



AMENDED SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF  
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/87 – VETERINARY SERVICES AWARD 2010

AWARD MODERNISATION

**AFEI**  
Australian Federation of  
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**  
**AWARD MODERNISATION**

**MATTERS NO. AM2008/87 – INDUSTRIES NOT OTHERWISE**  
**ASSIGNED – ANIMAL CARE AND VETERINARY SERVICES**

1. AFEI has earlier provided written submissions and participated in the Commission's pre-drafting consultations process concerning AM 2008/87.
2. AFEI makes the following submissions concerning the Exposure Draft Veterinary Services Award 2010 ("the Exposure Draft")

**Classifications and wage rates**

3. During the pre-drafting consultations, AFEI had a number of discussions with the Australian Veterinary Association (AVA) and the Veterinary Nurses Council of Australia (VNCA) with a view to reaching an agreed draft award to cover veterinary practices.
4. AFEI filed a further submission on 7 September 2009 with an amended draft award that modified the proposed classification structure to better reflect the arrangements under the current industry training package. The terms of the amended draft award (the AFEI draft award) was supported by both the AVA and VNCA and included a four level classification structure with associated wage rates.
5. The Exposure Draft, however, includes a six level classification structure and has extended the scope of the classification structure to include a veterinary practice manager.

6. AFEI does not oppose the inclusion of a “veterinary practice manager” classification in the coverage of a modern veterinary services award, but submits that the classification structure and wage rates as proposed by AFEI and supported by the parties should be the basis for the classification structure in the modern award as amended to include the extra level for the veterinary practice manager.
7. We note in its Statement of 25 September 2009, the Full Bench at para 17 said:

*“We were advised that a veterinary nurse has a certificate IV qualification and yet there was a proposal that such a person be classified and paid at the certificate III level. On its face this would be inappropriate but there may be a suitable explanation for the proposal.*”
8. AFEI maintains that the rate of \$16.78 is an appropriate safety net rate for a veterinary nurse.
9. We note that the LHMU submitted a late draft award and proposed a lower rate of \$15.23 for a Certified Veterinary Nurse in line with the Veterinary Assistants and Animal Attendants (Victoria) Interim Award (“the Victorian Award”)
10. In its submission filed 24 July 2009, the VNCA submitted that the classification and wage structure of the Queensland Veterinary Practice Employees’ Award – State NAPSA (“the QLD NAPSA”) was the most contemporary and appropriate. The AFEI proposed classification structure is modelled on the QLD NAPSA.

11. We note that the current rate applying to a veterinary nurse (Cert IV) under the Australian Pay and Classification Scale derived from the QLD NAPSA is \$16.93. A Certificate III is entitled to a basic periodic rate of pay of \$15.85. This Award was made having regard to the AQF qualifications and was an agreed position between the AWU Queensland and the AVA. The VNCA have acknowledged their participation in the making of the award from which the QLD NAPSA is derived.
12. As explained at the pre-drafting consultations, a Certificate IV in Veterinary Nursing is the entry qualification for a Veterinary Nurse.
13. As part of the entry requirements into a Certificate IV in Veterinary Nursing, applicant's must meet the five core and three veterinary nursing units of competency that are listed as part of the Certificate II in Animal studies. A Certificate III is not part of the training pathway for a veterinary nurse.
14. AFEI submits that the \$16.78 is the C10 rate from the Federal Metals Award. It is not the rate for a Certificate III qualification and regard must be had for the industry in which the qualification exists.
15. We note that the Cotton Ginning Award 2010, a modern award, provides for a Certificate III qualified employees at a rate less than \$16.78.
16. We urge the Commission to consider the potential for significant increases in costs in the veterinary services industry when setting safety net rates of pay, and in particular we note the potential increases in NSW, VIC, SA and Tasmania
17. According to ABS statistics<sup>1</sup>, NSW (32%), VIC (25.2%) and QLD (20.6%) account for 77.8% of all veterinary practices in Australia.

