



DETERMINATION

Fair Work Act 2009

s.160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

Variation on the Commission’s Own Motion

(AM2023/3)

NURSES AND MIDWIVES (VICTORIA) STATE REFERENCE PUBLIC SECTOR AWARD 2015

[MA000125]

Health and welfare services

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
COMMISSIONER SPENCER

SYDNEY, 10 MARCH 2023

Section 160 of the Fair Work Act 2009 (Cth) – variation on the Commission’s own motion – adjustment of wage-related allowances – variation to clause 14.

A. Further to the decision issued by the Fair Work Commission on 10 March 2023 [[2023] FWCFB 46] the above award is varied as follows:

1. By renumbering clauses 14.1 to 14.8 as 14.2 to 14.9.
2. By inserting a new clause 14.1 as follows:

14.1 Automatic adjustment of wage-related allowances

The amount of each wage-related allowance is the percentage of the standard rate specified for the allowance and will automatically adjust to reflect the specified percentage when the standard rate is varied.

3. By deleting the word “shall” appearing in the renumbered clause 14.9(a) and inserting “will”.
4. By deleting the table appearing in the renumbered clause 14.9(a)(i) and inserting the following:

	\$ per week	% of standard rate
In their second year	10.44	1.09
In their third year	36.42	3.802

	\$ per week	% of standard rate
In their fourth year	66.76	6.969

5. By deleting the table appearing in the renumbered clause 14.9(a)(ii) and inserting the following:

	\$ per week	% of standard rate
In their first year	101.56	10.602
In their second year	131.33	13.71
In their third year	159.91	16.694
In their fourth year	188.35	19.663

6. By deleting the renumbered clause 14.9(b) and inserting the following:

(b) Occasional interpreting

An employee not employed as a full interpreter who is required to perform interpreting duties will receive an additional:

- **\$1.00** on each occasion—the amount of this allowance is **0.104%** of the standard rate and will automatically adjust to reflect this percentage when the standard rate is varied, with;
- a maximum payment of **\$12.50** per week—the amount of this allowance is **1.305%** of the standard rate and will automatically adjust to reflect this percentage when the standard rate is varied.

7. By deleting the renumbered clause 14.9(c).

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

B. This determination comes into operation on 15 March 2023. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 15 March 2023.



PRESIDENT

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