

# TRANSCRIPT

## STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

### Inquiry into fire season preparedness

Melbourne — 29 September 2016

#### Members

Mr David Davis — Chair

Ms Samantha Dunn

Ms Harriet Shing — Deputy Chair

Mr Khalil Eideh

Ms Melina Bath

Mr Cesar Melhem

Mr Richard Dalla-Riva

Mr Daniel Young

#### Participating Members

Mr Greg Barber

Mr James Purcell

Mr Jeff Bourman

Mr Simon Ramsay

Ms Colleen Hartland

#### Staff

Secretary: Mr Michael Baker

#### Witness

Mr Peter Marshall (affirmed), national and Victorian secretary, United Firefighters Union.

**The CHAIR** — I declare open the hearing on fire season preparedness. I welcome Mr Peter Marshall from the United Firefighters Union. I indicate that evidence taken here is protected by parliamentary privilege, but repeating the same material outside is not. Mr Marshall, thank you for returning to the committee. We obviously got a certain way the other day, but did not have an opportunity to question in some depth. I wonder if I could start with some questions around a general point on the Country Fire Authority Act. Section 6 of the act lays out the constitution of the Country Fire Authority, its accountability, its objectives, its compliance with the various standards and its strategic action plan. One of the questions that arises from your evidence the other day and other evidence that the committee has heard is whether the EBA is consistent legally — the cabinet-endorsed EBA — —

**Ms Shing interjected.**

**The CHAIR** — It has been cabinet endorsed. I ask whether the cabinet-endorsed EBA is consistent with the Country Fire Authority Act and in particular part I and clause 6.

**Mr MARSHALL** — Of the act?

**The CHAIR** — Of the act.

**Mr MARSHALL** — Do you have a copy of the act?

**The CHAIR** — I actually do have a copy of the act. I can hand you over a copy of that if you wish.

**Mr MARSHALL** — Yes.

**The CHAIR** — It is page 20, the appointment, and 6A, 6B and through there, which lays out the constitution of the Country Fire Authority.

**Ms SHING** — That is part I. It is not section 6. It is part I in its entirety.

**The CHAIR** — It is clause 6 and the various — —

**Ms SHING** — It is a section, not a clause.

**The CHAIR** — It is, but it is 6A, 6B and onwards.

**Mr MARSHALL** — Which part are you asking me about?

**The CHAIR** — I am asking about that whole section 6 — 6A, 6B, 6C, 6D and onwards.

**Ms SHING** — It is part I, Mr Marshall.

**Mr MARSHALL** — What is your question, I am sorry?

**The CHAIR** — My question is whether the form of the EBA that is endorsed by the cabinet is consistent with that act?

**Mr MARSHALL** — My understanding is, Chair, with respect, that matter is being trialled in the Supreme Court. I have a view that it does, but irrespective of that there will be a determination before Justice McDonald in the not too distant future, which I am certainly not going to enter into a process of second-guessing or providing an opinion on that. There is due process in place, as you would be well aware, and that matter will be determined by the proper authority, being the Supreme Court of Victoria.

**The CHAIR** — I am not privy to that matter obviously, but this EBA was endorsed by cabinet before there were any legal proceedings afoot. I understand that you, as an organisation, endorsed that EBA and I would have thought that you would have had a clear understanding about the legality of that.

**Mr MARSHALL** — All that I can say is that we have probably had about six EBAs and there has never been a problem before. But, as I have said, there is a current court case in the Supreme Court brought about by the VFBV that actually canvasses the breadth of the arguments that you have put against the CFA.

**Ms SHING** — What, the Liberal Party is doing the VFBV's bidding? That is an interesting angle. We have not had that one before.

**The CHAIR** — So you have no legal advice that it was consistent?

**Ms SHING** — No, that is not what the witness has said.

**The CHAIR** — I have asked a question.

**Mr MARSHALL** — No, I am not in a position to give you an answer, Chair. I am not being difficult. I mean, there is a court process. There are well-established principles about commenting on court processes — sub judice, a whole range of things — and as much as I would love to assist you, I am not venturing into that area. I am sure that government counsel can advise you on those matters more than what I could. I am not a lawyer, and I am certainly not going to put myself in a potential breach of either sub judice or contempt, whatever it may be, by entering into a process of answering.

**The CHAIR** — That is one question. Your chance.

**Ms SHING** — Are you done with your questions, Chair?

**The CHAIR** — No, I will come back to some other questions.

**Ms SHING** — No, I would like you to exhaust your questions.

**The CHAIR** — No, I will come back to — —

**Ms SHING** — The way that this committee works is that you have your turn —

**The CHAIR** — I will come back to other questions.

**Ms SHING** — and then others have their turn. It is not actually up to you to determine how people ask questions so you have got a right of reply and further questions.

**The CHAIR** — No. If you are not wanting to ask questions, let us proceed.

**Ms SHING** — No, I am. I will ask my questions once you are done.

**The CHAIR** — Mr Melhem, do you have a question?

**Mr MELHEM** — I have got heaps of questions, perhaps for the next hour. Mr Marshall, thank you very much for attending, and, as I said to you, you probably should take an office in this place. The disappointing thing is that I cannot believe an EBA is taking so much attention and so much political capital. Now, I want to put to you — or maybe if you can just tell me — what is the significant difference between the 2010 EBA and the 2016 proposed EBA?

**Mr MARSHALL** — Okay.

**Mr MELHEM** — Just the major points.

**Mr MARSHALL** — The major differences are that they, both the MFB and CFA enterprise agreements, as drafted, pick up most of, if not all of, the recommendations of the bushfires royal commission in 2009. In my submission, at the tab at the beginning, which the committee was supplied with — and you were not here, Mr Melhem — in chapter 10 of the bushfires royal commission findings, and in particular on page 360, it said:

The commission acknowledges this long history of fire agencies. The events of 7 February 2009 tested the arrangements, however, and it became apparent to the commission that some organisational factors inhibited the fire authorities' response on the day. There were serious deficiencies in the top-level leadership arrangements as a result of divided responsibilities, and the full potential of the operational capability that was available was not exploited because of differences in processes and procedures.

That is a fairly significant criticism of the fire services here in Victoria. It then went on to say how Victoria's population could be better protected — in fact get rid of the parochial and artificial barriers and duplications that currently exist. If you go to page 373 of that, under 10.5, 'The commission's view':

A disaster of the scale of 7 February will always put strain on organisational processes and structures. As outlined, the evidence revealed failures in or impediments to achieving an optimal operational response in several areas:

- policy
- practice and protocols
- systems
- structures
- capability.

Then it further goes on to talk about — on the next page, 374, the second-last paragraph — what is seen as essential to ensuring it did not happen again:

The commission views improved operational performance as the absolute priority.

And we emphasise those words:

In support of this, it considers modest and targeted structural reform is needed as a catalyst for change and to tackle the identified operational shortcomings in order to fulfil four goals:

- improved common operational policy and standards
- stronger coordination and unambiguous command and control
- improved interoperability
- a strengthened capacity for agencies to provide an integrated response.

The long and short of it is that the enterprise agreements, both the MFB and CFA, are virtually identical in terminology and clause.

**Ms SHING** — You mean the current ones that are — —

**Mr MARSHALL** — The current ones that are being proposed. For example, where it talks about ‘stronger coordination and unambiguous command and control’, the classifications in the proposed enterprise agreements will be standardised in CFA and MFB so they have the same terminology from recruit firefighter up to commander. The senior classifications will be referred to Fair Work Australia for standardising the terminology of those particular classifications as well. The reason for that is it is very hard to identify — essentially this just could be across the road — where you have at the moment in the CFA a classification of ‘operations officer’ who is identified differently and a ‘commander’ in the MFB who is identified differently. They are the same responsibilities, similar training and similar accountability. For a firefighter on the fireground it reeks of confusion. So that is one example that I can bring out.

There are other examples. For the very first time, as a result of these enterprise agreements, currently MFB and CFA recruit firefighters are trained differently — you would not believe that, but they are. They are trained in a different syllabus, different terminology, different protocols, different policies, and essentially they are not interoperable. What that means is that the human assets that the state pays for — —

Everyone pays a fire levy of around \$161 a year. The reality is it cannot be used to its fullest potential, as identified by the royal commission. For example, an MFB firefighter cannot go down to Caroline Springs and operate a pump — a different pump. They cannot go down there and operate as a firefighter — different procedures, different escalation tables.

So for the very first time, in this enterprise agreement there is a process of interoperability subcommittees, standardisations, a secondment program that actually embeds MFB firefighters into the CFA system, CFA career firefighters into the MFB system, with a transitional course.

The other issue is that there is an extra 350 firefighters that will be deployed into the CFA. That is based on a need that was also identified in the royal commission on Tuesday, 4 May 2010. Again, this is in our submission to this committee.

**The CHAIR** — We might just try and be as succinct as we can, noting that it has been provided to the committee to date, and I ask if you can try and be as succinct as possible.

**Mr MARSHALL** — I will do that, but I did not want to mislead the committee because they are fairly critical issues in relation to resource allocation. I understand what you are saying, Chair, but if I can, I will just articulate what was said.

**The CHAIR** — Succinctly; that would be helpful.

**Mr MARSHALL** — Yes. In paragraph 1 on page 19 358, this is cross-examining of the then chief executive officer, Mick Bourke, of the CFA:

To your knowledge in July 2009 did the CFA request funding from the state of Victoria for a further 684 career firefighters?

His response:

I don't know what occurred in July 2009.

That is prior to his time.

But I'm aware that there was a submission made along those lines that flowed out of what I do know to be the Merriman process.

He was asked:

That's the board of reference process?

His response:

That's right.

That process was a body set up to have a look at gaps in service delivery to identify sections of the community that were not covered in the event that there was an emergency and they would not get a fire truck within the standards, as well as whether they would get the right skill mix et cetera.

