

From: Chambers - Lee C

Sent: Tuesday, 27 November 2018 1:44 PM

To: 'Daniel Pullin'; 'Rem Richards'; 'schant@vhia.com.au'; 'vhia@vhia.com.au'; Leigh Svendsen; 'hsu@hsu.net.au'; 'NikiH@amavic.com.au'; 'industrial@anmf.org.au'; 'Stuart Miller'; 'Geoff O'Kearney'; 'andrew@anmf.org.au'

Subject: FW: AM2013/33 and others - Health Grouping - Health Professionals, Medical Scientists and Support Services (Victoria) State Reference Public Sector Draft Award 2018 [SEC=UNCLASSIFIED]

Dear Parties,

Two rates in the agreed parties' draft are below the national minimum wage (\$710.20 per week). The two rates apply to a Dental nurse, levels I and II and are contained in clause 12.2 of the proposed award. Staff of the Commission have previously queried these rate and the parties (via VHIA) have provided adjusted rates which *lowered* the amount paid to these two classifications as follows:

Clause 12.2

(d) Dental Nurses

Grade Level	Weekly rate
Dental nurse level I	\$488.69 \$436.40
Dental nurse level II	\$555.99 \$496.40

VHIA explained that the rates were taken from the *Victorian Public Health Sector (Health & Allied Services Managers & Administrative Workers) Enterprise Agreement 2016-2020*. As the rates were the ones applying on 8 December 2016 the Commission staff proposed applying the two annual wage increases to the rates as follows:

	1 July 2016	1 July 2017	1 July 2018
Grade Level	Weekly rate \$	Weekly rate \$ (+3.3%)	Weekly rate \$ (+3.5%)
Dental nurse level I	436.40	450.80	466.60
Dental nurse level II	496.40	512.80	530.70

The adjusted rates proposed by the Commission are still significantly lower than the national minimum wage. We note that the two classifications do include trainees but both are capable of covering an employee who is "not in an accredited or equivalent training programme" which means that they are capable of applying to an adult employee in their first or second year of employment who is not engaged in formal training.

(a) Dental nurse level I:

An employee who is either undertaking the first year of an accredited training programme, or equivalent programme, or during the first twelve months of employment not in an accredited or equivalent training programme.

(b) Dental nurse level II:

An employee who is either undertaking the second year of an accredited training programme or an equivalent training programme, or an untrained employee with twelve months of employment not in an accredited or equivalent training programme.

There are currently no rates in any modern award that are capable of applying to an adult employee, who are not in training or indentured as an apprentice, that are below the national minimum wage.

Commissioner Lee will convene a Conference with the parties in order to discuss with interested parties options to resolve this matter.

The Conference will be listed at **2:00pm on Monday, 10 December 2018.**

Kind regards

VICTORIA FIJALSKI

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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders, past, present and emerging.