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The Chairman

Hon. Gordon Rich-Phillips

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

via eSubmission / email

5th July 2017

Dear Sir / Committee persons,

Re: **Fire Services Bill**

Thank you for this opportunity to address and state our concerns regarding these two pieces of legislation. We can only address a very small number of our concerns as volunteers' time and work commitments dictate this response.

It is District 2 VFBV Council's opinion that the two pieces of legislation should be introduced and voted on as two separate bills and as such we will address our concerns individually.

The reasons are: -

- The bills clearly have two different purposes and therefore should be discussed individually.
- By introducing both bills as one, the presumptive legislation will be seen as holding sway over and having undue influence over the Fire Services Legislation Amendments Bill (2017). In plain speak, holding the volunteers to ransom having to accept "good" legislation (Presumptive Rights Compensation Bill) in exchange for the poorly considered Fire Services Legislation Amendments Bill.

We make the following observations on: -

Presumptive Rights Compensation Bill (2017)

This bill undermines and in fact reduces volunteers' compensation that is currently available.

- CFA volunteers, under the new legislation are not deemed emergency service personnel and are not covered under the OH&S Act 2004.
- CFA has a moral obligation to assist their members but not a legal one.

Minister James Merlino has repeatedly stated at CFA volunteer briefings that this bill is identical to the QLD model, but under scrutiny is vastly different.

Under this bill there are benefits and conditions afforded to career fire-fighters but not to volunteer fire-fighters.

- Volunteers could be subjected to 3 separate committees to determine eligibility for compensation, whilst career fire-fighters are immediately referred to Work Cover for determination.

In regards to the Advisory Board, it is concerning that the panel is under no obligation to account for expert opinion, in a particular subject matter.

- The Authority is under no obligation to accept or indeed agree to the findings of the panel. Who is the final arbiter?
- The Minister can appoint the panel without any accountability as to its make-up or expertise (or lack therein).
- There appears to be no “right of appeal”.

Under compensation, there is no reference to “Workplace Rehabilitation” nor “Return to Work”.

Fire Services Legislation Amendments Bill (2017)

Consideration of volunteer brigades to an integrated model is to be based on risk.

- All brigades currently manage their community and community assets based on risk.
- Many industries and businesses have undertaken risk assessments themselves and have formulated solutions within their brigade and community to deal with the risk.
- CFA Management role is to assist in managing / assisting the brigade work through to a solution agreed to by all.
- If risk is the sole criteria for assessing eligibility to transit, then the majority of CFA volunteer brigades will need to transit with the logical conclusion that surge capacity (required during large campaign fires) will be lost. This is why CFA exists!
- CFA exists, due to volunteerism and the spirit within all Victorian communities. The enormous cost savings is the result. You cannot buy or produce this commodity. It is inherently volunteerism at its best.
- It is our opinion that risk should not be the sole arbiter, but only a small part of the decision-making process. Brigade response capability is a better indicator to determine or at least start discussions with the brigade and their community.
- The Minister is responsible for the panel appointments. This should be an independent appointee, unencumbered by the political constraint which appears to be a dominant determining factor at present.

Powers of the Chief Officer – are they truly independent or again subject to a higher authority?

Lateral entry into CFA will not be possible under the new FRV and potential EBA.

- Excludes many potential candidates from outside FRV from applying. This would have detrimental effect on “having the best people for the job” e.g. recruitment from DELWP and other organisations.

Will CFA hierarchy have the ability to discipline staff not in their employ?

Will CFA have ability to “screen” staff appointments or are CFA restricted to choose from a pool of only a few thousand (limited numbers) against an Australia-wide pool of many thousands?

General comments

- Much of the legislation overwhelmingly refers to the “Metropolitan Fire Brigade” being substituted for “Fire Rescue Victoria” – observation is this legislation is geared towards

issues relating to the MFB. Neither CFA volunteers or career staff should be a part of this industrial action.

- Splitting of the fire services has not been a recommendation of any of the recent or past fire reviews. Why is this government determined on destroying a well-respected, world class volunteer emergency fire service?
- No costings are available for transition, future funding nor on-going budgets. Surely a cost analysis based on a sound business case has been undertaken prior to any Cabinet decision having been made. If not, this needs to be flagged as a priority.
- Surge capability must be severely degraded, given the evidence of volunteer resignations from previous and current integrated brigades.
- The CFA has a volunteer and community based culture. This will be lost or at least quite considerably reduced under this legislation.
- There is an old saying which is very apt in this situation. “The devil is in the detail” – There has been no substance in any of the briefings given by the Minister, Chief Officer or government politicians. To further complicate this, information on this legislation is scant, and “off the cuff” comments or intentions by the Minister will be eventually tested in the courts. Without a resolute and consultative approach by all concerned and interested parties, legalities will be tested long after the Minister and politicians have left office.

As a final observation, we would like to propose a question. How would future FRV career fire-fighters react and respond, if the two words “career” and “volunteer” were interchanged within the two bills? We suspect the resulting legislation would be vastly amended or in fact withdrawn!

In summary, it is the opinion of this Council that: -

- The two bills must be treated as separate items. The bills as they currently stand, are an **insult to both CFA volunteers and the Victorian community** alike.
- The **total lack of consultation** with any of the major stake-holders has totally undermined the credibility of this government and does not pass the **“fairness” test**.
- Both bills should be rejected forthwith and new bills drawn up, but only after **meaningful dialogue and consultation** with **all** stake-holders.
- Any future Presumptive Rights Compensation bill needs to be **fair, equal and non-discriminatory** across all fire-fighters, be they volunteer or career.

Again, thank you for this opportunity to put our case.

If you need to clarify the veracity of any of District 2 VFBV Council’s assertions, please contact either President Peter Thompson on [REDACTED] or myself on [REDACTED].

Yours sincerely,

[REDACTED]

Peter J Dillon,

Secretary.

District 2 VFBV Council,

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