Staples J in relation to the *Storeman and Packers (Wool Selling Brokers and Repackers) Award 1973*.⁴⁸ Having apparently been satisfied that the work of the relevant employees had changed in value, Staples J then considered the quantification of the wage increase to be awarded as follows:

“It is one thing to conclude that new minimum rates should now be prescribed. It is another to quantify the change. What shall be the measure? It may not be discovered in the profitability of the enterprise, not in the increased productivity of the relevant workforce. It may not be an adjustment to the burden of taxation of the wage-earner nor reflect any movement in the cost of living. It may not reinstate any losses due to partial indexation in the real worth of the original rate nor may it derive from a comparison with rates paid in other industries. It must not be extravagant or contrived,

⁴⁷ (1976) 176 CAR 17 at 17

⁴⁸ (1979) 231 CAR 388

nor may it be mindless or consequential upon changes elsewhere. The impact in economic terms must be negligible. It should help to reduce inflation. At the same time, it must stabilize industrial relations. For the quantification, then what shall I do? I am already reeling under the advice of the many prophets. There is no Polonius at hand to give me memorable precepts as he did Laertes when he fled the confusion. I shall simply select a figure as Tom Collins selected a day from his diary and we shall see what turns up. Such is life.”⁴⁹

[145] The amounts awarded by Staples J ranged from \$12.50 to \$15.90 depending upon the classification. However the decision was overturned on appeal.⁵⁰ In substitution for the wage increases ordered by Staples J, the Full Bench ordered that wages be increased by \$8 per week.⁵¹

[146] Wage fixing principles were re-established in the *1983 National Wage Case*⁵² under which the Accord era of wages fixation commenced. In its decision the Commission emphasised that the work value principle to be established as part of the new wage fixing principles was to be “limited and genuine”,⁵³ in the context of the general objective of limiting any award wage increases outside of National Wage Case increases as part of an accepted policy of wage and price restraint.⁵⁴ This emphasis on wage restraint caused the Commission to reject a submission that awards covering female-dominated areas of work should be the subject of full work value assessments:

“The National Council of Women, the Union of Australian Women and the Women’s Electoral Lobby contended that in female occupational areas the implementation of the Commission’s equal pay decisions had not been accompanied by proper work value exercises. The WEL asked that there be provision for a re-evaluation of this work in any centralized system the Commission should introduce, such work value exercises to be carried out as the individual awards came up for variation or through an anomalies or inequities procedure. We consider that such large scale work value inquiries would clearly provide an opportunity for the development of additional tiers of wage increases, which would be inconsistent with the centralized system which we propose for the next two years and would also be inappropriate in the current state of unemployment especially among women. Moreover, many of the problems which the WEL has raised are a matter for management, unions and governments rather than for award provision.”

[147] The Commission also rejected an ACTU submission that the datum point for work value assessments should be (consistent with the positions stated in the 1967 *Metal Trades Award* decision of Gallagher J) the last wage increase for the award in question outside of national wage increases:

⁴⁹ Ibid at 343

⁵⁰ (1980) 233 CAR 365

⁵¹ Ibid at 372. The whole incident is described in the context of Staple J’s career on the bench in an article by Michael Kirby, *The Removal of Justice Staples and the Silent Forces of Industrial Relations*, (1989) 31 JIR 334

⁵² (1983) 4 IR 429

⁵³ Ibid at 451

⁵⁴ Ibid at 441

“The ACTU proposed a principle which is substantially similar to the above except that the prima facie datum point from which work value should be measured is not fixed in terms of the last movement in the award apart from national wage. Instead, the proposed prima facie position would require a party seeking the work value change ‘to demonstrate that the work or the alleged change in question has not been valued previously’.

We foresee considerable difficulty with such a provision particularly in relation to rates which were determined by consent and without any formal work evaluation. In view of the extensive round of work value cases which commenced in 1978, we propose to restrict the datum point to the last work value adjustment affecting an award but in no case earlier than 1 January 1978. Care should be exercised to ensure that changes which were taken into account in any previous work value adjustments are not included in any future work evaluation under this Principle.”

[148] The effect of these conclusions was that there was to be no capacity to obtain wage increases based on any failure to properly assess work value which occurred prior to 1 January 1978, including where this because of gender undervaluation. The work value principle which emerged from the *1983 National Wage Case decision* was as follows:

“4. WORK VALUE CHANGES

(a) Changes in work value may arise from changes in the nature of the work, skill and responsibility required or the conditions under which work is performed. Changes in work by themselves may not lead to a change in wage rates. The strict test for an alteration in wage rates is that the change in the nature of work should constitute such a significant net addition to work requirements as to warrant the creation of a new classification.

These are the only circumstances in which rates may be altered on the ground of work value and the altered rates may be applied only to employees whose work has changed in accordance with this Principle.

However rather than to create a new classification it may be more convenient in the circumstances of a particular case to fix a new rate for an existing classification or to provide for an allowance which is payable in addition to the existing rate for the classification. In such cases the same strict test must be applied.

(b) Where new work justifying a higher rate is performed only from time to time by persons covered by a particular classification or where it is performed only by some of the persons covered by the classification, such new work should be compensated by a special allowance which is payable only when the new work is performed by a particular employee and not by increasing the rate for the classification as a whole.

(c) The time from which work value changes should be measured is the last work value adjustment in the award under consideration but in no case earlier than 1 January 1978. Care should be exercised to ensure that changes which were taken into account in any previous work value adjustments are not included in any work evaluation under this Principle.

(d) Where a significant net alteration to work value has been established in accordance with this Principle, an assessment will have to be made as to how that alteration should be measured in money terms. Such assessment should normally be based on the previous work requirements, the wage previously fixed for the work and the nature and extent of the change in work. However, where appropriate, comparisons may also be made with other wages and work requirements within the award or to wage increases for changed work requirements in the same classification in other awards provided the same changes have occurred.

(e) The expression “the conditions under which the work is performed” relates to the environment in which the work is done.

(f) The Commission should guard against contrived classifications and overclassification of jobs.

(g) Where through technological or other change the impact of work value change on the work force is widespread or general, the matter should be dealt with in national productivity cases under Principle 2.”⁵⁵

[149] Notwithstanding the rejection of the submission of the women’s groups in the *1983 National Wage Case decision* that there be full work value-reassessments of awards applying to female-dominated areas of work, the Commission subsequently affirmed in the *Nurses Comparable Worth Case*⁵⁶ that cases based on the 1972 equal pay principle could be advanced through the anomalies conference procedure provided for in the wage-fixing principles. However in doing so the Commission rejected any wider proposition that wages could be fixed on the basis of “comparable worth” between different types of work that were not related or similar.⁵⁷

[150] There were further significant changes to the approach taken to award wage claims based on work value in the period 1989 to 1991. In the *National Wage Case August 1988*⁵⁸ the Commission established a new “*structural efficiency*” principle which contemplated the examination of awards with a view, among other things, to “create appropriate relativities between different categories of workers within the award...” and “including properly fixed minimum rates for classifications in awards, related appropriately to one another, with any amounts in excess of these properly fixed minimum rates being expressed as supplementary payments”. This new approach was the subject of greater elaboration by the Australian Industrial Relations Commission in the *National Wage Case February 1989 Review*⁵⁹, in which the Commission among things discussed how it was apply to the relationship *between* awards. Its consideration in this respect primarily arose in response to a proposal advanced by the ACTU for a new overarching framework of award wage fixation, which was described in the following terms:

⁵⁵ Ibid at 472-3

⁵⁶ (1986) 13 IR 108

⁵⁷ Ibid at 113

⁵⁸ (1988) 25 IR 170

⁵⁹ (1989) 27 IR 196

“It submitted that the Commission should approve in principle a national framework or ‘blueprint’ which would involve restructuring all awards of the Commission to provide ‘consistent, coherent award structures’, based on training and skills acquired, and which would bear clear and appropriate work value relationships one to another. It illustrated its proposal by reference to possible restructuring results - at least as far as classification structures and training are concerned - in awards covering the building industry, metal workers, transport workers, storemen and clerks: these are key awards in the sense that their classifications arguably permeate all areas of industry.”⁶⁰

[151] The Commission by observing that the then current award wage system contained “irregularities in rates of pay which must be dealt with”, and that this had pre-dated the introduction of wage indexation in 1975 as had been recognised at the time.⁶¹ The Commission went on to say:

“The result is there exist in federal awards widespread examples of the prescription of different rates of pay for employees performing the same work but this is only part of the problem. For too long there have existed inequitable relationships among various classifications of employees. That this situation exists can be traced to features of the industrial relations system such as different attitudes adopted in relation to the adjustment of minimum rates and paid rates awards; different attitudes taken to the inclusion of overaward elements in awards, be they minimum rates or paid rates awards; the inclusion of supplementary payments in some awards and not others; and the different attitudes taken to consent arrangements and arbitrated awards.

...

The situation we have described has been tolerated for too long and it is appropriate that it be corrected at this time. The fundamental purpose of the structural efficiency principle is to modernise awards in the interests of both employees and employers and in the interests of the Australian community: such modernisation without steps being taken to ensure stability as between those awards and their relevance to industry would, on past experience, seriously reduce the effectiveness of that modernisation.

Consequently, we endorse in principle the approach proposed by the ACTU though not necessarily the particular award relationships submitted in this case. That is a matter which we expect to be the subject of further debate in the forthcoming proceedings.

This means that minimum rates awards will be reviewed to ensure that classification rates and supplementary payments in an award bear a proper relationship to classification rates and supplementary payments in other minimum rates awards.”⁶²

[152] It is apparent that the concept being dealt with in the August 1988 decision involved the alignment of benchmark classifications in key minimum rates awards based on work value considerations. This concept of cross-award alignments in pay rates was the subject of further development in the *National Wage Case August 1989*.⁶³ One of the two main issues which

⁶⁰ Ibid at 199-200

⁶¹ Ibid at 200

⁶² Ibid at 200-201

⁶³ (1989) 30 IR 81

was said to require determination in that decision was “how the approach endorsed in principle by the Commission for ensuring stable relationships between awards and their relevance to industry is best translated into practice.”⁶⁴ In relation to this issue, the Commission gave consideration to a proposal advanced by the ACTU to establish a fixed set of relativities in terms of total pay rates (minimum classification rates plus supplementary payments) across five major awards. The Commission’s conclusions on this issue were as follows:

“Without firm guidance on appropriate relativities, individual structural efficiency exercises could create situations which would not only continue but possibly worsen the very position that is required to be rectified. For this reason we reject the proposition that the question of relativities should be left completely until the details of structural efficiency exercises are completed.

Subject to what we say later in this decision, we have decided that the minimum classification rate to be established over time for a metal industry tradesperson and a building industry tradesperson should be \$356.30 per week with a \$50.70 per week supplementary payment. The minimum classification rate of \$356.30 per week would reflect the final effect of the structural efficiency adjustment determined by this decision.

Minimum classification rates and supplementary payments for other classifications throughout awards should be set in individual cases in relation to these rates on the basis of relative skill, responsibility and the conditions under which the particular work is normally performed. The Commission will only approve relativities in a particular award when satisfied that they are consistent with the rates and relativities fixed for comparable classifications in other awards. Before that requirement can be satisfied clear definitions will have to be established.

We are not prepared to approve specific wage relativities proposed by the ACTU on behalf of the trade union movement. Nevertheless, we consider it appropriate for relativities to be established for both minimum classification rates and supplementary payments for the following key classifications within the ranges set out below:

	% of the tradesperson rate
Metal industry worker, grade 4	90-93
Metal industry worker, grade 3	84-88
Metal industry worker, grade 2	78-82
Metal industry worker, grade 1	72-76
Storeman/packer	88-92
Driver, 3-6 tonnes	88-92.” ⁶⁵

[153] The Commission noted that there was inadequate material before it to establish relativities for clerical classifications,⁶⁶ and went on to consider the implementation

⁶⁴ Ibid at 81, 84

⁶⁵ Ibid at 94

⁶⁶ Ibid at 94

arrangements for the wage increases (referred to as minimum rate adjustments) necessary to give effect its conclusions.⁶⁷ It stated the objectives of the reforms it wished to implement as follows:

“These exercises provide an opportunity for the parties to display the maturity required to overcome the wage instabilities with which the community is only too familiar. It also provides the opportunity to take an essential step towards institutional reform which is a prerequisite to a more flexible system of wage fixation. As part of that future we envisage that minimum classification rates will not alter their relative position one to another unless warranted on work value grounds.”⁶⁸

[154] Later in the decision the Commission discussed whether, in the light of the establishment of the structural efficiency principle, any of the other wage fixing principles should be modified. Critically, the Commission decided that “structural efficiency exercises should incorporate all past work value considerations”.⁶⁹ The new Structural Efficiency principle referred to structural efficiency exercises as involving, among other things, creating appropriate relativities between different categories of workers with the award and at enterprise level” and “including properly fixed minimum rates for classifications in awards, related appropriately to one another ...”, and expressly required that structural efficiency exercises should incorporate all past work value considerations. A separate new principle was established for the implementation of minimum rate adjustments. However the datum point requirement in paragraph (c) of the Work Value Changes principle was not at this stage modified.

[155] That modification came in the *National Wage Case April 1991*⁷⁰, in which the Commission reaffirmed that “minimum classification rates, once reviewed and fixed in an appropriate relationship, will not be moved from that relative position unless changes are warranted on work value grounds”.⁷¹ Consequential upon that position, the Commission determined that any future assessment of change in the nature of work of a particular classification in a future award would be measured from the date of the second structural efficiency adjustment allowable in accordance with the *National Wage Case August 1989*.⁷² Hence the Work Value Changes Principle was modified so as to alter paragraph (c) and add a new paragraph (d) (with the following paragraphs correspondingly re-designated) as follows:

- “(c) The time from which work value changes in an award should be measured is, unless extraordinary circumstances can be demonstrated in special case proceedings, the date of operation of the second structural efficiency allowable under the 7 August 1989 *National Wage* case decision.
- (d) Care should be exercised to ensure that changes which were or should have been taken into account in any previous work value adjustments or in a

⁶⁷ Ibid at 95-96

⁶⁸ Ibid at 96

⁶⁹ Ibid at 99

⁷⁰ (1991) 36 IR 120

⁷¹ Ibid at 160-161

⁷² Ibid at 172

structural efficiency exercise are not included in any work evaluation under this principle.”

[156] Subject only to the narrow exception provided by the capacity to mount a “special case”, the effect of this modification was that, once an award had been subject to the structural efficiency process in which, among other things, classification in minimum rates awards were to be fixed in appropriate relativities with other classifications within the award and in other awards, no adjustment on work value grounds was permissible other than on the basis of changes to work which occurred after the structural efficiency exercise had been completed. Importantly, the new paragraph (d) in the Work Value Changes Principle prevented any “double-counting” not only of work changes which were taken into account in the structural efficiency exercise, but those which *should have been* taken into account, whether they actually were or not. This meant, for example, that the full work value assessment of awards covering female-dominated areas of work which was sought by various women’s groups in the *National Wage Case 1983* was permanently foreclosed (subject again only to the limited capacity to advance a special case).

[157] The principles applicable to the proper fixation of minimum rates in awards was the subject of further consideration in the *Paid Rates Review* decision of a Full Bench of the AIRC issued on 20 October 1998.⁷³ This review was necessitated by application for the Commission to exercise its discretionary power under item 51(4) of Part 2 of Schedule 5 of the *Workplace Relations and Other Legislation Amendment Act 1996* to convert paid rates awards into minimum rates awards by the establishment of properly-fixed minimum rates of pay. The Full Bench determined that, unless there were exceptional circumstances, all paid rates awards should be converted to minimum rates awards (emphasis added):

“We have decided that in principle all awards which provide for rates of pay which are not operating, or not intended to operate, as minimum rates and which do not bear a proper work value relationship to award rates which are properly fixed minima, should be subject to a conversion process so that they do contain properly fixed minimum rates of pay.”

[158] The Full Bench characterised the minimum rates adjustment process which had arisen from the *National Wage Case August 1989* in the following terms:

“The MRA principle was designed to establish a consistent pattern of minimum rates in awards covering similar work thereby removing inequities and providing a stable foundation for enterprise bargaining. That objective is as important now, perhaps even more important, than it was in 1989.”

[159] The requirements for the fixation of minimum rates which flowed from the *Paid Rates Review* decision were summarised by an AIRC Full Bench in *Child Care Industry (Australian Capital Territory) Award 1998*⁷⁴ in the following terms:

⁷³ Print Q7661

⁷⁴ PR954938

“[155] In the context of the matter before us, the principles established in the *Paid Rates Review decision* mandate a three step process for the determination of properly fixed minimum rates:

1. The key classification in the relevant award is to be fixed by reference to appropriate key classifications in awards which have been adjusted in accordance with the MRA process with particular reference to the current rates for the relevant classifications in the *Metal Industry Award*. In this regard the relationship between the key classification and the Engineering Tradesperson Level 1 (the C10 level) is the starting point.
2. Once the key classification rate has been properly fixed, the other rates in the award are set by applying the internal award relativities which have been established, agreed or maintained.
3. If the existing rates are too low they should be increased so that they are properly fixed minima.”

[160] In the same decision the Full Bench gave consideration to a claim, advanced under the Work Value Changes principle, for increases to the wages of child care workers. The Full Bench referred to the matter taken into account in assessing changes in work value by Senior Commissioner Taylor in the 1968 *Vehicle Industry Award* decision (which we have quoted above), and then set out a number of propositions derived from cases decided under the Work Value Changes principle (footnotes omitted):

“[189] The principle makes it clear that changes in work, by themselves, may not lead to an increase in wages. In *State Electricity Commission of Victoria v The Federated Ironworkers' Association of Australia* (Print G7498), a Full Bench of the Commission expressed this limitation in the following terms:

"In all categories of work except perhaps the most simple, changes become evident with time. It is in the nature of things that new methods of doing the same thing evolve with time, and that skills which qualify a person for a particular category of work may become fully tested, or in some cases the work may thereby be made easier. However it is essential that such changes are not mistaken for genuine work value change."

[190] Previous decisions of the Commission suggest that a range of factors may, depending on the circumstances, be relevant to the assessment of whether or not the changes in question constitute the required *"significant net addition to work requirements"*. The following considerations are relevant in this regard:

- Rapidly changing technology, dramatic or unanticipated changes which result in a need for new skills and/or increased responsibility may justify a wage increase on work value grounds. But progressive or evolutionary change is insufficient.
- An increase in the skills, knowledge or other expertise required to adequately undertake the duties concerned demonstrates an increase in work value.

- The mere introduction of a statutory requirement to hold a certificate of competency does not of itself constitute a significant net addition to work requirements. It must be demonstrated that there has been some change in the work itself or in the skills and/or responsibility required. However, where additional training is required to become certified and hence to fulfil a statutory requirement a wage increase may be warranted.
- A requirement to exercise care and caution is, of itself, insufficient to warrant a work value increase. But an increase in the level of responsibility required to be exercised may warrant a wage increase on work value grounds. Such a change may be demonstrated by a requirement to work with less supervision.
- The requirement to exercise a quality control function may constitute a significant net addition to work requirements when associated with increased accountability.
- The fact that the emphasis on some aspects of the work has changed does not in itself constitute a significant net addition to work requirements.
- The introduction of a new training program or the necessity to undertake additional training is illustrative of the increased level of skill required due to the change in the nature of the work. But keeping abreast of changes and developments in any trade or profession is part of the requirements of that trade or profession and generally only some basic changes in the educational requirements can be regarded, of itself, as constituting a change in work value.
- Increased workload generally goes to the issue of manning levels not work value. But, where an increase in workload leads to increased pressure on skills and the speed with which vital decisions must be made then it may be a relevant consideration.

[191] The principle provides, in paragraph (d), that where a significant net addition to work value has been established an assessment will have to be made as to how that addition should be measured in monetary terms. Such an assessment should normally be based on the previous work requirements, the wage previously fixed for the work, and the nature and extent of the change in work. However, it is open to the arbitrator to make comparisons with other wages and work requirements within the award, and in other awards, provided such comparisons are fair, proper and reasonable in all the circumstances. In particular, regard may be had to the wage increases ascribed to comparable changes in work value in other areas. Care must be taken in relation to making a comparison with a provision found in a consent award.”

[161] In the *ACT Child Care Decision* the Full Bench found that there had been a significant net addition to work requirements since the 1990 datum point such as to satisfy the requirements of the Work Value Changes Principle. The Full Bench also decided that, based on the Australian Qualifications Framework, that minimum pay alignments should be

established between the child care awards under consideration and the *Metal Industry Award* between classifications with equivalent training and qualification levels:

“[181] A central feature of this case is the alignment of the Child Care Certificate III and Diploma levels in the *ACT* and *Victorian Awards* with the appropriate comparators in the *Metal Industry Award*.

[182] We have considered all of the evidence and submissions in respect of this issue. In our view the rate at the AQF Diploma level in the *ACT* and *Victorian Awards* should be linked to the C5 level in the *Metal Industry Award*. It is also appropriate that there be a nexus between the CCW level 3 on commencement classification in the *ACT Award* (and the Certificate III level in the *Victorian Award*) and the C10 level in the *Metal Industry Award*.

[183] In reaching this conclusion we have considered - as contended by the Employers - the conditions under which work is performed. But contrary to the Employers' submissions this consideration does not lead us to conclude that child care workers with qualifications at the same AQF level as workers under the *Metal Industry Award* should be paid less. If anything the nature of the work performed by child care workers and the conditions under which that work is performed suggest that they should be paid more, not less, than their *Metal Industry Award* counterparts.”

[162] The Work Value Changes principle established in the *National Wage Case April 1991* remained unchanged until wage fixing principles became redundant when the AIRC was stripped of its minimum wage-fixing functions by the *Workplace Relations Amendment (Work Choices) Act 2005*. The concept of work value then played no part in wage fixation until the enactment of the FW Act in 2009.

[163] It is against that background that the way in which s 156(3) and (4) are properly to be construed and applied may be considered. A number of propositions may be stated in that context. The first is that the effect of s 156(3) is to establish a jurisdictional prerequisite for the exercise of power to vary minimum wages in a modern award in the conduct of a 4 yearly review of modern awards, namely the reaching of a state of satisfaction on the part of the Commission that the variation is “*justified by work value reasons*”.

[164] Second, because the jurisdictional prerequisite is expressed in terms of the Commission’s “*satisfaction*” concerning whether a variation is “*justified*” by the prescribed type of reasons - a requirement which involves an element of subjectivity and about which reasonable minds may differ - it requires the formation of a broad evaluative judgment involving the exercise of a discretion.⁷⁵

[165] Third, the definition of “*work value reasons*” in s 156(4) requires only that the reasons justifying the amount to be paid for a particular kind of work be “*related to any of the following*” matters set out in paragraphs (a)-(c). The expression “*related to*” is one of broad import that requires a sufficient connection or association between two subject matters. The degree of the connection required is a matter for judgment depending on the facts of the case,

⁷⁵ See e.g. *Buck v Bavone* (1976) 135 CLR at 118-119 per Gibbs J; *Coal and Allied v AIRC* (2000) 203 CLR 194 at [18]-[20], [28] per Gleeson CJ, Gaudron and Hayne JJ

but the connection must be relevant and not remote or accidental.⁷⁶ The subject matters between which there must be a sufficient connection are, on the one hand, the reasons for the pay rate and, on the other hand, *any* of the three matters identified in paragraphs (a)-(c) – that is, any one or more of the three matters.

[166] Fourth, although the three matters identified - the nature of the work, the level of skill or responsibility involved in doing the work, and the conditions under which the work is done - clearly import the fundamental criteria used to assess work value changes under the wage fixing principles which operated from 1975 to 1981 and 1983 to 2006, the legislature in enacting s 156(4) chose not to import the additional requirements contained in those wage-fixing principle. For example, as was observed in the *Equal Remuneration Case 2015*,⁷⁷ s 156(4) does not contain any requirement that the work value reasons consist of identified *changes* in work value measured from a fixed datum point. The Full Bench in that matter said:

“[292] ... We see no reason in principle why a claim that the minimum rates of pay in a modern award undervalue the work to which they apply for gender-related reasons could not be advanced for consideration under s 156(3) or s 157(2). Those provisions allow the variation of such minimum rates for ‘work value reasons’, which expression is defined broadly enough in s 156(4) to allow a wide-ranging consideration of any contention that, for historical reasons and/or on the application of an indicia approach, undervaluation has occurred because of gender inequity. There is no datum point requirement in that definition which would inhibit the Commission from identifying any gender issue which has historically caused any female-dominated occupation or industry currently regulated by a modern award to be undervalued. The pay equity cases which have been successfully prosecuted in the NSW and Queensland jurisdictions and to which reference has earlier been made were essentially work value cases, and the equal remuneration principles under which they were considered and determined were likewise, in substance, extensions of well-established work value principles. It seems to us that cases of this nature can readily be accommodated under s 156(3) or s 157(2). Whether or not such a case is successful will, of course, depend on the evidence and submissions in the particular proceeding.”

[167] Likewise, s 156(4) did not incorporate the test in the wage-fixing principles that the change in the nature of work should constitute such a significant net addition to work requirements as to warrant the creation of a new classification. In substance, section 156(3) and (4) leave it to the Commission to exercise a broad and relatively unconstrained judgment as to what may constitute work value reasons justifying an adjustment to minimum rates of pay similar to the position which applied prior to the establishment of wage fixing principles in 1975.

[168] Fifth, it would be open to the Commission have regard, in the exercise of its discretion, to considerations which have been taken into account in previous work value cases under differing past statutory regimes. For example, although as already stated s.156(4) contains no requirement for the measurement of work value changes from a fixed datum

⁷⁶ *Project Blue Sky Inc. v Australian Broadcasting Authority* (1998) 194 CLR 355 at 387 per McHugh, Gummow, Kirby and Hayne JJ

⁷⁷ [2015] FWCFB 8200, 256 IR 362

point, we consider it likely that the Commission would usually take into account whether any feature of the nature of work, the level of skill or responsibility involved in performing the work or the conditions under which it is done has previously been taken into account in a proper way (that is, in a way which is free of gender bias and any other improper considerations) in assessing wages in the relevant modern award or its predecessor in order to ensure that there is no “double counting”. Likewise, we consider that the considerations referred to in paragraph [190] of the *ACT Child Care Decision*, which we have earlier quoted, may be of relevance in particular cases, as may considerations in other authoritative past work value cases.

[169] Finally, even if the jurisdictional prerequisite in s 156(3) is satisfied, it remains the case that the Commission must, as required by s 138, ensure that the inclusion of the varied minimum wages term in the relevant modern award would be necessary to achieve the modern awards objective and the minimum wages objective. In this connection, it may be noted that the Full Bench in *4 yearly review of modern awards - Real Estate Industry Award 2010* said that where the wage rates in a modern award have not previously been the subject of a proper work value consideration, there can be no implicit assumption that at the time the award was made its wage rates were consistent with the modern awards objective.⁷⁸

History of award regulation of pharmacists

[170] There was no federal award regulation of pharmacists prior to 1994. The first federal award was the *Community Pharmacy (Victoria) Interim Award 1994*,⁷⁹ made by the AIRC following the referral by the State of Victoria of its industrial relation powers to the Commonwealth and dispute findings made in 1993. This interim award, made by Drake DP on 27 May 1994, applied only to community pharmacies in Victoria, and replicated the wages and conditions previously prescribed by an award of the former Industrial Relations Commission of Victoria, the *Chemist Shops Award (Vic) 1987*.

[171] In further proceedings in 1995, outstanding issues concerning the interim 1994 award were arbitrated before Drake DP. The PGA sought, as a first step towards the establishment of a national award, that the interim 1994 award be extensively modified to include a new classification structure (derived from relevant the NSW State award) and adjustments to penalty and overtime rates. These changes were opposed by the Salaried Pharmacists’ Association (SPA). In a decision issued on 30 May 1995,⁸⁰ the Deputy President declined to make the major changes to classifications and penalty rates sought by the PGA, but made some other modifications. The new award which resulted was the *Community Pharmacy (Victoria) Interim Award 1995*.⁸¹ There were a number of “leave reserved” matters identified in the award, including classifications, pay and pay relativities, which were to be the subject of subsequent arbitration, however agreement between the industrial parties was not reached.

[172] These outstanding matters were the subject of a hearing before Commissioner O’Shea in the following year, and were determined by him in a decision issued by him on 6 March

⁷⁸ [2017] FWCFB 3543 at [80]

⁷⁹ Print L413

⁸⁰ Print M2399

⁸¹ Print M6246

1996.⁸² The key conclusion in the Commissioner's decision was that pharmacists covered by the *Community Pharmacy (Victoria) Interim Award 1995* should have a classification structure based upon the reference point of pay rates for professional scientists covered by Part IV of the *Metal Industry Award 1976*. The Commissioner relevantly stated:

“The Commission approaches its determination of this matter in the context of already lengthy proceedings which have produced some measure of agreement and have required some arbitration, but which clearly still have a considerable way to go by reason of the SPA's stated objective of a national award of the Commission covering the retail/community pharmacy sector.

...

Of particular significance in regard to this matter is the "first award" principle and the Commission, noting that this award is a minimum rates award, will fix the matters at issue so that the award meets the needs of the particular industry or enterprise while ensuring that employees' interests are also properly taken into account. It is also relevant for the Commission to ensure that appropriate structural efficiency principles are or have been applied. I include here, considerations of proper alignment by way of the application of a minimum rates adjustment process.

When one applies these considerations to the submissions of the parties in these proceedings one can see a degree of similarity but also some clear divergence. What is apparent is that the rates and classification structure of professional scientists (*Metal Industry Award 1976 - Part IV*) have some legitimacy as a reference point for pharmacists employed under this award.

I say this is apparent because, as the SPA demonstrated, the fact was acknowledged by the Victorian Industrial Relations Commission at an earlier point in the wage-fixing history of this award and the PGA/VECCI submissions in these proceedings acknowledged at least some points of comparison between pharmacists and professional scientists.

...

An acceptance of the relevance of Part IV of the *Metal Industry Award* does not necessarily mean a direct comparison or direct transposition of rates between the two areas of professional skills. It does, however, provide the Commission with a strong reference point for an assessment of appropriate rates.

A further reference point, given the history and likely developments in these proceedings, are rates for like work elsewhere. First award principles allow the Commission to have regard for a variety of factors in assessing what are fair and reasonable minimum rates vis-a-vis other awards and relative skills and responsibilities.

...

On the basis of the material before it, the Commission accepts the submissions of VECCI that the base level of Pharmacist (first year of experience) can be aligned with a Professional Scientist (4/5 year course) on the basis of qualifications and the exercise of comparable skills. But a consideration of the duties of a pharmacist compared with the relevant definitions in Part IV of the *Metal Industry Award* reveals a somewhat

⁸² Print M9831

higher level of responsibility discharged by a pharmacist dispensing to the public. A direct alignment would produce a rate of 130% of the tradesperson's rate, as contemplated by VECCI, but recognition of the responsibility differential requires a higher rate to be struck.

After consideration of the SPA's submissions, the Commission determines that a fair and reasonable rate for a first year Pharmacist is a relativity of 140% of the tradesperson's rate.

As to the Pharmacist (second year and thereafter) classification, as currently defined in the interim award, there needs to be a recognition of the greater capacities that the accrual of experience brings. The current interim award provides a rate some 7% above the base and the new differential should not be any less than that. At present, under the interim award a pharmacist (thereafter) receives a minimum rate of \$571.40 per week which is \$35.70 per week above the first year pharmacist minimum rate.

A determination of a relativity of 150% would give a wage differential of some \$41 per week. In all the circumstances and taking some guidance from salary patterns for pharmacists in other States, I believe this would be appropriate and the Commission so determines.

In determining the rates above, the Commission notes that they are broadly comparable with the range of rates in other States (Exhibit PGA 2). In the course of its submissions (transcript, page 376) the PGA indicated a preparedness to look at the 140/150 end of the relativities provided current penalty rates were varied in the Guild's favour. This matter is addressed later in this decision.

Rates for the supervisory levels within the classification structure can then be properly set by broadly aligning the two higher classifications in the interim award with Professional Scientist Level 3 and Professional Scientist Level 4 respectively from Part IV of the Metal Industry Award.

Given the Commission's acceptance of retaining a tiered structure to reflect differences in the size and characteristics of businesses within the industry, the top tier of the Pharmacist-in-charge (as presently defined in the interim award) can be aligned with the Professional Scientist Level 3 rate at \$767.00 per week which is a relativity of 180% of the tradesperson's rate.

It is appropriate to keep some differential between the Pharmacist (thereafter) rate and the bottom tier of the Pharmacist-in-charge, which the Commission determines will be set at 160%. The middle tier of the Pharmacist-in-charge (as currently defined) is determined to be set at a relativity of 170%.

The rates determined above are higher at the lower tiers than those advocated by VECCI but are capped at the top tier as advanced in Exhibit VECCI 2. The rates set a relativity of 160%, 170% and 180% for the three tiers of Pharmacist-in-charge as currently defined in the interim award and are broadly comparable with the interstate comparisons drawn to the Commission's attention in Exhibit PGA 2.

As to the classification of Pharmacist Manager, the same considerations apply. The definitions and structure in the interim award will be retained and the top tier of the classification will be aligned with the rate of \$892.10 per week (a relativity of 210%) for the Professional Scientist Level 4 in Part IV of the Metal Industry Award.

To retain a differential above the top tier of the Pharmacist-in-charge, the bottom tier of the Pharmacist Manager (as currently defined in the interim award) is determined to be a relativity of 190%, with the middle tier (as currently defined) being 200%.

...

In summary, the Commission determines that the Victorian award should have salary levels based on the relativities of the metal tradesperson's rate as follows. In all cases, the existing definitions in the interim award will be carried over.

- Pharmacist (1st year) 140%
- Pharmacist (2nd year and thereafter) 150%
- Pharmacist-in-charge
 - (i) 160%
 - (ii) 170%
 - (iii) 180%
- Pharmacist Manager
 - (i) 190%
 - (ii) 200%
 - (iii) 210%⁸³

[173] We interpolate at this point that the classification structure for professional scientists in Part IV of the *Metal Industry Award* that was used as the reference point in the above decision was established pursuant to the structural efficiency principle and by consent of the parties in a decision of Deputy President Keogh of 7 May 1990.⁸⁴ The new structure created for professional scientists aligned them with the classification structure in Part 1 of the *Metal Industry Award*, and established percentage relativities with the C10 classification, as shown in the following table.

METAL, ENGINEERING AND ASSOCIATED INDUSTRIES AWARD 1998				PROFESSIONAL ENGINEERS AND SCIENTISTS AWARD 1998	
Class'n Number	Classification Title	Minimum Training Requirement	Wage Relativity to C10*	Classification Title	Minimum Training Requirement
C1	Professional Engineer Professional Scientist	Degree	180/210%	Level 3 professional scientist	A professional scientist performing duties requiring the application of mature professional scientific knowledge. With scope for individual accomplishment and co-ordination of more difficult assignments, the professional scientist deals with problems for which it is necessary to modify

⁸³ Ibid at p 4-8

⁸⁴ Print J2540; see also the consequential order in Print J3512

METAL, ENGINEERING AND ASSOCIATED INDUSTRIES AWARD 1998				PROFESSIONAL ENGINEERS AND SCIENTISTS AWARD 1998	
Class'n Number	Classification Title	Minimum Training Requirement	Wage Relativity to C10*	Classification Title	Minimum Training Requirement
					established guides and devise new approaches. <i>OR</i> A wage group C2(b) employee who has completed additional accredited education and training so as to reach a standard equivalent to a four year degree and who is required to perform the work set out above.
C2(b)	Principal Technical Officer	Advanced Diploma or equivalent and sufficient additional training so as to enable the employee to meet the requirements of the relevant classification definition in clause 1.2 of this schedule and to perform work within the scope of this level.	160%	Level 2 professional scientist	Following development through C5 or C6 is an experienced scientist(as defined) who plans and conducts professional scientific work without detailed supervision, but with guidance on unusual features and who is usually engaged on more responsible scientific assignments requiring substantial professional experience. <i>OR</i> A wage group C5 or C6 employee who has completed additional accredited education and training so as to reach a standard equivalent to a four year degree and who is required to perform the work set out above.
C3	Engineering Associate - Level II	Advanced Diploma of Engineering, or equivalent.	145%		
C4	Engineering Associate 3rd Year of - Level I	80% towards an Advanced Diploma of Engineering	135%		
C5	Advanced Engineering Tradesperson - Level II	Diploma of Engineering - Advanced Trade, or equivalent.	130%	Level 1 professional scientist (4 or 5 year degree)	The graduate scientist (as defined) commencement level.
C6	Advanced Engineering Tradesperson - Level I	C10 + 80% towards a Diploma of Engineering - Advanced Trade	125%	Level 1 professional scientist (3 year degree)	The graduate scientist (as defined) commencement level.

METAL, ENGINEERING AND ASSOCIATED INDUSTRIES AWARD 1998				PROFESSIONAL ENGINEERS AND SCIENTISTS AWARD 1998	
Class'n Number	Classification Title	Minimum Training Requirement	Wage Relativity to C10*	Classification Title	Minimum Training Requirement
C10	Engineering Tradesperson - Level I	Recognised Trade Certificate or Certificate III in Engineering - Mechanical Trade, or Certificate III in Engineering - Fabrication Trade, or Certificate III in Engineering - Electrical/Electronic Trade or equivalent	100%		

[174] One thing is immediately apparent from the above table: professional scientists below Level 3, who require an undergraduate degree, were not aligned with the Part 1 structure on the basis of their qualifications and were not assigned the C1 classification with a starting relativity of 180%. The effect of Commissioner O'Shea's decision to set rates for pharmacists based on professional scientists effectively imported this difficulty into the *Community Pharmacy (Victoria) Interim Award*. Thus, for example, the base level, degree-qualified pharmacist was assigned a 140% relativity to the C10 classification. This lined them up at below the C3 classification, which was the starting point for an employee with an Advanced Diploma under Part 1 of the *Metal Industry Award*.

[175] The first national community pharmacists' award, the *Community Pharmacy Award 1996*, was made by consent on 24 December 1996 by Commissioner O'Shea.⁸⁵ The classifications and rates of pay in this award differed for each State and Territory and reflected the awards applicable in each State and Territory at the time. This award was subsequently the subject of review in 1998 pursuant to the "award simplification" provisions of the *Workplace Relations and Other Legislation Amendment Act 1996* (Cth). The review required, among other things, that the Commission ensure the award contained proper fixed minimum rates of pay. The parties negotiated a new award containing an agreed classification structure for all states and territories except Western Australia,⁸⁶ and the new *Community Pharmacy Award 1998* was made by Commissioner Hingley on 29 June 1998.⁸⁷ The agreed classification structure modified that previously determined by Commissioner O'Shea contained for the *Community Pharmacy (Victoria) Interim Award* by adding a classification of "Experienced Pharmacist", but apart from this the structure and the relativities used broadly reflected that developed in the 1996 decision.

[176] When the *Pharmacy Award* was developed as part of the award modernisation process conducted pursuant to Part 10A of the *Workplace Relations Act 1996* (Cth), the classification structure adopted simplified that contained in the *Community Pharmacy Award 1996*. The classification "Pharmacist after first year of experience" was removed, as were the higher grade 1 and grade 2 rates in both of the classification of "Pharmacist in Charge" and

⁸⁵ Print N7370

⁸⁶ There was a separate and simplified classification structure for Western Australia.

⁸⁷ Print Q2258

“*Pharmacist Manager*”. The remaining classifications, and their existing rates and relativities, were carried over to the *Pharmacy Award*. The classification structure has not since been modified, and the rates of pay have been adjusted in accordance with Annual Wage Review decisions.

Consideration of the APESMA Case

[177] The APESMA advanced its case primarily on the basis that the *Pharmacy Award* and its predecessor, the pre-modern *Community Pharmacy Award 1996*, had last been the subject of work value consideration in 1998, and that changes in the nature of the work and the level of skill and responsibility of community pharmacists since that time justified the wage increases it sought. In essence the APESMA’s case was structured on the basis of a datum point even though, as earlier explained, that was not a necessary element for satisfaction of the jurisdictional prerequisite in s 156(3). In closing submissions, counsel for the APESMA submitted that the task for the Commission was to assess the work value of pharmacists under the *Pharmacy Award* as it was at the time of the assessment, not whether there had been a change in work value. That is an approach available under s 156(3) as we have earlier construed it, but it is not fundamentally consistent with the evidentiary case presented by the APESMA. We will first address the case actually advanced by the APESMA, and then give consideration to some broader issues concerning the work value of pharmacists.

[178] It is necessary at the outset to make some comment upon the witness evidence given in the course of the proceedings. We consider that all of the witnesses before us endeavoured to give us truthful and accurate information about the work of pharmacists, but the utility of their evidence differed. Firstly, we consider that the witnesses called by the PGA - Ms Willis, Mr Pricolo and Mr Loukas - gave evidence of significant probative value. They had all worked in the community pharmacy industry since well before 1998, had been employed as pharmacists before becoming pharmacy owners, and had the benefit of a broad perspective drawn from operating pharmacies employing numbers of pharmacists over long periods of time. It is not clear that any of them would be affected by the success of the APESMA’s claim: Ms Willis’ pharmacies were not covered by the *Pharmacy Award* since they remained in the Western Australian industrial relations system, and Mr Pricolo’s and Mr Loukas’s pharmacies paid above-award wages to their pharmacists. In relation to the APESMA’s lay witnesses, Ms Malakozis, Ms Madden, Ms McCallum and Mr Yap were able to give evidence concerning their experiences as employed pharmacists over long periods of time, pre-dating 1998 in the case of all of them except Mr Yap, and thus were able to give a proper longitudinal description of changes to their work. However, their perspective was necessarily narrower since they could only give evidence concerning their personal experiences and not those of any broader group of pharmacists. The evidence of Ms Thomson, Mr Walls and Ms Le was of lesser utility because of the comparatively short time they have worked in the profession. Further, they gave evidence that was not necessarily consistent with the APESMA’s case; for example Mr Le, who was registered as a pharmacist only in 2011, gave evidence that when he commenced practice his role was predominantly dispensing medicines and that the change relied upon had occurred since that time. This evidence was inconsistent with that of other of the APESMA’s witnesses, who described the change as having occurred earlier over a longer period of time.

[179] The two-part expert Report prepared by Professors Krass and Aslani was problematic in a number of respects. They were commissioned by the APESMA to prepare a report analysing changes in the work value of pharmacists since 1998, and the instructions provided

to them by the APESMA gave what we consider to be an accurate summary of the nature of the proceedings currently before the Commission and the process by which work value was to be assessed in the industrial context. It is far from clear to us that the Report was properly responsive to those instructions. The first part of the Report in particular was expressly stated to be concerned only with the delivery of “*cognitive pharmaceutical services*” and did not attempt to undertake a holistic analysis of the work value of pharmacists, noting that it was part of the PGA’s case that some elements of pharmacists’ work associated with the prescription of medicines had become less onerous. Further, it is apparent that the first part of the Report took a heterodox view of work value, in that the “value” of pharmacists’ work was primarily analysed by reference to its value to the community and the health outcomes it produced rather than being concerned only with the nature of the work and the level of skill and responsibility being exercised. The second part of the Report was based on interviews with a sample of pharmacists, but it suffered from the defects that, first, what was obtained from the interviews was necessarily in the nature of subjective perceptions rather than objective information and, secondly, the nature of the work experience (such as the length of time spent in the profession) of the interview participants was not provided. Nonetheless the Report as a whole contained a great deal of useful information concerning new programs and services in the pharmacy industry and the extent to which individual pharmacists were involved in the delivery of those.

[180] The expert evidence of Professor Clarke provided a valuable overview of the highly regulated nature of the pharmacy industry, but was unable to answer the question posed to him by the APESMA concerning whether the grant of its claim would have a significant negative impact of the financial sustainability of community pharmacies – a question which, it seems to us, could not be answered without him being provided with or having access to data about the extent to which the market wage rates for pharmacists exceed the minimum award rate. Data of that nature was provided in the evidence given by Mr Crowther concerning the surveys conducted for the APESMA. Those surveys gave evidence concerning market rates for pharmacists which we accept, noting that the results of those surveys (showing a decline in market rates over the last five years) were confirmed by the UTS Pharmacy Barometer (discussed in the first part of the Report of Professors Krass and Aslani). Finally, the evidence of Dr March described developments in policy affecting the pharmacy profession and in the training of pharmacists over the last 30 years. We accept as accurate his description of those developments, but not necessarily some of the inferences he sought to draw from those developments.

[181] The evidence adduced by the APESMA referred to a large number of discrete changes which it will be necessary for us to deal with separately later, but the APESMA’s overarching case was that there had been a paradigm shift in the work of pharmacists since 1998 from the traditional role of simply dispensing medicines for the treatment of particular illnesses to a patient-centred approach in which the pharmacist operates as part of an integrated health care team treating the entirety of the patient’s condition through the provision of a wide range of primary and preventative health care services and through direct interaction with the patient. It is apparent that the case was advanced in that overarching way in order to justify the scale of the wage increases sought. We will deal with this overarching case first.

[182] We are not satisfied that there has been a fundamental change in the nature of the work of pharmacists since 1998, or in their skills or level of responsibility, in the way suggested by the APESMA. We consider that the evidence, considered as a whole, demonstrates the following propositions:

- (1) The main function of the pharmacist has always been, and remains, the dispensing of prescription medicines. However over time (both before and after 1998) there has been a decline in the proportion of time spent on this work. There have been a number of reasons for this. The process of issuing prescriptions, and making PBS claims in respect of such prescriptions, has speeded up and been simplified due the transformation effected by information technology. That this has been the case is a matter of everyday observation, although it was confirmed by the evidence of the PGA's witnesses Ms Willis, Mr Pricolo and Mr Loukas, and also to some extent by the APESMA's witnesses Ms Malakozis, Ms Madden and Ms McCallum and in the second part of the Report of Professors Krass and Aslani. As the federal government has over some decades attempted to control the cost of PBS medicines, issuing prescriptions has become relatively less profitable than it was before and has forced pharmacies to seek revenue and profit from other areas of activity. Additionally, the compounding of prescription medicines has virtually ceased (except in some specialist compounding pharmacies), and in addition the preparation of extemporaneous medicines now rarely occurs. Again, this position was made clear in the evidence of the PGA's witnesses, and was either supported or not contradicted by the APESMA's witnesses.
- (2) This relative decline in the work of dispensing prescriptions has allowed pharmacists to spend a greater proportion of their time in providing other services to and interacting with patients, and the regulatory framework in which pharmacies operate has encouraged and incentivised this process, consistent with the philosophy articulated by the QUM policy. In the latter respect, the Community Pharmacy Agreements - particularly the Third, Fourth and Fifth CPAs - introduced a number of programs which funded the provision of a range of professional services to the community. All the witnesses to varying degrees gave evidence supporting this proposition.
- (3) However, it does not follow that the nature of the work of community pharmacists or their skills or responsibilities have fundamentally changed since 1998 because of the developments described above. Rather, this is a case where, by and large, pharmacists have as a consequence of these developments been required to perform certain work and exercise certain skills more intensely and more frequently than they did.
- (4) Interaction and dialogue with patients concerning medicines to be dispensed, including the proper use of medicines and their effects, and the use of "soft" personal and communication skills in doing so, was a feature of pharmaceutical practice in 1998 and remains so today. Ms Malakozis and Ms McCallum as well as Ms Willis, Mr Pricolo and Mr Loukas described interacting with patients and providing them with information about their prescriptions before 1998, and this is consistent with everyday experience. The degree to which patient interaction occurs has always varied from pharmacy to pharmacy depending on business/retailing model that is used, but it certainly cannot be accepted that this was a new class of work or a new skill that was introduced at some time after 1998. We note Dr March's evidence that university undergraduate courses for pharmacists have added new subjects to the

curriculum related to the use of such “soft” skills, but there was imprecision about when this occurred, and it is not clear to us that this was not part of the normal evolution of university courses rather than a radical change required by new developments in the profession. It may be accepted that greater accessibility to information about medications and patients’ medication histories through the use of information technology has added to the therapeutic value of patient interactions, but we do not consider that there has been any intrinsic change to the nature of this work or the skills exercise.

- (5) Diagnosis and advice as to the treatment of minor ailments such as colds and flu, minor aches and pains, allergies, skin irritations, cuts and abrasions, and referrals to medical practitioners if necessary, is not new and was a feature of pharmacy practice in 1998. We accept the evidence of Ms Willis, Mr Pricolo and Mr Loukas in this respect, which was not the subject of any substantial contradiction on the part of the APESMA’s pharmacist witnesses. The degree to which this occurs is likely to have increased as a result of the greater accessibility of pharmacists to the public and a concomitant growth in expectations of the availability of such advice on the part of pharmacy customers, but there is no new work or skills involved.
- (6) The introduction of federal-government funded programs for the provision of patient services through the Community Pharmacy Programs is not necessarily to be understood as signifying the introduction of new work or a requirement for pharmacists to learn new skills. We think the evidence supports the proposition that many of these programs provided funding to support the systematised provision of services that were already provided by pharmacists free of charge and on an ad-hoc basis. For example, we accept Ms Willis’ evidence that the MedsCheck and Diabetes MedsChecks programs, which were introduced as part of the Fifth CPA and involve a systematised in-pharmacy review of a patient’s medicines, represent a formalisation of work which was performed informally before. The skills required to be exercised, including understanding how medications may interact with each other, communicating to patients about the proper use, effects and storage of medicines, and identifying and responding to problems that may have arisen in the use of medication, are not new and were exercised by pharmacists in 1998 and before. Likewise, we accept the evidence of Mr Pricolo and Mr Loukas that clinical interventions, which are the subject of a formal funding program introduced in the Fifth CPA and involve the identification of any medication-related problem in a patient and the making of a recommendation to the relevant medical practitioner about how to resolve it, are not new, with the change being that they are now recorded for funding purposes and their performance thereby encouraged. That they are not new is confirmed by the text of the Fifth CPA itself, which (as earlier set out) provides that the applicable program had the purpose of increasing the number of clinical interventions provided and documented.

[183] In summary, we consider that although the mix of work being performed and skills being exercised has changed since 1998, and some skills for which pharmacists have always been trained are not utilised in a more intense and systematised fashion, there has not been the

fundamental change in the work of pharmacists since 1998 which would justify wage increases of the order claimed by the APESMA.

[184] It is next necessary to determine whether any of the work changes relied upon by the APESMA, considered individually, would justify any increase in the wage rates for pharmacists in the *Pharmacy Award* for work value reasons. We have already, in the context of our consideration of the APESMA's overarching case, rejected the proposition that there has been any change in the work value of pharmacists because of the QUM, greater interaction and communication with patients, the diagnosis and treatment of minor ailments, the MedsCheck program, or clinical interventions. We have reached the same conclusion, with one qualification to which we will return concerning the level of responsibility and accountability of pharmacists, about the following matters relied upon by the APESMA:

- *Dose administration aids*: The Fifth CPA financially supported the provision of DAAs in order to maximise the safe and effective use of medicines, but this did not represent the introduction of a new form of work or require the exercise of any new skill. We accept the evidence of Mr Loukas and Mr Pricolo that DAAs have existed since at least 1998, although their form and the extent of their usage has changed.
- *QCPP*: This has not in itself required new work or new skills, but has only involved a standardised quality assurance methodology.
- *Blood pressure and blood glucose tests*: These are not new and were offered in at least some pharmacies in 1998 and before. Blood pressure tests are not even necessarily administered by pharmacists.
- *Medical certificates*: It is clear that this service, which is offered at some but not all pharmacies on a fee-for-service basis, is new, having commenced in about 2009. However the evidence does not establish that this requires the exercise of any new skill by pharmacists; in particular the evidence did not suggest that the pharmacist is required to actually diagnose the person requesting the certificate on the basis of any form of medical examination as a medical practitioner would.
- *Weight management services and smoking cessation services*: These services have expanded but are not new, and on the evidence largely involve an explanation of available products for treatment.
- *Asthma and diabetes management*: We accept the evidence of Ms Willis, Mr Pricolo and Mr Loukas that this work had been performed in 1998 and before, and that any change was confined to understanding and providing information concerning new and updated medications, equipment and treatment methods.
- *Sleep apnoea services*: The limited evidence on this topic suggests that only a minority of pharmacies provide this service, and although it involves the provision of information and assistance concerning treatment technology which had been developed since 1998, the underlying condition had always been dealt with in undergraduate pharmacy courses.
- *Continuing professional development*: It is fundamental that any professional must engage in continuing and self-driven education and development in order to stay

abreast of new knowledge, technology and other changes in the profession. It is a defining feature of a profession. Accordingly the introduction of CPD requirements merely formalised and systematised something that was (or should have been) already occurring.

- *Staged supply of medicines*: This program involves the management of patients who, because of mental illness, addictions or other problems have difficulty in managing their medications. The very limited evidence about this does not demonstrate that involves entirely new work (in the sense that pharmacist have always had to interact with and manage the medication needs of patients with these difficulties) or the exercise of new skills.
- *Workload and patient profile*: The evidence that the overall workload of pharmacists has risen did not rise above the anecdotal level. We find persuasive the evidence of Ms Willis that where the workload of individual pharmacists might be characterised as excessive, it was generally the result of business decisions made by some pharmacy owners to artificially limit or reduce the number of staff to deal with cost and competitive pressures rather than because of any inherent change in the nature of the work. The evidence of Professor Clarke was that there had been, over some decades, a doubling of the number of persons per pharmacy due to the location and ownership rules preventing new entrants into the industry. However it cannot be concluded from this that the workload of pharmacists has concomitantly increased; it is clear that there have been significant increases in the dispensing productivity of pharmacists due to information technology, and the number of *pharmacists* has grown even though the restrictive arrangements preserved by the PGA and the federal government in the CPAs have stopped the number of *pharmacies* from growing. The demographic of an ageing and progressively more obese population has undoubtedly led to more prescriptions being issued per person and an increased need to manage chronic disease and multiple medications for co-morbidities, but again it is difficult to conclude from this that the workload of individual pharmacists has increased have regarded to the productivity improvements to which we have referred.
- *Increase in use of complementary medicines and vitamins*: The evidence does not establish that this involves any new work, skills or training.
- *Clozapine clinics*: The limited evidence on this topic does not satisfy us that this constitutes an increase in work value for pharmacists generally. It appears to involve the information checking and recording functions which do not involve the exercise of any new skills, and the duties appear only to be undertaken by a minority of pharmacists.
- *Four-year undergraduate degrees*: The evidence demonstrates that the move from three to four-year undergraduate degrees commenced well before 1998, although it became universal after 1998. We will consider the significance of the requirement of a four-year degree to the wage rates for pharmacists in the *Pharmacy Award* in a somewhat different context later in this decision.
- *Internship requirements*: The evidence demonstrated that the requirements for the completion of a pharmacist's internship, being a prerequisite for registration as a

pharmacist, have become more onerous and rigorous. However this is a matter external to the work of pharmacists and does not constitute a change to the qualifications necessary to become a pharmacist.

[185] We are satisfied that the APESMA has demonstrated that there is an increase in work value associated with the introduction of Home Medicine Reviews and Residential Medication Management Reviews that justified a discrete adjustment to award remuneration. We have reached that conclusion for the following reasons:

- (1) The performance of these duties requires the higher qualification of Accredited Pharmacist, which may only be obtained after undertaking a training course and successfully completing a communication module, an examination and four case studies.
- (2) The performance of HMRs and RMMRs occurs in the patient's home or aged care residence - that is, a different work environment involving the exercise of distinct personal interaction skills – and must be conducted in coordination with the patient's medical practitioner.
- (3) There is an entirely new level of responsibility in terms of both medical outcomes and the claiming of CPA funding.

[186] However, we do not agree that an entirely new classification of Accredited Pharmacist, as proposed by the APESMA, is either necessary or warranted. Registered pharmacists at any classification level may become Accredited Pharmacists, and any increased remuneration should operate as an equal increment to whatever may be the pharmacist's classification rate. Further, the holding of the qualification of Accredited Pharmacist does not in itself mean that the employer requires the performance of HMRs and/or RMMRs, and the evidence shows that many pharmacies do not engage in this work. These considerations support the conclusion that the appropriate course is to establish an allowance for Accredited Pharmacists who are required by their employer to perform HMRs and/or RMMRs. We consider that the establishment of such an allowance would be consistent with and necessary to achieve the modern awards objective in s 134(1), in that it is required in order for there to be a fair and relevant safety net for pharmacists performing HMRs and RMMRs. In reaching that conclusion we have taken into account all the matters specified in s 134(1)(a)-(h); each of those matters we consider to be neutral considerations. We consider for the same reason that such an allowance is necessary to achieve the minimum wages objective in s 284(1), to the extent applicable; in that respect we consider the matters identified in s 284(1)(a)-(e) to be neutral considerations.

[187] We propose to invite further submissions about the form of this allowance (such as whether it should be an annual or weekly allowance or an allowance payable each time a HMR or RMMR is performed) and its quantum.

[188] In addition, we are satisfied that, in respect of some of the matters raised in the APESMA's case, there has been some increase in the work value of pharmacists since 1998. These matters are as follows:

- *Inoculations*: The work of actually administering an inoculation by injection is new work introduced in recent years involving the exercise of a discrete new skill, and

requires the completion of additional approved study, the maintenance of authority to immunise, and the holding of statements of proficiency in cardiopulmonary resuscitation and first aid.

- *Emergency contraception*: The provision of emergency contraception, as Mr Yap explained in his evidence, requires not just the usual tasks of ensuring that the issue of the medication would be appropriate, safe and effective, but may also require analysis, advice, assistance and referral in cases where the patient is underage or may have been the victim of a sexual assault. We accept Mr Loukas' evidence that this is new work and involves an increase in accountability and responsibility.
- *Downscaling of medicines*: The downscaling of significant numbers of medications from prescription-only to Schedule 3 pharmacy-only medicines has increased the work value of pharmacists because it requires the pharmacist, in addition to dispensing the drug, to take on the functions previously exercised by a medical practitioner of diagnosing the patient and determining that issuing the medication would be a safe and effective medical response.
- *General increase in the level of responsibility and accountability*: While, for the reasons earlier stated, we have not generally accepted that the work and skills associated with patient programs established and funded under the CPAs has led to an increase in work value, we consider that the requirement for pharmacists to document these activities for the purpose of receiving funding and measuring outcomes represents a new required level of accountability and responsibility on the part of the pharmacist. Both the APESMA witnesses and the PGA witnesses acknowledged that this documentation requirement had not previously been a responsibility of pharmacists in 1998 when the relevant services had been provided on an informal and ad hoc basis.

[189] We will invite the parties to make further submissions as to how the above findings should be reflected in an adjustment to remuneration, noting that the evidence demonstrates that not all pharmacists administer inoculations or dispense emergency contraception. It may be necessary for the consideration of this matter to occur in the context of the matters raised in the next part of our decision.

[190] Finally, it is necessary to deal with the alternative limb of the APESMA's case, namely that the relativities between pharmacists and the C10 tradespersons rate in the *Metal Industry Award* established in Commissioner O'Shea's 1996 decision should be re-established by reference to the current C10 rate in the current *Manufacturing and Associated Industries and Occupations Award 2010 (Manufacturing Award)* because that was the basis upon which the work value of pharmacists was fixed when the *Community Pharmacy Award* was made in 1998. It is not in dispute that those relativities have become compressed as a result of flat dollar increases in Safety New Reviews and Annual Wage Reviews from the time the *Community Pharmacy Award* was made (and indeed from 1993) through to 2010. That means, for example, that the commencing classification of a Pharmacist, which was intended to have a relativity of 140% compared to the C10 rate, now has a relativity of only 123%.⁸⁸

⁸⁸ The current weekly wage rate for a Pharmacist under the *Pharmacy Award* is \$1033.40. The current C10 classification weekly wage rate under the *Manufacturing and Associated Industries and Occupations Award* is 837.40.

[191] It may be accepted that where the work value of a classification has been assessed on the basis of a relativity relationship with the C10 classification in the *Metal Industry Award*, and that relationship has not been sustained so that the current wage rate for the classification no longer reflects its originally assessed work value, that would constitute a work value reason as defined in s 156(4). The question is whether it is a work value reason that would *justify* the variation to minimum wages in the *Pharmacy Award* sought by the APESMA. We consider that it is not. The compression of relativities was the intended effect of the award of flat dollar increases to awards, in that it was considered appropriate to adopt an approach to improve the relative position of lower-paid award-wage workers and to depress that of higher-paid award-wage workers. This may be illustrated by the following passage in the *2009-10 Annual Wage Review* decision, the last in which a flat-dollar increase was awarded:

“[336] We consider there is a strong case for a percentage adjustment to all modern award minimum wages. While not all award-reliant employees are low paid, uniform dollar increases reduce the relevance of the safety net at the higher award levels and erode the real value of award wages at most levels. These are particularly important considerations at the commencement of the modern awards system. Nevertheless most of the major parties supported a dollar increase rather than a percentage one.

[337] With some hesitation we have decided on a dollar increase. There are two reasons. The first is that to the extent there is a choice between a percentage increase benefiting the higher levels and a dollar amount benefiting the lower levels we think that the current circumstances favour a greater benefit for the lowest paid. We are required in particular to take the needs of the low paid into account. In light of the fact that award-reliant employees have not had an increase in wages since 2008, it is desirable that we increase award rates by the largest amount consistent with the statutory criteria. Secondly, we have very little data concerning the impact of a percentage increase on costs and employment. We have insufficient information to be confident that a percentage increase would not have disproportionate effects on employment at the higher award levels...”

[192] It may also be noted that this position was one urged by the union movement over a long period of time. Because flat-dollar increases were applied across all awards, the compression of relativities has occurred across the entire award wages system. We do not think that there is any proper basis to attempt to unwind now, in one award only in response to a claim by a single union, a common approach to the adjustment of wages which was taken for deliberate policy reasons with the support of the union movement as a whole. It is obvious, in addition, that if the approach now urged by the APESMA was taken in relation to the *Pharmacy Award*, there would be no logical reason why this would not be sought to be flowed on to every other modern award, with ramifications that need not be spelled out.

[193] Accordingly the alternative basis for the APESMA’s claim is rejected. However we give some further consideration to the issue of pharmacists’ relativities with the C10 rate, and other rates, in the *Manufacturing Award* in the next part of this decision.

Relativity between Pharmacist Rates and Manufacturing Award Rates

[194] The following table sets out the relative position concerning rates of pay, original relativity with C10 and qualifications as between relevant classification in the *Manufacturing*

Award and the *Pharmacy Award* (noting that completion of a four-year undergraduate degree and a one-year internship is necessary to qualify for the base Pharmacist grade in the *Pharmacy Award*):

Manufacturing Award classification	Minimum qualification	Original relativity to C10	Current Wage Rate	Pharmacy Award classification	Original relativity to C10	Current Wage Rate
C1	Degree	180/210%	-	Pharmacist manager	190% ⁸⁹	1290.90
C2(b)	Advanced Diploma or equivalent + additional training	160%	1132.40	Pharmacist in charge	160% ⁹⁰	1158.40
				Experienced pharmacist		1131.80
C2(a)	Advanced Diploma or equivalent + additional training	150%	1085.00			
C3	Advanced Diploma	145%	1058.60			
				Pharmacist	140% ⁹¹	1033.40
C4	80% towards an Advanced Diploma	135%	1005.90			
C5	Diploma or equivalent	130%	979.60			
C6	C10 (Trade certificate III) + 80% towards Diploma OR 50% towards Advanced Diploma	125%	960.00			
C7	Certificate IV or 60% towards Diploma	115%	913.70	Pharmacy Intern – 2 nd half of training		913.50
C8	C10 (Trade certificate III) + 40% towards Diploma	110%	889.90			
				Pharmacy Intern – 1 st half of training		883.40

[195] The above relativities do not align for equivalent qualifications, reflecting the difficulty arising from the original use of professional scientists as a reference point. Nor do they consistently relate to the Australian Qualifications Framework (AQF), which ranks

⁸⁹ 190% is the original relativity for the Pharmacist Manager Grade 1 classification, which became the Pharmacist Manager classification in the *Pharmacy Award*.

⁹⁰ 160% is the original relativity for Pharmacist in charge Grade 1 classification, which became the Pharmacist in charge classification in the *Pharmacy Award*.

⁹¹ 140% is the original relativity for a Pharmacist in their first year of experience.

educational qualifications above the completion of the Senior Secondary Certificate of Education in ten levels as follows:

- Level 1 – Certificate I
- Level 2 – Certificate II
- Level 3 – Certificate III
- Level 4 – Certificate IV
- Level 5 – Diploma
- Level 6 – Advanced Diploma, Associate Degree
- Level 7 – Bachelor Degree
- Level 8 – Bachelor Honours Degree, Graduate Certificate, Graduate Diploma
- Level 9 – Masters Degree
- Level 10 – Doctoral Degree

[196] It can be seen, for example, that the rate of pay for a Pharmacy Intern, First half of training, who must possess a bachelor degree and is thus at Level 7 of the AQF, is lower than that of classification C8 in the *Manufacturing Award*, who is at Level 3 in the AQF. Similarly the base grade Pharmacist, who is at Level 7 in the AQF, is paid less than the C3, who is at Level 6 in the AQF.

[197] This outcome appears to be inconsistent with the principles stated and the approach taken concerning the proper fixation of award minimum rates in the *ACT Child Care Decision*, to which we have earlier made reference. However we note that the *ACT Child Care Decision* was made under a different statutory regime and pursuant to wage-fixing principles which no longer exist.

[198] This matter may potentially constitute a work value consideration relevant to the 4 yearly review of the *Pharmacy Award*. In the conduct of the review, the Commission is required to discharge its functions under s 156(2) and is not confined to matters raised by interested parties. We will as a first step invite further submissions from interested parties concerning this matter. We will then consider what course, if any, should be taken. One possibility is that this aspect of the review may need to be referred back to the President of the Commission for consideration as to the procedural course to be taken pursuant to s 582, since the matter raised may have implications for other awards of the Commission, including but not limited to the *Professional Employees Award 2010*.

Next step

[199] Interested parties may file further written submissions pursuant to paragraphs [187], [189] and [198] within 28 days of the date of this decision.



VICE PRESIDENT

Appearances:

M. Irving QC and *F. Knowles* of Counsel for the Association of Professional Engineers, Scientists and Managers, Australia.

M. Seck of Counsel for the Pharmacy Guild of Australia

Hearing details:

2018.

Sydney:

7 – 11 May.

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DECISION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 YEARLY REVIEW OF MODERN AWARDS—PHARMACY INDUSTRY AWARD (AM2016/28)

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT DEAN
COMMISSIONER SPENCER

SYDNEY, 13 JUNE 2019

Pharmacy Industry Award 2010 - substantive issues.

Introduction

[1] On 14 December 2018 we issued our decision¹ (**December decision**) concerning an application by the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) for increases to the minimum rates of pay for pharmacists in the *Pharmacy Industry Award 2010 (Pharmacy Award)* on work value grounds. In that decision we stated three conclusions:

- (1) The APESMA had demonstrated that there was an increase in work value associated with the introduction of Home Medicine Reviews (HMR) and Residential Medication Management Reviews (RMMR) that justified a discrete adjustment to award remuneration by means of the introduction of a new allowance. We invited further submissions about the form of this allowance (including whether it should be an annual or weekly allowance or an allowance payable each time a HMR or RMMR is performed) and its quantum² (**first conclusion**).
- (2) We were satisfied that there had been an increase in the work value of pharmacists since 1998 in respect of the introduction of inoculations, the provisions of emergency contraception, the downscaling of medicines to pharmacy-only status, and a general increase in the level of responsibility and accountability. We invited parties to make further submissions as to how these findings should be reflected in an adjustment to remuneration, noting that not all pharmacists administer inoculations or dispense emergency contraception³ (**second conclusion**).

¹ [2018] FWCFB 7621

² Ibid at [185]-[187]

³ Ibid at [188]-[189]

(3) There was a lack of alignment in pay rates and relativities as between pharmacists (who require a four-year undergraduate degree) under the *Pharmacy Award* and those for classifications requiring equivalent qualifications under the *Manufacturing and Associated Industries and Occupations Award 2010 (Manufacturing Award)*, as well as a lack of a consistent relationship with the Australian Qualifications Framework (AQF). We considered that this might potentially constitute a work value consideration relevant to the 4 yearly review of the *Pharmacy Award*. We invited further submissions as to this matter, and foreshadowed the possibility that this aspect of the review might need to be referred back to the President of the Commission for consideration as to the procedural course to be taken pursuant to s 582 of the *Fair Work Act 2009* (FW Act) since it might have implications for other awards of the Commission⁴ (**third conclusion**).

Further submissions

[2] Submissions were subsequently filed by the APESMA, the Pharmaceutical Society of Australia (PSA), the Pharmacy Guild of Australia (PGA), and Australian Business Industrial and the NSW Business Chamber (ABI).

APESMA

[3] The APESMA submitted that, arising from the third conclusion in our December decision, the starting rate for a pharmacy intern should be aligned with the rate for the C2(b) classification (which requires an advanced diploma plus additional training) under the *Manufacturing Award*, being \$1132.40 per week. In the alternative, it submitted that the rate should be at least \$952.60, which is equivalent to the minimum starting wage for a professional with a four year degree in the *Health Professionals and Support Services Award 2010*, the *Nurses Award 2010*, the *Professional Employees Award 2010* and the *Educational Services (Teachers) Award 2010*. It proposed that the existing relativities for pharmacist classifications in the *Pharmacy Award* be maintained by reference to the adjusted entry level rate. This would rectify the inequity identified in the third conclusion, it was submitted, and would also be justified by the changes in work value identified in the second conclusion.

[4] In relation to the first conclusion, the APESMA proposed that an allowance should be established for pharmacists performing HMRs and RMMRs calculated at ten percent of the Experienced Pharmacist rate.

Pharmaceutical Society

[5] The PSA submitted that it is the “*Australian Government-recognised peak national professional pharmacy organisation representing all of Australia’s 31,000 pharmacists working in all sectors and across all locations*”. It did not appear in the primary proceedings concerning the APESMA’s claim, but nonetheless filed submissions concerning the adjustments to the *Pharmacy Award* which should flow from the conclusions reached arising from the proceedings. It submitted that:

⁴ Ibid at [194]-[198]

the allowance for pharmacists performing HMRs and RMMRs should be quantified at 18 per cent of the minimum weekly wage for a Pharmacist; and we should proceed to review and address the issue identified in the third conclusion.

[6] The PSA's submissions did not address the second conclusion.

Pharmacy Guild

[7] In respect of the first conclusion, the PGA submitted that an allowance for work associated with HMRs and RMMRs should be payable on each occasion they are performed, and that it should be quantified on the basis of an approximate equation with one hour of the minimum rate for an Experienced Pharmacist (currently \$29.79), and capped at approximately five hours per week (\$148.95). On this approach, the allowance would be an additional 3.55 per cent of the standard rate on each occasion a HMR or RMMR was performed, to a maximum of 17.75 per cent per week when five or more HMRs and RMMRs were performed. It also proposed that clause 27 of the *Pharmacy Award* should be varied to add the new allowance in the list of matters which might be satisfied by the payment of an annualised salary.

[8] The PGA submitted that the second conclusion should be implemented by way of a general increase for all pharmacist classifications except for interns of five percent, to be implemented in two equal instalments on 1 July 2019 and 1 July 2020. In relation to the third conclusion, the PGA submitted that the adjustments to the rates it proposed would produce fair and relevant minimum wages and it was not necessary for the Commission to consider the relativity between pharmacists' rates and those in the *Manufacturing Award*. In the alternative, it submitted that this matter should be referred back to the President for consideration as a common issue.

ABI

[9] ABI's submissions only addressed the third conclusion. It submitted that the third conclusion raised issues of broad application to the operation of modern awards generally. The structure of classifications in the *Manufacturing Award* and the nexus with C10 had not been the subject of arbitral consideration and the Commission should be cautious in treating these as an unalterable or unquestionable reference point. It was, ABI submitted, reasonably open to question how comfortably the manufacturing classification structure and the C10 nexus sat with a contemporary work value assessment as contemplated by s 156(4) and also ss 134 and 135 of the FW Act. It was also highly questionable whether the AQF alone could serve as a satisfactory proxy for determining work value. Therefore, it was submitted, the matter should be referred for further consideration by the President as it was relevant to the jurisdiction as a whole and likely to affect all or a substantial number of modern awards.

Consideration

First conclusion – allowance for HMRs and RMMRs

[10] We are not persuaded by the PGA's submissions that the allowance to be established for pharmacists who are qualified to perform and are required by their employer to perform HMRs and RMMRs should be paid on a "per occasion" basis, capped at a fixed number of occasions per week. As we found in paragraph [185] of the December decision, the

performance of this work requires the acquisition of a new level of skill and responsibility by obtaining the higher qualification of Accredited Pharmacist. Further, as recorded in paragraphs [81] and [82] of the December decision, registration as an Accredited Pharmacist must be continually maintained. We do not consider that a “per occasion” allowance is an appropriate method to remunerate for work for which the employee must obtain and maintain accreditation. We propose to award an allowance quantified as a weekly amount.

[11] The additional work value involved in performing HMRs and RMMRs is significant. As stated, it requires a higher qualification, must be performed in “a different work environment involving the exercise of distinct personal interaction skills” and requires an “entirely new level of responsibility in terms of both medical outcomes and the claiming of CPA funding”.⁵ We have had regard to the proposals for the quantification of this increase in work value proposed by the parties. We note that under the PGA’s proposal, the performance of five HMRs and/or RMMRs in a week would attract an additional amount of 17.75 per cent per week, and the performance of three would be an additional 10.65 per cent.

[12] We consider that an allowance calculated as ten per cent of the minimum rate for the Pharmacist classification (\$106.40 on the rate as at 1 July 2019 resulting from the *Annual Wage Review 2018-19*⁶) is appropriate. The allowance will be included in clause 19, *Allowances*, as subclause 19.1 (with the other subclauses to be re-numbered), and will be expressed in the following terms:

19.1 Home Medicine Reviews and Residential Medication Management Reviews

An employee classified as a Pharmacist, Experienced Pharmacist, Pharmacist in Charge or Pharmacist Manager who is required by the employer to perform Home Medicine Reviews or Residential Medication Management Reviews shall be paid an additional allowance of \$106.40 per week.

[13] In order to allow employers to prepare for the introduction of this allowance, the above variation will take effect from the start of the first pay period commencing on or after 1 October 2019.

Second conclusion – wage increases for identified work value changes

[14] Notwithstanding our observation that not all pharmacists administer inoculations or dispense emergency contraception, all parties which dealt with the issue submitted that a general wage increase should be awarded in respect of the work value changes identified in the second conclusion. We are prepared to accept this as a practical approach while acknowledging that the degree to which pharmacists perform the duties and have the responsibilities identified in the second conclusion will vary. However the increase shall not apply to Pharmacy Interns since they do not administer vaccinations, provide emergency contraception or dispense medications. We consider that the PGA’s valuation of these work value changes as justifying a five per cent wage increase is appropriate. This increase, which will apply to the classifications of Pharmacist, Experienced Pharmacist, Pharmacist in Charge and Pharmacist Manager, will be introduced in two equal instalments of 2.5% from 1 July

⁵ Ibid at [185]

⁶ [2019] FWCFB 3500

2019 (in addition to the three percent increase arising from the *Annual Wage Review 2018-19*) and 2.5% from 1 October 2019 in order to mitigate their effect on businesses.

Third conclusion – relativities with the Manufacturing Award

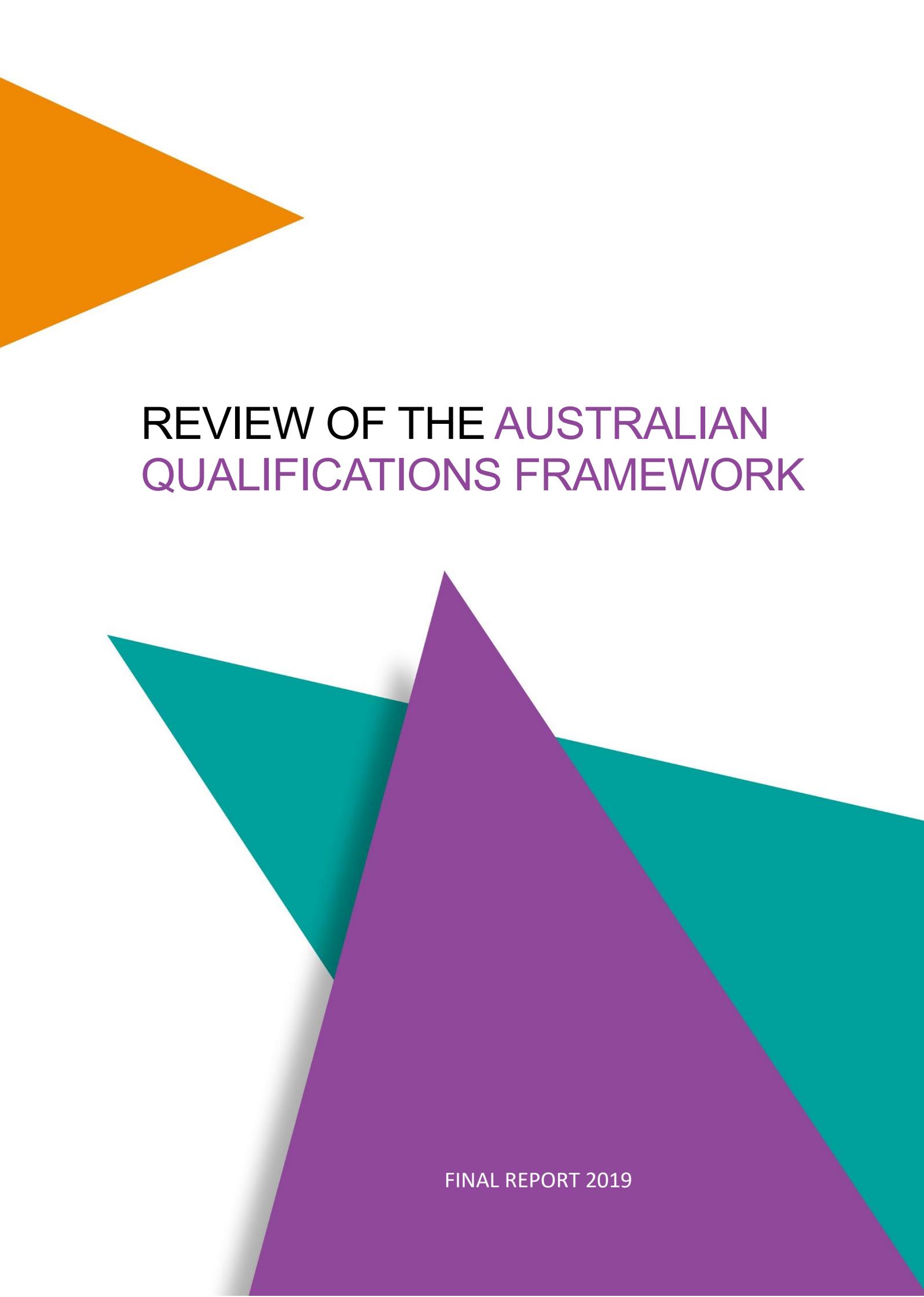
[15] We are persuaded by ABI’s submission that the issue identified in the third conclusion should be referred to the President of the Commission for consideration as to the procedural course to be taken pursuant to s 582 of the FW Act. As we identified in the December decision, the issue has ramifications for other awards which contain classifications applying to employees who are required to hold undergraduate qualifications including, but not limited to, the *Professional Employees Award 2010*. As such, a broader review of the issue across a number of awards may be called for. We also note that a similar issue has been raised in connection with proceedings currently on foot concerning the *Educational Services (Teachers) Award 2010*.⁷

VICE PRESIDENT

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⁷ AM2018/9



REVIEW OF THE AUSTRALIAN QUALIFICATIONS FRAMEWORK

FINAL REPORT 2019

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The document must be attributed as the *Review of the Australian Qualifications Framework Final Report 2019*.

Chair's Letter

30 September 2019

The Hon Dan Tehan MP
Minister for Education
House of Representatives
Parliament House
Canberra ACT 2600

Senator the Hon Michaelia Cash
Minister for Employment, Skills, Small and Family Business
Senate
Parliament House
Canberra ACT 2600

Dear Ministers

On behalf of the Expert Panel for the Review of the Australian Qualifications Framework (AQF), I am pleased to submit the Review Report for consideration by the Council of Australian Governments (COAG) Education Council and the COAG Skills Council.

The Panel is recommending substantial reforms to the AQF. It believes that these reforms are essential to ensure that the AQF effectively fulfils its important functions into the future. The Panel's recommendations and implementation plan suggest a staged approach to the finalisation of the reforms, under the guidance of a new governance body for the AQF.

The Panel extends its thanks and appreciation to the organisations and individuals who made submissions to the Review and who were engaged in the consultation process over the course of the Review. The Panel also recognises the contributions of organisations and individuals who were commissioned to provide advice on specific issues, often within demanding timelines. The substantial and detailed work of the Australian Council of Educational Research (ACER) is especially recognised.

The Panel would also like to express its deep appreciation to the members of the Secretariat to the Review, led by Vicki Ratliff, for their commitment and professionalism over the course of the Review.



Professor Peter Noonan
Chair

For Expert Panel members

Mr Allan Blagaich

Ms Leslie Loble

Professor Sally Kift

Professor Elizabeth More AM

Ms Megan Lilly

Ms Marie Persson

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Executive Summary

The Australian Qualifications Framework (AQF) is a critical part of the architecture of the Australian education and training system. The AQF defines the essential characteristics, including the required learning outcomes, of the 14 different types of qualifications¹ issued across the senior secondary education, vocational education and training (VET) and higher education systems in Australia.

Australia was among the first countries to develop and implement a national qualifications framework. Although the structure and purposes of national qualification frameworks vary between countries, their central purpose is to 'establish a basis for improving the quality, accessibility, linkages and public or labour market recognition of qualifications within a country and internationally'.²

Qualifications for the future

To retain their relevance and effectiveness, qualifications will need to respond to current and emerging workforce and social needs, be delivered in ways that meet learners' needs and circumstances, and be trusted by learners, employers and the community generally. The traditional role of formal qualifications is challenged by the ready availability of information through the Internet, declining trust in institutions and traditional sources of authority. Many people gain skills and experience in a variety of settings outside the formal education and training system.

The ongoing effect of new technology – particularly artificial intelligence – is transforming the world of work through its power to analyse, aggregate and disseminate information, including new knowledge. Production of goods, transportation and services, including health and the media, are in a constant state of disruption and innovation.

Many current job roles will become redundant, particularly in areas of standardised and routine production and service delivery. But new roles are also emerging, roles that place a premium on human aptitudes and capabilities, including the ability to understand, shape, interpret and reshape the use of technology. Skills required for sustainable development, including the transition to lower carbon emissions, and which address the impact of climate change, are also increasingly important.

Workplaces are also transforming. They are becoming more diverse and inclusive, more flexible in employment and work practices, and generally less hierarchical. Teamwork and collaboration are increasingly valued, as is collective rather than individual initiative and achievement. Effective and ethical leadership and governance are essential to the success and reputation of organisations.

Employers have strong and growing expectations that graduates will be work ready and productive. In turn, employees expect to have their skills and capabilities recognised and rewarded with ongoing opportunities for career and personal development. Individuals will need to be able to manage multiple career transitions, and to build their own career paths and business opportunities, through continuous learning and development. Many professions are also refocusing their requirements for professional entry and ongoing accreditation on a broad range of aptitudes and capabilities; their perspective is broadening from the familiar focus on technical and occupational proficiency.

Innovation within firms and across industries, underpinned by workforce capability, will be essential to improved productivity and competitiveness. Australia's capacity for world leading research, and the application of research outcomes, will be underpinned by research training capacity and the ability to recruit and retain world-class researchers.

¹ Within the 14 qualification types, both the Masters Degree and the Doctoral Degree specify more than one qualification type. The Masters Degree specifies the Masters Degree (Research), the Masters Degree (Coursework) and the Masters Degree (Extended). The Doctoral Degree specifies the Doctoral Degree (Research), the Doctoral Degree (Professional) and the Higher Doctorate.

² OECD, *Qualifications Systems: Bridges to Lifelong Learning*, Education and Training Policy, 2007, p. 22

Industries, firms, and education and training institutions are increasingly globally engaged. Many Australians will live and work overseas. Immigration will continue to be a source of specialist skills for the Australian economy. Education services will continue to be one of Australia's major export industries, founded on the quality and recognition of Australian qualifications and the institutions that offer them.

A qualifications framework needs to operate in, and help shape a future in which:

- Central economic and social policy goals are to widen participation in education and training, and to improve educational attainment levels, particularly among those with low levels of participation and attainment.
- Young people can successfully transition into post-secondary education and training through a broad range of options and pathways, and complete at least an initial tertiary qualification. Lifelong learning must become a practical reality for people; it cannot stand as an abstract goal.
- Post-secondary education and training is conceived and redesigned as a diverse set of offerings, available through better linkages and pathways between the VET and higher education sectors. These linkages and pathways will no longer be linear and hierarchical; they will need to recognise that throughout adulthood, people need to develop new skills in different areas and at different levels. Central to this objective is reinvigorating the VET system and raising its standing.
- As they transition into post-school education and training, young people must have a well-informed appreciation of the purpose of different qualifications and the relationship between qualifications. That appreciation must be accessible to adults seeking to deepen existing skills or gain new skills. Qualification outcomes will be relevant, understood, and trusted.
- Firms and people will have ready, flexible access to a broad suite of options and opportunities for developing new skills. They will look to short, purpose-built, flexibly delivered qualifications – within and outside the formal qualification system – to gain new skills and knowledge. Systems and processes for credit recognition and recognition of prior learning will be easier to access, more transparent, and rigorous in applying the credit recognition process to ensure quality is maintained and qualification outcome requirements are met.
- The competitiveness of Australian education and training as a major export industry will be influenced by perceptions of the standing, quality, and relevance of its system of qualifications.

The case for reform

The Australian Qualifications Framework (AQF) sets the overall framework for the design and quality assurance of education and training in Australia. It does not prescribe course content or methods of delivery and assessment. Factors such as funding, governance, regulation and institutional responsiveness have far greater influence on education and training than the AQF. Qualifications also sit within broader economic, social and cultural contexts, which can strongly influence perceptions about their standing and expectations about what they should provide.

Nonetheless the relevance, effectiveness and utility of the AQF is arguably more important today than when it was first implemented as a loose, largely sector based framework in 1995. It provides the common language for the design and description of the types of Australian qualifications and the relationships between them, in a future where increasing levels and closing gaps in levels of educational attainment will remain a central economic and social policy goal for Australia.

The current version of the AQF is a more comprehensive and complete framework than earlier versions. It is widely used and applied. However, the Panel has found that the AQF should be significantly reformed.

Too much weight is placed on its levels structures rather than the qualifications aligned to those levels. Its ten-level structure is duplicated but not consistently expressed, too rigid and overly hierarchical, with artificial and arbitrary distinctions between levels. This results in poor differentiation between some qualification types, and descriptions of skills and knowledge that do not reflect existing leading practice, let alone meet future requirements. The assumption that knowledge and skills can both be

defined and differentiated at ten levels is flawed. The application of knowledge and skills is context dependant and cannot be automatically linked to levels of knowledge and skills without entrenching hierarchical assumptions about VET relative to higher education qualifications.

The use of highly generic graduate outcome statements to define and differentiate qualification types is not meaningful, given the range of different qualifications, their purposes, and also the context within which they are delivered. The Senior Secondary Certificate of Education has sat apart from other qualifications in the AQF since its inception and the AQF currently has little influence on senior secondary education.

The AQF Qualifications Pathways Policy is generally understood by users of the AQF but provides only limited guidance on credit recognition between some qualifications. It was not designed to provide for recognition and alignment of shorter form credentials, including microcredentials, a rapidly emerging and evolving area in education and training.

As currently defined in the AQF, volume of learning reflects dated and increasingly outmoded assumptions about how AQF qualifications are delivered.

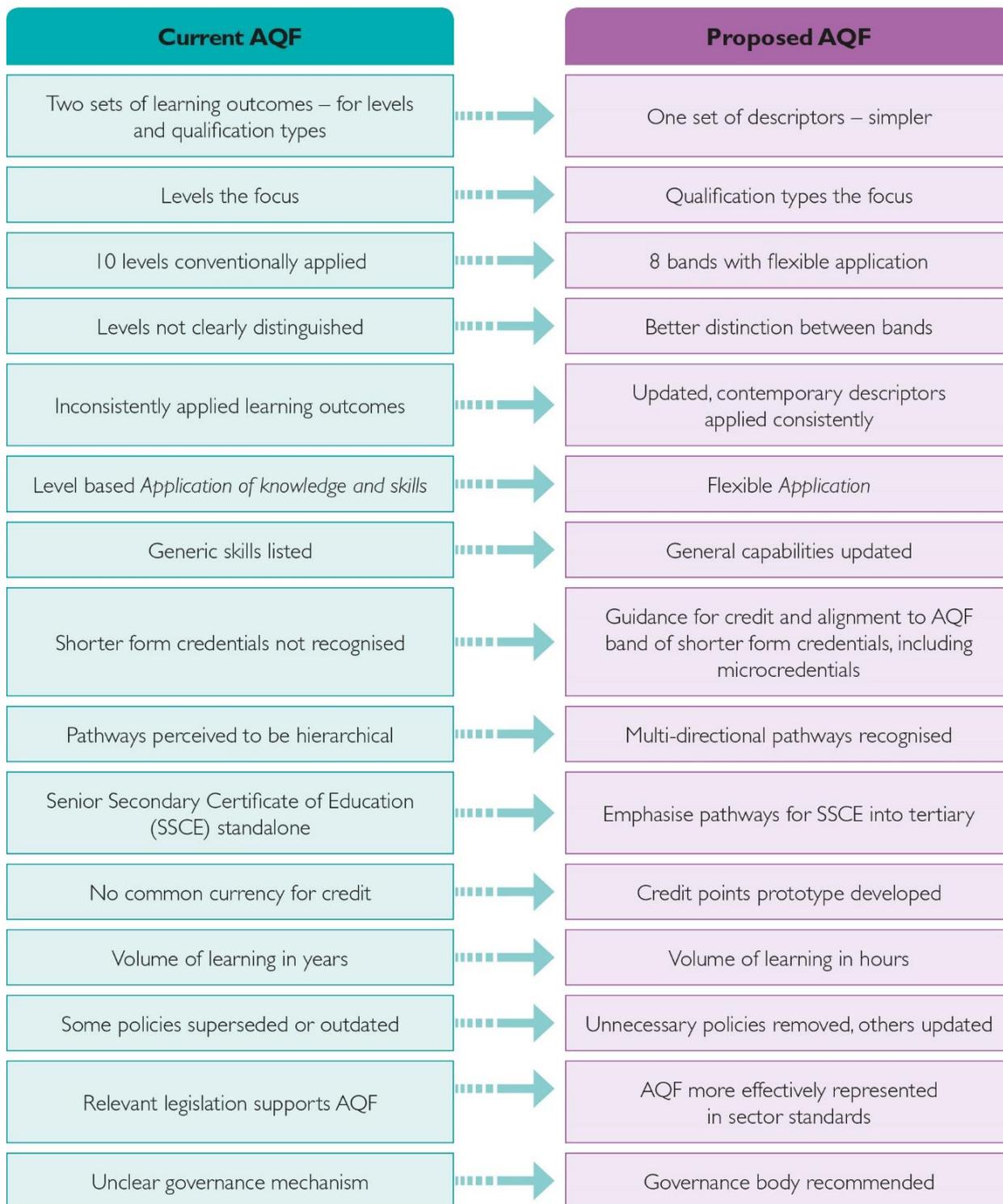
A future AQF

The Panel has proposed a comprehensive set of reforms and an implementation plan that would see a future AQF evolve as follows:

- A less complex AQF structure with a primary focus on the qualification types in the AQF (Degrees, Certificates etc.).
- A single and clearer taxonomy comprising eight bands of knowledge and six bands of skills more flexibly applied. Application is not rigidly locked to other bands (or levels).
- Contemporary definitions of knowledge and skills are used. Knowledge, Skills and Application are defined in terms of action – the information to inform action, the capabilities to take action and the context for action.
- Using these features, the AQF is refocused on the design of qualifications linked to learning outcomes for individual qualifications.
- Additional information is included to help define qualification types, particularly for qualifications leading to Nationally Recognised Training delivered through the VET sector, for apprenticeships and for research-oriented qualifications.
- General capabilities (such as digital literacy and ethical decision making) are identified for use in individual qualifications.
- The AQF Pathways Policy is revised to broaden guidelines for credit recognition across AQF qualifications and to define and provide for recognition of shorter form credentials, including micro-credentials, towards AQF qualifications.
- A prototype national credit points system is developed for voluntary adoption by institutions and sectors.
- Qualification types are realigned against the revised taxonomy (based on options outlined in this Report) including the addition of a higher diploma qualification. VET certificates can be more meaningfully titled to reflect their purpose.
- The Senior Secondary Certificate of Education is more clearly defined and represented in the AQF in terms of its role in preparing young people for a range of pathways into VET and higher education (including with credit).
- Volume of learning is expressed in terms of hours, not years, and applied as a benchmark for compliance and quality assurance.
- An ongoing governance body for the AQF is established to give effect to decisions of the Review of the AQF and to provide advice on revisions to the AQF where required in the future.
- AQF policies are updated or assigned to the relevant agency, with redundant policies removed. The AQF is more consistently referenced and applied in VET and higher education sector standards and guidelines.

Figure 1 below summarises the effect of the principal revisions to the AQF if the Panel's recommendations, outlined in Table 1, are adopted.

Figure 1. Current and proposed AQF compared



Report structure and recommendations

Each section of this report outlines why the Panel has concluded changes to the AQF are required. Each section contains recommendations for change, and proposed actions for implementing those changes. Overall, the report draws on input received through the consultation process undertaken by the Panel in all capital cities and two regional centres, from the 134 submissions received by the Review, independent research commissioned for the Review, and testing of reform options, draft findings and recommendations.

The Panel is aware it was not possible through the Review process itself to expose and test full details of some of its proposed changes to the AQF. It also acknowledged that full and detailed specifications of revised descriptors of Knowledge and Skills, and Application, can only be completed after further detailed development, testing and consultation. Further, the Panel recognised it would be inappropriate to ask for full and final endorsement of detailed and complex changes to the AQF at single and separate meetings of the COAG Skills and Education Councils, particularly given overlaps between the AQF Review and VET and senior secondary reform processes summarised in Chapter 1.

The Panel's recommendations, therefore, are designed to gain agreement on the principal features of a future AQF. Final advice on a future AQF would come from a newly established body responsible for ongoing governance of the AQF, which reports to the COAG Skills and Education Councils, and whose initial work is based on the actions and implementation plan contained in this report.

Once agreed, any changes to AQF qualification types, or specifications for qualifications, can be dealt with through the normal cycle of course reaccreditation and new course accreditation, an approach supported by TEQSA and ASQA.

The Panel is aware of the range of consequential issues arising from implementing changes to the AQF. These are particularly pertinent where the AQF is referenced in industrial awards and professional standards, where the AQF is aligned with other national qualification frameworks, and in terms of administrative systems and reporting systems.

However, the Panel believes the changes outlined in this report are necessary. They would enable the AQF to better perform its key functions, and to support and reflect ongoing change and innovation in qualification development and delivery. If changes are not made, there is a risk that the AQF will not be 'the flexible and responsive instrument that guides the provision of consistent high quality and transparency in the Australian education system' anticipated in the terms of reference for the Review.

Table 1. Key Findings and Recommendations

Findings	Recommendations
<p>The AQF is widely used by the tertiary education sectors to underpin the validity, reputation and value of formal qualifications in the Australian education and training system. It is also used more broadly, particularly in the employment and international education sectors of the economy.</p> <p>The AQF requires substantial revision to make it a relevant and useful framework as the education and training needs of the Australian population intensify and diversify, and to help address emerging national policy priorities, including:</p> <ul style="list-style-type: none"> • improving pathways from senior secondary education • improving the standing and effectiveness of the VET sector • creating a more coherent tertiary education system • ensuring that graduates have the knowledge and skills required for the future workforce and social participation. 	<ol style="list-style-type: none"> 1. Affirm the important role of the AQF in underpinning the design and delivery of high-quality education and training in Australia, and the standing of Australian qualifications internationally. 2. Agree that the AQF should be revised to ensure that it can more effectively fulfil its core role in defining qualification types, reflect emerging skills needs, facilitate credit recognition – including of shorter form credentials such as microcredentials – and support learner pathways within and between the education and training sectors.
The AQF architecture	
<p>The current AQF taxonomy places too much weight on its levels structures rather than the qualification types that primarily guide qualification development.</p> <p>There are too many levels, which forces unclear distinctions between levels in terms of Knowledge, Skills and Application of knowledge and skills. This results in poor differentiation between some qualification types.</p> <p>The AQF has an overly rigid structure that hampers distinction between qualification types at the same level. This structure also imposes definitions that may undervalue some VET qualification types.</p> <p>There are gaps and inconsistencies in the types of Knowledge and Skills described between levels, making it harder to compare levels and qualification types.</p> <p>Lack of clarity between current AQF levels and qualification types makes it hard for qualification developers and regulators to design qualifications and assess their quality, and for students and employers to understand the relative benefits of the qualification types.</p> <p>AQF definitions of Skills, Knowledge and Application of knowledge and skills, and graduate outcomes do not adequately reflect the process of learning and do not reflect current and emerging</p>	<ol style="list-style-type: none"> 3. Revise the AQF, based on the model outlined at Figure 7, with the following key features: <ol style="list-style-type: none"> a. Focus the AQF on describing qualification types. b. Simplify the AQF to present only one set of descriptors in the revised AQF taxonomy. c. Shift the focus of the AQF to qualification types that specify descriptors for qualification design, with graduate learning outcomes more appropriately reflected in individual qualifications. d. Reduce the number of levels in the AQF from ten to eight for knowledge and to six for skills and rename levels as 'bands'. e. Enable descriptors from the bands to be applied more flexibly across qualification types within clear rules. f. Revise the descriptors for Knowledge, Skills and Application based on the approach outlined in Appendix 3, Appendix 4 and Appendix 5.

<p>approaches to the generation of knowledge and skills. Application is context specific and should not be rigidly linked to levels of knowledge and skills.</p> <p>Graduate outcomes cannot be meaningfully defined in broad qualification types because they are affected by the nature, purpose and delivery of individual qualifications. AQF qualification type descriptors should instead specify the features that should be designed into individual qualifications to achieve learning outcomes.</p> <p>As the nature of work changes and the emphasis on lifelong learning increases, employers and students will seek contemporary, transferable skills (general capabilities) from qualifications. Many capabilities can be acquired in the process of learning, but not all can be systematically assessed and reported. The AQF should clarify what general capabilities can be expected from AQF qualifications.</p> <p>In itself, the AQF cannot alter perceptions about the relative status of VET and higher education; however, a focus on qualification types and a more flexible and less hierarchical approach would highlight the role and value of individual qualifications, rather than their place in a levels-based hierarchy.</p> <p>The current numerical titles of Certificate qualifications do not adequately convey their purpose and types.</p> <p>A clearer and extended use of Diploma qualification types would set out a clearer sequence of middle level and shorter formal qualifications to help build learner pathways and provide opportunities for workforce upskilling and retraining at middle and higher skills levels.</p>	<ol style="list-style-type: none"> 4. Revise the AQF's treatment of general capabilities to: <ol style="list-style-type: none"> a. List key general capabilities, such as digital literacy and ethical decision making, for incorporation in qualifications as appropriate. b. Stress they should be taught in the context of a qualification's core content. c. Include in the revised AQF taxonomy some general capabilities that can be described in a learning progression such as learning self-management, cooperation and collaboration. 5. Align qualification types to bands in a revised AQF taxonomy based on the new descriptors and considering the alignment models at Table 5, Table 6 and Table 7. 6. Consider creating new qualification types, such as a Higher Diploma, and/or renaming the existing Certificates I to IV as expressed in Table 8.
Senior secondary	
<p>The Senior Secondary Certificate of Education should not be aligned to an AQF band because the range of learning outcomes achieved by graduates makes it difficult to align the qualification type with any one band.</p> <p>There is scope to significantly improve pathways between the Senior Secondary Certificate of Education and tertiary education, while maintaining qualification outcomes. Increasingly, young people will need to be able to transition into post-secondary education and work through a broad range of options and pathways and complete at least an initial tertiary qualification.</p>	<ol style="list-style-type: none"> 7. Do not align the Senior Secondary Certificate of Education to a band. 8. Revise the descriptor for the Senior Secondary Certificate of Education to emphasise its role in preparing students for vocational education and training and/or higher education.

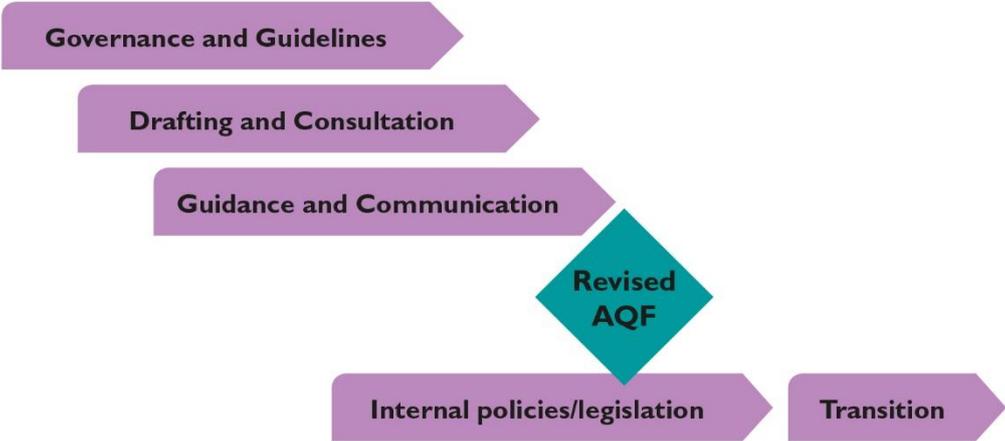
Shorter form credentials, including microcredentials	
<p>Shorter form credentials are an important way for students to access life-long learning. They can complement formal qualifications.</p> <p>Shorter form credentials, particularly microcredentials, will have greater value and portability if they have some quality assurance. Establishing guidelines for recognising shorter form credentials for credit into AQF qualifications will strike a balance of quality assurance without inappropriate regulation.</p> <p>Some students, particularly from disadvantaged backgrounds, undertake enabling courses to improve their readiness to study AQF qualifications. These courses are often linked to one institution and are not necessarily recognised by others. This can limit options for these students. A qualification type that provides a description of enabling courses could improve portability of those courses.</p>	<p>9. Develop guidelines in the AQF Qualifications Pathways Policy to facilitate the recognition of shorter form credentials, including microcredentials, for credit, that include the following:</p> <ol style="list-style-type: none"> a. The characteristics to be included in shorter form credentials that would facilitate their recognition for credit transfer or articulation to AQF qualifications. b. The principles to be used by institutions that wish to align shorter form credentials to an AQF band. <p>10. Consider developing an AQF qualification type (not necessarily aligned at a band) for domestic post-secondary enabling programs, once common learning outcomes for enabling programs have been developed.</p>
Credit Recognition and Pathways	
<p>The AQF Qualifications Pathways Policy provides only limited guidance on credit recognition between some qualifications.</p> <p>A revised AQF should provide better guidance on how to recognise previous learning toward a new qualification to encourage and support lifelong learning.</p> <p>Adopting a shared credit point system in Australia could improve student awareness of potential credit, encourage the take-up of pathways between VET and higher education, and facilitate better recognition of students' qualifications internationally.</p> <p>Additional measures including addressing funding and regulatory differences between the sectors and supporting innovation in design and delivery of cross sectoral qualifications will be required to improve learner pathways.</p>	<p>11. Revise and rename the AQF Qualifications Pathway to better recognise and encourage broader credit recognition, both within and between sectors.</p> <p>12. Develop and test a prototype AQF credit point system for voluntary use by providers, in order to give students and providers a nationally consistent 'currency' for negotiating credit transfer.</p> <p>13. Provide more detailed guidance on recognition of prior learning in the AQF Pathways Policy.</p>
Volume of learning	
<p>Volume of learning performs functions that support the intent of other Review recommendations: differentiating qualification types, and providing a risk indicator to regulators to maintain quality.</p>	<p>14. Retain volume of learning as a benchmark expressing the notional duration, for a new learner, of all teaching and learning activities required to achieve the outcomes specified for a particular AQF qualification type.</p>

<p>Expressing volume of learning in years reflects outmoded assumptions about how AQF qualifications are delivered.</p> <p>Specifying volume of learning for a typical learner is not clear or transparent.</p>	<p>15. Specify volume of learning's unit of measurement in hours only, instead of years and hours.</p>
<p>AQF Policies and supporting documents</p>	
<p>The AQF's guidance on qualifications issuance is important to retain for consistency and unity of Australia's tertiary sector.</p> <p>The policy on qualifications framework alignments should be considered a function of government.</p> <p>The AQF Qualifications Register Policy was never fully implemented and is not required.</p> <p>The current AQF Glossary would need to be updated.</p> <p>The AQF website should be redesigned for a better user experience.</p>	<p>16. To reflect their current use or allow for future needs:</p> <ol style="list-style-type: none"> a. Retain and update the AQF Qualifications Issuance Policy. b. Retain and update the AQF Qualification Type Addition and Removal Policy. c. Remove the Principles and Processes for the Alignment of the AQF with International Qualifications Frameworks. d. Remove the AQF Qualifications Register Policy. e. Move the AQF Explanations into the AQF and/or appropriate policy. <p>17. Update the AQF Glossary.</p> <p>18. Redesign the AQF website to provide a public interface that assists students and employers; and meets the needs of qualification developers and regulators.</p>
<p>Implementation of reforms and ongoing governance</p>	
<p>An ongoing governance body will be required to give effect to decisions by Ministers on the recommendations of the Review of the AQF and to ensure that the AQF remains relevant, is effectively implemented and widely used. The AQF requires clear links through each level of sector regulation for the benefit of improvements to flow quickly and easily to users of the AQF.</p>	<p>19. Establish a governance body, accountable to the relevant Council of Australian Governments (COAG) councils, with representation from government, schools, VET, higher education, industry and professional bodies, to implement agreed reforms to the AQF, and with authority to convene and oversee technical working groups to undertake specialist tasks.</p> <p>20. In addition to implementation of agreed AQF reforms, the governance body will meet as required to:</p> <ol style="list-style-type: none"> a. liaise with higher education, VET and schools standards bodies and regulators about matters related to the AQF b. monitor developments in education and the economy and their implications for the AQF, including shorter form credentials and general capabilities c. advise on the addition or removal of qualification types in the AQF d. make recommendations and oversee additional reforms where necessary. <p>21. Strengthen alignment between the AQF, the Higher Education Standards Framework and the Standards for Training Packages and RTOs.</p>

Implementation approach

To mitigate the impact of change on the sector and stakeholders, the Panel recommends a staggered implementation. This would allow ongoing consultation with stakeholders and sufficient time to fully review and identify relevant considerations. The implementation approach identifies five overlapping stages as shown in Figure 2. Chapter 8 has further details on implementation, including an implementation roadmap at Figure 18.

Figure 2. Implementation stages



1. Introduction

Background to the Review

The AQF underpins the quality of all formal education and training qualifications issued by all accredited education and training providers in Australia from senior secondary through to VET and higher education. It is used as a primary reference point in designing qualifications and quality assuring qualifications. Many pieces of legislation, industrial awards and professional standards reference the AQF, which is referenced to other national qualification frameworks. Every year over four million people, including over half a million international students, are enrolled in courses recognised under the AQF.³

In June 2018, the Minister for Education and Training and the Assistant Minister for Vocational Education and Skills announced the appointment of the initial members of an Expert Panel to undertake a review of the AQF. Final members of the Panel were announced in November 2018 by the Minister for Education and the Minister for Small and Family Business, Skills and Vocational Education.

In summary, the Terms of Reference (see Appendix 1) require the Panel to review the AQF structure and components to ensure that they:

- position the AQF for the future as a flexible and responsive instrument that guides the provision of consistent high quality and transparency in the Australian education system
- reflect the knowledge, skills and capabilities required by individuals for effective economic and social participation and which meet the current and anticipated skills needs of the Australian economy
- effectively facilitate access to learning pathways and mobility within and between education sectors, AQF levels and AQF qualifications
- reflect international good practice.

Specific issues in the terms of reference include:

- Whether the AQF is effective in defining and differentiating between AQF levels and qualification types.
- Whether the AQF implies a status hierarchy between VET and higher education.
- Whether current AQF learning outcomes definitions will meet future skills needs.
- Whether the AQF is sufficiently flexible to accommodate innovative developments such as microcredentials.
- How the senior secondary certificate of education should be aligned in relation to other AQF qualification types.
- Whether AQF policies are effective, particularly in facilitating learner pathways across the education sectors.
- Whether volume of learning should be retained in the AQF.

Policy context

Participation and productivity

The 2015 Intergenerational Report prepared by the Commonwealth highlights the effect population aging is projected to have on workforce participation levels in coming decades. The report forecasts that 'overall, participation for all people aged 15 years and over is projected to fall from 64.6 per cent

³ ACARA, Year 12 Enrolment 2017; NCVET, Total VET students and courses 2018; Department of Education, 2017 Student Summary

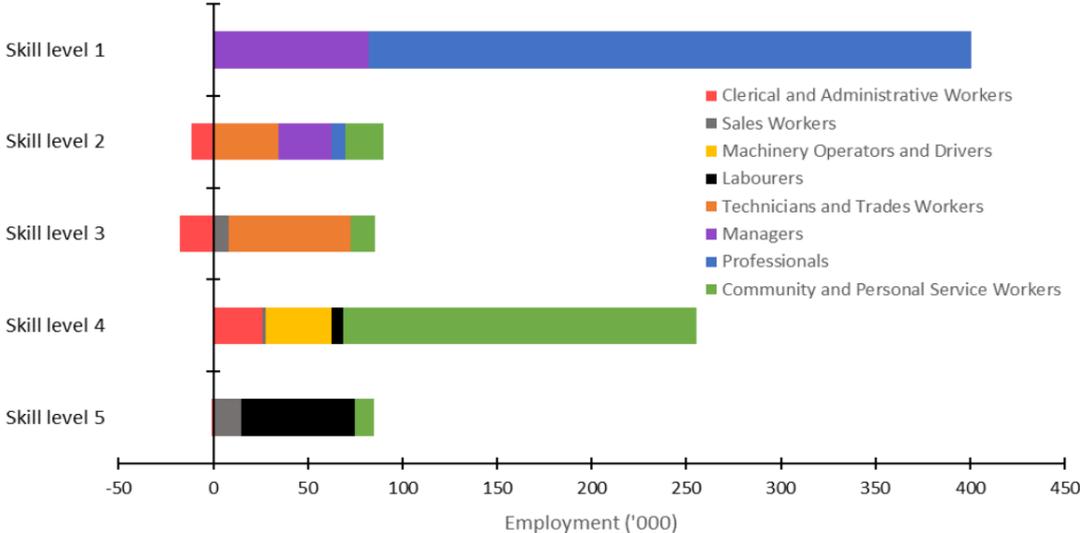
in 2014-15 to 62.4 per cent in 2054-5'.⁴ However, labour market participation is projected to increase for the 15-64 age population (overall participation declines because there are proportionally fewer people in the 15-64 age cohort).

The report notes that workforce participation levels are influenced by a range of factors including levels of educational attainment. It also notes that increases in levels of educational attainment since the 1970s have contributed to productivity growth in Australia.⁵

School retention and completion rates have risen from 30% in the early 1980s to more than 80% today. Post-school educational attainment has also increased. The proportion of adults holding post-school qualifications has increased from under 50% in 1985 to 66% in 2018. Nearly 10 million Australians aged over 20 have a post-school qualification.⁶

Formal qualifications will continue to be important to individuals in the labour market. More than 90% of new jobs expected to be created in Australia by 2023 will require a post-school qualification.⁷ Projected employment growth by both skill level and occupation is reflected in Figure 3 below.

Figure 3. Projected employment growth to May 2023 for skill levels by occupation⁸



Note: Figure 3 refers to five skill levels; the Australian Bureau of Statistics (ABS) classifies occupations according to five skill levels commensurate with the following qualification(s) or where relevant work experience with training may be a substitute for formal qualifications:

- Skill level 1: Bachelor Degree or higher qualification
- Skill level 2: Advanced Diploma or Diploma
- Skill level 3: Certificate IV or Certificate III with at least two years on-the-job training
- Skill level 4: Certificate II or III
- Skill level 5: Certificate I or secondary education

Overall, educational attainment levels have risen significantly in Australia over recent decades. Nonetheless, there is significant variation in attainment levels across the population.

⁴ Commonwealth of Australia, [2015 Intergenerational Report: Australia in 2055](#), p. 16

⁵ Commonwealth of Australia, [2015 Intergenerational Report: Australia in 2055](#), p. 25

⁶ Australian Bureau of Statistics, [Education and Work, Australia](#), May 2018, viewed 27 September 2019

⁷ Department of Jobs and Small Business, [Employment Outlook to May 2023](#), p. 8

⁸ Department of Jobs and Small Business, [Employment Outlook to May 2023](#), p. 8

For individuals, educational attainment remains strongly correlated with their socio-economic status and levels of family educational attainment. Lower than average levels of educational attainment, reflecting lower levels of participation in education and training, are evident for Indigenous Australians, people who live in rural and regional areas, those who have disabilities, and those from some culturally and linguistically diverse groups. These gaps widen over time; people with high levels of initial educational attainment are more likely to participate in formal education for longer; and to enrol in and complete qualifications with the highest private returns. In 2010, around half of Australia's long term unemployed had not attained Year 12 or above as their highest educational attainment.⁹

There are compelling economic and social equity reasons to continue widening access to participation in education and training in Australia, and to continue improving educational attainment levels, particularly for those with low participation and attainment levels.

Specific reforms

The AQF Review is closely connected to several areas of policy reform, which have informed the Panel's work. In turn, Review outcomes will provide important underpinnings for these broader reform objectives.

Reviewing senior secondary pathways

As the proportion of students undertaking senior secondary school has increased¹⁰, the purpose of senior secondary education has also broadened. Its role now goes beyond its traditional role in preparing school leavers for entrance to university. However, too many young people still do not make successful transitions to post-secondary education and training, or to work.¹¹

The COAG Education Council has agreed to a review of pathways from senior secondary education. It will investigate barriers and examine how students can be supported, in terms of better recognition of their skills, knowledge and capabilities and better information to them about available options, to choose the best pathway into work, further education or training.¹²

Strengthening the VET system

Following the release of the Strengthening Skills expert review report¹³, the Australian Government also announced budget measures to implement some of the review's recommendations, including the establishment of a National Careers Institute to provide advice to young Australians transitioning careers and the establishment of a National Skills Commission to promote a nation-wide approach to skills development.¹⁴

Subsequently, COAG at its August 2019 meeting agreed on a vision for the future of the VET system. COAG's vision includes that VET:

- provides workforce skills and relevant, up-to-date qualifications that are well-matched to the evolving opportunities and challenges of Australia's modern economy

⁹ Australian Bureau of Statistics, [Australian Social Trends, Sep 2011, viewed 27 September 2019](#)

¹⁰ Commonwealth of Australia, [2015 Intergenerational Report: Australia in 2055](#), p. 25

¹¹ Department of Education and Training, [Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools](#), 2018, p. 47

¹² Council of Australian Governments Education Council, [The Review of Senior Secondary Pathways into Work, Further Education and Training](#)

¹³ Commonwealth of Australia, [Strengthening Skills: Expert Review of Australia's Vocational Education and Training System](#), April 2019

¹⁴ Department of Employment, Skills, Small and Family Business, [Skills and Training Budget Overview 2019-20, viewed 27 September 2019](#)

- is flexible in providing skills at all points in an individual's career cycle whether it be foundational training, initial training, upskilling or re-skilling
- provides VET qualifications to school students that are valued by employers and provides a clear pathway from school to careers that require VET qualifications.¹⁵

In its August meeting communique, COAG asked that skills ministers work together through a new COAG Industry and Skills Council, in consultation with education ministers, to advise leaders on future reform priorities by the end of 2019 and provide a reform roadmap to COAG in early 2020.¹⁶

Individual states have also implemented a range of measures to strengthen their VET systems, particularly in areas of skills shortages and state labour market priorities.

A better connected post-secondary system

COAG's vision for VET makes a strong statement that 'VET and higher education are equal and integral parts of a joined up and accessible post-secondary education system with pathways between VET, higher education and the school system'.¹⁷ This statement reflects a growing consensus that an imbalance between higher education and VET has developed over the past decade reflecting in part long standing perceptions about the relative value of VET and higher education qualifications.

Learner centred pathways and credit recognition

A joined up and accessible post-secondary education and training system would see post-secondary education and training as a diverse range of offerings with clear and flexible entry and exit points, including pathways within and between VET and higher education; and from senior secondary to post-secondary education and training. Credit recognition for prior learning should underpin these pathways, particularly for continuing learners and people returning to formal learning with existing qualifications and workforce experience.

Improving employment outcomes

Employment outcomes for graduates have softened over the past decade, alongside skills shortages in key occupations and industry sectors, and ongoing debate about levels of skilled migration to Australia. The introduction of performance related funding in higher education is in part a response to graduate employment outcomes. It also reflects government and community expectations that investment in education and training will yield productive outcomes in terms of the contribution of education and training to meeting Australia's labour market needs, particularly in areas of skills shortages.

Support for regional, rural and remote students

To promote greater access to tertiary education for regional, rural and remote students, the Australian Government has accepted the aim of recommendations of the National Regional, Rural and Remote Education Strategy¹⁸ that include increasing access to tertiary education in regional areas, support for students and raising their aspirations. These include initiatives covering both VET and higher education and expanding access to high quality VET programs in regional and remote schools.

¹⁵ Council of Australian Governments, [Vision for Vocational Education and Training, August 2019](#)

¹⁶ Council of Australian Governments, [Meeting Communique, 9 August 2019](#)

¹⁷ Council of Australian Governments, [Vision for Vocational Education and Training, August 2019](#)

¹⁸ Department of Education, [National Regional, Rural and Remote Education Strategy](#), August 2019

2. The AQF architecture

This chapter outlines the Panel's proposals for reforms to the key features of the AQF – its current levels system and the way that levels are used to define and align the different qualification types currently included in the AQF.

Terms relevant to national qualifications frameworks generally and the AQF specifically are defined in Table 2 below.

Table 2. National qualifications framework and AQF terms

Term	Definition
AQF Taxonomy	The description and classification of Knowledge, Skills and Application across a number of bands or levels.
Band	A new term for a revised AQF to replace levels. Bands provide an indication of the relative complexity and/or depth of achievement and the Knowledge, Skills and Application required to demonstrate that achievement.
Domain	A grouping of the learning requirements of a qualification type. In the current AQF the domains are Knowledge, Skills and the Application of knowledge and skills. In the revised AQF the domains would be Knowledge, Skills and Application.
Descriptor	Terms that describe the Knowledge, Skills and Application features of bands and qualification types.
Focus Area	The themes within each domain that are described by descriptors. Examples of focus areas include information management and problem solving and decision making.
Level	Used in the current AQF, levels are an indication of the relative complexity and/or depth of achievement and the autonomy required to demonstrate that achievement. AQF level 1 has the lowest complexity and AQF level 10 has the highest complexity (AQF Glossary of Terminology).
Qualification	A formal certification, issued by a relevant approved body, to recognise that a person has achieved the intended learning outcomes or competencies.
Qualification Type	Refers to the broad discipline-free nomenclature used in the AQF to describe each category of AQF qualification (AQF Glossary of Terminology). Qualification types are inclusive of a variety of qualification designs, including curriculum-based qualifications, Training Packages and Accredited Courses.

Background

The Review terms of reference required the Panel to consider:

- the relationships and clarity between levels and qualifications
- whether learning outcomes are expressed in simple language that is readily and consistently interpreted
- the placement of VET and higher education qualifications in the AQF

- issues at AQF Levels 5, 6 and 8
- the extent to which the AQF currently implies a status hierarchy from VET to higher education qualifications and whether changes to the AQF can address it
- whether the AQF can assist with greater consistency in regulation of AQF compliance between higher education and VET.

These are important issues. Figure 4 and Figure 5 show the relationship between the AQF and the broader regulatory and quality assurance environment in both the VET and higher education systems. They show how specifications in the AQF affect what is delivered in VET and higher education qualifications.

Figure 4. AQF in higher education legislation

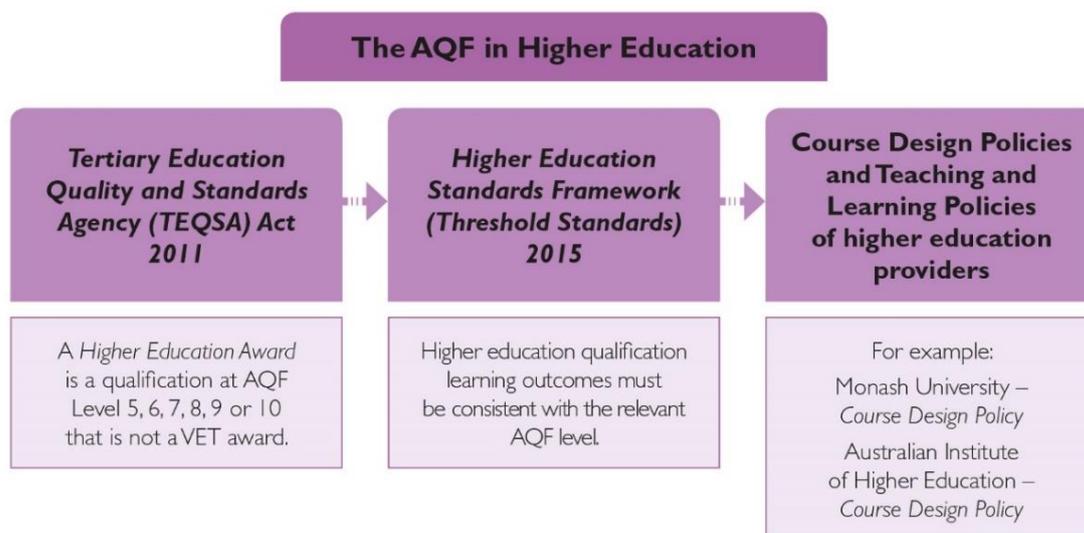
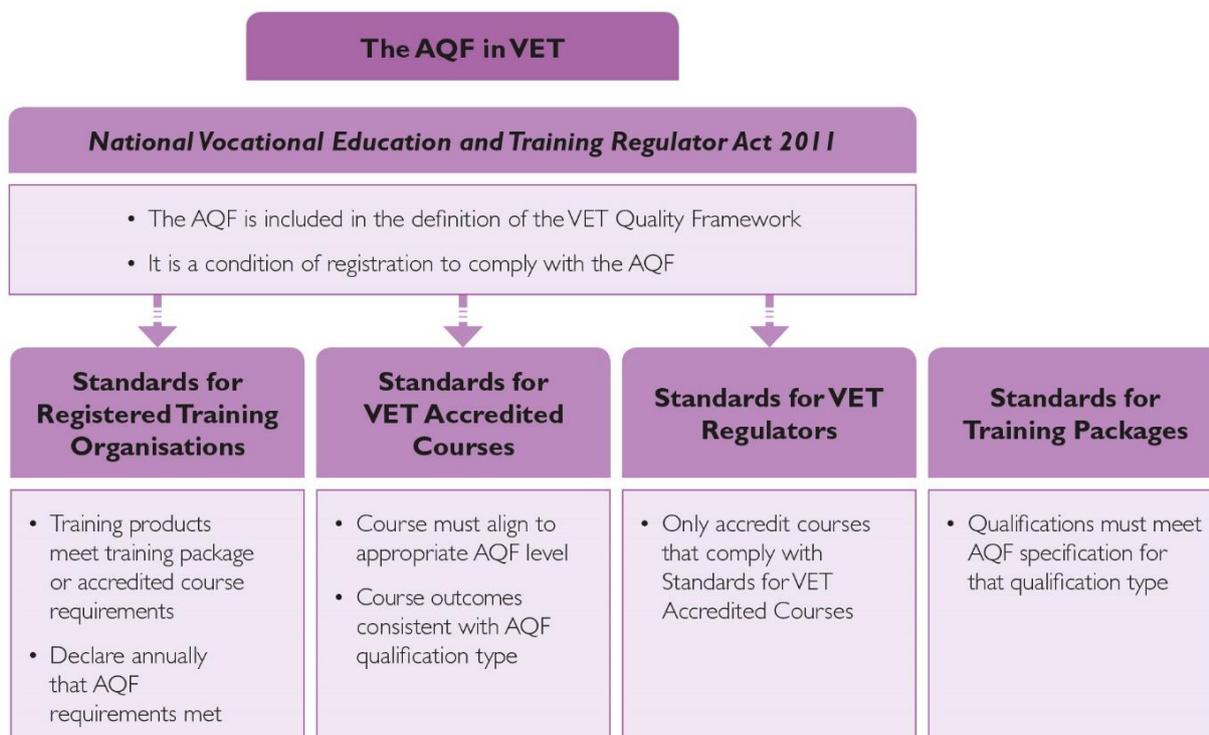


Figure 5. AQF in VET legislation



Contextual research

Prior to the establishment of the AQF Review Expert Panel, the Department of Education and Training commissioned PhillipsKPA to undertake an initial analysis of the AQF and consultations with stakeholders to help inform the scope and focus of the Review. In its advice, PhillipsKPA concluded that:

There is considerable feedback across regulators, providers, professions, industry and government agencies that the descriptors of levels and qualifications are not as effective as people would wish them to be. The 2018 review will need to focus on the language, presentation and underpinning concepts of the AQF to make it more easily understood and implemented.¹⁹

The PhillipsKPA report found the current AQF has ambiguity in terminology, inconsistencies in qualification type and levels criteria and:

- it uses terms that are not clear or readily understood, for example, the difference between 'expert judgement' and 'authoritative judgement'
- it has close similarity between levels and qualifications descriptors, which is confusing for users
- the respondents questioned the need for both 'level criteria' and 'qualification type descriptors' and claimed that the existence of both created confusion and lack of clarity for compliance
- there is widespread concern about interpreting and implementing AQF Levels 5, 6 and 8
- there is an increasing need for clarity and simplicity around qualification types as boundaries between higher education and vocational education blur.²⁰

As a document, the AQF currently fails in one of its key objectives, which is to clarify for the general public the options from which they may choose to achieve their learning and employment goals. This conclusion is inescapable given the considerable expressions of confusion among those whose job it is to design, deliver and quality assure educational programs.

PhillipsKPA, Contextual Research for the AQF Review

Developing a revised framework

Initial propositions

Having regard to the Review terms of reference, and the issues raised in the PhillipsKPA report, the Review discussion paper proposed the following approaches to simplify and update the AQF and to potentially allow the levels to be applied more flexibly:

- Use AQF levels only to describe Knowledge and Skills and the Application of knowledge and skills; and provide a description of each qualification type that is linked to levels.
- Review the Application of knowledge and skills domain of the AQF taxonomy and how it should be applied across the AQF levels.
- Revise descriptions of learning outcomes to simplify them and ensure clear distinctions between levels.

Through submissions and in consultations, there was strong support for moving to a single set of learning outcomes for Knowledge, Skills and Application of knowledge and skills.

There was also strong support to simplify descriptors and ensure clear distinctions between levels, and to review the Application of knowledge and skills domain of the taxonomy. Submissions pointed

¹⁹ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), p. 74

²⁰ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), p. 64-65; 79-82

out inconsistencies between qualification types at the same AQF level and ways in which some qualification types may not align with the level to which they are assigned.

For example, Navitas noted the AQF is unduly complex, incorporating language and terminology that is not clearly understood by learners, providers or employers.²¹ There was also support for a primary focus in the AQF on qualification types – for example, VETASSESS²² considered that placing greater emphasis on qualification descriptors as opposed to levels of increasing complexity would dissipate public misconception of the relative value of VET and higher education.²³

Some stakeholders wanted to retain qualification type descriptors for knowledge, skills and their application to help distinguish between qualification types at the same level. A small number of submissions felt that issues identified with the AQF did not warrant changes to the AQF structure and learning outcomes.

For example:

UTS is of the view that there are no significant matters that warrant change to the AQF and is concerned that any material changes may upset the balance of levels and qualifications currently in place. The framework requirements are broadly stated to allow flexibility, diversity and innovation – they allow education providers to follow their own academic direction so long as it is defensible in the context of the AQF.²⁴

Testing the feasibility of possible options

To test the feasibility of the approach outlined in the Discussion Paper, the Review commissioned the Australian Council for Educational Research (ACER) to advise the Panel on how the AQF level and qualification type descriptors could be revised to provide one set of descriptors within the existing ten level framework.

This option is shown in Figure 6. It combines the current AQF level and qualification type descriptors into one set of Knowledge, Skills and Application of knowledge and skills descriptors. The revised set of descriptors is at Appendix 2. It is presented using the concept of focus areas to assist with comparison of the Panel's preferred approach outlined later in this chapter of the Report.

²¹ Navitas, [Submission to the Review](#), p. 2

²² VETASSESS is a gazetted skills assessing authority under Australia's skilled migration program and conducts trade skills assessments on behalf of Trades Recognition Australia.

²³ VETASSESS, [Submission to the Review](#), p. 3

²⁴ University of Technology, Sydney, [Submission to the Review](#), p. 1

Figure 6. Minimal change option²⁵

Domains (Tier 1)	Focus Areas (Tier 2)	Tier 3: Levels (1-10)									
		1	2	3	4	5	6	7	8	9	10
Knowledge (K) What a graduate knows and understands	Breadth Depth Kinds Complexity	1	2	3	4	5	6	7	8	9	10
Skills (S) What a graduate can do	Cognitive & Creative Technical Communication Interpersonal Generic	1	2	3	4	5	6	7	8	9	10
Application of Knowledge and Skills (AKS) The context in which a graduate applies knowledge & skills	Autonomy Responsibility Accountability Context	1	2	3	4	5	6	7	8	9	10

However, in its advice to the Panel on a revised and simplified ten-level framework ACER concluded that:

significant issues ...cannot be 'fixed' through a revision of the language. The general lack of clarity, specific ambiguities and widespread inconsistencies are symptoms only, stemming from the real problem, which is the lack of a sound conceptual base. In the absence of such a foundation, decisions about how to change the descriptors will be arbitrary and may well create as many problems as they solve.²⁶

Based on this advice and the other inputs into the Review, the Panel concluded that more fundamental reform to the AQF was required and commissioned ACER to develop alternative AQF models with fewer levels and innovative ways of specifying qualification types.

ACER developed several alternative conceptual models. The Panel tested these with key stakeholders. The conceptual models varied in the extent to which they allowed differences in the nature of knowledge, skills and the application of knowledge and skills to be reflected in the revised AQF structure. Through this process the Panel found a willingness by most stakeholders to explore and seriously consider alternatives to the current ten-level AQF structure - although most also indicated that they could only make final judgements when a more fully developed alternative model was available. Most also identified potential implementation issues and costs and indicated that final decisions would need to balance the benefits of reform against these issues.

The Panel has concluded that major reforms to the AQF are required. The option presented above in Figure 6 and presented in detail at Appendix 2 would be a 'minimal change' option.²⁷ However, while it would simplify the presentation of the AQF it would not resolve the problems highlighted above and the Panel does not recommend it. Under a minimal change option, the AQF would become largely a legacy framework, observed for compliance but increasingly irrelevant to the dynamic, complex and

²⁵ Figure supplied by ACER

²⁶ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 65

²⁷ The simplified ten level framework produced by ACER highlighted the gaps and inconsistencies of the current AQF. The Review asked Adrienne Nieuwenhuis from the University of South Australia, and member of the Higher Education Standards Panel and Australian Industry and Skills Committee, to suggest terms where gaps existed. The model at Appendix 2 is the outcome of that two-step process.

Focus on qualification design

Like most qualification frameworks, the AQF currently states that ‘graduates will’ achieve certain learning outcomes. It attempts to project forward the knowledge and skills that ‘graduates will’ have in work or study contexts beyond the learning environment upon completion of a qualification. This approach is problematic because:

- It assumes all qualifications within a qualification type, for example a Bachelor Degree, are equally likely to lead to employment at a certain hierarchical level.
- It assumes all qualifications at a level provide the same opportunities to practice knowledge and skills and that these opportunities are sufficient for a graduate to ‘hit the ground running’.²⁹
- The design of learning outcomes usually relates to their use in individual qualifications, where there is a clear scope and context, and not in qualification types.³⁰

For these reasons, graduate outcomes cannot be meaningfully defined in broad qualification types. Therefore, the Panel supports ACER’s proposal for qualification types to specify features for qualification design, rather than graduate outcomes. The practical application of this approach is that the AQF would stipulate that ‘qualifications of this type will’ incorporate the features specified by the descriptors of Knowledge, Skills and Application in the qualification type.

This approach places a focus on qualification design as a necessary precursor to the achievement of graduate outcomes, as shown in Figure 8. As a first step, the qualification type specifies the descriptors that describe features such as problem solving and communication skills to be built into qualifications. Secondly, qualification developers apply these in qualification design. Finally, the design features are given effect in course specific graduate outcome statements and in the outcomes achieved.

Figure 8. The link between qualification design and graduate outcomes through the AQF



²⁹ ACER, The Australian Qualifications Framework: Revision or Re-vision?, 2019, p. 55, 56

³⁰ ACER, The Australian Qualifications Framework: Revision or Re-vision?, 2019, p. 64

Redefining domains

Like many qualification frameworks, the current AQF specifies key descriptors in three separate domains (Knowledge, Skills and Application of knowledge and skills). This may lead to Knowledge, Skills and Application of knowledge and skills being considered in isolation from each other, when in practice this is not the case.³¹

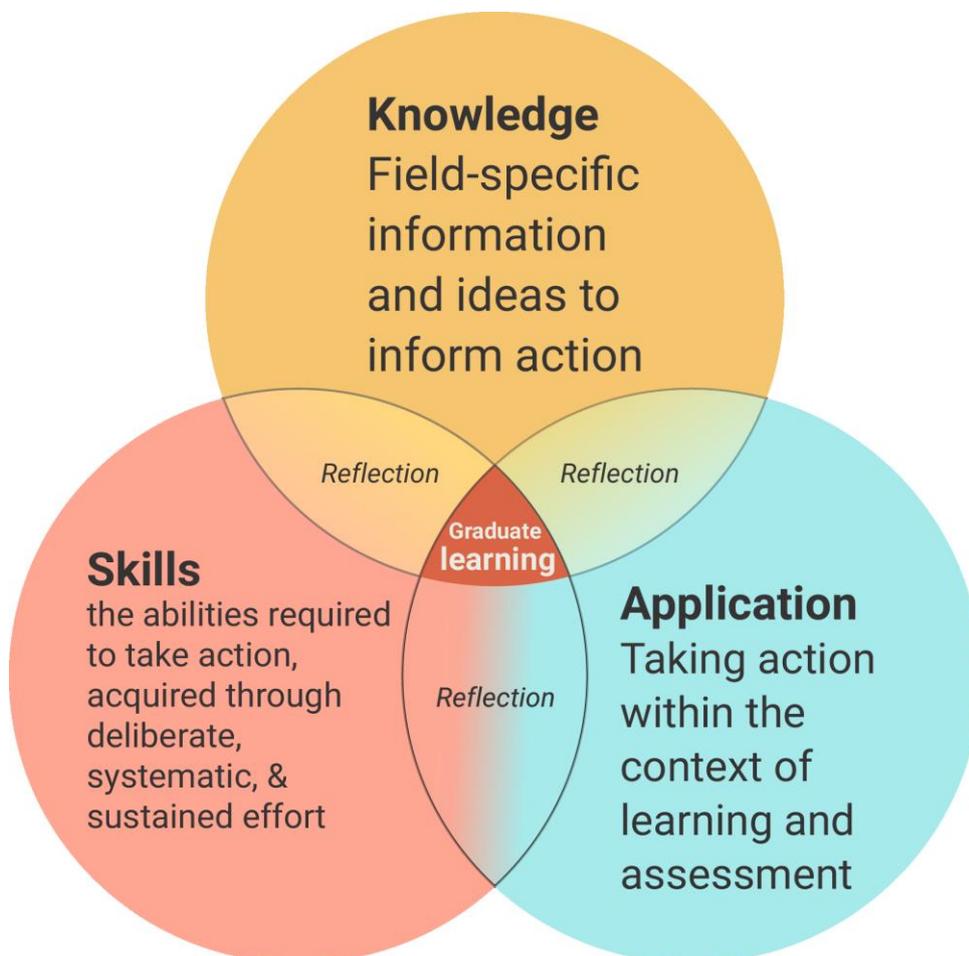
To address this issue, the Panel proposes the following domain definitions that link Knowledge, Skills and Application through action:

- Knowledge – field specific information and ideas needed to inform action.
- Skills – the abilities required to take action, acquired through deliberate, systematic, and sustained effort.
- Application – taking action within the context of learning and assessment.

These definitions link Knowledge, Skills and Application through action. They recognise that Knowledge and Skills, as well as Application, are necessary to achieve learning outcomes, as illustrated in Figure 9.

The Panel proposes that Application of knowledge and skills be renamed Application (because it is a simpler term).

