



PARLIAMENT OF VICTORIA

Legislative Council

Fire Services Bill Select Committee

Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017

Final Report

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Fire Services Bill Select Committee

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This report is available on the Committee's website.

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Committee establishing resolution

On 21 June 2017, the Legislative Council agreed to the following motion:

That —

- (1) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 8 August 2017, on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —
 - (a) impact on fire service delivery across Victoria;
 - (b) effect on volunteer engagement and participation in fire service delivery;
 - (c) short term and long term cost impact on fire service provision;
 - (d) underlying policy rationale;
- (2) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council, and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
- (4) the first meeting of the Committee must be held no later than fourteen days after the day on which this resolution is agreed to by the Council;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) five of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
- (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;

Committee establishing resolution

- (10) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions;
and
- (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Chairman's foreword

The Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB) each have a proud history of protecting the Victorian community for over half a century.

Victoria is one of the most fire prone parts of the world, and the state's experience in the first half of the 20th century lead to the development of our modern fire services.

At the core of the CFA and MFB's existence, and reflected in their respective establishing Acts, is the role of protecting the Victorian community through fire suppression and fire prevention.

It is in this context that proposed changes to Victoria's fire services must be considered.

The Andrews Labor Government has introduced the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 to among other things, restructure Victoria's fire services. The question for the Legislative Council is whether that restructure will result in improved fire service delivery across the state.

The proposed restructure has come at a time of upheaval for the CFA and the MFB. Over the last two years we have witnessed unprecedented industrial unrest surrounding our fire services which has seen the Andrews Labor Government side with the United Firefighters Union (UFU) to support a controversial Enterprise Bargaining Agreement (EBA) against the strong opposition of the CFA itself.

The Government's push for that EBA triggered the resignation of the then Minister for Emergency Services (who opposed the EBA), the dismissal of the CFA Board and the subsequent resignation of the CFA Chief Executive and Chief Officer. More recently, and in the context of the on-going upheaval, the MFB Chief Executive has resigned, along with the Chief Officer and then the Acting Chief Officer.

The appointment by the Government of a compliant board and Chief Executive at CFA cleared the way for the EBA to be agreed to. Subsequent amendments to the Commonwealth Fair Work Act to effectively outlaw EBA terms that are prejudicial to emergency service volunteers, however, prevented the EBA being formalised.

In response, the Government introduced legislation for its proposed restructure to consolidate all career firefighters in a renamed MFB. This allows the offending EBA to be signed without engaging the volunteer provisions of the Fair Work Act, and staff to then be seconded back to the CFA.

In introducing the legislation the Government advised that it was 'updating a 1950s framework' and 'meet(ing) the challenges of this century' though did not articulate how the proposal would improve fire service delivery.

The restructure proposal was developed quickly, bypassing normal government consultation processes to the extent that neither Emergency Management Victoria, the CFA, nor the MFB were consulted. Notably the UFU was consulted multiple times during the development of the Bill.

In preparing the legislation in isolation from the fire services, the Government did not develop any implementation, operational, or funding plans. As such, there is limited information available to the community, as to how the restructure would work.

Despite a statutory obligation to do so, the Government failed to consult with volunteer firefighters about the restructure, and this has cemented division and distrust in the firefighting community. Written submissions to the Committee reflect almost total opposition to the proposal from volunteer firefighters and near unanimous support from career firefighters.

It is difficult to envisage how proposing a restructure which impacts on 57,000 passionate volunteers without consulting them, and then trying to quickly push it through Parliament, could be successful.


Given the lack of clarity around implementation, operations and funding under this proposal; the failure to undertake consultation with effected parties; and the near total polarisation of volunteer and career firefighters, the Committee recommends that Government withdraw the Bill. If not withdrawn, the Committee recommends that the Legislative Council reject the Bill.

This inquiry has been undertaken in an extremely compressed timeframe with only six weeks allowed from the Committee's first meeting to tabling its first report.

In this period the Committee received 1,891 written submissions and took oral evidence from 83 witnesses at hearings in Melbourne, Wangaratta, Swan Hill, Traralgon and Hamilton. On behalf of the Committee I would like to thank those individuals and organisations for their input to the Committee's work.

The timeframe for the inquiry, along with the substantial public interest and volume of submissions, generated an enormous workload for the Committee Secretariat. Led by Assistant Clerk – Committees Keir Delaney, and supported by Deputy Clerk Anne Sargent, the Secretariat provided outstanding support to the Committee and I thank them for their contribution.

Finally I would like to thank my fellow Committee members for their commitment, co-operation and goodwill which allowed the Committee to undertake a complex and highly charged investigation in a compressed timeframe.



Hon Gordon Rich-Phillips MLC
Chairman

Acronyms

Acronym	Meaning
EBA	Enterprise bargaining agreement
CFA	Country Fire Authority
CFA Act	<i>Country Fire Authority Act 1958</i>
CEO	Chief Executive Officer
DELWP	Department of Environment, Land, Water and Planning
DJR	Department of Justice and Regulation
DPC	Department of Premier and Cabinet
DTF	Department of Treasury and Finance
FRV	Fire Rescue Victoria
FSIDC	Fire Services Interdepartmental Committee
FSPL	Fire Services Property Levy
MFB	Metropolitan Fire Brigade
MFB Act	<i>Metropolitan Fire Brigades Act 1958</i>
MGD	Metropolitan Fire District
OEMT	Objectionable Emergency Management Term
OIC	Operational Implementation Committee
SDS	Service Delivery Standard
UFU	United Firefighters Union of Australia (Victoria Branch)
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VFBV	Volunteer Fire Brigades Victoria

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Recommendations and findings

Key recommendations

RECOMMENDATION 6: Due to the lack of implementation, operational and funding certainty; failure to undertake consultation; and consequential polarisation of fire services volunteers and staff, the Bill should be withdrawn. If not withdrawn, the Legislative Council should reject the Bill. 46

RECOMMENDATION 7: Part 2 of the Bill, ‘Firefighters’ Presumptive Rights Compensation’ should be reintroduced to Parliament as a stand-alone Bill to be considered on its merits. 46

Further recommendations

RECOMMENDATION 1: The Government ensure compliance with its consultation obligations under the Volunteer Charter and the *Country Fire Authority Act 1958* prior to proceeding with any further reform of the fire services. 18

RECOMMENDATION 2: The Government undertake meaningful and balanced consultation with Emergency Management Victoria, the Country Fire Authority, the Metropolitan Fire Brigade, staff and volunteer representatives prior to proposing any further reform of the fire services. 19

RECOMMENDATION 3: The Government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal. 22

RECOMMENDATION 4: Country Fire Authority staff should continue to be employed directly by the Country Fire Authority, and solely within the Country Fire Authority chain of command. Secondment should only be used for staff exchange/development opportunities, not as a default employment mechanism. 29

RECOMMENDATION 5: The Government and its agencies not endorse any enterprise agreement, instrument or accord, which has the effect of limiting the exercise of statutory powers of the chief officer(s) of the fire service(s). 41

RECOMMENDATION 8: The Government ensure adequate infrastructure funding for the fire services independently of the restructure. 67

RECOMMENDATION 9: The Government develop and publish a detailed funding plan in parallel with any further fire services structural reform proposal. The funding plan should identify and address the impact of:

- (a) resource and asset transfers between the Country Fire Authority and Fire Rescue Victoria;
- (b) the creation of the Fire Rescue Victoria fire district on the Fire Services Property Levy revenue base beyond the two year freeze period; and
- (c) any changes to the differential charging rates for the Fire Services Property Levy beyond the two year freeze period. 69

RECOMMENDATION 10: The Legislative Council refer the Department of Premier and Cabinet to the Legislative Council Privileges Committee for investigation of its interference with the Committee’s inquiry. 76

Findings

FINDING 1: The restructure of the Country Fire Authority and the Metropolitan Fire Brigade as proposed in the Bill was not included among the recommendations of the fire services reviews undertaken over the last decade. 12

FINDING 2: The policy development process for the restructure did not involve representatives from Emergency Management Victoria, the Country Fire Authority or the Metropolitan Fire Brigade. 15

FINDING 3: The Government’s failure to consult with the Volunteer Fire Brigades Victoria as required by the Volunteer Charter and the *Country Fire Authority Act 1958* has caused considerable concern to Country Fire Authority volunteers, reinforced the perception of a bias towards the United Firefighters Union, and undermined confidence in the restructure proposal. 18

FINDING 4: The Government’s original written submission to the Committee contained substantial errors relating to its claimed level of consultation. Its failure to acknowledge and correct those errors until prompted by the Committee undermines confidence in the claimed consultation process. 19

FINDING 5: The Government’s failure to undertake implementation planning in parallel with developing the restructure proposal has caused substantial and unnecessary uncertainty in the community as to the impact of the proposed changes on the fire services. 22

FINDING 6: The Government has taken the unusual step of including ‘implementing the Victorian Government’s fire and emergency services priorities’ as a statutory function of Fire Rescue Victoria alongside fire prevention and suppression, and emergency prevention and response. 25

FINDING 7: Section 38 of the Bill as drafted may limit the capacity of the Country Fire Authority Chief Officer to exercise operational control of seconded staff. 28

FINDING 8: The impact of the restructure on firefighting surge capacity is disputed and will not be known until after the restructure is bedded down. It is important that surge capacity is not diminished through changes to the fire services. **56**

FINDING 9: The development and publication of quarterly outcomes-based fire services performance measures will provide the Victorian community with more meaningful data than is presently available. **59**

FINDING 10: The Government’s claim of executive privilege over the Victorian Equal Opportunity and Human Rights Commission report is inconsistent with the Commission’s stated intention of publicly releasing its report in mid-2017.

The Committee regards the changing explanations provided by the Victorian Equal Opportunity and Human Rights Commissioner for her failure to comply with the summons, along with the Government’s claim of executive privilege as designed to frustrate the Committee’s Inquiry. **77**

1.1 Scope of the Inquiry

1.1.1 Select Committee referral and Bill progress

On 21 June 2017 the Legislative Council resolved to establish a Select Committee to inquire into:

... the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —

- (a) impact on fire service delivery across Victoria;
- (b) effect on volunteer engagement and participation in fire service delivery;
- (c) short term and long term cost impact on fire service provision; and,
- (d) underlying policy rationale.

The Select Committee held its first meeting on 23 June 2017. The Hon Gordon Rich-Phillips MLC was elected Chairman, and Mr Daniel Mulino MLC was elected as Deputy Chair.

The Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 was introduced into the Legislative Assembly on 24 May 2017 by the Minister for Emergency Services, the Hon. James Merlino MP.

The Bill's second reading was moved in the Assembly on 25 May 2017 and was completed on 8 June 2017.¹

During the second reading stage, a reasoned amendment was moved by the Hon Peter Walsh MP, seeking the withdrawal of the Bill, the re-introduction of provisions regarding the presumptive rights for firefighters, and consultation with Volunteer Fire Brigades Victoria (VFBV), volunteer firefighters and other stakeholders about the proposed changes to the *Metropolitan Fire Brigades Act 1958* (MFB Act) and the *Country Fire Authority Act 1958* (CFA Act). The reasoned amendment was defeated on a division.²

The Bill was introduced and the second reading was moved in the Legislative Council on 8 June 2017. There has been no further consideration of the Bill in the Legislative Council since the Select Committee was established.

1 Legislative Assembly of Victoria, *Votes and Proceedings*, No. 128, Thursday 8 June 2017.

2 The vote was won by the Government: Ayes 45, Noes 34. (Legislative Assembly of Victoria, *Votes and Proceedings*, No. 128, Thursday 8 June 2017)

1.1.2 Submissions

The Committee resolved to call for submissions at its first meeting on 23 June 2017. The call for submissions was made on a number of platforms including media releases, Facebook and Twitter. The Committee also wrote to key departments, organisations and other stakeholders to advise them of the Inquiry and to ask for input.

The Committee resolved to close submissions at 6.00 pm on Friday 7 July 2017. While acknowledging the relatively short time frame for organisations and the public to provide input to the Inquiry, the Committee believed this was necessary given the overall tight timeframe for the Inquiry.

The Committee accepted 1891 submissions by the closing date. The large number of submissions reflects the importance of this issue and the regard many in the community have for the fire service agencies in Victoria.

The majority of the submissions received by the Committee were provided by career CFA and MFB firefighters. The Committee also received a large number of submissions from CFA volunteer firefighters as well as members of the public and other stakeholder organisations such as the United Firefighters Union (Victoria Branch) (UFU), and VFBV.

The submissions strongly reflect the polarised nature of the issue. The vast majority of submissions received from volunteer firefighters oppose the proposed restructure, while the vast majority of submissions from career firefighters support the changes.

On the closing date for submissions, the Department of Premier and Cabinet provided the Committee with 1136 submissions on behalf of employees of government agencies. This intervention is discussed in Chapter 5 of this report.

There were also a number of submissions sent to the Committee after the closing date. The Committee regrets that it was not able to accept the input of these submitters and would like to acknowledge their efforts.

The Committee received a large number of requests from submitters for confidentiality. The Committee determined early in the inquiry process that it would like the Inquiry to be as open as possible and resolved not to accept confidential submissions.

Submitters who requested confidentiality were contacted by the secretariat and given the option to have a 'name withheld' submission in which their name and contact details were redacted, but the content of their submission was still published. The option to have a 'name withheld' submission was taken up by the majority of submitters who had originally requested confidentiality. Some submitters chose to withdraw their request for confidentiality. Others chose to withdraw their submission entirely.

The Committee thanks all those who took the time to provide a submission to the Inquiry. Their input was invaluable in helping the Committee to produce this report.

1.1.3 Hearings

The Committee held seven days of public hearings as part of the Inquiry, and received evidence from 83 individual witnesses. Three days of hearings were held in Melbourne and four days of regional hearings were held in Wangaratta, Swan Hill, Traralgon and Hamilton.

The Committee was eager to hear from stakeholders across the state and to consult the career and volunteer firefighters who would be most affected by the legislation. At the regional hearings the Committee heard from representatives of integrated CFA fire stations, where both career and volunteer firefighters work, as well as representatives from volunteer brigades. The Committee also had the opportunity to speak to the CFA Assistant Chief Officers for each of the CFA's administrative regions throughout Victoria.

The Committee also held three hearings in Melbourne to hear from other key stakeholders including:

- government departments
- former and current employees of fire service agencies
- the UFU, VFBV, and the Victorian Farmers Federation
- representatives from metropolitan and suburban fire brigades.

The Committee is grateful to all those who took the time out of their schedules to speak to the Committee at the public hearings, often at very short notice.

1.2 Background

The last two years have been a tumultuous time for Victoria's principal fire services, the CFA and the MFB.

The CFA has been engaged in heavily contested enterprise bargaining agreement (EBA) negotiations with the UFU. Elements of the UFU EBA proposal were strongly opposed by the CFA Board and volunteer representatives on the basis of their impact on operational decision making and volunteer support activities.

While initially supporting the CFA Board's position, in June 2016 the Victorian Government reversed its opposition to the UFU proposal. This reversal by the Government led to the resignation of the Minister for Emergency Services the Hon. Jane Garrett MP.

When the CFA Board continued to reject the UFU proposal, the Victorian Government intervened to remove the CFA Board. This was followed by the resignation of the CFA Chief Executive Officer (CEO) Ms Lucinda Nolan.

The CFA Chief Officer Mr Joe Buffone also subsequently resigned citing the impact the EBA would have on his operational responsibilities.

In September 2016 the MFB Chief Officer Mr Peter Rau resigned following his criticism of the operational impacts of the CFA EBA, and the potential for negative impacts if a similar EBA were to be adopted for MFB.

In September 2016 the Commonwealth Parliament legislated changes to the *Fair Work Act 2009* (Cth) to prohibit certain clauses in EBAs of emergency services organisations that would impact upon the engagement, management, support, or equipment of volunteers in those organisations.

In May 2017 the Victorian Government introduced the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. The Bill introduces a presumptive rights compensation framework for firefighters, and restructures the MFB and CFA into dedicated career and volunteer fire services.

During the course of this Committee's Inquiry, significant leadership changes have continued in the fire services. MFB CEO Mr Jim Higgins ASM announced his resignation in early July, while MFB Acting Chief Officer Mr Paul Stacchino announced his resignation at the beginning of August.

1.3 Victoria's Fire Services

Victoria is supported by two principal fire services, the CFA and the MFB. Additional specialised firefighting activity is undertaken by the Department of Environment, Land, Water and Planning (DELWP). The focus of this inquiry is limited to the CFA and MFB.

1.3.1 Country Fire Authority

The CFA has a long history dating back to the 1850s when the first volunteer fire brigades were formed in Geelong, Castlemaine and Bendigo. After the Black Friday fires in 1939, the Stretton Royal Commission recommended the creation of the CFA to act as a single statewide firefighting authority to ensure more effective prevention and suppression of fires in the country areas of Victoria. The new agency brought together a number of regional volunteer brigades and the Forest Commission. The CFA commenced operations in 1945.³

The modern CFA is a statewide volunteer and community based fire and emergency services organisation supplemented by career firefighters. It provides a range of front-line fire and emergency services including the suppression of wildfires, structural fires, road rescue, emergency medical response as well as other emergency activities including flood assistance.⁴

³ Country Fire Authority, *Annual report 2015-16*, Country Fire Authority, Melbourne, 2016, p. 5.

⁴ Ibid.

The CFA also provides a range of non-emergency services including:

- community awareness programs
- education and safety programs
- fire prevention and planning
- building code inspections
- post-incident fire investigation
- vegetation management
- planned burning and sustainable fire management.⁵

The CFA operates in all areas of Victoria, except for the metropolitan fire district (MFD) which covers a portion of greater Melbourne and is under the jurisdiction of the MFB. The CFA's operational area takes in all of Victoria's diverse environments including the urban areas of Victoria's regional cities and outer Melbourne, forested areas, alpine regions, pastoral grassland, and the more arid environments of the state's north-west.

As of 2016 the CFA had 57 111 volunteers, of which 35 796 are in operational firefighting roles with the remainder in support roles.⁶ The organisation also had 2053 permanent staff including 1086 career firefighters and other operational staff.⁷

CFA is organised into five geographic regions across Victoria, each containing between three and five districts. The career staff and volunteers work across 1220 brigades, and dealt with over 43 000 emergency incidents, including 11 major incidents, in 2015–16.⁸

The CFA has a fleet of operational vehicles that includes 39 pumper tankers, 262 pumpers, 1609 tankers, 12 aerial firefighting vehicles, 13 hazmat vehicles and 251 ultralight tankers.⁹

The CFA operates under the CFA Act which outlines the roles, responsibilities and powers of the organisation. The Act also recognises the central role volunteers play in the CFA by requiring the organisation to have regard for the commitments set out in the Volunteer Charter. The Charter requires the Government to consult VFBV (as the official representative of volunteers) on matters which may affect them, and to recognise, value, respect and promote the contribution of volunteer staff.¹⁰

5 *ibid.*

6 *ibid.*, p. 23.

7 *ibid.*

8 *ibid.*, p. 4.

9 *ibid.*

10 *Country Fire Authority Act 1958 (Vic)*, No. 6228 of 1958, sections 6F–6G.

The CFA Act has been regularly updated since being first enacted, including 42 updates since 2000. There have been 32 substantive specific CFA related amendments to the Act, and a further 25 as part of broader emergency services reforms.

The CFA is governed by a board, which is accountable to the Minister for Emergency Services. The board sets the corporate objectives and strategies. A CEO carries out these objectives and is supported by divisional directors and a Chief Officer who is in charge of operations.

1.3.2 Metropolitan Fire Brigade

The Metropolitan Fire Brigade was established in 1891 under the *Fire Brigades Act 1890*, which brought together volunteer and private fire services to create the Metropolitan Fire Brigade.¹¹ The MFB became fully staffed by career firefighters in 1950 when the last volunteer units were disbanded.¹²

The MFB currently operates under the MFB Act and is responsible for fire and emergency services in the MFD. The original fire district covered a radius of 10 miles from the Melbourne General Post Office.¹³ The district was expanded in the 1960s to include much, but not all, of greater Melbourne.¹⁴

The MFD is divided into two regions, north-west metro and south-east metro; those regions are further divided into five districts. These districts house 47 MFB fire stations across 26 local government areas.¹⁵

In 2015–16, the MFB had 2287 full time staff, of which 1877 are firefighters or other operational staff.¹⁶ The MFB dealt with 37 945 emergency call outs in 2015–16.¹⁷

The MFB is a statutory body established under the MFD Act. It is governed by a board which is responsible to the Minister for Emergency Services. A CEO reports to the board and is assisted by a Chief Officer in charge of operations.

1.4 Overview of the Bill

The Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 proposes two major policy changes.

Part 2 of the Bill introduces a rebuttable, presumptive right to compensation for both career and volunteer firefighters in respect of certain cancers. Under this provision where a firefighter who meets the qualifying criteria specified in

11 Sally Wilde, *Life Under the Bells: A History of the Metropolitan Fire Brigade, Melbourne 1891–1991*, p. 31.

12 Metropolitan Fire Brigade, 'Our History', viewed 25 July 2017, <www.mfb.vic.gov.au/>.

13 Sally Wilde, *Life Under the Bells: A History of the Metropolitan Fire Brigade, Melbourne 1891–1991*, p. 166.

14 Metropolitan Fire Brigade, 'Our History', viewed 25 July 2017, <www.mfb.vic.gov.au/>.

15 Metropolitan Fire Brigade, *Annual report 2015–16*, Metropolitan Fire Brigade, Melbourne, 2016, p. 9.

16 *Ibid.*, p. 33.

17 *Ibid.*, p. 14.

the Bill contracts a certain cancer, the cancer is deemed to have been caused by their firefighting exposure and is treated as a compensable injury. Where evidence exists that the cancer was due to other causes, that presumption can be challenged.

Parts 3 to 8 of the Bill propose a restructure of the Victorian fire services framework through three key changes:

- (1) Abolition of the MFB Board and renaming of MFB to Fire Rescue Victoria (FRV). The MFB Chief Executive and Chief Officer roles are combined as the FRV Commissioner. All existing CFA career firefighters and 35 CFA integrated fire stations are transferred to FRV.
- (2) The MFD is renamed the FRV fire district and expanded to include the areas currently serviced by the CFA's 35 integrated stations. A new panel is created to periodically advise the Minister on the need for revisions to the FRV fire district boundary.
- (3) The CFA is reconstituted as a fully volunteer fire service. All paid staff (training and operations officers, technical and administrative staff) will be employed by FRV and seconded back to the CFA.

1.4.1 Presumptive right to compensation

Part 2 of the Bill establishes a rebuttable presumption to compensation entitlements, determined in accordance with the *Workplace Injury and Rehabilitation and Compensation Act 2013* for firefighters suffering from certain types of cancer (listed in Schedule 1 of the Bill) subject to certain qualifying requirements.

Different qualifying criteria apply for claims by career and volunteer firefighters. Career firefighters must meet specified periods of service while volunteer firefighters must also satisfy a test of having attended fires to the extent reasonably necessary to fulfil their service.

In addition, there is a special consideration provision for firefighters with a specified cancer who do not meet the relevant qualifying period but otherwise meet the eligibility criteria set out in Divisions 2 and 3. In such cases, a firefighter may be considered for a special consideration presumptive entitlement if they can prove they had an exceptional exposure event in a firefighting capacity.

Firefighters who do not qualify for the presumptive entitlement will continue to be able to claim compensation through WorkSafe or the CFA's Volunteer Compensation Scheme.¹⁸

The Bill establishes an advisory committee to provide expert opinions to WorkSafe on:

¹⁸ Victoria, Legislative Assembly, 2017, *Debates*, vol. 6, p. 1517.

- whether a volunteer firefighter has attended fires to the extent reasonably necessary to fulfil their duties as a firefighter
- whether a firefighter has had an exceptional exposure event for the purposes of making a special consideration claim.

The appointment and membership of the committee will be provided under regulations. All compensation payments are made from the WorkCover Authority Fund. Where those payments relate to volunteer firefighter claims, the WorkCover Authority Fund must be reimbursed from the Consolidated Fund.

1.4.2 Fire services restructure

Fire Rescue Victoria

Part 3 of the Bill amends the MFB Act to abolish the Metropolitan Fire and Emergency Services Board and establish Fire Rescue Victoria (FRV) in its place.

The office of the Fire Rescue Commissioner is established to replace the MFB Board and assume all existing functions, powers and duties of the current Board, CEO and Chief Officer. The Bill provides for appointment of Deputy Commissioners with functions, duties and powers delegated by the Fire Rescue Commissioner. The Fire Rescue Commissioner and Deputy Commissioners are appointed for periods of up to five years by the Governor in Council on recommendation of the Minister.

A Strategic Advisory Committee is established to provide strategic advice to the Fire Rescue Commissioner on certain organisational matters. The seven member committee will be appointed by the Minister, with the terms of reference to be developed by the Minister in consultation with the Fire Rescue Commissioner.

FRV will assume the existing functions and responsibilities of the MFB as well as responsibility for the CFA's 35 existing integrated stations. This will effectively locate all career firefighters within the one statutory organisation of FRV.

The Bill inserts a new function into the MFB Act, requiring FRV 'to implement the fire and emergency services priorities of the Government of Victoria.'¹⁹

Metropolitan Fire District

Part 4 of the Bill renames the MFD to the FRV fire district and alters the district boundaries to include the outer urban and regional centres currently covered by the 35 CFA integrated stations, for which FRV will have responsibility.

¹⁹ Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (Vic), clause 27.

A Fire District Review Panel is established to undertake reviews of the geographical scope of the FRV fire district boundaries. It will also provide advice to the Minister relating to alteration of the district or whether a change in fire risk warrants a review of the district.

The Panel consists of up to three members with relevant experience appointed by the Minister. Panel members must not be:

- an officer or employee of a fire services agency
- an officer or employee of an industrial body with responsibility for an EBA applying to a fire services agency, or
- an officer or official of VFBV.

The Fire District Review Panel will undertake reviews of the FRV fire district at least every four years in consultation with fire services agencies and local councils and must have regard to changes in fire risk. Following a review by the Panel, the Minister may make a determination to change or not change the FRV Fire District or to require a further review as specified in the determination.

Country Fire Authority

Part 5 of the Bill amends the CFA Act to reinstate the CFA as a volunteer-based organisation with responsibility for the prevention and suppression of fire in areas that are not serviced by FRV or DELWP.

The CFA is given the new objective to support the effective and sustainable recruitment, development and retention of volunteer officers and members to deliver capability in the provision of the Authority's services.

The CFA Act is also amended to set out the powers that the CFA and the Chief Officer may exercise in relation to volunteer brigades located within the FRV Fire District.

CFA assets at former CFA integrated stations will transfer to FRV and the CFA must prepare an asset allocation statement for the Minister, drafted in consultation with VFBV and affected volunteers, to inform the transfer of brigade assets from the CFA to FRV. Brigade owned assets will remain with the brigade.

The Bill transfers relevant operational staff from CFA integrated stations, and relevant training instructors, to FRV with existing entitlements and benefits. CFA operations officers and operations managers will be employed by FRV and seconded back to work for the CFA under direction of the CFA Chief Officer. Further transfer of required CFA staff to FRV may also occur by ministerial direction until 1 September 2018.

Fire services framework restructure

2.1 Background

As noted elsewhere, the Bill proposes a significant restructure of the Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB).

In the second reading speech for the Bill, the Government stated that the Bill:

... will ensure that Victoria's career fire service is modernised, with clear accountability structures to meet the needs of a growing and changing state. It also restores the CFA to its roots as a community-based, locally responsive organisation made up of dedicated volunteer firefighters. And (sic) ensures that these volunteer firefighters are supported to do their job with clear organisational objectives and paid support staff.²⁰

The whole-of-government submission advises that 'the central goal of the Bill is improving the safety of all Victorians'.²¹

The Government seeks to achieve this aim with the three major changes provided in the Bill:

- establishment of Fire Rescue Victoria (FRV)
- changes to the metropolitan fire district (MFD)
- re-instatement of the CFA as a fully volunteer organisation.

Population growth, urban sprawl and changes to climate, as well as issues relating to leadership and culture, interoperability, and financial sustainability, have been identified in multiple reviews as particular challenges faced by Victoria's fire agencies and are, the Government argues, the key drivers for this change.²²

2.1.1 Previous reviews

Victoria's fire and emergency services have been the subject of numerous reviews over the last 30 years.

An outline of some of the major reviews going back to 1982 is provided in Table 2.1.

20 Parliament of Victoria, Legislative Assembly, 25 May 2017, *Debates*, vol. 6, p. 1517.

21 Government of Victoria, *Submission*, No. 624, p. 5.

22 *Ibid.*, p. 6.

The Government submission to the Committee noted that in the past decade there has been almost continuous review of the state's fire services. The reports between 2008 and 2016 alone considered 2276 submissions and made 309 recommendations.²³

The Committee notes that few of the recommendations arising from the reviews of the last decade address the issue of the structure of the fire services. The restructure as contemplated in the Bill is not reflected in the recommendations of those reviews.

FINDING 1: The restructure of the Country Fire Authority and the Metropolitan Fire Brigade as proposed in the Bill was not included among the recommendations of the fire services reviews undertaken over the last decade.

Table 2.1 Reviews of Victoria's fire services since 1982

Year	Review	Author	Summary
2016	A review of the MFB Employee Support Program	Dr Peter Cotton	A review of internal mental health and wellbeing support services in the MFB.
2016	Inquiry into the CFA Training College at Fiskville Final Report	Parliament of Victoria, Environment, Natural Resources and Regional Development Committee	A report into the health and safety failures at the CFA Training College at Fiskville and the failure of the CFA and regulatory agencies to prevent or respond adequately to these occurrences.
2015	Report of Inquiry into the Effect of Arrangements Made by the Country Fire Authority on its Volunteers	Justice David Jones AM	A report on the effectiveness of the CFA's volunteer recruitment, training, deployment, utilisation and support policies.
2015	Drawing a line, building stronger services — The Fire Services Review	David O'Byrne	A review into the resourcing, operations, management and culture of the MFB and CFA.
2014	Hazelwood Mine Fire Inquiry Report	Hon Bernard Teague AO, et al.	A report into the adequacy of the response of emergency services to the Hazelwood mine fire and the measures taken in respect to the health and wellbeing of the communities affected.
2011	Review of the 2010-11 Flood Warnings and Response	Neil Comrie AO	A review into aspects of flood response and recovery, emergency warnings and evacuations. Including cooperation between the CFA and VICSES.
2010	Report of the Victorian Bushfire Royal Commission	Hon Bernard Teague AO, et al.	A report into the bushfires in Victoria in 2009 and adequacy of the preparation, response of the emergency services as well as the recovery services offered in the aftermath.
2008	Report on the Process to Select New Personal Protective Clothing for Victorian Firefighters	Judge Gordon Lewis AM	A report on the institutional difficulties and shortcomings in the CFA and MFB's process to select new protective clothing.
2003	Report of the Inquiry into the 2002-2003 Victorian Bushfires.	B. Esplin et al.	A report on the adequacy of the preparation and response to the bushfires of 2002-2003.

²³ Ibid., p. 7.

Year	Review	Author	Summary
1994	Report of the Public Bodies Review Committee into the Metropolitan Fire Brigades Board	Parliament of Victoria, Public Bodies Review Committee	A review of the services provided by the MFB and the potential to share services with other emergency services agencies.
1984	Report of the Bushfire Review Committee on bushfire preparedness in Victoria, Australia, following the Ash Wednesday fires	S.I. Miller et al.	A review of the bushfire disaster preparedness and response following the Ash Wednesday Fires in February 1983.
1982	A Study of Alternative Organisation And Funding Arrangements for An Integrated Fire Service in Victoria	Public Service Board of Victoria	A review into the possibility of merging the state's fire agencies.

Source: Compiled by the Fire Services Bill Select Committee.

2.2 Policy development process

Development of the restructure proposal commenced in January 2017 at the request of the Minister for Emergency Services. The Department of Premier and Cabinet (DPC) led the process and an expert advisory group was subsequently established consisting of former NSW Fire Rescue Chief Executive Greg Mullins AFSM, former Department of Justice Secretary Penny Armytage, former Department of Sustainability and Environment Chief Fire Officer Ewan Waller, and former federal Industrial Relations Minister Simon Crean.²⁴

Chaired by Greg Mullins, the expert advisory group met for the first time in February 2017 and was presented with the draft restructure proposal that had been developed by DPC.²⁵

The expert advisory group recommended only minor changes and tweaks, and the restructure proposal in the Bill is not materially different to the original DPC draft proposal. Mr Mullins advised:

The CHAIR — Thank you. Just to be clear, the expert advisory panel was presented with a proposal; it did not develop a proposal itself.

Mr MULLINS — There was a draft proposal, but it was made very clear that it was draft, and there was a request for expert input to that.

The CHAIR — Do you know where the draft proposal came from and how it was developed?

Mr MULLINS — I am not privy to exactly who worked on it, but it was via the Department of Premier and Cabinet.

The CHAIR — Are there any material changes between what has come forward as legislation and what was presented to the expert panel as that draft proposal?

²⁴ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 4.

²⁵ Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, p. 37.

Mr MULLINS — Not that I am aware of, no.

The CHAIR — Any changes at all?

Mr MULLINS — Sorry, from the initial draft proposal?

The CHAIR — From the initial draft that came to your expert committee.

Mr MULLINS — Minor changes and tweaks that were suggested by the expert advisory panel.²⁶

2.2.1 Role of CFA and MFB in the policy process

The portfolio department responsible for fire services, the Department of Justice and Regulation (DJR), unusually, did not lead the policy development process and was also not represented on the expert advisory group. Input was however sought from the Secretary of DJR.²⁷

Also absent from the expert advisory group were representatives of Emergency Management Victoria, the CFA, and the MFB.

While data was requested from the CFA and MFB to inform DPC's policy development process, neither agency was engaged in the policy formulation or consulted on the development of the restructure proposal.

The Committee has received conflicting evidence as to when the fire services were first briefed on the Bill and proposed restructure. DPC advised that the fire services were briefed between 20–25 April 2017.²⁸

This was confirmed by the Emergency Management Commissioner who advised that he was formally briefed on the Bill on 24 April 2017.²⁹

Then MFB Acting Chief Officer Paul Stacchino however informed the Committee that he was not briefed until 19 May 2017.³⁰

The Committee sought to understand why the fire services were not involved in the policy development process. DPC indicated that it was concerned about the fire services leaking information. Mr Tony Bates, Deputy Secretary, Governance Policy and Coordination, DPC stated:

²⁶ Ibid., p. 38

²⁷ Andrew Minack, Director, Governance Branch, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 6; Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 20.

²⁸ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 4.

²⁹ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of evidence*, 25 July 2017, p. 28.

³⁰ Paul Stacchino, Acting Chief Officer, Metropolitan Fire Brigade, *Transcript of evidence*, 25 July 2017, p. 41.

... to be frank, my concern was that the fire services leak information very openly. So in terms of wanting to protect the confidentiality of cabinet considerations, I was quite guarded in how much consultation I did with the two fire agencies until we had the proposals very well developed.³¹

This proposition was strongly rejected by the MFB. Mr Stacchino stated:

The CHAIR — The Department of Premier and Cabinet ... [stated] ... to be frank, my concern was that the fire services leak information very openly. Has that been your experience as the chief officer of MFB?

Mr STACCHINO — No, it is not my experience at all.

The CHAIR — Do you know why Mr Bates would hold that view?

Mr STACCHINO — No.³²

The Committee notes that the Government elected to prioritise confidentiality of the policy development process ahead of meaningful policy input from the fire services.

FINDING 2: The policy development process for the restructure did not involve representatives from Emergency Management Victoria, the Country Fire Authority or the Metropolitan Fire Brigade.

2.2.2 Role of the UFU in the policy process

The United Firefighters Union of Australia (Victoria Branch) (UFU) was engaged in the policy development process from January 2017, specifically in relation to the presumptive legislation provisions.

The Government's rationale for engaging the UFU on this matter related to the UFU's experience with presumptive legislation schemes in other states. In relation to the UFU, Mr Bates advised:

They had a lot of experience with the schemes in the other states. It was the most efficient way for us to get that information.³³

Mr Bates also indicated that the UFU provided input through 'questions of fact' somewhere between 12 and 15 times.³⁴ The UFU advised that this was confined to discussion on presumptive legislation.³⁵

The Committee notes that the Victorian Government could have obtained information on other presumptive legislation schemes directly from the other state governments that administer them.

³¹ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 5.

³² Paul Stacchino, Acting Chief Officer, Metropolitan Fire Brigade, *Transcript of evidence*, 25 July 2017, p. 41.

³³ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 15.

³⁴ *Ibid.*, p. 19.

³⁵ Peter Marshall, Secretary, United Firefighters Union, *Transcript of evidence*, 24 July 2017.

The Committee is therefore surprised that the Government chose to obtain this information from the UFU as a third party.

While the fire services and Emergency Management Victoria were first briefed on the Bill and proposed restructure in late April and May, DPC has advised that it first met with the UFU to discuss the structural reforms on 20 March 2017.³⁶ A further three meetings occurred over the following nine days. The Government has declined to provide the Committee with the briefing papers from those meetings, making a claim of executive privilege.

In an environment where the Government was unwilling to engage with its own fire services due to its concerns over confidentiality, the Government demonstrated substantially greater trust in the UFU.

2.3 Consultation with volunteer firefighters

Many CFA volunteers put a strong view to the Inquiry that the Victorian Government's consultation has been inadequate throughout the development of the Bill. Many volunteers voiced their concerns that they had been left in the dark on basic information about the reform and how transitional arrangements would be implemented.

The CFA acknowledged those concerns in evidence from CFA Chief Officer Mr Steve Warrington:

Ms SYMES — ... A lot of the volunteers have said that they are concerned about the lack of detail, so I am interested in your consultation with volunteers: when you are explaining the benefits of a lack of detail in a piece of legislation from an implementation perspective, how is that going?

Mr WARRINGTON — Can I start by saying the general feedback is — and can I be a little bit crass, because it is just how it is — that people have had a gutful of it. They are just about over it. That would be the general feeling I get across the board. There are still people that are absolutely disappointed that there was not consultation. They are still disappointed that there is no detail and potentially that this is politically driven, but that is all about people focusing on the past.³⁷

In its submission, Volunteer Fire Brigades Victoria (VFBV) reflected the concerns of volunteers, noting:

... volunteers still feel that despite a series of field briefings to tell them what the proposed legislation is - there has still not been real or genuine effort nor process to take on board what they have said, listen to nor consider their concerns and treat them with the respect they deserve.³⁸

³⁶ Department of Premier and Cabinet, *Response to questions taken on notice*, 7 August 2017, Question 1.

³⁷ Steve Warrington, Chief Officer, Country Fire Authority, *Transcript of evidence*, 25 July 2017, p. 62.

³⁸ Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 2.

2.3.1 Requirements to consult

The Government has a statutory obligation to consult with CFA volunteers on issues that are expected to impact them.

The CFA Act recognises VFBV as the formal representative of volunteer firefighters.

In 2001 the Government signed the Volunteer Charter with VFBV as a statement of the commitment and principles that apply to the relationship between the government, the CFA and CFA volunteers.

In 2011 the CFA Act was amended to give the Volunteer Charter legal standing. In introducing the Country Fire Authority Amendment (Volunteer Charter) Bill 2011, the then Minister for Police and Emergency Services, the Hon Peter Ryan MP said:

The charter requires that the government of Victoria and the CFA consult with Volunteer Fire Brigades Victoria on behalf of CFA volunteers, in accordance with the charter, prior to making a decision on any matter that might reasonably be expected to affect them. The individual and collective interests and needs of volunteers must always be considered and protected if they are to deliver CFA services safely and effectively.³⁹

The latest version of the Charter signed on 27 February 2011 explicitly requires the Government to:

... Consult with the elected representatives of Volunteers on all matters which may impact upon Volunteers including proposed legislation and the adequacy of resources to enable Volunteers in CFA to deliver the agreed services.⁴⁰

Similarly, the CFA Act also recognises that the Volunteer Charter:

... requires that the Government of Victoria and the [CFA] commit to consulting with Volunteer Fire Brigades Victoria Incorporated on behalf of volunteer officers and members on any matter that might reasonably be expected to affect them.⁴¹

Despite having a statutory obligation to consult the VFBV in relation to any legislative proposal that may impact upon volunteers, the Government failed to do so before submitting the Bill to Parliament. This was confirmed by VFBV in evidence:

The CHAIR — You would be familiar with the volunteer charter, which was signed in February 2011 and is referenced in the Act, and also the emergency management volunteer statement that was signed more recently, both of which have call-out consultation requirements. Have those consultation requirements been met in relation to this legislation?

Mr FORD — No, they have not.⁴²

³⁹ Parliament of Victoria, Legislative Assembly, 3 March 2017, *Debates*, vol. 3, p. 581.

⁴⁰ Government of Victoria, Volunteer Fire Brigades Victoria, Country Fire Authority, *Volunteer Charter*, 2011.

⁴¹ *Country Fire Authority Act 1958* (Vic), No. 6228 of 1958, section 6G(c).

⁴² Andrew Ford, Chief Executive Officer, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 7 July 2017, p. 48.

The Committee notes that neither the Government's submission, oral evidence, nor second reading speech for the Bill refer to the Volunteer Charter or the statutory obligation to consult VFBV.

FINDING 3: The Government's failure to consult with the Volunteer Fire Brigades Victoria as required by the Volunteer Charter and the *Country Fire Authority Act 1958* has caused considerable concern to Country Fire Authority volunteers, reinforced the perception of a bias towards the United Firefighters Union, and undermined confidence in the restructure proposal.

RECOMMENDATION 1: The Government ensure compliance with its consultation obligations under the Volunteer Charter and the *Country Fire Authority Act 1958* prior to proceeding with any further reform of the fire services.

2.4 Consultation after the Bill's release

After the Bill's introduction to Parliament, the Victorian Government began a series of consultation sessions with firefighters.

