

NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act 1993

DETERMINATION NUMBER 1123 OF 2023

HIGHER DUTIES ALLOWANCE – NURSE 4 AND NURSE 5 ROLES

I, JOANNE NORTON, Acting Commissioner for Public Employment, pursuant to section 14(2) of the *Public Sector Employment and Management Act 1993* and with reference to section 13(a) of that Act and clause 27(d) of the *Northern Territory Public Sector Nurses and Midwives' 2022 – 2026 Enterprise Agreement* ('the Agreement'), determine that:

1. This Determination applies to a nominal Nurse 2 or Nurse 3 employee ('the employee') who is directed to perform higher duties at a Nurse 4 or Nurse 5 level (whichever is applicable) for a period of less than one week.
2. The employee will be entitled to higher duties allowances as follows:
 - (a) Higher duties allowance is payable to the employee who performs higher duties in the Hospital Nursing Resource Co-ordinator role at the Nurse 5 level at Gove District Hospital or Katherine District Hospital for a minimum of one shift or more.
 - (b) For all other purposes in the Department of Health, higher duties allowance will be paid to the employee rostered to perform higher duties in the same role and level on a regular and systematic basis at pre-arranged interval, due to one of the following reasons:
 - (i) The employee's performance of higher duties supports a flexible working arrangement to ensure the maintenance of service delivery.

For example, a nominal Nurse 4 returns from parental leave on a part-time basis three days per week (Tuesday, Wednesday and Friday) for 12 months. The employee is rostered to perform higher duties in the Nurse 4 role two days per week (Monday and Thursday) for 12 months to ensure 1.00 FTE service delivery.
 - (ii) The employee's performance of higher duties is required to backfill a part-time Nurse 4 or Nurse 5 who has taken a period of leave for two or more weeks.
 - (iii) There is a genuine business need for the Nurse 4 or Nurse 5 role (whichever is applicable) to be less than 1.0 FTE per week.
3. Performance of higher duties for less than one shift on any occasion will be disregarded for all purposes.
4. The Department of Health Chief Executive Officer, or the Regional Executive Director of the specific health service of each region (whichever is applicable) has approved the payment of higher duties allowance to the employee.
5. All other terms and conditions for the payment of higher duties allowance will be as per clause 27 of the Agreement.

6. This Determination is to have effect on the date it is signed.
7. In respect to an employee covered by paragraph 1 to 5, an employee who was employed on 9 August 2023 and who worked between 9 August 2023 and the day immediately before this Determination (the transitional period) is entitled to be paid an amount that is equal to the difference between:
 - (a) the amounts already received, or purportedly received, in return for work performed during the transitional period; and
 - (b) the amounts they would have been entitled to be paid during the transitional period if the entitlement set out in paragraph 1 to 5 had come into operation on 9 August 2023.
8. This Determination will cease to have effect on the nominal expiry date of the Agreement, or upon the date of effect of any successor enterprise agreement, whichever is the later.

Dated 20 December 2023

A handwritten signature in black ink, appearing to read 'Joanne Norton', with a stylized, flowing script.

Adj. Professor JOANNE NORTON
Acting Commissioner for Public Employment