

Your ref AM2014/250  
Our ref AUSN117-869617(JZLB)

# Kennedys

**URGENT**

By email: [chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au) &  
[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Associate to the Honourable Justice IJK Ross  
Fair Work Commission  
Level 4  
11 Exhibition Street  
MELBOURNE VICTORIA 3000

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Kennedys (Australasia) Pty Ltd  
Level 22  
85 Castlereagh Street  
Sydney NSW 2000  
PO Box A65  
Sydney South NSW 1235  
Australia  
ABN 31 119 302 742

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t +61 2 8215 5999  
f +61 2 8215 5988  
DX 239 Sydney

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[kennedyslaw.com](http://kennedyslaw.com)

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T +61 2 8215 5951  
T +61 2 8215 5908

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[justin.leblond@kennedyslaw.com](mailto:justin.leblond@kennedyslaw.com)  
[persephone.forster@kennedyslaw.com](mailto:persephone.forster@kennedyslaw.com)

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30 January 2019

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Dear Associate

**4 YEARLY REVIEW OF MODERN AWARDS  
AM2014/250 - ABORIGINAL AND COMMUNITY CONTROLLED HEALTH SERVICES AWARD  
2010 (AWARD)**

We refer to our Michael Sacks' telephone attendance with your Casey Sutton on 25 January 2019, your Mirella Franceschini's email dated 22 January 2019 and the Statement issued by the President of the Fair Work Commission (Commission) on 24 December 2018 (Statement).

We confirm that we act for the National Aboriginal and Torres Strait Islander Health Workers Association Limited (ACN 138 748 697) (NATSIHWA).

**NATSIHWA'S PROPOSED CHANGES**

NATSIHWA has proposed a number of significant and critical, substantive changes to the Award to recognise Aboriginal and Torres Strait Islander Health Workers (ATSIHWs). This is because ATSIHWs have a vital role in '*closing the gap*' and have been under-recognised in the Australian industrial relations system.

The proposed changes recognise ATSIHWs and include (amongst other things):

- 1 a re-drafted classification structure to solidify and promote career progression;
- 2 introduction of a new classification to recognise the divergence in work performance by ATSIHWs (this necessitates an adjustment to the current wage structure, but not all wages);

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- 3 introduction of a clause to recognise prior service with other employers; and
- 4 expanding the coverage of the Award to cover ATSIHWs in private practice (and employed outside of '*Aboriginal and Community Controlled Health Services*'),  
  
(Proposed Changes).

## PROVISIONAL TIMETABLE

The Statement indicated (see Attachment A) that determination of AM2014/250 by a Full Bench of the Commission may occur in April 2019 (Provisional Timetable).

NATSIHWA's evidence will involve at least 6 witnesses or more, and we anticipate that both the Australian Federation of Employers & Industries and the Australian Business Industrial & NSW Business Chamber will oppose the Proposed Changes.

NATSIHWA is continuing to consult with witnesses and stakeholders about the hearing and we advise of the following:

- (a) the parties will be assisted by a directions hearing to confirm the timetable for the filing and service of evidence and submissions (in chief, response and reply). NATSIHWA anticipates that this process will assist the Commission and the parties to narrow the issues in dispute and afford procedural fairness to all parties;
- (b) the Provisional Timetable which indicated a hearing in April 2019 is unlikely to provide sufficient time to facilitate (a); and
- (c) NATSIHWA considers that a hearing in around late July 2019 (subject to the convenient of the Commission) will be more appropriate to facilitate (a).

NATSIHWA is grateful to the Commission for consulting with it about its programing for the Award. Please contact either Justin Le Blond or Persephone Forster, should there be any queries in relation to the above.

Yours sincerely



Justin Le Blond  
Partner  
for Kennedys