The Victorian Government, in its written submission to the Committee, provided a summary of consultation conducted with CFA members.⁴³

This involved a series of sessions that commenced on 19 May 2017, held on location at CFA integrated and volunteer-only stations. The Government initially advised that this included:

- over 67 site visits by ministers and senior fire services leaders to explain the reforms to over 2600 volunteers and staff
- regional visits at which over 730 brigades were represented with the opportunity for over 35 000 volunteers to engage with the reforms.⁴⁴

The Committee received a number of representations from CFA brigade stakeholders that disputed the Government's claimed level of brigade and volunteer engagement.

Following those concerns being raised, the Committee sought clarification from the CFA as to its input to the Government's submission and the accuracy of the submission.

The CHAIR — Mr Warrington, I would like to ask you first about the whole-of-government submission to this inquiry. Did you see this submission prior to it being sent to the committee?

Mr WARRINGTON — I would have been provided with a copy before it was sent to the committee, I think — I cannot recall.

The CHAIR — Any input into it?

⁴³ Government of Victoria, *Submission*, No. 624.

⁴⁴ *Ibid.*, p. 34.

Mr WARRINGTON — No.

The CHAIR — Are you aware of any inaccuracies or any misleading statements or false statements in this submission?

Mr WARRINGTON — Yes, I am. There is an appendix at the rear of the document that talks about the amount of consultation that has occurred. Unfortunately there was an administrative error within the CFA that occurred in providing that information to the government. We are now aware of that error ... In my understanding we have now written to the government, particularly DPC, and we have offered our apologies and resubmitted what we believe is accurate data.⁴⁵

The Committee is concerned that it was not informed of the error in the Government's submission either by DPC or the CFA until after it specifically asked the CFA if the submission was accurate.

On 7 August 2017 the Government presented a revised submission which deleted the claim that 730 brigades and 35 000 volunteers had been afforded the opportunity to engage with the reforms. The revised submission also deleted a 24-page attachment which had purported to record brigades and the dates on which they had been consulted.

The Committee notes that the substantial change between the original and revised submission in relation to the Government's claim to have undertaken consultation with volunteers further erodes confidence in those consultation processes.

FINDING 4: The Government's original written submission to the Committee contained substantial errors relating to its claimed level of consultation. Its failure to acknowledge and correct those errors until prompted by the Committee undermines confidence in the claimed consultation process.

In the Committee's view, the Government's consultation on the proposed restructure to Victoria's fire services has been inadequate, and in the case of consultation with volunteers, in contravention of the CFA Act.

The Committee acknowledges that after the introduction of the Bill to Parliament, the Government has undertaken a series of information sessions with CFA brigades on the proposed restructure. However, merely providing information on a significant policy proposal without seeking input from the affected parties does not constitute an adequate consultation process.

RECOMMENDATION 2: The Government undertake meaningful and balanced consultation with Emergency Management Victoria, the Country Fire Authority, the Metropolitan Fire Brigade, staff and volunteer representatives prior to proposing any further reform of the fire services.

⁴⁵ Steve Warrington, Chief Officer, Country Fire Authority, *Transcript of evidence*, 25 July 2017, p. 52.

2.5 Implementation

While the Bill proposes the basic statutory framework for CFA and FRV, implementation will be undertaken by two implementation committees.

The Fire Services Interdepartmental Committee (FSIDC) will lead the implementation and has the following functions:

- provide oversight and policy guidance on the Fire Services reforms, specifically on non-operational requirements
- support the Fire Services Cabinet Taskforce in ensuring that Fire Services Reforms are implemented
- ensure overarching objectives of the Fire Services Reforms are achieved:
 - the CFA continues to be a strong and proud volunteer organisation, well-equipped with contemporary, high standard support, tools and systems
 - Victoria’s fire services are modern, with appropriate governance and management structures
 - Victoria’s fire services are underpinned by a planning framework that supports an integrated, efficient and flexible sector
 - fire services are staffed by world class career and volunteer firefighters that are well supported and reflect the community which they serve
- ensure budget measures announced as part of the fire services reforms are distributed and expended
- provide an escalation point for the Fire Services Operations and Risk Management Committee regarding operational risks or concerns.⁴⁶

The FSIDC will be led by the Secretary of DJR, and comprises Deputy Secretaries from DPC, the Department of Treasury and Finance, and the Department of Environment, Land, Water and Planning (DELWP); the CFA Chief Executive Officer (CEO) and Chief Officer; the MFB CEO and Chief Officer (to be replaced by FRV Commissioner); and the Emergency Management Commissioner.

Supporting the FSIDC is an Operational Implementation Committee (OIC) chaired by Greg Mullins AFSM, and comprised of the Emergency Management Commissioner, the CFA Chief Officer, an MFB representative (to be replaced by the FRV Commissioner), and the Chief Fire Officer.

The functions of the OIC are to:

- develop a risk matrix and management plan, including prevention, preparedness, response and recovery, with a priority focus on ensuring there is no reduction in operational capability
- oversee operational implementation and risk mitigation activities

⁴⁶ Government of Victoria, *Submission*, No. 624, p. 32.

- manage or escalate risk as required to the FSIDC or the Fire Services Cabinet Taskforce
- inform the development of heads of agreement between FRV and CFA with regard to matters including but not limited to:
 - the secondment model
 - shared services agreements
 - maintenance of training and support to volunteers
 - allocation of assets, including appliances and equipment
- inform the finalisation of budget allocations, including \$44 million for CFA assets
- provide advice on any other issue as directed by the Minister for Emergency Services
- advise the Minister for Emergency Services and the Fire Services Taskforce on the readiness of the agencies to apply the reforms and any unforeseen requirements.⁴⁷

The Committee was advised that the OIC commenced meeting in July 2017, and by 24 July had met twice. The OIC chair advised the Committee:

... we have some very clear riding instructions in terms of our terms of reference. We will be working on a heads of agreement between CFA and MFB primarily about the transfer of assets and people to the new entity. We will be looking at the secondment model of operational officers and training officers from the new entity, which would be the employing body to CFA so that they can continue to carry out their vital work.

The very clear instruction that I had was that the secretary of the department of justice needs urgent advice as to what should and should not occur prior to the upcoming bushfire season. The reason for that and the riding instruction is that there is to be no degradation in operational capability whatsoever as a result of changes, so we have to be very careful what we mess with. I am satisfied, with the experts we have around the table and their ability to draw from within their organisations, that we will be able to give that advice.⁴⁸

The Committee notes that managing the issues covered by the OIC's terms of reference are fundamental to the success of any restructure of the fire services, and the maintenance of Victoria's fire prevention and suppression capacity.

Many submitters to this Inquiry have expressed concern at the lack of certainty around those operational/implementation matters which will fundamentally impact on the relationships between FRV and the CFA, and operations within the CFA.

⁴⁷ Ibid., p. 44.

⁴⁸ Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, p. 39.

The Committee was advised that the OIC originally planned to meet in May 2017, however intentionally delayed its commencement until July 2017 to allow this Inquiry to occur.⁴⁹

The OIC is now developing draft implementation proposals for consultation.

The Government's decision not to form the OIC and draft implementation plans until after the expected passage of the Bill means both the Committee and the wider Victorian community have no certainty on the practical implementation outcomes.

The Committee regards the Government's failure to prepare implementation plans in parallel with the Bill as a significant weakness in the proposed restructure.

FINDING 5: The Government's failure to undertake implementation planning in parallel with developing the restructure proposal has caused substantial and unnecessary uncertainty in the community as to the impact of the proposed changes on the fire services.

The Committee received evidence from the CFA of the importance of the implementation planning being undertaken at an operational level. CFA Chief Officer Steve Warrington advised:

I have approached the minister on a one-on-one basis and requested that any further implementation be done by the agencies themselves. I am clearly saying that it is my responsibility, as chief officer, to work with my peer in Fire Rescue Victoria to ensure that we do not compromise service delivery and we are able to continue to support both volunteers and our service delivery moving forward. I see that as a role we should be playing. It is not the role — no offence — of the politicians or the legislators. The legislators set the policy, the reform and the agenda. We will implement it, but let us get on and implement it.⁵⁰

The Committee endorses the view that implementation planning needs to be developed at an operational level, and believes that the OIC is the appropriate body to undertake that work, noting that it will also need to engage in broad consultation.

This, however, does not mean that implementation planning should be delayed until after legislation is enacted. The Committee believes that the OIC should have been engaged to develop a draft implementation plan in parallel with the Bill, and this should have been released with the Bill as part of a detailed restructure proposal.

RECOMMENDATION 3: The Government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal.

⁴⁹ Ibid.

⁵⁰ Steve Warrington, Chief Officer, Country Fire Authority, *Transcript of evidence*, 25 July 2017, p. 54.

2.6 Fire Rescue Victoria

FRV is proposed as a new fire agency that comprises all existing MFB stations and the CFA's 35 integrated stations. Approximately 1200 operational staff will be transferred from the CFA to FRV,⁵¹ locating all career firefighters within a single organisation under a new governance structure.

Certain professional, technical and administrative staff will also be transferred to FRV and seconded back to the CFA to work under the direction of the CFA Chief Officer.

In addition to the existing functions of MFB, which carry over to FRV, a new function obliges FRV to provide operational and management support to the CFA.

The Government asserts that the creation of FRV will:

- create a single, modern, urban career firefighting service, which provides major opportunity for profound operational, and organisational culture change and ensures a model that is prepared for future requirements of our changing State
- provide consistent training and career paths for career firefighters, strengthening the career firefighting service across the state
- allow for a single operational enterprise agreement, which will provide consolidated direction and control of career firefighters and consistent employment conditions
- provide an opportunity to reset the relationship between the fire services.⁵²

2.6.1 Governance structure

The new structure of a Fire Rescue Commissioner replaces the existing three-head structure of board, CEO and chief officer, extant in various forms since the first iteration of metropolitan fire brigade legislation in 1890.⁵³ This change broadly aligns to the 2015 Fire Services Review (O'Byrne Review) recommendation to reinstate the Chief Officers as heads of their fire services.⁵⁴

The Commissioner is supported by deputy commissioners and a strategic advisory committee, and is intended to better provide for a clear control and command structure with undiluted lines of accountability.⁵⁵

⁵¹ Government of Victoria, *Submission*, No. 624, p. 17.

⁵² *Ibid.*, p. 16.

⁵³ *Fire Brigades Act 1890* (Vic), No. MCC. David O'Byrne, *Report of the Victorian fire services review: Drawing a line, building stronger services*, Government of Victoria, 2015, p. 45.

⁵⁴ David O'Byrne, *Report of the Victorian fire services review: Drawing a line, building stronger services*, Government of Victoria, 2015, p. 44.

⁵⁵ Government of Victoria, *Submission*, No. 624, p. 16.

The Government likens the Fire Rescue Commissioner to other single-commissioner governance models elsewhere in Victoria and Australia, such as the Chief Commissioner of Police, the Victorian Electoral Commissioner and the NSW Fire and Rescue Commissioner.⁵⁶

The Committee notes, however, that the Fire Rescue Commissioner will not have the same degree of independence that is usually the case for heads of independent statutory agencies. Section 29 of the Bill provides that:

Fire Rescue Victoria and the Fire Rescue Commissioner are subject to the general direction and control of the Minister

This framework is more prescriptive than is the case for the comparable positions shown in Table 2.2. This concern was discussed with the Emergency Management Commissioner:

Dr CARLING-JENKINS — ... It seems to be that the commissioner is responsible to the minister within this legislation, and a commissioner's role generally is independent of government.

Mr LAPSLEY — Yes. I should say it is very clear that it is reported to the government in this proposal — absolutely.

Dr CARLING-JENKINS — Very.

Mr LAPSLEY — So the answer to the question: yes, the commissioner is a direct report to the minister. Obviously I have not seen that and I have not overanalysed that, but not having a board would see that the minister and minister's office would have a direct relationship with that commissioner.⁵⁷

Table 2.2 Comparative ministerial oversight of the Fire Rescue Commissioner

Fire Rescue Commissioner	Chief Commissioner of Victoria Police	NSW Fire and Rescue Commissioner
<p>Appointment provided for in the Bill: (from cl. 29)</p> <p>Fire Rescue Victoria and the Fire Rescue Commissioner are subject to the general direction and control of the Minister in the performance of the duties and functions and the exercise of powers of Fire Rescue Victoria and the Fire Rescue Commissioner, including, but not limited to, the policies and priorities to be pursued by Fire Rescue Victoria and the Fire Rescue Commissioner.</p>	<p>Appointed under the <i>Victoria Police Act 2013</i>: (from s. 10)</p> <p>The Minister may from time to time, after consulting the Chief Commissioner, give written directions to the Chief Commissioner in relation to the policy and priorities to be pursued in the performance of the functions of Victoria Police. (from s. 16)</p> <p>The Chief Commissioner is responsible to the Minister for the general conduct, performance and operations of Victoria Police.</p>	<p>Appointed under the <i>Government Sector Employment Act 2013</i> (NSW): (from s. 30)</p> <p>The head of a Public Service agency (other than a Department) is responsible to the Minister or Ministers to whom the agency is responsible for the general conduct and management of the functions and activities of the agency in accordance with government sector core values under Part 2.</p>

Source: Compiled by the Fire Services Bill Select Committee.

⁵⁶ Ibid., p. 17; Premier of Victoria, *Modern Fire Services for a Safer Victoria*, media release, Government of Victoria, Melbourne, 19 May 2017.

⁵⁷ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of evidence*, 25 July 2017, p. 32.

In establishing FRV, the Bill also adds to the statutory functions of ‘the Board.’⁵⁸ Notable is the new function in section 27 ‘To implement the fire and emergency services priorities of the Government of Victoria’.

The Committee notes that the existing functions of the Board, which will transfer to FRV are:

- to provide for fire suppression and fire prevention services
- to provide for emergency prevention and response services
- to carry out any other function conferred by an Act or regulations.

The Committee believes that including ‘implementing government fire and emergency services priorities’ as a statutory function of a fire service alongside fire prevention and suppression is highly unusual.

The Committee notes that the Government has provided no explanation for this additional function, and that it has not articulated what those priorities are.

FINDING 6: The Government has taken the unusual step of including ‘implementing the Victorian Government’s fire and emergency services priorities’ as a statutory function of Fire Rescue Victoria alongside fire prevention and suppression, and emergency prevention and response.

2.7 CFA refocused on volunteers

The proposal to restore the CFA to a volunteer-only organisation is contained in clause 47 of the Bill, which amends section 6F of the CFA Act to recognise the CFA as ‘a fully volunteer firefighting service, supported where necessary by paid staff’.⁵⁹ This reflects priority 1 of the Fire Services Statement.⁶⁰

The changes would see the CFA’s 1200 career staff transferred to FRV.⁶¹ Volunteers at existing integrated CFA stations — consisting of career and volunteer staff — can opt to transition to ‘co-located’ stations with both FRV and CFA brigades operating. The volunteers will retain the identity of their brigade. Integrated and co-located stations are discussed in detail in Chapter 3.

The Government stated there was a need to ‘reinvigorate’ the CFA as a volunteer organisation to address issues that had accumulated over time:

The CFA has itself adapted over time to meet the changing demands for service delivery. It has progressively put in place a network of integrated stations that provide a team of career firefighters working alongside volunteers. This evolution of

⁵⁸ In an apparent error in the Bill, references are made to the MFB Board, even though the Board is to be replaced by the FRV Commissioner.

⁵⁹ Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (Vic), clause 47.

⁶⁰ Government of Victoria, *Fire services statement*, Government of Victoria, Melbourne, 2017, p. 15.

⁶¹ Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (Vic), clause 102.

the CFA from a largely volunteer firefighting service to an organisation responsible for providing fire services to key urban and regional growth zones, has changed the “DNA” of the organisation. This has created significant operational and cultural challenges as the population continues to expand the organisation’s operational responsibilities. One of the core objectives of the proposed reforms is to reset so both the CFA and FRV can focus on more clearly defined operational responsibilities.⁶²

Craig Lapsley, the Victorian Emergency Management Commissioner, believed that returning the CFA to a volunteer organisation was a critical reform. He spoke of the need to ‘refresh’ the CFA in order to address several major organisational issues:

Some of it is back to the basics and some of these are almost too basic: training, access to training has got to be critical; clarification of role and responsibility; clarification that they do have a command and control role in the areas in which they operate; understanding that we have got to move them to be a more inclusive and diverse place. Fire services traditionally across the world are seen to be very much a boy’s club, and you will even see, as we wander through today, that it is still very strong in male leadership across our fire services — not so much across the emergency services but certainly fire. It needs to be next generation. It needs to step up in technology. It needs to look for what a youth member, a 17-year-old, a 27-year-old wants in order to be a volunteer, and they do not look that way. That is why I use the word refresh. We do not need to lose the good, but we have got to make sure we take the opportunity to regrow it, refresh it, revitalise it and give it what it needs to be a vibrant organisation that it is not today — and it has been before.⁶³

He also emphasised that the change would allow the CFA to focus on the needs of the organisation instead of being preoccupied with industrial relations disputes.⁶⁴

VFBV had a different perspective on the merits of the restructure package and believes it will impose a number of impediments on CFA volunteer operations:

The proposed legislation provides no change whatsoever to the fire services ability to respond to urban growth or urban service demands.

...

The opportunity that exists today for CFA pursue a range of options to transition and evolve volunteer brigade capacity (including supplementing paid firefighters into the volunteer brigade) as local service demands changes will be reduced not strengthened by the proposed restructure. The proposed structure and resulting systems established by the proposed legislation lack the flexibility of the CFA system and alienates local volunteerism in urban communities; it sets a framework that will disempower and discourage volunteers and this will lead to a need to replace volunteers over time with paid staff doing the same response job as volunteers but without the community networks or ongoing provision sufficient surge capacity.⁶⁵

⁶² Government of Victoria, *Submission*, No. 624, p. 22.

⁶³ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of evidence*, 25 July 2017, p. 34.

⁶⁴ *Ibid.*

⁶⁵ Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 7.

2.7.1 Proposed secondment arrangements

The Bill proposes that existing career firefighting staff at the CFA be transferred to become employees of FRV and that necessary management and support staff then be seconded from FRV back to the CFA.

The Government advised that this arrangement is intended to:

- allow the CFA to focus on its role as a volunteer organisation by removing the distraction of dealing with enterprise agreement issues
- provide training and development opportunities to firefighters and improve interoperability and collaboration between the two organisations.

Section 38 of the Bill provides for the secondment arrangements as follows:

- FRV may enter into an agreement or arrangement with the CFA under which officers or employees, or classes of officers or employees, of FRV are made available (whether on a full-time, part-time or other basis) to the CFA⁶⁶
- any officer or employee seconded to the CFA under these arrangements remains an officer or an employee of FRV⁶⁷
- The CFA is prevented from transferring, suspending or removing seconded FRV officers or employees, and has no duty to pay salaries or provide leave entitlements to secondees.⁶⁸

In its submission, the Government outlined the recruitment process for secondees:

Recruitment of secondees will be the responsibility of the Fire Rescue Victoria Commissioner, in consultation with the CFA Chief Officer, who will advise on the skills, attributes and capabilities required for these roles. A process will be agreed between the CFA Chief Officer and Fire Rescue Commissioner on a process to identify staff to fill operational management roles. A heads of agreement will be established to codify this process and ensure ongoing support and collaborative practice with respect to the secondment arrangement.⁶⁹

In oral evidence, the Government advised that:

The intention is that operationally the CFA chief officer, he or she, will have full control through the seconded staff into the volunteer brigades ... That clause is basically I will call it around the employment arrangements. So it is sort of saying the CFA chief officer cannot sack someone who is — it is that. It is separating, I will say, terms and conditions of employment from operational command.⁷⁰

⁶⁶ Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (Vic), clause 38(2).

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Government of Victoria, *Submission*, No. 624, p. 18.

⁷⁰ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 23.

The Committee notes that section 38 as drafted may limit the capacity of the CFA Chief Officer to exercise operational control of seconded staff. The Government has confirmed that this clause may require amendment.⁷¹

FINDING 7: Section 38 of the Bill as drafted may limit the capacity of the Country Fire Authority Chief Officer to exercise operational control of seconded staff.

Concerns were expressed to the Committee about the practical impacts of the secondment model. The concerns generally covered three issues:

- the impact on the autonomy and chain of command of the CFA of having all operations managers, operations officers and training instructors employed by FRV
- the impact on CFA culture of having all operational staff recruited and trained in the FRV environment and seconded to CFA without prior knowledge or exposure to the CFA environment and culture
- the impact on CFA operations and culture of having seconded operational staff employed under an FRV enterprise agreement that may be prejudicial to the interests of volunteers.

VFBV described the proposed secondment model as a ‘major concern’ with ‘serious detrimental impacts’ that would impact all CFA brigades. It explained:

These serious detrimental impacts are amplified when considered against the result that CFA may be excluded from any negotiations of the working conditions that said employees will negotiate with their employer (FRV) and the reduced power and autonomy of the CFA Chief Office to manage his future workforce is severely compromised.

...

It has the potential to drive rifts and a breakdown in cooperation across one of the most vital and effective partnerships within CFA - that of the brigade and its catchment officers. These officers perform such an important and influential role in the encouragement, capability, support, management, authorising environment, priority setting and budgetary process – that any risk to the relationship between brigades and CFA operational middle management will have disastrous affect.⁷²

The CFA expressed the view that the secondment model would work. CFA Chief Officer Steve Warrington stated:

I have been given assurances that they will be tasked by or report to the CFA. There is a component in the legislation that says Fire Rescue Victoria’s role is to support the CFA and provide training to the CFA. My expectation is that working in a strong relationship with the Fire Rescue Victoria commissioner we need to put up what our expectations are for our people moving forward to ensure we are still able to support volunteers. Again, when we move to implementation we will be looking for those sorts of sureties as we move forward.⁷³

71 Ibid.

72 Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 23.

73 Steve Warrington, Chief Officer, Country Fire Authority, *Transcript of evidence*, 25 July 2017, p. 53.

Mr Warrington, however, also noted the lack of clarity in the proposed secondment arrangements:

... we will be seeking to get more clarity into that space, and it is one of the areas that we think could certainly have more analysis or review as far as the legislation is concerned.⁷⁴

The Committee is aware that the MFB and CFA already engage in a secondment program between their staff.

In its submission, the UFU highlighted that an existing secondment arrangement between MFB and CFA was a result of criticisms in the Bushfires Royal Commission on the lack of coordination between the two agencies. It noted that a secondment trial was established in 2012 to address this. After the trial was considered a success it was re-established by the two agencies in 2015.⁷⁵

The Committee notes that a secondment program is an important way to improve the mutual understanding of each organisation, provide education and development for staff, and identify and reduce interoperability barriers.

However, it is important to draw a distinction between a limited secondment program for staff and organisational development, and the use of secondment as the default employment method for all operational and training staff.

Under the proposed model, recruitment of staff to be seconded to CFA will be the responsibility of the FRV Commissioner. While the CFA Chief Officer will be consulted on the required skills, attributes and requirements for the roles, the employment decision will be made by the FRV Commissioner.

The Committee notes that under the secondment model, the CFA Chief Officer will not have the autonomy to appoint his or her own leadership group, who will ultimately be employed and chosen by the FRV Commissioner.

The Committee considers that the use of this secondment mechanism as the default employment model for operational staff undermines the autonomy of CFA from FRV and undermines the authority and chain of command of the CFA CEO and Chief Officer.

The Committee is of the strong view that this default employment model should not proceed.

RECOMMENDATION 4: Country Fire Authority staff should continue to be employed directly by the Country Fire Authority, and solely within the Country Fire Authority chain of command. Secondment should only be used for staff exchange/development opportunities, not as a default employment mechanism.

⁷⁴ Ibid.

⁷⁵ United Firefighters Union, *Submission*, No. 625, p. 37.

2.8 Fire district changes

Victoria is currently divided into two geographic fire service areas which determine whether the CFA or MFB have responsibility for core fire service provision. The MFB is primarily responsible for service provision in the MFD, a contiguous area of inner and middle suburbs around Melbourne. The area of Victoria not contained in the MFD is the country area for which the CFA has responsibility.

2.8.1 Metropolitan fire district

The MFD is the area of Melbourne in which the MFB has sole responsibility for fire service delivery. The district is defined in section 4 and Schedule 2 of the MFB Act. Section 4 also sets out the process by which the district boundary may be changed, that is:

- a council whose municipal district (or any part thereof) is outside the fire district may lodge a request to the board to be included within the fire district
- if the board finds it necessary or desirable to grant the request it will issue a recommending certificate
- on receipt of both the council's request and certificate, the Governor in Council may, by proclamation in the Government Gazette, declare that the municipal district is to be added to the fire district
- the municipal district becomes part of the fire district from the date specified in the proclamation.

The current district boundary encompasses approximately 40 per cent of the greater Melbourne area and has not been changed since the 1950s.

The 2009 Bushfires Royal Commission found:

The metropolitan fire district is not reflective of metropolitan Melbourne ...
The boundary appears to have lagged behind urban growth for a number of reasons.⁷⁶

The Royal Commission noted that there was an active disincentive for councils to seek inclusion within the fire district, as a change in service delivery from the CFA to MFB is more expensive.⁷⁷ The cost disparity was alleviated with the introduction of the fire services property levy in place of the previous insurance-based fire services levy (recommendation 64 of the Royal Commission), which was also noted by DPC at a public hearing.⁷⁸

⁷⁶ Hon Bernard Teague AO, Ronald Mcleod AM Susan Pascoe AM, *2009 Victorian Bushfires Royal Commission Final Report Volume II, Part Two: Fire preparation, response and recovery*, 2009 Victorian Bushfires Royal Commission, Melbourne, 2010, p. 380.

⁷⁷ Ibid.

⁷⁸ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 22.

2.8.2 Fire Rescue Victoria fire district

Section 43 of the Bill proposes to rename the existing MFD as the FRV fire district. The district boundary is expanded to include the area surrounding each of the 35 CFA integrated fire stations that are proposed to transfer to FRV.

The Bill amends the MFB Act to define the FRV fire district by way of maps lodged at the Central Plan Office, rather than by the current description of municipalities.

Figure 2.1 below shows the existing boundaries of the MFD.

Figures 2.2 and 2.3 show the boundaries of the proposed FRV fire district and locations of CFA integrated stations respectively.

Figure 2.1 Metropolitan Fire District Boundaries

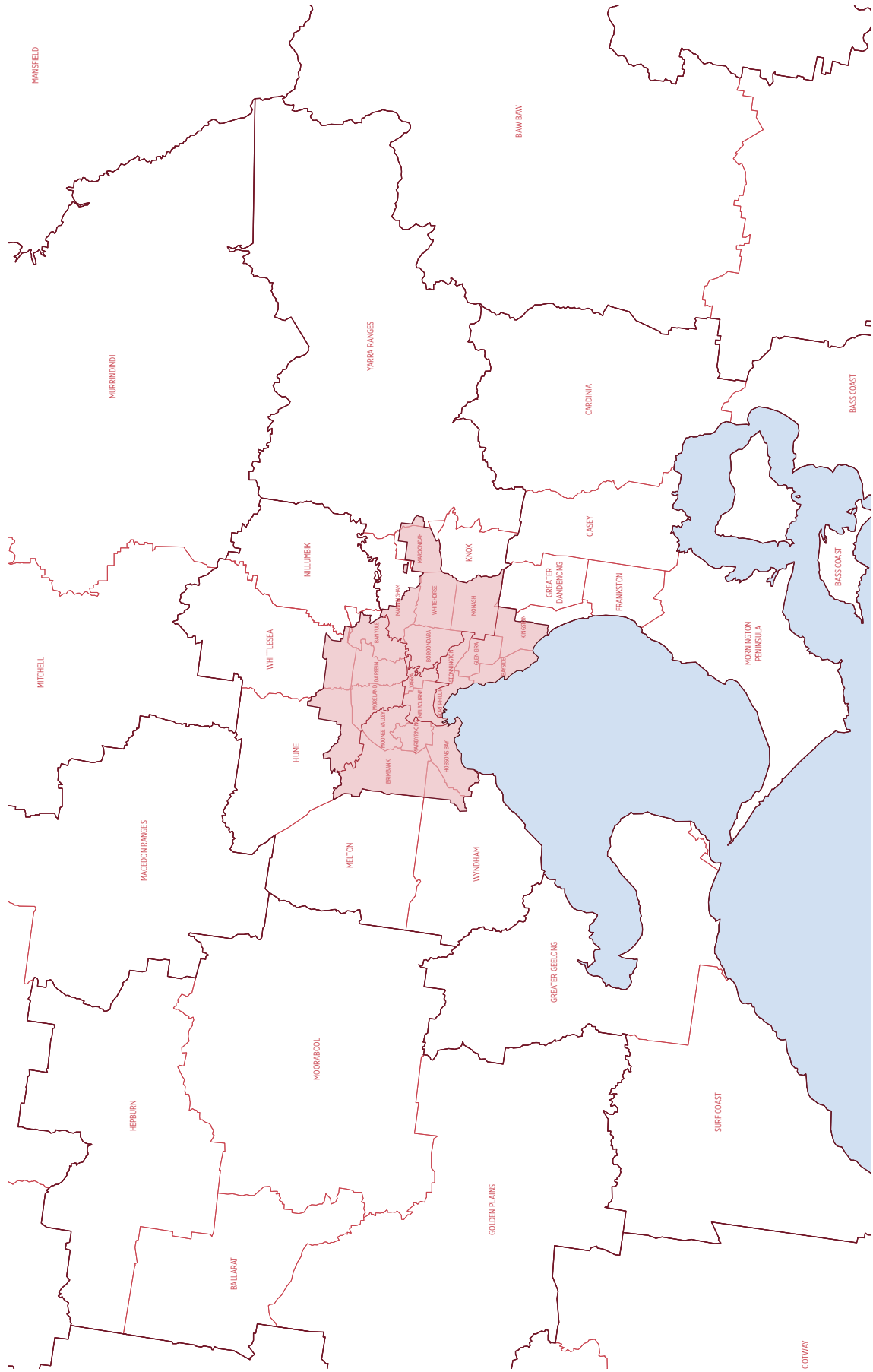
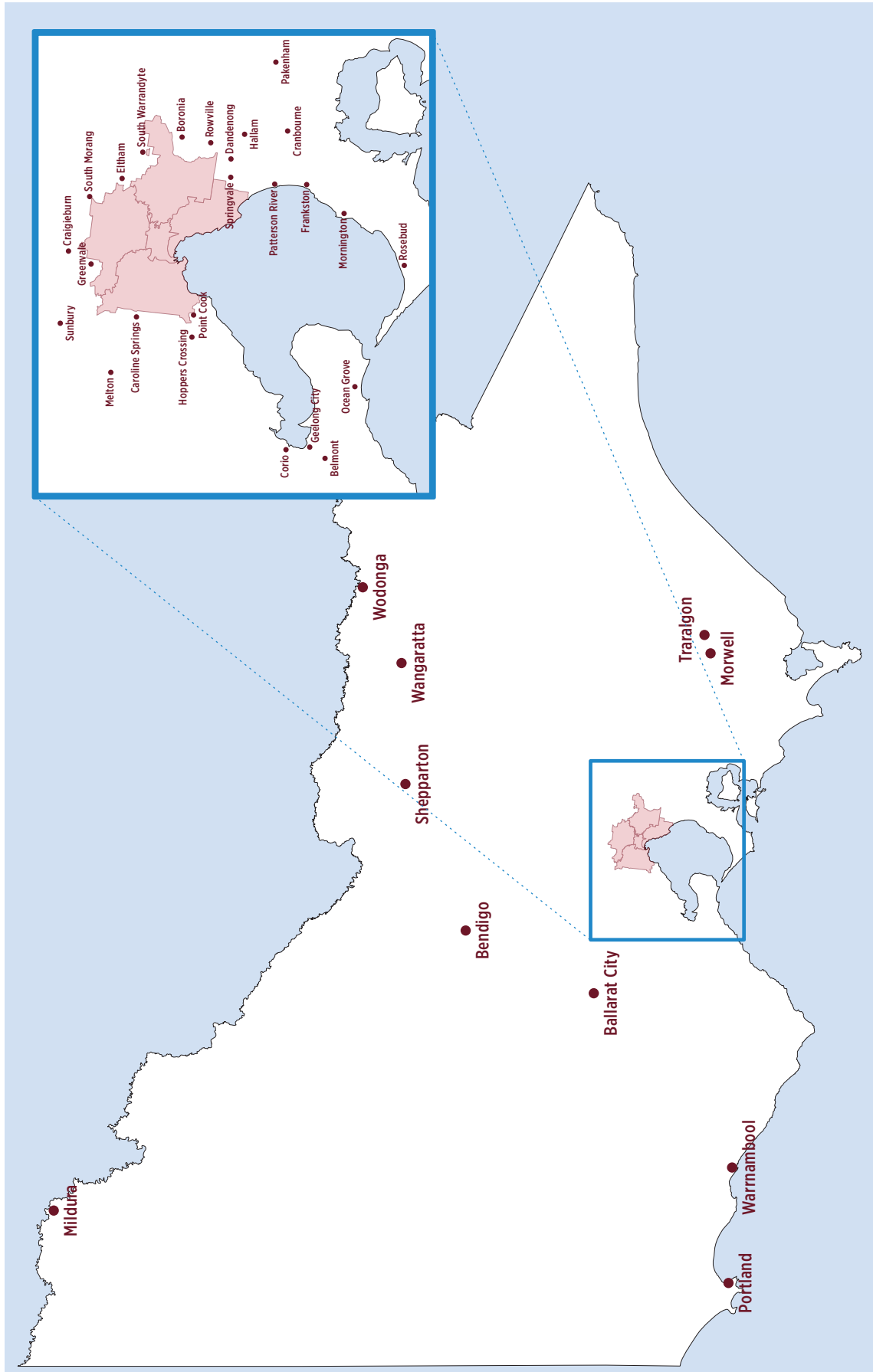


Figure 2.3 Locations of CFA integrated stations



The Committee notes that the 35 additions being made to the MFD to form the initial FRV fire district have not been subject to the boundary evaluation and assessment process being established via the Fire District Review Panel (discussed below).

2.8.3 Fire District Review Panel

The 2009 Bushfires Royal Commission recommended a boundary review mechanism (picked-up in recommendation 63), which is the Government's stated rationale for the proposed Fire District Review Panel in Part 4 the Bill.⁷⁹

The Bill establishes the Fire District Review Panel to provide independent advice to the Minister in relation to any future changes or reviews of the FRV fire district boundary. The Panel must undertake a review of the boundary at least every four years.

On receiving a report of a review of the fire district, the Minister is empowered to change the district boundary if necessary, replacing the current opt-in system.

The Panel is to consist of independent members who must have significant experience and expertise in fire service delivery, emergency management or other relevant field. In relation to the Panel, the Committee was advised by Mr Greg Mullins:

Look, it is an enhancement of the New South Wales model, and part of my job as commissioner of Fire and Rescue New South Wales was to be co-chair of the Fire Services Joint Standing Committee ... What did not work up there was that the objective criteria sometimes were not applied, and it became very emotive, and that gets down to arguments about who responds quicker and who are the best firefighters, which I do not think are helpful arguments whatsoever. It was an objective treatment of the risk to say, 'It looks like this. This is the sort of cover that you need, but we'll still use the dedicated volunteers who are in the area. We'll supplement them, not replace them'. So it is taking all the good things from New South Wales but making it more objective in terms of the criteria and more at arm's length.⁸⁰

2.9 Rationale for change

2.9.1 Changing risk profile

The Victorian community and environment has changed, and continues to change, in many ways since the current CFA and MFB Acts came into operation, and the needs of the community have consequently evolved. The Government

⁷⁹ Government of Victoria, *Submission*, No. 624, pp. 20–22.

⁸⁰ Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, p. 41.

submits that Victoria’s fire services operate under an outdated model that is no longer fit for purpose in its ability to provide the most efficient and effective response to these changing needs.⁸¹

The Government has drawn heavily from the findings of the O’Byrne Review, which discusses these issues in the context of improving and strengthening fire service delivery. Mr David O’Byrne also provided a submission to the inquiry, noting:

Service delivery needs to be appropriate for the community that is being served and Victoria’s fire services model, with its patchy mix of volunteer, career and integrated staffing, is outdated. The country and metropolitan fire areas do not reflect decades of population growth, urban sprawl and regional centre development. This has caused difficulties in interoperability and culture, and put pressure on CFA resources in particular as it must respond to an environment it was never designed for.

Both services’ training, organisational structure and legislation badly need modernising as the number and type of emergencies they respond to has evolved. The CFA and MFB have distinct and entrenched cultures, the product of many years of history shaped by their relationship with their communities.⁸²

The Government’s submission emphasises the following issues:

- fire services operational context
- leadership and culture
- financial sustainability.⁸³

These issues form the basis for the Government’s key reforms in the Bill, and were supported in evidence from the Emergency Management Commissioner, Craig Lapsley, and the Chair of the OIC, Greg Mullins AFSM.

81 Government of Victoria, *Fire services statement*, Government of Victoria, Melbourne, 2017, p. 6.

82 David O’Byrne, *Submission*, No. 953, p. 2.

83 Government of Victoria, *Submission*, No. 624, pp. 8–11.

BOX 2.1: Fire services operational context**Population growth and urban sprawl**

Victoria's population has grown from 3.2 million in 1966 to 6.1 million in 2016, and is projected to increase by another 4.6 million by 2051. Population growth is a state-wide factor, not just limited to Melbourne, and presents challenges for fire response in the built environment due to a higher volume of incidents, higher density living and use of new building materials, among others.

Greater demand and a broadening in the nature and range of emergencies that fire agencies deal with has placed increased pressure on MFB and especially CFA to continue providing optimal service delivery. CFA integrated brigades respond to 51.7 per cent more incidents than they did in 2006, with a 13 per cent increase for volunteer-only brigades.

Changing climate

Victoria's hottest 15 years on record have occurred within the last 16 years. With this comes increased risk due to longer, hotter and drier fire seasons, with an increased frequency and intensity of bushfires.

Workplace culture

Low morale, lack of diversity and a fundamental disconnect between management and staff, in part due to industrial disputes, are issues that have been raised in several forums. The O'Byrne Review in particular made a number of recommendations in this area.

Governance

Outdated governance structures lack direction and cause confusion regarding overall responsibility. Various issues relating to organisational functions and operations are also in need of modernisation, with improvements to health and safety management of firefighters being of particular note.

Additionally, the metropolitan fire district boundary is not currently subject to review. This issue is addressed in recommendation 63 of the Bushfires Royal Commission.

Interoperability

A lack of consistency in practices, systems and equipment is an ongoing challenge for MFB and CFA when working together. In particular, the Bushfires Royal Commission and O'Byrne Review have made recommendations to improve interoperability.

These drivers directly inform the nature of the proposed structural and governance reforms.

Source: Government of Victoria, *Submission*, No. 624, pp. 8–11.

2.9.2 Industrial relations

The Government's submission acknowledges the difficult history of industrial relations in the fire services, characterised by protracted negotiations and breakdown in trust. It states that this is compounded by negative media coverage and community perceptions.⁸⁴

The importance of resolving the industrial relations difficulties was acknowledged widely in written submissions and oral evidence. The Committee heard that industrial relations negotiations had become increasingly toxic through successive negotiating rounds.

Amendment to Fair Work Act

In 2016 the Commonwealth Parliament enacted the *Fair Work Amendment (Respect for Emergency Services Volunteers) Act 2016* (Cth) to define an 'objectionable emergency management term' (OEMT) as an unlawful element of an enterprise agreement that affects the ability of an organisation to engage, deploy, support, equip or manage its volunteers.⁸⁵

The Government's view is that it is no longer possible to create a workable enterprise agreement with the CFA that does not contain OEMTs.⁸⁶

The Government acknowledged that restructuring the fire services by moving career staff to FRV and returning the CFA to a volunteer-only organisation facilitates the adoption of the previously proposed CFA enterprise agreement without breaching the OEMT restrictions.⁸⁷

VFBV was highly critical of this motivation, stating:

The proposed restructure creates even more problems and the underlying issues of EBA overreach are still embedded, and perhaps made worse by the proposed legislations requirement for all CFA operational personnel to be employed by FRV, under an EBA to be negotiated by FRV without CFA involvement.⁸⁸

The Committee notes that while the Government is of the view that a workable EBA outcome for the CFA is not possible with the OEMT requirements, the Government nonetheless has concluded an enterprise agreement for the State Emergency Service which employs operational staff alongside volunteers, without incorporating OEMTs.

⁸⁴ Ibid., pp. 25, 27.

⁸⁵ *Fair Work Amendment (Respect for Emergency Services Volunteers) Act 2016* (Cth), No. 62, 2016, section 195A.

⁸⁶ Government of Victoria, *Submission*, No. 624, pp. 27–28.

⁸⁷ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017.

⁸⁸ Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 6.

Creation of an Accord

The Government also proposes an accord between FRV and the UFU to provide for a new and more functional relationship between the two groups. The Accord is described as:

... a high-level agreement, that will allow the leadership groups of FRV and the UFU to develop positive cultural change and strengthen relationships within and across the fire services. This accord will also provide an overarching framework in which key issues such as the finalisation of the Operational EA can be undertaken.⁸⁹

Fire Rescue Victoria EBA

In the context of the CFA's protracted enterprise bargaining agreement (EBA) negotiations as outlined in Chapter 1, the Committee received evidence about potential implications for a FRV EBA.

Then MFB Acting Chief Officer Paul Stachino provided a blunt assessment to the Committee that the success or failure of FRV will depend on whether the future FRV enterprise agreement impedes the Fire Rescue Commissioner from carrying out his or her statutory functions:

The concern for me is that the current industrial instrument does affect those statutory powers in the ability for the organisation to continually bring about an efficient and effective service while at the same time delivering a strong public safety proposition before, during and after an emergency itself. The chief officer's role is to ensure the readiness of the brigade and its people — the firefighters and the organisation — so that when an emergency takes place the powers can be utilised and effected.

The actual instrument itself goes to all elements of equipment and decision-making, therefore from the readiness of the brigade associated with the type of equipment it has, the type of protective clothing, the type of appliances and the type of stations where we house our people to elements associated with the mechanism of running the organisation, those being a rostering mechanism, the crewing of our appliances and the training that we undertake. They are all subject to the provisions of consultation and also subject to the provisions within the EA around a disputation process.

