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TRANSCRIPT OF PROCEEDINGS

O/N 68832

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

11.57 AM, TUESDAY, 21 NOVEMBER 2007

Continued from 20.11.07 in Launceston

DAY SIX

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: Mr Baker?

MR BAKER: Thank you, Commissioner. First of all, I apologise on behalf of the Minister for being slightly late. We got held up in the traffic.

5

THE COMMISSIONER: I can sympathise with that.

MR BAKER: We just didn't move for some time. I think perhaps I'll just put on the record that we - this morning we did visit the Tasmania Fire Service headquarters in Melville Street.

10

MR WARWICK: It was in Argyle Street.

MR BAKER: Thank you. And we undertook some inspections of the various pieces of equipment that the firefighters, those operational firefighters use in the performance of their duties, and I understand that we will be referring to those inspections throughout the presentation of witness evidence, and in formal submissions that we will make to the Commission as this matter unfolds. With that, I'd like to recall, or call, I would suggest, Mr Killalea to the stand.

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20

THE COMMISSIONER: Yes, thank you.

<DAMIEN JOHN KILLALEA, AFFIRMED

[11.59 am]

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<EXAMINATION-IN-CHIEF BY MR BAKER

THE COMMISSIONER: Yes, Mr Baker.

30

MR BAKER: Thank you, Commissioner. Mr Killalea, would you be able to provide to the Commission an outline of your background in the firefighting industry and your qualifications?---I'm director of community fire safety currently. Prior to that I was brigade chief of Hobart Fire Brigade. Previously manager of training division, and before that, worked in the field for several years, administering volunteer brigades. In terms of qualifications, I have a Bachelor of Business, a graduate of the Institution of Fire Engineers, and I guess that's all that's relevant.

35

Thank you. So you have actually had, if I may, just to reiterate, you've actually had experience in the administration of volunteer brigades?---And career brigades, both.

40

And career brigades, both?---Yes.

And how long have you held your current position?---About 10 years.

45

And prior – immediately prior to that?---I was brigade chief of Hobart Fire Brigade for two years.

And what did that involve, just a broad outline?---Well, responsible to make sure that Hobart and its environs were adequately protected by career firefighters in the event of fire. So making sure that we had sufficient crews, well equipped, properly trained, with good communications, good leadership, and so on.

5

Thank you. And perhaps for the Commission, could you provide an overview of your current position that you hold?---As director of community fire safety, I give direction to staff in the organisation, to ensure that the community is provided for properly in terms of fire safety legislation, training for the business sector and Government in how to respond safely and effectively to fires, training for the domestic sector, that is people in their homes, and how to prevent fires and respond safely when they occur, and I also oversee the delivery of fire protection equipment, sales, servicing and repair services.

10

15

Thank you. Perhaps if you could turn to the issue of building safety. If you just turn to that part of the work which was undertaken. Could you explain to the Commission what is the role of building safety?---Building safety, or the fire service has got a statutory responsibility to report to the director of building control on the fire safety features that are planned to be built, not homes but most other classes of buildings, class 2 to 9 under the Building Code of Australia, and the building safety unit carries out that function on behalf of the chief officer. And they also inspect buildings once they've been completed and before they're occupied to make sure they have been built in accordance with relevant legislation codes and standards. They also inspect older buildings, once they've been occupied and used for some time, to ensure that those buildings continue to comply with relevant legislation codes and standards.

20

25

Does the Tasmanian Fire Safety – sorry, does the Tasmanian Fire Service employ consultants or employees to look after that work?---It does.

30

And can you just advise the Commission as to what type of employee that you engage to undertake that work?---Well we engage different types of people I guess. Essentially we call them consultants. We've got people with graduate certificates in building design, or fire safety features in buildings, who have come from a career firefighting background. We've got other consultants who have come from a career firefighting background that bring to the unit their firefighting knowledge and skills and experience. And learn more about legislation codes and standards to do with building safety once they join us. We've got people we've employed from the civilian field that bring particular skills that we seek too, to broaden the range of services we offer. For example we've got a fellow in the north, Daniel Gregg, who comes to us with building surveying type qualifications which – building inspection type qualifications which we find useful. Kym Manton who comes to us from our Tas Fire Equipment unit who brings skills in inspection of fire protection equipment that we make use of.

35

40

45

So there is no – what do you say, Mr Killalea, there is actually no prescribed qualification that you seek?---For people from a firefighting background. Because we want them also to be able to fulfil operational duties from time to time, they are

required to have qualifications, competencies that we've identified for promotion up to and including senior station officer level.

5 And those qualifications are described in the Tasmanian Firefighting Industry Employees' Award?---I'm not sure the qualifications are, but the statements of duties specify that they have to have essential – as an essential requirement, qualifications determined by the Tasmania Fire Service.

10 Thank you. And what about those persons who you may recruit from outside an operational firefighter background?---We don't require them to have operational firefighting skills, but there are different skill sets that we seek to recruit through those people.

15 So when you talk about graduate certificates in building design, quantitative surveying etcetera, are they sorts of qualifications you would be seeking?---They are certainly useful qualifications. I don't have the statements of duties in front of me so I'm not quite sure how we couch those, but certainly I recollect that we're looking for qualifications and/or experience in those sorts of fields from people we recruit from outside the organisation.

20 Thank you. In relation to advice and – sorry, I'll rephrase the question. When a person commences with your building safety unit, do they have access to guidance and advice etcetera?---They do.

25 Would they grow in the position?---Yes, they do.

So they would gain skills and knowledge through time?---Yes.

30 Do they have access to – ready access to other persons with knowledge - an acceptable knowledge of skills and knowledge?---They do.

35 There was evidence presented to this Commission early in relation to Mr Craig in Launceston, does Mr Craig have access to guidance and advice when required?--- Mr Gregg, I assume.

Mr Gregg, I'm sorry?---Yes, he does.

40 Where does he find that advice?---In the first instance he would communicate with his immediate supervisor, the district officer, Geoff Knight. If it's advice of a technical nature he's after, if it's advice of more of a policy nature he's after, he'd communicate normally with his manager, Phil Oakley.

45 So just to clarify, do you think that with technical advice he'd refer to his – or defer to his district officer, and in respect of policy matters, he would refer to his manager, Mr Oakley?---That's what I expect him to do, yes.

Thank you. There was also evidence submitted when we were last in Launceston, sorry, the time before we were in Launceston, in relation to delegation. Has Mr

Gregg been delegated to sign correspondence for and on behalf of the chief officer?---I'm not sure whether he has been formally delegated, nor whether he needs to be formally delegated, but he has been delegated by his manager, the authority, if you like, to sign correspondence with clients, yes.

5

And could you advise the Commission if you have knowledge of the level of responsibility that would entail?---That's a tough question. Given the routine nature of the work that he performs, I would expect that the responsibility he carries with that isn't of a high order. Where he would have doubts about how we ought to deal with a matter, or how we ought to respond to a client, he would communicate either with his supervisor or his manager. And therefore, in a sense, not abrogate his responsibility - that's not the right word, but pass it up the line.

10

Yes. Would you have correspondence that he would issue, would it contain provisions advising clients to take certain action?---Yes.

15

Would it also contain instructions to undertake certain actions?---Yes.

20

And in what regard would they be in relation to?---They would be in relation to the owners or occupiers of buildings responsibilities to have or maintain or use systems and features and measures within buildings to aid fire safety, which are prescribed by building codes and standards.

25

And would you expect that to be the same for other building safety consultants with an equivalent level of knowledge and skills?---Precisely the same.

30

And if I recall, you indicated that that level of knowledge and skill would be gained over a period of time?---We would recruit people who would have a certain level of knowledge and skill already, but we'd certainly need to make sure that they became familiar with the acts and regulations codes and standards that we work to.

And that would vary dependent upon the background of the individual?---Yes.

35

Thank you. Perhaps if we move to TasFire Training. As the senior manager, in respect of that area of the operation of Tas Fire Service, what is your requirement of the role of a senior consultant?---Primarily to ensure that - well, the role of the unit I might start with, is to improve safety in the business community through the delivery of training and related services. And it needs to do that in the context of national competition policy, because there are competitors out there in the field. Given that it has got to be competitive, and meet those competitive neutrality principles, one of the functions of senior consultants is to, for want of a better term, drum up business, to go and sell the services of the unit to the business and government sectors. That is market the courses we offer and seek to influence businesses and government departments to take up that training. They have a role to make sure they have adequate resources to ensure the training is delivered. So to make sure they've got appropriate trained staff to deliver the suite of courses that the unit offers, and to make sure that those staff are equipped with the resources they need to do that.

45

Perhaps you might explain to the Commission the impact of the national competition policy on the unit itself, of why it is so important?---National competition policy requires that the unit be profitable, just as any other business that it competes with has – needs to be profitable in order to continue to trade. The costs that government
5 or fire service policy might impose on TasFire Training that aren't imposed on private business can be taken off the bottom line, if you like, so that in fact the unit may be able to operate at a loss where it's got additional costs it needs to bear. We are very mindful of making sure that we adhere strictly to national competition policy. We've made sure we've identified all of the normal costs that our
10 competitors bear, and we make sure that we bear the same costs. One of – I guess one of the key issues here is – that we've looked at is the salary that our competitors pay, and in determining the rate of pay of our TasFire Training staff consultants and instructors, one of the things we took into account was what our competitors pay. I guess one of my concerns, if this if – if you – I guess one of my concerns is if we
15 begin to compare the rate we pay our instructors with firefighters, and in fact we have to pay our instructors the rate we pay firefighters, then it's going to make the unit uncompetitive. At the moment we can argue with the ACCC, and I've had discussions with them, that because we can employ civilians to deliver the training, that's the rate of pay we have to account for in determining, or in measuring our
20 profitability. So the marginal cost of employing firefighters to do identical work can be discounted from our bottom line.

When you talk about discounting off a bottom line - - -?---Yes.

25 - - - that's to enable you to not compete unfairly with the private sector?---Yes. If I can give an example? Let's assume for a moment that we have to show a profit of \$50,000. If its cost – if the marginal cost of employing firefighters is say \$130,000, then we can legitimately run at a loss of the difference, that is an \$80,000 loss, okay. But if we're paying all of our trainers and our consultants the same rate as
30 firefighters, we can no longer mount – I don't believe we can mount that argument any longer. That is, that's the cost of employing people in that business.

So the nature of the national competition policy is to ensure that a public enterprise does not compete unfairly with the private sector - - -?---Yes.

35 - - - by inflating or deflating certain costs?---Well, in this case deflating costs, yes.

Yes. First, if I return back to the senior consultant's role, is that a position that is a hands-on training role?---No.

40 How do you see that role?---We're talking about the senior consultant's role?

The senior consultant's role?---Well, I've already mentioned its primary role is to consult with clients and potential clients and sell training. That's its primary role.

45 And by selling training, do you mean developing and/or designing courses specific to industry?---Yes, and specifically for clients, which might mean contextualising

courses, for example, that are – on the register of training courses, there is a capacity to contextualise those courses for different clients to meet specific needs.

5 When you talk about the registrar of training courses, are those training courses nationally accredited?---I believe they are. They're certainly credited through the Tasmanian Qualifications Authority, which I believe means they're nationally accredited.

10 So in that respect, when you talk of contextualise, the courses would be selected from a group or a unit – a group of competencies?---Yes.

And in turn, would that be used to develop a quotation for the work?---Yes.

15 And such documentation will also go the formation of correspondence and letters and what have you, for the development of a course?---Yes.

20 Are you aware, or do you require, qualifications for the delivery of the training?---Yes, we do. Our instructors are required by us to have a certificate IV in workplace training and assessment.

25 And can you tell me why you require that qualification?---Well, for two reasons. First of all, the Tasmanian Fire Service is a registered training organisation, and there's a requirement under that registration to have people with that qualification to deliver training. And even if that qualification didn't – or that requirement didn't exist, we'd still require our people to have appropriate competence to train and assess people.

30 So when they train and assess, can they also issue a qualification or a certificate of attainment at the end of a course?---In most cases, yes.

Yes, thank you. I'd like to table an exhibit. I think we've actually – I'm not sure whether we've actually tabled this particular one. It's the Job Analysis Questionnaire, goes to – if you just bear with us for a moment, Commissioner.

35 THE COMMISSIONER: I'm just getting up to speed. Yes, R11 is the one, Job Analysis Questionnaire, Senior Consultant, TasFire Training.

40 **EXHIBIT #R11 JOB ANALYSIS QUESTIONNAIRE, SENIOR CONSULTANT, TASFIRE TRAINING**

MR BAKER: Mr Killalea, are you able to recognise this document?---I do.

45 Are you familiar with the content of the document?---I'm fairly familiar with it. I haven't read it in detail for several months.

And could you explain to the commission what your role was in the development of this document, if at all?---The – an early draft which has previously been presented here in evidence by the UFU was prepared by TasFire Training staff. I'm not sure if the development of that draft involved their manager. It was developed with I think
5 two – three other job analysis questionnaires, and they were then forwarded to me. And I went through those with their managers to satisfy myself that the contents accurately reflected what it is we wanted the people to do.

