

From: Richard Calver

Sent: Thursday, 19 January 2017 4:44 PM

To: Chambers - Hamberger SDP

Cc: AMOD

Subject: AM2016/32 - Road Transport (Long Distance Operations) Award 2010 and the Road Transport and Distribution Award 2010 AM2016/32

Dear Associate,

NatRoad thanks you for your assistance in locating the delayed submissions by the Transport Workers Union (TWU) in matter AM2016/32. We note that in the submissions dated 18 January 2017, one of which was lodged at 3.00pm today, it is indicated that the TWU intends to rely on two witness statements that are yet to be filed and, to our knowledge, for which permission to file late has not been granted. These are the statements of David O'Brien and Robert Bell. We object to these statements being permitted to be relied on or adduced in evidence. They clearly would be lodged well beyond the time required by the Amended Directions dated 20 December 2016. Permitting the TWU to rely on those statements would add to the prejudice which has been caused by the late lodgement of the submissions and the final draft determinations. That prejudice is ensuring that those opposing know the case that they are required to answer, inclusive of the evidence relied on, so that they are able to respond according to the timetable agreed. NatRoad asks the Full Bench to exclude the statements of David O'Brien and Robert Bell.

Regards

Richard Calver

Adviser, Compliance and Workplace Relations

NatRoad