

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T. No. 4810 of 1994

**IN THE MATTER OF** an application  
by the Commissioner of Police to  
vary the Police Award

re shift work and public holiday  
provisions for superintendents,  
assistant commissioners and deputy  
commissioner

PRESIDENT

HOBART, 10 January 1994

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: Very good. Could we have appearances please?

**MR D. LE FEVRE:** DES LE FEVRE from the Police Association.

PRESIDENT: Thank you, Mr Le Fevre.

**MR F. OGLE:** MR FRANK OGLE, representing the Commissioner for Police.

PRESIDENT: Very good, Mr Ogle. Well it's actually your - your application is it not, Mr Ogle?

MR OGLE: Yes, it's the commissioner's application - yes.

PRESIDENT: Yes. Would you like to take me through the purpose?

MR OGLE: Thank you, Mr President. During recent hearings in relation to the police special case and structural efficiency case, the decision was made to increase salaries of the superintendents, assistant commissioners and deputy commissioners within the range of 12 to 14% phased in over 12 months from 20th September. This also saw the absorption of previous compensatory allowances which recognised out of hours work, overtime, availability, standby, disturbance of leisure and representation of the Commissioner of Police.

In effect these extra responsibilities or hours worked were incorporated into salary. If I just draw your - draw you to the reference of the draft award - it was 13 - it was 38.3.1.

It also relates to the present award where there is a compensatory allowance paid to assistant commissioners of police and superintendents, and that is clause 9.3.1. As far as the assistant commissioners are concerned it is in the range of - under that award, is described as (a) to (e), which is a dollar amount of \$235 to \$1172, and for the superintendents (b) to (j), which was \$468 to \$2336.00. As I've stated they were actually incorporated into the new award.

The purpose of this variation to the - to the award is to include a 7.5% of normal salary allowance in recognition of shift work and work on public holidays for senior managers within the police force - that is, the superintendents, assistant commissioner and deputy commissioner. This represents a new allowance and relates to changes in the work patterns that have arisen, that is, the conditions under which work is performed.

The requirement to work shift work and public holidays results from firstly the need to have senior managers in the department work at times when there is a majority of activity in the police force, that is, afternoon, night, weekends and

public holidays. And secondly, the recognition that senior managers in the department are required again to work on high volume times which are those that I mentioned previously. The third is the ever increasing requirement to take charge of major incidents whether they occur during normal hours or during what could be described as shift hours.

As far as this award variation is concerned, I've included it at 13 - 38.3.2 and describe it for superintendents, assistant commissioners and deputy commissioner may be required to work over an 8-week cycle, two weekend shifts or days - Saturdays or Sundays, 6 nights or afternoon shifts and in addition -

PRESIDENT: Six is it? There's five in your draft.

MR OGLE: Five - sorry.

PRESIDENT: Yes.

MR OGLE: Five nights or afternoon shifts and in addition public holidays. This significant change results from the public's perception to have senior officers present at both major incidents or day-to-day activities where they may start out as minor activities and then become major problems. When an event happens there's no-one - there's no way to describe whether it is actually minor at that time or major.

The second and equally important role is the educative and leadership role to be provided at the time it most needed - that is, during the high volume periods. And thirdly, there's a need to actively participate at all levels and at all times to ensure policy legislation reflects the real situation - and I'll come to that later on when actually describing the roles of these people in that process.

While superintendents, assistant commissioners and deputy commissioners have an administrative role and a management role normal to senior managers through public sector, and I - I presume private sector - they also have a high proportion of their job is related to the operational policing role they perform. In a command and control structure it is still necessary for persons at the senior management level to be actively involved in actual police operations.

There has been a significant increase in major incidents which could be described under three headings: long term, medium term and immediate incidents. There's been long term incidents which require rostering of senior managers to take charge and be actively involved in incidents over extended periods and examples of these that I put under this category would be ones we would describe as the Nancy Gruenwald incident and the APPM dispute, both which were long term in terms of rostering people and having all people, including

senior managers of the department, actively involved. There are medium term incidents that also require attendance by senior management over a period of time. There's not an actual rostering situation but a situation where their attendance is necessary.

