



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**DEPUTY PRESIDENT GRAYSON**

**AM2024/22**

**s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective**

**Gender-based undervaluation — priority awards review — *Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020***

**Sydney**

**10.00 AM, MONDAY, 30 JUNE 2025**

**Continued from 20/12/2024**

PN1

THE DEPUTY PRESIDENT: Good morning to the parties. I'll take the appearances, probably starting with the union parties given there are so many people online.

PN2

MS A PELDOVA-McCLELLAND: Good morning, Deputy President. Peldova-McClelland, initial A, appearing on behalf of the ACTU.

PN3

THE DEPUTY PRESIDENT: Very good.

PN4

MS L DE PLATER: Good morning, Deputy President. It's de Plater, initial L, for the Health Services Union.

PN5

THE DEPUTY PRESIDENT: Good morning, Ms de Plater.

PN6

MS E ORMAN: Good morning, Deputy President. It's Ms Orman, initial E, for the United Workers Union.

PN7

THE DEPUTY PRESIDENT: Thank you, Ms Orman. Is that it for the union parties this morning? Very good. Well, I'll turn to the employer parties or peak bodies for the Aboriginal Controlled Health Organisation sector.

PN8

MS N BLAIR: Good morning, Deputy President. Nadine Blair appearing for the National Aboriginal Community Controlled Health Organisation.

PN9

THE DEPUTY PRESIDENT: Good morning, Ms Blair, and I think you've got several other people with you today, do you? Maybe if you just identify them for ease of everybody else who's online.

PN10

MS BLAIR: Not from NACCHO this morning, but I know VACCHO have some people.

PN11

THE DEPUTY PRESIDENT: All right. I'll ask Ms Kilpatrick. Ms Kilpatrick, are you there?

PN12

MS S KILPATRICK: Yes, Deputy President. Both myself and Mr Ropitini essentially are here.

PN13

THE DEPUTY PRESIDENT: All right. Ms Kilpatrick, I can't actually see you, but that might just be one of those Teams glitches. Would you mind just speaking again for me so I can try and pick you up on the Teams screen?

PN14

MS KILPATRICK: Yes. It might be our Corroboree Teams from Broome as we're in our meeting room. Apologies.

PN15

THE DEPUTY PRESIDENT: No, no, that's perfectly fine, and who else have you got with you today, Ms Kilpatrick?

PN16

MS KILPATRICK: I've got Ms Martyres in the room with me and Abe's just come off mute. He's also joining from his office.

PN17

THE DEPUTY PRESIDENT: All right, very good.

PN18

MR A ROPITINI: Good morning, Deputy President. It's Abe Ropitini here from the Victorian Aboriginal Community Controlled Health Organisation.

PN19

THE DEPUTY PRESIDENT: Very good. All right. Well, I think that might be it for the employer bodies. So I'll turn to the Commonwealth.

PN20

MS V BULUT: May it please the Commission, Bulut, initial V. I appear for the Commonwealth, instructed by Ms Krauss, and there are also a number of observers for the Commonwealth attending today.

PN21

THE DEPUTY PRESIDENT: Very good. Thanks, Ms Bulut, and to the extent that it's required, I give you permission to appear today. I should just indicate to the parties that I think, as Ms Bulut has identified, there are people here from the Commonwealth, including DWR, and we also have some of the members of our excellent PEA Awards team present here today as well. I think that is everyone. Have I missed anyone? All right. Very good.

PN22

Well just some housekeeping matters. Today's conference is being recorded and we intend to publish a transcript on the Commission's website as per usual. If at any point the parties wish to enter into without prejudice discussions or discuss the document that's provided by the ACTU this morning, I'm happy to take some submissions as to whether we should go off the record and stop recording for that period.

PN23

Thank you to everyone for filing position papers. That was helpful, and for providing some further information and submissions to the Commission in

response to the provisional views that the expert panel handed down what feels like some months ago now. That's certainly been of benefit to me to understand the issues broadly speaking.

