

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. No. 4284 of 1993

IN THE MATTER OF an application by
the Australian Liquor Hospitality
and Miscellaneous Workers Union -
Tasmanian Branch pursuant to
section 23 of the Industrial
Relations Act 1984 to vary the
Security Industry Award

re security officer - level 4 and
firearms

COMMISSIONER GOZZI

HOBART, 15 June 1993
continued from 5/4/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Are there any changes in appearances this morning?

MR T. ABEY: If the commission pleases, on this occasion I appear in place of my colleague Mr Edwards, ABEY T.J. I have with me **MR JOHN ALEXOPOULOS** and **MR STEVE GATES**.

COMMISSIONER GOZZI: Yes, thanks, Mr Abey. Mr O'Brien?

MR O'BRIEN: Mr Commissioner, in this matter, having undertaken inspections of a number of premises in relation to the application or part of it, it is now proposed - this is a matter I've discussed with Mr Abey - that we will place evidence before the commission formally and following the completion of evidence the parties will put submissions in relation to the application. And if that procedure is acceptable I'll proceed forthwith to call evidence.

COMMISSIONER GOZZI: Yes, Mr O'Brien, I understand an approach has been made to have the witnesses stay in the hearing room. I'm not disposed to do that. I'd prefer the witnesses to be excluded from the hearing room. I don't want to depart from the normal procedure, so if you want to proceed with your first witness that's fine.

MR O'BRIEN: I only have one.

COMMISSIONER GOZZI: You only have one. Well if there are any other witnesses then I ask them to leave the room please.

MR ABEY: Well can we just go off the record for a moment?

COMMISSIONER GOZZI: Yes, we can.

OFF THE RECORD

COMMISSIONER GOZZI: Mr O'Brien?

MR O'BRIEN: I'll call Mr Henry Wright.

HENRY WRIGHT, sworn:

COMMISSIONER GOZZI: Please sit down?... Thank you.

MR O'BRIEN: Mr Wright, for the purposes of the record, could you state your full name and address please?... Henry Wright, 4 Fleming Street, Glenorchy, 7010.

You tell us - sorry, could you give us the details of your current employment please?... My current employment at the

moment is leading hand, Wormald Security, at EZ.

How long have you worked for EZ at - sorry, how long have you worked for Wormald, I should say, at the EZ plant?... Well I've worked for Wormald at the EZ plant since the beginning, which is June 1990, 3 years.

And before that were you also employed by Wormald?... Yes, I was a patrolman, guard, various duties, for 8 years.

COMMISSIONER GOZZI: For how long?... Eight.

Eight years, yes, thank you.

MR O'BRIEN: Before you worked for Wormalds did you have any security experience?... Yes, I've - Navy, Army, Air Force, British Telecom, then I came direct from UK to here. So I've always done security work.

Has all of your security industry experience in Australia been with Wormalds?... While I've been in Australia, I arrived here in '81 - yes, I joined Wormald.

You said that you'd worked on patrol work and on guarding work for Wormalds?... Yes.

And you're now a leading hand?... Correct.

Were you a leading hand or did you have a position of responsibility prior to going to the EZ premises at Risdon?... I did on a temporary basis. I was acting supervisor for patrols at one period and then when the opportunity of EZ came up I took it.

And in relation to your guard work experience with Wormalds, what examples can you call to mind in terms of that work?... I'll call to mind the Hydro Electric Commission, Rossarden during the tin mine dispute which lasted about 5 months, various places like the Australian Mutual Provident, et cetera, et cetera. It's so varied it's -

Yes, okay. Dealing with your experiences at the EZ premises at Risdon, I'd seek to tender - introduce through this witness a description of duties statement.

COMMISSIONER GOZZI: I think that's exhibit O.1.

MR O'BRIEN: Could a copy be given to the witness please?... Thanks.

Are you familiar with this document?... Yes, I am.

Did you prepare this document?... This document was given to me, which I copied, from an EZ staff member.

I see. Okay. Can we perhaps go through this because on discussions this morning, I think, it's indicated that there may be some differences now in terms of the duties compared to when the document was originally prepared?... There is quite a few differences. This is a very base document, what we do is much more involved than this, but basically this is what we do.

COMMISSIONER GOZZI: So it's a job description for a -

MR O'BRIEN: It's a description of all the duties as -

COMMISSIONER GOZZI: For all functions, security functions?... Yes, correct.

MR O'BRIEN: Or the functions of the security officers?... Security and safety. Safety is a strong aspect now.

COMMISSIONER GOZZI: Right, as at what date?... As at the date which was 2 years ago when we first entered the plant.

So 1991?... 1991, correct.

MR O'BRIEN: Perhaps if we run down that first heading: Watchmen General. Can you see there are 16 headings there. Can you tell us whether any of those duties are no longer performed?... No. 4 is questionable because of the republicanism. Sorry, but it's true. Everything is correct, 15 of them are correct out of 16.

We go to the second heading: Fire Prevention General. You've got five points there. Are they all - do they all remain correct?... All five remain correct. No. 5 has enlarged itself.

MR ABEY: Sorry, can I just interpose there. As I understand it, the witness said 15 out of the 16 is correct. I'm not sure which one is not correct.

MR O'BRIEN: No. 4.

COMMISSIONER GOZZI: No. 4, raising my other flag.

MR ABEY: I thought that was a flippant response.

COMMISSIONER GOZZI: Yes.

MR ABEY: Thank you.

MR O'BRIEN: All five are correct in point 2?... Yes, No. 5 is much more intense now.

Okay. Well perhaps - in what way is it more intense? It says there that you log and report water sprinkler readings. What do you do in addition to that?... We actually not only monitor the water sprinkler readings, which is a gauge, we actually manipulate the controls to ensure that the water pressure is always high enough in case of emergency. And this is a daily basis, 10 times a day over a 24 hour period. It's quite intense. When we are in difficulty we have to bring electricians in because we're not that knowledgeable, but we're knowledgeable enough to prepare the sprinkler system for the fire brigade when they arrive and that's why I said initially that the safety aspect is very important now. So we're doing a thing that we shouldn't be doing but we do it for - because it's part of the job.

Now the third heading there: Testing. You've got six points there. Are there any of those that are no longer relevant?... No. 1 is not a thing we do because we're much more involved in other things, but it can be done. When we went on the fire course at Cambridge we were shown how to do it and if needed we will do it, but it's not a normal thing we do.

Right?... The other things, the test hoses, yes and no. That's such a broad term. We only have a rescue vehicle now with certain hoses on it. Obviously we have to test before we use them et cetera. All the rest are quite clear, but as I say No. 2 is under suspect because we don't test all hoses, obviously. So that's a very broad statement.

And on the next page: Fire Truck. There are three points there?... Yes, No. 1, 2 and 3 we do, but No. 3 has been obliterated now. We have lost the trailer pump because it proved that it was too old and not good enough for the job, and we now have another system which has replaced that. Yes, we did alter it.

So instead of: operate trailer pump, what should it say?... We're operating a pump with a water tank, which is the same thing but much more modern. You see before we had a fire tender which was a cumbersome creature. Now we have a quick response vehicle initially for rescue and fire where we can get there quicker, operate the pump much faster and that's what we use.

Well so where it says there: drive a fire truck and operate the fire truck - ?... That is true.

It's - ?... A quick response vehicle is a fire truck.

It's the quick response vehicle, not the fire truck?... Is a fire truck.

Then you've got point 5: Gas Safety. There are seven points?... Yes, we do all 1 to 6.

Okay, what about 7. There's a seventh point there?... Oh, so there is, sorry. Oh, very much so, 7.

Okay. Are there any additional duties under that heading that you - ?... Well, again, when you liaise with company personal during incidents, the proportion of enlargement is great. We have been chosen to be accountable any incident in the plant, be it gas, fire, death, accident, we, in fact, are more in charge than Paul Salmon who runs the place until he comes or the professionals arrive, such as the doctor or the fire brigade, then they take over. Yes, all 7, no problem there.

And you've got No. 6, Add Chem. - chemical hazards, and there's only one point: retrieve appropriate information from - ?... Well Add Chem. is a very important one. In fact, that - no, Add Chem. should be underlined, the whole thing should be underlined. Add Chem. simply means, to people who don't know, Add Chem. is if a tanker arrives and there is problems, the instructions to deal with that chemical hazard, they're written on the tanker side in code. Now we are taught how to recognise that code and deal with the action. So that little word covers volumes, it certainly does, because without that code and without the knowledge of the code when the fire brigade arrive they at least know what they are dealing with because that's my job and and the rest of us, to explain to the fire brigade before they arrive what they're dealing with. And we've taken action before they arrive, be it evacuation or actually fighting the fire or dealing with it, so that's a very important thing.

The seventh point, watchmen/first aid, there are four points there - are they all still valid?... Yes.

Are there any additional points?... No. Why I said, my statement covered that.

Okay. The eighth point - there are four dot points - numerical points under the heading 'First Aid Room'?... They're four points we are doing at the moment. They will be enlarged very shortly by taking occupational nursing course which means giving injections, taking people's stitches out, doing lead tests, blood tests, hearing tests. I've been asked to for the chaps to go on this course. I've refused simply because I feel we haven't got the experience yet with the first aid certificate. Once I feel that we've got enough experience then I'll volunteer our people to go on it.

Who's asked you?... The staff -

The staff?... - the management at EZ.

Oh, EZ?... They want a total professional body and why not - it's a challenge.

Okay?... I've refused simply because I don't think we've got the experience yet. Once we've got the experience at the end of this year then I certainly will put names forward to it.

Okay, on the next page, 'Watchmen/Security'. Can you firstly explain why the difference; you've got watchmen general and watchmen security?... Could I just interrupt. You never mentioned 'repeat'.

But I - thanks - yes we did.

COMMISSIONER GOZZI: That was first aid, I thought.

MR O'BRIEN: Yes, we were just mentioning it?... Well I thought we mentioned the watchmen's first aid, then you come to the first aid room, which is a different kettle of fish.

Alright, well perhaps you can tell me what I've missed out so I don't miss out anything?... Well next to the control room is the first aid room which is controlled -

COMMISSIONER GOZZI: Excuse me - ?... Sorry.

- Mr Wright, so you - watchmen/first aid - the comments about the proposal to give injections, hearing tests and blood tests and so on goes to item 7?... That's correct.

MR O'BRIEN: Oh right.

COMMISSIONER GOZZI: I see, okay.

MR O'BRIEN: Thank you. Well perhaps we'll deal with eight?... Because it's a very important place, because eight is where the victims come in and we have innumerable victims from SO2 - acid burns - et cetera, et cetera. Now in the first aid room which is adjoining the control room, during Monday to Friday we have a doctor and two occupational nurses. One nurse works from 9 o'clock until 1.00, where the other nurse works from 7.00 till 4.00. The doctor usually works till about 2 o'clock and then he goes home. Quite recently and in the general past, the nurses and the doctor have been leaving the place at 1 o'clock in the afternoon leaving whoever is in charge of the control room in charge of the first aid room. Now I know we get paid for the first aid. I know we do a good job. But it's beginning to become ever so familiar that we're getting lumbered. Now it's not the nurses faults, and it's not the doctor's fault and we just do the best we can. It's quite stressful. There's a lot of disputes over at EZ at the moment, so they just don't come to the first aid room in their ones and twos, they comes in - they come in in their tens and fifteens. Now we've got a job to do over there; we try to do it security wise and safety

wise. We get this added burden of people coming in and I can't say if they're bad, good, or they're really injured - I can only do the job that I'm paid for, so when in doubt we bring the doctor in. The doctor gives us a lot of responsibility and we are taking a lot of responsibility and we feel that it's unjustified. Now we've no comeback, we can't say to the nurses please stay and help us. They go, so we do what we can and I think we're doing a bloody good job. So it's very important that the first aid room is mentioned because if we do anything wrong it's reminded that we are contractors. Luckily enough we haven't done anything wrong. We go on the side of error - if we can't handle it we get the doctor in - we get the professionals in, but we do the best we can so that's the reason I'm bringing it up. I think we do more than first aid, but we're not experienced enough to do the occupational nursing course so we do what we can. Now when I say the first aid, I'm meaning the equipment we use is much more than the first aid equipment. We have an ambulance which is totally - got all the gear in it like the ambulances in town; we have the Oxyvivor set which gives air to people who are unconscious and we operate it. We don't get any extra money for this - we don't get thanks for it. We are to operate it. We do the stretchers, we do the rescue, and we use all this equipment and for that we get 90 cents a day. I'm not complaining - it's a challenge, but it's a very dodgy challenge because we know if we make an error we're the ones that's going to get the can. The doctor is aware of this, the nurses are aware of this, but we just do the best we can. So I'm mentioning the first aid room because it's not the rule I went over for. I went over as a first aid - aider - not that specialised thing and it is specialised, because in reality we should go under first - the ambulance course. And it's been suggested, so that's in the pipeline.

Okay, we'll come to course - ?... Finished.

- we'll come to courses shortly. In relation to point 9 on page 3, firstly can you tell us the difference between watchmen general, which appears on the first page and watchmen security?... Watchman general would be the chap at the gate.

Right?... His function is total security of entry and exit vehicles and people; of the searching of those vehicles for contraband, drugs, alcohol - because we are working in a mine site - one has - one mustn't forget this - and we have the Mining Act, et cetera, et cetera. So their job is general. In the plant it's very specialised. I don't say that because I work in the plant. It's so obvious - that's it.

Okay. Now you've 17 points under the heading 'Watchman/Security' - are they all still relevant?... No.1 is. Certainly No. 2 is - that's in large in proportion. No. 3 is, 4 is, 5 is, 6 is, certainly 7 is, 8 is, 9 is in large because of the safety aspect now, 10 - 10 is a difficult one because

we've got it in the same line but the two functions are totally different, 11, 12, 13, 14, 15, 16 and certainly 17 which is a very high priority over there.

Okay. Now just perhaps this will help to clarify: is - my understanding is the - the gate is not manned at all times but the control room is?... Correct.

Right. When is the entrance gate - if I can call it that - manned?... Due to finance and one thing and another at EZ, and the recession, I suppose, we did a 24-hour security on the gate and the plant in conjunction with their security. Only recently they changed the gate over to Monday to Friday, 12 hours only. To cover those remaining 12 hours, they've introduced monitors and cameras which is to the inconvenience of the people who are in the plant - meaning the security personnel - because although were added these things, it's created extra work for us because we have to go down to the gate to still physically check those vehicles, because the camera will identify that person - it will not look under the tarpaulin, it will not look in the dashboard, it will not look under the seat. We have to be there to do that. So instead of solving the problem it's created a bit more work and if an emergency ever arises, in the past what I've done is I've simply opened the gates. Doesn't matter who comes in or out - the emergency takes priority which is all wrong. I've explained that to management, but because of cost and one thing and another this is the way it has to be and that's the way it is. But the manning of the plant is 24 hours. But we still have to oversee the gate.

Okay. When you say the plant, you mean the manning of the control room?... I mean the whole plant.

Okay. Item 10 - Safety and Environmental Hazards - there are three points there, are they all still relevant?... Yes and no - 1 and 2 yes, No. 3 is being enlarged.

Okay. What - by - well tell us how it - well, what sort of safety audits are to be carried out under the enlarged process that you're talking about?... Well under the enlarged process, they're asking us - they aren't asking as yet officially - they have asked their staff - the security people who number four - numbers - to involve themselves at the effluent treatment area in connection with safety, health and environment, being a relief team leader, myself, I know I will be asked to do the same thing.

