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## TRANSCRIPT OF PROCEEDINGS

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O/N 68847

### TASMANIAN INDUSTRIAL COMMISSION

### COMMISSIONER T.J. ABEY

**T No 13022 of 2007**

### TASMANIAN FIRE FIGHTING INDUSTRY EMPLOYEES AWARD

**Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the United Firefighters Union of Tasmania to vary the above award re work value review in accordance with Principle 9 of the Wage Fixing Principles**

### HOBART

**9.37 AM, WEDNESDAY, 22 NOVEMBER 2007**

**Continued from 21.11.07**

### DAY SEVEN

**MR R. WARWICK appears for the United Firefighters Union of Tasmania and the United Firefighters Union of Australia (Tasmanian Branch)**

**MR P. BAKER appears with MS J. FITTON and MR D. KILLALEA for the Minister administering the State Service Act**

**MS R. PEARCE appears for the Tasmania Fire Service**

THE COMMISSIONER: Now that I have my associate back I'm reminded that I made an error yesterday. A38, which was an exhibit tabled late in the day should, in fact, be A41. I was just testing you. Mr Warwick? Mr Baker?

5 MR BAKER: Just before Mr Warwick commences, Commissioner, I wonder if I just might, very briefly, respond to A41 and just ask Mr Warwick a question in relation to it?

THE COMMISSIONER: Yes.

10

MR BAKER: This is the third amended claim document we have had during the seven days of formal hearing. Am I to assume from the UFU that this is the final - the final amended claim? Since we're - we are nearing the end of our submissions I would like to be reassured that this is the document upon which we need to base our final

15

And, secondly, in doing that should this claim, as it is before the commission, proceed in the manner that is outlined there and if the commission was so disposed as to agree with the claim we would seek from the commission that the application, or an application be made under section 23 of the Act, as it is literally, well, it's not literally, it is an application to amend an award and a direction should be given to the applicant to file an application pursuant to section 23 of the Act.

20

And my reference for that is the Supreme Court in Farrell, which confirmed an observation of the Full Bench of this commission in respect of an appropriateness of applications being made in accordance with relevant sections of the Act. And the other things which I should add, if I haven't, and that is that we oppose the claim in its entirety as outlined in exhibit A41. Thank you, Commissioner.

25

30 THE COMMISSIONER: I do have an application before me dated 24 September 2008, which is on form 1, Application for Award, or Variation of an Award, section 23(1), so there is an application before the commission. This is an amendment to that.

MR BAKER: Well, then I - - -

35

THE COMMISSIONER: The original dispute was a section 29.

MR BAKER: Yes.

40 THE COMMISSIONER: And then - - -

MR BAKER: Then I stand corrected, Commissioner.

45 THE COMMISSIONER: But it certainly was a valid point that we do have to have a section 23 application.

MR BAKER: Yes.

THE COMMISSIONER: And, in fact, we do. Mr Warwick, do you wish to respond to the first point?

5 MR WARWICK: Well, I think try to characterise what's happened in these proceedings along the lines that Mr Baker has erred, I think this is the third amendment to the application. And there's the original application and I indicated some time ago that we would be changing the thrust of what we were seeking. It wasn't you, yourself, raised doubt as to whether it was actually an amendment to the application on that occasion. And on this occasion I was simply responding to a request from Mr Baker to  
10 identify certain rates that we might be looking for.

THE COMMISSIONER: Yes.

15 MR WARWICK: I haven't sought to amend the application at all.

THE COMMISSIONER: Yes, it's - that's fair point but I think the real question is, Mr Baker is saying, "Is this the final position?" He's entitled to know with precision what they need to respond to.

20 MR WARWICK: Yes. Well, certainly - - -

THE COMMISSIONER: You have already foreshadowed that there's something more to come in relation to level 1, I believe?

25 MR WARWICK: Yes. Well, with the exception of level 1, exhibit A41 is what we're seeking, what we'll continue to seek.

30 THE COMMISSIONER: Right, and you will put in writing some time next week, the position in relation to level 1; is that right?

MR WARWICK: Yes, sir.

THE COMMISSIONER: Mr Baker?

35 MR BAKER: Yes, thank you, sir, that's clear.

THE COMMISSIONER: Thank you. Mr Warwick?

40 <TONY DAVIDSON, ON FORMER OATH [9.39 am]

<CROSS-EXAMINATION BY MR WARWICK

45 MR WARWICK: Thanks for your indulgence there, Mr Davidson. In respect to people transferring from rostered shift-work to non-rostered shift-work and back again, can I make an observation about how that's generally done and can you tell me whether

it's, in your view, right or wrong? So the observation would be largely speaking, the management of the Fire Service tries to encourage people to move into areas such as building safety, TasFire Training, field work, so on and so forth. You put out expressions of interest, hopefully, people are interested and the arrangements to move  
5 back and forth are usually by agreement; would that be true?---That's normally the case, yes.

Is it also not the case, however, that there are some hard and fast rules about all of this contained in the award and the agreement?---Yes, there are some.

10 Can I take you through them: how long can the management of the Fire Service require an officer, that is a station officer, a senior station officer, to work non-rostered shift-work?---A period of two years.

15 And how long can the management of the Fire Service require a firefighter to work a period of non-rostered shift-work?---Six months.

And in both cases, when doing so, and if the Fire Service were to direct either of those groups of people to work in that fashion, how much notice would they have to be  
20 given?---21 days.

And in respect to a direction to return from non-rostered shift-work to rostered shift-work how much notice would have to be given?---One day.

25 Thank you. You said yesterday, Mr Davidson, that in respect to the Myer fire that there were certain people you required, firefighters I think you meant? I got the impression you were saying that there was something in the CFE of officers?---I said firefighters, and - - -

30 But there were - you had plenty of officers?---Yes, at that point.

And you also said, did you not, that it's not rank that determines who's used and in what role at an incident, it's competence?---Well, yes, that - once an incident escalates to a certain size the standard call-in response is determined on the competency of people to  
35 do the job.

Not their rank?---Not their rank.

40 So you are familiar with Mr Rod Vallance?---Yes.

To Nigel Reardon?---Yes.

To Eric Braithwaite?---Yes.

45 Mr Chris Brown?---Yes.

They all work in TasFire Training, do they not, in the south?---Yes, they do.

So would you say then, in respect to the Myer fire, or would you disagree that, in fact, their rank acted against them in them being called to that fire?---I don't - there was no direction towards them at all.

5 Well, I received an email from their representative a few days after the fire,  
complaining bitterly that they weren't called. So do you have a reason why that might  
not have happened?---The only, as I said yesterday, the only reason that we would  
require them, or the reason - or the reason we would require them is for a role for which  
they were currently competent to do, if we required that role to be filled. At that  
10 particular incidence, as far as I'm aware, we had sufficient people already available to  
perform those roles.

Which roles, Mr Davidson?---Roles that - roles that they previously had undertaken in  
incident management such as logistic roles, resource unit, and those sorts of roles.

15 So would it be true to say that at the Myer fire you needed firefighters?---We certainly  
needed firefighters at that point.

That was no doubt why the volunteers were called in?---Well, at a certain point in that  
20 fire, yes.

So if those four persons that I've just mentioned weren't officers they probably would  
have been called if they were working as, say, senior firefighters that was their need,  
they probably would have been called?---If they had the currency of competence.

25 What if they were volunteers?---If they were volunteers and were on their days off they  
would have been called as part of their normal brigade response arrangements. This fire  
occurred on Saturday, went through Saturday night, Sunday and if they were, and I  
know that Nigel Reid's a member of the Midway Point Brigade and he responded - and  
30 he was paged and responded in a normal way as a volunteer firefighter. That would  
have been the case. He wasn't at work.

So - - -?---He wasn't at work on the Saturday, Saturday night, Sunday, or the Sunday  
evening.

35 So to your knowledge, Mr Davidson, when did Rod Vallance last work shift-  
work?---Look, I can't answer that truthfully. I don't know the date that he transferred to  
TasFire Training.

40 Would it be months?---No, several years ago, many years ago.

Many years ago; possibly a decade?---Possibly.

45 Mr Reid, same question?---Mr Reid, many years hasn't worked shift-work.

Mr Braithwaite?---Likewise, and had a break in service.

Mr Chris Brown?---Many years.

Mr Geoff Knight in building safety?---I can't recall Geoff Knight working for the - certainly out of the career brigade, but he certainly has been involved in incident management in recent times, as recently as this year.

5 Actually, I don't think a great deal swings on it, but he may never have worked shift-work?---No, he may not, and I can't accurately recall - I don't recall him working shift-work.

Leon Carr, in building safety?---Many years has worked on shift.

10

So in respect of those, any of those people, could you send them back to shift-work on a day's notice?---Well, we could send them back to shift-work on a day's notice but they wouldn't be - necessarily be operational straight away and it would depend on what role they were going to fulfil. They would have a return to work program which could be  
15 done either on day work, or on shift, depending on the nature of the return to work. They may return if was determined appropriate, as a supernumerary until such times as they had regained the competencies they needed to fulfil the role that they were going to undertake.

20 This question of - I prefer to not call it a "return to work program" because that has a connotation with respect to workers' compensation, but the question of people going from non-rostered shift-work to rostered shift-work has a long history of debate and differences of opinion between various people in the Fire Service; is that true?---That's - that's correct.

25

Indeed, there's been a great - over the years there's been a great deal of documentation about it as well?---True.

30 Tell me if you agree with this principle, or you disagree: the longer a person's been away from rostered shift-work the greater is the requirement to assess their current competence and fill gaps, should that be required?---I can answer it if I can qualify it. My qualification is, if they haven't undertaken any ongoing skills maintenance the answer is, the longer they're away the longer it is likely that they will require to - the time, the longer the time to regain their operational context. And the reason I qualify it  
35 is because some people choose, currently choose to maintain their skills by doing refresher training and returning to shift for short periods of time.

Any of those gentlemen I mentioned earlier, Mr Vallance, Mr Reid, Mr Braithwaite, Mr Brown?---Not - not to my knowledge. Mr Reid may have done some but the others I'm  
40 not aware of. And I'm not sure that Mr Reid went back to shift. I just - I know that he did gain some outstanding units of competence but I'm not sure whether he went back on shift.

45 It would be a significant undertaking though, wouldn't it in each of those cases?---Yes. It would be for some of - for some of them, it would be a significant undertaking but not - just in becoming familiar with the current practices, their basic understanding, or their knowledge on most of what they're required to do they would retain, but obviously familiarity with equipment that may have changed and certainly the operational

procedures and changes to fire protection systems and the like that they would be unfamiliar with, would take a bit of time. And it depends on the individual.

5 But you would agree, would you, or would you disagree that you have a duty of care both to, well, to the organisation, to the individual and to the public to ensure that they are currently competent before they take full operational duties?---Yes, certainly, to have the basic competencies to do the job that we require them to undertake. I mean, obviously, the list of competencies between say, a base station officer, or leading firefighter through to the senior station officer there's a whole raft of competencies but  
10 with that come a raft of responsibilities and functions that they perform. Not all station officers carry out all those functions they're required to.

15 There has been a new training system introduced, has there not, over recent years called the public safety training package?---Yes.

And in translation to that system there has been a process of identifying gaps between the old system and the new as they apply to people of different ranks?---Yes, that's correct.

20 And, indeed, there have been some gaps that officers have had to pick up?---Yes, that's correct.

25 So if Mr Vallance, Mr Reid and Mr Braithwaite, Mr Brown, Mr Carr and so on were to return to shift they would have to pick up those gaps as well?---Over a period of time, yes.

Over a period of time?---Particularly, yes, well, particularly if they wanted to be promoted to another level.

30 Do you think they could operational without attaining those depths?---That would be on an individual case. I can't honestly say whether they would, or wouldn't. I would be surprised if there were too many gaps for them to become an operational - - -

35 Can I just disagree with you, Mr Davidson, that they would only have to do them, these gaps, if they wanted to seek promotion. I mean, all the officers in the system have to do them regardless of whether they're seeking promotion, or not?---Yes, that's correct, but I took the question that, to be operational takes to get back to work.

40 So the process would be, or it wouldn't be the Fire Service saying, "Well, here's one day's notice and you're back on the trucks", okay, it would be a different process to that, wouldn't it?---Well, yes. Well, it would be except - with the exception that I've said. As I indicated earlier, there may be some people, and there are people who have maintained them and - those competencies and if they are in those positions for less than 12 months, or 12 months or less, there is no requirement.