Further on down there, it says at paragraph 21:

Do you know whether or not in July 2009 the CFA did in fact request from the state of Victoria for funding for a substantial increase in the amount of career firefighters available to it?

His response:

I understand it did make a submission prior to my time at the CFA.

He confirms that. As a result of that the Brumby government allocated — —

**The CHAIR** — Mr Marshall, I think this is evidence that you gave in essence the other day.

**Mr MELHEM** — But — —

**The CHAIR** — No. I am just wanting to keep this as succinct as possible. We ran on for a long period at the last hearing, so I am trying to keep it succinct and not to cover evidence again.

**Mr MARSHALL** — Well, I am here to help.

**Mr MELHEM** — I will come back. Let me stop you there.

**Mr MARSHALL** — I will just finish reading this.

**The CHAIR** — Yes.

**Mr MARSHALL** — So 342 firefighters were allocated by the Brumby government.

**Mr MELHEM** — That is right.

**Mr MARSHALL** — And the Andrews government allocated 350 to the CFA to cover up shortfalls in service delivery. That is all a result of the royal commission. They have found their way into the enterprise agreements, as has the interoperability in the royal commission findings.

**Mr MELHEM** — Yes. On that, you are saying to me there is a lot of stuff in the proposed enterprise agreement that talks about productivity, efficiency, trying to make the service more efficient and trying to streamline the operations, particularly between the MFB and the CFA. There is a fair bit of that there?

**Mr MARSHALL** — Absolutely.

**Mr MELHEM** — And the increase in the number of career firefighters is basically because of the growth in population. We cannot expect volunteers to attend fires in metro Melbourne because Melbourne has become bigger than it was 20 years ago.

**Mr MARSHALL** — Absolutely.

**Mr MELHEM** — So that is that. I want to go to what the media and various parties have sort of highlighted, trying to brush all this off and talk about some of the issues like the consultation, dispute resolution, the seven firefighters, the equal opportunity provisions. Now, reading the 2010 and 2016 agreements, I could not find a major difference — maybe some sort of minor changes — apart from the seven firefighters. But the rest, I mean, from your point of view, you are only interested in representing the members and the agreement does not apply to volunteers full stop. Can you just expand on that?

**Mr MARSHALL** — Yes. Again in our submission, at tab 2, Fair Work Australia, being the independent federal body that regulates industrial agreements, had the matter referred to it by the CFA and the former minister. Commissioner Roe put a final recommendation down on 3 June, and what the commissioner said is that, first of all, and I will paraphrase to make your — —

**The CHAIR** — Thank you, because we have covered this, I think, in the previous hearing.

**Mr MARSHALL** — Effectively it was a clause-by-clause approach that the commission went through, established that there had been agreement between the parties on those clauses, also made some recommendations to make it clear that the agreement had no application to CFA volunteers — none whatsoever — and as a result clause 7A was put into the agreement, which makes it very clear that it does not apply to CFA firefighters, that the services they deliver are the same as what they deliver today. I will just read the words very quickly:

The role of volunteers in fighting bushfires and maintaining community safety and delivering high quality services to the public in remote and regional areas and in integrated stations is not altered by this agreement.

And then 7A.2:

For the avoidance of doubt, except as provided in clause 60, peer support —

a very personal thing —

nothing in this agreement shall prevent volunteers in the CFA from providing the services normally provided by such volunteers without remuneration.

**Mr MELHEM** — Okay, one last question for the minute. I went through it this morning. I read the enterprise agreement and I thought, ‘Let me have a look at some other agreements’. I came across another enterprise agreement of a private company — and I am happy to hand over the copies — the Smorgon Steel mill agreement, and I am trying to sort of put to bed that myth that the proposed agreement is actually unique to the CFA in Victoria, whereas I am aware of hundreds of agreements that have similar clauses, and this one is one of them. So what I am basically saying is ‘Don’t feel you are all that special’, and that is why I am trying to put to bed this issue about consultation and agreements. I am happy to hand over copies of that other agreement, if the witness wants to get a copy.

The question I want to put to you is in relation to dispute-settling procedures and consultations where it requires agreement, and if there is no agreement the matter can go to the commission for determination. Do you agree that what you have got in this agreement in relation to consultation, dispute resolution procedure, equal

opportunities and so forth is similar to hundreds of enterprise agreements in Victoria in private industries, and even the public sector?

**Mr MARSHALL** — I have not read all of the agreements, but I certainly know that it is a requirement by law to have a consultation process and a dispute resolution process, but what I will say to assist this committee is that even the VFBV submissions to the Supreme Court categorise the consultation process — sorry, the Senate inquiry — as a process, which is what is required by law, and the CFA actually picked that up too.

That is at page 20, paragraph 6, of the VFBV submission. In fact they just describe exactly what it is: it is a process which is required by law. And the CFA do as well. The importance of it, though, is highlighted by evidence as a result of a finding by Commissioner Wilson. The MFB in 2011 sought to — —

There have been so many numbers over the last few days.

**The CHAIR** — Let us be succinct. I am conscious that others will want to ask questions.

**Mr MARSHALL** — Yes. In 2014 there was an application by the MFB to terminate the agreement in its entirety based on a lot of the things that had been regenerated before this committee.

**Ms SHING** — It was an unsuccessful application.

**Mr MARSHALL** — Unsuccessful. The commissioner said one of the reasons was:

I refer in particular to my findings that employees and the UFU will lose the opportunity to raise and progress disputes with a genuine connection to occupational health and safety ...

He then reaffirms it:

This is for the reasons firstly that disputes that have a genuine connection with occupational health and safety will no longer be required to be subject of consultation and a requirement to reach agreement will not able to be progressed through the dispute resolution procedure ...

So after a 14-day hearing of all the evidence, similar to what Mr Stacchino actually put to you, the commission found that it was essential for firefighters to have that consultation process, and I assume that brings it back to your point, Mr Melhem, that it is not unusual to have those sorts of consultation processes. But we rely very heavily on both the submissions of the VFBV on page 20, paragraph 6, the CFA's intentions, page 81 — —

**Ms SHING** — So we can table this document, Mr Marshall, that you have provided — —

**Mr MARSHALL** — Yes.

**Ms SHING** — Questions referring to the VFBV submission?

**Mr MARSHALL** — That is not the VFBV — —

**Ms SHING** — And the necessity of consultation?

**Mr MARSHALL** — It is an excerpt.

**Ms SHING** — Okay.

**The CHAIR** — We have already got copies. I am just conscious —

**Mr MARSHALL** — What about if I want them back?

**The CHAIR** — again of time.

**Ms SHING** — So we have got two documents from you.

**Mr MARSHALL** — Yes, and you have got Commissioner Wilson's decision.

**Ms SHING** — Yes.

**Mr MARSHALL** — That is at the back, but if you actually have a look — —

I am not sure if you have got Wilson's decision. What have you got?

**Ms SHING** — No, we have got a ladder platform missing an escape ladder and we have got — —

**The CHAIR** — And we have got a Supreme Court document.

**Mr MARSHALL** — Yes, sorry to confuse you. So if you have a look at the ladder platform — —

**The CHAIR** — Sure.

**Mr MARSHALL** — The ladder platform there is a ladder platform that was bought by the MFB outside a consultation process — —

**The CHAIR** — I am sorry. In this response to Mr Melhem's question how does it relate to — —

**Mr MELHEM** — Consultation.

**Mr MARSHALL** — This is about consultation.

**The CHAIR** — Right.

**Mr MARSHALL** — And as you can see, this is near enough to a half a million dollar appliance. As you can see, MFB bought this just without looking at it. It did not go through the proper process and when it was extended in the air — this is a platform that actually performs rescue at heights and puts fires out over buildings and factories — the ladder, which is essential for the escape of firefighters in the event that that appliance failed, had a large section of it missing, which means that the firefighters either had to jump out of that bucket from probably about 30 metres height or try and traverse the gap. So we highlight the importance of consultation, because if that had gone through the proper processes it would not happen. That was one of the examples in the termination case before Commissioner Wilson. Then on the back of that his quotes are, and again I will read them out. They are underlined, Chair.

**The CHAIR** — Yes, I see them. We will take that as evidence and incorporate it.

**Mr MELHEM** — Chair, we called Mr Marshall here —

**The CHAIR** — We did.

**Mr MELHEM** — to come back and I think we should take our time — —

**The CHAIR** — Because we wanted to continue to ask questions.

**Mr MELHEM** — I have actually got all day.

**Mr MARSHALL** — There is one really good thing — —

**Mr MELHEM** — We called Mr Marshall here. We should take our time. You have initiated this inquiry. I think we should give him the time, and if we have to stay here for a few hours, we will stay.

**The CHAIR** — Mr Melhem, he has already had a long period to put his evidence at the previous hearing.

**Mr MELHEM** — Well, we should have him back to take his time.

**The CHAIR** — We did not have the opportunity to ask the questions on that occasion.

**Mr MARSHALL** — Chair, maybe I can help. I do not follow football so I am happy to be here all night.

**Mr MELHEM** — I do. I want to go.

**The CHAIR** — We are all in favour of the Dogs winning, but nonetheless this is very important, and if we do need to stay all day, perhaps we will.



**Mr MARSHALL** — Maybe we can go to the footy.

**Mr MELHEM** — You are wearing the wrong colours.

**Mr MARSHALL** — Chair, just for identification purposes, this document here is contentions that have been filed by the Country Fire Authority, fact and law, in the Supreme Court of Victoria. Paragraph 81, page 18, of those contentions — —

**The CHAIR** — So when was this filed?

**Mr MARSHALL** — It should have — —

**The CHAIR** — You told me earlier that you would not respond because of the Supreme Court case — —

**Ms SHING** — These are the CFA's contentions, Chair — —

**The CHAIR** — Yes, I know, but if we are not reflecting on court cases, you have actually introduced a document from the court case.

