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Reply to Sydney Office

21 May 2024

Our Ref:
 Your Ref PER/25040690

Gina Finocchiaro
 Director Workforce & Corporate Operations
 Sydney Local Health District
 Level 11 North, King George V Building
 83 Missenden Road

By Email: [REDACTED]

CC Nathan Rudd
Juliette Rex

Dear Dr Finocchiaro ,

RE: DR WINSTON CHEUNG

We refer to your email dated 13 May 2024. You chose not to respond.

Complaint by Dr Cheung

We therefore have advised our client that it was Gina Finocchiaro who decided to apply and make findings without notice to Dr Cheung under the following policies.

- *the NSW Health Code of Conduct (PD2015_049)*
- *NSW Health Managing Misconduct (PD2018_031)*
- *Prevention and Management of Bullying in NSW Health (PD2021_030) Policies*

We have advised him that his formal complaint to an independent investigating body should be against Gina Finocchiaro.

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Mediation

The allegations were found do not reach the threshold for bullying Therefore the mediation clause in NSW Policy Directive *Resolving Workplace Grievances* does not apply and there is no basis on which a mediation can be lawfully and reasonably required.

Victimisation

As you are aware our client has been exercising his right to make complaints about industrial matters and workplace matters. He has protection under section 210 Industrial Relations Act if you continue your adverse actions against based on these protected activities.

Yours faithfully

GOLDRICK FARRELL MULLAN

David Farrell