Figure 9. Domain definitions linked through action³²



³¹ ACER, The Australian Qualifications Framework: Revision or Re-vision?, 2019, p. 72

³² Figure supplied by ACER

Incorporating Focus Areas

In addition to clear domain definitions, the Panel formed the view that the AQF should incorporate focus areas in the revised AQF taxonomy. This will make transparent the themes of Knowledge, Skills or Application that are specified by the descriptors. Use of focus areas would make it clearer to users of the AQF what themes of knowledge and skills are intended to be progressed across the AQF bands; and be used to differentiate qualification types. The choice of focus areas provides an opportunity to improve the definition of Skills and Knowledge in more a more useful way. The suggested focus areas are outlined in Figure 10 and flow from the action-oriented definitions of Knowledge, Skills and Application given above.

Knowledge

The Knowledge focus areas provide the abilities necessary for lifelong learning. They enable people to effectively and efficiently find and deal with information in a knowledge-based society.

The focus areas proposed are:

- Scope and complexity of information that learners are expected to access and understand
- Inquiry – identify, locate, evaluate and acknowledge sources of information
- Information management – manipulate information in various ways.

Skills

The Skills focus areas have each been consistently identified by a wide range of stakeholders (in Australia and internationally) as critical to performance in life, study and work contexts. One or more of these will be integral to the effective application of the field-specific ideas and information presented in a formal course; and it is possible to enhance these skills through teaching and learning. It is possible to differentiate and describe stages of performance for these skills.

The focus areas proposed are:

- Learner self-management skills
- Problem solving and decision making skills
- Skills to communicate in the context of learning
- Skills to cooperate and collaborate in the context of learning
- Psychomotor skills.

The inclusion of psychomotor skills³³ for the first time, provides the opportunity to signal the value of a course that is fostering the development of sophisticated specialist skills involving the use of one's own body and/or tools.³⁴ These skills underpin many vocational qualifications, professional qualifications requiring high levels of dexterity and the creative and performing arts.

Application

Prospective employers may want to know if graduates are able to adapt and apply what they have learned in an employment context. However, it is not possible to define application across the widely differing contexts in which learning outcomes will be applied after course completion. Rather, it is more appropriate to reflect contexts within which learners have applied information and skills during the learning process and the conditions under which the knowledge and skills were assessed. Practice or assessment in authentic or 'real-world' conditions including workplaces can be an indicator of transferability.³⁵

³³ Psychomotor abilities can be defined as the process of interaction between the perceptual systems (or five senses), the brain (where perceptual information is interpreted) and the body (where the individual reacts to such perceptual stimuli). (ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 152)

³⁴ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 106

³⁵ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 82

The Application focus areas provide the opportunity to give a context to the learning environment and to indicate whether individual qualifications provide an opportunity to apply field-related information, ideas and skills; and to identify the assessment conditions for individual qualifications in terms of how they assess the application of knowledge and skills.

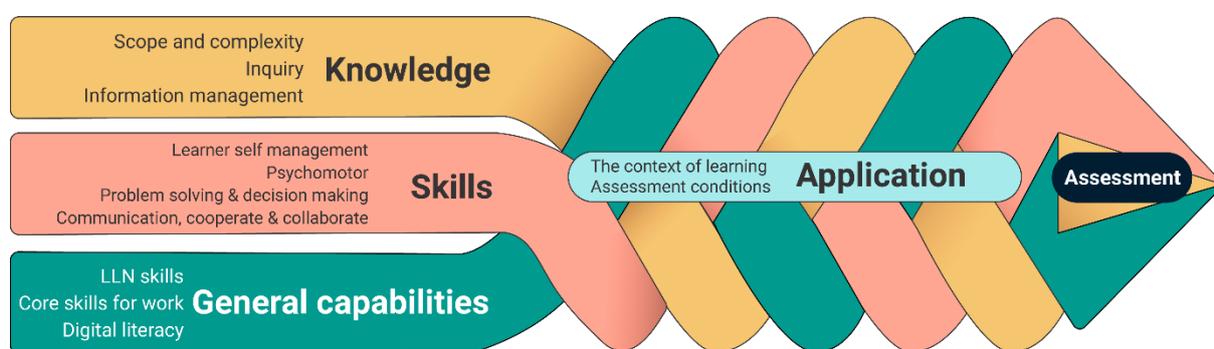
Based on ACER’s research, the proposed focus areas are:

- The context of learning
- Assessment conditions.

ACER also trialled another Application focus area – scope and purpose - to describe the nature of activities and associated problems that learners within a qualification type are likely to engage with.³⁶ The Panel has not listed this focus area here because it was developed late in the Review process, but it could be considered during development and implementation of a final revised AQF taxonomy.

Figure 10 shows the proposed focus areas for Knowledge, Skills and Application and their interaction with general capabilities (described later in this chapter) in the context of learning.

Figure 10. AQF domains and focus areas³⁷



Revising descriptors

The main content of a revised AQF taxonomy is the revised descriptors. They specify the Knowledge, Skills and Application features of bands and qualification types. As such, they specify what features should be used in qualification design (see Figure 8) to foster the appropriate graduate outcomes. They also provide a learning progression for Knowledge and Skills focus areas and a list of possible design features for Application focus areas.

The ability to specify descriptors that effectively differentiate qualification types is determined by the choice of focus areas. The focus areas proposed in Figure 7 describe characteristics of knowledge and skills that allow qualification types to be readily distinguished, as well as specifying the relevant and contemporary knowledge and skills likely to be required.

For example, the current AQF implies the following focus areas for knowledge – breadth, depth and kinds and complexity of Knowledge. *Kinds of knowledge* can be described as factual, technical, procedural and theoretical, but it is not clear that these kinds lie in a continuum or how, for example, technical knowledge is differentiated between qualification types. It also does not tell a student or employer independently of the context of the specific qualification what a graduate might know or be able to do with the knowledge.

By comparison, the Knowledge focus areas proposed for consideration in the design of a revised AQF can be differentiated along a continuum and describe capabilities in a useful way. For example, the

³⁶ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 83

³⁷ Figure supplied by ACER

Knowledge focus area 'information management' describes early in the continuum 'help learners to summarise, sort, compare, sequence' and later in the continuum 'help learners to collect and analyse own data, analyse, synthesise, theorise, select and apply conceptual models to aid understanding'.³⁸

As part of its work for the Review, ACER developed draft descriptors. They are given at Appendix 3 (Knowledge), Appendix 4 (Skills) and Appendix 5 (Application).

Using fewer bands

Internationally, qualifications frameworks mainly have between eight and ten levels across the whole education and training spectrum. The ten levels in the current AQF is relatively high by international standards because they only cover tertiary qualifications. By comparison, Denmark, Finland and Germany's frameworks have eight levels ranging from exit level primary school to the doctorate. Blooms Taxonomy of Educational Objectives: Cognitive Domain, which forms the basis of many national qualification frameworks, has six levels.³⁹

The Panel proposes that levels be renamed bands to focus more on the outcomes of each band rather than its place in a hierarchy. Band may also be a more appropriate term for a revised AQF that is not 'locked to level' (see section on applying bands flexibly).

The more bands there are in a framework, the more difficult it is to express differences between them. Reducing the number of bands in the AQF will make it possible to develop descriptors that more clearly define qualification types.

The Panel proposes there be eight bands for Knowledge and six for Skills on the basis of research and analysis by ACER, which shows that it is only possible to clearly differentiate relevant descriptors across that many bands.⁴⁰ This would need to be subject to testing and confirmation prior to implementation.

Applying bands flexibly

The current AQF presents tables that describe Knowledge, Skills and Application of knowledge and skills in a locked progression across the ten levels. However, in reality not all characteristics of Knowledge, Skills and Application of knowledge and skills progress uniformly across the ten levels. The AQF Review discussion paper pointed out that this is particularly the case for Application of knowledge and skills.

Current AQF qualification types are 'locked to level', meaning they must incorporate all the learning outcomes from the band to which they are aligned, and only from that band. This rigidity undervalues the capabilities acquired in the VET qualifications. For example, 'locked to level' means that a Certificate III qualification type could not describe the greater levels of autonomy and responsibility that may be achieved compared to some qualification types aligned to higher levels.

The AQF should therefore provide flexibility to 'unlock levels' from one another, for example, for a Certificate III to be described with Knowledge descriptors from one band, some Skills features from one band and other Skills features from another band. This would provide greater flexibility to describe accurately qualification types and could contribute to parity of esteem between VET and higher education qualifications by enabling the purposes of each to be better described. It recognises that not all learning lies within a simple progression. With this flexibility the AQF would be a more relevant and contemporary instrument.

Unlocking levels

'Unlocking levels' allows for two approaches to describing qualification types.

³⁸ Example descriptor for Knowledge at Appendix 3.

³⁹ Bloom, B.S., *Taxonomy of educational objectives: The classification of educational goals*, 1956

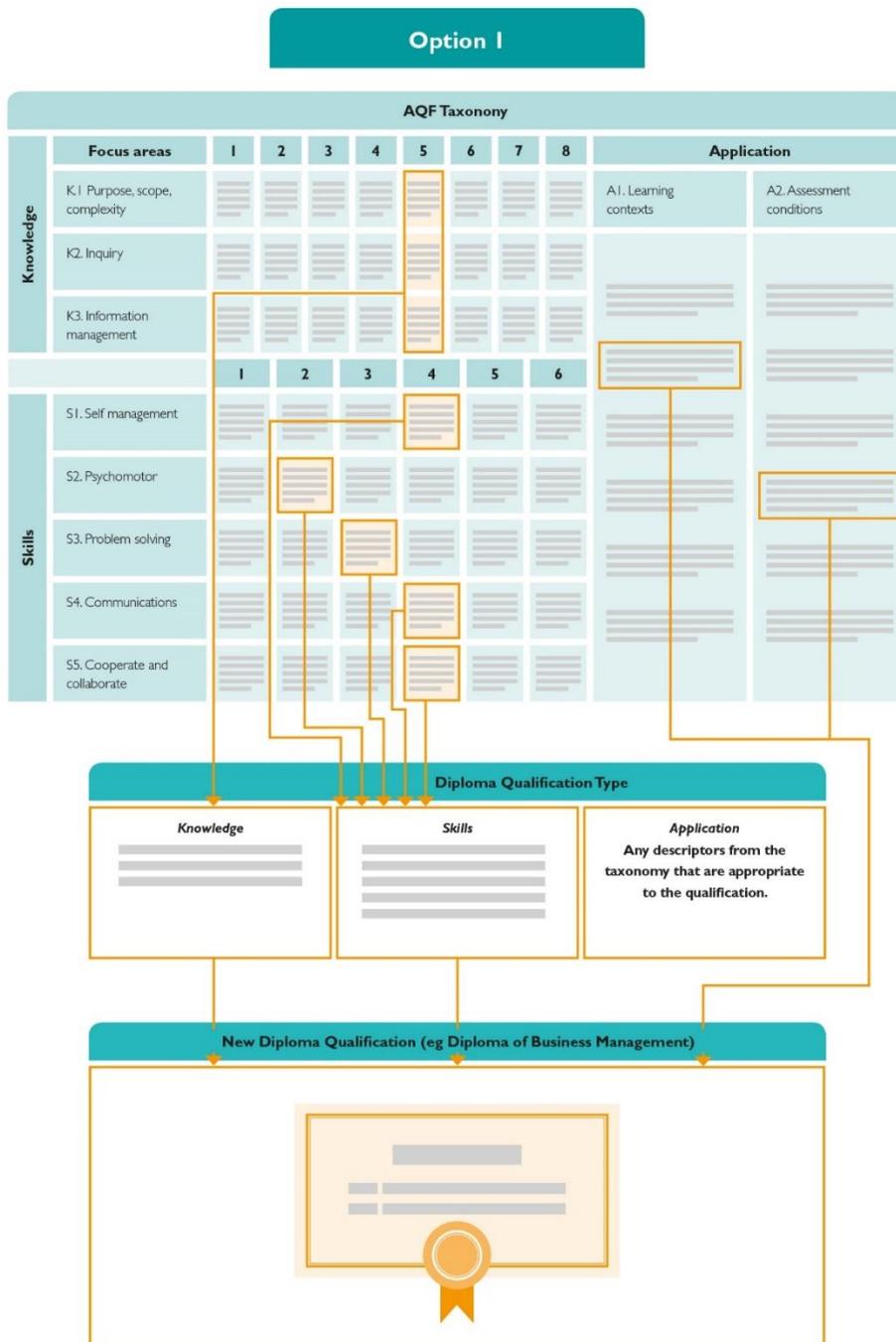
⁴⁰ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 85

Option 1 – specify the exact descriptors that should be used

The first approach is for the qualification types to specify the exact descriptors that should be used to guide design of a qualification. These descriptors could be taken from different bands of the AQF taxonomy using rules developed during implementation of a revised AQF. This approach is shown in Figure 11. It would allow the descriptors for different focus areas to be incorporated in a qualification type from different bands; and would provide flexibility to better differentiate qualification types aligned to the same AQF band. It would also provide for consistency of qualifications of the same qualification type. It would be clear to students, employers, regulators and international audiences what high level outcomes the qualification is designed to meet.

Figure 11. Option 1

Note Figure 11 is an example only to show how descriptors in a revised AQF taxonomy might be used to describe a Diploma qualification type and then to design a new Diploma qualification. It does not imply that the illustrated bands are the appropriate ones from which to draw descriptors to describe a Diploma.



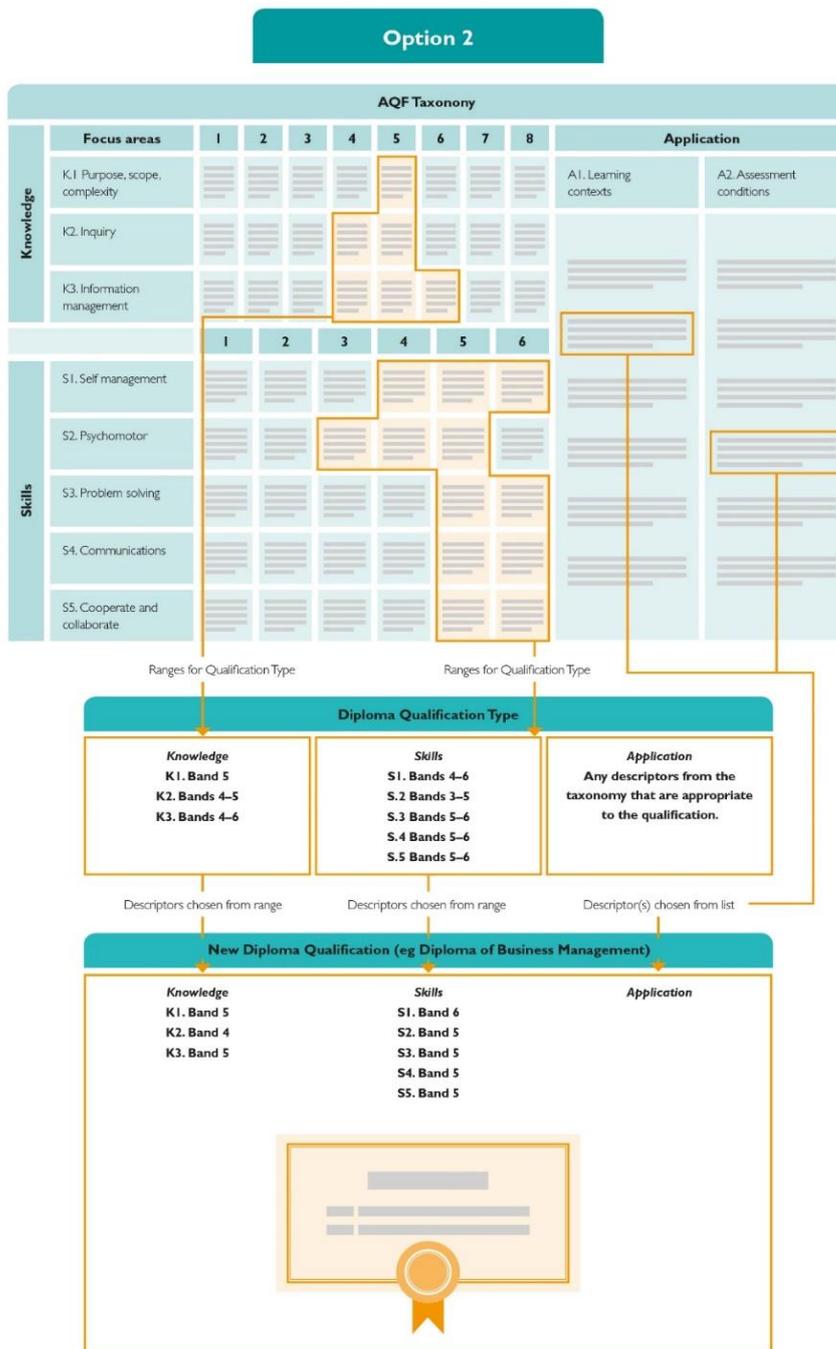
Appendix 6 shows examples of ways in which draft descriptors developed by ACER could be included in qualification types under *Option 1*.

Option 2 – specify a range of bands from which descriptors can be chosen

The second approach is for the qualification types to specify a range of bands, within rules, from which qualification developers could choose descriptors for each focus area for use in the design of a qualification. This approach means that at the time of designing a qualification, the qualification developer would choose from within the specified range what degree of complexity would be built into the qualification with respect to each focus area. This approach is shown in Figure 12.

Figure 12. Option 2

Note Figure 12 is an example only to show how descriptors in a revised AQF taxonomy might be used to describe a Diploma qualification type and then to design a new Diploma qualification. It does not imply that the illustrated bands are the appropriate ones from which to draw descriptors to describe a Diploma.

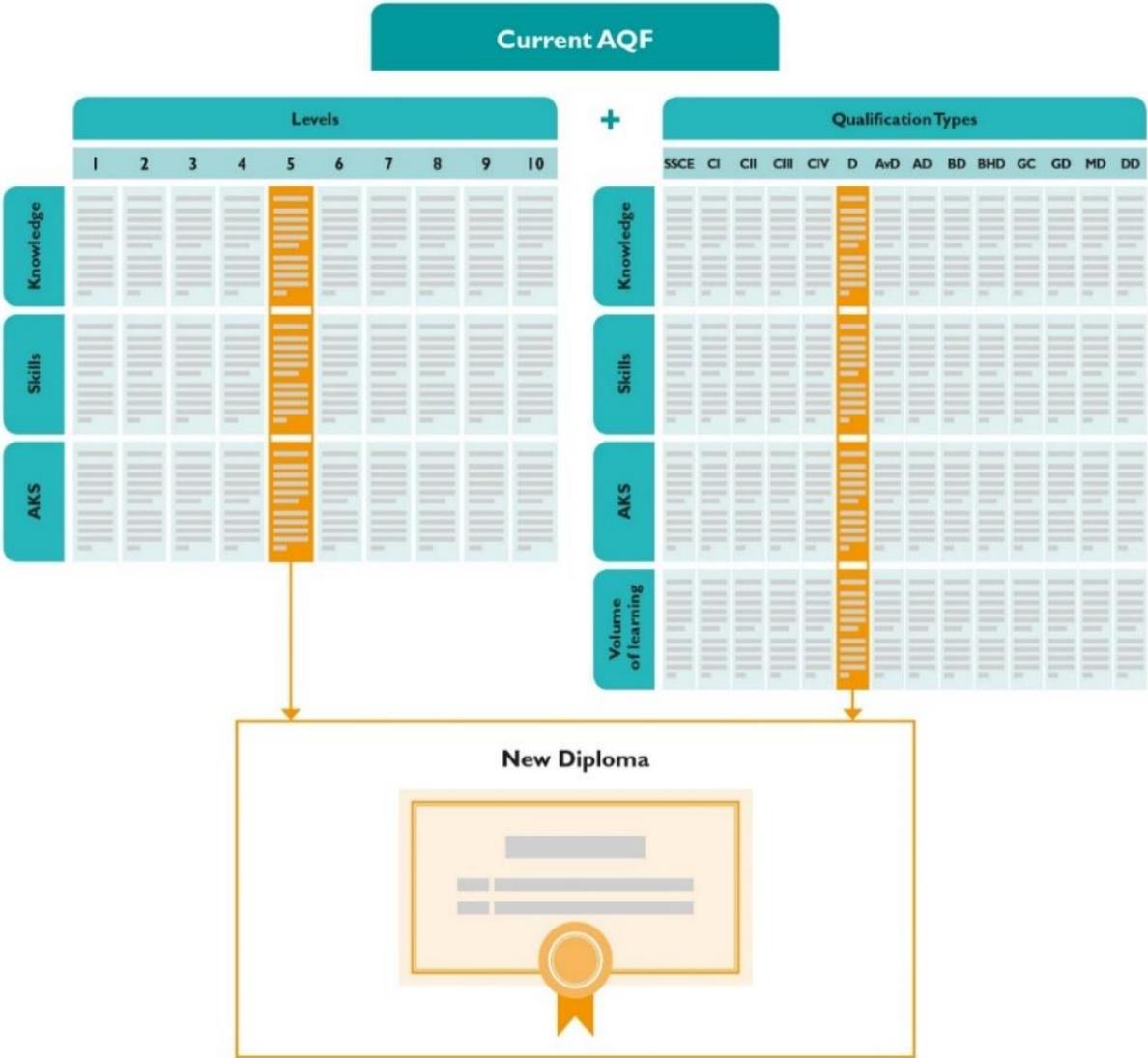


The approach shown in Figure 12 recognises there is considerable variation between qualifications of the same type. It provides the opportunity to more accurately reflect the nature of individual qualifications. However, it would be less clear to students, employers, regulators and international audiences what specific high-level outcomes the qualification is designed to meet.

The approach in the current AQF

In contrast to these options, the current AQF does not allow for flexible application of bands and a qualification must consider both the level and qualification type descriptors. Figure 13 shows that under the current AQF, if a provider were to develop a new Diploma qualification, the qualification design would need to comply with both the current Level 5 descriptors and the current qualification type descriptors for a Diploma.

Figure 13. Using the current AQF



Qualification Types:
 SSCE – Senior Secondary Certificate of Education, CI – Certificate I, CII – Certificate II, CIII – Certificate III, CIV – Certificate IV, D – Diploma, AvD – Advanced Diploma, AD – Associate Degree, BD – Bachelor Degree, BHD – Bachelor Honours Degree, GC – Graduate Certificate, GD – Graduate Diploma, MD – Masters Degrees, DD – Doctoral Degree.

ACER pointed out that this questions assumptions that appear to underpin the Application of knowledge and skills domain in the current AQF: that application is uniform across qualification types at the same level or qualifications of the same qualification type; and that autonomy and responsibility increase in lock-step with the level of knowledge and skills.⁴¹

This context specific nature of Application, and the wide variability of qualifications for any single qualification type, can make it difficult to describe all Application focus areas as a learning progression across AQF bands. This also means it is difficult to describe Application accurately for qualification types.

As noted above, ACER found that the initial, useful focus areas it identified - context of learning and assessment conditions - could not be expressed as a learning progression.⁴² In its final advice to the Review, ACER identified a focus area – scope and purpose – that it felt could be described across a learning progression and that therefore could be included in qualification types.⁴³ The Panel was not able to fully consider how useful that focus area, which has a close relationship with some Knowledge descriptors⁴⁴, might be.

The Panel considers the revised AQF taxonomy needs to enable Application descriptors that cannot be expressed as a progression to be specified in qualifications directly, rather than in qualification types. It would list the Application descriptors that should be considered in qualification design and leave it to qualification developers to apply the descriptors most appropriate to the course aims and objectives. This is shown in Figure 7.

This approach to Application would make it possible to describe qualifications more accurately and the context in which they are delivered. It would be easier for qualifications developers to comply with the AQF because they would be able to include in a qualification the Application descriptors that are most appropriate to its purpose and nature.

However, should development and testing of a revised AQF taxonomy during subsequent implementation identify Application focus areas that can be described in a learning progression, they could be included in the way Application scope and purpose is shown in Figure 14.

⁴¹ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 79

⁴² ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 84

⁴³ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 89

⁴⁴ ACER, *The Australian Qualifications Framework: Revision or Re-vision?*, 2019, p. 89

The proposed Application focus areas reflect the range of contexts within which knowledge and skills are applied and demonstrated; ranging from controlled situations to those more reflective of real world, variable environments in classroom, workplace or community based settings (see Appendix 5).

Identifying general capabilities

General capabilities (termed enterprise and social skills in the AQF Review discussion paper) are important and have always been so.

While most general capabilities can be taught or acquired to varying degrees in education and training; some of them are hard to define and can be subjective. They can be difficult to assess and report on, using reliable and valid methods.

In the discussion paper, the approach suggested by the Panel was that general capabilities should be able to be:

- taught in the context of the qualification's core content
- acquired through the process of teaching and learning
- assessed and reported in ways that are fair, valid and reliable.

This approach was strongly supported in consultations and submissions. Ai Group noted that 'while employers need individuals to have these enterprise-based skills to adapt quickly and be able to make decisions in uncertain situations, the skills are grounded by specific qualifications and discipline areas'⁴⁶.

Judgements then have to be made about the extent to which general capabilities can be encompassed in the revised AQF taxonomy (in effect mandating their inclusion in qualification types and individual qualifications). As La Trobe University stated in its submission 'these kinds of skills are developed differently and applied in different ways according to discipline and are not amenable to broad-level qualification descriptions, or to assessment and reporting'.⁴⁷

Nonetheless, ACER's analysis showed that some general capabilities can be expressed as learning progressions. The Panel proposes that the capabilities 'cooperation and collaboration' and 'learning self-management' be included in the Skills domain of the revised AQF taxonomy given their importance in the workplace and to engagement in lifelong learning.

The Panel also believes that, consistent with the current AQF's treatment of generic skills, some general capabilities should be listed for incorporation in the development of qualifications without including them in the AQF focus areas. This approach was favoured by most stakeholders.⁴⁸

Some stakeholders expressed caution at creating too long a list, as the general capabilities desired by employers are likely to develop and change over time.⁴⁹ In addition, institutions favoured the ability to vary the emphasis on capabilities and respond flexibly to new requirements.⁵⁰

ACER identified the following general capabilities for incorporation in qualification development as appropriate:

- language, literacy and numeracy skills (LLN)
- some core skills for work

⁴⁶ Ai Group, [Submission to the Review](#), p. 5

⁴⁷ La Trobe University, [Submission to the Review](#), p. 6

⁴⁸ For example: University of Tasmania, [Submission to the Review](#), p. 6; TAFE Queensland, North Region, [Submission to the Review](#), p. 3

⁴⁹ University of Newcastle, [Submission to the Review](#), p. 3

⁵⁰ University of Sydney, [Submission to the Review](#), p. 6; Innovative Research Universities, [Submission to the Review](#), p. 8

- digital literacy skills.

The relationship of these skills to the AQF domains is shown in Figure 10. The necessary LLN and learning skills could be indicated with reference to the Australian Core Skills Framework ⁵¹(ACSF) and some core work skills could be referenced to the Core Skills for Work Developmental Framework.⁵²

A number of submissions stressed the importance of digital literacy skills.⁵³ However, the Panel does not propose them for inclusion in the revised AQF taxonomy because it is difficult to identify a progression in complexity for digital literacy independently of the relevant field or discipline. For example, a Doctoral student in the humanities may require digital literacy skills for online research and for publication. However, these skills are not likely to be as broad and complex as the digital literacy skills required of a student undertaking a Diploma in cyber security or games and application development.

While not included in the list proposed by ACER, the Panel believes that ethical decision making should be considered for inclusion as a general capability. This should be done given its current and important use in discipline specific and professional standards, its importance in the context of automation and the destructive impact unethical decision making has on people's lives, on consumer confidence and ultimately on the economy.

Describing qualification types

Adoption of a new architecture for the AQF would require existing qualification types to be redescribed using new descriptors. A more flexible AQF taxonomy offers the opportunity to more accurately reflect the nature of existing qualification types and clarify the differences between them. This flexibility is shown in Figure 11 and Figure 12.

The Panel considers that rules would be required to specify the limits of variation allowed in choosing descriptors from different focus areas and bands of the revised AQF taxonomy. This would be necessary to ensure that there is a reasonably consistent degree of complexity of knowledge and skills used to describe any one qualification type.

To help distinguish between qualification types that may be aligned with the same band, the following information should be added to the qualification type specifications.

A purpose that describes common use

The current AQF sets out a purpose for each qualification type. They are described in terms of learning outcomes and may not convey the nature of the qualification type to students and employers. Descriptions in terms of the everyday use and intent of the qualification type could help differentiate qualification types.

Table 3 gives examples of current and possible revised purposes for some existing qualification types, using International Standard Classification of Education (ISCED) definitions. However, ISCED only supplies discrete definitions for Bachelor Degrees, Masters Degrees and Doctoral Degrees, so purpose statements would need to be developed for other Australian qualification types. Table 4 provides a simple example for demonstration purposes.

⁵¹ Department of Employment, Skills, Small and Family Business, [Australian Core Skills Framework](#)

⁵² Department of Employment, Skills, Small and Family Business, [Core Skills for Work Developmental Framework](#)

⁵³ The University of Western Australia, [Submission to the Review](#), p. 4; University of Sunshine Coast, [Submission to the Review](#), p. 2

Table 3. Qualification type purpose examples using the ISCED

Qualification Type	Purpose in Current AQF	Revised Purpose using the ISCED
Bachelor Degree	The Bachelor Degree qualifies individuals who apply a broad or coherent body of knowledge in a range of contexts to undertake professional work and as a pathway for further learning.	The Bachelor Degree is designed to provide participants with intermediate academic and/or professional knowledge, skills and competencies, leading to a first degree or equivalent qualification. Programs at this level are typically theoretically based but may include practical components and are informed by state of the art research and/or best professional practice.
Masters Degree	The Masters Degree qualifies individuals who apply an advanced body of knowledge in a range of contexts for research and scholarship and as a pathway for further learning.	The Masters Degree provides participants with advanced academic and/or professional knowledge, skills and competencies, leading to a second degree or equivalent qualification. Programs at this level may have a substantial research component but do not yet lead to the award of a doctoral qualification. Typically, programs at this level are theoretically based but may include practical components and are informed by state of the art research and/or best professional practice.
Doctoral Degree	The Doctoral Degree qualifies individuals who apply a substantial body of knowledge to research, investigate and develop new knowledge, in one or more fields of investigation, scholarship or professional practice.	The Doctoral Degree is devoted to advanced study and original research. Doctoral programs exist in both academic and professional fields.

Table 4. Qualification type purpose examples for demonstration purposes

Qualification Type	Purpose in Current AQF	Revised Purpose
Certificate I	The Certificate I qualifies with basic functional knowledge and skills to undertake work, further learning and community involvement.	<p>The Pre-vocational Certificate may qualify individuals with:</p> <ul style="list-style-type: none"> the foundation skills needed to access a vocational pathway such as reading, writing, numeracy and entry level digital technology skills basic knowledge and skills needed to prepare for work or work experience or a probationary period in a specific field.
Diploma	The Diploma qualifies individuals who apply integrated technical and theoretical concepts in a broad range of contexts to undertake advanced skilled or paraprofessional work and as a pathway to further learning.	<p>The Diploma may qualify individuals with:</p> <ul style="list-style-type: none"> theoretical knowledge and/or practical skills in a specific field technical knowledge to assist them in employment and/or prepare them for future study skills for management or specialist technical roles in a specific field (if the Diploma is Nationally Recognised Training).

Entry requirements

Entry requirements would specify broad entry requirements for that qualification type, including pathway options. For example, the Doctorate could specify the requirement of a Masters Degree (Research) for entry.

Including flags

Flags could be added to qualification types to signal the focus of the qualification. These would include:

Research

This flag would signal that this qualification type has a focus on research. It could be used to distinguish research and non-research qualification types at the same level, for example current Level 8.

The research flag for a Bachelor Honours Degree could say 'developing research skills and conducting research is a requirement of the Bachelor Honours Degree'.

The research flag for a Diploma could say 'research is not the focus of a Diploma'.

Nationally Recognised Training

This flag would state that some qualifications of this type can be nationally recognised training and outline briefly the characteristics of nationally recognised training. The flag would help employers and students understand the type of qualification available.

The nationally recognised training flag for a Diploma could say:

Some Diplomas are Nationally Recognised Training.

Nationally recognised training is any program of training leading to vocational education and training qualifications and credentials that are recognised across Australia.

These include:

- *industry training package qualifications and units of competency as listed on training.gov.au*
- *courses that have been accredited by a vocational education and training regulator.*

Apprenticeship

This flag would signal that some qualifications of this type can be delivered through apprenticeships or that apprenticeships are typically not available. It would alert users to differences in volume of learning and delivery mode that may have a bearing on qualification design.

Aligning qualification types

The current AQF aligns qualification types to levels. This is necessary because the AQF describes learning outcomes for both levels and qualification types and AQF qualifications must comply with both sets of descriptors.

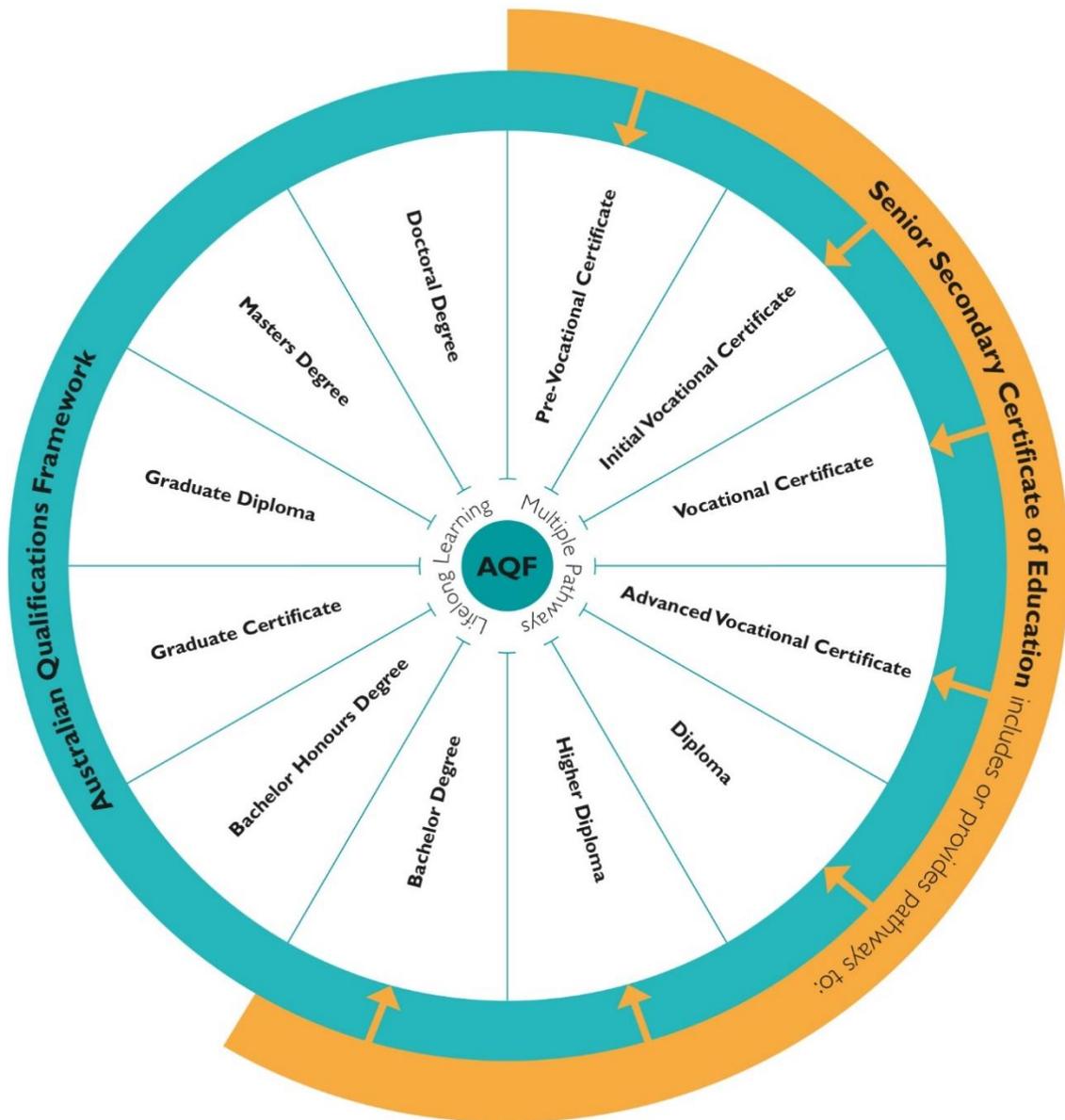
Under the proposed revised AQF architecture, there would be no levels and the proposed bands would become less important over time. They would exist in the AQF taxonomy as a means of clearly setting out descriptors to be used to describe and differentiate qualification types.

Under the option to develop qualification types described in Figure 11, all the specifications for developing an AQF qualification would be specified in the qualification type, including the descriptors that would have been incorporated from the revised AQF taxonomy. As a result, the band to which a qualification type is aligned will over time become less important.

Under the option to develop qualification types described in Figure 12, descriptors could be reflected in qualification design from a range of bands, making alignment to any one band less meaningful.

Under a revised AQF, it would therefore be less meaningful to represent qualification types as directly aligned to bands. This reduces the need to show the AQF as a hierarchy of qualifications aligned to rigid and locked levels, and allows it to be shown as a spectrum of qualifications in the revised AQF diagram at Figure 15.

Figure 15. Revised AQF diagram



The Panel considers that the Senior Secondary Certificate of Education should not be aligned to an AQF band (see Chapter 3).

Realignment options

To show that it is possible to allocate the existing qualification types within an eight-band framework, the Review developed a number of alignment options.

All options combine the current Levels 5 and 6 because their current level descriptors are similar.⁵⁴ Option 1 (Table 5) combines current Levels 1 and 2 because they are preparatory or introductory in nature. Although they have occupational outcomes in the current descriptors, they afford fewer employment outcomes, so the distinction for employers is not as necessary as for other qualifications.

Options 2 (Table 6) and 3 (Table 7) essentially remove current Level 8 because many submissions highlighted the lack of consistency between the research and non-research qualification types assigned to that level.

A new qualification type: The Higher Diploma

Combining current AQF Levels 5 and 6 could lead to the current Diploma, Associate Degree and Advanced Diploma being collocated. The Panel believes it would be undesirable to have two different diplomas at the same level.

The Panel therefore proposes creating a Higher Diploma in both VET and higher education at the same band as the Bachelor Degree. Creating a Higher Diploma would create a sequence of shorter, specific qualifications from the Diploma to the Graduate Diploma. It would enable both sectors to offer shorter qualifications to provide up-skilling and re-skilling opportunities in the future. This is also consistent with the recommendation of the Expert Review of Australian's VET System that strong and successful qualifications pathways be developed including higher-level diplomas.⁵⁵

Options for qualification type alignment

The Panel has identified three options for the realignment of qualification types into the proposed eight-band framework. These are presented below in Tables 5, 6 and 7. They are included here for illustrative purposes.

Table 5. Option 1: Qualification type alignment

Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8
Pre-vocational Certificate Initial Vocational Certificate	Vocational Certificate	Advanced Vocational Certificate	Diploma Associate Degree	Bachelor Degree Higher Diploma	Graduate Certificate Graduate Diploma Bachelor Honours Degree	Masters Degree	Doctoral Degree

⁵⁴ Australian Qualifications Framework Council, [The Australian Qualifications Framework 2nd Edition](#), 2013, p. 12-13

⁵⁵ Commonwealth of Australia, [Strengthening Skills: Expert Review of Australia's Vocational Education and Training System](#), April 2019, p. 34

Table 6. Option 2: Qualification type alignment

Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8
Pre-vocational Certificate	Initial Vocational Certificate	Vocational Certificate	Advanced Vocational Certificate	Diploma Associate Degree	Bachelor Degree Higher Diploma Bachelor Honours Degree	Graduate Certificate Graduate Diploma Masters Degree	Doctoral Degree

Table 7. Option 3: Qualification type alignment

Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8
Pre-vocational Certificate	Initial Vocational Certificate	Vocational Certificate	Advanced Vocational Certificate	Diploma Associate Degree	Bachelor Degree Higher Diploma Graduate Certificate	Graduate Diploma Bachelor Honours Degree Masters Degree	Doctoral Degree

Rename certificates

The titles of some qualification types could be changed. In particular, the titles of Certificates I – IV could be renamed to better describe their intent and purpose. This would mean that they were titled independently of an AQF band as expressed in Table 8. This would help to recognise the intrinsic value of these qualifications rather than them being expressed as part of a numerical hierarchy. However, the Panel recognises that decisions on the titles and alignment of qualifications delivered in the VET sector will need to be considered in the broader context of skills reform through COAG.

Table 8. New certificate names

Current Name	New Name
Certificate I	Pre-vocational Certificate
Certificate II	Initial Vocational Certificate
Certificate III	Vocational Certificate
Certificate IV	Advanced Vocational Certificate

The status of VET and Levels 5, 6 and 8

The terms of reference require the Review to consider:

- similarities and optimal points of differentiation of VET and higher education qualifications, particularly at Levels 5, 6 and 8
- the extent to which the AQF currently implies a status hierarchy from VET to higher education qualifications and whether changes to the AQF could mitigate this
- means by which the AQF can assist with greater consistency in regulation of AQF compliance between higher education and VET.

Contextual research for the Review and stakeholder submissions raised a number of concerns about current AQF levels 5, 6 and 8, including:

- differences in eligibility, funding (particularly student support payments), and the process of qualification development between VET and higher education
- possible confusion about awards with the same name in VET and higher education and whether a qualification type delivered in both sectors should be differentiated between the sectors
- different approaches to approving courses of the same qualification type taken by ASQA and TEQSA
- whether the Advanced Diploma and Associate Degree at Level 6 can be sufficiently differentiated or are both required
- different nature of diplomas offered in VET and higher education, with VET diplomas tending to be a higher-level field specific qualification, and higher education diplomas tending to be broader generic qualifications
- disparity of purpose and apparent complexity of qualification types at current Level 8, particularly the Bachelor Honours Degree in comparison to a Graduate Certificate
- post-graduate qualifications sometimes not being more complex than undergraduate qualifications if they are designed as articulation pathways for those with non-cognate or foreign qualifications.

Status of VET

VET and higher education offer different approaches to the acquisition of skills and knowledge; both play critical roles in equipping graduates with the skills necessary for effective economic and social participation.

It is not possible for the AQF to address the funding and cultural factors that affect perceptions of the relative status of VET and higher education. Charles Sturt University stated in its submission:

... addressing perceptions of status differentials between vocational education and training and higher education are best achieved through investments in aspiration, awareness, support, brand, tool-kits, and life-long learning, as well as pathway options and mobility opportunities for future and current students.⁵⁶

However, the Panel believes that measures proposed by the Review can help to signal the value of individual qualification types independently of the hierarchy of learning outcomes that is inherent in a qualifications framework. As an example, the Senior Secondary Certificate of Education is not less valued because it is introductory or preparatory to further education.

Changes recommended by the Panel that would enable the value of individual qualification types to be better recognised include:

- flexibility for a qualification type to be described using descriptors from different bands – this would allow more advanced skills outcomes to be recognised where they apply for

⁵⁶ Charles Sturt University, [Submission to the Review](#), p. 9

Certificates I – IV (for example, if Option 2 shown by Figure 12 was adopted, the outcomes of some qualifications such as trade qualifications could be better recognised)

- the introduction of psychomotor skills, which would allow the nature and strength of some VET qualification types to be better recognised
- the focus on qualification types at the front of the AQF and the proposed renaming of Certificates I – IV will help to separate them from association with the taxonomy, which reflects a hierarchy of increasing complexity (this approach is reflected in the revised AQF diagram at Figure 15, which shows each qualification type independently, with similar weight and without the bands)
- the Nationally Recognised Training flag and Apprenticeship flag would enable the strengths and distinctive nature of the VET system to be recognised.

The Panel does not agree with calls by some stakeholders⁵⁷ to create separate qualification types for VET and higher education Diplomas, Advanced Diplomas, Graduate Certificates and Graduate Diplomas. The Panel believes such a step could reinforce the perceptions of the lesser status of VET. In 2013, removal of the distinction between Graduate Certificates and Diplomas issued in the VET and higher education sectors received strong support from stakeholders.⁵⁸

Levels 5, 6 and 8

It would be possible to acknowledge the different nature in VET and higher education of some dual sector qualification types by revising the purpose statement for the qualification type. An example is provided for the Diploma at Table 4. It points out the slightly different purpose of Diplomas that are Nationally Recognised Training.

Reducing the number of AQF levels to eight bands provides the opportunity to consider the alignment of qualification types. For example, alignment of the Graduate Certificate with the Bachelor Honours Degree could be re-considered – see Table 7. The proposed creation of a Higher Diploma, and removal of the Advanced Diploma, would resolve issues around the Associate Degree and the Advanced Diploma.

The proposed research flag could be used to differentiate the Bachelor Honours Degree from the Graduate Certificate and Graduate Diploma and the flexibility provided for incorporating descriptors into qualification types would allow the research descriptor to be omitted from qualification types to which it did not apply.

ASQA and TEQSA highlighted difficulties that arise in accrediting courses that could be offered in either sector if the course developer has not sufficiently considered the requirements of the sector. The information currently provided in qualification types about responsibility for accreditation and development could be amended to highlight which regulator was responsible.

Further observations

The current AQF allows for three forms of Doctoral Degree at Level 10 with the same descriptor within the Doctoral Degree qualification type: the Doctoral Degree (Research); the Doctoral Degree (Professional) and the Higher Doctorate.

Without a distinguishing descriptor, the Doctoral Degree (Professional):

- has the same volume of learning (3-4 years) as the Doctoral Degree (Research)
- has research as its “defining characteristic”
- is subject to the specification that “Research in the program of learning will be for at least two years and typically two-thirds or more of the qualification”.

⁵⁷ For example: La Trobe University, [Submission to the Review](#), p. 5; University of Tasmania, [Submission to the Review](#), p. 8

⁵⁸ Australian Skills Quality Authority, [Submission to the Review](#), p. 5

Often those attracted to the professional doctorate are experienced practitioners who are immersed in industry-leading practice and have advanced analytical, conceptual and/or creative skills. For such students, already at the innovative edge of their discipline or industry, the traditional requirements of a research doctorate may need to be reconsidered. This is important given the context of the knowledge economy. As new knowledge is produced and transferred in new ways, in new industries, increasingly with the aid of new technologies, it is timely to consider whether a new qualification type that provides recognition of professional achievement and innovation at the Doctoral level might be desirable.

Further, in relation to professional doctorates, the Panel heard from the Australian Clinical Psychology Association⁵⁹ and the Australian Psychology Accreditation Council⁶⁰ that changes to the Doctoral Degree specification in the 2011 version of the AQF had a negative impact on Australian psychology programs. It did so by specifying that Professional Doctorates will typically include at least two years of research, whereas previously this was not the case. Any redrafting of the qualification type specifications should consider this issue, as well as the effect that changing the descriptor could have on other Professional Doctorate programs throughout Australia.

The Panel was also made aware of the two quite different purposes to which the current AQF Level 8 Bachelor Honours Degree is applied. These purposes are referenced in the volume of learning statement in the Bachelor Honours Degree qualification type descriptor as follows: “The volume of learning of a Bachelor Honours Degree is typically 1 year following a Bachelor Degree. A Bachelor Honours Degree may also be embedded in a Bachelor Degree, typically as an additional year.”

Many existing four-year Bachelor degrees have now been redeveloped as Level 8 qualifications on the basis of “embedded honours”, while the more traditional Honours Degrees, “typically 1 year following a Bachelor Degree”, also continue to be offered, primarily as a pathway for research. Given the quite different purposes of these two types of Bachelor Honours Degrees, it might be useful to consider distinguishing them with a new qualification type for the “embedded honours” qualification.

⁵⁹ The Australian Clinical Psychology Association, [Submission to the Review](#), p. 3

⁶⁰ Australian Psychology Accreditation Council, [Submission to the Review](#), p. 2

Recommendations

3. Revise the architecture for the AQF, based on the model outlined at Figure 7, with the following features:
 - a. Focus the AQF on describing qualification types.
 - b. Simplify the AQF to present only one set of descriptors in a revised AQF taxonomy.
 - c. Shift the focus of the AQF to qualification types that specify descriptors for qualification design, with graduate learning outcomes more appropriately reflected in individual qualifications.
 - d. Reduce the number of levels in the AQF from ten to eight for knowledge and to six for skills and rename levels as 'bands'.
 - e. Enable the bands to be applied more flexibly across qualification types within clear rules.
 - f. Revise the descriptors for Knowledge, Skills and Application based on the approach outlined in Appendix 3, Appendix 4 and Appendix 5.
4. Revise the AQF's treatment of general capabilities to:
 - a. List key general capabilities, such as digital literacy and ethical decision making, for incorporation in qualifications as appropriate
 - b. Stress they should be taught in the context of a qualification's core content
 - c. Include in the revised AQF taxonomy some general capabilities that can be described in a learning progression, such as learning self-management, cooperation and collaboration.
5. Align qualification types to bands in a revised AQF taxonomy based on the new descriptors and considering the alignment models at Table 5, Table 6 and Table 7.
6. Consider creating new qualification types, such as a Higher Diploma, and/or renaming the existing Certificates I to IV as expressed in Table 8.

Implementation

The Panel is aware that implementation of these recommendations will have implications for stakeholders, including for their course design policies, teaching and learning policies and regulatory policies in the higher education and VET sectors. It also has broader implications for data collection, industrial relations, student visas and migration policies. To enable changes to occur effectively, there would need to be a three-stage implementation process.

The first stage would involve changing the architecture of the AQF by developing a revised AQF taxonomy, defining qualification types in relation to this and aligning the qualification types to the model. Ongoing consultation and engagement with stakeholders would be conducted to inform the drafting of, and testing of, the revised AQF taxonomy.

The second stage would involve stakeholders revising any internal policies, regulations, legislation and procedures that are affected by changes to the AQF. This stage would include extensive communication, to explain further the changes and the benefits associated with them. For international stakeholders, including bilateral partners, multilateral institutions, and international education agents, an international engagement strategy would be used to explain the revised AQF and its taxonomy.

The third and final stage of the implementation would include transition to the revised AQF, which would involve revising and reaccrediting qualifications, where necessary, using usual accreditation processes, to align with the revised AQF. TEQSA and ASQA have advised the Panel that it would be preferable to accommodate changes in the usual cycle of accreditation. Chapter 7 provides detailed information about the implementation plan.

The aim is to provide sufficient time and guidance for stakeholders to enable successful transition to the revised AQF.

Actions

To ensure effective implementation of the recommendations, the following actions are required.

To redesign the AQF

- Through a process of change management, develop a revised AQF taxonomy with the following characteristics:
 - Levels that are renamed as ‘bands’.
 - Domains of Knowledge (eight bands), Skills (six bands) and Application (no bands).
 - Focus areas for Knowledge, Skills and Application that are founded on research and reflect abilities that are required in an evolving economy and can be taught, learned and assessed.
 - Descriptors for each focus area that stakeholders can understand readily and that differentiate between AQF levels.
 - Descriptors from different bands in the revised AQF taxonomy are able to be used to describe qualification types.
- Test the effectiveness of the descriptors with qualification developers, regulators, industry and students.
- Specify rules for allocating descriptors from the revised AQF taxonomy to qualification types.
- Redescribe qualification types, including the Senior Secondary Certificate of Education with Knowledge, Skills and Application descriptors from the revised AQF taxonomy using the specified rules that clarify their purpose and nature.
- Align qualification types to bands in the revised AQF taxonomy.
- Consider developing more descriptive names for some existing qualification types, for example:
 - Certificate I as Pre-vocational Certificate
 - Certificate II as Initial Vocational Certificate
 - Certificate III as Vocational Certificate
 - Certificate IV as Advanced Vocational Certificate.
- Consider creating a new qualification type called the Higher Diploma at the same band as the Bachelor Degree that would be available in VET and higher education.
- Consider whether a new qualification type that provides recognition of professional achievement and innovation at the Doctoral level might be desirable.
- Consider creating a new qualification type for the “embedded honours” qualification.
- Update the AQF list of ‘generic learning outcomes’ with general capabilities (such as digital literacy and ethical decision making) that would improve graduate outcomes in the future workforce and that can be:
 - taught in the context of a qualification’s core content
 - acquired through the process of learning and teaching
 - assessed and reported in ways that are fair, valid and reliable.
- Develop a description for each qualification type that includes the following new or revised elements:
 - The purpose of the qualification type, in terms of the learning and occupational outcomes achieved and within what context.
 - The descriptors for the focus areas of each domain of the revised AQF taxonomy that apply for the qualification type.
 - Volume of learning in hours.
 - Any entry requirements for the qualification type in terms of prior AQF qualifications or equivalent experience.
 - A flag that shows that some qualifications of this type could be Nationally Recognised Training.
 - A flag that shows that research is the focus of the qualification type.
 - A flag that shows that this qualification type can include apprenticeships.

- Actual nomenclature for the qualification type instead of a reference to the AQF Qualifications Issuance Policy.
- Include the following existing elements:
 - Responsibility for accreditation and development of the qualification type, including recognition of which bodies accredit National Recognised Training.
 - Authority to issue the qualification type.
- Amend AQF statements on responsibility for accreditation and development of qualifications included for each qualification type to guide qualification developers to the appropriate regulator.

Transition to the revised AQF

The following actions may be required during the transition phase to the revised AQF, depending on the type of change:

- Regulators would need to update their internal policies and practices and retrain auditors.
- The Department of Social Services and the Department of Human Services would need to undertake a comprehensive review of all other relevant social services regulation, policies and processes.
- State Training Authorities may need to reconsider funding policies if the number of AQF levels is reduced.
- Extensive communication and consultation to inform and educate Industry Reference Committees, Training Product developers and industry stakeholders.
- The Department of Education would need to review and update the 127 Country Education Profiles that are used by various entities, including providers, to understand how overseas qualifications align with AQF qualifications.
- The training.gov.au website would need to be updated to reflect changes.
- If there are substantive changes to qualification types, the following activities would be required in relation to data collection:
 - The development of guidance documents to support changes in data collection requirements.
 - Analysis to map historical data.
 - Consideration of the required changes to the Unique Student Identifier (USI) transcript, System and IT updates to the National Training Register (training.gov.au).
- If changes to qualification types go beyond naming conventions, then this would require providers to:
 - Discontinue, redevelop or develop course offerings.
 - Transition students to new qualifications.
 - Update learning materials and teaching capabilities.
- The Department of Home Affairs would need to review current policy and practice, particularly the point allocation system embedded within skilled migration policy. A reduction in the number of levels, would have an impact on visa policy settings and would require amendments to the *Migration Regulations 1994*, affecting a number of visas, including:
 - Student (subclass 500) visa
 - Temporary Graduate (subclass 485) visa
 - Skilled Migration points-tested visas.

3. Senior Secondary Certificate of Education

The Panel is of the view that there should be better recognition of the pathways from school to tertiary education in the AQF. In particular, there should be better credit transfer arrangements in place.

There are currently two reviews underway that may have implications for the treatment of the SSCE in the AQF. Full consideration of the future of the SSCE should only be agreed once the work of the following reviews is complete:

- Review of Senior Secondary Pathways into Work, Further Education and Training as part of the broader National School Reform Agreement.⁶¹
- Review of The Melbourne Declaration on Educational Goals for Young Australians, which provides the policy framework for the Australian Curriculum.⁶²

Purpose of the SSCE

Around half of the students finishing Year 12 transition to university and another 15 per cent enrol in other forms of post school education and training.⁶³ Senior secondary is the last formal education for around one-third of Year 12 completers⁶⁴, so preparation for general, non-occupation specific preparation for work is still an important purpose the SSCE. However, the majority of employment growth over the last five years has been in occupations that generally require VET or higher education qualifications, and this trend is likely to continue.⁶⁵ The projected employment growth to May 2023 for skill levels by occupation (Figure 3) shows that the greatest growth will be for skill level 1 (Bachelor Degree or higher) in professional occupations, with the second highest level of growth for skill level 4 (Certificate II or III) in community and personal service work.⁶⁶

In 2018, people with post-school qualifications had lower unemployment rates and achieved higher median weekly earnings than people with only school qualifications.⁶⁷ Some predictions suggest that by 2040 Australians will need to double the share of learning they do after age 21 from 19 to 41 per cent.⁶⁸ For these reasons, the SSCE graduates of the future will need to be prepared for VET, higher education or other forms of lifelong learning.

The Panel recommends, therefore, revising the purpose of the SSCE to emphasise its role in preparing students for further learning.

⁶¹ Council of Australian Governments Education Council, [The Review of Senior Secondary Pathways into Work, Further Education and Training](#)

⁶² Council of Australian Governments Education Council, [Review of The Melbourne Declaration on Educational Goals for Young Australians](#)

⁶³ Department of Education and Training, [Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools](#), 2018, p. 47

⁶⁴ Department of Education and Training, [Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools](#), 2018, p. 47

⁶⁵ Department of Jobs and Small Business, [Australian Jobs 2019](#), p. 36

⁶⁶ Department of Jobs and Small Business, [Employment Outlook to May 2023](#), p. 8

⁶⁷ Department of Jobs and Small Business, [Australian Jobs 2019](#), p. 36

⁶⁸ AlphaBeta, [Future Skills](#), 2019, p. 7

The current purpose of the SSCE states:

The Senior Secondary Certificate of Education qualifies individuals with knowledge, skills and values for diverse pathways to further learning, work and effective participation in civic life.

A revised purpose could state:

The Senior Secondary Certificate of Education qualifies individuals with knowledge, skills and values for diverse pathways to further learning (particularly through tertiary education), work and effective participation in civic life.

Aligning the SSCE with the AQF

The AQF Review discussion paper proposed that the SSCE not be aligned to one or more AQF levels because the level of learning outcomes achieved by SSCE graduates do not easily or directly align with particular AQF levels. For example, secondary school students can study VET Certificates I, II or III (AQF Levels 1, 2 or 3). In some states, Year 11 or 12 students can study Certificate IV (Level 4) and VET Diploma (Level 5) courses as part of their SSCE, although they make up only 3.1 per cent of all students doing VET.⁶⁹ Some graduates with an ATAR, or a Certificate IV in Tertiary Preparation, are deemed to have knowledge and skills suitable for entry to an AQF Level 7 Bachelor Degree. Some universities also provide credit to SSCE graduates for particular subjects.

The Council for International Education's Expert Members pointed out that '...assigning [the SSCE] to an existing AQF level may diminish its understanding and value internationally, as well as that of other AQF qualifications should the SSCE be placed at a specific AQF level.'⁷⁰

The discussion paper proposed revising the SSCE descriptor to recognise that the knowledge and skills acquired in the SSCE can be at a broad range of AQF levels, and result in multiple pathways, to explain why the SSCE is not set at a level like other qualification types in the AQF. Stakeholders overwhelmingly supported the position put in the discussion paper.

Recognising pathways

As the number of students progressing into tertiary education increases, it is important for students who do so to receive appropriate acknowledgement of the knowledge and skills they have obtained during their school years. The recently released discussion paper for the Review of Senior Secondary Pathways into Work, Further Education and Training⁷¹ raised potential need for disruption in traditional ways of thinking about pathways, that could be considered in terms of better credit recognition for secondary school students.

For secondary students undertaking vocational education, the situation is relatively straightforward because of the integration of VET into the secondary schools system. VET undertaken as part of the SSCE is drawn from nationally recognised training packages or accredited courses, and delivered and/or assessed by Registered Training Organisations (RTOs) or in partnership with an RTO.

The interaction between non-VET upper secondary education and higher education is more uneven. Universities' credit policies generally make no explicit mention of credit from the SSCE, though some include provisions for graduates of the International Baccalaureate (IB). As an example of where credit for SSCE subjects is mentioned, the University of Melbourne specifies advanced standing may be

⁶⁹ National Centre for Vocational Education Research, National VET in School Collection 2018, viewed via VOCSTATS, 6 September 2019.

⁷⁰ Council for International Education's Expert Members, [Submission to the Review](#), p. 3

⁷¹ Council of Australian Governments Education Council, The Review of Senior Secondary Pathways into Work, Further Education and Training, [Discussion Paper](#), 2019, p. 7

granted to students that have 'demonstrated mastery of the content of a first-year subject through ... outstanding results on relevant secondary studies'.⁷²

The Review understands that universities may offer SSCE students the opportunity to undertake a university unit that provides credit should the student attend that university. It is not clear how portable such arrangements are.

The current AQF Qualifications Pathways Policy calls on providers to 'recognise learning regardless of how, when and where it was acquired, provided it is relevant and current and has a relationship to the learning outcomes of the qualification.' The Review of Senior Secondary Pathways' discussion paper also suggests there is a need for a balance between the emphasis on academic achievement and 'broader skills, knowledge and capabilities a student achieves through community engagement, work related learning, team-based sports, volunteering and activities undertaken outside the school gate.'⁷³

As the number of secondary students transitioning to higher education increases, there is an opportunity for higher education providers to provide more seamless pathways for secondary graduates without compromising outcomes. A revised Pathways Policy would encourage this.

VET in Schools

As noted by *Strengthening Skills*, the Expert Review of Australia's Vocational Education and Training System, 'the most important purpose of delivering VET qualifications in secondary school must be to offer students clear pathways towards VET careers'.⁷⁴ This is true whether these pathways lead straight to the workforce or to further training. One of the VET Review's recommendations was to define VET in Schools as a separate stream, 'because the system currently finds it hard to measure exactly what is being delivered across the country in schools.'

In many cases, students are undertaking low level AQF qualifications⁷⁵ that may not be recognised or valued by employers⁷⁶ and which do not provide the breadth and depth required for pathways into full VET qualifications. There is benefit in exposing school learners to a variety of options, and some learners may be able to derive benefit from completing a small cluster of units of competency, but as a whole, the system must look to provide meaningful and coherent VET offerings for students.

However, there is a danger in placing too much emphasis on completion of full AQF qualifications, particularly if students are undertaking higher level VET qualifications where employers cannot be confident that a student holds all of the competencies attested by the qualification. In some cases, students are undertaking, and completing, full Diploma and Certificate IV qualifications as part of their SSCE. This leads to questions about the qualification outcome, given the potential difficulty of fulfilling the volume of learning required while simultaneously completing other subjects. There are also issues about the level of practical experience generally available to school students.

In addition, the Panel has heard concerns from stakeholders about the use of VET qualifications that are unrelated to tertiary preparation being used as a substitute Australian Tertiary Admission Rank (ATAR) for university entry. This was seen to weaken the integrity of the SSCE and the foundational learning it provides. There was a view that these VET qualifications were not being offered for the

⁷² The University of Melbourne, [Credit, Advanced Standing and Accelerated Entry Policy \(MPF1293\)](#), Accelerated subject entry, 4.24 (a).

⁷³ Council of Australian Governments Education Council, The Review of Senior Secondary Pathways into Work, Further Education and Training, [Discussion Paper](#), 2019, p. 8

⁷⁴ Commonwealth of Australia, [Strengthening Skills: Expert Review of Australia's Vocational Education and Training System](#), April 2019, p. 97

⁷⁵ In 2018, 54.9 percent of high school students studying VET completed a Certificate II, 34.8 percent completed a Certificate III and 7.2 percent completed a Certificate I. Source: NCVET VOCSTATS, data accessed 24 September 2019.

⁷⁶ NCVET, [Entry to vocations: building the foundations for successful transitions](#), 2014, p. 20

purpose for which they were designed, and did not provide comparable preparation to the SSCE for further education. The Panel concluded that the emphasis should be on completing a broad SSCE, where any VET included is a genuine component consistent with its important role in Australia's education and training system.

Recommendations

7. Do not align the Senior Secondary Certificate of Education to a band but show pathways to qualifications up to degree level.
8. Revise the qualification type specification for the Senior Secondary Certificate of Education to emphasise its role in preparing students for vocational education and training and/or higher education.

Implementation

Revising the descriptor for the Senior Secondary Certificate of Education would be a straightforward process, which would be done along with drafting the qualification types for a revised AQF. These changes should not be finalised without due consideration of the outcomes of the Melbourne Declaration and the Senior Secondary Pathways into Work, Further Education and Training reviews.

Actions

- Revise the SSCE descriptor to recognise that:
 - the knowledge and skills acquired in the SSCE can be at a broad range of AQF levels
 - while the primary purpose of the SSCE is to prepare people for diverse pathways to further learning, work and effective participation in civic life, the pathways to further and lifelong learning will be of increasing importance into the future.
- Revise the Pathways Policy to encourage education providers to award credit, where appropriate, for SSCE graduates into higher education.

4. Shorter Form Credentials

The AQF was not designed for the recognition of shorter form credentials (a term that refers to microcredentials, skill sets and other shorter credentials that are not recognised as AQF qualifications). Such credentials are in widespread use. They are increasingly important to learning for up-skilling and re-skilling both within the workplace and through education and training providers. This trend has been occurring without guidance in the formal learning system. The Panel concluded that it was important to address the relationship between shorter form credentials, including microcredentials, and full AQF qualifications.

Similarly, enabling courses (also called foundation, access, widening participation, pathway, bridging or tertiary preparation programs) are not currently recognised in the AQF. This can mean students enrolled in an enabling course may not be able to transfer their learning to another institution due to lack of clear pathways or credit policy. This may adversely affect students from disadvantaged backgrounds, such as regional and remote students and Aboriginal and Torres Strait Islander students. These enabling courses are distinct from foundation programs targeting international students, which are required to be comparable with the Australian Year 12 curriculum and have pathways into higher education studies in Australia.⁷⁷

AQF qualifications are the foundation of the Australian education and training system. Of the enrolments in the higher education sector reported through the Higher Education Information Management System in 2017, 97 per cent were in AQF qualifications.⁷⁸ In 2018, there were approximately four million students enrolled in VET. Of these, approximately half were enrolled in full AQF qualifications.⁷⁹ In 2018 just under half a million students were enrolled in senior secondary school studying for the SSCE.⁸⁰

The current predominance of AQF qualifications suggests they will continue to provide foundation and extended education and training in vocations, professions and broad disciplines for some time. This view is supported by stakeholders.⁸¹

Credentials outside the AQF

Future workers are increasingly likely to access formal, non-formal and informal learning through a process of lifelong learning. The availability of courses to meet this need is likely to increase rapidly.

A range of formal and non-formal credentials sits outside the AQF. They are generally shorter and can complement AQF qualifications. The AQF Review discussion paper identified a number of shorter form credentials. Many are of long standing such as enabling courses and foundation courses. Others, such as VET skill sets, are subject to regulated quality assurance processes. Some interact with AQF qualifications, for example to provide credit, like some Massive Open Online Courses (MOOCs).

⁷⁷ Foundation Courses offered to international students in Australia are covered by the [National Standards for Foundation Programs](#), enabled by the *Education Services for Overseas Students Act 2000*.

⁷⁸ The remaining three per cent is made up of non-award courses, enabling courses and other undergraduate courses. Source: Department of Education, [2017 All Students Statistics](#)

⁷⁹ NCVER, [Total VET students and courses 2018](#), 2019; The remaining fifty percent were participating in short courses, including individual units of competency and skill sets geared towards upskilling and industry compliance requirements.

⁸⁰ Australian Curriculum and Reporting Authority, [Number and proportion of students enrolled in schools by school level and school sector](#), 2018, viewed 11 September 2019

⁸¹ For example, The University of Melbourne, [Submission to the Review](#), p. 2; New South Wales Government, [Submission to the Review](#), p. 14

Microcredentials

Consultations on the discussion paper identified microcredentials as a major issue for stakeholders. They were also the focus of most of the submissions to the Review in relation to shorter form credentials.

There is currently no widely accepted definition of microcredentials. A definition would provide a common understanding of the role and purpose of these credentials. The Review has used the definition of a microcredential developed by Emeritus Professor Beverley Oliver:

A micro-credential is a certification of assessed learning that is additional, alternative, complementary to or a component part of a formal qualification.⁸²

This definition clearly distinguishes microcredentials from unassessed certificates of participation and is intended to promote confidence in microcredentials by employers and students because they would be assessed. It is broad enough to encompass existing types of microcredentials such as MOOCs, micro masters and nano degrees. Swinburne University proposed distinguishing between micro qualifications (potential components of macro qualifications such as MOOCs or VET skills sets) and microcredentials (to recognise attainment of particular skills or attributes)⁸³, but the broader scope of the proposed definition reflects the common use of the term microcredential.

There is little data available for shorter form credentials offered in the higher education sector. Higher Education Information Management System data shows that enrolments in non-award courses have decreased by 15 per cent from 22,815 in 2007 to 19,424 in 2017, but these figures do not necessarily include MOOCs and other microcredentials.

The VET sector has data on all formal learning undertaken, including enrolments at a unit of competency level, skill sets and accredited courses. In VET, total program enrolments in these non-AQF award courses rose by 31.2 per cent between 2015 and 2018.⁸⁴

As data on shorter form credentials, including microcredentials, is limited, there is not a strong evidence base to assess future demand for new credentials. We do know that the market is growing – education and training providers and qualification developers are responding to the call for shorter, more responsive credentials. For example, 36 of 42 universities are either offering or developing some kind of microcredential.⁸⁵

Governments are encouraging the uptake of some shorter form credentials. In VET, the 2015 training product reforms agreed by the COAG Industry and Skills Council included fostering greater recognition of skill sets. Total program enrolments in nationally accredited skill sets have risen by 65 per cent between 2015 and 2018 and now make up almost half of non-AQF VET program enrolments.⁸⁶ To further this work the Expert Review of Australia's Vocational Education and Training System has recommended consideration be given to further encouraging the use of short-form credentials such as skillsets or microcredentials to provide more flexible training options to industry.⁸⁷

⁸² Beverley Oliver, [Making Microcredentials Work](#), Deakin University, 2019

⁸³ Swinburne University, [Submission to the Review](#), p. 3

⁸⁴ NCVER, Total VET students and courses – TVA program enrolments 2015-2018, <http://vocstats.ncver.edu.au> extracted on 19/19/2019. This growth has been largely driven by training package skill sets.

⁸⁵ Research commissioned by DeakinCo and shared with the Review.

⁸⁶ NCVER, Total VET students and courses – TVA program enrolments 2015-2018, <http://vocstats.ncver.edu.au> extracted on 19/19/2019

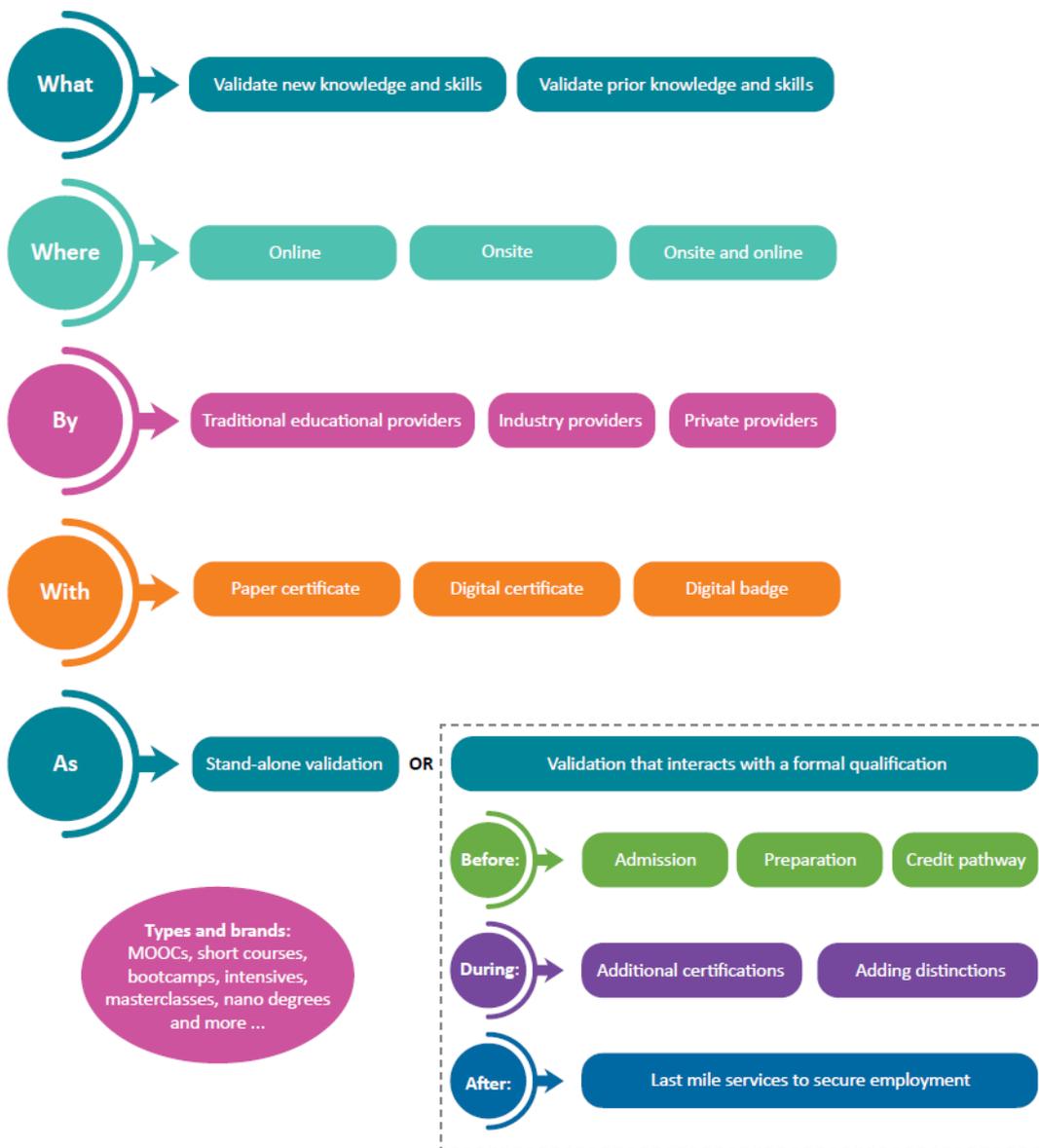
⁸⁷ Commonwealth of Australia, [Strengthening Skills: Expert Review of Australia's Vocational Education and Training System](#), April 2019, p. 65

Growth in microcredentialling is likely to continue. While it is impossible to predict the trajectory that innovation in microcredentialling will take, we should expect that providers will continue to experiment in the development of these programs, given the potential benefits relating to efficiency and to industry relevance.

University of Melbourne, Submission to the Review

Professor Oliver provides the following diagram (Figure 16) to describe the ways microcredentials can be validated, either standalone or with a formal qualification.⁸⁸ This sets a frame for discussing how the AQF can reference microcredentials into the future.

Figure 16. Frame for validation of microcredentials



⁸⁸ Beverley Oliver, [Making Microcredentials Work](#), Deakin University, 2019, p. 17

Recognising shorter form credentials

The Panel formed the view that the AQF should specify that AQF qualifications are the primary means of providing tertiary education. It should also recognise and illustrate the variety of credentials that sit outside the AQF and provide education and training in a specific topic as standalone credentials or to provide credit toward an existing AQF qualification. This can be done in the AQF's introduction or preamble. This would show that the Australian education and training system provides many credentials that are additional to or complement formal qualifications and facilitate or provide for lifelong learning in a variety of ways.

Shorter form credentials provide knowledge and skills at a variety of current AQF levels and it is difficult, therefore, to assign them to AQF bands.

The AQF Review discussion paper raised the possibility of recognising shorter form credentials as one or more qualification type in the AQF.

Stakeholders did not support including shorter form credentials in the AQF as qualification types. The reasons provided mainly related to microcredentials, including:

- They vary widely in their scope and level of complexity and so cannot be allocated as a qualification type to any one AQF level.
- There is potential for an increased administrative burden and cost to regulators and providers of complying with the regulatory requirements associated with an AQF qualification for a large number of microcredentials.
- The requirement to meet the regulatory or other requirements of an AQF credential may delay the speed to market of microcredentials or stifle innovation, negating the benefit and promise of these credentials.
- The potential for confusion in the market as to which credentials are included in the AQF and which are not if inclusion in the AQF is voluntary.
- Shorter form credentials of uncertain quality could undermine the AQF and could be open to exploitation by unscrupulous providers.
- There are possible unintended reputational concerns internationally relating to perceptions of diminished standards should short courses be included in the AQF in the same way as full qualifications.

Overall, there was a strong view that it was premature to include shorter form credentials, particularly microcredentials, as qualification types in the AQF. The Panel formed the view that credit recognition was the preferred way of recognising shorter form credentials. This view was supported by submissions to the Review, including their use in recognition of prior learning (RPL).

There is perhaps more opportunity to respond to emerging demands of future learning and future students, through a more formalised, or standardised, sector wide approach to RPL, where all learning outside the AQF may be considered.

Queensland University of Technology, Submission to the Review

Recognising shorter form credentials, including microcredentials, through credit and RPL would build on current practice. Providers are already offering credit for shorter form credentials into AQF qualifications. For example, units from the Archive and Keep Records Skill Set can provide credit towards the Certificate III in Library and Information Services. In higher education, a number of universities offer credit of up to 25 per cent for edX MicroMasters courses into their own degrees⁸⁹, making a Masters Degree less expensive for students.

⁸⁹ Beverley Oliver, *Advice related to micro-credentials for the AQF Review Panel*, July 2019, p. 14

Assuring quality

Current quality assurance arrangements may come under pressure as the demand for, and supply of, shorter form credentials increases. This is likely to be fuelled by the necessity for lifelong learning and global competition in the supply of education and training. The AQF should provide guidance on requirements for awarding credit for shorter form credentials, to ensure consistency of quality into the future. This would improve confidence in the credentials by employers and industry associations and improve recognition by providers for credit purposes. For students, it would provide some quality assurance, portability and consumer protection.

....we believe that shorter-form credentials must include appropriate protections to ensure they do not have long-term unintended impacts such as undermining individuals' opportunity to build a rewarding career and the transferability of skills...

Protections should include:

- *Policy settings that reinforce the continuing importance of full qualifications and that encourage shorter-form credentials to be used primarily:*
 - *for upskilling/re-skilling as a top-up of existing qualifications*
 - *to foster a lifelong learning culture, or*
 - *as a clear pathway to a qualification...*
- *Such credentials are required to meet a consistent set of nationally agreed standards and are quality assured.*
- *Their development, review and endorsement is led by industry.*

SkillsIQ, Submission to the Review

The need for quality assurance of microcredentials is recognised internationally. The European MOOC Consortium launched a Common Microcredential Framework to provide an international quality assurance standard for MOOCs.⁹⁰ The framework recognises the need for greater consistency, quality and portability of microcredentials and provides a guide to the type of characteristics that a shorter form credential should have in order to be awarded credit toward an AQF qualification.

A microcredential within the Common Microcredential Framework must:

- have a total study of 100 – 150 hours including assessment
- be levelled at Level 6 or Level 7 of the European Qualification Framework or equivalent
- provide a summative assessment
- have a reliable method of identity verification at the point of assessment
- provide a transcript that sets out learning outcomes, total study hours, European Qualification Framework level and number of credit points.

Guidance on quality assurance of shorter form credentials in Australia could set out the following requirements for a credit bearing credential. The credential could:

- provide a summative assessment, and have a means of verifying identity at the time of assessment
- set out learning outcomes for consideration by the crediting institution
- have a minimum volume of learning
- specify a purpose, showing how it could be used
- be subject to a verifiable internal or external quality assurance process.

In addition, where shorter form credentials are to make up, through credit or by design, a significant proportion of an AQF qualification, it is reasonable that they should meet the same quality standards

⁹⁰ <https://edtechnology.co.uk/Article/european-mooc-consortium-launches-common-micro-credential-framework/>, Viewed 29 July 2019

as the AQF qualification.⁹¹ This would mean meeting the requirements of the Higher Education Standards Framework (Threshold Standards) 2015 or the Standards for Training Packages and the Standards for Registered Training Organisations 2015.⁹² Application of the sector standards would need to be nuanced so that a minimal set of the standards would apply for credentials designed to attract only small amounts of credit compared to the requirements for credentials being awarded significant amounts of credit, such as 25 per cent of the qualification.

The Panel proposes adopting Professor Oliver's definition for a credit-bearing microcredential:

Credit-bearing micro-credentials include assessment aligned to a formal qualification level. Achievement of the learning outcomes leads to an offer of admission to or credit towards at least one formal qualification, regardless of whether or not the offer is taken up by the learner. Credit-bearing micro-credentials mirror and contribute to the academic standards required in the target qualification(s). The duration and effort required by the learner are in keeping with the amount of credit earned in the target qualification(s).

Credit-bearing micro-credentials already exist. For example, MicroMasters, which are purposefully designed as a credit pathway to a qualification, and others that subsequently achieve recognition for credit (for example, the Australian Institute of Company Directors Course).⁹³

Aligning shorter form credentials to an AQF band

When providers assess whether to award credit towards an AQF qualification for a shorter form credential, including a microcredential, they should consider if the credential achieves any of the learning outcomes of the AQF qualification, and whether it is of a suitable depth and level of complexity. If a shorter form credential has been credibly aligned with an AQF band, this process could be more efficient.

Aligning a shorter form credential to an AQF band would show providers the complexity of material studied for credit purposes, as well as showing students and employers what outcomes to expect from the credential.

Some stakeholders questioned the feasibility of aligning shorter form credentials to an AQF band.⁹⁴ They queried whether, for example, a unit of study could achieve the full specifications of a particular AQF band and noted that it is only in combination that units can reflect the learning outcomes of the relevant band. Shorter form credentials cannot be expected to meet the breadth specifications of an AQF qualification. However, it is possible to assess if they contribute to the skills and knowledge delivered at a particular band. While an AQF qualification may consist of units with differing levels of complexity, in combination the overall AQF qualification type outcome must be achieved. A shorter form credential would be assessed for recognition of credit in this context. In fact, this already exists within current practice where, for example, units for a Bachelor Degree are developed with first, second, or third year complexity in mind.

Means of aligning shorter form credentials with qualification framework levels are already in operation, so there is experience to draw on. The New Zealand Qualifications Authority offers the service of aligning microcredentials with levels on the New Zealand Qualifications Framework. To date it has aligned 59 microcredentials.⁹⁵ DeakinCo has adopted a means of aligning microcredentials to AQF

⁹¹ Beverley Oliver, *Advice related to micro-credentials for the AQF Review Panel*, July 2019

⁹² The Standards for Registered Training Organisations 2015 would apply insofar as they relate to training and assessment strategies and practices.

⁹³ Beverley Oliver, *Making Microcredentials Work*, p. 19, 20

⁹⁴ Examples include University of Sydney, [Submission to the Review](#), p. 5, SkillsIQ, [Submission to the Review](#), p. 5, Griffith University, [Submission to the Review](#), p. 2

⁹⁵ <https://www.nzqa.govt.nz/nzqf/search/microcredentials.do> Accessed 4 September 2019

qualifications in higher education that draws on global terms set out in the International Standard Classification of Education (ISCED), as outlined in Table 9. To enhance the international portability of microcredentials, Professor Oliver proposed that higher education microcredentials be aligned with the commonly understood 'bands' of pre-Bachelor, Bachelor, pre-Masters, Masters and Doctoral band.⁹⁶

Table 9. DeakinCo alignment with ISCED

	Pre-Bachelor	Bachelor	Pre-Masters	Masters
ICSED mapping	Level 5	Level 6		Level 7
AQF	Level 6	Level 7	Level 8	Level 9

Source: Communication from DeakinCo

Non self-accrediting providers

Self-accrediting providers are already able to align shorter form credentials to an AQF level. The Tertiary Education Quality and Standards Agency (TEQSA), Australian Skills Quality Authority (ASQA) and other regulators would need to be resourced to approve the alignment to levels by non self-accrediting providers.

To ensure consistency of alignment, guidelines should be developed on assigning shorter form credentials to an AQF band. Regulators would use these to approve alignments by non self-accrediting providers and by self-accrediting providers.

Enabling Courses

Providers have offered enabling programs in Australia for many decades, as a way to prepare students for access to further educational opportunities in VET and higher education. They are designed to assist the unemployed, migrants, international students and those wanting to re-enter formal education and training. They also have a preparatory function for students with socio-economic or educational disadvantage, as recognised in the 2011 Base Funding Review.⁹⁷ Higher education enrolments in enabling courses rose by 230 per cent from 8,771 in 2007 to 28,901 in 2017.⁹⁸

Enabling programs eligible for Commonwealth financial support give students the requisite background skills and knowledge to undertake higher education by providing students with general study skills deemed equivalent to the SSCE. Higher education providers may also offer enabling courses as a preparatory or concurrent study option.

Many international students undertake enabling courses to gain better English language skills⁹⁹, or foundation programs¹⁰⁰ that provide students with a strong academic foundation suitable for tertiary study in Australia. All courses offered to international students in Australia are the subject of regulation. In their joint submission to the review, the International Education Association of Australia

⁹⁶ Beverley Oliver, [Making Microcredentials Work](#), p. 19

⁹⁷ Department of Education, Employment and Workplace Relations, [Higher Education Base Funding Review](#), 2011

⁹⁸ Department of Education, [2017 All Students Statistics](#)

⁹⁹ These are known as English Language Intensive Course for Overseas Students (ELICOS). The delivery of ELICOS is regulated by the [ELICOS Standards 2018](#), enabled by the [Education Services for Overseas Students \(ESOS\) Act 2000](#).

¹⁰⁰ Foundation Courses offered to international students in Australia are regulated by the [National Standards for Foundation Programs](#), enabled by the [ESOS Act 2000](#).

and English Australia suggest that alignment of these regulated courses with an AQF band would face the same difficulties as alignment of the SSCE for domestic students.¹⁰¹

Other forms of enabling courses may provide pathways from one form of study to another by filling a gap in prerequisite knowledge. As with the SSCE, the diversity of students and subject matter makes it difficult to align enabling courses to a single level of the AQF. In its submission to the Review, the National Association of Enabling Educators of Australia (NAEEA) proposed enabling programs should be included in the AQF as a separate qualification type in a way similar to the SSCE, and not aligned to one or more levels.¹⁰² Other submissions considered enabling courses could sit at a specific level.¹⁰³

In a second submission to the Review, the NAEEA Executive agreed there was a case for a more consistent approach that would provide a benchmark for the recognition of enabling programs. The NAEEA Executive members advised they were currently developing common learning outcomes and a benchmarking framework for enabling programs.¹⁰⁴

The Panel considers the current diversity of enabling courses makes it difficult to define a single qualification type within the AQF. However, if the scope of an enabling course is refined to have a common set of descriptors, the Panel considers it may be possible to recognise enabling courses specifically aimed at post-secondary domestic students within the AQF. Having a common set of descriptors may increase the portability of enabling courses, as many of them are designed for one institution and are not recognised more broadly.

The Panel does not propose a specific qualification type for enabling programs aimed at international students. However, the qualification type developed for domestic enabling programs could be used by enabling programs designed for international students if desired and appropriate.

Recommendations

9. Develop guidelines in the AQF Qualifications Pathways Policy to facilitate the recognition of shorter form credentials, including microcredentials, for credit, that include the following:
 - a. The characteristics to be included in shorter form credentials that would facilitate their recognition for credit transfer or articulation to AQF qualifications.
 - b. The principles to be used by institutions that wish to align shorter form credentials to an AQF band.
10. Consider developing an AQF qualification type (not necessarily aligned at a band) for domestic post-secondary enabling programs, once common learning outcomes for enabling programs have been developed.

Implementation

The implementation plan to give effect to the first recommendation involves a three-stage process.

The first stage would include the following steps.

- Drafting the guidelines for recognising shorter form credentials, including microcredentials, for credit towards AQF qualifications and the guidelines for aligning them to AQF bands.

¹⁰¹ International Education Association of Australia (IEAA) and English Australia (EA), [Submission to the Review](#), p. 2

¹⁰² National Association of Enabling Educators of Australia, [Submission to the Review](#)

¹⁰³ Innovative Research Universities, [Submission to the Review](#), p 6; Western Sydney University, [Submission to the Review](#), p. 4

¹⁰⁴ National Association of Enabling Educators of Australia, [Second Submission to the Review](#), p. 2

- Consulting with the providers and the regulatory bodies in higher education and VET on the draft guidelines. This step would include a communication strategy on the standing of shorter form credentials, which would clarify the interplay between them and full AQF qualifications.
- Revising the guidelines based on stakeholder input and feedback.
- Releasing the revised guidelines as part of the revised Qualifications Credit and Pathways Policy.

The second stage would enable stakeholders to update any relevant policies based on the new guidelines. Regulatory bodies in the higher education and VET sectors would also consider whether their regulations and guidance required updating. Providers would need to update their internal credit and articulation policies to accommodate credit bearing shorter form credentials.

The third stage would involve ongoing monitoring by the AQF governance body to assess the reputational impact of the recognition of shorter form credentials.

To give effect to the second recommendation, the governance body would liaise with the higher education sector on common qualification outcomes for enabling programs. Once a set of qualification outcomes for enabling programs was developed, development of an AQF qualification type for domestic post-secondary enabling programs could be proposed to the governance body under the AQF Qualification Type Addition and Removal Policy. This phase would also include consultations with stakeholders.

Actions

The following actions are required for effective implementation of recommendations:

- Clarify the relationship between AQF qualification types and shorter form credentials by specifying in the introduction to the AQF that:
 - Qualification types included in the AQF are the primary means of providing a tertiary education in Australia.
 - AQF qualification types are complemented by a variety of shorter form credentials that sit outside the AQF and can provide education and training in a specific topic, either by itself or sometimes with the purpose of upskilling or reskilling those with existing AQF qualifications and/or to provide credit toward an existing AQF qualification.
- In the preamble to the AQF, give an outline of the types of shorter form credentials that complement formal qualifications in the Australian education and training system and describe how they contribute to lifelong learning.
- Define microcredentials as follows: *A microcredential is a certification of assessed learning that is additional, alternative, complementary to or a component part of a formal qualification.*
- Define credit bearing microcredentials as follows: *Credit-bearing micro-credentials include assessment aligned to a formal qualification level. Achievement of the learning outcomes leads to an offer of admission to or credit towards at least one formal qualification, regardless of whether or not the offer is taken up by the learner. Credit-bearing micro-credentials mirror and contribute to the academic standards required in the target qualification. The duration and effort required by the learner are in keeping with the amount of credit earned in the target qualification(s).*
- Enable the Tertiary Education Quality and Standards Agency, the Australian Skills Quality Authority, the Victorian Registration and Qualifications Authority and the Tertiary Accreditation Council Western Australia to approve the alignment of shorter form credentials to the AQF at the request of non self-accrediting institutions using the guidelines for aligning shorter form credentials.

5. Qualifications Pathways Policy and Credit Points

The AQF Qualifications Pathways Policy (Pathways Policy) is used to provide guidance on pathways and credit. The policy focuses primarily on higher education qualifications and does not have adequate regard for multidirectional or intra-sector pathways. Students are accessing both VET and higher education qualifications, sometimes as complementary learning (for example, an engineer might need to understand site operations), or as additional learning (for example, a teacher might need a first aid qualification). A revised version of the Pathways Policy needs to recognise the multidirectional pathways within and between sectors that learners are already following; and encourage learners to gain the knowledge and skills they most need.

Some of the Panel's recommendations relating to credit have been discussed in the shorter form credentials chapter. There are additional ways in which the policy could be improved, including the recognition of prior learning (RPL). RPL is an underused way of assessing learners' existing knowledge skills. It will be crucial in an age of lifelong learning, as the need to recognise non-formal¹⁰⁵ and informal¹⁰⁶ learning increases. The AQF's detailed advice on RPL is presently outside the Pathways Policy in a separate explanation guide; it should be elevated and modernised, with appropriate consideration of shorter form credentials.

A focus on credit recognition and RPL is essential to support lifelong learning as it will affect the return on investment of a new learning experience. Other countries have developed national credit point systems to improve transparency for students and provide better pathways for students. Australia should prototype an optional credit point system with the aim of improving student awareness of potential credit and to encourage the take-up of pathways between VET and higher education. It would have the added advantage of making qualifications more easily recognised internationally.

Background

Since its introduction in 1995, part of the AQF's role has been to help students access and move between different qualifications, with credit transfer, recognition of prior learning (RPL) or via articulation pathways, as appropriate. The Pathways Policy sets the current guidance to enable this.

Changes in the nature of work, brought about by globalisation and technological and demographic changes, have altered the notion that formal education and training ends when students enter the workforce. In the future, people are likely to require more interactions with education and training to learn new skills and knowledge to enable them to thrive. These will include shorter form credentials, including microcredentials. They are likely to be more mobile: moving between different jobs, careers, industries and countries. Australia's education and training system will need to better recognise and document the knowledge and skills they have learned through non-formal and informal learning experiences. Assumptions about pathways and qualifications will need to change, to reflect the reality that what learners need to learn may not always be at a higher AQF level, or in the same sector. Educators in all sectors will need to work more closely to ensure student mobility and outcomes are not impeded by perceived differences in approaches to learning or status. A poorly functioning network of pathways would create friction in a system that is crucial to Australia's well-being and prosperity.

¹⁰⁵ Non-formal learning takes place through a structured program but does not lead to an officially accredited qualification.

¹⁰⁶ Informal learning is not externally structured in terms of objectives, time or learning support. It is gained through work, social, family, hobby or leisure activities and experiences.

At the beginning of the Review, the Department of Education commissioned Ithaca Group to undertake a research project into credit and pathways in VET and higher education.¹⁰⁷ This research provided important information on the current practice in both sectors, and views of the Pathways Policy.

The AQF Review discussion paper proposed revising the Pathways Policy noting that it should remain as guidance. It also suggested developing a voluntary AQF credit point system, to help facilitate pathways between levels and qualification types. Another proposal in the discussion paper was for a shared credit transfer register, to improve information provision to students.

In submissions to the Review, almost all stakeholders supported retaining the Pathways Policy¹⁰⁸ and updating it to take into account the changing nature of work and learning.¹⁰⁹ There was also support for using it to include guidance on recognition of shorter form credentials, including microcredentials,¹¹⁰ and promoting multidirectional pathways within and between different sectors and qualifications.¹¹¹

The majority of submissions were supportive of a shared credit points system,¹¹² with most of those favouring an optional system but some suggesting it should be binding. In particular, the Council for International Education's Expert Members noted that the lack of a national credit system affected international recognition and portability of Australian qualifications.¹¹³ Where stakeholders were against the proposal, the most common reasons were that it was functionally equivalent to volume of learning in deriving value from time durations,¹¹⁴ or that it would undermine the ability of providers to make credit recognition decisions.¹¹⁵ Some felt the AQF's role should not extend into creating a credit point system.¹¹⁶ Where providers were supportive, they agreed that there would be benefits for comparison between different providers,¹¹⁷ recognition of prior learning¹¹⁸ and articulation pathways.¹¹⁹ It was also seen as useful for greater consideration of shorter form credentials.¹²⁰

While most stakeholders were supportive of a voluntary credit point system, some said they were unable to comment without more detail.¹²¹ Others qualified their support by saying that the system could be useful, but had different opinions about whether the system should be based directly on

¹⁰⁷ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018

¹⁰⁸ For example: Australian film, Television and Radio School, Submission to the Review, p. 7; La Trobe University, [Submission to the Review](#), p. 7

¹⁰⁹ For example: Western Sydney University, [Submission to the Review](#), p. 3

¹¹⁰ New South Wales Government, [Submission to the Review](#), p. 4

¹¹¹ Federation University Australia, [Submission to the Review](#), p. 3

¹¹² For example: TAFE Queensland, [Submission to the Review](#), p. 3; Victoria State Government, [Submission to the Review](#), p. 8

¹¹³ Council for International Education's Expert Members, [Submission to the Review](#), p. 2

¹¹⁴ Victorian TAFE Association, [Submission to the Review](#), p. 8

¹¹⁵ Universities Australia, [Submission to the Review](#), p. 3

¹¹⁶ Charles Darwin University, [Submission to the Review](#), p. 2

¹¹⁷ University of Adelaide, [Submission to the Review](#), p. 3

¹¹⁸ Independent Higher Education Australia, [Submission to the Review](#), p. 4

¹¹⁹ VETASSESS, [Submission to the Review](#), p. 4

¹²⁰ Minerals Council of Australia, [Submission to the Review](#), p. 7

¹²¹ Australian Catholic University, [Submission to the Review](#), p. 4

notional hours of learning¹²² or not.¹²³ In higher education, some suggested using Equivalent Full-Time Study Load (EFTSL) as an alternative.¹²⁴

The possible approach of developing a shared credit transfer register received mostly negative feedback. Although some providers maintain their own registers¹²⁵, stakeholders felt a shared AQF register was unnecessary¹²⁶ and reported that the cost required to create and maintain it would likely be greater than its benefit to students.¹²⁷ Accordingly, the Review has not considered the option further.

The Panel recommends retaining and refreshing the Pathways Policy to focus more on multidirectional pathways. Further guidance on RPL should be included, as well as guidance on emerging shorter form credentials, including microcredentials. A common, but voluntary, credit point system should be trialled to contribute to parity of esteem and smoother pathways between different qualifications and sectors. The remainder of the chapter sets out the rationale for these recommendations.

Improving the Pathways Policy

Evidence presented to the Review indicated that education and training providers were more driven by institutional priorities and compliance with sector regulations in relation to credit and RPL than with the Pathways Policy.¹²⁸ In some areas, sector regulation accords with the guidance in the Pathways Policy but does not explicitly refer to it. The Higher Education Standards Framework (Threshold Standards) covers most of the same content, with gaps. The Standards for Registered Training Organisations (RTOs) 2015 cover a minority of the content.¹²⁹

Despite the lack of a formal link between the Pathways Policy and sector standards, the majority of higher education providers reported that the '[Pathways] Policy and the AQF had played a useful role in establishing their arrangements for credit transfer, articulation and RPL.'¹³⁰

As a whole, stakeholders saw value in having a national statement on credit, to 'provide a statement of principle and intent that makes national priorities for tertiary education clear to all involved, and a platform to facilitate credit transfer and articulation.'¹³¹

Almost all stakeholder submissions to the Review supported retaining the Pathways Policy. Additionally, they saw value in the policy remaining a 'guideline', not a strong regulatory tool. This provides flexibility in the way learning is assessed between qualifications and respects provider autonomy regarding course assurance and qualification integrity.

The Pathways Policy would need to be revised to encourage credit where appropriate for shorter form credentials. Recommendations on shorter form credentials, including microcredentials, are discussed under Chapter 4.

¹²² The University of Queensland, [Submission to the Review](#), p. 2

¹²³ Innovative Research Universities, [Submission to the Review](#), p.2

¹²⁴ Victorian Tertiary Admissions Centre, [Submission to the Review](#), p. 3

¹²⁵ For example, the [TAFE NSW Credit Transfer website](#)

¹²⁶ University of New England, [Submission to the Review](#), p. 3

¹²⁷ Tasmanian Government, [Submission to the Review](#), p. 7

¹²⁸ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 5-6

¹²⁹ dandolopartners, AQF Qualifications Pathways Policy in VET and HE Standards, see Appendix 7

¹³⁰ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 7

¹³¹ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 6

Aligning with sector standards

There is a case for improving the alignment between sector standards and the Pathways Policy, to ensure a consistent and unified message to providers, students and regulators. An example is the difference in emphasis between the Pathways Policy and the Higher Education Standards Framework (HESF) when it comes to awarding credit. The Pathways Policy states that credit decisions should:

*recognise learning regardless of how, when and where it was acquired, provided that the learning is relevant and current and has a relationship to the learning outcomes of the qualification.*¹³²

This is in contrast to the HESF, which requires that:

*credit through recognition of prior learning is granted **only if**: students granted such credit are **not disadvantaged** in achieving the expected learning outcomes for the course of study or qualification, and the integrity of the course of study and the qualification are maintained [emphasis added].*¹³³

Although the Pathways Policy also states giving credit should not impinge on the integrity of qualification outcomes, discipline requirements, or the likelihood of the student completing the qualification, the HESF could be revised to more directly support the intent of the Pathways Policy. It could be changed to read:

Credit through recognition of prior learning will recognise learning regardless of how, when and where it was acquired, provided that the learning is relevant and current and has a relationship to the learning outcomes of the qualification, and students granted such credit are judged likely to complete the qualification and the integrity of the course of study and the qualification are maintained.

Recognising multi-directional pathways

The most used section of the Pathways Policy is a clause that sets out potential credit amounts for a Diploma, Advanced Diploma, or Associate Degree towards a Bachelor Degree.¹³⁴ As suggested by the Pathways Policy, it serves as a basis for negotiating articulation agreements between institutions. It also guides qualifications development to support credit transfer. The pathway between these qualifications is the most significant articulation pathway between AQF qualification types,¹³⁵ but stakeholders have criticised the Pathways Policy as focusing only on the movement of students from VET into higher education qualification types, rather than a broader view of student pathways. Figure 17 shows this movement in practice.

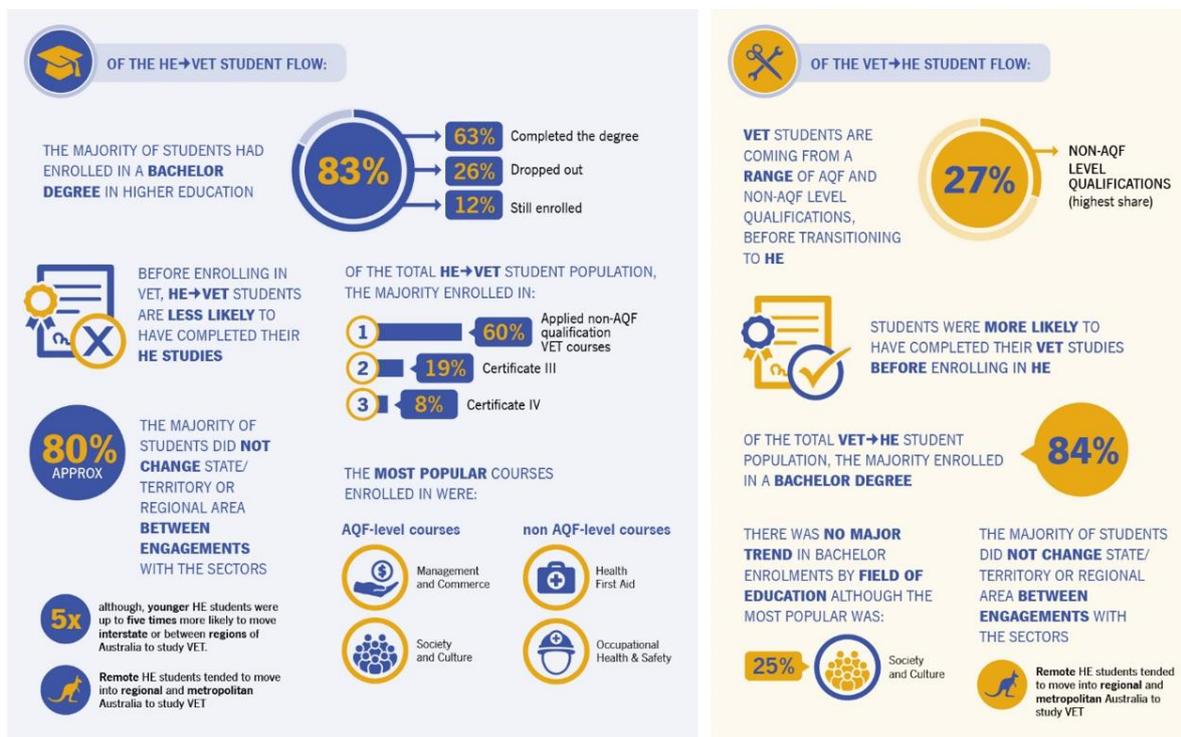
¹³² AQF Council, [AQF Qualifications Pathways Policy](#), Australian Qualifications Framework Second Edition January 2013, Section 2.1.3, p. 78

¹³³ Australian Government, [Higher Education Standards Framework \(Threshold Standards\) 2015](#), 1.2 Credit and Recognition of Prior Learning

¹³⁴ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 25

¹³⁵ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 6

Figure 17. VET and higher education student flow



Source: Department of Education, [Better Understanding Student Journeys](#), 2019

Learning can flow from VET to higher education and higher education to VET, as well as between the schools sector and tertiary education and training. These pathways are dependent on the skills and knowledge an individual chooses to acquire, either for re-skilling, up-skilling or personal interest. The Pathways Policy should recognise the different pathways between AQF qualifications that students may take. For example, TAFE Queensland has established a credit pathway that would allow graduates of a Bachelor of Education to gain credit towards a Diploma of Early Childhood Education.¹³⁶ Better focus on multi-directional pathways would help recognise the value of qualification types at all levels of the AQF, and show a more realistic student-centred approach to learning.

A revised AQF taxonomy could also enable multidirectional pathways, and qualifications that offer credit in both VET and Higher Education. Rather than describing the learning outcomes of the two sectors, a revised AQF would focus on a common set of descriptors. This would clearly show the shared characteristics of both qualifications being considered in the credit assessment and the relationship between the two. The flexibility of the bands system might also mean that both qualifications were directly aligned on several focus areas, and would therefore allow for easier credit recognition.

The Panel is of the view that renaming the Pathways Policy to ‘AQF Pathways Policy – Credit and Recognition of Prior Learning’ could increase its use.

The terms ‘pathways’ is not instantly associated with credit or RPL. Adding the terms ‘credit’ and ‘Recognition of Prior Learning’ would make it clearer to stakeholders what the policy covers, particularly in VET where ‘RPL’ is understood as an assessment method for a learner to demonstrate competency against the requirements of a qualification.

¹³⁶ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 127

Recognising prior learning

The AQF previously contained a set of National Principles and Operational Guidelines for Recognition of Prior Learning. The current Pathways Policy contains no specific advice on RPL, though some guidance is contained in a separate RPL explanation document.¹³⁷ This guidance could be more prominent in the AQF.

RPL is used less in higher education than other credit mechanisms such as precedent databases and articulation arrangements.¹³⁸ For VET providers it was the most used mechanism, though AVETMISS data indicates RPL granted as a proportion of subject results declined from 4.4% in 2014 to 3.4% in 2017.¹³⁹ The use of RPL tends to vary with the diversity of the student cohort and reflects the different strategies and missions of providers. One of the significant difficulties with RPL is the time-consuming process of gathering evidence and mapping it to learning outcomes. Furthermore, when qualifications are updated, a process of remapping must be undertaken. These factors can encourage both students and providers to avoid the RPL process and repeat learning, which may be easier if a student is already familiar with the course material.

Through lifelong learning, students will have more interactions with formal, non-formal and informal learning. Accordingly, a poorly functioning RPL system will present a more significant problem over time. Better guidance alone cannot solve this problem, but it increases the importance of having clear and useful information on RPL.

Guidance on RPL is important for application by education and training providers and for students who bear the cost of not having an adequate policy in place by paying for learning that they do not require.

Developing a credit point system

A credit point system, based on learning outcomes and notional duration, would provide greater transparency about what students have learned and how long it has taken them to do so. Notional durations of learning include all the activities required for the achievement of the learning outcomes, not just the amount of teaching or training by the provider.¹⁴⁰ It would make learning outcomes more comparable between different institutions and contribute to parity of esteem between VET and higher education by expressing the equivalence in value of learning from both systems. It would future proof the AQF as, in time, it may be used to support the recognition of shorter form credentials by establishing a common means of assigning value.

Higher education providers in Australia commonly use credit points, but there is great variation between institutions in the number of credit points typically assigned to a unit of study. Tertiary admissions centres (TACs) report that most learners are unaware of what credit they may be able to obtain,¹⁴¹ and providers generally acknowledge that more could be done to inform students.¹⁴² A common credit point system in Australia, if adopted by enough providers, would give students a better sense of the learning outcomes they have attained in comparison to other qualifications, by expressing them in the same format. It would also make credit transfer simpler for providers. This does not mean that students would always be entitled to receive credit. Credit decisions would remain at the discretion of providers who need to compare and assess learning outcomes.

¹³⁷ AQF Council, [Recognition of Prior Learning: An Explanation](#), 2012

¹³⁸ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 22

¹³⁹ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 40

¹⁴⁰ AQF Council, [Volume of Learning: An Explanation](#), 2014, p. 1

¹⁴¹ Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 5

¹⁴² Ithaca Group, [Credit Pathways in VET and Higher Education](#), 2018, p. 66

A well-defined national credit points system that is fit-for-purpose and recognises varied entry pathways will provide a more transparent system across all learning sectors in Australia, and minimise barriers when benchmarking an overseas qualification to its most appropriate level on the AQF. This will also provide clearer, more objective articulation pathways within and between higher education and the technical and vocational sectors.

VETASSESS, Submission to the Review

International comparisons

Credit point systems are a common feature among qualifications frameworks internationally, particularly the European Credit Transfer and Accumulation System (ECTS) in Europe and the New Zealand Qualifications Framework. The credit points derive their value by being linked to notional amounts for learning: in the ECTS the value of countries' hours vary but each year is worth 60 credit points, while in New Zealand 10 hours is worth 1 credit point.¹⁴³

Having a single national standard for overseas audiences, which can be easily converted to their credit point system, would support recognition of Australian qualifications. The Council for International Education's Expert Members advocate for a national credit point system on the basis that Australia's lack of one has an impact on the international recognition and portability of Australian qualifications.¹⁴⁴

Measuring credit

A number of submissions to the Review suggested using Equivalent Full-Time Study Load (EFTSL) as an alternative to a system based on notional study hours.

The following example shows how a system could be developed:

In higher education, each unit of study is assigned an EFTSL value for funding purposes. Currently 1 EFTSL is 1 year of study and a standard undergraduate unit is 0.125 EFTSL (1/8th of a year). The AQF currently defines 1 full time year as 1200 hours. Assigning 1 credit point to 10 hours of study, as per the New Zealand Qualifications Framework, creates a full-time year figure of 120 credit points, a simple doubling from the European ECTS system. Establishing an equivalence between 1 EFTSL and 120 AQF credit points would allow a standard undergraduate unit of study to be set at 15 credit points.

Application of credit points to VET qualifications is more complex. Nominal hours are the notional time it takes an *RTO to train* a unit of competency. It is not the time it takes a *student to learn* to become competent because it does not include the unsupervised learner activities that form part of the full volume of learning. It is necessary to include unsupervised learning in the assessment of credit points in order to not disadvantage disciplines or courses that are successfully delivered with fewer contact hours.

The Expert Review of Australia's Vocational Education and Training System recommended specifying benchmark hours for VET qualifications. If implemented, this may not provide additional benefit regarding credit points if the benchmark hours only specify the amount of RTO training, not the notional student learning. Benchmark hours should include student learning to provide accurate credit point values.

Expressing all learning outcomes in the same format could encourage credit transfer and signal the equivalence in value of learning from all sectors in the Australian education and training system to learners and overseas audiences.

¹⁴³ Additional information on international use of credit point systems is at Appendix 8.

¹⁴⁴ Council for International Education's Expert Members, [Submission to the Review](#), p. 2

Further observations

Credit recognition for previous studies and the development of student pathways have been an important policy objective for governments for many years and have been central to the purpose of the AQF. However, as the work for the Review by Ithaca Group shows, decisions on credit and student pathways are shaped by several factors and essentially reflect providers' priorities and policies.

Maintaining an effective system of pathways cannot be achieved solely through changes to the AQF and the Pathways Policy. Decisions on the future role of the AQF in helping to improve arrangements for credit recognition and pathways must be considered in the context of broader reforms to better align the higher education and VET sectors, particularly through more coherent funding arrangements. A national focus on qualification design and pedagogy across the VET and higher education sectors would also assist providers in developing and delivering pathways, including courses with embedded content from both sectors.

Further, funding policies can affect student pathways by driving learners towards particular sectors or qualification types. Differences in regulation, including between dual-sector qualification types, can also have an effect. Ithaca Group's ecosystem analysis, undertaken as part of its research for the review, detailed many examples of innovative cross-sector collaboration deserving of support.¹⁴⁵

Recommendations

11. Revise and rename the AQF Qualifications Pathways Policy to better recognise and encourage broader credit recognition, both within and between sectors.

12. Develop and test a prototype AQF credit point system for voluntary use by providers, in order to give students and providers a nationally consistent 'currency' for negotiating credit transfer.

13. Provide more detailed guidance on recognition of prior learning in the AQF Pathways Policy.

Implementation

Changes to the Pathways Policy to include multidirectional pathways within and between sectors and RPL could be drafted relatively quickly, but the implementation process would likely take longer due to a period of stakeholder input and revision. The revised Pathways Policy could be rolled out as part of the revised AQF version with the changes to the taxonomy.

The preparatory work to create a prototype credit point system for higher education could be accomplished within a short timeframe once an equivalence between EFTSL values and AQF credit points is agreed. Testing could involve engaging a small number of providers from different groupings and mapping equivalences between existing EFTSL values and credit points.

Assigning credit point values to VET qualifications is a more difficult process and implementation would depend on the scope of the prototype envisioned. To start, a prototype could involve some of the most common Diploma and Advanced Diploma qualifications used in pathways to higher education.

Actions

Implementing the recommendations would involve the following actions:

- Amend the AQF Qualifications Pathways Policy to provide equal emphasis to pathways from vocational education and training to higher education and from higher education to vocational education and training, and within sectors, by including examples of the pathways that are possible and any requirements associated with them.
- Provide more detailed guidance on recognition of prior learning in the AQF Pathways Policy.
- Develop and test a prototype AQF credit point system for voluntary use by providers.

¹⁴⁵ Ithaca Group, [Credit Pathways in VET and Higher Education](#), p. 114-129

- Rename the AQF Qualifications Pathways Policy as the AQF Qualifications Pathways Policy: Credit and Recognition of Prior Learning.

6. Volume of Learning

The current AQF presents a typical volume of learning for each qualification type in full-time years. This reflects dated and increasingly outmoded assumptions about how AQF qualifications are delivered. The Panel formed the view that hours would be a better unit of measurement: they are better able to recognise intensive and innovative forms of course delivery, for example block model learning¹⁴⁶ or a trimester system.

The AQF allows for qualifications to be completed in more or less time than the volume of learning, but the provider must be able to justify the difference based on student needs in achieving the learning outcomes. Despite this, providers continue to report that volume of learning is treated as a requirement by regulators. A revised AQF should specify volume of learning is a benchmark guide against risks to quality.

Background

Each qualification type in the AQF has a volume of learning specified. Volume of learning is the typical duration that is required for a student to achieve the learning outcomes for that qualification type. It indicates the amount of learning content that generally requires a corresponding duration of delivery, and the length of time over which a course for that qualification type would generally be delivered. The AQF measures volume of learning in full time years in the main document, and both hours and years in its volume of learning explanation guide.¹⁴⁷ This guide defines one year as 1200 hours. In the VET sector, ASQA provides both formats in its guidance to RTOs.¹⁴⁸

When the AQF Council introduced volume of learning, it explained that its uses were:

*...to augment the learning outcomes descriptors of qualification types to further clarify the relative complexity and value of a qualification type and to support the differentiation of qualification types. Application of a measure for the volume of learning leads to greater consistency in and between qualification types by indicating how long it takes a student, on average, to achieve the requirements of a qualification.*¹⁴⁹

Its introduction was also a response to criticism from stakeholders in the VET and higher education sectors about the lack of consistency in complexity and length of qualifications within the same type, particularly the Certificate III and Masters Degree types.¹⁵⁰ This rationale still exists.

The Review's terms of reference tasked the Panel to advise on whether a measurement of volume of learning is necessary in the AQF; whether it should be a time-based measurement; and whether it should be aligned with other time-based measurements currently used in the VET sector.

¹⁴⁶ Under block model of learning, learners study one unit at a time rather than several at once.

¹⁴⁷ AQFC, [Volume of Learning: An Explanation](#), May 2014

¹⁴⁸ ASQA, [Users' Guide to the Standards for RTOs 2015](#), Clauses 1.1 to 1.4 and 2.2 – Implementing , monitoring and evaluating training and assessment strategies and practices, Accessed 25 September 2019

¹⁴⁹ AQF Council, [Strengthening the AQF: An Architecture of Australia's Qualifications](#), Consultation paper, 2009, p. 7

¹⁵⁰ AQF Council, [Strengthening the AQF: An Architecture of Australia's Qualifications](#), Consultation paper, 2009, p. 7

Changing volume of learning

Contextual Research for the Review found that expressing volume of learning in years was out of step with modern international practice, which favours credit point systems based on notional hours of learning.¹⁵¹

The AQF Review discussion paper proposed changing the volume of learning unit of measurement from years to hours, based on the needs of a new learner.

In response, stakeholders expressed a diversity of views about volume of learning in consultations and submissions. Some stakeholders argued to retain volume of learning in years as a stable¹⁵² or more advisory unit of measure.¹⁵³ Others felt that the unit of measure should be changed to hours,¹⁵⁴ noting it would focus on the student rather than the teacher,¹⁵⁵ and improve transparency for part-time and sporadic students.¹⁵⁶ A number of submissions believed that implementing a common system of credit points based on hours would be beneficial.¹⁵⁷ A minority of stakeholders stated that volume of learning should be removed entirely from the AQF.¹⁵⁸ Overall, the discussion paper's possible approach received the most support, though many submissions provided additional comments and suggestions.

The Panel is of the view that volume of learning is an important element of the current AQF and should be retained. It recommends changing volume of learning from years to hours; and specifying that duration is framed around 'new learners', which would need to be defined.

The Panel emphasises that this change would not affect other government policies such as funding arrangements or delivery hours in VET.

Rationale

The Panel recognises that time-based approaches are imperfect measures of the quality of learning; however, there is evidence that the amount of time spent on a course can provide an indication of the quality of the course. This is shown by NCVER's recent study on the relationship between course durations and training outcomes,¹⁵⁹ and reflected in ASQA's 2017 review of issues relating to unduly short training.¹⁶⁰

One of the AQF's objectives is 'to underpin national regulatory and quality assurance arrangements for education and training'. Industry regulators argue for the inclusion of a volume of learning measure, in tandem with quality requirements, because they believe that this provides an additional level of surety when they issue a licence to practice.¹⁶¹ Some employers also find reassurance in volume of

¹⁵¹ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), 2018, p. 11

¹⁵² The University of Western Australia, [Submission to the Review](#), p. 3

¹⁵³ Institute of Quality Asset Management Pty Ltd, [Submission to the Review](#), p. 2

¹⁵⁴ The National Institute of Dramatic Art, [Submission to the Review](#), p. 2, or Quality Training and Hospitality College, [Submission to the Review](#), p. 2-3

¹⁵⁵ University of Wollongong, [Submission to the Review](#), p. 5

¹⁵⁶ National Centre for Student Equity in Higher Education, [Submission to the Review](#), p. 9

¹⁵⁷ For example, The Australian National University, [Submission to the Review](#), p. 6

¹⁵⁸ For example, SkillsIQ, [Submission to the Review](#), p. 5, or University of Canberra, [Submission to the Review](#), p. 4

¹⁵⁹ NCVER, [Do course durations matter to training quality and outcomes?](#), 2019, p. 3

¹⁶⁰ ASQA, [A review of issues relating to unduly short training](#), 2017, p. 8

¹⁶¹ Energy Safe Victoria, [Submission to the Review](#), p. 2

learning. The Minerals Council of Australia considers that the inclusion of a volume of learning measure may contribute to increased trust in the qualifications, competencies and skills supported by the AQF.¹⁶² However, the Australian Chamber of Commerce and Industry disputes this, saying that 'industry has concerns about volume of learning being applied to VET given that it is a competency-based system.'¹⁶³

Where a course of study can be completed in substantially less time than the specified volume of learning, it calls into question whether the content of the course has been designed to sufficiently meet the learning outcomes for the qualification. This includes the technical or conceptual difficulty of the course and also whether there is sufficient time for repeatability to ensure students have had the time to absorb the content and/or apply the practical skills required.

Some stakeholder submissions believed that the definition of volume of learning, and the activities that may contribute to it, are unclear. In the AQF explanation guide, published separately to the main document, it states:

The volume of learning allocated to a qualification should include all teaching, learning and assessment activities that are required to be undertaken by the typical student to achieve the learning outcomes. These activities may include some or all of the following: guided learning (such as classes, lectures, tutorials, on-line study or self-paced study guides), individual study, research, learning activities in the workplace and assessment activities.¹⁶⁴

The presence of clarifying information outside the AQF is confusing for providers and regulators. The current AQF is long and complicated, but important information on volume of learning should be included in the main document to give a comprehensive and detailed reference for users.

Using guidelines flexibly

As volume of learning is specified at the level of a qualification type, it is an imprecise measure. The AQF allows qualifications to be completed in more or less time than the typical volume of learning indicates. The volume of learning explanation guide states:

Providers may offer the qualification in more or less time than the specified volume of learning, provided that delivery arrangements give students sufficient opportunity to achieve the learning outcomes for the qualification type, level and discipline.

If the duration of delivery is substantially different from the volume of learning specified by the qualification type specification, providers should be able to provide a pedagogical rationale to support the variation.¹⁶⁵

This treatment is reflected in the advice to providers given by TEQSA¹⁶⁶ and ASQA,¹⁶⁷ but the Review heard that their guidance is not always applied with the intended flexibility. The Panel has emphasised to national regulators that in order for volume of learning to remain relevant, this guidance must be given appropriate consideration.

This is also an area where closer alignment between the AQF and the Higher Education Standards Framework (HESF) is necessary. Volume of learning is specified in the *qualification type* descriptor of the AQF. Paragraph 1.5.3 of the Higher Education Standards (HESF) specifies the learning outcomes

¹⁶² Minerals Council of Australia, [Submission to the Review](#), p. 6

¹⁶³ Australian Chamber of Commerce and Industry, [Submission to the Review](#), p. 3

¹⁶⁴ AQF Council, [Volume of Learning: An Explanation](#), p. 1

¹⁶⁵ AQF Council, [Volume of Learning: An Explanation](#), p. 2

¹⁶⁶ TEQSA, [TEQSA and the AQF: Questions and Answers](#), p. 4

¹⁶⁷ ASQA, [Users' Guide to the Standards for Registered Training Organisations 2015](#), What clauses 1.1 to 1.4 and 2.2 mean for your RTO

for a qualification must only be 'consistent with the *level* classification for that qualification in the Australian Qualifications Framework.'¹⁶⁸

There are references throughout the HESF to 'qualifications', which invoke the AQF relevant to the different qualification types within each level, including volume of learning. To make this more explicit, the full qualification type *specification* should be referred to in sector regulation, regardless of any change to the AQF's taxonomy. The qualification type specification includes the AQF level and qualification type descriptors, volume of learning, and additional information.

Expressing volume of learning in hours

...the approach to volume of learning taken in the current AQF is out-dated, out of step with global practice and creating significant difficulties for providers, regulators and those at the interface of international mobility.

PhillipsKPA, 'Contextual Research for the Australian Qualifications Framework Review'

Currently the AQF presents volume of learning in dual formats: years in the main document and both years and hours in the volume of learning explanation guide. Developments in learning are eroding the concept of traditional classroom formats and academic calendars. Changing how the AQF presents typical volumes of learning for different qualification types would provide more flexibility and transparency for students, while supporting innovation in course delivery and the development of shorter form credentials, including microcredentials. Hours can better reflect different modes of learning: whether they are classroom or industry based; in person or online; full time or part time.

Some universities (for example, Deakin University, Griffith University and the University of New South Wales) have transitioned to a trimester calendar, where students can potentially complete the required hours for a Bachelor Degree in different timeframes than the traditional three years, but within the same hour guidelines.

Volume of learning is currently expressed in *full-time* years. However, in 2018, only 22 per cent of enrolments in VET programs with an AQF level were by full-time students.¹⁶⁹ This means expressing volume of learning in years requires some conversion for the majority of VET students.

Transitioning to an hours-only system would provide one simplified expression for volume of learning, rather than the dual format currently used. The VET system in particular already uses hours for funding and statistical reporting. It also uses hours for provider regulation if a provider's training and assessment strategy uses hours. There may be some initial confusion for stakeholders because the way hours are currently used can serve different purposes. However, an hours-only system would allow for easier comparison by presenting all in the same format. This change would not affect other government policies such as funding arrangements or delivery hours in VET.

An hours-based system is also more suitable for measuring the duration of shorter courses. It would be easier for the AQF to recognise shorter form credentials, including microcredentials, in the future, if it used hours to measure volume of learning. The New Zealand Qualification Authority has set a minimum duration of 5 credits, or around 50 hours, for an approved microcredential.¹⁷⁰ A similar and hypothetical requirement under the AQF, if years were to be used, would specify its duration as 0.04 years. This would not be a practical way to measure volume of learning for these type of courses.

¹⁶⁸ Australian Government, [Higher Education Standards Framework \(Threshold Standards\) 2015](#)

¹⁶⁹ NCVET 2019, Australian vocational education and training statistics: Total VET students and courses 2018 - data slicer; The proportion of higher education students was 71.3 per cent full-time, though this figure includes non-AQF courses (Department of Education, [Higher Education 2017 Student summary tables](#)).

¹⁷⁰ New Zealand Qualifications Authority, [Approval of micro-credentials](#)

If implemented, a full-time year could be defined as 1200 hours, and the corresponding hours assigned to each qualification type. In developing the 2011 AQF, the AQF Council tested the volumes of learning with stakeholders: 76 per cent of respondents agreed or strongly agreed with the volumes of learning specified then,¹⁷¹ but the durations should be retested for appropriateness. For example, the Council of Australian Postgraduate Associations has raised concerns that the volume of learning for the Doctoral Degree may be too short;¹⁷² this should be considered as part of future testing of the volumes.

Framing volume of learning around new learners

The Panel was of the view that the volume of learning should be framed around new learners. The descriptor for each qualification type in the AQF states that the volume of learning is 'typically' a certain duration. This is intended to allow some flexibility for different learner cohorts, which may require more or less time to achieve the qualification's learning outcomes. However, a 'typical' duration is ambiguous, and may refer to different types of students for different qualifications. This is problematic in the regulation of qualifications, where an appropriate volume of learning is therefore subjective.

'...to provide a common baseline for volume of learning, base the number of hours for a qualification type on the needs of a new learner.'

Australian Skills Quality Authority

Transitioning from 'typical' duration to a duration for 'new' learners can set an objective standard against which students could be compared. The Panel proposes that 'new' learners are those:

new to the course content or research qualification type and who meet the entry requirements for the qualification.

This definition recognises that new learners who are completing nested qualifications or higher-level research qualifications would have familiarity with the field's subject matter, but not the specific course content or research qualification type. The definition of a new learner should not affect granting of recognition of prior learning.

International comparisons

Volume of learning is a useful benchmark for international qualifications comparison. It forms part of the basis by which the Department of Education's Country Education Profiles (CEPs)¹⁷³ compare international qualifications to AQF qualifications. Australian universities and skilled migration assessing authorities use the CEPs to recognise overseas qualifications for educational and labour market purposes within Australia. Volume of learning is also useful for overseas audiences unfamiliar with Australian qualifications by providing contextual information on student pathways.

Other countries, and different institutions within other countries, have different approaches to expressing learning outcomes. Some use subjects, hours, or years, and many increasingly use credit points.

Changing the format of volume of learning to hours for AQF for AQF qualifications, in the absence of a national credit system, may influence how Australian qualifications are recognised, and would need to be carefully considered during implementation. This is because other countries have different approaches to the recognition of foreign qualifications. Some countries focus on qualitative factors such as learning outcomes and the effectiveness of quality assurance systems, whereas other

¹⁷¹ Gillis et al., [Empirical validation of the Strengthened Australian Qualifications Framework using Item Response Theory](#), p. 33

¹⁷² Council of Australian Postgraduate Associations, [Submission to the Review](#), p. 3

¹⁷³ Department of Education, [Country Education Profiles](#)

countries focus on quantitative measures, such as length of study or number of hours. The latter approach tends to exacerbate differences between Australian and foreign system qualifications.

It is also currently the case that there is considerable variability in volume of learning within and between qualifications of the same qualification type.

Further observations

The Expert Review of Australia's Vocational Education and Training System recommended that qualification developers should specify benchmark hours in qualifications.¹⁷⁴ This would serve as a guide to the average amount of training required for a new learner, with no experience in the industry, to develop the required competencies in the qualification. The Panel welcomes this recommendation but notes that the AQF's volume of learning is broader than the amount of training an *RTO provides*, it is the average amount of time it takes for a *student to achieve* all the learning outcomes of a qualification type. This includes a significant period of unsupervised learning by the student, which may not be reflected in benchmark hours.

Recommendations

14. Retain volume of learning as a benchmark expressing the notional duration, for a new learner, of all teaching and learning activities required to achieve the outcomes specified for a particular AQF qualification type.

15. Specify volume of learning's unit of measurement in hours only, instead of years and hours.

Implementation

The recommended changes to volume of learning could be drafted relatively quickly following stakeholder consultation. A communication strategy would be developed to be used during the consultations. This strategy would provide clear guidance about what is included in the definition of volume of learning and explain that other parts of government policy such as funding arrangements and delivery hours in VET would not be affected by this recommendation. This would also include guidance for international stakeholders, for example, by providing advice to international students prior to enrolment if any recognition issues are identified in their home country.

The AQF governance body would engage with pedagogy experts in all sectors to ensure there was broad support for the volumes of learning assigned to qualification types; the definition of a full-time year; and the activities that comprise volume of learning. It would also identify any unexpected consequences during this process. The revised AQF would clearly state that the volume of learning should be used as a benchmark rather than a rigid rule. The governance body would liaise with regulators to ensure the approach was well understood and reflected in their guidance and procedures.

The changes to volume of learning would be implemented alongside the revised AQF qualifications design model. This would allow for a predictable, orderly transition, with sufficient time for providers to assess their courses and make any changes necessary. In the meantime, volume of learning would continue to function as a point of reference and there would remain flexibility for individual qualifications and learner cohorts where they can be justified.

¹⁷⁴ Commonwealth of Australia, [Strengthening Skills: Expert Review of Australia's Vocational Education and Training System](#), April 2019, p. 46

Actions

Implementing the recommendation would involve the following actions:

- Change the unit of measurement to hours only; and confirm the current AQF definition of a year being 1200 hours.
- Test the appropriateness of current volumes of learning for the qualification types, given current learner cohorts and delivery methods.
- Specify that the volume of learning applies to a new learner; defined as a learner who is new to the course content or research qualification type and meets the entry requirements for the qualification.
- Place the definition of what activities comprise volume of learning in the main AQF document (instead of the volume of learning explanation guide); and allow stakeholders to offer feedback prior to finalisation.
- Stipulate that regulators should use volume of learning as a benchmark for risk management purposes, rather than as a regulation.

7. Other policies and supporting documents

The Panel suggests that some AQF policies are redundant and should be removed. The Qualifications Register Policy was never fully implemented, while the Principles and Processes for the Alignment of the AQF with International Qualifications Frameworks is better considered a function of government and does not require a written policy. Removing these would shorten and simplify the AQF document.

Other policies provide important functions and should be retained and updated. The Qualifications Issuance Policy supports a shared approach to qualification terminology and issuance of student records. The Qualification Type Addition and Removal Policy would allow the revised AQF to remain current by allowing for new qualifications, such as a future microcredential or enabling qualification type, to be added in the future if necessary. Important information from the AQF's separate explanation documents should be integrated into the main document to provide a clear, complete and authoritative text for users.

The Qualifications Pathways Policy has been considered separately in this report.

The AQF Glossary should be refreshed and updated with new definitions arising from this report.

The AQF website should also be refreshed to be more accessible and user friendly. A better website would support learners to make better choices about qualifications and pathways, assist qualification developers, and provide employers with a clearer indication of what they can expect from graduates.

Background

Unlike most qualification frameworks internationally, the AQF contains a number of policies packaged as part of the framework.¹⁷⁵ The Australian Qualifications Framework Council developed these policies before the establishment of the national regulators, TEQSA and ASQA. Some of these policies cover matters that are now also covered by the regulatory frameworks. The Review's terms of reference tasked the Panel with advising on any changes that would be required to these policies to give effect to the Review's recommendations and to consider whether any of these policies that deal with domestic matters should be situated within TEQSA's and the VET regulators' registration and accreditation guidelines.

Stakeholder submissions were consistent in their support for removing redundant policies. There was mixed support for retaining the AQF Qualifications Issuance Policy (Issuance Policy) due to some crossover with regulatory requirements. Similarly, there was mixed support for moving the information currently found in the Explanations to other parts of the AQF.

The Panel found that some of the policies require updating, including to remove duplication. This process needs to take into account the role that the AQF plays as an instrument that connects VET and higher education. There is merit in retaining some of the policies, in particular the Issuance Policy, to allow for better connection between sectors in the future.

Current AQF policies

The AQF Qualifications Issuance Policy

The purpose of the Issuance Policy is to ensure that:

- graduates receive the certification documentation to which they are entitled

¹⁷⁵ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), 2018, p. 10-11

- AQF qualifications are correctly identified in certification documentation
- AQF qualifications are protected against fraudulent issuance
- a clear distinction can be made between AQF qualifications and non-AQF qualifications
- certification documentation is used consistently across the education and training sectors
- graduates and others are confident that the qualifications they have been awarded are part of Australia's national qualifications framework – the AQF.

The Issuance Policy sets out requirements for issuing a testamur and record of results for graduates and specifies the nomenclature for AQF qualifications. It provides a common approach for VET and higher education.

Except for the specification of post-nominals, the provisions of the Issuance Policy are reflected in sector regulation as shown in Table 10.

Table 10. Issuance Policy requirements and sector regulation

AQF Qualifications Issuance Policy Requirement	Standards for Registered Training Organisations (RTOs) 2015	Higher Education Standards Framework (Threshold Standards) 2015
All graduates entitled to receive a testamur and a record of results	Standard 3 and Schedule 5	Standard 1.5, point 4
Optionally, graduates may be given a graduation statement	Not an option	Standard 1.5, point 4
The testamur or graduation statement will identify the qualification as an AQF qualification	Standard 3 and Schedule 5	Standard 1.5, point 4. e.
Specifies what information is required on the testamur and graduation statement	Standard 3 and Schedule 5	Standard 1.5, points 4, 5 and point 6
Specifies responsibilities of issuing organisations to ensure the authenticity of AQF qualifications	Standard 2	Standard 1.5, point 5
Issuing organisations will have policies for replacing documentation	Schedule 5	Standard 1.5, point 5
Specifies AQF qualification titles	Schedule 5	Not referenced directly. Standard 1.5, point 9 states qualifications that do not align with a qualification that is recognised in the <i>Australian Qualifications Framework</i> are not described using the nomenclature of the <i>Australian Qualifications Framework</i> .
Specifies use of post nominals	Not referenced.	Not referenced.
Specifies requirements for issuing statements of attainment	Schedule 5	Standard 1.5, point 7 and standard 1.5, point 10.

The Issuance Policy provides that all students who complete part of the requirements of an AQF qualification receive a record of results that recognises their achievement.¹⁷⁶ The AQF also currently allows providers to design nested qualifications, which provide for different qualifications to be issued at defined exit points within an overall qualification.

Industry and education and training sectors see the need for better connections between higher education and VET. For this reason, the Panel believes the Issuance Policy should be retained in the AQF. This would ensure ongoing consistency of qualification nomenclature and issuance of student records between the sectors.

The Issuance Policy requires amendment to remove redundant references and reflect changes arising from the Review. For example, references to the Register Policy should be removed given the recommendation to remove that policy.

The section on nomenclature requires revision. There are two types of Doctoral Degrees allowed for in the qualification descriptors.¹⁷⁷ However, the nomenclature in the Issuance Policy does not allow for this distinction.¹⁷⁸ When revising the policy the qualifications titles table should be amended to allow for two separate types of qualifications: the Doctoral Degree (Research) with the title 'Doctor of Philosophy' and the Doctoral Degree (Professional) with the title 'Doctor of [field of study]'.

The AQF Qualifications Register Policy

The AQF Qualifications Register Policy (the Register Policy) was intended to facilitate the public identification and verification of AQF qualifications and contribute to the protection of AQF qualifications. There were to be three registers:

- Register of accrediting authorities
- Register of AQF qualifications and authorised issuing organisations
- Register of issued qualifications.¹⁷⁹

The AQF Council did not implement the Register Policy as the policy intersected with the establishment of TEQSA and ASQA, with their subsequent regulatory functions taking over the intent of the Policy. Submissions to the Review agreed that the Register Policy is redundant.

A register of accrediting authorities is not required as this role is restricted by Commonwealth and state legislative requirements as per Table 11.

¹⁷⁶ AQF Council, [AQF Qualifications Issuance Policy](#), Australian Qualifications Framework Second Edition January 2013, Paragraph 2.1.2

¹⁷⁷ AQF Council, [Australian Qualifications Framework Second Edition January 2013](#), AQF specification for Doctoral Degree, p. 63

¹⁷⁸ AQF Council, [Australian Qualifications Framework Second Edition January 2013](#), Issuance Policy, p. 72

¹⁷⁹ AQF Council, [Australian Qualifications Framework Second Edition January 2013](#), AQF Qualifications Registration Policy, p. 83-85

Table 11. Accrediting authorities

VET courses ¹⁸⁰	Higher Education courses
Australian Industry and Skills Committee ¹⁸¹ Australian Skills Quality Authority (ASQA) ¹⁸² Victorian Registration and Qualifications Authority (VRQA) ¹⁸³ Training Accreditation Council Western Australian (WA TAC) ¹⁸⁴	Tertiary Education Quality and Standards Agency (TEQSA) ¹⁸⁵ Higher education providers registered in the Australian university provider category ¹⁸⁶

There are sector specific online databases that fulfil the role of the Register of AQF qualifications and authorised issuing organisations. For the VET sector, a complete list of registered organisations and VET courses is found at training.gov.au (TGA)¹⁸⁷ and is updated by the VET regulators.¹⁸⁸ There is no single definitive higher education register; TEQSA maintains a register of approved higher education providers and courses accredited by TEQSA on its website.¹⁸⁹ The recently launched online tool Course Seeker¹⁹⁰ is intended to provide information on higher education courses and providers, including courses accredited and offered by universities.¹⁹¹

¹⁸⁰ As defined in the [National Vocational Education and Training Regulator Act 2011](#), s. 3

¹⁸¹ <https://www.aisc.net.au/> while not technically an 'accrediting authority', the AISC has responsibility for approving training packages for endorsement by the COAG Skills Council. Most VET qualifications are approved through this process as part of a training package.