PN24

As I understand it, the position in relation to dental assistants that the parties have communicated is they are content with the structure in terms of what it looks like. They seem to be content with the rates of pay proposed and the translation tables, and there is this issue of whether that is better housed within the Aboriginal Health Workers structure within the award or within a separate structure, but broadly speaking, other than that the provisional views seem to be broadly accepted by both union and employee parties and the respondent, subject to that qualification of whether it should be in a separate table or structure. That's as I understand the position, and I will of course call on everyone. That's in relation to the dental assistants.

PN25

In relation to dental therapists, I understand that there are some submissions that perhaps the structure needs to be expanded to include more senior or specialist roles, as we have and are looking at in the Health Professionals Award. My recollection is there were a sum total of 12 dental oral therapists that I could find data in relation to when I was looking, doing the kind of deep dive into who actually was covered by the award. So I'm interested to hear some submissions about that.

PN26

And of course one of the very important things is operative date and phasing in, and that's also what I'd like to spend quite a considerable amount of time on. I understand there's consensus between the parties that that should happen as soon as possible, but I'm kind to hear if there's any other submissions that need to be made on that.

PN27

It might make sense I think to focus on dental assistants first and perhaps hear from the parties on dental assistants rather than hearing from the parties on each of the issues at the same time and then kind of moving to another party.

PN28

So I propose to deal with the conference today in that way, that is, we'll probably deal with dental assistants and then we'll hear from everyone. I'll hear from everyone then on dental therapists, and then I'll hear from everyone on operative date and phasing in. That's certainly the approach I intend to take. Is there anyone who has a view that I should do it in a different way or structure today? All right, silence is golden. Thank you, everyone. Well, I'll hear from the ACTU first. Ms Peldova-McClellan.

PN29

MS PELDOVA-McCLELLAN: In relation to dental assistants, really just to summarise what we put forward in our position paper and that we welcome the findings that Fair Work has been the subject of gender-based undervaluation, and that we agree with the findings of the expert panel that dental assistants have a

role in the delivery of holistic community care to Aboriginal and Torres Strait Islander people and that this distinguishes them from dental assistants covered by the HPSS Award.

PN30

In discussions with NACCHO and VACCHO, we have understood they have concerns with the provisional view of integrating the dental assistants into the Aboriginal Health Workers stream. I think they're concerned that NACCHO and VACCHO are best placed to speak to, but we have sought to work collaboratively with them to address those concerns, and just to confirm the unions don't oppose maintaining separate classification structures as long as there is no change to the minimum rates of pay expressed in the provisional view.

PN31

In the spirit of trying to address those concerns and continue to work collaboratively, we've worked on a proposed alternative structure for dental assistants. That was provided to Chambers this morning on a without prejudice basis. That document is meant to be a starting point for discussions rather than being a concluded view or something that can't change further, but with our attempt to mend the current dental assistant classification to align it with the Aboriginal Health Worker structure in a way that took into account the provisional view expressed by the expert panel. I think that's all I need to say on dental assistants, Deputy President.

PN32

THE DEPUTY PRESIDENT: Thanks, Ms Peldova-McClelland, and I have some questions on that. Of course I've only had a couple of minutes to have a look at it. Is it better that I ask those questions on the record or off the record?

PN33

MS PELDOVA-McCLELLAND: Perhaps given that the document was provided on the basis of trying to have some discussions and resolve the concerns, it may be better that it's done off the record. That would be my view.

PN34

THE DEPUTY PRESIDENT: All right. Well, I might hear from everyone in terms of dental assistants and then come back to that. So, Ms Blair? I'm sorry, I should check whether any of the other union parties wish to express - but nobody else had filed a submission so I had assumed that they were broadly aligned with the ACTU's position. I'll take a nod from Ms de Plater. Was there anybody else who wanted to say anything different? All right. Very good.

PN35

So Ms Blair, I might hear from you first in terms of just dental assistants at this point in time, and we'll come back to the other two issues as I foresee them for today, and if I've missed any issues, of course then people are very welcome to bring them to my attention as we go. But on dental assistants, was there anything that you wanted to say beyond the submission that you had filed?

PN36

MS BLAIR: Nothing beyond that submission. I think broadly we agree with the position that the ACTU have outlined. Our key concern is the fact that Aboriginal health workers and health practitioners are identified roles. They undertake a qualification that can only be undertaken by Aboriginal or Torres Strait Islander people, which is not the same as dental assistants.

