



**UNITED FIREFIGHTERS UNION OF AUSTRALIA  
VICTORIA BRANCH  
SUBMISSION**

**Inquiry into the Firefighters’ Presumptive Rights Compensation and  
Fire Services Legislation Amendment (Reform Bill) 2017**

**PART A**

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## INTRODUCTION

1. The United Firefighters Union of Australia (“the UFUA”) is a registered federal union of career firefighters and others employed by fire services in Australia.
2. The UFUA has eight branches in Tasmania, South Australia, Victoria, ACT, New South Wales, Western Australia, Queensland and an Aviation sector branch. Each branch has very high level of union membership with the majority of branches averaging around 95 percent membership of the relevant workforce.
3. The UFUA represents firefighters employed on a permanent full-time basis, permanent part time basis and on a casual basis by fire services including aviation and defence.
4. In addition, the UFUA also represents other employees of fire services including, but not limited to, emergency call centres, fire safety officers, mechanics and administrative employees.
5. The Victorian Branch of the United Firefighters Union of Australia (**UFU**) represents professional firefighters, emergency call centre employees and fire agency corporate, administration, hospitality, technical and mechanical employees across both the CFA and MFB, and Defence (employed by Broadspectrum)
6. The UFUA is the only end-user representative on the Australian Standards and the International Standards Organisation committees considering and determining firefighter uniform standards. The UFUA is also the representative organisation for firefighters on the Public Safety Industry Reference Committee which administers the national Public Safety Training Package.
7. The UFUA represents its members in all industrial relations jurisdictions and has participated in numerous Inquiries and Coronial Inquests and Commissions of Inquiry which include but are not limited to the following:
  - Senate Inquiry into Recent Trends in and Preparedness for Extreme Weather Events, 18 January 2013
  - Senate Inquiry into the Safety Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011.
  - The 2012 Review of the Safety Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011.
  - State Inquiries into presumptive legislation
8. Specific Victorian Branch submissions include:
  - 1993 Public Bodies Review into the MFB
  - 1997 Dandenong Fires
  - Longford Explosion
  - Investigation and Inquests into a Wildfire and Deaths of Five firefighters at Linton in December 1998
  - 2009 Board of Reference (into CFA response times and capacity)
  - 2009 Royal Commission into the Victoria Bushfires
  - 2014 Fire Services Review
  - 2016 Victoria Parliament Fire Preparedness Inquiry
  - 2016 Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016
  - 2017 Inquiry into the Drugs, Poisons and Controlled Substances Amendments (Pilot Medically Supervised Injecting Centre) Bill 2017

## **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017**

9. The United Firefighters Union (UFU) strongly supports the proposed reforms as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and the introduction of presumptive legislation to recognise firefighters' occupational cancer.
10. The UFU supports the Bill in its intention to:
- Establish Fire Rescue Victoria which will employ all Victoria's career firefighters currently employed by the MFB and CFA;
  - Extend the metropolitan fire district to include the primary response areas of all current CFA integrated stations
  - Restore the CFA to a volunteer fire service while retaining volunteer support currently provided by career firefighters
  - Establish an independent Fire District Review Panel responsible for reviewing the metropolitan fire services boundary, and to recommend changes as a result of population and risk factors, urban development and the volume of emergency calls
  - Provide the protection of presumptive legislation to recognise occupational cancer for career and volunteer firefighters.
11. The UFU's basis for the support for the reform is set out in this submission in response to the following terms of reference:
- 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 —*
- a. impact on fire service delivery across Victoria*
  - b. effect on volunteer engagement and participation in fire service delivery*
  - c. short term and long term cost impact on fire service provision*
  - d. underlying policy rationale.*
12. Although the Terms of Reference do not include specific reference to the presumptive rights section of the Bill, this submission includes the rationale for the support of the presumptive rights as provided for in the Bill.

## **FIREFIGHTING AND RESCUE OPERATIONS**

13. Victorian career firefighters provide a range of emergency management activities including prevention/mitigation, preparedness, response and recovery.
14. There is an expanding range of fire and rescue activities:
  - responding to fire and other emergencies
  - developing building fire safety codes and inspecting fire safety equipment and practices
  - training and educating the community to achieve community awareness and behavioral change in relation to fire and road safety issues
  - assisting individuals and communities to prepare for bushfires and other hazards
  - responding to structure, bush, vehicle and other fires
  - providing rural land management advice on the role and use of fire
  - providing road crash rescue and other rescue service
  - managing hazardous material incidents
  - chemical, biological and radiological incidents
  - terrorism incidents
  - administering legislation relating to fire safety, hazardous materials facilities and hazard mitigation
  - investigating fire cause and origin
  - wide ranging industry research activities
15. MFB and CFA career firefighters are also trained in specialist response:
  - Urban Search and Rescue
  - High Angle Rescue
  - Heavy Rescue
  - Confined Space Rescue
  - HAZMAT
  - Chemical, Biological, Radiological, Nuclear Response
  - Marine Response
  - Air Operations including Unmanned Aerial Vehicles
  - Rapid Impact Assessment including Ground Observers,
  - Emergency Medical Response (EMR)
  - Trench Rescue
  - Industrial Rescue

## **FIREFIGHTING TRAINING**

### **Are Career firefighters and volunteer firefighters trained to the same level?**

**Volunteer firefighters provide an enormous commitment and service to the community of Victoria, however there is a significant difference in the training levels and qualifications.**

16. The training, skills, qualifications and rank of firefighters is integral to response and the safety of firefighting operations.
17. Both the CFA and MFB Operational Staff Agreements 2010 includes schedules of minimum staffing arrangements for each station including rank.
18. Both the CFA and MFB Operational Staff Agreements 2010 include training frameworks including qualifications, competencies, requirements to achieve qualified firefighter status and requirements for the promotion through the ranks.
19. Career firefighters undergo extensive training via an initial recruit course followed by a probationary period. Recruit courses and training time periods vary from fire service to fire service but are at least a 17 weeks full time course followed by a 12-month probationary period.
20. In addition to the recruit course, the MFB require successful candidates to undertake a continuous training programme in accordance with the national Public Safety Training Package. This requires a further three years of study and training in order to become a qualified firefighter. During this period, the career firefighter is deployed on shift to a fire station for operational experience and respond under supervision to all emergencies including, but not limited to, structure fires, non-structure fires, car fires, emergency medical response, chemical spills and building collapse.
21. After four years and successful completion of the requiring training, the career firefighter obtains the rank of qualified firefighter with Certificate III in Public Safety Firefighting in Emergency Operations.
22. Career firefighters also undertake additional specialist training and qualifications to deploy for specialist functions such as heavy rescue, high angle rescue, trench rescue, marine response.

### **CFA**

- CFA career firefighters must successfully complete a 19.3-week full time recruit course.
  - CFA volunteer firefighters must complete the minimum skills requirements which requires approximately 27 hours training.
23. Below is a summary comparison of CFA's career and volunteer training requirements prior to the firefighter deploying.

CFA CAREER RECRUIT COURSE REQUIREMENTS	CFA VOLUNTEER “MINIMUM SKILLS” REQUIREMENTS
19.3-week full time course	<p>Training varies from 2-6 hours per week depending on the brigade and can take 3-6 months.</p> <p>Approximately 27 hours training</p>
1.01 Health and Fitness	N/A
1.02 Preparation and Maintenance of Equipment	N/A
1.06 Occupational Hazards	Maintain safety at an incident scene
1.07 Personal Protection1 2.05 Personal Protection 2	N/A
1.08 Occupational Stress	N/A
1.16 Casualty Assistance	N/A
1.22 Fire Agency Awareness 1	N/A
1.24 Writing Skills for Work	N/A
1.04 Driving Skills 1	N/A
1.05 Alarms and Sprinklers	N/A
1.09 Map Reading 1	N/A
1.10 Building Structures 1	N/A
1.11 Fire Suppression 1	N/A
1.12A Wildfire Behaviour 1	Respond to wildfire
1.12 B Wildfire Suppression 1	
1.13 Vehicle Rescue	N/A
1.14 Search and Rescue	N/A
1.15 Breathing Apparatus (Open Circuit)	N/A
1.17 Emergency Care	N/A
1.19 Communications Systems	Operate communications systems and equipment
2.04 Operate Pumps	Operate pumps
2.02 Test and Inspect Equipment	N/A
2.05A Emergency Life support Techniques	N/A
2.07 Occupational Hygiene	N/A
2.24 Fire Agency Awareness 2	N/A

	Work in a team
2.03A Drive Vehicles on Road Legislation	N/A
2.05B Operate Life Support Equipment	N/A
2.15A Salvage and Overhaul 2.15 B Ventilation	N/A N/A
2.16 Dangerous Substances 1	N/A
2.20 I Describe the construction and use of the appliance	N/A
2.32 Fire Science Intro B	N/A
3.74 Enhanced Forcible Entry	N/A

24. For this Inquiry, the UFU commissioned a report on the 'comparison of minimum career firefighter training by the Metropolitan Fire Brigade and volunteer firefighter training by the Country Fire Authority by Quorum QA Australia Pty Ltd Co-Director Chloe Dyson.

25. Ms Dyson is also a co-director in long-established companies that conduct professional development for the Vocational Education and Training (VET) system and conduct research in VET. Her qualifications and experience are detailed from page of the attached report.

26. The report found significant differences in the level and type of training and qualifications when career firefighters are compared to volunteer firefighters.

27. Regarding CFA Volunteer training:

*Given this information, which was the most current available, volunteer training for the CFA is typically conducted on weekends and week nights over a three to six-month period, dependent on the availability of participants and trainers. The researcher was informed that different brigades use different approaches to training.*

*Given the information discussed above, it is difficult to provide an accurate assessment of the amount of training provided to CFA volunteers. It is most likely, given the strategies for training and assessment and the volunteer program outline, that volunteers typically receive between 27 and 37.5 hours face-to-face training before they are qualified to, 'get on to a truck'.<sup>1</sup>*

28. Regarding MFB career firefighter training:

*The MFB Emergency Response Training Framework outlines the units of competency that must be achieved to meet the Minimum Skills Framework requirements for a career firefighter. There are 31 units of competency that must be completed.*

*The Training and Education Delivery and Assessment Strategy provides the detail about the training program to be followed to achieve the Minimum Skills requirements for a career firefighter.*

<sup>1</sup> June 2017 "Comparison of minimum career firefighter training by the Metropolitan Fire Brigade and volunteer firefighter training by the Country Fire Authority, Chloe Dyson, pages 2 and 3.

*The Training and Education Delivery and Assessment Strategy states that career firefighters are employed full time and must attend 18.8 weeks of structured training. Each week of training currently comprises 4 x 10 hour days (40 hours p/w), according to interviewees.*

*Given this career firefighters are required to undertake 752 hours of face-to-face training before they are qualified to, 'get on a truck'. In addition, the MFB Emergency Response Training Framework (p149) details MFB specific requirements in addition to the face-to-face training program. These include squad drills, training on specialist appliances, fire duty and so on. The Training and Education Delivery and Assessment Strategy refers to a Continuation Skills Passport, explained by interviewees as a log of additional training and practice. The Training and Education Delivery and Assessment Strategy states that the units of competency included in the Continuation Training are commenced in the face-to-face training but assessed during Continuation training.<sup>2</sup>*

29. And concluded:

*The number of units of competency in the CFA volunteer firefighter training program and the MFB career firefighter training programs differ considerably. There are six (6) units in the CFA program and 31 units in the MFB program. The same six (6) units of competency are delivered in both programs. The MFB program is considerably more complex in terms of training firefighters to respond safely to a broad range of emergencies. For example, the range of skills the MFB program teaches career firefighters includes; how to operate breathing apparatus, perform offensive structure firefighting, work safely around aircraft, participate in a rescue operation and protect and preserve an incident scene. The CFA volunteer firefighter program is more focused on responding to wildfire. Time spent in face-to-face delivery is also markedly different in the two programs. The learning required to complete the six (6) units of competency for a volunteer firefighter is around 37 hours. The MFB program has face-to-face delivery of 753 hours, without considering additional MFB training requirements. There is a vast difference in the volume of learning required between the volunteer firefighter and the career firefighter to be qualified to 'get on a truck' in their organisation.<sup>3</sup>*

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<sup>2</sup> June 2017 "Comparison of minimum career firefighter training by the Metropolitan Fire Brigade and volunteer firefighter training by the Country Fire Authority, Chloe Dyson, page 3

<sup>3</sup> June 2017 "Comparison of minimum career firefighter training by the Metropolitan Fire Brigade and volunteer firefighter training by the Country Fire Authority, Chloe Dyson, page 3



## EMERGENCY MEDICAL RESPONSE (EMR)

30. The Emergency Medical Response program is the co-responding of career firefighters with Ambulance Victoria to agreed priority zero medical emergencies – the most urgent class of events as are identified as a serious threat to life that requires rapid response and intervention.
31. Firefighters are trained to provide life-preserving intervention until AV crews can arrive on scene. This first responder role is designed to maintain life for the critical first minutes after a collapse, and before the arrival of paramedics, who are then able to provide more advanced medical responses, treatment and transport to hospital.
32. MFB and CFA career firefighters take part in extensive and ongoing EMR training:
- 9 days of EMR specific training are delivered within the first 12 months of service, broken into two blocks with the initial block occurring during the 16 weeks of the Recruit Training course, and the later block when they have commenced in-service on station.
  - While their role during the first 12 months, until they attain clinical certification is to observe, report and assist only, they are nevertheless exposed to the incident and situation in its entirety.
  - Monthly on-station continuing education is provided by AV clinical instructors, and each firefighter is required to participate in a minimum of 4 of these sessions a year to maintain and update their EMR skills.
  - EMR re-certification training of 2 days is required to be undertaken every 4 years.
33. The MFB has conducted the EMR program since 1997 and was the first fire service in Australia to implement a service-wide EMR program in 2001. A seven-year review<sup>4</sup> of the MFB EMR program found:
- MFB career firefighters responded to 8227 EMR incidents over the first 7 years of the program with an average response time of 6.1 minutes, a median response time of 5.61 minutes.
  - MFB career firefighters provided initial care in 57% of the cases, and assisted in 36% of the incidents. They spent an average of 4.83 minutes with the patient before handing over to paramedics.
34. The EMR program now operates at all MFB fire stations.
35. The CFA commenced a trial EMR program of career firefighters in 5 integrated stations in 2011 and a review<sup>5</sup> found there were 595 Final Priority Zero events with the CFA career firefighters attending 84% of those events and arrived first for 39% of those events.

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<sup>4</sup> The first 7 years of the metropolitan fire brigade emergency responder program – an overview of incidents attended; Boyle et al, Open Access Emergency Medicine 2010:2 77-82.

<sup>5</sup> Country Fire Authority Emergency Medical Responder Pilot: Twelve-month evaluation.

36. The impact of the CFA career firefighters EMR pilot program was a 90<sup>h</sup> percentile response time of 12.6 minutes compared to 15.1 minutes for AV alone. The following quote is taken from the report of the CFA career firefighter pilot program:

*“For the 14 patients who were defibrillated by CFA, the CFA arrived on average 4 minutes earlier than AV. Additionally survival to hospital discharge was 43% when patients were first defibrillated by the CFA compared to 21% when patients were defibrillated by AV. Whilst this did not reach statistical significance, there are clear clinical implications.”<sup>6</sup>*

37. The MFB EMR program has been a continued success. The MFB have a specialist EMR department called EMS to oversee the running of the program. The EMS department has a Commander, a Senior Station Officer, a Station Officer and administrative support.
38. In the development and running of the CFA career EMR program, the CFA used the MFB registered course, equipment, and training curriculum. The MFB also provided all of their operational procedures and clinical skills guidelines that were developed for the MFB program over many years which allowed the saving of many hours and money in development.
39. However, as the CFA twelve-month evaluation report found, there are some significant improvements that can be made with the CFA program, including in the area of skills maintenance and database management. The CFA have an EMR coordinator (currently a Leading Firefighter) with some project management support.
40. Importantly it should be noted there are two categories of EMR in the CFA. The training for EMR and operation of EMR by volunteers is significantly different. Some volunteers have a level of training but it is not the training to the level that the career firefighters are required to undertaken and perform. At volunteer stations that chose to do EMR, the required training equates to 40 hours, in comparison to CFA career firefighters who must successfully complete the training course of a minimum 80 hours and 12 months pre-requisite as a career firefighter.

## EMR SNAPSHOT

41. MFB attended 3,590 EMR calls in 2016, and were dispatched over 1500 further calls prior to being downgraded before arrival. In the EMR statistics to May this year, MFB have attended 1587 calls and continue to provide service to all primary areas in the MFB area.
42. Below is a table of the summary confirmed lives saves since the MFB programme was confirmed in 2000 and as of 30 June 2017. The MFB have recorded the outcome only if the patient was transported to hospital, so those saved but not transported to hospital are not included. Additionally, there are restrictions on the information the MFB can record due to privacy restrictions.

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<sup>6</sup> Country Fire Authority Emergency Medical Responder Pilot: Twelve-month evaluation, page 8.

Year	CONFIRMED LIVES SAVED AND DISCHARGED FROM ' HOSPITAL	LIFE SUCCESSFULLY MAINTAINED AND TRANSPORTED TO HOSPITAL	MFB DO NOT HAVE A RECORD OF THE OUTCOME	Totals
2000	3	0	0	
2001	2	0	0	
2002	6	0	0	
2003	12	0	0	
2004	19	0	0	
2005	13	0	0	
2006	14	0	0	
2007	24	0	0	
2008	27	0	0	
2009	11	0	0	
2010	3	0	0	
2011	19	0	8	46
2012	6	0	15	32
2013	7	0	22	61
2014	16	0	14	53
2015	26	0	15	61
2016	9	30	0	53
2017	12	13	0	27
Totals	229	43	74	

43. Currently CFA has 16 integrated brigades where career firefighters have successfully completed the 80-hour registered course including meeting the prerequisite requirements, exactly the same as the MFB career firefighters, performing EMR. There are 3 volunteer brigades also performing EMR but at the lower level of training. Further integrated brigades are scheduled to be trained in the next two years with the intention of EMR being rolled out to all 35 integrated brigades by 30 June 2019. This will enable career firefighters in those 35 areas to turn out to EMR calls within 90 seconds and ensure a quick response is available to the community. Please note the difference in training levels for EMR between volunteer and career staff is not to be construed as a disparaging comment but an illustration of the different training requirements and programs.
44. CFA EMR calls for the year of 2016 were 799 and for the year of 2017 to date they have already completed 720 calls. This significant increase shows the increased benefit available to the community in these areas, which will further benefit the Victorian community as it is rolled out in other integrated brigades.

45. Programs, such as EMR, will significantly benefit from further consolidation and standardisation of skills and resources through the establishment of Fire Rescue Victoria with a single EMR department, enabling savings and further sharing of resources. This EMR department can also work with AV, who have a dedicated EMR department with a coordinator and 2-3 clinical instructors.
46. This will enhance consistency regarding to operational procedures and guidelines, EMR and clinical skills guidelines and cost savings for supply contracts with regard to training, consumables and other EMR requirements.
47. As the benefits of the EMR have now been consistently demonstrated, with the EMR program being rolled out to all MFB and CFA career firefighters, the ability to consolidate this program with savings and complete sharing of resources.
48. Certified EMR is an extremely successful and important aspect of the fire response delivered by career firefighters. In particular to areas of highly urbanised and residential growth due to increased population and the urban sprawl.

Dated this 7 July 2017



Victoria Branch Secretary  
United Firefighters Union  
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## **Comparison of minimum career firefighter training by the Metropolitan Fire Brigade and volunteer firefighter training by the Country Fire Authority**

Chloe Dyson

Co-Director

Quorum QA Australia Pty Ltd

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### **Summary**

This comparison of initial training provided to career firefighters trained by the Metropolitan Fire Brigade (MFB) and volunteer firefighters by the Country Fire Authority (CFA) found that, based on the information provided to the researcher, the program provided by the MFB is considerably longer and has substantially more depth than the program provided by the CFA.

### **Introduction**

Quorum QA Australia was commissioned by the United Firefighters Union to assess the minimum training requirements of firefighters who respond to fires.

The comparison involved the training of career firefighters by the Metropolitan Fire Brigade (MFB) to the training provided to volunteer firefighters by the Country Fire Authority (CFA). Please refer to Quorum's Capability Statement in the attachment to this report.

The focus of the comparison was the amount of training provided to each group of firefighters. The amount of training relates to the formal teaching and learning activities provided by a registered training organisation (RTO)<sup>1</sup> to develop the skills and knowledge required to attain a qualification (or part of a qualification, where relevant)<sup>2</sup>.

### **Amount of training – an explanation**

A program that has a suitable amount of training has opportunities for students to develop skills and knowledge and to practice and consolidate this learning so that they can perform effectively on the job. A useful analogy is the way in which people gain their driving licenses. A learner-driver must be taught the basics and then practice under supervision for 120 hours in a range of conditions, improving their skills and knowledge until they are qualified to drive on public roads.

The amount of training can be determined by reviewing the RTO's training and assessment plan, their timetables and the training resources they use to guide the delivery of their programs.

The training programs conducted by both the MFB and the CFA are structured around units of competency. Units of competency are nationally recognised descriptions of the skills and knowledge required to undertake a specific job function. An example of a unit of competency is 'Respond to urban fire'.

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<sup>1</sup> RTOs are registered by vocational education and training (VET) regulators. In Victoria, RTOs can be regulated by the Australian Skills Quality Authority (ASQA) or the Victorian Registration and Qualifications Authority (VRQA)

<sup>2</sup> <https://www.asqa.gov.au/faqs/what-comprises-amount-training-eg-can-amount-training-include-face-face-online-learning-time> (accessed 2/7/17)

## Evidence provided

Relevant documents were provided by qualified personnel with significant experience in the training of firefighters from both the MFB and the CFA. The findings in this report are based solely on the evidence provided.

