

**From:** [REDACTED]  
**To:** [LCSC](#)  
**Subject:** Submission to Select Committee  
**Date:** Friday, 7 July 2017 5:44:00 PM

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Below is my submission to the Select Committee: **Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017**

I request that my submission be confidential.

[REDACTED]

#### Introduction

I have many concerns in regard to the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017**.

I wish to clarify that I have friends no family who are paid fire service employees and I in no way wish to denigrate or disrespect any paid employees.

I believe that the Select Committee was set up to allow people to be consulted and express their views, but, in my opinion, this is happening with serious restrictions.

The very brief time allowed to prepare submissions has prevented me from including all of my concerns.

Further to that, I believed that submission cutoff time was midnight today (7th July) as there was no time stated on the Select Committee web page. I was told this afternoon that the cut off time was currently being discussed, and was subsequently informed, this afternoon, that it is 6pm today, not midnight, giving me many hours less to finish typing my submission. I'm sure other people will find that their submissions are "late" and probably not accepted because of this.

I received an email late today (Friday) to say there would be a hearing in Wangaratta on Monday, time and place to be announced some time later. Another example of the rush which will disadvantage people who will end up not having an opportunity to express their opinion on the proposed legislation.

With respect to those who are trying to support the Committee, it seems that this is disorganised and rushed.

Many people will not have adequate time to voice their opinions or be consulted.

I believe that the very limited time the Select Committee has to been allocated to understand the old and new legislation, consider all submissions and write and present a report on is grossly inadequate and rushed, yet this legislation will affect all Victorians for countless years to come.

#### Presumptive legislation.

Volunteer firefighters will not be treated in the same way as paid firefighters. The Mr Merlino has stated that volunteers wanted "the Queensland model" of presumptive legislation, and that's what he is giving them.

This Act does NOT follow "the Queensland model" of presumptive legislation for Volunteers.

Why is the first and most comprehensive section of the new Legislation that of Presumptive legislation, with the sections of the Act which have intense and far reaching effects on our fire services second to that and lacking any comprehensive detail? It would have been appropriate for the two things to be separate.

Important aspects of the "Presumptive" legislation are not stated. For example, the number of members of the "advisory committee" to be set up to consider Volunteer firefighters claims is to be decided in Regulations which will be written at a later date. Will there possibly only be two people? What expertise will be required in those people appointed to the advisory committee?

Why can expert opinions be disregarded?

What of non-operational CFA volunteers who might be assisting with a fire/incident? For example, people in a communications/command point vehicle? They could be exposed to carcinogens or toxins as well.

Why should Volunteers who attend the same fires/incidents as paid firefighters have a burden of proof when paid firefighters do not?

Separate Fire Services.

The State Government has stated that the CFA will be an independent volunteer service. It will not.

The people running the CFA will be members of the urban fire service, Fire Rescue Victoria.

I have great respect for most of the current paid CFA employees.

One of the main purposes of this legislation is to divide the fire services into urban and country firefighters.

Yet the urban fire service will be running the country service. That might work now, with many paid employees having moved through the ranks of the CFA, but how will that work in twenty years with urban firefighters training country firefighters? Even with urban brigades based in large rural cities, their experience will mainly be urban.

Why will the CFA not be permitted to select and employ experts outside of FRV, for example, from Canada? FRV will control employment of paid employees of the CFA with the CFA having little or no choice.

No decision has yet been made about many CFA employees who are not firefighters. Mr Merlino has publicly stated that no decision has been made about those employees. Who will employ them? Under what terms and conditions? Are they to expect to lose their jobs? Will some be replaced by FRV employees? They have been left out of the legislation.

Under 38 Employees of the Board "Fire Rescue Victoria may enter into an agreement or arrangement with the Country Fire Authority under which officers or employees, or classes of officers or employees, of Fire Rescue Victoria are made available (whether on a full-time, part-time or other basis) to the Country Fire Authority."

Note the word is "may", not "must".

These are the people who will replace employees of the CFA in managerial and training positions, etc.

They "may" be made available at the discretion and control of FRV!

How many? Who will be made available? Can the CFA decide what staff are required, both in numbers and expertise?

Also, that might work now with employees who are dedicated to, and have experience with, the CFA, but there is no guarantee at all as far as I can see.

What will the CFA be facing in a few years? Will volunteers be expected to fill even more roles and take on more duties so that it is a completely volunteer fire service?!

38 Employees of Board

"(5) Nothing in this section or the Country Fire Authority Act 1958-

(a) empowers the Country Fire Authority, under section 17 of the Country Fire Authority Act 1958, to exercise a power in respect of an officer or employee made available.....to the Country Fire Authority."

According to this, the CFA will have no right to control its paid staff:

**CFA Act**

**S17 Officers and employees**

The Authority may from time to time appoint and may at any time transfer, suspend or remove—

.....(c) such other officers and employees at the classifications and in the numbers as the Authority considers necessary

The CFA won't even be able to place staff where they are required as they may not be transferred. And they must be suspended or removed by FRV, not the CFA which is their place of work.

Where is the process for any of this in the legislation?

What if FRV disagrees with the CFA requirements and request?

These are just a few of my concerns as a Victorian who lives in one of the most dangerous areas of the world in regard to fire.

I believe that many of the changes in the legislation will support the new FRV but have a seriously negative impact on the CFA, and that the changes have been made in a rush without reasonable consultation or thought to the effects the legislation will have in many years time.

The short lead up to the time for submissions to the Select Committee, as well as the brief time allowed for the Committee to properly consider submissions and the implications of the legislation and write and present a report have not really ameliorated this problem.

I reiterate that I have friends and family who are paid by the current Fire services and I wish them no offence or disrespect.

