

**Form F46 Application to vary a modern award**  
*Fair Work Act 2009, ss.157–160*

**FAIR WORK COMMISSION**

*Commission use only*

**Commission Matter No.:**

**Applicant**

<b>Name:</b>	Australia For UNHCR		
	<b>Title</b> <i>[if applicable]</i>	Mr [ ] Mrs [ ] Ms [ ] Other [ ] specify:	
<b>Address:</b>	Level 6, 66 King Street		
<b>Suburb:</b>	Sydney	<b>State:</b> NSW	<b>Postcode:</b> 2000
If the Applicant is a company or organisation:			
<b>Contact person:</b>	Peter Bermingham	<b>ABN:</b>	35 092 843 322
Contact details for the Applicant or contact person (if one is specified):			
<b>Telephone:</b>	+612 9262 5377	<b>Mobile:</b>	0422 215 494
<b>Fax:</b>		<b>Email:</b>	pbermingham@unrefugees.org.au

**Applicant's representative (if any)**

<b>Name:</b>		<b>ABN:</b> <i>[If applicable]</i>
<b>Address:</b>		
<b>Suburb:</b>	<b>State:</b>	<b>Postcode:</b>
<b>Contact person:</b>		
<b>Telephone:</b>	<b>Mobile:</b>	
<b>Fax:</b>	<b>Email:</b>	

**1. What is the name of the modern award to which the application relates?**  
*[Also include the Award ID/Code No. of the modern award.]*

Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100]

**2. What is the industry of the employer?**  
*[Specify industry.]*

Not for profit charity


**3. Variation(s) sought:**  
*[Set out, or attach as a separate schedule, the variation(s) sought.]*

No variations sought

**4. Grounds:**  
*[Using numbered paragraphs, set out the grounds upon which the Applicant relies in seeking such variation(s).]*

1. Australia for UNHCR directly employs its face to face fundraisers on a casual basis and pays National Minimum Wage and the applicable casual loading.
2. Each face to face fundraiser employed by Australia for UNHCR has a written employment contract with Australia for UNHCR.

3. Australia for UNHCR is of the view that application of the Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100] to face to face fundraisers is not appropriate as face to face fundraisers do not provide social, community, homecare or disability services of the type contemplated in this award. Rather, face to face fundraisers effectively have a marketing role for the organisations they work for by collecting pledges from members of the public for regular monthly donations to Australia for UNHCR.
4. Australia for UNHCR is a member of Fundraising Institute Australia (FIA), the peak body for charitable fundraisers in Australia. Australia for UNHCR complies with FIA's requirement for its members to comply with the Principles and Standards of Fundraising Practice, including the Standard of Face to Face Fundraising. Link here: [https://www.fia.org.au/data/documents/Resources/Principles\\_Standards/Standard\\_of\\_Face\\_to\\_Face\\_Fundraising\\_Practice\\_2011.pdf](https://www.fia.org.au/data/documents/Resources/Principles_Standards/Standard_of_Face_to_Face_Fundraising_Practice_2011.pdf)
5. Australia for UNHCR is a member of Public Fundraising Regulatory Association (PFRA), the self regulatory body for face to face fundraising in Australia. Australia for UNHCR complies with the PFRA Fundraising Standard. Link here: [https://www.pfra.org.au/data/docs/PFRA\\_Fundraising\\_Standard.pdf](https://www.pfra.org.au/data/docs/PFRA_Fundraising_Standard.pdf)
6. Both the FIA Standard of Face to Face Fundraising and the PFRA Fundraising Standard require members to comply with all relevant legislation, which includes relevant awards.
7. Australia for UNHCR submits that the self regulation imposed by both FIA and PFRA on their members ensure that their members comply with relevant legislation and employment standards, as well as providing models of conduct for fundraising organisations which are not members of FIA or PFRA. Self regulation together with compliance with Fair Works National Employment Standards ensures compliance with the modern awards objective to provide a fair and relevant safety net of terms and conditions for employees.
8. Australia for UNHCR does not support the applications for variations of the Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100] made by Oxfam Australia, Greenpeace Australia Pacific and Amnesty International Australia as it is of the view that this award should not be applied to face to face fundraisers, whether directly employed by a charity or employed by a third party, because they do not carry out work or services that fall under this award.

<b>Date:</b>	5 August 2016
<b>Signature:</b>	
<b>Name:</b>	Peter Bermingham
<b>Capacity/Position:</b>	Chief Operating Officer

### Service requirements

The Applicant must seek directions from the Commission as to service of this application.



## About the F46 application form

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