The documents provided for CFA training were:

- A list of the units of competency that form the volunteer training program:
- <http://www.cfa.vic.gov.au/volunteer-careers/volunteer-faqs/> (accessed 1/7/17)
- PowerPoint slide: WF Program Introduction, outlining the Wildfire Firefighter Respond to wildfire program (23/11/07)
- PowerPoint slides outlining the content of each of the topics in the Wildfire Firefighter Respond to wildfire program (teaching aids) (23/11/07)
- Five videos – 17 minutes in total
- Two learning and assessment strategies for five units of competency in the Wildfire Firefighter Respond to wildfire program (26/04/2006)
- CFA Policy: Brigade Operational Skills Profile (Volunteer) (5/11/08)
- Wildfire Firefighter Drills and Practice Guide (29/01/07)
- Wildfire firefighter Assessor's Guide (29/01/2007)
- Wildfire Firefighter Participant Guide (29/01/2007)
- Respond to Wildfire PUA FIR204A Fire Science Assessment (29/01/2007)
- Assessment summary sheet (29/01/2007)

The documents provided for MFB training:

- Training and Education Delivery and Assessment Strategy – Recruit training. Certificate II in Public Safety (Firefighting and Emergency Operations) and units from PUA30613 Certificate III in Public Safety (Firefighting and Emergency Operations)
- Public Safety Training Package – Qualifications Framework Summary Draft July 2015
- MFB Emergency Response Training Framework (March, 2010).
- Victorian Recruit Firefighter Skills Passport – Recruit Course (2017)
- Final Get to Work Practical Assessment

## Analysis

### ***CFA volunteer firefighter training***

The CFA policy, Brigade Operational Skills Profile (Volunteer) states that a CFA member must attain the Minimum Skills Profile before they are permitted to, 'respond to any incident or enter the fire/incident ground'.

The information provided by the CFA did not provide a consistent picture of the approach to training. The CFA website at, <http://www.cfa.vic.gov.au/volunteer-careers/volunteer-faqs/> (accessed 2/7/17) states:

*On average it takes 3-6 months to complete training. Training courses vary from 2-6 hours per week depending on the brigade you join. In your initial training you will learn all the basic skills and safety requirements to be able to commence attending incidents. Once you have completed this, you will have the opportunity to attend regular training with the Brigade, to maintain your skills and learn new ones. The first 6 months with CFA is a probationary period.*

Given this information, which was the most current available, volunteer training for the CFA is typically conducted on weekends and week nights over a three to six month period, dependent on the availability of participants and trainers. The researcher was informed that different brigades use different approaches to training.

The PowerPoint slide, *WF Program Introduction* outlines the hours allocated to the Wildfire Firefighter course, which the researcher was advised was the minimum skill requirements for a volunteer in the CFA, states that the training program is 27 hours, including both theory and practice. The list of the units of competency that form the minimum volunteer training program cited six (6) units of competency.

The strategies for training and assessment (plans) for what appears to be this program (the information in both documents do not align completely) equate to 37.5 hours training. The strategies refer to trainer-led learning, some practical activities and a small amount of self-directed learning.

The remaining documents provided about the CFA volunteer training did not provide further information about program length.

Given the information discussed above, it is difficult to provide an accurate assessment of the amount of training provided to CFA volunteers. It is most likely, given the strategies for training and assessment and the volunteer program outline, that volunteers typically receive between 27 and 37.5 hours face-to-face training before they are qualified to, 'get on to a truck'.

### ***MFB career firefighter training***

The MFB Emergency Response Training Framework outlines the units of competency that must be achieved to meet the Minimum Skills Framework requirements for a career firefighter. There are 31 units of competency that must be completed.

The Training and Education Delivery and Assessment Strategy provides the detail about the training program to be followed to achieve the Minimum Skills requirements for a career firefighter.

The Training and Education Delivery and Assessment Strategy states that career firefighters are employed full time and must attend 18.8 weeks of structured training. Each week of training currently comprises 4 x 10 hour days (40 hours p/w), according to interviewees.

Given this career firefighters are required to undertake 752 hours of face-to-face training before they are qualified to, 'get on a truck'. In addition, the MFB Emergency Response Training Framework (p149) details MFB specific requirements in addition to the face-to-face training program. These include squad drills, training on specialist appliances, fire duty and so on. The Training and Education Delivery and Assessment Strategy refers to a Continuation Skills Passport, explained by interviewees as a log of additional training and practice. The Training and Education Delivery and Assessment Strategy states that the units of competency included in the Continuation Training are commenced in the face-to-face training but assessed during Continuation training. The amount of time spent on the MFB specific requirements is not noted in any of the documents reviewed.

### **Conclusion**

The number of units of competency in the CFA volunteer firefighter training program and the MFB career firefighter training programs differ considerably.

There are six (6) units in the CFA program and 31 units in the MFB program. The same six (6) units of competency are delivered in both programs.

The MFB program is considerably more complex in terms of training firefighters to respond safely to a broad range of emergencies. For example, the range of skills the MFB program teaches career firefighters includes; how to operate breathing apparatus, perform offensive structure firefighting, work safely around aircraft, participate in a rescue operation and protect and preserve an incident scene. The CFA volunteer firefighter program is more focused on responding to wildfire.

Time spent in face-to-face delivery is also markedly different in the two programs. The learning required to complete the six (6) units of competency for a volunteer firefighter is around 37 hours.

The MFB program has face-to-face delivery of 753 hours, without considering additional MFB training requirements.

There is a vast difference in the volume of learning required between the volunteer firefighter and the career firefighter to be qualified to 'get on a truck' in their organisation.





Attachment

## Capability Statement

### The company

Quorum QA Australia was established in 2010. Its Directors are Andrea Bateman and Chloe Dyson, both of whom are also directors of long-established companies that conduct professional development for the Vocational Education and Training (VET) system and conduct research in VET. Quorum also has a team of auditors that both lead and assist at audits. Please refer to our website for further information: <http://quorumqa.com.au>.

Quorum's major roles are to conduct quality audits for state and national regulators and to assist registered training organisations to improve the quality of their operations.

### Auditing experience

Andrea and Chloe have both audited for the VRQA and its predecessors since the late 1990s and for ASQA since its inception. Together they developed the initial and subsequent RTO Users' Guide to the AQTF and the AQTF Audit Handbook, which are used by RTOs across Australia. They are both IRCA registered auditors.

Chloe and Andrea's auditing experience has included the conduct of re-registration audits of all TAFE Institutes in Queensland and Victoria (2007 – 2009); acting as lead auditors for a range of Strategic Industry audits and auditing a range of different types of RTOs across a wide range of qualifications.

They are experienced auditors against the Standards for RTOs2015 (for ASQA); the AQTF (for the VRQA) and the ESOS National Code of Practice (for ASQA).

### Investigations

They have lead and participated in investigations of providers of programs for international students, examining program quality and the sufficiency of student support. They have also lead investigations of government-subsidised training organisations for the Market Monitoring unit of the Victorian Department of Education and Early Childhood Development, examining the quality of short-duration delivery. The outcomes of these investigations led to changes in government policy relating to government-subsidised training.

### VET experience

Chloe Dyson and Andrea Bateman have strong backgrounds in the Vocational Education and Training sector.

Andrea Bateman worked for the University of Ballarat up until 2004 in various roles. Chloe Dyson worked for Kangan Institute up to 1998 in teaching and management roles. Both Chloe and Andrea were Managers of Assessment Centres at their respective TAFE Institutes.

Both Andrea and Chloe have extensive expertise in the area of assessment, including assessment validation. They have both participated in projects for the National Quality Council, which have led to clearer guidance to RTOs about effective assessment validation.

They were responsible for drafting various components of AQTF products (e.g. Audit Handbook, Users' guides), and for undertaking a review of AQTF standards and Australia's quality assurance framework.

Andrea Bateman (along with Associate Professor Shelley Gillis) was responsible for the development of the NQC documents related to assessment validation and assessment tool development. Chloe Dyson provided assistance with the development of components of the suite of NQC documents.

### Consultancy

Andrea provides extensive consultancy services to DFAT/AusAID, ASEAN Secretariat, APEC Secretariat, EAS Summit Ministers, World Bank and UNESCO. The focus of her international work is qualifications frameworks, quality assurance frameworks, competency frameworks, competency based assessment and professionalism of VET staff. Andrea has conducted professional development to DFAT/AusAID staff, World Bank staff, specialist panels for the UN, and ASEAN countries.

Much of Andrea's work internationally is developing regional quality assurance frameworks for specific regions, e.g. East Asia, ASEAN and currently APEC. She has also been instrumental in reviewing quality assurance frameworks providing high level advice to government agencies, e.g. Malaysia, UAE.

Andrea recently developed the delegation requirements for ASQA for high performing providers.

Chloe's recent experience includes: acting as a Subject Matter Expert on the panel for the VET Quality Teaching Project (University of Melbourne); Review of the NQC Assessor Guide; the conduct of an environmental scan of workplace health and safety in the VET sector for Safe Work Australia; and lead consultant on a project for the Victorian Department of Education and Training, which examined policy underpinning delivery of school based traineeships and apprenticeships (current).

### Working with providers

In addition to conducting internal audit for universities (CRICOS), Andrea and Chloe also work with private, enterprise-based, public and community RTOs to assist them with reviewing their systems. Typically, this includes an internal audit against the relevant standards or requirements, including the Standards for Registered Training Organisations 2015, the AQTF Standards for RTOs, contract compliance requirements and the ESOS National Code of Practice. RTOs are provided with a report about their status against the relevant standards. Where compliance issues are identified or if opportunities for improvement arise from the internal audit, Chloe and Andrea work with the RTO in determining strategies to address them. These strategies vary, depending on the RTO's preferences - Chloe and Andrea have provided to support to RTOs through assistance with revising strategies for training and assessment so that they better reflect the RTO's operations; providing guidance on the re-development of assessment tools and assisting RTOs with building the capabilities of staff.



## UNITED FIREFIGHTERS UNION OF AUSTRALIA VICTORIA BRANCH SUBMISSION

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

### PART B

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## INTRODUCTION

1. The metropolitan fire district has not changed significantly for 60 years because there is no independent mechanism for the periodic review of the demographics of communities against fire risk for the purpose of maintaining appropriate community protection.
2. The reform as proposed by the Bill implements specific measures to ensure that the growing populations and highly urbanised areas are afforded an urban fire service response with consistent response standards.
3. We respectfully submit that these submissions be considered in the context of factual information relying upon documentation independent of the united firefighters union. This is not about a “turf war” or parochial interests. This is about community and firefighter safety.
4. In no way are these submissions to be construed as any criticism of CFA volunteers or the volunteer response. The service and dedication of volunteers is highly valued and acknowledged. However, we cannot continue to expose volunteers or the community to the unrealistic expectations that volunteers are available, and will be released from work and other commitments, on a 24/7 basis 365 days in the year. As a result, volunteer brigades do and will have difficulty in responding, particularly in ever-increasingly highly urbanised areas where the number and nature of calls are well beyond the original basis for a country fire service.

## VICTORIA’S FIRE SERVICE BOUNDARIES

5. Victoria’s fire service boundaries have not changed significantly for 60 years.
6. Two key pillars of the Bill and the proposed reform will address the inadequacies of the current fire service boundary system and future-proof the appropriateness of such boundaries:
  - i. The establishment of the Fire District Review Panel; and
  - ii. The designation of the primary response areas of the 35 CFA integrated stations:
    - Ballarat City
    - Belmont
    - Bendigo
    - Boronia
    - Caroline Springs
    - Corio
    - Craigieburn
    - Cranbourne
    - Dandenong
    - Eltham
    - Frankston
    - Geelong City
    - Greenvale
    - Hallam
    - Hoppers Crossing
    - Melton
    - Mildura
    - Mornington
    - Morwell

- Ocean Grove
- Pakenham
- Patterson River
- Point Cook
- Portland
- Rosebud
- Rowville
- Shepparton
- South Morang
- South Warrandyte
- Springvale
- Sunbury
- Traralgon
- Wangaratta
- Warrnambool
- Wodonga

### **History of the fire service boundaries**

*“The general principle established by the committee was that once an area, by increasing housing and population density or by the establishment of industries with a special fire potential had reached the stage where it required specialised firefighting equipment, it should be brought into the Metropolitan Fire District as soon as possible.”<sup>1</sup>*

[Report of the Joint Committee on the Metropolitan Fire District, 24 December 1966]

7. The CFA and MFB boundaries are currently defined by the Metropolitan Fire Brigades Act 1958.
8. The Country Fire Authority Act 1958 vests the “control of the prevention and suppression of fires in the country area of Victoria” in the Country Fire Authority.<sup>2</sup>

The “country area of Victoria” is defined as “that part of Victoria which lies outside the metropolitan district, but does not include any forest, national park or protected public land.”<sup>3</sup>

9. The “metropolitan district” is defined in the Metropolitan Fire Brigades Act 1958 as “a metropolitan fire district consisting of municipal districts or parts thereof set forth in the Second Schedule of this Act”<sup>4</sup> and includes the Port of Melbourne and any designated rivers or waterways.<sup>5</sup>
10. Currently the only mechanism for extending the metropolitan district is upon a request from a council:

*On receiving the request of a council whose municipal district or any part of it is outside the metropolitan fire district and the certificate of the Board that it is necessary or desirable so to do, the Governor in Council may by proclamation*

<sup>1</sup> Report of the Joint Committee on the Metropolitan Fire District, 24 December 1966]

<sup>2</sup> Country Fire Authority Act 1958, section 14

<sup>3</sup> Country Fire Authority Act 1958, section 3

<sup>4</sup> Metropolitan Fire Brigades Act 1958, section 4 (1)

<sup>5</sup> Metropolitan Fire Brigades Act 1958, section 4 (2)(a),(b)

*published in the Government Gazette declare that that municipal district or a specified part of that municipal district is to be added to the metropolitan fire district.*<sup>6</sup>

11. The Fire Brigades Act 1890 constituted the metropolitan fire district and nine country fire districts with the metropolitan fire district including the shires and municipal districts “within a distance of ten miles from the General Post Office, Melbourne.”<sup>7</sup>
12. The establishment of the Metropolitan Fire Brigade Board disbanded the then 56 volunteer brigades in Melbourne. By May 1891 the MFB Board reported a strength of 59 permanent firefighters, 229 auxiliary firefighters, 4 steam engines, 25 horse drawn hose carts and 58 hose reels, 33 horses and 48 stations.<sup>8</sup>
13. The Act provided for the extension of the metropolitan fire district and the country fire districts by proclamation of the Governor in Council “upon the request of the council of any municipal district outside the metropolitan district or any country district, and on receiving a certificate from the Metropolitan Board or the Country Board (as the case may be) that it is necessary or desirable to do so”.<sup>9</sup>
14. Such proclamations were made to extend the metropolitan fire district, for example the shire of Moorabbin and parish of Mordialloc in 1905.<sup>10</sup>
15. In the summer of 1939 Victoria suffered catastrophic fires:

*“Seventy-one lives were lost. Sixty nine miles were burned. Millions of acres of fine first, of almost incalculable value, were destroyed or badly damaged. Townships were obliterated in a few minutes. Mills, houses, bridges, tramways, machinery, were burned to the ground; men, cattle, horses, sheep were devoured by the fires or asphyxiated by the scorching debilitated air.”*<sup>11</sup>

16. A Royal Commission was established to inquire into the causes and measures taken to prevent the 1939 bushfires but also to consider “Measures to be taken to prevent The resulting report by Commissioner Stretton included a recommendation for a state fire authority to be established which subsequently resulting in legislation that formed the structure of the CFA and MFB today.
17. In 1944 the Victorian Parliament considered the Country Fire Authority Bill to vest the control of the prevention and suppression of bus and grass fires in a new Country Fire Authority and abolishing the Country Fire Brigades Board and Bush Fire Brigades Committee.
18. At the time, the Victoria Chief Secretary was reported as stating the purpose was to constitute one authority for better control in the prevention and suppression of fires in country areas. There was to be clear delineation of “country” with the metropolitan fire district to remain with the powers and functions of the Metropolitan Fire Brigades

<sup>6</sup> Metropolitan Fire Brigades Act 1958, section 4(3)

<sup>7</sup> Fire Brigades Act 1890, section 3 and First Schedule

<sup>8</sup> Life Under the Bells, History of the Metropolitan Fire Brigade 1891-1991, Sally Wilde, page 32.

<sup>9</sup> Fire Brigades Act 1890, section 4.

<sup>10</sup> Victoria Gazette, 9 August 1905.

<sup>11</sup> Report of the Royal Commission to inquiry into The Causes of and Measures Taken to Prevent Bush Fires of January 1939, and to Protect Life and Property and The Measures to be Taken to Prevent Bush Fires in Victoria and to Protect Life and Property in the Event of Future Bush Fires, Victoria Royal Commissioner Leonard E.B. Stretton Page 5.

Board. State forests and national parks were also carved out. In 1945 the Country Fire Authority was duly established.

19. The municipalities whose districts were within, or partly within the MFB funded 1/3 of the MFB's operating expenditure with the balance funded by insurance company levies.
20. In comparison, the Victoria Government provided 1/3 of the CFA's funds with the balance funded by insurance company levies.
21. Clearly there was a financial disincentive for councils to move from the Country Fire Authority boundary to be included in the metropolitan fire district which still impacts on the appropriateness of the current metropolitan fire district boundary.

- **1966-1968 Joint Committee on the Metropolitan Fire District**

22. In 1966 the State of Victoria Chief Secretary established a "Joint Committee on the Metropolitan Fire District" to "review the Metropolitan Fire District Annually and to report to the Honourable Chief Secretary". The Committee included the Chief Officers of the MFB and CFA, two councillors representing the metropolitan and country municipalities and the Assistant Under Secretary representing the Chief Secretary's Office.
23. The Joint Committee established the "general principle" to determine the appropriate metropolitan fire district.

***"The general principle established by the committee was that once an area, by increasing housing and population density or by the establishment of industries with a special fire potential had reached the stage where it required specialised fire fighting equipment, it should be brought into the Metropolitan Fire District as soon as possible."***<sup>12</sup>

24. In addition to that principle, consideration was given to:

- The current and planned location of fire stations with 4-6 minutes travelling time response areas
- Risk factors such as industries requiring specialist training and/or equipment
- Type of equipment required
- Water services available and the proposed extensions to those services
- The assistance which can be expected from a neighbouring fire service.

25. It was also acknowledged that the volunteer firefighters were not trained to the same level as permanent firefighters and that other demands affected volunteer turnout.

*"The experience in both fighting services is that, as the population increases and the area develops, people are less inclined to interest themselves in volunteer fire activities."*

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<sup>12</sup> Report of the Joint Committee on the Metropolitan Fire District, 24 December 1966.

*Volunteer fire services also work under difficulty that during the day they cannot expect a full turn out of volunteerism because they are engaged in their daily employments.”<sup>13</sup>*

26. In applying the above principle, the Joint Committee determined it was “impracticable” to bring all the identified areas into the metropolitan district at one time. As a result, two schedules were provided – one consisting of 11 areas to be brought into the metropolitan district as soon as possible and another of areas to be considered in 1967 for future inclusion.

27. Of the areas identified for immediate inclusion, only Sunshine, Doncaster, Templestowe, Croydon, Whittlesea and Diamond Valley were designated metropolitan fire district areas over the next few years.

28. The MFB annual reports have mentioned this Committee until 1968 but we have not been able to locate any later reference.

- **1973 Parliamentary Liberal Party Inquiry into Fire Fighting Services in Victoria**

29. In 1973 the Liberal Party at the time determined that as an Inquiry into the structure and management of the Victorian Police Force had “resulted in widely acclaimed beneficial improvements to that organisation” that an inquiry into Fire Fighting Services in Victoria would be conducted<sup>14</sup>. The terms of reference were:

*“To assess the adequacy and effectiveness of fire fighting services operating throughout the state of Victoria and the appropriateness of the present legislative and administrative arrangements relating to such services.”<sup>15</sup>*

30. The MFB Board submission to the Inquiry defined the differences in the operational responsibilities of the CFA and MFB.

*“The C.F.A is basically a volunteer organisation responsible for the extinguishment of grass and bush fires and fires in isolated buildings in unreticulated areas, and similar activities in provincial cities and outer suburban metropolitan areas in which some reticulation may be available. Less than 1.5% of the CFA staff are permanent full time firefighters, but as the firefighting problems in rural areas do not generally necessitate the deployment of highly trained professional firefighters and the use of complex sophisticated firefighting equipment, the CFA volunteer system of part-time firefighters would appear to be economic, adequate and effective under these conditions.”*

*“The M.F.B is a full time completely professional firefighting service with a total of staff of nearly 1,600 highly trained people. The firefighting staff are required to operate a vast range of extremely sophisticated fire-fighting appliances which are essential to provide adequate and effective protection for the metropolitan fire district with a current population of some 2.5 million people spread over an area of approximately 360 square miles including many industrial complexes and high-rise buildings.”*

<sup>13</sup> Report of the Joint Committee on the Metropolitan Fire District, 24 December 1966, page 4.

<sup>14</sup> Letter dated 9 July 1973 from the Chief Secretary’s Office to the MFB Board Secretary

<sup>15</sup> Letter dated 24 October 1973 from the Parliament of Victoria Chairman to the MFB Board President.



*“It is obvious from the foregoing that it would be impossible to devise a specific operational procedure for every conceivable fire emergency which may arise, and that the only way to provide the high standard of fire protection which the public has a right to expect in a metropolitan environment is to employ full-time professional firefighters and train them in depth in the fundamentals of firefighting, followed up with frequent refresher courses, so that the training combined with good fireground discipline will ensure that the firefighter will instinctively react with speed, common sense and proper judgment when confronted with an unexpected and complex fire problem.”<sup>16</sup>*

31. The Board’s submission references the 1966 Joint Committee and deemed it “most desirable” for the committee to be reconvened at an early date to review the current position of “tremendous industrial and residential development”.
32. The Board’s submission also pointed to the financial disadvantage for municipal councils to seek to be included in the metropolitan fire district.

*“It is considered reasonable to assume that under these circumstances some municipal councils would be reluctant to seek transfer to the metropolitan fire district even though tremendous residential and industrial development in some areas makes fire protection provided by a fire station permanently manned by full-time professional firefighters most desirable.”*

33. The Board outlined the mutual agreement between the CFA and MFB when situations necessitate in each other’s area and the protocol of the first appliance arriving on scene to commence firefighting immediately with the brigade responsible for the area taking charge.

*“The latter arrangement is not desirable, because the lowest rank of officer in the MFB., who must have had at least eight years full-time practical firefighting experience and have passed the requisite promotional examinations, may find himself under the command of a volunteer C.F.A officer with far less firefighting knowledge and experience. This leads to clashes of personality, and although the utmost co-operation is given in efforts to save life and property from the ravages of fire, it is obvious that this potentially dangerous situation which under certain circumstances could contribute to an impairment of firefighter efficiency, must be corrected.”*

*“This can be readily achieved by ensuring the boundaries between the areas of responsibility of the M.F.B and C.F.A. are redrawn so that they are defined and recognisable in the field.”*

- **2009 Victorian Royal Bushfires Commission**

34. The issue of an appropriate mechanism for the review of the metropolitan district remained unresolved and was again considered by the 2009 Victorian Royal Bushfires Commission. The Commission heard evidence regarding the Metropolitan Fire District and the historical failure for the boundaries of this area to be reviewed or altered.

