

Written Submission to the  
INQUIRY INTO THE FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES  
LEGISLATION AMENDMENT (REFORM) BILL 2017

I am a volunteer fireman with nearly 50 years' experience in a Rural CFA brigade on the outer fringes of Greater Melbourne. In that time, I have fought fires across Victoria and interstate and have also fought beside paid firefighters. I like the vast majority of CFA volunteers have put in countless hours and single-minded devotion to ensuring my training and skills were always at the optimum level to not only fight bushfires, but also structure fires, motor vehicle accidents, rescues and search and rescue incidents. As a volunteer, I can say I know of no volunteer who is stressed at the workloads in their Brigade. It's a part of the UFU's spin to try and bolster a weak argument and insults the efforts of the volunteer.

I have been watching the UFU/CFA conflict for over 2 years with increasing disquiet. From the day that I voted in the last Victorian State election, where I was confronted by the brazen presence and intimidation of UFU and paid fire fighters supporting the Australian Labor Party cause at my local polling station, this matter has concerned me. We have crossed a line in inappropriate relationships between Union interests and Executive Government. The CFA's EBA was in dispute at that time. This effrontery on polling day was condemned by many people as inappropriate for paid agency staff and also a breach in efficacy of the Westminster system of Government.

This situation became worse and we witnessed the intransigent and belligerent behaviour of the militant and power hungry UFU that resulted in the Premier taking a partisan political position against the CFA in favour of the Union for the creation of an EBA that had over 40 adverse and veto clauses in it.

The resultant demise of the Minister of Emergency Services at the time, followed by the resignation of the CFA's CEO, the CFA's Chief Officer, the sacking of the CFA board and the installation of a politically biased CFA Board, CEO and politically compliant staff at the CFA, displacing long serving CFA staff, was all in the name of delivering a command and control position to the UFU.

No political mandate was sought, nor given by the electorate for this extraordinary behaviour. This was act of sheer partisan bastardry to deliver an outcome to the UFU. This was the Premier's coward punch to the CFA. What on earth is the debt that the Premier owes to the UFU and Peter Marshall its National Secretary. What we have witnessed is an extraordinary abuse of executive power to favour a left wing and militant Union.

When the matter of the UFU's push on the CFA's EBA was foiled by the Federal Government's intervention through changes to the Fair Work Act to ensure an appropriate consultation and consideration of the CFA volunteer members, the Government found it could not meet the UFU's demands.

The UFU's hold on the Premier and the government must be extraordinary, so much so that the Andrews Government resorted to an agenda that is without peer in the State of Victoria. Without consultation or a rational evaluation of the options, nor a mandate from the electorate, they have resolved to perniciously restructure the CFA, to remove all paid fire fighters from its organisation. This is all to facilitate the ceding of power and control of all paid firefighters to the UFU, rather than to that of the Fire Agency.

This has been done without there being any issues of the CFA's non-performance or inability to provide a high level of fire service to any sector or district in the State, either from its paid or volunteer firefighters. To the contrary the CFA has been shown to have been a leader in creating a

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flexible and efficient service model suited to the risk profile, based on a collaboration of paid firefighters and volunteer members. The CFA model is well regarded across the world and has been shown to provide an extraordinary ability to respond.

The argument provided by the government for change in the way firefighting is delivered, is purportedly based on a need derived from eight unnamed reviews. This needs to be called out as an absolute fabrication and web of deceit and spin. This argument simply will not stand up to any rigorous examination. There are absolutely no such reviews. It is simply a spin argument fabricated to underpin a ceding of power to UFU.

