

Fire Services Bill Select Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002

**RE: Proposed Victorian fire Service reform**

Dear Committee members,

By way of introduction, I am a long standing CFA member, having served 4 terms on the CFA Board, being appointed by one side of Government and reappointed by the other side on more than two occasions, plus having served on VFBV Board and being the inaugural treasurer I hope I can add value to the inquiry. My past history flows from 20 years service to the Victoria Police Force giving me 45 years experience in emergency management as well as being a qualified lead auditor with graduate and post graduate qualifications in emergency management and occupational health and safety at Masters degree level. I have also audited the Hazelwood and Wye River Fires on behalf of the Emergency Services Commissioner. I presently serve as a volunteer lieutenant at Portland which is one of the 35 integrated fire brigades presently at the centre of the issues concerning the need for this review.

Firstly we should be asking ourselves not how we go about these changes to the proposed Firefighters Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 legislation, as yet unpassed by parliament, but why we need to do so. Change is the only constant, rate of change is the only variable and for all change there must be a clear and measurable benefit to the whole of community as fairly distributed as possible, and change restricted, where it gives detriment to one or more classes of the community or unfair advantage to one class over another. This simple principle and how it is now rolled out is now in your hands and you will be held accountable for it forevermore.

From an integrated brigade point of view, a vote from all contactable volunteer members of Portland fire brigade (over 95%) says a unanimous "NO" to this legislation including the Cancer component. I will now articulate the reasons why. From the Portland Fire Brigades point of view we are all here to serve our community and the best model is what we strive for and support, and this commitment to service is over self benefit or gratification and comes at a cost to family, financial earnings and personal time. The proposed legislation is a blight on our future within the CFA. We are an integrated station and we have daytime manning of 4 from 0745 Hrs to 1815 Hrs Monday to Friday. We have an appointed OIC who is a career officer at Operations Officer Level. The Brigade last year attended 144 calls, the year before attended 160 calls. All calls are attended by volunteer officers and over 60 percent of outside of weekday daytime manning calls are attended exclusively by volunteers.

Within the professional volunteer and professional career members we have bonded to form a tight and cohesive group, our CFA family, under one name, one uniform and one purpose irrespective of whether paid or unpaid, all of us have volunteered to come here and serve. Volunteer members do not seek to have any input to career wages and conditions and hope that such conditions are the best the CFA can provide. This is a principle we all believe in. we also ask that the same principle applies to us in that nothing in any EBA or legislation impacts upon what we do in the service of our community. We look to the proposed legislation and clearly see that two bodies working in the same place will not make for harmony and cohesion into the future. The Australian Defence Force does not work this way, and neither should any other body. Be mindful that the CFA was established on Military principles and in a very strong way this command and control is CFA's strength. The proposed legislation will confuse and erode this to the detriment of all Victorians.

Let the CFA Board and the UFU put the EBA to Fairwork Australia for a determination and then let's all get on with protecting Victoria. If they are not happy, arbitrate the EBA and then move on. This is the legal and proper way for this matter to proceed and should not be usurped by a change to legislation at State level.

All of the brigade members went to a meeting at the Portland Fire Station with open minds to hear what the Minister Mr Merlino had to tell us. The Minister did not directly answer questions put to him but talked around the specifics of what was being asked. This is not what we or I were looking for and obfuscated us obtaining direct answers to the questions we had sought answers to. Specifically he caused a number of

concerns when he said to me and all of the persons present that - "The EBA is presently before Fairwork and they are stalling the process which is why we need this legislation".

We all knew this to be false and question why the Minister would say these words to us. Further, the Minister said that this legislation would mean that the 35 integrated brigades would be adopted into the outer metro region of Melbourne. This comment created significant concern as the proposed legislation now puts a completely different response model up which does not exist here, nor in Mildura and other regional areas staffed by volunteer and paid staff in the integrated setting. This clearly will not work and highlights another underlying agenda.

