

# TRANSCRIPT

## STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

### Inquiry into fire season preparedness

Melbourne — 17 August 2016

#### Members

Mr David Davis — Chair

Ms Harriet Shing — Deputy Chair

Ms Melina Bath

Mr Richard Dalla-Riva

Ms Samantha Dunn

Mr Adem Somyurek

Ms Gayle Tierney

Mr Daniel YoungCF

#### Participating Members

Mr Greg Barber

Mr Jeff Bourman

Ms Colleen Hartland

Mr James Purcell

Mr Simon Ramsay

#### Staff

Acting Secretary: Mr Joel Hallinan

Research Assistant: Ms Annemarie Burt

#### Witness

Mr Michael Tudball (sworn).

**The CHAIR** — I declare open the hearing on our inquiry into fire season preparedness — that is, the Standing Committee on Environment and Planning — and indicate that Michael Tudball is here. He has provided a submission to the committee and seeks to give evidence. Evidence given here is protected by parliamentary privilege; evidence or commentary outside is not necessarily protected. We will ask you to provide a short statement, and then some questions will follow. Michael, you are a former board member of the CFA and a volunteer firefighter. I wonder if you might precis your submission, rather than go at extraordinary length, but we are very interested to hear your view.

**Mr TUDBALL** — Thanks, Chair and members of the committee, and I was not going to read it verbatim — I give you much more credit than that — and I am not going to go through it all. Can I just say from the outset, as I have said there, I provided it as a passionate CFA volunteer and a 13-year board member, but I was appointed to the board as a passionate CFA volunteer. And it is not a disgruntled board member, and it is still a very active and passionate CFA volunteer looking for the best for the state, for our communities, most importantly, and of course for the organisation that I love.

I thank the committee for their terms of reference and for taking my slightly late submission and also for sitting tonight to hear me talk to it. I am certainly keen to answer any questions the committee may have on my submissions or other bits. It certainly only covers my views; it is not the views of any other organisation or organisation I currently work for or organisations that I am involved with, but I certainly feel that I have something to add from my 13 years as a director on the CFA board and of course 36 years as a volunteer.

The sole intention, whilst it is about fire season preparedness, I have broadened a little bit. I have said ‘fire seasons preparedness’, because I understand that the terms of reference are about this fire season, but I guess the important thing for me is this is something that is ongoing for the state of Victoria and for CFA, not just this current fire season.

I think just before it goes into background there, I do mention about CFA — and I will talk specifically about volunteers — as an integrated organisation, which I hope remains that way. It provides a 365-day, 24-hours-a-day service — every day of the year. Whilst during the fire season we have heightened awareness and we do preparation for a fire season, we respond every day of the year. I guess it worries me sometimes the focus — and I understand why such large-scale fires that can cause devastation get a focus — but the focus should be on doing it 24 hours a day, 7 days a week, which is what volunteers and integrated career staff do in protecting life and property. I think that should be taken into consideration when we are talking about preparedness, not just for a fire season. We prepare for the winter with combustion fires, stoves et cetera and a whole range of other fires and emergencies, not just the bushfire season.

I think also, as I have highlighted in there, it is about the role of volunteers for the CFA and for the state. My view is that clearly we cannot afford to have a fully paid fire service, and we do not warrant a fully paid fire service, right across the state of Victoria. This is a model that has been working since the 1800s, arguably — bushfire brigades, the Country Fire Brigades Board and then in 1945 the Country Fire Authority and the act.

While I am on the act, again on the second page I talk about some of the important things that should be considered, and the act states about the importance of volunteers, and previous governments have seen fit to not only do a volunteer charter about the importance of volunteers but put it in legislation. I think that is very important that it is law, and I certainly do not need to tell the lawmakers that. Anything that we do should be assessed against our legislative requirements, both as volunteers and as the authority itself.

I think an important part is that anything that the authority does — and the government has also committed this — should encourage and strengthen the role of volunteers, and I do not think anyone disagrees with that, but I guess I am troubled by some of the things that are going on in our preparedness for future fire seasons with the current industrial situation, with what has happened to the CFA board and with a whole range of other things that are coming together to create an imperfect storm, I would say, for volunteers.

I do not believe that the state of Victoria and, certainly, the CFA can deliver on their responsibilities without the vital role of volunteers. Again, the industrial situation we have at the moment — and I am not going to dwell on the industrial, because it gets plenty of airplay — means it is important to talk about the impact of the industrial environment that is there the moment, and to be honest I think everyone would wish that it went away, that the parties would come together, that the media would stay out of it and that the volunteers, the career staff, the unions and the CFA would come together and sort it out. That is certainly my wish.

We also need to state that wages and health and safety of our career firefighters have never been in question by governments, by CFA and particularly by volunteers. It is still not the case. We have never questioned any of that. It is about, though, volunteers having a key and a respected role in firefighting in Victoria and interstate when we go, and some of the restrictions that are proposed in the industrial agreement actually hit the core of volunteerism in CFA and their preparedness for fire seasons, including this one coming up, the one that we are in at the moment in winter and future fire seasons. The integrated model of volunteerism of course also is quite unique, and I think we all have an obligation to work on that, make it work and improve on it.

I think the other thing that is striking me at the moment is a lot of commentary that we need leadership. We need leadership, we need someone to come out with the facts and figures and truth in these matters and just get it out of the way. I do not think we have been allowed to lead. I think we have been stymied in a whole range of ways. I will not talk specifically about the board dismissal and everything — that is ancient history and it is probably well known — but anyone who tried to do the right thing, in my view, has been stymied, and the heart of it has always been volunteerism, community safety and empowering communities to look after themselves in fire seasons.

I will just touch on some of the legal things that are impeding CFA in doing their role and the impact it has on volunteers, and, again, the industrial agreement that is proposed around at the moment. I guess I should give a disclaimer that I am two months out of date with whatever is going on, and I am happy to admit that. I have not been part of the board and I am not part of the detail. I am part of the CFA membership that gets regular communications from CFA though, including the resolution that was made by the previous board et cetera, so I think I am relatively well informed. It was not a criterion to submit to this committee, I did notice, though, that I have to be well informed.

I think the legalities around everything that is going on at the moment and, again, the resources for the preparation of CFA and, in that matter, all fire agencies in Victoria, have been diverted from preparing for the fire season. I would not go as far to say that we are not ready for the fire season, because we are always ready. Again, we are doing these things, particularly as volunteers out in my rural area that I come from, 365 days a year, 24 hours a day. So we are ready, and the fire season will be handled by CFA and by the fire agencies, I am quite sure, but we have been diverted because of all these other legal things that are going on. I guess that is my plea to everyone — and I know this committee cannot influence much of that — but to pull it out of the media, to pull it out of the commentary that is going on and fix it.

**Ms BATH** — Mr Tudball, where is home for you?

**Mr TUDBALL** — Home at the moment is Hamilton in south-west Victoria. It had been Bacchus Marsh prior to that, but more recently, in the last five months, it is Hamilton, so a very rural area in south-west Victoria.

I guess that is one of my concerns, the diversion of resources of CFA into this arena. I would argue, and I know that others have argued, that the current industrial agreement that is around there and the process for CFA to make decisions is cumbersome and it is complex and it ends up being illegal. Everyone has admitted that. It has even been admitted as recently as today. I heard the CEO of the CFA and the emergency management commissioner on the radio talking about the complexities around it. CFA and the fire agencies will be diverted in decision-making on allocation of resources, because where it is going to end up — it is in dispute resolution — is ultimately in the Fair Work Commission, which is one of the drivers as to why we should fix all this, so we do not have to go to the Fair Work Commission.

I would argue, and as I have said today, it has been reinforced. It was not in so many words — they did not say it would end up in the Fair Work Commission — but decision-making would be complex for CFA and it will be difficult because agreement is needed from the industrial body before the chief officer can make decisions and allocate resources, unless something has changed in the document since then. I am happy to take advice if it has — as I said, I have not seen any latest versions; 17.4 was the last one that I have seen. So for decisions to have to go through that process, it has to have an impact on the allocation of resources. It has to have an impact on the resources of the CFA and probably others as well. To go in there, to allocate resources, to put fire appliances and people — firefighters — where they need to be during a fire season has to go through a complex process.

