

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Budget Estimates 2016–17

Melbourne — 20 May 2016

Members

Mr Danny Pearson — Chair

Ms Sue Pennicuik

Mr David Morris — Deputy Chair

Ms Harriet Shing

Dr Rachel Carling-Jenkins

Mr Tim Smith

Mr Steve Dimopoulos

Ms Vicki Ward

Mr Danny O'Brien

Staff

Acting Executive Officer: Leah Brohm

Business Support Officer: Melanie Hondros

Witnesses

Ms Jane Garrett, Minister for Emergency Services,

Mr Greg Wilson, Secretary, and

Mr Neil Robertson, Deputy Secretary, Emergency Management, Department of Justice and Regulation, and
Chief Executive, Emergency Management Victoria, and

Commissioner Craig Lapsley, Emergency Management Victoria.

The CHAIR — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2016–17 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome the Minister for Emergency Services, the Honourable Jane Garrett, MP; Mr Greg Wilson, Secretary of the Department of Justice and Regulation; Mr Neil Robertson, Deputy Secretary, Emergency Management, and Chief Executive, Emergency Management Victoria; and Commissioner Craig Lapsley, Emergency Management Victoria.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. Witnesses will not be sworn but are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

Questions from the committee will be asked on a group basis, meaning that specific time has been allocated to members of the government, opposition and crossbench to ask a series of questions in a set amount of time before moving onto the next group. I will advise witnesses who will be asking questions at each segment.

All evidence given today is being recorded by Hansard, and you will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

All written communication to witnesses must only be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way and cannot photograph, audio record or videorecord any part of these proceedings. Members of the media must remain focused only on the persons speaking. Any filming and recording must cease immediately at the completion of the hearing.

I invite the witness to make a very brief opening statement of no more than 5 minutes. This will be followed by questions from the committee.

Visual presentation.

Ms GARRETT — Thank you very much, Chair. I appreciate the opportunity. As we go through this estimates hearing I think it is important to reflect on the summer season, particularly the fire season that we have had here in Victoria in 2015–16. There was a total of 4995 fires, both grass and scrub, and 16 major fires. We have lost 148 houses and 68 sheds; 2710 buildings were damaged and 28 334 hectares of land were burnt. Trees down from both fire and storm are close to 7000, total requests for assistance almost 13 000 and a really incredible figure really — 32 000 paid and volunteer firefighters turned out over this season.

While we saw some devastating loss of property, we saw families and communities horrifically impacted, the most important number of all is that we did not lose a single life to fire over this summer despite the huge blazes that we saw, and that is in no small part — or in every part — due to us working as one to the new structures that have been put in place post the royal commission, led ably by the commissioner, who is here with us today. That working, that resilience, that preparation and that response is quite extraordinary.

As we then move into the budget breakdown, we can see that the emergency services portfolio was represented by the highlighted slice of pie of 1.095 billion. These funds provide the output budgets for CFA, MFB, SES and EMV and also contribute to ESTA's budget.

As we move towards our initiatives, our recruitment of firefighters is on track. We are investing significantly in the resources to keep our community safe, with firefighter training facilities. We knew that we needed to close the Fiskville training facility regarding the ongoing health risks, so the budget provides a new firefighter training centre in the Central Highlands in line with our election commitment and an upgrade to the training facility at Huntly. We have also got money to invest over the next four years to decommission and remediate the former Fiskville training site and conduct environmental upgrades and audits at six other operational or emergency training centres located across regional Victoria.

Significantly we are also expanding the emergency medical response program so firefighters have the training they need to help save lives during medical emergencies. Then there is vital funding to help the Emergency Services Telecommunications Authority, ESTA, to respond to the more than 2.4 million calls it receives

annually, an average of 1 call every 13 seconds. The budget also provides money for the redevelopment of the surf lifesaving club houses in Victoria.

We are fulfilling our previous commitments regarding making communities across Victoria safer and more resilient. The CFA amenities grant, installing toilet and washroom facilities in 50 CFA stations, is over 80 per cent complete as at the end of April and on track to be completed by the end of June. We have had completion of upgrades and modifications to rural fire stations, and that has been one of the great privileges of my time as minister, to be in attendance to see that some of those are opened and the joy of the community. A further three sites are under construction and on track to be completed by the end of June — Skye, Narre Warren East and Welshpool. Project 2016 stations completed in the past year include Eltham, Portland, Warrnambool and South Warrandyte and a new station at Huntly, with land secured and construction in progress. On trucks, orders placed with the accumulation of 80 appliances, with 20 delivered and the remaining expected to be delivered by the end of August. On the Altona fire station for MFB — the completion of that construction — it was a pleasure to open that, in conjunction with the local member and Minister for Health.

EMR training for the first two brigades, Mornington and South Morang, has been completed, with planning for the rollout of the remaining program underway, including support frameworks, policies and procedures. On our bushfire shelter options, completion of the Wesburn-Millgrove fire refuge, and again, one of the great privileges was to be able to attend there on a number of occasions.

There is the 000 service communication enhancement — completion of the replacement of the 000 telephony platform to support future communication methods and improve efficiency of call taking and dispatch services; Bellarine HQ — completion of upgrades to the SES Bellarine HQ, including new training facilities and equipment storage.

We are also looking forward — to our post-traumatic stress disorder trials, and to presumptive legislation. This is about looking after the people who look after us right across Victoria. We are committed to the introduction of the presumptive rights for firefighters who contract certain cancers, and making it more simple for firefighters to access compensation. We are also committed to looking after the mental health and wellbeing of firefighters who often are witness to and involved in horrific incidents. As part of our election commitment we announced the pilot program of specialised support services for firefighters who suffer PTSD. We need to invest in the people, the equipment and the resources to ensure that the state of Victoria is kept as safe as it possibly can be before, during and after major traumas and events.

