



DECISION

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

Application by Mental Health Australia

(AM2023/2)

Application by Plan International Australia

(AM2023/5)

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

[\[MA000100\]](#)

Social, community, home care and disability services

JUSTICE HATCHER, PRESIDENT
DEPUTY PRESIDENT DEAN
DEPUTY PRESIDENT BEAUMONT

SYDNEY, 1 SEPTEMBER 2023

Applications to vary the Social, Community, Home Care and Disability Services Industry Award 2010.

[1] In our statement of 3 August 2023 in this matter,¹ we allowed interested parties until 5:00 pm (AEST) on Friday, 25 August 2023 to file submissions responding to our provisional view that the variation to the *Social, Community, Home Care and Disability Services Industry Award 2010*² (SCHADS Award) proposed by consent in this matter is necessary to meet the modern awards objective in s 134(1) of the *Fair Work Act 2009* (Cth) (FW Act) and that the variation should be made pursuant to s 157(1)(a) of the FW Act.

[2] No submissions were received in response to our provisional view. Accordingly, we confirm our provisional view. The SCHADS Award will be varied to insert a new clause 34.3 as follows:

34.3 Substitution of public holidays by agreement

- (a) An employee may request to substitute another day for a day that would otherwise be a public holiday under the NES. The requested day will be substituted if the employer agrees to the employee's request.

- (b) An employee may request to substitute another part day for a day that would otherwise be a part day public holiday under the NES. The requested part day will be substituted if the employer agrees to the employee's request.

[3] A final determination varying the SCHADS Award is published with this decision.



PRESIDENT

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¹ [\[2023\] FWCFB 135](#).

² MA000100.