What is at stake here is not only the management of the Fire Services in Victoria, but also the establishment of a breach in the appropriate management of public administration within Victoria. It is without parallel. What the Government is creating is a command and control model over the fire services – *“are subject to the general direction and control of the Minister in the performance of the duties and functions and the exercise of powers of Fire Rescue Victoria and the Fire Rescue Commissioner, including, but not limited to, the policies and priorities to be pursued by Fire Rescue Victoria and the Fire Rescue Commissioner – read the Fire services are at the direction of the Minister – not independent of Government.*

The matter of political intervention in government agencies and services is a worrying trend. Whilst the Ministers directional powers have some limitations in operational areas, it must be recognised that this is where the division of power with the Union lies – via the EBA. This goes hand in glove with a cosy and grubby power sharing deal between the UFU and government on control. This severely compromises the powers of the Commissioners and the Boards

We are witnessing the excessive intervention in the conduct of public agencies by Executive Government to facilitate the interests of a small aggressive power hungry union. The intent of the Bill has nothing to do with delivery of competent fire services and community safety. That is already being done and done well. The mechanism chosen by the Government is morally reprehensible and a blatant abuse of process to bring about a partisan agenda without any mandate from the electorate. The Government needs to be rebuffed on that approach alone.

The matters before this Special Committee in the consideration of the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 are deeply worrying.

The Bill has been cunningly crafted and dumped on all as a fait accompli to bring about a desired ceding of excessive power to the UFU. The Bill's content and intent needs to be considered in parallel with the EBA's for both CFA operational personal and also recently staff, plus the MFB (FRV). The latter documents give lie to the intent of what the Bill before the Upper House Committee is all about.

## **Part 2 of the Bill**

**The Presumptive Rights components in Part 2 of the Bill** have been purposely and mischievously attached to the rearrangement of the fire services parts. This is indeed unfortunate as the need to provide compensation for all firefighters is without question and could be passed with some amendments without much disagreement.

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As a volunteer who has been through several Hazardous Chemical incidents, I fail to see why I would need to go through a torturous proof process to enable me to be successful in lodging a claim for presumptive rights. Then there are the attendances at Fiskville for urban attack and hazardous incident training over the years and in the particular periods when unknown chemicals (from a variety of sources including wastes from the Paint Industry), where used as the fuels on the Flam pad and attack tower. I have been exposed, and I am deeply concerned that the records are not in a good shape to assist me in proving a claim in the future if I need to. Why am I different to a paid firefighter who I attended incidents alongside or trained under at Fiskville in the route to a presumptive right?

Part 2 - Division 3 would preclude me from claiming for some of the potential exposures as my exposures are more than 10 years old. The onset of the diseases covered under the Presumptive Rights do not have a limited onset period – who is to say they may not appear many years after the exposures. In my submission, the period of exposure needs to be amended to date us back to the 1960's and 1970's when a lot of the exposure was occurring due to a lack of control of chemical use and disposal. In my opinion, the exception event provisions are too limiting, as they are probably based on an insurance risk basis rather than a duty of care to the firefighter.

### Part 3

I, now turn my attention to **Part 3 of the Bill - Amendments relating to the establishment of Fire Rescue Victoria.**

As indicated previously, the whole justification for such a dramatic move to restructure the Fire services into paid and volunteer services has only come about due to the need to facilitate the partisan political ceding of power to the UFU via an EBA. The CFA's delivery of fire services has been effective and efficient and has the incredible collaboration between permanent firefighters and volunteers for a long time.

There is no clamouring need based on the activity evidence or any review or enquiry that supports this move. The government has failed to provide the cogent arguments to support such a drastic move.

The desired outcome on behalf of the Government (read UFU) is to remove the need for the government or agencies to have to consider the needs of the volunteer firefighters in any EBA. They also don't want to have a Fire Service that does not comply completely with the Premiers and his governments commands. This is simply a dictate and demeans the role that volunteers bring to the fire service, either at an integrated station or a fully volunteer station.

My lengthy service in the CFA has shown that the volunteers are generally apolitical and are focused on a likeminded approach to sustaining a critical community service. We attend not only for the occasional bushfire, but also a myriad of other incidents that occur in our fire district. We are all para-professional and work to maintain our skills and capabilities to cover all type of incidents. The devotion to duty and passion is extraordinary! As an aside it is an extreme insult to suggest that we supply an inferior service to that of the MFB. Recent statements to that end by the UFU are inflammatory and only serve to be corrosive and divisive. The damage to interagency respect being done through this concocted conflict created by the UFU is extraordinary and likely to be long lasting. Their displayed attitude and bullying behaviours are instructive as it gives lie to their position

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on attitude towards any collaboration in the future – they simply don't want to have to work with Volunteers. All they want is a power base and control over the high profile areas across the State.