Okay. So that's - that's possibly something that's going to happen but at this stage there's been no official request for you to do so?... At the moment the only thing we do is, while we're on patrol in the plant, if we suspect anything like SO2 gas, too much hydrogen overflowing a tank, then we action it.

Mm?... It's only a question of familiarity, but nothing in writing.

COMMISSIONER GOZZI: Before you move on from this one, Mr O'Brien: Mr Wright, you said four security people - that is meaning presumably four security people are employed by Pasmenco?... The plant is manned by two people 24 hours a day. One person is a staff security officer - staff - EZ staff. The other person is a Wormald Security Officer. That is a normal function because they feel they've been dealing with management their equal has to be a staff member. The drawback is, four people working there 24 hours with leave, holidays, et cetera, doesn't work out. We fill that vacant spot when they're not available.

Yes - there are no wages employees, if I can put it that way, left - ?... They are all - I do the their time sheets - they don't do mine - and their time sheet says they are, what is it, award matter - non-award.

Non-award - yes?... Non-award people - that means they are staff. I do their job - I'm not staff.

So they're in the control room are they?... No.

Where are they?... Well the control room is an odd place; you can't sit behind a desk for 12 hours - it would drive you crazy - so we - we help each other. You may do your 3 hours depending on how you feel, then you go out in the plant. You would do - you would say to me I want you to go and do your duty out in the plant and I would go and do it. Then you would say to me, you sit there and I'll go and check on what you've done.

Alright?... Are you with me?

Yes?... You - it's hand in glove partnership.

Okay. So there are four of these non -?... Four of them - one on duty with one of us.

Yes - four non-award people?... That's correct.

Yes, okay. Thank you.

MR O'BRIEN: Okay. Item 11 - Rescue and Evacuation - there are two points there?... Yes, that's very important and it's been enlarged by going to Cambridge and doing the fire course and doing the practice rescue and using the breathing apparatus and being accountable before the fire brigade come. And believe you me, although seven to 9 minutes it takes the fire brigade to arrive from Hobart, a lot can happen in seven to 9 minutes.

Well, item 12 - firefighting - you're talking about something that flows on from that?... Yes, that's true - are two again.

Anything extra?... No, attending control firebreaks - yes, that's - I can't say anything else because a fire situation is different every day.

Mm. The ambulance - point 13 - there are three points there?... Yes, the most important point in those three points is the third one because of the equipment in the ambulance which we are only learning hands-on.

How long has the ambulance been there - from day one?... From day one - and it's still there.

Okay, and the last point - point 14 - Watchmen Coordination - 10 points there. Do they refer to - they refer to the security personnel who - who operate from the control room?... Well - I don't know the We just discussed point 9 here, which I was trying to explain to you - that's what we do - yes, that's still The one that's enlarged is No.9 - oh sorry - No.6 - No. 6. Can I - can I add something that's not here?

Yes, please?... I, as a leading hand, attend the monthly security and safety meetings. Mr Hoddard was at the last meeting, and Mr Hoddard is No.2 to Mr Salmon. Now one of the roles that's been added to the job is a fax machine from every department over the weekends, that if there's any breakdowns in the machinery they fax them through and we collect these faxes from all over the divisions in the plant. The duty manager comes in and reads these faxes - these complaints - and solves the problems if he can. Now they're doing away with the duty manager - the duty manager no longer exists. Mr Hoddard explained to us - that's the four staff team leaders and myself - that he would now like in this coming term - between now and the end of this year - for all of us to do the job of the duty manager. To do this job he's given me this book to read and digest that doesn't cure the problem of a machine breaking down, but it gives me a general knowledge to find somebody that can do it. So we're going to be accountable in the duty manager's place to say to a person, fix this machine. Believe you me, it's very heavy. And I said I can't do this because I haven't enough hours in my time of day, but I don't want to refuse it either because I appreciate the thought of it. So Tim Jones who's my - when I'm not there he takes my place - it's been decided that Tim Jones and I learn this.

That manual - ... This engineer - this manual.
- is - ?... On a one-to-one basis with the various people in the plant. Now -

What does that manual describe? I don't know that it's proper to put it into evidence?... Well the manual simply describes basically how zinc is made. Simple as that.

So it's the - it describes the operation of the plant?... Oh well, you've - if a - it's as simple as this - if a machine breaks down and they have to get someone to come in and fix it, and before that person comes in he has to have a work order number and he has to have a boss to tell him to come in or else he won't come in. Well without the duty manager there, somebody has to tell him to come in or else the machine stays broken down. So the security watching service have been elected to fulfil the duty of the duty manager, to go to the place where the machine has broke down, find out what has broke down, look up this book, see if the problem is solvable and get the right person to do the job - has nothing to do with security, has nothing to do with safety but that's what they're going to do.

Right?... Now I'm not refusing it because it's a smashing challenge.

But this is a duty that - that you're saying that two of you will be performing over the next 6 months?... Well the next year -

Over the next year?... - because it's a year course. Now they're willing to pay for it - EZ. Now I'm not going to refuse that because nobody in this room would refuse a chance at that because as my boss said, you'll know more than the engineers eventually. So that's the only addition I've got to say.

Just getting back - just getting back to the operations from the control room - I think we saw this during inspections, but I'll formally put it into evidence - I'll tender the security running sheet.

COMMISSIONER GOZZI: Exhibit A.2.

MR O'BRIEN: Right?... It's alright, I know what they are.

Yes. Well if perhaps the witness can have one just to refer to.

I think - could you tell us what - the purpose of that sheet is?... Yes. This is a set function which is a basic thing. Every department mentioned here, every area mentioned here, is that proportion to what you're actually doing. Take the analytical laboratory, for example; this is a building which contains 30 to 40 burners, chemicals, et cetera, that we have to do an internal check on, checking there's no leaks, nobody's switched on burners, nobody's left doors unlocked, there's no fire hazards, there's no gas hazards - this is the

basic thing that gets done every single night - I emphasise the word 'night' because during the day these places are manned. But even though they're manned during the day we still patrol them and make sure that the people are aware of the dangers because it's an odd factor in life that most things are done with stupidity and even though they're working there they just sometimes do it wrongly. So this is a basic structure of what we do. But over and above that there's lots of other things involved in these places, but that's it.

Well, just - what's the purpose of the sheet? Do you have to fill the sheet in?... Oh yes, and you have to sign the bottom saying that you've done it.

What - the time column - what does that tell you?... The time column is simply that a - well that's rather obvious - there are three time columns there. You go at 7 o'clock in the morning, the next time you go is at 1 o'clock. You have to go at 1 o'clock simply because the variation - anything can happen in those 4 hours. So they're not a rigid time. That's not rigid. Don't get me wrong - that's flexible.

But you record the times that you do go?... Oh certainly.

Yes?... Because you're covering yourself.

Yes. Well is there another purpose for recording the time other than that?... Yes, there is, because on the far right of the corner it says printer readings and that's a most important aspect because if any emergency arises in any of these places and the water pressure is not enough to deal with it, then the person who signed the bottom of this accountable, because if that pressure is not right you have to put it right. Now during the day time this is easy - you can get the electricians to do it. But during the night time there's no-one - you have to do it.

Okay. Is it fair to say that there are three duty levels that operate for the Wormald employees at the EZ plant?... No, I don't think it is fair. I think it would be more fair to say there's two duty levels.

Fine. And what are they?... No. 1 would be the main gate which is very labour intensified - very, very much so. You're working real hard. Then of course there's the plant security. It doesn't matter if you're the team leader sitting behind the desk - that's only a - inwards only. It's a hand-in-glove job. Matthew and I could be on today, Matthew could be sitting around the desk and I could be on patrol or vice versa. If an emergency arises the man on the spot takes the responsibility.

Okay?... Now we both attend emergency. The basic thing is, I will not go to a rescue without Matthew and he will not go to

a rescue without me - and that's what we're talking about. Any emergency demands two people. So it doesn't matter who is sitting behind the desk or who the name plate is, we both do this - fulfil the same function. Okay, my name might be down as I'm in charge, but that doesn't mean I'll be in charge when the trouble arises. So I would say there's two basic structures - the main gate and the plant.

Okay. We were talking earlier about courses; so what courses have you and other Wormald Security employees been required to attend?... EZ's management's words to me is they would like us to be totally professional - to do the job properly - to be productive - because in the past the watching service has always been sort of unproductive. So they've sent us on the fire course at Cambridge - we have done the full course.

Well can you tell us what that is first? What's the fire course?... The fire course is -

Who runs it?... The fire brigade of Hobart.

And is it a simple course or a - or how long does it take?... Three days.

Three days. And what sort of instruction are - were you given at that course?... Full instruction.

Full instruction in what?... Full instruction in rescue, tackling buildings on fire, vehicles on fire, rescue, extinguishers - how can one say - but mainly on the operation and use of the breathing apparatus which we get a certificate for, but we still have to go back every 6 months to renew the certificate and we've just been back - we've just done it again. The fire course we have to go back every year as a refresher. It was a very good course. Because the trouble out there in EZ is even when the fire brigade arrive, they don't know the place, they don't know the chemicals involved. With having us there with the fire training we can advise the fire service - it's an odd fact - but we advise the professionals on what they're fighting and that's why EZ - now EZ's all for us - they think we're the greatest thing since sliced bread - and that's why I can't understand why I'm sitting here today pleading with this, because when I was told I was coming here, EZ said to me - and this is management - the best of luck.

Okay, well in relation to the - the firefighting course - ?... Just - they're just crazy - sorry - go on.

In relation to the firefighting course you said you received some certification from that?... We got certification for the BA, we got certification for the actual fire course, we've been on the first aid course, again we got certificate. They would like us to do more courses but I've refused simply

because I feel I want the people - my men - to get the grounding then we'll go on them. The other courses mentioned is the occupational nurse course, the ambulance rescue - the ambulance course, the safety, health - I'll tell you the exact words if I could find them - the safety, health and environment course at Hopkins Street through TAFE which lasts a year. EZ is willing to pay 2,300 per man for us to go on the course. So we're well thought of.

Now going back to the firefighting and breathing apparatus courses, did all security officers working at the EZ plant attend those courses?... Yes, we did, that includes the four staff members there.

Okay. So - so there were the Wormald employees and also the direct employees of EZ?... Yes.

All attended this course?... Yes.

Right?... And the irony is, before we arrived there they'd been going to these courses.

Okay. You're - you're paid as a supervisor leading hand, as I understand it?... Correct.

Could you tell us what your base hourly rate is?... \$9.48.

Okay. And do you receive a - an allowance for being a so-called supervisor or leading hand?... I do.

How much allowance are you paid?... \$30.

Are all the other security officers paid the same base rate as you to your knowledge?... No.

The same base rate?... Base rate - I don't know - to be honest.

Are any other employees, to your knowledge paid the leading hand allowance?... To my knowledge, no.

For the information of the commission, the rate is the level 1 rate in the award. It's \$9.48 - is -

COMMISSIONER GOZZI: Right. Thank you.

MR O'BRIEN: - 1/38th of \$360.30.

COMMISSIONER GOZZI: Thank you. And the \$30 is \$30 per week of course.

MR O'BRIEN: Per week, I think.

That's right?... Yes.

Mr Wright, have - with your experience in the security industry, do you have any knowledge of the operations of security control rooms, for example, the Chubb security control room?... Yes, I do.

Can you give us your view on the comparison between the work performed in the Chubb security control room and the work performed by security officers at the EZ premises at Risdon?... I can try. The responsibility level is about the same. The work is more involved in the Chubb security aspect of control of monitors and screens. The mental stress and tension they're involved in is high - I agree there totally - I couldn't do it. The one we have at EZ is not as high, but, and it's a very important but, we do have the same - how shall I put it - tension, but ours is more of a hands-on tension. If an emergency arises we have to do it physically - we have to go there physically - but we also have to use the monitors, et cetera. Twelve hours - oh, forget the 12 hours - it doesn't matter if you do 2 hours or 12 - there is a similarity between the tension and the stress in the control room at Chubbs and at EZ, although the numbers may not be there and the monitors and the screens, et cetera. On a hands-on basis, the pressure is the same yes. So there is a similarity.

Okay. What about the skill levels between those two functions?... The skill level is a matter of experience and familiarity and dealing with people when you arrive at situations. Theirs is a more isolated skill. I'm not knocking the people in the control room - they do a good job. But we're also as professional as them but in a different aspect.

You've also worked as a security patrolman, what is your view of the comparison between the work of the security officers at the EZ premises at Risdon and the work of a mobile patrolman?... We are much more responsible. Simple as that.

Okay. What about skill levels?... Skill level - again I think we're more responsible.

Well responsibility is one thing, but do you need to know as much?... Yes, more. We can't get enough familiarity over at EZ because it's such a - it's a mine. It's a mine site. That's it. That speaks for itself. There's chemicals over there, there's places that we go we shouldn't even go in, but we're expected to go in to check a meter reading and nobody in their right mind would go in without a BA on, but we're expected to do that - yes - I can take you over there and show you these places. But the point is, yes, it's much more intense in that plant and it's not getting easier.

What - what are the - what important skills are needed to be a mobile patrolman?... To be a mobile patrolman you've got to be physically fit, you have a family who has to be very, very - how shall I put it - enlightened - because it's a hard job - it's a job that I didn't like, and if you can tell me a patrolman who does like his job and I'll show you a liar, because anybody who likes going to work at 8 o'clock at night and finishing at 4 o'clock in the morning is wrong. Now he deserves every cent he gets.

Okay. What about the skills of the job itself?... The job itself, no, you don't need a lot of skills to drive about and check buildings. The time you need the skill is when you come across something that deserves - you know - that's what you're paid for. Now that's when the thin red line that you have to cross.

So you're saying it's a risk factor with mobile patrols?... The risk factor of being a patrolman is questionable.

Mm. When you say questionable, do you mean that there is a risk or it's questionable whether you have a risk?... It's a high risk.

Right?... Because you're on your own. And at least I'm not on my own.

Do you have any knowledge of the changes to gun licensing laws in this state?... The only knowledge I have about gun licensing in this state is, I think the government has introduced a policy that we have to do a course and we have - either the company or we have to pay for that gun - but this doesn't affect me at EZ because we don't have arms in fact.

Okay?... If anyone was caught with arms they wouldn't come in.

Well, when you say the - there is a provision under the new legislation which requires you to undergo certain training before you can licensed?... Oh, yes. Oh, I think so too, and I think they should be.

Is that a correct description of the situation?... Yes.

Okay. And to undergo that training - don't think this is contentious - there's a cost involved?... I think there's a cost involved in everything nowadays.

Yes - but in relation to obtaining a license and obtaining the training there's a cost in both is there?... Yes. I say that blindly, I'm not - I'm not getting too deep in this, but I would imagine so, yes, because not anybody can have a gun nor anybody should have a gun.

Okay. I think you'll get a lot of people agreeing with that, Mr Wright. The - have you been licensed previously?... Yes.

Or are you now licensed to use a firearm?... No, I was previously licensed. I've been at EZ -

You're not now?... - for 3 years, it doesn't affect me.

Okay. When you were licensed before - ?... Yes.

- who paid for the license?... The company.

Was there - were there any other costs other than paying for the license involved at that time?... None whatsoever - none.