**Mr MARSHALL** — Yes, but there is a difference between introducing — —

**The CHAIR** — With respect, I think you are playing very loose with this.

**Ms SHING** — He said, meaning with no respect at all.

**Mr MARSHALL** — Am I allowed to answer? Can I answer?

**The CHAIR** — I am seeking to understand why you would at first seek to avoid a question directly because of the court case —

**Mr MARSHALL** — Can I answer?

**The CHAIR** — and then introduce an actual piece of evidence from the court case.

**Ms SHING** — The Chair is starting to get angry.

**Mr MARSHALL** — I can see he is angry, but he will not let me explain myself. There is a very big difference between pre-empting the outcome that a Supreme Court judge has been charged to make a decision on, and those were the questions that you put to me, as opposed to providing a public document to highlight a point in relation to consultation, and that is a very big difference.

**The CHAIR** — Well, I think you are playing loose here —

**Mr MARSHALL** — Well, I take offence to that.

**The CHAIR** — because in fact you know this is an important court case. I would not want to do anything to upset that court case.

**Ms SHING** — Wouldn't you, Chair? You really would not want to do anything to upset the court case? You heard it here first, folks. Let us get that on the Twittersphere.

**Mr MARSHALL** — All I can say, Chair, is no disrespect to the committee, but you asked me a question to actually give an opinion in relation to the very matter the judge is to decide. I have just handed up a document that articulates the understanding of the consultation clause from both the CFA and the VFBV as well as from a decision from the court, which is very different in my submission. I hear what you say.

**The CHAIR** — It is a public document. We have certainly got it now, and thank you.

**Mr MARSHALL** — Good.

**Ms BATH** — Mr Marshall, you met with the Premier in relation to the proposed EBA?

**Mr MARSHALL** — This question was asked of me last time and I have told you on record that there was no deal, no understanding. I did meet with the Premier. It is a matter of public record. I was concerned about our relationships with the government and firefighters. There was no discussion about the EBA.

**Ms BATH** — Thank you. Have you met with the current minister, Minister Merlino?

**Mr MARSHALL** — A very brief introduction. I am not a very popular person. If you read the *Herald Sun*, not many people want to talk to me these days. But a very brief introduction.

**Mr MELHEM** — Mr Davis does. He would like to talk to you.

**Ms BATH** — Could you provide a date on which you met him and any documentation from that?

**Mr MARSHALL** — I can probably give you a date. I commonly have been asked — yesterday and previously — ‘Are there any minutes; are there any notes?’. The answer is no.

**Ms BATH** — Thank you. Have you met with any other members of the government in relation to this EBA?

**Mr MARSHALL** — No. Not many of them are talking to me at the moment. In relation to the EBA, the answer is no. I do not mean to be facetious.

**Ms BATH** — Have you met with our Deputy Chair here, Ms Shing?

**Ms SHING** — Yes.

**Mr MARSHALL** — I have met with Ms Shing.

**Ms BATH** — In relation to the proposed EBA?

**Mr MARSHALL** — Yes, but Ms Shing, you are the parliamentary secretary — —

**Ms SHING** — You could have just asked me. I am very happy to answer that. You do not actually have to go through a witness, using up Hansard time, Ms Bath.

**The CHAIR** — He is answering on oath.

**Ms BATH** — With all due respect in this area, Ms Shing, I have not used up a lot of Hansard time.

**Ms SHING** — No, but I am happy to give you the info you need.

**Ms BATH** — Thank you. So the answer is yes?

**Mr MARSHALL** — Yes.

**Ms BATH** — Did you take any documentation or make any notes?

**Mr MARSHALL** — No.

**Ms BATH** — Okay. It is just interesting to note that in the course of this half an hour discussion so far, I think Ms Shing has interrupted the Chair about 12 times on your behalf —

**Ms SHING** — How many times has the Chair interrupted?

**Ms BATH** — creating interference. So my question relates to a committee hearing we had in Gippsland the other day. We heard from CFA volunteers of some many, many years experience. They were most concerned around the need for differentiation between CFA volunteer uniforms, colours of uniforms and emblems, so really I will say superficial-type differences, and as to why there needs to be a differentiation between uniforms. I asked them, ‘Why do you think this is?’ and they could not answer why that would be. So I pose the question to you: why does there need to be a largely superficial differentiation in terms of uniform?

**Mr MARSHALL** — So first of all in relation to uniform, the volunteer association has its own standing committees in relation to the selection of uniform and equipment with the CFA, which we — —

**Ms SHING** — Those witnesses were unaware of that when they gave evidence the other day.

**Mr MARSHALL** — Oh, really? Which we had no part of — —

**Ms BATH** — Ms Bath.

**Mr MARSHALL** — I was looking for a name.

**Ms BATH** — Mel.

**Mr MARSHALL** — Thanks, Mel. So we have no part in that. There is nothing in the current enterprise agreement proposed that precludes volunteer firefighters from having the same structural firefighting ensemble per se. What there is a requirement for is to identify skill set. I have not actually put this out here, because we do not want to be seen to be denigrating or provocative, so I put this in the spirit of cooperation.

I will hand up a document here that talks about the skill set of the CFA recruit course requirements for a career firefighter and that of minimum skills for a volunteer firefighter. Why is this important? If you are the officer on a fireground in the heat of a fire battle, fire fight or a rescue, you need to be able to identify your personnel who have the skill set to be able to perform a function. If you go through this document, you can see there is a vast difference between the skill set and competencies that are required as a result of being a career recruit course firefighter as opposed to — —

It is actually a 19.3-week full-time course and then there is continuation training right up until, I think it is, four years for them to become a qualified firefighter.

But in relation to minimum skills requirements of volunteers, training varies from 2 to 6 hours per week depending on the brigade, approximately 27 hours. That is not said for political reasons, but one of the problems that was actually identified in relation to the CFA's data that they collect, being the JCK data, is not just about response times and whether volunteer brigades are complying with the standards of fire cover of 8 minutes, it is also about the number of people that turn up — and I can talk to you about that later on — whether it be for 4, 7 or if there is enough people to turn up, and then additionally what are the skill sets of those personnel. Again it comes back to being able to identify a skill set on the fireground. You cannot simply just do it by a helmet; you cannot see all the little badges that come with the increments you receive. That is the reason — nothing more sinister than being able to identify a skill set on the fireground.

**Ms BATH** — Thank you. And I note that both Lucinda Nolan and the gentleman in question often said, 'We are one CFA. We are one CFA'. This seems to be going against that. Differentiating in terms of specific uniforms is counterintuitive to that comment. The other point that I would like to raise — and it is in submission 70 — —

**Mr MARSHALL** — Sorry. Do you want me to actually respond to that one? One CFA is still one CFA. This goes to the very heart of the safety of both the career and volunteer firefighters and the community to enable an officer to make a very quick decision as to whether he could deploy someone into a situation and they have got the skills to be able to perform that function and task without hurting themselves or the public. It is not about one CFA. One CFA is still one CFA. This is the current situation. The problem is that an officer cannot identify who has got the qualifications to perform the task required.

**Ms BATH** — I put it to you that submission 70, which is from the former board acting chair, John Peberdy, who made a submission.

**Mr MARSHALL** — Yes.

**Ms BATH** — You may be aware of it.

**Mr MARSHALL** — You know, before all these inquiries I never met the man.

**Ms BATH** — We meet lots of interesting people in our walk of life, don't we? There were some concerns around the board. The board had concerns, and they were in certain themed areas. I will just outline a couple of them, because they relate to information that we have heard through our hearing.

One area was in regard to obligations which unreasonably restrict the CFA operations resourcing and flexibility and impede the CEO — I will shorten that — and chief officer from discharging their statutory functions. It goes on to talk about training and professional equipment and professional development, and there are minimum staffing levels — I will not go on. But we have heard again from volunteers of considerable time about their concerns around clause 148, where they certainly feel that there is significant discrimination, and it highlights what Mr Peberdy was saying, that they had concerns.

**Mr MARSHALL** — What is the title of 148?

**Ms BATH** — I would like you to respond to that. My question is — —

**Mr MARSHALL** — It relates to instructors.

**Ms BATH** — And training. Why would they have concerns? You are saying that there are no concerns?

**Mr MARSHALL** — There are a couple of reasons. I will get Michelle to answer the clause in particular. There are a couple of reasons why people have got concerns. One of my prime exhibits yesterday at the Senate inquiry was the fact that there had been 29 — correct me if I am wrong; it might have been 28 — front-page advertisements in the *Herald Sun* just in the period leading up to the federal election.

**Ms SHING** — Stickers. There were stickers as well.

**Mr MARSHALL** — Yes. On top of those, contained within there were some outrageous allegations about how this EBA would impact on volunteers. Unfortunately the urban myth became a truth in some people's eyes, and they believe that to be the case.

In relation to the board member you spoke about, I am also acutely aware that the modus operandi of that board was not to resolve the enterprise agreement. We now know that there was a union-busting document that had a whole different philosophy in relation to putting firefighters onto individual contracts — a whole range of things. I can understand why they would actually say some of those things, but they are not true.

**Ms BATH** — Have you got documentation to say why there will be no negative impact from the likes of, say, clause 148?

**Mr MARSHALL** — Yes. Ms Bath, I started off by saying that clause 7A was inserted in there after a lengthy process of going through clause by clause. That was done in conjunction with the CFA — we were not bargaining on our own — but more importantly it was actually done by referral of both the CFA board and the then minister to that process, and that is a process of very high scrutiny. We have confidence that that process canvassed all those issues, and that is why 7A and 7A.1 were actually put into the agreement to make that absolutely clear.

