

APPLICATION TO VARY A MODERN AWARD - 2012 REVIEW

Application to vary a modern award (*Fair Work (Transitional Provisions and Consequential Amendments) Act 2009, Part 2 of Schedule 5*)

Applicant

Name:	Australian Veterinary Association		
	Title <i>[if applicable]</i>	Mr [] Mrs [] Ms [] Other []	specify:
Address:	Unit 40, 6 Herbert St		
Suburb:	St Leonards	State: NSW	Postcode: 2067
If the Applicant is a company or organisation:			
Contact person:	Camilla Sproule	ABN:	
Contact details for the Applicant or contact person (if one is specified):			
Telephone:	02 9431 5000	Mobile:	
Fax:		Email:	hr@ava.com.au

Applicant’s representative (if any)

Name:		ABN: <i>[If applicable]</i>
Address:		
Suburb:	State:	Postcode:
Contact person:		
Telephone:	Mobile:	
Fax:	Email:	

1. What is the name of the modern award to which the application relates?

[Also include the Award ID/Code No. of the modern award.]

Animal Care and Veterinary Services Award 2010 – PR514716

2. What variation(s) are sought?

[Set out, or attach a separate schedule the variation(s) sought.]

The variations sought:

Clause 14 – Wages.

Clause 16.1 – On Call Duty.

Clause 16.2 – Broken Shift Allowance (Vet Nurses only).

Clause 19.3 – Professional Development.

Clause 29 – Public Holidays.

3. Grounds:

[Using numbered paragraphs, set out, or attach as a separate schedule, the grounds upon which the Applicant relies in seeking such variation(s) and, an outline of the submissions to be made in relation to each ground and an indication of the evidence and other material upon which the applicant will seek to rely.]

The breakdown of information in relation to the grounds is attached.

Date:	8 March 2012
Signature:	
Name:	Debbie Neutz
Capacity/Position:	National Strategy & Services Manager

The application will be published on the Fair Work Australia website and relevant subscribers notified.

Animal Care & Veterinary Services Award 2010 – Fair Work Australia Review

The Australian Veterinary Association (AVA) is the only national organisation representing veterinarians in Australia. Our 6,300 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, including cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association. Over 80% of our members work in clinical practice, making them parties to this award.

The Australian Veterinary Association conducted a survey of its members to ascertain the impact of the Animal Care & Veterinary Services Award 2010 on veterinary practice operations. Respondents to our survey are members of the AVA and can be veterinary practices owners, practice managers, employed veterinarians or student veterinarians.

Based on feedback from members we concentrated our questions on the following areas:

These are:

- Clause 14 – Wages.
- Clause 16.1 – On Call Duty.
- Clause 16.2 – Broken Shift Allowance (Vet Nurses only).
- Clause 19.3 – Professional Development.
- Clause 29 – Public Holidays.

Clause 14 – Wages

AVA respondents to our survey advised that they feel that award minimums do not accurately reflect what is being paid to veterinary associates, nor is it an appropriate level for veterinary associates across Australia.

Specifically, 72% of respondents advised that all classifications were too low, 27% advised these levels are appropriate and 1% advised that these are too high.

We ask that Fair Work conduct a review of these Award minimums in light of the duration and complexity of study required to become a practicing Veterinarian, as well as relativities across similar disciplines.

Comments from members:

- (Salaries) Need to be lifted with a REALISTIC consideration of current costs of the degree, and living expenses. Many new grads that go within major cities tend to be closer to the award, where costs of living are significantly higher. Add to this repayment costs (HECS, external loans if didn't qualify for HECS, etc), it is a struggle to be a new or recent graduate, often for a long time.
- Elevating the wages to fairly reflect the level of skill required to perform new graduate duties. The wages should be in line with fellow graduates from other professions who require less skill to perform their jobs. For example, entry level high school teachers have a starting salary of \$41,000 after completing a shorter tertiary degree. In addition, their job arguably requires less skill (hence a shorter degree).
- I recommend there to be an increase of approximately 20% to veterinarian wages across the board, so that the starting salary for a new graduate veterinarian be just shy of \$50,000 to reflect the level of professional training that veterinarians undergo and the higher degree of responsibility towards patients that veterinarians hold on a daily basis in practice (as compared to vet nurses, receptionists, etc).
- Given current fee structure in regional veterinary practices these awards are a fair safety net. Increases in wages would have to put up fees to the detriment of all. However veterinary associates are about the worse paid professionals so maybe we need to do something about charging a more realistic fee?

