

AUSCRIPT AUSTRALASIA PTY LTD

ABN 72 110 028 825

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000

Tel:(03) 6224-8284 Fax:(03) 6224-8293

AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 65589

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 13022 of 2007

**TASMANIAN FIRE FIGHTING INDUSTRY
EMPLOYEES AWARD**

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

HOBART

9.30 AM, WEDNESDAY, 10 OCTOBER 2007

Continued from 4.10.07 in Launceston

PN1173

THE COMMISSIONER: Mr Warwick?

PN1174

MR WARWICK: Thank you, Commissioner. If I could just take a short period of time this morning to seek leave to amend the application? The amendment comes about, Commissioner, as a result of the evidence given by my members on Wednesday and Thursday of last week, and the application ought to be consistent with what they're saying in the box.

PN1175

The history of what we think should be a remedy in this case has been much debated over many years, and as I think is evidence from the employer's questioning, the issue of whether people who come from a career of fire fighting background should be paid more than people who don't is, I think – it seems part of their case. However, we would seek to delete from the application – last year's application for a hearing, a dispute hearing, to delete from that document, which forms part of the application, the last paragraph on page 5, and of page 6, and replace that with – and I quote:

PN1176

The UFU seeks the same remuneration for the four employees subject to this application who do the same work as employees who come from a career of fire fighting background, in respect of the Fire Safety Award, and are subject to this application the UFU seeks the setting of a wage rate commensurate with similar positions in the Tasmanian Government sector.

PN1177

THE COMMISSIONER: Do you have any objections, Mr Baker, to the amendment, I mean?

PN1178

MR BAKER: Oh, yes, I do.

PN1179

THE COMMISSIONER: Yes.

PN1180

MR BAKER: We've concluded two thirds of the submissions for witnesses in these proceedings, and we were under a clear – we had a clear view of where Mr Warwick wanted to take these proceedings. We've now reached the third day of hearing, and finalisation of witness evidence, and we're now told that because the way in which the evidence has been constructed I now want to change the application.

PN1181

I think that is, quite frankly, unacceptable, because the issue that was before the Commission was setting relativities, both to fire fighters, commensurate with principle 9, work value. Now, that has been turned on its head, and

we're now into a comparative wage justice argument, and in my view you can't run a comparative wage justice argument in this Commission with the current wage fixing principles the way they are structured.

PN1182

Now, if this matter was to be dealt with in the way in which Mr Warwick now wants to proceed with the matter, then my view is that it should have been dealt with in that manner on day one, so we could have adjusted our questioning of the witnesses accordingly. And it is our view that if this is allowed to stand we will need to go back and re-do some of that evidence again. I just don't think it's good enough to come along two thirds of the way through the hearing, and say, oh, we've had a change of heart, we want to change the application to go in a different direction.

PN1183

And, secondly, in relation to the setting of the fire safety auditor, we've got this vague reference to the setting of a wage rate commensurate with similar positions in the Tasmanian Government sector. What on earth is all that about? You know, like, with who, with what? Is it an auditor that works with Don Challen or who?

PN1184

You know, as far as I can see, I mean that is just too vague for us to be – to act in a manner that where we can actually adequately respond to the applicant's position. So, Commissioner, subject to some directions from yourself, we would strongly oppose any alteration to the application in the manner in which it is presented to the Commission this morning.

PN1185

THE COMMISSIONER: Just looking at this very quickly, it doesn't actually seek to change the application, it seeks to change the supporting documentation. Is that right, Mr Warwick? The application I have before me is a one page document dated 24 September 2007, which says:

PN1186

The applicant now seeks a comprehensive work value assessment of the classifications.

PN1187

MR WARWICK: That's correct.

PN1188

THE COMMISSIONER: And that hasn't changed. So there's no application to change that. There is reference to:

PN1189

Contains comprehensive –

PN1190

Our original notification in 12839 or 2006 contains comprehensive details of the circumstances surrounding this application.

PN1191

That goes back to the notification lodged in 2006, I believe, and in fact it is that document that you are seeking to change.

PN1192

MR WARWICK: Yes.

PN1193

THE COMMISSIONER: You're not actually seeking to vary your application?

PN1194

MR WARWICK: You're quite correct, sir, and I agree with you, and indeed we're seeking to change the explanatory material, and indeed what the remedy we're seeking. And can I say in relation to Mr Baker's submission, we are not seeking comparative wage justice. The application seeks work value, and we are entitled to pursue a remedy, in the context of work value.

PN1195

And also, in respect to the building safety auditor, we will, subject to the completion of the witness evidence, be putting forward evidence from the bar table about who we think Mr Manten, who will shortly give evidence, should be compared to. And he'll have ample opportunity to vigorously assess that evidence.

PN1196

THE COMMISSIONER: Yes. Do you have anything to say, Mr Baker?

PN1197

MR BAKER: Well, I just make the point that if we are to change direction at this point in time we will want to re-examine those – the three witnesses that have been presented to date, in respect of appropriate questions in relation to the comparison, because we never pressed that point to any large degree during the examination of the witnesses.

PN1198

THE COMMISSIONER: Well, we will cross that hurdle when it happens. If you believe that in some way your cross-examination was compromised by this change to the supporting documentation, I emphasise, not the application, then that will be accommodated. My immediate reaction is that the application hasn't changed.

PN1199

There is simply a change to the commentary or the explanatory notes attaching to the application, and again without re-reading the whole lot, I wouldn't have thought that the union would have been barred from pursuing this outcome, even if they didn't change the supporting documentation. What I propose to do is to allow the amendment to the supporting documentation. I will mark that as an exhibit. It will be A19. It's headed Amendment to Application, but in fact it is an amendment to the supporting documentation.

EXHIBIT #A19 AMENDMENT TO THE SUPPORTING DOCUMENTATION

PN1200

THE COMMISSIONER: If at the conclusion of today's proceedings it's considered necessary to re-visit the witnesses that have come ahead of us then I'll deal with that at the time. Yes, Mr Warwick?

PN1201

MR WARWICK: If the Commission pleases, we would seek to ask questions of Mr Kym Manten.

PN1202

THE COMMISSIONER: Yes.

<KYM MANTEN, SWORN

[9.47 am]

<EXAMINATION-IN-CHIEF BY MR WARWICK

PN1203

THE COMMISSIONER: Yes, Mr Warwick?

PN1204

MR WARWICK: Thank you, Commissioner.

PN1205

Mr Manten, could you please tell the Commission what your job title is?---Building Safety Auditor.

PN1206

And you're employed by the Tasmanian Fire Service?---Yes.

PN1207

How long have you been employed as a building safety auditor?---22 months, I believe, in that role, but previously I've been fulfilling the job since 2002.

PN1208

And before 2002 you were employed as?---A fire equipment officer for a period of eight years.

PN1209

With – who employed you?---Tasmanian Fire Service.

PN1210

And just briefly what is involved in the job of a fire equipment officer?---Is to service portable fire protection equipment to the standard throughout the southern part of the State, I was employed to do.

PN1211

Is it just servicing?---Oh, no, you deal with clients, and other requests along those lines, yes, but mainly servicing of the portable equipment and gaining clients, and stuff - - -

PN1212

There's an element of selling involved, isn't there?---Yes, and selling equipment.

**** KYM MANTEN XN MR WARWICK

PN1213

Yes. Thank you. I wonder if I might table a document, sir.

PN1214

THE COMMISSIONER: This will be A20, job analysis questionnaire, fire safety auditor.

EXHIBIT #A20 JOB ANALYSIS QUESTIONNAIRE, FIRE SAFETY AUDITOR

PN1215

MR WARWICK: Mr Manten, are you familiar with this document?---Yes.

PN1216

Could you tell us what it is?---It's the job analysis that was undertaken to review the job that I actually do now, to work out where it sits in the scheme of things, I suppose is the easiest way to put it.

PN1217

Thank you. I wonder if you might turn to the second page, you'll see there's a heading there of Organisational Environment, and the document goes on to talk about the primary role of – no. Under those dot points – sorry, Commissioner – under those dot points there is a section entitled Position Features Include. And the first is Inspectors. Do you do inspecting, Mr Manten?---Yes, certainly.

PN1218

THE COMMISSIONER: Which page are we on, Mr Warwick?

PN1219

MR WARWICK: The second page of this document.

PN1220

THE COMMISSIONER: The one that's – the first dot point is:

**** KYM MANTEN XN MR WARWICK

PN1221

The delivery of timely and accurate advice to clients.

PN1222

MR WARWICK: Yes. Those dot points are in relation to the overall unit, the building safety unit, but - - -

PN1223

THE COMMISSIONER: Oh, I'm sorry, you're down the page a bit?

PN1224

MR WARWICK: Yes.

PN1225

THE COMMISSIONER: Yes, I'm with you.

PN1226

MR WARWICK: So we go to inspecting. What's involved in – from your point of view in the – what inspections do you do, Mr Manten?---I inspect buildings in relation to their fire safety features in accordance with the general fire regs, and the Australian standards.

PN1227

But you're not a building safety consultant, are you?---No. No.

PN1228

We heard from a gentleman last week, Mr Daniel Gregg, who is a building safety consultant?---Yes.

PN1229

How does your job differ from his?---It is similar along the lines as Daniel Gregg's. Yes, I do not handle the new building work and plans, but my work is very similar to their general inspection work, and duties they carry out.

**** KYM MANTEN XN MR WARWICK

PN1230

Thank you. Where do you do inspections?---Any building that either the public or someone has requested an inspection – an audit done on the building, like from the general public someone might come and request that there's something wrong, so I do an audit to make sure that there is nothing wrong in that building, or details of findings and send it to the owner. And then there is set groups that we've been targeting at this time, motels, budget accommodation, backpackers, and places like that, just making sure that the features are – fire safety features are correct, appropriate, and there's – you know, they meet the standard and the general fire regs.

PN1231

I see. So are there any public buildings that you don't go to?---No. No.

PN1232

Do you go to schools?---Yes.

PN1233

Hospitals?---Yes.

PN1234

Nursing homes?---Yes.

PN1235

Mr Manten, what do you inspect when you get there?---The servicing regime of the fire detection or alarm system, if it's got a sprinkler system, the maintenance records, and of the portable fire protection equipment. In short, that the building, if it's required to have an evacuation plan, it's got a current and an approved evacuation plan, and ensure that the exits from the building are operating, and the exit lights and all that – that other equipment is operating as it's required. And then just general building safety, like, fire safety things that we might see that we may comment on.

PN1236

Am I right, but tell me if I'm wrong, is the focus of your job firstly primarily to look at the observance of the standards in respect to the servicing?---The maintenance, yes. Yes.

**** KYM MANTEN XN MR WARWICK

PN1237

The maintenance and servicing of that equipment?---Yes.

PN1238

And am I right, or am I wrong, that over and above that you may make recommendations about the big picture, I suppose, of - - -?---Yes, we can. Yes, we do at times, yes.

PN1239

Yes?---And also the – we make sure that everything's in line with the general fire regulations as well, so, in regards to exits, locks on exit doors, and evacuation procedures, locking of exits.

PN1240

Mr Manten, how many fire safety auditors does the Fire Service employ?---One.

PN1241

You?---Yes.

PN1242

Yes. How many buildings might you inspect day to day and week to week?---It varies. Depending on the size of the building it's a – I mean you can do up to six, seven buildings a day, but then you've got to go and write the reports and other things, and then follow up work to make sure that the work has been done and complied with. So, yes, it depends. I think we averaged last year around the 80 buildings inspected, that was hotels and the like, that that's counting in, you know, there's so much more correspondence goes out other than that.

PN1243

So you did 80 buildings for the year?---Yes. Yes.

PN1244

Of that particular type or 80 in total?---No, that would be of that particular type, and there would have been other ones that I have not got records on. I've kept records of the hotels for a project that we were fulfilling.

**** KYM MANTEN XN MR WARWICK

PN1245

Yes. So how many buildings – 80 is more – about once - slightly better than one a week?---Yes.

PN1246

Is that right?---We would do more – probably more than one a week, but there was – yes, it depends on what else comes out of it, and what other roles I've got to do within the unit as well.

PN1247

I see. You have other roles in the unit?---Yes. Yes.

PN1248

Could you describe those to us?---I assist the consultants in some of their tasks, some of their larger tasks of inspecting buildings in regards to fire detection and alarm systems, because I had a fairly good grounding when I first started in the unit. The Education Department rolled out a fire protection alarm systems throughout the schools, and I was used in the south to start with to assist in the role, and then I was used in the north and north west to go up there and more or less be a – to give a yardstick to make sure that the contractors were doing the same state wide, so I was used in that role, and that gave me a good grounding in that. Now, I also assist in post-incident analysis, you know, like when there's a fire I go and assist in those, and just the day to day general use of evacuation procedures, if we've got to view an evacuation for approval, and the brigade can't go, I assist in those. I review procedures as – when they come across my desk from the consultants, if they ask for someone else to review the evacuation procedures.

PN1249

You're involved in report writing?---Yes.

PN1250

What's generally contained in those reports?---Mainly the defects that we find, and we've also now given a bit of advice on how they may repair those defects.

PN1251

I wonder if I might table the document, Commissioner.

**** KYM MANTEN XN MR WARWICK

PN1252

THE COMMISSIONER: Thank you. This will be A21 Audit report Farley Street.

EXHIBIT #A21 AUDIT REPORT FARLEY STREET

PN1253

MR WARWICK: Mr Manten, are you familiar with this document?---Yes.

PN1254

What sort of building is this?---It's an office building which actually this one was an office building that we went to after some complaints from the tenants, and we conducted an audit on the building.

PN1255

When you say we, Mr Manten, who are you talking about?---Oh, well, the Fire Service.

PN1256

And you were involved in the audit?---Yes. Yes.

PN1257

Was anyone else involved with you?---I – in the finish I had to get someone else involved in the audit, because this went further, and it went to council. There was - - -

PN1258

Which council is that?---Glenorchy City Council.

PN1259

I see. So who wrote this report?---I wrote the report.

**** KYM MANTEN XN MR WARWICK

PN1260

And what are the major findings of this audit?---There was a fair few – the fire detection alarm system that was required hadn't been maintained for a period of time. I think the last time was '99. And there was generally in poor condition the fire detection alarm system, and there was problems with the exits. There had been exits removed and there was other items to do with the fire equipment that hadn't been serviced or maintained properly, or in accordance with the standard.

PN1261

And when you wrote this report did you get someone else involved from the unit?---Yes. Yes, I got someone - - -

PN1262

In writing a report?---No. No, I got someone involved after – once I found out what the cause actually was – what the actual findings were going to be. There was - illegal building work had gone on in the building, which was – the council had to be made aware of, so this then was – I got one of my colleagues involved, and then we took the matter further to the council.

PN1263

So this report was written originally for who?---It was going to be for the owner, but then was forwarded – I believe was forwarded to the council as

evidence, and then they took it on their behalf to take the matter further with the owner of the building.

PN1264

Is it common for you to find illegal building works in these sorts of buildings?---Not to this degree, no.

PN1265

So in the run of the mill of things when you do an audit like this, is it this comprehensive generally?---Yes, and it can be more. It can be more involved than this. There's one that I've presented to you for Caltex which was an inspection that we carried out – I carried out, and led to finding problems with a permit holder, and - - -

**** KYM MANTEN XN MR WARWICK

PN1266

Yes. Well, we'll come to that, Mr Manten. But what I'm interested in is what is the normal chain of events when you go and audit, say, of a motel and you find some problems that need to be forwarded on, but not, for example, illegal building works?---Well, what we do is - - -

PN1267

No, I'm not interested in what - - -?---What – sorry.

PN1268

I'm interested in what you do?---What I do is we go on site - - -

PN1269

No, don't. Who – you go by yourself or?---Yes. Yes. By myself, sorry. Yes.

PN1270

Okay. So you do?---I go on site and do the inspection, and then I - - -

PN1271

What do you say to the people? Do you ring them up beforehand?---No, no, I just – I've got a list of hotels, for example, that I – we're doing, that have got accommodation in them, and I pick an area and I go and do those hotels in that area, normally just roll up to the door and knock on the door, and explain exactly what I'm here for, and explain what we're doing.

PN1272

Do you have to provide identification?---I haven't done as such, but I've just got the uniform on, so that normally – they normally don't ask, and then I ask if it's okay to do the inspection, ask to see if they've got an evacuation procedure, or the such.

PN1273

And do you have people object to that?---I have had people that have told me, "No, you've got to come back," or they didn't want it done, and stuff like that, yes.

**** KYM MANTEN XN MR WARWICK

PN1274

And what do you do in that circumstance?---I explain to them that we can enter the property under the general fire regs, and we can – we need to do these inspections, and then ask them if we can make another time to come back that's more suitable to them, and nine times out of 10 they normally say, yes, come back, and we go back at another time. Then I proceed to – well, I'll ask them if they would like to come with me and walk through the building and check the fire safety features, ensuring that the smoke alarms, the fire extinguishers are being serviced, the smoke alarms work, the exit doors are not locked, exit lights are working, and the like.

PN1275

Do you check fire doors?---I can, but we – a lot of the places we haven't been doing lately haven't had fire doors.

PN1276

And then after your inspection you write a report?---Yes.

PN1277

Generally speaking, for who?---For the building owner, or the licensee.

PN1278

And you corresponded with them in this situation, that is, exhibit A21?---Yes. There is a cover letter that goes out with it, explaining what – why we were there, and that we're doing it under the general fire regs, and that, which I'm sorry I didn't put in with it.

PN1279

That's okay?---Yes.

PN1280

And who signs that letter?---I sign the letter, on the behalf of Phil Oakley, my manager.

PN1281

Does he review those letters?---No. But I always – we would send them to one of the consultants just to read through, and then they get sent out, yes.

**** KYM MANTEN XN MR WARWICK

PN1282

I see. And what's the incidence of the consultants saying to you, Mr Manten, I don't agree with this, you'll have to change it? How often does that happen?---Not that often, no. Hardly ever.

PN1283

Mr Manten, if I could also – Commissioner, I wonder if I might tender another document?

PN1284

THE COMMISSIONER: It will be A22, post-incident summary report.

EXHIBIT #A22 POST-INCIDENT SUMMARY REPORT

PN1285

MR WARWICK: Mr Manten, are you familiar with this document?---Yes.

PN1286

Could you explain to us what it is?---It's a post-incident summary report after a fire that happened at the Black Buffalo – Black Prince Hotel, sorry.

PN1287

Black Prince in Hobart?---Yes.

PN1288

Well, who wrote this report?---I wrote this report.

PN1289

Why - don't the fire fighters do fire investigation and deal with - - -?---
- - -This is different to a fire investigation. This is a post incident summary. It's trying to work out the – if the features in the building – the fire safety features in the building worked correctly, and this one was in relation to the evacuation and the smoke alarms installed in the building.

PN1290

I see. So there was a fire?---Yes.

**** KYM MANTEN XN MR WARWICK

PN1291

And the fire fighters dealt with the fire?---Yes.

PN1292

And how soon after that did you become involved?---It was the next morning.

PN1293

And had the fire investigation been done by then?---I couldn't answer that.

PN1294

I see. So what was the finding in this case; in respect of those issues that you wrote?---Well look, there was a finding that the smoke alarms, several smoke alarms throughout the hotel didn't have batteries installed in them. The hotel had had an approved evacuation procedure, but in light - there was some gaps in the procedure as far as - there is no one from the hotel that lives on site, so there was a, what they call, a quick action guide posted on the back of the door and the hotel is supposed to inform the guests that they are to, if there is a fire, to leave by the nearest exit and follow the guide. However, some people were told; some people were not told, and there was some problems with some of the exit doors, I believe.

PN1295

On page two of this document, Mr Manten, there is a heading there Incident Details and Witness Accounts?---Yes.

PN1296

Who took the accounts from the witnesses?---Myself. I did have an officer with me at the time.

PN1297

Who was that?---Mr Oakley, Phil Oakley.

PN1298

Who is?---The manager.

PN1299

I see. And does the manager usually go to these sorts of things with you?---No.

