

# WORKPLACE REVIEW

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## ARTICLES

### **A Mere Reflection on Knowledge and Humility** – *David Nikolas Brodsky*

This article compares a positivist study and an interpretivist study from the discipline of organisational behaviour (OB) and considers how knowledge is gained and organised in the social sciences. The practice of knowledge management itself is scrutinised and some suggestions toward best practice are (not) made. .... 145

### **The Art of Cross-examination** – *Rick Burbidge QC*

For hundreds of years in common law litigation, cross-examination has been accepted as the best way to test evidence and get to the truth; its greatest practitioners are legendary in the legal world. In this article, Rick Burbidge QC discusses the important functions of cross-examination, and, with his decades of experience in conducting cross-examinations, provides a wealth of practical insights for lawyers as to how most effectively to practise “the art”. This is the first of several articles devoted to analysis of this important area of expertise. .... 149

### **25 Years a Lawyer: Some Things I Have Learned** – *Philippe Doyle Gray*

A quarter of a century in legal practice has taught Sydney barrister Philippe Doyle Gray systematic methods of building trust with workplace colleagues. We all know it is professionally important being courteous, but what specific actions lead you to courtesy? From psychiatry to maternity, here is one method for new acquaintances which is not entirely logical, but wholly rational, scientific, simple and effective. .... 153

### **Acting for Accessories: Tactics and Traps** – *Ian Latham*

Against a backdrop of Parliamentary recognition of wage underpayment as “becoming the norm”, the subsequent insertion of s 557A into the *Fair Work Act 2009* (Cth) providing for harsher penalties for systematic underpayment, and with regulators well resourced and bent on pursuing underpayment matters in the courts, practitioners ignore the underpayment issue “at their peril”, says Ian Latham. He considers underpayment litigation through the prism of accessorial liability, reflecting in particular on the bundle of rights known as the “privilege against penalty” and what the privilege may imply for respondents to underpayment claims and their legal representatives. .... 155

### **Anaesthesia and COVID-19: Hands-on Doctors Can’t Hide in Cyberspace** – *Alan Sexton*

Comparing the clinical practices and accepted conventions in a pre-COVID-19 world, much has changed at a personal and institutional level in our public hospitals. Curious to review the innovations at his former hospital, the author spoke to colleagues for some insights on how they were coping; adaptive changes made in medical practice; lessons

learnt. Their comments were matter-of-fact, evidence based and open to the prospect of further adjustments with new disease outbreaks. Changing well established practices in the new COVID-19 world will be a persistent challenge. Learning from lethal events overseas will need to be done collaboratively and earnestly. COVID-19 has ushered in a sea of uncertainty, requiring an open, consultative, multidisciplinary approach. So far, we have achieved some of the lowest pandemic mortality results in the world. Medical vigilance must remain paramount. .... 159

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