



DIRECTIONS

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 Award 2010

(AM2018/26)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT CLANCY
COMMISSIONER LEE

SYDNEY, 23 OCTOBER 2019

4 yearly review of modern awards – Social, Community, Home Care and Disability Services Industry Award 2010 – Tranche 2.

[1] Following the hearing of claims before the Full Bench on Monday 14 – Friday 18 October 2019, the following Transcripts of Proceedings have been published:

- [Monday 14 October 2019](#);
- [Tuesday 15 October 2019](#);
- [Wednesday 16 October 2019](#);
- [Thursday 17 October 2019](#); and
- [Friday 18 October 2019](#).

[2] All exhibits tendered at the Full Bench hearings are at **Attachment A**.

[3] The Fair Work Commission (the Commission) makes the following directions:

1. All interested parties are to file a written submission that:
 - (i) sets out the claims they are pressing or opposing in the Tranche 2 proceedings;
 - (ii) identifies the parts of the Court Book, the exhibits and transcript which are relevant to each claim;
 - (iii) identifies which of the submissions filed (and which parts of those submissions) they rely on in relation to the claims being considered in the Tranche 2 proceedings;

- (iv) deals with the evidence adduced during the proceedings on 15-18 October 2019, including by identifying the findings that they say should be made in light of the evidence and referring to the aspects of the evidence which is said to support those findings (by reference to particular paragraphs in exhibits and the Transcript);
 - (v) responds to the amended claims filed by Australian Business Industrial, the NSW Business Chamber, Aged & Community Services Australia and Leading Age Services Australia on 15 October 2019; and
 - (vi) responds to the 'remote response' claim filed by the ASU on 19 September 2019 and any written submissions filed in support of it.
2. The submissions referred to at direction (1) above are to be filed by no later than by **4:00 pm on Wednesday, 13 November 2019**.
3. All submissions should be filed in Word document format, via email to amod@fwc.gov.au.

[4] The Commission will publish a background paper by **4:00 pm on Friday, 29 November 2019**.

[5] This matter will be listed for the hearing of final submissions at **9:30am on Thursday, 5 and Friday, 6 December 2019**.

PRESIDENT

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ATTACHMENT A

LIST OF EXHIBITS – Second Tranche

Matter No: AM2018/26 - *Social, Community, Home Care and Disability Services Industry Award 2010*

15 – 18 October 2019

EXHIBIT NO.	DATE TENDERED	TENDERED BY	DESCRIPTION	TRANSCRIPT REFERENCE
United Voice				
UV1	15 Oct 2019	UV	Statement of Trish Stewart	
UV2	15 Oct 2019	UV	Supplementary statement of Trish Stewart	
UV3	15 Oct 2019	UV	Further Statement of Trish Stewart	
UV4	15 Oct 2019	UV	Statement of Deon Flemming dated 16 January 2019	
UV5	15 Oct 2019	UV	Statement of Deon Flemming dated 28 March 2019	
UV6	15 Oct 2019	UV	Statement of Belinda Sinclair dated 16 January 2019	
UV7	17 Oct 2019	UV	Statement of Melissa Coad dated 16 September 2019	
UV8	17 Oct 2019	UV	Statement of Jared Marks dated 3 October 2019	
UV9	18 Oct 2019	UV	Bundle of Home Care Price Guide materials: <ul style="list-style-type: none"> - Documents from the Commonwealth Government's <i>myagedcare.gov.au</i> website - Provider witness price guides displayed on <i>myagedcare</i> - Provider witness general price information displayed on <i>myagedcare</i> 	

EXHIBIT NO.	DATE TENDERED	TENDERED BY	DESCRIPTION	TRANSCRIPT REFERENCE
Ai Group				
AIG1	15 Oct 2019	AIG	Rosters – subject to confidentiality order	

EXHIBIT NO.	DATE TENDERED	TENDERED BY	DESCRIPTION	TRANSCRIPT REFERENCE
Health Services Union				
HSU1	15 Oct 2019	HSU	Statement of Mark Farthing dated 15 February 2019	
HSU2	15 Oct 2019	HSU	Further Statement of Mark Farthing dated 16 September 2019	
HSU3	15 Oct 2019	HSU	Statement of William Elrick dated 15 February 2019	
HSU4	16 Oct 2019	HSU	Statement of Heather Waddell dated 15 February 2019	
HSU5	16 Oct 2019	HSU	Statement of Christopher Friend dated 15 February 2019	
HSU6	16 Oct 2019	HSU	Parts of Christopher Friend's statement not read	
HSU7	17 Oct 2019	HSU	Schedule of Fees For Home Care Services At Hammondcare	
HSU8	17 Oct 2019	HSU	Contract of Employment for Hammondcare Home Care At Home Employees	
HSU9	17 Oct 2019	HSU	Extract from Annual Financial Report 2017-2018 Report Of Hammondcare	
HSU10	17 Oct 2019	HSU	Extracts from the HammondCare Consolidated Financial Report for the year ended 30 June 2015	
HSU11	18 Oct 2019	HSU	HSS Part time contract	

