

Submission by:

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I would like to thank the efforts of the Victorian Government and the Fire Services Bill Select Committee to permit the ability to be consulted as part of the implementation of the Firefighters' Presumptive Rights Compensation and Fire Services Legislation (Reform) Bill 2017.

I am a currently active volunteer firefighter with the Country Fire Authority and have been a member for over ten years. I first joined the CFA in 2006 and have served in what would be best described as a rural brigade and an urban brigade. I also have experience operating in large incidents including assisting in Level 3 Incidents. I have worked alongside career staff and have a very high respect of their capabilities and quality in which they conduct their role – especially those who support volunteers with training us with new skills ensuring we are both safe and effective for the community. Equally, I respect the attributes and commitment of fellow volunteers who are deeply committed to serving their community.

It has been a very difficult time in Fire Services within Victoria. It has been too often that I have witnessed the behaviour of a minority who have exploited this period to be disrespectful and unreasonable to each other. On more than one occasion I have considered walking away due to embarrassment in being a firefighter and to escape the toxic environment.

I am disappointed at how the interaction between volunteers and career firefighters, with involvements fuelled heavily by ideologies and complete disrespect from all those involved. I have typically worn my CFA uniform and clothing with pride. In recent times I have reconsidered the attire I am wearing because of the negative views both between firefighters and members of the community. Firefighting is a role that has been highly respected by the community regardless of employment/volunteer status, in recent history it has been tarnished (or even destroyed) by many parties, many of whom should know better.

I have been actively monitored the movement in the fire services space during my time as a firefighter, including the outcomes of numerous reviews and the Victorian Bushfires Royal Commission. This has not only been from the view as an operational member “on the ground” but also for my own self-development understanding organizational strategy and development. I have a strong interest in Emergency Management but also understanding and considering new ways that we can execute our duties better including improved service delivery to the community.

The proposed legislation has not been properly consulted upon; it has not been appropriately given the time to provide a considered response by any persons or bodies with interests in it. After its announcement on 19th May 2017, it was made available to the community in the first week of June and submitted to the Legislative Council on 8th June 2017. I believe this has been poorly executed and further perpetuates the uncertainty around the delivery of critical emergency services to the Victorian Community.

Presumptive Legislation

In regards to Presumptive Legislation for Firefighters, I have been historically concerned by the lack of action of successive governments on this topic and am frustrated that the process has been held up by attempting to reform the fire services in the same piece of legislation. The legislation around presumptive rights was committed to be completed promptly after the election of the government, it has been nearly three years since the election. Nearly three years is not delivering on the commitment made to Victorian Firefighters.

I have researched both the proposed Victorian Legislation and the Queensland legislation extensively, pertaining to presumptive rights. As a result I have identified a number of irregularities which have raised concern.

From the research I have made, I drew the following conclusions from the proposed Victorian Legislation:

- It requires that a member may be required to convince an Advisory Committee whose purpose is to provide expert opinion if a volunteer firefighter has attended fires to the extent reasonably necessary to fulfil the purposes of service as a firefighter and if a firefighter has had an extraordinary exposure event. (Division 5, Section 20 and Division 3, Section 12).
- It indicates that access to presumptive rights is available up to ten years after the retirement (in a volunteer or career sense) of a firefighter. (Division 2, Section 6)
- It defines the requirement of the use of the Advisory Committee to determine service length only applies to Volunteer Firefighters, not Career Firefighters.

I have researched the Queensland Legislation regarding their variant of presumptive legislation and from my understanding have drawn the following conclusions:

- There is no advisory committee required to determine if a volunteer attended enough fires to fulfil the purposes of service as a firefighter.
- Access to presumptive rights is linked to service length (based on the type of cancer) only and not how long after the firefighter has been retired (as a career or volunteer firefighter).

Considering the Government's promotion of this proposed legislation, (via the Premier and Deputy Premier during the media conference held on 19th May 2017 at Craigieburn Fire Station - <https://www.facebook.com/cfavic/videos/10155547225439416/>) that this legislation is based on the Queensland Model.