To give you some examples of these, there would be the Pelverata incident, the - in the most recent case, the Lachlan incident. There've been exercise of - national exercise of SACPAV exercise and one other incident that extended over a medium period of time was the Conningham missing persons - or missing person incidence.

There are also a number of other events that I'd describe as immediate; to give you some indication - where senior managers have to be there and take an immediate role, whether that - this be to investigate, there's the requirement to make immediate reports no matter what the time or - of the day, both because of the command and control responsibilities, but also the increasing media, political and organisation reporting requirements and a couple of examples of this would be the incident commonly known as the Parker incident and a recent incident in Launceston where there was a shooting.

So the commissioner for these reasons has decided that there is a need for these senior managers to be actively involved in this type of activities. This extends beyond stand-by or availability and it requires the senior management's involvement either on a roster when there's a long term incident extending over a long period of time or whether they're oversighting operations for issues as they occur in the general policing operations.

The Commissioner of Police has required that senior managers work under these new conditions to meet the public requirements and to increase confidence to have people of senior ranks in charge of incidents and actually be the public face of sensitive incidents.

Secondly, to meet the leadership needs of members of the police force to improve morale by providing education, support and feedback during the peak periods.

The award variation affects eight superintendents, two assistant commissioners and one deputy commissioner. Just to give you an indication of the types of responsibility these persons have, we have four district superintendents - north, south, east and west - and they have as a major responsibility the concern of any incident and 24-hour policing responsibility for each of their districts. And this can involve, not just as I indicated before, the standy-by and availability but a judgment as to whether they be actively involved.

The superintendent operations support, has a responsibility for marine, criminal intelligence, communications technology and community policing involving Business Watch, Neighbourhood Watch, where there is again a need for involvement on the - on a 24-hour basis. While not all the operations are 24 hours, any of the events for which he or she has a responsibility can include major work loads in afternoons, weekends, public holidays.

PRESIDENT: What sort of activity would a superintendent be involved in, in this context, in relation to, say, Neighbourhood Watch?

MR OGLE: Well normally you would expect that the actual attendance at Neighbourhood Watch could be involved - have an involvement of the people at lower rank, but it really just depends on the issue of involved - if there's something sensitive comes up then there is often a call for people at senior ranks - it comes to this public perception, if you like -

PRESIDENT: That's fairly - that's fairly common though, isn't it and that's been the case for many years?

MR OGLE: Well Neighbourhood Watch is - really only had a revitalisation, if you like, and because of the revitalisation and the - now we've got about 100 Neighbourhood Watches and a considerable amount of policing resources goes into community policing, it uplifts the perception of the community and the needs of the community to have involvement, and when you give something sort of profile, if anything becomes sensitive then they want higher ranking people there and it can extend not just - Neighbourhood Watch is probably the bottom end of the scale, but then we have incidents like - you might remember the crime conference that was called by the Lord Mayor of Glenorchy - well in those sort of situation there's active involvement at the deputy commissioner level, not just in presentation of papers but negotiation and as you would appreciate many of these people are in business and there's a requirement to be involved -

PRESIDENT: Yes.

MR OGLE: - in it after hours, afternoons.

PRESIDENT: I've got to say - I have to say to you, I took those sorts of activities into consideration in the earlier case. I always had the view that the senior people in the force would be involved in that sort of work in any event as part of their - their current activities.

MR OGLE: Yes, I take what you say, Mr President. I was just outlining the duties of these, but - these different

superintendents and senior officers. That's one - one scale. If you talk about the superintendent operations support, for instance, he has a responsibility for marine. Again marine policing is becoming a fairly high profile activity and the commissioner has actually - and it's indicated later in my submission - he wants active involvement - it's not just necessary to sit back and be a manager because of the rock lobster industry for the moment we're going about replacing a vessel, we've hired the 'Delphinus' and we have both -

PRESIDENT: Yes, look, I understand all those initiatives are part and parcel with driving the force in - you know, into the twentieth century - nineteenth - no twentieth century - and I accept all that. I am really interested, though, in what it is that is new that is now to be required of these more senior ranks, and I think you were coming to that, and you were about to describe that to me.

MR OGLE: Yes. I just wanted to go - I just wanted to make a fourth submission interrelation so you could see that we're actually covering all superintendents. It just wasn't the ones in charge of districts and it was all the commissioners.

