

Submission to the Inquiry into the Firefighter' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017

By Renee Margot Thompson

I wish to advise the committee that I have been employed for 14 years in Human Recourses, Administration, with a strong focus on WorkCover, Return to Work and Health and Safety. I have also been a volunteer of the Country Fire Authority for over 35years. My positions in the brigade have varied from Junior Co-ordinator and Coach, Group Communications Officer, VFBV Delegate, Reg OHS Delegate, Crew Leader and brigade Secretary.

Please note: the opinions in my submission are mine, they have not been influenced by any other.

My grammar is not perfect and I vision issue, so please allow for errors. I am sincerely concerned which is the only reason why I have written this submission.

I have written this mainly in point form, as I feel it is easiest for me to articulate my concerns.

- The Bill should be in two separate Bills, as they clearly have two different purposes.
- I will address my concerns of these two Bills individually.
- They should be discussed, consulted and agreed upon individually.
- Each Bill should be voted on as an individually piece and not be held at the mercy of the other.

PRESUMPTIVE RIGHTS COMPENSATION BILL 2017

- The Introductory Purpose is misleading for the Presumptive Rights Compensation, clearly looks as if for both career 1(a)(i) and 1(a)(ii) are the same but in truth they are not, as there is no mention of the advisory committee that a volunteer's claim is referred too.
- Does not cover all those within CFA or MFB that may have or have been impacted or exposed to fire, smoke or an extreme event.
Many support personnel within the CFA have also been placed in situations where they have been subjected to smoke inhalation and other situations, especially DMO's, Pad operators, trainers, some office personnel.

- Sec 7. Determination of the qualifying period (page 6)
Both Career and Volunteer is a min of 5 years
Although there is a section in the Bill were special consideration is provided to exceptional exposure events.

I believe this where VFBV & brigades need be gathering data and information to help provide that information. (page 11 Section 14 (b) (c).

Someone need to encourage Brigades to collate this information before CFA start collecting it from brigades and all we are left with is memories and no evidence.

Fires such as the Woollen Mill in Castlemaine, Car fires, House Fires, It's a Big job. but if brigade, VFBV or someone assists brigades and members. Did they even do debrief on the contents and what they seen and observed, this information could be so important if require proving an exceptional circumstance. Just making sure everyone that attended that incident was accounted for.

- Sec 15 (c) within the period of 60 days after the claim for compensation has been rejected?
If volunteers are to be treated the same as career staff, their claim must be sent to WorkCover with 10 days of CFA receiving the claim, or CFA will receive a fine.
The Advisory committee will have from the time of receiving the claim, to advise CFA whether they support the fire fighter claim, If they don't then Worksafe must then do an investigation.

Do CFA need an Advisory Board?

Minister Merlino stated at a meeting in Bendigo the Advisory Board was just a tick the box group. To ensure they attended fires.

- Career Staff don't have one.
- The person who fills out the claims form can check a volunteer's service history and see how many fires that person has attended.
- The OO, who is the fire fighter area officer could go and have a chat with the fire fighter, the fire fighters captain and get a history.
- Or a caring HR or WorkCover person with industry knowledge, like most other workplaces have that perform that role do.
- This process is the first part. It's not meant to be the hard part, Its meant to be supportive of the injured person and remember we are dealing with a person who is dealing with CANCER. Not a subbed toe.
- If there is doubt, let the insurance company and the doctors sort it out.

Why place possibly 3 painful processes in the way.

The negativity and flow on effect from these cases will hurt a volunteer organisation.

How many people are CFA going to have to employ with the appropriate skills.

To find people that will understand a volunteer's employment history and have local knowledge, understand firefighting, CFA records, brigade records and be able to consult with the volunteer productively.

Employment History then adds another level – do these people have a right to delve into someone's employment history. We are volunteers, this is our life and it is private to CFA. WorkCover investigators understandably but do the Advisory Board or CFA.