**** KYM MANTEN XN MR WARWICK

PN1300

So why did he in this case?---There was a gentleman that was hospitalised in the - after the fire.

PN1301

As a consequence of the fire?---Yes. Sorry, yes.

PN1302

So this was more serious than many of these sorts of incidents?---Yes.

PN1303

And how many witnesses did you take details from?---I think it's on the back. Somewhere there's a list. I think there was four or five. One, two, three, four.

PN1304

And, Mr Manten, the last - I see, on page 5. There are a number of photos on the last three pages, four pages of this document?---Yes.

PN1305

And they go to what?---They are evidence in regards to - the first one or two are evidence in regards to where - the room where the fire had started by the cigarettes, and was there - just showing the photos of the cigarettes actually littering the occupants room. And photo three was the bucket that caught fire. And photo four was just more of them, they had been smoking in the room.

PN1306

Yes?---And five, six and seven were of the smoke alarms. Five and six were of the smoke alarms without batteries in them, and photo six is a photo of the smoke alarm in, what they call dead air space.

PN1307

What's that?---Well, that's the - dead air space is the areas in the room where the smoke is last to fill. So it makes the smoke alarm react slower. It doesn't activate as quick.

PN1308

And photo seven, on the last page?---That's the one in dead air space, sorry.

**** KYM MANTEN XN MR WARWICK

PN1309

Oh, sorry. Yes, Okay. So who is this report for? Is this again for the
- - -?---No, this went to Phil Oakley only, this report.

PN1310

The manager of the building safety unit?---Building safety, yes.

PN1311

I see?---And it was - Leon Carr was the gentleman that oversaw what I was
doing, basically. He - - -

PN1312

Who is he?---He is a senior consultant.

PN1313

Senior consultant?---Yes.

PN1314

Okay. And what was the outcome?---We had meetings with the owners and
we got the smoke alarms repaired and relocated. We got the exit doors
repaired and the emergency light fixed. Made some suggestions for them to
- on booking in people, to have on their booking in form, a section where
they sign so people can know the evacuation procedures are on the back of
the doors and, yes, just generally got it back to a more user friendly- - -

PN1315

I see. I see. And who makes the recommendations and reports like
that?---In this case it was a joint effort between myself and Phil Oakley.

PN1316

I see. Mr Manten – sorry Commissioner, I wonder if I might table another
document.

PN1317

THE COMMISSIONER: Yes. Yes this will be A23, audit report, Caltex
Self's Point.

EXHIBIT #A23 AUDIT REPORT, CALTEX SELF'S POINT

**** KYM MANTEN XN MR WARWICK

PN1318

MR WARWICK: Mr Manten, are you familiar with this document?---Yes.

PN1319

Could you tell the commission what it is?---It is an audit report conducted
on Caltex at Self's Point. It come about after a complaint from a member of

the public in regards to the maintenance level of the equipment at Self's Point.

PN1320

Which equipment?---The fire fighting equipment, portable fire fighting and others.

PN1321

So that's extinguishers?---Extinguishers, the monitors, the - - -

PN1322

What's a monitor, Mr Manten?---It's what they use to put foam and water onto the tanks if they catch on fire out there. They're mounted, they are round - - -

PN1323

This is a pretty big installation, isn't it?---Mm

PN1324

So the monitors must be, what, they must be pretty big?---Yes. They're probably a 100 mil in diameter.

PN1325

And so they can deliver foam?---Yes, water. Whatever they need to, yes.

PN1326

Over those big storage tanks?---Yes.

PN1327

If they're on fire?---Yes.

**** KYM MANTEN XN MR WARWICK

PN1328

Okay. So who, without naming names, a member of the public complained, did you say?---Yes, well that was how I received the call, that it was a member from the public that - and that's why we were involved to go over and do an inspection.

PN1329

So presumably you spoke to other people in the unit - - -?---Yes.

PN1330

- - - before you went?---Yes, Mr Oakley, he asked me to go over and do an inspection.

PN1331

I see?---And because the site was so large, I did take another member with me.

PN1332

Yes. And what was found at Self's Point?---There were several problems with the fire detection alarm system and there was a lot of problems with the hydrant system, the booster, the foam system. The monitors were - a lot of it was to do with corrosion because of the location of the site, and there was

no evidence in some cases where the maintenance had been carried out to the standard, or had been carried out at all.

PN1333

And what might be the consequences of that?---Well, if there was a fire the equipment may not have worked. It put doubt on some of the equipment's usefulness. Some of the monitors were actually rusted into position and couldn't be moved. The – yes – so it was in poor condition.

PN1334

I see. And there are a set of recommendations; in this case - well, in all cases, Mr Manten, obviously you're consulting with the owners and making recommendations to them, but in that case surely - and tell me if I'm wrong - but surely the owner would have some obligation to actually do something about this?---The owner did have obligations, but he was of the understanding that the job was being carried out by a permit holder and that's another role that, in the unit, I help the manager in regards to any breaches by permit holders. I go and investigate those - - -

**** KYM MANTEN XN MR WARWICK

PN1335

Who are you talking about there, permit holders, who are they?---Permit holders – permit holders – the – to service portable fire protection equipment in Tasmania, you've got to be a permit holder. So you've got to be competent in - - -

PN1336

Issued by who?---By the Tasmania Fire Service.

PN1337

I see?---And the same for sprinkler systems and fire protection alarm systems, but the fire protection alarm and the sprinkler systems are company based, so it's a company that holds the permit.

PN1338

Yes?---With the portable fire protection equipment, it is individual based, so that you may work for a company, but you have to have your own permit
- - -

PN1339

Yes?--- - - - so that you've got the competencies, not the company has got the skills to maintain – do the work.

PN1340

So in this case, who was - was it an individual or a company?---It was an individual, working for a company that we had in, eventually called in, who explained himself and basically we then - Phil sent him a letter saying that his work wasn't up to standard and that he had to improve, and the such.

PN1341

I see. If I might table another document, Commissioner.

PN1342

THE COMMISSIONER: Yes A24. Automatic Fire Sprinkler Check List.

EXHIBIT #A24 AUTOMATIC FIRE SPRINKLER CHECK LIST

**** KYM MANTEN XN MR WARWICK

PN1343

MR WARWICK: I understand it may be useful, Commissioner - - -

PN1344

THE COMMISSIONER: There are two documents here, are they the same?

PN1345

MR WARWICK: Pardon?

PN1346

THE COMMISSIONER: There is only meant to be one document, I've got two copies. Yes.

PN1347

MR WARWICK: That is meant to be one document, but I wonder if I might table another, that, I think should be taken together.

PN1348

THE COMMISSIONER: You want them marked as a bundle or separately. It's easier if we mark them separately, I think.

PN1349

MR WARWICK: Yes.

PN1350

THE COMMISSIONER: The second one will be A25, Existing Fire Indicator Panel Checklist.

EXHIBIT #A25 EXISTING FIRE INDICATOR PANEL CHECKLIST

PN1351

MR WARWICK: Mr Manten, are you familiar with these two documents?---Yes.

**** KYM MANTEN XN MR WARWICK

PN1352

And could you tell, in each case, the commission what they are?---These are documents that were - that fire indicator panel document was around before I started in the unit, but, it was in a totally different format. So these are documents that - this, the fire panel, was the one I've reformed into a more user-friendly document, in regards to, it can be used, then used statewide

and we're getting an accurate - and it's a walk-through sheet to inspect fire panels, to ensure that everyone is looking for the same material. Like, to make sure that everything that we're doing in the south is being in the north and north-west. And then the sprinkler one was one that I developed in consult - and through Leon Carr - I put it through Leon Carr to check - so that we had something, because we didn't have anything on sprinklers at this time.

PN1353

Yes?---So I made the document up and then put it to Leon to ensure that I hadn't missed anything or - and they're in use now statewide.

PN1354

I see. I seek to table a further document, Commissioner.

PN1355

THE COMMISSIONER: Mark this A26, fire safety audit, Black Buffalo Hotel.

EXHIBIT #A26 FIRE SAFETY AUDIT, BLACK BUFFALO HOTEL

PN1356

MR WARWICK: Mr Manten, this is also a fire safety audit, by the look of it?---Yes.

**** KYM MANTEN XN MR WARWICK

PN1357

Are there any particular features about this that are worth mentioning?---This was - there were problems with the hotel in regards to the smoke alarms throughout the place. Throughout the accommodation rooms in the hotel were of different types, and they were not the correct type for this use, as several of them didn't have actual warning devices, so that they were - there was no way of alerting the people, even if they did pick up the smoke, and there was a fair few that weren't working throughout the hotel. And it is - yes. It mainly - this is the new way that we do write the audit reports, so that was one of the other reasons why it was tabled, so that we give you - give the client the finding, and then give him action required, so that he's got some way of - it's a bit more user friendly for the client.

PN1358

In what way?---Well, because it tells them what their action is required to do, that we find - we were finding the findings, and then people were ringing up all the time say, well, what's the best way of doing it. So now we actually put down in there that they are to contact the service provider, they are to - you know, the actual thing they should do.

PN1359

And do you have any role, or does the unit, and if it does what role do you have in ensuring that these things are done?---Well, when we - these letters are dated - they've got 21 days for the person to come back to us with

correspondence. If we haven't received any correspondence we then send another letter out, which is what they call a 14 day letter, which is worded a little bit stronger, and then if we haven't heard anything we then do send out a registered letter, which is seven days, spelling out that they could be prosecuted under the general fire regs.

PN1360

I see?---And then - - -

PN1361

So you are using the term user friendly, you know, earlier, but ultimately people can be prosecuted - - -?---Yes.

**** KYM MANTEN XN MR WARWICK

PN1362

- - - as a result of - - -?---Yes.

PN1363

- - - the work the unit does, and the work you do?---Yes.

PN1364

Yes. So how many of these audits do you do? I mean, how many of these reports, I'm sorry, do you write, sorry, on a monthly basis, Mr Manten?---It could be five, six, seven, eight. It depends on the month and – I mean, yes, it depends on the work load, that from the other correspondence you've got to send out in regards to the findings. Like, you're helping people with their evacuation procedures, trying to get them up and running with those, as well. After you've done an audit, they'll ring you back and say, well, how do I do this, how do I do this, so sometimes you go out and sit down with them and explain what they need to do, or you do it over the phone.

PN1365

I see. So it's a dual process really, am I right? In the first instance you do everything to help them to comply?---Yes. Yes.

PN1366

But if they don't ultimately - - -?---Yes. We would prefer to see them comply without having to take them to court, because it's making it a safer – safer for the community.

PN1367

Yes, I see. And then audits have a dual role. They have a role to inspect on the owner/occupier of the building, and they also have a role in inspecting on the permit holders, and can paint a picture that there is a deficiency in the permit holder that has been doing that site, and, you know, it might - - -

PN1368

But in that case it's not the premises - - -?---No.

PN1369

- - - you know, the premises that's at fault?---No. Then we can investigate that further, which has happened on occasions.

**** KYM MANTEN XN MR WARWICK

PN1370

Yes. So in evaluating the work that permit holders do, and these are public and private, I think there are a significant number of firms, are there not - - - ?---Yes.

PN1371

- - - involved in that sort of business, fire extinguishers, and fire hose reels and that sort of thing?---Yes.

PN1372

What do you need to have by way of understanding of those systems?---As far as the fire extinguishers, portable fire protection equipment, which is fire extinguishers, hose reels, hydrants, fire blankets, and fire doors, I have done the same course as what the industry have done and I've got certificate 2 and 3 in asset maintenance and portable fire protection – affordable fire protection equipment, and are endeavouring to start certificate 4, which is the auditing side of the fire protection equipment. However, there is no packages in the state at this moment, and there was eight years of experience when I was servicing for TasFire Equipment.

PN1373

And in that sphere of activity, if I'm right, what reliance is there, if any, on Australian standards?---Oh, a lot of reliance on Australian standards, yes.

PN1374

And do you have to be familiar with them therefore?---Yes. Yes.

PN1375

And how does that work, when you go on to – go into a motel, or something, how do these standards, these Australian standards apply?---Well, you've got to make sure that the work is actually being done to the standard, and, you know, that the standard is being followed. Because the standard is the guide for servicing of the extinguishers.

PN1376

Would you say that that's a simple task, or a reasonable complex task, or a very complex task, that is, to know what is in the standards and how to apply them?---I would say complex, yes, probably very complex in some stages.

**** KYM MANTEN XN MR WARWICK

PN1377

What sort of standards are we talking about?---The suite of 1851 which is the maintenance suite for portable fire protection equipment, fire panels, sprinkler systems, fire doors, so – and then we've got the installation standards in regards to hose reels, hydrants, extinguishers.

PN1378

Monitors?---Yes. Monitors are covered in – but not the installation of monitors, only the maintenance of monitors. But most of the installation

standards are called up in the maintenance standards, so you've got to have a grounding in the lot to cover the whole field.

PN1379

So I think you've painted a reasonable picture for the Commissioner about what's involved in these audits, and that you do, but are there any problems that arise, that perhaps we haven't discussed, that you might encounter?---Oh, no. You get a lot of aggressive people, because you're trying to get them to do the right thing, and they don't want to do that.

PN1380

Yes?---So you get a lot of abusive phone calls and the like.

PN1381

How do you deal with that?---As calmly as you can, yes. Calmly and be as polite as you possibly can. I actually – one of the hotels, one of the wives of the hotel – Leon Carr and I were down the street, and Leon crossed the road, and I saw the car coming and I stopped, and as she got close to him she wound down the window and said, “It was lucky it wasn't you, because I would have run you over.” So some people do get a bit nasty with it, so, yes, she was sort of – but that's a very, very small amount of people that are in that group. Most people are fine. Once you've explained yourself properly most people find that you're – you're there to help them, you're there to ensure that it's a safer place, and we use – or I use the line, doing the hotels at the moment, about the backpackers and the two fires we had in Hobart where people nearly lost their lives, and that's the reason why we're here to do the job and try and make Tasmania a safer place to be for everyone.

**** KYM MANTEN XN MR WARWICK

PN1382

Just in respect of the scope of places that you go to, Mr Manten, do churches have to comply with the fire regulations - - -?---Yes.

PN1383

- - - the standards and all of that? So in what circumstances might you go to a church, other than for the obvious spiritual reason?---Well, it fits in with the general fire regs if it's got – capable of holding more than 200 people it's got to have a evacuation procedure. And there is some churches that have got fire detection alarm systems, sprinkler systems, and the like in them, and, yes, we go and maintain – make sure they're being maintained and they're safe.

PN1384

And they've been properly installed as well?---Yes.

PN1385

Overnight, Mr Manten, there was a fire at the Glenorchy Football Club, I understand, of some significant damage?---I believe so, yes.

PN1386

Is it likely that you'll be involved in having a look at that?---No. No.

PN1387

Is there a reason for that?---Probably because I'm here. I don't think so. I don't think that it – the main buildings – we're more worried at – with our post-incident summaries with buildings where people are actually sleeping, you know, that are actually staying there more than a building that's used as a grandstand, and change rooms. That would be more building safety, more in line with places where people are living in.

PN1388

I see. So you're – is that a – that's a policy of the unit, I guess, that you are interested in – at the moment in improving standards in accommodation facilities?---Yes. That's what – that has been our target and our goal for the last few years, yes, too. Well, it's always been our goal and target, but we have concentrated more on low budget accommodation over the last year.

**** KYM MANTEN XN MR WARWICK

PN1389

And that will eventually come to an end. I mean, you will have audited all of them eventually, won't you?---Yes, hopefully.

PN1390

So where would you say you are with that – that sort of project?---I have done 90 – I would say 98 per cent in the south. The north west is – I've probably a quarter I would say, and up north probably a quarter too, but I am slowly working my way around to try and get more of the north and north west done.

PN1391

I wonder if I might table a further document, Commissioner.

PN1392

THE COMMISSIONER: This will be A27, analysis of the old as against the new.

EXHIBIT #A27 ANALYSIS OF THE OLD AS AGAINST THE NEW

PN1393

MR WARWICK: Mr Manten, are you familiar with this document?---Yes.

PN1394

And could you tell the commission what it is?---Australian Standards in relation to the maintenance of fire extinguishers, in regards to this paper, changed their – changed the standard and made a new standard, or incorporated three standards into one, and - - -

PN1395

Who did?---Australian Standards. And then instead of being 15 different documents they rolled all the maintenance standards into one document, and this is an analysis on the fire extinguisher standard in regards to the new

standard compared to the old. So what it does is I was asked to highlight the gaps, and what had actually changed in the standard, and I then highlighted them and then tabled it to the other building safety members at a workshop.

**** KYM MANTEN XN MR WARWICK

PN1396

I see. This is entirely your work?---Yes.

PN1397

And what would then happen with a document such as this?---Well, hopefully it gives them a grounding in what had actually changed, so that they were more familiar if any problems arose on what was actually had changed. There were several key things that had changed so they were aware of them.

PN1398

Would it have any wider application other than the consultants?---Yes. There was talk, and I don't know whether it did go any further, there was talk that the document was going to be used by Fire Equipment - TasFire Equipment, but I don't know whether it went there or not. I couldn't say.

PN1399

It would be useful to them, would it not?---Yes, yes.

PN1400

Commissioner, I tender another document.

PN1401

THE COMMISSIONER: This will be A28, critical assessment factors.

EXHIBIT #A28 CRITICAL ASSESSMENT FACTORS

PN1402

MR WARWICK: Mr Manten, are you familiar with this document?---Yes.

PN1403

Could you tell the commission what it is?---It is a document that arose from problems that we found from the competencies that had been delivered by the service providers in regards to portable fire extinguishers, and the confusion in the industry in regards to the proper and correct treatment of corrosion of fire extinguishers.

**** KYM MANTEN XN MR WARWICK

PN1404

Who was confused, Mr Manten?---The industry, the permit holders.

PN1405

All of them?---Well, there was a few, yes obviously - - -

PN1406

I see. Please go on?--- - - - and a working party was put together and I was one of the stakeholders on the working party, and this is our finding that we come back to our manager and then this went to the training providers to implement it. I think that is where it finished up.

PN1407

Yes. I would seek to table two further documents, if I might, Commissioner.

PN1408

THE COMMISSIONER: Yes. We will note the first document as A29, that is, code of practice fire protection systems. And the second document will be A30, guide to the selection and location of portable fire extinguishers and fire blankets.

EXHIBIT #A29 CODE OF PRACTICE FIRE PROTECTION SYSTEMS

EXHIBIT #A30 GUIDE TO THE SELECTION AND LOCATION OF PORTABLE FIRE EXTINGUISHERS AND FIRE BLANKETS

PN1409

MR WARWICK: Mr Manten, are you familiar with these documents?--- Yes.

PN1410

And could you tell the commission what they are?---The code of practice is a document that the fire service use to ensure and fill in gaps in the standard, to make sure that the – not so much gaps – but make sure that the systems are being serviced to what we require in Tasmania. And I was on, again, a working party that reviewed the old document, and put forward ideas for this new document.

**** KYM MANTEN XN MR WARWICK

PN1411

I see?---And the other document is a guide and selection and location for fire extinguishers. We had numerous requests from people in the industry, permit holders and building owners, in regards to what fire extinguisher is to be used in what location, how many do we need, and what type should we use. So myself and Hayden Fletcher and Phil Oakley - - -

PN1412

Who is Hayden Fletcher?---Hayden Fletcher is a consultant.

PN1413

Yes?---We sat down and worked through and were on the working party, more or less to get this book up and into the industry, to help the permit holders as well as building owners, building surveyors and designers to

make the – or hopefully make the standard - a lot of it is out of the standard, but it makes – it has got a flow chart which makes it easier for you to find the section, find what type of extinguisher you need and the like. I was also - Hayden Fletcher and myself presented this statewide to the stakeholders that would be - were invited to a meeting in the south, the north and north-west and we did a workshop and presented the book and answered questions from the floor in regards to the new document.

