

Form F46 – Application to make, vary or revoke a modern award

Fair Work Act 2009, ss.157–161

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the [Fair Work Act 2009](#).

The Applicant

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address	116 Queensberry Street		
Suburb	Carlton South		
State or territory	VIC	Postcode	3053
Phone number	(03) 9342 1400	Fax number	
Email address	info@asu.asn.au		

If the Applicant is not an individual, please also provide the following details

Applicant's legal name	Australian, Municipal, Administrative, Clerical and Services union
Applicant's trading name	Australian Services Union
Applicant's ABN/ACN	28 519 971 998
Contact person	Michael Robson, National Industrial Coordinator (ASU) mrobson@asu.asn.au ; 0428 447 114 Address for service: Level 8, 321 Pitt Street, Sydney, NSW 2000

Applicant 2

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:
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First name(s)			
Surname			
Postal address	Suite 46, 255 Drummond St		
Suburb	Carlton		
State or territory	VIC	Postcode	3053
Phone number	1300 478 000	Fax number	
Email address	hsu@hsu.net.au		

If the Applicant is not an individual, please also provide the following details

Applicant's legal name	Health Services Union
Applicant's trading name	Health Services Union
Applicant's ABN/ACN	62 243 768 561
Contact person	Louise de Plater, Senior National Industrial Officer louised@hsu.net.au ; 0429 928 192

Applicant 3

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address	level 13, 333 Adelaide street		
Suburb	Brisbane		
State or territory	QLD	Postcode	4001
Phone number	1800 298 753	Fax number	

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Email address	secretary@awu.org.au
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If the Applicant is not an individual, please also provide the following details

Applicant's legal name	The Australian Workers Union
Applicant's trading name	The Australian Workers Union
Applicant's ABN/ACN	54 942 536 069
Contact person	Cheri Taylor, Industrial Advocate Cheri.taylor@awu.org.au ; 0475 508 764

Applicant 4

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address	19 – 37 Greek Street		
Suburb	Glebe		
State or territory	NSW	Postcode	2037
Phone number	0409 579 826	Fax number	NA
Email address	annette.vangent@unitedworkers.org.au		

If the Applicant is not an individual, please also provide the following details

Applicant's legal name	United Workers Union
Applicant's trading name	United Workers Union
Applicant's ABN	52 728 088 684

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Contact person	Annette van Gent; Industrial Officer (UWU) annette.vangent@unitedworkers.org.au ; 0409 579 826
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Applicant 5

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address	160 Clarence Street		
Suburb	Sydney		
State or territory	NSW	Postcode	NSW
Phone number	02 9220 0903	Fax number	
Email address	amcrobert@psa.asn.au		

If the Applicant is not an individual, please also provide the following details

Applicant’s legal name	Community and Public Sector Union (SPSF Group) New South Wales Branch
Applicant’s trading name	CPSU NSW
Applicant’s ABN/ACN	11681811732

Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

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Yes – Specify language

No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Applicant have a representative?



A representative is a person or organisation who is representing the applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

Applicant’s representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Is the Applicant’s representative a lawyer or paid agent?

Yes

No

1. Coverage

1.1 What is the name of the modern award to which the application relates?



Include the Award ID/Code No. of the modern award.

Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100]

1.2 What industry is the employer in?

Social, community, home care and disability services industries.

1.3 Does the application relate to the Care and Community Sector?



The Care and Community Sector includes, but is not limited to, the aged care, early childhood education and care and disability care sectors. Applications to make, vary or revoke awards that relate to the Care and Community Sector are decided by Care and Community Sector Expert Panels. See sections 617(8) and (9) of the FW Act.

Yes

No

Unsure

2. Application

2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

a determination varying a modern award

a modern award

a determination revoking a modern award

2.2 Does the application seek to vary modern award minimum wages?

Yes

No

2.3 Does the application relate to gender pay equity?



Variations to awards relating to substantive gender pay equity matters are decided by pay equity Expert Panels. See sections 617(6) and (9) of the FW Act. See also work value reasons in s.157(2A) and (2B).

Yes

No

Unsure

2.4 What are the details of your application?

Outline the changes you are asking the Commission to make. For example - if you are asking the Commission to vary an existing award, you should set out which parts of the award you are asking the Commission to change and how you think these parts should be changed.

The Applicants seek to vary Clause 25.4 – Rest breaks between rostered work, Clause 25.7 – Sleepovers and Clause 28.1(a) under s 157 of the *Fair Work Act 2009* (Cth). A draft determination is enclosed with this application.

Attach additional pages, if necessary.

2.5 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective, and the minimum wages objective if it applies, as well as any additional requirements set out in the FW Act.

Introduction


1. The Applicants are registered employee organisations entitled to represent the industrial interests of one or more employees covered by the *Social, Community, Homecare and Disability Services Industry Award 2010 (SCHDS Award)*.
2. The SCHDS Award provides for ‘Sleepovers’ at clause 25.7.
3. A sleepover is a period where an employee is required to sleep at premises where the client the employee is responsible for is located.
4. Sleepovers are used in a wide variety of subsectors covered by the Award, including youth and children’s services, disability services, alcohol and other drug services, homelessness services, mental health services, women’s services and family or domestic violence services.
5. The current terms of the SCHDS Award do not provide a fair and relevant minimum safety net of terms and conditions for employees who work sleepovers.
6. The Fair Work Commission is empowered and ought to vary the Award to provide a fair and relevant minimum safety net of terms and conditions in the manner sought by the Applicants pursuant to s 157(1)(a) as necessary to achieve the modern awards objective.

Attach additional pages, if necessary.


Signature – Applicant 1

Signature	
Name	Emeline Gaske
Date	15 July 2024
Capacity/Position	National Secretary, ASU


Signature – Applicant 2

Signature	
Name	Lloyd Williams
Date	15 July 2024
Capacity/Position	National Secretary, HSU

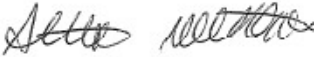
Signature – Applicant 3

Signature	
Name	Stacy Schinnerl
Date	15 July 2024
Capacity/Position	Branch Secretary, AWU

Signature – Applicant 4

Signature	
Name	Melissa Coad
Date	15 July 2024
Capacity/Position	Public Sector National Campaigns, Policy and Stakeholder Coordinator

Signature – Applicant 5

Signature	
Name	Alison McRobert
Date	15 July 2024
Capacity/Position	Legal Counsel, CPSU NSW