

AM2018/26 – Social, Community, Home Care and Disability Services Industry Award 2010 – Additional evidence to Attachment A of Background Paper 3 relied on by ABI, NSWBC, ACSA and LASA

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Subject: AM2018/26 - Social, Community, Home Care and Disability Services Industry Award 2010

Dear Associate

AM2018/26 - Social, Community, Home Care and Disability Services Industry Award 2010

We refer to the above matter and the hearing last Wednesday 11 March 2020. During that hearing, parties were given the opportunity (Transcript PN614) to provide additions or corrections to attachment 1 in Background Paper 3.

Please now see **attached** a list of the evidence which is missing from the list in attachment 1 and that ABI, NSWBC, ACSA and LASA seeks to rely on in the proceedings.

If I can be of any further assistance, please let me know.

Yours sincerely

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1. In relation to the UWU broken shift claim, the list should also include the same evidence relied upon by our clients in respect of the other broken shift claims. This is as follows:
 - (a) Witness Statement of Joyce Wang (p.200 of the Court Book)¹
 - (b) Witness Statement of Darren Mathewson (p.211 Court Book)
 - (c) Witness Statement of Jeffrey Wright (p.470 of the Court Book)²
 - (d) Witness Statement of Wendy Mason (p.477 of the Court Book)³
 - (e) NDIA Efficient Cost Model for Disability Support Workers (p.489 of the Court Book)
 - (f) NDIA Efficient Cost Model (p.501 of the Court Book)
 - (g) StewartBrown - Aged and Financial Performance Survey - Sector Report - Financial Year 2018 (p.503), and
 - (h) StewartBrown - Aged and Financial Performance Survey - Sector Report - December 2018 (p.541 of the Court Book).⁴
2. In relation to the two phone allowance claims (by the HSU and UWU), the list is missing the following documents:
 - (a) StewartBrown - Aged and Financial Performance Survey - Sector Report - December 2018 (p.541 of the Court Book)⁵;
 - (b) Witness Statement of William Elrick (at [30]-[31]);
 - (c) Witness Statement of Robert Sheehy (at [13]);
 - (d) Witness Statement of Bernie Lobert (at [18], [20]);
 - (e) Witness Statement of Pamela Wilcock (at [19]);
 - (f) Witness Statement of Heather Waddell (at [31]);
 - (g) Witness Statement of Thelma Thames (at [22]);
 - (h) Witness Statement of Deon Fleming (at [25], [27], [29]);
 - (i) Witness Statement of Belinda Sinclair (at [15]-[16]);
 - (j) Witness Statement of Trish Stewart (at [20]-[21]);
 - (k) Transcript at PN440-PN452, PN534-PN540
3. In relation mobile phone claim by UWU alone, the list is missing the following documents:
 - (a) Witness Statement of Darren Mathewson (p.211 of the Court Book)
 - (b) Witness Statement of Jeffrey Wright (p.470 of the Court Book)

¹ At [65]-[67].

² At [44]-[46]

³ At [57]-[59], [67], [69], [72]