As I have said in there, the relevance to this inquiry into fire season preparedness of the agencies is that it is a further diversion of our resources into the matters and the lack of flexibility and ability of the chief officer of CFA and probably of the Metropolitan Fire Brigade — and others, including the commissioner — to allocate resources not only for a response but all the other range of work that CFA and agencies do: community support, resilience and recovery roles. I am nearly done, Chair.

**The CHAIR** — Thank you, Mr Tudball — —

**Ms SHING** — Nearly done.

**The CHAIR** — Nearly done.

**Mr TUDBALL** — It is all in there. I guess I am happy, in the interests of time, if you wish, to take questions and then go back to any of these, if that is the wish of the committee.

**The CHAIR** — I am just going to precis a couple of points out of your submission. Thank you for your evidence. The first point I would make is that you have been a firefighter, a volunteer firefighter, for over 36 years; a government appointed CFA board member, first in 2003 and then reappointed through until you were removed in June 2016 — —

**Mr TUDBALL** — That is correct.

**The CHAIR** — That is correct. Would you explain how that process of removal occurred?

**Mr TUDBALL** — Yes. So it is actually relevant to the industrial agreement. In summary, the CFA board was written to, all members were individually written to, by the acting Minister for Emergency Services, James Merlino, putting a case to us that government policy had been approved for the EBA, the industrial agreement, and that the CFA should also agree. ‘Please write back to us’. This was on a Friday. I do not have the dates in front of me, but I can refer to them — —

**The CHAIR** — Do you have that letter?

**Mr TUDBALL** — Do I have it here?

**The CHAIR** — Yes. Or do you have it — —

**Mr TUDBALL** — I have it on an iPad. I have not submitted it into evidence.

**The CHAIR** — I ask you to provide that to the inquiry.

**Mr TUDBALL** — Absolutely. It was written to myself and all board members, including the acting chair, outlining government policy as far as the industrial agreement and that ‘you were to agree and you have until 5 o’clock on this particular day’. We had a special board meeting, we did not agree for a whole range of reasons and we articulated that back to the minister. There were about three main reasons: it was legal; it was the impact on the chief officer et cetera. I have all those reasons there. The minister then wrote back to us that day indicating that steps would be put in place to remove the CFA board because of our lack of willingness to agree to that.

**The CHAIR** — Can I ask you how you felt after 36 years as a firefighter and 13 years on the board to be removed in one afternoon?

**Mr TUDBALL** — I think the word I used, Chair, was ‘gutted’ — really disappointing. I do not know what else we could do. We are appointed by the government, and we do need take seriously government policy. We also need to take seriously our statutory obligations — no. 1 the CFA act but a whole range of other acts. We certainly believe and still believe to this day that we followed all of the advice from the government’s own counsel, from external counsel, legal, discriminatory et cetera. We followed all of that advice to the letter and provided that on many occasions to the former minister. I would say in regards to that — and I think I talk about it in here somewhere — that we have been held out as frustrating this process for 1300 days or 1000 days. We actually had the full support of government during the vast majority of that time.

**The CHAIR** — Did you have a view of the former minister and her approach on this?

**Ms SHING** — How is this relevant to the terms of reference, Chair?

**The CHAIR** — It is very relevant. Did you have a view of the former minister's view of this agreement?

**Mr TUDBALL** — Minister Garrett supported the view of the board, the legal advice that we had and also that of the chief officer and the then chief executive. We believed, through the minister, as we had regular dialogue with the minister and the minister's office, that we had government support for the way we were heading with this industrial agreement. We would be quite silly not to have the support of government.

**The CHAIR** — Until June. Can I ask you about page 5 of your submission? You say, and I am going to quote a paragraph here:

In correspondence to the minister from the board chair on 10 June 2016 the chair stated:

The board is not comfortable that the proposed EA maintains the custom and practice using volunteers within the existing operational framework. The proposed EA includes a number of clauses that adversely impact on volunteers. The reservation to the emergency management commissioner of an oversight role in effect prevents the board from raising issues on its own behalf. This is not acceptable.

Do you stand by that statement?

**Mr TUDBALL** — Absolutely. Absolutely.

**The CHAIR** — And was that a decision of the whole board?

**Mr TUDBALL** — Absolutely.

**The CHAIR** — Was there dissension at the board on that?

**Mr TUDBALL** — Never, never. In fact, Chair and committee, the board made sure that we were supporting our chief executive, our chief officer and the board chair so that they were not picked off.

**The CHAIR** — Was there dissension amongst the senior executive of the CFA?

**Mr TUDBALL** — No — the senior executive being chief executive and chief officer, no.

**The CHAIR** — And a number of others as well.

**Mr TUDBALL** — There were others supporting, but they were the main ones we were dealing with.

**The CHAIR** — I want to quote here another point from your submission:

The advice received from CFA's chief financial officer indicates the quantum to fund such a proposed agreement and arrangements to be in the order of \$627 million over the four years of the agreement. As I understand DTF also analysed the workings of CFA and arrived at \$596 million but I was never privy to any of these discussions or workings from inner government departments.

Was that figure presented to the board?

**Mr TUDBALL** — Yes.

**The CHAIR** — In a document?

**Mr TUDBALL** — Yes.

**The CHAIR** — Do you have that document?

**Mr TUDBALL** — Yes.

**The CHAIR** — Will you provide that to the committee?

**Mr TUDBALL** — If it is required, yes.

**The CHAIR** — Thank you. Do you also have the minutes of the board over the last 12 months?

**Mr TUDBALL** — Pretty much. I will say yes. I do. I may be missing one, but yes.

**The CHAIR** — Can I ask you whether the committee can have copies of those minutes, to the extent that you have available, for the last 12 months?

**Mr TUDBALL** — Yes.

**The CHAIR** — Thank you. I have a further question which relates to the advice here — this is on page 3 of your submission:

In correspondence with the minister 10 June 2016 the board alerted the minister:

The clear advice of Melina Richards, SC, crown counsel of the state of Victoria with Rebecca Preston, counsel is that the proposed EA includes discriminatory, unlawful terms. In particular, the advice is that there are a number of clauses that would place the CFA in breach of its obligations to provide reasonable accommodation of an employee's responsibilities as a parent or carer and to make reasonable adjustments for an employee with a disability. This advice has been shared with you.

Was that advice shared with the board?

**Mr TUDBALL** — Yes.

**The CHAIR** — Do you have a copy of that advice?

**Mr TUDBALL** — I believe I do, but I also believe it was provided under legal privilege so I do not think I am able to provide the advice. But this was a letter that was sent to the minister, as indicated there — an excerpt out of the letter. I do have the letter, this letter that is referred to.

**The CHAIR** — Maybe provide that letter. That would be helpful.

**Mr TUDBALL** — Yes.

**The CHAIR** — Is it your view that the current agreement that is proposed with the UFU would impact on the ability of women and others to take part and contribute fully as volunteers and as firefighters?

**Mr TUDBALL** — Not necessarily directly as volunteers. As career firefighters, absolutely.

**The CHAIR** — And is that right?

**Mr TUDBALL** — In my view?

**The CHAIR** — Yes.

**Mr TUDBALL** — Well, in my view, yes, but I think you just need to look at the statistics of diversity in the fire services and particularly CFA. I think it is 3 per cent of the career workforce. It is a much higher number in the volunteer workforce. It could be in the high 20s, I think — 25, 28 per cent from memory — but we do have those stats.

**The CHAIR** — Finally, to conclude this section here, also on page 3:

Supporting clauses that provide UFU with the power to veto operational decisions would also mean CFA contravenes the Country Fire Authority Amendment (Volunteer Charter) Act 2011. The chief officer's role, under the CFA act, states that he or she is responsible for the operational management and resource allocation.

Was information presented to you as a board member that would support that position that the agreement would contravene both of those acts?

