

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.3871 of 1992

IN THE MATTER OF a referral of application by the Australian Institute of Marine and Power Engineers, Victorian Branch for determination of award interest pursuant to section 63(10)(c) of the Industrial Relations Act 1984

re Marine Boards and Shipping Awards

DEPUTY PRESIDENT

HOBART, 3 August 1993
continued from 7/10/92

TRANSCRIPT OF PROCEEDINGS

Unedited

DEPUTY PRESIDENT ROBINSON: I'll take appearances.

MR D. PORTER: Mr Deputy President, my name is PORTER; I would seek leave to appear on behalf of the AIMPE.

DEPUTY PRESIDENT ROBINSON: Are you a counsellor, Mr Porter or -?

MR PORTER: Yes, sir, I am.

DEPUTY PRESIDENT ROBINSON: - an officer of AIMPE?

MR PORTER: No, sir, I'm a barrister at the independent bar.

DEPUTY PRESIDENT ROBINSON: Are you? Other appearances?

MR S. GROVES: Mr Deputy President, I appear again on behalf of the Merchant Service Guild - oh, I apologise - Australian Maritime Officers Union - my name is STEPHEN GROVES.

DEPUTY PRESIDENT ROBINSON: Thanks, Mr Groves. Do you have any objection to the application for counsel to appear in this matter?

MR GROVES: I do, Mr Deputy President, and I do so for the reasons that this matter has been before you on two previous occasions and on those occasions the AIMPE has adequately represented itself, I believe at least, through the - their spokesman and official, Mr Matthews.

The essence of the problem that remains, I believe is - is adequately contained in your decision of 16th December, and principally that, if I can summarise it in one sentence for the purposes of this objection is that - is the failure thus far of appropriate negotiations between the parties. There is no legal or technical grounds to which we believe that a legal representative should be allowed to appear on behalf of the institute. If the commission pleases.

DEPUTY PRESIDENT ROBINSON: Mr Porter, would you like the opportunity to respond to the objector?

MR PORTER: Yes, thank you, Mr Deputy President. Firstly, I would share the comments that have been made as to the adequacy with which it appears the AIMPE was represented on the last occasion by Mr Matthews, however this is a matter which the institute treats very seriously and it was as a result of the comments you, sir, made in the determination in December last year that advice - or further advice - was sought and that it was felt appropriate to brief counsel to appear today.

It is proposed to address those two matters of concern which you raised but for what it's worth I can indicate that I

really don't think we'll delay you, sir, very long this afternoon. There is a factual matter to be addressed in relation to the first matter of concern, that is, the question of the level of negotiation, and following a discussion between myself and Mr Cooper, who is present in the court as my instructing solicitor, and Mr Matthews, our position in relation to the second matter has ameliorated somewhat, and that is, the question of the concurrent proceedings by way of the section 118A application. So it's certainly not sought to put any technical legal argument to you this afternoon.

If it be suggested that there be any disadvantage to the other parties, it's not sought to do that, but it is a matter which is of particular concern to my client.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: And as I say, I really don't think we'll delay you much this afternoon in any event.

DEPUTY PRESIDENT ROBINSON: No, no. I think the point being made by Mr Groves on whether there was technical legal matters - he was putting that in the context that that to him would be the only valid sort of reason which would require the representation by counsel.

MR PORTER: Yes. I don't see that the act contains any restrictions on the discretion; it's in your discretion, sir, if you feel it's an appropriate matter then I don't see that it really needs any strict technical argument to warrant representation.

DEPUTY PRESIDENT ROBINSON: I shall allow your intervention, Mr Porter.

MR PORTER: I'm grateful, sir.

DEPUTY PRESIDENT ROBINSON: Your representation rather than intervention. I keep on confusing such -

MR PORTER: Well I'm - hopefully I won't intervene in an obstructionist sense.

DEPUTY PRESIDENT ROBINSON: Well the organisation you represent -

MR PORTER: Yes, thank you, sir.

DEPUTY PRESIDENT ROBINSON: - is here in its own right.

MR PORTER: Yes.

DEPUTY PRESIDENT ROBINSON: What is there to report?

