

# CORRECTED VERSION

## ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE

### Inquiry into marine rescue services in Victoria

Inverloch — 9 April 2014

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Mr K. Eideh

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#### Witness

Mr Anthony Hacking

**The CHAIR** — This is an all-party parliamentary committee hearing evidence today in the inquiry into marine rescue services in Victoria. Welcome to the hearing of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee into marine rescue services in Victoria. All evidence taken today is protected by parliamentary privilege, but any comments that are made outside this forum are not afforded the same privilege. I ask you to state your full name, address and whether you are appearing on behalf of an organisation.

**Mr HACKING** — Anthony Keith Hacking, [REDACTED]. I am here in my own capacity.

**The CHAIR** — Thank you. The evidence you give today will become part of a public document. I invite you to make an oral submission.

**Mr HACKING** — Thank you to the members of the inquiry panel for giving me this opportunity. In the interests of submitting a brief and concise report, my written submission is highly summarised. However, I am able to add detail or clarify any aspects should the panel members so wish. Based on the format, I think I might read through and pick selected pieces out of my written submission, if that suits?

**The CHAIR** — Sure.

**Mr HACKING** — I have been a member of the Australian Volunteer Coast Guard since joining the Hastings flotilla in June 2007. I was elected flotilla commander in June 2009 for a term of two years. As the flotilla commander, I automatically became a board member of the Victorian squadron. I offer this submission as an individual with extensive business and management experience following a 41-year career with the National Australia Bank, including senior management positions. My recommendations relate to my observations and direct experience of the Coast Guard, its governance and management arrangements, its interaction with Volunteer Marine Rescue Mornington and Hastings — VMR — and the Southern Peninsula Rescue Squad, and the role the Coast Guard plays in marine rescue in Victoria. I have been an inactive member of flotilla 4 since November 2011, for reasons outlined below. My understanding of the Coast Guard and the topic of the inquiry are current to that date. My recommendations are essentially macro rather than at the micro level. I have listed them in order of priority, and the highest priority covers the areas of governance of volunteer organisations.

Recommendation 1 is that the appropriate legal framework be established to bring ministerial oversight and responsibility to the volunteer service providers of marine rescue services in Victoria. An absence of governance can lead to an abuse of power in any organisation. Given the heavy reliance on volunteer organisations for marine rescue services in Victoria and volunteer organisations' use of public funds, it is imperative that these organisations are subject to ministerial oversight, independent auditing and public recourse for any inappropriate behaviour. This is particularly important in light of the different legislative frameworks that apply to volunteers and volunteer organisations versus paid employees and businesses. I do go on on that topic. Are there any questions that the panel may have for me on that?

**The CHAIR** — Not at the moment, thank you, Anthony.

**Mr HACKING** — The recommendation is that an appropriate legal framework be established to provide ministerial oversight. I note that Transport Safety Victoria recommended that the support agencies for VicPol, Coast Guard and VMR become formal emergency services. If that were to occur, that would immediately provide the ministerial oversight that I believe is required. I think that the current structure, which is essentially an incorporated association, is similar to that of any other club, whatever it may be. I think the organisations that are involved in marine search and rescue need to be considered more highly than that and, as I say, in the line of being a true emergency service.

Recommendation 2 relates to bullying and harassment. It is my understanding that volunteers are currently not covered by bullying and harassment provisions under the *Victorian Occupational Health and Safety Act 2004*. Federal laws provide this coverage for volunteers of organisations with one or more paid employees once a state accepts or enacts the national legislation. As I understand it, Victoria has not yet enacted the national legislation, therefore only paid employees are currently protected by state bullying and harassment laws. Without statutory protection from bullying and harassment in Victoria and/or external or ministerial oversight of volunteer organisations, the members of these organisations can be bullied or harassed with only two options available for

recourse: volunteers can resign or take legal action in the Supreme Court under the Associations Incorporation Act. There are no other options.

