



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**COMMISSIONER JOHNS**

**B2023/1285**

**s.437 - Application for a protected action ballot order**

**Australian Maritime Officers' Union, The  
and  
Tasmanian Ports Corporation Pty Ltd T/A TasPorts  
(B2023/1285)**

**Melbourne**

**9.43 AM, WEDNESDAY, 6 DECEMBER 2023**

**Continued from 23/11/2023**

PN1

THE COMMISSIONER: Yes, thank you. Good morning, parties. Mr Neiberding, you're representing the applicant union in the matter?

PN2

MR C NEIBERDING: Yes, your Honour.

PN3

THE COMMISSIONER: Thank you. As honoured as I am to be called your Honour, it's just merely Commissioner.

PN4

MR NEIBERDING: Yes, Commissioner.

PN5

THE COMMISSIONER: Thank you. And, Ms Luckman, you're representing the respondent in the matter?

PN6

MS K LUCKMAN: That's correct, Commissioner.

PN7

THE COMMISSIONER: Yes, thank you.

PN8

MS LUCKMAN: Thank you.

PN9

THE COMMISSIONER: So in this matter, other than the form F34B, which is the declaration by Chris Neiberding, there's no additional evidence filed on behalf of the union. Am I correct about that?

PN10

MR NEIBERDING: Yes, Commissioner.

PN11

THE COMMISSIONER: So can I come to you, Ms Luckman. Is Mr Neiberding required for cross-examination?

PN12

MS LUCKMAN: No, we won't be cross-examining Mr Neiberding today, thanks.

PN13

THE COMMISSIONER: Then, in relation to the respondent, there's a statement filed by Ms Luckman. Mr Neiberding, is Ms Luckman required for cross-examination?

PN14

MR NEIBERDING: Yes, Commissioner.

PN15

THE COMMISSIONER: So what I propose to do, can I just – it's an administrative matter – refer to the digital tribunal book which I understand has been distributed to the parties. Is there anything missing from the digital tribunal book, Mr Neiberding? You're on mute but I'll take that as you saying, 'No'. You probably should just say it for the transcript.

PN16

MR NEIBERDING: Yes. Yes, Commissioner.

PN17

THE COMMISSIONER: Ms Luckman, anything missing from the digital tribunal book?

PN18

MS LUCKMAN: No, Commissioner, not at our end.

PN19

THE COMMISSIONER: Thank you. Then I propose to mark as exhibits in the proceeding each of the documents as they appear behind the tabs in the digital tribunal book. So, for example, the form F34 is exhibit 1.1, the applicant's submissions are exhibit 4, the respondent's submissions are exhibit 5. The statement of Kate Luckman is exhibit 5.1, so forth and so on.

PN20

All right. So if there's no requirement for the applicant witness to be cross-examined, that concludes the applicant's case in the matter. That brings us to the respondent's case. Ms Luckman, I'm going to administer the affirmation to you.

**<KATE LUCKMAN, AFFIRMED** [9.46 AM]

**EXAMINATION-IN-CHIEF BY THE COMMISSIONER** [9.46 AM]

PN21

THE COMMISSIONER: Yes. Can I ask you to turn to in the digital tribunal book, page 47?---Yes.

PN22

You'll see there a heading 'Recent Enterprise Agreement History'. Do you see that?---Yes.

PN23

Have you read that?---Yes, I can see that.

PN24

Yes. Can you just take a moment just to refresh your memory about what it says?---Yes. I've read through that Commissioner.

PN25

Yes. The tenor of the three paragraphs under 'Recent Enterprise Agreement History', is that the relationship between TasPorts pilots and TasPorts has been cooperative having regard to two matters in particular. Do you disagree with any of those propositions?---No, I don't disagree.

PN26

Thank you. Can I ask you to turn to the next page, page 48. There's a heading there, 'Attendance and Delegate Duties'. Can you refresh your memory about those three paragraphs?---Yes, Commissioner.

PN27

Do you dispute any of the content of those three paragraphs?---The content of the first paragraph and the second paragraph, I have no sort of evidence to the contrary, Commissioner. And the third paragraph as well, I have no evidence to the contrary in terms of what the pilots are required to do following the meeting.

PN28

You wouldn't have information about that anyway, necessarily?---No.

PN29

Yes?---I mean, feedback hasn't necessarily been provided to us in the form of sort of, you know, some written feedback on each of the different claim items.