This brings us to the nonsense wheeled out by the Government about the fate of volunteers at all the CFA's integrated stations or indeed any other CFA station deemed to transfer to FRV in the future. I attended one of the briefing evenings attended by the CFA Chief Officer, the Emergency Services Commissioner and the Minister. It was patently obvious to all who attended that the CFA Chief Officer and the Emergency Services Commissioner where entreated to deliver the governments line on what would happen, they acted like they were both compromised. A very uncomfortable presentation by both. Their utterances were entirely unconvincing and the picture painted of no change was disingenuous. To state that there would still be 1200 CFA Brigades after the event is a patent lie. It simply can't happen.

All integrated stations transfer to FRV and hence the fire district for the CFA must be extinguished. The volunteers no longer have a brigade or nor do they have any equipment – there will not be any coincidental fire districts under each of the agencies – CFA and or VFR. These stations and attendant fire district and all equipment are to transfer to FRV on the promulgation of the Act. There cannot be two fire districts in one area. Further, this Bill has no allowance, continuity or savings clause that allows the continuance of a CFA fire district coincident with the FRV district.

So, the impact of this is, that on the promulgation of the Act, all the volunteers at the integrated stations will be rendered redundant! So, there will be at least 35 stations by say 30 volunteers that will be lost to firefighting effort.

The CFA's Chief Officer was less than confident at the District Briefing as to how it could possibly be otherwise – in his words, it will be a mess! The Emergency Services Commissioner held fast to the governments song sheet.

The volunteers at the integrated stations provide important back up to the permanent fire officers under the current CFA arrangements and add critical surge capacity for large incidents. Importantly they enable an urban station to provide long term resources for large and lengthy incidents where crew turnover is high. A loss of the volunteer surge capacity from the Urban brigades deeply threatens the ability for the CFA to marshal task forces for major bushfire events or large structure fires. The CFA success lies in the elasticity of its forces in a coordinated web. Cutting holes in that web will decrease.

Further there is the matter of the CFA being unable to employ experienced fire fighters to act in no operational roles except through a secondment via FRV. How does the CFA go about building or sustaining its own culture without the ability to engage a key group of staff for long term. Any staff member seconded from the FRV is always a member of FRV and not the CFA.

#### **Part 4**

We need to look at the impact of the effect of Part 4 of the Bill, which proposes that there be regular reviews of the VFR fire district and the country area due to changes in Risk. For the sake of emphasis this Part is now regarded with extreme distrust by CFA volunteers and has been given the title of the Trojan Horse Clause.

It is well known by many across the CFA, that UFU has designs on at least 45 and up to 60 additional fire districts currently served wholly by CFA volunteers. Such a move to subsume these stations into the FRV control, would see a massive reduction in engaged volunteers in many provincial towns and

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areas abutting urban/rural fringe around Melbourne and Geelong. So, we could lose up to 80 stations to FRV and a loss of the critical volunteer manpower and surge capacity across the state, – 80 x 30 is 2400 active and high performing volunteers potentially lost. The loss of connectivity with the community and also the fire prevention function will also be profound. The government chooses to ignore that local volunteer brigades are creatures of the local communities, who have sustained them for a long time. A fully paid fire service cannot hope to have a similar supportive and interactive community

Given the likely détente after the agency split – there is going to be a range of significant issues with command of fires and support arrangements across the State. Not only is there a loss of a significant number of volunteers and their appliances, there will also be a lack of trust and respect as a result of the take over of any fully volunteer CFA station.

The sections in the Bill for the creation of the Fire District Review Panel are vague open ended and open to abuse to satisfy the insatiable demands of the UFU.

The CFA is rendered powerless in this process, as is also any Community or Volunteer Brigade view as to the need for changes. There are no engagement, consultation or appeal processes, it all is to happen by some faceless persons with no accountability. The process outlined, talks about risk management appraisal without reference to the details of that process and whether the process looks at the fire history metrics, brigade activity and performance and the evidence based analysis of that data that would arise in a need for change. As practising professional scientist, I am fully aware that risk management appraisal is an inexact science, that is open to manipulation and potentially highly subjective outcomes.

