

From: AMOD

Sent: Friday, 8 September 2017 11:48 AM

To: Emily.Slaytor@Ablawyers.com.au; jessica.mcdonald@afei.org.au; rachell@hsu.net.au; pforster@hwle.com.au; Stephen.Bull@unitedvoice.org.au

Cc: AMOD

Subject: AM2014/250 Aboriginal Community Controlled Health Services Award 2010
[SEC=UNCLASSIFIED]

To interested parties,

Re: [AM2014/250 Aboriginal Community Controlled Health Services Award 2010](#)

Following several conferences and extensive written submissions and corespondence, Commissioner Cirkovic issued a [Report](#) to the Full Bench about the matters that have been resolved and what remains outstanding.

We are writing to you to seek clarification about two [substantive issues](#) discussed in relation to the [exposure draft](#).

Please consider the following points and provide any response to amod@fwc.gov.au by **4.00 pm** on **Wednesday, 20 September 2017** so that it can be brought to the attention of the Full Bench.

Item S1–Terminology

Under Item S1, interested parties have generally agreed, or not opposed, the change in terminology proposed by the National Aboriginal and Torres Strait Islanders Health Worker Association (NATSIHWA) which will mean all references to ‘Aboriginal’ will be replaced with ‘Aboriginal and/or Torres Strait Islander’. However, we seek clarification as to the following issues:

- Is the title of the award intended to be changed as part of this agreed variation? If so, what would the new title be? Having ‘and/or’ in the award title would be unusual and may create ambiguity. The title of other modern awards that cover multiple sectors generally use ‘and’ to indicate that; for example the *Health Professionals and Support Services Award 2010*
- Should all instances of the word ‘Aboriginal’ be replaced with ‘Aboriginal and/or Torres Strait Islander’? We note that the word ‘Aboriginal’ appears in the exposure draft more than 100 times and in different contexts, so it may not be appropriate to simply replace it in all instances.
- Alternatively, is the variation sought intended to change or add a definition in clause 2 of the exposure draft?

Item S3–Definition and Coverage (interaction with S1)

Under Item S3, interested parties have not agreed on the variation proposed by NATSIHWA to expand the coverage clause in clause 4 of the exposure draft to include Aboriginal and Torres Strait Islander health workers.

We note that the coverage clause will already be varied by adopting the change in terminology agreed to in Item S1, subject to the query above. Can the interested parties clarify how the agreed position in Item S1 would interact with the proposed variation in Item S3?

Item S17A and S18–Ceremonial leave

In correspondence dated [26 April 2017](#), ABI advised that it did not oppose the variation sought to the ceremonial leave provision; however, at the subsequent conference on [1 June 2017](#), ABI's representative advised that ABI did oppose the variation. Can ABI please confirm its position in relation to this proposed variation?

Regards,

AMOD

Fair Work Commission

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