

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T. No. 4794 of 1994

**IN THE MATTER OF** an application  
by the State Public Services  
Federation Tasmania for  
interpretation of the Inland  
Fisheries Commission Staff Award

re compensatory allowance

PRESIDENT

HOBART, 1 February 1994

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: Appearances please.

MR K. GREY: If the commission pleases, KERYL GREY, appearing for the State Public Services Federation, Tasmania.

PRESIDENT: Thank you, Mr Grey.

MR J. McCABE: Mr President, JOHN McCABE; I appear for the Minister for Public Management.

PRESIDENT: Thank you, Mr McCabe. Very good. Well -

MR McCABE: I was just wondering -

PRESIDENT: Yes, Mr McCabe?

MR McCABE: - whether I could make a threshold submission.

PRESIDENT: Oh -

MR McCABE: It's unusual in the - in the interpretation matter to seek to do that, and I realise that Mr President.

PRESIDENT: It would be interesting to hear what you have to say then, Mr McCabe.

MR McCABE: If the commission has no objection.

PRESIDENT: No, not at all.

MR McCABE: We take the unusual step of raising as a threshold matter the fact that we do not agree with the SPSFT that there is a need to interpret the compensatory allowance clause of the Inland Fisheries Commission Staff Award.

Sir, it's our view that the - the words of the clause, as it appears in the award, are completely capable of being construed in an intelligible and unambiguous way; we're therefore extremely wary of the motives of the SPSFT in asking you to interpret what is apparently a straight forward and simply expressed award clause.

Now we do not of course want to question the right of the SPSFT to their chance to explain to you what they find ambiguous about the actual words used in the clause, but we do say however that this commission has set down guidelines which it follows in relation to any request for an interpretation of an award. Those guidelines arose from a matter of T.30 of 1985 and have continued unchanged from that particular matter.

PRESIDENT: That's not strictly correct; T.30 started it, but there have been two other additions to the guidelines -

MR McCABE: Oh, right.

PRESIDENT: - as a result of subsequent interpretation proceedings before President Koerbin. Just for the record if I can perhaps give you a clue as to what they were -

MR McCABE: Yes, that might be helpful, thanks, Mr President.

PRESIDENT: - to tidy up the record, and I didn't really want to interrupt your flow, but subsequently there was an additional guideline established as a result of T.530 of '86 and T.1760 of 1988 and the latter one simply goes to the option of the secretary to interpret, but the one relating to T.530 of '86 reads - and this is paraphrased - speaking generally unless the drafting is such as to lead to no other conclusion, the interpretation rules to be followed should not ipso facto become the absolute authority for construing a provision in such a way as to confer extreme advantage or disadvantage on an employee. One should also be satisfied the result is not otherwise out of step with the general provisions of the award as a whole.

So I just want to make the point that T.530 isn't the sole reference for establishing guidelines for interpretation.

MR McCABE: Yes, thank you for that, Mr President. I must admit I was unaware of those additional guidelines.

PRESIDENT: Mind you I'm not altogether positive and I - this is again off the cuff - I'm not altogether positive just what role the guidelines play other than simply to be some form of guidance. I don't think they're so strict that they cannot be varied and altered to suit circumstances.

MR McCABE: Yes, I certainly take your point.

PRESIDENT: Yes.

MR McCABE: I assume that there may in conformity with section 21 whatever it is of the act -

PRESIDENT: Establishing procedures.

MR McCABE: - which allows the commission to - yes - to regulate its own procedure. However I would hope that they do provide -

PRESIDENT: I think there is some sort of consistency arising out of them.

MR McCABE: Yes, yes - indeed.

Now I would intend to present later, with the leave of the commission, a recent appeal decision handed down by a full bench of this commission on 22nd December which sets out the

guidelines as they arose from T.30 of 1985, but I don't - I believe that those guidelines don't contain the ones that you've - the more recent guidelines which you've referred to.

PRESIDENT: No, no they don't.

MR McCABE: Now without going to the - to the - to the matter of the guidelines at the moment in full detail, I would just point out that central to those guidelines in our view is the requirement that in presenting an argument in relation to an award provision, it's not permissible to seek determination of the matter on merit.

PRESIDENT: Quite right.

MR McCABE: We say that the argument must be based purely on the words used in the clause in relation to specific facts which arise as a consequence of the practical usage of the award clause.

