

TRANSCRIPT

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Inquiry into fire season preparedness

Melbourne — 3 August 2016

Members

Mr David Davis — Chair

Ms Samantha Dunn

Ms Harriet Shing — Deputy Chair

Mr Adem Somyurek

Ms Melina Bath

Ms Gayle Tierney

Mr Richard Dalla-Riva

Mr Daniel Young

Substitute Member

Mr Greg Barber

Participating Members

Mr Jeff Bourman

Mr James Purcell

Ms Colleen Hartland

Mr Simon Ramsay

Staff

Acting Secretary: Mr Joel Hallinan

Research assistant: Ms Annemarie Burt

Witnesses

Mr Greg Smith (sworn), Chair,

Ms Frances Diver (affirmed), CEO, and

Mr Steve Warrington (affirmed), Chief Officer, Country Fire Authority.

The CHAIR — I welcome witnesses Frances Diver, Steve Warrington and Greg Smith to the inquiry on fire season preparedness of the environment and planning committee.

I indicate that all evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat those matters, those comments may not be protected by this privilege.

I ask that the chief officer, the chairman and the CEO of the CFA please provide a short submission, and then we will follow with some questions.

Ms DIVER — Sure. Thanks very much. I might make a start, to just give a general introduction, and then I will hand over to Steve Warrington, who has a pre-prepared PowerPoint presentation. Firstly, I thank the committee for their interest in the Country Fire Authority. We are pleased to be able to come here today to talk about fire preparedness for the season ahead. We have been working very closely with our partners across government on the *Safer Together* policy and implementation. As you would be aware, we have provided a whole-of-government submission to the committee, and we will in fact be appearing with our colleagues later in the month before the committee. We are very committed to working with our partners. DELWP has done a terrific job leading that piece of work, and we are very happy to work with them.

We think that planned burning and the fire season preparedness is a very significant issue for the community. It is a core part of Country Fire Authority business. We think there is a good news story to tell in terms of the work that is being done both within the CFA and across government, and so we are very happy to talk in any level of detail about the summer preparedness. So I might hand over now to Steve to take us through the detail in this presentation.

Visual presentation.

Mr WARRINGTON — Thanks, Frances. I have got 15 slides, so again guided by you, I can be as quick or as brief as you like.

The CHAIR — Brief is good; direct, yes. Say what you need.

Ms SHING — Five to 10 minutes is what we had yesterday.

Mr WARRINGTON — Okay, let us get into it then. So effectively I would like to start off the top by saying that CFA obviously likes to work collaboratively with the other agencies. Essentially what has happened, particularly after Black Saturday, and to be fair probably before Black Saturday, there is a recognition that CFA cannot do it on our own, and indeed some of our traditional means of providing our fire service. Some examples I can give you very quickly: 2000 homes were destroyed in 2009; we only had 650 trucks on the road. If you went back to 1983, there was again 2000 homes destroyed; we only had 450 trucks. So essentially as a fire truck we cannot do it on our own, and there is a general recognition that when I say we need to work together it is not just with the likes of DELWP, MFB, SES, it is with the community as well.

So CFA itself, and people probably tend to think CFA is a bushfire organisation, the reality is we look after 60 per cent of Melbourne. We look after prevention, preparedness, response and recovery, so all facets. So we are working with the community before the fire. We are working with the community obviously during the fire, and that is both in the provision of suppression services but also in the provision of community engagement and awareness, and again to create resilience et cetera.

We as an organisation — again quickly — are charged, obviously under legislation, to prevent and suppress fires in the country area of Victoria. But it is interesting to note that this excludes forests, national parks, protected public land, but again we work collaboratively, particularly with DELWP, Melbourne Water and the like, with the provision of services.

A glance at CFA: 1200 brigades, and they stretch from, if you like, what I will call the tin shed brigade to the big urban brigade. We respond to about 40 000 emergencies a year. Of those, 14 000 are fire and explosions. That is a mixture. As I say, 60 per cent of Melbourne, all your regional centres. We have registered all the coastguard flotillas to provide a fire service, particularly in the marine areas. We have 60 000-odd volunteers. We have a thousand-odd staff as well. Again, in the spirit of time, I will not go into all the details, but it does give you a sense of the size and shape of CFA.

The critical facets coming into the fire season. We call it now the summer season rather than the fire season. We say this because as much as we need help in fire, others need help. At the moment we are on the ground in floods. We help out during heatwaves, and in the state of Victoria, as you would probably appreciate, all the agencies work collaboratively together. But from a fire season sense, we do preseason briefings, we do training, we do exercising. There is a whole myriad of activity that we do — dust off our plans et cetera. We do audits of all our regions. We run exercising, testings, briefings and so on and so forth. Again it is probably important to reinforce: we do not do that on our own. So if we run a preseason briefing, indeed we have VicPol there, we will have municipalities there, we will have a number of people there well beyond just the fire community as part of the preseason and preparedness activities.

I have said couple of times now that a lot of our effort in CFA is not just about the suppression activity, but we recognise that there is a potential to save more lives in what we do in creating — it is probably a bit of a wanky term and overused but unfortunately it is true —

The CHAIR — I am not sure it is parliamentary.

Ms SHING — The bar is pretty low, Mr Warrington. We should be fine.

Mr WARRINGTON — I will move right on then. I was going to pass comment but I am not confident enough to do so at the moment, but let us move on.

I have said a few times, and it is goes back to 1983 when we identified that there were more homes destroyed from ember attack, there was our inability — or limited ability is probably a better way of saying it — in the suppression model. It is about what communities do to plan as if CFA does not exist, and if we turn up, treat it as a bonus-type environment. So there is an enormous amount of effort, and you can see this here. If you look down the bottom, there are literally thousands of meetings, gatherings, ways of informing community. I suspect you want to talk about other things, but if there are opportunities to talk about some of those in more detail, then we will do so as we go through the questions.

Our involvement in quite a prescriptive way in particularly fuel management — I understand that is the lens for some of the discussion you are having here. Obviously the CFA act empowers local governments to serve fire prevention notices. Each municipality will employ a municipal fire prevention officer. We will educate that group of people to make sure there is consistency across the state. That group then can issue permits to reduce, remove, certainly mitigate any risk. Again, this is in a preparatory sense. We run, obviously, community engagement programs, and I have shown you some of those.

Our brigades themselves — and I will talk to you in a little bit more detail on that — are involved in a number of burns. Interestingly enough, the history of CFA would suggest that a long time ago it was almost common practice and not that long ago it became uncommon practice, and it is only starting to be reintroduced again as far as burning is concerned.

I said before we had 1200 brigades. We probably had in excess of 500 that would actually do burns themselves. When I say ‘burns’, they would do roadside burns, burns of municipal land, which is actually country area of Victoria. At times we would do burns for private land and the like as well.

There was some legislation, and probably you could argue, and some of our people would certainly argue, in 2004 the traffic management legislation changed, which made it really onerous for people to do burns. Some of our people were challenged by that, and I would say to you that we would argue that they were probably good things, because for the first time, instead of just going out and doing a burn, we had to take into account the environmental value of that land. We had to work with different landowners in particular to make sure that we were not being environmental vandals, we were burning the right parts for the risks et cetera. We brought in prescriptions to offer those people some sort of protection and the like. And the reality is today that where we dropped to as low as 70 brigades, we are back up to about 350 brigades and growing on a regular basis of brigades involved, our brigades, actually involved in fire prevention burning.

Now obviously compared to DELWP these are not big, but they are in and around towns. They are high-risk areas where we would be doing between 2000 and 5000 hectares of land of the linear, which is the roadside. Again, we are heavily involved in roadside fuel reduction, and these are corridors for fire. You can see that yourself. I have said a few times now, and you are probably starting to get the flavour — DELWP undertakes

approximately 188 000 hectares of burns on average, and CFA is, where we can, actively supporting that with both our career staff and volunteers alike working in that sense, working to support that effort.

What are we doing to strengthen our capability? Rest assured, I am up to slide 12 of 15, so I have gone fairly quickly. I can still slow it down if you want more detail. We have put on, since Black Saturday in particular, a dozen what we call vegetation management officers. These guys and girls actively work to identify areas that require fuel reduction. They then are actively engaged in making sure what we call the prescriptions — the forms — are filled out, that the key people are contacted, including environmental groups. They are connected in with their communities and the like, so we have engaged those people. We run what we call training camps, burning camps. We have risk landscape coordinators.

The five burn camps — these are about a week, where people can actually come in and hands-on, touch, feel, be involved in the actual fire. The resources coordinators, you would understand when you are working multi-agencies it is about bringing all the different volunteers and career staff along to make sure we have got the right quantity, the right quality, the right trained people to actually do burns. Again, that is some of the strength and capability work we are doing.

Some of the good news stories — I will just spend a little bit more time here — some examples that I am aware of and have been personally involved in. I notice Mornington Peninsula shire, but I could equally go to some work done at Upper Beaconsfield. I could go to some work done at Eildon, where some of the communities are really quite concerned about burning. So if we do a burn, we will not only advertise, we will run community meetings, we will actually, at times, if we have to, walk communities through a particular area so they can actually feel the leaves, feel the bush, understand the whole environment and what we are going to do. We will run sausage sizzles to bring people in to communicate, to let them understand and be part of the burn. We will identify areas through the integrated fire management planning process to make sure that we have got targeted burns in the right place. On the day of the burn we will actually have community present. So there are some real success stories about what we have done in the space of working with communities to identify where the risks are and to burn, working with communities, working with the other agencies to mitigate against those risks.

Cross-tenure fuel management — support and encouragement of local government, private land. Again, I have said a couple of times — I will not spend a long time on this particular slide — but we do work with local government. We work with DELWP. There is this *Safer Together* program which is currently in train and even reinforcing a stronger sense of us all working quite collaboratively to identify boundaryless land tenures, if you like, to ensure we are targeting not just quantity but quality. It is no good burning in the middle of the bush so we meet targets but we are actually burning an area that will absolutely look at protecting communities, and we will do that with DELWP and our partner agencies.

Interesting in that space as well — it goes quite broad. So we looked at New South Wales. They are working with the Koori community. We have spent a lot of time trying to connect in with the burns and how the Aboriginals have done it in the past. They do low-intensity, small-patch burning, and that has been quite successful. So we are trialling some of that here in Victoria, working with our Koori communities here in this state as well. Finally, if I can, I have talked a lot about prevention, collaboration, working together. The reality is we also need to spend a bit of time — and we work with VicPol — to prevent fires, so a lot of the work we do is to identify. We have bushfire fire investigators. They will actually determine if, in this case, a bushfire has been deliberately lit, and we have got quite a number of programs, working with VicPol. We will actually actively map where they are and indeed work towards trying to prevent those fires in the first place.