If I can continue just along that vein?

PRESIDENT: Yes, please.

MR OGLE: Superintendent (Management Support) has a wide-ranging responsibility for human resources, garage, occupational health and safety, rehabilitation, and this involvement is a 24-hour involvement. It is not just an administrative position.

There is a need to make contact with people on all sorts of days they work, whether that be weekends, and it is just not a matter of day responsibility.

The same goes for the Superintendent (Recruitment and Training). He has the responsibility for the Academy which has now become a business within itself. So there is the requirement to have exercises, outside bodies at the Academy on weekends after hours, and this is in addition to the normal exercise and recruit courses and examinations and assessments conducted after hours for police recruits and promotional courses.

The Superintendent (Internal Investigations) has to work as incidents occur, whether it is an example of the Launceston shooting incident or the Parker incident.

What happens is the superintendent needs to be involved; he needs to be involved the minute it happens. Many of these people are actually on night shift, afternoon shift, and it is

a matter of going to meet them rather than them coming to meet you on their hours off, to get immediate response.

I would also indicate that all the superintendents can be used for major investigations, national involvement, follow up to investigations, whether they be of assistance to the Superintendent (Internal Investigations).

They also have responsibilities such as bomb negotiators, SAC PAV.

As far as the two assistant commissioners have responsibility, they have responsibilities for logistics, crime operations. Their responsibilities include operational management for major incidents.

An example of this would be any special operation group activities that occur.

The deputy commissioner has overall responsibility for the force, including districts and internal investigations.

The command nature of the operations of the police force require direct involvement, and in this case all commissioners.

There is the additional responsibility to contact persons and access trends throughout the State.

This is not possible to be done just by daytime activity. It is essential that policy decisions, resources - sorry, policy decisions in relation to resources - legislative requirements and operational requirements are real, and the commissioner has actually indicated that the involvement of these senior managers on shift activities is necessary for them to get the real situation.

The commissioner is commissioned to ensuring all senior managers are actively involved in operational aspects of policing.

These changed patterns have the added bonus of providing all police as shift workers and are a measure to increase both efficiency and effectiveness during the 24-hour day.

The quantum of 7.5% -

PRESIDENT: Before you move on to that -

MR OGLE: Yes?

PRESIDENT: - and I may have missed it, and I apologise if I did, I must have been daydreaming - have you referred to the

involvement of the assistant commissioners and the deputy commissioner?

MR OGLE: I put them all under the heading of 'commissioner', Mr President.

PRESIDENT: You just - yes, I see.

MR OGLE: I indicated to the -

PRESIDENT: Yes, I recall that.

MR OGLE: That while an assistant commissioner might have responsibilities they basically have a policy responsibility. They also have divided into logistics and crime and operations.

And while the deputy commissioner has a command responsibility it is a matter of those three officers working as a team. They all can't be in one place at the one time, so it is a matter of spreading the workload as far as they are concerned, but it still operates in a command and control responsibility.

PRESIDENT: I follow.

MR OGLE: So it is not possible to say that this one actually does this and that's their total responsibility, it is more a team operation.

The quantum of the 7.5 is naturally based on the work that is expected to be performed, and that is that the 2 weekend shifts over an 8 week cycle, the 5 afternoons or nights over an 8-week cycle, and the public holidays.

We believe that the 7.5% maintains overall relativities and is consistent with the flat penalty approach and the amount of shift work and the type of work performed.

An indication of this is that if - or when, I should say - the senior managers are to work on public holidays that represents 11 days during a year, and if you did a calculation over a normal 260 day performance that could be equated in mathematical terms to about 5%.

PRESIDENT: Yes. They wouldn't work every public holiday though.

MR OGLE: No. There are some public holidays that are more important than others. For instance, we believe at the top of the scale you would indicate that the Easter break is important, particularly in the areas of traffic.

PRESIDENT: Yes.

MR OGLE: But you can never tell. One would have said that for senior managers that the Christmas break might be a period where they are not required, but a recent incident at Lachlan involved senior managers, and it was probably the clearest indication of the commissioner's commitment to make sure these senior managers are actually out there and actively involved in what I described previously as a medium term incident, but we had a superintendent out there actively involved and we actually had the deputy commissioner of police out there as part of the task force actively involved.

