

4 YEARLY REVIEW OF MODERN AWARDS – HEALTH PROFESSIONALS AND SUPPORT SERVICES AWARD 2010

SCHEDULE OF OBJECTIONS TO EVIDENCE ON HEARING REGARDING COVERED HEALTH PROFESSIONALS AND SUPPORT SERVICE WORKERS ANNOTATED BY FULL BENCH WITH RULINGS

- The [Directions](#), issued on 18 May 2020, called for any party seeking to raise any objection to evidence filed in these proceedings by no later than 4pm on Friday 22 May 2020 with responses to those objections to be provided by no later than 4pm on Friday 29 May 2020.
- The timeframe for the objections and responses was extended to 25 May 2020 and 1 June 2020 respectively.
- Objections were received from the HSU in relation to evidence of the ADA, DHAA, ADOHTA and Optometry Australia.

AUSTRALIAN DENTAL ASSOCIATION

Statement of Eithne Mary IRVING , 23 May 2017					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
17	“The services offered in dental practices do not compare to the services of other health practitioners for a number of reasons, including:	Conclusion, opinion		ADA says that this affidavit has already been read in these proceedings (no date specified) and the witness cross-examined in relation to it. ADA continues to rely on this paragraph.	The Full Bench will admit this paragraph and treat it as opinion that is able to be tested in cross-examination and weight accordingly.

	<p>(a) there is a greater level of equipment and materials utilisation in dentistry;</p> <p>(b) there are greater levels of infection control requirements in dentistry;</p> <p>(c) surgical procedures are undertaken in a dental surgery (whereas this generally would not occur in the practice of other health professions); and (d) the stringent requirements dentists have to meet because of the invasive nature of the work that they do.”</p>				
<p><u>Statement of Eithne Mary IRVING, 14 October 2019 (starts page 24 of hyperlink)</u></p>					
<p>24 (Third sentence only)</p>	<p>“Our employee dentist members are overwhelming of the view that they do not want to be covered by modern awards, as there is a perception that it will lead to a decrease in their income in circumstances where they are able to negotiate conditions and wages which</p>	<p>Hearsay, basis not disclosed</p>		<p>ADA <u>says</u> it</p> <ul style="list-style-type: none"> • Doesn't have a separate category of membership for employee dentists and doesn't maintain data concerning # or proportion of employee dentist membership • Regularly consults with its membership in a variety of different ways 	<p>The Full Bench regards this as hearsay and agrees that the basis is not disclosed in the witness statement. The Full Bench will not admit it as evidence but will consider the assertion as</p>

	are well in excess of minimum entitlements.”			<p>and runs regular forums, gives examples of these and emphasises that it almost never receives a query regarding why dentists are not covered by a modern award, and records strong opposition to Award coverage in some forums</p> <ul style="list-style-type: none"> • See full reply 	submission and weight accordingly.
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DENTAL HYGIENISTS ASSOCIATION OF AUSTRALIA

Statement of Carol TRAN, 27 February 2020					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
4	“My view is that market pay rates for Oral Health Therapists and Dental Hygienists would inexorably drift downwards to award minimum rates of pay, if these professions became covered by the Health Professionals and Support Services Award. Therefore, employees in these	Relevance, conclusion, opinion	Dr Tran has no identified qualification in labour markets or economics. In the absence of such expertise, Dr Tran’s opinion	DHAA submits that the opinions of Dental Hygienists and Oral Health Therapists on the impact of award coverage should be accepted, consistent with the comments of the Full Bench at [21] in the Penalty Rates case that “given the nature of	<p>The Full Bench will admit this paragraph and treat it as opinion that is able to be tested in cross-examination and weight accordingly.</p> <p>The Full Bench notes the identical or near identical wording of this paragraph of this witness statement</p>