Look, I will not go on. You can read the dot points. You asked me to be quick; I appreciate I have gone through it probably quicker than I had planned, and there have been lots of notes that I have skipped over, but I think you get the sense of it. We work collaboratively. We are looking to do it even more collaboratively. We are looking at really targeting, at prioritising, the work that we do, and we do that particularly with DELWP and the other agencies. I might leave it there.

Ms SHING — Thank you, Mr Warrington.

The CHAIR — Can I thank you for that submission. I might start with Mr Smith. You have obviously got a very important role as chairman of the CFA, and that is pursuant to the Country Fire Authority Act 1958, and I might ask you: on what date were you appointed to that role?

Mr SMITH — I think it was around about 17 June. Do not hold me to that, Chair, but — —

Ms DIVER — We can take that on notice.

The CHAIR — Thank you.

Mr SMITH — If I can respond to you directly, in case I have got that wrong — —

Ms SHING — On or about.

The CHAIR — On or about will do. And have you had contact — —

Mr SMITH — No, July, sorry. I think it was July, not June.

Ms DIVER — No, it was June.

Mr SMITH — Was it June?

Ms DIVER — Yes, end of June.

Mr SMITH — End of June; I am sorry.

The CHAIR — Right. And I am interested in what contact you had with the CFA prior to that.

Mr SMITH — I had had contact with the CFA in my work in the tribunal, and I knew Lucinda Nolan, who was the CEO of the CFA, during her time at VicPol. I think I met her after she was appointed to the CFA to congratulate her.

The CHAIR — Did you give advice to Lucinda Nolan when she was CEO?

Mr SMITH — We had a couple of meetings, informal discussions, where she asked me about what should occur in relation to the dispute, and my advice to her was that she had to be cognisant of the views of the government.

The CHAIR — And what was the nature of that advice, aside from a general piece of advice?

Mr SMITH — Just over coffee.

The CHAIR — You did not provide her any briefs?

Mr SMITH — No.

The CHAIR — And that was pro bono?

Mr SMITH — Yes. I think I even paid for the coffee, Chair.

The CHAIR — Did you? Right. I wonder if you would provide us, not necessarily now, with the dates of those meetings, and were there any notes of those meetings?

Mr SMITH — No, I did not take any. I will look at my diary and see whether or not I noted those, but it was one of those things, ‘Can you meet me for a coffee?’.

The CHAIR — So it was an entirely informal advice?

Mr SMITH — It was a discussion between two people who knew each other well.

The CHAIR — So there is no documentary advice?

Mr SMITH — No.

The CHAIR — Do you know whether Ms Nolan tendered your advice anywhere?

Mr SMITH — No, I do not know, and indeed a number of times I said to her to make sure that she discussed some of the matters that were raised with legal advice, to get legal opinion.

The CHAIR — But you are a lawyer?

Mr SMITH — No, I am not.

The CHAIR — No, you are not; you were the commissioner purely previously?

Mr SMITH — I was a deputy president at the Fair Work Commission, and I was appointed in 1987 —

The CHAIR — Long experience.

Mr SMITH — so I sort of jokingly say I have been in every federal industrial tribunal since Federation.

The CHAIR — I want to also ask Mr Worthington — —

Ms SHING — Warrington.

The CHAIR — Warrington; I stand corrected — the chief officer. All the advice I have about your activities is very strong about the importance of the chief officer and your ability to discharge that. In that context I want to draw your attention to an operational update, no. 2, of 10 June. That update, which is signed by you and others in the management team, makes a number of points. It points particularly to 14 threshold issues that the CFA cannot agree with respect to the EBA. Do you stand by that 10 June — —

Mr WARRINGTON — At the time of signing that we had advice to suggest the worst-case scenario. I am now advised that that is not the case, so no, I do not stand by all the issues in that.

The CHAIR — So you are walking away from that document that was circulated to members and others?

Mr WARRINGTON — Well, I think you will find there is a lot of documentation that is put out there that does not hold the test of time, so I would not say that I am walking away. It was the issues that we understood at the time, and we now understand that that is not quite right.

The CHAIR — So which of the 14 threshold issues remain threshold issues for you? Can I read down this list. The four on appliance, do you stand by that?

Mr WARRINGTON — No.

The CHAIR — The seven on the fireground?

Mr WARRINGTON — I think that is misguided.

The CHAIR — The automatic progression?

Mr WARRINGTON — That is an internal matter for career firefighter development.

The CHAIR — So it is no longer a threshold issue?

Mr WARRINGTON — I do not think it is.

The CHAIR — The commander reliever position — is that a threshold issue?

Mr WARRINGTON — No.

The CHAIR — Dispute settlement — is that a threshold issue?

Mr WARRINGTON — My understanding is that the EBA is not signed, it is not approved by the board, not approved by Fair Work Commission. It is still being negotiated.

The CHAIR — So the dispute resolution that was pointed to in the 10 June briefing is no longer a threshold issue or is it a threshold issue?

Mr WARRINGTON — That is what I am saying: in my understanding it is still being negotiated. The EBA itself is still being negotiated by both the board and the parties, and it needs to be signed and approved, so it is not — —

The CHAIR — But the points as outlined in the 10 June briefing are no longer threshold issues?

Mr WARRINGTON — I do not believe many of those issues remain as threshold issues, no.

The CHAIR — I am going through them one by one. The diversity issue?

Mr WARRINGTON — Well, that is a matter for Fair Work to determine whether that has been resolved or not.

The CHAIR — But you put your name to a briefing that said it was a threshold issue on 10 June.

Mr WARRINGTON — And I would say to you at the time it was a concern, and I am saying that — —

The CHAIR — It is no longer a concern?

Mr WARRINGTON — There has been a significant amount of consultation and work that has occurred since that period of time, that I understand a lot of these matters will be resolved.

The CHAIR — So that is no longer a threshold issue — emails, as listed in the 10 June briefing, are no longer a threshold issue?

Mr WARRINGTON — No.

The CHAIR — Matters dealt with in the PTA employees agreement; are they a threshold issue?

Mr WARRINGTON — Again, all these matters are matters that have been negotiated and continue to be negotiated. This EBA has not been signed off, has not been agreed to by the board, has not been agreed to by Fair Work and so in a sense it is speculative.

The CHAIR — It was not on 10 June, though. Preserving the role of volunteers; is that a threshold issue?

Mr WARRINGTON — Preserving the role of volunteers is probably the priority that we have as an organisation and will always remain that way.

The CHAIR — But that is a threshold issue on signing the — —

Mr WARRINGTON — Preserving the role of our volunteers is a priority that I have, I suspect the board has and the CEO has and will always have.

The CHAIR — Does it remain a threshold issue?

Mr WARRINGTON — My response to that is to say that these matters are still being negotiated, and it is up to me, the board and the chair to make sure that —

The CHAIR — So the answer is no.

Mr WARRINGTON — volunteers are protected moving forward.

The CHAIR — And the road accident rescue, RAR; is that a threshold issue?

Mr WARRINGTON — No.

The CHAIR — No; rostering, as listed?

Mr WARRINGTON — Rostering potentially is an issue, but again, we will negotiate with the industrial bodies to make sure that we are able to continue to provide our services.

The CHAIR — Vehicles; is that a threshold issue, to remain as listed?

Mr WARRINGTON — I do not think vehicles was a threshold issue.

The CHAIR — It is in the list. I am reading straight from your briefing.

Ms SHING — Mr Buffone's document, Chair.

The CHAIR — No, the briefing has actually got Mr Warrington's name on the bottom of it.

Ms SHING — Yes, issued by Mr Buffone.

The CHAIR — But his name is on the bottom of it.

Mr WARRINGTON — So the issue with vehicles?

The CHAIR — Yes. Do you want me to read it?

Mr WARRINGTON — Yes.

The CHAIR — The CFA's position, 'CFA alternative proposal to the union claim version':

... The CFA agrees to changing vehicles from red to blue plates throughout the life of the agreement, subject to any change ...

Mr WARRINGTON — Okay.

The CHAIR — It goes on:

... The UFU proposes that all commanders, operational managers and manager community safety be given a privately registered and fully maintained —

I am reading the actual clause. Is this regarded as a threshold issue in your briefing?

Mr WARRINGTON — Thank you, Chair. I am now aware of that issue. Again, this is just an issue about what car people drive. I am not sure why we are arguing over what car we are driving, and as such — —

The CHAIR — Well, I am asking.

Mr WARRINGTON — I can absolutely say that is not a threshold issue.

The CHAIR — And water for training?

Mr WARRINGTON — Not a threshold issue.

The CHAIR — So of the 14 issues that were listed in the 10 June briefing as threshold issues only one, as I can see it, may remain a threshold issue. Is that the case now?

Mr WARRINGTON — Well, I think I have answered it — —

The CHAIR — May.

Mr WARRINGTON — Sorry?

The CHAIR — One may remain a threshold issue.

Mr WARRINGTON — I think I have answered that. My response to you is that the EBA is not signed off. It is not approved by the board. There are still negotiations occurring. There are still changes to be made, and it is speculative to suggest anything else.

The CHAIR — Well, except it was not speculative on 10 June and your name is on that document.

Mr WARRINGTON — As advised by us at that particular time, absolutely.

The CHAIR — So you have retreated from 13½ of the 14 matters.

Mr WARRINGTON — They are your words.

The CHAIR — They are my words. You are disputing that. You are saying that you have retreated from 14 of them?

Mr WARRINGTON — Let us go back a step. What has happened here is that legal advice was sought in regard to the interpretation of the awards. What then happens is that any EBA is a legal document that requires interpretation, and I put to you that what happens here is the union will have their view and CFA will have our view. In a 101 industrial negotiation what then happens is we give a bit, they give a bit, we give a bit and we end up somewhere in the middle. What is — —

The CHAIR — In this case you have given 13½ of the non-negotiable conditions.

Mr WARRINGTON — With all due — —

Mr DALLA-RIVA — And you lost the board, you lost the CFO and you lost the CEO.

The CHAIR — I put it to you, Mr Warrington, this is a result of government pressure and that you have pulled back entirely due to pressure around you and from the government.

Mr WARRINGTON — I have not finished answering the question. The reality is that common sense sits somewhere in the middle. What has been put into the public space is a worst-case scenario when we actually sit down with the industrial body and have the negotiation. So no-one — you or anybody here — can sit here and definitively say, or interpret, what those clauses mean until we have sat down and gone through the consultative process to determine exactly what they mean, and that is the reality.

Mr SMITH — Chair, I am sorry. If I may — —

The CHAIR — No, you may not. Thank you.

Mr SMITH — Thank you, Chair.

Ms SHING — We could talk about the paramedics argument and negotiations over four years, could we not, Chair?