PN37

So that is our key concern, that without kind of reviewing the entire award, which we understand is out of scope of this review, it's more – I guess it's more likely to be well-received by our stakeholders, by our member services, if the award structures are kept separate.

PN38

THE DEPUTY PRESIDENT: And there is no proposal from the expert panel, and certainly I never had it in mind that we would be amending or making any amendments to the award to change anything for Aboriginal health workers, that is, the qualifications or the classifications or the descriptors for those; that is, that the dental assistants would sit side-by-side with them but have distinct and separate descriptors, if I call it that at each level, that is, we wouldn't be seeing a co-mingling of qualifications or anything like that that might derogate from the identified nature of those roles or the qualifications that Aboriginal health workers have.

PN39

It may be that some of those concerns, Ms Blair, might be alleviated by the issuance of a draft determination perhaps. I'm wondering if that might be a sensible next step.

PN40

MS BLAIR: Yes, it may well be. I do think – I'd be interested to hear the views of – to hear VACCHO's views on this as well, although we have spoken about it. I think from the perspective of our sector, keeping those two award classification structures separate at this stage is desirable.

PN41

THE DEPUTY PRESIDENT: Okay, and can you take that submission any further than you've already taken it, in terms of the rationale for that?

PN42

MS BLAIR: Not at this stage. We are very keen to do consultation across the sector in terms of a broader review of the awards. I note that we've discussed that previously. I think that is definitely something that we're looking at in the coming months, but I wouldn't like to expand on that further until we've done consultation across the entire sector.

PN43

THE DEPUTY PRESIDENT: And that's in relation to, as I understand it, a further review - - -

PN44

MS BLAIR: A further review.

PN45

THE DEPUTY PRESIDENT: - - - a further review and potentially a further application, or a first application in relation to this award. Yes, and as I understood it, that will take, you know – or your plan is that will be over the next few months that you'll engage in that. And will there be a role for discussion with the ACTU and relevant unions and the Commonwealth as part of that - - -

PN46

MS BLAIR: Yes.

PN47

THE DEPUTY PRESIDENT: - - - or at the end of that, Ms Blair? Is that what you've got in mind?

PN48

MS BLAIR: Absolutely. Yes.

PN49

THE DEPUTY PRESIDENT: Okay.

PN50

MS BLAIR: Yes. We're very keen to make sure everyone's involved in that discussion.

PN51

THE DEPUTY PRESIDENT: All right. Very good. Sounds sensible. Was there anything that VACCHO wanted to say in relation to that, in relation to dental assistants?

PN52

MS KILPATRICK: No, thank you, Deputy President. We're supportive of both the previous speakers.

PN53

THE DEPUTY PRESIDENT: Okay. Very good. I might turn to you, Ms Bulut, in terms of the dental assistants, or I can kind of come to you at the end, but at least it would be helpful from my perspective to know whether there were any concerns regarding the proposed classification structure and rates, whether the Commonwealth wanted to express any views on those in relation to dental assistants.

PN54

Of course, probably fundamental to our discussion will be the Commonwealth's position on funding, and that might be better discussed at the phasing in and operationalising of any variation, but was there anything that the Commonwealth wanted to say in terms of dental assistants and the provisional views on those?

PN55

MS BULUT: The Commonwealth doesn't have a view with respect to the dental assistants and the provisional view expressed.

PN56

THE DEPUTY PRESIDENT: Okay. Very good. Thank you, Ms Bulut.

PN57

MS BULUT: Yes.

PN58

THE DEPUTY PRESIDENT: Look, it might make sense then if we go off the record in terms of – and explore, and perhaps I can ask those questions in relation to the without prejudice proposal that has been put, and then we'll come back and talk further I think about the dental therapists.

PN59

Of course one of the other things that we must discuss today is the proposed amendments on the Commission's own motion to identify – or to deal with what we think may be errors arising from a previous decision of the Full Bench. So I will come back to that at the end as well, but I might just ask, unless there's any objection, for the monitors to stop monitoring the conversation and we won't transcribe what is said next, unless there's any objection.