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<sup>16</sup> Metropolitan Fire Brigade Board Submission to the Inquiry into Fire Fighting Services In Victoria, 5 November 1973.

35. The Submissions of Counsel Assisting<sup>17</sup> on Organisational Structure<sup>18</sup> included:

*“Significantly, having regard to the responsibility of CFA under its Act, CFA services not only all of Victoria’s country and provincial areas but also 60% of Victoria’s metropolitan area.”*<sup>19</sup>

*“The patterns of urban growth are clear, and it can be assumed that the “risk profile” of many suburbs is now predominantly related to risk of structure fires, rather than bushfire.”*<sup>20</sup>

36. Submissions of Counsel reinforced the nexus between the standards of fire cover being determined by risk and not historical boundaries.

*“All Victorians are entitled to a standard of fire cover, and a level of service provided by fire agencies determined by reference to the risk profile of their community – regardless of where they live. All Victorians are entitled to be assured that the coverage offered by the two fire agencies is determined by reference to the objective of saving lives and reducing risk of property damage and not by any criteria driven by historically anachronistic boundaries, old turf wars or inconsistent approaches to standards of service delivery.”*<sup>21</sup>

37. The Commission reported that there were historical, organisational and financial reasons for the MFD remaining unchanged and that these did not relate to or support considerations of community need or safety.

38. Conclusions reached by the Commission included:

*“The Metropolitan fire district is not reflective of metropolitan Melbourne” and that this was “one of the reasons given... for reviewing organisational arrangements”.*

*“Decisions for future change should be made on the basis of objective factors such as comparable service delivery between similar MFB and CFA stations, community expectations, municipal requests and requirements, considerations of social capital, value for money.”*

*“The question of whether the CFA integrated model remains suitable in an urban environment (including in larger regional cities) requires continuing review” and:*

*“The Commission considers that the metropolitan fire district boundary should be reviewed no more than once every three to five years”.*<sup>22</sup>

<sup>17</sup> John T Rush QC, Rachel Doyle SC, Melinda Richards, Peter Rozen and Lisa Nichols

<sup>18</sup> 2009 Victorian Bushfires Royal Commission, Submissions of Counsel Assisting Organisation Structure dated 17 May 2010

<sup>19</sup> 2009 Victorian Bushfires Royal Commission, Submissions of Counsel Assisting Organisation Structure dated 17 May 2010, page 9

<sup>20</sup> 2009 Victorian Bushfires Royal Commission, Submissions of Counsel Assisting Organisation Structure dated 17 May 2010, page 25.

<sup>21</sup> 2009 Victorian Bushfires Royal Commission, Submissions of Counsel Assisting Organisation Structure dated 17 May 2010, page 128.

<sup>22</sup> 2009 Victorian Bushfires Royal Commission Final Report Volume II, chapter 10, pages 380. 381

## POPULATION AND RISK

39. A key pillar of the reform is the necessary modernisation of Victoria's fire services. While the metropolitan fire district boundary has not changed significantly over the past 60 years, the population and urbanisation of Victoria has changed markedly.
40. Victoria is Australia's fastest growing state and one of the world's most urbanised countries. 100 years ago less than 40% of Australian's population lived in the cities and by 2011 over 85% lived in urban areas.<sup>23</sup>
41. The population growth is significant with the recent Census published last month revealing a population of 6.1 million in the Greater Melbourne area, an increase of approximately 3 million since 1966. Victoria was growing the fastest by 2.1% and Melbourne had the largest growth (107,800) of all Greater Capital Cities, and the fastest growth (2.1%).
42. Five suburbs – all relevant to the proposed fire service reform – were in the top 10 of largest growth.

### SA2s WITH LARGEST AND FASTEST POPULATION GROWTH IN 2015-2016 (a)<sup>24</sup>

National rank & SA2(b)	GCCSA	ERP AT 30	CHANGE		
		JUNE 2016p no.	2015r-2016p no.	%	
<b>LARGEST GROWTH</b>					
1	South Morang	Greater Melbourne	64 354	4 971	8.4
2	Cranbourne East	Greater Melbourne	23 901	4 956	26.2
3	Craigieburn - Mickleham	Greater Melbourne	52 848	4 491	9.3
4	Yanchep	Greater Perth	18 904	4 289	29.3
5	Point Cook	Greater Melbourne	50 774	3 512	7.4
6	Baldivis	Greater Perth	32 817	3 389	11.5
7	Cobbitty - Leppington	Greater Sydney	15 450	3 338	27.6
8	Epping	Greater Melbourne	42 236	3 226	8.3
9	Riverstone - Marsden Park	Greater Sydney	16 492	3 146	23.6
10	Ellenbrook	Greater Perth	37 204	3 141	9.2

a) Excludes SA2s whose 2015 population was less than 1,000 persons.

(b) National Rank based on population change between June 2015 and June 2016.

43. Today, the response areas of the 35 integrated stations are no longer "country".
44. These are highly urbanised, residential and business hubs with growing populations and risk factors.

<sup>23</sup> <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/3105.0.65.001>

<sup>24</sup> <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/3218.0>

45. A brief overview of the populations<sup>25</sup> in integrated stations in electorates relevant to members of the committee include:

<b>Northern Victoria</b>		
<b>Area</b>	<b>Population number</b>	<b>Number of businesses</b>
Shepparton	128,904	13,416
Wangaratta	27,065	3,050
Craigieburn	48,301	2,219
Bendigo	149,919	11,858
South Morang	59,314	2,552
Mildura	53,015	5,146

<b>Western Metro</b>		
<b>Area</b>	<b>Population number</b>	<b>Number of businesses</b>
Hoppers Crossing (South)	19,329	810
Hoppers Crossing (North)	19,969	1, 546
Sunbury	39,111	2,403
Point Cook	47,207	2,815
Melton	132,752	6,434

<b>Western Victoria</b>		
<b>Area</b>	<b>Population number</b>	<b>Number of businesses</b>
Geelong	273,951	20,671
Warrnambool	33,644	2,785
Portland	10,744	756

<b>Eastern Victoria</b>		
<b>Area</b>	<b>Population number</b>	<b>Number of businesses</b>
Pakenham	27,695	1,547
Traralgon	26,835	1,781

<sup>25</sup> Derived from ABS data.

Morwell	13,981	817
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46. These response areas include risk factors such as:

- Hospitals
- Rest homes for the elderly
- Residential care facilities
- Early childhood centres
- Primary and secondary schools
- University campuses
- Significant commercial and business areas
- Industries – manufacturing
- Storage facilities
- Recycling and waste centres
- Large traffic volumes and motorways

47. An overview of the populations and dwellings in the more regional reform areas derived from the Census 2011 data is as follows:

Locality	Area (m2)	Residential Population Minimum	Residential Population Maximum	Number of Dwellings Maximum	Number of Dwellings Minimum	Number of Neighbourhood Safer Places
Warrnambool	55784457	29409	30132	13341	13057	8
Rosebud	28915486	18405	20314	13358	11905	2
Portland	93939144	10459	11529	5486	5012	1
Ocean Grove	22149140	12391	12655	6650	6520	0
Mornington	22461353	26320	29072	13085	12040	0
Morwell	105720773	13953	14927	7146	6755	0
Traralgon	34970454	23122	25263	10978	10223	0
Cranbourne	61856385	50031	54363	19760	18191	1
Geelong	118537671	112406	120848	53167	49745	0
Pakenham	71382310	30403	34174	13341	11908	0
Melton	104686803	45883	48408	18782	17775	0
Melbourne	1739450799	2887337	2954240	1222204	1196704	6
Ballarat	22727922	18964	24094	11245	8968	1
Sunbury	115580572	33255	35224	13296	12562	0
Bendigo	76124720	41070	45163	20342	18583	3
Wangaratta	68377229	17032	18631	8625	8002	0
Shepparton	118414876	35746	37947	15860	14957	0
Wodonga	52100842	25601	27396	12018	11347	3
Mildura	61082069	28892	32000	14560	13358	3

48. An overview of the populations and dwellings in the more regional reform areas based on the census 2011 data is as follows:

Locality	Area (m2)	Number of Tertiary	Number of Schools	Number of Hospitals	Number of Aged Care Facilities	Number of Retirement Villages	Number of Community Venues	Number of Childcare/ Kindergartens
Warrnambool	55784457	2	13	2	6	6	5	25
Rosebud	28915486	1	5	1	5	3	2	11
Portland	93939144	1	9	1	3	2	3	13
Ocean Grove	22149140	0	4	0	1	1	5	10
Mornington	22461353	0	7	3	7	8	3	22
Morwell	105720773	1	8	1	4	3	2	14
Traralgon	34970454	0	11	0	6	4	9	15
Cranbourne	61856385	1	17	1	5	7	3	50
Geelong	118537671	2	50	5	22	16	29	75
Pakenham	71382310	0	9	0	3	5	2	29
Melton	104686803	2	19	1	5	6	9	48
Melbourne	1739450799	22	906	100	433	297	509	2093
Ballarat	22727922	2	13	3	6	5	10	16
Sunbury	115580572	2	12	1	4	1	5	21
Bendigo	76124720	2	21	3	10	4	5	29
Wangaratta	68377229	4	12	2	5	4	5	19
Shepparton	118414876	2	20	2	11	7	3	31
Wodonga	52100842	1	12	2	1	3	5	26
Mildura	61082069	2	12	2	4	8	12	17

### Climate change

49. Additionally, there are external factors that impact on fire services and emergency response including climate change and the ever-evolving era of terrorism.
50. In 2013 the Australian Senate undertook an investigation into “Recent Trends in, and preparedness for extreme weather events.”
51. The United Firefighters Union of Australia commissioned a report by the National Institute of Economic and Industry Research (NIER) “Firefighters and Climate Change: The human resources dimension to adapting to climate change.”
52. *The Interim Report: Firefighters and Climate Change* prepared by the National Institute of Economics and Industry Research in January 2013 predicated that the impact of

climate change will require a 28-40% increase in operational staff between now and 2026 which for the CFA is between 660-950 professional firefighters FTE. It also predicted that a further increase of 240 staff will be needed to address the decline in volunteerism. It goes on to say that:

*"These staff will need to be better trained, better equipped and better integrated than their predecessors on order to address changing expectations, increased hazards and different types of hazards they will be expected to deal with in Australia (and potentially our region)."*

53. The *Firefighters and Climate Change: The Human Resources Dimension of Adapting to Climate Change (Final and Consolidated Report)* prepared by the National Institute of Economics and Industry Research, February 2013 added that (at page 26):

*"Firefighters need to grow at an annual rate of between two and three percent in line with the economic cycle. This means that the number of employed firefighters (all firefighters) needs to grow approximately 50 percent over the 20 year period between 2010-2030 to maintain parity with population and asset growth."*

54. The Final Report predicts that for Victoria to meet just the needs of its population and asset growth, it will require the following additional firefighters:

- 353 by 2015;
- 768 by 2020;
- 949 by 2025; and
- 1290 by 2030.

55. When climate change predictions are included in the calculations, the NIEIR Report predicts Victoria will require an estimated increase of 916 firefighters by 2020 and an increase of 2049 firefighters by 2030.

56. The resulting Senate Report referred to the United Firefighters Union of Australia research and submission which included evidence for improved interoperability between fire agencies within states and interstate in order to be able to meet the challenges of extreme weather events and natural disasters.

57. The Committee included in its recommendations:

*Recommendation 9*<sup>26</sup>

*5.61 The committee recommends that Australian governments specifically address issues of compatibility and capacity to facilitate the most effective interoperability of emergency service organisations and their key personnel, especially for fire services.*

## **THE IMPACT OF THE PROPOSED REFORM ON FIRE SERVICE BOUNDARIES**

58. A purpose of the Bill is to "provide a new mechanism for changing the boundaries of the Fire Rescue Victoria fire district by establishing the Fire District Review Panel to review the Fire Rescue Victoria fire district"<sup>27</sup>.

<sup>26</sup> Senate Environment and Committee References Committee "Recent Trends in ad preparedness for extreme weather events" Report August 2013.

<sup>27</sup> Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, clause 1

59. The establishment of an independent panel to periodically review the fire service boundaries is long overdue and welcomed.
60. It will be an integral part of the modernisation of the fire services and vital to future-proof community protection with the predicted population growth and urbanisation.
61. Clearly the current requirement for a request from a council of municipal district has been ineffective and historically obviously discouraged as such councils would have been economically disadvantaged.
62. In 2009 the Victorian Bushfires Royal Commission considered the funding of Fire Services which at the time were funded through a mix of contributions from insurance companies, the State and municipal councils; with insurance companies recouping their costs through insurance levies and premiums.<sup>28</sup>
63. There was further funding reform in July 2013 when the Victorian Government replaced the insurance-based fire services levy (as recommended by the Victorian Bushfires Royal Commission<sup>29</sup>) to a property-based levy collected with council rates.
64. In accordance with the Bill, the future consideration of the metropolitan district will not be affected by funding arrangements. The Fire District Review Panel will conduct a *“risk-based assessment of the assignment of responsibility necessary for the provision of fire services by fire service agencies”, “must have regard “to any change in fire risk in the Fire Rescue Victoria or the country area of Victoria”, “in order to prevent and protect against loss of life and damage to property, infrastructure or the environment of Victoria”.*<sup>30</sup>
65. This mechanism is vital to ensure fire service boundaries are focused on community protection and to avoid any parochial or other invested interest prevailing.

## IT'S TIME FOR REFORM – PREVIOUS REVIEWS

### Introduction

66. There have been significant reviews, inquiries and colonial inquests over the past 30 years that have considered fire cover, response and fire services structures.
67. Many have considered a range of options for reform and structures. Importantly the timing the process leading up to the current proposed reform is in line with the findings and considerations of the 2009 Victorian Royal Bushfires Commission which favoured a stepped process of improving interoperability between the fire services and a further review which has occurred including the Fire Services Review in 2014.
68. This Part of the submission briefly canvasses the previous reviews and the relevance of submissions and findings to the current proposed reform as outlined in the Bill.

<sup>28</sup> 2009 Victorian Bushfires Royal Commission Final Report Summary, page 19.

<sup>29</sup> 2009 Victorian Bushfires Royal Commission Final Report Recommendation 64: The State replace the Fire Services Levy with a property-based levy and introduce concessions for low-income earners.

<sup>30</sup> Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, clause 4J



## Previous Reviews

69. There have been a number of reviews spanning the past 30 years that map the identification of issues with the fire services structures and make comment and recommendations regarding reform and restructure. Below are references to some of the more significant reports relevant to the proposed reform:
- i. In 1983 the Public Service Board of Victoria examined proposals for changes to the MFB and the CFA. It recommended the creation of a new Victorian Fire and Emergency Services Board to *'rationalise overlapping support activities and systems between the country and metropolitan fire services'*.
  - ii. In 1994 the Public Bodies Review Committee examined the structure and operational of MFB and found that "one standard of model of fire cover be developed for Victoria as a matter of urgency", and made a number of recommendations in relation to the delivery of fire services by the MFB and the CFA including:

### Recommendation 2

*It is inappropriate for an emergency services provider to develop its own standards, core objectives and functions. The Committee recommends that these be the responsibility of the Minister for Police and Emergency Services.*

### 2.1

*The Committee recommends that one standard model of fire cover be developed for Victoria as a matter of urgency.*

- iii. In 1999 the Victoria Coronial investigated the 1997 Dandenong Fires which claimed three lives and recommended a review of the standards of response times.

### Recommendation 12

*That consideration be given to establishing a review committee, auspiced by the Department of Justice, to examine the issue of standards for response times and fire cover to 'wildfire' for CFA (and DNRE) in the urban/rural interface (also in rural areas). Membership of the Committee should include representatives of CFA/DNRE, MFESB, State Emergency Service and the United Fire Fighters Union, additionally independent experts may be necessary. As part of any review consideration should be given to the establishment of adequate reporting, data collection and audit systems.*

- iv. In 2001 the Minister for Police and Emergency Services released a Discussion Paper on "a model of fire cover" for general discussion and to provide a framework for public submissions on how the fire agencies deliver their services to Victorians.<sup>31</sup>

*"one of the key objectives of Victoria's Minister for Police and Emergency Services, the Hon Andre Haermeyer MP, is to ensure that areas of similar fire risk enjoy the same standard of service from Victoria's fire agencies."<sup>32</sup>*

<sup>31</sup> 2001 Discussion Paper "a model of fire cover for Victoria"

<sup>32</sup> 2001 Discussion Paper "a model of fire cover for Victoria", preface, page 4

- The discussion paper outlined the keys issues of response as “response times – specifying the amount of time it should take a fire service to arrive at a fire” and “weight of attack – specifying the firefighting resources for deployment to fire (fire trucks, firefighters and other equipment).
- The Discussion Paper promoted a “state-wide Model of Fire Cover”

70. Despite the above reviews and calls for a standard model of fire cover to be applied across Victoria, the differences between the CFA and the MFB response standards, measurements of response and reporting of response continued.

#### **v. 2009 Victorian Bushfires Royal Commission**

“The bushfires of Black Saturday, 7 February 2009, caused the death of 173 people. Black Saturday wrote itself into Victoria’s history with record-breaking weather conditions and bushfires of a scale and ferocity that tested human endurance. The lives of many Victorians were changed forever, and many showed they are capable of deeds of great courage and compassion. Although some communities were physically destroyed, their members also displayed ingenuity, strength and resolve in the face of this calamity. There was also widespread devastation of considerable areas of the scenic forests and woodlands that form part of Victoria’s natural heritage.”<sup>33</sup>

71. The 2009 Victorian Bushfires Royal Commission was an extensive and comprehensive investigation into the causes of, the preparation for, the response to and the impact of the 15 most damaging fires that burned on 7 February 2009 bushfires.
72. It has been reported that claims that the Royal Commission supported a restructure of fire services was “nonsense” and that the Royal Commission “stated there was no compelling reason to support fundamental structural change.”<sup>34</sup>
73. These statements do not accurately or completely reflect the Commission’s considerations or findings. ***Attached*** is a submission by Counsel K P Hanscombe QC and K A Bowshell regarding the claims distributed by the VFBV and attributed to Jack Rush QC, which Counsel have characterised as a misrepresentation of the findings of the Royal Commission. K P Hanscombe QC appeared before the Commission inquiry.

*“...it is also clear that the Royal Commission considered that further structural reform of Victoria’s fire services would be desirable, or even required, possibly in less than half of the time which has elapsed since its report was made in 2010. Thus the UFUA submits on that on a fair reading, the Royal Commission merely prioritised operational reforms in terms of urgency at that time, declining to recommend such change before identified operational deficiencies had been rectified for fear of shifting the focus, or of creating unintentional and unnecessary further problems by undertaking two sets of reforms simultaneously.”<sup>35</sup>*

<sup>33</sup> 2009 Victorian Bushfires Royal Commission Final Report Summary, Preface.

<sup>34</sup> 17-06-15 VFBV News Note, Note to Members Fire Services Reform Legislation Update and Legal Advice – “The CFA and the adverse effects of the Firefighters Prsumptive Rights Compensation and Fire Services Legislation” including the opinion of Royal Commission Counsel Assisting Jack Rush QC

<sup>35</sup> KP Hanscombe QC and KA Bowshell, 6 July 2017, paragraph 7. (Attached)

And further:

*Further unpicking of Mr Rush’s selective observations reveals more statements taken out of context. Mr Rush states that the Royal Commission “noted the submission made on behalf of the Victorian Government (at the time) that the model for non-integrated stations ... would be much more expensive and in the end the cost would be borne by ratepayers”. However, a full reading of the relevant section of the report shows that the Royal Commission’s approach to that submission was far more nuanced. It can be found at 3.6.2 of the Final Report. The cost differential (for which the Commission notes the Department of Justice supplied no basis) was noted as a reason why “the boundary [of the Metropolitan Fire District] appears to have lagged behind urban growth”. That is, far from noting this submission and approving it as a valid reason for retaining the integrated stations of the CFA in urban and major regional centres, the UFUA submits that a fair reading shows that the Commission cited it as a reason why organisational change had not taken place sooner. The UFUA consequently submits that far from bolstering resistance to the changes in the Bill, the Royal Commission’s Report in this regard revealed the pressing necessity of modernising the fire services to take account of how the State has changed. A simple example is sufficient: who would seriously contend that Springvale should not be serviced by the MFB or its fully-career firefighter staffed equivalent under the proposed reforms?<sup>36</sup>*

74. The Commission reports and submissions specifically address the operational shortcomings that were evidenced during the Black Saturday fires as well as during previous fires experienced in Victoria. In consideration of these shortcomings, the Commission reached the conclusion that there were “...serious failings that limited the agencies’ ability to comprehensively fulfil their responsibilities and required substantive redress”.<sup>37</sup>
75. The Commission further reported that a number of previous reviews have been undertaken which look at proposals for change to the MFB and the CFA and that:
- “Many who gave evidence on organisational structures acknowledged that the operational problems that arose on 7 February 2009 ought to be tackled and that organisational change might assist with this.”<sup>38</sup>*
76. Included in its deliberations, the Commission looked at a series of options and models:<sup>39</sup>
- Creation of a single agency – single fire services board supported by a CEO heading the three fire agencies and a fire commissioner or chief operations officer heading three deputy commissioners for urban, provincial and bush landscapes
  - Country Fire Services Board providing non-metropolitan fire services statement through an agency combining CFA and DSE fire functions
  - Amalgamating MFB and CFA into a Victorian fire board with urban and rural divisions
  - Bringing together DSE and agencies that currently comprise the NEO and similar to the previous Forests Commission
  - Status quo

<sup>36</sup> KP Hanscombe QC and KA Bowshell, 6 July 2017, paragraph 9. (Attached)

<sup>37</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II Chapter 10 Organisational Structure, page 369, paragraph 10.2.3

<sup>38</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II Chapter 10 Organisational Structure, page 373, paragraph 10.4.4

<sup>39</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II, Chapter 10.3 Options for Change: Proposals to the Commission

- Victorian Fire Service Board responsible for agency governance, operational standards, comprehensive planning, boundary review, development planning and community education in each of the three fire agencies, linking CFA and DSE in a common command and control arrangement with MFB reporting separately
- Enhancement of the State Coordination and Management Council's Bushfires Subcommittee and Victoria Emergency Management Council.