PN1414

So what was your involvement in the production of these two documents?--- Basically, in the extinguisher one, was giving my professional - as far as having the certificates - advice, on the content and some of the angles we were using in it. And the other one was more of a reviewing role and because I do use the code of practice in my audits, there was a few things that we were finding that were no longer there that we could delete and stuff like that. So more - the other one was more of a viewing role than having too much to do with the content of the document.

**** KYM MANTEN XN MR WARWICK

PN1415

Thank you, Mr Manten. If I could refer back to a document that was tabled earlier. The commissioner labelled it exhibit A20, which was a job analysis questionnaire. On page two of that document there - we have looked at inspecting and reporting and I think you have given us some information about advising clients. But in respect of that, the clients that you write the reports for and what-have-you, how much time do you spend on the phone with them? How often - in respect of an audit, how much work on the telephone would be involved subsequent to the audit being forwarded to them?---It depends on the type of audit and the size of the audit. Sometimes you can, you know, you can have 10, 20 phone calls about it. And then - the one we are working on at the moment, I've had 10 or 20 phone calls, 10 emails and had a sit-down meeting with them and still are finding problems with the outcomes and that is more a line that, the client doesn't want to spend the money to do the work, so we're trying to work, you know, as hard as we can to get the right outcome for the fire service.

PN1416

So do you make the decision that they're going to be prosecuted?---No. What I do is, I, once the - - -

PN1417

No, no?---Sorry - - -

PN1418

You don't make that decision?---No.

PN1419

Okay. So am I right or am I wrong in saying that the central focus of your work is to try and get the client to comply with the audit and the recommendations and if they - if you just can't achieve that, then someone else deals with it in a legal matter?---Yes.

PN1420

Yes, thank you. This document, the job analysis questionnaire, talks about coaching and assisting. Who do you – is that a part of your job?---Yes.

**** KYM MANTEN XN MR WARWICK

PN1421

Who do you coach and assist?---New members into the unit. In my area of expertise I will take them on audits. I will explain to them what goes on.

PN1422

Well, I'm interested in who they are. Where do they come from?---From the fire brigade. They are consultants.

PN1423

So they are transferred from the fire brigade as consultants in building safety?---Yes.

PN1424

And do you know, per chance, what rank they come across as?---Station officers.

PN1425

Might they also be a senior station officer?---No, sorry, yes they could be, yes.

PN1426

Yes. And so these officers, station officers and senior station officers, what role - please explain in more detail what your role is in relation to coaching and assisting?--- Well, I take them out with me on audits and explain what we actually do, so that they know what to look for, and I am also used in the initial stages of their training. If other consultants are busy, I can go with them, with the fire detection alarms because of the grounding I had when the - what I mentioned before, about the schools. And, yes, just basically running them through the – my side of the standards if they need any help. They come to me.

PN1427

So how much knowledge would they have of what the building safety unit does when they come to work with you?---It depends on the actual operator. Some have got a good grounding in it, because they've been here a long time and they've learnt a bit, but there is others that have got not as good a grasp on what the unit does.

**** KYM MANTEN XN MR WARWICK

PN1428

So is your involvement with them, in coaching and assisting, is that just at the very beginning or - - -?---Oh no, it still goes on today. If they come across a problem that they're not - in my area of expertise, where they're not familiar with, or can't find, they will – they do ring and ask my advice and I go through the channels to find out and give them the right advice.

PN1429

Is that just for new people?---No, that can be anyone. That's the way the unit actually works, is as a team we have all got an area of expertise and we can be all called upon to give our professional, I suppose, a better word, opinion on that or find the advice out.

PN1430

Yes. Mr Manten, this document, the job analysis questionnaire, also talks about recording varying safety activities and correspondence. What role do you play in relation to recording information?---Well, we do file notes and the like, recording the phone calls and the information that we gather off the phone or at meetings and place on file so that if someone else can pick that file up, they know what is actually going on and they can follow the trail that you have left.

PN1431

Yes, I see. Mr Manten, how many people are there in the state who do what you do for a living?---I couldn't answer that, but there is – no, I wouldn't know.

PN1432

How many fire safety auditors are there?---I'm not aware of any others, but I don't know whether there is any out there. No.

PN1433

So you're the only one that you know of?---That I know of, that's doing that role. I don't know of any others. Sorry.

**** KYM MANTEN XN MR WARWICK

PN1434

And so you work in the building safety unit and apparently on a fairly unique basis. You have consultants and senior consultants. What is the difference between your job and their jobs, in a nutshell?---I do very similar work to what they do, except I don't review the plans and new building work and probably don't go into reporting to building surveyors and the like, but a lot of my job sort of crosses into their area in some way, shape or form.

PN1435

Mr Manten, you talked about permit holders. And these are people who sell and service portable fire fighting equipment. I'm interested in those. And also – there's two answers to this question – one is those people, and then also the people with the fire detection systems. What involvement do you have directly with those permit holders in each case?---A fair amount of involvement in regards to - they ring and ask for advice on things that are not spelled out in black and white in the standard, that we can - that we may have made a judgment on, building safety - may have made a judgment on before and I can give them that. They also ask, "What does this part of the standard mean?" So I try and explain as best I can with all my knowledge, what the standard is trying to get across to them.

PN1436

So is that just the people with the extinguishers?---More with the people with the extinguishers, but also I do get calls from the fire detection alarm side of it. Some of them do call.

PN1437

Yes, yes. One last question, Mr Manten. You may recall that we're rapidly approaching the anniversary of some fairly unique fires that happened in Hobart in October last year - - -?---Yes.

PN1438

- - - in successive days on Mount Nelson and then on the eastern shore. It may have been the 16th or 17th I think. Do you get involved in bushfires when they happen, Mr Manten?---I was called upon on a couple of occasions at that time to assist in a logistics role and, yes I do.

**** KYM MANTEN XN MR WARWICK

PN1439

So how often, say in the last few years, has that happened? You can name the fire, if you like or - - -?---I think it's only on two occasions. One - two separate fires, but I was called for two days on one fire and then those two days on another fire, the one on the east coast at Orford, where I was - I had a different role. I was informing the public of what was going on around at Orford in regards to door-to-door knocking and explaining what was going on, why there was so much smoke in the area and such - - -

PN1440

So am I right in saying it was - those couple of occasions - it was all hands on deck?---Yes.

PN1441

Yes, yes. Thank you Mr Manten. I have no further questions.

PN1442

THE COMMISSIONER: This would be a convenient opportunity for a short break. We'll resume at ten past.

SHORT ADJOURNMENT

[10:57 am]

RESUMED

[11:14 am]

PN1443

MR BAKER: Thank you Commissioner.

<CROSS-EXAMINATION BY MR BAKER

[11:15 am]

PN1444

MR BAKER: Mr Manten, just to perhaps reiterate a couple of the questions that were asked of you previously, again could I ask you what your current classification is?---Fire safety auditor.

PN1445

And do you know where that sits in the scale of things?---Yes.

**** KYM MANTEN XXN MR BAKER

PN1446

And would that be a community fire safety officer level 1?---Yes.

PN1447

And are you aware what that salary is?---Yes.

PN1448

Could you advise the commission what it is? Round dollars – it doesn't matter?---Yes. Okay. 48,000.

PN1449

And you were previously classified as an operational employee level 8, were you not?---Yes.

PN1450

And are aware of what that salary was in round dollar terms?---No, sorry.

PN1451

When you translated from the operational employee level 8 to community fire safety officer level 1, did you receive a salary increase?---Yes.

PN1452

Does the new fire safety officer level 1 provide for a salary scale?---Yes.

PN1453

And is there a further increment for you to achieve later on?---No – I do not believe – sorry?

PN1454

All right. We'll just leave that there then. I'll come back to the salary questions. So when you were appointed to the position of fire safety auditor what was the qualification that you held at the time?---At the time?

PN1455

At the time, yes. When you applied for the position - and perhaps you might just clarify this for me too - and I don't want to distract you, but I think originally you said that you held your current position for 22 months and then you said something about 2002. So perhaps we could go back to the initial appointment, when you were first appointed?---Yes. The only qualifications I had then was on-the-job training qualifications.

**** KYM MANTEN XXN MR BAKER

PN1456

And since your appointment - - -?---Yes.

PN1457

Since your appointment you then obtained the certificate 3 in - was it asset
- - -?---Asset maintenance.

PN1458

Asset maintenance?---Yes.

PN1459

Now, Mr Warwick, A20 provided you with a copy of the job analysis
questionnaire. Now, are you familiar with your statement of duties?---Yes.

PN1460

Could I hand you a copy of that?---I haven't got a copy of that. No.

PN1461

No, no, no.

PN1462

THE COMMISSIONER: This will be R5, statement of duties, fire safety
auditor.

EXHIBIT #R5 STATEMENT OF DUTIES, FIRE SAFETY AUDITOR

PN1463

MR BAKER: Now, if I could I just take you to this document. I would
like you to have a look at this document and compare it with your job
analysis questionnaire, if I may? Now, the position objective:

PN1464

*The position objective is to improve fire safety in buildings by
inspecting business premises, conducting audits of fire protection
equipment in the systems, and providing advice on the adequacy of
fire protection measures.*

**** KYM MANTEN XXN MR BAKER

PN1465

Is that a fair comprehension of the work that you undertake?---Yes.

PN1466

In relation to the duties that our outlined in the document under the issue of
duties, it talks about – under level 1 - it says:

PN1467

*In the context of relevant legislation codes, standards and risk
management principles, you will undertake audits to determine the
degree to which building owners and occupiers are complying with
the requirements to install fire protection equipment; consult with
and provide advice to clients about fire safety in the built
environment; assess and report to clients on the suitability, location
and use of fire protection equipment; undertake follow-up building*

inspections and prepare draft reports; report on breaches of legislation codes, standards and permits, and observe practice evacuations and report findings to the inspecting consultant.

PN1468

Is that a fair assessment?---Yes.

PN1469

Point 2:

PN1470

Perform administrative and record keeping tasks.

PN1471

I suppose that goes without saying, doesn't it?---Yes.

PN1472

And likewise at point 3:

PN1473

Manage the use and maintenance of all assigned equipment and facilities.

**** KYM MANTEN XXN MR BAKER

PN1474

?---Yes.

PN1475

And then 4:

PN1476

Contribute to the enhancement of fire safety in the building environment through involvement in workshops, seminars, committees and forums.

PN1477

And I think you provided the evidence this morning that, in fact, you undertake that work. And at 5 - of course that goes without saying:

PN1478

Actively participate in development and maintenance of safe working practices and conditions.

PN1479

So that's a pretty good summary of the work that you undertake?---Yes.

PN1480

Thank you. And level of responsibility. It says that you are:

PN1481

...responsible to the management of building safety -

PN1482

and I think you indicated that was Mr Phil - - -?---Oakley.

PN1483

- - - Oakley. Thank you very much -

PN1484

for the achievement of outcomes consistent with organisational goals; effective management of allocated tasks and resources, and ensuring all work is undertaken in a safe and healthy working environment according to safe working practices and in accordance with OH and S responsibilities to your position.

**** KYM MANTEN XXN MR BAKER

PN1485

That's pretty straightforward?---Yes.

PN1486

And then the direction and supervision received:

PN1487

Specialists functions are undertaken under general direction and general supervision and based on established procedures and practices. The company is expected to exercise limited discretion and operate within TFS policies, procedures and guidelines as determined by the manager, building safety.

PN1488

Again, is that a fair assessment?---Yes.

PN1489

If we turn over to page 2, it goes into the selection criteria. And at point 1 - and I think again you have led evidence this morning in relation to this:

PN1490

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

PN1491

And I think you have demonstrated that through evidence this morning:

PN1492

2. Demonstrate a sound understanding of relevant legislation codes and standards impacting on the building environment.

PN1493

And again I put to you that that was led in evidence this morning:

PN1494

3. A general understanding of contemporary fire safety issues in the building environment together with an ability to determine and evaluate fire protection needs.

**** KYM MANTEN XXN MR BAKER

PN1495

And finally, you require some report-writing skills, which again you have demonstrated this morning. So is that selection criteria, coupled with the duties and levels of responsibilities, an overall view of your position?---Yes.

PN1496

Thank you. And again it goes on to talk about:

PN1497

Essential qualifications are nought, and the desirable requirements and experience are appropriate qualifications or experience in conducting fire safety audits in buildings.

PN1498

And as you indicated – I think you said you had a number of years at TasFire Equipment?---Yes, eight.

PN1499

Eight years at TasFire Equipment. And you have now obtained the certificate 3 in the asset maintenance training package?---Yes.

PN1500

Good, thank you very much. So the statement of duties, as has been presented in R5, is a comprehensive overview of the work that you undertake?---Yes.

PN1501

And that is consistent with the job analysis questionnaire at A20. Is there things there which it doesn't encompass, or is it - I should advise you, Mr Manten, that I'm not looking for weaknesses in your evidence. I just want to - - -?---I believe it is.

PN1502

I just want to confirm that this is a pretty accurate assessment of the work which you undertake?---Sorry I'm sceptical. I apologise.

PN1503

Leave it till later on before you do the other bits and pieces. Now, I meant to say to you, as the result of the job analysis questionnaire being completed, there were classification standards then written, were there not, for community fire safety officers?---Yes.

**** KYM MANTEN XXN MR BAKER

PN1504

Thank you. And as you have previously given evidence, there is a classification standard that relates to your job, and that is community fire safety officer level 1?---Yes.

PN1505

Have you received, in addition to – sorry I'll rephrase the question. Have you received salary increases since your appointment as a community fire service safety officer?---From what period?

PN1506

When you started – have you received salary increases?---Yes.

PN1507

Are you aware of the size of those salary increases?---No, not offhand.

PN1508

Should I put it to you, in the last three years, would that have been in the order of about 14 and a half percent?---I honestly couldn't answer you, I'm sorry.

PN1509

That's okay. In addition, when you were translated from your old classified as an operational employee level 8 to a community fire safety officer level 1, did you receive an increase in salary?---Yes.

PN1510

I think you indicated earlier on you weren't sure what that was so - - -?---No – sorry.

PN1511

No, so I won't press the question. In relation to the nature of the work that you undertake – and perhaps you might just again clarify this for me - the position you currently hold, you were appointed there 22 months ago?---Yes.

**** KYM MANTEN XXN MR BAKER

PN1512

In the period of the 22 months – that is from the day that you started until literally yesterday - has there been any significant changes in the way in which you do your work? I don't mean that you've now got more reports to write than you had before. I mean, has there been significant changes in the way in which the work is carried out?---Probably the major change is the way that we conduct the work and we are more, or have been lately, more focused on - to getting the results – and the desired results that we put in our audits.

PN1513

Could you explain that to me?---We're trying to work more closely with the client, I suppose is what I am trying to say, and get a better result sooner for the – and now there is new building regs and legislation come in which has changed the focus on some of our - - -

PN1514

But those regulations, that is something which evolves, isn't it?---Yes.

PN1515

Yes, that's an evolving thing?---Yes.

PN1516

And when you say that you're more focused on clients, is that a change that's been pushed through from management?---It is a little bit, but also I think its - I believe it's a change in – the people out there. The clients we're

dealing with are more – hard to put into words – more, need more advice – they seem to be more stressed, they seem to be - you know, they haven't got time to do these things, so that we've taken a more active role in helping them and - - -

PN1517

So that would be reflected in an exhibit that was actually handed up, was it not? Was it A27 - sorry 28, critical assessment factors?---That's more along the lines of a permit holder then.

PN1518

I'm sorry, I've got the wrong one. It's the one that – I think it was the Black Buffalo Hotel was it?---Black Buffalo?

**** KYM MANTEN XXN MR BAKER

PN1519

The letter. So rather than just actually putting down a series of audit findings, you now - - -?---No, this has evolved over discussion that we actually have changed the whole format of the way we write our reports, audit reports now.

PN1520

Yes, that's what I was getting at as opposed to one of these earlier ones - - -?---Where you just give the problem and it's not to the standard. We found it was more user friendly to help the client in this way than to just give him the findings and then they had to go away themselves and try and - - -

PN1521

Sort it out?--- - - -sort it out.

PN1522

So you now provide them with - - -?---Yes.

PN1523

- - - the audit finding and action required?---Yes.

PN1524

And so it's a far more detailed document, but it's within your range of skills and competence?---Yes.

PN1525

Good, thank you. When you undertake an inspection, do you have a checklist of items that you inspect for?---When I do fire protection and alarm systems, and the sprinkler valves, I have that checklist that I have exhibited.

PN1526

And they were the exhibits 25 and – A25 and A26 I believe?---Yes. But that is what we use to start with, however, if we come across other problems I document them as I find them as I'm walking through the building. So there's not a checklist – there's no checklist for portable fire extinguishers, the fire doors and stuff – that is just the knowledge that I keep within me.

**** KYM MANTEN XXN MR BAKER

PN1527

Well, yes, fire doors would be something that would be covered by the building code, for example, but we also do inspect if they're not being maintained and not shutting properly, we've commented on those before. And, yes, the smoke alarms, there's no checklist for smoke alarms, exit doors, exit doors, emergency lighting, those what we, I suppose I keep in my - - -

PN1528

So what proportion roughly would – the proportion of the inspections you do are carried out with or without the checklist, would you have any idea?---At the moment because we're doing – working on the hotel side of things the checklists are less relevant because most of the hotels (a) haven't got sprinkler systems; or (b) haven't got fire detectors and alarm systems in them, stand alone smoke alarms or another type of device.

PN1529

It varies upon the property which you are inspecting?---Yes, it's hard to put on how many you would check with a checklist and how many you wouldn't.

PN1530

When you speak of the fire detection alarm systems, do you actually – do you do those by yourself or do - - -?---Yes.

PN1531

You do those by yourself. So could you just explain to the commission just exactly what that entails?---Basically doing an inspection at first on the fire detection panel that is at the front of the building. So you're making sure that all the documentation - - -

PN1532

Perhaps if I just stop you there, just so that I'm clear. The panel that we talk about, there's a panel at the front door that's got - - -?---All the lights on it.

PN1533

Yes, thank you?---Yes.

**** KYM MANTEN XXN MR BAKER

PN1534

All the lights?---The fire detection alarm system panel, which is the panel at the front door which is where the documentation is stored and we check for the documentation as regards to the installed devices that are there. I check that the – sorry, in saying we again – I check that the as installed drawings which is what the brigade use when they get an alarm call at the building to find the device quickly and accurately, are correct, are easy to follow, they're not marked or there's missing ones or there's been building alterations and they haven't been upgraded and then the maintenance schedules as to if it's been carried out in accordance with the standard. So

it's been – had it's monthly maintenance, it's yearly maintenance and the like. Then when I'm doing my audit – to put it another way – the walk through to check that other items like the exit doors, exit lights, fire extinguishers, I'm also looking to make sure that there are areas that are not protected. There might have been a new wall put up or a new room put up and there's no detector in that room. I report on that.

PN1535

Thank you very much. Now, in relation to Harley Street - - -?---Farley Street.

PN1536

Farley Street is it. Harley Street is where the surgeon's are isn't it?---I don't want to go there.

PN1537

Just in relation to this report that – the report that was entered as an exhibit in A21, can you explain to the commission, you know, what you did in relation to the report and were other people or other members of Tas Fire Service involved and at what time did they become involved with it?---We did the inspection. I went out there and inspected the panel and found that there were some went out there and inspected the panel and found that there were some problems, so then I basically ceased and got someone else to come with me because it was a more expansive problem than we first thought of. So basically while – on some of these jobs we take two sets of eyes with us because we then have got – I can't think of the right word - - -

**** KYM MANTEN XXN MR BAKER

PN1538

A second opinion?---More of a like a witness to see what's actually gone on, so that if it becomes nasty or the like, we've got someone to back up our claims because some of the clientele – yes.

PN1539

I can imagine, yes. All right. And you indicated it was dealt with by the Glenorchy City Council?---Yes.