MR PORTER: The matter of course was last before you, sir, on 7th October in the sense of a hearing.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: And you gave reasons - made a determination giving reasons on 16th December last year. Now before I proceed, I should correct a factual matter. There was a - there were statements made when the matter was before you last as to the question of membership of the institute in this state -

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: - and since your determination there has been an alteration in relation to that and that ought to be put on record immediately.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: Now the position is that two persons who are members of the institute have had the basis of their employment changed in that they were previously employed by the Marine Board of Hobart. They are now employed by the Navigation & Survey Authority, thus taking them outside the ambit of the award which is under consideration.

They remain members but are not relevant to the consideration of this award. So we're really back to two members.

DEPUTY PRESIDENT ROBINSON: I think that had been, from memory, a previous change where if - if my memory is correct - the membership number had been quoted as three and then came down to two.

MR PORTER: Well I think there may have been some confusion about that, but in any event my - my instructions as of today, sir, are that there are four members -

DEPUTY PRESIDENT ROBINSON: Right.

MR PORTER: - but now only two of them are subject to this particular award.

DEPUTY PRESIDENT ROBINSON: Right.

MR PORTER: And we felt that that ought to be put on the record immediately.

DEPUTY PRESIDENT ROBINSON: Where - where are the two?

MR PORTER: They're both in Devonport, sir.

DEPUTY PRESIDENT ROBINSON: I see. Thank you.

MR PORTER: Now as I said, I believe we can deal quite quickly with the matter this afternoon.

The first matter that you raised, sir, in - in determination was the question of consultation.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: And a subsequent attempt was made at the highest levels of the respective organisations in respect of that consultation and I would seek to tender an affidavit of Mr Henning Christiansen who was the federal secretary of the institute. It was sworn 30th July, and I tender that.

DEPUTY PRESIDENT ROBINSON: Thank you.

MR PORTER: Now if I can briefly summarise it because it can be briefly summarised. Discussion was sought by Mr Christiansen -

DEPUTY PRESIDENT ROBINSON: We'll put a -

MR PORTER: I'm sorry, I think we're up to M - that makes it M.7 if I'm counting the last ones correctly.

DEPUTY PRESIDENT ROBINSON: M.7 - thank you, Mr Porter. Sorry to interrupt you.

MR PORTER: I was just going to summarise it, sir, because it can be very briefly summarised. The discussion was sought by Mr Christiansen with Mr Fleming and there was some initial apparent reluctance; the discussion took place in which Mr Fleming said that their position was not negotiable and there wasn't any point in discussing it further.

DEPUTY PRESIDENT ROBINSON: Mm.

MR PORTER: So that's been at the highest levels of both organisations on a federal basis.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: So there at least has been an attempt to accommodate that situation.

DEPUTY PRESIDENT ROBINSON: Yes. You would appreciate that my reason for suggesting that there should be consultation is on the three criteria for granting award interest -

MR PORTER: Yes.

DEPUTY PRESIDENT ROBINSON: - and that's the third general one about being within the interest of good industrial relations in Tasmania.

MR PORTER: Prejudice - prejudicing the orderly conduct of -

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: - industrial relations in Tasmania.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: Yes.

DEPUTY PRESIDENT ROBINSON: And if two organisations were to be competing or squabbling as a result of the granting of interest to both of them, prima facie that would be an undesirable outcome.

MR PORTER: Yes. I don't know whether one should get into that, but it is evident that they are going to squabble. There is material put before you on the last occasion which indicates that they've quite happily worked in the industry before in relation to the mixed function category. So it certainly seems as though they can operate happily in the work place. They at least - that goes some way to addressing the concerns you've raised.

In relation to the other matter, that being the 118A application, the hearings have concluded but regrettably no decision has been handed down.

Sir, your concerns about dealing with the matter when there are apparently similar proceedings operating concurrently are understood and accepted. In fact they may be seen in one sense to be mutually exclusive applications, however the institute's position is that it does have members, albeit a small number, but it does have members presently engaged in employment in this state whose interests as it would relate to this award are sought to be represented by the institute.

However, as we say, we understand the attitude. If you are of a mind that it would be still unwise and inappropriate to proceed further then we don't seek to strongly dissuade you from that position, but the fact remains that there are members of the institute covered by this award and whose interests this institute seeks to represent.