	<p>professions would be seriously disadvantaged by such a change from their current Award-free status.”</p>		<p>should not be admitted as to the likely effect of award coverage upon rates of pay. If the paragraph is disallowed, that will obviate the need to cross-examine the witness as to that evidence.</p>	<p>the review, and subject to natural justice considerations, the Commission may use relevant information and material as it sees fit” and that the absence of economic qualifications does not render a highly experienced health professional unfit to express a reliable, and therefore informative, view on the likely impact of a significant change to their terms and conditions.</p> <p>DHAA submits that the approach taken in relation to the evidence of Ms O’Neil as National Secretary of the TCFUA in a decision (see para [38]-[40]) in the 4 yearly review of the TCFAI Award is a useful precedent – her evidence was admitted</p>	<p>with those of Michelle Kuss, Cheryl Louise Dey and Amy McDermott and considers that this diminishes the credibility of the evidence.</p>
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				subject to submissions as to weight.	
5	<p>“My view is that my personal ability to continue to negotiate favourable wage rates and conditions with my employers would be seriously compromised if my profession became subject to award coverage, particularly the unsuitable Health Professionals and Support Services Award.”</p>	Relevance, conclusion, opinion	As per 4 above	As above.	<p>The Full Bench considers this as speculative however will admit and treat as opinion that is able to be tested in cross-examination and weight accordingly.</p> <p>The Full Bench notes the identical or near identical wording of this paragraph of this witness statement with those of Michelle Kuss, Cheryl Louise Dey and Amy McDermott and considers that this diminishes the credibility of the evidence.</p>
8	<p>“My view is that as an Oral Health Therapist, my daily job duties are more similar to a private sector dentist than they are to a public sector dental therapist. We provide a fee-for-treatment service and are remunerated on clinical</p>	Opinion/Submission		Disputed in full. Dr Tran is a PHD qualified expert in dental hygiene and lectured at UoQ in dentistry and oral health for six years. As such, she is entirely qualified to know in detail the difference in	<p>The Full Bench regards the first sentence as opinion and will admit and treat it as opinion that is able to be tested in cross-examination and weight accordingly. The second sentence is considered to be an observation of the</p>

	performance and revenue generated.”			duties between a private sector clinician and a public sector dental therapist.	witnesses own experience and will be admitted for the purpose of testing by cross-examination. The Full Bench notes the identical or near identical wording of this paragraph of this witness statement with those of Michelle Kuss, Cheryl Louise Dey and Amy McDermott and considers that this diminishes the credibility of the evidence.
10 (Second sentence only)	“These people are predominately employed in public sector and are remunerated based on years of employment and/or hold a managerial position rather than being employed based on clinical performance.”	Opinion, basis not disclosed	No expert basis (study or experience) is disclosed to support Dr Tran’s view as to the duties performed by other health professionals.	This information is provided on the basis of expert opinion and is fully within the province of Dr Tran’s experience re her qualification and six years lecturing at UQ in dentistry and oral health.	The Full bench regards this paragraph as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination. The Full Bench notes the identical or near identical wording of this paragraph of this witness statement with those of Michelle Kuss, Cheryl Louise Dey and Amy McDermott and considers that this

					diminishes the credibility of the evidence.
11	<p>“The significant difference in duties, tasks, functions and skills between an Oral Health Therapist and a Dental Therapist are while similar, in the private sector environment is very different. There is a broader skill set that is required in private practice than in public sector dentistry.”</p>	Opinion	<p>No expert basis is disclosed to support Dr Tran’s view as to the duties performed by other health professionals.</p>	<p>As above – Dr Tran has the requisite qualifications and expertise to make this statement as evidence.</p>	<p>The Full Bench regards this paragraph as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.</p> <p>The Full Bench notes the identical or near identical wording of this witness statement with those of Michelle Kuss, Cheryl Louise Dey and Amy McDermott and considers that this diminishes the credibility of the evidence.</p>
12	<p>“My duties, tasks, functions and skills as an Oral Health Therapist are much more closely aligned to a dentist than a dental therapist because we are reviewed on our clinical performance, patient retention rate,</p>	Opinion	<p>The review and remuneration of dentists is not a subject matter in which Dr Tran has the</p>	<p>As above – Dr Tran has the requisite qualifications and expertise to make this statement as evidence.</p>	<p>The Full bench regards as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.</p> <p>The Full Bench notes the identical or near identical</p>

	revenue production, treatment plan acceptance and patient satisfaction. This is similar to a private sector dentist who are remunerated on the same principals (sic)”		disclosed expertise to express the opinion in the paragraph.		wording of this paragraph of this witness statement with those of Michelle Kuss, Cheryl Louise Dey and Amy McDermott and considers that this diminishes the credibility of the evidence.
13 (entire paragraph and reference)	“I am aware of academic research, namely Manski R.J, Macek MD, Brown E, Carper KV, Cohen LA, Vargas C. <i>“Dental service mix among working-age adults in the United States, 1999 and 2009. J Public Health Dent 2014;74:102–109”</i> which is attached to this statement which states that 65% of a dentist’s day-to-day job is spent performing provide preventive dentistry procedures (1) 80% of my job is to provide preventive dentistry procedures (such as scale and cleans, examinations and oral health counselling) to patients. It is my	Relevance		The relevance of the article referred to is to illustrate Dr Tran’s evidence that the duties of an oral health therapist are more similar to a dentist than to a dental therapist.	The Full Bench will receive the article as submission and weight the relevance discerned as the case progresses. Dr Tran’s opinion on the transfer of the conclusion of the article from the jurisdiction studied to Australia is opinion and will be weighted as such.