PN1540

So what point and who determined it should be referred to the Glenorchy City Council?---We - - -

PN1541

We as in you?---I said to there was more problems there than what there was and it was suggested that someone else come out and then we went to our supervisor, Geoff Knight, whose a district officer, building safety and we relayed our fears and there were other fears that weren't in the report in regards to there was live wires hanging out of the ceiling and the like, so actually I relayed all the fears to Geoff in regards to our area of expertise and then rang the Hydro Helpline of whatever it was and explained my position and the problems that I'd found and then they actually also sent the Hydro inspector out to check the premises as well. We basically put it all to Geoff and then I took that side of it and did that, then Geoff took it to Phil

and we had a sit down round the table and discussed the matter and wrote a letter to the General Manager of the Glenorchy City Council which in turn then their building surveyor met Geoff and Phil on site, and they could then base their concerns and I think the matter went further.

PN1542

Yes. So in fact – so your report – the report that you wrote that was reviewed by your immediate supervisor, Phil Oakley?---It was presented to Phil as evidence basically on the problems we found at the building.

**** KYM MANTEN XXN MR BAKER

PN1543

Good, thank you very much. Now, when you spoke about doing these audit reports, is there a standard form or how do you go about writing one of these documents?---We have – I have over the years created a format sheet to the like so that we don't have to write every one out, because they're very – a lot of the findings sometimes can be similar, or the wording you can use from one to another, so we have – I have made up a template where I've got several that I use all the time on a format note that we can just put in that saves remaking the wheel I suppose, you know, re-writing every one every time - - -

PN1544

Yes?--- - - -just to make the whole process flow smoother and also that now is being – that format note now is being sent state wide so that again there is a format approach, that everyone's saying the same thing right across the – if the consultants ever do audits they can use those format notes as the right way that we want to put out there to the public.

PN1545

If I may now move on and turn to what you determined was a post incident summary report, exhibit A22. Now, I will just take you to page 1 of that and it talks there down the bottom – sorry, I will wait?---Sorry.

PN1546

That's okay?---Yes, sorry.

PN1547

And it's got there – it's got the area of origin, “bedroom/mattress and bedding fire: suspected cause, cigarette”?---Mm.

PN1548

Just so long as I'm clear, is it your role to identify the fire cause?---In this document we put the fire cause in there - - -

PN1549

I understand that, yes?---But that was given to us by the responding officer.

**** KYM MANTEN XXN MR BAKER

PN1550

Okay?---So it's not something – a lot of the information in this document in regards to the front page is in consultation, gathering the evidence from the responding officer so that we can fill the form in.

PN1551

Okay. So when you fill in the post incident summary report how does that differ from an audit report?---Well, it's reporting on a different circumstances, reporting after a fire where an audit is reporting before a fire.

PN1552

Before a fire?---Yes. And I mean it is something different that we've got to actually take witness accounts.

PN1553

Yes. If I exclude the witness bits out, so when you for example go to page 3 of the document?---Yes.

PN1554

And you say, for example – and I won't read this all out – but, for example, if you go to evacuation plan?---Yes.

PN1555

It says:

PN1556

The approved evacuation procedures appear not to have been explained to the guests at the time they were booked in as detailed in the approved evac plan.

PN1557

?---Yes.

PN1558

Now, presumably, if you had done the audit report the day before the fire, your report would have said there is an approved evacuation procedure and it appears okay, or it's no good or there needs - - -?---If it's approved by the chief officer it would be suitable, because we don't approve ones that are not suitable.

**** KYM MANTEN XXN MR BAKER

PN1559

Okay. And likewise, for example, the smoke alarms?---Yes.

PN1560

When you go through when you have done this report and you said, "Well, that smoke alarm doesn't work, that one's no good, there's a variety of different ones," I mean if you'd actually done the report the day before the fire - - -?---The findings probably would – may have been the same.

PN1561

May have been the same?---Because there was people smoking in the rooms because that was the start of the fire. We may have done the inspection and

the batteries may have been in the smoke alarms on the day, but as you find with a lot of hotels where there are stand alone smoke alarm batteries that the clientele will take the battery out because they're smoking in the room. So the new person moves in that night and because they're smoking in the room, they decide to take the smoke alarm battery out because it's being set off all the time.

PN1562

Yes. I've actually had first hand experience of that, and dinner wasn't served accordingly, but we will move on?---I wasn't involved I don't think.

PN1563

Some of your colleagues were. The incident in relation to Self's Point. You indicated that there was correspondence went to the manager of Self's Point?---Yes.

PN1564

Or the site at Self's Point?---The manager, yes.

PN1565

Yes, the manager. Now, who wrote to him, was that you or was it Phil Oakley or who?---I – my audit report was attached to a letter that was from Phil as well, because – sorry, hang on. It might have even been Leon Carr that wrote the letter, I'm not quite sure, but it was a little bit different than a normal audit because of the type and the problems that we found, and yes.

**** KYM MANTEN XXN MR BAKER

PN1566

Does this indicate that there were other officers involved because of the size of it?---Yes. And again the two eyes, and having a witness - because also with that one we were calling into question someone that had been competent servicing the equipment. Now, we can say today that this stuff was serviced like this, and then if we ring the person and say, "Well, you didn't do it properly," the next time we go out there they may have fixed some of the problems. So it was more or less to have a back-up, more evidence.

PN1567

So when you question a permit holder, it's important to make sure you have got all the facts and figures right, isn't it?---Yes.

PN1568

Okay. Now, if we just keep going. In relation to the exhibit that went to the Black Buffalo Hotel - and you indicated that there where issues about compliance and non-compliance - exhibit A26 – and you indicated there was a 21-day, a 14-day and a seven-day letter?---Yes.

PN1569

When do you drop out of the process, if I could use that expression, you've written your report?---I do the inspection. I write my report. I then re-submit the file back to me in 14 days, to make sure that there's been no correspondence come in - either while I'm away, or I've been out, or

something like that – to double check that there has been nothing come in. Then I'll do a 14-day letter and then re-submit the file again to the seven days. And then the seven days is a registered letter, so then when it's picked up the file then comes back to me, giving the person seven days to respond in that time frame – to the fire service. And once those seven days are up then I will take it to my manager - - -

PN1570

Fine?--- - - - and he would sit down with me and discuss the - - -

PN1571

What then happens?---What we should do, and then he would then take it to – I believe to Damien – and then to the chief and then - - -

**** KYM MANTEN XXN MR BAKER

PN1572

The process is undertaken?---Yes.

PN1573

So when I look at this letter, A26, fire safety audit – and on the back page it says:

PN1574

All inquiries and return of items relating to this report-

PN1575

and presumably, if it was a letter – the 14-day letter or whatever it is – should be directed to yourself, and then it's signed by Phil Oakley – manager, building safety. You are in fact the author of the letter?---I'm the author of the letter, and I actually sign on behalf of Phil Oakley.

PN1576

Okay. So it's Phil Oakley's name that goes in there, as he's the manager?---Yes.

PN1577

Yes. Okay. So I'm clear with that?---It's just protocol that we've had in building safety.

PN1578

Yes, excellent. I'm not going to ask you about aggressive people, because we all deal with them in one way or another. So we won't go there?---Oh, yes.

PN1579

In relation to - just some general knowledge questions in relation to the Australian standards, and the other standards that you need to apply. Is that knowledge that you gain through the application of the standard?---The knowledge has been gained in certain standards over a period of years stemming back from my eight years in servicing equipment. And other knowledge has been gained from being asked questions, and having to look up stuff in regards to problems that have arisen. But when I first moved into the building safety division, back in 2000, one of my first tasks, I suppose,

or one of my first learning, was to sit down and read the relevant standards to get a good grounding in it.

**** KYM MANTEN XXN MR BAKER

PN1580

Yes, yes. But it's the application where you learn isn't it – rather than - - - ?---Yes.

PN1581

Yes. And of course I'm sure there are occasions when you do actually get stuck and have got to go looking for advice?---Yes.

PN1582

Like we all do?---Yes.

PN1583

Just in relation to the exhibits A29 and 30, which we spoke about being on a working party, and working with consultants to develop, refine and review - - -?---Yes.

PN1584

- - - those tasks fall within your statement of duties, do they not?---Yes, like I said, yes.

PN1585

And likewise - I think Mr Warwick made a point of you providing advice to clients in varying formats. That also is part of your duty statement, is it not?---Yes.

PN1586

And there was also an issue arose about you providing advice to – if I could use the term “more senior fire service personnel” - - - ?---Yes.

PN1587

- - - in the form of station officers and senior station officers?---Yes.

PN1588

When you go to seek advice from, for example, the resource management system – if you were involved in that area - that advice might be provided with somebody with a classification level less than your own?---I'm not aware of that.

**** KYM MANTEN XXN MR BAKER

PN1589

Okay. We won't go there then. Now, in relation to the claim that is before the commission as it currently stands, or did stand, or may stand - in relation to your current salary, there was a review undertaken of the salaries for community fire safety officers - - -?---Yes.

PN1590

- - - was there not? And as you indicated, there was - when you translated to the structure, there was a new - sorry, you did receive an increase in salary?---Yes.

PN1591

And you took a position, your current position, from that of being a fire equipment officer?---Yes.

PN1592

And in that capacity, if I quickly could just, very broadly summarise what a fire equipment officer does - is it not to sell, install and maintain equipment?---Yes, broadly, yes.

PN1593

Broadly – yes. I don't want to get into too much detail, but broadly, yes?---Yes.

PN1594

And the rate of pay for one of those persons - and I put this to you – is \$41,022?---Sorry, I wouldn't have a clue.

PN1595

And your current salary is – in round terms – I think you indicated was 48,000?---Yes.

PN1596

And you inspect – would you say – their work?---Yes. Part of my job would be inspecting some of their work, yes.

PN1597

Yes. So by comparison with a fire equipment officer, would you indicate to the commission, one way or another, if you think that salary differential is reasonable? It's a leading question, I know, but - - -

**** KYM MANTEN XXN MR BAKER

PN1598

MR WARWICK: Sir, isn't it for the commission to determine what's reasonable?---I really don't know how to - - -

PN1599

THE COMMISSIONER: Well, it is. And, I mean, you can ask the question and the response would be that, "I'm just not qualified to give an opinion." I mean, in some respects it's an unfair question, because it's beyond the level of expertise of the witness.

PN1600

MR BAKER: Well, the difficulty we have, of course, is that we don't actually have a claim before us. What we've got is this assumption, or this assertion that there's other people with like qualifications floating around.

PN1601

THE COMMISSIONER: Yes, but you are asking the witness to - - -

PN1602

MR BAKER: I understand yes. I'll rephrase the question.

PN1603

THE COMMISSIONER: Yes.

PN1604

MR BAKER: I make two more points in relation to salary comparisons, so we can put these, some of these things in perspective. You were classified as an operational employee level 8?---Yes.

PN1605

You currently hold a qualification that's certificate 3?---Yes.

PN1606

And I make - I'll put this as a statement to you, and no more than that. Are you aware that an operational employee level 7, who holds a diploma – that's a TAFE diploma – a certificate 5 – currently receives a salary less than \$45,000 per annum?---I don't know.

**** KYM MANTEN XXN MR BAKER

PN1607

Okay. There was a reference made to station officers and senior station officers. Are you aware of what their salary is?---Not exactly, no, sorry.

PN1608

That's okay. Are you aware that the salary for a station officer or a senior station officer contains a component for shift work?---Yes.

PN1609

Are you aware it also contains a component for weekend work?---Yes.

PN1610

Are you aware that it contains a component for public holidays?---Yes.

PN1611

Are you aware that it contains a loading for a reduction of working hours, however that it is defined?---No, I don't - didn't know that, sorry.

PN1612

So for example, if we were to look at the salary of a station officer – and I appreciate you may not know the exact salary – but I would put it on the record that it's currently \$67,009. And if we took off, for example, the shift work loading of 15 per cent, we take off \$10,051; if we took off the weekend penalty rates of \$5025; if we took off the public holiday loading of \$2513, that would reduce the salary to \$49,420. Your current salary is \$48,269 – sorry \$48,359. So there's not a great deal of difference, is there?---No.

PN1613

So if we compare like with like, an equal rate of pay with an equal rate of pay, there's only a couple of hundred dollars difference in the rate. Then if

we were to take a further 10 per cent off the top of the rate, which is an arrangement entered into between the union and the employer in relation to hours reduction, that would fairly reduce the rate of the station officer to \$42,718. So you actually have a skill-component loading over a station officer of some \$6000. Now, I know I'm not going to ask you whether or not you think that's reasonable. But in the scheme of things, do you now consider, or do you not consider, that the exercise that was done by the department, in conjunction with the UFU earlier this year, produced an outcome that is comparable in the circumstances of other employees at the fire service?---Well, I don't - sorry I don't - - -

**** KYM MANTEN XXN MR BAKER

PN1614

It's okay. I understand we're going to – like with like salaries with fire officers and other people. So, you know, we've got to get a comparison. Well, Mr Manten, thank you for your time this morning. Thank you, Commissioner. I have no further questions for the witness.

PN1615

THE COMMISSIONER: Ms Pearce. No questions?

PN1616

MS PEARCE: No.

PN1617

THE COMMISSIONER: Mr Warwick?

PN1618

MR WARWICK: Thank you, Commissioner.

<RE-EXAMINATION BY MR WARWICK

[12.01 pm]

PN1619

MR WARWICK: Mr Manten, do you have a copy of exhibit R5?---Could you explain the heading?

PN1620

That's your statement of duties?---Yes, I would have here somewhere, Mr Warwick.

PN1621

You will recall that Mr Baker took you through this document. So I would like to ask you a couple of questions in relation to it?---Yes.

PN1622

Under the section on duties; do you see there any reference to mentoring of other employees?---No.

PN1623

Would you say – you've already answered this question again, but would you say that's part of your job?---Yes.

**** KYM MANTEN RXN MR WARWICK

PN1624

Yes. Okay. If you could go to the level of responsibility - and I must admit here to being somewhat confused. The document says:

PN1625

Responsible to the manager building safety for achievement of outcomes consistent with organisational goals.

PN1626

Now, in respect to your level of responsibility, I would be very pleased if you could explain to me, because I don't know what that means, specifically in respect to your level of responsibility?---I don't know. I'd say - - -

PN1627

Do you think it describes your level of responsibility?---Possibly no.

PN1628

Well, we've discussed it, haven't we, this morning?---Mm.

PN1629

It has come up a number of times, your level of responsibility?---Yes.

PN1630

So on reflection, after thinking about it, do you think that is an adequate description?---I don't know, I - - -

PN1631

Yes, thanks. The second dot point is:

PN1632

Effective management of allocated tasks and resources.

PN1633

Again, I'm confused. Do you think that there's anything in those words that specifically describes what you do as opposed to what anyone else might do?---No, not really. I don't.

**** KYM MANTEN RXN MR WARWICK

PN1634

Let's leave the OH and S one because everyone is obviously required to do that, in this day and age. The next section is direction, supervision received. Now, let's read this carefully because Mr Baker did take you through it pretty quickly. Let's read it carefully.

PN1635

Specialist functions are undertaken under general direction and general supervision, and based on established procedures and practices.

PN1636

Now, Mr Manten, do you have someone watching you all the time?---No.

PN1637

Do you have someone watching what you're doing some of the time?---Sometimes I do, yes.

PN1638

How often?---Oh, depends on what the task is, I suppose, but not very often.

PN1639

And what - in respect of what things would they be watching you do?---As I stated before, where there is a permit holder issue, or there is a - I find a larger problem than is just an audit, then we will take another set of eyes with us, or another person with us. But in general - - -

PN1640

So there's another set of eyes. You know, let's be clear about what the evidence is. Is the other set of eyes there to act as a witness, or to watch you perform your job?---As a witness more than to watch me perform my job, yes.

PN1641

Okay. So how often do people watch you perform your job. How often do they come and say, "What are you doing? Show me what you're doing"?---Rarely. Hardly at all.

**** KYM MANTEN RXN MR WARWICK

PN1642

So how often, in the scheme of things, people coming and looking what you're doing, or alternatively you taking issues to other people, supervisors, which is - what happen the most?---I would take to the supervisors more than issues - - -

PN1643

Could you put a percentage on it?---I don't know, but a larger per cent would be taking stuff to the supervisors.

PN1644

So if some people come and ask you what you're doing - - -?---Yes.

PN1645

What are those tasks that you're doing that they come and have a look at?---Sometimes they'll come out with me and watch me do an audit, I'd - but very rarely that now. I mean, carry out practice evacuation procedures - the practice evac. I take an officer that oversees what I'm doing in that regard, because it says in my statement - - -

PN1646

So that happens - you said that happens occasionally?---Yes.

PN1647

So that means, by logical extension, it happens a lot of the time without that happening. Is that right?---With the evacuation, no, that would be probably

50 per cent, probably 60 per cent, 70 per cent of the time, I've got someone there with me.

PN1648

Doing what?---Just overseeing what I'm - because we do what we call walk-through evacuations, where there is a hotel where we're doing a practice evacuation, where the clientele are going to be different today than what they are tomorrow, so running a procedure where you, say like, let's evacuate everyone out of the building is not the way we do it because the clientele are changing. You might have people there for a day, you might have people there for a week. So we do it a different way. We sit down and run them through some, like a table-top exercise and that's where I have someone overseeing me - - -

**** KYM MANTEN RXN MR WARWICK

PN1649

Okay?--- - - - because I've got to report - in my statement of duties, I have to report the findings back to the consultant, and that's the reason why I take the consultant with me, so that I can report the findings or they can - - -

PN1650

Okay?---It's just so I don't step over the mark.

PN1651

So what does that mean, stepping over the mark?---Well, stepping into areas that are not in my statement of my duties, which - and it's fairly important that we do evacuation procedures correctly.

PN1652

Yes. So you're talking now, I assume, about the difference between your job and the job of a consultant or senior consultant?---Yes.

PN1653

And those people generally come from a career fire fighting background?---Yes.

PN1654

Yes, okay. So there's a delineation there?---Yes.

PN1655

Yes, okay. And that applies in particular in relation to evacuations?---That would be the most I take someone - that someone oversees me - would be - that would be the most tasks that - - -

PN1656

Yes?--- - - - someone does.

PN1657

So does it happen in relation to day-to-day garden audits?---No.

PN1658

Okay. So - and this witness goes with you, and that's a different thing again to supervising you?---Yes.

**** KYM MANTEN RXN MR WARWICK

PN1659

When does the witness go with you, just to clarify this for the commissioner?---When there's circumstances that I would warrant that we need, or, another set of eyes because it may turn into a political or a - - -

PN1660

Legal?--- - - - legal circumstance.

PN1661

I understand. Thank you. Mr Manten, the second sentence under Direction and Supervision in exhibit R5 says, and I quote:

PN1662

The incumbent is expected to exercise limited discretion and operate within TFS policies, procedures and guidelines, as determined by the manager building safety.

PN1663

So the key words there are "limited discretion", limited discretion. Now you described to Mr Baker the process for - general process in relation to correspondence. So in respect to garden, common audits, you take that correspondence. I think your evidence was, you take that correspondence all the way through to the point where it has to be taken to your manager with a view to legal enforcement?---Yes, yes.

PN1664

Do you think that in that succession of correspondence, I think you mentioned three items, would you say that you exercise limited discretion in that regard?---No, I - my discretion is not - no, I wouldn't say limited, no.

PN1665

Well, does anybody else tell you - - -?---No.

PN1666

- - - what you've got to do, on a day-to-day basis?---No, no.

PN1667

Normally speaking, in relation to a normal audit, would anybody ever tell you what you're supposed to do, in terms of this discretion question?---No, No.

**** KYM MANTEN RXN MR WARWICK

PN1668

Okay. So the circumstances are- tell me if I'm right, tell me if I'm wrong - you see something that's serious, you take that to the manager?---Yes.

PN1669

That right?---Yes.

PN1670

Otherwise you just go through the process and you decide what needs to be fixed in a place that's been audited; is that right?---Yes, I make sure. Yes. As long as it's - checking against the general fire regs and Australian Standards and - yes.

PN1671

Okay. Thank you. Mr Manten, Mr Baker asked you about changes since you had started in the job in 2002, in this safety auditor's role. I seem to get the impression you were only called a safety auditor about 22 months ago?---That's right, yes.