Thank you. Now, perhaps if I could take you to the second page of the document,
10 and there are a series of dot points there that go to the role of the senior consultant. And perhaps if we just go through each one of those, and you may like to offer a comment or two. I think the first one that you've – in the reports that are promoting and selling the services of TasFire Training, inviting business opportunity, I think we've previously discussed that. Likewise with dot point 2:

15 *...consult with private and public sector employers in the workplace who are undertaking training analysis and a delivery of training to their clients needs.*

I think we've discussed that too, haven't we?---Yes.

20

What about point 3:

...provides specialist advice about an emergency control and response –

25 ?---While senior consultants are on-site – on clients' sites, it's not unusual for them to be asked questions about what their training needs are in regard to fire safety, and for some organisations, that might mean that having an emergency response team on-site is beneficial. And in many instances, clients who have approached us that need them would already have some sort of emergency response capability. And we
30 might provide advice about further training that those emergency response teams might need. Emergency control also deals with how to respond to an alarm of fire in the building, so it's about the development of evacuation procedures and training that might be required by firms to make sure that the staff understand and can respond appropriately to fire alarms.

35

Good. Thank you. And dot point 4 talks about the:

...manage the human, physical and delegate financial resources assigned to the region.

40

Can you elaborate on that please?---The senior consultant is responsible for the day-to-day management and allocation of work to their instructors. Physical resources deals with things like the maintenance of equipment used to deliver courses, such as laptop computers and data projectors and the like, motor vehicles, trailers that are
45 used to cart training resources like fire extinguishers and hoses and the like to clients' sites. And delegate financial resources is about the responsibility for managing expenditure in the region, related to the delivery of training, and also to sell sufficient courses to meet revenue expectations as well.

So there is an expectation – and I suppose that goes to the next point:

...and meets agreed budgeted expectations –

5 ?---Yes.

So there is a budget - - -?---There is.

- - - and there's an expectation to meet it?---There is. And the revenue budget is
10 developed by the many consultation with each of the three senior consultants prior to
the commencement of each financial year. They, that is the senior consultants,
estimate how many courses of each type they expect to be able to run during the
year, based on previous experience and expected demand, and they also discuss
15 pricing changes based on a number of factors, including the need to balance the
budget, people's capacity to pay, rates being charged by competitors and the like.

Good, thank you. And it goes on, the bottom point:

20 *...ensured TasFire training within the region operates within OHS guidelines,
standard operating procedures, registered training organisation
responsibilities, volunteer guidelines, and invoice policies.*

And it's a fairly straightforward statement, isn't it?---Yes. You would expect most –
25 well, you would expect all supervisor managers to have that sort of a requirement in
their statement of duties.

And then finally, there is:

30 *...report to the manager on regional performance activities and needs.*

Could you advise the commission how complex these reports are and how often
they're required to be provided?---Well, the manager reports to me on a monthly
basis in terms of how many courses of different types are delivered against what's
35 been planned. So the provision of those figures to the manager by the three regional
senior consultants would be very straightforward. Appropriate records are kept in
databases to facilitate that. And reporting on activities might include what training
they've got planned for the forthcoming month, they would have discussions from
time to time on the need to get staff together to develop learning resources, or review
40 learning resources, and they would be talking from time to time about extra resource
needs, replacement of, you know, worn-out laptops and the like.

Just perhaps if I could just go back to the issue of facilities management that we just
spoke about briefly?---Mm.

45 Does the senior consultant have any primary role or function in the ministration of
facilities generally at Youngtown?---No. The regional chief is responsible for the
management of the site, and the responsibility for the day-to-day management of the
training facilities rest with the district officer responsible for in-service training at the

site. The senior consultant's role in that would be to liaise with that district officer to ensure that if a classroom is required, the classroom is available, and other facilities like parts of the training ground outside, were available to him on the days he needed them.

5

Perhaps just before we go on, I just want to go back to the training responsibility of the manager, and we stated briefly about the development of course material. Would it be your expectation that the senior consultant would be required to contextualise material?---Yes.

10

Does he have the authority or the autonomy to do so?---He does.

And that is an expectation of him as the senior consultant?---Yes.

15

Does he report to anyone in relation to that?---The contextualisation of courses for particular clients is pretty routine. I imagine that if we take on a client from a sector that we haven't dealt with before where we might be unsure about certain features, that that consultant might consult with other senior consultants and the manager to develop a unit-wide view, but that wouldn't be the norm.

20

Okay. Perhaps if we could just move on through the job analysis questionnaire, and there's an interesting one under item 5, under the Key Results area, meeting a registered training organisation's obligations, and I was wondering if we could just work our way through that, because I think that's very important, because basically this is about you staying in a job, or your – the training that stays in the job, doesn't it?---Mm.

25

So when it talks about managing instructor competency by ensuring personal development - - -?---I just wonder, could you - - -

30

THE COMMISSIONER: What page are you on, Mr Baker?

MR BAKER: I'm sorry, page 86. I do beg your pardon, I lost the page number there, page 86, item 5 - - -?---Yes.

35

- - - meeting RTO obligations. And there's a note there that says:

...manage instructor competency by ensuring personal development plans are in place and implemented –

40

and the impact is:

...ensure that all TFTs have competent staff.

45

Could you advise us as to how Mr Mackrell could go about that, if you - - -?---Well, they're personal development plans; they're going to depend on the needs of the individual, and therefore it depends on where the individual that has joined the unit has come from. Say, for example, if the individual comes from a career brigade

background, then they're going to have most if not all of the underpinning knowledge and skills required to deliver the courses. They're going to need some induction, however, to – for a number of reasons: first of all, because courses are contextualised for different clients, because they're dealing with business clients, external clients if you like, rather than internal clients, and I'd argue that a different approach needs to be taken than what we might take with our internal staff.

Could you just elaborate on that just a little as to - - -?---Yes. The officers delivering training in service, or the operational officers, work in a very hierarchical structure, and if a firefighter is given a direction, then the officer can expect immediate obedience. It's quite different when dealing with business clients. We don't give them orders; we're there to train them. So it's a much more facilitative environment and a coaching environment rather than what's often a more directive environment in a career brigade. Now, where was I? So a career brigade person joining TasFire Training wouldn't need as much development from a person coming from a civilian background. The person we recruit from civilian background in all likelihood will have some sort of training background. They're the sorts of people we're trying to recruit to instructor positions. But it would be – well, I shouldn't say unusual, they won't necessarily have a background in firefighting. Now, to these what I call civilian positions we don't recruit career firefighters. They wouldn't be civilians. We have from time to time recruited people with a volunteer background, and we've recruited people with no firefighting background whatsoever. Those who come from a volunteer firefighting background, because of that background, bring with them certain skills, but nowhere near the same level of skill that a career firefighter brings to the job. And we've identified what a person in that position needs to – what skills they need to be able to demonstrate, within a certain reasonable period of time of joining the job. And similarly, we've identified that civilians that we recruit to those positions need to gain those same skills and experience. And because they don't bring with them volunteer firefighting skills, they make take a little bit longer.

Thank you. And the third dot point there, is participating course development review and the impact since you introduced competitive training techniques to ensure TFC compliance with the RTO standards. Is there any comment you'd like to make about that? How would Mr Mackrell go about that, in your view?---The manager of the unit periodically runs workshops where the senior consultants and indeed instructors, get together to review course material and to do, just as it says there, to make sure that we're continuing to use contemporary training techniques, that we're meeting our RTO requirements, and it's an opportunity too, to make sure the feedback that we're getting from clients about how we've improved courses is included in future courses.

Thank you. And finally, there is an issue there in relation to accreditation. I think we discussed about courses being on the national register?---Yes.

And they would just simply be – they would be a review of those courses to ensure compliance?---Yes, that's the case. And TasFire Training gets audited from time to time by the Tas Qualifications Authority and they might participate in that process.

So there is an audit carried out about your ability as an RTO?---Yes.

There was just one other issue that I wanted to touch on in relation to the unit itself, and that is in relation – and this is in the – we might leave the exhibit for the
5 moment. And that’s in relation to the issue of complexity in putting together evacuation plans. There was some considerable discussion that occurred in relation to this matter. What is your knowledge of the role of TFT in putting together an evacuation plan?---TasFire Training has been training clients for many years in how to respond to established evacuation plans. And from time to time we get requests
10 from those same clients to review their plans, and sometimes we come across clients who don’t have plans, that may or may not be required to have them, under the general fire regulations. So TasFire Training does – has become involved in helping clients develop plans that meet legislative requirements and meet the relevant Australian Standard. They – those plans vary in complexity. For small premises,
15 like corner shops for example, the development of those plans is quite straightforward. And in fact, there is a simple template that is provided to people who contact the Fire Service for assistance in that regard. Other plans can be more complex. As you’d expect, and evacuation plan for a multi-storey building with multiple tenants in it, for example, would be more complex than a corner-shop plan.

20 Is the operational side of the fire service involved in the development of those plans?---They are involved in the observing the implementation of those plans. So before a plan is finally approved by the chief officer, it has to be observed in practice by an operational officer. And the operational officer has to approve it.

25 So there would be a demonstration of a plan in the workplace?---Yes.

And that would be oversighted by an operational firefighter?---Yes.

30 At rank?---Yes, by an officer.

By an officer. And then the plan would be signed off by the chief officer?---Assuming that the officer has been satisfied with that practice.

35 Thank you. Over the last five or six years, has there been any significant net addition to the work, to the workload?---In?

In complexity?---In TasFire Training?

40 In TasFire Training?---No. We’ve – we’re now delivering a couple of courses that we didn’t deliver perhaps five years ago. A course on how to work safely at height, a course on how to work safely in a confined space. But the complexity of those courses is no – they’re not complex courses, no more complex than other courses we deliver. In fact, arguably the most complex course we deliver is emergency response
45 team course, which goes for several days. Whereas work safely in confined spaces and height is probably an eight-hour course.

So the – all that has occurred over the years is the additional courses added?---And in fact we've taken away some courses, where demand no longer exists. Because we've met a market need.

5 So as the market changes, your courses change?---Yes.

Thank you. What about in relation to building safety? Have you noticed any significant changes in the way in which the work is performed or undertaken?---Over what period?

10

In the last 5 – 6 years?---In July of 2003 we gave effect to a section of the Fire Service Act which required people who wanted to install, maintain or repair fire protection equipment to have a permit. That – so in that sense, that's a change we've introduced. That's the only change that I can recall.

15

And how does one go about getting a permit?---Well, one applies to the chief officer on a form. The responsibility for issuing permits has been delegated to the manager of building safety. The chief requires that people demonstrate competence, in being able to install, maintain or repair fire protection equipment. And the national training package entitled "Asset, Maintenance Portable Fire Protection Equipment" is the training package that we use to assess people's competence. And they have to provide – all applicants have to provide evidence of competence in certain competencies, and then they're issued with a permit which enables them to exercise that competence.

20

So who would actually go a private contractor, in relation to a private contractor?---Yes.

25 Do officers of the fire service also need a fire permit?---It's not a fire permit - - -

30

Sorry?--- - - -it's a service permit, we might call it.

Service permit?---Yes. We have around 23 – 24 staff who deliver that service. And yes, they are all required to have a permit as well.

35

So that has been the only addition to – or change should I say, to the work which is undertaken by the building safety unit in the last five years?---Sitting here - - -

40 Yes?--- - - - wracking my brains, that's the only significant change that I can think of, yes.

Thank you very much. Just one final question in relation to contextualisation. Is contextualisation a new work, or has Tas Fire been doing that work for some considerable time?---My training career started in 1985 and we were certainly contextualising courses then. We didn't have a commercial training unit as such. We did training for commercial, or business clients, on an ad hoc basis. We certainly contextualised courses then.

45

And in relation to contextualisation, how much of a course development is new or innovative work?---From one client to another?

5 Yes?---That's not an easy one for me to answer, but I'd be guessing in the order of five per cent. I say that because I'm not directly engaged in that sort of work.

10 Yes. Thank you for that. We may turn to a fire safety auditor. Could you explain to the Commission the differences in the role between the fire safety auditor and the role of consultant in building safety?---A consultant in building safety has the – primarily does two things. They inspect plans for new buildings, and make sure that the fire safety features and measures planned to be put into those buildings meet national codes and standards. And they then inspect the building before occupation, to make sure that indeed those features and measures have been installed as planned. That's their main role. An auditor's role is to go into existing buildings and inspect a range of – a fairly limited range of installed features. And they are features like exit lights, fire extinguishers, hose reels, fire blankets and the documentation in fire alarm panels.

20 How many employees that are engaged by your unit undertake this work?---The auditor work?

Yes?---One.

25 And that would be a Mr Manton?---Yes.

30 Mr Manton. The qualifications that you seek by - as the employer in the employment of Mr Manton, what qualifications do you seek to undertake that work?---I don't have his statement of duties in front of me, and that would be helpful. Off the top of my head, some experience with the features that are being inspected. I guess a capacity to be able to compare what's there with what's required by codes and standards, a capacity to report to his supervisor and clients on the degree to which those features and measures comply, and a capacity to negotiate to a limited extent, with clients, where those features and measures don't comply.