And is it fair to say that only change now is that to be licensed you must be trained?... To my belief this is true - a course has been established and a - what the ramifications of this is, I don't know, because according what I've read even the police have to do this, which is fair - we live in a democracy.

Well if - no I'll In terms of all of the functions that the Wormald security officers perform at the EZ-Risdon site, would you say that they deserve to be paid at the same rate or a higher rate than that which applies to a mobile patrolman?... More.

And are you aware - is the mobile patrolman rate now lower, the same as, or higher than the rate which applies to -?... I believe it's higher than what I'm getting and I'm not certain, but I think it is.

I have no further questions, thank you.

COMMISSIONER GOZZI: Yes, thank you, Mr O'Brien. Mr O'Brien, just going back to this hourly rate of \$9.48, looking at my copy of the award - 4 of 1992 -

MR O'BRIEN: Mm.

COMMISSIONER GOZZI: - consolidated, which operates from 1st January '93, the rate is 355.90 for level 1 - which one are you looking at?

MR O'BRIEN: No, it's moved since then.

COMMISSIONER GOZZI: Has it?

MR O'BRIEN: It's \$360.30, and I'll give you one of our rates sheets if you like.

COMMISSIONER GOZZI: Yes. What - what - oh, hang on - I've got it.

MR O'BRIEN: There's a variation since then.

COMMISSIONER GOZZI: Yes, well, that's right. Mr Hunter is jumping up and down - 592 is just in front of it - 360.30. Right.

MR O'BRIEN: Perhaps just to - for completeness, I'll tender a couple of copies - there are hourly rate break downs which might be useful reference when we're talking about hourly rates -

COMMISSIONER GOZZI: Yes, thank you.

MR O'BRIEN: - in this document.

COMMISSIONER GOZZI: Thank you. We'll mark that exhibit O.3. What is the mobile patrol rate?

MR O'BRIEN: Level 2.

COMMISSIONER GOZZI: Level 2.

MR O'BRIEN: Have you got one?

MR: Yes, it's alright. Oh well -

MR O'BRIEN: I mean I haven't got another one - I'll get another one at lunch time.

COMMISSIONER GOZZI: Of course Mr Wright receives 390 then doesn't he?

MR O'BRIEN: No, he doesn't. He receives - there are pay slips here - he receives the base rate and he receives the flat supervisory allowance.

COMMISSIONER GOZZI: Yes, making an all-up rate of 390.

MR O'BRIEN: Excepting that because of the way the work is structured the base rate is for all purposes but the allowance is not, so that when you're looking at work on shift work and weekends, there's a dramatic effect.

COMMISSIONER GOZZI: Alright, thank you very much. Mr Abey.

MR ABEY: Thank you, Mr Wright. How many alarm receiving systems are in the Chubb control room - how many different ones?... Well in the Chubb control room I wouldn't like to say. I can only -

You haven't been employed in there have you?... I can only be honest and say that I'm more acquainted with the Wormald control room when it was the Wormald control room, because

some of the patrol men were seconded to doing actually controllers duties, and I'm familiar with the control room, if you're actually asking me how many there is it's like asking me how many chairs are in this room. I can come into this room, I can say 12, but I really don't know the number.

Have you been in the - ?... Yes.

Have you been in there?... Yes. Not in the Chubb one, in the Wormald one, but when I was asked about the Chubb one -

Well just - just let me ask the questions?... Certainly.

You haven't been in the Chubb control room?... I have been in the Chubb control room but not often enough to know how many monitors there is.

You've been in there?... Yes.

How many times have you been in there?... Twice, maybe three times - finish.

How long did you spend in there?... Five to 8 minutes each visit.

Thank you. And the Wormald control room?... The Wormald control room you can talk about - over 7 year in a time factor, I'd give it 2 weeks.

Have you been employed in there or were you - just wandered in and out?... I've been in there to go to the toilet.

Right - so you haven't actually worked in there?... No.

You haven't operated - yet your evidence was that you were familiar with the Chubb control room?... Simply because some of the patrol men were seconded to the job as controller and they were patrolling like I was.

Right, and they told you about it?... No, they never told me about it, they showed me what was being done if I were to do it.

Where did they show you?... It's a job I wouldn't have.

Where did they show you?... In the control room.

In the Wormald control room?... In the Wormald control room. I'm not on my own here.

Sorry?... I'm not here, it's a public toilet, one has to go to the toilet with all the patrol men - not just me, everybody. It's common knowledge that the control was right next door to you, and you had a with the

But what I'm trying to establish, Mr Wright, is that your evidence was that you were familiar with the Chubb control room. Now - ?... I am familiar with it, yes.

Because you've been in it twice for five to 8 minutes?... No, in the Chubb control room?

Yes?... Yes. The Wormald control room which is the same model. I mean a court room is a court room - a control room is a court room - you know.

Let's - let's - let's get the facts very clear; have you been employed in either the Chubb or the Wormald control room?... As what?

As an operator?... No.

Thank you. Now you've indicated that - well I detected that you consider the hourly rate, I think of \$9.54 for a guard to be inadequate - is that fair comment?... I never said that.

Well what did you say?... I said that my job at EZ is - should be more than a patrol man.

Your job - your job at EZ is paid more than a patrol man isn't it?... My job at EZ is not more than a patrol man as far as I'm aware. I think a patrol man gets more than I do. I'm not certain.

Well a patrol man - the base rate for a patrol man is \$374.20; the base rate for a guard is - or level 1 is \$360.30 and you are paid more than 374.20 - is that correct?... That means I get more than a patrol man.

MR O'BRIEN: Oh, that's really an unfair question - I object. I mean we've talked about what he's paid, what's he - what, are you talking about 38 hours, per hour, per week, take into account weekends - I mean it really is an unfair question.

MR ABEY: Well, I'll rephrase it?... I don't mind answering it.

MR O'BRIEN: Well let's get it properly so you know what you're answering.

MR ABEY: What I'm trying to establish is that you are paid more than a Grade 1 - you personally are paid more than a Grade 1 - you said you're paid \$30 over the award - is that correct?... I'm paid as leading hand, yes. I thought we were talking about base rate.

Well if we can just take it step by step - I think we'll get there. You are paid \$30 more than the base rate - is that correct?... For the responsibility, yes.

Yes. Are you aware what the leading hand allowance in the award is?... No.

Right. Would you agree that the rate of 354 - 360 - sorry - \$9.54 an hour is an appropriate rate for a level 1 guard?... I don't know.

Okay, that's a fair answer. At all times at Pasminco there is a team leader there isn't there?... Yes.

And that's invariably a Pasminco employee - a staff employee?... No.

Most of the time?... No.

Well - ?... I wouldn't be here today if he was there most of the time. It's because he's not there all the time I'm here. I've a roster there that shows you the time he has off and the time I have to work and he is off a lot more than I'm working and that's the reason I'm sitting here today. Now if that was the case I wouldn't be here, believe you me.

Let's take it round the clock; is there a team - is there an EZ employee there more often than not - around the clock, 78 days a week? I'm not talking about you personally?... If we're talking about average - a week consists of 7 days -

That's right?... - the team leader - EZ team leader - staff man - would be there 4.1/2 of those days a week. I would be there those following 2.1/2 days and that's accurate.

So 4.1/2 times - ?... He's there.

- times 24 hours is the coverage of a team leader - of the Pasminco - ?... Yes.

And 2.1/2 times 24 is - ?... Is ours.

Now is it true to say that the buck stops with the team leader?... The buck stops with the person sitting behind the desk.

Well, I put it to you that the bucks stops with - ?... Not - not - not necessarily the team leader; the buck stops with the person sitting behind the desk. It's that sort of job, I'm sorry.

There is no argument that the person sitting behind the - the - the desk would have to make the initial reaction - but I'm talking about who accepts the final responsibility for the

security - and I put it to you that it's the team leader?... That's what they're trying to instil, yes. Trying to instil - which I refuse -

You refuse that?... - to accept that, yes.

I see. Why do you refuse?... I can't find enough hours in the day to do what they want.

COMMISSIONER GOZZI: I don't understand the answer, Mr Wright?... The answer is simple: they want me to be accountable for the people over there - for the Wormald people.

Yes, well just let me backtrack. Obviously you feel quite strongly about it. You've answered Mr Abey on the basis that they're trying to - that is, the company is trying to maintain a view - my words - that the team leader takes the ultimate responsibility for the security operation?... While he's on duty, yes.

No - Mr Abey is putting to you, in the overall context of the week, of the fortnight, of the month, whatever - ?... Yes.

- that the overall responsibility is with the team leader - that he is the person who is ultimately accountable?... Correct.

You said you've got some difficulty with that?... Yes, I have.

And you said that difficulty relates to if there are not enough - not enough hours in the day for you to do your work?... Yes.

That's not compatible with - that doesn't fit - ?... The question.

- the question?... Yes, well what I -

Why - why won't you accept that the team leader has the overall responsibility?... Yes, I'm sorry about that. What I'm trying to say is, when I was asked to take - to be accountable, I gave that answer, I haven't got enough hours in the day to them, and they came back with almost what you said only in different words - and they said, well then you will have to find somebody of the Wormald team to share that role and I found someone else. There are two of us do that function that you've asked - not just me, because you asked me - two of us do it. I have a relief when I'm not there who is accountable.

MR ABEY: That's correct, yes, I understand that?... Yes. So we do it because they're getting so much time off I can't do my shift and their shift.

I understand that, and when that person relieves you they're paid an additional allowance - are you aware of that?... I'm not aware of that.

No, but would it - ?... I would imagine so, yes, it's fair.

Right, okay. Does your evidence relate to yourself or all the Wormald employees?... I think it relates to the people who work in the plant who number four people.

Four people?... Yes.

How many Wormald employees are there in Pasmenco?... Seven.

So there's no evidence in relation to those other three?... Not in the sense that you've asked - no, because I was asked earlier the difference between the plant and the gate, and I think the gate is different from the plant, yes, so I'd wouldn't put those two people at the gate in the same category.

Are you familiar with the claim that's before this commission?... I'm familiar with the claim that we've asked that - we believe that the job entails a little bit more than we're earning. As far as I'm aware the gradings I've seen in the good book do not fulfil the function we do over at EZ.

Have you seen the claim?... No, I haven't seen the claim.

Were you or the employees at Pasmenco consulted about the claim?... All I know is - no, we weren't -

You weren't consulted?... - in the sense - what do you mean?

Did the union ask you or did - was there any conversations between yourself and union representatives about the claim?... Yes and no.

Well perhaps you'd like to enlarge?... Well No.1 is when we were at the gate we were doing a simple job, but when we went into the plant we found it more responsible. The chaps and I got together and we decided that what we're doing deserves more money so I went to my boss and said, look what we're doing in there I think you have to think carefully about and pay us more - in those words. He wouldn't. The only recourse we had was going to the union. Now we're not - there's only six of us. We're not going to do anything rash.

I'm not being critical?... So we went to the union because my boss wouldn't entertain the idea of paying us more. Now if the union have gone about it their way, they've gone about it the right because I'm sitting here today. But I didn't need

to be here today if my boss just thought about what I said to him. It was fair.

I'm not being critical in this line, but I'm just trying to establish the facts?... I don't know what the claim is in words, no, but I would imagine the claim is that the union are trying to get us upgraded.

Do you know what they're trying to get you upgraded to?... Well as far as I'm aware, the gradings that I've looked in the book, we exceed all those gradings. I'm sorry.

Do you exceed a level 4, do you?... I exceed all the gradings, because we're doing a totally different job.

You exceed all the gradings because you're doing a totally different job?... Yes. This is a new angle, yes.

Just because something is different it doesn't necessarily make it more onerous?... When I go on patrol work I don't take this with me. I don't have to be fair to this, but in EZ I have to be careful because I'm in a mine site. I'm more responsible. And that's all I'm trying to say to everyone - if you can't listen or you won't do it, that's fair enough, I can't do any further, there's only six of us - we've no weight. I just - I said to my boss, we're doing a good job, we're appreciated, this is - EZ appreciates us because they're sending us on these courses. Would you, in my position, go to the union?

Mr Wright, I think you're misunderstanding; I am trying to establish facts, I am not offering any criticism whatsoever the fact that you went to the union. All I'm trying to establish is, were you familiar with the claim?... I am familiar with what we asked to do only.

And were you consulted by the union in the formulation of the claim?... The only time I heard from the union was last week that they told me that this was happening.

So you weren't consulted about - ?... The form it was going to take - no.

Right. You've said that the job on the gate is a relatively simple job - is that correct?... No, I did not say that. I said the gate - what - at the gate was labour intensified - it's a very difficult job and it's a job one person can't do because the gate deserves - there's not enough work for two and there's too much work for one.

Well let's just - ?... You can't have 1.5 of a man.

Let's just slow down a little bit. A few minutes ago in response to a question from myself, you used the expression

that the job at - on the gate is relatively simple - or words to that effect - there's a transcript of this being taken so it can be checked?... I never said simple.

You indicated that you were giving evidence in respect of four employees who were engaged on the plant not on the gate - does that ring a bell?... They - I think I said - I'm not certain - it's a more responsible job in the plant - that's obvious. It's utterly - it's still - it's still responsible at the gate, it's just that the structure is built that they have a function to fulfil easily - that's all.

Do you distinguish between the plant operations and the gate operations at all?... Well let's put it this way; in practical terms the person at the gate doesn't need to think too much, whereas the person in the plant has to think a lot.

Tell me what's different about the gate operations at Pasminco which would be different from a normal security gate on a large industrial site?... The difference is totally - again it's total.

Total is it?... Yes.

Where else have you worked on a gate?... Well my wife works at Sheridan Textiles and I go to pick her up and I see the actions of the gate men there. Also I've a son-in-law at Cadbury's and I see the actions of the gate man out there.

So you're relying on that for your experience?... And my own experience as a gate man at Rossarden and a few jobs I did.

Tell us about Rossarden?... Rossarden was a case of they closed the tin mine down and we were sent up there to protect the tin mine from the people who got the sack.

Mm. How were gate operations different?... The gate operation was a 24-hour job. It meant that we had to keep people out and let certain people in.

And what's different about that at Pasminco?... The difference at Pasminco is, EZ's management expect - EZ management - not Wormald - EZ management expect us to search every vehicle leaving the plant - that includes the boot, underneath the passenger seats, everything. We can't do it, it's impossible, so we do spot checks. Now they've added monitors to make sure that we do the job - cameras. Now we try to do the job but the job entails 1.1/2 people. Now we come under the Mines Act - they have a mines inspector. We work in liaison with Customs, we work in liaison with the ships arriving. We take abuse off drunken sailors. We find things. We do the best we can because it requires 1.5 people to man that gate - only one can do it.

That's your opinion?... No, it's a fact.

I see?... No, you don't see, because one has to do it to see. I've been there 3 years. I wouldn't say a lie; why - I've got nothing to lie about because I'm not fighting for them.

Is it possible that someone else might have a different opinion to you?... If they worked the gate - no.

It's not possible?... If they worked the gate - no.

Your argument is that there's too much work - is that correct?... There's too much work at the gate - yes - for one person.

And too much work elsewhere?... The work in the plant is totally different. We have the time unless an emergency arises. At the gate it's a simple matter of actually working - I mean physically working. You operate the barrier, you go out, you search the car, you get another car - we have about five or 600 movements every day and I'm not talking theory because we document every movement. We have to put the registration number down in the form.

