



# STATEMENT

*Fair Work Act 2009*

s.156 – 4 yearly review of modern awards

## **4 yearly review of modern awards—Group 4—*Social, Community, Home Care and Disability Services Industry Award 2010*** (AM2018/26)

JUSTICE ROSS, PRESIDENT

DEPUTY PRESIDENT CLANCY

COMMISSIONER LEE

MELBOURNE, 3 DECEMBER 2019

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues – Social, Community, Home Care and Disability Services Industry Award 2010.*

[1] A number of substantive claims have been made to vary the *Social, Community, Home Care and Disability Services Industry Award 2010* (the SCHADS Award) as part of the 4 yearly review of modern awards (the Review). These claims have been divided into 2 tranches.

[2] The hearing of the evidence in respect of the Tranche 2 substantive claims took place on Monday 14 – Friday 18 October 2019. The transcripts of those proceedings have been published:

- [Monday 14 October 2019](#);
- [Tuesday 15 October 2019](#);
- [Wednesday 16 October 2019](#);
- [Thursday 17 October 2019](#); and
- [Friday 18 October 2019](#).

[3] [Directions](#) were issued on 23 October 2019 requiring the parties to file submissions setting out the following:

- (i) sets out the claims they are pressing or opposing in the Tranche 2 proceedings;
- (ii) identifies the parts of the Court Book, the exhibits and transcript which are relevant to each claim;
- (iii) identifies which of the submissions filed (and which parts of those submissions) they rely on in relation to the claims being considered in the Tranche 2 proceedings;

- (iv) deals with the evidence adduced during the proceedings on 15 – 18 October 2019, including by identifying the findings that they say should be made in light of the evidence and referring to the aspects of the evidence which is said to support those findings (by reference to particular paragraphs in exhibits and the Transcript);
- (v) responds to the amended claims filed by ABI on 15 October 2019; and
- (vi) responds to the ‘remote response’ claim filed by the ASU on 19 September 2019 and any written submissions filed in support of it.

[4] The submissions filed in response to these Directions are as follows:

- UWU on [18 November 2019](#);
- Ai Group on [18 November 2019](#);
- HSU on [18 November 2019](#);
- ABI on [19 November 2019](#);
- NDS on [19 November 2019](#);
- AFEI on [19 November 2019](#) and in reply to ASU and ABI on [19 November 2019](#); and
- ASU on [20 November 2019](#).

[5] The Tranche 2 matters are listed for final hearing on 5 and 6 December 2019.

[6] Having considered the submissions filed we have formed the view that further written submissions are required. In particular we will be seeking final written submissions from each interested party addressing:

- the findings sought by other parties;
- whether they agree or contest those findings;
- their reasons (by reference to the evidence) for agreeing or contesting those findings; and
- any submissions in reply to the written submissions referred to at [4] above.

[7] Provision will also need to be made for submissions in reply.

[8] We propose to vacate the hearing scheduled for Thursday 5 and Friday 6 December 2019. A directions hearing will take place at **9:30 am on Thursday 5 December 2019**. The Full Bench will be in Melbourne. There will be a video-link to Sydney. Requests for any other video-links are to be sent to [chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au) as soon as possible.

[9] The parties are asked to confer as to the timeframe for the filing of the submissions referred to at [6] and [7] above and the form of the directions.

**[10]** To assist the parties in the preparation of their submissions we propose to publish a Background Paper setting out the claims being pressed in Tranche 2, the submissions filed outlined at [4] above and findings sought in respect of those claims. We anticipate that the Background Paper will be published in late December 2019.

PRESIDENT

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