⁴ At pp. 5, 6, 27, 29

⁵ At pp. 5, 6, 27, 29

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- (c) Witness Statement of Wendy Mason (p.477 of the Court Book)
 - (d) NDIA Efficient Cost Model for Disability Support Workers (p.489 of the Court Book)
 - (e) NDIA Efficient Cost Model (p.501 of the Court Book)
 - (f) StewartBrown - Aged and Financial Performance Survey - Sector Report - Financial Year 2018 (p.503), and
 - (g) StewartBrown - Aged and Financial Performance Survey - Sector Report - December 2018 (p.541 of the Court Book).⁶
4. In relation to the HSU client cancellation claim, the list is missing the following evidence:
- (a) Witness Statement of Graham Shanahan (p.155 of the Court Book)⁷
 - (b) Witness Statement of Scott Harvey (p.162 of the Court Book)⁸
 - (c) Witness Statement of Deb Ryan (p.190 of the Court Book)⁹
 - (d) Witness Statement of Joyce Wang (p.200 of the Court Book)¹⁰
 - (e) Witness Statement of Darren Mathewson (p.211 of the Court Book)
 - (f) Witness Statement of Jeffrey Wright (p.470 of the Court Book)¹¹
 - (g) Witness Statement of Wendy Mason (p.477 of the Court Book)¹²
 - (h) NDIA Efficient Cost Model for Disability Support Workers (p.489 of the Court Book)
 - (i) NDIA Efficient Cost Model (p.501 of the Court Book)
 - (j) StewartBrown - Aged and Financial Performance Survey - Sector Report - Financial Year 2018 (p.503), and
 - (k) StewartBrown - Aged and Financial Performance Survey - Sector Report - December 2018 (p.541 of the Court Book).¹³
5. In relation to the UWU variation to roster clauses the list is missing the following evidence:
- (a) Witness Statement of Darren Mathewson (p.211 of the Court Book)
 - (b) NDIA Efficient Cost Model for Disability Support Workers (p.489 of the Court Book)
 - (c) NDIA Efficient Cost Model (p.501 of the Court Book);
 - (d) Witness Statement of Christopher Friend (at [11], [13], [36])
 - (e) Witness Statement of Deb Ryan (at [41] and [62]);
 - (f) Witness Statement of Pamela Wilcock (at [21]);
 - (g) Witness Statement of Thelma Thames (at [11]);

⁶ At pp. 5, 6, 27, 29

⁷ At [20]-[24]

⁸ At [32], [36]-[37], [39]-[43]

⁹ At [46]-[48], [50]

¹⁰ At [35], [37], [39]-[40]

¹¹ At [25]-[27], [29], [38]

¹² At [40]-[42]

¹³ At pp. 5, 6, 27, 29

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- (h) Witness Statement of Scott Quinn (at [16] and [36]);
 - (i) Witness Statement of Trish Stewart (at [10]-[11]);
 - (j) Witness Statement of Deon Fleming (at [15]);
 - (k) Witness Statement of Belinda Sinclair (at [22]-[25]);
 - (l) StewartBrown - Aged and Financial Performance Survey - Sector Report - Financial Year 2018 (p.503), and
 - (m) StewartBrown - Aged and Financial Performance Survey - Sector Report - December 2018 (p.541 of the Court Book).¹⁴
6. In relation to the ABI client cancellation claim, the list is missing the following evidence:
- (a) NDIA Efficient Cost Model (p.501 of the Court Book), and
 - (b) StewartBrown - Aged and Financial Performance Survey - Sector Report - December 2018 (p.541 of the Court Book).¹⁵
7. In relation to the ABI remote response claim, the list is missing the following evidence:
- (a) NDIA Efficient Cost Model (p.501 of the Court Book), and
 - (b) Transcript PN1005-1007 (this may be incorrectly listed as being evidence that Ai Group relies on).
8. In relation to the HSU's Sleepover claim, the list is missing the following evidence:
- (a) Witness Statement of Augustino Encabo (at [27]);
 - (b) Witness Statement of William Elrick (at [27]); and
 - (c) Witness Statement of Robert Steiner (at [14]).
9. In relation to the HSU's uniform/damaged clothing allowance claim, the list is missing the following evidence:
- (a) Witness Statement of William Elrick (at [38]-[39], [41]-[42]);
 - (b) Witness Statement of Belinda Sinclair (at [18]);
 - (c) Witness Statement of Robert Sheehy (at [14]-[15]);
 - (d) Witness Statement of Heather Waddell (at [33]-[34]); and
 - (e) Witness Statement of Pamela Wilcock (at [13]).
10. In relation to the UWU's claim in relation to the clothing and equipment allowance, the list is missing the following evidence:
- (a) Witness Statement of William Elrick (at [38]-[39], [41]-[42]);
 - (b) Witness Statement of Belinda Sinclair (at [18]);
 - (c) Witness Statement of Robert Sheehy (at [14]-[15]);
 - (d) Witness Statement of Heather Waddell (at [33]-[34]); and

¹⁴ At pp. 5, 6, 27, 29

¹⁵ At pp. 5, 6, 27, 29

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- (e) Witness Statement of Pamela Wilcock (at [13]).
11. In relation to the UWU's travel time claim, the list is missing the following evidence:
- (a) Supplementary Statement of Trish Stewart (at [5]);
 - (b) Supplementary Statement of Deon Fleming (at [5]);
 - (c) Transcript at PN2887, PN2890, PN3505-3517, PN3557-35