

From: Joanna Bandara [<mailto:jbandara@hmblaw.com.au>]
Sent: Wednesday, 26 September 2018 6:01 PM
To: Chambers - Catanzariti VP
Subject: HPSS Award - Modern Award Review - Technical and Drafting Issues

Dear Associate,

We refer to the recently published document titled “Summary of Submissions – Group 2 – technical and drafting”.

We confirm that there are a number of issues, which are in the nature of technical/drafting issues, that have been previously referred to in submissions made by the Chiropractors’ Association of Australia (National) Ltd (**CAA**) and which do not appear in the summary. In this regard, we refer to paragraph 7 of the CAA’s submissions dated 17 March 2017 and our oral submissions (particularly at PN1062) at the hearing on 11 December 2017.



In particular, the CAA shares the view held by the Fair Work Ombudsman that the *Health Professionals and Support Services Award 2010 (HPSS Award)* does not clearly identify when overtime and other penalties apply. In addition, the CAA submits that there is confusion with:

- the way the term “ordinary hours” is used interchangeably throughout the HPSS Award; and
- whether or not the shiftwork loading is to be applied on a shift by shift basis, or whether it is applicable to all hours worked by the shiftworker and/or whether the loading is paid for the entire shift.

In our view, these issues should remain in the summary of technical and drafting issues.

Kind regards,

Joanna

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