

About the F46 application form



Application to vary a modern award

Who can use this form

Use this form if you want to make an application for the Fair Work Commission (the Commission) to make:

- a modern award,
- a determination varying a modern award, or
- a determination revoking a modern award.

You should only use this form to make an application **outside** of the system of the 4 yearly reviews of modern awards (4 yearly reviews) or the annual wage reviews.

You must be a person, organisation or outworker entity covered by the modern award to be eligible to make an application, or be an organisation that is entitled to represent the industrial interests of the person(s) or organisation(s) that are covered by the modern award.

You may make applications for 2 or more related things at the same time, depending on the kind of application you want to make. See section 158 of the *Fair Work Act 2009* (the FW Act) for more information about who may apply to make a modern award or for a determination varying or revoking a modern award.

About varying modern awards

The Commission must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions. In order to achieve the modern awards objective, the Commission must take into account the matters set out in section 134 of the FW Act, such as relative living standards and the needs of the low paid.

The FW Act allows the Commission to make a modern award, or make a determination varying or revoking a modern award **outside** of the system of 4 yearly reviews if the Commission is satisfied that to do so is necessary to achieve the modern awards objective (s.157(1)).

The Commission may also make a determination varying modern award minimum wages **outside** of the 4 yearly review and the system of annual wage reviews if the Commission is satisfied that to do so is:

- justified by work value reasons, and
- necessary to achieve the modern awards objective (s.157(2)).

Note: section 157 to 160 of the FW Act set out other situations where the Commission may vary a modern award.

See the Commission's [Awards and Agreements](#) web page for more information about the 4 yearly review and the annual wage review.

Lodgement and service of your completed form

1. Lodge this application and any supporting documents with the Commission.

You can lodge your application by post, by fax or by email or in person at the [Commission's office](#) in your State or Territory.

2. Serve a copy of your application and any supporting documents on each Respondent listed in the application as soon as practicable after lodging with the Commission. You can send this

application and supporting documents in a number of ways, including by email or by express or registered post.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- **how to make an** application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website www.fwc.gov.au also contains a range of information that may assist.

Throughout this form



This icon appears throughout the form. It indicates information to help you answer the question following.

Legal or other representation

Representation is where another person (such as a lawyer or union official) speaks or acts on your behalf in relation to your matter. There is no requirement for you to be represented when you appear at the Commission. You will need the permission of the Commission member dealing with your case if you wish to be represented by a lawyer or paid agent unless that person is:

- a bargaining representative, or
- employed by a union or employer organisation, a peak union or peak employer body, or
- one of your employees or officers (if you are an employer).

If you decide to represent yourself in proceedings you will need to make sure you are well prepared.

Glossary of common terms

Applicant—This is the person or organisation that is making an application.

Party—A party is a person or organisation involved in a matter or case that is brought to the Commission.

Respondent—The person or business responding to an application made by an Applicant.

Service—Serving a document means giving a copy of the document to a person or organisation, usually to the other party to the matter. You can serve a document in a number of ways, including by email, fax, express or registered post, or in person. Parts 7 and 8 of the Fair Work Commission Rules 2013 deal with service.

Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission's collection, use and disclosure of this information, please see the [Privacy Notice](#) for this form, or ask for a hard copy to be provided to you.



Remove this cover sheet and keep it for future reference—it contains useful information

Form F46 Application to vary a modern award

Fair Work Act 2009, ss.157–160

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the Fair Work Act 2009.

The Applicant



These are the details of the person who is making the application.

Title [Y] Mr [] Mrs [] Ms [] Other please specify:

First name(s) Angus

Surname Hibbins

Postal address [REDACTED]

Suburb [REDACTED]

State or territory [REDACTED] Postcode [REDACTED]

Phone number [REDACTED] Fax number [REDACTED]

Email address Angushbbns1@gmail.com

If the Applicant is a company or organisation please also provide the following details

Legal name of business

Trading name of business

ABN/ACN

Contact person

Does the Applicant need an interpreter?



If the Applicant requires an interpreter (other than a friend or family member) in order to participate in conciliation, a conference or hearing, the Fair Work Commission will provide an interpreter at no cost.

[] Yes—Specify language

[N] No

Does the Applicant require any special assistance at the hearing or conference (e.g. a hearing loop)?