**Ms BATH** — Mr Marshall, in 7A it says:

The role of volunteers in fighting bushfires —

and it goes on. So the role may not be altered. The role for any CFA firefighter, whether they be career or volunteer, is to put the wet stuff out — to put water on fire. That is the role. But through these subsequent — —

**Ms SHING** — No, that is not what the clause says. It says:

... and maintaining community safety and delivering high-quality services to the public ...

**Ms BATH** — Yes, sure. So the role is still to act as a firefighter, and the justification that I have been hearing over my time in this committee is that it will have a negative impact. The role can still be the same, but the impact on the volunteers will be substantial.

**Mr MARSHALL** — With respect, I disagree with that because 7A.1 has got to be read in conjunction with 7A.2, and 7A.2 says:

For the avoidance of doubt, except as provided in clause 60 — Peer support —

and peer support is a very personal thing when someone has had a cot death or whatever, and counselling —

... nothing in this agreement shall prevent volunteers in the CFA from providing the services normally provided by such volunteers without remuneration.

So nothing changes. If the agreement comes in tomorrow, nothing changes.

**Ms BATH** — Nothing to see here, is that it?

**Mr MARSHALL** — There is nothing to see here. I like that saying, but there is nothing to see here.

**Ms BATH** — Yes, but as in *Star Wars*, the droids were standing in front of them. I will hand it over to you, Chair, for the moment.

**Mr MARSHALL** — *Star Wars* 1 or 2?

**The CHAIR** — Okay. Ms Shing is going to come back with her question now.

**Ms SHING** — On political terms it is not often that I find common ground with Ms Bath, despite the fact that we both represent Gippsland.

**Mr MARSHALL** — Thank you for those questions, because they help clarify a lot of the misinformation out there. Thank you.

**Ms SHING** — What I would like to do is to pick up, Mr Marshall, from a couple of things that have arisen in the course of Ms Bath's questions. At the outset, and given the introductory remarks made by Ms Bath questioning whether you and I had had meetings, can you confirm for this committee whether you and I have had any discussions in relation to the evidence or the questions that you would be asked or that you would put to this committee in the course of this inquiry?

**Mr MARSHALL** — Absolutely not. You locked me out. You would not talk to me.

**The CHAIR** — You did not concoct them in any way?

**Ms SHING** — The Chair has just said that you did not concoct them in any way. Mr Marshall, have you and I concocted any questions or discussed the content of this inquiry in any way, shape or form since I took the role as Parliamentary Secretary for Emergency Services?

**Mr MARSHALL** — I do not need to defend Ms Shing, but I can tell you right now you made it very clear to me that in your role in here you could not talk to me about this particular inquiry.

**Ms SHING** — Thank you, Mr Marshall. It is good to have that on the record for the purposes of integrity, which seem to have been impugned at some point by inference with an earlier introductory remark.

I would like to take you to a number of the things that we have heard from volunteers in the course of this inquiry. One of the things that they have touched on is uniforms, and it was with some teasing out the other day at the Morwell hearing that in fact it was understood that the core materials and the structure of uniforms was not something that had to be different but that there were differences and distinctions between the livery or the colours as it were for careers — —

**Mr MARSHALL** — Identifications of skills.

**Ms SHING** — Sorry, identifications of skills. For the purposes of understanding what somebody's skill set is in an often visually impaired environment due to smoke, haze or whatever else that might interfere with a line of sight, does that mean that in a practical situation that might arise between a UFU member — a paid firefighter — on the one hand and a volunteer on the other that somebody would be treated differently as a consequence of that skill set?

**Mr MARSHALL** — They would not be deployed in situations they were not trained to do because that would be a breach of a duty of care, and that is the whole purpose of doing this, because essentially we have had situations of firefighters being deployed — —

You have got to understand that on a fireground this happens very quickly. The officers are making multiple decisions, 'That person over there, I deploy you into that house'. Well, it may be that that particular person is not BA qualified. Now, you do not get time to stop and ask what your qualifications are. So the consequence of not moving towards this way of identifying skill sets is one which is fraught with danger because it has already happened.

**Ms SHING** — Thank you. In the way in which incident controllers would operate under the proposed agreement for the purposes of response, we have also heard concerns from volunteers that a volunteer could not be an incident controller. The agreement in its proposed form deals with that, but for the avoidance of doubt what is your evidence in relation to the way in which a volunteer incident controller would continue to issue directions to people who attend a fire or other response situation, and what would the proposed agreement do to change that?

**Mr MARSHALL** — This is one of the mistruths or untruths that was propagated very largely through the VFBV and the *Herald Sun*. Clause 35.4 makes it absolutely clear that is just not true, and I will read 35.4.

**The CHAIR** — Do you have legal advice to that effect?

**Ms SHING** — This is his evidence.

**Mr MARSHALL** — This is my evidence.

**The CHAIR** — No. I am asking whether there is a background.

**Mr MARSHALL** — I have very competent staff, and actually most of them are legally trained. They are very experienced in industrial relations and writing clauses.

**Ms SHING** — Could we just go to the clause itself?

**Mr MARSHALL** — The clause says:

All employees covered by this agreement shall only report to operational employees under this agreement or at the rank of DCO or CO when responding to fire alarms or incidents under this agreement except in the case where the incident is a level 3 multi-agency incident ...

I will stop there. A level 3 multi-agency incident may mean that it is actually DELWP — For example, down at Wye River DELWP was in charge because it started on Crown land. But you need to read the rest of the clause after that which has been conveniently left out 'or to a CFA/MFB incident controller at the incident'. So if a captain or a volunteer firefighter is first on the scene, they are the incident controller.

**Ms SHING** — So that could be a volunteer or a paid firefighter.

**Mr MARSHALL** — It could be. Absolutely.

**Ms SHING** — What would happen in a situation if somebody needed to report to that person? If they were a volunteer incident controller and a paid person needed to report to them, is there a problem with that?

**Mr MARSHALL** — They have to take orders from the incident controller. The incident controller is the incident controller. He is the boss — he or she.

**Ms SHING** — He or she is a boss irrespective of whether he or she is a volunteer firefighter or a paid firefighter.

**Mr MARSHALL** — Absolutely. That is what the clause says.

**Ms SHING** — Good. Thank you, Mr Marshall. In relation to the evidence we have heard from volunteers is surge capacity affected by the proposed agreement? One of the things that volunteers in East Gippsland indicated at the Bairnsdale hearing is despite the fact that the nearest integrated station is in Traralgon in the Latrobe Valley, they had concerns around surge capacity being affected by the enterprise agreement because people would not come from other areas — to paraphrase their evidence — to fight fires as a consequence of the enterprise agreement. What do you say to that?

**Mr MARSHALL** — Did they say why they would not come?

**Ms SHING** — They were concerned about the way in which the resources could be deployed from outer areas of Melbourne and the impact that they perceived upon volunteerism as a consequence of this agreement.

**Mr MARSHALL** — Again, that would be solely and utterly due to 29 front-page *Herald Sun* articles that are untrue and a lot of misinformation. There is nothing that actually impacts on surge capacity — nothing.

**Ms SHING** — Just in relation to clauses 7A and 7B of the agreement, further evidence that we have heard on numerous occasions from people who have indicated that they had taken their advice from the VFBV repeats almost like a mantra that the general cannot override the specific —

**Mr MARSHALL** — That is rubbish.

**Ms SHING** — and that on that basis clauses 7A and 7B would in fact be subservient to other provisions in the proposed agreement. What is your response to that, Mr Marshall?

**Mr MARSHALL** — That is rubbish.

**The CHAIR** — Do you have legal advice to that effect?

**Ms SHING** — No, this is his response.

**Mr MARSHALL** — That is rubbish.

**Ms SHING** — What is your view in relation to that as far as your intentions around how this would operate?

**Mr MARSHALL** — Well, 7A and 7.1, you have got to remember, were put in by the Fair Work Commission, and I assume they know what they are doing. It was put in there to make it absolutely clear that it is not a subservient clause; it is a predominant clause — that is, it gives clarity to the fact that this enterprise agreement does not apply to volunteers, does not alter their role and does not inhibit what they do. What they are doing today they will do tomorrow.

**Ms SHING** — Thank you.

**Mr MARSHALL** — It is all scaremongering. And you know what? It is disgraceful because they have done a lot of damage to a lot of good people, including volunteers, who now have enormous anxiety levels based on untruths. That is so wrong.

**Ms SHING** — A final question from me, Mr Marshall, in relation to evidence that Ms Nolan, the former CEO of the CFA, gave to this committee and to this inquiry, and also evidence that she gave yesterday to the Senate inquiry. When she presented to this committee she indicated that there was a ‘toxic culture’ at the CFA, and that is something that has been widely discussed in the fire services review and also in various other inquiries and reports. She indicated there was a toxic culture and that she had done various things to try and improve that. She also indicated yesterday to the Senate inquiry that this agreement would have a toxic impact or create a toxic environment for volunteers. There is a lot of reference to toxicity here, and it seems to me that the enterprise agreement in its proposed form is in fact something which has brought to a head a lot of difficulty and a lot of tension that exists in the fire services already. How much of this is about the proposed agreement and how much of this, in your view, is about broader longstanding issues that everybody acknowledges to be part of emergency services in Victoria?

**Mr MARSHALL** — There are a couple of factors there. First of all the enterprise agreement is just a catalyst for someone to actually generate hyped concern. If I was wrong on that, you would not have seen the VFBV and the *Herald Sun* put out a full-page article saying that anywhere in Victoria volunteers will have to wait until seven career firefighters turn up to put out a fire. If I was wrong about that, you would not see the misinformation that has gone out about the incident controller. If I was wrong about that, you would not see the misinformation in relation to earlier drafts of the agreement being on the front page of the *Herald Sun*. If I was wrong about that, then you would only have to go to see that I am right because part of that union-busting strategy was to lower the standing of firefighters and create the sort of division that is actually there.

