



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT ASBURY  
DEPUTY PRESIDENT O'NEILL  
PROFESSOR BAIRD AO  
DR RISSE**

**AM2020/99**

**s.158 - Application to vary or revoke a modern award**

**Application by Ellis & Castieau and Others  
(AM2020/99)**

**Sydney**

**10.00 AM, WEDNESDAY, 6 DECEMBER 2023**

**Continued from 05/12/2023**

PN2501

JUSTICE HATCHER: Ms Harrison, you have the first witness?

PN2502

MS HARRISON: Yes, your Honour. The first witness will be Ms Tania Jesser. I believe she is in the waiting room.

PN2503

THE ASSOCIATE: Ms Barry are you able to hear the Sydney hearing room?

PN2504

MS BARRY: Yes.

PN2505

THE ASSOCIATE: You have got Ms Jesser there with you?

PN2506

MS BARRY: Yes, thank you.

**<TANIA ANN JESSER, AFFIRMED**

**[10.02 AM]**

**EXAMINATION-IN-CHIEF BY MS HARRISON**

**[10.02 AM]**

PN2507

Hi, Ms Jesser, I'm Larissa Harrison here from the United Workers Union. You can see me?---Yes.

PN2508

Excellent. Ms Jesser, are you able to state for the court record your full name?---Tania Ann Jesser.

PN2509

Ms Jesser, you are employed at Helping Hand in South Australia?---Yes.

PN2510

The position that you are currently employed in, is that the hotel services team leader?---Yes, it is.

PN2511

You have provided a statement for these proceedings recently?---Yes, I did.

PN2512

Have you had the opportunity to read through that statement recently?---Yes, I have.

PN2513

That statement is a total of nine pages and some seven annexures long?---Yes.

\*\*\* TANIA ANN JESSER

XN MS HARRISON

PN2514

You have got a copy of that in front of you?---Yes, I do.

PN2515

Is that statement true and correct to the best of your knowledge?---Yes.

PN2516

Your Honour, I would seek to tender that statement.

PN2517

JUSTICE HATCHER: The witness statement of Tania Jesser with annexures TJ1 to TJ7 dated 15 September 2023 will be marked exhibit UWU28.

**EXHIBIT #UWU28 WITNESS STATEMENT OF TANIA JESSER  
WITH ANNEXURES DATED 15/09/2023**

PN2518

MS HARRISON: Thank you, your Honour, I don't have any further questions.

PN2519

JUSTICE HATCHER: Ms Rafter?

**CROSS-EXAMINATION BY MS RAFTER**

**[10.03 AM]**

PN2520

Hi, Ms Jesser?---Hello.

PN2521

My name's Alana Rafter and I am appearing on behalf of the employer interests today. I understand you're a hotel services team leader at Helping Hand and you have held that position for about four years now?---Yes.

PN2522

Prior to that promotion, you worked in hotel services at Helping Hand as well for about 12 years?---Yes.

PN2523

At paragraph 3 of your statement - and you're welcome to go to it?---Yes.

PN2524

You state, as a hotel services worker, you completed laundry and catering work?---That's correct.

PN2525

Am I right in understanding - and correct me if I'm wrong - that that means you were rostered to complete laundry shifts and catering shifts?---Yes.

PN2526

I don't believe we have had someone from Helping Hand so far in these proceedings, so I'm just going to ask you some questions about the facility?---Yes.

PN2527

I note at 26, you state there are 158 residents?---Yes.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2528

Within the facility itself, is it broken up into houses or wings?---Wings, nine wings.

PN2529

Nine wings. Within each of those wings, is there a dining room?---Yes.

PN2530

Then, within the facility, there are some smaller common spaces?---That's correct.

PN2531

I note you also clarify there's a cafe within the facility as well?---Yes.

PN2532

The cafe is open to residents, their families and the staff?--- Yes.

PN2533

Is your direct supervisor the hotel services site manager?---Yes.

PN2534

At 56 of your statement, and you are welcome to turn to it?---Yes.

PN2535

You refer to there now being three extra managers doing paperwork?---Yes.

PN2536

Are they also hotel services managers?---No, one's an operations manager and one's a general manager for all nine sites.

PN2537

All nine sites within the facility; yes?---No, within South Australia.

PN2538

Thank you for clarifying that. So nine sites throughout the state. Do you meet with your supervisor, the hotel services site manager, daily?---Yes.

PN2539

Would you meet at the start and the end of the day?---Yes, and throughout the day, depending on issues.

PN2540

If an issue was brought up by, say, one of your team members, you would bring it to them and they would give you some advice on what to do next?---Normally I just do it and then tell him what I've done.

PN2541

Thank you for that. Below the hotel services site manager, under that role, that's the team lead role and that would be yourself?---Yes.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2542

Is there a team lead for - and I'm focusing on hotel services - is there a team lead for each of the nine homes within the facility?---No, I'm the team leader of the whole site.

PN2543

Then below you will be the hotel services assistants?---That's correct.

PN2544

I gather from reading your statement that hotel services assistants complete both catering work and cleaning work?---Yes.

PN2545

And they can do that within the same day?---Yes.

PN2546

Will there be one hotel services assistant rostered on to each of the houses?---Yes.

PN2547

In some places in your annexures, you refer to housekeeping staff. Is that term interchangeable with hotel services assistant?---Yes, so under our PayGlobal, they're classed as domestic hotel services or catering hotel services, but they do both roles. It depends where they're working.

PN2548

So when I see a reference to housekeeping staff, that could be a catering staff member?---Yes, a catering assistant.

PN2549

Could it also be a laundry employee?---No, laundry's under domestic.

PN2550

Laundry is under domestic. Thank you for that. As team leader, the laundry staff and the catering staff and the cleaning staff, they would report to you?---Yes.

PN2551

With the laundry employees, the ones that are domestic hotel services, do they typically stay on laundry duties for the duration of their shift?---Yes.

PN2552

At paragraph 10 of your statement, you provide an overview of a normal day as team lead?---Yes.

PN2553

Which includes work on the floor in addition to administrative duties?---Yes, I do all of that.

PN2554

I would like to now take you to annexure TJ1 and, in the digital court book, that's page 1433?---Yes.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2555

At annexure TJ1, this is a further outline of the duties that you may do as a team lead?---Yes.

PN2556

If I could just take you down - bear with me whilst I go to it myself - if I could just take you down to - so looking at 'Job Description'?---Yes.

PN2557

Immediately under 'Lunch Break', it says, 'Complete HSK004F and HSK031F'?---Yes.

PN2558

Could you just explain to me what that means? I note in brackets it says '(Deep Room Cleans)' but I would like your clarification?---So when there's a deceased resident or a resident leaving the facility, I organise all the paperwork and maintenance, if they need to paint, carpets need shampooing, any maintenance or any work that needs done in the room before the next resident comes in, and then I do all the paperwork to make sure it's all completed and then I check off the room at the end.

PN2559

I see. So those numbers and letters I just took you to are codes for paperwork and admin that you would complete?---Yes.

PN2560

If I could now take you to annexure TJ2, and that is digital court book reference 1436?---Yes.

PN2561

This document sets out the duties of hotel services assistants, so the people who report to you?---Yes.

PN2562

At the bottom of the page, there is a reference to Team Ten?---Yes.

PN2563

Am I right in understanding that that is a daily meeting you have with your team?---So each area, all the staff come to a Team Ten and we discuss any issues that we're having throughout the day, or any changes, so that we're all on the same page.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2564

Could you give an example of an issue you might be communicating to your team?---Normally we get an email or a text message through Teams from one of our HR team on what we need to discuss on that day and let staff know about. It might be the Christmas functions, phones, doing it this day. Then we let the staff know what they should be doing while all of the residents are in the hall having lunch, whether they come and assist or they stay back with residents. It's just the day to day - or if we've got a behavioural - can you make sure you shampoo that

room three times a week at the moment because we're having issues. All that type of thing.

PN2565

I take it in your role that you will receive messages from your supervisor, RN, HR, different departments in the facility?---Yes.

PN2566

And you will then provide the relevant updates to your team members that you oversee?---Yes.

PN2567

Noting the time frame that's going down the left column of annexure 2 there, would it be fair to say that it provides a chronological outline of the movement of the day for the hotel services assistants?---Yes.

PN2568

On a normal day, this is how you would expect the day to flow?---Yes, but it never does.

PN2569

Between 9 am and 10 am, there is a daily cleaning schedule set out in a table?---Yes.

PN2570

Does that remain current?---Yes.

PN2571

I take it, if something out of the ordinary arose, for example, a resident in room 10 fell ill or had COVID and was in isolation, that's something you would convey to your team members?---Yes, and then they wouldn't - we would swap the rooms. So if something happened, they would fall into the next room and put it in the communication book and then the next staff member would pick that up.

PN2572

Could I now take you to annexure TJ3. That is digital court book reference 1439?---Yes.

PN2573

In your statement, this is referred to as a skills checklist for dining services?---Yes.

PN2574

My understanding is that the participant name, that would be the relevant hotel services assistant?---Yes.

PN2575

For the assessor's name, would that be you?---Yes.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2576

I note you have a Diploma in Business Management. Did that also cover training and assessment?---No.

PN2577

Do you hold separate qualifications in training or assessment of staff?---Yes, this was - all the training and everything was all done in-house.

PN2578

In-house. By that, did a third party from an RTO come, or was it provided by the facility manager?---Yes, so the previous chef, when I first started, trained me and then any training or updates, I update. We have a pamphlet and we also have mandatory training that new staff - like COVID, we had to take everything off the tables, we're bringing it back now, so we've organised training days on how we want the tables set, you know, you offer them a drink, you don't put the drink on the table. So I've trained all the staff on that.

