

Your ref AM2018/12 - Aboriginal Community Controlled
Health Services Award 2010

Our ref AUSN117-869617 (JZLB)

By email: amod@fwc.gov.au

Attention: AMOD Team
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Dear AMOD Team

**FOUR YEARLY REVIEW OF MODERN AWARDS
ABORIGINAL COMMUNITY CONTROLLED HEALTH SERVICES AWARD 2010
FAIR WORK COMMISSIONS PROCEEDING NUMBER: AM2018/12 (PROCEEDINGS)**

We refer to the revised Exposure Draft of the *Aboriginal Community Controlled Health Services Award 2010 (Award)* published on 15 March 2019 (**Revised Exposure Draft**), the Statement [2019] FWC 2271 of Justice Ross, President of the Fair Work Commission issued on 4 April 2019 (**Statement**), and confirm that we act for the National Aboriginal and Torres Strait Islander Health Worker Association Limited (ACN 138 748 697) (**NATSIHWA**) in the Proceedings.

Pursuant to paragraph [15] of the Statement, please find set out below the position of NATSIHWA on the Revised Exposure Draft.

Definitions

We note that clause 2 of the Revised Exposure Draft has inserted the following new definitions:

- (a) Aboriginal and/or Torres Strait Islander Health Worker;
- (b) Advanced Health Worker - Care;
- (c) Advanced Health Worker - Practice;
- (d) Community Controlled Health Services Employees;

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- (e) Coordinator Care;
 - (f) Generalist Health Worker;
 - (g) Health Practitioner;
 - (h) Health Worker Trainee;
 - (i) Senior Health Care Worker - Care;
 - (j) Senior Health Practitioner; and
 - (k) Senior Health Worker - Care,
- (the Definitions).

NATSIHWA seeks the insertion of the Definitions in order to give effect to NATSIHWA's proposed variations to the coverage and classification clauses of the Award (as set out in NATSIHWA's Amended Draft Determination dated 1 June 2017).

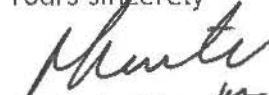
NATSIHWA's claims for variation to the coverage and classification clauses of the Award has been referred to the Full Bench of the Fair Work Commission for determination. Accordingly, we respectfully submit that the Definitions should not be inserted into the Revised Exposure Draft until the Full Bench has determined NATSIHWA's claims for variation of the coverage and classification clauses of the Award.

References to Aboriginal and/or Torres Strait Islander

We confirm that the Fair Work Commission has requested confirmation from the parties as to the use of the term 'Aboriginal and/or Torres Strait Islander'.¹

In accordance with [24] of the Decision [2018] FWCFB 1548, we confirm that all references to 'Aboriginal' should be replaced with 'Aboriginal and/or Torres Strait Islander'.

Yours sincerely



Justin Le Blond

Partner

for Kennedys

¹ Revised Exposure Draft clause 16.1, Schedule A, Schedule B.1 and Schedule C.1.