**Mr TUDBALL** — Clause by clause. Again, I believe it was provided under legal privilege so I do not think I am able to — but I think, as I said in my submission, anything that I am able, directed, legally able to do, it is not within my interests to withhold it.

**The CHAIR** — Well, the committee will make a decision about legal privilege and whether that is a sufficient reason or not to not obtain that information. But I appreciate your assistance with these matters to the extent that you are able.

**Ms SHING** — Thanks, Mr Tudball, for your submission and for attending the committee's hearing this evening. I note from the outset that you have indicated that you ceased being a member of the board and therefore have not been privy to further information that has been discussed or exchanged save for the documents that are in the public domain and the updates and the bulletins that you have received from CFA. As part of your role as a director, were you inducted?

**Mr TUDBALL** — Yes.

**Ms SHING** — And were you advised of the obligations around the management of confidential information?

**Mr TUDBALL** — Yes.

**Ms SHING** — And were you advised of the need to maintain confidentiality in relation to the cessation of your role as a director?

**Mr TUDBALL** — No.

**Ms SHING** — No. Right. So — —

**Mr TUDBALL** — There was nothing in the letter that was advised to us from the minister — a previous letter indicating what would happen; there was nothing with what did happen.

**Ms SHING** — So in relation to the general duties of a director — and I note that you have got extensive experience in the health sector and at Djerriwarrh and in other areas around the way in which governance frameworks operate — why then do you retain copies of confidential information gained in the course of your director's role while you were on the CFA board now that you have ceased to be a member?

**Mr TUDBALL** — As I have with all of my boards, for future reference — later reference. I dare say I will jettison them at a point in time. This is two months after I finished as a board director. I certainly would not dispose of all the documents immediately — never have.

**Ms SHING** — Why would you not dispose of all of those documents, given your extensive experience as a director and the duties of confidentiality and fiduciary obligations that exist for you as a director in all of your years of experience?

**Mr TUDBALL** — I am well aware of all of those responsibilities —

**Ms SHING** — Pretty serious duties.

**Mr TUDBALL** — and it is all about security. It is all secure, far more secure than people who may throw things in a bin, which is what happens with hard paper copies. Mine are all electronic. I have no paper copies, and they are all secure — —

**Ms SHING** — You understand the obligations of a director to delete or dispose of or destroy information which comes to that director in the course of that engagement as a director?

**Mr TUDBALL** — When you have finished doing that role, absolutely.

**Ms SHING** — And yet you have not done that with your information gained in the course of your role as a director.

**Mr TUDBALL** — Two months after I have been dismissed; no, I have not deleted all of that information.

**The CHAIR** — And that is pretty fortunate, I have to say.

**Ms SHING** — Thanks, Chair, for that editorial. The way in which the directors framework operates may disagree with you there.

**The CHAIR** — Perry Mason is at work.

**Ms SHING** — You have had your turn. Mr Tudball, I would like to take you to the legal advice that you have referred to in relation to the Chair's questions and the clear advice of Melina Richards indicating that the proposed agreement — which I will refer to it as, because we do not have an agreement — 'includes discriminatory, unlawful terms'. You have indicated that you have in fact seen that advice, and I would ask you how it is that you have concluded that the proposed agreement contains unlawful terms when in fact that advice also indicates — well, it indicates that it may contain terms which are unlawful. Crown counsel also noted, to quote:

An alternative view is that clause 51 and the related clauses are capable of operating in a way that does not discriminate against employees with relevant attributes, and that the proposed agreement could be approved by the Fair Work Commission on the basis of undertakings from the CFA.

**The CHAIR** — Can I ask you, Deputy Chair: do you have a copy of that agreement, because we could also make that available to the committee? Thank you.

**Ms SHING** — Thanks, Chair. I will keep asking questions, if I may, and it is not your place to be asking me questions.

**Mr RAMSAY** — Which advice are you referring to?

**Ms SHING** — Ms Melina Richards, Crown counsel of the state of Victoria. This is from your submission, Mr Tudball:

... is that the ... EA includes discriminatory, unlawful terms.

That is the very advice that you have already indicated, Mr Tudball — despite the fact that it may be legally privileged and despite the fact that the Chair has indicated that it is the committee's decision as to whether that is the case or not — that I am referring to now. So, on that basis, do you agree that the advice in fact does not say that the terms are unlawful; it says that they may be unlawful?

**Mr TUDBALL** — Exactly what it says there, Deputy Chair.

**Ms SHING** — That they may be unlawful.

**Mr TUDBALL** — If that is what it says there.

**Ms SHING** — That is what the advice says. I put it to you that the advice from — —

**Mr TUDBALL** — I do not have the advice in front — I have my submission in front of me.

**Ms SHING** — Okay.

**Mr TUDBALL** — As I said, if I am legally allowed to do so, I will, but it does appear that you have the whole lot, so if that is correct, that is correct.

**Ms SHING** — No, I am noting that your submission notes the need for 'facts, figures and truth' on this issue. So truth appears to be a very significant starting point for you, as we talk about bushfire preparedness in the context of this industrial dispute — perhaps it is supposed to be the other way round. But on the very same page you draw on that advice in claiming that the agreement is unlawful. But the Crown counsel has never in fact reached this conclusion in that advice, has it?

**Mr TUDBALL** — I do not know, Deputy Chair. What is in that submission is quote; that is not my words. You will see it is in italics. It is quote from a report of the CFA board, not the advice itself. Again, if you have that advice, I guess you are in a — —

**Ms SHING** — No, I am giving you another extract. And this is an important point to make, because it leads to the importance of context. And context, in a 450-page document in an industrial agreement, whether it is the one made in 2010 or the proposed agreement before us now, is pretty important. So I would like to talk about the strategy that the board had engaged around resolving the dispute between, well, when it first began and when you cease to be a member of the board. What was the board's strategy around how to not just obstruct but how to resolve the dispute?



**Mr TUDBALL** — I argue that the board did not plan to obstruct, and our plan and our strategy was never to obstruct, Chair and committee members. I think if you look at the three letters that were sent to the UFU from the board, trying to work a way forward, letters to the previous minister, to the current minister, showing a way forward — never responded to. So I would say that we tried our damndest.

**Ms SHING** — So you participated — or the CFA participated — in a procedure or in a process before the Fair Work Commission?

**Mr TUDBALL** — I believe the organisation did, yes.

**Ms SHING** — The organisation?

**Mr TUDBALL** — The board does not.

**Ms SHING** — I put it to you that there were in fact over 40 separate occasions in which the parties appeared before the Fair Work Commission for the purposes of trying to advance resolution. And you have referred in your witness evidence to the need to fix it — that the parties need to get on and fix it. I think you referred to some unfortunate media coverage. That is in your opening remarks. What does fixing it look like when the royal commission and fire services review have all acknowledged the need for greater numbers of paid staff in order to cope with population growth and other issues?

**Mr TUDBALL** — In my view an EBA does not enable any of that. An EBA should be the pay and conditions and welfare of employees. This — —

**Ms SHING** — So it is going to be complex, then, if it is about pay and conditions for people doing a dangerous job.

**Mr TUDBALL** — Why would it be any different to anyone else's except all of the safety requirements that are in it, which are covered under occupational health and safety, and anything else? Why would an EBA — why would an industrial agreement have specified, without the input of the chief officer, where staff would go? Why would that be in an industrial agreement? That just makes no sense to me.

**Ms SHING** — It is interesting you should say that because in fact the chief fire officer, Mr Steve Warrington, gave evidence to this particular inquiry that the document itself is complex and that often issues of this nature will not necessarily be included in an enterprise agreement. But then he said — and I am paraphrasing here — potable water is included in the proposed agreement, and for good reason after Fiskville. So would you understand that, in the context of perhaps a very vexed history around the CFA and the issues around safety, resources and the interface between paid and volunteer firefighters, in fact complexity has been a necessary result of some very, very difficult periods in emergency and fire services delivery?

**Mr TUDBALL** — I acknowledge very, very difficult services. Is an industrial agreement the way to address that? I do not believe so.

**Ms SHING** — How would you address it if not by an industrial agreement? Because Fiskville did not get the attention that it deserved, I think that that is a significant issue.