PN60

All right. Very good. Well, court monitor, please do turn off the monitoring device and I'll let you know when we want to go back on.

**OFF THE RECORD**

**[10.22 AM]**

**ON THE RECORD**

**[10.29 AM]**

PN61

THE DEPUTY PRESIDENT: We might move on to talk about dental therapists then. That's probably the next stage here. Ms Peldova-McClelland, is it sensible that I call on you then first?

PN62

MS PELDOVA-McCLELLAND: Yes, of course.

PN63

THE DEPUTY PRESIDENT: Yes. Tell me what your – I understood that your main submission here was that the structure should reflect the HPSS structure. I guess what I am keen to know, when, as I said, it seemed to me that we'd be lucky if there were two hands full of dental as such, oral health therapists within the sector, how realistic it is that they might sit. I mean, so there'll be, as I anticipate – and Ms Blair, Ms Martyres, I'm sure you will all tell me if I've got this wrong, but I don't anticipate that there are many therapists, let alone ones who might be specialists or supervisory.

PN64

So I'm keen to get an understanding of actually what the state of the actual – whether there is anybody who would be above the levels that we've looked at within this particular coverage of this award. So you may not be the right person to answer that, Ms Peldova-McClelland, but I'll throw to you first.

PN65



MS PELDOVA-McCLELLAND: Of course. Thank you, Deputy President. Yes, it was identifying that issue at the level of principle in the first instance given that the provisional view was that the same approach should be taken for dental and oral therapists and this award is under the HPSS Award.

PN66

Obviously the provisional view compresses the dental and oral therapist classification structure quite considerably. It's gone from I think two grades of 12 levels to four levels, and so there was a concern that there might not be – if people are in those higher roles that there might not be an adequate opportunity for progression, and so the sensible solution to that seemed to be to mirror whatever the classification structure ends up being for the HPSS Award.

PN67

I totally hear your question about whether those roles exist in this context. I understand that the unions have undertaken some queries about that, but they're still ongoing and we can try and get some more information to you as soon as possible, but I suppose in this instance we just didn't want to not have the provisions for those more senior and specialist roles there in the instance that people are working in those roles and would be eligible to work in those higher grades.

PN68

THE DEPUTY PRESIDENT: All right. Well, we can explore that, and if that information can be put forward, either by the union parties or the employer parties, that would be very helpful to know whether this is a real issue or, as you say, an issue at only a level of principle.

PN69

I guess one thing that occurs to me is, and I don't have a concluded view on this whatsoever, is that the Health Professionals Award, at least in relation to health professionals, looks like it might take some time to work through the system, if you like, and for the Bench to make ultimate decisions on it. It will be more wholly contested than other elements I suspect of the Health Professionals Award.

PN70

Do you have a view as to whether, whatever we do, which will hopefully be in relatively short order in relation to this award, should it wait for dental therapists on the Health Professionals Award, or should we put in place the provisional views as we hold them, or subject to obviously the submissions that we're hearing from - do you have a view on that?

PN71

MS PELDOVA-McCLELLAND: I think that our view will be informed by our investigation into whether these conditions exist or are common. I hear you on the HPSS Award potentially taking some time. I mean I think it's important to get the classification structure right and ensure that it reflects the roles that people are performing.

PN72

I don't know if there might be some provision to take steps to finalise this award, and then if it comes out that there are roles that we had overlooked to make a variation along those lines to reflect what is ultimately decided within the HPSS Award. We obviously don't want to unnecessarily hold this award up, but at the same time we want to make sure that we're not depriving anyone of an opportunity to work in a higher grade where they should be.

PN73

THE DEPUTY PRESIDENT: All right. Thank you. Was there anything further from any of the other union parties on dental and oral therapists? While we're talking about them, when I was trying to unpick and our PEA team was trying to unpick, you know, who was a dental therapist, what is a dental therapist, what is an oral therapist, what is an oral health therapist, there appeared to be kind of several different descriptors and groups of people. As I put in the decision, under ANZSCO it appears that 'oral therapists' sit there, but AHPRA call them 'oral health therapists'.