The CHAIR — We will come back and have a talk in a moment. The reality appears here that you have put your name to a briefing on 10 June and you have now stepped back from almost all of it.

Mr WARRINGTON — That was based on the advice that we were provided legally at the time that this was worst-case scenario. As it has now been explained a couple of things have happened in understanding and interpreting the award. There have been further negotiations happening. As I understand it even the commission is saying there are some issues that need to be rectified, and we are unable to sit here and definitively say what each of those clauses means and interpret them. In fact already some of the discussions we have had would suggest to us all that we have gone based on worst-case scenario, when the reality is that is not what is being put on the table at all.

The CHAIR — So the preparation of that briefing on 10 June — would you provide to this committee all of the documents that were used in the preparation of that briefing?

Mr WARRINGTON — Again, I think your Deputy Chair has highlighted, and I mean no disrespect, that at times when those sorts of communiqués went out — while an email might have gone out from the CEO at the time that said, ‘Hey, this is what I’m putting out? Do you have any objection to it?’, if we did not get an opportunity to get back to our emails, we were not able to contribute. Now, I am not walking away, because my signature was on the bottom of it —

The CHAIR — Sure was.

Mr WARRINGTON — but the reality is I am telling you that I was not involved in the preparation of those documents. We were not involved in a lot of those discussions that were occurring at the time.

The CHAIR — Well, I am putting you and the other members of the organisation on notice that we will want all of the briefings that were involved in the preparation of that email.

Mr WARRINGTON — That is fine.

Ms SHING — Are you done, Chair?

Mr SMITH — I am sorry. May I, Chair? Just a matter — —

The CHAIR — No. Please, we will move on.

Mr SMITH — I am sorry. Please forgive me. It is just that something you said, Chair, hinted that I put pressure on the — —

The CHAIR — We will deal with it later. Thank you.

Ms SHING — Thanks, Mr Smith. You were interrupted. What were you about to say?

Mr SMITH — I am sorry, the Chair said that pressure around the chief fire officer. I just wanted, in case it was in your mind, Chair, I put no pressure on the chief fire officer to adopt any view, and I do not know any member of the current board that has, so I would be concerned if you thought for one second — —

The CHAIR — Well, I put on record that I do think that.

Mr SMITH — You do think that?

Ms SHING — Sorry, Chair, you have actually finished with your round of questioning.

The CHAIR — I do think that there has been pressure put on Mr Warrington.

Mr SMITH — You think I — —

The CHAIR — Please ask your question.

Ms SHING — You can make all sorts of assertions that you might like, Chair —

The CHAIR — If you could ask your question now, Deputy Chair.

Ms SHING — but if you could actually just afford me the same respect that I afforded to you, I will continue with my questions — in silence, Chair.

Thank you very much, Mr Warrington, Ms Diver and Mr Smith, for the information that you have provided in the course of your presentation and in the answers to the Chair's initial questions. Mr Warrington, just to pick up on a line of questioning which the Chair has most recently adopted around the way in which industrial negotiations take place, given former government negotiations did not result in agreements for paramedics, for example, I was wondering if you might be able to take us through the process of providing updates to reflect the way in which positions change in the course of an industrial negotiation. Why do you provide updates? To what end are updates provided, and how often are those updates refreshed to reflect the changing positions of parties?

Mr WARRINGTON — I am not sure I am going to be able to answer your questions as definitively as you like. What happened in CFA, at that particular time there was a small group of people that were involved in the EBA implementation, of which I was not one. I had stepped into the chief's role out of emergency management, not out of being involved in those industrial negotiations. As such, obviously I would suggest to you that that team were keen to communicate to the workforce on a regular basis the process — the outcomes — that were occurring as we went along the journey, to say, 'This is where we are at. This is the agreement we reached' and so on and so forth. It was absolutely an attempt to keep people briefed on what and where those issues were.

Ms SHING — You have described it as a journey. You have indicated in your evidence to the Chair that the parties' positions change and evolve in the course of negotiations. Is it fair to say that that has indeed happened in fits and starts in the course of this negotiation? It has been over 1200 days. The parties have availed themselves of all sorts of legal advice. All sorts of public opinions have been foisted on people as part of this negotiation, and you have indicated to the Chair that a number of the threshold issues were in fact either incorrect or misleading or based on a worst-case scenario.

Mr WARRINGTON — To be honest with you, I am not sure where the threshold items came from. They would have come out of that team. They would have, I assume, gone and got legal advice and so on and so forth. So in that sense I was not part of giving those — —

The CHAIR — But you signed it.

Ms SHING — Sorry, Chair, can I please be afforded the respect that you were afforded in asking your questions. Mr Warrington.

Mr WARRINGTON — The journey that we went on — sorry, what was the question again?

Ms SHING — In terms of the way in which the threshold issues were described and the way in which that was set out in the update, does that reflect the changing nature of negotiations as they evolved between the parties?

Mr WARRINGTON — Again I was not privy to the negotiations, but I understand the negotiations occurred between CFA, between EMV, between IRV. There were a number of parties. CFA were not actively involved in all the — —

So as much as I understand the agreement — it is an agreement between the employer and the employee — there are other parties that joined this and were negotiating along the journey. In a sense I am saying I am not sure CFA were always masters of their destiny as we went along that journey, but the thing changed and evolved incredibly. It was very frustrating internally and, I suspect, everywhere about where this thing went to.

Ms SHING — Does that continue to be the case from your understanding of the way in which — —

Mr WARRINGTON — I think it has settled right down now. I think there is a genuine desire, and I keep saying that there is a genuine desire and attempts. There are some issues that continue to be worked on to be resolved, and that continues to happen. The difference here is that we are trying not to do that in the public domain. There is work happening behind the scenes, if you like. It is not good for our communities to think — and I have had community members stating their concern about CFA's ability to fight fires. I have had our volunteers say, 'Hey, we're concerned about our ability and potential restrictions to fight fires'. The reality is that does no-one any good, and so a lot of our work that we are doing at the moment happens not in the public space, not through the media and not, unfortunately for you guys, through the political world, but certainly, as I understand it, it is occurring particularly with someone of the ilk of the Chair that sits to my left, who has an understanding of the machinations that are happening.

There is still work happening, and that is why I say it is almost speculative to say at a point in time back in June, when we had 14 threshold items, to where we are now there has been significant change, there have been different players, there have been different agreements and there have even been different understandings. On some of those issues we have even sat down and said, 'Is this what you guys mean?', and they have gone, 'No, that's not what we mean at all', because it comes down to an interpretational issue. Where you started three years ago to where you are now is significantly different. Where we will be in another month's time will be different again. With all due respect, it is strange that we want to hang ourselves on a point in time along a journey that has had a number of ups and downs and arguments and blues — —

Ms SHING — I too find it strange, Mr Warrington. I might open a question to all of you, if I may. One of the things which everyone appears to be able to agree upon — we heard evidence yesterday from Mr Andrew Ford; we have heard evidence from other witnesses in the course of this inquiry — is that community safety and public safety is an absolute priority in the delivery of fire and emergency services. One of the indicators of the priority of public safety comes down to public statements that people from the CFA, both current and former, people from the VFBV, people from the union and people from other stakeholder groups have made. There appears, however, to be a very clear distinction between the way in which an industrial instrument operates or may operate and the way in which operational and cultural matters are dealt with in decision-making and the way in which an organisation is managed in the everyday.

We have had a very long history in relation to a culture and a sense of opposition around the delivery of rural and regional fire services and their interface to metropolitan areas. How do we break that impasse given the public comment in the Jones report, in the bushfire royal commission and in the way in which the fire services

review has set out concerns? How do we move forward when we have that common ground on community safety and public safety, when we have again this morass of concentration around an industrial negotiation?

Mr WARRINGTON — I want to go right back to your initial statement.

Ms SHING — Sure.

Mr WARRINGTON — CFA for decades has served this state with our volunteers and with our career staff working side by side in an integrated model. We have done that for decades. We will do that this season, and we will do that for years to come. So to suggest that there is a divide is not true, because when the flag goes down, if you like, we work — and even on the things that I presented before and some of the details that I have skipped over. I will give you an example. On our burn camps there are 100 volunteers working alongside 100 career staff. I will use an example where I went to a Springvale dinner last Saturday — the Saturday night before. If you are recording, give me break on that one.

Ms SHING — Recently.

Mr WARRINGTON — Recently; thank you. The brigade themselves said — all career staff turned up and all volunteers turned up. They did not want any legal representative, they did not want union there, they did not want VFBV there and they made a point of saying, ‘Hey, we are Springvale fire brigade; we are CFA; we are joined’. There are countless examples. We just opened South Warrandyte, which has got a great relationship. Someone, as early as this morning, as I stood out here, said, ‘I’m from Mornington brigade, and we think it’s bizarre. The volunteers and staff at Mornington brigade that all work in the same station all get on well’.

It is interesting when people say, ‘Hey, it’s not working’. It blooming well is working, and it works really, really well. And it is a unique model to Victoria. It has complications when you have an industrial agreement that we are required to have, which is an agreement between our employees and management about the terms and conditions of employment and how they work and how they impact on our volunteers. The reality is we have had agreements in the past. The sky was going to fall in in 2010, and I can tell you we continue again to provide service in a collaborative manner across this state, and we will continue to do so.

Ms SHING — So why are people saying that morale has taken a dive, then?

Mr WARRINGTON — To be blunt to you, I mean, I think over 20 times it has been on the front page of the *Herald Sun*, and it has all been damning news. There has been everybody speculating about the terms and conditions of the actual agreement — —

Ms SHING — You mean the proposed agreement.

Mr WARRINGTON — The proposed agreement; thank you — most of which has been speculative and most of which has been embellished. It is just bizarre.

Ms SHING — A front page embellishing a story. How unusual!

Mr WARRINGTON — I will probably be a little bit crass. Most of our people have had a gutful, and we want to get back to doing what we do best. We do 40 000 calls a year. Last year — and I think I have said publicly — we have been on the ground in the US, we were on the ground in Canada, we went to South Australia and we went to Tasmania. We are keenly sought after all over the world. Victorians I think should be proud of the service that we provide to our community and understand that of our 1200 brigades every brigade has volunteers; they all have people from their communities serving back into their communities. It is quite a unique service, and a lot of people want to criticise it at the moment. Absolutely people, both career staff and volunteers, are upset at the moment, and understandably so.

Ms SHING — A final question, and this probably goes to the chair and the CEO: I would like to understand how we can improve management and the culture of leadership in the organisation, given that that has actually been called into question publicly by commentators and also as part of inquiries and reports.

