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**Sent:** Wednesday, 20 September 2017 2:47 PM

**To:** AMOD

**Cc:** Justin Le Blond; Emily.Slaytor@Ablawyers.com.au; jessica.mcdonald@afei.org.au; rachell@hsu.net.au; Stephen.Bull@unitedvoice.org.au

**Subject:** RE: AM2014/250 Aboriginal Community Controlled Health Services Award 2010 [SEC=UNCLASSIFIED] [HWLE-Matter.C088885.313668]

### **Attention AMOD**

We refer to the below email dated 8 September 2017 and, on behalf of NATSIHWA, provide our responses below.

#### ***Item S1–Terminology***

##### **A. The Fair Work Commission has asked whether the title of the Award is intended to be changed as part of the agreed variation in relation to terminology.**

As part of the agreed variations in relation to S1, the parties have not agreed on a change to the title of the Aboriginal Community Controlled Health Services Award (**Award**).

This is largely due to NATSIHWA pursuing a substantive claim (which is not agreed) in relation to the coverage of the Award. The effect of this substantive change would result in the Award covering Aboriginal and/or Torres Strait Islander Health Workers as an occupation (**Coverage Claim**).

Should the Coverage Claim be successful, it would follow that the Award title would require variation to reflect its occupational and industry coverage.

##### **B. The Fair Work Commission has asked whether all instances of the word ‘Aboriginal’ should be replaced with ‘Aboriginal and/or Torres Strait Islander’.**

It is NATSIHWA's position that where use of the term '*Aboriginal*' appears in the Award, this should be replaced by the term '*Aboriginal and/or Torres Strait Islander*' except in circumstances where:

- the term '*Aboriginal*' appears in the Award in the defined term "*Aboriginal community controlled health services*"; and
- the term '*Aboriginal*' appears in the definition of the term "*Aboriginal community controlled health services*" (see definition is current Award clause 3.1).

Incorporating this change will ensure the terminology in the Award is consistent with the training packages and qualifications relevant to persons covered by the Award and is further, consistent with the terminology used by the Australian Health Practitioner Regulation Agency.

We note the term '*Aboriginal*' appears in numerous contexts however it predominately appears:

- in the title of the Award (at the top of each of Award's pages);
- in the definitions of "*Aboriginal knowledge and cultural skills*"; and
- in Schedule B - Classification Definitions.

In relation to use of the term in Schedule B - Classification Definitions, NATSIHWA has proposed the inclusion of a replacement classification to replace the existing classification structure which includes references to "*Torres Strait Islander*" people. These classification definitions are largely supported by the parties except insofar as they are associated with increased remuneration.

Accordingly, NATSIHWA's submits that it is appropriate to replace references to "*Aboriginal*" with '*Aboriginal and/or Torres Strait Islander*' with the exceptions detailed above.

#### ***Item S3–Definition and Coverage (interaction with S1)***

##### **C. The Fair Work Commission has asked the parties to clarify how the agreed position in Item S1 would interact with the proposed variation in Item S3.**

In this regard, we refer the Fair Work Commission to NATSIHWA's response in response to (A) above.

Sincerely

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Associate



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