45 Yes?---And, in fact, people who go out into the field positions would probably go straight back on to shift for periods of two years, or so.

Yes, I agree. But there are a number of people who, a significant number of people to whom that doesn't apply?---I think it is.

5 So the process would be there would have to be an assessment of what they are currently competent in, these gentlemen that have been away for some considerable time?---Yes.

10 And if that list was found to be, as I rather suspect, a long one, there would have to be a process put in place to ensure that they became currently competent?---That's right. That's correct.

That's correct?---Yes.

15 And that would include refreshers, picking up units of competence that they may need if they do need them?---Yes, that's right. Yes, that's correct.

20 And in some cases that could take months?---I would very much doubt that. I would very much doubt that. For those people who have - the people who were competent, deemed to be competent at - and been assessed as being competent at some period in the past, don't lose that competence. It's just the currency of competence that they - and where they're at with that. So, in other words, they may just have to do a refresher; they may just have to demonstrate that they can be familiar with that. I think months is - would be the extreme and I would very much doubt that any of those people would require much.

25 Well, what would be your estimation of the time-frame?---Well, I think that, you know, that in - if the people were doing it, if they went back and did it on shift it would probably take a couple of weeks. It's probably, if they were on day work, straight day work and say they were on five days in a row and just doing those competencies, or 30 those refreshers, they should be able to get there, in most of those cases, within a week.

35 So they would be able to do refreshers in relation to all of the rescues?---Certainly - certainly not road accident rescue but that process we're going through now of picking up all of our people to make sure they have those skills, we currently haven't done all of our people, we're in the process of doing it and they would pick that up on shift as they go along. So that rescue competency that they wouldn't - - -

40 Road accident rescue are you talking about?---Yes, road accident rescue. That would be one that would be done separately.

45 Can I just raise one point with you that the commission may be interested in? Let's talk about urban search and rescue, high angle rescue, trench rescue, confined space rescue, so on and so forth, the specialist rescue disciplines. A range of specific information about those disciplines, notwithstanding the fact that they're not the ones who are going to be doing the rescue, if you like. The officers who are going to be in charge of the operation?---With those particular incidents, as the responding officer, if they weren't the ones that had the expertise they wouldn't be the officer in charge of the incident.

So they would have to have expertise?---We would bring - we would bring somebody in who has that expertise to do that job.

5 So if they wanted to become competent in respect to who's in control of any of those sorts of operations they would have to demonstrate current competence?---We don't require all our officers to be currently competent to supervise those types of incidents - all our officers to do that. But we have people who have the specialist skills who come in and supervise those particular incidents. If we have a vertical rescue incident we will bring somebody in who's got the skills to supervise that. The officers, like firefighters, 10 would have a basic knowledge of rescue which is the breaking skills, that sort of thing. So they understand the principles but they wouldn't be required to supervise it.

That can't be true of road accident rescue, can it?---Road accident rescue, the same can be said for road accident rescue.

15 Surely every officer has to be in a position to be able to respond to a road accident rescue and so on, in the current environment?---We will require all our officers to do that over a period of time and we had set targets for 1 December last year to train up our people and we're continuing to achieve our policy of having everybody competent at 20 road accident rescue. For a variety of reasons we haven't been able to achieve that, but in time we will.

So the question was, everyone who is on shift, who's an officer on shift has got to have the specific skills associated with road accident rescue because they might be the officer 25 at the job?---No, I don't agree with that. That's not the case, because they can call another officer, and another officer who has those skills can come on to the incident and take charge of it.

Mr Davidson, you said that yesterday, and I must say I was somewhat troubled by it. 30 Are you saying that if a crew responds to a road accident rescue job at some distance from other resources, and they find that there's an entrapped person but the officer is not currently competent to manage that incident, they would have to send for another person, another crew?---The issue is that I, pardon me, I'll clarify that situation. Not all stations have road accident rescue equipment anyway and it's - we respond to resources, 35 the appropriate resources for the incident that we actually have. And if we received a call to a road accident, incident, so, a road accident rescue like a motor vehicle accident, we would dispatch an appropriately qualified officer to supervise that incident. Now, that may not be the officer who's currently stationed at the closest station to the incident. It's about managing the resources to appropriately respond.

40 Well, I would have to say I wouldn't be happy if I was trapped in a car and a fire crew turned up and it turned out that they couldn't do anything about it; how would you - how would you respond to that?---Well, pardon me, when the crew - if a crew got there before the specialist road accident rescue officer who was in charge, there are certain 45 procedures that we undertake to stabilise the vehicle and all firefighters are aware of that and the actual preservation of life procedures and that's how we would respond. But, yes, that's - currently, that's the way we operate and I might add that here in the south of the state we have doubled the resources that previously existed with Tas

Ambulance and so our chances of getting people there are much greater than previously existed.

5 Mr Davidson, you said yesterday that quite a few people from building safety went to the Myer fire?---Yes.

10 Could you tell the Commission who they were and what they did?---I can't tell you the names of everybody that went there but I certainly know people like Geoff Knight, Phil Oakley, Leon Carr, I believe Steve Davidson was there. I'm not sure, I - - -

My understanding is that Mr Leon Carr didn't go?---Well, he may not have done, so I - I mean, I was of the opinion that he - of the thought that he did. I, as I said, I'm not absolutely certain of the total number of people.

15 Mr - I can't think of his name, Mr Oakley, isn't an employee under this award, is he?---He's not?

20 No. So Mr Knight is but he's never worked shift-work; is that correct?---As far as I'm aware, no.

And I heard that Mr Davidson, is he, Steve Davidson, is he an officer?---He was promoted to the position of station officer with building safety.

25 Some time ago?---Yes.

I heard that he was on a branch at Myer?---Well, that may well be so. Steve Davidson has maintained - well, if he went on a branch I don't - as a station officer I'm not sure why it was, but he could be operational because he's maintained his competencies to return to duty and, in fact, was very much involved in road rescue.

30 Mr Davidson, you have been involved in EBA negotiations over the years one way or another?---Yes.

35 Can I put a proposition to you and you can tell the commission whether I'm right, or wrong? In every claim we have lodged in the last decade, the union that is, we have asked for - that is operational skills maintenance for non-rostered shift-workers?---Yes.

It's been a constant claim of the union; is that correct?---Yes.

40 And what would you say if I said that the union continues to be unsatisfied with the way in which - - -

MR BAKER: Objection, Commissioner; relevance?

45 THE COMMISSIONER: I didn't really understand it so I'll allow the question; it may have some relevance.

MR WARWICK: It's entirely relevant, sir. The relevance is about the hypocrisy of the employer's position. They say they want to maintain a set of relativities on the basis of what people can do and can't do, yet at the same time they have continually prohibited a group of people from being able to become currently competent and do what it is that they maintain is the basis of the wages disparity.

THE COMMISSIONER: Well, I'll allow the question.

MR WARWICK: Mr Davidson, I put it to you that there are a considerable number of non-rostered shift-workers in the system who are not happy about the opportunities they are presented with to maintain skills maintenance and currency of their competence; would you care to - could you respond to that?--Okay. That - there may be a number of people who have expressed that view, there - but on the other hand there have been opportunities given to many, if not most of those people, to participate in refreshers and other courses and have chosen for various reasons not to, and whilst it's - it would be desirable across the organisation to have people current - maintain their currency of competence, for a variety of reasons and many of them are of those people's own choosing, they have decided not to take up those opportunities to maintain those competence - competencies, sorry.

What sort of opportunities? Could you outline those opportunities?--Where there are offers made by the various shift managers for people to participate in various refresher training and courses that are being held. And for lifestyle reasons people, some of those people who are on non-rostered shift-work choose to on there and they don't want to be - don't want to return to operations and have indicated that to us. So I'm not aware of the people who have missed out on the opportunities. I have heard it said and I know that from time to time there have been difficulties in releasing some of our people to attend some of these refresher courses due to the nature of the work and where the opportunities lie. But, as I said, in a classic example, for example, would be Mark Klop and Steve Davidson who have been able to manage that and get back to operational duties on a - within that, you know, within the times that they wanted to.

But they have been away from shift-work for relatively short periods of time in this current section?--Well, I mean, we're talking numbers of - numbers of years and in Mark Klop's case, you know, probably four years, so Steve Davidson would be getting around to that now.

But not a decade or so?--No. No, but having said that, I don't know the names of the people that you're talking about so I can't answer the specific cases but, I mean, if there are - I mean, if there is somebody - if it came to our attention, my attention, if there was somebody out there who really did I would be negotiating with the Director of Community Fire Safety for that person if it was one of them to get back there. It can happen. It's - it is a two-way, very much a two-way street and I - one of the issues that we have constantly had is - is trying to match what our people would like to do as to what we require them to do and I'm talking about family friendly initiatives for people as they get older they make those decisions not to do shift-work, generally speaking and, hence, you know, it's almost like a choice that they make without us directing them.

And you would agree then that when they make that - if they make that choice the longer they're away the more onerous becomes the task of them returning to shift-work?---Oh, as I said previously, it depends on the individual.

5 Can I put it to you, Mr Davidson, that it's not personal choice that prevents people from participating in refreshers and skills maintenance programs it's, in fact, the demands of the community fire safety division and - in its reluctance to let people go to do that work. That's the real reason?---I can't answer that question, I'm not - sorry, I'm not  
10 aware that's the case, I mean, I'm not privy to that information. I've never had anybody come to me and say that "I can't get away from - - -"

Can I put it to you this way, Mr Davidson: if all of these people who have been in the community fire safety on non-rostered shift-work for a longer period of time were  
15 happy, then surely the union would stop putting this issue in the claim every time they lodge a claim? If they're not a happy - you know, they would say "No, don't worry about it." We put it in every time. Surely, that's the case?---That could be an opinion.

Thank you, Mr Davidson. No further questions, sir.

20 THE COMMISSIONER: Mr Baker? Sorry, yes, Ms Pearce?

MS PEARCE: Thank you, Commissioner.

25 <RE-EXAMINATION BY MS PEARCE [10.16 am]

MS PEARCE: Thank you, Mr Davidson. Just a few questions to follow up. Does the Tasmania Fire Service have a policy of needing to exhaust of our career firefighting  
30 resources before we would call on volunteers?---The position is that we can't - we can't possibly. We would be - if we exhausted all our firefighters and returned everybody to duty for the one incidence we would then be putting ourselves in a position where we would have no resources for the oncoming shift. We have to manage the return of  
35 people, bearing in mind the next period of work and when we have the incidence, the large incidence where we're recalling personnel that is normally for arduous work, so situations are, and often occur - do occur on a fair - over a period of time, where the option of returning people to work on overtime versus calling on volunteers in - we call  
40 volunteers in because it's the most efficient and the most appropriate way to manage our resources.

But is it also true that there were firefighters from Launceston Fire Brigade who were disappointed and concerned that they were not call to respond to the Myer fire?---Yes, as I understand it, yes, that comment was made.

45 Okay. So the fact that we might have some crew employees in another division who expressed concern about not being called, does not isolate them and mean that we're not calling them for specific reasons to do with their competence, or to do with the area of work?---No. It was the appropriate - the actions that were taken were deemed to be the

appropriate ones at the time, bearing in mind that, you know, those resources were in the north of the state.

5 Thank you. Mr Warwick put to you quite selectively, a number of names and asked you about the last time that they returned to shift-work. So I put to you another range of names to which you may be aware, Mr Mark Klop; did he participate in shift-work?---Yes.

10 Yes. Whilst he was still working in building safety?---He returned to operational duties for a period of time.

For a period of time and then continued working in building safety?---Yes.

15 Okay. Mr Steve Davidson, we have talked about?---Yes.

Yes, he's in to taking shift-work. Mr Stacey Peters, who was an instructor in TasFire Training?---Yes, he maintained his skills.

20 Yes, and he returned to shift-work. Mr Paul Terry, who was a project officer ---?---Yes.

--- in community fire safety?---Yes. He returned to operational duties and was promoted to station officer.

25 Mr George Auchterlonie, who was in our community education unit?---Yes, George Auchterlonie returned and was promoted to the position of station officer.

30 Mr Peter Plummer, who was a building consultant?---Currently returned to duty as a senior station officer.

And Mr Plummer was absent from career firefighting for - from shift-work for how long?---I believe four years, so might be - might be more.

