



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

(AM2014/250)

ABORIGINAL COMMUNITY CONTROLLED HEALTH SERVICES AWARD 2010 [MA000115]

COMMISSIONER CIRKOVIC

MELBOURNE, 4 SEPTEMBER 2017

4 yearly review of modern award – Aboriginal Community Controlled Health Services Award 2010.

[1] On 8 February, 28 March and 28 April 2017 conferences were held to discuss the Summary of Submissions – Technical and Drafting (the summary) in relation to the review of the *Aboriginal Community Controlled Health Services Award 2010*.

[2] The following items in the summary were discussed at the conferences:

- Item 1: Moved to substantive issues (item S2A) and is dealt with in section [3] of this report.
- Item 2: Agreed, as per HSU proposal.
- Item 3: Withdrawn by United Voice.
- Item 4: Agreed, as per HSU proposal.
- Item 5: Moved to substantive issues (item S2B) and is dealt with in section [3] of this report.
- Item 6: Moved to substantive issues (item S2C) and is dealt with in section [3] of this report.
- Item 7: Moved to substantive issues (item S2D) and is dealt with in section [3] of this report.
- Item 8: Moved to substantive issues (item S2E) and is dealt with in section [3] of this report.
- Item 9: Moved to substantive issues (item S2F) and is dealt with in section [3] of this report.
- Item 10: Agreed, as per HSU, no opposition to removal of the definition of ‘appropriate certificate’.
- Item 11: Withdrawn by HSU, as per correspondence dated 4 May 2017.
- Item 12: Substantive issue, referred to Payment of Wages Common Issue AM2016/8.
- Item 13: HSU submit the Exposure Draft (ED) amendment to clause 13.2 ‘ordinary hours of work’ changes the award entitlement and propose the wording be altered.
- Item 14: Agreed, as per HSU proposal.
- Item 15: Agreed, as per HSU proposal.

- Item 16: Agreed, as per HSU proposal.
- Item 17: Moved to substantive issues (item S9A) and is dealt with in section [3] of this report.
- Item 18: Moved to substantive issues (item S11A) and is dealt with in section [3] of this report.
- Item 19: Moved to substantive issues (item S11B) and is dealt with in section [3] of this report.
- Item 20: Agreed between the parties that clause 17.2(a)(iv) be deleted from the ED.
- Item 21: Agreed, as per HSU proposal.
- Item 22: Agreed, as per HSU proposal.
- Item 23: Agreed, as per HSU proposal.
- Item 24: Moved to substantive issues (item S11C) and is dealt with in section [3] of this report.
- Item 25: Agreed, as per HSU proposal.
- Item 26: Resolved as per item 14.
- Item 27: Agreed, as per HSU proposal.
- Item 28: Agreed, as per HSU proposal.
- Item 29: Resolved, agreement by all parties that clause 19.6 remains as it is.
- Item 30: Agreed, as per HSU proposal.
- Item 31: Moved to substantive issues (item S17A) and is dealt with in section [3] of this report.
- Item 32: To be amended once substantive issues are decided.
- Item 33: Moved to substantive issues (item S18A) and is dealt with in section [3] of this report.

[3] Substantive issues were discussed at conferences on 28 March, 1 June and 19 July 2017:

- Item 1: Agreed, as per NATSIHWA's proposal.
- Item 2 and Item 5A: AFEI do not support the proposals of NATSIHWA. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 2A: Parties have not confirmed their position. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 2B: Agreed, as per NATSIHWA's proposal.
- Item 2C: Agreed, as per NATSIHWA's proposal.
- Item 2D: Agreed, as per United Voice's proposal.
- Item 2E: Agreed, as per NATSIHWA's proposal.
- Item 2F: Agreed, as per NATSIHWA's proposal.
- Item 3: AFEI do not support the proposals of NATSIHWA. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 4: Referred to Part time and Casuals Full Bench AM2014/196 and AM2014/197.
- Item 5: Parties have not agreed to HSU proposal. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 5A: Agreed, as per NATSIHWA's proposal.
- Item 6: AFEI do not support the proposal of NATSIHWA. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 7: AFEI and ABI do not support the proposal of NATSIHWA regarding proposed occasional interpreting allowance, heat allowance and medication administration allowance. If parties cannot agree, the Full Bench will need to determine this matter. Parties have agreed as per NATSIHWA's proposal regarding damaged clothing allowance, blood check allowance, telephone allowance and nauseous work allowance.

- Item 8: Parties have not agreed with proposal of NATSIHWA. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 9: Parties have not agreed with proposal of HSU. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 9A: HSU is no longer pressing its claim.
- Item 10: Agreed, as per HSU proposal.
- Item 11: Parties have not agreed with HSU proposal. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 11A: Agreed, as per HSU's proposal.
- Item 11B: Withdrawn by United Voice.
- Item 11C: Agreed, per UV proposal.
- Item 12: Referred to the Payment of Wages Full Bench AM2016/8.
- Item 13: Withdrawn by HSU.
- Item 14: Parties have not agreed to HSU proposal. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 15: Parties have not confirmed their position. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 16: Parties have not agreed to HSU proposal. If parties cannot agree, the Full Bench will need to determine this matter.
- Item 17: Withdrawn by HSU.
- Items 17A and 18: The ABI do not support the proposal of NATSIHWA. If parties cannot agree, the Full Bench will need to determine this matter.
- Items 18A, 19 and 20: Agreed, as per United Voice and NATSIHWA's proposals.
- Item 24: Agreed, as per NATSIHWA's proposal.

COMMISSIONER