

Restructuring ... or rearranging the Deck Chairs?

Submission to the
Fire Services Bill Select Committee

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7 July 2017

Assistant Clerk Committees
Department of the Legislative Council
Fire Services Bill Select Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002
7 July 2017

Dear Sir/Madam

FIRE SERVICES BILL SUBMISSION

I should note that I was notified of this Submission Closing Date on 5 July 2016. Nothing has been sent to me through my local Brigade or District; as such my submission is a little staccato.

Your Terms of Reference: The Select Committee on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the:

- impact on fire service delivery across Victoria
- effect on volunteer engagement and participation in fire service delivery
- short term and long term cost impact on fire service provision
- underlying policy rationale

Attached is a submission to this enquiry which primarily focusses on the **"effect on volunteer engagement and participation in fire service delivery"**.

The following information is provided in respect of this submission:

[REDACTED]
[REDACTED]

The text of my submission and attachments follows.

I am not seeking confidentiality and wish to address the Committee as a witness.

I understand all submissions are public documents unless confidentiality is requested and granted by the Committee.

I note that submissions will be published online as they are processed by the Committee and that my name will be published with my submission, but my contact details will be removed.

I would be interested in knowing what, if any, legal protections are available to witnesses appearing before the Select Committee.

Yours sincerely

[REDACTED]

Rowan Rafferty

The CFA should be an organisation that services our rural and regional communities as it does in many areas, not only as a fire fighting service, but embracing the diverse aspects of community safety and resilience; along with other emergency services the CFA should form a focus of respectability in our communities.

To do this it requires a contemporary administrative and operational framework that genuinely operates on the basis of shared standards, acceptance of diversity and natural justice, throughout all Districts and Brigades and not work as a semi-exclusive club which selectively engages standards and procedures, varying between districts, rejecting innovation and enforcing the chosen “rules” as and when it suits them. Not that this happens in all Brigades, but in too many.

As such, in the current environment this will require some resolute external oversights to ensure a considerable restructure and the fair application of natural justice in rebalancing the focus of activities and power structures within the CFA.

In its current form the CFA is a moribund organisation.

The push to make the CFA an “all volunteer” service is an absurdity as there will always be a solid core of professional management, administration and training resource which, by its very nature cannot be left solely to volunteers, no matter how committed they may be. This professional core must always be cognisant of, and should utilise the skills and abilities of volunteers in the context of the distinct characteristics of their location. That core must be there to service local needs, providing a service, not as an “authority”.

What is required is a comprehensive review of all structures and processes to ensure that an overall consistent objective is established and met at all levels, driven by contemporary administrative practices, not politics.

The first objective, over time, is to rename the CFA the “Country Fire Service” and ensure by it’s staffing that it reflects a “reach out” attitude which is responsive to local needs and can positively and proactively support individual community needs. Current introspection and self-protection in some districts and Brigades does not adequately serve the public they are there to protect.

2. COMPLAINTS

As you will understand in regard to my formal complaints (and those of other immediate colleagues), investigations are still underway and I am therefore restricted by confidentiality of the complaints process from divulging names or fine detail of my five (5) complaints.

“Justice delayed is justice denied.”

Due to my personal situation, I have been motivated to lodge complaints about the behaviour of three volunteers in my Brigade who, during a Brigade meeting, accused me of deception and effectively, criminal fraud in respect of funds raised at a non-CFA multi-agency community safety and resilience event.

Two Reports by the CFA – one initiated by my actions – have exonerated me from wrong doing. I have received no apology following those reports and have thus lodged my complaints. Rumours involving these accusations still circulate in my community, over 6 months after the accusations were made. These complaints are, at this date, still in the process of investigation.

Despite trying to ensure the funds raised at the event in question were dealt with appropriately, as requested in a letter dated 16 January 2017 to the Brigade, no response has been received to that letter.

I have lodge a further complaint about a District officer (a CFA operational employee) who has exacerbated the accusations – above - made against me, during a Brigade meeting,

- irrespective of being directed by a more senior officer not to discuss the situation and
- in spite of my clear repudiation of his implied accusation at a previous meeting which he attended, heard my repudiation, and raised no objection in front of other CFA staff (one of whom wrote one of the exonerating reports and agreed to note my repudiation).

As a result of a letter sent to me by a senior CFA officer, I have lodged another complaint. He made a statement in that letter that clearly pre-empted the outcome of the four complaints I had already made and requested an action be taken that he was fully aware I, and my colleagues, could not comply with; this situation had been the subject of witnessed meetings and multiple other communications.

