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IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.1135 of 1988

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY NOMINATED PUBLIC SECTOR AWARDS IN LINE WITH THE NATIONAL WAGE CASE DECISION OF 5 FEBRUARY 1988

AND

T.1136 of 1988

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL TO VARY PUBLIC AND PRIVATE SECTOR AWARDS AND AGREEMENTS IN LINE WITH THE NATIONAL WAGE CASE DECISION OF 5 FEBRUARY 1988

ORDER BY CONSENT -

No. 1 of 1988
(Consolidated)

AMEND THE **MEDICAL PRACTITIONERS (PUBLIC SECTOR) AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERT IN LIEU THEREOF THE FOLLOWING:

S099

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1. TITLE

This award shall be known as the "Medical Practitioners (Public Sector) Award".

2. SCOPE

Subject to the exceptions and conditions contained herein, this award shall apply to all persons employed under the provisions of either:

(a) the Public Service Act 1973 in the Public Service of the State;

(b) the Mental Health Services Act 1967, in the Mental Health Service; or

(c) the Hospitals Act 1918 in public hospitals,

who, being employees within the meaning of Part V of the Public Service Act 1973, and being a Medical Practitioner classified in accordance with this award.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall come into operation as from the beginning of the first pay period to commence on or after 5 February 1988.

Provided that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the National Wage Case flow-on of 1987) that the unions undertake that for the period of the package they will not pursue any claims, award or overaward, except where consistent with the National Wage Case Principles.

5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes the Medical Practitioners Award No. 2 1987 (Consolidated).

Provided further, that no right obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

Provided further, that the provisions of the Public Service Act and the Regulations made thereunder; the Mental Health Services Act 1967 and the Regulations made thereunder; and the respective By-laws and Standing Orders of the relevant public hospitals at which they are respectively employed and the conditions of service prescribed by the Department of Health Services with the approval of the Minister for Health shall continue try apply to officers or classes of officer to whom and to which respectively this award applies where such Acts, Regulations, By-laws, Standing Orders and conditions are applicable, save insofar as the salaries to be received by, and the conditions of appointment and service of such officers or classes of officer are inconsistent with the provisions of this award.

6. PARTIES AND PERSONS BOUND

Unless otherwise specified, this award shall have application to and be binding upon:

(a) the Tasmanian Salaried Medical Practitioners Society and the Officers of that organisation and their members for whom classifications appear in this award;

(b) the Tasmanian Public Service Association and the Officers of that organisation and their members for whom classifications appear in this award;

(c) the Public Service Board of Tasmania in relation to all officers (as defined) for whom classifications appear in this award whether members of a registered organisation or not;

(d) the Director General of Health Services in relation to all officers (as defined) for whom classifications appear in this award whether members of a registered organisation or not;

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(e) the Mental Health Services Commission in relation to all officers (as defined) for whom classifications appear in this award whether members of a registered organisation or not;.

(f) the Tasmanian Trades and Labor Council.

7. DEFINITIONS

In this award, unless the contrary intention appears:

'District Medical Officer' means a medical practitioner appointed as such in the District Medical Services of the Department of Health Services.

'Experience in a Speciality' means practical experience in that speciality gained before or after the appropriate higher qualification or senior qualification is obtained.

'General Hospital' means a public hospital gazetted as a general hospital under Section 32 of the Hospitals Act 1918.

'Higher Qualification' means such qualification, applicable to the speciality concerned, obtained by a medical practitioner subsequent to graduation and which is recognised by the National Specialist Qualification Advisory Committee to be a higher qualification.

'Hourly Rate' for the purposes of calculating penalty payments to be made to appropriate officers, shall be ascertained by dividing the officer's weekly rate by 48.

'Medical Practitioner' means a person duly registered as such under the provisions of the Medical Act 1959, AND shall include a person holding Limited or Provisional Registration under that Act.

'Officer' means an employee as defined by Part V of the Public Service Act 1973, who being a medical practitioner is classified in accordance with this award.

