



ORDER

Fair Work Act 2009
s.238—Scope order

Community and Public Sector Union, The

v

Australian Unity Home Care Service Pty Ltd
(B2018/1071)

COMMISSIONER JOHNS

SYDNEY, 4 JUNE 2019

Application for a scope order.

Background

In June 2018 Australian Unity Home Care Service Pty Ltd (**the Respondent**) issued Notices of Employee Representational Rights commencing bargaining for an enterprise agreement to replace the *Australian Unity Home Care Service NSW Enterprise Agreement 2017 (2017 Agreement)*.

Order

In accordance with s.238 of the *Fair Work Act 2009* (Cth) (**FW Act**) and further to the decision [[2019] FWC 3854] issued today, the Fair Work Commission (**Commission**), as presently constituted, orders that any agreement to replace the 2017 Agreement must exclude from its coverage:

[1] Employees covered by the copied State Award derived from the *Crown Employees (Home Care Service of New South Wales – Administrative Staff) Award 2012*; and

[2] Other administrative employees undertaking duties in the positions of Service Centre Manager, Branch Manager, Service Coordinator, Allocations Coordinator, Administrative Officer, Customer Service Assistant and/or otherwise performing administrative assistant and or administrative work of a similar or the same nature within the Home Care Service operations of Australian Unity Home Care Service Pty Ltd.

In accordance with s.239 of the FW Act, this Order comes into operation on and from today and ceases to be in operation at the earliest time as set out in s.239(b) of the FW Act.



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