PN74

Is there a view as to how they should be described in this award? Should it be 'dental therapist/oral health therapist' to give the broadest application? You can take that question on notice. It might be Ms de Plater who has the most information on that, but Ms Peldova-McClelland, did you have a view on that?

PN75

MS PELDOVA-McCLELLAND: That seems – with the information I currently have before, that seems a sensible option, but I am very keen to hear from others on this, because I think both the specific unions and the employer peak bodies will have a lot more information.

PN76

THE DEPUTY PRESIDENT: All right. Ms de Plater, should I throw to you in terms of your views on that?

PN77

MS DE PLATER: Yes. Thanks, Deputy President. I think 'oral health therapist' is certainly the more modern description for that category of worker, but perhaps we could give you a short note, or have an opportunity to give you a short note on that just to make sure we're getting it 100 per cent right. But yes, my understanding is that 'dental therapist' is sort of more of an outdated term now. 'Oral health therapist' sort of captures that role now.

PN78

THE DEPUTY PRESIDENT: It seems like they might have had slightly different roles, that is, the qualifications that were being offered seemed to be moving towards the oral health - or creating oral health therapists, but that there were still some dental therapist qualifications perhaps, so - and obviously some people who hold those qualifications.

PN79

MS DE PLATER: Yes.

PN80

THE DEPUTY PRESIDENT: So yes, I'm very keen to hear from people, and one way to deal with it might be just to have, as I said, 'dental therapist/oral health therapist' or whatever in the award.

PN81

MS DE PLATER: Yes.

PN82

THE DEPUTY PRESIDENT: But yes, I'm happy for a note, preferably by the end of the week, on that if you could, Ms de Plater. Ms Ormon, was there anything that you wanted to add on this issue?

PN83

MS ORMAN: No, thank you, Deputy President.

PN84

THE DEPUTY PRESIDENT: All right. Very good. Well, I might turn to the employers. Ms Blair, was there anything in terms of dental therapists that you wanted to say?

PN85

MS BLAIR: Not specifically. I think I will comment on at which level the small number of dental therapists sit.

PN86

THE DEPUTY PRESIDENT: Great.

PN87

MS BLAIR: We don't have a view, or we don't have any information or data on that at this stage. So I think that would likely be part of our consultation, is to try and determine that for those peer services, but to engage oral health therapists.

PN88

THE DEPUTY PRESIDENT: Do you have any idea of how many do engage them, Ms Blair?

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MS BLAIR: I would suggest not very many.

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THE DEPUTY PRESIDENT: It didn't look like it from the data that we could identify.

PN91

MS BLAIR: No. We know that about 70 or 80 of our member services, and we only have a ballpark figure, deliver dental services at all. Many of those services outsource their dental provision. So they might have a visiting service that comes in once a month or once a week to support the community, but yes, not very many of our services deliver dental.

PN92

THE DEPUTY PRESIDENT: So it's probably unlikely that there would be people engaged at those more senior levels then, I assume.

PN93

MS BLAIR: Yes, unlikely, but also a bit difficult to say.

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THE DEPUTY PRESIDENT: Okay. No, that's fine.

PN95

MS BLAIR: But there's unlikely to be more than a handful I would suggest.

PN96

THE DEPUTY PRESIDENT: Did you have any view in terms of how they should be referred to in the award – dental therapist/oral health therapist?

PN97

MS BLAIR: None. We're happy to defer to the view of the unions on that.

PN98

THE DEPUTY PRESIDENT: All right. That's helpful, thank you. And for VACCHO?

PN99

MR ROPITINI: Thank you, Deputy President. We would broadly agree with what's been put forward by the other parties. We do employ a small number of oral health therapists in Victoria. So we have an increasing focus on employing oral health therapists as well, because our advocacy and our push for funding in the form of dental service models has been on trying to transition the sector away from reliance on dental chairs, which have tended to require us to employ dentists, but there's a lot that can be done outside of a dental chair, which involves health promotion, which involves, you know, a range of preventive treatment, such as the application of fluoride varnish on teeth, and that can be very adequately done by an oral health therapist.

