

From: Kyle Scott [mailto:Kyle.Scott@ablawyers.com.au]
Sent: Thursday, 20 December 2018 11:40 AM
To: Chambers - Catanzariti VP
Cc: Kate Thomson
Subject: RE: AM2016/31 Review of Nurses and Health Professionals and Support Services Award 2010 [ABLAW-ImanageDocs.FID135704]

Dear Associate

I refer to the above matter and to your email below regarding our clients' extension request for the filing of reply submissions.

Please find **attached**, by way of filing, a reply submission in relation to the *Health Professionals and Support Services Award 2010*. Regrettably, due to an administrative oversight we neglected to file these submissions by the deadline of close of business yesterday. We sincerely apologise for this oversight, and seek leave of the Commission to have the submission accepted for filing today.

Please do not hesitate to contact me should you wish to discuss.

Yours sincerely

Kyle Scott
Associate Director
Australian Business Lawyers & Advisors

Newcastle Office: Suite 402, Level 4, Watt Street Commercial Centre
45 Watt Street, Newcastle NSW 2300

Dir: +612 4989 1010 | Mob: 0422 286 133 | Fax: +612 9954 5029
Tel: +612 9458 7005 | Web: www.ablawyers.com.au | [inLinkedIn](#)



20 December 2018

Our Ref: 20140504

BY EMAIL: chambers.catanzariti.vp@fwc.gov.au

Associate to Vice President Catanzariti
Fair Work Commission
Level 10, 80 William Street
SYDNEY NSW 2011

ABN 76 008 556 595
140 Arthur Street
North Sydney NSW 2060
Locked Bag 938
North Sydney NSW 2059
DX 10541 North Sydney
t: 1300 565 846
f: +61 2 9954 5029
ablawyers.com.au

Dear Associate

AM2016/31: 4 YEARLY REVIEW OF MODERN AWARDS - HEALTH PROFESSIONALS & SUPPORT SERVICES AWARD

We confirm that we act for Australian Business Industrial and the NSW Business Chamber (together, **ABI and NSWBC**) in the above proceedings.

We refer to the decision handed down by the Full Bench on 3 December 2018 in this matter ([2018] FWCFB 7350) (the **Decision**), and in particular to the directions contained at [187] of that Decision inviting interested parties to file written submissions and Draft Determinations in relation to the proposed wording of certain variations to the *Health Professionals and Support Services Award 2010* (the **Award**) as set out in the Decision.

Our clients have considered the Decision and the submissions and Draft Determinations advanced by a number of parties, and wish to provide the following submissions in reply.

1. VARIATION TO THE SPAN OF HOURS PROVISIONS

- 1.1 Our clients note the decision to vary and rationalise the span of hours provisions in the Award, and the proposed drafting to give effect to the variation as set out in paragraph [62] of the Decision.
- 1.2 Our clients have reviewed the submission of the Chiropractors Association of Australia (the **CAA**) filed on 5 December 2018, and generally support the proposal that there be consequential amendments to the definitions in the Award to ensure the Award operates effectively in light of the variation.
- 1.3 In relation to the submission by the Health Services Union (the **HSU**) that the variation be delayed or phased in over a period of not less than three years, our clients have had the benefit of reviewing the reply submission of the CAA dated 14 December 2018, and our clients support the reply submissions of the CAA.
- 1.4 Our clients have major concerns with the practicability of phasing-in the variation, given the nature of the variation. In our view, it is difficult to conceive how the decided variation to the

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span of hours clause could be phased-in without creating instability, confusion and a significant administrative burden to employers in the industry.

1.5 To the extent that the Full Bench is minded to consider a delayed implementation to the variation, our clients consider that a period of delay in the order of 6 months would be sufficient to allow employers and employees to make appropriate arrangements prior to the variation coming into effect. In that context, our clients would not be opposed to an implementation date of 1 July 2019.

2. ROSTERING

2.1 Our clients do not oppose the proposed wording to the rostering provision as set out in paragraph [77] of the Decision.

3. MEAL BREAKS

3.1 Our clients support the Draft Determination filed by the Ai Group dated 6 December 2018.

If you have any questions, please contact Kyle Scott on 02 4989 1010.

Yours sincerely

Kyle Scott

Associate Director

Australian Business Lawyers & Advisors Pty Limited

(02) 4989 1010

kyle.scott@ablawyers.com.au