



REPORT

Fair Work Act 2009
s.156—4 yearly review of modern awards

4 yearly review of modern awards—*Pharmacy Industry Award 2010* (AM2019/17)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 29 NOVEMBER 2019

[1] A Statement¹ issued on 8 October 2019 noted that the Pharmacy Guild of Australia (PGA) had raised a number of issues regarding the Plain Language Draft Variation Determination (the PL Draft) in submissions dated [15 March 2019](#) and [18 September 2019](#) and referred the matters raised to a conference before the President.

[2] The PGA submission dated [15 March 2019](#) was based on the plain language exposure draft (PLED) published on [15 February 2019](#). A number of points raised in the PGA submission were resolved in the revised PLED published on [2 September 2019](#).

[3] A [Background Paper](#) published on 25 November 2019 identified the issues raised by the PGA which remain outstanding. A conference of interested parties was held on 26 November 2019. A transcript of the conference is [here](#).

[4] The following issues were resolved at the conference (clause references are to the 2 September 2019 revised PLED).

1. Clause 18 (Annualised salary (pharmacist and pharmacy assistant level 4 only)): The revised PLED will be amended once the Annualised Salaries Full Bench has issued a variation determination (see [2019] FWCFB 4368 at [27]).
2. Clause 19 Allowances and Schedule C Summary of Monetary Allowance:
 - There is an outstanding claim for a ‘district allowance’ (AM2014/190) in which the decision is reserved. Once the decision is issued the revised PLED will be amended to reflect the outcome of those proceedings.
 - In accordance with [\[2019\] FWCFB 3949](#) at [12-13], an allowance for the performance of Home Medicine Reviews or Residential Medication Management Reviews will be included in the revised PLED.

¹ [\[2019\] FWCFB 6899](#)

3. Clause 22.3(b): This issue concerns the current wording of the annual leave loading provision. As noted in a decision by the Plain Language Full Bench ([2019] FWCFB 1255) this matter will be the subject of a further decision.
4. Schedule B.1.1, B.1.2 and B.2.1: To provide for greater consistency between the tables in these schedules. Schedules B.1.2 and B.2.1 will be amended so that the second column becomes the first column. A copy of the varied schedules is at **Attachment 1**. (Note the wage rates have also been updated.)

[5] There remains an outstanding issue regarding consistency of terminology in respect of rates of pay and allowances (see [2019] FWCFB 1255 at [59] – [71]). The PGA will put a proposal to the SDA in respect of this issue and will file a report setting out the views of the parties by no later than **4pm on Friday 13 December 2019**. The report will be published and a further conference convened.

[6] A revised Pharmacy Award PLED will be published in the next few weeks.

PRESIDENT

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ATTACHMENT 1

Schedule B—Summary of Hourly Rates of Pay

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B.1.2 Full-time and part-time adult employees—penalty rates for Saturday, Sunday and public holidays

	Saturday				Sunday		Public holidays
	Between 8.00 am and 6.00 pm	Between 7.00 am and 8.00 am	Between 6.00 pm and 9.00 pm	9.00 pm to midnight	Before 7.00 am and after 9.00 pm	Between 7.00 am and 9.00 pm ¹	All day
	% of minimum hourly rate						
	125%	200%	150%	175%	200%	165%	225%
	\$	\$	\$	\$	\$	\$	\$
Pharmacy assistant level 1	26.76	42.82	32.12	37.47	42.82	35.33	48.17
Pharmacy assistant level 2	27.40	43.84	32.88	38.36	43.84	36.17	49.32
Pharmacy assistant level 3	28.38	45.40	34.05	39.73	45.40	37.46	51.08
Pharmacy assistant level 4	29.54	47.26	35.45	41.35	47.26	38.99	53.17
Pharmacy student—1st year of course	26.76	42.82	32.12	37.47	42.82	35.33	48.17
Pharmacy student—2nd year of course	27.40	43.84	32.88	38.36	43.84	36.17	49.32
Pharmacy student—3rd year of course	28.38	45.40	34.05	39.73	45.40	37.46	51.08
Pharmacy student—4th year of course	29.54	47.26	35.45	41.35	47.26	38.99	53.17
Pharmacy intern—1st half of training	29.93	47.88	35.91	41.90	47.88	39.50	53.87
Pharmacy intern—2nd half of training	30.95	49.52	37.14	\$43.33	\$49.52	\$40.85	\$55.71
Pharmacist	\$36.76	\$58.82	\$44.12	\$51.47	\$58.82	\$48.53	\$66.17

