

**IN THE FAIR WORK COMMISSION**

**4 Yearly Review of Modern Awards**

**National Disability Services**

**Submission in Reply – AM2018/26**

**Social, Community, Home Care and Disability Services Industry Award 2010**

**Revised Draft Determination**

1. NDS makes this submission in reply pursuant to paragraph 5 of the Directions issued on 1 September 2021 regarding revised draft determinations proposed by
  - a) ABI regarding clause 10.3(f); and
  - b) HSU regarding clause 25.5(f) and 25.6(b)(ii).
2. NDS supports the submission of ABI that there is a disconnect between the provisional view expressed at [987] of the May Decision, and the Draft Determination at Attachment P of the May Decision.
3. The proposed draft clause 10.3(f) from ABI rectifies the issue identified and NDS has no objection to the proposed amendment.
4. HSU proposes amendments to the Draft Determination clause 25.5(f)(v) and (vi) regarding client cancellation.
  - a) The proposed amendment to clause 25.5(f)(v) adds some clarity and we do not oppose that amendment.
  - b) The proposed amendment to clause 25.5(f)(vi) corrects an apparent typographical error.
5. HSU also proposes amendments to the Draft determination clause 25.6(B) (ii) regarding broken shift, as varied by the August Decision. Two options are proposed and both provide improved clarity regarding the interaction with clause 10.3 (c).
6. NDS has no objection to either option as they both appear to be consistent with the intent of the Decision.
7. The second option which ends with “... made ~~under~~ or subsequently varied in accordance with clause 10.3 ~~or subsequently varied.~~” has the benefit of only making one cross-reference to another clause and so is preferred on the basis of simplicity.

Michael Pegg

On behalf of National Disability Services

8 September 2021