Now, if I can just put that issue to one side for the time being; I would submit that the institute thus far has made the matters of which you are required to be satisfied pursuant to section 63(10)(c) of the act; (c) - paragraphs (c)(i) and (c)(ii), I would submit are no problem and it's only that third aspect to which you earlier alluded of which may be a

difficulty.

Again, can I refer to that information which you were given last time about how the two organisations seemed to be able to happily cope with any potential areas of conflict and given that there have been attempts at negotiation then it would appear that that matter has been, no doubt, also of relevance when looking at that question is a matter which Mr Matthews raised with you on the last occasion and that is the exclusory nature of the rules of the guild.

That is of particular significance when it relates to paragraph C3.

Where I am leading to with all of this is, it may be a proper course for you, sir, if you are satisfied as to those matters, to make a declaration of satisfaction as to those matters under 63(10)(c), but if you are still concerned about the concurrent federal proceedings to adjourn these proceedings again sine die pending the outcome of that, but to make that declaration in the interim.

That would seem, in my respectful submission, an appropriate course to adopt. If it please, sir.

DEPUTY PRESIDENT ROBINSON: Thanks, Mr Porter. Mr Groves?

MR GROVES: Thank you, Mr Deputy President. If I first of all deal with what I would say is the easy point first, and that is in relation to the surveyors that were previously employed by the Marine Board of Hobart, and I understand are now employed directly by NASAT, and that has been confirmed from the other end of the bar table.

Mr Deputy President, as a way of confirming that, I would like to just present a letter from the Marine Board of Hobart which in essence does simply confirm that in fact that the Navigation Survey Authority assumed direct employment arrangements for all its full-time employees as of the 1st of January this year. So, if I can submit that.

DEPUTY PRESIDENT ROBINSON: Thank you. Could you help me as to which number the exhibit -

MR GROVES: I beg your pardon?

DEPUTY PRESIDENT ROBINSON: Can you remember which exhibit of yours this is?

MR GROVES: I don't think I have presented any.

MR PORTER: This becomes X.4.

MR GROVES: Does it?

DEPUTY PRESIDENT ROBINSON: Pardon?

MR PORTER: This becomes X.4.

MR: To be honest I think I have got two. I have got N's and X's.

MR PORTER: Oh, did you?

MR GROVES: I don't think I have put in any before.

DEPUTY PRESIDENT ROBINSON: Haven't you? Well, we'll be a bit safe and call this Y.1.

MR GROVES: I'm a little confused from the submission in relation to the numbers that are left now in relation to the institute. My maths tells me that that leaves two people that the engineers claim to be Is that correct? And they have been employed by the Port of Devonport Authority.

DEPUTY PRESIDENT ROBINSON: That's what we were told.

MR GROVES: Good. Thank you. If I first of all go on to the affidavit that is signed by Mr Christiansen, the Federal Secretary of the AIMPE.

Whilst I don't have an affidavit to counter this affidavit, if you like, or to make any confirmation of this, I would simply put to you that my advice from the federal secretary is that, yes, the meeting did take place, that Mr Christiansen sought from Mr Fleming the Federal Secretary that we withdraw our application. Mr Fleming asked Mr Christiansen on what grounds would he be seeking that we withdraw that and what assurances he could give us that it wouldn't create a conflict in relation to membership, and at that point Mr Christiansen aborted the meeting, got up and left the building, and to quote the exact words I was given, that 'He didn't even finish his cup of coffee'.

DEPUTY PRESIDENT ROBINSON: Serious, indeed.

MR GROVES: Yes, it was serious indeed - especially early in the morning - if he is anything like me.

Before he did do that, though, Mr Fleming sought to gain some information from Mr Christiansen and that was along the lines, 'Was this meeting simply set up to comply with your decision?', because it simply was put that there was no agenda provided for the meeting when Mr Christiansen arranged it, it was simply said he wanted to come and have a talk to him. When he got into the office of the Australian Maritime Officers' Union he simply asked us to withdraw our objection

to this application, and when we asked on what grounds, well that was simply the end of the meeting.

So, as I say, I don't have an affidavit like that's been presented to you, but that is my understanding of what took place between Mr Christiansen and Mr Fleming.

If I go on now to the Port of Devonport Authority where there claims to be two members of the institute, I would like to hand up a further letter to you, Your Honour, and this is in relation to one of those two engineers.

And it is a serious matter in the sense that the Port of Devonport Authority have advised me through consultation around a development of an enterprise flexibility agreement.