77. In fact, the Commission promoted the merits of structural change:

*"... the problems identified are symptomatic of systemic failings that led the Commission to ponder whether structural change is necessary."*

*"The Commission does not consider that the flaws identified in connection with Black Saturday can be overcome by simply doing more of the same, even if it is done better."*

*"Continued reliance on cooperation and coordination to achieve unity of purpose is inadequate and was found wanting on 7 February. Although the Commission agrees that the Victoria Emergency Management Council should be improved, it does not consider the council to be the right vehicle for implementing operational change and introducing unity of control. A more direct approach is necessary."<sup>40</sup>*

Concluding:

*"The Commission was unconvinced by the State's view that structural change is not needed. Broadly, the existing arrangements have been in operation since early last century, but the demands made of and the expectations attached to the agencies have outpaced these structures and the environment in which they operate. In the case of many of the operational problems described in this chapter, previous attempts to improve coordination have failed. Typically, progress has been slow or incomplete or has not achieved the level of interoperability required."<sup>41</sup>*

78. The Commission determined that the outcomes it considered were necessary to achieve the required change to Victoria's fire services were best achieved in a staged approach, commencing with the appointment of a full-time Fire Commissioner. This was articulated as being a *"prudent and necessary first step"*<sup>42</sup> towards broader reform.

*"The immediate priority must be to lift baseline operational capacity and interoperability in all of Victoria's fire agencies. A clear commitment and a concerted effort are needed now. Leadership is required to create the environment and impetus for continuous improvement and to build capacity, resilience and operational fire management expertise in recognition of Victoria's status as the most fire-prone state in Australia. Administrative approaches to coordination have often proven ineffective, so the Commission considers that an organisational structure is needed to strengthen operational integration and establish a source of authority to ensure that change happens. To avoid parochialism, which can compromise reform, the source of authority needs to rest outside the individual fire services."<sup>43</sup>*

<sup>40</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II, Chapter 10 Organisational Change, page 374, paragraph 10.5

<sup>41</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II, Chapter 10 Organisational Change, page 373)

<sup>42</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II, Chapter 10 Organisational Change, page 375, paragraph 10.5.4

<sup>43</sup> 2009 Victorian Bushfires Royal Commission Final Report, Volume II, Chapter 10 Organisational Change, page 375, paragraphs 10.5.1-10.5.2

79. The staged approach included improved interoperability and then a further review:

*“The Commission was not persuaded that a merger is warranted at this stage, but it sees merit in moving to greater integration over time, and there is obviously a trend toward this. The enhanced baseline and level 3 fire capacity and improved interoperability would better position the agencies to take the next step towards integration if further change is seen as desirable in the future... Consideration of further reform could occur following a review—say, in three years—of the extent and effectiveness of the operational reform agenda.”<sup>44</sup> [our emphasis]*

80. The staged approach contemplated by the Royal Commission has in effect occurred:

- As a result of the Royal Commission Report, the Victorian Government established a Fire Services Commissioner was established.
- A 2012 Victorian Emergency Management Reform White Paper outlined a strategic pathway towards an all-hazards, all-agencies approach for the emergency management sector.
- In 2013 the Emergency Management Act established the Emergency Management Commissioner

81. Since late 2014, the MFB and CFA with the involvement of the UFU and EMV, have made real progress in some areas of interoperability. Major projects are underway to encourage further interoperability between the agencies including in the areas of common doctrine, common training, secondment program, and common procurement and equipment.

82. The 2009 VBRC criticised the lack of coordination between MFB and CFA and identified failures in policy, practice, systems, structure and capability. As a result one of the major initiatives to break down parochial barriers was a MFB CFA Secondment program:

- Both the 2010 MFB and CFA UFU Operational Staff Agreements included provisions to establish agreed secondment programs between the two agencies.
- In 2012 the MFB and CFA conducted a successful secondment trial. The feedback from the participants underscored the success of the program.
- In 2015 the CFA, MFB and UFU re-established the secondment program enabling firefighters from one agency to work and train with the other agency.

83. Additionally interoperability subcommittees were established. The Interoperability subcommittee has representatives from MFB and CFA management, UFU CFA and MFB representatives, is chaired by the Emergency Management Commissioner and reports to the peak committee of both CFA and MFB.

84. Examples of other interoperability committees were:

- Victorian Fire Service Agency Interoperability Committee (also chaired by EMC and consists of the CFA and MFB Chief Officers and the UFU Secretary).
- Joint Breathing Apparatus Procurement Committee
- Joint Appliance Working Party
- Joint PPE/PPC & Station Wear Working Party
- Victorian Recruit Firefighter Course and Alignment of Qualifications

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<sup>44</sup> 2009 Final Report Volume II, chapter 10 Organisational Structure, page 375

- Foam Working Party
- Doctrine Working Party.

## **vi 2015 Fire Services Review**

85. In line with the Royal Commission staged approach, in 2015 the Victorian Government commissioned a review into the MFB and CFA. Former Tasmania Minister for Emergency Services David O'Byrne to conduct a comprehensive review into the MFB and CFA Victoria's Fire Services with the resulting report "*Drawing a line, building stronger services*" was released in March 2016.

### **Terms of Reference**

*The Formal Review will inquire into, and make recommendations on, the resourcing, operations, management and culture of the Metropolitan Fire and Emergency Services Board (MFB) and the Country Fire Authority (CFA)(collectively, the "fire services"), including, but not limited to the following matters:*

- an assessment of the resourcing requirements necessary to ensure Victoria is appropriately equipped and fire ready;*
- how CFA and MFB staff can be best supported in protecting communities, taking into consideration operational needs, as well as Occupational Health and Safety best practice and best training methods;*
- the interoperability between the CFA and MFB;*
- the interoperability across fire agencies responsible for preventing and suppressing all types of fire in Victoria, whether on public or private land;*
- CFA and MFB management structures and management work practices;*
- enhancing workplace culture, including fostering greater respect and cooperation between management and its workforce, as well as enhancing workplace innovation and diversity;*
- options for the establishment of a Career Firefighters Registration Board; and*
- the best mechanism to provide support for volunteer fire brigades and to ensure their viability in providing emergency services."*

Emergency Management Victoria made a comprehensive submission to the Review making the following points relevant to the need for the updating of the fire services boundary and need for reform.

- "While the distinction between Victoria's metropolitan and country fire services was once clear, that is no longer the case."
- "CFA and MFB are both "urban" fire services employing firefighters and providing the same services including response to all types of fires, providing guidance on structural fire safety and community education, response to rescue including specialist rescue, hazardous materials incidents and medical response. CFA is concurrently a major rural fire service, providing extensive fire coverage on private and public land across Victoria."<sup>45</sup>
- "While the distinction between Victoria's metropolitan and country fire services was once clear, that is no longer the case."
- "CFA and MFB are both "urban" fire services employing firefighters and providing the same services including response to all types of fires, providing guidance on structural fire safety and community education, response to rescue

<sup>45</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 4.

including specialist rescue, hazardous materials incidents and medical response. CFA is concurrently a major rural fire service, providing extensive fire coverage on private and public land across Victoria.”<sup>46</sup>

- “While there is no political imperative to amalgamate CFA and MFB, there is an urgent need to improve the way in which they work together in a strategic and systemic way. This will extend to provincial, regional and rural areas of Victoria and ensure both fire services are focused on the state of Victoria as a whole.”<sup>47</sup>
- “Increasing urban development, whether in the metropolitan Melbourne corridors or the surrounds of provincial centres, poses specific challenges in service delivery. It also begs the questions of what will be the fire service model, who will be the urban fire service volunteers of the future, what role will they perform and in what service delivery context?”<sup>48</sup>
- “The current border between the MFB and CFA is not obvious to the community, and the community expect transparent service delivery. Community expectations, community safety outcomes, government expectations and media scrutiny are all aspects that drive fire services to demonstrate effectiveness, efficiency and public value. As the emergency management sector continues to transform, it is becoming increasingly important for the fire services to meet these expectations and demands in an integrated and cooperative manner.”<sup>49</sup>
- “A single approach to special operations, such as HAZMAT, dangerous goods, specialist response (e.g. trench rescue) and fire investigation across the fire agencies, will enhance the capability and capacity of each agency to respond, and provide consistency to staff and the community.”
- “A single management structure to lead and manage specialist response is critical for interoperability. This streamlining will enhance the cost efficiencies, removing the duplication of effort, resources and budget, erasing the annual competition for budget between the two fire agencies, for activities and services that are additional to core business, but a key service requirement as Victoria environment and industry changes.”<sup>50</sup>
- “Evolving and broadening the principles of integration in the gMa and more broadly must address the current and emerging needs of Victorian communities. Done effectively, with consultation and commitment, this will enable the workforce of volunteers and paid staff from MFB and CFA, from other agencies and from local resources, to look to the future with confidence, strength of conviction and optimism.”<sup>51</sup>

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<sup>46</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 4.

<sup>47</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 3.

<sup>48</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 10.

<sup>49</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 12.

<sup>50</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 19.

<sup>51</sup> Emergency Management Victoria August 2015 submission to the Fire Services Review 2015, Executive Summary, page 16.

86. The resulting Review Report “Drawing a Line, building stronger services” identified deep and systemic issues within both the MFB and CFA likening the employment relationship between management and employees as “trench warfare” and determining that the services could not continue to operate in that manner – there had to be change.

*“The fire services have faced a number of challenges over recent years, which, despite their commitment to improvement, have started to drag them down. It is therefore timely to reset their direction and outline a path to a more positive future. It was also important for the government not to simply leave things as they are. It is abundantly clear from the submissions to the Review that change is not only desired but desperately needed.”<sup>52</sup>*

87. The Fire Services Review identified the outdated metropolitan fire district boundaries necessitated reform for a shared model of career firefighters:

*“While Melbourne has grown enormously in its geographic size and population, the boundary of the Metropolitan Fire District has barely changed since it was established over 100 years ago. More than half of Melbourne’s metropolitan area now falls within “the country area of Victoria”.*

*To meet this changing need, CFA expanded its service delivery model to include integrated brigades, where full-time paid firefighters join volunteer firefighters to provide an integrated service. Integrated brigades, as well as volunteer-only brigades, now operate in the outer Melbourne metropolitan area and regional cities.”*

*The community expects consistent and seamless service delivery throughout the greater Melbourne metropolitan area (gMa). The gMa extends beyond the central areas of the city into expanding urban growth corridors that adjoin grasslands, bushland, coastal plains, flood plains or industrial areas. The gMa covers 31 municipal boundaries from Wyndham and Hobson’s Bay to the west of Melbourne, up to the City of Whittlesea and Yarra Ranges, down through to Cardinia and the Mornington Peninsula in the south, and has a resident population of 4.44 million people.”*

*The Review recommends that the fire services adopt a shared model for the gMa that allows both CFA and MFB paid firefighters to work freely across agencies and agency boundaries, in partnership with volunteers.”*

*“This model would be based on enhanced integration and standard operating procedures for the gMa. The model would serve to strengthen firefighter skills, as well as improve service to the community. The gMa area could be regularly reviewed, for example five yearly, as growth areas expand.”<sup>53</sup>*

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<sup>52</sup> Report of the Victorian Fire Services Review “Drawing a line, building stronger services’ October 2015, page 6

<sup>53</sup> Report of the Victorian Fire Services Review “Drawing a line, building stronger services’ October 2015, page 18



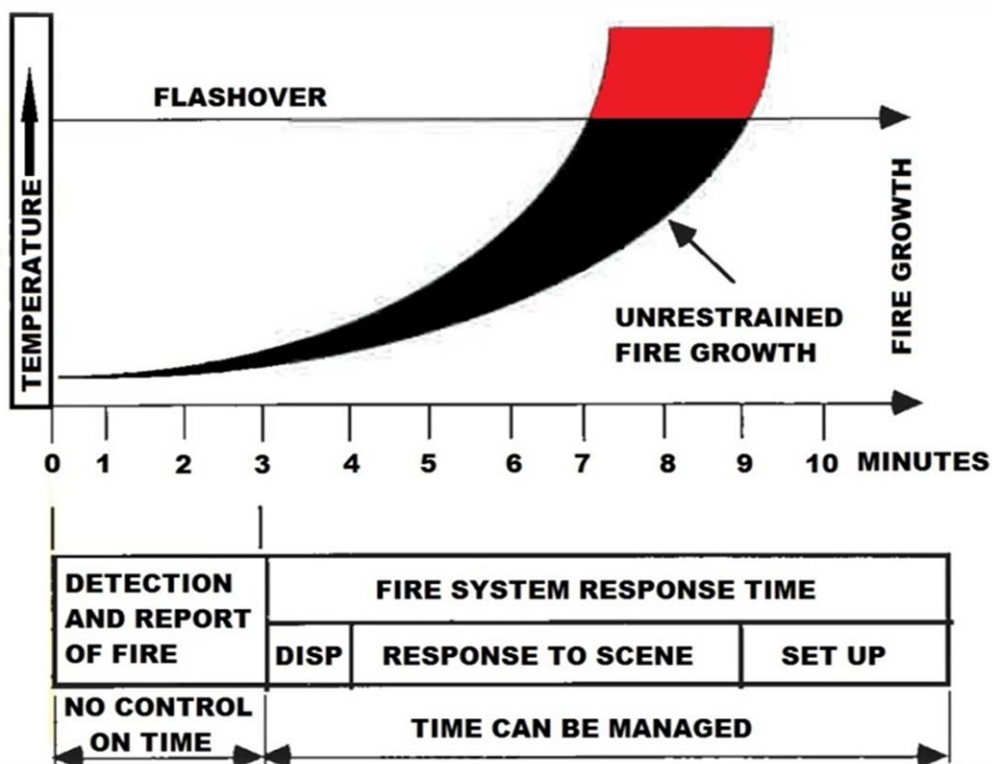


## RESPONSE STANDARDS

*“A delayed response can have life-changing health, welfare and economic consequences. Citizens expect a prompt response to an emergency call and want to know how long the response is likely to take. Therefore, the public takes a strong interest in the responsiveness of Victorian’s emergency services.”<sup>54</sup>*

*“Suppression capability is an expression of how much fire-fighting power can be put into action when there is a fire. It includes the amount of apparatus, equipment, and personnel available; the time needed to respond and place equipment in action; the water supply, the application of strategy and tactics; the level of training; and all of the components that add up to effective fireground operations.”<sup>55</sup>*

88. To maximise the prevention of loss of life and minimise damage to property, fire services mandate a quick response by applying standards for the firefighters to respond to emergencies. Response standards are the difference between life and death. The time in which the fire service responds, and the number of qualified and trained firefighters at the incident within the required time determines whether a rescue can be performed, whether a home or business can be saved and directly impacts on the safety of firefighter.



89. Underpinning fire service response time standards is scientific research that dictates a fire must be suppressed within 5- 10 minutes of ignition. The physical characteristics of fire cause the temperature in a building to rise extremely rapidly, and a sudden and

<sup>54</sup> March 2015 Victorian Auditor-General's Report Emergency Services Response Times, page 1.

<sup>55</sup> NFPA1710, A.5.2.

dynamic simultaneous ignition of most combustible materials and gases is called **flash-over**.

90. In order to maximise the potential of saving life and minimising damage to property, firefighters must enter the building to commence suppression activities to avoid flashover. The time required for flash-over to occur varies according to building construction and furnishing materials and usage. The fire spreads quickly once flash-over has occurred.
91. The “flash-over” phenomenon, and necessity to commence suppression of the fire before flash-over is recognised in international standards.

NFPA1710 (2001) includes the following standards:

- Four minutes (240 seconds) or less for the arrival of the first arriving engine company at a fire suppression incident and/or 8-minute (480 seconds) or less for the deployment of a full first alarm assignment at a fire suppression incident.<sup>56</sup>
- The fire department shall establish a performance objective of not less than 90 percent for the achievement of the response time objective.<sup>57</sup>

And further:

*An early aggressive and offensive primary interior attack on a working fire, where feasible, is usually the most effective strategy to reduce loss of lives and property damage.*

*The ability of adequate fire suppression resources to greatly influence the outcome of a structural fire is undeniable and predictable. Data generated by NZPA provides empirical data that rapid and aggressive interior attack can substantially reduce the human and property losses associated with structural fires.<sup>58</sup>*

92. Task-based analysis is the best method for establishing safe staffing levels and the method has been underpinned in key studies from the United Kingdom such as In the Line of Fire, 1995 and Out of the Line of Fire, 1998<sup>59</sup>.

*“In order to assess the personnel and equipment needed to deal successfully with a given scenario a comprehensive categorisation of all fire and rescue scenarios dealt with by the fire service was undertaken and for each scenario a task analysis was carried out. For each task identified the personnel and equipment requirements were listed. Then by reference to the task, personnel and equipment lists it was possible to assess the resources necessary to deal with any scenario. (When assessing overall resource requirements, it was necessary to use professional judgement in order to allow for parallel and serial task activity. Tasks carried out in parallel require the sum of their individual resources; tasks carried out serially offer the possibility of re-using existing resources.)<sup>60</sup>”*

93. The Report found safe systems of work required a minimum crew size of seven

<sup>56</sup> NFPA1710, 4.1.2.1.1

<sup>57</sup> NFPA1710, 4.1.2.1.2

<sup>58</sup> NZPA1710, A.5.2.1.2.1

<sup>59</sup> Out of the Line of Fire, Modernising the Standards of Fire Cover: Report of the Joint Committee on the Audit Commission Report to the Central Fire Brigades Advisory Councils, Fire and Emergency Planning Directorate, Home Office, July 1998.

<sup>60</sup> Out of the Line of Fire, page Xi

*“The response options study has identified that a ‘typical’ house fire requires seven crew to deal with it using safe systems of work. This number rises to nine as soon as there are ‘persons reported’. Whilst this may have resource implications in brigades where domestic dwellings usually attract five personnel, the policy of using safe systems of work underlines the commitment to the safety of firefighters.”<sup>61</sup>*

94. More recently the 2010 National Institute of Standards and Technology (NIST) Report on Residential Fire Ground Field Experiments and the 2013 Report on High-Rise Fire Ground Field Experiments examined the correlation of crew sizes and implications for specific tasks and outcomes.

### Residential experiments<sup>62</sup>

- Different standards of fires – slow, medium and fast-growth rate fires, were tested and proved that fires grow exponentially with time.
- There was a significant difference between the toxicity for occupants of the residence depending on the time of the arrival of the fire crew. Occupants rescued by an early crew suffered less exposure to combustible products than those rescued by a later crew.
- “The fire modelling showed clearly that a 2-person crew cannot complete essential fireground tasks without subjecting them to an increasingly toxic atmosphere”. This exposure would be a significant risk, particularly to children and the elderly. The experiments showed 50% of the general population would be incapacitated if only a two-person crew responded to a fast growth-rate residential fire requiring rescue.
- The Residential stud found that 4-person crews operating on a residential structure completed all tasks on the fireground seven minutes (30%) faster than a 2-person crews.
- The 4-person and 5-person crews started and completed a primary search 6% faster than a 3-person crew and 30% faster than a two-person crew.
- An effective response force was assembled by a 5-person crew three minutes than a 4-person crew.

### High-rise experiments

- The High-Rise study showed that the number of fire service crew members responding to a fire had a dramatic effect on the crew’s ability to protect lives and property. The research showed that 3-person crew ascending to a medium growth rate fire on the 10<sup>th</sup> floor “confronted an environment where the fire had released 60% more heat energy than the fire encountered y the 6-person crews doing the same work<sup>63</sup> – exposing the smaller crew to greater risks and more challenges.
- On average 3-person crews took nearly an hour to complete their fire response, while crews of 6 required a mean time of just under 40 minutes.<sup>64</sup>
- Putting water on the fire is one of the most important tasks. In the high-risk experiments, a 3-person crew took 8.5% longer than a 4-person crew to roll a hose line from the water source to the fire, and 2 minutes 4.7 seconds longer (13.9%) than a 5-person crew, and 4 minutes 28 seconds longer (22.3%) than a 6-person crew.<sup>65</sup>
- The size of crew had a dramatic impact on search and rescue. Four-person crews successfully removed the person from the building 25.1% faster or 13 minutes and 11

<sup>61</sup> Out of the Line of Fire page 8-2

<sup>62</sup> NIST Report on Residential Fir Ground Field Experiments. Executive summary.

<sup>63</sup> NIST Report on High-Rise Fireground Field Experiments, Executive Summary, page 1.

<sup>64</sup> NIST Report on High-Rise Fireground Field Experiments, Executive Summary, page 5

<sup>65</sup> NIST Report on High-Rise Fireground Field Experiments, Executive Summary, page 5

seconds faster than the 3-person crew. Six-person crews started the search 22% faster and completed the search 47% faster than a 3-person crew. The 6-person crew successfully performed the rescue 38.1% faster than 4-person crews and 12% faster than 5-person crews.<sup>66</sup> The differences in the time taken to perform a second rescue by the different-sized crews increased even more.

## SAFE FIREFIGHTING RESPONSE

95. Safe operations require at least seven firefighters on the fire ground that are required to commence firefighting operations within 7.7 minutes to contain a structural fire to its room of origin.

96. In order to perform safe firefighting operations, the following is required:

- Two firefighters in BA to enter the structure to perform any necessary internal attack and/or rescue (firefighters should not enter a structure fire alone and should work in pairs in order to meet OH&S best practice - this is to ensure a firefighter is available to render assistance if the other firefighter requires it).
- Two firefighters outside the structure in BA to comply with the “two in two out” principle which requires that for every firefighter in BA, there needs to a replacement firefighter in BA ready to relieve or assist.
- One firefighter to operate the pump. Pumps can be operated automatically but this is not a safe system of work as a pump operator is responsible for monitoring the operation of the pump which of course is the key equipment to provide water.
- A BA safety officer who monitors the entry and exit of fire-fighters in BA and the time/air available of those in BA. This is a key role on at a structure fire where BA is always required.
- An OIC to undertake the initial assessment of the incident and direct the crew on scene to undertake the necessary duties as well as communicate via radio with the communications centre relaying information and any requests for escalation or further assistance.