¹⁸² [National Vocational Education and Training Regulator Act 2011](#), Part 3, Division 1, ss. 43-44

¹⁸³ [Education and Training Reform Act 2006 \(Vic\)](#), Part 4.2, paragraph 4.2.2; Part 4.4, paragraph 4.4.2

¹⁸⁴ [Vocational Education and Training Act 1996 \(WA\)](#), Part 7A, s. 58C

¹⁸⁵ [Tertiary Education Quality and Standards Agency Act 2011](#), s. 45

¹⁸⁶ [Tertiary Education Quality and Standards Agency Act 2011](#), s. 45; [Higher Education Standards Framework \(Threshold Standards\) 2015](#), Part B: Criteria for Higher Education Providers, B1.2

¹⁸⁷ www.training.gov.au/Home/Tga contains all VET qualifications that have been either approved through the training package approval process, or accredited by a VET Regulator. It also contains a list of all registered training organisations (RTOs) approved by a VET Regulator to deliver AQF qualifications.

¹⁸⁸ ASQA, VRQA and WA TAC all have the ability to add and remove RTOs from TGA. The Commonwealth Department of Education maintains the database.

¹⁸⁹ www.teqsa.gov.au/national-register contains a register of all higher education providers approved by TEQSA to deliver AQF higher education qualifications, and those AQF qualifications. It does not include qualifications developed by self-accrediting institutions (for example, self-accrediting universities).

¹⁹⁰ <https://www.courseseeker.edu.au/>

¹⁹¹ The TEQSA register does not include courses accredited by higher education providers registered in the Australian university provider category. Course Seeker includes some, but not all, courses offered by universities in this category.

There is also no single register of issued qualifications across all the education and training sectors. VET¹⁹² and higher education providers¹⁹³ are required to keep records of qualifications issued as a condition of registration. Additionally, the Unique Student Identifier (USI) database gives VET students access to a secure online record of their recognised training and qualifications achieved in the VET sector.¹⁹⁴

Given the comprehensive coverage provided by regulators and online government databases, the Register Policy is redundant and should be removed from the AQF.

The AQF Qualification Type Addition and Removal Policy

The AQF Qualification Type Addition and Removal Policy sets the criteria for deciding if a qualification type should be included in the AQF. These include the requirement for a clear industry, professional or community need and a sound educational rationale.

The Panel formed the view that there is an ongoing need for this policy. If a revised framework is implemented (or if the framework remains unchanged) the policy is required to enable the creation of new qualification types, such as an enabling qualification as recommended for consideration by the Panel. The policy should be retained and updated to reflect governance changes, including responsibility for making decisions about the addition and removal of qualification types.¹⁹⁵

Aligning the AQF with international qualifications frameworks

Since the initial development of the Principles and Processes for the Alignment of the AQF with International Qualifications Frameworks, the concept of alignment has been used interchangeably in practice with the concept of referencing or comparative analysis of frameworks. The Commonwealth Department of Education has conducted a number of referencing projects in recent years and supports making the Principles and Processes for the Alignment of the AQF with International Qualifications Frameworks a departmental policy. This would provide the necessary flexibility for Australia to engage in future projects to ensure the AQF is recognised internationally.

Some stakeholders disagreed with this approach and noted the importance for the AQF to be responsive to the global context.¹⁹⁶ However, the Panel formed the view that this importance would not be lost if the policy were maintained by the department, which has a role in international engagement for the Australian education system.

The Panel considers that the comparison of international frameworks against the AQF is a function of government, which can conduct it without a policy in the AQF.

‘Explanations’ in the AQF

The AQF website has eleven short documents published online under the title “AQF Explanations” that were published after the release of the AQF Second Edition. These provide further explanation about how terminology may be applied in the AQF and course development. However, in their current

¹⁹² [Standards for Registered Training Organisations \(RTOs\) 2015](#), Schedule 5 requires RTOS to retain registers of AQF qualifications issued for a period of 30 years as a condition of registration.

¹⁹³ The [Higher Education Standards Framework \(Threshold Standards\) 2015](#), Part A: Standards for Higher Education, Standard 7.3 require higher education providers to maintain accurate and up-to-date records of enrolments, progression, completions and award of qualifications.

¹⁹⁴ <https://www.usi.gov.au/> The USI applies to training undertaken by domestic and onshore international students since 1 January 2015.

¹⁹⁵ The current policy identifies the defunct AQF Council as having this responsibility.

¹⁹⁶ Australian Psychological Society, [Submission to the Review](#), p. 9; University of Technology Sydney, [Submission to the Review](#), p. 3

published location, and with no reference to the explanations within the AQF, the status of these explanations is unclear. Stakeholders suggested incorporating the explanations into the AQF or putting them in a more prominent place to optimise their relevance.¹⁹⁷ The Panel formed the view that important information should be included in the main document to give a comprehensive and detailed reference for users.

The Panel recommends that the explanations be reviewed and consideration given to incorporating the content into the AQF and its policies, where appropriate. Table 12 sets out a summary of each explanation and possible future location.

Table 12. Explanations

Title	Summary of content	Possible future location
Articulation ¹⁹⁸	An explanation of how articulation arrangements fit in with pathways and credit.	Revised Pathways and Credit Policy
Credit Transfer ¹⁹⁹	An explanation of credit transfer and how it is applied.	Revised Pathways and Credit Policy
Recognition of prior learning (RPL) ²⁰⁰	An explanation of RPL and how it is applied, including guidance on RPL assessment methods. There is some duplication with the RTO Standards – particularly in relation to assessment and assessors ²⁰¹ The higher education standards are less prescriptive as to how RPL is undertaken, deferring to institutions' policies. ²⁰²	Revised Pathways and Credit Policy
Bachelor Honours Degree ²⁰³	An explanation of the Bachelor Honours Degree, including how it differs from the Bachelor Degree.	Revised Qualification Descriptor for Bachelor Honours Degree
Certification Documentation ²⁰⁴	Worked examples of a Testamur, Record of Results, and a Statement of Attainment.	Issuance Policy

¹⁹⁷ University of Technology Sydney, [Submission to the Review](#), p. 3; University of Wollongong, [Submission to the Review](#), p. 7.

¹⁹⁸ AQF Council, [Articulation: An Explanation](#), November 2012

¹⁹⁹ AQF Council, [Credit Transfer: An Explanation](#), November 2012

²⁰⁰ AQF Council, [Recognition of Prior Learning: An Explanation](#), November 2012

²⁰¹ Australian Government, [Standards for Registered Training Organisations 2015](#), ss1.8, 1.13-1.15.

²⁰² Australian Government, [Higher Education Standards Framework](#), s1.2

²⁰³ AQF Council, [Bachelor Honours Degree: An Explanation](#), November 2012

²⁰⁴ AQF Council, [Certification Documentation: An Explanation](#), November 2012

Title	Summary of content	Possible future location
Clustered Qualifications ²⁰⁵	An explanation of clustered qualifications, including nesting, with a focus on achieving appropriate learning outcomes for each qualification type and discipline.	AQF Glossary of Terminology – the term is currently not found in the AQF. AQF Pathways Policy – the explanation could be incorporated into the revised Pathways and Credit Policy
Discipline ²⁰⁶	An explanation and application of the term discipline, with reference to the Australian Standard Classification of Education.	Revised Qualification Descriptors, with volume of learning, or responsibility for accreditation and development as relevant.
Graduate ²⁰⁷	Clarification between common language use and the AQF use of the term graduate.	AQF Glossary of Terminology – to clarify the use of graduate in AQF context
Proportion of components of a qualification at a level ²⁰⁸	Explanation of how depth of knowledge and skills should be taken into account when designing courses, including proportion of components of a qualification at each level.	Revised Qualification Descriptors
Research ²⁰⁹	Clarifies the definition of research in the context of the AQF. Applies this in the context of course design, particularly for Bachelor Honours, Doctoral and Masters Degrees.	AQF Glossary of Terminology – to include the first clarifying sentence Revised Qualification Descriptors, Research flag could include concepts from the clarification
Volume of learning ²¹⁰	Clarified the application of volume of learning in the context of course design and delivery.	Revised Pathways/Credit Policy; Revised Qualification Descriptors

²⁰⁵ AQF Council, [Clustered Qualifications: An Explanation](#), November 2012

²⁰⁶ AQF Council, [Discipline: An Explanation](#), November 2012

²⁰⁷ AQF Council, [Graduate: An Explanation](#), November 2012

²⁰⁸ AQF Council, [Proportion of Components of a Qualification at Level: An Explanation](#), November 2012

²⁰⁹ AQF Council, [Research: An Explanation](#), November 2012

²¹⁰ AQF Council, [Volume of Learning: An Explanation](#), Version 2, May 2014

The AQF Glossary

The Panel has made a number of observations and recommendations for updated and new terminology that will require changes to the AQF Glossary of Terminology.

The AQF website

Contextual research for the Review found that 'neither the governance framework nor the physical expression of the current AQF facilitates its use as a communication tool for the wider audience beyond course designers and regulators'.²¹¹

To fulfil the AQF's objectives of facilitating qualifications recognition and supporting contemporary qualification outcomes, an AQF website should be accessible to students and employers to:

- give students a better indication what they can expect from a qualification
- give employers a better indication of what they can expect from a graduate
- explain to domestic and international students which qualifications are formal qualifications and which are not formal qualifications.

The website is the primary means of disseminating the requirements of the AQF and therefore should be designed to be as user friendly as possible and utilise links to ensure students can access information quickly and intuitively. It should focus on qualification types and link to the My Skills and Course Seeker websites, as well as the sites of the regulators.

The current AQF is available on the home page of the AQF website as a PDF of the full 112 page document.²¹² Searching for information on a specific subject is not intuitive. There is a linking page taking viewers to specific information, but it is buried behind four pages before it can be accessed. The Panel recommends the website be redesigned.

The Ontario Qualification Framework²¹³ and the Ireland National Framework of Qualifications²¹⁴, to name just two, direct visitors on their home page to simple descriptors of the various qualifications and levels in their frameworks. The New Zealand Qualifications Authority is currently consulting on a proposal to redesign the way the NZQF is organised and presented, to better signal pathways using a fan design similar to the Irish model.²¹⁵

²¹¹ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), p. 12

²¹² <https://www.aqf.edu.au/>

²¹³ <http://www.tcu.gov.on.ca/pepg/programs/oqf/>, Accessed 6 September 2019

²¹⁴ [https://www.qqi.ie/Articles/Pages/National-Framework-of-Qualifications-\(NFQ\).aspx](https://www.qqi.ie/Articles/Pages/National-Framework-of-Qualifications-(NFQ).aspx), Accessed 6 September 2019

²¹⁵ New Zealand Qualifications Authority, [Further consultation on proposed changes to the New Zealand Qualifications Framework](#), p. 24

Recommendations

16. To reflect their current use or allow for future needs:

- a. retain and update the AQF Qualifications Issuance Policy
- b. retain and update the AQF Qualification Type Addition and Removal Policy
- c. remove the Principles and Processes for the Alignment of the AQF with International Qualifications Frameworks
- d. remove the AQF Qualifications Register Policy
- e. move the AQF Explanations into the AQF and/or appropriate policy.

17. Update the AQF Glossary.

18. Redesign the AQF website to provide a public interface that assists students and employers, and meets the needs of qualification developers and regulators.

Implementation

The changes to the policies could be drafted relatively quickly with stakeholder consultation. These recommendations are unlikely to have any implications for stakeholders.

Actions

The actions required for implementing the recommendations are as follows:

- Revise the AQF Qualifications Issuance Policy and Qualification Type Addition and Removal Policies to reflect changes in governance for the AQF.
- The Commonwealth Department of Education to maintain the Principles and Processes for the Alignment of the AQF with International Qualifications Frameworks.
- Amend the AQF Qualifications Issuance Policy to provide nomenclature for the Doctoral Degree (Research) and Doctoral Degree (Professional).
- Revise and incorporate relevant text from the AQF Explanations into the AQF and/or appropriate policy.
- Update the Glossary of Terminology as part of the revised AQF.
- Redesign the AQF website as the main public interface for the AQF.

8. Implementation

Implementation of the key findings and recommendations will be a complex process. The AQF is detailed and has the potential to have an impact beyond the education and training sectors. There will be flow on effects through to employment and migration. The new architecture described in Chapter 2 requires further work and refinement and would need to be tested with stakeholders prior to implementation. In order to achieve the expected gains from change, including an AQF that focuses first and foremost on qualifications, an external governance body would be required to oversee progress.

Governance

Since the disbandment of the AQF Council in 2014, the AQF has had no formal governance arrangements. Regulators within each education and training sector have had responsibility for interpreting AQF policy as it applies to their responsibilities. The Terms of Reference for this Review required the Panel to consider what changes may be required to AQF governance arrangements, to the AQF itself or to regulation that references the AQF to ensure consistency of its application and to ensure ongoing currency of the AQF through monitoring and review.

The AQF Review Discussion Paper indicated that the Review final report would propose the type of governance that may be required to ensure the effective implementation of its recommendations. Stakeholders from both higher education and VET sectors welcomed the idea and suggested establishing an independent governance mechanism to ensure the revised AQF is properly implemented.

The form of governance of qualifications frameworks varies around the world. In some countries qualifications frameworks have their own legislation, with the regulatory body overseeing the qualifications framework, and others are established under ministries.²¹⁶ In Australia, the AQF is an instrument approved by Commonwealth, state and territory Ministers and given effect through relevant legislation. This legislation requires education and training providers and qualification developers to act in accordance with the AQF, and the activity of providers is monitored by regulators (TEQSA, ASQA, WA TAC and VRQA).

AQF governance body

The recommendations of this review propose a simpler, flexible and more effective AQF and have the potential for broad impact in the tertiary sector. It is envisaged that an ongoing governance body, accountable to COAG, is essential to give effect to the finalisation and implementation of the decisions flowing from these recommendations and to give effect to them by undertaking a two-step process:

1. Revise and redesign the current AQF

The first step would be to revise the current AQF based on the recommendations that are agreed by the governments flowing from this report. Technical working groups under the ongoing governance body could assist with this work.

2. Transition to revised AQF

The second step would be to transition to the revised AQF, which would require changes to regulation; grandfathered arrangements for current students; the potential commissioning of further enabling work; and revision to some qualifications within the normal cycle of review.

²¹⁶ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), p. 17. Of the 21 qualification frameworks considered by PhillipsKPA, 13 had no legislative underpinning, and eight were supported by legislation.

The Panel recommends that an independent governance mechanism be established to ensure that the revised AQF is implemented effectively, and to review, refresh and refine it, as circumstances require. This would include conducting reviews as required from time to time. It would also provide ongoing oversight of the AQF to monitor its effectiveness, engage with stakeholders and advise on relevant decisions, like the addition or removal of qualification types and other enabling work. The governance body could be established in the short-term following consideration of the Panel's recommendations.

To avoid confusion and overlap, the body's terms of reference would need to complement the responsibilities of regulators and other relevant advisory bodies. The body would need to include people with relevant expertise in the education and training sectors and regulatory bodies, and should have an advisory function.

Role of the AQF governance body

The role of the governance body would include to:

- oversee and provide advice on implementation of the Review's recommendations
- advise relevant Ministers for the Commonwealth, States and Territories on the addition or removal of qualification types from the AQF
- liaise with higher education and VET regulators and other relevant bodies about matters relevant to the AQF, to create a continuous feedback loop regarding the AQF's objective to underpin national regulatory and quality assurance arrangements
- monitor developments in education and training, and the labour market, and any implications there may be for the AQF, for example the impact of rapidly developing technologies on education and training delivery and workforce requirements or shifts in general capabilities requirements
- advise on updates to AQF policies and the AQF Glossary of Terminology
- advise how the AQF can be more accessible to students and employers.

In its ongoing role, the body would advise on additional qualification types, including, for example, on the addition of enabling programs or shorter form credentials should a case be made for their inclusion.

Recommendations

19. Establish a governance body, accountable to the relevant Council of Australian Governments (COAG) Councils, with representation from government, schools, VET, higher education, industry and professional bodies, and with authority to convene and oversee technical working groups to undertake specialist tasks, to implement agreed reforms to the AQF.

20. In addition to implementation of agreed AQF reforms, the governance body would meet as required to:

- a. liaise with higher education, VET and schools standards bodies and regulators about matters related to the AQF
- b. monitor developments in education and training and the economy and their implications for the AQF, including shorter form credentials and general capabilities
- c. advise on the addition or removal of qualification types in the AQF
- d. make recommendations and oversee additional reforms where necessary.

21. Strengthen alignment between the AQF, the Higher Education Standards Framework and the Standards for Training Packages and RTOs.

Actions

The actions required for implementing the recommendations are as follows:

- Establish the AQF governance body to oversee the AQF.
- Develop appropriate administrative arrangements to support the governance body.

- Establish clear demarcations of responsibilities between the governance body and the Departments of Education and Employment.

Overall Implementation

Implementation impacts

The AQF is widely used beyond the higher education and training sectors. It is referenced by government and industry more generally, including across skilled migration legislation, modern industrial awards and student payments policy. Consequently, the proposals outlined in previous chapters of this report, particularly those involving changes to AQF levels and qualification types, will have impacts on a range of practices, legislation and data collections.

A preliminary assessment of the impacts of the Panel's recommendations by dandolopartners found the possible impacts would range from relatively minor administrative and terminology updates, to more significant implications for course design and delivery.²¹⁷ It found the most significant impacts are likely to result from any changes to AQF qualification types, particularly the creation, disestablishment or alteration of types. This is because qualification types, rather than AQF levels, tend to be used as the primary reference point for policies, processes, data collection and course design and accreditation.²¹⁸

The assessment found that revising the number of bands in the AQF taxonomy would not cause significant impacts or implementation challenges, as long as qualification types can be easily and clearly mapped to a band. It found expressing volume of learning in hours (instead of years) should not require substantial changes to policy, practice, or regulation. However, it would be important that the change is well explained, particularly that the change would not have implications for delivery hours or funding arrangements.

dandolopartners also found that recommendations for the development of, or changes to, guidelines would largely have a low impact.²¹⁹

Migration and Visa Policy

The AQF is used throughout migration regulatory instruments, including in the *Migration Act 1958* and the *Migration Regulations 1994*.

The Department of Home Affairs advised that a reduction in the number of AQF levels would require amendments to the *Migration Regulations 1994* and would affect a number of visas, including:

- Student (subclass 500) visa
- Temporary Graduate (subclass 485) visa
- Skilled Migration points-tested visas.

For example, a student visa holder must maintain enrolment in a course that results in an AQF qualification equal to or higher than the AQF level course in relation to which the visa was granted. A reduction in the number of AQF levels from ten to eight would require the development of transitional arrangements to administer the visa.²²⁰

The Department of Home Affairs considers that a two-year implementation period would be sufficient to enable the necessary changes to occur.²²¹

²¹⁷ dandolopartners, *AQF Impact Assessment*, 2019, p. 4

²¹⁸ dandolopartners, *AQF Impact Assessment*, 2019, p. 4

²¹⁹ dandolopartners, *AQF Impact Assessment*, 2019, p. 5

²²⁰ Department of Home Affairs, [Submission to the Review](#), August 2019, p. 2

²²¹ dandolopartners, *AQF Impact Assessment*, 2019, p. 19

Industrial awards

The Attorney General's Department advised there are 88 modern awards that reference the AQF²²², either to specific levels, qualification types or both. Most changes are likely to be a substitution of one qualification type or AQF band for another. The Fair Work Commission can make terminology amendments to modern awards if they are non-substantive amendments, but consultation is still required.

If a particular qualification type substantially changes, this may trigger an industrial party or the Fair Work Commission to bring an application to modify an award. These actions could only occur following the implementation of a revised AQF.

Student payments

The AQF is used as a benchmark for some student assistance payments. For example, the *Social Security Act 1991* specifies conditions for eligibility for the training supplement, which include the AQF qualification type/s a student may already hold or the AQF qualification type/s they intend to study.

The Department of Social Services would need to undertake a full policy and legislative review to identify the full suite of implications.

Australia New Zealand Classification of Occupations (ANZCO)

The ANZSCO classifies occupations according to two criteria - skill level and skill specialisation. The skill level criterion is measured, in part, based on the AQF. The ANZCO codes are used for a variety of purposes, including for assistance payments and migration policy, and therefore any changes may have flow on implications.

ANZCO codes were last updated in 2013. The timing of a potential review is under consideration by the Australian Bureau of Statistics but is unlikely to occur before the 2021 census.²²³

Changes to legislation

The Review identified around 52 pieces of Commonwealth legislation that reference the AQF. PhillipsKPA identified 34 pieces of state and territory legislation that reference the AQF.²²⁴ Not all would require change as a result of the Panel's recommendations, but references to qualification types or AQF levels may need to be amended.

Implementation approach

Based on initial consultation and the impact assessment, a staged implementation is recommended to assist in mitigating the impact of proposed changes.

It is important that the implementation approach:

- involves ongoing consultation with affected parties
- allows sufficient time for stakeholders to fully review and identify relevant implementation considerations
- communicates extensively and clearly, to correct misperceptions and ensure the rationale for changes and benefits are well understood.

There are five clear stages, as shown in Figure 2. The first stage is the governance and guidelines stage, which involves establishing a governance body and updating policies that are not dependant on the revised AQF taxonomy. The next stage is substantive drafting of the revised AQF taxonomy, informed by stakeholder consultation. Once the revised AQF taxonomy is developed, a

²²² Attorney General's Department, Communication, 10 July 2019

²²³ dandolopartners, *AQF Impact Assessment*, 2019, p. 20

²²⁴ PhillipsKPA, [Contextual Research for the Australian Qualifications Framework Review](#), Appendices 1 and 2

communication strategy and the redesign of the public interface (website) are required. After the revised AQF is published, stakeholders, including governments and providers, would need a bedding-in time to allow for implementation and to make changes to their policies. The final stage is transitioning to the revised AQF, which would allow for qualifications to be updated, where required, over a period of time to reflect and comply with the new framework.

A broad implementation plan is provided at Figure 18.

Figure 18. Revised AQF implementation approach

	First six months	6–12 months	12–18 months	Revised Australian Qualifications Framework published	Two years +
Stage	Governance and Guidelines	Drafting AQF and ongoing consultation	Guidance and communication materials	Internal reviews and operationalise changes	Transition
Key actions	<ul style="list-style-type: none"> Establish a Governance body Redraft Pathways and Credit Policy Draft RPL guidelines Develop prototype credit system Develop shorter form credentials guidelines <ul style="list-style-type: none"> Credit bearing Define microcredentials Update general capabilities Volume of Learning (VoL) <ul style="list-style-type: none"> Change unit of measurement to hours and confirm new learner definition Clarify what VoL includes Test appropriateness of current VoL for qualification types Specify VoL should be used as benchmark for risk by regulators Update Issuance Policy and Qualification Addition and Removal Policies 	<ul style="list-style-type: none"> Ongoing consultation and engagement with stakeholders to inform drafting of, and to test, revised AQF taxonomy Develop the revised AQF taxonomy <ul style="list-style-type: none"> Finalise number of bands Agree focus areas Draft descriptors Draft rules for qualification development Qualification types <ul style="list-style-type: none"> Redescribe qualification types, including SSCE, using descriptors Align qualification types to bands Consider renaming some types Consider creating new qualification type called Higher Diploma Redraft AQF preamble and supporting documentation Develop guidelines for aligning shorter form credentials to the revised AQF taxonomy Amend Higher Education Standards Framework and RTO standards as required 	<ul style="list-style-type: none"> Develop domestic and international communication and engagement strategies for sector <ul style="list-style-type: none"> Guidance for mapping to revised AQF Rationale for change Implications of any changes to qualifications Redesign website as public interface 	<ul style="list-style-type: none"> Stakeholders undertake internal reviews to identify changes required and: <ul style="list-style-type: none"> Update internal policies Update legislation Data collectors reclassify data/ amend data collection as necessary 	<ul style="list-style-type: none"> Where necessary, qualifications are revised and reaccredited to align with revised AQF using normal cycle of re-accreditation
Who	Governance Body supported by a secretariat	Governance Body supported by a secretariat, relevant Departments	Governance Body, supported by a secretariat, relevant Departments	Providers, relevant Departments	Providers and accrediting bodies

Glossary for the Report

Term	Definition
Application	For the revised AQF would be defined as 'taking action within the context of learning and assessment'. The Panel recommends 'Application' to replace 'Application of knowledge and skills' as a domain in a revised AQF taxonomy.
Application of knowledge and skills	How a graduate applies knowledge and skills in context and in terms of autonomy, responsibility and accountability. (AQF Glossary of Terminology)
AQF taxonomy	The description and classification of Knowledge, Skills and Application across a number of bands or levels.
Assessment	A process to determine a student's achievement of expected qualification outcomes and may include a range of written and oral methods and practice or demonstration. (AQF Glossary of Terminology)
Band	Bands provide an indication of the relative complexity and/or depth of achievement and the knowledge, skills and application required to demonstrate that achievement.
Credential	Documentary evidence of an individual's qualification or competence in a particular educational, academic or occupational field.
Credit	The value assigned for the recognition of equivalence in content and learning outcomes between different types of learning and/or qualifications. Credit reduces the amount of learning required to achieve a qualification and may be through credit transfer, articulation, recognition of prior learning or advanced standing. (AQF Glossary of Terminology)
Credit arrangements	Formal negotiated arrangements within and between issuing organisations or accrediting authorities that are about student entitlement to credit. They may also be formal arrangements made between issuing organisations and students. (AQF Glossary of Terminology)
Credit bearing	A course for which credit can be awarded towards a qualification.
Credit transfer	A process that provides students with agreed and consistent credit outcomes for components of a qualification based on identified equivalence in content and learning outcomes between matched qualifications. (AQF Glossary of Terminology)
Descriptor	Terms that describe the Knowledge, Skills and Application features of bands and qualification types.
Domain	A grouping of the learning requirements of a qualification type. In the current AQF the domains are Knowledge, Skills and the Application of

	knowledge and skills. In the revised AQF the domains would be Knowledge, Skills and Application.
Focus Areas	The themes for descriptors within each Domain. For example, a Knowledge focus area is information management, or inquiry. An example of a Skills focus area would be problem solving, and of Application is learning context.
Formal learning	The learning that takes place through a structured program of learning that leads to the full or partial achievement of an officially accredited qualification. (AQF Glossary of Terminology)
General capabilities	Qualities that a person exhibits in their general behaviour and attitude to work and life, often gained through informal or non-formal learning experiences but also gained through a formal learning environment. They include language, literacy and numeracy skills, and financial and digital literacy skills. They are sometimes called core skills for work or future skills.
Governance body	A body to oversee and advise on the development of AQF policy.
Higher Education Provider	A body that is established or recognised by the Commonwealth or a state or territory government to issue qualifications in the higher education sector. It may be a university, self-accrediting institution or non-self-accrediting institution. (AQF Glossary of Terminology)
Knowledge	For the revised AQF knowledge would be defined as 'the information and ideas needed to inform action in a field'.
Informal learning	The learning gained through work, social, family, hobby or leisure activities and experiences. Unlike formal or non-formal learning, informal learning is not organised or externally structured in terms of objectives, time or learning support. (AQF Glossary of Terminology)
Levels	Used in the current AQF, levels are an indication of the relative complexity and/or depth of achievement and the autonomy required to demonstrate that achievement. AQF level 1 has the lowest complexity and AQF level 10 has the highest complexity. (AQF Glossary of Terminology)
Lifelong learning	The term used to describe any learning activities that are undertaken throughout life to acquire knowledge and skills within personal, civic, social and/or employment-related contexts.
Microcredential	A microcredential is a certification of assessed learning that is additional, alternative, complementary to or a component part of a formal qualification.
Nationally Recognised Training	Programs of training leading to vocational qualifications and credentials that are recognised across Australia and delivered by registered training organisations (RTOs)
Non-formal learning	Refers to learning that takes place through a structured program of learning but does not lead to an officially accredited qualification. (AQF Glossary of Terminology)
Non-self accrediting provider	A higher education provider that does not have responsibility for accrediting its own qualifications. (AQF Glossary of Terminology)

Pathways	Allow students to move through qualification levels with full or partial recognition for the qualifications and/or learning outcomes they already have. (AQF Glossary of Terminology)
Provider	An institution that delivers secondary, vocational and/or higher education.
Psychomotor skills	Physical skills such as movement, coordination, manipulation, dexterity, grace, strength, speed—actions which demonstrate the fine or gross motor skills, such as use of precision instruments or tools, and walking.
Qualification	A formal certification, issued by a relevant approved body, to recognise that a person has achieved the intended learning outcomes or competencies.
Qualification type	Refers to the broad discipline-free nomenclature used in the AQF to describe each category of AQF qualification (AQF Glossary of Terminology).
Qualification Type Specification	A detailed statement of the characteristics of a particular AQF qualification type.
Recognition of prior learning (RPL)	An assessment process that involves assessment of an individual's relevant prior learning (including formal, informal and non-formal learning) to determine the credit outcomes of an individual application for credit. (AQF Glossary of Terminology)
Registered training organisation (RTO)	A training provider registered by ASQA (or, in some cases, a state regulator) to deliver nationally recognised training.
Self-accrediting provider	A higher education provider that has been given responsibility to accredit its own qualifications. (AQF Glossary of Terminology)
Senior Secondary Certificate of Education	The certificate that is available to be awarded on completion of senior secondary education (typically Year 12).
Skills	In a revised AQF Skills would be 'the abilities required to take action, acquired through deliberate, systematic, and sustained effort'.
Skill set	A single unit of competency or a combination of units of competency from a training package that is linked to a licensing or regulatory requirement, or a defined industry need (Standards for Registered Training Organisations (RTOs) 2015).
Statement of attainment	Recognises that one or more accredited units have been achieved. (AQF Glossary of Terminology).
Taxonomy	The system of classification of learning outcomes in a qualifications framework. (AQF Glossary of Terminology)
Tertiary education	Vocational education and training (VET) and higher education.
Training package	The components of a training package endorsed by the Skills Council or its delegate in accordance with the Standards for Training Packages.

	<p>The endorsed components of a Training Package are: units of competency; assessment requirements (associated with each unit of competency); qualifications; and credit arrangements.</p> <p>A training package also consists of a non-endorsed, quality assured companion volume/s, which contains industry advice to RTOs on different aspects of implementation. (Standards for Registered Training Organisations (RTOs) 2015).</p>
Unit of Competency	The specifications of skills and knowledge and how they need to be applied to perform effectively in a workplace context.
Unspecified credit	Credit granted towards elective components of a qualification or program of learning. (AQF Glossary of Terminology)
Volume of learning	A dimension of the complexity of a qualification. It is used with the level criteria and qualification type descriptor to determine the depth and breadth of the learning outcomes of a qualification. The volume of learning identifies the notional duration of all activities required for the achievement of the learning outcomes specified for a particular AQF qualification type. It is currently expressed in equivalent full-time years, though the Panel has recommended changing to hours.

Appendices

Appendix 1. Review Terms of Reference

Background

The Australian Qualifications Framework (AQF) was introduced in 1995. It provided criteria for defining qualifications based on educational characteristics and outcomes for each qualification. The main AQF goals were to provide nationally consistent recognition of qualifications and facilitate student mobility between education and training sectors and the labour market.

Following a two-year review, a revised AQF was released in 2011, with a second edition released in 2013. It introduced the current ten level structure and aligned the AQF more closely with international practice. The revised AQF focused on descriptors for knowledge, skills and their application in increasing complexity over the ten levels of qualifications, complemented by volume of learning descriptors. It also introduced new and revised supporting policies.

The AQF remains an integral part of Australia's framework for quality assurance in education and training and is a key feature of Australia's international education standing. Since it was last revised, there have been innovations in qualifications frameworks internationally, as well as changes in the nature of work that affect Australia's skills requirements. There have also been changes in education and training practice and relevant regulatory structures.

In light of these developments, the Australian Government will appoint a panel to review the AQF.

Terms of Reference

Taking into account developments in school, vocational and higher education, the nature of work, qualifications frameworks internationally, and the views of international and domestic stakeholders, the AQF Review Panel will:

1. Review the AQF structure and components (levels, qualifications and relevant explanations) and associated guidelines to ensure that they:
 - a. position the AQF for the future as a flexible and responsive instrument that guides the provision of consistent high quality and transparency in the Australian education and training system;
 - b. reflect the knowledge, skills and capabilities required by individuals for effective economic and social participation and which meet the current and anticipated skills needs of the Australian economy;
 - c. effectively facilitate access to learning pathways and mobility (for example through articulation arrangements, credit transfer and recognition of prior learning) within and between education sectors, AQF levels and AQF qualifications;
 - d. reflect international good practice.
2. Review the desirability and feasibility of developing a system for the quality assurance and incorporation within the AQF of non-AQF credentials such as skill sets, enabling and foundation courses, microcredentials and in-service and advanced training provided by industry or professions and other non-AQF credentials.
3. Provide specific advice on:
 - a. the relationships between levels and qualifications to ensure that they are clear, appropriate and unambiguous, taking into account their use in different education and training sectors;
 - b. whether the descriptors are expressed in simple language that supports ready and consistent interpretation and application;
 - c. volume of learning including whether:

- i. it should be a time based measure and, if so, whether it should be aligned with other time based measures employed in vocational education and training sector specifications and requirements;
 - ii. it should be replaced by a credit point system;
 - iii. the disparities in volume of learning between qualifications at the same level can be supported by additional information such as prerequisite learning; and
 - iv. it is a necessary descriptor in the AQF
 - d. the placement of vocational education and training (VET) and higher education (HE) qualifications in the AQF and consider:
 - i. any areas of convergence and optimal points of differentiation of VET and HE qualifications in general and specifically at levels 5, 6 and 8;
 - ii. the extent to which the AQF currently implies a status hierarchy from VET to HE qualifications and whether this can be mitigated through changes to the structure or language of the AQF;
 - iii. means by which the AQF can assist with greater consistency in regulation of AQF compliance between HE and VET.
 - e. whether and how the AQF should incorporate guidance for people wishing to build a qualification from a variety of courses and/or providers.
4. Provide advice on changes to AQF policies²²⁵ that would be required to give effect to the outcomes of the Panel's advice on the Terms of Reference 1-3 and other desirable changes. Consider whether any of these policies that deal with domestic matters should be situated within Tertiary Education Quality and Standards Agency and VET regulator registration and accreditation guidelines.
5. Consider what changes may be required to AQF governance arrangements, to the AQF itself or to regulation that references the AQF to ensure consistency of its application and to ensure ongoing currency of the AQF through monitoring and review.
6. The Panel will provide an initial report including recommendations on consequential changes to the AQF on the matters outlined above and subsequent to consideration of that report develop an implementation plan required for implementation of the changes.

In order to address the terms of reference the AQF Review Panel will:

- advise the Secretariat how the AQF Review should be considered and approached
- advise which stakeholders should be consulted and what sources of data and research should be considered
- meet with key stakeholders and possibly hold public forums
- advise on and approve both the public discussion paper and the final report
- in addition to consulting with stakeholders, meet as required (once every two months, maximum once a month).

²²⁵ Including issuance policy, pathways policy, register policy, addition or removal policy, and principles and processes for alignment with international qualifications frameworks and relevant explanations

Appendix 2. Minimal change option

Domain / Focus	Level 1	Level 2	Level 3	Level 4
Preamble	A Graduate at this level will have:	A Graduate at this level will have:	A Graduate at this level will have:	A Graduate at this level will have:
Knowledge (Kinds, Depth and Breadth)	Foundational, factual, technical and procedural knowledge.	Basic factual, technical and procedural knowledge.	Broad factual, technical, procedural and some theoretical knowledge with depth in some areas.	Broad factual, technical, procedural and some theoretical knowledge within a specific vocation/field with depth in some areas.
Skills (Cognitive, Creative, Technical, Communicable, Interpersonal)	<p>Foundational cognitive skills to:</p> <p>a) receive, pass on and recall information in a narrow range of areas;</p> <p>b) basic skills to participate in everyday life and further learning.</p> <p>Foundation technical skills to use tools appropriate to the activity and use of basic communication technologies.</p> <p>Communication skills to receive, pass on and recall information in a narrow range of areas and report simple issues and problems.</p>	<p>Basic cognitive skills to:</p> <p>a) access, record and act on a defined range of information from a range of sources;</p> <p>b) apply known solutions to a limited range of predictable problems.</p> <p>Basic technical skills to use a limited range of equipment to complete tasks involving known routines and procedures with a limited range of options.</p> <p>Communication skills to communicate known solutions to a limited range of predictable problems.</p>	<p>Cognitive skills to:</p> <p>a) interpret and act on available information;</p> <p>b) apply and communicate known solutions to a variety of predictable and sometimes unpredictable problems and deal with unforeseen contingencies using known solutions.</p> <p>Technical skills to:</p> <p>a) undertake routine and some non-routine tasks in a range of skilled operations;</p> <p>b) apply technical solutions to a range of predictable and some unpredictable problems.</p>	<p>Cognitive skills to:</p> <p>a) identify, analyse, compare and act on information from a range of sources;</p> <p>b) apply and communicate technical solutions of a non-routine or contingency nature to a range of predictable and unpredictable problems with some critical thinking.</p> <p>Specialist technical skills to:</p> <p>a) complete routine and non-routine tasks and functions;</p> <p>b) apply technical solutions of a non-routine or contingency nature to a range of predictable and unpredictable problems.</p>

			<p>Communication skills to:</p> <p>a) interpret and act on available information;</p> <p>b) apply and communicate known solutions to: a variety of predictable problems and to deal with unforeseen contingencies using known solutions;</p> <p>c) to provide technical information to a variety of audiences.</p>	<p>Communication skills to:</p> <p>a) identify and provide technical advice in the area of work and learning and guide activities;</p> <p>b) to communicate technical solutions of a non-routine or contingency nature to: a range of predictable and unpredictable problems.</p>
<p>Application of Skills and Knowledge (Autonomy, responsibility, accountability, context and tasks)</p>	<p>Limited autonomy responsibility for own outputs in learning and responsible for own outputs or tasks within supervised work and some accountability for the quality of own outcomes in defined contexts and within established parameters; in contexts that may include preparation for further learning, life activities and/or a variety of initial routine and predictable work-related activities including participation in a team or work group Skills for initial work, everyday life and further learning; able to undertake defined routine activities undertake defined, routine activities.</p>	<p>Limited autonomy and judgement in the completion of own defined tasks; to complete routine but variable tasks in collaboration with others responsibility for own outputs in learning and responsible for own outputs or tasks within supervised work and some accountability for the quality of own outcomes in known and stable contexts; in a team environment within a defined area of work; able to undertake and complete routine tasks.</p>	<p>Discretion and judgement in the selection of equipment, services or contingency measures; and autonomy to complete routine and defined tasks.</p> <p>Responsibility for own outputs in learning and in work including participation in teams and taking limited responsibility for the output of others.</p> <p>Work based skills within a specific area/field; able to adapt and transfer skills and knowledge to undertake and complete routine and some non-routine tasks in a range of skilled operations.</p>	<p>Personal autonomy in performing routine and non-routine tasks and functions to: a range of predictable and unpredictable problems; with initiative and judgement organise the work of self and others.</p> <p>Responsibility for own functions and outputs, and some responsibility for the organisation of others and for the quantity and quality of the output of others in a team within limited parameters; in known or changing contexts.</p> <p>Specialised skills within a specific area/field; able to: adapt and transfer skills and knowledge to undertake and complete specialised tasks and functions in a range of skilled operations.</p>

Domain / Focus	Level 5	Level 6	Level 7
Preamble	A Graduate at this level will have:	A Graduate at this level will have:	A Graduate at this level will have:
Knowledge (Kinds, Depth and Breadth)	Technical and theoretical knowledge and concepts depth in some areas.	Advanced technical knowledge, as well as theoretical knowledge and with some depth in underlying principles and concepts.	Comprehensive technical knowledge as well as theoretical with depth in underlying principles and concepts including research methods and analysis and evaluation of information.
Skills (Cognitive, Creative, Technical, Communicable, Interpersonal)	<p>Cognitive skills to:</p> <ul style="list-style-type: none"> a) identify, analyse, synthesise and act on information from a range of sources; b) analyse, plan, design and evaluate approaches to unpredictable problems and/or management requirements; c) critical thinking to provide solutions to sometimes complex problems. <p>Technical skills to:</p> <ul style="list-style-type: none"> a) analyse, plan, design and evaluate approaches to predictable and unpredictable problems and/or management requirements <p>Communication skills to:</p> <ul style="list-style-type: none"> a) identify, analyse, synthesise and act on information from a range of sources; b) to: analyse, plan, design and evaluate approaches to unpredictable problems and/or management requirements; 	<p>Cognitive skills to:</p> <ul style="list-style-type: none"> a) identify, analyse, synthesise and act on information and concepts from a range of sources; b) with analytical skills, to interpret and transmit responses to complex problems; c) with wide-ranging specialised creative or conceptual skills to express ideas and perspectives; and d) with creative thinking skills associated with the solving of problems or the creation of new solutions/applications based on knowledge/specialist knowledge. <p>Technical skills to:</p> <ul style="list-style-type: none"> a) demonstrate a broad understanding of specialised knowledge with depth in some areas; b) wide-ranging specialised technical or conceptual skills to express ideas and perspectives. 	<p>Cognitive skills to select and apply methods and technologies to:</p> <ul style="list-style-type: none"> a) review critically, analyse, consolidate and synthesise knowledge; b) with creative skills, to exercise critical thinking and judgement in identifying and solving problems with intellectual independence; c) to demonstrate a broad understanding of knowledge with depth in some areas; d) analyse and generate solutions to unpredictable and sometimes complex problems. <p>Technical skills to:</p> <ul style="list-style-type: none"> a) demonstrate a broad understanding of knowledge with depth in some areas; b) analyse and generate solutions to unpredictable and sometimes complex problems.

	<p>c) transfer knowledge and specialised skills to others and demonstrate understanding of knowledge;</p> <p>d) transmit solutions to sometimes complex problems.</p>	<p>Communication skills to:</p> <p>a) identify, analyse, synthesise and act on information and concepts from a range of sources;</p> <p>b) with analytical skills, to interpret and transmit responses to complex problems;</p> <p>c) make a clear and coherent presentation of knowledge and ideas with some intellectual independence;</p> <p>d) transmit information and skills to others.</p>	<p>Communication skills to:</p> <p>a) present a clear, coherent and independent exposition of knowledge and ideas;</p> <p>b) with analytical skills, to interpret and transmit responses to complex problems;</p> <p>c) transmit solutions to unpredictable and sometimes complex problems;</p> <p>d) transmit knowledge, skills and ideas to others.</p>
<p>Application of Skills and Knowledge (Autonomy, responsibility, accountability, context and tasks)</p>	<p>Personal autonomy in performing complex technical operations; with initiative and judgement to organise the work of self and others and plan, coordinate and evaluate the work of teams.</p> <p>Personal responsibility in performing complex technical operations and tasks; responsible for own outputs and the organisation and output of others within a team within broad parameters for quantity and quality within broad but generally well-defined parameters; with depth in some areas of specialisation in known or changing contexts; in a range of situations.</p> <p>Specialised skills with depth in some areas; able to transfer and apply theoretical concepts and/or technical and/or creative skills to complete a range of activities.</p>	<p>Personal autonomy in performing complex technical operations; initiative and judgement in planning, design, technical or management functions with some direction.</p> <p>Personal responsibility in performing and managing complex technical operations and tasks; responsible for own outputs and accountable for the organisation and outcomes of a team within broadly defined parameters: with accountability for personal outputs and personal and team outcomes.</p> <p>Within broad parameters; in contexts subject to change with depth in areas of specialisation; to: adapt a range of fundamental principles and complex techniques to known and unknown situations; across a broad range of technical or management functions.</p>	<p>Personal autonomy, initiative and judgement in planning, problem solving, decision making and management functions.</p> <p>Within broad parameters; in paraprofessional practice; in a range of contexts and/or for further studies in one or more disciplines.</p> <p>Adapt knowledge and skills; to: adapt fundamental principles, concepts and techniques to known and unknown situations.</p>

Domain / Focus	Level 8	Level 9	Level 10
Preamble	A Graduate at this level will have:	A Graduate at this level will have:	A Graduate at this level will have:
Knowledge (Kinds, Depth and Breadth)	Advanced theoretical knowledge and concepts, including research methods and analysis and evaluation of information. Knowledge of research principles and methods.	A complex body of knowledge, including of research principles and methods, and the understanding of recent developments and their relevance/impact.	A complex and substantial body of knowledge, including of research principles and methods, and knowledge that constitutes a significant or original contribution.
Skills (Cognitive and Creative, Technical, Communication)	<p>Cognitive skills to:</p> <ul style="list-style-type: none"> a) review, analyse, consolidate and synthesise knowledge to identify and provide solutions to complex problems with intellectual independence; b) creative skills in a field of highly skilled and/or professional practice; c) demonstrate a broad understanding of a body of knowledge and theoretical concepts with advanced understanding in some areas; d) think critically, exercise judgement and to generate and evaluate complex ideas” – and creativity - to create new solutions for complex problems. e) analyse critically, evaluate and transform information to complete a range of activities. <p>Technical skills to:</p> <ul style="list-style-type: none"> a) demonstrate a broad understanding of a body of knowledge and theoretical 	<p>Cognitive skills to:</p> <ul style="list-style-type: none"> a) demonstrate mastery of theoretical knowledge and to reflect critically on theory and professional practice or scholarship; b) with creative skills, to investigate, analyse and synthesise complex information, problems, concepts and theories and to: apply established theories to different bodies of knowledge or practice; c) with creative skills, to generate and evaluate complex ideas and concepts at an abstract level; d) to design, use and evaluate research and research methods; e) analyse critically, reflect on and synthesise complex information, problems, concepts and theories. <p>Technical skills to:</p> <ul style="list-style-type: none"> a) investigate, analyse and synthesise complex information, problems, concepts and theories 	<p>Cognitive skills to:</p> <ul style="list-style-type: none"> a) demonstrate expert understanding of theoretical knowledge and reflect critically on theory and practice; b) creative skills applicable to the field of work or learning; c) to design, implement, analyse, theorise and communicate research that makes a significant and original contribution to knowledge and/or professional practice; d) use of intellectual independence to think critically, evaluate existing knowledge and ideas, undertake systematic investigation and reflect on theory and practice to generate original knowledge. <p>Technical skills to:</p> <ul style="list-style-type: none"> a) design, implement, analyse, theorise and communicate research that makes a significant and original contribution to knowledge; b) expert research skills to investigate, analyse and synthesise complex information,

	<p>concepts with advanced understanding in some areas;</p> <p>b) to design and use research in a project;</p> <p>c) specialised technical skills in a field of highly skilled practice.</p> <p>Communication skills to:</p> <p>a) demonstrate an understanding of theoretical concepts;</p> <p>b) to present a clear and coherent exposition of knowledge and ideas to a variety of audiences.</p>	<p>and to: apply established theories to different bodies of knowledge or practice;</p> <p>b) technical research skills to justify and interpret theoretical propositions, methodologies, conclusions and professional decisions to specialist and non-specialist audiences;</p> <p>c) to generate and evaluate complex ideas and concepts at an abstract level;</p> <p>d) to design, use and evaluate research and research methods;</p> <p>e) to design, evaluate, implement, analyse and theorise about developments that contribute to practice or scholarship.</p> <p>Communication skills to:</p> <p>a) justify and interpret theoretical propositions, methodologies, conclusions and professional decisions to specialist and non-specialist audiences;</p> <p>b) to design, evaluate, implement, analyse and theorise about developments that contribute to practice or scholarship;</p> <p>c) interpret and transmit knowledge, skills and ideas to specialist and non-specialist audiences.</p>	<p>problems, concepts and theories and to develop and apply theories to different bodies of knowledge or practice;</p> <p>c) expert skills to design, implement, analyse, theorise and communicate research that makes a significant and original contribution to knowledge and/or professional practice.</p> <p>Communication skills to:</p> <p>a) explain and critique theoretical propositions, methodologies and conclusions;</p> <p>b) to design, implement, analyse, theorise and communicate research that makes a significant and original contribution to knowledge;</p> <p>c) to present cogently a complex investigation of originality or original research for external examination against international standards and to communicate results to peers and the community.</p>
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Domain / Focus	Level 8	Level 9	Level 10
Preamble	A Graduate at this level will have:	A Graduate at this level will have:	A Graduate at this level will have:
Application of Skills and Knowledge (Autonomy, responsibility, accountability, context and tasks)	<p>Personal autonomy, initiative and judgement; to make high level, independent judgements in a range of technical or management functions apply knowledge and skills to demonstrate autonomy, well developed judgement, adaptability and responsibility as a practitioner or learner.</p> <p>Responsibility for own learning, practice and personal outputs, in collaboration with others; accountable for all aspects of the work or function of others. in varied specialised contexts; in professional practice and/or scholarship; in diverse contexts; in varied specialised technical and/or creative contexts;</p> <p>Within broad parameters to: adapt knowledge and skills; to initiate, plan, implement and evaluate broad functions; to plan and execute project work and/or a piece of research and scholarship with some independence.</p>	<p>High-level personal autonomy, initiative and judgment; to make independent judgements and implement new solutions in a range of management functions.</p> <p>Responsibility for own learning, practice and personal outputs, in collaboration with others; high-level accountability for all aspects of the work or function of others with high level personal accountability.</p> <p>Within new situations and/or for further learning to plan and execute a substantial piece of research or research-based project, a capstone experience and/or professionally focussed project/piece of scholarship.</p>	<p>Intellectual independence; with initiative and high level of discretion to initiate new approaches in a field of work or learning.</p> <p>Responsibility for own learning, practice and personal outputs; high-level accountability for all aspects of the work or function of others and in the planning and execution of original research.</p> <p>Within the context of professional practice; in new situations and/or for further learning to plan and execute original research; with the ongoing capacity to generate new knowledge.</p>

Appendix 3. Revised AQF - Draft Knowledge descriptors

Note: Draft descriptors are to indicate feasibility only and would be subject to further refinement, testing, consultation and agreement. The descriptors in Appendix 3 are examples of long version descriptors to be used by course designers. Summary versions of the descriptors would be developed for inclusion in qualification types. These would provide more appropriate guidance for students, employers and others.

	<i>At Band 1, qualifications</i>	<i>At Band 2, qualifications</i>	<i>At Band 3, qualifications</i>	<i>At Band 4, qualifications</i>	<i>At Band 5, qualifications</i>	<i>At Band 6, qualifications</i>	<i>At Band 7, qualifications</i>	<i>At Band 8, qualifications</i>
Purpose, scope and complexity	<ul style="list-style-type: none"> focus on a small selection of facts and procedures relevant to a narrowly defined role/field. utilise easily accessible, clearly presented information and ideas with limited requirement for interpretation <p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking a small set of well-defined activities recognising some common problems associated with these 	<ul style="list-style-type: none"> focus on a selection of facts, procedures and basic principles relevant to a narrowly defined role/field utilise sources of information and ideas with a clear relationship to the scope of inquiry <p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking well-defined, routine activities recognising and addressing simple, predictable problems 	<ul style="list-style-type: none"> focus on field-specific procedures, practices and processes supported by a small range of theoretical concepts utilise a range of field-specific written, visual and oral sources with some specialised vocabulary <p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking a specified range of routine activities identifying and addressing predictable 	<ul style="list-style-type: none"> focus on field-specific procedural, process related information, principles and concepts. Begin to utilise written, visual and oral sources containing concepts, some technical specificity, embedded information and specialised vocabulary <p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking a broad range of routine, and some less 	<ul style="list-style-type: none"> focus on increasingly specialised field-specific factual, procedural, process-related information, principles and concepts utilise technically specific written, visual and oral sources involving some complex concepts, embedded information and specialised vocabulary <p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking multiple routine and non-routine activities anticipating, recognising and addressing an expanding range of predictable and less predictable problems <p>AND/OR</p>	<ul style="list-style-type: none"> focus on highly specialised field-specific factual, procedural, process-related information, principles, concepts and practices utilise technically-specific written, visual and oral sources involving complex concepts, embedded information and specialised vocabulary <p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking/overseeing a broad range of integrated activities with sometimes complex relationships anticipating, recognising and addressing an expanding range of predictable and less predictable problems <p>and/or</p> <ul style="list-style-type: none"> focus on domain-specific theories and practices associated 	<ul style="list-style-type: none"> focus on advanced theoretical, procedural and/or specialist technical information and ideas within a recognised discipline/ industry utilise multiple sources, including written and visual texts with complex syntactic structures, highly embedded information, technical specificity, specialised language and symbolism <p>for the purpose of:</p> <ul style="list-style-type: none"> generating new knowledge addressing complex issues and 'dilemmas with multiple 	<ul style="list-style-type: none"> Focus on highly specialised information and ideas at the forefront of a recognised discipline/ industry Utilise a broad range of sources including highly complex, written and visual texts incorporating technical specificity, specialised language and symbolism <p>for the purpose of:</p> <ul style="list-style-type: none"> generating new knowledge addressing complex issues and 'dilemmas with multiple

	<i>At Band 1, qualifications</i>	<i>At Band 2, qualifications</i>	<i>At Band 3, qualifications</i>	<i>At Band 4, qualifications</i>	<i>At Band 5, qualifications</i>	<i>At Band 6, qualifications</i>	<i>At Band 7, qualifications</i>	<i>At Band 8, qualifications</i>
		associated with these	<p>problems, and</p> <ul style="list-style-type: none"> laying the foundations for managing some non-routine problems 	<p>routine, activities</p> <ul style="list-style-type: none"> anticipating, recognising and addressing predictable, routine problems and an expanding range of non-routine problems 	<ul style="list-style-type: none"> focus on introductory theoretical underpinnings and factual/ procedural information associated with a recognised discipline of knowledge begin to utilise written, visual and oral sources involving concepts, specialised vocabulary and some embedded information and discipline-specific terminology and symbolism <p>for the purpose of:</p> <ul style="list-style-type: none"> understanding and exploring ideas, known solutions to discipline-specific problems laying the foundations for exploring issues that may not have obvious solutions 	<p>with a recognised discipline</p> <ul style="list-style-type: none"> utilise written sources with complex syntactic structures, technical specificity, specialised language and symbolism <p>for the purpose of:</p> <ul style="list-style-type: none"> understanding and exploring ideas and known solutions to discipline-specific problems developing responses to issues that may not have obvious or immediate solutions 	<p>for the purpose of:</p> <ul style="list-style-type: none"> undertaking complex activities involving multiple aspects solving complicated problems exploring complex issues with a view to finding an effective way forward 	<p>interpretations and possible solutions</p>

	<i>At Band 1, qualifications</i>	<i>At Band 2, qualifications</i>	<i>At Band 3, qualifications</i>	<i>At Band 4, qualifications</i>	<i>At Band 5, qualifications</i>	<i>At Band 6, qualifications</i>	<i>At Band 7, qualifications</i>	<i>At Band 8, qualifications</i>
Inquiry	<p>support learners to</p> <ul style="list-style-type: none"> identify relevant information in the simple oral, visual and written sources provided 	<p>support learners to:</p> <ul style="list-style-type: none"> pose simple questions to be answered through inquiry recognise the purpose and features of some field-specific written, oral and visual sources apply a small set of strategies to locate information and begin to evaluate its relevance to their needs 	<p>support learners to:</p> <ul style="list-style-type: none"> recognise the value of using a range of sources and form a point of view pose some search questions identify and evaluate relevance of information from sources with some conceptual and technical language consider what makes a source credible 	<p>assist learners to:</p> <ul style="list-style-type: none"> pose search questions identify and evaluate the relevance of information and ideas consider source credibility 	<p>assist learners to:</p> <ul style="list-style-type: none"> pose and begin to refine search questions identify and evaluate potential information sources considered routine in the domain identify and evaluate relevance and credibility of information and ideas 	<p>mentor learners to:</p> <ul style="list-style-type: none"> pose and refine search questions as part of an iterative research process conduct searches across multiple source materials critically evaluate the relevance, credibility and validity of information from a wide variety of sources 	<p>mentor learners to:</p> <ul style="list-style-type: none"> design, evaluate, implement, analyse, theorise and disseminate research that makes a contribution to public knowledge conduct searches across multiple source materials critically evaluate the relevance, validity and credibility of information and ideas from a wide variety of sources 	<p>mentor learners to:</p> <ul style="list-style-type: none"> design, evaluate, implement, analyse, theorise and disseminate research that makes a significant original contribution to public knowledge conduct searches across an extensive range of multiple source materials, including from other disciplines
Information management	<p>help learners match information to the appropriate application with limited alteration</p>	<p>help learners to summarise, sort, compare, sequence</p>	<p>help learners to: compare, sequence, interpret with simple extrapolation and inferencing</p>	<p>help learners to: sequence, interpret, integrate, extrapolate, infer, generalise</p>	<p>help learners:</p> <ul style="list-style-type: none"> synthesise, extrapolate, infer, generalise begin to collect and undertake basic analysis of own data 	<p>help learners:</p> <ul style="list-style-type: none"> design and undertake a highly structured piece of research analyse, synthesise, theorise, select and apply conceptual models to aid understanding 	<p>expect learners to:</p> <ul style="list-style-type: none"> collect and analyse own data and that of others analyse, synthesise, predict, theorise/develop new schema, hypothesise, model 	<p>expect learners to:</p> <ul style="list-style-type: none"> collect and analyse own data and that of others develop new schema, hypothesise, model, challenge and reframe, create new public knowledge

Appendix 4. Revised AQF - Draft Skills descriptors

Note: Draft descriptors are to indicate feasibility only and would be subject to further refinement, testing consultation and agreement. The descriptors in Appendix 4 are examples of potential long version descriptors to be used by course designers. Summary versions of the descriptors would be developed for inclusion in qualification types. These would provide more appropriate guidance for students, employers and others.

Identify and solve problems and make decisions

Characteristics	<i>At Band 1, qualifications focus on</i>	<i>At band 2, qualifications focus on</i>	<i>At Band 3, qualifications focus on</i>	<i>At Band 4, qualifications focus on</i>	<i>At Band 5, qualifications focus on</i>	<i>At Band 6, qualifications focus on</i>
Types, range, scope	<ul style="list-style-type: none"> recognising and responding to a small set of highly obvious, predictable problems with clearly identifiable causes and pre-determined solutions 	<p>recognising and responding to a small set of predictable problems with clearly identifiable causes and known solutions</p>	<ul style="list-style-type: none"> recognising and responding to a set of routine problems with largely known solutions in order to restore agreed requirements /maintain the status quo learning to recognise early warning signs 	<ul style="list-style-type: none"> diagnosing and responding to a broad range of commonly occurring issues some requiring adaptation of standard responses to maintain the status quo increasing focus on recognising early warning signs and averting problems learning to tackle problems with no immediately obvious cause or pre-determined solution 	<ul style="list-style-type: none"> learning to recognise and address a range of complicated, ill-structured problems where root causes are not obvious and where there may be several possible courses of action 	<ul style="list-style-type: none"> developing responses to highly complex ill-structured problems with no clear root cause, multiple interpretations and no one right answer
Problem solving and decision making processes	<ul style="list-style-type: none"> learning how to recognise that there is a problem, selecting and applying a response pre-determined by others following simple step-by-step processes for identifying and addressing 	<ul style="list-style-type: none"> using simple step-by-step processes to identify the problem and select an appropriate response, taking some situational factors into account 	<ul style="list-style-type: none"> selecting one response from several possibilities, taking situational factors into account applying step-by-step problem solving processes 	<ul style="list-style-type: none"> applying standard procedures for a broad range of routine problems, with scope for minor modifications developing diagnosis/troubleshooting skills involving a logical systematic search for the source of a problem 	<ul style="list-style-type: none"> applying formal processes to articulate underlying beliefs and assumptions, and reframe perceptions of the situation separating symptoms from underlying causes, posing questions to better understand causality and redefine the problem 	<ul style="list-style-type: none"> enhancing ability to reframe perceptions of a situation in order to identify key issues, underlying causes and possible ways forward questioning, reframing, reinvention refining ability to articulate goals and identify key factors to be taken into account in decision making process (including own values and

	problems within a limited scope				<ul style="list-style-type: none"> using systematic processes to set goals, gather and analyse information and identify and evaluate possible options against agreed criteria 	principles and stakeholder needs, power, values etc.)
Reflection on processes/solutions	<ul style="list-style-type: none"> learning to recognise when a solution did not work as intended and to consider ways to rectify this 	<ul style="list-style-type: none"> recognising where and why a solution worked or did not work as intended, and whether/how to change subsequent response 	<ul style="list-style-type: none"> recognising where and why a solution worked or did not work as intended, and whether/ how to change responses next time some discussion of grey areas 	<ul style="list-style-type: none"> reviewing responses to non-standard issues distinguishing between symptoms and root causes 	<ul style="list-style-type: none"> encouraging development of skills for deep reflection that may lead to refinement and/or re-conceptualisation of thinking 	<ul style="list-style-type: none"> engaging in deep reflection that may lead to refinement, re-conceptualisation and innovation

Psychomotor skills

The qualification provides learners with the opportunity to:	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
<p>Use an analysis of sensory feedback to make decisions about the appropriate physical response/body movement or skills*</p> <p>(Scale: reproductive to productive)</p> <p>(Definition: Applying standard known procedures through to those requiring strategy, planning and innovation skills)</p>	Reproduce appropriate movement responses based on observation or direct instruction	Perform relevant movements based on memory	Demonstrate complex coordinated movements based on practice	Skilfully perform, and modify where required, combinations and sequences of complex movement	Adapt and adjust, combinations and sequences of complex movement	Design and create new movement patterns or alternative creative strategies

Complete tasks (Scale: closed to open tasks) (Definition: Closed tasks require a response to a stable environment and open tasks require continuous adjustment to account for unpredictable changing environments)	To complete set closed tasks	To complete well-defined closed tasks	To complete closed and some increasingly open tasks	To manage a range of closed and open tasks	To manage a range of closed and open tasks	To manage a range of closed and open tasks (or special situations)
At an expected level of performance of consistency, ease and assurance (Scale: inconsistent to consistent)	Inconsistent level of performance and assurance	Reasonably consistent level of performance and assurance	Consistent level of performance and assurance	Automatic and consistent performance with ease and assurance	Automatic and consistent performance with ease and assurance	Automatic and consistent performance with ease and assurance

Learner self-management skills

	<i>At Band 1, qualifications support learners to...</i>	<i>At Band 2, qualifications support learners to...</i>	<i>At Band 3, qualifications support learners to...</i>	<i>At Band 4, qualifications assist learners to...</i>	<i>At Band 5, qualifications expect learners to...</i>	<i>At Band 6, qualifications expect learners to...</i>
General responsibility /support	<ul style="list-style-type: none"> build confidence to engage in learning activities where scaffolding reduces the need for risk taking 	<ul style="list-style-type: none"> take responsibility for some aspects of the learning process within a scaffolded environment 	<ul style="list-style-type: none"> take responsibility for learning in routine contexts and develop strategies to tackle some new learning challenges reflect on actions and outcomes, recognising and addressing issues identified independently access a range of support resources 	<ul style="list-style-type: none"> Self directs learning in a range of familiar and less familiar contexts 	<ul style="list-style-type: none"> self direct and self regulate learning 	<ul style="list-style-type: none"> self direct and self regulate learning in contexts presenting high levels of challenge

	<i>At Band 1, qualifications support learners to...</i>	<i>At Band 2, qualifications support learners to...</i>	<i>At Band 3, qualifications support learners to...</i>	<i>At Band 4, qualifications assist learners to...</i>	<i>At Band 5, qualifications expect learners to...</i>	<i>At Band 6, qualifications expect learners to...</i>
			<ul style="list-style-type: none"> anticipate potential barriers to learning and ways to address these 			
Plan and organise	<ul style="list-style-type: none"> set a learning objective and think about how to begin a new activity 	<ul style="list-style-type: none"> set some learning objectives and develop simple plans to achieve these identify some potential barriers to learning and develop a small repertoire of strategies to address these draws on prior knowledge to 	<ul style="list-style-type: none"> set learning goals and plans with achievable steps and timeframes prioritised steps and timelines and awareness of need to make allowances for unforeseen events 	<ul style="list-style-type: none"> set learning goals and sequenced plans with steps and timeframes prioritised steps and timelines Pose explicit questions to help focus planning assesses nature and scope of new tasks in unfamiliar contexts, identified established procedures where applicable and develops formal plans with sequenced, prioritised steps and timeframes 	<ul style="list-style-type: none"> Take responsibility for setting learning goals that may lead into unfamiliar contexts Develop formal plans, allowing for different and possibly competing requirements and expectations 	<ul style="list-style-type: none"> Develop short/medium and long term strategies to achieve specialised learning goals develop plans involving management of multiple variables, taking risks into account
Learning strategies		<ul style="list-style-type: none"> develop and apply a small set of learning strategies, including those that facilitate self-reflection 			<ul style="list-style-type: none"> experiment with various approaches to learning and reflect on effectiveness in different situations 	<ul style="list-style-type: none"> draw on a broad range of strategies to facilitate learning

	<i>At Band 1, qualifications support learners to...</i>	<i>At Band 2, qualifications support learners to...</i>	<i>At Band 3, qualifications support learners to...</i>	<i>At Band 4, qualifications assist learners to...</i>	<i>At Band 5, qualifications expect learners to...</i>	<i>At Band 6, qualifications expect learners to...</i>
Reflection					<ul style="list-style-type: none"> • develop and use some formal processes to facilitate reflective practice • seek and reflect on advice and feedback from a range of established sources 	access and evaluate feedback and advice from a broad range of sources

Appendix 5. Revised AQF - Draft Application descriptors

Note: Draft descriptors are to indicate feasibility only and would be subject to further refinement, testing, consultation and agreement. The descriptors in Appendix 5 are examples of potential long version descriptors to be used by course designers. Summary versions of the descriptors would be developed for inclusion in qualification types. These would provide more appropriate guidance for students, employers and others.

<i>Focus Areas</i>	<i>At Band 1, learners</i>	<i>At Band 2, learners</i>	<i>At Band 3, learners</i>	<i>At Band 4, learners</i>	<i>At Band 5, learners</i>	<i>At Band 6, learners</i>	<i>At Band 7, learners</i>	<i>At Band 8, learners</i>
Scope and purpose	<ul style="list-style-type: none"> • adapt and apply knowledge and skills within a small set of well-defined activities • recognise and begin to address some common problems associated with these 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills within well-defined, routine activities • recognise and address simple, predictable problems associated with these 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills within a specified range of routine activities • identify and address predictable problems, and laying the foundations for managing some non-routine problems 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills within a broad range of routine, and some less routine, activities • anticipate, recognise and address predictable, routine problems and an expanding range of non-routine problems 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills within multiple routine and non-routine activities • anticipate, recognise and address an expanding range of predictable and less predictable problems • begin to recognise issues that may not have obvious solutions 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills to a broad range of integrated and sometimes complex activities • anticipate, recognise and address a wide range of predictable and some less predictable problems • begin to develop responses to issues that may not have obvious or immediate solutions 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills to complex activities involving multiple aspects • solve complicated problems and explore complex issues with a view to finding an effective way forward 	<ul style="list-style-type: none"> • adapt and apply knowledge and skills to address complex issues with multiple interpretations and possible solutions • draw on specialised knowledge and practical experience in order to generate new knowledge

	Focus Area 2 Learning contexts		Focus Area 3 Assessment conditions
A1.1	<ul style="list-style-type: none"> within activities and problems with a small number of controlled variables 	A2.1	<ul style="list-style-type: none"> in situations that are very similar to those experienced during the learning process
A1.2	<ul style="list-style-type: none"> to activities and problems with a number of controlled variables, intended to reflect aspects of real-world contexts relevant to the course of study 	A2.2	<ul style="list-style-type: none"> in controlled situations where a small range of variables differ to those considered during the learning process
A1.3	<ul style="list-style-type: none"> to 'authentic' activities and issues involving multiple variables and reflecting real-world situations and associated problems 	A2.3	<ul style="list-style-type: none"> in controlled situations where a number of variables are unpredictable and differ from those encountered during the learning process
A1.4	<ul style="list-style-type: none"> through project-based activities involving ill-defined, real-world issues with multiple interpretations explored in context 	A2.4	<ul style="list-style-type: none"> through small scale community/work based or field/discipline specific projects
A1.5	<ul style="list-style-type: none"> to activities and problems that arise as part of structured work placements undertaken for short periods of time 	A2.5	<ul style="list-style-type: none"> through large scale, complex community/work based or field/discipline specific projects
A1.6	<ul style="list-style-type: none"> to activities and problems that occur as an integral part of a structured on and off the job learning process over an extended period of time 	A2.6	<ul style="list-style-type: none"> in on the job contexts where some variables are unpredictable and differ from those encountered during the learning process
		A2.7	<ul style="list-style-type: none"> in multiple on and off the job contexts where a number of variables are unpredictable and differ from those encountered during the learning process

Appendix 6. Describing qualification types with revised descriptors

Note: These qualification types are examples only and are not intended to suggest that the selected descriptors are the appropriate descriptors for the qualification type.

Bachelor Degree

Purpose	The Bachelor Degree qualifies individuals who apply a broad and coherent body of knowledge in a range of contexts and as a pathway for further tertiary education.
Knowledge Focus Areas:	The Bachelor Degree will:
1) <i>Purpose, Scope and Complexity</i>	<ul style="list-style-type: none"> focus on specialised procedural and process-related information, principles and concepts utilise technically specific written, visual and oral sources involving some complex concepts, embedded information and specialised vocabulary <p>for the purpose of</p> <ul style="list-style-type: none"> undertaking a broad range of integrated activities with sometimes complex relationships, and anticipating, recognising and addressing a wide range of predictable and less predictable problems
2) <i>Inquiry</i>	<p>assist learners to:</p> <ul style="list-style-type: none"> pose and refine search questions as part of an iterative research process conduct searches across multiple source materials critically evaluate the relevance, validity and credibility of information and ideas from a variety of sources
3) <i>Information Management</i>	<p>help learners develop skills to:</p> <ul style="list-style-type: none"> design and undertake a highly structured piece of research/ project analyse, synthesise, theorise, select and apply conceptual models to aid understanding
Skills Focus Areas:	The Bachelor Degree provides learners with the opportunity to:
1) <i>Learner self-management skills</i>	<ul style="list-style-type: none"> to take responsibility for determining and achieving learning outcomes, initiating and using support from a range of established sources

2) <i>Psychomotor Skills</i>	<ul style="list-style-type: none"> • Skilfully perform, and modify where required, combinations and sequences of complex movement • To manage a range of closed and open tasks • Automatic and consistent performance with ease and assurance
3) <i>Problem solving and decision making skills</i>	<ul style="list-style-type: none"> • diagnosing and responding to a broad range of commonly occurring issues some requiring adaptation of standard responses to maintain the status quo • increasing focus on recognising early warning signs and averting problems • learning to tackle problems with no immediately obvious cause or pre-determined solution • applying standard procedures for a broad range of routine problems, with scope for minor modifications • developing diagnosis/ troubleshooting skills involving a logical systematic search for the source of a problem
	<ul style="list-style-type: none"> • reviewing responses to non-standard issues • distinguishing between symptoms and root causes
4) <i>Skills to communicate in the learning context</i>	To be developed
5) <i>Skills to cooperate & collaborate in the learning context</i>	To be developed
Application Focus Areas:	
<i>Learning Contexts</i>	Individual qualifications provide opportunities for application of field-related information, ideas and skills to activities and problems with a number of controlled variables, intended to reflect aspects of real-world contexts relevant to the course of study
<i>Assessment Conditions</i>	Individual qualifications provide opportunities for application of field-related information, ideas and skills in controlled situations where a small range of variables differ to those considered during the learning process

Vocational Certificate

Purpose	The Vocational Certificate qualifies individuals with a broad range of knowledge in varied contexts to undertake skilled work as a trade or in other forms of employment. The Vocational Certificate is also a pathway for further tertiary education.
Knowledge Focus Areas:	The Vocational Certificate will:
1) <i>Purpose, Scope and Complexity</i>	<ul style="list-style-type: none"> • focus on procedures and processes supported by a small range of principles and concepts • utilise a range of written, visual and oral sources with some specialised vocabulary <p>for the purpose of</p> <ul style="list-style-type: none"> • undertaking a specified range of routine activities • identifying and addressing predictable problems, and • laying the foundations for managing some non-routine problems
2) <i>Inquiry</i>	<p>support learners to:</p> <ul style="list-style-type: none"> • recognise the value of using a range of sources • pose some search questions • identify and evaluate relevance of information from sources with some conceptual and technical language • consider what makes a source credible
3) <i>Information Management</i>	help learners compare, sequence, interpret with simple extrapolation and inferencing
Skills Focus Areas:	The Vocational Certificate provides learners with the opportunity to:
1) <i>Learner self-management skills</i>	<ul style="list-style-type: none"> • Work independently and access familiar support resources, taking responsibility for carrying out defined activities individually and as a group member
2) <i>Psychomotor Skills</i>	<ul style="list-style-type: none"> • Skilfully perform, and modify where required, combinations and sequences of complex movement • To manage a range of closed and open tasks • Automatic and consistent performance with ease and assurance

<p>3) <i>Problem solving and decision making skills</i></p>	<ul style="list-style-type: none"> • recognising and responding to a set of routine problems with largely known solutions in order to restore agreed requirements /maintain the status quo • learning to recognise early warning signs • selecting one response from several possibilities, taking situational factors into account • applying step-by-step problem solving processes • recognising where and why a solution worked or did not work as intended, and whether/ how to change responses next time • some discussion of grey areas
<p>4) <i>Skills to communicate in the learning context</i></p>	<p>To be developed</p>
<p>5) <i>Skills to cooperate & collaborate in the learning context</i></p>	<p>To be developed</p>
<p>Application Focus Areas:</p>	
<p><i>Learning Contexts</i></p>	<p>Individual qualifications provide opportunities for application of field-related information, ideas and skills and off the job learning process over an extended period of time</p>
<p><i>Assessment Conditions</i></p>	<p>Individual qualifications provide opportunities for application of field-related information, ideas and skills in on the job contexts where some variables are unpredictable and differ from those encountered during the learning process</p>

Diploma

Purpose	The Diploma qualifies individuals who apply integrated technical and theoretical knowledge in a broad range of contexts to undertake advanced skilled or paraprofessional work and as a pathway for further learning.
Knowledge Focus Areas:	The Diploma will:
1) <i>Purpose, Scope and Complexity</i>	<ul style="list-style-type: none"> • focus on procedural, process related information, principles and concepts • Begin to utilise written, visual and oral sources containing concepts, some technical specificity, embedded information and specialised vocabulary <p>For the purpose of:</p> <ul style="list-style-type: none"> • undertaking a broad range of routine, and some less routine, activities • anticipating, recognising and addressing predictable, routine problems and an expanding range of non-routine problems
2) <i>Inquiry</i>	<ul style="list-style-type: none"> • assist learners to: • pose search questions • identify and evaluate the relevance of information and ideas • consider source credibility
3) <i>Information Management</i>	<ul style="list-style-type: none"> • help learners develop skills to sequence, interpret, integrate, extrapolate, infer, generalise • help learners develop skills to sequence, interpret, integrate, extrapolate, infer, generalise • help learners develop skills to sequence, interpret, integrate, extrapolate, infer, generalise
Skills Focus Areas:	The Diploma provides learners with the opportunity to:
1) <i>Learner self-management skills</i>	<ul style="list-style-type: none"> • take responsibility for learning in routine contexts • and develop strategies to tackle some new learning challenges • reflect on actions and outcomes, recognising and addressing issues identified • independently access a range of support resources • anticipate potential barriers to learning and ways to address these

2) <i>Psychomotor Skills</i>	<ul style="list-style-type: none"> • set learning goals and plans with achievable steps and timeframes prioritised steps and timelines and awareness of need to make allowances for unforeseen events • To complete closed and some increasingly open tasks • Consistent level of performance and assurance
3) <i>Problem solving and decision making skills</i>	<ul style="list-style-type: none"> • recognising and responding to a set of routine problems with largely known solutions in order to restore agreed requirements /maintain the status quo • learning to recognise early warning signs • selecting one response from several possibilities, taking situational factors into account • applying step-by-step problem solving processes • recognising and responding to a set of routine problems with largely known solutions in order to restore agreed requirements /maintain the status quo • learning to recognise early warning signs • selecting one response from several possibilities, taking situational factors into account • applying step-by-step problem solving processes • recognising where and why a solution worked or did not work as intended, and whether/ how to change responses next time • some discussion of grey areas
4) <i>Skills to communicate in the learning context</i>	To be developed
5) <i>Skills to cooperate & collaborate in the learning context</i>	To be developed
Application Focus Areas:	
<i>Learning Contexts</i>	Individual qualifications provide opportunities for application of field-related information, ideas and skills and off the job learning process over an extended period of time
<i>Assessment Conditions</i>	Individual qualifications provide opportunities for application of field-related information, ideas and skills in on the job contexts where some variables are unpredictable and differ from those encountered during the learning process

Appendix 7. AQF Qualifications Pathways Policy in VET and higher education standards

Higher Education Standards Framework (Threshold Standards) 2015

AQF Qualifications Pathways Policy	Higher Education Standards Framework (Threshold Standards) 2015
<p>2. Policy</p> <p>2.1 Responsibilities of issuing organisations</p>	
<p>2.1.1 All issuing organisations will have clear, accessible and transparent policies and processes to provide qualifications pathways and credit arrangements for students.</p> <p>Requirement covered.</p>	<p>7 Representation, Information and Information Management</p> <p>7.2 Information for Prospective and Current Students</p> <p>2. Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>a. information to assist in decisions about courses or units of study, including the course design, prerequisites, assumed knowledge, when and where courses/units are offered, application dates, arrangements for recognition of prior learning, standing credit transfer arrangements, pathways to employment and eligibility for registration to practise where applicable</p> <p>d. information to give access to current academic governance policies and requirements including admission, recognition of prior learning, transition, progression, assessment, grading, completion, qualifications, appeals, academic integrity, equity and diversity, intellectual property and withdrawal from or cancellation of enrolment</p>
<p>2.1.2 These policies and processes will:</p> <ul style="list-style-type: none"> • ensure that pathways into and between qualifications are available to all students for all relevant qualifications • be made publicly available, widely promoted and easily accessible to all prospective and existing students to enable them to: - make well-informed choices between alternative pathways 	<p>1 Student Participation and Attainment</p> <p>1.1 Admissions</p> <p>1. Admissions policies, requirements and procedures are documented, are applied fairly and consistently, and are designed to ensure that admitted students have the academic preparation and proficiency in English needed to participate in their intended study, and no known limitations that would be expected to impede their progression and completion.</p>

<ul style="list-style-type: none"> - take into account the credit that may be available to them, and • be regularly reviewed to maximise applicability to new and updated qualifications and to student and industry needs. <p>Requirement partially covered. No requirement for policies and processes to widely promoted or easily accessible.</p>	<p>2. The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including:</p> <ul style="list-style-type: none"> a. all charges associated with their proposed studies as known at the time and advice on the potential for changes in charges during their studies b. policies, arrangements and potential eligibility for credit for prior learning, and c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges. <p>1.3 Orientation and Progression</p> <p>6. Students have equivalent opportunities for successful transition into and progression through their course of study, irrespective of their educational background, entry pathway, mode or place of study.</p> <p>2 Learning Environment</p> <p>2.2 Diversity and Equity</p> <p>3. Participation, progress, and completion by identified student subgroups are monitored and the findings are used to inform admission policies and improvement of teaching, learning and support strategies for those subgroups.</p>
<p>2.1.3 Issuing organisations' decisions regarding the giving of credit into or towards AQF qualifications will:</p> <ul style="list-style-type: none"> • be evidence-based, equitable and transparent • be applied consistently and fairly with decisions subject to appeal and review • recognise learning regardless of how, when and where it was acquired, provided that the learning is relevant and current and has a relationship to the learning outcomes of the qualification 	<p>2 Learning Environment</p> <p>2.4 Student Grievances and Complaints</p> <p>1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.</p> <p>2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.</p>

<ul style="list-style-type: none"> • be academically defensible and take into account the students' ability to meet the learning outcomes of the qualification successfully • be decided in a timely way so that students' access to qualifications is not unnecessarily inhibited • allow for credit outcomes to be used to meet prerequisites or other specified requirements for entry into a program of study leading to a qualification or for the partial fulfilment of the requirements of a qualification, and • be formally documented for the student including any reasons for not giving credit. <p>Requirement covered for formal documentation and access to appeal and review. No specific requirement for evidence-based, equitable and transparent decisions, or for recognition of learning regardless of how, when and where it was acquired.</p>	<ol style="list-style-type: none"> 3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance. 4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit. 5. If a formal complaint or appeal is upheld, any action required is initiated promptly.
<p>2.1.4 Giving credit into or towards an AQF qualification should not impinge upon:</p> <ul style="list-style-type: none"> • the integrity of qualification outcomes and discipline requirements, or • the responsibility of issuing organisations to make decisions on admission, prerequisites or programs of study, and the students' likely successful completion of the qualification. <p>Requirement covered.</p>	<p>1 Student Participation and Attainment</p> <p>1.2 Credit and Recognition of Prior Learning</p> <ol style="list-style-type: none"> 2. Credit through recognition of prior learning is granted only if: <ol style="list-style-type: none"> a. students granted such credit are not disadvantaged in achieving the expected learning outcomes for the course of study or qualification, and b. the integrity of the course of study and the qualification are maintained.
<p>2.1.5 Credit will be given on the basis of formal individual negotiations between students and issuing organisations or formal negotiated agreements between issuing organisations.</p> <p>Requirement not specifically covered.</p>	

<p>2.1.6 Recognition of prior learning or advanced standing for relevant and current informal or non-formal learning will be available for students and may be used for entry requirements or credit towards an AQF qualification.</p> <p>Requirement covered.</p>	<p>1 Student Participation and Attainment</p> <p>1.2 Credit and Recognition of Prior Learning</p> <p>1. Assessment of prior learning is undertaken for the purpose of granting credit for units of study within a course of study or toward the completion of a qualification, such assessment is conducted according to institutional policies, the result is recorded and students receive timely written advice of the outcome.</p>
<p>2.1.7 Credit can be given to students in the form of block, specified or unspecified credit.</p> <p>Requirement not specifically covered.</p>	
<p>2.1.8 Issuing organisations will systematically negotiate credit agreements with other issuing organisations for any AQF qualifications to maximise the credit available to eligible students for both entry into and credit towards AQF qualifications.</p> <p>Requirement only partially addressed in relation to internal credit arrangements.</p>	<p>7 Representation, Information and Information Management</p> <p>7.1 Representation</p> <p>3. Where units of study are offered separately from a course of study and are represented as eligible for gaining credit towards a course of study or a qualification:</p> <p>a. the course(s) of study and qualification(s) for which credit may be gained are specified, and</p> <p>b. the terms on which credit may be granted are defined.</p>
<p>2.1.9 Credit agreements negotiated between issuing organisations for credit for students towards AQF qualifications at any level, vertical or horizontal, will take into account the comparability and equivalence of the:</p> <ul style="list-style-type: none"> • learning outcomes • volume of learning • program of study, including content, and • learning and assessment approaches. 	

<p>Requirement not specifically covered.</p>	
<p>2.1.10 Credit agreements negotiated between issuing organisations for credit for students towards higher level AQF qualifications in the same or a related discipline, having taken into account 2.1.9, should use the following as the basis of negotiations:</p> <ul style="list-style-type: none"> • 50% credit for an Advanced Diploma or Associate Degree linked to a 3 year Bachelor Degree • 37.5% credit for an Advanced Diploma or Associate Degree linked to a 4 year Bachelor Degree • 33% credit for a Diploma linked to a 3 year Bachelor Degree • 25% credit for a Diploma linked to a 4 year Bachelor Degree. <p>Requirement not specifically covered.</p>	
<p>2.1.11 These agreements do not preclude any further institutional or individual student negotiations for additional credit.</p> <p>Requirement not specifically covered.</p>	

Standards for Registered Training Organisations (RTOs) 2015

AQF Qualifications Pathways Policy	Standards for Registered Training Organisations (RTOs) 2015
<p>2. Policy</p> <p>2.1 Responsibilities of issuing organisations</p>	
<p>2.1.1 All issuing organisations will have clear, accessible and transparent policies and processes to provide qualifications pathways and credit arrangements for students.</p> <p>Requirement covered only in relation to the RTO assessment system.</p>	<p>Standard 1</p> <p>Assessment</p> <p>1.8 The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):</p> <p>a) complies with the assessment requirements of the relevant training package or VET accredited course; and</p> <p>b) is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.</p>
<p>2.1.2 These policies and processes will:</p> <ul style="list-style-type: none"> • ensure that pathways into and between qualifications are available to all students for all relevant qualifications • be made publicly available, widely promoted and easily accessible to all prospective and existing students to enable them to: <ul style="list-style-type: none"> - make well-informed choices between alternative pathways - take into account the credit that may be available to them, and • be regularly reviewed to maximise applicability to new and updated qualifications and to student and industry needs. <p>Requirement partially covered. No requirement for policies and processes to widely promoted, easily accessible or regularly reviewed.</p>	<p>Standard 5</p> <p>5.1 Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides advice to the prospective learner about the training product appropriate to meeting the learner's needs, taking into account the individual's existing skills and competencies.</p>

<p>2.1.3 Issuing organisations' decisions regarding the giving of credit into or towards AQF qualifications will:</p> <ul style="list-style-type: none"> • be evidence-based, equitable and transparent • be applied consistently and fairly with decisions subject to appeal and review • recognise learning regardless of how, when and where it was acquired, provided that the learning is relevant and current and has a relationship to the learning outcomes of the qualification • be academically defensible and take into account the students' ability to meet the learning outcomes of the qualification successfully • be decided in a timely way so that students' access to qualifications is not unnecessarily inhibited • allow for credit outcomes to be used to meet prerequisites or other specified requirements for entry into a program of study leading to a qualification or for the partial fulfilment of the requirements of a qualification, and • be formally documented for the student including any reasons for not giving credit. <p>Requirement covered in relation to recognition of credit for formal VET learning and in relation to access to appeal and review. RPL status as an assessment process within VET regulation implies coverage of requirements in relation to evidence-based, equitable, transparent and consistent decisions. The requirement for timely decision making is not covered.</p>	<p>Standard 3</p> <p>3.5 The RTO accepts and provides credit to learners for units of competency and/or modules (unless licensing or regulatory requirements prevent this) where these are evidenced by:</p> <ol style="list-style-type: none"> a) AQF certification documentation issued by any other RTO or AQF authorised issuing organisation; or b) authenticated VET transcripts issued by the Registrar. <p>Standard 6</p> <p>6.2 The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.</p>
<p>2.1.4 Giving credit into or towards an AQF qualification should not impinge upon:</p> <ul style="list-style-type: none"> • the integrity of qualification outcomes and discipline requirements, or • the responsibility of issuing organisations to make decisions on admission, prerequisites or programs of study, and the students' likely successful completion of the qualification. <p>Requirement not specifically covered.</p>	

<p>2.1.5 Credit will be given on the basis of formal individual negotiations between students and issuing organisations or formal negotiated agreements between issuing organisations.</p> <p>Requirement not specifically covered.</p>	
<p>2.1.6 Recognition of prior learning or advanced standing for relevant and current informal or non-formal learning will be available for students and may be used for entry requirements or credit towards an AQF qualification.</p> <p>Requirement covered – the Policy requires only ‘credit towards and AQF qualification’ not recognition of achievement of a full qualification.</p>	<p>Standard 1 Assessment</p> <p>1.12 The RTO offers recognition of prior learning to individual learners.</p> <p>Standard 3 Context</p> <p>RTOs are not obliged to issue any certification that would be entirely comprised of units or modules completed at another RTO or RTOs.</p>
<p>2.1.7 Credit can be given to students in the form of block, specified or unspecified credit.</p> <p>Requirement not specifically covered.</p>	
<p>2.1.8 Issuing organisations will systematically negotiate credit agreements with other issuing organisations for any AQF qualifications to maximise the credit available to eligible students for both entry into and credit towards AQF qualifications.</p> <p>Requirement not specifically covered.</p>	
<p>2.1.9 Credit agreements negotiated between issuing organisations for credit for students towards AQF qualifications at any level, vertical or horizontal, will take into account the comparability and equivalence of the:</p> <ul style="list-style-type: none"> • learning outcomes 	

<ul style="list-style-type: none"> • volume of learning • program of study, including content, and • learning and assessment approaches. <p>Requirement not specifically covered.</p>	
<p>2.1.10 Credit agreements negotiated between issuing organisations for credit for students towards higher level AQF qualifications in the same or a related discipline, having taken into account 2.1.9, should use the following as the basis of negotiations:</p> <ul style="list-style-type: none"> • 50% credit for an Advanced Diploma or Associate Degree linked to a 3 year Bachelor Degree • 37.5% credit for an Advanced Diploma or Associate Degree linked to a 4 year Bachelor Degree • 33% credit for a Diploma linked to a 3 year Bachelor Degree • 25% credit for a Diploma linked to a 4 year Bachelor Degree. <p>Requirement not specifically covered.</p>	
<p>2.1.11 These agreements do not preclude any further institutional or individual student negotiations for additional credit.</p> <p>Requirement not specifically covered.</p>	

Standards for Training Packages

AQF Qualifications Pathways Policy	Standards for Training Packages
<p>2. Policy</p> <p>2.1 Responsibilities of issuing organisations</p>	
<p>2.1.1 All issuing organisations will have clear, accessible and transparent policies and processes to provide qualifications pathways and credit arrangements for students.</p>	<p>Companion Volume Implementation Guide Template <i>Implementation Information (Mandatory field)</i></p> <p>Includes:</p> <p>Explanation of any mandatory entry requirements for the qualifications.</p> <p>Pathways advice, particularly in line with requirements of the AQF Pathways Policy.</p>
<p>2.1.2 These policies and processes will:</p> <ul style="list-style-type: none"> • ensure that pathways into and between qualifications are available to all students for all relevant qualifications • be made publicly available, widely promoted and easily accessible to all prospective and existing students to enable them to: <ul style="list-style-type: none"> - make well-informed choices between alternative pathways - take into account the credit that may be available to them, and • be regularly reviewed to maximise applicability to new and updated qualifications and to student and industry needs. 	
<p>2.1.3 Issuing organisations' decisions regarding the giving of credit into or towards AQF qualifications will:</p> <ul style="list-style-type: none"> • be evidence-based, equitable and transparent • be applied consistently and fairly with decisions subject to appeal and review 	<p>Unit of Competency Template <i>Prerequisite Unit (optional field)</i></p> <p>List any unit(s) in which the candidate must be deemed competent prior to the determination of competency in this unit.</p>

<ul style="list-style-type: none"> recognise learning regardless of how, when and where it was acquired, provided that the learning is relevant and current and has a relationship to the learning outcomes of the qualification be academically defensible and take into account the students' ability to meet the learning outcomes of the qualification successfully be decided in a timely way so that students' access to qualifications is not unnecessarily inhibited allow for credit outcomes to be used to meet prerequisites or other specified requirements for entry into a program of study leading to a qualification or for the partial fulfilment of the requirements of a qualification, and be formally documented for the student including any reasons for not giving credit. 	<p>Qualification Template</p> <p><i>Entry Requirements (Optional field)</i></p> <p>Specifies any mandatory entry requirements.</p>
<p>2.1.4 Giving credit into or towards an AQF qualification should not impinge upon:</p> <ul style="list-style-type: none"> the integrity of qualification outcomes and discipline requirements, or the responsibility of issuing organisations to make decisions on admission, prerequisites or programs of study, and the students' likely successful completion of the qualification. 	
<p>2.1.5 Credit will be given on the basis of formal individual negotiations between students and issuing organisations or formal negotiated agreements between issuing organisations.</p>	
<p>2.1.6 Recognition of prior learning or advanced standing for relevant and current informal or non-formal learning will be available for students and may be used for entry requirements or credit towards an AQF qualification.</p>	
<p>2.1.7 Credit can be given to students in the form of block, specified or unspecified credit.</p>	
<p>2.1.8 Issuing organisations will systematically negotiate credit agreements with other issuing organisations for any AQF qualifications to maximise the credit available to eligible students for both entry into and credit towards AQF qualifications.</p>	<p>Credit Arrangements Template</p> <p><i>Credit Arrangement Details (Mandatory field)</i></p>

	<p>Specifies existing credit arrangements between Training Package qualifications and Higher Education qualifications in accordance with the AQF.</p> <p>Where there are no direct credit arrangements in place the following statement is inserted here:</p> <p><i>At the time of endorsement of this Training Package no national credit arrangements exist.</i></p>
<p>2.1.9 Credit agreements negotiated between issuing organisations for credit for students towards AQF qualifications at any level, vertical or horizontal, will take into account the comparability and equivalence of the:</p> <ul style="list-style-type: none"> • learning outcomes • volume of learning • program of study, including content, and • learning and assessment approaches. 	
<p>2.1.10 Credit agreements negotiated between issuing organisations for credit for students towards higher level AQF qualifications in the same or a related discipline, having taken into account 2.1.9, should use the following as the basis of negotiations:</p> <ul style="list-style-type: none"> • 50% credit for an Advanced Diploma or Associate Degree linked to a 3 year Bachelor Degree • 37.5% credit for an Advanced Diploma or Associate Degree linked to a 4 year Bachelor Degree • 33% credit for a Diploma linked to a 3 year Bachelor Degree • 25% credit for a Diploma linked to a 4 year Bachelor Degree. 	
<p>2.1.11 These agreements do not preclude any further institutional or individual student negotiations for additional credit.</p>	

Appendix 8. International use of credit points

Credit points are a method used by education providers to express study load, and by doing so, show how much a particular unit will count towards the completion of a qualification. For example, a typical unit of study may be assigned a value of 3 credit points, and a full qualification may require 72 credit points; equivalent to four units of study over six semesters. In doing this, credit points can also indicate how long it will take a student to complete the qualification.

This has been extended to other uses, such as assigning value to comparable learning outcomes achieved through non-formal or informal learning; and facilitating learner mobility through shared credit point systems.

An increasingly common approach to credit points is to align them to the European Credit Transfer and Accumulation System (ECTS). The ECTS was instituted in the 1980s as a way for European higher education students to transfer credit from their study abroad experiences towards their degree at their home institution.²²⁶ Later on, it was used as the basis for expressing study load and achieved learning outcomes.

Through a standardised approach of using learning outcomes and student workload as the basis for allocating credits, the ECTS aims to improve transparency and readability for users, and comparability of different higher education providers.

Under the ECTS, the various country systems intersect with a shared definition of 1 year as comprising 60 ECTS credit points. The workload, in terms of the number of hours that comprise a full-time year, ranges from 1500-1800, and the value of hours per credit reflects this with a range from 25-30 hours per credit. Providers are responsible for allocating credit to constituent parts of a program of study 'on the basis of its learning outcomes and associated workload, taking into account that 60 credits correspond to a full-time equivalent academic year.'²²⁷

Implementation of the ECTS has been variable in the past, with students criticising many countries for simply converting credit values from their previous system, rather than allocating them based on learning outcomes and workload.²²⁸ However, a 2018 report found that this had improved and around 60 per cent of European countries are now using workload to assign ECTS values.²²⁹

Scotland is one of the countries in the European Higher Education Area that uses a national system of credit points, which can be converted to ECTS credits. Under the Scottish system, one credit point represents an average of ten hours of learning time. The credit point rating process is undertaken by Credit Rating Bodies (CRBs): Scotland's colleges, higher education institutions, the Scottish Qualifications Authority or other approved organisations. CRBs may also provide a credit rating for third parties. Credit points can be allocated to a qualification at any time, including during its design

²²⁶ A European credit system for VET (ECVET) was adopted by European Parliament in 2010. A 2015 monitoring report stated 'there is still a long way to go to the moment we can speak about a European credit system in VET'. CEDEFOP, [ECVET in Europe: Monitoring report 2015](#), p. 1

²²⁷ European Commission, [ECTS Users' Guide](#), p. 25

²²⁸ The European Students Union, [Bologna with Student Eyes 2015](#), p. 52

²²⁹ The European Students Union, [Bologna with Student Eyes 2018](#), p. 87

stage.²³⁰ Each program must be credit rated (which includes assigning the qualification a level in the framework) before it is loaded onto the Scottish Credit and Qualifications Framework (SCQF) database. Although there are regulated qualifications on the SCQF, it is a voluntary framework.²³¹

England has adopted a different approach to most countries by specifying that all regulated awarding organisations have a legal obligation to assign each qualification a number of hours for *Total Qualification Time and Guided Learning*, based on an estimate of what a learner is reasonably likely to undertake. An awarding organisation may then assign a credit value to a qualification, where the equivalence is fixed at one credit point to ten hours from the *Total Qualification Time*.

In New Zealand, all qualifications on the New Zealand Qualifications Framework have a credit value. Qualification developers estimate the typical time for a learner to achieve the learning outcomes and assign credit values based on the estimate.²³² One credit is equivalent to ten notional learning hours and a typical learner undertakes 120 credits per year.

Malaysia has introduced a standardised credit point system through its qualifications framework. Unlike many frameworks, which typically link ten hours to one credit point, the Malaysian Qualifications Framework (MQF) established 40 hours. Previously, systems had varied from institution to institution but the credit system of each university is gradually being brought into line with the MQF system.²³³

Introducing a credit point system would have benefits to Australia, but they differ depending on the type of system implemented.

One system could involve the same credit values being assigned to similar length units of study in higher education (for example, a typical unit of study that is one out of eight units taken in a full-time year) and could be based on EFTSL. Such a system would make each unit standardised across providers for student mobility purposes.

The alternative is to pursue an approach where the number of credits is based on the notional hours of learning for that qualification, and its component units, as determined by the provider. This is more transparent for student; but could have the downside of generating more credit points for qualifications that have the same learning outcomes delivered over longer periods. This may be worse for qualifications recognition system-wide, including for overseas qualifications recognition where some qualifications may be perceived to be better than others because they award more credit points.

Regardless of the type of system pursued, implementation of a national credit point system is likely to improve recognition of Australian qualifications overseas. This is because credit point systems de-emphasise direct time measurements for volume of learning, while allowing for conversion between different systems. They would also express the equivalence of all sectors within the Australian system through a shared format. Both would make different provider offerings more comparable; and facilitate learning portability for students.

The growing use of credit point systems suggests that providers and students find value in the single currency such systems provide. Credit points are being used in both VET (New Zealand) and higher

²³⁰ Scottish Credit and Qualifications Framework Partnership, [SCQF Handbook 2015](#), p. 21

²³¹ Scottish Credit and Qualifications Framework Partnership, [SCQF Handbook 2015](#), p. 7

²³² New Zealand Qualifications Authority, [The New Zealand Qualifications Framework](#), 2016, p. 8

²³³ Department of Education, [Country Education Profile: Malaysia](#), Higher Education: Courses and Qualifications

education (Europe) systems. For credit point systems assigning value based on learning outcomes and workload, international experience suggests they can be implemented over the top of existing systems and be refined over time.

Appendix 9. AQF Review process

Preparation for the Review commenced with the Department of Education and Training commissioning PhillipsKPA to undertake contextual research for the Review (see Appendix 11). This informed the review's terms of reference, which the Council of Australian Governments (COAG) Education Council and the COAG Industry and Skills Council subsequently endorsed. The department also commissioned Ithaca Group to provide an up to date snapshot of credit policy and practise in VET and higher education, as well as stakeholder views of the AQF Qualifications Pathways Policy.

In June 2018, the Minister for Education and Training, Senator the Hon Simon Birmingham and the Assistant Minister for Vocational Education and Skills, Karen Andrews announced the appointment of the initial members of the Expert Panel. Following input from COAG, the final members were announced in November 2018.

The AQF Review Panel held 12 meetings during the Review:

- 5 October 2018
- 16-17 October 2018
- 20 November 2018
- 7 December 2018
- 12 December 2018
- 24 January 2019
- 18 March 2019
- 11-12 April 2019
- 30 May 2019
- 4 July 2019
- 16 August 2019
- 26 August 2019

To seek additional input on key issues from subject matter experts, the Panel convened two workshops in December 2018 (see Appendix 11). These workshops focused on general capabilities, microcredentials and the AQF taxonomy.

In December 2018, the Panel released a public discussion paper, which set out possible approaches to the issues raised in the terms of reference. The paper's purpose was to seek stakeholder views on the possible approaches, as well as identify other issues for the Panel to consider. Stakeholder submissions were due three months after the discussion paper's release, noting it was released between academic years.

After releasing the discussion paper, the Panel held stakeholder sessions in each state and territory capital, as well as Albury and Townsville (see Appendix 10) in February and March 2019. An additional webinar session took place on 1 March 2019. The Chair gave a presentation on the discussion paper at each session and answered stakeholders' questions. This provided an opportunity to hear stakeholders' views on the possible approaches. It also helped stakeholders to clarify their understanding of the discussion paper and write their submissions.

The Panel analysed and considered 134 submissions provided by stakeholders. It directed additional research on key issues and other points mentioned by stakeholders. Simultaneously, two additional research projects were commissioned: the Australian Council for Educational Research (ACER) to analyse and update the AQF descriptors; and dandolopartners and Ithaca Group to jointly undertake an impact assessment on the Panel's recommendations once they neared finalisation (see Appendix 11). Following a workshop at ACER in May 2019, the Panel was persuaded that greater change to the AQF taxonomy may be necessary and amended ACER's brief to include a feasibility study into

updating the AQF's conceptual basis. As part of its commission, ACER drafted a revision of the current AQF (see Appendix 2). Ms Adrienne Nieuwenhuis from the University of South Australia provided valuable additional input to the revision.

After considering stakeholder feedback on the possible approaches, the Panel produced new options for testing. These options were discussed with peak organisations and government agencies in June and July 2019 (see Appendix 10).

Throughout the review, the Panel met with government committees and regulators at key periods of activity (see Appendix 10). The committees were the Skills Senior Officials Network (SSON), Australian Education Senior Officials Committee (AESOC), the Australian Industry Skills Committee (AISC) and the Higher Education Standards Panel (HESP). The regulators the Panel met with were the Tertiary Education Quality and Standards Agency (TEQSA), the Australian Skills Quality Authority (ASQA), the Victorian Registration and Qualifications Authority (VRQA) and the Training Accreditation Council Western Australia (WA TAC).

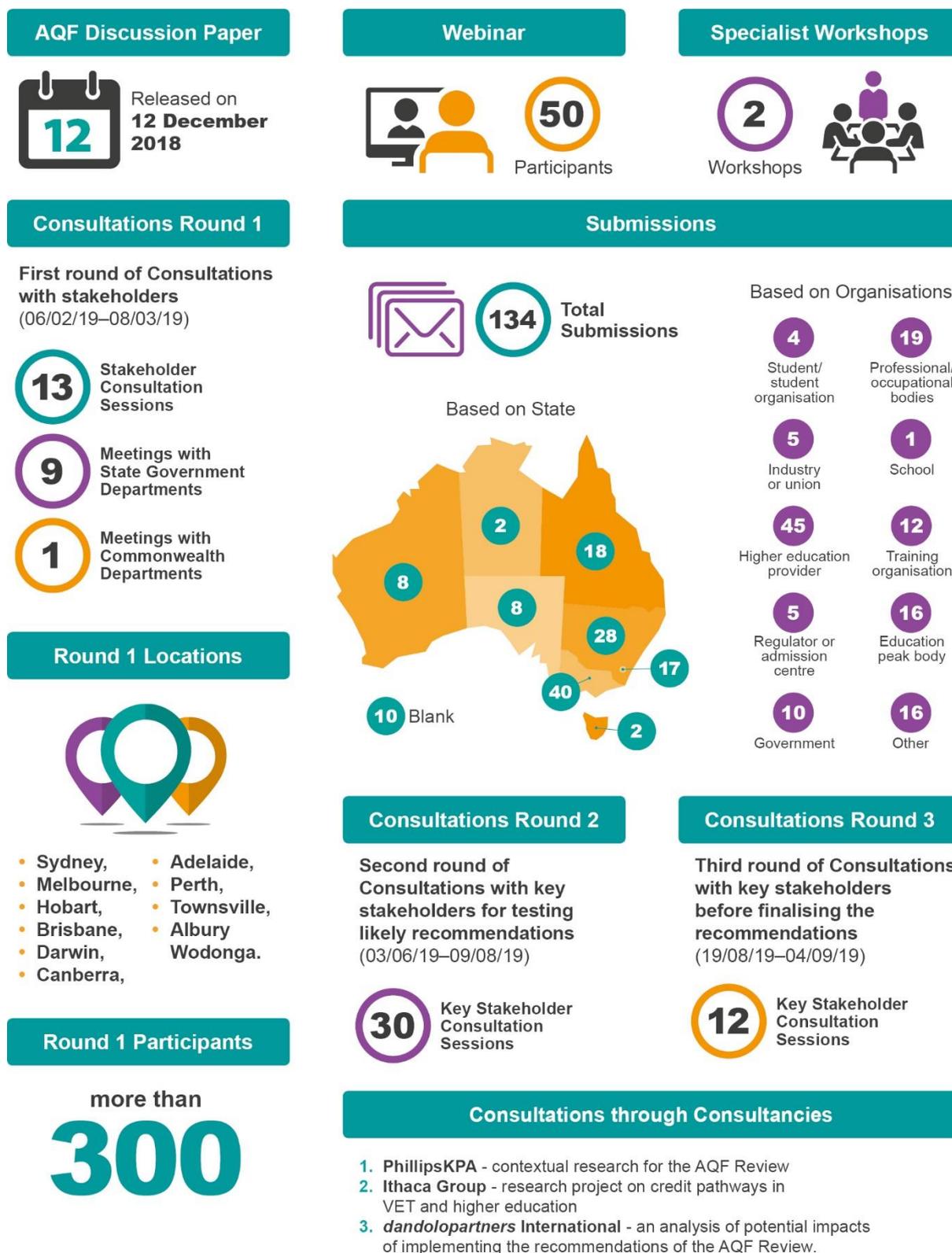
This engagement extended to other government reviews. The Chair consulted with the Chair of the Provider Category Standards Review, Professor Peter Coaldrake, and the secretariats of both reviews held regular progress meetings. The Chair also met with The Hon Dr Denis Napthine, of the Regional Education Expert Advisory Group undertaking the National Regional, Rural and Remote Tertiary Education Strategy, and The Hon Steven Joyce regarding the Expert Review of Australian's Vocational Education and Training System.

In July 2019, the Chair wrote to the Minister for Education, the Hon Dan Tehan MP, copying to the Minister for Employment, Skills, Small and Family Business, the Senator the Hon Michaelia Cash, to provide advice on the progress of the review and a summary of emerging directions. This letter also proposed to bring the Panel's advice to governments together in one report, covering recommended changes and an implementation plan, rather than separate reports as previously anticipated. The Panel met with Minister Tehan in August 2019 to discuss the review's findings and likely recommendations.

The Chair met again with key stakeholders for a third round of consultations in August and early September 2019, before the Panel agreed on the Review's final recommendations.

Appendix 10. Consultations

The Review conducted extensive consultation processes as shown in this diagram.



Stakeholder consultations

The Chair and Panel members met with stakeholders over the course of the review testing propositions and concepts as they developed. Like the Review process itself, the consultations were an iterative process with key stakeholders consulted multiple times depending on the issue and their interests.

Between 6 February and 8 March 2019, the Panel held stakeholder consultation sessions in each state and territory capital city, as well as Albury-Wodonga and Townsville. The Panel also met with state government departments, including with officials supporting the COAG Education and Industry and Skills Councils.

- Sydney, 6 February (Government Meeting)
- Sydney, 7 February (Two Consultation Sessions)
- Albury, 8 February (Consultation Session)
- Melbourne, 11 February (Two Consultation Sessions)
- Melbourne, 12 February (Government Meeting)
- Hobart, 15 February (Government Meeting, Consultation Session)
- Brisbane, 19 February (Consultation Session, Government Meeting)
- Townsville, 20 February (Consultation Session)
- Darwin, 21 February (Government Meeting, Consultation Session)
- Canberra, 26 February (Consultation Session, Government Meeting)
- Canberra, 28 February (Government Meeting with Commonwealth department officials)
- Adelaide, 5 March (Consultation Session, Government Meeting)
- Perth, 6 March (Consultation Session, Government Meeting)
- Melbourne, 8 March (Consultation Session with Professional Bodies)

More than 300 people attended the consultations.

A webinar was broadcast on 1 March 2019. The webinar attracted over 50 unique log-ins.

The consultations concentrated on the issues outlined in the AQF Review discussion paper (released on 12 December 2018). The Review received 134 responses to its request for submissions.

The submissions were primarily from higher education providers, followed by peak education and training bodies, professional/occupational bodies and training organisations. Only one union made a submission – the National Tertiary Education Union. Ai Group, The Australian Chamber of Commerce and Industry and the Business Council of Australia made a submission.

While organisations in each state and territory made submissions, the majority were received from Victoria, New South Wales and the Australian Capital Territory, reflecting the locations of most peak organisations.

Table 13. Submissions breakdown based on states and type of organisation

State		Organisation	
ACT	17	Student/student organisation	4
NSW	28	Professional/occupational bodies	19
NT	2	Industry or union	5
QLD	18	School	1
SA	8	Higher education provider	45
TAS	2	Training organisation	12
VIC	40	Regulator or admission centre	5
WA	8	Education peak body	16
Blank	10	Government	10
		Other	16

The submissions varied in their coverage of the main issues and the three questions posed in the discussion paper. A number attempted to propose solutions for the AQF as a whole, while many focused on selected issues. The submissions paid least attention to implementation issues.

Overall, the possible approaches outlined by the Panel in the discussion paper received good support.

In the second round of consultations, the Panel tested likely recommendations with key stakeholders in June and July 2019 including:

- Universities Australia (UA)
- Deputy Vice-Chancellors Academic (DVCA)
- Group of Eight (Go8)
- Innovative Research Universities (IRU)
- Regional Universities Network (RUN)
- Australian Technology Network of Universities (ATN)
- Tertiary Education Quality and Standards Agency (TEQSA)
- Australian Skills Quality Authority (ASQA)
- Training Accreditation Council Western Australia (WA TAC)
- Victorian Registration and Qualifications Authority (VRQA)
- Australian Government departments, including:
 - Department of Employment, Skills, Small and Family Business

- Department of Industry, Innovation and Science
- Department of the Prime Minister and Cabinet
- Department of Home Affairs
- Attorney-General's Department
- Australian Bureau of Statistics
- Higher Education Standards Panel (HESP)
- TAFE Directors Australia (TDA)
- Trades Recognition Australia (TRA)
- Australian Chamber of Commerce and Industry (ACCI)
- Business Council of Australia (BCA)
- VETASSESS
- Professions Australia
- Australian Council of Trade Unions (ACTU)
- The Australian Trade and Investment Commission (Austrade)
- Skills Service Organisations (SSOs), including:
 - PwC Skills for Australia
 - Artibus
 - IBSA
 - Skills IQ
 - Skills Impact
 - Australian Industry Standards
- National Association of Enabling Educators of Australia (NAEEA)
- National Centre for Vocational Education Research (NCVER)
- The Australasian Curriculum, Assessment and Certification Authorities (ACACA)
- Australian Small Business and Family Enterprise Ombudsman
- Independent Higher Education Australia (IHEA)
- Independent Tertiary Education Council Australia (ITECA)
- International Education Association of Australia (IEAA)
- English Australia
- National Union of Students (NUS)
- National Aboriginal and Torres Strait Islander Postgraduates Association (NATSIPA)
- Council of International Students Australia (CISA)
- Council of Australian Postgraduate Associations (CAPA)

In the third round of consultations, the Chair engaged again with key stakeholders before finalising the recommendations. Fifteen meetings were conducted in this round during August 2019 and early September 2019.

Appendix 11. Contracted consultancies

Research to inform the Review

During the process of the Review, the Department of Education commissioned work to inform the Review. The department commissioned:

- PhillipsKPA to undertake contextual research for the Review
- Ithaca Group to undertake a research project on credit pathways in VET and higher education
- The Australian Centre for Educational Research (ACER) to undertake an analysis and revision of the AQF learning outcome descriptors
- dandolopartners and Ithaca Group to undertake an analysis of potential impacts of implementing the recommendations of the AQF Review.

Two smaller pieces of work were also commissioned:

- Ithaca Group facilitated two AQF Review Specialist Workshops
- Emeritus Professor Beverley Oliver provided advice on microcredentials.

Contextual Research for the Review

The Department of Education commissioned PhillipsKPA to conduct contextual research for the Review in December 2017. The research covered international qualifications frameworks and initial stakeholder views; and informed the Review's Terms of Reference. PhillipsKPA finalised its report in April 2018.

Main findings:

- The AQF is very widely used across the Australian tertiary sectors and is generally accepted as a useful instrument with both national and international benefits.
- In the 1990s and early 2000s, Australia was a global leader in the development of qualifications frameworks. However, other countries, particularly in Europe, have moved beyond the concept of qualifications frameworks principally as a tool to establish transparency and equivalence of qualifications, towards qualifications frameworks as a tool to facilitate an agile workforce suited to rapid technological, industrial and social change.
- Prominent within the changing policy context for qualifications frameworks is a desire to design them to allow and encourage more flexible construction of learning pathways. Flexible and multi-directional pathways rather than simple hierarchical ones (as the AQF is perceived to be) are regarded as better suited to lifelong learning and rapid retraining to meet new technological challenges.
- There are issues related to implementation of the AQF by both regulators and providers that require attention. These issues include ambiguity in terminology, inconsistencies in qualifications descriptors, levels criteria and volume of learning.
- There are no mechanisms within the Australian system to assign levels to 'non-standard' learning options, or to regulate or quality assure credit towards formal qualifications for in-service or informal learning or microcredentials in a way that ensures national or international consistency.
- The AQF relies heavily on notional volumes of learning expressed in years of study, which is out of step with modern international practice. Movement towards a system based on credit point values related to notional average hours required to achieve learning outcomes would be in keeping with international practice and would have the added advantage of facilitating a common currency for a national credit transfer system to support pathways and recognition of non-formal learning.

Credit Pathways in VET and Higher Education

The department commissioned Ithaca Group to examine credit practices in VET and higher education in May 2018. Ithaca Group delivered its final report on 12 October 2018.

Main findings:

- Provider behaviour is mostly driven by the requirements of sector regulation. Providers do not feel compelled to attend to the requirements of the AQF Pathways Policy separately, and regulators do not audit or consider provider compliance with it.
- Higher education regulation allows providers more flexibility in setting their credit policies than VET regulation. This means higher education providers' practices are determined more by their own assessment of costs and benefits. Some higher education providers value a more diverse student cohort; and attracting additional enrolments through proactive credit practices. Others seek to maintain a reputation for exclusivity and their practices are more passive.
- There is no single source of national data (or combination) that can be used to understand the level of credit pathway activity, and the level of demand for greater access to credit pathways is impossible to ascertain. This means that there is currently no means to determine how many learners access credit pathways, let alone how many more would like to access them.
- Similarly, at the provider level, the form in which information is collected, or not collected, and analysed, or not analysed, varies according to the practice of each provider.
- Despite its status outside sector regulation, almost all the stakeholders that participated expressed a view that the Pathways Policy was valuable for expressing agreed national principles that are relevant across jurisdictions and education and training sectors.
- The Pathways Policy, and the AQF, have played a useful role in establishing the arrangements that they have in place for credit transfer, articulation, and RPL. However, providers were emphatic that their practices would continue regardless of whether or not there was a policy.
- However, both the VET and higher education sectors did not identify with much of the policy's other content, and a number of stakeholders reported the policy's guidance on credit and credit arrangements between providers was too simplistic.

Analysis and Revision of the AQF Learning Outcome Descriptors

The department commissioned ACER to examine the learning outcomes descriptors of each AQF level in VET and higher education in March 2019. ACER delivered its final report on 23 September 2019.

Main findings:

- If the main purpose of the AQF is to ensure the validity, reputation and perceived value of formal qualifications gained through the Australian education and training system, then the current AQF learning outcomes matrix does not do this.
- There are major issues with the nature and content of the AQF learning outcomes descriptors that cannot be 'fixed' through a revision of the language. They include general lack of clarity, specific ambiguities and widespread inconsistencies. These stem from the AQF having been built to accommodate existing qualification types rather than on the basis of a sound learning outcomes progression.
- Most other qualifications frameworks suffer from many of the same weaknesses as the AQF.
- ACER did not recommend a revision of the current learning descriptors. However, it did recognise the need to provide a physical example of what is possible, even though it would retain many current deficiencies.

- ACER found that it was necessary to reduce the number of levels in the AQF in order to develop outcomes that adequately distinguish between levels.
- ACER was able to identify eight levels for the 'Knowledge' domain and found it would be possible to develop between five and six levels for 'Skills'.
- ACER redesigned the level descriptors to genuinely differentiate qualification types and provide common reference points that can be used to inform course design, accreditation and regulation, international comparison and other functions. The approach may also provide better signals to prospective students selecting courses and to potential employers of graduates.
- ACER proposed a new 'architecture' for the framework that includes three domains (Knowledge, Skills and Application), They have added 'focus areas' to each domain (three for Knowledge, five for skills and two for Application). Knowledge is divided into eight bands of increasingly complex action-oriented knowledge descriptors. Skills has five descriptors and does not have hard borders. Application is not divided into bands. This will allow flexibility in describing qualification types.
- ACER suggested the focus of the framework be changed to the descriptors that are intended to ensure that graduates obtain the desired learning outcomes.
- The model developed by ACER accommodates the possibility that new qualification types might be introduced in the future.

Analysis of Potential Impacts of Implementing the Recommendations of the Review of the AQF

The department commissioned dandolopartners and Ithaca Group to examine possible implementation issues in April 2019. The final report was delivered on 29 August 2019.

Main findings:

- The AQF is embedded throughout legislation, regulation, policy, processes and systems, and is used as a reference point for a range of purposes across government and any changes could have significant impacts across a broad range of stakeholders and sectors.
- dandolopartners was not asked to analyse the benefits of the proposals but it did provide a number of comments on the benefits of greater clarity, a more discrete approach to levels and qualification types, and greater consistency.
- The most significant impacts are likely to result from any changes to qualification types, in particular, the creation, disestablishment or alteration of types. This is because qualification types, rather than AQF levels, tend to be used as the primary reference point for policies, processes, data collection and course design and accreditation.
- With some key exceptions, the creation of a revised AQF taxonomy with a different number of bands or levels than the current structure will not cause significant impacts or implementation challenges, as long as qualification types can be easily and clearly mapped to a band.
- While the proposed change to volume of learning, from years to hours, will not necessarily cause large impacts or require significant implementation activities, there remains a high level of concern and uncertainty about what this change may mean for other, existing units of measurement for course duration and for the focus of regulation.
- It will not be possible to fully understand the implications until stakeholders, including providers, undertake comprehensive internal reviews to consider the breadth of the policies, processes, systems and regulations that may need to be updated in response to changes to the AQF.
- It is therefore important that the implementation approach:
 - Ensures that all those likely to be affected understand the rationale for the proposed changes and the likely benefits.

- Involves ongoing consultation with impacted parties in the development and the drafting of the revised AQF.
- Allows sufficient time for stakeholders to fully review and identify relevant implementation considerations.
- Ensures that given the effort involved, the maximum, as opposed to incremental, benefits are achieved from the recommendations.

AQF Review Specialist Workshops

The department commissioned Ithaca Group to facilitate two AQF Review Specialist Workshops which were held by the AQF Review Panel on 7 and 12 December 2018. The first workshop held in Sydney, focussed on general capabilities. The second workshop focussed on the AQF 'taxonomy' and microcredentials.

Key themes from the workshops that Ithaca Group identified were:

- Inconsistency in the interpretation and use of the AQF has resulted in considerable variation in the breadth and depth of knowledge contained in qualifications at the same AQF level.
- The current specification of 'volume of learning' – as a duration expressed in years – should be replaced with a measure that accommodates contemporary approaches to learning and more appropriately reflects the complexity and depth of expected qualification outcomes.
- A multi-dimensional framework model could enable the inclusion of detail for nontechnical and context-dependent skills without locking them into the current AQF hierarchy.
- A student-centred approach to the design of the AQF may help to ensure that the framework matches the non-linear reality of learner journeys. Distinguishing between initial and preparatory qualifications and those that are used for skills deepening or upskilling was suggested as a mechanism for clearly depicting pathways.

For the AQF to maintain its relevance in the future, it will be important for it to accommodate the recognition of shorter form credentials, including microcredentials, skill sets, hallmarks, short courses, and enabling courses. The adoption of a credit matrix approach was suggested as a mechanism for supporting the recognition of shorter form credential outcomes.

Panel members were joined in the workshops by the following participants:

Table 14. Workshop participants

Sydney	Melbourne
<p>Professor Shirley Alexander Deputy Vice-Chancellor and Professor of Learning Technologies University of Technology, Sydney</p>	<p>Dr Simon Booth Executive Director, Tertiary Education Policy and Performance, Higher Education and Skills Group (HESG) Victoria Department of Education and Training</p>
<p>Professor John Buchanan Head of the Discipline of Business Analytics University of Sydney Business School.</p>	<p>Professor Berwyn Clayton Emeritus Professor, Victoria University</p>

<p>Associate Professor Sandra Milligan Director and Principal Fellow of the Assessment Research Centre Melbourne Graduate School of Education The University of Melbourne</p>	<p>Mr Andre Diez de Aux Director, Quality Services TAFE Directors Australia</p>
<p>Ms Kate Perkins Senior Research Fellow Australian Council for Educational Research (ACER)</p>	<p>Dr Andrew Harvey Director of the Centre for Higher Education Equity and Diversity Research La Trobe University</p>
<p>Mr Graeme Plato Executive Director, Skills Policy Enablers & Analytics NSW Department of Industry, Skills and Regional Development</p>	<p>Alfred Deakin Professor Beverley Oliver Deputy Vice-Chancellor (Education) Deakin University</p>
	<p>Mr Bob Paton Managing Director Bob Paton and Associates Pty Ltd</p>

Microcredentials

The Department of Education commissioned Emeritus Professor Beverley Oliver in June 2019 to provide advice on what guidelines should be put in place to recognise microcredentials for credit within full AQF qualifications. Professor Oliver delivered her final report on 11 July 2019.

Main findings:

- While micro-credentials are an exciting innovation in higher education, and they are a key opportunity to ensure learners, particularly working learners, continue to learn and have their learning certified, there is also a great deal of confusion for stakeholders.
- If microcredentials start to qualify for credit in an AQF qualification they would likely need to meet higher teaching and learning standards than is currently required.
- Some credit-bearing microcredentials (for example, MicroMasters) are purposefully designed as a credit pathway to a qualification. Others may be courses that subsequently achieve recognition for credit (for example, Australian Institute of Company Directors Course), in which case expectations of standards practices apply. In contrast, non-credit-bearing microcredentials are assessed but they do not earn admission to, or credit towards, a formal qualification.
- Microcredentials need further definition and the definition needs to incorporate standards.

- Digital badges are validations earned rather than a course itself. Anyone can make a badge and confer it to anyone else, and it can be circulated on social media. Good academic governance and administration are required to govern and manage future claims for acknowledgement or credit.
- A guidance note might be the best medium to clarify the standards with regard to credit-bearing microcredentials related to higher education qualifications. A subsequent good practice note might help to keep providers up to date in this very fast-moving field.

Appendix 12. History of the AQF

AQF development history

Table 15. AQF development history

Year	Development
1995	AQF introduced, with full implementation scheduled for 2000.
1995	Qualifications included were the Senior Secondary Certificate of Education, Certificate I, Certificate II, Certificate III, Certificate IV, Diploma, Advanced Diploma, Bachelor Degree (including Bachelor Honours Degree), Graduate Certificate, Graduate Diploma, Masters Degree and Doctoral Degree.
2002	National guidelines for cross-sector linkages were included.
2004	National principles and operational guidelines for recognition of prior learning added. Associate Degree added.
2005 2009-2010	Vocational Graduate Certificate and Vocational Graduate Diploma added The Australian Qualifications Framework reviewed
2011	The Australian Qualifications Framework First Edition July 2011 introduced, following a review 2009-2010. Placed the AQF qualification types within a 10-level structure of increasing complexity. Introduced new and amended policies: a Qualifications Issuance Policy, a Qualifications Pathways Policy, a Qualifications Register Policy, and a Qualification Type Addition and Removal Policy. Qualifications Issuance Policy permits the use of the word “Doctor” in the qualification titles of six Masters Degrees (Extended): legal practice, medical practice, physiotherapy, dentistry, optometry and veterinary practice.
2013	The Australian Qualifications Framework Second Edition January 2013 released
2015	An addendum was published to allow the use of the qualification title ‘Doctor of ...’ for a Masters Degree (Extended) for two qualifications: Doctor of Podiatric Medicine and Doctor of Clinical Podiatry.

AQF governance

The Australian Qualifications Framework was endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) in November 1994 and was introduced Australia-wide on 1 January 1995.

MCEETYA agreed to establish the Australian Qualifications Framework Advisory Board (AQFAB) in May 1995. The AQFAB held its inaugural meeting on 17 November 1995.

The First Implementation Handbook for the AQF was developed in August 1995. In early 1997, 27,000 copies of a booklet 'Introduction the AQF: Certificates, Diplomas, Degrees' were distributed to VET (TAFE and private) providers, universities and schools. The second edition of the implementation handbook was released in 1998. Two further editions of the implementation handbook were released in 2002 and 2007.

The AQFAB was replaced by the Australian Qualifications Framework Council (AQFC) following a review in 2007. It was established under the authority of MCEETYA (and with the agreement of the Ministerial Council for Vocational and Technical Education (MCVTE), The Terms of Reference set by MCEETYA required the AQFC to provide policy advice to MCEETYA (and MCVTE as appropriate) on:

- strategic strengthening of the AQF required to meet identified needs such as improving national consistency and contemporary relevance, including national and international portability;
- improving flexible qualification linkages and pathways in education and training within and across all sectors, including recognition of non-formal and informal learning;
- relevant national and international issues and their implications for national qualifications policy;
- national and international recognition and comparability of qualification standards and alignment of qualifications standards/frameworks.

The AQFC released the first edition of the 'strengthened' AQF in July 2011. The legislation establishing the Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Qualifications Authority (ASQA) was passed in June 2011.

In January 2013, the 'Australian Qualifications Framework 2nd Edition' was released. Within the context of the Australian Government's deregulation agenda, the existence of TEQSA and ASQA rendered the AQFC redundant. When the Minister notified the COAG Education Council he was disbanding the AQFC in May 2014, he committed to undertake a review of the AQF within 5 years.

In August 2014, the AQFC was formally disestablished. Some policy and public advice functions related to the AQF continued to be managed by the Department of Education and Training.

DATA-DRIVEN INSIGHTS 2022:

Counting on Community Pharmacies

The changing role of Australian
community pharmacies on
the healthcare frontline.



The Pharmacy
Guild of Australia



The community pharmacy reimaged

With greater consumer expectations and more services, community pharmacies are heading in new directions.

Community pharmacies are a vital pillar of our national healthcare system and their role has taken on a new meaning since the pandemic swept across the nation.

As essential service providers, pharmacies remained open for business during the pandemic. This provided much needed relief both to the broader healthcare system, and to the wider Australian population through the expansion of the Continued Dispensing Program for medicines, and the delivery of more primary healthcare services, including vaccinations. Often the first – and most accessible – stop for many Australians seeking medical assistance or health advice, the role of pharmacists has grown and so has their significance.

This report draws on data from Westpac and The Pharmacy Guild of Australia to identify some of the key changes in consumer behaviour over the past three years. Westpac cardholder transaction spend data, and specifically, spend within pharmacies across Australia from July 2019 to Feb 2022 was analysed and reveals some surprising and positive insights.

Our report shows how the pandemic has impacted consumer spending habits in community pharmacies. And, with the help of experts, it explores which consumer behaviours are likely to continue into the future.

Importantly, it provides an indication of the changes community pharmacies are likely to experience longer term and offers insights for directions now, and into the future.

About the data and method

- The insights in this report were drawn from the activity of 10,138,322 Westpac Group cardholders, and 800 community pharmacies from across the nation.
- The data is a representative sample and draws from suburb-based data Australiawide.
- Pharmacy spending trends were informed by 88 million transactions totalling \$3.7 billion, with an average spend amount of \$41.70.
- Datasets from Westpac Group and The Pharmacy Guild of Australia were not consolidated. They were analysed separately and then used to complement each other.



Community pharmacies: Insights at a glance

What's changed for Australia's community pharmacies over the past three years? The latest data from Westpac and The Pharmacy Guild of Australia reveals seven clear trends.



Spending is on the rise

Across the nation pharmacy spend increased from \$92.5 million to \$112.3 million from July 2019 to February 2022.

CHANGE IN PHARMACY SPEND:

+21.4%

Jul 2019 to Feb 2022



What's in the basket?

Dispensary spend per basket remained stable throughout the pandemic and into 2022 (up 5.5%), while retail and other health services swelled by almost 60%.



Bucking the online boom

E-commerce soared nationally, but community pharmacies bucked the trend, with online spending decreasing 38.4%, and instore increasing 63.1%.



A spike at discount pharmacies

Service-oriented pharmacies saw moderate growth in spend of 8.7%, while spending at discount pharmacies grew substantially - driven by an increase in store openings.

GROWTH IN DISCOUNT PHARMACY SPEND:

+64.1%

Jul 2019 to Feb 2022



Pharmacy services expand

Free influenza vaccinations were introduced at many community pharmacies to meet growing demand driven by an influenza resurgence and a new consciousness of health issues.

COVID-19 VACCINES ADMINISTERED BY COMMUNITY PHARMACIES, TO MID-2022:

≈8 million



The mood of the nation

Sertraline, an antidepressant drug, entered the 'Top 10' list of prescription medicines in 2020 - the first time an antidepressant has made the list in 14 years.



Christmas spending upswing

Across all jurisdictions, consumers are spending substantially more in pharmacies in December, on both retail and other health services, and dispensary items.

RETAIL AND OTHER HEALTH SERVICES SPEND VS DISPENSARY SPEND, DEC 2021:

2.0x

Metro areas

1.7x

Regional areas

1.6x

Rural areas

Sources: Westpac and The Pharmacy Guild of Australia



1 Spending is on the rise

TOTAL PHARMACY SPEND:



Source: Westpac

CHANGE IN PER BASKET SPEND:



Feb 2019 to Feb 2022



Source: The Pharmacy Guild of Australia

Spending where they work

The data shows that consumers were spending more at community pharmacies in Feb 2022 compared to July 2019, however, the increase was not consistent.

While pharmacies in Sydney and Melbourne central business districts (CBDs) recorded a high in March 2020, coinciding with panic buying prior to the first COVID-19 lockdowns, spending plummeted the following month with the exodus of city office workers. Pharmacies in these CBDs saw a slow recovery to May 2021, followed by another decline to November 2021 in line with the Delta wave.

“Pharmacies located in airports, large retail shopping centres and CBDs have really struggled,” says Trent Twomey, National President of The Pharmacy Guild of Australia. “But the volume of sales as an aggregate hasn’t disappeared – it’s shifted towards local neighbourhood community pharmacies.”

Some pharmacies were quick to adapt, notes Kaizaad Mehta, National Head of Healthcare and Professional Services at Westpac. “Some of our customers located in areas like CBDs shifted to home delivery of medicines to help supplement revenue impacted by lockdowns and reduction of foot traffic.”

Twomey believes the geographical shift in consumer behaviour sparked by COVID-19 may endure beyond the pandemic. “Before the pandemic, we knew that people shopped where they worked, not where they lived. Now we’re seeing a trend for people to shop where they live,” he says. “Of course, this may now also be where they work, given the impact of the pandemic on remote working.”



2 What's in the basket?

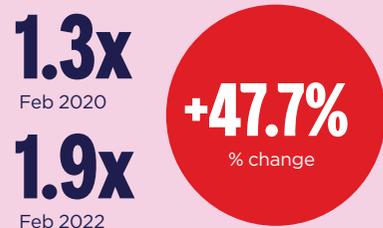
RETAIL AND OTHER HEALTH SERVICES VS DISPENSARY, AVERAGE SPEND PER BASKET:



CHANGE IN AVERAGE SPEND:



RETAIL AND OTHER HEALTH SERVICES / DISPENSARY RATIO:



Source: The Pharmacy Guild of Australia

Unlocking new revenue streams

Dispensary cost per basket remained stable during the pandemic and into 2022, while retail and other health services swelled. "Early panic buying saw a huge spike in demand for products like hand sanitiser," explains Twomey. "People were also more likely to use their community pharmacy to buy items they may normally have picked up elsewhere."

"Pharmacies need to look at how they unlock more diverse revenue streams."

KAIZAAD MEHTA, NATIONAL HEAD OF HEALTHCARE AND PROFESSIONAL SERVICES AT WESTPAC

The growth in retail and other health services can also be attributed to the increasing significance of pharmacists as the first port of call for many Australians regarding their primary healthcare needs.

The dispensary side is largely government funded through the Pharmaceutical Benefits Scheme (PBS), but margins are limited, says Mehta. "So community pharmacies need to look at how they unlock more diverse revenue streams. There's great potential for this as they continue to move towards the provision of more primary healthcare services."



3 Bucking the online boom

ONLINE SPEND:

\$38.0m

Jul 2019

\$23.4m

Feb 2022

-38.4%

Source: Westpac

INSTORE SPEND:

\$54.5m

Jul 2019

\$88.9m

Feb 2022

+63.1%

Open-door policy

The national online shopping trend throughout the pandemic did not extend to community pharmacies. Online pharmacy spending decreased by 38.4%, whilst instore spending grew 63.1%.

Why did pharmacies buck the national online shopping trend? For Twomey, the answer is simple. "Pharmacies were the only healthcare destination in Australia that didn't limit their access to people during lockdown.

"Emergency departments were turning many people away. Elective surgeries were cancelled. Many GPs took to telehealth, while pharmacies did not shut. We saw a lot of people with clinical presentations who ordinarily would have sought advice from either a hospital or a general practitioner. There was a new reliance on community pharmacies during this time."



4 A spike at discount pharmacies

Spending in the balance

In July 2019, service-oriented pharmacies accounted for 77.1% of spend compared to 22.9% for discount pharmacies.

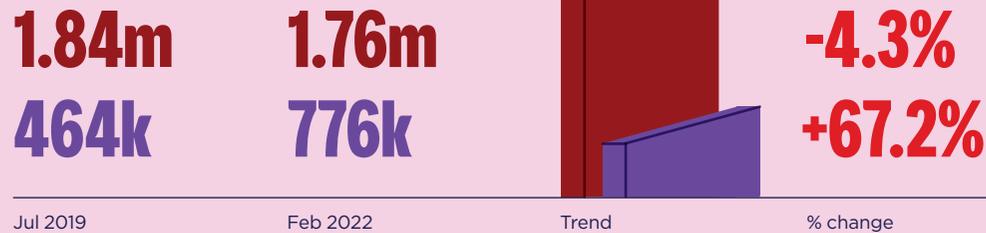
While service-oriented pharmacies saw moderate growth in spend of 8.7% throughout the pandemic and into 2022, spending at discount chemists grew by 64.1%.

"It's vital our profession meets the expectations of patients and consumers."

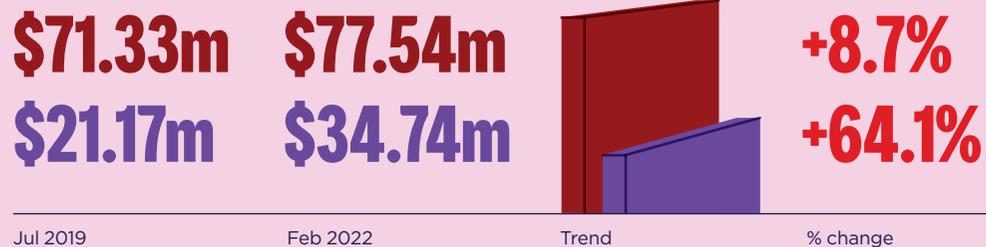
PROFESSOR TRENT TWOMEY,
NATIONAL PRESIDENT OF THE
PHARMACY GUILD OF AUSTRALIA

But there's another story behind the numbers. While an increase in store openings is likely to account for the boost in spending at discount pharmacies, there was a 1.8% contraction in spend per transaction at discount pharmacies overall. In contrast, spend at service-oriented pharmacies increased 13.4% per transaction.

SERVICE-ORIENTED VS DISCOUNT PHARMACIES, NUMBER OF TRANSACTIONS:



TOTAL SPEND:



AVERAGE SPEND PER TRANSACTION:



Source: Westpac

Meeting consumer needs

Discount pharmacies are generally perceived more as retail centres than health service destinations, according to Twomey.

"But all pharmacies are a mix of both," he says. "It's just that some are better at providing services, while others are better at retail."

"Whether you're discount or service-based, those pharmacies that are making it easier for consumers to make decisions about whether they can access a product or service from their pharmacy before they set foot in the door are the ones that are doing really well."

"It's vital that our profession meets the expectations of patients and consumers who may want to check on their mobile phone that they can access a flu jab, or that you have their particular antacid in stock."



