



DIRECTIONS

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards—Award stage—Substantive Issues— Social, Community, Home Care and Disability Services Industry Award 2010. (AM2018/26)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT CLANCY
COMMISSIONER LEE

MELBOURNE, 1 MAY 2019

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues –
Social, Community, Home Care and Disability Services Industry Award 2010.*

A. Modern Awards containing reference to translators and interpreters

Further to the Full Bench hearing on 16 April 2019¹, [a document](#) has been published by the Commission’s Research Section which sets out provisions from modern awards that refer to translators and interpreters, or contain some form of language allowance. In relation to that document it is directed that:

1. Any interested party is to file in the Commission any submission they wish to make in relation to the published document, in particular:
 - (a) whether the information contained in the document is correct; and
 - (b) what is the relevance of the information to this matter.

Written submissions are to be filed on or before **4.00 pm on Friday 17 May 2019.**

2. Any interested party wishing to file a submission in reply may do so on or before **4.00 pm on Friday 31 May 2019.**

¹ See [Transcript](#), 16 April 2019 at PN805–PN807 and PN1218–PN1219

B. Community language allowance scheme and accreditation process

During the proceedings on 16 April 2019, the Australian Industry Group tendered a document titled 'Community Language Allowance Scheme Handbook 2018'.² The Full Bench sought further information regarding the scheme including:

- (a) How does the scheme operate?
- (b) How does the scheme intersect with employers who operate under this award?
- (c) Are there similar schemes operating in other states?
- (d) If so, what are the relevant funding arrangements?

Further information regarding the accreditation process and arrangements for community language skills was also sought by the Full Bench during proceedings on 16 April 2019.³

It is directed that:

3. In respect of the above information request, the Australian Services Union are to file in the Commission any information they consider relevant on or before **4.00 pm on Friday 17 May 2019**.
4. Any interested party is to file in the Commission submissions regarding the material filed by the Australian Services Union on or before **4.00 pm on Friday 31 May 2019**.
5. Any interested party is to file in the Commission submissions in reply on or before **4.00 pm on Friday 7 June 2019**.

C. Other industrial instruments that contain community language allowances

During the course of proceedings on 16 April 2019, the Full Bench requested information regarding other industrial instruments that contain community language allowances⁴.

It is directed that:

6. The Australian Services Union and the Australian Industry Group are to file in the Commission any agreed material they consider relevant on or before **4.00 pm on Friday 17 May 2019**.
7. Any interested party is to file in the Commission submissions about the material on or before **4.00 pm on Friday 31 May 2019**; and
8. Any interested party is to file in the Commission any submissions in reply on or before **4.00 pm on Friday 7 June 2019**.

² Exhibit AIG1.

³ See [Transcript](#), 16 April 2019 at PN874; PN1056.

⁴ See [Transcript](#), 16 April 2019 at PN692 and PN1218.

D. Industry data and the Equal Remuneration Order

The Research Section of the Commission published an [Information Note](#) dated 9 April 2019 which attached a chart showing the wage rates of different classifications within the SCHADS Award.

During the proceedings on 16 April 2019 and 17 April 2019⁵, the Full Bench indicated that this chart had been prepared without consideration of the Equal Remuneration Order (ERO). The Full Bench asked parties to consider whether the chart accurately reflects the wage rates that employers in this industry have to pay as a consequence of the ERO.

It is directed that:

9. The Australian Services Union, Australian Federation of Employers and Industry and National Disability Services, are to file an agreed position relating to the above information on or before **4.00 pm on Friday 17 May 2019**.
10. Any other interested party is to file in the Commission submissions about the material on or before **4.00 pm on Friday 31 May 2019**.

E. Community language skills and the classification structure:

During the course of proceedings on 16 April 2019, the Full Bench asked parties to consider whether community language skills are contemplated within the existing classification structure.⁶

It is directed that:

11. Any interested party is to file in the Commission submissions and material on or before **4.00 pm on Friday 17 May 2019** relating to whether community language skills are contemplated within the existing classification structure.
12. Any interested party is to file in the Commission a submission in reply on or before **4.00 pm on Friday 31 May 2019**.
13. Any interested party is to file in the Commission any further submissions in reply on or before **4.00 pm on Friday 7 June 2019**.

F. Part-time employment and casual employment Full Bench (AM2014/196 and AM2014/197)

In the Part-time employment and casual employment decision⁷ the Full Bench described the operation of the NDIS at paragraphs [554] and [630] – [633]. Do the parties take issue with any of the observations made at those paragraphs? Is there any more up to date information?

14. Any interested party is to file in the Commission submissions relating to the above questions on or before **4.00 pm on Friday 17 May 2019**.

⁵ See [Transcript](#), 17 April 2019 at PN1271 – PN1274.

⁶ See [Transcript](#), 16 April 2019 at PN905 – PN920.

⁷ [2017] FWCFB 3541.

15. Any interested party is to file in the Commission a submission in reply on or before 4.00 pm on Friday 31 May 2019.

16. All submissions must be sent to amod@fwc.gov.au.

PRESIDENT