	professional view that the same comparative percentages apply in Australia.”				
14	“I am reviewed on the same metrics as a private sector dentist and perform mostly the same clinical procedures as they do, which is significantly different to a public sector dental therapist.”	Opinion	The review of dentists is not a subject matter in which Dr Tran has the disclosed expertise to express the opinion in the paragraph.	As above – Dr Tran has the requisite qualifications and expertise to make this statement as evidence.	The Full bench regards this as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.

Statement of Michelle KUSS, 27 February 2020

Para	Passage	Nature of Objection	Submission	Reply	Ruling
4	“My view is that market pay rates for Oral Health Therapists and Dental Hygienists would inexorably drift downwards to award minimum rates of pay, if these professions became covered by the Health Professionals and Support	Relevance, conclusion, opinion	Ms Kuss has no identified qualification in labour markets or economics. In the absence of such expertise, Ms	No qualification in labour economics necessary to make informed view on likely trends. Witness not purporting to give expert economic evidence. View based on knowledge gained as Treasurer of DHAA and office-holding	The Full Bench considers this is an opinion about a future consequence that cannot be known. It will be admitted so as to be able to be cross-examined and its relevance and probative

	Services Award. Therefore, employees in these professions would be seriously disadvantaged by such a change from their current Award-free status.”		Kuss’s opinion should not be admitted as to the likely effect of award coverage upon rates of pay. If the paragraph is disallowed, that will obviate the need to cross-examine the witness as to that evidence.	involvement in the dental industry including current membership of AHPRA Registration and Notification committee.	value will be weighted in the light of the cross-examination
5	“My view is that my personal ability to continue to negotiate favourable wage rates and conditions with my employers would be seriously compromised if my profession became subject to award coverage, particularly the unsuitable Health Professionals and Support Services Award.”	Relevance, conclusion, opinion	As per 4 above	As above.	The Full Bench considers this is an opinion about a future consequence that cannot be known. It will be admitted so as to be able to be cross-examined and its relevance and probative value will be weighted in the light of the cross-examination.

8	<p>“My view is that as an Oral Health Therapist, my daily job duties are more similar to a private sector dentist than they are to a public sector dental therapist. We provide a fee-for-treatment service and are remunerated on clinical performance and revenue generated.”</p>	Opinion/Submission		<p>Ms Kuss has widespread experience in the dental industry. The specific differences in duties between a public sector dental therapist and private sector Dental Hygienist or Oral Health Therapist is common knowledge to practitioners in the industry.</p>	<p>The Full Bench regards this as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.</p>
10	<p>“The duties, tasks, functions and skills of a public sector Dental Therapist are mainly to perform examinations, fillings, extractions, pulp treatments on primary school aged children and provide x-rays. Dental Therapists are predominately employed in the public sector and are remunerated based on years of employment and/or hold a managerial position rather than being employed based on clinical performance.”</p>	Opinion, basis not disclosed	<p>No expert basis (study or experience) is disclosed to support Ms Kuss’s view as to the duties performed by public sector dental therapists.</p>	<p>As above.</p>	<p>The Full Bench regards this as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.</p>

11	“The significant difference in duties, tasks, functions and skills between an Oral Health Therapist and a Dental Therapist are while similar, in the private sector environment is very different. There is a broader skill set that is required in private practice than in public sector dentistry.”	Opinion	No expert basis is disclosed to support Ms Kuss’s view as to the duties performed by Oral Health Therapists.	As above.	The Full Bench regards this as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.
12	“My duties, tasks, functions and skills as a Dental Hygienist are much more closely aligned to a dentist than a dental therapist, because our professions are reviewed on our clinical performance, patient retention rate, revenue production, treatment plan acceptance and patient satisfaction. These review and accountability criteria are similar to private sector dentists, who are remunerated on the same principals” (sic)	Opinion	The review and remuneration of dentists is not a subject matter in which Ms Kuss has the disclosed expertise to express the opinion in the paragraph.	DHAA says “submission”.	Treat as submission.