35 And what period of time did he spend re-familiarising himself before he was able to respond as an operational officer?---A number of days. It wasn't a very long period.

40 A number of days. So when we're talking about - Mr Warwick's used the words "significant periods of time" and "onerous periods of time" and it being an "onerous task" for someone who's been away for four years, we're talking a number of days?---Yes. Yes, a short period of time.

45 Okay. Is it also true then, that if we take someone, let's say of Mr Vallance who's been away for around 10 years perhaps, if the Fire Service chose to require Mr Vallance to regain his operational competence, what period of time do you believe that that may take?---Somebody like Rod Vallance, who's a very capable officer, I would see no longer than - no longer than two weeks and potentially less, depending on how it was arranged.

And could we then still, after that two-week re-familiarisation process, would it then still be possible to have Mr Vallance continue in his current duties of a senior consultant in TasFire Training and be able to return to shift-work, to meet needs, at one day's notice?---That would be - potentially that would be possible.

5

Okay. So the system allows all of that. The fact that we have a small group of people who have not returned to shift-work does not stop the Fire Service being able to get them skilled up, keep them in a non-rostered shift environment and still use them at a day's notice?---That's correct. We could - we could do it if all parties were agreeable to that, yes. So potentially Fire Service would do it.

10

I think Mr Warwick gave you a list of about five names of people who hadn't returned and indicated that that's a significant portion of people that we haven't used back in shift-work. I have given you a list of six names that are only from the south?---Mm.

15

Who do regularly, on a regular basis. Are you aware that there may be people in the north and the north west of the state who also returned to shift-work who have been on non-rostered shift-work?---Yes, I am. There are a number of - a number of people who over the years have, particularly in the north and north west, who moved in and out of non-rostered shift-work positions and back to shift.

20

So I put it to you then that the number of people who had not returned to shift-work are not a significant number but, in fact, a small number?---Across the board it's a small number compared with the number of people who go out of shift-work on the non-rostered shift-work and then return.

25

Okay. Thank you. Mr Warwick asked about Mr Geoff Knight and then said he wasn't particularly relevant, but raised his name again. What rank does Mr Knight hold?---He's a district officer.

30

And has he been a district officer for many years?---For many years.

Many years. Are district officers required to work shift-work?---No.

35

So, in fact, he's totally irrelevant?---I guess so.

Okay. To your knowledge, has Mr Vallance requested to be able to regain his operational competence? Has he, as an individual made any formal request?---I'm not aware that he's applied, or made a call, or expressed an interest to return to operational duties.

40

Has Mr Carr?---My understanding is that Mr Carr does not want to return to operational duty.

45

Has Mr Reid?---Mr Reid had previously applied for a position on shift as a station officer, applied for a position as a station officer and was unsuccessful. I don't - and that was some years ago, and recent years, but I'm not sure whether he's made any overtures since that point in time.

And Mr Brown?---Never - I've not heard him request, or any knowledge of him requesting to return to operational duty.

5 Thank you. So whilst there may be claims made in EBs we have not received any individual request, to the best of your knowledge?---No.

Mr Warwick took you through the award provisions regarding two years and six-month - - -?---Yes.

10 - - - periods of time and he said that they are periods that people can be required?---Yes.

It is also true that if people want to stay longer and that suits the needs of the organisation they are able to stay longer?---It's quite common for that to occur.

15 Does the Fire Service promote the opportunities for people to move in and out as part of career development as well?---Yes, they do. It's certainly an ongoing policy and one which is very strongly advocated.

20 Thank you. Just the final point to re-clarify: I understand from your evidence that what you're saying is that an officer who returns to rostered shift work after a period of absence would need to regain competence over a period of time which may be one to two weeks but they do not necessarily have to hold all of the rescue competencies to be able to be an operational officer - - -?---That - - -

25 - - - and respond?---That's correct, and that's based on the fact that if it were - it wasn't a possible requirement at any time. We could never have achieved that and it proved - been proven over a number of years that we have the capacity to provide the specialist when required.

30 Is it also true that where there have been cases some years ago where return to operational duty programs were put in place that took a number of months, that that created concerns that were also raised with us by the union?---That - that's correct. I can remember some years ago that we went through a very lengthy process which was part of - on examination of the process was - and I became aware of it, was totally over  
35 the top. It was virtually a retraining of people who were competent and what we were doing was virtually retraining them rather than assessing their currency and competence and that caused a major shift in the way that we assess our people as they return to work.

40 Thank you. So we have reviewed that and shortened it up?---Yes.

Based on feedback from our own employees?---Yes.

45 That's also occurred through the union?---Both the people who were being assessed and the people who were doing assessment.

And I also understood you to say - - -

MR WARWICK: Commissioner, I'm sorry, I can't let that stand. In her first question in respect to this matter Ms Pearce suggested that was the union that complained about the process. That's simply not true.

5 THE COMMISSIONER: Ms Pearce - - -

MS PEARCE: I would certainly put it that the length of the return to work periods have been raised by the union in various forums in the past, Commissioner.

10 MR WARWICK: That's simply not true, sir, we have not. Members of the union may have, but the union has not.

THE COMMISSIONER: All right.

15 MS PEARCE: Okay.

THE COMMISSIONER: Well, okay, I accept what you say. Do you contest that, Ms Pearce?

20 MS PEARCE: Look, I don't have the minutes of the meetings in front of me, Mr Abey, but this issue has certainly been an issue that's been raised in a number of forums and has been discussed in those forums where the union's been - - -

25 THE COMMISSIONER: Well, it can be a fine point about whether an organisation raises something, or individual members. I don't think we ought to get hung up on it, but I hear what you say, Mr Warwick. You're stating the union's position.

30 MS PEARCE: Just to finally clarify, with road accident rescue, the response I heard you give about how we would resource that incident is that that is done by the most appropriate resource crew and in that we would be responding an appropriate qualified officer?---That's correct.

35 That's correct. And Mr Warwick raised the issue about how the patient may feel in that; is patient care the responsibility of the Tasmania Fire Service in road accident rescue?---No, it's the Tasmanian Ambulance.

Okay. What's the Tasmania Fire Service responsible for?---Our - we're responsible for the extrication of trapped persons under the direction of Tas Ambulance Service.

40 Okay. So if a patient is not receiving prompt care that is not something we can control?---No, it's not our responsibility.

Thank you, Mr Davidson. No further questions.

45 THE COMMISSIONER: Thank you, Mr Davidson, you're excused?---Thank you.

<THE WITNESS WITHDREW

[10.29 am]

THE COMMISSIONER: What's the position? You flagged yesterday, Mr Warwick, that you were unavailable from 12 to 2; is that right?

5 MR WARWICK: Yes; 12 to 2, I do have a commitment that I have to attend to.

THE COMMISSIONER: Yes.

10 MR WARWICK: And I am becoming a little bit weary of getting parking tickets as well, sir, so - - -

THE COMMISSIONER: So what are you putting to me?

MR WARWICK: Well, I think this would be an appropriate time to - - -

15 THE COMMISSIONER: Have a short break?

MR WARWICK: Yes.

20 THE COMMISSIONER: We'll have a short break and then Mr Steedman's the next witness.

MR BAKER: Yes.

25 THE COMMISSIONER: Yes, thank you.

**ADJOURNED** [10.29 am]

30 **RESUMED** [10.46 am]

THE COMMISSIONER: Mr Baker?

35 MR BAKER: Thank you, Commissioner. A further witness we would like to call is Mr Roger Steedman.

40 **<ROGER STEWART STEEDMAN, SWORN** [10.47 am]

**<EXAMINATION-IN-CHIEF BY MR BAKER**

45 THE COMMISSIONER: Mr Baker?

MR BAKER: Thank you.

Mr Steedman, can you, for the commission's purposes, state your current employment role?---I'm currently retired and enjoying it.

5 And the purpose of your appearance here this morning is to?---Is to provide advice to the commission about my role in the development of the classification standards relating to the community fire service safety officers occupational group.

10 Thank you. Now, I was wondering if, for the commission's purposes, you may be able to outline to the commission your experiences insofar as your ability to be able to develop such classification standards?---Yes, Mr Baker, I would be happy to. Just probably to give a potted overview which I think is important to give my background, I've - I'll refer to a CV that I used just prior to my departure from - in the event that I was looking for other work, which I wasn't directly, but for the commission's information, I actually joined the state service as a junior back in 1965 in the audit  
15 department, that was my first job. And subsequently attended university and achieved an economic degree, majoring in accounting. But as the state service was a place where one could pursue a career I decided that really wasn't my forte. So then I moved on to other departments and, briefly, I worked in '71 in the Police Department; in '72 in the Education Department; then working on general administrative work. In 1973 I joined  
20 the fledgling Consumer Affairs Council then known as the Consumer Protection Council and I was their office manager working to the first head of that organisation which was Peter Murphett. So I was instrumental in developing quite a fair bit of the policy that emanated from that organisation at the time. I then moved to the Attorney-General's department as an executive officer reporting to the legal officer in charge at  
25 the time and worked fairly extensively then on regulations and legislation plus general administration. In 1977 I was lucky enough to be appointed to the then Public Service Board as a classifications inspector and in those days classifications were all done centrally, not by agency heads as they are now, and the board kept - and it was based on position descriptions - I think they were called Duty Statements at the time. So I  
30 worked very closely with a fellow called David Colgrave, who's still works in the state service as the clerk to the executive council. I think he's been working in the state service I think for well over 40 years now. But he and I, and then subsequently a couple of other people worked in that division and I learned all the rudiments of classification determination. In 1984 I was seconded to the Department of - then  
35 Department of Agriculture as their administrative officer and responsible for general administration in terms of managing places like their personnel area, typings, library services, physical resources, records and transport and I was there on secondment, but in 1985 I went back to the Public Service Board as a consultant in Human Resources Division. I think by this time it was the Department of Public Administration, not the  
40 board. I provided a consultancy service to agencies on personnel matters, management systems and techniques, organisation structures and classification - and the classification process. I participated in a number of major organisation and classification reviews in agencies and at that time I was responsible for the oversight of processes and procedures associated with the Model Clerical Award, which is still  
45 operational today. In effect, basically, it was - I was the architect of the current Clerical Award. From - and I worked in that till 1993 when I was made a senior consultant within the organisation and then my work entitled - covered project work. I was managing the accountability project team established under the auspices of the review

of employment within the state service and a review of the management information manual and administrative instructions. I've also then been extensively involved with the development of the new State Service Act, that's the current one, the 2000 Act and associated legislation and commissioner's directions. I was also involved with policy development covering temporary employment procedures, commercialisation ethics, code of conduct, contract development and the development of classification standards and suggested revised methodology, the development of administrative instructions and accountability mechanisms and transitional provisions for the new state service legislation. I was the architect, I suppose, of those transitional legislation. I also managed ministerial delegations and executive council matters. In job design I continued my role in that and the classification and human resource advice to agencies. I've written and delivered structured courses on job design and classification within the Tasmanian State Service. I was the principal researcher and writer of a position classification draft discussion paper that provided an overview of classification methodology and recommendations for improving classification determination within the SST of Tasmanian State Service. That occurred at a time of quite a number of the wage arrangements that were on at the time and I think two of them related to revising the classification structures, but they didn't get off the ground for varying reasons. I was a major contributor to the work leading to the final proposals for the review of the legislative and policy framework for the management of an employment in the Tasmanian State Service. I was the team leader and write of the accountability mechanisms working party widely recognised as the most difficult aspect of the working group topics, because when the Act was being developed there were several working parties developed to concentrate on particular aspects and my role was on relation to accountability. And the contents of that report, together with the other working party reports formed the basis for the final discussion paper and the proposal on options we put to government. So I was heavily involved in the development of the new state service legislation and I was also very much involved with commissioners' directions. And around about that time we're getting into the year 2000 - two thousand and - from when I retired in 2004, the Office of the State Service Commissioner was established and I moved into that role and worked in there for the last three years working just with Bob Watling just before ..... retired, but before that was the previous commissioners dealing a lot with human resource problems and appeals before the commission, or the commissioner, dealing principally with classification matters but also with other appeals concerning work and matters surrounding it. But my role right through 1965, sorry, 19 - to when I joined the state service, 1977, when I joined the Public Service Board was - the common thread that ran through all my work was dealing with classifications, dealing with job design matters and matters related to classification standards. Now, I worked with Robyn for a while and then when she needed some assistance about 18 months ago with a planned review of the clerical side of the Tasmania Fire Service Robyn phoned me and said, "Would you be interested?" and I said, "I would", although as I indicated I was never looking for work, it wasn't my intention because retirement, I had plenty to do in retirement. At that stage too, in retirement, I was on the Ethics Committee of the university for two years and I was then, and am still currently secretary/treasurer of the Narryna Heritage Museum in Battery Point, which is an honorary capacity which I have. But I said, "Yes, I'm happy to help, Robyn", and was involved then in examining their clerical positions and primarily that involved looking at old position descriptions, interviewing staff, but prior

to that I was involved in the information sessions right throughout the state, primarily in the south, but in Launceston and the north west, ran information sessions, appraising those staff of what was required of them in relation to the State Service Act which is important, and what was required in the development of new position descriptions  
5 because I had - I was keen that there should be consistency in the development of those standards of position descriptions throughout the organisation as was the management. So we did that. We revised and spent a deal of time talking to staff one on one, and to come up with revised position descriptions. And when everybody was happy with those position descriptions I was then - I looked at them individually and classified  
10 them. As a result of that some people got - jobs got reclassified, most jobs stayed the same. Some jobs were designated personal for the existing occupant for a review on vacancy, which meant that they would perhaps be overgraded at the time. There weren't many of those. Most of them were fairly well classified. But the important aspect was to get the position design right because it's the position design in any aspect  
15 in the state service, which is the responsibility of the head, of course, the head of the agency, which is - should be the prime authority for classification determination, and also, if you're starting a new classification standard for the development of a classification standard.

