

Submission to the Parliamentary Select Committee Inquiry into the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017*

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I submit the following to the committee:

1. The Country Fire Authority (CFA) has adapted to changing circumstances including urbanisation of country areas, demographic change on the urban fringe of Melbourne and other population centres. Part of this has been through the adoption of a fully integrated model of service provision, which has been the envy of many other jurisdictions. Indeed, recent reports indicate that after very long and careful consultation and consideration the New Zealand government has decided to implement an integrated model for emergency service provision across the country.
2. The ability of CFA fully to make necessary changes and to operate efficiently has often been limited by prescriptive industrial arrangements which have narrowed the selection of candidates for various operational leadership positions at many levels in the organisation. Only career firefighters who have received their training and career development through the paid workforce have been eligible to apply for many positions which are essentially managerial positions and for positions as paid full-time or sessional instructors. Industrial agreements also limit in practical terms the ability of the CFA Chief Officer to provide flexible models of employment to fill gaps in service provision in marginal areas which do not need full roster staffing to provide effective fire & emergency services. This has resulted in considerable loss of volunteer input in many areas where it would otherwise have been still available.
3. It is my belief that the lack of outside competition for such managerial positions in recent years has been to the detriment of CFA and the Victorian community and that many of the perceived difficulties complained of by the industrial body for career firefighters have their roots in the narrow base for sourcing applicants for positions and the failure to recognise & accept for consideration skills and nationally accredited competencies and qualifications and the consequent failure of many middle managers to be outward looking to non-career firefighters and interstate and international knowledge, resources and even training materials.
4. Many of the issues raised above have crept into the organisation through successive industrial agreements and disputes and it is likely that these could be more firmly entrenched by this legislation as the detail of implementation becomes clear. This legislation is vague and the outcomes could potentially vary from very good to very bad for the community depending on how the detail is implemented.
5. The Government claims that this bill will protect volunteers from interference and separate volunteers from union control by separating career staff when clearly the major and immediate impetus for this bill and its rushed consideration is to bypass federal legislation requiring the Fair Work Commission to consider the effect of industrial agreements on volunteers and to resolve a protracted industrial dispute with an aggressive and intransigent

union. The legislation appears to be constructed in such a way that CFA will be forced to recruit its paid operational leadership from the proposed Fire Rescue Victoria organisation, which will be the only employing party to future industrial agreements and whose employees will be passed on to CFA complete with industrial agreements over which the volunteer CFA will have no control. This appears to be back-door way of keeping suitably experienced and qualified volunteers and indeed others from other sectors from being employed by CFA. In the past, many of CFA's very best leaders have come from outside the internal career stream; from the forestry services, the armed forces, from among the experienced and qualified volunteer ranks and elsewhere. CFA would, in my view, benefit from having the opportunity to consider applications for its leadership and training positions being open to a wider pool of applicants than is currently the case. It seems unlikely that the currently considered Bill will allow for this to happen.

6. The Bill before the Committee provides for an artificial differentiation in process between career staff and volunteers. Whatever provisions are enacted the standard of proof for career and volunteer firefighters should be on the same basis. The proposed methodology for assessing volunteer claims appears prone to capricious outcomes and provides only a little reassurance to volunteers in the unfortunate event that they are affected by the prescribed illnesses. This section of the Bill needs some work and should definitely be separated from the Fire Services Reform component.
7. Isolation of career firefighters from volunteers is no guarantee of industrial peace as evidence by the delayed adoption of industrial agreements with the Metropolitan Fire & Emergency Services Board.
8. Current practice, enforced largely by industrial agreements, prevents recognition of what should be nationally recognised competencies and qualifications obtained by volunteers, from being accepted in applications for employed positions. Equally operational experience obtained as a volunteer also is not recognised. Even when CFA urgently is needing quality instructors, the system in place prevent non-career firefighters from applying to fill full-time, part-time or casual instructor positions. From our own district an excellent volunteer instructor and firefighter, who could not access a paid CFA job in Victoria, is now a very successful officer in a fire service in another state which has a much more enlightened attitude to such matters. There is every indication that this situation will remain unchanged and perhaps be reinforced should this Bill be adopted in its current form.
9. Current capacity for major and sustained response in bushfires depends significantly on large numbers of trained volunteer firefighters attached to integrated stations in outer urban areas. Despite reassurances by the Government, it is unavoidable that as volunteers are locked out of real activity outside major bushfires their skills, commitment, availability and enthusiasm will decline over time and community safety will be affected.
10. The devil in this Bill will be in the detail of implementation. Given that the operational administrative side of CFA will, under the terms of this Bill, still be working under an industrial agreement with no regard for volunteers and over which CFA has no formal input, I have little faith that the underpinning problems said to exist in CFA and, in particular, its ability to employ whom it wishes and deploy and control its use of its human resources unfettered by hostile industrial positions, will be improved by this Bill as it stands. In fact, there is every probability that these conditions will be worse than at present. It should not be passed until the implementation detail is available to give legislators a real opportunity to consider its impacts.

11. IN SUMMARY: While this Bill has the potential to improve the fire services across the state, in its present form there is too much doubt about the implementation detail to justify passing it at present and there has not been any adequate consideration of alternatives and potential unintended consequences.

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