We are being set up to fail with a city model in a rural/regional setting. There is no nearby brigade 10 minutes away with paid firefighters. We rely on volunteers all the time, and during daytimes - weekdays we rely on paid staff and volunteers.

If as the Minister said, "nothing will change" – so why are we changing? Why have we not, as one of the key 35 fire brigades in question, had been consulted with before the announcement of the proposed legislation?

A critical point in the future of fire and emergency management in Victoria is short term fire fighting and longer term fire fighting. Principally as regards urban Melbourne, when an incident can be resolved during the shift in which it is responded to the existing response provisions are adequate, should the incident extend over 12 hours the CFA and MFB can stretch with existing paid staff, however when the need for longer term response is required is when the availability for extra trained and capable staff is needed and this is where the CFA integrated model comes into its own. I am specifically referring to the urban role here where in Portland for example, November 2015 saw a ship fire initially responded in strength by the volunteers, handed over on the following morning to volunteer and career staff, and over the next week 15% of the 200 workforce was paid with the balance being volunteer. Whilst the visiting paid staff was in Portland, their home brigade areas were protected by volunteer and some paid members to maintain strength and response times.

This capability worked and could be expanded with 10,000 capable staff (volunteers) responding and cooperatively working under the same name to protect all Victorians. The cost of this response is staggering and would triple the cost of operating the CFA, through the Fire Services Levy to all Victorians. The best part is that this model does not cost when it is not being used, and only increases in operational costs when it is. Even then there are no wages bills for the thousands of hours provided in front line response and second line support engaging thousands of qualified people. This is the model we must protect at all costs and when you consider significant bushfires which have longer durations, there is no paid staff capacity that exists or could exist to be able to meet this threat. Added to this capability is one critical fact commented on in all reviews is the need for local knowledge. The CFA model gives this and much more. So will changing over to FRV enhance and deliver this existing capability? There is and will reign confusion about command and control on the ground. With one overarching body this is eliminated. The FRV legislation will set us up to fail.

I report on and ask that the committee includes the comments and opinion by Jack Rush SC without repeating them intact here only to add that these views are fully supported by all in your deliberations.

For the purposes of clarity, the proposed legislation creates more problems than it solves, in an order to move forwards in a positive note, I most respectfully request that the committee enshrines the following principles in any legislation concerning the CFA and volunteers either inclusive or exclusive in its application.

After the announcement during the past month, the brigade had a number of meetings, the first of such meetings was with CFA Chief Officer Warrington and EMV Commissioner Lapsley. The following words were put to the Chief Officer – "Will you ensure that CFA will have the power to ensure that the working arrangements of staff being contracted back to CFA from FRV cannot in any way:

1. Restrict or limit how CFA provides support to volunteers;
2. Restrict what equipment CFA provides to those volunteers;
3. Restrict how CFA consults with its volunteers or limit the CFAs ability to make decisions as a result of that consultation; nor
4. limit how CFA manages its operations or limit how CFA volunteers are recognised, deployed, respected".

He answered “Yes”

Further, at the later meeting the Minister had the following words put to him – “Minister will you unequivocally enshrine in the legislation that CFA will have the power to ensure that the working arrangements of staff being contracted back to CFA from FRV cannot in any way:

1. Restrict or limit how CFA provides support to volunteers;
2. Restrict what equipment CFA provides to those volunteers;
3. Restrict how CFA consults with its volunteers or limit the CFAs ability to make decisions as a result of that consultation; nor
4. Limit how CFA manages its operations or limit how CFA volunteers are recognised, deployed, respected”.

He answered “Yes”

We have not had any response from the Minister or Chief officer as to the progress with their given undertaking and therefore ask that this committee ensures that these undertakings are not just hollow words but are responded to in the spirit that they were asked and I trust that this process sees that they are answered, enshrined and adopted in legislation. Please include direct compliance obligations and clear penalties for non compliance. These principles are for all intents and purposes the core of the issue and the future of volunteering supporting safer communities.