PRESIDENT: Yes.

MR McCABE: And we would therefore object strongly to any argument which the SPSFT may attempt to raise, especially any attempt to argue the merits of the particular clause or what the SPSFT believes that words of the clause should mean.

PRESIDENT: Yes. Could I just stop you there; are you really trying to give the SPSFT a lecture in how to run their case or - I mean it's up to me, I suspect, as the presiding person to - to keep the SPSFT in line as to the way in which present their material.

MR McCABE: Yes, I accept that, Mr President.

PRESIDENT: And it's up - it's your right to object if they overstep the bounds.

MR McCABE: Yes.

PRESIDENT: Does that - does that of itself give any great weight to an argument on threshold? I mean how are you going to allow me to determine whether or not the SPSF is going to do the things you're suggesting unless I hear them?

MR McCABE: Yes, I take your point, Mr President, and I guess that really this threshold point is really by way of a forewarning, if you like to the SPSFT that we think the rules of interpretation ought to be stuck to rigidly -

PRESIDENT: Yes - well -

MR McCABE: As much as possible.

PRESIDENT: Yes, well I can assure you I will certainly be making sure the SPSF doesn't wander too far, and if I allow them to do more than you think I should you can object and I'll rule on it.

But apart - but if that's the general context of your application -

MR McCABE: Yes.

PRESIDENT: - at this stage I think I'd have to say to you that I want to hear the SPSF first to determine whether or not their application meets with the requirements of section 43.

MR McCABE: Yes. Yes, thank you, Mr Commissioner - Mr President.

PRESIDENT: Okay. Yes, thanks - thanks, Mr McCabe. Mr Grey?

MR GREY: Thank you, sir. Sir, following Mr McCabe's threshold matter, it - this matter really is before you in one sense for guidance and I can accept the reason for Mr McCabe's concern if you - if I could put it that way, as a result of discussions that we've had in trying to come to terms with this allowance and these provisions and - on the basis of this matter where if I could actually outline what the problem is and we can take it from there.

PRESIDENT: Well you'll appreciate that you have steer carefully to what the words in the award provision say and -

MR GREY: Yes, sir, hence the problem.

PRESIDENT: Yes, okay.

MR GREY: Hence the problem.

PRESIDENT: Alright.

MR GREY: Sir, if I could just run through a brief bit of background. In 1987, I think, or 1988, the TPSA prosecuted a claim for a compensatory allowance. The major - for Inland Fisheries inspectors. The major reason for doing that was at the time, allowances were prescribed in the act and regulations which governed the establishment of the Inland Fisheries Commission. It was thought at the time, a good idea by all concerned to put these allowances in - into an award and in the - and in the process of that being done the then president made a decision regarding what a compensatory allowance would be in dollar terms and what it would be paid for.

That decision was appealed to a full bench of this commission. The appeal was lost and the provision has stood since then. Since that time it has caused great deal of dissension and disruption in the workplace in the way that it is being applied.

In having discussions with the Inland Fisheries Commission and with representatives from the Office of Industrial Relations and the public sector management office, it is apparent that there are two different interpretations as to what - what these provisions mean and it's not one where agreement has been able to be reached on what it may mean.

I think a real problem is in the wording itself in that it is open to various kinds of interpretation and without wanting to violate any of the guidelines that have been previously established, I think it is something that can be best judged by going to what in part the provisions were supposed to be about.

PRESIDENT: That's treading very dangerously in the area of merit. I'd be - I'd be assisted if you could tell me what the - what you believe the words mean and - and then no doubt I'll hear from Mr McCabe as to what he thinks the words mean.

MR GREY: Sure.

PRESIDENT: And then I can make a judgment -

MR GREY: Sure, yes.

PRESIDENT: - as to the way they should be interpreted in accordance with section 43.

MR GREY: Thank you.

PRESIDENT: If I find that they're incapable of interpretation well I'll discuss with the parties other possibilities.

MR GREY: Fine, thank you, sir. The - currently there are nine Inland Fisheries Commission inspectors. They're all in single station locations. They work relatively unsupervised in the sense that they're priorities are basically determined by themselves. They are subject to call outs in what would be regarded as out of hours times, disturbances. They work weekends; they do - they work according to the requirements of the commission and the requirements of the location and the seasons.