PN1672

Prior to that you were called a level 8 operational employee?---Yes, I was called a utility officer. I was - I had several different titles.

PN1673

Yes. So you said - and tell me if I'm wrong - that part of your job is auditing the service - the permit holders?---Yes.

PN1674

Okay. When was - has the permit system always been there?---For fire detection and alarm systems it has been - - -

PN1675

Yes?--- - - - but for portable fire equipment, no that was introduced - I couldn't give you a time but it was, I believe - - -

PN1676

Let me ask you Mr Manten, was it introduced after you became a utility officer, or whatever you were called after?---Yes, it was after that, yes.

**** KYM MANTEN RXN MR WARWICK

PN1677

Afterwards?---Yes.

PN1678

So has that had a significant impact or no impact on your job?---There has been an impact, because we now report on them, because we've got a - because we're policing, basically policing their work to make sure that they are doing it to the standard.

PN1679

So were you doing that when you first started in 2002?---Not to the degree I'm doing it now. No, I would say no.

PN1680

Can you put a figure out of 10 of how important that has become over the period, compared to where it was and where it is now?---Say eight - eight to probably a three, or something like that.

PN1681

Yes. Okay. Yes. Thank you. Now, Mr Baker took you to the Farley Street audit; is that correct?---Yes.

PN1682

Who wrote that report?---I wrote the report.

PN1683

This was after, I assume, you took a second person with you as a witness?---Yes.

PN1684

And no doubt you discussed the problems with that - it was a consultant I assume?---Yes, yes.

PN1685

You discussed those problems. How much of - how much input did the consultant have into you writing that report?---Oh, it was only through discussion of the problems. I actually wrote the report itself. It's - - -

**** KYM MANTEN RXN MR WARWICK

PN1686

But did he identify all the problems and then you wrote the report?---No. I identified several problems and he identified some more, but basically it was, yes, as we were walking through the building they were fairly easy to identify, in this case.

PN1687

Yes. So then you went back and wrote the report?---Yes.

PN1688

And was the report altered?---No, no. I sent it for proof reading to the consultant to make sure that I had covered all the areas, and he sent it back and then we took it to Geoff.

PN1689

To the district officer?---To the district officer, building safety, sorry.

PN1690

That's all of the questions I have, Commissioner. Thank you.

PN1691

THE COMMISSIONER: Yes, thank you, Mr Manten, you are excused?---Thank you.

<THE WITNESS WITHDREW

[12.16 pm]

PN1692

THE COMMISSIONER: Your next witness, Mr Warwick, is he available or not?

PN1693

MR WARWICK: Yes, he should be ready.

<KEITH ANDREW FRANKCOMBE, SWORN

[12.18 pm]

<EXAMINATION-IN-CHIEF BY MR WARWICK

PN1694

THE COMMISSIONER: Thank you, Mr Warwick. As an indication we will go through until about 10 to 1 then break for lunch.

PN1695

MR WARWICK: Thank you.

PN1696

THE COMMISSIONER: So if you get an opportunity around about that time when you're not half way through.

PN1697

MR WARWICK: Yes, thank you.

PN1698

Mr Frankcombe, what occupation do you hold?---The position I currently hold is that of an instructor with Community Fire Safety, TasFire Training within the Tasmanian Fire Service.

PN1699

And your work location?---I'm based at the training facility at Youngtown in Launceston.

PN1700

I see. The first question I want to ask you is, do you know a gentleman named Stephen Webster?---Yes, I do.

PN1701

And what sort of occupation does he have?---It's my understanding that his occupation is very similar, in fact identical to mine, however he's based on the north west coast.

PN1702

I see. Thank you. How long have you worked at being a Tas fire training instructor?---I have been employed in that – in my current position since I believe is March 2002.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1703

March 2002, thank you. And your occupation before that?---I was appointed as a fire equipment officer with the fire equipment division of the Tasmanian Fire Service and I was given the opportunity to transfer in a temporary capacity to Tas fire training due to the fact that there was a

reluctance of operational personnel to move to that area and take on this role. As a subsequent review of the position, the position was readvertised which I applied for and I was successful in obtaining that position which I currently hold.

PN1704

I see. I wonder if I might table a document, Commissioner.

PN1705

THE COMMISSIONER: That will be A31, job analysis questionnaire instructor.

EXHIBIT #A31 JOB ANALYSIS QUESTIONNAIRE, INSTRUCTOR

PN1706

MR WARWICK: Mr Frankcombe, are you familiar with this document?---Yes, I am, Mr Warwick.

PN1707

Could you tell, in a brief fashion, what this document is and how it came about?---This document is a product of a co-operative task undertaken between instructors at the time and with consultants and senior consultants and with management of the TFS to best describe the current work we do in our current positions. Not only the current work we do, but the expectations and the values of that work as well.

PN1708

I see. On page 2 of this document you will see that towards the bottom there's a section entitled, The Role of a TasFire Training Instructor Is and there are eight dot points under that section?---Yes.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1709

So could I ask you about the first of those. It says:

PN1710

The role of a Tas fire training instructor is to actively support change, to foster high rates of participation and competency in TasFire Training courses.

PN1711

Do you do that, Mr Frankcombe?---Yes, we do. One of the - - -

PN1712

No, no, I'm not interested in what we do?---Okay.

PN1713

I'm interested in what you do?---That's exactly what I do.

PN1714

How do you do it?---How do we do it - - -

PN1715

How do you do it?---Okay. It is – and one of the everyday challenges of work in this area is dealing with commercial clients of the Tasmanian Fire Service and quite often we find – I find that one of the challenges is that many of the course participants are there because they have to be there and this involves a high degree of personal interaction to convince these participants of the benefits to their organisations, the benefits of overall safety and it is done on a continual basis by supporting the requirements.

PN1716

Well, can I ask you about some of the key words in this dot point. The first one – the first part of it is to “actively support change to foster high rates of participation,” so how do you actively support change to foster high rates? What does that mean?---In a changing work place with constant change as far as legislation requirements, occupational health and safety requirements, our courses in the period of time that I’ve been employed in this role, I have seen some dramatic changes in the concept and the way we deliver courses, the constant change the courses are undertaking, the ability to assess competence, to instil and to demonstrate skills required to allow that person, whoever it may be, to meet the competency requirements of whatever we’re doing.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1717

Yes. So does this relate to getting people or employers to contract with the fire service to have their employees do this training?---Could you just ask the question again please?

PN1718

Fostering, high rates – fostering high rates of participation, is that about getting people to come to courses or is it about what you do with them once they’re there?---It’s both because I believe that if we send – I send a positive message to course participants they go back to their work place and they say, “That was pretty good.” That encourages other participants to attend.

PN1719

Yes, I understand. Thank you. So it also suggests that a Tas fire training instructor needs to foster high rates of competency in Tas fire training courses, so fostering participation and competency. What does fostering competency mean?---I can give a very good example of this which occurred not so long ago. We were – I was delivering a fire extinguisher course and I noticed one of the participants on the course was exceptionally nervous at going near the fire, to the point where the person really just simply refused to go anywhere near the fire. One of the person’s work colleagues approached me and said she’d actually seen or witnessed a fatal fire. I demonstrated to her that although we were dealing with fire, we were in a controlled environment under high level of safety and supervision and through actively encouraging this person, the participant was able to successfully complete the task and I believe that is one of my attributes in

getting people to achieve competencies by understanding their individual needs and requirements.

PN1720

Yes, thank you. So the next dot point is, "Facilitate the delivery of training and assessment requirements." So does that mean training people and assessing them?---On the second dot point?

PN1721

Yes?---That is exactly correct.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1722

So how much time do you spend training people?---Best part of my working day, depending on the course we're doing that could amount to probably 80 per cent of my work time, with the balance of that being made up of assessing – written assessments, marking them appropriately, any assessment – any questions that aren't clearly, in my view, demonstrating competence there is often the requirement to do follow-up work with that particular client, or that particular individual to understand if they actually understood the question or they can't demonstrate competence whatsoever. That unfortunately has happened on one or two occasions.

PN1723

Yes. So you spend pretty much every day training?---With the work associated, yes.

PN1724

Okay. So what qualifications do you have to have to facilitate the delivery of training and assessment requirements in this context?---In this context; when I transferred temporarily from the fire equipment division into the training division, the fire service set down to me to achieve a number of fire fighting competencies that were directly related to delivering the training courses that we deliver. It was very specifically clearly stated on that letter that these competencies would be recognised only in my capacity to deliver Tas fire training courses. It was a requirement to have the underpinning skills and knowledge of fire fighting to deliver these courses.

PN1725

I wonder if I might seek to table three documents, Commissioner. We are shy of the requisite number, I'm sorry.

PN1726

THE COMMISSIONER: Thank you. Are these marked together or separately, Mr Warwick?

PN1727

MR WARWICK: Separately, probably, I think that's the way we have been going, Commissioner.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1728

THE COMMISSIONER: All right. The first one will be A32. How do I distinguish between - - -

PN1729

MR WARWICK: One is called Training Competencies, one is Individual Assessments and the third is Member Summary.

PN1730

THE COMMISSIONER: Yes, okay. Right. A31 is Member Summary. Sorry, A32. A33 will be Individual Assessments and A34 will be Training Competencies.

EXHIBIT #A32 MEMBER SUMMARY

EXHIBIT #A33 INDIVIDUAL ASSESSMENTS

EXHIBIT #A34 TRAINING COMPETENCIES

PN1731

MR WARWICK: Thank you, Commissioner.

PN1732

Mr Frankcombe, do these documents reflect what you were just talking about?---Yes, that's correct.

PN1733

What are those fire fighting competencies?---Please, could you say again?

PN1734

You were talking about when you started as an instructor?---Yes.

PN1735

The fire service arranged for you to do certain fire fighting competencies?---That's correct.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1736

Could you identify them?---There's actually quite many of them. These were taken from the AFAC modules, which is Australian Fire Agency Council modules, and they - - -

PN1737

Let's see the Australian Fire Competencies, Mr Frankcombe?--- - - - and many of those appear on the document member summary.

PN1738

I see. And are you a volunteer fire fighter, Mr Frankcombe?---Yes, I am, in my part time.

PN1739

Do volunteer fire fighters have to get all these competencies?---No, they don't.

PN1740

So what was the reason for you getting them?---The reason why I had to obtain these competencies was so I had further underpinning skills and knowledge to deliver the higher level training to clients of Tasmania Fire Service, TasFire Training. For example as a volunteer fire fighter, we do nothing with confined space.

PN1741

Yes. Yes. Are there any other examples that spring to mind?---Yes, administer oxygen, height safety.

PN1742

Height safety?---Yes. Although that doesn't appear on this competency here, on this - these courses here.

PN1743

Thank you.

PN1744

THE COMMISSIONER: Just before you go on, Mr Frankcombe, on A34, training competencies, I'm intrigued by the attainment date of brigade induction, 1 January 1900.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1745

MR BAKER: I think that was the brigade at Pasminco, wasn't it?---If I could answer that question. Where the date was unknown, it defaulted to double zero, or 1900.

PN1746

THE COMMISSIONER: Okay. You carry your age very well, Mr Frankcombe?---Thank you very much, I've been told that. Commissioner, if I may just explain too, on training competencies, there are also included on this some of the competencies I have achieved as a volunteer fire fighter. Some of these competencies here also, for example, "train small groups, conduct assessment, deliver training sessions", that is all part of my certificate 4 workplace trainer and assessor, which was acquired through my work.

PN1747

Yes, thank you. Sorry about that interruption, Mr Warwick.

PN1748

MR WARWICK: Thank you. That's fine.

PN1749

You are also, are you not, qualified as an advanced plumber and gasfitter?---That is my trade background, which I completed some years ago. However I still maintain that registration - - -

PN1750

Yes?--- - - - in mechanical services, heating and ventilating.

PN1751

Yes. Mr Frankcombe, have you at any time sought to become qualified in respect to fire investigation?---Yes, I have and I completed the Tasmania Fire Service fire investigation course some years ago.

PN1752

Would I be mistaken in saying that was on the 21st day of March 2003?---That is correct.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1753

Thank you. Mr Frankcombe, again, would I be correct in saying that you have successfully completed certificate 4 in assessment and workplace training?--- That is correct, yes.

PN1754

What was involved in getting that qualification?---That qualification obtained - was obtained over about 10 working days, full-time and part-time study, which involves planning and delivering training sessions, conducting assessment, reviewing assessment, review of training procedures. It's all part of the certificate 4 workplace trainer and assessor.

PN1755

Yes. Thank you. I haven't tabled some of your qualifications in that regard, Mr Frankcombe, but I must put this one forward, if I may, simply by virtue of - I've never seen one like this before?---Thank you.

PN1756

THE COMMISSIONER: This will be - they're one and the same are they?

PN1757

MR WARWICK: They relate to the same matter, yes.

PN1758

THE COMMISSIONER: Yes, yes, right, I will mark them together. This will be A35, certificate of appreciation.

EXHIBIT #A35 CERTIFICATE OF APPRECIATION

PN1759

MR WARWICK: Obviously you are aware of these documents, Mr Frankcombe. Could you tell us what they are?---Yes, I was successful in

my trade in heating, ventilating and plumbing to participate in, not one, but two winters, periods at Davis Station in Antarctica in 1994 and 1995.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1760

Two seasons?---Two seasons, yes. I returned to Australia for eight weeks during those, that two winter periods. During that time we were living in a very much isolated community, as you would appreciate that effect of the, then, winter programs in Antarctica. And there was a study conducted which was voluntarily undertaken, through the Johnson Space Centre in NASA, on psychological effects of long periods of isolation without other mainstream societies, 18 people living on a remote island basically. The relevance why I've tabled this is, the Tasmania Fire Service and TasFire Training conduct the emergency response team training for the Antarctic Division. In other words, we train their fire crews that are going - their members of the stations who are going down there and will be part of their emergency response team, should an incident occur on the station. I found this, and my colleagues within TasFire Training, have found this invaluable experience because I can relate to the experiences that, in particular new expeditioners, first time expeditioners, could be encountered, or could encounter in that, in that time of deployment to Antarctica, and this was a study that was conducted by NASA to understand how people get along in isolated communities for extended period of time and we were told about it, informed about it because they're looking at long term, long duration space flight, but it's nice to have that one on the wall.

PN1761

I see. Most interesting. You had to spend a fair bit of time being cold to get it, I imagine?---I certainly did.

PN1762

If I could table a further document, Commissioner.

PN1763

THE COMMISSIONER: This will be A36. Can you help me with a title, Mr Warwick?

PN1764

MR WARWICK: It's a list of legislation standards, Commissioner.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1765

THE COMMISSIONER: List of legislation and standards.

EXHIBIT #A36 LIST OF LEGISLATION STANDARDS

PN1766

MR WARWICK: Mr Frankcombe, are you familiar with this document?---Yes I am.

PN1767

Can you tell us what it is?--What the list represents there is the various acts, legislation and codes of practice that I have to be conversant with in delivering the various training courses that we undertake. Now, I stress conversant, not full knowledge of every individual act or piece of Australian Standard. We - I constantly have to be mindful of the legislation that requires - to many of the courses that we deliver. For example, confined spaces, the Workplace Health and Safety Act, workplace health and safety regulations and the reference to working in confined spaces in Tasmania, makes the reference to the Australian Standard. Also, with our emergency control organisation and procedures for the building structures and workplaces and planning for emergencies in health care facilities, those two documents are referred in the general fire regulations to specified buildings, which, again, is a legislative requirement which we need to have an understanding of.

PN1768

Yes. We'll come back to that, Mr Frankcombe, but I'm wondering, Commissioner, is it a quarter to or ten to?

PN1769

THE COMMISSIONER: Around this time, if it is convenient now, we'll break and resume at two o'clock.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1770

MR WARWICK: That would be appropriate. Thank you, sir.

LUNCHEON ADJOURNMENT

[12.45 pm]

RESUMED

[2.02 pm]

KEITH ANDREW FRANKCOMBE:

PN1771

THE COMMISSIONER: Mr Warwick.

PN1772

MR WARWICK: Thank you, Commissioner.

PN1773

Mr Frankcombe, we were discussing before lunch the first two dot points on A31, which is the job analysis questionnaire in relation to TasFire Training instructors, and I'd like to go on to the third dot point and that says that part of the job is to:

PN1774

Assist in the continual reviewing, development and/or contextualisation of courses.

PN1775

What is your role, Mr Frankcombe, in reviewing courses?---My role in reviewing courses is often undertaken when there may be particular issues regarding clients needs and that information is communicated to me by my supervisor.

PN1776

Who is?---Phillip Mackrill.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1777

We heard from him last week, yes?---Yes. Because of the varying issues in many workplaces, sometimes our tailored programs do not particularly fit in with the organisational structures in emergency control organisation, for example, or in their emergency-response-team training, as the standard program does.

PN1778

So what would Mr Mackrill say to you in respect to this first question, “I want you to review something”? What would his words to you be?---Words similar to, “Andrew, this client has a particular, for example, evacuation system, emergency warning inner-communication system that they require some training on and therefore I would like you to alter your program to include, for example, 30 minutes of time spent on utilising, understanding and demonstrating competence in using that piece of equipment.”

PN1779

I wonder if I may table the document, Commissioner?

PN1780

THE COMMISSIONER: This will be A37, four hours non-accredited program.

EXHIBIT #A37 FOUR HOURS NON-ACCREDITED PROGRAM

PN1781

MR WARWICK: Mr Frankcombe, are you familiar with this document?---Yes I am, Mr Warwick.

PN1782

And how does this - does this relate at all to the comments you have just made?---Yes, it does.

PN1783

Can you tell us how?---Okay. With this document here, this is a lesson guide, which I as an instructor would use, not only for management of the course, but also outlining key points as requested by the client back through

Phillip Mackrill to myself. For example if we could turn to page 2, and on the left-hand column topic lower portion of the page:

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1784

Undertake a series of short exercise in utilising resources available at the complex.

PN1785

Now, this often requires me to do investigative work to actually go and familiarise myself with the equipment they may have on the worksite, the particular type of fire panel, and then designing and delivering and supervising, for example, searching of an area, ensuring that the personnel involved in the emergency control organisation have a clear understanding of their roles and responsibilities, and then utilising the EWIS - the emergency warning inner-communication system – which is basically a phone system to communicate back to the chief warden any information they may have relating to searching of the building, progress of the fire, any other emergency-type situation they may be dealing with.

PN1786

So how important would this be in the scheme of things, in respect to a real emergency at this facility?---Well, absolutely vital. I believe that these scenario-type drills are an excellent way of instilling confidence into the people that are going to be using these things, this type of equipment in situations, and as recently as Monday I undertook a very similar structured program, and from all reports I've received that it was most beneficial and gave the employees of the facility a lot more confidence should they be faced with a real emergency.

PN1787

Am I right in assuming this is an aged-care facility?---That is correct.

PN1788

Do aged-care facilities present a unique set of problems in this regard, or not?---Aged-care facilities pose some unique problems, particularly in any type of emergency, notwithstanding fire. We have large numbers of non-ambulant personnel, presence of chemicals, oxygen, life-support systems, and also the problem that there may be limited staff numbers available, particularly after hours, when any type of emergency could occur, not limited to just fire.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1789

And am I right in thinking that there's problems associated with - there may be a lot of non-ambulant people?---Yes that's correct.

PN1790

Could I read you a list, Mr Frankcombe, of different units or different courses that TasFire Training delivers, and ask you whether you do this sort of work, this consultation, collaboration and design and reviewing, and

what's the other word, contextualisation? There's a course in work in accordance with an issued permit?---Yes. That is in conjunction with our confined space course.

PN1791

What sort of permits are these?---These are work permits required under actual legislation and under Australian standards, where a person - a worker may be entering a confined space - because of the legislative requirements, there are certain procedural - procedures that have to be followed prior to entering that confined space.

PN1792

Yes. So the specific question is, do you have to do this contextualisation in respect to this sort of training?---Could you ask the question again please?