No, I'm just trying to establish whether your argument is that the job is - ?... It's not the same point.

- physically too demanding?... I hate - I dislike the word 'simple' when you said 'simple' because it's not simple - it's unfair to the chap at the gate.

COMMISSIONER GOZZI: Well, Mr Wright, I think you've got to listen to the question and the comments?... Okay, I'm sorry.

Mr Abey is simply trying to establish -?... Okay.

- with you what the facts are and the differences between the gate and the - and the - ?... Plant.

- and the plant itself?... Yes. Well there are totally different -

- and - and he's just currently pursuing - ?... Yes.

- whether you feel that the work on the gate - ?... Is difficult.

- is difficult?... It is. Yes.

MR ABEY: But is it difficult because of the level of responsibility, the skill, or is it because there's a lot to do?... A lot to do.

Right, there's a lot to do?... Yes, there is a lot to do.

And on the plant - that's not so onerous to lot to do?...
No, no, it's not, no.

You've got - ?... I agree there totally.

- you've got time on your hands, but the work - ?... No, you haven't got time on your hands, it's not as onerous.

But you've got - it's not as onerous?... No.

Right. What else did you do at Rossarden? Were you on the gate the whole time or - ?... I was there - stayed there 24 hours a day - stayed there.

On the gate?... The plant, the gate, everything.

Yes, oh no, I'm trying establish - that's ?... Yes, I was on the gate, yes, yes.

You were on the gate. And in the AMP building, what was the nature of your duties there?... My nature of the duties there was ensuring that the place was secure when it was empty. Made sure the cleaners come in and out, made sure everything was there - like a normal guard.

Did you have a scanning system at all?... No.

Now the 12-hour shifts at Pasminco - I understand that was an agreed matter, is that right?... Well the team leaders - that's the EZ staff people - do 12 hours. It just seems simple that we do the same because it falls in line, yes.

I understand that; all I'm trying to establish - it was agreed by the Wormald people to operate on that basis. It wasn't imposed on you?... Oh no.

No. It was agreed. Thank you. Now you've indicated that if in doubt you get the professionals in?... In connection with medical matter - yes.

Yes. And fire matters?... Fire matters - no, we handle it.

But you'd always get the fire brigade in though on?... Well obviously before we leave there, when we get - when they get a fire alarm the first thing we do is contact the fire brigade -

Right?... Then we go.

Yes?... We don't sit and wait for them to come.

No. I understand?... Yes.

I understand that. But if there is any doubt in your mind, particularly, you know, medical matters, you get the professionals in?... Oh, certainly.

Right. And is there any difficulty in getting professionals in?... Sometimes.

Why?... He's on a pager. There's a time factor involved there and I have to make the decision whether to handle that situation before the doctor arrives or do I let him bleed to death.

COMMISSIONER GOZZI: Can I just interpose there for a moment; are you talking about the occupational health doctor out there - Dr Stewart?... Yes, I am - Tim - yes.

Thank you.

MR ABEY: But if he wasn't available what would you do then?... I would get the ambulance.

The point I'm trying to make is - and you rightly say that if in doubt you get the professionals in - I'm just trying to establish that there's - there is always someone available that you can get in?... No, not there at the moment.

No, not at that moment - but there's always someone you can call - is that correct? Whether it's the doctor or the ambulance?... Yes.

Thank you.

COMMISSIONER GOZZI: Mr Abey, do you mean the site ambulance?... No, I don't - that's the one I mean.

MR ABEY: No, no, I meant the -

COMMISSIONER GOZZI: You're talking about the Tasmanian Ambulance Service?

MR ABEY: The Tasmanian Ambulance Service.

What courses have you actually done?... the courses I've actually done for pre-Wormald - my time here - I've been on the first aid course, I've been on the fire course, and we continually do training in the plant on a regular basis.

Yes. In your experience is that any different to anywhere else that you've worked?... Oh yes.

Why - don't do training elsewhere?... No, not in the security field, no, not normally.

So you've actually done the fire safety - fire safety course for want of a better word?... Mm.

And the first aid course?... Mm.

There have been other courses which have been suggested that you do, but you've declined to do that - is that correct?... For the moment, yes.

Yes.

COMMISSIONER GOZZI: The occupational nurse course, the ambulance course and the safety health and environment course -?... That's correct.

- fall into that category?... Yes, and the safety course - there's a safety one as well.

And the safety course?... Yes.

MR ABEY: Now you've had experience as a patrol man - I think you described it as a hard job?... Yes it is.

High risk?... Physically demanding and high risk, yes.

The risk would be higher for a patrol man at Pasminco wouldn't it?... Yes.

Could you identify for me - I don't know that this was given an exhibit number was it?

MR O'BRIEN: No.1.

COMMISSIONER GOZZI: 0.1 - yes.

MR ABEY: Exhibit 0.1 - just which duties do you rely on to justify the claim before the Industrial Commission? Is it all of them or are there some specific duties there which you say are over and above what you'd expect of a guard?... We are not guards -

For a level 1 - sorry - correction?... We are not guards out there.

No, level 1?... Any specific duties - that was the question?

Well what are we - ?... Yes, okay. I agree - I'll answer it. I think the accountability is the most important factor.

Right. Accountability?... Yes.

So it's the overall accountability?... I think so, yes.

Now do all the employees out there have the same level of accountability as you?... The people in the plant, yes.

Even though that you're the relieving team leader?... Oh yes.

Sorry?... Yes.

And you're the Wormald supervisor? It doesn't add up to me. I mean there's a hierarchy and from my assessment you're at the top of it?... Well can I say something?

Mm?... About 2 months ago I believe you went - well, I know John did and I don't know if you did, I believe certain people went to the plant to see what was going on.

Yes?... Before you arrived - before your visit, everybody done the team leader shift. We relieved the staff people automatically - all of us - the four people in the plant - not just me - the four of us. Since your visit, I've been told I must do it and if I can't do it, then Tim - that's my No.2 - we do it - meaning Mattie and the others do not the shift that was a supervisory thing that you just said. Since that visit. But before then, we all did it. Now I'm sitting here today for them and me, because it's a hand-in-glove situation. Mattie might be on today and that's it, but before you came we all did. Since you've been only I do it.

COMMISSIONER GOZZI: So - so I can get that right, Mr Wright, for the 2.1/2 days that the team leader is not there, the PMEZ employee is not there - ?... I do it.

- you do the relieving work - ?... Correct.

- whereas previously it was worked within the four-people roster?... My roster?

Yes?... Yes, that's correct.

Yes, yes - but most of the four Pasmenco - ?... We all shared it.

Within the four Wormald security people?... Correct, that's right.

Okay.

MR ABEY: Do you know precisely when that was implemented?... After you visited it.

COMMISSIONER GOZZI: Are you looking for the date, Mr Abey?

MR ABEY: Yes, I am.

COMMISSIONER GOZZI: Well I think I can help you. It was in May - 6th of May.

MR ABEY: On the 5th - 6th of May. So you're saying it's been implemented after the 6th of May. You're certain about that?... I went to the meeting. I go to a meeting every month with the team leaders - EZ team leaders and I was told I would be doing

Yes, I'm not arguing about that. I'm asking when?... I was told - yes, I was told, yes.

But when? You - ?... At the last -

If you can't remember, it doesn't matter. I'm just trying to - ?... Well let's put it this way. There's a team leaders' meeting every month. There was one this month and there was one last month, so it was last month - April, May - May.

Right. The - where is it? The duty manager responsibility. You've been asked to take that on?... Yes.

You declined to this at this stage, is that correct?... Declined what?

To take on that role?... Oh, no, I've accepted but as long as I know that someone else is there when I'm not there that they can do the same function.

Right. Okay?... I'm not taking it on my own.

Has that been implemented. Are you doing that now?... Yes, that is implemented, yes.

But that doesn't apply to all seven employees. It applies to you - ?... And the other one - chap, yes, the two of us who are permanent people with Wormald. The others are casual, remember.

Yes. I keep coming back to this because the way the claim is framed it applies equally to all employees?... And so it should because we all do the same job.

Okay. Well we've just said that - well, for a start two of them are doing this aspect of it and the other five aren't?... That's only recently and whose to say it's not going to change back later.

COMMISSIONER GOZZI: Well, hang on, I'm a bit confused. I thought you drew a distinction between gate security people - ?... Correct.

- and plant security people. Now Mr Abey just asked you in respect of the claim applying to all security people - and that's what the claim does - ?... I was in -

- and you support that - ?... No, I -

- or not?... No, I would support that the people in the plant are different from the people at the gate, yes.

Yes, that's what I took you to - ?... Yes, sorry, -

- I mean, that's what you said earlier on?... - my apologies.

MR ABEY: Right?... Yes.

So there is a distinction between the gate - ?... Oh, yes there is, yes, yes.

And the employees say that's got a - it's a more onerous role. Is that more difficult; more responsibility?... More responsible, definitely.

Yes. Worth more money?... Obviously.

Well I'm just asking your opinion. Is it - ?... I wouldn't - that's a silly question because I'm sitting here trying to get more money.

Well, yes, but in reality, Mr Wright, you're trying to get more money for everybody?... Isn't that fair?

Well I'm not sitting in judgment on that. That's what the commissioner's role is, but you're - I'm trying to establish - the claim very clearly relates to all employees at Pasminco and I'm just trying to establish whether that is in fact something you support or - your evidence seems to conflict on this. On the one hand you say: is it fair, and yes it does, but then you draw a distinction between the plant and the gate. Now I'm just trying to establish what is your view?... My view is that the people in the plant deserve more. The people on the gate deserve more. Simple as that.

They all deserve more?... Obviously. just explain that one and a half people are needed to run the gate properly. They can't do the job properly. Giving them more money is not going to make them do the job more properly, at least -

So - ?... - you know - but the people in the plant are more responsible and they do deserve it more than the people at the gate to be honest. Not forgetting that the people at the gate haven't been trained to this degree, whereas the people in the plant have.

Gun licences?... Doesn't affect me too much at EZ -

Though - ?... - but ask away.

You gave evidence - ?... I was asked to -

I think you - and I don't know if I've correctly heard you or not - you gave evidence that in the past you've required to - been required to carry a gun - ?... Correct.

- and the employer's paid the licence?... Correct.

That would be a licence to own the gun, would it not, not a licence to use it?... That's a licence to go on duty with it.

Is it?... I thought it was.

You don't know?... Of course not. I was on patrol then.

Right. Well I put it to you that up until the enactment of the Guns Act from the 1st of January this year, there was no licensing for gun users. There was a requirement to register pistols. Is that what we are referring to? It's not a contentious matter. I'm just trying to establish - ?... No, I don't know. The last time - I go to the range, I do my shooting, through the company. If I was to go back on to patrol, I would expect the company to give me a gun and rounds to go on duty with.

Understood?... Now, I heard that - again hearsay in the paper - the government had restricted this. Now what's happening, I don't know, because I've not done it for three years.

That's fair enough. That's all you need to say. You don't know, you don't know?... Yes, I don't know.

I have no further questions.

COMMISSIONER GOZZI: Yes. Thank you, Mr Abey. Mr O'Brien?

MR O'BRIEN: Mr Wright, has there been any time - sorry, has, at any time, there been a practice of employees working in the gate area and in the control room area?... Oh, yes, certainly.

So a person who worked in one area has, at least in the past, been also engaged upon work inside the plant?... Definite, yes, there has to be.

So to the extent that there has been an interchangeability between work at the gate and in the plant, that a claim could be justified equally for both areas?... Oh, yes. I mean, I'm not knowing that, no way.

COMMISSIONER GOZZI: Mr O'Brien, my understanding on that point is that that interchangeability is still going on. The interchangeability with respect to relieving the team leader though has been curtailed.

MR O'BRIEN: Well -

COMMISSIONER GOZZI: Is that the case?... I would say that, yes. Yes I would - I'd make a judgment on that.

Yes. Okay. So the interchangeability aspect of it is still, as I understand it, in place?... Yes. Not forgetting the most important thing; whereas in the past the gate use to be 24 hours and then we had to change, but now the gate is only 12 hours which means that there's not so much changing. That chap can stay there. Are you with me? He has a fixed role now -

Yes?... - whereas in the past he did not have a fixed role. It's just because of the - we work Monday to Friday at the gate. That man can do his duty there. So it's not really - we don't really need him in the plant - are you with me? Whereas before with 24 hours all the time, -

Right. Okay. I see?... - it was nice to me multiskilled.

I see.

MR O'BRIEN: Mr Wright, you said that the AMP Building work was like a normal guard post?... Yes, like normal guard job, yes.

Is that - you're quoting your understanding from your history in security work as guard work?... Yes.

You were asked some questions about your knowledge of control room work. Do you have a relative or some family connection with a person who has worked in a control room?... I had then, not now.

Yes, you have had. And have you discussed aspects of control room work with that person?... I had then, yes. Knowing what I know now, I would manage it, with being familiar with the control room at EZ, yes.

Well - that discussion made you - or assisted you to be familiar with control room work?... Oh, yes, very much so.

In relation to evidence about change in duties, are you saying that for over 2 years the system operated so that there was interchangeability - ?... That's what they asked for.

- within the plant?... That's what it was asked for.

That's what they asked for?... Yes.

And upon the processing of this claim and in - following the inspection of the plant, a change has been made to those duties?... A change has been made to those duties. Whether it was because of that I don't know.

Well following that - ?... Following that is a fact, and I was told that I had to do it, whereas before I wasn't told to do it. Everybody was quite happy with the scheme that was

Was it - so EZ were happy, to your knowledge, with the scheme?... Well nobody complained.

Yes. That's a matter I will be dealing with on submissions, Mr Commissioner.

I have no further re-examination.

COMMISSIONER GOZZI: Thank you, Mr O'Brien. Mr Wright, thank you very much for your assistance. You can step down?... Thank you.

MR O'BRIEN: I don't propose to call any further oral evidence and I understand Mr Abey has two witnesses.

MR ABEY: Yes, I have two witnesses; Mr Dave Weir is the first one, assuming he's kept his appointment and returned.

COMMISSIONER GOZZI: All right. Well let's see if we can get Mr Weir to come in.

DAVID EMILTON WEIR, sworn:

COMMISSIONER GOZZI: Please sit down.

MR ABEY: Mr Weir, for the record, can you give us your full name and address please?... David Emilton Weir, 22 Carinya Street, Blackmans Bay.

Commissioner, I propose to table a statement which will form the basis of Mr Weir's evidence.

COMMISSIONER GOZZI: Thank you. We'll make that Exhibit A.1.

MR ABEY: Mr Weir, do you recognise this statement?... I do.

Is it your statement?... It is.