35 Is he a permit holder?---Yes, he is. He's not required to be, but – sorry, I should correct that. He has certainly got the same competencies that permit holders have, which enables him to recognise fire extinguishers and blankets and the like. He's not required to be a permit holder and I'm not sure whether he is or not. He's certainly not required to be one.

40 So the complexity of the task is for these to observe, note and report, is it?---Yes.

45 And to advise clients or members of the public about efficiencies in their fire protection areas?---Yes. Now, I just made a statement a moment ago that I think might have been wrong. You asked me, I think, what competencies that person is required to have. I don't think that they're required to have the same competencies as permit holders. But in this instance, the incumbent has.

Thank you. So if we could look at Mr Manton's work. He notes and reports, observes, notes, reports and advises clients and/or members of the public in relation to the clients, and/or deficiencies in their fire protection systems?---Well, clients – well, I wouldn't call them clients. I would call them building owners or occupiers.

5

Right, okay. So it's a random thing, is it?---Well, it's random in some sense. He might go and inspect any type of building. But the focus over the last few years has been on medical facilities, schools and hotels. Because they are at some higher risk than some other types of establishments.

10

And when there is a deficiency noted, what is he – what process does he then follow?---My understanding is that he writes the report to the client, advising them of the deficiency, and gives them a certain amount of time to rectify and respond. That if the client fails to rectify and respond within, I think, around three weeks, there is a second letter sent. Now, I'm not sure who sends that second letter. Whether it's Mr Manton in this instance or a supervisor, and then ultimately, if it's still not rectified, there's a final letter sent, which is a registered letter. Final in the sense that it's then, if that final letter isn't responded to in, I think, a week, the matter is brought to my attention and I communicate then with the chief officer. And ultimately the commission itself might issue a direction on the occupier.

20

THE COMMISSIONER: Mr Baker, would this be a convenient opportunity to break for lunch?

25 MR BAKER: Yes, I think it might be, Commissioner.

THE COMMISSIONER: We'll resume at 2.15.

30 **ADJOURNED**

[12.53 pm]

RESUMED

[2.30 pm]

35

DAMIEN JOHN KILLALEA:

THE COMMISSIONER: Mr Baker.

40

MR BAKER: Thank you, sir. Prior to the luncheon adjournment we were discussing some comments in relation to the evidence that Mr Manten provided to this Commission some period earlier.

45

Mr Killalea are you aware of the role that Mr Manten undertakes in post-incident analysis or analyses?---Mr Manten gave evidence that he participates in post-incident analysis but it's not a requirement of his job.

So if it's not a requirement, how does he participate or why does he participate?---It's not unusual for consultants when dealing with non-routine matters and post-incident analyses are fairly normal routine in the sense that – well, a post-incident analysis is carried out when a building, which is protected by fire protection systems is involving fire and that's a rare event, so post-incident analyses are rare.
5 So a consultant might take along another person to - who might act as a second set of eyes, if you like and that's the role that Mr Manten might play from time to time.

10 So from your evidence is that it is not a requirement of his job?---No.

Would you describe it as an integral part of his job?---No.

15 Would you describe it as something which assists in the overall delivery of Tas Fire Services response to the community?---Well, I guess it does in a small way in the sense that Mr Manten might see things that the consultant doesn't see, but it's the consultant who takes the lead role in post-incident analysis and in fact, you know, that's reflected in the consultant's statement of duties.

20 Thank you. Mr Manten also gave evidence in relation to the development and review of documentation. Are you able to comment on Mr Manten's role in such development and review?---All of the units in community fire safety act in very much team environment and I said earlier, for example, that senior consultants in TasFire Training work with consultants and indeed the manager to review what they do from time to time in workshops and Kim would play a similar role in workshops
25 that building safety run from time to time to review documentation and update it. As the junior member of the team, I guess the role he plays would more often than not be either lower order than the role played by more experienced and more skilled consultants and senior consultants.

30 So although he may have a role within the development of it, in your view that is a minor role?---Yes.

35 Thank you. There was also some evidence given in relation to Mr Manten's role when new staff join building safety. Does Mr Manten have a mentoring and/or a coaching role when new staff join?---No. I think the people at the Fire Service use mentoring completely out of context. Mentoring to me is when a person who's spent many, many years doing a job and they may even have retired gives guiding advice to people about how they might develop through their career. The term "coaching" I think is more appropriate in those circumstances, but Kim doesn't have a coaching
40 role. There might be times when, because the work Kim does is different to the work that others in building safety do, Kim explains to people what he does and might explain some of, you know, the detail of what he does so that they understand what he does, but his role isn't to coach or train or educate or develop or mentor other staff.

45 Thank you. And one final question in relation to the evidence which Mr Manten provided to the Commission. There was some discussion in relation – I think we also discussed this earlier this morning, in relation to the permit system and Mr

Manten claimed that was a major change that had occurred since he had commenced in the position of fire safety auditor. Is that your recollection?---The permit system commenced on 1 July 2003 and Kim was appointed to the position of auditor some time in the next two weeks.

5

So it actually occurred after his appointment?---Yes. Sorry, no, the change occurred before his appointment.

10 Sorry, yes. I beg your pardon. Just in relation to Mr Frankcombe, who also gave – if we may change to Mr Frankcome who gave evidence before this Commission also and there's just one question I'd pose in relation to Mr Frankcombe. Mr Frankcombe indicated to the Commission that his competency and experience in the building trades in Antarctica and as a volunteer firefighter and fire investigation assisted him in undertaking his duties. Does the Tasmanian Fire Service require a training
15 instructor to have competencies and experience in those areas to be selected for appointment?---No.

20

Desirable, but not necessary?---Well, I'm not even sure that most of those would be described as desirable, they are completely irrelevant.

In what regard?---Well, can you just go through them. I think - - -

25

Sorry, yes. He quoted experience during a period of employment in Antarctica in the building trades as a volunteer firefighter and as a fire investigation person?---Okay.
25 With regard building trades, we've never, to my recollection, required somebody in TasFire Training to have any qualification or experience in that field. I've already said, I think, that experience as a volunteer would give him some of the skills that we'd be seeking for him to develop in order to deliver TasFire Training courses. We do offer a fire investigation course but we haven't employed – we employ career
30 brigade people to deliver the training on that because of their expertise in that field and we wouldn't plan on using somebody of Andrew's expertise.

35

So it's true to say, is it not, that all people who come to you from outside the service bring a variety of life skills with them?---Indeed.

And they are different and varied as one is to another?---Absolutely.

40

And some of those skills would enhance the position?---Well, some of those skills are going to be of some relevance somewhere.

45

Yes, thank you. Finally, if I may turn to the question of volunteers within community fire safety, are all your employees, who are non-operational firefighters do they hold or are they actively involved in volunteer fire work – brigade work?---No.

Are you aware of who holds an ability to respond and who doesn't?---I don't make a point of finding out. I could probably recall some but there are some staff I don't know whether they are not and I don't need to know because it's not relevant.

So it's not relevant in your selection of the employee to commence with?---Absolutely not.

And it's not relevant in their day to day work?---No.

5

And you as the manager do not inquire as to if they can or if they can't?---No.

Have you been involved at all in major incidents?---I have.

10 In respect of the chain of command, would you have been approached to see whether or not your staff may be of assistance?---I have been. In my current role you mean?

Yes?---Yes.

15 And have you – well, you can't advise, can you, whether or not they're – sorry, I'll re-phrase the question. And were those employees, that is generally your employees, both former operational employees and those who may act in a volunteer capacity, have those persons been recalled through you to attend a fire at any time or attend to an emergency situation?---Recalled through me? Look, can you re-state the
20 question, please?

Have you been approached from – through the line of command to make available any former operational employees – or operational firefighters or non-operational firefighters who hold volunteer qualifications, if I could use that expression, to attend
25 to major incidents at any time?---Yes, I have, but those requests don't necessarily come to me, they might come to the managers that report to me.

So they wouldn't go through you at all?---Well, they do – when I say they, the regional chiefs/brigade technical Hobart has come through me at times and I guess
30 when I've been available, but I've said, "Look, from my perspective it is okay for you to go straight to the managers."

And they would then - - -?---Release their staff.

35 Release staff?---Yes.

Yes, which is what I was coming to. All right. And are you aware – no, look, I think I will leave it there. Thank you, Mr Killalea.

40 THE COMMISSIONER: Mr Warwick?

MR WARWICK: Thank you, Commissioner.

45 <CROSS-EXAMINATION BY MR WARWICK

[2.44 pm]

MR WARWICK: Mr Killalea, you were talking earlier about the proper use of different words. One in particular I think you were talking about was mentoring. You used – in the evidence you just gave you used the word “routine” on three occasions and to my way of thinking that is a word that has several nuances, so I’d
5 like to ask you what you mean when – in this context – in the terms of when you just used that word what you meant by it?---In the context of those questions?

10 Yes?---Could you put the questions to me? I am sorry, I don’t mean to ask you questions, but - - -

Well, you were talking about doing work. One of them was Mr Gregg signing correspondence to clients- -?---Right.

15 You said it was routine?---Mm.

And you used it again I think in respect to Mr Mackrell and you said that contextualisation is routine, used the word in that context and if I am not mistaken you used it again in relation to some of the work that Mr Manten does. Can I put the
20 – my two understandings of what that – or two understandings of what that word might mean, or two nuances of it? “Routine” might be something that you’d do on a regular basis and might simply mean that, but I think another nuance of the word is that it is not necessarily important?---Mm.

It may mean both. I’m just wondering, when you used the word “routine” today
25 what you meant by it?---Well, in relation to Daniel Gregg, Daniel would be communicating with clients regularly and frequently on matters to do with adherence to codes of standards, particularly in relation to matters in the building code with are prescribed and it is very easy to look at something that is prescribed and compare it with something that exists. Daniel’s handling of that is routine in the sense that he
30 does it frequently and it is relevantly easily done, but increasingly there are what are called performance based solutions being developed under the building code where developers don’t need to develop prescribed solutions, they can develop what are called alternative solutions. Those matters are non-routine and it is those sorts of matters that Mr Gregg would refer to his supervisor, Geoff Knight, who has post-graduate qualifications in assessing performance based development; so that’s it in
35 relation to Daniel Gregg.

40 Well, I wanted to come to some of those issues but I don’t think we’ve – well, we haven’t to my satisfaction explored this question of “routine”?---Right.

Now, you said that he does it on a regular basis and he does it easily?---I would imagine so. It’s - - -

45 Well, let’s say for example, do you think Mr Baker would find it easy?---Mr?

Mr Baker, who just asked you the questions you have just been - -?---No, but Mr Baker doesn’t have the requisite competencies whereas Daniel Gregg does.

So is it simple work that anybody can do?---It is simple work that an appropriately qualified or competent building safety consultant can do, but I can't do it, I'm his boss.

5 So do you think "routine" in that sense is the right - - -?---It is not routine in the sense it is simple that everybody can do it, no, but it is routine in the sense that it's not complex work for Daniel Gregg nor for his colleagues.

10 Thanks, Mr Killalea. Have you ever been employed under the Tasmanian Firefighting Industry Employees Award?---No.

Never?---Yes, I would have been.

15 Yes, I would have thought you would've been, Mr Killalea?---Yes, yes.

With that long and extensive history, at some stage I would have thought you would have been?---Yes, yes.

20 Do you recall a major case that was conducted in relation to the award in the early nineties?---No, I don't recall.

It was called the structural efficiency case, a special case, it doesn't ring any bells?---Right. I don't think I was involved in it.

25 No, I'm not - - -?---And I'm not even sure what the outcomes were, but we can explore it if you like, because I'd remember stuff, I am sure. I'm not trying to be difficult here. I just cast it out of my mind.

30 I don't find you difficult at all, Mr Killalea. It's fine. I'm just wondering whether you're aware of what went on in that process; only in a general sense, not specifically. Are you aware that the work that firefighters do; in fact, the work that we looked at today in inspections, was assessed by this Commission at that time in terms of its value?---That rings some bells, yes.

35 Yes, and at the time – and, indeed, until the employment of these five people we're examining in this case – did anyone else ever work in those sorts of jobs who didn't come from a career firefighting background?---I don't believe so, no.

40 No? So these are the first, really, that have ever been employed and that the first of them have been in - - -

THE COMMISSIONER: Is that a "yes" Mr Killalea?---Yes, as far as I know.

45 MR WARWICK: So the first that have been employed without that underpinning career firefighting skill was based that in respect to people like Mr Fletcher and those people who work in building safety in the south, in particular- - -?---Sorry, Mr Fletcher?

I'm trying to think of it - - -?---Hayden Fletcher?

Yes?---Right.

5 Mr Klop has been talked about in these proceedings?---Yes. So these five, yes, they've been recruited from what we call it, if you like, the civilian workforce - - -

10 Now there's a word I think is inappropriately used – but, nonetheless ?--- - - -to fill positions that formerly had been filled by people from a firefighting background.

Yes?---Yes.

