

**SUBMISSION TO THE FIRE SERVICES
BILL SELECT COMMITTEE.**

**INQUIRY INTO THE FIREFIGHTERS'
PRESUMPTIVE RIGHTS
COMPENSATION AND FIRE SERVICES
LEGISLATION AMENDMENT (REFORM)
BILL 2017.**

SUBMITTED BY.

ROSS COYLE

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I write this submission as an active CFA volunteer of over 30 years. I am a qualified Strike team Leader and Sector Commander and am endorsed as a Level Two Incident Controller. I belong to a busy volunteer only brigade which responds to between 250 and 300 calls a year to support ours and other communities. I currently hold the rank of Captain at this brigade. My father and his father before him were very active members of this brigade, and my wife and my two daughters are also current members. This brigade operates adjoining an integrated brigade and we regularly support each other and enjoy a strong relationship. I have great respect for the career firefighters at this station, and count many of them as friends. I was appointed to the CFA Board as a Volunteer Nominee in 2010 by the Brumby Government and was reappointed by successive governments on a further three occasions until my, and the entire Boards, dismissal in June 2016.

I do not write this submission in opposition to the proposed legislation to create Fire Rescue Victoria. I admit the demolition of the integrated model greatly upsets me as I have spent my life knowing and working alongside CFA paid staff. This being said I believe the very proposing of this legislation has broken the integrated model and there is no putting it back together. There is no doubt that events over the last eighteen months have damaged the confidence that both volunteers and staff, have in the model under which we currently operate. If the model in this legislation provides an opportunity for the services to begin to heal and move on then I am prepared to embrace the concept, but challenge some of the details. I also do not support the combining of the two parts of the legislation relating to the forming of Fire Rescue Victoria and the long awaited formation of Presumptive Legislation, and would advocate for the committee to recommend the splitting of the two parts.

I have quite deliberately not participated in any of the inquiries or online discussions relating to issues surrounding the fire services over the last year and more. I saw no constructive reason to participate in such debate. This committee however has the rare opportunity to look at the proposed legislation and the chance to suggest amendments which could greatly improve the sustainability and operations of the CFA going forward. These opportunities relate to the prescriptive way the proposed legislation says CFA must lend back staff from FRV to fill positions such as Operations Managers and Operations Officers. I will also discuss consequences of legislating that CFA be deemed a Volunteer only organisation, and the way this would seriously limit the cost effective and sustainable ways which CFA could provide support to brigades to continue delivering an acceptable service to the community in medium activity areas. I will also provide some suggestions about changes required to ensure CFA can maintain an ability to provide reasonable levels of surge capacity for high volume summer fire days, through the formation of CFA brigades in ex MFB areas and outer metro areas.

OPERATIONS MANAGERS AND OFFICERS.

Even without paid firefighters as part of CFA, CFA still needs many staff to manage, provide services and support volunteer brigades across the state. The most visible of these are Operations Managers, Operations Officers and Training Instructors. My understanding is that under the proposed legislation (highlighted below) these staff will transfer from CFA to Fire Rescue Victoria and be made available back to CFA. Current positions will be filled by the people currently in the job (as they should be) and future vacancies at CFA to be filled from within FRV.

38 Employees of Board

(1) In section 25B(1) of the Principal Act, for "The Board" substitute "Fire Rescue Victoria".

(2) After section 25B(2) of the Principal Act insert—

"(3) Fire Rescue Victoria may enter into an

agreement or arrangement with the Country Fire Authority under which officers or employees, or classes of officers or employees, of Fire Rescue Victoria are made available (whether on a full-time, part-time or other basis) to the Country Fire Authority.

(4) Despite anything in this Act or any other Act, an officer or employee, or an officer or employee included in a class of officers or employees, of Fire Rescue Victoria made available to the Country Fire Authority in accordance with an agreement or arrangement under subsection (3) remains an officer or employee of Fire Rescue Victoria and is not an officer or employee of the Country Fire Authority.

