

FAQ

FREQUENTLY ASKED QUESTIONS



WEBINAR

NTCER Update - how to use the agreement

The NTCER is negotiated every two years by GPSA and GPRA, and mediated by Australian Medical Association (AMA). The NTCER was amended by addendum on 7 December 2018 and remains in place until further notice.

This resource aims to provide some tips about successfully using the agreement in your practice.

Will the NTCER be replaced if there is no agreement?

No. The existing agreement remains in force until it is superseded by a new agreement.

Do I have to adhere to the NTCER if the current one is out of date?

Yes. The current NTCER agreement continues until superseded. Your training practice agreement with your RTO requires the NTCER conditions to be upheld.

Where to next with the NTCER?

- The 2017/2018 NTCER remains in force, however due to indexation, the base rates have changed. For clarification of the new pay rates, see the addendum to the existing agreement at <http://gpsupervisorsaustralia.org.au/download/2181/>

Why do many practices choose to stick with the rates set out in the NTCER?

The NTCER is built with regard to RDAA research which identified the average running cost of a general practice was 55 per cent of billings. Therefore, the registrar percentage under the NTCER of 44.79 per cent is generally the sustainable rate for general practices.

The minimum provision under the NTCER allows a buffer to pay more, if able and required, later. For example, if a practice wants to retain a particular registrar by offering a pay increase.

Remember, you do not know the capabilities and performance of your registrar during an interview; this only becomes evident once they start work in your practice. If you agree to paying the maximum sustainable before they start, you leave no room for incentives later.

What can the success of our practice's employment relationship with a registrar rely on?

GPSA believes the success of your employment relationship relies on:

- Setting clear expectations, which starts at the negotiation and employment agreement stage.
- Adherence to the NTCER.
- Establishing and maintaining trust, integrity and open communication.

GPSA recommends:

- You adhere to the NTCER.
- You pay base salary per the NTCER fortnightly.
- You pay only the difference between base and percentage earned every 13 weeks.
- Your registrar takes leave accrued in each term of their training.
- Registrars not be paid for educational release where they are not rostered.
- Registrars be paid for educational release at 50 per cent where they are part-time.

How can I help my registrar understand their overall performance will determine pay, not their billing percentage?

During your contract negotiation, ask the registrar: "How much in monetary terms do you need to earn to feel good about yourself?"

The figure the registrar provides will then give you scope for discussion about the professional behaviours they would need to engage in to earn that figure. These include:

- Customer service - patients wanting to rebook with the registrar/not avoid the registrar, care plans, etc
- Number of patients per hour

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In a sense, this discussion puts the registrar in the 'driver's seat' about what they need to achieve professionally to reach their financial goals.

However, it is important for you as supervisor to remember that your registrar is a junior doctor, and therefore their professionalism is still under construction.

Try to develop a sense of your registrar's degree of professionalism before they start in your practice by doing reference checks. Ask their former employers about their professionalism, timeliness/tardiness, amount of leave taken throughout their term, etc.

Once the registrar starts in your practice, part of your role as supervisor is to help further develop their professionalism.

For more information about teaching professionalism, read:

- GPSA guide Teaching Professionalism at <http://gpsupervisorsaustralia.org.au/guides/>
- GPSA webinar Teaching Professionalism and Ethical Practice at <https://youtu.be/pZRwqA4D2QA>

What if the registrar insists on negotiating a figure higher than the rates set in the NTCER?

While GPSA recommends sticking with the rates set in the NTCER, ultimately offering a higher rate is your practice's business decision. However, if the registrar wants to negotiate a figure higher than the rates set in the NTCER, you should consider the following:

- Can my business sustain a greater expense?
- Do I know if the registrar will be excellent, average or below expectation?
- Will negotiating a figure higher than the NTCER leave the opportunity to offer more, if an added incentive is needed later?
- Does our practice need this registrar, or do we have other options – for now, and for future workforce?
- Are registrars readily available/scarcely in our region?

What does the NTCER not cover?

- Registrars working in community-controlled organisations.
- Registrars employed under an existing award.
- ADF registrars.
- Registrars completing a remediation term.
- Bad behaviour – No policy will ever completely prevent bad behaviour. Most policies are written and developed for the small per cent of parties who do the wrong thing. However, the NTCER is written for the majority, so if either party behaves badly, chances are it won't be covered in the NTCER.