The CHAIR — Thank you, Minister. We will start with government questions. Ms Ward, until 11.03 a.m.

Ms WARD — Welcome back, Minister. Welcome everyone — nice to see you; thank you for coming along. Minister, one of the first things I want to do is acknowledge the achievements that the government has done over the past 18-or-so months, in particular the Plenty CFA rebuild, the \$50 000 that was allocated in this budget for the Research CFA as well as the new truck that Research received in December last year, so thank you.

Ms GARRETT — Thank you.

Ms WARD — Minister, as you would imagine, Fiskville is something that I am quite interested in, and I do want to ask you some questions about that. But before I do, if I could get you to go back to the first page of your presentation, where you talk about the summer season. Could you give us a brief summary of the effects and the impacts of the 15–16 fire season on Victoria and on Victorians in particular?

Ms GARRETT — Yes. Every season brings seemingly more challenges than the previous one, and this was the longest fire season really we have had. It began in October and did not finish till well into March, and even into April and May we had some hot weather and a bit of excitement. I will get the commissioner to speak, but I did want to reiterate how proud I am, and I know that the minister for environment is of her DELWP firefighters, and the Premier.

We travelled the state and visited every fireground, as of course we should, and just saw firsthand the exceptional work of the firefighters, of Parks Victoria. The Wye River fire was an incredibly difficult blaze. It was in extraordinary terrain. There was the work of all fire agencies — and I will let the Commissioner speak to that — but most importantly what we are seeing now is the community is listening to the warnings. They are

engaged early. The evacuations that needed to take place went remarkably smoothly. That is a testament to the agencies, the police and the community — the resilience of the community, their engagement, their kicking together and standing together during times of great distress and then the recovery and all of that work. It has been very inspiring to see that operate. Commissioner?

Comm. LAPSLEY — If I may, and thank you. I think the reflection on this fire season is very important in the sense that it is the first time, in the five years that I have been in this job, that we have seen a change in the community behaviour to the point that we saw no death and no major injury, but we did have an impact on significant property. I think that is a very important point to understand, that 148 houses lost in a season is a very significant loss to Victoria. Obviously Wye River is the biggest part of that, but it is not only Wye River — Scotsburn —

Ms WARD — Do you think it worked well because of the working together across agencies, where the communication was working and people worked well together?

Comm. LAPSLEY — I think the philosophy that we have now joined together to be before, during and after — the philosophy that we work as one — and when we say that it is with the community, it is across all the agencies and it is with business, and the examples of how we have been able to see clean-up achieved, connection to local government. We have always been good, but we have certainly learnt in the last five years how to be better and better again. I think that is a testament to what has been achieved by many people, whether career/volunteer, whether community-based, whether in a government agency or non-government agency. We have got the connection, it is working and we have just got to make sure we work hard to keep it working and improve on those small things.

I use as an example traffic management, which has always been a problem for us. Every year we get caught about how people are not able to regain access to their community, their property. We had that on 6 October in the fires at Lancefield — it came out as a key issue — and we were able to be agile enough across the agencies to change that during the fire season. I give that credit to VicPol, but also the fact the agencies took it up as an issue. We did not wait for some major debrief at the end of the season; we were able to change and modify things to get it right as we went. I think that tells you about the commitment, but the agility — and I use that word in particular, because sometimes we have not been agile enough to be able to do that.

Ms WARD — That is a good point. Thank you, Commissioner. Minister, if I can turn you to Fiskville — if I go to budget paper 3, page 97 — there is \$80.7 million allocated towards Fiskville, which will be used to decommission it, to remediate and to look at a new facility; there is \$40 million for that. What has been done for those who have been affected by the closure of Fiskville? We know that within the broader community there are some issues around that and how the Ballan community has been affected? Could you please talk to that?

Ms GARRETT — Yes. Fiskville is one of the very difficult and dark chapters in the history, and the wellbeing and safety of our firefighters and those who work in emergency services has to be paramount. As a result, as the committee is aware, we supported the CFA board's decision to permanently close Fiskville when there was ongoing and persistent discovery of toxicity, including relating into the water mains, despite a significant amount of money already having been expended on remediation works during the previous term of government. This is why, as you are well aware, the inquiry was established, and I understand from reports in the media that work has been very significant, a lot of work has been done there and it is due for release shortly.

Ms WARD — Next week.

Ms GARRETT — I understand we will see it next week — it will be tabled — so we look forward to seeing that. This additional \$80.7 million will be to implement the remediation measures at Fiskville and the CFA's six other operational training centres, and we want to get rid of the contaminated infrastructure using the EPA's preferred waste management hierarchy of on-site containment of affected soils and treatment, and the results of the environmental and the final report will also help — the inquiry will help assist —

Ms WARD — How is this audit of the other operational training centres, the six of them, going to work?

Ms GARRETT — Commissioner, did you want to speak to that?

Comm. LAPSLEY — Yes. Well, it is actually part of their business as usual because they are still operating centres, so it is about sampling water samples in a scientific way, and it is ensuring we have got the history and understand the sites. Without a doubt the use of foams is one of those key issues, so the focus is on the use of foams and what is the residual of what is on — each of those training centres have had slightly different management regimes in the sense that they have started at a different point. The example, the Wangaratta one, has got decades of history, whereas the one at Penshurst is a lesser time. So there are different starting points. The key thing is that there is a scientific regime of testing water, soils, and that is the key issue that we now know where — —

Ms WARD — This is the rigorous testing that will actually hold up as you go further up the chain of analysis?