15 Okay. So would you say then that the assessment process that was conducted, that you're aware of – not intimately aware of – the assessment process that was conducted in the early nineties – surely, that process can't have examined the work of the people in question. I'm asking this question because Mr Baker asked you a number of questions about whether the work changed in the last four or five years?---Well, we wouldn't have examined the work that those four or five people do specifically but we would have examined, I imagine – and I don't know the details
20 that work-value case intimately – the work that was being done by people in building safety at the time.

Certainly?---Yes.

25 Yes, I agree. Well, if I could take you to some of the specifics in respect to your earlier evidence, Mr Gregg told us that he works unsupervised - he works in an autonomous basis – clearly gave that evidence to this Commission. Now, you're saying that a different set of circumstances apply?---Well, just as routine has different meanings – say, they're working autonomously or without supervision – he
30 works without somebody looking over his shoulder because he's the only building safety employee we have in Launceston, but I don't think it's accurate to say that he works autonomously. Well, again, it depends on your meaning of “autonomously”. It's certainly not accurate to say that he works without supervision because he is given guidance and direction from his supervisor from time to time and I understand
35 that that's not only regular, but frequent.

40 Well, Mr Killalea, on inspections Mr Gregg showed us a set of plans of a building. We had inspected the building and then he showed us the plans and there were a dozen or more extremely complex drawings, almost - - -?---Extremely?

45 Complex drawings, plans, almost mind-boggling – that's from my point of view, in respect to a multi-storey redevelopment – and he told us that he would give approval to those plans without reference to anyone else?---It's likely in that case that the fire-safety features and measured in that building were as prescribed by the BCA that it didn't include - - -

Well, that's not right because, indeed, he said that there were alternative solutions that were arrived at?---You didn't quite let me finish. That didn't include alternative solutions of a complex nature which would require him to consult with Geoff Knight.

5 That would required him to?---That would require him to, yes.

Well, it's a very difficult situation the Commission is in because the evidence from Mr Gregg was that that's not the case?---Well, I don't know what the evidence from Mr Gregg was specifically but I would imagine that in dealing with any building that raised questions in his mind, he would consult with his supervisor.

I think the point of the evidence was, that rarely happens. His evidence was that he could go for months without talking to anyone in a position of authority about his work?---Yes, well, maybe 95 - - -

15 His work is never audited. Go on, sorry?---Maybe 95 per cent of the work he deals with is work of a prescribed nature, you know, in the sense that the fire-protection measures in the building are prescribed and so he doesn't need to refer those things to his manager.

20 So you're saying then it's only things of a very exceptional nature he has to?---Well, of an exceptional nature that he would generally refer to his supervisor. But that applies equally to the other people who work in the unit.

25 You spoke about him referring matters to two destinations: one was to Mr Geoff Knight for technical advice and one was to the manager of the unit for policy advice. What sort of policy advice?---Yes, I was reflecting on that. How to deal with a difficult client perhaps. Maybe he had to deal with a particular client where he communicated with them by mailing in person for some time and they had failed to address the matters that Mr Gregg had brought to their attention. It's those sorts of things that he would refer, I would imagine, to the manager about whether we refer that matter to the State Fire Commission, for example.

35 So you're really talking there about enforcement?---In that particular example, yes.

Do other building safety consultants proceed with their own enforcement matters or do they pass them up the line?---No, they're all passed on up the line.

40 I was intrigued with the discussion, Mr Killalea, about the national competition policy – and let's go to this question of wages. Is what you're saying that you can't pay more than the private sector? Is that what you're saying?---I'm not saying we can't pay more. I'm saying that the unit has to compete and, if we pay a rate that's higher than competitors are paying their staff, it's going to make it more difficult for us to compete because in order to cover the additional wages expense we're going to have to increase prices or sell more courses, and in a competitive environment - - -

45 How do you know?---Well, apart from the fact that I've studied economics at university in detail, my experience.

No, no. How do you know what they're paid?---How do I know what they're paid? In determining the classification standards for these five and working conditions and salary rates, one of the things we did was to gather evidence from what we considered were like jobs. So, in regards to TasFire training, we looked at the major competitor for TasFire Training and they were prepared - - -

Who's that?---They were the firm – Fire and Safety Equipment, I think, is the name of the firm. I could be wrong – something of that nature – and the proprietor's name is Marcus Walmsley -and, you know, I'd known Marcus Walmsley several years ago – and spoke with him and he was prepared to give us that information.

Any others?---There were some that we considered and discounted. They included TAFE teachers, but their conditions were substantially different to the conditions that my staff work under.

Well, it's not really relevant, that point, we're talking about competition policy?---That's why we discounted it, yes, and, similarly, with the Australian Maritime College; I think we might have looked at salaries paid to the training consortium, but I can't be sure. And there might have been one or two others, but I discounted those.

Do they do fire?---No. The only ones that do fire, I think, that we looked at, from memory, was Marcus Walmsley's firm.

There would be people in the industry – perhaps even in Tasmania – who would self-employed sole operators, would there not?---Delivering this sort of training?

Yes?---Well, I'm not sure about sole operators. I'm not sure. There could be.

So you couldn't compare them?---Well, if they exist, we might look at those, yes, if it was relevant.

But he's self-employed?---Right, good point. Yes, so they're not paying themselves a salary.

People might be employed under AWAs – Australian Workplace Agreements. I mean, the question is, how do you know?---How do I know what?

How to draw up a relevant comparison under the NCP?---Well, look, that's not my field of expertise. That matter was addressed, managed by our Human Services people. I'm just not an appropriate person to talk to about what is appropriate.

A National Consumer and Competition Commission requires that wages be competitive; is that your evidence?---No.

That's what I wrote down?---Well, I don't think that was my evidence. My evidence was that firms in the public sector, significant business activities of government, have to be competitive. They have to operate within national competition policy

principles. TasFire Training and TasFire Equipment, under the guidelines, are significant business activities and we have to follow one or two models: the corporatisation model. If we were to go down that path, those two units would become government business enterprises, or the full cost attribution model for smaller business activities, and the advice I had several years ago when national competition policy took effect, was the full cost attribution model was the one that was to apply – and that’s what we’ve applied.

10 Actually, I’m looking at my notes, Mr Killalea, and it was a question with a question-mark after it. So is that your view of it, that the NCCC requires that wages be competitive?---No. It requires that, again, that government businesses act in accordance with the National Competition Policy principles – and that doesn’t require wages to be the same or similar. But what I did say was, in an order for TasFire Training, in this instance, to be competitive and meet – or work within the
15 National Competition Policy guidelines, its wages had to be competitive, from our perspective; not from, if you like, a legal perspective – because if wages aren’t competitive, as I said to you before, we’re going to have to either increase the number of courses we deliver or increase prices, which makes us uncompetitive – and, therefore, it’s more difficult to sell courses and to turn a profit.

20 Sorry, sir, if you think this is outside the realm of your sphere of knowledge, but who do you think has the right to set the wages of these people? Is it the NCCC or this Industrial Commission?---This Industrial Commission.

25 Yes. If you had to be competitive in terms of wages – and you’re saying not legally but, I think, commercially – well, isn’t the logical extension of that that you’ll have to employ – have to cease employing firefighters into these positions?---No, because I also pointed out earlier that I’ve run an argument that the marginal cost of employing firefighters to do the work that civilians can demonstrably do, can be
30 subtracted from the profit we have to make and that, therefore, we can, in fact, legitimately have a deficit – and operating deficit rather than a surplus.

35 Yes. We’ve mentioned on a couple of occasions the TasFire Equipment unit which sells and services portable firefighting equipment. My understanding is that that unit does some work that is profit neutral or, in fact, unprofitable simply because of the remoteness of where the work is done and the private sector simply wouldn’t do it; and, in fact, the organisation has a view that there’s a certain community service obligation there. Is that correct?---I have to have a think about that. For example, the Bass Strait islands are not routinely serviced by competitors because they’re not
40 seen as somewhere that they can do profitably. We service the Bass Strait islands but we actually charge a premium to do that, and Bass Strait Islanders accept the paying of premium to have people and goods and services imported is legitimate. The West Coast is remote – comparatively remote.

45 Isn’t the East Coast remote as well?---Look, I don’t know whether we have competitors on the East Coast. I’d be surprised if we didn’t. We would have competitors who service some West Coast businesses, I imagine – I don’t know but I

imagine. For example, some of the larger businesses like Myers, I wouldn't think that we service all of those.

5 Well, just to circumvent it, I mean, is it true to say or is it not, that if TasFire Equipment didn't exist, there would be some places that just wouldn't get serviced?---Yes, and one might argue then that we provide, or would be prepared to provide, what are called community service obligations. And, indeed, that's one of the things that government business can discount, if you like, where they're revenue

10 by, and TasFire Training can do the same.
Does it? That's the point of this line of questioning?---Right now, I don't think so.

Has he done so in the past?---No.

15 Do you intend it to?---Yes.

In what way?---We've been talking only recently about some services that people want the fire service to provide, and we have a community education unit that falls within my jurisdiction that deliver free education to children, to elderly people, and
20 others who are at high risk. So far, all business that we've delivered to profit-making organisations and government have been delivered by TasFire Training, again, in accordance with the national competition policy. But there are some organisations that fall in between that we get requests from time to time, and they might include for example charity organisations. And we've typically referred their business to
25 community education to do for free, or indeed we've referred them to brigades, career brigades, to deliver training, or we've had building safety staff in some instances make presentations. We haven't before – I haven't required TFT to deliver those, but in many ways, TasFire Training are better geared to deliver that sort of a service than others, but arguably they're services that we shouldn't be charging for.
30 And if TasFire Training do start to deliver those sorts of services, then we'll count them as community service obligations.

Do you think that in a similar fashion to TasFire Equipment, there mightn't be some of the training that TasFire Training that the private sector probably wouldn't bother
35 with because of profit reasons?---Type of training or location?

Pardon?---Type of training or location?

40 Please yourself in which you select?---Well, I'm not sure.

Okay?---Could you give me an example? I mean, we do training on the west coast for Australian Bulk Minerals at Savage River, for example.

45 No, I'm sure there's lots of money in that, but I can't imagine there's a lot of money in doing training in nursing homes, fire evacuation training, you know. They run on – my knowledge of it is they run on a shoestring so - - ?---Well, certainly nursing homes sometimes cry poor, but that doesn't stop us from charging them.

Anyway, I think we've explored that thoroughly?---They are profit-making centres after all. They make lots of money.

5 So Mr Killalea, in relation to Mr Mackrell, you said that contextualisation is routine. Would your answer be the same in respect to the use of that word vis-à-vis Mr Daniel Gregg? Would it be something that Mr Baker, for example, could go and do right now?---Contextualise a course? I wouldn't know what Mr Baker's background is, but I wouldn't expect him to contextualise a course for me, no.

10 So it's something they do often?---My understanding is that whenever a client asks us to deliver a course, we make sure, either through questioning over the telephone or through an on-site visit by the consultant in most instances, and occasionally perhaps by an instructor who wants to familiarise himself with the site, that we're delivering training that suits their needs. And because no site is the same and
15 because equipment and procedures and layout differs from site to site, employer to employer, in a sense we contextualise every course we deliver. Even courses that we deliver at our training facilities at Cambridge or Youngtown for example, where we're not on a person's site, we still contextualise in the sense that we describe to people that their premises might be different to the premises of the person in the seat
20 next to them, and they need to apply the learning to their own workplace.

Yes. But would you say that a similar circumstance applies in relation to your answer about Mr Gregg, and that is it can only be considered routine if you have the competencies and the skills to be able to do it?---I haven't talked about
25 contextualisation in relation to Gregg.

No, no, but I asked you about him signing correspondence?---Right.

30 And you said it was routine?---Yes, and I've already said that - - -

And we've covered that, but I'm asking you what you meant the word routine meant in this context, Mr Mackrell?---Well, it's routine in the sense that, as I just said, just about every course we deliver is contextualised in some way for - - -

35 No, but is it routine, sorry, in the sense of it being dull and boring and anybody could do it?---No.

No. Thank you. Leave it at that. You said that the district officer at Youngtown is in charge of managing the facility. Mr Mackrell's evidence was a little different to
40 that. He said he did it jointly with that district officer?---I was somewhat surprised by Mr Mackrell's evidence in relation to that question.

He's there every day, Mr Killalea?---He is – well, he'd be there most days.

45 Yes, but you say you contest his evidence?---I'm saying that formerly, and that's f-o-r-m-e-r-l-y – is that right?

No?---Formally, the other one. Formally, the responsibility for managing that part of the site and for making sure that light bulbs are working and chairs are replaced in the – when they fall apart and so on, and classrooms are available when needed, rest with the district officer, not with Mr Mackrell.

5

But I think Mr Mackrell is saying that, you know, on a practical – the practicality of it is that he has to accept a fair bit of responsibility for that?---Well, I'd say that there are some training resources that are used by Mr Mackrell's staff only, and some of the hot safety gear that he showed us might be part of that, and he'd be responsible for those resources. But for the shared buildings and facilities and the shared equipment, he's not responsible.