20 Thank you, Mr Steedman, that's a very extensive history and, clearly, you have spent some considerable time and you have obviously built up an enormous amount of knowledge in relation to both job design and classification standards.

I would like to hand the Commission an exhibit, if I may?

25

THE COMMISSIONER: R12, various awards.

MR BAKER: Yes, I presented it to the witness - sorry, R13; 13? 13.

30 THE COMMISSIONER: 13 it is.

### **EXHIBIT #R13 VARIOUS AWARDS**

35

MR BAKER: For the information of the commission, I've presented to the witness exhibit R13, which is a compendium of awards which we colloquially named as the "four four-stream awards" and they are the Administrative and Clerical Employees' Award, the Operational Employees' Award, the Technical Employees' Award and the  
40 Professional Employees' Awards.

Mr Steedman, are you able to identify these awards?---I am.

45 Are you familiar with their content as opposed to structure?---Yes, I am, yes.

And, in particular, the document in the front of the compendium the Administrative and Clerical Employees' Award?---Yes, I'm very familiar with that award.

Now, I understand - I understood you to say, or infer that you had some significant input into the development of those classification standards which are contained in clause 7B on page 3 of the document?---Yes. Yes, I could confidently say that I was the principal writer of those standards.

5

Are you able to advise the commission as to how that came about? I mean, clearly, perhaps if I rephrase it: clearly, it just doesn't happen; one morning you wake up and you decide to write 12 standards?---No. No. No, the methodology that we adopted in, actually, the four main awards, was fairly simple, but laborious nonetheless. As we - as I indicated earlier most days all the position descriptions were centrally located and, basically, what we did was, we examined all the positions, let's take the clerical, we examined all the position descriptions in our armoury relating to clerical and administrative work and we separated them into what we considered, based on experience, knowledge and understanding, of work value piles. We actually worked around a very large table and it was a matter of placing all these position description in separate work values. And if we finished with 10 piles we had 10 work value levels. Then it was a matter of examining each of these piles in turn and developing a set of words which reflected that work value and then if - if you like then that pile of position descriptions, you could pick one up and say, "Yes, that corresponds to that level of work value" and that's how we did it, over quite a long period of time. I mean, there was involvement with agencies, of course, and in making sure that the position descriptions were okay, were right, which also meant that they, in turn, had to discuss the matters with their individual employees, which is essential. Not only the agencies happy with the position description but the employees, you know, also happy with it. So that's how we worked it out. And then there was a matter of working out the definitions. You will see that, for example, that there is a clear definition between administrative and clerical work and that was done specifically and if you look at level 5 of the classification standard it is - that's the first level where administrative work appears. It refers to clerical and administrative work of a value having an effect on the efficient operation of the work unit, or agency. So level 5, for example, then became a critical level, and it's in the standard, because levels 4, 3, 2 and 1 referred primarily to clerical work. So the level 5 was the one where that came together. And beyond that, beyond level 5 it was primarily administrative work. But as with all standards they build on each other, so each level builds upon the level preceding it and that's really - and there's a good reason for that too because it accords with the good management practice that positions can then cover a wide range of functions. They don't have to be specific to a particular work value level. You can have a range of functions which is good because it allows for training purposes, it allows for more meaningful and interesting, and provides career path options. And, again, we come back to - that's why it's important that the position design is done correctly because - and as I, in my view, position description should be - the function should be in descending order of importance so that the higher work value functions appear, say for number 1, 2, or 3, by the time you get down to, say, number 10 in a function that could be as low as level 1, or 2. The example I always use is that probably everyone in this room at some stage who does some photocopying, but we don't get paid for photocopying, we get paid for our highest level function we do most regularly perform and that's how the - a position description should be formulated, in descending order of importance, supported by a description of the level of responsibility, a description of the direction and supervision

received and both those, of course, also refer to the standards, because the standards refer to - and they are again described in the standards, the level of supervision, or the level of direction, because words have meaning and that's - so that's basically how I developed the standard.

5

Thank you, Mr Steedman, and of course, these classification standards were then incorporated into the Administrative and Clerical Employees' Award following a decision of the Full Bench of this commission back in '91, and again in '96. If I may now, Mr Steedman, in the background, turn to the issue of the community fire safety officers?---Yes.

10

Did you receive, oh, sorry, how did you come about to be involved in that work?---Well, as a corollary to the work I did for the commission they also referred to me - there was an occupation and group that they felt didn't fit neatly within existing - the existing award structure, or the existing standards, so they sought my advice and which I was also glad to give, as to how best to deal with this particular occupation and group. So following discussions with the agency I was given some information and basically went away to develop some classification standards.

15

20 If I may just pause you there, Mr Steedman?---Yes.

I would hand you an exhibit which is an extract from the Tasmanian Fire [sic] Industry Employees' Award. I'm sorry Robert.

25 THE COMMISSIONER: This will be R14.

MR WARWICK: R14?

30 THE COMMISSIONER: R14, extract Tasmanian Fire Fighting Industry Employees' Award.

**EXHIBIT #R14 EXTRACT TASMANIAN FIRE FIGHTING INDUSTRY EMPLOYEES AWARD**

35

MR BAKER: And the extract is from pages 13, 14 and 15?---Yes.

40 And that deals with four classification levels, community fire safety officer, level 1, 2, 3 and 4. And now, Mr Steedman, would you explain to the commission as to how you developed those standards?---Thanks, Mr Baker. Yes, the process was basically the same as I would do with - develop any classification standards. It was sourcing information and documentation which allowed me to obtain a picture of the work undertaken by this particular occupational group. And that I did by examining old position descriptions but, more importantly, they were asked - each of the employees in that group were asked to develop a - fill in a questionnaire, a very extensive questionnaire covering their functions, duties, level of responsibility and the like. Now, the department hadn't got round to developing that into revised position descriptions

45

but, for my purpose, together with the previous ones and that information enabled me then to do exactly as I would do in any situation to look at that information, put them into separate work value levels and précis, if you like, all that information into the four levels which now appear in exhibit R14. Now, in doing that too there was a need, because they didn't fit anywhere else there was a need to consider what was their nearest point of comparison and with the knowledge of the four-stream awards, with the knowledge of the work that they were required to do it was my view that the nearest award that approximated that we could use as a comparison, was the Clerical Employees' Award, which I did. And that was - my view was supported by the fact that the definitions that appear in the community fire safety officer definition, which is on page 7 of the exhibit R14, referring to:

*...general direction, general supervision, limited supervision and routine supervision -*

are a direct take from the Clerical Employees' Award. So that when one speaks, for example, in any of the levels about general direction and general supervision it's as if you were talking about general supervision, general direction under the Clerical Employees' Award, for example. Notwithstanding that, they have - these were to have a life of their own but that comparison was made for good and cogent reasons. So the words that I developed for levels 1, 2, 3 and 4 which were primarily accepted, I think there were a couple of minor changes which I readily agreed to after the department examined and considered them based on their views, my understanding that the standards were accepted by all the parties to the agreement and so I was - subsequent to that I didn't have much more to do with it till Robyn gave me a call and said, "Would you be happy to come before the commission?" which, again, I readily agreed to.

Mr Steedman, I was wondering, in particular, if you could actually describe to the commission as to how you settled upon the standards as they appear and please, if you would, ignore the issue that goes to wage relativity, etcetera, that those comments which are award salary matters, and if you could just concentrate on how you put the - for example, if we start at the community fire safety officer, level 1 - - -?--- Yes.

- - - how did you arrive at that standard and how did you line - and why did you, for example, line that up against a relative A and C classification standard?--- Well, first of all, looking at level 1, for example, the work descriptors there, at the point of writing those work descriptors, there was no - I didn't relate it to anything because that was based solely on the work that I was to consider, okay, but, as I said before, the idea is then to put them in work value levels so you pick work, you put it into what you consider the work value levels are, then you write it as a précis so that positions in that occupational group that may be developed in the future, or existing positions can then be related back and said: this fits in level 1, or this fits in level 2, or this fits in level 3. Now, because they didn't clearly fit any particular award the nearest, as I indicated earlier, in my view, was the Clerical Employees' Award. So then once I had settled on the work, like work at this level is concerned with fire safety and buildings, that's point 2 - 3:

*Knowledge and understanding of technical operation aspects of fire -*

was the second point, and then:

*Initially the employee will be subject to routine supervision and general direction.*

5

Then it was a matter of looking across at the Clerical Employees' Award and saying: where does this fit within - where would this fit within the Clerical Employees' Award? And I have made some notes about that. For example, in my view, level 1, this level requires an understanding of the work such that it initially equates to the experienced clerical level in the A and C Award. Responsibility for assigned tasks is a feature as it is in both. It's a feature in the new one I've developed and it's a feature in the admin and clerical level, which is experienced clerical level which just happens to be level 3. But as the knowledge and understanding increases in the work to hand, and this again is important in developing career paths that people are non-static, so as their knowledge - as an appointee's knowledge and understanding increases the latter rungs of the scale would apply and such that equivalency, I believed with level 4 of the clerical scale is reached, because there is a greater degree of autonomy for tasks at hand at this level, and this is what I - my assessment was that would apply at the top of level 1. Because, as we know in any classification standard where there is a graduated scale within that standard again, for - usually for good and cogent reasons, for training purposes, so we have increments, it's the top of the rate that is the rate for the job, because as someone is fully trained and becomes experienced in the role they get paid the top dollar for the rate and then, of course, their next - if they want to go higher than that it's by promotion to other positions, or whatever. And, basically, for level 2 my view was that at this level, at level 2 within the words that we had decided upon, supervision becomes less and autonomy becomes greater because the knowledge required becomes more significant, and initiative and discretion now becomes central to the role, particularly with advice on risk management issues which is a particular aspect of the work at level 2, and the conduct of training. And, in my view, both these aspects accord with the level 5 clerical standard. And, again, as does the fact that work in both cases is undertaken under general direction and supervision. So it was my view that this level accorded primarily with level 5 in the admin and clerical area. Level 3, which was the other work value level which we had to look at, again building on it obviously was going to be a higher level because each level builds on the preceding level, I considered that this level related clearly to level 6 of the standards as both standards speak of management. This is the first time the word "management" appears. It doesn't specifically, but interpretation of relevant legislation and associated documentation is, to my mind, a management function and, therefore, requiring of a higher level, and as functions themselves are becoming more complex and there is exercise of a higher degree of judgment and initiative as is required in both standards. That's at level 6 in the circle and what I believed was the case in level 3. Now, level 4, which is the final level that we have - that we developed, my view that this accords with level 7 of the clerical standards because both require upward participation and specifically in this one, dot points 2 and 3, that we're now looking at the community fire safety officer, level 4, because dot point 2 provides supporting role to management which is an upward process, and a supervisory role reporting to management, and that's also an upward process. But, in effect, there's also some hands-on work to promote the market services to clients and to consult with and advise them to enable them to meet current and

emerging needs. And, in my view, that was a - looking at downward participation. And the work in relation to policy and legislation, together with those points, fits well with level - fits well with the level clerical standard, level 7 in the clerical standards. So that's basically why I came up with those level comparisons.