97. The “two-in two-out” approach for structural firefighting has been accepted as a fundamental safety principle.

“It involves two firefighters entering a burning building for firefighting or rescue purposes while two other firefighters remain outside the building ready to mount a rescue should the first two firefighters find themselves in difficulty”<sup>67</sup>

98. And in a subsequent Recommendation on the same subject matter Vice President Lawler relied upon the two-in two-out principle to recommend that fire crews be maintained at an adequate level to enable safe structural firefighting.<sup>68</sup>

99. The MFB requires seven firefighters on the fireground for safe firefighting duties:

*The MFESB will meet its duty of care by ensuring seven professional career firefighter to fireground incidents before commencement of safe firefighting operations.*<sup>69</sup>

<sup>66</sup> NIST Report on High-Rise Fireground Field Experiments, Executive Summary, page 6

<sup>67</sup> United Firefighters Union of Australia v Transfield Services Australia Pty Ltd [2007] AIRC 781, Vice President Lawler

<sup>68</sup> United Firefighters Union of Australia v Transfield Services Australia Pty Ltd (2007/2993)

<sup>69</sup> MFB UFU Operational Staff Agreement 2010, clause 36.7

100. The CFA UFU Operational Staff Agreement 2010 sets out the CFA Breathing Apparatus Procedures<sup>70</sup> which includes the requirement to work in teams of at least two BA operators and a back-up team of BA operators – the two-in and two-out principle – but does not currently require the dispatching of seven firefighters to the fireground.
101. The current CFA system cannot guarantee a safe number of firefighters to the fireground in the highly urbanised and residential areas. The CFA system relies upon either initial response or support by volunteer firefighters.
102. It is no criticism of volunteer firefighters, but a reality that due to other commitments volunteer firefighters are not available to respond 24/7, 365 days a year. Many do not work within the response areas of their brigade, and for those that do they may not be released from work for volunteer firefighting duties. Then there are the family and personal commitments. All of these factors impact on the ability of the volunteer brigade to be able to respond quickly and effectively.
103. A primary basis for the fire services reform is to address the key community safety issue in the 35 integrated urbanised areas.
104. With the designation of the primary response areas of the integrated brigade to Fire Rescue Victoria, the required safety standard of the dispatching of seven firefighters to the fireground within 8 minutes can be achieved.
105. It will standardise the response standards, and performance across the highly urbanised areas. The result will be the families and businesses in Craigieburn will have the same fire response as those living and working in Carlton.

## MFB STANDARDS OF RESPONSE

106. MFB firefighters are required to turn out of the station within 90 seconds and their performance standard for structure fires is 7.7 minutes.
107. The background to the development of the MFB service delivery system was set out in the witness statement of MFB ACFO Michael Walker (retired) in the matter before the Fair Work Commission in 2014 where the MFB had sought to terminate the 2010 MFFB UFU Operational staff agreements. His witness statement was also included in the evidence provided to the Fire Services Review in 2014.
  22. *The MFB has used a comprehensive process based on significant risk overlays to determine where best to locate fire stations too equitably and adequately service that risk profile across the MFD. It has always been recognised that this is not a static process but a dynamic one and that periodic reviews are required to ensure that stations remain appropriately located to service the risk level within any particular community.*
  23. *As such, stations have been located and for that matter relocated over time.*
  24. *The station locations are based on assessments that it is important to have the first appliance arrive on scene and effecting firefighting operations within 12 minutes of fire initiation to maximise the opportunity of minimising fire damage. As such, the strategic location is predicated on the first responding appliance being on scene to any call within the MFD within 7.7 minutes on the 90th percentile of occasions.*

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<sup>70</sup> CFA UFU Operational Staff Agreement 2010, Schedule 22

25. *The station locations and response system are to ensure equitable coverage and to effectively meet a predetermined response time to maximise the health and safety of the community as well as operational staff. All of this study and work comes under the auspices of what is known as the strategic location plan. A number of revisions have been prepared over the years to maintain equality of emergency service provision to the community.*
26. *Tethered with this some years ago, the organisation developed a greater alarm response system (GARS). I was responsible for completing a revision of GARS and that led to the implementation of the current version of GARS. Linking this with an electronic call receive and dispatch system the MFB could dispatch appropriate resources to appropriate locations in a timely manner to ensure the most effective mitigation of a broad range of emergencies across the MFD. The GARS determines the specific types of appliances that will be dispatched depending on the nature and magnitude of the incident.*
27. *Coupled with this again, organisational agreement was reached that to maximise Occupational Health and Safety on the fire ground, 7 personnel would be dispatched in a minimum of 2 trucks to ensure the commencement of effective management of any emergency with which they are confronted.*
28. *To facilitate this whole process there is a requirement to have a minimum number of crew on duty at all times across a designated number of fire stations, and a designated number of front line and specialist appliances.*
29. *Some years ago the MFB introduced this concept. It is called the minimum crewing chart that details what resources would be at what stations to crew all the relevant appliances on a 24/7, 365 days of the year basis. This system provides certainty to staff at station level as well as front line operational managers and senior operational staff that, dependant on the complexity of the emergency being responded to, they can call a predetermined alarm level within GARS and they can be assured of receiving the appropriate trucks in a timely manner with the minimum number of staff as designated by the chart.*
30. *As soon as any minimum staffing agreements are removed, uncertainty is introduced into what crew and what appliances will respond to an emergency and where they will be responding from.*
31. *A frontline officer responding to an emergency is faced with a plethora of decisions that have to be made in a very short space of time.*

*He needs to be able to provide a word back, giving a GARS designation, and know, with confidence, what resources are being responded to support his attempts to mitigate the emergency. In the absence of confidence that appliances and associated crewing provided by the MFB's systems will be deployed, an incident controller is unable to effectively manage fire ground operations. Any variation to established deployment systems can have dramatic and cascading implications for incident management. These arrangements underpin MFB's emergency response. They are not matters that are, or can be, adjusted on an ad hoc basis. The application of the crewing chart and the requirement for 7 on the fire ground do not hamper the MFB in its operational response. Rather, they are important planks to that response."*

108. This service delivery model allows the MFB to meet its response targets and generally achieve OH&S best practice.

## CFA Standards of Response

109. The CFA times vary due to hazard classification where they classify hazards generally as medium urban, low urban or rural, with an 8, 10 or 20-minute response time.
110. CFA firefighters turn out times vary on whether they are career or volunteer:
- Career firefighters they are required to turn out of the station and be on scene from 8 minutes for a structure fire.
  - Volunteer firefighters are generally required to turn out of the station within 4 minutes and be on the scene from 8 minutes to 20 minutes for a structure fire.

## CFA's Service Delivery Standards (SDS)

CLASS OF HAZARD	RESPONSE TIME DEFINITIONS	VEHICLE RESPONSE TIMES (MIN) *
1 - High Urban **	A structure or series of structures, which present a serious life hazard from fire.	**
2 - Medium Urban	Significant urban areas, primarily residential areas involving commercial centres, clusters of industrial and/or institutional hazards.	8
3 - Low Urban	Encompasses all structural hazards in urban areas not falling into Classes 1 and 2 and includes predominantly residential occupancies and small industries.	10
4 - Rural	Primarily involves natural surroundings in terms of fuel, but also involves isolated dwellings and structures within those areas.	20
5 - Remote Rural	Structural and rural hazards similar to Class 4 and for which the location of the hazard is geographically distant from a fire station.	No times specified
Urban RAR <sup>1</sup>	Road Accident Rescue incidents occurring in the Melbourne statistical division <sup>2</sup> , plus the municipal districts of Greater Geelong, Greater Bendigo, Ballarat, Latrobe and Greater Shepparton.	20
Rural RAR <sup>1</sup>	Road Accident Rescue incidents occurring in that part of Victoria not in the urban zone.	40
Hazmat	Any hazmat incident. <sup>3</sup>	No times specified

## MFB and CFA Performance indicators

111. As stated by the Productivity Commission Report, the performance indicator framework *“provides information on equity, efficiency and effectiveness, and distinguishes the outputs and outcomes of emergency services for fire events”*<sup>71</sup>
112. In Victoria, the Victorian Government Service Delivery Budget Paper No.3 (2017, p292) also provides target performance measures for both the MFB and CFA, including structural fire confined to room of origin (target 80%) and emergency response times meeting benchmarks – structural fires (90%).
113. These performance indicators also appear in the annual reports of the CFA and MFB.
114. In the 2015/16 MFB annual report page 13 states that the MFB's target for structure fires response times within benchmark (7.7 minutes) was 90% and their actual was 89%. In the 2015/16 CFA annual report page 23 states that the emergency response times meeting benchmarks – structural fires target was 90% and actual was 87%.

<sup>71</sup> Productivity Commission Report 2017, Chapter 9 Emergency Services for Fire Events, 9.3



115. While the MFB annual report states what the benchmark for structure fire response times is, the CFA annual report only states the benchmark, without providing detail about what the benchmark is. Similarly, the Victorian Government Service Delivery Budget Paper only reports against benchmarks without explanation as to what those benchmarks are.
116. The Victorian Auditor-General reporting into Emergency Response Times in March 2015 also found that external reports do not have enough information to allow readers to understand response time performance and with the exception of MFESB's annual report, response time reports do not include the actual time that agencies take to respond to most emergencies, reports of performance at the regional level and performance trends.<sup>72</sup>

### Containment to the room of origin

117. An important measurement of fire response for structure fires is the confinement to room of origin.
- “The containment to the room of origin is a good measure of success in limiting damage and cost caused by structural fires.”<sup>73</sup>
118. According to the 2015/16 MFB annual report the MFB's confinement of structure fires to the room of origin was 88.1%.<sup>74</sup>
119. The 2015/16 CFA annual report records that structural fire confined to room of origin target was 70% and actual was 77%.<sup>75</sup>
120. The CFA performance target for room of origin listed in the CFA annual report is 10% lower than the performance target established by government in the Victorian Government Service Delivery Budget Paper. The CFA have stated that the reason for this anomaly is that they treat the performance results as aggregated at state level.
121. The performance of fire services is measured by the containment of 90 percent of fires to the room of origin and the response time of being achieved of about 7- 8 minutes to maximise the potential for rescue and minimise the damage to property.
122. The 2015-2016 MFB Annual Report<sup>76</sup> records
- The MFB sets a target of containing 90% of structure fires to room of Origin. MFB achieved 88.1 percent of fires being contained to the room of origin.
  - The MFB set a target of 90% of all structure fires within the benchmark of 7.7 minutes with 89% achieved in the 2015-2016 year.

<sup>72</sup> Victorian Auditor-General reporting into Emergency Response Times, March 2015, page x.

<sup>73</sup> 2009 Victorian Bushfires Royal Commission, Submissions of Counsel Assisting, paragraph 4.57.

<sup>74</sup> MFB Annual Report 2015-2016 [http://www.parliament.vic.gov.au/file\\_uploads/MFB\\_YDKX03km.pdf](http://www.parliament.vic.gov.au/file_uploads/MFB_YDKX03km.pdf), page 14

<sup>75</sup> CFA Annual Report 2015-2016, [http://www.cfa.vic.gov.au/fm\\_files/attachments/Publications/CFA-Annual-Report-2015-16.pdf](http://www.cfa.vic.gov.au/fm_files/attachments/Publications/CFA-Annual-Report-2015-16.pdf), page 23.

<sup>76</sup> MFB Annual Report 2015-2016 [http://www.parliament.vic.gov.au/file\\_uploads/MFB\\_YDKX03km.pdf](http://www.parliament.vic.gov.au/file_uploads/MFB_YDKX03km.pdf), page 13, 14.

123. The 2015-2016 CFA Annual Report<sup>77</sup> records:
- The CFA sets a target of containing 70% of structures to the room of origin. CFA achieved 77% of fires contained to the room of origin.

### **CFA RESPONSE STATISTICS**

125. Unlike the MFB, the CFA has volunteer only stations and integrated stations which have both professional firefighters and volunteer brigades. Where there are no or insufficient professional firefighters the CFA and the community are reliant on volunteers turning out.
126. However, volunteer response is typically much slower and cannot be guaranteed, and generally will not meet the best practice of 7.7 minute response time. This is not a criticism of volunteers but is a reality because volunteer firefighters are responding from their home, workplaces or other venues and unlike career firefighters are not on station to respond immediately.
127. This is particularly the case for integrated stations which require professional firefighters because of the workload and risks of the area.
128. These factors are compounded in fire services with the research demonstrating the need for increased professional firefighters when population growth, asset value and extreme weather events are taken into account.

### **Deployment of CFA firefighters**

129. The CFA station locations are generally based on historical boundaries. This restriction on location does not allow for an impartial assessment as to the best location to place the station in order to enable the professional firefighters who can respond in a quicker timeframe to cover a greater service delivery area. This means that CFA stations have at times been placed within 4 minutes of another CFA station, rather than 7.7 or 8 minutes based on professional firefighter response.
130. Therefore, the assignment of an incident to a particular station for response is not always the closest guaranteed professional crew and subsequently impacts on response times and the protection of the community. The UFU strongly submits that this is not in the interest of the community firefighters serve. The following examples can be verified by firefighters and documentary evidence if requested by the Committee. These examples demonstrate flaws in the current assignment system and lack of consistency.

Example: Angliss Hospital (CFA District 13)

- *It has been the practice to have all Captains in the Group agree to any changes to assignment areas and response tables.*
- *The original brigade response to the Angliss Hospital was Upper Ferntree Gully (V), Ferntree Gully (V), Boronia (Integrated) & Upwey (V). This provided the Angliss with only one guaranteed response from Boronia as an integrated*

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<sup>77</sup> CFA Annual Report 2015-2016 [http://www.cfa.vic.gov.au/fm\\_files/attachments/Publications/CFA-Annual-Report-2015-16.pdf](http://www.cfa.vic.gov.au/fm_files/attachments/Publications/CFA-Annual-Report-2015-16.pdf), page 23.

*station with both professional and volunteer firefighters. When Rowville became Integrated it was felt that they should be responding to the Angliss to enhance the current response to two guaranteed responses.*

- *There was considerable resistance and some delay in the changing the assignment tables allowing Rowville to respond due to volunteer interference.*
- *The matter was resolved with the relevant Operations Manager determining the community and facility was to have the most appropriate response to service the life risk and the changes were made for Rowville to respond to the Angliss Hospital.*

Example: South Morang – Incident at Yarrambat, Worns Lane, 26 March 2016

- *South Morang was the last requested appliance, yet it arrived 3<sup>rd</sup> on scene. It was only responded because Yarrambat initially failed to turn out within their required response time of 6 minutes, so South Morang was paged 8 minutes after the initial call.*
- *Had Yarrambat responded initially, South Morang would not have been turned out at all, unless specifically requested.*
- *The assignment table and response was changed after this incident, and South Morang now respond into the Yarrambat Brigade's area. Nevertheless, the change took a long time to be agreed and implemented, and it highlights the lack of a systemic, risk based approach by the CFA – the assignment tables – very much depend on the position taken by the Catchment officer and the Brigade Captains.*
- *This fire incident occurred on a rural property, which while starting as a grass and scrub fire, quickly involved a farm shed around 8-10 metres from the dwelling. The shed was filled with polystyrene which contributed to the speed and ferocity of the fire. It was burnt to the ground.*
- *When South Morang arrived on scene a Volunteer Lieutenant was in charge of the scene. He was only qualified as a wildfire qualified crew leader.*
- *There were critical gaps in fire-ground safety when South Morang arrived on scene. There were hundreds of litres of water on the ground, along with live extension leads. Volunteer crews were not wearing BA while forcing was forcing entry into side of shed, enveloped in smoke.*

Example: Ballarat

- Any alarm or fire call is normally a two-brigade response.
- Ballarat city's primary area has two hospitals and several nursing homes, and had been designated a two-brigade response, which meant that Ballarat City was the primary response and one of the Volunteer Brigades was the secondary.
- The secondary response was shared by 3 Volunteer Brigades – Ballarat, Wendouree and Sebastopol, and which one was despatched depended on where the location was within Ballarat City's primary area.
- The volunteer brigades were consistently failing to turn out, which was impacting on Service Delivery Standards (SDS).
- The CFA's solution was to make the area a one brigade response. By doing this, it improves the SDS figures – if the brigade does not respond it no longer has an effect on the SDS, so it allows the illusion of SDS being met.

- It has left professional firefighters without any support being in place, and has adverse implications for community safety.
- This one brigade response is currently in operation, despite concerns being raised by professional firefighters and their Officers.

131. In practical terms this can mean a volunteer brigade is called to respond when there is a professional crew on station nearer the incident. It is not until the volunteer brigade does not respond or fails to respond within a designated time frame that the professional firefighters are then required to respond. In some instances this can result in significant delays well outside the 7 to 10 minute flash over point. This means the professional firefighters responding are at a far greater risk of injury or fatality and further can result in firefighters having to attempt a rescue at the most dangerous time under the most dangerous of circumstances with the least chance of success.

132. Below is a snapshot of response data of CFA volunteer brigades in the areas in specific Legislative Council electorates. This information is derived from CFA’s statistics for 2016 and a copy of the CFA performance dashboards can be provided to the Committee upon request. Again this information is not being provided as any criticism of volunteer firefighters, but is are factual examples of the impact on service delivery when volunteers are unable to respond.

<b><u>EASTERN METRO</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
Bayswater	Medium Urban (8:00)	73%	27%	61%	39%
Diamond Creek	Medium Urban (8:00)	97%	3%	59%	41%
Ferntree Gully	Medium Urban (8:00)	98%	2%	71%	29%
Morroolbark	Medium Urban (8:00)	20%	80%	29%	71%
Research	Medium Urban (8:00)	92%	8%	67%	33%
The Basin	Medium Urban (8:00)	89%	11%	60%	40%
Warrandyte	Medium Urban (8:00)	87%	13%	18%	82%

<b><u>EASTERN VICTORIA</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
BAIRNSDALE	Medium Urban (8:00)	24%	76%	65%	35%
BAXTER	Medium Urban (8:00)	67%	33%	67%	33%
BELGRAVE	Medium Urban (8:00)	47%	53%	53%	47%
DROMANA	Medium Urban (8:00)	85%	15%	56%	44%
FERNTREE GULLY	Medium Urban (8:00)	98%	2%	71%	29%
HASTINGS	Medium Urban (8:00)	54%	46%	77%	23%
LANGWARRIN	Medium Urban (8:00)	87%	13%	62%	38%
LILYDALE	Medium Urban (8:00)	38%	62%	64%	36%
MOE	Medium Urban (8:00)	23%	77%	19%	81%
MONTROSE	Medium Urban (8:00)	18%	82%	50%	50%
MT ELIZA	Medium Urban (8:00)	96%	4%	54%	46%
MT MARTHA	Medium Urban (8:00)	86%	14%	14%	86%
RYE	Medium Urban (8:00)	100%	0%	17%	83%
SALE	Medium Urban (8:00)	6%	94%	37%	63%
SORRENTO	Medium Urban (8:00)	94%	6%	61%	39%
UPPER FERNTREE GULLY	Medium Urban (8:00)	83%	17%	81%	19%
WARRAGUL	Medium Urban (8:00)	37%	63%	42%	58%

<b><u>NORTHERN VICTORIA</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
BENALLA	Medium Urban (8:00)	22%	78%	59%	41%
CASTLEMAINE	Medium Urban (8:00)	13%	87%	31%	69%
GOLDEN SQUARE	Medium Urban (8:00)	98%	2%	86%	14%
HEALESVILLE	Medium Urban (8:00)	47%	53%	71%	29%
KANGAROO FLAT	Medium Urban (8:00)	97%	3%	89%	11%
KERANG	Medium Urban (8:00)	87%	13%	95%	5%
SEYMOUR	Medium Urban (8:00)	22%	78%	33%	67%
SWAN HILL	Medium Urban (8:00)	70%	30%	50%	50%
WHITTLESEA	Medium Urban (8:00)	42%	58%	79%	21%

<b><u>SOUTH EAST METRO</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
CARRUM DOWNS	Medium Urban (8:00)	92%	8%	52%	48%
HAMPTON PARK	Medium Urban (8:00)	99%	1%	27%	73%
NARRE WARREN	Medium Urban (8:00)	91%	9%	88%	12%
NARRE WARREN NORTH	Medium Urban (8:00)	90%	10%	76%	24%

NOBLE PARK	Medium Urban (8:00)	98%	2%	75%	25%
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<b><u>WESTERN METRO</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
TRUGANINA	Medium Urban (8:00)	91%	9%	18%	82%
WERRIBEE	Medium Urban (8:00)	98%	2%	75%	25%
WYNDHAM VALE	Medium Urban (8:00)	99%	1%	73%	27%

<b><u>WESTERN VICTORIA</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
BACCHUS MARSH	Medium Urban (8:00)	64%	36%	90%	10%
BALLARAT	Medium Urban (8:00)	98%	2%	29%	71%
BELMONT	Medium Urban (8:00)	49%	51%	92%	8%
COLAC	Medium Urban (8:00)	23%	77%	68%	32%
CORIO	Medium Urban (8:00)	33%	67%	88%	12%
DRYSDALE	Medium Urban (8:00)	100%		43%	57%
GEELONG WEST	Medium Urban (8:00)	89%	11%	58%	42%

GROVEDALE	Medium Urban (8:00)	100%		58%	42%
HAMILTON	Medium Urban (8:00)	25%	75%	80%	20%
HIGHTON	Medium Urban (8:00)	90%	10%	70%	30%
HORSHAM	Medium Urban (8:00)	52%	48%	81%	19%
LARA	Medium Urban (8:00)	96%	4%	28%	72%
PORT FAIRY	Medium Urban (8:00)	71%	29%	29%	71%
PORTARLINGTON	Medium Urban (8:00)	100%		35%	65%
QUEENSCLIFF	Medium Urban (8:00)	100%		12%	88%
TORQUAY	Medium Urban (8:00)	100%		19%	81%
WENDOUREE	Medium Urban (8:00)	99%	1%	49%	51%

<b><u>NORTHERN METRO</u></b>					
<b>BRIGADE</b>	<b>HAZARD COMPLIANCE</b>	<b>Primary Turnout Time Compliance</b>	<b>Primary Turnout Time Failure</b>	<b>Primary SDS Compliance</b>	<b>Primary SDS Failure</b>
EPPING	Medium Urban (8:00)	68%	32%	42%	58%



## **THE IMPACT OF THE PROPOSED REFORM**

133. The combination of the establishment of the one career fire service Fire Rescue Victoria and the designation of the current 35 CFA Integrated stations into the metropolitan fire district will have the following effect:
- The currently identified highly urbanised and residential areas that require a professional career fire service response will have response of the dispatching of seven career firefighters in two fire appliances within 8 minutes.
  - This will be achieved by the reform providing the opportunity for greater flexibility of deployment of career fire appliances, and specialist appliances, to meet the required standards.
  - This will ensure that Victoria's reform areas have the standard of protection expected and required for a metropolitan area consistent with international standards of safe firefighting operations.
  - This will mean those communities in the reform areas have a consistent standard of response that is critical to maximise the potential to rescue and safe life, and the potential to minimise damage by meeting standards to maintain a fire to the room of origin.
  - This will ensure Victoria's career firefighters have the guarantee of back-up and therefore reduce the current risks they experience by commencing firefighting operations and where necessary rescue without meeting the standards for safe firefighting.
  - This will reduce the risks currently experienced by volunteer firefighters in these reform areas as they will turn out with guaranteed dispatching of 7 career firefighters.
  - This will not affect the ability or nature of volunteer turnout but will recognise and address in these reform areas that volunteers are unable to consistently turnout at all hours of every day.
  - This will not require the recruitment of additional career firefighters as these outcomes can be achieved with the programmed and funded 450 additional career firefighters announced in 2014.