10
15 You said things hadn't changed much in TFT over the last four or five years. How about new standards in safe working and confined space – I'm sorry, no, new standards in faller-S systems, new standards in planning for emergency healthcare facilities, new standards in emergency control organisation and procedures for building structures and workplaces? They're relatively new?---Are these brand new standards or are they revised standards?

20 They're relatively new. Well, they would certainly be if not brand new, they'd be revised?---Well, I guess the point I'm making there is that standards where they exist are continually evolving, but they are incremental changes, not quantum leaps that require significant, in any way, shape or form, changes to the skill of people who deliver the training.

25

I'm not sure - - -?---And even where standards didn't exist and now exist, standards, and that is Australian – formal Australian standards, are usually merely a reflection of general practice in the workplace anyway. So despite the fact that standards are developed and are reviewed and amended from time to time, it doesn't follow that the skills one requires to deliver training change.

30

You would have noticed, Mr Killalea, would you have not, that there has been a very, very significant amount of change in respect to the law and the standards relating to working at height in Tasmania, and in fact it has been – I put it to you it's been a singular priority of workplace standards over the last five years, and it has had a significant effect on the operational side of the fire service as well?---What am I supposed to – is there a question there? I'm sorry.

35

40 Well, you're saying that standards don't change and that they reflect what goes on in the workplace anyway, and I put it to you that that's entirely wrong?---Well, okay, well, that was my off-the-cuff interpretation. I guess they could also reflect people's expectations, and I guess in relation to height safety, reflect the expectations of society that people can work safely at height.

45 Do you think Australian standards about these things are easy to read and be able to be – to be cognisant of and incorporate it into training courses and training practice?---Well, I know that a hell of a lot of effort goes into making sure that they are written in straightforward language so they can't be misinterpreted, yes.

But in many cases they're very, very complicated documents, aren't they?---Well, look, I could pick up Australian standards on a whole range of subjects that I'm unfamiliar with and wouldn't make head or tail of it, but people who are – have competency in a particular sector who pick up Australian standard that reflects how things are to be done in that sector would find them, I imagine, quite easy to read and interpret.

You said nothing much had changed in building safety?---Not that I can recall, except for the introduction of a permit system.

Isn't the Building Code of Australia constantly changing, or wasn't there a major revision a few years ago?---1994 I think. I thought – I can't recall the dates again, Richard. I'm not up with the technical detail, but again, you know, changes in the Building Code of Australia isn't dissimilar changes in Australian standards, in that they evolve. But it hasn't had a significant impact on the nature of the work that my staff do. Before the Building Code of Australia existed in its current form, they were still inspecting plans and comparing the fire safety features and measures on those plans to Australian standards and any other applicable code in the legislation, and they're still doing that. They're still inspecting buildings and comparing them to relevant codes and standards and legislation. You know, nothing about the process has changed; it's only the detail. They might be inspecting – I mean, a simple example might be that the height of balustrades on a stairwell has increased from, I don't know, 84 centimetres to 92, you know. All they need to do is hold a – you know, cast their eye over it or hold up a measuring tape or something. It's – you know, a change in the standards doesn't make it more difficult to apply them or to measure against.

Mr Killalea, you said – well, it's a fact that TasFire Equipment have recently taken over servicing of fire doors?---Mm.

And no doubt the auditors had to pick up that as well?---Well, I'm not sure if we're auditing fire doors. I can honestly say I'm not sure, but the servicing of the fire door requires a person to open it and close it and make sure that what they call the door furniture works, and to make sure it swings freely on its hinges and to make sure there aren't gaps of more than, you know, of prescribed numbers of millimetres around each of the edges of the door. It's of that nature, it's not difficult work. You know, you can service a fire door - - -

Have you ever serviced one?---No, I'm not competent to, but you can service a fire door in, you know, a matter of seconds – sorry, you can inspect a fire door, which is what's required, in a matter of seconds - - -

Yes, well - - -?--- - - - so I understand.

So it gets a little bit more complicated though when you've got a building like the police building where you've got hundreds of them?---Well, it takes in the order of hundreds of seconds I guess, plus travelling between.

You said he negotiates to a limited extent with clients, the auditor?---Yes.

What's that mean, a limited extent?---I guess what I meant there is that if Mr Manten identifies issues that need resolution, and I hesitate to use the word routine, but fairly
5 simple issues, then he would be competent to raise those issues with the client.
Issues that fall outside of his expertise, such as if he notices or believes there's a
problem with fire detection alarm systems, and they do fall outside his expertise, he
wouldn't be negotiating or discussing those issues, I don't believe, he shouldn't be,
10 with the client. There are times too when clients might become belligerent and they
don't accept advice they're getting or they don't want the fire service on-site, and in
those instances too Mr Manten wouldn't be expected to continue to deal with that
person face to face. And it wouldn't be - - -

Well, what would happen?---The problem would be discussed with the supervisor,
15 and that's when consultants would become involved and either accompany Mr
Manten or deal with the issue without Mr Manten.

So when you say a limited extent, you're talking about a limited range of – a certain
range of issues?---Stuff that falls within his competence, technical issues that fall
20 within his competence, pardon me, and people issues that fall within his comfort
zone.

Do you think it's easy to spend your working life going around into people's
business and telling them what they need to do to comply with the fire regulations?
25 Do you think that's an easy job?---I understand that Kim is skilled at it and enjoys
doing it.

Do you think it's a simple job? Do you think it would be easy?---Would I find it
difficult, no.

30 You wouldn't find it difficult?---No. I deal with difficult people from time to time,
people that my staff aren't handling very well, and I find it somewhat enjoyable. Kim
might find the same.

35 Well, I'd have to say to you that I think, and I'd be interested in your response: I
don't think there are many people who could go around and do that kind of work,
just walking off the street and have the - - -

40 MR BAKER: Objection, Commissioner. I mean, where is the line of questioning
going? This really has got nothing to do with the evidence as has been either led or
cross-examined today. You know, whether the - - -

THE COMMISSIONER: Well, it's – you're expression your personal opinion, Mr
Warwick. Unless you can frame it in a question I don't think it's taking us far.

45 MR WARWICK: Well, I'd like to get to the bottom of this statement, about
negotiating to a limited extent.

And I put it to you that you would have to have very significant negotiating skills and people skills to be able to do that job. I mean, your evidence seems to me to be intent on devaluing - -?---Well, I'm not devaluing it at all, and Mr Manten I know does a terrific job at what he does. I'm just looking here at:

5

...demonstrate the capacity to provide high levels of customer service and work and communicate effectively with a wide range of people.

10 Again, if negotiations get difficult, we don't expect Kim to be involved in it?---So when you're saying communication - - -

But surely he's negotiating all the time. It's the nature of what he - -?---Well, again it goes to – I think negotiate was your word.

15 No, I can assure you, it was your word?---Okay. Discuss, advise, deal with, influence. Negotiate might have been a poor choice of words. But Kym doesn't – it's not his responsibility to get into a – get into negotiations in the sense that he can offer a lower standard in return for something else. He cannot negotiate those. Okay. What he may negotiate around is the time that a person is given to install a
20 fire extinguisher, or to clear an alleyway. Now, Kym might say, for example, look that alleyway is blocked. You've got a function on here for 200 people, you tell me, in a week's time. You've got three – I'm coming back in three days time to make sure that alleyway is clear. Okay. Or the function might be tonight. He might say, well it's two, I'll be back here at four. That alleyway has got to be cleared by four.
25 So in that sense he's got some capacity to negotiate.

Well, do you think that that's important or unimportant? Do you think it's valuable or not valuable?---What? The fact that he can negotiate?

30 The fact that he can perform that role?---I think it's valuable that he can, but there's no expectation that he will deal with difficult clients.

I haven't raised the question of difficult clients, but let's stay with that. Now, Mr Frankcombe, he used to work in Tas Fire Equipment, didn't he? And he sold and
35 serviced fire extinguishers and so on and so forth for quite some period of time?---Two or three years, maybe.

Yes, and then he transferred, did he not, from that unit to TasFire Training?---A
40 temporary transfer of two years, initially.

And what's happened since then?---At the – some time during that two-year period we advertised a vacancy in TasFire Training internally and we had no internal applicants. We had no firefighters or officers apply for it. We then developed a new statement of duties, and advertised it externally and Andrew successfully applied for
45 the position.

Would you contest me if I said that he's been a volunteer firefighter for a very long period of time?---I know he's a brigade chief of a volunteer brigade, and normally brigade chiefs have some experience.

5 So when he went over to TasFire Training in the initial phase, it's true isn't it, Mr Kelly, that the fire service made him do a number of units of competence that would normally only be expected of a career firefighter?---No, that's not the case. There were a number of units of competency, part units of competency that we identified that Andrew would need to achieve in order to be able to deliver the suite of training
10 courses that TasFire Training offers. The breadth and depth of that suite of competencies and parts of competencies was significantly less than the breadth and depth of competencies that career firefighters were required to have.

15 Can I ask you again? You required him to do units of competence that career firefighters, or parts thereof that career firefighters would normally do, but which volunteers would never be expected to achieve?---Yes.

Yes, you did. Thank you very much for this entertaining afternoon, Mr Killalea. It's been most enjoyable. Thank you.

20 THE COMMISSIONER: Mr Killalea, if you - as I understand it, a point of reference in the evidence today there's been between people boarding from outside the service and those who transfer within their - within the service, and in the latter category we're talking about station officers or senior station officers; is that
25 correct?---And within TasFire Training down to, I think building safety down to leading firefighter level.

30 Right. So if there's a vacancy in TasFire Training for example, and you advertise it internally, you would accept applicants from what level?---We'd normally advertise for station officers and senior station officers initially. And if that's unsuccessful, we'll then broaden it to include leading firefighters. And for a leading firefighter, it would involve a promotion to station officer.

35 Right. So if a leading firefighter was successful on appointment, they would be promoted to a station officer?---Yes.

40 Does it follow from that that it is the view of the service that that reflects the value of the position, station officer?---It used to be the case until 19 - sorry, 2004 - 2005, early 2005. And for a period - several years leading up to that that people recruited into community fire - TasFire Training and Building Safety from within the service didn't need to demonstrate firefighting competence. So we would take on for
45 example, a leading firefighter and promote them to a station officer position in TasFire Training, and they could gain additional competencies to enable them to progress to senior station officer in TasFire Training. We ran into the problem though, that in transferring them back out into - back to the brigade eventually, that they were being paid at the salary of a senior station officer but didn't have senior station officer operational competencies, which created problems for us. So in November of 2003 the executive management team of the fire service discussed the

issue and the chief officer agreed thereafter that people who were selected to join community fire safety from career brigades must have the requisite operational competencies that would enable them to transfer back into the brigade at the same level.

5

I'm not sure that's quite answering the question. I'm not asking it very well, more likely. There's a vacancy, you advertise. What's the minimum qualification for an internal applicant?---To TasFire Training?

10 Yes?---Or to building safety? The minimum qualification would be station officers, the station officer qualification. That's for an internal one.

But you would accept an application from, I think you said, a leading firefighter?---A leading firefighter is already qualified to station officer level, but they haven't been appointed to a vacant position.

15

Yes, but you would accept a leading firefighter as an applicant?---Yes.

But you wouldn't accept a firefighter after 24 months?---No.

20

No?---Well, again, not normally. But there have been instances where, I now recall, that we've taken people at less than leading firefighter level. Again because we didn't get either station officers or leading firefighters apply, and yet we wanted to fill the position.

25

Right, and when they were appointed, they were appointed at least station officer?---No, they would have maintained their current rank of, say a senior firefighter.

30 But that's no longer the position is it?---Again our preference is to employ people at station officer level.

That's right?---We do – we still run into difficulties attracting people at that level. In fact we've currently got a leading firefighter in TasFire Training, and we've had fairly recently, I believe, people at senior firefighter level in TasFire Training. But our expectations of those people are less in the sense that – in what sense – they can deliver the courses. They might need drug supervision, for example.

35

Well, I don't want to be pedantic about this, but your earlier evidence was that if a leading firefighter was successful, they would be promoted to station officer on appointment. Is that your evidence or not?---Yes. Look, there are some peculiar circumstances occur from time to time. The leading firefighter I've just mentioned, it happened in Launceston recently. I don't know the full details, but we prefer to recruit people into TasFire Training for a minimum of two years. Under the award we can recruit officers for up to two years. But we can only recruit firefighters – we can't recruit firefighters for more than six months at a time unless they agree to come for more than six months at a time. Now, in this instance, this person didn't want to come for more than six months, and in fact, I believe he was a station officer who

45

actually reverted to leading firefighter level so he wouldn't have to be there for two years.

5 Perhaps I can simplify it. Is it the view of the fire service that the appropriate level is either station officer or senior station officer?---Station officer.

Thank you. Do you want to cross on those questions, Mr Warwick?

10 MR WARWICK: There are only ever been people work below station – of leading firefighter or station officer level in TasFire Training. It's never happened in building safety, has it?---I don't believe so, Richard, no.