PN2579

This particular document, this is used to assess that - - -?---That they're doing it correctly.

PN2580

I note at the bottom of the document, it was last revised on 10 April 2013?---Yes.

PN2581

Is this still the current version that's used?---That's what we're bringing - we're bringing that back, yes, now that COVID's over, yes, because we had the restrictions, so - - -

PN2582

My understanding of what you've just said, I'll just put back to you. There was a brief period of time where you could not necessarily assess the competencies of your staff using this checklist because of restrictions?---Yes.

PN2583

I will now take you to annexure TJ4, and that's digital court book reference 1441?---Yes.

PN2584

This is the housekeeping competencies?---Yes.

PN2585

Similar to the last document I took you to, I take it you're the assessor for this document as well?---Yes.

PN2586

I note the last three entries are only relevant to laundry staff?---Yes.

PN2587

18, 19 and 20?---Yes.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER



PN2588

Are laundry staff only expected to demonstrate those last three competencies?---No - well, yes, they demonstrate it, but all staff have to know - so the reason that's there is because when the new staff are coming in, we still make sure they're aware and know what our policy and procedures are.

PN2589

So all new staff in the hotel services, they need to know about the laundry processes, they need to be able to understand the correct use of PPE?---Yes, that's correct.

PN2590

How often do you assess your hotel services team members using this?---I do audits every month and I also communicate with staff on a regular basis on whether they need additional training, they're not coping with anything, and, yes, so then I will buddy them up with a staff member that knows everything. I have my set staff that I like to train new staff.

PN2591

I see on the second page of that annexure, there's a table which says 'Corrective Actions' and then 'Actions Taken'. So one of the actions you just said was you might assign someone to a buddy?---Yes.

PN2592

I see. If I could just take you to the table again on the front page of that annexure, at number 8 it says, 'Staff member can explain PPE use, when we use it and when we do not'?---Yes.

PN2593

We have received a lot of evidence in these proceedings about when staff need and are required to wear PPE. I was curious, though, of the answer you would expect as to when a staff member is not required to wear PPE, or when it would be inappropriate, to put it another way?---Yes, so I normally - Helping Hand have - like the management team have regular meetings with our infection control at 11 o'clock and then it is forwarded on to me what the outcome is, and then I direct my staff. I did all the donning and doffing training for all my staff, so if I see that they're not doing it right, I'll pull them and show them how to do it again.

PN2594

So it's not so much that there could be a situation where they should not be using it, but rather they need to be aware of the different ways in which they need to put on PPE?---Yes.

PN2595

Going back to your statement, the body of your statement, I will take you to paragraph 29?---Yes.

PN2596

In that paragraph, you state:

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2597

*All hotel services employees are required to complete food safety and meal texture certificates to serve up food for residents.*

PN2598

?---Yes.

PN2599

Is that achieved via in-house training?---Yes, it is, IDDSI training.

PN2600

Who provides that training to the staff?---Our dietician, Paige.

PN2601

By reference to 'texture', I take it the training covers the IDDSI framework?---Yes.

PN2602

The International Dysphasia Diet Standardisation Initiative?---That's correct.

PN2603

How long is that training? I withdraw that. What - - -?---Well, it's about half an hour to 45 minutes.

PN2604

Is there a test at the end of it?---Yes.

PN2605

I take it if they pass that test, they will get the certificate?---Yes, and if they don't understand it, then I will reset them into the next training session so that they can just have a bit of a refresher. I just - - -

PN2606

And - I cut you off; you can continue?---I just tell them to carry a cocktail fork around with them.

PN2607

So if you see a staff member that seems like they're not quite across it, you would organise a refresher?---Yes.

PN2608

Is there a set timetable for refreshment of this safety training? So is it monthly or annually for all staff?---So I would normally just contact Paige and say, 'Look, I've got half a dozen new staff or some staff that sort of need updating' and then sometimes we will book them into another site and they can go off there to learn it, or Paige will actually come in and do a refresher.

PN2609

It was partially my bad question, but do staff have to - once they have the certificate once, is that enough, or does the certificate - - -?---No, no, we do it every year.

\*\*\* TANIA ANN JESSER

XXN MS RAFTER

PN2610

I see. If I could take you to paragraph 32 of your statement. You state, 'I advocate for my staff to not need to create thickened drinks for residents'?---Yes.

PN2611

Thickening is something that would have been covered in the training?---Yes.

PN2612

Would it be fair to say you don't think the meal texture certificate is sufficient training for the staff?---Some of the staff - because there's different types, yes, it just is, I feel, too risky for them to actually be doing the thickened, so I prefer that the care staff do that.

PN2613

At 51 of your statement - I'll give you a moment?---Yes.

PN2614

You refer to resident meetings that are scheduled for hotel services?---Yes.

PN2615

In addition to yourself, do other employees attend this meeting as well?---It's a management board and there's six of us. We sit in with the residents and we get their feedback, we let them know what's going on throughout the facility, and we ask them if there's anything like, 'We get cold toast' or 'The vegies are overcooked' and then we take corrective action to make sure that those issues are fixed.

PN2616

How often would these meetings be scheduled?---Every three months for each area.

PN2617

So each of the nine houses we talked about?---Yes.

PN2618

Thank you, Ms Jesser, no further questions?---Thank you.

PN2619

JUSTICE HATCHER: Ms Harrison, any re-examination?

PN2620

MS HARRISON: Just one question, your Honour.

**RE-EXAMINATION BY MS HARRISON**

**[10.24 AM]**

PN2621

Ms Jesser, you were taken to paragraph 32 of your statement before in relation to the question around thickened drinks for residents and you indicated, and you indicate in your statement, that you would - you indicated that you would prefer that care staff created those drinks?---Yes.

\*\*\* TANIA ANN JESSER

RXN MS HARRISON

PN2622

But it is the case that hotel services assistants or yourself might be required from time to time to create those drinks?---Yes.

PN2623

No further questions.

PN2624

JUSTICE HATCHER: All right. Thank you for your evidence, Ms Jesser, you are excused, which means you can disconnect from the call?---Thank you.

PN2625

MS HARRISON: Your Honour, they are all in the same room, so they can just  
- - -

PN2626

JUSTICE HATCHER: Don't disconnect then.

**<THE WITNESS WITHDREW**

**[10.25 AM]**

PN2627

JUSTICE HATCHER: Ms Wren is next?

PN2628

MS HARRISON: Yes, that's correct.

**<BIANCA RICHELLE WREN, AFFIRMED**

**[10.26 AM]**

**EXAMINATION-IN-CHIEF BY MS HARRISON**

**[10.26 AM]**

PN2629

Ms Wren, can you see and hear me okay? It's Larissa Harrison of the United Workers Union?---I can.

PN2630

Excellent. Ms Wren, are you able to, for the purpose of the court record, state your full name?---Bianca Richelle Wren.

PN2631

Ms Wren, it is correct that you are employed by Allity, which is now owned by Bolton Clarke?---Yes, correct.

PN2632

Your job title is best described as a food services assistant?---Yes, correct.

PN2633

You prepared a statement recently for these proceedings, did you not?---I did, yes.

PN2634

Have you had an opportunity to review that statement recently?---Yes.

\*\*\* BIANCA RICHELLE WREN

XN MS HARRISON

PN2635

You have got a copy of that in front of you?---I do.

PN2636

Excellent. That statement is some 11 pages and five annexures?---Correct.

PN2637

Is that statement true and correct to the best of your knowledge?---It certainly is.

PN2638

Your Honour, I would seek to tender that statement.

PN2639

JUSTICE HATCHER: All right. The witness statement of Bianca Wren, including annexures BW1 to BW5, dated 15 September '23 will be marked exhibit UWU29.

**EXHIBIT #UWU29 WITNESS STATEMENT OF BIANCA WREN  
WITH ANNEXURES DATED 15/09/2023**

PN2640

MS HARRISON: Thank you. I have no further questions.

PN2641

JUSTICE HATCHER: Mr Ward?

PN2642

MR WARD: Thank you.

**CROSS-EXAMINATION BY MR WARD**

**[10.27 AM]**

PN2643

Ms Wren, can you see me?---Yes.

PN2644

Thank you, Ms Wren. My name's Nigel Ward, Ms Wren. I appear in these proceedings for the employer interests. I am just going to ask you some questions. Do you have your statement in front of you?---I certainly do.

PN2645

I think we asked that you be given a copy of your enterprise agreement. Do you have a copy of that as well?---Yes, I do.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2646

On paragraph 4, you talk about your base rate of pay and that you are covered by the agreement. I just struggled a little bit to understand what classification in the agreement you are covered by. Can I ask you to go to the agreement. If you could go to it. You might know it better than me, but if I could ask you to go to page 46 of the agreement. I don't know where it is in the court book, but I have

got copies if we need to hand them up. It's not in the court book. Just bear with me. Are you at page 46?---I am.

PN2647

My understanding is that page 46 sets out hospitality services level 1, 2, 3, 3B, 4 and 5. Do you know which level you are at?---In those care services?

PN2648

It's my understanding you are likely to be one of those; is that right?---I would have thought I would be hospitality services.

PN2649

I'm reading the hospitality service, sorry?---I see. I've got two 46 pages here.

PN2650

On my page 46 - - -?---Yes, I see what you're looking at now.

PN2651

Do you know which one you are?---No, I don't, to be honest.

PN2652

You have never been told?---I might have been, but I don't recall.