Comm. LAPSLEY — Absolutely, yes.

Ms WARD — Unlike what we saw at Fiskville?

Comm. LAPSLEY — That is right, and it is engaged with the correct agencies, it is signed off with the methodology and we have got confidence in the way in which we are collecting the data to inform us about proper business decisions. And it is broader than that, because it has also got a broad community involvement. So community, the neighbouring community, are also very interested in these sites, and rightly so. So it is not just about the fire service; it is making sure we are engaging with EPA and other agencies and the local community and local government.

Ms WARD — Good; thank you. Minister, I know one thing that came up many times during the Fiskville inquiry was not just the emotional connection that firefighters, volunteers and professional, have with Fiskville but also the memorial wall that is at Fiskville as well.

Ms GARRETT — Yes.

Ms WARD — What are the plans to happen with that?

Ms GARRETT — So that is an absolutely hugely significant memorial wall, and we were recently at the annual service to pay our respects and honour those who lost their lives while fighting fires in this state. So we are working closely with the community and with families to ensure that there is not just an appropriate new location but an appropriate honouring of those who have lost their lives protecting others. Commissioner Lapsley is leading that, and that is very significant for us. Also, as you identified, we will have a new training facility — the money has been allocated — in the Central Highlands, which is very significant. We made that commitment to the people.

Ms WARD — Has land been found for that?

Ms GARRETT — We have been in negotiations with a range of landholders. Unfortunately to date that has been unable to be secured. We are looking at all options, but the money is allocated here — —

The CHAIR — Order! The Deputy Chair, until 11.14 a.m.

Ms WARD — Thank you, Minister.

Mr MORRIS — Welcome back, Minister.

Ms GARRETT — Thank you.

Mr MORRIS — The budget paper references are BP3, page 282 and 283, which is the emergency management group output, and also BP5, page 6, which relates to employee expenses. Minister, as all of Victoria now knows, the Premier had a secret meeting with Peter Marshall, the head of the UFU, at which you were not in attendance. When did you receive an invitation from the Premier to attend?

Ms WARD — So are we going through diaries again?

The CHAIR — Order! Minister.

Ms GARRETT — As I have said repeatedly, the Premier is absolutely entitled to meet with whoever the Premier wants to meet with, and he does so on a regular basis in any given week. I was advised of the meeting prior to it taking place.

Mr MORRIS — But you were not invited?

The CHAIR — Order! The minister has answered the question, Mr Morris.

Mr MORRIS — I heard that the minister was advised of the meeting.

Ms GARRETT — I was advised that the meeting was taking place.

Mr MORRIS — Thank you. Can I ask you: how long after the meeting with Mr Marshall did the Premier take to contact you to discuss the outcomes?

Ms WARD — We are wandering a little bit away from budget papers here, Mr Morris.

The CHAIR — Order!

Members interjecting.

Ms SHING — Anything for a headline.

Ms WARD — Anything.

The CHAIR — Minister.

Ms GARRETT — Shortly after.

Mr MORRIS — Shortly after. A matter of minutes, hours, weeks?

Mr DIMOPOULOS — Why is it relevant?

Ms SHING — Because we need something for the headline.

Ms WARD — Did you have a stopwatch going, Mr Morris?

The CHAIR — Order! Mr Morris.

Mr MORRIS — A matter of minutes, hours, days, weeks?

Ms GARRETT — It was on the same day.

Mr MORRIS — The same day. Thank you.

Ms SHING — What did you eat for breakfast this morning, Minister?

Ms GARRETT — Actually, I did not eat, so maybe I should do something about that.

Mr MORRIS — Budget paper 3, page 37, relates to the initiative to expand the central bargaining unit. In relation to the current UFU-CFA dispute, has the central bargaining unit provided any advice to you?

Ms GARRETT — I might get the secretary to respond to that, but certainly there are — it is my understanding and knowledge there are a range of agencies involved in this dispute including, obviously, the parties to it, being the CFA and the IRV, EMV and DPC.

Mr WILSON — Perhaps if I can add: our people, or people from my department, liaise with the Department of Premier and Cabinet and IRV as appropriate throughout these negotiations.

Mr MORRIS — So has advice been provided?

Mr WILSON — Well they have not provided advice to me, Deputy Chair, so I cannot really answer what advice has been provided by — —

Mr MORRIS — I actually asked if advice has been provided to the minister. The minister has handballed it to you, and that is reasonable.

Ms GARRETT — These are ongoing negotiations that are currently, again, before the Fair Work Commission. We are working through those issues.

Mr MORRIS — I will take that as a yes. Can I move to a — —

Members interjecting.

The CHAIR — Order!

Mr MORRIS — Can I move to a slightly different subject. Clause 44.2.7 of the draft CFA enterprise bargaining agreement requires the presence of seven career firefighters on the ground prior to the commencement of operations. Can you or Mr Lapsley — but clearly this is primarily a matter for the minister at this point — advise the committee whether any report regarding the viability and the costs of that clause has been sought?

Ms SHING — A point of order: negotiations, as the minister has just indicated, are continuing between the parties with the assistance of the independent umpire, the Fair Work Commission. On that basis, how is it relevant to the budget papers to seek to continue negotiations in the public domain, as has been the case in recent weeks and as you are continuing with now, Mr Morris? It bears no relevance to the budget papers whatsoever.