Where we have concerns about delivering our statutory responsibilities and the elements of running a fire service, they lie in when we are actually trying to make change and when we are trying to effect efficient and effective operation. Through the consultation process under the instrument we do not get consensus. If we undertake an action that is contrary to a position of the union in particular, what will happen is the dispute resolution processes are enacted which bring about a grievance that maintains the status quo and then we need to work through a disputation process to effect the change itself.

...

⁸⁹ Government of Victoria, *Submission*, No. 624, p. 28.

The actual 2010 EA is what it is. Advice being given to me is that there is already a contemplation of the enterprise agreement and its workings for the new entity, Fire Rescue Victoria, that it will be based on the in-principle agreement of the CFA that has been struck and that people are working on that as a position to be put forward to the new entity for their industrial relations agreement. The concern that I have got with that, having looked at the CFA in-principle agreement 2016, which was actually a final document at that point of time, is that a number of provisions that are in the 2010 agreement of MFB have in fact transferred into this agreement.

...

What I say to you is that in the transmission of business from one entity to another it is really important to look at the issues that may or may not exist with the transfer of the enterprise agreement and its conditions for the workforce and employment. I just want to bring you to one clause that is actually in this CFA in-principle agreement. It is clause 41 and it sets CFA policies. It says:

The CFA currently has a range of policies that affect employees covered by this agreement. Any policy that affects the application or operation of this agreement or the work of employees covered by this agreement may only be made or varied by agreement.

‘By agreement’ means actually a complete agreement by both parties. If it is not agreed, it can in fact, with the provisions within the EA, have a veto effect.

...

... the clause in its full encompassment, for understanding:

Should the CFA seek to modify, delete or add to any new or existing policy that so affects employees then any change or addition will be the subject of consultation and agreement pursuant to clause 21 of this agreement. Should any policy be inconsistent with a term of this agreement, then it will be invalid to the extent of any inconsistency.

Here is the issue, the definition of policies:

For the purposes of this agreement, policies include any document that contains provisions that affect the application or operation of this agreement or the work of employees covered by this agreement or their representatives, inclusive of procedures, business rules, directions, standing orders, SOPs —

standard operating procedures —

operational work instructions or any like document kept or promulgated by the CFA to their employees.

So the 2010 EA that MFB has today to operate under we say is an impediment to the efficiency and effectiveness of the service. We also have legal advice that says it also impinges on the chief officer’s statutory responsibilities and powers.

What is proposed here, if we look at the in-principle agreement of the CFA that was struck — and it has now been a proposition that conversation is taking place that will utilise this instrument — is we have a clause in there that affects the whole notion of running a fire service in every single facet of it from direction and its operation itself. The ability for a chief officer or in the future a Fire Rescue Victoria commissioner

is impeded by that very clause and the instrument enshrining a mechanism that brings a need for consultation on all matters as subscribed by 36 and delivered with agreement — and if it ain't agreed, it cannot be done.⁹⁰

It is clear from Mr Stacchino's evidence that some provisions of the 2010 MFB EBA imposed constraints on the exercise of statutory operational control by the MFB Chief Officer, and that those provisions were also to be incorporated into the proposed 2016 CFA EBA.

The Committee regards such constraints on the exercise of operational control by the MFB/CFA Chief Officers as unacceptable.

It is important that any EBA that is developed for FRV or future EBAs for the MFB or CFA avoid agreeing to provisions which diminish the efficiency and effectiveness of the fire services, or restrict the statutory operational authority of the Chief Officers.

RECOMMENDATION 5: The Government and its agencies not endorse any enterprise agreement, instrument or accord, which has the effect of limiting the exercise of statutory powers of the chief officer(s) of the fire service(s).

2.9.3 Interoperability

Even though the CFA and MFB are governed and managed independently of each other, which will also be the case for the CFA and FRV, they often work together when responding to emergencies, particularly on the fire district boundary. 'Interoperability' refers to the ability of the fire services to work together effectively and efficiently through means such as standardised systems, procedures, training and equipment.

Progress on improving interoperability has been ongoing since the criticisms of the 2009 Bushfires Royal Commission,⁹¹ in no small part due to the Victorian Fire Service Agencies Interoperability Committee, established by the Emergency Management Commissioner.⁹²

Improving interoperability is a continuous process, which, the Government submits, will be enhanced by the proposed structural changes as follows:

- all career firefighters will be covered by the same training structure with similar career progression pathways and clear roles and responsibilities
- a deeper and wider pool of more highly qualified career firefighters will be employed within the one organisation

⁹⁰ Paul Stacchino, Acting Chief Officer, Metropolitan Fire Brigade, *Transcript of evidence*, 25 July 2017, pp. 42–44.

⁹¹ Hon Bernard Teague AO, Ronald Mcleod AM Susan Pascoe AM, *2009 Victorian Bushfires Royal Commission Final Report Volume II, Part Two: Fire preparation, response and recovery*, 2009 Victorian Bushfires Royal Commission, Melbourne, 2010, pp. 364–67.

⁹² David O'Byrne, *Report of the Victorian fire services review: Drawing a line, building stronger services*, Government of Victoria, 2015, p. 16.

- the creation of a Heads of Agreement between FRV and CFA will provide for matters including shared service arrangements, and secondments and measures to ensure ongoing support and collaborative practice at each of the 35 transitioning stations
- mandated provision of training and support to CFA by FRV improves access to training opportunities for volunteers and promotes consistent training delivery across both agencies.⁹³

The Committee notes that many of the interoperability benefits outlined by the Government such as common training, career structure and cross qualification could be achieved in the current MFB/CFA environment under a Heads of Agreement without the need for the restructure.

The Committee also heard that interoperability issues will continue, even with the proposed restructure in place. Two agencies will continue to provide fire services on the fire district boundary, requiring ongoing negotiation and coordination:

But the issues on the boundary that exist today with the MFB and the CFA will still exist with Fire Rescue Victoria and the CFA across, now, 35 new stations that will come together as part of a career firefighter service. The issue is that it is a bit patchworked. There are lots of areas around that patchwork — I talked about Werribee as an example — that we still need to work with, responding into that area collectively. We will have issues around two different services in that space. If you go to Geelong, there will be three fire rescue stations there and a number of CFA stations in the same area that will need to deliver the full suite of fire and emergency services before, during and after — so we are talking about even in the fire safety space and the resilience space as well. We have still got the same issue with two agencies working together. There will always need to be coordination, and there will always need to be the ability to work through the issues of standardisation and interoperability.⁹⁴

2.9.4 Fire service culture

The O’Byrne Review provides extensive commentary on many identified problems with culture and morale in the fire services. Emphasis is placed on the need for a culture of respect at all levels, driven by the fire services leadership.⁹⁵

Claims of a ‘toxic culture’ arise in different areas of the fire services and run the gamut of:

- a lack of respect between career and volunteer firefighters
- poor relations between management and operational staff (to the point of a complete lack of confidence of operational staff in MFB management)

⁹³ Government of Victoria, *Submission*, No. 624, pp. 18–19.

⁹⁴ Paul Stacchino, Acting Chief Officer, Metropolitan Fire Brigade, *Transcript of evidence*, 25 July 2017, p. 45.

⁹⁵ David O’Byrne, *Report of the Victorian fire services review: Drawing a line, building stronger services*, Government of Victoria, 2015, p. 34.

- aggressive and contentious industrial relations disputes characterised by combative approaches by both MFB and CFA leaderships and the UFU
- contentious relations between the CFA and VFBV
- bullying and harassment claims
- marginalisation and discrimination of minority groups within the fire services.⁹⁶

The Government expressed the view that communities expect both effective services and a fire services workforce that is representative of the communities they serve. It supported its argument with data as to the level of female participation in firefighting.

Table 2.3 Percentage of female firefighters in MFB and CFA

	Career firefighters	Volunteer firefighters (operational)
MFB	3.6%	-
CFA	2.9%	14.1%

Source: Department of Premier and Cabinet, Presentation tabled at public hearing, 7 July 2017.

The Committee notes with interest that CFA volunteer brigades far outperform the career arm of CFA and MFB in attracting female firefighters.

In March 2016 the Victorian Government commissioned the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) to undertake an Independent Equity and Diversity Review of the CFA and the MFB.

The Committee sought access to this report to inform its understanding of the culture and environment in the fire services. Although VEOHRC had announced it would release the findings of its review publicly the Government has claimed executive privilege over the report and it has not been seen by the Committee. This issue is discussed further in Chapter 5.

2.9.5 'A chance to reset'

The establishment of FRV as a statewide, career firefighting service and the reinstatement of the CFA as a volunteer organisation is presented as an opportunity to reset the culture under new leadership, drawing on the good elements and traditions from both services as a foundation.

This will be supported by:

- investment of \$2.5 million for a diversity and cultural change program across the CFA and FRV

⁹⁶ Ibid., p. 32.

- establishment of an accord between FRV and the UFU committing both groups to working together to reset the culture and improve staff/management relationships.⁹⁷

However, the Committee also heard evidence that a wholesale change is not the solution to fix organisational culture problems. Poor culture and industrial relations disputes are not unique to the fire services. Many other organisations have successfully addressed similar challenges without the need to restructure.

The fire services, career and volunteer, are people-based services; good or bad organisational culture comes down to the people involved and this applies equally in the current structure as it would to any new agency.

The Committee notes that notwithstanding the concerns raised by the Government in relation to culture and morale, and reflected in the O'Byrne Review, evidence received directly from firefighters generally contradicted those concerns.

Through the course of its regional hearings the Committee took evidence from career and volunteer firefighters located at integrated stations. On the issue of culture and morale, the majority of witnesses attested to a positive relationship between volunteer and career firefighters. Trevor Logan, Officer in Charge, Wangaratta integrated station, told the Committee:

Over my 32 years I have worked in a number of stations, and the culture varies from excellent to average. Again it comes back to personalities. I do not believe that, whether you are wearing a CFA badge or an EMV badge, that changes; it comes back to people. I do not see that culture is a driving point for this reform either way — to have reform or not to have reform.⁹⁸

The point was reinforced by the Hon Jack Rush QC, at a public hearing, who noted:

... Say in the navy, sexism, inequality was rife, and a top-down direction, management education constant theme completely changed culture. I believe with that sort of involvement and that sort of commitment, these things can change.⁹⁹

The VFBV noted the numerous examples of career and volunteer firefighters at integrated stations working well together who had, themselves, when appearing as witnesses, stated as much to the Committee over the course of several public hearings.¹⁰⁰

⁹⁷ Government of Victoria, *Fire services statement*, Government of Victoria, Melbourne, 2017, p. 20.

⁹⁸ Trevor Logan, Officer in Charge, Wangaratta integrated station, *Transcript of evidence*, 10 July 2017, p. 9.

⁹⁹ The Hon Jack Rush QC, *Transcript of evidence*, 25 July 2017, p. 7.

¹⁰⁰ Andrew Ford, Chief Executive Officer, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 7 July 2017, p. 7.

2.10 A flawed process

It is clear from much of the evidence received by the Committee that there are concerns and doubt around many of the proposals, even those that seek to address problems that are widely recognised. This is symptomatic of the failure of the Government to engage meaningfully with stakeholders, from the agency heads through to the volunteer members.

The Committee agrees that multiple reviews have demonstrated the many and varied challenges facing Victoria's fire services, but notes that none have put forward a consistent solution. To greater or lesser extents, each review has looked at organisational structure, governance, interoperability, leadership and culture, increasing operational demand and many other matters noted in this report, insofar as those issues touch on their particular terms of reference.

None, however, recommended the restructure as envisaged in the Bill.

A fundamentally flawed development process is demonstrated in that very little development appears to have taken place. Rather the advisory committee engaged specifically for their expertise in the sector were instead presented with a draft model that, by admission, did not, for example, contemplate a single service proposal as an option. How many other potential options were rejected without being given any consideration?

Several witnesses talked about review fatigue¹⁰¹ and the Committee acknowledges that many previous reviews have been unnecessarily drawn-out, characterised by acrimony and polarised views, and an unwillingness from stakeholders to compromise or find common ground.

On balance, however, this is not reason enough to propose such fundamental change based on less than six months of limited policy development lacking any form of genuine consultation with affected agencies, firefighters and other key stakeholders.

Drawing on consistent themes emerging from previous reviews, supplemented with data requests made without providing a context for the request, as a basis for policy formulation is not a sufficient substitute for direct consultation.

Such an approach wilfully ignores the context in which previous submissions were made; it denies stakeholders the ability to form a nuanced and considered position or to contribute meaningfully to the development of a proposal that so profoundly affects them.

It is clear there are issues with the current framework and most people acknowledge that some sort of change is needed.

¹⁰¹ Dwight Goodman, President, Victorian Volunteer Firefighters Association, *Transcript of evidence*, 7 July 2017, p. 31; Adam Barnett, Executive Officer, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 7 July 2017, p. 51; Lachie Gales, Chairman, District 23 Planning Team, *Transcript of evidence*, 10 July 2017, p. 18; Jack Rush QC, *Transcript of evidence*, 25 July 2017, pp. 4–5.

In evidence to the Committee, Mr Mullins noted that consultation cannot take place without a model to consult on.¹⁰² In this case, the Government did not propose a model to consult on; it presented a *fait accompli* and asked people to jump on board after the fact.

An evidence-based proposal that brings people on board and enjoys the support and confidence from both the subjects of change, and the community, is needed for effective and lasting reform in the fire services. That is not the case with this Bill.

RECOMMENDATION 6: Due to the lack of implementation, operational and funding certainty; failure to undertake consultation; and consequential polarisation of fire services volunteers and staff, the Bill should be withdrawn. If not withdrawn, the Legislative Council should reject the Bill.

As noted in Chapter 1, the Bill contains both the fire service restructure provisions as well as provisions establishing presumptive rights in respect of firefighting related cancer claims.

The Committee's terms of reference require it to focus on the restructure, and it has not taken extensive evidence on presumptive rights.

The Committee notes that some concerns were expressed about the presumptive rights model as it will apply to volunteer firefighters. However, the Committee has not formed a view on the merits of the specific proposed model.

Nonetheless, the Committee is aware of the broad support for the introduction of a presumptive rights framework to apply to career and volunteer firefighters.

Therefore, in recommending the Bill as drafted not proceed, the Committee also recommends that the presumptive rights provision be reintroduced as a standalone Bill to be considered on its merits.

RECOMMENDATION 7: Part 2 of the Bill, 'Firefighters' Presumptive Rights Compensation' should be reintroduced to Parliament as a stand-alone Bill to be considered on its merits.

102 Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, pp. 37-38.

3 Volunteer participation in fire services delivery

3.1 Introduction

Volunteer engagement is crucial for Victorian fire service delivery, particularly in Victoria's growth, regional and rural areas. The Country Fire Authority (CFA) has been supported by volunteers for over 70 years, who have donated countless hours to provide a service to Victoria.

The impact of the fire services restructure on volunteer firefighters was discussed in many submissions and was a focal point of discussions at public hearings. Key issues that became apparent included:

- government consultation with volunteers throughout the reform process was inadequate
- volunteer morale is low as a result of ongoing disputes in the fire services
- there is uncertainty about the effect of the reforms on surge capacity
- secondment arrangements proposed in the Bill are unclear
- there is a concern that the CFA may lose autonomy due to seconded management.

The ongoing fire services industrial relations dispute has had a major impact on the morale of both volunteer and career firefighters. In addition, many stakeholders spoke of 'review fatigue' due to continual reviews and investigations into the fire services over the past decade.

3.1.1 CFA demographics

In its 2015–16 annual report, the CFA stated it had over 57 000 volunteer staff, 1000 career firefighters and approximately 1000 professional support staff.

Although the CFA provides figures through its annual reports, a Victorian Auditor-General's audit in 2014 noted that the CFA does not have processes to identify the number of volunteers it has.¹⁰³ Regardless, the Committee considers that the available data provides a useful insight into the trends of the composition of CFA firefighters.

Table 3.1 below provides a summary of CFA staff and volunteers by role and gender.

¹⁰³ Victorian Auditor-General, *Managing emergency services volunteers* Victorian Auditor-General's Office, Melbourne, 2014, p. 15.

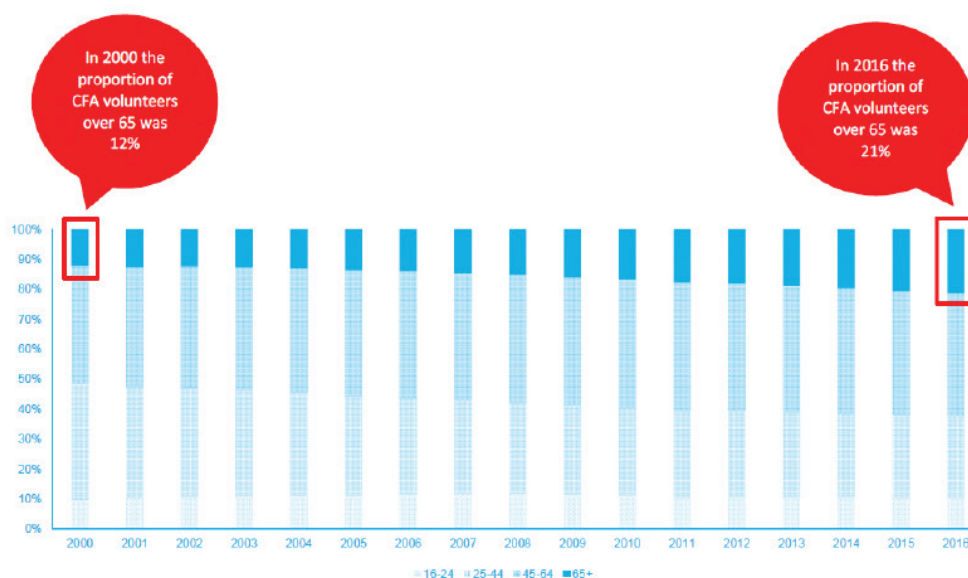
Table 3.1 CFA member breakdown by role and gender

	Operational volunteers	Support volunteers	Operational staff	Support staff
Male	30 767	13 642	1 055	471
Female	5 029	7 673	31	483

Source: Country Fire Authority, *Annual report 2015–16*, Country Fire Authority, Melbourne, 2016, p. 24.

CFA volunteers are predominantly aged 45 years and over, and their average age is increasing. In its submission, the Victorian Government provided data on the age profile of CFA volunteers. This is illustrated in Figure 3.1 below.

Figure 3.1 CFA volunteers by age group, 1999–2000 to 2015–16



Source: Government of Victoria, *Submission*, No. 624, p. 25

The Victorian Government noted that the percentage of CFA volunteers aged over 65 years increased from 12.3 to 21.4 per cent from 1999–2000 to 2015–16.¹⁰⁴

3.1.2 Increasing reliance on volunteers for fire service delivery

The Metropolitan Fire District has not changed since the 1950s. However, the growth of Melbourne’s population has changed the fire service needs throughout the metropolitan area. In particular, many outer suburban areas once considered as ‘country’ Victoria are now significant growth corridors. This has changed the risk profile and fire service response of these areas.

As a result, CFA firefighters in these areas are required to respond to a wider range of more complex incidents. They need additional and ongoing training to develop and maintain their skills, including specialist rescue and medical responses.

¹⁰⁴ Government of Victoria, *Submission*, No. 624, p. 25.

In its submission, the United Firefighters Union of Australia (Victoria Branch) (UFU) expressed its concern at the reliance on volunteer firefighters in urban areas:

It is no criticism of volunteer firefighters, but a reality that due to other commitments volunteer firefighters are not available to respond 24/7, 365 days a year. Many do not work within the response areas of their brigade, and for those that do they may not be released from work for volunteer firefighting duties. Then there are the family and personal commitments. All of these factors impact on the ability of the volunteer brigade to be able to respond quickly and effectively.¹⁰⁵

The Victorian Government also raised concerns on volunteer capacity:

As these volunteers age and attrition increases, coupled with escalation in the demand for emergency response, there is a risk that the overall capacity of volunteers will diminish. Further, if older volunteers are not being replaced, critical human capital in the form of local knowledge and experience will not be transferred. Young people will not be attracted to an organisation with outdated systems and structures. The CFA needs to be supported to provide an environment that welcomes the next generation of volunteers.¹⁰⁶

To address these issues, the CFA has introduced career firefighters, leading to an integrated station model where volunteer brigades are supported by career staff.

The Committee notes that the pressures on volunteers are not unique to Victoria's fire services. In 2016 a survey by Volunteering Australia found that 86 per cent of volunteer-involving organisations needed more volunteers.¹⁰⁷

As the burden of increased fire service demand falls on CFA volunteers, it is incumbent on CFA management and the Government to ensure they receive adequate resourcing and support. Appropriate resourcing and support will also provide a better volunteering environment that will appeal to new members.

3.2 Integrated and co-located stations

Integrated stations include a mix of paid firefighters and volunteers. The CFA introduced this model to meet increasing demand on fire services due to urban growth and consequent changing risks profiles of those growth areas.¹⁰⁸

At the time of writing, the CFA operates 35 integrated stations in Victoria, predominantly in outer-suburban areas and regional centres. Table 3.2 below lists the station locations.

¹⁰⁵ United Firefighters Union, *Submission*, No. 625, p. 20.

¹⁰⁶ Government of Victoria, *Submission*, No. 624, p. 25.

¹⁰⁷ Volunteering Australia, *State of volunteering in Australia*, PricewaterhouseCoopers, Canberra, 2016, p. ix.

¹⁰⁸ Hon Bernard Teague AO, Ronald Mcleod AM Susan Pascoe AM, *2009 Victorian Bushfires Royal Commission Final Report Volume II, Part Two: Fire preparation, response and recovery*, 2009 Victorian Bushfires Royal Commission, Melbourne, 2010, p. 368.

Table 3.2 List of CFA integrated stations

Ballarat City	Cranbourne	Hoppers Crossing	Patterson River	South Warrandyte
Belmont	Dandenong	Melton	Point Cook	Springvale
Bendigo	Eltham	Mildura	Portland	Sunbury
Boronia	Frankston	Mornington	Rosebud	Traralgon
Caroline Springs	Geelong City	Morwell	Rowville	Wangaratta
Corio	Greenvale	Ocean Grove	Shepparton	Warrnambool
Craigieburn	Hallam	Pakenham	South Morang	Wodonga

Source: Country Fire Authority, 'Work locations', viewed 21 July 2017, <www.cfa.vic.gov.au>.

CFA staff and volunteers at integrated stations are significantly impacted by the Bill's proposed restructure. As stated previously, career staff from these stations would become employees of Fire Rescue Victoria (FRV). The Government has advised that volunteers will be offered options for transition, including:

- retaining their brigade identity and becoming 'co-located' in the same building as the FRV brigade
- supported transfers to neighbouring CFA stations
- pathways to becoming career firefighters with FRV.¹⁰⁹

In addition, these stations will be transferred to FRV and will be included in the FRV fire district.

The transitional arrangements under the Bill provide for transfer of certain existing CFA fixed and non-fixed assets from integrated stations to FRV through an allocation statement.¹¹⁰ This is prepared by the CFA in consultation with Volunteer Fire Brigades Victoria (VFBV) and volunteers at the integrated stations, for approval by the Minister.¹¹¹

3.2.1 Current issues at integrated stations

Despite the perception of a 'class divide' between career and volunteer staff, evidence received during the Inquiry indicated that the integrated station model generally works well. The Committee heard some examples of poor collaboration and culture at some integrated stations, however Inquiry participants attributed this to personality clashes and lack of effort to 'make it work', rather than issues with the integrated system itself.

In the Fire Services Review, Mr David O'Byrne identified the ongoing role and contribution of volunteers as 'the most significant issue for integrated brigades'. He noted that in relation to an increase in career staff:

¹⁰⁹ Victoria, Legislative Assembly, 2017, *Debates*, vol. 6, p. 1518.

¹¹⁰ Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (Vic), clause 53.

¹¹¹ Victoria, Legislative Assembly, 2017, *Debates*, vol. 6, p. 1518.

When only one or two paid firefighters join the brigade, there is a stronger sense that they are there to support the volunteers and the volunteers continue to play an essential role in responding to incidents.

When the brigade has four or more paid firefighters, they are able to respond to some incidents without needing to call on volunteers at all. In some instances, volunteers are not paged and the paid firefighters respond on their own. In others, volunteers turn out with the paid firefighters but are not fully involved in the response and might be left with less meaningful jobs such as rolling up the hoses and re-stowing vehicles.¹¹²

Mr O’Byrne also found ‘clear evidence’ of a reduction in active volunteer numbers when CFA brigades became integrated.¹¹³

The Committee received a range of evidence that generally endorsed the effectiveness of the current integrated stations, and attributed any local difficulties to personality clashes rather than structural problems. Mr Peter Polwarth, Brigade Chairman at CFA Bendigo integrated station, advised:

I have been in Bendigo now for about 25 years, and one of our aims was to work with the career staff after having a pretty rocky start due to a couple of personality clashes, I suppose. We have worked very hard to get on with all of the staff, and we have achieved that no end.¹¹⁴

Mr Mick Sporton, acting Officer in Charge of CFA Mildura briefed the Committee on the transition from volunteer to integrated station status:

That was pretty much the appointment of an officer in charge. He or she manages the integration process — briefing the volunteers on what the processes are, how things are going to work, what trucks they can still drive, what they can still operate or whatever. Those are the nuts and bolts of it. How we managed it was more on a personality basis. We built those relationships with a volunteer brigade even before we started so that the move to that integrated model was much smoother.¹¹⁵

Mr John Deering, acting Assistant Chief Officer of the CFA’s North West region, believed the integrated station model was ‘extremely successful’ when implemented properly. He attributed issues in general to personality clashes where there are opposing views between staff and volunteers at a particular location.¹¹⁶

Conversely, Mr Trevor Logan, Officer in Charge of Wangaratta CFA integrated station, believed the integrated model needed reform. At a public hearing, he told the Committee the model worked well ‘because of the people involved’.

112 David O’Byrne, *Report of the Victorian fire services review: Drawing a line, building stronger services*, Government of Victoria, 2015, p. 20.

113 Ibid.

114 Peter Polwarth, Brigade Chairman, Bendigo Fire Brigade, *Transcript of evidence*, 12 July 2017, p. 18.

115 Mick Sporton, Acting Officer in Charge, Mildura Fire Brigade, *Transcript of evidence*, 12 July 2017, pp. 25–26.

116 John Deering, Acting Assistant Chief Officer, North West Region, Country Fire Authority, *Transcript of evidence*, 12 July 2017, p. 34.

However, he considered that integration resulted in a lower level of investment in the volunteer brigades by the CFA due to competing priorities at other volunteer-only stations.¹¹⁷

In its submission, VFBV strongly supported continuing the integrated brigade model. However, it believed it required more proactive leadership from the CFA:

For the integrated model to work at its best, the CFA Chief Officer must have the flexibility to determining (sic) when, where, what roles and how many additional paid resources might be deployed to support a brigade(s) based on local community need and brigade volunteer capacity.

Specific continuing concern relates to the apparent inability for the CFA Chief Officer to employ day time support for busy volunteer brigades where day time volunteer availability becomes a challenge for example in brigades where members are working away from the brigade area during the day. This issue is not only frustrating to volunteer brigades but also leads to missed opportunity to get broadest possible geographic coverage from finite paid firefighter numbers.¹¹⁸

The Hon Jack Rush QC also praised the model, believing there was no case for change:

... until it is demonstrated that integrated stations fail in some material way, I would absolutely support them. I note that no council using the facilities and the legislation that is available has ever, because of a lack of service, moved to change integrated stations.¹¹⁹

3.2.2 Co-location transitional concerns

The transfer of career firefighters and integrated fire stations to FRV creates a challenge in accommodating and utilising the previously integrated volunteer firefighters. One option that will be available to volunteers is co-location alongside FRV career staff.

The main concerns on co-location heard by the Committee related to a lack of detail on how the transition process would occur, leading to misinformation and exacerbating concerns.

Ms Diana Ferguson, Captain of CFA Bayswater, explained:

What we need is assurance that volunteerism will continue to be supported, embraced and grown going forward, that Bayswater and other urban brigades will not be threatened with being taken over. There have been incidents where staff members have made comment — Bayswater, for example. We are in the process of building a new fire station. We have had staff members saying, ‘Once Fire Rescue Victoria comes in, they will be taking over’. This is the kind of stuff that has got to stop. We need to know that that is not the case.¹²⁰

117 Trevor Logan, Officer in Charge, CFA Wangaratta, *Transcript of evidence*, 10 July 2017.

118 Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 71.

119 Jack Rush QC, *Transcript of evidence*, 25 July 2017, p. 5.

120 Diana Ferguson, Captain, Bayswater Fire Brigade, *Transcript of evidence*, 24 July 2017, p. 55.

The Government indicated that support would be provided to CFA volunteers at integrated stations to maintain their identity and location:

Tailored support will be provided for volunteers at the 35 integrated stations where career firefighters will transfer to FRV. Importantly, the Bill provides for those volunteers to continue their fire service as part of a fully volunteer brigade.

CFA volunteer brigades located in the FRV fire district will be strongly encouraged to retain their brigade identity and co-locate at the formerly CFA integrated stations. The Bill provides that these brigades will continue to operate under the leadership of the CFA Chief Officer by providing additional powers that the CFA may exercise within the FRV fire district. In order to ensure the role of volunteers is not diminished, the Government is also investing in a volunteer recruitment drive.¹²¹

Concerns were also raised about the allocation of assets at integrated stations between FRV and CFA, particularly where equipment had been funded locally. Mr Ben Linnett, First Lieutenant of Shepparton CFA integrated station, told the Committee:

I have had members asking at meetings about what is going to happen with the funds that they have raised through the community. We are wanting to know: are those funds going to be staying with the CFA? Some members are looking at ways to make sure that the CFA can keep the funds. With regard to equipment, we have still got concerns about what is going to happen with bush firefighting appliances and things like that — how it is going to be managed, how we can have access to them and how the staff can have access to them. For integration or co-location to work, that is probably one of the key points that is troubling to volunteers I guess.¹²²

As indicated, an asset allocation statement will be prepared to determine the allocation of assets between FRV and CFA. The Department of Premier and Cabinet (DPC) advised:

... at the moment there is only one legal entity, which is CFA, so all the assets are owned by CFA. The process at integrated stations will be that particular assets which are related to the career staff will be identified. So it will be, 'Right, this truck is a career one', and those assets will be transferred to FRV. By default everything stays at CFA apart from the things that are identified as being transferred to FRV.

...

it will be probably the buildings of those 35 stations and the truck; everything else stays as it is.¹²³

DPC confirmed that this would not include assets that have been fundraised by volunteer brigades.¹²⁴

¹²¹ Government of Victoria, *Submission*, No. 624, p. 22.

¹²² Ben Linnett, 1st Lieutenant, CFA Shepparton, *Transcript of evidence*, 10 July 2017, p. 4.

¹²³ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 27.

¹²⁴ *Ibid.*

3.3 Surge capacity

Surge capacity refers to the ability for fire services to rapidly increase the number of firefighters and resources that are available to respond to an incident.¹²⁵ This is particularly important during major incidents, such as a bushfire, where a significant number of fire service resources are deployed. In these circumstances firefighting capacity often needs to be deployed across a wide geographic area, using resources brought in from other areas of the state (and, when required, interstate).

3.3.1 Impact on surge capacity

The Committee received conflicting evidence on the impact the reforms would cause on surge capacity.

The Hon Jack Rush QC, former Counsel Assisting the 2009 Bushfires Royal Commission, stated that surge capacity was considered a major issue during that inquiry, advising the Committee that:

In what was formerly region 8 of the CFA, the Westernport region, 986 volunteer firefighters responded to 172 fire events. In addition, 492 firefighters from region 8 responded to five major bushfires outside their area. This is just one region. Five hundred volunteer firefighters from one region provided just an element of the surge capacity on that day.

Fire Rescue Victoria will take over integrated CFA stations in this area. The impact on morale, the self-belief of volunteer firefighters, does not need me to describe it. Co-location in really bad stations turns a proud and effective force into second-class citizens. CFA staff and volunteers who train together, share facilities and work for the one organisation, its values, goals and procedures, are split, impacting on effective firefighting.

Numbers are important. These are 2010 numbers, admittedly, but the evidence before the royal commission demonstrates something important. In Boronia, 20 career firefighters, 76 volunteer firefighters; Craigieburn, 13 career firefighters, 67 volunteer firefighters; Cranbourne, 15 opposed to 96; Hoppers Crossing, 15 opposed to 79; Shepparton, 15 opposed to 98; Sunbury, 6 opposed to 94 volunteers. Ballarat City and Geelong have more career firefighters than volunteers, but overwhelmingly integrated station after integrated station rely on volunteers and volunteers are the predominant feature of those stations. Now those stations are to be rebadged and the organisation divided.¹²⁶

VFBV believed the reforms would disenfranchise volunteers, leading to fewer members and affecting surge capacity.¹²⁷ It also stated there is evidence of continued growth in the likelihood of major incidents requiring rapid mobilisation of surge capacity.¹²⁸

¹²⁵ United Firefighters Union, *Submission*, No. 625, p. 68.

¹²⁶ Jack Rush QC, *Transcript of evidence*, 25 July 2017, p. 3.

¹²⁷ Volunteer Fire Brigades Victoria, *Submission*, No. 623.

¹²⁸ *Ibid.*, p. 37.

Mr John Seymour, State Councillor of VFBV District 23, agreed, stating:

... surge capacity comes a lot from the outer metro as well as from the regional, and there is ambiguity as to how it will affect integrated brigades in metro and outer metro Melbourne, and the neighbouring brigades will also be affected because we do not know what the turnout arrangements will be. So if those people are not feeling valued and respected and drop off and the volunteers at the integrated brigades who put a lot of time into training to get the increments on the type 4 pumpers are no longer able to crew those pumpers because they are now an FRV vehicle, if they drift off because they are not feeling valued or respected for the skills they have picked up, then when we have fires like we had in 2006–07, we will not have that big pool of people to come out to us.¹²⁹

The UFU dismissed concerns that reforms proposed by the Bill would detrimentally affect surge capacity. It stated:

Other Australian states such as New South Wales, Queensland and South Australia have successfully operated separate professional career and volunteer services whilst maintaining significant numbers of volunteers. Therefore, there is no evidence to suggest moving from the integrated model to a co-located model will have any impact on the number of volunteers or surge capacity.

The CFA volunteers currently servicing outer metropolitan Melbourne and those that contribute the large portion of Victoria's vital volunteer surge capacity that is required for peak load, high consequence major emergencies, will not be affected by the reform.¹³⁰

Operational Implementation Committee Chair Mr Greg Mullins AFSM gave a perspective from his experience in New South Wales' fire services restructure. Although he conceded that a minority of volunteers had resigned after reforms, he stated that the majority were still willing to provide a response for their community:

The surge capacity issue, for example: there are urban brigades in built-up areas made up of volunteers. On a bad day they can be put onto strike teams and sent to danger areas. There is no reason why that should change, but I know that some volunteers have said, 'Well, I'll withdraw my services'. I should not say this, because I am not disparaging those who have said that. I understand where they are coming from; they are upset. But I think when the smoke goes up, they will think, 'Well, I'm here, I'm trained'. It comes from their heart. I think most of them will go. For everyone who will not, I think there will be nine who will.¹³¹

Other stakeholders believed that volunteer firefighters would continue to provide a service regardless of the reforms, as they are motivated by concerns for their community.

129 John Seymour, State Councillor, District 23, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 10 July 2017, p. 24.

130 United Firefighters Union, *Submission*, No. 625, p. 69.

131 Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, pp. 42.

Mr Steve Warrington, CFA Chief Officer, agreed:

I have heard the debate about a lack of surge capacity or there will be an erosion of volunteers. I almost take that as a bit of an insult to our volunteers. The reality is that most of our volunteers are there to support their local community. They are not there for the industrial reasons or whatever. We have got proud, passionate-type people.¹³²

The Committee notes that surge capacity is an important element of Victoria's firefighting capability during high demand periods.

Opinions varied widely as to the impact of the proposed restructure on the availability of surge capacity. As with many other aspects of the Inquiry, views were polarised between opponents and supporters of the restructure; opponents believing that surge capacity will be adversely impacted, while supporters believe there will be no negative impact.

The impact of the restructure on surge capacity cannot be conclusively determined until after the restructure is bedded down. It is important that any changes to the fire services avoid diminishing surge capacity.

FINDING 8: The impact of the restructure on firefighting surge capacity is disputed and will not be known until after the restructure is bedded down. It is important that surge capacity is not diminished through changes to the fire services.

3.4 Fire service response time data

During the course of the Inquiry the Committee received evidence from the UFU which sought to highlight differences in fire service response times between career, integrated and volunteer brigades as partial justification for the proposed fire services restructure.¹³³

The Committee notes, by contrast, that fire service response times did not form part of the Government's rationale for the fire services restructure, and that the Government's written submission, the Fire Services Statement, and second reading speech for the Bill are silent on this issue.

Further to the evidence from the UFU, the Committee sought information from the CFA in relation to operational performance data.

The information provided by the CFA reported, by brigade, on the number of hazard class 2 emergency events in the brigade area; the number of times the primary brigade met its service delivery standard (SDS) in responding to those events; and the number of times another brigade met the SDS in respect of those events.

For the hazard class 2 events, the SDS requires a response within 8 minutes.

¹³² Steve Warrington, Chief Officer, Country Fire Authority, *Transcript of evidence*, 25 July 2017, p. 55.

¹³³ Peter Marshall, Secretary, United Firefighters Union, *Transcript of evidence*, 24 July 2017.

The data provided by CFA related to 149 brigades in brigade classifications 4 (fully urbanised environment) and 5 (significant township, city or suburban environment), and was previously unpublished.

For 2016–17, the 149 brigades achieved their SDS in respect of 80.5 per cent of events in their area. When only the 35 integrated brigades are considered, the SDS was achieved in respect of 90.1 per cent of events in their area.

The Committee notes that there are limitations to the data provided by CFA, most notably that it is binary in assessing the performance of a given brigade as either ‘SDS met’ or ‘SDS missed’.

The significance of this limitation becomes apparent where a brigade turning out in 7 minutes 59 seconds is recorded as ‘SDS met’ whereas a brigade turning out in 8 minutes 1 second is recorded as ‘SDS missed’ even though there is no material difference to their performance.

In this regard the Committee is mindful of the CFA’s covering letter to the data which stated:

As you would be aware, the effectiveness of fire services has traditionally been measured through response times to emergency incidents. More recently work has commenced to move to broader outcomes-based measures that will enable a more comprehensive assessment of the effectiveness of work undertaken by fire and emergency services.¹³⁴

In response to the release of the CFA data, the VFBV expressed concerns about its usefulness as an indicator of performance:

In broadest terms, I do not believe the data provided by CFA can be used in its current form to draw any conclusion about the performance of CFA brigades against formally adopted standards. I urge the Committee to carefully understand the context of what exists currently in terms of formally adopted service standards and the confines of these; the pitfalls of representation of performance statistics inconsistent with the standards; and very real potential for incorrect or prejudiced representation and/or interpretation of both the performance standards and performance measures.

The Victorian Auditor General’s report into Emergency Response Standards, March 2015 (VAGO Response Times Report) outlined some of the limitations and strongly advised that response times alone do not adequately describe emergency service performance and must be considered alongside information on outcomes, service quality, efficiency and cost effectiveness for emergency service to be understood.¹³⁵

¹³⁴ Country Fire Authority, *Correspondence*, 3 August 2017.

¹³⁵ Volunteer Fire Brigades Victoria, *Correspondence*, 3 August 2017.

3.5 Productivity Commission reporting of fire services performance

The Productivity Commission's Report on government services provides an annual snapshot of the relative performance of fire services across the nation.

It is important to note that the Productivity Commission assesses fire services performance using a suite of indicators covering effectiveness, efficiency and outcomes, of which response times is only one. The performance reporting framework includes:

- *Effectiveness — prevention/mitigation indicators*
 - accidental residential structure fires per 100 000 households
 - estimated percentage of households with a smoke alarm/detector
 - proportion of building fires confined to room of origin, all ignition types
- *Effectiveness — sustainability*
 - proportion of full time equivalent employees who exited the firefighting workforce
- *Effectiveness — response*
 - statewide response times to structure fires — including call taking time, 90th percentile
 - statewide response times to structure fires — excluding call taking time, 90th percentile
- *Efficiency indicators*
 - fire service organisations' expenditure per person
- *Outcome indicators*
 - fire death rate, per million people
 - rate of hospital admissions due to fire injury, per 100 000 people
 - value of fire event household insurance claims per person.

The breadth of the Productivity Commission's performance reporting framework reinforces the complexity of assessing fire services performance, and the limitations in relying on a single performance indicator.

In this regard the Committee considers that the move to a broader outcomes-based reporting framework as proposed by the CFA will provide the community with more meaningful fire services performance data than is presently available.

3.6 Proposed fire services reporting framework

In 2015 the Government introduced the Transparency in Government Bill 2015 to implement a statutory performance reporting framework for ambulance, health and fire services.

The Bill requires the MFB and CFA to report quarterly on their respective 50th and 90th percentile response times, and would be the first regular performance reporting requirement for the fire services.

The Bill was amended in the Legislative Council (unrelated to fire services) and returned to the Legislative Assembly, however to date the Government has elected not to consider the Council amendments.

While the scope of performance data reported under the Bill is narrow, the Committee notes that proceeding with that regular reporting measure could form the basis of a more comprehensive fire services performance reporting framework.

FINDING 9: The development and publication of quarterly outcomes-based fire services performance measures will provide the Victorian community with more meaningful data than is presently available.

4 Cost impact on fire service provision

4.1 Introduction

Formalised fire brigades were first established in Europe in the 1700 and 1800s as private ventures owned by insurance companies. The insurers recognised that a modest investment in a fire brigade would reduce the cost of claims paid out to their clients for fire damage. Protection by these brigades was, however, only available to clients of the insurance company.

Over time, fire brigades became public services provided by governments. The recognition of insurance companies as beneficiaries of those fire services, however, continued and mechanisms were established to recover some or all of the costs of providing those brigades from the insurers.