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<sup>1</sup> ABS Statistics (Cat No. 8564.0), June 2001

18. Even based on a rate of \$16.78 for a *veterinary nurse*, the increase in cost for a veterinary practice will be significant. Details of these increases are provided in the table below:

	<b>Classification</b>	<b>Current rate</b>	<b>Increase</b>
<b>NSW</b>	General Nurse (in transition)	\$14.31	17.2%
	Animal Nurse	\$14.37	16.8%
<b>VIC</b>	Certified Animal Nurse	\$15.23	10.2%
<b>Tasmania</b>	Vet Nurse Year 1	\$14.31	17.2%
	Vet Nurse Year 2	\$14.53	15.5%
	Vet Nurse Year 3	\$15.00	11.9%
<b>South Australia</b>	Vet Nurse*	\$14.31	17.2%

*\*Note: Based on "award free" status*

19. AFEI therefore proposes that the Exposure Draft be amended as follows:
- Delete the classification "Level 6" and associated rates of pay in clause 14.2;
  - Insert classification definitions under subparagraph B.3 of Schedule B in accordance with Annexure A.

### **Shift Work**

20. We note that the Commission has included the shift work provisions from the Victorian Award in the Exposure Draft.
21. These penalty rates are significantly higher than the provisions in all other states and territories. A comparison of the shift work arrangements is provided in the table below:

	<b>VIC</b> <b>AP811336CRV</b>  <b>(as per Exposure Draft)</b>	<b>NSW</b> <b>AN120019</b>	<b>Qld</b> <b>AN140313</b>	<b>WA</b> <b>AN160012</b>
<b>Afternoon shift</b>	15%	15%	12.5%	5%
<b>Night shift</b>	30%	N/A	15%	10%

22. The Qld NAPSA represents a compromise position between the different shift work arrangements that currently apply. This was the basis of the shift penalties applied in the AFEI draft award.
23. Therefore, we submit that the penalty rates provided in the AFEI draft award, and agreed between the major parties should be adopted in the modern award.

### **Veterinary Surgeons - Active on call duty**

24. AFEI proposes that clause 16.1(b)(i) of the Exposure Draft, which deals with the payment of an associate when performing active on call duty be amended to reflect the terms of the current Veterinary Surgeons Award 2001 (and as proposed in the AFEI draft award) as follows:

*(i) Should an associate perform active on call duty, the amount payable under this clause will be increased to at least 50% of the professional fee charged for the work undertaken whilst On-Call. "Professional fee" includes at least the total fee charged for consultations.*

### **Transition**

25. AFEI notes that the model phasing schedule has been included in the Exposure Draft and we support the continued inclusion of this clause based on the increased costs identified earlier in this submission
26. In addition to the increase in minimum wages and shift penalties, we note the increase in casual loading in all affected award-based transitional instruments.

27. AFEI submits that consideration should be given to the impact of the modern award on employers of veterinary surgeons previously not bound by the Pre-reform Veterinary Surgeons Award. These employers have been previously award free and subject only to the Australian Fair Pay and Conditions Standard and other legislated minimum entitlements. As such, they were able to enter into contractual arrangements that may have 'packaged' entitlements otherwise provided under an award without the need to have those entitlements separately identified.
28. AFEI submits that the following provisions of the Exposure Draft be deferred for the full five year transition period for the above mentioned employers:
- a. clause 16.1; and
  - b. clause 19.3 – Paid study leave
29. AFEI proposes the following changes to the Exposure Draft to give effect to this deferral:
- Insert a new subparagraph (d) to existing clause 16.1 as follows:
    - (d) *Transitional provisions***
      - (i)** *The provisions of subclauses 16.1(a), (b) and (c) will not apply to an employer who immediately prior to 1 January 2010 was:*
        - *not a respondent to the Veterinary Surgeons Award 2001 (AP808971CAV) or*
        - *an employer in the Australia Capital Territory or Victoria.*
      - (ii)** This subclause ceases to apply on 31 December 2014

- Insert a new subparagraph 19.8 to existing clause 19 as follows:

**19.8 Transitional provisions**

*(i) The provisions of subclauses 19.3 will not apply to an employer who immediately prior to 1 January 2010 was:*

- *not a respondent to the Veterinary Surgeons Award 2001 (AP808971CAV) or*
- *an employer in the Australia Capital Territory or Victoria.*

*(ii) This subclause ceases to apply on 31 December 2014*

**16 October 2009**

**A.1 Other than Veterinary Surgeons**

**Level 1 (Introductory)**

An employee who has had no experience in this industry shall initially be engaged at the introductory level until the employee has performed satisfactory service for a period not exceeding 3 months. During this period the employer will provide on the job training to assist the employee to gain the appropriate skills. If the employee attains the level of skill required, the employee shall progress to Level 2.

