



DRAFT REPORT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

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(AM2014/250)

ABORIGINAL COMMUNITY CONTROLLED HEALTH SERVICES AWARD 2010 [MA000115]

COMMISSIONER CIRKOVIC

MELBOURNE, 20 FEBRUARY 2017

4 yearly review of modern award – Aboriginal Community Controlled Health Services Award 2010.

[1] On Wednesday 8 February 2017 a conference was held to discuss the Summary of Submissions – Technical and Drafting (the summary) in relation to the review of the *Aboriginal Community Controlled Health Services Award 2010*.

[2] The following items in the summary were discussed at the conference:

- Item 1: NATSIHWA propose the title be amended to ‘Aboriginal and Torres Strait Islander Health Services Award [Year]’ as part of its proposal that the coverage of the award be extended to Aboriginal and Torres Strait Islander health workers in community controlled health centres and private practice. NATSIHWA submit this is a substantive issue. United Voice reserves its position on the issue of coverage. AFEI reserves its position and seeks to make comments at a later date if required. Substantive issue to be discussed further at next conference.
- Item 2: Agreed, as per HSU proposal.
- Item 3: United Voice propose a different definition of ordinary hourly rate. AFEI note that they are unsure if this is required as they are unaware of any of the allowances being all purpose allowances. To be discussed further at next conference.
- Item 4: Agreed, as per HSU proposal.
- Item 5: Substantive issue to be discussed further at next conference. Action: AMOD to update summary to reflect amended draft determination of NATSIHWA of 1 December 2017.
- Item 6: Substantive issue to be discussed further at next conference.
- Item 7: United Voice seeks removal of the note under Aboriginal health worker. NATSIHWA support the removal of the note; however believe it is a substantive issue. Substantive issue to be discussed further at next conference.
- Item 8: Substantive issue to be discussed further at next conference.
- Item 9: Substantive issue to be discussed further at next conference.
- Item 10: Agreed, as per HSU, no opposition to removal of the definition of ‘appropriate certificate’.

- Item 11: HSU and United Voice oppose the removal of ‘whichever makes them more accessible’ from clause 3.3. AFEI oppose the reintroduction of ‘whichever makes them more accessible’ from clause 3.3. United Voice submit that the remoteness of workers under this particular award make a case for the retention of ‘whichever makes them more accessible’. NATSIHWA reserving position. AFEI to provide response submission in writing. To be discussed further at next conference.
- Item 12: Substantive issue to be discussed further at next conference.
- Item 13: HSU submit the Exposure Draft (ED) amendment to clause 13.2 ‘ordinary hours of work’ changes the award entitlement and propose the wording be altered. NATSIHWA agree with HSU and also propose the words ‘can be worked in any one day without the payment of overtime’ be added to the end of the sentence. Action: AMOD to update summary to include NATSIHWA’s submission. To be discussed further at next conference.
- Item 14: Agreed, as per HSU proposal.
- Item 15: Agreed, as per HSU proposal.
- Item 16: Agreed, as per HSU proposal.
- Item 17: Substantive issue to be discussed further at next conference.
- Item 18: Substantive issue to be discussed further at next conference.
- Item 19: Substantive issue to be discussed further at next conference.
- Item 20: To be discussed further at next conference.
- Item 21: Agreed, as per HSU proposal.
- Item 22: Agreed, as per HSU proposal.
- Item 23: Agreed, as per HSU proposal.
- Item 24: Substantive issue to be discussed further at next conference.
- Item 25: Agreed, as per HSU proposal. Action: AMOD to update summary to more accurately reflect HSU’s position.
- Item 26: Resolved as per item 14.
- Item 27: Agreed, as per HSU proposal.
- Item 28: Agreed, as per HSU proposal.
- Item 29: HSU propose that clause 19.6 be moved to allowances (clause 17). AFEI agree that 19.6(a)(i) and 19.6 (a)(ii) should be moved to allowances, but not the remainder of 19.6 as that might be misleading. To be discussed further at next conference.
- Item 30: Agreed, as per HSU proposal.
- Item 31: Substantive issue to be discussed further at next conference.
- Item 32: To be amended once substantive issues are decided.
- Item 33: Substantive issue to be discussed further at next conference.

[3] This matter is listed for further conference at **10:00am Tuesday 28 March 2017** in Sydney. This conference will be held to discuss both technical and drafting issues as well as substantive issues. Any comments on the accuracy of the draft record are to be filed by no later than **5:00pm on Tuesday 28 February 2017**. Parties that wish to file further submissions are to do so no later than **5pm Tuesday 14 March 2017**.

COMMISSIONER

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