DEPUTY PRESIDENT ROBINSON: This will be Y.2.

MR GROVES: I have been discussing with the Port of Devonport Authority some arrangements for an enterprise flexibility agreement under the Marine Boards Award and out of that discussion came evidence that the dredge "Port Frederick" in fact there is only about 3 months' work per year for that dredge on their current program, and they in fact intend to lay the vessel up at the conclusion of their current work.

Mr Rootes is the engineer who is employed on that vessel, and has been employed on that vessel, and what has happened there is, under the clause 36(c) of the Marine Boards Award which provides the flexibility arrangements for all employees, the Port Authority has assisted in allowing Mr Rootes sufficient time to study and attain a Master 5 certificate which will allow him now to be utilised off the vessel as an engineer, simply to drive the pilot launch and to carry out general maintenance of machinery within the Port Authority.

Now that position, as I understand it, has been traditionally covered by - the launch driving work has been covered by our organisation - and the maintenance of machinery, etc., has been covered by I understand the Metalworkers' Union.

So, again there would be no reason why Mr Rootes' membership is necessary for the future in what's required.

We have covered engineers in the Tasmanian port authorities, and I will refer to that in a moment.

DEPUTY PRESIDENT ROBINSON: Yes, but I am not quite sure what the point you are making is, Mr Groves.

MR GROVES: Mr Deputy President, whilst it is claimed there are two members I am claiming that one of those two members in fact is a member of our organisation and that his duties as set out here by the Marine Board will be to do work that is

totally unrelated to the engineers institute - sorry, the Australian Institute of Power Engineers - coverage. So that leaves us with one engineer who - I am unsure who it is, even, let alone what role he plays - because there is only one vessel operated by the Port of Devonport Authority which has an engineer as part of its manning, and that is this vessel.

DEPUTY PRESIDENT ROBINSON: Well, are you sure that we are talking about the same person, Mr Rootes, as being one of the two claimed to be members by the AIMPE?

MR GROVES: I'm sure, in the sense that it has been told to me at a job level that he was previously a member of the institute and he's changed his membership. I don't know whether he still retains membership of the institute, but he has certainly joined AMEU -

DEPUTY PRESIDENT ROBINSON: When? Do you know?

MR GROVES: I don't have the exact date, but it is within the last 2 months, Your Honour, because of him just getting his Master 5 certificate and us developing an enterprise agreement which will see him driving the pilot launch vessel within the near future.

DEPUTY PRESIDENT ROBINSON: So you claim two things, that - or three, I suppose - that Mr Rootes is in your view one of the members claimed by the other organisation here today. That he is no longer a member of the AIMPE -

MR GROVES: I don't know whether he is no longer a member. I know he is a member of -

DEPUTY PRESIDENT ROBINSON: Are you claiming that he is a member of yours?

MR GROVES: He is a member of our organisation.

DEPUTY PRESIDENT ROBINSON: And that fourthly, I suppose, is that the functions he is carrying out doesn't fall within the registered rules of the AIMPE. Goodness.

MR GROVES: In so much that he will be required -

DEPUTY PRESIDENT ROBINSON: Is that right, are they the points that you are making?

MR GROVES: Yes. Insomuch in the last point that he will be required to drive a pilot launch and that he will be required to repair maintenance of machinery ashore, which doesn't fall under the Institute of Marine and Power Engineers coverage.

DEPUTY PRESIDENT ROBINSON: Life wasn't meant to be easy, was it, Mr -

MR GROVES: It wasn't, unfortunately. And I mentioned earlier on, Your Honour, going away from it - I don't know where the other engineer is at the Port of Devonport Authority that is claimed to be a member of the institute, and it is certainly not on any floating plant because they have only got the one engineer on a floating plant, or up to this point had one engineer on a floating plant.

The final point in relation to membership, and to demonstrate that we have had coverage of engineers within this state, in the Port of Hobart there is an engineer employed as the engineer on the "Kulanda". It's a pile frame barge, I suppose you could call it, that is being operated by the Marine Board of Hobart for many years, and that person is a member of this organisation and has been for many years also.

DEPUTY PRESIDENT ROBINSON: Did you -

MR GROVES: Again, part of the flexibility of the employment of these people, when he is not acting as engineer on the "Kulanda" he then acts as a crewman on the pilot launch boat.