**Level 2**

Employees at this level will perform routine tasks involving adherence to determined procedures and with only minimal scope for deviation from these procedures.

*Level of Responsibility Skills and Knowledge*

An employee at this Level will:

- (a) work under direct supervision with regular close checking of their work;
- (b) develop and then apply their knowledge and skills to a limited range of tasks and roles;
- (c) work within a specified range of contexts where the choice of action is clear and restricted;
- (d) normally develop and then use their competencies within established routines, where methods and procedures are predictable.

*Indicative Tasks*

Typical activities at this level may include:

- (a) assists other employees in their duties;
- (b) appropriate induction to the industry and the routines of the practice;
- (c) basic animal care;
- (d) grooming, feeding, cleaning and restraint as instructed.
- (e) basic reception duties and telephone skills under veterinary supervision;

### **Level 3**

A Level 3 employee will possess the competencies, of AQF Level 2 (Certificate II in Animal Studies) from the Animal Care and Management Training Package (RUV04) or other equivalent qualification. The attainment of these competencies by an individual employee will be determined through a formal assessment process carried out through a Registered Training Organisation.

#### *Level of Responsibility Skills and Knowledge*

An employee at this Level will:

- (a) work under direct supervision with routine checking of their work;
- (b) develop and then apply their knowledge and skills to a limited range of tasks and roles;
- (c) work within a specified range of contexts where the choice of action is clear and restricted;
- (d) normally use their competencies within established routines, where methods and procedures are predictable;
- (e) exercise discretion and judgment against established criteria.

#### *Indicative Tasks*

In addition those outlined in Level 2:

#### Roles and Expectations

- (a) follow OHS procedures in an animal care environment
- (b) assist with general animal care; provide food and water for animals
- (c) participate in workplace communications
- (d) carry out reception duties under reduced supervision;
- (e) supervise introductory Level 1 or Level 2 employees;
- (f) carry out clinic routines; maintain clinic hygiene, carry out daily treatment of patients,
- (g) assist in stock control and clinic security;
- (h) prepare animals for surgery, under direction
- (i) prepare theatre or surgical operating area for use
- (j) provide pre and post-operative animal care
- (k) Clean theatre equipment

## **Level 4**

A Level 4 employee will possess an AQF Level 4 (Certificate IV in Veterinary Nursing) from the Animal Care and Management Training Package (RUV04) or other equivalent qualification. The attainment of these competencies by an individual employee will be determined through a formal assessment process carried out through a Registered Training Organisation.

### *Level of Responsibility Skills and Knowledge*

An employee at this Level will:

- (a) have the ability to conduct the clinic or surgery support operation when required;
- (b) normally use their competencies within established routines, where methods and procedures are predictable;
- (c) exercise discretion and judgment against established criteria.

### *Indicative Tasks*

In addition to those outlined in Level 3:

- (a) Coordinate clinic admissions
- (b) Provide veterinary nursing care and grief support to clients
- (c) Apply radiographic routines and implement procedures
- (d) Perform and record pathology procedures, assist with post mortem
- (e) Maintain supplies, process and prepare correspondence and accounts
- (f) Prepare and provide support for surgical procedures
- (g) Monitor patient anaesthesia
- (h) Perform post-operative procedures
- (i) Nurse hospitalised animals, monitor clinical signs, communicate with owners,
- (j) Provide animal care in pain situations.
- (k) Carry out medical nursing routines
- (l) Prepare surgery schedules, implement surgery preparations
- (m) Clean maintain and store theatre instruments, equipment and supplies
- (n) Carry out post operative theatre routines

## **Level 5 – Practice Manager**

A level 5 employee will have the overall responsibility of managing the day to day operations of the veterinary practice. The possession of relevant post secondary qualifications may be appropriate but are not essential.

Employees at this level are subject to broad guidance or direction and are responsible and accountable for their own work.

### *Level of Responsibility Skills and Knowledge*

An employee at this Level will:

- (a) exercise skills, discretion and responsibilities beyond that required at Level 4;

### *Indicative Tasks*

In addition to those outlined in Level 4:

- (a) oversee human resources, stock control, clinical administration, bookkeeping and customer management.
- (b) be responsible and accountable for their own work and may have delegated responsibility for the work under their control or supervision, including, scheduling workloads, resolving operations problems, monitoring the quality of work produced and counselling staff for performance and work related matters.
- (c) report to management regarding accounts, staffing, legislative requirements and/or other company activities