PN100

Oral health therapists are able to do treatments in chairs as well, in particular for children, and so we think they're a good workforce for us to employ, but they have a particular value of proposition in terms of our service model for not requiring expensive infrastructure such as dental chairs and everything that's associated with them.

PN101

So in the future we will hopefully attract more oral health therapists to the sector, and my understanding is that dental therapists are not really trained in Australia anymore. So they're sort of a workforce which has been transitioned over time into oral health therapy, in particular because my understanding is in 2020 changes were made to the oral health therapist scope of practice such that they no longer need to practice under the supervision of a dentist, and since they were able to practice independently that's opened up a range of opportunities for them to be incorporated in primary health care without the need for a dental chair.

PN102

So we have started employing oral health therapists. We have one who is reasonably senior and experienced. However, she does not work full time in our service, and she sort of comes in in order to support the service and its running. We don't have many who undertake additional responsibilities, such as supervision of others, for example. It's a very sort of early and emergent part of our workforce composition.

PN103

THE DEPUTY PRESIDENT: I think the higher levels that have been kind of discussed in the Health Professionals Award refer to supervisory specialist or managerial, so it doesn't sound like any of them would be fulfilling, or any of your current workforce at least would be fulfilling those types of a role or function.

PN104

MR ROPITINI: Not that we are aware of, no.

PN105

THE DEPUTY PRESIDENT: Okay. That's helpful for me. Thank you. Thank you, Mr Watt[sic]. Was there anything further from any other employer body on that? I might turn to you, Ms Bulut, then, specifically in relation to the dental therapists structure of proposed rates, et cetera. Were there any views that the Commonwealth wanted to express on those?

PN106

MS BULUT: Yes, the Commonwealth doesn't have a position with respect to those.

PN107

THE DEPUTY PRESIDENT: Thanks, Ms Bulut. All right. Before we move to the phasing in and transitional arrangements discussion, I think the ACTU has said it would let me know its position in relation to AM2025/2 – there's been a high number of those this year, as you can tell from the number – and I think VACCHO had expressed its submission in support of the variation and determination that we had proposed, but I don't think NACCHO's position made clear what its position was.

PN108

I might check with you first, Ms Blair, about whether you had had time to have a look at that determination and identify whether it probably – or the issues that we had identified probably were areas in the making of the award. Have you had an opportunity to turn your mind to that yet?

PN109

MS BLAIR: Yes, and that we have no issue with the draft determination at all. Yes, we agree.

PN110

THE DEPUTY PRESIDENT: Yes. It appeared to be an anomaly when we kind of kept on digging and looking at what had happened. Ms Peldova-McClelland,

you reserved your decision on that until the conference today. Did you want to express a view?

PN111

MS PELDOVA-McCLELLAND: Yes. Thank you, Deputy President. It was just out of an abundance of caution to make sure I've fully understood the issues, but we agree with the statement and draft determination. It seems that those were, you know, unintended consequences of an amended classification structure. We're satisfied that section 160 applies to correct that error, and we agree with the provisional view in terms of how the Commission intends to correct those errors.

PN112

THE DEPUTY PRESIDENT: Okay. Very good. Does any union have a different view?

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SPEAKER: No.

PN114

THE DEPUTY PRESIDENT: Any employer body have a different view? All right. Does the Commonwealth want to express a view on that, Ms Bulut?

PN115

MS BULUT: No. No, thank you, Deputy President.

PN116

THE DEPUTY PRESIDENT: All right. Very good. Thank you for that. I think that then takes us to talking about the transitional provisions and phasing in. Have I missed anything along the way that we needed to deal with? No. Very good. All right. Well, I might hear from you first, Ms Peldova-McClelland, on the phasing in. Of course I can confirm I have read your submission.

PN117

MS PELDOVA-McCLELLAND: Yes. Thank you, Deputy President. I'm not sure I have anything in particular to add. It's obviously the position of the unions that those proposed variations come into effect as soon as possible. Our view is that delaying and phasing perpetuates the gender-based undervaluation that's been identified by the expert panel.

PN118

However, of course, if it's determined that the variation should be phased in over a period of time, we say that this should be limited to what is absolutely necessary and that wage increases should be implemented in addition to, rather than being absorbed or applied in lieu of any annual wage review increases which occur during that phasing in period.