Mr SMITH — It is a very challenging question, Deputy Chair, and it is one which I have asked the CEO to start working on. This is not assuming — I do not assume that the agreement or proposed agreement or

otherwise will be approved by the board, but what does concern me is that, for whatever reason, the detail of this agreement indicates a lack of trust in management, and that is something that we have to overcome.

Ms SHING — Does consultation assist with overcoming those challenges?

Mr SMITH — The consultation, if properly carried out — I have always been a very strong supporter of consultation and taking people with you, not telling them what should happen, and I think that would help in dispelling any misunderstandings, but one has to be concerned that at the moment both the volunteers and the career firefighters are challenging management. That is of great concern to me as chair.

Ms SHING — And you have engaged with them in order to hear those concerns?

Mr SMITH — Well, in leading up to this we have engaged fairly strongly with the volunteer fire brigades association. We have met them on a number of occasions now.

Ms SHING — Four times was the evidence that we heard from Mr Ford.

Mr SMITH — That may well be true. I took the decision earlier on to meet with them myself as well as operational people and with the CEO. Even though it is unusual for a board member who is responsible for governance to do that, I thought it was best that they had access to the highest decision-maker at a board level, and last Monday I invited them to meet with the entire board so that they could put their views to the board. They have not been shy in putting their views. Indeed there is a lot of material that they have given us to read and reflect upon.

Ms SHING — Ms Diver, anything to add?

Ms DIVER — I find myself in this role coming into an organisation that is under significant stress, clearly, and certainly morale has been affected. There are probably a couple of things that I would say. The intense media scrutiny as well as the leadership change have caused significant issues for the organisation. The media scrutiny, I guess, and the questioning of CFA's capacity to continue to deliver services are something that concerns the members. In my experience so far of both volunteers and career staff, they are mostly interested in serving their community. They are extremely concerned if there is any public perception that they are not serving their community.

My experience of going out to talk to volunteer brigades and career staff is that they are very keen to make sure that we correct the misinformation in the public domain. There is also quite a disconnect. There are some brigades that I go to that say, 'Not sure what this is all about. Doesn't really affect us. We can't see any of the issues'. There are some volunteer members that are quite concerned about the future and are reassured by the fact that I can say the board is absolutely committed to the volunteer model, absolutely committed to career staff and volunteers working together, and mostly where volunteers and staff are working together in integrated stations, where volunteers are experiencing working with career staff, that there is in fact a good relationship and that there is a kind of positive culture. So I think there is enormous opportunity to do better as management. I think we need to engage better with volunteers. We need to make sure that we support the organisation. The CFA is made up of nearly 60 000 volunteers. Those volunteers are not going away anytime soon. Those volunteers are very committed to their local communities and they identify — —

The CHAIR — Bullying of volunteers, is that an issue? Is that part of the cultural matters?

Ms SHING — You might have another question at the end, Chair. Sorry, Ms Diver, please continue, without interruption.

Ms DIVER — So my point is that really volunteers are a very big part of the organisation. They are a very skilled group of people who are very committed to their communities. They are very concerned about the intense media scrutiny that is questioning their capacity to deliver for the community. The career fire staff are also very committed to their community and very committed to working with volunteers in whatever capacity they can to deliver for the community.

I guess there is a task now for management, led by the board but also by management and by the chief officer, to restore the confidence of the general community by trying to reduce this intense media coverage and speculation about what may or may not come from a proposed enterprise agreement that in fact we will need to

work through very carefully. It is a very long, very complex document. There are a number of interpretations. It really will only be worked through when we work through the detail of implementation once we get there, depending on how the board goes and their consideration of the agreement.

So there is a big task for management. I do not shy away from that, I do not think the board shies away from that. But I think we need to reassure people that we are absolutely committed to a volunteer model, we are absolutely committed to a career model. In fact if you get out there on the ground, there is a lot of goodwill. Mostly my experience is people are very interested in serving their local communities; they are not necessarily interested in what is going on in headquarters at Burwood and they are not really interested in what the negotiations are going on with the UFU.

Ms SHING — But the Lapsley process is part of that as well. Is that correct?

Ms DIVER — So there is a process in the proposed EBA where the emergency management commissioner, Craig Lapsley, will provide some monitoring of how we implement the agreement and provide some reports back to government on whether or not we are being effective and I guess providing advice back to government and assurance if necessary that public safety and community wellbeing is not at risk as a consequence of any elements of the agreement and the way we implement the agreement.

Ms SHING — Thank you very much. Appreciate it.

Ms TIERNEY — There has been intense media scrutiny in relation to this issue. What can you absolutely say to the Victorian public that their safety is being protected and that you have put in place a number of measures that are over and above what the CFA would normally do leading up to what is the traditional bushfire season?

Ms DIVER — The first thing I would say is that the board and management are absolutely committed to community first, so that is the core of what we do. We are not actually there to serve the volunteers or career firefighters; we are here to serve the Victorian community. We will put in place measures to ensure that the community continues to be served, and in fact the community is currently being served now. So every day 000 calls are being made, trucks are turning out — if I get the language correct, appliances are turning out — and fires are being put out, emergency response is happening, and much broader than fires of course. So we are absolutely committed to starting with what are the needs of the community and working back to how can we structure and manage our organisation.

I will perhaps hand over to Steve, the chief officer, to talk about the specifics of what we are doing, but we are well on track to prepare for the summer season. We are not at all concerned with our capacity to deliver for the summer season and the chief officer's powers remain exactly the same as they have been. There is no change to his powers at the moment, and we will not be looking to limit the chief's powers at all. The board and management obviously rely on the technical and professional expertise of our operations staff, including in particular the chief, to give us advice and guidance on how we make sure that the community is being well served. But perhaps, Steve, you could talk about whether we are on track or not for the summer season.

Mr WARRINGTON — I think the first thing to say is that while we are ready for the summer season, the reality is CFA is one of the biggest urban fire services. We do hazardous material, road accident rescues. We do high-angle rope rescue, marine — the gamut as a fire service is quite broad. The notion that we are a summer fire service — I know you probably do not think that —

Ms TIERNEY — No, I do not.

Mr WARRINGTON — but as long as we put on the table. So in a sense of readiness, we are ready at any given time. Last night there was a factory fire down in the Latrobe Valley, there was a house fire up in the north-east and unfortunately a Victorian had some injuries et cetera. So it is an ever-happening thing in CFA, as you know.

As far as the summer season, we work collaboratively — and I have said that a few times now — with EMV, DELWP, MFB, so there are a couple of components to this. Again, everybody wants to focus on what we are doing to prepare fire trucks. I can tell you we will do burnover drills, we will make sure our people are trained, all that sort of thing, strike teams — we call them strike teams, which are groups of trucks going away. But

there is equally a significant amount of work happening in preparing and training management teams. We work at what we call level 3, so big fires over the summer season, as we would now. We would do that in a collaborative sense so the team would not be a CFA team. It is a Victorian emergency management team in which CFA participates. We train, we exercise, the standards that we set collaboratively with the other agencies are all there. That now is well prepared. We have teams available to put warnings into communities and they are training and exercising. We are building systems up. So that is two.

The third one for me is an enormous amount again, as you saw in the presentation before, is being done to prepare communities, and I have said that a few times now. We can, as a fire service, do only so much on the day. It will be what communities do and decisions they make that will determine whether they literally live or die. So we wanted that message in the community and we spent an enormous amount of time, effort and energy communicating and giving that message to our community. That is happening pretty well right now. Obviously a lot of community, when it is pouring rain and we are in floods, are not really interested in fire but certainly as the season starts to approach, then the interest starts to increase.

Understand October last year was the Lancefield fire, and houses, unfortunately, were destroyed in the Lancefield fire. So if you put that into parlances, we are not that far away from the next summer season. So we are, as much as we can, trying to focus our people to get ready for that. Unfortunately there are other distractions that are occurring at the moment, but they are not distracting us in preparing for the season, as I put to you.

Ms TIERNEY — Two quick further questions. One is what is the CFA doing in terms of changing the culture? What are your plans? And the other is an issue that I put to Mr Ford yesterday, and that is in relation to training courses. In talking to career firefighters as well as CFA volunteers in the last week, whether it be Warrnambool or a delegation that came to my office in Geelong on Friday night that represented a number of brigades, all of them said that this was right up there in terms of a priority issue for them. Of the delegation that came and saw me on Friday night, only one had received a short course and that was seven years ago, and the others could not remember. So the training that everyone has agreed to that is lacking is driver, on-road and practical; first aid; leadership; and off-road four-wheel driver training. Can you please respond to that? I understand that most of you are relatively new, but this is an issue that has been around for a long, long time and goes very directly to my first question about preparedness.

Ms DIVER — So the culture of the organisation is obviously very important — and the organisation has suffered a setback — but there are probably some underlying issues that need to be addressed. One of the issues, particularly in relation to diversity in the workforce. So CFA has set up a working group to look at diversity, and as you would understand, VEOHRC is undertaking a review of diversity in the fire services, both at MFB and CFA, and we welcome that review and we look forward to the recommendations. We will work very carefully to implement any of those recommendations that would contribute to improving the culture at CFA.

The second issue of training is particularly important, and it is one that I have heard quite a lot about since I have been out and about chatting to both career staff and to volunteers. There are seven regional training centres across Victoria. In the last budget there was additional funding provided to CFA to enable us to upgrade those facilities and expand those facilities to ensure there is additional capacity for training both for the recruit courses, so new firefighters coming in, promotional courses, so for firefighters to gain additional qualifications, but also for volunteers.

There is also a significant amount of training that is undertaken at a local level, and that will continue as well at fire stations. There is also the VEMTC. That is the training centre that we go to with MFB. We are also doing quite a lot of training with MFB at Craigieburn to ensure that we have kind of got interoperability and improving the relationships between MFB and CFA. So we recognise there is a lot of work to be done in training, and fortunately we have had some additional funding that will allow us to expand our facilities, and also with our expanded career workforce that will also provide some additional capacity for us as well. Steve, do you want to add anything to that?

Mr WARRINGTON — Not really. I mean we agree. Interestingly enough if you go to the grassroots of our agency, our people will tell you, probably even beyond the current issue that is being discussed here today, training is probably above that. That is the biggest issue. So we absolutely have recognised that, and we want to make both some structural changes, we want to make — I am trying to cut through here.

There has been a philosophy at the top when we deliver. What we need to do and what we are currently doing is through the brigade support team identifying what the actual risks are at each of our 1200 brigades. So we will go through every individual one of them. Look, instead of saying, 'We'll have a blanket driver training program, if you like, for every brigade', let us identify where we need to do that driver training — I am going into a bit of detail; please be happy to pull me up, keep me honest. So we will identify where they need driver training and then give targeted driver training to those that need it, rather than the blanket approach. Some of our approaches in the past, to be honest with you, left a bit to be desired, and we are trying to change that approach. The answer to your question: absolutely, training is an issue for us. We will do some structural changes, we will do some process changes, and there are things that we need to do internally to rectify that.

