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Sent: Tuesday, 20 December 2016 10:56 AM

To: Chambers - Hamberger SDP

Cc: AMOD

Subject: AM2014/211 - Road Transport (Long Distance Operation) Award 2010 and AM2014/212 - Road Transport and Distribution Award 2010

We refer to the letter dated 19 December 2016 from the Director of Legal with the Transport Workers Union (TWU) to Senior Deputy President Hamberger which we accessed today following it being made available on the Commission's web site. That letter indicates that the TWU is not able to meet the timetable set in the Directions dated 1 December 2016. In that letter it is asserted by the TWU that: "We do not believe other parties will be prejudiced should an extension be granted." That is not the case. We were not consulted by the TWU and there is prejudice to the manner in which we had planned to mount the case in response to the TWU. NatRoad has contracted an expert to assist us in devising a survey that we had intended to finalise with him today following lodgement of the exact terms of the TWU claim. The survey was to be sent to members by no later than 22 December given the tight timeline established by the Directions. The survey questions were to be checked against the wording of the determinations required to be lodged on 19 December. The expert was due in this office late this afternoon to settle the terms of the survey. We had relied on the timings in the Directions to establish with him the work flow for meeting the case. He is not available after 21 December as he is on leave. It is therefore not possible for us to finalise the survey and distribute it to members before Christmas, as was originally intended based on the timing in the Directions. With the lodgement of the proposed determinations on 21 December 2016 the effective date on which we are able to consult with the expert is therefore 9 January 2017. Accordingly, NatRoad seeks that the Directions be re-considered to accord us fairness in the face of the prejudice created in the preparation of our case or such other remedy that the Commission sees fit.

Regards

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