

From: Julian Arndt [mailto:Julian.Arndt@ablawyers.com.au]
Sent: Tuesday, 19 January 2016 8:30 AM
To: Chambers - Ross J
Cc: 'Judith Wright'
Subject: Common Issue - Award Flexibility (AM2014/300): SCHADS Award

Dear Associate

Common Issue - Award Flexibility (AM2014/300): SCHADS Award

We refer to the submissions filed by the Australian Services Union (**ASU**) on 23 December 2015 in these proceedings.

At the hearing of this matter in relation to the *Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award)*, the ASU were directed to file submissions as to whether the ASU would prefer either:

- a) the insertion of the Model TOIL Term into the SCHADS Award; or
- b) the retention of the existing TOIL provision clause 28.2 in the SCHADS Award

in circumstances where the Commission was not minded to accept the ASU's submissions in respect of a proposed variation of the Model TOIL term.

The ASU's submissions on this point indicate that, while it presses its submission for a variation to the Model TOIL Term, it prefers the retention of the existing TOIL clause 28.2 of the SCHADS Award to the insertion of the Model TOIL term.

ABI and NSWBC consider that clause 28.2 in the SCHADS Award should be retained in preference to the Model TOIL Term, including any variant thereof proposed by the ASU.

If you have any questions, please do not hesitate to contact us.

Yours sincerely

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