

**HEALTH EMPLOYEES' TECHNICAL (STATE) AWARD 2023**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Ministry of Health.

(Case No. 213176 of 2023)

Before Chief Commissioner Constant

17 August 2023

**AWARD****PART A****Arrangement**

Clause No.	Subject Matter
1.	Definitions
2.	Salaries
3.	Exemptions
4.	Conditions of Service
5.	Disputes Resolution
6.	Anti-Discrimination
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**PART B - MONETARY RATES**

Table 1 - Salaries

**PART A****1. Definitions**

Unless the context otherwise indicates or requires the several expressions hereunder defined shall have their respective meaning assigned to them:

"Chief Medical Photographer" means a medical photographer who has been appointed as Chief Medical Photographer in a Medical Photography Department of a hospital.

"Dialysis Technician" means a person employed as such who has the Industrial Electronics Certificate of the Department of Technical and Further Education or such other certificate or course of training as, in the opinion of the employer, is deemed appropriate.

"Electronics Technician" means a person employed as such who is the possessor of an Electronics and Communications Certificate of the Department of Technical and Further Education, or who has qualifications and/or experience deemed by the employing hospital to be equivalent and the major portion of whose duties include the construction, adaptation, alteration, repair and/or maintenance of electronic equipment.

"Employer" means the Secretary of the Ministry of Health exercising the employer functions on behalf of the Government of New South Wales.

"Health Service" means a Local Health District constituted under section 8 of the *Health Services Act 1997*, a Statutory Health Corporation constituted under section 11 of that Act, and an Affiliated Health Organisation constituted under section 13 of that Act, as amended or varied from time to time

"Hospital" means a public hospital as defined in section 15 of the *Health Services Act 1997*, as amended or varied from time to time.

"Medical Photographer" means a person who is employed as such and who has satisfactorily completed the course in photography conducted by the Department of Technical and Further Education or who possesses such other qualifications as deemed by the employer to be appropriate and whose duties include taking, processing and recording all types of clinical photographs needed for research, teaching, treatment, and/or medical illustration.

"Perfusionist - Grade 1 (Trainee Perfusionist)" means a person appointed as such who holds, or is qualified to hold, an appropriate tertiary qualification (Bachelor of Science, Bachelor of Applied Science or equivalent qualification) and who is training in perfusion.

"Perfusionist - Grade 2 (Certified Perfusionist)" means a person who has obtained the qualification of Certification in Perfusion of the Australasian Board of Cardiovascular Perfusion or having qualifications deemed by the employer to be equivalent, who is capable of performing perfusion duties of a complex nature including research and development tasks.

"Perfusionist - Grade 3 (In-Charge Perfusionist)" means a person who complies with all duties of a Trained Certified Perfusionist but in addition manages the everyday operation of the department in conjunction with a medical officer.

"Perfusionist - Grade 4 (Director of Perfusion Services)" means a person appointed as such who is the most senior Perfusionist within the Hospital and who is solely responsible for the direction and supervision of other Perfusionists within the Hospital. Director of Perfusion services is expected to exercise organisational, supervisory and management skills, mature technical and clinical knowledge, judgement as it relates to the operation and testing of equipment, to continue to develop expertise with advances in the relevant body of technical and clinical knowledge and to seek and utilise other specialist advice when required to.

"Senior Dialysis Technician" means a technician who has been appointed Senior Dialysis Technician in the area of dialysis.

"Senior Electronics Technician" means an electronics technician appointed to a position approved as such by the employer.

"Senior Technical Officer" means a person appointed to a position approved as such by the employer.

"Sole Electronics Technician" means an electronics technician appointed as such.

"Technical Officer" means a person appointed as such who is the holder of the Biological Technicians Certificate, the Chemistry Certificate, the Nuclear Medicine Technician's Certificate, the Pathology Technicians Certificate, the Pathology Technicians Higher Certificate, the Associate Diploma of Health Sciences (Pathology Techniques) of the Department of Technical and Further Education, the Associate Diploma in Medical Technology awarded by the Riverina CAE or the Associate Diploma in Medical Laboratory Science awarded by the Charles Sturt University or such other certificate or course of training as, in the opinion of the employer, is appropriate.

"Trainee Medical Photographer" means a person appointed as such who is undertaking the certificate course in photography conducted by the Department of Technical and Further Education.

"Union" means the Health Services Union NSW.

## **2. Salaries**

Full time Technical employees shall be paid the salaries as set out in Table 1 of Part B - Monetary Rates of this Award.

## **3. Exemptions**

This Award shall not apply to:

- (a) Members, novices or aspirants of religious orders in public hospitals, the names of whom are included or hereafter shall be included in the Third Schedule to the *Health Services Act 1997*.
- (b) Employees of Stewart House Preventorium.

#### **4. Conditions of Service**

The Health Employees Conditions of Employment (State) Award 2022, as varied or replaced from time to time, shall apply to all persons covered by this Award.

In addition, the Health Industry Status of Employment (State) Award 2022 as varied or replaced from time to time, shall also apply to relevant employees.