Until 2013, the majority of funding of the Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB) was provided by a levy imposed on general insurance companies operating in Victoria. This levy was passed on to clients of the insurance companies as a charge on top of their property insurance.

The flaw in that funding model was that uninsured property owners made no contribution to funding the fire services, while still having access to the protections they offered.

4.2 Fire services property levy

In 2013 the insurance-based fire levy was replaced by the Fire Services Property Levy (FSPL) as recommended by the 2009 Bushfires Royal Commission final report. The FSPL imposed a charge via municipal rates notices, ensuring that all property owners made a contribution to funding the fire services.

Under this model, up to 87.5 per cent of the MFB budget is funded through FSPL imposed on properties in the Metropolitan Fire District (MFD) with the balance of funding paid from the Consolidated Fund.

For the CFA, up to 77.5 per cent of its budget is funded from FSPL levied on properties outside the metropolitan fire district, with the balance of funding also paid from the Consolidated Fund.

The levy is comprised of a fixed charge and a variable component based on the type of property and whether the area is serviced by the CFA or MFB.¹³⁶

136 Fire Services Property Levy, 'How much am I contributing?', viewed 21 July 2017, <www.firelevy.vic.gov.au>.

The fixed charge is indexed annually by the Consumer Price Index, while variable rates are set by the Treasurer.

For 2017–18, the fixed charge for residential land is \$107. The fixed charge for all other property sectors is \$216.¹³⁷

Table 4.1 below lists the country and metropolitan variable rates for each property sector in 2017–18.

Table 4.1 Fire services property levy variable rates for 2017–18

Property sector	Country Area ^(a)	Metropolitan Fire District ^(a)
Residential	12.2	5.6
Commercial	99.9	52.3
Industrial	157.4	81.5
Primary production	24.8	13.8
Public benefit	12.6	5.6
Vacant (excluding vacant residential land)	46.7	6.5

(a) cents per \$1000 of capital improved value

Source: Government of Victoria, *Submission*, No. 624, p. 30.

According to data provided by the State Revenue Office, FSPL revenue collected in 2016–17 totalled \$685.6 million. Of this, \$394.4 million was collected from CFA-serviced areas and \$291.2 from MFB-serviced areas.¹³⁸

4.3 Cost of fire services

Funding the CFA and MFB costs Victorian taxpayers approximately \$1 billion annually, equivalent to 1.6 per cent of the total 2017–18 Victorian Budget of \$62.2 billion.

Individual budget allocations in 2017–18 are \$553 million for the CFA and \$424 million for the MFB.¹³⁹

The cost of fire service provision in Victoria is high. Comparative analysis undertaken by the Productivity Commission reveals that while the performance of Victoria's fire services is consistent with Australian averages, the cost of those services is substantially higher than the national average.¹⁴⁰

In 2015–16 expenditure on fire services in Victoria was \$243 per person, compared to just \$135 per person in NSW, and \$167 per person nationally.¹⁴¹

¹³⁷ Government of Victoria, *Submission*, No. 624, p. 29.

¹³⁸ State Revenue Office, *Correspondence*, 21 July 2017.

¹³⁹ David Martine, Secretary, Department of Treasury and Finance, *Transcript of evidence*, 25 July 2017, p. 67.

¹⁴⁰ Productivity Commission, *Report on government services 2017 – Volume D: Emergency management*, Commonwealth of Australia, Canberra, 2017, Table 9A.29.

¹⁴¹ *Ibid.*, Table 9A.29.

A comparison of staffing levels (career staff) also revealed a large disparity with Victoria employing 82.2 career firefighters per 100,000 population compared to NSW with only 53.3 career firefighters per 100,000 population.¹⁴²

In the five years since 2010–11 the per capita cost of fire services in Victoria increased by 14.2 per cent in real terms. By comparison, in NSW over the same period, the per capita cost declined by 2.14 per cent in real terms.¹⁴³

The Committee noted that NSW achieved the same firefighting performance as Victoria, across a state three times larger, while requiring proportionally fewer career firefighters.

While the Department of Treasury and Finance (DTF) acknowledged the substantially higher staffing levels for fire services in Victoria, it did not provide any explanation for this, and the resulting higher costs.¹⁴⁴

4.4 Funding costs of the restructure proposal

One of the key objectives of the Inquiry is to understand the financial implications of the proposed restructure of the CFA and MFB.

To date, very limited information has been made available outlining those implications.

4.4.1 Fire Services Property Levy impacts

The Bill reflects a commitment from the Government to freeze the FSPL for two years, such that the total revenue collected in each of 2017–18 and 2018–19 will not exceed the total collected in 2016–17.¹⁴⁵ This is estimated by DTF to be \$669 million.¹⁴⁶

The Committee notes that the 2017-18 Statement of Finances Budget Paper released three weeks prior to the fire service restructure proposal records the FSPL increasing to \$677 million by 2018–19.¹⁴⁷ DTF has confirmed that the FSPL freeze was not reflected in the 2017-18 State Budget.

The Bill also reflects the Government's decision to continue levying the FSPL based on the current MFD boundary for the period of the FSPL rate freeze.¹⁴⁸

As outlined elsewhere in this report, the Bill proposes to transfer the 35 integrated CFA stations and the area surrounding them into the MFD — to be renamed the Fire Rescue Victoria (FRV) fire district.

¹⁴² Ibid., Table 9A.24.

¹⁴³ Ibid., Table 9A.29.

¹⁴⁴ Department of Treasury and Finance, *Correspondence*, 2 August 2017.

¹⁴⁵ Victoria, Legislative Assembly, 2017, *Debates*, vol. 6, p. 1519.

¹⁴⁶ David Martine, Secretary, Department of Treasury and Finance, *Transcript of evidence*, 25 July 2017, p. 69.

¹⁴⁷ Victorian Government, *Budget paper No. 5: Statement of finances*, State of Victoria, Melbourne, 2017, p. 19.

¹⁴⁸ Ibid.

The consequence of these two decisions is that property owners in the 35 areas transferred into the MFD will, for two years, pay FSPL at more than double the rate of other property owners already in the MFD.

The Committee believes that this outcome reflects a failure to adequately plan transitional arrangements for the restructure.

The Committee notes that the Government has been unable to explain how the FSPL will be set once the two year levy freeze and boundary freeze end, and what 'catch up' measures will be implemented to bridge the funding gap arising from the freeze.

Witnesses before the Committee also expressed concern about the impact on the FSPL of removing the 35 integrated station areas from the country area. As Volunteer Fire Brigades Victoria (VFBV) noted:

The fire services levy is a per capita type thing of each person paying a contribution. Once you move to a model which starts cherrypicking highly dense, highly urbanised areas that are the population centres of Victoria ... once you start redistributing and moving to a different model which is now going to move into provincial cities, large urban centres, those high-density populations actually get taken out of the current contribution to CFA.¹⁴⁹

4.4.2 Direct funding impacts of the restructure

The DTF has advised that the direct funding impact of the restructure falls into three components:

- asset and budget transfers from CFA to FRV
- initial one-off costs
- funding allocated under the Fire Services Statement.¹⁵⁰

The Committee was advised that the latter two components are funded from budget contingencies.¹⁵¹ The reliance on budget contingencies rather than explicit line funding reinforces the perception that funding decisions around the restructure were last minute considerations.

Asset and Budget transfers from CFA to FRV

Fundamental to the fire service restructure is the transfer from CFA to FRV of 35 integrated fire stations and associated equipment and around 1200 career firefighting staff.

The Bill requires the CFA to prepare an asset allocation statement for the Minister for Emergency Services detailing assets to be transferred, which will include:

149 Adam Barnett, Executive Officer, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 7 July 2017, p. 47.

150 David Martine, Secretary, Department of Treasury and Finance, *Transcript of evidence*, 25 July 2017, p. 67.

151 Ibid.

- integrated fire station premises
- CFA equipment used by career staff at integrated stations.¹⁵²

The Bill specifically excludes allocation of Victorian Emergency Management Training Centre and CFA district headquarter properties to FRV.¹⁵³

As of 30 June 2016, the CFA employed more than 2000 staff including the career firefighters who will be transferred to FRV. The transfer-out of the operational staff will have a material impact on the size and administrative efficiency of the CFA and result in a substantial reduction in the CFA's allocated budget.

DTF has been unable to provide any estimate of the impact on the CFA budget of transferring the operational staff to CFA.

The CHAIR — We have been told all the firefighting staff will transfer, which is around 1200. What is the ballpark cost of transferring 1200 firefighters from CFA to FRV?

Mr MARTINE — We have not worked a number on that.

...

The CHAIR — So the vast bulk of the CFA's current budget is not surprisingly employee expenses — in 2016, \$265 million of its budget was employee expenses. So are you not able to estimate what proportion of that would be transferred with the 1200 staff?

Mr MARTINE — We certainly have not estimated that at the moment, because we have not actually had a need to do that.¹⁵⁴

The inability of DTF to provide any estimate of the expected reduction in the CFA's budget reinforces the Committee's view that the Government has failed to adequately plan the transition arrangements for the proposed restructure.

The second element of the shift of resources from the CFA to FRV is the transfer of assets and equipment associated with the 35 integrated fire stations. As at 30 June 2016 the CFA had property, plant and equipment valued at \$1.18 billion.

As with the budget reduction to the CFA, the Government has not estimated the value of assets that will be transferred from the CFA to FRV.

The CHAIR — ... In the same vein, do you have any idea of what the value of the asset transfer is going to be?

Mr MARTINE — No, because once again there is a process described on page 18 which will involve both entities in discussions on the appropriate assets that would need to be transferred.¹⁵⁵

¹⁵² Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (Vic), clause 53.

¹⁵³ Ibid.

¹⁵⁴ David Martine, Secretary, Department of Treasury and Finance, *Transcript of evidence*, 25 July 2017, p. 68.

¹⁵⁵ Ibid., p. 69.

The Committee is concerned at the Government's inability to provide even basic estimates of the expected reduction in the CFA's budget and transfer of assets arising from the proposed restructure.

Initial one-off costs and funding

DTF advised the Committee that \$30 million has been budgeted to cover one-off transition costs, which could include items like ICT, change management, branding, and governance.¹⁵⁶

The funding will be provided from budget contingencies over four years and allocation will be overseen by:

- the Fire Services Interdepartmental Committee, which is established to implement the reforms
- an operational implementation committee, established to support the Interdepartmental Committee.¹⁵⁷

Additional funding under the Fire Services Statement

Alongside the introduction of the Bill, the Government released its Fire Services Statement which included a range of stand-alone funding initiatives including:

- \$56.2 million over 4 years for a CFA Support Fund, to provide:
 - additional brigade and volunteer support, including brigade capital works and equipment, volunteer support officers and administrative support
 - improved health and safety measures
 - internet connectivity in rural areas
 - more flexible, localised training.
- a \$44 million asset CFA station building and upgrade program, spread over 4 years overseen by a new Emergency Services Infrastructure Authority.¹⁵⁸
- \$2.5 million for a diversity and cultural change program across CFA and FRV
- \$5 million in leadership development programs across CFA and FRV, including mentoring, management, training and assessment
- \$2 million for appliance refits to FRV heavy pumpers
- \$11 million for six additional FRV and CFA specialist vehicles
- \$12 million to establish the Emergency Services Infrastructure Authority.¹⁵⁹

The Emergency Services Infrastructure Authority will also receive ongoing funding of \$3.2 million per year.¹⁶⁰

¹⁵⁶ Ibid., p. 66.

¹⁵⁷ Ibid.

¹⁵⁸ Government of Victoria, *Fire services statement*, Government of Victoria, Melbourne, 2017, pp. 10–11.

¹⁵⁹ Ibid., pp. 18–21.

¹⁶⁰ Government of Victoria, *Submission*, No. 624, p. 23.

DTF advised that the funding initiatives in the Fire Services Statement will be overseen by the Fire Services Interdepartmental Committee.¹⁶¹

In its submission, VFBV welcomed the Government's funding allocations, however criticised that the funding was tied to the restructure of fire services. It stated that the Bill 'has real potential to destroy the very thing the funding is designed to support'.¹⁶²

The Committee notes that while the funding package was announced alongside the introduction of the Bill, the funding, having been provided through budget contingencies, is not reliant upon the Bill.

The Committee further notes that the funding initiatives are not contingent upon the fire services restructure and believes that if the initiatives have merit, the funding should be provided irrespective of the passage of the Bill.

RECOMMENDATION 8: The Government ensure adequate infrastructure funding for the fire services independently of the restructure.

4.5 Concern at ongoing costs

Although some stakeholders were confident that the reforms would reduce costs through increased efficiency, the Committee did not receive any compelling evidence to indicate this would be the case. The Victorian Government in its submission did not provide any funding details or indicate an expectation of cost savings.

The Hon Jack Rush QC highlighted that the Victorian Government's submission to the 2009 Bushfires Royal Commission indicated that the cost of CFA integrated stations was significantly less than comparable MFB stations. He considered the costs of reforms as an issue 'demanding rigorous examination before adoption'.¹⁶³

VFBV considered it was 'totally inappropriate' to legislate a restructure of fire services without an adequate cost analysis. At a public hearing, Andrew Ford, Chief Executive Officer, summarised the concerns:

I think at the base level the cost impacts have either not been done or not been transparently available ... There is no doubt in our mind that the flow-on cost implications are unknown because the flow-on implications of the model have not been contemplated. There has been no risk assessment of the flow-on of potential further FRV boundary changes and the impact on volunteers and the demand for additional paid firefighter resources. The impacts on the quantum and the collection and distribution of the fire service levy, to our knowledge, have not been done.

¹⁶¹ David Martine, Secretary, Department of Treasury and Finance, *Transcript of evidence*, 25 July 2017.

¹⁶² Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 2.

¹⁶³ Hon Jack Rush QC, *Transcript of evidence*, 25 July 2017, p. 2.

Therefore, if there is going to be an increased cost burden to the state, to every ratepayer and to the fire services, that money is going to have to come from somewhere. If that money is drained to funding an expensive paid firefighter-based model — and there is nothing wrong with paid firefighters; they are absolutely important to what we do — where they are needed they need to be deployed. Where they are not needed we can focus our energy on building volunteer capacity, sustaining volunteer capacity, fire prevention, community education and a whole range of other programs that are often more effective and generally more cost-effective than a simple suppression solution to increasing activity demand.¹⁶⁴

Similarly Eric Collier, President of VFBV's District 8 Council, stated that the reforms had not addressed the cost of fire service delivery:

There is no effort to reduce the costs of fire service delivery, for which in Victoria we are paying the most of any state in Australia, and we are paying something like a 60 per cent premium over New South Wales.

...

The bill proposes a lot of changes but does not appear to deliver any actual reforms in terms of improved services of a reasonable cost.¹⁶⁵

In its submission, VFBV discussed the cost of transitioning all paid firefighters to a 24-hour roster:

The cost difference between allocating paid firefighters on a daytime roster versus the existing industrial agreement requirement to transition all paid firefighter positions to a 24 hour roster are significant. The cost of providing 24 hour paid firefighter support including its corresponding recurrent salary costs infrastructure requirements to a brigade is likely to be at least three to four 5 times more expensive than providing daytime paid firefighter support.¹⁶⁶

The Government's written submission and subsequent oral evidence from DTF did not address funding issues including:

- movement in FSPL rates beyond the 2 year freeze period
- changes in relative FSPL rates between FRV district and country areas
- reduction in CFA budget and asset base
- expected cost/efficiency outcomes following the staff transfer to FRV
- forecast budget requirements for CFA and FRV over the forward estimates period.

The Committee considers that substantially more financial detail is required before the restructure proposal could proceed.

164 Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 47.

165 Eric Collier, President, District 8 Council, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 19 July 2017, p. 23.

166 Volunteer Fire Brigades Victoria, *Submission*, No. 623, p. 71.

RECOMMENDATION 9: The Government develop and publish a detailed funding plan in parallel with any further fire services structural reform proposal. The funding plan should identify and address the impact of:

- (a) resource and asset transfers between the Country Fire Authority and Fire Rescue Victoria;
- (b) the creation of the Fire Rescue Victoria fire district on the Fire Services Property Levy revenue base beyond the two year freeze period; and
- (c) any changes to the differential charging rates for the Fire Services Property Levy beyond the two year freeze period.

5 Interference in the Committee's Inquiry

5.1 Introduction

The Parliament's investigatory function, as performed by parliamentary committees, relies on access to full and frank oral evidence and written submissions from witnesses, as well as unimpeded access to documents and records. Any interference with witnesses, submissions, or access to documents, may be considered an obstruction of a committee and a contempt of Parliament. These are matters of serious concern as they infringe the privileges of the Parliament.

This chapter sets out two instances where the Committee's work was impeded by the action of Government agencies.

5.2 MFB interference with written submissions

On 23 June 2017, the Committee advertised its terms of reference on its website and social media and called for public submissions by 7 July 2017. The Committee placed similar advertisements in metropolitan and regional newspapers.

On 30 June 2017, the then Chief Executive Officer of the MFB, Mr Jim Higgins ASM, sent an email to his staff in relation to the Inquiry. He noted that some staff had sought advice on contributing submissions. The email informed them that:

When making a comment in a private capacity, public sector employees [must] ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee ...

The email went on:

This has been reinforced by a letter received from the Department of Premier and Cabinet today enclosing guidelines stressing that public sector employees 'wishing to make a submission in a personal capacity must ensure compliance with the Code of Conduct for Victorian Public Sector Employees, particularly sections 3.4 and 3.5.'¹⁶⁷

Section 3.4 of that Code deals with access to official information and requires employees to ensure it is only used for official purposes and in an approved manner.

¹⁶⁷ Jim Higgins ASM, Chief Executive Officer, Metropolitan Fire Brigade, *Email to MFB employees*, 30 June 2017.

More relevant to this situation is section 3.5, which states that:

... when making a comment in a private capacity, public sector employees ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee and make it clear they are expressing their own view.¹⁶⁸

While the Code of Conduct may be appropriate guidance to public sector employees making public comments, the enforcement of any code or guideline that has the effect of deterring people from giving full and frank evidence to a parliamentary committee may constitute an obstruction of the committee.

The Committee was concerned to receive contact from some public sector employees who advised that the correspondence from the MFB had deterred them from participating in the inquiry.

5.3 Department of Premier and Cabinet intervention

On 3 July 2017, Mr Chris Eccles, Secretary of the Department of Premier and Cabinet (DPC) wrote to Mr Higgins setting out a DPC directed process for making submissions to the Committee. The DPC letter stated in part:

The government considers that the select committee's deliberations, and the outcomes of its inquiry, would be better informed if public sector employees were provided with the opportunity to input into the whole of government submission and provide their views via DPC, directly to the select committee.

In order to provide for that the government invites MFB employees wishing to make written submissions to provide them to DPC, which will then lodge them with the select committee.

...

DPC will provide you with the email address for staff to forward their submissions tomorrow morning. I would encourage you to advise staff of this arrangement as soon as possible. Submissions should be emailed to DPC no later than 5.00 p.m.
Wednesday, 5 July 2017.

In summary, through its communications to MFB, DPC warned MFB employees of their responsibilities under the Code of Conduct if they were to make a submission, then invited them to forward their submissions to the Government in accordance with a deadline set by DPC, not the Committee.

The Committee questioned Mr Eccles on DPC's actions at a public hearing on 7 July 2017:

168 Victorian Public Sector Commission, *Code of conduct for Victorian Public Service employees*, Melbourne, 2015.

Ms HARTLAND — If I could also go back to the issue around the email that was sent out to MFB firefighters about not putting in submissions, looking at the rules under the public service act. When that came to my attention and I shared it with the committee, we were quite shocked that that had occurred. Can you explain a little bit more what the thinking was behind that, because it seems to have really confused what has happened over the last week even to the degree of an article in the Herald Sun today saying that the process has been rigged.

Mr ECCLES — I probably cannot help you with the thinking of the CEO in issuing the email; that is probably a matter to raise with the CEO. Our thinking was simply along the lines of equality of treatment, parity of access to the process, the potential constraints provided by the code of conduct and the mechanism to overcome that to enable public sector employees to provide their commentary into the process without it in any way being censored, filtered or intermediated by any agency of government.

Ms HARTLAND — Do you understand that, if it has got to come through you, there is a sense that it is going to the employer and that it makes it look like it could have been censored or not directed properly and, considering we have not actually received those submissions yet, that it may not have been the best way to handle this situation?

Mr ECCLES — The motivation was entirely honourable in that we were trying to give comfort to those who may have felt constrained, including the constraint that was suggested by the CEO. All we were trying to do was facilitate a process, not try and circumvent the process and not try to censor the process. I have committed to the Chair that the submissions that we have received will be provided to the committee without delay. Most of them have been received in the last 24 hours, so there is not a material delay. We have not been holding things back to prevent the committee and the secretariat staff doing the analysis; they have been piling in in the last 24 hours.¹⁶⁹

5.3.1 Impact of DPC intervention on witnesses

The Committee believes that rather than providing 'comfort' to submitters, DPC's interposition between public sector employees and the Committee caused some employees concern. It was reasonable for employees to conclude that the system devised by DPC was intended to, firstly, bring to the employer's notice the identities of those employees making submissions, and secondly, deter staff from submitting their views in a candid manner.

It is evident from communications with the Committee secretariat that some MFB employees construed DPC's actions in this way. Approximately 10 per cent of submissions received by the Committee requested confidentiality: a far larger proportion than would normally be the case for an Inquiry of this type. While some of these requests were due to unrelated concerns of submitters (such as the contentious nature of the topic in the community), some were due to a belief that the submitter would fall foul of DPC's directive and code of conduct.

¹⁶⁹ Chris Eccles, Secretary, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, pp. 11–12.

For example, one submitter (who later retracted his request for confidentiality after the secretariat contacted him) stated:

Finally, there has been some consternation within the ranks of career firefighters that making a submission to this committee be seen [sic] as a breach of the Code of Conduct for Victorian Public Sector Employees. Specifically Clause 3.5 of the Code that states “When making a comment in a private capacity, public sector employees [must] ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee...”. I’ve been assured that I make this submission under the protection of parliamentary privilege and request that my views remain the confidential property of this committee.

The Committee is also concerned that DPC in nominating its own date for the receipt of submissions as 5 July 2017, two days ahead of the actual closing date, misled potential witnesses as to the actual timeframe available to make submissions.

5.3.2 Impact of DPC intervention on Committee administration

DPC provided two batches of submissions to the Committee secretariat. Batch 1 was delivered on Friday 7 July 2017 and contained 1112 submissions on a USB stick. On the following Monday, 10 July 2017, a second USB stick was delivered containing a further 24 submissions that had been overlooked from Batch 1.

Many of those 1136 submissions collated and delivered by DPC were also emailed to the Committee directly by the submitters. The Committee then held two submissions for each of those people and it was not clear whether the submissions were identical, as it was open to someone to submit a different submission via both channels.

An examination of submissions emailed by witnesses to both the Committee and DPC disclosed at least one submission that had not been passed onto the Committee in the batches delivered by DPC.

The Committee has no way of determining whether any other submissions sent to DPC in good faith were not passed on to the Committee.

The intervention of DPC in the submissions process was unprecedented, unnecessary and had a significant administrative impact on the Committee’s inquiry. The Committee’s secretariat diverted additional time and resources to:

- contact submitters to clarify the confidential or non-confidential status of their submissions
- respond to MFB staff concerned about the possible ramifications of their submissions and explaining that they would be protected by parliamentary privilege
- check submissions submitted directly to the Committee against submissions from the same persons submitted via DPC’s central collation process.

5.3.3 Whether the interference of DPC was an obstruction of the Committee and a contempt of Parliament

Parliamentary privilege, which extends to parliamentary committees as delegates of the Parliament, protects persons from repercussions for what they write in a submission.¹⁷⁰ It is a contempt of parliament to interfere with or obstruct a person from giving evidence to a committee or to take action against a person for giving evidence. This, for example, protects a person from their employer disadvantaging them for contributing to (or attempting to contribute to) an inquiry.

Legislative Council Standing Order 17.11 states (in part):

If it appears that any person has –

- (a) by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influenced another person in respect of evidence given or to be given before the Council or a committee; or
- (b) been directly or indirectly endeavouring to deter or hinder any person from appearing or giving evidence

...

such person may be declared guilty of contempt.

The actions of DPC constitute a material obstruction of the processes of the Committee, including the giving of evidence, insofar as they:

- led to the receipt of hundreds of duplicate submissions, impeding the Committee's processing of all submissions
- may have deterred some witnesses from making submissions by misleading them into believing submissions had to be made via DPC
- may have deterred some witnesses from making submissions by misleading them into believing submissions had to be made two days earlier than the actual cut-off date.

Determining whether this obstruction constituted a contempt of Parliament is a matter to be determined by the Privileges Committee.

Without limiting any inquiry, the Select Committee notes that the Privileges Committee may consider the following in reaching a conclusion on this matter:

- (1) Did DPC's actions deter witnesses from making submissions to the Committee?
- (2) Did DPC's actions substantially interfere with the Committee's capacity to do its work?

¹⁷⁰ A submission attracts parliamentary privilege once it is formally accepted by a Committee and becomes 'proceedings of Parliament'. However it is likely that a person is also protected in the act of making a submission, regardless of whether a submission is finally accepted.

- (3) Did DPC knowingly interfere with the Committee, and if so, was there any reasonable excuse for the commission of DPC's actions?

RECOMMENDATION 10: The Legislative Council refer the Department of Premier and Cabinet to the Legislative Council Privileges Committee for investigation of its interference with the Committee's inquiry.

5.3.4 Summons to the Victorian Equal Opportunity and Human Rights Commissioner

In March 2016 the Victorian Government announced that the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) would undertake an Independent Equity and Diversity Review of the Country Fire Authority and the Metropolitan Fire Brigade.

The Committee sought access to the review document, described as a 'report on the findings of the Independent Review to examine discrimination, including bullying and sexual harassment in CFA and MFB' and resolved to issue a summons to VEOHRC.

The summons was served on the VEOHRC Commissioner Ms Kristen Hilton on 19 July 2017.

VEOHRC failed to comply with the summons, and in subsequent correspondence has provided changing explanations for non-compliance.

On 20 July 2017 the Commissioner responded that she was 'unable to provide a copy of the document referred to in the summons because such a document does not exist'.¹⁷¹ The document did not exist as it was a draft: 'The draft document that is presently being prepared is necessarily subject to change in response to those processes.' The 'processes' included 'fact checking with participants and agencies, and natural justice processes for relevant parties regarding proposed findings in the report'.¹⁷²

The Committee clarified that its summons had not called for a final report, but rather the report as it was at the time of being ordered. The Committee restated the order for the document.

A second and different explanation from VEOHRC was then made on 28 July 2017. This letter stated that statutory secrecy provisions in section 176 of the *Equal Opportunity Act 2010* prevented the Commissioner from providing the document. The Commissioner further noted that the Act prevented her from disclosing such information as was contained in the document to a court – and that a committee of the Parliament of Victoria was a 'court' for the purposes of understanding that section.¹⁷³

171 Victorian Equal Opportunity and Human Rights Commissioner, *Correspondence*, 20 July 2017.

172 Ibid.

173 Victorian Equal Opportunity and Human Rights Commissioner, *Correspondence*, 28 July 2017.

The Committee considered this claim. It determined that there was nothing in the *Equal Opportunity Act 2010* that explicitly or implicitly abrogated the privileges of Parliament to call for the document, or in any way limited the investigatory function of Parliament. The Committee resolved not to withdraw the summons and responded to the Commission accordingly on 1 August 2017.

On 2 August 2017, the Committee received a third refusal to comply, accompanied by new reasoning. VEOHRC stated that it was 'taking urgent steps to assess whether a claim of executive privilege is available in respect of [the document]'.¹⁷⁴

A claim of executive privilege does not absolve VEOHRC of complying with the summons, and the Committee expects that in accordance with the procedures laid out in Legislative Council Standing Orders for such claims, the document will be provided to the Legislative Council so that the validity of the claim can be assessed.

The Committee notes that the VEOHRC Commissioner has now provided three differing explanations for her failure to comply with the summons —

- (1) the document does not exist
- (2) the Commissioner is prevented by statutory secrecy from complying with the summons
- (3) the document may be the subject of a claim for executive privilege.

On 7 August 2017 the Committee received correspondence from the Minister for Emergency Services, the Hon. James Merlino MP making a claim of executive privilege, on behalf of the Government, in relation to the report.

The Government asserts that the disclosure of the report would be contrary to the public interest as it would reveal:

- the high level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of trust and confidence between a Minister and public officials; and
- information obtained by the Executive Government on the basis that it would be kept confidential.

The Committee notes that on 26 July 2016, the VEOHRC issued a media statement announcing that 'a report on the commission's findings will be publicly available in mid-2017'.

FINDING 10: The Government's claim of executive privilege over the Victorian Equal Opportunity and Human Rights Commission report is inconsistent with the Commission's stated intention of publicly releasing its report in mid-2017.

The Committee regards the changing explanations provided by the Victorian Equal Opportunity and Human Rights Commissioner for her failure to comply with the summons, along with the Government's claim of executive privilege as designed to frustrate the Committee's Inquiry.

¹⁷⁴ Victorian Equal Opportunity and Human Rights Commissioner, *Correspondence*, 2 August 2017.

The Committee will continue to pursue VEOHRC for compliance with the summons, and reserves its right to refer the matter to the Legislative Council for consideration as a contempt of Parliament.

Appendix 1

Submissions

A Platoon Traralgon Fire Station

Aaron Johnson

Aaron Lee

Aaron Rudd

Adam Baker

Adam Brown

Adam Clarke

Adam Douglas

Adam Hanger

Adam James Whannell

Adam Lutz

Adam Prictor

Adam Sadler

Adam Shearer

Adam Small

Adam Wightwick

Adam Young

Adrian Bryan

Adrian Devenish

Adrian Lovelace

Adrian McCarthy

Adrian McGough

Adrian Mellors

Adrian Nye

Adrian Pena

Adrian Rulli

Adrian Slee

Adrian Talbot

Adrian Trigt

Alan Davies

Alan Drury

Alan Gorich

Alan Hamill

Alan Lamond

Alan Millar

Alan Quinton

Alan Richards

Alan Thistlethwaite

Alec Draffin

Alex Faris

Alex McKinney

Alfred Mason

Alistair Le Serve

Alister Noonan

Allan Congress

Allan J Morton

Allan Kent

Allan Paterson

Amanda Rigoni

Ambulance Victoria

Andrea Coffey

Andrew Gosling

Andrew Aitken

Andrew Barnes

Andrew Bath

Andrew Bishop

Andrew Braemar

Andrew Caldwell

Andrew Carew

Andrew Christensen

Andrew Connolly

Andrew Creasey

Andrew Currie

Andrew Cursack

Andrew D'Arcy

Andrew David Strachan

Andrew Dixon

Andrew Elliott

Andrew Fox-Lane

Andrew George

Andrew Gibson

Andrew Grant

Andrew Heath

Andrew Hill

Andrew Holdsworth

Andrew Howlett

Andrew Hughes

Andrew Iliff

Andrew Johnson

Andrew Leorke

Andrew Longmore

Andrew Luedecke

Andrew Marmion
Andrew Marr
Andrew Moore
Andrew Morton
Andrew Perry
Andrew Picker
Andrew Roche
Andrew Rungle
Andrew Russell
Andrew Stephenson
Andrew Stewart
Andrew Thorn
Andrew Wenczel
Andrew Wilson
Andrew Worcester
Andy Carlin
Ange Kenos
Angela Kocek
Angelo Gentile
Anita Carlin
Anita Faras
Ann Bitans
Anna Schwager
Anne Carew
Anne Coxon
Anne Fiedler
Anne Laver
Anne Morey
Anne Prime
Anne Stewart
Annette Hollingworth
Anthony Brown
Anthony Byrne
Anthony Crea
Anthony Franklin
Anthony Heafield
Anthony Heard
Anthony Jackson
Anthony Lander
Anthony Leddin
Anthony McCarthy
Anthony Mills
Anthony Muir
Anthony Sommers
Anthony Morgan
Anthurnasi Georgostathis
April Picton

Arran Dixon
Artemis Palechoritis
Arthur Allen
Arthur Haynes
Asher Johanson-Neil
Ashley Brown
Ashley Williams
Audun Aas
Australian Services Union
Ballan Fire Brigade
Barbara Gale
Barbara McVey
Barry Fitzpatrick
Barry Tully
Beau Cook
Beaufort Fire Brigade
Belgrave Heights and South Fire Brigade
Ben Cogger
Ben Connolly
Ben de Bondt
Ben Glasson
Ben Griffiths
Ben Jenkins
Ben McLean
Ben Morris
Ben Murphy
Ben Myers
Ben Nicholas
Ben Pigdon
Ben Reynolds
Ben Schmidt
Ben Tatti
Ben Taylor
Ben Thorn
Ben Tobin
Ben Todd
Ben Vickery
Ben Witte
Benalla and District Fire Brigade Group
Benjamin Barbetti
Benjamin Paul King
Benjamin Townsend
Bernard Ward
Bernie Fradd
Bernie Smith
Beryl Byrne
Bill Pauwels

Bill Rodda	Brett Macdonald
Bill Royal	Brett Nagorcka
Bill Watson	Brett Wilson
Bjorn Valsinger	Brian Brewer
Bob Hetherington	Brian Millar
Bob Newbound	Brian Rogasch
Bob Versteegen	Brian Sandlant
Bogong Fire Brigade Group	Brian Scown
Bohden Jose	Brian Seymour
Brad Arcus	Brian Whittaker
Brad Burns	Briody Walker
Brad Harker	Brock Ferguson
Brad Kelly	Brodie Cole
Brad Martin	Bronson Amos
Brad Trewavis	Bruce Conboy
Brad Turner	Bruce Farquharson
Brad Webb	Bruce Gibson
Bradley Bristowe	Bruce Jamieson
Bradley Clarkson	Bruce Kane
Bradley Thompson	Bruce McKay
Braydn Di Sante	Bruce Notman
Brendan Cottier	Bruce Pickthall
Brendan Crozier	Bruce Quarrier
Brendan Edwards	Bryan Currie
Brendan Jenkins	Bryan Goss
Brendan John Angwin	Bryan Kellett
Brendan Lawson	Bryan Morrison
Brendan Mifsud	Bryan Wills
Brendan Naylor	Bryce Frohn
Brendan O'Neill	Bryce Hotchin
Brendan Tyquin	Byron Kershaw
Brendan Veal	C Platoon Melton Fire Brigade
Brendon McKay	C Platoon South Warrandyte CFA
Brendon Siinmaa	Callan Ritchie
Brennan Walsh	Callan Stewart
Brent Clayton	Callum Murdoch
Brent Towan	Callum Steel
Brenton Smith	Cam Grierson
Brenton Walters	Cameron Colliver
Brenton Webb	Cameron Jones
Brett Barclay	Cameron Larchin
Brett Cowcher	Cameron McGregor
Brett Donald	Cameron McPherson
Brett Gladki	Cameron Price
Brett Hall	Cameron Rees
Brett Hamill	Cameron Thill
Brett Hewett	Cameron Whelan

Cameron White
Cardinia Group Fire Brigades
Carl McCambridge
Carl Menze
Carl Menze
Carranballac Fire Brigade
Casey Faganel
Casey Nunn
Casterton Fire Brigades Group
Catherine McLeod, Mark Gravell, Rob Earney, William Watson, Eric Collier, John Hansen, Rod Stebbing
CFA Grampians Group
CFA Rutherglen Group
Chad Kennedy
Charles Dillon
Charles Howlett
Charlie Williamson
Chay Boss-Walker
Cheyne Mitchell
Chris Binaisse
Chris Chuter
Chris Corr
Chris Day
Chris Drysdale
Chris Dyer
Chris Hall
Chris Harrop
Chris Joyce
Chris Lang
Chris Mitchem
Chris Napier
Chris Perry
Chris Ryan
Chris Sayers
Chris Schey
Chris Schurmann
Chris Tempest
Chris Thomas
Chris Van De Ven
Chris Whelan
Chris White
Chris Willmott
Chris Zane Spratt
Christo Ferguson
Christopher Bourke
Christopher Gore
Christopher Hall
Christopher Jardine

Christopher Mackey
Christopher Owens
Christopher Payne
Christopher Peter leGrys
Christopher Selby-Slee
Christopher Turner
Christopher Watt
Christopher Wiseman
Christy Spottiswood
Clair Griffiths
Claire Healy
Clarence Yip
Clay Tyrrell
Clifton Brooking
Clint Mark
Clinton Lawrey
Clive Galea
Clive Landgon
Colin Beaumont
Colin Breguet
Colin Causon
Colin Fisher
Colin Fowler
Colin Gerrard
Colin Holmes
Colin Lynch
Colin Nance
Colin Smith
Con Solakidis
Conan Daley
Corinna Gifford
Cory Woodyatt
Costa Katsikis
Country Women's Association of Victoria
Craig A Williams
Craig Denehy
Craig Harvey
Craig Holland
Craig Kneeshaw
Craig Simpson
Craig Warren
Craig Williams
Curtis Murtagh
Cynthia Ryan
D B Salt
Dale Versteegen
Dale Waterson

Dale Wise	David Black
Dallas Gill	David Blackburn
Damian Farrell	David Blundell
Damian O'Toole	David Booth
Damian Zugaro	David Breadmore
Damien Ahchow	David Brereton
Damien Browning	David Brooks
Damien McLean	David Brumley
Damien Perry	David Cotterill
Damien Rayson	David Currie
Damien Scott Powell	David Evered
Damien Smeaton	David Ferguson
Damion Sloane	David Gerrard
Damon Coonan	David Gibson
Dan Condon	David Harris
Daniel Barker	David Hume
Daniel Bourke	David J Eltringham
Daniel Buchan	David Kelly
Daniel Carew	David Kilpatrick
Daniel Carlesi	David Klink
Daniel Finucane	David Langron
Daniel Gunn	David Males
Daniel Hodge	David Maxwell
Daniel Lee	David McCurdy
Daniel MacMunn	David Minifie
Daniel Maynard	David Munro
Daniel Nelms	David Nightingale
Daniel Smith	David O'Byrne
Daniel Tawse	David Paton
Danny Peacock	David Pitcher
Danny Ward	David Rose
Darren Carle	David Rush
Darren Conlin	David Stephens
Darren Croker	David Stewart
Darren Mathisen	David Tyquin
Darren Milburn	David Woods
Darren Padgett	Daylesford Fire Brigade
Darren Power	Dean Blyth
Darren Roper	Dean Ford
Darren Sanders	Dean Fortomaris
Darren Wallace	Dean Hester
Darren Warwick	Dean Keeble
Darryl Rainbow	Dean Linic
Darryn Gellie	Dean Manson
Daryl Bowen	Dean Opie
Daryl Hickmott	Deanne Carlton
David Beilby	Deborah Keiller

Denis Browning	Egon Charman
Denis Latchford	Elias Bieber
Denis Rich	Ellen Ruth Shepherd
Dennis Crouch	Elmore Fire Brigade
Dennis Wright	Emily Trimble
Derek Dewhurst	Eric Collier
Derek McPherson	Eric J Smith
Derek Reed	Erik Houttuin
Dick Alsop	Erin Pena
Dirk Norman	Eugene Koh
District 7 Council VFBV	Evan Manintveld
District 9 Council VFBV	Ewen Redman
District 10 Council VFBV	Fede De Leo
District 11 Council VFBV	Francis Howell
District 12 Council VFBV	Frank Maguire
District 14 CFA Planning Committee	Frank Velo
District 16 Council VFBV	Frank Zeigler
District 17 Council VFBV	Franklinford Rural Fire Brigade
District 2 Council VFBV	Gareth Gregory White
District 20 Council VFBV	Garry Cooke
District 22 Council VFBV	Garry Day
District 22 Strategic Leadership Team	Garry Green
District 23 District Planning Team	Garry Harbrow
District 23 Volunteer Leadership Group	Garry Luxford
District 24 Group Officers	Garry Morgan
Doan Vu	Garry Smith
Dominic De Vincentis	Garry Thomas Cronin
Dominic Lunny	Garry Windus
Don Butler	Gary Easte
Don Cadwallader	Gary Greer
Don Darcy	Gary Parlby
Don Gibbs	Gavin Glenister
Don Penrose	Gavin Hope
Don Robertson	Gavin Pomeroy
Donald Taylor	Gavin Rooney
Donald Uniting Church Council	Geof Bassett
Doreen Langdon	Geoff and Joy Howley
Doug Brian	Geoff Audsley
Doug Hubbard	Geoff Barker
Doug Tonks	Geoff Blyth
Douglas Murphy	Geoff Bramley
Dragan Lukic	Geoff Browning
Dundonnell Rural Fire Brigade	Geoff Cooling
Duy Ton	Geoff Dwyer
Dwayne McDonald	Geoff Perry
Echuca Urban Fire Brigade	Geoffrey Forman
Edvardas Starinskas	Geoffrey Stone

George Arnold	Grant Pitts
George Pantazis	Green Lake Fire Brigade
Gerard Curtis	Greenvale Fire Brigade
Gerard Woodlock	Greg Abramovitch
Gianna Verdini Fensom	Greg Andrews
Glen Chalmers	Greg Archer
Glen Stenhouse	Greg Bawden
Glen Walton	Greg Cahill
Glendon Gebert	Greg Doyle
Glenlyon Group	Greg Eleftheriadis
Glenn Bullen	Greg Greenwood
Glenn Cumming	Greg Harry
Glenn Diamond	Greg Hunter
Glenn Ferguson	Greg Kinross
Glenn Hobday	Greg Plier
Glenn Kerr	Gregan Dowling
Glenn Macdonald	Gregory Cotterill
Glenn McKay	Gregory McIntyre
Glenn Mitchell	Gregory Walker
Glenn Mitchell	Guy McCrorie
Glenn Ryan	Gwen Reisenberg
Glenn Sparks	Haddon Fire Brigade
Glenn Sutton	Hallora and District Fire Brigade
Glenn Veal	Hamilton Fire Brigade
Goomalibee CFA Brigade	Hancock Victorian Plantations
Gordon Bishop	Hans van Hamond
Gordon Guest-Smith	Hans van Leirop
Government of Victoria	Harry Jones
Graeme Betts	Heather English
Graeme Cooper	Heather McIntyre
Graeme Dettmann	Heidi Geluk
Graeme East	Helen Henry
Graeme Gant	Henri Laursen
Graeme McGuinness	Hugh Buckler
Graeme Murphy	Hugh Stagg
Graeme O'Sullivan	Hughbert Alexander
Graeme Perry	Ian Ashcroft
Graham Breen	Ian Beswicke
Graham Duncan	Ian Boucher
Graham Holinger	Ian Crocker
Graham Lane	Ian Crosbie
Graham Peacock	Ian C Walter
Graham Schlitter	Ian Ewart
Grant Adams	Ian Glass
Grant Bews	Ian Hamley
Grant Kidd	Ian Hiller
Grant O'Connor	Ian Ireland