These people are few and far between. More importantly are CFA/State government going to employ unbiased people to be part of this committee. Remembering again these people are dealing with one of the worst issue that will affect their lives CANCER.

Then the Committee makes a decision but – (page 10) Sec 12 3(b)

The Authority –

(b) is not required to make a determination that is consistent with the expert opinion provided under subsection (1)

Which is the advisory committee.

My question is – Why have the committee at all, if the Authority can just make their own decision anyway.

And, Who is the Authority? is it the Chief? The Minister? The officer person?

SECTION 16 – WHY ?

- (1) The Authority must determine an application for special consideration only if the Authority has rejected a claim for compensation by the applicant.
- This should be determined in the original decision. The fire fighter either meet the requirements or not.
 - Why make the fire fighter go through having to put through another claim?
 - Again Sec 16 (5) if the Authority doesn't have to take the advice of the expert opinion why have it given, who is the Authority.

Section 18 (4)&(5)

If approval has been determined by the Advisory Committee and or Authority this process should not be in place.

Not unless the claim was rejected.

Section 18 7(b) approve a provider of occupational rehabilitation services for the purpose of planning the volunteer firefighter's return to work under paragraph (a)

- Provide 3 options of providers
- for the firefighters choose or to have a choice.
- Of their choice, In consultation with the fire fighter's employer and fire fighter.
- Have VFBV assist with claims management.

Section 18 (9)

The State Government should fund personnel to support Brigades and Volunteers.

My suggestion would not be through the CFA, EMV, FRV possible through VFBV so that there only role is to support the volunteer through the process of seeking approval for funding supporting brigade and members to learn how to identify important situations. They must have HR, WorkCover Specialist in their team to assist volunteers through this process.

This position is probably more important than any now because if this Bill come through as is volunteers will need a lot of support.

FIRE SERVICES LEGISLATION AMENDMENTS (REFORM) 2017

Absolute lack of consultation.

- With Volunteer fire fighters and support members
- MFB
- CFA
- The community

The briefing conducted by the Chief, EMV and Minister have not been consultation they have been a show and tell.

- This is what has been decided and this is what will happen.
- There has been no consideration of any questions that have asked or brought forward.
- The lack of ability to answer question because of the unknown is only proof that thought and consultation had not been properly attained.

I am not against the FRV concept but believe there is not evidence to back the need.

- CFA have provided a service that has meet the community's expectations.
- A name change won't change that. The facilities and tools are current and up to date.
- Integrated stations provide the community with a reliable service.

It appears that the only evidence available –

- Excessive costs
- To please a union and to push through an EBA in the FRV
- To remove the Chief and Board of the MFB to push through an EBA
- The inability to consult with volunteers on issues that impact them.
- To enable a small group to decide on the further of CFA.

Strategic Advisory Committee (page 36)

- Why is the Strategic Advisory Committee part of FRV?
This group should be part of CFA or EMV not FRV.
- The involvement of this committee will impact the CFA volunteers and brigades, for volunteer to not have them as a lynch mob they should be part of CFA. As far as volunteers are concerned the only benefit of this committee is to take and not allow for the fact to show were assistance is truly required.
The Government won't have them be part of CFA because if they have an EBA they will have to consult with volunteers, which is part of the reason behind this bill.
Stated by the Minister himself at one of his briefing held in Bendigo.
Why not EMV. They should not be part of FRV, As they will be bias.
Reviews will be based on RISK and should be based on facts, in consultation with the brigade in question.
- CFA Volunteer brigades, may be more than capable of managing the RISK of their brigade area.
- It should be based on whether the brigade is meeting its obligation to its community.
 - Have they meet all there turn out requirements?
 - Have they meet there training requirements?
 - Does their community have Fire planning or industry brigades?
Hospitals – Fire Warden training, extinguisher training
Industry – Evacuation Training, Drills
- Not forgetting the likelihood of these RISK happening.
- What plans do the brigade have in place, the group? Individuals etc.