And this is really a requirement - and the extra responsibility being put on the police force both in terms of operational requirements but also public - a public face, if you like, reporting back to media.

And it is important, as I indicated before, in the eyes of the commissioner that these people are actively involved and being seen and being interviewed by the media so it is reported that way.

If I can describe a different situation, and really one of the issues that turned the commissioner this way.

If you remember the Conningham incident it was mainly an involvement of a sergeant at that particular incident.

Now, while all credit should go to that particular sergeant, and I don't mean in any way to demean his activity. I think they were first class.

But it is the perception of the community and what the community wants, and the feedback that the commissioner gets is that senior people involvement just gives that greater feeling of safety.

And it really came out of comparison with incidents in New South Wales - in the forest in New South Wales - where there was actual involvement of very senior managers actually participating in the operation at assistant commissioner level, superintendent level - or commander level. And that's what the commissioner of police requires.

PRESIDENT: Though they are rostered personnel, aren't they, apart from the assistant commissioner? I think superintendents in New South Wales are rostered.

MR OGLE: That's my understanding, yes, Mr President.

To give you an indication, and why I divided it up into categories, in the long term senior managers could be rostered in a major incident that extends over a quite considerable period of time in an actual roster situation as you change rosters to meet the requirements.

However, in a medium term it is not really a rostered situation, it is just expected - or will be expected - that those senior managers will be there.

Now, one could argue that that was taken into account, but this is a clear direction by the commissioner that he wants them involved.

It is not a matter of just being on stand-by and issuing commands or directions from headquarters or from their home, for instance, which I would normally describe as a stand-by, it is actual involvement in the operation.

PRESIDENT: Yes. You'll be explaining to me later, will you, just what the form of direction is from the commissioner to these ranks?

MR OGLE: Well the direction at the moment, Mr President, is an indication at discussions the commissioner has had at the corporate management group, and discussions with the senior managers themselves. There is no actual written direction at this time.

PRESIDENT: I see. Well, how do you - what's the relevance then of the discretionary power in the proposed 38.3.2 which says that these members 'may be required to work two weekend days, public holidays and five nights', or evenings during each cycle?

What's the purpose of the 'may' and what's the purpose of even putting a maximum amount of time in?

MR OGLE: Well, the problem we had in framing the award clause, Mr President, was that if you put 'shall' during an 8 week cycle there mightn't be a public holiday and there mightn't be actual involvement during that 8 week cycle but the next one it might actually double up, for instance.

PRESIDENT: Cover quite a number, yes.

MR OGLE: Yes. So I really didn't see the actual hours there as a maximum, if you like. It was very difficult to put 'shall'.

PRESIDENT: Well, yes, that's the way it reads. It could be implied that they can't work more than two weekend days or five nights. They can work all the public holidays in an 8 week cycle but they can't go over two weekend days or five nights.

MR OGLE: Yes, a difficulty in achieving the balance, as I indicated, if you put the word 'shall' in there then that indicates that if you don't work it you don't get the allowance during that 8 week cycle.

PRESIDENT: Well, perhaps you don't make any reference to weekend days, public holidays or nights or evenings. Just say they may be required to work.

You could just leave out the numbers - 'to work weekend, days, public holidays and nights or evenings during each cycle' to meet the requirements of the force.

That's effectively what you are saying, isn't it?

MR OGLE: Yes, Mr President. I suppose why we went for an actual indication was to indicate that the commissioner is absolutely determined that this will occur, and sometimes if you just put general statements in in the period of time they don't -

PRESIDENT: I agree, I agree.

MR OGLE: But I am quite happy to have those words substituted.

PRESIDENT: Well at the moment it limits it, doesn't it?

MR OGLE: Yes, I can see what -

PRESIDENT: I mean you could easily get -

MR OGLE: - you're getting at, Mr President.

PRESIDENT: - somebody saying, well I've done the two weekend days, I don't have to do any more.

MR OGLE: And it could well be the situation where an individual - we could take the APPM dispute for instance, if such an event occurred again, the superintendent can be involved for months.

PRESIDENT: Yes.

MR OGLE: And - and - and as -

PRESIDENT: Well it's not - not as though -

MR OGLE: Sorry.