Ian Large	Jamie Lakeland
Ian Litterbach	Janelle Jones
Ian Marshman	Janet Kirchner
Ian McKenzie	Janette Cleary
Ian Plumridge	Janette O'Keefe
Ian Quick	Janine Glenn
Ian Robert Morris	Jarrad Jeffs
Ian Rooney	Jarrod Allan
Ian Saddington	Jarrod Ashley Howlett
Ian Smith	Jarrod Harrington
Ian Symons	Jarrod Hepburn
Ian Troutbeck	Jarrod McNally
Isaac Walker	Jason Adams
Ivan Bichsel	Jason Dale
Ivan Haynes	Jason Greaves
Jack Clarke	Jason Halls
Jack Harbrow	Jason Lawrence
Jacob Beard	Jason Marsh
Jacob Callaghan	Jason Marsh
Jake Eng	Jason McMillan
Jake Forbes	Jason Miller
James Beard	Jason Richardson
James Boyd	Jason Wagland
James Burke	Jay Martin
James Butler	Jay McLellan
James Caldararo	Jeff Harbour
James Clarke	Jennifer Tolmer
James Devlin	Jeremy Bergstrom
James Dullard	Jeshua Ross
James Hall	Jess Rush
James Harris	Jesse McInnery
James Honey	Jesse Parkinson
James Howell	Jesse Smith
James Keritz	Jessica Walsh
James Kefalas	Jim Atkinson
James Kelly	Jo Ussing
James Kerwin	Joan McGrath
James Law	Jodi Villani
James Mason	Jodie Turk
James Mears	Joe Camilleri
James Neary	Joe Ferguson
James Streeter	Joe Wiegerink
James Walker	Joel Casey
James Webb	Joel Chalmers
Jamie Agius	Joel Cowton
Jamie Andrikopoulos	Joel Dare
Jamie Condon	Joel Davey

Joel Matthews	John Ward
Joel Tipping	John Wyann
Joey Suarez	Jon Henry, Phil Freestone, Greg Joinbee and Jayden McNicol
Joff Spencer	Jonathan Amos
Joff van Ek	Jonathan Gawthrop
John Adcock	Jonathan Horne
John Archibald	Jonathan Jess
John Austin	Jonathan Parkinson
John Baker	Jonathan Rundell
John Battista	Jonathon Lui
John Brincat	Jonny Mahon
John Cannon	Jordan Hill
John Cappellano	Joseph Milner
John Churchill	Josephine Marie Reed
John Cooper	Josh Hawkes
John Cuthbert	Joshua Hurley
John Dakis	Joshua Ind
John Delany	Julian Seri
John Dixon	Julian Yaxley
John Favier	Julie Bateman
John Fleming	Julie Fleming
John Fryer	Justin Dixon
John Glazzard	Justin Elliott
John Greenwood	Justin Lyons
John H Chapman	Justin Pattinson
John Hansen and Rod Stebbing	Justyn Brennan
John Hollway	Kalorama Mount Dandenong Rural Fire Brigade
John Katakouzinis	Kane Arlow
John Laukens	Kane Leeder
John Lawry	Kane Weber
John Leddin	Karen Clarke
John Lyons	Karen Maypiece
John McBride	Karl Smith
John McDonald	Kate Carpenter
John Morris	Kate Splatt
John Munro	Katherine Dunell
John Ross May	Katherine Dunell
John Scott	Kathie Ward
John Sculley	Katrina Rainsford
John Seymour	Keith Bailey
John Shiels	Keith Clough
John Stanton	Keith Cook
John Taylor	Keith Ross
John Tipping	Kelly Cameron
John Topic	Kelvin Bateman
John Townsend	Ken Goulding
John Trevenen	Ken Houston

Ken McKeegan
Kenneth Brown
Kenneth Dwight
Kenneth Hughes
Kerry Phillips
Kevin Beardmire
Kevin Chisholm
Kevin Cummins
Kevin Dunmore
Kevin Lowe
Kevin Maynes
Kevin Randall
Kevin Wilson
Kieran Black
Kieran Fitzgerald
Kieran Plummer
Kieran Purcell
Kim O'Sullivan
Kyle McCarthy
Kyle Preisig
Kylie Wilson
Lachlan Barry
Lachlan Butterfield
Lachlan Gales
Lake Bolac Fire Brigade
Lance King
Lara Fire Brigade
Larry Bytel
Lauren Brewer
Laurence Brown
Lee Bonomi
Lee Cunningham
Lee Evans
Lee Fitzgerald
Lee Nolan
Leigh Barclay
Leigh Matthew Allan
Leigh McLean
Len Allan
Len Rhodes
Len Trawn
Lenny Clark
Leon Beattie
Leon McGaw
Leonard Williams
Lewis Amos
Liam Morgan-Payler

Linda Becker
Linda Marks
Linda Quarrier
Linden Barry
Lindsay Forbes
Lindsay McKenzie
Lorne Tiernan
Lorraine Boyd
Lorraine Brewer
Lou Callegari
Louis Parker
Luke Burns
Luke Cullinan
Luke Griffiths
Luke Grigoropoulos
Luke Heazlewood
Luke Irving
Luke Kneebone
Luke McClelland
Luke Shearer
Luke Taylor
Luke Whittaker
Lyndon Clarke
Lynette Board
Lynette Davey
Mac Hanson
Malcolm Bruce
Malcolm Finlay
Malcolm Hayes
Malcolm Marks
Malcolm McGraw
Malcolm Stepnell
Mandy Straw
Mansfield Fire Brigades Group
Manuel Thomson
Marc Bradley
Marc Burton-Walter
Marc Carson
Marcel van Elmpt
Marcus McDowell
Marcus Smith
Marcus Williams
Maree De Groot
Marelle Whitaker
Marion Cowling
Mark Andrew Nevill
Mark Bruechert

Mark Carter	Matt Hunt
Mark Caton	Matt Jones
Mark Cauchi	Matt Mee
Mark Coleman	Matt Roberts
Mark Collier	Matt Smith
Mark Collins	Matt Tucker
Mark Cumming	Matthew Anderson
Mark Daniel	Matthew Baker
Mark Dietsch	Matthew Blandford
Mark Dryden	Matthew Boore
Mark Erwin	Matthew Bourke
Mark Francis Burbidge	Matthew Brown
Mark Gardner	Matthew Carew
Mark Glover	Matthew Carty
Mark Gunning	Matthew Castles
Mark Hollowood	Matthew Collins
Mark Holt	Matthew Cooper
Mark Hudson	Matthew Duda
Mark Hynes	Matthew Ebbage
Mark Jones	Matthew Gazzard
Mark Levins	Matthew Geerings
Mark Louttit	Matthew Ivan
Mark Lyons	Matthew Jones
Mark McGuinness	Matthew Kent
Mark Nicol	Matthew MacGillivray
Mark Power	Matthew McKernan
Mark Sharrock	Matthew Muscat
Mark Sheehan	Matthew Nicholson
Mark Simpson	Matthew Russell
Mark Sinkinson	Matthew Sandilands
Mark Stephens	Matthew Staple
Mark Steven	Matthew Tripp
Mark Thomson	Matthew Werner
Mark Verdoorn	Matthew Wilson
Mark Zanatta	Maurice Dumesny
Marlo Fire Brigade	Maurice Ricardo
Martin Barrie	Maurie Killeen
Martin Joyce	Max Melzer
Martin Lavery	Maxwell Greenway
Marty Newstead	Megan Angel
Martyn Girvan	Melanie Gay Green
Mary McBurnie	Melanie Mills
Maryborough Fire Brigade	Mervyn Fox
Mathew Kneebone	Merylin Wallis
Matt Bunton	Michael Arcus
Matt Charlwood	Michael Benham
Matt Dolling	Michael Burns

Michael Castellano	Mike Keane
Michael Childs	Mike Poore
Michael Clinch	Miniera Rural Fire Brigade
Michael Coney	Mitchell Gibney
Michael Dancey	Mitchell Meade
Michael Doyle	Morgan Mitchell
Michael Elliott	Morrisons and District Fire Brigade
Michael Falzon	Mt Taylor Rural Fire Brigade
Michael Goodwin	Murray Davis
Michael Hastie	Murray Lobb
Michael Henningsen	Murray Ross
Michael Howard	Murray Scaife
Michael James	Murray Sutton
Michael Jones	Myles Hennessey
Michael Jones	NAME WITHHELD
Michael Lia	NAME WITHHELD
Michael Longshore	NAME WITHHELD
Michael Ludviksen	NAME WITHHELD
Michael Maypiece	NAME WITHHELD
Michael McGuinness	NAME WITHHELD
Michael McLinden	NAME WITHHELD
Michael McMahon	NAME WITHHELD
Michael Moore	NAME WITHHELD
Michael Murtagh	NAME WITHHELD
Michael Pope	NAME WITHHELD
Michael Pratt	NAME WITHHELD
Michael Quagliani	NAME WITHHELD
Michael Renshaw	NAME WITHHELD
Michael Robinson	NAME WITHHELD
Michael Rowell	NAME WITHHELD
Michael Rudd	NAME WITHHELD
Michael Scott	NAME WITHHELD
Michael Shay	NAME WITHHELD
Michael Swift	NAME WITHHELD
Michael Thorne	NAME WITHHELD
Michael Treacy	NAME WITHHELD
Michael Tudball	NAME WITHHELD
Michael Wade	NAME WITHHELD
Michael White	NAME WITHHELD
Michael Wilson	NAME WITHHELD
Michelle Black	NAME WITHHELD
Michelle McDonald	NAME WITHHELD
Michelle McKay	NAME WITHHELD
Michelle Nuttall	NAME WITHHELD
Mick Keating	NAME WITHHELD
Mick Sporton	NAME WITHHELD
Mike Evans	NAME WITHHELD

NAME WITHHELD	Nicholas Büsst
NAME WITHHELD	Nicholas Callan
NAME WITHHELD	Nicholas Jessup
NAME WITHHELD	Nicholas Peterson
NAME WITHHELD	Nicholas Seeger
NAME WITHHELD	Nicholas Sharp
NAME WITHHELD	Nicholas Shaw
NAME WITHHELD	Nicholas Stanley
NAME WITHHELD	Nick Draper
NAME WITHHELD	Nick French
NAME WITHHELD	Nick Hall
NAME WITHHELD	Nick Sinclair
NAME WITHHELD	Nicola Stephens
NAME WITHHELD	Nicole McGrath
NAME WITHHELD	Nigel Curwen
NAME WITHHELD	Nigel Hill
NAME WITHHELD	Nikolas Kotuziak
NAME WITHHELD	Nillumbik Pro-Active Landowners
NAME WITHHELD	Noel Arandt
NAME WITHHELD	Noel Austin
NAME WITHHELD	Noel Thatcher
NAME WITHHELD	Norm McWilliam
NAME WITHHELD	Norm Reynolds
NAME WITHHELD	Norman English
NAME WITHHELD	Owen Butler
NAME WITHHELD	Owen Gooding
NAME WITHHELD	Owen O'Keefe
Natasha Davies	Pakenham Upper Fire Brigade
Nathan Close	Pam Reynolds
Nathan Shell	Pamela Macfarlane
Nathan Sturt	Paris Philippou
Nathan Williams	Pat and Brian Jessup
Nathaniel Gulle	Pat Clarke
Neil Hickman	Pat Geary
Neil Irving-Dusting	Pat Hyland
Neil Kingston	Patricia Pereira
Neil Loft	Patrick Burns
Neil Muir	Patrick Connell
Neil Poulton	Patrick Coppinger
Neil Schlipalius	Patrick Gillespie
Neil West	Patrick Leddin
Neil Williams	Patrick McCabe
Neville Collins	Patrick McGrath
Neville Winther	Patrick O'Meara
Nic May	Patrick Shawcross
Nicholas Barnett	Patrick White
Nicholas Beagley	Paul Albietz
Nicholas Bradley	

Paul Allan
Paul Ammala
Paul and Jody Yandle
Paul Anderton
Paul Breslin
Paul Buttifant
Paul Chapman
Paul Conforti
Paul Copeland
Paul Curran
Paul Dowell
Paul Emsden
Paul Evans
Paul Fairchild
Paul Fixter
Paul Ford
Paul Foster
Paul Hancock
Paul Hardenberg
Paul Hardy
Paul Horton
Paul James Manning
Paul Jenkins
Paul Juhlin
Paul Jurkovsky
Paul Marshall
Paul Martinucci
Paul Menz
Paul Murphy
Paul Noone
Paul Power
Paul Purcell
Paul Quilty
Paul Read
Paul Reynolds
Paul Rouget
Paul Scott
Paul Sigmont
Paul Sustek
Paul Turner
Paul Tyrrell
Paul Villani
Paula Sutton
Paula Treacy
Pete Shroder
Peter Albert Higgins
Peter Arnett

Peter Baddock
Peter Basset
Peter Baxter
Peter Boicovitis
Peter Cameron
Peter Cannon
Peter Castles
Peter Chen
Peter Closter
Peter Cunningham
Peter De Maria
Peter Deans
Peter Field
Peter Fisher
Peter Gonis
Peter Graham
Peter Graham
Peter Grant
Peter Gray
Peter Halasz
Peter Hall
Peter Jackson
Peter Jenkin
Peter Kello
Peter Lang
Peter Leonard
Peter Lucas
Peter Marotta
Peter Martin
Peter McCallum
Peter Novotny
Peter O'Meara
Peter Parkes
Peter Renton
Peter Robinson
Peter Schilling
Peter Spicer
Peter Stafford
Peter Stokan
Peter Swift
Peter Taylor
Peter Thomas
Peter Walker
Peter Watts
Peter White
Peter Winter
Phil Constantinou

Phil Cuthbert	Richard Jordon
Phil Miatke	Richard Kemp
Phil Smith	Richard Stanger
Philip Grey	Rick O'Haire
Philip M Board	Ricky Alderdice
Philip McGilvray	RMIT University
Philip Menzies	Rob Auchterlonie
Philip P McGrath	Rob Dore
Philip Stewart	Rob Jones
Philip Taylor	Rob Mendoza, Tim O'Loughlin, Jake Box and Carissa Whiley
Phill Rumney	Robbie Black
Phillip Anthony Colvin	Robbie Irving
Phillip Bencraft	Robert Berrie
Phillip Coulson	Robert Bethell
Phillip Jeeves	Robert Byrne
Phillip Leach	Robert D Cooke
Phillip Lind	Robert Dumsday
Phillip Owen Jones	Robert Gater
Phillip Wilkinson	Robert Horner
Rachelle Poustie	Robert Ivers
Randall Bacon	Robert Lambert
Ray Krumins	Robert Lanigan
Ray McMaster	Robert Long
Ray Spinner	Robert Magart
Raymond John Spriggs	Robert Moon
Raymond Rowe	Robert O'Toole
Rebecca Linke	Robert Pitcher
Rebecca Plier	Robert Psaila
Rebekah Isaacs	Robert Purcell
Reece Cocks	Robert Ram
Reenie Cook	Robert Stephenson
Reid Coutts	Robert West
Reinhard Pohl	Robert Wilcox
Relievers Platoon Rowville Fire Station	Robert Woolley
Renard Swanson	Robyn Gulline
Renee Margot Thompson	Rod East
Rhys Matulis	Rod Gadsden
Rhys Woods	Rod Laidlaw
Rich Paladino	Rod Lindrea
Richard A Gili	Rod Mills
Richard and Barbara Holland	Rod O'Brien
Richard Cuthbert-Sayers	Rod O'Sullivan
Richard Eriksson	Rodney Beale
Richard Geluk	Rodney Dowell
Richard Grant	Rodney Egglestone
Richard Hill	Rodney Lawler
Richard Johnson	Rodney Merrett

Rodney Mitchell
Rodrigo Vidal
Roger Chitty
Rohan Taylor
Romsey and District Fire Brigades Group
Ron and Mavis Urwin
Ron Eastwood
Ron Hooper
Ron Leary
Ronald Cole
Ronald Egan
Ronald McMillan
Roscoe Holmes
Rosey Chester
Ross Brown
Ross Coyle
Ross Crompton
Ross Graham
Ross Male
Ross Smith
Ross Walker
Ross Wenlock
Rowan Chapple
Rowan Green
Rowan Rafferty
Roy Griffiths
Roy Peterson
Roy Taylor
Royce Collier
Royston Hillier
Russell Breguet
Russell Christiansen
Russell Cunningham
Russell Edwards
Russell Jenkin
Russell Jenzen
Russell Marshall
Russell Murphy
Russell Pardew
Ryan Krizanic
Ryan Mullett
Ryan Neale
Ryan Vague
Sam Bowen
Sam Dash
Sam Dennis
Sam Grant

Sam Hillbrick
Sam Jennens
Sam Kayler-Thomson
Sam Maiolo
Sam McDonald
Sam Nalder
Sam Strang
Samantha Rothman
Samantha Tosch
Samuel Delany
Samuel Hutchison
Samuel McKirdy
Samuel Watterson
Samuel Webb
Sanath Dhammapala
Sandra Di Cero
Sandra Hearn
Sandro Pozzebon
Sandy Bourke
Sara Cook
Sarah Krumins
Sasha Bugryn
Sassafras and Ferny Creek Fire Brigade
Saviour Saliba
Scott Burns
Scott Darcy
Scott Earl
Scott Edmonds-Wilson
Scott Fischer
Scott Gambino
Scott Holliday
Scott Kerrigan
Scott Tayler
Scott Ware
Sean Doherty
Sean Scanlon
Sedgwick Brigade
Selby Fire Brigade Volunteers
Serge Slaviero
Sergion Agricola
Shane Cramer
Shane Cummins
Shane Dunne
Shane Harding
Shane Lesser
Shane Madden
Shane Miller

Shane Munro	Stephen O'Keefe and Brendan O'Neill
Shane Phillips	Stephen Richard Greene
Shane Rhodes	Stephen T Rota
Shane Sanderson	Stephen Trist
Shane Sutton	Stephen Varney
Shannon McCartin	Steve Alcock
Sharron Jones	Steve Attard
Shaun McManamny	Steve Brennan
Shaun Nicolson	Steve Brodie
Shaun Pacher	Steve Magdis
Shaun Pearsell	Steve Martin
Shayne Egan	Steve Moore
Sheryl Lockwood	Steve Morgan
Sheryn Gallagher	Steve Watts
Simon Callen	Steve Whorlow
Simon Hevey	Steve Wohlers
Simon Hrabe	Steven Bakien
Simon Kerr	Steven Barling
Simon Kirton	Steven Davey
Simon Majewski	Steven Forbes
Simon McCormack	Steven Greig
Simon Mildren	Steven Kemper
Simon Ryan	Steven Mundy
Simon Scharf	Steven Peatling
Simon Taylor	Steven Pitcher
Simon Thomson	Steven Stewart
Skipton Fire Brigade	Steven Tanner
Sophie Brichta	Stewart Matulis
St Arnaud Fire Brigades Group	Stewart Stephens
Stacey Greenwood	Stuart Cato
Stacey Hayes	Stuart Johnson
Stacey Porch	Stuart Kerrison
Stan Christofas	Stuart Powles
Stan Giles	Stuart Radley
Stawell Fire Brigade	Stuart Richardson
Stephanie Riordan	Stuart Spencer
Stephen Axup	Stuart Walker
Stephen Brown	Sue Bull
Stephen Crocker	Sue Jack
Stephen Draper	Sue Murphy
Stephen Fankhauser	Tamara Manski
Stephen George	Tanya Faux
Stephen Hill	Tatura Fire Brigade
Stephen Jameson	Terry Becker
Stephen Keating	Terry Evans
Stephen McKinley	Terry Franklin
Stephen Munro	Terry Heafield

Terry Hedt
Terry Hunter
Terry Mangan
Terry Nevill
Themy Palatsides
Thomas Farrelly
Thomas Kamsteeg
Thomas Morley
Thomas Oliver Miles McQueen
Thomas Slocum
Thomas Spielvogel
Thurston Darcy
Tim Anderson
Tim Badrock
Tim Berger
Tim Bruechert
Tim Carty
Tim Cochrane
Tim Eccles
Tim Fitzgerald
Tim Hodges
Tim Liew
Tim Milsom
Tim Nicholas
Tim Rochford
Tim Sandri
Tim Van Den Driest
Timothy Cotsell
Timothy English
Timothy Furs
Timothy Toner
Tom Brown
Tom Glassey
Tom Halloran
Tom Harper
Tom Hoppner
Tom Maher
Tom Upton
Tom Waterson
Tony Birtwistle
Tony Davis
Tony Dundas
Tony Hope
Tony Mason
Tony McCoy
Tony McMillan
Tony Roach

Tony Scully
Tony Smith
Tooradin Fire Brigade
Travis Carter
Travis Klein
Travis Smith
Trent Boglis
Trent Egan
Trevor Barlow
Trevor Cheeseman
Trevor Clemens
Trevor Collins
Trevor Evans
Tristan Perry
Troy Bormann
Troy Casey
Troy Cleverley
Troy Clunies-Ross
Troy Eaton
Trudy Walker
Tudor Bostock
Tyson Cheek
Tyson Harrington
Tyson Scurrah
Ugur Ali
United Firefighters Union Spouse and Partners Support Group of Australia
United Firefighters Union Victorian Branch
Vanessa Williams
Vaughan Stott
Velma Haines
Vic Turello
Vicki Bryce
Victorian Farmers Federation
Victorian Volunteer Firefighters Association
Violet Town Fire Brigade
Violet Town Fire Brigades Group
Volunteer Fire Brigades Victoria
Wade Smith
Wai Hoong Leong
Wally Rava
Walter Aich
Warren Lane
Warren Scott
Warren Short
Warwick Peel
Wayne Aylmer
Wayne Barrett

Wayne Davis
Wayne Hammond
Wayne Hirth
Wayne Kneeshaw
Wayne Lloyd
Wayne Rigg
Wayne Smith
Wendy Schilling
Werribee Fire Brigade
Westmere Fire Brigades Group
Whipstick Group of Fire Brigades
Will Glenn
Will Turner
William Leonard Stockdale
William Nugent
William Robertson
William Robinson
William Weir
Wonga Park Fire Brigade Volunteers
Yalla-Y-Poora Rural Fire Brigade
Yellingbo Rural Fire Brigade
Zac Ablett
Zachary Badrock

Appendix 2

Briefing

Monday 3 July 2017, Melbourne

Name	Position	Organisation
Craig Lapsley	Emergency Management Commissioner	Emergency Management Victoria
Steve Warrington	Chief Officer	Country Fire Authority
Frances Diver	Chief Executive Officer	
Jim Higgins ASM	Chief Executive Officer	Metropolitan Fire Brigade
Paul Stacchino	Acting Chief Executive Officer	

Appendix 3

Public hearings

Friday 7 July 2017, Melbourne

Name	Position	Organisation
Chris Eccles	Secretary	
Tony Bates	Deputy Secretary, Governance Policy and Coordination	Department of Premier and Cabinet
Andrew Minack	Director, Governance Branch	
Dwight Goodman	President	Victorian Volunteer Firefighters Association
Dianne English	Secretary	
Andrew Ford	Chief Executive Officer	
Adam Barnett	Executive Officer	Volunteer Fire Brigades Victoria
Nev Jones	State President	

Monday 10 July 2017, Wangaratta

Name	Position	Organisation
Pete Dedman	Officer in Charge, Shepparton	
Ben Linnett	1st Lieutenant, Shepparton	
Trevor Logan	Officer in Charge, Wangaratta	CFA integrated station representatives
Jason Allisey	1st Lieutenant, Wangaratta	
Brett Myers	Officer in Charge, Wodonga	
Gerard Peeters	1st Lieutenant, Wodonga	
Garry Nash	Deputy Group Officer, Wangaratta Group	
Geoff Rowe	Deputy Group Officer, Benalla Fire Brigade Group	
Lachie Gales	Chairman, District 23 Planning Team	CFA volunteer representatives
John Seymour	District 23 State Councillor	
Derek McPherson	Officer, Moyhu Group	
Sharron Jones	Secretary, Mansfield Group	
Andrew Russell	District 24 Group Officer, Rutherglen Group	
Ross Sullivan	Acting Assistant Chief Officer, North East Region	Country Fire Authority

Wednesday 12 July 2017, Swan Hill

Name	Position	Organisation
Bryan Pickthall	Secretary, District 20	
Paul Nicoll	Executive, District 20	CFA volunteer representatives
Greg Murphy	President, District 20	
Keith Clough	Executive, District 20	
Mick Lavery	Acting Officer in Charge, Bendigo	
Peter Polwarth	Brigade Chairman, Bendigo	CFA integrated station representatives
Mick Sporton	Acting Officer in Charge, Mildura	
Hayden Smith	1st Lieutenant, Mildura	
Dennis Turner	Captain, Swan Hill	CFA volunteer brigade representative
John Deering	Acting Assistant Chief Officer, North West Region	Country Fire Authority

Wednesday 19 July 2017, Traralgon

Name	Position	Organisation
Paul Carrigg	Officer in Charge, Dandenong	
Pat Hunter	1st Lieutenant, Dandenong	
Arthur Haynes	Officer in Charge, Hallam	
Lee Austin	1st Lieutenant, Hallam	CFA integrated station representatives
Shane Mynard	Officer in Charge, Morwell	
John Holland	1st Lieutenant, Morwell	
Chris Loeschenkohl	Officer in Charge, Traralgon	
Ale Eenjes	1st Lieutenant, Traralgon	
Eric Collier	President, District 8	
William Watson	State Councillor, District 8	CFA volunteer representatives
Brian Brewer	President, District 9	
Robert Auchterlonie	State Councillor, District 9	
Aaron Lee	Captain, Bairnsdale	
Michael Freshwater	Captain, Lindenow South	CFA volunteer brigade representatives
Brian Dalrymple	Captain, Warragul	
Brendan King	1st Lieutenant, Sale	
Trevor Owen	Assistant Chief Officer, South East Region	Country Fire Authority

Friday 21 July 2017, Hamilton

Name	Position	Organisation
Grant Kidd	Officer in Charge, Portland	
Ian Hamley	Executive Officer, Portland	
Anthony Pearce	Officer in Charge, Ballarat	CFA integrated station representatives
Nicole McGrath	Secretary and Treasurer, Ballarat	
Paul Marshall	Officer in Charge, Warrnambool	
Wayne Rooke	1st Lieutenant, Warrnambool	
David Blackburn	Ex-Group Officer, Westmere Fire Brigades Group	
David Allen	Deputy Group Officer, Westmere Fire Brigades Group	CFA volunteer representatives
Owen O'Keefe	State Councillor, District 5	
John St Clair	Captain, Horsham	CFA volunteer brigade representatives
Malcom Anderson	Captain, Hamilton	
Peter O'Keefe	Assistant Chief Officer West Region	Country Fire Authority
Rohan Luke	Assistant Chief Officer South West Region	

Monday 24 July 2017, Melbourne

Name	Position	Organisation
Peter Marshall	Secretary	United Firefighters Union of Australia (Victoria Branch)
Patrick Geary	Officer in Charge, Corio	
David Maxwell	Officer in Charge, Craigeburn	CFA integrated station representatives
Mark Sinkinson	Officer in Charge, Belmont	
Greg Mullins AFSM	Chair	Implementation Taskforce
Robert Saitta	Captain, Epping	
Rohan Stevens	First Lieutenant, Epping	CFA volunteer representatives
Diana Ferguson	Captain, Bayswater	
Kim Phillips	First Lieutenant, Bayswater	
David Jochinke	President	Victorian Farmers Federation
Simon Arcus	Policy Director	

Tuesday 25 July 2017, Melbourne

Name	Position	Organisation
Andrew Ford	Chief Executive Officer	
Nev Jones	State President	Volunteer Fire Brigades Victoria
Adam Barnett	Executive Officer	
Hon. Jack Rush QC		
Jim Higgins ASM		
Craig Lapsley	Emergency Management Commissioner	Emergency Management Victoria
Paul Stacchino	Acting Chief Officer	Metropolitan Fire Brigade
Steve Warrington	Chief Officer	Country Fire Authority
David Martine	Secretary	Department of Treasury and Finance
Simon Hollingsworth	Deputy Secretary	

Extract of proceedings

Legislative Council Standing Order 23.27(5) requires the Committee to include in its report all divisions on a question relating to the adoption of the draft report.

All Members have a deliberative vote. In the event of an equality of votes, the Chair also has a casting vote.

The Committee divided on the following questions during consideration of this report. Questions agreed to without division are not recorded in these extracts.

Committee Meeting – 16 August 2017

Mr Ramsay moved, That Chapter 1 stand part of the Report.

Question put.

The Committee divided.

Ayes 4	Noes 4
Mr O'Sullivan	Ms Hartland
Mr Ramsay	Mr Leane
Mr Rich-Phillips	Mr Mulino
Mr Young	Ms Symes

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

Mr Young moved, That Chapter 2 stand part of the Report.

Question put.

The Committee divided.

Ayes 4	Noes 4
Mr O'Sullivan	Ms Hartland
Mr Ramsay	Mr Leane
Mr Rich-Phillips	Mr Mulino
Mr Young	Ms Symes

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

Mr O’Sullivan moved, That Chapter 3 stand part of the Report.

Question put.

The Committee divided.

Ayes 4	Noes 4
Mr O’Sullivan	Ms Hartland
Mr Ramsay	Mr Leane
Mr Rich-Phillips	Mr Mulino
Mr Young	Ms Symes

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

Mr Ramsay moved, That Chapter 4 stand part of the Report.

Question put.

The Committee divided.

Ayes 4	Noes 4
Mr O’Sullivan	Ms Hartland
Mr Ramsay	Mr Leane
Mr Rich-Phillips	Mr Mulino
Mr Young	Ms Symes

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

Mr Young moved, That Chapter 5 stand part of the Report.

Question put.

The Committee divided.

Ayes 4	Noes 4
Mr O’Sullivan	Ms Hartland
Mr Ramsay	Mr Leane
Mr Rich-Phillips	Mr Mulino
Mr Young	Ms Symes

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

Mr O’Sullivan moved, That the Draft Final Report (including Preliminary pages, Findings 1–10, Recommendations 1–10, Chapters 1–5, and Appendices 1–3), be adopted as the final Report of the Committee, and that it be Tabled out of session as soon as completed.

Question put.

The Committee divided.

Ayes 4	Noes 4
Mr O’Sullivan	Ms Hartland
Mr Ramsay	Mr Leane
Mr Rich-Phillips	Mr Mulino
Mr Young	Ms Symes

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

Minority Report – Colleen Hartland MLC, Shaun Leane MLC, Daniel Mulino MLC and Jaclyn Symes MLC

Minority Report on the Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017

Executive Summary

The Inquiry heard extensive evidence on the challenges confronting Victoria's fire services and of the need for reform.

Both the CFA and MFB have long and proud histories serving our community. In addition to providing protection from fires and other emergencies in both urban and regional communities throughout the year, our firefighters play a critical role in responding to the substantial risk of bushfires in summer. Over recent years, firefighters in both services have also been called upon to provide an ever more complex range of services, including emergency medical response.

While it is vital to acknowledge the long and continuing commitment of our volunteer and career firefighters, we must not ignore the fact that both services are under increasing strain and that experts agree the status quo is not sustainable.

Growth in Melbourne and regional cities is placing significant demands on firefighters. A 1950's system that struggles to deal with expanding populations places at risk the safety of the community. In some of our rapidly growing outer suburbs and regional towns, the current configuration of fire services is experiencing declining service standards. It is simply unacceptable that response time targets in some of Victoria's busiest suburbs and major towns are not being met close to half of the time.

In addition, there are long standing challenges in recruiting, training, supporting and sustaining CFA volunteers. This reflects challenges being faced by all volunteer organisations. CFA volunteers play a vital role in local communities right across Victoria which we recognise, respect and commend. This role must be sustained – but in order for that to occur, organisational reform is needed.

Finally, there are undeniable, long-term issues with culture and morale across the fire services. This has not been aided by political and media campaigns in recent times - that have deliberately sought to vilify firefighters – sadly the Inquiry heard stories from firefighters who now feel ashamed to wear their uniforms in public or whose children have been bullied at school.

Given these issues, it is unsurprising that the senior operational leadership of Victoria's Fire and Emergency Services who appeared before the committee and nearly three quarters of written submissions to the Inquiry agree that reform is needed and needed now.

Victorian firefighters and their leaders are sick and tired of endless reviews that don't lead to change. The lack of progress is evident in the fact that the process for reviewing fire district boundaries was recommended by the Victorian Bushfires Royal Commission in 2010. Yet it has taken this Bill to finally implement it.

Despite the compelling evidence, the Chair's Majority Report recommends against passage of the Bill on the basis that the process for its development was flawed. It essentially calls for yet another review into Victoria's fire services when there was no evidence from experts that a further review was warranted. The evidence from the leaders of our fire services was unambiguous and overwhelming: it is now time to get on with implementing change and to delay reform further would be highly damaging.

The majority report seeks to delay reform, and further define and redefine problems within Victoria's firefighting and emergency services sector – problems that are well known to all in the sector.

This preoccupation with the process fails to contemplate important outcomes, particularly the most vital outcome of all – keeping Victorians safe. In fact, the Chair's Majority Report shamefully ignores the topic, we note that the term 'community safety' is starkly absent from the report.

The minority report, unlike the majority report has not dismissed the substantial evidence, particularly from hundreds of frontline firefighters, of the deficiencies in Victoria's outdated fire services framework that prevent the best possible outcomes when it comes to community safety.

The Select Committee received response time data from the CFA. The data shows that class 4 and 5 CFA brigades are not meeting the 90 per cent response time target for urban fires. For volunteer brigades this target was met 56 per cent of the time in 2016-17.

When it comes to other first responders including paramedics and police, Victorians would never accept this level of inconsistency or failure to meet agreed standards – it should not be the case with our fire services.

Given this evidence, we recommend that the Bill be passed.

It provides a framework for modern fire services that will be able to adapt to change and keep Victorians safe into the future. The role of volunteers will be strengthened as a result of these reforms. Importantly, the CFA will be free to focus solely on its volunteer members and will be freed from the significant distraction of managing and negotiating complex ongoing industrial relations issues.

The Inquiry process has provided a valuable opportunity for interested parties and the community to hear from all the experts and there is now a greater understanding of the proposed legislation. We accept that there are a number of genuine issues that have been identified by the Inquiry.

To address these, we agree or agree-in-principal with the seven substantive recommendations in the Chair's Majority Report. These focus on issues like consultation, implementation, funding, and secondment. We also make a number of additional recommendations that go beyond the proposals put forward in the Chair's Majority Report.

We believe that the Government did not act inappropriately in its development of this reform framework. The Expert Advisory Panel and leaders from Emergency Management Victoria and the CFA were engaged in the policy development process.

However greater transparency prior to the introduction of the Bill into the parliament would have alleviated the concerns from some volunteers that they have not been adequately consulted.

Given this we believe there is a role for government to strengthen the arrangements and communication throughout the implementation phase to better protect the interest of volunteers.

In doing so we note that requirements around consultation run both ways, and those who claim to speak on behalf of firefighters affected by reforms should actually consult with them. In hearings we heard from CFA volunteers at Integrated Stations who claimed they have not been consulted or listened to by the VFBV in formulating its positions on reforms.

More broadly, the issues raised in this inquiry around response times point to a need for greater transparency when it comes to our fire services. We recommend a number of measures of performance across the fire services be published at regular intervals.

Leaders of our Fire Services have made it clear that the detail of operational implementation should be left to firefighters not politicians. The Chair's majority report recommends that Government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal. We support the delivery of this recommendation by operational fire services leaders through the Operational Implementation Committee.

In addition to this, to ensure that reform continues and that issues identified through this inquiry that remain unresolved, such as the question of a single fire service, be revisited through a review once the reforms proposed in the Bill have had time to be implemented.

Response to recommendations in the Majority Report

Recommendation	Response	Comment
1: The Government ensure compliance with its consultation obligations under the Volunteer Charter and the Country Fire Authority Act 1958 prior to proceeding with any further reform of the fire services.	Agree	
2: The Government undertake meaningful and balanced consultation with Emergency Management Victoria, the Country Fire Authority, the Metropolitan Fire Brigade, staff and volunteer representatives prior to proposing any further reform of the fire services.	Agree-in-Principle	Extensive and balanced consultation will occur during the implementation process led by Greg Mullins.
3: The Government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal.	Agree	This should be part of the implementation process. Further options for oversight of the implementation of reform should be considered.
4: CFA staff should continue to be employed directly by the CFA, and solely within the CFA chain of command. Secondment should only be used for staff exchange/development opportunities, not as a default employment mechanism.	Agree-in-Principle	Secondment arrangements should be clarified and strengthened. The CFA's chain of command should be preserved.
5: The Government and its agencies not endorse any enterprise agreement, instrument or accord, which has the effect of limiting the exercise of statutory powers of the chief officer (s) of the fire services(s).	Agree	The statutory powers of operational chiefs of fire services in responding to emergencies must be clear.
6: Due to the lack of implementation, operational, and funding certainty; failure to undertake consultation, and consequential polarisation of fire services volunteers and staff, the Bill should be withdrawn. If not withdrawn, the Legislative Council should reject the bill.	Not agree	Given the overwhelming weight of evidence that reform is needed to enhance community safety, the bill be passed if recommendations 1, 2, 3, 4, 5, 8 and 9 of the majority report and 11 and 12 of the minority report are implemented.
7: Part 2 of the Bill, 'Firefighters' Presumptive Rights Compensation should be reintroduced to Parliament as a standalone Bill to be considered on its merits.	N/A given response to rec 6	

<p>8: The Government ensure adequate infrastructure funding for the fire services independently of the restructure.</p>	<p>Agree</p>	
<p>9: Government develop and publish a detailed funding plan in parallel with any further fire services structural reform proposal. The funding plan should identify and address the impact of: (a) resource and asset transfers between CFA and FRV; (b) the impact of the FRV district on the Fire Services Property Levy beyond the two year freeze period; and (c) any changes to the differential charging rates for the Fire Services Property Levy beyond the two year freeze period.</p>	<p>Agree-in-Principle</p>	<p>The Government should commit to:</p> <p>(a) the principle that resource transfers between CFA and FRV should be implemented according to standard MoG procedures; and</p> <p>(b) that the impact of future changes in FSPL should appropriately reflect the ongoing funding requirements of the CFA and FRV.</p>
<p>10: The Legislative Council refer the Department of Premier and Cabinet to the Legislative Council Privileges Committee for investigation of its interference with the Committee’s inquiry.</p>	<p>Agree-in-Principle</p>	<p>Any motion considered by the Council should be alive to the fact that DPC were responding to MFB’s interpretation/application of the code of conduct that applies to public servants.</p> <p>The Privileges committee should also examine the breach of standing orders and subsequent sanction regarding the inappropriate disclosure (i.e. leak) of committee deliberations to the media by a coalition member of the committee.</p>

Additional recommendations proposed in the Minority Report

Recommendation 11: The Country Fire Authority should collect and publish data on response times, particularly for Class 4 and 5 brigades, financial support provided by Government to brigades, operational and non-operational volunteer numbers, and the provision of training to ensure there is adequate planning for and transparency of fire service coverage.

Recommendation 12: A review of the reforms to begin no later than two years after their commencement. This independent review should consider submissions and materials provided on the effect, benefits and shortcomings of the reforms, and any further changes that are required.

1. Introduction

On 21 June 2017 the Legislative Council passed a motion in relation to an Inquiry (hereafter, Inquiry) into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (hereafter, Bill).

The terms of reference for the Inquiry are as follows:

A Select Committee of eight Members be appointed to inquire into, consider and report, no later than 8 August 2017, on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —

- a. impact on fire service delivery across Victoria*
- b. effect on volunteer engagement and participation in fire service delivery*
- c. short term and long term cost impact on fire service provision*
- d. underlying policy rationale.*

This Report has been prepared by reference to the Chair's Majority Report and is intended by the authors to take precedence over the Majority Report to the extent of any inconsistency, including to the extent that it supports recommendations in the Majority Report for different reasons to those outlined in that document.

We extend our appreciation to everyone who participated in this Inquiry, and who accommodated the timeframes for submissions and hearings, often travelling considerable distances to give witness evidence.

This Inquiry, like the many that have examined Victorian firefighting practices, responses and structures in the last decade, received many accounts of the enormous challenges, traumas and joys that firefighters experience, and the focus and determination that they bring to their work.

All submissions to this Inquiry, and witness evidence has been considered in reaching the conclusions set out in this 'Minority' Report.

The motion establishing the eight member Select Committee was not opposed in the Legislative Council. Standing Order 23.18 expressly provides that in Select Committees the Chair is excluded voting on questions before the committee unless the votes of the other members are tied. The motion establishing the Select Committee specifically provided a casting and deliberative vote to the Chair.

This information is included merely to point out that this report has been authored by half the number of members of the committee¹ and its status as a 'minority' report has not been determined by a majority of members of the committee but by the voting rights granted to the Chair via the motion.

¹ Daniel Mulino, Member for Eastern Victoria Region (Deputy Chair); Shaun Leane, Member for Eastern Metropolitan Region; Colleen Hartland, Member for Western Metropolitan Region; and Jaclyn Symes, Member for Northern Victoria Region

2. Changing Times ~ Emerging Risks

Victoria's current firefighting and related emergency services system response was established at a time when the state's population and demographics were considerably different to the way that they are now.

