

From: Rachel Liebhaber <rachell@hsu.net.au>
Sent: Wednesday, 11 December 2019 5:34 PM
To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>
Subject: AM2018/12 - Aboriginal Community Controlled Health Services Award

AM2018/12
Four yearly review of modern awards
Aboriginal Community Controlled Health Services Award
Substantive issues

Dear Associate,

The HSU writes in relation to the above matter, and the issue raised in the correspondence from the Australian Medical Association (AMA) on 28 August 2019 regarding the relevance of the proceedings in the four yearly review of the HPSS Award to this matter.

Deputy President Gostencnik issued directions on 7 August 2019 directing that replies to AMA should be filed by 18 September 2019. We acknowledge that this correspondence is therefore out of time, but seek leave to make this brief submission in response.

The HSU supports the submission of NATSIHWA dated 18 September 2019. We agree that the question of coverage in the HPSS Award review matter is not relevant to NATSIHWA's claim in the review of the Aboriginal Community Controlled Health Services (**ACCHS**) Award, and there is no need to postpone determination of the ACCHS Award on this basis.

We draw the Full Bench's attention to clause 4.8 of the HPSS Award, which provides as follows:
Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NATSIHWA's claim is for Aboriginal and Torres Strait Islander Health Workers (A&TSIHWs) and Aboriginal and Torres Strait Islander Health Practitioners (A&TSIHPs) working in private practice to be covered by the ACCHS Award. If this claim is granted, there would be no difficulty determining coverage. Because of clause 4.8 in the HPSS Award, it would be clear that A&TSIHWs and A&TSIHPs working in private practice are covered by the ACCHS award which is most appropriate to the work they perform.

Regards,

Rachel Liebhaber | National Industrial Officer | HSU National

Suite 46, Level 1, 255 Drummond Street, Carlton VIC, 3053

ABN 68 243 768 561

p 03 8579 6328 m 0429 217 234

e rachell@hsu.net.au w www.hsu.net.au