There is no clarity at the highest level in the proposed legislation about resolution of difficulties between CFA and FRV; there is no guidance as to how matters will be resolved and no appeal provisions independent of the Minister such that the Minister should not be operational in matters which are properly defined by legislation between the bodies concerned. This removes any overtones of political intervention and allows fairness for all. Again no principles are accorded in the legislation for this purpose.

The next principle for the legislation to include is that roles will be filled by best person for the job not by an affiliation or membership to an industrial body or union. Clearly at the present time membership of one union enjoys privilege and rights over members of others irrespective of training, skills and experience. This must be addressed.

Much has been raised of the vocational training of paid staff on a full time training program without consideration of part time vocational training which is not made available to others being superior to the other. In moving forwards, once the competency has been obtained, it must be recognised irrespective of union or volunteer membership and be equally subject to challenge by an independent body outside of FRV and CFA. Such decisions shall be binding on the bodies and persons and be enforceable. This is omitted from the legislation.

The proposed legislation must ensure that any proposed changes to boundaries are signed off by parliament as formerly and presently exists. If this is not undertaken FRV will be no different than “Caesar controlling Caesar” and will be an open cheque book without restraint to grow union membership unchecked. Good legislation provides for checks and balances and this must be included in any new legislation.

In rushing this legislation through I draw your attention to the fact that the CFA – Volunteers Protection of Rights bill will be before Parliament for 12 months, in fact due in August this year for the second reading. I ask that volunteers are not treated as second rate citizens when compared with the UFU who can get legislation through in mere weeks. This needs to be addressed as this will have a direct impact on this proposed legislation.

Within Victoria, one size does not fit all, and emphasis on local priority fire and rescue management and response is critical in providing Victorians with a safe and cost effective model of cover. The MFB Board and CFA Board models when appointed by the Governor in Council to lawfully execute their duties according to their respective Acts without influence or intervention has proven itself to be a robust and effective model which has served this State well for many decades.

Whatever legislation comes from this review please ensure that it is Board driven and Board delivered to best allow skills and diversity in the decision making body that we depend upon. Police and Emergency management are best served by commissioners, delivering the commission of their respective ministers, however, diverse fire and rescue, urban and country are best served by a skills based representative model which has served apolitically well here as in many other free thinking and progressive countries.

The proposed legislation and fire service restructure will:

1. Weaken CFA's authority, autonomy and control of core CFA operational support staff and middle management, jeopardising the CFA volunteer culture. Us and them mentality when we are spruiking being more inclusive;
2. Erode volunteer capacity in urban areas by removing the primary prevention and suppression role for volunteers in the 35 areas to be excised from CFA and establishing fire service boundary review that will lead to a compounding discouragement and disincentive for volunteers in urban areas into the future. Immediately and in time decline of CFA volunteers in urban areas will, lead to reduced local service capacity, reduced state-wide initial response and longer term and surge capacity, reduced contingent capacity and higher costs as gaps in volunteer capacity need to be filled with paid resources;
3. Separates the fire services rather than establishing a policy framework toward a more integrated fire and emergency sector in the future;
4. Brick walls policy direction that will work against (even if unintentionally) rather than proactively for sustaining the CFA community embedded service model, particularly in urban areas
5. Publically make CFA people different as first rate fire fighters by perception to second rate helpers even though the training and equipment may be similar, FRV will be badged and uniformed to divide the same service to Victorians.
6. Create future problems for CFA, FRV and unions as the ACCC will look at which industrial body has the contract and who has an advantage or disadvantage of one body over the other, including the determination that even as a contractor, after a period of 12 months service a person may be declared as an employee and at this time the EBA issues will raise their ugly head yet again and all of this process will be for nought.

In conclusion -

We all attend fires and chemical incidents; cancer does not discriminate between paid or unpaid, so please ensure the cancer legislation does not discriminate either.

Enshrine the principles I have highlight in this submission.

Allow a further week to take confidential submissions which cannot be provided publically due to the compressed time constraints. This matter is critically important.

I thank you for the opportunity to be able to submit this document for consideration.

Frank Zeigler VA  
Lieutenant, Portland Fire Brigade