**Ms SHING** — So you have not, as former board member Michael Tugwell indicated in his evidence yesterday, been biding time for the purposes of a UFU takeover of the CFA?

**Mr MARSHALL** — Wow, that is an amazing statement coming from Mr Tugwell, given that he was on the subcommittee that actually endorsed the 2010 agreement with Kerry Murphy.

**Ms SHING** — Do you want to take over the CFA, Mr Marshall, as the UFU? Does the UFU want to take over the CFA?

**Mr MARSHALL** — Absolutely not. I cannot see how that can even be logically — —

**The CHAIR** — Many believe it.

**Mr MARSHALL** — How can you — —

**Ms SHING** — Well, let us correct the record. Tell us now: why does the UFU not want to take over the CFA, because that is all we hear when we listen to various people — —

**Mr MARSHALL** — First of all, define ‘takeover’. Does that mean takeover? We do not want to take over the CFA because that is not our business. There is nothing in the enterprise agreement that suggests a takeover, so I do not understand. It is an emotive word that has been propagated to fuel anxiety, to actually rally people and to mobilise people. Let me tell you that it is not the first time the strategy was used. In 1978, when there was a review of funding into the fire services, the same strategy was used about being an MFB takeover of the CFA, a union takeover, and it is effective because people in the bush do not understand that. ‘Oh, they are going to take us over’.

**Ms SHING** — So, in relation to bushfire preparedness, will paid firefighters, whether covered by the current agreement or covered by the proposed agreement, be ready, willing and able to turn out to preserve community safety, life, property and livestock?

**Mr MARSHALL** — One of my little joys out of this whole process, if there has been one, has been to get the *Herald Sun* to print a retraction. Have you got that there? Because they suggested that we had instructed firefighters not to turn out when Victoria needed them the most. As a result of that, there was a defamation writ submitted, because that was simply untrue.

**The CHAIR** — Can I just understand here, this is another legal matter that is being introduced, given that you — —

**Mr MARSHALL** — No, it is not a legal matter; it is a public document.

**The CHAIR** — A defamation writ sounds to me like a legal matter.

**Mr MARSHALL** — It was actually on page 2 of the *Herald Sun* as a result of the settlement of a defamation matter that said that the UFU would not respond and had instructed its members — or I had instructed our members — not to respond to Victorians when they need it. It says:

Victoria faced extreme fire risk on — —

**Ms SHING** — We have got this document. Just for the sake of clarity that is ‘Schedule 2: newspaper statement’, and that is the document that concludes:

At no time did Peter Marshall or the union advise members not to attend fires and save lives.

**The CHAIR** — I think that it is incorporated.

**Mr MARSHALL** — Well, I think it is important, not so much for me, Chair, but for the firefighters. The firefighters have been very hurt by this negative publicity — very hurt.

**Ms SHING** — Why do you think there would be a perception, as you just indicated, that people in the bush do not understand in relation to the way in which they might have concerns around responsiveness?

**The CHAIR** — That is a negative reflection on them in itself. Do you think they are too silly, or what?



**Mr MARSHALL** — Well, the reality is that in 29 front-page articles from the *Herald Sun*, many of which we have actually referred to the press council for consideration, that purports to a scenario that they say is true. If you read in the paper and you do not have the ability to access the right information, of course you are going to start to worry. That is where that has come from. It is irresponsible, but it was part of the agenda. The union-busting report was part of the agenda.

**Ms SHING** — But Minister Michaelia Cash indicated that the proposed agreement, at least as far as the Sky interview indicated, would not have any effect on anyone who was not working in an integrated station. Would you agree with that statement?

**Mr MARSHALL** — Say that again.

**Ms SHING** — Minister Michaelia Cash gave a Sky interview in which she indicated that the proposed agreement would not affect anyone who was not working in an integrated station and would only have a role for those 34 or 35 integrated stations throughout Victoria —

**The CHAIR** — We heard evidence to the contrary.

**Ms SHING** — leaving the 1160-odd stations unaffected by this agreement. What do you say to that, Mr Marshall?

**Mr MARSHALL** — Well, first of all, if you are referring to Minister Cash's interview, she articulated the seven on the fireground very wrong, and David Spears, the commentator, corrected her and said, 'No, that's only 31 out of 34 fire stations that are integrated. The worst possible scenario is 34'. The minister got everything wrong, so of course her statements are wrong.

**Ms SHING** — So you would disagree that it would not affect all stations. Because she has gone on the record to indicate that 34 integrated stations would be the only ones where this agreement would have an impact and everybody else would not be affected by the proposed agreement.

**Mr MARSHALL** — I do not understand what she means, but can I say that if you are talking about the increase of seven firefighters being dispatched, it is at 34 locations. There are 1200-plus CFA stations. There are 34 integrated. Out of the 34, 31 will have the requirement of seven being dispatched, if that is what she is talking about. But again, the agreement has no impact on any of the volunteers. It does not impact on any of the volunteers.

**Ms SHING** — Thanks, Mr Marshall.

**Ms DUNN** — Thank you, Mr Marshall, for your submission today. I wanted to go just briefly to this document that you tabled for us, which was identifying the skill set between CFA career recruits and CFA volunteers minimum skills requirements. My question is: if a CFA volunteer did in fact acquire all of these skills that are listed, should they be entitled to wear the same coloured uniform as those CFA personnel who have done so?

**Mr MARSHALL** — That is a hypothetical question, and the hypothetical answer is: yes, except for the time required. There are three parts: there is skill acquisition, which takes a lot of time; and then there is skill maintenance, which also takes a lot of time; and then there is keeping current competencies up. In reality, given the pressure on volunteers as it is, it would be impossible for them to obtain all those qualifications. The 16, 19.3-week, full-time course is a live-in course. The four-year continuation training program is over a four-year period, and it is done during work time. It would be practically impossible, if not impossible, and that is why. But as I said, we do not put that out to be derogatory; it is just not practical for them to be able to do it. It is not possible.

**Ms DUNN** — But should that be the case, there is no reason why that would not occur.

**Mr MARSHALL** — If they had all the competencies the same, then you would be able to identify them, but the reality is —

**Ms DUNN** — And understand the skill set of the people on the fireground.

**Mr MARSHALL** — That is right, but it is impractical, if not impossible, for them to acquire those training levels.

**Ms DUNN** — Thank you. I wanted to go to clause 7A.2, which is around peer support. It is very clear in that it refers to providing services normally provided by such volunteers without remuneration, and I just wanted to understand that clause in a sense. Where I am coming from is I have a lot of experience in the Dandenong Ranges, which of course is serviced by CFA brigades. There are volunteers there who have undertaken peer support for many years. The general scenario is that they have probably passed active firefighting on the ground or only fight certain fires, and they feel that this is a way to contribute back to their brigade and back to the community and do not want remuneration for it. So I am just wondering about the rationale behind this, because I have had some discussions with people who provide those peer support services, who I guess have some level of angst around not being able to do that in the way that they are now.

**Mr MARSHALL** — Yes, I suppose it comes down to the individual concerned. You obviously have a background in peer support. It is a very important role, and one of the roles is having confidence in the peer being able to perform, otherwise they simply do not contact them. It is an emerging problem, given the introduction of EMR first responder in the CFA, which is now being rolled out across all the integrated stations. So it is a very personal thing to have actually confidence in the peer. The reality is the peer became an emerging problem as to a stranger coming in, if you like. That there was the only exception on that basis. But it does not totally neutralise the role of a volunteer being a peer support officer. They can still provide those services to volunteers.

But what this is about is career staff dealing with peers in relation to support. And I can tell you it has probably emerged more so out of the EMR. The greatest transition in fire services in relation to the type of work and the psychological effect on firefighters is the EMR first responder. No longer are you going into a building and bringing someone out and handing them over; you are now responsible for maintaining their life until the ambulance comes along, or alternatively you are resuscitating a child that has succumbed to SIDS, and then you have to go home to your own children. One of the greatest stresses, if you like, is that the family members' expectation of you trying to bring back the life of someone is just a really sensitive area that should not be politicised. That is why we say it is a very personal thing.

**Ms DUNN** — Thank you, Mr Marshall. I want to move now to the issue of — this will be no surprise to the committee — regeneration burns in logging coupes. It is a process that is undertaken often using firefighting personnel. The heart of my question is: are you aware of any of your members who are involved in those activities at all, or is there any way to interrogate your data to report back to the committee on whether they are?

**Mr MARSHALL** — I would have to see. I can find out. My understanding is that most of that is done by DELWP, and a lot of volunteer brigades do it, but I am not sure whether the integrated brigades are involved.

**Ms DUNN** — The question is really about your membership.

**Mr MARSHALL** — I can ask the question, but I do not have that knowledge.

**Ms DUNN** — I would appreciate, while you are asking that question, should there be members who have been involved in that, if you could identify what the cost to provide that was, whether it is staff costs — —

**Mr MARSHALL** — The staff costs?

**Ms DUNN** — Yes.

**Mr MARSHALL** — Yes, okay.

**Ms DUNN** — If you come up with anyone.

**Mr MARSHALL** — I assume in these economic times someone would have costed it somewhere if it does happen.

**Ms DUNN** — Sticking with logging, logging activities occur in Victoria — —

**Mr MARSHALL** — You are not from Gippsland, are you?

**Ms DUNN** — No, I am not from Gippsland. Dandenong Ranges.

**The CHAIR** — Gippsland region.

**Ms SHING** — No, that is not Gippsland region at all. It is Eastern Victoria Region, but the Dandenongs are not Gippsland, Mr Davis.

**Ms DUNN** — No, that is a long bow. The Dandenongs are not Gippsland.

**Mr MARSHALL** — Boundary changes?

**Ms DUNN** — There are logging operations on high fire danger days. What I am wondering, if you are having a look at your data, is whether you can assist the committee by identifying whether any of your members are called on to fight that fire and how many members and at what cost.