Dated this 7 July 2017

Victoria Branch Secretary  
 United Firefighters Union  
 410 Brunswick Street  
 Fitzroy

**United Firefighters Union of Australia  
Submissions on Organisational Restructure**

1. The UFUA supports the organisational restructuring of the Victorian fire services as provided for in the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation amendment (Reform) Bill 2017* ("the Bill").
2. This submission responds to comments which have been made publicly by Volunteer Fire Brigades Victoria ("VFBV") in a "News Note" to its members, and to a document attached to that note by Jack Rush QC, formerly counsel assisting the Royal Commission into the Black Saturday Bushfires in 2009. Both documents are attached. The relevant comments have also been reported in the mainstream media. In this submission, the Union seeks only to address the organisational structure aspect of the Bill: it will deal with the compensation elements in a separate document.
3. The UFUA submits that the comments made by Jack Rush, and then relied upon by the VFBV in its note, misrepresent the findings of the Royal Commission. They do this both by overstating those findings, and by failing to put them in their full context.
4. Mr Rush asserts baldly that the "Royal Commission in fact stated that there was no compelling reason to support fundamental structural change". The UFUA submits that this is not correct. The Royal Commission was cautious in its recommendations for fundamental structural change. However, it was quite clear that the reason for such caution was because *at that time* it would risk "diluting the focus, and potentially the speed and effectiveness, of the operational change required"<sup>1</sup>.
5. The Royal Commission actually went further than this. At 10.5.3 of its final report, it stated expressly that:

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<sup>1</sup> See Royal Commission Final Report at 10.5 and 10.5.3

*The Commission was not persuaded that a merger is warranted at this stage, but it sees merit in moving to greater integration over time, and there is obviously a trend towards this.*

...

*Consideration of further reform could occur following a review—say, in three years—of the extent and effectiveness of the operational reform agenda.*

[emphases added]

6. The Commission did say that it had “considered the views and options the parties put forward for redressing the deficiencies observed on 7 February through structural reform and organisational arrangements, but it found none compelling”<sup>2</sup>. However, it is readily apparent from the excerpt above that the Commission’s focus was on fixing the operational problems it had identified, and that it rejected immediate primary structural reform of the fire services only in the context of that priority: that is, the Commission did not consider that structural reform was the first priority to fix the operational deficiencies identified in the enquiry. Its recommendation was far more confined than Mr Rush’s note acknowledges.
  
7. However, it is also clear that the Royal Commission considered that further structural reform of Victoria’s fire services would be desirable, or even required, possibly in less than half of the time which has elapsed since its report was made in 2010. Thus the UFUA submits that on a fair reading, the Royal Commission merely prioritised operational reforms in terms of urgency at that time, declining to recommend such change before identified operational deficiencies had been rectified for fear of shifting the focus, or of creating unintentional and unnecessary further problems by undertaking two sets of reforms simultaneously.
  
8. Mr Rush also states that the Royal Commission “acknowledged ‘the substantial part the CFA plays on the fringe of Melbourne and its responsibilities in regional cities and larger towns’”. But again, the context of the statement matters. It is taken from

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<sup>2</sup> 10.5, Final Report

the Royal Commission's final report at 10.5.5, and actually refers to the Commission's view that a re-branding of the CFA as the "Community Fire Authority" would accomplish such acknowledgement. However, this was said in the context of the Commission's clear view that the *operational* problems needed to be fixed first, and once that was accomplished, review of the more fundamental structural issues could be undertaken. That is exactly what has happened: some 7 years after the Royal Commission, and following adoption of many of its recommendations, the State government has been able to take a step back and look at reforms for which the fire services are now ready, and now require.

9. Further unpicking of Mr Rush's selective observations reveals more statements taken out of context. Mr Rush states that the Royal Commission "noted the submission made on behalf of the Victorian Government (at the time) that the model for non-integrated stations ... would be much more expensive and in the end the cost would be borne by ratepayers". However, a full reading of the relevant section of the report shows that the Royal Commission's approach to that submission was far more nuanced. It can be found at 3.6.2 of the Final Report. The cost differential (for which the Commission notes the Department of Justice supplied no basis) was noted as a reason why "the boundary [of the Metropolitan Fire District] appears to have lagged behind urban growth". That is, far from noting this submission and approving it as a valid reason for retaining the integrated stations of the CFA in urban and major regional centres, the UFUA submits that a fair reading shows that the Commission cited it as a reason why organisational change had not taken place sooner. The UFUA consequently submits that far from bolstering resistance to the changes in the Bill, the Royal Commission's Report in this regard revealed the pressing necessity of modernising the fire services to take account of how the State has changed. A simple example is sufficient: who would seriously contend that Springvale should not be serviced by the MFB or its fully-career firefighter staffed equivalent under the proposed reforms?
10. Further to the above criticisms, the UFUA submits that the VFBV material then overstates the overstatements of Mr Rush. Jack Rush states that "the evidence and

findings of the Royal Commission established that the CFA was the nation's pre-eminent firefighting organisation". However, the UFUA has been unable to find this value-laden judgment, or anything like it, anywhere in the report. Nonetheless, the VFBV note goes further, stating the that the Royal Commission "applauded" the CFA as such.

11. In summary, the UFUA submits that this Committee should be wary of putting too much stock into such submissions or representations by the VFBV, which it submits has now shown itself to be untroubled by exaggerations and misstatements about recommendations from the most extensive Victorian fire enquiry ever held. The Bill has been drafted after years of consideration of the outcomes of that enquiry and the subsequent adoption of many of its recommendations, and the UFUA submits that it provides a thoughtful and forward-thinking structural reform to Victoria's fire services.

6 July 2017



**K P Hanscombe QC**



**K A Bowshell**

*Counsel for the United Firefighters Union of Australia*



## UNITED FIREFIGHTERS UNION OF AUSTRALIA VICTORIA BRANCH SUBMISSION

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

### PART C

#### EFFECT ON VOLUNTEER ENGAGEMENT AND PARTICIPATION IN FIRE SERVICE DELIVERY

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## INTRODUCTION

1. The proposed Bill does not undermine the capacity of volunteers but will ensure that CFA is focused on maintaining its volunteer capacity. It allows for the support of the integrated model whilst removing the focus of CFA from professional career firefighters to restore it to a volunteer service.
2. There is nothing in the Bill or the proposed reform to give any weight to claims that volunteers will leave in droves, that local knowledge will be lost, or that local brigades will be detrimentally affected.
3. Further, the reform package announced by the Victorian Government in May 2017 includes measures to address volunteer recruitment and challenges faced by the CFA, while storing the CFA to an independent volunteer service.

## Volunteerism

4. There have been significant changes to volunteering in recent years. Volunteers and organisations that rely on volunteers are facing increasing pressure for a number of reasons.
5. In 2016, the *State of Volunteering in Australia*<sup>1</sup> report identified that 86 percent of volunteer organisations needed more volunteers, and are competing for a declining number of volunteers with volunteering rates across Australia dropping 5 % over the past 5 years<sup>2</sup>.
6. Other trends included:
  - Volunteers are feeling the pressure, they are time poor and are facing greater barriers to volunteering than in the past.
  - A large proportion of volunteers are in the 55-75 age bracket and 37 per cent were retired, which is consistent with the nation's aging population. 33% of volunteers surveyed in NSW are aged 65+ and only 15% were aged less than 34 suggesting potential issues for recruitment into the future.
  - 44% of volunteers have engaged in virtual volunteering in the last 12 months, a trend expected to increase. Younger people (25 to 34 years old) tend to use technological platforms suggesting that virtual volunteering is likely to better accommodate this volunteering cohort in the future. In fact, the positions on online that attracted respondents mostly fell into the Community Sector.
  - There is misalignment between the sectors volunteers are interested in and the sectors with the most positions advertised.
  - The biggest barrier to people volunteering into the future is work commitments and out-of-pocket expenses incurred through volunteering. Volunteers also deterred from volunteering because of lack of flexibility and burdensome administrative requirements.
  - Volunteer involving organisations generally lack resources, both human and financial, inhibiting their ability to engage volunteers with different characteristics (e.g. people

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<sup>1</sup> State of Volunteering in Australia Report 2016, Price Waterhouse Coopers  
<http://www.volunteeringaustralia.org/research-and-advocacy/publications/>

<sup>2</sup> State of Volunteering in Australia Report 2016, Price Waterhouse Coopers, page xi and 2

with a disability, people born overseas and people who spoke a with language other than English at home). (page 30)

- Volunteer involving organisations said that they face the following obstacles<sup>3</sup>:
    - 30% say they were not able to engage the optimal amount because there were not enough suitable candidates or there was no means of locating them.
    - Internal barriers such as time constraints (12%).
    - Limitations stemming from an inadequate funding base (12%).
    - 51% of organisations do not have the resources to recruit or engage volunteers with barriers.
7. The research found there is a disconnect between the volunteering roles that people are interested in and the roles that organisations are offering. Emergency Response volunteering was well down the list of sectors volunteers would be most interested in volunteering for the future listing 8<sup>th</sup> after community service, education, environment and conservation, animal welfare, arts and culture, disaster relief and seniors. <sup>4</sup>
8. GoVolunteer is Volunteering Australia’s online platform that aims to match volunteers with the appropriate volunteering opportunities and provided a research analysis source of 200,000 volunteer profiles with over 10,000 volunteering positions. The key findings of this analysis found 92% of volunteering positions are ongoing whereas 38% of volunteers identified full time work or study commitments limit their ability to volunteer on an ongoing capacity. <sup>5</sup>

### Victorian Auditor-General’s report

9. In 2014 the Victorian Auditor-General’s released the Report “Managing Emergency Services Volunteers” after reviewing the capacity and capability of CFA and SES volunteers.
10. Consistent with other research, the Report recorded that the *CFA volunteer population is ageing, with non-metropolitan areas having a greater number of older volunteers than metropolitan areas which will have implications for a sustainable volunteer service in the future.* <sup>6</sup>
11. Concerningly the report found that the CFA overestimated its emergency response capabilities and therefore could not be assured that it has the capacity to respond to incidents when they occur.<sup>7</sup>

*“CFA currently has around 57 500 operational and non-operational volunteers, which has remained relatively constant over the past decade. In its 2012–13 annual report it identified a target of 57 000 volunteers—in essence the number of volunteers it believes it needs. However, CFA does not have processes to identify the number of volunteers it has, so the basis of this number is unclear.”* <sup>8</sup>

*Both CFA and SES have limited organisation-wide awareness of their volunteer workforce requirements. While CFA currently has around 57 500 volunteers, it*

<sup>3</sup> State of Volunteering in Australia Report 2016, Price Waterhouse Coopers, page ix

<sup>4</sup> State of Volunteering in Australia Report 2016, Price Waterhouse Coopers, page vii

<sup>5</sup> State of Volunteering in Australia Report 2016, Price Waterhouse Coopers, page 13

<sup>6</sup> 2014 Auditor-General’s Report “Managing Emergency Service Volunteers, page 16

<sup>7</sup> 2014 Auditor-General’s Report “Managing Emergency Service Volunteers, page x.

<sup>8</sup> 2014 Auditor-General’s Report “Managing Emergency Service Volunteers, page 15



*identifies only the number of volunteers with specific skills that it needs, rather than the minimum number of volunteers it needs to perform its functions.”<sup>9</sup>*

13. The Auditor-General's report found that that in addition to failing to determine the number of volunteers needed to perform its functions, the CFA Brigade Operational Skills Profiles do not accurately record current volunteer skills, or the availability of volunteers.

*However, Brigade Operational Skills Profiles do not determine the number of members a brigade requires for overall viability. Also, they count non-active volunteer skills—volunteers who have attained competency but are no longer operationally active in that skill—which has the potential to overstate the number of volunteers who are available to perform a task, and they do not consider times of the day and week that volunteers are not available. This practice may give false assurance that a brigade has a capacity to respond, when it does not.”<sup>10</sup>*

*“BOSP also does not reflect a brigades’ ability to respond at particular times of the day or days of the week. This is an issue in regional or remote areas where active members may commute to another town for work and be unavailable during the day. This can result in towns not having an appropriate level of fire response available at all times.”<sup>11</sup>*

14. The report concluded:

*“While systems and processes are in place to train, deploy and support volunteers, their effectiveness and efficiency is uncertain. Neither the Country Fire Authority (CFA) nor the Victoria State Emergency Service (SES) is able to assure itself that its training, deployment and retention practices are effective and that it has the volunteer workforce needed to carry out its emergency response roles.”<sup>12</sup>*

15. The fire services reform package addresses these concerns with targeted funding for CFA volunteer recruitment and retention.

*“CFA must be supported to maintain its knowledge and experience and to attract new volunteers to reflect Victoria’s changing community. To address these issues, CFA will be restored to a volunteer and community focused firefighting organisation, further enshrined in law*

*Additionally, CFA’s 1,220 volunteer brigades will be provided with extra support and resources so they can continue to make a vital contribution to Victoria’s emergency management. The Government will provide CFA with additional funding to support and recruit volunteer firefighters in the short, medium and long-term. The Victorian Government will invest \$56.2 million to establish the CFA Support Fund. CFA Support Fund will provide \$10 million to continue the successful Volunteer Sustainability Grants Program for vital volunteer brigade equipment and facility upgrades*

*The Government and CFA will engage with volunteers and Volunteer Fire Brigades Victoria to finalise initiatives under the CFA Support Fund. The CFA Policy and*

<sup>9</sup> 2014 Auditor-General's Report "Managing Emergency Service Volunteers, page x.

<sup>10</sup> 2014 Auditor-General's Report "Managing Emergency Service Volunteers, page xi

<sup>11</sup> 2014 Auditor-General's Report "Managing Emergency Service Volunteers, page 23

<sup>12</sup> 2014 Auditor-General's Report "Managing Emergency Service Volunteers, page 21

*Performance Committee will continue in its role to provide advice on CFA issues, including steering the development of the CFA Support Fund.”<sup>13</sup>*

### **CFA’s Volunteer firefighters**

16. The number of CFA volunteer firefighters that may be available to respond or to turn out varies depending on the source.
  - The CFA states there are 35,796 operational volunteers and 21,315 support volunteers<sup>14</sup>.
  - The VFBV have repeatedly claimed there are 60,000 volunteers.
  - As outlined above, in 2014 a Victorian Auditor-General’s review found that while the CFA claimed to have 57,000 volunteers the basis for that number was unclear.
17. The number of operational volunteers in CFA does not necessarily reflect the number of volunteers that are available to turn out to an incident.
18. As was reported in the submissions of the Counsel Assisting the 2009 Victorian Bushfires Royal Commission from the evidence of CFA to the royal commission, over the calendar year in 2008, 62% (22,069) operational volunteers turned out at least once and in 2009, 72.5 (26,690) operational volunteers turned out at least once.<sup>15</sup>
19. An analysis of CFA data<sup>16</sup> for the 2016 calendar year shows that of the 35,796 operational volunteers 48.73% did not respond at all. There may be various reasons for not responding at all including the volunteer’s brigade not having one call in the year.
  - 51% did not respond during the day,
  - 64.3 % did not respond during the night
  - 62% did not respond during the weekend

### **VOLUNTEERS AT THE 35 INTEGRATED STATIONS**

20. Importantly, only the 35 integrated stations will be directly affected with the primary response area being designated to the metropolitan fire district, and with the career firefighters employment being transferred from the CFA to the new Fire Rescue Victoria.
21. CFA data<sup>17</sup> shows that as of 31 December 2016 there were a total of 1084 volunteers with the required minimum skills at the 35 integrated stations available to turn out.

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<sup>13</sup>May 2017, Victorian Government Fire Services Statement Priority 1 Restore CFA to a Volunteer and Community Focused Firefighter Organisation, page 12 <https://fireservices.vic.gov.au/fire-services-statement/priority-1/>

<sup>14</sup> CFA Annual Report 2015-2016, page 4.

<sup>15</sup> Submissions of the Counsel Assisting the 2009 Victorian Bushfires Royal Commission – Organisational Structure, page 13, para 2.31.

<sup>16</sup> Verified CFA data

<sup>17</sup> Statistics derived from verified CFA data for the year 1 January 2016= 31 December 2013 for the volunteer brigades at the CFA integrated stations

INTEGRATED STATION	TOTAL OP VOLTS WITH MINIMUM SKILLS	NEVER TURNED OUT IN THE DAY 2016	NEVER TURNED OUT AT NIGHT 2016	NEVER TURNED OUT IN THE WEEKEND 2016	NEVER TURNED OUT AT ALL IN 2016
SPRINGVALE	26	7	7	9	7
SOUTH MORANG	29	5	7	8	4
SHEPPARTON	25	9	6	9	5
PATTERSON RIVER	35	3	2	4	2
PAKENHAM	39	5	11	11	5
CAROLINE SPRINGS	38	5	6	8	5
BENDIGO	24	11	10	12	9
TRARALGON	24	13	10	14	9
MORWELL	25	7	10	11	7
WODONGA	26	5	7	7	4
WANGARATTA	56	38	34	38	27
ROSEBUD	25	2	0	3	0
MORNINGTON	38	6	7	10	5
FRANKSTON	26	4	1	5	1
CRANBOURNE	26	4	1	5	1
HALLAM	29	3	3	4	2
DANDENONG	33	11	12	17	10
BORONIA	33	0	0	0	0
BALLARAT CITY	46	0	3	3	0
MILDURA	22	10	6	11	6
WARRNAMBOOL	38	9	14	13	7
BELMONT	26	8	7	11	5

INTEGRATED STATION	TOTAL OP VOLS WITH MINIMUM SKILLS	NEVER TURNED OUT IN THE DAY 2016	NEVER TURNED OUT AT NIGHT 2016	NEVER TURNED OUT IN THE WEEKEND 2016	NEVER TURNED OUT AT ALL IN 2016
GEELONG CITY	12	3	2	6	1
OCEAN GROVE	34	9	11	9	9
CORIO	19	5	4	8	3
LARA	39	3	5	6	2
HOPPERS CROSSING	35	3	2	6	1
POINT COOK	28	4	6	5	3
MELTON	45	1	2	3	1
SUNBURY	28	0	1	0	0
CRAIGIEBURN	24	7	7	9	6
GREENVALE	10	0	0	2	0
ELTHAM	27	3	3	3	1
ROWVILLE	29	4	5	5	4
SOUTH WARRANDYTE	35	1	8	1	1
PORTLAND	34	5	6	7	3
TOTALS	1084				

## SURGE CAPACITY

22. Surge capacity in the context of fire services refers to the ability to rapidly increase the firefighters and resources that are available to an incident.
23. The reform as contemplated by the Bill will not detrimentally affect surge capacity. There is no factual basis to contend otherwise.
24. FRV career firefighters will continue to be co-located with the volunteer brigades at the current CFA integrated stations.

25. Other Australian states such as New South Wales, Queensland and South Australia have successfully operated separate professional career and volunteer services whilst maintaining significant numbers of volunteers. Therefore, there is no evidence to suggest moving from the integrated model to a co-located model will have any impact on the number of volunteers or surge capacity.
26. The CFA volunteers currently servicing outer metropolitan Melbourne and those that contribute the large portion of Victoria's vital volunteer surge capacity that is required for peak load, high consequence major emergencies, will not be affected by the reform.
27. While also importantly noting that the proposed Bill does not prevent or replace volunteering in outer metropolitan Melbourne or regional Victoria, it is also worth noting that there is ability for professional career firefighters to provide surge capacity and be deployed out of their local area during major emergencies.
28. This has been evidenced in recent times by the Hazelwood Mine Fire where significant numbers of MFB and CFA professional career firefighters were provided including professional career firefighters fighting the fire, participating in the incident control of the fire, specialist operators and also interstate firefighters.
29. It is important that the Committee considering the implications of the Bill rely on facts. The Auditor-General found that the actual capacity and capability of the CFA has been overstated, and other organisations have provided misleading accounts of deployment and surge capacity.
- The VFBV evidence to the Inquiry into Fire Season Preparedness by the Victorian The VFBV evidence to the Inquiry into Fire Season Preparedness by the Victorian Parliament Environment and Planning Standing Committee where the VFBV played a video to the inquiry which employed footage of spatial modelling developed by VFBV in conjunction with the University of Melbourne's Centre for Disaster Management and Public Safety. This video stated that they analysed incidents over a five-day period in January 2014 based on CFA data.
  - The video relied on by VFBV in hearings before the Standing Committee in 2016 stated 'the spatial modelling looks at 5 days in January 2014 during which 1600 incidents required 30,000 personnel over 95% of them volunteer firefighters'.
  - The CFA wrote to the Standing Committee on the Environment and Planning in March 2017 expressing concern that the presentation of the data may be misleading and that preliminary analysis of CFA data indicated that approximately 6,497 volunteers were dispatching during the 5-day period referred to. CFA also indicated that this is consistent with previous CFA estimates of volunteers' attendance at major incidents.
30. It has also been claimed that the 'key difference between the CFA integrated brigade model and the MFB paid only model is that the CFA integrated brigade resource model enables the CFA Chief Officer to employ paid firefighters at targeted CFA volunteer brigades to supplement existing volunteer capacity with paid firefighter support, adding to but not displacing the vital volunteer firefighting capacity at these

locations;<sup>18</sup> and that any structure that creates a separate volunteer organisation would reduce organisation cohesion, encourage internal conflict and further diminish opportunities to support the growth and development of volunteers.

31. The Bill and the proposed reforms includes a number of measures that negates those concerns:
- Under the proposed Bill, support from professional career members, training, skills maintenance and other volunteer activities will continues.
  - The reform has included a substantial package including funding for the recruitment and retainment of volunteers.
  - CFA management will be able to focus entirely on volunteers and not be otherwise engaged with dealing with issues associated with staff.
  - The reform will not in any way impede any current ability to employ firefighters in targeted areas or to deploy as the need arises such as surge capacity. In fact the boundary review panel will ensure that highly urbanised and residential areas are provided with a career fire service.

## Industrial environment

32. One of the benefits of the reform is the removal of the CFA volunteers from the industrial environment.
33. In the 2009 Victorian Bushfires Royal Commission the VFBV raised the issue of volunteers serving alongside a heavily industrialised work force.