PRESIDENT: Yes, go on.

MR OGLE: I was just going to say, as an - as an event extends and becomes more serious then the more senior people become involved.

PRESIDENT: Yes, it's not as though we're talking about a small amount of money here, we're talking about \$4,000.

MR OGLE: That's correct, yes, Mr President.

PRESIDENT: Which is a fair amount of overtime.

MR OGLE: Well they don't get overtime. Superintendents -

PRESIDENT: No, but effectively it's a fair amount of overtime or penalty - a fair amount of money which you could say is attributed to overtime or penalties.

MR OGLE: That's correct, yes.

PRESIDENT: And so you'd want to be certain as managers that - or the commission would want to be certain as a manager that he was getting value for money.

MR OGLE: Yes, I agree with what you're indicating, Mr President, and for that reason I'm prepared to change it to not limit it, because I'm sure the commissioner doesn't want to limit the actual clause. I think the purpose in wording it that way is to indicate that - and what we try to do with the whole award is to indicate what the real situation was. But I suppose with senior managers it's you don't have to be as explicit, if you like, regarding actual times, because they can be managed by - by the commissioner because they're directly or one step from a control situation.

PRESIDENT: Yes.

MR OGLE: So I'm quite happy to make that particular amendment.

PRESIDENT: Anyhow, we'll leave it - we'll leave it for the moment and you can tell me what you want to do when you get to the close.

MR OGLE: Just to indicate to you, Mr - Mr President, the calculations of these - this proposed variation, it is intended that this change from 23rd - 23rd March '94 to correspond with the flat penalty change and the amounts involved relate to \$4,341 for superintendents, \$4,923 for assistant commissioners and \$5,303 for the deputy commissioner - that amounts to a total of \$49,877, and if you extend that out to the September period, it actually amounts over a full year effect of \$52,272.

PRESIDENT: Mm.

MR OGLE: So as you indicate, it is quite a sizeable amount of money and in no way would I want to - or the commissioner would want to limit the amount that these people were actively involved at - at those periods.

We believe that this change is specific to the ranks of superintendent, assistant commissioner and deputy commissioner represents a fundamental change in the environment, that is, it is shift work albeit not to the same degree or on a 24-hour rotational basis like other areas of the force, has not been previously taken into account in that it relates to shift and penalty, weekend work and public holidays. It is actually occurring as at present and is occurring more and more as incidents occur and the most recent example, that is, the - what I've described as the Lachlan incident. It maintains relativity with the rest of the force and is consistent with the flat penalty approach and the commissioner believes it satisfies the wage fixing principles in relation to a new allowance.

I did debate in my own mind, Mr President, whether it was actually a new allowance or whether it was an existing allowance, but - and by existing I mean extending the previous compensatory allowance - but I believe it's a new allowance because it's actually a different set of working conditions and a different working environment, so from that point of view it changes the conditions of the working environment which I believe satisfies the wage fixing principles in relation to new allowances in that it has occurred or it is new - new work or condition which is on page 5, Principle No.2(b) relating to new allowances and the new wage fixing principles.

PRESIDENT: Yes, I agree with - I agree with you, Mr Ogle, I believe it is a new allowance.

MR OGLE: And in relation to this, we believe that the test is whether it actually satisfies new working conditions and we believe it does because it sets out the determination of the commissioner to actually have police involved. It also, we believe, increases the efficiency and effectiveness of the police force both in the eyes of the public, but in the eyes of the police officers concerned in a supervisory sense.

It is true to say that the commissioner is committed to increasing or making available senior managers in providing guidance, leadership and assistance to people actually on the ground.

So we believe in that way it increases both the effectiveness of the police force but it also increases the efficiency that there is another ten, albeit they are senior managers

available during shift hours where it is the peak workload periods.

We believe that, and we would submit that it has not been taken into account in previous decisions.

As I indicated, the conditions under the working proforma relates to the environment in which the work is done, and my submission is that of strictly interpreting environment to mean the conditions or the way the work is done, the particular hours is a change in the actual environment.

PRESIDENT: Yes, yes, that's acceptable.

MR OGLE: And even though it categories - well, it does categories or specifies a certain number of people.