I'd ask you to read the statement into the transcript, please?... I am currently state manager of Wormald Australia and have held that position for the past 2 years. Prior to that I was employed as service manager in Melbourne for approximately 8 years. I have been employed by Wormald for a total of 25 years. Wormald Security offers the following service in Tasmania: security alarms installations, security alarms monitoring, security response in the event of a burglar alarm received in our control room, provide patrol service, static guards, special constables to all courts in the state, airport security screening, payroll escort and cash banking. In total, Wormald has approximately 130 employees in Tasmania, of which approximately 75 are employed on manpower security. Of those 75, approximately 20 would be classified as mobile patrolmen, level 2, with the balance classified as guards, level 1. All manpower security employees are covered by the Security Industry Award and so far as I know are members of the union. Whilst Wormald is by far the largest operator in our sector of the security industry in Tasmania, there is significant competition from a range of relatively small security organisation. With respect to Pasminco EZ operations, Wormald has had a security presence at Risdon in terms of the main gate for the past 2 years. Approximately 8 months ago this role was expanded to include internal plant security and the control room which - yes. Currently there are seven employees engaged on the roster. The front gate: The duties there are to control traffic in and out of the plant. Only vehicles with a reason are let in and issued permits; the issue and retrieval of safety equipment - glasses, helmets, et cetera; visually check vehicles during entry and exit. Inside the plant duties: General patrol duties, checking various extremities within the plant, especially at night time, ensuring that the perimeter of the plant is secured and being on alert for undesirables loitering around the plant, fire and water hazards, and ensuring all gates are locked. Respond to fire alarms received in the surveillance centre; ascertain the situation and either put the fire out if possible or await for the brigade. Answering the phone after hours for general business. Provision of first aid, particularly on afternoon shift and night shift. Monitoring of closed circuit VDU and the recording of any incidents. In the surveillance centre the duties consist of fire panel - the - yes, consists rather of fire panel covering the entire state which is connected to the Tasmanian fire Service. Four remote cameras -

Entire site, I think - ?... Yes, site rather, sorry. Four remote cameras, two of which are movable with joy stick control. These cameras are connected to a number of VDUs in the control panel. In my experience, the surveillance equipment in this room is the most basic used in the security industry, and much of the equipment would be at least 15 years old. Supervision: it should be noted that all the above

duties are shared with the team leader who is responsible for the entire operation. The team leader is a Pasminco staff employee. When the team leader is absent, the relief is provided by the Wormald supervisor. This employee is paid an additional allowance - significantly in excess of leading hand allowance - on a permanent basis, irrespective of whether is relieving the team leader. When the Wormald supervisor is unavailable, another employee relieves and is paid the leading hand allowance for the time so worked. The level of training: In our experience the following training is required, irrespective of previous background - main gate it would be 1-day; inside the plant 2 days; first aid is one week. It should be noted that employees are paid a first aid allowance prescribed in the award; and the fire training is 3 days. The level of activity: the security work by its nature often involves lengthy periods of passive surveillance and the Pasminco employees are always gainfully employed. However, compared with other sites, the number of 'incidents' requiring intervention by security staff is relatively low. According to records, the following was the experience for calendar year 1992: There was accidents - 80 per month on average which ranged from a scratch requiring a bandaid through to relatively serious accidents. The ambulance was activated on 18 occasions in 1992, of which 12 accidents have been described as relatively serious. It would be noted that at least one - usually two - training nursing - trained nursing staff are on site during day shift. In addition, a doctor is on site from 9.00 am to 12.30 daily.

Just, if I could interpose there. I think that should read 'trained' rather than 'training' nursing staff?... Yes, trained. There are approximately 700 Pasminco employees on site during day shift compared with 300 on the back shifts. Hence, you would expect the majority of accidents to occur during day shift. The fire alarms average one a week or 52 a year and two thirds of these turn out to be false alarms. The security incidents: the presence of unauthorised personnel would average one per week. The Commonwealth Centre: As a comparison the employees at the Commonwealth Centre are classified as security officers, level 1, the same as Pasminco. The duties are typical of what you would expect in a large, relatively modern office complex and such duties would embrace surveillance through closed circuit TV monitors of 26 cameras; control of keys; patrol work; respond to fire alarm and supervise evacuation; respond to all security alarms; supervision of security passes; record keeping; supervision of movement of goods. Generally the monitoring and the surveillance equipment in the Commonwealth Centre is of current day modern technology, but at a level somewhat less than you would find in maximum security type areas. It certainly falls short of an integrated intelligent building management and security system, as described in the level 3 definition. The training required for a new employee would be one week for security duties, plus for weeks in-house training

for administration work. Utilisation of security staff. It needs to be understood that all our security staff are employed by Wormald, and are not dedicated to any one location. As such, employees are often deployed to different locations for a number of reasons, eg, coverage of absenteeism, peaks and lows of the business, and to provide variety. The employees currently on the Pasminco roster were previously employed elsewhere within our operations. Because of the size of the Pasminco plant, it makes operation sense to maintain continuity of personnel so far as possible. However, the fact remains that all Wormald staff, including those at Pasminco, can and will be relocated to other sites from time to time to meet the needs of the business. The classification structure currently in the award facilitates this flexibility with a minimum of disruption. It would, however, become an administrative and operational nightmare if potentially each site or location is to be separately assessed and designated in the classification structure. There is in my view, a clear distinction between what we term mobile patrolmen level 2 and guards at level 1. A mobile patrolman is an employee who works night time only, one who has up to 50 different sites to check between one and four times per night. He is responsible to ensure that all his clients' premises are secure. He is responding to all burglar alarms that may occur during the night within the boundaries of his round, attend banks' ATM alarms, fire alarms and industrial alarms. In addition, a patrolman's round is always subject to modification or, indeed, complete change. By contrast, a guard is an employee who performs security duties at a designated site in accordance with the clients' requirements. Whilst both classifications have a significant degree of responsibility, there is no doubt in my mind that the work of mobile patrolman is more onerous and justifies the wage differential as contained in the award. Work value. In my opinion, the work of our employees at the Pasminco site is fairly typical of guard level 1 type work. In many respects, it is less onerous than you would find in other operations. The surveillance equipment is certainly very basic and yesterday's technology and the level of incidents requiring intervention is relatively low. Of course each site will have marginally different demands in terms of duties and equipment used. It follows that there are swings and roundabouts. There is, however, nothing at Pasminco which, in my opinion, would justify special consideration above the classification as a level 1. Firearms legislation. In order to maximise flexibility, it is highly desirable that all Wormald security personnel are trained in the safe use of firearms. Whilst we would not suggest for a moment that all staff are required to routinely carry firearms, it is desirable - from a flexibility point of view - that all employees have the capability, particularly to cover absenteeism. Anything less than this compromises this flexibility. With this in mind, Wormald has provided 'in-house' a comprehensive structured training program on the safe use of firearms. It has been our policy

that all security staff participate in this program. Wormald owns a number of firearms which are issued daily on a 'as needed' basis. An annual permit is required for these firearms. Up until recently this has been \$1 per firearm. This has just been increased to \$10 per firearm. This fee has naturally always been paid by Wormald as the company is the owner of the firearms. Whilst I have no difficulty with the intent of the recently enacted Guns Act 1991, I am quite shocked at the totally disproportionate fees which attach to security guards. A gun licence for a security guard costs \$150 and the requisite training course also costs \$150. The equivalent charge for the general public is \$30. We have made extensive representations to the Minister, Mr Madill, the Premier, the Commissioner for Police and more recently, the Ombudsman seeking either removal or at least some modification of this impost on the industry. Unfortunately those efforts have been unsuccessful. Whilst I would prefer that no-one has to bear this cost, I cannot accept that it is the responsibility of the employer to foot the bill. The way the legislation is framed, it is a licence which attaches to the individual, not the company. Furthermore, it stays with the individual for life, irrespective of who he may be employed by, hence a gun licence is essentially a qualification which the individual carries with him. In my opinion, there is no logical reason by the current employer, whoever that might be, should bear this cost. I would also point out that turnover in the security industry is relatively high. In our own case, turnover for the past financial year has been approximately 37 per cent for patrolman and 21 per cent for guards. Whilst this might be slightly higher than some previous years, it is still fairly typical.

Thank you, Mr Weir. Commissioner, that is the evidence.

COMMISSIONER GOZZI: All right. Thank you, Mr Abey. Mr O'Brien?

MR O'BRIEN: Mr Weir, what is the role of the service manager at Wormald in Melbourne - the job that you previously performed in Victoria?... It's looking after the service requirements of all our clients.

So, you'd see that the contracts are preformed and the client's are satisfied with the performance of your company if you were fulfilling that role - ?... That's right, and in many cases when a contract is completed the company's got an ongoing responsibility to the client, so it's making sure that that's administered properly.

You say that there are 75 manpower security employees?... That's approximately correct, yes.

Yes. Are they full-time, part-time, casual?... It varies.

Can you give us some sort of breakdown. How many are full-time for example?... I say. I think there's about 10 of those people would be full-time. A large proportion of what was left and probably in the order of, say, 90 per cent, are permanent casual or full-time casuals, and the bulk would be made up of people that are required from time to time.

At the EZ site, how many are full-time and how many are permanent casual?... The - well, basically all the people out there come under the permanent casual category.

I see. They're employed on a regular roster?... They are.

How do you purport to engage them as a casual in those circumstances?... Well I don't personally run the security side on a day to day basis. That's handled under Mr Alexopoulos, but they are employed on the casual basis as it designated in the award and that's the way we've been working it.

They're on a regular roster?... Well a roster involves generally the same group of people and they're rostered by the supervisor out there.

Perhaps it's a matter we'll be coming to.

COMMISSIONER GOZZI: Well if that is the basis of their employment, then obviously that doesn't meet the award definition for a casual, but that might be another matter for the parties to discuss.

MR O'BRIEN: Yes.

MR ABEY: Well I won't let that go through to the keeper, Mr Commissioner. That's something we would contest.

COMMISSIONER GOZZI: Well if they are permanently - if they're continually rostered, then the definition of casual in the award doesn't fit that.

MR ABEY: A casual employee means a person who is employed on a casual basis and shall include any person employed for a period not exceeding 5 days at any one time. If the bat - the second part is - doesn't say 'means', it says 'shall include', so if they're employed for less than 5 days they are a casual. That's all that that says. The first bit says - it means a person who is employed on a casual basis. Now it would be my submission - although it's not part of this case - that if someone is engaged on a casual basis, that is, your contract of employment is a casual basis, then it is immaterial the degree of regularity of what shift they operate under.

COMMISSIONER GOZZI: Well, I don't want to get into it now, Mr Abey.

MR ABEY: No. Well I just didn't want it to go through, my silence meaning consensus of the suggestion.

COMMISSIONER GOZZI: Yes.

MR O'BRIEN: As I said, it's matter we wanted to take up later. You also say in your statement that - from the 'significant competition from a range of relatively small security organisations'. Who are the major national security firms apart from Wormald?... National security?

Yes?... Are you taking into account mainland states?

Yes?... Well you're really starting to talk then with MSS, Armaguard, people like that.

Okay. Do MSS or Armaguard operate here?... Not - well, Armaguard definitely does. MSS not with their own people. They're subcontracted the responsibilities.

Franchising or something - ?... No, I don't think so. I think they - well, I'm not too sure about that.

There are some -

COMMISSIONER GOZZI: Sorry, does Securicor fit into that category?... They're not longer in the state, commissioner.

Right. Thank you.

MR O'BRIEN: The range of relatively small security organisations, can you name some of those for the record?... In the state?

yes?... Well the ones that readily come to mind. You've got Moore and Moore; PK Security; Pelham Security. There's three that are typical of the sort of thing we're up against, yes.

And they provide the same sort of services as your company?... In general terms, yes.

And I think we learnt on inspections, for completeness, that Chubb have some arrangements to provide security, but you actually provide it for them, other than the control room?... Well, yes, okay, the control room is their part of the business. If there's any manpower requirement and that's what we're talking about, that that's done generally by us, but not completely by us.

Could the witness be shown exhibit O.1 please. Are you familiar with that document, Mr Weir?... No, I'm not.

Have you seen that document before?... I've seen that document. It's never been issued by us.

You have seen the document before?... I've seen it.

Yes. And is that a reasonable setting out of a range of duties performed by security personnel employed by Wormalds at the EZ Risdon site?... I don't believe so.

Which duties are not performed?... Well if you just give me a chance to go through it. What I'm saying there, Mr O'Brien, is that this is not a document that's been provided by us.

Okay, well I'm accepting that it's not a Wormalds document?... Right.

It has been supplied to Wormalds?... No, it hasn't. It hasn't been supplied to Wormalds in the form of an instruction or whatever, no.

It has been supplied to Wormalds?... Well I disagree with you.

Didn't I give it to you?... Sorry?

Didn't I give it to you? Is that not supplying it to you?... Yes, but I was talking from the context of the company for which we work. We don't work for you.

Well that's perfectly true, but in relation to this document the question I ask is, does it accurately set out the duties which are performed?... Well, no, I'd disagree with you.

No, but you've seen it. You've had it for some time?... Yes.

Can you tell us which of the duties are not performed?... Well if you give me some time to read it may be then I can -

Well I'd be quite happy to do so over the luncheon break - ?... Okay, fine.

- and we can come back to that. Obviously it's an important area. I'll come back to that perhaps in a fashion.

COMMISSIONER GOZZI: All right, that'll be fine.

MR O'BRIEN: We'll go on with what I can from the evidence-in-chief. You talked about - on page 2 of your statement the - under the heading 'Supervision'?... Right.

You talked about the Wormald employee being paid an additional allowance in excess of the leading hand allowance. Do you know how much that allowance is?... The allowance is \$30.00 a week.

Okay. Is it paid for all purposes of the award?... It is.

Are you sure?... Well I'd like to check on that.

Okay. I'll put it to you that, in fact, it's paid as a flat allowance and it isn't calculated into the hourly rate?... I see.

You're not sure about that?... I'm not, no.

And the other person who performs the relieving work when the Wormald supervisor is unable, they're paid the leading hand allowance, I take it from your statement, as provided by the award?... That's right.

So do you know which level that is? There are two levels?... I think it's at the \$15.00 level, from memory.

COMMISSIONER GOZZI: I took it that that person also got the \$30.00 but it's - no, it's the \$15.00, the \$15.40?... That's

MR O'BRIEN: Those allowances are purely for supervision work, aren't they, the leading hand allowance work?... The leading hand or the person that's paid the leading hand allowance to relieve the supervisor is paid that allowance because that falls into the category of what he's doing at that time. He's taking the responsibility for between three and 10 employees, I think. I don't know if I'm quoting from the exact numbers in the award, but that's what we apply to that position. And the full-time supervisor is a person who is also responsible to make up rosters as it's required for the labour required for the job and we an amount to recompense for that. But we believe that he takes a bit more responsibility.

So he's worth \$14.30 or \$14.70, or whatever the difference is between those two rates more for those duties. That's the calculation?... Right.

And the person who relieves Mr Wright is paid purely and simply for his leading hand function?... Yes, that is correct.

Okay. So we can separate that function out from the other functions in terms of other duties - ?... Correct.

- if there are any in our calculation of the matter. We can separate that amount out?... I, yes.

You say on page 2 of your statement again, near the top of the page under the heading 'Inside the Plant Duties', the first dot point: general patrol duties, checking various extremities within the plant, especially at night time, ensuring that the perimeter of the plant is secure and being

on alert for undesirables loitering around the plant, fire and water hazards and ensuring all gates are locked. Now what do you mean by fire and water hazards?... The fire side of things is to basically keep themselves generally aware of the area and finding that there's nothing that's created an environment which could be undesirable from a fire point of view or, in fact, have responded to some fire alarm. And the water hazards means that you could have a burst main or a flood or whatever and carrying out the patrol there identifies that that's in occurrence.

What about sprinkler systems? That's not covered by that, is it?... Well in respect to what?

