



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)

HEALTH PROFESSIONALS, MEDICAL SCIENTISTS AND SUPPORT SERVICES (VICTORIA) STATE REFERENCE PUBLIC SECTOR

MODERN AWARD 2018

[MA000157]

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 12 and 13.

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 deleting clause 12.2(a)(i) and inserting the following:

(i) For the purpose of determining the ordinary time rate of pay for employees classified in clause 12.2(a), the following amounts shall be added to the prescribed rates:

- After one year's experience: **\$5.77**—this allowance is 0.612% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.
- After two years' experience: **\$11.92**—this allowance is 1.265% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.

2. By deleting clause 12.2(a)(ii) and inserting the following:

(ii) For the purpose of determining the ordinary time rate of pay for employees classified in this clause and who have successfully completed an apprenticeship in any state or territory of Australia or have been issued with a Tradespersons Certificate under the *Industrial Training Act 1975* (Vic), the following amounts shall be added to the prescribed rates:

- After one year's experience: **\$8.37**—this allowance is 0.888% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.
- After two years' experience: **\$15.17**—this allowance is 1.61% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.

3. By deleting clause 12.2(b)(i) and inserting the following:

(i) **Experience payment**

All dental technicians are entitled to experience pay as follows:

- **\$9.73** per week during the second year of experience as a dental technician—this allowance is 1.033% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied; and
- **\$23.33** per week during the third and subsequent years of experience as a licensed dental technician—this allowance is 2.476% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.

4. By deleting clause 12.2(d)(i) and inserting the following:

(i) **Experience payment**

- With the exception of employees classified as dental nurse level I and dental nurse level II, all dental nurses shall be entitled to experience pay of **\$5.94** per week during the second year of experience as a dental nurse—this allowance is 0.63% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied; and
- **\$12.32** per week during the third and subsequent years of experience as a dental nurse—this allowance is 1.308% of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.

5. By renumbering clause 13.1 as 13.2.

6. By inserting a new clause 13.1 as follows:

13.1 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.

7. By renumbering clauses 13.2 to 13.17 as clauses 13.3 to 13.18.
8. By deleting the table appearing in the renumbered clause 13.9(b) and inserting the following:

	Per week \$	% of standard rate
In their second year	8.84	0.938
In their third year	30.69	3.257
In their fourth year	52.90	5.615

9. By deleting the table appearing in the renumbered clause 13.9(c) and inserting the following:

	Per week \$	% of standard rate
In their first year	86.90	9.223
In their second year	110.84	11.764
In their third year	135.02	14.33
In their fourth year	160.24	17.007

10. By updating the 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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