An attachment “Throwing the Baby out with the Bath Water” outlines part of the frustration being faced by obfuscation and selective application of “rules”.

As this has now occupied my time and the time of colleagues for six months and still continues while the outcome of investigations remains unknown. It is obvious the destructive and completely wasteful nature of this activity on so many fronts, seemingly endorsed and sponsored by paid CFA staff (most of them operational staff). The toll taken on some volunteers is horrendous.

3. AWARDS

Our Community Safety Team lead by our previous Brigade Captain won the 2017 FAA award for “Local-led Prevention and Preparedness Award”, primarily through the work of our Community Safety and Resilience (CSAR) group which I coordinated.

I was the instigator of several, and a participant in, most of the activities for which that award was won, including the promotion of our local radio station into the Victorian Emergency Broadcasting network (achieved on 1 December 2017).

I was personally also a recipient of an Australia Day Award for the multi-agency community safety and resilience event – the XXX Extravaganza – which I project managed and coordinated. The planning of this event was featured prominently in the submission for the 2016 FAA Award.

Funds raised at this very successful event (which has also been recognised and used by the NSWRFSS) gave rise to the spurious allegations against me and thus my complaints of being bullied.

4. BULLYING PETITION:

I am the author of the following online petition (copy attached)

<https://www.communityrun.org/petitions/protect-cfa-volunteers-from-bullying>

As a result of running this petition I have spoken to many volunteers (this is not a valid statistical sample, merely anecdotal); there is, however, a disturbing theme. If you complain about anything, especially bullying, you are highly likely to be further mistreated.

As an example, you may be told you:

- are unworthy
- do not follow the CFA code of conduct
- have an unsuitable attitude
- are undermining your brigade
- have failed to attend brigade meetings or training (with the people bullying you)
- did not follow the chain-of-command

You can therefore be shunned by other Brigade members and subjected to rumours and outright lies within your community, irrespective of the validity of your original complaint.

Lodging a complaint may lead to:

- Being stood down
- Being removed from the CFA
- Resigning
- Withdrawing from activities
- Becoming not operational

None of these outcomes - the first two may be justified or contrived - **are effectively monitored by the CFA**. For an organisation with reputedly 60,000 volunteers – potentially over \$1 Billion worth - and plenty of complaints, this actually demonstrates a callous disregard for the proper management or welfare of volunteers.

Treated like heros by the media (and the firefighters and others are!) ... not so well on-the-ground by day-to-day management.

It is also apparent to me that many people who have been subject to bullying behaviours by the CFA are reluctant to sign this petition as they fear the outcomes from their Brigade, District, the CFA as a whole and, in some cases, their communities.

I am also aware of a complaint made in a statutory declaration by an entire Brigade the result of which was the complaint being dismissed. This is surely indicative of a systemic problem.

Whilst recognising the deadline set for this Select Committee to report is 8 August 2017, it would be an absolute travesty of justice if this Committee is required to report ahead of the release of findings from the Victorian Equal Opportunity & Human Rights Commission Independent Equity and Diversity Review of the Country Fire Authority and the Metropolitan Fire Brigade.

I firmly believe these findings will verify my call for a massive change program in CFA personnel management and complaint processes.

It is worth noting that many contemporary organisations incorporate their internal or external complaint process outcomes into their ongoing organisational improvement programs.

The CFA is a community based volunteer organisation boasting some 60,000 volunteer members.

What is not clear is that the CFA actually has any real respect – there's lots of talking the talk - for a diversity of opinion or style unless it conforms with some unspoken rules, primarily, don't question and definitely don't question long standing ways of doing things which may, or may, not follow contemporary practices.

I am not an advocate for anarchy, just a fair go and not the application of "cookie-cutter" solutions to every situation.

"The only thing necessary for the triumph of evil is that good men do nothing."

The CFA is full of people who want to serve and help protect their communities; too often however, those who see a CFA Brigade or District as a personal fiefdom prevail to the ultimate detriment of the organisation as a whole and the communities they serve.

Just one bully is one too many!

ATTACHMENTS

1. LETTER: Throwing the Baby out with the Bath Water - REDACTED
2. CFA Complaints and Dismissal Correlation
3. PETITION: Protect CFA Volunteers from Bullying
4. Australia Day Award – Rowan Rafferty

XXX

XXX

XXX

24 March 2017

Dear XXX

Throwing the Baby out with the Bath Water

The undersigned did not start the imbroglio in XXX Brigade arising from allegations of misappropriation, nor were we responsible for originally putting it into the public domain in the name of the CFA, or exposing the matter to the Police as was done by the then Brigade Treasurer.