Well fire and water hazards, is that statement intended to cover the duties - ?... Well a sprinkler system is not a water hazard.

No. I was just asking you, is that statement intended to cover that work or not?... No, I mean -

Is that covered somewhere else?... Well, no, not as such.

Okay. So you've omitted from your statement reference to that duty?... Yes. Okay. No, it is not that it is omitted as such. Are you expecting -

Well, I am asking you - this is your statement as to what the duties are - ?... That's correct.

And I'm asking you whether a particular statement covers a duty that we have seen on inspections, or heard about on inspections, and I was asking you where in your statement that was, by reference to the inside of the plant duties. Now it appears that that duty is not referred to?... No, the sprinkling system is not a hazard in that situation, no.

No. But it is an inside the plant duty, isn't it?... It's something in minor security duties, correct.

I see. You recall that as a general security duty?... I would, yes.

So which other - is that something which is generally performed in all of the contracts you have got for guarding work?... It's not uncommon. It can't be considered as being in all the contracts because not every premise has a sprinkling system; but where they are, it is not an unusual expectation.

Checking the water pressure, for example?... Well, it is only looking at a gauge.

What if you have to correct the water pressure?... Oh, you don't necessarily have to do it yourself. I mean, that could be by either advice in a letter, it could be by a fire brigade person. But there is nothing mystical in doing that.

I see?... It's a very basic function.

You talk about - on the third page of your statement - the level of activity under the subheading, 'Accidents', and you talk about relatively serious accidents. To understand your statement, can you tell us what you mean by relatively serious?... These figures were given to us by Pasminco people themselves. They are not my figures as such. They are figures that were provided - you also were provided with those during inspections. Relatively serious in the terms of Pasminco people are accidents which have prevented an employee arriving at the medical centre under his own - by his own means. I don't qualify, you know, what's considered relatively serious in my terms.

Okay. I am trying to understand the statement, and the clarification was sought so that what you are saying is that there were 12 accidents in 1992 where the person was, because of the injury or because of their condition, unable to make their own way for medical treatment?... I'm led to believe that. But what time of the day they occur I couldn't tell you, and whoever responded to them I also couldn't tell you.

It is clear that if 1 or 12 of those accidents occurred, whether it be 1 or 12 outside of the time when the nursing and medical staff were there, that your employees are most likely to have attended the accident and to make the necessary arrangements?... They would definitely attend, they wouldn't necessarily do anything. It depends on the circumstances.

That would be a matter of judgment at the time, would it?... I would imagine so, yes. It would depend on the accident.

COMMISSIONER GOZZI: We might leave it there, Mr O'Brien, and resume at 2.15.

MR O'BRIEN: Certainly.

COMMISSIONER GOZZI: Just before we break. Mr Weir, you indicate there the arrangement with Pasminco has been going for a relatively short period?... That's true. The current arrangements you mean?

Yes, the currently arrangements?... Sure.

Now, as you're probably aware, I have got quite an involvement with Pasminco because I have that award area and I have been involved with their restructuring and a lot of the initiatives that they are putting into place, and there is no doubt that

part of that restructuring, if you like, encompasses a total integration of the workforce including security people. The question I have for you, without getting into specifics, and that might be picked up after lunch, is has that caused a problem to Wormald in the context of what the expectations of Pasminco are with respect to the functions that security people carry out?... Not in general terms, no.

Yes. The reason that I asked that is because I am aware of course that the function with respect to safety and occupational health embraces and encompasses their security people, which is not necessarily comprehended in the sort of outline you have given - necessarily comprehended in the outline that you have given in your statement. It was exercising my mind whether that type of integration is causing Wormald a concern itself, given the precise outlook you might have about the functions required to be carried out; and, secondly, how that situation at Pasminco relates to, say, other places where you provide a similar service. You might like to come back to that after lunch?... Sure.

We'll adjourn until 2.15.

LUNCHEON ADJOURNMENT

COMMISSIONER GOZZI: Before the luncheon adjournment, Mr Weir, I put a couple of propositions to you. Do you want to address those now before Mr O'Brien continues his cross-examination?... Well, again, commissioner, would you like to take them again through?

Well, yes. I think primarily I was indicating to you that given my knowledge of the Pasminco operations, at Risdon in particular, the workplace reform processes has seen an integration of work. Now the security arrangements at Pasminco transferred from Pasminco to Wormald and that's been an ongoing situation, a developing situation, and the most recent one finalised about 8 months ago, as indicated in your statement. Now one of the aims and objectives of Pasminco is to integrate all the activities of its employees as much as it possible, and part of that process is the integration of work with security type people, i.e. occupational health and safety, monitoring type work. I asked you whether that caused you any difficulty vis-a-vis the view that you have of what the duties and obligations of Wormald employees should be in line with their contractual arrangements to Pasminco?... It hasn't caused us any problems to date.

Has it been the subject of discussion?... To a certain extent. Our job function out there still remains in the security area, with some expectations of first aid and recording of the

instance, and what-have-you. We are not asked to do anything outside traditional lines at this stage.

Well, let's take the fire area, the fire service area as an example of what I am talking about?... Right.

Is it usual for Wormald Security employees to be reaccredited in firefighting arrangements - I don't know the details of the course - every 6 months?... No, no, it is not as such. What was asked of us in that area was that these people respond initially to what's called first aid firefighting, which is an initial response. And our discussions were that our people at this stage hadn't been professionally trained and maybe that would be desirable before they started into this contract.

Right?... And so we started the contract, but it was quickly organised at that point, and all the staff out there have been trained through the Tas. Fire Service at Cambridge. And the reason for that is so they don't get themselves involved in something which may cause them a problem.

The point I am making is that is not usual though for Wormald Security people, is it?... It's not uncommon for Wormald Security people, although we don't have that responsibility in other sites in Tasmania.

Right?... In mainland states it is quite common.

Yes. And is it comprehended within the classification in the mainland states?... Yes.

With a level 1?... Yes.

And the same with occupational health and safety-type responsibilities? First aid?... It is, and that's why there is provision in the award for a first aid allowance.

You see the point I suppose, the crux of what I am asking you, is given that it is an evolving situation at Pasminco since Wormald came into the security area, have those changes been considered by Wormald and, if so, what was the result, or do you consider that it falls totally within the definition of 'guard'?... I believe it falls within the definition - being that they have been given either the medical training or the fire training.

Yes. Alright. I think that's all I wanted to ask?... Sure.

Mr O'Brien?

MR O'BRIEN: I'll get organised first, Mr Commissioner.

Now, Mr Weir, have you discussed your evidence with anyone over the luncheon period?... The answer is, I did get some

guidance from the EZ people as to the relevance of this document you have provided. Apart from that, no.

In terms of what, whether those duties were performed or not?... In terms of clarifying this document - whether it has got any relevance to the work that we do on that site. And to clarify what jobs that are on it could be applicable.

Well are you saying that you don't know whether these duties are performed or not?... Until I got the information from outside, categorically no, in that I have never issued that document, and it is really a document that has got no relevance to us being that we have never been provided with it from our customer's point of view, and I have never given it as a directive to our employees.

But you were given it as a basis for discussing the claim before the commission, weren't you?... Only through yourself.

Yes. But nothing has been done about it until today to talk to the company as to whether these duties were performed?... Not as such, no.

Well, perhaps I can rephrase the question then: what does the company say about these duties?... The company has - in general terms some of them apply, many of them don't, and some of them have got qualifications to them.

And whom - from whom do you give the - sorry, I will rephrase that. You have sourced your information from someone at the company - who in particular?... From a fellow called Robin Gilmour who is responsible for that area.

And is it normal that your client would be more aware of the duties performed than you would - of your employees in the performance of your contract?... In this case it could well be, yes.

No, I said, is it normal?... Well, it depends on the way that the job is sourced in the very early stages. That we were, due to industrial reasons, we were prevented from doing a proper surveillance of the site at the time, so we entered into this arrangement not knowing completely what we would refer to as job descriptions or areas of responsibility; although we knew in general terms, and had it explained to us by the people at that stage, but we weren't able to have any site representation.

Okay. Which of the duties are not performed, according to the advice that you were given?... Well I think probably what we have got to do is go through the list and qualify the items as they fall - if that suits you? There are some items which are categorically not involved in our job function out there, and some are involved but only to a minor degree. So I think if

you are going to qualify the list, maybe we had better qualify it so that we all understand it. Do you agree, or - ?

Well, it depends what you mean by qualify it. But let's go through what your commentary is and perhaps we can deal with it from there?... Right. Do you wish for me to go down the list?

Yes, please?... If we start at the watchman area on page 1, if has got, 'Wash and clean all this year's vehicles': which revolves around the ute being washed daily and an ambulance at weekends only. 'Carry out domestic cleaning duties in the SES building and main gate areas': in the SES building, no, that is done by a contract cleaner; in the main gate area it is a sweep out only type situation. Item 3 is, 'Report all light malfunctions': yes, they do that, but it is street lighting only. And so you report the street lights that are not operating. Item 4 is, 'Raise and lower the flag': well that's only done on special occasions. Item 5. 'Switch lights on and off": that revolves around two floodlights which currently light up the road only. Item 6. 'Switch ovens, urns and hot plates on and off": and I am told no. Item 7. 'Escort and liaise with visitors to plant, union officials, business representatives, police, customs and shipping officials': that has changed considerably from what it was apparently quite some time ago, but now it is a team leader's function and it would only be handled by our people on back shifts only when EZ people weren't available. 'Issue of tools and equipment from outlying area': that's not applicable - they open the stores only. 'Issue of safety equipments': if it is confined to helmets and glasses when you go through the gate, well, yes. 'The control of traffic on plant for speeding and illegal parking, use of speed gun': that's applicable. Item 11, 'Drive the SES vehicle utility': that's correct. 'Operate the radio communications systems, the 2-way radio': yes, that's correct. 'Navigate the plant': we would agree with that. 'Write the incident reports': there are two reports which are required, which you have been given details of. One is the injury report and one is the security report which do apply. 'Record and read the water recirculation metres': that is only done monthly. So it is once a month. 'Carry out road patrols: well, that is correct. The fire prevention in general: 'wash and clean the fire truck': well, the fire truck is no longer there, so that doesn't apply. 'Close the fire doors in the buildings after hours': is a manager's responsibility in the areas he is responsible for. We basically check that those doors are closed. And, mind you, with the fire truck, if we want to go back to that, it hasn't been there for quite some considerable time. 'Report on fighting equipment': now that is area specific - the manager of the area is responsible for the equipment - although they do check the sprinkler systems. 'Inspect plant-wide for all fire hazards': that is as I said to you in a statement earlier, that if something is there that

is obvious that it is either going to create a fire hazard or is currently a fire hazard, to report and do something about it. Item 5. 'Log in and report water sprinkler readings': well that's correct. That relates to reading a gauge on a system. I'm told that when you get down to item 3, 'Testing', all those items no longer apply. If we go to the fire truck area, obviously the fire truck is not there but they do have a utility that has got the basic means of firefighting included with it, and that does apply.

Might that be called a quick response vehicle?... Well, not really. It is just a ute with a pump on it - a little 500 litre tank. If we go to -

What, do you know what it is referred to, or are you saying that's not what you refer to it as?... Well I would consider it as a quick response vehicle. It is a ute that's used for patrols and does have a means of firefighting on it. If we go to the gas safety area, 'Recognise and report gas leaks': that's true, it is required should there be an obvious gas leak that they do something about it. 'Check and test normal air breathing sets': that's only for the security area bottles. 'Wash, clean and disinfect, disassemble and reassemble safety equipment, gas masks, helmets, etc.': that's not correct other than for the security bottles themselves. This is the bottles that security people would use. 'Operate the self-contained breathing apparatus, chlorine masks, acid gas masks, where necessary': only for their own use. That's security area only. And they have out there six normal air sets which are just normal wear. Item 5, 'Maintain all equipment in skill 4': that really is interrelated with all these things that I have just previously mentioned. That's another measure there. Item 6, 'Participate in gas rescue operations': that's true. And there has been training on that in that part of the fire course. 'Liaise with company personnel during incidents': that's true. If we go to the chemical hazards area, 'Retrieve appropriate information from computer system': that's true. The watchman's first aid: 'Administer oxygen and nitric oxide': that's only whenever it is used.

I didn't think it was mandatory for everyone?... Sorry? Yes, I was going to say, well - 'Attend the accident - '

It would be a happy place if - ?... 'Attend to accidents and control incidents': that's true. 'Liaise with company personnel during incidents': that's true. 'Fulfil requirements of the St. John's Ambulance First Aid Certificate' - and what they say is that all the Red Cross Certificates are also recognised out there - well, that is true. In the first aid room: 'Record first aid room treatment': that's true. Much of that is done by the nurses during the normal shift. 'Operate the first aid room equipment': that's true, but on back shift only. 'Attend all

incidents, report on plant during afternoon and weekends': that's true. 'Computer input of all accidents': that's true. The watchman's security area: 'Conduct security checks on vehicles and personnel entering and leaving the plant': that's correct. 'Check the removal of goods, cash sales, loan orders and other removal orders': that is correct. All that basically means is that you have got the required piece of paperwork to quantify that you are entitled to have the goods you have got. 'Conduct periodic security checks of buildings, offices, workshops, fences, cars, carparks and storage areas': well, yes they do. That's on a patrol-type thing. 'Conduct safety checks on all construction work contractors': that's true, to make sure they come in meeting the required EZ spec's. 'Conduct road patrol for security in the outlying areas, the golf club, tennis club, that's true. 'Conduct the security operation check of the pay office and community council's safe alarms': that's right. 'Write the incident reports and submit to a team leader': that is true. They are the same reports as I referred to earlier. 'Liaise with company personnel': that's correct, of course. 'Ensure everybody entering the plant area has safety equipment': they are either checked that they have got it or they are issued with it, and that means helmets, goggles, and what-have-you. 'Man the main gate': which is done 12 hours a day. 'Man the security or control room': they do do that in conjunction with the team leader. 'Record, issue and recover all entry passes to plant of visitors': that's normal. 'Record all vehicle movements entering into or leaving the plant': true. 'Check vehicle safety checks on trucks are up to date': that's a document that EZ ask people to carry with them when they enter the plant. So it is to sight the document. 'Record all vehicle movements entering and leaving the plant': that's true. 'Check the vehicle safety checks on truck are up to date': that's the document I am talking to thereby. 'Operate the automatic boom gates': that's correct. 'Oversee industrial car washing machine': is correct. 'Oversee traffic congestion': is correct. 'Check and report all contaminated waste leaving the plant': that's true, but only to the point that the driver is carrying the required forms for whatever it is he is taking out. 'Safety and environment - '

Sorry, can I just ... they check a form, do they? They are just seeing a piece of paper and irrespective of what's in the load they view the paper and it is alright?... Well they may view the vehicle, but they are not asked to adjudicate on the waste that's being removed. If it is designated as hazardous chemical number such and such the paperwork corresponds with that. We are down to safety and environmental hazards: 'Rectify safety hazards': that identify only the area and people then handle it because it becomes an area manager's responsibility. 'Recognise, isolate and report safety and environmental hazards': that's correct. 'Carry out location safety audits': that's a team leader responsibility and is

not required of our people, although they could do it if they elected to do it. 'Rescue and evacuations': 'Participate in rescue and evacuations': that's correct. 'Organise rescue and evacuations': it would depend on the shift they are on and the time that it is on, but it could be that they may be needed to do that. 'Firefighting': attend and control fire outbreaks on site until the fire brigade arrive on the scene': that's answered as 'Yes' with limitations being if the fire was of a dangerous nature, or whatever, that not necessarily would they be expected to do much about that, but they have been trained for that. That is why they go to the course. We come to the ambulance: 'Wash and clean the ambulance and contents': well that's done weekly, usually at weekends. 'Drive the ambulance': that's true - on the plant only - unless there was some reason why the person could be transported into Hobart that wasn't an emergency dash, or anything like that. They may be expected to do that. 'Operate the ambulance equipment': that's true. Watchmen coordination: 'Monitor the control panel': well it is basically a yes, although it is a responder type panel. If someone pushes a button and communicates with the panel you have got a means to communicate back to them. 'Operate the switchboard during and after hours and weekends': that's true. 'Monitor the surveillance equipment': that's true. I mislead you a bit - actually my statement misleads you a little bit there - and I'll tender as a correction the fact that the cameras I put down as four are in fact eight, but the fact that two of them are moveable is still correct. Where did we get down to?