In establishing this award the - the wording for the compensatory allowance I'll put on record. It says:

In compensation for after hours disturbances, unpaid overtime, penalties for work done on weekends, public holidays and outside the ordinary spread of hours, on call, minimum payments for call out and working in extreme or rigorous climatic conditions on policing or surveillance duties, an Inspector may at the discretion of the controlling authority, be paid an allowance selected from one of the following categories:

Categories C and D are the ones that are used and I think all the inspectors are paid a range in between there; some are paid 12%, some are 14%, 15, going up to 17.5. That is the source of the disputation and dissension. The employees themselves believe they all ought to be paid the same rate and that being the highest one - 17.5. They don't believe that they do anything different to each other.

PRESIDENT: Well again, that is - that is purely merit -

MR GREY: Well, sure.

PRESIDENT: - argument.

MR GREY: It may be, sir. The basis on which -

PRESIDENT: So - but is that - and I just make that judgment on your comment - but is that the sole difficulty?

MR GREY: No, I'll come to it.

PRESIDENT: Right. Okay.

MR GREY: The way the Inland Fisheries Commission currently establish who gets what allowance has been derived from, if you like, it's a table. They've given certain weighting to certain of the criteria and on the basis of checking individuals' diaries and whatever, some years ago, they determined that some people would qualify for various rates according to that.

On that basis, it was regarded that everyone work the same number of weekends - 25 weekends a year - per year. And that essentially the differences in the amounts paid would revolve around differences in other provisions of this clause, such as the amount of the number of disturbances, the number of call outs -

PRESIDENT: Yes.

MR GREY: - et cetera, et cetera.

PRESIDENT: And that's all at the discretion of the controlling authority?

MR GREY: Yes.

PRESIDENT: In accordance with the award.

MR GREY: Yes. The problem that we have had is that in the making of these provisions and in the context of the submissions made and during the appeal, a different basis was presented by the government for establishing the amounts to be paid, and that is, that all other things being equal, weekends - the number of weekends and number of public holidays worked would be a more determining factor for which category of the allowance an employee would receive, and that is the source of the dissension -

PRESIDENT: Right.

MR GREY: - you like, sir. The employees believe that the number of weekends worked per year ought to be a more - have greater priority -

PRESIDENT: Yes.

MR GREY: - in accordance with the government's submissions in establishing who is paid what -

PRESIDENT: Yes, that's not -

MR GREY: - all other things being equal.

PRESIDENT: - that's not what the provision says though, is it?

MR GREY: It's not what the provision says exactly, and -

PRESIDENT: Because that's - that's all I can rule on.

MR GREY: Well the provision says, may at the discretion of the controlling authority -

PRESIDENT: Yes.

MR GREY: - be paid according to this.

PRESIDENT: Yes.

MR GREY: Now on one hand the commission says, look we - we regard weekends as being evenly distributed and variations caused by other factors. Our members are saying, we regard all other factors of being equal, the difference ought to be more about weekends.



Being unable to resolve that, sir, that's why we've come here for your guidance, and rather than do a dispute or any other thing we believe this would be a more appropriate way of trying to sort something out.

PRESIDENT: Yes. Well that's a - that's very good reason for trying to do something without disputation, Mr Grey, and I'm all in favour of seeking to help out in those circumstances, but you'll appreciate that I have to follow the rules -

MR GREY: Oh, yes.

PRESIDENT: - and follow the words.

MR GREY: Yes.

PRESIDENT: And I don't see - and I'll hear from Mr McCabe in a moment, but I find difficulty in seeing how the award as currently written requires the controlling authority to pay any particular weight to any of the - the circumstances which - for which they're being compensated.

MR GREY: Even if the government's submissions at the time were, this is what would be done, instructions would be given on the basis of the number of weekends worked per year. You see, sir -

PRESIDENT: Well can you take me to that?

MR GREY: Yes. Yes, I have two exhibits for that.

PRESIDENT: Although could I just say for - the words aren't ambiguous are they?

MR GREY: They're not ambiguous in what they say.

PRESIDENT: The words clearly say they're -

MR GREY: They could be -

PRESIDENT: - at the discretion of the controlling authority.

MR GREY: Yes. Yes. Yes, it does.

PRESIDENT: I can only go to and rely on submissions made, previous decisions made where the wording is ambiguous.

MR GREY: Yes.

PRESIDENT: And I don't think these words are all that ambiguous. In fact -

MR GREY: They -

PRESIDENT: - I think they're fairly clear.