The contrived situation whereby these allegations were made in the Brigade meeting of 27 November 2016 had been obviously orchestrated to cause as much damage as possible to the individuals concerned, without regard for the reputation of the Brigade or others in the XXX community. No doubt this was done as it was by the perpetrators, believing that those against whom the allegations were made could be ostracized from the Brigade and therefore the Brigade itself would remain immune from the subsequent damage; clearly this has not been so, and should have been obvious to those making the allegations, but they didn't care enough to think their actions through.

As was explained to XXX by Rowan Rafferty, this is all about "the politics of personalities, envy and revenge" on behalf of those making and those supporting, the allegations of financial impropriety.

Personalities: There is evidence to suggest that encouragement was given to undertake these character assassinations by a Brigade member who had named other members to another member, stating they were "undermining" the Brigade and that he "intended" to get them out of the Brigade. This was reported to XXX by the member to whom the comment was addressed. It would seem there is some bizarre belief at large amongst some longer standing XXX Brigade members that community engagement = undermining the Brigade.

Envy: Notably the members who were the subject of allegations of financial impropriety were those who successfully instigated most of the activities for which the XXX Brigade was awarded the FAA 2016 #weworkasone Local-led Prevention and Preparedness Award, through the work of the Community Safety and Resilience (CSAR) informal group. This included a member who received, on behalf of the community, a local 2017 Australia Day Award for the XXX Extravaganza event. This was all done without the imprimatur of DXXX, which was not required.

Hither to August 2015 there had been a vacuum of direct community engagement by the XXX Brigade under the previous Brigade Captaincy.

This was our 'crime'.

Revenge: XXX Key Findings note that "There have been informal enquiries conducted by a Brigade member who is also a serving member of XXX" without stating who instigated or may have tacitly endorsed those investigations. Two facts: 1. full support and advice was given by DMT staff to assist in the harassment of the subject CFA volunteers. This included interference in our local community by XXX by issuing an instruction to the editor of the XXX - our local XXX "newspaper" - that notices from the XXX Brigade were not to be published, unless they had been cleared by him. This action was clearly intended to undermine the authority of the XXX Brigade Captain. Directly associated with this incident, it has also been alleged that a XXX member, XXX had the clear intent of interfering with the community duties of the Brigade Captain.

2. any person wishing to substantiate a criminal charge through a successful prosecution would know they need to prove "intent"; no intent was established nor was it ever present in the handling

of Extravangaza Funds. The fabricated allegations and subsequent malicious spreading of rumours, partly occasioned by the so-called "informal enquiries" (see above), merely helped in providing the outrageous premise on which to base the denigration of certain individuals in the eyes of the XXX community as it was being done in the name of the CFA.

General Issues: Placing the issue in the public domain through the XXX is one way, one would have thought, of stemming some of the continuing vitriolic attacks on individual members of the Brigade which continue to bring the Brigade into disrepute within the community. Due to the nature of the individuals endorsing the allegations, including DXXX management, the malicious behaviour continues. No attempts to apologise or any signs of remorse are evident from those responsible for the allegations to either the individuals targeted by them or to XXX, indeed, quite the contrary.

A persistent reference in recent documents to the "XXX" reflects a disturbing figment of someone's imagination. The terminology "... proceeds will support XXX and their Community Safety & Resilience Group" was used repeatedly in the promotion of the Extravaganza event. The words "XXX" was a description of who was being supported by the event, and the term "Community Safety & Resilience Group" referred to an informal group involving a 'revolving door' of people as they were available comprising a core of brigade members and, loosely, some in the community. Ironically, one of the actively supportive members of this group was the acting Captain, XXX.

To suggest that at any time there was any group, or individuals, that intended or wished to be perceived as some alternative to, or be a Fire Brigade, or that a group which had no formal standing "needs to be renamed", is utterly ludicrous. One has to question where this concoction of facts came from and the motivations for the contrivance.

For the record, the informal group, CSAR, no longer exists within the XXX Fire Brigade as its community engagement activities were destroyed by the 27th November allegations.

Cost to community: The cost to individuals, the XXX brigade, our community and the CFA has been horrendous; I would conservatively estimate \$250000+, not including the cost of lost fundraising.

(From XXX: of this I would estimate my personal opportunity and actual costs in dealing with this at around \$60,000+.)

The actual and potential ongoing loss to XXX is immeasurable. It will take a lot of work to bring their standing in the community back to the position they were in prior to the allegations being made and to fully regain the confidence in, and support of their community activities; but therein lies the sub-agenda for these attacks, conducted with the complicity of DXXX in the name of the CFA.

