

Submission to the Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

Terms of Reference

Received from the Legislative Council on 21 June 2017:

That —

A Select Committee of eight Members be appointed to inquire into, consider and report, no later than 8 August 2017, on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —

impact on fire service delivery across Victoria

effect on volunteer engagement and participation in fire service delivery

short term and long term cost impact on fire service provision

underlying policy rationale.

I make this submission as an individual, and do not claim to represent any organisation or individual apart from myself. I propose to address two of the items: Effect on volunteer engagement and the underlying policy rationale.

Effect on volunteer engagement and participation in fire service delivery

As an active volunteer, I take pride in my service, and willingly put myself in harm's way, knowing that I am supported by a strong and vibrant safety culture. This bill, by separating volunteers out from staff, has two consequences. The first is that there is no legislative demand now to have any part of the serving CFA volunteers protected by Occupational Health and Safety legislation. Having paid staff meant that for the employer to ensure that they provided a safe workplace for staff meant that they are comply. The OH&S regulations explicitly exclude volunteers.

"emergency service employee means— (a) an officer or member of a metropolitan fire brigade; or (b) an officer or member of an urban fire brigade or rural fire brigade within the meaning of the Country Fire Authority Act 1958; or ... but does not include a volunteer;" p15 2007 regulations, which will leave us in a strange position of having no ability to control the safety of our own workplace. This means that such things as PPC, appliance design or even time spent on the fire ground can be externally controlled to the point where fatigue and risk to life begins to climb. We benefit from the presence of staff fire fighters, and are grateful for the input the individual people provide into our practice.

I'm also disturbed by the 'presumptive' legislation. I'm concerned because even though I may have attended the same fire as a staff fire fighter, perhaps even arrived earlier due to being closer and getting exposed to the same toxins, if I develop cancer I need to justify my disease to a panel, the composition of which is not known, through a process which is not known and if I happen to develop a disease more than 10 years after service, it's automatically discounted. This is not presumptive, it

is begging, and not a fair system to recognise my service. Why should I attend potentially dangerous events if I am not covered for any injuries I receive, either directly at the fire, or after 10 years if it's a slow growing cancer? All I ask for is an even playing field. I not that DWELP firefighters are getting their own presumptive legislation later this year, and I would ask why that could not be extended to cover all firefighters, volunteer, casual and appointed?

Underlying policy rationale

I have watched with interest the "debate" by the deputy premier about the need for reform. I fail to see any debate around policy, data collection, discussion of what a fire service needs to look like now and in the future, just a statement that it needs to be 'modernised'. Evidence from the US shows that the need for urban fire fighters is dropping, with the great improvements in building and personnel protection, and the need for bush fire fighters is rising in response to climate change. This is borne out by anecdotal evidence, where more large commercial buildings are presenting real risks in urban environments, and that house fires are either easily contained by fire fighters or have raged out of control due to a high fuel load, and any dead had died early on in the fire due to the ferocity of the fire.

The Deputy Premier has intimated that this split has occurred to allow for the staff EBA to go through. This broad brush approach to industrial relations is puzzling, as the EBA as it stands could be accepted by FWA tomorrow if usual practice was followed to enforce consultation before decision, but not to demand full agreement. I believe that this EBA has been in response to many years of antagonism between those who think they know best (management and government) and those who live the reality (fire fighters). There are many examples in the past of the management going off on follies based on what they thought, not what the data demanded, and the UFU has responded to this by trying, with each EBA, to tie the management down to ensure that they will consult. It has gotten to the point where no one has any trust for anyone, and the only people who still talk are the actual fire fighters on the ground.

The fire services would be well served by an independent and comprehensive review, bringing all the different viewpoints and learnings together to produce a cohesive and practical fire service. Names are not important; service and protection are.

A close and recent example is the creation of Fire and Emergency New Zealand, incorporating all firefighting bodies within New Zealand. While a change of this type would require the building of some massive bridges, it may be a model well worth considering providing the flexibility that firefighting will need to have into the future.

Thank you for this opportunity to have my voice heard.

Gary Greer

Volunteer CFA Fire Fighter, Brigade Communication Officer

Gisborne CFA Brigade.