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**Sent:** Friday, 29 November 2019 2:13 PM  
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**Subject:** AM2016/28 - 4 YEARLY REVIEW OF MODERN AWARD – PHARMACY INDUSTRY AWARD - SUBSTANTIVE ISSUES

Good Afternoon Vice President Hatcher

**29 November 2019**

**AM2016/28 - 4 YEARLY REVIEW OF MODERN AWARD – SUBSTANTIVE ISSUES**

### **Background**

- 1 This submission is made following the Fair Work Commission ('**Commission**') Full decision at [12-13] of [\[2019\] FWCFB 3949](#).
- 2 The decision inserted the '**19.1 Home Medicine Reviews and Residential Medication Management Reviews**' allowance with effect 1 October 2019 into the Pharmacy Industry Award.

### **Issue**

- 3 The Commission decision at [12] indicated:  
*"[12] We consider that an allowance calculated as ten per cent of the minimum rate for the Pharmacist classification (\$106.40 on the rate as at 1 July 2019 resulting from the Annual Wage Review 2018-19) is appropriate."*
- 4 While it is clear that Clause "**19.9 Adjustment of expense related allowances**" does not apply to this allowance, it is not clear whether this is an allowance that does not change.
- 5 The Commission's statement gives rise to a question that needs to be carefully considered, namely whether s149 of the Fair Work Act 2009 applies to this allowance. The current wording of Clause 19.1 infers that this allowance is not one "of a kind that should be varied when wage rates in the award are varied", because the Award does not currently include a s149 provision.
- 6 For your consideration.

Regards

**Scott Harris**

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