*“Similarly, any proposal to combine the Metropolitan Fire Brigade and the CFA will fail on cultural and practical grounds as volunteer fire fighters will not work within an operating environment that is heavily industrialised with an associated propensity to unduly influence organisational decision making to the disadvantage of volunteers. In simple terms, a heavily industrialised paid workforce is incompatible with the aims and objectives of a community embedded volunteer based fire service and would be counter-productive to the achievement of a sustainable focus on shared responsibilities between the community and the fire service, particularly in high risk areas where mutual obligations are paramount to saving lives.”<sup>19</sup>*

34. From at least 2006, whenever the CFA career firefighters are bargaining for a new enterprise agreement, there has been considerable media amid claims from volunteers of the impact of the industrial environment and proposed agreements. The agreements have subsequently been negotiated and the concerns raised by the VFBV have not eventuated.
35. In 2016 the VFBV again initiated a political campaign to interfere with the CFA and UFU bargaining. Despite the Fair Work Commission Recommendations being accepted by the parties, and the CFA Board endorsing the subsequent proposed agreement, the VFBV were not satisfied.

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<sup>18</sup> VFBV submission to the Fire Services Review 2015, page 19.

<sup>19</sup> VFBV Submission to Bushfire Royal Commission Proposal for a Single Control Agency and Line of Control for Bushfire Management in Victoria, 21 October 2009, page 7, (emphasis added).

36. It is now well documented that the proposed agreement became a political football in the 2016 Federal election and the Fair Work Act 2009 was amended to prevent the agreement being certified.
37. During that period tensions escalated with career firefighters reporting they were repeatedly subjected to public vilification and intimidation.
38. Prior to the announcement of the reform, media reported<sup>20</sup> that the Victorian Government had legal advice confirming the proposed CFA agreement would not be able to be certified, leaving Victoria in the precarious position of having its career firefighters as the only state employees unable to have an enforceable enterprise agreement
39. The proposed reform will separate the CFA volunteers from the industrial environment and disputation. The separation of the career firefighters into one career fire service, and the return of the CFA to an autonomous volunteer organisation, will remove the disputation from the workplace and alleviate the tension between the volunteer organisation culture and the workplace of career firefighters.

### **EFFECT OF THE PROPOSED REFORM**

40. The proposed reform as contemplated by the Bill is not a mechanism to affect, interrupt or discourage the volunteer service the CFA relies upon.
41. The decline in volunteerism, and the demands of work/family/community and other commitments directly impact on the capacity and capability of members of the community to volunteer their time. To be available as a volunteer firefighter, the individual has to manage commitments that involves in some cases working some distance from their brigade's turnout area.
42. The Government announced with the reforms a substantial package to address volunteer recruitment and retrenchment, as well as upgrading of volunteer stations and equipment.
43. The reform maintains the necessary support and management of volunteer brigades by career operational and other personnel. The only difference will be the transfer of employment to the new Fire Rescue Victoria. The reality is that on day one, the same volunteer support will be in place, being provided by the same people from the same locations as they do today.
44. As of 31 December 2016 there were 1084 volunteers at integrated brigades. These volunteers will continue to turn-out as they do now.

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<sup>20</sup> <http://www.theaustralian.com.au/national-affairs/state-politics/victoria-fire-services-face-imminent-split-over-long-running-dispute/news-story/f981091a25479ddc95cd0a8dba19f384>

45. There is no evidence to validate claims that the reform will affect surge capacity. Volunteer and career firefighters will continue to be requested to make themselves available for surge capacity. It is likely that the current surge capacity is over-stated. Regardless, there is nothing in the reform that will negate or undermine surge capacity. Surge capacity has always been reliant on the availability and willingness of Victoria's firefighters to respond. Volunteer firefighters have repeatedly demonstrated their commitment to serve and protect their community. It would be surprising if reform undermined that commitment. However, any such threat or implication should be viewed in the context of approximately 1000 volunteers that are members of the integrated brigades that are within the reform areas.

Dated this 7 July 2017



Victoria Branch Secretary  
United Firefighters Union  
410 Brunswick Street  
Fitzroy







**UNITED FIREFIGHTERS UNION OF AUSTRALIA  
VICTORIA BRANCH  
SUBMISSION**

**Inquiry into the Firefighters’ Presumptive Rights Compensation and  
Fire Services Legislation Amendment (Reform Bill) 2017**

**PART D**

**PRESUMPTIVE RIGHTS FOR OCCUPATIONAL DISEASE**

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## Introduction

1. The UFU supports the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 in its purpose to provide a rebuttable presumption for career and volunteer firefighters<sup>1</sup> and the provisions of Part 2 of the Bill which provides for those rights and entitlements.
2. The UFUA has extensive experience in the development of presumptive legislation in Australia and has been actively involved in conferences and inquiries into presumptive legislation, including internationally. UFUA National Secretary Peter Marshall has participated in the following inquiries and campaigns:
  - Provided a substantial submission and appeared in Melbourne and Perth before the Australian Senate Inquiry in 2011. He met with more than 150 Federal and state politicians during the UFUA's 9-month campaign. During that period Mr Marshall travelled to every state and the ACT on numerous occasions to meet with relevant Government agencies and politicians to discuss the Bill and explain the application of the presumption.
  - Met with the Tasmanian Minister and other politicians during the Tasmania Branch campaign including involvement in the development of the Tasmania model to ensure volunteers would benefit from presumptive legislation.
  - Provided a substantive submission to the 2013 Review of the Federal Legislation which recommended the operation and application of the legislation remain as introduced.
  - Was actively involved in the initial campaign for the WA legislation when first proposed.
  - Met with relevant Government officials in South Australia to ensure the presumptive was applied in accordance with the intention of the legislation.
  - Provided a substantial submission and appeared before the Queensland Parliamentary Committee inquiring into the presumptive Bill.

In March 2013, the UFUA co-hosted the Global conference on Occupational Cancer in Firefighters and other OH & S issues which was attended by fire chiefs, fire service executives and firefighters from Canada, New Zealand and around Australia. The conference included Australian and international experts presenting on all facets of firefighters occupational illness including the science, presumptive legislation and healthy firefighter programmes.

Since 2011, Mr Marshall has presented at numerous forums on firefighters' occupational illness and presumptive legislation including :

- 2012 Global Seminar on Presumptive legislation held in Winnipeg, Canada.
- 2013 NZPFU Conference on Occupational Cancer
- 2013 Global Conference on Occupational Cancer in Firefighters and other OHS Issues, in Melbourne.
- 2014 3<sup>rd</sup> Global Seminar on Occupational Cancer Among Firefighters held in Bergen, Norway.
- 2015 meet with relevant German Government officials on presumptive legislation
- 2015 Hazmat 2015 conference in Sydney
- 2016 IAFF Canadian Conference on Occupational Cancer

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<sup>1</sup> Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, clause 1.

3. The UFUA was also a member of the Monash University Australian Firefighters' Health Study Advisory Committee which assisted with the scope of the study, compiling of the data, the determination of the cohort, advice and assistance on firefighting operational matters and discussion and clarification of the Report.

## Background

4. In 2011 the UFUA embarked on a campaign to have occupational cancer recognised for Australian firefighters through presumptive legislation.
5. Through the global alliance of firefighters unions, the UFUA has had the benefit of examining and learning from firefighters in Canada and the United States of America where firefighters have the protection of presumptive legislation recognising occupational cancer for nearly 20 years.
6. Firefighters are one of the most studied occupations in relation to occupational cancer and there is now a wealth of scientific evidence that demonstrates the link between firefighting and specific cancers, including studies of Australian firefighters.
7. Firefighters are exposed to carcinogens, known and unknown at fires. Firefighters take every precaution available to limit their exposure to carcinogens, including Personal Protective Equipment (PPE) such as breathing apparatus and Personal Protective Clothing (PPC). But the firefighter can never be fully protected as the uniform has to breathe to prevent metabolic heat-build up. As a result firefighters cannot be fully protected from absorbing toxins and carcinogens through their skin at fires.
8. Despite the accepted scientific link between firefighting and the increased risk of specific cancers, firefighters have been unable to access their entitlements and assistance under workers compensation schemes as they are unable to prove the specific fire or fires they attended, or identify the specific carcinogen or carcinogens which resulted in the contraction of the cancer. In short, due to the nature of firefighting, firefighters are unable to meet the standard of proof required for acceptance of claims.
9. As a result the firefighter is left without assistance and compensation, or must undertake expensive and stressful litigation at a time when the firefighter to access treatment and compensation for the occupational cancer.
10. The mechanism necessary to remedy this inherent and unintended injustice in workers compensation is presumptive legislation. Presumptive legislation does not create a new entitlement for career firefighters. It is a legislative mechanism to presume specific cancers are occupational cancers for firefighters so that the firefighters can access assistance and compensation as they would for any other work-related injury or illness.
11. It is a rebuttable presumption. The presumption shifts the onus of proof from the firefighter proving which fire/fires the exposure resulted in the contraction of cancer to that of the employer/insurer/compensation scheme to disprove that the cancer was a result of firefighting.

12. Since 2000 Canada and the United States have introduced presumptive legislation to enable firefighters to access compensation and assistance for up to 14 cancers that are presumed to be occupational diseases.
13. In the Report to the Workers Compensation Board of Manitoba on the Association between Selected Cancers and the Occupation of Firefighter<sup>2</sup> the use of presumptive legislation was explained:
- a. *“A presumption assumes that, all other things being equal, most cases of a certain type of cancer will be associated with occupational exposure, even though it is not possible to determine which case is actually caused by the occupation. A presumption is a way of being inclusive in the acceptance of such claims given that it is not possible to distinguish among them.”*
  - b. *“A presumption is also appropriate when the condition is rare and there is a pattern or strong suggestion of strong association with an occupation that may be concealed by other factors that complicate interpretation of the risk estimate.”*
14. In 2011, after a comprehensive Senate Inquiry, the Australian Federal Parliament unanimously passed and introduced presumptive legislation recognising 12 occupational cancers for Federal career firefighters (Airservices Aviation Rescue Firefighters and firefighters employed by Australian Capital Territory Fire and Rescue).
15. The Senate Committee inquiring into the “Fair Protection for Firefighters” Bill in 2011 undertook a robust 6-month inquiry and in doing so performed the due diligence for the application of presumptive legislation for Australian Firefighters.
16. The Senate Inquiry included:
- Hearings conducted in Melbourne, Canberra and Perth;
  - Inspections of firefighting activities at Tullamarine Airport in Melbourne and Geelong Fire Station
  - Senators undertaking hot fire training and witnessing flash-over at the Queensland Combined Emergency Services Academy at Whyte Island
  - The consideration of 27 submissions including submissions from:
    - Experts in firefighting exposures, toxins and uniform and equipment
    - Firefighters who had been diagnosed with cancer including the family of a deceased firefighter
  - Government Department officials
  - Workers Compensation legal specialists
  - International witnesses:
    - a. Edmonton Fire Chief Ken Block
    - b. Winnipeg Fire Fighters Union President Alex Forrest who is considered an international expert in presumptive legislation and firefighters’ occupational cancer. Mr Forrest is a firefighter and lawyer and has recently been included in a meeting of the World Health Organisation International Agency for Research on Cancer (IARC) Committee evaluating the carcinogenic risk to humans.

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<sup>2</sup>Report to the Workers Compensation Board of Manitoba on the Association Between Selected Cancers and the Occupation of Firefighter, 28 March 2002, page 8, prepared by Tee L.Guidotti and David F. Goldsmith

## The toxic workplace

17. It is globally accepted that firefighting is a dangerous occupation and that not all risks and hazards can be eliminated due to the primary objective of saving lives and property. There are obvious dangers to firefighting but the biggest risk is the exposure to gases and toxins.

*“Firefighters exposures include not only gases, but also smoke particles that may be inhaled or contaminate the skin or clothing, with subsequent absorption of chemicals through the skin at the fire scene. Later exposure from particulates contaminating firefighting garments may also occur.”<sup>3</sup>*

18. There is a raft of literature that link toxins, (for example benzene, formaldehyde, carbon monoxide and cyanide) with cancers.
19. In the 1992 study “Occupational Health Concerns of Firefighting”<sup>4</sup> Tee Guidotti relied on a range of studies and literature and found:

*“Firefighters on the scene of a fire are frequently exposed to carbon monoxide, hydrogen cyanide, nitrogen dioxide, sulphur dioxide, hydrogen chloride, aldehydes, and such organic compounds as benzene. Before arriving, and on return, firefighters are exposed to diesel exhausts at the fire station”*

*“The toxic products of polymeric, plastic materials have come under increasing scrutiny. Since the 1950s, these materials have been used in building construction and furnishings in large amounts. They were soon found to combust into particularly hazardous products. Acrolein, formaldehyde, and volatile fatty acids are common in smoldering fires of several polymers, including polyethylene and natural cellulose.”*

20. It is estimated there are more than 70,000 toxins and chemicals in the average household fire.<sup>5</sup> Fabrics, furniture and construction materials give off a range of toxic gases when burning. These toxins include acetic acid, phenol, formaldehyde, PAHs (petroleum based products), hydrocarbons (benzene), styrene, arsenic, vinyl chloride, ammonia, carbon monoxide, metals (lead, barium, cadmium, chromium, nickel, zinc) and cyanide. In a fire, the combination of these chemicals increases the toxicity significantly.
21. Firefighters take every precaution available to protect themselves from physical injury during the course of firefighting, but by the inherent nature of the job not all risk can be eliminated.
22. The risk of exposure to toxic chemicals cannot be eliminated either. The Personal Protective Equipment required to be worn in structural firefighting has to be able to breathe in order for the firefighter to sustain the excessive temperatures of fire. As a

<sup>3</sup>Firefighter Exposure to Smoke Particulates, Final Report 1 April 2010 by Thomas Fabian, Jacob Borgerson, Stephen Kerber, Pravinray Gandhi, Stuart Baxter, Clara Sue Ross, James Lockey and James M Dalton.

<sup>4</sup>Occupational Health Concerns of Firefighting, Tee L Guidotti and Veronica Clough as published in the Review of Public Health 1992 13:151-71

<sup>5</sup>Occupational Cancer in New York Firefighters, Mount Sinai School of Medicine. This study is included in the attached Appendix D which is the Submission of Alex Forrest to the Federal Senate Inquiry)

result the firefighter is not completely protected from absorbing toxins through the skin. A fully encapsulated suit can only be worn in incidents that do not involve fire.

23. The Senate Committee determined:

*“An average structure fire can expose firefighters to temperatures approaching 1000 degrees Celsius. This means that the protective clothing firefighters wear in fire incidents must be able to breathe in order for them to be able to operate in these extreme temperatures. If the clothing did not breathe, firefighters would suffer heat stress and could quickly perish from metabolic heat buildup damaging their internal organs”<sup>6</sup>*

*“The requirement for breathability in protective clothing prevents firefighters from wearing fully encapsulated suits designed to seal all routes of chemical entry.*

*The protective clothing they wear when fighting fires protects them from flames, but leaves them exposed to toxins through inhalation or absorption through eyes, skin, or wounds.”<sup>7</sup>*

*“Therefore the very nature of the environment firefighters operate in prevents the design of protective clothing and equipment which could offer complete protection and isolation from toxic smoke.”<sup>8</sup>*

**The cancers and the studies**

24. The Bill being considered by this Select Committee provide for a rebuttable presumption in respect of the following 12 primary site cancers and qualifying periods<sup>9</sup>:

<b>Item</b>	<b>Disease</b>	<b>Qualifying period</b>
1	Primary site brain cancer	5 years
2	Primary site bladder cancer	15 years
3	Primary site kidney cancer	15 years
4	Primary non-Hodgkins lymphoma	15 years
5	Primary leukemia	5 years
6	Primary site breast cancer	10 years
7	Primary site testicular cancer	10 years
8	Multiple myeloma	15 years
9	Primary site prostate cancer	15 years

<sup>6</sup> Senate Committee Report, paragraph 2.46, page 18

<sup>7</sup> Senate Committee Report, paragraph 2.47, page 19

<sup>8</sup> Senate Committee Report, paragraph 2.48, page 19.

<sup>9</sup> Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, Schedule 1.

Item	Disease	Qualifying period
10	Primary site ureter cancer	15 years
11	Primary site colorectal cancer	15 years
12	Primary site oesophageal cancer	25 years

25. There is a wealth of scientific research and credible studies **demonstrating the increased risk of specific cancers and career firefighting**, including studies and meta-analysis of studies that have included Australian firefighters.
26. The Bill considered by the Senate Committee initially included only seven specific cancers. The Committee was provided with evidence of the North American jurisdiction and the progression to presumptive legislation to recognise up to 14 specific cancers in some Canadian provinces and United States.

*“The committee is confident in the quality of the studies it has seen and considers them to be compelling evidence in support of the Bill”<sup>10</sup>*

*“The committee also notes that the body of scientific evidence has expanded since presumptive legislation was first introduced to cover five cancers in Canada in 2002. Researchers have since demonstrated that firefighters are at risk of a greater range of occupational cancers”<sup>11</sup>*

*“The committee is concerned that, even if passed, the proposed legislation would only serve to bring Australian commonwealth law into line with outdated jurisprudence. Considering that similar legislation has been in place overseas for nearly a decade, and has in fact been strengthened to cover more cancers as a result of growing scientific evidence, the committee would prefer to see Australia enact legislation in step with the most advanced jurisprudence available.*

*The committee sees no reason to ignore scientific evidence demonstrating a link between firefighting as an occupation and a greater number of cancers than seven listed in this Bill.”<sup>12</sup>*

27. The UFUA can provide the Committee with a range of studies regarding the specific listed cancers as required.
28. Some of the key studies that demonstrate an increased incidence of the specific cancers for career firefighters include:
- i. **2002 Tee Guidotti and David Goldsmith**<sup>13</sup>  
*“That it is reasonable given the available scientific evidence to adopt a policy of presumption for **brain cancer, bladder cancer, kidney cancer, non-***

<sup>10</sup> Senate Committee Report, paragraph 2.15, page 12.

<sup>11</sup> Senate Committee Report, paragraph 2.17, page 12.

<sup>12</sup> Senate Committee Report, paragraph 2.18, page 12.

<sup>13</sup> Report to the Workers Compensation Board of Manitoba on the Association Between Selected Cancers and the Occupation of Firefighter, 28 March 2002, prepared by Tee L. Guidotti and David F. Goldsmith

**Hodgkin's lymphoma** (lymphatic cancer) and **leukemia** (hematopoietic cancer) for claims association with occupation as a firefighter.

- ii. **Bates (2001 NZ)**<sup>14</sup> demonstrated an increased risk of **testicular** cancer in career NZ firefighters even when previously identified testicular cancer cluster cases were excluded.
- iii. **Baris (Philadelphia 2001)**<sup>15</sup> study of career Philadelphia firefighters reported statistically significant excess risks for colon, **multiple myeloma and non-Hodgkins lymphomas**
- iv. **Breast** cancer has not been studied to the same extent as the majority of those with breast cancer are women and there are a limited number of women firefighters. The smaller the study sample, the more difficult it is to have a conclusive result. Underpinning the inclusive of breast cancer, research has demonstrated the link between exposures to specific chemicals demonstrating a higher risk of breast cancer. Such studies have demonstrated a higher risk of developing breast cancer for women working in occupations exposed to formaldehyde and benzene.<sup>16</sup> The Monash University Australian Firefighters' Health Study (detailed below) showed an elevated risk of the incidence of breast cancer for male career firefighters.
- v. **2006 LeMasters et al**<sup>17</sup>
  - A Meta-analysis of 32 studies of firefighters and cancer incidence and mortality that included approximately 110,000 full time career firefighters over the 32 studies from Australia, NZ, USA, Canada, Britain, France, Denmark which found increased cancer incidence for **multiple myeloma, non-Hodgkin lymphoma, prostate, testicular, stomach, colon, rectum, skin, malignant melanoma, brain and leukemia.**
  - Identified that the toxins are inhaled and absorbed.  
*"There is a direct correlation between chemical exposures firefighters encounter on their job and the increased risk of cancer"*
  - LeMasters also discussed there may be a tendency to underestimate due to the comparison with general population groups. The Healthy Worker Effect is phenomenon considered in occupational disease studies where workers of an occupation exhibit lower overall death rates than the general population due to the active employment. Firefighters have been found to have a strong Healthy Worker Effect due to the stringent physical requirements at the time of recruitment and necessary for duty.  
  
*"These general population comparison groups raise concern that the actual risk of cancer may be underestimated due to the healthy worker*

<sup>14</sup> Is Testicular Cancer an Occupational Disease in Firefighters? Michael N Bates, Jackie Fawcett, Nick Garrett, Richard Arnold, Neil Pearce and Alistair Woodward

<sup>15</sup> Cohort Mortality Study of Philadelphia Firefighters, Dalsu Baris, Thomas Garrity, Joel Leon Telles, Ellen Heineman, Andrew Olshan and Sheila Hoar Zahm, 2001

<sup>16</sup> Cornell University Sprecher Institute for Comparative Cancer Research "Alert for Women Firefighters" brochure.

<sup>17</sup> Cancer Risk Among Firefighters: A review and Meta-analysis of 32 Studies, Grace LeMasters, Ash Genaidy, Paul Succop, James Deddens, TarekSobeih, HeribertoBarriera-Viruet, Kari Dunning and James Lockey as reported in JOEM, volume 48, number 11, November 2006



*effect related to the strict physical entry requirements, maintenance of better physical fitness, and good health benefits.”*

- vi. **NIOSH (2013)**<sup>18</sup> was a mortality and cancer incidence study of a cohort of approximately 30,000 career firefighters in San Francisco, Chicago and Philadelphia which demonstrated an excess cancer mortality rate and incidence for **mesothelioma, respiratory, digestive and urinary system cancers**  
*“Our results provide evidence of a relation between firefighting and cancer.”*

- vii. **NIOSH (2015)**<sup>19</sup> examined the relationship between the level of exposures and the incidence of cancer among the 2013 cohort of approximately 30,000 career firefighters in San Francisco, Chicago and Philadelphia in the above 2013 study.

*“Significant positive associations between fire-hours and lung cancer mortality and incidence were evident. A similar relation between leukaemia mortality and fire-runs was also found.”*

## Volunteer firefighters

29. The scientific evidence has repeatedly confirmed the causal link between career firefighting and specific cancers; however, there is not the same scientific evidentiary basis for volunteer firefighters.

30. The Australian Senate Committee considered the application of the presumptive legislation to volunteers but they were not included as the definition being employed as a firefighter under the Federal Fair Protection for Firefighters Bill was “an employee is taken to have been employed as a firefighter if firefighting duties made up a substantial portion of his or her duties”.

