

[2020] FWCA 2927

The attached document replaces the document previously issued with the above code on 4 June 2020.

The copy of the *Healthscope - Queensland - Non-Clinical Employees - Enterprise Agreement - 2020-2022* has been replaced to include a copy with the signatories page.

Elizabeth Furfaro  
Associate to COMMISSIONER HUNT

Dated 19 October 2020.





# DECISION

*Fair Work Act 2009*

s.185 - Application for approval of a single-enterprise agreement

**Healthscope Operations Pty Ltd T/A Healthscope**  
(AG2020/1091)

## **HEALTHSCOPE – QUEENSLAND – NON-CLINICAL EMPLOYEES – ENTERPRISE AGREEMENT – 2020-2022**

Health and welfare services

COMMISSIONER HUNT

BRISBANE, 4 JUNE 2020

*Application for approval of the Healthscope - Queensland - Non-Clinical Employees -  
Enterprise Agreement - 2020-2022.*

[1] Health Operations Pty Ltd T/A Healthscope (the Employer) has applied for approval of an enterprise agreement known as the *Healthscope - Queensland - Non-Clinical Employees - Enterprise Agreement - 2020-2022* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). The Agreement is a single-enterprise agreement.

[2] The Fair Work Commission (the Commission) raised certain concerns regarding the Agreement with the Employer via email, and convened a conference by telephone on 1 June 2020. Mr Ricky Plummer, Workplace Relations Advisor of the Employer, participated in the conference on behalf of the Employer, and Mr Ben Gowdie participated on behalf of the Australian Workers' Union (the AWU). As a result of the discussions during the conference, the Employer has provided written undertakings. A copy of the undertakings is attached at Annexure A. Pursuant to s.190(4) of the Act I sought the views of the AWU regarding the undertakings. The AWU did not object to the terms of the undertakings at Annexure A.

[3] I am satisfied that the undertakings will not cause financial detriment to any employee covered by the Agreement and that the undertakings will not result in substantial changes to the Agreement. Pursuant to s.190 of the Act, I accept the undertakings. In accordance with s.201(3) of the Act, I note that the undertakings are taken to be a term of the Agreement.

[4] I have taken into consideration the material filed in the Commission. Subject to the undertakings referred to above, I am satisfied that each of the requirements of ss.186, 187, 188 and 190 as are relevant to this application for approval have been met. The Agreement does not cover all of the employees of the employer, however, taking into account s.186(3) and (3A) I am satisfied that the group of employees was fairly chosen.

[5] The AWU being a bargaining representative for the Agreement has given notice under s.183 of the Act that they want the Agreement to cover it. In accordance with s.201(2) of the Act I note that the Agreement covers the AWU.

[6] The Agreement is approved and, in accordance with s.54 of the Act, will operate from 11 June 2020. The nominal expiry date of the Agreement is 31 July 2022.



COMMISSIONER

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<AE508208 PR719920>

**Annexure A:**



**Healthscope**

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2 June 2020

Chambers of Commissioner Hunt  
Fair Work Commission  
Central Plaza Two, 14/66 Eagle Street  
Brisbane City QLD 4000

By email: [chambers.hunt.c@fwc.gov.au](mailto:chambers.hunt.c@fwc.gov.au)

**AG2020/1091 - Application for the Approval of the *Healthscope – Queensland – Non-clinical employees – Enterprise Agreement – 2020-2022* pursuant to Section 185 of *Fair Work Act 2009 (Act)***

**Undertaking Pursuant to Section 190 of the Act**

I, David Harper, State Manager – QLD, NT, WA, on behalf of Healthscope Operations Pty Ltd give the following undertakings with respect to the *Healthscope – Queensland – Non-clinical employees – Enterprise Agreement – 2020-2022 (Agreement)*:

1. Notwithstanding clause 18.1(b) of the Agreement, the ordinary hours of work for a day worker, who falls within the classifications provided below, shall be worked between Monday – Friday, 6:00am – 6:00pm.
  - a. For the purpose of paragraph 1, relevant classifications to which an ordinary span of hours applies are as follows:
    - i. Peninsula, Pine Rivers and Sunnybank
      1. Level 1.1
      2. Level 1.2
      3. Level 1.3
2. Healthscope will confirm to existing part time Employees, the relevant information outlined within clause 11.5(c) of the Agreement.
3. These undertakings are provided on the basis of matters raised by the Fair Work Commission in matter number AG2020/1091.

Yours sincerely

**David Harper**  
QLD/NT/WA State Manager