5 Pharmacy services expand

Service booster

Around 8 million vaccines for COVID-19 had been administered by community pharmacies nationally by mid-2022. Prior to the availability of COVID vaccinations, a new consciousness of health issues had already caused the number of Australians seeking flu vaccinations to rise. Amid predictions of an influenza resurgence in 2022, free flu shots were introduced at community pharmacies and general practitioners across the country*, for a limited period.

Meeting the demand

The range of vaccines now available from community pharmacies has expanded since the start of the pandemic. And, as the service offering expands, more pharmacies are seeking new ways to meet that demand.

“A lot of community pharmacies are coming to us with requests for finance for things like dispensing robots to allow pharmacists to spend more time with their patients, or they’re looking to restructure the layout of their stores to have more space for private consultation with their patients,” says Mehta. “We have a strong appetite to support them with this.”

* Not available in ACT or NT.

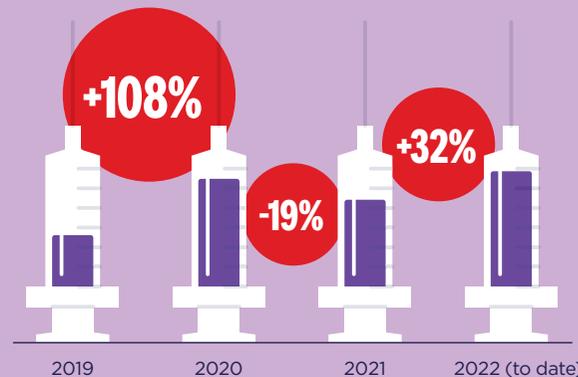
Corporates line up for flu vaccination

The Pharmacy Guild of Australia has seen an expansion of its Corporate Vaccination Program, which allows staff of participating organisations to choose a date, time and local pharmacy to get their flu vaccination.

Demand for corporate influenza vaccinations surged from 13K in 2019 to 27K in 2020. This number declined by around 19% in 2021, driven by pandemic restrictions. However, 2022 has seen an increase in corporate influenza vaccinations, in line with a spike in flu cases.

CORPORATE INFLUENZA VACCINATION NUMBERS:

13,000 27,000 22,000 29,000



Source: The Pharmacy Guild of Australia



6 The mood of the nation

Anxious times

Data from the [World Health Organisation](#) shows the global prevalence of anxiety and depression increased by 25% in the first year of the pandemic. This corresponds with prescription data that reveals the antidepressant drug Sertraline entered the 'Top 10' list of prescription medicines in 2020, after a 14 year hiatus.

“The two largest pressures on our healthcare system are cardiovascular disease and mental health. That was the case before COVID-19. I think the pandemic just shone a brighter light on it.”

PROFESSOR TRENT TWOMEY, NATIONAL PRESIDENT OF THE PHARMACY GUILD OF AUSTRALIA

Change to Continued Dispensing Arrangements

Community pharmacies presented even more value to patients during the pandemic with expansion of the Continued Dispensing Arrangements, allowing pharmacists to give patients up to a month’s supply of their medication without a script, at the PBS price. Twomey says disruption to the supply of a patient’s regular medication makes the ‘top 10’ list of potentially preventable hospital presentations in every state and territory. “Since the pandemic, people who were presenting to emergency departments or general practitioners to get a repeat prescription have been able to go to pharmacies.”



7 Christmas spending upswing

'Tis the season

Across all jurisdictions consumers were spending substantially more in pharmacies as of December 2021 compared to July 2019. This trend was higher in metropolitan areas than rural or regional.

Like the retail sector in general, community pharmacy retailing enjoys a bumper December, but people are also likely to be in store for more than just their Christmas shopping. Benefits for PBS Safety Net expire on the 31st December and start again on New Year's Day, notes Twomey.

"We always get a busy script month as people are trying to get that last box for free before they have to start paying again in January."

HOLIDAY SEASON SPEND, RETAIL AND OTHER HEALTH SERVICES / DISPENSARY RATIO, DEC 2021:

2.0x

Metropolitan areas

1.7x

Regional areas

1.6x

Rural areas



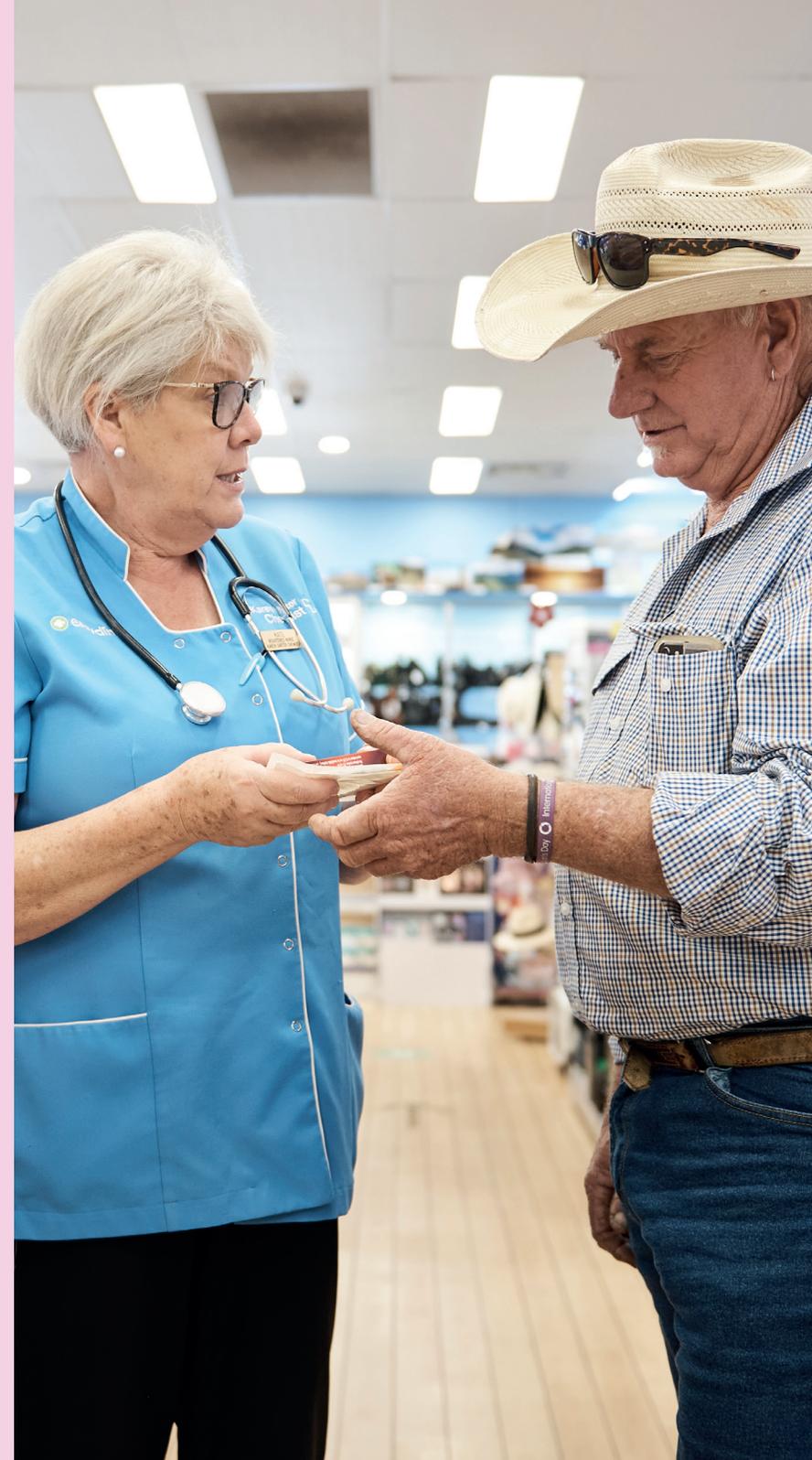
Source: The Pharmacy Guild of Australia

How can pharmacies capitalise on the December foot traffic?

Give them what they really want.

"As a bank, we can help community pharmacies tap into consumer needs via our unique insights around consumer behaviour," says Mehta.

"We also have a large client base of pharmacies right across the country, and we can use our anonymised data to benchmark community pharmacies against their peers, and to gain a deeper insight into their own performance to identify business opportunities."



Seizing future opportunities

Primary healthcare gets a reboot thanks to the continued evolution of community pharmacies.

The pandemic has proven to be an exceptionally busy time for community pharmacies, but it has also presented opportunities for many to expand their service offerings, delivering new revenue streams and ways to capitalise on a deeper understanding of consumer behaviour and a commitment to high levels of healthcare.

What's more, some consumer behaviours triggered by the pandemic are likely to stick long-term, confirm the experts in this report.

"People will be willing to pay to get safe primary healthcare advice – and a solution – if they don't have to wait in a doctor's surgery, and if they don't have to go into an emergency department," says Twomey.

"We're already seeing an expansion in the provision of primary healthcare at community pharmacies and I think we're just starting on this journey."

Westpac is committed to helping community pharmacies evolve and grow, now and into the future.

"We can use our industry insights to add value and help you to unlock new opportunities."

KAIZAAD MEHTA, NATIONAL HEAD OF HEALTH AND PROFESSIONAL SERVICES AT WESTPAC

"Our dedicated healthcare specialists work across the primary health ecosystem and around the country," says Mehta. "We can use our industry insights to add value and help you to unlock new opportunities."



Need to know more?

This information is general in nature and has been prepared without taking your objectives, needs and overall financial situation into account. For this reason, you should consider the appropriateness of the information to your own circumstances and, if necessary, seek appropriate professional advice.

If you have any questions or would like to know more about the information contained in this report, please contact the author:

Kaizaad Mehta National Head of Health and Professional Services, Westpac Group
M: + 61 479 185 246
E: kaizaad.mehta@westpac.com.au

We're here to help.

 westpac.com.au/business-banking/industries/healthcare/

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The Pharmacy
Guild of Australia



AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988
s.99 notification of industrial dispute

The Salaried Pharmacists' Association

and

The Pharmacy Guild of Australia and others
(C No. 30908 of 1993)

The Salaried Pharmacists' Association

and

National Pharmacies and another
(C No. 31423 of 1993)

Health Services Union of Australia

and

Pharmacy Guild of Australia and others
(C No. 32297 of 1993)

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994

Various employees

Pharmacy operations

DEPUTY PRESIDENT DRAKE

SYDNEY, 18 JULY 1994

Wages and conditions

AWARD

Further to the decision issued on 27 May 1994 [Print L3574], the following interim award is made:

INTRODUCTORY

This Award shall be known as the Community Pharmacy (Victoria) Interim Award 1994.

This Award shall be binding on The Salaried Pharmacists' Association, its officers and members, The Pharmacy Guild of Australia and its members, and the employers named in Schedule A hereto, in respect of the employment of Pharmacists, Pharmacy Students and Trainees, in Victoria, whether members of the said Association or not.

This Award shall come into force from 27 May 1994 and shall continue in force for a period of three months.

PART 1 (RETAIL PHARMACIES)

Subject matter	ARRANGEMENT	Clause number
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Consultative/Grievance Procedure		33
Disagreements Concerning Implementation of Shorter Hours		30B
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Garment Allowance		10
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Wages per Week of 38 Hours		1

1 - WAGES PER WEEK OF 38 HOURS

Pharmacists

(a)

Wage Rate

Manager Pharmacist, i.e. a qualified pharmacist, male or female notifiable to the Pharmacy Board as Manager:

(i) where supervised hours are up to and including
60 hours per week \$610.30

Part 1:1 - Wages per week etc. (a) - contd

(ii) where supervised hours are over 60 hours and up to
and including 160 hours per week \$663.90

(iii) where supervised hours are over 160 hours per week
\$728.40

Acting Manager, i.e. where the Proprietor or Manager is continuously absent from the pharmacy for a period of 5 working days during which the pharmacy is open for normal trading or more will entitle the Pharmacist in Charge (other than Locum specifically engaged for this period because the pharmacy does not employ a Pharmacist in Charge) to Acting Manager and paid the appropriate Manager Pharmacist rate in accordance with this Award.

Pharmacist in Charge, i.e. qualified pharmacist, male or female, who is a permanent weekly employee who is not employed as a Manager Pharmacist, but who in any one day may be called upon to replace the Proprietor, Manager for a period of not less than four hours during the employee's ordinary spread of hours in any one day shall be paid at the rate of "\$X" per hour for all hours working on any such day. "\$X" = \$15.94

Locum Pharmacist in Charge, i.e. a qualified pharmacist who is employed under clause 13 of this Part as a locum for the Proprietor or Manager Pharmacist of a pharmacy. \$597.70

Locum Pharmacist, i.e. a qualified pharmacist who is employed as a locum pursuant to clause 13 of this Part.

Pharmacist, i.e. a qualified pharmacist male or female other than a Manager Pharmacist or a Pharmacist in Charge:

(i) during the first year of service after registration
\$519.70

(ii) thereafter \$555.40

For the purposes of this subclause "supervised hours" shall mean hours of work (other than overtime) performed by employees employed as shop assistants.

Pharmacy students - practical training

(b)

(i.e. persons who have commenced the course of instruction referred to in the Pharmacists Act 1974).

Experience	Percentage of wage rate for classification pharmacist	
	(i)	Wage Rate
	%	\$

(i) A person commencing and proceeding with the

	Pharmacy course shall be paid for the first 500 recorded hours of practical training prescribed by the Pharmacy Board	40	207.90
(ii)	Subsequently for all work done until commencement of the final 2000 hours of traineeship	45	233.90
4	COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]		

Part 1:1 - Wages per week etc. - contd

Pharmacy trainees

(c)

(That is, persons who are engaged in practical training under the Articles of Traineeship registered with the Pharmacy Board as defined in the Pharmacists Act 1974).

Experience	Percentage of wage rate for classification pharmacist		Wage Rate	
	(i)	%	\$	
(i)	During the first 500 hours of such training	50	259.90	
(ii)	During the second 500 hours of such training	60	311.80	
(iii)	During the final 1000 hours of such training	70	363.80	
(iv)	Prior to registration has within the previous 3 years completed his or her course of training as prescribed by the Pharmacy Board	75	389.80	

The proportion of Pharmacy Students and Trainees who may be employed in connection with any retail pharmacy, or dispensary, shall be as determined from time to time by the Pharmacy Board of Victoria.

The "Wage Rate" in this clause shall be calculated to the nearest 10 cents, less than 5 cents in the result to be disregarded.

1A - INCIDENCE OF AWARD

This Award applies to the whole of Victoria for the process, trade, business or occupation of any person or persons or classes of persons employed in a shop or a Friendly Society's Dispensary in dispensing, compounding or selling medicines, drugs or medicinal preparations.

2 - HOURS OF WORK

(a) Times of beginning and ending work:

	Time of beginning	Time of ending
Monday to Friday	8.00 a.m.	9.00 p.m.
Saturday	8.00 a.m.	1.00 p.m.

(b) Each full-time employee shall be employed for 40 hours per week (excluding overtime) within the times of beginning and ending work subject to a

minimum of five hours and a maximum of eleven hours on any day (Monday to Friday inclusive) and a minimum of three hours on a Saturday.

(c) After 6.00 p.m. on any day within the times of beginning and ending work the rate of pay shall be the ordinary rate of pay plus 50 per cent.

(d) Outside of the times of beginning and ending work Monday to Friday the rate of pay shall be the ordinary rate of pay plus 100 per cent.

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

5

Part 1 - contd

3 - OVERTIME

Overtime calculated on the rates prescribed in subclauses 1(a), (b) and (c) of this Part shall be paid for as follows:

(a) Within the times of beginning and ending work in excess of 40 hours in any week - time and a half for the first four hours and double time thereafter.

For the purposes of this subclause each day's overtime shall stand alone.

By mutual agreement an equivalent amount of time off in lieu of overtime payments may be taken in the following week or on an accumulated basis.

(b) For all work done on Saturday and Sunday at ordinary rates of pay and in addition an equivalent amount of time off duty in one period within the times of beginning and ending work at ordinary rates of pay.

Such period of time may be taken in the following week or on an accumulative basis at the discretion of the employee by mutual arrangement with the employer.

Where difficulty is experienced in the application of the provisions of this subclause, by mutual agreement with the employer, the payment of penalty rates in lieu thereof shall be permitted.

Provided that a Locum shall be paid double time for all overtime worked outside the times of beginning and ending work.

4 - MEAL BREAK SUPERVISION RATE

Where a Pharmacist other than a Manager Pharmacist (Locum) is required to remain on the premises during his or her meal break for purposes of exercising supervision in accordance with the requirements of the Pharmacists Act 1974, he or she shall be paid an allowance for such supervision, and in addition shall be granted eight and a half hours' paid leave of absence for every two months of continuous service with the same employer. This leave may be taken on one week's notice by the employee to the employer or as otherwise mutually agreed. Provided that such leave or absence shall not normally be granted on Thursdays or Fridays unless such days are suitable to the employer concerned.

The meal break supervision allowance in this clause is a rate representing time and one quarter of the hourly rate for a Manager Pharmacist.

The meal break supervision allowances payable per hour are:

	\$
Manager Pharmacist (i)	20.08
Manager Pharmacist (ii)	21.84
Manager Pharmacist (iii)	23.96

Variation of the length of the meal break would require pro rata adjustment of the meal break supervision payment and the leave factor mentioned above.

6 COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

Part 1 - contd

5 - PUBLIC HOLIDAYS

(a) Double time shall be the rate payable for all work done on New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Melbourne Cup Day, Christmas Day, Boxing Day, and after 12 noon on Show Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the abovementioned holidays, the special rate shall be payable only for work done on the day so substituted. Provided that in areas outside the areas of Melbourne metropolitan area, equivalent time may be granted off duty at appropriate rates of pay by mutual agreement.

(b) If any additional day be proclaimed by Act of Parliament or Proclamation to be a general public holiday throughout the State of Victoria it shall be deemed to be included with those prescribed in subclause (a) hereof.

(c) Where a holiday listed under subclauses (a) and (b) hereof occurs during Monday to Friday, full-time employees shall receive:

(i) equal time off in lieu; or

(ii) an equivalent day or half day's pay as the case may be; or

(iii) one extra day or half day (as the case may be) added to his annual leave.

"Special Additional Holiday - 150th Anniversary of Victoria - Monday, 31 December 1994."

(d) Weekly employees not required to work shall be entitled to be absent from work without loss of pay on 31 December 1984 provided that if any employee is required to work on that day, he/she shall be paid at the rate of time and a half in addition to ordinary rate for all time worked with a minimum payment as for three hours at such rate.

6 - ORDINARY RATE OR ORDINARY PAY

For all purposes of Part 1 of this Award the expressions "ordinary rate" or "ordinary pay" wheresoever appearing shall be the appropriate rate set out

in subclauses 1(a), (b) or (c) of this Part.

7 - ANNUAL HOLIDAY

The provisions of the clause shall apply to employees employed as at and after 5 August 1974 and shall operate for leave falling due on or after that date.

Clause (A)

(a) Except as otherwise provided in this Award every employee shall at the end of each year of his employment by an employer become entitled to an annual holiday of four weeks on ordinary pay.

(b) The annual holiday shall be given and taken as follows:

(i) Four consecutive weeks in one period; or

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

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Part 1:7 - Annual holiday (A) (b) - contd

(ii) Two consecutive weeks in two periods; or

(iii) Three consecutive weeks in one period and one week in another period.

(iv) An employee may with the consent of his or her employer take

short-term annual leave, not exceeding four days in any calendar year at a time or times separate from any of the periods determined in accordance with paragraphs (i), (ii) or (iii) hereof.

(c) If the employee and the employer so agree the annual holiday or either of such separate periods may be taken wholly or partly in advance before the employee has become entitled to the annual holiday.

(d) The annual holiday shall be given by the employer and shall be taken by the employee before the expiration of a period of six months after the date upon which the right to such holiday accrues. Provided that the giving and taking of the whole or any separate period of such annual holiday may, with the consent in writing of the Chief Industrial Officer of the Department of Labour, be postponed for a period to be specified by him in any case where he is of the opinion that circumstances render such postponement necessary or desirable.

(e) Except as provided in the next succeeding clause payment shall not be made by an employer to an employee in lieu of any annual holiday or part thereof to which the employee is entitled under this Award nor shall any such payment be accepted by the employee.

(f) (i) The employer shall give each employee at least seven days' notice of the date from which his annual holiday shall be taken.

(ii) The employer shall pay each employee in advance before the commencement of the employee's annual holiday his ordinary pay for the holiday period.

(g) Where the annual holiday or any part thereof has been taken before the right to the annual holiday has accrued the right to a further annual holiday shall not commence to accrue until after the expiration of the year of employment in respect of which the annual holiday or part has been so taken.

(h) Where any trade or public holidays for which the employee is entitled to payment under any Act, Determination, Award or under his contract of employment occurs during any period of an annual holiday taken by an employee under this clause, the period of the holiday shall be increased by one day in respect of that trade or public holiday.

(i) In respect of the employees who work a 38 hour week in accordance with clause 30A of this Part, the four weeks of annual leave shall be inclusive of two half days or one full day off which may accrue under clause 30A of this Part.

Clause (B)

(a) Where the employment of an employee who has become entitled to one or more annual holidays provided by this Award is terminated, the employer shall be deemed to have given the holiday or holidays (except so much, if any, as has already been taken) to the employee as from the date of termination of

8 COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

Part 1:7 - Annual holiday (B) (a) - contd

the employment, and shall forthwith pay to the employee, in addition to all other amounts due to the employee, the employee's ordinary pay for the period of the holiday or holidays.

(b) Subclause (a) hereof applies to and in respect of an annual holiday (except so much, if any, as has already been taken) whether or not the employee concerned continues to be entitled (apart from this clause) to take it, and so applies as if the employee's right to take it had accrued immediately before the date of the termination of the employee's employment.

(c) Nothing in subclauses (a) or (b) hereof affects the obligation of an employer to give, or an employee to take, annual holidays in accordance with this award.

(d) (i) This subclause applies with respect to every period of employment of an employee by any employer which is less than one year, such period being computed from the date of the commencement of the employment or (where the employee has during the employment become entitled to any annual holiday or holidays under the last preceding clause) computed from the date upon which he became entitled to that annual holiday, or to the last annual holiday as the case may be.

(ii) Where the employment of any employee by any employer is terminated at the end of a period of employment to which this subclause applies the employer shall forthwith pay to the

employee, in addition to all other amounts due to him, an amount equal to four forty-eighths of his ordinary pay for that period of employment.

(e) Where the annual holiday under the last preceding clause or any part thereof has been taken in advance by an employee pursuant to subclause (d) of that clause and:

has (i) the employment of the employee is terminated before he completed the year of employment in respect of which such annual holiday or part was taken; and

for (ii) the sum by the employer to the employee as ordinary pay the annual holiday or part so taken in advance exceeds the sum which the employer is required to pay to the employee under subclause (d) hereof;

the employer shall not be liable to make any payment to the employee under subclause (d) hereof and shall be entitled to deduct the amount of such excess from any remuneration payable to the employee upon the termination of the employment.

(f) (i) Where an employer intends temporarily to close (or reduce to nucleus) his establishment or a section thereof for the purpose (inter alia) of allowing annual leave to the employees concerned or a majority of them he may give in writing to such employees one month's notice (or, in the case of any employee engaged after giving of such notice, notice on the date of the employee's engagement) that he elects to apply the provisions of this subclause; and thereupon:

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

9

Part 1:7 - Annual holiday (B) (f) (1) - contd

(1) any such employee who at the date of closing is entitled to his annual holiday shall be given his annual holiday commencing as on and from the date of closing and, in addition, shall be paid four forty-eighths of his ordinary pay for any period of employment after the accrual of his right to the annual holiday and up to but excluding the date of closing;

(2) any such employee who at the date of closing is not entitled to his annual holiday shall be given leave without pay as on and from the date of closing and shall be paid four forty-eighths of his ordinary pay for the period of his employment since the commencement thereof or the accrual of his last annual holiday (whichever is the later) and up to but excluding the date of closing, together with pay for any trade or public holiday during such leave for which he is entitled to payment under any Act, Determination, Award or under his contract of employment; and

(3) the next twelve-monthly qualifying period of employment for every such employee shall commence as on and from the date of closing.

(ii) In this subclause "date of closing" in relation to each employee means the first day of his annual holiday or leave pursuant to this subclause.

Clause (C)

(a) For the purposes of clauses (A) and (B) hereof:

"Ordinary pay" in relation to any employee means remuneration for the employee's normal weekly number of hours of work calculated at the ordinary time rate of pay and where the employee is provided with board or lodging by his employer, includes the cash value of that board or lodging.

"Week" in relation to any employee means the employee's ordinary working week.

"Employee" means any person employed by any employer to do any work for hire or reward and includes an apprentice and any other person whose contract of employment requires him to learn or to be taught any occupation.

(b) For the purpose of the definition of the term "ordinary pay" in subclause (a) hereof:

(i) where no ordinary time rate of pay is fixed for an employee's work under the terms of his employment the ordinary rate of pay shall be deemed to be the average weekly rate earned by him during the period in respect of which the right to the annual holiday accrues;

(ii) where no normal weekly number of hours is fixed for an employee under the terms of his employment, the normal weekly number of hours of work shall be deemed to be the average weekly number of hours worked by him during the period in respect of which the right to the annual holiday accrues;

10 COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

Part 1:7 - Annual holiday (C) (b) - contd

(iii) the cash value of any board or lodging provided for an employee shall be deemed to be its cash value as fixed by or under the terms of the employee's employment or, if it is not so fixed, shall be computed at the rate of \$2 a week for board and \$1 a week for loading.

amount
Provided that the value of any board or lodging or the amount of payment in respect of board or lodging shall not be included in any case where the board or lodging is provided or the payment is made not as a part of his ordinary pay, but because the work done by the employee is in such a locality as to necessitate his sleeping elsewhere than at his genuine

place of residence, or because of any other special circumstances.

(c) For the purposes of this Award a year of employment shall be deemed to be unbroken notwithstanding:

(i) any annual leave or long service leave taken therein;

(ii) any interruption or ending of the employment by the employer if such interruption or ending is made with the intention of avoiding obligations in respect of annual leave or long service leave;

(iii) any absence from work of not more than fourteen days in the year of employment on account of sickness or accident except where an employee has an accrued entitlement to sick leave as prescribed in clause 8 of this Part;

(iv) any absence from work of a particular worker performing duties in relation to assets of a particular kind arising solely by reason of a transmission to which paragraphs 26(a)(iii) and 30(a)(iii) of this award apply of the assets from one employer to another employer.

(v) any absence on account of leave (other than annual leave or long service leave) granted imposed or agreed to by the employer;

(vi) any absence from work of a woman in respect of her pregnancy or the adoption of a child for a period not exceeding 12 months or such longer period specified in the Award;

(vii) any absence on any other account not involving termination of employment;

and in calculating a year of employment any absence of a kind mentioned in paragraphs (i) to (iv) hereof shall be counted as part of the year of employment but in respect of absences of a kind mentioned in paragraphs (v) to (vii) hereof it will be necessary for the employee as part of his qualification for annual leave to serve such additional period as equals the period of such absences.

Clause (D)

The entitlement of a locum under paragraphs (B)(d)(i) and (ii) may, at the election of the employer, (such election to be notified in writing to the

employee) be paid to the employee by increasing the hourly rate of pay by one-twelfth of the appropriate ordinary hourly rate as prescribed in subclause 13(a) of this Part.

A locum so paid shall be entitled to all other annual leave provisions but without pay.

Clause (E)

Annual leave loading

During a period of annual leave falling due on or after 5 August 1974, an employee (other than a casual employee) shall receive a loading of 17-1/2 per cent on the rate of wage prescribed in clause 1 of this Part.

The loading prescribed in this clause shall not apply to proportionate leave on termination of employment.

8 - SICK LEAVE

(A) Retail pharmacies

(a) Where an employee becomes disabled by personal ill health or accident, not due to his or her own misconduct, proof of which is given to an employer by medical certificate or other satisfactory evidence within 24 hours of the beginning of the employee's consequential absence, he or she shall on account thereof, be entitled without deduction of pay to absent himself or herself as follows:

- (i) During the first year of service - for every three months of completed service - 2 days (i.e. 16 working hours).
- (ii) During any subsequent year - 8 working days.

Provided that for absences of one working day or less, the production of a medical certificate shall not be necessary on two separate occasions per year.

(b) Notwithstanding anything contained in subclause (a) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

For the purposes of administering this subclause service prior to 1 July 1953, shall be disregarded.

(B) United Friendly Societies Dispensaries

(a) Any employee who furnishes to his employer a certificate of a medical practitioner or other satisfactory evidence that he is unable to perform his duties on account of personal illness shall, while incapacitated, be entitled to sick pay as follows:

Part 1:8 - Sick leave (B) (a) - contd

(i) during his first year of service - one day for each completed month of service;

(ii) during each subsequent year - twelve working days.

(b) Notwithstanding anything contained in subclause (a) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

9 - BEREAVEMENT LEAVE

(a) An employee shall on the death of a wife, husband, father, mother, foster-father, foster-mother, mother-in-law, father-in-law, brother, sister, child, or stepchild be entitled to compassionate leave.

(b) Compassionate leave shall be granted as follows:

Within Victoria

(i) An employee shall be granted leave of absence up to and including the day of the funeral of a relation as defined in subclause (a) hereof. Such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in three ordinary days' work.

Outside Victoria

(ii) An employee shall be granted leave of absence for 7 calendar days (of which only 3 days shall be paid) for the purpose of attending a funeral of a relation as defined in subclause (a) hereof where such occurs outside the State of Victoria.

(c) Proof of such death shall be furnished by the employee to the satisfaction of his employer. Provided however that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave. For the purposes of this clause the words "wife" and "husband" shall not include a wife or husband from whom the employee is separated but shall include a person who lives with the employee as a de facto wife or husband.

(d) The provisions of this clause shall apply in respect of the death of a grandmother, grandfather, or grandchild provided that payment in respect thereof shall be limited to one day.

10 - GARMENT ALLOWANCE

(a) Where an employee is required to wear, when at work, a washable uniform the laundering of which is not paid for by the employer, such employee shall be paid \$5.10 per week or \$1.02 per day, in addition to the ordinary rate.

(b) Where an employee is required to wear any uniform, dress or clothing of special design and/or material, it shall be supplied, and, if necessary, except as provided hereunder, laundered by the employer. Any such garment shall remain the property of the employer.

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

13

Part 1:10 - Garment allowance (b) - contd

Where the employee is required to launder the garment in subclause (a) or (b) hereof an allowance of \$3.60 per week or 72 cents per day, in addition to the ordinary wage shall be paid.

11 - TRANSFER OF EMPLOYEE

Where any employer transfers an employee (other than a locum) from one township to another, the employer shall be responsible for and shall pay the whole of the moving expenses, including fares and transport charges, for the employee and his family.

12 - EXCESS FARES

Where an employee is required by his or her employer to move temporarily from one branch or shop to another for a period not exceeding four weeks all additional fares so incurred shall be paid by the employer.

13 - LOCUMS

(a) A Locum shall be paid not less than the appropriate rate prescribed in clause 1 of this Part for the class of work done (calculated pro rata for any period less than one week) with an addition of 10 per centum. Provided that a Locum Pharmacist called upon to relieve the proprietor or manager of a pharmacy shall be deemed to be a Pharmacist in Charge.

(b) (i) For all work done between the hours of 8.00 a.m. and 1.00 p.m. on Saturdays and between the hours of 6.00 p.m. and 9.00 p.m. (Monday to Friday) the rate of pay shall be time and a half.

(ii) Outside the times of beginning and ending work and outside the times listed in paragraph (i) hereof a Locum shall be paid double time.

(iii) A Locum shall be paid a minimum payment as for three hours work on any one day Monday to Friday 8.00 a.m. to 6.00 p.m. and 2 hours minimum payment at any other time.

(iv) The meal break supervision rate of a Manager Pharmacist (Locum) shall be time and one-quarter of his ordinary hourly rate.

Distant jobs and travelling time

(c) (i) Where a Locum can not conveniently return to his or her home on completion of each day's work he or she shall have reasonable accommodation arranged and paid for by the

employer. In addition he or she shall be entitled to be reimbursed fares necessarily expended in travelling to the job, and in returning to his or her home town on its completion. Such fares or reimbursement shall be first class rail, plane or road travel whichever may apply. Where an employee provides his own transport, such reimbursement shall be at the rate of 48 cents a kilometre, provided that the amount payable shall not exceed the lesser of the amounts of the first class plane or rail fare.

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Part 1:13 - Locums (c) - contd

(ii) A Locum engaged to work in the country, or sent from one country centre to work in another country centre shall be entitled to be paid at ordinary rates for travelling time to and from the job. Such time is to be counted to and from Melbourne, or his or her home town whichever is the nearer.

14 - TERMS OF EMPLOYMENT

(a) Except as provided in clause 13 of this Part, employment shall be by the week and a weekly employee who is ready, available and willing to work the number of hours prescribed for a week's work shall be paid the full weekly wage fixed herein irrespective of the number of hours worked, not exceeding 40. Provided, however, that such an employee not attending for duty, except as provided by clause 10 of this Part shall lose his or her pay for the actual time of such non-attendance.

Part-time employees

(b) A part-time employee is one who works less hours per week than a full-time employee and who usually works a regular number of hours for the same employer each week. Employees employed on a part-time basis shall be paid for the hours worked: at an hourly rate equal to 1/38th of the weekly rate appropriate to the employee's classification. Part-time employees shall accrue other entitlements on a pro rata basis and be entitled to the appropriate overtime and penalty rates that apply to full-time employees. The minimum number of hours of employment per day will be four hours.

15 - MEAL BREAK

No employee shall be required to work for more than five consecutive hours without a meal break of at least 30 minutes.

Where an employee is required to work more than eight hours in any one day he may take a meal break of 30 minutes after eight hours work during which time he shall be paid at the appropriate normal rate of pay.

16 - REST PERIOD

Each employee shall be allowed a rest period of four minutes each morning and afternoon at times convenient to the employer.

17 - PAYMENT OF WAGES

(a) Wages shall be paid as follows:

- (i) In the case of an employee whose ordinary hours of work are arranged in accordance with subclause 30A(a) of this Part so that he works an average of 38 hours each week during a particular cycle, wages shall be paid weekly or fortnightly or monthly according to a weekly average of ordinary hours worked even though more or less than 38 hours may be worked in any particular week of the work cycle.
- (ii) Locums (relievers) shall be paid before the expiration of the period for which they were employed or at intervals that are mutually agreed with the employer.

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Part 1:17 - Payment of wages - contd

(b) All wages due shall be paid not later than Thursday in each pay period and must be paid during working hours. When Friday is a holiday, wages shall be paid not later than Wednesday in that week.

(c) Each employee shall be supplied on or before pay day with a statement in writing showing or from which may be calculated the amount of ordinary pay, overtime, penalty rates and allowances and the amount of deductions for any purposes in respect of the amount paid.

(d) Where a shop intends to change from weekly to fortnightly pays without one week's pay in advance the following procedure shall apply in respect of existing employees:

The first fortnightly pay shall include one week's pay in advance. The one week's pay in advance shall be phased out at a rate the individual employee elects over a maximum period of five months. Provided that an existing employee may elect to change to a fortnightly pay immediately without one week in advance.

In the event of a dispute regarding the implementation of fortnightly pays in any shop the matter may be referred by either party to the Australian Industrial Relations Commission.

(e) These conditions may be varied by mutual consent between the employer and the employee. Payment of wages may be made by cash, cheque, Electronic Funds Transfer or similar means.

18 - TIME BOOK

Each employer shall provide and cause to be kept a time book or other record in which each employee shall daily enter his or her starting and finishing time.

19 - TERMINATION OF EMPLOYMENT

Statement of employment

(a) The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of his/her employment and the classification of or the type of work performed by the employee.

Notice of termination by employer

(b) (i) During the first month of service employment may be terminated without notice by either party. For subsequent service (except in a case where an employee has been guilty of serious and wilful misconduct or an employee has been engaged as a Locum in which case no notice of termination shall be required):

(1) A pharmacist manager shall give or receive four weeks notice; or

(2) Any other employee shall give or receive:

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Part 1:19 - Termination of employment(b) (i) (2) - contd

Period of Continuous Service	Period of Notice
More than 1 month but less than 1 year	2 weeks
1 year but less than 3 years	2 weeks
3 years but less than 5 years	3 weeks
5 years and over	4 weeks

employees (ii) In addition to the notice in paragraph (i) hereof, over 45 years of age at the time of the giving of the notice with not less than two years continuous service, shall be entitled to an additional week's notice.

(iii) Payment in lieu of the notice prescribed in paragraphs (i) and/or (ii) hereof shall be made if the appropriate notice period is not given. Provided that employment may be terminated by part of the period of notice specified in part payment in lieu thereof.

(iv) In calculating any payment in lieu of notice the wages an employee would have received in respect of the ordinary time he/she would have worked during the period of notice had his/her employment not been terminated shall be used.

shall (v) For the purposes of this clause, continuity of service be calculated in the manner prescribed by subclause 7(C) (c) of this Part.

(vi) An employer shall not issue a notice of termination of employment to an employee whilst the employee is absent on an accrued entitlement to sick leave.

Notice of termination by employee

(c) The notice of termination required to be given by an employee shall be the same as that required of an employer, save and except that there shall be no additional notice based on the age of the employee concerned.

Subject to financial obligations imposed on an employer by any Act, if an employee fails to give notice the employer shall have the right to withhold moneys due to the employee with a maximum amount equal to the ordinary time rate of pay for the period of notice from any money due to the employee under this Award.

Time off work during the period of notice

(d) Where an employer has given notice of termination to an employee, the employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off shall be taken at times that are convenient to the employee after consultation with the employer.

20 - EXAMINATION LEAVE

A Trainee Pharmacist shall be granted leave with full wages in order to attend the Pharmacy (IV) final examinations.

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17

Part 1:20 - Examination leave - contd

The amount of such leave shall be sufficient to allow the trainee pharmacist:

- (i) to proceed to and from the place of examination; and
- (ii) in addition, allow one clear day for pre-examination study prior to such examination.

21 - TRANSPORT OF EMPLOYEES AFTER HOURS

When an employee, after having worked overtime for which he has not been regularly rostered, finishes work at a time when his regular mode of transport, or reasonable alternative means of transport, is not available, the employer shall provide transport or reimburse the employee for any additional outlay incurred in reaching his home by other means of transport.

22 - TRANSPORT ALLOWANCE

Where an employer requires an employee to use his own motor vehicle in the performance of his duties such employee shall be paid an allowance of 48 cents per kilometre.

23 - RIGHTS, DUTIES AND RESPONSIBILITIES OF PHARMACISTS IN FRIENDLY SOCIETIES' DISPENSARIES

Manager Pharmacist is a registered Pharmacist notifiable to the Pharmacy Board of Victoria as Manager, and who, in addition to all the rights, duties, and responsibilities of the Pharmacist is responsible for compliance with all laws and regulations pertaining to the proper conduct of a pharmacy, and who

may under instructions from his employer, carry out, or cause to be carried out such other necessary functions as buying, banking, etc. He shall have sole custody of and access to all poisons and deleterious substances which authority may only be delegated to or shared with a Pharmacist in the employ of that Dispensary, and shall be solely responsible for the maintenance of adequate stocks and equipment and appropriate conditions of storage of same. By virtue of his academic qualifications, registration and experience, it shall be his duty to maintain or cause to be maintained an adequate staff of Pharmacists, consistent with the demands of public safety.

He shall forthwith notify any inadequacy of pharmaceutical staff to the Committee of Management of the United Friendly Societies' Dispensary through its Secretary which body shall determine the matter in consultation with the Manager Pharmacist.

Disputes arising out of this clause shall be referred for decision to a standing committee consisting of three members of the United Friendly Societies' Dispensaries and Medical Association of Victoria and three members appointed by The Salaried Pharmacists' Association.

24 - RIGHT OF ENTRY

An official of The Salaried Pharmacists' Association duly accredited in writing shall have the right to enter the employer's premises to interview employees, but shall not interview employees during working hours without the permission of the employer.

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Part 1 - contd

25 - AWARD TO BE POSTED

A copy of this Award shall be available in a prominent place in each employer's premises in a place accessible to all employees.

26 - PARENTAL LEAVE

Subject to the terms of this clause employees are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child.

(A) MATERNITY LEAVE

Nature of leave

- (a) Maternity leave is unpaid leave.

Definitions

- (b) For the purposes of this subclause:
- (i) "Employee" includes a part-time employee but does not include an employee engaged upon casual or seasonal work.
 - (ii) "Paternity leave" means leave of the type provided for in

subclause (B) whether prescribed in an award or otherwise.

(iii) "Child" means a child of the employee under the age of one year.

(iv) "Spouse" includes a de facto or a former spouse.

(v) "Continuous service" means service under an unbroken contract of employment and includes:

(1) any period of leave taken in accordance with this clause,

(2) any period of part-time employment worked in accordance with this clause, or

(3) any period of leave or absence authorised by the employer or by the award.

Eligibility for maternity leave

(c) An employee who becomes pregnant, upon production to her employer of the certificate required by paragraph (d) hereof, shall be entitled to a period of up to 52 weeks maternity leave provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of paternity leave taken by the employee's spouse in relation to the same child and apart from paternity leave of up to one week at the time of confinement shall not be taken concurrently with paternity leave.

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

19

Part 1:26 - Parental leave (A)(c) - contd

Subject to paragraphs (f) and (i) hereof the period of maternity leave shall be unbroken and shall, immediately following confinement, include a period of six weeks compulsory leave.

The employee must have had at least 12 months continuous service with the employer immediately preceding the date upon which she proceeds upon such leave.

Certification

(d) At the time specified in paragraph (e) the employee must produce to the employer:

(i) a certificate from a registered medical practitioner stating that she is pregnant and the expected date of confinement.

(ii) a statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse and that for the period of maternity leave she will not engage in any conduct inconsistent with her contract of employment.

Notice requirements

- (e) (i) An employee shall, not less than ten weeks prior to the presumed date of confinement, produce to her employer the certificate referred to in subparagraph (d) (i).
- (ii) An employee shall give not less than four weeks' notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken and shall, at the same time produce to the employer the statutory declaration referred to in subparagraph (d) (ii).
- (iii) An employer by not less than 14 days notice in writing to the
employee may require her to commence maternity leave at any time within the six weeks immediately prior to her presumed date of confinement.
- (iv) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with subparagraph (ii) hereof if such failure is occasioned by the confinement occurring earlier than the presumed date.

Transfer to a safe job

(f) Where, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to safe duties at the rate and on the conditions attaching to that job until the commencement of maternity leave.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a registered medical practitioner. Such leave shall be treated as maternity leave for the purposes of paragraphs (j), (k), (l) and (m) hereof.

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Part 1:26 - Parental leave - contd

Variation of period of maternity leave

- (g) (i) Provided the maximum period of maternity leave does not exceed the period to which the employee is entitled under paragraph (c) hereof:
- (1) the period of maternity leave may be lengthened once only by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be lengthened;
 - (2) the period may be further lengthened by agreement between the employer and the employee.

- (ii) The period of maternity leave may, with the consent of the employer, be shortened by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be shortened.

Cancellation of maternity leave

- (h) (i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by the birth of a living child.
 - (ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed four weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

Special maternity leave and sick leave

- (i) (i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then:
 - (1) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work; or
 - (2) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a registered medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before

Part 1:26 - Parental leave (A) (i) (ii) - contd

her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed the period to which the employee is entitled under paragraph (c) hereof.

- (iii) For the purposes of paragraphs (j), (k) and (l) hereof, maternity leave shall include special maternity leave.

- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this subclause shall be

entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to paragraph (f) hereof, to the position which she held immediately before such transfer.

Where such position no longer exists but there are other positions available which the employee is qualified for and capable of performing she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

Maternity leave and other leave entitlements

(j) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under paragraph (c) hereof, an employee may, in lieu of or in conjunction with maternity leave, take any annual leave or long service leave or any part thereof to which she is entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during her absence on maternity leave.

Effect of maternity leave on employment

(k) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

(l) (i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.

(ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

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Part 1:26 - Parental leave (A) - contd

Return to work after maternity leave

(m) (i) An employee shall confirm her intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of her period of maternity leave.

or

(ii) An employee, upon returning to work after maternity leave

upon the expiration of the notice required by subparagraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to safe duties pursuant to paragraph (f) hereof, to the position which she held immediately before such transfer, or in relation to an employee who has worked part-time during the pregnancy the position she held immediately before commencing such part-time work.

Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

Replacement employees

as

(n) (i) A replacement employee is an employee specifically engaged a result of an employee proceeding on maternity leave.

(ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

the

(iv) Nothing in this subclause shall be construed as requiring employer to engage a replacement employee.

(B) PATERNITY LEAVE

Nature of leave

(a) Paternity leave is unpaid leave.

Definitions

(b) For the purposes of this subclause:

include

(i) "Employee" includes a part-time employee but does not an employee engaged upon casual or seasonal work.

(ii) "Maternity leave" means leave of the type provided for in subclause (A) (and includes special maternity leave) whether prescribed in an award or otherwise.

(iii) "Child" means a child of the employee or the employee's spouse under the age of one year.

(iv) "Spouse" includes a de facto or a former spouse.

principal

(v) "Primary care-giver" means a person who assumes the role of providing care and attention to a child.

contract

(vi) "Continuous service" means service under an unbroken of employment and includes:

(1) any period of leave taken in accordance with this clause,

(2) any period of part-time employment worked in accordance with this clause, or

(3) any period of leave or absence authorised by the employer or by the award.

Eligibility for paternity leave

(c) A male employee, upon production to the employer of the certificate required by paragraph (d), shall be entitled to one or two periods of paternity leave, the total of which shall not exceed 52 weeks, in the following circumstances:

(i) an unbroken period of up to one week at the time of confinement of his spouse;

(ii) a further unbroken period of up to 51 weeks in order to be the primary care-giver of a child provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of maternity leave taken by the employee's spouse in relation to the same child and shall not be taken concurrently with that maternity leave.

The employee must have had at least 12 months continuous service with the employer immediately preceding the date upon which he proceeds upon either period of leave.

Certification

(d) At the time specified in paragraph (e) hereof the employee must produce to his employer:

which

(i) a certificate from a registered medical practitioner names his spouse, states that she is pregnant and the

expected date of confinement or states the date on which the birth took place.

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Part 1:26 - Parental leave (B) (d) - contd

(ii) in relation to any period to be taken under subparagraph (c) (ii) hereof, a statutory declaration stating:

- (1) he will take that period of paternity leave to become the primary care-giver of a child;
- (2) particulars of any period of maternity leave sought or taken by his spouse; and
- (3) for the period of paternity leave he will not engage in any conduct inconsistent with his contract of employment.

Notice requirements

(e) (i) The employee shall, not less than ten weeks prior to each proposed period of leave, give the employer notice in writing stating the dates on which he proposes to start and finish the period or periods of leave and produce the certificate and statutory declaration required in paragraph (d) hereof.

(ii) The employee shall not be in breach of this subclause as a consequence of failure to give the notice required in subparagraph (i) hereof if such failure is due to:

- (1) the birth occurring earlier than the expected date; or
- (2) the death of the mother of the child; or
- (3) other compelling circumstances.

(iii) The employee shall immediately notify the employer of any change in the information provided pursuant to subclause (d) hereof.

Variation of period of paternity leave

(f) (i) Provided the maximum period of paternity leave does not exceed the period to which the employee is entitled under paragraph (c) hereof:

- (1) the period of paternity leave provided by subparagraph (c) (ii) may be lengthened once only by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be lengthened;
- (2) the period may be further lengthened by agreement between the employer and the employee.

(ii) The period of paternity leave taken under subparagraph

(c) (ii) hereof may, with the consent of the employer, be shortened by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be shortened.

Part 1:26 - Parental leave (B) - contd

Cancellation of paternity leave

(g) Paternity leave, applied for under subparagraph (c) (ii) hereof but not commenced, shall be cancelled when the pregnancy of the employee's spouse terminates other than by the birth of a living child.

Paternity leave and other leave entitlements

(h) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under paragraph (c) hereof, an employee may, in lieu of or in conjunction with paternity leave, take any annual leave or long service leave or any part thereof to which he is entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during his absence on paternity leave.

Effect of paternity leave on employment

(i) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on paternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

(j) (i) An employee on paternity leave may terminate his employment at any time during the period of leave by notice given in accordance with this award.

(ii) The employer shall not terminate the employment of an employee on the ground of his absence on paternity leave, but otherwise the rights of the employer in relation to termination of employment are not hereby affected.

Return to work after paternity leave

(k) (i) An employee shall confirm his intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of paternity leave provided by subparagraph (c) (ii) hereof.

(ii) An employee, upon returning to work after paternity leave

or

the expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which he held immediately before proceeding on paternity leave, or in relation to an employee who has worked part-time under this clause to the position he held immediately before commencing such part-time work.

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Part 1:26 - Parental leave (B) (k) (ii) - contd

Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, he shall be entitled to a position as nearly comparable in status and pay to that of his former position.

Replacement employees

(1) (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on paternity leave.

(ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

employee (iii) Before the employer engages a person to replace an temporarily promoted or transferred in order to replace an employee exercising his rights under this subclause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

the (iv) Nothing in this subclause shall be construed as requiring employer to engage a replacement employee.

(C) ADOPTION LEAVE

Nature of leave

(a) Adoption leave is unpaid leave.

Definitions

(b) For the purposes of this subclause:

employee (i) "Employee" includes a part-time employee but not an engaged upon casual or seasonal work.

(ii) "Child" means a person under the age of five years who is placed with the employee for the purposes of adoption, other than a child or step-child of the employee or of the spouse

of the employee or a child who has previously lived continuously with the employee for a period of six months or more.

(iii) "Relative adoption" occurs where a child, as defined, is adopted by a grandparent, brother, sister, aunt or uncle (whether of the whole blood or half blood or by marriage).

principal

(iv) "Primary care-giver" means a person who assumes the role of providing care and attention to a child.

(v) "Spouse" includes a de facto spouse.

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Part 1:26 - Parental leave (C) (b) - contd

contract

(vi) "Continuous service" means service under an unbroken of employment and includes:

(1) any period of leave taken in accordance with this clause,

(2) any period of part-time employment worked in accordance with this clause, or

(3) any period of leave or absence authorised by the employer or by the award.

Eligibility

(c) An employee, upon production to the employer of the documentation required by paragraph (d) hereof shall be entitled to one or two periods of adoption leave, the total of which shall not exceed 52 weeks, in the following circumstances:

the

(i) an unbroken period of up to three weeks at the time of placement of the child;

(ii) an unbroken period of up to 52 weeks from the time of its placement in order to be the primary care-giver of the child. This leave shall not extend beyond one year after the placement of the child and shall not be taken concurrently with adoption leave taken by the employee's spouse in relation to the same child. This entitlement of up to 52 weeks shall be reduced by:

(1) any period of leave taken pursuant to subparagraph (i) hereof; and

(2) the aggregate of any periods of adoption leave taken or to be taken by the employee's spouse;

The employee must have had at least 12 months continuous service with

that employer immediately preceding the date upon which he or she proceeds upon such leave in either case.

Certification

(d) Before taking adoption leave the employee must produce to the employer:

- (i) (1) A statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for adoption purposes; or
- (2) A statement from the appropriate government authority confirming that the employee is to have custody of the child pending application for an adoption order.
- (ii) In relation to any period to be taken under subparagraph (c) (ii) hereof, a statutory declaration stating:

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Part 1:26 - Parental leave (C) (d) (ii) - contd

- (1) the employee is seeking adoption leave to become the primary care-giver of the child;
- (2) particulars of any period of adoption leave sought or taken by the employee's spouse; and
- (3) for the period of adoption leave the employee will not engage in any conduct inconsistent with his or her contract of employment.

Notice requirements

- (e) (i) Upon receiving notice of approval for adoption purposes, an employee shall notify the employer of such approval and within two months of such approval shall further notify the employer of the period or periods of adoption leave the employee proposes to take. In the case of a relative adoption the employee shall notify as aforesaid upon deciding to take a child into custody pending an application for an adoption order.
- (ii) An employee who commences employment with the employer after the date of approval for adoption purposes shall notify the employer thereof upon commencing employment and of the period or periods of adoption leave which the employee proposes to take. Provided that such employee shall not be entitled to adoption leave unless the employee has not less than 12 months continuous service with that employer immediately preceding the date upon which he or she proceeds upon such leave.
- (iii) An employee shall, as soon as the employee is aware of the presumed date of placement of a child for adoption purposes

but no later than 14 days before such placement, give notice in writing to the employer of such date, and of the date of the commencement of any period of leave to be taken under subparagraph (c) (i) hereof.

(iv) An employee shall, ten weeks before the proposed date of commencing any leave to be taken under subparagraph (c) (ii) hereof give notice in writing to the employer of the date of commencing leave and the period of leave to be taken.

as a (v) An employee shall not be in breach of this subclause, consequence of failure to give the stipulated period of notice in accordance with subparagraphs (iii) and (iv) hereof if such failure is occasioned by the requirement of an adoption agency to accept earlier or later placement of a child, the death of the spouse or other compelling circumstances.

Variation of period of adoption leave

(f) (i) Provided the maximum period of adoption leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

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Part 1:26 - Parental leave (C) (f) (i) - contd

(1) the period of leave provided by subparagraph (c) (ii) hereof may be lengthened once only by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be lengthened;

(2) the period may be further lengthened by agreement between the employer and the employee.

(c) (ii) (ii) The period of adoption leave taken under subparagraph hereof may, with the consent of the employer, be shortened by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be shortened.

Cancellation of adoption leave

(g) (i) Adoption leave, applied for but not commenced, shall be cancelled should the placement of the child not proceed.

an (ii) Where the placement of a child for adoption purposes with employee then on adoption leave does not proceed or continue, the employee shall notify the employer forthwith and the employer shall nominate a time not exceeding four weeks from receipt of notification for the employee's resumption of work.

Special leave

(h) The employer shall grant to any employee who is seeking to adopt a child, such unpaid leave not exceeding two days, as is required by the employee to attend any compulsory interviews or examinations as are necessary s part of the adoption procedure. Where paid leave is available to the employee the employer may require the employee to take such leave in lieu of special leave.

Adoption leave and other leave entitlements

(i) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under paragraph (c) hereof, an employee may, in lieu of or in conjunction with adoption leave, take any annual leave or long service leave or any part thereof to which he or she is entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during the employee's absence on adoption leave.

Effect of adoption leave on employment

(j) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on adoption leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

(k) (i) An employee on adoption leave may terminate the employment at
any time during the period of leave by notice given in accordance with this award.

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Part 1:26 - Parental leave (C) (k) - contd

Termination of employment

(ii) An employer shall not terminate the employment of an employee
on the ground of the employee's application to adopt a child or absence on adoption leave, but otherwise the rights of the employer in relation to termination of employment are not hereby affected.

Return to work after adoption leave

(l) (i) An employee shall confirm the intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of adoption leave provided by subparagraph (c) (ii) hereof.

(ii) An employee, upon returning to work after adoption leave shall be entitled to the position held immediately before

proceeding on such leave or in relation to an employee who has worked part-time under this clause to the position held immediately before commencing such part-time work.

Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee shall be entitled to a position as nearly comparable in status and pay to that of the employee's former position.

Replacement employees

(m) (i) A replacement employee is a person specifically engaged as a result of an employee proceeding on adoption leave.

(ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising rights under this subclause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

an (iv) Nothing in this subclause shall be construed as requiring employer to engage a replacement employee.

(D) PART-TIME WORK

Definitions

(a) For the purposes of this subclause:

for a (i) "Male employee" means an employed male who is caring child born of his spouse or a child placed with the employee for adoption purposes.

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Part 1:26 - Parental leave (D) (a) - contd

or (ii) "Female employee" means an employed female who is pregnant who is caring for a child she has borne or a child who has been placed with the employee for adoption purposes.

(iii) "Spouse" includes a de facto or a former spouse.

male (iv) "Former position" means the position held by a female or employee immediately before proceeding on leave or part-time employment under this subclause whichever first occurs or, if

such position no longer exists but there are other positions available for which the employee is qualified and the duties of which he or she is capable of performing, a position as nearly comparable in status and pay to that of the position first mentioned in this definition.

contract (v) "Continuous service" means service under an unbroken of employment and includes:

- (1) any period of leave taken in accordance with this clause;
- (2) any period of part-time employment worked in accordance with this clause; or
- (3) any period of leave or absence authorised by the employer or by the award.

Entitlement

(b) With the agreement of the employer:

periods at (i) A male employee may work part-time in one or more any time from the date of birth of the child until its second birthday or, in relation to adoption, from the date of placement of the child until the second anniversary of the placement.

periods (ii) A female employee may work part-time in one or more while she is pregnant where part-time employment is, because of the pregnancy, necessary or desirable.

periods (iii) A female employee may work part-time in one or more at any time from the seventh week after the date of birth of the child until its second birthday.

time (iv) In relation to adoption a female employee may work part-time in one or more periods at any time from the date of the placement of the child until the second anniversary of that date.

Return to former position

service (c) (i) An employee who has had at least 12 months continuous with the employer immediately before commencing part-time employment after the birth or placement of a child has, at

the expiration of the period of such part-time employment or the first period, if there is more than one, the right to return to his or her former position.

(ii) Nothing in subparagraph (i) hereof shall prevent the employer from permitting the employee to return to his or her former position after a second or subsequent period of part-time employment.

Effect of part-time employment on continuous service

(d) Commencement on part-time work under this clause, and return from part-time work to full-time work under this clause, shall not break the continuity of service or employment.

Pro rata entitlements

(e) Subject to the provisions of this subclause and the matters agreed to in accordance with paragraph (h) hereof, part-time employment shall be in accordance with the provisions of this award which shall apply pro rata.

Transitional arrangements - annual leave

(f) (i) An employee working part-time under this subclause shall be paid for and take any leave accrued in respect of a period of full-time employment, in such periods and manner as specified in the annual leave provisions of this award, as if the employee were working full-time in the class of work the employee was performing as a full-time employee immediately before commencing part-time work under this subclause.

(ii) (1) A full-time employee shall be paid for and take any annual leave accrued in respect of a period of part-time employment under this subclause, in such periods and manner as specified in this award, as if the employee were working part-time in the class of work the employee was performing as a part-time employee immediately before resuming full-time work.

(2) Provided that, by agreement between the employer and the employee, the period over which the leave is taken may be shortened to the extent necessary for the employee to receive pay at the employee's current full-time rate.

Transitional arrangements - sick leave

(g) An employee working part-time under this subclause shall have sick leave entitlements which have accrued under this award (including any entitlement accrued in respect of previous full-time employment) converted into hours. When this entitlement is used, whether as a part-time employee or as a full-time employee, it shall be debited for the ordinary hours that the employee would have worked during the period of absences.

Part 1:26 - Parental leave (D) - contd

Part-time work agreement

- this
- (h) (i) Before commencing a period of part-time employment under subclause the employee and the employer shall agree:
- (1) that the employee may work part-time;
 - (2) upon the hours to be worked by the employee, the days upon which they will be worked and commencing times for the work;
 - (3) upon the classification applying to the work to be performed; and
 - (4) upon the period of part-time employment.
- (ii) The terms of this agreement may be varied by consent.
- (iii) The terms of this agreement or any variation to it shall be reduced to writing and retained by the employer. A copy of the agreement and any variation to it shall be provided to the employee by the employer.
- (iv) The terms of this agreement shall apply to the part-time employment.

Termination of employment

- may
- (i) (i) The employment of a part-time employee under this clause, be terminated in accordance with the provisions of this award but may not be terminated by the employer because the employee has exercised or proposes to exercise any rights arising under this clause or has enjoyed or proposes to enjoy any benefits arising under this clause.
- (ii) Any termination entitlements payable to an employee whose employment is terminated while working part-time under this clause, or while working full-time after transferring from part-time work under this clause, shall be calculated by reference to the full-time rate of pay at the time of termination and by regarding all service as a full-time employee as qualifying for a termination entitlement based on the period of full-time employment and all service as a part-time employee on a pro rata basis.

Extension of hours of work

- (j) An employer may request, but not require, an employee working part-time under this clause to work outside or in excess of the employee's ordinary hours of duty provided for in accordance with paragraph (e).

Nature of part-time work

(k) The work to be performed part-time need not be the work performed by the employee in his or her former position but shall be work otherwise performed under this award.

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Part 1:26 - Parental leave (D) - contd

Inconsistent award provisions

(l) An employee may work part-time under this clause notwithstanding any other provision of this award which limits or restricts the circumstances in which part-time employment may be worked or the terms upon which it may be worked including provisions:

- time; (i) limiting the number of employees who may work part-
- time (ii) establishing quotas as to the ratio of part-time to full-
- time (iii) prescribing a minimum or maximum number of hours a part-
- employee may work; or
- (iv) requiring consultation with, consent of or monitoring by a union;

and such provisions do not apply to part-time work under this clause.

Replacement employees

- as (m) (i) A replacement employee is an employee specifically engaged
- a result of an employee working part-time under this
- subclause.
- to (ii) A replacement employee may be employed part-time. Subject
- this paragraph, paragraphs (e), (f), (g) (h), (i) and (l) of
- this subclause apply to the part-time employment of a
- replacement employee.
- this (iii) Before an employer engages a replacement employee under
- paragraph, the employer shall inform the person of the
- temporary nature of the employment and of the rights of the
- employee who is being replaced.
- treated (iv) Unbroken service as a replacement employee shall be
- as continuous service for the purposes of subparagraph (a) (v)
- hereof.

requiring an (v) Nothing in this subclause shall be construed as
employer to engage a replacement employee.

27 - ACCIDENT PAY

(A) Definitions

The words hereunder shall bear the respective definitions set out herein:

Accident pay

Total incapacity

- (a) (i) In the case of an employee who is or deemed to be totally incapacitated within the meaning of the relevant Act and arising from an injury covered by this clause means a weekly

Part 1:27 - Accident pay (A) (a) (i) - contd

payment of an amount representing the difference between the total amount of compensation paid under the relevant Act for the week in question and the total 40 hour weekly rate and weekly overaward payment for a day worker which would have been payable under this Award for the employee's normal classification of work for the week in question if he had been performing his normal duties; provided that such latter rate shall exclude additional remuneration by way of shift premiums, overtime payments, special rates or other similar payments.

Partial incapacity

- partially (ii) In the case of an employee who is or deemed to be
incapacitated within the meaning of the relevant Act and arising from an injury covered by this clause means a weekly payment of an amount representing the difference between the total amount of compensation paid under the relevant Act for the period in question together with the average weekly amount the employee is earning or is able to earn in some suitable employment of business (as determined expressly or by implication by the Workers Compensation Board or as agreed between the parties) and the total 40 hour weekly rate and weekly overaward payment for a day worker which would have been payable under this Award for the employee's normal classification of work for the week in question if he had been performing his normal duties provided that such latter rate shall exclude additional remuneration by way of shift premiums, overtime payments, special rates or other similar payments.

The total 40 hour weekly Award rate and weekly overaward payment above-mentioned shall be the same as that applying

for a total incapacity provided that where an employee receives a weekly payment under this Section and subsequently such payment is reduced pursuant to the section 9.6(1) of the Act, such reduction will not increase the liability of the employer to increase the amount of accident pay in respect of that injury.

weekly (iii) For purposes of the calculation of the total 40 hour

Award rate and weekly overaward payment in paragraphs (i) and (ii) hereof payments made to an employee arising from a production incentive earnings scheme (whether arising from a payment by results, task or bonus scheme or however titled) shall not be taken into account.

Payment for part of a week

(iv) Where an employee receives accident pay and such pay is payable for incapacity for part of a week the amount shall be a direct pro rata.

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Part 1:27 - Accident pay (A) - contd

Injury

(b) Injury shall be given the same meaning and application as applying under the relevant Act, and no injury shall result in the application of accident pay unless an entitlement exists under the Act.

(c) (i) Where an entitlement to Accident Make-up Pay arises under this Award any reference to the Workers Compensation Act 1958 shall be deemed to include a reference to the Accident Compensation Act 1985 and any reference to the Accident Compensation Act 1985 shall be deemed to include a reference to the Workers Compensation Act 1958.

(ii) The relevant Act shall mean either:

(1) "Workers Compensation Act" means the Workers Compensation Act 1985, as amended from time to time, of the State of Victoria; or

(2) "Accident Compensation Act 1985" means the Accident Compensation Act 1985, as amended from time to time, of the State of Victoria;

as the case may be.

(B) Qualifications of Payment

Always subject to the terms of this clause, an employee covered by this Award shall upon receiving payment of compensation and continuing to receive such payment in respect of a weekly incapacity within the meaning of the relevant Act be paid accident pay by his employer who is liable to pay compensation under the relevant Act, which said liability by the employer for

Accident Pay may be discharged by another person on his behalf, provided that:

(a) Accident pay shall only be payable to an employee whilst such employee remains in the employment of the employer by whom he was employed at the time of the incapacity and then only for such period as he receives a weekly payment under the Act. Provided that if an employee on partial incapacity cannot obtain suitable employment from his employer but such alternative employment is available with another employer then the relevant amount of accident pay shall still be payable.

Provided further that in the case of the termination of employment by an employer of an employee who is incapacitated and who except for such termination would be entitled to accident pay, accident pay shall continue to apply subject to the provisions of this clause except in those cases where the termination is due to serious and/or wilful misconduct on the part of the employee.

In order to qualify for the continuance of accident pay on termination an employee shall if required provide evidence to his employer of the continuing payment of weekly workers compensation payments.

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Part 1:27 - Accident pay (B) - contd

(b) (i) Accident pay shall not apply to any incapacity occurring during the first two weeks of employment unless such incapacity continues beyond the first two weeks and then, subject to subclause (c) hereof and for the maximum period of payment prescribed elsewhere herein, accident pay shall apply only to the period of incapacity after the first two weeks.

(ii) Provided that as to industrial diseases contracted by a gradual process or injuries subject to recurrence, aggravation or acceleration (as provided in the relevant Act) such injuries or diseases shall not be subject to accident pay unless the employee has been employed with the employer at the time of the incapacity for a minimum period of one month.

(c) Accident pay shall not apply in respect of any injury during the first five normal working days of incapacity.

Provided however that in the case of an employee who contracts an infectious disease in the course of duty and is entitled to receive Worker's Compensation therefor shall receive Accident Pay from the first day of the incapacity.

(d) An employee on engagement may be required to declare all Workers' Compensation claims made in the previous 5 years and in the event of false or inaccurate information being deliberately and knowingly declared the employer may require the employee to forfeit his entitlement to accident pay under this clause.

(C) Maximum Period of Payment

The maximum period or aggregate of periods of accident pay to be made by

an employer shall be a total of 39 weeks for any one injury as defined in subclause (A) (b) hereof.

(D) Absences on other Paid Leave

An employee shall not be entitled to payment of accident pay in respect of any period of other paid leave of absence.

(E) Notice of Injury

An employee upon receiving an injury for which he claims to be entitled to receive accident pay shall give notice in writing of the said injury to his employer as soon as reasonably practicable after the occurrence thereof; provided that such notice may be given by a representative of the employee.

(F) Medical Examination

In order to receive entitlement to accident pay an employee shall conform to the requirements of the relevant Act as to medical examination.

Where in accordance with the relevant Act a medical referee gives a certificate as to condition of the employee and his fitness for work or specifies work for which the employee is fit and such work is made available by the employer and refused by the employee or the employee fails to commence the work, accident pay shall cease from the date of such refusal or failure to commence the work.

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Part 1:27 - Accident pay - contd

(G) Redemption of Weekly Payments

Where there is a redemption of weekly compensation payments under the relevant Act the employer's liability to pay accident pay shall cease as from the date of such redemption.

(H) Civil Damages Claims

(a) An employee receiving or who has received accident pay shall advise his employer of any action he may institute or any claim he may make for damages. Further the employee shall, if required, provide an authority to the employer entitling the employer to a charge upon the money payable pursuant to any judgement or settlement on that injury.

(b) Where an employee obtains a judgement or settlement for damages in respect of an injury for which he has received accident pay the employer's liability to pay accident pay shall cease from the date of such judgement or settlement; provided that if the judgement or settlement for damages is not reduced either in whole or part by the amount of accident pay made by the employer the employee shall pay to his employer any amount of accident pay already received in respect of that injury by which the judgement or settlement has not been so reduced.

(c) Where an employee obtains a judgement or settlement for damages against a person other than the employer in respect of an injury for which he has received accident pay the employer's liability to pay accident pay shall

cease from the date of such judgement or settlement; provided that if the judgement or settlement for damages is not reduced either in whole or part by the amount of accident pay made by the employer the employee shall pay to his employer any amount of accident pay already received in respect of that injury by which the judgement or settlement has not been so reduced.

(I) Insurance Against Liability

Nothing in this Award shall require an employer to insure against his liability for accident pay.

(J) Variations in Compensation Rates

Any changes in compensation rates under the relevant Act shall not increase the amount of accident pay above the amount that would have been payable had the rates of compensation remained unchanged.

(K) Death of Employee

All rights to accident pay shall cease on the death of an employee.

(L) Commencement

This clause shall only apply in respect of incapacity arising from any injury occurring or recurring on or after 16 December 1985.

28 - INTRODUCTION OF CHANGE

Employer's duty to notify

- (a) (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and the union.
- (ii) "Significant effects" include termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs. Provided that where the award makes provision for alteration of any of the matters referred to herein an alteration shall be deemed not to have significant effect.

Employer's duty to discuss change

- (b) (i) The employer shall discuss with the employees affected and their union, inter alia, the introduction of the changes referred to in subclause (a) hereof, the effects the changes

are likely to have on employees, measures to avert or mitigate the adverse effects of such changes on employees and shall give prompt consideration to matters raised by the employees and/or the union in relation to the changes.

- after
- (ii) The discussions shall commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in paragraph (a) (i) hereof.
 - (iii) For the purpose of such discussion, the employer shall provide in writing to the employees concerned and the union, all relevant information about the changes including the nature of the changes proposed; the expected effects of the changes on employees and any other matters likely to affect employees provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to the employer's interests.

29 - REDUNDANCY

Consultation and provision of information/discussions before terminations

- (a) (i) Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone and this is not due to the ordinary and customary turnover of labour and that decision may lead to termination of employment, the employer shall hold discussions with the employees directly affected and with their union.

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Part 1:29 - Redundancy (a) - contd

- (ii) The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provision of paragraph (i) hereof and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.
- (iii) For the purposes of the discussion the employer shall, as soon as practicable, provide in writing to the employees concerned and their union, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, and the number of workers normally employed and the period over which the terminations are likely to be carried out. Provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to the employer's interests.

Transfer to lower paid duties

(b) Where an employee is transferred to lower paid duties for reasons set out in subclause (a) hereof the employee shall be entitled to the same period of notice of transfer as he/she would have been entitled to if his/her employment had been terminated, and the employer may at the employer's option make payment in lieu thereof of an amount equal to the difference between the former ordinary time rate of pay and the new ordinary time rates for the number of weeks of notice still owing.

Transmission of business

(c) (i) Where a business is before or after the date of this award, transmitted from an employer (in this subclause called "the transmittor") to another employer (in this subclause called "the transmittee") and an employee who at the time of such transmission was an employee of the transmittor in that business becomes an employee of the transmittee:

(1) the continuity of the employment of the employee shall be deemed not to have been broken by reasons of such transmission; and

(2) the period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.

(ii) In this subclause "business" includes trade, process, business or occupation and includes part of any such business and "transmission" includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and "transmitted" has a corresponding meaning.

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Part 1:29 - Redundancy - contd

Time off work during the notice period

(d) (i) During the period of notice of termination given by the employer an employee shall 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.

(ii) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or he/she shall not receive payment for the time absent.

For this purpose a statutory declaration will be sufficient.

Notification to the Commonwealth Employment Service

(e) Where a decision has been made to terminate employees in the circumstances outlined in subclause (a) hereof, the employer shall notify the

Commonwealth Employment Service thereof as soon as possible giving relevant information including the number and categories of the employees likely to be affected and the period over which the terminations are intended to be carried out.

Severance pay

(f) In addition to the period of notice prescribed for ordinary termination in clause 19 of this Part an employee whose employment is terminated for reasons set out in subclause (a) hereof shall be entitled to the following amount of severance pay in respect of a continuous period of service:

Period of Continuous Service	Severance Pay
Less than one year	nil
1 year but less than two years	4 weeks' pay
2 years but less than three years	6 weeks' pay
3 years but less than four years	7 weeks' pay
4 years and over	8 weeks' pay

"Weeks' pay" means the ordinary rate of pay for the employee concerned.

Provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date.

Definition of continuous service as per subclause 7(C)(c) of this Part.

Employee leaving during the notice period

(g) An employee whose employment is terminated for reasons set out in subclause (a) hereof may terminate his/her employment during the period of notice and, if so, shall be entitled to the same benefits and payment under this clause had he/she remained with the employer until the expiry of such notice. Provided that in such circumstances the employee shall not be entitled to payment in lieu of notice.

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Part 1:29 - Redundancy - contd

Superannuation

(h) Subject to further Award by a Board, where an employee who is terminated receives a benefit from a superannuation scheme, he/she shall only receive under subclause (f) hereof the difference between the severance pay specified in that clause and the amount of superannuation benefit he/she receives which is attributable to employer contributions only. If this superannuation benefit is greater than the amount due under subclause (f) hereof then he/she shall receive no payment under that clause.

Incapacity to pay

(i) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied on the basis of the employer's incapacity to pay.

Alternative employment

(j) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied if the employer obtains acceptable alternative employment for an employee.

Exemption from redundancy clause

(k) This clause shall not apply where an employee has been guilty of serious and wilful misconduct or an employee has been engaged as a Locum.

Employers who employ less than 15 people

(l) Subject to an Award of the Board, in a particular redundancy case, this clause shall not apply to employers who employ less than 15 employees.

Employees with less than 12 months' service

(m) This clause shall not apply to employees with less than one year's continuous service.

30A - IMPLEMENTATION OF 38 HOUR WEEK

(a) The method of implementation of the 38 hour week may be any one of the following:

- (i) Shorter days, that is 7.6 hours.
- (ii) A shorter day or days each working week.
- (iii) A shorter fortnight, i.e. 4 hours off in a single time block.
- (iv) A fixed day off in a four week cycle.
- (v) A rotating day off in a four week cycle.
- (vi) An accumulating day off in a four week cycle, with a maximum of five days being accumulated in five cycles.

Part 1:30A - Implementation of 38 hour week (a) - contd

Provided that for all purposes of this Award, a day or half day off which accrues under paragraph (iii), (iv) or (v) hereof shall be deemed to be unpaid.

(b) In each shop an assessment should be made as to which method of implementation best suits the business and the proposal shall be discussed with the employees concerned, the objective being to reach agreement on the method of implementation.

(c) In the absence of agreement at shop level, the procedure for resolving special anomalous or extraordinary problems shall be applied in accordance with clause 30B of this Part. The procedure shall be applied without delay.

Substitute days

(d) (i) An employer, with the agreement of the majority of employees concerned may substitute the day or half day the employee is to take off in accordance with paragraphs (a)(iii), (iv) and (v) hereof, for another day or half day in the case of breakdown in machinery or a failure or shortage of electric power or to meet requirements of the business in the event of rush orders or some other emergency situation.

(ii) By agreement between employer and an employee, another day may be substituted for the day that employee is to be rostered off.

30B - DISAGREEMENTS CONCERNING IMPLEMENTATION
OF SHORTER HOURS

In the event of disagreement in respect to the implementation of shorter hours, the procedure to be followed to resolve the matter shall be as follows:

(a) Consultation shall take place within the particular establishment concerned.

(b) If a problem is unable to be resolved at establishment level, it may be referred to the State Secretary of the Union or the nominated representative of the State Secretary and to the Director of the Pharmacy Guild of Australia (Victorian Branch) and the Representative of the United Friendly Societies Dispensary Association at which level the issue shall be dealt with without delay.

(c) If the problem remains unresolved the matter may be referred by either party to the Australian Industrial Relations Commission for resolution.

30C - GENERAL

(a) Each employee shall receive 14 days' notice of their accrued time off.

(b) Locum pharmacists hourly rate of pay which is calculated on the basis of a 40 hour week shall be recalculated on the basis of a 38 hour week.

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Part 1:30C - General - contd

(c) Where an employee's accrued time off falls on a public holiday prescribed by the Award, another day shall be determined by the employer to be taken in lieu thereof, such day to be within the next 7 days.

31 - SUPERANNUATION

Definitions

Fund

(a) (i) In this clause all references to "Fund" shall mean the
Retail Employees Superannuation Trust (R.E.S.T.).

Ordinary time earnings

(ii) In this clause the term "ordinary time earnings" shall include the classification rates, overaward payments, casual loadings, penalty rates (excluding overtime payments to weekly employees) and shift loadings.

Trustee

(iii) In this clause all references to "Trustees" shall mean the Trustee of the Retail Employees Superannuation Trust.

Quantum

(b) An employer shall make application to participate in the Fund either formally or informally and upon acceptance by the Trustee shall contribute to the Fund in respect of all eligible employees an amount equal to 1.5% of each employee's ordinary time earnings each week from the first pay period to commence on or after 7 November 1988 and a further 1.5% of each employee's ordinary time earnings each week from the first pay period to commence on or after 7 February 1989.

Employer to continue participation

(c) An employer who participates in the Fund shall not cease participation in the Fund whilst employing any eligible employee.

Employer's contribution during leave without pay

(d) Where an employee is absent on leave without pay, whether or not such leave is approved, no contribution from the employer shall be due in respect of that employee during and in respect of the period of unpaid absence.

Cessation of contributions

(e) The obligation of the employer to contribute to the fund in respect of an employee shall cease on the last day of such employee's employment with the employer.

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Part 1:31 - Superannuation - contd

Eligibility

(f) The employer shall only be required to make contributions in accordance with this clause in respect of part-time and full-time employees who have been employed by the employer continuously for a period of six months.

The employer shall only be required to make contributions in accordance with this clause in respect of locum employees who have accumulated 26 weeks in which they have commenced employment on at least one day in the week within a period of 2 years.

Employees who become eligible to join the fund shall, in addition to contributions under subclause (b) hereof be entitled to a once only contribution by the employer to the fund in respect of the six month or 26 week qualifying period. Such contribution shall be equivalent to contributions under subclause (b) hereof.

Employer failure to participate in fund

(g) Where an employer has failed, pursuant to subclause (b) hereof, to make application to participate in the fund, the employer shall make application to participate in the fund and upon acceptance by the trustee shall make a once only contribution to the fund in respect of each eligible employee equivalent to the contributions which would have been payable under subclause (b) hereof and the employer made application to participate in the fund and been accepted by the trustee prior to 7 May 1989.

Employee contributions

(h) Employees who may wish to make contributions to the fund additional to those being paid by the employer pursuant to subclause (b) hereof, shall be entitled to authorise the employer to pay into the fund from the employee's wages amounts specified by the employee.

Employee contributions to the fund requested under this subclause shall be made in accordance with the rules of the fund.

Frequency of payment

(i) Each employee shall pay such contributions together with any employee deductions to the fund in the following manner:

(i) In respect of full-time employees payments shall be made

monthly for pay periods completed in such month; and

(ii) In respect of part-time and locum employees, payments shall

be made every three months for pay periods completed in such three months.

Provided that payments may be made at such other times and in such other manner as may be agreed in writing between the trustee of the fund and the employer from time to time.

Provided further that the first payment to the fund need not be paid until 7 May 1989.

46 COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1994 [C0597]

Part 1:31 - Superannuation - contd

Existing superannuation arrangements

(j) No employer shall be excluded from this clause on the basis of existing voluntary superannuation arrangements.

Exemptions

(k) An individual employer may make application to the Australian Industrial Relations Commission for exemption from the requirement to pay contributions to the fund pursuant to this clause. The Commission may grant such exemption in the following circumstances:

- award are
- (i) The employees whose employment is regulated by this award are a small percentage of the employer's workforce and their number is small.
 - (ii) The alternative superannuation fund is a jointly-sponsored and jointly-controlled industry fund with an independent chairman.
 - (iii) The alternative superannuation fund complies with the provisions of the Occupational Superannuation Standards Act 1987 and the occupational standards regulations as varied from time to time.
 - (iv) The contributions by the employer to the alternative superannuation fund are made on the basis of the entitlements established by this clause.
- instance
- (v) Approval for the exemption has been sought at first instance from the salaried pharmacists association.

(l) The employer will provide, upon request of the employee, a statement of the contributions paid on the employees behalf to R.E.S.T. for the previous financial year.

32 - MODERNISATION CLAUSE

The associations representing employers and employees covered by this part are committed to modernise the terms of this award so that it provides for more efficient working arrangements, enhances the professional capacities of pharmacists and improves the quality of service to the public. To this end the associations are committed to considering a range of matters including, but not limited to, those matters which are set out in Decision D89/1545 of the Industrial Relations Commission of Victoria.

33 - CONSULTATIVE/GRIEVANCE PROCEDURE

(a) An employer and his or her employees may agree to establish a consultative process within a shop covered by the terms of this award.

(b) Where, despite a request by an employer or an employee, a consultative process has not been established an aggrieved party may notify the Australian Industrial Relations Commission.

(c) In any dispute arising in a pharmacy over the interpretation and application of this part, the following procedure shall apply.

this (i) The consultative process (if any) established under
clause shall be invoked by the parties.

(ii) If any issue is not settled, the employee shall notify the Salaried Pharmacists Association and the employer shall notify the Pharmacy Guild of Australia or the United Friendly Societies and Dispensaries Association.

the (iii) If the above mentioned associations are unable to resolve
issue referred to them, such matter shall be referred to the Australian Industrial Relations Commission.

34 - NO EXTRA CLAIMS

It is a term of this part of this award (arising from the decision of the Industrial Relations Commission of Victoria in the State Wage Case - August 1989, the terms of which are set out in Decision No. D89/0860) that the Salaried Pharmacists Association undertakes, for the duration of the principles determined by that decision, not to pursue any extra claims, award or overaward, except where consistent with the state wage case principles.

** end of text **

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988
s.99 notification of industrial dispute

The Salaried Pharmacists' Association

and

The Pharmacy Guild of Australia and others
(C No. 30908 of 1993)

National Pharmacies and others
(C No. 31423 of 1993)

Health Services Union of Australia

and

Pharmacy Guild of Australia and others
(C No. 32297 of 1993)

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1995

Various employees

Pharmacy operations

COMMISSIONER O'SHEA

MELBOURNE, 13 OCTOBER 1995

Wages and conditions - log of claims - federal award, Victoria

AWARD

Further to a decision issued by the Commission on 30 May 1995 [Print M2399] the following award is made:

1 - TITLE

This award shall be known as the Community Pharmacy (Victoria) Interim Award 1995.

2 - INCIDENCE AND PARTIES BOUND

This award shall be binding on The Salaried Pharmacists' Association, its officers and members, the Pharmacy Guild of Australia and its members, and the employers named in Schedule A hereto. This award shall apply to the employment of pharmacists, pharmacy students and trainees, whether members of the said Association or not, in the community and retail pharmacy industry in the State of Victoria.

3 - PERIOD OF OPERATION

(a) This award shall come into effect on and from 9 October 1995 and remain in force for a period of six months.

(b) This award supersedes the Community Pharmacy (Victoria) Interim Award 1994, provided that no right, obligation or liability incurred or accrued under that award up to the date of commencement of the operation of this award shall be affected by this supersession.

4- ARRANGEMENT

Subject matter	Clause number	
Accident pay	21	
Annual leave	16	
Arrangement	4	
Award to be posted	23	
Bereavement leave	18	
Casuals	8	
Consultative/grievance procedure		29
Definitions	5	
Enterprise flexibility	33	
Examination leave	19	
Excess fares	13	
Garment allowance	11	
Hours of work	9	
Implementation of 38 hour week		32
Incidence and parties bound	2	
Introduction of change	26	
Leave reserved	34	
Meal break	14	
Overtime	10	
Parental leave	20	
Payment of wages	22	
Period of operation	3	
Redundancy	27	
Respondents	Schedule A	
Rest period	15	
Right of entry	24	
Sick leave	17	
Superannuation	30	
Termination of employment		28
Terms of employment	6	
Title	1	
Transfer of employee	25	
Transport allowance	12	
Transport of employees after hours	31	
Wage per week of 38 hours		7

5 - DEFINITIONS

- (a) "Pharmacist" means a person who is registered as a pharmacist pursuant to the Pharmacy Act 1974 (Vic).
- (b) "Pharmacist manager" means a pharmacist who is responsible for the overall operation and performance of the pharmacy business.
- (c) "Pharmacist in charge" means a pharmacist who assumes responsibility for the day to day supervision and functioning of a community pharmacy practice.
- (d) "Pharmacy student" means a person who is undertaking an accredited course of study leading to the degree of Bachelor of Pharmacy.
- (e) "Pharmacy trainee" means a person who has satisfied the examination requirements for the degree of Bachelor of Pharmacy, and is engaging in the period of pre-registration training required by the Pharmacy Act 1974 (Vic).
- (f) "Permanent employee" means an employee other than a casual employee.
- (g) "Full-time employee" means a permanent employee who is engaged to work for an average of 38 hours or more per week.
- (h) "Part-time employee" means a permanent employee who is engaged by a particular employer on a regular and systematic basis for a sequence of periods of employment and who is engaged to work an average of less than 38 hours per week and receives entitlements pro rata.
- (i) "Casual employee" means an employee who is engaged and paid as such but does not include employees within the definition of part-time employee as defined in this clause.
- (j) "Pharmacist, second year of experience and thereafter" means a pharmacist who has gained a minimum number of 1824 hours' relevant experience in community pharmacies.
- (k) "Association" means The Salaried Pharmacists' Association, an industrial organisation of employees registered pursuant to the Industrial Relations Act 1988.
- (l) "Guild" means the Pharmacy Guild of Australia, an industrial organisation of employers registered pursuant to the Industrial Relations Act 1988.

6 - TERMS OF EMPLOYMENT

- (a) An employee shall be engaged in a classification prescribed by this award either as a permanent or a casual employee.
- (b) A permanent employee shall be engaged by the week, fortnight or month, as agreed between the employer and the employee.

(c) A casual employee shall be employed by the hour.

(d) Employees employed on a part-time basis shall be paid for the hours worked at an hourly rate equal to 1/38th of the weekly rate appropriate to the employee's classification. Part-time employees shall accrue other entitlements on a pro rata basis and be entitled to the appropriate overtime and penalty rates that apply to full-time employees. The minimum number of hours of employment per day will be four hours.

7 - WAGES PER WEEK OF 38 HOURS

(a) Pharmacist Manager and Pharmacist in Charge:

rate	Arbitrated safety		Wage
	Base rate	net adjustment	
	\$	\$	\$
(i) Where supervised hours are up to and including 60 hours per week	610.30	16.00	626.30
(ii) Where supervised hours are over 60 hours and up to and including 160 hours per week	663.90	16.00	679.90
(iii) Where supervised hours are over 160 hours per week	728.40	16.00	
744.40			

Acting Manager; ie. where the Proprietor or Manager is continuously absent from the pharmacy for a period of five working days during which the pharmacy is open for normal trading or more will entitle the Pharmacist in Charge (other than casual specifically engaged for this period because the pharmacy does not employ a Pharmacist in Charge) to Acting Manager and paid the appropriate Manager Pharmacist rate in accordance with this award.

Higher duties allowance; for where a qualified pharmacist, who is a permanent employee who is not employed as a Pharmacist Manager or Pharmacist in Charge, but who in any one day may be called upon to replace the Proprietor, Manager or Pharmacist in Charge for a period of not less than four hours during the employee's ordinary spread of hours in any one day shall be paid at the rate of "\$X" per hour for all hours worked on any such day.

"X" = \$16.36

[The rates of pay set out above for these classifications are subject to review within the process agreed by the parties for the finalisation of this award.]

Casual Pharmacist in Charge; ie. a qualified pharmacist who is employed under clause 8 hereof as a casual for the Proprietor or Pharmacist Manager of a pharmacy:

rate	Arbitrated safety		Wage
	Base rate	net adjustment	
	\$	\$	\$
613.70	597.70	16.00	

a Casual Pharmacist; ie. a qualified pharmacist who is employed as casual pursuant to clause 8.

[An employee who was classified as a Locum Pharmacist or a Locum Pharmacist in Charge prior to the commencement of the Community Pharmacy (Victoria) Interim Award 1995 shall continue to be employed under the same terms and conditions, subject to review within the process agreed by the parties for finalisation of this award.]

Pharmacist; ie. a qualified pharmacist other than a Pharmacist Manager or a Pharmacist in Charge (who has not gained a minimum number of 1824 hours' relevant experience in community pharmacies); during the first year of service after registration:

rate	Arbitrated safety		Wage
	Base rate	net adjustment	
	\$	\$	\$
	519.70	16.00	535.70

Pharmacist, second year of experience and thereafter:

rate	Arbitrated safety		Wage
	Base rate	net adjustment	
	\$	\$	\$
571.40	555.40	16.00	

For the purpose of this subclause "supervised hours" shall mean hours of work (other than overtime) performed by employees employed as shop assistants.

(b) Pharmacy Students:

rate	Experience	Percentage of wage rate for classification		Arbitrated Base safety net		Wage
		pharmacist		rate	adjustment	
		\$	\$	\$		
214.30	(i) A person commencing and proceeding with the Pharmacy course shall be paid for the first 500 recorded hours of practical training prescribed by the Pharmacy Board	40	207.90	6.40		
241.10	(ii) Subsequently for all work done until commencement of the final 200 hours of traineeship	45	233.90	7.20		

(c) Pharmacy Trainees:

rate	Experience	Percentage of wage rate for classification		Arbitrated Base safety net		Wage
		pharmacist		rate	adjustment	
		\$	\$	\$		
	(i) During the first 500 hours of such training	50	259.90	8.00		267.90
	(ii) During the second 500 hours of such training	60	311.80	9.60		321.40
	(iii) During the final 1000 hours of such training	70	363.80	11.20		375.00

- (iv) Prior to registration
has within the previous
three years completed his/
her course of training as
prescribed by the
Pharmacy Board

75 389.80 12.00

401.80

The proportion of Pharmacy Students and Trainees who may be employed in connection with any retail pharmacy, or dispensary, shall be as determined from time to time by the Pharmacy Board of Victoria.

The "wage rate" in this clause shall be calculated to the nearest ten cents, less than five cents in the result to be disregarded.

- (d) (i) For the period from the first pay period commencing on or after 3 August 1994 to the first pay period commencing on or after 12 December 1994, the supplementary payment of each classification level included an \$8.00 adjustment reflecting the application of the arbitrated safety net adjustment principle enunciated in the 1993 Wage Fixing Principles [Prints K9700 and K9940]. Consistent with the requirements of that principle the \$8.00 safety net adjustment was absorbable to the extent of any equivalent amount in rates of pay - whether overaward, award or certified agreement - in excess of the minimum rates (classification rate and supplementary payment) prescribed in accordance with the August 1989 National Wage Case decision [Print H9100].

(ii) From the first pay period commencing on or after 12 December 1994 the rates of pay in this award include the first \$8.00 per week arbitrated safety net adjustment payable under the September 1994 decision [Print L5300]. This first \$8.00 per week arbitrated safety net adjustment may be offset to the extent of any wage increase as a result of agreements reached at enterprise level since 1 November 1991. Increases made under previous National Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

(e) From the first pay period commencing on or after 26 June 1995, the rates of pay in this award include the second \$8.00 per week arbitrated safety net adjustment payable under the September 1994 decision [Print L5300]. This second \$8.00 per week arbitrated safety net adjustment may be offset to the extent of any wage increase payable since 1 November 1991 pursuant to certified agreements, enterprise flexibility agreements or consent awards or award variations to give effect to enterprise agreements, insofar as that wage increase has not previously been used to offset an arbitrated safety net adjustment. Increases made under previous National Wage Case principles or

under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

8 - CASUALS

(a) A casual shall be paid not less than the appropriate rate prescribed in clause 7 for the class of work done (calculated pro rata for any period less than one week) with an addition of ten per centum. Provided that a casual Pharmacist called upon to relieve the proprietor or manager of a pharmacy shall be deemed to be a casual Pharmacist in Charge.

- (b) (i) For all work done between the hours of 8.00am and 1.00pm on Saturdays and between the hours of 6.00pm and 9.00pm (Monday to Friday) the rate of pay shall be time and a half.
- (ii) Outside the times of beginning and ending work and outside the times listed in paragraph (i) hereof a casual shall be paid double time.
- (iii) A casual shall be paid a minimum payment as for three hours' work on any one day Monday to Friday 8.00am to 6.00pm and two hours minimum payment at any other time.
- (iv) The meal break supervision rate of a Pharmacist Manager (casual) shall be time and one-quarter of his/her ordinary hourly rate.

Distant jobs and travelling time

- (c) (i) Where a casual cannot conveniently return to his/her home on completion of each day's work he/she shall have reasonable accommodation arranged and paid for by the employer. In addition he/she shall be entitled to be reimbursed fares necessarily expended in travelling to the job, and in returning to his/her home town on its completion. Such fares or reimbursement shall be first class rail, plane or road travel whichever may apply. Where an employee provides his/her own transport, such reimbursement shall be at the rate of 48 cents a kilometre, provided that the amount payable shall not exceed the lesser of the amounts of the first class plane or rail fare.
- (ii) A casual engaged to work in the country, or sent from one country centre to work in another country centre shall be entitled to be paid at ordinary rates for travelling time to and from the job. Such time is to be counted to and from Melbourne, or his/her home town whichever is the nearer.

9 - HOURS OF WORK

- (a) Times of beginning and ending work:

	Time of beginning	Time of ending
Monday to Friday	8.00am	9.00pm

Saturday

8.00am

1.00pm

(b) Each full-time employee shall be employed for at least 38 hours per week (excluding overtime) within the times of beginning and ending work subject to a minimum of five hours and a maximum of eleven hours on any day (Monday to Friday inclusive) and a minimum of three hours on a Saturday.

(c) After 6.00pm on any day within the times of beginning and ending work the rate of pay shall be the ordinary rate of pay plus 50 per cent.

(d) Outside of the times of beginning and ending work Monday to Friday the rate of pay shall be the ordinary rate of pay plus 100 per cent.

10 - OVERTIME

Overtime calculated on the rates prescribed in subclauses 7(a), (b) and (c) of this award shall be paid for as follows:

- (a) (i) Within the times of beginning and ending work in excess of 40 hours in any week - time and a half for the first four hours and double time thereafter.
- (ii) For the purposes of this subclause each day's overtime shall stand alone.
- (iii) By mutual agreement an equivalent amount of time off in lieu of overtime payments may be taken in the following week or on an accumulated basis.
- (b) (i) For all work done on Saturday and Sunday at ordinary rates of pay and in addition an equivalent amount of time off duty in one period within the times of beginning and ending work at ordinary rates of pay.
- (ii) Such period of time may be taken in the following week or on an accumulative basis at the discretion of the employee by mutual arrangement with the employer.
- (iii) Where difficulty is experienced in the application of the provisions of this subclause, by mutual agreement with the employer, the payment of penalty rates in lieu thereof shall be permitted.
- (iv) Provided that a casual shall be paid double time for all overtime worked outside the times of beginning and ending work.

11 - GARMENT ALLOWANCE

- (a) Where an employee is required to wear, when at work, a washable

uniform the laundering of which is not paid for by the employer, such employee shall be paid \$5.10 per week or \$1.02 per day, in addition to the ordinary rate.

(b) Where an employee is required to wear any uniform, dress or clothing of special design and/or material, it shall be supplied, and, if necessary, except as provided hereunder, laundered by the employer. Any such garment shall remain the property of the employer.

Where the employee is required to launder the garment an allowance of \$3.60 per week or 72 cents per day, in addition to the ordinary wages shall be paid.

12 - TRANSPORT ALLOWANCE

Where an employer requires an employee to use his/her own motor vehicle in the performance of his/her duties such employee shall be paid an allowance of 48 cents per kilometre.

13 - EXCESS FARES

Where an employee is required by his/her employer to move temporarily from one branch or shop to another for a period not exceeding four weeks all additional fares so incurred shall be paid by the employer.

14 - MEAL BREAK

(a) In normal circumstances, employees shall not be required to work more than five consecutive hours in one day without a meal break of not less than 30 minutes.

(b) Where an employee is required to take their meal break on the premises and remain on call, the employee shall be paid at time and a half for the period of the meal break.

(c) An employee who is required to work more than five consecutive hours without a meal break shall be paid at time and a half until a meal break is allowed.

15 - REST PERIOD

Each employee shall be allowed a rest period of four minutes each morning and afternoon at times convenient to the employer.

16 - ANNUAL LEAVE

(a) Full-time employees are entitled to twenty days' annual leave per annum without loss of pay. Part-time employees entitlement is pro rata.

(b) Employees will be paid an additional loading of 17% of their ordinary pay.

(c) This leave is to be taken at a mutually convenient time and must be taken within six months of becoming due. Where agreement cannot be reached, the employer may direct the employee to take leave with one month's notice. Untaken leave will be paid out on termination of employment.

(d) The loading prescribed in this clause shall not apply to proportionate leave on termination of employment.

17 - SICK LEAVE

Retail pharmacies

- (a) (i) Where an employee becomes disabled by personal ill health or accident, not due to his/her own misconduct, proof of which is given to an employer by medical certificate or other satisfactory evidence within 24 hours of the beginning of the employee's consequential absence, he/she shall on account thereof, be entitled without deduction of pay to absent himself/herself as follows:

(1) During the first year of service - for every three months of completed service - two days (ie. sixteen working hours); and

(2) During any subsequent year - eight working days.

Provided that for absences of one working day or less, the production of a medical certificate shall not be necessary on two separate occasions per year.

- (ii) Notwithstanding anything contained in paragraph (a) (i) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall, provided the employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

United friendly societies dispensaries

- (b) (i) Any employee who furnishes to his/ her employer a certificate of a medical practitioner or other satisfactory evidence that he/she is unable to perform his/her duties on account of personal illness shall, while incapacitated, be entitled to sick pay as follows:

(1) During his/her first year of service - one day for each completed month of service; and

(2) During each subsequent year - twelve working days.

- (ii) Notwithstanding anything contained in paragraph (b) (i) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

18 - BEREAVEMENT LEAVE

- (a) A permanent employee shall on the death within Australia of a

spouse (including de facto spouse), parent, foster parent, parent-in-law, brother, sister, child or stepchild be entitled to leave up to and including

the day of the funeral of such relative. Such leave will be without deduction of pay for a period not exceeding the number of hours worked by the employee in three ordinary days.

(b) Payment in respect of bereavement leave is to be made only where the employee would have been on duty and shall not apply where it coincides with any other period of leave.

(c) The provisions of this clause shall apply in respect of the death of a grandparent, grandchild or divorced spouse provided that payment thereof shall be limited to one day.

19 - EXAMINATION LEAVE

(a) A Pharmacy Trainee shall be granted leave with full wages in order to attend the Pharmacy (IV) final examinations.

(b) The amount of such leave shall be sufficient to allow the Pharmacy Trainee:

(i) To proceed to and from the place of examination; and

(ii) In addition, allow one clear day for pre-examination study prior to such examination.

20 - PARENTAL LEAVE

Subject to the terms of this clause employees are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child.

A - MATERNITY LEAVE

Nature of leave

(a) Maternity leave is unpaid leave.

Definitions

(b) For the purposes of this subclause:

include (i) "Employee" includes a part-time employee but does not include an employee engaged upon casual or seasonal work.

(ii) "Paternity leave" means leave of the type provided for in subclause (B) whether prescribed in an award or otherwise.

(iii) "Child" means a child of the employee under the age of one year.

(iv) "Spouse" includes a de facto or a former spouse.

contract (v) "Continuous service" means service under an unbroken
of employment and includes:

- (1) Any period of leave taken in accordance with this clause;
- (2) Any period of part-time employment worked in accordance with this clause; or
- (3) Any period of leave or absence authorised by the employer or by the award.

Eligibility for maternity leave

(c) (i) An employee who becomes pregnant, upon production to her employer of the certificate required by subclause (d) hereof, shall be entitled to a period of up to 52 weeks' maternity leave provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of paternity leave taken by the employee's spouse in relation to the same child and apart from paternity leave of up to one week at the time of confinement shall not be taken concurrently with paternity leave.

(ii) Subject to subclause (f) and (i) hereof the period of maternity leave shall be unbroken and shall, immediately following confinement, include a period of six week's compulsory leave.

continuous (iii) The employee must have had at least twelve months' service with that employer immediately preceding the date upon which she proceeds upon such leave.

Certification

(d) At the time specified in subclause (e) hereof the employee must produce to her employer:

stating (i) A certificate from a registered medical practitioner that she is pregnant and the expected date of confinement.

(ii) A statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse and that for the period of maternity leave she will not engage in any conduct inconsistent with her contract of employment.

Notice requirements

(e) (i) An employee shall, not less than ten weeks prior to the

presumed date of confinement, produce to her employer the certificate referred to in paragraph (d) (i).

(ii) An employee shall give not less than four weeks' notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken and shall, at the same time, produce to her employer the statutory declaration referred to in paragraph (d) (ii).

writing
 (iii) An employer by not less than fourteen days' notice in to the employee may require her to commence maternity leave at any time within the six weeks immediately prior to her presumed date of confinement.

(iv) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (e) (b) hereof if such failure is occasioned by the confinement occurring earlier than the presumed date.

Transfer to a safe job

(f) (i) Where, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

(ii) If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a registered medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (j), (k), (l) and (m) hereof.

Variation of period of maternity leave

(g) (i) Provided the maximum period of maternity leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

(1) The period of maternity leave may be lengthened once only by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened.

(2) The period may be further lengthened by agreement between the employer and the employee.

(ii) The period of maternity leave may, with the consent of the employer, be shortened by the employee giving not less than fourteen days' notice in writing stating the period by which

the leave is to be shortened.

Cancellation of maternity leave

- (h) (i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by birth of a living child.

- (ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed four weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

Special maternity leave and sick leave

- (i) (i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then:
- (1) She shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work; or
 - (2) For illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a registered medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed the period to which the employee is entitled under subclause (c) hereof.
- (iii) For the purposes of subclauses (j), (k) and (l) hereof, maternity leave shall include special maternity leave.
- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this paragraph shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (f) hereof, to the position she held immediately before such transfer.
- (v) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

Maternity leave and other leave entitlements

- (j) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the

employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with maternity leave, take any annual leave or long service leave or any part thereof to which she is entitled.

- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during her absence on maternity leave.

Effect of maternity leave on employment

(k) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

- (l) (i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

Return to work after maternity leave

- (m) (i) An employee shall confirm her intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of her period of maternity leave.
- (ii) An employee, upon returning to work after maternity leave or the expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (f) hereof, to the position which she held immediately before such transfer or in relation to an employee who has worked part-time during the pregnancy the position she held immediately before commencing such part-time work.
- (iii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former

position.

Replacement employees

- as (n) (i) A replacement employee is an employee specifically engaged
a result of an employee proceeding on maternity leave.

(ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

an (iv) Nothing in this subclause shall be construed as requiring employer to engage a replacement employee.

B - PATERNITY LEAVE

Nature of leave

(a) Paternity leave is unpaid leave.

Definitions

(b) For the purposes of this subclause:

include (i) "Employee" includes a part-time employee but does not include an employee engaged upon casual or seasonal work.

(ii) "Maternity leave" means leave of the type provided in subclause (a) (and includes special maternity leave) whether prescribed in an award or otherwise.

(iii) "Child" means a child of the employee or the employee's spouse under the age of one year.

(iv) "Spouse" includes a de facto or a former spouse.

principle (v) "Primary care-giver" means a person who assumes the role of providing care and attention to a child.

contract (vi) "Continuous service" means service under an unbroken of employment and includes:

(1) Any period of leave taken in accordance with this clause;

(2) Any period of part-time employment worked in accordance with this clause; or

(3) Any period of leave or absence authorised by the employer or by the award.

Eligibility for paternity leave

- (c) (i) A male employee, upon production to his employer of the certificate required by subclause (d), shall be entitled to one or two periods of paternity leave, the total of which shall not exceed 52 weeks, in the following circumstances:
- (1) An unbroken period of up to one week at the time of confinement of his spouse;
 - (2) A further unbroken period of up to 51 weeks in order to be the primary care-giver of a child provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of maternity leave taken by the employee's spouse in relation to the same child and shall not be taken concurrently with that maternity leave.
- (ii) The employee must have had at least twelve months' continuous service with that employer immediately preceding the date upon which he proceeds upon either period of leave.

Certification

(d) At the time specified in subclause (e) hereof the employee must produce to the employer:

- which
- (i) A certificate from a registered medical practitioner names his spouse, states that she is pregnant and the expected date of confinement or states the date on which the birth took place.
 - (ii) In relation to any period to be taken under paragraph (c) (i) (2) hereof, a statutory declaration stating:
 - (1) He will take that period of paternity leave to become the primary care-giver of a child;
 - (2) Particulars of any period of maternity leave sought or taken by his spouse; and
 - (3) For the period of paternity leave he will not engage in any conduct inconsistent with his contract of employment.

Notice requirements

- (e) (i) The employee shall, not less than ten weeks prior to each proposed period of leave, give the employer notice in writing stating the dates on which he proposes to start and finish the period or periods of leave and produce the certificate

and statutory declaration required in subclause (d) hereof.

(ii) The employee shall not be in breach of this subclause as a consequence of failure to give the notice required in paragraph (i) hereof if such failure is due to:

- (1) The birth occurring earlier than the expected date; or
- (2) The death of the mother of the child; or
- (3) Other compelling circumstances.

(iii) The employee shall immediately notify his employer of any change in the information provided pursuant to subclause (d) hereof.

Variation of period of paternity leave

(f) (i) Provided the maximum period of paternity leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

- (1) The period of paternity leave provided by subparagraph (c) (i) (2) may be lengthened once only by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened.
- (2) The period may be further lengthened by agreement between the employer and the employee.

(ii) The period of paternity leave taken under subparagraph (c) (i) (2) hereof may, with the consent of the employer, be shortened by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be shortened.

Cancellation of paternity leave

(g) Paternity leave, applied for under subparagraph (c) (i) (2) hereof but not commenced, shall be cancelled when the pregnancy of the employee's spouse terminates other than by the birth of a living child.

Paternity leave and other leave entitlements

(h) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with paternity leave, take any annual leave or long service leave or any part thereof to which he is entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during his absence on paternity

leave.

Effect of paternity leave on employment

(i) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on paternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

(j) (i) An employee on paternity leave may terminate his employment at any time during the period of leave by notice given in accordance with this award.

(ii) An employer shall not terminate the employment of an employee on the ground of his absence on paternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

Return to work after paternity leave

(k) (i) An employee shall confirm his intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of paternity leave provided by subparagraph (c) (i) (2) hereof.

(ii) An employee, upon returning to work after paternity leave or expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which he held immediately before proceeding on paternity leave, or in relation to an employee who has worked part-time under this clause to the position he held immediately before commencing such part-time work.

(iii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, he shall be entitled to a position as nearly comparable in status and pay to that of his former position.

Replacement employees

(l) (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on paternity leave.

(ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising his rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

an (iv) Nothing in this subclause shall be construed as requiring employer to engage a replacement employee.

(C) - ADOPTION LEAVE

Nature of leave

(a) Adoption leave is unpaid leave.

Definitions

- (b) For the purposes of this subclause:
- include (i) "Employee" includes a part-time employee but does not an employee engaged upon casual or seasonal work.
- (ii) "Child" means a person under the age of five years who is placed with the employee for the purposes of adoption, other than a child or stepchild of the employee or of the spouse of the employee or a child who has previously lived continuously with the employee for a period of six months or more.
- (iii) "Relative adoption" occurs where a child, as defined, is adopted by a grandparent, brother, sister, aunt or uncle (whether of the whole blood or half blood or by marriage).
- principal (iv) "Primary care-giver" means a person who assumes the role of providing care and attention to a child.
- (v) "Spouse" includes a de facto spouse.
- contract (vi) "Continuous service" means service under an unbroken of employment and includes:
- (1) Any period of leave taken in accordance with this clause;
 - (2) Any period of part-time employment worked in accordance with this clause; or
 - (3) Any period of leave or absence authorised by the employer or by the award.

Eligibility

(c) An employee, upon production to the employer of the documentation required by subclause (d) hereof, shall be entitled to one or two periods of adoption leave, the total of which shall not exceed 52 weeks, in the following circumstances:

(i) An unbroken period of up to three weeks at the time of placement of the child.

(ii) An unbroken period of up to 52 weeks from the time of its placement in order to be the primary care-giver of the child. This leave shall not exceed beyond one year after the placement of the child and shall not be taken concurrently with adoption leave taken by the employee's spouse in relation to the same child. This entitlement of up to 52 weeks shall be reduced by:

- (1) Any period of leave taken pursuant to paragraph (i) hereof; and
- (2) The aggregate of any periods of adoption leave taken or to be taken by the employee's spouse.

(iii) The employee must have had at least twelve months'

continuous

service with that employer immediately proceeding the date upon which he/she proceeds upon such leave in either case.

Certification

(d) (i) Before taking adoption leave the employee must produce to the employer:

- (1) A statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for adoption purposes; or
- (2) A statement from the appropriate government authority confirming that the employee is to have custody of the child pending application for an adoption order.

(ii) In relation to any period to be taken under subparagraph (3) (i) (2) hereof, a statutory declaration stating:

- (1) The employee is seeking adoption leave to become the primary care-giver of the child;
- (2) Particulars of any period of adoption leave sought or taken by the employee's spouse; and
- (3) For the period of adoption leave the employee will not engage in any conduct inconsistent with his or her contract of employment.

Notice requirements

(e) (i) Upon receiving notice of approval for adoption purposes, an employee shall notify the employer of such approval and within two months of such approval shall further notify the employer of the period or periods of adoption leave the employee proposes to take. In the case of a relative adoption

the employee shall notify as aforesaid upon deciding to take a child into custody pending an application for an adoption order.

after (ii) An employee who commences employment with an employer

the date of approval for adoption purposes shall notify the employer thereof upon commencing employment and of the period or periods of adoption leave which the employee proposes to take. Provided that such employee shall not be entitled to adoption leave unless the employee has not less than twelve months' continuous service with that employer immediately preceding the date upon which he/she proceeds upon such leave.

(iii) An employee shall, as soon as the employee is aware of the presumed date of placement of a child for adoption purposes but no later than fourteen days before such placement, give notice in writing to the employer of such date, and of the date of commencement of any period of leave to be taken under subparagraph (c) (i) hereof.

(iv) An employee shall, ten weeks before the proposed date of commencing any leave to be taken under subparagraph (c) (ii) hereof give notice in writing to the employer of the date of commencing leave and the period of leave to be taken.

a (v) An employee shall not be in breach of this clause, as consequence of failure to give the stipulated period of notice in accordance with subparagraphs (iii) and (iv) hereof if such failure is occasioned by the requirement of an adoption agency to accept earlier or later placement of a child, the death of the spouse or other compelling circumstances.

Variation of period of adoption leave

(f) (i) Provided the maximum period of adoption leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

(1) The period of leave taken under subparagraph (c) (ii) hereof may be lengthened once only by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened.

(2) The period may be further lengthened by agreement between the employer and the employee.

(c) (ii) (ii) The period of adoption leave taken under subparagraph hereof may, with the consent of the employer, be shortened by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be

shortened.

Cancellation of adoption leave

- (g) (i) Adoption leave, applied for but not commenced, shall be cancelled should the placement of the child not proceed.

(ii) Where the placement of a child for adoption purposes with an employee then on adoption leave does not proceed or continue, the employee shall notify the employer forthwith and the employer shall nominate a time not exceeding four weeks from receipt of notification for the employee's resumption of work.

Special leave

(h) The employer shall grant to any employee who is seeking to adopt a child, such unpaid leave not exceeding two days, as is required by the employee to attend any compulsory interviews or examinations as are necessary as part of the adoption procedure. Where paid leave is available to the employee the employer may require the employee to take such leave in lieu of special leave.

Adoption leave and other leave entitlements

- (i) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with adoption leave, take any annual leave or long service leave or any part thereof to which he or she is entitled.
- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during his/her absence on adoption leave.

Effect of adoption leave on employment

(j) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on adoption leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

- (k) (i) An employee on adoption leave may terminate the employment at any time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of the employee's application to adopt a child or absence on adoption leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

Return to work after adoption leave

- (1) (i) An employee shall confirm his/her intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of adoption leave provided by subparagraph (c) (i) (2) hereof.

(ii) An employee, upon returning to work after adoption leave shall be entitled to the position held immediately before proceeding on adoption leave, or in relation to an employee who has worked part-time under this clause to the position he/she held immediately before commencing such part-time work.

(iii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee shall be entitled to a position as nearly comparable in status and pay to that of the employee's former position.

Replacement employees

as (m) (i) A replacement employee is an employee specifically engaged a result of an employee proceeding on adoption leave.

(ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

an (iv) Nothing in this subclause shall be construed as requiring employer to engage a replacement employee.

(D) - PART-TIME WORK

Definitions

(a) For the purposes of this subclause:

for a (i) "Male employee" means an employed male who is caring child born of his spouse or a child placed with the employee for adoption purposes.

or (ii) "Female employee" means an employed female who is pregnant is caring for a child she has borne or a child who has been placed with her for adoption purposes.

(iii) "`Spouse" includes a de facto or a former spouse.

male

(iv) "Former position" means the position held by a female or employee immediately before proceeding on leave or part-time employment under this subclause whichever first occurs or, if such position no longer exists but there are other positions available for which the employee is qualified and the duties

of which he/she is capable of performing, a position as nearly comparable in status and pay to that of the position first mentioned in this definition.

contract (v) "Continuous service" means service under an unbroken of employment and includes:

- (1) Any period of leave taken in accordance with this clause;
- (2) Any period of part-time employment worked in accordance with this clause; or
- (3) Any period of leave or absence authorised by the employer or by the award.

Entitlements

- (b) With the agreement of the employer:
- periods at (i) A male employee may work part-time in one or more any time from the date of birth of the child until its second birthday or, in relation to adoption, from the date of placement of the child until the second anniversary of the placement.
- periods (ii) A female employee may work part-time in one or more while she is pregnant where part-time employment is, because of the pregnancy, necessary or desirable.
- periods (iii) A female employee may work part-time in one or more at any time from the seventh week after the date of birth of the child until its second birthday.
- (iv) In relation to adoption leave a female employee may work part-time in one or more periods at any time from the date of placement of the child until the second anniversary of that date.

Return to former position

- (c) (i) An employee who has had at least twelve months' continuous service with an employer immediately before commencing part-time employment after the birth or placement of a child has, at the expiration of the period of such part-time employment or the first period, if there is more than one, the right to return to his/her former position.
- (ii) Nothing in this paragraph (i) hereof shall prevent the

employer from permitting the employee to return to his/her former position after a second or subsequent period of part-time employment.

Effect of part-time employment on continuous service

(d) Commencement on part-time work under this clause, and return from part-time work to full-time work under this clause, shall not break the continuity of service of employment.

Pro rata entitlements

(e) Subject to the provisions of this subclause and the matters agreed to in accordance with subclause (h) hereof, part-time employment shall be in accordance with the provisions of this award which shall apply pro rata.

Transitional arrangements - annual leave

(f) (i) An employee working part-time under this subclause shall be paid for and take any leave accrued in respect of a period of full-time employment, in such periods and manner as specified in the annual leave provisions of this award, as if the employee were working full-time in the class of work the employee was performing as a full-time employee immediately before commencing part-time work under this subclause.

(ii) (1) A full-time employee shall be paid for and take any annual leave accrued in respect of a period of part-time employment under this subclause, in such periods and manner as specified in this award, as if the employee were working part-time in the class of work the employee was performing as a part-time employee immediately before resuming full-time work.

(2) Provided that, by agreement between the employer and the employee, the period over which the leave is taken may be shortened to the extent necessary for the employee to receive pay at the employee's current full-time rate.

Transitional arrangements - sick leave

(g) An employee working part-time under this subclause shall have sick leave entitlements which have accrued under this award (including any entitlement accrued in respect of previous full-time employment) converted into hours. When this entitlement is used, whether as a part-time employee or as a full-time employee, it shall be debited for the ordinary hours that the employee would have worked during the period of absence.

Part-time work agreement

(h) (i) Before commencing a period of part-time employment under this subclause the employee and the employee shall agree:

(1) That the employee may work part-time;

(2) Upon the hours to be worked by the employee, the days upon which they will be worked and commencing times for the work;

(3) Upon the classification applying to the work to be performed; and

(4) Upon the period of part-time employment.

(ii) The terms of this agreement may be varied by consent.

(iii) The terms of this agreement or any variation to it shall

be

reduced to writing and retained by the employer. A copy of the agreement and any variation to it shall be provided to the employee by the employer.

(iv) The terms of this agreement shall apply to the part-time employment.

Termination of employment

(i) (i) The employment of a part-time employee under this clause may be terminated in accordance with the provisions of this award but may not be terminated by the employer because the employee has exercised or proposes to exercise any rights arising under this clause or has enjoyed or proposes to enjoy any benefits arising under this clause.

(ii) Any termination entitlements payable to an employee whose employment is terminated while working part-time under this clause, or while working full-time after transferring from part-time work under this clause, shall be calculated by reference to the full-time rate of pay at the time of termination and by regarding all service as a full-time employee as qualifying for a termination entitlement based on the period of full-time employment and all service as a part-time employee on a pro rata basis.

Extension of hours of work

(j) An employer may request, but not require, an employee working part-time under this clause to work outside or in excess of the employee's ordinary hours of duty provided for in accordance with subclause (h).

Nature of part-time work

(k) The work to be performed part-time need not be the work performed by the employee in his/her former position but shall be work otherwise performed under this award.

Inconsistent award provisions

(1) An employee may work part-time under this clause notwithstanding any other provision of this award which limits or restricts the circumstances in which part-time employment may be worked or the terms upon which it may be worked including provisions:

- time;
- time
- time
- (i) Limiting the number of employees who may work part-
 - (ii) Establishing quotas as to the ratio of part-time to full-employees;
 - (iii) Prescribing a minimum or maximum number of hours a part-employee may work; or
 - (iv) Requiring consultation with, consent of or monitoring by a union;

and such provisions do not apply to part-time work under this clause.

Replacement employees

- as
- to
- this
- treated
- requiring an
- (m) (i) A replacement employee is an employee specifically engaged a result of an employee working part-time under this subclause.
 - (ii) A replacement employee may be employed part-time. Subject this subclause, subclauses (e), (f), (g), (h), (i) and (l) of this clause apply to the part-time employment of a replacement employee.
 - (iii) Before an employer engages a replacement employee under subclause, the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
 - (iv) Unbroken service as a replacement employee shall be as continuous service for the purposes of paragraph (a) (v) hereof.
 - (v) Nothing in this subclause shall be construed as employer to engage a replacement employee.

21 - ACCIDENT PAY

(A) - DEFINITIONS

The words hereunder shall bear the respective definitions set out herein:

Accident pay

- (a) (i) "Total incapacity" - In the case of an employee who is or

deemed to be totally incapacitated within the meaning of the relevant Act and arising from an injury covered by this clause means a weekly payment of an amount representing the difference between the total amount of compensation paid under the relevant Act for the week in question and the total 40 hour weekly rate and weekly overaward payment for a day worker which would have been payable under this award for the employee's normal classification of work for the week in question if he/she had been performing his/her normal duties; provided that such latter rate shall exclude additional remuneration by way of shift premiums, overtime payments, special rates or other similar payments.

(ii) "Partial incapacity" - In the case of an employee who is
or

deemed to be partially incapacitated within the relevant Act and arising from an injury covered by this clause means a weekly payment of an amount representing the difference between the total amount of compensation paid under the relevant Act for the period in question together with the average weekly amount the employee is earning or is able to earn in some suitable employment of business (as determined expressly or by implication by the Workers Compensation Board or as agreed between the parties) and the total 40 hour weekly rate and weekly overaward payment for a day worker which would have been payable under this award for the employee's normal classification of work for the week in question if he had been performing his/her normal duties provided that such latter rate shall exclude additional remuneration by way of shift premiums, overtime payments, special rates or other similar payments.

(1) The total 40 hour weekly award rate and weekly overaward payment abovementioned shall be the same as that applying for a total incapacity provided that where an employee receives a weekly payment under this subclause and subsequently such payment is reduced pursuant to section 9.6(1) of the Act, such reduction will not increase the liability of the employer to increase the amount of accident pay in respect of that injury.

(2) For purposes of the calculation of the total 40 hour weekly award rate and weekly overaward payment in paragraphs (i) and (ii) hereof payments made to an employee arising from a production incentive earnings scheme (whether arising from a payment by results, task or bonus scheme or however titled) shall not be taken into account.

(iii) "Payment for part of a week" - Where an employee receives accident pay and such pay is payable for incapacity for part of a week the amount shall be a direct pro rata.

Injury

(b) Injury shall be given the same meaning and application as applying under the relevant Act, and no injury shall result in the application of accident pay unless an entitlement exists under the Act.

(c) (i) Where an entitlement to accident make-up pay arises under this award any reference to the Workers Compensation Act 1958 shall be deemed to include a reference to the Accident Compensation Act 1985 and any reference to the Accident Compensation Act 1985 shall be deemed to include a reference to the Workers Compensation Act 1958.

(ii) The relevant Act shall mean either:

- (1) "Workers Compensation Act" means the Workers Compensation Act 1985, as amended from time to time, of the State of Victoria; or

(2) "Accident Compensation Act" means the Accident Compensation Act 1985, as amended from time to time, of the State of Victoria;

as the case may be.

(B) - QUALIFICATIONS OF PAYMENT

Always subject to the terms of this clause, an employee covered by this award shall upon receiving payment of compensation and continuing to receive such payment in respect of a weekly incapacity within the meaning of the relevant Act be paid accident pay by his employer who is liable to pay compensation under the relevant Act, which said liability by the employer for accident pay may be discharged by another person on his behalf, provided that:

- (a) (i) Accident pay shall only be payable to an employee whilst such
- employee remains in the employment of the employer by whom he/she was employed at the time of the incapacity and then only for such period as he receives a weekly payment under the Act. Provided that if an employee on partial incapacity cannot obtain suitable employment from his/her employer but such alternative employment is available with another employer then the relevant amount of accident pay shall still be payable.
- (ii) Provided further that in the case of the termination of employment by an employer of an employee who is incapacitated and who except for such termination would be entitled to accident pay, accident pay shall continue to apply subject to the provisions of this clause except in those cases where the termination is due to serious and/or wilful misconduct on the part of the employee.
- (iii) In order to qualify for the continuance of accident pay on termination an employee shall if required provide evidence to his/her employer of the continuing payment of weekly workers compensation payments.
- (b) (i) Accident pay shall not apply to any incapacity occurring during the first two weeks of employment unless such incapacity continues beyond the first two weeks and then, subject to subclause (c) hereof and for the maximum period of payment prescribed elsewhere herein, accident pay shall apply only to the period of incapacity after the first two weeks.
- (ii) Provided that as to industrial diseases contracted by a gradual process or injuries subject to recurrence, aggravation or acceleration (as provided in the relevant Act) such injuries or diseases shall not be subject to accident pay unless the employee has been employed with the employer at the time of the incapacity for a minimum period of one month.

- (c) (i) Accident pay shall not apply in respect of any injury during the first five normal working days of incapacity.

- (ii) Provided however that in the case of an employee who contracts an infectious disease in the course of duty and is entitled to receive workers compensation therefor shall receive accident pay from the first day of the incapacity.

(d) An employee on engagement may be required to declare all workers compensation claims made in the previous five years and in the event of false or inaccurate information being deliberately and knowingly declared the employer may require the employee to forfeit his/her entitlement to accident pay under this clause.

(C) - MAXIMUM PERIOD OF PAYMENT

The maximum period or aggregate of periods of accident pay to be made by an employer shall be a total of 39 weeks for any one injury as defined in subclause (b) of part (A).

(D) - ABSENCES ON OTHER PAID LEAVE

An employee shall not be entitled to payment of accident pay in respect of any period of other paid leave of absence.

(E) - NOTICE OF INJURY

An employee upon receiving an injury for which he/she claims to be entitled to receive accident pay shall give notice in writing of the said injury to his/her employer as soon as reasonably practicable after the occurrence thereof; provided that such notice may be given by a representative of the employee.

(F) - MEDICAL EXAMINATION

(a) In order to receive entitlement to accident pay an employee shall conform to the requirements of the relevant Act as to medical examination.

(b) Where in accordance with the relevant Act a medical referee gives a certificate as to condition of the employee and his/her fitness for work or specifies work for which the employee is fit and such work is made available by the employer and refused by the employee or the employee fails to commence the work, accident pay shall cease from the date of such refusal or failure to commence the work.

(G) - REDEMPTION OF WEEKLY PAYMENTS

Where there is a redemption of weekly compensation payments under the relevant Act the employer's liability to pay accident pay shall cease as from the date of such redemption.

(H) - CIVIL DAMAGES CLAIMS

(a) An employee receiving or who has received accident pay shall advise his/her employer of any action he/she may institute or any claim he/she may make for damages.

Further the employee shall, if required, provide an authority to the employer entitling the employer to charge upon the money payable pursuant to any judgement or settlement on that injury.

(b) Where an employee obtains a judgement or settlement for damages in respect of an injury for which he/she has received accident pay the employer's liability to pay accident pay shall cease from the date of such judgement or settlement; provided that if the judgement or settlement for damages is not reduced either in whole or part by the amount of accident pay made by the employer the employee shall pay to his/her employer any amount of accident pay already received in respect of that injury by which the judgement or settlement has not been so reduced.

(c) Where an employee obtains a judgement or settlement for damages against a person other than the employer in respect of an injury for which he/she has received accident pay the employer's liability to pay accident pay shall cease from the date of such judgement or settlement; provided that if the judgement or settlement for damages is not reduced either in whole or part by the amount of accident pay made by the employer the employee shall pay to his/her employer any amount of accident pay already received in respect of that injury by which the judgment or settlement has not been so reduced.

(I) - INSURANCE AGAINST LIABILITY

Nothing in this award shall require an employer to insure against his/her liability for accident pay.

(J) - VARIATIONS IN COMPENSATION RATES

Any changes in compensation rates under the relevant Act shall not increase the amount of accident pay above the amount that would have been payable had the rates of compensation remained unchanged.

(K) - DEATH OF EMPLOYEE

All rights to accident pay shall cease on the death of an employee.

(L) - COMMENCEMENT

This clause shall only apply in respect of incapacity arising from any injury occurring or recurring on or after 16 December 1985.

22 - PAYMENT OF WAGES

Payment of wages shall be made weekly, fortnightly or monthly according to the contract of employment, or as otherwise agreed.

23 - AWARD TO BE POSTED

A copy of this award shall be available in a prominent place in each employer's premises in a place accessible to all employees.

24 - RIGHT OF ENTRY

An official of The Salaried Pharmacists' Association duly accredited in writing shall have the right to enter the employer's premises to interview employees, but shall not interview employees during working hours without the permission of the employer.

25 - TRANSFER OF EMPLOYEE

Where any employer transfers an employee (other than a casual) from one township to another, the employer shall be responsible for and shall pay the whole of the moving expenses, including fares and transport charges, for the employee and his/her family.

26 - INTRODUCTION OF CHANGE

Employer's duty to notify

- (a) (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and the association.
- (ii) "Significant effects" include termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs. Provided that where the award makes provision for alteration any of the matters referred to herein an alteration shall be deemed not to have significant effect.

Employer's duty to discuss change

- (b) (i) The employer shall discuss with the employees affected and their association, inter alia, the introduction of the changes referred to in subclause (a) hereof, the effects the changes are likely to have on employees, measures to avert or mitigate the adverse effects of such changes on employees and shall give prompt consideration to matters raised by the employees and/or the association in relation to the changes.
- (ii) The discussions shall commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in subclause (a)(i) hereof.
- (iii) For the purpose of such discussion, the employer shall provide in writing to the employees concerned and the association, all relevant information about the changes

including the nature of the changes proposed; the expected effects of the changes on employees and any other matters

likely to affect employees provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to the employer's interests.

27 - REDUNDANCY

Consultation and provision of information/discussions before terminations

- (a) (i) Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone and this is not due to the ordinary and customary turnover of labour and that decision may lead to termination of employment, the employer shall hold discussions with the employees directly affected and with their association.
- (ii) The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provision of subclause (a)(i) hereof and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.
- (iii) For the purposes of the discussion the employer shall, as soon as practicable, provide in writing to the employees concerned and their association, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, and the number of workers normally employed and the period over which the terminations are likely to be carried out. Provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to the employer's interests.

Transfer to lower paid duties

(b) Where an employee is transferred to lower paid duties for reasons set out in subclause (a) hereof, the employee shall be entitled to the same period of notice of transfer as he/she would have been entitled to if his/her employment had been terminated, and the employer may, at the employer's option, make payment in lieu thereof of an amount equal to the difference between the former ordinary time rate of pay and the new ordinary time rates for the number of weeks of notice still owing.

Transmission of business

- (c) (i) Where a business is before or after the date of this award, transmitted from an employer (in this subclause called "the transmittor") to another employer (in this subclause called "the transmittee") and an employee who at the time of such

transmission was an employee of the transmittor in that business becomes an employee of the transmittee:

- (1) The continuity of the employment of the employee shall be deemed not to have been broken by reason of such transmission; and

(2) The period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittor.

(ii) In this subclause "business" includes trade, process, business or occupation and includes part of any such business and "transmission" includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and "transmitted" has a corresponding meaning.

Time off work during the notice period

(d) (i) During the period of notice of termination given by the employer an employee shall 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.

(ii) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or he/she shall not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.

Notification to the Commonwealth Employment Service

(e) Where a decision has been made to terminate employees in the circumstances outlined in subclause (a) hereof, the employer shall notify the Commonwealth Employment Service thereof as soon as possible giving relevant information including the number and categories of the employees likely to be affected and the period over which the terminations are intended to be carried out.

Severance pay

(f) (i) In addition to the period of notice prescribed for ordinary termination in clause 28 an employee whose employment is terminated for reasons set out in subclause (a) hereof, shall be entitled to the following amount of severance pay in respect of a continuous period of service:

	Period of continuous service	Severance
pay	Less than one year	Nil
pay	One year but less than two years	Four weeks'
pay	Two years but less than three years	Six weeks'

	Three years but less than four years	Seven weeks' pay
pay	Four years and over	Eight weeks'

employee (ii) "Weeks' pay" means the ordinary rate of pay for the
concerned.

- (iii) Provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date.

Employee leaving during the notice period

(g) An employee whose employment is terminated for reasons set out in subclause (a) hereof, may terminate his/her employment during the period of notice and, if so, shall be entitled to the same benefits and payment under this clause had he/she remained with the employer until the expiry of such notice. Provided that in such circumstances the employee shall not be entitled to payment in lieu of notice.

Superannuation

(h) Subject to further award by a board, where an employee who is terminated receives a benefit from a superannuation scheme, he/she shall only receive under subclause (f) the difference between the severance pay specified in that clause and the amount of superannuation benefit he/she receives which is attributable to employer contributions only. If this superannuation benefit is greater than the amount due under subclause (f) then he/she shall receive no payment under that clause.

Incapacity to pay

(i) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied on the basis of the employer's incapacity to pay.

Alternative employment

(j) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied if the employer obtains acceptable alternative employment for an employee.

Exemption from redundancy clause

(k) This clause shall not apply where an employee has been guilty of serious and wilful misconduct or an employee has been engaged as a casual.

Employers who employ less than fifteen people

(l) Subject to an award of the Australian Industrial Relations Commission, in a particular redundancy case, this clause shall not apply to employers who employ less than fifteen employees.

Employees with less than twelve months' service

(m) This clause shall not apply to employees with less than one years' continuous service.

28 - TERMINATION OF EMPLOYMENT

Statement of employment

(a) The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of his/her employment and the classification of or the type of work performed by the employee.

Notice of termination by employer

(b) (i) During the first month of service employment may be terminated without notice by either party. For subsequent service (except in the case where an employee has been guilty of serious and wilful misconduct or an employee has been engaged as a casual in which case no notice of termination shall be required):

(1) A pharmacist manager shall give or receive four weeks' notice; or

(2) Any other employee shall give or receive:

	Period of continuous service	Period of notice
	More than one month but less than one year	Two weeks
	One year but less than three years	Two weeks
	Three years but less than five years	Three
weeks	Five years and over	Four weeks

(ii) In addition to the notice in paragraph (b) (i) hereof, employees over 45 years of age at the time of the giving of the notice with not less than two years' continuous service, shall be entitled to an additional week's notice.

(b) (i) (iii) Payment in lieu of the notice prescribed in paragraph and/or (b) (ii) hereof, shall be made if the appropriate notice period is not given. Provided that employment may be terminated by part of the period of notice specified in part payment in lieu thereof.

(iv) In calculating any payment in lieu of notice the wages an employee would have received in respect of the ordinary time he/she would have worked during the period of notice had his/her employment not been terminated shall be used.

(v) An employer shall not issue a notice of termination of employment to an employee whilst the employee is absent on an accrued entitlement to sick leave.

Notice of termination by employee

- (c) (i) The notice of termination required to be given by an employee shall be the same as that required of an employer, save and except that there shall be no additional notice based on the age of the employee concerned.
- (ii) Subject to financial obligations imposed on an employer by any Act, if an employee fails to give notice the employer shall have the right to withhold moneys due to the employee with a maximum amount equal to the ordinary time rate of pay for the period of notice from any money due to the employee under this award.

Time off work during the period of notice

- (d) Where an employer has given notice of termination to an employee, the employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off shall be taken at times that are convenient to the employee after consultation with the employer.

29 - CONSULTATIVE/GRIEVANCE PROCEDURE

(a) All parties to this award are committed to the resolution of disputes and grievances by negotiation. If a dispute or grievance is unable to be resolved to the satisfaction of all parties at the enterprise level, it should be referred to the appropriate officers of the Pharmacy Guild of Australia or Friendly Society Association, as the case may be, and The Salaried Pharmacists' Association, who will deal with the matter without delay. If the matter remains unresolved, it may be referred by either party to a Board of Reference for resolution.

(b) A Board of Reference (the Board) shall be appointed to deal with disputes arising out of the application of this award.

(c) The Board shall consist of a Member of the Australian Industrial Relations Commission (the Member), or his/her nominee as Chairperson and a representative from each of the association and the Guild/Friendly Society.

(d) Decisions of the Board shall be by a majority of members of the Board, including the Chairperson.

(e) Where the Member has appointed a nominee as Chairperson, a decision of the Board may be reviewed and altered by the Member on the application of any party to this award. An application for review should be lodged within 21 days of the decision, provided that the Member may extend the time for such applications.

30 - SUPERANNUATION

Definitions

Fund

- (a) (i) In this clause all references to "fund" shall mean the
Retail Employees Superannuation Trust (REST).

Ordinary time earnings

- (ii) In this clause the term "ordinary time earnings" shall include the classification rates, overaward payments, casual loadings, penalty rates (excluding overtime payments to permanent employees) and shift loadings.

Trustee

- (iii) In this clause all references to "trustee" shall mean the Trustee of the Retail Employees Superannuation Trust.

Quantum

- (b) An employer shall make application to participate in the fund either formally or informally and upon acceptance by the trustee shall contribute to the fund in respect of all eligible employees an amount equal to 1.5% of each employee's ordinary time earnings each week from the first pay period to commence on or after 7 November 1988 and a further 1.5% of each employee's ordinary time earnings each week from the first pay period to commence on or after 7 February 1989.

Employer to continue participation

- (c) An employer who participates in the fund shall not cease participation in the fund whilst employing any eligible employee.

Employer's contribution during leave without pay

- (d) Where an employee is absent on leave without pay, whether or not such leave is approved, no contribution from the employer shall be due in respect of that employee during and in respect of the period of unpaid absence.

Cessation of contributions

- (e) The obligation of the employer to contribute to the fund in respect of an employee shall cease on the last day of such employee's employment with the employer.

Eligibility

- (f) (i) The employer shall only be required to make contributions in accordance with this clause in respect of part-time and full-time employees who have been employed by the employer continuously for a period of six months.

in (ii) The employer shall only be required to make contributions
accordance with this clause in respect of casual employees who have accumulated 26 weeks in which they have commenced employment on at least one day in the week within a period of two years.

(iii) Employees who become eligible to join the fund shall, in addition to contributions under subclause (b) hereof, be entitled to a once only contribution by the employer to the fund in respect of the six month or 26 week qualifying period. Such contribution shall be equivalent to contributions under subclause (b) hereof.

Employer failure to participate in fund

(g) Where an employer has failed, pursuant to subclause (b) hereof, to make application to participate in the fund, the employer shall make application to participate in the fund and upon acceptance by the trustee shall make a once only contribution to the fund in respect of each eligible employee equivalent to the contributions which would have been payable under subclause (b) hereof had the employer made application to participate in the fund and been accepted by the trustee prior to 7 May 1989.

Employee contributions

(h) (i) Employees who may wish to make contributions to the fund additional to those being paid by the employer pursuant to subclause (b) hereof, shall be entitled to authorise the employer to pay into the fund from the employee's wages amounts specified by the employee.

(ii) Employee contributions to the fund requested under this subclause shall be made in accordance with the rules of the fund.

Frequency of payment

(i) (i) Each employee shall pay such contributions together with any employee deductions to the fund in the following manner:

(1) In respect of full-time employees payments shall be made monthly for pay periods completed in such months; and

(2) In respect of part-time and casual employees, payments shall be made every three months for pay periods completed in such three months.

in (ii) Provided that payments may be made at such other times and
such other manner as may be agreed in writing between the trustee of the fund and the employer from time to time.

not

(iii) Provided further that the first payment to the fund need
be paid until 7 May 1989.