Based on the actual proposed legislation and communication of the Government, I have drawn the following conclusions which are at odds with the information disseminated at the media conference above:

- The proposed Victorian legislation requires an advisory committee to sign off on service length for volunteer firefighters, which is not evident in the Queensland Legislation.

- In Queensland, access to presumptive rights (regardless of career or volunteer firefighters) is linked to service length (tied to the type of cancer) and not the amount of time after retirement.
- The statement made by the Premier that the process would not be tied up in "artificial bureaucracy" is at odds with the introduction of an advisory committee to determine service eligibility for volunteer firefighters and secondly, does not treat volunteer and career firefighters in an equal way, contrary to the comments made by the Premier and Deputy Premier.

I feel that this legislation is prejudicial not only to volunteers but also all firefighters due to the additional limitations and requirements compared to the Queensland model.

Finally, the legislation does not appear to have any form of protection for firefighters exposed to asbestos, which is still a current and real threat in structures within Victoria. It is well understood that asbestos is being found in new constructions, which I understand is being addressed as a priority by the Government. Asbestos risk is not old and past being a challenge – it is present and will continue to be such a risk for the community for the foreseeable future, the risk continues to be great for firefighters.

I understand that including lung cancer within presumptive rights would be impractical. Especially considering personal choices of some firefighters, such as those who smoke - then being attempting to gain access to presumptive rights would rightly viewed as unreasonable.

However, it is not unreasonable to include illnesses such as mesothelioma given the reasonable expectation that firefighters are exposed to asbestos in many situations in their service period as a career or volunteer firefighter.

Fire Services Reform

In general I welcome the attempt to reform the fire services in Victoria, we are operating under a structure that has not evolved in decades (perhaps almost a century) and I recognise that this needs to be a structure that grows with the change in community both in terms of population growth and new risks.

The only real change in Fire Services in Victoria have been triggered by the outcomes from the Victorian Bushfires Royal Commission (VBRC) which enforced a number of key changes with regards to interoperability, incident management, command and control and very importantly community warnings.

I felt the outcomes of the VBRC "dragged" a number of organisations to standardise an approach when it came to bushfires, with the work by Emergency Management Victoria and previously the Fire Services Commissioner. As a result we have seen an all-hazards approach to Emergency Management. The continued improvements have been significant and very well considered changes to better our approach to Emergencies in Victoria.

Unfortunately, I do not see such well consideration given to changes with the reform being proposed in this legislation.

I wish to highlight the concerns I have with the proposed structure as part of the underlying policy rationale and propose an alternative view to consider as outlined in this section of my submission.

In the case of the proposed changes to Fire Services in Victoria as part of the Reform Bill, I do not agree that these changes are in the best interests for the Victorian Community.

The Fire Services Review which delivered its report in 2015, called out specifically the strength of an integrated model delivering service to the community. The report called for this strength to be increased and to further enhance the interaction of volunteers and career staff to ensure a consistent and cohesive approach for firefighting in Victoria.

This reform presents an opportunity to strongly consider the right approach for the response to fire related services in Victoria. Victoria has been unique in this space for decades and has an opportunity to set a new standard when it comes to firefighting, Victoria has been looked at by numerous countries to assist in defining best practice.

My view is that we should not be splitting out volunteer and career firefighting service delivery in rural and metro areas, in fact, we should be working to standardise and consolidation of service delivery. Looking towards New Zealand, they are presently combining all of their Fire Services into a single organisation.

Creating another distinct entity, transferring assets and backend operations then providing services back to another similar organisation appears to be unnecessarily bureaucratic. In addition to this, it can easily lead to the two organisations providing the same delivery of service to diverge in operational methodologies. I fully recognise that a volunteer service may not deliver to the same

levels in terms of response times and crewing as a career station, the basis of ensuring appropriate fire suppression, hazardous materials response & rescue must be maintained even in rural areas.

Taking into consideration the movement by New Zealand to single entity as similar structures seen in Tasmania, Western Australia and Northern Territory; Victoria should be appropriately considering a structure that appropriately considers the ability to have a flexible, agile and capable firefighting organisation for our changing community.