5

Mr Steedman, how confident are you that the standards that you developed for TasFire Service for the community fire safety officers levels 1 to 4, are an accurate reflection of the work that's undertaken?---I can be as confident as I can from the information I was given to develop them. And, if you like, the proof of the pudding, I think, is in the fact that ultimately the standards have been accepted now. I can't see that non - than the acceptance is anything other than approval that the standards are a true and fair representation of the work of that occupational group developed into work value levels.

15 Thank you. Now, in the determination, or arriving at the determination that you made in relation to these standards, were there any outside influences that came to bear on your decision, on your decision-making processes?---When one is looking at a classification, or a standard, the prime source of information has to be that, it has to be your main and prime source of decision. That doesn't mean that one is not divorced from the real world. So one looks at other areas for perspective to see that you're not  
20 totally out of kilter and, as I recall, I would have looked at the Fire Service Award, I would have looked at other awards at the particular time. But in classifying a job and developing standards, it's - the prime source of documentation is the position description, because I'm a great one going back to get - to go to first principles. Under the State Service Act, I think it's at section 34, which is the - which clearly sets out the  
25 responsibility of heads of agency, that's the head of power which allows agencies to operate effectively, efficiently, and I might say economically, because heads of agencies are required to operate economically, which means in terms of wage fixation you don't - in terms of salary, sorry, in terms of classification of jobs you don't pay any more than the job is worth. And so that's important. But it clearly sets out that the head  
30 of agency is responsible for assigning functions, developing duties, and it's - that's the basis one uses, and all that is encapsulated in a position description as far as a departmental head, because that position description is used for classifying jobs, it's used for when the job is to be advertised, that's given out as the prime source of information if people wanted jobs advertised, and if the department's looking to expand,  
35 re-organise, or alter itself in any way the position descriptions become critical in any decisions taken on how that will affect the organisation. So I can't stress highly enough how important the position design is and information relating thereto to making a decision in relation to classifications and classification standard development.

40 So just in conclusion, Mr Steedman, it's your evidence that was given today is that since around 1977 you have been actively involved both during your working life, you're actively involved in both job design and the development of classification standards and their observance, I would think?---Absolutely. Something that the court might be interested in, when the Senior Executive Service was developed initially, I wrote the  
45 standards for the Senior Executive Service as well and I managed the Senior Executive Service quite a few years and that system was only changed just before I retired when they brought in a Cullen, Egan and Dell points factor system for the SES. Prior to that they used the classification standard. So my experience in classification determination

is probably second to none in the state service because I was often called upon to give advice to agencies. I was often called upon to go into various areas and review areas of work and make recommendations on a classification.

5 And did I also note when you were providing your outline of your CV that you actually wrote and delivered courses on classification methodologies?---I did. I did. But like lots of things that had tenure of quite a few years and then as management within the organisation changed where I was, they went by the board too, but - yes.

10 Yes; all things change?---But, interestingly the standards haven't. Until they're changed the principles remain the same.

But that's - that's correct and, of course, they have stood the test of time for the last - since they were developed in 1988/89, have they not?---Yes. Yes, they have.

15

And they are still the relevant standards that apply in the state service today. Mr Steedman, I have no further questions for you at this time?---Thank you.

THE COMMISSIONER: Thank you. Mr Warwick?

20

MR WARWICK: Thank you, Commissioner.

**<CROSS-EXAMINATION BY MR WARWICK**

**[11.25 am]**

25

MR WARWICK: Mr Steedman, you said in your evidence that in respect to the process of review classifications for the administrative and clerical staff in the Fire Service generally, you conducted interviews with them?---I did.

30

Did you have a meeting with Mr Phillip Mackrell?---I can't recall the name. I mean, it's a while ago now and names are not my forte, but in answer to your question, I conducted information sessions in Hobart and Launceston and people from the north west came along.

35

For the people who were in the admin and clerical - - -?---Yes. Yes, that's right, and people were offered - - -

40 Did you conduct - - -?---People were offered a personal interview with me. Some actually didn't take it up but most did.

I'm interested in the community fire safety officers, and there are five of them, so I would like to ask you whether you had interviews with them. There's Mr Phillip Mackrell, there's a Mr Daniel Gregg, there's a Mr Steve Webster, there's a Mr Andrew Francombe and there's Mr Kym Manten?---I can't recall interviewing them specifically but that was an occupational group that was, even at the time, was considered to be a bit separate.

45

Well, I put it to you, Mr Steedman, that you didn't meet with any of them?---That may be the case.

5 I put it to you that you didn't have conversations with any of them?---That was - in that sense that's true.

10 I put it to you that you did not examine their workplaces, the circumstances under which their work's performed and speak to their supervisors and managers?---In answer to that question, even with the admin and clerical I didn't go specifically and examine workplaces per se, but everyone that was offered interviews with me got interviews.

15 Well - - -?---But I can only repeat that the prime source of information was the questionnaires which all the employees to whom you have just referred, would have completed a questionnaire.

20 I am putting to you, Mr Steedman, that the five gentlemen in question were not offered an opportunity for an interview?---I can't answer that specifically because I was not instrumental in arranging appointments for interview. That was a departmental matter. But I might say that if any of those gentlemen had wished to speak to me I was quite - would have been readily available because I made myself available to speak to anybody.

25 Well, I'm sure you might have been available, Mr Steedman, if they knew that they were entitled to ask you to meet and I think that that's the truth of the circumstances, don't you?---Well, you could direct that question to the department.

You said you had a look at the Fire Fighters Award in the process?---Yes, just from the point of view of perspective.

30 Did you examine position descriptions of firefighters and officers who work in the community fire safety division as building safety consultants and in TasFire Training - the TasFire Training unit as TasFire Training instructors or, indeed, as senior consultants in TasFire Training? Did you examine their position descriptions?---Not if they were not clerical employees at the time. I'm just trying to think, though I can't remember that actually. I know I can remember looking at the work of those areas but not specifically, no. But, again, in the determination of classification standards not critical, because - - -

40 Position descriptions aren't critical?---No, no, position descriptions that don't directly relate to the occupational group that one is looking at.

45 Well, how did you arrive at the conclusion that they don't - that they didn't, or don't relate to the occupational group?---Because I was looking at the people that will fit the occupational group, I had their old position descriptions and I also had the questionnaire which they developed and, in my view, that was sufficient.

Was it ever put to you, or were you ever advised that unless on a day to day basis the group that you examined had a counterpart group of career firefighters who work side

by side every day doing the same job?---Doing the same job? Well, if that was - if they were doing the same job they would have been - they would have been classified under the firefighters - as firefighters not just - - -

5 Well, if I could explain, Mr Steedman, the problem in this case is that they're not firefighters, you see, and the employer's argument is that, well, they have got to be classified differently because they're not firefighters but, nonetheless, much of the evidence that has been led in this case shows that they do the same work on a day to day basis, so - - -?---When you say - - -

10 - - - in that - - -?---When you say "the same work", if they do the same work they would have the same position description exactly and they would be classified exactly. Do you mean similar work, or the same work?

15 Well, they do the same work with the exception of the fact that they can be required to go firefighting from time to time, that is the group - the other group, not the group in your examination?---But this group is not required to go fire fighting.  
The fire safety officers - - -

20 Yes?--- - - - are not required to go fire fighting.

That's right, and that's the difference, and it's the only difference, and if you were to accept what I'm putting to you, would it not have been reasonable for the employer to refer those position descriptions to you for assessment?

25 MR BAKER: It's calling for a subjective remark from the witness - - -?---Yes.

- - - to which he's not - has not expertise to answer.

30 THE COMMISSIONER: Well, the witness presents as an expert in this area, in the development of classification standards, so I think it's not an unreasonable question.

MR BAKER: But the witness has no knowledge, I mean, what is being put to the witness is that the only difference between the two is, somebody goes off fighting fires.  
35 Well, that's not quite the whole story. That's not quite the whole story inasmuch as that the other group have a whole range of skills, knowledge and expertise that the group in question don't have?---I come back to - - -

40 THE COMMISSIONER: Yes?---In answering your question another way, when one is employed as a consultant one takes their brief from the department and what I did in relation to this group was based on the brief I had from the agency.

MR WARWICK: So, thank you for that, Mr Steedman, can I ask you: did the agency ask you to examine position descriptions of career firefighters working as TasFire  
45 Training instructors, senior consultants into how TasFire Training and building safety inspectors, and also, by the way, the fire safety auditor?---I think the answer to that is, no, but I'm not - it's a while ago now and I was concentrating on the work at hand.

Well, can I put it to you another way, Mr Steedman? Did they ask you to examine these positions, community fire safety officers, with specific reference to the admin and clerical, or one of the other four stream awards?---No.

5 So you had a free hand in whichever award you could - - -?---That was - well - - -

- - - align these people with?---Well, the information that I was given clearly indicated to me that they - that they fitted the Clerical Employees Award or, sorry, were closely aligned to the Clerical Employees' Award given the work that they did and they do, and  
10 I think that decision is vindicated by the fact that the standards, as I understand it, have been accepted by all parties. Now, if, for example, parties to those standards didn't consider them to be a true reflection of the work then, surely, the parties wouldn't have agreed to the standards.

15 I think you may be suffering under a bit of a misconception, Mr Steedman. The fact is we're before the commission contesting the value of this work?---That's not - - -

You said - - -?---No, that's not the same as accepting the standards per se. There is - people - different people have a different view about the value attaching to a level -  
20 don't have a problem with that because, primarily, that's a decision of the commission and always has been but in terms of the words that relate to a particular standard, my understanding that those words have been agreed to.

25 Can I just clarify for you, Mr Steedman, that the words - the section of the award that's contained there is contained there by mutual agreement between the parties but on the basis of our reserving the right to come before this commission to have it tested, so - - -

MR BAKER: Well, I must object to that, Commissioner, that was never the position. The position was, and is, that there was an argument in relation to the relativities  
30 between fire officers undertaking similar work and between the CFSOs. The issue about the classification standards, as far as we are concerned, they are an agreed document. Now, I don't - I'm not sure - - -

35 THE COMMISSIONER: Well, they're in the award. They're in the award by consent and the question is, was there any - was that a condition of consent?

MR BAKER: Well, I'm not aware there was a conditional - but the conditional consent was - the agreement between the parties was that there would be, at Mr Warwick's  
40 determination, that there would be, at some stage or another, an argument about one or two of the classification, sorry, the classification levels as far as the rate of pay was concerned, the relativity, not the standards per se. And as I recall it was never about the whole group that we have now got into but times change. Then, of course, I mean, the amended claim that's before the commission in A41, simply goes to the question of wage rates. It doesn't go to the question of what the standards are.

45 THE COMMISSIONER: No, and there's been nothing put to me to date, certainly, that suggests that there's any applications that change the standards were dealing with the value of the work.

MR BAKER: That's correct, sir.

THE COMMISSIONER: So we may well be in furious agreement.

5 MR BAKER: Well, we may be, but I think it's, you know, I think Mr Warwick's  
questioning should be directed towards how the standards were put together, not the  
fact that, you know, whether we agree, or we don't agree with them, they went into the  
award by consent and, as far as I'm concerned, they are the standards that apply to these  
10 people. The issue about whether Mr Steedman was asked to look at station officers, or  
senior station officers, is not the question. He was never asked to do that because they  
had been the subject of earlier debate before this commission and were established, and  
I don't know what went on in '93/94, were they done by consent, or by arbitration, or  
whatever, but those standards went into the award and they have been there since  
'93/94. Mr Steedman was never asked to review those standards. He was asked to  
15 review - - -

THE COMMISSIONER: No, but notwithstanding that, he wasn't asked to but it's still  
a legitimate question to ask.

20 MR BAKER: I understand - yes, that is the legitimate question. I don't think it's a  
legitimate question to then go on about, you know, the relativities and all the rest, and  
whether or not the standards were agreed, and we didn't agree with that bit, we don't  
like that bit. I don't think that's legitimate.