PN1793

Well, if you have a particular facility, a zinc works or a newsprint mill, do you have to go there and talk to them about how you might customise the delivery of that training for them - - -?---Yes, exactly right.

PN1794

- - - in relation to that sort of work – that sort of training, I'm sorry?---That is exactly correct.

PN1795

Do you do it in relation to work safely at height?---Yes we do.

PN1796

And what's your role when you are doing this?---My role is - - -

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1797

Mr Mackrill gives you the instructions?---Yes.

PN1798

Is that right?---Yes.

PN1799

And you go and meet with the client, and you talk to them about - - -?---The specific risks and requirements and needs of that worksite.

PN1800

To develop workplace fire safety awareness, to operate workplace portable fire-fighting equipment?---That is one of the lower - what I would rate as one of the - a course which is fairly well standard.

PN1801

Okay?---There is really not that much contextualisation of that course. That's one basically out of the box that can be delivered.

PN1802

Here's another. Operate workplace fire-fighting pumps?---Again, with that one, that is delivered to our clients who are undertaking emergency response

team training, and because of the various worksites there are many different issues with risks and requirements of those worksites. For example, Tasmanian Alkaloids at Westbury, compared to Auspine at Scottsdale, two heavy industries, but with very different requirements as far as looking at that particular course.

PN1803

Yes. Well, since you mention it, let's talk a little about emergency response teams. The first question I'd like to ask you there is, when you started as a TasFire Training instructor, was the unit in the business of working with - obviously they're large enterprises - in developing their emergency response team training?---Yes, the TasFire Training was involved in that, but primarily the majority of the work was being done in the southern region, particularly with the Antarctic Division, Zinifex, Pasminco and some of the mines on the west coast. It was generally run from the southern division. However, due to expansion in that field, now the northern region and the north-west region are undertaking that role in their own regions respectfully, on a larger scale.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1804

Yes. Now, Mr Mackrill told us last week about his involvement in emergency response team training. Could you tell us your involvement - obviously you deliver training, but in particular the questions of consultation with the employer or the person buying the training, about the requirements to contextualise that training. What role do you play with Mr Mackrill? And what role do you play with the firm that has engaged the unit?---Quite often in the situation we're identifying issues that a particular client may require. Mr Mackrill and myself will both go and visit the client's site. Mr Mackrill will be talking at the higher level, from identifying particular issues that the client may identify and a co-operative development of the program based around that client's needs as we're - I become involved, and as an instructor I would need to develop particular exercises, or adopt particular exercises for that at-risk area.

PN1805

And once you've done that, what happens? Obviously you create paperwork. I imagine it's not unlike the Presbyterian Homes area warden and warden training? You produced that sort of documentation?---A lesson will be developed in those areas. We utilise Powerpoint presentations extensively.

PN1806

No, that's not what I'm asking you, I'm asking you - do you produce that documentation?---Yes.

PN1807

About the contextualisation of the course - - -?---About what I'm going to deliver on that day.

PN1808

Okay. So I would imagine in respect to an emergency response team that there would have to be a whole lot of courses that they would have to do?---For an emergency response team yes, there are a number of courses that they do to gain overall competency.

PN1809

What's a rough number do you think?---I could name them.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1810

Just give us a rough number because I'm going to go through some more courses in a minute?---Five.

PN1811

Okay. And would you have to be involved in this contextualisation of all of them, or just say one of them?---I wouldn't say all of them, but I would say more than one.

PN1812

And if I could refer you back to an exhibit, A36, which the commissioner marked as a list of legislation and standards, what sort of interrelationship would there be between the work you're doing contextualising these training courses and this list of laws and standards?---As a direct comparison which ones out of here would I use; is that your question?

PN1813

Yes?---Yes, well obviously there would be the Workplace Health and Safety Act and the workplace health and safety regulations, also there would be the Australian Standard AS2865 safe working in a confined space, Australian Standard 3745 emergency control organisation and procedures for building structures and work places, Australian Standard 4083 planning for emergency health care facilities.

PN1814

So you would have to be highly cognisant, am I right, in relation to how those standards work and what you're doing in these courses?---That is correct.

PN1815

Would these set parameters for the extent to which you can change it or not change it?---Most definitely, yes.

PN1816

Thank you. Operate breathing apparatus, I assume these emergency response teams have the breathing apparatus capability?---Yes, they do.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1817

Last week I asked Mr Mackrill whether it was or wasn't a reasonable analogy to describe these emergency response teams as being akin to a volunteer fire brigade?---I would say that they would be operating at a

higher level than a volunteer fire brigade, depending on the classification of that brigade.

PN1818

Why would you say that?---These emergency response teams are often in a remote isolated area and in the short term they do not have the immediate support of TFS career and volunteer brigades at their disposal. It may be an hour, it could even be longer before they get help from TFS units.

PN1819

And what would you say is the consequence of that from a professional point of view?---The consequence of that is that somebody could die.

PN1820

Why?---If these emergency response teams could not respond effectively to the emergency, adopting the procedures that we – as the fire service, and as our training requirements go - - -

PN1821

No, I'm not asking about them, I'm asking about you?---From my point of view?

PN1822

Yes?---If I haven't trained somebody to a high standard of competency using breathing apparatus and a mistake is made.

PN1823

But this isn't somebody, they're a team aren't they?---There is a number of people involved.

PN1824

So you are responsible for the team, training the team?---Yes.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1825

Okay. Thank you. So you mentioned "undertake fire control and emergency rescue," I think – you mentioned that yourself just a moment ago. "Undertake first response to fire incidents." You did mention, "Operate as part of an emergency control organisation," and "lead an emergency control organisation," and the lower level course in relation to that. "Provide initial response to workplace hazardous material incidents." You delivered – am I right that Tas fire training delivers that generally, but also in these – for these emergency response teams?---Yes, that's part of their training package.

PN1826

"Develop workplace fire safety awareness for community workers," what's that unit about?---That unit has been developed with a particular work group in mind, that is the community nurse rural nurses where they're working from a health care facility and doing remote area type caring, particularly in the rural sectors of the state. Additional issues there are the remoteness of where they work, identifying if something happens in their workplace, it

may be a resident's home, some basic procedures of what they could be doing.

PN1827

Yes. You also provide instruction in height safety?---Yes, that's correct.

PN1828

Am I right in saying that that's a fairly new area in respect of emphasis for workplace standards?---Yes, it is.

PN1829

It's not something that's probably been addressed in years gone by as it should?---It's really only become a requirement, I would suggest, within the last two years.

PN1830

Yes. So how much contextualising goes on there, reviewing, developing contextualisation?---In that particular program that's generally being able to be delivered at our training facility, so with respect to that particular course it can be basically delivered as it is.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1831

But surely there are all sorts of different ways that people can be working at height?---That's exactly right, there are people – we have people that have particular requirements, say for tower climbing, radio communications towers, where other people may be required to work on a building and there are differing requirements of the aspects of working at height between those two work places.

PN1832

So what are the rules about it, going about it the same?---The rules about us are the same.

PN1833

So you don't – say if I'm wrong – if I'm right or wrong, but you don't actually need to contextualise that work?---To a point. To a point.

PN1834

So as a proportion of the training you do, and I'm not talking about actual courses you deliver, but in terms of clients that Mr Mackrill asks you to go and see, how often does that happen?---On a weekly basis or a monthly basis, maybe two or three times a month.

PN1835

And how much of your time is spent on dealing with that need to contextualise, if that's the word, how much of your time in respect to each occasion?---Again it varies on the workplace, it may be one hour, it could be half a day - - -

PN1836

Yes, I see?--- - - -from those areas, particularly if I look at a recent course I delivered to Gunns Longreach, yes, half a day prior to actually going and delivering the course.

PN1837

Is that just talking to them?---That's discussing their requirements, specific sites, ascertaining their risks and adjusting our training to facilitate a response to their risks.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1838

So the half a day includes the documentation that you would produce?---Yes.

PN1839

Yes, I see. If I could turn back to exhibit A31, the job analysis questionnaire, so what does "plan and prepare for the delivery of training services," is that different to what we've been talking about?---In some ways it is, Mr Warwick, yes.

PN1840

Could you describe how?---Plan and prepare for the delivery of training services includes a whole range of issues including administration, logistics, organising the training venue, it it's an off site training venue. Again, there are issues with even delivering training at Youngtown, at our facility there. The procurement of training aids, fuels, extinguishers, preparation of hoses, pumps, again I think administrative-type tasks, registration forms, assessment forms, course evaluation forms, the preparation and planning for that.

PN1841

So you need to be able to go and train anywhere; is that right?---Yes.

PN1842

What about promoting Tas fire training, is that a part of your job?---Yes, it is.

PN1843

How do you do that?---Well, being a member of the Tasmanian Fire Service I'm constantly mindful that we are always in the public eye and that any my actions can directly reflect on the rest of the members of the organisation. And I'm constantly mindful that, not only from a personal point of view, but from an organisational needs that I see it as a win-win situation if we can push our delivery of training in a positive manner and reinforce the issues that are of benefit to the community. I see that as promotion of Tas Fire Service and our unit as well.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1844

Thank you. The next dot point talks about communicating with relevant personnel and clients as necessary. I think we've talked about having

discussions with clients, but does this talk about other Tas fire training instructors or other people in the unit?---Most definitely. Co-ordination between the different units, the two different training units, although there is an experiment, a trial going on at the moment in the northern region, however that's only a trial, but quite often liaising with other members of training as to the availability of resources in general.

PN1845

The second last dot point talks about providing consultation by providing specialist advice and guidance in related courses as required, do you think we've covered that?---I'd like to expand on that if I may please?

PN1846

By all means?---I consider my experience and qualifications and competency in my building trade has been absolutely – has been of high value when discussing issues like building safety, building design, sprinkler systems, compartmentisation of buildings, how a building may hold up in a fire because of its design criteria. Also my broad-based skills in – as I say, in my plumbing and background trade has provided me with valuable assistance in areas like understanding and communicating to clients and course participants on LP gas fires and hazardous materials.

PN1847

Yes. Who do you do all those things with?---Which particular clients?

PN1848

Well, is it clients or is it other staff or your supervisor, or all of those?---Specialist advice: Tasmanian Alkaloids, when I've done ERT, emergency response team training there; training services staff, particularly on the issue of LP gas, we have a training prop at Youngtown and there are only a handful of people that can operate that training prop. My trade skills have been invaluable in understanding and the operation of that.

PN1849

Yes. The last dot point is “provide on-the-job coaching and mentoring to new staff and casual staff”?---Yes.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1850

What goes on there?---Again, this is on-the-job coaching and mentoring of new and casual staff – again, because of the issues of operational staff coming to our unit, in many of the courses, particularly the high level courses, there is a requirement to supervise and mentor those personnel to a point where they can actually deliver the courses on their own. The simple fact of the matter is that they are not – although they have an understanding of some of the issues involving courses like confined space, height safety, emergency control organisation - there is a requirement that these personnel are trained and mentored to be able to deliver that course to commercial clients of the fire service.

PN1851

And you do this?---Yes, I do.

PN1852

Does anyone else do this? I'm just thinking about your region, the northern region?---Phillip Mackrill.

PN1853

Mr Mackrill does it as well?---Yes.

PN1854

Who does the major part of it, you or Mr Mackrill?---I would be.

PN1855

To your knowledge does Mr Webster do this on the north west coast?---To my knowledge yes he does.

PN1856

Are you aware of whether there are any Tas fire training instructors in the south?---Yes, there are Tas fire training instructors in the south.

PN1857

Could you give the names to the commissioner?---Eric Braithwaite, Nigel Reed, Chris Brown.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1858

I see. And do you know where those people worked before they became Tas fire training instructors?---It is my understanding that two of those people came directly from operations. One of those persons had actually left the fire service, for the period of time, I don't know, and returned to the fire service in that capacity.

PN1859

In the case of Mr Brown and Mr Reed, they went straight from shiftwork operations into Tas fire training didn't they?---I believe that to be correct.

PN1860

And do you know what classification they're employed as?---Station officer.

PN1861

Now, to the best of your knowledge do they work at a higher level than you?---No, they do the same job as I do.

PN1862

I see. And there has recently been someone from the career brigade has come to work in the north west; is that right?---Yes.

PN1863

Did that person come straight from - - -?---Yes, that's correct.

PN1864

Only fairly recently?---Yes.

PN1865

So would you say that Mr Webster would be mentoring him?---Yes, he would be.

PN1866

And the difference between Mr Webster and yourself, is there any in terms of the level at which you work do you think?---No, I don't believe there's any difference between the level at which Mr Webster and myself work at.

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1867

He does the same job as you?---Yes.

PN1868

He goes to businesses and meets these client's needs in the same way that you do?---That's correct.

PN1869

So in that consultation process, or perhaps I should step back – you said before that this sort of contextualisation and meeting clients needs in the past only happened in the south. So it started to happen in the north and the north-west?---Yes, definitely in the north and - - -

PN1870

Over what period of time?---I would suggest in the last three years. There has been a dramatic change in the way we deliver our training.

PN1871

Why is it dramatic?---Because of the requirements of individual businesses, finances. Finance has a lot to do with it. Number of staff, high turnover of staff. Clients are wanting more particular requirements for their individual workplaces.

PN1872

Yes. And one last question. Obviously, it seems to me that a client might ring TasFire Training and probably speak to Mr Mackrill, because I imagine you're out training, because you do that most of the time. And so Mr Mackrill will talk to you. That seems to be the procedure that you've outlined?---That would be the norm.

PN1873

And either you, or both he and you, would go and see the client. Could you describe the level of accountability and responsibility that you have in that process, as compared say, to Mr Mackrill?---In developing a course?

PN1874

Well, how much of the whole process of meeting the clients needs - what is your level of responsibility in that?---In a percentage wise?

**** KEITH ANDREW FRANKCOMBE XN MR WARWICK

PN1875

You can answer it in any way you choose?---I would suggest I would probably have low to medium level of direct responsibility in that area, with Mr Mackrill taking on board the majority of that. However, when it comes to developing the program itself, some particular programs I assume 100 per cent responsibility for.

PN1876

That's in relation to modifying the actual course?---Yes.

PN1877

Okay. And in that – I think you said before – in that context you have to rely on the legislation and standards set out in A36; is that right?---That's correct.

PN1878

Yes. I'll leave it at that. No more questions, Commissioner.

PN1879

THE COMMISSIONER: Mr Baker?

PN1880

MR BAKER: Thank you, sir.

<CROSS-EXAMINATION BY MR BAKER

[2.37 pm]

PN1881

MR BAKER: I just beg your pardon for a moment, Commissioner.

PN1882

THE COMMISSIONER: Yes.

PN1883

MR BAKER: I've lost my place. I've obviously done too many matters in the commission of late.

PN1884

Okay. Mr Frankcombe, regarding, just for clarity's sake, could you just inform us as to what your current classification is?---Instructor TasFire Training.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1885

And that translates to a community fire safety officer, level 2; is that correct?---I believe that is correct, yes.

PN1886

And that new classification came about as a – following some discussions, debate, negotiations between the UFU and the employer?---Yes.

PN1887

Now, perhaps if I could just take you back. The essential qualifications that TFS required of you, at appointment, to the current positions you hold, what were they? Do you recall?---Essential qualifications, off the top of my head I can't recall.

PN1888

That's okay. Thank you?---You have probably got them there.

PN1889

Well we will. We'll get them in a moment. I just thought I'd ask you if you could remember?---I know one was - - -

PN1890

I know our memories get a bit dim after a while?--- - - - certificate 4 workplace trainer and assessment.

PN1891

I'm sure that was there as a requirement - - -?---Yes.

PN1892

- - - as any training officer would have?---Essential and desirable.

PN1893

Yes. Now, I notice that you handed up, through exhibit A34, I just need some clarification on that, which is the list of competencies. Now, I notice that - sorry. I do beg your pardon. There is actually three documents, isn't there?---Yes.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1894

There's 32, 33 and 34. Now, 32 deals with what is known as individual assessment, 33 - yes. Sorry 32 is the member summary, 33 is the individual assessment and 34 is the training competencies. Now, on 32 it has got individual assessment and 33 - I beg your pardon. On 32 member assessment - it's broken into individual assessment, and on the back of that it has got competencies. Can you explain to me and to the commission the difference between, what is known as an assessment and a competency? I can understand what a competency is?---Right.

PN1895

Can you tell me what the difference is between the two?---To achieve a competency you need to obtain a number of assessments - - -

PN1896

Right?--- - - - competencies. So the way these are set out, that a number of these assessments make up an individual competency.

PN1897

So for example, if we took the first competency regarding induction, for example, that may relate to - or there may be for example, the first half a dozen units of assessment on the first page. I'll just pick the first six?---No, it doesn't.

PN1898

I understand that - - -?---Yes.

PN1899

- - - but just for the exercise, those half a dozen assessments might make a competency?---Might make a competency, yes.

PN1900

So - and if we look down through the competencies that are listed there - - -?---Yes.

PN1901

- - - and if we come down to BSZ404A which is the workplace assessor qualification - - -?---Yes.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1902

- - - and those units of competency there - - -?---Yes.

PN1903

- - - from training small groups down to review training inclusive?---Yes.

PN1904

Right. Okay. And then we have, at the bottom of that page, there is the course outcome. Course outcome? And what's the difference with that one and the one above for example, the competencies? Is that an emergency – is that a single unit, as in emergency care?---That is a single unit made up of individual competencies.

PN1905

Yes. Right. Okay. I might come back to that at a later time?---Sure.

PN1906

Now again, Commissioner, we have this issue with the job analysis questionnaire that arose last week, inasmuch as, the one that was handed to the commission was not the one that – not the final document. So I would hand a copy of the final document to the commission.

PN1907

THE COMMISSIONER: That will be R6 job analysis questionnaire. I'll put in brackets final document.

EXHIBIT #R6 JOB ANALYSIS QUESTIONNAIRE (FINAL DOCUMENT)

PN1908

MR BAKER: There are still some markings on it. I just want again, to just go through - Have you seen the document before, Mr Frankcombe?---This particular document?

PN1909

Yes?---Not to my recollection.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1910

Yes, we had that difficulty in Launceston last week. There was an issue about whether the document had been sighted or not.

PN1911

THE COMMISSIONER: You got a similar response, as I recall.

PN1912

MR BAKER: Yes, although Mr Mackrill, I think did - I think we – can I just – did we give you the wrong document?

PN1913

MR WARWICK: That's my R6.

PN1914

THE COMMISSIONER: Go off the record for the moment.

OFF THE RECORD

[2.47 pm]

RESUMED

[2.48 pm]

PN1915

MR BAKER: So this was, what we considered to be the final document, though I'm not – because you haven't seen the document before – I'm not going to take you through it this afternoon, but I'll just ask you a couple of questions in relation to the job analysis questionnaire documentation that was prepared - and that was prepared, was it not, or perhaps you may not know, but I'll ask the question - was or was it not prepared in preparation for the writing of the new classification standards? Are you aware as to what it was prepared for?---My understanding, it was prepared to put in a clearer picture of the exact work we do.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1916

Do you think, in regards to whether, which document we talk about this afternoon, do you think it actually achieved that task?---There was much discussion because I recall a number of copies being submitted and then returned and this is probably the confusion as to the actual date of the effectiveness of this document - its date. It's got a statement here on the date, 3 July 2003 but actually when this one was finalised, submitted, I don't know.

PN1917

The 2003 only goes to the statement of duties, whereas I think this document was reviewed in 2006, I think from memory, was it not? I think

this document was prepared in 2006, even though it hasn't got a date on it? So perhaps if we actually moved to your statement of duties and we - - -

PN1918

THE COMMISSIONER: Just for clarity, Mr Frankcombe, can you give a response to that last question, please?---Could you ask the question again, please?

PN1919

MR BAKER: Sorry. The date that's on the document is the statement of duties last reviewed on 3 July 2003. The document, that is the job analysis questionnaire, whichever copy you refer to – that was actually done in around 2006?---I can't honestly recall the exact date. It may have been 2006. Certainly I don't believe I've seen this document on my email system or anywhere on my material.