'Post Graduate Experience' means full-time experience in the practice of medicine gained by a person subsequent to graduation from a faculty of medicine.

'Public Hospital' means a public hospital within the meaning of Part II of the Hospitals Act 1918, and for the purposes of this award shall include the Eastern Shore Community Health Service, the Queen Alexandra Maternity Hospital, the Queen Victoria Maternity Hospital, the Peacock Convalescent Hospital, the Royal Derwent Hospital, the John Edis Hospital, the St. John's Park Hospital and any annexes, branches or divisions attached thereto;

'Registrar' means a medical practitioner appointed as such at an accredited teaching hospital, who has had two years practical experience as a Resident Medical Officer, and who is undertaking a course of study leading to a higher qualification.

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'Resident Medical Officer' means a medical practitioner appointed as such at an approved public hospital.

'Senior Qualification' means a qualification, appropriate to the speciality concerned, obtained by a medical practitioner subsequent to graduation and which is recognised by the National Specialist Qualification Advisory Committee as a senior qualification.

'Specialist Medical Practitioner' means a medical practitioner appointed as such who holds a higher qualification or a senior qualification appropriate to the speciality in which he is employed.

No person shall be eligible to hold a position classified or graded within a class or grade prescribed by this award unless he fulfils the following minimum requirements:

MEDICAL PRACTITIONER

Class I - is a medical practitioner as defined in this award, and has had at least one year post graduate experience in the practice of medicine.

Class II - is a medical practitioner and has had at least five years post graduate experience in the practice of medicine.

Class III - Grade 1 and 2 - is a medical practitioner, and has had at least nine years post-graduate experience in the practice of medicine and either -

(i) holds a higher qualification appropriate to his speciality, and has had at least two years practical experience in that speciality; or

(ii) has had at least three years practical experience in the practice of medicine in the appropriate field within which he seeks appointment.

Class III - Grade 3 and Class IV, Grade 1 - is a medical practitioner, and has had at least nine years postgraduate experience in the practice of medicine, holds a higher qualification appropriate to his speciality, and has had either -

(i) at least five years practical experience in that speciality; or

(ii) at least five years practical experience in medical or hospital administration.

Class IV - Grade 2 and 3 - is a medical practitioner, and has had at least nine years post-graduate experience in the practice of medicine, holds a senior qualification appropriate to his speciality, and has had either -

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(i) at least five years practical experience in that speciality; or

(ii) at least five years practical experience in medical or hospital administration.

Class V - is a medical practitioner, and has had at least eleven years post-graduate experience in the practice of medicine, holds a senior qualification appropriate to his speciality, and has had at least eight years practical experience in that speciality subsequent to obtaining such senior qualification.

SPECIALIST MEDICAL PRACTITIONER

Class I - is a medical practitioner, and has had at least six years Post-Graduate experience in the practice of medicine, holds a higher qualification appropriate to his speciality, and has had at least two years practical experience in that speciality.

Class II - is a medical practitioner and has had at least nine years post-graduate experience in the practice of medicine, holds a senior qualification appropriate to his speciality, and has had at least five years practical experience in that speciality.

Class III - is a medical practitioner, and has had at least eleven years post-graduate experience in the practice of medicine, holds a senior qualification, and has had at least eight years practical experience in that speciality subsequent to gaining such senior qualification.

DEPUTY SUPERINTENDENT - General Hospital - is a medical practitioner, and has had at least four years post-graduate experience in the practice of medicine.

SUPERINTENDENT - General Hospital - is a medical practitioner, and has had at least nine years.post-graduate experience in the practice of medicine, and either

(i) holds a diploma in Hospital Administration; or

(ii) has had at least five years practical experience in hospital administration.

DISTRICT MEDICAL OFFICER - is a medical practitioner, and has had at least two years post-graduate experience in the practice of medicine.

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8. SALARIES

An officer classified or graded within a Class or Grade prescribed by this award shall, subject to satisfying the prescribed requirements, be paid at the salary rate determined for the relevant classification, as hereinafter set forth.

