**From:** Mathew Dean [mailto:Mathew.Dean@kennedyslaw.com]
**Sent:** Thursday, 4 April 2019 9:35 AM
**To:** Chambers - Gostencnik DP
**Cc:** Persephone Forster; Naomi Cooper
**Subject:** AM2018/12 - Aide memoir [KEN-Legal\_APAC.FID177744]

Dear Associate

We refer to the Directions conference before Deputy President Gostencnik at 10.30am in AM2018/12 (to occur via videoconference) and confirm that we act for the National Aboriginal and Torres Strait Islander Health Worker Association.

In advance of the conference and for the purpose of assisting the conference, please find **attached** an aide memoir (in MS Word format). We propose to provide each of the parties in attendance at the conference with a copy of the aide memoir.

Yours sincerely

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|  | **Substantive claim** | **Included in the Exposure Draft** | **Comments** |
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| 1 | Clause 1 of the Amended Draft Determination -Delete the definition of ‘Aboriginal Health Worker’ in clause 3.1 and insert the following definitions:* Aboriginal and/or Torres Strait Islander Health Worker
* Advanced Health Worker – Care
* Advanced Health Worker – Practice
* Community Controlled Health Services Employees
* Coordinator Care
* Generalist Health Worker
* Health Practitioner
* Health Worker Trainee
* Senior Health Care Worker – Care
* Senior Health Practitioner
 | Yes | Amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] where the Full Bench states it will adopt the agreed variations set out in the Final Report to the Full Bench published on 4 September 2017 (**Report**).The Report (available [here](https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014250-report-040917.pdf)) is structured in accordance with the substantive claims raised in this [table](https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014250-summary-substantive-040917.pdf).It is worthwhile noting that although the definitions were inserted into the Exposure Draft, they relate to our other substantive claims which are yet to be inserted.  |
| 2 | Clause 2 of the Amended Draft Determination - amend coverage clause in cl 4.1. | No. | Not included - opposition from AFEI. |
| 3 | Clause 3 of the Amended Draft Determination - amend coverage clause in cl 4.2.  | No  | As above. |
| 4 | Clause 4 of the Amended Draft Determination – delete clause 13.1 (definition of ‘Classifications’). | No | There has been a minor technical change between current version of the Award and the Exposure Draft. The current Award states classification definitions are set out in Schedule B, whereas the Exposure Draft states they are set out in Schedule A. However, NATSIHWA’s amendment has not been made.  |
| 5 | Clause 5 of the Amended Draft Determination - insert new progression clause. | No  | Referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [13] – [16].  |
| 6 | Clause 6 of the Amended Draft Determination - insert new recognition of previous service clause. | No | Referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [13] – [16]. |
| 7 | Clause 7 of the Amended Draft Determination - insertion of new evidence of qualifications clause. | No | Referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [13] – [16]. |
| 8 | Clause 8 of the Amended Draft Determination - insertion of additional classifications for Aboriginal and/or Torres Strait Islander Health Workers.  | No | Not amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] – No agreement between parties. |
| 9 | Clause 9 of the Amended Draft Determination - insertion of new minimum wage rates for Community Controlled Health Service Employees. | No | Not amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] – No agreement between parties. |
| 10 | Clause 10 of the Amended Draft Determination - insertion of new occasional interpreting allowance. | No | Not amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] – No agreement between parties. |
| 11 | Clause 11 of the Amended Draft Determination - insertion of new damaged clothing allowance. | No | Parties have agreed to this amendment, however it has been referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [11] – [12], on the basis that consideration must be given to the modern awards objective before the variation be made. |
| 12 | Clause 12 of the Amended Draft Determination - insertion of new blood check allowance. | No | Parties have agreed to this amendment, however it has been referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [11] – [12], on the basis that consideration must be given to the modern awards objective before the variation be made. |
| 13 | Clause 13 of the Amended Draft Determination - insertion of new telephone allowance. | No | Parties have agreed to this amendment, however it has been referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [11] – [12], on the basis that consideration must be given to the modern awards objective before the variation be made. |
| 14 | Clause 14 of the Amended Draft Determination - insertion of new nauseous work allowance. | No | Parties have agreed to this amendment, however it has been referred to Full Bench for determination in accordance with [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [11] – [12], on the basis that consideration must be given to the modern awards objective before the variation be made. |
| 15 | Clause 15 of the Amended Draft Determination - insertion of new heat allowance. | No | Not amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] – No agreement between parties. |
| 16 | Clause 16 of the Amended Draft Determination - insertion of new isolation allowance. | No | Not amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] – No agreement between parties. |
| 17 | Clause 17 of the Amended Draft Determination - insertion of new medication administration allowance. | No | Not amended in accordance with [[2018] FWCFB 1548](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1548.htm#P374_11220) at [11] – No agreement between parties.The Report states that AFEI and ABI do not support the proposal of NATSIHWA regarding proposed occasional interpreting allowance, heat allowance and medication administration allowance. If parties cannot agree, the Full Bench will need to determine this matter (Item 7). |
| 18 | Clause 18 of the Amended Draft Determination - amended ceremonial leave clause to include bereavement related ceremony. | No | Items related to ceremonial leave referred to Full Bench for consideration (see [[2018] FWCFB 4175](https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb4175.htm) at [16] and [18]).  |
| 19 | Clause 19 of the Amended Draft Determination - insertion of revised Schedule B – Classification Definitions – Aboriginal and/or Torres Strait Islander Health Workers.  | No | Agreement to classification definitions subject to agreement on classification structure.  |
| 20 | Clause 20 of the Amended Draft Determination - insertion of revised Schedule C – Classification Definitions – Community Controlled Health Services Employees. | No | Clause 20 of the Amended Draft Determination and Schedule B of the Exposure Draft are identical except that the classification definitions are set out in Schedule C of the Amended Draft Determination, rather than Schedule B as in the Exposure Draft. |