



**A•S•U**

Thursday, 17 January 2019

The Hon. Justice IJK Ross  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000  
[chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au)

**By E-MAIL**

**Australian  
Services  
Union**

**Re: AM2014/285 Social, Community, Home Care and Disability Services  
Industry Award 2010**

**National Office  
Melbourne & Sydney**

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**National Secretary  
David Smith**

**Assistant National Secretaries  
Linda White  
Robert Potter**

Dear Justice Ross

We refer to the matter above. We write on behalf of the Australian Services Union, the Health Services Union and United Voice (**'the Unions'**). On 13 November 2018, The Fair Work Commission (**'Commission'**) issued directions for filing evidence and submissions in Four yearly review of the *Social, Community, Home Care and Disability Services Industry Award 2010* (**'Award'**). The parties were directed to file evidence and submissions in support of their claims by 4.00PM on Friday, 18 January 2019 and to file evidence and submissions in reply by 4.00PM on Friday, 15 March 2019 (**'the Directions'**).

The Unions will not be ready to file their evidence on 18 January 2019. The time allotted during the directions fell primarily during December and January, when many union staff and union members take extended periods of leave. This is a particularly difficult time to collect evidence in the sectors covered by the Award. The majority of workers employed in the sector are women with caring responsibilities. It is difficult for them to make time to prepare their evidence during school holidays while they are caring for children.

In addition, the Unions have spent considerable time since the directions were made in November dealing with the objections raised by the employers represented by the Australian Industry Group (**'AIG'**) to the consent position arrived at between Unions and all other employers some eighteen months earlier which has diverted the Unions' resources away from preparing evidence and submissions for the hearing of the substantive claims. The Unions' discussions with AIG have led to agreement to participate in conciliation on 31 January 2019.

The Unions request that the directions requiring the parties to file submissions and evidence in support of the parties' claims until 4.00PM on Friday, 18 January 2019 be vacated. We request an extension for filing evidence and submissions until 4.00PM on Friday, 15 February 2018.

We also request that the direction requiring parties to file submissions and evidence in reply by 4.00PM on Friday, 15 March 2019 also be vacated. We request an extension for filing evidence and submissions until 4.00PM on 5 April 2019.

We acknowledge that this is a significant extension. However, we believe this leaves adequate time for the hearings on 12 April 2019 and would ensure that the Commission is properly informed of matters relevant to the parties' respective

claims. Please see enclosed draft amended directions. If the Commission is not minded to grant our application, we would request that a mention is urgently listed for oral submissions on the matter.

This request is supported by Jobs Australia.

Yours faithfully



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Michael Robson  
National Industrial Officer

# DRAFT AMENDED DIRECTIONS

*Fair Work Act 2009*

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards–Award stage–Group 4 awards–  
**Substantive Issues**

(AM2018/26)

JUSTICE ROSS, PRESIDENT

[PLACE], [DATE]

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

It is directed that:

1. Interested parties are to file in the Commission evidence and submissions in support of their claims on or before ~~4.00 pm on Friday 18 January 2019.~~ **4.00pm on Friday, 15 February 2019.**
2. Interested parties are to file in the Commission evidence and submissions in reply on or before ~~4.00pm on Friday 15 March 2019.~~ **4.00pm on Tuesday, 5 April 2019.**
3. All submissions must be sent to [amod@fwc.gov.au](mailto:amod@fwc.gov.au)
4. The matter will be heard on **Friday 12 April 2019**. It will be further listed for hearing on **15 – 18 April 2019** if required. Hearings will be held in Sydney.

PRESIDENT