Mr MORRIS — Chair, on the point of order, the question sought information as to whether any report regarding the viability and costs of that clause had been sought. We are here discussing the estimates for the year. I am interested in the costs.

Ms SHING — Further to the point of order, the Deputy Chair's question refers to a clause of the draft EBA. Again we are seeking to interrogate the terms of a negotiation which has to continue in good faith and which is continuing with the assistance of the independent umpire. This bears no resemblance to what needs to happen at the end of the day, which is an agreement between the agencies and the representatives.

The CHAIR — Order! I think in relation to the Deputy Chair's question, the question will have an impact upon the forward estimates insofar as an agreement will ultimately be reached and there will be a cost imposed to some extent across the forward estimates, but I am also very conscious of the fact that this is a live negotiation and it would not be wise for the minister to telegraph the nature of those negotiations.

Mr MORRIS — I am not asking about the nature of the negotiations; I am asking about the potential costs.

The CHAIR — Order! I am happy for the minister to talk to that.

Ms GARRETT — There is a log of claims, there is a negotiation ongoing and there is work that goes on while those negotiations go on. Clearly when an agreement is reached there will be a costing associated with it, as there should be, that will be transparent.

Mr MORRIS — So no report on the costs of that clause has been sought?

Ms SHING — That clause? It is a negotiation, Mr Morris.

Mr MORRIS — No report on the costs of that clause?

Members interjecting.

The CHAIR — Order!

Ms GARRETT — There has been a considerable amount of work done throughout this — a huge amount of work done. When the agreement is finalised, it will be done on the basis that it delivers a fair and reasonable outcome for Victorians.

Mr MORRIS — I am not asking about the agreement; I am asking whether you have sought a report or advice on the costs of this clause.

Ms WARD — You are asking a question that is relevant to the agreement, Mr Morris.

The CHAIR — Order!

Ms GARRETT — There has been a lot of work done over the time this has been in negotiation. When the agreement is finalised, then there will be a full analysis of that costing.

Mr MORRIS — So can you rule out signing an agreement that would require the presence of seven career firefighters on the fireground prior to the commencement of operations?

Ms SHING — A point of order. In relation to the obligations around good-faith bargaining, to ask the minister on behalf of the agencies to conclude a position about a negotiation that is on foot would be contrary to the federal legislation that requires good-faith bargaining. Again, we are back to industrial relations 101.

Mr MORRIS — We are actually engaged in estimates 101.

Ms WARD — We would hope that that was where your question was heading, Mr Morris, but it is not.

The CHAIR — Order! Because this is a live negotiation, I do not think the minister is in any position to rule anything in or out at this stage until the negotiation has been finalised.

Mr MORRIS — Okay.

The CHAIR — If the minister wants to add to that, I am happy for her to do so, but perhaps you might want to rephrase your question or ask another question, Mr Morris.

Mr MORRIS — No, no. This is a central issue with regard to the costs to the estimates of this output: the presence of seven career firefighters on the ground prior to the commencement of operations. Is that acceptable to the minister, or is it not acceptable to the minister?

Ms SHING — Again, a point of order.

Mr MORRIS — Clearly, Chair, the government members have decided that they are going to try and frustrate and —

Ms SHING — Comply with the federal legislation obligations that the government has to bargain in good faith, Deputy Chair.

Mr MORRIS — waste the very limited time that is available.

The CHAIR — Order!

Mr MORRIS — And now you are going to talk over the top of us as well.

Members interjecting.

The CHAIR — Order! Again, I think the minister is at somewhat of a disadvantage because the negotiations are ongoing. To rule anything in or out when the negotiations are ongoing could preclude or disadvantage the state's bargaining position in relation to a live negotiation.

Mr MORRIS — Okay. If the minister is not prepared to respond, I am happy to move on.

Ms GARRETT — I am more than prepared to respond. Any agreement that is reached between the two parties will be an agreement that respects our career and our volunteer firefighters and that is fair and reasonable to Victorians.

Mr MORRIS — But you are not ruling it out. Okay. Given that you have also not ruled out — —

Ms GARRETT — My views on this are well known, Mr Morris — well known.

Mr MORRIS — No, no. I am moving on to another subject. I am saying: given that you have also not ruled out a UFU veto board or consultative committee be established by the CFA through the current enterprise bargaining process, how would a veto board affect the CEO of the CFA, the operations of the board and Emergency Management Victoria's role within the scope of the budget?

Ms GARRETT — Again, Mr Morris, any agreement that is reached — and there has been no agreement reached — will respect the work of our career and volunteer firefighters and the incredible work of the operational staff who keep us safe. My commitment is and always has been that that agreement will be fair and reasonable and will do just that.

Mr MORRIS — Okay. I was going to ask you whether you would rule out a consultative committee being established by the agreement, but I assume I will get the same answer, so I will not ask you that.

Ms GARRETT — My views are well known, Mr Morris.

Mr MORRIS — Can you confirm that any EBA that the government may commit to will not negatively impact CFA's operational and capital funding?

Ms SHING — Again.

The CHAIR — Order!

Ms GARRETT — Again I reiterate, as I have said on many occasions, that any agreement that is reached will be one that respects the work of all of our firefighters and that keeps Victorians safe.

Mr MORRIS — But you cannot advise us about the impact on the operational and capital funding?

Ms GARRETT — I reiterate what I have said on many occasions.

Mr MORRIS — Minister, is it your understanding that the current definition of the government's wages policy is still 2.5 per cent plus 5 per cent productivity?