PN2653

But it is your understanding you are paid in accordance with that structure?---That's my understanding.

PN2654

I am just going to ask you some general questions, then I might take you a little bit through your statement?---Sure.

PN2655

The Smithfield facility, you say, has 74 residents?---Yes.

PN2656

Can you just explain to me how it's physically set out?---So we have two floors. The ground floor is 30 residents and that's divided into two wings, 15 each wing. The first floor is 44 residents and that's divided into three wings.

PN2657

Three wings. Are people normally allocated to a floor to begin with?---Yes.

PN2658

I think your evidence is you're normally allocated to the top floor?---Most of the time, yes.

PN2659

That's the one with 44 residents in it?---Correct.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2660

When you are doing your job, I take it that you are servicing the three wings on the top floor, you're not just servicing one or two?---No, all three.

PN2661

If you don't know the answer to this, that's fine, but in terms of personal care workers, are they assigned to a floor or are they assigned to a wing?---Both. So they're assigned to a floor and then whatever floor they're on, they're then assigned to a specific wing.

PN2662

You say in paragraph 8 that, as I understand it, your manager is the hospitality coordinator; is that correct?---Correct, yes.

PN2663

You also say in paragraph 8, 'She has an office, but she is active on the floor.' Does that mean she's working alongside you when she's active, or is she doing something else?---Most often, she's directing tasks, but she will hop on the floor and serve with us if we need her to.

PN2664

By 'directing tasks', what do you mean by 'directing tasks'?---It might be, you know, 'Can you make sure you do this today, can you clean the oven, can you' - because she also covers laundry and cleaning, so she covers three departments.

PN2665

Yes?---It might be, 'Can you make sure that such and such gets their clothes delivered today for the laundry' or, if you're cleaning, she might ring your phone and say, 'There's been an incident in this room, can you go and attend to it straight away.' That type of stuff.

PN2666

In lots of places in your statement, you talk about the folder in the kitchen. Are you comfortable with me using that description?---Sure.

PN2667

This folder, from my understanding of your evidence, sets out dietary requirements for residents?---Yes.

PN2668

Does it set anything else out?---No, mostly just dietary, which covers, you know, like your nutrition and your hydration, and then allergies and preferences.

PN2669

Is there a page for each resident? How is it actually physically set out?---No, it's all on like a graph where you've got your name and then you've got the diet level and then you've got like allergies, you know, dislikes, stuff like that.

PN2670

So it's like a big table?---Yes.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2671

From time to time, I assume that gets updated?---Regularly.

PN2672

Who is the person doing the updating?---The hospitality coordinator.

PN2673

I am right, aren't I, that it's a requirement before you serve any food that you check that to make sure there's no changes?---Correct.

PN2674

Do you carry that with you where you go or does it just stay in the kitchen?---No, it's only allowed to stay in the kitchen.

PN2675

Separate to that, you talk about the Blink app?---Yes.

PN2676

You don't sound like you're a fan of the Blink app. I think I've got that right. My understanding of the Blink app is - is it on your mobile phone?---Correct.

PN2677

It allows the centre to send updates on things?---Mm-hm.

PN2678

If there was an update on a dietary requirement, let's say the registered nurse decided to change something today, that comes through on the app, does it?---Not always on the app. If it was like a Monday to Friday and the hospitality coordinator was there, she would update it immediately and it would be reflected in the dietary folder.

PN2679

Right?---If it were on the weekend, yes, it would be on the app and usually it would be with that, 'Hey, give us a thumbs up', so they can make sure that we've read it.

PN2680

So Monday to Friday, when the coordinator is there, if there's a change, the coordinator will go to the kitchen and change the table?---Correct.

PN2681

But if on the weekend, they are not there, you pick that information up on the app, you thumbs up to say, 'I understand that's the case'?---Correct.

PN2682

I take it on Monday then the table gets updated?---Correct.

PN2683

Does that happen a lot on the weekend?---I wouldn't say a lot, but, I mean, it does happen.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD



PN2684

Before you said you used to use a tablet, but am I right in saying that's not used any more?---A tablet?

PN2685

Yes. Have I got that wrong? It's just the Blink app you use?---Yes, it's an app. You can access it via a tablet, computer, phone.

PN2686

Right?---I don't use a tablet.

PN2687

So you use your personal phone?---Correct.

PN2688

In terms of your routine, can I just understand your routine. I assume breakfast is normally set between certain hours?---Yes.

PN2689

This is not a silly question, but you don't get to choose when breakfast is; it's between this hour and that hour?---Correct.

PN2690

I am assuming that lunch would be the same?---Correct.

PN2691

And dinner would be the same?---Correct.

PN2692

In terms of the menu for breakfast, is there like a set menu or a rolling menu?---Breakfast is a little bit much the same every day. Lunch and dinner, those menus change, but breakfast is just like your normal staples, you know, like your cereals and your toasts and porridge, that type of stuff.

PN2693

You would understand who prefers what for breakfast?---Absolutely.

PN2694

You don't mention cooks in your statement. Do you have cooks in the facility?---We have no cooks on site.

PN2695

I will come back to that. That's fine?---Sure.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2696

In terms of who you go to if there's a problem, at various times, you talk about going to sort of different people. When do you go to your coordinator?---It might be if someone doesn't seem to be tolerating a certain diet, or you might encounter a regular issue. It might be that carers are bringing the residents out too late for breakfast, you know, they're not getting out until 9.30/10 o'clock and, by then,

you're packing up. So you might sort of flag issues like that that, you know, these things are going on that are creating difficulties.

PN2697

It's your coordinator's job to talk to the registered nurse or something like that to sort that out?---Yes, most of the time it ends up on that Blink app, like, 'Hey guys, just a reminder, can we have the residents out by 9.30' or whatever. That's usually how it's handled.

PN2698

When would you personally go and talk to a care worker rather than your coordinator?---Look, most of the time, I do go to the care workers first.

PN2699

Right?---I might just say, 'Oh, I haven't seen such and such this morning, are they coming out for breakfast?' or you might just double-check, 'Hey, have we done such and such's tray?' More often than not, I go to the carers first and then - - -

PN2700

Is that because they're getting the residents up and ready in the morning and they'll be the ones who will know?---Yes, correct.

PN2701

In what circumstances would you go directly to the registered nurse?---Not often. What would send me to the nurse? I'm trying to think. Sometimes I get a family member might come in and might ask to see the nurse, so I might go to the kitchen - because we have a telephone - I might ring the nurse and say, 'Such and such's daughter or son is here and they want to see you.' But, yes, not much would send me to the nurse really, unless there was - I guess if someone was choking, but the nurses would be there, so - - -

PN2702

When you say the nurses would be there, what do you mean by that?---I guess if there was a serious incident on the floor like someone was choking, which has happened, then, you know, very quickly they respond and the carers and the nurses are there straight away.

PN2703

If you were in the dining room and somebody was choking, what's the procedure you have to follow?---Well, in a perfect world, someone would be there, I wouldn't be left on my own.

PN2704

Yes?---But that doesn't always happen. We're very close to the nurses' station, so when a resident started coughing and it sounded a bit more serious, I just quickly rang the nurses' station and she was there and I grabbed her. It's just from luck that she was so close.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2705

When you say you're close to the nurses' station - I don't have a map of the facility - what do you mean by close?---The kitchen from the nurses' station would be about 10 metres.

PN2706

Is the nurses' station one of those stations where it's a glass panel and they can look out?---Correct.

PN2707

Can I take you to paragraph 9, if you could go to that. You say in paragraph 9 - a little bit to the end of it, you have this phrase, and this is, I think, when you are working on weekends - you say, 'On the weekends, we just manage ourselves.' Do you see that?---Mm-hm.

PN2708

I take it that's your reference to the fact that the coordinator is not physically there?---Correct.

PN2709

But when you say you manager yourself, it's still within those routines?---Of course, yes.

PN2710

And, as you just described, if it's a serious incident, you will go and get a care worker or a nurse to come and assist with that?---Yes.

PN2711

Again in paragraph 10, you say, 'Other than explained above, my work is largely self-directed.' You said earlier on that your coordinator will often direct you to do certain tasks. When you say you're self-directed, that's separate to being directed to do things by the coordinator?---Yes, yes.

PN2712

Again, when you say you're self-directed, it's within those routines that you regularly perform?---Correct.

PN2713

Can I take you down to paragraph 20. At paragraph 20, you talk about interacting with residents. I will just read it to you to be fair. About halfway through 20, you say:

PN2714

*The information isn't only relevant to how I make*

PN2715

*and deliver food, but also to how I interact with each resident and the kind of emotional and interpersonal support that I provide.*

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2716

Could you just explain to me - could you give me an example of providing emotional support to a resident?---Oftentimes, information will be put on this Blink app when things happen, for example, a resident's wife has passed or something's going on within the family. Recently, one of our resident's grandsons passed away in a car accident in Adelaide, so the information that was put on the app was, 'Please be mindful that this particular resident is going through this.'

PN2717

Yes?---And so, yes, it's really just being mindful of what they're going through, and that obviously alters our approach to them and how we deal with them in a kind and soft manner.

PN2718

If you were having a chat to that resident that day, you would have that in the back of your mind?---Absolutely.

PN2719

Is that also what is meant by 'interpersonal support' as well? If you were having a conversation with a resident, you would take that into consideration?---Absolutely.

PN2720

If I could take you down to paragraph 29. You say in paragraph 29, 'I regularly pick up extra shifts.' I take it that the operator has a spare shift, offers it to you and you accept it?---Yes, sometimes it works like that.

