

From: Chambers - Booth DP <Chambers.Booth.dp@fwc.gov.au>

Sent: Wednesday, 28 August 2019 3:57 PM

To: Katrina Murphy <katrina@kmir.com.au>; DWilkinson@myadvantage.com.au; Kate Thomson <kate.thomson@ablawyers.com.au>; Rachel Liebhaber <rachell@hsu.net.au>; newerair@gmail.com

Cc: Chambers - Booth DP <Chambers.Booth.dp@fwc.gov.au>

Subject: AM2016/31 - Health Professionals and Support Services Award 2010 - Matters to be heard sequentially - NOL Hearing 2 December 2019

Dear parties

I refer to matter number AM2016/31 which relates to substantive issues in the 4 yearly review of the *Health Professionals and Support Services Award 2010 (Award)*.

The Directions and Scheduling Hearing held on Friday 23 August 2019 before Deputy President Booth was attended by representatives of the DHAA, ADA, HSU, MIERG and ABLA.

The DHAA expressed a strong preference that the two outstanding matters set out in the Directions of 3 May 2019 be dealt with separately, and that the question of whether Schedule C – List of Common Health Professionals (Schedule C) should be exhaustive or indicative ought be dealt with first.

The DHAA submitted that it is a small voluntary employee association and as such it would be onerous for it to participate in a process whereby the two outstanding matters were heard simultaneously. The DHAA said that its submissions, and more particularly its evidence (with members taking time off work to attend the hearing in respect of their voluntary role), would be different depending on the determination of the Full Bench in relation to the nature of Schedule C.

The HSU opposed this course, noting that its witnesses would also need to come back twice should the issues be heard separately, putting it at some disadvantage. The HSU also contended that the submissions of the DHAA would not realistically be vastly different whether the two outstanding matters set out in the Directions of 3 May 2019 were heard separately or together.

The ADA, MIERG and ABLA took a neutral view towards the sequencing of the hearing of the two outstanding matters.

The Full Bench has conferred and has decided to hear the matters sequentially. The Full Bench considers that this approach would be efficient, would relieve some inconvenience to the DHAA witnesses and would not cause prejudice to the HSU.

Directions have been set for the filing of submissions in relation to the question of whether Schedule C should be exhaustive or indicative. That issue alone will be heard on Monday 2 December 2019.

The [Directions](#) and [Notice of Listing](#) will be published online shortly.

The transcript of the Directions Hearing of Friday 23 August 2019 was ordered and will be available by Monday 2 September 2019.

Please do not hesitate to contact Chambers with any questions in relation to this matter.

Kind regards,

Sinead Bryson

Associate to Deputy President Booth

Fair Work Commission

Tel: 02 9308 1818

chambers.booth.dp@fwc.gov.au

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