PN1920

No, no, no, I just asked you if you had some idea as to when the date, when it was signed that was all. I will hand you a copy of the statement of duties?---Thank you.

PN1921

THE COMMISSIONER: That will be R7 statement of duties, CFS officer 2.

EXHIBIT #R7 STATEMENT OF DUTIES, CFS OFFICER 2

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1922

MR BAKER: If I just take you to the position objective and it says, and this is the document that was dated – the effective date is 9 August 2003, and it says:

PN1923

Position objection: deliver fire safety and related training services to private and public sector employees.

PN1924

Is that a very generic description of the objective of the position?---Yes, I would say that's a very generic, broad overview.

PN1925

Yes, they tend to be very broad. There's a list of primary duties there which are listed and they are:

PN1926

Prepare, deliver and assess scheduled training in a safe and learning environment. Actively maintain safe working practises and conditions. Perform basic administrative and record keeping tasks. Assist in the review and upgrading of training programs and

resources. Respond to inquiries received from clients. Monitor, assess and report on the performance of casual instructors.

PN1927

Is that a reasonable summary of the duties?---That I currently perform, no.

PN1928

And what's missing off the list?---Let's go – primary duties, dot point one, “prepare, deliver and assess scheduled training in a safe and learning environment,” – yes, I agree with that. “Actively maintain safe working practise and conditions,” – yes, I agree with that. “Perform basic administrative and record keeping tasks,” – that is a bit questionable. I believe the administrative tasks that I do are a higher level than basic, particularly when the times I have been acting up in a position, or that Mr Mackrill may be preparing other quotes for clients and I receive – I take direction from him and generate courses.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1929

So on occasion you are required to perform tasks that you consider are in excess of the word “basic” administrative tasks?---And I'd say even more than just on occasion, I would say more regularly.

PN1930

All right, that's okay. Now (4)?---Yes, “assist in the review and upgrading of training programs and resources,” – assist, again I would suggest that is participate. Assist/participate – we're dealing with words, but it is at a higher level than I read that.

PN1931

Yes. And (5)?---I agree with that entirely, “respond to inquiries received from clients.

PN1932

And (6)?---“Monitor, assess and report on the performance of casual instructors,” this is an issue that I have within the mentoring of casual instructors as opposed to monitoring and assessing and reporting. I believe there is a difference between actually in coaching somebody to perform at a higher level than simply doing a critique, review and evaluation of them.

PN1933

Yes, I think you spoke about mentoring. And these casual instructors, can you inform the commission who they are?---They are generally leading fire fighters or station officers coming in to Tas fire training for short term secondment to the unit to allow them to achieve further competencies for their own career structure.

PN1934

THE COMMISSIONER: I believe there was one in the training room the day we visited wasn't there?---At Youngtown?

PN1935

There was two, there - - -

PN1936

MR BAKER: Last Thursday.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1937

MS PEARCE: Shane Streets?---Shane Streets, yes.

PN1938

MR BAKER: Just so we clarify again in relation to the delivery of the training - - -?---Excuse me, Commissioner, you're referring to when I was delivering the warden's course last week, thank you, yes that's correct.

PN1939

Just in relation to the delivery, I think you said that you spend around about 80 per cent of your time actually delivering courses, is that – did I get the figure right?---I would think that would be a fair assumption.

PN1940

Good, thank you. Now, if we could just move on to the level of responsibility and it says there:

PN1941

The instructor is responsible to the consultant for delivering training and assessment in accordance with the training schedule and the services obligation as a registered training organisation.

PN1942

Is that a fairly reasonable summary?---Yes.

PN1943

And the second one is pretty straightforward:

PN1944

Managing tasks and allocated resources.

PN1945

And I would suggest the third one is – although it's not a given, it's a requirement - a necessary requirement, isn't it. That is:

PN1946

Ensuring all work is undertaken in a safe and healthy working environment.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1947

?---Yes.

PN1948

Previously we've had a fair bit of discussion about direction and supervision received. Now, it says there that general direction is received:

PN1949

Under limited supervision the incumbent is expected to exercise independence and initiative, be self-motivated and operate within the Tasmanian Fire Service policies and procedures and guidelines as determined by the manager, TasFire Training.

PN1950

Would you concur with that as a reasonable statement or would you like me to provide you with a definition of what general direction is?---I would certainly like to hear your view on general direction please.

PN1951

I just caught the support staff napping?---And limited supervision too while you're at it.

PN1952

Limited supervision means where an employee – sorry, wrong one. There is that many damn definitions in this. “General direction” means:

PN1953

Situations where detailed or specific instructions are limited to unusual features.

PN1954

And “limited supervision” means:

PN1955

That the work is undertaken within established objectives and with little guidance. Conformity with instructions is usually measured in terms of an achievement of stated objectives to senior management at agreed standards.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1956

?---Yes, I'd agree with that.

PN1957

Fine, thank you. If we go over the page to the selection criteria:

PN1958

A demonstrated ability to deliver and evaluate structured training programs.

PN1959

Do you think that – I mean that's clearly a criterion, is it not?---Yes, it is.

PN1960

And you need effective interpersonal skills with high level of written and verbal communication skills?---Most important, in particular dealing with members of the public where we're not dealing with members of fire brigades, for example, and I say TFS fire brigades.

PN1961

Yes, I think without knowing there'd be a different language?---Not only a different language, but different requirements from the fact that a lot of these people are being sent there by their employer and there is general – sometimes general resentment that these people have to be there and it's quite often, "Don't shoot the messenger people, I'm only doing my job."

PN1962

Then there's, "a demonstrated ability of computer-based word processing a presentation applications," and "an ability to improve work processes," and again, "to maintain a safe and healthy working environment"?---Yes.

PN1963

And the desirable qualifications as we already discussed, certificate IV, in fact I would have thought that was almost mandatory actually, but certificate IV and a current drivers licence?---I would like to think that certificate IV is going to be mandatory in a very short space of time.

PN1964

I mean without the certificate IV - - -?---To do the training.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1965

Yes, to do the assessments?---Mm.

PN1966

Yes. Now, given that the basis of the application was altered by Mr Warwick this morning, I am going to hand you an exhibit which is for a station officer who is undertaking the role of an instructor/consultant?---Thank you.

PN1967

THE COMMISSIONER: That will be R8, statement of duties, station officer.

EXHIBIT #R8 STATEMENT OF DUTIES, STATION OFFICER

PN1968

MR BAKER: I would just like to sort of walk you through this, Mr Frankcombe?---Yes.

PN1969

The position objective, it's almost the same as yours, but it says – I'm sorry, before we go the effective date of this one is 19 May '05, so it's quite current:

PN1970

To deliver fire safety and related training services to private and public sector employees -

PN1971

which is identical. And then it adds the following words: “and to support emergency response activities.” So I note that that is a difference within the position objective; you would agree?---As in black and white, yes.

PN1972

As in black and white, yes. And the primary duties, you pair those. I’d suggest to you that number (1) in R8 matches (1) in R7?---Yes.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1973

I would suggest that (2) in R8 matches (2) in R7. Without sort of going into the issue of basic administrative and record keeping tasks, at a more regular level, I’d suggest that that’s actually point (7) in R8 that equates to point (3) in R7. Point (3) in the - - -

PN1974

THE COMMISSIONER: Just a second. Do you agree with that, Mr Frankcombe?---Just if you could repeat that please?

PN1975

MR BAKER: Well, okay. Point (7) in R8 where it says:

PN1976

Perform basic administrative and record keeping tasks, maintain records using both electronic and manual databases.

PN1977

I’m suggesting that equates to your point (3), I mean it does add the electronic and manual databases, but I mean that’s - - -?---I would suggest that that’s what I am currently doing in the position that I’m appointed to at the moment.

PN1978

Well, it’s an expansion of record keeping tasks isn’t it?---Yes.

PN1979

And in fact I’m sure you do keep electronic and manual databases?---Most certainly.

PN1980

And point (6) in the R8 document:

PN1981

Monitor, assess and report on the performance of casual instructors.

PN1982

Is the same as the point (6) in – under your primary duties in R7. Then there are three matters, or as I see it anyway, three matters that don’t appear within your primary duties and they are at point (5):

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1983

Supervise trainees and casual staff and mentor staff by providing leadership and direction.

PN1984

Point (8):

PN1985

Supervise or assist in operations at fires and other emergency incidents applying ICS principles and completing relevant reports, investigations and operational analyses.

PN1986

And (9):

PN1987

Manage all assigned physical resources and ensure they are properly maintained.

PN1988

Do you have a comment in relation to that?---Those dot points again were (6)?

PN1989

Sorry, (5), (8) and (9)?---(5), (8) and (9); as I've stated before referring to my primary duties as written dot point (6) of this other document, I am more in the position of supervising operational personnel and mentoring them, so I would suggest that dot point (5) on this one is what I am currently doing. "Supervising trainees and casual staff and mentoring staff by providing leadership and direction."

PN1990

Okay. What about points (8) and (9)?—

PN1991

Supervise or assist in operations of fires and other emergency incidents applying ICS principles and completing relevant reports, investigations and operational analyses.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN1992

I would suggest that I have performed those duties in my capacity as a paid employee of Tas fire training.

PN1993

I would like you to read it again slowly, "Supervise"?---Yes.

PN1994

"or assist," I'm not going on about "or assist" –

PN1995

...in operations of fires and other emergency incidents applying ICS principles and completing relevant reports, investigations and operational analyses.

PN1996

?---Right. Well, I would suggest that there are some components of this that I do perform and have performed, and there are some components of this that I have not performed.

PN1997

Okay. So does the employer provide direction to you to undertake components of point (8)?---Could you ask the question again please?

PN1998

Does the employer require of you to undertake that work as part of your primary duties?---No.

PN1999

Thank you. We will move on to level of responsibility.

PN2000

THE COMMISSIONER: Well, we haven't had a comment on point (9).

PN2001

MR BAKER: I'm sorry, Commissioner.

PN2002

Manage or assign physical resources, ensure that they are properly maintained.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2003

I think there is actually a – yes, it's actually under the level of responsibility in R7. I knew – I think I've seen too many of these, Commissioner.

PN2004

THE COMMISSIONER: Yes.

PN2005

MR BAKER: Yes, so (9) in R8 translates over to dot point (2) in level of responsibility in R7?---I would disagree with that, I would suggest that it is one of my primary duties in the current role that I undertake:

PN2006

Manage or assign physical resources, ensure that they are properly maintained.

PN2007

That is one of my primary duties that I'm performing at the moment.

PN2008

Yes, look, I don't disagree with you, the point I would raise with you is that I believe that that point (9) is dot point (2) under level of responsibility. When I see "managing allocated resources," I read that as managing resources and ensuring that they are maintained. So I agree with you?---So you're agreeing that it is one of my primary duties.

PN2009

I don't know whether it's one of your primary duties?---Right.

PN2010

But clearly it's one of your duties that you are – when you are allocated to manage resources, I think it's inherent in that statement, don't you think, that you've got to look after them.

PN2011

THE COMMISSIONER: I think you are both in furious agreement.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2012

MR BAKER: Under level of responsibility, we might move on, in R8:

PN2013

The instructor is responsible for the delivering of training and assessment in accordance with the training schedule and the service obligation of a registered training organisation.

PN2014

And that's clearly the same as your first dot point?---Yes, I agree with that.

PN2015

Then it goes on, if we just skip the second one for a moment. The third point is:

PN2016

Effective management of allocated tasks and resources.

PN2017

Which is the point we've just had the current discussion about at dot point (2) and at dot point (3):

PN2018

Ensuring all work is undertaken in a safe healthy working environment –

PN2019

Etcetera, which is the same as your dot point (3). The only one that's out of sequence there I suppose is the reference to achievement of outcomes consistent with organisational goals. Even though that's not spelt down, I would suggest to you Mr Frankcombe that is – even though it's not written down, that would be expected of you as an employee of Tas Fire Service, would it not?---Yes, it would be.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2020

Now, the only – under direction and supervision received, the only difference there is that one is “general direction” which we've discussed and under the other one it's “limited direction” and I think – I don't think there is a great deal of difference is there? There is a slight difference I'm advised?---I'd like to say that a station officer coming in to the unit would

still require the same level of direction and supervision as this statement of duties under the classification of admin and clerical.

PN2021

Well, that's right, I would agree with that, but of course this is part of a career development structure for the career fire fighter, is it not?

PN2022

MR WARWICK: I'm not sure how the witness is supposed to know the answer to that question.

PN2023

THE COMMISSIONER: Was that a question, Mr Baker?

PN2024

MR BAKER: Well, I did pose it as a question, yes. I posed it as a question that the role of instructor within community fire safety can be seen as part of the career structure for a fire fighter.

PN2025

THE COMMISSIONER: Mr Frankcombe, do you want to comment on that?---Yes, I do have a comment on that. It is my understanding that a fire fighter progresses from fire fighter senior leading to station officer, I don't know if there is any requirements that they have to undertake work in the Tas fire training unit to achieve the rank of station officer.

PN2026

MR BAKER: Well, perhaps we will address that when we present our evidence later on in these proceedings. Limited direction is very much different than that which is contained in general direction. It means:

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2027

Employees working under limited direction are provided with a clear statement of overall objectives and resources available. In conjunction with a more senior employee they decide on projects and assignments to carry out and set deadlines. The employee is fully competent and very experienced in a technical sense and requires little guidance during the performance of assignments. The employee would have authority to plan and carry out assignments using some latitude in the approach to achieve the desired objectives. Completed work is reviewed only in terms of flexibility, compatibility with other work or effectiveness in being defined objectives.

PN2028

Now, I know that you don't disagree with that?---I'm not, no, I'm not going to disagree with that because that, I believe, that's the way that I currently operate.

PN2029

Okay. We will move on to the selection criteria over the page and there is the selection criteria. I would suggest to you that point (1) in R8 is the – equates to dot point (1) under your selection criteria?---Yes.

PN2030

Point (2):

PN2031

An ability to effectively manage physical resources, supervise personnel and provide a safe and healthy working environment.

PN2032

Again, it's not quite the same, but we have had this discussion about managing physical resources, but I suggest to you probably the nearest – the closest one to it is your point (4):

PN2033

The ability to improve work processes and maintain a safe and healthy working environment.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2034

?---It covers some of it. I agree it covers some of it, but it doesn't cover all of it.

PN2035

I accept that. And point (3), I think we've been through that, I think that's considered elsewhere in your document about - - -?---Level of responsibility.

PN2036

Under level of responsibility?---Dot point 1.

PN2037

About your knowledge and registered training organisation. Point (4):

PN2038

Demonstrate a high level of communication, conflict resolution, negotiation skills, together with effective interpersonal skills and ability to provide leadership in a team environment.

PN2039

Now, that's under R8 which is quite an encompassing statement and that would appear to be far more complex than the point (2) in your statement says – it simply says, "Effective interpersonal skills"?---Yes, however, that dot point (4) of the selection criteria is again, I believe, the current level at which I'm operating, particularly an ability to provide leadership in a team environment with our reference to our emergency response team training, our emergency control organisation team training.

PN2040

But I would suggest that leadership in a team environment is a team environment in which you undertake the leadership, I don't think – because I think if you talk about emergency response teams, I mean that's the team you're instructing which I would put to you is different than providing leadership within a group of employees, if you like, of like mind. A group of employees within Tasmanian Fire Service?---Unfortunately we don't have a group of employees in our unit where I am directly involved with, however, I suggest I provide leadership in a small team environment by the mentoring of senior and leading fire fighters into the position so that they can deliver our courses.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2041

And presumably those leadership skills are recognised when they ask you to act up in Mr Mackrill's position, do they not?---That is entirely correct.

PN2042

So if we move on, there are some issues then you go to what a station officer or senior station officer or a leading fire fighter may be required to do:

PN2043

An ability to supervise emergency operations, determine fire causes and to evaluate and analyse the outcome of emergency incidents.

PN2044

Then there is:

PN2045

Demonstrated understanding of the development of learning needs in the Tasmanian Fire Service.

PN2046

Well, I'm sure you've got an understanding of that, Mr Frankcombe. And:

PN2047

Demonstrated ability to apply relevant acts, regulation, stands, awards, in policies relevant to the Tasmanian Fire Service.

PN2048

I'm sure you would add that you would certainly meet some of that, if not all?---Yes, I would say all of it, yes.

PN2049

And point (8) is:

PN2050

The demonstrated commitment to achieve in the organisational goals of the fire service.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2051

And I'm sure you have a commitment to the goals of the fire service?---That's correct.

PN2052

Then there is the essential requirements and you will see there that it notes the Tasmanian Fire Fighting Industry Employees Award 2000 or equivalent qualifications for appointment or promotion to the rank of station officer. So there is actually a mandatory qualification prescribed for a person to operate at this level, is there not?---It would appear so.

PN2053

These qualifications require acquisition of modules up to and including leading fire fighter and evidence of current competencies for those modules specified in the skills maintenance training schedule up to and including leading fire fighter. In addition three years fire fighting experience gained in a career fire fighting agency is also required. So again that goes to appointment or promotion to the rank of station officer.

PN2054

Under desirable requirements, again it talks about holding appropriate qualifications and/or experience in training assessment. Certainly that does relate to your certificate IV, in fact your qualifications – the desirable list – well, I suppose, one might argue it's one and the same. And they require a station officer to drive – what's that a small truck isn't it, a light rigid, under desirable requirements, as opposed to a standard drivers licence. And the other bits go - - -

PN2055

MR WARWICK: It's a big truck.

PN2056

MR BAKER: Sorry?

PN2057

MR WARWICK: A big truck?

PN2058

MS PEARCE: No, not light rigid.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2059

MR WARWICK: It's light rigid.

PN2060

MR BAKER: It's single axle isn't it?

PN2061

MS PEARCE: I'm sorry Mr Warwick it's not a fire truck, this is low rigid; it's a heavy rigid, for a fire truck.

PN2062

MR BAKER: A bit of levity.

PN2063

THE COMMISSIONER: Yes, I'm just thinking about the Auscript people trying to decipher it.

PN2064

MR BAKER: The other requirements imply go to that of a station officer. Now, just before we leave it there, the qualifications that are required by the employer for a station officer to act – sorry, to be appointed to a position of instructor as required under the essential requirements, do you hold those qualifications, Mr Frankcombe?---Could you ask the question again, please, Mr Baker?

PN2065

The essential requirements that are outlined in R8, those essential requirements there are required by the operation of the award and by the employer for appointment to the position of station officer in the position of instructor. Do you hold those qualifications?---Unfortunately, no, I don't.

PN2066

The claim before us today, as was explained by Mr Warwick this morning, goes to the issue of comparable [sic] salaries. And Mr Warwick advised the commission this morning that the UFU seeks the same remuneration for the four employees subject to this application who do the same work as employees who come from a career fire fighting background. Can you advise the commission, Mr Frankcombe, of your current salary?---It's approximately \$52,000 per annum.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2067

And are you aware of the salary of a station officer?---Yes, I am.

PN2068

Can you advise the commission of that?---I believe it's around about \$68,000 per annum.

PN2069

Well, there's a three step prong, the bottom rung is 67,000 going up to 68 and to 69, so there's a three step progression from station officer to senior officer. So if we are going to compare salary with salary, we need to compare skill base with skill base. So the employer has determined that the current salary for yourself is around \$52,000 per annum. As you have indicated the salary for – well, I've indicated actually – the bottom salary for a station officer is 67,000 in round dollar terms. Are you aware that that salary contains various non-skilled components?---Could you please explain non-skilled components?

PN2070

Non-skilled, such as an allowance for shift work?---Yes, I have been – that has been explained to me before.

PN2071

And are you aware that there is a loading incorporated into the salary rate for weekend work?---In weekend work as in shift work?

PN2072

Sorry, weekend – a loading in lieu of penalties for working weekends?---Yes, I understand that.

PN2073

And are you also aware that a similar loading applies for working on a public holiday?---No.

