

19 July 2021

Ms Alyce Lia  
Associate to Vice President Catanzariti  
Fair Work Commission  
Sydney Registry

**By email:** [chambers.catanzariti.vp@fwc.gov.au](mailto:chambers.catanzariti.vp@fwc.gov.au)

Dear Ms Lia

**S. 158 Application to vary or revoke a modern award – Health Professionals and Support Services Award - S.594 Application for Confidentiality Orders**

We refer to our letter dated 16 July 2021 in which we enclosed a draft Confidentiality Order and redacted versions of eight of APESMA's Witness Statements.

We refer to the second paragraph of our letter dated 16 July 2021 and now enclose a redacted version of Exhibit APESMA – 2.

Please do not hesitate to contact our Michelle Anthony on 0401 935 064 if you wish to discuss this matter.

Yours sincerely,



Michelle Anthony

**Acting Director Industrial Relations**

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CC: AMOD Team

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and the total cost was in the vicinity of \$300.00 although I've done many more Professional Development events that were free of charge.

5. I am aware of the Australian Institute of Interpreters and Translators Inc. (AUSIT) Code of Ethics and as a NAATI accredited Professional Interpreter I am bound to comply with and implement the rules set out in the code every day at work when carrying out my professional duties as an interpreter.
6. I commenced working for [REDACTED] in [REDACTED] and have only accepted work from the one agency since then. When I first commenced working as an interpreter I had young children and it suited me to work only for the one agency and in the beginning I took on only a small number of interpreting jobs (on average 1 or two per week).
7. In 2015 and 2016 I worked at a higher capacity, typically performing 2 and less often 3 interpreting jobs per day. Throughout 2017, 2018 and 2019 (ie in the years prior to the Covid Pandemic), I made myself available to work Monday to Friday across the usual full time business hours. Over this time I was receiving so many interpreting jobs from my employer that my schedule was at full capacity and so even though I was a casual employee, I did not to take work from other agencies. In the pre-pandemic years I could work up to 4 jobs in one day but it was all dependent on the location of the jobs as to how many I could work in one day. Generally assignments were booked for either one hour or 90 minutes. When accepting an assignment I had to allow time to travel to the location from the last job, in addition to allowing time to park and find the actual room or office in which the job was scheduled to occur.
8. I am aware that on 1 July 2018 the Victorian Government introduced rates of pay that interpreters had to be paid when performing Victorian Government interpreting jobs. Now produced, shown to me, marked '[REDACTED]-1' and attached to my witness statement is a copy of a document titled 'Interpreting Rates of Pay (VIC)

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Effective 1 July 2018’ which I understand are the Victorian Government rates as set out in a document produced by my employer.

9. In 2020 and during the Covid Pandemic, interpreting work moved to primarily being conducted by video and teleconference. I typically spent my days waiting around at home to take calls that would randomly come through over the course of the day. I received a telephone call from my employer on a date I cannot recall, but my best estimate would be February or March 2020, during which I was advised of the rates that would apply for “Video interpreting @ home”. These rates were as follows:

Minimum engagement of 30 minutes	\$36.90
For each 5 minutes thereafter	\$ 3.90

10. The Video interpreting @home rates differed from the Video interpreting – [REDACTED] office rates set out on page 2 of [REDACTED]-1. I am unable to find any communication in writing from my employer confirming what the ‘Covid’ rates were and what they were based on.

11. Prior to 2020 I was occasionally asked to go into head office to conduct a video conference in the office using my employer’s equipment. For those jobs I was paid for a minimum engagement of 60 minutes. I would still be paid the hourly rate of \$72.60 even if I had only been booked for 30 minutes. Those rates also included an additional payment of \$7.65 per each 15 minute increment worked in addition to the original hourly booking. I have set out a summary of the difference in the rates below:

<b>Video Interpreting [REDACTED] Office</b>	<b>Video Interpreting@home</b>
60 minutes - \$72.60	60 minutes - \$60.30
90 minutes - \$87.90	90 minutes - \$83.70
120 minutes - \$103.20	120 minutes - \$107.10

12. In approximately November 2020 I commenced performing ‘face to face’ interpreting jobs again when Victoria came out of lock down. I have continued to make myself available all five week days each week for my employer to allocate interpreting jobs into my diary When I reviewed my pay statements from my employer recently it was difficult to understand the rationale for the different rates of pay being applied to the different jobs I have performed. Now produced, shown to me, marked ‘[REDACTED]-2’ and attached to my witness statement is a copy of my Remittance Advice dated [REDACTED]. The jobs referred to in the table below highlight the differences in rates of pay inexplicably being applied for interpreting jobs performed within a one month period:

Booking No.	Delivery method	Rate of Pay applied	Comments
6097462 (page 2, row 8 and page 8)	Video conference	MRT/RRT Onsite (see [REDACTED]-1)	If the rate of pay applied was Video Interpreting@home, the total amount paid should have been \$165.60
6113759-3 (page 2, row 10 and page 10)	Face to Face	Face to Face Interpreting Onsite – Standard (see [REDACTED]-1)	In fact this was a Federal Circuit Court of Australia booking but due to Covid-19 I went to the solicitor’s offices although it was a cross examination conducted via video link. I would have expected this job to be paid as a Court Interpreting Half Day booking (see [REDACTED]-1).
6059029 (page 2, row 15 and page 6)	Video Conference	Unclear	A booking for the Administrative Appeals Tribunal South Australia however its unclear on what basis

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			I was paid a total of \$130.00 for the job.
6130737 (page 2, row 17 and page 14)	Video Conference	Video Interpreting- [REDACTED] Office (see [REDACTED]-1)	This was a job for [REDACTED] Community Health Service which was for a duration on 90 minutes. It is not clear to me why the rates in [REDACTED]-1 were applied in this instance and Video Interpreting@home applied in others. I was paid a total of \$87.90 for this job.

13. In 2021, while we have returned to performing face to face interpreting jobs, I am still being booked for a lot of video conference and teleconference jobs. When I look at my pay statements I cannot understand why and on what basis I am being paid differently for different jobs.

14. I estimate that I perform interpreting assignments 60% of the time in the health industry and 40% of the time in the legal industry. I do a lot of interpreting jobs at community health centres as well as in legal tribunals such as for migration matters in the AAT.

15. [REDACTED]-2 confirms that the total amount of remuneration I earned in the month of May 2021 while working to full capacity was \$2,232.63. My remuneration can vary slightly from month to month however I estimate my annual income for Financial Year 2022/21 was in the vicinity of \$33,000.00 before tax.

16. I support the application by my union Association of Professional Engineers Scientists Managers Australia (APESMA) to vary the Health Professionals and Support Services Award 2020 so that interpreters such as myself are covered by the award on an occupational basis, regardless of whether we are performing

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interpreting assignments in the health or other industries such as the legal industry. If I knew there was one award that covered my employment for all jobs I work, which was understood by all working in the industry to be the award that covers interpreters, I would be able to compare my actual rates of pay against my award entitlements secure in the knowledge that I could engage with my employer to ensure compliance with the minimum entitlements under the award.

**Association of Professional Engineers Scientists Managers Australia (APESMA)**

**15 July 2021**