As a result of significant population growth in Melbourne and regional centres such as Geelong, Bendigo, Traralgon, Wodonga and Ballarat, interface boundaries separating areas serviced by the CFA and the MFB have been out of step with our contemporary understanding of a "country" or regional area. In this regard, the Victorian Government submission states:

Victoria's population has grown from 3.2 million in 1966, to 6.1 million in 2016. Victoria's population is projected to increase by 4.6 million people between now and 2051, with growth concentrated in major regional centres and Melbourne's outer suburbs.

The Victorian Government Submission outlined the demand facing fire services "The number of incidents that the 35 Integrated brigades responded to has increased significantly from 12,214 incidents in 2006 to 18,539 incidents in 2016, representing a 51.7 per cent increase."²

Population growth in metropolitan, suburban, peri-urban and regional centres will continue to affect these boundaries, resourcing and interoperability models into the future, and it is our view that responsible government is positively obligated to take the steps necessary to maintain community safety, despite any resistance that may arise from fear of change.

This is consistent with the submission provided by Mr David O'Byrne who led the Fire Services Review (2015) and stated:

The challenges faced by Victorian fire and emergency services are serious and significant. Service delivery needs to be appropriate for the community that is being served and Victoria's fire services model, with its patchy mix of volunteer, career and integrated staffing, is outdated. The country and metropolitan fire areas do not reflect decades of population growth, urban sprawl and regional centre development. This has caused difficulties in interoperability and culture, and put pressure on CFA resources in particular as it must respond to an environment it was never designed for.³

Professor David Hayward, Professor Michael Buxton and Professor Joe Siracusa provided a submission to the inquiry that analysed the impacts of urban growth and their intersection with the fire services. Noting the fact that the Metropolitan Fire Brigade now only covers 45 per cent of the metropolitan population they said:

This is a policy anomaly that is difficult to defend, but is set to worsen over coming decades if no action is taken.⁴

² Government of Victoria, *Submission*, No. 624, p. 8.

³ David O'Byrne, *Submission*, No. 953.

⁴ Professor David Hayward, Professor Michael Buxton, Professor Joe Siracusa, *Submission*, No. 1447, p. 2

Senior leaders in Victoria's fire services also made clear the challenges of operating contemporary fire services under outdated structures. CFA Chief Officer Mr Steve Warrington stated:

There is no doubt this sector needs reform. We are living in the 1950s here.⁵

CFA Assistant Chief Officer Mr Trevor Owen pointed out the challenges faced by the CFA in dealing with growth:

You add in the complexity too of growth — the CFA has worn all the growth. Unlike the MFB, the CFA has had to wear all that. We were never built and designed to wear all that growth as an organisation. What I mean by that is that structurally we have not been able to meet the growth from a strategic perspective.⁶

Frontline fire fighters also gave evidence about the changes that change presented to them in their frontline work. Officer in Charge of the Ballarat City Fire Brigade, Mr Anthony Pearce said:

In my 23 years of service, firstly as a volunteer and later as a professional career firefighter, I have always strived to provide the highest quality service to the community. In those 23 years many things have changed in society — the population, demographics and the nature of emergency service response. I sit here today because the changes have not happened to address the developments in our community. CFA in my opinion is being held back by the current legislation, structures and culture. History has made us; however, it should not define our future. Change is hard to implement due to cultural and historical issues. Ultimately our structure has contributed to a lack of evolution."⁷

Mr Michael Hennington, Qualified Firefighter with the Caroline Springs CFA made the following point in regards to the outer suburbs of Melbourne that are covered by the CFA:

Our primary response area in Caroline Springs consists of an ever-increasing population of people, hundreds of small and large businesses, four of Victoria's largest prisons, several shopping centres, and more and more new homes being built every day. This is hardly what I would consider to be 'country' Victoria.⁸

It is clear to us that current structures are not dealing adequately with growth and delivering the best public possible community safety outcomes for every community.

⁵ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, p. 56.

⁶ Trevor Owen, Assistance Chief Officer, Country Fire Authority, Transcript of Evidence, 19 July 2017, p.44.

⁷ Anthony Pearce, Officer in Charge – Ballarat City Fire Brigade, Country Fire Authority, Transcript of Evidence, 21 July 2017, p.2.

⁸ Michael Hennington, Submission, no.101.

3 The Clear and Urgent Need for Reform

The reforms set out in the Bill and the Fire Services Statement have a number of objectives and components that centre around a new organisational structure for Fire Services Victoria, preservation of the Country Fire Authority with paid resources allocated to specifically provide support and assistance to volunteer firefighters, and achievement of improved and more consistent operational outcomes as they relate to career and volunteer firefighters and their brigades, within metropolitan and regional Victoria.

In our view, three clear themes emerged from the witness evidence and submissions given to this Inquiry, as also illustrated in evidence and submissions provided to previous inquiries such as the Fire Services Review and Parliamentary Inquiry into Bushfire Preparedness:

1. The current system, structure and engagements between stakeholders are not working as well as they could. Against the backdrop of a sustained and cavalier campaign of media coverage, the adversarial nature of public and legal engagements between stakeholders such as the VFBV and the UFU have caused significant personal distress, difficulty and frustration for career and volunteer firefighters who are resolutely committed to protect life and property.
2. There is a clear and vocal “fatigue” at the prospect of any further review and an urgent desire for change and action from within the sector, which we would characterise as a call to stop describing the problems and begin acting to fix them. In our view this requires a concerted and disciplined move away from a history of antagonism and difference, and towards a structure that recognises, resources and respects the commonalities and needs of firefighters in the culture and management of fire services into the future.
3. On the fire ground, despite the clear differences in opinion around the roles and contributions of career and volunteer firefighters, it is demonstrably clear that firefighters from all areas come together to work collaboratively to achieve the best outcomes that they possibly can to protect life and property.

It is also clear that differences between metropolitan and regional services create significant operational challenges in the interface areas, which, despite being urban in nature involve both MFB and CFA firefighters regularly responding to the same callouts.

In his evidence, former Commissioner of Fire Rescue NSW Mr Greg Mullins said:

...you are dealing with risks in urban areas in two different ways. They are getting two different risk treatments and whether one is better than the other or worse actually does not come into it but it does not make any sense. If you have a particular risk, it should be incumbent on a government to deal with it in a standard manner.⁹

⁹ Greg Mullins, Transcript of Evidence, 24 July 2017, p.45.

More bluntly, CFA Chief Officer Mr Steve Warrington, indicated that:

I can tell you that it is this bizarre in Victoria — and I am probably embarrassed to put it into the public space — that we put up ladders differently. We do stuff differently. That is not good enough. That is not in the best interests. We need reform in this state.¹⁰

The current lack of interoperability between the two services was a source of enormous concern for Emergency Management Commissioner Mr Craig Lapsley, who after crediting career and volunteer firefighters for their work in his evidence then went on to identify:

...the harm that is underneath — the lack of harmonisation — is of concern. When you have got that, you cannot get the interoperability bits working as well as we could or should, so we are delayed in some of our interoperability provisions because of that lack of trust and understanding between groups of people.¹¹

Further evidence repeatedly made the point that current service delivery standards are not as optimal or equitable as they could be. Mr David Maxwell, Officer in Charge of CFA Craigieburn pointed to the recent Coolaroo tyre fire to illustrate some of the challenges created by having two career fire services:

My role as deputy incident controller was difficult, as I did not know any of the MFB people involved. I was directing MFB commanders, sector commanders and firefighters in certain areas of the fire fight who I had not met before. I was also liaising with my own CFA crews. The interoperability between those crews was quite difficult. We have different radios, we have different procedures, we have different standards of what we do in areas working around hazards and different arrangements that we set up for safety officers and for supervision of crews. My role was distinctly difficult, trying to be the deputy incident controller of a very large and going fire but also trying to liaise with my own crews, ensure their safety and look after their interests in their own section of the fire. Essentially what we had to do was separate the CFA and the MFB crews to different parts of the fire so we could manage them effectively, and that does not help with your strategies and tactics when trying to deal with a significant fire of that.¹²

Mr Nic May, a career firefighter from Mornington stated in his submission to the inquiry:

The other side of the coin is that I work in Mornington that have a staff station for the same guaranteed response of 90 seconds, but we are only allowed to go 2.5km either way from the station due to volunteer captains not wanting us in “their patch” to support them. Do the community not deserve the best possible response to guarantee their wellbeing regardless of who comes to the job, the community deserve the quickest and best response possible.¹³

¹⁰ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, p.57.

¹¹ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p.38.

¹² David Maxwell, Officer in Charge - CFA Craigieburn, Transcript of Evidence, 24 July 2017, p.25.

¹³ Nic May, Submission. No. 177.

In evidence to the Committee, a number of CFA volunteers also acknowledged outdated nature of elements of the current service delivery model. Speaking in relation to CFA response tables, Mr Rohan Stevens, First Lieutenant of Epping Fire Brigade said:

In my personal view it is a bit of an antiquated system and I think it is certainly a system whereby we have the closest vehicles irrespective and search for those, like what happens with road rescue and maintenance right now, would certainly be a far better way of actually achieving that service delivery standard.¹⁴

This view was supported by Ms Diana Ferguson, Captain of Bayswater CFA who stated:

With the way the current system and model is set up, it is on, as stated, an old system which is not built to ensure the best response.¹⁵

¹⁴ Rohan Stevens, First Lieutenant - Epping Fire Brigade, Transcript of Evidence, 24 July 2017, p.57.

¹⁵ Diana Ferguson, Captain - Bayswater CFA, Transcript of Evidence, 24 July 2017, p.57.

4 Community safety as the first priority

Community safety is necessarily the starting point and anchor for any examination of the current structure of fire services in Victoria, and of the structural, funding and operational reforms contemplated by the Bill.

It is difficult to overstate the importance of developing and implementing responses to fire and other emergencies that place community safety as the highest priority.

A number of key issues arose in the Inquiry which numerous witnesses indicated were adversely affecting community safety, particularly in suburban and peri-urban areas:

1. **Lack of predictability** in the origin and type of response received to a callout and the skill sets of attending firefighters. Firefighters who provided submissions and gave evidence to the Inquiry referred to callouts that were insufficiently resourced or otherwise attended by firefighters without the skills and training required to assist.¹⁶ An example of this stated:

about 10 minutes later 2 volunteers turned up with no breathing apparatus training and their turnout gear in the back of their car. Enthusiastic? Yes, but if it ended up being a live job, lack of resources could have had a huge bearing on lives lost and injuries sustained.¹⁷

In instances where an insufficient number of firefighters attended, firefighters often were placed in the dangerous situation of having to make decisions around rescue and fighting fires in the absence of adequate back up.¹⁸

2. **Response times** are a significant contributing factor to the preservation and protection of community safety and were the subject of extensive evidence and conjecture during this Inquiry. The CFA provided data for category 4 and 5 interface unit responses that demonstrates clear discrepancies in response times between volunteer and career stations, including in a number of highly populated suburban areas which are projected to grow.
3. **Dispatch** Urbanised areas are covered by different models of dispatching firefighters and appliance to an incident this explained in appendix 1*

Evidence given by Mr David O'Byrne and Mr Craig Lapsley to this Inquiry as well as that provided to previous Inquiries, Reviews and the Bushfire Royal Commission have also emphasised the importance of developing and implementing safe, consistent and predictable systems of response, including through the command structure and boundary reform.¹⁹

¹⁶ Matt Tucker, Submission. No. 483; Gary Easte, Submission. No. 1739; Ben Myers, Submission. No. 337.

¹⁷ Adam Lutz, Submission. No. 1576.

¹⁸ Leon Beatty, Submission. No. 1806; Andrew Carew, Submission. No. 469.

¹⁹ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p.31; David O'Byrne, Submission. No. 953.

In this context, witnesses to the Inquiry provided numerous examples of actual or perceived compromises to community safety due to a lack of certainty in the people and skillsets that would be available at a callout, and the times that they would arrive.

The evidence of Mr Lapsley and Mr Warrington provided a comprehensive and evidence-based rationale for modernising Victoria's fire service which is also consistent with the CFA's data on response times.

Unlike Mr Ford and Mr Rush, we do not agree that "*there is nothing to justify a change*"²⁰ to current boundaries or the structure of Victorian fire services. As Mr Warrington's evidence and numerous submissions including those from the Victorian Government and the United Firefighters' Union demonstrated, there are clear differences in the procedures regulating fire services response by the MFB and CFA.

In effect, the lack of standardised operating procedures and dispatch requirements in effect means that different parts of our urban areas (despite in many cases being adjacent to one other) often receive significantly different levels of protection in response to callouts:

Mr LEANE — Thank you for your time. Since coming to this committee and reading submissions and educating myself as best as I can, I have a real concern that there are two different types of fire protection delivery or fire rescue delivery across the metropolitan region that I represent. Am I right in having that concern?

Mr MULLINS — Yes. Look, I am not saying one is better than the other, but as I just said before, for the same risk you are getting different risk treatments. The reform path, my involvement in that is that we need into the future to change that so that we are dealing with the same risk in the same manner.²¹

This significant variation in the delivery of community safety measures to areas with like or comparable risk profiles is unacceptable, and itself sufficient to warrant changes of the nature set out in the Bill.

In the course of this Inquiry, the CFA provided 2015/16 and 2016/17 response time data from Class 4 and 5 brigades (see Appendix 2) which shows significant and concerning differences between the response time achievement rates of volunteer only brigades and integrated stations. A summary of this data is presented in the tables below.

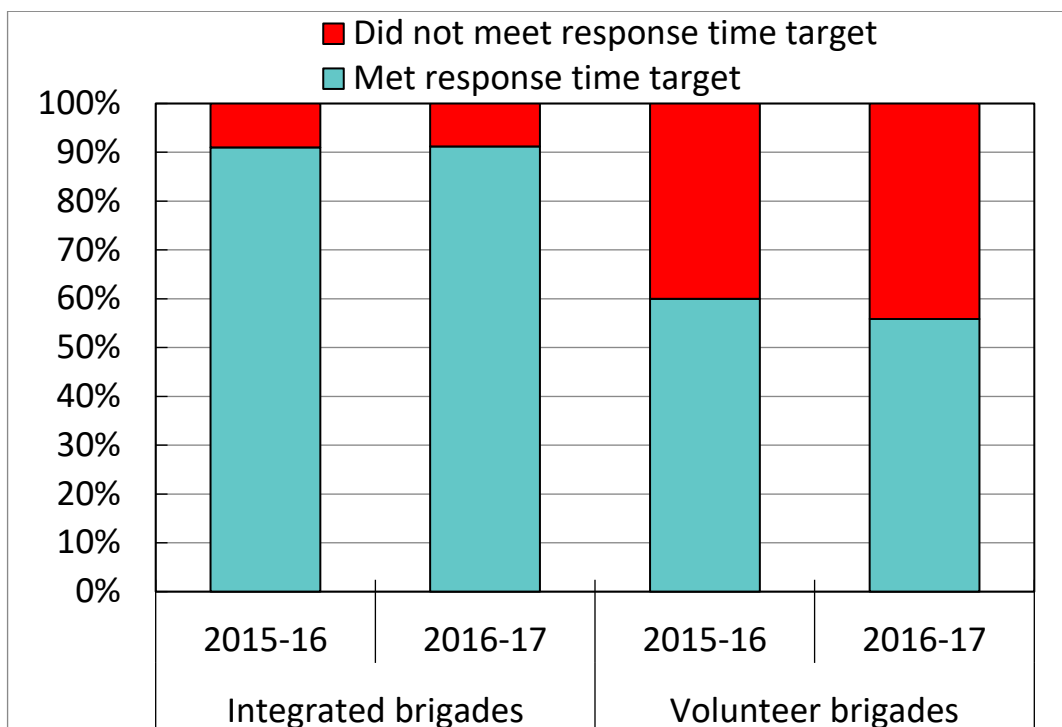
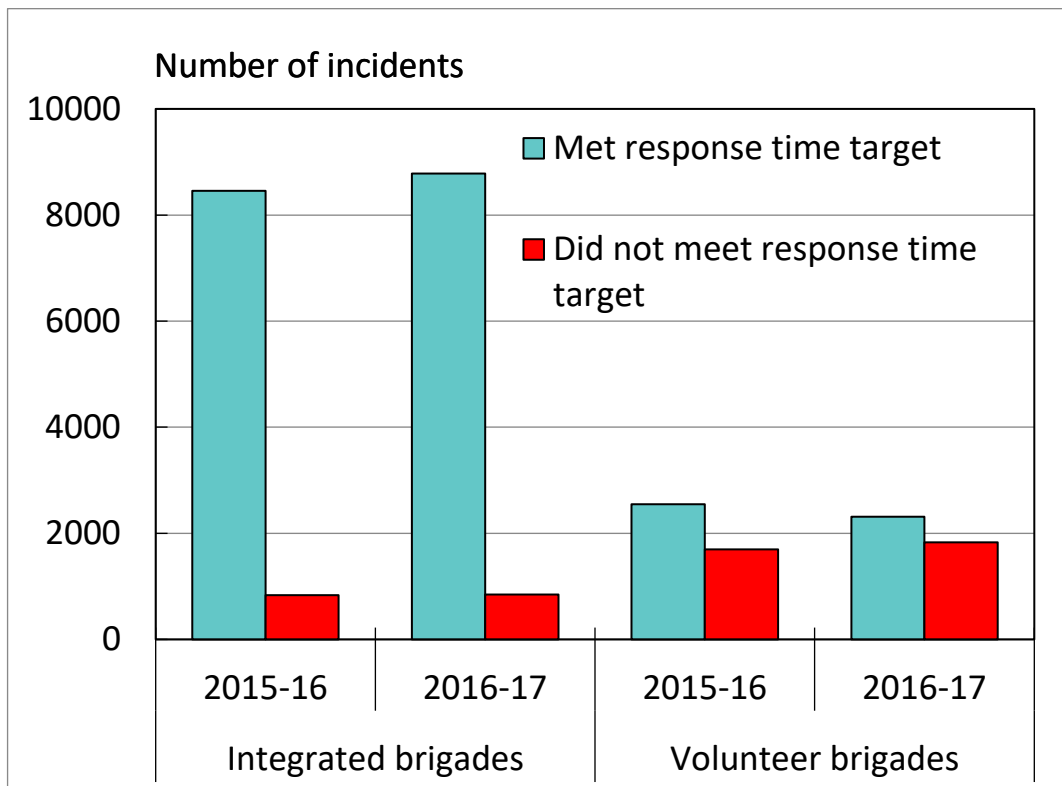
The CFA has set a benchmark of 90 per cent of calls in built-up areas be responded to in eight minutes. The data released to the Inquiry for Class 4 and 5 brigades shows that this is being met only 80 per cent of the time.

However, when volunteer stations and integrated stations are extracted it shows that volunteer only class 4 and 5 brigades met the target only 56 per cent of the time in 2016/17 while integrated brigades met the target 91 per cent of the time.

²⁰ Jack Rush, QC, Transcript of Evidence, 25 July 2017, p.24.

²¹ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 45.

By way of reference, the MFB annual report for 2015/2016 showed that the benchmark (7.7 minutes) response time was met 89 per cent of the time.²²



²² Metropolitan Fire and Emergency Services Board, 2016, Annual Report 2015-16.

The CFA has made it clear that there is a need to improve on this performance, with Mr Steve Warrington in a communication to staff stating:

Let me be clear, the response time data does underscore where greater flexibility in our sector would provide a capacity to improve service delivery

Across the board, our people provide a world-class firefighting service, but it is clear there are some limitations within our current system.²³

The lack of publicly-available data and information about the sector, including response times, the volume of required and utilised training delivered on the ground, and the level of financial and other support provided at an individual, brigade, district and regional level has also compounded disagreement and tension and in our view contributed to the adversarial culture referred to so extensively in this and numerous other inquiries, reviews and the Royal Commission.

Insufficient data has also created considerable challenges for management, representative bodies and government to properly identify or address areas requiring additional or different support around the state, a task which will only become more difficult as the population grows and demographics continue to change.

For these reasons and to ensure that the sector is in a better position to plan for future resourcing, training, funding and cultural needs and priorities, we recommend that a range of data be collected and published by the Country Fire Authority.

Recommendation 11: The Country Fire Authority should collect and publish data on response times, particularly for Class 4 and 5 brigades, financial support provided by Government to brigades, operational and non-operational volunteer numbers, and the provision of training to ensure there is adequate planning for and transparency of fire service coverage.

²³ Steve Warrington, Message from the Chief Officer, 7 August 2017, <http://news.cfa.vic.gov.au/news/a-message-from-the-chief-officer-response-times.html>

5 The Fire Services Reform Process

The Fire Services Reform Bill comes after 8 major reviews into Victoria's fire services over the past decade, including the Black Saturday Bushfire Royal Commission.

The Victorian government submission notes the scale of inquiry that the fire services have been subjected to throughout these processes, in the following terms:

Looked at collectively, these reviews received over 2200 submissions from experts, representative bodies and individual staff and members of the community. These reviews were a key input into the development of the Fire Services Statement.²⁴

As is noted in the Chair's Majority Report, the Bill responds to a number of issues and recommendations made through these reviews.

The 2009 Victorian Bushfires Royal Commission recommended a process for reviewing the metropolitan fire district boundary. Emergency Management Commissioner Mr Craig Lapsley noted in his evidence to the inquiry:

I am sure you are aware recommendation 63 in the main has been implemented. There is one part of recommendation 63 that talks about boundary reviews; that has not been implemented and is obviously a point of discussion in this proposed reform.²⁵

The most recent major review of the fire services was conducted by David O'Byrne in 2015. The Fire Services Review made a number of recommendations around Governance, culture, and service delivery across the fire services. The Fire Services Review and its recommendations were referred to in evidence from a number of CFA volunteers and experts including Jack Rush QC.

Among the recommendations of the Fire Services Review was a recommendation 13 to reinstate the role of the single Chief Officer as the head of the Fire Services. This recommendation is implemented for Fire Rescue Victoria at Clause 28 of the Bill.

In his submission to this inquiry, Mr O'Byrne notes how the reforms in this Bill deliver on issues identified in the 2015 Fire Services Review as follows:

The challenges I identified around governance, morale, workplace culture, patchy training, workforce development, and differing work practices will be substantially resolved, with good implementation of course, by this structural change in the fire services and associated measures and implementation strategies.²⁶

²⁴ Government of Victoria, *Submission*, No. 624, p. 34.

²⁵ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p.27.

²⁶ David O'Byrne, *Submission*, no. 953.

In light of clear links between major inquiries and elements of the reform in the Bill **we reject Finding 1 of the Chair's Majority Report.**

Some submissions and evidence to the Inquiry raised issues with the process by which the Fire Services statement was delivered. Finding number 2 of the Chair's Majority Report notes that the policy development process did not involve representatives from Emergency Management Victoria, CFA or MFB.

Evidence presented to the Inquiry establishes that the Victorian Government began working on reforms to the Fire Services from January 2017, with the support of an expert Advisory Panel comprising Mr Greg Mullins, Ms Penny Armytage, Mr Ewan Waller and Mr Simon Crean.

In detailing the role of the Expert Advisory Panel Mr Greg Mullins indicated:

We were given free range to ask questions and to delve into the detail of how that would work. Actually, I was quite surprised because I have been in not the same process but similar processes before where advice was given and it was rejected. What I found was the government was very open to whatever we said and responded. We would come to the next meeting and there would be a response. I think every suggestion we put forward was accepted.²⁷

In the early months of 2017, as the process of developing the reform evolved, other leaders from the emergency services sector become involved. Mr Andrew Minack from DPC explained this process:

We were having regular meetings with the CFA and the expert advisory panel to get their input. As the policy development process evolved and we looked at different options they were inputting and reviewing that work as well.²⁸

Emergency Management Commissioner Mr Craig Lapsley explained the role he played in the development of the reforms:

The first I was involved was close to 20 April and more formally on 24 April, when I was briefed in detail and was able to take away the draft legislation, or the draft explanation note of the legislation, to understand it. From that I did my own assessment of what it meant and hence why I provide that diagram at the end of the presentation. Basically part of what I did was to say: what is there now, what is the future model, what does it bring?

I tested the structure that was put to me. For those reasons I said, I believe there is a proposal that could work and would work with the right support around it and the right commitment from the people.²⁹

²⁷ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 43.

²⁸ 7 July pg 7

In light of this clear evidence from DPC and the Emergency Management Commissioner about input into the policy development process **we reject Finding 2 in the Chair's Majority Report.**

The opposition members of the committee were hell-bent on establishing a Labor-Union conspiracy, in a desperate attempt to match their political and untrue rhetoric that the Government's reform is no more than a deal done with the United Fire Fighters Union.

The Secretary of the UFU Mr Peter Marshall confirmed at a hearing, that:

contrary to popular opinion is not our reform. Our reform was very different, if people read the history³⁰

The Chair of the committee questioned DPC on the involvement of the UFU in the development of the legislation:

The CHAIR — When did the discussions with the UFU on presumptive or the substantive structural changes commence?

Mr BATES — On the presumptive stuff it probably would have been — I will have to check my diary to give you precise dates — but I would have thought that it was probably in early April that we had quite a number — — That ran for several weeks. We had quite detailed discussions about the nature of the presumptive scheme and how it would compare to interstate models and the federal legislation. Again, as I said, through the period from January there were occasional contacts with both the CFA and UFU where — you know, we were not seeking information without briefing them in on the detail of the proposal.

The CHAIR — When was the proposal for structural changes first floated with the UFU?

Mr BATES — I would have to go back and check my notes. They got detailed briefings in the week or two before it went into Parliament.

The CHAIR — Had they been engaged before?

Mr BATES — I think they probably could understand what I was contemplating from the sort of questions I was asking, but we did not give any big, detailed briefings, as I say, until in the late April–May period before things went into Parliament.³¹

Despite this evidence, committee member Mr O'Sullivan pursued further information from Mr Marshall about the the UFU's involvement in the development of the new model:

Mr MARSHALL — ... by all means we spoke about presumptive legislation, but I have never met this committee that you are talking about with regard to the legislation.

²⁹ Mr Andrew Minack, Director, Governance Branch, Department of Premier and Cabinet, Transcript of Evidence, 25 July pg 28

³⁰ Mr Peter Marshall, Secretary, United Firefighters Union, Transcript of Evidence, 24 July 2017, p.5.

³¹ Mr Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, Transcript of Evidence, 7 July 2017, pp. 5-6.

Mr O’SULLIVAN — It was headed by Mr Mullins, who will be appearing. He is next. How many times did the UFU meet with Mr Mullins’s group to discuss the reform process?

Mr MARSHALL — “I have never met the man. I never met this group”³²

Mr Mullins appeared before the committee on the same day and was questioned by Mr Mulino:

Mr MULINO – Just to start with a process question to clarify something, did the expert advisory panel, in coming up with its recommendations to DPC meet with the UFU at all?

Mr MULLINS - No³³

A key issue identified by the Volunteer Fire Brigades Victoria was the lack of consultation in the development of this proposal. In evidence to the Committee, the Department of Premier and Cabinet made it clear that there had been a number of meetings with the VFBV in early May and prior to the announcement of the reforms.³⁴

A number of witnesses also identified the challenges in consulting with stakeholders in the absence of a clear model for reform. Mr Greg Mullins pointed to the large number of different views across the sector:

before you can consult, you actually have to have a model to consult on or you will get 35 000 different views on how things should be. Then you have hubris, and then nothing gets done; it stagnates. I would say that typifies the Victorian situation at the moment, from an outsider looking in.³⁵

CFA Chief Officer Mr Steve Warrington made a similar point:

There could have been more consultation, but the reality here is that I think we all would accept that since the announcement, if you were to try to bring the representative bodies together at one table, you just would not have achieved an outcome. So in a sense it is ‘coulda’, ‘woulda’, ‘shoulda’ — it is all past.³⁶

We believe that the Government did not act inappropriately, however given the tense environment and stretched relationships between the relevant parties with an interest in fire services reform in this state, greater transparency prior to the introduction of the Bill into the parliament may have alleviated the concerns from some volunteers that they have not been adequately consulted.

³² Peter Marshall, Secretary, United Firefighters Union, Transcript of Evidence, 24 July 2017, pg 18

³³ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 39

³⁴ Tony Bates, Deputy Secretary, Governance Policy and Coordination, Department of Premier and Cabinet, Transcript of Evidence, 7 July 2017, pp. 5-6.

³⁵ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 38

³⁶ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, p.62.

The committee inquiry process has provided a valuable opportunity for interested parties and the community to hear from all the experts and there is now a lot more understanding about the development of the model and the process of implementation.

We believe there is a role for government to strengthen the arrangements and communication throughout the implementation phase to better protect the interest of volunteers.

5.1 Implementation

The Bill provides the reform framework for the future direction of the Victorian fire services.

The Inquiry through submissions and testimony heard concerns about the lack of detail regarding the implementation of the legislation.

However, it was largely accepted that the development and implementation of the reform is best left to fire services experts – not Government and certainly not politicians.

The Victorian Government submission states that it is appropriate for the development of a new operational framework sit with the CFA Chief Officers and the FRV Commissioner and will be supported by the Operational Implementation Committee, chaired by Mr Greg Mullins.

Victoria's fire experts are passionate and committed to their role in the implementation. CFA Chief Officer Mr Steve Warrington said:

The framework is there. The policy and the reform is there, and I actually do not want anybody other than fire people — people that are respected around the world and certainly in this country — to get on and design the model. Now that is working collaboratively with our partners in Fire Rescue Victoria to get the best outcome for our community, and that is the lens that we come to the table with — let us design the rest of it. So I understand there is no detail, but the other option is that someone else puts the detail there for us. I have got to tell you that I do not want that to happen. I want to be involved in putting the detail together. No offence, but I do not want any politician or anybody in this room doing it.³⁷

Emergency Management Commissioner Mr Craig Lapsley added:

It is also about not having just, 'This is the book of implementation'. It is something that has to be negotiated, discussed and implemented to get the right outcome. It is not prescriptively written there. There is opportunity in the future to guide it the way it should be, because it is not prescriptively written at this stage.³⁸

³⁷ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, p.62.

³⁸ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p. 36.

This flexible approach is overwhelmingly supported by operational firefighters and their leaders, with Mr John Deering, Acting Assistant Chief Officer, North West Region stating:

My view is that that is a real opportunity for CFA to have solid input into Mr Mullins' implementation committee. So whether it was the intent or how it was crafted, there is an ability now to fill in that detail with good conversation and consultation amongst particularly our volunteers about how that might look, what they want the secondment to look like, how it might work³⁹.

Mr Rohan Luke, CFA Assistant Chief Officer, South West said:

I think about if government, for example, had come out and asked the community, asked the fire services, 'Clean slate; what do you want to do; how do you want to build your organisation?', we probably would have had 60 000-plus different options. To my mind, we have now got the skeleton essentially, and it is an opportunity to build that and mould that in how we would like to see it.⁴⁰

Mr Paul Marshall, Officer in Charge of CFA Warrnambool said:

I believe that the Government sets the policy framework and once the legislation is passed – if it is passed – then the CFA and FRV will get on with the business of working out the detail. I am extremely confident that the right decisions will be made to have the best fire service moving forward, so I am not concerned about the detail.⁴¹

The case for reform has been well made and was acknowledged by committee members and witnesses including fire services management, career fire-fighters, volunteer fire-fighters, the UFU, the VFVB and the VFF.

Regardless, the Chair's report contends that the Bill should not proceed... this is not because reform is not needed, not because the legislation is flawed, but argues that the Bill should be withdrawn due to 'lack of implementation, operational, and funding certainty; failure to undertake consultation, and consequential polarisation of fire services volunteers and staff'.⁴²

Even if we were to accept the legitimacy of these claims, (which we do not – nor are they supported by the evidence) these are not arguments that necessitate the need to withdraw the Bill and have yet a further review process – these are matters that can be adequately addressed through implementation.

The reforms will be implemented by the Fire Services Interdepartmental Committee and supported by the Operational Implementation Committee. Mr Greg Mullins, former Commissioner NSW Fire and Rescue will chair the OIC, with the other members consisting of the

³⁹ John Deering, Acting Assistant Chief Officer - North West Region, Country Fire Authority, Transcript of Evidence, 12 July 2017, p. 36.

⁴⁰ Mr Rohan Luke, Assistant Chief Officer - South West, Country Fire Authority, Transcript of Evidence, 21 July 2017, p. 40.

⁴¹ Paul Marshall, Officer in Charge - CFA Warrnambool, Transcript of Evidence, 21 July 2017, p.9.

⁴² Chair's Majority Report, Recommendation 6

Emergency Management Commissioner, Chief Officer of the CFA, Chief Fire Officer (DEWLP) and a representative from MFB, then the FRV Commissioner.

The terms of reference for the committees have been provided to the Parliamentary Committee and the overarching roles of these committees are outlined in the Victorian Government submission.⁴³

The Bill further provides for transition arrangements that require consultation with affected parties and are also outlined in the Victorian Government's submission⁴⁴.

What is apparent is that many volunteer fire-fighters have reservations about the proposed legislation but are not opposed to change. Many volunteers or those representing volunteers expressed the view that reform was required but it was imperative is the involvement of volunteers in the process and they sought further information in relation to matters including, training, asset transfer, brigade colocation, boundary review process, and secondment.

Mr St Clair, Captain of the CFA Horsham brigade told the committee at the hearing in Hamilton:

we are are open to change and open to talking to people.⁴⁵

The Victoria Farmers Federation made a submission and presented to the committee on behalf of their members, President David Jochinke explained:

For me it is about demonstrating that the organisation [the CFA] has got the best intentions at heart to give volunteers their rightful place in helping to run the organisation. If they are dictated to, if they are told what to do, if they do not have any ability to be a part of any decision-making process, that is the easiest way to turn volunteers off any organisation, and for us those are some of the fundamentals that you need to do now to ensure you have got in the service going forward.⁴⁶

The Parliamentary Committee had the benefit of being able to question members of the Operational Implementation Committee and sought responses relating to the implementation process and specifically the involvement of fire-fighters.

Chair of the Operational Implementation Committee Mr Greg Mullins stated:

The Committee has only met twice, so as we flesh out a work program it is going to be imperative that that is communicated to career and volunteer firefighters and commented on

Very clearly a huge part of our deliberations will be based on volunteers and retaining volunteers, and making sure that they things that they are concerned about are addressed, such as how volunteers in integrated stations remain part of the CFA and are still called out and the urban brigades in the catchment of a career brigade are still called out, even though

⁴³ Government of Victoria, *Submission*, No. 624, p. 32-33.

⁴⁴ *Ibid*, p. 37.

⁴⁵ John St Clair, Captain – CFA Horsham, Transcript of Evidence, 21 July 2017, p.23.

⁴⁶ David Jochinke, President – Victorian Farmers Federation, Transcript of Evidence, 24 July 2017, p.73.

they might be in a FRV uniform. Chief Warrington is bringing all those issues to the table very clearly to Commissioner Lapsley. That is a huge focus of our deliberations and I am confident we will be able to deal with specific issues as they arise.⁴⁷

Emergency Management Commissioner Mr Craig Lapsley was asked about whether he could give a commitment to firefighters that they would be integral to the implementation process and he responded:

The answer is yes, an absolute commitment to not only the volunteers and career but also the management. I think we have got to actually really seriously look at our management support and how they do that. If we do not bring all our people together and have an implementation plan, a program that has all of those key influencers on board, we will not get where we need to get.⁴⁸

The Chair's majority report recommends that Government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal⁴⁹. We support in principle and recommend that Operational Implementation Committee produce a detailed implementation plan and make it public as soon as possible to coincide with the Bill proceeding through the Parliament.

5.2 Yet Another Review?

A significant volume of evidence provided to this Inquiry came from CFA firefighters supporting the reforms for reasons that included bringing an end to the constant disagreement and uncertainty that has plagued the sector in recent years, and enabling the CFA to focus more keenly on their firefighting and brigade activities.

Withdrawing the Bill and in effect 'going back to the drawing board' for another review which is effectively what the Chair's majority report recommends would achieve little, in fact would be damaging and deliver no substantive agreement. It would also stall the productive and positive operational and cultural improvements and good faith engagement that has already begun across Victoria's fire service.

CFA Chief Officer Steve Warrington was asked about his view on whether there should be a further review or examination into the fire services and he resoundingly rejected the proposition telling the committee that his organisation 'have had a gutful of inquiries'.⁵⁰

⁴⁷ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 38.

⁴⁸ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p.36.

⁴⁹ Chair's Majority Report, Recommendation 3

⁵⁰ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, pg. 64.

The committee heard from many witnesses concerned about further review. Mr Pete Dedman, Officer in Charge of Shepparton CFA said:

The biggest concern would be that if we were to go to another review and a full consultation process, I do not think we would ever reach a final model, and it would take an inordinate amount of time to try to even achieve that, and during that period the breakdown would continue. We need to have some consultation — I do not argue that point — but at the end of the day somebody will need to make a decision, because on both sides, in all parties, there are very passionate people that will not let go or negotiate. So Big Brother really has to step in and say, 'Look, the time has come. We've been working through this. It's time to draw a line in the sand, move on and get on to support the community'.⁵¹

It may suit some parties' purposes to continue the debate and public controversy surrounding firefighters without resolution or progress, there is of course a state election in November 2018.

Sadly we are of the view that many Liberal and National politicians are prepared to put public safety to back of their mind and hope that ongoing disharmony in the fire services may provide campaigning opportunities and personal political benefit.

Many fire fighters expressed despair at the extent of politicisation of the fire services Mr Trevor Logan Officer in Charge at the Wangaratta CFA Integrated Station explained the local impact:

Mr LOGAN — Well, with the federal election last year what started as an enterprise agreement issue became an election issue, which devastated this local community here. Myself, at one stage I was considering not wearing the uniform walking down the street because I was getting abused, like my colleagues, but then I thought, 'No, I am a proud CFA person. I wear this uniform with pride'. The deputy chief officer and the chief officer have been accosted at service stations when they have been filling up their CFA cars. The political interference is hampering and impeding CFA to move forward, and also — —

Mr O'SULLIVAN — What is the political interference?

Mr LOGAN — The federal election issue last year, especially locally. Here today there are politicians in this room who continually write things in the local newspapers that are hearsay and non-fact. Wangaratta is a very conservative community and everyone is entitled to their opinion, but when you have respected members of the community such as politicians and respected members of the community who are real estate agents and builders within the community and are well-known, people listen to what they are saying.

This is my view, and I will put it out there: Volunteer Fire Brigades Victoria has split the CFA in two — and that is not staff and volunteers; that is volunteers and volunteers — over the misinformation and innuendo that has come out. People from remote communities are saying, 'If we have a fire, we've got to wait for seven career staff to come before we can put out that fire'. That information was fed to them by these people. This is affecting our mental health, and it needs to stop — not just my mental health but his mental health as a volunteer.⁵²

⁵¹ Pete Dedman, Officer in Charge – Shepparton CFA, Transcript of Evidence, 10 July 2017, p. 12.

⁵² Trevor Logan, Officer in Charge – Wangaratta CFA, Transcript of Evidence, 10 July 2017, p. 15.

Mr Paul Marshall, Officer in Charge of Warrnambool CFA told the committee about the untruths and damage done during the 2016 Federal Election:

There has never been a case where a volunteer would actually have to stand by and wait for a career firefighter to turn up – or seven career firefighters to turn up – before they commenced firefighting. It was never the case that a volunteer firefighter in the area could not be in control of a fire. If they were the incident controller, they were the incident controller. Let me tell you, I saw a lot of federal politicians during that Senate inquiry. They were taken through that documentation line by line, and still they perpetrated that myth for political reasons.⁵³

Linda Quarrier a CFA volunteer and wife of a career firefighter provided a thoughtful and personal submission to the inquiry:

The current anti staff media campaign has been horrific for not only career staff but their families as well. We have seen the morale and mental wellbeing of our career staff partners undermined at every turn. They have been used as political footballs by people with little understanding of what it means to go to work in an emergency environment, wait for support to come that often never arrives, make on the spot decisions about the lives of others and themselves, deal with loss and death, deal with abuse brought about by ill-informed people, and maintain a public confidence that they often do not feel. As a group, professional firefighters feel let down by their own organisation, their political parties and their communities in general.⁵⁴

To hold all processes in abeyance as proposed by the VFBV's witnesses and by Mr Rush to undertake yet another review would in effect permit an already historically-based and wide-ranging public conversation to continue, potentially for years to come, without reaching the consensus that the VFBV claims is a necessary precondition for change to proceed.

The VFBV also appeared to have numerous and in many ways contradictory views about the level of process, action and engagement needed to satisfy the consultation requirements of its own organisation, and those which it maintains others should meet.

In determining its own agreed or "majority" position, Mr Ford agreed he had not been to any integrated stations, that the VFBV had not received any formal mandate from 50 per cent of volunteers for any particular position.⁵⁵

Mr Ford's sworn evidence shows clear anomalies between the seemingly informal and apparently undocumented requirements of the VFBV to establish "majority support" for an official position, campaign or strategy on the one hand, with a vastly more onerous set of expectations from stakeholders around consultation as the VFBV considers it to apply under the Volunteer Charter.

⁵³ Paul Marshall, Officer in Charge - CFA Warrnambool, Transcript of Evidence, 21 July 2017, p. 17.

⁵⁴ Linda Quarrier, *Submission* no. 951

⁵⁵ Andrew Ford, CEO – Volunteer Fire Brigades Victoria, Transcript of Evidence, 7 July 2017, p. 57.

Despite Mr Ford's claims that the VFBV's decision-making and consultative processes are "structured and extensive"⁵⁶, it is telling that neither Mr Ford nor any other representative of the VFBV identified or produced any specific evidence to this Inquiry to establish that a majority of volunteers had actively confirmed their support for a specific course of action to be taken on behalf of the brigades of which they are members.

This evidence, had it been provided, would in our view have significantly improved the credibility of the VFBV's claim that it has faithfully and consistently represented the interests and endorsed positions of a majority of CFA volunteers, and that it continues to do so.

Based on the evidence provided to this Inquiry, it is clear that the VFBV enjoys vocal support from many brigades and volunteers across the state. However, the evidence also shows that there are also significant numbers of individual volunteers and volunteer brigades within the CFA (who have made submissions to this Inquiry) that support for the reforms and take issue with the position, approach and actions of the VFBV.