PN2721

Sometimes you say, 'I don't want it'?---Sometimes I say, 'If no one else picks it up, then I'll take it as a last resort.'

PN2722

Okay?---Yes.

PN2723

That's your desire to help out?---Yes.

PN2724

Other than that, am I right in saying that you work 20 hours a week as a part-time employee?---Yes. My hours have just recently changed.

PN2725

How have they changed? I think in your statement you said 40 hours per fortnight. How have they changed recently?---I've just picked up an extra seven hours a fortnight recently on a permanent setting.

PN2726

Was that a request from the employer or was that your request?---They put it out there and they asked for expressions of interest and I put in an expression of interest and I got it.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2727

That suited you?---Yes.

PN2728

Can I take you to paragraph 31. You talk there about taking a temperature. Do I take it that it's a rule in your centre that before you enter, you have to take your temperature?---Correct.

PN2729

If it's elevated, what's the procedure?---That's a good question. I don't know.

PN2730

I very rarely get told that?---I don't know because it's never - it's just a thing on the wall, you put your head near it and it tells you. Sometimes it comes up low and you just do it again until you get the right temperature.

PN2731

Okay?---That's never gone - - -

PN2732

That's fine. Is that just about COVID or is that about possibly having the flu or other symptoms?---It started out as COVID, but now it's - the questions are general as in how you feel. They don't really want us there if we're unwell in general.

PN2733

So if somebody had an elevated temperature or is feeling poorly for whatever reason, they would prefer you to be home on sick leave?---Absolutely.

PN2734

Can I take you to paragraph 39. I am trying to clarify this. You say in paragraph 39, 'I then return to the kitchen to start preparing dessert.' Can you explain to me what you mean by 'preparing dessert'?---Yes, so dessert will either be a hot dessert or a cold dessert. If it's a modified dessert - 'modified' refers to puree or minced moist.

PN2735

Yes?---It's always served - at our facility, it's always served cold. So if the majority of the residents are having a hot dessert, say sticky date pudding or something, it will be in the oven heating up, but those that are on a modified dessert, it's cold, so I'll get that out of the fridge and I'll start setting it up in the bowls and labelling it so that the carers know which bowl belongs to which resident.

PN2736

Do the desserts arrive to the centre pre-made?---Yes.

PN2737

When you say 'the oven', I take it you're putting it in the oven to warm it up?---When it's a dinner shift - I think this is referring to a dinner shift, is it?

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2738

I think it was, yes?---So this is loaded - the food's already been loaded by the day staff. So when I go on for a dinner shift, I don't need to load any food in the ovens; that's already done for me.

PN2739

So you're taking it out when it's ready and then you're serving it?---Correct.

PN2740

You talk about being behind the servery. I can't remember if this is lunch or dinner. You say you're normally behind the servery. Is that for lunch or is that for dinner?---Both.

PN2741

Both. When you say 'behind the servery', can you just explain just what you mean by 'the servery'?---So I guess - how do you explain this? You've got like your kitchen at the back where you're doing your dishes and you've got your fridge and all that. Then there's an area in front of that where you've got a couple of kitchen benches.

PN2742

Yes?---And the oven and, on top of the oven, there's a - you can press a button to make the hotplate come on so it keeps the food nice and warm and, from there, where your hot food is is what I would call the servery, which is where I'm plating most of the food and sending it out with the carers.

PN2743

The phrase that's been used consistently is a 'bain-marie'. Is that the right phrase for you or is it just a hotplate area?---Yes, it's more of a hotplate area. It's like a smarter oven than a bain-marie where it - yes it's more of a hotplate that holds a consistent temperature.

PN2744

At paragraph 42, you talk about hot foods and having to maintain relevant temperature testing. Can you just first of all explain what you mean by 'relevant temperature testing'?---So the food has to reach a minimum of 75 degrees. If, for whatever reason, it hasn't reached that temperature, you can't serve it, so it's got to go - it's just too risky, so it has to go back into the oven, and then, after service, we only keep the food - so say dinner's 5 o'clock, by 5.45 that food needs to come off and it needs to be discarded. So we just can't keep it there for three, four or five hours, or, you know, dinner just can't just go on for hours because the food can only stay in that temperature zone safely until quarter to 6, if it was a dinner service, for example.

PN2745

Can I put that back to you and just ask you questions. So if it hasn't reached the 75 degrees, it goes back in the oven to be continuing to be heated?---Correct.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2746

How do you actually take the temperature?---A probe.

PN2747

So it's like a kitchen probe that - - -?---Yes.

PN2748

What training did you do for that?---I think when we started, there's some units we did when we started, but then - I think it was called TED - it's a learning platform that we have where you do online units or training.

PN2749

Yes?---So there's food safety, it covers food safety on the online units.

PN2750

All of the people who are in jobs like yours do the food safety training?---I don't know if everyone does it, but certainly hospitality does it.

PN2751

Can I take you to paragraph 53. If you could go there - I'll just wait until you get there?---Yes.

PN2752

I will just read it out:

PN2753

*I then take out the tray of modified desserts for those residents on special diets. If there are any new staff - like new PCWs or student placement workers - I will explain the desserts to them and tell them who the dessert goes to so that the right person gets the right dessert.*

PN2754

How do you know who gets what dessert?---I know because I know all the residents and I know all their diets off by heart now.

PN2755

Right?---So I know who's minced moist, I know who's pureed. Any updates I know because I've read them. Yes, look, I know their diets without even looking at the book, unless changes have been made, obviously. I just know them off by heart, but, obviously, the new people, the carers, or if you've got people on placement, they don't know what their diets are, which is why I label them.

PN2756

I see. How long did it take you to be confident to say, 'I know their diets without looking'?---Probably a good six months.

PN2757

You said 'label them', so when do you label the desserts?---Did you say when?

PN2758

Yes. I think you said, 'I label them.' Did you say that?---I did.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2759

Are they all labelled?---Only the modified ones.

PN2760

So the modified one, there might be one that's got a label saying 'Jane' and one saying 'John'?---Yes.

PN2761

And if there's a new care worker, it might simply be that they don't know who Jane and John are?---That's right.

PN2762

And you'll point them out and say, 'That's John over there'?---Yes.

PN2763

Can I take you to paragraph 56 quickly. You say:

PN2764

*The PCWs don't have time to deal with the extra little individual things that come up throughout the day - like a resident wanting toast...*

PN2765

I will ask questions about that in a minute:

PN2766

*...or a resident who wants an extra pillow.*

PN2767

You say that it ends up forming part of the role of the FSAs or the other indirect support staff. Do you see that?---Yes.

PN2768

The pillow issue, it could be that a resident comes up and say, 'I want a new pillow', or what do you mean by that?---Some residents come out in what we call a princess chair.

PN2769

Yes?---So they're not walking out and they - - -

PN2770

This is a tub chair, isn't it, that's on wheels?---Yes, correct. Yes, I mean they're still very cognitive, they know what they want and what they like and what makes them comfortable, they are just not physically able to get it themselves, and it may be that they - this happens where they've been wheeled out in the morning for breakfast or for lunch and all they need is just a little pillow to prop their feet up to make them just that little bit more comfortable, so they don't feel, you know, like stiff and uncomfortable, or it may be that they've been brought out and the carers have forgotten to put their socks on. So just little things, but it makes them more comfortable if they have them.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2771



You're observing of those things, or a resident might ask you for a pillow and you'll go and help out?---More often than not, they'll ask.

PN2772

They'll ask. Okay. And when you say other things are at support staff, who does that refer to?---Mostly in cleaners or your laundry. You'll take - - -

PN2773

Why would a laundry person be, say, in the dining room?---Well, they deliver all of our stuff, like our dishcloths, our tea towels and our serviettes. They bring up our linen bags, mops. So, they make a trip to the kitchen at least once a day.

PN2774

Right. Okay. And I take it that you could also ask a care worker to do that if they were there?---Yes.

PN2775

Yes. And you would do that if they were there?---Absolutely.

PN2776

Can I just come back to the (indistinct) issue?---Yes.

PN2777

I take it that residences will ask to be given food in between the meals?---Yes.

PN2778

And it's your job to deal with that?---Well, not entirely. So, the guideline is that breakfast is taken between 8.00 to 9.30. If a resident's gone out after 9.30 for breakfast the direction is that the care worker get them breakfast so the kitchen can keep moving along with their jobs. What really ends up happening is that we end up doing it regardless, but yes. Is that clarified?

PN2779

Regardless to say. So, it's the care workers' job to do it, I take it - - -?---If it falls outside of meal breaks and meal times.

PN2780

I take it sometimes they will do that?---Sure.

PN2781

Yes. But if a resident came up to you and said, 'Can you make me a piece of toast', you might simply make the piece of toast?---Yes. Well, it's just easier to do it and so - - -

PN2782

Okay. And in paragraph 57 you talk about dealing with a resident who is upset and confused. Do you see that, right at the end of that?---Yes.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2783

I'm just trying to understand this. What training have you been given to deal with residents who are upset or confused?---On the online platform tab when we get out – the units assigned to us there's units that relate to dementia, prescriptive practices, this type of stuff.

PN2784

And does everybody in the centre have to do that?---Yes.

PN2785

Okay. And just for my benefit if you take, say, the dementia training unit, do you do that online?---Yes.

PN2786

How long does that take to do?---Approximately half an hour.

PN2787

Okay. And do you do that in work time?---No. So, usually – but we do get paid.

PN2788

Right. So, you - - -?---So, what – you do it at home but you do get paid for it.

PN2789

Yes. And I take it that if a resident is so upset or so confused that it's outside of that training, you have to call a personal care worker?---Yes.