(5) Nothing in this section or the Country Fire Authority Act 1958—

(a) empowers the Country Fire Authority, under section 17 of the Country Fire Authority Act 1958, to exercise a power in respect of an officer or employee made available (whether on a full-time, part-time or other basis) to the Country Fire Authority under subsection (3); or

(b) imposes a duty upon the Country Fire Authority, under section 18 or 19 of the Country Fire Authority Act 1958, in respect of an officer or employee made available (whether on a full-time, part-time or other basis) to the Country Fire Authority under subsection (3)."

It is my belief that CFA being expected to rely on FRV to provide its management staff on a loan arrangement is a seriously flawed part of the proposed legislation. While the best applicants will often come from FRV, this arrangement raises significant concerns about the CFA Chief Officers ability to control, manage and discipline staff which in effect are the responsibility of the Fire Rescue Victoria Commissioner. It also does not take into account that these positions may not always be best filled from Fire Station staff out of FRV. There have been examples over the years of management positions being ably filled from other sectors, agencies and states. This practice is known as Lateral Entry. Industrial Agreements in recent years still permit Lateral Entry for Operations Officers and Operations Managers but only under certain circumstances and requires a time consuming process. Please see highlighted below the Lateral Entry process for Operations Officers and Operations Managers in the 2010 Agreement.

LATERAL ENTRY

Where it can be demonstrated that no suitably qualified internal applicant (as per clause 120.1 and 120.2) exists and after advertising internally on two occasions, CFA will seek to fill the vacant position through:

122.1. internal appointment of a person who does not meet all the requirements of Schedule 12; or

122.2 lateral entry of an external applicant

in accordance with the outcomes of consultation or, if not resolved, by determination of FWA of a competency based lateral entry process. A determination of FWA pursuant to this clause will be effective only for the classifications covered by this agreement and only for the life of this agreement.

As you can see, previous industrial agreements and the proposed Fire Services Reform legislation, severely shackle CFA from choosing the best staff to manage its brigades and volunteers across the State. Particularly in hard to fill locations and where FRV can provide no suitable applicants. I also feel there is a significant risk of resentment towards Management staff from volunteers, if they are imposed on CFA rather than selected through a normal and transparent interview process. I accept that this will require a new industrial agreement for these staff, which will need to pass the requirements of the Federal legislation relating to Industrial Agreements for organisations with a volunteer workforce. I do not see this as a significant hurdle, and note that an EBA for the equivalent positions in the SES was approved by Fairwork in December last year with the existence of the Federal Legislation.

I would ask the Select Committee to recommend amendments to the proposed legislation to allow CFA to directly employ the staff it needs to manage its brigades and Volunteers, without them being supplied through or from Fire Rescue Victoria. This directly relates to the committees terms of reference regarding underlying policy rationale and effect on volunteer engagement and participation in fire service delivery.

OPERATIONAL SUPPORT TO CFA BRIGADES

Since the CFA was formed in 1945, it has provided protection to Victorian communities outside the Metropolitan Fire District. Parts of the proposed legislation appears to make the assumption that CFA brigades will be only responsible for wildfire situations, and Fire Rescue Victoria for structure fires. This is of course incorrect with all CFA brigades with assignment areas still responsible for the structure fires within their area, most not even supported by an FRV brigade. Different CFA brigades have required different equipment and levels of support depending on their risk profile, capability and volume of activity. This support can range from administrative support and accelerated training of new volunteer members to the addition of paid firefighters to the brigade. In past years this often consisted of one or two paid firefighters, however with a push from industrial bodies to move to appliance based crewing and CFA Chief Officers safe crewing levels, we are now seeing a crew of four on each heavy pumper, regardless of the level of activity or volunteer capability at a brigade.

The move from volunteer only, to the addition of paid firefighters at a brigade, is an expensive financial commitment for the State of Victoria. The construction of a new fire station equipped to

accommodate paid firefighters is in the vicinity of seven to eight million dollars. To crew that station requires five separate shifts of firefighters to crew an appliance 24/7 on a 10/14 shift. This would mean for each appliance with a four man crew would take 20 positions, and conservatively cost two million dollars a year. My costing's are based on my general knowledge of such projects, the committee should make their own enquiries if they require accurate costs.

