



FairWork
Commission

STATEMENT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

Social, Community, Home Care and Disability Services Industry Award 2010

(AM2018/26)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT CLANCY
COMMISSIONER LEE

MELBOURNE, 3 APRIL 2019

4 yearly review of modern awards - Social, Community, Home Care and Disability Services Industry Award 2010

[1] This statement addresses correspondence from Ai Group and ABI regarding the programming of this matter. Some of the procedural history relating to the substantive claims to vary this award is set out in ABI's correspondence.

[2] The substantive claims are currently listed for hearing on Friday 12 April, with 15, 16, 17 and 18 April 2019 reserved (if required). Ai Group requests that the matter be called on urgently for a further mention to consider whether alternative dates be set in light of material filed by United Voice on 1 April 2019 and other matters. In short, Ai Group contends that in view of recent developments it will not be appropriate to proceed with hearing all of the current claims on 12 April 2019.

[3] ABI has indicated that it wishes to pursue the claims set out in a draft determination attached to their correspondence of 2 April 2019 and seeks to directions for the programming of these claims.

[4] The matters raised by Ai Group and ABI will be dealt with at a mention before the President at 1pm today. We direct the parties' attention to the comments below.

[5] Taking into account the history of this matter, it seems to us that the change in the status of the draft consent determination has led to uncertainty as to the status of some of the clauses being pressed.

[6] While we accept that this will have an impact on the scheduled proceedings, and will lead to the deferral of the consideration of some claims, it is apparent that a significant number of matters can still be progressed consistent with the current timetable, as they are not impacted by the apparent change in status of the draft consent determination. The matters in this category include:

(i) United Voice Claims

- S2A Variation to the closing and equipment allowance (uniforms)
- S21 Variation to telephone allowance
- S44A Deletion or variation to 24 hour care clause
- S47 Variation to excursions clause
- S51 Variation to overtime clause
- S57 Variation to Public Holidays Clause

(ii) Health Services Union of Australia (HSU) Claims

- S50 Saturday and Sunday work
- S43 deleting the 24 hours care clause

(iii) Australian Municipal, Administrative, Clerical and Services Union (ASU) claims

- S6 Community language skills
- S7 Coverage clause

[7] At the Mention later today, parties will be asked to express a view as to why these matters cannot be progressed under the current timetable.

PRESIDENT

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