We believe that a special allowance or an allowance of this nature is appropriate because it specifically relates to the people that I have indicated - the superintendents, the assistant commissioner and the deputy commissioner.

Now, not necessarily all the time, but over 8 week cycles, or whatever cycle, really, they are expected to work shift work to address the two issues I have indicated, and that was major incidents and, if I can just summarise them, major incidents, whether they be long term, medium or immediate, and general operational policing that occurs on a day-to-day activity.

So, from that point of view we believe that it actually satisfies the wage fixing principles, Mr President.

And that is my submission.

PRESIDENT: Yes. Thanks, Mr Ogle. Could you explain to me again how the commissioner is going to make it known to these higher ranked officers that -

MR OGLE: We expect the way -

PRESIDENT: This is the expectation? Will it be written into their job descriptions or contracts, or -

MR OGLE: At the moment it is part of the wage case. We are actually going through every position description in the force, and what we intend to do with every position description from the deputy commissioner down is actually indicate the working conditions under which they will be working.

Now that is a very long-term project - long-term, I mean over the next 3 months - because we've got thousands of them to get through.

But, like constables, we'll be indicating that they work in such an environment and they will get such and such allowances. That it will be shift work in general terms.

For the commissioners the position descriptions will actually indicate the requirement for shift work.

PRESIDENT: Will it be limited, though, to the three categories of events that you mentioned?

MR OGLE: No, Mr President. I have tried to indicate to you the three categories that at this point in time I can indicate where they will be actually involved, but the nature of policing and the police work indicated I can't forecast where other events might be required.

There might be national exercises. I could -

PRESIDENT: But it won't be on a routine basis there. Is that what you are saying? The shift work additional - or the shift work component - will be required to take effect on weekends, nights and on public holidays. It won't be routinely established, it will be only where there is a special event that requires their involvement?

MR OGLE: No. No, Mr President, I thought I had indicated that's one category, but the other category is the educative and leadership role that is required, and there is the necessity for these people to actually assess what's going on on the ground during what I describe as peak periods.

It doesn't mean a major incident, it means their involvement in - it can extend from visiting, visiting the Hobart Watch on a weekend, or it could extend right through to assessing particular people, how they work during peak periods and assessing their -

PRESIDENT: Well, how will the commissioner know that he is getting his value from those things?

MR OGLE: Well, the commissioner has actually set up in recent times what we call the corporate management group, whereby each of the superintendents reports on a cycle basis and they go through the corporate management group, and it is the intention that this is one of the issues which will be a standing agenda item to actually monitor the worthwhileness of such a change.

It also will be used to see what actual worth we get out of it - what trends, what information superintendents, for instance, or assistant commissioners have been able to obtain during such a course of action.

PRESIDENT: So what happens if after examination and report back it is determined that on a cost-benefit basis it just doesn't produce the results?

How do we get back to square one?

MR OGLE: Well I think the submission basically indicates, Mr President, that it is not a matter of a case of going backwards, it's a matter of assessing the situation that is occurring and is likely to occur, and having these people involved on shift work.

It's a decision that the Commissioner of Police takes to ensure that's the best working of his senior managers in the police force.

Now, in terms of cost benefit I have indicated to you some of the benefits that we believe will result from such activities. It's very difficult to say that -

PRESIDENT: I accept that, but then when you mentioned to me that the corporate management group will be reviewing the efficacy, I suppose, of the system, my mind then automatically took the line, well, what if it isn't working, where do we go.

Are we saying we are paying between \$4,000 and \$5,000 to each of these people for nothing?

MR OGLE: Well I think it is a matter of case, if there is any assessment during that process that if those duties aren't being performed or it is not working, it is a matter of indicating that to individual superintendents and assistant commissioners that they don't believe there is money - the money benefits are there - and they need to increase their activity in this particular area.

I could always indicate to you, Mr President, that there is a review - yes, it is continually under review - and I'm sure that if it is not working then the commissioner needs to address how he will take a backward step.

But I think what I am indicating to you is there the determination to make sure that it does work.

It's the nature of policing, if you like, in today's day and age that the commissioner has made a decision that he wants his people out there.