25 THE COMMISSIONER: Well, the relativities weren't agreed.

MR BAKER: Well - - -

30 THE COMMISSIONER: Well, clearly - - -

MR BAKER: Well, that's - - -

35 THE COMMISSIONER: So they went in at a level but there was a precondition that  
that would be subject to a review by this commission under the work value terms, so I  
think it's - it would be a long bow just to argue that the actual percentage relativities  
were agreed, otherwise we would be - we have wasted seven days.

40 MR BAKER: Well, my view, and this will be - and I'll express this in our submission,  
is that there was never any agreement that we would review all of them.

THE COMMISSIONER: Well - - -

MR BAKER: But that's an argument for another day.

45 THE COMMISSIONER: Let's argue it for another day. Mr Warwick, you have heard  
that debate, perhaps we can proceed.

MR WARWICK: Well, I have to say, and I'll temper my language, but I think Mr Baker's submission to you in this regard is unsustainable. It is within the purview of the commission as a consequence of the application, to not only decide what the relativities ought to be but also to decide that there may be - need to be changes to the classification standards as a consequence.

THE COMMISSIONER: There's nothing to stop the commission - there's no jurisdictional barrier.

MR WARWICK: So I'm not sure what Mr Baker's enormous objection is all about. I was simply trying to clarify for Mr Steedman the true circumstances of why we're here.

THE COMMISSIONER: Well, okay.

MR WARWICK: Mr Steedman, you said that Ms Pearce asked you for your help - - -?---Correct.

- - - on a couple of occasions. One was initially and then - to do with the admin and clerical people and then to pick up this job and then, indeed too, you will have to come today?---Mm.

Leaving aside today, Mr Steedman, did you do that out of the goodness of your heart, or were you employed to do it?---I was employed.

Yes. Mr Steedman, in respect to this review that you conducted with the admin and clerical people, how many recommendations for reclassification came out of that?---I haven't got the report in front of me but there were not many.

Do you know how many were accepted?---I was - I probably did at the time but it escapes me now as to what was - because the job was done and as far as I was concerned then it's back into the department's hands. They had my report and they acted on it, or they didn't act on it, as they saw fit.

Thank you very much, Mr Steedman for your participation and help today. No further questions, sir.

THE COMMISSIONER: Mr Baker?

**<RE-EXAMINATION BY MR BAKER [11.43 am]**

MR BAKER: Just to clarify, Mr Steedman, as you indicated you were - were you provided with all the documentation that you sought at the time from the department?---Yes.

And you were provided with the job analysis questionnaire that had been - - -?---Yes, of each of - yes, which was the prime source of the information and as I cannot repeat strongly enough, that, or an improved position description must be the prime source.

5 And those documents - and, I just put this on the record, Commissioner, those documents have been the subject of some considerable discussion between the parties in this commission during these proceedings and no doubt we'll come back to them. Just excuse me for a moment, Commissioner.

10 THE COMMISSIONER: Certainly.

MR BAKER: I think at an appropriate time we may actually sort of tender some - we will actually tender the documentation that's associated with, so the Commissioner could form an overall view. I think, as Mr Steedman has indicated, that it is now some  
15 considerable time since the exercise was done.

Mr Steedman, just to reiterate for the commission, given your broad breadth of knowledge and skill in this area, do you still stand by the standards that you designed in the context of the information that was afforded to you by the agency?---I do.

20

Thank you. I've no further questions, Commissioner.

THE COMMISSIONER: Thank you, Mr Steedman, you're excused and I appreciate you making yourself available today; thank you?---Thank you, Mr Commissioner.

25

<THE WITNESS WITHDREW

[11.45 am]

30 MR STEEDMAN: If the Commissioner so wants I have my - I'm quite happy to let you have my CV if you would just like to have that to hand to refer- - -

THE COMMISSIONER: It's up to Mr Baker whether he wants to have that tendered.

35 MR BAKER: Well, perhaps we will tender that as an exhibit. I'll have it copied and we'll provide it to the commission.

THE COMMISSIONER: Thank you. I will mark that R15. It's a CV, Mr Steedman, is it?

40

MR STEEDMAN: Yes, it's, I mean, it's like every CV, it was designed primarily if I wanted to go for another job, which I basically didn't, so you would take that into account too.

45 THE COMMISSIONER: I just wanted it for a title for the transcript.

MR BAKER: Yes, it's Curriculum Vitae, Roger Steedman.

THE COMMISSIONER: Thank you. That will be R15.

**EXHIBIT #R15 CURRICULUM VITAE, ROGER STEEDMAN**

5

THE COMMISSIONER: We're getting close to Mr Warwick's cut-off time. I presume it would probably be sensible to start this afternoon, would it?

10 MS PEARCE: Yes, Commissioner, I've arranged for our next witness to be down here at 2.15 based on Mr Warwick's desired time-frames.

THE COMMISSIONER: Good. Are we going to finish this afternoon?

15 MS PEARCE: I hope so. I believe that we can if we start at 2.15. I can't see that we will be - - -

THE COMMISSIONER: No, the only - because we do have Monday set aside and it's just a matter of being - Auscript, we need to advise, that's all, and - - -

20

MS PEARCE: I believe that we'll be able to finish this afternoon.

THE COMMISSIONER: Right, okay. All right, we will resume at 2.15; thank you.

25

**ADJOURNED** [11.47 am]

30

**RESUMED** [2.18 pm]

THE COMMISSIONER: Ms Pearce?

35 MS PEARCE: Thank you, Commissioner. The minister would like to call Mr Greg Butters to the stand, please.

THE COMMISSIONER: Yes.

40 <**GREGORY THOMAS BUTTERS, SWORN** [2.19 pm]

<**EXAMINATION-IN-CHIEF BY MS PEARCE**

45

THE COMMISSIONER: Thank you, Ms Pearce.

MS PEARCE: Thank you, Commissioner.

Good afternoon, Mr Butters?---Hello.

5 Could you please tell the commission what your current position is?---Currently, I'm the District Officer for Learning and Development which has responsibility for volunteer and career training in the south of the state.

And how long have you held this position?---In learning and development, three years.

10 Three years. And could you outline for the commission your background, please?---I was station officer responsible for career training for approximately three years. I was a senior station officer there, and then I went to Launceston as a district officer responsible for volunteer training. I transferred back to Hobart and I've been back here approximately two years where, as previously stated, I'm responsible for volunteer and career training. I've been involved with three recruit courses, career recruit courses. I  
15 was the manager of two of those and a training officer for one. I am currently the Tasmania Fire Service representative on the Australasian Fire Authority's Council's learning and development group. That's about it.

20 And do you hold any roles on Tasmania Fire Service committees relating to training?---Yes, I'm - I sit on the Career Training Advisory Committee, which is going through some changes at the moment and also the Volunteer Training Advisory Committee which is also going through some transitions at the moment.

25 And what's your total years of service with the Tasmania Fire Service?---Almost 21 years.

30 Thank you. Do you hold any qualifications, or are you working towards any qualifications?---I'm two units away from a bachelor of adult and vocational education. I've got a cert for in-training and assessment and I've also got the diploma in firefighting management.

35 Great. Thank you very much. Have you been involved at all in your responsibilities with the management of the Tasmania Fire Service's registered training organisation status?---Yes, I've - that was part of my role previously - we went through the transitions we have been going through for the last 12 to 18 months.

So you're familiar with the national training framework - - -?---Yes.

40 - - - and how national recognition processes work?---Yes.

45 Could you tell the commission then, given your experience, what are nationally recognised qualifications?---Well, we operate from the public safety training package and that's a nationally recognised suite of standards, I guess, that are recognised across Australia as minimum standards.

And are there standards of performance and quality systems that the Tasmania Fire Service needs to meet in order to maintain its registered training organisation status?---Yes, definitely, yes.

All right. Okay. Can you tell us what, from what training packages and qualification levels the competencies are that career and volunteer members acquire, are drawn from?---The public safety training package, but we have also got a number of other training packages that we draw some units of competence from, the training assessment package, there's management packages that we draw some from, etcetera.

And at what levels do they - what certificate and diploma levels do we provide training?---From certificate through - right through to advanced diploma.

10 Good. And what are the main differences, given your experience then, between career and volunteer training?---Well, the volunteers receive the minimum standards and our career guys, obviously the maximum of standards and there's - if I could draw - if I could say, well, there's approximately 25 units of competence that the volunteers are able to obtain, whereas, in the career context there's around about 90.

15 Right. So the volunteers are trained to competency standards that are the same as the competency standard that the career firefighters - - -?---Yes.

20 - - - are required to meet?---Yes.

Yes? And in the terms of those competency standards which are the same, are they trained to the same level, or are there differences if we - - -?---No, it's - there's vast differences, actually. Our career fellows are trained to a much higher standard. We have trouble getting volunteers to courses now, so if we extended them to the same requirements as what the career guys would use I don't think we would get anyone coming to our training courses. So depends on what the brigades' responsibilities and the risks in the brigades' area as to what standard of competence they receive, but they still - they still receive a statement of attainment. It's the very minimum.

30 Okay. Is it fair then to make a comparison to say that, for example, a volunteer is trained to be able to do the work and is capable of doing it, in a similar fashion to, let's say, a footballer is able to play football in the country league but if we were to look at a footballer playing at AFL standard they're still playing the same game but it's just to a higher level?---To a certain standard, a volunteer can perform at a lower standard than a career firefighter but there are things that you wouldn't ask a volunteer to do because we know what standard they're trained to, so, basically, they're the same standard and we do similar jobs but it's quite a different analogy, I suppose. If I played for Lauderdale I couldn't necessarily play for St Kilda, my favourite team.

40 As much as you would like to?---Yes.

Okay. Well, we heard yesterday about the recruitment process for trainee firefighters. Could you please outline to the commission the training that a career firefighter undertakes once they commence employment?---Is that after the recruit course?

45 After the recruit - no, starting from the beginning of the recruit course, what's involved?---Okay. I don't know if the Commissioner has seen the pay point schedule?

No, in fact, we can hand that up as an exhibit right now.

THE COMMISSIONER: This will be R16?---Pardon?

5 MS PEARCE: It's all right, it's just the exhibit number?---I thought he said it to me, sorry.

THE COMMISSIONER: R16, Tasmania Fire Service operational pay point schedule.

10

**EXHIBIT #R16 TASMANIA FIRE SERVICE OPERATIONAL PAY POINT SCHEDULE**

15 MS PEARCE: Thank you?---Okay. Once recruits have been appointed we conduct a 12-week recruit course whereby they undertake a number of units of competencies from this pay point schedule, and you will note there it says:

*Pay point 2, pay point 3 -*

20

etcetera, a recruit firefighter can actually undertake, or start units of competence from any one of those pay point schedules, sorry, pay point progressions. However, they're not deemed competent until they reach those pay point - pay points, so what sits behind this document is another document called the Time Progression document which  
25 outlines where a firefighter actually starts a unit of competence and when they're expected to complete it, which means we can offer the underpinning knowledge and then we have got a period where they gain additional skills under arranged conditions and all that type of thing.

30 Okay. So they go through a competency acquisition and experience process  
- - -?---That's right.

- - - in order to be able to progress?---Yes.

35 And the different colours that the competencies are in refer to - - -?---Yes. Previously, we had no certificates for our firefighters so we have actually aligned, oh, that's not quite true, there's a - there were some certificates that weren't offered to firefighters so we have actually aligned certificate levels to the pay points now and you'll see that the blue ones are aligned to certificate 2; the greens aligned to certificate 3; the purple to 4;  
40 and the red to diploma; and obviously, the dark purple advanced diploma.

Okay. So it's fair to say then that the time that a person gets to leading firefighter level, which is pay point 7, that at the bottom of the second column there, they would have gained competencies drawn from certificates 2, 3, and 4 in the public safety?---That's  
45 right.

And they may, in fact, have gained enough competencies to acquire all those qualifications, although that's - the qualification isn't a requisite?---They would - a pay point 7 firefighter, or a leading firefighter, would have certificate 4.

5 They would have certificate 4?---Yes.

Okay?---Yes.

10 Good, thank you. And how does a firefighter get promoted to station officer level?---They must acquire all the units of competence up to pay point 6. They then have a personal development plan drawn up and they work their way through the units of competence at pay point 7. There's a mentoring phase where we mentor our leading firefighters, sorry, our senior firefighters prior to them coming along to an assessment block where we assess the bulk of those units of competence holistically over a one-  
15 week period.