How can I avoid the potential for bad behaviour/performance?

It's important to discuss your registrar's journey to your practice during the interview and orientation. Understanding their background will help you to teach and mentor accordingly, which in turn will help you target and nurture professional behaviour. Here are some of the things you need to keep in mind about your registrar's background and experience in their journey to your practice.

- **Broad experience but mastery of none** - They have had broad experience (from hospital training) but a mastery of none.
- **Salary increasing exponentially with experience** - As they enter general practice, remember they have no experience with the MBS, so at this stage they do not know how to bill.
- **Inexperience at independent decision-making** - Transitioning from low on the decision-making tree (in hospital) to high on the decision-making tree behind closed doors (in general practice) can equal inexperience with power.
- **Anxious about ...** New job, new colleagues, fear of the unknown, house relocation: remember, these are some of life's biggest stressors.
- **Always look like they know what they are doing** - In the hospital system, they were accustomed to always look like they knew what they were talking about, and were under the close watch of supervisors. As their GP supervisor, you must encourage your registrar to seek your guidance and clarification when facing the inevitable uncertainties of general practice.

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- **Multiple test ordering** - Registrars often report they ordered many tests in hospital to cover their bases according to what they knew different consultants would want to see. So, you may need to help your registrar learn rational test ordering for the general practice setting.
- **Professionalism is under construction** - Do reference checks before signing on your registrar. Phone their former employer and ask about the registrar's professionalism, etc. Explain the standards of professionalism expected in your practice during your registrar's interview and orientation.

How do I manage a registrar who approaches me during their term convinced certain conditions of the NTCER are not being met in their contract?

Remember, neither you nor your registrar's medical qualification came with a law, business, accounting or finance degree - so one party may simply have misinterpreted or misunderstood the NTCER. This can often be the case after educational release when registrars compare their working conditions with registrars from other practices.

If your registrar raises concerns the NTCER is not being adhered to, approach the conversation with curiosity, rather than a defensive response. Ask the registrar to show you the evidence; that is, where in the NTCER do they believe their conditions are not being met?

Training practices can also phone or email GPSA to help interpret the NTCER and ensure you are providing exactly what is required under the agreement.

Why does my registrar have to be contracted as an employee?

The NTCER states your registrar must be contracted as an employee because under Australian Tax Office guidelines a trainee cannot be engaged as a contractor. Furthermore, if you look at the requirements of a contractor, it is obvious why a registrar cannot be contracted as an employee.

Requirements for a contractor are:

- Supplies own plant and equipment.
- Can sub-contract their work.
- Gets paid on invoice.
- Independent (not a trainee/apprentice).
- Commercial risk retained by the contractor.
- Control over work.
- Paid for a result achieved based on the quote provided.

What should our general practice explicitly negotiate and state in our contract with my registrar?

It is a good idea to have a draft contract on-hand during the negotiations, so the registrar can see exactly what is being offered and avoid any points of contention going forward. What you should explicitly negotiate with the registrar and state in the contract are:

- Standard hours.
- Working days.
- Weekend work requirements.
- Late night work requirements.
- On-call arrangements and remuneration.
- Percentage payment cycles.
- Annual leave.
- What SIP/PIP payments will be paid/when.
- Regular supervision arrangements.
- Who the supervisor is.
- Who will deal with payroll and contract issues.

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Am I able to ask a registrar if they have a pre-existing injury or previous Workcover claim?

Yes. In most Australian states, there is a requirement for job applicants to disclose if they have a pre-existing injury or previous Workcover claim. If you ask this information, the onus is on you as an employer to determine whether appropriate adjustments can be made to the work environment that is not going to put your business in jeopardy financially.

If you ask the question, but the employee fails to disclose information and it is later proven they had pre-existing injuries (and lied on their application), then some states will reduce that person's Workcover remuneration. You should make yourself familiar with your state's Workcover rules.

Why are community health organisations not covered under the NTCER?

Community health organisations, for example Aboriginal community-controlled organisations, are not covered under the NTCER because they usually have an award in place in those environments.

The NTCER is not an industrial award, so it equals an existing award within a community health organisation. Of course, any community organisations which do not have an award in place are at liberty to use the NTCER.