15 No. With Mr Baker's indulgence, there is one matter that's just occurred to me that, for the benefit of the Commission probably should be cleared up. Mr Baker did ask you about your role in respect to people leaving Community Fire Safety and going to fires. Am I right in saying that your only role in that would be to say, yes, they're available or not. And is it correct, and what I'm suggesting is, that unless you were on the incident management team, you wouldn't be saying who you require, for what purpose?---Generally they'll ask for my staff generally, or they might ask for
20 particular people.

But you wouldn't be saying, well, I'm dispatching you to go and do this, that and the other. It would be as a result of a request made to you?---That's right, yes. They
25 report to someone else to be dispatched.

And that would be the incident controller, no doubt?---Ultimately they would report to somebody at an incident.

30 Yes. Thank you.

THE COMMISSIONER: Mr Baker?

35 <RE-EXAMINATION BY MR BAKER

[3.41 pm]

MR BAKER: Thank you. I've just three issues. One is in relation to Mr Gregg's competency in assessing drawings. And it goes to this issue of routine and competency. Are you aware of Mr Gregg's qualifications?---When we employed
40 him, he was well advanced in getting a, I think, a diploma in building surveying and I understand that he's progressed that significantly since he joined us.

As I – well, I understand that he's progressed that and has now turned it into an advanced diploma, or is studying towards an advanced diploma. Would you expect
45 somebody who holds a diploma in building surveying, and/or progressing towards an advanced diploma in building surveying having the ability to read a drawing of a building?---Absolutely.

Would you also not acknowledge that the plan as drawn for a building, that is a multi-storey building would be drawn by persons who are expert in the placement of fire protection instruments within that building?---Yes.

5 Thank you. In relation to the national competition policy, I just want to clarify this if I may. And I'll just reiterate what I said this morning. National competition policy is between the private and public sector, is it not?---Certainly those bits of it that I'm familiar with are.

10 Yes. And it's to ensure, sorry, I'll rephrase that. It's also in relation to, not only, and as I understand, is not only between the private and public sector, but it's also ensuring that the public sector delivers an effective dollar return to the public, is it not?---That goods and services provided by the government are provided efficiently.

15 Yes, much better expressed. Therefore, when we talk about the issue about Tas Fire Service, that arm of Tas Fire Service that competes with the private sector, has to ensure that it does so in a fair and proper manner, does it not?---It does.

20 And that is the basis of the evidence that you've presented to the Commission?---Yes.

25 Thank you. Just in relation to the issue of the contextualisation, the training packages. I think we spoke this morning that nearly, if not all of your training packages are on the national training register?---I believe they are. They're registered with Tas Qualifications Authority.

And a number - - -?---Almost all of them.

30 Yes - - -?---I understand.

35 Yes, and a number of those packages would be developed nationally, would they not?---TasFire Training grabs bits of competencies out of different training packages and welds them into a short course. I'm not sure what the jargon is these days. A short course that enables them to deliver training that our clients have told us they want. So I'm not sure they're picking whole packages off the shelf. They're picking bits of packages off, putting them together and then getting them registered with Tas Qualifications Authority.

40 So in effect, if you were aware of the packaging rules that make up a unit of competency, or a course outcome, then it would not be beyond someone who had some training to be able to put together a package quite readily?---No, that would be easily done.

45 Thank you. They are the only questions I wish to ask of Mr Killalea.

THE COMMISSIONER: Thank you, Mr Killalea, you are excused.

<THE WITNESS WITHDREW

[3.46 pm]

5 THE COMMISSIONER: According to the program I've got, at 2.15 we have got Mr Tony Davidson. I guess that's going to need some revision?

MS PEARCE: Yes, Mr Commissioner. Tony Davidson is actually here. We readjusted him at the lunch break and asked him to come down at about 3.30.

10 THE COMMISSIONER: Right.

MS PEARCE: However, we recognise that we are unlikely to get to Greg Butters today - - -

15 THE COMMISSIONER: Right.

MS PEARCE: - - - and we have suggested to him that we might talk to him tomorrow.

20 THE COMMISSIONER: That's fine. Can we have a five minute break?

ADJOURNED

[3.47 pm]

25

RESUMED

[3.54 pm]

30 THE COMMISSIONER: Mr Baker?

MR BAKER: Thank you, Commissioner, I'll refer to my colleague.

THE COMMISSIONER: Ms Pearce?

35 MS PEARCE: Thank you, Commissioner. The Minister would like to call its next witness, Mr Tony Davidson, please?

THE COMMISSIONER: Tony Davidson.

40

<TONY DAVIDSON, AFFIRMED

[3.55 pm]

45 THE COMMISSIONER: Yes, Ms Pearce?

<EXAMINATION-IN-CHIEF BY MS PEARCE

[3.55 pm]

MS PEARCE: Thank you, Commissioner.

Good afternoon, Mr Davidson?---Sorry?

5 Good afternoon?---Good afternoon, Ms Pearce.

Mr Davidson, could you please tell the Commission what your current position is?---I'm regional chief south with the Tasmania Fire Service.

10 And what responsibilities does that entail?---I'm responsible for the management of all career stations and volunteer brigades in the south of the state, including the Cambridge complex where our training or learning and development is.

15 Thank you. And what is your background with the Fire Service?---My background is with a career firefighter and officer for some sixteen years with the career brigades and then I transferred to district management and following that I was promoted to brigade chief deputy regional officer in the south of the state and then subsequently to regional chief, so I've had some 32 experience years experience in the Tasmania Fire Service and filled a number of operational and instructional roles.

20 Good. So you've had quite a significant experience within the emergency response operational management of the organisation?---Yes, certainly both from a career brigade perspective and also from a rural perspective. In fact, one of my roles is the co-ordinator of multi-agency co-ordination in terms of wild fire, large incidents
25 across the state, so it's a broad area of responsibility and experience.

And what was that multi-agency co-ordination involve?---The multi-agency co-ordination group is responsible for monitoring wild fires or large bush fires across the state, across all tendencies or all tenure. It is also – we are also responsible for
30 the appointment of incident management teams at the highest level, we are responsible for the monitoring of their performance, we are responsible for the ongoing training and the recommendations on changes to the protocols, the inter-agency protocols; there's a vast area of inter-agency – inter-operability units there.

35 So what other agencies are we talking about in that context?---Sorry?

40 What other agencies are we talking about that are part of the - - -?---Forestry Tasmania and the Parks and Wildlife Service are the principal agencies, but there's also the private forest companies and also the other supporting agencies, such as Aurora, Transend and those types of people, but they're the principal ones.

45 So you spoke about land tenures. I'm taking that that there is different land tenures in Tasmania for which there are different responsibilities; how does that work?---Yes. The way it works is that Forestry Tasmania are responsible for the management in terms of fire protection and forest depression on lands that Forestry Tasmania are assigned. The Parks and Wildlife Service are responsible for allocated crown land and the Tasmania Fire Service is responsible for - although it doesn't own it, for fire response on unallocated crown land.

And the purpose of the Mack is there because fire doesn't recognise those boundaries?---Well, certainly and I guess to explore that, for each of the agencies hasn't in its own right got a capacity to at all times to manage all fires that might occur.

5

Okay. Thank you. Do you hold any other functional roles?---Yes, I'm also the Tasmanian AFAC representative for the urban strategy group and also the representative on the operational services group; there's been a slight change of title to that.

10

And could you tell the Commission what AFAC is?---Right. AFAC is the Australasian Fire Authorities Council. It's the peak body representing all land management agencies and fire agencies as well as SES and other agencies in Australasia. There's New Zealand, a very much a part of that and there's affiliations with the South Pacific Islands and also Hong Kong and other areas.

15

So is it fair to say that your expertise in terms of urban response and rural response is recognised by your roles within AFAC?---Yes, that would be a reasonable assumption, yes.

20

Okay. Good, thank you. So from what you've said is it fair to say that you also have a significant role in terms of determining emergency response strategies and resourcing strategies?---Yes, that's certainly one of the primary functions.

25

Are you also a member of the strategic management team at the Fire Service?---Yes, I have been for some ten years now a member of the executive management team and the other part that spins off that, the operational manager's group which is the senior operational managers of the Tasmania Fire Service.

30

Good. Thank you. What resources does the Tasmania Fire Service have to respond to incidents?---In terms of people or - - -

35

People, brigades?---In terms of people. We've got over 300 career firefighters and some three and a half thousand volunteers, or up to 4,000 volunteers and they are spread right around the state. The main career firefighters or fire operational people are in the urban centres of Burnie, Devonport, Launceston and Hobart, but the volunteers are spread strategically around the state in the population areas.

40

How reliant is the Tasmania Fire Service on volunteers to be seen to be able to provide an emergency response service?---The Tasmania Fire Service could not function in its current state without volunteers. They rely - we rely very heavily on our volunteers to respond to fire, both structure fires and vegetation fires, right across the state.

45

As an employer within Tasmania then, do we also have employees who are volunteers?---Just that question again, there's a - - -

As an employer, do we also have volunteers – have employees who are volunteers?---Yes, most definitely, there is quite a large percentage in reality of our employees who are both – have a career with the Fire Service and not just operational firefighters, both called career firefighters, but in our other divisions who are – some of our mechanics and other divisions who are volunteer firefighters.

5
10 So you mentioned mechanics; administrative staff?---Yes, all – I’d struggle to find one division where we don’t have people who are - you know, at least have one or two volunteers.

10 And does the Tasmania Fire Service allow those employees who are volunteers to respond to emergency incidents as required?---Yes, we do and it is a policy that we have that Tasmania Fire Service is no different to any other employer and provided that it is not going to effect the operation of the organisation, for example if Fire
15 Com operators, if there were two or three of those decided to leave that would put us in a serious negative position, so that wouldn’t happen, but certainly wherever we can release them we do and we will continue to do so.

20 Yes. Is it also fair to say that in a major incident the lines maybe blurred as to when somebody is an employee or a volunteer under those circumstances?---Yes, that is the case that – a specific occasion, I remember one of our employees – one of our current employees chose to be – he wanted to take a day off so he could go volunteer firefighting rather than actually come to work and fulfil a role, you know, as part of a career firefighting role, so there is a blurring of the lines and it is really a matter of
25 those using the appropriate resources for the appropriate events and so there’s going – some of our mechanics, you know, we can’t let them go or if we let them go, depending upon the needs at the time.

30 Okay. Thank you. Could you tell us then in – with the involvement you’ve had, what’s the system of command and control that the Tasmania Fire Service uses for managing incidents?---Right. The basis system that we use is the AIIMS ICS principle. The AIIMS ICS principle is based on unified command and the actual span of control of resources and basically that system allows for four key functional areas, incident controller, operations, planning and logistics. In a small incident the
35 responding officer, the incident controller assumes the responsibility for those roles. As the incident escalates those positions are then handed down or delegated to other responding crews.

40 So you’ve mentioned there that, you know, an incident management team - - -?---Yes.

- - - may be established and that would normally be for a major incident you said?---A team can be established at any incident depending on the complexity of it. It could be a small incident that is quite complex but you could actually set up a
45 team. So in other words, it doesn’t take many people to actually do the work, but the organisation of the logistics that are required for it may require you to set up a team, so that’s one example. We go on further as a fire or some incident has in that incident, for example, escalates, we may have to increase the number of people that

are actually in those teams. When we get to what we call a type 3 incident or a level 3, which is the – normally the largest size of incident, we may have 20 or 30 people involved in that team.

5 Yes. Okay. And that system is used to cover all types of incidents that we
have?---Yes, that's basically how it is, how – the way that it is done and an incident
controller is appointed or assigned. In the case for a normal small incident the crew
leader, whether they be a station officer or in the case of a volunteer brigade, the first
10 officer or the brigade chief or whoever the most senior person is there, assumes the
role of incident controller and that's how it evolves. Now, that person, as I said
before, assumes all the actual functions because in many instances they don't have to
do those roles, they are actually a standard runout and that's – they just do what
needs to be done. It's just as they escalate up that's when they hand the roles over or
delegate those roles.

15 So you mentioned that the brigade chief first officer, station officer, would be the
incident controller, is that always the case? Is there always a relationship between
the rank of the person and the position they will hold within an incident management
team?---Certainly not. Basically – ICS is based on the competence to do the job, so
20 that a specific job may require somebody who has specialist skills or experiences or
knowledge in each of the functional roles and it could well be that an officer who has
less rank may be appointed as the incident controller for that incident and that could
be very much based on experience so that's – in the normal day to day incidents
that's not normally the case, they are not appointed, it is just an assignment, this is
25 how we turn out.

Okay. So it's an issue of competence not rank? So as long as somebody holds the
competency they could undertake that position?---Yes. Well, yes and I must add that
it's – rank has nothing to do with it, it is competence to do the job and the person
30 might not necessarily work for the Tasmania Fire Service anyway.

Okay?---And then we could be responding into Parks area and Parks is the controller
and we are actually responding with them. Our people would then assume
responsibility for their crews and that type of thing, so it's – you know, it varies from
35 incident to incident but it is – and I come back to it, it's competence to do the job, not
the rank that you hold.