Ms DIVER — I might just add, the organisation is reasonably headquarters driven, and that top-down approach has not necessarily served all the brigades well. So there is quite a comprehensive brigade support program where each brigade is assessed against criteria each year for training or brigade viability or management support or what is it that the brigade needs. I think that bottom-up approach will also help us in the culture of the organisation, in ensuring that we are responding to what brigades want, not necessarily what headquarters thinks is the right solution. So I think that the training and the culture is actually quite intertwined, and I think that is a big opportunity for us to shift the satisfaction with the organisation.

Mr RAMSAY — I have a couple more questions to all of you. Ms Diver, firstly, are you an acting CEO or an established CEO?

Ms DIVER — So I am the chief executive of the organisation.

Mr RAMSAY — Are you an acting one?

Ms DIVER — No, I am not acting. I am the chief executive of the organisation for a fixed-term period, and that is the period until a merit selection process is undertaken to recruit an ongoing CEO.

Mr RAMSAY — What is a fixed-term period?

Ms DIVER — I have a contract for six months.

Mr RAMSAY — Thank you. Mr Smith, have the four new nominees for the board for the volunteer fire brigade association had discussions with you and the other board members in relation to the EBA?

Mr SMITH — Yes.

Mr RAMSAY — And have they raised concerns, as has the previous board, in relation to the power of veto clauses within the EBA?

Mr SMITH — We are at an early stage of discussion. We had a meeting last Monday where I provided all the board members copies of all documentation that will be relevant to considering the proposed agreement.

Mr RAMSAY — So have they raised concerns in relation to testimony from Mr Ford yesterday in relation to volunteer fire brigade association's concerns around clauses in the EBA regarding power of veto and management decisions that the CFA would lose?

Mr SMITH — Well, can I just park the concept of veto to one side? The answer to that is not yet, no. I imagine that if any member of the board has concerns, that will be raised at the appropriate time, when we are considering whether or not to approve or whether or not to support the approval of the agreement.

Mr RAMSAY — The issue I am having some difficulty coming to terms with is that the three of you have indicated little concern in relation to the current clauses within the proposed EBA as it stands now. In fact Mr Warrington has indicated that his threshold concerns now have basically dissipated except for one, as the chair has indicated, perhaps in relation to protecting volunteerism within the CFA. That seems to be the only threshold point you have concern with in relation to the EBA.

The matter I have concerns with is that Mr Rau — in fact, I sat on an inquiry in relation to Fiskville — who gave evidence on a number of occasions during that inquiry, raised concerns about the operational nature of the MFB and certainly in relation to the UFU's power of veto in relation to their EBA. I understand their EBA is

now up for negotiation as well. Just today or yesterday he raised concerns from a letter he wrote in June in relation to the restricted nature of the operations of MFB because of UFU. He cited that in a heatwave last year the UFU actually vetoed the use of advanced appliances being put to the fireground.

The situation I see is that we are having a similar concern here with the CFA, where the UFU are actually dictating management decisions in relation to what appliances will be provided to the fire response and who will actually man the appliances. To me — and certainly the CFA volunteers that I represent in western Victoria have raised the same concerns — they do not want an EBA that restricts what they have done in the past in responding to fires. The EBA should be concerned around pays and conditions for firefighters, career firefighters, not putting in place clauses that have power of veto to do certain management decisions.

The three of you seem to be quite calm about the fact that in fact the MFB EBA, the current one, has put all sorts of restrictions on MFB to be able to respond to fire in relation to the UFU's powers of veto within their current EBA. Now they are going through a new proposed EBA, about which Peter Rau, the chief officer, has raised the same concerns. I cannot understand. Mr Smith, why are you not saying, 'We have real concerns about a CFA EBA. We know the MFB has historically had problems associated with their EBA in relation to UFU control over fire response management'.

The question really is to you, Mr Smith, as chairman: why are you not raising these concerns as the new chair, as your previous chair did, as Andrew Ford did yesterday in relation to his testimony, as Peter Rau did in testimony to another inquiry in relation to Fiskville and as previous witnesses we have had through this current inquiry in regional meetings have done, where we have had CFA volunteers and captains raise similar concerns?

Mr SMITH — Thanks, Mr Ramsay, for your question. Firstly, can I say to you that I am certainly not calm.

Mr RAMSAY — You look very calm.

Mr SMITH — If I am giving that demeanour, it is hiding my nervousness. This is the first time I have appeared before a parliamentary committee, and it is not something that one does a lot of. So I am not calm.

Secondly, I am considering very deeply all of the matters that have been raised by the volunteers association. I am considering the matters raised by the UFU, both of whom are representative bodies. The UFU represents the career firefighters and the volunteers association represents the brigades, but both have a stake because those people are engaged with the CFA. Both have a stake in putting forward their views. I have not formed a view yet about the agreement. I hope to discuss the matter with my colleagues on the board. But there are a number of issues that you have raised in comparison with the MFB. Can I say this: I do not know what private discussions or what steps the MFB took to deal with any conflicts that they might have had.

To the extent that you say there is a power of veto, I am giving that a lot of thought. I am not so sure that is right. One of the difficulties — —

Mr RAMSAY — It is enmeshed in the consultative committee clauses, which is much the same thing.

Mr SMITH — No, I understand — where it talks about agreement. Of course you may be well aware that you cannot withhold agreement on capricious or unreasonable grounds. But one of the interesting things about — —

The CHAIR — You can delay it, though.

Mr SMITH — I beg your pardon?

The CHAIR — You can delay it, though.

Ms SHING — It is open mic from the Chair over here again.

Mr SMITH — I will return, if I may, to your question. One of the interesting things about the Fair Work Act is that it says in the legislation that you have got to have in an industrial agreement the power to prevent and settle an industrial dispute. Sir, I say openly that I was one in the commission that made a ruling that an

agreement had to have a provision to settle an industrial dispute — and I was overturned on appeal twice — that said you simply had to have in an industrial instrument a process which may lead to settlement.

Now many of the major private sector companies in this country — you will see if you go to their agreements — refer to the fact that you can only have conciliation when the matter goes to the commission, but you cannot have arbitration. You cannot break a deadlock in the industrial commission. So I say with some regret that clearly I was wrong twice when I sought to make judgements that said you could resolve an industrial dispute and that the act required you to resolve an industrial dispute.

So in terms of the industrial jurisprudence, having an instrument which does not instantly bring something to resolution is a common feature. It is a common feature in the private sector. It is not so common in the public sector. The public sector seems to press for industrial resolution. That has often been objected to most strenuously by a number of public sector employers over the years. They do not want third-party arbitration. They do not want somebody interfering with negotiations between the parties. I have seen that on many occasions. So am I calm? No. Am I concerned about the issues that are being ventilated? Yes, I am, and I will be discussing those with the board in some depth.

Mr RAMSAY — I have one last question, Chair, but just on that issue what I am describing is potentially a ludicrous situation where the MFB want to use an appliance to respond to a fire —

Mr SMITH — Yes.

Mr RAMSAY — but the UFU vetoed that response. It then has to go to Fair Work to get a determination on whether the MFB operations officer can actually man that truck and respond to a fire. So you have got MFB operations, ‘Take a truck out of the shed, man it’. The UFU says, ‘No, that truck can’t go out and it can’t go out with those people on it’. We trot off to the Fair Work Commission; we have to have a decision. Meanwhile the fire is burning. We are in the middle of a heatwave in the summer of Melbourne. Fair Work take two days to make a decision about whether that truck can come back. It is just a ludicrous situation which the CFA do not want to have a bar of in relation to going through that whole mesh of industrial action between a union and a fire service. That is the point that I wanted to make.

Mr SMITH — No, I understand — —

Mr RAMSAY — You really need to be very well aware of — —

Mr SMITH — The issue of consultation is a very important one. As I said, I do not know how the MFB did this, but I do know — —

Mr RAMSAY — How does the UFU have such control over operations of a fire response?

Mr SMITH — Well, I do know that the MFB did make application to terminate that agreement — and it was not successful before the commission — and raised those sorts of arguments. I can only say from the CFA’s point of view that one of the considerations that will be high in our minds is how we deal with that consultation process so that it is efficient, it is effective and it is speedy, because I agree with the interjection by the Chair that delay is in no-one’s interests. So depending upon the outcome of the considerations of the board, those sorts of matters will be very important indeed, and I support your concern.

Mr RAMSAY — Can I just ask Mr Warrington, and I speak on behalf of the Lara CFA volunteer fire brigade, which is now one of those brigades that has become integrated. They are very concerned that it is not integration; it is segregation, because they have clearly said to me that coming from a volunteer fire station to an integrated fire station means that volunteers are segregated from career firefighters. They are not allowed in certain rooms. They are not allowed in certain eating rooms. They have different uniforms. They are seen as different species, almost, in relation to working under a same-roof environment of an integrated station.

Now I know and I understand that there is a push to have more integrated stations, particularly by the UFU in relation to having more control over their firefighters, and I hope that with integration segregation does not occur and we do not have career firefighters and volunteers being separated and volunteers not able to use certain rooms in the fire stations or not able to eat with career firefighters. Again it is yet another ludicrous situation in relation to the sort of push towards integration. Lara has genuine concerns about that.

Mr WARRINGTON — That is disappointing, and Lara is making that observation before integration. There are a number — in fact I would say the majority — of stations where that is not the case. Certainly there is no need for volunteers, for instance, to go into the dormitory components of our fire stations where the career staff sleep, but other than that I think you will find there are common meeting rooms and there is common space right throughout our fire stations, and they work well together. It is disappointing that that is the case.

We integrated South Warrandyte within the last couple of weeks — not that long ago — and that is not the experience of the volunteers. That is not the experience of the career staff. The ex-captain, Greg Kennedy, and the current officer-in-charge — so you have got a senior volunteer and a senior operations officer in Jamie Hansen — both those guys worked pretty hard to make sure that those things that you just talked about did not occur.

What we are doing at the moment is speculating about what the relationship will be like at Lara when we move to integrate that station, and it is just that, because there are great examples where that does not occur. Unfortunately there are some examples where that does occur, and I would suggest to you that that comes down more to personalities and conflicts in personalities and things like that. But that is not our view from a leadership point of view. We do not support that approach; we support a proper integrated service delivery model to our community.

Ms DIVER — Can I just make a comment as well? Just the concept that new integrated stations are sort of new UFU-determined stations. It is actually the CFA, as part of its service planning, that has determined which stations need to become integrated stations. It may be as part of a growth corridor, increasing population, increasing complexity, increasing demands on a particular brigade mean that we are required to have additional staff. So it is actually part of a better service to the community, and the integrated option is the option where we maintain and support volunteers. So an integrated station supports both career staff and volunteer staff.

