



DETERMINATION

Fair Work Act 2009

s 160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

The Australian Industry Group

(AM2023/28)

Parkerville Children & Youth Care Incorporated

(AM2024/16)

Application by Australian Municipal, Administrative, Clerical and Services Union & Others

(AM2024/30)

**SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES
INDUSTRY AWARD 2010**

[MA000100]

Social, community, home care and disability services

VICE PRESIDENT GIBIAN
DEPUTY PRESIDENT DOBSON
COMMISSIONER PERICA

SYDNEY, 13 APRIL 2026

Applications to vary the Social, Community, Home Care and Disability Services Industry Award 2010 – rostering of work for sleepover periods – modern award varied.

A. Further to the decision issued by the Full Bench on 24 December 2025 [\[\[2025\] FWCFB 292\]](#) and 13 April 2026 [\[\[2026\] FWCFB 79\]](#), it is ordered that the *Social, Community, Home Care and Disability Services Industry Award 2010* be varied:

1. By deleting clause 25.1(b) and inserting the following:

- (b) By agreement between the employer and employee, the ordinary hours in clause 25.1(a) may be worked up to 10 hours per shift (other than in circumstances in clause 25.1(c)).

2. By inserting a new clause 25.1(c) as follows:

- (c) By agreement between the employer and employee, the ordinary hours in clause 25.1(a) may be worked up to 12 hours per shift in circumstances in which part of the shift is performed immediately before and part of the shift immediately after a sleepover period in accordance with clause 25.7. In such circumstances, a maximum of eight ordinary hours of work may be worked before or after a sleepover period.

3. By deleting clause 25.4 and inserting the following:

25.4 Rest breaks between rostered work

- (a) An employee will be allowed a break of not less than 10 hours between the end of one shift or period of work and the start of another.
- (b) Notwithstanding the provisions of clause 25.4(a), by agreement between the employee and employer, the break between:
 - (i) the end of a shift and the commencement of a shift directly preceding a sleepover; or
 - (ii) a shift commencing after the end of a shift directly following a sleepovermay not be less than 8 hours.
- (c) A period of sleepover in accordance with clause 25.7 does not constitute a break within the meaning of this clause. Periods of work performed immediately before and immediately after a sleepover period shall be treated as part of the same shift.
- (d) Clause 25.4(a) does not prevent an employee from performing work immediately before and immediately after a sleepover period (as provided for in clause 25.7) where the periods of work include ordinary hours which are part of the same shift.

4. By inserting the word 'either' before the words 'on any day' in the first sentence of clause 28.1(a).

5. By inserting the words 'or on any shift' after the words 'on any day' in the first sentence of clause 28.1(a).

6. By deleting clauses 28.1(b)(ii) to (v) and inserting the following:

- (ii) All time worked by part-time or casual employees which exceeds 10 hours either per day or per shift, will be paid at the rate of time and a half for the first 2 hours and double time thereafter, except on Sundays when overtime

will be paid for at the rate of double time, and on public holidays at the rate of double time and a half.

- (iii) Despite clause 28.1(b)(ii), where part of a shift is performed immediately before and part of the shift immediately after a sleepover period, all time worked by part-time or casual employees which exceeds 12 hours either per day or per shift will be paid at the rate of time and a half for the first 2 hours and double time thereafter, except on Sundays when overtime will be paid at the rate of double time, and on public holidays at the rate of double time and a half.
- (iv) Clause 28.1(b)(iii) applies only if the employee and the employer have agreed that the employee will perform a 12 hour shift with part of a shift performed immediately before and part of the shift immediately after a sleepover period. In such circumstances, a maximum of eight ordinary hours may be worked before or after a sleepover period.
- (v) Time worked up to the hours prescribed in clause 28.1(b)(ii) or clause 28.1(b)(iii) will, subject to clause 28.1(b)(i), not be regarded as overtime and will be paid for at the ordinary rate of pay (including the casual loading in the case of casual employees).
- (vi) All time worked outside the span of hours by part-time and casual day workers will be paid for at the rate of time and a half for the first two hours and double time thereafter, except that on Sundays such overtime will be paid for at the rate of double time and on public holidays at the rate of double time and a half.
- (vii) Overtime rates payable under clause 28.1(b) will be in substitution for and not cumulative upon the shift premiums prescribed in clause 29—Shiftwork and are not applicable to ordinary hours worked on a Saturday or Sunday.

7. By inserting a new clause after clause 29.3(c) as follows:

- (d) Where an employee is rostered to perform work immediately before and immediately after a sleepover period in accordance with clause 25.7, the portion of work prior to and following the sleepover will be treated separately for the purposes of determining the loading to be paid under clauses 29.3(a), 29.3(b) or 29.3(c).

Example: If an employee performs work on a shift prior to a sleepover period from 9.00 pm to 11.00 pm (first period of work) and then, after the sleepover, from 7.00 am to 11.00 am (second period of work), the afternoon shift allowance will be payable on the first period of work only.

8. By updating the cross-references accordingly.

B. This determination comes into operation on 1 June 2026. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth), this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 June 2026.



VICE PRESIDENT

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