**Ms BATH** — Is Fiskville in the terms of reference?

**Ms SHING** — I do not know, but bushfire preparedness certainly is, and Mr Davis did not focus on that, Ms Bath —

**The CHAIR** — I did, actually.

**Ms SHING** — so thank you very much for that interjection. What would you say to the complexity that is in this proposed agreement? I note that you actually were part of the board that approved the 2010 agreement. Why would you say now that in fact this proposed agreement, despite all of the context — all of the decades of context around the way in which fire services are delivered — is the agreement that undoes any way forward as part of the way in which fire services are delivered?

**Mr TUDBALL** — Because this agreement is the one that has started the wedge between the integration of CFA career and volunteer. None of the others have. This one specifically talks about breaking down the volunteerism and the integrated model by not allowing them in incident management, by not allowing a senior volunteer to give instruction to a career staff member, by not allowing a volunteer to be a crew leader where a career staff is available.

**Ms SHING** — Have you read the mutual statement of intent, Mr Tudball?

**Mr TUDBALL** — It goes to the very heart of the CFA, which is what — —

**Ms SHING** — Have you read the statement of mutual intent?

**Mr TUDBALL** — I have.

**Ms SHING** — And what do you think about that in relation to addressing the concerns that you have just raised?

**Mr TUDBALL** — I find it interesting that a board has to have a three-page resolution and a statement of intent to counter the issues and the complexities of an EBA. Why would we not try to resolve them in one agreement, in one document, rather than having all these riders, all the notations that I read of the resolution of the CFA board about, ‘This will not’ and ‘We will make sure it will not’ and all that type of stuff if, as the former board proposed, to give effect to Julius Roe’s recommendation from the Fair Work Commission was that this agreement cannot impact on volunteers? We went through clause by clause and said, ‘Good. To give effect to that, remove this clause, amend that clause, change that’ — —

**Ms SHING** — You went through all 450 pages?

**Mr TUDBALL** — Absolutely.

**Ms SHING** — So you would know the agreement really, really well in the context of — —

**Mr TUDBALL** — The CFA went through each of them and the board resolved on it, yes, as you would probably be aware in corporate governance and board directors’ duties, but yes, I have had the agreement for some time.

**The CHAIR** — And then they were sacked because they did not agree with the Premier.

**Ms SHING** — Okay. Are you aware of the CFA act and the way in which it provides for ministerial direction, Mr Tudball?

**Mr TUDBALL** — General direction by the minister, yes.

**Ms SHING** — And you aware that the minister can in fact provide direction to the board in accordance with government policy?

**Mr TUDBALL** — I think you will find there is varying legal advice on it, but the last legal advice that the CFA board was given is that the minister cannot give a specific direction but can give a general direction. I think that is what it says in the CFA act, but I am not a lawyer and there will probably be two sets of advice, I imagine.

**Mr RAMSAY** — And there is Ms Shing.

**Ms SHING** — Well, unfortunately for you, Mr Ramsay, Ms Shing is a lawyer, but that is okay.

**The CHAIR** — Not in this area of law.

**Ms SHING** — In fact, yes, actually, I am, Chair, thank you, an industrial lawyer of many years experience.

**The CHAIR** — Not on the CFA, not on the fire area.

**Ms SHING** — Mr Tudball, thank you for the evidence that you have given to date. I would also just like to take you to the cost issues that you raised in your submission. Where the cost issues have in fact been the subject of comment from the government that they will be met and will not impact on the work that volunteers do, does that allay your concerns as you have set them out in your submission?

**Mr TUDBALL** — It allays one set of concerns, as a former director of CFA and a current volunteer that government will fund — I have concerns about where it will fund it from, but anyway government will fund — what it is. I would have thought for openness and transparency, as I have said in there, why would that not be made public?

**Ms SHING** — Why did you agree to the 2010 agreement, Mr Tudball?

**Mr TUDBALL** — The same reason we agreed to previous agreements and all that — to move on. And the 2010 agreement is quite different to the one we have here, and in fact the offer — —

**Ms SHING** — Finally — —

**The CHAIR** — Can I just ask about the — —

**Mr TUDBALL** — In fact the offer was made to roll over the 2010 agreement, which was rejected.

**Ms SHING** — Finally, I would ask you, Mr Tudball, when you talk about this agreement, this proposed agreement, being the thin edge of the wedge for the end of volunteerism, we have previously put to Mr Andrew Ford of the VFBV — or I have, in fact, in a question to him — a letter that was written in 2006 which refers to that particular agreement being the end of volunteerism: is this not simply a case of history repeating itself but the sky never falling in? Because Mr Warrington has in fact said, ‘The sky’s not going to fall in’; Ms Diver has said, ‘The sky’s not going to fall in’. Everybody agrees that community safety is paramount, everybody, every witness from every represented organisation that has appeared before this committee.

**Mr TUDBALL** — Including me.

**Ms SHING** — So why is the sky going to fall in with this particular agreement, given that everybody has been saying this for a very long time now over a series of agreements that go beyond just the industrial, just the operational, the legal and the organisational?

**Mr TUDBALL** — With great respect to our current interim CEO, she would not know.

**Ms SHING** — It has been the chief fire officer.

**Mr TUDBALL** — That is as blunt as — —

**Ms SHING** — These are the chief fire officer’s words.

**Mr TUDBALL** — Sorry, I will get to the chief fire officer. You asked me, and I will give you an answer from my perspective. Frances is probably a lovely lady. She has got a deep background in health. She knows nothing about the emergency service. She knows nothing about the industrial agreement.

**Ms SHING** — She knows a lot about governance, though.

**Mr RAMSAY** — And that is why she is an acting CEO.

**Mr TUDBALL** — As far as our chief officer, Steve has been in the organisation for a very long time. Steve has been intimately involved in his previous lives, previous roles as a deputy chief et cetera, in the industrial agreement. I would be interested to talk to Steve about his history in the industrial side of things. Because I have not heard what Steve’s evidence is, I do not know, but he seems to have changed a bit.

**Ms SHING** — ‘The sky won’t fall in’; they are his words.

**Mr TUDBALL** — He seems to have changed a bit.

**Ms SHING** — Thank you, Mr Tudball.

**Mr RAMSAY** — Thank you, Mr Tudball. I will not be referring to my industrial notes provided by the — —

**Ms SHING** — I drafted them myself, Mr Ramsay.

**Mr RAMSAY** — being that you have been representing here for the last 20 minutes. I have a couple of questions. I notice you are a fellow of the Australian institute of directors, which I am also, and I note in your submission you have raised concerns in relation to your role and responsibilities given you have had that training in adhering to and complying with the CFA act. The view and the past evidence that I have heard was that the past board members all in unison had concerns about their roles and responsibilities as board members to adhere to the CFA act. That was really primarily on the basis that you decided not to support the proposed EBA in its form that was presented to you at the time; is that correct?

**Mr TUDBALL** — The CFA act was the driving force, Mr Ramsay, absolutely, but other acts also discriminated — the Fair Work Act, the Anti-Discrimination Act, occupational health and safety — but our primary legislation. When you are inducted to a board, as was raised with me before, similar with health, you are given a copy of the Health Act. The CFA act is a very complex act and it is an old act, and it has been mucked with a lot, but it is very clear in the roles and responsibilities of the authority, the board. We take them very seriously, and I took them very seriously.

We have all sought advice. Both advice from governance areas and legal advice came to the board. I am not sure if anyone sought legal advice on their own. They were the reasons, and we have articulated those reasons in letters to government, to the minister, as to why we cannot. It is on the public record as far as I am aware the reasons why, but also I think importantly we tried to work through it. Again, there were the clippings that I took out of *The Fireman*, where three letters were reproduced from the acting chair to the union trying to work through this. Contrary to anyone's belief, there was a willingness to try and get this. It is no-one's interest to drag this out, especially the organisations and especially the CFA board. Predominantly volunteers we are. We get a small stipend. Sorry, I have waffled on.