#### **5. Dispute Resolution**

The dispute resolution procedures contained in the Health Employees Conditions of Employment (State) Award 2022, as varied or replaced from time to time, shall apply.

#### **6. Anti-Discrimination**

- (i) It is the intention of the parties bound by this Award to seek to achieve the object in section 3(f) of the *Industrial Relations Act 1996* to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, and responsibilities as a carer.
- (ii) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by this Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this Award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfillment of these obligations for the parties to make application to vary any provision of the Award which, by its terms or operation, has a direct or indirect discriminatory effect.
- (iii) Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- (iv) Nothing in this clause is to be taken to affect:
  - (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
  - (b) offering or providing junior rates of pay to persons under 21 years of age;
  - (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
  - (d) a party to this Award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- (v) This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.

NOTES -

- (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.
- (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:

"Nothing in this Act affects ... any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

### 7. No Extra Claims

Other than as provided for in the *Industrial Relations Act 1996* and the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (or its successor however described), there shall be no further claims/demands or proceedings instituted before the Industrial Relations Commission of New South Wales for extra or reduced wages, salaries, rates of pay, allowances or conditions of employment with respect to the employees covered by the Award that take effect prior to 30 June 2024 by a party to this Award.

### 8. Area, Incidence and Duration

- (i) This Award takes effect from 1 July 2023 and shall remain in force for a period of one year. The rates in the second column in Table 1 of Part B - Monetary Rates, will apply from the first full pay period on or after (ffppoa) 1 July 2023.
- (ii) This Award rescinds and replaces the Health Employees Technical (State) Award 2022 as published 4 November 2022 (393 I.G. 100) and all variations thereof.
- (iii) This Award shall apply to persons employed in classifications contained herein employed in the New South Wales Health Service under section 115(1) of the *Health Services Act 1997*, or their successors, assignees or transmittes, excluding the County of Yancowinna.

## PART B

### MONETARY RATES

**Table 1 - Monetary Rates**

In the period 1 July 2023 to the commencement of the first full pay period on or after 1 July 2023, the applicable rates of pay are those that applied immediately prior to the first full pay period on or after 1 July 2023.

Classification	Rate from ffppoa 01/07/2023 Per week \$
<b>Electronics Technician</b>	
<b>Technician</b>	
1st Year of Service	1,555.13
2nd Year of Service	1,606.95
3rd Year of Service	1,658.89
4th Year of Service	1,759.09
<b>Sole</b>	
1st Year of Service and Thereafter	1,841.66
<b>Senior</b>	
1st Year of Service	1,870.44
2nd Year of Service	1,898.99
<b>Perfusionist</b>	
<b>Grade 1</b>	
1st Year	1,881.14
2nd Year	1,939.67
<b>Grade 2</b>	
1st Year	2,081.47
2nd Year	2,148.70
3rd Year	2,206.72

4th Year	2,441.09
5th Year	2,507.14
6th Year	2,589.91
7th Year	2,666.66
8th Year	2,732.03
<b>Grade 3</b>	
1st Year	2,922.20
2nd Year	2,993.44
<b>Grade 4</b>	
1st Year	3,072.25
2nd Year	3,143.81
<b>Visual Aids Officer</b>	
<b>Trainee</b>	
1st Year of Training	724.53
2nd Year of Training	806.56
3rd Year of Training	875.34
4th Year of Training	953.06
5th Year of Training	1,041.05
<b>General Scale</b>	
1st Year	1,157.02
2nd Year	1,213.92
3rd Year	1,271.90
4th Year	1,299.03
5th Year	1,328.15
<b>Grade 1</b>	
Medical Artists, RPA, RNSH (in charge Westmead) (2nd in charge POW)	1,450.38
<b>Grade 2</b>	
Sole Medical Photographer (St. George & Gosford)	1,508.17
<b>Grade 3</b>	
Chief Medical Photographer - specific hospitals	1,675.20
<b>Grade 4</b>	
Co-ordinator, Audio Visual Services – Royal North Shore Hospital	1,736.05
<b>Director of Audio Visual Services</b>	
Royal Prince Alfred and Westmead	2,009.58
<b>Technical Officer</b>	
<b>Trainee</b>	
1st Year of Training	720.55
2nd Year of Training	799.17
3rd Year of Training	895.08
4th Year of Training	978.87
<b>Grade 1</b>	
1st Year	1,221.31
2nd Year	1,249.21
3rd Year	1,275.76
4th Year	1,304.66
5th Year	1,331.43
6th Year	1,379.30
7th Year	1,421.85
8th Year	1,459.45
<b>Grade 2</b>	
1st Year	1,555.13
2nd Year	1,606.83
3rd Year	1,658.89
4th Year	1,759.09
<b>Senior</b>	
1st Year	1,841.66
2nd Year	1,870.44
3rd Year	1,898.99

<b>Dialysis Technician</b>	
<b>Technician</b>	
1st Year	1,449.95
Thereafter	1,492.17
<b>Senior</b>	
Grade 1 (Sole Technician)	1,536.06
Grade 2	1,586.12

N. CONSTANT, *Chief Commissioner*

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