Ms GARRETT — That is my understanding.

Mr MORRIS — Thank you. Secretary — and this is a question that has been posed to other secretaries — can you confirm that for your department the budget estimates reflect 2.5 per cent wage increases in the base operating budget for unresolved EBAs?

Mr WILSON — Sorry, unresolved EBAs for our department?

Mr MORRIS — In other words, 2.5 per cent has been provided, but no additional funding for — —

Mr WILSON — I am happy to take that on notice, because I know there has been an investment in community corrections and the agreement reached there includes some changes around productivity in that area. But I am happy to provide further details on that.

The CHAIR — Order! Ms Pennicuik, until 11.20 a.m.

Ms PENNICUIK — Good morning again, Minister, Secretary, Mr Robertson and Mr Lapsley. Thank you for coming today — and the other staff who are here.

Minister, I do not have a lot of time with you today. I am going to try and whizz through a couple of questions. The first one — I am just looking for a broadbrush answer here — is that your pie showed \$1.095 billion as the total budget, and that is 674 of the fire services levy, so that leaves around 421, according to my calculations, of general revenue, I presume, going into the budget. Given the fire services levy is to be spent on certain things — and there is a large number of items listed on pages 4 and 5, which are very interesting — could you just give me a broadbrush answer as to what is actually coming out of the levy and what is coming out of general revenue, in terms of funding of those items?

Ms GARRETT — Mr Robertson, do you want to talk to that?

Mr ROBERTSON — I might answer that one on the minister's behalf, and we can give you a more detailed breakdown because I do not know precisely. But broadly, for both the CFA and the MFB there is a ratio in both their statutes, so for the CFA it is 77.5 per cent from the levy and 22.5 per cent from the Consolidated Fund, and for the MFB it is 87.5 per cent from the levy and 12.5 per cent from the Consolidated Fund. Some — in fact most — of the initiatives in the budget, though, the government has decided to fund entirely from the Consolidated Fund, and that is where we would have to give you that on notice.

Ms PENNICUIK — Yes, because the levy is for operational — there seems to be a mix of operational and other initiatives here, so I am just trying to get some detail there.

Mr ROBERTSON — Yes, correct, but we can give you that breakdown. I just wanted to explain the ratios. So on top of that aggregate fire services levy contribution and the Consolidated Fund contributions under that ratio, and then on top of that the government has chosen to fund a number of initiatives from consolidated rather than drawing on the levy.

Ms PENNICUIK — Okay, and some of those initiatives that you are funding from consolidated are to support initiatives that are ongoing work that is done out of the levy.

Ms GARRETT — Sorry?

Ms PENNICUIK — Just in terms of — for example, a medical response program, the telecommunications authority, CFA appliances and that sort of thing, are they coming out of the levy or are they coming out of the general revenue? That is the sort of information. I am happy to have it on notice, to provide the detail.

Ms GARRETT — Yes, certainly the levy is a matter for the Treasurer of course, and he made it clear on numerous occasions that our election commitments are not funded out of the levy, many of which are — —

Ms PENNICUIK — Right. So if we could have a breakdown of that, that would be very helpful. My next question is regarding volunteers. On page 282 of budget paper 3, it shows that the operational volunteers target has not been met, and the note says, 'due to continuing improvements in data quality for volunteers'. So I wonder if we could have a comment on what that actually means.

Ms GARRETT — Certainly I have got information for you, which is good information. As you are aware, the volunteers play a vital role in our emergency services right across, be it in fire, in lifesaving, in our state emergency service. We have seen that clearly throughout this summer season. Also we are in storm season and we have had — I was at an event earlier — an incredible commitment from our lifesavers. Unfortunately we have suffered a number of drownings this summer, which is devastating for, first and foremost, the families but also those who are responding to those situations.

Ms PENNICUIK — A minute and a half, Minister.

Ms GARRETT — So in good news, while the budget papers indicate that volunteer numbers are expected to decline, the actual volunteer numbers, which have been received after these budget papers were prepared — we have further numbers, and our numbers are holding steady and we show we have a total of 61 393 volunteers across those services. So it is a good news story. While it did look like we were in decline, the latest figures show we have held steady.

Ms PENNICUIK — So what does the note mean about data quality improvement that is causing this change in the expected outcome?

Mr ROBERTSON — If I could just expand on that, the data quality issue was that both the CFA and SES conduct an audit, if you like, to clean up the books and, for example, to remove inactive volunteers, unfortunately deceased volunteers et cetera. The forecast decline in the budget papers was attributed to what was anticipated to occur through that process. In the report at the end of the third quarter, as the minister said, the good news was the number was higher than expected. The main reason for that has been — —

The CHAIR — Order! Ms Shing until 11.30 a.m.

Ms SHING — If you would like to finish that answer, Mr Robertson.

Mr ROBERTSON — The main reason for that has been some movement from the operational to the support volunteer stream.

Ms PENNICUIK — Okay, that is interesting.

Mr ROBERTSON — But the numbers are higher than anticipated.

Ms PENNICUIK — Thank you, Mr Robertson.

Ms SHING — Thank you, Minister, for your presentation and opening comments. I note that you refer specifically to post-traumatic stress disorder. Again that is something which particularly affects the regional and rural areas, where people are very isolated and where the level of trauma and exposure to enormous levels of horror around protecting life, livestock and property often goes on unnoticed for lengthy periods of time. So I take you to budget paper 3, page 282, around current and future staffing levels. Can I ask you to provide further information about how we implement the commitment for a post-traumatic stress disorder trial within the fire services and further detail on when and how the trial is going to operate, who is going to benefit from it and how it is going to make a difference to often a nightmare that firefighters continue to encounter on a daily basis after they have finished dealing with any sort of emergency situation?

