

**From:** Luis Izzo [<mailto:Luis.Izzo@ablawyers.com.au>]  
**Sent:** Tuesday, 10 April 2018 8:27 AM  
**To:** 'David Scaife'; Chambers - Kovacic DP  
**Cc:** 'Ruchi.Bhatt@aigroup.com.au'; 'albert.baumgartner@mtansw.com.au'; [tedk@mtaq.com.au](mailto:tedk@mtaq.com.au);  
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'Kristin.Barlow@cpsu.org.au'; Sophie Margaret Whish; 'belinda.imbriano@mga.asn.au';  
'nrt@fcbgroup.com.au'; Joanne Knight; John Nucifora  
**Subject:** RE: AM2014/190: District Allowances

Dear Associate

I refer to the above proceedings listed for hearing today.

As has been the case in other award review proceedings, ABI/NSWBC do not intend to take an overly strict or technical approach to objections regarding the admissibility of evidence contained in the union witness statements. We instead intend to broadly make submissions as to weight on a number of evidentiary matters.

However, there are three specific items of evidence that our clients object to being admitted into evidence, given:

- their clear inadmissibility under the rules of evidence;
- the inability to test these evidentiary matters in cross examination; and
- their ability to prejudice our clients' case.


The three items objected to are outlined in the **attached** table of objections.

Whilst we have not discussed these objections with the SDA/ASU to date, we will attempt to canvass these matters with the ASU/SDA before the commencement of the proceedings.

Yours faithfully

**Luis Izzo**

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**AM2016/190**

**TRANSITIONAL PROVISIONS – DISTRICT ALLOWANCES**

**TABLE OF OBJECTIONS MADE BY NSWBC/ABI**

<b>STATEMENT OF LEE-ANN HUGHES</b>	
Paragraph 21, whole	Hearsay. Given the unavailability of the persons to which this evidence relates, and the fact that they have not been identified, it is extremely difficult for the Employer parties to test this particular evidence. For this reason the objection is pressed.
<b>STATEMENT OF JESSICA RANKIN</b>	
Paragraph 11, 2 <sup>nd</sup> last and last sentences	Hearsay. Given the unavailability of the persons to which this evidence relates, and the fact that they have not been identified , it is extremely difficult for the Employer parties to test this particular evidence. For this reason the objection is pressed.
<b>FOON MENG CHENG</b>	
Paragraph 13, the words “ <i>to compensate them for living in Hedland</i> ”	The entire paragraph 13 is hearsay. However, these last few words also extend into providing opinion/conclusion evidence. Given that the relevant persons to which the evidence relates have not been identified, nor are they able to be cross examined about their terms and conditions of employment, it is impossible for the Employer parties to test this particular evidence effectively. For this reason the objection is pressed.