HSU12	18 Oct 2019	HSU	NSW HSS Fees	
HSU13	18 Oct 2019	HSU	Cross examination of Deb Ryan: Full time staff trial	
HSU14	18 Oct 2019	HSU	Cross examination of Deb Ryan: CCO Schedule of rates	
HSU15	18 Oct 2019	HSU	Cross examination of Deb Ryan: Same Day Cancellation Log – subject to confidentiality order	
HSU16	18 Oct 2019	HSU	Community Care Options Home Care Agreement Template (<i>the instruction sheet is only the first page</i>)	
HSU17	18 Oct 2019	HSU	Cross examination of Wendy Mason: Pro forma contract template	
HSU18	18 Oct 2019	HSU	Baptist Care Agreement NSW & ACT Aged Care Enterprise Agreement 2017	
HSU19	18 Oct 2019	HSU	Baptist Care Commonwealth Home Support Programme (CHSP) pro-forma Service Agreement	
HSU20	18 Oct 2019	HSU	Baptist Care Home Care Agreement	
HSU21	18 Oct 2019	HSU	Baptist Care at Home Price Guide 2019	
HSU22	18 Oct 2019	HSU	Baptist Care Annual Financial Report	
HSU23	18 Oct 2019	HSU	CASS Financial Report 30 June 2018	
HSU24	18 Oct 2019	HSU	CASS Directors Repot	
HSU25	18 Oct 2019	HSU	Statement of Fiona Macdonald dated 15 February 2019	
HSU26	18 Oct 2019	HSU	Statement of Robert Sheehy dated 15 February 2019	

HSU27	18 Oct 2019	HSU	Statement of Pamela Wilcock dated 15 February 2019	
HSU28	18 Oct 2019	HSU	Statement of Thelma Thames dated 15 February 2019	
HSU27	18 Oct 2019	HSU	Statement of Bernie Lobert dated 15 February 2019	
HSU28	18 Oct 2019	HSU	Statement of James Eddington dated 15 February 2019	
HSU29	18 Oct 2019	HSU	Statement of Scott Quinn dated 16 December 2015	
HSU30	18 Oct 2019	HSU	Supplementary Statement of Scott Quin dated 3 October 2019	

EXHIBIT NO.	DATE TENDERED	TENDERED BY	DESCRIPTION	TRANSCRIPT REFERENCE
Australian Services Union				
ASU1	15 Oct 2019	ASU	Statement of Deborah Anderson dated 2 September 2019	
ASU2	16 Oct 2019	ASU	Statement of Robert Steiner dated 15 Oct	
ASU3	17 Oct 2019	ASU	Endeavour Annual Report 2017-18	
ASU4	17 Oct 2019	ASU	Statement of Dr James Stanford	
ASU5	18 Oct 2019	ASU	Schedule of employer objections to statements of Emily Flett and Augustino Encabo	
ASU6	18 Oct 2019	ASU	Statement of Judith Wright dated 12 September 2019	
ASU7	18 Oct 2019	ASU	Statement of Tracy Kinchin dated 24 June 2019	
ASU8	18 Oct 2019	ASU	Statement of Emily Flett dated 22 September 2019	

ASU9	18 Oct 2019	ASU	Statement of Richard Rathbone dated 13 February 2019	
ASU10	18 Oct 2019	ASU	Statement of Augustino Encabo dated 13 February 2019	

EXHIBIT NO.	DATE TENDERED	TENDERED BY	DESCRIPTION	TRANSCRIPT REFERENCE
ABI & NSWBC				
ABI1	16 Oct 2019	ABI	Hammondcare Residential Care and Hammondcare at Home enterprise agreement 2018	
ABI2	17 Oct 2019	ABI	Witness Statement of Darren Mathewson	
ABI3	17 Oct 2019	ABI	Witness Statement of Jeffrey Wright	
ABI4	18 Oct 2019	ABI	Parts of statements not read	
ABI5	18 Oct 2019	ABI	Statement of Graham Shanahan - to be read in conjunction with ABI4	
ABI6	18 Oct 2019	ABI	Statement of Deb Ryan – to be read in conjunction with ABI4	
ABI7	18 Oct 2019	ABI	Statement of Scott Harvey – to be read in conjunction with ABI4	
ABI8	18 Oct 2019	ABI	Statement of Wendy Mason – to be read in conjunction with ABI4	
ABI9	18 Oct 2019	ABI	Statement of Joyce wang – to be read in conjunction with ABI4	
ABI10	18 Oct 2019	ABI	Fair Work Commission Transcript of 15 July 2016 (AM2014/196 and AM2014/197) - Cross-Examination of Olav Muurlink (PN6328-PN6468)	

ABI11	18 Oct 2019	ABI	Fair Work Commission Transcript of 15 March 2016 (AM2014/196 and AM2014/197) - Cross-Examination of Scott Quinn (PN1543-PN1738)	
ABI12	18 Oct 2019	ABI	The NDIS Support Catalogue - October 2019-20	
ABI13	18 Oct 2019	ABI	The NDIA Efficient Cost Model Spreadsheet (entire spreadsheet)	

EXHIBIT NO.	DATE TENDERED	TENDERED BY	DESCRIPTION	TRANSCRIPT REFERENCE
National Disability Services				
NDS1	17 Oct 2019	NDS	Witness statement of David Moody dated 12 July 2019	
NDS2	17 Oct 2019	NDS	Statement of Steven Miller dated 28 June 2019	
NDS3	18 Oct 2019	NDS	Parts of David Moody's statement not read	