Okay. If I can take you perhaps to then a couple of major incidents? We've had
evidence regarding the Myer fire; would that be a major incident for which an
40 incident management team was established?---Certainly in the urban sense, yes, it
would be one of the large incidents.

What type of employees of the Tasmania Fire Service would have been involved in
the incident management team for that incident?---We had people from – well, as –
45 we had an acting deputy regional chief, so as high as the executive management
level. We had our district officers involved in it from operations from different
districts, we had people from our learning and development, our district officer and
our senior station officers, we had admin and clerical people working on the incident

management team. We had people from our building safety division, we had people from community education. Did I mention admin and clerical?

5 Yes?---We had our manager of administration, was working as part of the incident management team, so they were TFS people, so a selection right across the board; that's in the incident management, just to manage the incident.

10 And so what sort of work would the administrative and clerical people have been doing?---They were part of the resource unit logging our people in and out, they were assisting logistics section, yes, so various roles like that.

So can and do administrative and clerical people undertake logistic trials?---Can they and do they?

15 As for example, the logistics officer?---Yes, they do and that's – and it is quite common in other agencies for that sort of thing to happen as well and I know I am talking here in Tasmania and interstate, but people who have got the skills and the competencies to do those jobs and we see those as – those core roles, particularly for incident management and it is about incident management, they're not putting the
20 fire out, they're managing the incident and it is that competence and that ability to do the job and it is quite commonplace.

Okay. Good. So outside of the – those people who are involved in the incident management team, there was a number of firefighting staff involved as well?---Yes.
25 We – yes. We had virtually all available career firefighters and officers were there, bearing in mind that we can't put 100 per cent of our people on any incident at any one time because of the next working period, and there were volunteer brigades involved and participated in the incident. A number of the volunteer brigades were on scene and a number were supporting the Hobart Fire Brigade with other incidents
30 and standing by at the station.

Okay. So we called volunteers. Were there any career staff who had a firefighting background who wouldn't have been called?---There were – if you, and I will clarify this – are there any people who weren't called who had previously or had got
35 firefighting experience or firefighting background?

Yes?---The answer to that's yes, there are some that weren't called for a variety of reasons.

40 Yes. What would some of those reasons have been?---Well, some of them, for example, who weren't – who are not currently – haven't got currency of competence in their operational skills weren't called in because we wanted operational – well, in fact we wanted operational firefighters, that was where the deficit was. And so we didn't require them for that particular role. Other people we didn't call in because
45 the skills that they had weren't required at that particular point in time, but they may have been as the incident progressed, and talking particularly here with the people involved in building safety, for example, who – I mean, the fire wasn't, well, the fire, but the effects of the fire was to the whole block and round the Liverpool Street

Murray Street Cat and Fiddle Arcade. So a number of people were involved in that part of it, and had the incident gone on longer we would have got more of those people into the incident. But we got to a stage where – well, I was advised that we were at a stage where, you know, firefighters were required, particularly as we got
5 into the morning phase of the fire, going beyond the next day and through the first week period, building up to the next work period, so there was a need for us to be able to, with that fire, continue on a 24-hour rotational basis, so – and it was – firefighters were the ones that we were actually consuming.

10 So we wouldn't have been looking for people who were officers to come and work on that fire?---No, we had sufficient operational officers - - -

Yes?--- - - - to handle that fire. But we hadn't – you know, firefighters immediately – you know, firefighters are able to respond fairly quickly, or you know, in a short
15 period of time, were the assets or the resources that we required.

We've heard some evidence in particular that the fire service did not call officers by name of Rod Valance, Chris Brown, and Leading Firefighter Nigel Reid to that fire. Are you aware of any reasons as to why they were not called?---Look, I'm –
20 personally I couldn't tell you who was and who wasn't called. I would say that it – that my – well, my response to that would be that their particular skills may not have been required, that they were called the last time that - certainly two of the people from TasFire Training, Rod Valance and Eric Braithwaite, I remember them being used in 2003 at the Bluff Road fires, the large fire we had in the northern suburbs, in
25 logistics and resourcing roles. I mean, that was a fire that went for some considerable period of time, and they were called in to assist in that particular fire. So in that - so the only thing I can think of is that they – the people who were recalling staff for overtime would realise that those people didn't have operation –
30 currency of operational competence.

Okay?---Many of the people that were there were – would have been aware that – of the level of competency of our people.

Unless you stated there were other employees from building safety who were called
35 to assist in that fire?---Yes.

Yes?---Yes, there were, yes, quite a few in fact.

Okay. Thank you. If I can turn perhaps then to incident management teams for
40 vegetation fires or bushfires? How do we determine who will attend and participate in incident management teams or other activities at a vegetation fire, a major vegetation fire?---Once an assessment is done on the fire, whether that's done by the responding officers of the district managers, the district officers or people from other agencies who – of that – that's the level of resourcing that's required, either the
45 regional – the deputy regional officer or the district officer will determine what they want. There are in many areas of the state, in many districts, predetermined incident management teams, for example the Hobart district, when we get into a certain period of time or a certain time of the year, a predetermined incident management

team is appointed; that's usually over-inflated with numbers to allow for the variables of people being available. South-west district, for example, does the same thing, and I know a number of others in the north do. Those people are selected on the basis of their competence to do their job, do the particular job, and the number of people that are required depends on the severity of the incident. And the good thing about AIIMS/ICS is something that can scale up, and we have a capacity for people to assume control over others as the need arises. So once somebody's appointed to an incident as an incident manager or as a responding officer who did some management, there is a natural progression to take over by a more appropriate-level person, more qualified or competent person, as the incident escalates.

Yes, as it scales up. Okay. Good. And so from that, I take it that it – and what you said earlier, I take it that there may be people from a wide range of backgrounds participating in that?---Most certainly. For example, the Hobart district I would daresay, and I haven't got it in front of me, would include the first officer of Mount Nelson Brigade and the group officer for the Derwent group, and those two people are very competent people, one in a logistical role, planning role, and the other one in an operational role, and they are volunteer brigades. They're volunteer people, and they would be supporting an incident controller appointed by the district.

Okay?---So it's a mix of the appropriate type of people. And in saying that, if it was in here, we'd probably have people from Hobart City Council and the Wellington Park Management Trust as well.

Okay. Good. So you mentioned that volunteers can undertake operational officer roles, planning officer roles. What about sector commander roles?---Well, most definitely. That's one of the primary roles I think in the south of the state. There's some 55 or thereabouts sector commanders who are – have been trained, have got their competencies and who – and have various levels of expertise and experience, but they're a large number of them who are used regularly in incident management teams, you know, particularly for – I'm talking vegetation fires normally have a sector commander.

And in terms of our support staff, what sort of roles might they undertake outside of an incident management team? We've heard evidence about people undertaking mapping, for example?---Yes, yes.

Do support people undertake those roles?---There are a number of roles, including – if we can go outside – if we don't include them into the logistics or into the planning roles, but we have people who – for example, media liaison. We have very much information management that we have people to do. Community liaison, those sort of things. We have people involved in triage, you know, we have people who actually go out and work with the other agencies to bring about those sorts of roles. There are number of, you know, support functions that happen with that. The normal, as we call them in Tasmania, ERM operators, which are our admin staff who are become part of the incident management team, may not be – in other states you probably wouldn't see that terminology. They might be just called admin and clerical – they're very much part of that.

So we don't require operational officers to do mapping, to do structural triage, to do community liaison?---That – they can do it - - -

Yes?--- - - - but we don't – it's not necessarily the case, they don't have to do that.

5

Yes?---And by and large, once we get to larger incidents, they don't do those roles.

So probably to rephrase the question, you don't need an operational background to undertake those roles?---No.

10

You don't need to have been a volunteer or a career firefighter to do that work?---Structural triage is probably – well, if they use structural triage it would be an advantage if that – you had an operational background, but many of those other roles, mapping, for example, could be done by somebody from another government agency, for example. It just wouldn't matter. Medial liaison is something that requires a different set of skills to operational skills. So there are many of those that don't require an operational background.

15

Okay. During the last fire season, what was the situation when there was a number of fires occurring, what decisions were made about how the Tasmanian Fire Service were going to use its paid staff?---My recollection on that, and – was on it specifically, was the chief officer saying that we really do need to – we're at a stage now where the whole organisation needs to be participating in this, and our position was that we needed wherever possible for our organisation to be participating in whatever roles it could in relation to this emergency response. So I think it was in – well, certainly in my time it's the first time that I've heard the chief or anybody say, "Well, look, this is really the time when it's all hands to the wheel and we need to wherever possible participate, and we need to look at – specifically look at the roles our people could actually play." So it was a bit of a watershed in a sense that we were – you know, the statements we'd actually made. We'd often hinted that that's what we might have to do, but last year was the first time.

20

25

30

Good. Thank you. I'd just like to change tack a bit. This morning we did some inspections to Hobart Fire Brigade. We had a look at some of the work that is undertaken by career firefighters. Have you been involved at all in the process of recruiting career firefighters?---Yes, over a number of years.

35

What's your role been?---My role has been the co-ordinator of the process. I've been, in conjunction with other ENT members, responsible for selecting panels, for advising panels and involved in some of the training of the selection panels, and reviewing the process. So I've had a, you know, from that point of view, a fairly heavy involvement in it, in most of the aspects of it.

40

Can you outline to the commission the way that that process works, what's involved?---The process involves a – before we advertise we actually review the process that we've used previously, we look at the statements of duty for our firefighters to make sure that it reflects the current needs. We then go through a process of looking at how we're going to advertise, whether we're going – what sort

45

of a campaign that we're going to run, and we've had various levels of campaign, from intense campaigns to some not so intense, so the amount of publicity we actually give it varies from year to year. We then, once we've advertised the positions or we know that we're going to advertise, we select the panel, and that
5 selection panel varies in its composition. We normally have somebody who's responsible for the process, so it would not necessarily be me. It might be me, but it's not necessarily me. But then we have a selection panel and we make sure that they are – receive appropriate training or updating on any training that they've had, so that they're aware of the current requirements under the State Service Act. We –
10 the process, once we advertise, includes having a recruitment kit, and that's reviewed, updated. It's quite a detailed process. We actually go through the – once we go through the advertising process, the candidates are then – the applications come in and they're shortlisted. They go through – then go through a process of physical fitness, aptitude tests and their ability, numerical, written ability, and those
15 types of things. They go through a – through that. They then go through a further physical assessment. After that they do a psychological assessment. Then they are actually – they go through the interview process, and then a final recommendation goes through. Quite a lengthy process, quite a detailed process. The requirement particularly in the physical fitness side is very cut-throat. It's either they can or they
20 can't complete the tasks. In relation to the aptitude tests, we look at that and see, you know, just – and that now changes from year to year, it's – in terms of the type of tests that we actually do. So it's quite a detailed process. It's – we start out with somewhere in excess of 400 people and get down to probably 40 who may be interviewed for a nominal 12 positions. Very highly sought after positions, very
25 detailed process.

What sort of time period does it take for us to undertake that process?---Well, it would take us – if we absolutely started tomorrow and there was a – if it was possible, it would take us three months, if it was possible, and it's not. That would
30 be every day being perfect. So it generally takes us, you know, in reality it takes six months for us to start out to – on this process, from when we start to actually when we actually finish it, so - - -

And in that process, are we looking for people that have got firefighting skills or
35 background, or are we looking for other capacities?---We are looking for the best people for the job, and that's one of the things about this process: it's about the best available person or persons for the job. If somebody has got a firefighting background, that may or may not be an advantage, and it just depends on the group of people who put themselves forward at the time, and I can say that the diversity of
40 people who come forward from, you know, university graduates to, you know, two volunteer firefighters and everything in between, but it's really – we don't set out with a view that a firefighter has got an advantage. It's – that's not the case. So volunteer firefighters don't have – the advantage. And in fact I can recall once when a former firefighter applied for a position and the fact that he was a fire – I believe
45 that he thought that because he was a former firefighter that he would be the best applicant for the job, and that – in fact he didn't get a job on that occasion. So it really is about the process and it's about the best person for the job.

Thank you. Turning then to once firefighters are actually in the job and they've started, what career paths are available to them?---Well, the – if – a firefighter can go down an operational level to the position of leading firefighter by completing all the paypoint units of competence uninhibited. He has a – he or she has a right to
5 progress to that point in time – to that position. And it's not – it's promotion on acquisition of skills and competencies, and in some cases in a certain amount of time. After that they can then – well, during that time, they can also diversify on opportunities into the community fire safety stream, such as community education, school fire ed, those sorts of programs. There are opportunities - from time to time
10 positions become available in the field, in field positions, in district positions, as field workers, firefighters. That's not the norm, but I mean, depending on the needs of the organisation people can go out there. But it's not a career path. But certainly after paypoint 7, the leading firefighter rank, people can then – our firefighters can then seek a career path as a station officer, operational station officer, in operations, or
15 they can seek promotion in – and I should stop there. They can be – those positions can be in the career brigades, in the field, or in learning and development, those station officer positions. But then they're considered the operational band. And then we have the community fire safety stream, where they can become consultants or station officers who fill consultants' roles, whether it's in community education,
20 fielding safety and so on. They are the set, sort of streams, but we do have people who have moved into engineering services, for example and been promoted from over there. In the operational stream we have fire investigation, where people can move to senior fire investigation officers.