Clause 16.1 – On Call Duty.

In 2009, when the Animal Care & Veterinary Services Award 2010 was created, the On-Call Duty Clause was modified by the AIRC in its last draft with no consultation with any of the parties to this award. None of the parties requested this modification in their submissions.

The change to this Clause has caused a lot of confusion within the profession and may have lead to some veterinarians being paid less for the work they perform while On Call Duty than prior to this award being created.

The preferred option for paying On Call Duty is the way it was handled in the previous Award – Veterinary Surgeons Award 2001.

The AVA recommends the following variation to this clause:

Where a veterinary associate is required to perform active On-call Duty, the amount payable under this clause will be the greater of:

- (a) A percentage of 'professional fee' charged for the work undertaken whilst on-call, based on the following table*
- (b) The veterinary associate's hourly rate at time and a half from the time the veterinary associate leaves home, until they return home.*

83% of member respondents agreed with the above changes to allow practices to be continue to attract veterinary associates to perform On Call Duty for their clients, particularly in regional areas of Australia, where Veterinarians are in short supply.

The following table provides clarity for what 'professional fee' should be paid to the veterinary associate. See below:

	Actual
Consultation	75%
Euthanasia	50%
Reproduction	50%
Dispensing fee	50%
Pathology	50%
Radiology (MRI and CT and Fluoroscopy)	50%
Ultrasound	50%
Endoscope	50%
ECG	50%
Hospitalisation fees	50%
Procedures: <ul style="list-style-type: none">• Bandaging/casting• Eye procedures• Ear procedures• Other procedures	50%

Examination of already hospitalized animal: <ul style="list-style-type: none"> • Nursing care • Intensive care • Respite care 	50%
IV fluids – Metabolic	50%
Surgery procedures/fees	50%
Theatre fees	50%
Sterilisation/Desexing	50%
IV Fluids – TKVO	50%
Anaesthesia	50%
Sedation/tranquilizing	50%
Dental procedures/fees	50%
Travel	50%

Clause 16.2 – Broken Shift Allowance (Other than Veterinary Surgeons).

This clause is currently quite ambiguous and does not clearly explain what 'per shift' means. This lack of clarification impacts how to pay the broken shift allowance. Fair Work Australia have clarified the interpretation on this to mean the allowance is paid per shift of the broken original shift, not per day.

We suggest a variation to the wording of the clause 16.2 to remove any ambiguity.

(c) Broken Shift allowance

*Where an employee is required to carry out their ordinary hours of duty in more than one shift, the employee will be paid 1.60% of the standard rate, per shift so worked.
This is to be paid only once per 24 hour period.*

This variation was supported by 79% of our survey respondents.

Clause 19.3 – Professional Development

The award is ambiguous as to whether the one week's study leave entitlement is paid out as part of an employee's termination pay, and whether this study leave entitlement is cumulative from year to year.

Member respondents advised that:

- A) They do **not** think study leave should be paid out on termination
- B) They **do** think that study leave should be cumulative

We suggest a variation to the wording as follows:

19.3 *To facilitate skill acquisition and career progression, a full-time associate is entitled to one week's paid study leave, at the associate's ordinary rate of pay, for each completed year of service. This leave is cumulative while employed by the same employer, but is not paid out at termination.*

Clause 29 – Public Holidays

This clause is quite ambiguous and seems to have been generated from a myriad of other Awards. We seek review by Fair Work Australia on the whole clause.

Our members struggle to determine their obligations for their employees due to the confusion in part-time arrangements and the differences when Christmas Day falls on a weekend.

It may be simpler to introduce penalty rates for public holidays. This would bring veterinary associates in line with other professionals and Veterinary Nurses within this Award.

Feedback from member respondents was:

- Double time and a half – 52%
- Double time – 30%
- Time and a half – 18%

Further details in relation to this matter can be obtained from the Australian Veterinary Association – 02 9431 5000