PN30

Yes?---I will just say, sorry, in relation to the recent enterprise agreement history – sorry, I withdraw that.

\*\*\* KATE LUCKMAN

XN THE COMMISSIONER

PN31

No, that's all right. Then there is a heading, 'Claims and Responses' at the bottom of page 48 that goes over to 49. On my reading of those paragraphs, there's some consistency, isn't there, between your evidence and what is said there about the history of the negotiations to date?---Yes. I don't disagree on that, Commissioner. There is – we have had a number of meetings consistent with the outline of the applicant's submissions.

PN32

In your submissions you correctly drawn my attention, as does the applicant, to the fact that in deciding this matter there's a temporal – two distinct temporal considerations. The use of the words 'has been trying' requires satisfaction that the applicant has been trying to reach agreement prior to the time of the determination. And then the use of the words 'is genuinely trying,' requires satisfaction that at the time of determination the applicant is trying to reach agreement. Isn't the contention of Tasmanian Ports Corporation that – well would you accept that the Union has been trying? Would you accept that it has been trying to reach agreement?---Our position is that the evidence that we've tendered demonstrates an unwillingness to negotiate and reach an agreement. The - - -

PN33

Yes, but, sorry, I want to bring you directly to the test. There are two temporal considerations, that is has been trying and is genuinely trying. I read your submission – and correct me if I'm wrong. If I look at your evidence, it seems to me that you would have to concede that it has been trying but that it is not genuinely trying now because it hasn't moved since 25 September. Is that a correct summary of your position?---Yes, that would be – yes, that is correct.

PN34

Yes?---Yes, since - - -

PN35

But so I should focus on whether - - -?---So there has been - - -

PN36

I should focus on whether, as we sit here on 6 December, the union is genuinely trying to reach an agreement. Do you accept that?---Yes. Yes, Commissioner.

PN37

Thank you. I have no further questions. Mr Neiberding, I think you might. Sorry, Ms Luckman, I had one other question. A number of the complaints made by Tasmanian Ports Corporation tend to suggest that there is some criticism of the way that the union's bargaining, and a suggestion that it's not bargaining in good faith. Do you accept that?---No, Commissioner. We don't say that there's – there's no application or consideration at - - -

\*\*\* KATE LUCKMAN

XN THE COMMISSIONER

PN38

I understand there's no application. I understand there's no application made against the union that they are not bargaining in good faith. Do you accept that they're bargaining in good faith?---Yes, they're bargaining in good faith generally, but it's – that's not inconsistent with the proposal – our concern that they're not genuinely trying to reach an agreement. They're continuing to meet, they're continuing to discuss matters, but no amendment to their position – no movement on their position at all has occurred since 25 September.

PN39

But do you accept that if you – if Tasmanian Ports Corporation acceded to what is in the claim dated 25 September, you'd have a deal?---Yes. However, the claims in – that was outlined in the 25 September would – they're unable to be accepted from an economic standpoint as the claims were – yes, it's just not able to be accepted from a financial standpoint.

PN40

Yes, but doesn't that just mean that – well, doesn't that mean that the union would reach agreement with you right here, right now, if you agreed to the terms of the 25 September offer; isn't that correct? Putting aside that you say you can't agree, you understand, don't you, that if you did agree to the terms of 25 September 2023, you'd have a deal today, wouldn't you?---That is correct, however, we put the counter offer for them to consider and there has been no movement or no consideration of that offer and a response provided since that counter offer was presented.

PN41

So why did you just earlier tell me that you do accept they're bargaining in good faith, if that's your complaint?---The concern is that they're not genuinely trying to reach an agreement.

PN42

Thank you. I have no further questions. Mr Neiberding.

PN43

MR NEIBERDING: Thank you, Commissioner.

**CROSS-EXAMINATION BY MR NEIBERDING**

**[9.52 AM]**

PN44

MR NEIBERDING: Can you please state your name and position?---Kate Luckman, Human Resources Manager.

PN45

Thank you, and do you have a copy of your witness statement there?---Yes, I do.

PN46

Is it safe to say that you've been one of the leads on behalf of TasPorts for the pilot negotiations?---Yes, that is correct.

PN47

Can I take you to your statement of Kate Luckman dated 1 December. So in your statement, paragraph 5, you say that the applicant provided their initial log of claims. Is that correct?---Yes.

\*\*\* KATE LUCKMAN

XXN MR NEIBERDING

PN48

That's the AMOU TasPorts Pilot Log of Claims July 2023?---Yes.