It is hoped that in the most expedient and simple way possible, XXX Brigade management will in the near future apply their energies, assisted by the CFA, to work with XXX to comply with the recommendations from the "Inquiry into the XXX". This will see the monies now in the XXX account (gaining interest) applied to the purposes for which they were raised. This offer has already been made in writing to the local Brigade in a letter from XXX dated 16 January 2017.

A new BMT: Wholesale changes to the current BMT team would mean effectively, two of the people who had unsubstantiated allegations made against them would be removed. The idea of reconciliation seems a little skewed by the potential entrenchment, within Brigade management and officeholders, of local proven liars, accused bullies and cowards.

As it is clear that DXXX's choice for Brigade leadership will be based on their active support of removing those Brigade Members they and their local supporters perceive as "undermining" the Brigade; there will be no opportunity for those members so accused to make a productive contribution or feel safe whilst that cadre is "in charge".

Reconciliation In your recent letter, you state "XXX, as a mutually convenient date for both Brigade members and District staff to attend this Workshop".

It is worth noting that none of the parties who were the subject of the misappropriation allegations were consulted about this timing; is this the way your office or DXXX management will continue to engage with the Brigade? If so, it falls far short of a legitimate attempt at reconciliation and appears far more like continuing abuse. The undersigned are the aggrieved parties here, not those who have made, now proven, unfounded allegations against us. This process is transparently a display of form rather than substance, a tick in the box to show "we tried" and, as such, quite unconvincing.

Activities such as a workshop undertaken without laying appropriate foundations ensures little likelihood of success and has no credibility whilst underlying issues have not been resolved.

Technology in 2017: It would seem some Brigade members think that the mere use of a device with a keyboard is "cyberbullying"; an interesting concept in the context of "moving forward" ... back to the 80's. Some training in the use of contemporary technology and accepted email protocols would be of benefit to Brigade members.

So what is bullying? It would appear that the use of email by members in an attempt to discuss issues of governance or to correct inadequate minuting of meetings (distributed by email) is to be derided, or worse, the subject of bullying allegations.

However, the threat of physical violence to a fellow brigade member by a XXX in uniform is put down to "vigorous debate".

Spot the ridiculous and seemingly malicious inconsistency?

Perhaps CFA Management needs to rethink their definition of what constitutes "vigorous debate", "threats", "intimidation" or "bullying".

Failure to deal with multiple bullying allegations against XXX, coming from XXX Brigade members and others, particularly from XXX, along with associated issues of mismanagement within in DXXX – not restricted to the XXX Brigade - is an endorsement of very poor (if not illegal) behaviour and merely perpetuates a seemingly acceptable environment of bullying and management ineptitude within the CFA. This needs to be acted on comprehensively, urgently and conclusively to eradicate the immediate problems, curtail damage to the CFA and ultimately start a new journey.

Conclusion: In light of the foregoing, you will understand why the undersigned,

- having been subjected to the abuse we have, and
- the culpable failure to provide a safe or respectful working environment by the CFA,

express no confidence in the processes we have experienced to date locally or with DXXX Management and will not participate in further Brigade activities until those who have been identified as being at the core of the XXX problems have been removed from the XXX Brigade, DXXX Management team and the CFA.

We the undersigned, will continue to stand ready to serve our community within the CFA as we can in the future when

- we feel safe from intimidation and bullying from within the Brigade, District or elsewhere in the CFA,
- are convinced that sound governance is brought to Brigade meetings and procedures,
- natural justice is recognised as the appropriate basis for Brigade member interactions.
- we see convincing evidence that CFA management has embraced and is moving towards the objectives for safer more resilient communities contained in Emergency Management Victoria's Strategic Action Plan 2016-2018.

Yours sincerely

Rowan Rafferty – for and on behalf of XXX, XXX, XXX, XXX, XXX, XXX, XXX, XXX :: Firefighters
cc. XXX, XXX, XXX, XXX

This questionnaire is designed to elicit where most problems have arisen and could lead to research as to why.

On a District by District basis, over the last 5 years:

1. How many formal complaints have been received, year by year, by the CFA bullying hotline, against?
 - a. Volunteers
 - b. CFA Staff
2. How many of these cases have resulted in disciplinary action e.g. suspension, being taken against
 - a. Complainant
 - i. Volunteers
 - ii. CFA Staff
 - b. Person(s) complained about
 - i. Volunteers
 - ii. CFA Staff
3. How many members have
 - a. Had disciplinary measures taken against them
 - i. Volunteers
 - ii. CFA Staff
 - b. Been dismissed
 - i. Volunteers
 - ii. CFA Staff
 - c. Resigned
 - i. Volunteers
 - ii. CFA Staff
 - d. Become non-operational
 - i. Volunteers
 - ii. CFA Staff
4. How many members (volunteers/CFA Staff) have made complaints and have subsequently
 - a. been dismissed for whatever reason
 - b. resigned for whatever reason
 - c. become non-operational for whatever reason

(These figures are a correlation between #1 and #3 above and should be available through an examination of personnel records)

Respect for their highly valued volunteers would suggest that the CFA would monitor their movements and attrition rates very carefully. There could also be metrics around the cost of training volunteers to certain levels to advise the economic cost of benign (i.e. age, moving etc) and non-benign wastage.

