



DECISION

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009

Sch. 6A, Item 4 - Application to make a State reference public sector modern award

Sch. 6A, Item 5 - Application to terminate a State reference public sector transitional award

Health Grouping

(AM2013/33 and others)

Health and welfare services

DEPUTY PRESIDENT GOSTENCNIK

DEPUTY PRESIDENT COLMAN

COMMISSIONER LEE

MELBOURNE, 4 NOVEMBER 2020

Health Professionals, Medical Scientists and Support Services (Victoria) State Reference Public Sector Modern Award 2018 – order issued.

[1] This Decision finalises the terms of the *Health Professionals, Medical Scientists and Support Services (Victoria) State Reference Public Sector Modern Award 2018* (Health Award), which was made by the Fair Work Commission (the Commission) on 4 September 2018 (the September 2018 decision).¹

[2] In a Statement² issued 29 April 2020, we outlined the remaining issues to be dealt with regarding the terms of the draft of the Health Award. These related to the wage rates allocated to the “Dental nurse level 1” and “Dental nurse level 2” classifications and flow on issues regarding Schedule E—National Training Wage.

[3] A conference was held on 13 May 2020 before Commissioner Lee to consider these issues. The conference was attended by representatives of the interested parties, the Victorian Hospitals’ Industrial Association (VHIA) and the Health Services Union of Australia (HSU).

[4] Following consideration of the views expressed by the parties at the conference, on 13 July 2020 a Statement³ (the July 2020 Statement) was issued outlining the Commission’s *provisional views* regarding the resolution of the outstanding matters.

[5] The first *provisional view* was that the “Dental nurse level 1” and “Dental nurse level 2” classifications should be deleted from the draft of the Health Award. The second *provisional view* expressed was that, given the above change, it would not be necessary for any changes to be made to the National Training Wage Schedule in the draft of the Health Award.

[6] Finally, we noted our *provisional view* that the Health Award is an award which covers ‘frontline’ health workers and as such the wage rates contained therein should be increased by 1.75% in line with the Annual Wage Review 2019-2020 decision.⁴

[7] A further draft of the Health Award, amended to reflect our *provisional views*, was published as an attachment to the July 2020 Statement. In the July 2020 Statement, we expressed the *provisional view* that the terms of the amended draft of the Health Award are consistent with the legislative provisions (which were set out in the September 2018 decision) including the modern awards objective and the minimum wages objective.

[8] Parties were provided an opportunity to comment on the *provisional views* expressed in the July 2020 Statement and the amended draft of the Health Award. On 19 August 2020, VHIA advised the Commission that representatives of the VHIA and HSU had met to discuss this matter and that the parties agreed with the *provisional views* expressed by the Full Bench in the July 2020 Statement. This correspondence was confirmed by a representative of the HSU the same day.

[9] We now confirm our *provisional views* as expressed in the July 2020 Statement. An order⁵ setting out the terms of the Health Award will be issued separately.

[10] As anticipated in the September 2018 decision (at [22]) the following instruments will terminate on the operative date of the Health Award:

- *Medical Scientists, Pharmacists and Psychologists (Public Sector - Victoria) Award 2003* [Transitional] [AT830467];
- *Health Professional Services - Public Sector - Victoria Award 2003* [Transitional] [AT827096]; and
- *Health and Allied Services - Public Sector - Victoria Consolidated Award 1998* [Transitional] [AT783945]

[11] Regarding the VHIA’s outstanding application to terminate the *Hospital Specialists and Medical Administrators Award 2002 CRV* [AT816036] (matter AM2013/36), we confirm our observation in the September 2018 decision that this matter will be deferred until the conclusion of the State Reference Public Sector Modernisation proceedings.

[12] The September 2018 decision noted that the respective parties had agreed that matters AM2013/33, AM2013/34 and AM2013/37 would be discontinued when the order making the Health Award comes into effect. We anticipate receiving a notice of discontinuance of those matters in due course.



DEPUTY PRESIDENT

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<AT830467, AT783945, AT816036, AT827096 PR723828>

¹ [\[2018\] FWCFB 5557](#).

² [\[2020\] FWCFB 2221](#).

³ [\[2020\] FWCFB 3635](#).

⁴ [\[2020\] FWCFB 3500](#).

⁵ PR722369