PN49

Can we go to the AMOU TasPorts Log of Claims July 2023, page 40 of the bench book?---Sorry, is it page 51?

PN50

Sorry, my mistake. You're correct, page 51?---Yes.

PN51

Is this the document that was provided to TasPorts?---Yes.

PN52

I see there are 14 claims there by the AMOU; would you agree?---Yes.

PN53

Can I take you back to your witness statement, page 82 of the bench book, and take you to paragraph 7?---Yes.

PN54

You say in your witness statement that the applicant provided you with a settlement position on 25 September; is that correct?---Yes.

PN55

Can I take you to that document in the bench book, page 71?---Yes.

PN56

The settlement position in the document contained a number of TasPorts' claims or what are otherwise called TasPorts initiated claims; is that correct?---Yes.

PN57

If we go to bench book page 32, a without prejudice letter to the AMOU?---Yes.

PN58

Are either without prejudice (indistinct) because enterprise negotiations counter offer, and the remaining claims here, without prejudice AMOU settlement offer, are from the original AMOU TasPorts Log of Claims July 2023. Is that also correct?---Yes, that is correct.

PN59

Would you agree if we look at the claims that there has been a reduction in claims from the AMOU and an acceptance of TasPorts initial claims since the AMOU TasPorts Pilot Log of Claims July 2023 was tabled?---Well, there has been a reduction in some of the claims. I would say that the primary – the claims with the cost impact have not changed – sorry, the financial cost impact for TasPorts has not changed.

\*\*\* KATE LUCKMAN

XXN MR NEIBERDING

PN60

But you would agree that there was a reduction of AMOU initial claims from the AMOU TasPorts Pilot Log of Claims tabled 2023?---I would say that the health club membership of \$300 per annum, and claims such as the – reducing the income protection waiting period to 30 days from 90 days, those are two examples of claims that have been removed from the September 25 settlement offer. And the claim regarding payment – TasPorts' payment of private health insurance for the pilots.

PN61

Would you agree that there was an acceptance of some of the TasPorts-initiated claims which is – they're in the without prejudice AMOU settlement offer in the bottom page of 33 of the bench book, heading, 'TasPorts-initiated Claims'?---Yes. So four out of those five TasPorts-initiated claims – sorry, five out of the six TasPorts-initiated claims are largely administrative in nature, just tidying up the document. And the fifth one that does – is around the five days of training per annum, non-cumulative, while attending that training while on rostered days off. So that would be the main concession point.

PN62

Thank you. If I just turn now to motor vehicles, the motor vehicle forms part of the current TasPorts pilots' EA; is that correct?---Current EA, yes.

PN63

And the TasPorts motor vehicle policy also forms part of the current TasPorts pilot EA; is that also correct?---Yes. The current policy, yes.

PN64

Yes. So it just says, 'policy'?---Yes.

PN65

And the motor vehicle policy has been and/or is being reviewed again by the new CFO, if I take you to KL4, page 97 of the bench book?---Yes, they were – that is my understanding, however, the vehicle policies in organisations that I've worked for are notoriously difficult to finalise and implement. So there's no real known date for implementation of that policy at this stage.

PN66

But it is being reviewed; correct?---Yes, as I understand it.

PN67

TasPorts have recently done a costing of the motor vehicles, and the costings were done by the private company, Mercer; is that correct?---I don't know who conducted that analysis. I believe it was - - -

PN68

I can change the question. I'll change the question. TasPorts have recently done a costing of the motor vehicles, and the costings were done by a private company; is that correct?---I don't know if it was done by the private company. I – yes, I'm not – I have – no, I don't know. I think it was done internally but I'm not quite sure.

\*\*\* KATE LUCKMAN

XXN MR NEIBERDING

PN69

Done internally. So TasPorts have done a costing of the motor vehicles, then. So we can't say it's been done by a private company. We can't say who the private company was. We can – but there has been a costings done of the motor vehicles?---Yes.

PN70

TasPorts has not provided those costings to the AMOU pilot group; is that correct?---Yes, on the basis that the – it has been considered by TasPorts that \$25,000 at this stage – and subject to any counter proposals – is reasonable to run a vehicle and obtain a lease or a vehicle for – on an annual basis.

PN71

Yes, I'm not after the reasoning; I just need to know if TasPorts has provided or not provided the costings to the AMOU pilot group. Is that correct?---They haven't been provided at this – they haven't been provided because it's not relevant for the proposal that we've put on the table.

