



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

VICE PRESIDENT CATANZARITI

s.156 - 4 yearly review of modern awards

**Four yearly review of modern awards
(AM2014/204)
Health Professionals and Support Services Award 2010**

Sydney

12.14 PM, WEDNESDAY, 23 NOVEMBER 2016

PN1

THE VICE PRESIDENT: Thank you. I'll have the appearances in Sydney first.

PN2

MR G LIGGINS: If it please the Commission, Liggins, initial G from Aged and Community Services.

PN3

THE VICE PRESIDENT: Thank you.

PN4

MS E PATTON: If the Commission pleases, Patton, initial E, from Leading Aged Services Australia.

PN5

THE VICE PRESIDENT: Thank you.

PN6

MS R BHATT: If it please the Commission, Bhatt, initial R, appearing for the Australian Industry Group.

PN7

MS M CHAN: May it please the commission, Chan, initial M, of the Australian Business Lawyers and Advisors seeking permission to appear for ABI and the New South Wales Business Chamber.

PN8

THE VICE PRESIDENT: Thank you. We will go to Brisbane.

PN9

MR T McCARTHY: McCarthy, initial T. Medical Imaging Employment Relations Group.

PN10

THE VICE PRESIDENT: Thank you, Mr McCarthy.

PN11

MS K MURPHY: If the Commission pleases, Murphy, initial K, for the Dental Hygienists Association of Australia.

PN12

THE VICE PRESIDENT: Thank you.

PN13

MS L FISHER: If it please the Commission, Fisher, Lucy, for the Private Hospital Industry Employers Association.

PN14

THE VICE PRESIDENT: Thank you. We will go to Adelaide.

PN15

MR C KLEPPER: Klepper, initial C, for Business SA.

PN16

THE VICE PRESIDENT: Thank you. Then we'll go to Melbourne.

PN17

MS L SVENDSEN: Svendsen, initial L, for the Health Services Union.

PN18

MS M ANTHONY: Anthony, initial M, for APESMA.

PN19

MR A McCARTHY: McCarthy, initial A, for the Australian Nursing and Midwifery Federation.

PN20

MR N BARKATSAS: If it please the Commission, Barkatsas, initial N, for the Victorian Chamber of Commerce and Industry on behalf of our member the Australian Physiotherapy Association.

PN21

THE VICE PRESIDENT: Thank you.

PN22

MS N MARTINOVIC: If it pleases the Commission, Martinovic, initial N, appearing also on behalf of the Australian Physiotherapy Association.

PN23

THE VICE PRESIDENT: Thank you. All right. The matter is listed for directions and program today. There has a been a draft forwarded to the Commission. Ms Svendsen, what's the - have the parties reached agreement on that now?

PN24

MS SVENDSEN: Your Honour, there has been a bit of toing and froing. I think there is general consent, but not - but there might still be some comments about the draft orders.

PN25

THE VICE PRESIDENT: All right. Who disagrees with the draft orders? Anybody in Sydney? Anybody in Adelaide?

PN26

MR KLEPPER: No objection.

PN27

THE VICE PRESIDENT: Anybody in Brisbane?

PN28

MS MURPHY: No, Private Hospitals are happy with it. Thank you, your Honour.

PN29

THE VICE PRESIDENT: Well, it goes to Melbourne. Who are - yes. We're in Brisbane.

PN30

MR T McCARTHY: Sorry - Medical Imaging are in agreement with the draft proposal.

PN31

THE VICE PRESIDENT: Yes. We are looking for people who are in disagreement. We are back to Melbourne then. Who is in disagreement in Melbourne with the draft directions?

PN32

MR A McCARTHY: Nobody in Melbourne disagrees.

PN33

THE VICE PRESIDENT: All right. Well, Ms Svendsen, on that basis it looks like everybody agrees with the directions.

PN34

MS SVENDSEN: Fabulous.

PN35

THE VICE PRESIDENT: Those directions will be made, but the matter will not go into a sleep. It will be brought back on and it will be brought back on after 3 March so that we've got in front of us material and at that point I will set the matter for the hearing dates. I should foreshadow this. This hearing will be in Melbourne as the majority of this bench, from our side, will be in Melbourne and I think the majority of the parties are going to be in Melbourne, in any event, in this particular industry. Does anybody have a view on that? Ms Bhatt?