Over a one-week period. So yesterday we did inspections at Hobart Fire Brigade  
- - -?---Yes.

20 - - - that you were part of, and we looked at a range of different work that was being undertaken there?---Mm.

If we looked at some of the types of work that we considered if we took, for example, road accident rescue, what pay point level would somebody be at when they completed  
25 road accident rescue?---Do you mind if I just have a look at this?

Please go for it?---They would be at pay point 4.

30 Pay point 4. And drive under operational conditions, be able to drive one of the appliances?---They start that on a recruit course but it's actually time progression so they actually don't do that until later on in their careers, and that's at pay point 4 as well.

Pay point 4 too. So pay point 4 would mean that they have completed 24 months  
- - -?---That's right.

35 - - - or two years of service - - -?---Yes.

- - - before they are fully recognised as being competent?---And have all those units completed.

40 And have all of those units completed?---Yes.

Good, thank you. Operate pumps?---Same thing. They start on a recruit course.

45 Yes?---But, again, there's time progression, so they - they're required to practise that in the work environment because there's a range of pumps we actually have. If you look at a volunteer station, for instance - - -

Yes?--- - - - dependent on the size of the volunteer and the risks associated, we might have just a single pump in the volunteer station, whereas a career station could have up to five or six different types of pumps and our - and we would expect a pay point 4/5 fighter to be able to operate all of those pumps, so it varies in complexities, I guess.

5

All right. How about if we looked at hazardous materials, being able to respond to a hazardous materials incident?---Same thing. They started on a recruit course but they're required to do several other units of competence as they work through the pay point progression that relates to haz management, or CBR, as well as CBR. Volunteers only do introduction to hazmat, so if the volunteer brigades are responder to a hazardous materials incident then it's automatically a career brigade that's responded to those types of things too, so - but it's not until pay point 6 that they're actually signed off haz, in the hazmat area.

10

15 So that was all of a different monitoring equipment and gas secs and everything we saw yesterday?---Yes. Yes, atmospheric monitoring and then with hazardous material, and it's safe - that type of thing.

20 And how about operating the aerial appliance, the snorkel, that we saw?---Yes, that's an elective unit - - -

25 Right?--- - - - which they could - they have - based on brigade strength, we can either have a firefighter unsafe - that piece of apparatus, or we can actually have him undertake the special equipment unit which I think the Commissioner saw yesterday with the vast amount of equipment on both those vehicles. That's - you can either get firefighters to undertake those, or the aerial appliance, yes.

30 THE COMMISSIONER: I think the snorkel operator should be at pay point 25?---That's because he got you down safe.

MS PEARCE: Without hitting the station.

We heard that they do rope rescue as well?---Yes, that's another elective.

35 That's an elective as well, and that's at pay point - - -?---Yes, that's at pay point 6.

Pay point 6 too, okay. Urban search and rescue?---Yes, that's a 4. But that's another one that's at, if I can remember this because I can't remember all off by heart - - -

40 Is it an elective at pay point 6, structural collapse?---Yes, but they also are required to have participate in a rescue operation which has got a component of USO in that, so that's - - -

45 Yes, okay, that's pay point 3?---Yes.

Okay, good. Does doing those competencies also then make you competent to be able to do confined space?---No, there's a unit of competence for confined space, yes.

So point 1 for that?---Yes.

So that's separate again?---Yes.

5 Good. And not competent - what pay point's that at?---Undertake confined space is at pay point 5.

10 Five; okay. We saw a lot of the equipment for remote area teams; what sort of competencies are required to be able to undertake remote area teamwork?---That's a separate - separate course in itself, it's not actually a unit of competence but our - the last lot of recruits they undertook remote area training when they were undertaking respond to wildfire and part of suppress wildfire.

15 Okay. And generally, to be able to respond to an urban fire and to be able to respond to a bushfire, when do they pick up the basic competencies to be able to do that?---Career; during their recruit training.

During recruit training?---Yes.

20 Okay?---But there's still a phase where they develop - - -

Yes?--- - - - they're not actually signed off as competent based on their time progression.

25 Okay. So, again, they have to wait until a later point - - -?---Yes.

- - - to be signed off?---Yes.

30 Okay?---And then, bear in mind we also have ballistic assessments at each one of those pay points where we actually ensure that the skills and knowledge that they have obtained over that time progression is actually embedded and they can actually apply their skills in a work context.

35 So what pay point are firefighters required to progress through to?---Pay point 6.

Pay point 6; okay?---Yes.

40 And that would take approximately how many years of training and experience to get to that level?---It's much the same as a trade, we expect it in within four years, but from pay point 5 there's no actual time limit, like, they could actually complete that in a shorter period of time, but normally it's four years we would expect. If not, then we would be - we would probably be asking if they were having difficulties, or if there's any way we could help.

45 Okay. So we saw at inspections in Launceston a range of some equipment that was similar that's used by TasFire Training instructors to train in rope rescue and confined space rescue and to train emergency response teams. How, in your opinion, would the range of work that a career firefighter is required to undertake compare to the range of

work of a similar nature that a TasFire Training instructor is required to undertake?---In my opinion?

5 In your opinion?---It's vastly different. Our guys, our vertical rescue fellows, the range of equipment is vastly different. They're required to perform rescues from vertical, approximately vertical surfaces, off cliffs, etcetera, whereas I think the TasFire Training instructors are trained to work at height and the training they have undertaken, or the trainer training - that's a tongue twister, train - the trainer stuff that they have done is actually part of working at height, so, yes.

10 And would that be similar with confined space rescue?---No, I think confined space would probably be similar.

15 Be similar?--- Yes.

Yes, okay. All right. Are you aware at all of the level of training that they do in structural fire response and urban fire - and bushfire response?---Only vaguely of what they do as far as their emergency response team training, yes.

20 Okay. Are you aware of how long it takes for the emergency response team to be trained?---Between four and seven days, yes.

Between four and seven days?---Yes.

25 Okay. So we're talking here, to get a career firefighter with all of the knowledge and skills in those different areas is four years; an urban response - an emergency response team four to seven days, so the training would be different?---Yes.

30 Fairly different to a career firefighter?---But the other side - so we would expect our senior firefighters to be able - to be part of - to supervise small crews.

Yes?---So I don't know that the ERTs actually have any supervisory functions - to be training of supervised response.

35 Yes, okay. Thank you. Now, to progress to senior station officer - - -?---Yes.

- - - that's based on what process? That's acquisition of competences again?---Yes, it's a similar process to the pay point - advancement to pay point 7, the - our station officers are required to undergo and interview with someone like myself and we actually develop a PDP, or a personal development plan in partnership with those, and the  
40 brigade needs, and they - so it's a mentoring phase where they gain the acquisition of those units. Then they're required to undergo the same sort of holistic assessment as pay point 7 where they're assessed over a range of variables holistically, and if they're successful there and they're - and they're competent then they're promoted to senior  
45 station officer.

Thank you. And what about to move to the last step, to district officer pay point 10, how does that appointment occur?---That's on merit, based on merit.

It's to a vacancy merit?---Yes.

Okay, thank you?---Can I just add that those other units in there at pay point 10 are for personal development, they're not actually aligned to any pay point - - -

5

Right. Okay?--- - - - pay point advancement, it's - yes.

And is that the same as the units that are listed at pay point 8 for a station officer?---Yes, and, in fact, we have tried to align - to line those up so that they actually map over to assist in that acquisition to pay point 9.

10

So is that to allow for further personal development - - -?---Yes.

- - - for an employee who doesn't wish to move from a station officer position into a leadership role?---Exactly right, yes.

15

Okay, thank you. Mr Butters, could you tell us why the majority of appointments into community fire safety, for example, and other positions in the field don't occur until pay point 8? Also, there are some exceptions, the usual rule is at station officer level; why is that?---Well, we're trying to develop our station officers in other areas other than just operations. There's - our organisation's fairly large, as you know, I guess, and there's other areas other than operations, so we like to advance them in areas where Damian works and to community fire safety, there's a number of areas there where we believe our station officers could perform better as operational officers who have a better understanding about community fire safety, particularly education and all those types of things. And in the field they're dealing with volunteers and our operational officers may not necessarily have a lot of experience dealing with volunteers, so they come back - and in training - they come back to operations a far better safety officer, in my view, with a much broader understanding of our organisation.

20

25

30

So in your opinion is career development for operational employees into community fire safety in the field and other areas, an integral part of the way that the organisation and the career path works?---My view?

35

Yes?---I think it's the future. I think it's a - instead of making it - instead of making it "I want to go", I think we should be saying, "We need to go".

Good, thank you. Mr Butters, once an employee is recognised as being competent are they ever reverted to a status of being not competent?---No, it's - we can't - we can't actually say "Well, you've lost your competency", no. Once they have acquired a statement of attainment, or a certificate we can't say, "Well, you're no longer competent", but what we can say is that "You need to undergo some form of competency maintenance, or skills maintenance, or return operations program."

40

Basically, if you're away from operations for a period of time, we move that fast, RAR is a perfect example, 1 December last year we were required to respond to RAR, so if somebody's been out of operations for a lengthy period of time then we would expect some skills maintenance component before they were operational.

45

And is that the Tasmania Fire Service that determines that, you know, we can't make someone not competent, or is that - - -

No, that's - no, that's a national - - -

5

Yes, that's part of - - -?---That's part of the AQTF.

That's part of the national training framework?---Yes.

10 Okay, thank you. So is there where the terminology that we have heard in the commission being talked about, being "currently competent" comes from?---Yes.

That you have got the underpinning skills and knowledge - - -?---Yes.

15 - - - but will need to keep up the currency?---Yes.

Okay, thank you. Mr Butters, could you - I'll pass up another exhibit, would you please have a look at this and tell the commission what this document is?

20 Did you want to give it a number, Commissioner?

THE COMMISSIONER: I will give it a number, I was just waiting for Mr Butters to tell me what it is?---Okay, sorry, Commissioner. It's - - -

25 Well, I will mark it; it will be R17 and volunteer firefighting skills matrix.

### **EXHIBIT #R17 VOLUNTEER FIREFIGHTING SKILLS MATRIX**

30

MS PEARCE: Mr Butters, what's the purpose of this document?---This document is the skills matrix for our volunteer brigades and it outlines the units of competence that are available to both non-BA brigades and BA brigades.

35 BA being?---Breathing apparatus brigades, or brigades that have breathing apparatus on their vehicles and/or station. One part of it is the core that will require our volunteers to have as they move through the ranks in the volunteer context. And the other side is the electives which are based on the brigade needs again, so not everyone in the brigade necessarily has the elective units.

40

Okay. There's a statement that runs through the document that indicates at different levels they're required to have core plus 2 electives, or one elective?---Yes.

45 Does that system still work, or has it changed since this document?---We have changed - changed that a little bit. We have found that what was happening was the brigades were actually determining themselves what they wanted their firefighters to have, so rather than make it a compulsory, you must have two electives, we said that, "Well, you

tell us what you want the brigades to have", which is sort of working in our favour a little bit and it's a lot better system.

5 Looking better; okay, thank you. So can you please explain to the commission how the system works when a person first walks in the door and - of a volunteer brigade, and says that they would like to be a volunteer, they go through an application process, we start training them; how does it work?---In the past we used to have the brigades undertake a lot of the training until we moved to competency-based training which was about four, or five years ago, and we saw that rather than take that training away from them, because they can't deliver accredited training, we thought we would have a component which would be delivered on brigade and that's the first part of it, which is the brigade induction, and that includes things like safety around the fire station, who's who in the zoo, a bit of hose-handling, drills, that type of thing; basic fire extinguishers, a bit of theory for combustion.

15 Yes?---Once they move into the firefighter - once they have completed that, and that's a pre-requisite to do any of the competency-based training, the first thing they undertake is their basic skills and that's actually got four units of competence at certificate 2, which is prevent injury - actually, there's some outside of certificate 2 as well: prevent injury, prepare and test, maintain response equipment, navigate any wall movement environments and hot work communications equipment. So they're the four units we do over a two-day period.

25 Yes?---16 hours, and it doesn't necessarily have to be over two days, it can be overnights as well.

Right?---We try and be as flexible as we can. And the other two units that they have to do at firefighter level are, respond to wildfire and operate pumps.