My experience so far — and I accept that it is a limited experience, but I have been out every weekend and to country Victoria, chatting to people — is that those that are already operating within an integrated station are much happier with the proposed EBA or the proposed debates that are going on. It is actually the volunteers who are in more isolated areas or in brigades where they do not have contact with career staff who are afraid of what is going to happen. It is the fear of the unknown, and unfortunately that unknown, the information, seems to be coming via the public domain and the media rather than from CFA management. We are very careful about how we communicate this because, as our chair has said, the EBA has yet to be fully considered by the board. We are still undertaking consultation to understand a very, very complex document with lots of clauses that interplay.

So there is a communication task for the CFA to communicate specifically with the brigades where the volunteers do not necessarily very directly work with career staff. They certainly work with management, so they work with operations officers and operations managers and brigade support staff, but for those that do not necessarily work in an integrated station on a day-to-day basis there is a fear, and I think that is a task for CFA. It is part of the culture question for CFA, which is: how do we promote an environment where everybody is respected for their contribution?

Mr RAMSAY — Perhaps a part of the culture, Ms Diver, might be in Geelong's case where a second floor is given to UFU. They have flashing UFU lights beaming out through the windows every night. They have UFU emblems and they have UFU flags outside the state-owned CFA integrated station.

Ms DIVER — Yes.

Mr RAMSAY — Perhaps removing that might enhance the culture of volunteers and career staff working together.

Ms DIVER — Sure. I think the chair did mention that there is an issue of what management has been doing and what is management's role in ensuring that we can regain the trust of our employees so that our employees will look to management rather than necessarily looking to the union. I do not think we have a UFU floor at any station. We have career firefighters — —

Mr RAMSAY — Have a look down at the Geelong station certainly at night-time.

Ms DIVER — We have career firefighters who choose to put up UFU material. I guess we would like to get to a point in due course where the career staff and volunteers trust management and they are interested in what management have got to say and what the whole organisation has got to say. I do not just mean management in a corporate sense but the chief, the deputy chiefs, the assistant chiefs, the operations officers, the captains and the brigade group officers. So there is a whole group of people that we think we can provide a lot of support, but unfortunately that has not necessarily been the culture of the organisation, and I think that is something that the board is very interested in — promoting much better integration.

The CFA will live long beyond all of us, and it will also involve volunteers. That is a core part of the organisation, and I think that is the task for management — to work out how we make that work.

Mr BARBER — A question for Mr Warrington: can you tell us of an instance where, the way Mr Ramsay characterises it, a fire was burning and matters directly related to the response to that fire were being dealt with at the same time in the Fair Work Commission?

Mr WARRINGTON — No.

Mr BARBER — Have you had a phone call from your boss saying, ‘Hold what you’re doing. We have to get a court ruling on this’?

Mr WARRINGTON — No.

Mr BARBER — Thank you. Just in relation to your slides — —

Mr WARRINGTON — Sorry, just on that, the MFB are a completely different organisation with their own EBA and their own culture, which is significantly different to our organisation.

Mr BARBER — I am just asking.

Mr WARRINGTON — Yes. Sorry.

Mr BARBER — Just in relation to your slide, then, about fire season preparedness and the critical facets of fire season preparedness, the four dot points there, you are saying these are the four most important things?

Mr WARRINGTON — Yes. Go on.

Mr BARBER — Okay. So I suspect that is what you will be asked about after the summer season rather than the enterprise agreement. How can you demonstrate to us that those four items are on track and as good as they can be? You have fleshed out what they consist of, but I am asking you about performance and achievement against — —

Mr WARRINGTON — Yes. Thank you for your question. We do a preseason audit, where we physically visit every region to see — I can give you the template, if you want that, out of session — the facilities, equipment, processes and documentation; do they have an HR plan; have they exercised those facilities? That audit is done by one of the deputy chiefs, if you like, to every district in the state, just from a CFA perspective. Through EMV we run preseason briefings for level 3 incident controllers, and there is a set standard where EMV are looking at the capabilities to ensure that everybody is at a certain standard and we have the numbers available to go.

You have already seen the numbers that we can even now produce on a regular basis on where we have touched base with communities and run a number of demonstrations. I think that was on slide 8. If you looked at slide 8, it would give you quite a comprehensive understanding of the work we have done in that space.

Fire prevention activities would fall into that same category. I think the last one for me is partnering with other agencies or local government. Certainly there is a lot done, particularly since 2009, but even more so — and there will be a joint presentation, as I understand it, in panel, particularly focusing on a safer Victoria, which is a land tenure without boundaries, if you like — a sense of planning that we work collaboratively with all the agencies, including the community, on to mitigate risks and ensure people are prepared.

It is interesting; there is a heck of a lot happening in that space to ensure both that we are ready and our community is ready as much as possible, and that is documented and we can provide that if you so wish.

Mr BARBER — Do you believe this public controversy is interfering with that, or do you believe that —

Mr WARRINGTON — Let us not sugar-coat it. Morale is disappointing. I think other people, potentially, are using our organisation as a pawn for other people's game, which is pretty disappointing. The reality is, and I have said it a few times now, Victorians and — in fact I will go further — Australians almost rely on services such as ours. I see CFA as almost an icon. We cannot rest on the past. The reality is we continue to learn, we will continue to grow and everything we do is about service to the community. We have 40 000 calls a year, both urban and bushfire. We live in one of the three biggest bushfire parts of the world, if you like. You could argue the west coast of the US is number one and we would be number two or thereabouts.

It is important that we are on our game so we do not have the outcome that we saw in 2009. We need to continue to focus to deliver our services. It is incumbent upon us, the people sitting here, to make sure things like the EBA — that the powers of the chief officer are not eroded and that we continue to have our staff and volunteers working side by side. It is not about supporting staff; it is not about supporting volunteers; it is about supporting our community with an integrated model. So thank you for the opportunity to make that comment.

Mr BARBER — I understand the importance of it. I was asking you about preparedness. It is August; I think last October I was at the UFU ball with a number of other Labor and Liberal MPs, Craig Lapsley and —

Ms SHING — There were Liberal MPs at the UFU ball? That is extraordinary. Hands off the CFA donors, perhaps.

Mr BARBER — Lancefield was a week later. That was the big night of the year before we start the season, but it turned out that the start of the season was a week later. So how do we know now that the volunteers will show up in October and a range of other things, as is the purpose of this inquiry?

Mr WARRINGTON — The reality is that fire would occur right now and our — I am not going to say our volunteers — people will be ready to provide the services. We demonstrate that right now. My experience, whether it is Black Saturday, the 03 fires or the 06 fires, is that even in the volunteer space — I did not want to go there, but let us go there; let us go to the volunteer space — they will say, 'Look, we can only give you two strike teams'. But if houses are burning down, all of a sudden we will get four strike teams out of them. If there are people under threat, all of a sudden you will get six strike teams.

Our people will commit and commit and commit to depths that are just phenomenal for this state. We have closed fire stations down where there is no-one anywhere near, but we have increased the response, so we are still providing services to those communities. We would do that right now. Our people are fantastic in the support they give, as are the SES people and as are the other emergency services in this state.

Absolutely we are ready, but we do not rest on our laurels. We do rigorous audits and checks and balances. We make sure there are training records. We make sure there are HR records. It is all properly documented. Some of that is so that if there is a parliamentary inquiry come the end of next fire season, I am actually able to sit here with some tangible evidence and say, 'Here it is. This is what we did in a preparation sense'. But I am saying that is about checking where we are at at that particular time. I would put to you that we are ready to go right now. If the state needs us, we are there.

Mr YOUNG — Thank you to the three of you for coming in today. Ms Tierney mentioned before members who had expressed concern to her with the lack of training, the lack of space to do that and possibly even a long time since they have done any training. I have previously been on committees that have looked into aspects of the CFA, specifically the Fiskville inquiry, and we looked at training that is going on now, including at the facility at Craigieburn. Ms Diver, you mentioned CFA people training there. I was wondering — and you may not have these numbers now — if you could provide us with numbers on how many CFA personnel are training at that facility. That would be great.

It was my understanding at the time that the Craigieburn facility is working at capacity and there is simply no room to put more people through. In an age where we are having to increase our number of trained firefighters,

how do we get around that? The facility down at Bangholme is a small facility, and I am assuming that is almost at capacity as well — not to mention that it is on the other side of town and very difficult for CFA volunteers to get to. Where is the future of CFA training from here?

Ms DIVER — I think I mentioned before — obviously the closure of Fiskville is difficult for the CFA. That has placed some pressure on training capacity. Having access to the Craigieburn facility is helpful, and yes, I think it is close to capacity, but that reflects the fact that we have got more recruits. So we actually have got more staff being trained, but that does have the secondary consequence of impacting our capacity to train others. That is why we have a strategy around the seven regional training facilities, and there was additional funding provided in the state budget to establish a new facility in the Ballan area — somewhere around that general area or in the Central Highlands, I think. As well as expanding the capacity at places like Bangholme and others we are looking to expand the capacity in those seven facilities, and then we are looking to optimise our use of Craigieburn.

We are also looking at maintaining our capacity to do training on fire stations for volunteers and at integrated stations. I was in Wangaratta last weekend, and they talked about how they work with the volunteers — the career staff and the volunteers work together — to provide training for the volunteers at their brigade and also for other brigades. So there is actually quite a lot happening on the ground, but there is a big challenge for CFA. With the increased resources being provided to CFA for more career staff we need to expand our training capacity, and that is well understood. Fortunately we have had some funding — we will undoubtedly want more — to expand our training facilities to make sure that we can meet those needs.

Mr YOUNG — As far as the new facility in the Central Highlands, in what sort of time frame can we expect that to be up and running?

Ms DIVER — I would need to get back to you on that; I do not have those details at my fingertips. I am aware that planning is underway to have that facility opened as soon as we possibly can. There is obviously a land/building process to go through, so it is not next week. It will take a number of years, I would imagine, but we are looking forward to being able to have a new facility in that area in the next few years, and we have been funded to provide that facility.

Mr YOUNG — I think some detail on the progress of that and the projection for that would be very helpful for this committee.

Ms DIVER — Yes, very happy to.