Whilst the CFA Volunteer Exit Survey goes some way towards answering these questions, it does not present a full picture of actions and consequences that would facilitate analysis of factors mentioned above.

I hypothesise that the correlation between 1 & 4 would be an important but vexed question for the CFA to answer.

Due to the potential cost implications of wastage, this should not be the case as analysis could well lead to more effective personnel management, training and recruitment.

<https://www.communityrun.org/petitions/protect-cfa-volunteers-from-bullying>

To: To the Legislative Assembly of Victoria

Protect CFA Volunteers from Bullying



Campaign created by

[Rowan Rafferty](#)



Because CFA "volunteers" are not "employees" they do not have the comprehensive legislative protections against bullying, harassment, intimidation or vilification available to others employed in the CFA workplace.

We request that the Legislative Assembly move to address our shared concerns to ensure positive outcomes, transparency and to strengthen the processes for the investigation and resolution of complaints made from within the CFA, to the mutual benefit of volunteers, the CFA and the communities we serve. We acknowledge there is a Review currently underway into Equity and Diversity covering the CFA.

Julian Burnside AO QC advises: 'You are not afforded Fair Work protections as a volunteer. Volunteers receive limited protection under Discrimination and

Occupational Health and Safety legislation. ... a situation must be remedied by an exercise of discretion as opposed to the enforcement of a law.'

Recognising that the most productive way of addressing the issue in the long term will involve significant internal cultural change within the CFA, we believe these improvements initially should involve the legislated establishment of a separate entity, or provision within an existing body of an organisation, to deal with complaints, completely independent of the CFA.

What we are calling for is proactive endorsement and institutionalising of reforms for better workplace protection, as is already the case with employees, to include enforceable provisions for CFA volunteers to be protected from and be compensated for being bullied or other discriminatory and inequitable workplace behaviours. Amongst other things, we believe legislation needs to embrace the following:

- **The findings of the Victorian Equal Opportunity & Human Rights Commission Independent Equity and Diversity Review of the Country Fire Authority and the Metropolitan Fire Brigade, when released.**
- **CFA Volunteer Code of Conduct**
- **Victorian Emergency Management Strategic Action Plan 2015 – 2018 - People and Culture - Priorities C & D**

Why is this important?

There is NO independent body wholly outside the CFA that protects and enforces a **volunteers' rights at "work"**.

As well as firefighting, CFA volunteers spend many hours working in community engagement, administration, logistics, communications, training maintenance, medical services and fundraising roles.

Bullying in the CFA adversely effects communities, Brigades, friends, families and individuals. Please support the volunteers.

If you are bullied as a CFA volunteer, you are required to make your complaint either

1. through a chain of command, which in many cases involves or supports the bully within that chain of command, or
2. by reporting your complaint through the Bullying Hotline, contractors to the CFA, who then take it back to the chain of command.

We believe bullying practices must be stopped and perpetrators removed or disciplined. Volunteers have no means of avoiding the bullies other than to effectively withdraw from the CFA. This wastes the resources used in training and the experience gained by volunteers which helps keep country Victoria safe; this adversely affects community safety, support and engagement.

The workplace protection of CFA volunteers must:

1. be brought into line with principles of natural justice and included in legislation to ensure bullying behaviours are thoroughly investigated, the perpetrators neutralised and the behaviour stopped.
2. see all CFA managers trained in appropriate behavioural and personnel management practices to effect cultural changes for which they will be held responsible in the discharge of their duties as paid staff or volunteers
3. formally recognise and enforce operations in accordance with the CFA Code of Conduct, and
4. embrace and encode the objectives laid out in the Emergency Management Victoria Strategic Plan.

Please like and share to Facebook and Twitter using the buttons below and join 'Protect CFA Volunteers' on our Facebook page

@protectcfavolunteers, <https://www.facebook.com/protectcfavolunteers/> and

'ProtectCFAVolunteers' on Twitter

@protct_cfa_vols, https://twitter.com/protct_cfa_vols