Existing superannuation arrangements

(j) No employer shall be excluded from this clause on the basis of existing voluntary superannuation arrangements.

Exemptions

(k) An individual employer may make application to the Australian Industrial Relations Commission for exemption from the requirement to pay contributions to the fund pursuant to this clause. The Commission may grant such exemption in the following circumstances:

- award are
- (i) The employees whose employment is regulated by this award are a small percentage of the employer's workforce and their number is small.
 - (ii) The alternative superannuation fund is a jointly-sponsored and jointly-controlled industry fund with an independent chairman.
 - (iii) The alternative superannuation fund complies with the provisions of the Occupational Superannuation Standards Act 1987 and the occupational standards regulations as varied from time to time.
 - (iv) The contributions by the employer to the alternative superannuation fund are made on the basis of the entitlements established by this clause.
- instance
- (v) Approval for the exemption has been sought at first instance from The Salaried Pharmacists' Association.

(l) The employer will provide, upon request of the employee, a statement of the contributions paid on the employee's behalf to REST for the previous financial year.

31 - TRANSPORT OF EMPLOYEES AFTER HOURS

When an employee, after having worked overtime for which he/she has not been regularly rostered, finishes work at a time when his/her regular mode of transport, or reasonable alternative means of transport, is not available, the employer shall provide transport or reimburse the employee for any additional outlay incurred in reaching his/her home by other means of transport.

32 - IMPLEMENTATION OF 38 HOUR WEEK

(A) - METHOD

(a) The method of implementation of the 38 hour week may be any one of the following:

- (i) Shorter days, that is 7.6 hours.
- (ii) A shorter day or days each working week.

(iii) A shorter fortnight, ie. four hours off in a single time block.

(iv) A fixed day off in a four week cycle.

(v) A rotating day off in a four week cycle.

(vi) An accumulating day off in a four week cycle, with a maximum of five days being accumulated in five cycles.

Provided that for all purposes of this award, a day or half day off which accrues under paragraph (iii), (iv) or (v) hereof shall be deemed to be unpaid.

(b) In each shop an assessment should be made as to which method of implementation best suits the business and the proposal shall be discussed with the employees concerned, the objective being to reach agreement on the method of implementation.

(c) In the absence of agreement at shop level, the procedure for resolving special anomalous or extraordinary problems shall be applied in accordance with Part B of this clause. The procedure shall be applied without delay.

Substitute days

- (d) (i) An employer, with the agreement of the majority of employees concerned may substitute the day or half day the employee is to take off in accordance with paragraphs (a)(iii), (iv) and (v) hereof, for another day or half day in the case of breakdown in machinery or a failure or shortage of electric power or to meet requirements of the business in the event of rush orders or some other emergency situation.
- (ii) By agreement between employer and an employee, another day may be substituted for the day that employee is to be rostered off.

(B) - DISAGREEMENTS CONCERNING IMPLEMENTATION OF SHORTER HOURS

In the event of disagreement in respect to the implementation of shorter hours, the procedure to be followed to resolve the matter shall be as follows:

(a) Consultation shall take place within the particular establishment concerned.

(b) If a problem is unable to be resolved at establishment level, it may be referred to the State Secretary of the association or the nominated representative of the State Secretary and to the Director of the Pharmacy Guild of Australia (Victorian Branch) and the representative of the United Friendly Societies Dispensary Association at which level the issue shall be dealt with without delay.

(c) If the problem remains unresolved the matter may be referred by either party to the Australian Industrial Relations Commission for resolution.

(C) - GENERAL

(a) Each employee shall receive fourteen days' notice of their accrued time off.

(b) Casual pharmacists' hourly rate of pay which is calculated on the basis of a 40 hour week shall be recalculated on the basis of a 38 hour week.

(c) Where an employee's accrued time off falls on a public holiday prescribed by the award, another day shall be determined by the employer to be taken in lieu thereof, such day to be within the next seven days.

33 - ENTERPRISE FLEXIBILITY

(a) In this clause "a relevant union" means an organisation of employees that:

(i) Is party to this award; and

(ii) Has one or more members employed by the employer to perform work in the relevant enterprise or workplace.

[Note: The failure by an employer to give each relevant union an opportunity to be involved in the consultative process leading to the making of an agreement may result in the Commission adjourning or refusing the application to vary the award.]

(b) At each enterprise or workplace, consultative mechanisms and procedures shall be established comprising representatives of the employer and employees. Each relevant union shall be entitled to be represented.

(c) The particular consultative mechanisms and procedures shall be appropriate to the size, structure and needs of the enterprise or workplace.

(d) The purpose of the consultative mechanisms and procedures is to facilitate the efficient operation of the enterprise or workplace according to its particular needs.

(e) Where agreement is reached at an enterprise or workplace through such consultative mechanisms and procedures, and where giving effect to such agreement requires this award, as it applies at the enterprise or workplace, to be varied, an application to vary shall be made to the Commission. The agreement shall be made available in writing, to all employees at the enterprise or workplace and to the unions party to this award.

(f) When this award is varied to give effect to an agreement made pursuant to this clause the variation shall become a schedule to this award and the variation shall take precedence over any provision of this award to the extent of any expressly identified inconsistency.

(g) The agreement must meet the following requirements to enable the Commission to vary this award to give effect to it:

- enterprise
- (i) That the purpose of the agreement is to make the
or workplace operate more efficiently according to its
particular needs;
- (ii) That the majority of employees covered by the agreement
genuinely agree to it;
- meets
- (iii) That the award variation necessitated by the agreement
the requirements of the "no disadvantage" test set out at
section 113B(2) and (3) of the Industrial Relations Act 1988
(the Act).

Note: Section 113B(2) and (3) of the Act are as follows:

- "(2) The Commission does not have the power to vary the award for that
purpose [ie. to give effect to an agreement made under an
enterprise flexibility provision] unless it is satisfied that the
variation would not, in relation to their terms and conditions of
employment, disadvantage the employees who would be affected by the
variation.
- (3) For the purposes of subsection (2), a variation of an award is
taken to disadvantage employees in relation to their terms and
conditions of employment only if:
- or
- (a) it would result in the reduction of any entitlements
protection of those employees under:
- (i) that or any other award; or
- (ii) any other law of the Commonwealth or of a State or
Territory that the Commission thinks relevant; and
- employment
- (b) in the context of their terms and conditions of
considered as a whole, the Commission considers that the
reduction is contrary to the public interest."

34 - LEAVE RESERVED

Leave shall be reserved to the parties to this award in relation to the
following:

- (a) Superannuation;
- (b) Terms of employment;
- (c) Classification structure;
- (d) Pay and pay relativities;

(e) Ordinary hours of work; and

(f) Penalty rates.

SCHEDULE A - RESPONDENTS

The Executive Director
Pharmacy Guild of Australia
National Office
14 Thesiger Court
DEAKIN ACT 2600

Secretary
Combined Friendly Societies Dispensary
Head Office
1st Floor
355 Glenhuntly Road
ELSTERNWICK VIC 3185

Secretary
Friendly Societies Dispensary
559 Sydney Road
COBURG VIC 3058

Secretary
Friendly Societies Dispensary
228 Melville Road
BRUNSWICK WEST VIC 3055

Secretary
Friendly Societies Co-operative (Pharmacy)
22 Hamilton Place
MT WAVERLEY VIC 3149

Secretary
Friendly Societies Co-operative (Pharmacy)
4 The Mall Shopping Centre
Mountain Highway
WANTIRNA VIC 3152

Secretary
Friendly Societies Dispensary
76 Cumberland Road
PASCOE VALE VIC 3044

Secretary
Friendly Societies Dispensary
1106 Glenhuntly Road
ELSTERNWICK VIC 3185

Secretary
Bentleigh United Friendly Society Pharmacy
281 Centre Road
BENTLEIGH VIC 3204

Secretary
Box Hill and District United Friendly Society Dispensary
20 Main Street
BOX HILL VIC 3128

Secretary
Friendly Societies Dispensary
274 Charman Road
CHELTENHAM VIC 3192

Secretary
United Friendly Societies Dispensary
717 Sturt Street
BALLARAT VIC 3350

Secretary
United Friendly Societies Dispensary
40 Bridge Mall
BALLARAT VIC 3350

Secretary
United Friendly Societies Dispensary
1207 Howitt Street
WENDOUREE VIC 3355

Secretary
United Friendly Societies Dispensary
157 High Street
BELMONT VIC 3216

Secretary
Friendly Societies Dispensary
27 Boolarra Avenue
NEWBOROUGH VIC 3825

Secretary
Friendly Societies Dispensary
38 George Street
MOE VIC 3825

Secretary
Friendly Societies Dispensary
Reserve Road
YALLOURN NORTH VIC 3838

Secretary
Friendly Societies Dispensary
132 Station Street
FAIRFIELD VIC 3078

Secretary
Friendly Societies Dispensary
29 Sun Crescent
SUNSHINE VIC 3020

Secretary
Friendly Societies Dispensary
33 Mason Street
NEWPORT VIC 3015

Secretary
Friendly Societies Dispensary
35 Ferguson Street
WILLIAMSTOWN VIC 3016

Secretary
United Friendly Societies Dispensary
56 Albert Street
SEBASTOPOL VIC 3355

Secretary
United Friendly Societies Dispensary
316 Learmonth Street
BUNINYONG VIC 3357

Secretary
United Friendly Societies Dispensary
68 Pall Mall
BENDIGO VIC 3550

Secretary
United Friendly Societies Dispensary
10 King Street
BENDIGO VIC 3550

Secretary
United Friendly Societies Dispensary
499 Napier Street
BENDIGO VIC 3550

Secretary
United Friendly Societies Dispensary
9 Lowndes Street
BENDIGO VIC 3550

Secretary
United Friendly Societies Dispensary
50 High Street
EAGLEHAWK VIC 3556

Secretary
United Friendly Societies Dispensary
111 Ryrie Street
GEEELONG VIC 3220

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COMMISSIONER

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988
s.99 notification of industrial dispute

The Salaried Pharmacists' Association

and

The Pharmacy Guild of Australia and others
(C No. 30908 of 1993)

National Pharmacies and others
(C No. 31423 of 1993)

Health Services Union of Australia

and

Pharmacy Guild of Australia and others
(C No. 32297 of 1993)

COMMUNITY PHARMACY (VICTORIA) INTERIM AWARD 1995
(ODN C No. 30908 of 1993)
[Print M6246 [C1012]

Various employees

Pharmacy operations

Award - interim award - various employees, pharmacy operations - matters reserved in interim award if parties unable to agree included superannuation, terms of employment, classification structure, pay and relativities, ordinary hours of work and penalty rates - salary levels based on the relativities of the metal trades determined - penalty rates determined - parties directed to confer on timing of implementation and provision of draft order.

COMMISSIONER O'SHEA

MELBOURNE, 6 MARCH 1996

DECISION

Background

In part settlement of earlier findings of industrial disputes within the meaning of the Act, the Commission, on 27 May 1994, gave its reasons for deciding to make an interim award in Victoria; (the Community Pharmacy (Victoria) Interim Award 1994) [Print L3574].

DECISION - COMMUNITY PHARMACY (VICTORIA) INTERIM
AWARD 1995 [C1012]

As a result of a decision of the Commission on 30 May 1995, the Commission made a further interim award on 13 October 1995 [Print M6246].

The Community Pharmacy (Victoria) Interim Award 1995 gives effect to Deputy President Drake's decision of May 1995 [Print M2399] and a range of matters agreed by the parties. In the finalisation of this award, the parties recognised that there were a number of matters that remained in issue between the parties and would require arbitration if agreement could not be achieved. These were set out as Leave Reserved matters in the award. They were:

- Superannuation;
- Terms of employment;
- Classification structure;
- Pay and pay relativities;
- Ordinary hours of work; and
- Penalty rates.

These matters were the subject of proceedings in the Commission in September, November and December 1995. In the course of hearing these matters, the parties advised the Commission of agreement on ordinary hours of work and terms of employment (see Exhibits PGA 1, SPA 3 and SPA 6). The parties also informed the Commission that they continue to negotiate on superannuation.

Accordingly the Commission took submissions from The Salaried Pharmacists' Association (SPA), The Pharmacy Guild of Australia (PGA) and the Victorian Employers' Chamber of Commerce and Industry (VECCI) for arbitration of classification/salary and penalty rates within the Victorian award. The Commission reserved its decision at the conclusion of proceedings on 14 December 1995.

Parties' Submissions

The parties' positions were outlined on transcript and in exhibits before the Commission. The parties also relied on some material and evidence in earlier proceedings before Deputy President Drake. All this is a matter of record and it is unnecessary to recount the parties' positions in any great detail. Each party's position is briefly summarised below.

The SPA took the Commission to the history of the Pharmacists' award within the Victorian State Commission, including recognition of wage-fixing linkages with Professional Scientists. The SPA also submitted that:

- The award has been subject to the structural efficiency principle;
- The award covering community pharmacists is a minimum rates award; and
- The minimum rates adjustment process has not been completed.

The SPA also canvassed the characteristics of award coverage in States other than Victoria. On the basis of the Commission's wage fixing principles, the SPA argues for a structure for community pharmacists based on Part IV of the Metal Industry Award. The SPA classification structure, level descriptions and proposed wage rates are set out at document (c) of Exhibit SPA 2.

In relation to penalty rates, the SPA conceded some phased reduction in penalty rates in Victoria, but this on the basis of the introduction of a "proper" classification structure with the pay relativities as proposed by the Association.

The submissions of the PGA in these proceedings are summarised in Exhibit PGA 4 and were put in proceedings on 14 December 1995. The arguments of the PGA include the following points:

- The issue of wage rates/minimum rates adjustment and the issue of penalty rates are locked hand in hand;
- SPA's reliance on the salaries and classification structure of professional scientists is flawed. No evidence is led which relates a pharmacist to a professional scientist at the various levels and differences in award conditions (restrictions on hours/overtime, etc) must also be taken into account;
- The salary/classification structure in this award should recognise the relevance of interstate comparisons (see Exhibit PGA 2);
- The PGA supports the fixation of minimum classification rates for Pharmacists, Pharmacists-in-charge and Pharmacist Managers to reflect those operating in other States of Australia; and
- This adjustment should be made in conjunction with the fixation of appropriate penalty rates for the new ordinary hours agreed to and regard should be had to penalty rates fixed in other parts of Australia (see Exhibits PGA 3 and PGA 4, page 5).

VECCI adopts the position of the PGA and supports the classification structure proposed by the Guild. VECCI also provides a background to the nature and characteristics of friendly society pharmacies in Victoria. This is the basis of submissions for the Commission to recognise differences in the size and structure of the retail/community pharmacy sector and reflect these in the classification/management structure of the award.

The submissions of VECCI are set out in Exhibits VECCI 1 and VECCI 2 (with attachments). The definitions agreed/determined in Deputy President Drake's decision [Print M2399] are confirmed and VECCI argues for their retention within the award.

The classification/salary issue is argued within the framework of the SPA's submissions for parity with professional scientists. VECCI argues for a framework of relativities which retains the feature of tiers within the "in charge" and managerial positions (supported by Exhibit VECCI 3). The structure, salaries and relativities favoured by VECCI are set out in Exhibit VECCI 2.

With regard to penalty rates, VECCI adopts the position advanced by the PGA, both as to the need to look at penalty rates and salaries as a package as well as the levels of penalty rates per se.

Conclusions

The Commission approaches its determination of this matter in the context of already lengthy proceedings which have produced some measure of agreement and have required some arbitration, but which clearly still have a considerable way to go by reason of the SPA's stated objective of a national award of the Commission covering the retail/community pharmacy sector.

The Commission, then, will obviously have regard for the many agreements reached between the parties (some of which are already reflected in the current interim award and some, more recent, have been confirmed to the Commission during the course of these proceedings) as well as the findings and decisions of the Commission which have occurred along the way to this point [see, for example, Prints L3574 and M2399].

All these preceding developments are relevant to the Commission's determination of these instant matters. It is also relevant to note that these instant matters of the Victorian award are part of proceedings on foot where the SPA is pressing for a national federal award, an approach which is not resisted by the PGA (transcript, page 384). It must be seen then that while the matters to be determined here are important in their own right, they should correctly be seen as part of a larger whole and a stage within a more extended process.

Against this background, the Commission will consider the submissions and material advanced by the parties in this matter and assess them against the requirements of the Commission's wage fixing principles.

Of particular significance in regard to this matter is the "first award" principle and the Commission, noting that this award is a minimum rates award, will fix the matters at issue so that the award meets the needs of the particular industry or enterprise while ensuring that

employees' interests are also properly taken into account. It is also relevant for the Commission to ensure that appropriate structural efficiency principles are or have been applied. I include here, considerations of proper alignment by way of the application of a minimum rates adjustment process.

When one applies these considerations to the submissions of the parties in these proceedings one can see a degree of similarity but also some clear divergence. What is apparent is that the rates and classification structure of professional scientists (Metal Industry Award 1976 - Part IV) have some legitimacy as a reference point for pharmacists employed under this award.

I say this is apparent because, as the SPA demonstrated, the fact was acknowledged by the Victorian Industrial Relations Commission at an earlier point in the wage-fixing history of this award and the PGA/VECCI submissions in these proceedings acknowledged at least some points of comparison between pharmacists and professional scientists.

The SPA, for example, drew my attention to a decision of the Industrial Relations Commission of Victoria [D 91/0006] in relation to the Chemist Shops Award in which a Full Bench of the Victorian Commission commented as follows:

“The case prepared in support of the proposition that pharmacists should be regarded as scientists was both comprehensive and well-researched. The employer representatives did not oppose the substance of this aspect of the SPA claim.

We are quite satisfied that community pharmacists should be regarded as scientists in the same way that hospital pharmacists have been so regarded.” [D 91/0006, page 4]

Further in the course of that decision, the Full Bench of the Victorian Commission stated:

“Pharmacists covered by Part I of the Chemist Shops Award are to be regarded as professional scientists for the purposes of wage fixing.” [D 91/0006, page 8]

In the course of these proceedings, the relevance of professional scientists rates were also raised by the PGA by reference to its 1991 position which adopted, in part, a salary structure by reference to the bottom and top minimum classification rates of professional scientists.

VECCI submissions sought the direct alignment of the Pharmacist First Year with Level 1B of Professional Scientists Part IV of the Metal Industry Award. A number of the other salary points sought by VECCI can also be aligned with rates in the Metal Industry Award Part IV.

An acceptance of the relevance of Part IV of the Metal Industry Award does not necessarily mean a direct comparison or direct transposition of rates between the two areas of professional skills. It does, however, provide the Commission with a strong reference point for an assessment of appropriate rates.

A further reference point, given the history and likely developments in these proceedings, are rates for like work elsewhere. First award principles allow the Commission to have regard for a variety of factors in assessing what are fair and reasonable minimum rates vis-a-vis other awards and relative skills and responsibilities.

Having regard to the submissions before it, particularly those of VECCI, the Commission has come to the conclusion that the higher, supervisory classifications within the award applying in Victoria should retain a tiered arrangement which recognises differences in the size and structure of the businesses.

I have concluded that it is preferable in all the circumstances to retain the gradings of pharmacist-in-charge and pharmacist manager, together with the definitions and work level descriptions which formed part of Deputy President Drake's decision, based in part on agreements reached between the parties.

On the basis of the material before it, the Commission accepts the submissions of VECCI that the base level of Pharmacist (first year of experience) can be aligned with a Professional Scientist (4/5 year course) on the basis of qualifications and the exercise of comparable skills. But a consideration of the duties of a pharmacist compared with the relevant definitions in Part IV of the Metal Industry Award reveals a somewhat higher level of responsibility discharged by a pharmacist dispensing to the public. A direct alignment would produce a rate of 130% of the tradesperson's rate, as contemplated by VECCI, but recognition of the responsibility differential requires a higher rate to be struck.

After consideration of the SPA's submissions, the Commission determines that a fair and reasonable rate for a first year Pharmacist is a relativity of 140% of the tradesperson's rate.

As to the Pharmacist (second year and thereafter) classification, as currently defined in the interim award, there needs to be a recognition of the greater capacities that the accrual of experience brings. The current interim award provides a rate some 7% above the base and the new differential should not be any less than that. At present, under the interim award a pharmacist (thereafter) receives a minimum rate of \$571.40 per week which is \$35.70 per week above the first year pharmacist minimum rate.

A determination of a relativity of 150% would give a wage differential of some \$41 per week. In all the circumstances and taking some guidance from salary patterns for pharmacists in other States, I believe this would be appropriate and the Commission so determines.

In determining the rates above, the Commission notes that they are broadly comparable with the range of rates in other States (Exhibit PGA 2). In the course of its submissions (transcript, page 376) the PGA indicated a preparedness to look at the 140/150 end of the relativities provided current penalty rates were varied in the Guild's favour. This matter is addressed later in this decision.

Rates for the supervisory levels within the classification structure can then be properly set by broadly aligning the two higher classifications in the interim award with Professional Scientist Level 3 and Professional Scientist Level 4 respectively from Part IV of the Metal Industry Award.

Given the Commission's acceptance of retaining a tiered structure to reflect differences in the size and characteristics of businesses within the industry, the top tier of the Pharmacist-in-charge (as presently defined in the interim award) can be aligned with the Professional Scientist Level 3 rate at \$767.00 per week which is a relativity of 180% of the tradesperson's rate.

It is appropriate to keep some differential between the Pharmacist (thereafter) rate and the bottom tier of the Pharmacist-in-charge, which the Commission determines will be set at 160%. The middle tier of the Pharmacist-in-charge (as currently defined) is determined to be set at a relativity of 170%.

The rates determined above are higher at the lower tiers than those advocated by VECCI but are capped at the top tier as advanced in Exhibit VECCI 2. The rates set a relativity of 160%, 170% and 180% for the three tiers of Pharmacist-in-charge as currently defined in the interim award and are broadly comparable with the interstate comparisons drawn to the Commission's attention in Exhibit PGA 2.

As to the classification of Pharmacist Manager, the same considerations apply. The definitions and structure in the interim award will be retained and the top tier of the classification will be aligned with the rate of \$892.10 per week (a relativity of 210%) for the Professional Scientist Level 4 in Part IV of the Metal Industry Award.

To retain a differential above the top tier of the Pharmacist-in-charge, the bottom tier of the Pharmacist Manager (as currently defined in the interim award) is determined to be a relativity of 190%, with the middle tier (as currently defined) being 200%.

As with the determination of rates for Pharmacist-in-charge, the Commission notes that the rates set are broadly comparable with the interstate comparisons advanced by the PGA in Exhibit PGA 2.

It follows from the conclusions above that the SPA has not been successful in convincing the Commission as to the merits of its arguments in favour of a classification of experienced pharmacist. This may be a matter that the Association may wish to pursue in the context of a national award but in the context of these proceedings for a final Victorian award, the substance of the argument was insufficient.

Similarly, the Commission is not persuaded by the arguments that it should, at this stage, have regard for the possible emergence of a Consultant Pharmacist or Specialist classification within the retail/community pharmacy sector.

In summary, the Commission determines that the Victorian award should have salary levels based on the relativities of the metal tradesperson's rate as follows. In all cases, the existing definitions in the interim award will be carried over.

Pharmacist (1st year)	140%
Pharmacist (2nd year and thereafter)	150%
Pharmacist-in-charge	
(i)	160%
(ii)	170%
(iii)	180%
Pharmacist Manager	
(i)	190%
(ii)	200%
(iii)	210%

Nothing has been put in these proceedings which would persuade the Commission that the percentages of the Pharmacist classification which currently apply to Pharmacy trainees in the interim award should be altered.

The PGA says salaries and penalty rates should be considered and determined together - ie. in an integrated way. (The SPA accepts that penalty rates and the classification structure are inextricably linked (transcript, page 351).)

The PGA refers to the parties' agreement re hours of work (see Exhibit PGA 1). This provides for ordinary hours of work to be worked between 8.00am and midnight Monday to Sunday. The PGA argues for a reduced regime of penalty rates and takes the Commission to interstate comparisons (some arbitrated) in Exhibit PGA 3.

In its discussion of these rates and a consideration of some decisions of State tribunals, the PGA argues for a range of penalty rates having regard to penalty rates fixed in other parts of Australia. The PGA's specific position is usefully summarised at page 5 of Exhibit PGA 4.

VECCI supports and adopts the position of the PGA in respect of penalty rates in the Victorian award.

The SPA also put submissions on penalty rates. The Association accepts there have been some reductions in penalty rates in other States as part of the minimum rates adjustment process. There is also some acknowledgment by the SPA that there would have to be some reduction in penalty rates in Victoria, while pointing out that Victoria starts with a much higher base than other States in terms of penalty rates.

More specifically, the SPA submits that with the introduction of a “proper” classification structure, Saturday penalty rates (between 8.00am and 5.00pm) could be phased down from 100% to 50%.

The Commission has applied the first award principle by looking at all the material presented by the parties as well as looking generally at penalty rates in federal awards, and more directly at retail awards.

Having regard to the nature of the industry and bearing in mind the agreement of the parties as to ordinary hours, it is reasonable to set a penalty rate of 25% from 6.00pm to 9.00pm, Monday to Friday, and 50% for 9.00pm to midnight, Monday to Friday.

On Saturdays, the penalty rate for 8.00am to 9.00pm is determined to be 50% and from 9.00pm to midnight, 75%.

These rates, in the Commission’s view, represent fair and reasonable compensation for salaried pharmacists, given the material before the Commission as to the changes in trading hours and community expectations of availability of services. Looking at other workers under federal awards who are required to work their ordinary hours outside of a “nine-to-five” five day pattern, they seek to strike the right balance between the costs to employers in the industry of meeting the public’s demand for services with the rights of employees to reasonable compensation for the additional demands of late evening/weekend work.

These rates represent a pronounced reduction in penalty rates, by way of realignment of salaries and penalty rates which translated across to the interim award from the Victorian State tribunal but they are seen as appropriate in all the circumstances of the application of first award principles and the alignment of the wages and conditions in this sector with other minimum rates awards of the Commission. To ensure the combined effects of the wages increases and the penalty rate adjustments determined above do not combine anomalously or unfairly on any group of employees with unusual work patterns, the Commission is prepared to consider some form of savings clause and the parties are directed to confer on this.

The Commission has not been persuaded by the submissions of the PGA that the current Sunday penalty in the award (currently ordinary rate of pay plus 100%) should be reduced.

Notwithstanding the nature of the retail/community pharmacy sector and the expectations of the community for access to pharmaceutical dispensing services on a Sunday, employees covered by an award of this Commission are entitled to fair and equitable remuneration of the dislocative effects of Sunday work.

The awarding of double time for work on Sunday is a feature of a number of awards of this Commission, including, most relevantly, the Shop, Distributive and Allied Employees' Association - Victorian Pharmacy Assistants Award 1994 (clause 19). Double time for all work done on Sunday is also provided for in the Commission's award - Shop, Distributive and Allied Employees' Association - Victorian Shops Interim Award 1994 (clause 18).

In all these circumstances, the Commission is not disposed to vary the present award standard for pharmacists, ie. ordinary rate of pay plus 100%.

The rates of pay applying on public holidays are set out in the Community Pharmacy Public Holidays Award 1995. This is a national award of the Commission with a respondency of other parties who are not represented in these proceedings. I have not regarded the provisions of this award as being before the Commission in these proceedings.

Implementation

The matters determined above involve some substantial increases in present minimum rates with, at the same time, some significant reductions in the penalty rates applying to Saturday and evening work. This raises the question of implementation and date of effect.

On this point, the SPA has addressed the Commission on the capacity for a phased approach to the minimum rates adjustment process [transcript pages 357/358]. The PGA proposes that the parties have discussions about a phasing-in period once the Commission decision on wages/penalty rates is known.

While the Commission is certainly prepared to determine date(s) of effect if required, I am inclined to the PGA's approach. This on the basis that the more the measure of agreement between the parties, the better for the way forward.

The parties then are directed to confer on the timing of implementation of this decision. If no agreement can be reached, the Commission will take further submissions and arbitrate the matter.

Bearing this in mind, the parties are directed to confer and provide a draft order to give effect to this decision of the Commission, as well as the various agreements they have made and recorded. The parties' discussions should also address any consequential amendments so that the award can be made as a complete and integrated document. A draft order should be lodged with the Commission no later than 28 days from the date of this decision.

Following the making of the order to give effect to this decision, the Commission will arrange a programming hearing to establish a means of progress for claims for a national award. As I perceive it, this will involve other parties who have not been involved in these current proceedings.

BY THE COMMISSION:

COMMISSIONER

Appearances:

C. Collison with P. Gysslink for The Salaried Pharmacists' Association.

W. McNally, of counsel, with G. Bridge and R. Turner for The Pharmacy Guild of Australia.

S. Bradley and A. Yoannidis for Victorian Employers' Chamber of Commerce and Industry.

Hearing details:

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Why do Australian registered pharmacists leave the profession? a qualitative study

Vivienne S. L. Mak · Geoff J. March ·
Alice Clark · Andrew L. Gilbert

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Abstract *Background* Understanding why people choose to leave their professions is important to inform workforce planning to meet community needs. Poor job satisfaction has been linked to health practitioners expressing intentions to leave in other professions such as nursing, occupational therapy and medicine, but little is known about the reasons why pharmacists leave their profession. *Objective* To explore reasons why Australian pharmacists leave the profession. *Setting* As part of a survey of the Australian pharmacist workforce, a questionnaire was mailed to all registered pharmacists (n = 7,764) on the registers of the Pharmacy Boards of Victoria and South Australia; 1,627 (21 %) responded. Participants, who were registered but no longer working as a pharmacist, were asked to provide contact details if they were willing to be interviewed for this study; 89 (5.5 %) pharmacists accepted an invitation. A proportionate sample of 20 was selected for the interview. *Method* A semi-structured interview schedule was developed with probe options which encouraged participants to further explore their responses to questions. De-identified audio records of interviews were transcribed verbatim and thematically analysed. *Main outcome measure* Reasons why pharmacists leave the pharmacy profession. *Results* Five themes emerged: (1) Dissatisfaction with the professional environment; (2) lack of career paths and opportunities; (3) under-utilisation of pharmacists' knowledge and skills; (4) wanting a change; and (5) staying connected with pharmacy. *Conclusion* These findings provide insights to the

pharmacy sector, previously unexplored in Australia, and informs future pharmacist workforce planning. To retain experienced, mid-career pharmacists in the profession, strategies to increase opportunities for career progression, better use of pharmacists' knowledge and skills and involvement in patient care are required to increase job satisfaction and improve retention rates.

Keywords Australia · Attrition · Dissatisfaction · Interviews · Job satisfaction · Pharmacist workforce

Impact of findings on practice

- Over half of Australian pharmacists leaving the profession do this because of high levels of dissatisfaction with the professional environment.
- Increased opportunities for career progression, better use of pharmacists' knowledge and skills and involvement in patient care are required to increase professional satisfaction and improve retention rates.

Introduction

The wave of health care reforms occurring in economically developed countries, including Australia, reflects the ageing of their populations, the increase in chronic diseases, increasing use of health services and increasing cost of treatment and procedures [1–4]. The requirement for a sufficient, well-trained and flexible health workforce is a core element to a sustainable and cost efficient health service and the success of health care reform initiatives will depend on the response of all health professionals, including pharmacists [5].

V. S. L. Mak (✉) · G. J. March · A. Clark · A. L. Gilbert
Quality Use of Medicines and Pharmacy Research Centre,
Sansom Institute for Health Research, School of Pharmacy
and Medical Sciences, University of South Australia,
GPO Box 2471, Adelaide, SA 5001, Australia
e-mail: Sook.Mak@mymail.unisa.edu.au

As the health workforce ages, there will be increasing loss of experienced personnel. The average age of people employed in health occupations in 2006 was 42 years; higher than people employed outside of the health workforce, which averages 39 years [6]. In 2008, 18 % of the health workforce was aged 55 years and over compared with 13 % in 2003 [7]. General medical practitioners, dentists, registered nurses and allied health professionals showed an increase in proportion of workers aged 55 years and over from 1996 to 2006 [1].

To meet the health care reform requirements, it will be necessary to boost training of future professionals to replace the professionals who retire. It is expected that there will be a balance met by replacing retirees with new graduates as part of a normal succession planning process. Of greater concern is the loss of experienced pharmacists when they move out of the profession. Understanding why Australian pharmacists choose to leave their professions will help inform workforce planning to meet community needs [1, 8].

Whilst pharmacists are commonly consulted for health care and medicines advice [2, 9, 10] their knowledge and skills are under-utilised [11]. Pharmacists, especially early career pharmacists, have reported feeling disillusioned with their career prospects [12, 13] because current practice models are dominated by technical activities such as dispensing with little or no time to spend in clinical activities. Studies from Japan and USA indicate that pharmacists' job satisfaction improved when they spent more time in clinical activities rather than technical tasks [14, 15]. Poor job satisfaction has been linked to health practitioners expressing intentions to leave in other professions such as nursing, occupational therapy and medicine [8, 16–22]. Internationally, the literature is about pharmacists' intentions to leave the profession rather than understanding the reasons why they have already left the profession [12, 23, 24]. In Australia, the most likely reasons for future departure from the pharmacist workforce include retirement, family reasons and change in career [25]. Little is known about why some pharmacists have decided to change their careers.

The concept of job satisfaction and dissatisfaction and motivators in the workplace may be explained by the two-factor theory (Motivator-Hygiene Theory) [26]. It is posited that job satisfaction and dissatisfaction are independent of each other and caused by two factors; motivators (recognition, achievement) and hygiene (pay, work environment). The presence of motivators may lead to satisfaction but lack thereof may not necessarily result in dissatisfaction, while the presence of hygiene factors may not provide satisfaction but a lack may lead to dissatisfaction. Behaviour theories including Social Learning Theory [27] can also help us understand and explain the reasons for

pharmacists' dissatisfaction and reasons for leaving the profession.

In Australia, all pharmacists are required to be registered by the Pharmacy Board of Australia in order to practice. Being in 'practice' does not restrict the pharmacist to the provision of direct clinical care, and includes roles such as administration, education and research [28]. Approximately 90 % of registered pharmacists are practising in either the community or hospital setting [29]. Pharmacists who are employed, but not in the pharmacy profession (e.g. working as a medical practitioner), or are unemployed, but remain registered are a 'hidden' population of pharmacists in registry-based pharmacy workforce studies [30].

Developing an understanding of the reasons why Australian registered pharmacists decide to leave the profession, and their satisfaction while working in the profession, is important for pharmacy workforce planning. It may also help in understanding the capacity of the pharmacist workforce, and the profession as a whole, to respond to Australian health care reform initiatives [31, 32].

Aim

The aim of this research was to explore why Australian pharmacists left the pharmacy profession.

Method

Qualitative method, semi-structured telephone interview, was chosen as it is effective in collecting data when there is little known about the topic explored [33]. Interviews were conducted until the point of saturation in the data when no new themes emerge [34]. This study was undertaken between August and September 2010 and was approved by the Human Research Ethics Committee of the University of South Australia.

Sample and recruitment

As part of a larger study [35], a questionnaire sent to all registered pharmacists ($n = 7,764$) in Victoria and South Australia was conducted between May and July 2010; 1,627 were returned (response rate = 21 %). This questionnaire aimed to determine the current employment status of Australian registered pharmacists, the practice profile of pharmacists currently working in the pharmacy profession and their professional satisfaction. Respondents to the questionnaire were asked to classify their current employment situation by choosing one of the following options; currently working in the pharmacy profession, working but no longer in the pharmacy profession, unemployed/no

longer working, or retired. The term “working” in this instance is defined as the person working either full-time, part-time or in a casual position.

Of the 1,627 respondents, 159 indicated that they were working but no longer in the pharmacy profession ($n = 83$) or that they were no longer working/unemployed ($n = 76$). These 159 pharmacists were invited to participate in a semi-structured telephone interview using a request in the questionnaire to provide their contact details; 89 registered pharmacists provided their contact details. Of these, 51 were working, but no longer in the pharmacy profession, and 38 were no longer working (Table 1). Respondents currently working in the pharmacy profession and retired respondents, were not invited into this study.

Twenty-five 60 min telephone interviews were planned for this study. A representative sample of 25 people from the 89 registered pharmacists whom consented to a follow-up interview following their completion of survey was selected: 15 were working but no longer in the pharmacy profession and 10 were no longer working (Table 1). Participant characteristics were obtained from the data each participant provided in the original questionnaire. It was estimated that 25 interviews was an appropriate sample size and that after these interviews were conducted, an assessment would be made to determine if data saturation was achieved [36].

The 25 participants were contacted via e-mail or telephone to arrange the interview. Three participants indicated they had returned to work in the pharmacy profession while two participants incorrectly completed the questionnaire and were still working in the pharmacy profession. At the completion of interviews with the remaining 20 participants, data saturation was apparent and no further interviews were undertaken.

Interview guide and validity

An interview schedule was used to guide the interview. The interview guide included topics relating to professional satisfaction, reasons for not working in the pharmacy profession and reasons for maintaining their registration as a pharmacist. Probe questions were provided under each topic to encourage participant engagement. The face and content validity of the interview schedule was tested with two registered pharmacists who no longer worked in the pharmacy profession. This was conducted via telephone, pilot testing the method to be used in this study. Immediately following the telephone interview, the researcher discussed any queries, concerns or issues about interpretation of the interview questions. Both participants agreed that there were no issues relating to the structure of the interview and the researchers agreed

Table 1 Comparisons of characteristics between respondents who consented to an interview, those in the planned interview group and those who were interviewed

Characteristics	Respondents who consented to an interview n (%)	Telephone interviews planned n (%)	Telephone interviews conducted n (%)
Total (N)	89	25	20
Current employment status ^a			
Working but no longer in the pharmacy profession	51 (57.3)	15 (60.0)	13 (65.0)
Unemployed or no longer working	38 (42.7)	10 (40.0)	7 (35.0)
Gender			
Male	42 (47.2)	15 (60.0)	13 (65.0)
Female	47 (52.8)	10 (40.0)	7 (35.0)
Age group (year)			
20–40	35 (39.3)	10 (40.0)	9 (45.0)
41–60	35 (39.3)	11 (44.0)	8 (40.0)
60+	19 (21.3)	4 (16.0)	3 (15.0)
Sector of practice (when in the pharmacy profession) ^b			
Community pharmacy	–	–	15 (75.0) ^b
Hospital pharmacy	–	–	12 (60.0) ^b
Accredited/Consultant practice	–	–	2 (10.0) ^b
State registered ^c			
South Australia (SA)	25 (28.0)	10 (40.0)	9 (45.0)
Victoria (Vic)	64 (72.0)	15 (60.0)	11 (55.0)

^a As of the date of the interview

^b Participants may indicate more than one sector of practice worked

^c Information obtained prior to National Registration

that the interview would accomplish the task for which it had been designed.

Conduct of interviews

A single researcher (VM) conducted the telephone interviews. The researcher began each interview by providing an explanation of the purpose, time commitment, confidentiality, anonymity and indicated that the interview would be audio recorded. Verbal consent was obtained from each participant before the interview was conducted. Consent indicated willingness to participate and agreement for the interviews to be audio recorded.

Data collection and analysis

The audio recorded interviews were transcribed verbatim and de-identified by VM. Each transcribed interview was checked for accuracy. The de-identified transcripts were examined manually using thematic analysis technique in which identified issues were grouped into themes [37]. The ‘framework’ approach was utilised and considered most appropriate for research with specific aims and provided a structured analysis [38]. The ‘framework’ approach involved five stages; familiarisation, identifying a theme, indexing, charting and interpretation. An independent, iterative and inductive analytical process involving an additional academic researcher (EE) experienced in qualitative methods, guided by Social Learning Theory [27] followed by consensus discussions on emergent themes, was undertaken. Social Learning Theory was chosen to guide the researchers decisions as they attempted to interpret the data and discuss them because, as a behavioural theory, it offers insights into the current behaviour of subjects in terms of self-efficacy and expectations about the outcome associated with current experiences. Wording of the themes was finalised by VM.

Results

Participant characteristics

Participants were 13 individuals (five female) who were working but no longer in the pharmacy profession and seven (two female) who were unemployed/no longer working. Participants’ ages ranged from 20 to over 60 years. Six of the 13 participants interviewed who indicated they were working but no longer in the pharmacy profession were aged between 41 and 60 years of age, while four of the seven unemployed or no longer working were aged between 20 and 40 years of age. Individual participant characteristics are found in Table 2.

The following themes emerged from analysis of the 20 semi-structured interviews.

Key themes

Theme 1: dissatisfaction with the professional environment

The majority of participants expressed low professional satisfaction with working in the pharmacy profession. Participants who were working but no longer in the pharmacy profession, expressed this theme more strongly compared to those who were no longer working. Overall, participants expressed job dissatisfaction regardless of the sector of pharmacy worked.

Lack of a professional practice environment A major source of dissatisfaction related to the lack of a professional practice environment. This was also the most common reason given for leaving the pharmacy profession. Participants expressed dissatisfaction with the profit-motivated environment in community pharmacy. They spoke about the pharmacy owners’ focus on the profit to be made from dispensing to the extent that it overrode any motivation to practice in what they considered a professional manner.

‘I think within community pharmacy... it was very profit motivated rather than, service orientated...the job was quite isolating professionally...Very much the focus of the owner was on profit motivation rather than on, you know excellence in professional service. So very much you spend your time, obviously to please your boss.’ (P2; Female; 31–40; PhD in non-health discipline).

This level of dissatisfaction extended into the hospital sector of pharmacy practice.

‘I just found it (pharmacy) very constrictive and well, it just, to be honest, in retail pharmacy a lot of the time I didn’t get to use the knowledge that I had. I mean yes I did do some patient counselling but a lot of my time was spent just dispensing and doing that kind of paperwork. Hospital pharmacy, I just didn’t like the bureaucracy of it all.’ (P6; Female, 41–60; Clinical research)

Dissatisfaction with the pharmacy profession was also mentioned as a driving force for some participants to leave the pharmacy profession. The recurring topic was the absence of a professional environment to work in and the challenges they face in a profit motivated profession. One participant disliked the profession so much that he regretted choosing to study pharmacy.

Table 2 Individual participant characteristics

No	Current employment status ^a	Gender	Age group	Sector worked ^b	Current area of work ³ /reasons for not working
1	Working	Male	20–30	C, H	Postgraduate study in Medicine
2	Working	Female	31–40	C, H	PhD in non-health discipline
3	Working	Female	31–40	C, H, A ^c	Health-related area
4	Working	Male	31–40	H	Health-related area
5	Working	Male	31–40	C, H	Clinical research
6	Working	Female	41–60	C, H	Clinical research
7	Working	Female	41–60	H	Working overseas as an industrial pharmacist
8	Working	Male	41–60	C, H	Public health
9	Working	Male	41–60	H	Consultant
10	Working	Male	41–60	C	Doctor
11	Working	Male	41–60	H	Health-related area
12	Working	Female	61+	C, H	Home business
13	Working	Male	61+	C	Home business
14	Not working	Female	20–30	C, A ^c	Maternity leave & travel
15	Not working	Male	20–30	C	Health reasons
16	Not working	Male	31–40	C	Health reasons
17	Not working	Female	31–40	H	Moved overseas
18	Unemployed	Male	41–60	C	Can't find a job
19	Not working	Male	41–60	C	Personal reasons
20	Not working	Male	61+	C	Dislikes pharmacy profession

^a As of the date of the interview

^b Sector worked when working in the pharmacy profession: C = Community; H = Hospital; A = Accredited pharmacist

^c An accredited pharmacist is a registered pharmacist that is credentialed to conduct medication reviews

‘...the main reason for leaving would be the lack of professionalism and the profit motivation.’ (P2; Female; 31–40; PhD in non-health discipline)

‘I just hate it... I just wish I would’ve done something useful as supposed to this degree (pharmacy).’ (P5; Male, 31–40; Clinical research)

Lack of recognition and remuneration Participants said that there was a lack of recognition and consequently poor remuneration. They saw minimal opportunities to negotiate salaries giving the impression that employers did not appreciate the value of employees and employees were easily replaceable with other pharmacists who are willing to work for a lower pay.

‘...when you go for a position, there’s not really much opportunities to negotiate, because what’s basically put on you is like, if you don’t want this job, some other script monkey will do it for a lot less.’ (P1; Male; 20–30; Postgraduate study in Medicine)

Poor working conditions Poor working conditions were also a source of dissatisfaction. The focus on the profits led to unreasonable working conditions in community pharmacy including long hours and no breaks.

‘You know, long hours, no breaks, pays pretty ordinary and the level of responsibility and stress with the amount of prescriptions that you’re expected to do, I think it’s totally unreasonable. And also with small business owners who run pharmacy, it’s just like working in a factory. To me, I felt like a glorified factory worker to be honest.’ (P3; Female, 31–40; Other health-related area)

Theme 2: lack of career paths and opportunities

A lack of opportunities in terms of career progression, lack of innovation and rigidity in pharmacy structures were strongly associated with participants’ decision to leave the pharmacy profession.

Lack of career progression

‘...the thing that was actually become awful towards the end was there was little room to move... the overwhelming thing was really more about the system, the hospital, the fact that it became a difficult place to work because any innovations and ideas was sort of shied from and the rewards were not particularly good.’ (P11; Male, 41–60; Other health-related area)

Lack of innovation Poor career progression was linked to lack of innovation and the level of resistance for new ideas to be accepted within the pharmacy profession, partly because of its “rigid culture”.

‘I managed to achieve a lot of things (in pharmacy). I guess the difficulty for me was at the upper levels of the profession that there was often quite a rigid culture to an extent which made innovation difficult. And also butting up against at the top level was just the capacity for pharmacy to expand beyond its traditional limits... (I had) nothing left to do.’ (P4; Male; 31–40; Other health-related area)

Theme 3: under-utilisation of knowledge and skills

Time spent dispensing as technical supply Participants indicated that, in both hospital and community pharmacy sectors, the demand for supply-based dispensing of medicines and not for clinical services, and the consequent time spent dispensing, meant that their clinical knowledge and skills were under-utilised.

‘(I) didn’t have the opportunity to use my clinical skills that I believe that I had at the time from graduating and doing my internship and everything.’ (P1; Male; 20–30; Postgraduate study in Medicine)

‘...in retail pharmacy a lot of the time I didn’t get to use the knowledge that I had.’ (P6; Female; 41–60; Clinical research)

Lack of opportunities for involvement in patient care Some participants wanted the opportunity to have more involvement in patient care and that was lacking in their experiences of the pharmacy profession. They wanted to be able to work with patients holistically.

‘... I certainly wasn’t satisfied with pharmacy...I’ve gone to (study) medicine with the hope to use more clinical skills and be more involved in patient care I guess and more holistically involved... There are quite a lot of pharmacists who are doing this course as well. We probably represent one of the greater number of people from the same field in the course and out of 50 people in my course, 5 of them are from pharmacy...I think most of them are disappointed I guess’ (P1; Male; 20–30; Postgraduate study in Medicine)

Non-existent clinical role The view expressed was that there was an expectation originating from their undergraduate pharmacy education that pharmacists maintain a clinical role but found that in reality, it is “non-existent”.

‘We’re taught in University which I think is wrong, that we have a certain clinical role...but in community [pharmacy], that role doesn’t exist.’ (P5; Male; 31–40; Clinical research)

Pharmacy students are trained to interact with other health professionals but some participants indicated that the poor relationship with other health professionals and the perceived lack of understanding of pharmacists’ roles by other health professionals was a source of dissatisfaction for them. For them, the lack of real collaboration with general medical practitioners was a significant structural problem for the profession.

Theme 4: wanting a change

While a number of participants left the profession because of lack of opportunity to provide patient care, others said that the reason they left the pharmacy profession was merely because they wanted a change of profession or a change in their personal circumstances and not because they were dissatisfied with the pharmacy profession. A participant decided to venture into owning another business other than a pharmacy due to the opportunity that arose and for financial reasons.

‘...part of this reason is a personal reason...I studied when I was very young and I wasn’t particularly suited to the occupation I don’t think, personality wise...So I was never really that sort of like ‘into’ pharmacy profession anyway... that I wasn’t suited for the job.’ (P3; Female; 31–40; Other health-related area)

Theme 5: staying connected with pharmacy

All participants who were no longer working or unemployed indicated that they may wish to return to the profession one day, hence they kept their registration.

Maintaining registration as safety net The majority of participants indicated that if registration was lost, it would be difficult to gain it back and most kept their registration as a safety net.

“Just in case I have to go back to it (pharmacy) one day.” (P5; Male; 31–40; Clinical research)

“I guess I keep it there as a back-up, just in case. But I hope I don’t have to go back to using it.” (P6; Female; 41–60; Clinical research)

Feel like a part of the profession Some participants indicated that even though they are working in another profession, their current role was offered to them because

of their pharmacy background and this is why they have maintained their pharmacist registration.

“Because I mean having the knowledge of pharmacy...actually makes me suitable for this particular position sort of thing.” (P11; Male; 41–60; Other health-related area)

Some participants indicated that they still have an interest in the pharmacy profession and staying registered makes them feel like a part of the profession.

“Well, I still believe I’m still practising as a pharmacist. I think pharmacy is more broadly about also working in the health system and I believe that’s what I’m still doing.” (P2; Female; 31–40; PhD in non-health discipline)

“Why do I still maintain my registration? Because I still have obviously interest in pharmacy...” (P13; Male; 61+ ; Home business)

“Because I might want to buy a pharmacy. My partner is a pharmacist. And she still works as a pharmacist and I guess she might like to buy a pharmacy one day or I might want to buy a pharmacy or we might like to buy a pharmacy together.” (P10; Male; 41–60; Doctor)

Discussion

Nearly 10 % of Australian pharmacists who responded to a workforce survey [35] indicated that they had left the profession. The themes arising from the interviews conducted amongst that 10 % of pharmacists reflect deeply held views about the pharmacy profession in this country; on the one hand participants expressed dissatisfaction, disappointment and frustration, while on the other hand many wanted to stay connected with the profession and some felt that their training as a pharmacist was valuable in their new careers.

Over half of the pharmacists interviewed who left indicated high levels of dissatisfaction with the profession. This was similarly highlighted in nursing where job dissatisfaction were among the top reasons for nurses to leave the profession [17]. One recurrent response in this study was the feeling that the individual had little or no control over their own practice. They believed that the pharmacy profession is a controlled environment that they cannot change. For example, some participants described the pharmacy profession as consisting of powerful individuals, being very conservative and a highly controlled profession which is mostly profit motivated with a “rigid” and “constrictive” culture. In addition, they complained that pharmacy owners in the community arm of the profession

and supervisors in the hospital arm dictated how they should practice and the conditions within their workplace.

If pharmacists are to be retained in the workforce, strategies are needed to increase pharmacists’ ability to participate in decision making that affects their professional working environment. Processes are needed to assist and empower pharmacists to overcome the feelings of helplessness and to guide them to take control of their role within the profession. In Australia, there are a number of aids for this such as professional practice standards, codes of ethics and competency standards. However pharmacists appear to be unfamiliar with these standards [39] and there is a lack of enforcement on behalf of professional organisations or government bodies. Greater involvement by professional pharmacy organisations as leaders of the profession is required to support pharmacists through training, practice support, information and education.

Participants were dissatisfied because their clinical skills were under-utilised because of the dominant business model of remuneration linked to the supervision and supply of medicines. This suggests that non-volitional barriers exist such as a lack of alternative business and practice models, and different funding streams that support the provision of patient care and other clinical services. More generally, participants indicated that their knowledge and skills are under-utilised and this is consistent with previous job satisfaction research [14, 40, 41].

The current study demonstrates that most participants have a positive attitude and that they believe that they have the ability to practise professionally but the opportunity to practise in a professional way was limited by the current business models in both community and hospital settings. Some participants believed that they were able to succeed, and were also highly motivated to achieve their goals.

Social Learning Theory asserts that learning and behaviour is explained in a three-way relationship where cognitive (personal), behavioural and environmental factors reciprocally influence each other [27]. This relationship is also known as ‘reciprocal determinism’. Some participants believed that they were able to succeed, and were also highly motivated to achieve their goals. However, due to the way the pharmacy profession is structured (environment), these participants with strong motivation continued to work towards achieving their personal goals by moving out of the profession. The profession is potentially losing highly skilled, experienced pharmacists who could be future leaders and therefore drive change. Strategies, including suitable model practice sites that will allow pharmacists to practise in the way they were trained to practise, are required to provide the requisite career opportunities. For example, pharmacists need opportunities to work alongside other health professionals in medical

clinics or in the aged care sector where few pharmacists are employed.

Australian pharmacy workforce studies report that one of the reasons pharmacists leave the workforce is to work in an alternative career [25, 42]. These workforce studies however, do not explore the reasons why these pharmacists change careers. In this study, the lack of career paths and professional practice opportunities were found to be the major reasons. This finding is valuable for future pharmacist workforce planning. There are many opportunities resulting from the health care reforms to improve the delivery of services and support the needs of people with chronic conditions [31, 32]. Involvement in these activities could increase the professional satisfaction of pharmacists, retain more pharmacists and potentially attract those who have left the profession to return to pharmacy. Some participants indicated that they would come back to work in the pharmacy profession if the profession changed. In addition, the main reason for maintaining the pharmacist registration as a safety net or “just in case” suggests that returning to the pharmacy profession is still a possibility for these participants. This is significant in supporting the future health care workforce where there is a need for an adequate workforce including skilled health professionals who are well prepared to meet the challenges of the ageing population and increasing demand for health services.

In this study, the view expressed by participants who have worked in the hospital sector was that the clinical roles of hospital pharmacists have diminished and their role is now predominantly a medicines supply role following the national implementation of pharmaceutical reforms whereby pharmaceutical benefits scheme (PBS) prescriptions can now be dispensed in public hospitals. With remuneration in community pharmacy still highly dependent on dispensing medicines [43], these examples demonstrate the influence of remuneration systems on the practice of pharmacists. Suitable practice models and funding arrangements are necessary to facilitate change. The government, pharmacy and consumer organisations need to be part of the change process. A practice model that integrates pharmacists into multidisciplinary team care is of critical importance if pharmacists are to be active participants in the health care reform agenda. A substantial change in thinking about pharmacy remuneration approaches will be required whereby pharmacists are rewarded for clinical consultations and contribution to health outcomes in addition to technical services.

To retain experienced, mid-career pharmacists in the profession, strategies to increase opportunities for career progression, better use of pharmacists’ knowledge and skills and involvement in patient care are required to increase job satisfaction and improve retention rates. In addition, an appropriate practice model with ongoing

remuneration streams will be required to support these increased opportunities.

Limitations

This study was conducted with 20 registered pharmacists in Victoria and South Australia and it is not claimed that the findings from this study are representative of all pharmacists who have left the profession. The sample recruited for this study is self-selected. In addition, all participants who were interviewed worked as community, hospital or accredited pharmacists during their time in the pharmacy profession. Due to the nature of the pharmacist workforce where about 90 % are practising in the community or hospital setting, the probabilities of interviewing a person who had worked, for example in the pharmaceutical industry and was no longer in the pharmacy profession was unlikely. Despite these limitations, this is the first study of this type conducted in Australia and the training and work practice issues that it describes is likely to be similar across the profession.

Conclusion

These findings provide insights to the pharmacy sector, previously unexplored in Australia, and informs future pharmacist workforce planning. The interviews conducted in this study provided greater depth in understanding the reasons why pharmacists leave the profession. There is a need for a similar study into reasons why pharmacists are leaving the workforce on a national scale to inform the required change process and that such a study to be conducted annually following renewal of registration of pharmacists.

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Conflicts of interest There are no conflicts of interest in authorship of this article.

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References

1. Department of Health and Ageing. Primary health care reform in Australia: report to support Australia’s First National Primary Health Care Strategy. Canberra: Commonwealth of Australia; 2009.
2. Department of Health. Pharmacy in England: building on strengths, delivering the future. London: Crown Copyright; 2008.

3. Pharmaceutical Society of New Zealand. Focus on the future: ten-year vision for pharmacists in New Zealand 2004–2014. Pharmaceutical Society of New Zealand: Wellington; 2004.
4. Task Force on a Blueprint for Pharmacy. Blueprint for pharmacy: the vision for pharmacy. Ottawa: Canadian Pharmacists Association; 2008.
5. Health Workforce Australia (HWA). National Health Workforce Innovation and Reform Strategic Framework for Action 2011–2015. Adelaide: HWA; 2011.
6. Australian Institute of Health and Welfare (AIHW). Health workforce, 2012. [cited 2012 Feb 3]. Available at: <http://www.aihw.gov.au/labourforce/health.cfm>.
7. Australian Institute of Health and Welfare (AIHW). Australia's health 2010. Canberra: AIHW; 2010. Australia's health no. 12. Cat. No. AUS 122.
8. Schofield DJ, Beard JR. Baby boomer doctors and nurses: demographic change and transitions to retirement. *Med J Aust*. 2005;183(2):80–3.
9. Benrimoj SI, Frommer MS. Community pharmacy in Australia. *Aust Health Rev*. 2004;28(2):238–46.
10. Bell JS, Whitehead P, Aslani P, Sacker S, Chen TF. Design and implementation of an educational partnership between community pharmacists and consumer educators in mental health care. *Am J Pharm Educ*. 2006;70(2):28.
11. The Pharmacy Guild of Australia. The Roadmap: the strategic direction for community pharmacy, 2010. [cited 2010 Jul 30]. Available at: www.guild.org.au/roadmap.
12. Eden M, Schafheutle EI, Hassell K. Workload pressure among recently qualified pharmacists: an exploratory study of intentions to leave the profession. *Int J Pharm Pract*. 2009;17(3):181–7.
13. Noel MW, Hammel RJ, Bootman JL. Job satisfaction and the future of pharmacy. *Am J Hosp Pharm*. 1982;39(4):649–51.
14. Olson DS, Lawson KA. Relationship between hospital pharmacists' job satisfaction and involvement in clinical activities. *Am J Health Syst Pharm*. 1996;53(3):281–4.
15. Kawabata A, Murakami E, Iwaki M, Ogiso T, Suzuki S, Mishima M, et al. Importance of clinical activities to job satisfaction in Japanese pharmacists. *Am J Health Syst Pharm*. 1998;55(4):360–3.
16. Collins K, Jones ML, McDonnell A, Read S, Jones R, Cameron A. Do new roles contribute to job satisfaction and retention of staff in nursing and professions allied to medicine? *J Nurs Manag*. 2000;8(1):3–12.
17. Strachota E, Normandin P, O'Brien N, Clary M, Krukow B. Reasons registered nurses leave or change employment status. *J Nurs Adm*. 2003;33(2):111–7.
18. Gauci Borda R, Norman JJ. Factors influencing turnover and absence of nurses: a research review. *Int J Nurs Stud*. 1997;34(6):385–94.
19. Jenkins M. The problems of recruitment: a local study. *Br J Occup Ther*. 1991;54(12):449–52.
20. Weisman CS. Recruit from within: hospital nurse retention in the 1980s. *J Nurs Adm*. 1982;12(5):24–31.
21. Sibbald B, Bojke C, Gravelle H. National survey of job satisfaction and retirement intentions among general practitioners in England. *BMJ*. 2003;326(7379):22.
22. Shields MA, Ward M. Improving nurse retention in the National Health Service in England: the impact of job satisfaction on intentions to quit. *J Health Econ*. 2001;20(5):677–701.
23. Hawthorne N, Anderson C. The global pharmacy workforce: a systematic review of the literature. *Hum Resour Health*. 2009;7:48.
24. Seston E, Hassell K, Ferguson J, Hann M. Exploring the relationship between pharmacists' job satisfaction, intention to quit the profession, and actual quitting. *Res Social Adm Pharm*. 2009;5(2):121–32.
25. Health Care Intelligence Pty Ltd. A study of the demand and supply of pharmacists, 2000–2010. The Pharmacy Guild of Australia: Canberra; 2003.
26. Hertzberg F, Mausner B, Snyderman B. The motivation to work. New York: John Wiley & Sons; 1959.
27. Bandura A. Social learning theory. Englewood Cliffs: Prentice Hall; 1977.
28. Pharmacy Board of Australia. Pharmacy recency of practice registration standard [Internet]. Australian Health Practitioner Regulation Agency; 2011. [cited 2011 Nov 11]. Available at: <http://www.pharmacyboard.gov.au/documents/default.aspx?record=WD10%2f195&dbid=AP&chksum=ziYpcLowXZ2BBxqiEXXqQw%3d%3d>.
29. Human Capital Alliance. Pharmacy workforce planning study: analysis of secondary data to understand pharmacy workforce supply—initial supply report. The Pharmacy Guild of Australia: Canberra; 2008.
30. Long M, Ridoutt L, Bagnulo J, Braddock D, Chen T, Gissing P, Lennon B, Sansom L, Shah C. Pharmacy workforce planning study: full final report. The Pharmacy Guild of Australia; 2010.
31. Department of Health and Ageing. A National Health and Hospitals Network for Australia's future: delivering the reforms. Commonwealth of Australia: Canberra; 2010.
32. Department of Health and Ageing. Building a 21st century primary health care system: Australia's first National Primary Health Care Strategy. Commonwealth of Australia: Canberra; 2010.
33. Flick U. An introduction to qualitative research. 4th ed. London: Sage Publications; 2009.
34. Mays N, Pope C. Qualitative research: rigour and qualitative research. *BMJ*. 1995;311(6997):109.
35. Mak VSL, March GJ, Clark A, Gilbert AL. The Australian Pharmacist Workforce: Employment status, practice profile and job satisfaction. *Aust Health Rev*. (in Press).
36. Guest G, Bunce A, Johnson L. How many interviews are enough? An experiment with data saturation and variability. *Field methods*. 2006;18(1):59–82.
37. Ezzy D. Qualitative analysis: practice and innovation. London: Routledge; 2002.
38. Ritchie J, Spencer L. Qualitative data analysis for applied policy research. In: Bryman A, Burgess R, editors. *Analysing qualitative data*. London: Routledge; 1993. p. 173–94.
39. Chaar B, Brien J, Krass I. Professional ethics in pharmacy: the Australian experience. *Int J Pharm Pract*. 2005;13(3):195–204.
40. Cox ER, Fitzpatrick V. Pharmacists' job satisfaction and perceived utilization of skills. *Am J Health Syst Pharm*. 1999;56(17):1733–7.
41. Humphrys P, O'Brien GE. The relationship between skill utilization, professional orientation and job satisfaction for pharmacists. *J Occup Health Psychol*. 1986;59(4):315–26.
42. Glackin S, Andreadakis I. The Victorian pharmacy workforce 2009. Victoria: Victorian Department of Health; 2011.
43. The Pharmacy Guild of Australia. Submission to the Australian Industrial Relations Commission regarding transitional consultations for Pharmacy Industry Award 2010; 2009. [cited 2010 Nov 11]. Available at: http://beta.guild.org.au/uploadedfiles/National/Public/News_and_Events/News_Archive/20090626_PGA_trans_further.pdf.

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996
s.99 notification of industrial dispute

David Jones Aust. Pty Ltd

and

Shop, Distributive and Allied Employees Association
(C No. 02963 of 1982)

The Salaried Pharmacists' Association

and

The Pharmacy Guild of Australia and others
(C No. 30908 of 1993)

Shop, Distributive and Allied Employees Association

and

Pharmacy Guild of Australia
(C No. 31056 of 1993)

National Pharmacies and others
(C No. 31423 of 1993)

Health Services Union of Australia

and

Pharmacy Guild of Australia and others
(C No. 32297 of 1993)

s.111(1)(b) application for award

The Salaried Pharmacists' Association
(C No. 35930 of 1996)

COMMUNITY PHARMACY AWARD 1996

Various employees

Pharmacy operations

COMMISSIONER O'SHEA

MELBOURNE, 24 DECEMBER 1996

Wages and conditions - log of claims - federal award

AWARD

Further to decisions issued by the Commission in transcript of proceedings on 15 and 28 November 1996, the following award is made by consent:

COMMUNITY PHARMACY AWARD 1996 [C1790]

1 - TITLE

This award shall be known as the Community Pharmacy Award 1996.

2 - INCIDENCE AND PARTIES BOUND

(a) This award shall be binding on The Salaried Pharmacists' Association, its officers and members, the Pharmacy Guild of Australia and its members, and the employers named in Schedule A hereto. This award shall apply to the employment of pharmacists, pharmacy students and trainees, whether members of the said Association or not, in the community and retail pharmacy industry.

(b) This award shall be binding on the Health Services Union of Australia, its officials and members in respect of the community and retail pharmacy industry in the State of Western Australia. This award shall not be binding on the Salaried Pharmacists' Association, its officials and members, in respect of the community retail pharmacy Industry in the State of Western Australia.

(c) This award shall be binding on the Shop Distributive and Allied Employees Association, its officers and members in respect of the community and retail pharmacy industry in the States of New South Wales, South Australia and in the Australian Capital Territory and the Northern Territory.

(d) This award does not apply to hospital pharmacists engaged in a hospital or nursing home, whether engaged by a hospital or nursing home or not.

3 - PERIOD OF OPERATION

(a) This award shall come into effect from the first pay period commencing on or after 12 December 1996 and shall remain in force for a period of six months.

4 - PREVIOUS AWARD SUPERSEDED

This award supersedes the Community Pharmacy (Victoria) Interim Award 1995 [C1012], but no right, obligation or liability accrued or incurred under the interim award so superseded shall be affected.

5 - ARRANGEMENT

Each employer shall accord to each and every employee referred to in Clause 1 hereof the terms and conditions prescribed in the following appendixes as is applicable to that employee:

Appendix A	Victoria
Appendix B	New South Wales
Appendix C	Queensland
Appendix D	South Australia
Appendix E	Tasmania
Appendix F	Western Australia
Appendix G	Australian Capital Territory

SCHEDULE A

Pharmacy Guild of Australia, National Office, 14 Thesiger Court, Deakin ACT 2600
Combined Friendly Societies Dispensary, Head Office, 1st floor, 355 Glenhuntly Road,
Elsternwick VIC 3185
United Friendly Society Dispensary, C/- 14 Criterion Street, Hobart TAS 7000
United Friendly Society Dispensary, 67 Hopkins Street, Moona TAS 7009
Queenstown Medical Union, 19 Cutten Street, Queenstown TAS 7467
Friendly Societies Dispensary, 559 Sydney Road, Coburg VIC 3058
Friendly Societies Dispensary, 228 Melville Road, Brunswick West VIC 3055
Friendly Societies Dispensary, 76 Cumberland Road, Pascoe Vale VIC 3044
Friendly Societies Dispensary, 1106 Glenhuntly Road, Elsternwick VIC 3185
Bentleigh United Friendly Society Pharmacy, 281 Centre Road, Bentleigh VIC 3204
Box Hill and District United Friendly Society Dispensary, 20 Main Street, Box Hill VIC
3128
Friendly Societies Dispensary, 274 Charman Road, Cheltenham VIC 3192
United Friendly Societies Dispensary, 717 Sturt Street, Ballarat VIC 3350
United Friendly Societies Dispensary, 40 Bridge Mall, Ballarat VIC 3350
United Friendly Societies Dispensary, 1207 Howitt Street, Wendouree VIC 3355
United Friendly Societies Dispensary, 56 Albert Street, Sebastopol VIC 3355
United Friendly Societies Dispensary, 316 Learmonth Street, Buninyong VIC 3357
United Friendly Societies Dispensary, 68 Pall Mall, Bendigo VIC 3350
United Friendly Societies Dispensary, 10 King Street, Bendigo VIC 3550
United Friendly Societies Dispensary, 9 Lowndes Street, Bendigo VIC 3550
United Friendly Societies Dispensary, 50 High Street, Eaglehawk VIC 3556
United Friendly Societies Dispensary, 111 Ryrie Street, Geelong VIC 3220
United Friendly Societies Dispensary, 157 High Street, Belmont VIC 3216
Friendly Societies Dispensary, 27 Boolarra Avenue, Newborough VIC 3825
Friendly Societies Dispensary, 38 George Street, Yallourn North MOE VIC 3825
Friendly Societies Dispensary, Reserve Road, Yallourn North VIC 3838
Friendly Societies Dispensary, 132 Station Street, Fairfield VIC 3078
Friendly Societies Dispensary, 29 Sun Crescent, Sunshine VIC 3020
Friendly Societies Dispensary, 33 Mason Street, Newport VIC 3015
Friendly Societies Dispensary, 35 Ferguson Street, Williamstown VIC 3016
Friendly Societies Co-operative (Pharmacy), 22 Hamilton Place, Mt. Waverley VIC 3149
Friendly Societies Co-operative (Pharmacy), 4 The Mall Shopping Centre, Mountain
Highway, Wantirna VIC 3152
Friendly Care Chemist, Cnr. Turbot & George Streets, Brisbane QLD 4000
Friendly Care Chemist, Cnr. Sandgate Road & Station Street, Nundah QLD 4012
Friendly Care Chemist, Cominos Arcade, Sutton Street, Redcliffe QLD 4020
Friendly Care Chemist, Hancock Street, Sandgate QLD 4017
Friendly Care Chemist, 1969 Logan Road Upper, Mt. Gravatt QLD 4122
Friendly Care Chemist, Cnr. Stanley & Hubert Streets, Woolloongarra QLD 4102
Friendly Society Dispensary, 41 East Street, Ipswich QLD 4305
Friendly Society Dispensary, 42 Station Road, Booval QLD 4304
The Mount Gambier United Friendly Society Dispensary Incorporated, (Trading as UFS
Chemist), 51 Commercial Street (East), Mt Gambier SA 5290

APPENDIX A - VICTORIA

1 - ARRANGEMENT

<u>Subject matter</u>	<u>Clause No.</u>
Accident pay	21
Annual leave	16
Arrangement	1
Award to be posted	23
Bereavement leave	18
Casuals	8
Consultative/grievance procedure	29
Definitions	2
Enterprise flexibility	33
Examination leave	19
Excess fares	13
Garment allowance	11
Hours of work	9
Implementation of 38 hour week	32
Introduction of change	26
Leave reserved	34
Meal break	14
Overtime	10
Parental leave	20
Payment of wages	22
Redundancy	27
Rest period	15
Right of entry	24
Sick leave	17
Superannuation	30
Termination of employment	28
Terms of employment	6
Transfer of employee	25
Transport allowance	12
Transport of employees after hours	31
Wages per week of 38 hours	7

2 - DEFINITIONS

(a) “Pharmacist” means a person who is registered as a pharmacist pursuant to the Pharmacy Act 1974 (Vic).

(b) “Pharmacist Manager” means a pharmacist who is responsible for the overall operation and performance of the pharmacy business.

(c) “Pharmacist in Charge” means a pharmacist who assumes responsibility for the day to day supervision and functioning of a community pharmacy practice.

COMMUNITY PHARMACY AWARD 1996 [C1790]

(d) “Pharmacy Student” means a person who is undertaking an accredited course of study leading to the degree of Bachelor of Pharmacy.

(e) “Pharmacy Trainee” means a person who has satisfied the examination requirements for the degree of Bachelor of Pharmacy, and is engaging in the period of pre-registration training required by the Pharmacy Act 1974 (Vic).

(f) “Permanent Employee” means an employee other than a casual employee.

(g) “Full-time Employee” means a permanent employee who is engaged to work for an average of 38 hours or more per week.

(h) “Part-time Employee” means a permanent employee who is engaged by a particular employer on a regular and systematic basis for a sequence of periods of employment and who is engaged to work an average of less than 38 hours per week and receives entitlements pro-rata.

(i) “Casual Employee” means an employee who is engaged and paid as such but does not include employees within the definition of part time employee as defined in this clause.

(j) “Pharmacist, second year of experience and thereafter” means a pharmacist who has gained a minimum 1824 hours relevant experience in community pharmacies.

(k) “Association” means The Salaried Pharmacists’ Association, an industrial organisation of employees registered pursuant to the Industrial Relations Act 1988.

(l) “Guild” means the Pharmacy Guild of Australia, an industrial organisation of employers registered pursuant to the Industrial Relations Act 1988.

(m) “Ordinary rate” or “ordinary rate of pay” shall mean the appropriate rate set out in clause 7.

(n) “Ordinary pay” in relation to any employee means the remuneration for the employee’s normal weekly number of ordinary hours of work calculated at the ordinary rate of pay and in addition shall include penalty rates relating to ordinary hours of work, but shall not include overtime.

6 - TERMS OF EMPLOYMENT

(a) An employee shall be engaged in a classification prescribed by this award either as a permanent or a casual employee.

(b) A permanent employee shall be engaged by the week, fortnight or month, as agreed between the employer and the employee.

(c) A casual employee shall be employed by the hour.

(d) Employees employed on a part-time basis shall be paid for the hours worked at an hourly rate equal to 1/38th of the weekly rate appropriate to the employee’s classification.

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Part-time employees shall accrue other entitlements on a pro rata basis and be entitled to the appropriate overtime and penalty rates that apply to full-time employees.

(e) At the time of engagement the employer will document in writing the following details:

- (i) The commencement date of employment;
- (ii) The classification and wages of the employee;
- (iii) Whether the employment is on a full-time, part-time or casual basis;
- (iv) The arrangement for the payment of wages;
- (v) The daily or weekly hours of work;
- (vi) Any agreement in relation to the taking of annual leave;
- (vii) A position description.

(f) An employee will confirm the terms of employment by signing the document. Both the employer and the employee will retain a copy of the document.

7 - WAGES PER WEEK OF 38 HOURS

(a) Pharmacist:

Total Minimum Wage Rate \$
608.10

Pharmacist, "second year of experience and thereafter":

Total Minimum Wage Rate \$
649.80

Pharmacist in Charge:

	Total Minimum Wage Rate \$
(i) where supervised hours are up to and including 60 hours per week	691.50
(i) where supervised hours are over 60 hours and up to and including 160 hours per week	733.20
(iii) where supervised hours are over 160 hours per week	775.00

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Pharmacist Manager:

	Total Minimum Wage Rate \$
(i) where supervised hours are up to and including 60 hours per week	816.70
(i) where supervised hours are over 60 hours and up to and including 160 hours per week	858.40
(iii) where supervised hours are over 160 hours per week	900.10

Higher Duties Allowance; for where a qualified pharmacist, who is a permanent employee who is not employed as a Pharmacist Manager or Pharmacist in Charge, but who in any one day may be called upon to replace the Proprietor, Manager or Pharmacist in Charge for a period of not less than four hours during the employee's ordinary spread of hours in any one day shall be paid at the appropriate Pharmacist in Charge rate in accordance with this award for all hours worked on any such day.

For the purpose of this subclause "supervised hours" shall mean hours of work (other than overtime) performed by employees employed as shop assistants.

(b) Pharmacy Students:

Experience	Percentage of Wage rate for Classification Pharmacist	Total Minimum Wage Rate \$
(i) A person commencing and proceeding with the Pharmacy course shall be paid for the first 500 recorded hours of practical training prescribed by the Pharmacy Board	40	243.20
(ii) Subsequently for all work done until commencement of the final 2000 hours of traineeship	45	273.60

(c) Pharmacy Trainees

Experience	Percentage of Wage rate for Classification Pharmacist	Total Minimum Wage Rate \$
(i) During the first 500 hours of such training	50	304.10
(ii) During the second 500 hours of such training	60	364.90
(iii) During the final 1000 hours of such training	70	425.70
(iv) Prior to registration has within the previous three years completed a course of training as prescribed by the Pharmacy Board	75	456.10

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The proportion of Pharmacy Students and Trainees who may be employed in connection with any retail pharmacy, or dispensary, shall be as determined from time to time by the Pharmacy Board of Victoria.

The "Wage Rate" in this Clause shall be calculated to the nearest ten cents, less than five cents in the result to be disregarded.

- (d) (i) For the period from the first pay period commencing on or after 3 August 1994 to the first pay period commencing on or after 12 December 1994, the supplementary payment of each classification level included an \$8.00 adjustment reflecting the application of the arbitrated safety net adjustment principle enunciated in the 1993 Wage Fixing Principles [Print K9700 and K9940]. Consistent with the requirements of that principle the \$8.00 safety net adjustment was absorbable to the extent of any equivalent amount in rates of pay - whether overaward, award or certified agreement - in excess of the minimum rates (classification rate and supplementary payment) prescribed in accordance with the August 1989 National Wage Case decision [Print H9100].
- (ii) From the first pay period commencing on or after 12 December 1994 the rates of pay in this award include the first \$8.00 per week arbitrated safety net adjustment payable under the September 1994 decision [Print L5300]. This first \$8.00 per week arbitrated safety net adjustment may be offset to the extent of any wage increase as a result of agreements reached at enterprise level since 1 November 1991. Increases made under previous National Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.
- (e) From the first pay period commencing on or after 26 June 1995 the rates of pay in this award include the second \$8 per week arbitrated safety net adjustment payable under the September 1994 decision [Print L5300]. This second \$8 per week arbitrated safety net adjustment may be offset to the extent of any wage increase payable since 1 November 1991 pursuant to certified agreements, enterprise flexibility agreements or consent awards or award variations to give effect to enterprise agreements, insofar as that wage increase has not previously been used to offset an arbitrated safety net adjustment. Increases made under previous National Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.
- (f) The rates of pay in this award include the third \$8 per week arbitrated safety net adjustment payable under the September 1994 decision [Print L5300]. This third \$8 per week arbitrated safety net adjustment may be offset to the extent of any wage increase payable since 1 November 1991 pursuant to certified agreements, enterprise flexibility agreements or consent award or award variations to give effect to enterprise agreements, insofar as that wage increase has not previously been used to offset an arbitrated safety net adjustment. Increases made under previous National Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

8 - CASUALS

(a) A casual shall be paid not less than the appropriate rate prescribed in clause 7 for the class of work done (calculated pro rata for any period less than one week) with an addition of ten per centum.

(b) Provided that a casual Pharmacist called upon to relieve the proprietor or manager of a pharmacy shall be deemed to be a casual Pharmacist in Charge and paid as follows:

- (i) For all hours worked between the hours of 9.00 am and 6.00 pm Monday to Friday at the appropriate Pharmacist in Charge grade in accordance with subclause 7(a);
- (ii) For all other hours at the Pharmacist in Charge grade (i) rate appearing in subclause 7(a).

(c) A casual employee shall also be paid an amount of 8.33 per centum of the appropriate rate prescribed in clause 7 for the class of work done (calculated pro rata for any period less than one week). This amount to be payable in lieu of any entitlement to paid annual leave.

- (d) (i) For all work outside the ordinary hours of work in clause 9 a casual shall be paid double time.
- (ii) A casual shall be paid a minimum payment as for three hours' work on any one day Monday to Friday 8.00 am to 6.00 pm and two hours minimum payment at any other time.
- (iii) The meal break supervision rate of a casual Pharmacist in Charge shall be time and one quarter the ordinary hourly rate.

- (e) (i) Where a casual cannot conveniently return to his/her home on completion of each day's work he/she shall have reasonable accommodation arranged and paid for by the employer. In addition he/she shall be entitled to be reimbursed fares necessarily expended in travelling to the job, and in returning to his/her home town on its completion. Such fares or reimbursement shall be first class rail, plane or road travel whichever may apply. Where an employee provides his/her own transport, such reimbursement shall be at the rate of 48 cents a kilometre, provided that the amount payable shall not exceed the lesser of the amounts of the first class plane or rail fare.
- (ii) A casual engaged to work in the country, or sent from one country centre to work in another country centre shall be entitled to be paid at ordinary rates for travelling time to and from the job. Such time is to be counted to and from Melbourne, or his/her home town whichever is the nearer.

9 - HOURS OF WORK

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(a) Ordinary hours of work shall not exceed an average of 38 hours per week over a four week cycle.

(b) Ordinary hours of work may be worked between the hours of 8.00 am to midnight Monday to Sunday and shall not exceed twelve hours on any one day.

(c) The ordinary hours of work of a permanent employee rostered to work on any day shall be a minimum of four hours Monday to Friday and a minimum of three hours on a Saturday or Sunday.

(d) The following penalty rates shall be paid to all employees in respect to ordinary hours of work:

Monday to Friday inclusive:

6.00 pm to 9.00 pm the ordinary rate of pay plus 25 per cent
9.00 pm to midnight the ordinary rate of pay plus 50 per cent

Saturday

8.00 am to 9.00 pm the ordinary rate of pay plus 50 per cent
9.00 pm to midnight the ordinary rate of pay plus 75 per cent

Sunday

8.00 am to midnight the ordinary rate of pay plus 100 per cent

(e) All times worked in excess of the number of hours prescribed by this clause shall be overtime.

(f) All times worked outside ordinary hours of work defined in this clause shall be paid at double time.

10 - OVERTIME

Overtime calculated on the rates prescribed in subclauses 7(a), (b) and (c) of this award shall be paid for as follows:

- (a) (i) Time worked in excess of an average of 38 hours per week on a four (4) week cycle, or in excess of twelve (12) hours in any one day, but within the hours between 8.00 am to midnight Monday to Saturday, shall be paid at time and a half for the first four hours and double time thereafter. All overtime worked on Sunday shall be paid at doubletime.
 - (ii) For the purposes of this subclause each day's overtime shall stand alone.
 - (iii) By mutual agreement paid time off in lieu equivalent to overtime payments may be taken in the following week or on an accumulated basis.
- (b) (i) All overtime worked on Saturday and Sunday may be paid at ordinary rates of pay, in which case paid time off in lieu equivalent to overtime rates shall be taken.

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- (ii) Such period of time may be taken in the following week or on an accumulative basis at the discretion of the employee by mutual arrangement with the employer.
- (iii) Where difficulty is experienced in the application of the provisions of this subclause, by mutual agreement with the employer, the payment of overtime rates in lieu thereof shall be permitted.

(c) Where an employee is working overtime in ordinary hours which attract a penalty rate then the higher of the overtime or penalty rate applies to all such hours.

11 - GARMENT ALLOWANCE

(a) Where an employee is required to wear, when at work, a washable uniform the laundering of which is not paid for by the employer, such employee shall be paid \$5.10 per week or \$1.02 cents per day, in addition to the ordinary rate.

(b) Where an employee is required to wear any uniform, dress or clothing of special design and/or material, it shall be supplied, and, if necessary, except as provided hereunder, laundered by the employer. Any such garment shall remain the property of the employer. Where the employee is required to launder the garment in part (a) or (b) of this clause, an allowance of \$3.60 per week or 72 cents per day, in addition to the ordinary wage shall be paid.

12 - TRANSPORT ALLOWANCE

Where an employer requires an employee to use his or her own motor vehicle in the performance of his duties such employee shall be paid an allowance of 48 cents per kilometre.

13 - EXCESS FARES

Where an employee is required by his or her employer to move temporarily from one branch or shop to another for a period not exceeding four weeks all additional fares so incurred shall be paid by the employer.

14 - MEAL BREAK

(a) In normal circumstances, employees shall not be required to work more than five consecutive hours in one day without a meal break of not less than thirty minutes.

(b) Where an employee is required to take their meal break on the premises and remain on call, the employee shall be paid at time and a half for the period of the meal break.

(c) An employee who is required to work more than five consecutive hours without a meal break shall be paid at time and a half until a meal break is allowed.

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15 - REST PERIOD

Each employee shall be allowed a rest period of four minutes each morning and afternoon at times convenient to the employer.

16 - ANNUAL LEAVE

(a) Permanent employees are entitled to four weeks annual leave per annum without loss of ordinary pay (changes 1.6.1996).

(b) Employees will be paid an additional loading of 17½ % of their ordinary pay.

(c) This leave is to be taken at a mutually convenient time and must be taken within six months of becoming due. Where agreement cannot be reached, the employer may direct the employee to take leave with one month's notice. Untaken leave will be paid out on termination of employment.

(d) The loading prescribed in this clause shall not apply to proportionate leave on termination of employment.

17 - SICK LEAVE

Retail Pharmacies

(a) (i) Where an employee becomes disabled by personal ill health or accident, not due to his/her own misconduct, proof of which is given to an employer by medical certificate or other satisfactory evidence within 24 hours of the beginning of the employee's consequential absence, he/she shall on account thereof, be entitled without deduction of pay to absent himself/herself as follows:

(1) During the first year of service - for every three months of completed service - two days (i.e., sixteen working hours).

(2) During any subsequent year - eight working days.

Provided that for absences of one working day or less, the production of a medical certificate shall not be necessary on two separate occasions per year.

(ii) Notwithstanding anything contained in paragraph (a)(i) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

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- (b) (i) Any employee who furnishes to his employer a certificate of a medical practitioner or other satisfactory evidence that he/she is unable to perform his/her duties on account of personal illness shall, while incapacitated, be entitled to sick pay as follows:
 - (1) During his/her first year of service - one day for each completed month of service;
 - (2) During each subsequent year - twelve working days.
- (ii) Notwithstanding anything contained in paragraph (b)(i) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

18 - BEREAVEMENT LEAVE

(a) A permanent employee shall on the death within Australia of a spouse (including de-facto spouse), parent, foster parent, parent-in-law, brother, sister, child or stepchild be entitled to leave up to and including the day of the funeral of such relative. Such leave will be without deduction of pay for a period not exceeding the number of hours worked by the employee in three ordinary days.

(b) Payment in respect of bereavement leave is to be made only where the employee would have been on duty and shall not apply where it coincides with any other period of leave.

(c) The provisions of this clause shall apply in respect of the death of a grandparent, grandchild or divorced spouse provided that payment thereof shall be limited to one day.

19 - EXAMINATION LEAVE

(a) A Pharmacy Trainee shall be granted leave with full wages in order to attend the Pharmacy (IV) final examinations.

(b) The amount of such leave shall be sufficient to allow the Pharmacy Trainee:

- (i) To proceed to and from the place of examination; and
- (ii) In addition, allow one clear day for pre-examination study prior to such examination.

20 - PARENTAL LEAVE

Subject to the terms of this clause employees are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child.

(A) - MATERNITY LEAVE

Nature of leave

- (a) Maternity leave is unpaid leave.

Definitions

- (b) For the purposes of this subclause:
- (i) "Employee" includes a part-time employee but does not include an employee engaged upon casual or seasonal work.
 - (ii) "Paternity Leave" means leave of the type provided for in subclause (b) whether prescribed in an award or otherwise.
 - (iii) "Child" means a child of the employee under the age of one year.
 - (iv) "Spouse includes a de facto or a former spouse.
 - (v) "Continuous service" means service under an unbroken contract of employment and includes:
 - (1) Any period of leave taken in accordance with this clause,
 - (2) any period of part-time employment worked in accordance with this clause, or
 - (3) any period of leave or absence authorised by the employer or by the award.

Eligibility for maternity leave

- (c) (i) An employee who becomes pregnant, upon production to her employer of the certificate required by subclause (d) hereof, shall be entitled to a period of up to 52 weeks' maternity leave provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of paternity leave taken by the employee's spouse in relation to the same child and apart from paternity leave of up to one week at the time of confinement shall not be taken concurrently with paternity leave.
- (ii) Subject to subclauses (f) and (i) hereof the period of maternity leave shall be unbroken and shall, immediately following confinement, include a period of six week's compulsory leave.
- (iii) The employee must have had at least twelve months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

Certification

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- (d) At the time specified in subclause (e) the employee must produce to her employer:
 - (i) A certificate from a registered medical practitioner stating that she is pregnant and the expected date of confinement;
 - (ii) A statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse and that for the period of maternity leave she will not engage in any conduct inconsistent with her contract of employment.

Notice requirements

- (e) (i) An employee shall, not less than ten weeks prior to the presumed date of confinement, produce to her employer the certificate referred to in paragraph (d)(i).
- (ii) An employee shall give not less than four weeks' notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken and shall, at the same time, produce to her employer the statutory declaration referred to in subparagraph 4(b).
- (iii) An employer by not less than fourteen days' notice in writing to the employee may require her to commence maternity leave at any time within the six weeks immediately prior to her presumed date of confinement.
- (iv) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with subclause (b) hereof if such failure is occasioned by the confinement occurring earlier than the presumed date.

Transfer to a safe job

- (f) (i) Where, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.
- (ii) If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a registered medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (j), (k), (l) and (m) hereof.

Variation of period of maternity leave

- (g) (i) Provided the maximum period of maternity leave does not exceed the period to which the employee is entitled under paragraph (3) hereof:

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- (1) The period of maternity leave may be lengthened once only by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened;
 - (2) The period may be further lengthened by agreement between the employer and the employee.
- (ii) The period of maternity leave may, with the consent of the employer, be shortened by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be shortened.

Cancellation of maternity leave

- (h) (i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by birth of a living child.
- (ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed four weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

Special maternity leave and sick leave

- (i) (i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then:
 - (1) She shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work; or
 - (2) For illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a registered medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a registered practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed the period to which the employee is entitled under subclause (c) hereof.
- (iii) For the purposes of subclauses (j), (k) and (l) hereof, maternity leave shall include special maternity leave.

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- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this paragraph shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (f) hereof, to the position she held immediately before such transfer.
- (v) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

Maternity leave and other leave entitlements

- (j) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with maternity leave, take any annual leave or long service leave or any part thereof to which she is entitled.
- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during her absence on maternity leave.

Effect of maternity leave on employment

(k) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

- (l) (i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

Return to work after maternity leave

- (m) (i) An employee shall confirm her intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of her period of maternity leave.

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- (ii) An employee, upon returning to work after maternity leave or the expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to paragraph (6) hereof, to the position which she held immediately before such transfer or in relation to an employee who has worked part-time during the pregnancy the position she held immediately before commencing such part-time work.
- (iii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

Replacement employees

- (n) (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.
- (ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
- (iv) Nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(B) - PATERNITY LEAVE

Nature of leave

- (a) Paternity leave is unpaid leave.

Definitions

- (b) For the purpose of this subclause:
 - (i) “Employee” includes a part-time employee but does not include an employee engaged upon casual or seasonal work.
 - (ii) “Maternity Leave” means leave of the type provided in subclause (a) (and includes special maternity leave) whether prescribed in an award or otherwise.

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- (iii) “Child” means a child of the employee or the employee’s spouse under the age of one year.
- (iv) “Spouse” includes a de facto or a former spouse.
- (v) “Primary care-giver” means a person who assumes the principle role of providing care and attention to a child.
- (vi) “Continuous service” means service under an unbroken contract of employment and includes:
 - (1) Any period of leave taken in accordance with this clause;
 - (2) Any period of part-time employment worked in accordance with this clause; or
 - (3) Any period of leave or absence authorised by the employer or by the award.

Eligibility for paternity leave

- (c) (i) A male employee, upon production to his employer of the certificate required by subclause (d), shall be entitled to one or two periods of paternity leave, the total of which shall not exceed 52 weeks, in the following circumstances:
 - (1) An unbroken period of up to one week at the time of confinement of his spouse;
 - (2) A further unbroken period of up to 51 weeks in order to be the primary care-giver of a child provided that such leave shall not extend beyond the child’s first birthday. This entitlement shall be reduced by any period of maternity leave taken by the employee’s spouse in relation to the same child and shall not be taken concurrently with that maternity leave.
- (ii) The employee must have had at least twelve month’s continuous service with that employer immediately preceding the date upon which he proceeds upon either period of leave.

Certification

- (d) At the time specified in subclause (e) the employee must produce to his employer:
 - (i) A certificate from a registered medical practitioner which names his spouse, states that she is pregnant and the expectant date of confinement or states the date on which the birth took place;

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- (ii) In relation to any period to be taken under subparagraph (c)(i)(2) hereof, a statutory declaration stating:
 - (1) He will take that period of paternity leave to become the primary care-giver of a child;
 - (2) Particulars of any period of maternity leave sought or taken by his spouse; and
 - (3) For the period of paternity leave he will not engage in any conduct inconsistent with his contract of employment.

Notice requirements

- (e) (i) The employee shall, not less than ten weeks prior to each proposed period of leave, give the employer notice in writing stating the dates on which he proposes to start and finish the period or periods of leave and produce the certificate and statutory declaration required in subclause (d) hereof.
- (ii) The employee shall not be in breach of this paragraph as a consequence of failure to give the notice required in paragraph (i) hereof if such failure is due to:
 - (1) The birth occurring earlier than the expected date; or
 - (2) The death of the mother of the child; or
 - (3) Other compelling circumstances.
- (iii) The employee shall immediately notify his employer of any change in the information provided pursuant to paragraph (4) hereof.

Variation of period of paternity leave

- (f) (i) Provided the maximum period of paternity leave does not exceed the period to which the employee is entitled under subclause (c) hereof:
 - (1) The period of paternity leave provided by subparagraph (c)(i)(2) may be lengthened once only by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened;
 - (2) The period may be further lengthened by agreement between the employer and the employee.
- (ii) The period of paternity leave taken under subparagraph (c)(i)(2) hereof may, with the consent of the employer, be shortened by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be shortened.

Cancellation of paternity leave

(g) Paternity leave, applied for under subparagraph (c)(i)(2) hereof but not commenced, shall be cancelled when the pregnancy of the employee's spouse terminates other than by the birth of a living child.

Paternity leave and other leave entitlements

- (h) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with paternity leave, take any annual leave or long service leave or any part thereof to which he is entitled.
- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during his absence on paternity leave.

Effect of paternity leave on employment

(i) Subject to this subclause, notwithstanding any award or other provision to the contrary absence on paternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

- (j) (i) An employee on paternity leave may terminate his employment at any time during the period of leave by notice given in accordance with his award.
- (ii) An employer shall not terminate the employment of an employee on the ground of his absence on paternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

Return to work after paternity leave

- (k) (i) An employee shall confirm his intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of paternity leave provided by subparagraph (c)(i)(2) hereof.
- (ii) An employee, upon returning to work after paternity leave or expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which he held immediately before proceeding on paternity leave, or in relation to an employee who has worked part-time under this clause to the position he held immediately before commencing such part-time work.

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- (iii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, he shall be entitled to a position as nearly comparable in status and pay to that of his former position.

Replacement employees

- (l) (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on paternity leave.
- (ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising his rights under this subclause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
- (iv) Nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(C) - ADOPTION LEAVE

Nation of leave

- (a) Adoption leave is unpaid leave.

Definitions

- (b) For the purposes of this subclause:
 - (i) "Employee" includes a part-time employee but does not include an employee engaged upon casual or seasonal work.
 - (ii) "Child" means a person under the age of five years who is placed with the employee for the purposes of adoption, other than a child or step-child of the employee or of the spouse of the employee or a child who has previously lived continuously with the employee for a period of six months or more.
 - (iii) "Relative adoption" occurs where a child, as defined, is adopted by a grandparent, brother, sister, aunt or uncle (whether of the whole blood or half blood or by marriage).
 - (iv) "Primary care-giver" means a person who assumes the principal role of providing care and attention to a child.
 - (v) "Spouse" includes a de facto or a former spouse.

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- (vi) “Continuous service” means service under an unbroken contract of employment and includes:
- (1) Any period of leave taken in accordance with this clause;
 - (2) Any period of part-time employment worked in accordance with this clause; or
 - (3) Any period of leave or absence authorised by the employer or by the award.

Eligibility

(c) An employee, upon production to the employer of the documentation required by subclause (d) hereof, shall be entitled to one or two periods of adoption leave, the total of which shall not exceed 52 weeks, in the following circumstances:

- (i) An unbroken period of up to three weeks at the time of placement of the child;
- (ii) An unbroken period of up to 52 weeks from the time of its placement in order to be the primary care-giver of the child. This leave shall not exceed beyond one year after the placement of the child and shall not be taken concurrently with adoption leave taken by the employee’s spouse in relation to the same child. This entitlement of up to 52 weeks shall be reduced by:
 - (1) Any period of leave taken pursuant to paragraph (i) hereof; and
 - (2) The aggregate of any periods of adoption leave taken or to be taken by the employee’s spouse.
- (iii) The employee must have had at least twelve months’ continuous service with that employer immediately proceeding the date upon which he/she proceeds upon such leave in either case.

Certification

- (d) (i) Before taking adoption leave the employee must produce to the employer:
- (1) A statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for adoption purposes; or
 - (2) A statement from the appropriate government authority confirming that the employee is to have custody of the child pending application for an adoption order.
- (ii) In relation to any period to be taken under subparagraph (c)(ii) hereof, a statutory declaration stating:

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- (1) The employee is seeking adoption leave to become the primary caregiver of the child;
- (2) Particulars of any period of adoption leave sought or taken by the employee's spouse; and
- (3) For the period of adoption leave the employee will not engage in any conduct inconsistent with his/her contract of employment.

Notice requirements

- (e) (i) Upon receiving notice of approval for adoption purposes, an employee shall, notify the employer of such approval and within two months of such approval shall further notify the employer of the period or periods of adoption leave the employee proposes to take. In the case of a relative adoption the employee shall notify as aforesaid upon deciding to take a child into custody pending an application for an adoption order.
- (ii) An employee who commences employment with an employer after the date of approval for adoption purposes shall notify the employer thereof upon commencing employment and of the period or periods of adoption leave which the employee proposes to take. Provided that such employee shall not be entitled to adoption leave unless the employee has not less than twelve months' continuous service with that employer immediately preceding the date upon which he/she proceeds upon such leave.
- (iii) An employee shall, as soon as the employee is aware of the presumed date of placement of a child for adoption purposes but no later than fourteen days before such placement, give notice in writing to the employer of such date, and of the date of the commencement of any, period of leave to be taken under subparagraph (c)(i) hereof.
- (iv) An employee shall, ten weeks before the proposed date of commencing any leave to be taken under subparagraph (c)(ii) hereof give notice in writing to the employer of the date of commencing leave and the period of leave to be taken.
- (v) An employee shall not be in breach of this subclause, as a consequence of failure to give the stipulated period of notice in accordance with subparagraphs (iii) and (iv) hereof if such failure is occasioned by the requirement of an adoption agency to accept earlier or later placement of a child, the death of the spouse or other compelling circumstances.

Variation of period of adoption leave

- (f) (i) Provided the maximum period of adoption leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

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- (1) The period of leave taken under subparagraph (c)(ii) hereof may be lengthened once only by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened;
 - (2) The period may be further lengthened by agreement between the employer and the employee.
- (ii) The period of adoption leave taken under subparagraph (c)(ii) hereof may, with the consent of the employer, be shortened by the employee giving not less than fourteen days' notice in writing stating the period by which the leave is to be shortened.

Cancellation of adoption leave

- (g) (i) Adoption leave, applied for but not commenced, shall be cancelled should the placement of the child not proceed.
- (ii) Where the placement of a child for adoption purposes with an employee then on adoption leave does not proceed or continue, the employee shall notify the employer forthwith and the employer shall nominate a time not exceeding four weeks from receipt of notification for the employee's resumption or work.

Special leave

(h) The employer shall grant to any employee who is seeking to adopt a child, such unpaid leave not exceeding two days, as is required by the employee to attend any compulsory interviews or examinations as are necessary as part of the adoption procedure. Where paid leave is available to the employee the employer may require the employee to take such leave in lieu of special leave.

Adoption leave and other entitlements

- (i) (i) Provided the aggregate of any leave, including leave taken under this subclause, does not exceed the period to which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with adoption leave, take any annual leave or long service leave or any part thereof to which he/she is entitled.
- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during his/her absence on adoption leave.

Effect of adoption leave on employment

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(j) Subject to this subclause, notwithstanding any award or other provision to the contrary, absence on adoption leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

Termination of employment

- (k) (i) An employee on adoption leave may terminate the employment at any time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of the employee's application to adopt a child or absence on adoption leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

Return to work after adoption leave

- (l) (i) An employee shall confirm the intention of returning to work by notice in writing to the employer given not less than four weeks prior the expiration of adoption leave provided by subparagraph (c)(i)(2) hereof.
- (ii) An employee, upon returning to work after adoption leave shall be entitled to the position held immediately before proceeding on such leave or in relation to an employee who has worked part-time under this clause the position held immediately before commencing such part-time work.
- (iii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee shall be entitled to a position as nearly comparable in status and pay to that of the employee's former position.

Replacement employees

- (m) (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on adoption leave.
- (ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising rights under this subclause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
- (iv) Nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(D) - PART-TIME WORK

Definitions

- (a) For the purposes of this subclause:
- (i) “Male employee” means an employed male who is caring for a child born of his spouse or a child placed with the employee for adoption purposes.
 - (ii) “Female employee” means an employed female who is pregnant or is caring for a child she has borne or a child who has been placed with her for adoption purposes.
 - (iii) “Spouse” includes a de facto or a former spouse.
 - (iv) “Former position” means the position held by a female or male employee immediately before proceeding on leave or part-time employment under this subclause whichever first occurs or, if such position no longer exists but there are other positions available for which the employee is qualified and the duties of which he/she is capable of performing, a position as nearly comparable in status and pay to that of the position first mentioned in this definition.
 - (iv) “Continuous service” means service under an unbroken contract of employment and includes:
 - (1) Any period of leave taken in accordance with this clause;
 - (2) Any period of part-time employment worked in accordance with this clause; or
 - (3) Any period of leave or absence authorised by the employer or by the award.

Entitlement

- (b) With the agreement of the employer:
- (i) A male employee may work part-time in one or more periods at any time from the date of birth of the child until its second birthday or, in relation to adoption, from the date of placement of the child until the second anniversary of the placement.
 - (ii) A female employee may work part-time in one or more periods while she is pregnant where part-time employment is, because of the pregnancy, necessary or desirable.

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- (iii) A female employee may work part-time in one or more periods at any time from the seventh week after the date of birth of the child until its second birthday.
- (iv) In relation to adoption leave a female employee may work part-time in one or more periods at any time from the date of the placement of the child until the second anniversary of that date.

Return to former position

- (c) (i) An employee who has had at least twelve months' continuous service with an employer immediately before commencing part-time employment after the birth or placement of a child has, at the expiration of the period of such part-time employment or the first period, if there is more than one, the right to return to his or her former position.
- (ii) Nothing in paragraph (i) hereof shall prevent the employer from permitting the employee to return to his or her former position after a second or subsequent period of part-time employment.

Effect of part-time employment on continuous service

- (d) Commencement on part-time work under this clause, and return from part-time work to full-time work under this clause, shall not break the continuity of service or employment.

Pro rata entitlements

- (e) Subject to the provisions of this subclause and the matters agreed to in accordance with subclause (h) hereof, part-time employment shall be in accordance with the provisions of this award which shall apply pro rata.

Transitional arrangements - annual leave

- (f) (i) An employee working part-time under this subclause shall be paid for and take any leave accrued in respect of a period of full-time employment, in such periods and manner as specified in the annual leave provisions of this award, as if the employee were working full-time in the class of work the employee was performing as a full-time employee immediately before commencing part-time work under this subclause.
- (ii) (1) A full-time employee shall be paid for and take any annual leave accrued in respect of a period of part-time employment under this subclause, in such periods and manner as specified in this award, as if the employee were working part-time in the class of work the employee was performing as a part-time employee immediately before resuming full-time work.

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- (2) Provided that, by agreement between the employer and the employee, the period over which the leave is taken may be shortened to the extent necessary for the employee to receive pay at the employee's current full-time rate.

Transitional arrangements - sick leave

(g) An employee working part-time under this subclause shall have sick leave entitlements which have accrued under this award (including any entitlement accrued in respect of previous full-time employment) converted into hours. When this entitlement is used, whether as a part-time employee or as a full-time employee, it shall be debited for the ordinary hours that the employee would have worked during the period of absence.

Part-time work agreement

- (h) (i) Before commencing a period of part-time employment under this subclause the employee and the employer shall agree:
 - (1) That the employee may work part-time;
 - (2) Upon the hours to be worked by the employee, the days upon which they will be worked and commencing times for the work;
 - (3) Upon the classification applying to the work to be performed; and
 - (4) Upon the period of part-time employment.
- (ii) The terms of this agreement may be varied by consent.
- (iii) The terms of this agreement or any variation to it shall be reduced to writing and retained by the employer. A copy of the agreement and any variation to it shall be provided to the employee by the employer.
- (iv) The terms of this agreement shall apply to the part-time employment.

Termination of employment

- (i) (i) The employment of a part-time employee under this clause, may be terminated in accordance with the provisions of this award but may not be terminated by the employer because the employee has exercised or proposes to exercise any rights arising under this clause or has enjoyed or proposes to enjoy any benefits arising under this clause.
- (ii) Any termination entitlements payable to an employee whose employment is terminated while working part-time under this clause, or while working full-time after transferring from part-time work under this clause, shall be calculated by reference to the full-time rate of pay at the time of termination

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and by regarding all service as a full-time employee as qualifying for a termination entitlement based on the period of full-time employment and all service as a part-time employee on a pro-rata basis.

Extension of hours of work

(j) An employer may request, but not require, an employee working part-time under this clause to work outside or in excess of the employee's ordinary hours of duty provided for in accordance with subclause (h).

Nature of part-time work

(k) The work to be performed part-time need not be the work performed by the employee in his or her former position but shall be work otherwise performed under this award.

Inconsistent award provisions

(l) An employee may work part-time under this clause notwithstanding any other provision of this Award which limits or restricts the circumstances in which part-time employment may be worked or the terms upon which it may be worked including provisions:

- (i) Limiting the number of employees who may work part-time;
- (ii) Establishing quotas as to the ratio of part-time to full-time employees;
- (iii) Prescribing a minimum or maximum number of hours a part-time employee may work; or
- (iv) Requiring consultation with, consent of or monitoring by a union;

and such provisions do apply to part-time work under this clause.

Replacement employees

- (m) (i) A replacement employee is an employee specifically engaged as a result of an employee working part-time under this subclause.
- (ii) A replacement employee may be employed part-time. Subject to this subclause, subclauses (e), (f), (g), (h), (i) and (l) of this clause apply to the part-time employment of a replacement employee.
- (iii) Before an employer engages a replacement employee under this paragraph, the employer shall inform the person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iv) Unbroken service as a replacement employee shall be treated as continuous service for the purposes of paragraph (a)(v) hereof.

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- (v) Nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

21 - ACCIDENT PAY

(A) - DEFINITIONS

The works hereunder shall bear the respective definitions set out herein:

Accident pay

- (a) (i) “Total Incapacity” - In the case of an employee who is or deemed to be totally incapacitated within the meaning of the relevant Act and arising from an injury covered by this clause means a weekly payment of an amount representing the difference between the total amount of compensation paid under the relevant Act for the week in question and the total 38 hour weekly rate and weekly over award payment for a day worker which would have been payable under this Award for the employee’s normal classification of work for the week in question if he/she had been performing his/her normal duties; provided that such latter rate shall exclude additional remuneration by way of shift premiums, overtime payments, special rates or other similar payments.
- (ii) “Partial Incapacity” - In the case of an employee who is or deemed to be partially incapacitated within the meaning of the relevant Act and arising from an injury covered by this clause means a weekly payment of an amount representing the difference between the total amount of compensation paid under the relevant Act for the period in question together with the average weekly amount the employee is earning or is able to earn in some suitable employment of business (as determined expressly or by implication by the Workers Compensation Board or as agreed between the parties) and the total 40 hour weekly rate and weekly over award payment for a day worker which would have been payable under this award for the employee’s normal classification of work for the week in question if he/she had been performing his/her normal duties provided that such latter rate shall exclude additional remuneration by way of shift premiums, overtime payments, special rates or other similar payments.
- (1) The total 40 hour weekly award rate and weekly over award payment above-mentioned shall be the same as that applying for a total incapacity provided that where an employee receives a weekly payment under this section and subsequently such payment is reduced pursuant to the section 9.6(1) of the Act, such reduction will not increase the liability of the employer to increase the amount of accident pay in respect of that injury.
- (2) For purposes of the calculation of the total 40 hour weekly award rate and weekly overaward payment in paragraphs (i) and (ii) herein payments made to an employee arising from a production incentive earnings scheme (whether arising from a payment by results, task or bonus scheme or however titled) shall not be taken into account.

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- (iii) "Payment for Part of a Week" - Where an employee receives accident pay and such pay is payable for incapacity for part of a week the amount shall be a direct pro rata.

Injury

(b) Injury shall be given the same meaning and application as applying under the relevant Act, and no injury shall result in the application of accident pay unless an entitlement exists under the Act.

- (c) (i) Where an entitlement to Accident Make-up Pay arises under this award any reference to the Workers Compensation Act 1958 shall be deemed to include a reference to the Accident Compensation Act 1985 and any reference to the Accident Compensation Act 1985 shall be deemed to include a reference to the Workers Compensation Act 1958.

(ii) The relevant Act shall mean either:

- (1) "Workers Compensation Act" means the Workers Compensation Act 1985, as amended from time to time, of the State of Victoria; or
- (2) "Accident Compensation Act 1985" means the Accident Compensation Act 1985, as amended from time to time, of the State of Victoria;

as the case may be.

(B) - QUALIFICATIONS OF PAYMENT

Always subject to the terms of this clause, an employee covered by this award shall upon receiving payment of compensation and continuing to receive such payment in respect of a weekly incapacity within the meaning of the relevant Act be paid accident pay by his/her employer who is liable to pay compensation under the relevant Act, which said liability by the employer for Accident Pay may be discharged by another person on his behalf, provided that:

- (a) (i) Accident pay shall only be payable to an employee whilst such employee remains in the employment of the employer by whom he/she was employed at the time of the incapacity and then only for such period as he/she receives a weekly payment under the Act. Provided that if an employee on partial incapacity cannot obtain suitable employment from his/her employer but such alternative employment is available with another employer then the relevant amount of accident pay shall still be payable.
- (ii) Provided further that in the case of the termination of employment by an employer of an employee who is incapacitated and who except for such termination would be entitled to accident pay, accident pay shall continue to apply subject to the provisions of this clause except in those cases where the termination is due to serious and/or wilful misconduct on the part of the employee.

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- (iii) In order to qualify for the continuance of accident pay on termination an employee shall if required provide evidence to his/her employer of the continuing payment of weekly workers compensation payments.
- (b) (i) Accident pay shall not apply to any incapacity occurring during the first two weeks of employment unless such incapacity continues beyond the first two weeks and then, subject to subclause (c) and for the maximum period of payment prescribed elsewhere herein, accident pay shall apply only to the period of incapacity after the first two weeks.
- (ii) Provided that as to industrial diseases contracted by a gradual process or injuries subject to recurrence, aggravation or acceleration (as provided in the relevant Act) such injuries or diseases shall not be subject to accident pay unless the employee has been employed with the employer at the time of the incapacity for a minimum period of one month.
- (c) (i) Accident pay shall not apply in respect of any injury during the first five normal working days of incapacity.
- (ii) Provided however that in the case of an employee who contracts an infectious disease in the course of duty and is entitled to receive Workers' Compensation therefor shall receive accident pay from the first day of the incapacity.

(d) An employee on engagement may be required to declare all Workers' Compensation claims made in the previous five years and in the event of false or inaccurate information being deliberately and knowingly declared the employer may require the employee to forfeit his/her entitlement to accident pay under this clause.

(C) - MAXIMUM PERIOD OF PAYMENT

The maximum period or aggregate of periods of accident pay to be made by an employer shall be a total of 39 weeks for any one injury as defined in subclause (b) of Part A.

(D) - ABSENCES ON OTHER PAID LEAVE

An employee shall not be entitled to payment of accident pay in respect of any period of other paid leave of absence.

(E) - NOTICE OF INJURY

An employee upon receiving an injury for which he/she claims to be entitled to receive accident pay shall give notice in writing of the said injury to his/her employer as soon as reasonably practicable after the occurrence thereof; provided that such notice may be given by a representative of the employee.

(F) - MEDICAL EXAMINATION

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(a) In order to receive entitlement to accident pay an employee shall conform to the requirements of the relevant Act as to medical examination.

(b) Where in accordance with the relevant Act a medical referee gives a certificate as to condition of the employee and his/her fitness for work or specifies work for which the employee is fit and such work is made available by the employer and refused by the employee or the employee fails to commence the work, accident pay shall cease from the date of such refusal or failure to commence the work.

(G) - REDEMPTION OF WEEKLY PAYMENTS

Where there is a redemption of weekly compensation payments under the relevant Act the employer's liability to pay accident pay shall cease as from the date of such redemption.

(H) - CIVIL DAMAGES CLAIMS

(a) An employee receiving or who has received accident pay shall advise his/her employer of any action he/she may institute or any claim he/she may make for damages. Further the employee shall, if required, provide an authority to the employer entitling the employer to a charge upon the money payable pursuant to any judgement or settlement on that injury.

(b) Where an employee obtains a judgement or settlement for damages in respect of an injury for which he/she has received accident pay the employer's liability to pay accident pay shall cease from the date of such judgement or settlement; provided that if the judgement or settlement for damages is not reduced either in whole or part by the amount of accident pay made by the employer the employee shall pay to his/her employer any amount of accident pay already received in respect of that injury by which the judgement or settlement has not been so reduced.

(c) Where an employee obtains a judgement or settlement for damages against a person other than the employer in respect of an injury for which he/she has received accident pay the employer's liability to pay accident pay shall cease from the date of such judgement or settlement; provided that if the judgement or settlement for damages is not reduced either in whole or part by the amount of accident pay made by the employer the employee shall pay to his/her employer any amount of accident pay already received in respect of that injury by which the judgement or settlement has not been so reduced.

(I) - INSURANCE AGAINST LIABILITY

Nothing in this award shall require an employer to insure against his/her liability for accident pay.

(J) - VARIATIONS IN COMPENSATION RATES

Any changes in compensation rates under the relevant Act shall not increase the amount of accident pay above the amount that would have been payable had the rates of compensation remained unchanged.

(K) - DEATH OF EMPLOYEE

All rights to accident pay shall cease on the death of an employee.

(L) - COMMENCEMENT

This clause shall only apply in respect of incapacity arising from any injury occurring or recurring on or after 16 December 1985.

22 - PAYMENT OF WAGES

Payment of wages shall be made weekly, fortnightly or monthly according to the contract of employment, or as otherwise agreed.

23 - AWARD TO BE POSTED

A copy of this award shall be available in a prominent place in each employer's premises in a place accessible to all employees.

24 - RIGHT OF ENTRY

An official of The Salaried Pharmacists' Association duly accredited in writing shall have the right to enter the employer's premises to interview employees, but shall not interview employees during working hours without the permission of the employer.

25 - TRANSFER OF EMPLOYEE

Where any employer transfers an employee (other than a casual) from one township to another, the employer shall be responsible for and shall pay the whole of the moving expenses including fares and transport charges, for the employee and his/her family.

26 - INTRODUCTION OF CHANGE

Employer's duty to notify

- (a) (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and the union.
- (ii) "Significant effects" include termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alternation of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs. Provided that where the award makes provision for alternation of any of the matters referred to herein an alteration shall be deemed not to have significant effect.

Employer's duty to discuss change

- (b) (i) The employer shall discuss with the employees affected and their union, inter alia, the introduction of the changes referred to in subclause (a) hereof, the effects the changes are likely to have on employees, measures to avert or mitigate the adverse effects of such changes on employees and shall give prompt consideration to matters raised by the employees and/or the union in relation to the changes.
- (ii) The discussions shall commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in subclause (a)(i) hereof.
- (iii) For the purpose of such discussion, the employer shall provide in writing to the employees concerned and the union, all relevant information about the changes including the nature of the changes proposed; the expected effects of the changes on employees and any other matters likely to affect employees provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to the employer's interests.

27 - REDUNDANCY

Consultation and provision of information/discussions before terminations

- (a) (i) Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone and this is not due to the ordinary and customary turnover of labour and that decision may lead to termination of employment, the employer shall hold discussions with the employees directly affected and with their union.
- (ii) The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provision of subclause (a)(i) hereof and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.
- (iii) For the purposes of the discussion the employer shall, as soon as practicable, provide in writing to the employees concerned and their union, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, and the number of workers normally employed and the period over which the terminations are likely to be carried out. Provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to the employer's interests.

Transfer to lower paid duties

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(b) Where an employee is transferred to lower paid duties for reasons set out in subclause (a) hereof the employee shall be entitled to the same period of notice of transfer as he/she would have been entitled to if his/her employment had been terminated, and the employer may at the employer's option make payment in lieu thereof of an amount equal to the difference between the former ordinary time rate of pay and the new ordinary time rates for the number of weeks of notice still owing.

Transmission of business

- (c) (i) Where a business is before or after the date of this award, transmitted from an employer (in this subclause called "the transmittor") to another employer (in this subclause called "the transmittee") and an employee who at the time of such transmission was an employee of the transmittor in that business becomes an employee of the transmittee:
- (1) The continuity of the employment of the employee shall be deemed not to have been broken by reasons of such transmission; and
 - (2) The period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.
- (ii) In this subclause "business" includes trade, process, business or occupation and includes part of any such business and "transmission" includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and "transmitted" has a corresponding meaning.

Time off work during the notice period

- (d) (i) During the period of notice of termination given by the employer an employee shall 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.
- (ii) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or he/she shall not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.

Notification to the Commonwealth Employment Service

(e) Where a decision has been made to termination employees in the circumstances outlined in subclause (a) hereof, the employer shall notify the Commonwealth Employment Service thereof as soon as possible giving relevant information including the number and categories of the employees likely to be affected and the period over which the terminations are intended to be carried out.

Severance pay

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- (f) (i) In addition to the period of notice prescribed for ordinary termination in Clause 19 an employee whose employment is terminated for reasons set out in subclause (a) hereof shall be entitled to the following amount of severance pay in respect of a continuous period of service:

<u>Period of continuous service</u>	<u>Severance pay</u>
Less than one year	nil
1 year but less than two years	4 weeks' pay
2 years but less than three years	6 weeks' pay
3 years but less than four years	7 weeks' pay
4 years and over	8 weeks' pay

- (ii) "Weeks pay" means the ordinary rate of pay for the employee concerned.
- (iii) Provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date.

Employee leaving during the notice period

(g) An employee whose employment is terminated for reasons set out in subclause (a) hereof may terminate his/her employment during the period of notice and, if so, shall be entitled to the same benefits and payment under this clause had he/she remained with the employer until the expiry of such notice. Provided that in such circumstances the employee shall not be entitled to payment in lieu of notice.

Superannuation

(h) Subject to further award by a Board, where an employee who is terminated receives a benefit from a superannuation scheme, he/she shall only receive under subclause (f) the difference between the severance pay specified in that clause and the amount of superannuation benefit he/she receives which is attributable to employer contributions only. If this superannuation benefit is greater than the amount due under subclause (f) then he/she shall receive no payment under that clause.

Incapacity to pay

(i) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied on the basis of the employer's incapacity to pay.

Alternative employment

(j) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied if the employer obtains acceptable alternative employment for an employee.

Exemption from redundancy clause

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(k) This clause shall not apply where an employee has been guilty of serious and wilful misconduct or an employee has been engaged as a casual.

Employers who employ less than fifteen people

(l) Subject to an award of the Australian Industrial Relations Commission, in a particular redundancy case, this clause shall not apply to employers who employ less than fifteen employees.

Employees with less than twelve months' service

(m) This clause shall not apply to employees with less than one year's continuous service.

28 - TERMINATION OF EMPLOYMENT

Statement of employment

(a) The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of his/her employment and the classification of or the type of work performed by the employee.

Notice of termination by employer

(b) (i) During the first month of service employment may be terminated without notice by either party. For subsequent service (except in a case where an employee has been guilty of serious and wilful misconduct or an employee has been engaged as a casual in which case no notice of termination shall be required);

(1) A pharmacist manager shall give or receive four weeks notice; or

(2) Any other employee shall give or receive:

<u>Period of continuous service</u>	<u>Period of notice</u>
More than 1 month but less than 1 year	2 weeks
1 year but less than 3 years	2 weeks
3 years but less than 5 years	3 weeks
<u>5 years and over</u>	<u>4 weeks</u>

(ii) In addition to the notice in paragraph (b)(i) hereof, employees over 45 years of age at the time of the giving of the notice with not less than two years continuous service, shall be entitled to an additional weeks' notice.

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- (iii) Payment in lieu of the notice prescribed in paragraph (b)(i) and/or (b)(ii) hereof shall be made if the appropriate notice period is not given. Provided that employment may be terminated by part of the period of notice specified in part payment in lieu thereof.
- (iv) In calculating any payment in lieu of notice the wages an employee would have received in respect of the ordinary time he/she would have worked during the period of notice had his/her employment not been terminated shall be used.
- (v) An employer shall not issue a notice of termination of employment to an employee whilst the employee is absent on an accrued entitlement to sick leave.

Notice of termination by employee

- (c) (i) The notice of termination required to be given by an employee shall be the same as that required of an employer, save and except that there shall be no additional notice based on the age of the employee concerned.
- (ii) Subject to financial obligations imposed on an employer by any Act, if an employee fails to give notice the employer shall have the right to withhold moneys due to the employee with a maximum amount equal to the ordinary time rate of pay for the period of notice from any money due to the employee under this award.

Time off work during the period of notice

(d) Where an employer has given notice of termination to an employee, the employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off shall be taken at times that are convenient to the employee after consultation with the employer.

29 - CONSULTATIVE/GRIEVANCE PROCEDURE

(a) All parties to this award are committed to the resolution of disputes and grievances by negotiation. If a dispute or grievance is unable to be resolved to the satisfaction of all parties at the enterprise level, it should be referred to the appropriate officers of the Pharmacy Guild of Australia or Friendly Society Association, as the case may be, and the Salaried Pharmacists' Association, who will deal with the matter without delay. If the matter remains unresolved, it may be referred by either party to a Board of Reference for resolution.

(b) A Board of Reference (the Board) shall be appointed to deal with disputes arising out of the application of this award.

(c) The Board shall consist of a member of the Australian Industrial Relations Commission (the Member), or his/her nominee as Chairperson and a representative from each of the union and the Guild/Friendly Society.

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(d) Decisions of the Board shall be by a majority of members of the Board, including the Chairperson.

(e) Where the Member has appointed a nominee as Chairperson, a decision of the Board may be reviewed and altered by the Member on the application of any party to this Award. An application for review should be lodged within 21 days of the decision, provided that the Member may extend the time for such application.

30 - SUPERANNUATION

Definitions

Fund

- (a) (i) In this clause all references to "Fund" shall mean the Retail Employees Superannuation Trust.

Ordinary time earnings

- (ii) In this clause the term "ordinary time earnings" shall include the classification rates, overaward payments, casual loadings, penalty rates (excluding overtime payments to weekly employees) and shift loadings.

Trustee

- (iii) In this clause all references to "Trustees" shall mean the Trustee of the Retail Employees Superannuation Trust.

Quantum

(b) An employer shall make application to participate in the Fund either formally or informally and upon acceptance by the Trustee shall contribute to the Fund in respect of all eligible employees an amount equal to 1.5% of each employee's ordinary time earnings each week from the first pay period to commence on or after 7 November 1988 and a further 1.5% of each employee's ordinary time earnings each week from the first pay period to commence on or after 7 February 1989.

Employer to continue participation

(c) An employer who participates in the Fund shall not cease participation in the Fund whilst employing any eligible employee.

Employer's contribution during leave without pay

(d) Where an employee is absent on leave without pay, whether or not such leave is approved, no contribution from the employer shall be due in respect of that employee during and in respect of the period of unpaid absence.

Cessation of contributions

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(e) The obligation of the employer to contribute to the Fund in respect of an employee shall cease on the last day of such employee's employment with the employer.

Eligibility

- (f) (i) The employer shall only be required to make contributions in accordance with this clause in respect of part-time and full-time employees who have been employed by the employer continuously for a period of six months.
- (ii) The employer shall only be required to make contributions in accordance with this clause in respect of Locum employees who have accumulated 26 weeks in which they have commenced employment on at least one day in the week within a period of two years.
- (iii) Employees who become eligible to join the Fund shall, in addition to contributions under subclause (b) be entitled to a once only contribution by the employer to the Fund in respect of the six month or 26 week qualifying period. Such contribution shall be equivalent to contributions under subclause (b) hereof.

Employer failure to participate in fund

(g) Where an employer has failed, pursuant to subclause (b), to make application to participate in the Fund, the employer shall make application to participate in the Fund and upon acceptance by the Trustee shall make a once only contribution to the Fund in respect of each eligible employee equivalent to the contributions which would have been payable under subclause (b) and the employer made application to participate in the Fund and been accepted by the Trustee prior to 7 May 1989.

Employee contributions

- (h) (i) Employees who may wish to make contributions to the Fund additional to those being paid by the employer pursuant to subclause (b), shall be entitled to authorise the employer to pay into the Fund from the employee's wages amounts specified by the employee.
- (ii) Employee contributions to the Fund requested under this subclause shall be made in accordance with the rules of the Fund.

Frequency of payment

- (i) (i) Each employee shall pay such contributions together with any employee deductions to the Fund in the following manner:
- (1) In respect of full-time employees payments shall be made monthly for pay periods completed in such month; and
- (2) In respect of part-time and locum employees, payments shall be made every three months for pay periods completed in such three months.

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- (ii) Provided that payments may be made at such other times and in such other manner as may be agreed in writing between the Trustee of the Fund and the employer from time to time.
- (iii) Provided further that the first payment to the Fund need not be paid until 7 May 1989.

Existing superannuation arrangements

(j) No employer shall be excluded from this clause on the basis of existing voluntary superannuation arrangements.

Exemptions

(k) An individual employer may make application to the Australian Industrial Relations Commission for exemption from the requirement to pay contributions to the Fund pursuant to this clause. The Commission may grant such exemption in the following circumstances:

- (i) The employees whose employment is regulated by this award are a small percentage of the employer's workforce and their number is small.
- (ii) The alternative superannuation fund is a jointly-sponsored and jointly-controlled industry fund with an independent Chairman.
- (iii) The alternative superannuation fund complies with the provisions of the Occupational Superannuation Standards Act 1987 and the Occupational Standards Regulations as varied from time to time.
- (iv) The contributions by the employer to the alternative superannuation fund are made on the basis of the entitlements established by this clause.
- (v) Approval for the exemption has been sought at first instance from The Salaried Pharmacists' Association.

(l) The employer will provide, upon request of the employee, a statement of the contributions paid on the employees behalf to R.E.S.T. for the previous financial year.

31 - TRANSPORT OF EMPLOYEES AFTER HOURS

When an employee, after having worked overtime for which he/she has not been regularly rostered, finishes work at a time when his/her regular mode of transport, or reasonable alternative means of transport, is not available, the employer shall provide transport or reimburse the employee for any additional outlay incurred in reaching his/her home by other means of transport.

32 - IMPLEMENTATION OF 38 HOUR WEEK

(A) - METHOD

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(a) The method of implementation of the 38 hour week may be any one of the following:

- (i) Shorter days, that is 7.6 hours.
- (ii) A shorter day or days each working week.
- (iii) A shorter fortnight, i.e. four hours off in a single time block.
- (iv) A fixed day off in a four week cycle.
- (v) A rotating day off in a four week cycle.
- (vi) An accumulating day off in a four week cycle, with a maximum of five days being accumulated in five cycles.

Provided that for all purposes of this award, a day or half day which accrued under paragraph (iii), (iv) or (v) hereof shall be deemed to be unpaid.

(b) In each shop an assessment should be made as to which method of implementation best suits the business and the proposal shall be discussed with the employees concerned, the objective being to reach agreement on the method of implementation.

(c) In the absence of agreement at shop level, the procedure for resolving special anomalous or extraordinary problems should be applied in accordance with Part B of this clause. The procedure shall be applied without delay.

Substitute days

- (d) (i) An employer, with the agreement of the majority of employees concerned may substitute the day or half day the employee is to take off in accordance with paragraphs (a)(iii), (iv) and (v) hereof, for another day or half day in the case of breakdown in machinery or a failure or shortage of electric power or to meet requirements of the business in the event of rush orders or some other emergency situation.
- (ii) By agreement between employer and an employee, another day may be substituted for the day that employee is to be rostered off.

(B) - DISAGREEMENTS CONCERNING IMPLEMENTATION OF SHORTER HOURS

In the event of disagreement in respect to the implementation of shorter hours, the procedure to be followed to resolve the matter shall be as follows:

- (a) Consultation shall take place within the particular establishment concerned.

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(b) If a problem is unable to be resolved at establishment level, it may be referred to the State Secretary of the association or the nominated representative of the State Secretary and to the Director of the Pharmacy Guild of Australia (Victorian Branch) and the representative of the United Friendly Societies Dispensary Association at which level the issue shall be dealt with without delay.

(c) If the problem remains unresolved the matter may be referred by either party to the Australian Industrial Relations Commission for resolution.

(C) - GENERAL

(a) Each employee shall receive fourteen days' notice of their accrued time off.

(b) Casual pharmacists' hourly rate of pay which is calculated on the basis of a 40 hour week shall be recalculated on the basis of a 38 hour week.

(c) Where an employee's accrued time off falls on a public holiday prescribed by the award, another day shall be determined by the employer to be taken in lieu thereof, such day to be within the next seven days.

33 - ENTERPRISE FLEXIBILITY PROVISION

(a) In this clause a "relevant union" means an organisation of employees that:

- (i) Is party to this award; and
- (ii) Has one or more members employed by the employer to perform work in the relevant enterprise or workplace.

[Note: The failure by an employer to give each relevant union an opportunity to be involved in the consultative process leading to the making of an agreement may result in the Commission adjourning or refusing the application to vary the award.]

(b) At each enterprise or workplace, consultative mechanisms and procedures shall be established comprising representatives of the employer and employees. Each relevant union shall be entitled to be represented.

(c) The particular consultative mechanisms and procedures shall be appropriate to the size, structure and needs of the enterprise or workplace.

(d) The purpose of the consultative mechanisms and procedures is to facilitate the efficient operation of the enterprise or workplace according to its particular needs.

(e) Where agreement is reached at an enterprise or workplace through such consultative mechanisms and procedures, and where giving effect to such agreement requires this award, as it applies at the enterprise or workplace, to be varied, an application to vary shall be made to the Commission. The agreement shall be made available in writing, to all employees at the enterprise or workplace and to the unions party to this award.

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(f) When this award is varied to give effect to an agreement made pursuant to this clause the variation shall become a schedule to this award and the variation shall take precedence over any provision of this award to the extent of any expressly identified inconsistency.

(g) The agreement must meet the following requirements to enable the Commission to vary this award to give effect to it:

- (i) That the purpose of the agreement is to make the enterprise or workplace operate more efficiently according to its particular needs;
- (ii) That the majority of employees covered by the agreement genuinely agree to it;
- (iii) That the award variation necessitated by the agreement meets the requirements of the “no disadvantage” test set out at section 113B(2) and (3) of the Industrial Relations Act 1988 (the Act).

Note: Section 113B(2) and (3) of the Act are as follows:

- “(2) The Commission does not have the power to vary the award for that purpose (i.e. to give effect to an agreement made under an enterprise flexibility provision) unless it is satisfied that the variation would not, in relation to their terms and conditions of employment, disadvantage the employees who would be affected by the variation.
- (3) For the purpose of subsection (2), a variation of an award is taken to disadvantage employees in relation to their terms and conditions of employment only if:
- (a) It would result in the reduction of any entitlements or protection of those employees under:
 - (i) That or any other award, or
 - (ii) Any other law of the Commonwealth or of a State or Territory that the Commission thinks relevant; and
 - (b) In the context of their terms and conditions of employment considered as a whole, the Commission considers that the reduction is contrary to the public interest.”

34 - LEAVE RESERVED

Leave shall be reserved to the parties to this award in relation to the following:

- (a) Superannuation.

35 - TRANSLATION AND SAVINGS CLAUSE

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(a) An employee is required to be translated into the new classification structure according to the definitions for pharmacist, pharmacist-in-charge and pharmacist manager and whether the employee is a full-time, a part-time or a casual employee.

(b) Nothing in this award shall be deemed or construed to:

(i) Reduce the salary or allowances; or

(ii) Alter unfavourably the terms and conditions of employment applying to any employee immediately prior to the date of operation of this variation.

36 - ANTI-DISCRIMINATION

(a) It is the intention of the respondents to this award to achieve the principal object in s.3(g) of the Industrial Relations Act 1988 by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

(b) Accordingly, in fulfilling their obligations under the disputes avoidance and settling clause, the respondents must make every endeavour to ensure that neither the award provisions nor their operation are directly or indirectly discriminatory in their effects.

(c) Nothing in this clause is to be taken to affect:

(i) Any different treatment (or treatment having different effects) which is specifically exempted under the Commonwealth anti-discrimination legislation;

(ii) Until 22 June 1997, the payment of different wages for employees who have not reached a particular age;

(iii) An employee, employer or registered organisation, pursuing matters of discrimination in any State or federal jurisdiction, including by application to the Human Rights and Equal Opportunity Commission;

(iv) The exemptions in ss.170DF(2) and (3) of the Act.

APPENDIX B - NEW SOUTH WALES

1 - ARRANGEMENT

PART A

<u>Clause No.</u>	<u>Subject Matter</u>
1	Arrangement
3	Definitions
4	Ordinary hours of work
5	Implementation of 38 hour week
6	Commencing and ceasing times of the ordinary hours of work
7	Rosters for weekly and regular part-time employees
9	Meal times and meal allowances
10	Overtime
11	Penalty rates for certain ordinary time
12	Recall
13	Rest pause
14	Wages
15	Classifications and gradings
17	Payment of wages
18	Public holidays
19	Sick leave
20	Termination of employment
22	Award modernisation
23	Flexibility of working hours
24	Commitment to training and careers
25	Mixed enterprises
26	Uniformity of award conditions
27	Supply and laundering of uniforms
28	Employees temporarily transferred or living away from home
29	Late travel
31	Prohibition of work
32	Lockers
33	Dining accommodation
34	Statutory provisions
35	Annual holiday loading
36	Mechanization and/or technological changes
37	Compassionate leave
38	Parental leave
39	Damage to clothing and physical aids
40	Notice board
41	Training
42	Settlement of disputes and grievances
43	Award restructuring
44	Pre-existing rates of pay

PART B

MONETARY RATES

Table 1 - Wages

Table 2 - Other rates and allowances

PART A

3 - DEFINITIONS

For the purpose of this award the following definitions shall apply:

- (i) "The Act" shall mean the Pharmacy Act, 1964.
- (ii) "Pharmacist" means a person who is registered as a pharmacist pursuant to the Act.
- (iii) "Pharmacist In Charge" means a pharmacist who assumes limited management responsibility for a period of four hours or more on any one day.
- (iv) "Pharmacist Manager" means a pharmacist who is employed to manage all aspects of a private retail pharmacy practice.
- (v) "Salaried Pharmacist" means a pharmacist, pharmacist-in-charge or pharmacist manager who is employed on a salaried basis. The rate of salary for a salaried pharmacist is a composite rate of salary which includes all overtime, penalty rates, recall allowances and rest pause provisions otherwise prescribed in this award.
- (vi) "Trainee" means a person who has satisfied the examination requirements for the degree of Bachelor of Pharmacy and who is engaging in up to twelve months pre-registration experience as required by the Act.
- (vii) A "weekly employee" means an employee who is engaged to work, in accordance with this award, for an average of 38 hours or more per week, but does not include a casual employee.
- (viii) A "part-time employee" means an employee who is engaged to work an average of less than 38 hours but more than twelve hours per week, but does not include a casual employee.
- (ix) A "casual employee" means an employee who is engaged and paid as such and shall include an employee who upon engagement is employed for a period of four weeks or less.
- (x) A "student" means a person who is undertaking a course of study leading to the degree of Bachelor of Pharmacy and who enters into a contract of employment in a classification contained in clause 14 of this award.

4 - ORDINARY HOURS OF WORK

The ordinary hours of work shall not exceed 38 per week, or an average of 38 per week, to be worked in any one of the following forms:

- (i) 38 hours in one week, or
- (ii) 76 hours in two consecutive weeks, or
- (iii) 114 hours in three consecutive weeks, or
- (iv) 152 hours in four consecutive weeks.

Save for meal times prescribed, all time worked between the actual commencing time and the actual ceasing time on any one day shall count and shall be paid for as time worked; provided that an employee may be required to work reasonable overtime.

5 - IMPLEMENTATION OF 38 HOUR WEEK

(i) In shops employing on a regular basis fifteen or more employees per week, unless specific agreement exists to the contrary between an employer and an employee, the employee shall not be required to work ordinary hours on more than nineteen days in each four-week cycle.

Where specific agreement exists between an employer and an employee the employee may be worked on the basis of:

- not more than four hours work on one day in each two-week cycle;
- not more than six hours work on one day per week.

(ii) In shops employing on a regular basis more than five employees but less than fifteen employees per week, unless specific agreement exists to the contrary between an employer and an employee, the employee may be worked ordinary hours on one of the following bases at the employer's discretion:

- not more than nineteen days work in each four-week cycle;
- not more than four hours work on one day in each two-week cycle;
- not more than six hours on one day in each week.

Where specific agreement exists between an employer and an employee, the employer may be worked on not more than 7.6 hours per day.

(iii) In shops employing on a regular basis five or less employees per week, employees may be worked their ordinary hours on one of the following bases at the employer's discretion:

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- not more than nineteen days in each four-week cycle;
- not more than four hours work on one day in each two-week cycle;
- not more than six hours work on one day in each week;
- not more than 7.6 hours work on any day.

(iv) In any case where agreement is reached between an employer and an employee pursuant to subclauses (i) and (ii) of this clause, the relevant union shall be notified seven days prior to the implementation of such agreement. Any dispute as to such agreement shall be referred to the Australian Industrial Relations Commission.

(v) Provided that, for the purposes of this clause, “employing on a regular basis” includes persons of the following types:

- (a) Employees of the employer engaged on the premises whose terms of employment are not regulated by this award;
- (b) Employees other than those employed by the employer whose terms of employment are regulated by this award and who regularly work on the premises performing work as demonstrators and the like but not including the employees of a bona fide franchisor operating on the premises.

(vi) Provided that the unions may approach any employer to discuss the method of implementation in their shops.