**Mr MARSHALL** — Up in the Dandenongs?

**Ms DUNN** — No, in logging coupes, so that would be in the Central Highlands of Victoria, which is kind of Powelltown, Noojee, Toolangi, Warburton.

**Mr MARSHALL** — These are logging places?

**Ms DUNN** — Yes.

**Mr MARSHALL** — They have got industry brigades, haven't they?

**Ms DUNN** — There is a bit of everything going on, basically, and that is why I am interested to understand if any of your members are part of those.

**Mr MARSHALL** — I would find it hard to believe unless there was an asset, but I will ask the question. So there are two questions I have got to answer.

**Ms DUNN** — That is great.

**Ms SHING** — The secretariat will advise you in relation to the questions in writing.

**Mr MARSHALL** — You know what? This committee is kind to me. Yesterday I think I got about eight.

**Ms DUNN** — I have not finished, but I suspect you will not need to take this one on notice. I just wanted your impression in relation to fire preparedness, because ultimately that is what this inquiry is about, and also, given the seemingly constant state of flux at the moment, regardless of your theories around why that is generated, whether you believe the state is properly fire prepared for this upcoming fire season.

**Mr MARSHALL** — I think they are. Look, at the end of the day, and I think the chief fire officer described this very well on radio yesterday or the day before, not that I listen to those radio shows very often, we just had some very bad flooding and the organisations worked very, very well. I did not hear it, but I understand the chief expressed complete confidence in being fire ready. At the end of the day, there have been disputes before, and firefighters are firefighters for a reason — that is, to look after the communities. That is in their blood, if you like, and that continues irrespective of what goes on up here. My view is yes, and I do not think there is any impediment from any of this because of it.

**Ms DUNN** — Thanks, Mr Marshall.

**The CHAIR** — Mr Marshall, did you bully Peter Rau?

**Mr MARSHALL** — I laugh for this reason — —

**Ms SHING** — Again that is the subject of a proceeding, Chair —

**Mr MARSHALL** — No, it is not.

**Ms SHING** — and now you are asking for commentary in relation to it.

**Mr MARSHALL** — The first I heard of that allegation was on Neil Mitchell. I have neither been contacted by Mr Rau, nor have I been contacted by WorkSafe. I have read about it in the *Herald Sun* briefly.

**The CHAIR** — Did another UFU member bully Mr Rau?

**Mr MARSHALL** — Not to my knowledge, and nor did I. I have not spoken to Mr Rau since November last year, after the death of two firefighters.

**The CHAIR** — His wife said in a letter or an email to Neil Mitchell that:

The main reason my husband has had to resign is due to stress as a result of bullying by the UFU and the current situation with the EBA.

**Mr MELHEM** — On a point of order, Chair, my understanding is there could be an investigation by the Victorian WorkCover Authority or WorkSafe in relation to this matter, and I do not think this committee should actually start exploring what actually happened or did not happen. I think we should let the authority do its job, and I caution the Chair and the committee about getting involved in this, because there could be quite serious allegations — —

**The CHAIR** — Well, they are very serious indeed, because a chief fire officer has resigned. If he has been bullied — —

**Mr MELHEM** — It is not part of the terms of reference of this committee. I think we should let the proper authority do its job, and I caution Mr Marshall about answering the question.

**Mr MARSHALL** — Okay.

**The CHAIR** — I ask the question: did you bully Mr Rau?

**Mr MARSHALL** — Just listen — —

**Ms SHING** — It is asked and answered already.

**The CHAIR** — Did another member of the UFU bully Mr Rau?

**Mr MARSHALL** — I decline to comment on that because of the advice we have just been given, but the answer is no.

**The CHAIR** — Thank you. Why did Mrs Rau make the comment in this email that this was the reason for the resignation of Mr Rau?

**Mr MARSHALL** — You would have to ask her.

**The CHAIR** — So you think she has made this up? It does not seem to me to be something people would make up.

**Mr MARSHALL** — I have no idea why she wrote that letter.

**The CHAIR** — Did Mr Rau have any contact with UFU members? Did UFU members seek to contact Mr Rau?

**Mr MARSHALL** — I have no idea what he is talking about.

**The CHAIR** — No, this is a simple question. Did UFU members seek to contact Mr Rau?

**Mr MARSHALL** — Mrs Rau?

**The CHAIR** — No, Mr Rau.

**Mr MARSHALL** — He was the chief fire officer, so they would have seen him at one point in time.

**The CHAIR** — But while he was on leave, was there any attempt to contact him?

**Mr MARSHALL** — Not to my knowledge.

**Mr MELHEM** — Obviously Mr Davis does not care about the rule of law and due process.

**Mr MARSHALL** — My understanding is — —

**The CHAIR** — No. I care greatly — —

**Members interjecting.**

**Mr MARSHALL** — My understanding is the chief executive officer of the MFB put out a statement saying that Mr Rau left because of ill health. There is no allegation of bullying by the MFB.

**The CHAIR** — In fact there is.

**Mr MARSHALL** — By the MFB?

**The CHAIR** — It is due to stress as a result of bullying by the UFU and the current situation with the EBA. They are the words of Mrs Rau.

**Mr MARSHALL** — No. You did not hear what I said.

**The CHAIR** — I did hear what you said.

**Mr MARSHALL** — Well, you misrepresented what I said. What I said was the chief executive officer of the MFB in informing the staff of the MFB of Mr Rau's departure said he left because of ill health — no mention of bullying.

**The CHAIR** — Well, I am indicating here that Mrs Rau has indicated this.

**Mr MARSHALL** — You would have to speak to her.

**The CHAIR** — Well, I am asking you whether there has been —

**Mr MARSHALL** — I have already told you.

**Ms SHING** — And it has been answered. You have asked four times now.

**The CHAIR** — any attempt to contact Mr Rau, any attempt to bully Mr Rau, prior to his resigning from the fire service.

**Mr MARSHALL** — I told you that the last time I spoke to Mr Rau was in November last year.

**The CHAIR** — Not just you, but UFU members.

**Mr MARSHALL** — That is a really ordinary comment.

**The CHAIR** — No, it is a serious matter.

**Mr MARSHALL** — Can I say, you are a parliamentarian.

**The CHAIR** — That is correct.

**Mr MARSHALL** — You sit there and you make allegations like that. I do not normally — —

**The CHAIR** — No, I am reading from a woman whose husband has been bullied out of — —

**Mr MARSHALL** — What you are trying to do is propagate a myth — —

**The CHAIR** — A woman has seen her husband bullied out of the service, and you need to answer for it.

**Mr MARSHALL** — What you are trying to do is propagate a myth of thugs and bullies in the MFB, and you should hang your head in shame.

**The CHAIR** — No, you should hang your head in shame.

**Mr MARSHALL** — You should hang your head in shame.

**The CHAIR** — You should answer the question and explain what role the UFU had in this.

**Mr MARSHALL** — I answered the question four times. You should hang your head in shame in dragging good people's names through the mud.

**The CHAIR** — Did you threaten the former minister?

**Mr MARSHALL** — I beg your pardon?

**The CHAIR** — Did you threaten the former minister, Minister Garrett?

**Mr MARSHALL** — I have already answered that publicly.

**The CHAIR** — No, I am asking you under oath.

**Ms SHING** — You asked that at the last hearing, Chair.

**Mr MARSHALL** — I have already answered that.

**Ms SHING** — Seriously, how many times do you want to milk this cow?

**The CHAIR** — The answer is no?

**Mr MARSHALL** — I have already answered it.

**The CHAIR** — How did that matter get into the public domain then?

**Mr MARSHALL** — You might have given it to the *Herald Sun*.

**The CHAIR** — Well, I can indicate I did not.

**Mr MARSHALL** — Well, there you go.

**The CHAIR** — So you have no explanation as to how this — —

**Mr MARSHALL** — I have already answered that question. But what I will say is it incumbent upon you as a member of this Parliament to make sure the damage that is being done to those career firefighters who are putting their lives on the line on a daily basis does not continue and they are not continuing to be vilified through statements like that.

**The CHAIR** — And the damage to the volunteer firefighters as you vilify them as you move around the countryside.

**Mr MARSHALL** — I have not vilified firefighters.

**Ms SHING** — This will make for excellent Hansard reading, Chair. Let us see about your impartiality in relation to this particular inquiry, shall we? Did you donate to the Hands off the CFA?

**The CHAIR** — I have a question, Mr Marshall, with respect to the veto clauses that exist — —

**Mr MARSHALL** — There are no veto clauses.

**The CHAIR** — Certainly Mr Buffone in his letter to the government indicated that he believed there were veto clauses.

**Mr MARSHALL** — There are no veto clauses.

**The CHAIR** — Well, he certainly believes that, and the veto clauses mean that there has to be agreement.

**Mr MARSHALL** — I just told you there are no veto clauses.

**The CHAIR** — Well, the clauses indicate there has to be agreement.

**Mr MARSHALL** — The CFA and the VFBV — and I have already taken you to those submissions — have already told you that it is a process. It is not a veto; it is a process.