PN2790

And you would do that?---Yes.

PN2791

Okay. And I'll just try and do this reasonably quickly. If you observed a resident having a fall and they fell over, is there a procedure and protocol you have to follow?---Well, the first thing would be you'd call a care worker.

PN2792

Right?---I personally haven't witnessed a fall.

PN2793

Right. Okay. So, you can't comment because you haven't seen a fall. But do you know there is a procedure if there is a fall?---I'm not sure.

PN2794

You're not sure. And if a resident was acting violently is there a procedure for you to follow for that?---Well, I don't know what the official or correct procedure is. Usually my first thing is just to get help.

PN2795

And that help would be a care worker or a registered nurse or - - -?---Correct.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2796

Okay. And I take it you've said you wouldn't put yourself in a situation where you're at risk, yourself?---Correct, yes.

PN2797

Who writes the menu for the breakfast, the lunch and the dinner?---So, the food is cooked on site and Food Services is the ones that make the food and do the menus. So, it's the same for all the other sites in Adelaide here. So, I suppose they write the menu.

PN2798

Okay. And can I just take you to paragraph 79. You talk there about somebody not wanting something that's on the menu of the day. What happens if somebody doesn't want something on the menu?---Well, you have to offer them an alternative.

PN2799

Yes?---So, it's not like, oh, well, too bad, there's no food for you. It's like, you've got to find something for them to eat. So, yes, on a weekend there's – so, Monday to Friday there's someone in the kiosk, so we'll ring downstairs and say, hey, can you make a salad or a sandwich for such and such, or can you whack a sausage roll in the oven. But if it's on a weekend that's where the extra work comes in play because there's no one in the kiosk. So, we've got to run down and make a salad or a sandwich or something - - -

PN2800

And when - - -?---We can get them.

PN2801

If I just unpack that a little bit. You said in your statement there's a kiosk. Is that like a café, is it?---Correct.

PN2802

And is that just for residents or is that for family members?---And staff, everyone.

PN2803

And staff, okay. So, if you're on the weekend and somebody doesn't want something on the menu, you make the decision as to what food for them?---Well, you offer them. Like, you give them options. Would you eat a salad plate, or what about a sandwich or a sausage roll? Like, you give them some options and see what they will accept.

PN2804

And just bear with me, because you say the food is coming in to the facility, where would that food be found?---The food that I'm talking about now?

PN2805

Yes, just then, yes?---That would be in the kiosk which is the little shop downstairs.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2806

You'd go down there to the kiosk?---Yes.

PN2807

So, there might be like salads made up in plastic containers and things like that, or  
- - -

PN2808

No, they're not made up but there's like a salad bar.

PN2809

Right?---So – and there's a fridge. So, you would – say if they wanted a sandwich you would get some bread, get some meat, get something out of the salad bar if they ordered a salad plate. You'd just get stuff out of the salad bar and put it on the plate.

PN2810

And take it up to them?---Correct.

PN2811

Thank you. All right. Paragraph 85 you say, 'Between 9.30 and 10.30 I wash the tables and benches and fill out all the paperwork.' What do you mean by the paperwork?---So, they want us to – every meal time they want us to record who ate in there and – or if they didn't eat. So, every resident's name will be on a chart and you've got to tick if they came in the dining room, tick. If they refused – offered breakfast but refused, you put a cross. If they had a tray you put a T, if they're in hospital you put a H, yes, so just sort of filling out who ate, where they ate and yes, they're just – the rest is usually just writing out your paperwork in preparation for lunch. Like, so writing down the items that are on the menu, so that when it comes time to do your temperature testing it's all filled in and you just write down your temps.

PN2812

All right. So, the first thing, I take it, is like a big table with the residents' names?---Yes.

PN2813

And then you just, as you say, tick or cross across?---Yes.

PN2814

And the second thing then is about making sure that you've written down what the menu is. And are you writing the menu down to help yourself, or are you writing the menu down for somebody else?---No, to help yourself.

PN2815

Help yourself, all right. Could I just quickly take you to paragraph 107 and you talk about – I think you talk about a team meeting at paragraph 107. Am I right in saying the hospitality team is made up of food services staff, the cleaning staff and the laundry staff?---Correct.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2816

Do you have a gardener?---Not really. We have a maintenance man.

PN2817

But they're not part of your team?---No.

PN2818

And this team meeting you have for hospitality, I take it that the registered nurses and people like that don't attend that. That's just for your team?---Sometimes we've had the manager attend. But not the nurses or care workers.

PN2819

What might the manager do if they attended?---More often than not, listen. They don't say a lot.

PN2820

So, they're just trying to find out what's going on?---Pretty much.

PN2821

Okay. And just lastly, if I can, in terms of how all of the food arrives to your facility, how does the cooked food arrived, practically arrive each day?---It comes in on a truck in a massive big trolley. All the food is loaded into the trolley and that's wheeled off the truck and literally into the cool room.

PN2822

So, it sort of comes off a loading dock straight into a cool room?---Correct.

PN2823

And when it's brought in is it like identified what's for lunch and what's for dinner, or is it – how is it actually brought in?---Yes, in containers. So, it's got labels on top of each so you know what it's for, whether it's lunch or whether it's for dinner, whether it's modified or whether it's regular diet, what's inside it.

PN2824

And are you the person who goes into the cool room to get it, depending on which shift you're on?---Yes, it depends which shift you're on as to whether you get it. So, if you're working downstairs that's when you decant the food.

PN2825

Okay. So, when you use the word, 'decant', that's the phrase that that means, is to go to the cool room and bring it out and put it into the kitchen?---Yes.

PN2826

Okay. And when it's in the cool room you don't have labels on it for the employees. That's something you do later on?---Are you talking about the food that's come in?

PN2827

Yes?---From - - -

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2828

Yes?---So, that's – that food is all labelled. But there's other – are you talking about labelling other foods?

PN2829

Yes?---So, other the foods might come in will be, you know, something like a bag or porridge or a bag or custard. When that's then emptied into a container you must label it and put a date on it, so you know the use by.

PN2830

Okay, thanks. Thank you, fair enough. Thank you.

PN2831

JUSTICE HATCHER: Mr Ward, did you want to tender that enterprise agreement?

PN2832

MR WARD: My apologies, your Honour. Yes, we do. Thank you.

PN2833

JUSTICE HATCHER: All right. The Bolton Clarke Allity Enterprise Agreement South Australia 2022 will be marked exhibit JE15.

**EXHIBIT #JE15 BOLTON CLARK ALLITY ENTERPRISE AGREEMENT SOUTH AUSTRALIA 2022**

PN2834

Ms Harrison, any re-examination? Just stay there, Ms Wren, please?---Sure.

PN2835

MS HARRISON: Sorry, your Honour. No, re-examination, thank you.

PN2836

PROF BAIRD: I have one question, please. Could I just ask one question please. Thank you. I'm at the Bench, sorry. You can see me? I wanted to ask how many people are in your team normally, in your hospitality team? You might have already said but if you could remind me?---In total?

PN2837

Yes?---It might be sort of around 30-ish.

PN2838

Thank you. And of those 30 how many are men and how many are women?---I don't think we have any men there.

PN2839

Okay, thank you?---I – yes, I think they're all women.

PN2840

All right. Thank you, very much.

\*\*\* BIANCA RICHELLE WREN

XXN MR WARD

PN2841

JUSTICE HATCHER: Sure. Are there any questions arising out of that? All right. Thank you for your evidence, Ms Wren. You're excused and you're free to go?---Thank you.

<THE WITNESS WITHDREW

[11.08 AM]

PN2842

Okay, Ms Harrison, when are we calling the next witness?

PN2843

MS HARRISON: I think we've got a scheduled break but in saying that, the next witness is available, so I'm in the Commission's hands in terms of the next stage.

PN2844

JUSTICE HATCHER: All right. We'll call the next witness. Are you ready to deal with the next witness?

PN2845

THE ASSOCIATE: Good morning, is that Ms Pumpa there?

PN2846

MS PUMPA: Yes, it is.

PN2847

THE ASSOCIATE: Right. And you can hear us okay?

PN2848

MS PUMPA: Yes.

<HANNAH PUMPA, AFFIRMED

[11.10 AM]

EXAMINATION-IN-CHIEF BY MS HARRISON

[11.10 AM]

PN2849

MS HARRISON: Ms Pumpa, you can see me? It's Larissa Harrison from the United Workers Union?---I can.

PN2850

For the court record are you able to state your full name?---Yes, Hannah Pumpa.

PN2851

And you're currently employed by Bolton Clark Allity?---Yes.

PN2852

And you work at the Largs North facility in South Australia?---Yes.

PN2853

Is it correct to say that your job title is best described as a hospitality assistant?---Yes.

\*\*\* HANNAH PUMPA

XN MS HARRISON

PN2854

And you recently provided your statement in relation to the Aged Care Work Value Hearings?---Yes.

PN2855

Have you got a copy of that statement in front of you?---I do.

PN2856

Have you recently had the opportunity to read and review that statement?---Yes.

PN2857

And that statement is some 14 pages long?---I haven't counted it. Yes, 14 – yes.

PN2858

The statement is true and correct to the best of your knowledge?---Yes.

PN2859

Your Honour, I'd seek to tender that statement.

PN2860

JUSTICE HATCHER: The witness statement from Hannah Pumpa dated 15 September 2023 will be marked exhibit UWU30.

**EXHIBIT #UWU30 WITNESS STATEMENT OF MS HANNAH PUMPA DATED 15/09/2023**

PN2861

MS HARRISON: Thank you, your Honour. I don't have any further questions.