PN2074

And are you also aware that there is a loading which is built into the salary to compensate for moving to a 38 hour week?---No, I wasn't.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2075

So if we were to take those various loadings off, we would then get a salary, a skill-based salary for a senior officer and we'd be able to compare that to an instructor, a non fire fighting fire instructor. So if we were to take the \$10,000 that in round dollar terms is the shift work premium, if we were to take the \$5000 off for the weekend penalties and if we were to take the 3.75 per cent or 2500 off for the public holiday penalty and if we were to take the 10 per cent or another \$6700 off for the loading for the reduction in work hours, that would bring us back to a base salary of \$42,711 for a station officer. Now, as you've indicated your salary, your current salary is around \$52,000 per annum?---Yes.

PN2076

The skill component of the two wages, would you not agree that the skill component of your wage is significantly greater than that of a station officer?---Could you ask that question again please?

PN2077

Would you or would you not agree that the skill component of your wage, that is the \$52,000 that the employer is paying you, is considerably more than the skill component of a wage that the employer is paying the senior fire fighter – station officer, I beg your pardon?---No.

PN2078

And why not?---Because the job we are – I am doing is dramatically different to the job a station officer does in our unit.

PN2079

So what are those differences?---Well, the differences I see are the facts that – and it has been argued time and time again, that a station officer can simply walk into Tas fire training unit and deliver courses. Now, that might apply to some.

PN2080

That's right, some may never move out of there?---That may apply to some courses, right, it does not apply to all courses and I'm talking specifically the courses rather than the person.

**** KEITH ANDREW FRANKCOMBE XXN MR BAKER

PN2081

But the claim that is before the commission today is that the UFU seeks the same remuneration for the four employees subject to this application, who do the same work as employees who come from a career fire fighting background. The wage that you receive is – it represents your level of skill, your assessed level of skill, whether that's too low, too high, that's not what's on the table at the moment. The level of the wage which is paid to a station officer contains two components. It contains a component for skill and a component for penalties foregone, such as shift work, weekend penalties and public holidays. The point that I make is – well, the point that I make to you is that if you compare one with the other, you are nominally receiving approximately \$10,000 per annum more than a station officer for undertaking a similar range of duties in a similar work environment?---No comment.

PN2082

No further questions, Commissioner.

PN2083

THE COMMISSIONER: Mr Warwick?

<RE-EXAMINATION BY MR WARWICK

[3.32 pm]

PN2084

MR WARWICK: Thank you, Commissioner.

PN2085

Mr Frankcombe, do you have any qualifications, or have you ever been involved in industrial relations and the setting of wages?---No, I haven't.

PN2086

If I could come back to some of the questions that Mr Baker put to you. He said that the two documents, and we do have two job analysis questionnaires, or two versions of them, R6 and A31 – and he said that, “but I think A31 wasn't the final document and that R6 was.” To your recollection in the process of developing these things and Mr Baker was quite right that we did have discussion, were these JAQs ever agreed between the parties?---Not to my recollection.

**** KEITH ANDREW FRANKCOMBE RXN MR WARWICK

PN2087

Yes, thank you. There was some considerable discussion in that exchange just then about the meaning of general direction, limited supervision and

limited direction. Now, I will ask you a specific question, you mentioned the names of three people who work in the unit: Mr Braithwaite, Mr Reed and Mr Brown?---Yes.

PN2088

They come from a career fire fighting background and like you they deliver Tas fire training courses and like you they also do this contextualisation work in developing relationships with new clients and all of that. So in your view do they – sorry, and I'll preface this question by asking you, do all of the employees of the Tas fire training unit meet on a state wide basis at all?---Yes, we do.

PN2089

How often?---It can occur bi-annually, maybe even every three months, maybe even quarterly.

PN2090

And what do you discuss there, or more specifically do you discuss the work you're doing, how you're doing it and how you're going about it?---We discuss a number of subjects on our instructors meetings.

PN2091

Would you say you know nothing about what those three gentlemen do or do you have a good understanding about what they do?---I have a thorough understanding.

PN2092

A thorough understanding?---Yes.

PN2093

Now, the question I put to you is do you believe you work at a different level of supervision and direction than them?---Do I work at a – could you ask the question again?

PN2094

Are there differences between – I'm in fact asking you this question in respect to both you and Mr Webster – is the level of direction for Mr Webster and yourself the same or different from Messrs Braithwaite, Brown and Reed?---I would say it's the same.

**** KEITH ANDREW FRANKCOMBE RXN MR WARWICK

PN2095

And what about supervision?---Very much the same.

PN2096

Thank you. And one last question before I let you go and I know it's been a long day, Mr Frankcombe. Have you been sent to fires on paid TFD work time and if that's the case could you give us an outline of the circumstances?---Yes. I have been dispatched to fires at notice and at a moment's notice. Recently a major fire – at Christmas time last year a major fire was threatening houses and structures at Ravenswood, the regional chief directed me to take another volunteer fire fighter who

happened to be working on the St Mary's fire at Youngtown at the time, to respond from Youngtown to that fire at Ravenswood and we were there approximately three hours.

PN2097

You were directed?---I was directed. My exact question to Mr Comber, who was the regional chief officer, I said, "Are you kidding?" And his reply was, "I only have to ask you once. Grab some gear and go." Prior to that I was also requested to make my presence available at the Tippogoree Hills fire last year. It is in my – the area to where I live. When I arrived there the station officer who was the then – the sector commander at the time, he was out of hours and Mr Bounds said, "Andrew, you're the only one here that's got the qualifications, experience and competence to take over this sector, you're doing it."

PN2098

And what's involved in being a sector commander?---Managing a number of fire trucks.

PN2099

How many?---On that particular afternoon I figured out we had 12 trucks in that sector. There were some issues there with the hand over, but that was on my work time, and it was quite a challenge, but through my skills and experience I've achieved through my work I believe that had a successful outcome, and another time when I've been deployed through my – through my employment and I was never docked pay for it. It was when I was sent to Flinders Island for a week in 2003.

**** KEITH ANDREW FRANKCOMBE RXN MR WARWICK

PN2100

Thank you. I apologise to you, Mr Frankcombe. There is one other question or another issue I would just like you to have a look at.

PN2101

THE COMMISSIONER: Mr Baker?

PN2102

MR BAKER: I would like the opportunity to cross-examine the witness on the evidence that's just been led.

PN2103

THE COMMISSIONER: Yes. That's reasonable.

PN2104

MR WARWICK: Mr Baker took you to three documents in particular, and I wonder if I could ask you to just have them in front of you. Exhibit R7, which is – well, it's – it was at the time 2003 I think as admin and clerical level 5, position – statement of duties, and then again – and also there's exhibit R6, which was the job analysis questionnaire that Mr Baker tabled?---All right.

PN2105

And there is also exhibit A31, which is the job questionnaire – job analysis questionnaire exhibit that I tabled. So you have all three documents in front of you?---Yes, I do, Mr Warwick.

PN2106

Now, if what I could – ask you to have a look at the two job analysis questionnaires, which, by your own evidence as you’ve just given, were never agreed between the parties, and that perhaps explains why there are different versions of them. Now, would you agree with this general observation or not? While there are differences, both of these documents do talk about matters such as contextualisation of courses for clients, they both talk about – oh, I’m sorry. One talks about risk management, and talks about confirming particular organisational leave needs, career periodic review development and contextualisation of courses. One of them talks about reviewing – sorry, talks about providing specialist advice, but the other doesn’t. But in the main am I right or am I wrong in saying that they’re fairly similar?---Yes, they are fairly similar.

**** KEITH ANDREW FRANKCOMBE RXN MR WARWICK

PN2107

Yes. Well, let us have a look at R7, and the primary duties there. Given that the two job analysis questionnaires are, by your evidence, similar, what would you say about this one?---Which document are we referring to, Mr Warwick?

PN2108

R7, which is a statement of duties - - -?---Statement of duties.

PN2109

- - - from 19 August 2003?---Yes, I have that here now.

PN2110

Would you agree that that’s similar to the two job analysis questionnaires, or is it different?---There are – there are differences between the two.

PN2111

Well, does R7 talk about matters such as specialist advice, contextualisation of courses, client needs, does it talk about those things in the same way?---Are we talking – this is R7, statement of duties? No, it doesn’t.

PN2112

So which – let us say we take the two job analysis questionnaires together on the one hand, and exhibit R7, the statement of duties from 2003, on the other hand, which of those best reflects what your job actually is?---The two job analysis questionnaires.

PN2113

Thank you very much, Mr Frankcombe. No further questions, sir.

PN2114

THE COMMISSIONER: Mr Baker, and you wish to cross-examine on those – the evidence? Ms Pearce?

PN2115

MS PEARCE: Yes, thank you, Commissioner. I'm going to take over this one.

**** KEITH ANDREW FRANKCOMBE RXN MR WARWICK

PN2116

THE COMMISSIONER: Yes. It's limited to the fire fighting issues, Ms Pearce.

PN2117

MS PEARCE: Yes.

PN2118

THE COMMISSIONER: Yes.

PN2119

MS PEARCE: Thank you, Commissioner.

<CROSS-EXAMINATION BY MS PEARCE

[3.43 pm]

PN2120

MS PEARCE: Mr Frankcombe, you indicated earlier that you are a volunteer fire fighter?---Yes, that's correct.

PN2121

Can you tell the Commission what your position is?---I'm the volunteer brigade chief of a type 2 vegetation brigade.

PN2122

And within that role is it common for you to be called to incidents outside of hours?---Yes, it may be considered that.

PN2123

Yes, okay. You indicated that you attended fires at the Tippogoree Hills?---That's correct.

PN2124

And that's within the area you live?---No, it's not.

PN2125

So you indicated it was near where you live?---Near.

PN2126

Near where you live?---Yes.

**** KEITH ANDREW FRANKCOMBE XXN MS PEARCE

PN2127

Okay. All right. And is it common for volunteers when outside of hours to also be asked to assist at fires in neighbouring brigade areas?---If they're available, yes.

PN2128

If they're available. Okay. Thank you. You indicated earlier that you have a number of competencies, and we saw that in exhibits A32, 33 and 34?---That's correct.

PN2129

If I refer you to exhibit A34?---Which is?

PN2130

Training competencies?---Training competencies. Yes.

PN2131

Okay. We have competencies there:

PN2132

Provide emergency care.

PN2133

Was that competency gained in the context of being a volunteer fire fighter?---Provide emergency care.

PN2134

Yes?---No, I understand that was recognised from my workplace level 2 first aid certificate.

PN2135

Okay. What about:

PN2136

Respond to wildfire.

PN2137

?---Respond to wildfire?

**** KEITH ANDREW FRANKCOMBE XXN MS PEARCE

PN2138

Is that gained in your capacity as being a volunteer fire fighter?---Yes, that one was.

PN2139

Supervised response.

PN2140

Was that gained in your capacity as a volunteer fire fighter?---Yes, it was.

PN2141

Okay. If we move down to:

PN2142

Suppress wildfire.

PN2143

Was that gained in your capacity as a volunteer fire fighter?---Oh, yes, that was too.

PN2144

And:

PN2145

Suppress urban fire.

PN2146

Was that gained in your capacity - - -?---No, that was no gained in my capacity as a volunteer fire fighter.

PN2147

All right. Okay. So, in terms of the competency supervised response, as a sector leader would that no be the competency that you be exhibiting, and using?---As a volunteer?

PN2148

As a volunteer?---No. I've never undertaken sector commander work as a course as a volunteer.

**** KEITH ANDREW FRANKCOMBE XXN MS PEARCE

PN2149

Well, no, the question is, is supervised response, the competencies that you gained through supervised response enable you to undertake the duties as a sector commander?---No, I don't believe it does.

PN2150

No?---I believe it's far below the level that's required.

PN2151

Do you contend – do we have volunteers in the Tasmania Fire Service who undertake sector commander roles?---None that I know of.

PN2152

You're not aware of any volunteer undertaking a sector commander role?---No.

PN2153

Okay. It is reasonable to assume that where the Tasmania Fire Service knows that it has volunteers who are competent to undertake – that they believe are capable of undertaking the work, they will ask them to undertake that work - - -?---Could you ask the question again, please?

PN2154

- - - at an emergency incident? If the Tasmania Fire Service believes that it has a person who is a volunteer, as well as an employee, but who they believe is capable of undertaking that work as a volunteer, they would ask them to undertake that work?---I would have to disagree with that, because the word volunteer means that you are providing your services free of charge.

PN2155

Right?---It has nothing to do with the professional level that he may operate on. That's my view.

PN2156

So volunteers – are you asserting that volunteers aren't undertaking work to a professional level - - -?---Not at all.

**** KEITH ANDREW FRANKCOMBE XXN MS PEARCE

PN2157

- - - to a standard?---Not at all.

PN2158

Can you clarify for me then what you mean?---The skills and knowledge that has allowed me to undertake those operational activities have not been acquired through the volunteer brigade, or through the volunteer organisation that I've been associated with. That would be like comparing that my first aid certificate is the competency I've achieved through the Tasmania Fire Service, when I actually achieved it through St John Ambulance.

PN2159

Is provide emergency care as a competency a competency that all volunteers are expected to acquire?---That's a good question, and I'm not how to answer that. I'm not sure of the answer.

PN2160

Does the Tasmania Fire Service rely on employers to release their employees in order to provide an effective emergency response?---We're talking employers?

PN2161

Other employers?---Well, as I work for the Tasmania Fire Service I don't – don't know if that's possible.

PN2162

No, that's not my question. My question is, are you aware whether the Tasmania Fire Service expects and would like to encourage employers generally to release people, in order to provide an emergency response?---I would not say expects. I would agree with your wording, would like.

PN2163

Okay. Is it reasonable then in the Tasmania Fire Service liking other employers to undertake that community service, that the Tasmania Fire Service would also encourage its own people to be volunteers should they so choose?---I see no reason why not.

**** KEITH ANDREW FRANKCOMBE XXN MS PEARCE

PN2164

And if those employees also happen to have competencies that would enable them to undertake duties that would assist in emergency situations, that

would release them to be able to do that?---Can we – can you explain release?

PN2165

Enable them, and in fact at times perhaps encourage them, and under emergency situations that may even come across as a direction, to assist in an incident. If we know that somebody has got the competencies, wouldn't it be reasonable, and those competencies may have been gained as a volunteer - - -?---Yes.

PN2166

- - - would it not be reasonable for the Fire Service to say, Andrew, I want you to drop that, I want you to go over there, because we have this particular incidence, an emergency, and we don't really want to get into a debate about it, and that we should be a role model in that?---Just ask the question again, please?

PN2167

Is it reasonable that the Tasmania Fire Service, as an employer of volunteers, may release its employees to undertake roles using competencies they have gained and skills they have gained as volunteers?---Is it reasonable to assume that?

PN2168

Yes?---I would disagree.

PN2169

Why is that, Mr Frankcombe?---Because we're not talking about competencies. In this – in this particular case we're not talking about competencies that have been achieved through the volunteer basis, we're talking about competencies that have been acquired through professional career development.

PN2170

Well, where is the competency in your list of competencies that allows you – that has been acquired through being a career employee that enables you to be a sector commander?---That's a very good point. There is none.

**** KEITH ANDREW FRANKCOMBE XXN MS PEARCE

PN2171

There is none, okay?---So the – okay.

PN2172

Okay. So you do not have any competency on your record that says that you could be a sector commander, other than perhaps the underpinning skills and knowledge you may have got from having a competency for supervised response?---That could be – could be suggested.

PN2173

Okay. Thank you, Mr Frankcombe. That's all. I don't have any more.

PN2174

THE COMMISSIONER: Is there anything arising out of that, Mr Warwick?

PN2175

MR WARWICK: No, Commissioner, and might I suggest the parking inspector awaits.

PN2176

THE COMMISSIONER: Yes. You're excused, Mr Frankcombe?---Thank you.

<THE WITNESS WITHDREW

[3.52 pm]

PN2177

THE COMMISSIONER: We'll have a short break. We will resume in 10 minutes, and we'll start with a discussion about where we're heading, I think.

PN2178

MR BAKER: Oh, okay.

PN2179

MR WARWICK: Well, before we go off the record, sir, it would be my expectation that we could finish the witness evidence today.

PN2180

MR BAKER: No. Unfortunately I've got a commitment shortly, and I thought we may well be finished by 4, so I've got a few other pressing matters.

PN2181

THE COMMISSIONER: Well, I mean, it's – yes. The witness evidence is, like as is usually the case, has taken about twice as long as people estimate, and I'm not sure how long to anticipate with Mr Killalea but this is not going to be the last day of this hearing I sense.

PN2182

MR WARWICK: No.

PN2183

MR BAKER: Far from it.

PN2184

THE COMMISSIONER: No. So I think we may well resume – we'll resume in 10 minutes and just spend a little bit of time about that, deciding where we're heading.

PN2185

MR WARWICK: Thank you.

SHORT ADJOURNMENT

[3.53 pm]

RESUMED

[4.15 pm]

PN2186

THE COMMISSIONER: Right. This matter will stand adjourned until Wednesday, 7 November and a notice setting out the ongoing program will be forwarded in due course. The commission stands adjourned.

**MATTER ADJOURNED at 4.16 pm UNTIL
WEDNESDAY, 7 NOVEMBER 2007**

INDEX

LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #A19 AMENDMENT TO THE SUPPORTING DOCUMENTATION
PN1200**

KYM MANTEN, SWORN PN1203

EXAMINATION-IN-CHIEF BY MR WARWICK PN1203

**EXHIBIT #A20 JOB ANALYSIS QUESTIONNAIRE, FIRE SAFETY AUDITOR
..... PN1215**

EXHIBIT #A21 AUDIT REPORT FARLEY STREET PN1253

EXHIBIT #A22 POST-INCIDENT SUMMARY REPORT PN1285

EXHIBIT #A23 AUDIT REPORT, CALTEX SELF'S POINT PN1318

EXHIBIT #A24 AUTOMATIC FIRE SPRINKLER CHECK LIST PN1343

EXHIBIT #A25 EXISTING FIRE INDICATOR PANEL CHECKLISTPN1351

EXHIBIT #A26 FIRE SAFETY AUDIT, BLACK BUFFALO HOTELPN1356

EXHIBIT #A27 ANALYSIS OF THE OLD AS AGAINST THE NEW PN1393

EXHIBIT #A28 CRITICAL ASSESSMENT FACTORS PN1402

**EXHIBIT #A29 CODE OF PRACTICE FIRE PROTECTION SYSTEMS
PN1409**

**EXHIBIT #A30 GUIDE TO THE SELECTION AND LOCATION OF
PORTABLE FIRE EXTINGUISHERS AND FIRE BLANKETSPN1409**

CROSS-EXAMINATION BY MR BAKER PN1444

EXHIBIT #R5 STATEMENT OF DUTIES, FIRE SAFETY AUDITORPN1463

RE-EXAMINATION BY MR WARWICK PN1619

WITNESS WITHDREW PN1692

KEITH ANDREW FRANKCOMBE, SWORN PN1694

EXAMINATION-IN-CHIEF BY MR WARWICK PN1694

EXHIBIT #A31 JOB ANALYSIS QUESTIONNAIRE, INSTRUCTORPN1706

EXHIBIT #A32 MEMBER SUMMARY PN1731

EXHIBIT #A33 INDIVIDUAL ASSESSMENTS PN1731

EXHIBIT #A34 TRAINING COMPETENCIES PN1731

EXHIBIT #A35 CERTIFICATE OF APPRECIATION PN1759

EXHIBIT #A36 LIST OF LEGISLATION STANDARDS PN1766

EXHIBIT #A37 FOUR HOURS NON-ACCREDITED PROGRAM PN1781

CROSS-EXAMINATION BY MR BAKER PN1881

**EXHIBIT #R6 JOB ANALYSIS QUESTIONNAIRE (FINAL DOCUMENT)
PN1908**

EXHIBIT #R7 STATEMENT OF DUTIES, CFS OFFICER 2 PN1922

EXHIBIT #R8 STATEMENT OF DUTIES, STATION OFFICER PN1968

RE-EXAMINATION BY MR WARWICK PN2084

CROSS-EXAMINATION BY MS PEARCE PN2120

WITNESS WITHDREW PN2177