

Kirra Vanzetti

From: Andrew Bath [REDACTED]
Sent: Thursday, 6 July 2017 11:15 PM
To: LCSC
Subject: Submission to the Select Committee re. Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill

Submission to the Select Committee re. Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill

Andrew Bath
 [REDACTED]

My submission is below, and I do not wish to appear in person in support of this.

Whilst I do support the increase in career/staff stations in the growing built-up areas I don't believe it is necessary to split the CFA up in order to achieve this type of 'reform'.

New integrated stations can be introduced, borders can be changed, more staff can be introduced... all under the current system. To me it seems like an extreme measure, just to get a controversial EBA through. There is no real 'modernisation' written into the proposed Bill.

Early on in the 'dispute' there was 'nothing in the EBA that volunteers should be concerned about'. Once the Federal legislation was passed it suddenly became impossible to introduce the EBA due to the restrictive effect of the legislation protecting volunteer management and roles. This whole situation stemmed from the EBA which in my opinion was very poorly written and included far too many conditions that should not need to be in an EBA document. Many were already covered by Standing Orders or Standard Operating Procedures or, if not, could have been. Many clauses seemed to have been based on MFB EBA phrasing which would not have had to consider any implication on volunteer members as there are none in MFB. Through the whole process concerning the EBA there was no volunteer opposition to any of the pay or conditions clauses but there were other clauses included that would have had an affect on volunteer members and resourcing that were concerning. Others were written in such a way that they could easily be misinterpreted and if they had been rewritten clearly they would not have been questioned.

It is also greatly concerning that a change of this magnitude has got to the legislation introduction point with no consultation involving the parties that it will affect. The proposal basically came out of the blue. The Volunteer Charter, to which the current Government is a signatory, requires that anything affecting volunteers must include consultation with the volunteers before any implementation. This just has not happened. With the safety of the communities across one of the most fire-prone regions in the world to consider, I would have expected much more serious thought and robust discussion to have gone into any changes that were to be proposed. The reasoning that these changes were necessary as a result of the numerous reviews into fire services in Victoria is not valid as none of these reviews recommended this radical action. In fact there was support for the current integrated model which was to be expanded upon.

I have a concern that proper resourcing of either or both services will be difficult and that the whole service will suffer as a result. There is little or no detail about funding of the result of the Bill, particularly given that the Fire Services Levy is reportedly 'frozen' for several years. If current integrated brigades choose to no to 'co-locate' there will potentially a huge expense in new stations and vehicles to cope with those splits. The \$40-50 million set aside for resourcing will be eaten up in no time making any further necessary resourcing difficult at best. There is also likely to be disputes over who gets what in the split... much like a divorce, and they can get very messy very quickly. The secondment process of operational management staff from Fire Rescue Victoria to CFA has limitations and weaknesses.

- The selection process is not clearly defined – will CFA get to choose from applications for positions or will there be a limited number of FRV personnel made available for positions.

- There is a danger of seconded staff having ‘two masters’, despite reassurances from the Chief that anyone working for him will work under his rules.
- There doesn’t seem to be any option for lateral entry to CFA positions – they will come from FRV and will have to go through the standard firefighter recruitment process.
- This seems to still apply for instructors who will come from FRV and can’t be sought from suitable personnel outside FRV, e.g. other fire services, volunteers from within CFA etc.

The Bill in its current form is very vague, leaving far too much up to speculation and giving no guarantees of conditions, expectations, funding etc. that could likely raise more serious problems and disputes than those currently facing the government.

Also, bundling the controversial Fire Services Reform legislation with the Firefighter Cancer Presumptive Legislation is not a fair approach. The two issues are different and should rightfully be introduced separately. There is quite an argument against the Fire Services Reform bill but there would be no opposition to a Bill that grants presumptive rights to firefighters who contract cancer linked to firefighting activities.

Additionally, this Bill is not written fairly when comparing the requirements for career and volunteer firefighters. There are still two separate streams of ‘rules’ governing the entitlements for each. In fact, firefighters who may attend the same fires have differing obligations depending on whether they are career or volunteer. If they were both being treated equally then there would be no need to specify if the affected person is a career or volunteer member. It has been suggested a test of the fairness of the Bill would be to swap ‘career’ and ‘volunteer’ and judge what affect that has on likely decisions. There has also been a comment document from Jack Rush QC questioning the fairness of the proposed Bill which is interesting reading... particularly coming from that source.

Unfortunately the whole process has become inextricably political and nasty with radicals from both ‘sides’ causing unnecessary pain and not helping the search for a fair and effective resolution. Thankfully firefighters being firefighters we all still get the job done protecting and serving our communities but this task is made more difficult than it needs to be with all of the political battling. Members both volunteer and career are just tired of the fight and want a solution so we can all get back to what we do best.

Thanks,
Andrew Bath