Are there any sections of the NTCER and employment contracts which confuse training practices and registrars?

A poll of 180 GPSA members during a webinar in November, 2018 showed the three highest areas of confusion were annual leave (45 per cent), percentage calculations (33 per cent) and administration time (29 per cent). Full results are listed in the table below.

GPSA webinar poll: Which bits of the NTCER and employment contracts have tripped you up?	
Annual leave	45%
Percentage calculations	33%
SIP/PIP payments	19%
Educational release	28%
After-hours calculations	6%
Full time vs Part time	15%
Administration time	29%
Ambiguous language	9%

What mistakes have practices made with annual leave?

Disputes or confusion about leave can occur when practices don't use a payroll system which shows on payslips how much leave the registrar has accrued. So therefore, when the registrar is booking annual leave or finishing their term in the practice, there may be confusion or dispute about the amount of leave accrued.

Practices can also get caught out if they have overpaid a registrar's leave entitlements, unless the registrar has agreed to having this deducted from their pay. It is a requirement of the Fair Work Act to have permission from an employee before deducting overpayment from their salary. For this reason, GPSA recommends permission for deductions of overpayment be included in a registrar's employment agreement.

GPSA supports our members with a copy of our employment contract template, which has been developed to align with the NTCER. To request a copy of the template, email admin@gpsupervisorsaustralia.org.au or phone GPSA on (03) 5440 9077.

It is important to understand that leave is pro rata; so, given there is often a 50:50 ratio of full-time and part-time registrars nationally, it is important to use your payroll system to work out exactly what the registrar's leave entitlement is. This will also take into account variables such as if your registrar has taken leave without pay, or sick or carer's leave in advance.

Whether you allow registrars to take their full leave entitlement up front is a business decision; on some occasions the full leave entitlement in one hit may be advantageous to the business. However, allowing registrars to take more leave than what they have accrued is often a source of tension for practices - not at the time it is taken, but much later. For example, if the registrar has generated less in billings than their base salary, or managing their leave across terms.



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Annual leave: at a glance

- Allowing registrars to take more annual leave than they have accrued carries more risk than benefit for the practice.
- Make your payroll system your best friend.
- Leave is pro rata.
- Up to six months pro rata personal (sick/carers) leave can be taken in advance.
- Overpayment deducted from final pay.
- Unused leave must be paid out and does not attract superannuation.
- Leave accrued in GPT/PRRT1 but not taken until term two must be paid at a higher rate.
- Annual leave is a negotiation:
 - You cannot unreasonably refuse.
 - Registrars can't unilaterally take it whenever.
 - You cannot force your registrar to take annual leave.

How can our practice avoid payroll misunderstandings with our registrar?

- Use a payroll system. For example, MYOB, Zero, etc.
- Pay your registrar consistently in line with reception and practice nursing staff practices.
- Follow the NTCER.
- Use your payroll system to show accrued annual and personal leave.
- Pay your registrar their agreed fraction at the base salary each fortnight.

How does the NTCER manage public holidays?

Public holidays are paid at base rate. If your registrar has earned their percentage because it was higher than the base rate, then there is nothing more to pay.

Common errors are:

- Just paying the percentage without providing a payroll payslip with accrued leave and the difference between base salary and percentage top up.
- Not providing your registrar with percentage details.

Again, this is another example why general practices should make a good payroll system their best friend – a good payroll system will do the 'heavy lifting' in terms of updating the registrar on their payslips about percentages and entitlements.

Under the NTCER what should general practices remember about educational release?

The NTCER states educational release is only payable if a registrar is rostered to work (however, keep in mind the fatigue management clause).

Some practices will make a business decision to pay a registrar educational release if the registrar is not rostered. For example, if the registrar is working a compressed week, such as 38-hours over four days, they will be entitled to a day in lieu if the fifth day is an educational release day.

Under the NTCER what should general practices adhere to in regards to a registrar's administration time?

Under the NTCER a full-time registrar should have 2.5 hours of administration time a week, as part of their ordinary hours: that is, 15 minutes of scheduled patient-free time at the end of each session.

Administration time is to assist with patient notes and follow-ups, and the registrar must use the allocated time for this purpose, and not leave the practice during this time.