So, what I am trying to demonstrate, Mr Deputy President, is the small number of people we are talking about in order to give them an efficient operation, the Port Authorities efficient operation, in meaningful employment for these individuals, they have to be very flexible in doing a whole range of duties, and not just performing one function such as engineering.

DEPUTY PRESIDENT ROBINSON: Yes, well, look I am obviously bound by the provisions of the Act and what it says in 63(1)(c)(i), (ii) and (iii), and I am not quite sure whether you're making the point that the person you refer to in Hobart who you say is a member of yours and has traditionally been a member of yours goes to what might perhaps be categorised as custom and practice on membership, or whether what you are saying to me is that that person's function more appropriately belongs - falls within the rules of your organisation - than it does the other organisation, or are the rules sufficiently wide to allow either organisation to have such persons as members while they are working the way that they are.

MR GROVES: I don't believe the rules are wide enough because the institute do not cover people who work as deckhands and/or in command of vessels, whether they be pilot boats or dredges or pile frame barges. They certainly don't cover people in command of those vessels, and these people as part of their multifunctions, if they have got the qualifications, are required to carry out; and that was the example I was trying to demonstrate with Mr Rootes in Devonport.

What I also am trying to demonstrate is that we have, and will have, an open conflict for membership. //

And that's what I believe is the problem that we would develop if the institute were granted a respondency to this award, and that's the point that I am trying to come to, Mr Deputy President, that it wouldn't be in the interests of good industrial relations in order to increase the number of unions as respondents to the Marine Boards Award. In fact, the whole Application 118 is seeking to decrease those number of unions, if I can put it that way.

DEPUTY PRESIDENT ROBINSON: In the worst case scenario, what do you think might happen if interest was granted?

MR GROVES: In the worst case scenario I could see that we would end up with, if you like, involved in a membership drive where the institute would be seeking to gain as members people we've traditionally covered, or are covering now as a result of the development of enterprise agreements.

And that to me doesn't seem to be a very - that doesn't complement the fact that we are trying to develop enterprise agreements to make the operation more efficient as it stands.

DEPUTY PRESIDENT ROBINSON: Right.

MR GROVES: If the commission pleases.

DEPUTY PRESIDENT ROBINSON: Thanks, Mr Groves.

MR PORTER: Sorry, if I might just address quickly a couple of factual matters.

As to Mr Rootes, my instructions from Mr Matthews are that he spoke to Mr Rootes last Thursday and as of last Thursday he, Mr Rootes, was still a member of my client institute and was not a member of the guild and was still carrying out the work on the dredge. ! (P)

Now this is only an anticipated change in his employment. Something may happen between then and now, another contract may be found, we don't know, we are only talking about possibilities in the future.

As far as the engineer on the pile frame barge in Hobart is concerned - I think it's the "Kulanda" - and in general terms, to answer the point Mr Groves lastly made, there is an undertaking on the record by the institute not to poach members; and that would seem to cater for that general aspect, and the particular aspect of that person concerned.

So that undertaking, which is on the record with this commission, is one which will be complied with.

DEPUTY PRESIDENT ROBINSON: I think the undertaking - if my memory serves me correct, and tell me if I am wrong - was that the institute wouldn't recruit persons who are already members of a union, but that it would feel free to recruit those who are not.

MR PORTER: Yes - coming into the industry.

MR MATTHEWS: That could come under our rules.

MR PORTER: Yes.

DEPUTY PRESIDENT ROBINSON: And eligible under your rules.

MR PORTER: Yes. So I should note that, sir.

Just lastly, turning back to the terms of the section, it is a question of whether this institute has an interest in the award, and I would submit that it has demonstrated that it has, and such a determination would not prejudice the orderly conduct of industrial relations, and that you have got to have some material on which you can properly say that the orderly conduct of industrial relations would be prejudiced. And I would submit that you don't have such material.

If it pleases, sir.

DEPUTY PRESIDENT ROBINSON: On that last point, Mr Porter, the Act to quote it exactly says in 63(10)(c):

The Commissioner shall determine which awards the organisation has an interest in by satisfying himself that -

(iii) the organisation being granted an interest in the award would not prejudice the orderly conduct of industrial relations of Tasmania.