PN119

We note of course the reliance in the sector on Commonwealth funding, and so we are, you know, wheel-less and acknowledge that the approach to these matters will be significantly shaped by the Commonwealth's approach. So we are keen to hear from the Commonwealth.

PN120

THE DEPUTY PRESIDENT: Yes, I imagine. Any other union that wanted to express a view? I understood that the unions were in support of that, you know, getting any increase in place as quickly as possible. All right. Very good.

PN121

Ms Blair, I'll turn to the Commonwealth very shortly. As I had understood from your submission, your position was also that the increase and structure should be put in place as quickly as possible as I understood your position.

PN122

MS BLAIR: Yes, that's correct - support the position of the ACTU on this.

PN123

THE DEPUTY PRESIDENT: And is that position contingent on the Commonwealth's position, or is that your absolute position?

PN124

MS BLAIR: I think that's probably our absolute position, but acknowledge that the Commonwealth – we rely on the Commonwealth to fund this work, so yes.

PN125

THE DEPUTY PRESIDENT: Okay.

PN126

MS BLAIR: Also - - -

PN127

THE DEPUTY PRESIDENT: Sorry? Yes, I didn't want to cut across you. Please.

PN128

MS BLAIR: No, just, you know, we'll take a pragmatic approach obviously, but yes, as soon as practicable would be great.

PN129

THE DEPUTY PRESIDENT: And on that, Ms Blair, and if you don't know the answer to this that's absolutely fine, but how long from, you know, a drafted or a determination being issued would your member associations need to administer and operationalise any increase, that is, their transitional arrangements and, you know, arrangements for new employees? Are we talking weeks or a month or any – do you have a sense of how long that would take to actually get kind of payroll structures, et cetera, ready to go?

PN130

MS BLAIR: I don't at this stage. I'd have to take further advice on that.

PN131

THE DEPUTY PRESIDENT: All right. I'll ask that to the – the same question then. So can I turn to you, VACCHO? Ms Kilpatrick, I'm not sure if it's you or Mr Watt on this.

PN132

MS KILPATRICK: Yes, I think we would agree with everything Ms Blair has just outlined. I think, yes, we would be hopeful of a funding provision, but ultimately seek and agree with what - what Abe just - - -

PN133

THE DEPUTY PRESIDENT: All right. So your position is that the structure and the new rates of pay and the transitional arrangements should be put in place as quickly as possible, and that isn't contingent on Commonwealth funding?

PN134

MS KILPATRICK: Yes. Yes, and certainly agree with Ms Blair's further comments in respect to that. So yes.

PN135

THE DEPUTY PRESIDENT: All right. Thank you. Do you have any sense of how long it might take to operationalise and administer and get the systems of your member health organisations in place then to kind of deal with the transitional arrangements and new pay arrangements?

PN136

MS KILPATRICK: I don't personally, Deputy President. I'm not sure if Abe - Mr Ropitini might have the insight there.

PN137

MR ROPITINI: I think to give an absolutely confident answer, Deputy President, we would - similar to Nadine, we would have to seek further advice from our members. However, we have a number of members who have been working through this change in respect of changes in rates of pay through aged care, and it was a relatively quick process to be able to ensure that the organisations were responsive to that. So I don't imagine it would be protracted, but it would be safest I suppose if we were to come back with further advice on that.

PN138

THE DEPUTY PRESIDENT: Everybody has a different view of 'quick' and 'protracted', I'll just say for the record. What does that mean from – or can you give me a broad indication of kind of how long that did take, and if you don't hold that information that's perfectly fine, but do you have anything more concrete as to how long it took last time?

PN139

MR ROPITINI: So it was about a month, in terms of when I checked in with those organisations that employ under aged care arrangements, for them to look at the changes and everything associated with that and then to ensure that their payroll systems had all been updated in line with that. But I will say that it was an unusually prescriptive and sort of clear change from their perspective, and so –



and provided the outlay is relatively clear in terms of who's included and what the change is, it was a fairly smooth transition, and it certainly wasn't associated with a great degree of stress.