		Salary per annum $
(1)	Resident Medical Officer	
	First year	31899
	Second year	34065
	Third year	35232
(2)	Registrar	
	First year	38222
	Second year	41351
	Third year	42568
	Fourth year	44105
(3)	Medical Practitioner	
	Class I	
	Grade 1	
	First year of service	34231
	Second year of service	36055
	Grade 2	37876
	Grade 3	39499
	Class II	
	Grade 1	41668
	Grade 2	43497
	Grade 3	45327
	Grade 4	47158
	Class III	
	Grade 1	50388
	Grade 2	52589
	Grade 3	54799

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Class IV

Grade 1	56653
Grade 2	59454
Grade 3	62245

Class V

Grade 1	65834
Grade 2	67579
Grade 3	69316

PROVIDED that a Medical Practitioner shall not be either appointed to a position classified above or progress in a position beyond the following classification levels:

(i) in a public hospital - Class III Grade 3

(ii) in a District Medical Service - Class II Grade 1

(iii) in the Mental Health Service - Class IV Grade 3

(4) Deputy Superintendent (General Hospital)

Grade 1	45739
Grade 2	47357
Grade 3	54323

(5) Superintendent (General Hospital)

Grade 1	57530
Grade 2	63256
Grade 3	65603

PROVIDED ALWAYS that Grade 3 of this classification shall apply only to the principal teaching hospital.

(6) Specialist

Class I

Grade 1	49656
Grade 2	52066
Grade 3	54071
Grade 4	56097

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Class II	
Grade 1	58013
Grade 2	60867
Grade 3	63716
Class III	67398

9. ALLOWANCES

(a) General

In addition to the salary rates prescribed in Clause 8 hereof:

(a) A Resident Medical Officer or Registrar who holds one or other of the undermentioned qualifications shall be paid an allowance not exceeding:-

Higher qualification or Part 1 of a Senior Qualification: $1167 per annum as the controlling authority may in each case determine.

Senior Qualification: $2924 per annum as the controlling authority may in each case determine.

(b) A Medical Practitioner Class I or a Medical Practitioner Class II who holds either a higher qualification or Part 1 of a Senior Qualification appropriate to the normal duties of his position shall be paid an allowance up to $1167 per annum as the controlling authority may in each case determine.

(c) An officer, other than a Deputy or General Superintendent who is appointed as a Director of Specialist in Charge or Head of a Department or Service in a General Hospital, or in the Royal Derwent Hospital, shall be paid an allowance not exceeding $2924 per annum as the controlling authority may in each case determine.

(d) Resident Medical Officers and Registrars may on the determination of the controlling authority continue to be paid allowances up to the following limits:-

In the case of Resident Medical Officers employed at - North -Western and Mersey General Hospital - up to $2329 per annum;

Royal Hobart Hospital and Launceston General Hospital - up to $1293 per annum;

Registrars employed at a General Hospital - up to $1293 per annum.

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(b) Higher and Extra Duty

In addition to the salary rates prescribed by Clause 8 hereof, an officer employed in a public hospital, in the Specialist-Medical Service or in the District Medical Service, who:

(i) is appointed or assigned temporarily to a position of a higher class than the position held by him at the time of such appointment or assignment, and performs the full duties of such position for a period exceeding ten working days, may on the determination of the controlling authority, be paid in respect of the whole of such period an allowance at the rate of the difference between his salary and the minimum salary prescribed for such higher position.

PROVIDED that working days shall be deemed to include weekends and public holidays if the officer is required to be on duty or be on call on such days

(ii) is temporarily required to perform duties which are additional to, or of a more responsible character than, the ordinary duties of his office, may, on the determination of the controlling authority, be paid such additional remuneration as is considered appropriate in the circumstances.