A new structure should be considering the opportunities such as the following:

1. Implementation of a single firefighting agency that replaces the Country Fire Authority and the Metropolitan Fire Brigade that delivers consistent service delivery – through the deployment of either career or volunteer firefighters based on a risk and capability of delivery model.
2. The single service headed by a Commissioner, with the role and responsibility matching that of the existing CFA Chief Officer and the functions outlined in the proposed legislation for the Fire Rescue Victoria Commissioner.
3. Establishment of discipline based reference groups within the new agency, that has equal representation of stakeholders within the agency to assist in the development and deployment of Standard Operating Procedures, Appliances, Facilities and Strategy. The stakeholders should include organisational leaders, career staff, volunteers and other representatives with the necessary experience for each discipline.
4. Clearly defined Key Performance Indicators that are published and results reported the members of the agency outlining the service level quality and adherence to service delivery standards.
5. Clearly defined development pathways and expectations of all members, including requirements for volunteers and career staff regarding fitness, skills maintenance, response requirements and the ability to meet their obligations within the agency to deliver service.
6. Protections for the organisation to permit it to deliver firefighting in a flexible, modern and with agility to deliver service to the community.

The benefits and improvements that can be made to Fire Service delivery is significant, further division is not of any mutual benefit to the community and those who have selected firefighting as a career or donating their time as a volunteer.

In more detail, the benefits of the six proposed options above:

Implementation of a single firefighting agency that replaces the Country Fire Authority & Metropolitan Fire Brigade that delivers consistent service delivery – through the deployment of either career or volunteer firefighters based on a risk & capability of delivery model.

This would permit a consistent approach that has not been seen before in Victoria. A standard approach to firefighting and the operation of the service both on the front-line and also in back-of-house operations.

Under the proposed changes, the separation of the two agencies creates a significant amount of uncertainty when it comes to how brigades will be supported and specifically how the delivery of firefighting will be undertaken within the community.

For example, maintenance operations of appliances for FRV will be conducted in house, for the other (being CFA) it is suggested that such maintenance will be undertaken under contract to FRV. This creates an administrative overhead for both agencies that could be avoided under a single agency model.

Additionally, under the proposed legislation it is believed that work practices and firefighting methodologies will remain consistent. The reality is that with two distinct organisations, both will naturally diverge in practices which will be in a constant battle to ensure both maintain any form of interoperability. It is expected that in rural areas, whereby a FRV station operates as an island will work alongside and with volunteer members with CFA, that firefighters will suppress fires together. In order for such activities to be successful, then work practices and operational procedures need to be effectively the same. If they are not, a risk exists that a common operating mantra is not in place with two workforces operating in different ways and what would effectively be inefficient. This not only places crews at risk, it places the community at risk. A single agency would permit standardisation and common operating mantra to be in place.

In an ideal world, interoperability should not be necessary when conducting activities that are same between two organisations if the two organisations did not exist in the first place. By having a single organisation it would enable the leadership to define a single best practice model that is replicated by all workers in the environment regardless if they are career or volunteer.

The present suggestion that volunteers in areas which do not have career fire stations nearby will continue to be able to “do it their way” is inappropriate and unconstructive. On numerous occasions support is sought with response by specialist appliances (such as aerial appliances) for large structure fires in smaller regional towns. These are operated by career staff in larger cities and it is a reasonable expectation that the practices undertaken by career and volunteers need to be compatible to enable a successful and cohesive process for firefighting in large and protracted incidents.

Under the current structure, at an integrated fire station, career firefighters will respond to an incident immediately upon dispatch in the most appropriate appliance (pumper for structural incidents, tanker for grass & scrub incidents) which is appropriate given the risk factors in the areas covered by those brigades.

However under the proposed structure with CFA and FRV, such clarity is not present and may actually increase risk to the community. It has been outlined on the Fire Services Reform Website that appliances will be transferred to the appropriate agency, in other words – Pumpers will be operated by FRV and Tankers by CFA at what were the integrated stations. In the case of structure firefighters, under the proposed structure, FRV will respond immediately in the most appropriate appliance being the pumper. What will occur in a grass and scrub incident? Will FRV respond in a Pumper? Is a pumper an appropriate appliance for grass and scrub fires? It is a widely known fact that pumpers are not the ideal appliance for responding to grass and scrub fires as they lack

equipment for crew protection, some lack the ability to “pump and roll” (pump water and drive at the same time) and do not have a deck to work from when suppressing grass fires.