30 Right?---Why are those two - - -?---Well, respond to wildfire is to - is the minimum to go to vegetation of fires and, obviously, we would like our volunteers to be able to operate the pump once they respond to an incident. Quite often there's only two people, so - - -

35 And if the person was going to be a structural firefighter in a breathing apparatus brigade, what would tend to be the other minimum competencies that we would want them to be able to have?---They would need to undertake breathing apparatus.

40 Yes?---And the other one was - is, respond to urban fire, and the breathing apparatus is a pre-requisite for respond to urban.

45 How relevant is "drive vehicles under operational conditions"?---Obviously, some of the brigade members need to have it but based on what the brigade chief wants as to how many is in there, but usually there's - nearly all the brigade members would undertake that unit of competence, yes. And that unit of competence too, isn't about driving trucks, it's about driving under operational conditions - - -

Operational conditions?--- - - - lights and signs.

Yes?---And also about driving off-road and attitudes, and all that, so it's fairly important.

5 Mr Butters, we heard some evidence given - two different views of the evidence but some evidence was given to say that the training a volunteer firefighter receives is at the same level as an emergency response team in industry and other evidence that an emergency response team actually receives training to a higher level. So I would just like to explore that a little bit with an exhibit, if I may?

10 THE COMMISSIONER: It will be R18.

MS PEARCE: Thank you.

15 THE COMMISSIONER: Comparison of training levels volunteer firefighter and emergency response teams.

**EXHIBIT #R18 COMPARISON OF TRAINING LEVELS VOLUNTEER  
FIREFIGHTER AND EMERGENCY RESPONSE TEAMS**

20

MS PEARCE: Given your experience with the national training framework, is it fair to compare the complexity of training by the number of hours that are spent in training?---Do you want to explain that again? Sorry.

25

That's okay. Given your experience in what you understand about how the national training framework works - - -?---Yes?

30

- - - is it fair to say that, you know, something that takes more hours to complete training - - -?---Yes?

35

- - - is more complex than something that takes less hours?---It would be fair to say that a unit of competence based on the range of variables will determine the period of time that you would need to undertake the underpinning skills and the practical component of it. So it doesn't necessarily - the hours, I don't believe says, well, somebody's competent and not - - -

No. No?---Yes.

40

But it would indicate a level of complexity- - -?---Yes.

- - - and practice that needs to go on - - -?---Definitely, yes.

45

- - - in that training?---Yes.

Okay, thank you. So on the left-hand side we have the volunteer firefighter competencies that we just talked about?---Yes.

You took us through what a structural firefighter and a BA brigade may require, and those major areas with the total hours training required of 70. On the right-hand side we have emergency response team competencies and the amount of time, and the competencies here have been derived from exhibit 15 that was tendered by the UFU in  
5 this matter, and that comparison of the number of hours, which is an indication of 56 hours involved. On the basis of your knowledge and experience then, how would you describe that difference? What would - would that indicate to you that the training that a volunteer brigade member received is less than that which an emergency response  
10 team member would receive?---Well, there's an anomaly there to start. Our volunteers don't receive confined space, so that you take eight hours off the 56, which would make it 48, and that would be a fair representation to the minimum standard that we would expect our volunteers to have.

15 THE COMMISSIONER: Sorry, you said the - - -?---Well, our volunteers don't undertake confined space operation which is - - -

I see.

20 MS PEARCE: Yes?--- - - - which is within the other one, so - - -

To be fair, as a comparison, I could also say that the emergency response teams don't do drive under operational conditions as well, so - - -?---Yes.

25 But this is both - taking both of them to what would be the higher level of training that we would have?---Our volunteers would receive the higher level of training than what an ERT would.

30 Or an emergency response team would; okay. Good, thank you. And our volunteer firefighters receive training from a range of - a range of people? Who actually trains volunteer firefighters?---Personally, I've got four - four station officers responsible for volunteer training.

35 Yes?---And within that we have got around about 30 volunteer training instructors which means they train - they're on a casual training rate, or a VTO rate, and they actually train our volunteers as well, so the four training officers are responsible for managing that system.

40 Yes?---But some of our higher level training we actually, like, respond to an urban fire, we may have one the training officers there because of the safety issues with wildfire, yes. So it's a combination of both volunteer training instructors - - -

Yes?--- - - - which are employees, for want of a better word and our - - -

45 They're paid, yes, paid as casual employees?---Yes, and our training officers.

Okay, thank you. Now, even though our volunteers have gone through this range of training, would they be able to be appointed directly into a career fire brigade?---No.

And be able to undertake career firefighting work?---Definitely not, no.

Why not?---Well, for start they don't - they don't gain any certificates. They're not - there's no qualification saying - only obtain statements of attainment and they just  
5 wouldn't have the skills that our career firefighters have.

Okay. And there's a difference in the range of work that they do?---Oh, the range of variables for someone who undertakes breathing apparatus, for instance, in a volunteer context is vastly different to - different, to what a career firefighter would need to  
10 undertake, if I - well, look, you can see there a volunteer doing breathing apparatus completes it within eight hours. We actually do a four-day breathing apparatus course for the same unit with our career firefighters because the equipment that our career guys need to use is vastly different.

15 And if we were then to compare the range of works that a career firefighter does with, let's say a building safety consultant, how does that compare?---I'm not sure what the career firefighter still responds to - incidents on a day to day basis, whereas someone from building safety, we would only require them if - yes, if we were sort of running out of options, I guess.

20 Yes, and if we were to look at those people who aren't classified under the Fire Fighting Award as a building safety consultant?---Oh, we wouldn't use those in operations, so - - -

25 Okay. Can you tell us why not?---Because they wouldn't have the competencies necessarily that we would require on the program.

And so they can't be part of the career path of an operational officer?---No.

30 Thank you very much, Mr Butters, that's all?---Thanks.

THE COMMISSIONER: Mr Warwick?

MR WARWICK: Thank you, Commissioner.  
35

**<CROSS-EXAMINATION BY MR WARWICK**

**[2.52 pm]**

40 MR WARWICK: Well, I must apologise to you, Mr Butters, I'm somewhat bemused by the questions you were asked, but I have only really got one question for you and in respect to exhibit R18, which is the comparison of hours of training between volunteer firefighters and emergency response team, you said that the training required - the  
45 training standards required to be part of an ERT is probably a little bit less than to be a volunteer firefighter; do you think that reflects in any fashion on the competence of the trainers, which is actually what this case is about? It's not about the ERTs as volunteers, their competence, it's about the people who train them. Now, for example, Mr Butters,

if you were training an ERT you would have to have confined space competencies, wouldn't you?---Yes.

5 And you would have - there's a unit here about hazmat theory, you would have to have a competency level in relation to that?---I'm not sure whether you - if you are - if you're training to a national standard, yes, you would, but I'm not quite sure - like, if we, with the volunteers we actually offer in-train to hazmat, that's a TFS course, it's not an actual national standard, so - - -

10 Well, you would have to have the TFS competency, would you not?---Not necessarily, no, because it's not a national standard.

15 So are you saying the TFS can have courses that the people who deliver don't have to be competent in the courses?---Our preference would be that we did, but it's - there's no - there's no requirement for that.

Well, let's just look at confined space then?---Yes.

20 That's nationally accredited; okay. So if you were training an ERT you would have to be competent in confined space, would you not?---Yes.

And if you were training volunteer firefighters you would not do it?---Well, we wouldn't train volunteer firefighters in confined space.

25 Therefore, the trainer wouldn't have to have that competency?---No.

So it's kind of swings in roundabouts, isn't it?---You can't deliver a national - nationally-recognised unit of competence if you don't hold that unit of competence, no.

30 Yes. Yes, so this case is about, if I can just explain to you, this case is about career firefighters who have moved into community fire safety positions, and people who have come from other backgrounds. Now, do you want to express a view about the competency of - relative competencies and abilities of those people one to another?---Our training offices, well, the training officers that I'm responsible for - - -

35 No, no, I'm not talking about them, I'm talking about - - -?---The one's in TasFire - - -

- - - TasFire Training instructors?---I couldn't comment on their competency as trainers.

40 Could you comment on the competence of building safety consultants regardless of their background, where they come from, one to another?---I've worked in community fire safety and I've actually had people from community fire safety work with me who have got an operational background on instant management teams, the likes of Leon Carr, Drew Connor, etcetera.

45 Have you worked in building safety?---Yes.

You have?---Yes.

So there's a gentleman in the north of the state, his name's Daniel Gregg, and he does not come from the career firefighting side of things - - -?---Yes.

- - - and he works as a building safety consultant just as does Leon Carr?---Yes.

5

Do you feel competent to express views about the relative - the relative competence they hold one to another?---I would be more than comfortable going to Leon and I would still go to Leon and ask him for advice on bushfire issues, whereas - - -

10 No, no, I'm sorry, I'm not talking about that, I'm talking about their work as building consultants?---Well, I would suggest they do the same work as building consultants.

So do you have a view about their relative merits in terms of their competence?---In that field?

15

Yes?---No, I wouldn't, no.

Okay?---I haven't actually worked with Daniel, I'm sorry.

20 Thank you, Mr Butters. No further questions?---Thanks, Commissioner.

THE COMMISSIONER: Ms Pearce?

MS PEARCE: Thank you.

25

**<RE-EXAMINATION BY MS PEARCE**

**[2.57 pm]**

30 MS PEARCE: Mr Butters, Mr Warwick has indicated what this case is about from his perspective and essentially, it's about these people being paid the same amount of money for doing the same work, in his contentions.

MR WARWICK: With respect, sir, I didn't say that.

35

MS PEARCE: You didn't say that, but from our perspective that's what the claim is, that they receive the same - - -

MR WARWICK: Well - - -

40

MS PEARCE: - - - the same amount of money.

MR WARWICK: I think that that constitutes leading the witness in the circumstances.

45 THE COMMISSIONER: Let's press on.

MS PEARCE: Okay.

Part of that means looking at the comparative value for the work that is done in that sense. In your opinion, would a training instructor who's been training emergency response teams be able to be a training instructor in terms of other areas such as operate pumps, hazmat, within a career fire brigade?---If they didn't have an operational  
5 background, no.

No, okay. Thank you, very much.

10 THE COMMISSIONER: Thank you, Mr Butters, you're excused?---Thanks.

<THE WITNESS WITHDREW [2.58 pm]

15 THE COMMISSIONER: Does that conclude your evidence?

MR BAKER: Yes, sir, it does. That leaves us only now to present to the commission our submissions, which we will deliver on 4 December.

20 THE COMMISSIONER: Very well. Some time next week, Mr Warwick, you will provide written submissions in relation to classification 1 in your application, I believe?

MR WARWICK: I most certainly will, Commissioner.

25 THE COMMISSIONER: Yes. Okay, on that basis we will adjourn until 9.30 on 4 December.

**MATTER ADJOURNED at 3.00 pm UNTIL TUESDAY, 4 DECEMBER 2007**

## **Index of Witness Events**

TONY DAVIDSON, ON FORMER OATH	P-150
CROSS-EXAMINATION BY MR WARWICK	P-150
RE-EXAMINATION BY MS PEARCE	P-159
THE WITNESS WITHDREW	P-163
ROGER STEWART STEEDMAN, SWORN	P-164
EXAMINATION-IN-CHIEF BY MR BAKER	P-164
CROSS-EXAMINATION BY MR WARWICK	P-173
RE-EXAMINATION BY MR BAKER	P-178
THE WITNESS WITHDREW	P-179
GREGORY THOMAS BUTTERS, SWORN	P-180
EXAMINATION-IN-CHIEF BY MS PEARCE	P-180
CROSS-EXAMINATION BY MR WARWICK	P-193
RE-EXAMINATION BY MS PEARCE	P-195
THE WITNESS WITHDREW	P-196

## **Index of Exhibits and MFIs**

EXHIBIT #R13 VARIOUS AWARDS	P-167
EXHIBIT #R14 EXTRACT TASMANIAN FIRE FIGHTING INDUSTRY EMPLOYEES AWARD	P-169
EXHIBIT #R15 CURRICULUM VITAE, ROGER STEEDMAN	P-180
EXHIBIT #R16 TASMANIA FIRE SERVICE OPERATIONAL PAY POINT SCHEDULE	P-183
EXHIBIT #R17 VOLUNTEER FIREFIGHTING SKILLS MATRIX	P-189
EXHIBIT #R18 COMPARISON OF TRAINING LEVELS VOLUNTEER FIREFIGHTER AND EMERGENCY RESPONSE TEAMS	P-191