

From: Chambers - Catanzariti VP
Sent: Friday, 15 June 2018 6:25 PM
To: 'alewis@ama.com.au'
Cc: AMOD
Subject: RE: Please refer attached - AMA Submission (HPSS Award, 4 yearly review modern awards [SEC=UNCLASSIFIED])

Dear Mr Lewis,

I write to you with reference to the below correspondence in respect of the above matter.

The Vice President has acceded to AMA's request to file its submissions (attached) outside of the Directions issued by the Commission on 21 December 2017.

Kind regards,

Colin Chang
Associate to Vice President Catanzariti AM

Fair Work Commission
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From: Andrew Lewis [<mailto:alewis@ama.com.au>]
Sent: Wednesday, 13 June 2018 2:52 PM
To: AMOD
Cc: BRIGHT, Zoe
Subject: Please refer attached - AMA Submission (HPSS Award, 4 yearly review modern awards)

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12 June 2018



Vice President Catanzariti
Fair Work Commission
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Dear Vice President

**AMA submission - Span of Hours
Health Professionals and Support Services Award 2010
4 Yearly Review of Modern Awards – Div. 4. s.156 - Fair Work Act (Cth.) 2009 (the Act)**

We refer to Directions issued 21 December 2017. As an interested party, we acknowledge the Commission's deadline to file submissions seeking variation and/or opposing variations sought has now passed.

We respectfully request an indulgence and the exercise of the Commission's discretion to accept this submission.

We make submission in our belief that the voice of a discrete group: Registered medical doctors operating (typically) small business medical practices and employing staff under the *Health Professionals and Support Services Award 2010* (hereafter "the HPSS Award"), will not otherwise be substantively represented. A main focus is the primary care (i.e. general practice) health sector.

Background

The Australian Medical Association (hereafter "the AMA") is a federated professional association representing the interests of its members. This submission is on behalf of State and Territory AMA's and their Registered medical practitioner members who employ staff under the HPSS Award. AMA estimates there are around 7,500 general practice (primary health care clinic) businesses operating nationally.

Our members have interest not just in respect of their private medical practice operating as a business but also hold deep commitment to the optimisation of patient care which necessarily includes optimal public access; particularly relevant to the primary care (i.e. general practice) setting.

Objection – Span of Hours - Variation Submission, Health Services Union [12 February 2018]

The Health Services Union (hereafter "the HSU") submits that the Commission should remove HPSS Award clauses 24.2 through 24.4 (inclusive) thus enabling sub clause 24.1 to be the "standardised" span-of hours. We object. This is an impractical bid by HSU particularly when acknowledging the HPSS Award span of hours differentiation arises because of clearly separate & distinct health care business endeavours, their separate style of operation and their different *raison d'etre*; namely and relevantly private:

- medical practices (AMA's submission focus);

- dental practices;
- pathology practices;
- medical imaging practices; and
- physiotherapy practices.

We submit the Commission is charged only with considering sub section 134(1)(a) – (h) of the Act to inform its overarching consideration of the s.134(1) objective to create a modern award that is “*fair and relevant*” (our emphasis).

We submit the HSU seeks substantive variation and has not, as it is required to do, advanced argument capable of satisfying the Act’s criteria and therefore the exercise of variation power under s.157(1)(a) cannot be enlivened. This point accords with decision [\[2014\] FWCFB 1788](#) in that, as it is presumptive the HPSS Award operates effectively, the HSU bears the evidentiary onus in support of any variation sought; this evidence is absent. Specifically, in respect of span of hours, HSU assertion about “*standardisation*” imperatives are irrelevant to the Commission’s considerations.

In respect of the Commission considering s.134(1)(f) as relating to “*the likely impact of any exercise of modern award powers on business*” we submit the consideration of impact includes the business of medicine being inextricably linked to serving the public interest through its provision of, and ensuring access to, health and primary care medical services.

Imposition of new and increased EFT employment on-costs would necessarily arise through HSU’s span of hours variations sought. With this in mind, the relevant implications of the variation sought and the foundation of our objection are:

- reducing practice operating hours (mornings, evenings or on the weekends) which would decrease the availability of (particularly) primary care services outside of ordinary weekday business hours and on weekends. The medical practice core business of providing patients access to care is then undermined; AND
- incentivising a reduction in Medicare bulk billing rates as a cost recovery measure to ensure a sustainable practice model. The general practice bulk billing rate is 85.8 percent of all presentations ¹ which acts to maximise the public seeking out treatment because cost of medical services is not a prohibitive factor.

We thank the Commission for its consideration.

Yours sincerely

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Senior Industrial Adviser



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¹ For the first half of 2017-2018 financial year as published by Department of Health (Commonwealth) 8 March 2018. This represents 65.9 million bulk billed general practice consultations provided by doctors to patients.