PN72

THE COMMISSIONER: So can you explain that to me? Do the costings – what do the costings go to?---The - - -

PN73

MR NEIBERDING: Your Honour, are you - - -

PN74

THE COMMISSIONER: No, no. I'm asking Ms Luckman?---Yes. As I understand it, TasPorts is interested in dispensing the – with the – as much –

TasPorts own motor vehicle fleet as possible. And so the costings are around the benefit for TasPorts if they don't have the liability of the fleet.

PN75

So it is relevant to what they're offering to the union; isn't it?---We say that the \$25,000 is a reasonable vehicle allowance.

PN76

Yes, but haven't you formed that view because of the costings that you've done?---I think that the costings show the – show cost impacts to TasPorts but the costings – sorry, the allowance that is being offered to the pilots is a reasonable allowance in the context of having or running a vehicle on an annual basis.

PN77

Well, how have you come to the view that \$25,000 is reasonable? What informed that concluded view on behalf of Tasmanian Ports Corporation?---We have looked at the – around the different ports and a – the – a lot of different ports have a \$25,000 vehicle allowance. And internally within TasPorts it – we, as I understand it, are moving to vehicle allowances of \$20,000 which is a movement from – up from – sorry, \$25,000 which is – in the past it's been around \$20,000.

\*\*\* KATE LUCKMAN

XXN MR NEIBERDING

PN78

So the costings that you've done have, in part, informed your assessment that the \$25,000 is reasonable?---I don't think I can say that that is the case, Commissioner. I think the costings are relevant for TasPorts to show that the – it isn't interested in continuing – is interested in dispensing with that liability of having the vehicles in its fleet or as many fleet vehicles as possible. And the allowance is a separate – has been considered separately to that and is considered reasonable on the basis that that is the allowance that the business is moving towards for all employees, and in the context of the national market and national position as well.

PN79

But is it currently the case that these employees have access to the fleet vehicles?---That is the case, yes.

PN80

And you want to move them off the fleet vehicles and give them an allowance in return; is that right?---That is correct.

PN81

Yes?---And the – it should be noted that super is paid on an allowance, so they'll be gaining some additional superannuation.

PN82

Well, that might well be interesting but that's not what I'm asking about. And so you've done an assessment, say, for example, the fleet vehicles cost you \$100,000 a year and you've got four of them. That means that it's costing you \$25,000 per vehicle; doesn't it?---Potentially, yes.

PN83

If you're then proposing an allowance of \$25,000 for four – say you've only got four workers, then you're no worse off; are you?---Yes.

PN84

But if you've got – if it's costing you \$100,000 and you've got three vehicles, then that's costing you \$33,000 per vehicle; isn't it?---Yes.

PN85

If you move to 25,000, you're going to be better off; aren't you?---Potentially, yes.

PN86

So there is a link between the costings that you've done and the assessment that you've made about the reasonableness of the 25,000; isn't there?---Potentially but my – I don't have instructions to provide the costings, and - - -

PN87

I'm not asking – we haven't got to that yet?---Yes.

\*\*\* KATE LUCKMAN

XXN MR NEIBERDING

PN88

I'm asking you, though, there is – it may not be the direct driver of the offer of 25,000 allowance, but there is a link between it because you don't want to be paying more money, do you?---I can appreciate that, yes.

PN89

So you'll accept that there is some link between the costings that you've done and the allowance that you've offered?---Yes.

PN90

You currently have refused to give those costings to the union; is that true?---I don't have instructions to provide the costings.

PN91

Has the union asked for those costings?---Yes.

PN92

Have you given them to them?---No.

PN93

You are currently refusing to give them to them; aren't you?---Yes.

PN94

Thank you. Mr Neiberding.

PN95

MR NEIBERDING: Thank you, Commissioner.

PN96

I'll just ask for the transcript, but you've already asked the question. TasPorts has not provided those costings to the pilot group; is that correct?---Yes.

PN97

But the AMOU has requested those costings and they've asked for them more than once; is that correct?---Yes.

PN98

Has the AMOU indicated that they would be willing to sign a confidentiality agreement or review the costings with irrelevant commercial in-confidence material removed or blanked out of the document; is that correct?---Yes.