6 - COMMENCING AND CEASING TIMES OF THE ORDINARY HOURS OF WORK

The times for the commencement and the cessation of the ordinary hours of work of employees in pharmacies shall be 6.00 a.m. and midnight respectively, Monday to Sunday, inclusive.

7 - ROSTERS FOR WEEKLY AND PART-TIME EMPLOYEES

(i) Within the hours fixed by this award the employer shall fix the commencing and ceasing times of weekly and part-time employees and shall cause a roster showing such commencing and ceasing times to be posted in a prominent position in the shop.

(ii) Subject to the provisions of clause 5 of this award, the rosters for work may be arranged in any of the following forms:

- (a) Over any four days of the week, Monday to Sunday, provided that two of the rostered days off in any week are consecutive and one of those consecutive rostered days off is a Saturday or Sunday.
- (b) Over any five days of the week, Monday to Sunday.

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- (c) Over any six days in one week, provided that only four days are worked in the following week with Saturday or Sunday being rostered days off in that week.

(iii) Except in the case of sickness or other emergency an employee's starting and finishing times and rostered day off in accordance with clause 5, shall only be changed on not less than seven days' notice.

(iv) Each roster shall bear the date on which it commenced to operate and the date of any change made to it and shall be kept by the employer for eighteen months after the last date recorded thereon and shall be made available to any authorised person requesting it.

9 - MEAL TIMES AND ALLOWANCES

(i) A midday meal break shall be allowed between 11.30 a.m. and 2.30 p.m. to an employee who has started work not later than 11.00 a.m.

(ii) An evening meal break shall be allowed between 5.00 p.m. and 7.00 p.m. to an employee who is required to work after 7.00 p.m. other than for the purpose of serving customers in the shop at that hour.

(iii) Except in the case of pressing necessity, an employee shall not be required to work for more than five hours without a meal break. Where an employee, other than a Pharmacist, Pharmacist In Charge or a Pharmacist Manager, is required to work for more than five hours without a meal break, the employee shall be paid at overtime rates until a meal break is allowed. Notwithstanding this provision an employer and an employee may agree to observe other conditions in order to meet special circumstances, provided that such agreement is genuine and is not made for the specific purpose of avoiding an employer's responsibility under this provision.

(iv) The time allowed for a meal break shall not be less than 45 minutes nor more than one hour, provided that by agreement between the employer and employee other conditions may be observed.

(v) Where a Pharmacist, Pharmacist In Charge or a Pharmacist Manager takes a meal break (as prescribed in subclauses (i) or (ii) of this clause) on the employer's premises whilst remaining "on call" such employee shall be paid at the rate of time and one half for the period of the meal break; provided that such time spent "on call" shall not be counted as time worked.

(vi) Where a Pharmacist, Pharmacist In Charge or a Pharmacist Manager is required to work for more than five hours without a meal break, except as prescribed in subclauses (iii) and (v) of this clause, payment shall be made in respect of all ordinary time so worked after five hours at overtime rates.

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(vii) A meal allowance at the rate set out in Item 1 of Table 2 of Part B shall be paid to an employee for each meal break required to be taken within a period of overtime, between a period of ordinary time and overtime or where an employee is required to work overtime after 7.00 p.m. Meal allowances shall be payable in addition to any other entitlements under this award.

10 - OVERTIME

- (i) An employee shall be paid overtime for all work:
 - (a) In excess of five days per week or a six day/four day roster or a four day roster as prescribed in subclause (ii) of clause 7;
 - (b) In excess of an average of 38 hours per week in accordance with clauses 4, 5 and 7; or
 - (c) Performed outside rostered hours.

(ii) Overtime shall be paid for at the rate of time and one half for the first two hours and double time thereafter, except when worked on Sunday when it shall be paid for at the rate of double time.

(iii) In computing overtime, except where an employee is required to work after closing time to attend to customers then in the shop when only time actually worked shall count, less than 30 minutes shall be reckoned as 30 minutes and more than 30 minutes shall be reckoned as an hour.

(iv) By agreement between the employer and the employee, time off may be taken in lieu of overtime payments; provided that:

- (a) Time off shall be calculated at the penalty equivalent;
- (b) The employee shall be entitled to a fresh choice of payment or time off on each occasion overtime is worked; and
- (c) Time off must be taken within one calendar month of the working of the overtime, or it shall be paid out.

11 - PENALTY RATES FOR CERTAIN ORDINARY HOURS

- (i) Ordinary time worked as follows shall be paid at the rates indicated:
 - (a) On Monday to Fridays, inclusive:
 - (1) Between 6.00 a.m. and 8.30 a.m. time and one half;
 - (2) Between 7.00 p.m. and 9.00 p.m. time and one quarter;
 - (3) Between 9.00 p.m. and midnight time and one half;

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- (b) On Saturdays between 6.00 a.m. and 8.30 a.m. and between 6.00 p.m. and midnight, time and one half;
- (c) On Saturdays between 8.30 a.m. and 6.00 p.m. time and one quarter;
- (d) On Sundays double time, with a minimum payment as for three hours work;
- (e) On a holiday as defined in clause 18, double time and one half with minimum payment as for three hours' work.

(ii) The penalty rates provided by this clause shall not be cumulative on overtime rates.

12 - RECALL

An employee recalled to work on Saturday after 12.30 p.m. or on Monday to Friday after 7.00 p.m. shall be entitled to a minimum payment as for three hours work.

13 - REST PAUSE

(i) When and where it can be arranged conveniently by the employer each employee shall be allowed a rest pause of ten minutes either in the morning or in the afternoon, Monday to Sunday, at a time indicated by the employer.

(ii) Such rest pause shall be allowed in the afternoon if the meal time is taken at 11.30 a.m. and in the morning if the meal time is taken at 1.30 p.m. or later.

14 - WAGES

The minimum rates of pay shall be:

(i) Adults as set out in Table 1 of Part B of this award.

(iii) A Pharmacist shall be paid at the wage rate applicable for a Pharmacist In Charge for all time so worked.

(iv) Casual employees:

(a) A casual employee shall be paid at the rate per hour of 1/38th of the prescribed weekly rate for the appropriate classification plus an additional loading of 17½ per cent, provided that for the time worked by a casual employee employed after 9.00 p.m. on Monday to Friday inclusive, after 12.30 p.m. on a Saturday or on a Sunday, the loading shall be 25 per cent. This loading is intended to compensate casual employees for all incidents of the employment and is to be payable for work done at any hour of the day or on any day of the week or public holidays.

(b) A casual employee shall be entitled to payment for a minimum of two hours worked in respect of each start.

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(v) Part-time employees shall be paid at the rate of 1/38th of the prescribed weekly rate for the appropriate classification. The provisions of this award with respect to sick leave, holidays, overtime and Saturday and Sunday penalties shall apply to regular part-time employees.

(vi) Schools and courses:

- (a) Where (at the employer's request) an employee attends a school or course in his/her own time, and such course is aimed at improving the employee's knowledge of a particular product or products, then such an employee shall be paid at the rate of time and one-quarter for all time spent in attending such school or course.
- (b) Any employee who attends a school or course in his/her own time which extends past 6.30 p.m. shall in addition be paid a meal allowance as set out in Item 2 of Table 2, for each such day of attendance.
- (c) No employee shall be compelled to attend any such course in his/her own time nor shall any employee be jeopardised in their employment by way of refusal to attend any specific course in his/her own time.

15 - CLASSIFICATIONS AND GRADINGS

Work level standards and grading arrangements for pharmacists

For work involving professional pharmacist duties in community pharmacy, the following work level standards will apply:

Pharmacist

The registered pharmacist commencement level, A pharmacist works under the general direction of a Pharmacist In Charge, a Pharmacist Manager or a Pharmacist Proprietor.

Duties and responsibilities shall include, but shall not be limited to:

Dispensing prescriptions in accordance with the requirements of relevant legislation, counselling patients as required, National Health Service return preparation, computer housekeeping, dispensary stock control, cashing up, and locking and unlocking the shop (as required).

Pharmacist In Charge

A Pharmacist In Charge is employed as the pharmacist in charge of a community pharmacy, either as the sole pharmacist employed in the business or as a pharmacist in charge of other employed pharmacists, and is responsible for both front-of-shop and dispensary supervision. A Pharmacist In Charge is subject to the overall direction of a proprietor or manager. Duties and responsibilities shall include, but shall not be limited to:

- (i) Performing all of the duties of a Pharmacist.

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- (ii) Locking and unlocking of the shop, lunchtime supervision arrangements, supervision of staff, buying and stock control, payroll preparation, debtor control, rostering of staff, banking preparation, delivery supervision, repairs and maintenance, public relations and in-store promotions.

The proprietor or manager will retain responsibility for hiring and firing of staff, full business administration and profit and performance, and strategic planning.

Pharmacist Manager

A Pharmacist Manager is employed as the pharmacist in control of the business. Pharmacist Managers are totally responsible to the proprietor for all aspects of the business.

Gradings of Pharmacist In Charge and Pharmacist Manager - employment periods in excess of one week

Pharmacists In Charge or Pharmacist Managers will be graded as follows:

- GRADE I - In charge of or manages a small shop where the equivalent full time supervised staff (EFTS) is two or less.
- GRADE II - In charge of or manages a medium shop where the EFTS is more than two but less than five.
- GRADE III - In charge of or manages a large shop where the EFTS is five or more.

Gradings of Pharmacist In Charge and Pharmacist Manager - employment periods for less than one week

Pharmacists In Charge or Pharmacist Managers will be graded according to the number of pharmacy assistants actually supervised for the period worked.

17 - PAYMENT OF WAGES

(i) The employer shall fix a pay day on a weekday, other than Saturday or Sunday, and shall not change the day except on a month's notice. Provided that where there is genuine mutual agreement between the employer and employee, payment may be made on any day. Provided further that payment of wages can only be made on a day than an employee is rostered to work.

(ii) Wages may be paid weekly or fortnightly. Such payments shall be made on the same day each week or fortnight provided that:

- (a) Where payments are made weekly the payment shall not be later than the third day preceding the pay day; and
- (b) Where payments are made fortnightly the payment shall be not later than the third day following the end of the first week of the pay period.

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(iii) An employee who, in exceptional circumstances, is required by his/her employer to wait beyond their ordinary ceasing time for the payment of ordinary wages shall be paid overtime for all such excess time.

(iv) In a week in which the day fixed as pay day falls on a day prescribed by clause 18, as a holiday, the preceding working day shall be the pay day.

(v) Where an employee's employment terminates at the end of a week's notice, given either by the employee or the employer, all moneys to which the employee is entitled pursuant to this award shall be paid not later than the normal ceasing time on the day of such termination.

(vi) Where an employee's employment terminates at a moment's notice given either by the employee or employer in the first month of the engagement or where an employee's employment is terminated summarily by the employer on the ground of misconduct, all moneys to which the employee is entitled, pursuant to this award, except for overtime, shall be paid as soon as reasonably practicable on the day of the termination and moneys due for overtime shall be paid within seven days of such termination.

(vii) Wages may be paid by electronic funds transfer. Provided that where wages are paid by electronic funds transfer additional costs associated with the introduction and operation of electronic funds transfer shall be paid for by the employer.

18 - PUBLIC HOLIDAYS

For provisions relating to public holidays refer to the Community Pharmacy Public Holidays Award 1995.

19 - SICK LEAVE

(i) An employee who has been serving continuously for not less than two months in the industry covered by this award, and who is unable to attend for duty during his/her ordinary working hours by reason of personal illness or personal incapacity not due to his/her own serious or wilful misconduct shall be entitled to be paid at ordinary time rates of pay for the time of such non-attendance subject to the following:

- (a) He/she shall not be entitled to paid leave of absence for any period in respect of which he/she is entitled to workers' compensation.
- (b) An employee shall not be entitled during the first year of continued employment with an employer to paid sick leave of more than 38 hours, which shall accrue at the rate of nine and one half hours at the start of each three months of the first year of employment; provided that where, in the first year of employment, an employee is absent on account of personal illness or injury, for a period longer than the accrued entitlement, payment will be adjusted at the start of next period of accrual to the extent that the employee has become entitled to further paid sick leave.

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The employee, subject to paragraph (d) hereof during the second or subsequent years of continued employment with an employer shall be entitled to paid sick leave of not more than 61 ordinary hours for each year of employment.

(c) The rights under this clause shall accumulate from year to year so long as his/her employment continues with the employer whether under this or any other award so that any part of the entitlement prescribed in paragraph (b) of this subclause which has not been allowed in any year may be claimed by the employee and shall be allowed by the employer, subject to the conditions prescribed by this clause, in a subsequent year of such continued employment. Provided that in any year an employee shall not be entitled to take more than ten weeks' accumulated sick leave except by mutual agreement between the employee and the employer.

(d) The provisions of paragraph (b) hereof shall be applied so that any employee in his/her second or subsequent year of service as at 1 September 1973 shall, in addition to any amount of sick leave which then stands to his/her credit, be credited with 64 hours' sick leave less an amount calculated on the basis of two hours for each completed month of service from the date of the anniversary of his/her current year of service with an employer to 1 September 1973. On the date of each subsequent anniversary of each year of service, the employee shall in addition to any amount of sick leave which then stands to his/her credit, be credited with 64 hours' sick leave.

(ii) The granting of sick leave shall be subject to the following conditions and limitations:

(a) The employee shall, within 24 hours of the commencement of such absence, inform the employer of his/her inability to attend for duty, and, as far as possible, state the nature of the illness or injury and the estimated duration of the absence.

(b) The employee shall furnish to the employer such evidence as the employer reasonably may desire that he/she was unable by reason of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iii) For the purpose of this clause continuous service shall be deemed not to have been broken by:

(a) Any absence from work on leave granted by the employer; or

(c) Any absence from work whilst a member of the Defence Forces of the Commonwealth.

(iv) Service before the date of the coming into force of this clause shall be counted as service for the purpose of qualifying thereunder.

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(v) For the purposes of this clause the word year shall mean a period of twelve months commencing on the day on which the employment commenced with the employer on whom the claim for sick leave is made.

(vi) Pursuant to section 88c(4) of the Industrial Arbitration Act 1940, David Jones Limited is exempted from this clause in respect of employees who are now or who subsequently become members of the David Jones Limited Mutual Aid Society.

(vii) Leave shall be reserved to the unions to apply as they may be advised at any time with respect to this clause.

(viii) For the purpose of sick leave accumulated for years prior to 15 December 1988, the term "day" shall mean a period of eight hours for weekly employees or pro rata for regular part-time employees.

20 - TERMINATION OF EMPLOYMENT

(i) During the first one month of an employee's engagement the employee or the employer may terminate the employment at a moment's notice, but except in the case of wilful misconduct, payment shall be made to the end of the day.

(ii) Thereafter, except in the case of wilful misconduct, employment shall be terminated only by a week's notice on either side or by the payment or forfeiture, as the case may be, of one week's pay in lieu of such notice.

(iii) An employee who has been employed by his/her employer for more than one month and whose employment is terminated, otherwise than for wilful misconduct, on the working day preceding an award holiday or successive award holidays shall be entitled to a day's pay for such holiday or each of such holidays.

(iv) An employee who has been employed for not less than one month on leaving or being discharged shall be entitled to a statement, in writing, containing the date when the employment began and the date of its termination. The statement shall be the property of the employee.

(v) Where an employee is employed as a Pharmacist Manager, Pharmacist In Charge or Pharmacist for a period in excess of six months, subclause (ii) of this clause shall not apply, but in lieu thereof, employment of such pharmacists shall be terminated only by two weeks' notice or payment of two weeks' wages in lieu of notice in the case of termination by the employer; and in the case of termination by the employee, the employee shall give two weeks' notice or be liable to forfeiture of two weeks' pay in lieu of such notice.

22 - AWARD MODERNISATION

(i) The parties are committed to examining this pharmacy award to ensure it reflects the needs of modern pharmacies and to eliminating or amending provisions which restrict the ability of pharmacists and pharmacists with mixed enterprises to adapt quickly and efficiently to changes affecting their business and the provisions of service to the consumer.

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(ii) The parties are committed to modernising the terms of the award so that it provides for more flexible working arrangements, improves the quality of working life, enhances skills and job satisfaction and assists positively in the restructuring process.

(iii) In conjunction with testing a proposed new award structure, the unions are prepared to discuss with employers all matters raised by the unions and the employers for increased flexibility. As such any discussion with the unions must be premised on the understanding that:

- (a) Changes will not be of a negative cost-cutting nature.
- (b) The negotiations will include the unions and employer associations.
- (c) The unions and the employers will not unreasonably oppose agreement.
- (d) If agreement cannot be reached in the implementation process on a particular issue it shall be referred to the Australian Industrial Relations Commission for resolution.

(iv) Should an agreement be reached between the parties pursuant to this clause in a particular section of the industry/enterprise and that agreement requires award variation the parties will not oppose that award variation for that particular provision for that particular section of the industry/enterprise.

(v) The parties agree that under this heading any award matter can be raised for discussion.

(vi) Where any agreement is reached pursuant to this clause earlier than six months from the date of introduction of this clause the unions will not oppose implementation of the agreement in the award prior to the expiry of the six months.

23 - FLEXIBILITY OF WORKING HOURS

(i) Employees within each classification are to perform a wider range of duties including work which is incidental or peripheral to their main tasks or functions.

(ii) Employees shall perform such work as is reasonable and lawfully required of them by the employer including accepting instruction from authorised personnel.

(iii) Employees shall comply with all reasonable requests to transfer or change jobs within the award structure.

(iv) Employees shall take all reasonable steps to achieve quality, accuracy and completion of any job or tasks assigned to the employee.

(v) Employees shall not impose any restrictions or limitations on a reasonable review of work methods or standard work times.

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24 - COMMITMENT TO TRAINING AND CAREERS

(i) The parties acknowledge that varying degrees of training are provided to employees in the pharmacy industry, both via internal, on-the-job and through external training providers.

(ii) The parties commit themselves to continuing such training as is regarded by them as appropriate and improving training in cases where this is required.

(iii) It is agreed that the parties will co-operate in ensuring that appropriate training is available for all employees in the pharmacy industry and the parties agree to co-operate in encouraging both employers and employees to avail themselves of the benefits to both from such training.

(iv) The parties are committed to encouraging young people to view the pharmacy industry as one which has the capacity to provide them with an interesting career as they progress in their profession.

(v) The parties agree to continue discussions on issues raised by the unions relating to training.

25 - MIXED ENTERPRISES

(i) A mixed enterprise is defined as an establishment where the primary operation is not covered by this award but where there is an on-site pharmacy which employs less than 25 per cent of the total number of employees in the enterprise.

(ii) For the purpose of increasing productivity, flexibility and efficiency in mixed enterprises, as well as enhancing opportunities for employees, broadbanding may extend, by agreement between an employer and an employee, to allow the employee to perform any work in a mixed enterprise within the scope of his/her skills and competence.

(iii) Discussions shall take place at the enterprise with a view to reaching agreement for employees to perform a wider range of tasks, removal of demarcation barriers and participation of employees in additional training.

(iv) Subject to the provisions of the previous paragraph, employees in a mixed enterprise shall not impose or continue to enforce demarcation barriers between the work of employees provided that it is agreed that the work lies within the scope of the skill and competence of the employee concerned.

26 - UNIFORMITY OF AWARD CONDITIONS

The unions and the employers agree to seek uniformity of award conditions between this award on the one hand and pharmacy awards in all industrial jurisdictions in the Commonwealth of Australia.

27 - SUPPLY AND LAUNDERING OF UNIFORMS

If a uniform, coat, overall or other uniform dress is worn, the employer shall supply and launder it, provided it may be agreed that the employee shall launder his or her own uniform, in which case the employee shall be paid an allowance as set out in Item 3 of Table 2 for so doing or an amount set out in Item 4 of Table 2 per week where the uniform is not made of nylon or other material which does not need ironing. The uniform shall remain the property of the employer.

28 - EMPLOYEES TEMPORARILY TRANSFERRED OR LIVING AWAY FROM HOME

(i) An employee temporarily transferred from one branch of an employer's business to another shall be reimbursed for any additional fares which he/she incurs and shall be paid at ordinary rates for any additional time which he spends in travelling to and from his/her place of temporary employment.

(ii) An employee engaged for a period of less than three months in a shop the location of which necessitates his/her living away from his home shall be provided, free of charge, with suitable board and lodging, shall be reimbursed the cost of travelling once to the place of employment and return and, for each day he/she works, shall be paid at the rate set out in Item 5 of Table 2, in addition to any other sums payable under this award.

29 - LATE TRAVEL

Where an employee is required to work after his/her ordinary ceasing time until it is too late to travel by train, omnibus, vessel, or other regular conveyance to his/her usual place of residence, the employer shall provide either proper conveyance or the fare for such conveyance to the employee's usual place of residence.

31 - PROHIBITION OF WORK

(i) No employer shall require or permit any employee to work in or in connection with the sale or offering or exposing for sale by retail of goods in any pharmacy shop after the closing time fixed by or under the Factories, Shops and Industries Act 1962, in respect of such shop.

(ii) No employee shall work in or in connection with the sale or offering or exposing for sale by retail of goods in any pharmacy shop after the closing time fixed by or under the Factories, Shops and Industries Act 1962, in respect of such shop.

(iii) Notwithstanding the provisions of subclauses (i) and (ii) of this clause, employees may work at any time in connection with the sale of medicinal or surgical goods, as defined in the Factories, Shops and Industries Act 1962, and/or prescriptions whilst and when the terms and conditions and requirements of section 89A of the last mentioned Act are being complied with.

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(iv) No employer shall require or permit any employee to remain or be in any pharmacy shop which is open after the closing time fixed by or under the Factories, Shops and Industries Act 1962, in respect of such shop.

(v) Female employees shall not be required to wash floors, sweep pavements, clean lavatories or clean the exteriors of windows other than for the purpose of removing occasional defacements.

32 - LOCKERS

Where there are five or more employees, an employer shall provide locker accommodation for each employee. Any dispute as to the practicability of providing the locker accommodation may be referred by the employer or the union to the conciliation committee.

33 - DINING ACCOMMODATION

Where there are five or more employees, an employer shall provide a room containing adequate seating accommodation with a sufficient supply of hot water to allow employees to partake of meals during their meal break. Any dispute as to the practicability of providing such a room may be referred to by the employer or the union to the conciliation committee.

34 - STATUTORY PROVISIONS

(i) An employee shall be entitled to annual leave in accordance with the provisions of the Annual Holidays Act 1944 (NSW).

(ii) An employee shall be entitled to long service leave in accordance with the provisions of the Long Service Leave Act 1955 (NSW).

(iii) For provisions as to right of entry, see Part 7 of Chapter 5 of the Industrial Relations Act 1996.

35 - ANNUAL HOLIDAY LOADING

(i) In this clause the Annual Holidays Act 1944 (NSW), is referred to as "the Act".

(ii) Before an employee is given and takes his/her annual holidays, or where by agreement between the employer and employee the annual holiday is given and taken in more than one separate period, then before each of such separate periods, the employer shall pay his/her employee a loading determined in accordance with this clause.

Notation: The obligation to pay in advance does not apply where an employee takes an annual holiday wholly or partly in advance - see subclause (vi).

(iii) The loading is payable in addition to the pay for the period of holiday given and taken and due to the employee under the Act and this award.

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(iv) The loading is to be calculated in relation to any period of annual holiday to which the employee becomes or had become entitled since 31 December 1973 under the Act and this award (but excluding days added to compensate for public or special holidays worked or public or special holidays falling on an employee's rostered day off not worked) and which commences on or after 1 January 1974 or where such a holiday is given and taken in separate periods, then in relation to each such separate period.

Notation: See subclause (vi) as to holidays taken wholly or partly in advance after 31 December 1973.

(v) The loading is the amount payable for the period or the separate period, as the case may be, stated in subclause (iv) at the rate per week of 17½ per cent of the appropriate ordinary weekly time rate of pay prescribed by this award for the classification in which the employee was employed immediately before commencing his annual holiday, but shall not include other allowances, penalty rates, overtime rate or any other payments prescribed by this award.

(vi) No loading is payable to an employee who takes an annual holiday wholly or partly in advance; provided that, if the employment of such an employee continues until the day when he would have become entitled under the Act to an annual holiday, the loading then becomes payable in respect of the period of such holiday and is to be calculated in accordance with subclause (v) of this clause applying the award rates of wages payable on that day. This subclause applies where an annual holiday has been taken wholly or partly in advance after 31 December 1973 and the entitlement to the holiday arises after that date.

(vii) Where, in accordance with the Act and after 31 December 1973, the employer's establishment or part of it is temporarily closed down for the purpose of giving an annual holiday or leave without pay to the employees concerned:

- (a) An employee who is entitled under the Act of an annual holiday and who is given and takes such a holiday shall be paid the loading calculated in accordance with subclause (v) of this clause;
 - (b) An employee who is not entitled under the Act to an annual holiday and who is given and takes leave without pay shall be paid in addition to the amount payable to him/her under the Act such proportion of the loading that would have been payable to him under this clause if he had become entitled to an annual holiday prior to the close-down as his/her qualifying period of employment in completed weeks bears to 52.
- (viii) (a) When the employment of an employee is terminated by the employer on or after 1 January 1974, for a cause other than misconduct and at the time of the termination the employee has not been given and has not taken the whole of an annual holiday to which he/she became entitled after 31 December 1973, the employee shall be paid a loading calculated in accordance with subclause (iv) of the period taken.

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- (b) When the employment of an employee is terminated by the employer he/she shall be paid such loading in respect of complete periods of twelve months during which holidays are not taken.
- (c) Except as provided in paragraphs (a) and (b) of this subclause, no loading is payable on the termination of an employee's employment.

36 - MECHANISATION AND/OR TECHNOLOGICAL CHANGES

Where, on account of the introduction or proposed introduction by an employer of mechanization or technological changes in the industry in which he/she is engaged, the employer terminates the employment of an employee who has been employed by him/her for the preceding twelve months, the employer shall give the employee three months' notice of the termination of the employment, provided that, if he/she fails to give such notice in full:

(i) The employer shall pay the employee at the rate of pay applicable under this award for a period equal to the difference between three months and the period of the notice given, and

(ii) The period of notice required by this clause to be given shall be deemed to be service with the employer for the purpose of the Long Service Leave Act 1955 (NSW), the Annual Holidays Act 1944 (NSW) or any Act amending or replacing either of those Acts, provided further that the right of the employer summarily to dismiss an employee for malingering, inefficiency, neglect of duty or misconduct shall not be prejudiced by the fact that the employee has been given notice pursuant to this clause of the termination of his/her employment.

37 - COMPASSIONATE LEAVE

An employee shall, on the death within Australia of a wife, husband, father, mother, child or stepchild, brother, sister, grandparents, mother-in-law, father-in-law, brother-in-law or sister-in-law, be entitled on notice to leave up to and including the day of the funeral of such relation and such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in three ordinary days' work. Proof of such death shall be furnished by the employee to the satisfaction of the employer: Provided, however, that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave. For the purposes of this clause the words "wife" or "husband" shall not include a wife or husband from whom the employee is separated, but shall include any person who lives with the employee as a de facto wife or husband as the case may be: Provided further, an employee on weekly hiring shall be entitled to a maximum of three days' leave without loss of pay on each occasion and on the production of satisfactory evidence of the death outside of Australia of an employee's husband, wife, father or mother and where such employee travels outside of Australia to attend the funeral.

38 - PARENTAL LEAVE

See Chapter 2 of Part 4 - Parental Leave of the Industrial Relations Act 1996.

39 - DAMAGE TO CLOTHING AND PHYSICAL AIDS

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(i) Where the clothing and/or physical aids of an employee are damaged or destroyed by any substance used in the course of his employment, the employer shall reimburse the employee to the full extent of his or her loss.

(ii) For the purpose of this clause, the words “physical aids” shall be deemed to include crutches, artificial members, eyes or teeth, hearing aids, spectacle glasses and other artificial aids.

40 - NOTICE BOARD

An employer shall permit the erection in a prominent position to be decided by the employer on his/her premises of a notice board of reasonable dimensions or a number of such notice boards reasonable in the circumstances, upon which an accredited representative of an industrial union of employees bound by this award shall be permitted to post formal union notices signed by the secretary of the union concerned. Provided that such notices shall be referred to the employer before being posted on the notice board. Any notice posted on a board not so signed or not referred to the employer may be removed by an accredited representative of the union concerned or by the employer.

41 - TRAINING

A joint committee consisting of the representatives of the major parties to the award shall be established to examine and recommend for approval of the parties to the award, the structure and content of training courses or variations to established courses for progression within the career structure established.

42 - SETTLEMENT OF DISPUTES AND GRIEVANCES

- (i) Procedures relating to grievances of individual employees:
- (a) The employee is required to notify (in writing or otherwise) the employer as to the substance of the grievance, request a meeting with the employer for bilateral discussions and state the remedies sought.
 - (b) A grievance must initially be dealt with as close to its source as possible, with gradual steps for further discussions and resolutions at higher levels of authority.
 - (c) Reasonable time limits must be allowed for discussions at each level of authority.
 - (d) At the conclusion of the discussions, the employer must provide a response to the employee's grievance, if the matter has not been resolved, including reasons for not implementing any proposed remedy.
 - (e) Whilst a procedure is being followed, normal work must continue.
 - (f) The employee may be represented by an industrial organisation of employees.

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- (ii) Procedures relating to disputes etcetera between employers and their employees:
 - (a) A question, dispute or difficulty must initially be dealt with as close to its source as possible, with gradual steps for further discussion and resolution at higher levels of authority.
 - (b) Reasonable time limits must be allowed for discussion at each level of authority.
 - (c) Whilst a procedure is being followed, normal work must continue.
 - (d) The employer may be represented by an industrial organisation of employers and the employees may be represented by an industrial organisation of employees for the purpose of each procedure.

43 - AWARD RESTRUCTURING

(i) The parties to this award shall continue to discuss award restructuring and the implementation of minimum rate adjustments (MRA) provided that the second, third and fourth MRA shall be implemented at intervals not longer than six months.

(ii) Substantial but not final agreement having been reached in relation to Classification and Gradings the parties shall continue discussions on these issues and in the interim the following shall apply in addition to the provisions of clause 15, Classifications and gradings.

- (a) Equivalent full time supervised staff is calculated according to the following formula:

$$a/b = c$$

where a = the total number of hours ordinarily worked by pharmacy assistants in the pharmacy,

b = the total number of hours the shop is ordinarily open for business, and

c = the number of equivalent full time supervised staff.

44 - PRE-EXISTING RATES OF PAY

Notwithstanding any other provision in this award no employee to whom this award applies shall suffer a reduction in ordinary earnings (including allowances) as a result of this variation.

PART B

MONETARY RATES

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Table 1 - Wages

		Total minimum wage rate per week
		\$
(a)	Pharmacist Manager	
	Grade 1	775.00
	Grade 2	837.50
	Grade 3	900.10
(b)	Pharmacist In Charge	
	Grade 1	649.80
	Grade 2	712.40
	Grade 3	775.00
(c)	Pharmacist	
	First year after registration	566.40
	Second year after registration	587.20
(d)	Trainee	
	First six months	441.20
	Second six months	466.20
(e)	Student	
	First year of course	316.00
	Second year of course	357.80
	Third year of course	399.50
		<u>Per annum</u>
		\$
(g)	Salaried Pharmacist	45,748

Table 2 - Other rates and allowances

Item No.	Clause No.	Brief description	Amount
1	9(vii)	Meal allowance	\$7.20
2	14(vi)(b)	Schools and courses meal allowances	\$7.20 per day
3	27	Laundrying of uniforms	\$1.30 per week
4	27	Laundrying of uniforms (non-nylon)	\$1.97 per week
5	28(ii)	Living away from home allowance	\$7.00 per day

APPENDIX C - QUEENSLAND

1 - ARRANGEMENT

<u>Subject matter</u>	<u>Clause No.</u>
Annual holidays	12
Arrangement	1
Award modernisation	19A
Bereavement leave	16
Commitment to training and careers	19C
Consultation	19E
Definitions	4
Divisions and districts	3
Dwelling accommodation	18
Enterprise agreements	19D
General	19
Grievance or dispute settling procedure	21A
Guaranteed minimum wage	5
Hours	8
Incidental and peripheral tasks	19B
Long service leave	15
Meal break and meal allowance	10
No extra claims	19F
Overtime	9
Parental leave	14
Part time employees	8B
Penalty rates during certain ordinary hours	8A
Proportion of unregistered assistants	17
Rest pauses	7
Sick leave	13
Superannuation	6A
Termination of employment in all cases	21
Time and wages records	20
Wages	6

3 - DIVISIONS AND DISTRICTS

For the purposes of this award there shall be the following Divisions and Districts:

Divisions

Northern Division - That portion of the State along or north of a line commencing at the junction of the sea-coast with the 21st parallel of south latitude; thence by that parallel of latitude due west to 147 degrees of east longitude; thence by that meridian of longitude due south to 22 degrees 30 minutes of south latitude; thence by that parallel of latitude due west to the western border of the State.

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Mackay Division - That portion of the State within the following boundaries: Commencing at the junction of the sea-coast with the 21st parallel of south latitude; thence by that parallel due west to 147 degrees of east longitude; thence by that meridian of longitude due south to 22 degrees of south latitude; thence by that parallel of latitude due east to the sea-coast; thence by the sea-coast northerly to the point of commencement.

Southern Division - That portion of the State not included in the Northern or Mackay Division.

Districts

Northern Division

Eastern District - That portion of the Northern Division along or east of 144 degrees 30 minutes of east longitude.

Western District - The remainder of the Northern Division.

Southern Division

Eastern District - That portion of the Southern Division as above defined, along or east of a line commencing at the junction of the southern border of the State with 150 degrees of east longitude; thence by that meridian of longitude due north to 25 degrees of south latitude; thence by that parallel of latitude due west to 147 degrees of east longitude; thence by that meridian of longitude due north to the northern boundary of the said division.

Western District - The remainder of the Southern Division as above defined.

4 - DEFINITIONS

Manager - Level 1

(1) Shall be a pharmacist registered under the Pharmacy Act 1976 who is in control of a pharmacy with up to five full-time employees (exclusive of pharmacists), and who is responsible for all necessary business appertaining thereto.

Manager - Level 2

(2) Shall be a pharmacist registered under the Pharmacy Act 1976 who is in control of a pharmacy with between six and ten full-time employees (exclusive of pharmacists), and who is responsible for all necessary business appertaining thereto.

Manager - Level 3

(3) Shall be a pharmacist registered under the Pharmacy Act 1976 who is in control of a pharmacy with in excess of ten full-time employees (exclusive of pharmacists), and who is responsible for all necessary business appertaining thereto.

Pharmacist in Charge - Level 1

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(4) Shall be a pharmacist who is registered under the Pharmacy Act 1976 and who is registered under the Pharmacy Act 1976 and who is employed in a pharmacy with up to five full-time employees (exclusive of pharmacists), where there are other pharmacists employed and who is appointed as the Pharmacist in Charge; or shall be a pharmacist who is registered under the Pharmacy Act 1976 and who is placed in full charge of a pharmacy with up to five full-time employees (exclusive of pharmacists), for a period exceeding four continuous hours but not exceeding one week, in the absence of the pharmacy owner or Manager.

Pharmacist in Charge - Level 2

(5) Shall be a pharmacist who is registered under the Pharmacy Act 1976 and who is registered under the Pharmacy Act 1976 and who is employed in a pharmacy with between six and ten full-time employees (exclusive of pharmacists), where there are other pharmacists employed and who is appointed as the Pharmacist in Charge; or shall be a pharmacist who is registered under the Pharmacy Act 1976 and who is placed in full charge of a pharmacy with between six and ten full-time employees (exclusive of pharmacists), for a period exceeding four continuous hours but not exceeding one week, in the absence of the pharmacy owner or Manager.

Pharmacist in Charge - Level 3

(6) Shall be a pharmacist who is registered under the Pharmacy Act 1976 and who is employed in a pharmacy with in excess of ten full-time employees (exclusive of pharmacists), where there are other pharmacists employed and who is appointed as the Pharmacist in Charge; or shall be a pharmacist who is registered under the Pharmacy Act 1976 and who is placed in full charge of a pharmacy with in excess of ten full-time employees (exclusive of pharmacists), for a period exceeding four continuous hours but not exceeding one week, in the absence of the pharmacy owner or Manager.

Pharmacist

(7) Shall mean a person who is registered as a pharmacist under the Pharmacy Act 1976.

Qualified Assistant

(8) A person who is qualified by examination but unable by virtue of age to be registered.

Locum

(9) An employee who is engaged as such, and who is employed for less than 40 hours in a week: Provided that Locums may be employed for 40 hours or more in circumstances where the employee is employed for the purpose of relieving a short term vacancy, not exceeding eight weeks' duration.

Part-time employee

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(10) An employee, appointed as such, to work a regular number of hours per week of not less than fifteen hours per week and not more than thirty-two hours per week or not less than two nor more than five days of the week.

Pharmaceutical Chemist

(11) For the purpose of this award the term “Pharmaceutical Chemist” or “Registered Pharmaceutical Chemist” includes a person who by his/her qualifications, is entitled to be registered under the Pharmacy Act 1976.

Full-time employees

(12) The number of full-time employees shall be determined by dividing the number of hours worked by all employees except pharmacists, by the number of hours the pharmacy is open per week.

5 - GUARANTEED MINIMUM WAGE

The rates of wages or salaries prescribed by this award in respect to adult employees or to employees who are seniors are deemed to include and to be expressed by reference to the Guaranteed Minimum Wage declared for the time being and from time to time pursuant to the provisions of the Industrial Relations Act 1990, and unless otherwise ordered such wages and salaries are to be adjusted to accord with any variations to such Guaranteed Minimum Wage. Until further Order, the amount of the Guaranteed Minimum Wage deemed to be so included is as follows:

Schedule

Within the Southern Division, Eastern District:

	\$ Per Week
Adults	242.00

Elsewhere - Divisional and District parities to remain unaltered.

6 - WAGES

(1)

Classification	Relativity % (Note 3)	Interim Minimum Classification Rate Per Week \$	Interim Supplementary Payment Per Week \$ (Note 2)	Award Rate as from 6.5.96 Per Week \$ (Note 1)
<u>Manager</u>				
Level 1	180	546.40	228.60	775.00
Level 2	195	546.40	291.10	837.50
Level 3	210	546.40	353.70	900.10

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Classification	Relativity % (Note 3)	Interim Mini- mum Classi- fication Rate Per Week \$	Interim Supplementary Payment Per Week \$ (Note 2)	Award Rate as from 6.5.96 Per Week \$ (Note 1)
<u>Pharmacist in Charge</u>				
Level 1	150	514.70	135.10	649.80
Level 2	165	514.70	197.70	712.40
Level 3	180	514.70	260.30	775.00
Pharmacist after two years' registration	150	494.60	155.20	649.80
Pharmacist 1st two years of registration	130	481.40	85.00	566.40

Note 1: The award rate includes wage increases and adjustments arising from the State Wage Case decisions colloquially referred to as: 2nd Tier Adjustments; 1st (2 parts) and 2nd Structural Efficiency Adjustments; Minimum Rates Adjustment and 1st, 2nd and 3rd Safety Net Adjustments.

Note 2: The supplementary payment at each classification level includes the three \$8.00 adjustments reflecting the application of the arbitrated Safety Net Adjustment Principles enunciated in the February 1994 Review of Wage Fixing Principles and the December 1994 State Wage Case. Consistent with the requirements of that principle the two \$8.00 Safety Net Adjustments are absorbable to the extent of any equivalent amount in rates of pay - whether overaward, award, industrial agreement or certified agreement - in excess of the minimum rates (classification rate and supplementary payment) prescribed in accordance with the October 1989 State Wage Case decision and adjusted in accordance with the July 1991 State Wage Case decision.

Overaward Payment - Overaward payment is defined as the amount in rates of pay which an employee would receive in excess of the minimum award wage as prescribed in this Award for the classification in which such employee is engaged which applied immediately prior to the date of operation of this variation: Provided that this definition shall exclude overtime, shift allowances, penalty rates, expense related allowances, industry allowances, disability allowances, vacation allowances, special rates or allowances, responsibility allowances, or any other ancillary payments of a like nature described by this award.

Note 3: The percentage relativities column relates to percentages applying before the application of the three \$8.00 arbitrated Safety Net Adjustments made in accordance with the February 1994 Review of Wage Fixing Principles and the December 1994 State Wage Case.

(2) Students enrolled in the Faculty of Pharmacy at a recognised University working during vacations:

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	Percentage of Pharmacists Rate (During first two years after Registration) %
1st year of course	40
2nd year of course	45
Remaining years of course	55
Graduates and other employees similarly qualified pursuant to section 19 of the Pharmacy Act 1976, as amended from time to time, during their statutory period of practical training prior to registration:	
First six months	65
Remainder	70

Calculation of Rates: The rates of pay applying to students shall be calculated in multiples of ten cents, with any result of five cents or more being adjusted to the next highest ten cent multiple.

Locums

(3) Locums, as defined, shall be paid the hourly rate ascertained by dividing the appropriate weekly rate by the weekly hours prescribed by the award and adding a loading of 22%, with a minimum engagement of two hours on any one day.

Divisional and District parities

- (4) (a) Mackay Division - Adult employees other than apprentices in the Mackay Division shall be paid 90 cents per week in addition to the rates of wages above set out, and apprentices and employees under 21 years of age 45 cents per week in addition to the rates of wages above set out.
- (b) Northern Division - Adult employees other than apprentices in the Northern Division shall be paid \$1.10 per week in addition to the rates of wages above set out, and apprentices and employees under 21 years of age 53 cents per week in addition to the rates of wages above set out.
- (c) Western District - Adult employees other than apprentices in the Western District of the Southern Division shall be paid \$1.05 per week in addition to the rates of wages above set out, and apprentices and employees under 21 years of age 53 cents per week in addition to the rates of wages above set out.

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Adult employees other than apprentices in the Western District of the Northern Division shall be paid \$3.25 per week in addition to the rates of wages above set out, and apprentices and employees under twenty-one years of age \$1.63 per week in addition to the rates of wages above set out.

6A - SUPERANNUATION

Application

(1) In addition to the rates of pay prescribed by this Award, eligible employees, as defined herein, shall be entitled to Occupational Superannuation Benefits, subject to the provisions of this clause.

Contributions

Amount

- (2) (a) Every employer shall contribute on behalf of each eligible employee as from 3 September 1990 an amount calculated at 3% of the employee's ordinary time earnings, into an Approved Fund, as defined in this clause. Each such payment of contributions shall be rounded off to the nearest ten cents.

Regular payment

- (b) The employer shall pay such contributions to the credit of each such employee in accordance with the requirements of the Approved Fund Trust Deed, but in any event at least once each calendar month.

Minimum level of earnings

- (c) No employer shall be required to pay superannuation contributions on behalf of an eligible employee who works less than twelve hours per week.

Absences from work

- (d) Contributions shall continue to be paid on behalf of an eligible employee during any absence on paid leave such as annual leave, long service leave, public holidays, sick leave and bereavement leave, but no employer shall be required to pay superannuation contributions on behalf of any eligible employee during any unpaid absences except in the case of absence on Workers' Compensation. In the case of Workers' Compensation the employer shall contribute in accordance with paragraph (a) hereof whenever the employee is receiving by way of Workers' Compensation an amount of money no less than the award rate of pay.

Other contributions

- (e) Nothing in this clause shall preclude an employee from making contributions to a Fund in accordance with the provisions thereof.

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Cessation of contributions

- (f) An employer shall not be required to make any further contributions on behalf of an eligible employee for any period after the end of the ordinary working day upon which the contract of employment ceases to exist.

No other deductions

- (g) No additional amounts shall be paid by the employer for the establishment, administration, management or any other charges in connection with the Fund other than the remission of contributions as prescribed herein.

Definitions

- (3) (a) “Approved Fund” means a Fund approved for the purposes of this award by the Queensland Industrial Relations Commission as one to which Occupational Superannuation contributions may be made by an employer on behalf of an employee, as required by this award. Such approved Fund may be individually named or may be identified by naming a particular class or category.
- (b) “Eligible employee” shall mean any employee who has been employed by the Employer during eight consecutive weeks and who has worked a minimum of 96 hours during that period. After completion of the above qualifying period, superannuation contributions shall then be made in accordance with subclause (2) hereof effective from the commencement of that qualifying period.
- (c) “Fund” means a Superannuation Fund as defined in the Occupational Superannuation Standards Act 1987 and satisfying the Superannuation Fund conditions in relation to a year of income, as specified in that Act and complying with the operating standards as prescribed by Regulations made under that Act. In the case of a newly established Fund, the term shall include a Superannuation Fund that has received a notice of preliminary listing from the Insurance and Superannuation Commissioner.
- (d) “Ordinary time earnings” shall mean the actual ordinary rate of pay the employee receives for ordinary hours of work including shift loading and leading hand, in-charge or supervisory allowances where applicable. The term includes any overaward payment as well as casual rates received for ordinary hours of work. Ordinary time earnings shall not include overtime, disability allowances, commission, bonuses, lump sum payments made as a consequence of the termination of employment, annual leave loading, penalty rates for public holiday work, fares and travelling time allowances or any other extraneous payments of a like nature.

Approved Funds

- (4) For the purposes of this award an Approved Fund shall be:

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- (i) Retail Employees Superannuation Trust (REST).
- (ii) Any named Fund as is agreed to between the relevant Employer/Industrial Organisation parties to this award and as recorded in an approved Industrial Agreement.
- (iii) In the case of a minority group of employees of a particular employer, an Industry, Multi-Industry or other Fund which has been approved in an Award of an Industrial Tribunal and already has practical application to the majority of award employees of that employer whether under a Queensland State award or a Federal award.
- (iv) As to employees who belong to the religious fellowship known as the Brethren, who hold a Certificate issued pursuant to section 13.53 of the Industrial Relations Act 1990 and are employed by an employer who also belongs to that fellowship any Fund nominated by the employer and approved by the Brethren.
- (v) Any Fund agreed between an employer and an employee who holds a Certificate issued pursuant to section 13.53 of the Industrial Relations Act 1990 where membership of a Fund cited in an award would be in conflict with the conscientious beliefs of that employee in terms of section 13.53.
- (vi) In relation to any particular employer, any other established Fund to which that Employer was already actually making regular and genuine contributions in accordance with subclause (2) hereof on behalf of at least a significant number of that employer's employees covered by this award as at 29 September 1989 and continues to make such contributions:

Provided that the making of a deposit, an initial or other contributions subsequent to 29 September 1989, but on a retrospective basis, in respect of any period up to and including 29 September 1989, shall not under any circumstances bring a Fund within the meaning of this provision. The mere signing and submission of any nomination for membership documents to Trustees of a Fund prior to 29 September 1989 does not bring a Fund within the meaning of this provision.

Challenge of a Fund

- (5) (a) An eligible employee being a member or a potential member of a Fund, as well as an Industrial Organisation whose registered list of callings incorporates any of the classification/s of employees to whom this award applies, may by notification of a dispute challenge a Fund on the grounds that it does not meet the requirements of this clause.

- (b) Notwithstanding that the Commission determines that a particular Fund does not meet the requirements of this clause, the Commission may in its discretion and subject to any recommendation, direction or order it may make, recognise any or all of the contributions previously made to that Fund as having met the requirements or part thereof of subclause (2) up to and including the date of that determination.
- (c) In the event of any dispute over whether any Fund complies with the requirements of the clause, the onus of proof shall rest upon the employer.

Fund selection

- (6) (i) No employer shall be required to make or be prevented from making, any one time, contributions into more than one Approved Fund. Such Fund, other than a Fund referred to in paragraphs (iii), (iv), (v) and (vi) of subclause (4), shall be determined by a majority decision of employees.
- (ii) Employees to whom these provisions apply who as at the date of this variation are members of an established Fund covered by subclause (4)(vi) hereof shall have the right by majority decision to choose to have the contributions specified in subclause (2) hereof paid into a Fund as provided for elsewhere in subclause (4) hereof in lieu of the established Fund to which subclause (4)(vi) has application.
- (iii) The initial selection of a Fund recognised in subclause (4) shall not preclude a subsequent decision by the majority of employees in favour of another Fund recognised under that subclause where the long term performance of the Fund is clearly disappointing.

Where the provision has been utilised and as a result another approved Fund is determined, access to a further re-appraisal of the Fund for the purpose of favouring yet another Fund shall not be available until a period of three years has elapsed after that utilisation of this provision:

Provided that the provisions of this clause do not preclude the making at any time of an Industrial Agreement within the terms of subclause (4)(ii).

Enrolment

- (7) (a) Each employer to whom this clause applies shall as soon as practicable as to both current and future eligible employees:
 - (i) Notify each employee of his/her entitlement to Occupational Superannuation;
 - (ii) Consult as may be necessary to facilitate the selection by employees of an appropriate Fund within the meaning of subclause (4) hereof;

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- (iii) Take all reasonable steps to ensure that upon the determination of an appropriate Fund each eligible employee, receives, completes, signs and returns the necessary application forms provided by the employer to enable that employee to become a member of the Fund; and
 - (iv) Submit all completed application forms and any other relevant material to the Trustees of the Fund.
- (b) Each employee upon becoming eligible to become a member of a Fund determined in accordance with this clause shall:
 - (i) Complete and sign the necessary application forms to enable that employee to become a member of that Fund; and
 - (ii) Return such forms to the employer within 28 days of receipt in order to be entitled to the benefit of the contributions prescribed in subclause (2) hereof.
- (c) Where an employer has complied with the requirements of paragraph (a) hereof and an eligible employee fails to complete, sign and return the application form within 28 days of the receipt by him/her of that form, then that employer shall:
 - (i) Advise an eligible employee in writing of the non-receipt of the application form and further advise the eligible employee that continuing failure to complete, sign and return such form within fourteen days could jeopardise his/her entitlement to the Occupational Superannuation benefit prescribed by this clause.
 - (ii) In the event that an eligible employee fails to complete, sign and return such application form within the specified period of fourteen days be under no obligation to make any Occupational Superannuation contributions in respect of such eligible employee excepting as from any subsequent date from which completed and signed application form is received by the employer.
 - (iii) In the event that an eligible employee fails to return a completed and signed application form within a period of six months from the date of the original request by the employer, again advise that eligible employee in writing of the entitlement and that the receipt by the employer of a completed and signed application form is a pre-requisite to the payment of any Occupational Superannuation contributions.
 - (iv) At the same time as advising the eligible employee pursuant to provision (iii) hereof submit both to the Chief Industrial Inspector, Brisbane and to the Secretary of an Industrial Organisation of Employees whose registered callings incorporate the classification of the eligible employee a copy of each letter forwarded by him/her to the eligible employee pursuant to provisions (i) and (iii).

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- (d) Where an employer fails to provide an eligible employee with an application form in accordance with paragraph (a)(iii) hereof he shall be obliged to make contributions as from the date of operation of this clause or from the date an employee became an “eligible employee” if that occurs thereafter provided that an eligible employee completes, signs and returns to the Employer an application form within 28 days of being provided with the application form by the employer. Where an eligible employee fails to complete, sign and return an application form within such period of 28 days the provisions of paragraph (c) hereof shall apply.

Unpaid contributions

- (e) Subject to section 17.20 of the Industrial Relations Act 1990 and to subclause (5) hereof, where the discretion of the Commission has been exercised, should it be established that the Employer has failed to comply with the requirements of subclause (2) of this clause in respect of any eligible employee such Employer shall be liable to make the appropriate contributions retrospectively to the date of eligibility of the employee, plus an amount equivalent to the rate of return those contributions would have attracted in the relevant approved Fund, or as necessary a Fund to be determined by the Commission under subclause (4) hereof, had they been paid on the due dates.

The making of such contributions satisfies the requirements of this clause excepting that resort to this provision shall not limit any common law action which may be available in relation to death, disablement or any similar cover existing within the terms of a relevant Fund.

Record keeping

(8) The employer shall be required to maintain records to time worked for the purposes of establishing the employee’s entitlement to Occupational Superannuation, and of payments made to the approved Fund in similar form to time and wages records required to be kept in accordance with section 15.3 of the Industrial Relations Act 1990, and shall have such records available for inspection by an Industrial Inspector or Officer of the industrial organisation, authorised pursuant to section 15.2 of that Act.

Exemptions

(9) An employer may apply to the Commission for exemption from all or any of the provisions of this clause in the following circumstances:

- (a) Incapacity to pay the costs associated with its implementation; or
- (b) Any special or compelling circumstances peculiar to the business of the employer.

7 - REST PAUSES

Every employee covered by this award shall be entitled to a rest pause of ten minutes' duration in the employer's time in the first and second half of his/her daily work. Such rest pause shall be taken at such times as will not interfere with continuity of work where continuity is necessary.

8 - HOURS

(1) The ordinary working hours shall not exceed 40 in any one week not eight hours in any one day to be worked continuously except for meal breaks over not more than five and a half days. Such hours shall be worked between 7.00 am and 11.00 pm Monday to Sunday: Provided that the spread of ordinary hours may be varied upon agreement between the Industrial Organisation and the Pharmacy Guild.

(2) Time allowed for dinner shall be one hour per day from Monday to Friday inclusive, and shall be between the hours of 11.30 am and 2.30 pm, as may be arranged between any employer and his/her employees.

(3) When the hours between 11.30 am and 2.30 pm are worked continuously, one hour shall be paid for at the rate of double time, and continued until the break for dinner is made.

8A - PENALTY RATES DURING CERTAIN ORDINARY HOURS

(1) All ordinary time worked by weekly employees between 7.00 pm and 11.00 pm Monday to Friday shall be paid for at the rate of time and one quarter.

Saturday

(2) All ordinary time worked by weekly employees on Saturday shall be paid for at the rate of time and a quarter till 1.00 pm and time and a half thereafter.

Sunday

(3) All ordinary time worked by all employees on a Sunday shall be paid for at the rate of time and one half.

8B - PART-TIME EMPLOYEES

(1) Employees may be employed as part-time employees (as defined) to work a regular number of hours per week.

(2) The ordinary working hours of part-time employees shall not be less than fifteen hours per week nor more than 32 hours in any one week to be worked on not less than two days nor more than five days in any one week.

(3) Part-time employees shall be entitled to a minimum engagement of three hours or payment for three hours each day such employee is engaged.

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(4) The ordinary starting and ceasing time of part-time employees shall be rostered in advance and shall be in accordance with hours prescribed by clause 8 of this award.

(5) The hourly rate of pay for part-time employees shall be determined by dividing the appropriate weekly rate by the weekly hours prescribed by the award.

(6) Part-time employees shall be entitled to all benefits and conditions prescribed by this award on a pro rata basis.

9 - OVERTIME

(1) All time worked in excess of eight hours in any one day or in excess of 40 hours in any one week or before the employees ordinary commencing time or after the employees ordinary ceasing time shall be paid for at the rate of time and a half for the first three hours on any one day and double time thereafter.

(2) All overtime worked on a Sunday shall be paid for at the rate of double time.

(3) Overtime worked on a Sunday or on a Saturday shall be paid for as prescribed with a minimum payment as for two hours.

(4) Any employee recalled to work without prior notice after his or her ordinary ceasing time shall be paid at the appropriate overtime rate such time to be calculated as from home and back to home with a minimum payment for two hours.

10 - MEAL BREAK AND MEAL ALLOWANCE

(1) Employers shall be allowed between 30 minutes and one hour for a meal break each day to be taken as mutually arranged between the employer and employee.

Employees shall be paid at overtime rates during the period of the meal break if they are not able to take the meal break.

(2) Where an employee is called upon to work overtime in excess of one hour that employee shall be paid the sum of \$8.00 by the employer as meal money in addition to overtime payment for the time worked.

If such an employee is notified on the previous day that overtime is required to be worked and by reason of such notice the employee has provided a meal and such overtime is cancelled then the employee shall be allowed the sum of \$8.00:

Provided that the amount shall not be payable where the employee is required to return to work for the purpose of reopening the shop on Saturdays, Sundays or Public Holidays.

(3) An employee who is required to commence overtime on Sunday before 11.00 am and continue to work after 2.00 pm or who is required to commence overtime before 4.00 pm and continue to work after 7.00 pm shall be paid on such day a meal allowance of \$8.00 for each of the aforementioned periods that the employee is required to work.

12 - ANNUAL HOLIDAYS

(1) Every employee (other than a casual employer or a reliever) covered by this Award shall at the end of each year of their employment be entitled to an annual holiday on full pay of four weeks.

Such annual holiday shall be exclusive of any statutory holiday which may occur during the period of that annual holiday and (subject to subclause (2) hereof) shall be paid for by the Employer in advance:

In the case of any and every employee in receipt immediately prior to that holiday of ordinary pay at a rate in excess of the ordinary rate payable under this award, at that excess rate; and

In every other case, at the ordinary rate payable to the employee concerned immediately prior to that holiday under this award.

If the employment of any employee is terminated at the expiration of a full year of employment, the employer shall be deemed to have given the holiday to the employee from the date of the termination of the employment and shall forthwith pay to the employee in addition to all other amounts due to them, their pay, calculated in accordance with subclause (2) hereof, for four weeks and also their ordinary pay for any statutory holiday occurring during such period of four weeks.

If the employment of any employee is terminated before the expiration of a full year of employment, such employee shall be paid, in addition to all other amounts due to their, an amount equal to one-twelfth of his/her pay for the period of his/her employment, calculated in accordance with subclause (2) hereof.

If the employee and the employer so agree, annual holidays may be taken wholly or partly in advance before the employee has become entitled to such annual holidays. Where annual holidays, or any part thereof, has been taken before the right to annual holidays has accrued, the right to further annual holidays shall not commence to accrue until after the expiration of the year of employment in respect of which such annual holidays or part has been so taken.

Reasonable notice of the commencement of annual holidays shall be given to the employee.

If such annual holidays shall not have been taken as it falls due from time to time, such holidays shall be cumulative from year to year for a period not exceeding two years.

Except as hereinbefore provided, it shall not be lawful for the employer to give or for any employee to receive payment in lieu of annual holidays.

Calculation of annual holiday pay

(2) In respect to annual holiday entitlements to which this clause applies, annual holiday pay (including any proportionate payments) shall be calculated as follows:

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- (A) Shift workers - Subject to paragraph (C) hereof the rate of wage to be paid to a shift worker shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday or holiday shifts.
- (B) Deleted.
- (C) All employees - Subject to the provisions of paragraph (D) hereof, in no case shall the payment by an employer to an employee be less than the sum of the following amounts:
- (i) The employee's ordinary wage rate as prescribed by the award for the period of the annual holiday (excluding shift premiums and week-end penalty rates);
 - (ii) Deleted.
 - (iii) A further amount calculated at the rate of seventeen and one half per centum of the amounts referred to in provisions (i) and (ii) of this paragraph.
- (D) The provision of paragraph (C) hereof shall not apply to the following:
- (a) Any period or periods of annual holidays exceeding:
 - (i) Five weeks in the case of employees employed in a calling where three shifts per day are worked over a period of seven days per week; or
 - (ii) Four weeks in any other case.
 - (b) Employers (and their employees) who are already paying (or receiving) an annual holiday bonus, loading or other annual holiday payment which is not less favourable to employees.

13 - SICK LEAVE

(1) Every employee (other than a casual employee) shall become entitled to not less than eight days' sick leave for each completed year of their employment with the employer. Moreover, as respects any completed period of employment of less than one year with the employer, an employee shall become entitled to one day's sick leave for each six weeks of such period.

(2) Every employee absent from work through illness on the production of a certificate from a duly qualified medical practitioner specifying the nature of the illness of the employee and the period or approximate period during which the employee will be unable to work, or of other evidence of illness to the satisfaction of the employer, and subject to their

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having promptly notified the employer of their illness and of the approximate period aforesaid shall, subject as herein provided, be entitled to payment in full for all time the employee is so absent from work:

Provided that it shall not be necessary for an employee to produce such a certificate if their absence from work on account of illness does not exceed two days.

(3) Sick leave shall be cumulative, but unless the employer and employee otherwise agree, no employee shall be entitled to receive, and the employer shall not be bound to make payment for more than thirteen weeks' absence from work through illness in any one year.

(4) (a) The continuity of employment of an employee with the employer for sick leave accumulation purposes shall be deemed to be not broken by any of the following:

(i) Absence from work on leave granted by the employer;

(ii) The employee having been dismissed by the employer or the employee having terminated their employment with the employer, for any period not exceeding three months: Provided that the employee shall have been re-employed by the employer.

(b) The period during which the employment of the employee with the employer shall have been interrupted or determined in any of the circumstances mentioned in paragraph (a) hereof shall not be taken into account in calculating the period of employment of the employee with the employer.

14 - PARENTAL LEAVE

The provisions of the Parental Leave Award - State, issued on 25 October 1991 and published in 139 QGIG 179-184, apply to and are deemed to form part of this award. It is to be noted that:

(1) Part-time work can be performed by agreement in the circumstances specified in the Parental Leave Award - State;

(2) A copy of the Parental Leave Award - State is required to be displayed in accordance with the Industrial Relations Act 1990.

15 - LONG SERVICE LEAVE

All employees covered by this award shall be entitled to long service leave on full pay under, subject to, and in accordance with, the provisions of the the Industrial Relations Act 1990.

16 - BEREAVEMENT LEAVE

An employee shall on the death within Australia of a wife, husband, father, mother, brother, sister, child or step-child, be entitled on notice to leave up to and including the day of the funeral of such relation, and such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in two ordinary days of work. Proof of such death shall be furnished by the employee to the satisfaction of their employer.

For the purposes of this clause, the word "wife" and "husband" shall include a person who lives with the employee as a de facto wife or husband or partner.

17 - PROPORTION OF UNREGISTERED ASSISTANTS

The number of unregistered assistants who may be employed in any retail pharmacy shall not exceed the proportion of two to one registered pharmacist:

Provided that an employer who actually works in a retail establishment and is a duly registered pharmacist shall be deemed to be a registered pharmacist for the purposes this clause.

18 - DWELLING ACCOMMODATION

Employees required to reside on the premises for the purpose of attending to calls after the premises have been closed shall receive \$5.00 per night, together with suitable accommodation, in addition to the rate of wages to which an employee of the same class is entitled for work performed under this award during ordinary working hours: but time occupied in such work or spent on the premises shall not be regarded as overtime, whether on Saturdays, Sundays, or holidays, or on ordinary week nights after the premises have been closed to ordinary business:

Provided that relief for meals of not less than one hour shall be provided.

19 - GENERAL

(1) Wages and overtime shall be paid either weekly or fortnightly. Such payment shall be made on the same day in each pay cycle. The employer may hold no more than two days pay in hand. Payment may be made by electronic funds transfer into an account nominated by the employee, in which case no more than three days pay may be held by the employer.

Availability of award

(2) The employer shall ensure that a copy of this award, together with notices of the commencing and ceasing times of the employees, is readily available for perusal by such employees.

(3) A written reference or discharge note shall be given to each employee on termination of services with any employer.

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(4) Nothing herein contained shall be deemed or construed to withdraw any benefits, concessions, or privileges at present being received by employees from their employers by reason of a mutual agreement between them, or to reduce an employee in pay or position.

(5) Where employees are required by the employer to wear uniforms or white coats, they shall be paid an allowance at the rate of \$2.00 per week and the employees shall thereupon provide themselves with uniforms or white coats and shall launder them.

(6) Where an employee is required to use their own motor vehicle in the conduct of the employer's business, they shall be paid according to the following scale of allowances in respect of the actual mileage so travelled by the vehicle:

Vehicles up to 14 h.p. - 16.11 cents per mile or 10.06 cents per kilometre;

Vehicles over 14 h.p. and up to 20 h.p. - 17.13 cents per mile or 10.7 per kilometre;

Vehicles over 20 h.p. - 19.17 cents per mile or 11.98 cents per kilometre.

19A - AWARD MODERNISATION

The parties are committed to thoroughly examining the award to ensure it reflects the needs of retail pharmacy and to eliminating or amending provisions which restrict the ability of retail pharmacies to adapt quickly and efficiently to changes affecting their business and the provision of service to the consumer.

In conjunction with testing a proposed new award structure, the Union is prepared to discuss with the employers all matters raised by the Union and the employers for increased flexibility. As such any discussion with the Union must be premised on the understanding that:

- (i) Changes will not be of a negative cost-cutting nature.
- (ii) The negotiations will include the Union and employer associations.
- (iii) The Union will not unreasonably oppose agreement.
- (iv) If agreement cannot be reached in the implementation process on a particular issue it shall be referred to the Industrial Commission for resolution.

Should an agreement be reached pursuant to this clause in a particular section of the industry and that agreement requires award variation the parties will not oppose that award variation for that particular provision for that particular section of the industry.

The parties agree that under this heading any award matter can be raised for discussion.

Where any agreement is reached pursuant to this clause earlier than six months from the date of introduction of this clause the Union will not oppose implementation of the agreement in the award prior to the expiry of the six months.

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19B - INCIDENTAL AND PERIPHERAL TASKS

(1) An employer may direct an employee to carry out such duties as are reasonably within the limits of the employee's skill, competence and training.

(2) An employer may direct an employee to carry out such duties and use such tools and equipment as may be required provided that the employee has been properly trained in the use of such tools and equipment (where relevant).

(3) Any direction issued by an employer pursuant to subclauses (1) and (2) shall be consistent with the employer's responsibilities to provide a safe and healthy working environment.

19C - COMMITMENT TO TRAINING AND CAREERS

The parties acknowledge that varying degrees of training are provided to employees in retail pharmacy, both via internal, on-the-job and through external training providers.

The parties commit themselves to continuing such training as is regarded by them as appropriate and improving training in cases where this is required.

It is agreed that the parties will co-operate in ensuring that appropriate training is available for all employees in retail pharmacy and the parties agree to co-operate in encouraging both employers and employees to avail themselves of the benefits to both from such training.

The parties agree to continue discussions on issues raised by the Union relating to training.

19D - ENTERPRISE AGREEMENTS

(1) As part of the Structural Efficiency exercise and as an ongoing process, improvements in productivity and efficiency, discussion should take place at an enterprise to provide more flexible working arrangements, improvement in the quality of working life, enhancement of skills, training and job satisfaction, and positive assistance in the restructuring process and to encourage consultative mechanisms across the workplace to all employees in an enterprise and consideration of a single bargaining unit in all multi-union or multi-award workplaces.

(2) The consultative process established in an enterprise in terms of this award may provide an appropriate mechanism for consideration of matters relevant to this clause. Union delegates at the place of work may be involved in such discussions.

(3) Any proposed genuine agreement reached between an employer and employee(s) in any enterprise is contingent upon:

- (a) A majority of employees affected genuinely agreeing to the changes;

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- (b) The agreement being consistent with the current State Wage Case principles;
 - (c) The relevant union or unions (of employees or employers) being invited to participate in any discussions which involve alterations to award conditions, (and may be a party to any resultant agreement);
 - (d) Changes sought in such agreements not affecting award provisions reflecting currently established standards of the Commission;
 - (e) Parties to such agreements acknowledging that the Commission does not intend that any employee should lose any existing entitlement to earnings, award or overaward, for working ordinary hours of work as a result of any award changes made as part of the implementation of the Structural Efficiency Principle.
- (4) The relevant industrial organisation (of employees or employers) shall not unreasonably withhold consent to an agreement reached between the parties.
- (5) As the enterprise agreement purports to alter award conditions:
- (a) It is to be the subject of an application to the Commission for approval and is to have no force or effect until approval is given;
 - (b) The relevant industrial organisations of employees (and where appropriate, of employers) are to be advised of such an application, its contents and the date of hearing.
- (6) (a) Upon approval being given by the Commission the agreement shall be inserted as an award provision (as a schedule or otherwise) and take precedence over any provision of the relevant and named award to the extent of any inconsistency therewith.
- (b) Thereafter the agreement will have the effect of an award and is to be posted and displayed as required.
- (c) If the agreement is not approved it shall have no force or effect but may be remitted to the parties for further consideration.
- (7) Upon exhaustion of grievance procedure processes any disputed areas are subject to conciliation, mediation or arbitration.

19E - CONSULTATION

- (1) The parties to this award are committed to co-operating positively to increase the efficiency, productivity and competitiveness of the industries covered by this award and to enhance the career opportunities and job security of employees in such industries.

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(2) At each plant or enterprise, an employer, the employees and their relevant union or unions commit themselves to establishing a consultative mechanism and procedures appropriate to the size, structure and needs of that plant or enterprise. Measures raised by the employer, employees or union or unions for consideration consistent with the objectives of subclause (1) herein shall be processed through that consultative mechanism and procedures.

19F - NO EXTRA CLAIMS

It is a term of this award arising from the Decision in the State Wage Case of July 1991, that the Industrial Organisation undertakes, for the duration of the principles determined by that decision, not to pursue any extra claims, award or overaward, except when consistent with those principles.

20 - TIME AND WAGES RECORDS

The employer shall keep and have available for inspection during business operations or working hours by an Industrial Inspector, or by an Officer of the Union holding an authority under *The Industrial Relations Act 1990*, a time and wages book or other similar record of all employees who are for the time being or who were at any time during the period of twelve months immediately preceding the date of any inspection, in their employment showing particulars of their designation, rate of wages and times of starting and ceasing work.

Furthermore, on the payment, by the employer, of any wages to an employee, the employer shall indicate either by noting on the pay envelope of the employee or by way of a statement in writing handed to the employee, at the time of paying such employee's wages, how the payment is calculated by including in such noting or statement such particulars as regards the date of payment, the period covered thereby, the rate of wages, the number of hours worked, any overtime payments applicable and details of any deductions made therefrom.

21 - TERMINATION OF EMPLOYMENT IN ALL CASES

- (1) (a) Except where a distinction, exclusion of preference is based on the inherent requirements of a particular position, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction and social origin, termination of employment based on any of those factors may form the basis for a finding by the Commission that the dismissal was harsh, unjust or unreasonable.

Statement of employment

- (b) The employer shall, in the event of termination of employment, provide upon request to the employee who has been terminated a written statement specifying the period of his/her employment and the classification or type of work performed by the employee.

Termination by employer

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- (c) (i) In order to terminate the employment of a weekly or part-time employee the employer shall give the following notice in writing:

<u>Period of continuous service</u>	<u>Period of notice</u>
1 week or less	1 day
1 year or less	1 week
1 year and up to the completion of 3 years	2 weeks
3 years and up to the completion of 5 years	3 weeks
<u>5 years and over</u>	<u>4 weeks</u>

- (ii) In addition to the notice contained in provision (a) above, weekly or part-time employees over 45 years of age at the time of giving of notice and with not less than two years continuous service, shall be entitled to an additional weeks notice.
- (iii) Payment in lieu of notice shall be made if the appropriate notice is not given:
- Provided that employment may be terminated by part of the period of notice specified and part payment in lieu thereof.
- (iv) In calculating any payment in lieu of notice the ordinary time rate of pay for the employee concerned shall be used.
- (v) The period of notice in this subclause shall not apply in the case of dismissal for misconduct or other grounds that justified instant dismissal, or in the case of casual or seasonal employees or to employees on daily or hourly hire, or employees engaged for a specific period of time or for a specific task or tasks.

Notice of termination by employee

- (d) The notice of termination required to be given by an employee shall be in writing and also shall be the same as that required of an employer, save and except that there shall be no additional notice based on the age of the employee concerned.

If an employee fails to give notice the employer shall have the right to withhold monies due to the employee with a maximum amount equal to the ordinary time rate for the period of notice.

Disputes and claims settlement procedure

- (e) Any dispute or claim arising under this clause should be dealt with in the following manner:

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- (i) As soon as is practicable after the dispute or claim has arisen, the employee concerned will take the matter up with his/her immediate supervisor, affording him/her the opportunity to remedy the cause of the dispute or claim.
- (ii) Where any such attempt at settlement has failed or where the dispute or claim is of such a nature that a direct discussion between the employee and the immediate supervisor would be inappropriate, the employee shall notify a duly authorised representative of his/her industrial organisation who, if he/she considers that there is some substance in the dispute or claim shall forthwith take the matter up with the employer or his/her representative.
- (iii) If the matter is not settled it shall be submitted to the Queensland Industrial Relations Commission which will conciliate with the parties to resolve the issue, or failing settlement by conciliation, shall arbitrate to resolve the issue.

Time off during notice period

- (f) During the period of notice of termination given by the employer to a weekly or part-time employee, such employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment.

The time off shall be taken at times that are convenient to the employee after consultation with the employer.

- (g) Notwithstanding the above subclauses, the period of notice of termination may be changed by mutual consent in writing between an employer and an individual weekly or part-time employee, so that a minimum period of one week's notice is recognised.

Introduction of changes and redundancy

(2) Employers and employees to whom this award applies shall observe the terms and conditions of the Statement of Policy of Termination of Employment, Introduction of Changes, Redundancy contained in the decision of the Full Bench of the Commission dated 16 June 1987, and published in the Queensland Government Industrial Gazette Vol. 125, folios 1119-1121, as amended by 125 QGIG 1377 and 126 QGIG 188 with regard to Clause B (Introduction of Changes) and Clause C (Redundancy).

Each employer shall display a copy of the aforementioned decision of the Full Bench of the Commission in such a position as to be easily read by the employees.

21A -GRIEVANCE AND DISPUTE SETTLING PROCEDURE

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In the event of any dispute of claim arising between an employer and his/her employees relative to the construction or meaning of this award or anything arising out of its operation or interpretation, the work shall nevertheless be continued, except where the continuation of such work could be detrimental to the safety of an employee, and the dispute or claim shall be dealt with in the following manner:

- In the first instance the matter will be raised by the employee with the immediately supervisor and shall be dealt with within a period of 48 hours of it being raised.
- Should the employee wish to take the matter further it shall be dealt with by the duly accredited industrial organisation representative, and the appropriate officer of the employer concerned within a further period of 48 hours of it being raised.
- Failing a settlement of the dispute by that means, it shall be dealt with at a conference within a further 48 hours between the representatives of the employer and of the industrial organisations concerned, such conference to be arranged as early as possible after the dispute occurs.
- If the matter cannot be settled by the procedure hereinbefore prescribed it shall be referred to the Queensland Industrial Relations Commission for resolution in pursuance to the Industrial Relation Act 1990.

The status quo existing before the emergence of the grievance or dispute is to continue whilst the above procedure is being followed.

All parties shall give due consideration to matters raised or any suggestion or recommendation made by an Industrial Commissioner or Industrial Magistrate with a view to the prompt settlement of the grievance or dispute.

Discussions at any state of the procedure shall not be unreasonably delayed by any party, subject to acceptance that some matters may be of such complexity or importance that it may take a reasonable period of time for the appropriate response to be made. If genuine discussions are unreasonably delayed or hindered, it shall be open to any party to give notification of the grievance or dispute pursuant to the *Industrial Relations Act 1990*.

APPENDIX D - SOUTH AUSTRALIA

2 - ARRANGEMENT

<u>Clause no.</u>	<u>Subject Matter</u>
18	Annual leave
37	Anti-discrimination
2	Arrangement
21	Bereavement leave
28	Blood donors leave
15A	Calculation of divisor
24	Call back
9	Casual workers
41	Consultative mechanism
19	Contract of hiring
7	Definitions
29	Deleted
42	Enterprise flexibility provision
25	Family leave
39	Flexibility of work
35	General provisions (termination, change and redundancy)
12	Hours and rostered time off
32	Introduction of change
26	Language allowance
27	Locomotion allowance
6	Matters reserved
16	Meal interval
12A	Operation of the 38 hour week
13	Overtime
10	Part-time workers
40	Payment of wages
22	Posting of award
17	Proportion of improvers and juvenile workers
33	Redundancy
23	Right of entry
20	Sick leave
14	Special time rates
15	Sundays and public holidays
38	Superannuation
31	Termination of employment
30	Trade union training leave
34	Transmission
11	Travelling time and expenses
36	Uniforms
8	Wages

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<u>Clause no.</u>	<u>Subject matter</u>
Schedule 1	Wages
Appendix A	Classifications and definitions
Appendix C	Supported wage provisions

6 - MATTERS RESERVED

- (a) Preference to unionists.
- (b) Time off/tea breaks.
- (c) Wages for Registered Pharmacists and Pharmacy Managers.
- (d) Notice boards.
- (e) Weekly pay day.
- (f) Trade union study leave.
- (g) Definitions - Pharmacy Manager
- Registered Pharmacist

7 - DEFINITIONS

In this award:

“Pharmacist Manager” means a person registered as a pharmaceutical chemist under the Pharmacy Act, 1935-1972 and holds a current certificate granted under section 24 of that Act, and also has been appointed by the proprietor of a shop or dispensary as a manager thereof and who is also registered with the Pharmacy Board of South Australia as a manager and shall include a relieving manager registered as such with the Pharmacy Board of South Australia:

“Casual worker” means a person engaged on a contract of hiring for less than a week (provided that the maximum engagement for a casual pharmacist shall be eight consecutive weeks in any one period. If required for more than that period that employee must be engaged on a permanent basis.)

“Part-time worker” means an employee on a weekly contract of hiring who is not ready, willing and available to work 38 hours per week in ordinary time with the same employer, but who works a specified lesser number of hours, not being less than 18 hours per week pursuant to his/her contract of hire.

“Locum Pharmacist” means a person registered as Pharmaceutical Chemist under the Pharmacy Act, 1935-1973 and who holds a current certificate granted under section 24 of that Act who is engaged in a relieving capacity for a period of less than eight weeks in each engagement.

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“Registered pharmacist” means any person (not being a pharmacist in charge of dispensary) who is registered as a pharmaceutical chemist under the Pharmacy Act, 1935-1972, and who holds a current certificate granted under section 24 of that Act:

“Dispensary assistant” means any person of or over the age of 21 years who:

- (a) Is not registered as a pharmaceutical chemist under the Pharmacy Act, 1935-1972; and
- (b) In the course of his duties prepares, compounds, or dispenses any drug or medicine, under the supervision of a person registered as pharmaceutical chemist under the Pharmacy Act, 1935-1972.
- (c) Four years experience shall mean four years of service within a period of six years immediately prior to engagement.
- (d) Or a person who is a student enrolled in the Pharmacy Course at the South Australian Institute of Technology and working during the vacation period.

“Salaried Pharmacist” means a pharmacist, pharmacist in charge or pharmacy manager who is employed on a salaried basis. The rate of salary for a salaried pharmacist is a composite rate of salary which includes overtime, penalty payments, recall allowances and lunch time supervision and other allowances normally paid. The salary of such an employee must not be less than the wages that the employee would have earned by way of overtime, penalties and allowances otherwise payable. Further, and provided that the salary is not less than the wages otherwise payable, a salaried employee will not be entitled to additional payment for overtime, penalties and allowances otherwise payable.

8 - WAGES

See attached Schedule 1.

CLAUSE 9 - CASUAL WORKERS

A. An employee, other than a locum pharmacist (as defined) whose contract of hiring is for a period of less than one week shall be paid per hour at a rate of wage twenty per centum higher than the wages elsewhere prescribed by this award.

B. Casual employees shall be paid on the following basis:

- (i) Until 4 October, 1987 casual employees shall be paid a minimum rate higher by twenty per centum (20%) than the ordinary hourly rate to be determined by calculating 1/40th of the appropriate weekly rate prescribed by clause 8.
- (ii) On and from 5 October, 1987 casual employees shall be paid a minimum rate higher by twenty per centum (20%) than the ordinary hourly rate to be determined by calculating 1/39th of the appropriate weekly rate prescribed by clause 8. The above prescription shall remain in force up to and including 3 April 1988.

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- (iii) On and from 4 April, 1988 casual employees shall be paid a minimum rate higher by twenty per centum (20%) than the ordinary hourly rate to be determined by calculating 1/38th of the appropriate weekly rate prescribed by clause 8.

C. Provided that under this clause the payment shall be made for a minimum of three hours except in the case of pharmacist manager and registered pharmacist when it shall be two hours.

D. With the exception of clause 31(4) the provisions of clause 31 and 33 shall not apply to employees paid in accordance with subclause (b) hereof.

CLAUSE 10 - PART-TIME WORKERS

(a) Employees specifically engaged by the week for a specified lesser number of hours than 38 (which shall be at least twelve hours per week to be worked by not less than three hours per shift with a maximum of 5 starts per week) shall be deemed to be part-time employees; provided that

- (i) Any employee specifically engaged by the week prior to 14th October 1988 for a specified lesser number of hours than 38 (which shall be at least eighteen hours per week) shall be deemed to be part-time employees; and
- (ii) Such part-time employees shall on and after 14th October, 1993 be deemed to be engaged for a specified lesser number of hours than 38 (namely, at least twelve hours per week).

(b) Part-time employees shall be paid on the following basis:

Part-time employees shall be paid a proportion of the appropriate classification weekly rate prescribed by clause 8 of this Part on the basis of 38 hours according to the number of hours actually worked (i.e. an hourly rate of 1/38th of the appropriate classification).

(c) Part-time employees shall be entitled to the penalties elsewhere prescribed in this award for work performed on Saturdays, Sundays and public holidays.

(d) Part-time employees shall be entitled to pro rata annual leave and pro rata sick leave in accordance with the provisions of clauses 18 and 20 of this award.

(e) Where part-time employees usually work on a day of the week on which a public holiday occurs and they are not required to work on that day they shall be paid for the hours they would have worked on that day.

(f) An employer shall provide a part-time employee with at least seven days' notice of any change to the arrangements of hours worked provided that by mutual agreement between the employer and the employee such period of notice may be less than seven days.

CLAUSE 11 - TRAVELLING TIME AND EXPENSES

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(a) An employee who on any day or from day to day is required to work at a job away from his or her accustomed pharmacy other than at his or her own request shall:

- (i) At the direction of the employer present himself or herself for work at such job at the usual starting time at that establishment;
- (ii) Receive payment at ordinary rates for all time reasonably spent in reaching and returning from such job (in excess of the time normally spent in travelling from his/her home to the accustomed pharmacy and returning);
- (iii) Receive reimbursement for any fares reasonably incurred in excess of those normally incurred when travelling between his/her home and the accustomed pharmacy.

(b) An employee sent in a relieving capacity with the approval of the employer and who uses his/her own means of transport for travelling to or from jobs away from his/her accustomed pharmacy shall be paid the amount of excess fares which the employee would have incurred in using public transport unless the employee has an arrangement with the employer for a regular allowance.

(c) An employee engaged in one locality to work in another or sent other than at the employee's own request from the usual locality to another for employment which can reasonably be regarded as permanent involving a change of residence shall be paid travelling time whilst necessarily travelling between such localities, and expenses for a period not exceeding three months; provided that such expenses shall cease after the employee has taken up permanent residence or abode at the new location.

(d) An employee sent from his usual locality to another (in circumstances other than those prescribed in subclause (c) hereof) and required to remain away from his/her usual place of abode, shall be paid travelling time whilst necessarily travelling between such localities and expenses whilst so absent from his/her usual locality.

(e) The maximum travelling time to be paid for shall be eight hours out of every 24.

(f) "Expenses" for the purpose of this clause shall mean:

- (i) All fares reasonably incurred, the form of transport to be mutually agreed upon between the employer and the employee;
- (ii) The actual cost of board and lodging incurred, the type of accommodation to be mutually agreed upon between the employer and the employee.

(g) The provisions contained in this clause shall not apply where the employee is relocated for the purposes of attending a training course where the said employee is given at least two weeks' notice of such relocation.

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CLAUSE 12 - HOURS AND ROSTERED TIME OFF

From the 6th July, 1987 and subject to the exceptions hereinafter provided, the ordinary hours shall be thirty eight per week to be worked as follows:

Spread of ordinary hours and penalty rates for certain ordinary hours

- (a) (i) Monday to Sunday inclusive 8.00am to 9.00pm.
- (ii) Subject to Clause 14 Special Time Rates, ordinary time worked as follows shall be paid at the rates indicated:
- Monday to Friday inclusive between the hours of 6.30pm and 9.00pm at the rate of time and one half (50% penalty).
 - Saturdays between the hours of 8.00am and 12.30pm at the rate of time and one quarter (25% penalty).
 - Saturdays between the hours of 12.30pm and 5.00pm at the rate of time and one half (50% penalty).
 - Saturdays after 5.00pm at the rate of double time (100% penalty).
 - Sundays all day at the rate of double time (100% penalty).
 - Public Holidays as defined by Clause 15 all day at the rate of double time (100% penalty).
 - Casual employees shall be paid at the appropriate ordinary casual rate for the classification plus the penalties prescribed by this subclause.
 - The penalty rates prescribed by this subclause shall not be cumulative on overtime rates.

Limit of ordinary hours

- (b) Ordinary hours shall not exceed:
- 8 1/2 in any one day (subject to Clause 12.A(a)(i))
44 in any one week
76 in any two week period
152 in any four week period

Rostered time off

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(c) Employees, who normally work on Saturday mornings in ordinary time shall be entitled to one Saturday morning off duty in each two week period provided however that where twenty employees bound by this award or less are employed in any shop the employer may, in respect of each shop, grant one full day off in each four weekly period which day shall be a Monday in lieu of the aforesaid provision.

Provided that by mutual agreement between the employer and the employee such day off may be rostered on any week day other than a Monday.

In the case of registered pharmacists and pharmacy managers, the previous paragraphs shall apply except when the owner of the business finds that he cannot make suitable arrangements for their relief. In such cases, it will be permissible for the following arrangements to be made:-

- (i) The employee who works on the Saturday morning who should have been rostered off duty shall be paid for that time worked at overtime rates of pay as prescribed by clause 13 hereof.
- (ii) The employee who is rostered one day off in four weeks, other than a Saturday, shall be granted a day off to be determined to meet the convenience of the employer and himself/herself to be taken within one week of the normal rostered day falling due.
- (iii) Work rosters shall be determined by the employer in consultation with the individual employee. Cognisance shall be had of the employee's personal circumstances, including but not limited to the employee's family responsibilities and previous rostering arrangements. Where a dispute arises in relation to rostering, the industrial parties shall be consulted and if the dispute can not be resolved between the parties, then the matter shall be referred to the Industrial Relations Commission of South Australia for determination.

Average of weekly hours and pay

(d) Where one Saturday off in two is given weekly hours and pay may be averaged over two-weekly periods and where one Monday off in four is provided, weekly hours and pay may be averaged over four-weekly periods. Provided that the average of hours must not exceed, in respect of ordinary time, the limits prescribed by subclause (b) hereto.

Public holidays falling on rostered days off

(e) When a public holiday falls on an employee's rostered day off (Monday to Sunday), the employee shall by mutual agreement with the employer be paid in accordance with one of the following methods:

- (i) Payment of an additional days wages (as defined);
- (ii) An additional day (as defined) to be added to the employees annual leave; or

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- (iii) An additional day (as defined) to be allowed off with pay to the employee within fourteen days of the holiday falling.

In the absence of mutual agreement between the employee and the employer, the provision contained in placitum (i) herein shall apply.

For the purpose of this clause “additional day” shall mean an additional days pay or time off (as the case may be) equivalent to the ordinary hours worked on the same day of the previous week or where the same day was not worked in the previous week, equivalent to 7.6 ordinary hours.

No additional payment shall be made to an employee if the employee is sick on a rostered day off.

CLAUSE 12A - OPERATION OF THE 38 HOUR WEEK

(a) In an establishment bound by this award the following options shall be available to determine the manner in which full-time employees are to work their ordinary hours:

- (i) A fixed or rotating day off in each four week period; or by the working of a nine and a half hour day for each of four days as directed by the employer in any week; provided that by agreement in writing between employee and employer such days may be banked and added to annual leave; or
- (ii) A shorter working day of not more than four hours work in ordinary time on one day in each two week period;
- (iii) A shorter working day of not more than six hours in ordinary time on one day in each week; or
- (iv) A shorter working day of not more than 7.6 hours work in ordinary time on any day.
- (v) Any other roster agreed between the employer and employee which may include a maximum of twelve hours in ordinary time per day, provided that the employee commences work on no more than four occasions in any seven day period.

(b) An employer may with the agreement of the majority of employees in an establishment or with the individual employee concerned substitute the day or part of the day that the employees are or the individual employee is to take off. Such substituted day or part day is to be arranged and taken as soon as practicable and in any event prior to the next rostered day or part day off.

(c) An employee may with the agreement of the employer substitute the day or part day that the employee is to take off. Such substituted day or part day is to be taken as soon as practicable and in any event prior to the next rostered day or part day off.

13 - OVERTIME

Subject to clause 14 hereof:

(a) Where an employee works on any one day in excess of the maximum number of ordinary hours set out in clause 12 of this award, that employee must be paid overtime rates for the hours in excess of the maximum permitted for that day.

(b) Where an employee works outside the spread of ordinary hours as set out in clause 12 of this award, that employee must be paid overtime for the hours so worked.

(c) If the employer utilises a seven day cycle to implement the 38 hour week, overtime must be paid to any employee who works in excess of 38 hours over the relevant seven day cycle period.

(d) If the employer utilises a fourteen day cycle to implement the 38 hour week, overtime must be paid to any employee who works in excess of 76 hours over the relevant fourteen day cycle period.

(e) If the employer utilises a 21 day cycle to implement the 38 hour week, overtime must be paid to any employee who works in excess of 114 hours over the relevant 21 day cycle period.

(f) If the employer utilises a 28 day cycle to implement the 38 hour week, overtime must be paid to any employee who works in excess of 152 hours over the relevant 28 day cycle period.

(g) Overtime is payable at the rate of time and one half for the first three hours worked on any one day, and at double time for any hours in excess of three hours overtime worked on any one day.

(h) Any overtime payable under this award must be paid in addition to payment for ordinary hours to which an employee is entitled pursuant to this award.

(i) The basis for calculating overtime rates to be paid under this award for full-time and part-time employees shall be the appropriate weekly rate prescribed by Schedule 1 of this award, divided by 38 and rounded off to the nearest cent.

The basis for calculating overtime rates to be paid under this award for casual employees shall be the appropriate weekly rate prescribed by Schedule 1 of this award as increased by twenty percent and divided by 38. The result shall then be rounded off to the nearest cent.

(j) Where an employer and an employee mutually agree in writing, the employee may be allowed time off in lieu of payment for overtime. Such time off in lieu of payment for overtime may be accumulated and taken off work at a mutually agreed time. Time off work in lieu of payment for overtime must be in substitution for ordinary hours that the employee would otherwise be obliged to work. An employee taking time off work in lieu of payment for overtime must be permitted to take time off work without loss of pay for the ordinary hours

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that the employee would otherwise be obliged to work but for the operation of this provision. In taking time off in lieu of payment for overtime, the employee must be permitted to be absent from work for the number of hours for which the employee would otherwise have been entitled to be paid for the overtime worked.

Meal money

(k) Any employee who is required to remain at work or return to work after the usual finishing time for that day and who works for one hour or more after such finishing time shall when that additional work necessitates taking a meal away from the employees place of residence, be allowed a meal allowance of \$6.60 which shall be paid to him/her during that or the next day.

Provided that where an employee is given not less than 24 hours' notice by the employer that the employee will be required to work pursuant to this subclause the meal allowance hereunder shall not be payable to the employee.

14 - SPECIAL TIME RATES

(a) Mondays to Fridays -

(ii) Casual employees - Employees required to work between 5.30 p.m. and midnight on any day shall be paid at the appropriate ordinary casual rate for the classification plus ten per centum for all work performed during those hours, provided that if on that day employees work more than eight hours, all hours in excess of eight shall be paid for at the ordinary casual rate of time and a half for the first three hours and double time thereafter.

(b) Saturdays -

(i) All employees who work on Saturday morning in ordinary hours within the meaning of clause 12 shall be paid at the appropriate rate of time and a quarter, except as provided in subclause (c) of clause 12 of this award.

(ii) Casual employees required to work between the hours of midday and midnight on Saturdays shall be paid at the appropriate casual rate for the classification plus 50 per centum.

(c) Sundays - Casual employees required to work on Sundays shall be paid the appropriate casual rate for the classification plus 100 per centum.

(d) Public holidays - casual employees required to work at any time on public holidays shall be paid the appropriate casual rate for the classification plus 100 per centum.

(e) The additional special time rates referred to in subclauses (a), (b), (c) and (d) for employees who are casually employed shall be calculated on the appropriate rate for the classification plus twenty per centum as prescribed in clause 9 provided that the percentage increase for casual employees as determined in clause 9 when combined with other penalty loadings shall not exceed a cumulative total of 100 per centum on the casual rate.

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15 - SUNDAYS

(a) Subject to clause 14, all work performed by employees on a Sunday shall be paid at the rate of double time.

15A - CALCULATION OF DIVISOR

On and from 4th April, 1988 the divisor to be applied to calculate the ordinary hourly rate shall be (i.e. 1/38th).

16 - MEAL INTERVAL

(a) All employees who work five hours or more in any one day shall be entitled to an unpaid break or meal interval. Such period shall be of a duration of not less than 30 minutes or more than 60 minutes and during such period the employee shall be off duty and not on-call.

(b) Where a Pharmacy Manager, Locum Pharmacist or Registered Pharmacist is required to work through a break or meal interval required by this clause for the purpose of being available to dispense or supervise the dispensing of poisons, drugs, prescriptions and/or generally comply with provisions of the Pharmacy Act such time so worked shall not be counted as time worked for the purpose of clause 12 and clause 13. For the time not worked as described above each employee shall be paid an amount calculated at time and one half of their appropriate weekly rate for the period of break or meal interval taken.

(c) All full-time employees shall receive a paid morning or afternoon break the duration of which shall not exceed ten minutes, but employees commencing their lunch break before 11.30 a.m. shall be allowed a twenty minute paid afternoon tea break and employees commencing their lunch break at 2.00pm or later shall be allowed a twenty minutes paid morning tea break.

Part-time and casual employees who work in excess of five hours in any one day shall be entitled to the same paid break as is provided to full-time employees.

17 - PROPORTION OF IMPROVERS AND JUVENILE WORKERS

The number of junior assistants (whether dispensary assistants or counter assistants) who may be employed by an employer shall be two assistants where either, the employer is registered as a pharmaceutical chemist under the Pharmacy Act, 1935-1972, and holds a current certificate under section 24 of that Act, and is actively engaged full-time as a pharmaceutical chemist at one place of business only, or where a Pharmaceutical Manager is employed.

In addition, two extra junior assistants may be employed for each additional full-time registered pharmacist who is registered as a pharmaceutical chemist under the Pharmacy Act, 1935 - 1972 and holds a current practicing certificate under the Section 24 of that Act, and who is actually engaged full-time as a pharmaceutical chemist at the employer's place of business.

18 - ANNUAL LEAVE

Period of leave

(a) Every employee other than a casual employee shall after twelve months' continuous service (less the period of annual leave) hereinafter referred to as "the qualifying period" be entitled to and allowed a period of 28 consecutive days' annual leave.

Annual leave exclusive of public holidays

(b) Subject to this subclause the annual leave prescribed by this clause shall be exclusive of any public holiday prescribed by this award and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day there shall be added to that period one day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails without reasonable cause, proof whereof shall be upon him/her, to attend for work at his/her ordinary starting time on the working day immediately following the last day of the period of his/her annual leave he/she shall not be entitled to be paid for any such holiday.

Where a part-time employee works in excess of the ordinary weekly hours in the contract of employment (other than overtime) such additional hours shall be duly recorded and specifically taken into account for the purposes of determining pay entitlements for annual leave or pro-rata leave on termination.

Calculation of continuous service

(c) For the purposes of this clause service shall be deemed to be continuous notwithstanding:

- (i) Any interruption or termination of the employment by the employer if such interruption or termination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;
- (ii) Any absence from work on account of personal sickness or accident or on account of leave granted, imposed or agreed to by the employer; or
- (iii) Any absence with reasonable cause proof whereof shall be upon the employee.

In the case of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this subclause shall notify the employer if practicable within 24 hours of the commencement of such absence of his/her inability to attend for duty.

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In calculating the period of twelve months' continuous service any such absence as aforesaid shall not, except to the extent of not more than fourteen days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months continuous service.

Any absence from work by reason of any cause not being a cause specified in this subclause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

Calculation of service

(d) Service before the date of this award shall be taken into consideration for the purpose of calculating annual leave but an employee shall not be entitled to leave or payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof for any period has been allowed.

Where the employer is a successor or assignee or transmittee of a business, if an employee was in the employment of the employer's predecessor immediately prior to the time when he/she became such successor, assignee or transmittee the employee in respect of the period during which he/she was in the service of the predecessor shall for the purposes of this clause be deemed to be in the service of the employer.

Leave to be taken

(e) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by subclause (j) hereof payment shall not be made or accepted in lieu of annual leave.

Time of taking leave

- (f) (i) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than four weeks' notice to the employee.
- (ii) An employee entitled to annual leave shall be granted such annual leave in one continuous period if such is practicable or the employer may, if it is not practicable to grant such leave in one continuous period, at his/her discretion allow annual leave in two periods of which no period shall be less than seven days. Where in the exercise of his/her discretion an employer decides to allow annual leave in two periods the employee concerned shall be notified of the fact within one month of becoming entitled to the leave.
- (iii) An employee who considers that the granting of his/her annual leave in two periods will cause him/her hardship or is unfair on any ground may submit his/her case to the Industrial Registrar who shall have power to determine the matter, by disallowing the employee's claim or by directing that leave be given or taken in one period. Notwithstanding the provisions of this clause

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the said annual leave, by agreement between the employer and the employee concerned, may be granted and taken in a manner different to that set out herein provided that in any event the whole of the leave shall be given within twelve months from the date it first became due and that no such leave shall exceed five single days.

- (iv) Notwithstanding the provisions of this clause, the said annual leave by agreement between the employer and employee concerned may be granted and taken in a manner differently from that set out herein provided that in any event the whole of the leave shall be given within twelve months from the date it first became due and that no part of such leave shall exceed five single days.

Leave allowed before due date

(g) An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such a case a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

Where leave has been granted to an employee pursuant to this subclause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may for each complete month of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment 1/12th of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause 15 of this award.

Payment for period of leave

- (h) (i) Each employee before going on leave shall be paid such wages as are payable in respect of the period of leave due to and being taken by the employee. For the purposes of this subclause and subclause (j) hereof wages shall be at the rate prescribed by clause 8 of this award for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his/her leave or the termination of his/her employment as the case may be.
- (ii) When, in respect of leave falling due on or after the 5th August, 1974, an employee is given and takes an annual holiday, such employee shall be paid in addition to the amount elsewhere prescribed in this subclause a further amount calculated at the rate per week of 17 1/2 per cent of the appropriate weekly wage prescribed by clause 8 of this award.
- (iii) Provided that such further amount shall not be payable in respect to days added to leave in lieu of a public holiday as provided in subclause (b) of this clause.

Proportionate leave on termination

- (i) (i) If, after one months continuous service in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer the employee shall be paid at the ordinary rate of wage for one third of a week's wage in respect of each completed month of continuous service in such qualifying period being service in respect of which leave had not been granted hereunder.
- (iii) All payments made under the provisions of this subclause shall be increased by an amount equal to 17 1/2 per centum of the employee's ordinary rate of wage.

Interpretation

(j) The days in a period of leave shall be deemed to be consecutive even though any of the public holidays named in clause 15 of this award occur therein, provided that the necessary day or days are added as prescribed by subclause (b) hereof.

19 - CONTRACT OF HIRING

Subject to the provisions of clause 31, the contract of hiring of every employee bound thereby shall, in the absence of express contract to the contrary, be deemed to be a hiring by the week, subject, however to the following provisions relating to those employees whose contract of hiring is by the week.

Employment shall be determined by one week's notice given by either party (which notice may be given at any time, provided that the termination of the employment shall take effect at the end of a days work) or by the payment or forfeiture (as the case may be) of a week's wages; provided that nothing contained in this award shall derogate from the employer's right at common law to dismiss an employee without notice for misconduct or other sufficient cause.

20 - SICK LEAVE

(a) Every full-time or part-time employee other than a casual employee who is unable to attend or remain at his/her place of employment by reason of illness and who complies with the terms and conditions prescribed by paragraphs (i) and (ii) hereof shall be granted by his/her employer paid leave not exceeding the sick leave credit of that employee.

- (i) The sick leave prescribed shall be granted and the employee shall be entitled to payment in respect of an absence due to illness provided that:
 - (1) An employee shall, as far as is practicable, either before or at the usual time of commencement (and in any event not later than 24 hours after the commencement of the absence), advise his/her employer of his/her inability to attend for duty and, as far as is practicable, of the nature of the illness and the estimated duration of the absence; and

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(2) If so required by his/her employer, he/she produces to the employer a medical certificate or other reasonable evidence to prove that he/she was unable to attend for duty on the day or days in respect of which he/she claims sick leave.

(ii) For the purposes of this clause "illness" includes personal injury but does not include an injury for which compensation is payable under the Workers Rehabilitation and Compensation Act, 1986.

(b) For the purpose of this clause the sick leave credit of an employee with an employer shall be determined by adding to the accumulation of the leave, if any, of a kind prescribed by subclause (a) of this clause standing to the credit of that employee with that employer, pursuant to any award or industrial agreement, immediately before the commencement of the Industrial and Employee Relations Act 1994, the amount of leave that the employee is entitled to be granted by the employer pursuant to this clause, and deducting from the total so obtained the amount of that leave that has, pursuant to this clause been so granted by the employer.

(c) In respect of:

(i) The first year of service with an employer that follows the commencement of the Industrial and Employee Relations Act 1994, an employee shall be entitled to a grant of leave under this clause by that employer at the rate of ten days on full pay per year; and

(ii) The succeeding years of continuous service with that employer, an employee shall, on or after the commencement of each such year, be entitled to a grant of leave under this clause by that employer equal to ten days on full pay.

(d) For the purposes of calculating the amount of leave to which an employee is entitled pursuant to paragraph (i) of subclause (c) of this clause the service of that employee with his/her employer shall be regarded as the number of complete weeks service served by that employee with that employer.

(e) (i) A part-time employee (as defined in clause 7 hereof) shall be entitled to sick leave based on the quantum of leave prescribed by subclause (c) of this clause for a full-time employee but calculated on a pro rata basis according to the number of hours worked per week and as set out in the table hereunder:

Hours worked per week

18	0.69
19	0.73
20	0.77
21	0.81
22	0.85
23	0.88

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Hours worked per week

24	0.92
25	0.96
26	1.00
27	1.04
28	1.08
29	1.12
30	1.15
31	1.19
32	1.23
33	1.27
34	1.27
35	1.31
36	1.35
37	1.42

- (ii) In the calculation of the quantum of sick leave at the commencement of each succeeding year (see subclause (c) (ii) hereof) of continuous service the hours then being worked by the employee, or which are agreed to be worked, each week shall be the basis of calculation. If at the end of any such year the average number of hours worked each week is materially different from the number used in that calculation the credit shall be altered accordingly. For the purposes of calculating the quantum in respect of this paragraph see the table in paragraph (i) hereof.

21 - BEREAVEMENT LEAVE

An employee shall on the death within Australia of a wife, husband, father, mother, brother, sister, child, or step-child, mother-in-law or father-in-law be entitled on notice to leave up to and including the day of the funeral of such relation, and such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in two ordinary days work. Proof of such death shall be furnished by the employee to the satisfaction of the employer if he/she so requests.

Provided that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of leave.

For the purposes of this clause the words "wife" and "husband" shall not include a wife or husband from whom the employee is legally separated but shall include a person who lives with the employee as a de facto wife or husband.

22 - POSTING OF AWARD

A copy of this award shall be posted up by each employer in a conspicuous part of his/her premises where it will be easily accessible to and may be read by his/her employees.

23 - RIGHT OF ENTRY

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1. An accredited official of the Shop, Distributive and Allied Employees Association (SA Branch) or the Salaried Pharmacists' Association shall be permitted to enter the premises of an employer subject to the award, or any other premises where employees of the employer may be working for the following purposes.

- (i) To inspect time books and wage records as the employer is required to keep or came to be kept at those premises by Section 102 of the Industrial and Employee Relations Act 1994.
- (ii) To inspect the work carried out by the employees and note the conditions under which the work is carried out.
- (iii) To interview employees being employees who are members of/are eligible to become members, of the said union, in relation to membership and business of the said union.

2. No accredited officer of the union shall exercise the powers confirmed by this clause in such a manner so as to hinder or obstruct an employee in the carrying out of his/her duties of employment or to interfere with the proper carrying on of the employer's business.

3. An accredited official of the Shop, Distributive and Allied Employees Association or the Salaried Pharmacists' Association shall mean any officer of the said union who provides to the employer an authorisation in writing by the President of the Union and which authorisation have a certificate in writing signed by the Industrial Registrar.

4. Provided that such inspection or interview shall not be conducted in the "dispensary" section of the shop.

24 - CALL BACK

Employees recalled to work after leaving the employer's business premises shall be paid for a minimum of two hours' work at the appropriate rate.

Provided further however that when an employee is recalled to the employer's place of business twice within the period of three hours only one payment equal to two hours shall be due and payable, unless during the recall the time actually worked exceeds two hours.

25 - FAMILY LEAVE

(a) Subject to the terms of the Industrial and Employee Relations Act 1994; employees are entitled to Family Leave. The leave provisions are set out in Schedule 5 of the Act and include Maternity Leave, Adoption Leave and Paternity Leave.

(b) Subject to the provisions of the Schedule an employee may work part-time in connection with the birth or adoption of a child.

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(c) The provisions of the Act require an employer to notify an employee of their rights to the various forms of leave on becoming aware that an employee, or an employee's spouse is pregnant, or that an employee is adopting a child. An employer bound by this award shall display a copy of Schedule 5 in a prominent place.

26 - LANGUAGE ALLOWANCE

Where an employee, employed in a chemist shop is specifically required by the employer to speak a language or languages in addition to English for the purpose of making sales in that shop, an allowance of \$5.60 per week shall be paid.

This allowance will not be payable to employees employed after 13th June, 1994.

27 - LOCOMOTION ALLOWANCE

An employee who by agreement with his/her employer uses his/her own motor vehicle on the employers business shall be paid an allowance of 41 cents per kilometre travelled.

28 - BLOOD DONORS LEAVE

A full-time employee who is absent during ordinary working hours for the purpose of donating blood shall not suffer any deduction of pay up to a maximum of two hours on each occasion and subject to a maximum of four separate absences for the purpose of donating blood each calendar year.

Provided further that such employee shall arrange for his/her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his/her ordinary working hours.

Proof of attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall first be furnished to the satisfaction of the employer.

Further the employee shall notify his/her employer as soon as possible of the time and date upon which he/she is requesting to be absent for the purpose of donating blood.

30 - TRADE UNION TRAINING LEAVE

General obligation to allow trade union training leave

30.1 Employees shall be allowed leave without loss of pay for ordinary working hours (excluding penalty payments) to attend trade union training courses conducted or sponsored by the Trade Union Training Authority in South Australia or at the Clyde Cameron College in Victoria. Preference in the granting of this leave shall be given to members of the Shop, Distributive and Allied Employees' Association.

General quantum of trade union training leave

- 30.2 Where an employer employs full-time and/or part-time employees bound by this award who work in total less than 380 hours per week, no leave need be granted.

Where an employer employs full-time and/or part-time employees bound by this award who work in total between 380 and less than 1,900 hours per week, a maximum of five days' leave per annum shall be granted by that employer.

Where an employer employs full-time and/or part-time employees bound by this award who work in total between 1,900 and less than 3,800 hours per week, a maximum of ten days' leave per annum shall be granted by that employer.

Where an employer employs full-time and/or part-time employees bound by this award who work in total 3,800 or more hours per week, a maximum of twenty days' leave per annum shall be granted by that employer.

Additional trade union training leave for union delegates

- 30.3 Employees who are recognised as job delegates by the employer shall be allowed additional leave without loss of pay for ordinary working hours (excluding penalty payments) in accordance with the following criteria:

Where an employer employs full-time and/or part-time employees bound by this award who work in total less than 380 hours per week, no leave need be granted.

Where an employer employs full-time and/or part-time employees bound by this award who work in total between 380 and less than 1,900 hours per week, an additional five days' leave per annum shall be granted by that employer.

Where an employer employs full-time and/or part-time employees bound by this award who work in total between 1,900 and less than 3,800 hours per week, an additional ten days' leave per annum shall be granted by that employer.

Where an employer employs full-time and/or part-time employees bound by this award who work in total 3,800 or more hours per week, an additional fifteen days' leave per annum shall be granted by that employer.

Maximum amount of leave per year per employee

- 30.4 An individual employee shall not be granted more than five days' leave within any period of twelve consecutive months without the consent of the employer.

Trade union training leave for casual employees

- 30.5 Casual employees who have been employed for at least twelve months and who have worked an average of at least twenty ordinary time hours per week over the preceding twelve months shall, subject to this clause, be entitled to trade union training leave without loss of pay for the ordinary hours that would have been worked by those casual employees during the period of trade union training leave.

Notice of application for leave

30.6 An application for leave pursuant to this clause should, where possible, be made eight weeks prior to the date of commencement of the course. If less than four weeks' notice is given, leave need not be granted.

No disruption to employer's business

30.7 Leave shall only be granted where the employer is able to make adequate staffing arrangements during the period of leave and so long as no disruption is likely to be caused to the conduct of the employer's business. The onus shall rest with the employer to demonstrate an inability to grant leave under this subclause.

Employee service before entitlement to leave

30.8 An employee must complete a period of twelve months' service with an employer before becoming eligible for the leave. In the case of shops which have recently opened, a minimum of six months' service (rather than twelve months') must be completed. Should the employer demonstrate that allowing leave before completion of twelve months' service will cause disruption, this provision will not apply.

Maximum number of employees on leave at any one time

30.9 At any one time, no more than one employee of any one establishment of an employer covered by this award shall be on leave pursuant to this clause unless the employer agrees otherwise.

Employers exempted

30.10 This clause shall not bind an employer who employs full-time or part-time employees bound by this award who work in total less than 380 hours per week.

No liability for additional costs

30.11 The employer shall not be liable for any additional costs (other than the payment of wages) to the employee while the employee is on leave except for the payment of extra remuneration where relieving arrangements are instituted to cover the absence of the employee.

Applications for leave

30.12 An application for leave pursuant to this clause shall be made in writing by the Union to the employer and shall include the following details:

- The name of the employee for whom leave is sought;
- Period of time for which leave is sought (including daily commencing and finishing times);
- Title, description and agenda of the course or courses to be attended;

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- The place or places where the course will be held;
- The name of the person or persons conducting the course;
- A copy of the syllabus or curriculum of the course to be attended, if available.

Recall of employees from leave

30.13 Where an employee attending a course pursuant to this clause is recalled to work by the employer because of reasons unforeseen at the time of granting leave, all time spent at the course prior to recall shall be reinstated as if no leave had been taken.

Employee failing to attend a course

30.14 Where an employee fails to attend the course for which leave has been granted by the employer, the union shall notify the employer as soon as possible of both the non-attendance and the period of non-attendance. The employer shall not be required to pay wages for any period of leave during which the employee does not attend the designated course unless the employee demonstrates that failure to attend the course was due to illness.

Report by employees on course

30.15 Employees granted leave shall, within fourteen days after completion of the course for which leave was granted, provide the employer with a report outlining the nature of the course and the employees' observations on it.

Continuous service

30.16 Leave taken pursuant to this clause shall be counted as continuous service for all purposes of the award and for the purposes of the Long Service Leave Act, 1987.

31 - TERMINATION OF EMPLOYMENT

Notice of termination by employer

- (1) (i) In order to terminate the employment of an employee the employer shall give the employee the following notice;

<u>Period of Continuous Service</u>	<u>Period of Notice</u>
less than 1 year	1 week
1 year and less than 3 years	2 weeks
3 years and less than 5 years	3 weeks
<u>5 years and over</u>	<u>4 weeks</u>

- (ii) In addition to the notice in sub-paragraph (i) above, employees over 45 years of age at the time of the giving of notice with not less than two years' continuous service shall be entitled to additional notice of one week.

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- (iii) Payment in lieu of the notice prescribed in subparagraphs (i) and/or (ii) hereof shall be made if the appropriate notice period is not given. Provided that employment may be terminated by part of the period of notice specified and part payment in lieu thereof.
- (iv) In calculating any payment in lieu of notice the wages of an employee would have received in respect of the ordinary time he/she would have worked during the period of notice had his/her employment not been terminated shall be used.
- (v) The period of notice in this clause shall not apply in the case of dismissal for conduct that at common law justifies instant dismissal or in the case of casual employees or employees engaged for a specific period of time or for a specific task or tasks.

Notice of termination by employee

(2) In order to terminate employment an employee shall give the employer the following notice:

<u>Period of Continuous Service</u>	<u>Period of Notice</u>
Less than one year	1 week
One year and over	2 weeks

Time off during notice period

(3) Where an employer has given notice of termination to an employee, the employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off shall be taken at times that are convenient to the employee after consultation with the employer.

Statement of employment

(4) The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of his/her employment and the classification of or the type of work performed by the employee.

Payment in lieu

(5) If an employer makes payments in lieu for all or any of the period of notice prescribed, then the period for which such payment is made shall be treated as service for the purposes of computing any service related entitlement of the employee arising pursuant to this award.

(6) Where the employment of an employee is terminated in accordance with the notice prescribed in paragraph (2) above, the employer and employee may by mutual agreement waive the whole or part of the period of notice.

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Provided that nothing in this clause shall prevent an employee terminated their employment if such employee has been given notice of termination by the employer.

(7) Notice of termination may be given at any time provided that the termination of employment shall take effect at the end of a days work, or by the payment or forfeiture (as the case may be) of the wages appropriate to the said notice period.

32 - INTRODUCTION OF CHANGE

Notification of intended changes

- (1) (i) Where an employer has made a definite decision to implement changes in production, programme, organisation, structure or technology that are likely to have significant effects on employees, the employer shall as soon as practicable notify the employees who may be affected by the proposed changes and the Shop, Distributive and Allied Employees' Association (SA Branch) (hereinafter referred to as "the Union")
- (ii) "Significant effects" include termination of employment:
- Major changes in the composition, operation or size of the employer's work-force or in the skills required;
 - The elimination or diminution of job opportunities, promotion opportunities or job tenure;
 - The alteration of hours of work;
 - The need for retraining or transfer of employees to other work or locations and the restructuring of jobs.

Provided that where the award makes provision for alteration of any of the matters referred to herein an alteration shall be deemed not to have significant effect.

Consultation with employees and their union

- (2) (i) The employer shall discuss with the employees affected and their Union among other things, the introduction of the changes referred to in subclause (1)(i) hereof, the effects the changes are likely to have on employees, measures to avert or mitigate the adverse effects or such changes on employees and shall give prompt consideration to matters raised by the employees and/or their union in relation to the changes.
- (ii) The discussions shall commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in subclause (1) (i) hereof.

- (iii) For the purposes of such discussion, the employer shall provide in writing to the employees concerned and their Union, all relevant information about the changes including the nature of the changes proposed; the expected effects of the changes on employees and any other matters likely to affect employees provided that any employer shall not be required to disclose confidential information disclosure of which, when looked at objectively, would be inimical to the employer's interests.

33 - REDUNDANCY

- (1) "Redundancy" in this clause means the loss of employment due to the employer no longer requiring the job the employee has been doing to be performed by anyone.

Discussions before terminations

- (2) (i) Where an employer has made a definite decision that the employer no longer wishes the job the employees have been doing done by anyone and that decision may lead to termination of employment, the employer shall have discussions as soon as practicable with the employees directly affected and with their union. Discussions shall cover, among other things, the reasons for the proposed terminations, measures to avoid or minimise the terminations, and measures to mitigate the adverse effects of any terminations on the employees concerned.
- (ii) For the purposes of discussion the employer shall as soon as practicable provide in writing to the employees concerned and their Union all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, and the number of workers normally employed and the period over which the terminations are likely to be carried out. Provided that any employer shall not be required to disclose confidential information the disclosure of which when looked at objectively, would be inimical to the employer's interests.

Period of notice of termination on redundancy

- (3) (i) If the services of an employee are to be terminated due to redundancy such employee shall be given notice of termination as prescribed by clause 31 of this award provided that employees to whom notification of termination of service is to be given on account of the introduction or proposed introduction by the employer of automation or other like technological changes in the industry in relation to which the employer is engaged shall be given not less than three months' notice of termination.
- (ii) Should the employer fail to give notice of termination as required in subclause (3)(i) herein the employer shall pay to that employee an amount calculated in accordance with the ordinary rate of pay for a period being the

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difference between the notice given and that required to be given. The period of notice to be given shall be deemed to be service with the employer for the purposes of the Long Service Leave Act, 1967, as amended.

Notification to Commonwealth Employment Service

(4) Where a decision has been made to terminate the employment of an employee, or of employees, on account of redundancy the employer shall notify the Commonwealth Employment Service thereof as soon as possible, giving relevant information including a written statement of the reason(s) for the termination(s), the number and categories of the employees likely to be affected, and the period over which the termination(s) are intended to be carried out.

Severance pay

(5) (i) In addition to the periods of notice prescribed termination in clause 31 and subclause (3)(i) hereof an employee whose employment is terminated by reason of redundancy shall be entitled to the following amounts of severance pay in respect of a continuous period of service:

<u>Period of continuous service</u>	<u>Severance pay</u>
Less than 1 year	Nil
1 year and less than 2 years	4 weeks pay
2 years and less than 3 years	6 weeks pay
3 years and less than 4 years	7 weeks pay
4 years and over	8 weeks pay

- (ii) "Week's pay" means the ordinary time rate of pay for the employee concerned.
- (iii) The severance payment shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date.
- (iv) An employer may apply to the Commission for an order allowing the off-setting of all or part of an employee's entitlement to severance payment on the basis that such payment or part thereof is already provided for or included in the contributions which the employer has made to a superannuation scheme and which are paid or payable to the employee on redundancy occurring.

Time off during notice period

(6) (i) During the period of notice of termination given by the employer and employee shall 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.

- (ii) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or he/she shall not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.

Alternative employment

(7) An employer in a particular redundancy case, may make application to the Commission to have the severance pay prescription varied if the employer obtains acceptable alternative employment for an employee.

Employee leaving during notice

(8) An employee whose employment is terminated on account of redundancy may terminate his/her employment during the period of notice and, if so, shall be entitled to the same benefits and payments under this clause had he/she remained with the employer until the expiry of such notice. In such circumstances the employee shall not be entitled to payment in lieu of notice.

Written notice

(9) The employer shall, as soon as practicable but prior to the termination of the employee's employment, give to the employee a written notice containing, among other things, the following:

- (a) The date and time of the proposed termination of the employee's employment;
- (b) Details of the monetary entitlements of the employee upon the termination of his/her employment including the manner and method by which those entitlements have been calculated;
- (c) Advice as to the entitlement of the employee to assistance from the employer, including time off without loss of pay in seeking other employment, or arranging training or retraining for future employment; and
- (d) Advice as to the entitlements of the employee should he/she terminate his/her employment during the period of notice.

Payment in lieu treated as service

(10) If an employer make payment in lieu for all or any of the period of notice prescribed by subclause (3) hereof, then the period for which such payment is made shall be treated as service for the purposes of computing any service related entitlements of the employee arising pursuant to this award and shall be deemed to be service with the employer for the purposes of the Long Service Leave Act 1967 as amended.

Transfer to lower paid duties

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(11) Where an employee whose job has become redundant accepts an offer of alternative work by the employer the rate of pay for which is less than the rate of pay for the former position, the employee shall be entitled to the same period of notice of the date of commencement of work in the new position as if his/her employment has been terminated, and the employee may at the employer's option, make payment in lieu thereof of an amount equal to the difference between the former rate of pay and the new lower rate for the number of weeks of notice still owing.

Employees with less than one year of service

(12) This clause shall not apply to employee with less than one year's continuous service and the general obligation of employers should be no more than to give relevant employees an indication of the impending redundancy at the first reasonable opportunity, and to take such steps as may be reasonable to facilitate the obtaining by the employees of suitable alternative employment.

Employees exempted

(13) This clause shall not apply where employment is terminated as a consequence of conduct that at common law justifies instant dismissal or in the case of casual employees or employees engaged for a specific period of time or for a specified task or tasks.

Incapacity to pay

(14) An employer may make application to the Commission for an order to have the general severance pay prescription varied on the basis of the employer's incapacity to pay.

34 - TRANSMISSION

Transmission of business

(1) This clause shall have effect where a business, undertaking or establishment, or any part thereof, has, whether before or after the commencement of this clause, been transmitted from an employer (hereinafter referred to as "the transmittor") to another employer (hereinafter called "the transmittee").

In this clause, "transmission" means, without limiting its ordinary meaning, including transfer, conveyance, assignment or succession, whether by agreement or operation of law and "transmitted" has a corresponding meaning.

Acceptance of employment with transmittee

(2) Subject to further order of the Commission where a person who at the time of the transmission was an employee of the transmittor in that business, undertaking, establishment, or part thereof becomes an employee of the transmittee:

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- (i) The period of service which the employee has had with the transmitter or any prior transmitter shall be deemed to be service of the employee with the transmittee for the purpose of calculating any entitlement of the employee to service-related periods of notice or severance payment; and
- (ii) The provisions of sub-paragraphs under Clause 33 Redundancy shall not apply in respect of the termination of the employee's employment with the transmitter.

Offer of employment with the transmittee

(3) Where a person who at the time of the transmission was an employee of the transmitter in that business, undertaking, establishment or part thereof is offered employment by the transmittee, the provisions of subparagraphs under clause 33 shall not apply in respect of the termination of the employee's employment with the transmitter provided that:

- (i) The offer is made before the transmission of the business, undertaking, establishment or part thereof;
- (ii) The terms and conditions of the new employment offered:
 - (a) Are not substantially different from those applying to the employment with the transmitter; or
 - (b) Are substantially different but the offer constitutes an offer of suitable employment in relation to the employee; and
- (iii) The employee unreasonably refuses to accept the offer.

35 - GENERAL PROVISIONS (TERMINATION, CHANGE AND REDUNDANCY)

Continuity of service

(1) For the purpose of clauses 31, 32, 33 and 34 of this award "service" means continuous service, but an employee's service shall be deemed for the purpose of calculating the length of continuous service to have been continuous notwithstanding:

- (a) Absence of the employee from work in accordance with the contract of employment;
- (b) Absence of the employee from work for any cause by leave of the employer;
- (c) Absence of the employee from work on account of illness, disease or injury;
- (d) Interruption or termination of the employee's service by any act or omission of the employer with the intention of avoiding any obligation imposed by this award or by the Long Service Act.

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- (e) Interruption or termination of the employee's service arising directly or indirectly from an industrial dispute if the employee returns to the service of the employer in consequence of the settlement of the dispute or was re-employed by the employer upon such settlement; and
- (f) Interruption or termination of the employee's service by the employer for any reasons other than those referred to in subparagraphs (d) and (e) of this paragraph if the worker returns to the service of, or is re-employed by, the employer within two months of the date on which the service was interrupted or terminated.

Service with two or more corporations

(2) Where an employee has been employed by two or more corporations that are associated corporations, or by two or more corporations that are related to each other within the meaning of Section 7(5) of the Uniform Companies Code 1981, the service of the employee with each such Corporation shall be included in the calculation of the employee's continuous service for the purposes of determining the employee's entitlements pursuant to clauses 31, 32, 33 and 34 of this award.

Dispute resolution of termination, change and redundancy provisions

(3) Where a dispute exists between an employer and employee as to the interpretation or application of the provisions of clauses 31 to 35 inclusive of this award, such dispute shall be referred for resolution to the respective Commissioner. Where the dispute concerns the interpretation or application of clause 32 (and in particular the definition of "significant effects" therein) the persons involved in the dispute and its resolution shall have regard to guidelines (if any) as to the interpretation or application of the termination, change and redundancy provisions of this award.

36 - UNIFORMS

If an employer requires an employee to wear a uniform the employer shall provide, maintain and launder such uniform which shall remain the property of the employer.

Provided that the employer may choose in lieu of laundering to pay a weekly allowance of \$3.10 per week.

37 - ANTI-DISCRIMINATION

37.1 It is the intention of the parties to this award to achieve the principal object of section 3(m) of the Industrial and Employee Relations Act 1994 by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

37.2 Accordingly, in fulfilling their obligations under the disputes avoidance and settling clause, the parties must make every endeavour to ensure that neither the award provisions nor their operation are directly or indirectly discriminatory in their effects.

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37.3 Nothing in this clause is to be taken to affect:

- 37.3.1 Any different treatment (or treatment having different effects) which is specifically exempted under the State or Commonwealth anti-discrimination legislation;
- 37.3.2 Until considered and determined further by the Industrial Relations Commission of South Australia, the payment of different wages for employees who have not reached a particular age;
- 37.3.3 An employee, employer or registered organisation, pursuing matters of discrimination in the State or Federal jurisdiction, including by application to the Human Rights and Equal Opportunity Commission.

37.4 Nothing in this clause is to be taken to prevent:

- 37.4.1 A matter referred to in 37.1 from being a reason for terminating employment if the reason is based on the inherent requirements of the particular position.
- 37.4.2 A matter referred to in 37.1 from being a reason for terminating a person's employment as a member of the staff of an institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if the employer terminates the employment in good faith in order to avoid injury to the religious susceptibilities of adherents of the religion or creed.

38 - SUPERANNUATION

(A) - DEFINITIONS

The fund

In this clause all references to "The Fund" shall mean the Retail Employees Superannuation Trust.

Ordinary pay

In this clause the term "Ordinary Pay" shall mean award wages and supervisory and/or buying allowances, casual loadings, and penalty rates.

Trustee

In this clause all references to "Trustee" shall mean the Trustee of the Retail Employees Superannuation Trust.

(B)- QUANTUM

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The employer shall make application to participate in the Fund and upon acceptance by the Trustee subject to subclause (E) hereof shall contribute to the Fund in respect to all employees an amount equal to three percent of each employee's ordinary pay each week from 1st December, 1989.

Provided that such application to join the Fund by the employer shall be made within two months of the insertion of this clause into the award or in respect to a new business within one month of the business commencing.

(C) - CONTINUED PARTICIPATION

The employer who participates in the Fund shall not cease participation in the Fund whilst employing employees who are eligible for contribution pursuant to subclause (E).

(D) - CESSATION OF CONTRIBUTIONS

Once the employer has commenced to contribute to the Fund in respect to an employee, the employer shall not cease making such contribution:

- (i) Until the employee's employment has terminated; or
- (ii) The employee's average hours fall below the minimum hours set forth in subclauses (E)(ii), (iii) and (iv) of this clause for a period of six months.

(E) - QUALIFYING PERIOD AND ELIGIBILITY

The employer shall make contributions in respect of:

- (i) Adult full-time, adult part-time employees, and junior full-time employees who have been engaged continuously for a period of six months in an occupation governed by this award.
- (ii) Adult casual employees who have accumulated 26 weeks in which they have commenced employment on at least one day in the week in an occupation governed by the award and who in any 26 week period have worked an average twelve or more hours per week.
- (iii) Junior part-time employees who have been engaged continuously for a period of six months in an occupation governed by this award and who in any six month period have worked an average of eighteen or more hours per week.
- (iv) Junior casual employees who have accumulated 26 weeks in which they have commenced employment in an occupation governed by this award on at least one day in the week and who in any 26 week period have worked an average eighteen or more hours per week.
- (v) Provided further that if the employee ceases to be employed in a occupation governed by this award for a period in excess of six months that employee shall be subject to the qualifying period in subclauses (E) (i) to (iv) above.

(F) - EMPLOYEE CONTRIBUTIONS

(i) Employees who may wish to make contributions to the Fund additional to those being paid by the employer pursuant to subclause (B) shall be entitled to authorise the employer to pay into the Fund from the employee's wages amounts specified by the employee.

(ii) Upon such authorisation the employer shall be required to make the deduction and forward it to the Fund.

(iii) Employee contributions to the Fund requested under these subclauses shall be subject to the following conditions:

- (a) The amount of the contribution shall be expressed in whole dollars.
- (b) After the first contribution, the amount of contribution shall only be adjusted from the first full pay period in July each year.

(G) - EXISTING SUPERANNUATION ARRANGEMENTS

No employer shall be excluded for this clause on the basis of existing voluntary superannuation arrangements.

(H) - EXEMPTIONS

An individual employer may make application to the Industrial Relations Commission for an exemption from the Fund pursuant to this clause.

The Commission, if it deems fit, may grant such exemption.

- (I) (i) Where an employer or his/her agent has applied for an exemption by the 30th November, 1989 pursuant to subclause (H) above such employer shall, pending the final determination of such application, be exempt from the requirement to make application to participate in the Fund and to pay superannuation contributions into the Fund as defined.
- (ii) Provided that where, prior to the 1st December, 1989 the employer was not paying into an Occupational Superannuation Fund such employer must set aside an equivalent amount of the contributions on behalf of each eligible employee. The monies set aside shall be held in a separate account not being an Occupational Superannuation Fund for eligible employees pending the outcome of the exemption application.
- (iii) Further provided that where employees bound by and paid pursuant to this Award were, [prior] to 1st December, 1989 in receipt of Occupational Superannuation and their employer has applied for exemption under this award then the employer concerned may direct funds required under this clause to the Occupational Superannuation Fund currently used pending the final determination of the exemption application.

39 - FLEXIBILITY OF WORK

Employees within each classification are to perform a wider range of duties including work which is incidental or peripheral to their main tasks or functions.

40 - PAYMENT OF WAGES

Wages shall be paid either by cash, cheque or electronic funds transfer to a bank, building society or credit union account nominated by the employee. Except for normal government duties imposed on financial institution account transactions, the employer will be liable for any cost associated with non-cash payment.

41 - CONSULTATIVE MECHANISM

Enterprises are to establish a consultative mechanism and procedures appropriate to their size, structure and needs for consultation and negotiation on matters affecting their efficiency and productivity.

42 - ENTERPRISE FLEXIBILITY PROVISION

- (a) In this clause a “relevant Association” means an organisation of employees that:
- (i) Has an established interest in this award; and
 - (ii) Has one or more members employed by the employer to perform work in the relevant enterprise or workplace.

[Note: The failure by an employer to give each relevant Association an opportunity to be involved in the consultative process leading to the making of an agreement may result in the Commission adjourning or refusing the application to vary the award.]

(b) At each enterprise or workplace, consultative mechanisms and procedures shall be established comprising representatives of the employer and employees. Each relevant Association shall be entitled to be represented.

(c) The particular consultative mechanisms and procedures shall be appropriate to the size, structure and needs of the enterprise or workplace.

(d) The purpose of the consultative mechanisms and procedures is to facilitate the efficient operation of the enterprise or workplace according to its particular needs.

(e) Where an agreement is reached at an enterprise or workplace through such consultative mechanisms and procedures, and where giving effect to such agreement requires this award, as it applies at the enterprise or workplace, to be varied, an application to vary shall be made to the Commission. The agreement shall be made available in writing, to all employees at the enterprise or workplace and to the Associations having an interest in this award.

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(f) When this award is varied to give effect to an agreement made pursuant to this clause the variation shall become a schedule to this award and the variation shall take precedence over any provision of this award to the extent of any expressly identified inconsistency.

(g) The agreement must meet the following requirements to enable the Commission to vary this award to give effect to it:

- (i) That the purpose of the agreement is to make the enterprise or workplace operate more efficiently according to its particular needs;
- (ii) That the majority of employees covered by the agreement genuinely agree to it;
- (iii) That the award variation necessitated by the agreement meets the requirements of Section 79 of the Industrial and Employee Relations Act 1994 (the Act).

SCHEDULE 1 - WAGES

This schedule shall operate on and from the first pay period on or after 12th July 1996.

Adult classifications

A.

	Total Weekly Rate \$
Pharmacist Grade 1	608.10
Pharmacist Grade 2	649.80
Pharmacist-In-Charge Grade 1	691.50
Pharmacist-In-Charge Grade 2	712.40
Pharmacist-In-Charge Grade 3	754.10
Pharmacist-In-Charge Grade 4	775.00
Pharmacy Manager Grade 1	837.50
Pharmacy Manager Grade 2	900.10

NOTE: Amounts shown as supplementary payments are subject to absorption under the minimum rates adjustment principle where employees are receiving overaward payments.

The rates of pay in this award include the third \$8 per week arbitrated safety net adjustment payable under the November 1994 State Wage Decision. This third \$8 per week arbitrated safety net adjustment may be offset to the extent of any wage increase payable since 4 December 1991 pursuant to enterprise agreements or consent awards or award variations to

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give effect to enterprise agreements, insofar as that wage increase has not previously been used to offset an arbitrated safety net adjustment. Increases made under previous State Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements are not to be used to offset arbitrated safety net adjustments.

APPENDIX A - CLASSIFICATION AND DEFINITIONS

This Appendix shall operate on and after the first full pay period on and from 13 February 1993 and will replace the current classification and definitions.

All employees employed on or after the said date shall be appointed to the appropriate classification for the work performed by the employee.

Where an employee was already employed prior to the said date, that employee shall be reclassified to the appropriate classification for the work performed by the employee.

No employee shall suffer a reduction in ordinary time earnings as a result of the introduction of the new classification structure.

Pharmacist Manager means a person registered as a pharmaceutical chemist under the Pharmacist Act, 1991 and holds a current certificate granted under section 25 of the said Act and who has also been appointed by the proprietor of a pharmacy as a manager thereof to manage all aspects of the business.

Pharmacy Managers will be graded as follows:

- Grade 1 Manages a pharmacy where the equivalent full time supervised staff (E.F.T.S.) is three or less.
- Grade 2 Manages a pharmacy where the equivalent full time supervised staff (E.F.T.S.) is more than three.

Pharmacist-In-Charge means a person who is employed as the pharmacist in charge of a pharmacy, either as the sole pharmacist employed in the business or as a pharmacist in charge of other employed pharmacists, and is responsible for the pharmacy's operation. A pharmacist-in-charge is subject to the overall direction of a proprietor or pharmacy manager. Duties and responsibilities may include, but shall not be limited to:

1. Performing all the duties of a pharmacist;
2. Locking and unlocking of the pharmacy, lunchtime supervision arrangements, supervision of staff, buying and stock control, banking preparation, delivery supervision, repairs and maintenance, public relations and promotions, payroll preparation, debtor control, rostering of staff.

The proprietor or pharmacy manager will retain responsibility for the employing and terminating of staff, full business administration and profit and performance, and strategic planning.

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Pharmacists-in-charge will be graded as follows:

- Grade 1 Pharmacist in charge of a pharmacy where the equivalent full time supervised staff (E.F.T.S.) is up to two.
- Grade 2 Pharmacist in charge of a pharmacy where E.F.T.S. is more than two but less than four.
- Grade 3 Pharmacist in charge of a pharmacy where E.F.T.S. is more than four but less than eight.
- Grade 4 Pharmacist in charge of a pharmacy where E.F.T.S. is more than eight.

NB. E.F.T.S. (Equivalent Full-Time Supervised Staff) in relation to Pharmacy Manager and Pharmacist-in-charge is calculated according to the following formula:

$$a \div b = \text{(E.F.T.S.)}$$

where a = the total number of ordinary hours worked by supervised staff in the pharmacy for the period of time worked;

b = the total number of hours the pharmacy is ordinarily open for business, and

(E.F.T.S.) = the number of equivalent full-time supervised staff.

Pharmacist means any person (not being a pharmacy manager or a pharmacist in charge) who is registered as a pharmaceutical chemist under the Pharmacist Act, 1991, and who holds a current certificate granted under section 25 of that Act.

A Pharmacist works under the general direction of a pharmacist-in-charge, a pharmacy manager or proprietor.

Duties and responsibilities may include, but shall not be limited to:

Dispensing prescriptions in accordance with the requirement of relevant legislation, counselling patients as required, N.H.S. return preparation, cashing up, computer housekeeping, dispensary stock control and unlocking and locking the pharmacy (as required).

A Pharmacist (as defined) Grade 1 is an employee who has worked in the industry for less than twelve months.

A Pharmacist (as defined) Grade 2 is an employee who has worked in the industry for twelve or more months.

APPENDIX C - SUPPORTED WAGE PROVISIONS

Definitions

(a) This clause defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award. In the context of this clause, the following definitions will apply:

- (i) “Supported Wage System” means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability, as documented in “[Supported Wage System: Guidelines and Assessment Process]”.
- (ii) “Accredited Assessor” means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual’s productive capacity within the Supported Wage System.
- (iii) “Disability Supported Pension” means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.
- (iv) “Assessment instrument” means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

Eligibility criteria

(b) Employees covered by this clause will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a Disability Support Pension.

(The clause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers’ compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment).

The award does not apply to employers in respect of their facility, programme, undertaking service or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support Pension, except with respect of an organisation which has received recognition under s.10 or under s.12A of the Disabilities Services Act, or if a part only has received recognition that part.

Supported wage rates

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(c) Employees to whom this clause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award/agreement for the class of work which the person is performing according the following schedule:

<u>Assessed Capacity (subclause (d))</u>	<u>% of prescribed award rate</u>
10%*	10
20%	20
30%	30
40%	40
50%	50
60%	60
70%	70
80%	80
90%	90

(Provided that the minimum amount payable shall be not less than \$45 per week).

* Where a person's assessed capacity is 10% they shall receive a high degree of assistance and support.

Assessment of capacity

(d) For the purpose of establishing the percentage of the award rate to be paid to an employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) The employer and a union party to the award in consultation with the employee or, if desired by any of these;
- (ii) The employer and an accredited Assessor (as defined) acceptable to the employee and the employee's advisers and to the employer.

Lodgment of assessment instrument

- (e) (i) All assessment instruments under the conditions of this clause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Industrial Relations Commission of South Australia.
- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar to the union by certified mail and shall take effect unless an objection is notified to the Registrar within ten working days.

Review of assessment

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(f) The assessment of the applicable percentage should be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

Other terms and conditions of employment

(g) Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the provisions of the clause will be entitled to the same terms and conditions of employment as all other workers covered by this award/paid on a pro rata basis.