**Mr RAMSAY** — Thank you. So it is not only the past board of the CFA that took that view. In fact it was the Premier himself when he was quoted as saying the demands by the UFU in relation to the EBA were totally inappropriate, and that is on record. So not only has the Premier indicated that in fact he was not happy with the proposed inclusions of clauses in the initial EBA, but so was the minister at the time for emergency services, Jane Garrett, as was the CEO at the time, as was the last CEO, Lucinda Nolan, who was asked to step down, as was the chief fire officer, and as was Melinda Richards, SC, despite Ms Shing's commentary in relation to the Crown Counsel denying the fact that she said — and it was in quotation — that the proposed EBA includes discriminatory unlawful terms. In particular the advice there is that a number of clauses would place the CFA in breach of the obligations to provide a reasonable accommodation and employer's responsibilities as a parent and carer in respect to the occ. health and safety and human rights commission as well as many, many others. The view I have taken is not everyone can be wrong and one person be right in relation to what the impact of the EBA would be. That is a bit of commentary. You can confirm that, if you like, and question it.

**Mr TUDBALL** — I think I said right at the outset, Simon, if I may, that everyone shared the same advice. We shared, we spoke regularly with the minister, Jane Garrett, at the time, and the minister's office, and everyone agreed. I think it is very unfair, as I have said. We have been quoted as holding this up for 1300 days or whatever. On 1000 of those days there was support from the government of the day, and we had strong support. You have articulated about the Premier. I never met personally with the Premier, but we did with the minister, and we had the support with the evidence, with the information we were all supplied. Something changed in that time.

**Mr RAMSAY** — I just have one more question, if I may, Chair. In relation to the costs associated with the EBA — and the Chair has asked for documentation in relation to that respect — the government is currently talking about potentially a \$100 million to \$150 million cost to the budget for the CFA to comply with the proposed EBA. There are other figures that have been indicated — anywhere between \$500 million and \$627 million. If that in fact was the truth, it would have a significant impact on the CFA budget and brigade allocation of resources right across Victoria and also the ability to be able to respond to the fire preparedness, which this inquiry is all about.

**Ms SHING** — Not if government pays for it.

**Mr RAMSAY** — Can you provide a response to that?

**Mr TUDBALL** — A couple of points to that, I guess. Those figures were presented to the board, and I think the former acting chair, John Peberdy, has also been quoted using those figures. That is the information supplied. If they are wrong, they are wrong.

Our advice at the time, as I said there, there was a slight discrepancy between DTF and CFA at the time. The world may have moved on in the two months, so the cost may be significantly less. I would be thinking more of \$160 million per year rather than \$160 million total, because that adds up to about what I am saying. But anyway, that could be something else.

The concern about not being fully funded by government, generally our process — and I think I talk about it in here — is BERC bids, or budget and expenditure review committee or whatever it is called today. We have to put in bids for all those types of things.

In the preamble to the motion of the CFA agreeing to the EBA, I note that it is noted in there — not part of the motion, but the preamble — that government will fully fund. That is good from the organisation's perspective if that it is the case. If it is fully funding \$160 million and it costs us \$600 million, I am concerned. I am also concerned, as I was starting to say earlier, that this is all collected through a fire services property levy. I am a volunteer, I am a ratepayer and in another life I am the chief executive of a shire council. We collect that.

**Ms SHING** — I think you are rate capping.

**Mr TUDBALL** — We collect that. I do not know where that is going to come from, with a 7.5 per cent increase in the levy last year, I believe it was. My calculation is if that is the figure — —

**Mr DAVIS** — It is 7.2 and 7.3.

**Ms SHING** — Yes, it was underestimated by the former government.

**Mr RAMSAY** — It was not capped.

**Mr TUDBALL** — My rough back-of-the-envelope calculation is that, if that is the cost, that is a 10 per cent increase in the fire services property levy to cover that, or government funds it centrally, which has rarely happened before. It has always been done through a multiplier. Not that long ago it was through the insurance council, so government would prop up the 25 per cent or 22.5 per cent, and 77.5 per cent was through the insurance council. It is now all 100 per cent through the fire services property levy, unless it is funded through government. If it is not funded through government, we are going to pay for it as ratepayers.

**The CHAIR** — The community.

**Mr TUDBALL** — The community and as volunteers, or the CFA — and this has happened in the whole 13 years I have been there — nothing has been fully funded by government in my time there. There has always been a shortfall, whether it has been things not accounted for or whatever, and it has had to be sucked up from CFA's budget. As of June 2016, CFA does not have the capacity to suck it up without impacting someone else.

**Mr RAMSAY** — And that was my point. In fact if the government is underestimating the cost of this EBA by \$500 million, or half a billion dollars, it will not be paying; the people paying the fire services levy, which are the ratepayers of communities right across Victoria, will be paying that shortfall, and it will impact on the normal resources that are applied to those communities, particularly regional communities where the CFA volunteers are working to make their community safe.

**Mr TUDBALL** — And just as a quick example, in the shire that I come from, Southern Grampians, the vast majority of the ratepayers are agriculture. They pay the biggest amount of rates, they pay the biggest fire services property levy and they are all CFA volunteers.

**Mr RAMSAY** — With the Grampians at your doorstep.

**Mr TUDBALL** — Indeed.

**Mr SOMYUREK** — Mr Tudball, if I could take you to the matter of Fiskville, the previous board has been roundly criticised for allowing Fiskville to happen under its watch. Now I understand that you were pretty much — —

**Mr RAMSAY** — Not just its watch, over decades.

**Ms SHING** — Just like this festering issue.

**Mr SOMYUREK** — Okay. Could you take us through some of the measures or some of the discussions that happened on the board during the Fiskville time?

**Mr TUDBALL** — I do not actually have any notes in regard to Fiskville, Chair. I am sorry, I thought this inquiry was fire season preparedness. I was not called to give testimony to the Fiskville inquiry. I do see the commentary. I have seen some commentary in recent times. All I could say is that when the current board found out any issues, they responded quickly. It has been reported widely, so I am not going to over old ground. These are things going back to the 70s — custom and practice of the 70s. I am not excusing it; I am just saying how it was. I was not there. I have been to Fiskville. I lived 20 kilometres from Fiskville. Fiskville was my training ground, so I am as personally involved with Fiskville as anyone. Am I sorry for what happened at Fiskville? Absolutely. Who would not be? Could we do anything about it? I do not know. Others will probably judge that.

**Ms DUNN** — Thank you, Mr Tudball, for your submission so far. I am going to move to the subject of fire preparedness. I thought it was timely. In your introductory comments you talked about being troubled about preparedness for the incoming fire season, and you referred to the industrial issues and the CFA board impacting on preparedness this fire season. I am just wondering if you can elaborate on those comments, given that there certainly is a state of flux and a state of turmoil in relation to industrial matters. How is that manifesting and impacting on fire preparedness this season?

**Mr TUDBALL** — Again I can only talk at a board level up until June. I would give an assessment that the resources of the organisation were diverted away from some of that planning through the course of this. There were significant resources from chief executive and the chief officer during the course of all of these discussions, deliberations and, you would have to say, turmoil. When a chief officer resigns, a chief executive resigns, a board is removed and a minister goes, it has got to impact.

Are we ready for the fire season as an organisation? Absolutely. Again, I said it from the outset for a context, we are 365 days a year, 24 hours a day. We respond. Hamilton will be turning out right now. Bacchus Marsh did on my way down here. So we do it. We are there, we are ready and we are trained. But the organisation has been diverted, and the organisation has to have been impacted by losing that much knowledge — not the board; we do not fight fires, as board members we do not — but a chief officer and a chief executive going in that short a time, considering both were only in place from October and November 2015, settled down, going through a fire season, planning for the next ones, it would have to impact on the organisation.

As far as our ability to respond and do the work, I am very confident in what our volunteers and career staff do in their response. But some of the planning: I do not know how the fuel reduction burning has gone, for instance. There is a huge reliance on volunteers to do that now. I personally do not agree with that. I think it is a call on our volunteers, but there are many volunteers who love to do it and love to be involved.