15	“As a Dental Hygienist, I am reviewed on the same metrics as a private sector Dental Hygienist and a Dentist are very significantly different to a public sector Dental Therapist.”	Opinion, basis not disclosed	The review and remuneration of dentists or the duties of public sector dental therapists are not subject matter about which Ms Kuss has the disclosed expertise to express the opinion in the paragraph.	DHAA says “submission”.	Treat as submission.
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Statement of Cheryl Louise DEY, 28 February 2020 (starts page 4 of hyperlink)					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
4	“My view is that market pay rates for Oral Health Therapists and Dental Hygienists would inexorably drift downwards to award minimum rates of pay, if these professions	Relevance, conclusion, opinion	Ms Dey has no identified qualification in labour markets or economics. In the absence	DHAA submits that the approach taken to the evidence of Ms O’Neil at [39]-[40] in a decision by the Full Bench in the 4 yearly review of the TCFUAI Award, as	The Full Bench considers this is an opinion about a future consequence that cannot be known. It will be admitted so as to be able to be cross-

	<p>became covered by the Health Professionals and Support Services Award. Therefore, employees in these professions would be seriously disadvantaged by such a change from their current Award-free status.”</p>		<p>of such expertise, Ms Dey’s opinion should not be admitted as to the likely effect of award coverage upon rates of pay. If the paragraph is disallowed, that will obviate the need to cross-examine the witness as to that evidence.</p>	<p>outlined above in relation to the evidence of Dr Carol Tran, is appropriate.</p> <p>No qualification in labour economics necessary to make informed view on likely trends. Witness not purporting to give expert economic evidence. View based on knowledge as President of DHAA for last two years, and former Treasurer of DHAA for six years and ten years in total on various DHAA Committees and Ms Dey’s experience in dental industry in general.</p>	<p>examined and its relevance and probative value will be weighted in the light of the cross-examination.</p>
5	<p>“My view is that my personal ability to continue to negotiate favourable wage rates and conditions with my employers would be seriously compromised if my profession became subject to award coverage, particularly the unsuitable</p>	<p>Relevance, conclusion, opinion</p>	<p>As per 4 above</p>	<p>As above.</p>	<p>The Full Bench considers this is an opinion about a future consequence that cannot be known. It will be admitted so as to be able to be cross-examined and its relevance and probative value will be weighted in</p>

	Health Professionals and Support Services Award”				the light of the cross-examination.
8	“My view is that as a Dental Hygienist, my daily job duties are more similar to a private sector dentist than they are to a public sector dental therapist. We provide a fee-for-treatment service and are remunerated on clinical performance and revenue generated.”	Opinion	No expert basis (study or experience) is disclosed to support Ms Dey’s view as to the duties performed by public sector dental therapists.	The difference in duties is common knowledge. As such Ms Dey is entirely qualified and sufficiently experienced, given her roles in the dental industry and the duties of her roles, to know in detail the difference between	The Full Bench regards the first sentence as opinion and will admit and treat as opinion that is able to be tested in cross-examination and weight accordingly. The second sentence is considered to be an observation of the witnesses own experience and will be admitted for the purpose of testing by cross-examination.
10	“The duties, tasks, functions and skills of a public sector Dental Therapist are mainly to perform examinations, fillings, extractions, pulp treatments on primary school aged children and provide x-rays. Dental Therapists are predominately employed in the public sector and are remunerated based on	Opinion, basis not disclosed	No expert basis (study or experience) is disclosed to support Dey’s view as to the duties performed by public sector dental therapists.	As above.	The Full Bench regards as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.

	years of employment and/or hold a managerial position rather than being employed based on clinical performance.”				
11	“The duties, tasks, functions and skills of a Dental Hygienist and an Oral Health Therapist in the private sector environment compared to a Dental Therapist are very different. There is a broader skill set that is required in private practice than in public sector dentistry.”	Opinion	No expert basis is disclosed to support Ms Dey’s view as to “public sector dentistry”.	As above.	The Full Bench regards as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.
12	“My duties, tasks, functions and skills as a Dental Hygienist are much more closely aligned to a dentist than a dental therapist because we are reviewed on our clinical performance, patient retention rate, revenue production, treatment plan acceptance and patient satisfaction. This is similar to a private sector dentist	Opinion	The review and remuneration of dentists is not a subject matter in which Ms Dey has the disclosed expertise to express the opinion in the paragraph.	Submission based on experience	The Full bench regards as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.

	who are remunerated on the same principals (sic)”				
15	“As a Dental Hygienist, I am reviewed on the same metrics as a private sector dentist and I perform mostly the same clinical procedures as a Dentist does. The duties of a private sector Dental Hygienist and a Dentist are very significantly different to a public sector Dental Therapist.”	Opinion, basis not disclosed	The review and remuneration of dentists or the duties of public sector dental therapists are not subject matter about which Ms Dey has the disclosed expertise to express the opinion in the paragraph.	Submission based on experience	The Full bench regards as opinion but will admit it. The basis is not disclosed however the basis is capable of being tested by cross examination.