10. CALL BACK

(a) An officer (other than a Medical Practitioner, a Specialist Medical Practitioner, a Deputy General Superintendent or a General Superintendent) who is recalled to work outside the normal spread of hours may be paid for the actual time worked, including time. reasonably spent in travelling to and from work, at the following rates:-

(i) If recalled on week days outside the prescribed spread of hours in subclause 12(b) - at the rate of time and one quarter;

(ii) If recalled on Saturday or Sunday - at the rate of time and one half;

(iii) If recalled on a Public Holiday -

(a) within the prescribed spread of hours in subclause 12(b) - at the rate of time and one quarter;

(b) outside the prescribed spread of hours in subclause 12(b) - a the rate of double time and one half.

(b) An officer (other than in (a) above) who is recalled to work after leaving his place of work, outside his ordinary hours of duty, may be paid for actual time worked including time reasonably spent in travelling to and returning from work at the following rates:

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(i) After the completion of ordinary' hours up to 12 midnight Monday to Friday 3t the normal hourly base rate plus 50%.

(ii) From 12 midnight up to the commencement of ordinary hours Monday to Friday at the normal hourly base rate plus 100%; provided that a recall to duty prior to the ordinary commencing time, which continues into ordinary hours, shall be paid at the normal hourly base rate plus 100% until the normal commencement time at which time payment shall revert to the normal hourly base rate.

(iii) On weekends and public holidays at the normal hourly base rate plus 100%.

All payments under this subclause shall be calculated to the next half hour with a minimum payment of one hour.

11. CONDITIONS OF SERVICE

Except where otherwise specifically determined by this award, the conditions of service of officers other than those provisions relating to shift, remote call, close call, call back and overtime shall be as follows:

(i) for officers appointed under the provisions of the Public Service Act 1973 - in accordance with the provisions of the General Conditions of Service Award;

(ii) for officers appointed under the provisions of the Hospitals Act 1918 - in accordance with the provisions of the by-laws and relevant standing orders of the respective public hospitals in which they are employed;

(iii) for officers in the Specialist Medical Service and the District Medical Service of the Department of Health Services - in accordance with the provisions at present prescribed by the Director-General of Health Services, and approved by the Minister for Health;

(iv) for officers appointed under the provisions of the Mental Health Services Act 1967 - in accordance with the provisions of the General Conditions of Service Award.

12. HOURS OF WORK

A. GENERALLY

Subject to the exceptions hereinafter provided the ordinary hours of work shall be as determined by the controlling authority with the prior approval' of the Tasmanian Industrial Commission, but in any case shall not be less than 36 & 3/4 hours per week, nor more than 48 hours per week, to be worked in five days, Monday to Friday, inclusive between the hours of 7.00am to 7.00pm.

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A Resident Medical Officer, Registrar or such other medical practitioner approved by the controlling authority whose ordinary weekly hours are 40 or more, and who is rostered outside the hours of 7.00am to 7.00pm shall be paid for such work at the rate of time and one, quarter. Work outside the prescribed spread of hours shall be deemed to be part of his weekly hours if in that week his rostered ordinary hours of work during the prescribed spread are less than the weekly minimum.

B. RESIDENT MEDICAL OFFICERS AND REGISTRARS

1. The ordinary hours of work for Resident Medical Officers and Registrars employed as such in public hospitals and such other hospitals as may be prescribed, shall be 48 per week to be worked Monday to Friday, according to roster, in periods of not more than 10 hours inclusive of a meal break of customary duration. Provided that working time shall include "passive" time spent in a hospital while on call.

All time worked in excess of the prescribed weekly minimum or outside the appropriate spread, shall be paid for as follows:

(a) For excess hours or time worked outside the prescribed spread on weekdays - at the rate of time and one quarter;

(b) For all time worked on Saturday or Sunday - at the rate of time and one half;

(c) For time worked on a public holiday -

(i) within the prescribed spread - at the rate of time and one half;

(ii) outside the prescribed spread - at the rate of double time and one half.

Where an officer is rostered for duty which commences before midnight on a day preceding a public holiday and his tour of duty extends into such holiday and forms the major portion of his rostered duty, the time worked before midnight shall be regarded as time worked on that holiday.