**Ms SHING** — On private land, do you mean? Or both?

**Mr TUDBALL** — Supporting public land burning with DELWP. So we have got these things in place to support what is going on. I think at the highest level of the organisation we are absolutely diverted. There is no doubt about it.

**Ms DUNN** — So is it about certainly the systems that you had in place for fire preparedness chugged along, as they have, but that maybe did not have the close — —

That is not what I am saying. I am not saying it is not oversight; I am just trying to really understand, with the attention of those critical people in the organisation, whether there was any detrimental impact to fire preparedness this season. I know you have talked about diverting resources away but then also have said that we are also certainly prepared and ready. I do appreciate the efforts of the CFA because I live in the Dandenong Ranges, and if there is anywhere you are going to appreciate those efforts, it is there, because they are in my

driveway putting out the fire at my house. But I am just trying to get clear in my mind how you reconcile that there are issues with diverting resources yet we are prepared for this fire season — how those two things reconcile.

**Mr TUDBALL** — I guess the best way I can answer that is at the on-the-ground level about preparedness. The resources of brigades like mine have not been diverted. Whilst it is a topic of conversation — and significant conversation — we still train, we still turn out, we still plan, we engage with our communities. The programs that are non-operationally focused, as in response and squirting the wet stuff on the red stuff, still happen. So all that community engagement, which is a huge part of what all fire services do but particularly CFA because we are part of the community, they all still continue and are rolled out, so I have no issue with that.

Maybe it is a perception thing from a firefighter. If your chief fire officer is in the press, on the radio or whatever, being grilled about an industrial agreement for days and weeks and months, surely that must take a toll on our people. There are deputy chief officers and there are others and people who step up, and we still do the stuff. In my 36 years we have never not done the stuff.

**Ms DUNN** — That is right.

**Mr TUDBALL** — The stuff is still there, as far as I know. But surely we should be concentrating on all of our energies, which is what we do. Remember the organisation, as I said, with summer and the heightened awareness during bushfire season and the fire season, is preparing for this every day in all of the things that we do and all of the training. So the training is well entrenched in brigades, at brigade level. Like what used to happen — we do not need the chief to come out and show us how to put a nozzle on. We can do it all ourselves now. We are big boys — and girls. But you would have to think, just from a perception perspective, that for people in our organisation and, I think, more importantly the community — the community confidence, and I have seen something from the CEO about that today — we, the CFA, have to try and instil confidence back into the community that we have got our act together.

This is a diversion — absolutely — and that is why, I guess, from the outset I said, ‘I just wish someone could fix it’. We tried and failed, clearly. Someone fixes it, gets it off the front page, off all the media that is going on. I do not read the papers anymore because I am over it, to be honest, and so are most of my colleagues, particularly out in the rural areas. The metro areas cop it a bit more, I think, because it is in their face, but in rural communities you are walking every day down the street, and they are saying, ‘What’s going on with the bloody CFA?’. We are alright. You know, it is alright. We have still got our truck, and we are still doing our stuff, and we are still doing all the community engagement — the long answer. But the short answer is that we will do the stuff, and we do it well in my opinion.

**Ms DUNN** — You do do it well. Just lastly, the Dandenong Ranges is a close-knit community. We know our CFA volunteers by name. We shop in the same places. It would appear to me that there is a significant dent in the morale — significant — of our volunteer firefighters. I am just wondering: are you aware of anything the CFA might be doing at a broader level around pastoral care for those volunteers, because there is a real sense of grimness in some places?

**Mr TUDBALL** — I think one of our shining lights amongst many that I believe we have in the organisation — we tend to get dragged into the negatives; there are many positives of a community-based volunteer integrated career fire service like CFA — is our peer support program that we run and is second to none that I have seen anywhere. We have career and volunteer peers right across the state. They are embedded in brigades and in groups and in our structures. Those people — I used to talk to them regularly when I was out and about. I am more worried about the peers and the load that they take on. Predominantly they are volunteers who do that. So they are usually resigned from their firefighting days as they do not want to get on the back of the truck any more, but they want to help. I think we do it really, really well. I think the network within brigades works really well. So brigades have awareness sessions, have training on recognising it and know exactly where to go. You can do it anonymously or not. I think we do it really, really well.

Some brigades have really good leadership; some do not have as good a leadership. Some are really good operational firefighters, and some are really good people managers. Our captains — unfortunately now most of their job is people management and looking after our people, and our people do it really, really well. I am very confident in that. If there was any more money to go anywhere, I know Norm Bowen from up in the north-west

would tell me, 'Put it into the peer program', and we tried in our time to put as much support into that, because the non-response, non-firefighting stuff is really important to us. We turn out to road accidents every day — the cat up the tree and all the other things that we do — and very serious incidents, and our volunteers and career staff are amazing people for the job they do.

Can I say one thing about the integrated model? On the board, and I know the media has done it differently, I have never said, 'This is a career staff versus volunteer thing'. To me, this is a union versus the CFA. The career staff and the volunteers by and large get on extremely well. There is no issue with volunteers saying, 'You get paid and I don't' — there has never been an issue about that — and there has never been an issue that 'You're an underling because you're not paid'. We both treat each other as professionals, professional volunteers and professional career staff, and it irks me when I see professional versus volunteer. We believe we are both professional. We do a really good job.

**Ms SHING** — Paid to volunteer.

**Mr TUDBALL** — Exactly. We have got to work together, and that is why I am so passionate about all of this stuff. I could not really care less about the industrial stuff. I want to look after all of our people so that we can do the job and that volunteers and career staff can continue to work together like they did. We need to change our culture, we need to change our diversity, we need to do all of that. No-one has ever argued with any of that, and no-one has argued about the community safety, primacy of life and everything. But we have been diverted by this stuff, and we need to get back onto the real stuff. It is a great organisation, and it is a great job. It is a really great job being a volunteer and a career staffer, I am sure.

**Ms DUNN** — And those Dandenong Ranges brigades do a really good job.

**Mr TUDBALL** — I have got some good friends in Upwey and places like that.

**Mr DALLA-RIVA** — Thanks, Mr Tudball, for your evidence and, so far, part of your cross-examination as well. Just on a comment you made before, I had a question — 'Were you involved in any private meetings with the Premier?' — and you said you had not in one of your responses.

**Mr TUDBALL** — Sorry, had or hadn't?

**Mr DALLA-RIVA** — Hadn't. Had not.

**Mr TUDBALL** — No.

**Mr DALLA-RIVA** — But then you said or there was a comment that something changed. What do you understand by that comment? What do you mean that something changed?

**Mr TUDBALL** — The policy or the direction or the support for the CFA changed for some reason. I still to this day do not know. I have read media and speculation as to what it might be, but we clearly had government support. I think Simon mentioned about the Premier coming out and saying — I recall that. But the minister — we spoke and corresponded about this as a board and as individuals. So we were supported along this path because of some of the detail in the industrial agreement that we did not support and we did not agree with for a whole range of reasons, including cost, and then it changed.

**Mr DALLA-RIVA** — There has been some speculation, and I just put this to you, that the reason some of that changed was because of a meeting that was held between Steve Marshall from the UFU and the Premier —

**Ms SHING** — It is Steve Marshall now?

**Mr TUDBALL** — Peter.

**Ms SHING** — Steve Warrington or Peter Marshall?

**Mr DALLA-RIVA** — Peter Marshall, sorry. I am thinking of the opposition leader in South Australia. Peter Marshall in the UFU — so it was alleged that there was a private meeting between Peter Marshall from the UFU and the Premier to the exclusion of the minister and others. Would that have been, in your view, something that would have been the trigger for the 'something changed' comment that you made?



**Mr TUDBALL** — I really cannot comment. I have only heard in the media as well about that meeting. So me personally, I do not think our chair even dealt directly with the Premier. There were meetings with the Premier's office — I am aware of that — or DPC. But no, I am not aware, and I really cannot comment, sorry.