Obviously it is in the best interests of the State to provide support to CFA brigades in growth areas to be able to continue providing an acceptable fire service, to the communities they serve, for as long is practical until paid firefighters are required.

By changing the CFA Act, to make CFA a fully volunteer fire fighting service, the proposed legislation severely limits the types of support that CFA can provide its brigades to deliver a sustainable service to delay or remove the need for a response area to be reviewed and transferred to Fire Rescue Victoria and paid firefighters introduced. See proposed legislation highlighted below.

47 Recognition of Authority as a volunteer-based organisation

In section 6F of the Country Fire Authority Act 1958, for "first and foremost a volunteer-based organisation, in which volunteer officers and members are supported by employees in a fully integrated manner" substitute "a fully volunteer fire fighting service, supported where necessary by paid staff".

There are a number of types of operational support that this proposed legislation would prevent CFA from providing to its brigades.

Day Staffing. Most volunteer brigades, particularly in urbanised areas, provide an excellent service to their communities after hours and on weekends, but some may struggle during business hours when a large percentage of their volunteers work. A very cost effective way of dealing with this situation is the providing of Day Manning. This sees Paid Firefighters stationed in the existing facility, without the need of accommodation facilities, business hours Monday to Friday and reverting back to volunteer only response at all other times. The current industrial agreement for CFA Operational Staff only permits the installation of Day Staffing if it is part of a plan to move to a 10/14 roster. This is traditionally within twelve months. See relevant section highlighted below. This is regardless of the brigade's capability to continue to provide a sustainable service outside business hours. It is entirely feasible that many brigades, after twelve months or indefinitely, would only require this support during business hours. Given that current industrial agreements are very strongly focussed towards only employing firefighters on a 10/14 shift, it is highly unlikely that Fire Rescue Victoria would be able to provide CFA with day shift only paid firefighters on an ongoing basis. Amending the proposed legislation to permit CFA to directly employ this class of firefighter would enhance and extend the viability of the effected brigades. This directly relates to the committees terms of reference regarding impact on fire service delivery across Victoria, effect on volunteer engagement and participation in fire service delivery and short term and long term cost impact on fire service provision.

80. DAY STAFFING

80.1. A station may only be staffed on an agreed roster other than the 10/14 roster where this agreement so stipulates or where there exists a prior written agreement between the UFU and CFA to staff that station at a specified later time on a 10/14 roster.

80.2 Any such written agreement reached about a date on which to staff a station on a 10/14 roster is enforceable as if it were a term of this agreement.

Community Support Facilitators (CSF's). This class of employee existed in CFA many years ago. These positions were appointed to some busy volunteer only brigades to assist with the sustainability of that brigade. They usually had volunteer firefighter experience and would do administrative, equipment maintenance and community education type work, but importantly also be able to respond to fire calls with the brigade. The relevant industrial body took the view that this position was performing the role of people covered by its agreement and negotiated this position out of existence. The legacy of this remains in the current agreement today. See the section from the 2010 Agreement highlighted below.

70. COMMUNITY SUPPORT FACILITATORS

70.1. The CFA agrees that CSFs and the existing CSF classification has been abolished by the CFA and will not be replaced by CSFs or person(s) engaged in any similar classification or position howsoever named.

70.2. The CFA agrees that it will not make or renew any contract or arrangement with any person or body to provide CSFs or any other type of personnel to the CFA performing similar duties in any similar classification or position howsoever named.

70.3 The CFA shall not pursue any additional claims in relation to CSFs or any alternative classification performing similar duties not provided for in this agreement.

Amending the proposed legislation to permit CFA to employ this class of employee would enhance and extend the viability of effected brigades. This directly relates to the committees terms of reference regarding impact on fire service delivery across Victoria, effect on volunteer engagement and participation in fire service delivery and short term and long term cost impact on fire service provision.