2. Penalty payments are not cumulative and where more than one penalty payment is attracted, payment shall be as for the higher penalty only.

C. OFFICERS OTHER THAN RESIDENT MEDICAL OFFICERS AHD REGISTRARS

The ordinary hours of work for officers other than Resident Medical Officers and Registrars shall be:

(i) in the case of officers employed under the provisions of the Public Service Act 1973, or the Mental Health Services Act 1967 - not less than 36 & 3/4 hours per week nor more than 40 hours per week;

(ii) in the case of officers other than in (i) above - 40 hours per week;

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to be worked Monday to Friday inclusive within the spread of 7.00am to 7.00pm in periods of not more than 8 hours exclusive of a meal break of customary duration.

PROVIDED ALWAYS in Public Hospitals. (excluding those under the control of the Public Service Board or the Mental Health Services Commission) that the daily hours of work, within the spread may be altered by mutual. agreement between the controlling authority and the employee concerned but not so as to require any employee to work in excess of 9 ordinary hours in any one day and not less than nor more than 160 hours in any two consecutive fortnightly periods.

D. DUTY ROSTER

Each Resident Medical Officer and Registrar shall work in accordance with a duty roster to be drawn up at least four weeks in advance. Such roster shall indicate the days and the times which the officer shall work, his ordinary weekly hours and may include rostered overtime. The roster cycle shall be as mutually agreed between the controlling authority and the service organisations, but such cycle shall, in any case, repeat each four weeks.

E. SECOND MEAL

An officer, who is rostered to work excess hours on a weekday, and .such hours but for the intervention of a meal would be continuous with the ordinary daily hours, shall be entitled to count up to 30 minutes (or such lesser period as is actually observed) of the meal break as time worked, if the actual hours worked in that week are less than 60.

F. REST PERIOD

Officers required to work outside the normal spread of hours shall, so far as practicable, be allowed a rest period of eight consecutive hours off duty between the rostered work periods of each day. Provided that no deduction shall be made for ordinary rostered working time falling within an officer's approved rest period, when such officer has not had eight consecutive hours off duty between the work of successive days, as prescribed above.

13. NEW APPOINTMENTS AND PROMOTION

The commencing salary of a person or officer, either on first appointment or on promotion to a position classified within a class or grade in respect of which a salary scale is prescribed by this award, shall be as determined by the controlling authority, having regard to the qualifications and the experience in the practice of medicine of such person or officer.

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14. PAYMENT OF SALARIES

(a) Unless otherwise mutually agreed between the employer and the employee, salaries shall be paid fortnightly.

(b) Notwithstanding subclause (a) hereof, any officer who has given, or has been given, notice of termination of service shall be paid all monies due to him as soon as possible, or in any case not more than three working days after his last day of service.

15. PROTECTIVE CLOTHING

Officers employed under the terms of this award, shall be provided with protective clothing on request. Where laundering facilities are provided by the hospital, officers shall on request be entitled to have protective clothing laundered free of charge.

16. RECREATION LEAVE ALLOWANCE

During a period of recreation leave an officer shall be paid an allowance by way of additional salary, calculated at the rate of seventeen and a half per cent of his normal salary, plus, where applicable, any allowance of a permanent nature payable to such officer and deemed by the controlling authority to be in the nature of additional salary.

PROVIDED ALWAYS that such allowance shall -

(a) be calculated on the basis of a maximum period, in any one leave year, of four weeks recreation leave;

(b) in no case exceed $393 per annum on and from the first day of October 1986 in respect of all recreation leave accrued during the preceding twelve months;

(c) not apply to proportionate recreation leave accrued by an officer in the leave year of the year of termination of service, where such officer voluntarily resigns or whose services are terminated for disciplinary or other good reason;

(d) be calculated at the salary rate applicable to the officer concerned, on the first day of October in the year in which the recreation leave is credited;

(e) be effective for recreation leave credited on 1 October in each year;

(f) not be cumulative. Any balance of such allowance due to an officer at the expiration of a period of one year following the date upon which the recreation leave was credited, shall be paid to such officer as soon as is practicable after the date of the expiration of such period.