<u>Statement of Amy McDERMOTT, 28 February 2020 (starts page 6 of hyperlink)</u>					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
4	“My view is that market pay rates for Oral Health Therapists and Dental Hygienists would inexorably drift downwards to award	Relevance, conclusion, opinion	Ms McDermott has no identified qualification	DHAA says “submission”.	Treat as submission.

	<p>minimum rates of pay, if these professions became covered by the Health Professionals and Support Services Award. Therefore, employees in these professions would be seriously disadvantaged by such a change from their current Award-free status.”</p>		<p>in labour markets or economics. In the absence of such expertise, Ms McDermott’s opinion should not be admitted as to the likely effect of award coverage upon rates of pay. If the paragraph is disallowed, that will obviate the need to cross-examine the witness as to that evidence.</p>		
5	<p>“My view is that my personal ability to continue to negotiate favourable wage rates and conditions with my employers would be seriously compromised if</p>	<p>Relevance, conclusion, opinion</p>	<p>As per 4 above</p>	<p>DHAA says “submission”.</p>	<p>Treat as submission.</p>

	my profession became subject to award coverage, particularly the unsuitable Health Professionals and Support Services Award.”				
8	“My view is that as a Dental Hygienist, my daily job duties are more similar to a private sector dentist than of a public sector dental therapist. We provide a fee-for-treatment service and are remunerated on clinical performance and revenue generated.”	Opinion/Submission	No expert basis (study or experience) is disclosed to support Ms McDermott’s view as to the duties performed by public sector dental therapists.	DHAA says “Submission however the difference is common knowledge”	Treat as submission.
10	“The duties, tasks, functions and skills of a public sector Dental Therapist are mainly to perform examinations, fillings, extractions, pulp treatments on primary school aged children and provide x-rays. Dental Therapists are predominately employed in the public sector and are remunerated based on	Opinion, basis not disclosed	No expert basis (study or experience) is disclosed to support Ms McDermott’s view as to the duties performed by public sector	DHAA says “submission”.	Treat as submission.

	years of employment and/or hold a managerial position rather than being employed based on clinical performance.”		dental therapists.		
11	“The duties, tasks, functions and skills of a Dental Hygienist and an Oral Health Therapist in the private sector environment compared to a Dental Therapist are very different. There is a broader skill set that is required in private practice than in public sector dentistry.”	Opinion	No expert basis is disclosed to support Ms Ms McDermott’s view as to “public sector dentistry”.	DHAA says “submission”.	Treat as submission.
12	“My duties, tasks, functions and skills as a Dental Hygienist are much more closely aligned to a dentist than a dental therapist because we are reviewed on our clinical performance, patient retention rate, revenue production, treatment plan acceptance and patient satisfaction. This is similar to a private sector dentist who are	Opinion	The review and remuneration of dentists is not a subject matter in which Ms Ms McDermot has the disclosed expertise to express the opinion in the paragraph.	DHAA says “submission”.	Treat as submission.

	remunerated on the same principals (sic)”				
15	“As a Dental Hygienist, I am reviewed on the same metrics as a private sector dentist and I perform mostly the same clinical procedures as a Dentist does. The duties of a private sector Dental Hygienist and a Dentist are very significantly different to a public sector Dental Therapist.”	Opinion, basis not disclosed	The review and remuneration of dentists or the duties of public sector dental therapists are not subject matter about which Ms McDermott has the disclosed expertise to express the opinion in the paragraph.	DHAA says “submission”.	Treat as submission.