PN2862

JUSTICE HATCHER: Mr Ward?

**CROSS-EXAMINATION BY MR WARD**

**[11.12 AM]**

PN2863

MR WARD: Thank you, your Honour. Ms Pumpa, can you see me?---Yes.

PN2864

Okay, thank you. My name is Nigel Ward, Ms Pumpa. I'm appearing in these proceedings for the joint employers. I'm just going to ask you some questions. Do you have your statement in front of you?---I do.

PN2865

You do? Yes. And I think we asked you to have a copy of your enterprise agreement there, as well. Do you have that?---I do, yes.

PN2866

Okay. Can I just start, you say you've been at the facility for 22 years. Are you the longest serving employee at the facility?---No.

\*\*\* HANNAH PUMPA

XXN MR WARD



PN2867

There's somebody longer than you?---Yes.

PN2868

By a long way or a short way?---Five years longer, something like that.

PN2869

And are there quite a few long serving people at the facility?---Yes.

PN2870

I want to clarify if I can, something in your enterprise agreement. And if you don't know the answer to this you just need to let me know if you don't. Can I ask you to go to the enterprise agreement and could I ask you to go to the classifications at the back on page 46.

PN2871

JUSTICE HATCHER: Is this exhibit JE15?

PN2872

MR WARD: Yes. Yes, your Honour, I'm sorry. Yes, your Honour?---Forty-six, yes.

PN2873

You say in your statement that you're a hospitality service, level 3B. Do you see that in the middle of the page?---I've got 'Care services and administration services.'

PN2874

Okay, I'm just – perhaps if I ask you to turn to the next page?---Page – yes, there's three page 46's, sorry. Okay, yes, I see that.

PN2875

This is your classification. If you go to the far right it says this. 'The person who employed outside of the homes and working in the food service facility.' Can you just explain to me what is meant by 'outside of the homes'?---Are you saying that that's what level I'm – I've - - -

PN2876

Well, that's what you say in your statement at paragraph 4?---I've got level 3. The one above it is the level 3 that I - - -

PN2877

Perhaps I should do this more slowly for you, to be fair. Can you go to paragraph 4 of your statement?---Yes. Yes.

PN2878

You say in paragraph 4, 'I am paid as a hospitality services level 3B.' Do you see that?---Yes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2879

Is that correct or is that perhaps not right?---I'm unsure sure if that's what's on my payslip. As far as I know that's - - -

PN2880

It's not on your payslip. I think I've had a look?---Yes, it – on my payslip it just says level 3.

PN2881

Okay. So, you're not entirely sure if you are a 3B?---Yes. I would have to look into that to see which - - -

PN2882

No, I won't take it any further. I don't want to be unfair to you. That's fine?---Yes. Sorry.

PN2883

No, no, no, no. You can only answer what you can answer. That's fine?---Yes.

PN2884

Can I just – as I understand it there's no cooks or chefs at your facility?---No.

PN2885

And we've just heard evidence from somebody who also is employed by your employer. This notion of decanting, can I just see if it's the same as what we've just heard. As I understand it the food is brought in by vehicle?---Yes.

PN2886

And it goes to a loading dock, straight into a chiller. Is that what decanting means?---What's what happens with the food, yes.

PN2887

Right. And then from the chiller the food then gets taken out of that depending on whether or not it's needed for breakfast, lunch or dinner?---Yes. The – yes.

PN2888

Is that how it works, or - - -?---A person decants the food that's in the fridge into four other kitchens, yes.

PN2889

Okay. And in your job are you involved in the decanting or are you just involved in what happens in the kitchen?---I do all shifts.

PN2890

So, you could do a decanting shift but you could also do a kitchen shift?---Yes.

PN2891

And if I can take you to paragraph 7, you say there's approximately 115 residents on one level in four wings. And is the maths simply that there's simply one with with 28, another wing with 28, and so forth? Or are the wings different sizes?---Different sizes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2892

And when you're on shift are you allocated to a wing or are you allocated to the whole centre?---A wing.

PN2893

A wing. And are you normally allocated to a particular wing or does that change week to week?---It changes daily.

PN2894

Okay, daily. In paragraph 8 you talk about there being a main kitchen and then you talk about there being smaller kitchens in each wing. Can you just explain to me what the purpose of the main kitchen is?---That's where the food's decanted.

PN2895

And is there heating of food going on there?---There can be.

PN2896

And if you're on the decanting shift you're doing that?---Yes.

PN2897

Okay. Otherwise do I take it that the food is moved to the smaller kitchens in the wings?---Yes.

PN2898

Can you tell me what's in those kitchens? Are there ovens in those kitchens? What are in those smaller kitchens?---A Versigen, which is an oven. And a dishwasher, a sink, a bench, a fridge and a pantry.

PN2899

And is there a servery in those smaller kitchens?---Yes.

PN2900

Can you just for the benefit explain to me what that servery is – does it have bain-maries in it? What does it look like?---The Versigen is an oven with a hotplate on top, with lights and a glass panel and it has a hotplate to the side, as well. So you can serve the food and it be kept hot on top.

PN2901

And am I right in saying that breakfast is each day between set times?---Yes.

PN2902

What are those times?---Eight till 9.30.

PN2903

And is lunch again in between set times?---Yes.

PN2904

And dinner, as well?---Yes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2905

Who determines the menu for breakfast, lunch and dinner?---Head office.

PN2906

Right. And that's based on what food is sent in to be decanted, is it?---Yes.

PN2907

Okay. And you talk in your evidence about there being – I hope I got this right, a folder in the kitchen?---Yes.

PN2908

And I take it that folder is the folder that includes dietary requirements and things like that?---Yes.

PN2909

What else does that folder include?---It has likes, dislikes, what texture food they're allowed to have, what things they don't like to have, their room numbers, if they're diabetic, their drinks, whether they're thickened or thin. I think that's all that's in that folder.

PN2910

And I take it when you're on shift you would review that folder on a daily basis?---Yes. Yes.

PN2911

Who's responsible for changing that's in that folder?---The hospitality coordinator.

PN2912

That's your supervisor or your manager?---Yes.

PN2913

Do they do that on the basis of being told to by the registered nurse or do they just do that off their own bat?---The registered nurse informs them.

PN2914

Okay. Can I just ask you about paragraph 17 if I can just jump you down there. You say at the bottom of paragraph 17, 'If I have a problem with the care staff or the residents I'd go to the RN.' Do you see that?---Eighteen?

PN2915

Seventeen. No, 17. My apologies?---Seventeen, sorry. Yes. I see that, yes.

PN2916

Good. What do you mean by, 'If I have a problem with the care staff'?---If I don't have enough care staff or if they're missing I will ring the RN to ask where they are and why they're not out with me.

PN2917

Yes?---Because I'm not – yes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2918

Okay. And you say if you have a problem with a resident you'd go to the RN again?---Yes. We all have an RN in our wing with us.

PN2919

And can you just explain to me what a problem with a resident might be where you would go to the RN?---If they're angry or violent or upset or they've had a fall, anything out of the ordinary.

PN2920

You'd go straight to the RN for that?---Yes.

PN2921

And I take it there's a procedure that you're – for instance, if there was a fall you're not allowed to move the resident. You have to call the RN straight away?---Yes. We have deck phones on us.

PN2922

Okay. And I think you do this in your statement but just for my benefit, that's like a button you can press and you can talk to the RN straight away, can you?---Yes, it might say 'call registered nurse', and it calls our call registered nurse.

PN2923

And the registered nurse tells you what to do?---She comes to me, yes.

PN2924

Okay. And is it the requirement that you wait there till the registered nurse arrives?---Yes.

PN2925

What might you be doing while you're waiting?---I usually comfort the resident if I can, or I just observe them if they need space.

PN2926

And by comforting, you might talk to them?---Yes. And I'll sit with them, yes.

PN2927

Right. But you wouldn't move them?---No.

PN2928

No. Now I think in your facility – it's a bit different to some others – my understanding is that you take the trays to the rooms. Is that right?---If I – I can, yes.

PN2929

Sorry. I take it, it's the personal care workers' job, as well, to take the trays. Is that right?---Yes.

PN2930

But if the personal care workers are busy you will sometimes do it?---Yes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2931

And how often do you do that?---Usually every shift there's a few trays that I will help run.

PN2932

Right. And I think in your evidence you say you'll take these trays to the people who are more – have better cognition and - - -?---The ones that – sorry.

PN2933

No, you go on. You go on?---Ones that don't need sitting up.

PN2934

Right?---I can take those trays, yes.

PN2935

And by, don't need sitting up, what do you mean by that?---Well, if they're laying in bed for their meals they need to be sat up by carers, which we're not allowed to assist the residents.

PN2936

Because that would be moving a resident and that's a care worker's job?---Yes.

PN2937

So, let's say you were taking a tray to a room and the resident was standing, looking out of the window, I take it you would ask them to sit in their chair?---Yes.

PN2938

And you'd sometimes gently guide them to sit in the chair?---Yes. We're allowed to guide them if they need.

PN2939

And can you just for my benefit, explain to me what 'guide' might mean? Taken by the arm or?---I can hold their hand if they're trying to sit slowly or I can move the chair so it's behind them and then they can sit safely.

PN2940

Okay. And then I take if you've got a trolley table that you put in front of them and you put the tray down?---Yes.

PN2941

Then you go back and do the rest of your job?---Yes.

PN2942

Yes. Can I just quickly take you to paragraph 43. You talk about a huddle which I assume this is a new thing, July 2023. Is this one of those sort of stand up meetings where the team get together and quickly talk about what's going on during the day?---Yes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2943

And who attends your huddle?---Everyone in the wing that I'm in.