*“This definition means that volunteer firefighters would not be covered by the legislation because firefighting does not comprise a substantial portion of their duties, nor would they be able to satisfy the requirements of the qualifying periods.*

*During the course of its inquiry the committee sought clarification as to why the proposed legislation did not seek to cover volunteers, who are covered in certain jurisdictions overseas. In response to its questions, the committee heard that the definition of volunteer firefighter differs between Australia and overseas.”<sup>20</sup>*

31. **The Monash Australian Firefighters’ Health Study**<sup>21</sup> was the first study to include a significant volunteer cohort within the context and meaning of “volunteer” in the Australian fire services. While the study was consistent with international research when finding an overall rate of increased incidence of cancer for career firefighters, **there was no overall increased risk for volunteers.**

<sup>18</sup> Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950-2009) National Institute for Occupational Safety and Health (NIOSH), 2013

<sup>19</sup> Exposure–response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009), National Institute for Occupational Safety and Health (NIOSH), 2015

<sup>20</sup> Senate Committee Report, paragraph 3.50 -3.51, page 32

<sup>21</sup> Australian Firefighters’ Health Study Final Report Monash Centre for Occupational and Environmental Health, December 2014

32. The Monash study, commissioned by the Australasian Fire and Emergency Service Authorities Council (AFAC), was a retrospective cohort assembled from past and present career, part time and volunteer firefighters identified through HR agencies and incident reports provided by seven Australian fire services.
- ACT Fire and Rescue
  - Air Services Australia
  - CFA & MFB (Victoria)
  - Department of Fire and Emergency Services Western Australia
  - Fire and Rescue New South Wales
  - Queensland Fire and Rescue Services
  - Northern Territory Fire and Rescue Service
33. The study investigated the rate of cancer and the overall death rate for specific causes of death of Australian firefighters compared to the general Australian population. The firefighters studied totaled 232,871 firefighters in the study – including
- 18,035 career firefighters,
  - 13,704 paid part time (retained/auxiliary) firefighters; and
  - 201, 132 volunteer firefighters
34. The initial records sent from the fire agencies to Monash included 305,000 volunteer firefighters. Approximately 45,000 volunteer firefighters were eliminated from the study as they had never been at an incident or fire scene in any capacity. A further 55,000 volunteers were then eliminated from the study as did not meet the criteria of attending one fire in a year.
35. The key findings of the Monash study were:
- The **overall the cancer incidence for career firefighters was significantly raised** compared to the Australian general population
  - **No overall increased cancer risk for volunteers**
  - The incidence of cancer is significantly raised for male career firefighters who work for 20 years or more.
  - Trend of increasing incidence of cancer for career firefighters with the increasing attendance at fires
  - Too small a cohort female career/paid part time/volunteers for meaningful analysis
36. Specific findings in relation to the male career full time firefighters were:
- Statistically significant increase in prostate cancer
  - Significant trend of increase in prostate cancer with duration of employment and incidence attendance
  - Significant increased risk of melanoma for firefighters with more than 10 years employment
  - Significantly higher risk of kidney cancer for firefighters with more than 20 years employment
  - Elevated risk of kidney cancer for firefighters 10-20 years employment
  - Significantly elevated risk of lympho-haematopoetic cancers for firefighters more than 10 years employment

- The incidence of mesothelioma was significantly significant for firefighters employed for more than 10 years. As the latency period for mesothelioma is 30-40 years. it is expected that the rate will increase in the next 10-20 years.
- High attendance at fires directly linked to increased risk of circulatory-caused death
- Male breast cancer elevated for firefighters more than 20 years employment but not statistically significant
- More cases of testicular cancer than were expected but the numbers still small so not statistically significant
- The incidence of stomach cancer was significantly raised for firefighters who had worked before 1985
- Incidence of lung cancer not raised compared to general Australian population but did not have individual smoking data and assuming few fighters smoke the incidence is likely to be more significant.

37. Specific findings in relation to the male career part time firefighters were:

- Significant increase in incidence of prostate cancer for those employed more than 10 years.
- Significant increase in incidence of melanoma for those employed more than 20 years.
- Cancers of the digestive system raised for those employed more than 20 years.

38. Specific findings in relation to the male volunteer firefighters were:

- No overall increase of risk of cancer when compared to the general population
- No trend of an increase of cancer incidence with increasing duration of service
- The risk of prostate cancer was increased for those that had volunteered as a firefighter for 10-20 years
- Kidney cancer was not elevated
- Volunteers who attended fires had greater incidence of testicular than those that didn't but that did not equate to an elevation when compared to general population
- Lip cancer incidence was raised for those who had volunteered for more than 20 years and were first recorded as a volunteer pre-1970.
- Melanoma does not appear to be related to volunteer firefighting
- No increase in the risk of digestive cancers
- Significantly higher risk of death at a fire (attributed to the deaths of volunteer firefighters in bushfires)

## **The Australian Experience**

39. It was the intention of the Federal Parliament that similar presumptive legislation be enacted throughout Australia for the protection of firefighters.

40. Upon accepting the scientific basis and the proposed operation and application of the presumptive legislation for specific cancers for career firefighters, the Senate

Committee was cognizant that the protection should be awarded to firefighters across Australia.

*“The committee has conducted its analysis in the hope that similar legislation will be introduced across state jurisdictions in future as part of the harmonization of workers’ compensation laws. If this Bill is passed, the committee encourages state jurisdictions to engage in a dialogue which will eventually see a positive, and fair, outcome for firefighters across Australia.”<sup>22</sup>*

## Tasmania

37. In 2013 the Tasmanian Parliament was the first state to introduce presumptive legislation to recognise occupational cancer for firefighters.
38. The Tasmania State presumption legislation is modeled on the Australian federal legislation in respect to career firefighters but also provided the protection for volunteer firefighters in circumstances where the volunteer firefighter met the qualifying period of service for the relevant cancer and was able to demonstrate 150 exposures to fire scenes during the 5 years (for brain cancer and leukemia) and during 10 years for the other cancers.
39. The Tasmanian legislation and model was enacted prior to the publication of the Monash Australian Firefighters’ Health Study which found there was no overall increased risk of cancer for volunteer firefighters.
40. However, given it was known that carcinogens are absorbed and inhaled when firefighters are exposed to the hazards of a fire scene, the Tasmania Parliament elected to link the extension of the presumptive to volunteer firefighters with a requirement to demonstrate repeated exposures to the hazards of a fire scene. In doing so the Tasmania Parliament was providing a credible evidentiary basis for the presumption to be applied to alleviate volunteer claims being rebutted being in every case.
41. That safeguard also protects the integrity of the application of the presumption to operational firefighters as volunteers can serve the community in many ways that does not necessarily include being exposed to the hazards of a fire scene.
42. The Tasmania Parliament Hansard record of the Minister for Workplace Relations David O’Byrne’s Second Reading Speech<sup>23</sup> in the Legislative Assembly sets out the basis for and application of the presumption, and the amendment to remove the exposure requirement from career firefighters.

*“Mr Deputy Speaker, appropriate restrictions to limit the operation of the presumption have been included in the bill. These restrictions will ensure that the presumption only applies in cases where there is genuine evidence of significant exposure to hazardous materials during employment as a firefighter. The criteria which must be met include a requirement that the worker must be suffering from one of the diseases listed in schedule 5 of the bill. At this point in time, the list includes 12 primary site cancers which have*

<sup>22</sup> Senate Committee Report, paragraph 4.42, page 46.

<sup>23</sup> Tasmania Parliamentary Hansard, Tuesday 20 August 2013, Workers Rehabilitation and Compensation Amendment (Fire-Fighters) Bill 2013 (no 27) Second Reading, Mr O’Byrne (Franklin – Minister for Workplace Relations).

*been identified in a number of research papers and which are recognised in the Safety, Rehabilitation and Compensation Act of the commonwealth.*

*The second criterion which must be met is that the disease must occur during a period in which the worker is employed as a firefighter or, alternatively, it must occur within the 10-year period after the worker retires or resigns. For the purposes of this bill a person is employed as a firefighter if the person is employed as a career firefighter or engaged as a volunteer firefighter.*

*It should be noted that while the commonwealth model has no limits on the presumption applying post-retirement, the 10-year limit has been included, as it is seen to be an appropriate compromise and will ensure that the presumption is applied in a fair but cost-effective manner.*

*The third criterion that must be met is that before the disease occurred the firefighter must have been employed as a firefighter for a certain period. This is known as the qualifying period.*

*The bill makes provision for different qualifying periods depending upon which type of cancer is suffered. For example, in the case of primary leukaemia, the qualifying period is five years while in the case of primary site oesophageal cancer, the qualifying period is 25 years. The qualifying periods included in this bill mirror the qualifying periods in the Safety, Rehabilitation and Compensation Act of the commonwealth.*

*Mr Deputy Speaker, the fourth and final criterion is that the worker must have experienced a certain number of exposure events during their employment as a firefighter. As drafted, the obligation applies to both career and volunteer firefighter. However as a result of representations made to me by the United Firefighters Union, I agreed to remove the exposure requirement for career firefighters and will be seeking to amend this aspect of the bill.*

*Data provided by the Tasmania Fire Service indicates that almost all career firefighters that satisfy the qualifying period have the required number of exposures, therefore applying this criterion to career firefighters is considered unnecessary. However the exposure requirement remains a relevant consideration for volunteer firefighters, many of whom have experienced much lower numbers of exposure events compared to career firefighters.*

*A worker is considered to have an exposure event if they attend an incident as a firefighter that is recorded on the Tasmania Fire Service incident recording system. Avoidable call-outs such as false alarms, false calls, good-intent calls and other incidents where there is not likely to be exposure will not be counted as exposure events. The number of exposure events required to meet this criteria is 520 exposures over any 10-year period of employment, or in the case of primary site brain cancer or leukaemia, 260 exposures over any five-year period. The shorter exposure period for brain cancer and leukaemia recognises that these cancers have a shorter latency period than most other cancers. The reference to 520 exposures is a drafting error and an amendment has been prepared to reduce this figure to 260 exposures.*

*A further safeguard is included in the bill which provides that the presumption is rebuttable if there is evidence to the contrary. This is a standard feature of presumptive legislation.”*

## Western Australia

43. In October 2013 the Western Australian Government enacted presumptive legislation modeled on the Federal Legislation for career firefighters.
44. In September 2016, the WA Parliament passed the Firefighters Emergency Volunteers Legislation Amendment(Compensation) Act 2016 based on the Tasmanian model.
45. This Act extended the rebuttable presumption to include the same cancers and qualifying periods for volunteer firefighters; and volunteer firefighters must demonstrate hazardous firefighting service of attendance at least equivalent to the rate of 5 fires per year.

## South Australia

46. In March 2014, the South Australian Government enacted presumptive legislation modeled on the Federal Legislation for career firefighters only. Later that year the legislation was amended to include volunteer firefighters but did not incorporate the Tasmanian Model

## Northern Territory

47. In 2015 the Northern Territory enacted presumptive legislation modeled on the Federal Legislation for career firefighters and the Tasmania model for volunteer firefighters. Volunteer firefighters must demonstrate attendance at 150 exposures for the qualifying period for the relevant cancer.<sup>24</sup>
48. The Second Reading speech for the Northern Territory Bill clearly explains the reasoning for this requirement for volunteers”

*“The proposed legislation establishes a rebuttable presumption that particular forms of cancer developed by career and volunteer fire fighters are work related. This new provision will make the process of claiming workers compensation less cumbersome. Under the presumption, if a fire fighter is diagnosed with one of the 12 cancers identified in the bill and served as a fire fighter for the relevant qualifying period, it will be presumed that the cancer is an occupational disease and is therefore compensable.*

*For volunteer fire fighters an additional requirement is proposed so the person must have attended at least 150 exposure events within any five year period for brain cancer and leukaemia, and within 10 years for the remaining 10 cancers. This requirement ensures that the presumption only applies to volunteers who have had some measurable exposure to the hazards of fire.”<sup>25</sup>*

<sup>24</sup> <http://www.worksafe.nt.gov.au/LawsAndCompliance/WorkersCompensationLaws/Pages/Presumptive-legislation-for-firefighters.aspx>

<sup>25</sup> Workers Rehabilitation and Compensation Legislation Amendment Bill 2015, Second Reading Speech [http://www.austlii.edu.au/au/legis/nt/bill\\_srs/wraclab2015602/srs.html](http://www.austlii.edu.au/au/legis/nt/bill_srs/wraclab2015602/srs.html)

## THE QUEENSLAND MODEL

49. In 2015 the Queensland Parliament enacted presumption legislation recognizing the same 12 cancers and qualifying periods for the cancers consistent with the Federal legislation for career firefighters, and extended that presumption to volunteer firefighters who can demonstrate they have fulfilled the requirements of the qualifying period.
50. The Queensland Parliamentary Committee was considering two Bills – one based on the Tasmania model requiring volunteer firefighters to demonstrate 150 exposures to the hazards of a fire scene, the other without any threshold.
51. In considering the Bill based on the Tasmania model, the Queensland Parliament accepted evidence demonstrating that Queensland Rural Fire Service did not have complete records of service of volunteer firefighters and therefore may not be able to demonstrate 150 exposures, or their length of service as a volunteer firefighter required for the relevant qualifying period for the cancer. As it became clear that volunteers would not be able to provide documentation to prove their exposures to the hazards of a fire ground, the Queensland Government elected to establish a committee:

*“In recommendation 3 the committee recommends that the legislation be amended to include the appointment of an independent committee or panel to be established to consider exposures and assist in determining whether rebuttal of claims is warranted. This recommendation is supported in part.*

*The government supports the committee’s view that the deemed disease provisions for firefighters be supported by an independent committee that is established to consider a firefighter’s exposures and to assist in determining whether the rebuttal of a claim is warranted.*

*As outlined in its submissions before the committee, the government proposes that an independent committee consisting of representatives of Queensland Fire and Emergency Services and key stakeholder groups be formed to advise WorkCover on a case-by-case basis on these issues. The government believes that this committee is able to be formed administratively and does not require legislative change. To ensure a robust and transparent approach is taken to these claims, the government proposed that WorkCover Queensland report to the parliament yearly on the operation of the deemed disease provisions as part of its annual reporting requirements”.<sup>26</sup>*

52. That committee was established for the volunteer claims to be considered. The UFU Victoria submission includes reference to a letter from the Queensland Government to the UFU confirming the basis for the committee and that volunteer firefighter claims would be considered on the basis of any evidence or information that the volunteer can provide demonstrating the exposures to the fire ground solution was the establishment of a panel to review volunteer firefighter claims for occupational

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<sup>26</sup> Queensland Parliament Hansard, Legislative Assembly, 16 September 2015 Hon C W Pitt, Treasurer, Minister for Employment and Industrial Relations, pages 1907, 1908

cancer. The volunteers can provide any evidence the volunteer may have to demonstrate they were actively serving as a volunteer firefighter for the qualifying period for the relevant cancer.

- 53 The Queensland Treasurer responsible for the legislation confirmed the basis for the review panel in correspondence to the United Firefighters Union of Australia.

*“The Queensland Government is committed to ensuring that the deemed disease laws for firefighters are workable and that firefighters making claims are treated fairly, particularly for those who are not able to provide accurate historical records of their active firefighting service. It is recognised that this is a particular difficult for volunteer firefighters and fire wardens engaged by the RFSQ who do have individual attendance records that permanent or auxiliary firefighters do.*

*In response to a recommendation by the Queensland Parliament’s Finance and Administration Committee, the Palaszczuk Government agreed to establish a review panel administratively, to build an evidence base on which to make decisions on whether a person has been involved in active firefighting activities for the required period of time relating to the specified cancer. Station records, QFES data and the collation of local knowledge will be used to build a complete picture. This could involve interviewing relevant station personnel about the types of exposure events and types of work with which they have been involved.”<sup>27</sup>*

54. The Review Panel has been confirmed by Worksafe Queensland.

*“To ensure volunteer firefighters are treated beneficially in the absence of attendance records that demonstrate active firefighting service, a review panel is being established to make recommendations to WorkCover Queensland on whether to accept or reject a deemed disease claim. The review panel will be chaired by a representative of Queensland Fire and Emergency Services and have representation from firefighter associations, the Office Industrial Relations and WorkCover Queensland. The review panel will review all available information gleaned from any station records, verbal histories etc. that assist in decision making.”<sup>28</sup>*

## The Victorian Bill

55. The Victorian Bill is based on the Queensland model:
- The same 12 cancers and qualifying periods as the 2011 Federal legislation for career firefighters
  - The same 12 cancers and qualifying periods as the 2011 Federal legislation for volunteer firefighters.
  - In order for volunteers to be able to demonstrate they have served as a volunteer firefighter for the qualifying period, volunteer claims will be considered by an advisory committee. That committee must have regard to any relevant records, brigade records, CFA data, employer data, local knowledge<sup>29</sup> in order to form an opinion as to whether the volunteer firefighter has attended fires to the extent necessary<sup>30</sup> to

<sup>27</sup> Letter dated 14 October 2015 from Queensland Treasurer, the Hon Curtis Pitt to the National Secretary of the United Firefighters Union of Australia Mr Peter Marshall.

<sup>28</sup> [https://www.worksafe.qld.gov.au/data/assets/pdf\\_file/0006/103668/Factsheet-for-permanent-and-auxiliary-firefighters.pdf](https://www.worksafe.qld.gov.au/data/assets/pdf_file/0006/103668/Factsheet-for-permanent-and-auxiliary-firefighters.pdf)

<sup>29</sup> Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, Clause 12(2)(a).

<sup>30</sup> Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, Clause 12(1).



fulfil the qualifying period requirement for that particular cancer.

56. The purpose of presumptive legislation is to avoid and minimise litigation for a firefighter to obtain their entitlements and compensation in the event of contracting occupational cancer.
57. The fact that the Monash study found there was no overall increased risk of contracting cancers to volunteer firefighters, makes it extremely hard for a volunteer firefighter to make a claim without the insurer rejecting the claim based on the Monash University Study findings.
58. With the findings of the Monash University study relating to volunteers, essentially any insurer would simply reject the claim based on those findings which places the firefighter back in the position of having to litigate to obtain the benefits of workers compensation and medical assistance. This defeats the purpose of presumption legislation and necessitated a mechanism to give certainty to volunteers when they make a claim against an insurer for them to be successful in having occupational cancer recognised and compensated.
59. Contrary to what is being portrayed, the UFU has advocated strongly for presumption legislation to be extended to volunteers, but recognises that for any volunteer firefighter's claim to be successful there has to be a mechanism that negates the Monash University Study findings. That is why Tasmania, WA, the Northern Territory and Queensland have structured their legislation to give certainty to volunteers as opposed to enshrining them in a never-ending legal battle to obtain their rightful benefits from the cancer contracted when protecting the community.
60. The inherent flaw of any presumptive legislation without a threshold for volunteer firefighters is that it sets up a situation where most if not all claims for volunteers would be contested on the basis that the Monash University study found there was no overall increased risk of volunteer firefighters contracting cancer.
61. In reality, that only leave volunteers with no cover without extensive and expensive litigation.
62. Therefore the provisions of the Bill will provide the protection of the presumption for volunteer firefighters and career firefighters.

Dated this 7 July 2017

[REDACTED]

Victoria Branch Secretary  
 United Firefighters Union  
 410 Brunswick Street  
 Fitzroy

[REDACTED]

# PETER MARSHALL

## Current

- **United Firefighters Union of Australia National Secretary**
- **United Firefighters Union of Australia Victoria Branch Secretary**

## Biography summary

Following a short period as a Special Service Fireman in 1983, Peter Marshall commenced employment with the Metropolitan Fire Brigade in 1984 and was first stationed at Richmond. Later he was stationed at Windsor for two years, before being appointed to Research & Development in 1991. In 1994 Peter was promoted to the rank of Leading Firefighter.

In 1995 Peter was elected full time Secretary of the United Firefighters Union Victorian Branch, a position that he has held continuously since and has been re-elected throughout that period unopposed.

Peter Marshall was elected by other UFU State Branch Secretaries to become National Secretary of the UFU of Australia in 2002. Peter has been instrumental in drawing together the various state union branches and creating a cohesive national approach to issues faced by the industry. During his stewardship the UFUA has gone from strength to strength including a comprehensive review to ensure the union was well-placed to face the challenges of the future. Peter is currently in his fifth term as National Secretary.

Under Peter's leadership the UFUA has recognised the political capital of firefighters and the ability of a national body to facilitate progress of the members' interests federally and within states.

In 2005 Peter was instrumental in establishing both the UFUA National Women's Network and the UFU Victorian Branch Women's Network, reaffirming that the issue of gender equality and diversity within fire services is a matter of great importance.

In 2005, Peter was elected by Union Secretaries across the State to become Victorian Trades Hall Council President. This was the first time

that a UFU official has held such a role in the Union's almost 100 year history. The VTHC is the peak representative body for unions in Victoria.

Peter is a strong advocate for the International Fire Fighters Union Alliance.

The IFFUA comprises firefighting unions from several continents and is the peak international representative body of firefighter unions. The IAFF, UFUA, NZPFU and the FBU were the founding unions of the International Association of Fire Fighters at a conference in the United States in 2009.

Through this alliance firefighter unions have been able to unite and coordinate approaches and campaigns on issues affecting firefighters globally, in particular this is evidenced by the success of the campaign to enable firefighters to access workers compensation entitlements through presumptive legislation.

In December 2011 Australia followed Canada and the USA to become the third nation to legislate such presumptive legislation. The expertise, assistance and experiences of the global partners in North America were drawn upon by the UFUA in its bid for presumptive legislation during a six-month intensive campaign.

The UFUA has continued to pursue its goal to have all Australian firefighters provided with the protection of presumptive legislation to recognise occupational cancer.

Since the Federal legislation was passed in 2011 protecting firefighters in the Australian Capital Territory and Aviation, the UFUA campaign has had widespread success with similar legislation recognising the same 12 occupational cancers enacted in Tasmania, Western Australia, South Australia, Northern Territory and Queensland.

The UFUA is now actively seeking to include additional cancers in accordance with contemporary research and to broaden the presumptive to include PTSD.

Under Peter's stewardship the UFUA is also widely considered a relevant participant in the climate change debate with Peter regularly asked to comment in the media and at climate awareness events.

Peter's service as a firefighter and firefighters' union leader has been recognised through the following awards:

- The Australian Centennial Medal for services to industrial relations in 2000
- National Emergency Medal for service in response to the 2009 Victorian Bushfires
- Metropolitan Fire Brigade 30 years Good Service Medal
- FBU Ethnic Minority Members Award in recognition of his services for diversity.
- Life Membership of the United Firefighters Union of Australia

Peter continues to be an operational firefighter and a Union activist to advance the conditions of employment for UFU members