

## AIDE MEMOIRE

s.156 - 4 yearly review of modern awards  
Social, Community, Home Care and Disability Services Industry Award 2010 (AM2014/285)

By letter dated 7 September 2015, Australian Business Industrial ('ABI') and the NSW Business Chamber Ltd ('NSWBC') made an application to have all claims relating to part-time and casual employment in the Social, Community, Home Care and Disability Services Industry Award 2010 ('SCHCDS Award') be removed from the Casual and Part-Time Employment full bench proceedings (AM2014/196 and AM2014/197) ('Common Claim Proceedings') and instead dealt with as part of the individual 4-yearly review award stage proceedings relating specifically to the SCHCDS Award (AM2014/285) ('SCHCDS Award Proceedings').

The matter of ABI and NSWBC's application was listed for a hearing before President Ross on 13 October 2015. ABI, NSWBC, Jobs Australia, the Australian Federation of Employers and Industry ('AFEI'), the St Ives Group, the Australian Council of Trade Unions ('ACTU'), the Health Services Union ('HSU'), the Australian Services Union ('ASU') and United Voice ('UV') appeared (collectively the 'Appearing Parties').

This Aide Memoire has been prepared at the request of the President to ensure that the Appearing Parties have a common understanding of what has been proposed by way of programming. During the hearing before President Ross, the Commission proposed that:

1. The claim advanced by ABI and NSWBC in respect of clause 10.3 of the SCHCDS Award ('ABI Claim') remain as part of Common Claim Proceedings;
2. ABI and NSWBC are to make an application to Vice President Hatcher and the Full Bench of the Common Claim Proceedings for an extension to 30 November 2015 to file evidence and submissions in support of the ABI Claim (which was originally due to be filed by 12 October 2015). The Appearing Parties consent to the extension of time;
3. Any evidence and submissions in response to the ABI Claim to be filed by 22 February 2015, in accordance with the current directions (of 29 June 2015), with liberty to apply for an extension, depending on the volume of the materials filed;
4. All parties to be granted leave to rely on any material filed in the Common Claim Proceedings that is relevant to the SCHCDS Award ('SCHCDS Material') in support of variations to be pursued in the SCHCDS Award Proceedings;
5. Any party seeking to challenge the SCHCDS Material to do so in the Common Claim Proceedings, in so far as it relates to claims made in those proceedings;
6. Parties will have liberty to file additional evidence and submissions relating to their claims specific to the SCHCDS Award in the SCHCDS Award Proceedings;

7. Should the Full Bench in the Common Claim Proceedings make some in-principle decisions around model terms and/or express a provisional view about model terms to be inserted into awards, parties may have an opportunity, as would ordinarily be the case, to make submissions and adduce evidence in the SCHDS Award Proceedings in relation to whether the model term/s should be inserted into the SCHCDS Award or should otherwise be tailored. While parties will be able to file submissions and/or evidence in this regard in the SCHCDS Award Proceedings, it will not be an opportunity to reargue issues of principle or re-litigate the Full Bench's general conclusions;
8. The ACTU, ASU, HSU and UV foreshadow seeking a direction for the filing of reply evidence and submissions in the Common Claim Proceedings, in reply to the material filed by ABI and NSWBC in support of the ABI Claim.

The Appearing Parties agree to the above proposal.