[] Yes— Please specify the assistance required

[N] No

Does the Applicant have a representative?



A representative is a person or business who is representing the Applicant. This might be a lawyer, or a representative from a union or employer association. There is no requirement to have a representative.

[] Yes—Provide representative's details below

[N] No

Applicant's representative



These are the details of the person or business who is representing the Applicant.

Name of person

Organisation

Postal address

Suburb

State or territory

Postcode

Phone number

Fax number

Email address

1. Coverage

1.1 What is the name of the modern award to which the application relates?



Include the Award ID/ Code No. of the modern award

Security Services Industry Award 2010 [MA000016]

1.2 What industry is the employer in?

2. Application

2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

a determination varying a modern award

a modern award

a determination revoking a modern award

2.2 What are the details of your application?

Review of the Security Services Industry Award 2010 [MA000016] to suit a role within the security industry that is not recognized and pay increase.

Hospital security officers are regularly in contact with blood borne diseases, mental health aggressive and violent public. Furthermore, at times when emergency departments become over encumbered with emergency's, security can find themselves self-managing several patients whom are psychotic, suicidal, suffer from personality disorders, drug affected, violent and aggressive. This pushes the guards into personal danger not only physically and mentally but with-in the scope of law as well.

Refer to submission by an individual 14 January 2019 explain further into the role of Hospital security officer or review copy at bottom of the document.

Attach additional pages, if necessary.

2.3 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective as well as any additional requirements set out in the FW Act.

1)

I propose a review of the Security Services Industry Award 2010 [MA000016] and future awards to allow for hospital security officers to have their own subsection in the award.

As per Ss 158 (1) item 1, 2, 4

2)

I propose a variation to the award for a new category of Hospital security officer to ensure, easy to understand role working with in a public hospital and mental health environment. Equal and monetary compensation for the task will allow hospitals to attract appropriate officers providing efficient and productive performance of work under the award. Currently staff with in hospital are put at risk due to being unable to attract appropriate staff, often hospitals are left to on call guards whom do not understand mental health and its requirements. Thus placing staff, the public and patients at risk of assault not only with in the

facility but outside as well if the at risk patient absconds. Furthermore, a training program in this field would be best result to bring the award to modern standard. so security can understand what the patient maybe suffering from As per Ss 134 (1) and S s 135 (1)

Ss 134 (1)

(b) the need to encourage collective bargaining;

(d) the need to promote flexible modern work practices and the efficient and productive performance of work; and the principle of equal remuneration for work of equal or comparable value; and

(g) the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards; and

3)

I propose to vary the award wages of the Security Services Industry Award 2010 [MA000016] to a subclass of hospital security officers or allowance to an hourly rate suited to the tasks completed and working in a field that responses to emergency's in metal health and emergency with people in crisis. other than to responded to fire. As per

Ss 157 (1)

(a) make a determination varying a modern award, otherwise than to vary modern award minimum wages or to vary a default fund term of the award;

(2)

(a) the variation of modern award minimum wages is justified by work value reasons; and

(b) making the determination outside the system of annual wage reviews and the system of 4 yearly reviews of modern awards is necessary to achieve the modern awards objective.

I am asking for a review of the Security Services Industry Award 2010 [MA000016] the as per Ss 160 Variation of modern award to remove ambiguity or uncertainty or correct error as a whole. The fair work commission should make a determination to vary the Security Services Industry Award 2010 [MA000016] and future awards to include a sub section allowing for hospital security officer to have its own part and minimum rate or allowance.

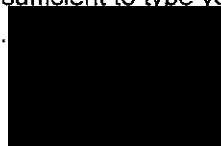
Attach additional pages, if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature



Name

Angus Hibbins

Date

05-06-2019

Capacity/Position Security Officer and Student Registered Nurse



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

To whom it may concern.

I am writing to you in regards to the review of the security industry award 2010 review for 2019. Across two hospitals both which have large mental health facilities. I have been paid by two different award wages Level 1 (L1) and Level 3 (L3) as per the security industry award 2010. I believe that security with in the public health and mental health facility are grossly underpaid when compared to the current industry award and duties that are required.