The committee heard from representatives of the Victorian Volunteer Firefighters Association, a new entity seeking to represent the interests of CFA volunteers. President Dwight Goodman explained that:

The VVFA is an independent representative association for CFA volunteers established in 2016 by CFA volunteers that were dissatisfied with public commentary and actions of Volunteer Fire Brigades Victoria — VFBV — purporting to represent a united voice of CFA volunteers. Very many CFA brigades only affiliate with VFBV to enable access to the volunteer welfare funds. CFA brigades in effect are forced to affiliate with VFBV to be entitled to access the funds for volunteer brigade members.⁵⁷

Mr Thomas Brodie AFSM, Volunteer Fire Fire Fighter and former VFBV Board Member provided a submission on behalf of the District 22 Strategic Leadership Team in support of the proposed reform and provided several reasons including:

That the reform allows for greater autonomy for CFA, by allowing us to manage, maintain and enhance our own business without the additional issue of complicated consultation. I.e. Chief will be able to efficiently and effecting manage core business according to the CFA Act.⁵⁸

Mr Rush referred to the extensive "*disillusionment with what is going on*" and a "*fatigue*" over the number of investigations that had taken place (and pointed to his own fatigue having been retained by the VFBV) which on numerous occasions during his evidence to this Inquiry and the Bushfire Preparedness Inquiry he linked back to his period as Counsel Assisting the Victorian Bushfire Royal Commission, 8 years ago.⁵⁹

⁵⁶ Ibid.

⁵⁷ Dwight Goodman, President – Victorian Volunteer Firefighters Association, Transcript of Evidence, 7 July 2017, p. 30.

⁵⁸ Thomas Brodie, *Submission*, No.455.

⁵⁹ Ibid.

Mr Rush then attributed the significant discontent within and damage to firefighters' morale solely to lengthy, drawn-out industrial negotiations and ascribed the rationale for the reforms as being solely "to achieve some sort of industrial outcome".⁶⁰

Mr Rush's evidence appeared to place no weight on impacts to firefighter morale from intense public scrutiny and often misleading reporting of technical, legal and industrial issues in recent months and years, in contrast to the many firefighter and command submissions and witness accounts of the profoundly negative impact that such public scrutiny and misinformation had had on their wellbeing and that of their families.⁶¹

Mr Rush's evidence relied upon firefighter numbers dating from his time with the Victorian Bushfire Royal Commission in 2009, and he also confirmed that he had been "retained" by the VFBV to advise them on aspects of the Bill prior to attending the Inquiry to give evidence. Despite his confirmation that evidence was being given in a personal capacity, Mr Rush's evidence on structural reform and surge capacity when he attended this joint hearing appeared at all times to align with that of the VFBV.

Mr Rush also gave evidence that he had not had "recent interaction with integrated brigades"⁶², not since the royal commission 8 years ago. Further Mr Rush conceded he had not read the submissions or evidence from Mr Mullins, who was directly and centrally involved in developing the reforms set out in the Bill and the Fire Services Statement following his work in achieving similar reforms in New South Wales.

Emergency Management Commissioner Mr Craig Lapsley gave evidence following Mr Rush on the 25 July and was asked about the contradictions in his and Mr Rush's evidence:

Mr O'Sullivan - "We have had Jack Rush sit there no more than an hour ago and absolutely with conviction contradict everything you have just said. The problem is you have come in here and made your case and contradicted everything her has said. In my view you are the two more credible witnesses this committee had."

Mr Lapsley – "I do not know that Mr Rush has said today. What I will give you about my conviction is that I have experienced it face to face, hand to hand and right now. I don't think I need to say anything more. That is not questioning Mr Rush at all. It is simply saying that I am in there. I deal with it every day. I have the letters over my desk. I have the emails. I have the face to face. I have seen the people. I have had a group officer in the outer metropolitan not so long ago walk up and say, 'Craig, fix it. We need to get this done, move it on'."⁶³

⁶⁰ Jack Rush, QC, Transcript of Evidence, 25 July 2017, p. 3.

⁶¹ Shane Mynard, Officer in Charge, Morwell Fire Brigade, *Transcript of Evidence*, 19 July 2017, p. 17.

⁶² Jack Rush, QC, Transcript of Evidence, 25 July 2017, p. 10.

⁶³ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p. 35

The VFBV's submission indicates that "volunteers feel listened to" but "they have not been heard"⁶⁴, however there has been nothing put to this Inquiry or to any previous inquiry to identify the specific point at which the VFBV would be sufficiently satisfied to enable reforms under a Labor government to proceed.

After numerous reviews in the recent years, the ongoing discussion, engagement and consultation that the VFBV are seeking should, in our view move beyond describing, defining and redefining problems within Victoria's firefighting and emergency services sector, and actively move toward practical collaboration and solutions.

5.3 Evidence Supports Getting On With It

Mr Greg Mullins, who oversaw structural change within the New South Wales service during his 45 year career prior to his role in advising the Victorian Government on the reforms set out in the Bill and the Fire Services Statement, gave unambiguous evidence about the importance of beginning the path to change, and of continuing to design and implement the desired operational, cultural and resourcing improvements in consultation with all stakeholders *over time*. He told the committee:

I commend the changes to you

and went on to say:

I have looked with admiration at the Victorian fire services for decades, but I am very sad to see where it has gone. You have firefighters pitched against firefighters. The best armies in the world can lose wars if their morale is down, and I see firefighters moral very low at the moment and the status quo is not going to fix that.⁶⁵

This evidence was supported by the evidence of CFA Chief Officer Mr Steve Warrington.

Mr Leane - So your preference is that the Bill would pass and we would get on with it?

Mr Warrington - Yes it would. Yes the answer is yes. It needs reform and this is the journey. The answer is yes. It is a straight question and thank you for it."⁶⁶

In our view, establishing the framework for these reforms and then proactively engaging and consulting with stakeholders on their implementation as part of a transparent process will provide a number of considerable and enduring benefits to community safety, and to the sector.

⁶⁴ Volunteer Fire Brigades Victoria, *Submission*, No.623, p.1.

⁶⁵ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 37.

⁶⁶ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, p.64.

It will assist with improvement to firefighters' confidence and morale that has been lost or compromised as a result of many years of (avoidable) tension, public scrutiny, scandalised reportage and misinformation.

Mr Marshall – “What I think the reform will do is actually take the politicisation out of this. It will give them a sense of purpose. As I have said, we have got a very high percentage of membership. We know since the announcement that there has been an increase in morale because there is a beacon of hope. Certainly it will take away this ability for people with agendas to politicise it by saying ‘this is a union takeover’ or alternatively ‘this is a career firefighter against a volunteer firefighter. The legislation is a very good thing in that sense alone.”⁶⁷

Once implemented the changes will create a better level of ownership over resourcing, training and planning decisions at CFA brigade level that will in turn improve connections, relationships and pride in the service, rather than just pride in the commitment of its firefighters.

Where this organisational and cultural ownership is driven at brigade level because of improved levels of positive and collaborative engagement with management and stakeholders on training, resourcing and opportunities to participate, the recruitment, training, resourcing and retention capabilities of volunteer firefighters within individual brigades will correspondingly increase.

5.4 Review implementation after two years

In our view, the reforms present a significant and positive opportunity for continuous improvement in communication, engagement and transparency across Victoria's fire services, from our busiest metropolitan brigades to the rural brigades who are expected (often by large numbers of seasonal visitors) to keep the community safe in conditions that can be particularly isolated and difficult.

It is our firm view that the model proposed is the best way to bring about much needed operational and cultural improvements and align our fire services with modern day realities. Of course with any significant reform it is important to monitor, assess and report on the changes and the impact.

Recommendation 12: A review of the reforms to begin no later than two years after their commencement. This independent review should consider submissions and materials provided on the effect, benefits and shortcomings of the reforms, and any further changes that are required.

⁶⁷ Mr Peter Marshall, Secretary, United Firefighters Union, Transcript of Evidence, 24 July 2017, p.19.

A theme that emerged from the evidence that in an 'ideal' world Victoria would have a single fire service. This was dismissed wholeheartedly by the experts as an impossible reality at this time:

Mr Lapsley – I still hold the belief that a single fire service would be the best result for Victoria, but it is unachievable politically and given the structures of organisations where we sit in 2017. Maybe that is a future issue.⁶⁸

Mr Warrington - If we were to start here with a clean slate, I would absolutely be advocating — and if there were a maturity in the sector — for one fire service, but the reality is we are not starting with a clean slate. We have career firefighters, we have an MFB, we have a CFA, we have volunteers. To start with a clean slate is just not an acceptable way to do it. Could we achieve that? Probably not at the moment, but ideally, moving forward, if you were to start again and you had a clean slate, having one fire service would be the optimal way of doing it.⁶⁹

Mr Mullins - So I think the time for tweaking the edges is long gone in Victoria. I will be honest: if I had a magic wand, I would amalgamate the services but gee, would they not like me. I think I would have to jump on the next stage out of town. I think this is good, logical change and I hope that people will see the benefits of it.⁷⁰

We agree with the experts - a single fire service is not something that can be supported, however in the future it may be considered and we would contend that the creation of Fire Rescue Victoria and merging the career staff into one organisation would be the logical first step in moving to one organisation. Therefore we point out that this reform does not preclude the creation of a single fire service in years to come.

⁶⁸ Craig Lapsley, Emergency Management Commissioner, Transcript of Evidence, 25 July 2017, p. 30.

⁶⁹ Steve Warrington, Chief Officer, Country Fire Authority, Transcript of Evidence, 25 July 2017, p.61.

⁷⁰ Greg Mullins, Transcript of Evidence, 24 July 2017, p. 45.

6. Issues addressed by the inquiry

6.1 The impact of reform on CFA surge capacity

The Inquiry heard extensive evidence on the impact of the proposed changes upon CFA volunteers. Something that was never in dispute across all hearings and from all the evidence provided to us is the commitment of CFA volunteers to local communities right across Victoria and the fact that they play a vital role right across our state.

What was less certain was the impacts that reform would have on CFA volunteers and the extent of these impacts.

The major issue of concern expressed by volunteers was the potential for reforms to impact on volunteer “surge capacity”. Surge capacity is the ability of the CFA to draw upon the significant number of volunteer firefighters, particularly those based in the outer Metropolitan area of Melbourne, and to deploy them to fire across the state.

We agree with the Chair’s Majority Report that it is important that surge capacity is not diminished, however the overwhelming weight of evidence we received by those most affected by this issue has led us to the conclusion that the impacts on surge capacity are likely to be minimal if any.

The first major concern regarding surge capacity was the direct impact that reform would have on volunteers at the 35 integrated brigades that would transition to become co-located with FRV brigades. In his testimony, Mr Jack Rush described this impact:

Fire Rescue Victoria will take over integrated CFA stations in this area. The impact on morale, the self-belief of volunteer firefighters, does not need me to describe it.⁷¹

However, evidence presented to the Committee from the leaders of Victoria’s fire services and from volunteer and career firefighters at the 35 CFA integrated brigades make it clear that concerns about the impact on their ability to provide surge capacity appear to be unfounded. Instead, some integrated brigade volunteers like Ms Nicole McGrath, Secretary and Treasurer of the CFA Ballarat see the reform as an opportunity to enhance their role:

we believe the reform will give us greater autonomy, better access to training and operational opportunities, will alleviate our recruitment and retention issues and encourage greater engagement and participation from our members.⁷²

⁷¹ The Hon Jack Rush QC, *Transcript of evidence*, 25 July 2017, p. 3.

⁷² Nicole McGrath, Secretary and Treasurer, CFA Ballarat, *Transcript of evidence*, 21 July 2017, p. 3.

More broadly, Mr Pete Dedman, the Officer in Charge of Shepparton Integrated Brigade explained why surge capacity was not affected across integrated brigades by the reforms:

surge capacity is not really impacted in the reform because, depending on what options the brigades take in regard to their future — co-location, disbandment, should that be the one, a separate station or moving to the neighbouring brigades — those people that wish to remain with the CFA because they have a passion for serving their community will do that.⁷³

Career staff and volunteers at integrated brigades provided evidence that work was underway at the local level to determine the model under the reforms that would work best for them. We did not hear evidence from these brigades that volunteers were planning to leave the CFA.

It would appear that some of the concerns that have been conveyed to this inquiry about the impact of the proposed reforms on CFA volunteers at integrated brigades occurred without any actual engagement with volunteers from those brigades.

When questioned on his claims about the impact of reforms on integrated brigades Mr Rush made it clear that he had *not* engaged with integrated brigades “recently”⁷⁴, and that his views were based on his experience during the Bushfires Royal Commission in 2009.

Similarly, the following exchange took place when Mr Ford of the VFBV was asked about his engagement with volunteers at integrated brigades:

Mr MELHEM — Mr Ford, how many integrated stations have you visited in the last couple of months to consult or come up with a position in response to the proposed legislation?

Mr FORD — So if you are asking me personally, that is not a role that I could ever hope to perform, as I think you would appreciate.⁷⁵

Given the evidence provided by numerous integrated brigade volunteer representatives supporting the change and confirming their views that surge capacity would not be affected by the reforms, we are not convinced claims about the impact of the reforms on surge capacity.

A second, less specific concern about the impact of reform on surge capacity is that it will “*see a growing disenfranchising of volunteers and a compounding loss of CFA volunteers generally and much diminished volunteer surge capacity.*”⁷⁶

⁷³ Mr Pete Dedman, Officer in Charge, Shepparton CFA, *Transcript of evidence*, 10 July 2017, p.8.

⁷⁴ The Hon Jack Rush QC, *Transcript of evidence*, 25 July 2017, p. 3.

⁷⁵ *Ibid*, p.10.

⁷⁶ Volunteer Fire Brigades Victoria, *Submission*, No. 623, p.11.

This concern is largely grounded in speculation about volunteer motives for participating in their local brigades, and concerns that if morale is damaged through reform there will be a lack of surge capacity to fight campaign fires.

Fire Services leaders strongly refuted these suggestions. Mr Chief Officer Mr Steve Warrington's evidence on this subject was compelling:

I have heard the debate about a lack of surge capacity or there will be an erosion of volunteers. I almost take that as a bit of an insult to our volunteers. The reality is that most of our volunteers are there to support their local community. They are not there for the industrial reasons or whatever. We have got proud, passionate-type people. So I do not accept some of the things that you have said.⁷⁷

A similar point was made by Mr Greg Mullins who expressed a strong view about the fact surge capacity would be retained under the reforms:

So there is nothing structural or process based that would prevent the use of available resources; it would only be if firefighters decided, 'We're not going to play anymore'. From what I have been able to hear, yes, there are some very emotional people implacably opposed to this, but the vast majority just want to get on with it. Most CFA regions do not have any integrated stations. I think eight do not have any integrated stations; another eight only have one. So you have 48 brigades or whatever that do not even know what it is like to interact with a career brigade. I know a lot of volunteers in the CFA, and they are saying, 'We don't care; we just want to get on with it.'⁷⁸

A significant number of paid and volunteer firefighters confirmed the views put forward by the leaders of Victoria's fire services - the overwhelming majority of volunteers are resolutely committed and prepared to assist communities beyond their own, and across any number of different circumstances.

George Pantazis, a volunteer with Maiden Gully said:

I am certain employing all career firefighters in one organisation will not affect volunteer turnouts of surge capacity, I as a volunteer look forward to this new service as a great step forward for a great fire service here in Victoria to protect the community.⁷⁹

Paula Sutton, a CFA volunteer for 22 years from Mansfield said

I've read the facts of the Governments proposed reforms. Everyone wins! No volunteers displaced. Surge Capacity stays as it is. There is a clear process for new permanent stations to be assigned.⁸⁰

⁷⁷ Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017, p.55.

⁷⁸ Greg Mullins AFSM, *Transcript of Evidence*, 24 July 2017, p.43.

⁷⁹ George Patanzis, *Submission*, No. 1123

⁸⁰ Paula Sutton, *Submission*, No. 1258

Mr Rohan Luke, Assistant Chief Officer of the CFA in the South West described how reform provides opportunities for the CFA to refocus on surge capacity:

Our surge capacity in responding to major events comes across the state, but it is true that a large number of those volunteers who respond to campaign fires will come out of metropolitan or those larger provincial cities. What we need to do as an organisation is foster them and support them to do a number of roles. I think where we have not been effective in the past, particularly around the integrated brigades, has been to clearly define the role of the volunteers in those integrated brigades in particular. So we have said to brigades, 'It's okay. You all are responsible for response in your area', and we have not targeted volunteers, particularly about the surge capacity. It is just another part of their job. I think again the reform or this opportunity will give us a chance to target that better so the volunteers understand they have a clearer role within the response of the state, interstate and within the community. I think we need to work on that a little bit harder than what we have done in the past. I am hoping this will give us that opportunity as well.⁸¹

6.2 Reform will enhance the role of volunteers

The Chair's Majority Report outlines the priority of the reforms in restoring the CFA as a volunteer only organisation while also outlining the position of the VFBV that the proposed reforms will reduce the ability of the CFA to meet the needs of local volunteer brigades.

It has become clear to us throughout the Inquiry that many issues with the ability of the CFA to support and sustain its volunteers pre-date these reforms.

Some of these issues reflect broader changes in society with the Victorian Government submission noting the age profile of CFA volunteers aged 65 has doubled to 21.4 per cent since 1999/2000. There are even issues with the data used to determine the number of CFA volunteers. The VFBV has stated that the number of CFA volunteers is 60,000, where CFA figures indicate that there are 35,595 operational volunteers and 18,935 non-operational volunteers.

Volunteers in evidence outlined some of the broader challenges they faced in sustaining their roles. Mr Lee Austin, First Lieutenant of the Hallam Fire Brigade said:

Over the last 20 years the integrated system has changed due to the introduction of more staff; the demographics of the response area — now it is fully urban, not an urban-rural interface; the availability of volunteer members in regard to daytime release from employees and daytime availability due to work location outside the response area; and family commitments and needs and general life commitments.⁸²

⁸¹ Mr Rohan Luke, Assistant Chief Officer South West, Country Fire Authority, *Transcript of evidence*, 21 July 2017, p.44.

⁸² Lee Austin, 1st Lieutenant, CFA Hallam, *Transcript of evidence*, 19 July 2017, p. 3.

Recent inquiries including the Jones Report in 2011 have chronicled and outlined a range of these issues impacting volunteers that were again identified in submissions to the inquiry, these include things like training, equipment and the support that is provided to brigades. Given the persistence of these issues over an extended period of time we are of the view that more needs to be done to address them.

The Victorian Government submission outlines how the reform framework will strengthen the ability of the CFA's volunteer brigades to serve local communities, in particular through changes to the CFA Act that:

- Adds an objective for the CFA Board to support the effective and sustainable recruitment, development and retention of volunteer officers and members
- Explicitly recognises the CFA as a volunteer firefighting and community based service, supported by paid staff
- Supports the co-location of CFA volunteer brigades in the new FRV fire-fighting district by allowing CFA brigades to continue to operate in the district.⁸³

The changes in the legislation is backed up by a number of other initiatives and over \$100 million in funding that is detailed in the Fire Services Statement. The Government has indicated that initiatives that this funding will support include:

- Better support and access to training for existing career and volunteer firefighters in the resources, training, technology and support they receive;
- Improved support and encouragement for more community members to participate in their local brigades as volunteers with a specific focus on improving opportunities for women to become involved in operational firefighting, and ways for volunteers to be retained over longer periods as active contributors to their brigades;
- Creating safer workplaces for volunteers through expanded peer support and counselling, new equipment and safety measures.
- Creation of better opportunities for communities to participate in continuous improvement of fire services, education, training and responsiveness in regions/suburbs, towns, settlements or regional centres over time.

In evidence to the inquiry, leaders of the Fire Services explained the positive impacts that these changes would have for CFA volunteers.

Chief Officer of the CFA, Mr Steve Warrington said:

Clearly an independent, autonomous CFA that is volunteer led, volunteer driven I think is in the best interests of the state."⁸⁴

⁸³ Government of Victoria, *Submission*, No. 624, p. 22.

⁸⁴ Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017, p.53.

Emergency Management Commissioner Mr Craig Lapsley explained some of the benefits of this change:

In my journeys, in both a formal and an informal sense, I hear all the issues about 'We volunteers don't get access to the training we need in the locations we need it at the time we need it'. I think this is a real opportunity for CFA to refocus itself, refresh itself, rebuild itself and get focused on and back to the people that it was traditionally built for.⁸⁵

Firefighters themselves backed up this sentiment, Mr Trevor Logan, Officer in Charge of the Wangaratta CFA said:

I have many people who have come to me since this reform has been announced and say that, if we separate, they will re-engage with the volunteer brigade because it gives them a more fulfilling role as a volunteer.⁸⁶

Andrew Howlett AFSM, a CFA volunteer since 1975 was optimistic that the changes will increase volunteer engagement and participation and noted:

Coping with Melbourne's growth has generally blindsided the Country Fire Authority to changes occurring in regional and rural Victoria and is a major reason for the frustration that you are seeing coming out over the past 18 months.⁸⁷

The importance of backing up the reforms with funding was noted by **Greg Mullins** in his evidence to the inquiry:

I am not trying to market on behalf of the government; I just find it impressive. I wish I had got that before I retired — a whole lot of money invested in really needy areas."⁸⁸

This investment can be contrasted with recent history in which the CFA and MFB had their funding cut by \$66 million during the term of the previous Liberal National Coalition Government.

It is clear to us that there are a number of elements of the proposed reforms that will enhance the ability of the CFA to recruit, train, support and sustain its volunteers. However, as with all major reforms the impact of the reforms on volunteers should be closely monitored during the implementation process. It is reassuring that a focus of the Implementation Committee led by Greg Mullins will be on volunteers. Beyond this important work we propose a number of transparency measures to determine which volunteer brigades require additional support, training and resourcing, to maximise volunteer participation, and publication of response data over time to track changes as they occur.

⁸⁵ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of Evidence*, 25 July 2017, p.31.

⁸⁶ Trevor Logan, Officer in Charge, Wangarrata CFA, *Transcript of evidence*, 10 July 2017, p.7.

⁸⁷ Andrew Howlett AFSM, *Submission*, No. 9.

⁸⁸ Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, p. 46.

Given the variations in figures for volunteer firefighters and discrepancies over the proportion of volunteer firefighters who regularly turn out, we also recommend that in the interests of community safety the actual number of volunteer firefighters be provided and published to ensure that current and future training, support and resourcing needs are being met.

6.3 The Impact of the Fire District Review Panel

The framework established by the Bill meets a number of structural and boundary-related recommendations arising from the Bushfire Royal Commission, most notably through the establishment of the Fire District Review Panel.

The Victorian Government submission explains that the Fire District Review Panel will provide independent advice to the Minister on future changes to the boundary between the CFA and Fire Rescue Victoria.

Key features of the Panel are:

- Its members must have expertise in fire response or management, but will not be serving officers in the fire services or employees/representatives of unions or the VFBV.
- It will base its recommendation on a risk assessment with the underlying objectives being community safety.
- Evidence that will be taken into account in making this risk assessment includes shifts in population, demand for services and land use like urban development.
- It is required to consult with fire services agencies and local councils affected by a review.
- It does not have to recommend a boundary change, instead there is capacity for further support to be provided to existing volunteer brigades.

Reviews by the Fire District Review Panel will take place once every four years or after receiving a recommendation from the Secretary of the Department of Justice and Regulation.

Mr Greg Mullins explained the strengths of this part of the reform:

Look, it is an enhancement of the New South Wales model, and part of my job as commissioner of Fire and Rescue New South Wales was to be co-chair of the Fire Services Joint Standing Committee, which went back to the 1995 work I did on the ministerial task force. What did not work up there was that the objective criteria sometimes were not applied, and it became very emotive, and that gets down to arguments about who responds quicker and who are the best firefighters, which I do not think are helpful arguments whatsoever. It was an objective treatment of the risk to say, 'It looks like this. This is the sort of cover that you need, but we'll still use the dedicated volunteers who are in the area. We'll supplement them, not replace them'. So it is taking all the good things from New South Wales but making it more objective in terms of the criteria and more at arm's length.⁸⁹

⁸⁹ Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, p. 41

A number of CFA volunteers also noted the benefits of this approach. Brian Dalrymple, Captain of the Warragul CFA said:

For us to be able to get to the station and then drive to wherever the job is on the outer areas of the town, we cannot physically do it in the 8 minutes. One of the benefits of the review, as I have just said, is the new committee that will look at that sort of stuff and hopefully be able to assist volunteers with the allocation of an FRV brigade before it reaches that point.⁹⁰

There were a number of concerns and fears expressed about this part of the reform and how it would affect volunteer brigades and communities. In particular there is a fear among some that this is a “Trojan horse” for their areas of work to be taken over.⁹¹ Ms Diana Ferguson, Captain of Bayswater CFA said:

What we need is assurance that volunteerism will continue to be supported, embraced and grown going forward, that Bayswater and other urban brigades will not be threatened with being taken over.⁹²

However, it was made clear in evidence that the panel will not see the number of CFA Brigades reduced and that there are measures in place to ensure the role of brigades is supported through the Fire District Review Panel process. Mr Andrew Minack from DPC explained:

The legislation is designed to specifically provide the opportunity that, if a volunteer brigade is struggling to meet service demand, you can put in some additional measures in terms of volunteer recruitment, new equipment and other support mechanisms to ensure that volunteer brigade can continue to serve their local community.⁹³

The preservation of the current number of brigades was confirmed by Mr Warrington:

Again we have 1220-odd brigades at the moment. We will have 1220 brigades in the future, so that does not change.⁹⁴

While Mr Rohan Luke, CFA Assistant Chief Officer South-West, explained how the new model protected the role of volunteer brigades inside the Fire Rescue Victoria District:

Under the MFB legislation you cannot have CFA brigades in MFB territory. So under the proposed legislation our current 35 integrated brigades, which would become FRV, still would allow a volunteer firefighting force, CFA, to be in that same district. That provides CFA with a role, particularly around surge capacity out of those 35 brigades, that would not technically be there or may not be there under the current arrangements with the MFB legislation.⁹⁵

⁹⁰ Brian Dalrymple, Captain of the Warragul CFA, *Transcript of evidence*, 19 July 2017, p.40.

⁹¹ Dr Rachel Carling-Jenkins MLC, *Transcript of evidence*, 24 July 2017, p. 9.

⁹² Diana Ferguson, Captain, Bayswater CFA, *Transcript of evidence*, 25 July 2017, p.55.

⁹³ Andrew Minack, Director, Governance Branch, Department of Premier and Cabinet, *Transcript of evidence*, 7 July 2017, p. 18.

⁹⁴ Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017, p.63.

⁹⁵ Rohan Luke, Assistant Chief Officer South West, Country Fire Authority, *Transcript of evidence*, 21 July 2017, p.43.

The VFBV noted its opposition to a review of the boundary between fire services. Mr Andrew Ford, in evidence said “*You do not need to change the boundary to address the service growth*” and noted that paid staff in the integrated model was the preferred approach.⁹⁶

However, this appears to be at odds with previous public statements around career firefighters by the VFBV. In particular, the statement of then VFBV President Hans Van Hamond in response to the Victorian Labor Party’s announcement prior to the 2014 State Election that it would recruit an additional 350 CFA career firefighters:

We are concerned that Labor’s policy will reduce CFA’s volunteer firefighting force by thousands of volunteers, pushing volunteers out of CFA stations and hundreds of CFA trucks off the road when we need them for major fires such as Black Saturday.⁹⁷

It is our view that the proposed Fire District Review Panel provides a process for determining coverage by fire services that is based on objective evidence of what is required to keep the community safe. The process has a number of built in safeguards to ensure that CFA volunteers are not displaced and that surge capacity is retained.

Opponents of an objective mechanism to determine the future location of firefighters claim the current model works well, however the past public opposition of the VFBV to the expansion of career firefighters demonstrates the need for an objective process.

6.4 Enhancing fire services culture

The Chair’s majority report noted issues identified with the culture in Victoria’s fire services that have been identified by recent reviews including the Fire Services Review. It also outlined initiatives being delivered as part of these reforms to enhance the diversity and culture within the fire services.

The Chair’s report notes evidence that addressing cultural challenges does not require wholesale reform. We agree with the Chair’s report conclusions that there is a positive relationship in many integrated stations between career and volunteer staff, however there was significant evidence from expert and firefighters themselves that there are major cultural issues in the fire services and that the reform framework provides a catalyst address these.

Mr Greg Mullins drew on with his decades of service in fire across Australia and made the point that:

I have looked with admiration at the Victorian fire services for decades, but I am very sad to see where it has gone. You have firefighters pitched against firefighters. The best armies in the world can lose wars if their morale is down, and I see firefighters’ morale very low at the moment, and the status quo is not going to fix that. Something has to be done.⁹⁸

⁹⁶ Andrew Ford, Chief Executive Officer, Volunteer Fire Brigades Victoria, 7 July 2017, p. 47.

⁹⁷ Hans Van Hamond, ‘Firefighting policy needs close watching’, *The Age*, 2 January 2015

⁹⁸ Greg Mullins AFSM, *Transcript of evidence*, 24 July 2017, p. 37.

The Emergency Management Commissioner, Mr Craig Lapsley is acutely aware of these issues:

Management does not get on with unions, VFBV does not get on with management, VFBV does not get on with unions and vice versa. That is no criticism of any of the leadership of any of those; they just simply do not get on.⁹⁹

This strained and at times toxic relationship was unfortunately evident in some of the submissions made to this committee. An example is submission 298 from a volunteer firefighter which stated:

There is a fundamental difference between mercenary members and volunteers. The mercenary members are quite happy to see deployment times drag on. This is natural I suppose because it means more benefits and allowances but I'm sure they would deny it.¹⁰⁰

Unfortunately, the Committee also heard evidence about the damage caused by external political interference on culture and morale in the fire services. Mr Paul Marshall, Officer in Charge of the Warnambool CFA noted the effect of statements made by the politicians on the relationship between staff and volunteers at his brigade:

Again it is an inflammatory, false allegation that was made by the Prime Minister of Australia. That then gets back into the media and then destroys my fire brigade because we are held out to be union thugs and treating volunteers poorly. That is not the case — simply not the case. We absolutely refute the allegations.

The impact of all of this on firefighters cannot not be understated. MFB firefighter Mr Benjamin King outlined the impact on him:

It's no secret that the fire services have experienced very lengthy periods of unrest and conflict over recent years. The toll that this has had on morale is very high. The damage that has been done to the respect for higher ranks is almost irreparable. The public perception of the fire services has also been severely damaged. A number of years ago I lost my brother to suicide. He was a paramedic for Ambulance Victoria. He took his life during the lead up to what many have referred to as the 'Ambulance Crisis'. I know now from very real first hand experience what effect a negative and bitter culture can have on emergency workers who are already under enormous stress from the exposures and dangers they face fulfilling their roles in the community. I have also seen a number of friends from within the MFB lose their lives in the same way. Their decisions to take their lives should not be blamed solely on the organisations they work for. However, I cannot overstate the importance of having a stable, harmonious and supportive work environment for those of us who are consistently faced with incredibly stressful and dangerous situations."¹⁰¹

⁹⁹ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of Evidence*, 25 July 2017, p.37.

¹⁰⁰ Philip Board, *Submission*, No. 298.

¹⁰¹ Benjamin Paul King, *Submission*, No. 1345.

Given the context of these cultural and morale issues, it was unsurprising that many of the leaders from the fire services and firefighters themselves see the reforms delivered through this legislation as an opportunity to reset and to rebuild culture. Mr Paul Stacchino, Acting Chief Officer of the MFB summarised this:

I think the proposition of the new entity is an opportunity in the context of the two cultures. Bringing through the good things on both of the services — the cultures, the traditions, the knowledge and their capacities. Bringing it together and taking the opportunity to mould and bring forward a new culture with a new entity, but ensuring that the threads of culture and tradition from each of the services — those good elements — come through as well. So I see it as an opportunity to reset elements of culture for both services for the good.¹⁰²

Steve Warrington, CFA Chief Officer shared this view:

For me this is probably the only opportunity we have to change the culture of the services in the state — sector reform culture. You cannot look at this through a lens that is current culture in CFA and current culture in MFB. This is an opportunity to reset that whole balance.¹⁰³

The evidence of those working within our fire services on the extent and impacts of current cultural issues is clear. These are the people who are serving on the frontline in these organisations each and every day, the very least that they deserve are stable and harmonious environments. It is clear to us that the reforms provide an important vehicle to drive wider culture change and deliver these environments for Victoria’s career and volunteer firefighters.

6.5 Secondment

The Chair’s report raises concerns with the proposed secondment model for some CFA management staff, in particular arguing it may limit the control of the CFA Chief Officer over seconded operational staff and that employment decisions would be made by the FRV Chief Officer.

The Chair’s report understates the extent of secondment arrangements across Victoria’s emergency management sector and its criticism of the proposed model neglects evidence of how current arrangements operate. All witnesses at public hearings who had participated in or seen the secondment programs in operation commented favourable on the important function served by these programs.

¹⁰² Paul Stacchino, Acting Chief Officer, Metropolitan Fire and Emergency Services Board, *Transcript of evidence*, 25 July 2017, p. 46.

¹⁰³ Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017, pp. 57-58.

Mr Craig Lapsley drew on the example of Emergency Management Victoria:

I lead an organisation called Emergency Management Victoria. Not one of the persons that works for Emergency Management Victoria is paid by Emergency Management Victoria. It is written that there is an obligation that the Secretary of the Department of Justice and Regulation provides me all of the people I need, and they are all employed by Justice. I do not call them secondments, but they are not my people. They live in EMV — EMV email, EMV, EMV, EMV — but yet they are employed and their pay cheque comes from another place.¹⁰⁴

Mr John Deering, Acting CFA Assistant Chief Officer in the North West Region explained his own experience of secondment, this time into the Department of Health and Human Services:

Essentially I went and worked for them, but my conditions of employment were still maintained by CFA, and I had a document that had a start date and an end date. These are some proposals that you deal with along the way — you know, if you have an accident or you are sick or all those sorts of conditions. So that was an example that worked quite well.¹⁰⁵

It was clear from evidence presented by firefighters who were familiar with existing secondment arrangements, that issues around the chain of command did not arise. Mr Anthony Pearce, Officer in Charge, at Ballarat CFA said:

I have got two MFB firefighters or station officers at my station now who are on secondment from the CFA. They were screened and assessed and met the needs of CFA and will fit with our environment. They report to me; they do not report to their MFB commander because they are not working for them anymore.¹⁰⁶

Even though the evidence demonstrated that secondment is not a new phenomenon in emergency services and that the issues identified by the Chair's report are largely unfounded in the experience on the ground, we agree in principal with the recommendation of the Chair's Majority report and believe secondment arrangements should be clarified and the CFA's chain of command preserved.

¹⁰⁴ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of Evidence*, 25 July 2017, p. 33.

¹⁰⁵ John Deering, Acting Assistant Chief Officer North West Region, Country Fire Authority, *Transcript of evidence*, 12 July 2017, p.35.

¹⁰⁶ Anthony Pearce, Officer in Charge, Ballarat CFA, *Transcript of evidence*, 21 July 2017, p. 13.

6.6 Industrial Relations

One of the assertions that has contributed to the heated political environment in this sector is that the provisions enterprise agreements would be a catalyst for an erosion of volunteer input and influence into the CFA.

For example, the oral evidence of the VFBV President Mr Andrew Ford to the Victorian Parliament's Environment and Planning Committee Inquiry into Bushfire Preparedness on 2 August 2016 was that the proposed Enterprise Agreement "...erodes the role of volunteers, it restricts support to volunteers, it dismantles the CFA integrated model."¹⁰⁷

However, Mr Ford's oral evidence to this Inquiry stood in serious contradiction to his earlier opinion, when he stated:

I think what you will find is this tension is there because of this announcement, not because of the EBA yet to be tested in the Fair Work Commission.¹⁰⁸

This substantive change in sworn oral undermines the credibility of the concerns repeatedly put forward around a "dismantling" of the CFA.

This Inquiry heard a wide variety of views on the matter of the extent to which career firefighters' terms and conditions of employment materially impact volunteers.

However, a majority of witnesses who raised the impact of industrial negotiations on volunteers indicated that only volunteers at the 35 integrated stations would be directly affected by the terms and operation of an enterprise agreement.

In this regard, the VFBV's language is significant, as its repeated claims that an integrated service model is preferable, that multiple and persistent descriptions of a "toxic culture" between paid firefighters and volunteers in Victoria's fire services are an "*overstatement*" and that the reforms set out in the Bill and the Fire Services Statement will create "*unnecessary complexity, confusion and duplication*"¹⁰⁹ are directly at odds with its current and historical references to the damage caused or likely to be caused by an enterprise agreement for career firefighters at those integrated stations and across the state.

The repeated claims by Mr Ford and other VFBV office holders in this inquiry that enterprise agreements would lead to mass resignations from volunteer ranks have also not been substantiated.

¹⁰⁷ Andrew Ford, Chief Executive Officer, Volunteer Fire Brigades Victoria, *Transcript of evidence*, Inquiry into Bushfire Preparedness, 2 August 2016, p.3.

¹⁰⁸ Andrew Ford, Chief Executive Officer, Volunteer Fire Brigades Victoria, *Transcript of evidence*, 7 July 2017, p.51.

¹⁰⁹ Volunteer Fire Brigades Victoria, *Submission*, No. 623.

The validity of the concerns raised by the VFBV and others was questioned in the evidence of Chris Loeschenkohl, Officer in Charge, Traralgon CFA, who stated:

In 2006 there was a letter going around that they had written a letter that the sky was going to fall in and the CFA was going to be completely destroyed. It is now 11 years after that. In 2010 another letter came out that the sky was going to fall in, and we were going to be destroyed and the CFA would be no longer and volunteers would be no longer, and there were no issues after that. Again, we are seeing the exact same letter — those three letters are very, very similar. They were sent out in 2006, 2010 and again in the last couple of years. So we are having external input into a workplace agreement which essentially is between the CFA and its employees, and the external input into that is causing difficulties in solving our EBA problems.¹¹⁰

Another witness, Mr Dwight Goodman, President, Victorian Volunteer Firefighters Association, gave evidence as to the impact of this rhetoric on relationships and culture in the fire services:

Every time the CFA career staff's EBA is negotiated, VFBV drag volunteers into the fray. Every EBA is met with outrage and rhetoric that spell the end of volunteerism. However, nothing eventuates and volunteerism continues. These claims are repeated every negotiating period, and volunteers are tired of it. Regrettably the VFBV have been central to the politicisation of firefighting, and last year's action by the VFBV to engage in partisan politics at the federal election stepped over the boundaries of CFA volunteer representation.¹¹¹

The effect of any structural or operational change on volunteerism has long been at the heart of politicised debate and conjecture around resourcing, enterprise negotiations and regulation. In many instances, it is appropriately characterised as scaremongering, and it is clear that without accurate and transparent information and reporting of data including response times, vast amounts of misinformation have drifted across the state through networks of delegates, brigades and communities.

Claims of that volunteer numbers in NSW had fallen following changes to the structure of NSW fire services were also made by the (current at the time of writing) Leader of the Opposition Matthew Guy, when he made the demonstrably false claim that "Volunteer numbers in NSW are much lower than Victoria, particularly per capita".¹¹² (Matthew Guy, Press Conference, 19 May 2017).

Further evidence was heard at this Inquiry about the advantages of these reforms in relation to the highly politicised industrial relations environment in CFA.

¹¹⁰ Chris Loeschenkohl, Officer in Charge, Traralgon CFA, *Transcript of evidence*, 19 July 2017, p.18.

¹¹¹ Mr Dwight Goodman, President, Victorian Volunteer Firefighters Association, *Transcript of evidence*, 7 July 2017, p.30.

¹¹² Matthew Guy MP, Press Conference, 19 May 2017.

Mr Lapsley gave extensive evidence of the importance of harmonising operational practices and services, and also stated the following:

I will be pretty strong in this: I think we have got an unworkable position with two EBAs in the one industry. To bring it to a single EBA I think is going to be one of the change processes that will see us move forward. To have a single employment provision with a single career structure for career firefighters in the state is a good thing.¹¹³

Mr Warrington's evidence was that, from the CFA's point of view:

The big advantage here is all our career staff and all MFB career staff will be in one organisation. So they can go and have their argument about their EBA and their terms and conditions and 'go your hardest' — that is going to be a Fire Rescue Victoria problem. All the issues that we talked about, which are the powers of the chief officer and the veto clauses and all the smoke and mirrors that were there, they have all been gone with the EBA, gone to Fire Rescue Victoria. CFA is a volunteer organisation. We are essentially a volunteer organisation. That is the strength that we bring to the table.¹¹⁴

This evidence was consistent with the oral evidence of Mr Mullins.

We also accept the evidence and submissions of numerous other operational expert and firefighter witnesses to the Inquiry¹¹⁵ that standalone enterprise agreements for career firefighters and PTA employees will calm the antagonism that has coincided with the negotiation of enterprise agreements for over a decade, and enable the CFA to be comprehensively supported by employees whose employment obligations will be focussed on improving the CFA as a volunteer organisation in compliance with the Volunteer Charter, the Fire Services Statement and the Bill.

6.7 Role of the FRV Commissioner

The Chair's Report raises concerns with the independence of the FRV Commissioner under the legislation. These concerns centre on the level of independence of the Commissioner from Government and the impact of any industrial arrangements on the exercise of the Commissioner's statutory powers.

The Chairs report expresses concern that the FRV Commissioner will not have the same degree of independence that is usually the case for the heads of statutory agencies due to the fact that one of the functions of FRV is "*implementing the Victorian Government's fire and emergency services priorities.*"

¹¹³ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of Evidence*, 25 July 2017, p.37.

¹¹⁴ Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017, p.58.

¹¹⁵ Submissions 442, 1024, 1630.

This ignores the fact that under existing fire services legislation the CFA and MFB are subject to the general direction and control of the Minister. The FRV Commissioner will have a greater level of independence than this due to Clause 29 which lists a range of operational matters which the Minister must not give directions to the Commissioner on.

