



Fair Work Commission

80 William Street

East Sydney 2000

Email: “ amod@fwc.gov.au”

Re: Award Stage - 4 Year Review of Modern Awards

Group 2 - MATTER No. – AM2014/204

Health Professionals and Support Services Award 2010

[MA 000027]

Response to Revised Exposure Draft dated 31 October 2016

**Response made on behalf of the Australian Dental
Association (ADA) Inc. by Wentworth Advantage Pty Ltd**

Written submission in response and feedback provided in accordance with the extended time allowed under paragraph [226] of the Group 2 Decision [2016] FWCFB 7254 for the above named Award ONLY. This does NOT deal with the NURSES AWARD 2010.

Date: 9 December 2016

1. GENERAL COMMENTS

- 1.1 Again to reiterate as previously mentioned Wentworth Advantage Pty Ltd (**Wentworth Advantage**) is acting on behalf of the Australian Dental Association Inc. National Office (**ADA Inc.**) in the 2014/16 Modern Award Review proceedings relating to the *Health Professionals and Support Services Award* (HPSS Award) and the ADA has participated substantially in discussions and negotiations in order reach certain compromise consensus positions in the HPSS Award Review.
- 1.2 The ADA further would like to re-assert all of the points it made in it's lodged submission dated 5 August 2016 where the previous version of the Exposure Draft being the "revised HPSS Award Exposure Draft (ED)" of 4 December 2016 was analysed.
- 1.3 This submission however now makes comments on the newly "further revised HPSS Award Exposure Draft" (ED) of 31 October 2016.

2. SPECIFIC FEEDBACK

- 2.1 The ADA concurs with the feedback made by the Private Hospital Industry Employer Associations (PHIEA) in it's submission of 30 November 2016 with reference to the HPSS Award where the PHIEA had noted that in *Schedule C- Summary of Hourly Rates* –

Footnote to table on page 45:

*1 **Shiftwork** means any shift were ordinary hours commence between 6.00pm and **6.00pm** or finish between 6.00 pm and 8.00 am as defined in clause 18.4*

*The 6.00 pm underlined in bold above should read **6.00 am***

The same footnote appears on pages 47, 48 and 50 all of which will require amendment.

The ADA therefore agrees that these changes should be made and notes that the Aged Care Employers (ACE) submission dated 8 December 2016 also agrees with this change.

- 2.2. The ADA has undertaken some further research on the process of the HPSS 4 Year Award Review and therefore concurs with the feedback made by ACE on the top of Page 2 of it's submission dated 8 December 2016 to do with Clauses 19, 8.1(a) and 6.4(b) where the ACE states the following -

Health Professionals and Support Services Award 2010 (MA000027)

Aged Care Employers provide the following comment to the revised Exposure Draft for the Health Professionals and Support Services

Award 2010.

In our Submissions of 28 January 2015 Aged Care Employers proposed the following at paragraph 9 - Clause 19 - Overtime rates and casual employees.

Aged Care Employers submit that casual employees should be the same as full time employees in respect of ordinary hours being “an average of 38 hours per week, in a fortnight or four week period” (see clause 8.1(a)).

Clause 6.4(b) should be amended as follows: “A casual employee can be engaged to work up to an average of 38 hours per week, in a fortnight or four week period and including 38 ordinary hours per week.”

Aged Care Employers proposal has not been included in the revised Exposure Draft.

- 2.2** In agreement with this the ADA further states that because it did not feature in the previous Exposure Draft dated 4 December 2015 the ADA had overlooked it's omission from when it was first suggested by ACE in it's submission of 28 January 2015. Thus the ADA had not agitated for these amendments to be included until now.

3. THE POSITION OF THE ADA

Further again the ADA reserves the right to make further submissions in relation to any of the matters of the 4 Year HPSS Award Review if it deems it appropriate to do so into the future.

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