Statement of Kay BALL , 16 June 2019 (page 39 of hyperlink)					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
9	“My view is that my employer would not continue to pay my current rate of hourly pay if my	Speculation		DHAA says “submission”.	Treat as submission.

	occupation became covered by the Health Professionals and Support Services Award, and that my conditions of employment would gradually worsen.”				
10	“My view is that, at best, my pay rate would be frozen from the date that my occupation became covered by the Award until and if the applicable minimum Award rate overtook my currently hourly rate. Such an outcome would be extremely damaging for my family finances.”	Speculation		DHAA says “submission”.	Treat as submission.
11	“I am very concerned that my employer would state that because I was paid over-award, that the over award component compensated me for all the supposedly beneficial provisions of the award such as overtime, weekend penalty rates and paid tea breaks.	Speculation		DHAA says “submission”.	Treat as submission.

12	Therefore, being covered by an award offers me no benefits and worse, significantly jeopardises my current salary and employment conditions.”	Conclusion/Opinion/Submission		DHAA says “submission”.	Treat as submission.
13	“I believe that award coverage would be seen by my employer as a significant change which warranted issuing a new employment contract with a new reduced hourly wage rate.”	Speculation		DHAA says “submission”.	Treat as submission.
15	“I believe that imposition of award coverage on health professional occupations such as mine that have been award-free for decades is a backward move, which will seriously impact my family’s finances.”	Opinion		DHAA says “submission”.	Treat as submission.
16	“I believe that imposition of award coverage on oral health therapists/dental hygienists will disadvantage women like me in particular because the minimum rates of pay will operate quickly to	Opinion		DHAA says “submission”.	Treat as submission.

	drive our take home wages down.”				
17	“I believe that the impact of award coverage on me personally will be to significantly harm by negotiating position with my employer in the immediate, medium and long-term future.”	Opinion/Speculation		DHAA says “submission”.	Treat as submission.
18	“I do not think this is fair when I have enjoyed the benefits of award-free status for the entire period of my employment and I believe my opinion should be listened to by Fair Work Commission.”	Opinion		DHAA says “submission”.	Treat as submission.
19	“I do not understand why the status quo would be or should be disrupted now after so many years of award-free status for my occupation. I am very worried and concerned about any such change.”	Opinion		DHAA says “submission”.	Treat as submission.

[Statement of Alison TAYLOR, 19 June 2019 \(page 42 of hyperlink\)](#)

Para	Passage	Nature of Objection	Submission	Reply	Ruling
6	"I believe that imposition of award coverage on health professional occupations such as mine that have been award-free for decades is a backward move, which will seriously impact my family's finances."	Speculation/Opinion		DHAA says "submission".	Treat as submission.
7	"I believe that imposition of award coverage on oral health therapists/dental hygienists will disadvantage women like me in particular because the minimum rates of pay will operate quickly to drive our take home wages down."	Speculation/Opinion		DHAA says "submission".	Treat as submission.
8	"I do not understand why the status quo would be or should be disrupted now after so many years of award-free status for my occupation. I am very worried and concerned about any such change."	Opinion		DHAA says "submission".	Treat as submission.

Statement of Susan MELROSE, 26 June 2019 (page 43 of hyperlink)

Para	Passage	Nature of Objection	Submission	Reply	Ruling
7	“My view is that my previous employers would not have continued to pay my current rate of hourly pay if my occupation became covered by the Health Professionals and Support Services Award, and that my conditions of employment would have gradually worsened.”	Speculation		DHAA says “submission”.	Treat as submission.
8	“My view is that, at best, my pay rate would be frozen from the date that my occupation became covered by the Award until and if the applicable minimum Award rate overtook my currently hourly rate. Such an outcome would be extremely damaging for my family finances.”	Speculation		DHAA says “submission”.	Treat as submission.
9	“At previous private practices, I believe my employer would have stated	Speculation		DHAA says “submission”.	Treat as submission.

	that because I was paid over-award, that the over award component compensated me for all the supposedly beneficial provisions of the award such as overtime, weekend penalty rates and paid tea breaks.”				
10	“Therefore, being covered by an award offers me no benefits and worse, significantly jeopardises my current salary and employment conditions.”	Opinion/Submission		DHAA says “submission”.	Treat as submission.
11	“I believe that award coverage would be seen by many employers as a significant change which warranted issuing a new employment contract with a new reduced hourly wage rate.”	Speculation		DHAA says “submission”.	Treat as submission.
13	“I believe that imposition of award coverage on health professional occupations such as mine that have been award-free for decades is a backward	Opinion/Relevance		DHAA says “submission”.	Treat as submission.

	move, which will seriously impact my family's finances."				
14	"I believe that imposition of award coverage on oral health therapists/dental hygienists will disadvantage women like me in particular because the minimum rates of pay will operate quickly to drive our take home wages down."	Speculation/Opinion		DHAA says "submission".	Treat as submission.
15	"I believe that the impact of award coverage on me personally will be to significantly harm my negotiating position with my employer in the immediate, medium and long-term future."	Opinion/Speculation		DHAA says "submission".	Treat as submission.
16	"I do not think this is fair when I have enjoyed the benefits of award-free status for the entire period of my employment in private practice and I believe my opinion should be listened to by Fair Work Commission."	Opinion		DHAA says "submission".	Treat as submission.