25 Why is the existence of these career paths and the ability for people to move around once they've got to that station officer level, why is that important to the fire service?---Well, our organisation is a diverse one, and as people move up in – up through the management levels on the, you know, from their first supervisory up into management levels, having a broad understanding of our organisation is important
30 for an organisation of our size, because of the diversity and because of the range of knowledge and skills that we require of our people. And the reality of it is, that if people stay in operations, if they just stay in operations, or just in one, in that one position, that their understanding, their knowledge of the organisation is limited. It is restricted, and we have found historically, that our people who accept positions
35 outside the operational stream develop at a much faster rate than those who actually stay inside the operations. The opportunities to gain additional knowledge and understanding of the organisation comes far more rapidly for people who diversify.

40 Is it true that it's a requirement of the Fire Service Act that the chief officer be a person with significant experience in fire management?---Sorry?

Is it true that it's a requirement of the Fire Service Act for the chief officer to be a person with significant operational fire management?---I'm missing one word there.
Is it true that the chief officer has - - -

45 Is required under the Fire Service Act, the person appointed to the position of chief officer- - -?---Yes.

Is he required to be a person with significant experience in fire management?---Yes.

Yes?---That's true, sorry. I just missed that one word. Yes, that is true.

5 That's true, okay. So does that then lead itself to it being a fair likelihood that the
person to be appointed to chief officer is going to be appointed from a person within
the Tasmania Fire Service?---That's a fair chance, but it's – I mean, somebody from
another similar fire service, with a similar background might, so I wouldn't say that
10 it's – it wouldn't be unheard of for the chief officer to come from outside. I'm not
suggesting that they are, but - - -

There's a chance of outside. But it would be the peak position in the career path that
most of our people, operational people would aspire to?---Indeed, yes.

15 Is the chief officer of the fire service responsible for both the emergency response
and community safety?---Yes.

Okay. Is it then advantageous that that person, the person appointed to that area
would have had a broad range of experience?---Most definitely.
20

And is that similar for the person appointed to a deputy chief officer role? That is
would be desirable that they have a broad range of experience across emergency
response and community safety?---Yes.

25 Okay?---Yes, most definitely.

So would that be another reason for why having a range of career paths people move
through?---Indeed.

30 Indeed. I'd just like to hand up an exhibit please, Commissioner.

THE COMMISSIONER: Thank you. This will be R12, TFS Career Paths, Station
Officer Promotions.

35

EXHIBIT #R12 TFS CAREER PATHS, STATION OFFICER PROMOTIONS

40 MS PEARCE: Do you recognise this document, Mr Davidson?---I do.

Could you tell us what its purpose is?---Basically the purpose of this document is to
provide clarification and provide for the pathway for people to move between non-
operational positions and operational positions. Prior to 1990 the situation was that
people who move to levels of positions, at the level of station officer outside
45 operations were unable to come back to that same level of position in operations.

Can I just clarify, prior to 1990, or prior to the approval of this?---Prior to the
approval of this, yes.

So we've heard in evidence previously that there was a position where a career paths document was signed off that covered community fire safety career paths and you've just elaborated that that required people to return at the level that they left operations. This document superseded - - -?---Yes.

5

- - - those provisions. Thank you. And what does this provide for in terms of the career paths that exist now, how they will work?---Well, basically now a leading firefighter can apply for a position outside the non-operational side of the service, or outside the career brigades as a station officer, and on merit, selected for that position. Part of the selection criteria for that position is to hold operational competencies and those people can then, on a vacant position, operations can transfer back or apply for those positions and be appointed to those positions.

10

Why do we need to select them to have both the operational competencies as well as - or operation capacity as well as the community fire safety selection criteria?---The - when the people, those people who fill those positions, if they need to come back to, or if they want to come back, or if we require them to come back to operations, we need to be assured that they have those specific competencies and they can, or that ability to do those specific tasks, and that they have demonstrated, both in writing and in interview, that they've got those skills, so they have merit for those positions. They've demonstrated their capacity to fill those roles.

20

So they can be an effective operational officer and their crew would have confidence in their capability?---That's right.

25

Okay. So we currently have a situation where we have some positions in community fire safety which are based on the Firefighters Award, and some which are based on the Admin and Clerical Award. Under this proposal, under this provision that exists now, how do we then determine how we're going to fill a position, whether it's going to be operational, or whether it's going to be based on what was admin and clerical? And I should say now is the community fire safety officer classifications?---Well, the position is advertised and if a career leading firefighter applies for the position, they would be to address the operational selection criteria, and if they met that, could be appointed for the position. If they - if there's no operational people apply for the position, then it's advertised as a non-operational position. So that would be the process.

30

35

And have we also in recent times made the decision to directly transfer people from operations into those positions in community fire safety, whether they've wanted to or not?---I can't recall us doing that.

40

Have these provisions been implemented? I think the final page of the document indicates these are March 2005. Have they actually been implemented?---Yes, we have had some cases where this has happened, yes.

45

So positions are currently being filled under these arrangements?---Yes.

Were there, when this was implemented, some employees who were caught under the old system, where they may have appointed into community fire safety without necessarily holding all the operational competencies?---Yes, there were.

5 There were. What happened – what’s happened, to your knowledge, in relation to those employees?---Those people, some of those people have chosen to apply to come back to operations, and in fact, have. Others have chosen not to, at this point.

10 Okay. If the fire service decided that it wanted to direct those employees to go back to operations, is it able to do that?---My understanding is that they would be able to, but they wouldn’t be able to reduce the salary of that employee.

15 Right. What process would be needed to ensure that that person would be able to return to operations if they’ve been out of it for some time, and they’re competent?---If we were bringing somebody, well, when we bring – when somebody comes back by choice, someone who elects or puts an expression of interest to come back, we have a return to operational duties plan for them, and each one is assessed on their merits, depending on the competencies of the basic competence that’s required for that person in the role that they’re going to undertake.

20 What sort of period does it generally take for someone to be able to return to operational competency?---It depends on the individual. Some could be – to fulfil the basic role of that position could be from, say, two days. But others might be a couple of weeks. But it’s – there are certain base competencies that people need to have, and if they haven’t done things like breathing apparatus and those sorts of things for a long period of time, they may have to undertake a course over a couple of days. Other people who are current in that may only need to be topped up in their familiarisation of equipment, procedures, those sorts of things.

30 What if there are new responsibilities, for example road accident rescue, which have been taken on by the brigade which the person hasn’t been trained in?---Okay. What would happen in the case of road accident rescue, we would make sure that as soon as practically possible, that they would undertake that particular course to gain that competence. There is – as we’ve found at the moment, we are – this is one of the periods where we are training people on an as required basis. The bulk of the brigade has been done. We require all our people to do it over a period of time.

40 So would an operational officer who has not been an operational officer for, let’s say five years, six years, hasn’t been trained in RAR, returns to the brigade, has received the familiarisation, but not been trained in RAR, road accident rescue, would that officer be able to respond to an incident, in charge of a crew, without the RAR competencies?---Yes.

45 How, how can that happen and ensure that we have safe leadership of the incident?---Well, basically what would happen. That person could respond to the incident, and then they would call somebody else on if, in fact, they got there and it was a road accident rescue, call, we would actually bring somebody on who had those skills to manage that particular incident.

THE COMMISSIONER: Ms Pearce, I've got an eye for the time, we - - -

MS PEARCE: I have one further short line of questioning.

5 THE COMMISSIONER: Right.

MS PEARCE: It won't take long.

THE COMMISSIONER: There's cross-examination.

10

MS PEARCE: Yes.

THE COMMISSIONER: It's not going to finish tonight, Mr Warwick, is it?

15

MR WARWICK: No, sir.

THE COMMISSIONER: Well, do you want to finish your examination-in-chief?

20 MS PEARCE: That would be good, thank you. If I just move over to a different area then. You said you've got some 32 years of experience?---Could you repeat that?

You've got some 32 years of experience in the fire service?---Yes, that's fine, yes.

25 So you were employed with the fire service in the early '90s, in the mid '90s?---Yes, I was an employee in the early '90s, yes.

Yes, yes, you were.

30 MR BAKER: The '70s?---That's right the '70s.

35 MS PEARCE: And a lot before that. Do you recall, prior to 1994, around 1993, how your wage was constructed?---In those days we had a base salary, based on the tradesman's rate, and then we had various allowances and sips, as they were called - - -

40 Sips of what, who were - what were sips?---Well that was service payments, as I understand it. They were always a bit of a mystery to me, but I used to get them in my pay packet. And so, you know, there were various allowances that we were actually paid that made up our salary.

So there were various allowances?---Yes.

45 Were there any other parts, so you had your wage, you had your allowances, your service payments?---Shift allowance was a big component, yes, service payments. I can't think what the others were.

Were there other loadings, for example for penalties, public holidays?---Yes. And other – yes, there were various penalties, penalty rates that we were actually paid, but we got them. I can't recall.

5 So in 1994 there was a decision, a special case decision which created a new award?---Yes.

10 And structure. Do you recall what happened to all of those allowances and loadings thereafter? Did you continue to receive any of them? Or what happened, to the best of your knowledge?---I do recall it happening, and I think at that point in time I was in the north of the state. So I wasn't part of the actual – the process, but basically as I understood it, and at that time we virtually had a composite salary. Everything was actually available in the allowances and the additional hours, additional, for the 42
15 hours was rolled in and we got a composite salary. So that meant for every day of the week, it didn't matter when you worked, your pay was the same and you were on a salary, so that you knew. And that was divided by 26 pay periods and that's what we got.

20 And did that composite salary apply only to rostered shift employees, or to other people who didn't work according to a rostered shift?---As I understand it, only to the rostered shift workers, but I can't, at that point of time - - -

25 So non-rostered shift employees didn't receive a composite rate?---I've got to think about this. I think no, we had a similar rate. I hadn't – look, to be honest I hadn't thought of it, but I would have assumed that they would have. I would assume that they would've, when I think about it, because when we had a single – we singled up the award, that's what would have happened. Yes, that's what would have happened.

30 Okay. So they would have received those penalties, even though - and loadings and allowances even though they weren't shift. Do you know – do you recall why the logic for why non-rostered shift employees continued to receive that?---No, I can't.

35 Okay. That's fine. It's a long time ago. A lot of water under the bridge since then. Thank you, Mr Davidson, I have no further questions. Do you have anything?

MR WARWICK: No, that's fine.

40 THE COMMISSIONER: Thank you. I think it would be an appropriate opportunity to adjourn. I don't know what Mr Davidson's availability is tomorrow, but I'll leave it to the parties to sort out the witnesses for tomorrow. If you want to interpose people, that's fine. And the whole day is available, and I think we've got a spare day somewhere if you – if it's needed. So we'll adjourn until 9.30 in the morning and - - -

45 MS PEARCE: Thank you.

MR WARWICK: Commissioner.

THE COMMISSIONER: Mr Warwick.

MR WARWICK: The parties did – well the respondent did ask yesterday for me to - - -

5

THE COMMISSIONER: Yes.

MR WARWICK: - - - to give some further definition to the claim.

10 THE COMMISSIONER: Yes.

MR WARWICK: And I would seek to table a draft order.

15 THE COMMISSIONER: Thank you. I'll mark this as A38 [sic], Draft Order.
Thank you.

EXHIBIT #A41 DRAFT ORDER (Amended 22/11/2007)

20

MR WARWICK: Commissioner, I did indicate on a previous occasion that I was still seeking some information about community fire safety officer, level 1, and that I'd sought the agreement of the respondent to make some submissions about that before we finish.

25

THE COMMISSIONER: Done?

MR WARWICK: Pardon?

30 THE COMMISSIONER: Before we finish the case?

MR WARWICK: Yes.

35 THE COMMISSIONER: Yes.

MR WARWICK: And they didn't offer an objection at the time. So I'd still seek to do that. The other thing is I have an engagement of some significance tomorrow between about 12 and 2. I wonder whether - - -

40 THE COMMISSIONER: Well, look, I'm - I'll just meet the convenience of the parties. The whole day is available. If you can sort it out between yourselves, I'll fit in with it.

45 MR WARWICK: Thank you.

THE COMMISSIONER: Okay. Ms Pearce?

MS PEARCE: Commissioner, we might be able to get some indication from Mr Warwick as to when he intends to provide that information, as I think it should ideally be before we close with out witnesses and submissions.

5 THE COMMISSIONER: Yes, do you know when, Mr Warwick?

MR WARWICK: Well, unfortunately there is an election sir, it's a bit busy, just at the minute, amongst other things. I'd certainly undertake to have a written position on it to all parties next week, if that's acceptable.

10

THE COMMISSIONER: Yes.

MS PEARCE: Thank you, Commissioner.

15 THE COMMISSIONER: Thank you. We'll adjourn until 9.30 in the morning.
Thank you.

20 **MATTER ADJOURNED at 4.54 pm UNTIL
THURSDAY, 22 NOVEMBER 2007**

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