



19 July 2017

Our Ref: 20160104

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Dear Associate

**4 YEARLY REVIEW OF MODERN AWARDS: CASUAL EMPLOYMENT AND PART-TIME EMPLOYMENT
(AM2014/196 AND AM2014/197)**

We act for Australian Business Industrial (**ABI**) and the New South Wales Business Chamber (**NSWBC**) in the above proceedings.

We refer to the Directions contained in the Full Bench's decision of 5 July 2017 ([2017] FWCFB 3541) (the **Decision**).

Pursuant to Direction 8 at paragraph [902] of the Decision, our clients were directed to file a draft determination for the variation of the *Social, Community, Home Care and Disability Services Industry Award* to give effect to the decision concerning the guaranteed number of hours each week for part-time employees (see paragraph [641] of the Decision).

In accordance with that direction, please find enclosed for filing a draft determination to vary the *Social, Community, Home Care and Disability Services Industry Award*.

If you have any questions, please contact Kyle Scott on (02) 9458 7607.

Yours sincerely

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FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Social, Community, Home Care and Disability Services Industry (AM2014/196 and AM2014/197)

JUSTICE ROSS, PRESIDENT

SYDNEY, XX YYY 20XX

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4 yearly review of modern awards - Social, community, home care and disability services industry

Further to the Decision and Reasons for Decision of 5 July 2017 in AM2014/196 and AM2014/197, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Social, Community, Home Care and Disability Services Industry Award 2010* be varied as follows:

[1] By inserting the following clause as a new clause 10.3(d):

10.3(d) The requirement to specify the regular pattern of work in clause 10.3(c) does not prevent an employer and an employee from agreeing, either on commencement or subsequently in writing, to arranging ordinary hours in a:

- (a) pattern spanning a fortnight, month or roster cycle; and/or
- (b) manner that allows for a specified higher number of hours to be worked at particular times of the year.

[2] The determination shall operate on and from [].

BY THE COMMISSION