

**From:** Dominic Macken [<mailto:djmacken@macken.com.au>]  
**Sent:** Tuesday, 24 October 2017 12:06 PM  
**To:** Chambers - Hatcher VP  
**Cc:** Chambers - Dean DP; [Luis.izzo@ablawyers.com.au](mailto:Luis.izzo@ablawyers.com.au); AMOD  
**Subject:** RE: Modern Awards Review - Alpine Resorts Award 2010 - AM2016/30  
[SEC=UNCLASSIFIED]

Dear Ms Hamberger,

We refer to your email below and are pleased to attach hereto a separate list of references to evidence now not pressed by the ABI/NSWBC and TCC.

Yours sincerely,

A J MACKEN & CO.

**Table 2: References to evidence not pressed by ABI/NSWBC and TCC**

| Paragraph(s)                  | Part  | Ground                                   | ABI/NSWBC/TCC RESPONSE   |
|-------------------------------|---|--|--|
| <b>Gregg Quinn</b>            |   |  |  |
| 32                            | First sentence  | Conclusion                               | First sentence <b>not pressed</b> .<br>Balance <b>pressed</b> .  |
| 40                            | Whole sentence  | Hearsay, speculation, opinion            | <b>Not pressed</b>   |
| <b>John Leggett</b>           |   |  |  |
| 14                            | From words 'so this line of thinking' until the end of the paragraph  | Hearsay, speculation, opinion            | Words commencing from " <i>so this line of thinking</i> " until the end of the paragraph <b>not pressed</b> .<br><br>Balance <b>pressed</b>    |
| 19                            | From the words 'to allow someone who wants to go riding to be able to...' through to the end of the paragraph | Relevance, speculation                   | <b>Not pressed</b>   |
| 22                            | Whole paragraph   | Relevance, speculation, argument         | <b>Not pressed</b> - on the basis that leave is not opposed to obtain further particulars regarding the businesses which were purchased by KT. |
| <b>Jason Moon</b>             |   |  |  |
| 25                            | First sentence, particularly reference to staff working preferences   | Relevance, speculation                   | First sentence <b>not pressed</b> .<br>Balance of paragraph <b>pressed</b> .   |
| <b>Brett Anthony Williams</b> |   |  |  |
| 37                            | Whole paragraph   | Relevance, Opinion, Conclusion, Argument | <b>Not pressed</b>   |
| 38                            | Whole paragraph   | Relevance, Argument                      | <b>Not pressed</b>   |
| <b>Ian Foster</b>             |   |  |  |
| 64                            | Whole paragraph   | Opinion, conclusion, argument            | <b>Not pressed</b>   |
| <b>Narelle Therese Clarke</b> |   |  |  |
| 21                            | Second sentence commencing 'My new employee is a local person and prefers to work...'                         | Relevance, speculation<br><br>Conclusion | <b>Not pressed</b>   |

|                           |  |  |  |
|---------------------------|--|--|--|
|                           | Third sentence   |  |  |
| 40                        | Whole paragraph  | Relevance, speculation                   | <b>Not pressed</b>   |
| 42                        | Whole paragraph  | Relevance                                | <b>Not pressed</b>   |
| 43                        | Whole paragraph  | Relevance, argument, speculation         | <b>Not pressed</b>   |
| 44                        | Whole paragraph  | Relevance, hearsay                       | <b>Not pressed</b>   |
| 54                        | Whole paragraph  | Relevance, opinion, argument speculation | <b>Not pressed</b>   |
| 56                        | Whole paragraph  | Conclusion                               | First sentence <b>not pressed</b>  |
| 57                        | Whole paragraph  | Hearsay, speculation, conclusion         | <b>Not pressed</b> to the extent it relates to other businesses.<br><b>Pressed</b> to the extent it relates to her business. |
| <b>Rob Aivatoglou</b>     |  |  |  |
| 19                        | Last sentence commencing 'I would estimate that July...'                                   | Opinion                                  | <b>Not pressed</b>   |
| <b>Sandra Connor</b>      |  |  |  |
| 65                        | Whole paragraph  | Opinion                                  | <b>Not pressed</b>   |
| <b>Stephen Pennington</b> |  |  |  |
| 35                        | Whole paragraph  | Relevance, speculation                   | <b>Not pressed</b>   |
| 39                        | From the words 'and therefore we had the absurd situation....' to the end of the paragraph | Opinion, argument                        | <b>Not pressed</b>   |
| 40-42                     | All paragraphs   | Relevance, conclusion, opinion, argument | <b>Not pressed</b>   |