Mr YOUNG — I managed to listen to the minister responsible this morning on the radio talk about the relationships between everyone involved in this situation. It has gone on for a long time, and the relationships have existed for longer than this dispute has been going on. We have a situation where there is a very stand-off kind of feel to what everyone is doing. It was suggested that it is partially the fault of everyone; every party to this is at fault in some way and needs to step back and have a good look at themselves and how we are all conducting ourselves. It seems to me that it is not just on the level of the organisation — and Mr Ramsay touched on this before — but we are getting down now to a local level at our brigades where we have this stand-off sort of situation between volunteers and paid staff. I am sure you would agree that it is not in the best interests of anyone to have that stand-off situation, and we need to work on that. But one particular aspect of this proposed EBA that has been raised with me is about staff only reporting to staff under the agreement and not having to report to volunteers. How do you reconcile that with the fact that we need to improve the relationship between everyone where you have specific rules around only reporting to one certain group and not everyone?

Ms DIVER — I will get Steve to talk about the staff reporting to staff issue.

Mr YOUNG — That goes to all three of you.

Ms DIVER — I guess what I would say is that the CFA has a set of values. Those values apply equally to volunteers and staff, and we promote those values: respect, diversity — sorry, I cannot reel them off, but they are a pretty good set of values. We promote them equally across the organisation to ensure that everybody is treated with respect.

I guess the other thing I would say is that — and I know I only have relatively short experience in the organisation — whilst there is low morale in points and there is anxiety and some fear amongst volunteers, the thing that is interesting to me and probably not surprising really, but in a critical service delivery operation, where there is actually a service delivery task, people put aside their differences and focus on the task at hand. So whilst in headquarters or in conversations at Fair Work or with stakeholders or in boardrooms there might be robust conversations, actually when it gets down to it, when people get on and do their work there, that is what happens.

I went out to one of the brigades in suburban Melbourne and met with maybe 15 people around the table. They proudly showed me their appliances. They talked about their shared training with SES and with the lifesavers. They talked about their new facility. And they did not raise the EBA; I raised the EBA. So actually a lot of people are getting on with the day job and that is working quite well together, and whilst we have got two workforces we do apply consistent values across the whole organisation. In terms of staff reporting to staff — Steve.

Mr WARRINGTON — Yes. It almost goes to where I was before, that it is interpretation of the agreement, so until we sit down and discuss with the union and say, ‘What’s your intent with that?’, my understanding of it is that it is simply to say — and it is going to get a little bit technical here — that if a staff truck turned up to a volunteer fire, then the officer on the staff truck would talk to the incident controller, who could be a volunteer and the staff that would then direct the staff to perform tasks. So in a sense all we are talking about here is on the fireground they would still work collaboratively, they would still take directions, if you like, from the incident controller, but the person in charge of that crew — which is pretty normal procedure, so even if the volunteer truck turned up and they were all volunteers — the captain or lieutenant, would still be in charge of his crew.

But of course in the debate there has been no voice of reason. We have all gone into our respective bunkers and are now couching worst-case scenario. I have said it a few times now: the reality is when you sit down and have a chat with the different bodies, you realise — —

When you come back to your 14 threshold items, the reality is that I do not like to have some of the operational decisions within the EBA, but when you look at every one of them, there is a reason why. Potable water is a classic. I say one word, given where you have been — Fiskville — and you will understand why people have put potable water in the EBA. If there was an element of trust in there with management, then there may not be a need to put that in there, but I absolutely understand why some of those clauses are in there, if you know what I mean.

So in a sense I am saying that until we sit down and understand what that means we do not know, but even preliminary discussions would suggest it is not worst-case scenario. Level 3 incidents are completely already written out of it, so — we are talking right at the grassroots level — we still will be able to operate and work, again, collegiately, if you like. Even with some of the other issues, if the volunteers want to turn the second staff truck back, they can still do that. It talks about the incident controller; it does not talk about staff and/or volunteers. The incident controller can be a volunteer and it can be a staff. But sometimes in all the smoke and mirrors that has been going on here, there has not been the voice of reason to clearly articulate that maybe this is not as bad as people have been making out.

I am absolutely convinced that we will continue to go to fires, we will continue to work collaboratively. Yes, there will be changes, but the sky is not going to fall in.

Mr YOUNG — So given the changes that do appear in the EBA — and you are suggesting that when it comes down to it people need to get out there and actually do their job and it all works swimmingly anyway — why is it in the EBA then? What is your interpretation of why it is there?

Mr WARRINGTON — Again, if you go back to all your clauses — I think probably there is even disappointment that I did not raise that again when I look to my left, but anyway — the reality is, as I say, potable water, if you looked at four in a truck. I mean, there are countless — —

Mr YOUNG — Specifically on this one, though — —

Mr WARRINGTON — Which one? Reporting to?

Mr YOUNG — Yes, staff reporting to staff only.

Mr WARRINGTON — So it is about making sure that there are clear lines of tasking. There are a number of issues in the EBA that I would be going, ‘Do you really need that to be in there?’. But in a spirit of safety, occupational health and safety et cetera, making sure there are competencies and standards set, that the crews are actually looking after crews, would be the argument put by the industrial body.

Mr SOMYUREK — I have a question on the terms of reference. We are about 15 minutes over.

The CHAIR — Yes, we are. It is up to you.

Ms SHING — You could ask it and put it on notice.

Mr SOMYUREK — Yes, we will put it on notice.

The CHAIR — So what is it?

Mr SOMYUREK — We could deal with it straightaway. The question was: what is CFA’s role in planning, targeting and understanding such burning?

Mr WARRINGTON — I will do it really quickly then. There is the integrated fire management planning process. It is done at a local level, facilitated through the municipalities, where they come together and identify — almost take that helicopter view — where the highest risks are. There is the Victorian fire risk register that will assist in that. So there is a risk process. They then say, ‘There is a risk spot. How do we mitigate against that risk?’. One way would be: ‘There’s nothing we can do. We can have a neighbourhood safer place or we can educate the community’. Part of that might be a burn. But it is all then done in a plan. That is lifted up to a regional level. They will look at all the different municipalities at a regional level and indeed at a state level.

So it is quite a structured approach that starts at the grassroots level. What is being proposed now is another iteration of that, which is *Safer Together*. At the moment a lot CFA focus is on private land. DELWP and Parks Victoria might focus on Crown land. What we are trying to do now is: let us not look at boundaries; let us just look at the patch, if you know what I mean. That is the next iteration of it.

We have got brigades that input into that, and we have got communities that input to that. So again, in the spirit of time, it is quite a rigorous process, but there is a process there.

Mr DALLA-RIVA — I thank the members for the presentation. As you know, we had a presentation yesterday from Volunteer Fire Brigades Victoria. In that they indicated they were at a meeting on Monday night with the CFA.

Mr SMITH — The board.

Mr DALLA-RIVA — The board, and also the UFU were there, I understand.

Mr SMITH — Not at the same time, but yes.

Mr DALLA-RIVA — Not at the same time.

Mr SMITH — The same evening.

Mr DALLA-RIVA — But apparently he was there yesterday, with his mobile phone in his hand, driving near his office when he could have been here.

Can I just say, and this is asked of Ms Diver: we have had a minister resign, we have had a CFA CEO sacked, we have had the CFO resign, we have had the chair and the nine-member board — which probably includes the chair — sacked and even today we have had the MFB come out in a letter that was written to the current minister explaining very deep concerns about the EBA and the capacity for that organisation to operate into the future. We are here as an inquiry into the fire season preparedness. My concern is, you keep on saying, you have said it a number of times, the misinformation that is in the community. The misinformation on the removal of a minister, of a board, the sacking of people, the bullying of individuals, the riding roughshod of the UFU

over its EBA negotiations — and yet you say there is misinformation and the media are all to blame. Can you respond to that question?

Ms DIVER — Sure. So when I refer to misinformation, I guess what I am referring to is the fact that individuals are running commentary in the media about what the implication of the EBA is for volunteers and the functioning of the CFA. I guess the first thing I would say is that we do not have a final proposed EBA. The board has yet to fully consider the EBA, so we do not have a final agreement. The second thing I would say is that various parties are interpreting the clauses in particular ways without necessarily taking the whole agreement into consideration, nor are they taking into consideration the industrial process that is required to implement an EBA. So it is selective quoting of clauses to suit particular purposes — either side, whoever is making that commentary — which is confusing for both staff and volunteers and I think is just creating a lot of confusion in the public domain.

Certainly the resignation of the minister and the board and the leadership changes at CFA, I am not saying that is misinformation. That is clearly factual, and that is in the public domain. I am not questioning the accuracy of those statements. Really what I am talking about is that the information about the implications of the proposed EBA and the selective quoting of material from the EBA are leading to confusion, and that creates misinformation in the community about the implications. For example, people say to me, ‘Well, under the new EBA, if it’s approved by the board, then the CFA volunteer brigades, when they turn up to a fire, can’t start putting a fire out until the career staff arrive’. That is not true, but that information is in the public domain and that is what we need to correct — —

Ms SHING — It certainly is.

Mr DALLA-RIVA — It is in the EBA.

Ms DIVER — So that is what I mean by information that is not accurate. I guess that is the concern I have got.

Mr DALLA-RIVA — I hear your concerns. We have had evidence provided by one of the members of the committee here talking about the flying of UFU material, the segregation of CFA volunteers from their paid staff, and yet you said, ‘Oh well, I haven’t heard of that’. I am somewhat confused that the misinformation only seems to be of a view that it is misinformation that does not work to your agenda rather than what is good for the fire season preparedness. I am deeply concerned and, to be blunt, do not care about the UFU, do not care about what EBA negotiations are on foot. Mr Warrington said we are probably the second most fire risk-prone area in the world, and yet here we are in an inquiry into fire season preparedness and I have not heard you once criticise the UFU, I have not heard you criticise once the current EBA or the proposed EBA. All I hear are reasons and excuses that you think it is going to be all right. Yet even as early as today we have a story about the concerns of the current EBA with the MFB. I am somewhat concerned, and I say this with the greatest respect to the people here, that you have been put in there as lapdogs to the government just to do their bidding because you know if you do not do their bidding, you will be sacked like the others have been.

Ms DIVER — I would probably respond to that by saying that I am an experienced senior executive that is familiar with working across very complex organisations that are required to deliver critical services to the community, and that has always been my focus and continues to be my focus. I am not saying that I am not concerned. As the Chair said, we may look calm. We are professional people. We are coming to this in a professional manner to calmly and carefully work through all the considerations. The agreement between the MFB and the UFU is a different agreement, and that is not a matter for the CFA. That is a matter for the MFB and the UFU. I am not familiar with exactly how they have managed their disputes. I am not familiar with how they manage various aspects. I am looking to what the CFA can do with its workforce.

I think, as Steve said, we are one of the most fire-prone areas in the world. There is a whole folder of material here, and I actually think there is a really good news story to tell, which is about our fire preparedness. It is about the whole-of-government approach, it is about how we are working with DELWP, it is about how we have got *Safer Together* Victoria, and that is actually the interesting story. The most interesting story in this folder is the way we are working with the Aboriginal community to re-learn planned burning or low-density burning. They are the good news stories. There is a whole folder here of information, and that is what CFA is interested in getting on with. It is unfortunate that a session on planned burning is actually focusing on the EBA.