Monitor the surveillance equipment?... Yes - 3. Item 4 is, 'Organise transport during and after hours and weekends': that's for - they don't organise the transport as such, but it is for call-ins as they call it - people who are required to come back to the plant for emergency or maintenance, or whatever it may be. Albeit that if it was a first aid problem and it was prudent to get a taxi to send a guy to home or hospital or wherever it may be, they would do that. 'Organise overtime': that's correct. That comes into the supervisor's role on hours. It is not part of - this document doesn't apply to us. 'Clean and allocate tasks': is correct under the supervisor's area. 'Record sick leave of plant personnel': well that's not true. That only relates to security people and maybe the nurses. 'Coordinate the watchmen': well that's true, that's a supervisor's role. 'Share the duties and responsibilities with the team leader': that's correct. 'Relief of team leader when absent from duty': meaning sick leave, of course is patrol work. That's what the relief - that's part of our job. That, I hope, has qualified this list. Mind you, referring to the list, I am told that the document and the people that I discussed it with couldn't say that this was the document that they had ever created, meaning I think it was prior to their time, or to

Gilmour's involvement in it. It must be in excess of 1 year old.

Thank you. Well I didn't say that the company had provided it to us, did I?... No, but I am saying to you that it is nothing that's ever been applied to us - although the tasks that are defined there could be construed as part of our work.

Well, I think our people would be entitled to know whether it was or it wasn't, surely? You know, I mean this is a confusion that appears to be arising. It could be construed as their work, or it is their work?... No, Kerry, I am saying to you that the document I have never issued it, or our people have never issued it. It is not our document. There are tasks defined on that document that could apply to our existence out there.

Well, indeed, many of them do, and you are querying some of them?... Many of them also would apply to any site.

Mm, but some not?... But some not.

You tell the commission in your statement that in fact the training required for a new employee at the Commonwealth Centre would be 1 week for security duties plus 4 weeks' in-house training for administration?... Right.

Yet you say 'a maximum of 2 days' to train one of your security personnel inside the EZ plant?... That's true.

What training do you provide?... Well if you take the Commonwealth Centre, that is a building which is a new building and the security involvement is totally encompassing and the area by nature of it being a multistorey building is a lot more difficult to, what would you say, becoming acquainted with than maybe a plant that is specifically laid out. You also have many tenants in that building, not all of which are commonwealth tenants, and you have got to become familiar with those sorts of things. You have also got the Department of Social Security type involvement and specific areas that they want monitored differently to others. So I'd say to you that that is correct.

Then you have 4 weeks' in-house training for administration work?... In the Commonwealth Centre?

Yes?... That's true, because in the Commonwealth Centre all the responses - and being a secure building, although it is not a high risk secure building, or a maximum security type secure building - all their comings and goings have got to be monitored; being that if you were employed in that place you would have a means of getting in or you can't get in, so that means you have got to respond through our guard there. That's

not the case at Risdon. But, mind you, that ties back into a building management system, and that is what it is there for.

Now the evidence contained in your statement you have also got special constables, or you provide a service or offer a service of special constables for all courts in the state. Do you in fact have employees engaged in that work?... We do.

And do you equate those employees to your other guard duties?... I do.

Okay. Is your company involved in providing similar services in other parts of this country?... No. Not as far as court requirement goes, although it is being investigated in other areas. It is not at this stage, no.

Well I put it to you that in fact they do, and they provide it in the Northern Territory?... Okay, well sorry, I boo-booed. That must be a recent thing then, is it?

No, it's been some time?... Oh, okay.

So you therefore wouldn't be aware that they pay above level 1 for that work in that area?... I'm not aware of that, no.

But you nevertheless would equate it to a level 1?... I'd equate it to a level 1, yes.

On page 4 of your statement in the second paragraph under 'Utilisation of Security Staff' you say in the third sentence of that paragraph:

The fact remains that all Wormald staff including those at Pasminco can and will be relocated to other sites from time to time to meet the needs of the business.

Is that irrespective of the views of the client at that site?... How do you mean?

Well if the client said we are happy with the personnel you have got here, would you choose to change the personnel in the face of that?... We could do. It would have to depend on the circumstances that arrived, but we contract with this client to provide a service, not an individual.

Well, certainly that would be true, but it seems the client has a fairly direct communication with your staff?... Well you would expect that.

Yes, but to the extent that your supervisor participates in their team leaders' meetings?... Well I would expect that as well. I mean, he does relieve the team leader, so it is not

unreasonable to expect that if there was a meeting of team leaders that he be involved in it.

And other personnel, at least in the past if not now, have had duties which have overlapped those of the team leaders?... Well, that could be the case. I mean, we have got one other person other than the supervisor that relieves the team leader. So I'm not surprised at that.

Well I think the evidence produced this morning was that up until a date shortly after we conducted inspections at the site in fact it was more than just the team leader and his relief that - sorry, your supervisor and his relief - that performed a range of duties that might otherwise have been performed by the Pasminco employees who might be described as team leaders?... Kerry, I don't know. That could be. You would have to ask John for that. I don't run the men, I am not operations, I'm responsible for the whole business.

Were you aware of that change? You obviously weren't?... No. I believe we have a supervisor out there, we have also people that relieve the supervisor should he be not available in the function of relieving the team leader.

Right. But as to the performance of the duties between team leaders and your staff, you're not aware of there having been any change in the relationship?... Not as such, no.

I think that another passage in that statement on page 4 you say - firstly you are talking about the patrolman:

... whose round is always subject to modification or indeed complete change. By contrast, a guard is an employee who performs security duties at a designated site in accordance with the client's requirements.

Does that envisage that the client can have direct input with the guard as to what's required?... Well they could do, but we would expect that they would formalise the - or they would formally come back to us and say this is what we have asked to be done, or these are the changes we would like - if there is an issue in that respect. But in all our areas with our customers we prefer to see our people communicative with them.

Well, I think that that would be an inevitability, wouldn't it, in a guard's duties because they would have to have some sort of interface with the client, the client's employees, and the general public?... Yes, but only in a guard's type role. I mean, the comings and goings of people through a plant are pretty consistent. They are there for a specific function. Are you talking about gate guards or what?

Well, I mean you used the term 'a guard'?... Right.

But you are now saying that there are two different sorts of guards?... No, I am not. I'm saying to you that if you are looking at a guard that comes through a gate - a guard who is patrolling a gate - obviously the functions that are involved there are either the staff coming through the gate, the public coming through the gate, or the vehicles that are servicing that business. If a guard is in, say, an office building, he then deals with the public and not necessarily the vehicular traffic. But, for all intents and purposes, you are doing the same thing. People do discuss all sorts of things with our customers.

Well, hang on, you are saying that for all intents and purposes the guy who is working in the Commonwealth Centre is doing the same thing as the person who sits at the gate at the Zinc Works. Is that what you are saying?... In many cases.

Well, no, there is a case in point - not in many cases?... I don't think you can liken the job at EZ exactly the same as you can liken the job at the Commonwealth Centre if you want to talk about those two sites, because obviously they are different - one is a city dwelling, one is an industrial site. Albeit that the function that the guard is there for, and the reason for him being if it is on the gate or in a reception type environment, you are doing the same function in a different environment.

Alright. Does he have a firefighting responsibility? That is, the person at the Commonwealth Centre, have firefighting responsibilities?... He does to the point that the building is completely monitored, and he must be able to know how to respond to alarms that come through, albeit that the fire service is automatically on its way should the system go into alarm, and the entire building is covered by alarms.

Mm. He doesn't maintain a knowledge of what substances might be in particular areas?... Well he could do, but he doesn't necessarily have to.

It would be pretty difficult from that point to do that, wouldn't it?... It could be.

Well, it would be, wouldn't it? He wouldn't have control of what was or wasn't taken into that building?... In the Commonwealth Centre?

Yes?... Well, you know it is an office building and it is not likely to have a heavy fire alight, or anything like that. I'd say to you that you wouldn't categorically know what was in there, but, you know, it is a public service type area.

And what's his responsibility in relation to first aid, or whoever was the guard there?... In that site he hasn't got any responsibilities as far as first aid.

What about patrolling responsibilities?... They do do patrols, per floor, per building area, public space. I think during inspections you saw that he had to go off and do some patrol work.

Is it patrol work, or responding to certain situations?... Well it is both. They do do patrols on a regular basis. They check after hours for all buildings to be locked and secured and patrol accordingly. They have to patrol during the off hours. But should there be an alarm in, say, the security area they have got to respond to it.

So they patrol in outside - you know, kept office hours, is that right?... They patrol during the day as well as during the evening.

On page 5 of the statement you read out into the transcript this morning you say in the fourth paragraph under the heading:

Whilst I have no difficulty with the intent of the recently enacted Guns Act 1991 I am quite shocked at the totally disproportionate fees which attach to security guards. A gun licence for a security guard costs \$150 and the requisite training course also costs \$150. The equivalent charge for the general public is \$30.

Now there are two components in the second sentence of that paragraph. You say that the cost of a licence is \$150?... That's true.

That's what the licence costs?... That's true.

And then you say, `... and the requisite training course also costs \$150'?... That's true.

Can you obtain the licence without completing the training course?... I don't believe so.

Can you complete the training course without paying the \$150?... Well, I imagine you could complete the - what, the \$150 with respect -

To the satisfaction of the legislation?... Sorry?

To the satisfaction of the legislation?... Are they paying the \$150 for the training course or paying the \$150 which would represent the licence fee?

No. Can you satisfy - well, perhaps I will rephrase it. Can you satisfy the training requirements of the legislation without paying the \$150?... Well to need to pay the \$150 you would have to go to the government provider of that training. We believe that we can satisfy the requirement of the legislation, but it is not recognised. Through the TCI we make numerous representations to have it acknowledged. At this stage we haven't done any good.

Well then the answer is at the moment no, you can't avoid paying the \$150?... No. An individual that needs the security guards licence must do the training.

Now as to the first \$150, the cost of the gun licence, I put it to you that the award is clear that it is your responsibility as the employer to pay that?... I would disagree with you there.

Okay?... The award - the way I understand the award - the award was written at a time, and there was a licence that was mentioned and nominated at that time, and we up until now, and still now, meet the requirements of that licence. That's not the licence referred to under this current legislation, and as such can't be written into the award because it wasn't relevant at the time of the award. So my understanding of awards is they are not all-encompassing. If the ground rules change or the level changes, then the award needs to be addressed.

Well the award says:

Firearms

An employee required to carry firearms shall be supplied by the employer with firearm, ammunition and the cost of the licence.

- which you say that the licence is the licence of the firearm. Is that what you are saying?... That's right. The licence at the time referred to the firearm itself, and that to my way of thinking is a licence that you have got to be referring to. Now we still have to meet that and we still do that.

Well - and where did you get this historical information from?... Well, Kerry, you don't have to be a Philadelphia lawyer to work that out. The fact is that the licence that was referred to in that award was the applicable licence at the time.

Which licence is specifically referred to?... The licence that's referred to in the award is the licence to the gun.

That's a supposition on your part?... Well it can't be anything else because, you know, what else could it have referred to.

Well I put it to you that it's a supposition on your part?... Well I don't agree with that, but still.

Well, then you know which licence specifically it's referring to?... It referred to the licence at the time which is the licence for the gun.

Well I still put it to you that you're making a supposition based upon your understanding of what have been the facts at the time the award might have been varied?... Well I don't think my supposition, if you call it that, is unreasonable. I think you can equally be said to -

Well I didn't - ?... - be supposing yourself.

I put it to you that it was a supposition and you denied it but I think you're now agreeing that it is a supposition on your part?... I'm saying to you that it referred to the licence for the gun because that was the licence that applied at the time.

COMMISSIONER GOZZI: Are we talking about clause 17, are we?

MR O'BRIEN: Clause 15.

COMMISSIONER GOZZI: 15. Oh, sorry, yes, right.

MR O'BRIEN: Different licence required - that is, licence of a person to be a licensed person to be a security officer.

What you're saying then is that the employer can require an employee to spend that \$130. Is that what you're saying?... I'm saying - well - yes. I'm saying to you under the current way that the legislation is written that it is - it makes yourself - you know, present yourself in a fact that you can be employed, yes.

So, in relation to - the employer's situation is that you merely have to supply a licence to a firearm and then all of the obligations fall on the employee in relation to fulfilling the special requirements that apply to your employees. In other words, the employee can't obtain the public licence which you described as costing \$30 to perform work for you. It will cost the employee \$300 - ?... That's true.

- but - and you can require them to pay them. Is that what you are saying?... I believe so.

Whether the - the licence is only relevant whilst they are working in the security industry. Is that right?... That's

true, but they can work for whoever. I mean, it's the licence for the person. It's not a licence for the company.

Is that not proper that individuals who are to exercise care and control of the weapon ought to be licensed?... The legislation now requires that for people to carry a gun that they obtain the licence. Part of the requirements of obtaining the licence is to carry out the training. Now what I'm saying to you is that I didn't write that legislation. I don't agree with the legislation. As a company we've taken extreme - or gone to extreme efforts to get the legislation changed or modified or whatever to recognise these people, but when it comes down to the wire, if they wish to do that - it's the same as if you wish to come to me and be employed as a heavy vehicle truck driver and I had a need for that, I'd require you to present yourself with a licence that enabled you to do the job.

And - so what you're saying is the employer can require it and the employee must supply it, even though there's a changed circumstance?... That's correct.

I mean, I don't know how long people have been required to hold driving licences, but I think it might be a considerable part of this century?... Well I'd imagine you are right, Kerry.

And these requirement is introduced now and you're saying that all your existing employees can be required to comply with that and pay the cost?... That's true. Mind you, that you're well aware of the efforts to get this addressed by the system and we at the time asked you if you wanted to assist us in that, and you haven't.

Well if we want to debate that on the transcript I'm happy to. You also undertook to supply me with information on the day of the hearing and I never received it?... No. Well I'd have to apologise there if that's the case.

COMMISSIONER GOZZI: The day of the inspections.

MR O'BRIEN: It was in fact the day of the first hearing, I think.

COMMISSIONER GOZZI: Was it? It was mentioned at some stage anyway.

