

Fair Work Commission

Matter: AM2016/31 formally AM2014/204

4 Yearly Review of modern awards – Response to the Full Bench Decision on the *Health Professionals and Support Services Award 2010* – [2018] FWC FB 7350 of 3 December 2018

**Submissions on behalf of the Australian Dental Association (ADA)
by Wentworth Advantage Pty Ltd**

Introduction

1. This submission is made in Reply to the Decision named above where at Para [187] Vice President Catanzariti and his Chambers had instructed the ADA to lodge submissions by 19 December 2019
2. The ADA appreciates the work done by the Full Bench in reaching it's Decision of 3 December 2018 and in supports the suggested wording of the Full Bench in Para's [62], [77], [160], and [185]. Yet the ADA appreciated the opportunity to make some further comments in response in order to help finalise this HPSS Award Review matter. These comments are as follows –

Submissions from the Chiropractors' Association of Australia (CAA) dated both 5 December 2018 and 14 December 2018

3. The ADA agrees with the point of the CAA in it's 5 Dec 2018 submission that the Definitions Clause in the current HPSS Award at Clause 3.1 and in Schedule I of the HPSS Exposure Draft should be amended to -

“private medical, dental, pathology, physiotherapy, chiropractic and osteopathic practice means the practice of any medical practitioner, such as medical centre, general practice, specialist practice, family practice, medical clinic, dental practice, pathology practice, physiotherapy practice, chiropractic practice, osteopathic practice and women’s health centre, but does not include medical imaging practices, hospitals or hospices.”

Lodged by: Australian Dental Association Inc.

Telephone: 0439 191 764

Address for Service:
c/o Wentworth Advantage Pty Ltd
Suite 7, Level 3, North Tower, Chatswood Central
1-5 Railway Street CHATSWOOD NSW 2067

Fax: (02) 8448 3299

Email: DWilkinson@myadvantage.com.au

Thereby correctly taking into account the amending of Clause 24.2 in the current award or at Clause 8.2 (b) in the HPSS Exposure Draft to now cover physiotherapy, chiropractic, and osteopathic practices and expanding this to the new Definitions clause. A Draft Determination has been lodged within the CAA's 5 Dec 2018 submission in order to take that effect.

4. The ADA also agrees with the CAA's argument in its submission of 14 Dec 2018 in particular at the CAA's Clauses 1.4 and 1.5 where the CAA opposes the HSU's suggestion in its own submission of 7 Dec 2018 that the Award variation at Clause 24.2 or at Clause 8.2 (b) in the HPSS Exposure Draft "... *should be delayed or phased in over a period of not less than three years ...* ". The ADA further agrees with the other points made in the CAA submission in particular at its clause 4.2 where it states should the Full Bench consider the implementation of a shorter transition period it could be 6 -12 months only - for the new Span of Hours clause 24.2 or the new 8.2 (b) in the Exposure Draft.

Submissions from the Medical Imaging Employment Relations Group (MIERG) dated 12 December 2018

5. The ADA fully supports the last paragraph in the MIERG's submission where they state the following –

"May we ask that if the matter does not proceed to conference or hearing by the Full Bench and is concluded on the papers will the resulting reviewed award title and commencement be, '1.1 This award is the Health Professionals and Support Services Award 2019. 1.2 This award commences on 1 January 2019. "

Conclusion

6. The ADA asserts that its intention of lodging this submission and making the above comments on the CAA submissions and then the MIERG submission is to help the Full Bench to finalise this matter in the near future as expeditiously as possible.

David Wilkinson

General Manager – Industrial Relations

Wentworth Advantage Pty Limited

on behalf of the **Australian Dental Association Inc.**

Dated: 19 December 2018