

From: Jakov Miljak [mailto:Jakov.Miljak@afei.org.au]
Sent: Monday, 24 April 2017 2:34 PM
To: AMOD
Subject: AM2014/250 - Aboriginal Community Controlled Health Services Award 2010

Dear Sir/Madam,

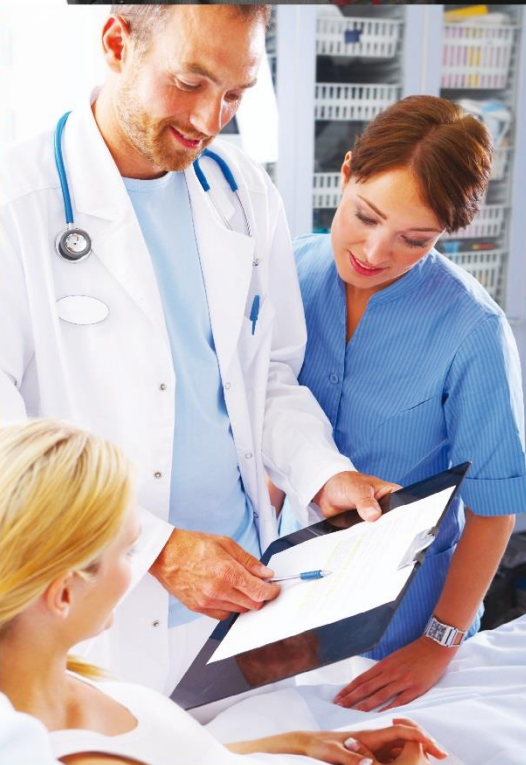
Last Friday, AFEI made submissions in response to the request by Commissioner Cirkovic on 28 March 2017 concerning the *Aboriginal Community Controlled Health Services Award* ("the Award"), matter AM 2014/250 of the 4 yearly review. However, due to an oversight, AFEI now kindly requests for these attached **amended submissions** to **replace** those submissions published on 21 April 2017 and for the submissions published last Friday to be removed so as to minimise confusion.

We kindly request that our submissions be shared with all interested parties in the above award and be published on the Award review website. We apologise for the delay in providing these submissions and request that the AFEI's position as outlined in the submissions be reflected in an updated summary of submissions for the benefit of all parties prior to the next conference on Friday, 28 April 2017.

Kind regards,

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Australian Federation of Employers and Industries

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Australian Federation of Employers and Industries (AFEI)

4 Yearly Review of Modern Awards

Amended Submission—Aboriginal Community Controlled Health Services Award—AM2014/250

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Australian Federation of
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(AFEI)

4 yearly review of modern awards:

Amended Submission—Aboriginal Community
Controlled Health Services Award—AM2014/250

24 April 2017

1. The following submissions are in response to the request by Commissioner Cirkovic on 28 March 2017 concerning the *Aboriginal Community Controlled Health Services Award* (“**the Award**”), matter AM 2014/250 of the 4 yearly review. The submissions below clarify AFEI’s positions in relation to a number of technical/drafting and substantive issues that remain in contention.

Technical and Drafting Issues (Item numbers reference revised summary of submissions- technical and drafting – dated 27 March 2017)

Item 13 – Ordinary hours of work

2. AFEI does not oppose the wording proposed by the Health Services Union dated 12 April 2017, namely that:

13.2 No more than 10 ordinary hours of work (exclusive of meal breaks) can ~~may~~ be worked in any one day.

Substantive Issues (Item numbers reference summary of proposed substantive variations – dated 27 March 2017)

Item 1 – Terminology

3. AFEI does not object to the addition of the words "and/or" after wherever the word "Aboriginal" appears in the award.

Items 2 – Education and Training

4. AFEI is concerned that the phrase ‘employer will actively assist’ is not clear and the obligation on the employer would be uncertain.

Item 2B – Classification restructuring

5. AFEI does not oppose the introduction of NATISWAH’s proposed classification structure at Grades 1-4. AFEI would oppose moving an “Advanced Health Worker-Practice” to the proposed grade 5 classification, and moving “Senior Health Practitioner-Practice” to the proposed grade 6. AFEI is of the view that NATISWAH have not demonstrated that the current wage levels for “practice work” are not appropriately set minimums and that NATISWAH would be required to make a work-value argument in order to pursue that change. Similarly, AFEI would be opposed to the introduction of the proposed grade 6 classification for Co-ordinator Care.

Item 3 – Expanding coverage to all Aboriginal and Torres Strait Islander Health Workers

6. AFEI does not support the proposed expansion of coverage to include employees who are working in organisations which are not aboriginal controlled community health organisations. In the creation of the modern award the Full Bench of the AIRC noted that

“the services provided by aboriginal controlled community health organisations are notably different from what might be called mainstream health services, including as to the work that is performed by its employees.”

7. AFEI is concerned that there may be issues with overlapping coverage and the possible consequences of expanding occupational coverage to employees who may already be covered by another award.

Item 5 – Casual Loading

8. We do not support changes to the payment of the casual loading on public holidays.

Items 7-9 – Allowances

9. AFEI does not support the introduction of an extensive range of new allowances and is concerned whether these allowances would be appropriately transposed directly from one award to another.

Item 14 – Rostering

10. AFEI does not support this change as it would be significantly more onerous on employers, reduce flexibility and may be disruptive to service. The present award provision provides sufficient protection for an employee and is in line with other rostering provisions in other awards. There is no evidence to suggest that this change is required.

Item 15 – Rostering

11. AFEI does not support the increased minimum engagement periods proposed by the HSU.

Item 16 – Tea breaks

12. AFEI would be opposed to the proposed introduction of tea breaks. The party bringing the claim (the HSU) has not provided any detail such as an indication as to the length of the break, its frequency or whether or not it will be paid or unpaid.

Items 17A – 18 – Ceremonial Leave

13. AFEI would not oppose the wording proposed by NATSIHWA in clause 30 of their draft determination in relation to allowing the current unpaid ceremonial leave entitlement to be used for bereavement related ceremonies and obligations.