MR O'BRIEN: Yes. Are you aware of there being similar legislation for the licensing of security guards to use firearms in other states?... There isn't similar legislation. There is - and if I could quote - although I don't have the figures because I'm not sure if they're still exactly correct. In the case of Wormald in Melbourne, they get a - they pay - they have a trainer who is part of the staff and they pay a

fee of, I think, \$50 or something like that which represents then the ability for them to train the people and the people are then recognised under Victorian legislation and that is the ~~say~~ as what we're trying to do here. So it's not true to say that the legislation in other states resembles what we've got here.

Are there any charge^s to the Victorian employees at Wormald for gun licences?... No, the licences - they don't have a licence, per se, for the person in that state. What they do is they train the person and that trainer then issues them the ability to carry a firearm on behalf of Wormald, doing his job.

And they're different from the general members of the public in that regard?... They are.

And the company pays the cost of that?... Well there isn't a cost associated it. There's -

Well the company's - ?... - a blanket cost to recognise the trainer, but their training is recognised under Victorian legislation.

So there's a cost of recognising the trainer provided by Wormald - ?... That's true.

- and Wormald pays that cost?... Well it's a nominal figure, yes.

Yes. Well what - ...? Yes, it's a nominal figure and they pay it.

And there's a \$50.00 per head - ?... No, it's a \$50.00 fee which they pay - and that's what I'm saying to you It enables the -

Yes, I'm trying to understand and get it correct, see?... It enables the trainer to then train the people, right? So it's a \$50.00 notional fee paid to the system.

And once trained can the employees use that qualification elsewhere?... No, not at all. It's what I'm saying; it's not the same legislation as here.

No, it's not portable?... That's right.

Wormald pays the cost of meeting the requirements of the legislation but it isn't portable in that state?... That's right.

And because it is portable here you take objection to paying that cost?... We do. The licence here relates to the person.

I think that's all I've got to ask, Mr Commissioner.

COMMISSIONER GOZZI: Yes, thank you, Mr O'Brien. Mr Abey, before you re-examine. Mr Weir, I'm still a little concerned that the relationship between Pasminco and Wormald started on the gate - ?... That's correct.

- 2 years ago and then it changed to a totally integrated watching service/security service about 8 months ago with the plant type of work. Now I'm not that relaxed, quite frankly, about your knowledge of exactly what's happening out there with - from a point of view of the sort of expectations that the company has. Now it may be necessary for some discussions to take place with the company, but Mr Wright touched on it this morning insofar that the expectations, future expectations quite apart from the fire training that they've received and the accreditation that's required every 6 months with respect to breathing apparatus, the company has ongoing expectations that these people undertake other training as well in the occupational health area, and Mr Wright did discuss it this morning in his evidence. He talked about occupational nurse course, the ambulance course, safety, health and environment course and a safety course. Now at this stage that's been resisted by your employees and I'm not sure whether it's through your operational manager or how that dialogue is taking place. I suspect it's taking place directly between Mr Wright, as leading hand/watchman, with company personnel, it might be the team leaders, I'm not sure. But that expectation is certainly there and it's been resisted at the moment by Mr Wright on the basis that there is a fair amount of work to be done and - but they will get round to doing it and, in fact, he referred to a number of documents this morning, some of which went to the security people, your people taking on duty manager type responsibilities. Now, as I say, I'm not that relaxed that the company, Wormald, I mean, have been fully consulted on some of these arrangements. I'm just wondering whether that assumption I'm making is correct from where you sit?... Well, obviously, you're conversant with the people at EZ. Our involvement out there is on a day-to-day basis and it's handled by Graham Woolley, who works for Robin Gilmour. Now John Alexopoulos, who runs our operations side of things, takes his lead from whatever is told to him by Graham Woolley. And I'd sit here and say to you that it may have discussed in back room type environments, if you want to call it that, being that we haven't been involved in it. But from a company point of view, I can't say to you that it's relevant at this stage. We haven't been confronted on that situation. It may be, given time, that something changes in the future; we don't know that.

Yes, I'm just wondering whether, in fact, there is some basis to the notion that there is an evolving nature of work out there which you or Mr Alexopoulos may not be totally aware of, having regard to the sorts of future type arrangements that -

particularly that Mr Wright was referring to this morning?... I would have to say to you that I'm not aware of it or that it may have relevance in the future. We don't know.

The reason I'm probing this with you is that it appears that since our last inspection, there may not have been - there could have been, but there may not have been - the sort of discussion that perhaps you may have thought that you should hold and, I think, indicated you might hold between the inspections and today?... We have discussed the inspections and the work that we've found with Graham Woolley. I don't believe that the work that we've inspected and the area is any different than what I'd - than an industrial security plant. You know, with industrial security type problems. And I think the last meeting we had with him was last week.

So you're comfortable that the statement that you read out, exhibit A.1, fits the sort of work that the security people at Pasminco are undertaking?... In general terms, yes.

Yes. So - ?... As I know them.

Right. So where does the role or is the role that Wormald plays at Pasminco set out in the overview of the Tasmanian operations at Wormald?... In the overview, did you say?

Yes. I suppose, to rephrase the question, do you indicate the sort of service that you're providing to Pasminco in that paragraph where you outlined the services that Wormald provides in Tasmania?... Not explicitly. That was put down to providing an appreciation of the business as we conduct it. It wasn't necessarily geared to job specific type functions. If you go to the Pasminco - EZ operations where we've gone and detailed the front gate and then inside the plant, in general terms that is the statement that relates to that site, as I know it. It's not down to, you know, everything that they actually do on a day-to-day basis. I mean, if you look under the award, the - I've viewed that, that the designation of a security guard, which is a level 1, is a relatively encompassing paragraph which relates to a person's work.

Yes, I've seen that?... And I feel that our involvement at EZ falls into particularly section 2 of that, and section 3.

You mean, definition 1?... Oh well, yes, sorry.

Definition for security officer level 1?... Yes, right. And, you know, I don't even believe that the award is job specific. In many cases what's expected of people on one side will obviously differ from what's expected from people on another side, depending on the circumstances.

Well would you agree that gate security work may be different at Pasminco to the plant security work? Do you see a

difference there or not?... Well the job functions are different being that one is checking vehicles and the public entering and leaving the plant, so I'd say that - if you wanted to call it a job, is specific. Whereas you go into the plant it's still only a level 1 type area although you're doing different things.

How would you relate the in-plant type work that's performed by Wormald security people at Pasminco to the level 1 work performed at the Commonwealth centre, for instance?... Well I think without differentiating between the people, the work that's done at Risdon is similar, but different, to the work done in the Commonwealth centre. We expect the same sort of thing of the people, in that they monitor and control the area, they respond to the occasions as they arise, whether they be security or in the case of EZ, they're fire. In the case of the Commonwealth centre it's public intrusion or hold ups or whatever it may be. I mean, it's difficult to see that there's - to split sites because the security on a site is pertinent to that site. But I don't see them as any differently, no. I think the responsibilities of the people at EZ are similar to the responsibilities of the people at the Commonwealth centre.

Right, thank you, Mr Weir. Mr Abey?

MR ABEY: Thank you. Very briefly, Mr Commissioner. Mr Weir, this morning there was some degree of uncertainty about the contracts of employment for the people at Pasminco, specifically whether they were permanent weekly employees or whether they were casual employees. Could you clarify that?... Yes, I think I might have misled you a little bit there. We do have a couple of employees out there that are permanent.

Permanent, as in weekly contract of employment. I mean, they don't get a loading, is that what you mean?... No, that's right. They're permanent employees.

Right. Now could you also indicate - give us an indication about the contractual arrangement with Pasminco concerning the number of hours of work. I mean, is it fixed, can it vary?... No, our involvement out there goes back to a gate responsibility where we were on hourly call or hourly occupancy, depending on the needs at the time which fluctuates depending on - in real terms, fluctuates depending on the amount of shipping that's in and out of the place or the shifts that they're running at the time. And over the last, say, 8 months it's expanded to take in other areas but still on an hourly occupancy, which comes and goes. The hours - for example, at the moment the hours are dropping. The gate is back down to 12 hours a day, but it was 16 hours, I think.

So it started at one level, increased and is currently decreased. Is that correct?... Yes, and that's what, I would imagine, will continue to happen over a period of time, that it'll come and go.

The short answer is there is no fixed contractual hours?... No.

What sort of notice does Pasminco have to give you to change it?... John could probably better answer that than I, but it basically is on a week-to-week basis. That if we were to, say, only have to man the gate for 8 hours, they give you the courtesy of saying: well as from next week or as from the start of next month or whatever it may be, this is what our requirements will be.

But it could be as short as a week's notice?... Yes.

Thank you.

COMMISSIONER GOZZI: Mr Abey, just on that point. Does that relate equally to the gate and the plant security?... Yes.

Well plant security hasn't been curtailed, has it? Plant security has, in fact - ?... Well it does change. Where it can change is the number of men required and if they go back to, say, 24 hour shift or 24 hour rotational work, probably we would have to put more people out there.

Since you started 8 months ago, the internal security though, what's happened there?... It's been reasonably static but it's dropped a little, I think, hasn't it?, John.

The gate, certainly the evidence was, has reduced. What about the plant?

MR ALEXOPOULOS: The plant now is 24 hours a day, one guard continuously. The guard now is 5 days a week, 12 hours a day. When we did the inspection it was 6 days a week and also were some outside hours during shipping and

COMMISSIONER GOZZI: So that's gone from -

MR ALEXOPOULOS: That's gone. It is now 5 days a week, Monday to Friday, excluding public holidays, 12 hours.

COMMISSIONER GOZZI: Thank you?... That's the nature of the business. You know, I mean, it's a daily commitment on an hourly basis.

Thank you.

MR ABEY: Thank you, Mr Weir, there's no further questions.

COMMISSIONER GOZZI: Thank you, Mr Weir. You can stand down?... Thanking you.

Have you got another witness to call?

MR ABEY: I am calling a Mr Noel Hunt.

COMMISSIONER GOZZI: Oh, right.

NOEL FRANCIS HUNT, sworn:

MR ABEY: Mr Hunt, for the record, could you indicate your full name and address please?... Noel Francis Hunt, 145 Seven Mile Beach Road, Seven Mile Beach.

Thank you. I'd like to table a document in the form of a statement. If one could be given to the witness please. Kerry's got one.

COMMISSIONER GOZZI: Exhibit A.2.

MR ABEY: Mr Hunt, do you recognise this document?... Yes, I do.

Would it be accurate to describe it as your statement?... Yes, it would be accurate.

Would you read the statement into transcript please?... I'm employed as the State Manager for Chubb Australia Limited, and have held this position for the past 5-1/2 years. The principal business of Chubb in Tasmania is the installation, service and monitoring of security systems. To my knowledge, the central control room is the only one of its type in Tasmania. The centre could best be described as a self-contained, high security bunker built to grade 1 standards. Equipment: the control room contains eight different alarm receiving computer based systems. There are 30 telephone lines, some of which are dedicated to phone answering services. There are two radio base stations operating for the Hobart City Council and Wormald mobile patrols, respectively. There are 10 phone answering services, one of which covers 60 doctors. Emergency lift phones for a number of buildings are also connected to the centre. In total there are approximately 2,300 alarm systems connected to the centre. Operations: the centre is manned 24 hours a day, 7 days a week. Staffing ranges up to three during peak hours, down to one for about 5 hours per day. Operators are required to be familiar with all equipment and be capable of performing every function within the centre. On occasions operators act as command control centre, particularly in respect of after hours emergencies for Hobart City Council. Level of Activity: there would be approximately 1,000 phone calls in and out of

the centre on an average day. The computer based equipment would record approximately 4,000 events per day, example, alarm checks. Much of this would happen automatically without involving the operator, however, on average the operator would need to intervene on approximately 200 of these events. In addition, there would be on average 100 alarm events per day which would necessitate a written report and appropriate action, example, advising police, client et cetera. Training: all training of operators is provided on the job. There are no prerequisite qualifications, although aptitude for this type of work is critically important. It takes 5 to 6 months to train an operator to the standard required. During the first 2-1/2 months the trainee would be under direct and close supervision and would not action anything without being told to do so. Thereafter, the intensity of supervision is progressively reduced as the trainee gains confidence and skill.

MR ABEY: Thank you, Mr Hunt. Mr Commissioner, that is the evidence.

COMMISSIONER GOZZI: Yes, thank you. Mr O'Brien?

MR O'BRIEN: Mr Hunt, you say in your statement that you have contact with Wormald mobile patrols. I think from our inspection you also monitor Wormald alarms?... That is correct.

Did Wormald previously have its own control room?... They still have a control room which is unmanned at the moment. So it could be reinstated at any time.

And if that control room were operational would it operate at the same intensity as the Chubb control room now does?... I don't quite understand the question.

Well you're talking about having a series of - a number of alarms monitoring 2,300 alarm systems, 10 phone answering services, two radio base stations operating, eight different alarm receiving computer based systems?... It would be smaller and it would have less of that equipment. But if you want to put a percentage on it, I suppose, 60 per cent would be Chubb related and 40 per cent would be Wormald related, as a figure.

I think we also heard during inspections that some alarm systems that have been installed in the state would be monitored from a control room in Melbourne. Is that right?... Sorry.

Well does MSS, for example, monitor certain Tasmanian based - ?... Oh, yes, other companies do monitor from Melbourne. Yes, that's correct.

At the moment would it be fair to say that your control room is the only operational control room in Tasmania?... So I believe, yes.

Would it be fair to say that the - notwithstanding the intensity of the work in the control room area, that it would be difficult to describe the work as hands-on, in the sense of handling events such as fires, burglary, accident, injury, those sorts of things?... I don't quite understand the question, sorry.

Well isn't it true that the almost total function of - I'll withdraw that and rephrase it. Isn't it true that the control room operator does not have a face-to-face public contact and does not deal directly with the events that are monitored by the alarm systems?... Not face-to-face, but over the telephone or radio they speak to a client or police or a patrolman.

And they don't, in fact, have a physical role. Theirs is much more a thought process governed activity. They don't put out fires, they don't attend to people who are injured, they don't attend to the break-ins that are monitored by alarms?... In fact, just a point of clarification, we don't monitor fire alarms. The fire brigade do that. But security alarms, our control room operators do not leave the control room and go and check the premises, if that's what you're getting at.

Well it is what I'm getting at, and forgive me for asking the questions that might seem not - to have revealed that I learnt nothing from our inspections, but we're trying to put on the record a clear picture. I've got no further questions.

COMMISSIONER GOZZI: Thank you, Mr O'Brien. Mr Abey?

MR ABEY: Nothing further, Mr Commissioner.

COMMISSIONER GOZZI: Thank you, Mr Hunt. You can stand down. Mr O'Brien?

MR O'BRIEN: Mr Commissioner, I would seek that we list another day for submissions on this matter, having regard to the evidence. There are a couple of matters I want to consider arising from Mr Weir's statement.

COMMISSIONER GOZZI: Yes, I'm certainly happy to grant the adjournment and without putting too much more emphasis on it, I would certainly like the parties to have some discussions involving, say, Mr Gilmour, Mr Alexopoulos and perhaps Mr Wright, to talk about the expectations that Pasminco may have of security personnel which may go - and I'm not talking about level of responsibility or remuneration at this stage - but which may go beyond what might be regarded as a generic definition of security officer level 1. Right, we'll go off the record.

OFF THE RECORD

COMMISSIONER GOZZI: This matter is adjourned to 22 July at
10.30 a.m.

HEARING ADJOURNED