**Mr DALLA-RIVA** — Did the board or yourself personally have meetings with Mr Marshall from the UFU?

**Mr TUDBALL** — I did not. It never came to the board in full. Peter has been to the board previously, in previous lives — previous iterations — to board meetings, to talk about industrial agreements and all that, certainly when — —

**Mr DALLA-RIVA** — But he never did on this one?

**Mr TUDBALL** — Not on this one, no.

**Mr DALLA-RIVA** — So he preferred to go to the Premier than to you?

**Mr TUDBALL** — I would have to say — —

**Ms SHING** — Or the Fair Work Commission even.

**Mr TUDBALL** — I am not sure where he went. I guess the frustration we had — and, again, with those excerpts of the three letters that the board chair sent to the union, to Peter, and to get no response — and I think I have said in my submission, is that we were terribly frustrated by the negotiation process because of it. It is not a good process.

**Mr DALLA-RIVA** — This is on a document here from the CFA:

As you know, the latest proposal runs to some 450 pages and has been created and amended solely by the United Firefighters Union of Australia.

So did you have any involvement in the creation of the agreement?

**Mr TUDBALL** — What, that came to the CFA board?

**Mr DALLA-RIVA** — Yes.

**Mr TUDBALL** — No. It was a UFU document that came to us, and the last one was version 17.4 that I — —

**Mr DALLA-RIVA** — Version 17.4? So how many versions — —

**Mr TUDBALL** — I can only presume there are 17, but we never got to see 17.

**Mr DALLA-RIVA** — Seventeen, but there might have been iterations amongst the 17. So how many versions, do you know, as a former board member, did you have?

**Mr TUDBALL** — A lot. I think I can recall 14, I think.

**Mr DALLA-RIVA** — Fourteen?

**Mr TUDBALL** — Yes, and there were certainly four of the 17s. There were 17.1, 2, 3 and 4.

**Mr DALLA-RIVA** — We had evidence that some of the concerns were that there were, if my memory serves me, 12 key points — —

**The CHAIR** — Fourteen.

**Mr DALLA-RIVA** — Fourteen, sorry, there were 14 threshold — —

**Mr TUDBALL** — Threshold issues, yes.

**Ms SHING** — Threshold issues.

**Mr DALLA-RIVA** — Threshold issues. I will seek my legal counsel over here.

**Ms SHING** — The Chair can assist.

**Mr DALLA-RIVA** — The 14 threshold issues. I am interested in your earlier statement that you mentioned — and it relates to your submission — that the new CEO or the acting CEO with a health background is not in that environment. You also mentioned Mr Warrington, the current acting chief officer, but he has been the deputy for many, many decades, from what I recall, seeing his CV. Do you think this is his opportunity now and that is the reason why he has backed off the initial criticisms he had of the 14? Do you think that might have been part of it, that this is now his once in a lifetime to be the chief, after being the deputy for so long?

**Mr TUDBALL** — I have known Steve a very long time. Steve has been a great deputy chief officer, and he is a passionate CFA man. He would have an aspiration to be the chief officer. Would he sell his soul to get the job? I would not think so.

**Mr DALLA-RIVA** — That is why I was asking; thank you. I am not asking that question for that reason. I get the question. I am just asking — —

**The CHAIR** — Was he involved in the 2010 agreement?

**Mr TUDBALL** — Was he? Yes.

**Mr DALLA-RIVA** — He was not?

**Mr TUDBALL** — He was.

**Mr DALLA-RIVA** — He was. Just on your submission:

Again the relevance of this inquiry regarding fire preparedness —

and this is on page 7, and you quote —

with so much energy and focus going on the processes and agreements/work arrangements along a governance and management level that has no corporate knowledge now at all —

that is the reason I asked those previous questions —

leaves the state in an extremely high risk environment with regards to operations, management and governance.

Now, that is pretty powerful, and that is a very strong statement, in my view, about the fire preparedness for Victoria leading into the summer period. You note the CFA would still do the right thing, but that statement contradicts to a degree what you said earlier. Do you want to clarify the first part — a ‘level that has no corporate knowledge now at all’ — and how having no corporate knowledge at all leaves the state in an extremely high risk environment? Can you please elaborate on that particular statement in your submission?

**Mr TUDBALL** — So again I think I will refer back to my answer to Samantha earlier regarding the operations at ground level. We will do what we always do. If the balloon goes up, we do it. I am concerned, as I say in there, at the highest level of the CFA. Now, Steve has been around a long time, and Steve is an operational leader — there is no doubt about that — but there is a new CEO who has been there for a month or so and who has no fire services or emergency services background at all. And the CEO has a role in emergency management. The CEO has a role to make sure the organisation keeps ticking along. The chief officer has a very important role. I have got every confidence in Steve personally, absolutely. The whole board has gone, so from a governance — from a senior management level I believe it does leave CFA exposed. Will we still do the job at the ground level? Absolutely, we will, and we have got other arrangements in place now with the emergency management commissioner and EMV — Emergency Management Victoria — to oversight what is happening in major events during the summer. So Steve and other people from CFA will go into the state control centre just up the road, and that will occur. I am concerned about CFA still doing its organisational stuff when there has been that much of a drain, as I have said on that last page, from the organisation — absolutely. But we will still squirt the water and everything else that we do. We will still get the truck out the door, because that is what we do.

**The CHAIR** — But the coordination of the response could suffer?

**Mr TUDBALL** — Potentially, and again there are state arrangements in place with Craig Lapsley and all the agencies coming together. So the all-hazards, all-agencies, the one approach, will pick up any deficiencies, I think. Maybe that is why it was put in place. But I think CFA is at risk. It must be with such a drain out of it, I would have thought. From the government's perspective — and the boards do not put out fires, I know, but the boards do govern the organisation. I am not just saying me, but there were 35 years that walked out the door or were pushed out the door at the end of June.

**Mr DALLA-RIVA** — Some would say bullied. Were you bullied? Did you feel as a board that you were bullied, or do you personally feel that you were bullied out?

**Mr TUDBALL** — Well, we were certainly given an ultimatum in writing, and if we did not agree, we were gone. It was quite simple.

**Mr DALLA-RIVA** — Well, you did not agree.

**Mr TUDBALL** — No, we did not agree, and our reasons for not agreeing had been articulated everywhere. And interestingly that was a government view for quite some time.

**Ms BATH** — Thank you, Mr Tudball. I would just like to ask some questions. Someone else mentioned here tonight that you are two months out of date — it has been two months since you were forced out.

**Mr TUDBALL** — Not quite.

**Ms BATH** — And you mentioned in that last visual that you had version 17.4, and it was 400-odd pages.

**Mr TUDBALL** — It was 456.

**Ms BATH** — Correct, yes. My question is: how many of those pages from your intelligence and your understanding now would be transformed and different to what they were when you walked out that door, if we did a percentage? Is there a considerable amount, or is it considerably the same thing?

**Mr TUDBALL** — My understanding, and I think I said it previously, is with the resolution I have read from the current CFA board and in the statement of intent that has been agreed between the organisation and the UFU — my understanding has been that nothing has changed, which is why these other things have been put in place to counter that. Again I would go back to the board, in those letters, had articulated a way forward to fix clauses so you would not have to have all these other protections in place.

**Ms BATH** — And in your submission, at the back of it, you have a letter that is to Mr Matt O'Connor, Industrial Relations Victoria, and it is from John Peberdy, who we have had in here, the acting chairman, and in that, and I know — —

**The CHAIR** — The former chairman.

**Ms BATH** — The former chairman. The 'board considers that its concerns with the latest proposal may be categorised as follows', and there is an extensive list. It basically goes through five paragraphs, and within those five paragraphs there are multiple — and some of them there are 10 — clauses that there are concerns within. If I just look at one of them:

2. Obligations which unreasonably restrict the CFA's operational resourcing and flexibility, and impede the chief executive officer and/or the chief officer from discharging their statutory functions.

Can you explain that a little bit further to me in the light of the fact that the CEO, Lucinda Nolan, is gone and Joe Buffone has left because he felt that he could not discharge his duties under this situation?