Some registrars may be under the misguided belief they can use their 2.5 hours administration time in one block at the end of the working week (and even, use it to finish early on a Friday). If a registrar leaves the practice during scheduled administration time, or banks the administration time for the end of the working week, you will need to have a performance discussion with them. Importantly, you can avoid the potential for this scenario by making it clear during the registrar's practice orientation how and when administration time should be used.

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Under the NTCER what should general practices adhere to in regards to superannuation?

You must pay superannuation on both the base rate and the percentage top up. Remember, superannuation is not paid to the registrar.

Some people find the 44.79 per cent plus superannuation = 49.05 per cent confusing.

Here is the breakdown:

- $44.79\% \times 0.095 = 4.25505\%$ (a % of a %)
- $44.79\% + 4.25505\% = 49.05\%$

Under the NTCER what should general practices adhere to in regards to after-hours payment?

- Same percentages as for ordinary hours (that is, 44.79 per cent + superannuation).
- Hourly rates for after hours are the same as ordinary hours.
- In line with most common conditions once fellowship is achieved.

Should we pay our registrar percentage based on billings or receipts?

It really is a business decision for your practice whether to pay your registrar percentage based on billings or receipts. You will need to consider the benefits and pitfalls of each method.

Receipts versus Billings	
Billings	<p>Benefit: Payments are finalised by the time the registrar leaves the practice.</p> <p>Pitfall: You may end up paying monies that you never actually receive.</p>
Receipts	<p>Benefit: You only pay the registrar the percentage of funds you actually receive excluding bad debts.</p> <p>Pitfall: You are likely to have follow-up payments to make to the registrar up to six months after they leave, and group certificate to generate if it crosses financial years.</p>

Do registrars have access to the national parental leave scheme?

Yes. Registrars have access to the national parental leave scheme just like any other Australian worker. This is what you need to know:

- If your registrar has been employed in your practice for more than 12 months, your registrar (employee) may be entitled to be paid according the Department of Human Services guidelines. If they are eligible, your practice will pay the registrar a specified amount and be reimbursed by the Department of Human Services. Your registrar would initiate this, and you (as the employer) will be asked to sign a form. There is no out-of-pocket expense to the practice, but it does get paid through the practice's payroll.
- If your registrar has been employed in your practice less than 12 months, your registrar may be entitled to parental leave. The registrar would initiate this and be paid directly by the Department of Human Services.

I pay my contractor GPs fortnightly receipts, why would I do 13 weeks for registrars?

The difference is your contractors do not get paid if they take time off. As an employee, under the NTCER your registrar must be paid the base salary even if they are not generating any income for the practice. The recommendation to pay registrars at 13 week intervals reduces your practice costs by balancing the registrars percentage top up across 13 weeks. Meaning they still get paid at the base salary for their leave as required under the NTCER, but the percentage payable on top is reduced as they will not have billed anything during their leave. In effect it is fairer for both the registrar and the practice. It also reduces processing costs. You can find more information on the 13 weeks percentage payment here: <http://gpsupervisorsaustralia.org.au/download/3782/>

My registrar has asked to forgo their break to reduce their work day. Is this possible?

No. Under Worksafe legislation, employees are entitled to a 30-minute unpaid break every five hours. If you allow your registrar to forgo breaks you are putting yourself at legal risk, as well as risking the safety and wellbeing of your registrar and their patients.

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How can we ensure the contract is not misinterpreted by our registrar?

Ambiguous language can be interpreted differently, so be specific in your language. For example, if your intention is for the registrar to be rostered late nights every Friday (because that is when the supervisor works), then state that explicitly in the contract. Stating, for example "You will work not less than two late night Friday's every month," is not specific, and could be interpreted to mean "I only have to work two late night Fridays per month".

How much after-hours work can a registrar do?

In light of the medico legal risks, and changes to the Approved Medical Deputising Service (AMDS), supervising your registrar in after-hours and on-call work requires careful planning and active management.

For more information, read Medico-Legal Risks of After-Hours/On-Call for GP Registrars and Supervisors – FAQs at <http://gpsupervisorsaustralia.org.au/download/4876/>

Resources

For more information about the NTCER read:

- NTCER agreement at <http://gpsupervisorsaustralia.org.au/ntcer/>
- More frequently asked questions at <http://gpsupervisorsaustralia.org.au/download/4903/>