PN2944

Right. And typically, how long might a huddle go for?---Ten minutes.

PN2945

Okay. And what might typically be said in a huddle?---Anything that's required for the residents, things to look out for, any medication changes, people might be going out that day, things that are on during the day.

PN2946

So, if somebody's going out that day that would be relevant to you because you wouldn't need to prepare food for them?---Yes.

PN2947

Okay. Now you've talked at various times in the statement about interacting and I think that's a phrase used with residents. Can I just understand that. I assume that all through your day, if you bump into a resident you'll have a chat?---Yes.

PN2948

Will that chat – you've been there a very long time and I imagine you know them all very well?---Yes, I do.

PN2949

And that would be a social conversation or a discussion about the fact that their son's coming in to visit them? Can you just help me out? What might those interactions involve?---Depending on the resident, yes. So it could be, you know, 'Your daughter's coming in today. Do you want to come back down this way because I know she'll meet me down here', or 'would you like a cup of tea?' You know, sometimes they're just looking for something to do, so I'll take them to activities.

PN2950

I take it that that's helped by your very long experience in getting to know the residents really well?---It can be. But I've seen new staff do the same.

PN2951

Yes. Yes. And are you trained in the facility on issues like working with people with dementia?---Yes.

PN2952

And what's that training program?---We do yearly annual training where they give us – it's with our fire training and our manual handling training. We get all that training in one day.

PN2953

Right, so that's like, next Wednesday is going to be a training day and you spend the day doing the training?---Yes.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2954

But how long does the dementia program go for?---I think it – it depends on the day. It can be from half an hour to an hour.

PN2955

And who delivers that?---The – we have RN's do it. We've had the general manager do it.

PN2956

So, in your case it's face to face. It's not a computer program?---Face to face.

PN2957

Okay?---But we – yes.

PN2958

Am I right that you say in your statement that you've also done manual handling?---Yes.

PN2959

And I think you say in your statement at around about paragraph 104 that you sometimes help with two person lifts. Is that right?---I have done, yes.

PN2960

And by saying, 'I have done', it's not common but you have done it?---Yes.

PN2961

Yes. And would that be a circumstance where you might be in a room with a personal care worker and they turn around and say, 'Look, could you just give me a hand'?---Yes.

PN2962

Okay. And does the manual handling training teach you how to do that?---Yes.

PN2963

Can I just take you then to paragraph 106. I don't want this question to sound offensive. You say at paragraph 106 at the end, 'Now we all do the same training. I take it by that you're not meaning that you do a certificate III in aged care work. 'All do the same training' is the in-house modules?---Yes.

PN2964

And so, everybody including the nurse, the personal care workers who do the dementia unit, they'd do the manual handling unit, those sorts of things? Is that what you mean by that?---Yes. We all do the same in-house - - -

PN2965

Yes. So, when you have your day of training everybody also has a day of training at some time during the year?---Yes. We all do it, yes.

PN2966

Okay. And that's on paid time?---Yes.

\*\*\* HANNAH PUMPA

XXN MR WARD



PN2967

Can I just quickly take you to paragraph 131?---Yes.

PN2968

You talk here about the closure of a mental health facility. Which facility was that?---It was one in Semaphore Road. I can't remember the name of it.

PN2969

Right. And how many persons came from Largs North Marten as a consequence of that closing down?---I think five.

PN2970

Five. And some of them were in their 50's?---Some of them, yes.

PN2971

Okay. Were you given any extra training in terms of how to deal with those people?---No.

PN2972

Right. Do you know if the personal care workers were?---No, they weren't.

PN2973

And are those people still in the facility?---A couple of them are, yes.

PN2974

You talk in your statement about code blue. I think you say you've never had to do a code blue?---Yes.

PN2975

Can you just explain to me what a code blue is?---That's an emergency situation.

PN2976

And practically, what does it mean you actually do?---You would – if you find a resident who you think has passed away or about to, you would call code blue and all emergency nurses will come to your aid.

PN2977

Is that like, you use that thing that you've got, the little radio thing on – and you just literally turn it on and say, 'code blue, code blue'?---It has a red button on the side. You just push it. That's all you need to do.

PN2978

That's the code blue button, okay?---Yes.

PN2979

But you've never had to do that?---No.

PN2980

No. Thank you.

\*\*\* HANNAH PUMPA

XXN MR WARD

PN2981

JUSTICE HATCHER: Mr Harrison?

PN2982

MS HARRISON: No further questions from me, your Honour.

PN2983

JUSTICE HATCHER: All right. Thank you, very much, Ms Pumpa. You're excused and you're free to go?---Thank you.

**<THE WITNESS WITHDREW**

**[11.33 AM]**

PN2984

JUSTICE HATCHER: All right. Mr McKenna?

PN2985

MR McKENNA: Your Honour, the next witness is Mr Bonner and Mr Hartley will take Mr Bonner. And Mr Bonner will be appearing by TEAMS. I'm not entirely sure of the arrangements as to whether he is currently available. Perhaps -

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PN2986

JUSTICE HATCHER: I thought we might take the morning tea adjournment.

PN2987

MR McKENNA: Yes. That would be sensible, your Honour.

PN2988

JUSTICE HATCHER: So, if you can advise my associate. We'll be not less than 15 minutes.

PN2989

MR McKENNA: And I'm confident that would be sufficient, your Honour.

PN2990

JUSTICE HATCHER: Yes. All right. We'll adjourn now.

**SHORT ADJOURNMENT**

**[11.35 AM]**

**RESUMED**

**[11.53 AM]**

PN2991

JUSTICE HATCHER: Mr Hartley?

PN2992

MR HARTLEY: I call Robert Bonner.

PN2993

JUSTICE HATCHER: Yes. So, can we swear Mr Bonner please.

\*\*\* HANNAH PUMPA

XXN MR WARD

**<ROBERT BONNER, AFFIRMED**

**[11.53 AM]**

PN2994

MR HARTLEY: Mr Bonner, could you re-state – can you see me and hear me, by the way?---I can hear you but I can't see you.

PN2995

That's fine. Could you re-state your name for the transcript please?---Yes. Robert Bonner.

PN2996

And your address?---(Address supplied).

PN2997

Thank you. You made up a statement of 15 September 2023 for this stage of the proceeding?---I did.

PN2998

For the transcript that's court book 49, page 688. Mr Bonner, you have that statement with you now?---I do.

PN2999

Could I direct your attention to paragraph 4. You outline there that on 2 October you anticipate at the time of making the statement that you would by now be the chair of the board, the organisation you identify in paragraph 3, Huon(?) Ability Limited. Has that happened as you predicted?---Yes. I commenced as chair of the board on 2 October.

PN3000

Thank you. Could you go to paragraph 11 in your statement please?---Yes.

PN3001

In the second-last line, five or so words in where the word, 'tome', appears, did you mean 'time'?---Yes. That should have been 'time', sorry.

PN3002

And the final word in that paragraph, just for clarity, when you say, 'PCA's', that's the South Australian way of saying, 'PCW's'?---Yes. Yes, personal care assistants or personal care workers.'

PN3003

Thank you?---They're interchangeably used here.

PN3004

Yes. Thank you. Could you go to paragraph 22 please. And in the second line, first word, where the word, 'being' appears, do you mean to write, 'would be'?---Yes, indeed.

\*\*\* ROBERT BONNER

XN MR HARTLEY

PN3005

And with those corrections is the statement true and correct to the best of your knowledge?---Yes, it is.

PN3006

Your Honour, I tender that statement but I note that in the indicative exhibit numbers there are two ANMF34's, so this might be ANMF35 if the Commission pleases.

PN3007

JUSTICE HATCHER: Yes. So, the further witness statement of Robert Bonner including annexures RB6 and 7 dated 15 September 2023 will be marked ANMF35.

**EXHIBIT #ANMF35 FURTHER WITNESS STATEMENT OF  
ROBERT BONNER INCLUDING ANNEXURES RB6 AND RB7,  
DATED 15/09/2023**

PN3008

MR HARTLEY: If the Commission pleases, that's the examination.

PN3009

JUSTICE HATCHER: Mr Ward?

**CROSS-EXAMINATION BY MR WARD**

**[11.56 AM]**

PN3010

MR WARD: Mr Bonner, it's Nigel Ward. Can you see me?---Yes, I can.

PN3011

It's nice to see you again at this point. I'm hoping to only keep you for 15 or 20 minutes, so just bear with me. I'm going to ask you some questions about what I might describe as your thesis. And then I want to talk a little bit about the CEM(?) and its regulations, and a little bit about the role of the enrolled nurse. So, that's how I intend to take you through this. And I recall we met in cross-examination in the first stage of the case. Your new statement refers to 2016 National Aged Care Staffing and Skills Mix Project Report and my recollection is that report was part of the evidence in stage 1. And it's a report commissioned by the ANMF. And I think you worked at Flinders University and the University of South Australia. That's a reasonable recollection?---Yes. That's correct. That report was appended to my original statement.

PN3012

Yes. And while it dealt with a number of issues am I right in saying that report dealt with what you described as missed care?---Yes. That was one of the research processes.

PN3013

Yes. And I think I'm right in saying that it identified a variety of types and frequency of missed care through the analysis the report did?---Yes.

\*\*\* ROBERT BONNER

XXN MR WARD

PN3014

Yes. Then in 2019 you tell us in your statement that you appeared in a royal commission. Can I just take you to paragraph 15. You quote there the opinion you expressed in the royal commission. And my understanding of reading that in simple terms is this, that you were advocating that there should be legislation to set a minimum average number of care hours per day at 4.3 hours. That's correct, isn't it?---Yes, it is.

