

AM2016/31

4 Yearly Review of Modern Awards

Health Professionals and Support Services Award 2010

**SUBMISSIONS IN ACCORDANCE WITH THE DIRECTIONS ISSUED 27 OCTOBER 2020, AND EXTENSION
GRANTED ON 4 NOVEMBER 2020 (PROPOSED VARIATION TO HPSS AWARD)**

OPTOMETRY AUSTRALIA

Dated 9 November 2020

Lodged by Industry Legal Group Pty Ltd
PO Box 3395, South Brisbane QLD 4101
emma@industrylegalgroup.com.au
(07) 3556 4200

**4 YEARLY REVIEW OF MODERN AWARDS
HEALTH PROFESSIONALS AND SUPPORT SERVICES AWARD 2010
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1. In accordance with the directions issued by the Full Bench during the hearing on 27 October 2020 (**Hearing**) and extension to file materials granted to Optometry Australia (**OA**) on 4 November 2020 (**Directions**), OA submits:
 - (a) the Health Professionals and Support Services Award (**HPSS Award**) should not be expressed to cover Optometrists as it would be inconsistent with section 143(7) of the *Fair Work Act 2009* (Cth); and
 - (b) the HPSS Award should be varied to expressly exclude Optometrists from coverage by inserting “Optometrists” in clause 4.6 of the HPSS Award as set out in the **Annexure**.
2. OA relies on the Submissions¹ and Statement² filed on behalf of OA on 28 February 2020.



Emma Dalley
Industry Legal Group Pty Ltd
On behalf of Optometry Australia

Dated 9 November 2020

¹ Optometry Australia’s Submissions dated 28 February 2020 (including materials).

² Statement of Lyn Brodie dated 28 February 2020 (including annexures).

ANNEXURE - PROPOSED VARIATION TO HPSS AWARD EXCLUDING OPTOMETRISTS

OA proposes that the HPSS Award be varied as follows:

1. Delete:

4.6 This award does not cover:

- (a) employees excluded from award coverage by the Act;
- (b) employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees; or
- (c) employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

2. Insert:

4.6 This award does not cover:

- (a) **Optometrists;**
- (b) employees excluded from award coverage by the Act;
- (c) employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees; or
- (d) employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.