Mr DALLA-RIVA — I agree. That is my frustration, Ms Diver.

Ms DIVER — I guess what we would like to do is focus on implementing this program. I think you have had assurance — I am not sure if the chair said it, but he certainly said it to me — that the chair and management are in no way interested in seeing the powers of the chief being limited in any way. We rely on his expertise, we rely on his team and we are consulting broadly within the organisation and externally to ensure that CFA is in a better position in the future, not in a more limited position in the future.

Mr DALLA-RIVA — Are you going to push against the UFU?

Ms DIVER — We are going to work in the best interests of the community.

Mr DALLA-RIVA — Are you going to push against the UFU?

Ms DIVER — So the board is yet to consider the EBA. It is a board decision. The board is consulting widely with both representatives —

Mr DALLA-RIVA — Like the previous board, which got sacked.

Ms DIVER — of volunteers and with the UFU.

Mr DALLA-RIVA — Like the previous CEO, who got sacked.

Ms DIVER — And the board will fully consider — —

Ms SHING — Are you going to badger the witness, or are we just going to read about it tomorrow morning?

The CHAIR — No, we do not need you on the mic.

Mr DALLA-RIVA — No, I am genuinely concerned, Chair and Deputy Chair, about the fire preparedness of this season. We all remember 2009. If nobody was shocked and absolutely had their heart ripped out from that whole experience — —

Ms DIVER — So I think you have heard from — —

Mr DALLA-RIVA — And yet here we are talking about an EBA — —

Ms TIERNEY — Because you have been asking all the questions about it.

Mr DALLA-RIVA — This is again the issue: we are asking all the questions. You got rid of your minister. You sacked your own minister. You know who stood up for the volunteers. So why is not anyone standing up for the rest of the Victorians who want that?

Ms SHING — Well, everyone agrees that community safety is a priority.

Mr DALLA-RIVA — You don't.

Ms SHING — Say it to camera and you might get a run on the front page tomorrow, Mr Dalla-Riva.

Mr DALLA-RIVA — No, I am serious about this.

Ms DIVER — I would really like to assure you — —

Mr DALLA-RIVA — This is the problem we have: the government thinks this is the politics of it. It is not the politics. It is about Victorians being prepared for a safe fire season. Mr Warrington, I believe in your good heart. You have been there for a long time, but I hope you stand up to the UFU.

Ms SHING — Not to put the politics into it at all.

Ms BATH — It is a challenge to come on after that, but I will endeavour to ask some questions. Mr Barnett yesterday spoke, and we understand that the bushfire royal commission commented that the best form of fire

control, whether it be at incident 1, 2 or 3, is with a single chain of command. We also heard yesterday from Mr Ford when I asked him in relation to the impacts that some of the clauses in the proposed EBA would have on that single chain of command. I believe, paraphrasing him, that there would be confusion around that process, and I would like a comment from that.

Mr WARRINGTON — A couple of things. 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. So there are two streams: there is command and there is control — just so we are on the same page there, and we can talk more on that if you like.

To go to the second point of your question, the assumption being made here is an interpretation of the clause, which has been referred to earlier, that staff will only report to staff and not to volunteers. So in level 3 incidents, it is quite clearly detailed now that that is not the case. In level 1 or 2 incidents, I am now, like everybody else, speculating because until we sit down and work with the union about the actual understanding of the clause, the reality is, if we are talking command, which is the example you just asked, I can then go to a house fire, and it is a house fire in — I am trying to think of an area that is volunteer — say, Dromana, which is an all-volunteer brigade, and the staff truck turns up, he still takes direction from the incident controller, even though it is a volunteer. However, the incident controller would talk to the staff person, and the staff officer would then allocate his crew to do as he pleased. So if the volunteer wants staff to put on breathing apparatus and go on and do an internal attack, that is what will happen. Essentially what I am saying is, yes, there are subtle changes, but the service will continue to be provided in an integrated model.

Ms BATH — You mentioned before that level 3 incidents were written out of it.

Mr WARRINGTON — Yes. So level 3 incidents are big jobs, these are control fires, whether it is Hazelwood, and I would put obviously Black Saturday into that space. These are not agency-run fires. These are state-run fires. So we do not run agency fires any more when they get to that level.

Ms BATH — Also I would like to bring you to the volunteer charter that was signed in 2011, and it was signed off by the Victorian government, the VFBV and the CFA, and in my experience going through to regional CFA brigades it hangs on many, many walls. Throughout all of that charter there is a point that says any framework for the parties, the principles of:

Is it fair?

Is it just?

Is it reasonable?

I am sure you know it.

Is the outcome practicable and sustainable?

Is it in the ... interest of the safety of the —

Victorian —

community?

My question is: do you adhere to that? You would be familiar with that. Do you adhere to those principles?

Mr WARRINGTON — It is incumbent upon us to continue to consult with volunteers. It is problematic, in a sense, when you have an industrial agreement that really does not allow a third party — and the chair might be better placed to answer that question — to be involved. I can give you an example. We have just produced a medium-sized pumper, I think it is, that was completely designed in consultation with volunteers. It is now winning awards. Absolutely that is the case. But if you are referring to the EBA, that becomes — the word I will use here is — ‘problematic’.

Ms BATH — Insofar as the CFA charter is problematic for the EBA clauses?

Mr WARRINGTON — Well, the application of that. But the reality is we still consult. It is up to us, if you like, to ensure that integration continues to occur but more importantly that we can continue to provide a fire service to the community in a safe, effective and efficient manner.

Ms BATH — So I guess my feeling from that then is it looks nice hanging on the wall but it is not necessarily adhered to.

Mr WARRINGTON — No. Even the VFBV would sit here and say, ‘We have joint consultative committee meetings, of which there are seven. We meet regularly on all different matters within the organisation’. It is quite a structured approach. Whether it is volunteerism itself issues, whether it is community safety, whether it is operations, there are a number of ways and means by which we consult with our association. To be fair, and people do not like me saying it, there are a number of ways and means that we consult with the industrial body as well. We have PTA staff, we have technical staff, we have got quite a complex workforce that is not just about UFU and it is not just about the volunteer association. We have quite a diverse, complex workforce, and it is up to us to make sure there is some sort of unity in that diversity, so to speak.

Ms BATH — My final, quick questions: with respect to those thousands of meetings that you saw in the presentation initially, what percentage would be provided to the different community members by volunteers?

Mr WARRINGTON — I am going to answer you straight: I actually do not know, but I would suspect a large amount of it. These are some of the changes we have made. I have got a whole heap of stuff that I could have talked to you about in regard to the terms of reference — but anyway, we will probably not get there. We have done 1200 brigades; they all have got community safety practitioners involved now. This is where we have recognised that communities, with all due respect, do not want a shiny bum out of headquarters coming to talk to them. They trust and respect their local people. Those local people, we want them literally walking up driveways and knocking on doors — so a substantial amount of that. I think we have got 60 000-odd volunteers, 30 000 of those operational. We have got another 30 000 that do other things, part of which are community engagement and community activities, if you like. We have got a forum on next weekend at Lorne that has something like 500-odd people, and it is all about community engagement. It is all about our volunteers. That is not to say our staff do not do it as well. We do things in an integrated model, in an integrated way. The lion’s share of that would be volunteers, but to be fair to you, do you want the exact number? I do not have it.

Ms BATH — That is fine. Mr Warrington, with respect to the folio that you are leaning on, you are most welcome to present it as a submission that we can read.

Mr WARRINGTON — I think I probably should have prepared more for the EBA than I did for fire prevention, with all due respect.

The CHAIR — Well, the EBA is part of it, of course, in preparation for fire preparedness.

Mr WARRINGTON — You are the Chair.

The CHAIR — It is. Can I seek one point of clarification with the chair, Mr Smith. It has been called a proposed EBA, and you are consulting on the clauses, but is it not a fact that the cabinet has already endorsed the EBA?

Mr SMITH — Yes.

The CHAIR — So how does that work? You might just want to explain. Are you simply a cipher of the cabinet —

Mr SMITH — No.

The CHAIR — or is it that you can overturn the cabinet decision?

Mr SMITH — Well, the previous board did not agree to follow the government’s decision, and it was dismissed. You would be aware of how the board operates and you would be aware that the government takes

decisions and directs policy towards agencies of government and how to behave in an industrial context. It is not unusual.

The CHAIR — So it is a charade, is it? It is not going to happen? The government is going to push forward either way?

Mr SMITH — I do not think anything is a charade. I certainly would not say that members of the board that are now appointed are in any form a charade. I will just answer one question for you: it was Friday, 17 June.

The CHAIR — Thank you. That is good.

Now, the offer by Ms Bath stands, and I think Mr Somyurek may have wanted further details on his point as well, but there are a number of points of documents that I think are important. Mr Young also wanted some additional matters around the facilities, the training facilities in particular. I was particularly interested to see the preparation of the 10 June briefing and all documents, including emails and notes, that were circulated to those involved. I would appreciate those being provided to the committee.

Ms SHING — Does that include draft working documents, Chair, just for the purposes of completeness?

The CHAIR — It includes the lot, thank you.

There are a number of other documents that I think are important for the committee on that, and I am interested to see all estimates of the EBA's impact on response to fire, so that is work preparation and assessments that have been done by the organisation, by the staff and by the chief fire officer, current and indeed former. So I would seek to have those provided to the committee as well.

On the matter of training courses, there was also a question of funding there, and I would certainly appreciate any notes that are available on funding for courses and the number of training sessions, both paid and volunteer staff. That would be helpful to the committee, because I think that is a very legitimate point. I would also appreciate, too, copies of the board minutes and agendas for the CFA for the last 12 months.

I would like to thank the three of you. It may be that we want some additional material, and the secretariat will be in contact on those points. We may even want to seek further responses if additional evidence comes in.

Mr SMITH — Chair, may I say just one thing in closing?

The CHAIR — Sure.

Mr SMITH — Last year within the Fair Work Commission I reached statutory senility — namely, the time at which I had to retire, aged 65, arrived, and I looked forward to a light retirement. Many of my friends and previous colleagues have rung me and said, 'Why did you jump into this political firestorm?'. I gave them the answer honestly: because I think the CFA is one of the most valuable institutions in this community, and I want to do what I can to support it and help it in its work.

The CHAIR — In that context, Mr Warrington, just one further point: do you have a good relationship with and support the chief officer at the MFB?

Mr WARRINGTON — Yes.

The CHAIR — Thank you.

Ms SHING — Thank you very much for your evidence.

Witnesses withdrew.