Insurance companies give large discounts to companies for this and brigades in country Victoria have supported many industries with drills over the years. Eg, Castlemaine - Woolen Mill. Maldon - Tarrangower Prison

All of this helps to reduce RISK, the likelihood and assists brigades.

- Brigades need to be involved in any review that involves their brigade because they know what is happening in their area, they have the local knowledge, they will take the time to find out the information and they will know if they need more assistance.

OO AND OM's

We are constantly being advised by the Minister that there has been a number of review stating that we need change. That the current system is out of date.

When going through the reviews they state that the issue in the CFA is between Management and the fire fighters.

Not Fire Fighter to Fire fighter. Management does not mean career fire fighter. It means OO and OM.

Due to CFA/UFU EBA the CFA have not been able to have lateral entry employment from other fire services, which has restricted their ability to employ a range of very experience personnel.

Years prior the CFA has employed from DSE/NRE now known as DELWP, bring their experience and knowledge in forest and bush fires. With that they also receive a lot of respect from volunteers as they usually have meet them in the field.

CFA should have the right to employee from other services, only employee from FRV would be irresponsible. I am not saying these OO and OM's are not knowledgeable and experienced because they are and thoroughly deserve they opportunity to work within CFA.

- Does as OO or OM from Carlton have the right skill for a grassfire in Rushworth.
- Are there going to be enough to service both the FRV and CFA.
- What happens when FRV don't have enough, and CFA can't go anywhere else to get any.
- Why do CFA have to have change in the first place?

There are positions in the CFA that are meant to solely support the volunteers but I believe that the Regional Offices and CFA management have a tendency to use these personnel to fill other requirements other than to do their role. Brigades and Volunteers need people solely available to support them.

- Recruitment
- HR
- Occupational Health and Safety
- Administration
- WorkCover

OCCUPATIONAL HEALTH AND SAFETY

- There is also another extremely important concern that splitting the Volunteers and career staff brings up.

The safety of volunteers.

Volunteers are not covered under the OHS Act 2004 which means the CFA has not legal rights under the law and nor do volunteers.

No Pins

No regulations

CFA have a moral right but not a legal right.

Volunteers are not deemed as emergency service personal in the new regulations.

This is and should be of extreme concern.

CONCLUSION.

Presumptive Legislation is extremely important for both Career and Volunteer fire fighters and it doesn't need to be hard. It just needs to be the same, as the same brings about the investigation process.

To say the CFA will be completely Volunteer is again only stating that under no circumstance will we consult with volunteers on how we want to run the CFA.

So, we will have no employees, hence no EBA, no consultation with Volunteers.

My opinions on splitting the CFA is mixed but I feel that a lot more consideration needs to given,

- OHS of Volunteers and CFA
- Cost
- Staffing, training

There are too many unanswered Questions for this Bill to be put through in its current form. I strongly feel that if it is, there is no going back and the damage caused will bring more harm than good to an organisation that has serviced Victoria through the worst days ever.

The CFA Act acknowledges the role of the VFBV, maybe it is time this part of the organisation stepped up and played more of a role supporting the volunteers and brigades, whilst the CFA focused on the fires, training and community.

VFBV, CFA and the State Government all need to start working together for the benefit of the CFA and its fire fighters.

The CFA and VFBV need to work better together. Every Brigade can have 2 reps discuss issue at local and district meeting were there District Delegates take those issues to State. At

state level they have working groups, et to deal with different issue and are part of other groups within the CFA.

- It is extremely important that the CFA, VFBV, brigade and volunteers have this working properly. If fire fighters are unhappy with either organisation, we as members need to work together to get it working.
- The VFBV currently has that link to 56000 volunteers that should be getting used and isn't getting used properly.

BASO's (Brigade Administrative Support Offices) are funded by the government but spend more time in Regional Offices, not in Brigades. The BASO's need to be accountable for their roles.

Just the loss of one volunteer means the potential loss of 10's more, Family friends that may have joined and volunteered along that one person's journey and we have lost so many due to poor decisions over the years.

Please don't make this one.