PN140

THE DEPUTY PRESIDENT: That's always good to know. All right. That is helpful from my perspective. I appreciate that – and sorry, I think I may have referred to you as Mr Watt earlier, so my apologies for that. I can't see when somebody is on the screen what their name is necessarily.

PN141

Well I think, Ms Bulut, that might lead to you and whether you can indeed give us any information on what the Commonwealth's position is in terms of phasing in and timing and potentially funding any increase.

PN142

MS BULUT: Yes. So in terms of the two issues, firstly, the question of funding, and secondly, the issue of phasing, I think here the Commonwealth has not yet made any decisions regarding changes to policies or programs to fund, directly or indirectly, any wage increases arising from the proceedings. The Commonwealth would consider funding for each award on a program-by-program basis.

PN143

And on the question of phasing, the Commonwealth's position, as is inconsistent with respect to the other awards, is to continue to advocate for a phased approach to implementation to manage potential workforce, macroeconomic and fiscal impact, and provided(?) for the Commission to allow the appropriate time for sectors to provide and all levels of government to respond to any final decision considering implementation dates.

PN144

So we certainly are – we would agree – well we would advocate for a phased approach, but I don't have instructions with respect to what that phasing approach looks like in terms of proposed time periods or spans.

PN145

THE DEPUTY PRESIDENT: All right. So would a draft determination assist in the Commonwealth finalising its position on that?

PN146

MS PELDOVA-McCLELLAND: It may. If there was a further opportunity to address the Commission on phasing, the Commonwealth may at that stage seek to say something further with respect to phasing, and we certainly wouldn't want to be heard against a draft determination, if that would assist the parties.

PN147

THE DEPUTY PRESIDENT: All right. Anything else, Ms Bulut?

PN148

MS BULUT: Nothing further.

PN149

THE DEPUTY PRESIDENT: Was there anything arising out of the Commonwealth's position? All right. Well, that might be everything for today, that is, I think we've dealt with dental assistants, we've dealt with dental therapists, we have dealt with the potential error in the award, and I'll relay those communications to the President in relation to AM2025/2. We have talked about kind of phasing in arrangements and operationalising the proposed or provisional views.

PN150

I think the next thing that I will do is I'll issue a draft determination and provide that to the parties, and we'll go from there. I'll consider what the appropriate steps might be in response to or following a draft determination going out to the parties, you know, whether there will be a further conference or an opportunity for submissions. I'll turn my mind to that. Was there anything further from the parties? I'll turn to you first, Ms Peldova-McClelland.

PN151

MS PELDOVA-McCLELLAND: I don't think so, Deputy President. I think it may be helpful to have another conference after the determination has been issued just to work through any remaining concerns or to confirm whether the concerns have been resolved through that draft determination, and also maybe to hear further from the Commonwealth.

PN152

THE DEPUTY PRESIDENT: All right. Anything else any of the other union parties wanted to say? All right. I'll turn to you first then, Ms Blair. Was there anything more that you wanted to add today?

PN153

MS BLAIR: No, not today. But yes, would appreciate the opportunity for another discussion following a draft determination.

PN154

THE DEPUTY PRESIDENT: All right. Thank you. And Ms Kilpatrick, was there anything further that you wanted to say today on behalf of VACCHO?

PN155

MS KILPATRICK: Nothing further. Thank you, Deputy President.

PN156

THE DEPUTY PRESIDENT: All right. Well, unless there's anything else I'll adjourn the proceeding for today. Ms Bulut, I'm assuming there was nothing further to say?

PN157

MS BULUT: Nothing further. Thank you.

PN158

THE DEPUTY PRESIDENT: All right. Very good. If there's nothing further what I'll do is I'll adjourn the matter today. I'll issue a draft determination and we will go from there.

PN159

Thank you everybody for the time that you had put in to your submissions and the thought that you had put in to your positions, and also I express my thanks for working together. It is always very pleasing to see both the union parties and the employer parties working together so fruitfully to try and get the right outcomes. So my thanks for that, and I'll now adjourn.

**ADJOURNED INDEFINITELY**

**[10.56 AM]**