



Industrial Relations Commission New South Wales

19 January 2017

Matter NO. 2016/00366747

CORAM: STANTON C

Notification under section 130 by Australian Salaried Medical Officers' Federation (New South Wales) of a dispute with NSW Ministry of Health in respect of Hunter New England Local Health District re – Staff Specialists engaged in retrieval medicine and shift work

STATEMENT AND RECOMMENDATION

- 1 This matter concerns a dispute filed by the Australian Medical Officers' Federation (NSW) (ASMOF) on behalf of Staff Specialists employed by the Hunter New England Local Health District (the Health District) and engaged by the Hunter Retrieval Service. The Staff Specialists comprise Anaesthetists, Intensivists and Emergency Physicians.
- 2 The Hunter Retrieval Service provides direct and/or remote medical care to critically ill patients requiring medical retrieval from pre- hospital or health facility sites. The Service uses a combination of air and road transport to retrieve patients on a 24/7 basis. The Service is one of eight retrieval services across New South Wales funded by the Ministry of Health.
- 3 Staff Specialists involved in "retrieval medicine" with the Health District are also rostered to work shift work on a 24/7 basis. However, they are not entitled to the payment of shift allowances as provided by the Staff Specialists' (State) Award (the Award).

- 4 The matter was initially subject to a teleconference on 16 December 2016. A further Compulsory Conference was convened in Newcastle on 11 January 2017.
- 5 Shift provisions under the Award are set out in subclause (d) of Clause 4, Normal Duties. However, Part C of Schedule 3 of the Award restricts the application of shift work to Emergency Medicine.
- 6 During conference proceedings, it was evident that both ASMOF and the Health District accept that the Hunter Retrieval Service must operate on a 24/7, 365 days per year basis. Moreover, it also became evident that Retrieval Medicine is quite separate and distinct from Emergency Medicine.
- 7 On the materials canvassed in conference proceedings, this dispute has been notified by ASMOF in response to what appears to be an inconsistent application of the Award across the State with respect to clinicians engaged in Retrieval Medicine.
- 8 Shortly stated, the Award fails to recognise the 24/7 operational requirements and industrial importance of Staff Specialists engaged in retrieval medicine as compared to those engaged in emergency medicine.
- 9 The Award is required to reflect current industrial needs with various medical specialities staffing Retrieval Services.

10 Against the above backdrop, I recommend that the parties, including the Ministry of Health, confer at the earliest opportunity with the view to reaching agreement on the terms of a variation to the Award that would correct the current inequity concerning the application the Award shift work provisions to clinicians engaged in retrieval medicine.

11 I propose to stand the matter over for 21 days with liberty to apply.

J D STANTON

Commissioner

A handwritten signature in cursive script that reads "John Stanton".