Workplace adjustment

(h) An employer wishing to employ a person under the provisions of this clause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

Trial period

- (i) (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this clause for a trial period not exceeding twelve weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (ii) During that trial period the assessment of capacity and the proposed wage rate for a continuing employment shall be undertaken.
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 per week.

[or in paid rates awards]

The amount payable to the employee during the trial period shall be \$45 per week or such greater amount as is agreed from time to time between the parties (taking into account the Department of Social Security income test free area for earnings) and inserted into this award.

- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (d) hereof.

APPENDIX E - TASMANIA

3 - ARRANGEMENT

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Structural efficiency	30

7 - DEFINITIONS

Casual employee shall mean an employee engaged on an irregular basis to meet short-term labour needs within a retail pharmacy.

Competency standards shall mean Competency Standards for Pharmacy Assistants endorsed by the National Training Board in November 1993.

Full Time employee shall mean an employee who is employed in accordance with the hours of work specified in clause 18.

Part-time employee shall mean an employee who is employed on a continuing basis for less hours per day or per week than those applicable for full-time employees.

Product knowledge shall mean the product knowledge requirements included in the National Training Course for Pharmacy Assistants.

The Act shall mean the Pharmacy Act 1908 as amended.

Retail Pharmacy Industry for the purposes of this award shall mean any business conducted by the employer in premises:

- (a) That are registered under the Pharmacy Act 1908; and
- (b) That are established either in whole or in part for the compounding or dispensing of prescriptions or for vending any medicines or drugs; and
- (c) Where other goods may be sold by retail.

Show day means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed, or such other day which, in the absence of such a local show day (as defined), is agreed on by the employee and the employer.

CLASSIFICATION DEFINITIONS

Pharmacists

Pharmacist means a person who is registered by the Pharmacy Board of Tasmania.

The registered pharmacist commencement level. A pharmacist (as defined) works under the general direction of a pharmacist-in-charge (as defined), a pharmacist manager (as defined) or a proprietor.

Duties and responsibilities shall include, but shall not be limited to:

Dispensing prescriptions in accordance with the Pharmacy regulations, counselling patients as required, PBS return preparation, computer housekeeping, dispensing stock control, cashing up and locking and unlocking the pharmacy (as defined) (as required).

Pharmacist-in-Charge means a pharmacist (as defined) who is responsible for limited management of a retail pharmacy practice.

(a) A pharmacist-in-charge is employed as the pharmacist in charge of a retail pharmacy, either as the sole pharmacist (as defined) employed in the business or as a pharmacist in charge of other employed pharmacists and is responsible for both front-of-shop and dispensary supervision. A pharmacist-in-charge (as defined) is subject to the overall direction of a proprietor or a pharmacist manager (as defined).

(b) Duties and responsibilities shall include, but are not limited to:

- (i) Performing all the duties of a pharmacist (as defined);
- (ii) Locking and unlocking of the pharmacy (as defined), lunchtime supervision arrangements, debtor control, rostering of staff, banking preparation, delivery supervision, repairs and maintenance, public relations and in-store promotions.

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The proprietor or pharmacist manager (as defined) will retain the responsibility for hiring and firing of staff, full business administration and profit, performance and strategic planning.

- (c) A Pharmacist-in-charge (as defined) will be graded as follows:
- (i) Grade 1 - in charge of or manages a small pharmacy (as defined) where the equivalent full-time staff (EFTS) is less than two.
 - (ii) Grade 2 - in charge of or manages a large pharmacy (as defined) where the EFTS is two (or greater) but less than four.
 - (iii) Grade 3 - in charge of or manages a large pharmacy (as defined) where the EFTS is four or more.
 - (iv) The number of Equivalent Full-Time Staff (EFTS) is calculated as follows:

$$a/b = c$$

Where a = the total number of hours ordinarily worked by staff in the pharmacy (as defined)

b = the total number of hours the pharmacy (as defined) is ordinarily open for business

c = the number of equivalent full-time staff (EFTS).

Staff = Pharmacy Assistants (as defined)

Pharmacist Manager means a pharmacist who is employed to manage all aspects of a retail pharmacy practice.

- (a) A pharmacist manager is employed as the pharmacist in control of the business. Pharmacist managers are totally responsible to the proprietor for all aspects of the business.
- (b) A Pharmacist Manager (as defined) will be graded as follows:
- (i) Grade 1 - in charge of or manages a small pharmacy (as defined) where the equivalent full-time staff (EFTS) is less than two.
 - (ii) Grade 2 - in charge of or manages a large pharmacy (as defined) where the EFTS is two (or greater) but less than four.
 - (iii) Grade 3 - in charge of or manages a large pharmacy (as defined) where the EFTS is four or more.
 - (iv) The number of Equivalent Full-Time Staff (EFTS) is calculated as follows:

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$$a/b = c$$

Where a = the total number of hours ordinarily worked by staff in the pharmacy (as defined)

b = the total number of hours the pharmacy (as defined) is ordinarily open for business

c = the number of equivalent full-time staff (EFTS).

Staff = Pharmacy Assistants (as defined)

Pharmacy means premises that are registered by the Pharmacy Board of Tasmania.

Trainee means a person who has satisfied the examination requirements for the degree of Bachelor of Pharmacy, and who is engaging in the period of pre-registration experience required by the Act.

Student means a person who is undertaking a course of study leading to the degree of Bachelor of Pharmacy.

8 - WAGE RATES

(a) The minimum weekly rate of pay for employees classified in accordance with clause 7 shall be as follows:

	Base rate Relativity	Base Rate	Safety net Adjustment	Weekly Wage Rate
	%	\$	\$	\$
Pharmacist Manager (as defined)				
Grade 1	180	751.00	24.00	775.00
Grade 2	195	813.50	24.00	837.50
Grade 3	210	876.10	24.00	900.10
Pharmacist-in-charge (as defined)				
Grade 1	160	667.50	24.00	691.50
Grade 2	170	609.20	24.00	733.20
Grade 3	180	751.00	24.00	775.00
Pharmacist (as defined)				
1st year experience	140	584.10	24.00	608.10
Thereafter	150	625.80	24.00	649.80
Student				
After passing:				
first year examination	55	229.50	24.00	253.50
second year examination	65	271.20	24.00	295.20

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	Base rate Relativity	Base Rate	Safety net Adjustment	Weekly Wage Rate
	%	\$	\$	\$
Trainee				
1st 1000 hours of experience	80	334.00	24.00	358.00
Last 1000 hours of experience	85	354.60	24.00	378.60

9 - ANNUAL LEAVE

(a) An employee [other than one engaged as a casual (as defined) or a part-time employee (as defined) in receipt of the 20% loading as prescribed in Clause 24)] shall be allowed a period of one hundred and fifty two hours paid annual leave after each twelve months' continuous service.

Broken leave

(b) Leave allowed under the provisions of subclause (a) shall be given and taken in one continuous period, or if the employer and the employee agree, in one of the following methods:

- (i) In two separate periods, the lesser of which shall be not less than seven consecutive days, i.e. five working days;
- (ii) In any combination, provided one period shall be not less than seven consecutive days, i.e. five working days.

Annual leave exclusive of public holidays

(c) If any of the holidays prescribed by clause 17 hereof fall within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to the period of annual leave one day for each such holiday so occurring.

Payment in lieu prohibited

(d) Except as provided in subclause (h) hereof, payment shall not be made or accepted in lieu of annual leave.

Time of taking leave

(e) Annual leave shall be given at a time fixed by the employer within a period not exceeding twelve months from the date when the right to annual leave accrued and after not less than two weeks' notice to the employee.

Payment for period of leave

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- (f) (i) Before going on annual leave, an employee shall be paid the amount of wages he/she would have received had the employee been at work during the period of annual leave. The amount shall be based on the employee's projected roster of ordinary hours for this period.
- (ii) In addition to the amount mentioned in paragraph (i) of this subclause all employees, other than one engaged as a casual (as defined) or a part-time employee (as defined) in receipt of the 20% loading prescribed in clause 24, shall receive a loading of 17.5% on payments made for annual leave as prescribed in paragraph (i) hereof.

Leave allowed before due date

(g) An employer may allow annual leave to an employee before the right thereto has accrued due, but where it is taken in such a case a further period of annual leave shall not commence to accrue until after expiration of the twelve months in respect of which annual leave has been taken before it accrued.

Where leave has been granted to an employee pursuant to this subclause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may, for each completed month of the qualifying period of twelve months not served by the employee, deduct from whatever remuneration is payable upon the termination of the employment one-twelfth of the amount of wage paid on account of the annual leave which amount shall not include any sums paid for any of the holidays prescribed by clause 17.

Proportionate leave on termination of service

- (h) (i) If after one months continuous service in any qualifying twelve monthly period an employee lawfully leaves his/her employment, or the employee's employment is terminated by the employer through no fault of the employee, the employee shall be paid at his/her ordinary rate of wage as follows:

12.67 hours for each completed month of continuous service.

The service being in respect of leave which has not been granted.

- (ii) The 17.5% leave loading prescribed in subclause (f)(ii) of this clause shall not apply to proportionate leave on termination of service.

Calculation of continuous service

- (iii) For the purpose of this clause, service shall be deemed to be continuous notwithstanding any absence from work on account of personal sickness or accident.

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In calculating the period of twelve months' continuous service any such absence as aforesaid shall not, except to the extent of not more than 91 days in any twelve monthly period, be taken into account in calculating the period of twelve months of continuous service.

10 - CASUAL EMPLOYEES

(a) A casual employee (as defined) for working ordinary hours shall be paid per hour one thirty-eighth of the appropriate weekly wage rate set out in clause 8. In addition thereto a casual employee shall receive twenty percent of the ordinary hourly rate in respect of each hour for which he/she is paid; such additional amount to be payment in lieu of annual leave, sick leave and holidays with pay.

(b) A casual employee shall be entitled to a minimum of three hours pay in respect of each engagement, unless varied by agreement between the employer and employee prior to the employee commencing employment.

Provided that where the pharmacy (as defined) is opened for a trading period of less than three hours, a pharmacy assistant shall be entitled to a minimum payment based on the duration of the actual trading period.

(c) A casual employee shall be employed for a period of time agreed between the employer and the employee subject to the minimum provisions of this award.

(d) A casual pharmacist manager will be graded as follows:

(i) For all hours worked between the hours of 9.00 am and 6.00 pm Monday to Friday - in accordance with subclause (b) of the definition of "Pharmacist Manager" appearing in clause 7; and

(ii) For all other hours - as a Pharmacist-in-Charge (as defined), Grade 1.

(e) A casual pharmacist-in-charge will be graded as follows:

(i) For all hours worked between the hours of 9.00 am and 6.00 pm Monday to Friday - in accordance with subclause (c) of the definition of 'Pharmacist-in-Charge' appearing in clause 7.

(ii) For all other hours - as a Pharmacist-in-Charge (as defined), Grade 1.

(f) Penalty rates prescribed elsewhere in this award are applicable to casual employees. The twenty per cent loading prescribed elsewhere in this clause shall be paid for all hours worked including times when penalty rates are applicable.

PROVIDED that all penalty additions shall be calculated on the ordinary time rate excluding this loading. Viz:

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Time and one quarter equates to 1.45)
Time and one half equates to 1.7) of the ordinary time rate
Double time equates to 2.2)

11 - CLOTHING AND CLOTHING ALLOWANCE

(a) An employer may require an employee to wear outer clothing or protective clothing of a distinctive colour or style.

(b) Where the employer supplies the clothing mentioned in subclause (a) of this clause, the employee shall be responsible for the laundering of these items at no cost to the employer.

(c) Where the employee purchases the clothing mentioned in subclause (a) of this clause, the employer shall be responsible for the laundering of these items or, alternatively, pay to the employee a laundering allowance of \$3.00 per week.

PROVIDED that this subclause shall not apply to casual or part-time pharmacists.

12 - COMPASSIONATE LEAVE

All employees (other than casual employees) shall on the death of a wife, husband, father, mother, child, stepchild, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother, grandchild be entitled upon application being made to, and approved by the employer, to leave up to and including the day of the funeral of such relative and such leave will be without deduction of pay not exceeding the number of ordinary hours worked by the employee in three ordinary days provided that no payment shall be made in respect of an employee's rostered days off.

Proof of such death, in the form of a death notice or other written evidence, shall be furnished by the employee to the satisfaction of the employer, provided furthermore that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.

For the purpose of this clause the words "wife" and "husband" shall not include a wife or husband from whom the employee is separated, but shall include a person who lives with the employee as a de facto wife or husband.

14 - CONTRACT OF EMPLOYMENT

An employee shall be engaged as a full-time, part-time or casual employee (as defined) subject to the following:

(a) A full-time or part-time employee shall be engaged by the week, fortnight or month as agreed between the employer and the employee prior to engagement.

(b) During the first four weeks of engagement, employment may be terminated by the giving of one hour's notice on either side or by the payment or forfeiture of an amount equal to one hour's ordinary time, as the case may be.

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(c) During the next five months of an employee's engagement, employment may be terminated by the giving of one week's notice on either side, or by the payment or forfeiture of an amount equal to one week's ordinary time, as the case may be.

(d) (i) Employment that continues beyond the period referred to in subclause (b) and (c) hereof shall be in accordance with the terms of engagement as set out in subclause (a) of this clause.

(ii) Further to paragraph (i) of this subclause, employment may be terminated by either side by the giving of notice in accordance with the following table:

<u>Terms of Employment</u>	<u>Period of Notice</u> <u>(ordinary time)</u>
Weekly	1 week
Fortnightly	2 weeks
Monthly	1 month

or by the payment or forfeiture of an amount equal to the period of notice, as the case may be.

(e) These provisions shall not affect the right of the employer to dismiss an employee without notice for neglect of duty or misconduct and in such cases the wages shall be paid up to the time of dismissal only.

(f) The employer in the event of misconduct may suspend an employee without pay. The maximum period of suspension shall be one week. Prior to the implementation of a suspension, the appropriate union shall be advised of the intention to undertake such suspension. In the event that a union official cannot be contacted, the suspension will not be implemented for a period of at least 24 hours.

Should the employee not agree to the suspension the union shall have the right to refer the matter to the Tasmanian Industrial Commission. If upon examination the Tasmanian Industrial Commission forms the view that the suspension was harsh or unjust, it may vary the term of or rescind the suspension. Nothing in this subclause shall affect the right of the employer to dismiss an employee in accordance with the previous subclause.

(g) An employer may direct an employee to carry out such duties as are within the limits of the employee's skill, competence and training consistent with the classification structure of this award provided that such duties are not designed to promote de-skilling.

(h) An employer may direct an employee to carry out such duties and use such tools and equipment as may be required provided that the employee has been properly trained in the use of such tools and equipment.

This provision does not deny such employees any award entitlement which might be applicable for performing work of a higher classification; nor should the provision enable the employer to pay an employee at a rate lower than the employees' substantive classification for performing work of a lower classification.

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(i) Any direction issued by an employer pursuant to subclause (g) and (h) hereof shall be consistent with the employer's responsibilities to provide a safe and healthy working environment.

(j) At the time a full-time or part-time employee is engaged, the employer will confirm in writing to the employee at least the following details:

- (i) The commencement date of employment;
- (ii) Whether the contract of employment is full-time or part-time; and
- (iii) The classification and wage rate of the employee at commencement.

15 - EXPENSES AND ACCOMMODATION

(a) In addition to the remuneration payable under clause 8 of this award the employer shall make suitable arrangements to cover all reasonable expenses incurred by an employee required to travel in the course of his/her employment. Accommodation provided by an employer should be of an acceptable standard and suitable arrangements made for all meals whilst travelling on the employer's business.

(b) Arrangements established by an employer shall be discussed with the employee prior to the incurring of any expense.

(c) An employee required to use his/her own car on any day shall be paid not less than:

2 litres and above 35.25 cents per kilometre
Less than 2 litres 30.32 cents per kilometre

16 - HIGHER DUTIES

Pharmacists

(a) Where a pharmacist (as defined) is required, at the direct request of the owner or manager, to be in charge of a shop for a period in excess of two continuous hours in any one day, the pharmacist shall be paid at the rate for the relevant category of pharmacist-in-charge (as defined) for the period of time so worked.

18 - HOURS OF WORK

(a) The ordinary hours of work for full-time employees shall be an average of 38 per week worked over a four week cycle, to be worked between 6.00 am and midnight, Monday to Sunday inclusive, subject to:

- (i) A maximum of twelve hours in any one day;
- (ii) Not more than twenty days in any 28 day period;

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- (iii) Not more than six days continuously;
- (iv) Not more than two consecutive days in excess of ten hours without the express consent of the employee.

Provided that where employees are engaged for periods of less than four weeks, the ordinary hours of work shall be an average of 38 per week to be worked over the number of weeks the employee is engaged.

Rosters

Pharmacists

- (b) (i) The rostered ordinary hours of engagement for a pharmacist shall be established at engagement and may be varied by agreement between the employer and employee.

In the event no agreement can be reached the roster may be varied by the employer giving not less than the same period of notice required by clause 14(d)(ii) of the intended change.

General

- (ii) (A) There will be a minimum break of ten hours between an employee's finishing time on one shift (including overtime) and commencing time on the next shift.
- (B) An employee's roster may not be changed with the intent of avoiding payment for public holidays. Should such circumstances arise the employee shall be entitled to payment for the public holiday as if their roster had not changed.
- (C) Where an employee's rostered ordinary hours of work fall on any of the holidays with pay mentioned in clause 17, the employee shall work those hours if required to do so by the employer.

19 - MEAL BREAKS, REST PERIODS AND MEAL ALLOWANCES

Meal break

- (a) (i) An employee engaged to work at least six consecutive hours in any one day, Monday to Sunday, shall be allowed an unpaid meal break of thirty minutes. The meal break shall be taken after not less than three hours nor more than five hours after the commencement of duty.
- (ii) Except where overtime is worked for a period not exceeding one hour after normal finishing time, no employee shall work for more than five hours in any one day, Monday to Friday, without a break of not less than 30 minutes for a meal.

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- (iii) In circumstances where a second meal break is required on any one day such break shall not be less than 30 minutes.

Meal allowance

- (b) (i) An employee who has worked six hours or more during ordinary time and who is required to work overtime for more than one and a half hours shall be either supplied with an adequate meal by the employer or be paid \$9.25 meal money.

PROVIDED THAT this provision shall not apply in circumstances where the employer has advised the employee of the requirement to work overtime on the previous day.

* see wage schedule

- (ii) The payment prescribed in paragraph (i) herein shall be made on the day on which the overtime is worked, prior to the meal break being taken, or by agreement of the employer and employee on the occasion of the next payment of wages.

Rest period

(c) Employees shall be allowed a rest period to be taken approximately midway between:

- (i) The start of work and the midday meal break; and
- (ii) Between the resumption of work after the midday meal break and the cessation of work for the day.

Each rest period shall be of ten minutes duration and taken at a time as agreed between the employer and the employee.

20 - MEAL BREAK AVAILABILITY ALLOWANCE

A meal break availability allowance calculated at 25% of the ordinary hourly rate for a full-time Pharmacist-in-Charge Grade 1 will be payable to a Pharmacist (as defined) who works for more than six hours continuously on any day, excluding time for closing.

The allowance shall be in addition to the appropriate ordinary hourly rate prescribed in clause 8.

21 - OCCUPATIONAL SUPERANNUATION

Definition

(a) "Fund" - means a Superannuation Fund as defined in the Occupational Superannuation Standards Act 1987.

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(b) An employer shall make a superannuation contribution on behalf of all eligible employees consistent with the requirements of the Superannuation Guarantee Charge Act 1992, the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992 and the Occupational Superannuation Standards Act 1987 into a fund (as defined).

(c) The employer shall not be required to make contributions into more than one fund (as defined).

(d) The employer shall consult as may be necessary to facilitate the selection by a majority of employees of an appropriate Fund within the meaning of subclause (a) herein.

(e) Notwithstanding the provisions of this clause, an employer shall continue to make contributions into the fund applying as at the date of the making of this award until such time as an alternate fund is selected in accordance with subclause (d) of this clause.

22 - OVERTIME

(a) An employer may require an employee to work reasonable overtime outside the rostered ordinary hours as prescribed by clause 18.

(b) Overtime shall be paid at the rate of time and a half for the first three hours and double time thereafter, except for Sundays and holidays with pay, when it shall be paid at double time for all time worked.

(c) Where an employer and an employee agree, time off at the penalty equivalent may be taken in lieu of overtime payments; provided that such time off is taken within 28 days, or is accumulated and added to the period of annual leave.

(d) An employee who works past the close of business, in fact to close the pharmacy (as defined) without customers, shall be paid at the same rate at the time fixed for ceasing work for fifteen minute intervals up to a maximum of 30 minutes at that rate. Thereafter normal overtime provisions shall apply, notwithstanding provisions (a) to (c) hereof.

23 - PARENTAL LEAVE

Parental leave includes maternity, paternity and adoption leave and part-time work arrangements. Contact the TCCI for a copy of our Parental Leave booklet.

24 - PART-TIME EMPLOYEES

(a) A part-time employee shall be paid for each hour worked one 38th of the appropriate weekly wage rate and shall be entitled to receive annual leave, sick leave and holidays with pay in the same proportion as their ordinary hours bear to 38.

Provided that by agreement (in writing) between the employer and an employee, a loading of twenty percent may be paid in lieu of pro-rata entitlements to annual leave, sick leave and holidays with pay.

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(b) A part-time employee who elects to receive the twenty percent in lieu of pro rata entitlements will be entitled, on application, to leave without pay to a maximum of four weeks for each year of employment to be taken at a time mutually agreed between the employer and employee.

25 - PAYMENT OF WAGES

(a) Full-time and part-time employees shall be paid on a weekly, fortnightly or monthly basis according to the contract of employment or as otherwise agreed on any day of the week except Saturday or Sunday, provided that payment is made on an employee's ordinary working day.

(b) Casual employees shall be paid at the end of each separate engagement provided that, where the employer and the employee agree, payment may be made either weekly, fortnightly or monthly.

(c) Wages shall be paid by one of the following methods:

Cash (in employer's time);

Cheque; or

Electronic funds transfer.

PROVIDED that where the method of payment is by electronic funds transfer it shall be at no cost to the employee.

(d) On each pay day an employee shall be issued with a statement setting out the pay period for which the statement is issued, the amount of wages to which the employee is entitled, the amount of deductions made therefrom and the net amount being paid.

26 - PENALTY RATES

(a) Ordinary time worked as follows shall be paid at the following penalty loadings in addition to the ordinary hourly rate:

(i) On Monday to Friday inclusive:

(A) between 6.00 am and 8.00 am	25%
(B) between 9.00 pm to midnight	25%

(ii) On Saturday

Between 6.00 am and midnight	25%
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(iii) On Sunday - 50% with a minimum payment as for three hours worked.

(iv) On a holiday with pay - 50% of the relevant hourly classification rate.

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(b) The penalty rates prescribed by this clause shall not be cumulative on overtime rates.

(c) Where an employer and an employee mutually agree, time off at the penalty equivalent may be taken in lieu of penalty payments; provided that such time off is taken within 28 days, or is accumulated and added to the period of annual leave.

Casual pharmacists

(d) The result of the minimum rates adjustment for pharmacists shall not see a reduction in rates from current \$ values paid based on a Relieving Pharmacist Grade 2 (Order No. 3 of 1991 - Consolidated of the Chemists Award) on Monday to Friday 6.00 am - 9.00 pm and on Saturday. Until overtaken by the application of this award, the minimum rates to be paid for work performed under this clause shall be:

(i) Monday to Friday 6.00 pm - 9.00 pm

\$22.89 per hour until this amount is exceeded by the ordinary hourly rate for a Pharmacist-in-Charge Grade 1.

(ii) Saturday:

In excess of three hours - \$30.52 per hour until this amount is exceeded by 125% of the ordinary hourly rate for a Pharmacist-in-Charge Grade 1.

27 - PHARMACISTS REMUNERATION PACKAGING

An employee engaged as a pharmacist may agree on a rate of pay other than that specified for the appropriate classification in clause 8, on the understanding that such rate of pay contains an element compensating in whole or in part for entitlements which would otherwise accrue under clauses 10, 26 and 22.

28 - SETTLEMENT OF DISPUTES

Subject to the Industrial Relations Act 1984 (as amended) any matter in dispute shall be the subject of negotiations and settlement in the following manner:

Any matter of concern shall in the first instance be discussed between the employer and the employee.

(a) The matter shall be taken up by an accredited union delegate or union organiser with the employer concerned or by the employer concerned with the accredited union delegate or union organiser, as the case may be.

(b) If the matter in dispute is not settled at the preceding stage, it may be referred by either the Branch Secretary (or the Branch Secretary's nominee) or the employer to the Tasmanian Industrial Commission for settlement.

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(c) The decision of the Tasmanian Industrial Commission shall be accepted by the parties as final subject to the exhaustion of any statutory appeal rights.

(d) Where any of the provisions of this clause have been invoked by any party, work will continue without limitation.

(e) Where a bona fide safety issue is involved, the parties shall give immediate priority to resolving the issue. In resolving the issue, the parties shall have regard to recognised safety standards and any relevant legislation.

29 - SICK LEAVE

(a) An employee [other than one engaged as a casual employee (as defined), or a part-time employee in receipt of the twenty percent loading as prescribed in clause 24], who is absent from work on account of personal illness or on account of injury by accident shall be entitled to leave of absence without deduction of pay, subject to the following conditions and limitations:

- (i) The employee shall not be entitled to such leave of absence for any period in respect of which the employee is entitled to workers' compensation;
- (ii) The employee shall, as soon as possible, and where practicable within one hour of the commencement of the employee's normal working day, inform the employer of his/her inability to attend for work, and as far as may be practicable, state the nature of the illness or injury and the estimated duration of the absence;
- (iii) The employee shall prove to the satisfaction of the employer (or in the event of a dispute, the Tasmanian Industrial Commission) that he/she was unable on account of such illness or injury to attend for work on the day or days for which the sick leave is claimed;
- (iv) The employee shall not be entitled in any year to sick leave in excess of 76 hours of ordinary working time.

PROVIDED that during the first three months of employment, sick leave shall accrue on the basis of 6.33 hours for each completed calendar month of service with the employer.

(b) Sick leave shall accumulate from year to year so that any balance of the period specified in subclause (a)(iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave shall be credited to the employee and, subject to the conditions hereinbefore prescribed shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year.

(c) An employer shall not be required to make any payment in respect of accumulated sick leave credits to an employee who is discharged or leaves his or her employment, or for any time an employee is absent from work without producing satisfactory evidence of personal illness.

30 - STRUCTURAL EFFICIENCY

(a) The parties to this award are committed to co-operating positively to increase efficiency and productivity and to enhance the opportunities and job security of employees.

(b) At each place of employment a consultative mechanism appropriate to the size, structure and needs of that place shall be established to consider efficiency measures. The consultative mechanism shall involve management, employees of the centre and the union(s) relevant.

(c) Efficiency measures which may seek to vary a provision of this award shall be referred to the Tasmanian Industrial Commission.

(d) An appropriate classification structure shall be an issue for on-going consultation between the parties to the award.

APPENDIX F - WESTERN AUSTRALIA

2 - ARRANGEMENT

<u>Clause no.</u>	<u>Subject</u>
2	Arrangement
6	Definitions
7	Wages
8	Payment of wages
9	Part time and casual employees
10	Hours, overtime and penalty rates
11	Meal break
12	Lunch hour supervision
14	Annual leave
15	Sick leave
16	Distant jobs and travelling time
17	Uniform allowance
18	Long service leave
19	Time and wages record
20	Engagement and contract of service
21	Breakdowns
22	Meal money
23	Union membership
24	Compassionate leave
25	Superannuation
26	Maternity leave
27	Enterprise agreements
28	Consultative procedures
29	Savings provision

Appendix work level standards and gradings for pharmacists

6 - DEFINITIONS

- (1) "Association" shall mean the Salaried Pharmacists' Association of Western Australia (Union of Workers).
- (2) "Pharmacist Manager" means a pharmacist whose employment in terms of the purpose to be achieved by it is the management of a community pharmacy practice.
- (3) (a) "Pharmacist in Charge Grade 1" means a pharmacist in charge of more than ten but not more than twenty other employees.
(b) "Pharmacist in Charge Grade 2" means a pharmacist in charge of more than twenty other employees.
- (4) "Pharmacist" means:
 - (a) A person who is registered as a pharmacist pursuant to the Act and who is employed in a pharmacy as such: and

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(b) Who in the course of employment may be placed in charge of not more than ten other employees and be required to perform such other tasks in a pharmacy as are incidental to being in charge of others, but who shall not be required to perform substantially management tasks.

(5) "Trainee" means a person who has satisfied the examination requirements for the degree of Bachelor of Pharmacy, and who is engaging in the period of pre-registration training required by the Act.

(6) "Student" means a person who is undertaking a course of study leading to the degree of Bachelor of Pharmacy.

(7) "Part-time employee" means an employee who regularly works a minimum of three consecutive hours (meal breaks excepted) and less than the hours prescribed for a full-time employee.

(8) "Casual employee" means an employee other than a full-time or a part-time employee who except where there is agreement to the contrary between the employer and the Association, works for a minimum of two consecutive hours (meal breaks excepted) and for a period of four weeks or less per year.

(9) "The Act" shall mean the Pharmacy Act 1964 as amended.

7 - WAGES

Classifications

(1)

	Base Rate Per Week	Supplementary Payment Per Week	Safety Net Adjustment	Award Rate Per Week
Pharmacist Manager				
(a) Grade 3	766.60	109.50	16.00	892.10
(b) Grade 2	711.80	101.70	16.00	829.50
(c) Grade 1	657.10	93.90	16.00	767.00
Pharmacist-in-Charge				
(a) Grade 2	620.50	88.70	16.00	725.20
(b) Grade 1	602.30	86.10	16.00	704.40
Pharmacist	549.20	78.50	16.00	643.70
Trainee	337.30	48.20	16.00	401.50
Student (34% of Pharmacist rate)	-	-	-	218.85

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(2) Subject to clause 6, employees shall be classified and graded according to the work level standards and the grading arrangements prescribed in the Appendix to this award.

(3) Where a pharmacist is required, at the direct request of the owner or manager, to be in charge of a shop for a period in excess of four continuous hours in any one day he/she shall be paid at the rate for the relevant category of pharmacist-in-charge for the period of time so worked.

(4) Hourly rates shall be calculated by dividing the appropriate weekly rate by 38.

Part-time employees

(5) Part-time employees shall be paid an hourly rate calculated on the basis of (1) and (4) above, for the classification involved.

Casual employees

(6) (a) Casual employees shall be paid at an hourly rate calculated on the basis of (1) and (4) above, for the classification involved, plus an additional loading of twenty percent; such additional amount to be payment in lieu of annual leave, sick leave and public holidays.

(b) A casual employee shall be entitled to a minimum of two hours' pay in respect of each start.

(7) A reliever shall be paid at the rate of ten per cent in addition to the rates prescribed in subclause (1) hereof.

(8) The rates of pay in this award include the first \$8.00 per week arbitrated safety net adjustment payable under the December 1994 decision. This first \$8.00 per week arbitrated safety net adjustment may be offset to the extent of any wage increase as a result of agreements reached at enterprise level since 1 November 1991. Increases made under previous State Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

(9) The rates of pay in this award include the second \$8 per week arbitrated safety net adjustment payable under the December 1994 decision. This second \$8 per week arbitrated safety net adjustment may be offset to the extent of any wage increase payable since 1 November 1991 pursuant to enterprise agreements, consent awards or award variations to give effect to enterprise agreements, insofar as that wage increase has not previously been used to offset an arbitrated safety net adjustment. Increases made under previous State Wage Case principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

8 - PAYMENT OF WAGES

Full-time and part-time employees

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(1) Payment of wages or salary shall be made weekly fortnightly or monthly according to the contract of employment, or as otherwise agreed, on any day of the week except Saturday or Sunday, provided that payment is made on an employee's ordinary working day.

Casual employees

(2) Payment of wages shall be made at the end of each separate engagement, provided that, where the employer and the employee mutually agree, payment may be made either weekly, fortnightly or monthly.

(3) Payment of wages shall be by cash, cheque or transfer to a bank, building society or credit union account in the name of the employee, provided that any additional charges incurred as part of the initial transfer of salary for each pay period shall be at the expense of the employer.

(4) Where an employer elects to extend the pay period to fortnightly or monthly, such employer shall offer to phase in the changeover to the longer period over a period of three months. Any such phasing in of the pay period shall be by mutual agreement, provided that where the parties are unable to agree, the matter may be referred to the Commission

9 - PART TIME AND CASUAL EMPLOYEES

(1) A part-time employee as defined in clause 6 shall receive payment for wages, annual leave holidays and sick leave on a pro rata basis in the same proportion as the number of hours regularly worked each week bears to the ordinary hours for a full-time worker in each establishment.

(2) When an employee has been engaged as a part-time employee, the employer shall notify the Association in writing of the name of the employee and the number of hours that the employee is required to work each week.

(3) Where a part-time employee is employed for a lesser period than three hours, such employee shall be paid a minimum of three hours' pay at the rate which would have applied had the employee worked those hours.

(4) Where a casual employee is employed for a lesser period than two hours, such employee shall be paid a minimum of two hours' pay at the rate which would have applied had the employee worked those hours.

10 - HOURS, OVERTIME AND PENALTY RATES

Hours of work

- (1) (a) The ordinary hours of work shall not exceed an average of 38 per week over a four week cycle to be worked between 6 am and midnight Monday to Sunday inclusive, subject to a maximum of twelve hours in any one day.

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- (b) Where ordinary hours in excess of 38 are worked in any one week such additional time may be accrued to be taken as rostered time off. Such rostered time off may be taken:
 - (i) As a half day off per fortnight;
 - (ii) As a nineteen day month;
 - (iii) In blocks of full days off, either rostered to be taken during the year in which they are accrued or to be taken in conjunction with periods of annual leave.
- (c) An employee shall receive at least one week's notice of any rostered time off or of any change of rostered time off:
 - (i) Where an employer fails to provide sufficient notice of rostered time off, an employee shall be paid for the ordinary time he/she is so rostered off at ordinary time rate.
 - (ii) Where an employee having been given insufficient notice of being required to work on a rostered day off is required to work on a rostered day off such employee shall be paid for such time at overtime rates.
- (d) Notwithstanding the provision of subclauses (4) and (5) of this clause an employer and employee may by mutual agreement substitute a rostered day or half day off for another day or half day as the case may be in which case the rostered day or half day off shall become an ordinary working day.
- (e) Subject to the employer's approval, where one employee agrees with another employee to swap their rostered time off overtime rates shall not apply if such swap involves insufficient notice or the working of hours in excess of those laid down elsewhere in this clause.
- (f) All accrued time off which remains untaken at the date of termination of an employee shall be paid at the rate of pay which applies at the date of termination.

Overtime

- (2) (a) An employer may require an employee to work reasonable overtime as follows:
 - (i) In excess of twelve hours per day; or
 - (ii) In excess of an average of 38 hours per week over a four week cycle;
 - (iii) Outside the prescribed ordinary hours of work.

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- (b) Overtime shall be paid at the rate of time and a half for the first two hours and double time thereafter, except on Sunday, when it shall be paid at double time for all time worked.
- (c) Where an employer and an employee mutually agree, time off at the penalty equivalent may be taken in lieu of overtime payments; provided that such time off is taken within 28 days, or is accumulated and added to the period of annual leave.
- (d) An employer may require an employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirements. No organisation party to this award or employee or employees covered by this award shall, in any way whether directly or indirectly be a party to or concerned in any ban, limitation or restriction upon the working of overtime in accordance with the requirements of this subclause.

Penalty rates

- (3) (a) Ordinary time worked as follows shall be paid at the following penalty loadings in addition to the ordinary hourly rate:
 - (i) On Monday to Saturday inclusive:
 - (aa) Between 6 am and 8.00 am, 25 percent,
 - (bb) Between 9 pm and midnight, 25 percent,
 - (ii) On Sunday or a public holiday as defined, 50 percent with a minimum payment as for three hours work.
- (b) The penalty rates prescribed by this clause shall not be cumulative on overtime rates.
- (c) Where an employer and an employee mutually agree, time off at the penalty equivalent may be taken in lieu of penalty payments; provided that such time off is taken within 28 days, or is accumulated and added to the period of annual leave.

(4) Any dispute arising out of the implementation of this clause shall be referred to the Commission for determination.

11 - MEAL BREAK

(1) Subject to the provisions of clause 12 hereof and to subclause (2) of this clause breaks shall be taken at the time most convenient to the employer's business provided that not more than one hour nor less than 30 minutes shall be given or taken for each meal.

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(2) Where an employee has worked six consecutive hours in any one day without a meal break such employee shall be allowed a meal break provided that where an employee is required to work more than six consecutive hours without a meal break, the employee shall be paid at overtime rates for that meal break.

12 - MEAL HOUR SUPERVISION

(1) Notwithstanding anything else contained in this award where a worker is required to work during his/her meal break for the purpose of exercising supervision pursuant to the Pharmacy Act 1964, additional payment shall be made at the rate of \$3.00 per meal break.

(2) Where a worker is required by his/her employer to dispense prescriptions during his/her lunch break the time so involved shall be counted and paid as time worked.

14 - ANNUAL LEAVE

(1) Except as hereinafter provided a period of four consecutive weeks' leave with payment of ordinary wages as prescribed shall be allowed annually to a worker by his employer after a period of twelve months' continuous service with such employer.

(2) (a) During a period of annual leave a worker shall be paid a loading 17 1/2% calculated on his/her ordinary wage as prescribed.

(b) The loading prescribed by this subclause shall not apply to proportionate leave on termination.

(3) If any award holiday falls within a worker's period of annual leave and is observed on a day which in the case of that worker, would have been an ordinary working day, there shall be added to that period one day, being an ordinary working day, for each such holiday observed as aforesaid.

(4) (a) If after one month's continuous service in any qualifying twelve monthly period a worker leaves his/her employment or his/her employment is terminated by the employer through no fault of the worker, the worker shall be paid one third of a week's pay at his/her ordinary rate of wage in respect of each completed month of service.

(b) In addition to any payment to which he/she may be entitled under paragraph (a) hereof a worker whose employment terminates after he/she has completed a twelve monthly qualifying period and who has not been allowed the leave prescribed under this award in respect of that qualifying period, shall be given payment in lieu of that leave or, in a case to which subclause (8) of this clause applies, in lieu of so much of that leave as has not been allowed, unless:

(i) He/she has been justifiably dismissed for misconduct; and

(ii) The misconduct for which he/she has been dismissed occurred prior to the completion of that qualifying period.

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(5) Any time in respect of which a worker is absent from work, except time for which he/she is entitled to claim sick pay, or time spent on holidays or annual leave as prescribed by this award shall not count for the purpose of determining his/her right to annual leave.

(6) In special circumstances and by mutual consent of the employer, the worker and the union concerned, annual leave may be taken in not more than two period.

(7) No worker shall be requested to go on holidays unless at least two week's prior notice is given.

(8) Notwithstanding anything else herein contained an employer who observes a Christmas closedown for the purpose of granting annual leave may require a worker to take his/her annual leave in not more than two periods but neither of such periods shall be less than one week.

(9) In the event of a worker being employed by an employer for portion only of a year he/she shall only be entitled subject to subclause (4) of this clause to such leave on full pay as is proportionate to his/her length of service during that period with such employer, and if such leave is not equal to the leave given to the other workers he/she shall not be entitled to work or pay whilst the other workers of such employer are on leave on full pay.

(10) The provisions of this clause shall not apply to casual workers or 500 hours student.

15 - SICK LEAVE

- (1) (a) A worker who is unable to attend or remain at his place of employment during the ordinary hours of work by reason of personal ill health or injury shall be entitled to payment during such absence in accord with the following provisions:
 - (b) Entitlement to payment shall accrue at the rate of one sixth of a week for each completed month of service with the employer.
 - (c) If in the first or successive years of service with the employer a worker is absent on the ground of personal ill health or injury for a period longer than his entitlement to paid sick leave, payment may be adjusted at the end of that year of service, or at the time the worker's services terminate. If before the end of that year of service, to the extent that the worker has become entitled to further paid sick leave during that year of service.

(2) The unused portions of the entitlement to paid sick leave in any one year shall accumulate from year to year and subject to this clause may be claimed by the worker if the absence by reason of personal ill health or injury exceeds the period for which entitlement has accrued during the year at the time of the absence. Provided that a worker shall not be entitled to claim payment for any period exceeding ten weeks in any one week of service.

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(3) To be entitled to payment in accordance with this clause the worker shall as soon as reasonably practicable advise the employer of his/her inability to attend for work, the nature of his/her illness or injury and the estimated duration of the absence. Provided that such advice, other than in extraordinary circumstances shall be given to the employer within 24 hours of the commencement of the absence.

(4) The provisions of this clause do not apply to a worker who fails to produce a certificate from a medical practitioner dated at the time of the absence or who fails to supply such other proof of the illness or injury as the employer may reasonably require provided that the worker shall not be required to produce a certificate from a medical practitioner with respect to absences of two days or less unless after two such absences in any year of service the employer requests in writing that the next and subsequent absences in that year if any, shall be accompanied by such certificate.

- (5) (a) Subject to the provisions of this subclause, the provisions of this clause apply to a worker who suffers personal ill health or injury during the time when he/she is absent on annual leave and a worker may apply for and the employer shall grant paid sick leave in place of paid annual leave.
- (b) Application for replacement shall be made within seven days of resuming work and then only if the worker was confined to his/her place of residence or a hospital as a result of his/her personal ill health or injury for a period of seven consecutive days or more and he/she produces a certificate from a registered medical practitioner that he/she was so confined. Provided that the provisions of this paragraph do not relieve the worker of the obligation to advise the employer in accordance with subclause (3) of this clause if he/she is unable to attend for work on the working day next following his/her annual leave.
- (c) Replacement of paid annual leave by paid sick leave shall not exceed the period of paid sick leave to which the worker was entitled at the time he/she proceeded on annual leave and shall not be made with respect to fractions of a day.
- (d) Where paid sick leave has been granted by the employer in accordance with paragraphs (a), (b) and (c) of this subclause, that portion of the annual leave equivalent to the paid sick leave is hereby replaced by the paid sick leave and the replaced annual leave may be taken at another time mutually agreed to by the employer and the worker or, failing agreement, shall be added to the worker's next period of annual leave or if termination occurs before then, be paid for; in accordance with the provisions of clause 14.
- (e) Payment for replaced annual leave shall be at the rate of wage applicable at the time the leave is subsequently taken provided that the annual leave loading prescribed in clause 14 shall be deemed to have been paid with respect to the replaced annual leave.

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(6) Where a business has been transmitted from one employer to another and the worker's service has been deemed continuous in accordance with subclause (3) of clause 2 of the Long Service Leave provisions published in volume 59 of the Western Australian Industrial Gazette at pages 1-6, the paid sick leave standing to the credit of the worker at the date of transmission from service with the transmitter shall stand to the credit of the worker at the commencement of service with the transmittee and may be claimed in accordance with the provisions of this clause.

(7) The provisions of this clause with respect to payment do not apply to workers who are entitled to payment under the Workers' Compensation Act nor to workers whose injury or illness is the result of the worker's own misconduct.

(8) The provisions of this clause do not apply to casual workers.

16 - DISTANT JOBS AND TRAVELLING TIME

(1) Where an employee is engaged on outside work the employer shall pay all fares and a proper allowance at current rates shall be paid for all necessary meals.

(2) Where an employee is engaged at such a distance that he/she cannot return at night, suitable board and lodging shall be found at the employer's expense.

(3) All reasonable time spent travelling to and from country and metropolitan districts at the employer's direction shall be paid at the rate of one 38th of the weekly rate specified for the classification of Pharmacist for each hour of travelling time.

17 - UNIFORM ALLOWANCE

(1) Where a worker is required to wear a uniform subject to subclause (2) hereof such uniform shall be provided and laundered by the employer at his/her expense.

(2) Where subclause (1) of this clause applies the employer may:

(a) Pay an allowance of one dollar fifty cents per week in lieu of providing such uniform.

(b) Pay an allowance of one dollar per week in lieu of laundering such uniform.

18 - LONG SERVICE LEAVE

1 - Right to leave

A worker shall, as herein provided, be entitled to leave with pay in respect of long service.

2 - Long service

(1) The long service which shall entitle a worker to such leave shall, subject as herein provided, be continuous service with one and the same employer.

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(2) Such service shall include service prior to the first day of April, 1958, if it continued until such time but only to the extent of the last twenty completed years of continuous service.

(3) (a) Where a business has, whether before or after the coming into operation hereof, been transmitted from an employer (herein called “the transmitter”) to another employer (herein called “the transmittee”) and a worker who at the time of such transmission was an employee of the transmitter in that business becomes an employee of the transmittee—the period of the continuous service which the worker has had the transmitter (including any such service with any prior transmitter) shall be deemed to be service of the worker with the transmittee.

(b) In this subclause “transmission” includes transfer, conveyance, assignment or succession whether voluntary or by agreement or by operation of law and “transmitted” has a corresponding meaning.

(4) Where, over a continuous period, a worker has been employed by two or more companies each of which is related company within the meaning of Section 6 of the Companies Act 1961 the period of the continuous service which the worker has had with each of those companies shall be deemed to be service of the worker with the company by whom he/she is last employed.

(Section 6 reads):-

“6. (1) For the purposes of this Act, a corporation shall, subject to the provisions of subsection (3) of this section, be deemed to be a subsidiary of another corporation, if,

(a) That other corporation:

(i) Controls the composition of the board of directors of the first mentioned corporation;

(ii) Controls more than half of the voting power in the first mentioned corporation; or

(iii) Holds more than half of the issued share capital of the first mentioned corporation excluding any part thereof which carries no right to participate beyond a specified amount in a distribution of either profits or capital); or

(b) The first mentioned corporation is a subsidiary of any corporation which is that other corporation’s subsidiary.

(2) For the purpose of subsection (1) of this section, the composition of a corporation’s board of directors shall I be deemed to be control led by another corporation if that other corporation by the exercise of some power exercisable by it without the consent or concurrence of any other person can

appoint or remove all or a majority of the directors; and for the purposes of this provision that other corporation shall be deemed to have power to make such an appointment if:

- (a) A person cannot be appointed as a director without the exercise in his favour by that other corporation of such a power; or
 - (b) A person's appointment as a director follows necessarily from his being a director or other officer of that other corporation.
- (3) In determining whether one corporation is a subsidiary of another corporation:
- (a) Any shares held or power exercisable by that other corporation in a fiduciary capacity shall be treated as not held or exercisable by it;
 - (b) Subject to paragraphs (c) and (d) of this subsection, any shares held or power exercisable:
 - (i) By any person as a nominee for that other corporation (except where that other corporation is concerned only in a fiduciary capacity); or
 - (ii) By, or by a nominee for, a subsidiary of that other corporation, not being a subsidiary which is concerned only in a fiduciary capacity;shall be treated as held or exercisable by that other corporation;
 - (c) Any shares held or power exercisable by any person by virtue of the provisions of any debentures of the first-mentioned corporation or of a trust deed for securing any issue of such debentures shall be disregarded; and
 - (d) Any shares held or power exercisable by, or by a nominee for, that other corporation or its subsidiary (not being held or exercisable as mentioned in paragraph (c) of this subsection) shall be treated as not held or exercisable by that other corporation if the ordinary business of that other corporation or its subsidiary, as the case may be, includes the lending of money and the shares are held or power is so exercisable by way of security only for the purposes of a transaction entered into in the ordinary course of that business.
- (4) A reference in this Act to the holding company of a company or other corporation shall be read as a reference to a corporation of which that last-mentioned company or corporation is a subsidiary.
- (5) Where a corporation:

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- (a) Is the holding company of another corporation;
 - (b) Is a subsidiary of another corporation;
 - (c) Is a subsidiary of the holding company of another corporation, that first-mentioned corporation and that other corporation shall for the purposes of this Act be deemed to be related to each other.”
- (5) Such service shall include:
- (a) Any period of absence from duty on any annual leave or long service leave;
 - (b) Any period of absence from duty necessitated by sickness of or injury to the worker but only to the extent of fifteen working days in any year of his/her employment;
 - (c) Any period following any termination of the employment by the employer if such termination has been made merely with the intention of avoiding obligations hereunder in respect of long service leave or obligations under any award in respect of annual leave;
 - (d) Any period during which the service of the worker was or is interrupted by service:
 - (i) As a member of the Naval, Military or Air forces of the Commonwealth of Australia other than as a member of the British Commonwealth Occupation Forces in Japan and other than as a member of the Permanent Forces of the Commonwealth of Australia except in the circumstances referred to in section 31 (2) of the Defence Act 1903-1956, and except in Korea or Malaya after 26th June, 1950;
 - (ii) As a member of the Civil Construction Corps established under the National Security Act 1939- 1946;
 - (iii) In any of the Armed Forces under the National Service Act 1951 (as amended).
- Provided that the worker as soon as reasonably practicable on the completion of any such service resumed or resumes employment with the employer by whom he/she was employed immediately before the commencement of such service.
- (6) Service shall be deemed to be continuous notwithstanding:
- (a) The transmission of a business as referred to in paragraph (3) of this subclause;
 - (b) The employment with related companies as referred to in paragraph (4) of this subclause;

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- (c) Any interruption of a class referred to in paragraph (5) of this subclause;
- (d) Any absence from duty authorised by the employer;
- (e) Any standing-down of a worker in accordance with the provisions of an award, industrial agreement, order or determination under either Commonwealth or State law;
- (f) Any absence from duty arising directly or indirectly from an industrial dispute if the worker returns to work in accordance with the terms of settlement of the dispute;
- (g) Any termination of the employment by the employer on any ground other than slackness of trade if the worker be re-employed by the same employer within a period not exceeding two months from the date of such termination;
- (h) Any termination of the employment by the employer on the ground of slackness of trade if the worker is re-employed by the same employer within a period not exceeding six months from the date of such termination;
- (i) Any reasonable absence of the worker on legitimate union business in respect of which he has requested and been refused leave;
- (j) Any absence from duty after the coming into operation of this clause by reason of any cause not specified in this clause unless the employer, during the absence or within fourteen days of the termination of the absence notifies the worker in writing that such absence will be regarded as having broken the continuity of service, which notice may be given by delivery to the worker personally or by posting it by registered mail to his/her last recorded address, in which case it shall be - deemed to have reached him/her in due course of post.

Provided that the period of absence from duty or the period of any interruption referred to in placita (d to j) inclusive of this paragraph shall not (except as set out in paragraph (5) of this subclause) count as service.

3 - Period of leave

(1) The leave to which a worker shall be entitled or deemed to be entitled shall be as provided in this subclause.

(2) Subject to the provisions of paragraphs (5) and (6) of this subclause:

Where a worker has completed at least fifteen years' service the amount of leave shall be:

- (a) In respect of fifteen years' service so completed thirteen weeks' leave;

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- (b) In respect of each ten years' service completed after such fifteen years - eight and two-thirds weeks' leave;
- (c) On the termination of the worker's employment:
 - (i) By his/her death;
 - (ii) In any circumstances otherwise than by his/her employer for serious misconduct;

in respect of the number of years' service with the employer completed since he/she last became entitled to an amount of long service leave, a proportionate amount on the basis of thirteen weeks for fifteen years' service.

(3) Subject to the provisions of paragraph (6) of this subclause, where a worker has completed at least ten years' service but less than fifteen years' service since its commencement and his/her employment is terminated:

- (i) By his death; or
- (ii) In any circumstances, otherwise than by his/her employer for serious misconduct;

the amount of the leave shall be such proportion of thirteen weeks' leave as the number of completed years of such service bears to fifteen years.

(4) In the cases to which paragraphs (2)(c) and (3) of this subclause apply the worker shall be deemed to have been entitled to and to have commenced leave immediately prior to such termination.

(5) A worker whose service with an employer commenced before 1st October, 1964, and whose service would entitle him/her to long service leave under this clause shall be entitled to leave calculated on the following basis:

- (a) For each completed year of service commencing before the 1st October, 1964, an amount of leave calculated on the basis of thirteen weeks' leave for twenty years' service; and
- (b) For each completed year of service commencing on or after the 1st October, 1964, an amount of leave calculated on the basis of thirteen weeks' leave for fifteen years' service.

Provided that such worker shall not be entitled to long service leave until his/her completed years of service entitle him/her to the amount of long service leave prescribed in either paragraph (2)(a) or paragraph (2)(b) of this subclause as the case may be.

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(6) A worker to whom paragraphs (2)(c) and (3) of this subclause apply whose service with an employer commenced before 1st October, 1964, shall be entitled to an amount of long service leave calculated on the following:

- (a) For each completed year of service commencing before the 1st October, 1964, an amount of leave calculated on the basis of thirteen weeks' leave for twenty years' service; and
- (b) For each completed year of service commencing on or after 1st October, 1964, an amount of leave calculated on the basis of thirteen weeks' leave for fifteen years' service.

4 - Payment for period of leave

(1) A worker shall, subject to paragraph (3) of this subclause, be entitled to be paid for each week of leave to which he/she has become entitled or is deemed to have become entitled the rate of pay applicable to him/her at the date he/she commences such leave.

(2) Such rate of pay shall be the rate applicable to him/her for the standard weekly hours which are prescribed by this award (or agreement), but in the case of casuals and part-time workers shall be the rate for the number of hours usually worked up to but not exceeding the prescribed standard.

(3) Where by agreement between the employer and the worker the commencement of the leave to which the worker is entitled or any portion thereof is postponed to meet the convenience of the worker, the rate of payment for such leave shall be at the rate of pay applicable to him/her at the date of accrual, or, if so agreed, at the rate of pay applicable at the date he/she commences such leave.

(4) The rate of pay:

- (a) Shall include any deductions from wages for board and/or lodging or the like which is not provided and taken during the period of leave;
- (b) Shall not include shift premiums, overtime, penalty rates, special rates, disability allowances fares and travelling allowances or the like.

(5) In the case of workers employed on piece or bonus work or any other system of payment by results the rate of pay shall be calculated by averaging the worker's rate of pay for each week over the previous three monthly period.

5 - Taking leave

(1) In a case to which placita (a) and (b) of paragraph (2) of subclause (3) apply:

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- (a) Leave shall be granted and taken as soon as reasonably practicable after the right thereto accrues due or at such time or times as may be agreed between the employer and the worker or in the absence of such agreement at such time or times as may be determined by the Special Board of Reference having regard to the needs of the employer's establishment and the workers' circumstances.
- (b) Except where the time for taking leave is agreed to by the employer and the worker or determined the Special Board of Reference the employer shall give to a worker at least one month's notice of the date from which his/her leave is to be taken.
- (c) Leave may be granted and taken in one continuous period of the employer and the worker so agree in not more than three separate periods in respect of the first thirteen weeks' entitlement and in not more than two separate periods in respect of any subsequent period of entitlement.
- (d) Any leave shall be inclusive of any public holidays specified in this award (or agreement) occurring during the period when the leave is taken but shall not be inclusive of any annual leave.
- (e) Payment shall be made in one of the following ways:
 - (i) In full before the worker goes on leave;
 - (ii) At the same time as his wages would have been paid to him/her if the worker had remained at work, in which case payment shall, if the worker in writing so requires, be made by cheque posted to an address specified by the worker: or
 - (iii) In any other way agreed between the employer and the worker.
- (f) No worker shall, during any period when he/she is on leave, engage in any employment for hire or reward in substitution for the employment from which he/she is on leave, and if a worker breaches this provision he/she shall thereupon forfeit his/her right to leave hereunder in respect of the unexpired period of leave upon which he/she has entered, and the employer shall be entitled to withhold any further payment in respect of the period and to reclaim any payments already made on account of such period of leave.

(2) In the case to which paragraph (2)(c) or paragraph (3) of subclause (3) applies and in any case in which the employment of the worker who has become entitled to leave hereunder is terminated before such leave is taken or fully taken the employer shall, upon termination of his/her employment otherwise than by death pay to the worker, and upon termination of employment by death pay to the personal representative of the worker upon request by the personal representative, a sum equivalent to the amount which would have been payable in respect of the period of leave to which he/she is entitled or deemed to have been entitled and which would have been taken but for such termination. Such payment shall be deemed to have satisfied the obligation of the employer in respect of leave hereunder.

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6 - Granting leave in advance and benefits to be brought into account

(1) Any employer may be agreement with a worker allow leave to such a worker before the right thereto has accrued due, but where leave is taken in such case the worker shall not become entitled to any further leave hereunder in respect of any period until after the expiration of the period in respect of which such leave had been taken before it accrued due.

(2) Where leave has been granted to a worker pursuant to the preceding paragraph before the right thereto has accrued due, and the employment subsequently is terminated, the employer may deduct from whatever remuneration is payable upon the termination of the employment such amount as represents payment for any period for which the worker has been granted long service leave to which he was not at the date of termination of his/her employment or prior thereto entitled.

(3) Any leave in the nature of long service leave or payment in lieu thereof under a State Law or a long service leave scheme not under the provisions hereof granted to a worker by his/her employer in respect of any period of service with the employer shall be taken into account whether the same is granted before or after the coming into operation hereof and shall be deemed to have been leave taken and granted hereunder in the case of leave with pay to the extent of the period of such leave and in the case of payment in lieu thereof to the extent of a period of leave with pay equivalent thereof of the entitlement of the worker hereunder

7 - Records to be kept

(1) Each employer shall, during the employment and for a period of twelve months thereafter, or in the case of termination by death of the worker for a period of three years thereafter, keep a record from which can be readily ascertained the name of each worker, and his/her occupation, the date of the commencement of his/her employment and his/her entitlement to long service leave and any leave which may have been granted to him/her or in respect of which payment may have been made hereunder.

(2) Such record shall be open for inspection in the manner and circumstances prescribed by this award (or agreement) with respect to the time and wages record.

8 - Special board of reference

(1) There shall be constituted a Special Board of Reference for the purpose hereof to which all disputes and matters arising hereunder shall be referred and the Board shall determine all such disputes and matters.

(2) There shall be assigned to such Board the functions of:

(a) The settlement of disputes of any matters arising hereunder:

(b) The determination of such matters as are specifically assigned to it hereunder.

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(3) The Board of Reference shall consist of one representative or substitute therefore nominated from time to time by the Confederation of Western Australian Industry (Incorporated) and one representative or substitute nominated from time to time by the Trades and Labor Council of Western Australia together with a chairman to be mutually agreed upon by the organisations named in this paragraph.

9 - State law

(1) The provisions of any State Law to the extent to which they have before the coming into operation hereof conferred an accrued right on a worker to be granted a period of long service leave in respect of a completed period of fifteen or more years' service or employment or an accrued right on a worker or his/her personal representative to payment in respect of long service leave shall not be affected hereby and shall not be deemed to be inconsistent with the provisions hereof.

(2) The entitlement of any such worker to leave in respect of a period of service with the employer completed after the period in respect of which the long service leave referred to in paragraph (1) of this subclause accrued due shall be in accordance herewith.

(3) Subject to paragraphs (1) and (2) of this subclause, the entitlement to leave hereunder shall be in substitution for and satisfaction of any long service leave to which the worker may be entitled in respect of employment of the worker by the employer.

(4) An employer who under any State Law with regard to long service leave is exempted from the provisions of that law as at the first day of April, 1958, shall in respect of the workers covered by such exemptions be exempt from the provisions hereof.

10 - Exemptions

The Special Board of Reference may subject to such conditions as it thinks fit exempt any employer from the provisions hereof in respect of its employees where there is an existing or prospective long service scheme which, in its opinion, is, viewed as a whole, more favourable for the whole of the employees of that employer than the provision hereof.

19 - TIME AND WAGES RECORD

(1) A record shall be kept in each establishment by the employer wherein shall be entered:

- (a) The full name and last known residential address of each worker;
- (b) The nature of the work performed by each worker;
- (c) The classification of each worker;
- (d) The daily hours, including overtime (if any) worked by each worker; and
- (e) The weekly wage paid, including overtime (if any), to each worker and the worker's signature acknowledging such payment, if correct.

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(2) Such records shall be open to inspection by a duly accredited representative of the union during usual business hours, and the representative shall be allowed to take extracts therefrom.

20 - ENGAGEMENT AND CONTRACT OF SERVICE

Engagement

- (1) An employee shall be engaged as a full-time, a part-time or a casual employee.
 - (a) A full-time employee shall be engaged by the week, fortnight or month, as agreed between the employer and the employee, and shall work an average of 38 hours per week in accordance with the provisions of clause 10.
 - (b) A part-time employee shall be engaged by the week.
 - (c) A casual employee shall be engaged by the hour.

Contract of service

- (2)
 - (a) The contract of service of all employees, other than those employees specified elsewhere in this clause, shall be a weekly contract terminable by one week's notice on either side or, in the event of such notice not being given by the payment or forfeiture, as the case may be, of one week's pay in lieu of such notice.
 - (b) The contract of service of a casual employee or a 500-hour student shall be an hourly contract terminable by one hour's notice on either side, or in the event of such notice not being given, by the payment or forfeiture, as the case may be, of one hour's pay in lieu of such notice.
 - (c) In the case of employees engaged on a fortnightly or monthly basis, employment extending beyond six months shall be terminated by the employer or the employee on a fortnight's or a month's notice, as the case may be. Where the full period of notice is not given, wages for the appropriate period for which the notice given falls short shall be paid or forfeited, as the case may be.
 - (d) The employer shall be under no obligation to pay for any day not worked upon which the employee is required to present himself/herself for duty, except when such absence from work is due to illness and comes within the provisions of clause 15 or such absence is on account of holidays to which the employee is entitled under the provisions of this award.
 - (e) These provisions do not detract from the employer's right at common law to summarily dismiss an employee on account of wilful misconduct

21 - BREAKDOWNS

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The employer shall be entitled to deduct payment for any day or portion of a day upon which a worker cannot be usefully employed because of any strike by the union or unions affiliated with it or by any other association or union or through the breakdown of the employer's machinery or any stoppage of work by any cause which the employer cannot reasonably prevent.

22 - MEAL MONEY

When a worker is required to continue working after the usual finishing time for more than one hour he/she shall be paid \$2.00 for the purchase of any meal required if not notified 24 hours in advance.

23 - UNION MEMBERSHIP

Deleted by section 88 (3) of the Acts Amendment and Repeal (Industrial Relations) Act (No.2) 1984.

24 - COMPASSIONATE LEAVE

(1) A worker shall, on the death within Australia of a wife, husband, father, mother, brother, sister, child or step-child, be entitled on notice of leave up to and including the day of the funeral of such relation and such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the worker in two ordinary working days. Proof of such death shall be furnished by the worker to the satisfaction of his employer.

(2) Payment in respect of compassionate leave is to be made only where the worker otherwise would have been on duty and shall not be granted in any case where the worker concerned would have been off duty in accordance with this roster, or on long service leave, annual leave, sick leave workers compensation, leave without pay or on a public holiday.

(3) The provisions of this clause shall not apply to casual workers, 500 hours students or a worker employed as a "reliever".

25 - SUPERANNUATION

Payment

- (1) (a) Subject to subclause (5) of this clause, in addition to the ordinary rate of wage paid to an employee and in addition to any contributions being made by an employer as at 1 September 1989, on behalf of an employee to any superannuation fund, an employer shall contribute an amount calculated on the basis of three percent of the ordinary time earnings of each eligible employee to the account of such employee in an approved Occupational Superannuation Fund in accordance with the rules of such fund and the provisions of this clause.
- (b) Except as otherwise agreed between the employer and the union, this clause shall not apply to locums, students, trainees or casual employees.

Definitions

- (2) For the purposes of this clause:
- (a) “Approved” means approved by the Occupational Superannuation Commission.
 - (b) “Approved Occupational Superannuation Fund” shall mean the REST fund or Concept One Superannuation Plan, or such other approved Occupational Superannuation Fund, provided that where the employer chooses a fund other than the one of those named above the employer shall notify the Association in writing prior to the commencement of payments into such fund.
 - (c) Fund shall mean “an Approved Occupational Superannuation fund”.
 - (d) “Ordinary time earnings” means the ordinary periodic wages and/or other remuneration paid by the employer to the employee each week including but not limited to any supplementary payments, over-award payments and allowances regularly paid for working ordinary hours and/or for the class of work regularly undertaken by the employee and in respect of casual employees shall include any casual loading prescribed by the Award, but not including any bonuses, commission, payments for overtime or any other extraordinary payments, remuneration or allowances including meal allowances.

Members’ additional voluntary contributions

(3) Where the rules of the fund allow an employee to make additional contributions such employee may elect to make additional contributions to such fund and the employer shall where such election is made upon the direction of the employee deduct such contributions from the employee’s wages and pay them to the said fund in accordance with the direction of the employee and the rules of the said fund.

Alternative calculation of payments

(4) Notwithstanding the provisions of the clause the payment required to be made to a fund may be calculated on a basis agreed in writing between the Association and the employer.

Savings

(5) Notwithstanding the provisions of this clause, any award, order or agreement (either registered or unregistered and written) which has been applying to any respondent to the award and the union or made between any respondent to the award and the union as at the date of operation of this clause such award, order or agreement shall continue and be renewed in accordance with its terms until such time as it is formally set aside either by the parties or by the W.A. Industrial Relations Commission.

- (6) No contributions shall be made for:
- (a) Periods of unpaid leave or unauthorised absences, or
 - (b) Annual leave or any other payments on termination.

Employee entry into fund

- (7) (a) The employer must provide an employee with an application to join a fund within fourteen days of the operative date of this clause or within fourteen days of an employee's commencing employment, whichever is the later.
- (b) The employer is not obliged to make contributions to a fund:
- (i) Where an employee has completed a letter of denial; or
 - (ii) Where an employee has not completed and returned the application referred to in paragraph (a) within 28 days of the operative date of this clause or within 28 days of an employee's commencing employment, whichever is the later;

provided that an employer shall make contributions to a fund from the date on which the employee subsequently completes an application form.

- (c) If the employer fails to provide the employee with the application form referred to in paragraph (a) within the time prescribed in that paragraph the employer shall be obliged to make contributions as if the application had been provided within the prescribed time, provided that the employee returns the application within fourteen days of being provided with the application by the employer.
- (d) The letter of denial shall be in the following form:

To (employer)

I have received an application for membership of the non-contributory Superannuation Fund and understand:

- (1) that should I sign such form you will make contributions on my behalf; and
- (2) that I am not required to make contributions of my own; and
- (3) that no deductions will be made from my wages for superannuation without my consent.

However, I do not wish to be a member of the Fund or have contributions made on my behalf.

.....
Signature

.....
Name

.....
Address

.....
Classification

.....
Date

- (e) A copy of the letter of denial shall be forwarded to the Union.

Operative Date

- (8) The clause shall come into effect from the first pay period commencing on or after the third of September 1989.

26 - MATERNITY LEAVE

Eligibility for maternity leave

- (1) A worker who becomes pregnant shall, upon production to the employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than twelve months' continuous service with the employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

- (a) A worker shall include a part-time worker but shall not include a worker engaged upon casual or seasonal work.
- (b) Maternity leave shall mean unpaid maternity leave.

Period of leave and commencement of leave

- (2) (a) Subject to subclauses (3) and (6) hereof, and except as provided by this subclause, the period of maternity leave shall be for an unbroken period of up to 52 weeks.
- (b) A worker shall, not less than ten weeks prior to the presumed date of confinement, give notice in writing to the employer stating the presumed date of confinement, the date upon which she proposes to commence maternity leave and the period of leave to be taken.

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Maternity leave may ordinarily commence six weeks prior to the expected date of confinement.

- (c) Where a worker chooses to continue to work during the period which is within six weeks of the expected date of confinement or to return to work within six weeks of the actual date of confinement she shall provide a written opinion of a duly qualified medical practitioner certifying that she is fit to continue or resume work as the case may be.
- (d) Subject to subclause (3) of this clause, where a worker as a direct result of her pregnancy and/or confinement is not fit and able to continue to perform her duties during the period within six weeks prior to the expected date of confinement and six weeks following the actual date of confinement the employer may require the worker to commence maternity leave or to return to maternity leave as the case may be.
- (e) During the period referred to in paragraph (d) hereof the normal notice requirements for a worker to go on to maternity leave shall not apply provided the requirements of paragraphs (b) and (d) of this subclause have been met.
- (f) A worker shall not be in breach of this subclause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (b) hereof if such failure is occasioned by the confinement occurring earlier than the presumed date.

Transfer to a safe job

(3) Where in the opinion of a duly qualified medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the worker make it inadvisable for the worker to continue at her present work, the worker shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until commencement of maternity leave.

If the transfer to a safe job is not practicable, the worker may, or the employer may require the worker to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (7), (8), (9) and (10) of this clause.

Variation of period of maternity leave

- (4) (a) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, save with the agreement of the employer, by the worker giving not less than fourteen days' notice in writing stating the period by which the leave is to be lengthened.
- (b) The period of leave may, with the consent of the employer, be shortened by the worker giving not less than fourteen days' notice in writing stating the period by which the leave is to be shortened.

Cancellation of maternity leave

- (5) (a) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of a worker terminates other than by the birth of a living child.
- (b) Where the pregnancy of a worker then on maternity leave terminates other than by the birth of a living child, it shall be the right of the worker to resume work at the time nominated by the employer which shall not exceed four weeks from the date of notice in writing by the worker to the employer that she desires to resume work.

Special maternity leave and sick leave

- (6) (a) Where the pregnancy of a worker not then on maternity leave terminates after 28 weeks other than by the birth of a living child, then:

She shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, or

For illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave to such paid sick leave as to which she is then entitled and which a duly qualified medical practitioner certifies as necessary before her return to work.

- (b) Where a worker not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed 52 weeks.
- (c) For the purposes of subclauses (7), (8) and (9) of this clause, maternity leave shall include special maternity leave.
- (d) A worker returning to work after the completion of a period of leave taken pursuant to this subclause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of a worker who was transferred to a safe job pursuant to subclause (3), to the position she held immediately before such transfer.

Where such position no longer exists but there are other positions available, for which the worker is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

Maternity leave and other leave entitlements

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(7) Provided the aggregate of leave including leave taken pursuant to subclauses (3) and (6) of this clause does not exceed 52 weeks:

- (a) A worker may, in lieu of or in conjunction with maternity leave, take any annual leave or long service leave or any part thereof to which she is then entitled.
- (b) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave), shall not be available to a worker during her absence on maternity leave.

Effect of maternity leave on employment

(8) Notwithstanding any award, or other provisions to the contrary, absence on maternity leave shall not break the continuity of service of a worker but shall not be taken into account in calculating the period of service for any purpose of the award.

Termination of employment

- (9) (a) A worker on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.
- (b) The employer shall not terminate the employment of a worker on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of the employer in relation to termination of employment are not hereby affected.

Return to work after maternity leave

- (10) (a) A worker shall confirm her intention of resuming to her work by notice in writing to the employer given not less than four weeks prior to the expiration of her period of maternity leave.
- (b) A worker, upon the expiration of the notice required by paragraph (a) of this subclause, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of a worker who was transferred to a safe job pursuant to subclause (3), to the position which she held immediately before such transfer. Where such position no longer exists but there are other positions available for which the worker is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

Replacement workers

- (11) (a) A replacement worker is a worker specifically engaged as a result of a worker proceeding on maternity leave.

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- (b) Before the employer engages a replacement worker under this subclause, the employer shall inform that person of the temporary nature of the employment and of the rights of the worker who is being replaced.
- (c) Before the employer engages a person to replace a worker temporarily promoted or transferred in order to replace a worker exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the worker who is being replaced.
- (d) Provided that nothing in this subclause shall be construed as requiring the employer to engage a replacement worker.
- (e) A replacement worker shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

27 - ENTERPRISE AGREEMENTS

(1) The parties to this award recognise that because of the difference in the nature of the businesses operated by the respondents, circumstances may arise which are appropriately regulated by single enterprise agreements.

(2) Where any of the parties raise the possibility of such an agreement, the relevant parties may jointly determine the manner of conducting negotiations leading to such an agreement.

(3) When an agreement is finalised, the parties to it shall make application to the Western Australian Industrial Relations Commission for its terms to be ratified in the appropriate manner.

28 - CONSULTATIVE PROCEDURES

The union and each respondent to this award will co-operate in the establishment of Consultative Committees at an enterprise level to consult and negotiate on matters affecting the efficiency and productivity of the enterprise which are not the subject of this award.

29 - SAVINGS PROVISION

(1) No full-time or part-time employee shall incur any reduction in gross earnings upon the implementation of the twelve hour daily maximum hours provision in clause 10.

(2) This clause shall cease to have effect from the date of implementation of the final minimum rate adjustment increase in this award.

APPENDIX - WORK LEVEL STANDARDS AND GRADINGS FOR PHARMACISTS

For work involving professional pharmacist duties in community pharmacy, the following work level standards will apply.

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Pharmacist

The registered pharmacist commencement level. A pharmacist is professionally responsible for the dispensing of prescriptions in accordance with the Pharmacy Act.

Duties and responsibilities shall include, but shall not be limited to:

Dispensing prescriptions in accordance with the requirements of relevant legislation, counselling patients where necessary, Pharmaceutical Benefits Scheme return preparation, Dangerous Drugs stock control, cashing up, supervision of supply of scheduled items.

Pharmacy Manager

A Pharmacy Manager is employed as the pharmacist in control of the business. Pharmacy Managers are totally responsible to the proprietor for all aspects of the business, including rostering of staff, hiring and firing of staff, full business administration and profit and performance, and strategic planning.

Pharmacy Managers will be graded as follows:

- Grade I In charge of or manages a small shop where the equivalent full-time supervised staff (EFTS) is two or less.
- Grade II In charge of or manages a medium shop where the EFTS is more than two but less than five.
- Grade III In charge of or manages a large shop where the EFTS is five or more.

Equivalent Full-time Supervised Staff is calculated according to the following formula:

$$a/b = c$$

- where
- a = the total number of hours ordinarily worked by shop assistants in the pharmacy;
 - b = the total number of hours the shop is ordinarily open for business, and
 - c = the number of equivalent full-time supervised staff.

APPENDIX G - AUSTRALIAN CAPITAL TERRITORY

2 - ARRANGEMENT

This award is arranged as follows:

<u>Subject Matter</u>	<u>Clause No.</u>
Annual leave	28
Arrangement	2
Award modernisation	33
Board of reference	34
Casuals	10
Classification, definitions and gradings	12A
Cleaning	39
Compassionate leave	32
Enterprise flexibility	33A
Full-time employees	12
Introduction of change	8
Leave reserved	40
Long service leave	30
Meal allowance	16
Meal times	26
Ordinary hours of work, implementation of 38 hour week and rosters	23
Overtime	15
Parental leave	31
Part-time employees	11
Penalty rates and loadings for certain ordinary hours	14
Posting of awards and notices	35
Provision of vehicle	18
Redundancy	7
Rest pause	24
Right of entry	37
Rostered day off falling on holiday	25
Sick leave	29
Superannuation	21
Terms of engagement	5
Uniforms	17
Wages	13
Wage and time sheets	19
Wages, etc - time and payment of	20

5 - TERMS OF ENGAGEMENT

(a) Except in the case of misconduct justifying instant dismissal employment of an employee may be terminated pursuant to subclause (d) hereof; provided that during the first two months of an employee's engagement his/her employment may be terminated by either side at a moment's notice provided also that any employee, whose employment is terminated by the employer after one month but less than two months' employment for reasons other

than misconduct, shall be paid up to his/her ordinary ceasing time on the day on which notice has been given. Provided further that the employment of an employee shall not be terminated except for misconduct, while legitimately absent from duty on accrued sick leave.

Unfair dismissals

- (b) (i) Termination of employment by an employer shall not be harsh, unjust or unreasonable.
- (ii) For the purposes of this clause, termination of employment shall include terminations with or without notice.

Without limiting the above, except where a distinction, exclusion or preference is based on the inherent requirements of a particular position, termination on the ground of race, colour, age, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction and social origin shall constitute a harsh, unjust or unreasonable termination of employment.

Statement of employment

(c) The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of his/her employment and the classification of or the type of work performed by the employee.

Notice of termination by employer

- (d) (i) In order to terminate the employment of an employee the employer shall give to the employee the following notice:

<u>Period of continuous service</u>	<u>Period of notice</u>
During the first month of employment	At a moment's notice
1 year or less	1 week
1 year and up to the completion of 3 years	2 weeks
3 years and up to the completion of 5 years	3 weeks
5 years and over	4 weeks

- (ii) In addition to the notice in paragraph (i) hereof, employees over 45 years of age at the time of the giving of the notice with not less than two years' continuous service, shall be entitled to an additional week's notice.
- (iii) Payment in lieu of the notice prescribed in paragraphs (i) and/or (ii) hereof shall be made if the appropriate notice period is not given. Provided that employment may be terminated by part of the period of notice specified in part payment in lieu thereof.

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- (iv) In calculating any payment in lieu of notice the wages an employee would have received in respect of the ordinary time he/she would have worked during the period of notice had his/her employment not been terminated shall be used.
- (v) The period of notice in this clause shall not apply in the case of dismissal for misconduct, or in the case of casual employees, or employees engaged for a specific period of time or for a specific task or tasks.
- (vi) For the purposes of this clause, continuity of service shall be calculated in the manner prescribed by clause 24 of this award.

Notice of termination by employee

(e) The notice of termination required to be given by an employee shall be the same as that required of an employer, save and except that there shall be no additional notice based on the age of the employee concerned.

If an employee fails to give notice the employer shall have the right to withhold moneys due to the employee with a maximum amount equal to the ordinary time rate of pay for the period of notice.

Disputes settlements procedure

(f) Subject to the provisions of sections 178, 179, 311 and 334 of the Industrial Relations Act 1988 as amended, any dispute or claim arising under this clause should be dealt with in the following manner:

- (i) As soon as is practicable after the dispute or claim has arisen, the employee concerned will take the matter up with his/her immediate supervisor affording him/her the opportunity to remedy the cause of the dispute or claim.
- (ii) Where any such attempt at settlement has failed, or where the dispute or claim is of such a nature that a direct discussion between the employee and his/her immediate supervisor would be inappropriate, the employee shall notify a duly authorised representative of his/her union who, if he/she considers that there is some substance in the dispute or claim, shall forthwith take the matter up with the employer or his/her representative.
- (iii) If the matter is not settled it shall be submitted to the Australian Industrial Relations Commission which shall endeavour to resolve the issue between the parties by conciliation.
- (iv) Without prejudice to either party, work should continue in accordance with the award while the matters in dispute are being dealt with in accordance with this paragraph.

Time off work during the period of notice

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(g) Where an employer has given notice of termination to an employee, an employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off shall be taken at times that are convenient to the employee after consultation with the employer.

(h) An employee whose employment is terminated by the employer on the business day preceding a holiday or holidays, otherwise than for misconduct, shall be paid for such holiday or holidays but this provision shall not apply to an employee employed for two weeks or less. In the event of Christmas Eve falling on a Saturday or a Sunday any employee, other than those employed for two weeks or less, whose employment is terminated by the employer on the preceding Friday, otherwise than for misconduct, shall be paid for the Christmas holidays. Should an employee be transferred from the regular to the casual staff during the week preceding the Christmas holidays he shall be paid for such holidays. Provided that an employee engaged on or after 1 December in any year whose employment finishes before Christmas Day and who is not re-employed within four weeks of Christmas Day by the same employer is not entitled to payment for the Christmas holidays.

(i) Nothing in this clause shall affect the right of an employer to deduct payment for any day an employee cannot usefully be employed because of any strikes, or stoppage of work by any person whatsoever in connection with that employment.

(j) An employee issued with a uniform or an item of company property may be required to sign an authorisation permitting the employer to deduct the value of such uniform or item from termination moneys if the uniform or item is not returned. An employee may only be required to sign for items of company property where such items can reasonably be expected to remain in the employee's personal control. On re-issue or on issue of any additional items a new authorisation is to be signed.

7 - REDUNDANCY

Consultation and provision of information

- (a) (i) Where an employer has made a definite decision that he/she no longer wishes the job the employee has been doing done by anyone and this is not due to the ordinary and customary turnover of labour and that decision may lead to termination of employment the employer shall hold discussions with the employees directly affected and with their union or unions.
- (ii) The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provisions of paragraph (i) hereof and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.
- (iii) For the purposes of the discussion the employer shall, as soon as practicable, provide to the employees concerned and their union or unions, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be

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affected, and the number of workers normally employed and the period over which the terminations are likely to be carried out. Provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to its interests.

- (iv) This subclause shall not apply to employers who employ less than fifteen employees.

Transfer to other duties

(b) Where an employee is transferred to lower paid duties for reasons set out in subclause (a) hereof the employee shall be entitled to the same period of notice of transfer as he/she would have been entitled to if his/her employment had been terminated, and the employer may at his/her option, make payment in lieu thereof of an amount equal to the difference between the former ordinary time rate of pay and the new lower ordinary time rates for the number of weeks of notice still owing.

Transmission of business

- (c) (i) Where a business is before or after the date of this award, transmitted from an employer (in this subclause called "the transmittor") to another employer (in this subclause called "the transmittee") and an employee who at the time of such transmission was an employee of the transmittor in that business becomes an employee of the transmittee:
 - (1) The continuity of the employment of the employee shall be deemed not to have been broken by reason of such transmission; and
 - (2) The period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.
- (ii) In this subclause "business" includes trade, process, business or occupation and includes part of any such business and "transmission" includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and "transmitted" has a corresponding meaning.

Time off work during the notice period

- (d) (i) During the period of notice of termination given by the employer an employee shall 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.
- (ii) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or he/she shall not receive payment for the time absent.

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For this purpose a statutory declaration will be sufficient.

Notification to the Commonwealth Employment Service

(e) Where a decision has been made to terminate employees in the circumstances outlined in subclause (a) hereof, the employer shall notify the Commonwealth Employment Service thereof as soon as possible giving relevant information including the number and categories of the employees likely to be affected and the period over which the terminations are intended to be carried out.

Severance pay

(f) In addition to the period of notice prescribed for ordinary termination in subclause 20(d) of this award and subject to further order of the Commission, an employee whose employment is terminated for reasons set out in paragraph (a)(i) hereof shall be entitled to the following amount of severance pay in respect of a continuous period of service:

<u>Period of continuous service</u>	<u>Severance pay</u>
Less than one year	Nil
More than one but less than two years	4 weeks' pay
More than two but less than three years	6 weeks' pay
More than three but less than four years	7 weeks' pay
More than four years	8 weeks' pay

“Week’s pay” means the ordinary time rate of pay for the employee concerned.

Provided that the severance payment shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee’s normal retirement date.

Employee leaving during the notice period

(g) An employee whose employment is terminated for reasons set out in paragraph (a)(i) hereof may terminate his/her employment during the period of notice and, if so, shall be entitled to the same benefits and payments under this clause had he/she remained with the employer until the expiry of such notice. Provided that in such circumstances the employee shall not be entitled to payment in lieu of notice.

Superannuation

(h) Subject to further order of the Commission, where an employee who is terminated receives a benefit from a superannuation scheme, he/she shall only receive under subclause (f) hereof the difference between the severance pay specified in that clause and the amount of the superannuation benefit he/she receives which is attributable to employer contributions only.

If this superannuation benefit is greater than the amount due under subclause (f) hereof then he/she shall receive no payment under that subclause.

Incapacity to pay

(i) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied on the basis of the employer's incapacity to pay.

Alternative employment

(j) An employer, in a particular redundancy case, may make application to the Commission to have the general severance pay prescription varied if he/she obtains acceptable alternative employment for an employee.

Exemption from redundancy clause

(k) Where employment is terminated as a consequence of misconduct or in the case of casual employees, or in the case of employees engaged for a specific period of time or for a specific task or tasks.

Employers who employ less than fifteen employees

(l) Subject to an order of the Commission in a particular redundancy case, this clause shall not apply to employers who employ less than fifteen employees.

Employees with less than twelve months' service

(m) This clause shall not apply to an employee with less than one year's continuous service and the general obligation on employers should be no more than to give relevant employees an indication of the impending redundancy at the first reasonable opportunity, and to take such steps as may be reasonable to facilitate the obtaining by the employees of suitable alternative employment.

8 - INTRODUCTION OF CHANGE

(a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and their union or unions.

(b) "Significant effects" include termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs. Provided that where the award makes provision for alteration of any of the matters referred to herein an alteration shall be deemed not to have significant effect.

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(c) The employer shall discuss with the employees affected and their union or unions, inter alia, the introduction of the changes referred to in subclause (a) hereof, the effects the changes are likely to have on employees, measures to avert or mitigate the adverse effects of such changes on employees and shall give prompt consideration to matters raised by the employees and/or their unions in relation to the changes.

(d) The discussions shall commence as early as practicable after a firm decision has been made by the employer to make the changes referred to in subclause (a) hereof.

(e) For the purposes of such discussion, the employer shall provide to the employees concerned and their union or unions all relevant information about the changes including the nature of the changes proposed; the expected effects of the changes on employees and any other matters likely to affect employees provided that any employer shall not be required to disclose confidential information the disclosure of which would be inimical to his/her interests.

10 - CASUALS

(a) A casual employee means an employee who is engaged and paid as such.

(b) For time worked within the ordinary hours of work, a casual shall be paid as follows:

(i) A casual employee shall be paid at the rate per hour of 1/38th of the prescribed weekly rate for the appropriate classification plus an additional loading of 12 1/2 per cent;

(ii) Provided that, for the time worked after 9.00 p.m. Monday to Friday inclusive, after 12.30 p.m. on a Saturday or a holiday defined in clause 27 of this award, the loading shall be 25 per cent;

(iii) On a Sunday a rate of time and one half the rate calculated in paragraph (i) hereof.

These loadings are intended to compensate casual employees for all incidents of the employment including annual leave, sick leave and public holidays and is to be payable for all work done at any hour of the day or any day of the week or public holiday.

(c) A casual employee shall be entitled to payment for a minimum of two hours worked in respect of each start.

11 - PART-TIME EMPLOYEES

(a) The ordinary hours of work, exclusive of meal times, shall be the same as those prescribed for weekly employees, but shall not, in any case be less than ten hours per week.

(b) Part-time employees shall be paid at the appropriate hourly rate for the classification in which they are employed.

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(c) The provisions with respect to annual leave, sick leave and holidays shall apply on a pro rata basis to part-time employees.

12 - FULL-TIME EMPLOYEES

A full-time employee shall be hired by the week (subject to subclause 5(d) of this award) to work 152 hours over a four week cycle.

12A - CLASSIFICATION, DEFINITIONS AND GRADINGS

Work leave standards and grading arrangements for pharmacists

(a) For work involving professional pharmacist duties in a community pharmacy, the following work level standards will apply:

Student: means a person who is undertaking a course of study leading to a degree of Bachelor of Pharmacy and who enters into a contract of employment in a classification contained in clause 16 of this award.

Trainee: means a person who has satisfied the examination requirements for the degree of Bachelor of Pharmacy and who is engaging in up to twelve months pre-registration experience, as required by the Pharmacy Act 1931, as amended, or any Act replacing the said Act.

Pharmacist: means a person registered as a pharmacist under the Pharmacy Act 1931. A pharmacist works under the general direction of a pharmacist-in-charge, a pharmacist manager or a pharmacist proprietor.

Duties and responsibilities shall include, but not be limited to:

Dispensing prescriptions in accordance with the requirements of relevant legislation, counselling patients as required, Pharmaceutical Benefit Scheme return preparation, computer housekeeping, dispensary stock control, cashing up, and locking and unlocking the shop (as required).

Pharmacist-in-charge

A pharmacist-in-charge is employed as the pharmacist in charge of a community pharmacy, either as the sole pharmacist employed in the business or as the pharmacist-in-charge of other employed pharmacists, and is responsible for both front of shop and dispensary supervision. A pharmacist-in-charge is subject to the overall direction of a proprietor or manager. Duties and responsibilities shall include, but shall not be limited to:

- (i) Performing all the duties of a pharmacist;
- (ii) Locking and unlocking the shop, lunchtime supervision arrangements, supervision of staff, buying and stock control, payroll preparation, debtor control, rostering of staff, banking preparation, delivery supervision, repairs and maintenance, public relations and in-store promotions.

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The proprietor or manager will retain responsibility for hiring and firing of staff, full business administration, profit performance and strategic planning.

Pharmacist manager

A pharmacist manager is employed as the pharmacist in control of a private retail pharmacy practice. Pharmacist managers are totally responsible to the proprietor for all aspects of the business.

13 - WAGES

Category (adults)

(a)

	Base rate	Supplementary payment	Safety net	Total rate per week
	\$	\$	\$	\$
Pharmacist manager	571.94	36.51	16.00	624.45
Pharmacist-in-charge	545.80	30.45	16.00	592.25
Pharmacist				
1st year after registration	478.02	14.78	16.00	508.80
2nd year after registration and thereafter	494.50	17.20	16.00	527.70
Trainee				
1st six months	347.16	10.74	16.00	373.90
2nd six months	379.17	11.73	16.00	406.90
Student				
During 1st year of course	251.62	7.78	16.00	275.40
During 2nd year of course	287.61	8.89	16.00	312.50
<u>During 3rd year of course</u>	<u>323.50</u>	<u>10.00</u>	<u>16.00</u>	<u>349.50</u>

The rates of pay in this award include the second \$8.00 per week arbitrated safety net adjustment payable under the September 1994 decision [print L5300]. This second \$8.00 per week arbitrated safety net adjustment may be offset to the extent of any wage increase payable since 1 November 1991 pursuant to certified agreements, enterprise flexibility agreements or consent awards or award variations to give effect to enterprise agreements insofar as that wage increase has not been previously used to offset an arbitrated safety net adjustment. Increases made under previous National Wage Case principles or under the current Statement of Principles excepting those resulting from enterprise agreements are not to be used to offset arbitrated safety net adjustments.

14 - PENALTY RATES AND LOADINGS FOR CERTAIN ORDINARY HOURS

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(a) For employees other than casuals, ordinary time worked as follows shall be paid at the rates indicated:

- (i) On Monday to Fridays, inclusive:
 - (1) Between 6.00 a.m. and 8.30 a.m. - time and one half;
 - (2) Between 7.00 p.m. and 9.00 p.m. - time and one quarter;
 - (3) Between 9.00 p.m. and midnight - time and one half.
- (ii) On Saturdays between 8.30 a.m. and 6.00 p.m. - time and one quarter.
- (iii) On Saturdays between 6.00 a.m. and 8.30 a.m. and between 6.00 p.m. and midnight - time and one half.
- (iv) On Sundays between 8.30 a.m. and 6.00 p.m. with a minimum payment of three hours - time and one half.
- (v) On Sundays between 6.00 a.m. and 8.30 a.m. and between 6.00 p.m. and midnight with a minimum payment of three hours - double time.

(b) The penalty rates provided by this clause shall not be cumulative on overtime rates.

15 - OVERTIME

An employee shall be paid overtime at the rate of time and a half for the first two hours and double time thereafter for:

- (a) All work in excess of 38 hours;
- (b) All work in excess of an average of 38 hours per week in accordance with clause 23 of this award for a five day week;
- (c) All work before the regular commencing time on any one day;
- (d) All work after the prescribed ceasing time on any one day;
- (e) All work in excess of nine hours on any day. Provided that on one day per week up to eleven hours may be worked without the payment of overtime. By mutual agreement additional days of up to eleven ordinary hours may be worked without the payment of overtime;
- (f) All work in excess of five days in any one week subject to clause 23 of this award.

By mutual agreement the rate for overtime may be time off in lieu of overtime. Provided that time off shall be calculated at the penalty equivalent, and that the employee shall be entitled to a fresh choice of payment or time on each occasion on which overtime is worked.

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Provided that such time off must be taken within one calendar month of the working of the overtime or it shall be paid out.

Any portion of an hour less than 30 minutes shall be reckoned as 30 minutes, and any portion of an hour over 30 minutes shall be reckoned as one hour, except where an employee is required to work after the closing time to attend to customers in the shop, or in connection with the closing of the shop, including checking of cash received, when the time actually worked shall count.

In calculation of overtime each day shall stand alone and be paid for on a daily basis, provided that an employee may be required to work reasonable overtime.

16 - MEAL ALLOWANCE

A meal allowance of \$7.20 shall be paid to an employee for each meal break required to be taken within a period of overtime, between a period of ordinary time and overtime or where an employee is required to work overtime after 7.00 p.m.

Meal allowances shall be payable in addition to any other entitlements under this award.

17 - UNIFORMS

In any shop where an employee wears a uniform, cap, coat, overall, or other uniform dress, the same shall be provided by the employer and laundered by the employer at the employer's expense. Provided that where, by mutual agreement, the laundering is done by the employee, or the employer having refused, neglected, or failed reasonably to launder the article, and the laundering is done by the employees, the employee shall be paid \$6.40 per week or \$2.13 per item except in cases where the articles are made of nylon or other similar material which does not require ironing, in which case the employee shall be paid \$3.70 per week or \$1.23 per item.

18 - PROVISION OF VEHICLE

An employee required to provide a bicycle shall be paid the amount \$7.90 per week extra, a motor cycle \$23.80 per week extra, and a motor vehicle as follows, viz. up to and including 2000cc shall be paid the amount \$82.70 per week and over 2000cc shall be paid the amount \$98.40 per week, plus shall be paid the amount 25 cents per kilometre.

Provided that where an employee occasionally uses his/her car by agreement with the employer, on the employer's business, the employee shall be paid an allowance for each kilometre so travelled as follows, viz up to and including 2000cc shall be paid the amount 37 cents and over 2000cc shall be paid the amount of 41 cents.

If the employer provides a vehicle, the employer shall pay the whole of the upkeep, registration, insurance and running expenses.

Where an employee is required to work overtime and his/her usual form of transport is not available the employer shall provide a proper conveyance free of charge to transport the employee from the place of work to his/her usual place of residence.

19 - WAGE AND TIME SHEETS

(a) An employer shall keep a time-sheet showing the number of hours worked per day by each employee, and the payment of each employee. Such "time-sheets" shall include all information as required from time to time by Regulations under the Australian Industrial Relations Act 1988, as amended.

(b) Such sheets shall be accessible at reasonable times to officials of the Shop, Distributive and Allied Employees Association authorised in writing on that behalf.

20 - WAGES ETC. - TIME AND PAYMENT OF

(a) All wages shall be paid weekly, in addition to any commission, bonus or premium to which an employee is entitled. Such payment shall be made on the same day of each week which shall not be a Saturday or a Sunday (except in the case of leaving or dismissal) and shall be made up to and including at least the second day preceding the day of payment. Provided that in any week where an award holiday falls on the day on which wages are usually paid payment thereof shall be made later than the working day immediately preceding such award holiday.

(b) Where an employee is required by an employer to wait beyond the ordinary ceasing time of the employee for payment of ordinary wages, or when an employee is terminated, to wait for payment of ordinary wages after the period of the termination for a period of more than 15 minutes, he/she shall be paid his/her ordinary wages for the period during which he/she is so required to wait.

(c) Where employment is terminated an employee shall be paid all wages due at the time of dismissal and then shall be paid all overtime and other extra monies due within seven days of the termination of employment if it is not convenient for an employer to pay such extra monies at the time of dismissal.

(d) In the event of an employer not paying the said overtime and other monies due at the time on which he/she has undertaken to pay them the employer shall reimburse the employee all expenses he/she has incurred in attending to collect the amount due to him/her.

(e) Wages may be paid by electronic funds transfer, provided that where wages are paid by electronic funds transfer additional costs associated with the introduction and operation of electronic funds transfer shall be paid by the employer.

21 - SUPERANNUATION

Definitions

(a) "Ordinary time earnings" in this clause means the employee's rate of pay including any overaward and/or merit payments, casual loading, penalty rates and/or shift loadings (but excluding overtime, commission and occasional bonus payments).

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“Eligible employee” in this clause means an employee employed under this award with six months continuous service with the employer who works as a full-time employee, part-time employee or as an adult casual employee (working regularly twelve hours or more per week). In this clause employee means eligible employee.

“The fund” in this clause all reference to the fund shall mean the Retail Employees’ Superannuation Trust.

Fund

(b) For the purposes of this clause the fund into which payments are to be made shall be the Retail Employees’ Superannuation Trust (REST).

Fund membership

- (c) (i) An employer shall apply to the Trustees of the fund to become a participating employer in the fund.
- (ii) Each employee shall, upon the employer being accepted by the Trustees of the fund, make application to become a member of the fund.

Contributions

- (d) (i) An employer covered by this clause shall contribute to the fund in respect of each eligible employee an amount equal to three per cent of that employee’s ordinary time earnings each week commencing from the first full pay period on or after 8 November 1990 or such subsequent date as an employee becomes “eligible” in accordance with subclause (a) hereof.
- (ii) Where an employee is absent on leave without pay, whether or not such leave is approved, no contribution from the employer shall be due in respect of that employee in respect of the period of unpaid absence.
- (iii) Employees who may wish to make contributions to the fund additional to those being paid by the employer pursuant to paragraph (i) hereof shall be entitled to authorise the employer to pay into the fund from the employee’s wages amounts specified by the employee. Employee contributions to the fund requested under this paragraph shall be made in accordance with the rules of the fund.

Cessation of contributions

(e) The obligation of the employer to contribute to the fund in respect of an employee shall cease on the last day of such employee’s employment with the employer.

Employer to continue participation

(f) An employer who participates in the fund shall not cease participation in the fund whilst employing any employees.

Failure to participate in fund

(g) Where an employer has failed, pursuant to paragraph (d)(i) hereof, to make application to participate in the fund the employer shall make application to participate in the fund and upon acceptance by the Trustees shall make an initial contribution to the fund, in respect of each employee, equivalent to the contributions which would have been payable under paragraph (d)(i) hereof had the employer made application to participate in the fund and been accepted by the Trustees prior to 8 November 1990 after which the employer shall then continue to make payments as prescribed by this clause. Other than for back payment of contributions, the employee shall not be entitled to:

- (i) The interest on contributions; and/or
- (ii) Death and disability cover;

until such time as the employer becomes a member of the fund, that is the date of acceptance by the Trustees.

Frequency of payment

(h) Each employer shall pay such contributions together with any employee deductions in accordance with the requirements of the Trust Deed of the fund.

Existing superannuation arrangements

- (i) (i) No employer or employee shall be excluded from this clause on the basis of existing voluntary superannuation arrangements.
- (ii) No employer shall be required to contribute an additional three per cent contribution as a result of the making of this clause if such employer has already commenced payment of a three per cent occupational superannuation benefit in accordance with national wage fixing principles.

Exemptions

- (j) (i) An employer may seek to be exempt from subclause (b) hereof where:
 - (1) The employer is engaged in a mixed enterprise where more than 75 per cent of employees are engaged in an industry other than in pharmacy operations. Provided that the employer is paying the entitlements under this clause into a fund approved in accordance with the Commonwealth Operational Standards for Occupational Superannuation Funds; or
 - (2) Agreement is reached between an employer and the union party to this award, and such agreement is recorded in an industrial agreement; or

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- (3) Where the employer contributes, on behalf of his/her employees, into a fund (approved in accordance with the Commonwealth Operational Standards for Occupational Superannuation Funds) which was established prior to 19 October 1988, and occupational superannuation contributions equivalent to three per cent of ordinary time earnings on a basis equal to the benefits payable under this clause were being paid on behalf of all employees in the establishment covered by this clause prior to 19 October 1988 and have continued to be paid since that date; such fund to be an industry based fund providing for equal employer and union representation. Provided further that the employer informs the union of the intention to use such fund.
- (ii) An employer seeking exemption shall, not later than three months after the date of the order, make application to the Australian Industrial Relations Commission.
- (iii) Application for exemption shall contain the following information:

Name of fund

Evidence of compliance with Commonwealth Operational Standards for Occupational Superannuation Funds

Trust Deed of fund

Summary of structure and benefits

Level of administration charge

Any other relevant information

Leave reserved

- (k) Leave is reserved to any party bound by this clause to apply in respect of any unforeseen circumstances not contemplated by the parties at the time of making of this clause.

23 - ORDINARY HOURS OF WORK AND ROSTERS

Weekly hours

- (a) (i) The ordinary hours of work of employees in shops shall not exceed 38 per week to be worked in accordance with subclause (b) hereof, Monday to Sunday, both days inclusive and, save for the meal times prescribed, all time between the actual commencing time and the actual ceasing time on any one day shall count and shall be paid for as time worked.

Commencing times

- (ii) The commencing time of the ordinary hours of work shall be 6.00 a.m.

Ceasing times

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- (iii) The times of cessation of the ordinary hours of work shall be 12.00 p.m. midnight.

Implementation of 38 hour week

(b) All weekly and part-time employees shall be rostered for ordinary hours of work on any five days of the week, Monday to Sunday inclusive.

(c) Each full-time weekly employee may be worked so that the maximum number of hours that shall constitute an ordinary week's work without the payment of overtime shall not exceed an average of 38 per week and may be worked in any one of the following forms:

- (i) 38 hours in one week;
- (ii) 76 hours in two consecutive weeks;
- (iii) 114 hours in three consecutive weeks;
- (iv) 152 hours in four consecutive weeks.

(d) Provided that in shops employing on a regular basis twenty or more employees per week, unless specific agreement exists to the contrary between an employer and employee, the employee shall not be required to work ordinary hours on more than nineteen days (152 hours) in each four week cycle. Where specific agreement exists between an employer and an employee, the employee may be worked on the basis of:

- Not more than nine 1/2 days (76 hours) in each two week cycle;
- Not more than four 3/4 days (38 hours) in each week;
- Not more than 38 hours in each week;

(e) Provided that in shops employing less than twenty employees, an employer and an employee may agree that an employee may be worked on the basis of:

- Not more than nineteen days (152 hours) in each four week cycle; or
- Not more than nine 1/2 days (76 hours) in each two week cycle; or
- Not more than four 3/4 days (38 hours) in each week; or
- Not more than 7.6 hours on any day;

(f) The non-working days/periods shall be decided by mutual arrangement between the employer and employee, provided that in the case of any disagreement the matter shall be referred to the union.

(g) Provided that managers, pharmacists-in-charge and pharmacists shall be exempt from the provisions of this clause.

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(h) There shall not be more than one long day in any week. A long day is defined as a day exceeding nine ordinary hours of work. Provided that by mutual agreement additional long days may apply.

The maximum of ordinary hours which may be worked on any one day shall be eleven hours.

(i) There shall be not less than a ten hour break between finishing work (including overtime) on one day and the commencement of work on the next day.

Rosters

(j) Every employer shall, by a legible notice, which shall bear the date when it is affixed, exhibit and keep exhibited in a place accessible to the employees the starting and finishing time of each employee for each day of the week, and shall show thereon any change in the starting time and finishing time of any employee and the date on which the change was effected.

Provided that such time shall not be altered without seven days' notice, unless by agreement with the employees or in the event of an emergency.

24 - REST PAUSE

(a) When and where it can be arranged conveniently by the employer, each employee shall be allowed a paid rest pause of ten minutes either in the morning or in the afternoon, Monday to Sunday, at a time indicated by the employer.

(b) Such rest pause shall be allowed in the afternoon if the meal time is taken at 11.30 a.m. and in the morning if the meal time is taken at 1.30 p.m. or later.

25 - ROSTERED DAY OFF FALLING ON A HOLIDAY

Where an employee's rostered day off (either as part of a 19 day month cycle as provided in subclause 23(c) of this award) falls on a day prescribed as a holiday in clause 27 of this award, the employee shall be paid at the employer's choice by one of the following methods:

(a) Payment of an additional day's wages equivalent to the ordinary number of hours worked by the employee on the same day in the previous similar roster.

(b) Addition of one equivalent day to the employee's annual holidays.

(c) Another equivalent day may be allowed off, with pay, to the employee within 28 days after the holiday falls.

Part-time employees shall be entitled to the same benefits under this clause in the same proportion of the total benefits as their normal working hours are a proportion of 38.

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Weekly and part-time employees who have the same day off each week or roster, which day coincides with a day prescribed as a holiday in clause 27 of this award, shall not be entitled to any additional payment or time off in lieu.

26 - MEAL TIMES

(a) An employee who works five ordinary hours or more on any day shall be allowed on such day a meal break of one hour. Provided that where agreement exists between the employee and the employer a meal break of 30 minutes may apply.

(b) Provided that in any establishment in which a clean, well-ventilated room, adequate table and seating accommodation and sufficient crockery, cutlery and hot water are provided for the employee the period may be 45 minutes.

(c) An employee who is required to work on any day later than 6.30 p.m. (other than in shops which close at 7.30 p.m.) shall be allowed not less than 30 minutes nor more than one hour for an evening meal on that day.

(d) To meet special cases mutual arrangements may be made between an employer and his employees regarding meal times, provided that in each case the union shall be advised of such arrangement.

(e) Provided that the meal breaks referred to in subclauses (a) and (c) hereof shall be given and taken so that no employee shall work more than five consecutive hours without a meal break.

28 - ANNUAL LEAVE

(a) In addition to the public holidays specified in this award all employees other than casuals, not otherwise entitled to recreation leave under this award, shall be entitled to leave of absence on full pay for a period equal to four working weeks exclusive of public holidays where any such employee has been in the continuous employment of the same employer during the preceding twelve months.

(b) Continuous employment as specified in subclause (a) hereof means constant weekly employment until the termination of an engagement. Absences up to one month owing to illness covered by a medical certificate after two days' absence, or an absence with a medical certificate extending beyond one month in the case of an employee with an accumulation of sick leave to the extent of such accumulation; three months owing to injury received in the course of his employment; or one month owing to other causes for which leave has been granted by the employer concerned, shall not be deemed to break the continuity of employment.

(c) Annual leave shall be taken at a time mutually agreed upon by the employer and the employee, and in the absence of agreement at a time fixed by the employer, within a period not exceeding six months from the date when the right to annual leave accrued due and after not less than six weeks' notice to the employee.

COMMUNITY PHARMACY AWARD 1996 [C1790]

Annual leave shall be taken in a continuous period, or in the event of an agreement between the employer and an employee, in two separate periods and not otherwise.

In cases where the employer and employee have agreed on two separate periods of leave, one of the periods shall be not less than two consecutive weeks exclusive of any public holiday or holidays which may occur during such period of leave. Any two such periods of leave shall be granted to an employee within six months from the date when the right to annual leave occurred.

(d) Should an employee not complete twelve months' service he/she shall on the termination of his employment provided that he has been employed continuously for one month or more, be entitled to pay on a pro rata basis for each completed month of service.

(e) Before an employee proceeds on annual leave he/she shall be paid any monies then due to him in respect of the annual leave being taken or which may accrue due to him/her during his/her period of leave.

(f) Payment in lieu of annual leave shall not be made by an employer and not accepted by an employee except in accordance with all requirements of this clause. An employee shall not offer his/her services to any other employer during the period he/she is on paid annual leave and an employer shall not engage an employee who is on paid annual leave.

(g) During a period of annual leave an employee shall receive a loading of 17-1/2 per cent calculated on the appropriate rate of wage prescribed by clause 13 of this award.

The loading prescribed by this subclause shall apply to proportionate leave on termination of employment where employment is terminated by the employer but it will not apply where the reason for termination is misconduct or wilful disobedience.

(h) In the event of any dispute arising in connection with any part of this clause, such dispute shall be referred to the Commissioner within fourteen days of such dispute occurring for determination.

29 - SICK LEAVE

Where an employee, other than a casual, has been employed by an employer continuously for a period of one month and is subsequently absent from work on account of personal sickness such employer shall not deduct from the pay of such employee on account of such absence the amount which the employee would have been entitled to receive if working, but shall pay such employee such amount or amounts as the employee would have been entitled to receive if working but not exceeding in any one year of employment with such employer 76 hours ordinary pay, subject to the following conditions and limitations.

(a) Sick leave allowable under this clause to a private employee which is not availed of during the year in which it accrued, shall, while an employee is employed by the same employer be allowed to accumulate up to a maximum of 380 hours. The employer shall, in each succeeding year of continuous employment with the same employer be credited with only so many hours as may be necessary to bring the total credit to a maximum of 380 hours.

COMMUNITY PHARMACY AWARD 1996 [C1790]

(b) Employees shall not be entitled to be paid for sick leave for any period in respect of which workers' compensation is paid or payable.

(c) Absences due to accidents for which workers' compensation is paid or payable shall be counted as continuous employment for the purpose of this clause. Absences due to sick leave under this clause, absences due to sick leave without pay for three months in any one year, approved leave without pay, recreation leave and public holidays shall be counted as continuous employment for the purpose of this clause.

(d) An employee shall furnish to the employer such evidence as the employer reasonably may desire that the employee was unable by reason of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(e) Should an employee be absent from work on account of sickness or accident, it shall be necessary for such employee, who is employed in Canberra to notify the employer or agent authorised in that behalf that such absence is due to sickness or accident at the ordinary commencing time of work wherever practicable, but in any case not later than 12 noon on the working day. Should an employer require a written statement setting out the nature of the illness such statement shall be furnished within 48 hours.

(f) Medical certificates furnished by employees in accordance with subclause (d) hereof to cover any periods of absence shall indicate to the employer the nature of the illness suffered by the employee.

(g) Illness during annual leave when such illness exceeds one week, and is covered by a medical certificate shall be regarded as sick leave and an equivalent number of days shall be added to such annual leave.

(h) In the event of any dispute arising in regard to any claim for sick leave or the payment for sick leave, such dispute shall be referred to the Commissioner within seven days of such dispute occurring. The Commissioner shall consider and determine such dispute or he may refer the matter to a Board of Reference for hearing and determination.

(i) An employee shall only be entitled to a maximum of two weeks' (76 hours) sick leave in any one year (unless otherwise provided for in this clause) whether employed by one employer or several and any employee applying for sick leave and receiving such with pay in excess of the maximum (76 hours) prescribed shall be guilty of an offence and liable to disqualification from the benefits of this clause for such time as may be determined by the Commissioner, together with any other action which may be taken for a breach of the award.

(j) During the first year of employment only an employee shall accumulate paid sick leave at the rate of not less than 7.6 hours per month for each of the first eleven months.

Provided that if an employee has been absent on sick leave for which an entitlement to paid sick leave has not yet accrued, payment for such sick leave shall be made upon subsequent accrual of the entitlement to paid sick leave.

30 - LONG SERVICE LEAVE

The provisions of the Long Service Leave Act 1976, as amended, shall apply to employees.

31 - PARENTAL LEAVE

The provisions of the Parental Leave (Private Sector Employees) Act 1992, as amended, shall apply to employees.

32 - COMPASSIONATE LEAVE

An employee after one month's continuous employment with his present employer and on production of evidence satisfactory to his employer shall, on the death of a near relative, be granted a maximum of three days' leave on full pay in any one year as compassionate leave.

For the purpose of this clause "a near relative" means the father, mother, husband or wife, or a brother, sister, son or daughter, mother-in-law or father-in-law of the employee.

33 - AWARD MODERNISATION

The parties are committed to examining this award to ensure it reflects the needs of modern pharmacies and to eliminating or amending provisions which restrict the ability of pharmacists to adapt quickly and efficiently to changes affecting their business and the provision of service to the consumer.

The parties are committed to modernising the terms of this award so that it provides for more flexible working arrangements, improves the quality of working life, enhances skills and job satisfaction and assists positively in the restructuring process.

In conjunction with testing a proposed new award structure, the unions are prepared to discuss with employers all matters raised by the union and the employers for increased flexibility. As such, any discussion with the union must be premised on the understanding that:

- (a) Changes will not be of a negative, cost-cutting nature.
- (b) The negotiations will include the unions and employer associations.
- (c) The unions and employers will not unreasonably oppose agreement.

(d) If agreement cannot be reached in the implementation process on a particular issue it shall be referred to the Australian Industrial Relations Commission for resolution.

Should an agreement be reached between the parties pursuant to this clause in a particular section of the industry/enterprise and that agreement requires award variation the parties will not oppose that award variation for that particular provision for that particular section of the industry/ enterprise. The parties agree that under this heading any award matter can be raised for discussion.

COMMUNITY PHARMACY AWARD 1996 [C1790]

Where any agreement is reached pursuant to this clause earlier than six months from the date of introduction of this clause, the union will not oppose implementation of the agreement in the award prior to the expiry of the six months.

33A - ENTERPRISE FLEXIBILITY

(a) In this clause the relevant union means the Shop, Distributive and Allied Employees' Association which:

- (i) Is party to this award; and
- (ii) Has one or more members employed by the employer to perform work in the relevant enterprise or workplace.

[Note: The failure by an employer to give each relevant union an opportunity to be involved in the consultative process leading to the making of an agreement may result in the Commission adjourning or refusing the application to vary the award.]

(b) At each enterprise or workplace, consultative mechanisms and procedures shall be established comprising representatives of the employer and employees. Each relevant union shall be entitled to be represented.

(c) The particular consultative mechanisms and procedures shall be appropriate to the size, structure and needs of the enterprise or workplace.

(d) The purpose of the consultative mechanisms and procedures is to facilitate the efficient operation of the enterprise or workplace according to its particular needs.

(e) Where agreement is reached at an enterprise or workplace through such consultative mechanisms and procedures, and where giving effect to such agreement requires this award, as it applies at the enterprise or workplace, to be varied, an application to vary shall be made to the Commission. The agreement shall be made available in writing, to all employees at the enterprise or workplace and to the unions party to this award.

(f) When this award is varied to give effect to an agreement made pursuant to this clause the variation shall become a schedule to this award and the variation shall take precedence over any provision of this award to the extent of any expressly identified inconsistency.

(g) The agreement must meet the following requirements to enable the Commission to vary this award to give effect to it:

- (i) That the purpose of the agreement is to make the enterprise or workplace operate more efficiently according to its particular needs;
- (ii) That the majority of employees covered by the agreement genuinely agree to it;

COMMUNITY PHARMACY AWARD 1996 [C1790]

- (iii) That the award variation necessitated by the agreement meets the requirements of the no disadvantage test set out at s.113B(2) and (3) of the Industrial Relations Act 1988 (the Act).

34 - BOARD OF REFERENCE

(a) For the purpose of this award the Industrial Registrar is authorised to appoint a Board of Reference.

(b) The Board shall consist of a Chairman appointed by the Industrial Registrar, two representatives nominated by the Shop, Distributive and Allied Employees Association and two representatives nominated by the respondent employers.

(c) Nominations for membership of the Board shall be forwarded to the Industrial Registrar from time to time. The Industrial Registrar when satisfied that the nominations are in order shall appoint the nominees as members of the Board.

(d) A representative of the Shop, Distributive and Allied Employees Association or the respondent employers who has been appointed as a member of the Board may appoint a substitute to act in his stead from time to time.

(e) Three members, one of whom shall be the Chairman, one a representative of the Shop, Distributive and Allied Employees Association and one a representative of the respondent employers shall constitute a quorum.

(f) The Board of Reference is empowered to deal with the following matters:

- (i) The settlement of disputes on any matters arising out of the award; and
- (ii) Matters specifically assigned to it by the Commissioner.

(g) On all occasions a decision of the majority of members of the Board including the Chairman, shall determine the dispute before the Board.

(h) The decision of the Board of Reference may be reviewed and altered by the Commissioner on the application of any party to this award. An application to the Commissioner to review such decision shall be lodged with the Deputy Industrial Registrar within 21 days of such decision, but the Commissioner may give extended time for such application at any time.

(i) A copy of each decision of the Board of Reference shall be supplied to all parties concerned and shall be filed with the Industrial Registrar.

35 - POSTING OF AWARDS AND NOTICES

A copy of this award, together with any variation made from time to time in connection therewith, shall be posted and kept posted by the employer in a prominent place accessible to employees. No employer shall prevent an official of the Shop Distributive and Allied

COMMUNITY PHARMACY AWARD 1996 [C1790]

Employees Association authorised in writing in that behalf from posting a copy of any official notice of that organisation in a suitable place on an employer's premises, such notice not to exceed a size of 36 centimetres by 23 centimetres.

37 - RIGHT OF ENTRY

An official of the Shop, Distributive and Allied Employees Association authorised in writing in that behalf, shall have the right to enter any place or premises where persons subject to this award are employed, between the hours of 9.00 a.m. and 5.00 p.m. on any day during trading hours for the purpose of interviewing any employee.

39 - CLEANING

(a) An employee shall not be required to carry out systematic cleaning duties which are beyond the incidental functions associated with cleaning their work area.

(b) An employee shall not be required to wet wash floors, clean lavatories, sweep pavements or clean the exterior of windows other than the removal of occasional defacements.

BY THE COMMISSION:

COMMISSIONER

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996
s.113 application for variation

The Association of Professional Engineers, Scientists and Managers, Australia
(C2001/4443)

COMMUNITY PHARMACY AWARD 1998
(ODN C No. 02963 of 1982)
[Print N7370 [C1790]]

Various employees

Pharmacy operations

COMMISSIONER SMITH

MELBOURNE, 9 SEPTEMBER 2002

Application to vary - work value/simplification.

DECISION

Introduction.

[1] This is an application by the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) to vary the Community Pharmacy Award 1998 (the Award) [AW773671] by rationalising rates of pay for trainee pharmacists. The application is also supported by the Health Services Union of Australia (HSUA) which has coverage of Pharmacists in Western Australia.

[2] The Pharmacy Guild of Australia opposes, in part, the application.

[3] The application is grounded in two interlocking arguments. Firstly, it is put that the trainee rates were not addressed by the parties at the time the final award was made, and secondly, it was not addressed in the simplification process because the work value of trainee pharmacists was in the process of significant change.

[4] The application has been the subject of extensive conciliation where the parties were able to produce a common exhibit book¹. In this way much of the factual material from which the submissions were based, was agreed.

¹ Exhibit Common 1

[5] The common exhibit book examined the wage rate history for trainee pharmacists, the alteration to the Bachelor of Pharmacy courses at Universities and the requirements for the initial registration of Pharmacists. Not only was this detailed material put before the Commission but written submissions were also filed.

[6] The parties came close to agreement, but were unable to agree on the final wage rates. The considerable effort by the parties enabled the Commission to consider the kernel of the concerns, rather than embark upon a costly and time consuming series of hearings and inspections.

[7] The distillation the arguments focussed the proceedings.

Background.

[8] Because much of the factual matrix is agreed, it is unnecessary for me to traverse that material, although some matters require repetition.

[9] The Award is an one arising from the *Community Pharmacy (Victoria) Interim Award 1995* [C1012]. When the Award was my made it covered all States and Territories. At the time, the rates for both trainee pharmacists and pharmacy students were imported directly from the relevant State or Territory industrial instruments. Therefore the rates and structures are different for each State and Territory.

[10] Persons employed under the trainee classification in the Award are persons who have now completed a four-year Bachelor of Pharmacy degree and who are completing a period of 12 months pre-registration training required by the various State/Territory Pharmacy Boards before they are registered to practise as a Pharmacist.

[11] At the time of the award simplification process, the educational requirements for Pharmacists was in transition from a three-year to a four-year degree.

[12] In the simplification proceedings before Commissioner Hingley in 1998 Mr Colson submitted:

... 15.3 is the various wages for students and trainees across Australia and they are very different and they are applied very differently.

*They are a bit of a mess really and that is something else that we need to work on.*²

[13] It is against the background of:

- the history of the rates;
- the structure of the classifications;
- the changing educational requirements, and
- the award simplification process

that the parties now seek a rationalisation and review of the rates for trainee pharmacists. I also pause to add at this stage that I have directed that the parties confer and examine the student rates and report-back to a hearing will be held at 10.30 am on 18 February 2003. It appeared to me that all aspects of the wage structures should be completed in the matter now before me. No objection was raised to this course of action.

The Submissions.

[14] It is common ground between the parties that the disparate nature of rates contained in this national award should be addressed in the context of both simplification and work value. It is further agreed that rates should increase. It is the degree of increase which is contested. It is not contested that there should be a common rate and salary structure in the award because, whatever may have justified the difference on a state basis, the educational and work requirements now no longer justify a continuation of that position.

[15] For its part APESMA proposed an approach which placed pharmacy students at equivalent metal industry four-year degree rate relativity. The Pharmacy Guild drew upon a report it had commissioned from Mercer Cullen Egan Dell. Both approaches result in a significant adjustment to the rates and structures. Both submissions accept that a phasing-in process will be needed depending upon where the Commission fixes the rates.

Conclusion.

[16] I have had the benefit of significant consensus in this matter although, as stated earlier, final agreement alluded the parties.

² C1998/33666 - Transcript p.6

[17] I propose to adopt a course which has regard to that area of consensus, the needs of the employers, the changes in the nature of the work, and the approach adopted by the Commission to relativities contained in the Principles. In reaching the conclusion I have, I have been mindful of the need to restructure the award; provide more equitable wage rates; but at the same time, seek to avoid having a deleterious affect upon employment and training opportunities for young persons embarking upon a career in Pharmacy.

[18] Against that background, I attach to this decision the new wage rates and structures. It can be seen that a significant phasing-in period has been adopted. Following that phasing-in and following finalisation of the student rates, (and not before) any party may seek a re-listing of the matter to address internal relativities if it is believed that this fixation requires fine turning.

[19] APESMA is directed to provide an electronic copy of a draft order within 7 days.

BY THE COMMISSION:

COMMISSIONER

Appearances:

C Collison for The Association of Professional Engineers, Scientists and Managers, Australia.

W McNally Solicitor, with *D Baker* on behalf of the Pharmacy Guild of Australia.

Hearing details:

2002.

Melbourne:

August, 30.

Decision Summary

Wage rates – work value - trainees – various employees, pharmacy operations – application to rationalise rates of pay for trainee pharmacists - matter not addressed in simplification process as work value of trainee pharmacists in process of significant change – parties agreed increase appropriate but degree of increase contested– considered consensus between parties, needs of employers, changes

in nature of work, and approach adopted by Commission to relativities contained in Principles – mindful of need to restructure award and provide more equitable wage rates whilst avoiding deleterious affect upon employment and training opportunities for young persons embarking career in Pharmacy – new wage rates and structures with significant phasing-in period adopted - parties directed to confer and examine student rates and report back on 18 February 2003 – following phasing-in and finalisation of student rates any party may seek re-listing of matter to address internal relativities if fine tuning required.

Community Pharmacy Award 1998

C2001/4443

PR922278

Smith C

Melbourne

9 September 2002

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996
s.113 application for variation

The Association of Professional Engineers, Scientists and Managers, Australia
(C2001/4443)

COMMUNITY PHARMACY AWARD 1998
(ODN C No. 02963 of 1982)
[Print N7370 [AW773671]]

Various employees

Pharmacy operations

COMMISSIONER SMITH

MELBOURNE, 16 OCTOBER 2002

Application to vary - work value/simplification.

PREAMBLE

Further to a Decision [PR922278] issued by the Commission on 9 September 2002 the parties wrote to the Commission stating that as a consequence of an oversight rates for the Northern Territory had not been presented for consideration.

Both parties are now in agreement that rates should be inserted for pharmacy trainees in the Northern Territory and that the rates should be based upon the rates fixed for New South Wales.

Accordingly I shall insert the rates for pharmacy trainees in the Northern Territory, as agreed by the parties, in this variation.

ORDER

A. The above award is varied as follows

1. By deleting subclause 15.3 and inserting the following in lieu thereof:

15.3 Wages for students and trainees

15.3.1. Pharmacy trainees

The minimum rate of pay for a week of 38 hours shall be

	From	First Half of Traineeship	Second Half of Traineeship
New South Wales	1/11/02	\$525.20	\$586.60

	From	First Half of Traineeship	Second Half of Traineeship	
Northern Territory	1/11/02	\$525.20	\$586.60	
Queensland	1/11/02 1/11/03 1/11/04	\$472.70 \$498.70 \$525.20	\$512.50 \$549.50 \$586.60	
Tasmania	1/11/02 1/11/03 1/11/04	\$468.40 \$496.80 \$525.20	\$502.60 \$544.60 \$586.60	
Australian Capital Territory	1/11/02 1/11/03 1/11/04	\$484.30 \$504.70 \$525.20	\$526.80 \$556.70 \$586.60	
Western Australia	1/11/02 1/11/03 1/11/04	\$502.70 \$513.90 \$525.20	\$523.20 \$554.90 \$586.60	
South Australia	1/11/02 1/11/03 1/11/04	\$474.10 \$499.60 \$525.20	\$517.60 \$552.10 \$586.60	
Victoria	From	1st 500 hours	2nd 500 hours	Final 1000 hours
	1/11/02	\$416.60	\$451.10	\$517.60
	From	First Half of Traineeship	Second Half of Traineeship	
	1/11/03 1/11/04	\$488.10 \$525.20	\$552.10 \$586.60	

15.3.2. Pharmacy Students

The minimum rates of pay for a week of 38 hours shall be

15.3.2.1 Victoria

	Percentage of Wage Rate for Classification Pharmacist	Total Minimum Wage Rate \$
Pharmacy Students		
(i) A person commencing and proceeding with the Pharmacy course shall be paid for the first 500 recorded hours of practical training prescribed by the Pharmacy Board.	40	276.00
(ii) Subsequently for all work done until commencement of the final 2000 hours of traineeship.	45	310.50

15.3.2.2 New South Wales

Pharmacy Student	\$
(i) First year of course	398.00
(ii) Second year of course	439.80
(iii) Third year of course	481.40

15.3.2.3 Queensland

Pharmacy Student enrolled in the Faculty of Pharmacy at a recognised University during vacations:	\$
(i) First year of course	302.60
(ii) Second year of course	331.40
(iii) Remaining years of course	389.00

15.3.2.4 Tasmania

Pharmacy Student	\$
(i) After passing first year examination	335.50
(ii) After passing second year examination	377.50

15.3.2.5 Australian Capital Territory

Pharmacy Student	\$
(i) During the first year of course	365.40
(ii) During the second year of course	402.50
(iii) During the third year of course	439.50

15.3.2.6 Western Australia

Pharmacy Student (34% of Pharmacists Rate)	\$ 249.40
--------------------------------------------	--------------

15.3.2.7 Calculation of Rates

The rates of pay applying to students and trainees shall be calculated in multiples of ten cents, with any five cents or more being adjusted to the next highest ten cent multiple.

B. The above order takes effect from the first pay period commencing on or after the 1 November 2002.

BY THE COMMISSIONER:

COMMISSIONER

Appearances:

C Collison for The Association of Professional Engineers, Scientists and Managers, Australia.
W McNally Solicitor, with *D Baker* on behalf of the Pharmacy Guild of Australia.

Hearing details:

2002.
Melbourne:
August, 30.

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C1790 Dec 727/98 M Print **Q2258**

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996

s.33 Action on Commission's own motion

(C No. 30588 of 1998)

Workplace Relations and Other Legislation Amendment Act 1996

Schedule 5 Item 49(1)

The Association of Professional Engineers, Scientists and Managers, Australia

(C No. 33666 of 1998)

COMMUNITY PHARMACY AWARD 1996

(ODN C No. 02963 of 1982)

[Print N7370 [C1790]]

Various employees Pharmacy operations

COMMISSIONER HINGLEY MELBOURNE, 29 JUNE 1998

Allowable award matters.

DECISION

This is an application to vary the Community Pharmacy Award 1996 (the award) made by the Association of Professional Engineers, Scientists and Managers Australia (APESMA), a party to that award, pursuant to Item 49 of Part 2 of Schedule 5 of the *Workplace Relations and Other Legislation Amendment Act 1996* (the WROLA Act).

Except for two matters the application is consented to by the Pharmacy Guild of Australia (PGA), the Victorian Employers' Chamber of Commerce and Industry (VECCI) and the Health Services Union of Australia (HSUA). The Shop Distributive and Allied Employees Association sought further clarification on facilitative provisions but otherwise similarly consented.

Two matters are not agreed. The first relates to Higher Duties Provisions. APESMA provided a document which was agreed (APESMA4) and which set out the current entitlement by State. Attached thereto was the proposal of the unions for insertion in the simplified award. This proposal reads as follows:

"Where an employee who is not employed as a Pharmacist Manager or Pharmacist-in-Charge is called upon to replace the Proprietor, Manager or Pharmacist-in-Charge for a minimum of one hour they shall be paid at the appropriate Pharmacist-in-Charge rate in accordance with this award for all such hours worked."

The existing provisions vary between some States, with no provisions in South Australia. What is said to be sought by the unions was a consistent and "reasonable" national approach. It was said the provisions had their origins in a time when pharmacies were trading 5-1/2 days per week and that now "there is an increasing tendency in this industry to trade seven days a week, and 9 to 9 seven days a week is not uncommon." (transcript 11.6.98 p20 @ 4-5).

"Generally, if it is an evening shift or a weekend shift you will find that that part-time employee will be the sole pharmacist on the premises" (ibid @ 12-13). As such it was argued that "if they do more than four hours in a day they are paid for the whole day really does not bear any relevance to the level of responsibility that they take."

Mr Bridge provided the PGA preferred wording (Exh PG1) which read as follows:

"An employee who is not employed as a Pharmacist Manager or a Pharmacist-in-Charge who is called upon by the proprietor or Pharmacist Manager to replace the Proprietor, Manager or Pharmacist-in-Charge for a minimum of three consecutive hours shall be paid at the appropriate Pharmacist-in-Charge rate in accordance with this award for all such hours worked."

Mr Bridge submitted that there was a difference between a pharmacist in charge of the business as far as Pharmacy Board requirements prescribe, but this person would not necessarily be a Pharmacist-in-Charge.

It was submitted by Mr Bridge as follows:

"Now we agree that the new higher duties provision will be a trade off between payment for all such hours worked as it applies in some of the States, and the minimum number of hours that it takes to qualify for the higher duties provision, and we simply disagree on the number of minimum hours, bearing in mind what we believe is to be a reasonable trade off." (ibid p.21 @ 23-27)

Ms Bradley for VECCI adopted the submissions of PGA arguing that one hour was far "too restrictive". By that I assumed he supported Mr Bridge that it was too onerous on the employer and was a restriction on flexibility.

On what was before me I accept the submissions that the one hour minimum is perhaps inappropriate and inhibits workplace flexibility options. I am satisfied that the absence of the Pharmacist-in-Charge for a minimum of two hours has demonstrable implications for the level of responsibility and I accordingly find that two hours should be the award designated minimum qualifying period.

The second matter relates to Meal Allowance.

Mr Collison provided an agreed document (Exh APESMA5) which reflected the differing circumstances as to meal allowance entitlements including no provisions in Victoria, and the varying amounts between States. It was proposed that,

"A meal allowance of \$9.25 shall be paid to an employee for each meal break required to be taken within a period of overtime, between a period of ordinary time and overtime or where an employee is required to work overtime after 7.00 pm. Meal allowances shall be payable in addition to any other entitlements under this award."

Again in this matter it was said that what was sought was a reasonable proposal to operate nationally, which as far as possible would not reduce existing entitlements.

In response Mr Bridge for PGA provided an alternative clause as follows (Exhibit PG2):

"A meal allowance of \$9.25 shall be paid where a meal break is required to be taken between a period of ordinary time and overtime or during a period of overtime."

Award - <u>review of award</u> - <u>award simplification</u> - <u>s89A Workplace Relations Act 1996</u> - <u>Item 49 Workplace Relations and Other Legislation Amendment Act 1996</u> - various employees - pharmacy operations - reasonable attempts to reach agreement on how award should be varied and treatment of matters which not allowable award matters - variation appropriate having regard to <i>Award Simplification Decision</i> (Print P7500) and WROLA Act 1996 criteria - award varied effective 1 July 1998		
Application by The Association of Professional Engineers, Scientists and Managers Australia to vary Community Pharmacy Award 1996		
C No 33666 of 1998 & another		Print Q2258
Hingley C	Melbourne	29 June 1998

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2021 Graduate Outcomes Survey (GOS)

National Report

OCTOBER 2021

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For more information on the conduct and results of the 2021 GOS see the QILT website: www.qilt.edu.au. The QILT team can be contacted by email at qilt@srcentre.com.au.

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1. Introduction

This National Report focuses on the main indicators over time as outlined on the Quality Indicators for Learning and Teaching (QILT) website such as Labour Market Outcomes (rates of full-time employment, overall employment, labour force participation and median full-time salaries), Further Study Outcomes and Graduate Satisfaction. The report also discusses some areas of focus such as the impact of COVID-19 on labour force outcomes, gender differences and the gender pay gap, skills utilisation including graduate occupations and reasons for skills based or time based “underemployment”. The Graduate Outcomes Survey (GOS) also collects information relevant to themes beyond the scope of this report, such as the importance of the course, how well the course prepared graduates for work and further study, and more detailed labour force breakdowns, including graduates working in their own businesses, unpaid work and unemployment levels. Reporting of graduate labour market outcomes in this report focuses on domestic graduates only. Reporting of graduate satisfaction focuses on all graduates, both domestic and international graduates combined. For the first time in 2021, a separate report focusing on the employment and labour outcomes of international graduates will be published as the 2021 International GOS.

This report is supported by a [PowerBI workbook](#) which allows readers to further explore the data presented in this report. It is also supported by a set of additional static tables which provide additional data and detail out of scope of this report, but which may be of interest to the reader.

The GOS was first implemented in 2016 to replace the Australian Graduate Survey (AGS). The AGS comprised the Graduate Destinations Survey (GDS), which had been in place since the 1970s, the Course Experience Questionnaire (CEQ) and Postgraduate Research Questionnaire (PREQ), which had been in place since the 1990s. Please note that the introduction of the GOS in 2016 represented a break in time series from the previous AGS. This break is represented as a break in the line on time series charts in this report. More information can be found in the [2016 GOS Methodological Report](#).

The 2021 GOS was primarily conducted as a national online survey among 127 higher education institutions including all 41 Table A and B universities and 86 Non-University Higher Education Institutions (NUHEIs). A total of 127,827 valid survey responses were collected across all study levels, representing a response rate of 40.4 per cent, which is a slight decrease from 42.3 per cent, achieved in 2020.

The following report provides high level results from the 2021 GOS. Further detail is available from [https://www.qilt.edu.au/surveys/graduate-outcomes-survey-\(gos\)](https://www.qilt.edu.au/surveys/graduate-outcomes-survey-(gos)).

2. Labour market outcomes

For definitions of key indicators of labour market outcomes please refer to Appendix 2.

2.1 The impact of the COVID-19 pandemic

The impact of the COVID-19 pandemic continued to be felt in the Australian labour market throughout the period covered by the 2021 GOS. Nonetheless, after declining between 2019 and 2020, graduate labour market outcomes stabilised somewhat in 2021. Although the overall employment rate for recent graduates recorded a further slight decline, from 85.1 per cent in the 2020 to 84.8 per cent in 2021, the full-time graduate employment rate increased slightly, from 68.7 per cent to 68.9 per cent.

However, measuring the impact of the pandemic is complicated by the structure of the GOS, which is administered across three periods each year – in November of the previous year and in February and May of the current year. The May survey round is the largest, accounting for around two-thirds of responses collected.

Undergraduate results from each of the GOS survey rounds from 2019 to 2021 are shown in Table 1. Survey results from a particular round are best compared with the equivalent round in other survey years since results by round are not adjusted for seasonal effects.

A sharp decline in employment rates is evident between November 2019 and November 2020. Full-time employment fell

from 68.0 per cent to 60.6 per cent, while overall employment fell from 84.8 per cent to 81.5 per cent. This reflects the severe disruption to social and economic activity in mid to late 2020 caused by measures taken to protect public health.

Results for the February rounds are mixed, with the overall employment rate declining but the full-time employment rate improving slightly, compared to results from the February 2020 survey round. For the May rounds, however, there was a clear improvement in graduate employment between 2020 and 2021. Full-time employment rates rose from 69.0 per cent to 72.1 per cent, close to the level recorded in May 2019. Overall employment rose from 85.4 per cent to 86.2 per cent, still one percentage point lower than in 2019. These are the most recent survey results, corresponding to a time when the Australian economy was relatively unaffected by COVID related health measures.

Table 1 Undergraduate employment rates by survey round, 2020 and 2021 (%)

	GOS 2019 Nov	GOS 2019 Feb	GOS 2019 May	GOS 2019 Total	GOS 2020 Nov	GOS 2020 Feb	GOS 2020 May	GOS 2020 Total	GOS 2021 Nov	GOS 2021 Feb	GOS 2021 May	GOS 2021 Total
Full-time employment	71.0	70.2	72.7	72.2	68.0	69.7	69.0	68.7	60.6	67.9	72.1	68.9
Overall employment	85.9	83.2	87.2	86.8	84.8	81.2	85.4	85.1	81.5	80.5	86.2	84.8

Results by survey round therefore indicate greater turbulence in the graduate labour market than is suggested by the aggregate annual results. This is consistent with results from the ABS Labour Force Survey (LFS) which show that the national unemployment rate increased from 5.0 per cent in December 2019 to 7.4 per cent in June 2020, before recovering to 5.1 per cent in May 2021 (seasonally adjusted). Table 2 **Undergraduate full-time employment and national employment rates, November 2018 to May 2021 (%)** shows the relationship between the graduate full-time employment rate measured by the GOS, and the national employment rate (the inverse of the unemployment rate) measured by the LFS. Both measures show a marked decline in mid to late 2020, before recovering in early to mid 2021.

Table 2 Undergraduate full-time employment and national employment rates, November 2018 to May 2021 (%)

	National employment rate	Undergraduate full- time employment rate
November 2018	94.9	71.0
February 2019	95.0	70.2
May 2019	94.8	72.7
November 2019	94.8	68.0
February 2020	94.9	69.7
May 2020	93.0	69.0
November 2020	93.2	60.6
February 2021	94.1	67.9
May 2021	94.9	72.1

The COVID-19 restrictions also had the effect of reducing the hours worked by those graduates who were employed. The GOS follows LFS concepts and definitions in measuring employment. This means graduates are considered employed if they work at least one hour in the survey reference week, or usually work one hour per week. Graduates are considered to be employed full-time if they actually work 35 hours per week or more, or usually work that many hours. Examining the hours actually worked by employed graduates therefore provides an additional insight into employment trends.