**The CHAIR** — Well, a veto is a veto, and a required agreement is a veto in effect.

**Mr MARSHALL** — There is a process which the CFA have agreed to, which is not a veto.

**The CHAIR** — Well, Mr Buffone, the former chief fire officer, believed it was a veto, and for that reason he believed it should not — —

**Mr MARSHALL** — Was this before he was offered money to stay, or after?

**The CHAIR** — No, I think that is also an attack on a fire officer by you.

**Mr MARSHALL** — It was a public statement.

**The CHAIR** — I do not believe that is correct. The point here is, regarding the veto —

**Mr MARSHALL** — No, that is your opinion.

**The CHAIR** — the claimed veto by Mr Buffone —

**Mr MARSHALL** — There is no veto.

**The CHAIR** — and others who have given evidence to this committee, I ask in the light of the requirement for agreement that is laid out —

**Mr MARSHALL** — There is no veto.

**The CHAIR** — in the proposed cabinet-endorsed EBA, whether the UFU believes it has a responsibility for the outcomes, in terms of the particular fire outcomes and the legal outcomes, where a chief fire officer tries to direct but cannot because of the veto requirement, cannot because of the requirement —

**Mr MARSHALL** — There is no veto requirement.

**The CHAIR** — to have agreement, whether the UFU will accept legal responsibility where it steps in the way.

**Mr MARSHALL** — There is no veto. Your question is based on a false premise, so the answer is: there is no veto.

**The CHAIR** — Well, that is certainly not the evidence that we have had put to us by many others.

**Mr MARSHALL** — Well, you have had lots of evidence, but does that mean their evidence is more compelling than ours? Does it mean it is more — —

**The CHAIR** — Yes, it does, actually.

**Mr MARSHALL** — Oh, really?

**The CHAIR** — Yes, in my view. I will put that on the record.

**Mr MELHEM** — Judge Davis made a decision.

**Ms SHING** — His Honour David Davis has made a call around the UFU's evidence not being as important as the VFBV's.

**Mr MARSHALL** — Wow. So you are saying that the UFU's — —

**The CHAIR** — So you accept no legal — —

**Mr MARSHALL** — Did you just say the UFU's submission was not credible? Is that what you just said?

**The CHAIR** — No, I did not say that; I said I am more persuaded by the evidence that has been provided by others.

**Mr MARSHALL** — Are you? Is that right?

**The CHAIR** — So in that context I am asking you, regarding Mr Buffone's evidence, Mr Rau's letter, the other evidence we have received that indicate that agreement is required, that seems to me to put the UFU directly in the position where it is having an impact and a control on the organisation.

**Mr MARSHALL** — I have already told you — —

**Ms SHING** — Except for Mr Warrington, who indicated that there was no veto —

**The CHAIR** — Mr Warrington changed his position.

**Mr MARSHALL** — I already told you — —

**Ms SHING** — Mr Smith, who indicated there was no veto, and Ms Diver, who indicated that there was no veto. You need to be very careful about representing the evidence presented by other witnesses in the course of this inquiry, Chair.

**Mr MARSHALL** — I have already told you there is no veto. In fact I have given you two submissions: one by the VFBV and one by the CFA to the Supreme Court and the VFBV to the Senate — —

**The CHAIR** — There is in effect — —

**Mr MARSHALL** — Excuse me, do not interrupt me.

**The CHAIR** — I am actually interrupting you because I want to clarify a point.

**Mr MARSHALL** — Well, you cannot interrupt me.

**The CHAIR** — In effect the UFU will be in a position to control or stop something happening that management and the chief fire officer wishes to happen potentially in an emergency.

**Mr MARSHALL** — You are wrong.

**Ms SHING** — Except that is not what the chief fire officer says.

**The CHAIR** — Well, that is the evidence that we have received from many.

**Ms SHING** — But not from the chief fire officer.

**Mr MARSHALL** — And I have just given you counter evidence you are wrong.

**The CHAIR** — So we will just have to agree to disagree; is that correct?

**Mr MARSHALL** — I am not agreeing with you at all. The reality is you are wrong.

**The CHAIR** — Well, the other evidence suggests differently.

**Ms SHING** — Except for Ms Warrington's and Ms Diver's and — —

**The CHAIR** — Well, Mr Warrington's evidence was not so clear.

**Mr MARSHALL** — I would have thought the chief fire officer would have known, but anyhow.

**The CHAIR** — Well, two chief fire officers have actually made points to that effect.

**Mr MARSHALL** — Former chief fire officers.



**The CHAIR** — That is correct — forced to resign.

**Ms SHING** — Mr Marshall, I would like to go back to bushfire preparedness. It is one of the casualties of this particular parliamentary inquiry, and we have just seen the spectacle unfortunately, for which I apologise, from this side of the table around politicising bushfire preparedness. It is an inquiry which matters in terms of how we improve emergency services and fire services and fire responsiveness.

Now, in relation to the need to improve toxic culture, the need to improve training facilities and the need to improve the way in which people communicate, we have seen from various evidence that has been given to this inquiry that these are longstanding issues; they have been around for decades and decades. In fact I think the *Argus* printed something in the 1880s, just before the volunteers came together and were recognised in 1891, that objected to the presence of paid firefighters in and around the areas which groups of landowners had come together to protect. How do we move beyond this process which has been frustrated by 28 or 29 front pages, as you indicated, and by so much misinformation, which you have indicated is the case, in your evidence, to get to something which is workable, where we are prioritising safety of the people who fight fires and of life and of property and of land and of assets, to fix a problem which Bernard Teague in his evidence indicated was a very difficult one, which required a balance which no-one necessarily had the answer to?

I am interested in terms of bushfire preparedness and how we face this, given we have got growth in population, given that we have got changes to our urban and peri-urban boundaries, given that we have got changes to the way in which fire events are occurring and we have got fire seasons starting earlier, going for longer, finishing later, and we need to be able to respond to those and also to give the community confidence, whether it is around education, whether it is around people being adequately prepared or the way in which people turn out. How do we fix this, and what is the UFU prepared to do to contribute to fixing the damage that has been, I suppose, brought to a head in the course of this issue, which does not do anything other than be represented symbolically in the enterprise agreement?

**Mr MARSHALL** — Well, a starting point would be to implement the recommendations from not just this last royal commission, which these EBAs are seeking to do, but the Dandenong bushfire recommendations — you would be well aware of it, in Dandenong in 1997. There are something like 14 recommendations there. Those recommendations are virtually identical, from Graeme Johnson, and found their way into the royal commission report in 2009. They had not been acted on. And if you go back as far as 1983, I think it was, with the Ash Wednesday fires, those recommendations had not been acted on. So I suppose there has to be a will to act upon royal commission documents or coronial inquest documents, because what we have found over a period of time is that with the passage of time they end up sitting in the parliamentary library gathering dust.

I also believe that firefighting has to change in the sense of aerial capability — I know there is a dispute on at the moment about the capacity being deployed — and also, I suppose, that the rural-urban interface is a precise science in firefighting now. In asset protections there are whole programs that have come out of the USA in relation to safer communities around this. So I think we need to look abroad to start planning for these things to make sure that they are not just spoken about but they are actually implemented.

**Ms SHING** — And in an operational sense, operational decision-making is as informed by culture and relationships as anything else, and to my mind that has been something which has been brought to the fore in the course of this inquiry. On the one hand, we have an industrial instrument operating alongside a legislative framework in the CFA act, operating underneath the Fair Work Act. There is a lot of black-letter stuff in all of that. But how do we actually continue to address the operational and cultural challenges in fire services? It has been referred to in numerous inquiries that you have a toxic culture reference and you have got concerns around the way in which divisive engagement has arisen over time. How do we start to tackle that in a way that actually gets people working from the common ground of community safety? What are your views in relation to that?

**Mr MARSHALL** — Well, it is an interesting question which I have not got an answer to.

**Ms SHING** — Well, it is one of the very core questions of this particular inquiry, because we have dealt with the technical in so many ways. We have dealt with dissecting words and phrases within proposed agreements, within acts, within legislation, within policy frameworks. I am interested in how we move forward prioritising safety, in an operational sense, how we repair relationships and how we build common ground on the need to protect?

**Mr MARSHALL** — Well, one of the things you need to do is that the Chair needs to stop referring to career firefighters as thugs. That is the first thing. We need to get away from that sort of narrative that is being put out there.

**The CHAIR** — Well, Mrs Rau has indicated the UFU has bullied them.

**Mr MARSHALL** — So that is one of the first things. If you are serious about community safety, you will drop that; if it is more a political stunt, you will continue it. But there are ways to reconcile the differences, and programs can be done which have been embraced overseas. The Edmonton model is a very good model, so we should look at those models.

**Ms SHING** — And as an organisation is the UFU prepared to engage in work to continue to improve relationships across fire services?

**Mr MARSHALL** — We have not done anything to inhibit relationships across fire services.

**Ms SHING** — No, but *Safer together* is the framework within which we operate.

**Mr MARSHALL** — In fact Mr Lapsley's evidence before the Fiskville inquiry was that the UFU was the driver of interoperability to break down those parochial barriers, or words to that effect.

**Ms SHING** — And within and across agencies, we have got DELWP, we have got Parks Victoria, we have got volunteers. There is the SES as well, and one of the concerns that has arisen in the course of this particular public discussion around how the proposed agreement may or may not work is that SES volunteers are concerned that they will not be able to do road accident rescue anymore — that they will not be able to assist anymore.

**Mr MARSHALL** — Again that has been generated by vested interests that wind people up to the point of being anxious.

**Ms SHING** — So that is not the case?

**Mr MARSHALL** — It is not the case.

**Mr MELHEM** — Mr Marshall, can you take me through what your members are going through at the moment — firefighters in real life, driving trucks on the road — that is, are they copping abuse from people?

**Mr MARSHALL** — Absolutely. My reaction to Mr Davis was pointed because, being a politician, you would have some responsibility in showing leadership to try and stem that, not fuel it. Those comments did no more than fuel it.

**Ms SHING** — This is unfortunately why people hate politicians, Mr Marshall.

**Mr MARSHALL** — The reality is those comments are irresponsible because, as we speak —

**The CHAIR** — But you are happy to have people threaten Mrs Rau or Mr Rau.

**Mr MARSHALL** — there are firefighters — —

**Mr MELHEM** — Mr Davis, it is a serious question, so I would appreciate no interruption.

**The CHAIR** — It is a serious question.

**Mr MELHEM** — Okay. I am actually interested to know what the full-time firefighters are going through. I do not really care what you think; I do not care what the full-time officials of the UFU think. I actually want to hear from Mr Marshall, representing these full-time firefighters.