Will FRV be able to respond the tanker which is now operated by CFA, or do FRV staff no longer respond to Grass and Scrub incidents? If FRV respond with a pumper or do not attend grass and scrub fires at all, then the community is being put at risk. It also questions the very purpose of deploying career firefighters at the location, because prompt response to incidents has been compromised.

Under the proposed structure with CFA and FRV, there is no clearly defined requirement for volunteers to be further trained. At present, career staff assist volunteers through training and assistance with on-station training. In a single organisation, expectations could be easily defined and set to ensure volunteers are appropriately trained and led by career staff where appropriate to ensure they are equipped with the required skills and knowledge to deliver to the community.

The single service headed by a Commissioner, with the role and responsibility matching that of the existing CFA Chief Officer and the functions outlined in the proposed legislation for the Fire Rescue Victoria Commissioner.

Victoria is one of the last few locations that operate its fire services with three distinct areas of leadership, being a board, Chief Officer and Chief Executive Officer. There is clear ambiguity between the roles of the three stakeholders, ultimately this leads to cross-over in decision making, uncertainty around responsibilities.

As seen with the Inquiry into the Fiskville Training College, it was evident that there was a mixture of responsibilities between Operational Staff, Executive Staff, the Board and other senior leaders of the organisation, with no firm responsibility resting with anyone. The end result was no clear individual who was actually viewed as being either the person who could make the decision to resolve issues or gain an outcome.

I feel that the implementation of a Commissioner that is responsible solely for the operations of an organisation which delivers critical services to the community is a good. This enables the organisation to continuously evolve in a timely manner without the overhead of bureaucracy.

A structure involving a single Commissioner, enables a level field in terms of operational strategy without the misbalance of certain parties represented than another. This then enables a more balanced process of consultation to be undertaken for all parties by the Commissioner.

Establishment of discipline based reference groups within the new agency, that has equal representation of stakeholders within the agency to assist in the development & deployment of Standard Operating Procedures, Appliances, Facilities and Strategy. The stakeholders should include organisational leaders, career staff, volunteers and other representatives with the necessary experience for each discipline.

For a very long time in both existing fire services, there has been continuous tension when it comes to decision making and implementation of new facilities, appliances and procedures.

Representative bodies have extensively pushed for representation at different levels, including changing compositions of boards and claims of being ignored by the leadership of the organisation. This has been then been matched by counter claims of lack of desire to agree on changes or find an appropriate middle ground when it comes to implementation of new equipment or procedures.

A fair and equitable reference group structure to enable input into organisational decisions may not fully resolve all concerns, but it would certainly go a long way to enable appropriate involvement in decisions of the agency.

At present, representative bodies (regardless of who they represent, volunteer or career) are driving ideological agendas that are at extreme ends of any respective scale.

Ultimately, those who are centred in their views who want to continue with delivering to the community to the best possible standard (including accepting points whereby change in service delivery to involve paid staff, or the value of volunteer service delivery) are left behind. There needs to be a balance and I believe the position of all representative bodies are actually causing a lack of cohesion and integration, further perpetuating the ongoing equivalent retaliation that is continuously escalating.

The attitudes of firefighters need to significantly adjust in order to enable this to be successful and constructive, along with a willingness to evolve and modernise at every opportunity. The proposed structure drives further division and increases the possibility of the "silo effect", a single agency structure would go some way to resolve this.

Clearly defined Key Performance Indicators that are published and results reported the members of the agency outlining the service level quality and adherence to service delivery standards.

Under the current structure, there has been substantial discussion around the ability for volunteers to respond and deliver service to the community. At present there is a lack of transparency and misinformation, the lack of transparency stems from no clear outline of service delivery against expectations which has been used by others to trigger misinformation to the community.

Volunteers can provide an appropriate level of response, dependent and linked to the risk based on numerous indicators including community population, structure design, response times, budget provisions and expertise. The challenge is that at present, there is no clear definition between when a fully volunteer brigade is no longer meeting the requirements based on the risks in their assignment area.