Retained Firefighters. The use of retained firefighters is a method of brigade sustainability currently used by Fire Rescue NSW. In this model a station has a set number of retained or part time firefighters. These people are required to either work or live within a short distance from their station. These members are paid an hourly rate for the time they spend at fire calls, as well as training. I personally do not support the addition of retained fire fighters to CFA. I believe it would establish a division between those that volunteer and those that receive an hourly rate. It does however provide another example of recognised brigade support that would not be permitted under the proposed legislation.

Surge Capacity and FRV. Surge Capacity is a term to describe one of the strongest features of CFA's 1200 plus brigade model. This is the ability to call on brigades from all over the State to send crews where they are required and in large numbers. This could be major fires such as the Black Saturday Fires, or just a bad summer's day when there are lots of small to medium fires starting in a particular area of the State. There is a good video explaining surge capacity on YouTube titled "CFA Surge Capacity- Essential for Victoria."

Under the proposed legislation, as the risk changes in a brigades assignment area the Fire District Review Panel may choose, or be compelled, to review the arrangements for that area and make a recommendation including to transfer the area to FRV and introduce paid firefighters. The seven on the fire ground provision will also see two staffed FRV brigades respond to many outer metro areas, which previously only saw one staffed appliance supported by volunteer crews.

While there are obvious upsides to including paid firefighters to a brigade with a growing risk, the downside is the reduced role of the volunteers in that area. This occurs for a number of reasons. Volunteers become reliant on the staff for the smaller jobs and begin to turn out less. Volunteers also begin to find that even when they do respond that there are less and less roles for them to perform, as their previous roles are now performed by paid fire fighters. As this occurs some volunteers will become less active and others may leave all together. I am in no way advocating against the introduction of paid firefighters in growth areas where required, I am simply

acknowledging that a reduction of volunteers in these areas has an effect on the states surge capacity, compounded by the fact that this occurs in areas with the highest populations and arguably the most effective place to source volunteers for surge capacity.

For this reason I believe that alongside the proposed legislation we also need to look at strategies to replace and enhance volunteers in high population areas to be able to provide surge capacity across the state.

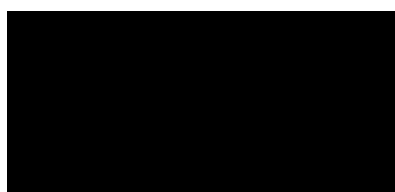
I believe that a sound proposal to address this strategy is the development of Army reserve type CFA brigades in the Fire Rescue Victoria, Metro and Outer Metro areas of Melbourne. The concept of these brigades would be to meet and train one weekend a month and one week a year. Their training would be focussed only on wildfire situations and not be trained for structure fires and other types of emergencies that most CFA volunteers prepare for. They would not be asked to attend the regular day to day calls that regular CFA brigades are responded to. Their primary purpose would be to be dispatched as surge capacity to large fires across the State and other fires where increased numbers of wildfire firefighters are required. They may do this on either appliances allocated to their own brigade, or on appliances from other brigades which have been unable to source a crew.

My reading of the proposed legislation indicated to me that part five would give CFA the ability to create brigades within a Fire Rescue Victoria area. If my understanding of this is correct, no amendment would be required to allow for the creation of these types of brigades. However I would ask the Select Committee to consider appropriate amendments to compel the State and CFA to undertake this and other strategies to enhance the surge capacity of CFA and to counter expected losses of volunteers in some areas. I would also accept that there are other factors, than just FRV, which will also lead to a reduction in the numbers of volunteers in some areas. These include scenarios such as population decline in rural areas and less of the population having the time required to volunteer.

This suggestion directly relates to the committees terms of reference, impact on fire service delivery across Victoria and effect on volunteer engagement and participation in fire service delivery.

I have tried to clearly explain my suggested improvements to the proposed legislation, and do not specifically request to personally appear before the committee to talk to my submission. That being said, if the committee wishes me to appear, I am more than happy to make myself available to do so.

Regards.



Ross Coyle.

