



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/13

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS
COMMISSION**

AM2008/13 - EXPOSURE DRAFT

MEDICAL PRACTITIONERS OCCUPATIONAL AWARD 2001

1. AFEI opposes the making of this proposed award for medical practitioners as it extends coverage to classes of employees who have traditionally been award free.
2. As noted by the AIRC at para 82 of its Statement of 23 January 2009 [2009] AIRCFB50 are only party proposing such an award was ASMOF. We note that the Australians Medical Association did not seek such an award.
3. The award ASMOF proposed was said to be based on existing awards which are set out at the appendix B of its submission. These awards appear to be predominantly public sector in nature, including the two awards in NSW – The Staff Specialists State Award and the Public Hospital Career Medical Officers State Award.
4. We understand that the public sector would not be covered by the proposed award due to them not being covered by the federal industrial jurisdiction. Accordingly, the effect of not making the proposed award would be to retain the status quo (at least in NSW). Medical practitioners in public hospitals would remain under State awards and medical practitioners in the private sector would remain award free.
5. In fact the effect of making the proposed award would be to only cover medical practitioners who have never been covered by an award (at least in NSW). Such a result would appear to be directly contrary to clause 2 (a) of the Minister's Request. Specifically it would "extend award coverage to those classes of employees... who, because of the nature or seniority of their role have traditionally been award free."
6. The nature of the award modernisation process simply does not allow the AIRC to conduct the type of review required to determine whether it should make an award for such a significant occupational group and what any award it makes should properly contain. It certainly cannot be assumed that the conditions between the public and private sectors are the same
7. To conclude, it is AFEI's submission that the proposed Medical Practitioners Occupational Award should not be created.