A look at the activity of most Brigades will highlight that over 30% of all activities involve attendance at false alarms or backs up to neighbouring brigade's false alarms. The volunteer fire fighting force is not under stress and importantly seeks to reduce the amount of false alarm calls through fire prevention. Overall the numbers of incidents per year are either static or reducing. This is an artefact of improved building codes, vehicle design, road design etc. Any quality analysis of the activity logs will show that it is a handful of permanently manned stations that are responding to the greatest load of false alarms. Another myth that needs to be dispelled is that of development growth increases the number of activities for a brigade. In fact, this again is subject to a worldwide declining trend due to design standards.

Part 4's provisions are purposefully, but dangerously, vague and appear to provide the Trojan Horse its access into a desired expansion territory of all volunteer Brigades. Such an advance into small towns and urban fringe Brigades is unwarranted based on the Brigades activities. In fact, the reverse could be shown to be true. Portland has a maximum of 60 incidents per year, hardly a statistic to support such a huge investment in a fully manned station. Similarly, a review of Ocean Grove Integrated Station would show a similar low level of activity and it won't increase markedly with a little bit of growth. Maybe the reverse action should follow and these stations considered for reversion to volunteer stations. The review process proposed is one way, where as, it should perhaps be both ways.

Notwithstanding the loss of the volunteer firefighters to the cause, there will be a critical loss of community connectivity to the support of the Volunteer Brigade as the community loses the perceived need to be part of the Fire Prevention and response provision, including financial support. One aspect that is often overlooked by those with no experience in volunteer brigades, is the

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massive funds raising exercise that goes on to provide the best available equipment to each brigade. A significant number of appliances across the state are in fact brigade owned and supplied and not assets of the CFA. This additional response capacity would be lost if FRV was to take over those stations.

To expand the coverage of FRV to over 80 stations across the State with sufficient paid workforce for 2 shifts by 5 firemen per appliance, plus station officers is going to cost the State a veritable mint. It is noted that the Premier, the Minister for Emergency Services and the Treasury have been particularly evasive of the potential additional cost to the State. Simply they want to meet Peter Marshall's needs and move on – bugger the cost! This is imprudent management of the States affairs to pay a huge political debt!

### **Intended or Unintended Consequences**

The knock-on consequences to the application of the legislation has not been open to analysis or discussion in the community. The impacts on the State Emergency Service will be similar to that of the CFA, any reduction in their functionality will see interest and membership wain. Again, the loss of the volunteer force in time of pressured response and long-haul incidents could be catastrophic.

### **Summary**

In summary, the underpinning impetus behind the move to annex the Integrated CFA stations into the FRV defies logic and is in fact a thinly veiled spin doctoring to try and justify an unwarranted expansion of the UFU's power base and solve the Andrews governments debt to the UFU. It allows the continuance of the UFU's outrageous control agenda via the EBA. It has nothing to do with the safety of the community or the inability of a volunteer fire fighting capability. Both are well and truly covered.

The Bill and proposed Act, is malicious in its intent towards the CFA and the government needs to be condemned for proposing it in its current form. The Bill is flawed and seeks to satisfy an unjustifiable dictate from the UFU and should not pass the Upper House or be put to law. A far deeper and wider inquiry should ensue, that looks at the value added by the CFA's volunteer force and ways of reinforcing the CFA's integrated Station system rather than dismantling it.

It is also with grave concern that the government is already into Plan B – to circumvent the legislation and to achieve the changes through changing the MFB's and CFA's standing orders. Again, I suspect that this is a deeply cynical, sinister and divisive act on behalf of a Government desperate to placate Peter Marshall and the UFU.

As a parting comment, it is of interest to note that New Zealand has just restructured its whole Fire Brigade system into a single agency with the basis of Integrated Stations as a corner stone of their model. Maybe the CFA model has a lot of merit to it.