Ms GARRETT — Thank you, Ms Shing. Absolutely, we do know that our emergency services responders do have real issues around this, given the nature of their work and what they are exposed to, and often part of it is breaking down the stigma of asking for help when you need it, particularly in many of these areas in which people are tough and strong.

Ms SHING — Being invulnerable is a requirement of the job.

Ms GARRETT — Yes, and so it is really important that we provide services to people and also educate people about it being okay to ask for help and it is fair enough if you are suffering, given what you are exposed to on a day-to-day basis. So that is why our election commitment related to the establishment of the trial around post-traumatic stress disorder for firefighters, and we brought work on the trial forward and the program development is on track now to be completed by June 2016.

The pilot program is based at the Austin Health Heidelberg Repatriation Hospital, and its aim is to help identify post-traumatic stress disorder in firefighters and then enable access to services to help increase recovery. It is to provide access to well-established, one-on-one clinical services currently offered by the psychological trauma recovery service at the Austin Hospital. The pilot can accommodate around 60 trial participants meeting the Austin's diagnostic criteria for PTSD, and they will be able to receive 12 sessions of one-on-one evidence-based treatment with options to extend to a maximum 24 sessions based on clinical need.

Ms SHING — What about people in remote areas? Is there any capacity for them to access the trial? Because of the tyranny of distance, often these things might not be as accessible as they are for people in metropolitan areas.

Ms GARRETT — Absolutely. We are in the consultation-design phase. As I said, it will be completed by June — this process. We have representatives from the volunteers — the VFBV, CFA and MFB — and other stakeholders were invited to attend. We will have an appropriate start date. But what we are determined and very keen to do is make sure that the program is available to the broad range of firefighters, be it volunteer or career, be it regional or metro. This is about making sure that we are identifying where people are at risk, giving them the one-on-one care and then looking at how we would expand out a broader program using our very best medical services, which are, of course, at the Austin.

Ms SHING — That would be available to both volunteer and paid firefighters on the basis that they all sustain the same sorts of trauma associated with emergency response. On that point, Minister, and moving to the issue of presumptive legislation and rights, I would like to get some further information from you around what you referred to in your presentation around reforms and the commitment to simpler pathways for people to access compensation in a range of specified circumstances. Can you give us a little more detail in relation to the scope and time frames associated with that presumptive legislation and that rights-based agenda?

Ms GARRETT — Yes, we are really proud about our commitment on presumptive legislation — —

Ms SHING — Sorry, just to refer to budget paper 3, page 282. That is my omission in not referring to the budget papers.

Ms GARRETT — That is outrageous.

Ms SHING — It is outrageous.

Ms GARRETT — A point of order!

Ms SHING — There is a first time for everything.

Ms GARRETT — That is right. Our commitment on presumptive legislation is a very significant commitment reflecting the changes made at the federal level by the cross-party support for that. Presumptive legislation has been introduced in other jurisdictions, and we will be very proud to introduce it shortly in Victoria. This is about recognising how difficult it can be for firefighters to prove the particular events that led to a diagnosis of certain forms of cancers. You go to many events as a firefighter; you wear equipment and your clothing. Was it that tyre factory? Was it the factory fire? Was it a home with asbestos in it? It is almost impossible to determine any key event, whereas in other forms of common law, as you would well be aware, proving that causal connection, the onus being on the person who suffered the injury to demonstrate that there is a causal link between the injury and the negligent or other event. That is very difficult to do when you have been to multiple events. There is not necessarily proper analysis of the impact of those particular toxins that may have emerged due to that fire; it is very difficult to get that sort of data.

The importance of presumptive legislation is that the onus of course then goes not on the firefighter, so if you develop certain forms of cancer which are known to have a link between firefighting and cancer and you have been a firefighter for a period of time, you would then be able to access a presumptive right that it is assumed that you have contracted that disease as a result of your firefighting activities. It is very significant change.

Ms SHING — Is there a uniform understanding of the types of cancer which are on balance more likely to be the result of or contributed to by exposure to those sorts of emergency response situations?

Ms GARRETT — There certainly is. There has been a huge amount of work studies done both internationally and in Australia about the types of cancers which firefighters are more prone to as a result of, again, whether they have been exposed to toxins in a fire, the manner in which their clothing and equipment operates. There are a general 10 to 12 cancers that have been identified. Our approach will certainly be to reflect best practice internationally and in other jurisdictions in Australia with those cancers. It is a significant, important thing to do. It is not done lightly, of course. Many people who suffer injuries on a range of issues do not have access to presumptive legislation. That is the way our system works, so it is a big step, but it is the right thing to do, given how difficult it is for people who put their lives on the line for us to demonstrate the connection between which particular incident may have contributed to their illness.

Ms SHING — How do we change or improve the way in which we assess potential risk associated with changes to materials in building as well as the way in which equipment can be developed to, I suppose, minimise or mitigate the risk of exposure?

Ms GARRETT — This is certainly ongoing work. We can always get better. If we go back to previous questions regarding Fiskville and the sorts of chemicals and the like that were being used, the lack of protective equipment, the way in which chemicals were being stored and the types of chemicals being used, internationally we know these things are far from best practice, so you learn. I think having that rigorous assessment, I know there are very rigorous committees, research and procedures in place in both our fire agencies around how you obtain equipment. You may wish to speak to this, Commissioner.