As per the security industry Award 2010

<p>C.1 Security Officer Level 1 Base wage \$21.26</p>	<p>C.3.2 A Security Officer Level 3 Base wage \$22.24</p>
<p>C.1.1 A Security Officer Level 1:</p> <ul style="list-style-type: none"> (a) is responsible for the quality of their own work subject to general supervision; (b) works under general supervision, which may not necessarily be at the site where the officer is posted, either individually or in a team environment; (c) exercises discretion within their level of skills and training; and (d) Assists in the provision of on-the-job training. <p>C.1.2 Indicative of the tasks which an employee at this level may perform are the following:</p> <ul style="list-style-type: none"> (a) watch, guard or protect persons and/or premises and/or property at sites/locations where the complex use of computer technology is not required; (b) basic crowd control functions including at shopping centres, major events, sporting tournaments, 	<ul style="list-style-type: none"> (a) works from complex instructions and procedures under limited supervision; (b) exercises good interpersonal and communications skills; (c) exercises computer skills at a level higher than Level 2; (d) assists in the provision of on-the-job training; (e) exercises discretion within the scope of this classification level; and (f) Performs work independently under limited supervision either individually or in a team environment. <p>C.3.3 Indicative of the tasks which an employee at this level may be required to perform are the following:</p> <ul style="list-style-type: none"> (a) control of movement of persons, vehicles, stock and material at gatehouses and similar locations utilising, monitoring and operating computer based systems requiring data input, including manipulation of spreadsheet based computer

<p>nightclubs, sporting venues and other entertainment venues or public areas where events, concerts or similar activities are conducted;</p> <p>(c) be stationed at an entrance/exit, where principal duties will include the control of movement of persons, vehicles, goods/property coming out of or going into premises or property, including vehicles carrying goods of any description, to ensure that the quantity and description of such goods is in accordance with the requirements of the relevant document/gate pass;</p> <p>(d) respond to basic fire/security alarms at their designated post;</p> <p>(e) in performing the duties referred to above the officer may be required to use electronic equipment such as hand-held scanners and simple closed circuit television systems utilising basic keyboard skills which do not require data input;</p> <p>(f) provide safety induction to employees, contractors or visitors to the site; and</p> <p>(g) control access to and exit from an airside security zone or landside security zone at an airport.</p>	<p>programs or other advanced monitoring system;</p> <p>(b) monitor and operate, under supervision, building operation systems terminating at a visual display unit or computerised printout, including the monitoring of complex fire alarms, water towers/chillers, temperatures and other similar building operational system functions;</p> <p>(c) stock and material control at computerised gatehouses and similar locations requiring data input and manipulation of computer programs e.g. Microsoft Excel and other similar computer programs; and</p> <p>(d) provide safety induction to employees, contractors or visitors to the site; and</p> <p>(e) Monitor and act upon walk-through electromagnetic detectors; and/or monitor, interpret and act upon screen images using x-ray imaging and/or observation equipment, including in or in connection with airport security zones.</p> <p>C.3.4 A Security Officer Level 3 may be required to perform the duties of Security Officers at Levels 1 and 2 provided that such duties are not designed to promote deskilling.</p>
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A security officer with in a hospital will do all of the above duties that are required of a Level 1 and Level 3 guard and more.

<p>Security with in a hospital with mental health unit.</p> <p>Assist with non-mental health patient's, whom have become a risk to self and staff that under influence of drugs and alcohol or under influence of analgesia resulting "delirium".</p> <p>Assist with aggressive people whom have come into the hospital and are required to be removed for public safety and staff safety.</p>

Assist staff, police and ambulance with patients whom are under a section 351 (Mental health act), whom are generally extremely aggressive, mentally unable to make informed decisions and are risk to self and others.

Removal of contraband that is illegal under the law and hand over to authorities.

Assist with the de-escalation of patients whom are suffering from psychosis, Major depression, borderline personality disorder, and anxiety.

Assist mental health staff with patient that are a risk to self and others whom require electro compulsive therapy.

Managing the growing rates of assault with nursing staff public and hostile public at hospitals

My career in security has spanned over 10 years working in many different environments from static security, event security, clubs, pubs and bars as well as private security work. In all those years of working in security I have never dealt with as much violence and aggression or mental health as I have at a hospital, ultimately the hospital is a place where public go to receive health care and assistance banning of these people from site is almost non-existent. Hospital security requires the above industry award criteria of level 1 and level 3 guards plus aspects of prison guards and mental health clinicians.