The function of FRV in implementing the Victorian Government's fire and emergency services priorities is modelled on similar requirements laid down in the Victoria Police Act. This was made clear in evidence to the Committee from DPC on the development of the model. Under Section 10 of the Victoria Police Act the Police Minister can give the Chief Commissioner written directions in relation to the policy and priorities to be pursued by Victoria Police.

The Victoria Police model was put in place following an inquiry into Victoria Police command by Jack Rush. In the second reading speech for the Victoria Police Bill 2013, the then Police Minister Kim Wells outlined the balance being struck between operational independence and Government policy:

The Rush inquiry recommended legislative reform, including replacing the current Police Regulation Act 1958 with a modern, fit-for-purpose police act, clarifying the relationship between government and Victoria Police, providing a power for the minister to issue directions to the chief commissioner qualified so as to safeguard the operational independence of the chief commissioner and setting out the role and functions of Victoria Police.¹¹⁶

It is our view that the legislation establishing the role of FRV Commissioner makes clear the operational independence of this role, while similar to Victoria Police providing the ability for the Government to set general policy priorities for the service. **For these reasons we reject Finding Six of the Chair's Majority Report.**

A further issue regarding the role of the FRV Commissioner is the extent to which any industrial instruments might constrain their statutory powers. The Chair's report referenced evidence from Acting MFB Chief Officer Paul Stacchino comments on the 2010 MFB EBA.

In our view, it is important that the Chief Commissioner of FRV along with other heads of emergency services are able to freely exercise their statutory powers in responding to emergencies. However, it is important to note that an FRV EBA is yet to be negotiated and that issues around the ability of an industrial instrument to influence the operational powers of Chief Officers has been explored in detail in the recent Inquiry into Bushfire Season Preparedness.

¹¹⁶ Victoria Police Bill 2013 , Second Reading Speech, Hansard, 16/10/2013, Pg 3612

That inquiry heard evidence from the Mr Lapsley, Mr Warrington and Mr Marshall of the UFU in relation to the Chief Officer's statutory powers and responsibilities. In particular the interaction between Victorian legislation and the federal framework was discussed at length along with the operational nature of command structures.¹¹⁷

Chief Officer of the CFA Mr Warrington provided the following context for his role as follows:

We do not run a single control command in Victoria. We run control arrangements when we get to a level 3 fire — sorry, it is not complicated but it might sound complicated — and we run what we call command control when it is within agencies, which is at level 1 and 2 jobs. So essentially what I am saying is if it is a small spot fire, it is the CFA through to the chief officer who has the powers. If it is a large fire, then it becomes a control arrangement. The authorising environment goes to the emergency management commissioner, who appoints a state response controller, if you are still with it.¹¹⁸

This is also consistent with both the evidence given by Mr Marshall, Secretary of the United Firefighters' Union, at the Bushfire Preparedness Inquiry, and specific references to protection of first-on-scene incident control (and surge capacity) for volunteers as set out in the Fire Services Statement.¹¹⁹

¹¹⁷ Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of Evidence*, 25 July 2017, Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017, and Peter Marshall, Secretary, United Firefighters Union, *Transcript of evidence*, 24 July 2017

¹¹⁸ Steven Warrington, Chief Officer, Country Fire Authority, *Transcript of Evidence*, 25 July 2017

¹¹⁹ Peter Marshall, Secretary, United Firefighters Union, *Transcript of evidence*, Bushfire Preparedness Inquiry, 29 September 2016, and Government of Victoria, *Fire Services Statement*, 19 May 2017.

7 Funding

The Chair's Majority Report recommends that the Government develop a detailed funding plan that includes: (a) details in relation to resource transfers between the CFA and FRV; (b) the impact of FRV boundaries on the FSPL; and (c) any funding impacts arising from future changes to the FSPL differential.

This report supports the development of a funding plan and the broader measures of transparency that are proposed by publication of various operational and funding components of fire services delivery. However, some of the specific elements referred to in the majority report recommendation will not be quantifiable in precise terms until the implementation process is more advanced.

7.1 The impacts of resource transfers between the CFA and FRV

There are well established practices for transferring personnel and assets between public sector organisations. This includes a number of steps, usually commencing with information sharing between the organisations and detailed discussions. Machinery of government transfers of this nature often occur at the commencement of each parliamentary term and at the change of government. It will not be possible to undertake detailed information sharing and discussions in relation to asset and personnel transfers arising from the proposed reforms until FRV is formally established.

The transfer of integrated station personnel and assets from the CFA to the FRV should occur in line with these practices. According to evidence from DTF, this should have zero cost impact across government.

From a cost impact point of view, I guess similar to a machinery of government change, one part of a government entity going into another part of a government entity — that in itself — has a zero cost impact. Just the pure transfer of staff from one part of government to another — one government agency to another — has a zero cost impact.¹²⁰

In line with these standard procedures, the government should commit that each organisation's financial position after the transfer of personnel and assets should fully reflect the impact of those transfers.

¹²⁰ David Martine, Secretary, Department of Treasury and Finance, *Transcript of evidence*, 25 July 2017, p66

7.2 The impact of FRV boundaries on the FSPL

Currently, both the MFB and the CFA are largely funded by the FSPL. Under the *Fire Services Property Levy Act 2012* (“the FSPL Act”), the FSPL can fund up to 87.5 per cent of the MFB budget and up to 77.5 per cent of the CFA budget.

The FSPL Act provides that the Treasurer is solely responsible for setting FSPL rates. When setting the FSPL, the Treasurer must take into consideration a number of matters including the existing financial position of the MFB and CFA and future funding requirements of the organisations.

Under the proposed reforms, the government has committed to not funding any of the additional investment in CFA training, equipment and facilities from the FSPL. The government has also committed to freezing the FSPL for two years while the reforms are implemented. After this two-year period, the Treasurer will make a decision as to whether to change the FSPL based upon the considerations set out in the Act.

It is appropriate that the FSPL be maintained at current levels during the implementation period. Moreover, it is appropriate that any decision as to the level of the FSPL after this two-year period only be made after the implementation process has been evaluated and the funding requirements of the CFA and FRV at that point in time are known.

7.3 The impact of any changes in the FSPL differential

There are no changes proposed or foreshadowed in the FSPL differential, and were such any policy change of this nature to be considered, it would be appropriate for the Treasurer to consider the matters set out in the *FSPL Act* along with any other relevant policy considerations.

The Fire Services Statement announced a \$100 million investment in additional infrastructure and support for the CFA that was not funded through the FSPL. This funding commitment is very substantial in the context of the CFA’s current overall budget of \$628.4 million.

7.4 CFA funding over recent budgets

Since the 2014/15 budget, the CFA’s budget has increased from \$461 million to \$628 million – an increase of over 36%. This reflects Victoria’s rapidly growing population and the increasing complexity of the service delivery challenge that the CFA faces. The \$100 million package announced in the Fire Services Statement represents a one-off boost of almost 20% of the CFA’s annual budget that will make a material difference in infrastructure, equipment and training.

While the CFA budget has increased over the past three years, the need for the additional funding outlined in the Fire Services Statement is highlighted by the uncertainty experienced by the CFA experienced under the previous government, which implemented a \$66 million reduction in fire services funding in 2012. This sharp funding reduction had long-term impacts on the organisation’s capacity in the face of the demographic and social challenges referred to in many of the submissions.

7.5 Connection with the \$100 million package

The package announced in the Fire Services Statement is designed to complement the reforms outlined in the Bill. It includes a \$44 million asset fund for the CFA that is intended to deliver upgrades at CFA stations including those co-located with FRV.

It also includes \$56.2 million for a CFA Support Fund that is intended to provide additional brigade and volunteer support, improved health and safety measures, internet connectivity in rural areas, and more flexible, localised training. The government will use a portion of this funding to help address acknowledged challenges faced by CFA including training and diversity, as identified by the CFA Performance and Policy Advisory Committee. A further portion of this funding is directly related to implementation of the proposed reforms.

It is important to stress that this investment package complements the specific reforms contained in the Bill. Most elements of the package are designed to assist the CFA in delivering the key goals of the overarching reforms, including:

- **Enhanced operational capacity**, including through the \$44 million for station upgrades and additional equipment.
- **Greater support for and investment in volunteers**, through enhanced availability of and funding for training.
- **Improved interoperability**, which will be supported by a number of measures including \$2 million for appliance refits to FRV heavy pumpers and \$11 million to build and deploy six additional FRV and CFA specialist vehicles including breathing apparatus and aerial appliances.
- **Strengthening organisation culture**, which will be supported by a number of measures including \$2.5 million for a diversity and cultural change program across both the CFA and FRV and \$5 million in leadership development programs across the CFA and FRV.

Given the close connection between these measures funded by the additional \$100 million and the proposed reforms, if the reforms do not proceed the funding package should be reconsidered and its scope and content adjusted if appropriate.

7.6 The impact of the reforms on ongoing costs

The majority report claims that the Committee did not receive any compelling evidence that the proposed reforms would reduce costs. On this issue, the majority report includes three lengthy quotes from the VFBV while ignoring evidence from DPC, DTF, the Emergency Management Commissioner Craig Lapsley, CFA Chief Officer Mr Steve Warrington and Mr Greg Mullins.

When asked whether the proposed model would lead to greater operational efficiency – which, in turn, should put downward pressure on costs through greater efficiency and more productive use of resources – all of these senior experts were in agreement.

When asked if the proposed FRV structure would be an improvement, Mr Greg Mullins responded:

Very significantly. It will improve things very significantly, I believe. You will have a single chain of command. It will be very clear.¹²¹

The committee sought the views from further experts regarding the improvements to operational efficiency that would result from the Government's proposed reforms.

Deputy Chair — Do you see this model providing greater operational flexibility and greater potential for existing assets to be deployed more effectively in outer urban areas and regional centres where it simplifies the overarching command from multiple entities having paid career firefighters to a single overarching umbrella?

Mr Lapsley — The answer is: it has to.¹²²

Deputy Chair — Just as a follow-up on the operational side of things, we heard some evidence from some officers in charge of integrated stations yesterday around some specific incidents. They mentioned Coolaroo but also talked about this having arisen on a number of occasions due to the complexity of some career staff MFB stations interacting with volunteer stations in the built-up area. This particular person said he would often take three radios with him. Obviously while we have more than one service, as you said, there are going to be interoperability and coordination issues, but he was confident that moving to the model proposed in this bill could improve operational delivery within the built area, and that was backed up by evidence from Greg Mullins and Craig Lapsley. Are you broadly aligned with that assessment?

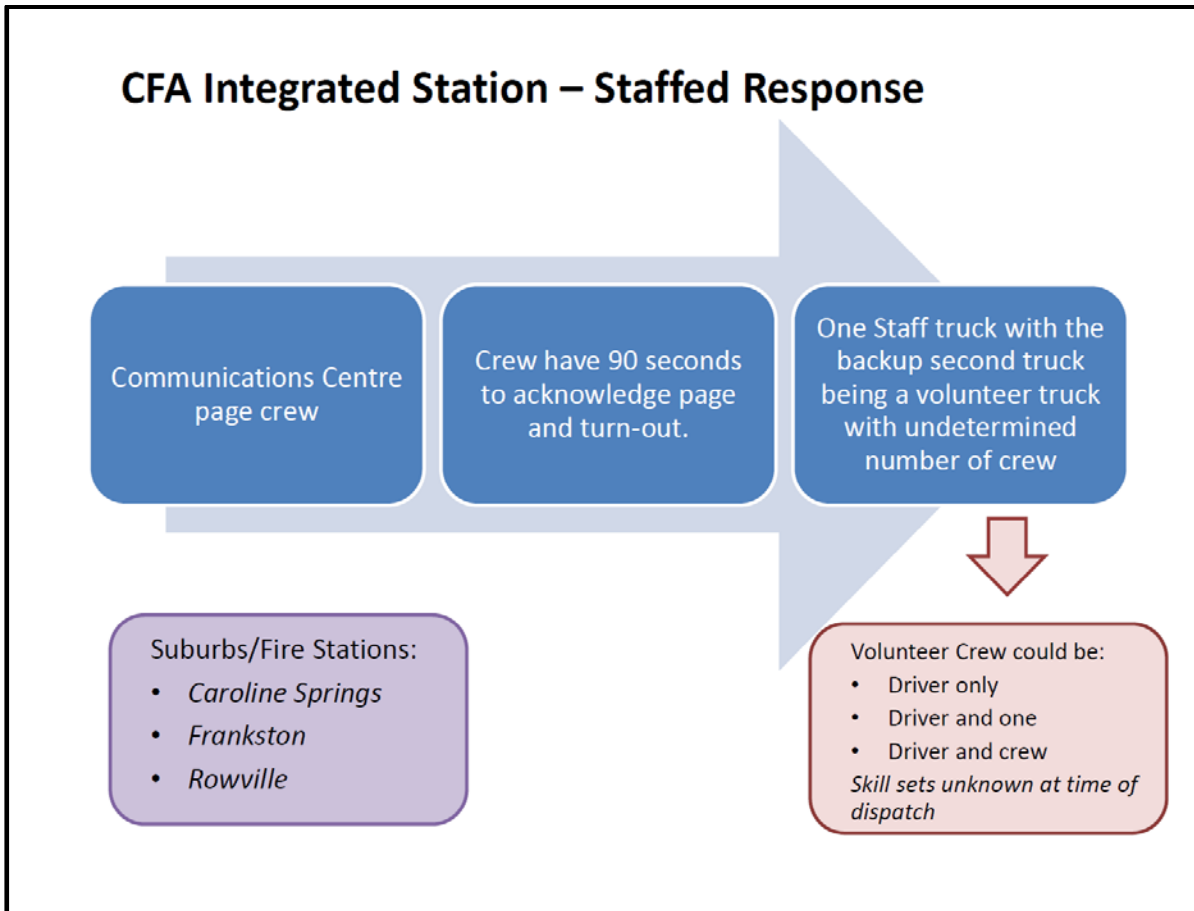
Mr Stacchino — Absolutely¹²³

¹²¹ Greg Mullins AFSM, *Transcript of Evidence*, 24 July 2017, p. 40.

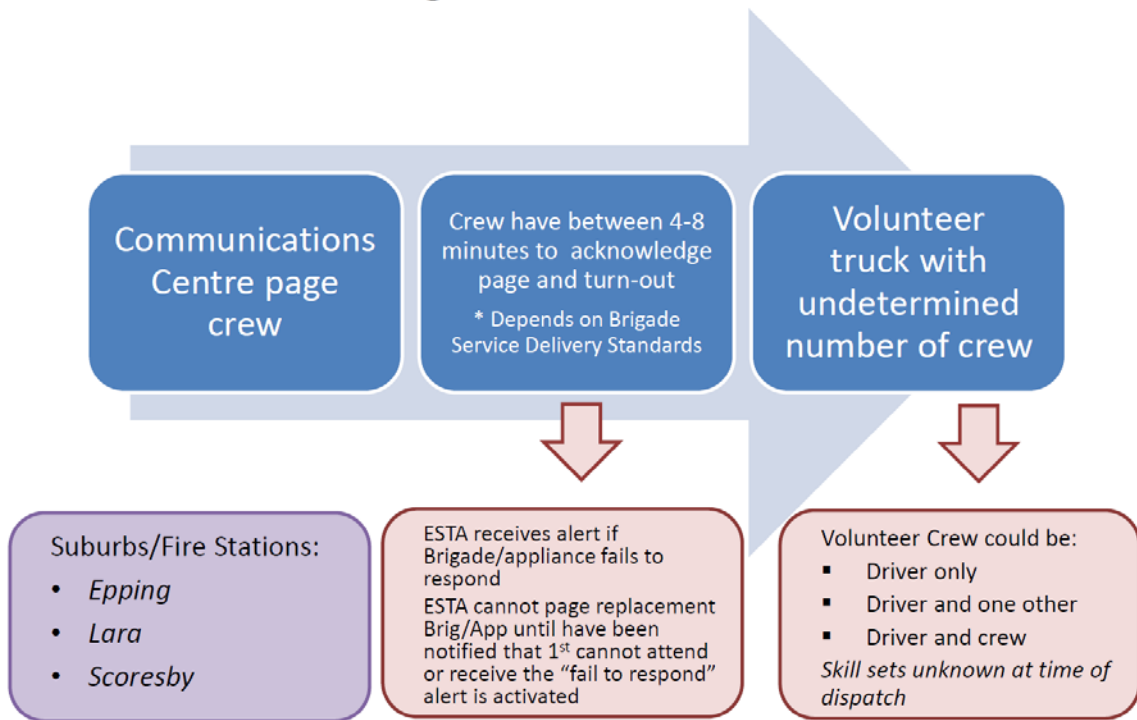
¹²² Craig Lapsley, Emergency Management Commissioner, Emergency Management Victoria, *Transcript of Evidence*, 25 July 2017, p 31

¹²³ Paul Stacchino, Acting Chief Officer, Metropolitan Fire and Emergency Services Board, *Transcript of evidence*, 25 July 2017, p. 45.

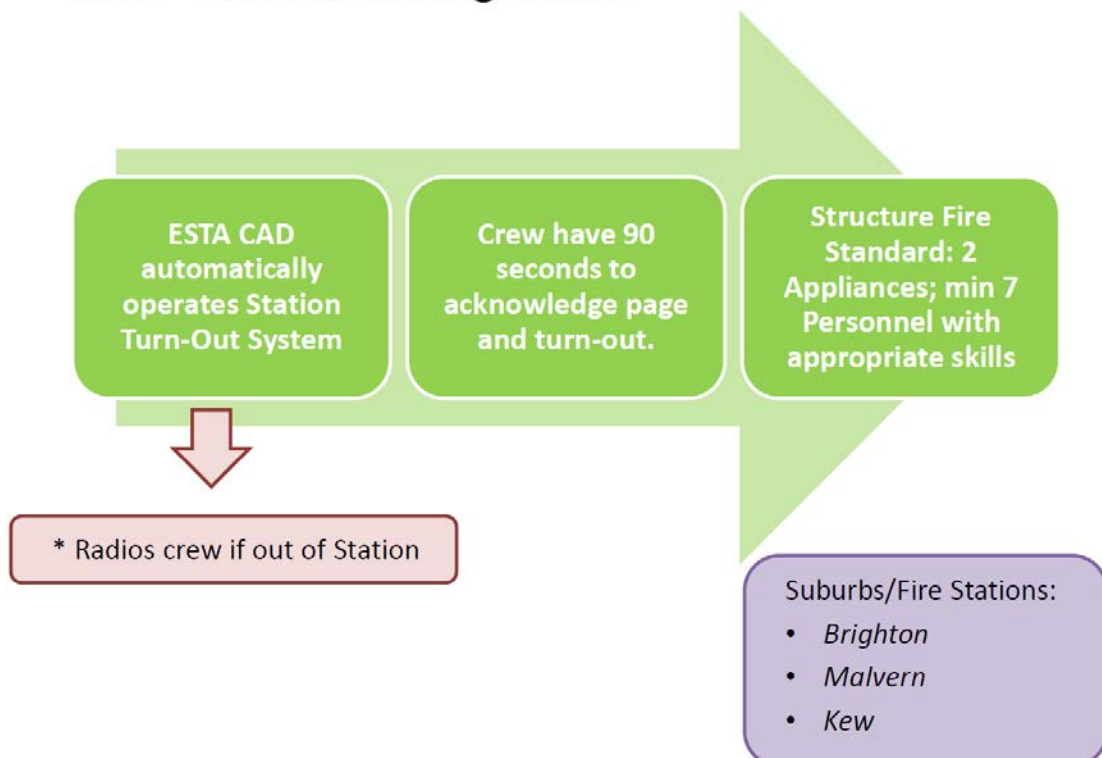
Appendix 1



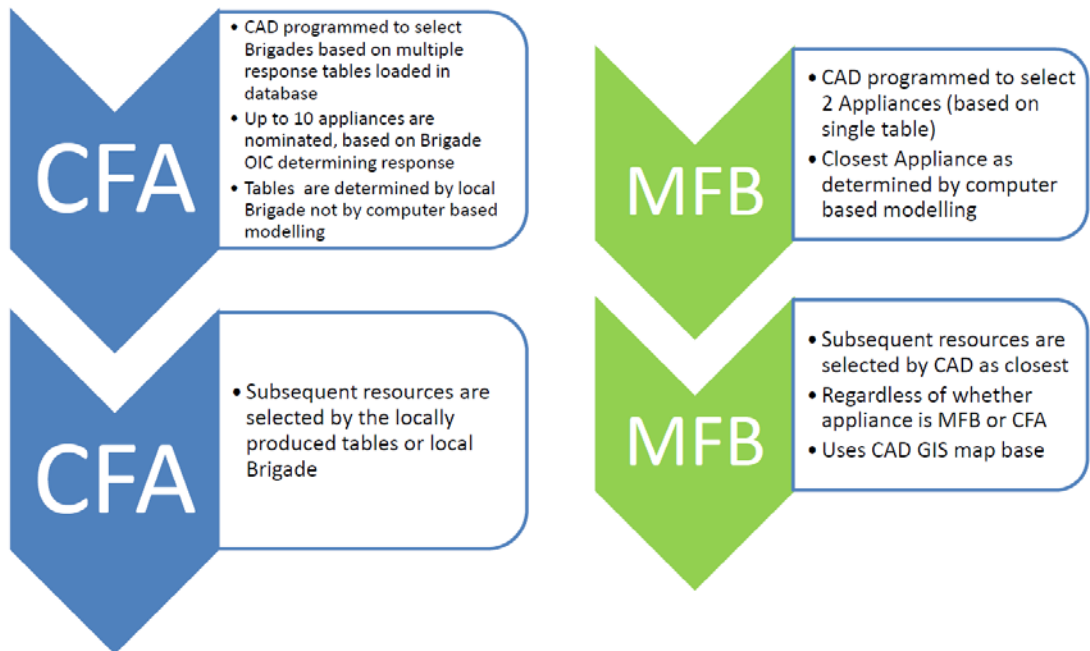
CFA Volunteer Brigade



MFB – Current Arrangements

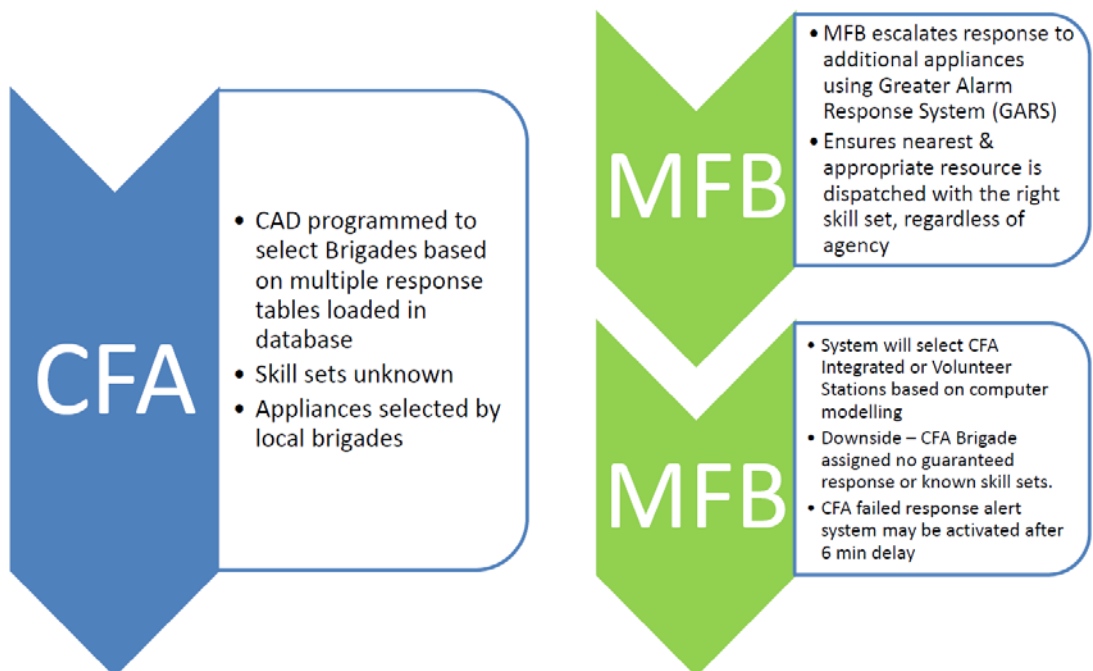


Selection of Appliances



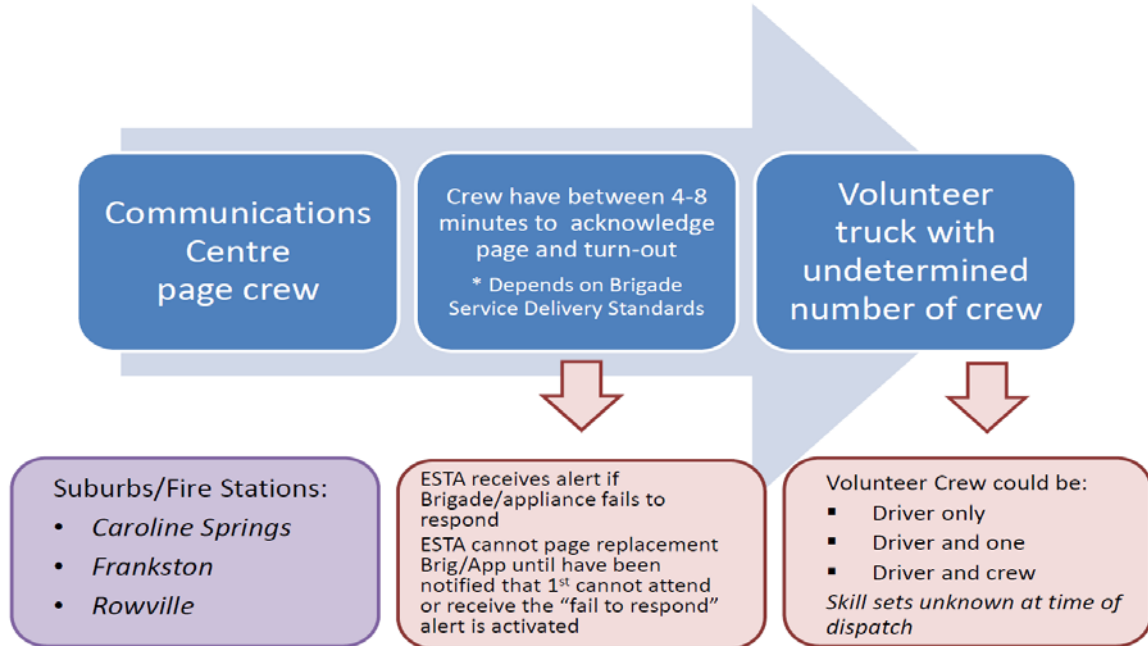
* CAD – Computer Aided Dispatch

Escalation of Appliances



* CAD – Computer Aided Dispatch

CFA Integrated Station – Volunteer Response



Appendix 2

Brigade Classification	Brigade Name	2015/2016						2016/2017					
		Total HC2 emergency events in Brigade Area	No of times Primary Brigade met SDS	No of times Primary Brigade missed SDS	No of times another brigade met SDS	Primary SDS percentage compliance for Brigade Area	Customer SDS percentage compliance for Brigade Area	Total HC2 emergency events in Brigade Area	No of times Primary Brigade met SDS	No of times Primary Brigade missed SDS	No of times another brigade met SDS	Primary SDS percentage compliance for Brigade Area	Customer SDS percentage compliance for Brigade Area
4	ANGLESEA	2	2			100%	100%						
4	ARARAT	25	18	7	1	72%	76%	24	15	9		63%	63%
4	BAIRNSDALE	73	50	23	1	68%	70%	86	60	26		70%	70%
4	BALLAN							3	2	1		67%	67%
4	BALNARRING	1		1		0%	0%						
4	BARWON HEADS	5	3	2		60%	60%	8	1	7	1	13%	25%
4	BAXTER	1		1		0%	0%	6	4	2		67%	67%
4	BEACONSFIELD	8	7	1	1	88%	100%	15	13	2		87%	87%
4	BEECHWORTH	6		6		0%	0%	8	2	6		25%	25%
4	BELGRAVE	33	13	20	1	39%	42%	21	13	8	2	62%	71%
4	BENALLA	37	17	20		46%	46%	47	24	23		51%	51%
4	BUNYIP							1	1			100%	100%
4	CASTLEMAINE	49	19	30		39%	39%	57	16	41		28%	28%
4	CHURCHILL	50	25	25		50%	50%	48	24	24		50%	50%
4	COBRAM	26	11	15		42%	42%	37	13	24		35%	35%
4	COLAC	72	43	29		60%	60%	81	54	27		67%	67%
4	DAYLESFORD	8	2	6		25%	25%	2	1	1		50%	50%
4	DIAMOND CREEK	41	30	11	8	73%	93%	36	21	15	7	58%	78%
4	DROMANA	14	7	7		50%	50%	33	22	11	2	67%	73%
4	DROUIN	1	1			100%	100%	3	1	2		33%	33%
4	DRYSDALE	43	14	29	2	33%	37%	43	18	25		42%	42%
4	EAGLEHAWK	69	48	21	9	70%	83%	64	37	27	9	58%	72%
4	ECHUCA	6	6			100%	100%	1	1			100%	100%
4	FALLS CREEK	1	1			100%	100%	2	1	1		50%	50%
4	GEELONG WEST	55	34	21	12	62%	84%	47	25	22	16	53%	87%
4	GISBORNE	14	8	6		57%	57%	15	10	5		67%	67%
4	GOLDEN SQUARE	44	36	8	4	82%	91%	35	26	9	7	74%	94%

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4	GROVEDALE	16	13	3	3	81%	100%	25	13	12	8	52%	84%
4	HAMILTON	34	24	10		71%	71%	54	48	6		89%	89%
4	HEALESVILLE	51	42	9		82%	82%	41	31	10	1	76%	78%
4	HIGHTON	19	7	12	9	37%	84%	5	3	2	1	60%	80%
4	HUNTLY	2		2		0%	0%	2		2		0%	0%
4	IRVMPL	2		2	1	0%	50%						
4	KANGAROO FLAT	71	64	7		90%	90%	62	49	13	4	79%	85%
4	KERANG	43	41	2		95%	95%	20	18	2		90%	90%
4	KEYSBOROUGH	20	12	8	6	60%	90%	16	11	5	2	69%	81%
4	KILMORE							1	1			100%	100%
4	KORUMBURRA	5	3	2		60%	60%	4	3	1		75%	75%
4	KYABRAM	41	28	13		68%	68%	44	35	9	1	80%	82%
4	KYNETON	2	2			100%	100%	7	7			100%	100%
4	LEONGATHA	10	7	3		70%	70%	12	8	4		67%	67%
4	LEOPOLD	2		2		0%	0%	2	2			100%	100%
4	LORNE	7	6	1		86%	86%	8	8			100%	100%
4	MAFFRA	17	3	14		18%	18%	9	3	5		38%	38%
4	MAIDEN GULLY	1	1			100%	100%						
4	MANSFIELD	2		2		0%	0%	4	2	2		50%	50%
4	MARYBOROUGH	31	17	14		55%	55%	11	9	2		82%	82%
4	MOE	79	10	69	2	13%	15%	88	19	69		22%	22%
4	MONTRUSE	37	21	16	13	57%	92%	33	22	11	8	67%	91%
4	MOORCOPNA	21	16	5	4	76%	95%	26	18	8	7	69%	96%
4	MT BULLER	2		2		0%	0%	2	2			100%	100%
4	MT EVELYN	39	22	17	1	56%	59%	29	19	10		66%	66%
4	MT HOTHAM - DINNER PLAIN	12		12		0%	0%	5	1	4		20%	20%
4	MT MARTHA	7	3	4	4	43%	100%	8	3	5	3	38%	75%
4	MYRTLEFORD	16	8	8		50%	50%	6	2	4		33%	33%
4	NARRE WARREN NORTH	15	10	5	3	67%	87%	15	14	1	1	93%	100%
4	NEWBOROUGH	15	8	7		53%	53%	39	16	23	1	41%	44%
4	NUMURKAH	2	2			100%	100%	2	1	1		50%	50%
4	PHILLIP ISLAND	30	12	18		40%	40%	47	17	30		36%	36%
4	PLENTY	21	17	4	3	81%	95%	24	22	2	1	92%	96%
4	PORT FAIRY	7		7		0%	0%	5	4	1		80%	80%
4	PORTARLINGTON	26	11	15		42%	42%	12	6	6		50%	50%
4	QUEENSLIFF	18	4	14	3	22%	39%	16	2	14	1	13%	19%
4	RED CLIFFS	3	2	1		67%	67%	3	2	1		67%	67%
4	RESEARCH	14	12	2	2	86%	100%	19	19			100%	100%
4	RYE	11	2	9	3	18%	45%	12	2	10	4	17%	50%
4	SAN REMO							1		1		0%	0%
4	SEBASTOPOL	104	46	58	30	44%	73%	118	61	57	29	52%	76%
4	SEYMOUR	15	4	11		27%	27%	12	5	7		42%	42%
4	SIXE	10	3	7		30%	30%	14	6	8	3	43%	64%
4	SOMERVILLE	3	3			100%	100%	4	3	1	1	75%	100%
4	SORRENTO	13	10	3		77%	77%	25	19	6	1	76%	80%
4	STAWELL	42	28	14		67%	67%	50	37	13		74%	74%

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4	STRATHFIELDSAYE	1	1			100%	100%	9	4	5		44%	44%
4	SWAN HILL	10	7	3		70%	70%	14	6	8		43%	43%
4	TATURA	3	1	2		33%	33%	5	4	1		80%	80%
4	THE BASIN	30	23	7	2	77%	83%	35	21	14	9	60%	86%
4	TRAFALGAR	1	1			100%	100%	2	1	1		50%	50%
4	TYABB	6	4	2		67%	67%	3	2	1		67%	67%
4	UPPER FERNTREE GULLY	38	32	6	2	84%	89%	31	25	6	4	81%	94%
4	UPWEY	31	24	7		77%	77%	24	15	9		63%	63%
4	WHITLESSA	37	27	10		73%	73%	42	30	12		71%	71%
4	WONGA PARK	15	3	12	3	20%	40%	13	4	9	7	31%	85%
4	WONTHAGGI	42	21	21		50%	50%	54	21	33		39%	39%
4	YARRAWONGA	11	9	2		82%	82%	13	12	1		92%	92%
Class 4 Total		1847	1072	775	133			1909	1123	786	141		
5	BACCHUS MARSH	93	77	16		83%	83%	55	49	6		89%	89%
5	BALLARAT	144	55	89	72	38%	88%	126	50	76	62	40%	89%
5	BALLARAT CITY	361	353	8		98%	98%	380	370	10	1	97%	98%
5	BAYSWATER	112	70	42	32	63%	91%	107	77	30	29	72%	97%
5	BELMONT	343	316	27	7	92%	94%	304	282	22	14	93%	97%
5	BENDIGO	407	393	14	2	97%	97%	396	384	12		97%	97%
5	BERWICK	121	116	5	1	96%	97%	98	89	9	3	91%	94%
5	BORONIA	287	278	9	2	97%	98%	352	340	12	6	97%	98%
5	CAROLINE SPRINGS	280	187	93	30	67%	78%	286	162	124	40	57%	71%
5	CARRUM DOWNS	79	44	35	9	56%	67%	47	21	26	6	45%	57%
5	CHIRNSIDE PARK	34	12	22	8	35%	59%	52	15	37	23	29%	73%
5	CORIO	589	517	72	9	88%	89%	506	452	54	7	89%	91%
5	CRAIGIEBURN	249	219	30	9	88%	92%	210	186	24	8	89%	92%
5	CRANBOURNE	383	339	44	7	89%	90%	463	414	49	5	89%	90%
5	DANDENONG	906	810	96	7	89%	90%	826	721	105	2	87%	88%
5	EDITHVALE	96	86	10	1	90%	91%	100	63	37	10	63%	73%
5	ELTHAM	133	130	3	1	98%	98%	126	118	8	5	94%	98%
5	EPPING	135	76	59	22	56%	73%	153	79	74	38	52%	76%
5	FERNTREE GULLY	117	81	36	27	69%	92%	96	77	19	15	80%	96%
5	FRANKSTON	441	417	24	1	95%	95%	536	496	40	2	93%	93%
5	GEELEONG CITY	509	484	25		95%	95%	467	449	18	1	96%	96%
5	GREENVALE	50	48	2		96%	96%	52	42	10	2	81%	85%
5	HALLAM	456	420	36	8	92%	94%	440	406	34	5	92%	93%
5	HAMPTON PARK	58	16	42	27	28%	74%	84	19	65	47	23%	79%
5	HASTINGS	8	7	1		88%	88%	12	7	5		58%	58%
5	HOPPERS CROSSING	250	247	3		99%	99%	262	253	9	2	97%	97%
5	HORSHAM	23	13	10		57%	57%	25	20	5		80%	80%
5	LANGWARRIN	57	35	22	8	61%	75%	43	24	19	6	56%	70%
5	LARA	89	26	63	2	29%	31%	125	25	100	5	20%	24%
5	LILYDALE	89	64	25	1	72%	73%	87	53	34	1	61%	62%
5	MELTON	350	317	33		91%	91%	366	317	49	1	87%	87%
5	MILDURA	255	241	14	1	95%	95%	246	237	9		96%	96%
5	MOOROOLBARK	78	49	29	9	63%	74%	70	25	45	13	36%	54%

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5	MORNINGTON	155	143	12	1	92%	93%	204	200	4		98%	98%
5	MORWELL	214	198	16		93%	93%	238	218	20		92%	92%
5	MT ELIZA	61	31	30	14	51%	74%	82	54	28	13	66%	82%
5	NARRE WARREN	50	46	4		92%	92%	54	46	8	4	85%	93%
5	NOBLE PARK	79	61	18	14	77%	95%	71	53	18	16	75%	97%
5	OCEAN GROVE	57	54	3		95%	95%	44	44			100%	100%
5	PAKENHAM	149	125	24	1	84%	85%	234	216	18	2	92%	93%
5	PATERSON RIVER	121	108	13	3	89%	92%	187	168	19	4	90%	92%
5	POINT COOK	135	133	2	1	99%	99%	169	155	14	3	92%	93%
5	PORTLAND	66	17	49	1	26%	27%	54	31	23		57%	57%
5	ROSEBUD	110	103	7	1	94%	95%	135	128	7		95%	95%
5	ROWVILLE	152	145	7	2	95%	97%	169	161	8	3	95%	97%
5	SALE	64	24	40		38%	38%	82	28	54		34%	34%
5	SCORESBY	173	97	76	42	56%	80%	182	74	108	87	41%	88%
5	SHEPPARTON	360	348	12		97%	97%	368	356	12		97%	97%
5	SOUTH MORANG	104	83	21	1	80%	81%	99	95	4	2	96%	98%
5	SOUTH WARRANDYTE	40	9	31	18	23%	68%	51	38	13	4	75%	82%
5	SPRINGVALE	423	372	51	17	88%	92%	424	369	55	27	87%	93%
5	SUNBURY	140	125	15		89%	89%	134	124	10	1	93%	93%
5	TORQUAY	20	5	15		25%	25%	28	8	20		29%	29%
5	TRARALGON	141	149	12		93%	93%	203	193	10		95%	95%
5	TRUGANINA	5	2	3	3	40%	100%	6		6	6	0%	100%
5	WANGARATTA	139	135	4		97%	97%	160	155	5		97%	97%
5	WARRAGUL	27	16	11		59%	59%	21	5	16		24%	24%
5	WARRANDYTE	102	18	84	54	18%	71%	77	20	57	48	26%	88%
5	WARRNAMBOOL	290	280	10		97%	97%	327	304	23		93%	93%
5	WENDOUREE	185	107	78	50	58%	85%	154	66	88	55	43%	79%
5	WERIBEE	220	172	48	43	78%	98%	131	95	36	32	73%	97%
5	WODDONGA	219	209	10		95%	95%	214	200	14	1	93%	94%
5	WYNDHAM VALE	84	72	12	2	86%	88%	68	50	18	1	74%	75%
Class 5 Total		11687	9930	1757	571			11868	9976	1892	668		

Appendix 3

CFA CAREER RECRUIT COURSE REQUIREMENTS	CFA VOLUNTEER “MINIMUM SKILLS” REQUIRMENTS
19.3-Week full time course	Training varies from 2-6 hours per week depending on the brigade and can take 3-6 months. Approximately 27 hours training
1.01 Health and Fitness	N/A
1.02 Preparation and Maintenance of Equipment	N/A
1.06 Occupational Hazards	Maintain safety at an incident
1.07 Personal Protection 1	N/A
2.05 Personal Protection 2	N/A
1.08 Occupational Stress	N/A
1.16 Casualty Assistance	N/A
1.22 Fire Agency Awareness 1	N/A
1.24 Writing Skills for Work	N/A
1.04 Driving Skills 1	N/A
1.05 Alarms and Sprinklers	N/A
1.09 Map Reading 1	N/A
1.10 Building Structures 1	N/A
1.11 Fire Suppression 1	N/A
1.12A Wildfire Behaviour 1	Respond to Wildfire
1.12B Wildfire Suppression 1	
1.13 Vehicle Rescue	N/A
1.14 Search and Rescue	N/A
1.15 Breathing Apparatus (Open Circuit)	N/A
1.17 Emergency care	N/A
1.19 Communication Systems	Operate communications systems and equipment
2.04 Operate Pumps	Operate Pumps

2.02 Test and Inspect Equipment	N/A
2.05A Emergency Life Support Techniques	N/A
2.07 Occupational Hygiene	N/A
2.24 Fire Agency Awareness 2	N/A
	Work in a team
2.03A Drive vehicle on Road Legislation	N/A
2.05B Operate Life Support Equipment	N/A
2.15A Salvage and Overhaul	N/A
2.15B Ventilation	N/A
2.16 Dangerous Substances 1	N/A
2.20 I Describe the construction and use of the appliance	N/A
2.32 Fire Science Intro B	N/A
3.74 Enhanced Forcible Entry	N/A

Colleen Hartland MLC

Shaun Leane MLC

Daniel Mulino MLC

Jaclyn Symes MLC