Ms SHING — Actually, Commissioner, you do sound like you are still going to continue coughing. I might actually move very, very briefly onto the fire services review, Minister, budget paper 3, page 282, just in relation to how the fire services review recommendations are being implemented around diversity and fixing the culture within the fire services which, again, I suspect one of my colleagues might also have an interest in.

Ms GARRETT — The fire services review was a really important piece of work, as you are well aware, which made a number of important recommendations that go to the way in which the fire services are operating.

The government has accepted the vast bulk of those recommendations, and we have an implementation plan that we are now working through extremely closely.

Mr MORRIS — Minister, again, budget paper 3, pages 282 and 283, the emergency management group output. Just picking up on the subject formerly under discussion, the UFU–CFA potential agreement. This is one of the most significant matters, certainly in a budgetary sense, that you will address in this portfolio in this term, but you will not tell us what the central bargaining unit is saying, you will not tell us whether you will sign up to seven career firefighters being on the ground before a hose is turned on, you will not tell us what that would cost if you agree to it, you will not tell us what the impact of a veto board would be, you will not tell us whether the EBA will negatively impact on the CFA’s operational capacity. What can you tell us?

Ms GARRETT — I think we have told you quite a bit today. My views on seven on the fireground and on the veto are very well known and have not changed, and when I say there will be an agreement that respects the rights and the roles of both our career and our volunteer firefighters, it is exactly what I mean. There are ongoing negotiations around this, but the CFA has made its position clear on these matters and the parties to this agreement are the CFA and the UFU. Clearly there is a lot more work to do. It is before the commission. They are working through those issues with the assistance of IRV, with the assistance of EMV, with the assistance of DPC. But importantly the signatories to this agreement are the CFA and the UFU, and those parties are before Fair Work.

Mr MORRIS — Yes, well, you say it will be a fair outcome, but I have asked you again and again in the last session to rule it out and you refuse to rule it out.

Ms GARRETT — I could not be more clear about my views on seven on the fireground or the veto. I have made it very clear I do not support those in every venue I have ever been in. On broader discussions around the EBA, there are negotiations ongoing in Fair Work. They have to be allowed to unfold, but the CFA and the UFU are parties to this agreement and they will reach an outcome that reflects the best interests of their workforce, of their volunteers and of the state of Victoria. Our aim in all of those matters is to continue to keep Victorians safe.

Mr MORRIS — Minister, on all reports the views that you have just expressed — even though you will not rule it out, you have gone close — —

Ms GARRETT — Well, I do not know how much more clear I could be, Mr Morris!

Mr MORRIS — To all reports, those views are not the views of the Premier. Do you have the confidence of the Premier?

Members interjecting.

The CHAIR — Order!

Ms GARRETT — The Premier has made it absolutely clear that we share the same objective, which is to get a fair and balanced outcome through this agreement. He is not negotiating these courses through the media, and that is the right approach.

Mr MORRIS — I think we have probably gone as far as we can go on that, seeing we are not getting any answers. Moving to presumptive legislation, budget paper 3, page 97, obviously the safety of all firefighters is a priority and I think that that certainly would go for everyone at this table. In *Labor’s Financial Statement* on page 8 a recurrent funding allocation commitment was made for presumptive rights for firefighters, and that commitment allocated 12.8 million for this 2016–17 financial year with a total of 40 million over the forward estimates. Where in the budget is that provision made?

Ms GARRETT — We are still finalising the model for presumptive legislation and I would like to echo the comments that you made in your opening remarks. Certainly I have travelled this state, usually with the commissioner in tow or somewhere in the vicinity, and met with firefighters right throughout Victoria, both career and volunteer, and I have listened very carefully to them around their concerns of illness and fears around what the firefighting may have done to themselves, their friends, their family, right throughout these communities. This is a very significant commitment. We are working through and finalising the model which

that commitment will take. Once that has been finalised that will be clear, but to date we have not introduced that legislation.

Mr MORRIS — Do I take it that the 12.8 million is not in the budget this year?

Ms GARRETT — Correct.

Mr MORRIS — Thank you. On 20 May last year — so a year today in fact — you told the committee that, and I am quoting from the Hansard transcript:

Our election commitment was that —

presumptive legislation —

would be introduced within the first 18 months, and we are on track to do that ...

Given that, as we have just established, there is no money in the budget, can you tell us where on the track you are with regard to presumptive legislation?

Ms GARRETT — We are finalising all of these details. We will be introducing legislation shortly into the house, which we would hope receives cross-party support and the support of Independents. It is extremely important legislation. We have done a lot of consultation about this. We have a unique situation in Victoria. We have a huge amount, you know, 60 000 volunteers; that is unique to Australia. No other state has that level of volunteer base. We want to make sure that we are taking everybody's views into account. We are in the process of finalising, and it will be introduced shortly.

Mr MORRIS — Given that there is no provision in the budget for the 12.8, if the legislation passes as you have just proposed it probably will, how will the government financially accommodate its impact?

Ms GARRETT — Well, I will be talking to the Treasurer around how that will — —

Mr MORRIS — So you see it being done by TA or some other — —

Ms GARRETT — We will be exploring all those options, but to date we are not — —

Until the model is finalised the amount of money will need to reflect that.

Mr MORRIS — Can you confirm that the legislation will not discriminate against volunteers? In other words, will there be a difference in eligibility criteria for volunteer and career firefighters, or will the eligibility criteria be the same for all firefighters?