These are some of Incidences that have occurred to myself in particular over the past year and a half and reasons why I believe security officers in the hospital and mental health environment should be paid more:

- Several times I have ceased someone from hanging them self, had to cut people down who have partially succeed in the act of suicide.
- Deescalated client who are acutely psychotic and that have been armed with knife, used syringes scissors etc etc.
- I have had client of hospitals try to jump from heights or slit their wrists in front of staff and myself.
- Had to forcible restrain many clients whom are acute unwell extremely aggressive and are a danger to them self and public and staff. Use mechanical restraints while being spat at had blood on myself by clients whom are intravenous drug uses and likely to have blood borne virus's such as HIV, Tuberculosis, Hepatitis A , B, C.
- Conducted patient search on clients that are under mental health as per the hospital polices found used uncapped syringe, knives scissors, quant able amounts of illicit substances. Many of these clients are blood borne disease positive.
- I have had faeces thrown at me.
- Restrained clients whom have been acutely mentally unwell and covered them self in faecal matter resulting in the client having to be secluded under mental health act due to the risk of them to self and other.
- Provided assistance to staff with public whom have come to hospital and are in extreme distress resulting in a medical duties of care ensuing in restraint of person or placing individual under a medically duties of care forcing person to stay in the hospital.
- I have had to force people whom are a risk to self and other that are trying to abscond from the mental health facility back into the unit or ward.

- Deal with public whom are disheartened with care provided by hospital or have lost someone and become aggressive resulting in escalation of the individual or physical restraint, de-escalation of said person.
- Witnessed countless assaults against security, other clients, and facility staff.
- Been involved in the removal of children from a mental health clients whom are unable to care for self and children this usually resulting aggressive behaviour.
- It is becoming a requirement of the current hospital I am working in to wear a stab prof vest and body cameras, several hospitals have already applied this principle.
- Assisted with ECT therapy.
- I have personally had to stop a psychiatric patient who had run out on to extremely busy highway to kill them self. This is above and beyond duties of care and hospital policy but resulting incident would have been worse than if I did not intervene most likely mass casualty. I have heard several other incidents at other hospitals similar to this that security have stopped a mentally unwell person from causing mass damage.

I believe it would be reasonable to consider a security officer to have to come into contact with these situation occasionally. However with these incidents in a hospital environment they usually occur several times a week and more often than not.

There are many more incidents that have occurred to myself and other security guards across all hospitals in Australia, particularly hospitals that have mental health facilities and or a large mental health catchment. Hospital security are similar to a prison officer and require a level of clinical knowledge understanding of mental health and public behavior, as well as knowledge of hospital policy when it comes to the management of acutely unwell clients and management of situation where there is no policy. You cannot simply use force to restrain someone who is under mental health and requires care, hypothetically if restraint occurred police are called where does the client end up? Not at a prison in the hospital to receive care for their illness. Resulting in security being the order response to aggressive clients.

Security officers in hospitals are the front line to incident response public and staff safety there is no knowledge of what is happening when an officer is responding to an incident just a duress alarm. The risk of being exposed to blood borne viruses and viral infection is high due to the exposure of spit, vomit, fecal matter and blood.

The growing nature of violence in hospital and the requirement of stab prof vests and body cameras is reason enough to consider a pay increase for security officers in a public health facility. Officer are unarmed in most hospitals due to the nature of health and caring for vulnerable people meaning the requirement to communicate strongly is high but generally result in a physical incident

I would say there is no training that prepares security to work with in the hospital environment it is very much so learn as you go. Most are not trained to deal with complex nature of a hospital environment or graphic nature of mental health. However most officer persist to learn and work with in the environment as they generally have an interest in the care of clients and staff and public safety.

Thank you for your time in reading this it is the reasons why I believe security officers in hospital require their own classification on pay and need to be paid more. This would help to stop incidents of underpayment that occur frequently in the security industry.

I hope to hear from you soon

Yours sincerely

Angus Hibbins

Hospital Security officer and student Registered Nurse.