I was subjected to bullying behaviours within the Coast Guard. Despite these behaviours being reported, nothing happened. As I say in my report, which is highly summarised, that essentially led to events and activities that led to my disenrollment. My appeal against that disenrollment was upheld. I was then immediately suspended. My appeal against that suspension, which was supposed to be heard within 21 days, was not heard for one year. It was then rescinded. Theoretically I am a normal member of Coast Guard; however, I have not been permitted to return to active duty for reasons that I do not understand. Essentially it relates to the training — that I have to be reassessed. But whilst I have made myself available for such reassessment, nothing has happened. The certificates that I have from Coast Guard as a registered training organisation appear to be worthless.

Over the last couple of years my only remedy for the actions against me was to seek action in the Supreme Court, which I took. But I also need to say that three other members of Coast Guard also took the same action because they had charges brought against them for speaking out against the actions against me. I would also like to say that of the members that were current as of June 2011 when most of this situation commenced, more than 20 have since resigned. All the members I recruited except one have resigned. There has been a dramatic and terrible impact on the flotilla through the disenchantment of members — not all, I accept, but a good number — with the actions that were taken at the time. Are there any questions from the panel of me with regard to the bullying and harassment aspect? Have I given you sufficient evidence to give an indication that if not bullying and harassment legislation, perhaps ministerial oversight is justified?

**The CHAIR** — I think you made your point very strongly.

**Mr HACKING** — Thank you. On that basis I shall move on to recommendation 3. Volunteers do a fantastic job in Victoria; they really put themselves out for what they believe in. The way that volunteers get into managerial positions is usually by election. Some have management experience or a style that is good, others do not. What is missing is that there is no-one who has a vested interest in ensuring that the right things occur and that there is a point people can refer to for guidance and what have you. That is why I have recommended that a paid professional management position be created to fill that role, something like a chief operating officer. And if the organisations were considered formal emergency services, that person could be appointed either to one organisation or a couple of organisations and essentially be the on-the-ground reference point for all matters relating to the organisation to keep those who need it on the straight and narrow. Those who do not need it, do not need it.

Recommendation 4 is that alternate funding sources be developed for funding volunteer organisations to ensure the operational capability of all flotillas and reduce the fundraising time impost on volunteers. Options include introducing a user-pays system for marine rescue services or increasing boat registration fees or increasing boat launching fees. I am not suggesting which of these should be adopted; all I am suggesting is that alternate means of funding should be looked at to reduce the amount of time that volunteers have to spend on fundraising and also to boost the amount that volunteers have at their disposal, especially in the area of capital purchases. At the moment they have to fund between 20 per cent and 100 per cent, depending on what it is. I do not think they should have to fund any of it, unless it is a nice to have. On that basis they should be free to raise funds, but there should be a basic level of equipment that is provided by government that volunteers do not have to raise funds for.

I think to say to volunteers that they need to be doing a level of fundraising just to get by when a lot of them are available 24/7 for callout is a bridge too far from government. We know that we get reimbursed for fuel, not oil. But there are lots of other expenses that a volunteer has to raise funds for, and I think that is asking too much of them. Time is probably the most valuable asset that we give to an organisation. I do not think it should be spent on things like fundraising. But it also leads on to the fact that at the moment volunteers cover their own costs — for example, running vehicles to get to a callout. Many volunteers would choose to donate that. I think that as a matter of principle in a paid organisation a person might get 4 hours double time if they were called out in the middle of the night. I am not suggesting anything like that, but I think volunteers should not be out of pocket, in particular for training. Whilst there is a lot of training that is free for members, I do not think they should have to pay for any training that is mandatory.

Recommendation 6 is essentially a set of guidelines or standard operating procedures between the marine rescue organisations and VicPol. What brought that about was a few occasions I was involved in where I was in a rescue vessel very close to a vessel that was requiring assistance. We were not able to assist because VicPol pulled out our sister organisation to come and render assistance. That meant that the other organisation had to arrive at the marina and take their vessel to the site — and we were within 50 metres of the site. I appreciate that it might be a turnabout-type arrangement that should apply, but there need to be exceptions when there are vessels on the water in the area that can lend assistance. Really I am talking about a discussion between the agencies and VicPol to come to an agreement as to how that can be more fairly applied.

