

**From:** Chambers - Catanzariti VP  
**Sent:** Tuesday, 5 December 2017 9:47 AM  
**To:** Katrina Murphy; Mark Helm; AMOD  
**Cc:** Rachel Liebhaber; Lucy Fisher; [jbandara@hmblaw.com.au](mailto:jbandara@hmblaw.com.au); [dwilkinson@myadvantage.com.au](mailto:dwilkinson@myadvantage.com.au); [manthony@professionalsaustralia.org.au](mailto:manthony@professionalsaustralia.org.au); Keiran Brown; [employmentrelations@nswact.lasa.asn.au](mailto:employmentrelations@nswact.lasa.asn.au); 'David Reid'; 'Anna-Maria Wade'; 'Andrew McCarthy'; [hepworthl@ramsayhealth.com.au](mailto:hepworthl@ramsayhealth.com.au); Leigh Svendsen; [newerair@gmail.com](mailto:newerair@gmail.com); 'Ruchi Bhatt'; Jenna Field  
**Subject:** RE: FWC Matter No. 2016/31 - 4 Year Review of the Health Professionals and Support Services Award 2010

Dear Ms Murphy,

Thank you for your emails.

The Full Bench confirms that the hearings will remain on Monday, 11 December and Tuesday, 12 December, with Wednesday, 13 December available should it be required.

Please see the attached Notice of Listing confirming this.

Kind regards

**Josh Martin**

Associate to Vice President Catanzariti AM

**Fair Work Commission**

Tel: (02) 9308 1966

[chambers.catanzariti.vp@fwc.gov.au](mailto:chambers.catanzariti.vp@fwc.gov.au)

Level 10, 80 William Street

East Sydney NSW 2011

**From:** Katrina Murphy [<mailto:katrina@kmir.com.au>]  
**Sent:** Monday, 4 December 2017 7:23 PM  
**To:** Chambers - Catanzariti VP; Mark Helm; AMOD  
**Cc:** Rachel Liebhaber; Lucy Fisher; [jbandara@hmblaw.com.au](mailto:jbandara@hmblaw.com.au); [dwilkinson@myadvantage.com.au](mailto:dwilkinson@myadvantage.com.au); [manthony@professionalsaustralia.org.au](mailto:manthony@professionalsaustralia.org.au); Keiran Brown; [employmentrelations@nswact.lasa.asn.au](mailto:employmentrelations@nswact.lasa.asn.au); 'David Reid'; 'Anna-Maria Wade'; 'Andrew McCarthy'; [hepworthl@ramsayhealth.com.au](mailto:hepworthl@ramsayhealth.com.au); Leigh Svendsen; [newerair@gmail.com](mailto:newerair@gmail.com); 'Ruchi Bhatt'; Jenna Field  
**Subject:** RE: FWC Matter No. 2016/31 - 4 Year Review of the Health Professionals and Support Services Award 2010

Dear Mr Martin,

I respectfully suggest that the parties communicate to Chambers (copied to all of the parties) whether their previously advised intentions stated at Conference, regarding cross-examination have altered since that time. My suggestion is made on the basis that Mr Mark Helm has helpfully advised me this evening that he understands that the HSU no longer intend to cross-examine the DHAA witnesses, or any other witnesses. If this is correct, it would indeed seem probable that two days hearing would suffice.

The DHAA stated at Conference that it will cross-examine Mr Alex Leszczynski from the HSU. This intention has not altered. If two days scheduling on Tuesday 12<sup>th</sup> and Wednesday 13<sup>th</sup> December is deemed viable and either or both of DHAA's witnesses are still required for cross-examination by the HSU, I request that their evidence is heard on Wednesday morning 13<sup>th</sup> December, at the commencement of the day's proceedings.

Regards,

Katrina Murphy

Managing Director

Katrina Murphy Industrial Relations Pty Ltd

Tel. (07) 3266 3186 Fx: (07) 3266 1596

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**From:** Katrina Murphy

**Sent:** Monday, 4 December 2017 5:07 PM

**To:** Chambers - Catanzariti VP <[chambers.catanzariti.vp@fwc.gov.au](mailto:chambers.catanzariti.vp@fwc.gov.au)>; Mark Helm <[markh@lasa.asn.au](mailto:markh@lasa.asn.au)>; AMOD <[amod@fwc.gov.au](mailto:amod@fwc.gov.au)>

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**Subject:** Re: FWC Matter No. 2016/31 - 4 Year Review of the Health Professionals and Support Services Award 2010

Dear Mr Martin,

The previous programme submitted by DHAA on 26 October 2017 as per Directions by Vice President Catanzariti, was subject to extensive consultation between the parties and was based on a logical substantive theme basis.

Today's submission from Mr Helm on behalf of Aged Care Employers, has omitted the APESMA witnesses, (which currently number 4 or 5.) I acknowledge that Mr Helm may have had discussions with APESMA, (he has not had any discussions with DHAA). Accordingly, APESMA may have indicated to Mr Helm that they no longer wish to present witness evidence.

One of the two DHAA witnesses, Dr Carol Tran is only available on Monday 11 December. Given that my understanding was that the programme was settled, I have confirmed that she is required only on Monday afternoon. Dr Melanie Hayes has also arranged to be available on Monday 11 December.

Hence DHAA respectfully submits that a change to a two day programme of Tuesday and Wednesday will not suit DHAA, at this late stage of proceedings.

We request that the scheduling stay as is, on Monday 11th December and Tuesday 12th December. Whether or not the third day of Wednesday 13th December (currently scheduled) is required, is a matter to be determined by the brevity or otherwise of the parties as to their opening submissions, and how many parties do in fact intend to make opening submissions.

As far as DHAA is aware, AI Group is the only party to date who has communicated to the parties that they will not be making an opening submission. Hence, we would suggest that it would be imprudent to vacate the third day at this stage.

We do agree with Mr Helm, as per the DHAA programme of 26 October 2017 that a fourth day is unlikely to be needed.

Regards,

Katrina Murphy

Managing Director

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