MR GREY: - they can be open to different ways on doing it obviously.

PRESIDENT: Well it allows the controlling authority to do things -

MR GREY: Yes, yes.

PRESIDENT: - as he - as he deems appropriate.

MR GREY: Yes, that's right.

PRESIDENT: It does say very clearly at the discretion of the controlling authority.

MR GREY: Yes, it does, sir. The point the members make is not that they actually really all do wish to be paid the same rate, it's just that if there are differences it ought to be clearly established what those differences are and how those differences have been derived.

Now we've also -

PRESIDENT: Yes.

MR GREY: - had it clearly conveyed to us by the Inland Fisheries Commission that they're now prepared to sit down and re-establish, if you like, reassess the basis for different levels of payment. The amount of money involved isn't significant -

PRESIDENT: Yes.

MR GREY: - but it is a .... - a factor of dissension, however the fundamental problem being at their discretion, there is an interpretation which doesn't fit with any of the members' interpretations and -

PRESIDENT: Well I don't think it's up to the members to interpret; the commission interprets and clearly -

MR GREY: Oh no, but they've only done it on the basis of what was -

PRESIDENT: - the discretion rest - clearly the discretion does rest with the controlling authority - I think that's pretty positive.

MR GREY: Right. Well could I present you with the two - two exhibits, as to -

PRESIDENT: Certainly - yes, I want - I don't want you to feel you've been denied the opportunity to put anything to me, Mr Grey - well within reason that is. Do you want a particular order for these, Mr Grey?

MR GREY: Yes, sir. The double page which marks 'T' -

PRESIDENT: The first one - okay, we'll mark this SPSFT.1, and the - it looks like some sort of circular memorandum from the Inland Fisheries Commission dated 27th April, 1988 - SPSFT.2.

MR GREY: Sir, if I could take you to the bottom of the page of SPSFT.1 -

PRESIDENT: This is the material is it that goes to -

MR GREY: Sir, this was - this is a part of a transcript of the appeal to the full bench as a result of the president's decision about the compensatory allowance.

PRESIDENT: Yes. I'm not certain that it's really admissible at this point.

MR McCABE: I would have to agree with that, Mr President, to quote an authority on the admission of a transcript in interpretation proceedings.

PRESIDENT: Yes. Yes, I wasn't certain what the material was going to be, Mr Grey, but the transcript is not - not admissible for the purposes of award interpretations. I should have made that clearer when I was mentioning - referring to those sorts of things earlier.

MR GREY: Oh, well if you didn't know - if you didn't know that's what I was going to do, sir -

PRESIDENT: But - so I really can't take that into consideration.

And SPSFT.2.

MR GREY: SPSFT.2, sir, well it has got the same relevance, and it concerns the weekend and public holiday work, where it says clearly there:

During the year ended 30 June 1987 Commission inspectors each worked an average of 30 weekends and 4 public holidays.

Public holidays worked ranged from 1 to 9 Saturdays, 21 to 39 Sundays from 17 to 40.

The Commission considers that satisfactory enforcement coverage could be achieved if inspectors worked between 10 and 25 weekends and 4 public holidays per year.

After conducting this review the senior inspector was instructed to adopt these guidelines when issuing work schedules.

Sir, that was one of the exhibits used by the parties in the establishment of the compensatory allowance, but that isn't what happens. All inspectors work 25 weekends per year.

And the point was made during proceedings and during the appeal that these instructions were being issued and followed and on that basis a compensatory allowance was being derived.

PRESIDENT: I understand what you are saying, but I don't think it is relevant in terms of the interpretation.

Yes. Okay. Thanks, Mr Grey.

MR GREY: Sir, I don't have anything else. That's the basis of it.

PRESIDENT: Yes. If I can just distil what you have put to me for interpretation purposes so that we get it right.

And these are the things which I believe I have got to consider in terms of your application.

What you are saying is, that the words, 'at the discretion of the controlling authority' are being misapplied, in that the controlling authority is directing himself or herself to a form of calculation which isn't supported by the rest of the clause.

Now that's all I can distil in terms of an interpretation from his particular difficulty you have got.

MR GREY: That's a fairly accurate assessment, sir, of what I have applied.