PN99

They also put forward a suggest of time-stamping the EA with reference to the motor vehicle policy, in practice or at the time of the agreement; is that correct?---Yes. However, it is unclear on whether that was in relation to - with a vehicle allowance attached or retaining the current motor vehicle.

\*\*\* KATE LUCKMAN

XXN MR NEIBERDING

PN100

But if we just contain the question to the policy, not how it's distributed – not how the financial or the – is distributed, but the actual policy itself, the AMOU put forward a suggestion that it could be time-stamped within the EA. Is that correct?---Well, that would have to be if the pilots retained their vehicle, because there was discussion around the concept that if the enterprise agreement moved to an allowance of 25,000 or any other amount that is agreed, then the policy potentially would be irrelevant and not needed to be referenced.

PN101

Finally, my last question is, would it be a fair statement to say that given the amount of time and deliberation dedicated to the topic of motor vehicles, that the motor vehicles plays an important part of the TasPorts pilots' EA?---That would be correct.

PN102

And that having this particular issue possibly resolved would help move the negotiations forward; would that be a correct statement?---Yes, and I think that the pilots would have an appreciation of how much it would cost them to run a vehicle on an annual basis, and I would be very interested or TasPorts would be very interested in hearing what their position – what vehicle allowance would be something that would be acceptable to them, as an alternate to the \$25,000 petition that TasPorts has put.

PN103

But resolving the issue would move the negotiations forward?---I would hope so, yes.

PN104

Yes. Commissioner, I have no further questions.

**RE-EXAMINATION BY THE COMMISSIONER**

**[10.18 AM]**

PN105

THE COMMISSIONER: Yes. Ms Luckman, if you were represented now your counsel would have opportunity to re-examine you about matters which arose during cross-examination. But thinking about the questions that Mr Neiberding has asked you, is there anything further you'd like to tell me about those matters?---Only that the – we – TasPorts would be interested in hearing a counter position on the vehicle allowance, and - - -

PN106

When did you last ask for a counter position on the vehicle allowance?---I believe at every meeting since 21 November and 30 November, and possibly also 8 November.

PN107

Can you just go to KL4, which is page 97. Can you tell me what they are?---So if it is okay, Commissioner, KL4, I would like to amend to update the title of those – that document to 'Minutes of Pilot Enterprise Agreement Meeting 30 November 2023,' and the time is from 9 am until 11.30 pm. So they are the minutes of the most recent pilot enterprise agreement meeting on 30 November.

\*\*\* KATE LUCKMAN

RXN THE COMMISSIONER

PN108

They're referred to in paragraph 20 of your statement?---Yes.

PN109

So I know who Kate Luckman is; that's you. Who is Andrew Fletcher?---Andrew Fletcher is the manager of – the general manager of Marine, who is present here today.

PN110

I know who Mr Neiberding is. Who is Nick Haysome?---He is a pilot and was a participant in the negotiation.

PN111

Andrew Cambridge?---A pilot.

PN112

Matt Stephens?---A pilot.

PN113

Kendall Fullier?---Another pilot.

PN114

And Rodney Jones?---A pilot.

PN115

So can you take me to where you've asked for an alternative to the 25,000? Where you're saying that, KL-somewhere. So you say page 98 of the court book about halfway down, KL:

PN116

*TP position is that 25K is sufficient to pay for a vehicle and the running costs.*

PN117

Then one of the pilots, Rodney Jones, says:

PN118

*Based on calculations and 50 kms, it would work out to 11,000 in fuel, given the price of \$2.20.*

\*\*\* KATE LUCKMAN

RXN THE COMMISSIONER

PN119

But where are you asking for it and they're not giving it to you?---It doesn't seem to be reflected in the minutes. On page 97, though – just bear with me one moment, Commissioner. I note that we are continuing to wait for the AMOU to provide a response to TasPorts in the form of an updated position and make any movement on the initial settlement position to enable us to continue negotiations. And then that leads up to where we are today. We wanted to give you another opportunity to provide a counter response to our offer. We have provided calculations around novated lease arrangements. It is an estimate around – and there would be other factors which may impact the type of vehicle that you choose. I believe around this time I suggested that if there is a position – if they have a different cost that they think would be best – better for then, then they would have an – this – these negotiations or that settlement position adjustment would be the place to do that.

PN120

Where do I find that in the minutes?---That's not in the minutes, but it's – the – yes, the concept of any movement on the initial settlement position to enable us to continue negotiations, and we wanted to provide you another opportunity to provide a counter response to our offer.