From this data, a new agency can then define the transition to an integrated or completely full time model for brigades which is then reported against and published for decision making and defining the future plans for brigades.

Decisions to transition to a different service delivery model should be managed in a clear way and not included in an arbitrary process or other document such as an employment agreement.

Clearly defined development pathways and expectations of all members, including requirements for volunteers and career staff regarding fitness, skills maintenance, response requirements and the ability to meet their obligations within the agency to deliver service.

At present, the current structure does not enforce a required standard of firefighters, in the case of volunteers the basis of "upright and breathing" is a generally accepted standard. While medical reviews are undertaken for certain prospective members, it is completed under the basis of a voluntary disclosure process.

In the case of career staff, there is a fitness requirement during the recruitment stage but not further on after completing the recruit course.

To ensure appropriate safety of firefighters regardless of volunteer or career status, both should be subject to fitness requirements at some level to ensure both their safety, but the safety of their crew and the community.

Additionally, at present there are no clear ongoing requirements for volunteer firefighters around currency of skills and maintenance of such. At the completion of minimum skills, firefighters are required to periodically demonstrate skills in Safety and Survival in bushfire situations but no other skills are actively enforced at an organisational level to ensure continued knowledge. Some brigades have defined their own procedures to address this, but it is not a consistent approach across the organisation.

I've generally found that most volunteer based organisations can struggle with the management of conduct of its volunteer members. The thinly veiled threats of resignation or leaving due to situations during frustration are not uncommon. I would suggest that the CFA is no different with such a challenge, I have witnessed on more than one occasion members refusing to meet expectations and then providing a threat to leave, which has resulted in a silent retraction of the request made of them. As a result, permissive disobedience is not uncommon whereby members refuse to follow instructions or meet requirements. A new organisation has the capability to define specific requirements including a Code of Conduct that must be met by all members and those who do not meet it are promptly retired from their roles. While this may be an unorthodox approach in a volunteer setting, we are dealing with a high risk and dangerous workplace – compromise means the chances of being injured personally or to others increases exponentially.

There is also an opportunity to consider the ability for improved pathways for appropriately skilled and capable volunteers to be considered for career firefighting roles. At present, if a volunteer wishes to become a career firefighter then the entry process is the same as anyone from non-firefighting circles.

These pathways could be linked to consistent training courses between career and volunteer firefighters, appropriate reference checking and in addition the requirement to complete appropriate bridging qualifications.

I do understand however, that career firefighting is not for every individual and that a much higher standard of competency is required for career firefighting. However, I have no doubt that there

would be volunteers who would be capable to operate in such a space if given the opportunity to do so.

Protections for the organisation to permit it to deliver firefighting in a flexible, modern and with agility to deliver service to the community.

At present, the delivery of firefighting in Victoria has been either through the delivery of service using volunteers, career staff or a mixture of both for each assignment area.

The delivery using career staff consistently operates under the 10/14 hour shift-roster arrangement which I do not believe has evolved for many years.

In some locations, it may not be cost effective or appropriate to deploy full time staff under a 10/14 arrangement and may be suitable to staff stations during the day or overnight only, or alternatively at peak periods of the year dependent on risk in the local area.

A good example is a situation whereby a community is impacted by a major incident or event (such as a death) and there is a short period of unavailability for response. A possibility could be to temporarily deliver service with career staff without having to draw down on available volunteer members from elsewhere impacting their ability to deliver fire services.

Conclusion

In conclusion, I believe this legislation has a significant amount of further work required before it can be considered ready for implementation, in a number of ways there are additional topics that need to be explored within the opportunities that exist to modernise our delivery of fire services to the community. The concept of creating a further divided structure for fire services in Victoria is counter intuitive considering the results of the Victorian Bushfires Royal Commission & the Fire Services Review.

All involved parties need to “bury the hatchet” and come up with a reasonable, appropriate and suitable solution for fire services in Victoria, a knee jerk reaction to solve an industrial agreement implementation is not the answer and certainly not in the best interests of Victorians.

I am hopeful my submission provides the ability for further thought and consideration by the Fire Services Select Committee that will enable a sustainable approach to be undertaken to the reform and importantly presumptive legislation for firefighters.

Mathew McKernan