So you are putting to me the presumption that it won't happen unless there is evidence to show that it will?

MR PORTER: No, I didn't mean to advance it as a presumption. But in the absence of any real material I think that the level of satisfaction can be far more easily reached. I think that's probably a better way of putting what I was attempting to put.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: Yes. Thank you, sir.

DEPUTY PRESIDENT ROBINSON: It is, to be candid, a matter of regret that the two organisations both representing employees

in an old and well-established industry in this state and elsewhere couldn't reach sufficient of an understanding between them that they could satisfy the commission that all of the criteria can be applied - the criteria of the Act - and that I won't live to regret any actions that I take through the granting of interest, and that it would create disputes in the future. And that's the whole purpose I think of (iii) of (c) in the Act.

There is a common practice within this state for the trade unions to - to sort itself out and not to take these sorts of matters right to the wire for arbitration.

I don't resile from the responsibility I have and will fulfil it to the best of my ability. But I also turn to make a general observation which - on the practices which the commission has adopted, and it's not - it may not have been published - it may not have - but I've got an idea that on reflection it might be contained in some decision of Commissioner Watling when he's dealt with a similar type of application.

But anyway, the - there is some - some authority for just advising the parties that if there is a contested matter as to union membership, for the commission to be provided with the completed membership cards thus establishing that the organisation has members in the industry for which the award is established, it removes all possibility of what the correct numbers are and whether or not there is any confusion on - on individuals. Secondly, that - that it - that the application - applicant will establish that those members for whom cards have been presented are currently employed in the industry - currently employed in the industry - at the time of making application or being heard. And thirdly, that the information shall be shown to the commission and will be returned to the applicant. However, if the matter is contested the applicant will be required to provide the information already outlined, and if the contesting parties request to see such evidence - and it refers particularly to members - that they will be required - they will require the applicant to allow the contesting party to cite the evidence. However, it will remain the property of and be returned to the applicant.

The commission at the moment is a little bit in doubt as to whether or not the - the membership numbers or locations and persons concerned have been recognised properly and proven and that the commission isn't being forced into some sort of error by making wrong assumptions.


I'm not quite sure whether or not I think there was an earlier request I made for evidential material to be produced. I think it was to be faxed to the commission.

MR MATTHEWS: It was faxed -

DEPUTY PRESIDENT ROBINSON: Pardon?

MR MATTHEWS: It was faxed on 7th October.

MR PORTER: Yes.

DEPUTY PRESIDENT ROBINSON: It was - it was faxed on an earlier occasion. 

MR PORTER: Yes.

DEPUTY PRESIDENT ROBINSON: And no doubt it's contained here somewhere on the file on -

MR PORTER: It was during the course of the hearing, as I understand it, sir.

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: Yes.


DEPUTY PRESIDENT ROBINSON: Yes, yes. I'm not quite sure though whether it not - ought not be updated. Times change.

MR PORTER: I'm sure that can be attended to. 

DEPUTY PRESIDENT ROBINSON: Could it?

MR PORTER: Yes. 


DEPUTY PRESIDENT ROBINSON: Right.

MR PORTER: I was just thinking, if I might, with respect interrupt, sir, having regard to your expressed concerns about that and about the federal matter I alluded to and about which I've spoken, as I said, in the course of my submissions, if the view is that it ought to be adjourned sine die again then we're happy with that course. 

DEPUTY PRESIDENT ROBINSON: Yes.

MR PORTER: Certainly given the question of the factual material, it may be the better course.

DEPUTY PRESIDENT ROBINSON: Yes. Mr Groves?

MR GROVES: Mr Deputy President, if I may just rise again; I would support the idea of it being adjourned once again because I believe when and if the decision of the 118 application is handed down it might change - hopefully will change the situation. But the point in relation to the membership that I - just in case I have misled the commission, 

I haven't sought in any way to say that Mr Rootes is a member of our organisation and not of the institute. I don't know what he is as far as membership of other organisations.

DEPUTY PRESIDENT ROBINSON: Yes, I haven't suggested that you've misled anyone, Mr Groves. I was just sort of canvassing the possibilities - no more.

If there is nothing further I'll reserve my decision on this matter and hand down a decision in writing, and I thank the parties for their assistance, and for those who have to travel I wish them a safe journey.

HEARING CONCLUDED