

21 December 2017

The Hon. Justice Ross, President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000
Via amod@fwc.gov.au



Dear Justice Ross,

Re: Submission from Dental Hygienists Association of Australia Ltd re Provisional View in Statement on 4 yearly Review of Modern Awards, 11 December 2017

I write on behalf of the Dental Hygienists Association of Australia Ltd (DHAA) in response to your invitation to interested parties, dated 11 December 2017 to comment on your provisional view that it is not practicable to commence the second 4 yearly review until the current review has been completed, and parties have been given an opportunity to consider how the recently reviewed modern awards are operating in practice.

The DHAA strongly supports the provisional view.

The DHAA is an interested party in the 4 Yearly Review of the Health Professionals and Support Services Award 2010 (AM2014/204)(AM2016/31) formerly (AM2014/204).

As an interested party, the DHAA has participated in two days of arbitration on 11 and 12 December 2017; made seven written submissions; participated in six conferences; several Directions hearings and engaged in extensive correspondence with FWC and other parties.

As per the Nurses' Award revised Directions, it is proposed for the Health Professionals and Support Services Award, that comprehensive written submissions are due on 12 February 2018; submissions opposing variations due on 12 March 2018 and then liberty will apply in the case of the need for oral submissions. It is therefore improbable that a decision will be made by the Full Bench before late March 2018.

It is the view of the DHAA that if a further Review commences prior to the completion of the current 2014 review, the consequences would be seriously adverse.

For DHAA, its members and their employers, the consequences would be:

- a) Confusion about the status quo of employment conditions, specifically whether the occupations of dental hygienist and oral health therapist are award-free;
- b) Additional resource demands on organisations such as DHAA who have participated very actively in the 2014 review, in spite of a limited budget. Commencement of the 2018 review before the 2014 review is completed, would make the demands on time and financial resources very difficult.

Given that the Bill before Parliament to repeal the requirement for Fair Work Commission to conduct a 4 Yearly Review is likely to be passed in the first half of 2018, DHAA submits that it is a reasonable course of action for Fair Work Commission to delay the 2018 proceedings until at least 12 months after the completion of the 2014 review of modern awards, namely April 2019.

If the repeal Bill is not passed, a commencement date of April 2019 for the next 4 Yearly Review of Modern Awards would permit the parties to have an opportunity of approximately 12 months to consider how the recently reviewed modern awards are operating in practice.

The DHAA thanks the President for this opportunity to make a submission on the provisional view.

Yours sincerely,



Dr. Melanie Hayes
DHAA Chief Executive Officer

T: 0416 037 446
e: ceo@dhaa.info