And even if there weren't major incidents, if we didn't for the next 12 months have any major incidents, which is as the way things are going highly unlikely, that he wants his senior managers actually assessing what is going on during the peak periods.

We, like most organisations have limited resources and it is a matter of making those resources work in the best way possible.

And, as I indicated to you, policy decisions - what the commissioner doesn't want is policy and resource decisions made in isolation. He wants those people making those decisions actually out there, and it has the benefit of seeing for yourself and making those judgments.

But I am also indicating two other things, that the public see the face of policing out there at very senior ranks and, just as importantly, people on the ground - that is the members on the ground - see their senior managers actively involved. And I don't think you can actually measure the benefit of that.

PRESIDENT: Yes. The reason I ask all of these questions and I am so concerned about it is, that in respect of all ranks up to and including inspector there is an award requirement for this work to be performed, and it is rostered work, and the members get paid accordingly because they all do their share.

In terms of the commissioners and the superintendents, if they are to get a similar loading, then it would have been, in my view, much more simple to accept if there was a standard set in the award as to what they are required to do in terms of the quantum.

Now you are telling me that they will perform quite an amount of - I use the word routine to cover that general activity - and there will be the special requirements when there are significant events.

But that's fairly nebulous in terms of award prescription, and I just want to make it clear and I hope that you will be able to make it clear, and that the officers will understand that the allowance is there for the performance of quite an amount of time outside normal time.

MR OGLE: Yes, Mr President, and that's why we are in the dilemma in 38.3.2 of actually saying 'X' hours. That's why we had the debate -

PRESIDENT: Yes, I understand that, and I just want to get it across and hope all the parties understand, and particularly the individual officers understand that that's what's required.

MR OGLE: There will be no doubt if this particular clause is agreed, Mr President. The commissioner will be actually writing to each of those people involved indicating what he expects.

And, as I indicated before, it will actually be included on the position description for those positions.

So it is not a matter of let's take the 7.5% and run. It will be continually reviewed at corporate management group, it will be on their position descriptions, and no doubt the commissioner will be communicating with each of the superintendents outlining what he expects for their particular jurisdiction, if you like, which is an add on, if you like, to the position descriptions.

PRESIDENT: Yes.

MR OGLE: It gets more down to detail than I can actually include in an award matter. I would then need to go to each superintendents and commissioner outlining exactly what they have to do -

PRESIDENT: I understand the dilemma.

MR OGLE: - which it is easier to do in a letter to each of those persons and say, you have got this provision, this is what I expect, and outline in broad terms in one category but also in specific terms what he requires.

For instance, you could take somebody like the deputy commissioner and it would include things like station visits not just during the ordinary hours but station visits right around the State to get to the night shift, to get to the communications areas when they are actually under stress.

An example of that is a critical area for policing in communications where there's increasing resource problems, there's becoming stress-related matters.

Now one might indicate that's a matter for the inspector there or that's a matter for the superintendent, but when things become critical it is a matter that the commissioner says, 'I want the commander of the force to go and rectify that situation', and sometimes it can be just a visit.

It can be at that level, and that in itself, as I indicated, is a morale lifter for the troops.

PRESIDENT: I understand that.

Alright, thanks. That concludes your submission?

MR OGLE: Yes. Thank you, Mr President.

PRESIDENT: Thanks, Mr Ogle. Mr Le Fevre?

MR LE FEVRE: Mr President, I'd just like to indicate that the Police Association raises no objection to the inclusion of the

provision, and just in listening to Mr Ogle I thought you might take some further comfort from the fact that the superintendents around the State are now required to manage their subsumed budget.

So in the areas of work that we want to require of the superintendents they face the situation that if they don't get out and manage and accept accountability for their areas they could find themselves on Friday night in a comfortable situation and bankrupt on Monday.

So in their own interest and in the interest of their financial management there should be a requirement for them to be there and to manage that area of their responsibilities.

I just thought I would add that one little item and repeat our indication that we don't raise any objection to the provisions sought.

PRESIDENT: Yes. Alright. Thanks, Mr Le Fevre.

You've got nothing further to add?

MR OGLE: No, thank you, Mr President.

PRESIDENT: No. Alright, thank you, gentlemen, thank you very much. We'll conclude the matter and I will issue a decision in due course.

HEARING CONCLUDED