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17. REMOVAL EXPENSES

Removal expenses for officers employed in public hospitals, the Specialist Medical Service or the District Medical Service, shall, on the determination of the controlling authority, be in accordance with the terms and conditions determined for officers employed in the Public Service of the State, as more particularly set forth in Regulations 93, 93A, 93B, 93C, 93 C.A. and 93D of the Public Service Regulations 1950, as and where such terms and conditions are applicable.

18. ROSTERED ON CALL

(a) Remote Call

An officer who is rostered on call, and who is directed by his employer to remain at home or within close telephone contact in order to hold himself in readiness to return to work without delay or within a reasonable time of being recalled, or to attend to after hours telephone calls shall be paid in accordance with the following rates:

		Rate per Hour
(i)	A Resident Medical Officer or Registrar	$1.77 per hour
(ii)	An officer other than a Resident Medical Officer or Registrar -	
	week days	$2.32 per hour
	weekends and Public Holidays	$2.96 per hour

(iii) An officer equipped with a long range beeper and rostered on remote call shall continue to be entitled to payment of the appropriate allowance herein.

(b) Close Call

An officer who is rostered on call and who is directed by his employer to stand by for duty on immediate call and is not permitted to leave his place of residence shall be paid in accordance with the following rates:

		Rate per Hour
(i)	A Resident Medical Officer or Registrar	$2.15 per hour
(ii)	An officer other than a Resident Medical Officer or Registrar	$3.29 per hour

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19. SALARY INCREMENTS

1. Except where otherwise specifically determined by this award, or where inconsistent with any Act, an officer, while holding a position classified or graded within a class or grade in respect of which a salary scale is prescribed by this award, and who for not less than 12 months has been in receipt of a salary less than the maximum salary prescribed for such classification, shall be entitled to receive the annual increment prescribed for such classification until the maximum salary is reached.

   PROVIDED that an officer who was an officer on the date of this award shall be entitled to receive such increment on the anniversary of the date upon which he received his last salary increment in respect of his present position.

2. An officer, whilst continuing to hold the same office or position, shall, unless the controlling authority otherwise determines, be deemed, for the purposes of this clause, to have been in receipt of a salary during any period of leave without pay in the 12 months immediately following the date upon which his previous salary increment was awarded.

3. Notwithstanding anything contained in this award, no officer shall be entitled to receive any increase in salary by virtue of this clause unless, in the opinion of the controlling authority, his conduct, diligence and efficiency during the 12 months immediately prior to the date from which such increase would be payable shall have been satisfactory.

20. SPECIAL PROVISIONS

Until otherwise determined by the Tasmanian Industrial Commission, the following special provisions shall apply:-

(1) Superintendents, Deputy Superintendents and Specialists of General Hospitals, who are provided with basically furnished quarters, fuel, light, and power by the Board of Management of such hospital, shall pay for such amenities at a rate approved from time to time by the Tasmanian Industrial Commission.

(2) Medical Practitioners, Registrars and Resident Medical Officers in public hospitals, who are provided with basically furnished quarters, fuel, light and power by the Board of Management of such hospital, shall pay for such amenities by way of deduction from salary such sum as the Board of Management with the approval of the controlling authority shall in each case determine, provided that such sum be not less than $780 per annum nor more than a set amount as approved from time to time by the Tasmanian Industrial Commission.

(3) Medical Practitioners, Registrars and Resident Medical officers in public hospitals who are provided with full board and lodging by the Board of Management of such

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hospital shall pay for such amenities by way of deduction from salary at a rate approved from time to time by the Tasmanian Industrial Commission.

21. TRAVELLING ALLOWANCE

Until otherwise determined by the Tasmanian Industrial Commission, allowances for travelling expenses on official duty shall where applicable, be granted to officers covered by this award at the rates and in accordance with the conditions determined for officers by the General Conditions of Service Award of the Commission.

J.G. King
COMMISSIONER

11 April 1988