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Public Sector EBA Update No 15 - 18 November 2011

Victorian Public Sector Nurses and Midwives

18 November 2011 – 9.00 am

ANF considering application to the Federal Court for review of FWA suspension decision and update of FWA proceedings

Federal Court proceedings

Members are advised that ANF is considering an application to the Federal Court of Australia for a review of the decision made by a Full Bench of FWA to suspend the protected industrial action undertaken by ANF members.

The ANF application to the Federal Court would submit that FWA failed to distinguish between the everyday failings of the health system and the employers' **inaction** in addressing those failures, and the impact of the protected industrial action on the chronic health system. In particular the proposed application would focus on the question of whether the protected industrial action was in fact "endangering" the health, safety and welfare of the community as required by the Fair Work Act 2009.

FWA proceedings - Section 418 Application to stop unprotected industrial action

As outlined in EBA No 14, VHIA has applied to FWA for an order to stop members implementing the alleged unprotected industrial action. The proceedings commenced at 5.30pm on Thursday 17 November and were adjourned until 9.00am today.

FWA proceedings - Conciliation to reach an acceptable agreement

Proceedings continued in FWA on 17 November 2011 before Commissioner Gooley in an endeavour to reach an agreement that will be able to be accepted by ANF members at a statewide members meeting. These proceedings will resume today at 1.30pm. ANF has indicated to FWA and the employers that we are prepared to negotiate from 1.30pm today until 2.00pm on Monday 21 November 2011 continuously so that we are able to present a proposal acceptable to our members.

Further updates will be issued as matters unfold.