17	"I do not understand why the status quo would be or should be disrupted now after so many years of award-free status for my occupation. I am very worried and concerned about any such change."	Opinion		DHAA says "submission".	Treat as submission.
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Statement of Christina ZERK, 24 June 2019 (page 45 of hyperlink)

Para	Passage	Nature of Objection	Submission	Reply	Ruling
7	"My view is that my employer would not continue to pay my current rate of hourly pay if my occupation became covered by the Health Professionals and Support Services Award, and that my conditions of employment would gradually worsen."	Speculation		DHAA says "submission".	Treat as submission.
8	"My view is that, at best, my pay rate would be frozen from the date that my occupation became covered by the Award until and if the applicable minimum Award	Speculation		DHAA says "submission".	Treat as submission.

	rate overtook my currently hourly rate. Such an outcome would be extremely damaging for my family finances.”				
9	“I am very concerned that my employer would state that because I was paid over-award, that the over award component compensated me for all the supposedly beneficial provisions of the award such as overtime, weekend penalty rates and paid tea breaks.”	Speculation		DHAA says “submission”.	Treat as submission.
10	“Therefore, being covered by an award offers me no benefits and worse, significantly jeopardises my current salary and employment conditions.”	Opinion/Submission		DHAA says “submission”.	Treat as submission.
11	“I believe that award coverage would be seen by my employer as a significant change which warranted issuing a new employment contract with a	Speculation		DHAA says “submission”.	Treat as submission.

	new reduced hourly wage rate.”				
13	“I believe that imposition of award coverage on health professional occupations such as mine that have been award-free for decades is a backward move, which will seriously impact my family’s finances.”	Opinion/Relevance		DHAA says “submission”.	Treat as submission.
14	“I believe that imposition of award coverage on oral health therapists/dental hygienists will disadvantage women like me in particular because the minimum rates of pay will operate quickly to drive our take home wages down.”	Speculation/Opinion		DHAA says “submission”.	Treat as submission.
15	“I believe that the impact of award coverage on me personally will be to significantly harm my negotiating position with my employer in the immediate, medium and long-term future.	Opinion/Speculation		DHAA says “submission”.	Treat as submission.

16	I do not think this is fair when I have enjoyed the benefits of award-free status for the entire period of my employment in private practice and I believe my opinion should be listened to by Fair Work Commission.”	Opinion		DHAA says “submission”.	Treat as submission.
17	“I do not understand why the status quo would be or should be disrupted now after so many years of award-free status for my occupation. I am very worried and concerned about any such change.”	Opinion		DHAA says “submission”.	Treat as submission.

<u>Statement of Lyn CARMAN, 30 July 2019 (page 47 of hyperlink)</u> Same as Christina and Susan					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
9 (Second sentence only)	“My view is if my occupation were to be covered by the Health Professionals and Support Services Award, it would mean a gradual erosion of value and excessive	Speculation		DHAA says “submission”.	Treat as submission.

	decrease in my family finances.”				
10	“Therefore, being covered by an award offers me no benefits and worse, significantly jeopardises my current salary and employment conditions.”	Opinion		DHAA says “submission”.	Treat as submission.
11	“I believe that award coverage would be seen by my employer as a significant change which warranted issuing a new employment contract with a new significantly reduced hourly wage rate.”	Speculation		DHAA says “submission”.	Treat as submission.
13	“I believe that imposition of award coverage on health professional occupations such as mine that have been award-free for decades is a backward move, which will seriously impact my family’s finances, after being employed in this occupation for 33 years.”	Opinion/Speculation		DHAA says “submission”.	Treat as submission.

