

FAIR WORK COMMISSION

PRELIMINARY

1. The Victorian Hospitals' Industrial Association (**VHIA**) makes these submissions pursuant to paragraph 3 of the Statement [2017] FWC 2189 issued by the Fair Work Commission (**Commission**) on 18 April 2017.

PART 1A

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 Sch. 6A, Item 4 - Application to make a State reference public sector modern award

AM2013/43—Application by the Health Services Union to modernise the Medical Scientists, Pharmacists and Psychologists (Public Sector - Victoria) Award 2003 [AT830467]; Health and Allied Services - Public Sector - Victoria Consolidated Award 1998 [AT783945] & Health Professional Services - Public Sector - Victoria Award 2003 [AT827096]

2. The VHIA and the Health Services Union – National Branch (**HSU**) have agreed in-principle to the content of a State Reference Public Sector Modern Award to provide coverage to Health Professionals, Medical Scientists and Support Services within the State of Victoria (**Health Award**).
3. The VHIA and the HSU will submit a final copy of the Health Award to the Commission by close of business (5:00pm AEST) 2 June 2017.
4. It is our submission that the Commission ought to assign a Member to facilitate the authorisation of the Health Award.

PART 1B

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 Sch. 6A, Item 5 - Application to terminate a State reference public sector transitional award

AM2013/33—Application by the Victorian Hospitals' Industrial Association to terminate the Medical Scientists, Pharmacists and Psychologists (Public Sector - Victoria) Award 2003 [AT830467]

AM2013/34—Application by the Victorian Hospitals' Industrial Association to terminate the Health and Allied Services - Public Sector - Victoria Consolidated Award 1998 [AT783945]

AM2013/37—Application by the Victorian Hospitals’ Industrial Association to terminate the Health Professional Services - Public Sector - Victoria Award 2003 [AT827096]

5. It is agreed between the HSU and the VHIA that the matters – AM2013/33; AM2013/34; and AM2013/37 will be discontinued immediately upon the finalisation of the process prescribed in paragraphs [2] to [4].
6. It is our submission that the Commission ought not to take any action in the matters AM2013/33; AM2013/34; and AM2013/37.

PART 2

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 Sch. 6A, Item 5 - Application to terminate a State reference public sector transitional award

AM2013/36—Application by the Victorian Hospitals’ Industrial Association to terminate the Hospital Specialists and Medical Administrators Award 2002 CRV [AT816036]

7. The most recent correspondence available to the VHIA is an email on 16 April 2015 from Mr Rod Felmingham – Senior Industrial Relations Adviser – ASMOF Victorian Branch prescribing that:

I write in response to the 15 April 2015 email from your chambers to Mr Geoff O’Kearney indicating that the Full Bench proposes to terminate the Hospital Specialists and Medical Administrators Award 2002 unless the Commission receives notification of any contrary view by close of business on Monday 20 April 2015.

On behalf of the Australian Salaried Medical Officers Federation I wish to make the following applications:

1. *That the Full Bench not proceed to terminate the Hospital Specialists and Medical Administrators Award 2002 until it has heard and considered submissions on the matter from the Australian Salaried Medical Officers Federation.*
2. *That the VHIA application to terminate the Hospital Specialists and Medical Administrators Award 2002 be referred to a conference of the parties (VHIA and ASMOF) before the Commission.*
3. *Such further order as the Commission considers desirable.*

8. The submissions prescribed in point 1 of Mr Felmingham's correspondence were never made to the Commission.
9. The VHIA wrote to the Commission on 7 April 2016 advising that the AMA had made no attempt to correspond with the VHIA on AM2013/36 and that the VHIA still wish to terminate the *Hospital Specialists and Medical Administrators Award 2002*.
10. On 3 May 2017, the Commission wrote to the AMA asking that they provide their views in relation to the 7 April 2016 correspondence by 17 May 2016.
11. On 28 October 2016, the Commission wrote again to the AMA as a response had not been received with respect to the 3 May 2017 correspondence – the Commission sought the AMA's response by 11 November 2016
12. It is our submission that the Commission ought to reconstitute the Full Bench in the matter AM2013/36 and terminate the *Hospital Specialists and Medical Administrators Award 2002*.

VICTORIAN HOSPITALS' INDUSTRIAL ASSOCIATION

5 May 2017