

**From:** Chambers - Hamberger SDP  
**Sent:** Thursday, 8 March 2018 2:20 PM  
**To:** Wendy Carr; James Mattson; 'Legal'; Paul Ryan  
**Cc:** Richard Calver  
**Subject:** RE: Notice of Listing - AM2016/32 (vehicle relocation industry coverage) [BP-BPWSDB.FID688329]

Dear parties and representative,

The Senior Deputy President has reviewed your emails and will permit Mr Mealin and Mr Haining to appear via telephone.

**Ms Carr** – could you please provide the witnesses' telephone numbers when you are able?

**Edrea Venal**  
Associate to Senior Deputy President Hamberger

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**From:** Wendy Carr [mailto:wendy.carr@twu.com.au]  
**Sent:** Thursday, 8 March 2018 1:32 PM  
**To:** James Mattson; Chambers - Hamberger SDP; 'Legal'  
**Cc:** Richard Calver; Paul Ryan  
**Subject:** Re: Notice of Listing - AM2016/32 (vehicle relocation industry coverage) [BP-BPWSDB.FID688329]

Dear Associate,

We note the contents of the email below and advise that the witnesses have been advised to ensure they have their statements with them when they are to be cross-examined.

If Truck Moves require the witnesses to have any additional material, including Mr Cassar and Mr DeClase, could we please be advised so that arrangements may be made to forward them the material.

Regards,

**Wendy Carr**  
**Director of Legal & Operations**  
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**From:** James Mattson <[JMattson@bartier.com.au](mailto:JMattson@bartier.com.au)>  
**Date:** Thursday, 8 March 2018 1:27 pm  
**To:** Chambers - Hamberger SDP <[Chambers.Hamberger.sdp@fwc.gov.au](mailto:Chambers.Hamberger.sdp@fwc.gov.au)>, Wendy Carr <[wendy.carr@twu.com.au](mailto:wendy.carr@twu.com.au)>, Wendy Carr <[legal@twu.com.au](mailto:legal@twu.com.au)>  
**Cc:** Richard Calver <[richard.calver@natroad.com.au](mailto:richard.calver@natroad.com.au)>, Paul Ryan <[paulryan@bigpond.net.au](mailto:paulryan@bigpond.net.au)>  
**Subject:** RE: Notice of Listing - AM2016/32 (vehicle relocation industry coverage) [BP-BPWSD.B.FID688329]

Thank you Associate.

We note the matter has been listed for a hearing on these dates for some time.

Having two of the key witnesses for the union give evidence in the manner proposed (by telephone) is far from ideal (including given the significance of the matter for our clients). Nevertheless, it appears that there is no other option.

We would ask that the TWU take all necessary steps to ensure all witnesses have with them the relevant material in these proceedings to ensure cross-examination can be of utility and not thwarted by their non-attendance at the Commission.

Best regards

**JAMES MATTSON**  
**Partner**  
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**From:** Chambers - Hamberger SDP [<mailto:Chambers.Hamberger.sdp@fwc.gov.au>]  
**Sent:** Thursday, 8 March 2018 9:58 AM  
**To:** Wendy Carr; James Mattson; 'Legal'  
**Cc:** Richard Calver; Paul Ryan  
**Subject:** RE: Notice of Listing - AM2016/32 (vehicle relocation industry coverage)

Dear Ms Carr,

I have brought your email to the Senior Deputy President's attention. His Honour is happy for Mr Cassar and Mr DeClase to appear via video link; I will organise this shortly.

**Mr Mattson** – could you please advise by close of business today whether your clients are content for Mr Mealin and Mr Haining to appear via telephone?

**Edrea Venal**

Associate to Senior Deputy President Hamberger

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**From:** Wendy Carr [<mailto:wendy.carr@twu.com.au>]  
**Sent:** Thursday, 8 March 2018 9:05 AM  
**To:** Chambers - Hamberger SDP; James Mattson; 'Legal'; Richard Calver; Paul Ryan  
**Subject:** Re: Notice of Listing - AM2016/32 (vehicle relocation industry coverage)

Dear Associate,

We note that Truck Moves require all 4 of the TWU's witnesses for cross-examination.

We advise that both Mr Cassar and Mr DeClase reside in Melbourne and can be available to give their evidence by way of video link from the Commission in Melbourne.

Both Mr Mealin and Mr Haining are unavailable to give their evidence in person at any location. Mr Mealin is travelling to New Zealand on 19 March but can make himself available to give his evidence by way of telephone upon arrival that day.

Mr Haining is a long distance driver and is scheduled to be in Perth on 19 March but can also make himself available to give his evidence by way of telephone.

We note that 2 of the TWU witnesses in the casual/part-time case, who were also long distance drivers, gave their evidence by way of telephone without any technical difficulties.

We also advise that the TWU require both Mr Whitnall and Mr Bradac for cross-examination.

Regards,

**Wendy Carr**  
**Director of Legal & Operations**  
**Tel: +61 (0) 2 8114 6500**  
**Mobile: + 61 (0) 407 211 776**



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