PN121

But why isn't this a case of, you know, they've given an offer in September that they don't want to budget from. You've looked at it and for the reasons that you've got, you don't want to budge. It's just two parties not wanting to budge, isn't it?---Well, we would say that we put our counter position, that is the latest position that we've put, and we do want to continue movement. However, we – TasPorts would like to see some movement from the AMOU first, so that we aren't in a sense bargaining against ourselves.

PN122

Is there anything further that you wanted to say to me in a sense by way of re-examination?---At the bottom of page 98 as well, Andrew Fletcher notes we were – in a hypothetical question:

PN123

*If we were to agree to leaving the vehicles as-is, then what would the remainder of the package look like? Could you provide an offer reflecting this?*

PN124

Just in relation to the wages, am I right that – I'm looking at page 88 and then 89 of the digital tribunal book – is it that the union's at 10 per cent in the first year, and then three and three or CPI, whichever is the highest; is that right?---Yes.

PN125

You're at four, three and three; is that right?---That's right, yes.

PN126

So in a sense, I mean, years 2 and 3, if you took out the CPI aspect you'd be the same?---Yes, although they have whichever is higher. So in Adelaide in 2022 – in the first quarter of 2022 CPI was approximately nine per cent. So if we agreed to that, then it would be quite far apart, if that happened in Tasmania, for example.

PN127

Well, what has CPI been in Tassie?---I believe it is approximately four to five per cent, but I can confirm that.

PN128

So where do I find the original log of union? What page in the digital tribunal book is it? Can someone point me to that quickly?---Fifty-one, Commissioner.

\*\*\* KATE LUCKMAN

RXN THE COMMISSIONER

PN129

Thanks. So there it said on page 51:

PN130

*Wages competitive with pilot market.*

PN131

When did they change from that to 10, and then three and three or CPI?---On 25 September, Commissioner.

PN132

When they put the position they haven't moved from. I understand. Thank you. Is there anything further you want to say by way of re-examination?---No, thank you, Commissioner.

PN133

Then that closes the case on behalf of the Tasmanian Ports Corporation?---I did just want to make a couple of further notes.

PN134

No, hang on. Hang on?---I'm sorry.

PN135

In terms of your evidence, though – I'm not talking about a submission now. In terms of your evidence, that finishes your evidence?---That's correct, yes.

<THE WITNESS WITHDREW

[10.29 AM]

PN136

THE COMMISSIONER: So both cases have been heard. The evidence is in. What we would now do is move to closing submissions. Do you want a short break and come back and make oral closing submissions, or having regard to the evidence I can request the transcript and the parties can file written submissions. Why don't we take an adjournment for five minutes while you consider what you would prefer to do, and then we can come back. Thank you.

PN137

MS LUCKMAN: Thank you.

**SHORT ADJOURNMENT**

**[10.29 AM]**

**RESUMED**

**[10.40 AM]**

PN138

THE COMMISSIONER: Mr Neiberding, what's your view about how the matter should be resolved now?

PN139

MR NEIBERDING: Commissioner, I'm happy to give a verbal summation.

\*\*\* KATE LUCKMAN

RXN THE COMMISSIONER

PN140

THE COMMISSIONER: Yes. Ms Luckman.

PN141

MS LUCKMAN: Commissioner, if it is possible, TasPorts would prefer to review the transcript in the first instance, prior to providing closing submissions, just on the basis that I gave – I guess I gave evidence and then wasn't able to sort of re-examine myself as such, although I do note that you helpfully asked some questions. But having had time to review the transcript would allow me to properly consider how it (audio malfunction).

PN142

THE COMMISSIONER: Yes. Look, I think in fairness to you, in circumstances where you gave evidence, were cross-examined, you don't have an instructor, I think I should fairly provide you an opportunity to review the evidence and make any written submissions, in fairness to you.

PN143

So what I propose, we will request the transcript urgently, and then parties can file any further written submissions by 4 pm on Friday, 8 December.

PN144

MS LUCKMAN: Thank you, Commissioner.

PN145

THE COMMISSIONER: Then I will reserve my decision and hand down a written decision next week. We are adjourned.

PN146

MR NEIBERDING: Thank you, Commissioner.

PN147

MS LUCKMAN: Thank you, Commissioner.

**ADJOURNED INDEFINITELY**

**[10.42 AM]**

**LIST OF WITNESSES, EXHIBITS AND MFIs**

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