This whole clause has had a very colourful history in its establishment, and it has caused considerable problems both in Inland Fisheries Commission and our members ever since, and I mean everyone accepts what the words mean, 'and at the discretion of the controlling authority', but this is one of those instances where I don't think - the alternative to a procedure such as this is to run another case.

PRESIDENT: That's right.

MR GREY: Another very big, long involved case.

PRESIDENT: It might be the shorter way. Just without pre-empting too much, Mr Grey, I think you have probably got a pretty fair idea of what I've been thinking about in terms of the award.

I think either an award variation or even a section 29 dispute notification would be a more satisfactory way of resolving the problem that you believe you have.

From a very cursory examination of the words it doesn't appear to me - and I haven't even heard from Mr McCabe which is inappropriate, I suppose - but it doesn't really seem to me that the controlling authority is doing anything that the award doesn't allow him to do.

MR GREY: Yes.

PRESIDENT: And I can't read anything more into those words which could make the controlling authority give weight to any of those circumstances that are mentioned in the start of the clause, or to apply only Category D, or to, as I mentioned earlier, to be more specific, to simply have regard for the number of weekends that are worked as a measuring stick.

It does appear that it is totally open to the controlling authority to work that out.

MR GREY: Sir, it may have been that a section 29 dispute may have been more appropriate. We didn't - we believed that this way may have been the best first step.

PRESIDENT: Yes. I mean, even a section 29 has got some problems with it, and if the award is not written in appropriate terms for your purposes, then really the resolution to that is to get a variation to it, which more properly recognises your needs.

MR GREY: What we are pre-empting as well, sir, is ongoing discussions under Stage 2 of the State Services Wages Agreement in seeking to resolve this there. Put it in with a big basket of things, but perhaps on a more agreed interpretation of what the provisions could mean.

PRESIDENT: Yes. If you can get an understanding from the controlling authority that 'XYZ' will be taken into account when determining the level of the allowance, then you have resolved the problem.

MR GREY: Mm. We thought this might facilitate that.

PRESIDENT: I don't think it would, I regret to say, but I'll hear from Mr McCabe and then allow you to follow up from that if you wish to.

MR GREY: Thanks, sir.

PRESIDENT: Mr McCabe?

MR McCABE: Thank you, Mr President. I just wonder where the discussions leave me - whether I need to make submissions on -

PRESIDENT: Well, if you disagree with anything I have said, Mr McCabe.

MR McCABE: I think I am fully in agreement with what you have expressed so far. So, perhaps I should go through it.

This is a simple case, in our view. There is no possible ambiguity which could arise from the words which are actually set down in clause 11 of the award.

We say, on the contrary it is patently clearly that the controlling authority is given complete discretion to select from one of four categories of allowance to be paid to individual inspectors.

The category of allowance to be paid is in compensation for a variety of factors which are set out seriatim in detail in the clause in question.

We say that it is obvious, in our view, that the range of four categories are provided to allow the controlling authority discretion to assist each inspector in relation to each specific factor and disability, and then to select one category of allowance to be paid to that inspector.

Now that has been done in an objective and rational manner by the Inland Fisheries management, as Mr Grey -

PRESIDENT: That's not merit, is it, Mr McCabe?

MR McCABE: No, I don't think it is, actually.

PRESIDENT: No. Alright. Okay.

MR McCABE: By assigning a weighting to each of the factors identified in the clause and then assessing from the inspectors's individual diaries and returns which they are required to send in, what level of disability each inspector is incurring, and that is done according to the location and workload of that individual inspector.

Now that assessment process has resulted in seven inspectors being classified within the Category C allowance.

PRESIDENT: Does location get a run in the determination of these things?

MR McCABE: Well, I don't think location itself is actually identified, but of course the location does have an influence on the climactic conditions, etc., and those sorts of things.

Now two of the seven in Category C are being paid a 12% allowance, three of them are on a 14% allowance, and two of them are on a 15% allowance and, as indicated by Mr Grey, the other two inspectors are classified within Category D.

One of those receives a 16% allowance, whilst the other is on the maximum allowance of 17.1/2%.

Now we are satisfied that the Inland Fisheries management has exercised the discretion given to it by the words of the clause in a fair and equitable way, and that the words of the clause can leave no doubt as to their intention.

And, as I said, the words of the -

PRESIDENT: Well, that's the main subject at the moment. Not whether it is being done fairly and equitably, but whether or not the words allow certain action to be performed.