Recommendation 7 is the sea time required for coxswain qualifications to be reduced and greater emphasis placed upon competency-based assessments of on-water skills to assist coxswain training and retention. It can take 5 to 10 years to produce a coxswain in a volunteer organisation; they are part-timers after all. I would like to go one step further, and I think this might have been a recommendation of SES in their presentation. The actual competencies that are required for a coxswain are onerous, and a lot of them are not relevant. I would like to see a basic level of competencies introduced and then all of the others to be endorsements. For example, a basic coxswain for skippering of vessels on Port Phillip and confined to Port Phillip may not be able to go through the Heads unless they have a Heads endorsement. That would reduce the number of competencies required to be a skipper on Port Phillip, and that could get somebody in the role a lot sooner than having to do all of the competencies that are currently required.

Another example that I think was mentioned in the submissions a couple of weeks ago is to be qualified for diesel engines when our vessels have got outboards, and we do not touch them generally. We get service people to service our outboards, and we have two usually — two batteries, two fuel tanks — so that we have two independent sources of power and fuel. I think that, as I say, we should break down the number of competencies to a basic number, and then everything else becomes an endorsement if it is applicable.

I had the pleasure a few years ago of being part of Operation Boundless with VMR. I think we all enjoyed it — those who were involved and also the Southern Peninsula Rescue Squad. I know I was very impressed with the way VMR and Southern Peninsula managed their parts of the role, so I think it is very valuable that volunteer organisations get together on a regular basis in exercises. VicPol were part of and coordinated this particular event, and obviously that is the way it should be so that there are regular indications of levels of competencies and abilities for different volunteers, because I firmly believe that the majority of volunteers really do want to do a professional job — the best job they can. The only way they can do that is to be properly trained on items that are relevant. I found that a lot of the things we did in the training were not relevant, so I think the training needs to be relevant to the task. They want to operate at a high level of proficiency and take pride in what they do, so my recommendation 8 is that professionally monitored multi-agency liaisons and joint training exercises involving the relevant service providers be conducted on a regular basis.

My last recommendation is regarding marine legislation. It is all state-based. It is all different. I know that there are efforts already under way across government to endeavour to bring about consistency between the states and various activities. If it is not already, I would recommend that the idea be — —

The reporting that is required has already been mentioned by other presenters. The reporting is significant within Coast Guard. There are two lots of reporting that are required: one to go into the database and one to go to the squadron, which I think then becomes part of the reimbursement process for fuel. I think one set of inputs should be the target that will satisfy all states, because I appreciate that we are volunteers. You need a level of competency to make changes to IT-type activities. I think it should all be standardised where it is possible to do so.

I think that covers the majority of points I would like to bring out of my session. I think it stands alone. There is obviously a lot more behind the scenes that could be added if it were required, but essentially that is my submission.

**Mr EIDEH** — Thank you. It was quite comprehensive, so we will see what we can do.

**The CHAIR** — You have not left us many opportunities for questioning you, really; you have made your recommendations, and you have explained them in a fair bit of detail. Quite a number of these things, I think, come well supported by the evidence we have heard so far. There is a balancing act with all these things, but clearly when there are things that, from an ideal perspective — you have nailed quite a few of them, and I think

that they are things we are looking at and seeing how that balances and what can be done there. Thank you very much for doing all this work. It is very informative, and it gives us also a framework to consider your recommendations in.

Thank you very much for being here on several days and having been good enough to have given us your time and all this information. We will certainly be taking into account everything you have said, including things you have not said as far as the information that is indicated here from the perspective of bullying goes. I know from previous conversations that what you would like to see is a way of these things being dealt with. Your recommendations seem quite reasonable in that respect, so we will certainly be taking those on board and considering them carefully.

**Mr HACKING** — Thank you very much.

**The CHAIR** — Thank you very much. You will receive a copy of the transcript in about two weeks. Feel free to point out where you believe there are any grammatical errors, but obviously there are no changes to the substance of the document allowed.

**Mr HACKING** — Okay.

**The CHAIR** — Thank you.

**Witness withdrew.**