



A•S•U

File/Our Ref: [AM2012/137](#)
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31 October 2012.

Ms Sarah King
Associate to Vice President Watson
Fair Work Australia
Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

Dear Associate

**Re: Modern Awards Review – Health Professionals and Support Services
Award 2010 - AM2012/137**

I refer to the Application filed by the ASU in the above matter.

The variation proposed by the ASU in its Application is to remove uncertainty in relation to potential overlapping coverage between the Health Professionals and Support Services Award 2010 (“HPSS Award”) and the Social, Community, Home Care and Disability Services Industry Award 2010 (“SCHCADS Award”) by adding an express exclusion to distinguish both awards. The ASU believes that the proposed variation is relatively modest and will not result in any change to the intended application of the award for employers and employees.

The ASU has reviewed the submissions filed by the other parties which were posted to the Fair Work Australia website on 22 October 2012 and notes that the Application is opposed by ABI, AFEI and four Women’s Health Centres based in New South Wales.

Although the ASU maintains the view that there is uncertainty in relation to potential overlapping award coverage, the ASU believes, as a consequence of the other parties’ opposition to the Application, that additional amendments to the HPSS Award and the SCHCADS Award may be required to resolve this issue.

In the circumstances, the ASU will be considering its position further in the context of the legislative provisions which govern the variation of Modern Awards generally.

Accordingly, the ASU wishes to withdraw its Application and we attach a Notice of Discontinuance.

If you have any queries please contact John Nucifora on 03 9342 1477 or email jnucifora@asu.asn.au.

Yours faithfully

David Smith
National Secretary

Cc
Australian Business Industrial - Sarah.Haynes@ablawyers.com.au
Business SA - henrikw@business-sa.com
Australian Medical Association - jalati@ama.com.au
Australian Federation of Employers and Industries – judy.pettman@afei.org.au
Australian Dental Association - ceo@ada.org.au

**Australian
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Union**

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David Smith

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Form F50 Notice of Discontinuance

IN FAIR WORK AUSTRALIA

FWA Matter No.: AM2012/137

Applicant: Australian Municipal, Administrative, Clerical and Services Union

Respondent(s):

Australian Medical Association
Australian Business Industrial
Australian Federation of Employers and Industries
Australian Dental Association
Business SA

NOTICE OF DISCONTINUANCE

Fair Work Act 2009—s.588

The Applicant:

wholly discontinues this matter;

wholly discontinues this matter as part of a settlement agreement.

Date:	31 st October 2012
Signature:	
Name:	David Smith
Capacity/Position:	National Secretary Australian Municipal Administrative, Clerical and Services Union Ground Floor, 116 Queensberry Street Carlton South Victoria 3053

Service requirements

This notice must be served on the Respondent(s) as soon as practicable after it is lodged with FWA.

Note: Rules 9 and 10 deal with service.