

## IN THE FAIR WORK COMMISSION

Matter No. 2018/26

**S 156 - Four yearly review of modern awards – Social, Community, Home Care and Disability Services Industry Award 2010**

### ASU LIST OF EVIDENCE

1. In our submission on factual findings dated 18 November 2019, we provided a list of the evidence that we relied upon in respect of our claims, and in response to several ABI claims. We continue to rely upon that evidence, and we have restated it here for ease of reference.

### ASU CLAIMS

#### Broken Shift Penalty Rate

Parts of the Court Book, exhibits, and transcripts relevant to this claim	EX. no	Reference
Expert Report of Dr Jim Stanford	ASU4	
Oral Evidence of Dr Jim Stanford		PN2216-PN2289
Court Book – Predictability and control in working schedules by Dr Olav Muurlink		CB 1686
Court Book - ELRR – Wage Theft, underpayment and unpaid work in marketised social care – by F McDonald, D Bentham and J Malone		CB 2772
Court Book – Statement of Augustino Encabo dated 13 February 2019		CB 1137
Court Book – Statement of Richard Rathbone dated 13 February 2019		CB 1171
Court Book – Statement of Tracy Kinchin dated 24 June 2019		CB 1190
Statement of Robert Steiner dated 15 October 2019	ASU2	
Oral evidence of Robert Steiner		PN1534-PN1613
Statement of Scott Harvey dated 2 July 2019	ABI17	CB 162
Oral evidence of Jeffrey Sidney Wright		PN2543-2570, 2619
Court Book – National Disability Services – Australian Disability Workforce Report		CB 1828
Court Book – NDIS Costs Productivity Commission		CB 1884

Paper		
Court Book – NDIS Price Guide 2019-2020		CB 2796
Witness Statement of Deborah Gaye Ryan dated 12 July 2019	ABI16	CB190
Oral evidence of Deborah Gaye Ryan		PN3050, 3086-3092
Oral evidence of Mr Steven Miller		PN2034-PN2069

### **Paid Travel Time**

<b>Parts of the Court Book, exhibits, and transcripts relevant to this claim</b>	<b>EX. no</b>	<b>Reference</b>
Expert Report of Dr Jim Stanford	ASU4	
Oral Evidence of Dr Jim Stanford		PN2216-PN2289
Court Book – Predictability and control in working schedules by Dr Olav Muurlink		CB 1686
Court Book - ELRR – Wage Theft, underpayment and unpaid work in marketised social care – by F McDonald, D Bentham and J Malone		CB 2772, Annexure A.
Witness Statement of Deborah Anderson dated 2 September 2019	ASU1	CB 1394
Court Book – Witness Statement of Augustino Encabo dated 13 February 2019		CB 1137
Court Book – Witness Statement of Richard Rathbone dated 13 February 2019		CB 1171
Court Book – Witness Statement of Tracy Kinchin dated 24 June 2019		CB 1190
Witness Statement of Robert Steiner dated 15 October 2019	ASU2	
Oral evidence of Robert Steiner		PN1534-PN1613
Court Book – National Disability Services – Australian Disability Workforce Report		CB 1828
Court Book – NDIS Costs Productivity Commission Paper		CB 1884
Court Book – NDIS Price Guide 2019-2020		CB 2796, p 12.
Business Equipment Industry F17s		

Oral evidence of Deborah Gaye Ryan		PN3050-3059
Oral evidence of Joyce Wang		PN3505-3517, 3557-3558

**Recall to work away from the workplace/ Remote Response**

<b>Parts of the Court Book, exhibits, and transcripts relevant to this claim</b>	<b>EX. No</b>	<b>Reference</b>
Court Book – draft determination		CB 1124
Expert Report of Dr Jim Stanford	ASU4	ALL
Oral Evidence of Dr Jim Stanford		PN2216-PN2289
Court Book – Predictability and control in working schedules by Dr Olav Muurlink		CB1686, pp 6, 11-12, and 17
Court Book - Statement of Emily Flett, dated 22 September 2019		CB1427
Statement of Deborah Anderson, dated 2 September 2019	ASU1	ALL
Oral evidence of Deborah Anderson		PN981-1030

**ABI CLAIMS**

<b>Parts of the Court Book, exhibits, and transcripts relevant to this claim</b>	<b>EX. no</b>	<b>Reference</b>
Expert Report of Dr Jim Stanford	ASU4	
Oral Evidence of Dr Jim Stanford		PN2216-PN2289
Court Book – Predictability and control in working schedules by Dr Olav Muurlink		CB 1686
Court Book – Statement of Augustino Encabo dated 13 February 2019		CB 1137, [19]-[21]
Court Book – Statement of Richard Rathbone dated 13 February 2019		CB 1171
Court Book – Statement of Tracy Kinchin dated 24 June 2019		CB 1190
Statement of Robert Steiner dated 15 October 2019	ASU2	
Court Book - Statement of Emily Flett, dated 22 September 2019		CB 1427, [14], [19]-[20].

## Client Cancellation

<b>Parts of the Court Book, exhibits, and transcripts relevant to this claim</b>	<b>EX. no</b>	<b>Reference</b>
Expert Report of Dr Jim Stanford	ASU4	
Oral Evidence of Dr Jim Stanford		PN2216-PN2289
Court Book – Predictability and control in working schedules by Dr Olav Muurlink		CB 1686
Further statement of Mark Farthing dated 16 September 2019	HSU2	[6]-[10], [23]-[32]
NDSI Price Guide 2020		CB 2796, pp 12-13.
Witness Statement of Scott Harvey dated 2 July 2019		CB 162, pp 166.
Oral evidence of Scott Raymond Harvey	ABI17	PN3117-3140
Witness Statement of Steven Miller	NDS2	CB 4408.
Oral Evidence of Steven Miller		PN1992-PN2081
Witness Statement of Joyce Wang		CB200
Oral evidence of Joyce Wang		PN3554-3568

**AUSTRALIAN SERVICES UNION**

**23 MARCH 2020**