

Your ref AM2018/12 - Aboriginal Community Controlled
Health Services Award 2010

Our ref AUSN117-869617 (JZLB)

By email: amod@fwc.gov.au

Attention: AMOD Team
Fair Work Commission
11 Exhibition Street
MELBOURNE VICTORIA 3000

Kennedys

Kennedys (Australasia) Pty Ltd
Level 22
85 Castlereagh Street
Sydney NSW 2000
PO Box A65
Sydney South NSW 1235
Australia
ABN 31 119 302 742

t +61 2 8215 5999
f +61 2 8215 5988
DX 239 Sydney

kennedyslaw.com

t +61 2 8215 5951
t +61 2 8215 5908

justin.leblond@kennedyslaw.com
persephone.forster@kennedyslaw.com

27 March 2019

Dear AMOD Team

**FOUR YEARLY REVIEW OF MODERN AWARDS
ABORIGINAL COMMUNITY CONTROLLED HEALTH SERVICES AWARD 2010
FAIR WORK COMMISSIONS PROCEEDING NUMBER: AM2018/12**

We refer to the statement of the Honourable Justice Ross, President of the Fair Work Commission, *4 yearly review of modern awards - status - publication of exposure drafts - substantive claims - plain language project* [2019] FWC 1262 dated 28 February 2019.

Please find enclosed, for lodgement, the National Aboriginal and Torres Strait Islander Health Workers Association Limited (ACN 138 748 697) submissions dated 27 March 2019.

Should you have any queries in relation to the above, please do not hesitate to contact Persephone Forster, Senior Associate on +61 2 8215 5908.

Yours sincerely



Justin Le Blond
Partner
for Kennedys

cc: jessica.mcdonald@afei.org.au
rachell@hsu.net.au & leighs@hsu.net.au
stephen.bull@unitedvoice.org.au
emily.slaytor@ablawyers.com.au

Kennedys offices, associations and cooperations: Australia, Argentina, Belgium, Bermuda, Brazil, Chile, China, Colombia, Denmark, England and Wales, France, Hong Kong, India, Ireland, Israel, Italy, Mexico, New Zealand, Northern Ireland, Norway, Pakistan, Peru, Poland, Portugal, Puerto Rico, Russian Federation, Scotland, Singapore, Spain, Sweden, Thailand, United Arab Emirates, United States of America.

Our Ref AUSN-869617
Cc jessica.mcdonald@afei.org.au, rachell@hsu.net.au, leighs@hsu.net.au,
stephen.bull@unitedvoice.org.au, emily.slaytor@ablawyers.com.au

Kennedys

Submissions

Matter *4 yearly review of modern awards - status - publication of
exposure drafts - substantive claims - plain language project*
Matter no. AM2018/12
Date 27 March 2019
Author Justin Claude Le Blond, Partner
Persephone Forster, Senior Associate
Naomi Susan Cooper, Associate

OUTLINE OF SUBMISSIONS

NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH WORKER ASSOCIATION LIMITED (ACN 138 748 697) (NATSIHWA)

ABORIGINAL COMMUNITY CONTROLLED HEALTH SERVICES AWARD 2010

1 INTRODUCTION

- 1.1 These submissions are in response to the directions issued by the Honourable Justice Ross, President of the Fair Work Commission (**Commission**) on 28 February 2019 arising from the statement *4 yearly review of modern awards - status - publication of exposure drafts - substantive claims - plain language project* [2019] FWC 1262.
- 1.2 We set out below the matters that NATSIHWA seek to raise during the conference listed on 3 April 2019 before his Honour (**Conference**) in respect of proceedings AM2018/12 (**Proceedings**).

2 CURRENT TIMETABLE FOR THE PROCEEDINGS

- 2.1 On 30 January 2019, NATSIHWA made submissions to the Commission regarding the Commission's provisional timetable for the Proceedings (**Submissions**). In the Submissions, NATSIHWA requested, amongst other things, a directions hearing to confirm the timetable for the filing and service of evidence and submissions in the Proceedings.
- 2.2 On 6 February 2019, in response to the Submissions, his Honour issued a statement which indicated that a programming mention would be listed for the Proceedings in due course (**Proposed Programming Mention**), and that the final hearing in the Proceedings would occur in July 2019.¹

¹ *4 yearly review of modern awards - award stage - substantive issues* [2019] FWC 717 at [3] (6 February Statement).

- 2.3 Annexure A to the 6 February Statement indicated that the Proposed Programming Mention will tentatively occur in the week commencing on 22 April 2019.
- 2.4 On 18 March 2019, the Commission listed the Proceedings for hearing before a Full Bench of the Commission on 25 July 2019 and on 26 July 2019².
- 2.5 On 20 March 2019, Deputy President Gostencnik of the Commission made directions for the filing of written submissions in the Proceedings by no later than 5.00 pm on 10 June 2019 (Directions). The Directions did not provide for the filing of evidence in the Proceedings.

3 MATTERS TO ADDRESS AT THE CONFERENCE

- 3.1 During the Conference, NATSIHWA will request that the Commission confirm the listing date for the Proposed Programming Mention.
- 3.2 The Proposed Programming Mention will address the remaining outstanding timetabling issues, which were not covered by the Directions, namely the timetable for the filing and service of evidence and associated matters.

KENNEDYS

27 March 2019

² Notice of Listing in the Proceedings dated 18 March 2019.