As noted in the 2020 GOS report, the average number of actual hours worked by employed graduates dipped markedly in the May 2020 survey round, as shown in Table 3. This was a short-lived downturn, however, with hours worked returning to pre-COVID levels from the November round of the 2021 GOS.

Table 3 Average hours worked per week for employed undergraduates by full-time/part-time status and survey round, 2019 to 2021

Collection period	Part-time	Full-time	Total
2019 November	19.7	41.3	33.7
2019 February	17.9	41.0	32.7
2019 May	18.9	40.7	32.2
2020 November	19.6	41.2	33.1
2020 February	18.1	41.1	32.8
2020 May	14.7	38.5	28.4
2021 November	19.9	41.1	32.4
2021 February	19.6	40.3	32.7
2021 May	19.6	41.4	32.9

2.2 Study Level

While the undergraduate full-time employment rate recovered with a slight increase from 68.7 per cent in 2020 to 68.9 per cent in 2021, the full-time employment rate of postgraduate coursework graduates declined from 85.6 per cent in 2020 to 84.9 per cent in 2021, a fall of 0.7 percentage points. The full-time employment rate among postgraduate research graduates experienced a larger decline, from 80.1 per cent in 2020 to 77.7 per cent in 2021, a fall of 2.4 percentage points. A similar pattern of results was seen for overall employment. As seen in Table 4, the largest decline in overall employment rates was among postgraduate research graduates, with a fall of 1.9 percentage points in comparison with falls of 0.8 percentage points among postgraduate coursework graduates and 0.3 percentage points among undergraduates. As more job opportunities become available, graduates can be encouraged to seek work and hence the labour force participation rate among undergraduates increased from 91.4 per cent in 2020 to 92.0 per cent in 2021, only 0.4 percentage points lower than in 2019. There was a very small fall in the labour force participation rate among postgraduate coursework graduates of 0.1 percentage points while it actually rose slightly among postgraduate research graduates by 0.5 percentage points.

Reporting of graduate salaries in the 2021 GOS includes graduates who were employed full-time in all jobs and asks graduates to report what they “usually” earn in all their jobs so it is likely COVID-19 has had less impact on reported annual graduate salaries, at least in the short-term. The median undergraduate salary level increased slightly from \$64,700 in 2020 to \$65,000 in 2021, an increase of \$300 or 0.5 per cent. Female undergraduates continue to earn less than male undergraduates in 2021, \$64,200 compared with \$66,800 respectively, a difference of \$2,600. This equates to a gender pay gap of 3.9 per cent, increasing from 2.5 per cent in 2020.

Higher level qualifications generally lead to improved salary outcomes in addition to improved employment outcomes. The median salary of undergraduates employed full-time in 2021 was \$65,000 per year while for postgraduate coursework graduates it was \$89,700 and for postgraduate research graduates it was \$95,000, as shown in Table 4. The median undergraduate salary increased by \$300 or 0.5 per cent in 2021, while the postgraduate coursework graduate median salary increased by \$2,300 or 2.6 per cent and the postgraduate research graduate median salary increased by \$2,000 or 2.1 per cent. A higher number of undergraduates proceeded to further study immediately following completion of their degree in 2021, with 21.1 per cent in full-time study in 2021 compared to 18.5 per cent in 2020. This result is a little surprising as typically fewer students proceed to further study and more enter employment as

the labour market improves. The greater propensity to undertake further study in 2021 may reflect the uncertainty surrounding the COVID-19 environment and it will be important to monitor this indicator going forward.

Table 4 Graduate employment and study outcomes by study level, 2019, 2020 and 2021

	Undergraduate 2019	Undergraduate 2020	Undergraduate 2021	Postgraduate coursework 2019	Postgraduate coursework 2020	Postgraduate coursework 2021	Postgraduate research 2019	Postgraduate research 2020	Postgraduate research 2021
Full-time employment (%)	72.2	68.7	68.9	86.8	85.6	84.9	81.1	80.1	77.7
Overall employed (%)	86.8	85.1	84.8	92.7	91.6	90.8	90.7	90.0	88.1
Labour force participation rate (%)	92.4	91.4	92.0	96.3	95.5	95.4	93.9	94.3	94.8
Median salary, employed full-time (\$)	62,600	64,700	65,000	85,300	87,400	89,700	90,000	93,000	95,000
In full-time study (%)	18.9	18.5	21.1	6.0	6.6	7.6	5.8	6.9	6.8

2.3 Time series

The undergraduate full-time employment rate of 68.9 per cent in 2021 is a slight increase on the 68.7 per cent seen in 2020, however it is still the fourth lowest ever, with the low point of 68.1 per cent being reported in 2014, as shown by Table 5. The overall employment rate of 84.8 per cent is the lowest on record with the previous lowest figure being 85.1 per cent in 2020. The postgraduate coursework full-time employment rate of 84.9 per cent is the lowest reported since the 82.7 per cent reported in 2015. Similarly, the postgraduate research graduate full-time employment rate of 77.7 per cent is the lowest reported since the 73.0 per cent reported in 2015.

Table 5 Full-time and overall employment rates by study level, 2009-2021 (%)

	Undergraduate Full-time employment	Undergraduate Overall employment	Postgraduate coursework Full-time employment	Postgraduate coursework Overall employment	Postgraduate research Full-time employment	Postgraduate research Overall employment
2009	79.2	92.7	87.6	94.5	85.3	94.6
2010	76.2	91.8	86.4	94.1	84.6	93.9
2011	76.3	91.6	85.0	93.6	83.0	93.1
2012	76.1	91.7	85.4	93.9	81.9	93.6
2013	71.3	90.0	83.2	92.6	78.5	91.2
2014	68.1	89.2	82.5	93.1	75.8	91.0
2015	68.8	89.5	82.7	92.7	73.0	89.1
2016	70.9	86.4	85.1	92.4	80.1	90.3
2017	71.8	86.5	86.1	92.6	80.4	90.6
2018	72.9	87.0	86.9	92.9	82.3	91.8
2019	72.2	86.8	86.8	92.7	81.1	90.7

2020	68.7	85.1	85.6	91.6	80.1	90.0
2021	68.9	84.8	84.9	90.8	77.7	88.1

Over the longer term the gender gap in graduate salaries has tended to decline though change has been slow, and the gender gap remains, as shown by Table 6. In 2009, female undergraduates earned \$47,000, which was \$3,000 or 6.0 per cent lower than their male counterparts. As noted above, in 2021, the gender gap in undergraduate median salaries had risen to \$2,600 or 3.9 per cent, up from 2.5 per cent in 2020, however still a reduction on the 4.9 per cent in 2019 and 4.8 per cent in 2018. Similarly, the gender gap in postgraduate coursework salaries has declined over time, with females earning \$15,000 or 19.2 per cent lower in 2009 in comparison with a gender pay gap of \$14,000 or 14.1 per cent in 2021. The gender gap in postgraduate research graduate salaries has also tended to decline over time, falling from \$3,000 or 4.3 per cent in 2009 to \$2,100 or 2.2 per cent in 2021.

Table 6 Median salaries by gender and level of study, 2009-2021¹ (\$)

	Undergraduate Females	Undergraduate Males	Postgraduate coursework Females	Postgraduate coursework Males	Postgraduate research Females	Postgraduate research Males
2009	47,000	50,000	63,000	78,000	67,000	70,000
2010	48,000	50,000	65,000	80,000	70,000	72,000
2011	50,000	52,000	68,000	80,000	73,000	75,000
2012	50,000	55,000	70,000	85,000	75,000	79,000
2013	51,630	55,000	70,000	87,000	78,300	80,000
2014	51,600	55,000	72,000	90,000	80,000	82,000
2015	53,000	55,000	73,000	90,000	80,300	84,000
2016	56,400	60,000	75,700	90,000	83,300	88,300
2017	59,000	60,100	76,000	91,000	86,000	89,800
2018	60,000	63,000	79,000	92,500	90,000	90,200
2019	61,500	64,700	81,300	95,000	90,000	92,000
2020	63,400	65,000	83,500	96,000	91,900	95,000
2021	64,200	66,800	85,000	99,000	93,900	96,000

2.4 Demographic group

As was the case in previous years, older undergraduates and undergraduates that studied externally were more likely to be in full-time employment in 2021, with rates of 73.3 per cent and 79.7 per cent respectively, as shown in Table 7. This may be associated with these graduates being more likely to have an ongoing relationship with an employer while studying. Older graduates were 5.4 percentage points more likely to be employed full-time than graduates aged 30 or younger, and 0.8 percentage points more likely to be employed, but less likely to be participating in the labour force. Graduates who completed their studies externally were 12.6 percentage points more likely to be employed full-time than those who had completed internal or mixed mode studies and were also 4.4 per cent more likely to be employed but slightly less likely to participate in the labour force.

Indigenous undergraduates were more likely to be in full-time employment than non-Indigenous undergraduates, at 76.8 per cent and 68.8 per cent respectively, and more likely to be employed, at 85.7 per cent and 84.7 per cent respectively. Undergraduates with a reported disability had a full-time employment rate of 58.7 per cent, which was 11.3 percentage points lower than the 70.0 per cent for undergraduates who reported no disability. Similarly, domestic students whose home language was other than English had a substantially lower rate of full-time employment in 2021, at 52.8 per cent,

¹ 2009 to 2015 based on graduates aged less than 25 and in first full-time employment

in comparison with the 69.3 per cent for undergraduates whose home language was English.

In 2021, graduates from higher socio-economic status (SES) categories performed better in most employment areas, with 70.0 per cent of high SES undergraduates employed full-time compared with 68.7 per cent of those in medium SES and 67.6 per cent in the low SES category. The pattern is similar in terms of overall employment, with high, medium and low SES graduates recording overall employment rates of 85.7, 85.0 and 82.6 per cent respectively. This pattern differs for labour force participation, with 92.3 per cent of medium SES undergraduates participating in the labour force compared to 92.1 per cent and 91.4 per cent for high or low SES undergraduates respectively.

Full-time and overall employment rates of undergraduates from regional or remote areas remained higher than for those from metropolitan areas. Regional/remote graduates' full-time employment rate was 74.3 per cent compared with 67.5 per cent for metropolitan graduates, a difference of 6.8 percentage points. Similarly, 87.4 per cent of regional/remote graduates were employed overall, compared with 84.2 per cent for metropolitan areas. Those in regional/remote areas were slightly less likely to participate in the labour force, with a participation rate of 91.5 per cent compared with 92.2 per cent for metropolitan areas.

Table 7 Undergraduate employment outcomes by demographic group, 2020 and 2021

	Full-time employment (%)2020	Full-time employment (%)2021	Overall employment (%) 2020	Overall employment (%) 2021	Labour force participation rate (%) 2020	Labour force participation rate (%) 2021	Median salary, employed full-time (\$) 2020	Median salary, employed full-time (\$) 2021
Age								
30 years or under	67.8	67.9	84.9	84.6	92.1	92.6	62,600	63,400
Over 30 years	73.5	73.3	85.7	85.4	88.3	89.3	71,400	73,100
Mode of attendance code								
Internal/Multi Mode	67.1	67.1	84.5	84.2	91.6	92.3	63,000	64,000
External/Distance	79.7	79.7	89.0	88.6	90.5	90.6	72,000	72,500
Aboriginal and Torres Strait Islander								
Indigenous	75.1	76.8	85.8	85.7	90.9	90.7	68,300	67,000
Non-Indigenous	68.6	68.8	85.1	84.7	91.5	92.0	64,600	65,000
Disability								
Reported disability	59.2	58.7	78.5	77.4	87.5	88.8	64,800	65,000
No disability	69.4	70.0	85.6	85.6	91.8	92.4	64,700	65,000
Main language spoken at home								
English	69.2	69.3	85.5	85.2	91.6	92.1	64,800	65,000
Language other than English	52.9	52.8	68.5	69.8	87.5	88.7	60,900	62,600
Socio-economic status								

High	70.1	70.0	86.1	85.7	91.2	92.1	65,000	65,000
Medium	68.8	68.7	85.4	85.0	91.8	92.3	64,000	65,000
Low	65.9	67.6	82.7	82.6	91.0	91.4	64,300	65,000
Location								
Metropolitan	67.5	67.5	84.5	84.2	91.3	92.2	64,500	65,000
Regional/remote	73.3	74.3	88.0	87.4	92.1	91.5	65,000	65,200

2.5 Study area

The 2021 GOS findings suggest that graduates from study areas related to service type industries heavily impacted by the COVID-19 restrictions have seen some recovery. For example, the largest increases in undergraduate full-time employment by study area have been in Veterinary science, up from 78.2 per cent in 2020 to 87.0 per cent in 2021, an increase of 8.8 percentage points, Rehabilitation up 7.1 percentage points, Tourism, hospitality, personal services, sport and recreation up 6.3 percentage points, Health services and support up 5.3 percentage points, and Dentistry up 4.5 percentage points. Recovery has also been seen in study areas that had large drops in full-time employment rates between 2019 and 2020, with Creative arts, up from 45.8 per cent in 2020 to 49.2 per cent in 2021 and Communications, up from 52.8 per cent to 55.2 per cent in 2021.

Median undergraduate full-time salaries in 2021 ranged between study areas from a high of \$100,000 down to \$50,000, with a standard deviation of \$10,300, as shown by Table 9. The areas with the highest graduate salaries were Dentistry at \$100,000, Medicine \$76,000, Social work \$72,600, Teacher education \$72,000, and Engineering \$70,000. The study areas with the lowest full-time median undergraduate salaries were Pharmacy at \$50,000, Creative arts \$53,000, Tourism, hospitality, personal services, sport and recreation, \$54,900 and Communications, \$56,200. The variation in salary between study areas was higher for male graduates, with a standard deviation of \$10,400 compared to \$9,300 for female graduates.

The gender gap in undergraduate salaries immediately upon graduation can be explained, in part, by the fact that females are more likely to graduate from study areas which receive lower levels of remuneration. However, it is also the case that at the undergraduate level, females earn less overall than their male counterparts within most study areas. The study areas which exhibit the highest gaps between male and female salaries include Psychology with a gap of \$6,900, Architecture and built environment \$5,200, Law and paralegal studies \$4,900, Health services and support \$4,800, and Agriculture and environmental studies \$4,700. Medicine, Rehabilitation, Pharmacy and Engineering were the exceptions where female undergraduate median salaries are higher than or equal to their male counterparts. This demonstrates that beyond subject choice, the gender gap in median graduate salaries persists due to a range of other factors such as occupation, age, experience, personal factors, and possible inequalities within workplaces.

Table 8 Undergraduate employment outcomes by study area, 2020 and 2021² (%)

	Full-time employment 2020	Full-time employment 2021	Overall employment 2020	Overall employment 2021	Labour force participation rate 2020	Labour force participation rate 2021
Science and mathematics	59.1	61.1	81.7	81.5	84.3	84.8
Computing and information systems	72.1	67.9	81.3	77.5	93.8	94.5
Engineering	83.0	80.3	87.6	86.6	95.3	95.0
Architecture and built environment	67.7	65.2	82.3	82.4	93.5	95.0

² Where a graduate completes combined degrees across two study areas, their outcomes are included in both study areas. 'All study areas' figures count each graduate once only.

Agriculture and environmental studies	67.4	69.5	84.4	85.9	93.6	92.3
Health services and support	67.2	72.5	87.6	88.4	92.9	93.1
Medicine	86.7	90.2	90.8	92.9	88.9	92.5
Nursing	72.7	74.2	89.2	88.8	96.2	95.8
Pharmacy	96.4	95.0	95.8	93.6	96.3	94.7
Dentistry	80.0	84.5	90.6	94.5	90.4	91.7
Veterinary science	78.2	87.0	89.9	90.6	88.1	87.5
Rehabilitation	87.3	94.4	94.4	96.0	97.9	97.8
Teacher education	80.6	79.1	90.9	91.1	94.4	94.8
Business and management	74.3	72.8	86.4	86.3	95.3	95.9
Humanities, culture and social sciences	60.9	57.9	83.4	81.7	88.6	89.9
Social work	67.2	70.7	85.0	84.7	94.3	94.2
Psychology	61.4	60.2	84.4	83.5	88.1	87.1
Law and paralegal studies	75.7	72.5	85.7	84.3	94.4	94.9
Creative arts	45.8	49.2	78.7	78.2	87.7	90.6
Communications	52.8	55.2	79.2	81.5	87.3	89.0
Tourism, hospitality, personal services, sport and recreation	52.4	58.7	82.4	82.1	91.3	91.2
All study areas	68.7	68.9	85.1	84.8	91.4	92.0
Standard deviation	12.8	13.0	4.7	5.3	3.7	3.3

Table 9 Undergraduate median full-time salaries by study area, 2020 and 2021³ (\$)

	Male 2020	Male 2021	Female 2020	Female 2021	Total 2020	Total 2021
Science and mathematics	65,400	65,000	62,600	61,500	64,000	63,000
Computing and information systems	65,200	66,000	65,000	65,000	65,000	65,500
Engineering	69,400	70,000	70,000	70,000	69,500	70,000
Architecture and built environment	65,000	65,200	62,600	60,000	64,700	62,600
Agriculture and environmental studies	62,300	64,700	60,100	60,000	61,500	60,500
Health services and support	66,000	70,000	65,000	65,200	65,100	66,500
Medicine	75,300	76,000	74,000	76,500	75,000	76,000
Nursing	65,400	66,800	64,200	65,200	64,200	65,200
Pharmacy	49,600	49,600	49,600	50,000	49,600	50,000
Dentistry	90,000	n/a	79,300	92,400	84,000	100,000
Veterinary science	n/a	n/a	57,500	60,000	57,800	60,000
Rehabilitation	65,000	66,500	65,000	67,000	65,000	67,000
Teacher education	70,000	72,000	69,900	71,800	70,000	72,000
Business and management	62,500	63,000	59,100	60,000	60,000	60,700
Humanities, culture and social	65,000	65,000	61,900	62,000	62,600	62,600

³ Where a graduate completes combined degrees across two study areas, their outcomes are included in both study areas. 'All study areas' figures count each graduate once only.

sciences						
Social work	68,000	74,900	70,000	72,300	70,000	72,600
Psychology	65,000	70,000	62,800	63,100	63,000	65,000
Law and paralegal studies	68,900	70,000	64,000	65,100	65,000	66,800
Creative arts	52,200	55,000	51,600	52,200	52,000	53,000
Communications	57,400	58,400	55,300	55,200	55,600	56,200
Tourism, hospitality, personal services, sport and recreation	n/a	n/a	n/a	54,900	53,500	54,900
All study areas	65,000	66,800	63,400	64,200	64,700	65,000
Standard deviation	8,300	10,400	7,400	9,300	7,800	10,300

NB: n/a = result not available, fewer than 25 survey responses received.

2.6 Institution

2.6.1 Universities

Employment and salary outcomes vary across institutions. It is important to acknowledge that factors beyond the quality of teaching, careers advice and the like, such as course offerings, the composition of the student population and variations in state/territory and regional labour markets, may also impact on employment outcomes. Note also that the figures in parentheses in the tables that follow indicate the confidence intervals for the survey estimates. Since the number of survey responses for each institution can be relatively small, the confidence intervals may overlap for survey estimates from one year to the next, broadly indicating the change in labour market outcomes may not be statistically significant. The calculation of these confidence intervals is detailed in Appendix 4.

More than half of universities experienced increases in undergraduate full-time employment between 2020 and 2021, as shown by Table 10. Universities with the highest full-time employment rates in 2021 were Charles Sturt University, 84.6 per cent, Central Queensland University, 83.4 per cent, University of New England, 80.9 per cent, University of Southern Queensland, 79.2 per cent, and James Cook University 78.0 per cent.

Table 10 Undergraduate full-time employment and overall employment rate by university, 2020 and 2021 (%)

	Full-time employment 2020	Full-time employment 2021	Overall employment 2020	Overall employment 2021
Australian Catholic University	72.4 (70.6, 74.1)	73.6 (72.0, 75.2)	88.0 (87.0, 88.9)	89.2 (88.3, 90.0)
Bond University	61.2 (55.3, 66.8)	67.3 (60.8, 72.9)	72.3 (67.5, 76.5)	79.7 (75.2, 83.1)
Central Queensland University	73.0 (69.8, 75.9)	83.4 (80.9, 85.6)	87.1 (84.9, 88.8)	90.2 (88.5, 91.5)
Charles Darwin University	79.1 (75.4, 82.2)	76.5 (73.5, 79.2)	90.1 (87.8, 91.8)	87.4 (85.5, 89.0)
Charles Sturt University	84.7 (83.2, 86.0)	84.6 (82.9, 86.1)	91.9 (90.9, 92.7)	90.8 (89.6, 91.8)
Curtin University	69.7 (67.9, 71.5)	70.1 (68.1, 72.1)	86.6 (85.5, 87.7)	87.7 (86.4, 88.8)

	71.4)			
Deakin University	70.4 (68.9, 71.9)	67.7 (65.9, 69.3)	88.2 (87.3, 89.0)	86.0 (84.9, 87.0)
Edith Cowan University	57.1 (54.5, 59.7)	62.6 (60.0, 65.1)	80.9 (79.1, 82.5)	82.8 (81.1, 84.4)
Federation University Australia	67.2 (63.6, 70.6)	70.6 (66.4, 74.3)	87.8 (85.9, 89.2)	88.5 (86.2, 90.3)
Flinders University	63.1 (60.6, 65.6)	66.3 (63.6, 68.9)	84.7 (83.1, 86.0)	83.0 (81.3, 84.5)
Griffith University	62.1 (60.2, 63.9)	59.2 (57.0, 61.3)	84.0 (82.8, 85.1)	81.4 (79.9, 82.8)
James Cook University	75.9 (73.5, 78.0)	78.0 (75.3, 80.3)	89.0 (87.5, 90.2)	87.5 (85.7, 89.0)
La Trobe University	64.5 (62.4, 66.6)	70.1 (67.9, 72.3)	85.9 (84.7, 87.1)	85.3 (83.9, 86.5)
Macquarie University	67.8 (66.1, 69.5)	66.9 (64.8, 68.8)	85.5 (84.4, 86.5)	85.3 (83.9, 86.5)
Monash University	72.3 (70.9, 73.7)	70.3 (68.8, 71.8)	86.6 (85.8, 87.4)	84.6 (83.6, 85.5)
Murdoch University	54.8 (51.7, 57.9)	62.3 (58.9, 65.5)	78.8 (76.5, 80.8)	82.7 (80.5, 84.6)
Queensland University of Technology	68.0 (66.4, 69.5)	67.1 (65.5, 68.7)	86.6 (85.6, 87.5)	85.6 (84.6, 86.6)
RMIT University	64.3 (62.4, 66.0)	63.4 (61.8, 65.0)	81.5 (80.2, 82.6)	81.8 (80.6, 82.8)
Southern Cross University	75.1 (72.1, 77.8)	74.5 (71.2, 77.5)	87.2 (85.4, 88.7)	88.4 (86.5, 90.0)
Swinburne University of Technology	70.2 (68.1, 72.1)	66.6 (64.5, 68.6)	82.9 (81.5, 84.2)	85.5 (84.2, 86.7)
The Australian National University	69.2 (66.5, 71.7)	67.6 (64.8, 70.3)	86.9 (85.2, 88.3)	85.5 (83.6, 87.1)
The University of Adelaide	63.5 (61.2, 65.8)	66.5 (64.2, 68.7)	81.9 (80.4, 83.2)	81.6 (80.2, 83.0)
The University of Melbourne	57.0 (54.7, 59.3)	55.7 (53.3, 58.0)	81.7 (80.5, 82.9)	79.9 (78.6, 81.0)
The University of Notre Dame Australia	73.8 (71.0, 76.4)	77.1 (73.7, 80.1)	87.6 (85.8, 89.1)	89.5 (87.4, 91.2)
The University of Queensland	70.8 (69.2, 72.4)	71.4 (69.6, 73.1)	86.0 (85.0, 86.9)	85.6 (84.4, 86.6)
The University of South Australia	67.8 (65.7, 69.9)	74.6 (72.7, 76.5)	85.5 (84.2, 86.7)	88.2 (87.1, 89.2)
The University of Sydney	75.1 (73.7, 76.4)	71.8 (70.3, 73.1)	86.6 (85.7, 87.5)	86.0 (85.1, 86.7)
The University of Western Australia	54.5 (50.8, 58.1)	57.2 (53.8, 60.6)	79.7 (77.6, 81.7)	83.7 (81.9, 85.4)
Torrens University	59.9 (56.7, 62.9)	59.1 (55.9, 62.2)	79.8 (77.7, 81.7)	79.4 (77.2, 81.3)
University of Canberra	71.5 (69.2, 73.7)	73.5 (70.9, 75.9)	86.5 (85.0, 87.8)	87.8 (86.1, 89.3)
University of Divinity	n/a	n/a	91.1 (82.3, 95.2)	80.9 (71.6, 86.8)

University of New England	80.6 (78.8, 82.2)	80.9 (78.8, 82.8)	86.5 (85.2, 87.6)	86.8 (85.3, 88.1)
University of New South Wales	76.2 (74.4, 77.8)	73.9 (72.0, 75.8)	86.7 (85.4, 87.8)	83.5 (82.0, 84.8)
University of Newcastle	74.4 (72.4, 76.2)	76.9 (74.8, 78.8)	88.2 (87.0, 89.3)	90.2 (89.0, 91.3)
University of Southern Queensland	78.9 (77.0, 80.6)	79.2 (77.0, 81.1)	89.7 (88.5, 90.7)	90.3 (88.9, 91.4)
University of Tasmania	72.3 (70.3, 74.2)	72.4 (70.3, 74.4)	87.2 (86.1, 88.3)	85.9 (84.7, 87.0)
University of Technology Sydney	70.8 (69.2, 72.3)	71.0 (69.4, 72.6)	85.8 (84.8, 86.8)	85.8 (84.7, 86.8)
University of the Sunshine Coast	59.3 (56.5, 62.0)	59.0 (55.9, 62.0)	82.8 (81.0, 84.3)	81.8 (79.8, 83.5)
University of Wollongong	67.9 (65.4, 70.3)	65.5 (62.7, 68.2)	87.4 (85.9, 88.7)	85.4 (83.5, 87.0)
Victoria University	57.8 (54.7, 60.7)	59.1 (56.3, 61.7)	79.6 (77.6, 81.4)	78.8 (77.0, 80.4)
Western Sydney University	58.8 (56.8, 60.8)	61.8 (60.6, 63.0)	76.2 (74.7, 77.6)	79.2 (78.6, 79.7)
All Universities	69.1 (68.8, 69.4)	69.2 (68.8, 69.5)	85.3 (85.1, 85.5)	85.0 (84.8, 85.3)
Standard deviation	7.7	7.3	4.1	3.4

NB: n/a = result not available, fewer than 25 survey responses received.

In 2021, universities with high median full-time undergraduate salaries immediately following graduation include the University of New England, \$72,000, University of Southern Queensland, \$72,000, Central Queensland University, \$70,000, Charles Darwin University, \$70,000, Charles Sturt University, \$70,000, Curtin University, \$70,000, and University of Tasmania, \$70,000. Repeating the earlier caveat, factors beyond the quality of teaching, careers advice and the like, such as course offerings, the composition of the student population and variations in state/territory and regional labour markets, may also impact on salary outcomes.

Table 11 Undergraduate labour force participation and median full-time salary by university, 2020 and 2021

	Labour force participation rate (%) 2020	Labour force participation rate (%) 2021	Median full-time salary (\$) 2020	Median full-time salary (\$) 2021
Australian Catholic University	94.3 (93.6, 94.9)	95.5 (94.9, 96.0)	64,000 (62,900, 65,100)	65,400 (64,300, 66,500)
Bond University	90.4 (87.1, 92.7)	88.5 (85.0, 90.6)	62,000 (57,500, 66,500)	60,000 (54,500, 65,500)
Central Queensland University	93.7 (92.2, 94.9)	94.4 (93.2, 95.4)	69,700 (67,000, 72,300)	70,000 (67,600, 72,400)
Charles Darwin University	93.2 (91.3, 94.5)	91.5 (90.0, 92.7)	68,000 (66,500, 69,500)	70,000 (66,700, 73,300)
Charles Sturt University	94.7 (93.9, 95.3)	94.0 (93.0, 94.8)	68,900 (67,700, 70,000)	70,000 (69,100, 70,900)
Curtin University	94.1 (93.3, 94.7)	94.6 (93.7, 95.3)	65,700 (64,500, 67,000)	70,000 (68,700, 71,300)
Deakin University	92.4 (91.7, 93.0)	92.3 (91.5, 93.0)	65,000 (63,800, 66,200)	65,000 (63,600, 66,400)

Edith Cowan University	93.1 (91.9, 94.0)	94.6 (93.5, 95.4)	65,300 (63,400, 67,300)	69,000 (67,000, 70,900)
Federation University Australia	93.0 (91.6, 94.1)	93.3 (91.5, 94.6)	64,000 (60,800, 67,200)	67,400 (63,100, 71,700)
Flinders University	91.4 (90.3, 92.4)	89.8 (88.5, 90.9)	64,500 (63,100, 65,900)	66,000 (64,100, 67,900)
Griffith University	91.9 (91.1, 92.7)	92.5 (91.5, 93.4)	60,200 (58,800, 61,500)	61,100 (59,100, 63,100)
James Cook University	94.0 (92.9, 94.8)	93.6 (92.3, 94.6)	65,900 (63,900, 67,900)	67,000 (65,000, 69,000)
La Trobe University	93.0 (92.1, 93.7)	91.8 (90.8, 92.7)	62,000 (60,400, 63,600)	61,500 (59,800, 63,200)
Macquarie University	93.5 (92.8, 94.1)	92.7 (91.7, 93.5)	62,600 (61,300, 63,900)	62,000 (60,100, 63,900)
Monash University	90.3 (89.6, 90.9)	89.9 (89.2, 90.6)	63,500 (62,200, 64,800)	64,400 (63,200, 65,600)
Murdoch University	92.8 (91.3, 93.9)	91.4 (89.8, 92.7)	65,700 (63,500, 67,900)	65,400 (63,500, 67,400)
Queensland University of Technology	95.2 (94.6, 95.7)	96.1 (95.5, 96.6)	62,600 (61,700, 63,500)	62,600 (61,700, 63,600)
RMIT University	92.1 (91.2, 92.8)	93.6 (92.9, 94.2)	60,000 (58,500, 61,500)	60,000 (59,500, 60,500)
Southern Cross University	92.4 (91.1, 93.5)	91.4 (89.7, 92.6)	65,700 (64,300, 67,100)	67,100 (64,700, 69,600)
Swinburne University of Technology	91.2 (90.2, 92.1)	92.1 (91.2, 93.0)	68,000 (65,900, 70,100)	67,900 (65,800, 70,000)
The Australian National University	91.0 (89.7, 92.1)	90.6 (89.1, 91.8)	64,000 (62,800, 65,200)	65,000 (64,100, 65,900)
The University of Adelaide	86.0 (84.8, 87.1)	89.1 (88.0, 90.0)	62,000 (60,100, 63,900)	65,000 (63,500, 66,500)
The University of Melbourne	83.1 (82.1, 84.0)	85.5 (84.5, 86.4)	59,500 (58,400, 60,500)	60,000 (59,600, 60,400)
The University of Notre Dame Australia	93.6 (92.3, 94.6)	95.4 (93.9, 96.4)	65,200 (63,700, 66,700)	67,600 (66,800, 68,400)
The University of Queensland	91.6 (90.8, 92.3)	91.7 (90.8, 92.4)	62,600 (61,700, 63,500)	63,400 (62,500, 64,400)
The University of South Australia	93.7 (92.8, 94.5)	95.1 (94.3, 95.7)	62,600 (61,300, 64,000)	64,700 (63,300, 66,100)
The University of Sydney	90.7 (90.0, 91.4)	92.4 (91.8, 92.9)	65,000 (64,600, 65,400)	65,000 (64,500, 65,500)
The University of Western Australia	85.3 (83.6, 86.9)	85.1 (83.5, 86.5)	55,500 (52,800, 58,300)	60,000 (58,600, 61,400)
Torrens University	89.5 (87.9, 90.7)	92.0 (90.6, 93.2)	52,200 (49,600, 54,800)	60,000 (58,300, 61,700)
University of Canberra	94.5 (93.5, 95.3)	95.3 (94.2, 96.1)	66,800 (64,900, 68,600)	68,600 (66,500, 70,700)
University of Divinity	73.8 (65.4, 80.1)	82.5 (74.7, 87.3)	n/a	n/a
University of New England	90.3 (89.3, 91.1)	91.4 (90.2, 92.3)	70,000 (68,400, 71,600)	72,000 (70,600, 73,400)

University of New South Wales	93.9 (92.9, 94.6)	94.2 (93.3, 95.0)	67,500 (66,400, 68,600)	68,000 (66,700, 69,300)
University of Newcastle	93.5 (92.6, 94.3)	93.5 (92.4, 94.3)	65,200 (64,500, 65,800)	65,700 (64,600, 66,900)
University of Southern Queensland	94.5 (93.6, 95.2)	93.9 (92.8, 94.7)	70,700 (69,800, 71,600)	72,000 (71,000, 73,000)
University of Tasmania	83.4 (82.3, 84.4)	84.9 (83.8, 85.9)	70,300 (68,900, 71,700)	70,000 (68,600, 71,400)
University of Technology Sydney	93.8 (93.0, 94.4)	95.2 (94.5, 95.8)	62,000 (60,800, 63,300)	62,600 (61,800, 63,400)
University of the Sunshine Coast	91.9 (90.6, 92.9)	91.1 (89.7, 92.3)	62,600 (60,400, 64,800)	61,700 (59,100, 64,300)
University of Wollongong	93.4 (92.2, 94.3)	93.6 (92.2, 94.6)	62,600 (60,900, 64,300)	63,400 (62,200, 64,700)
Victoria University	90.9 (89.5, 92.1)	93.3 (92.2, 94.2)	60,100 (56,500, 63,600)	67,400 (65,300, 69,500)
Western Sydney University	91.4 (90.4, 92.2)	91.6 (91.3, 91.7)	63,400 (62,500, 64,400)	64,700 (63,900, 65,500)
All Universities	91.6 (91.5, 91.8)	92.1 (92.0, 92.3)	64,700 (64,300, 65,100)	65,000 (64,900, 65,100)
Standard deviation	4.0	3.1	3,900	3,500

NB: n/a = result not available, fewer than 25 survey responses received.

2.6.1 NUHEIs

Since the number of students enrolled in individual Non-University Higher Education Institutions (NUHEIs) tends to be much smaller than at university level, data for individual NUHEIs have been pooled across the 2019, 2020 and 2021 surveys to improve the robustness and validity of data, as occurs on the ComparED website. Using this three-year aggregation, several NUHEIs have full-time undergraduate employment rates over 80 per cent, including Marcus Oldham College, 95.5 per cent, Moore Theological College, 91.7 per cent, TAFE Queensland, 87.0 per cent, Avondale University College, 84.9 per cent, and International College of Hotel Management, 84.0 per cent. The same caveats about labour market outcomes at institution level apply even more so among NUHEIs which exhibit greater variation in course offerings by level of education and study area than among universities.

Table 12 shows undergraduate median full-time salaries for NUHEIs. NUHEIs with high median full-time undergraduate salaries include Tabor College of Higher Education, \$65,600, Moore Theological College, \$65,400, Marcus Oldham College, \$65,100, Avondale University College, \$65,000, and TAFE NSW, \$61,200.

Table 12 Undergraduate labour force indicators by NUHEI, 2019-2021

NUHEI	Full-time employment (%)	Overall employment (%)	Labour force participation rate (%)	Median full-time salary (\$)
Academy of Information Technology	58.8 (53.4, 63.9)	68.2 (63.3, 72.6)	94.8 (92.0, 96.5)	60,000 (57,200, 62,800)
ACAP and NCPS	58.2 (54.2, 62.0)	80.7 (78.1, 82.8)	92.5 (90.8, 93.8)	60,000 (56,000, 64,000)
Adelaide Central School of Art	n/a	76.3 (66.9, 82.3)	74.5 (67.9, 78.6)	n/a
Adelaide College of Divinity	n/a	n/a	75.0 (65.8, 80.3)	n/a
Alphacrucis College	65.1 (58.9, 70.8)	79.7 (76.2, 82.8)	85.3 (82.4, 87.6)	55,500 (50,900, 60,100)
Australasian College of Health and Wellness	n/a	n/a	n/a	n/a

Australian Academy of Music and Performing Arts	n/a	74.2 (63.1, 81.4)	96.9 (88.2, 98.2)	n/a
Australian College of Christian Studies	n/a	n/a	n/a	n/a
Australian College of Theology Limited	78.4 (72.7, 83.1)	87.2 (84.2, 89.7)	81.4 (78.4, 84.0)	59,700 (55,400, 64,100)
Australian Institute of Business Pty Ltd	n/a	n/a	n/a	n/a
Australian Institute of Professional Counsellors	n/a	n/a	n/a	n/a
Avondale University College	84.9 (80.9, 87.8)	89.7 (86.7, 91.7)	97.4 (95.4, 98.2)	65,000 (63,700, 66,300)
Box Hill Institute	57.6 (50.2, 64.6)	78.8 (73.2, 82.9)	91.1 (87.0, 93.5)	60,900 (53,100, 68,700)
Campion College Australia	n/a	84.4 (73.4, 90.0)	82.1 (72.7, 87.2)	n/a
Canberra Institute of Technology	n/a	88.0 (75.7, 92.9)	96.2 (85.5, 98.1)	n/a
Chisholm Institute	n/a	n/a	n/a	n/a
Christian Heritage College	72.6 (65.2, 78.6)	83.1 (77.9, 86.7)	88.7 (84.6, 91.3)	60,400 (52,200, 68,600)
Collarts (Australian College of the Arts)	45.9 (39.8, 52.1)	78.1 (73.9, 81.6)	93.1 (90.2, 94.8)	50,000 (45,000, 55,100)
Eastern College Australia	n/a	93.9 (84.6, 96.6)	84.6 (75.6, 89.1)	n/a
Endeavour College of Natural Health	64.0 (60.0, 67.8)	88.5 (86.7, 90.0)	91.2 (89.7, 92.4)	60,000 (56,200, 63,800)
Engineering Institute of Technology	n/a	n/a	n/a	n/a
Excelsia College	n/a	73.1 (60.5, 81.3)	100.0 (90.5, 100.0)	n/a
Holmes Institute	n/a	n/a	n/a	n/a
Holmesglen Institute	65.6 (56.3, 73.5)	84.2 (78.3, 88.2)	92.2 (87.6, 94.7)	n/a
Ikon Institute of Australia	n/a	74.3 (62.6, 82.5)	85.4 (75.7, 90.6)	n/a
International College of Hotel Management	84.0 (70.9, 90.4)	96.3 (85.8, 98.4)	100.0 (90.6, 100.0)	n/a
International College of Management, Sydney	73.4 (67.3, 78.5)	85.0 (80.3, 88.5)	96.1 (93.0, 97.6)	52,600 (49,200, 56,000)
ISN Psychology Pty Ltd	n/a	77.5 (67.4, 84.1)	87.0 (78.7, 91.1)	n/a
Jazz Music Institute	n/a	n/a	n/a	n/a
Kaplan Business School	n/a	n/a	n/a	n/a
Kaplan Higher Education Pty Ltd	n/a	n/a	n/a	n/a
LCI Melbourne	51.2 (41.2, 61.1)	74.1 (65.9, 80.0)	91.5 (85.3, 94.1)	n/a
Le Cordon Bleu Australia	n/a	n/a	n/a	n/a
Macleay College	61.7 (53.9, 68.8)	74.0 (67.5, 79.2)	90.9 (86.2, 93.7)	55,000 (50,300, 59,700)
Marcus Oldham College	95.5 (92.0, 97.2)	98.6 (96.0, 99.3)	97.9 (95.2, 98.9)	65,100 (58,900, 71,400)
Melbourne Institute of Technology	n/a	n/a	92.0 (79.1, 96.7)	n/a
Melbourne Polytechnic	51.7 (42.5, 60.8)	80.5 (73.9, 85.1)	90.6 (85.6, 93.4)	n/a
Montessori World Educational Institute (Australia)	n/a	n/a	n/a	n/a
Moore Theological College	91.7 (86.2,	90.6 (86.4, 93.0)	84.2 (80.2, 86.9)	65,400 (58,100,

	94.6)			72,800)
National Art School	36.1 (27.7, 45.6)	72.7 (67.2, 77.2)	77.6 (73.4, 80.9)	n/a
Perth Bible College	n/a	n/a	n/a	n/a
Photography Studies College (Melbourne)	54.5 (42.9, 65.5)	81.3 (72.8, 86.3)	94.1 (87.6, 96.2)	n/a
SAE Institute	40.0 (37.1, 42.9)	66.1 (63.8, 68.3)	89.3 (87.8, 90.5)	50,000 (48,600, 51,400)
Stott's College		n/a	n/a	
Study Group Australia Pty Limited	n/a	n/a	n/a	n/a
Tabor College of Higher Education	59.7 (51.2, 67.4)	82.0 (76.5, 85.9)	92.6 (88.4, 94.7)	65,600 (60,500, 70,700)
TAFE NSW	58.9 (53.4, 64.1)	76.8 (72.6, 80.4)	94.1 (91.4, 95.7)	61,200 (56,800, 65,600)
TAFE Queensland	87.0 (79.0, 91.5)	86.2 (79.2, 90.2)	95.6 (90.3, 97.4)	58,400 (52,400, 64,500)
TAFE South Australia	n/a	n/a	n/a	n/a
The Australian College of Physical Education	65.0 (55.6, 73.1)	89.5 (83.7, 93.0)	94.5 (89.7, 96.7)	n/a
The Australian Guild of Music Education	n/a	n/a	n/a	n/a
The Australian Institute of Music	51.1 (44.9, 57.3)	81.4 (77.4, 84.6)	98.1 (96.1, 98.9)	48,400 (42,000, 54,800)
Think Education	65.8 (61.2, 70.1)	84.2 (81.8, 86.2)	90.5 (88.6, 91.9)	60,000 (54,800, 65,200)
UOW College	n/a	56.4 (44.8, 67.2)	78.0 (68.4, 84.8)	n/a
UTS College	30.1 (23.6, 37.6)	60.1 (56.3, 63.6)	79.3 (76.6, 81.7)	n/a
Whitehouse Institute of Design, Australia	39.3 (26.5, 54.0)	63.2 (50.7, 73.9)	90.5 (80.7, 95.4)	n/a
William Angliss Institute	62.9 (50.7, 73.1)	81.4 (71.4, 87.6)	91.5 (83.4, 95.1)	n/a
All NUHEIs	60.7 (NA, NA)	79.2 (NA, NA)	89.5 (NA, NA)	58,400 (57,100, 59,800)
Standard deviation	17.9	10.7	7.4	10,300

NB: n/a = result not available, fewer than 25 survey responses received.

3. Skills utilisation

The GOS includes a rich array of information about the nature of graduate employment. This section focuses on some commonly used measures of skills utilisation or the quality of graduate jobs; the proportion of graduates employed part-time seeking more hours of work, the proportion of graduates employed in managerial and professional occupations, how well their qualification has prepared them for their current job and the proportion of graduates stating they believed their current job does not allow them to fully utilise their skills or education. These provide benchmarks of the underutilisation of skills, and as such, it is important to monitor changes in these measures over time.

In 2021, the proportion of employed undergraduates seeking more hours of work, that is, underemployed part-time workers, was 19.3 per cent which is lower than the 21.8 per cent reported in 2020 and more in line with figures of 19.8 per cent in 2019 and 19.2 per cent in 2018. As seen in Table 13, the main reasons that undergraduates were underemployed part-time workers in 2021 were because there were no more hours available in their current position, 41.2 per cent, they were studying, 15.8 per cent, because there were no suitable jobs in my local area, 4.5 per cent, or

because there were no jobs with a suitable number of hours, 4.4 per cent.

Table 13 Main reason not working more hours, of undergraduates employed part-time by preference for more hours, 2021 (%)

	Seeking more hours Female	Seeking more hours Male	Seeking more hours Total	Not seeking more hours Female	Not seeking more hours Male	Not seeking more hours Total
Studying	15.5	16.6	15.8	42.3	54.7	45.2
Short-term illness or injury	0.5	0.5	0.5	0.1	0.0	0.1
Long-term health condition or disability	0.2	0.0	0.1	1.5	1.0	1.4
Caring for children	3.8	1.1	3.0	9.4	0.9	7.4
Caring for family member with a health condition or disability	0.1	0.1	0.1	1.1	0.2	0.9
Subtotal – Personal factors	20.1	18.3	19.5	54.4	56.8	55.0
No suitable jobs in my area of expertise	10.0	12.5	10.8	0.8	1.2	0.9
No suitable jobs in my local area	4.4	4.7	4.5	0.4	0.7	0.5
Considered to be too young by employers	1.2	1.2	1.2	0.0	0.0	0.0
Considered too old by employers	0.9	0.9	0.9	0.1	0.1	0.1
No jobs with a suitable number of hours	4.1	5.2	4.4	0.3	0.4	0.3
No more hours available in current position	42.9	37.5	41.2	2.8	2.0	2.6
Subtotal – Labour market factors	63.4	62.0	63.0	4.4	4.5	4.4
Other	16.5	19.7	17.5	41.2	38.7	40.6
Total underemployed part-time	20.0	18.0	19.3	18.5	11.3	16.1

The proportion of undergraduates working in managerial and professional occupations is one measure of skills utilisation. These occupations are defined by the ABS as being commensurate with requiring bachelor level or higher qualifications. In 2021, four months after graduation, 67.8 per cent of undergraduates employed full-time were working in managerial or professional occupations which was lower than the 69.5 per cent reported in 2020, 69.9 per cent reported in 2019, and 72.1 per cent reported in 2018. Further information relating to graduate occupations is available from the QILT Website, including [Excel tables](#) and [a data visualisation workbook](#).

The proportion of undergraduates in full-time employment who reported that their course had prepared them well or very well for their current job was lower at 74.4 per cent compared to 78.5 per cent in 2020 and 77.1 per cent in 2019. The proportion for employed graduates showed a similar trend with 65.0 per cent in 2021, which is lower than the 69.2 per cent in 2020 and 68.6 per cent in 2019.

Graduates were also asked to indicate whether they believed they were working in a job that allowed them to fully use their skills or education. In 2021, 29.3 per cent of undergraduates employed full-time indicated they were working in a job that did not allow them to fully use their skills or education, up from 28.1 per cent in 2020, 28.3 per cent in 2019, and 27.1 per cent in 2018. One quarter, 25.0 per cent of undergraduates who reported they were not fully utilising their skills or education in 2021, stated that this was because of personal factors, whilst around two thirds, 63.1 per cent indicated it was due to labour market factors. More specifically, the main reason reported by undergraduates for working in a job not fully utilising their skills or education was that they are currently in an entry level job / career stepping stone, 26.2 per cent. This was followed by not enough work experience, 12.8 per cent, satisfied with current job, 11.0 per cent, and no suitable jobs in my area of expertise, 10.2 per cent. Graduates employed part-time were more likely to state that they did not use their skills or education in their current job because they were engaging in further study with 22.3 per cent of all employed graduates stating this reason in comparison with 7.4 per cent of graduates employed full-time.

Table 14 Main reason for working in job in 2021 that does not fully use skills and education, by employment

outcomes (%)

	Full-time employment	Overall employment
Studying	7.4	22.3
I'm satisfied with my current job	11.0	7.5
For financial reasons	5.5	3.9
Caring for children or family member	1.0	1.6
Long-term health condition or disability	0	0.1
Subtotal – Personal factors	25.0	35.4
No suitable jobs in my area of expertise	10.2	11.4
No suitable jobs in my local area	7.2	7.6
Considered to be too young by employers	2.0	1.3
Considered to be too old by employers	0.6	0.6
Not enough work experience	12.8	12.5
No jobs with a suitable number of hours	0.8	1.1
Cannot find a job NFI	0.8	1.0
I had to change jobs due to COVID-19	2.5	1.7
Entry level job/career stepping stone	26.2	16.0
Subtotal - Labour market factors	63.1	53.3
Other	12.0	11.3
Extent to which skills and education are not fully utilised	29.3	42.3

NB The responses 'Not enough work experience', 'Entry level job/career stepping stone', 'Changing jobs/Careers', 'Do not have permanent residency', and 'For financial reasons' were added to the pre-coded list of responses displayed in the survey in 2021 resulting in more respondents choosing these options than in previous surveys. The responses 'Short-term illness or injury', 'Long-term health condition or disability', and 'Caring for family member with a health condition or disability' were removed from in-survey display resulting in less respondents choosing these options than in prior years.

4. Further study

In 2021, four months after graduation, 21.1 per cent of undergraduates were engaged in further full-time study. This represents an increase from 18.5 per cent in 2020, 18.9 per cent in 2019, and 19.4 per cent in 2018. As noted above, it will be important to monitor the proportion of undergraduates engaged in further full-time study in the future since previously, further study has been inversely related to economic and labour market conditions.

Both postgraduate coursework and postgraduate research graduates were much less likely than those who had completed an undergraduate program to move into further study after completing their qualification, at 7.6 per cent and 6.8 per cent, respectively.

Study areas with the highest proportion of undergraduates proceeding to full-time study in 2021 included Science and mathematics, 41.1 per cent, Psychology, 37.5 per cent, Veterinary science, 30.4 per cent, Humanities, culture and social sciences, 29.4 per cent and Tourism, hospitality, personal services, sport and recreation, 29.4 per cent. Undergraduates who had completed degrees in study areas with a strong vocational orientation tended, not surprisingly, to be less likely to proceed on to further full-time study in 2021. These included Rehabilitation, 2.8 per cent, Nursing, 4.7 per cent, and Teacher education, 8.0 per cent.

Table 15 Undergraduate further full-time study status, by original field of study⁴, 2020 and 2021 (%)

⁴ Where a graduate completes combined degrees across two study areas, their outcomes are included in both study areas. 'All study

	In full-time study 2020	In full-time study 2021
Science and mathematics	37.3	41.1
Computing and information systems	11.3	11.0
Engineering	11.1	14.3
Architecture and built environment	17.2	20.6
Agriculture and environmental studies	15.2	19.7
Health services and support	21.3	23.2
Medicine	24.4	17.1
Nursing	3.1	4.7
Pharmacy	9.6	12.6
Dentistry	13.4	9.7
Veterinary science	26.8	30.4
Rehabilitation	3.1	2.8
Teacher education	7.7	8.0
Business and management	10.9	12.5
Humanities, culture and social sciences	25.1	29.4
Social work	8.9	10.0
Psychology	31.7	37.5
Law and paralegal studies	19.0	22.0
Creative arts	22.5	25.9
Communications	13.5	17.4
Tourism, hospitality, personal services, sport and recreation	16.8	29.4
All study areas	18.5	21.1

In 2021, Health was the most popular area for further full-time study following an undergraduate degree, with 31.4 per cent of those proceeding to further study selecting this area, see Table 16. This was followed by Society and culture, 21.4 per cent, Natural and physical sciences, 10.9 per cent, and Education, 9.1 per cent. These results have remained stable since 2020.

Table 16 Broad field of education destinations of undergraduates undertaking further full-time study, 2020 and 2021 (%)

	In full-time study 2020	In full-time study 2021
Natural and physical sciences	11.9	10.9
Information technology	3.0	3.1
Engineering and related technologies	4.1	4.6
Architecture and building	2.5	2.5
Agriculture, environmental and related studies	1.5	2.0
Health	30.7	31.4
Education	9.2	9.1
Management and commerce	6.6	6.4
Society and culture	21.1	21.4

areas' figures count each graduate once only.

Creative arts	6.8	6.1
Food, hospitality and personal services	0.3	0.3
Mixed field qualification	1.8	1.9
Other	0.7	0.2
All fields	100.0	100.0

5. Satisfaction

5.1 Coursework satisfaction

The Course Experience Questionnaire (CEQ), administered since 1993, invites coursework graduates four months after completing their course to express agreement or disagreement on a five-point scale with statements about various aspects of their course that have been shown to influence student learning. The statements cover teaching, generic skills and overall satisfaction. The CEQ time series was collected through the precursor to the GOS, the Australian Graduate Survey (AGS). The change in collection methodology and the way in which these scores are calculated in the GOS necessitate a break in time series between 2015 and 2016 and should be kept in mind when viewing results.

For the 2021 GOS, at the request of the QILT Working Group, all CEQ statements relating to teaching and generic skills were removed from the core survey instrument, only the 'Overall satisfaction' item from the CEQ was presented to graduates as part of the core survey. Institutions can include statements relating to teaching and generic skills as institution-specific items. Undergraduates and postgraduate coursework graduates are invited to respond to the CEQ to express satisfaction with their course.

Over six years of the GOS, undergraduate ratings for overall satisfaction have been broadly steady up until 2020, at 80.6 per cent in 2016 and 80.7 per cent in 2020, as seen in Table 17. Results for 2021 are lower than all previous years, at 77.9 per cent. A similar pattern of results was seen for postgraduate coursework graduates, with overall satisfaction broadly steady up until 2020, at 82.5 per cent in 2016 and 81.7 per cent in 2020. However, levels of overall satisfaction in 2021 are lower than all prior years, at 79.8 per cent, as seen in Table 17. Trends in overall satisfaction in the 2021 GOS refer to graduates whose last year of study was in 2020. Not surprisingly, the fall in overall satisfaction observed in the 2021 GOS corresponds with the fall in student ratings observed in the 2020 Student Experience Survey (SES) measuring student experience in the 2020 academic year. Nevertheless, it is interesting to note that the falls in overall satisfaction in the 2021 GOS are of a lesser order of magnitude than the fall in student ratings in the 2020 SES. This might reflect the contemporaneous nature of the SES whereas the GOS requires graduates to reflect on their experience some period after they have finished their studies. As in previous years, postgraduate coursework graduates appear to have higher levels of overall satisfaction than undergraduates.

Table 17 Undergraduate and Postgraduate coursework satisfaction, 2011-2021, % agreement

	Undergraduate	Postgraduate coursework
2011	82.3	82.1
2012	83.3	83.0
2013	83.1	83.1
2014	82.8	83.5
2015	83.4	83.2
2016	80.6	82.5
2017	79.4	81.9
2018	79.7	81.7
2019	80.1	81.8
2020	80.7	81.7

2021	77.9	79.8
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One of the key factors influencing CEQ scores is study area. Table 18 shows overall satisfaction by study area for undergraduates and postgraduate coursework graduates. In 2021, overall satisfaction among undergraduates ranged from a high of 84.2 per cent in Pharmacy, 83.8 per cent in Social work, and 83.7 per cent in Humanities, culture and social sciences down to 65.6 per cent in Dentistry, 70.4 per cent in Architecture and built environment, and 72.3 per cent in Engineering.

For postgraduate coursework graduates, overall satisfaction ranged from a high of 87.8 per cent in Agriculture and environmental studies, 86.0 per cent in Humanities, culture and social sciences, and 84.5 per cent in Health services and support down to 61.7 per cent in Dentistry, 66.1 per cent in Veterinary science, and 72.8 per cent in Computing and information systems. The variation in satisfaction across study areas for both undergraduate and postgraduate coursework indicates there is scope for improvement in the interactions between institutions and their students.

Table 18 Overall satisfaction by course level and study area, 2020 and 2021, % agreement

	Undergraduate 2020	Undergraduate 2021	Postgraduate coursework 2020	Postgraduate coursework 2021
Science and mathematics	84.1	82.6	79.9	79.4
Computing and information systems	74.2	72.5	75.7	72.8
Engineering	75.3	72.3	76.9	74.6
Architecture and built environment	76.2	70.4	77.9	75.7
Agriculture and environmental studies	83.3	81.9	86.7	87.8
Health services and support	82.4	77.8	85.6	84.5
Medicine	80.4	79.6	75.9	73.4
Nursing	79.5	75.9	83.8	80.8
Pharmacy	83.7	84.2	83.7	78.7
Dentistry	77.1	65.6	73.2	61.7
Veterinary science	83.9	78.8	77.7	66.1
Rehabilitation	88.2	82.0	81.9	75.5
Teacher education	78.3	75.3	82.9	81.3
Business and management	78.6	76.5	82.9	81.3
Humanities, culture and social sciences	86.0	83.7	87.3	86.0
Social work	85.6	83.8	80.8	82.2
Psychology	84.2	81.2	86.2	83.0
Law and paralegal studies	84.1	79.9	78.0	77.6
Creative arts	76.2	73.0	77.1	74.4
Communications	80.3	77.4	82.4	80.2
Tourism, hospitality, personal services, sport and recreation	82.6	80.3	82.7	82.3
All study areas	80.7	77.9	81.7	79.8
Standard deviation	3.9	5.0	4.0	6.3

5.2 Postgraduate research satisfaction

The Postgraduate Research Experience Questionnaire (PREQ), administered since 1999, invites postgraduate research graduates four months after completing their degree to express agreement or disagreement on a five-point scale with statements about various aspects of their degree. These include overall satisfaction, supervision, intellectual climate, skills development, infrastructure, thesis examination, goals and expectations and industry and external engagement.

Overall satisfaction among postgraduate research graduates decreased by one percentage point in 2021, from 85.8 per cent in 2020 to 84.8 per cent in 2021. Satisfaction with most other aspects of the postgraduate research experience increased in 2021. Postgraduate research graduate's satisfaction with Supervision increased from 82.3 per cent to 83.1 per cent, satisfaction with Skills Development increased from 92.5 per cent to 94.5 per cent, satisfaction with Infrastructure increased from 76.8 per cent to 78.8 per cent, satisfaction with Thesis Examination increased from 81.5 per cent to 82.4 per cent, and satisfaction with Goals and Expectations increased from 91.3 per cent to 93.0 per cent. Some decreases in levels of satisfaction were noted for Intellectual Climate, and Industry and External Engagement. Satisfaction with the Intellectual Climate decreased from 64.4 per cent to 63.4 per cent, while satisfaction with Industry and External Engagement decreased from 57.9 per cent to 57.1 per cent.

While overall satisfaction was lower than measured satisfaction with some other aspects of the postgraduate research experience, as shown by Table 19, note the absolute level of satisfaction can be dependent on the number and type of items included in each scale. More important are trends and changes over time.

The PREQ time series shown in Table 19 indicates there has been a steady improvement in satisfaction among postgraduate research graduates over time from 2007 to 2015 as measured by the AGS. The transition to the GOS resulted in a lowering of scores between 2015 and 2016, except for skills development, which showed a slight increase of 0.5 percentage points. Since the change to the GOS, most of the scale scores have remained relatively stable. Overall satisfaction with the postgraduate research experience has decreased slightly from 85.5 per cent in 2016 to 84.8 per cent in 2021. The largest changes in satisfaction have been recorded in the areas of thesis examination, rising 4.5 percentage points from 77.9 per cent in 2016 to 82.4 per cent in 2021, and infrastructure, rising 3.2 percentage points from 75.6 per cent to 78.8 per cent over the same period. No areas other than overall satisfaction have experienced a decrease in satisfaction between 2016 and 2021.

Table 19 Postgraduate research satisfaction, 2011-2021, % agreement

	Overall satisfaction	Supervision	Intellectual climate	Skills development	Infrastructure	Thesis examination	Goals and expectations	Industry and external engagement
2011	86.2	78.5	65.0	93.1	77.2	80.4	92.3	
2012	86.2	79.3	65.7	93.9	77.8	82.0	92.9	
2013	86.7	81.0	67.8	93.6	79.2	82.1	93.3	
2014	86.8	81.1	67.5	93.7	79.7	82.6	93.7	
2015	87.7	81.7	68.0	93.6	80.2	83.2	93.4	
2016	85.5	81.2	60.7	94.1	75.6	77.9	91.2	
2017	84.4	81.5	61.3	94.3	77.0	79.4	91.5	
2018	85.0	82.0	61.1	92.6	74.6	81.3	91.7	
2019	85.5	83.1	62.7	92.5	75.8	80.6	91.9	56.4
2020	85.8	82.1	64.4	92.5	76.8	81.5	91.3	57.9
2021	84.8	83.1	63.4	94.5	78.8	82.4	93.0	57.1

5.3 International benchmarking

International benchmarking of results from the CEQ with a similar survey from overseas shows that, historically,

Australian students have been less satisfied with their higher education experience than their counterparts in the United Kingdom, though the gap had narrowed up until 2020, as shown in Table 20. However, that trend has been reversed in 2021 as a result of the COVID-19 pandemic with overall satisfaction in Australia at 77.9 per cent in comparison with 75.4 per cent in the United Kingdom (UK).

It is important to be aware that differences in results across international surveys and across time may stem from methodological differences and different student populations rather than genuine differences in student experience and satisfaction. The UK's National Survey of Student Experience (NSS) is administered among final year students in January to April of each UK academic year. Hence, the full impact of the COVID-19 pandemic on the UK student experience only became apparent in the 2021 NSS with overall satisfaction declining by around 8 percentage points. By way of comparison, overall satisfaction in Australia is only measured among graduates four months after they have completed their course. Hence, as noted above, the COVID-19 experience of Australian graduates whose final year of study was in 2020 is reflected in the 2021 GOS results. Changes in the student experience during the COVID-19 pandemic, as measured by contemporaneous instruments in the 2020 SES and 2021 NSS are broadly similar with overall ratings declining by 9 percentage points and 8 percentage points respectively. Repeating the earlier point, the change in Australian undergraduate overall satisfaction of 3 percentage points in the 2021 GOS appears more muted, measured four months following their final year of study in 2020.

Table 20 Overall satisfaction of undergraduates, UK (NSS) and Australia (CEQ), 2008–2021, % agreement

	CEQ	NSS
2008		82
2009		82
2010	81	82
2011	82	83
2012	83	85
2013	83	85
2014	82.8	86
2015	83.6	86
2016	80.6	86
2017	79.4	84
2018	79.7	83
2019	80.1	84
2020	80.7	83
2021	77.9	75.4

Appendix 1 Methodology

1.1 Methodological summary

1.1.1 Overview

The in-scope population consisted of all graduates who completed the requirements of an undergraduate or postgraduate award at a participating Australian higher education institution between March 2020 and February 2021. This included domestic and international graduates living outside Australia who studied at an Australian campus. Offshore graduates who studied at a campus outside Australia were excluded from the core survey.

Table 21 provides a summary of the 2021 GOS. A total of 342,358 graduates from 127 institutions, including all 41 universities and 86 non-university higher education institutions (NUHEIs), were approached to participate. From a final in-scope sample of 316,610 graduates, responses were received from a total of 127,827 graduates. This represents an overall response rate of 40.4 per cent. The final overall response rate for the 2021 GOS (40.4 per cent) was lower than previous years (42.3 per cent in 2020, 44.2 per cent in 2019, 43.0 per cent in 2018, and 45.0 per cent in 2017). For the QILT suite of surveys, 'response rate' is defined as completed surveys as a proportion of final sample, where final sample excludes unusable sample (e.g. no contact details), out-of-scope and opted-out. This definition of response rates differs from industry standards by treating certain non-contacts and refusals as being ineligible for the response rate calculation.

Table 21 2021 GOS operational overview

	2020 November ⁵ Universities	2020 November ⁶ NUHEIs	2020 November ⁷ Total	2021 May Universities	2021 May NUHEIs	2021 May Total	2021 Total collection Universities	2021 Total collection NUHEIs	2021 Total collection Total
Number of participating institutions	41	62	103	41	79	120	41	86	127
Number of graduates approached	118,646	17,854	136,500	193,551	12,307	205,858	312,197	30,161	342,358
Final 'in-scope' sample	111,044	16,327	127,371	178,088	11,151	189,239	289,132	27,478	316,610
Number of completed surveys	44,664	6,121	50,785	72,366	4,676	77,042	117,030	10,797	127,827
Overall response rate	40.2%	37.5%	39.9%	40.6%	41.9%	40.7%	40.5%	39.3%	40.4%
Analytic unit	Graduate	Graduate	Graduate	Graduate	Graduate	Graduate	Graduate	Graduate	Graduate
Mode of data collection	Online	Online	Online	Online	Online	Online	Online	Online	Online

NB: In-scope sample excludes any approached graduates who unsubscribed, refused, had unusable contact information or were identified as out of scope during fieldwork.

⁵ Includes February supplementary round outcomes

⁶ Includes February supplementary round outcomes

⁷ Includes February supplementary round outcomes

1.1.2 Data collection

The main collection periods were November to December 2020 and May to July 2021, with a smaller collection taking place in February to April 2021. The February collection is undertaken to accommodate institutions with August to October 2020 completions. For reporting purposes, the November and February collection period outcomes are reported together. The survey was fielded primarily online, in English only.

All completing respondents were entered into a four-week rolling prize draw in each round of the 2021 GOS collection cycle. The prize pool totalled \$27,000 in the November round, \$37,000 in the May round, and \$6,000 in the February round. The total prize pools for each collection aimed to reflect the proportion of sample in each round of the collection year.

A broad range of promotional materials were provided to institutions to raise awareness of the GOS and encourage participation amongst the target population. The contact strategy for the 2021 GOS featured an email invitation to complete the survey, followed by nine reminder emails, up to two SMS reminders, as well as in field telephone reminder calls. Several institutions also commissioned post-fieldwork telephone reminder calls to boost participation, which extended data collection for these institutions approximately two weeks post main collection.

Refer to the 2021 GOS Methodological Report for further information on target population definition, sample design and preparation, survey design and procedures, response maximisation strategies, data preparation processes, final field outcomes and response analysis.

A copy of the generic survey instrument (i.e., excluding any institution specific items) and screenshots of the survey are included in the 2021 GOS Methodological Report and a summary of items is available in Appendix 3 of this report.

1.2 Response rate by course level

Table 22 provides the final response rate by course level and institution for each round of the 2021 GOS collection cycle. Postgraduate research graduates had the highest overall response rate of 65.7 per cent, followed by undergraduates with 40.3 per cent and postgraduate coursework graduates with 38.8 per cent. Some variation by institution type for each course level can be seen, with larger differences noted for postgraduate coursework and postgraduate research graduates.

Table 22 2021 GOS response rate by course level

	2020 November ⁸ Universities	2020 November ⁹ NUHEIs	2020 November ¹⁰ Total	2021 May Universities	2021 May NUHEIs	2021 May Total	2021 Total collection Universities	2021 Total collection NUHEIs	2021 Total collection Total
Undergraduate	39.1%	36.1%	38.9%	41.1%	40.1%	41.0%	40.4%	38.2%	40.3%
Postgraduate coursework	38.5%	38.2%	38.5%	38.7%	43.7%	39.1%	38.6%	40.0%	38.8%
Postgraduate research	65.3%	40.0%	65.3%	66.2%	86.7%	66.3%	65.6%	75.0%	65.7%

⁸ Includes February supplementary round outcomes

⁹ Includes February supplementary round outcomes

¹⁰ Includes February supplementary round outcomes

1.3 Response rate by institution

Table 23 and Table 24 show the final response rate by institution for each round of the 2021 GOS collection cycle. There was a minor variation in response rate by provider type, with an overall response rate of 40.5 per cent for universities and 39.3 per cent for NUHEIs. At an individual institution level within provider type, the response rate ranged from 58.3 per cent to 29.4 per cent for universities, and 100.0 per cent to 8.3 per cent for NUHEIs.

Table 23 2021 GOS university response rates (All study levels)

	2020 November ¹¹	2021 May	2021 Total collection
Australian Catholic University	48.2	48.9	48.8
Bond University	36.9	38.2	37.3
Central Queensland University	40.4	35.4	37.6
Charles Darwin University	52.5	55.7	54.3
Charles Sturt University	35.6	39.9	37.8
Curtin University	35.9	39.8	38.5
Deakin University	46.0	40.5	43.1
Edith Cowan University	39.8	46.5	43.6
Federation University Australia	40.7	39.6	40.1
Flinders University	41.7	41.5	41.5
Griffith University	34.6	37.1	36.1
James Cook University	46.3	44.1	44.9
La Trobe University	38.6	35.9	36.8
Macquarie University	39.5	44.3	42.2
Monash University	39.1	38.7	38.9
Murdoch University	43.0	45.1	44.4
Queensland University of Technology	42.5	43.2	42.9
RMIT University	35.4	41.6	39.5
Southern Cross University	48.0	43.2	45.9
Swinburne University of Technology	44.4	40.6	42.2
The Australian National University	33.7	35.1	34.4
The University of Adelaide	47.8	47.6	47.7
The University of Melbourne	44.8	42.0	43.0
The University of Notre Dame Australia	44.6	37.1	38.9
The University of Queensland	38.4	37.0	37.6
The University of South Australia	36.8	44.3	42.3
The University of Sydney	36.0	38.1	37.3
The University of Western Australia	36.4	39.2	38.4
Torrens University	42.3	49.0	45.1
University of Canberra	45.8	45.1	45.3
University of Divinity	56.3	58.3	57.8
University of New England	58.4	57.8	58.3
University of New South Wales	28.7	29.9	29.4

¹¹ Includes February supplementary round outcomes

University of Newcastle	35.8	39.0	38.3
University of Southern Queensland	54.3	52.2	53.0
University of Tasmania	45.3	42.7	43.6
University of Technology Sydney	36.0	39.4	38.2
University of the Sunshine Coast	52.4	46.1	48.6
University of Wollongong	39.4	33.6	35.2
Victoria University	38.9	41.9	40.7
Western Sydney University	39.5	42.6	41.8
All Universities	40.2	40.6	40.5

Table 24 2021 GOS NUHEI response rates (All study levels)

	2020 November¹²	2021 May	2021 Total collection
Academies Australasia Polytechnic Pty Limited	33.8	40.9	34.7
Academy of Information Technology	36.5	46.6	41.7
ACAP and NCPS	49.1		49.1
Adelaide Central School of Art		66.7	66.7
Adelaide College of Divinity	54.5	44.4	50.0
Alphacrucis College	44.9	44.1	44.4
Asia Pacific International College	35.1	23.8	33.1
Australasian College of Health and Wellness		41.7	41.7
Australian Academy of Music and Performing Arts	71.4	50.0	56.5
Australian College of Christian Studies		63.2	63.2
Australian College of Nursing	40.7	41.5	41.1
Australian College of Theology Limited	50.0	55.7	53.0
Australian Institute of Business Pty Ltd	46.9	42.6	45.4
Australian Institute of Higher Education	31.8	56.4	39.4
Australian Institute of Management Education & Training	50.2	54.3	51.7
Australian Institute of Professional Counsellors	48.5	50.0	48.6
Avondale University College	43.8	49.3	48.9
BBI - The Australian Institute of Theological Education	44.1	44.4	44.2
Box Hill Institute	25.9	48.4	45.1
Campion College Australia		42.1	42.1
Canberra Institute of Technology		61.5	61.5
Chisholm Institute		48.7	48.7
Christian Heritage College	52.5		52.5
CIC Higher Education	44.1	36.7	41.8
Collarts (Australian College of the Arts)		36.5	36.5
Eastern College Australia		50.0	50.0

¹² Includes February supplementary round outcomes

Elite Education Institute	18.8	33.3	19.6
Endeavour College of Natural Health		45.1	45.1
Engineering Institute of Technology	50.0	73.4	71.3
Excelsia College	64.7	56.9	57.6
Gestalt Therapy Brisbane		65.8	65.8
Governance Institute of Australia	50.0	38.1	40.0
Health Education & Training Institute	50.0	52.7	52.2
The Tax Institute Higher Education	68.8	92.3	79.3
Higher Education Leadership Institute	100.0		100.0
Holmes Institute	34.2	31.7	34.1
Holmesglen Institute	36.1	34.7	35.1
Ikon Institute of Australia	60.6		60.6
Institute of Health & Management Pty Ltd	21.7	49.4	34.2
International College of Hotel Management	45.2		45.2
International College of Management, Sydney	27.7	26.6	27.2
ISN Psychology Pty Ltd	61.5	38.2	44.7
Jazz Music Institute		42.9	42.9
Kaplan Business School	39.9	40.9	40.3
Kaplan Higher Education Pty Ltd	39.8	34.8	37.8
Kent Institute Australia	33.3	33.8	33.5
King's Own Institute	36.4	37.5	36.7
LCI Melbourne		33.3	33.3
Le Cordon Bleu Australia	27.8	24.5	26.2
Leo Cussen Centre for Law	48.6	41.1	43.8
Macleay College		37.0	37.0
Marcus Oldham College	100.0	46.8	47.7
Melbourne Institute of Technology	28.1	33.2	30.2
Melbourne Polytechnic	38.9	40.8	40.0
Montessori World Educational Institute (Australia)		77.8	77.8
Moore Theological College		57.1	57.1
Morling College		48.3	48.3
Nan Tien Institute	54.3	40.0	52.5
National Art School		51.5	51.5
National Institute of Organisation Dynamics Aust		77.8	77.8
Oxford Institute of Higher Education	27.3	18.8	22.2
Perth Bible College	100.0	50.0	61.5
Photography Studies College (Melbourne)		50.0	50.0
Polytechnic Institute Australia Pty Ltd	42.9	58.3	46.8
SAE Institute	43.2	39.8	41.0
SP Jain School of Management	38.1		38.1
Stott's College	33.9	29.3	31.7
Study Group Australia Pty Limited	26.7	25.0	26.1
Tabor College of Higher Education		54.7	54.7

TAFE NSW	30.7	37.3	35.1
TAFE Queensland	45.5	50.0	48.3
TAFE South Australia	26.1	23.8	25.0
The Australian College of Physical Education	26.7	39.1	36.9
The Australian Guild of Music Education		100.0	100.0
The Australian Institute of Music	49.3		49.3
The Cairnmillar Institute		45.5	45.5
The College of Law Limited	32.2	31.3	32.0
The Institute of International Studies (TIIS)		8.3	8.3
The MIECAT Institute	57.1	42.9	45.7
Think Education	57.5	63.2	59.3
UOW College	33.3	30.6	31.1
UTS College	23.7	26.8	25.2
VIT (Victorian Institute of Technology)	75.7	76.5	76.2
Wentworth Institute of Higher Education	56.9	46.6	50.6
Whitehouse Institute of Design, Australia		40.0	40.0
William Angliss Institute	30.9	36.9	33.8
All NUHEIs	37.5	41.9	39.3

NB: A blank cell denotes that the institution did not participate in that GOS collection

1.4 Data representativeness

In terms of Total Survey Error, response rates are less important than the representativeness of the respondent profile. To investigate the extent to which those who responded to the GOS are representative of the in-scope population, respondent characteristics are presented alongside population parameters in Table 25 below.

Table 25 2021 GOS population parameters by subgroup and response characteristics

	In-scope sample (n)	In-scope sample (%)	Respondents (n)	Respondents (%)
Base¹³	316,610	100.0	127,827	100.0
Level				
Undergraduate	171,414	54.1	69,056	54.0
Postgraduate coursework	136,131	43.0	52,819	41.3
Postgraduate research	9,065	2.9	5,952	4.7
Gender				
Male	134,728	42.6	49,706	39.0
Female	181,205	57.4	77,827	61.0
Combined course of study indicator				
Combined/double degree	16,526	5.2	7,272	5.7
Single degree	300,084	94.8	120,555	94.3
Aboriginal and Torres Strait Islander				
Indigenous	2,755	0.9	1,301	1.0
Non-Indigenous	313,855	99.1	126,526	99.0
Mode of attendance code				
Internal/Multi Mode	264,453	83.6	104,436	81.8
External/Distance	51,698	16.4	23,205	18.2
Type of attendance code				
Full-time	224,038	71.0	87,902	69.0
Part-time	91,334	29.0	39,415	31.0
Main language spoken at home				
English	233,302	73.7	100,579	78.7
Language other than English	83,308	26.3	27,248	21.3
Citizen/resident indicator				
Domestic	202,929	64.1	89,638	70.1
International	113,678	35.9	38,188	29.9
Socio-economic status				
High	71,543	36.0	31,385	35.8
Medium	97,801	49.2	43,093	49.2
Low	29,329	14.8	13,092	15.0
Location				
Metropolitan	159,796	80.7	69,361	79.4
Regional/remote	38,096	19.3	17,983	20.6

¹³ Components may not sum to base number, as records with unknown characteristics are not included in the sub-categories.

Some groups in the achieved sample are represented broadly in-line with their sample proportion, with socio-economic status, combined course of study indicator and Aboriginal and Torres Strait Islander status particularly well-matched.

As with prior years, groups with strong representation in the 2021 GOS achieved sample include postgraduate research graduates, females, external/distance education graduates, those attending part-time, those who mainly speak English at home, domestic residents, and graduates from regional areas.

Males, those who speak a language other than English at home and international graduates are the most under-represented in the GOS. Although males are under-represented by 3.6 percentage points compared with females, this is comparable to 2020 and represents a decrease compared with 2019, 2018, 2017 and 2016. Engagement activities for future collection cycles will aim to further increase engagement among males through more targeted content and imagery.

International graduates and those who speak a language other than English at home are under-represented by 6.0 and 5.0 percentage points respectively (down from 8.3 percentage points and 6.4 percentage points in the 2020 GOS). The reduced under-representation of these groups in 2021 may be attributable, at least in part, to the tailored communications sent as part of an International Engagement Strategy which aimed to increase response among these groups.

As was the case with the 2020 GOS, the achieved respondent profile in 2021 closely matches the in-scope survey population in terms of study area, as shown in Table 26 below.

Table 26 2021 GOS population parameters by study area and response characteristics

	In-scope sample (n)	In-scope sample (%)	Respondents (n)	Respondents (%)
Science and mathematics	23,476	7.4	11,243	8.8
Computing and information systems	26,204	8.3	10,239	8.0
Engineering	20,431	6.5	8,212	6.4
Architecture and built environment	8,779	2.8	3,269	2.6
Agriculture and environmental studies	3,618	1.1	1,840	1.4
Health services and support	18,593	5.9	8,430	6.6
Medicine	5,096	1.6	1,907	1.5
Nursing	25,671	8.1	10,879	8.5
Pharmacy	1,671	0.5	642	0.5
Dentistry	1,005	0.3	364	0.3
Veterinary science	1,073	0.3	504	0.4
Rehabilitation	3,639	1.1	1,386	1.1
Teacher education	22,986	7.3	10,158	7.9
Business and management	83,394	26.3	27,430	21.5
Humanities, culture and social sciences	22,194	7.0	10,682	8.4
Social work	5,796	1.8	2,986	2.3
Psychology	9,279	2.9	4,457	3.5
Law and paralegal studies	16,672	5.3	6,530	5.1
Creative arts	8,684	2.7	3,482	2.7
Communications	7,525	2.4	2,958	2.3
Tourism, hospitality, personal services, sport and recreation	824	0.3	229	0.2
Total	316,610	100.0	127,827	100.0

Study areas with the strongest representation in the 2021 GOS were Science and mathematics, Humanities, culture and social sciences, Health services and support, and Teacher education. Business and management continues to be the

most under-represented study area, followed by Computing and information systems, Architecture and built environment, and Law and paralegal studies. Future collections will consider trialling tailored email content for graduates from these under-performing study areas and seek increased institutional engagement at the faculty level prior to graduation.

Analysis of the impact of weighting the data to seek to adjust for imbalances in the achieved sample by demographic characteristics and by study area has consistently shown only relatively small differences between the weighted and unweighted estimates for key measures at an overall level. For this reason, the GOS data presented in this report is unweighted. For further information, refer to the *GOS Methodological Report* published on the QILT website.

Appendix 2 Labour market and graduate satisfaction definitions

The 2021 GOS uses labour force definitions which conform to the conceptual framework of the standard labour force statistics model used by the ABS. These are presented in Table 27 below.

Table 27 Labour force definitions

Indicator/element	Definition
Employed	Graduates who were usually or actually in paid employment for one or more hours in the week before the survey (including full-time, part-time or casual employment)
Employed full-time	Graduates who were usually or actually in paid employment for at least 35 hours per week, in the week before the survey
Available for employment	Graduates who were employed, looking for employment or waiting to start a job in the week prior to the survey.
Available for full-time employment	Graduates who were employed full-time or looking for full-time employment in the week prior to the survey.
Underemployed	Graduates who were usually or actually in paid employment for fewer than 35 hours per week, in the week before the survey, and who would prefer to work a greater number of hours.
Overall employment rate	Employed graduates (including in full-time, part-time or casual employment), as a proportion of those available for employment.
Full-time employment rate	Graduates employed full-time, as a proportion of those available for full-time work.
Labour force participation rate	Graduates available for employment, as a proportion of all graduates.
Median salary	The median annual salary of graduates employed full-time.
Full-time study rate	Graduates who reported being in full-time study, as a proportion of all graduates.
Undergraduate and Postgraduate satisfaction – overall satisfaction indicator	The proportion of graduates who ‘agreed’ or ‘strongly agreed’ that they were satisfied with the overall quality of their course.
Postgraduate Research graduate satisfaction, overall satisfaction indicator as well as scales on intellectual climate, infrastructure, goals and expectations, supervision, skills development, thesis examination and industry and external engagement	Calculated from multiple survey items, representing the proportion of graduates who gave a positive response to items associated with each scale.

Examples of graduate labour market outcomes

Amy works 37 hours a week. Amy is both available for employment and available for full-time employment, as well as both employed and employed full-time. Graduate Amy is counted towards the labour force participation rate. Amy’s usual salary is counted towards the median salary figure.

Bryan works 20 hours a week while also studying full-time and does not want to work additional hours. Bryan is available for employment and employed but is not available for full-time work or employed full-time. Bryan is counted towards both the full-time study rate, overall employed and the labour force participation rate. Bryan’s salary is not counted towards the median salary figure. Bryan is not considered “underemployed”.

Crishna works 6 hours a week but would prefer to work 40 hours per week. Crishna is both available for employment and available for full-time employment. Crishna is employed but not employed full-time and is also underemployed. Graduate Crishna is counted towards the labour force participation rate. Crishna’s salary is not counted towards the median salary figure.

Dilek is studying full-time and is not working or looking for work. Dilek is not available for employment and therefore is not counted towards the labour force participation rate. However, Dilek is counted towards the full-time study rate.

Emily is not working and is looking for full-time work. Emily is both available for employment and available for full-time employment. Emily is counted towards the labour force participation rate. However, Emily is neither employed nor employed full-time, and can also be referred to as unemployed.

Appendix 3 GOS questionnaire

3.1 Core instrument

A summary of all items included in the 2021 GOS core instrument are provided in Table 28 below. A copy of the core survey instrument (i.e., excluding any institution specific items) and screenshots of the survey are included in the 2021 GOS Methodological Report.

Table 28 Questionnaire item summary

Question ID	Question	Response frame
	Module A: Screening and confirmation	
	Module B: Labour Force	
PREWORKED	<p>Next we would like to understand what you are currently doing in terms of work and study. A number of questions may seem similar, however these items are based on the Australian Bureau of Statistics (ABS) Labour Force Survey. Using the ABS approach means the information you provide is more robust and able to be compared to national employment statistics.</p> <p>We understand many people have experienced disruptions to their employment due to COVID-19. The Australian Government is still interested in understanding current employment situations.</p>	
WORKED	<p>Thinking about last week, the week starting <daystart>, <datestart> and ending last <dayend>, <dateend>.</p> <p>Last week, did you do any work at all in a job, business or farm?</p>	<p>1. Yes 5. No 6. Permanently unable to work 7. Permanently not intending to work *(DISPLAY IF AGE>64)</p>
WWOPAY	<p>Last week, did you do any work without pay in a family business?</p>	<p>1. Yes 5. No 6. Permanently not intending to work *(DISPLAY IF AGE>64)</p>
AWAYWORK	<p>Did you have a job, business or farm that you were away from because of holidays, sickness or any other reason?</p> <p>Please note, if you were stood down or away from your job due to the impact of COVID-19 select 'Yes'</p>	<p>1. Yes 5. No 6. Permanently not intending to work *(DISPLAY IF AGE>64)</p>
LOOKFTWK	<p>At any time during the last 4 weeks have you been looking for full-time work?</p>	<p>1. Yes 5. No 6. Permanently not intending to work *(DISPLAY IF AGE>64)</p>
LOOKPTWK	<p>Have you been looking for part-time work at any time during the last 4 weeks?</p>	<p>1. Yes 5. No 6. Permanently not intending to work *(DISPLAY IF AGE>64)</p>
BEGNLOOK	<p>When did you begin looking for work?</p>	<p>1. Enter month <dropdown list> 2. Enter year (NUMERIC RANGE 1960 – 2020)</p>
STARTWK	<p>If you had found a job, could you have started last week?</p>	<p>1. Yes 5. No</p>

STARTWKFU	Why do you say you couldn't have started last week?	1. Because of the current situation with COVID-19 5. Some other reason
WAITWORK	You mentioned that you didn't look for work during the last 4 weeks. Was that because you were waiting to start work you had already obtained ?	1. Yes 5. No
MORE1JOB	Did you have more than 1 job or business last week ?	1. Yes 5. No
INTROSELFEMPIi	The next few questions are about the job or business in which you usually work the most hours, that is, your main job.	
INTROSELFEMPIii	The next few questions are about the job or business in which you usually work the most hours, that is, your main job .	
SELFEMP	Did you work for an employer, or in your own business?	1. Employer 2. Own business (go to ACTLHRSM) 3. Other or uncertain
PAYMENT	Are you paid a wage or salary, or some other form of payment?	1. Wage or Salary 5. Other or Uncertain
PAYARRNG	What are your <working/payment> arrangements?	10. Unpaid voluntary work *(GO TO MODULE C) 11. Unpaid trainee or work placement *(GO TO MODULE C) 12. Contractor or Subcontractor 13. Own business or Partnership 14. Commission only 15. Commission with retainer 16. In a family business without pay *(GO TO MODULE C) 17. Payment in kind 18. Paid by the piece or item produced 19. Wage or salary earner 20. Other (Specify)
ACTLHRSM	How many hours did you actually work in your main job last week less time off but counting any extra hours worked?	1. Enter hours (NUMERIC, RANGE 0-168)
USLHRSM	How many hours do you usually work each week in your main job ?	1. Enter hours (NUMERIC, RANGE 0-168)
ACTLHRS	How many hours did you actually work last week less time off but counting any extra hours worked IF MORE1JOB=1:<in all your jobs>?	1. Enter hours (NUMERIC, RANGE 0 to 168)
USLHRS	How many hours do you usually work each week IF MORE1JOB=1:<in all your jobs>?	1. Enter hours (NUMERIC, RANGE 0-168)
PREFMHRS	Would you prefer to work more hours than you usually work *IF MORE1JOB=1: <in all your jobs>?	1. Yes 5. No 6. Don't know
PREFHRS	How many hours a week would you like to work?	1. Enter hours (NUMERIC, RANGE 0-168, CAN'T BE LESS THAN USLHRS)
AVLMHRS	Last week, were you available to work more hours than you usually work?	1. Yes 2. No

RSNOMORE	You mentioned that you are not looking to work more hours. What is the main reason you work the number of hours you are currently working? <i>Please select only one answer.</i>	<ol style="list-style-type: none"> 1. No suitable job in my local area 2. No job with a suitable number of hours 3. No suitable job in my area of expertise 7. Long-term health condition or disability 8. Caring for family member with a health condition or disability 9. Caring for children 10. Studying 12. I'm satisfied with the number of hours I work 13. No more hours available in current position 14. Work has been reduced/shutdown due to COVID-19 15. Due to contract restrictions 16. Pursuing other interests/commitments in spare time 11. Other (Please specify)
RSMORE	You mentioned that you are looking to work more hours. What is the main reason you work the number of hours you are currently working? <i>Please select only one answer.</i>	<ol style="list-style-type: none"> 1. No suitable job in my local area 2. No job with a suitable number of hours 3. No suitable job in my area of expertise 4. Considered to be too young by employers 5. Considered to be too old by employers 9. Caring for children 10. Studying 12. No more hours available in current position 13. Work has been reduced/shutdown due to COVID-19 14. Financial reasons 15. Due to visa restrictions/waiting for permanent residency 11. Other (Please specify)
OCC	What is your occupation in your <main job/job/business> ?	1. Enter occupation
DUTIES	What are your main tasks and duties?	1. Enter main tasks and duties
INDUSTRY	What kind of business or service is carried out by your <employer at the place where you work/business>?	1. Enter business or service
EMPLOYER	What is the name of your <employer/business> ?	1. Enter employer/business name
SECTOR	In what sector are you wholly or mainly employed?	<ol style="list-style-type: none"> 1. Public or government 2. Private 3. Not-for-profit
INAUST	Are you working in Australia?	<ol style="list-style-type: none"> 1. Yes 2. No 3. Not sure

EMPSTATE	In which state or territory is your <employer/business> currently located?	<ol style="list-style-type: none"> 1. NSW 2. VIC 3. QLD 4. SA 5. WA 6. TAS 7. NT 8. ACT 98. Don't know
LOCATION	And what is the postcode of your <employer/business>?	<ol style="list-style-type: none"> 1. Enter postcode or suburb *PROGRAMMER NOTE USE POSTCODE LOOKUP LIST 2. Not sure
COUNTRYx	In which country is your <employer/business> based?	<ol style="list-style-type: none"> 1. Bangladesh 2. Canada 3. China (excludes SARs and Taiwan) 4. Hong Kong (SAR of China) 5. India 6. Indonesia 7. Malaysia 8. New Zealand 9. Saudi Arabia 10. Singapore 11. South Africa 12. South Korea 13. Sri Lanka 14. Taiwan 15. Thailand 16. United States of America 17. Vietnam 19. Macau (SAR of China) 18. Other (Please specify)
CURCOUNTRY	Do you currently live in Australia or Overseas?	<ol style="list-style-type: none"> 1. Australia 2. Overseas
CURSTATE	In which state or territory do you usually live?	<ol style="list-style-type: none"> 1. NSW 2. VIC 3. QLD 4. SA 5. WA 6. TAS 7. NT 8. ACT 98. Don't know
CURPCODE	What is the postcode or suburb where you usually live?	<ol style="list-style-type: none"> 1. <verbatim text box> *PROGRAMMER NOTE USE POSTCODE LOOKUP LIST 2. Not sure
OSCOUNTRY	In which country do you currently live?	<ol style="list-style-type: none"> 1. <Predictive text verbatim text box> *PROGRAMMER NOTE: USE GO8 COUNTRY LIST
EMP12	Have you worked <for your employer/in your business> for 12 months or more?	<ol style="list-style-type: none"> 1. Yes, more than 12 months 5. No, less than 12 months
EMPMTHS	How many months have you worked <for your employer/in your business>?	<ol style="list-style-type: none"> 1. Enter number of months (NUMERIC, RANGE 1-12)
EMPYRS	How many years have you worked <for your employer/in your business>?	<ol style="list-style-type: none"> 1. Enter number of years (NUMERIC, RANGE 1-49)

FFTJOB	Is this your first full-time job?	<ol style="list-style-type: none"> 1. Yes 2. No
SALARYA	In Australian dollars, how much do you usually earn in <IF MORE1JOB=5: this job/IF MORE1JOB=1: all your jobs>, before tax or anything else is taken out? Please make only one selection. Specify in whole dollars, excluding spaces, commas, dollar sign (\$).	<ol style="list-style-type: none"> 1. Amount per hour (Please specify) (NUMERIC, RANGE 1-250) 2. Amount per day (Please specify) (NUMERIC, RANGE 1-800) 3. Amount each week (Please specify) (NUMERIC, RANGE 1-4000) 4. Amount each fortnight (Please specify) (NUMERIC, RANGE 1-8000) 5. Amount each month (Please specify) (NUMERIC, RANGE 1-17,500) 6. Amount each year (Please specify) (NUMERIC, RANGE 1-250K) 7. No earnings 8. Don't know
SALARYB	Sorry but the salary you entered doesn't fit within our range. Please select the best option for how much you would usually earn in < IF MORE1JOB=5: this job/ IF MORE1JOB=1: all your jobs >, per annum before tax or anything else was taken out?	<ol style="list-style-type: none"> 1. \$1 - \$9,999 2. \$10,000 - \$19,999 3. \$20,000 - \$29,999 4. \$30,000 - \$39,999 5. \$40,000 - \$49,999 6. \$50,000 - \$59,999 7. \$60,000 - \$79,999 8. \$80,000 - \$99,999 9. \$100,000 - \$124,999 10. \$125,000 - \$149,999 11. \$150,000 or more 12. Don't know
SALARYC	And in Australian dollars , how much do you usually earn in your main job , before tax or anything else is taken out? Please make only one selection.	<ol style="list-style-type: none"> 1. Amount per hour (Please specify) (NUMERIC, RANGE 1-250) 2. Amount per day (Please specify) (NUMERIC, RANGE 1-800) 3. Amount each week (Please specify) (NUMERIC, RANGE 1-4000) 4. Amount each fortnight (Please specify) (NUMERIC, RANGE 1-8000) 5. Amount each month (Please specify) (NUMERIC, RANGE 1-17,500) 6. Amount each year (Please specify) (NUMERIC, RANGE 1-250K) 7. No earnings 8. Don't know

SALARYD	Sorry but the salary you entered doesn't fit within our range. Please select the best option for how much you would usually earn in your main job, per annum before tax or anything else was taken out?	<ol style="list-style-type: none"> 1. \$1 - \$9,999 2. \$10,000 - \$19,999 3. \$20,000 - \$29,999 4. \$30,000 - \$39,999 5. \$40,000 - \$49,999 6. \$50,000 - \$59,999 7. \$60,000 - \$79,999 8. \$80,000 - \$99,999 9. \$100,000 - \$124,999 10. \$125,000 - \$149,999 11. \$150,000 or more 12. Don't know
SALCONF1	Sorry but the salary you entered for your main job is higher than the salary you entered for all your jobs . Please select the best option for how much you would usually earn in your main job , per annum before tax or anything else was taken out?	<ol style="list-style-type: none"> 1. \$1 - \$9,999 2. \$10,000 - \$19,999 3. \$20,000 - \$29,999 4. \$30,000 - \$39,999 5. \$40,000 - \$49,999 6. \$50,000 - \$59,999 7. \$60,000 - \$79,999 8. \$80,000 - \$99,999 9. \$100,000 - \$124,999 10. \$125,000 - \$149,999 11. \$150,000 or more 12. Don't know
SALCONF2	And which of the following would you usually earn in your all your jobs , per annum before tax or anything else was taken out?	<ol style="list-style-type: none"> 1. \$1 - \$9,999 2. \$10,000 - \$19,999 3. \$20,000 - \$29,999 4. \$30,000 - \$39,999 5. \$40,000 - \$49,999 6. \$50,000 - \$59,999 7. \$60,000 - \$79,999 8. \$80,000 - \$99,999 9. \$100,000 - \$124,999 10. \$125,000 - \$149,999 11. \$150,000 or more 12. Don't know

SALARYOS	What is your gross (that is pre-tax) annual salary? You can estimate if necessary.	<ol style="list-style-type: none"> 1. "AUD - Australian Dollar" 2. "BDT - Bangladeshi Taka" 3. "BWP - Botswana Pula" 4. "CNY - Chinese yuan" 5. "EUR - Euro" 6. "GBP - British Pound" 7. "HKD - Hong Kong Dollar" 8. "IDR - Indonesian Rupiah" 9. "INR - Indian Rupee" 10. "KES - Kenyan Shilling" 11. "LKR - Sri Lankan Rupee" 12. "MUR - Mauritian Rupee" 13. "MYR - Malaysian Ringgit" 14. "PKR - Pakistani Rupee" 15. "SGD - Singapore Dollar" 16. "USD - US Dollar" 17. "ZAR - South African Rand" 18. "ZMK - Zambian Kwacha" 19. "ZWD - Zimbabwean Dollar" 20. "NZD - New Zealand Dollar", 21. "CAD - Canadian Dollar", 22. "JPY - Japanese Yen", 23. "KRW - South Korean Won", 24. "VND - Vietnamese Dong", 25. "SEK - Swedish Krona", 26. "THB - Thai Baht" 27. Other (Please specify)
FINDJOB	How did you first find out about this job?	<ol style="list-style-type: none"> 1. University or college careers service 2. Careers fair or information session 3. Other university or college source (such as faculties or lecturers or student society) 4. Advertisement in a newspaper or other print media 5. Advertisement on the internet (e.g. Seek, CareerOne, Ethical Jobs) 6. Via resume posted on the internet 7. Family or friends 8. Approached employer directly 9. Approached by an employer 10. Employment agency 11. Work contacts or networks 12. Social media (e.g. LinkedIn) 17. An employer promotional event 13. Other (Please specify)

SPOQ	<p>The following statements are about your skills, abilities and education. Please indicate the extent to which you strongly disagree, disagree, neither disagree nor agree, agree or strongly agree with each of these statements.</p> <p>(STATEMENTS)</p> <p>a) My job requires less education than I have</p> <p>b) I have more job skills than are required for this job</p> <p>c) Someone with less education than myself could perform well on my job</p> <p>d) My previous training is being fully utilised on this job</p> <p>e) I have more knowledge than I need in order to do my job</p> <p>f) My education level is above the level required to do my job</p> <p>g) Someone with less work experience than myself could do my job just as well</p> <p>h) I have more abilities than I need in order to do my job</p>	<ol style="list-style-type: none"> 1. Strongly disagree 2. Disagree 3. Neither disagree nor agree 4. Agree 5. Strongly agree
RSOVRQ	<p>Your previous responses indicated that you have more skills or education than are needed to do your current job. What is the main reason you are working in a job that doesn't use all of your skills or education? <i>Please select only one answer.</i></p>	<ol style="list-style-type: none"> 1. No suitable jobs in my local area 2. No jobs with a suitable number of hours 3. No suitable jobs in my area of expertise 4. Considered to be too young by employers 5. Considered to be too old by employers 9. Caring for children 10. Studying 12. I'm satisfied with my current job 13. I had to change jobs due to COVID-19 14. Not enough work experience 15. Entry level job/career stepping stone 16. Changing jobs/Careers 17. Do not have permanent residency 18. For financial reasons 11. Other (Please specify)
Module C: Further study		
FURSTUD	<p>Are you currently a full-time or part-time student at a TAFE, university or other educational institution?</p>	<ol style="list-style-type: none"> 1. Yes – full-time 2. Yes – part-time 5. No
FURNEW	<p>Are you currently studying in a new course after completing your <E308>?</p>	<ol style="list-style-type: none"> 1. Yes 2. No
FURQUAL	<p>What is the full title of the qualification you are currently studying?</p>	<ol style="list-style-type: none"> 1. <verbatim text box>
FURFOE	<p>What is your major field of education for this qualification?</p>	<ol style="list-style-type: none"> 1. Natural and Physical Sciences 2. Information Technology 3. Engineering and Related Technologies 4. Architecture and Building 5. Agriculture Environmental and Related Studies 6. Health 7. Education 8. Management and Commerce 9. Society and Culture 10. Creative Arts 11. Food, Hospitality and Personal Services 12. Mixed field qualification 13. Other (Please specify)

FURLEV	What is the level of this qualification?	<ol style="list-style-type: none"> 1. Higher Doctorate 2. Doctorate by Research 3. Doctorate by Coursework 4. Master Degree by Research 5. Master Degree by Coursework 6. Graduate Diploma 7. Graduate Certificate 8. Bachelor (Honours) Degree 9. Bachelor (Pass) Degree 10. Advanced Diploma 11. Associate Degree 12. Diploma 13. Non-award course 14. Bridging and Enabling course 15. Certificate I-IV
FURINST	And the institution where you are currently studying?	1. <look up list> USE FURINST LOOKUP LIST
	Module D2: OVERALL SATISFACTION/PREQ	
CEQ	<p>Now a question regarding your <FinalMajor1/FinalMajor2/FinalCourseA> <major/qualification>.</p> <p>Please indicate the extent to which you strongly disagree, disagree, neither agree nor disagree, agree or strongly agree with the following statement.</p> <p>(STATEMENTS)</p> <p>ceq149 Overall, I was satisfied with the quality of this <course></p>	<ol style="list-style-type: none"> 1. Strongly disagree 2. Disagree 3. Neither disagree nor agree 4. Agree 5. Strongly agree
CEQB	<p>Now thinking about your <FinalMajor3/FinalMajor4/FinalCourseB/FinalMajor2> <major/qualification>.</p> <p>Please indicate the extent to which you strongly disagree, disagree, neither agree nor disagree, agree or strongly agree the following statement.</p> <p>(STATEMENTS)</p> <p>ceq249 Overall, I was satisfied with the quality of this <course></p>	<ol style="list-style-type: none"> 1. Strongly disagree 2. Disagree 3. Neither disagree nor agree 4. Agree 5. Strongly agree

PREQ	<p>Please tell us about your postgraduate research experience. If you have had more than one supervisor or have studied in more than one department or faculty, please respond to the questions below in relation to your most recent supervision experience, whether by one or more supervisors.</p> <p>Please interpret 'thesis' and other research-related terms in the context of your own field of education.</p> <p>Please indicate the extent to which you strongly disagree, disagree, neither agree nor disagree, agree or strongly agree with each of these statements.</p> <p>(STATEMENTS)</p> <p>preq01 Supervision was available when I needed it</p> <p>preq02 The thesis examination process was fair</p> <p>preq03 I had access to a suitable working space</p> <p>preq04 I developed an understanding of the standard of work expected</p> <p>preq29 I am confident that I can apply my skills outside the university sector</p> <p>preq05 The department provided opportunities for social contact with other postgraduate students</p> <p>preq30 I improved my ability to design and implement projects effectively</p> <p>preq06 My research further developed my problem solving skills</p> <p>preq07 My supervisor(s) made a real effort to understand difficulties I faced</p> <p>preq08 I had good access to the technical support I needed</p> <p>preq09 I was integrated into the department's community</p> <p>preq10 I improved my ability to communicate information effectively to diverse audiences</p> <p>preq11 I understood the required standard for the thesis</p> <p>preq31 I had opportunities to develop professional connections outside the university sector</p> <p>preq12 I was able to organise good access to necessary equipment</p> <p>preq13 My supervisor(s) provided additional information relevant to my topic</p> <p>preq14 I developed my skills in critical analysis and evaluation</p> <p>preq15 I was satisfied with the thesis examination process</p> <p>preq16 The department provided opportunities for me to become involved in the broader research culture</p> <p>preq17 I was given good guidance in topic selection and refinement</p> <p>preq18 I had good access to computing facilities and services</p> <p>preq32 I had opportunity to work on research problems with businesses, governments, communities or organisations outside the university sector</p> <p>preq19 I understood the requirements of thesis examination</p> <p>preq33 I developed my understanding of research integrity (e.g. rigour, ethics, transparency, attributing the contribution of others)</p> <p>preq20 I improved my ability to plan and manage my time effectively</p> <p>preq21 My supervisor(s) provided helpful feedback on my progress</p> <p>preq22 A good seminar program for postgraduate students was provided</p> <p>preq23 The research environment in the department or faculty stimulated my work</p> <p>preq24 I received good guidance in my literature search</p> <p>preq34 I gained confidence in leading and influencing others</p> <p>preq25 The examination of my thesis was completed in a reasonable time</p> <p>preq26 As a result of my research, I feel confident about tackling unfamiliar problems</p> <p>preq27 There was appropriate financial support for research activities</p> <p>preq28 Overall, I was satisfied with the quality of my higher degree research experience</p>	<ol style="list-style-type: none"> 1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree 5. Strongly agree
INTROB	Now, a couple of general questions about your <course>...	
BESTASP	What were the best aspects of your <course>? <i>Please note, aspects could include things like the course content, teaching or assessments.</i>	1. <verbatim text box>
IMPROVE	What aspects of your <course> were most in need of improvement? <i>Please note, aspects could include things like the course content, teaching or assessments.</i>	1. <verbatim text box>
	Module E: Graduate Preparation	
FORMREQ	Is a <FinalCourseA/FinalCourseB> or similar qualification a formal requirement for you to do your current job?	<ol style="list-style-type: none"> 1. Yes 2. No

QUALIMP	To what extent is it important for you to have a <FinalCourseA/FinalCourseB>, to be able to do your job?	1. Not at all important 2. Not that important 3. Fairly important 4. Important 5. Very important
CRSPREP	Overall, how well did your <FinalCourseA/FinalCourseB> prepare you for your job?	1. Not at all 2. Not well 3. Well 4. Very well 5. Don't know / Unsure
BESTPREP	What are the main ways that < E306C > prepared you for employment in your organisation?	1. <verbatim text box>
IMPPREP	What are the main ways <E306C> could have better prepared you for employment in your organisation?	1. <verbatim text box>
FSBEPREP	What are the main ways that < E306C > prepared you for further study?	1. <verbatim text box>
FSIMPREP	What are the main ways <E306C> could have better prepared you for further study?	1. <verbatim text box>
	Module F: Additional Items	
INTLINTROA	And now some specifics about your *(IF STUDENTTYPE=1, DISPLAY: <course/program>, IF STUDENTTYPE=2, DISPLAY: <postgraduate research>.)	
OSSTUDY	Did you undertake any overseas study during your *(IF STUDENTTYPE=1, DISPLAY: <course>IF STUDENTTYPE=2, DISPLAY: <postgraduate research> e.g. student exchange or study abroad?)	1. Yes 2. No 3. Not applicable
INTERN	Did your <FinalCourseA/FinalCourseB> include an internship component?	1. Yes 2. No 3. Don't know
INTLEARN	Did you participate in other types of work-integrated learning (e.g. placements, practicums, consultancies, industry research projects) as part of your <FinalCourseA/FinalCourseB>?	1. Yes 2. No 3. Not applicable
TRAINING	Did your <FinalCourseA/FinalCourseB> include training in.... (STATEMENTS) Pgreslink101/IPA Intellectual property awareness Pgreslink102/BUSMAN Business management Pgreslink103/ENTPNR Entrepreneurship	1. Yes 2. No 3. Don't know
COFUND	Was your <FinalCourseA/FinalCourseB> jointly supervised or co-funded by an industry partner? <i>Please select all that apply.</i>	1/JOINTSUP. Yes it was jointly supervised 2/COFUND. Yes it was co-funded 3/NOJSCF. No *(EXCLUSIVE) 4/DKJSCF. Don't know *(EXCLUSIVE)
	Module G: Contact details	
CONTACT	In a couple of years' time, we are undertaking a follow up survey with graduates to see how their career has developed. Do you consent to being invited to participate in this important future research? For further information on the survey please click here (link to: https://www.qilt.edu.au/qilt-surveys).	1. Yes 2. No
ALUMNI	Do you consent to your details being passed on to your Alumni services at your institution for them to update your details?	1. Yes 2. No
EMAIL	We would like to make sure all your contact information is up to date. Is the email address below a permanent email address that we can use in the future?	1. Permanent email address is as above 2. Enter new permanent email address <email box> 3. Don't have a permanent email address 4. Do not wish to be re-contacted by email

ADDRESS	The postal address we have for you is: <add1> <add2> <add3> <suburb> <state> <pcode> <country> Is this correct?	1. Yes 2. No *(DISPLAY AND EDIT ADDRESS ONE FIELD AT A TIME WHERE NECESSARY) 3. Do not wish to be contacted by post
ADDRESS2	We do not have any postal information provided for you. Would you like to update your postal details?	1. Yes 2. No 3. Do not wish to be contacted by post
C4	Would you like to be notified via email when the national data is released on the Quality Indicators for Learning and Teaching (QILT) website?	1. Yes 2. No
NTFEMAIL	What is the best email address to send the notification to?	1. Address as above 2. Enter new email address
CATCH	If you would like to provide any additional information relating to your current situation please use the space below.	<Full verbatim>
BRIDGE1	For the next part of the study we would like to hear from your work supervisor about their perceptions of your institution and higher education broadly through the Employer Satisfaction Survey (ESS). Without your supervisor's input, results from this survey will be less useful to policy makers. The government uses input from graduates and employers to understand how well higher education institutions are preparing graduates for the workforce. Please click next to continue.	
END	*(DISPLAY IF ONLINE) Thank you for your responses. Please click 'Submit' to finalise your survey. *(IF CATI) Thank you for your feedback, which will remain confidential. It plays a significant role in enhancing Australian higher education. If you would like further information, I can give you the details of some websites if you like: www.gos.edu.au www.srcentre.com.au/gos Just in case you missed it, my name is <NAME> from the Social Research Centre and this survey is being conducted on behalf of The Australian Government Department of Education and Training.	

3.2 Additional items

A total of 18 institutions (15 universities and 3 NUHEIs) included institution specific items in the 2021 GOS. Institution specific items can be the same or a variation on questions included in prior rounds of GOS, or new questions entirely. Some of the content covered by institution specific items included questions relating to the net promoter score, work preparedness, further study plans, time spent in internships, volunteering and other co-curricular activities, and likelihood of recommending the course or institution to others. These institution-specific items were presented to graduates after the core instrument. A statement (The following items have been included by <E306CTXT> to gather feedback from recent graduates on issues important to their institution) was added before the items to further emphasise a clear distinction between the core instrument and any additional items.

The CEQ (excluding from overall satisfaction) and the Graduate Attributes Scale (GAS) became institution opt-in from the 2021 GOS. A total of 68 institutions (31 universities and 37 NUHEIs) included the CEQ, and 67 institutions (33 universities and 34 NUHEIs) included the GAS.

Stakeholders including the Australian Association of Graduate Employers (AAGE), Australian Collaborative Education Network Limited (ACEN), and Optometry Council of Australia and New Zealand (OCANZ) included items in the 2020 GOS. Content covered by the stakeholder items included employment pathways, work integrated learning and preparedness of optometry graduates. Institutions were invited to participate in these items, where applicable, by each of the relevant stakeholders.

Appendix 4 Construction of confidence intervals

The 90 per cent confidence intervals presented in this report were calculated using the Finite Population Correction (FPC) to account for the relatively large size of the sample relative to the in-scope population. The FPC is generally used when the sampling fraction exceeds 5 per cent.

Because percentage agreement scores are reported for the 2021 GOS, the formula for the confidence interval of a proportion is used. The Agresti-Coull method is used as it performs well with both small and large counts, consistently producing intervals that are more likely to contain the true value of the proportion in comparison to the previous Wald method.

Where \tilde{p} is the adjusted estimated proportion of satisfied responses, N is the size of the population in the relevant subgroup, n is the number of valid responses in the relevant subgroup, n_1 is the number of positive responses in the relevant subgroup, 1.645 is the standard normal value for 90 per cent confidence and FPC is the Finite Population Correction term.

The 90 per cent confidence interval of each estimated proportion is then calculated as the adjusted proportion plus or minus its 90 per cent confidence interval bound.

Figure 1 Formula for a 90 per cent confidence interval using the Agresti-Coull method with FPC

$$\tilde{p} \pm 1.645 * FPC * \sqrt{\tilde{p}(1 - \tilde{p}) / \tilde{n}}$$

where $\tilde{p} = \tilde{n}_1 / \tilde{n}$, $\tilde{n}_1 = n_1 + 1.645^2 / 2$ and $\tilde{n} = n + 1.645^2$ and $FPC = \sqrt{\frac{N - n}{N - 1}}$

Appendix 5 Study area concordance

Study areas for the QILT surveys, including the GOS, are defined in accordance with the ABS Australian Standard Classification of Education (ASCED). The QILT website, and this report generally use 21 aggregated study areas as the basis of analysis. Targets for data collection are based on 45 study areas. Concordance between these study areas and ASCED fields are listed below in Table 29. Details of the fields of education are available from the ABS website.

Table 29 Study area concordance

Study area	Study area	Study area 45	Study area 45	Field of Education
0	Non-award	0	Non-award	000000
1	Science and mathematics	1	Natural & Physical Sciences	010000, 010300, 010301, 010303, 010500, 010501, 010503, 010599, 010700, 010701, 010703, 010705, 010707, 010709, 010711, 010713, 010799, 019900, 019999
1	Science and mathematics	2	Mathematics	010100, 010101, 010103, 010199
1	Science and mathematics	3	Biological Sciences	010900, 010901, 010903, 010905, 010907, 010909, 010911, 010913, 010915, 010999
1	Science and mathematics	4	Medical Science & Technology	019901, 019903, 019905, 019907, 019909
2	Computing & Information Systems	5	Computing & Information Systems	020000, 020100, 020101, 020103, 020105, 020107, 020109, 020111, 020113, 020115, 020117, 020119, 020199, 020300, 020301, 020303, 020305, 020307, 020399, 029900, 029901, 029999
3	Engineering	6	Engineering - Other	030000, 030100, 030101, 030103, 030105, 030107, 030109, 030111, 030113, 030115, 030117, 030199, 030500, 030501, 030503, 030505, 030507, 030509, 030511, 030513, 030515, 030599, 031100, 031101, 031103, 031199, 031700, 031701, 031703, 031705, 031799, 039900, 039901, 039903, 039905, 039907, 039909, 039999
3	Engineering	7	Engineering - Process & Resources	030300, 030301, 030303, 030305, 030307, 030399
3	Engineering	8	Engineering - Mechanical	030700, 030701, 030703, 030705, 030707, 030709, 030711, 030713, 030715, 030717, 030799
3	Engineering	9	Engineering - Civil	030900, 030901, 030903, 030905, 030907, 030909, 030911, 030913, 030999
3	Engineering	10	Engineering - Electrical &	031300, 031301, 031303, 031305, 031307, 031309, 031311, 031313, 031315, 031317,

			Electronic	031399
3	Engineering	11	Engineering - Aerospace	031500, 031501, 031503, 031505, 031507, 031599
4	Architecture and built environment	12	Architecture & Urban Environments	040000, 040100, 040101, 040103, 040105, 040107, 040199
4	Architecture and built environment	13	Building & Construction	040300, 040301, 040303, 040305, 040307, 040309, 040311, 040313, 040315, 040317, 040319, 040321, 040323, 040325, 040327, 040329, 040399
5	Agriculture and environmental studies	14	Agriculture & Forestry	050000, 050100, 050101, 050103, 050105, 050199, 050300, 050301, 050303, 050500, 050501, 050700, 050701, 050799, 059900, 059901, 059999
5	Agriculture and environmental studies	15	Environmental Studies	050900, 050901, 050999
6	Health services and support	16	Health Services & Support	060000, 060900, 060901, 060903, 060999, 061500, 061501, 061700, 061705, 061707, 061709, 061711, 061713, 061799, 061900, 061901, 061903, 061905, 061999, 069900, 069901, 069903, 069905, 069907, 069999
6	Health services and support	17	Public Health	061300, 061301, 061303, 061305, 061307, 061309, 061311, 061399
7	Medicine	18	Medicine	060100, 060101, 060103, 060105, 060107, 060109, 060111, 060113, 060115, 060117, 060119, 060199
8	Nursing	19	Nursing	060300, 060301, 060303, 060305, 060307, 060309, 060311, 060313, 060315, 060399
9	Pharmacy	20	Pharmacy	060500, 060501
10	Dentistry	21	Dentistry	060700, 060701, 060703, 060705, 060799
11	Veterinary science	22	Veterinary Science	061100, 061101, 061103, 061199
12	Rehabilitation	23	Physiotherapy	061701
12	Rehabilitation	24	Occupational Therapy	061703
13	Teacher education	25	Teacher Education - Other	070000, 070100, 070107, 070109, 070111, 070113, 070115, 070117, 070199, 070300,

				070301, 070303, 079900, 079999
13	Teacher education	26	Teacher Education - Early Childhood	070101
13	Teacher education	27	Teacher Education - Primary & Secondary	070103, 070105
14	Business and management	28	Accounting	080100, 080101
14	Business and management	29	Business Management	080300, 080301, 080303, 080305, 080307, 080309, 080311, 080313, 080315, 080317, 080319, 080321, 080323, 080399
14	Business and management	30	Sales & Marketing	080500, 080501, 080503, 080505, 080507, 080509, 080599
14	Business and management	31	Management & Commerce - Other	080000, 080900, 080901, 080903, 080905, 080999, 089900, 089901, 089903, 089999
14	Business and management	32	Banking & Finance	081100, 081101, 081103, 081105, 081199
14	Business and management	40	Economics	091900, 091901, 091903
15	Humanities, culture and social sciences	33	Political Science	090100, 090101, 090103
15	Humanities, culture and social sciences	34	Humanities inc History & Geography	090000, 090300, 090301, 090303, 090305, 090307, 090309, 090311, 090313, 090399, 091300, 091301, 091303, 091700, 091701, 091703, 099900, 099901, 099903, 099905, 099999
15	Humanities, culture and social sciences	35	Language & Literature	091500, 091501, 091503, 091505, 091507, 091509, 091511, 091513, 091515, 091517, 091519, 091521, 091523, 091599
16	Social work	36	Social Work	090500, 090501, 090503, 090505, 090507, 090509, 090511, 090513, 090515, 090599
17	Psychology	37	Psychology	090700, 090701, 090799
18	Law and paralegal studies	38	Law	090900, 090901, 090903, 090905, 090907, 090909, 090911, 090913, 090999

18	Law and paralegal studies	39	Justice Studies & Policing	091100, 091101, 091103, 091105, 091199
19	Creative arts	42	Art & Design	100000, 100300, 100301, 100303, 100305, 100307, 100309, 100399, 100500, 100501, 100503, 100505, 100599, 109900, 109999
19	Creative arts	43	Music & Performing Arts	100100, 100101, 100103, 100105, 100199
20	Communications	44	Communication, Media & Journalism	100700, 100701, 100703, 100705, 100707, 100799
21	Tourism, Hospitality, Personal Services, Sport and recreation	41	Sport & Recreation	092100, 092101, 092103, 092199
21	Tourism, Hospitality, Personal Services, Sport and recreation	45	Tourism, Hospitality & Personal Services	080700, 080701, 110000, 110100, 110101, 110103, 110105, 110107, 110109, 110111, 110199, 110300, 110301, 110303, 110399, 120000, 120100, 120101, 120103, 120105, 120199, 120300, 120301, 120303, 120305, 120399, 120500, 120501, 120503, 120505, 120599, 129900, 129999

Appendix 6 Additional tables and figures

This report is accompanied by additional benchmarking tables and figures which may be used alongside this report and data visualisation to support institutional benchmarking and analysis.

Listed below are tables and figures related to specific concepts relevant to the GOS, as well as a listing of tables that can be used to explore additional themes related to the GOS.

6.1 GOS results

6.1.1 Labour force outcomes

This group of tables and figures includes labour force outcomes, including full-time and overall employment rates, labour force participation rate and median salary for graduates. Labour force outcomes can be viewed at the course level, by provider type, institution, gender, and study area.

Table 30 Tables and figures associated with labour force outcomes

Report table	Sheet name	Table title
Table 02/Table 03	OVERALL_ALL_ALL_2Y	Graduate employment and study outcomes, by study level, 2020 and 2021
Table 06	EMP_UG_ALL_2Y_AREA	Undergraduate employment outcomes by study area, 2020 and 2021 (%)

	EMP_PGC_ALL_2Y_AREA	Postgraduate coursework employment outcomes by study area, 2020 and 2021 (%)
	EMP_PGR_ALL_2Y_AREA	Postgraduate research employment outcomes by study area, 2020 and 2021 (%)
	EMP_UG_ALL_2Y	Undergraduate employment outcomes, 2020 and 2021 (%)
	EMP_PG_ALL_2Y	Postgraduate employment outcomes, 2020 and 2021
Table 05	EMP_UG_ALL_2Y_DG	Undergraduate employment outcomes by demographic group, 2020 and 2021 (%)
	EMP_PGC_ALL_2Y_DG	Postgraduate coursework employment outcomes by demographic group, 2020 and 2021 (%)
	EMP_PGR_ALL_2Y_DG	Postgraduate research employment outcomes by demographic group, 2020 and 2021 (%)
	EMP_UG_ALL_1Y_FURSTUD	Labour market outcomes of undergraduate graduates, by full-time study status, 2021
	EMP_PG_ALL_1Y_FURSTUD	Labour market outcomes of postgraduate graduates, by full-time study status, 2021
	EMP_UG_ALL_2Y_AREA45	Undergraduate employment outcomes by 45 study areas, 2020 and 2021 (%)
	EMP_PGC_ALL_2Y_AREA45	Postgraduate coursework employment outcomes by 45 study areas, 2020 and 2021 (%)
	EMP_PGR_ALL_2Y_AREA45	Postgraduate research employment outcomes by 45 study areas, 2020 and 2021 (%)
	EMP_UG_UNI_2Y_AREA	Undergraduate employment outcomes by study area, universities only, 2020 and 2021
	EMP_UG_NUHEI_2Y_AREA	Undergraduate employment outcomes by study area, NUHEIs only, 2020 and 2021
	EMP_UG_UNI_2Y_DG	Undergraduate employment outcomes by demographic group, universities only, 2020 and 2021 (%)
	EMP_UG_NUHEI_2Y_DG	Undergraduate employment outcomes by demographic group, NUHEIs only, 2020 and 2021 (%)
	EMP_UG_ALL_3Y_PERIOD	Undergraduate employment rates by survey round, 2019-2021 (%)
Table 01/Figure 01	EMP_PGC_ALL_3Y_PERIOD	Postgraduate coursework employment rates by survey round, 2019-2021 (%)
	EMP_PGR_ALL_3Y_PERIOD	Postgraduate research employment rates by survey round, 2019-2021 (%)
Table 04/Table 07	SAL_UG_ALL_2Y_AREA_SEX	Undergraduate median full-time salaries by study area and gender, 2020 and 2021 (\$)
	SAL_PGC_ALL_2Y_AREA_SEX	Postgraduate coursework median full-time salaries by study area and gender, 2020 and 2021 (\$)
	SAL_PGR_ALL_2Y_AREA_SEX	Postgraduate research median full-time salaries by study area and gender, 2020 and 2021 (\$)
	SAL_UG_ALL_2Y_DG	Undergraduate median full-time salaries by demographic group, 2020 and 2021 (\$)
	SAL_PGC_ALL_2Y_DG	Postgraduate coursework median full-time salaries by demographic group, 2020 and 2021 (\$)
	SAL_PGR_ALL_2Y_DG	Postgraduate research median full-time salaries by demographic group, 2020 and 2021 (\$)
	SAL_UG_ALL_2Y_AREA45_SEX	Undergraduate median full-time salaries by 45 study areas and gender, 2020 and 2021 (\$)
	SAL_PGC_ALL_2Y_AREA45_SEX	Postgraduate coursework median full-time salaries by 45 study areas and gender, 2020 and 2021 (\$)

	SAL_PGR_ALL_2Y_AREA45_SEX	Postgraduate research median full-time salaries by 45 study areas and gender, 2020 and 2021 (\$)
Table 08/Table 09	LF_UG_UNI_1Y	Labour force indicators 2021, undergraduates (universities only)
	LF_UG_UNI_3Y	Labour force indicators 2019-2021, undergraduates (universities only)
	LF_PGC_UNI_1Y	Labour force indicators 2021, postgraduate coursework (universities only)
	LF_PGC_UNI_3Y	Labour force indicators 2019-2021, postgraduate coursework (universities only)
	LF_PGR_UNI_3Y	Labour force indicators 2019-2021, postgraduate research (universities only)
Table 10	LF_UG_NUHEI_3Y	Labour force indicators 2019-2021, undergraduates (NUHEIs only)
	LF_PGC_NUHEI_3Y	Labour force indicators 2019-2021, postgraduate coursework (NUHEIs only)
	LF_UG_UNI_2Y	Undergraduate labour force indicators, universities only, 2020 and 2021
	LF_UG_NUHEI_2Y	Undergraduate labour force indicators, NUHEIs only, 2020 and 2021
	PREFMHRG_UG_ALL_1Y_E315	Proportion of employed undergraduates seeking or not seeking more hours, by gender, 2021 (%)
	PREFMHRG_PGC_ALL_1Y_E315	Proportion of employed postgraduates (coursework) seeking or not seeking more hours, by gender, 2021 (%)
	PREFMHRG_PGR_ALL_1Y_E315	Proportion of employed postgraduates (research) seeking or not seeking more hours, by gender, 2021 (%)
	PARTEMP_UG_ALL_1Y_AREA_SEX	Undergraduate Part-time employment, by study area and gender, as a proportion of all employed graduates, 2021 (%)
	FTE_UG_UNI_1Y_FIG	Undergraduate full-time employment rate by university, 2021 (%)
	FTE_UG_UNI_3Y_FIG	Undergraduate full-time employment rate by university, 2019-2021 (%)
	SAL_UG_UNI_1Y_FIG	Undergraduate median full-time salaries by university, 2021 (\$)
	SAL_UG_UNI_3Y_FIG	Undergraduate median full-time salaries by university, 2019-2021 (\$)
	FTE_UG_NUHEI_3Y_FIG	Undergraduate full-time employment rate by NUHEI, 2019-2021 (%)
	SAL_UG_NUHEI_3Y_FIG	Undergraduate median full-time salaries by NUHEI, 2019-2021 (\$)
	FTE_PGC_UNI_1Y_FIG	Postgraduate coursework full-time employment rate by university, 2021 (%)
	FTE_PGC_UNI_3Y_FIG	Postgraduate coursework full-time employment rate by university, 2019-2021 (%)
	FTE_PGC_NUHEI_3Y_FIG	Postgraduate coursework full-time employment rate by NUHEI, 2019-2021 (%)
	SAL_PGC_UNI_1Y_FIG	Postgraduate coursework median full-time salaries by university, 2021 (\$)
	SAL_PGC_UNI_3Y_FIG	Postgraduate coursework median full-time salaries by university, 2019-2021 (\$)
	SAL_PGC_NUHEI_1Y_FIG	Postgraduate coursework median full-time salaries by NUHEI, 2019-2021 (\$)
	FTE_PGR_UNI_3Y_FIG	Postgraduate research full-time employment rate by university, 2019-2021 (%)
	SAL_PGR_UNI_3Y_FIG	Postgraduate research median full-time salaries by university, 2019-2021 (\$)

6.1.2 Hours worked

This group of tables explores the median hours actually worked in the week prior to completing the survey of graduates

in the short-term, approximately four to six months after completing their course.

Table 31 Tables associated with median usual hours and median actual hours worked

Report table	Sheet name	Table title
	HOURS_UG_ALL_3Y	Average hours worked per week for employed undergraduates by full-time/part-time status, 2019-2021
	HOURS_PGC_ALL_3Y	Average hours worked per week for employed postgraduates (coursework) by full-time/part-time status, 2019-2021
	HOURS_PGR_ALL_3Y	Average hours worked per week for employed postgraduates (research) by full-time/part-time status, 2019-2021
Figure 02	HOURS_UG_ALL_3Y_PERIOD	Average hours worked per week for employed undergraduates by full-time/part-time status and survey round, 2019-2021
	HOURS_PGC_ALL_3Y_PERIOD	Average hours worked per week for employed postgraduates (coursework) by full-time/part-time status and survey round, 2019-2021
	HOURS_PGR_ALL_3Y_PERIOD	Average hours worked per week for employed postgraduates (research) by full-time/part-time status and survey round, 2019-2021

6.1.3 Away from work

This group of tables presents the proportion of employed graduates who were away from work in the week prior to completing the survey. Reasons for being away from work include for holidays, sickness or any other reason, such as being stood down due to the impact of COVID-19.

Table 32 Tables associated with the percentage of employed graduates away from work

Report table	Sheet name	Table title
	AWAYWORK_UG_ALL_3Y	Proportion of employed undergraduates who were away from work by full-time/part-time status, 2019-2021 (%)
	AWAYWORK_PGC_ALL_3Y	Proportion of employed postgraduates (coursework) who were away from work by full-time/part-time status, 2019-2021 (%)
	AWAYWORK_PGR_ALL_3Y	Proportion of employed postgraduates (research) who were away from work by full-time/part-time status, 2019-2021 (%)
	AWAYWORK_UG_ALL_3Y_PERIOD	Proportion of employed undergraduates who were away from work by full-time/part-time status and survey round, 2019-2021 (%)
	AWAYWORK_PGC_ALL_3Y_PERIOD	Proportion of employed postgraduates (coursework) who were away from work by full-time/part-time status and survey round, 2019-2021 (%)
	AWAYWORK_PGR_ALL_3Y_PERIOD	Proportion of employed postgraduates (research) who were away from work by full-time/part-time status and survey round, 2019-2021 (%)

6.1.4 Graduate occupations

This group of tables presents the proportion of employed graduates and graduates employed full-time in different occupations. These occupations are coded from graduate description of their job and job role to a detailed ANZCO code. The results are presented here at the top ANZCO levels. In general, a managerial or professional occupation is considered an appropriate employment outcome after completing a higher education level qualification and a useful proxy for the “relevance” of graduates’ employment outcomes to their qualification.

Table 33 Tables associated with occupation types of employed graduates

Report table	Sheet name	Table title
	OCC_UG_ALL_1Y_EMPTYYPE	Undergraduate occupation level, by employment type, 2021 (%)
	OCC_PG_ALL_1Y_EMPTYYPE	Postgraduate occupation level, by employment type, 2021 (%)
	OCC_UG_ALL_1Y_AREA45	Undergraduate occupation level, total employed, by 45 study areas, 2021 (%)
	OCC_UG_UNI_1Y_EMPTYYPE	Undergraduate occupation level, by employment type, universities only, 2021 (%)
	OCC_UG_NUHEI_1Y_EMPTYYPE	Undergraduate occupation level, by employment type, NUHEIs only, 2021 (%)
	OCC_UG_UNI_1Y_AREA	Undergraduate occupation level, total employed, by study area, universities only, 2021 (%)
	BROADOCC_UG_ALL_1Y_EMPTYYPE	Undergraduate occupation level, total employed, by study area, 2021 (%)

6.1.5 Importance of the qualification

This group of tables presents information on the extent to which graduates consider that it was important for them to have their specific or similar qualification, to be able to do their job.

Table 34 Tables associated with the extent to which graduates considered their qualification important

Report table	Sheet name	Table title
	QUALIMP_UG_ALL_1Y	Importance of qualification for undergraduates' current employment, 2021 (%)
	QUALIMP_PG_ALL_1Y	Importance of qualification for postgraduates' current employment, 2021 (%)

6.1.6 Extent to which qualification prepared graduates

This group of tables present information on how well the qualification prepared graduates for their current job. Institutions also receive qualitative data in comment fields related to what the institution did well and what graduates considered could have been done better to prepare them for their current employment.

Table 35 Tables associated with the extent to which the qualification prepared graduates for their current job

Report table	Sheet name	Table title
	CRSPREP_UG_ALL_1Y	Extent to which qualification prepared undergraduate level graduates for employment, 2021 (%)
	CRSPREP_PG_ALL_1Y	Extent to which qualification prepared postgraduate level graduates for employment, 2021 (%)

6.1.7 Skills utilisation

This group of tables present data exploring underutilisation of skills among graduates four to six months after completion of their course, and reasons for not working more hours. Results can be viewed by preference for more hours, gender, and study area.

Table 36 Tables associated with reasons for underutilisation of skills and education

Report table	Sheet name	Table title
Table 11	RSNOMORE_UG_ALL_1Y_E315	Main reason not working more hours, of undergraduates employed part-time, by preference for more hours and gender, 2021 (%)

	RSNOMORE_PGC_ALL_1Y_E315	Main reason not working more hours, of postgraduates (coursework) employed part-time, by preference for more hours and gender, 2021 (%)
	RSNOMORE_PGR_ALL_1Y_E315	Main reason not working more hours, of postgraduates (research) employed part-time, by preference for more hours and gender, 2021 (%)
Table 12	RSOVRQ_UG_ALL_1Y	Main reason for working in job in 2021 that doesn't fully use skills and education, 2021 (%)
	RSOVRQ_PGC_ALL_1Y	Main reason for working in job in 2021 that doesn't fully use skills and education, postgraduate coursework level graduates, 2021 (%)
	RSOVRQ_PGR_ALL_1Y	Main reason for working in job in 2021 that doesn't fully use skills and education, postgraduate research level graduates, 2021 (%)
	RSOVRQ_UG_ALL_1Y_AREA	Undergraduate level graduates reporting occupation does not fully use skills and education, and main reason being no suitable jobs in my area of expertise, by study area, 2021 (%)
	RSOVRQ_PGC_ALL_1Y_AREA	Postgraduate coursework level graduates reporting occupation does not fully use skills and education, and main reason being no suitable jobs in my area of expertise, by study area, 2021 (%)
	RSOVRQ_PGR_ALL_1Y_AREA	Postgraduate research level graduates reporting occupation does not fully use skills and education, and main reason being no suitable jobs in my area of expertise, by study area, 2021 (%)
	SPOQSCL_UG_ALL_1Y	Undergraduate level graduates reporting occupation does not fully use skills or education, 2021 (%)
	SPOQSCL_PG_ALL_1Y	Postgraduate level graduates reporting occupation does not fully use skills or education, 2021 (%)

6.1.8 Further study

This group of tables present the proportion of graduates engaged in further full-time study four to six months after completing their course.

Table 37 Tables associated with graduates undertaking further full-time study

Report table	Sheet name	Table title
Table 13	FURSTUD_UG_ALL_1Y_AREA	Undergraduate graduates in further full-time study, by original field of study (%)
	FURSTUD_PGC_ALL_1Y_AREA	Postgraduate coursework graduates in further full-time study, by original field of study (%)
	FURSTUD_PGR_ALL_1Y_AREA	Postgraduate research graduates in further full-time study, by original field of study (%)
Table 14	FURSTUD_UG_ALL_1Y_FOE	Study area of undergraduate graduates in further full-time study (%)
	FURSTUD_PGC_ALL_1Y_FOE	Study area of postgraduate coursework graduates in further full-time study (%)
	FURSTUD_PGR_ALL_1Y_FOE	Study area of postgraduate research graduates in further full-time study (%)
	FURSTUD_UG_ALL_1Y_DG	Further full-time study status for initial undergraduates, by demographic profile (%)
	FURSTUD_PG_ALL_1Y_DG	Graduates in further full-time study, by initial postgraduate study level, by demographic profile, 2021 (%)

6.1.9 Satisfaction

This group of tables present level of graduate satisfaction with their course. Results can be viewed by study level, institution type and demographic group.

Table 38 Tables associated with graduate satisfaction

Report table	Sheet name	Table title
Figure 03/Table 16	SAT_UG_ALL_2Y	Satisfaction of undergraduate level graduates, 2020 and 2021 (% agreement)
Figure 03	SAT_PGC_ALL_2Y	Satisfaction of postgraduate coursework level graduates, 2020 and 2021 (% agreement)
Figure 04	SAT_PGR_ALL_2Y	Satisfaction of postgraduate research level graduates, 2020 and 2021 (% agreement)
Table 15	SAT_UG_ALL_2Y_AREA	Satisfaction of undergraduate level graduates, by study area, 2020 and 2021 (% agreement)
Table 15	SAT_PGC_ALL_2Y_AREA	Satisfaction of postgraduate coursework level graduates, by study area, 2020 and 2021 (% agreement)
	SAT_PGR_ALL_2Y_AREA	Satisfaction of postgraduate research level graduates, by study area, 2020 and 2021 (% agreement)
	SAT_UG_ALL_1Y_DG	Satisfaction of undergraduate level graduates, by demographic group, 2021 (% agreement)
	SAT_PGC_ALL_1Y_DG	Satisfaction of postgraduate coursework level graduates, by demographic group, 2021 (% agreement)
	SAT_PGR_ALL_1Y_DG	Satisfaction of postgraduate research level graduates, by demographic group, 2021 (% agreement)
	SAT_UG_UNI_2Y_AREA	Satisfaction of undergraduate level graduates, by study area, 2020 and 2021 (% agreement) (Unis only)
	SAT_UG_NUHEI_2Y_AREA	Satisfaction of undergraduate level graduates, by study area, 2020 and 2021 (% agreement) (NUHEIs only)

6.2 Methodological tables

This group of tables relate to the operational and methodological aspects of the GOS including response rates, response characteristics such as student demographics and study area, as well as representativeness of the respondents as compared to the sample population.

For more detailed discussion and analysis of methodology including the sampling design and approach, data collection and processing, data quality, response characteristics, approach to weighting and precision please refer to the 2021 GOS Methodological Report, which is available on the QILT website.

Table 39 Tables associated with key project elements and response rates by institution

Report table	Sheet name	Table title
Table 17	SUMMARY_ALL_ALL_1Y	GOS 2021 Collection Summary
	SUMMARY_ALL_ALL_1Y_1P	GOS 2020 Collection Summary
	SUMMARY_ALL_ALL_1Y_2P	GOS 2019 Collection summary
	SUMMARY_ALL_ALL_1Y_3P	GOS 2018 Collection summary
Table 19	RR_ALL_UNI_1Y	GOS 2021 response rates by institution (universities only), Nov 2020, Feb 2021 and May 2021 collections
Table 20	RR_ALL_NUHEI_1Y	GOS 2021 response rates by institution (NUHEIs only), Nov 2020, Feb 2021 and May 2021 collections
Table 18	RR_UG_ALL_1Y_INST_PERIOD	GOS 2021 undergraduate response rates by institution type, November/Feb 2020/2021 and May 2021 collections

Table 18	RR_PGC_ALL_1Y_INST_PERIOD	GOS 2021 postgraduate (coursework) response rates by institution type, November/Feb 2020/2021 and May 2021 collections
Table 18	RR_PGR_ALL_1Y_INST_PERIOD	GOS 2021 postgraduate (research) response rates by institution type, November/Feb 2020/2021 and May 2021 collections

Table 40 Tables associated with response characteristics and representativeness

Report table	Sheet name	Table title
Table 21	RR_ALL_ALL_1Y_TYPE	GOS 2021 sample and response characteristics, by respondent type
Table 22	RR_ALL_ALL_1Y_AREA	GOS 2021 sample and response characteristics, by study area