PN36

MS BHATT: No. We are content with that. Thank you.

PN37

THE VICE PRESIDENT: So that's where we will be hearing the matter. The matter will be in the second part of the year. By the time I bring the matter on for the next directions hearing, the parties should have given consideration and be in a position, even though they're final material and evidence is not on at that point, as to at least the scope of days that they want, the number of days, given that this is a Full Bench of three, so it's easier to facilitate in some sense, but it will take a bit of time to get everybody's diaries together; that is, from our side, not your side. And we want to work out the number of - how we are going to do this.

PN38

Ordinarily, we will do it in blocks of three days, not five days, to enable transcript and other things to move in a timely fashion. I don't have a view myself at the moment, based on what I've seen as to the likely length of it.

PN39

Ms Svendsen, have you got any preliminary views as to how long this case is likely to be?

PN40

MS SVENDSEN: Your Honour, we were just having a very brief discussion between the unions in relation to that matter, because it hadn't been a matter that we had considered during our email exchange with the parties. We thought the Nurses Award might go as long as two days and the Health Professionals Award - I actually think we will need to look a bit further at the scope, but at this stage, I would be thinking it would be at least a week, but there might be one or two matters that kind of sit outside of that that need to be determined about whether they will need a hearing day or be done on the papers.

PN41

THE VICE PRESIDENT: All right. Well, done on the papers - - -

PN42

MS SVENDSEN: But that's just a - that's a very preliminary view and now one I've discussed with anyone.

PN43

THE VICE PRESIDENT: Yes. I wouldn't want to hold you to "done on the papers", because these are important matters and it's often difficult to do on the papers. In any event, it's your call. Has anybody else got any views on the likely length of the hearing at this stage?

PN44

MS BHATT: If I can just raise one other matter, I inappropriately proceeded on a certain assumption when you asked me a question about the location of the hearing, and that is that video link may be made available to parties.

PN45

THE VICE PRESIDENT: Video link will be made available to parties, but it will still be held in Melbourne.

PN46

MS BHATT: Yes. Thank you.

PN47

THE VICE PRESIDENT: That is, the Bench will be in Melbourne.

PN48

MS BHATT: I understand. Thank you.

PN49

THE VICE PRESIDENT: We will certainly have video link, because not all the witnesses will be in Melbourne, but it will be a predominance of Melbourne witnesses, I would anticipate, in this matter.

PN50

MS BHATT: If the Commission pleases.

PN51

THE VICE PRESIDENT: All right. Are there any other preliminary matters the parties wish to raise? What I will do is I will then set the directions hearing for after 3 March. So we can then ascertain where we are at. It will be Monday 7 March. I will actually be sitting in Melbourne on that date in any event. So it will be at 8.30 am. That is, I think - that won't work for Brisbane, I think. I think it is still daylight saving then.

PN52

MS FISHER: It will be. If we can get into the building at 7.30 for a video link that would be the only - no, it will be - no, it will be 7.30. That's the only problem, is whether we would have access to the Commission building for a video link at 7.30 in the morning.

PN53

THE VICE PRESIDENT: Yes. I'm just - - -

PN54

MR A McCARTHY: Your Honour, I am not sure when Labor Day in Victoria is next year.

PN55

THE VICE PRESIDENT: It's on the Monday, 6 March, because I've got it in front of me.

PN56

MR A McCARTHY: I thought you said Monday, 7 March.

PN57

THE VICE PRESIDENT: No, Tuesday the 7th is the date I picked.

PN58

MR A McCARTHY: Okay. Tuesday. Okay. Thank you.

PN59

THE VICE PRESIDENT: Alternatively, would it be better if we did it at 1 o'clock on Tuesday the 7th, to avoid all the logistics of it?

PN60

MS FISHER: That might be easier for Brisbane, your Honour.

PN61

THE VICE PRESIDENT: All right. We will make it Tuesday, 7 March. All right. Anything further today? All right. Then the Commission is adjourned.

ADJOURNED UNTIL TUESDAY, 07 MARCH 2017

[12.22 PM]