

6/07/2017

Assistant Clerk Committees  
 Department of the Legislative Council  
 Fire Services Bill Select Committee  
 Parliament House, Spring Street  
 EAST MELBOURNE VIC 3002

By email: [LCSC@parliament.vic.gov.au](mailto:LCSC@parliament.vic.gov.au)

Dear Committee Members,

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

I take this opportunity to raise some of my concerns about the Fire Services Legislation which the Victorian Government has pushed through the Lower House and has before the Legislative Council for consideration.

The Service Delivery Planning Team (SDPT) of Country Fire Authority (CFA) District 12 have discussed and identified a number of issues with the proposed Fire Services Legislation. The SPDT represents the senior leadership of District 12 whose members have provided decades of service. I have attempted to articulate their concerns.

It is yet to be explained to the Victorian public what public safety improvement will occur in communities currently serviced by CFA's 35 Integrated Brigades.

Combining presumptive rights compensation legislation with the creation of Fire Rescue Victoria (FRV) is an affront on decency. It is a further insult to not only combine cancer presumption legislation but also offer a \$100M inducement to 'encourage' the adoption of the FRV legislation. It is simply a 'promise' with no guarantee of being provided for those Brigades that may require additional funding.

This legal advice, provided by Jack Rush QC to Volunteer Fire Brigades Victoria, confirms that the proposed presumptive rights legislation:

*"...establishes two distinct mechanisms for the operation of the presumption that specified cancers are due to the nature of firefighting – one for career firefighters and one for volunteer firefighters. The Bill discriminates against volunteer firefighters, is inequitable to them, has been drafted in a manner that is prejudicial to volunteer firefighters' entitlements and rights to claim for specified forms of cancer when compared to the claims process created by the Bill for career firefighters for precisely the same cancer conditions."*

There is no conscionable justification for applying different requirements and mechanisms to volunteer firefighters compared to career firefighters for the same risk profile.

The Bill should be split to separate presumptive rights compensation from the aspects relating to structural changes to Victoria's Fire Services.

The proposed Bill further fragments Victoria's fire services when all recent reviews have said fire service modernisation needs to be about joining up effort. It creates 35 separated fire service islands spread throughout regional Victoria creating confusion, duplication and complex chains of command. And this is more than likely to be expanded more readily than under the current arrangements of Local Government requests.

Should all the proposed CFA staff EBA contentious clauses ultimately find their way into the FRV EBA then efficient and safe fireground management will be impossible if FRV members will only take direction from a fellow FRV staff member or volunteer Level 3 Incident Controller. What is also very unclear is any incident that is managed under the Emergency Management Arrangements by another Agency such as car accidents, will the FRV crew follow the directions of the Incident Controller (Police).

There is an unknown impact on member numbers of neighbouring CFA Brigades to FRV Brigades and those CFA Brigades that are not or do not want to co-locate with FRV Brigades if the CFA Brigades are treated as second class. There is likely to be a marked impact on surge capacity provided by the outer metro CFA Brigades and those CFA Brigades that border on FRV Brigades.

I am concerned with the demarcation arrangements in the new build fire stations for Integrated Brigades with separate staff and volunteer facilities as an indicator of the direction cooperation is taking. It would seem that it will be impossible for a CFA Brigade to functionally survive co-located with a FRV Brigade. Preserve confirmation of CFA as a world class volunteer fire service by commitment to the same standards of training and Personal Protective Equipment available to staff at FRV.

There probably is a case for the independent review of some metropolitan boundaries by an independent fire district review panel but this approach must be negotiated over an extended period to satisfy all party's needs. For example, Werribee is a brigade that has resisted becoming integrated but has the members and professionalism to provide an exemplary service. Clarity is required regarding the criteria that this panel will use to assess the changes in fire service boundaries. Will volunteer capacity and service delivery standards be included as part of the assessment?

It is unclear how in the future potential boundary realignment of any existing CFA urban brigade may deal with brigade footprints that have a substantial rural and/or forest component given that FRV vehicle typology and skills will generally not be suited for this application. There is potential for substantial upheaval of some CFA Brigades due to change of roles.

The reallocation of responsibilities brought about by the proposed Fire Services Legislation exposes the threat of financial and budget implications to local CFA Brigades should FRV become the service provider dominant budget due to high vehicle costs and high wages costs. There are no cost benefits under this Bill as the CFA need to pay for all the costs associated with the FRV seconded persons and the EBA will still have an impact upon the volunteers although still untested in the Fair Work Commission.

The secondment model of operational staffing which sees FRV staff seconded to CFA operational roles has all the hallmarks for a breakdown of culture. The relationship between CFA volunteers and staff is paramount. FRV staff with a purely metropolitan background are likely to seek country appointments as a short-term opportunity for promotion (say two to three years). This will undoubtedly lead to a loss of culture which is based on empathy, living locally and the establishment of long term relationships. It is relationships built over time that enhances volunteerism and helps attract members to provide long term service to CFA. Into the future CFA may be forced to hire staff into senior leadership roles that have never worked with volunteers or volunteer brigades. Limiting CFA's recruitment pool to FRV staff restricts CFA ability to employ the most qualified and suitable person for the job.

There is strong potential for Instructors from a predominately urbanised Brigade being 'served' by FRV to be seconded to CFA to teach people from the land and the bush on how to fight fire in the bush and country. This situation will be alien to the environment in which they have operated for at least 10 years and will lead to bad practices being developed or worst still loss of credibility in the Instructional staff. There appears to be no option for CFA to use other than FRV Instructors to compound the situation.

There is indecent haste to introduce the Bill without adequate consultation and adjustment to address the above and many more concerns:

- very disappointing for volunteers who have raised serious concerns about the lack of consultation regarding the Bill;
- the negative effect dismantling the existing CFA integrated service model;
- the potential erosion of Victoria's vital volunteer surge capacity;
- the lack of transparent process, operational or cost impact analysis; and
- the ambiguity, confusion and interference that will flow if this change is adopted.

The 2009 Bushfires Royal Commission and other recent reviews recognised the absolute importance of the existing CFA model as the best way for Victoria.

The legislation to create FRV is a fundamentally flawed strategy as it is driven by an attempt to resolve an industrial relations issue rather than any genuine pretence of creating a safer and better fire service delivery model for Victoria.

The vision for CFA is for it to be a modern and contemporary emergency service where volunteers and paid staff work side by side, as equals and respect one another. Yes, there does need a reform of the current arrangements across the board however to create another Agency with very little detail concerning the operational practicalities being thought through is dangerous.

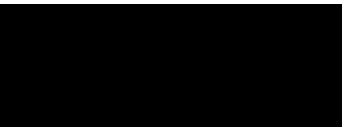
I strongly condemn the introduction of the Bill without consultation with all affected stakeholders and urge that the Bill should be split to separate presumptive rights compensation from the aspects relating to structural changes to Victoria's Fire Services.

I am happy to discuss further any matters raised in this submission.

Thank you for considering my submission.

I consent that this submission may be published on the Committee's website.

Yours faithfully,



**Noel Arandt**

Member of SDPT  
Former captain and group officer