PN3015

And further than that, that you've advocated that there has to be a legislative mix in who provides that and I understand from paragraph 15 that mix is 30 per cent registered nurse, 20 per cent enrolled nurse, and 50 per cent what we're calling PCW's?---Yes.

PN3016

If I can put it bluntly that's your proposition, isn't it?---Yes, that's correct.

PN3017

Yes. Yes. And obviously your statement says you remain committed to that. You then labour on in your statement and talk about the introduction in July of '22 of the minimum staff times standards. Just for my benefit can you just explain a little bit about how they operate?---Yes. The care minimums that have been introduced set a minimum staffing level for residents, 200 minutes at present, rising to 205 over the course of the implementation. And a proportion of that has to be delivered by a registered nurse with the remainder provided by other staff.

PN3018

And I'll come back to that in a minute. And you also identify the fact that all facilities are now required to have a registered nurse present at all times unless there's an exemption?---That's correct.

PN3019

What's the basis for an exemption?---The exemption process was introduced to deal with cases where it was not possible to obtain registered nurses in the current labour market, particularly for rural and remote facilities.

PN3020

That might be a facility out at Mudgee where we simply don't have a registered nurse physically present in the community. They could get an exemption?---Yes for a period of time to enable them to recruit.

\*\*\* ROBERT BONNER

XXN MR WARD

PN3021

Am I right in this proposition that you accept that the introduction of those minute requirements has improved the situation in relation to missed care but perhaps not solved it?---Yes. The introduction of care minutes has led to an increase in staffing requirement from around 2.9 hours per resident per day at the time of the royal commission, to the equivalent to 3.3 with 200 care minutes. So that's an improvement. But my contention is that it falls well short of the 4.3 hours per

resident per day that our research shows is needed to address the difficult degree of understaffing in the sector.

PN3022

And so you intend to continue to advocate for the government to move to that 4.3 hours?---Well, I'm giving you the results of the research rather than an advocacy.

PN3023

Yes, you've - - -?---The research said we needed 4.3 delivered on the number of hours of care that residents required at that time.

PN3024

Okay. And this is the nub of the point I wanted to come to. You seem to in your statement be particularly concerned that regulations differentiate purely between registered nurses and everybody else, and don't make effective reference to enrolled nurses. Would that be a reasonable statement?---Yes, that's correct.

PN3025

Yes. And could you just explain why it is that you think it's important that the enrolled nurse role has to actually be spelt out? What is it that the enrolled nurse brings or does that you think could be missing if it's not spelt out?---Well, the mix of registered nurses and enrolled nurses at the time when we were doing the research in '16 and then the – the years before that was around a total of 30 per cent between the two categories of staff, so about 20 per cent in broad terms, registered nurse – 10 per cent enrolled nurses. With the increase of a proportion now to probably 30 per cent RN required under the care minutes. Unless the proportion of enrolled nurses is maintained or increased to the 50 per cent total of the nursing workforce it puts immense pressure back on registered nurses to perform the technical nursing work, whether that's care planning, whether it's complex nursing intervention, it's whether it's wound care, medication administration or a range of other functions that should be performed by one of those two classes of nurse, that falls in the registered nurse. So you don't get a meaningful improvement with the workload management for the nurses in that scenario.

PN3026

Can I just put that back to you a different way then. So, given that in aged care there's a variety of functions that require the registered nurse or somebody with clinical training to do, your concern is that if there isn't sufficient focus on the enrolled nurse that just places greater weight on the registered nurse?---Yes. It means that to the extent that registered nurse numbers are improved by the care minutes regimes, that is eroded by the loss of enrolled nursing positions within it and so there's no discernible improvement necessarily in terms of registered nurse workload overall.

\*\*\* ROBERT BONNER

XXN MR WARD

PN3027

Okay. And it's not that some of those registered nurse activities could be undertaken by a personal care worker?---Well, the work that we did as you would have seen in the earlier statement actually set next to each care intervention a level

of worker for which it was appropriate that they held the competencies to undertake the work. So, when we aggregated the task that were necessary to be performed for the safe and effective care of residents, that led to the mix of staff that we contended in the 2016 report. So, that necessarily would mean if you don't achieve that balance that some of that work is going to be done by other workers who don't necessarily hold the training or clinical background to do it.

PN3028

So, if I put it another way the variety of activities you felt were designated appropriate for the enrolled nurse, I think what you're telling me is if the enrolled nurse isn't there they'll have to go up to the registered nurse?---Well, they should. But we know that for example there are employers in the industry who delegate the administration of medications to personal care workers for whom it's not necessarily appropriate in terms of competencies.

PN3029

Okay. So, that might be undesirable in terms of the quality of care that the resident's getting?---Correct. Or it might mean the resident misses out.

PN3030

Okay. No further questions.

PN3031

JUSTICE HATCHER: Any re-examination, Mr Hartley?

PN3032

MR HARTLEY: There's no re-examination.

PN3033

JUSTICE HATCHER: Thank you for your evidence, Mr Bonner. You're excused and you're free to go?---Thank you.

<THE WITNESS WITHDREW

[12.05 PM]

PN3034

JUSTICE HATCHER: All right. Is that all the matters we have to deal with today?

PN3035

MR HARTLEY: I think that's everything for today, your Honour.

PN3036

JUSTICE HATCHER: All right.

PN3037

MR GIBIAN: It has been suggested that we ask about transcript availability. I don't know how that works practically but if - - -

\*\*\* ROBERT BONNER

XXN MR WARD

PN3038

JUSTICE HATCHER: So, I'm told that we should have the full transcript of this week by the 11th. We've ordered it at maximum speed, so - - -

PN3039

MR GIBIAN: Yes. I'm not saying anything more. I'm not saying there's anything more to be done and it's very helpful to know that, so – yes.

PN3040

JUSTICE HATCHER: Anything else, Mr Gibian?

PN3041

MR GIBIAN: No, your Honour.

PN3042

JUSTICE HATCHER: All right.

PN3043

MR McKENNA: Your Honour, could I just raise - - -

PN3044

JUSTICE HATCHER: Mr McKenna.

PN3045

MR McKENNA: If I could just deal with some housekeeping, a number of additional exhibits, particularly enterprise agreements have been tendered. We are proceeding on the assumption that they will not be added to the electronic court book but if they are, we won't burden our luggage with them to take them back to Melbourne and back up again.

PN3046

JUSTICE HATCHER: I think it's easier to leave the book as it is so the parties don't have to change references or anything like that. So, I take it you won't be in Sydney next week, Mr McKenna?

PN3047

MR McKENNA: No. We'll all be returning but I'm appearing in person next week, as well.

PN3048

JUSTICE HATCHER: Yes, all right. If the parties want to leave any materials in Sydney we can make some arrangement if that would assist.

PN3049

MR McKENNA: Thank you. I'm grateful for the invitation.

PN3050

JUSTICE HATCHER: Yes. All right, we'll now adjourn.

**ADJOURNED UNTIL THURSDAY, 07 DECEMBER 2023**

**[12.07 PM]**



**LIST OF WITNESSES, EXHIBITS AND MFIs**

<b>TANIA ANN JESSER, AFFIRMED.....</b>	<b>PN2506</b>
<b>EXAMINATION-IN-CHIEF BY MS HARRISON.....</b>	<b>PN2506</b>
<b>EXHIBIT #UWU28 WITNESS STATEMENT OF TANIA JESSER WITH ANNEXURES DATED 15/09/2023 .....</b>	<b>PN2517</b>
<b>CROSS-EXAMINATION BY MS RAFTER.....</b>	<b>PN2519</b>
<b>RE-EXAMINATION BY MS HARRISON.....</b>	<b>PN2620</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN2626</b>
<b>BIANCA RICHELLE WREN, AFFIRMED.....</b>	<b>PN2628</b>
<b>EXAMINATION-IN-CHIEF BY MS HARRISON.....</b>	<b>PN2628</b>
<b>EXHIBIT #UWU29 WITNESS STATEMENT OF BIANCA WREN WITH ANNEXURES DATED 15/09/2023 .....</b>	<b>PN2639</b>
<b>CROSS-EXAMINATION BY MR WARD .....</b>	<b>PN2642</b>
<b>EXHIBIT #JE15 BOLTON CLARK ALLITY ENTERPRISE AGREEMENT SOUTH AUSTRALIA 2022.....</b>	<b>PN2833</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN2841</b>
<b>HANNAH PUMPA, AFFIRMED.....</b>	<b>PN2848</b>
<b>EXAMINATION-IN-CHIEF BY MS HARRISON.....</b>	<b>PN2848</b>
<b>EXHIBIT #UWU30 WITNESS STATEMENT OF MS HANNAH PUMPA DATED 15/09/2023 .....</b>	<b>PN2860</b>
<b>CROSS-EXAMINATION BY MR WARD .....</b>	<b>PN2862</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN2983</b>
<b>ROBERT BONNER, AFFIRMED .....</b>	<b>PN2993</b>
<b>EXAMINATION-IN-CHIEF BY MR HARTLEY .....</b>	<b>PN2993</b>
<b>EXHIBIT #ANMF35 FURTHER WITNESS STATEMENT OF ROBERT BONNER INCLUDING ANNEXURES RB6 AND RB7, DATED 15/09/2023 .....</b>	<b>PN3007</b>
<b>CROSS-EXAMINATION BY MR WARD .....</b>	<b>PN3009</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN3033</b>