Ms GARRETT — We are finalising the model, and it is my aim and commitment it certainly will cover both career and volunteer firefighters, as it should. Given the nature of Victoria's volunteer base, it may have a different arrangement to other states in terms of how it practically applies, what consultative committees are instituted, but it is our commitment that we will be covering both career and volunteer firefighters, and that model will be announced shortly.

Mr MORRIS — Just quickly on that final point, with the same eligibility criteria or different?

Ms GARRETT — I am not going to pre-empt the announcement. This has to go through proper processes, but, as I have said, right throughout Victoria we will be covering both career and volunteer firefighters. The nature of that model will be announced shortly.

Mr MORRIS — Thanks, Minister. Can I go again to page 282 but this time in regard to SES units? Yesterday, Minister, the Shire of Towong — and they have been very supportive of their local SESs, and I know Towong from my previous portfolio responsibilities and I know they are a well-run and responsible shire — advised their three SES units at Corryong, Mitta Mitta and Tallangatta that they would not be any longer able to support them financially. I understand the extent of the support was \$32 000 in total. The shire indicated that it was because of local government cost pressures and specifically the limited capacity to raise additional revenue in part because of the rate cap. Obviously that decision is going to have a devastating impact on the local SES units and their capacity to provide a service to their communities. Given that this is effectively

a direct result of government policy — not yours, but the Minister for Local Government's — will you provide support for these three brigades and other SES units that may be similarly affected, because no doubt there are going to be hundreds of them across the state?

Ms GARRETT — Again, by way of opening, just to say it has again been one of the great privileges of this job meeting our incredible men and women of the SES right throughout 5000 highly trained professional volunteers. I take issue with you linking the rate capping to these matters because the arrangements between local governments, the Victorian government and the SES really began nearly 30 years ago, in 1989, and they do not have a legal standing and there has been a steady decline over the past decade around councils opting out of their role in these matters. We are working really closely with the MAV. I am working closely with Minister Hutchins, with VicSES and other stakeholders.

The CHAIR — Order! Dr Carling-Jenkins until 11.45 a.m.

Ms GARRETT — We are reviewing to create a more sustainable model — if you do not mind me finishing that. Sorry.

Dr CARLING-JENKINS — Of course not. That is fine. Thank you, Minister. I appreciate your presentation and your time today. I would like to make a note — and this is something that Minister Neville also mentioned earlier this week — of that really long fire season that we had, and congratulate you and the commissioner for the work that you oversaw which saw no loss of life here in Victoria. It is to be commended, so thank you for that.

I would like to follow on from a question Ms Shing asked in her section around the fire services review — and that is budget paper 3, page 282 — and also in relation to page 4 of your presentation, where you spoke about the recruitment of 450 firefighters as being on track. I note that in the past you have expressed a commitment to attracting more women into emergency services and in fact diversity across the board. I just wonder if you could describe what work, if any, has gone into attracting more women into the service through this recruitment drive. I want to make it clear that I am not an advocate, myself, of quotas, but just in making workplaces more accessible. So I guess there are two parts to the question. One is around the efforts for attracting more women, and the other is what work has gone into attracting people from culturally and linguistically diverse backgrounds?

Ms GARRETT — This is one of the big challenges in our fire agencies, as you are well aware. Approximately 3.4 per cent of both agencies' — both the CFA and the MFB — operational firefighters are women, and we are very keen to see that number lifted. We want that wherever you come from, whatever your gender is, whatever your background is, if you want to be firefighter it should be a career option available to you.

What we did find through the fire services review is that there are some concerns around the culture of our fire agencies, and clearly on its face it has not been a place that has attracted a huge amount of women or allowed women in. As a result of the fire services review we have the Victorian Equal Opportunity and Human Rights Commission doing comprehensive work with both agencies — I might get the commissioner to speak to that; I think that is very important — part of which will be similar to what occurred with Victoria Police, and part of which will be identifying some of the problems in a very detailed way. It is quite difficult. There is no easy fix to lift the number of women or people from culturally diverse backgrounds overnight. You have got to pull a lot of different levers. Commissioner, did you want to add about some of your work with Ms Jenkins?

Comm. LAPSLEY — Yes. The equal opportunity and human rights commission is engaged to do a piece of work with both CFA and MFB over the next 12 months. That will be very much driven by individuals submitting their position, their history, their experience and their understanding of what the challenges are. It is not only about where we have got an under-participation of women in the workforce; it is also about the roles they play within the workforce.

The stats show that we have not got very strong or we have not got leadership positions filled by women in many cases, and one of those attesting cases for both CFA and MFB in their career ranks is that there is no-one above the level of station officer, so none in the command levels that carry the command positions; and we need to make sure we understand the diversity issue, so race, nationality, right through to bullying, harassment and

the workplace itself. So it is a serious piece of work. It will be evidence based, it will take months to do, and that is something we will hopefully see delivered in the early part of 2017.

Dr CARLING-JENKINS — The early part of 2017. Thank you. Could I just ask a very quick follow-up question? Do you have the percentage of people from culturally and linguistically diverse backgrounds that are employed in the service?

Ms GARRETT — I can take that on notice, but my understanding is —

Comm. LAPSLEY — It is low.

Ms GARRETT — It is very low, and we really need to address that as well.

Dr CARLING-JENKINS — Sure. I appreciate your time. Thank you.

The CHAIR — I would like to thank the witnesses for their attendance: the Minister for Emergency Services, the Honourable Jane Garrett, MP; and Mr Wilson, Mr Robertson and Commissioner Lapsley. The committee will follow up on any questions taken on notice in writing. A written response should be provided within 14 calendar days of that request.

Witnesses withdrew.