MR McCABE: Yes. And I think what Mr Grey was implying, or was definitely submitting, was that the provisions aren't being enforced.

PRESIDENT: I think I reminded Mr Grey that he couldn't go into merit.

MR McCABE: Yes. Now, the words bestow an absolute discretion on the Inland Fisheries management, and that's by delegation from the controlling authority to assess the circumstances of each inspector and to place that inspector into which ever category is appropriate, given that individual's circumstances.

And that is what's happening.

We say that there can be no ambiguity whatsoever attributed to the wording of the clause as it stands at the moment.

And the third guideline for interpretation issued by this commission in T.30 of 1985 says, and I quote:

Provided the words used are in the general context of the award and its application to those covered by its terms are capable of being construed in an intelligible way there can be no justification for attempting to read into those words a meaning different from that suggested by ordinary English usage.

Now we say that the words used in clause 11 - Compensatory Allowance are crystal clear and unambiguous and it is impossible to read into them any different meaning from that which is expressed by the clause.

In analysing the words used the clause first says that the allowance is to be granted, and I quote, 'in compensation for'.

So there is no doubt, in our submission, that that means that the allowance is a substitute for a raft of other allowances and disabilities which are detailed in the next few lines.

And quoting again, it says:

Those disabilities are:

After hours disturbances, unpaid overtime, penalties for work done on weekends, public holidays and outside the ordinary spread of hours, on call, minimum payments for call out and work in extreme or rigorous climactic conditions, on policing or surveillance duties.

Now those items are clearly defined and there can be no doubt as to what they are intended to cover.

The follows the words:

An inspector may at the discretion of the controlling authority be paid an allowance selected from one of the following categories:

Now these words are quite clear as to the intent. They are commonly used words in the usage in public sector awards, and mean in our view, that the discretion of the employer may be exercised in selecting one of the categories which has been detailed there, having assessed the relative value of the work and/or disability of each individual inspector.

We say, therefore, that the intent of the opening paragraph is clear and unambiguous and is not capable of being construed in any other way than the words suggest.

The rest of the clause is completely unambiguous in that it sets out the four categories of allowance and sets amounts or percents ranges from which the appropriate allowance is selected.

The proviso is clear in setting an absolute minimum allowance, and the operative date is also clear.



So we say that if the clause in toto is read in terms of the simple grammatic expression used there can be no confusion or ambiguity whatsoever.

We say that as per interpretation guideline 3 that there can be no justification for attempting to read into the words used a meaning which is different from that suggested by ordinary English usage.

In summary, therefore, we say that in accordance with section 43 (1)(a) of the Act that you should declare, as required by that provision, that the provisions of the award as currently set out in the Inland Fisheries Commission Staff Award are clear in their intent and meaning, and do not lead to ambiguity in relation to the specific facts which we have outlined to you.

We would say that, given in our submission, no ambiguity lies in the words of the clause.

There is no need for any order to be issued to vary any provision to remedy a defect or give full effect to it, since there is no ambiguity, in our submission.

If the commission pleases.

PRESIDENT: Yes; thank you, Mr McCabe. Do you want to respond to any of that, Mr Grey?

MR GREY: Sir, just briefly, and then just to say I accept the guidance that has been given from the bench.

It may be that we will have to adopt a different procedure in order to resolve this issue.

However, seeing that it has been a contentious issue for going on for 6 years, we thought this was an appropriate first step in order to seek clarification, and it is a learning process for all of us - or certainly for me. Thanks.

PRESIDENT: Right. Alright, thank you, Mr Grey. Do you want a written interpretation decision to assist you in dealing with your, I would imagine, dealing with your members?

MR GREY: I certainly do.

PRESIDENT: Yes, I thought that might be the problem.

MR GREY: Yes.

PRESIDENT: Alright.

MR GREY: Yes. It's very perceptive.

PRESIDENT: Okay. Nothing further from either party?  
Alright. Yes, Mr McCabe?

MR McCABE: I assume that you would be issuing an order - an interpretation - rather than an order?

PRESIDENT: Well, yes. Yes. I think it is fair for me to say to your both that I will be finding the award as written is unambiguous, and that there is no need for any order to flow from these proceedings, and if the SPSFT wishes to have the award written in a different form then it ought to take the appropriate action by way of section 23.

Alright. Okay, this matter is concluded.

HEARING CONCLUDED