14	<p>“I strongly believe that imposition of award coverage on oral health therapists/dental hygienists will disadvantage women like me in particular because the minimum rates of pay will operate quickly to drive our take home wages down.”</p>	Speculation/Opinion		DHAA says “submission”.	Treat as submission.
15	<p>“I believe that the impact of award coverage on me personally will be to significantly harm by negotiating position with my employer in the immediate, medium and long-term future.”</p>	Opinion/Speculation		DHAA says “submission”.	Treat as submission.
16	<p>“As a previous business owner and employer of Oral Health Therapist and Hygienists I was extremely pleased to be able to negotiate employment in the absence of an award and feel it was of benefit for my employees and</p>	Opinion		DHAA says “submission”.	Treat as submission.

	therefore the patients and my business.”				
17	“I do not think this is fair when I have enjoyed the benefits for 33 years of award-free status for the entire period of my employment and I believe my opinion should be listened to by Fair Work Commission.”	Opinion		DHAA says “submission”.	Treat as submission.
18	“I do not understand why the status quo would be or should be disrupted now after so many years of award-free status for my occupation. I am very worried and concerned about any such change.”	Opinion		DHAA says “submission”.	Treat as submission.

<u>Statement of Benjamin MARCHANT, 16 July 2019 (page 50 of hyperlink)</u>					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
All	I am a registered pharmacist since 2006 and am currently the Victorian President of the Pharmaceutical society of	Opinion, basis not disclosed Relevance		The relevance of the Mr Marchant’s statement is to give evidence of the adverse consequence of award coverage of	This statement is to be treated as submission.

	<p>Australia since 2015. The Pharmaceutical Society of Australia is the peak body representing pharmacists practising in all areas in Australia. I have also provided expert advice in relation to the pharmacy profession to the Victorian Government, the Australian Pharmacy Council and RMIT University through a range of advisory committees and working groups. I would like to comment on the impact of the Pharmacy Industry Award 2010 to the pharmacy profession, which is likely to be similar to that of the Health Professionals and Support Services Award 2010, to the dental profession. From my personal experience, most pharmacists practising in the community (private sector) were paid above award when the Pharmacy Industry Award 2010 was introduced. Since then,</p>	<p>Speculation</p>		<p>pharmacists on their real wage. Pharmacists. Pharmacists were award free until 2010 and are now covered by an award. The purpose of the statement is to draw a comparison between the real wage outcome of pharmacists after award coverage to what may also occur with dental hygienists and oral health therapists. DHAA is prepared for the witness statement to be treated as a public interest submission.</p>	
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	<p>there has been a steady decline of pharmacist wages towards the award rate. While the Pharmacy Industry Award sets a minimum rate, employers are treating that as a government recommended standard rate for pharmacist employees. The unintended impact of the Pharmacy Industry Award is that the wages for most pharmacists are kept relatively low, causing many experienced pharmacists to leave the profession to seek other career options. There has also been a steady fall in the academic quality of new entrants to the profession with the Australia Tertiary Admission Rank (ATAR) score to pharmacy degrees across Australian universities falling from the mid to high 90s to as low as 60s in recent years. In my opinion, I believe the Pharmacy Industry Award</p>				
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	<p>has devalued the pharmacy profession and led to a decline in the overall service quality through the community pharmacy sector to the general public. Similar to the Pharmacy Industry Award 2010 the Health Professionals and Support Services Award 2010 may have a similar impact on dental hygienists, dental therapists and oral health therapists if they are included in the award. I declare that this statement is true and correct.</p>				
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[Statement of Samson CHAN, 30 July 2019 \(page 52 of hyperlink\)](#)

Para	Passage	Nature of Objection	Submission	Reply	Ruling
All	Entire statement – PDF document attached alongside this document.	Relevance Speculation		The relevance of Mr Chan’s statement is to give evidence of the adverse consequence of award coverage of pharmacists on their real wage. Pharmacists were	This statement is to be treated as submission.

				award free until 2010 and are now covered by an award. The purpose of the statement is to draw a comparison between the real wage outcome of pharmacists after award coverage to what may also occur with dental hygienists and oral health therapists. DHAA is prepared for the witness statement to be treated as a public interest submission.	
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OPTOMETRY AUSTRALIA

Statement of LYN BRODIE , 30 July 2019 28 February 2020					
Para	Passage	Nature of Objection	Submission	Reply	Ruling
24	"Many members have expressed the view that they are concerned that HPSS Award coverage may have a detrimental impact on wages paid to Optometrists, and in	Hearsay Relevance Speculation		None	Full Bench regards this as hearsay and notes that the basis is not disclosed in the

	particular Graduate Optometrists, especially in a profession where the highest pay rates for employees are already not considered commensurate with the complexity and responsibility borne by practitioners”				witness statement. The Full Bench will not admit it as evidence but will consider the assertion as submission and weight accordingly.
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