**Mr TUDBALL** — Indeed, and I think that has been summarised and mentioned before by Richard regarding the threshold issues. In essence, each of those paragraphs are the threshold issues, and then each of the clauses relate to that threshold issue. I think it is 14 threshold issues and 56 clauses. That is broadly what we have always talked about are the issues. The advice from the chief officer of the day, particularly on that one that you identify about the operational resourcing, is that the chief officer wrote to the board indicating that he cannot undertake his statutory responsibilities if these are implemented through an industrial agreement. It was proposed then and it is still proposed now.

**Mr RAMSAY** — Was that after James Merlino besmirched his reputation or before it?

**Ms SHING** — Take that as editorial, I think.

**Mr TUDBALL** — This was while the chief officer was still with the organisation.

**Ms BATH** — Thank you. I have got a couple of more questions, and they probably relate roughly to clause 83, but we will not sit on the fence on that one. I have had comment from members, captains in eastern region, and they have commented to me that training is undergone on a weekly basis. That is part of the volunteers; they pride themselves on being upskilled and consistently trained. Many of the captains are qualified to train and so teach lesser qualified members.

But the comment was that under the proposal, where it may take 6 to 8 hours to conduct full training on an area, that will now transfer to take 12 to 16 hours. Could you explain why that person would have said that to me and what the implications are? I will just preface that he also said that that would be undertaken solely by career, paid firefighters and that the vols would not be able to do that role.

**Mr TUDBALL** — I imagine what the captain would have been talking about in regard to that specific clause is that it talks about the union needing to agree with the CFA on agreed training locations to conduct training, which cannot be a fire station. I am paraphrasing what the clause says, but it cannot be on a fire station. As mentioned before, we are one training ground down at the moment as well, and certainly Craigieburn does not have the capacity. The issue particularly affects my former area, district 15, so Ballarat, Bacchus Marsh, around there. We used to go to Ballan and now have to go to Horsham for training, or Penshurst. So what they are talking about there is the travel time to go, buses to get there, then do the training and then get back. There is also a restriction on how much training volunteers can do. There is no restriction, as far as I am aware, on volunteers training volunteers, but anything else, volunteers cannot do it.

**Ms BATH** — So in the past, and at present, historically volunteers could train volunteers. They would be at an acceptable standard. Now that would be a totally different situation and the volunteers would not be recognised for their level of training ability.

**Mr TUDBALL** — It depends on how that clause is implemented, like most of the clauses. It will have a direct effect on volunteers that are members of an integrated brigade, so the 34 integrated brigades around the state. My personal belief would be, and I am not sure where this captain was from — well, he must have been from a volunteer brigade if he was a captain, because you are not allowed to be a captain if you are in an integrated station — it would have been the travel that he was talking about. My belief is that at the 34 integrated stations the volunteers would be severely impacted by it, less so for volunteers at Bacchus Marsh or Hamilton. We can still train each other, so there is no issue.

**Ms BATH** — Is there weekend training, because many volunteers have real, normal, paid, life-sustaining jobs?

**Mr TUDBALL** — All of us, pretty much.

**Ms BATH** — So is there provision for that?

**Mr TUDBALL** — Flexible training? It is less flexible with the facilities that we have now. Obviously for the outer metropolitan area, Fiskville and Craigieburn were the two main ones that we would previously utilise, predominantly Fiskville because Craigieburn has been around for two or three years. Craigieburn does not have the capacity; it is going through recruits. The fire service is putting through 450 new recruits, which is great — it is amazing, it is fantastic — but there is no capacity for volunteers to go there, so they have to go elsewhere. The issue is if it is specialised training that cannot be done at a fire station — so, hot-fire training, as an example — they would have to go to another location, so out to the south-east training ground, so they have to travel is the issue with that. Then you have to book in to do it, of course.

**Ms BATH** — So it can have an impact on the availability of volunteers to get there and access that?

**Mr TUDBALL** — It is severely restricting volunteers in my area. I know that.

**Ms BATH** — You made mention around the lack of flexibility and the allocation of resources earlier on. Again, in speaking with volunteers, there was another comment. We will say a paid person in maybe a hierarchy position has made comment to volunteers in my electorate that there will be pressures on their equipment and ‘Don’t expect anything new to come through because of this’.

**Mr TUDBALL** — Pressures on, as in?

**Ms BATH** — The volunteers will have to self-fundraise to a greater degree.

**Mr TUDBALL** — It probably goes back to the argument about full funding. The CFA historically — anyone can look at this — we have never been fully funded by anyone to implement new fire stations, new career staff, new volunteer stations or new appliances. There is always something that is not done. Whether it is that the CFA do not put a good enough case together, generally what it is is the ongoing costs are not catered for in any budget allocation, so you get the one-off, which is fine.

I think it is appropriate, to an extent, that volunteer brigades do fundraise in the local community. It gives community ownership and communities like to see what goes on in their area. So traditionally we will fund equipment and additional trucks, or appliances, as we call them. The government and the CFA provide the base of the need but, you know, we have other requirements in the community, and I think it is right the community contributes to that with fundraising. It happens in Bacchus Marsh; it happens in Hamilton. I think it is appropriate. If it comes down to operational equipment that should be provided by CFA and the government, then that is starting to err on the side of wrong, I would have thought.

**Ms BATH** — Thank you very much. The other day we had Mr Peberdy in, and he made a comment that under the proposed modelling for the proposed EBA it would cost somewhere between \$600 million to \$700 million. That was his comment; I think it is on the Hansard transcript somewhere. Would you like to comment on that?

**Mr TUDBALL** — John and I have not colluded, but we were given the same advice. My figures in the submission are in the order of \$627 million. That is the total; that is the four years, not annually. The Department of Treasury and Finance and CFA worked together on these things, and they arrived at 596, as I understand it. Now, the world may have changed since then, but what was provided to CFA from the chief financial officer is somewhere between \$671 million and \$755 million. I cannot put any rigour behind those figures. We need to separate out the 350 firefighters, because they were a budget allocation from the government to do that, but there was no allocation for the infrastructure associated with the 350 firefighters. That is new fire stations, three of which are in the proposed agreement, and trucks and all the other toys that we have to do our very important job. None of that was allowed for. I have to say that I am personally surprised at \$160 million; if it is \$160 million per year over four years, that nearly adds up to about that, but I do not know. I am not the Treasurer.

**Ms BATH** — Thank you, Mr Tudball.

**The CHAIR** — Can I thank you for the evidence today. I just want to ask you about this letter that is attached to your submission, of 4 May, signed by the acting chairman at the time. This is a letter that went to Industrial Relations Victoria, and that was as part of the discussions that were going on with respect to the EBA.

**Mr TUDBALL** — Yes.

**The CHAIR** — Was there a response to that?

**Mr TUDBALL** — No, not that I am aware of.

**Ms SHING** — Not in writing, or at all?

**Mr TUDBALL** — Not that I am aware — nothing that came back to the board.

**The CHAIR** — And is this the letter that seems to have changed the attitude of the Premier and others?

**Mr TUDBALL** — I could not say, to be honest, in the timing — 4 May, do not know.

**The CHAIR** — I am just trying to understand the sequence here.

**Mr TUDBALL** — Can I just explain why that letter is there?

**The CHAIR** — Yes.

**Mr TUDBALL** — Why I put it, because again, under privilege or whatever, this summarises the concerns that the board had to IRB, who were doing negotiations as well — obviously, being the state body — to support that, to articulate to them. I thought the key concerns in the threshold issues, in the 14 and the 56 and everything, are summarised in this letter. I thought it gives a good indication; it is not under any privilege or anything like it.

**The CHAIR** — Seven on field and all those matters.

**Mr TUDBALL** — Yes.

**The CHAIR** — Yes, I understand. Thank you, and can I reiterate our thanks for your submission and your evidence. The secretariat may be in touch with you for a response over the period because there are a number of documents we have sought. But thank you very much for your evidence tonight.

**Mr TUDBALL** — Thank you, and thanks for your time.

**Ms SHING** — Particularly in the context of some intense questioning. Thanks, Mr Tudball.

**Mr TUDBALL** — It is a pleasure. So Joel will specify those documents, because I did not write any of them down.

**The CHAIR** — Yes. They will all be on transcript.

**Committee adjourned.**