	Saturday				Sunday		Public holidays All day
	Between 8.00 am and 6.00 pm	Between 7.00 am and 8.00 am	Between 6.00 pm and 9.00 pm	9.00 pm to midnight	Before 7.00 am and after 9.00 pm	Between 7.00 am and 9.00 pm ¹	
	% of minimum hourly rate						
	125%	200%	150%	175%	200%	165%	225%
	\$	\$	\$	\$	\$	\$	\$
Experienced Pharmacist	\$40.26	\$64.42	\$48.32	\$56.37	\$64.42	\$53.15	\$72.47
Pharmacist in Charge	\$41.21	\$65.94	\$49.46	\$57.70	\$65.94	\$54.40	\$74.18
Pharmacist Manager	\$45.93	\$73.48	\$55.11	\$64.30	\$73.48	\$60.62	\$82.67

¹ Sunday rate from 1 July 2019 – 30 June 2020

B.2 Casual adult employees

B.2.2 Casual adult employees—penalty rates for Saturday, Sunday and public holidays

	Saturday				Sunday		Public holidays All day
	Between 8.00 am and 6.00 pm	Between 7.00 am and 8.00 am	Between 6.00 pm and 9.00 pm	9.00 pm to midnight	Before 7.00 am and after 9.00 pm	Between 7.00 am and 9.00 pm ¹	
	% of minimum hourly rate						
	150%	225%	175%	200%	225%	190%	250%
	\$	\$	\$	\$	\$	\$	\$
Pharmacy assistant level 1	32.12	48.17	37.47	42.82	48.17	40.68	53.53
Pharmacy assistant level 2	32.88	49.32	38.36	43.84	49.32	41.65	54.80
Pharmacy assistant level 3	34.05	51.08	39.73	45.40	51.08	43.13	56.75
Pharmacy assistant level 4	35.45	53.17	41.35	47.26	53.17	44.90	59.08
Pharmacy student—1st year of course	32.12	48.17	37.47	42.82	48.17	40.68	53.53
Pharmacy student—2nd year of course	32.88	49.32	38.36	43.84	49.32	41.65	54.80

	Saturday				Sunday		Public holidays All day
	Between 8.00 am and 6.00 pm	Between 7.00 am and 8.00 am	Between 6.00 pm and 9.00 pm	9.00 pm to midnight	Before 7.00 am and after 9.00 pm	Between 7.00 am and 9.00 pm ¹	
	% of minimum hourly rate						
	150%	225%	175%	200%	225%	190%	250%
	\$	\$	\$	\$	\$	\$	\$
Pharmacy student—3rd year of course	34.05	51.08	39.73	45.40	51.08	43.13	56.75
Pharmacy student—4th year of course	35.45	53.17	41.35	47.26	53.17	44.90	59.08
Pharmacy intern—1st half of training	35.91	53.87	41.90	47.88	53.87	45.49	59.85
Pharmacy intern—2nd half of training	37.14	55.71	43.33	49.52	55.71	47.04	61.90
Pharmacist	\$44.12	\$66.17	\$51.47	\$58.82	\$66.17	\$55.88	\$73.53
Experienced Pharmacist	\$48.32	\$72.47	\$56.37	\$64.42	\$72.47	\$61.20	\$80.53
Pharmacist in Charge	\$49.46	\$74.18	\$57.70	\$65.94	\$74.18	\$62.64	\$82.43
Pharmacist Manager	\$55.11	\$82.67	\$64.30	\$73.48	\$82.67	\$69.81	\$91.85

¹ Sunday rate from 1 July 2019 – 30 June 2020