**Mr MARSHALL** — They are suffering dearly from this. They have been hurt very badly from this. Many of them have booked off work, many of them are suffering post-traumatic stress and many of them have become pariahs in their own community because of comments like Mr Davis's. Not only that, we have seen the occasion where a career firefighter raising money for a volunteer brigade was actually handed a bullet. We have

seen young children being picked on at school because their mum or dad is a career firefighter. We have seen career firefighters in their local community having to withdraw from groups because of comments like Mr Davis's. So the long and short of it is — —

**The CHAIR** — Everyone would be unhappy about those sorts of threats, as they would with Mr Rau's.

**Mr MARSHALL** — The long and short of it is that it has had a profound effect. It is totally irresponsible for that to continue to be propagated, and not only propagated, but propagated for the most perverse reason, being one of political opportunism. Can I say that effect has been profound. It will be long lasting and has caused enormous damage. But I suppose that does not equate when factoring the political return that Mr Davis and his party have actually got out of generating that.

**Mr MELHEM** — Mr Marshall, I can say from this side of the table my thoughts are with your members, and it is career firefighters, because they do a tremendous job, and we are very proud of the work they do, and also the volunteers.

Can I ask you this question about this veto thing and consultation and about the union having to agree to something. Can you take me through the structure of your union? Do you go out there and direct members to agree to something or disagree with something? This is what I would like you to take me through. I understand a publicly listed organisation would have a board and would have a CEO, and the CEO tends to make the decisions and all the employees comply. Can you tell me how your union works versus a publicly listed company, and the sort of hierarchical structure?

**Mr MARSHALL** — We have a branch committee of management of 15. They are all elected positions. I am the only full-time elected position. Each one of those committee of management representatives comes from a classification. For example, you have firefighter representatives; the MFB have two firefighter representatives, and only firefighters can vote for that particular representative; you have officer representatives, and only officer representatives can vote for those officer representatives, and that is replicated in the CFA; you have four trustees; and then you have an executive of four — president, secretary, junior vice, and vice; and on top of that we have another position that looks after other classifications. That is the decision-making body. But the rules of the union are that in between membership meetings it carries out the functions of the union in accordance with the wish of the membership.

**Mr MELHEM** — Specifically I am interested in this: can you direct your members working for the CFA in Victoria — 'direct' I am talking about, not 'recommend' — to accept or reject a proposed agreement?

**Mr MARSHALL** — No.

**Mr MELHEM** — So you have got no power to do that?

**Mr MARSHALL** — No.

**Mr MELHEM** — It is the members that have to agree to it?

**Mr MARSHALL** — Members have to go through a voting process, and not only a voting process, but they are very individually minded people — I mean, they have got their own minds, they are not robots — and it is a very democratic organisation.

**Mr MELHEM** — Okay. So let us go to a practical decision: the CFA has discussed with the crew the purchase of a new truck, and the members are happy with that new equipment.

**Mr MARSHALL** — Say that again.

**Mr MELHEM** — Let us say the CFA at a particular station want to go and buy a piece of equipment. They have consulted with the firefighters in that particular location, your members. Your members are happy with that equipment; you are not. Can you stop that from taking place?

**Mr MARSHALL** — No. Members prevail. Being an ex-official, you would know that.

**Mr MELHEM** — So they do. Either way you are tied.

**Mr MARSHALL** — I am a servant.

**Ms SHING** — Can you veto the sorts of trucks and appliances that volunteers get, though?

**Mr MARSHALL** — No, we cannot.

**Ms SHING** — You cannot?

**Mr MARSHALL** — They have got their own standing committee. The CFA and the VFBV have got their own standing committee for trucks, uniforms, equipment, procedures — a whole range. If you look at the VFBV website, they proudly show it. It is actually at tab 9 here; just let me tell you the standing committees they have. They have training committees. This is a standalone committee between the VFBV and the CFA. Some of the examples of matters discussed by the training committee are recognition of volunteer medical practitioners, paramedics, nurses, brown coal mine firefighting, CFA training strategy, structural firefighter training, Hazmat incident training package, driver training, volunteers, trainers and assessors, VEMTC Craigieburn. Then there is a volunteerism committee.

**The CHAIR** — What tab number is that?

**Mr MARSHALL** — Tab 9.

**Ms SHING** — So you cannot lock up trucks, appliances, slip-ons, tankers?

**Mr MARSHALL** — They have got their own process. We have no say in that process.

**Ms SHING** — The UFU has no say in the process whereby appliances and equipment are issued to volunteer brigades.

**The CHAIR** — That is not the evidence we have heard.

**Mr MARSHALL** — Well, how about I hand it up to you?

**Ms SHING** — No, we have got that. Just to get your evidence.

**The CHAIR** — We have already got it.

**Mr MARSHALL** — That is their subcommittees. We have no involvement in that process. It goes on. There is an equipment and infrastructure committee. Some examples of matters discussed by the committee are crew protection system for live vehicles, fire station design, design and procurement of fire appliances and vehicles, phones, issues with appliances and equipment, uniform. They have their own process.

**Mr MELHEM** — So basically the career firefighters and management sit down and go through these things, agree, and you might have some contribution towards that, but your input into that is an opinion — the members make the decision, and management.

**Mr MARSHALL** — That is in relation to what is in the enterprise agreement. What I just read out to you is the process that the volunteer associations have with the CFA. They have their own standing committees. They have one, two, three, four, five, six that cover everything that our agreements do. They are their own standing committees. We have no say in it.

**Mr MELHEM** — That is right. You have got no control over that. Can I ask a last question?

**Mr MARSHALL** — And I just want to emphasise: not only do we have no say in it; they actually have four representatives on the CFA board.

**Mr MELHEM** — I was going to ask you that question. If you wanted to take over the CFA, as according to the *Herald Sun* and the Liberal Party you want to do, how come you have not got any members on the board?

**Mr MARSHALL** — Because no government saw fit to put us there.

**Mr MELHEM** — So you have got no representation on the board?

**Mr MARSHALL** — We have asked for it, but they have not put us there.

**The CHAIR** — Just on the fire station design, just following up Mr Melhem's point — —

**Mr MARSHALL** — Is this Warrnambool?

**The CHAIR** — It is Warrnambool.

**Mr MARSHALL** — Thank God for that.

**Ms SHING** — History is repeating itself again, yes.

**The CHAIR** — Is it a fact that the UFU sought to change the design?

**Mr MARSHALL** — Can you not point at me, please?

**The CHAIR** — Pardon?

**Mr MARSHALL** — Can you please not point at me? It is rude.

**The CHAIR** — I am just making a very clear point here.

**Mr MARSHALL** — I understand that. It is rude.

**The CHAIR** — The Warrnambool station — —

**Mr MARSHALL** — I am asking you not to point at me.

**The CHAIR** — Well, I am not pointing at you; I am actually making a point, a physical point, here. I understand that in fact the station had to be divided into two sections, two rooms.

**Mr MARSHALL** — I do not think you understand. Are you talking about Warrnambool station?

**The CHAIR** — I am.

**Mr MARSHALL** — That is not Warrnambool station. There is a standard design that has been agreed by the CFA and UFU, and all concerned actually.

**The CHAIR** — And the UFU demanded that it be modified, as I understand it.

**Mr MARSHALL** — You understand a lot of things. I do not know where you get your information, but they are incorrect.

**The CHAIR** — So you deny that?

**Mr MARSHALL** — No, they are incorrect. There is a standard design template for new fire stations and for current fire stations that need to be upgraded. That is an agreed document. There is a secure area in relation to personal material and a whole range of things, which you would expect given the nature of the work we do.

**The CHAIR** — So in fact there was a modification of Warrnambool at the request of the UFU.

**Mr MARSHALL** — No, no. What you are talking about is a door out the front. Why don't you tell the whole story rather than just bits of it?

**The CHAIR** — No, that is a fact, though, isn't it? The station was modified at the demand of the UFU.

**Mr MARSHALL** — No. Why don't you tell the whole story rather than just bits of it?

**The CHAIR** — So that is actually inconsistent with what you should just told us a moment ago.

**Mr MARSHALL** — No. Why don't you just tell the whole story?

**The CHAIR** — I am interested to hear your story.

**Mr MARSHALL** — The whole story is that there was a door placed outside those specifications and that door presented a security threat. In this environment fire stations are a target. Whether you like it or not they are a target, and that — —

**The CHAIR** — And volunteers —

**Mr MARSHALL** — Are you going to let me answer?

**The CHAIR** — are not allowed into the UFU section, as I understand it. It is the paid firefighter section. That is the information that was provided to me.

**Mr MARSHALL** — Chair, I really have trouble.

**The CHAIR** — I know you do not want address that.

**Mr MARSHALL** — Well, I would like to, but when I grew up I was told that a conversation works like this: you ask a question, someone listens and then you respond and you be quiet.

**The CHAIR** — That is right.

**Mr MARSHALL** — But you are not giving me that courtesy.

**The CHAIR** — I understand that in fact the UFU demanded a modification be made and that the volunteers are not allowed into a section where the UFU has sole occupancy. Is that a fact?

**Mr MARSHALL** — You are wrong in what you are saying, because that shows a lack of knowledge.

**The CHAIR** — Well, that is what has been put to me. You deny that completely, do you?

**Mr MARSHALL** — I have just told you that you are wrong.

**The CHAIR** — So is there a section where the UFU only, or paid firefighters only, are allowed to attend?

**Mr MARSHALL** — I have told you that there is a secure area in relation to documentation that the officers have to ensure the integrity of that information, and access to that area is limited. That has been traverse repair work as far back as 2002. It is not new.

**The CHAIR** — We will seek this information from the CFA itself to find out further detail about what modifications were made.

**Mr MARSHALL** — By all means. I encourage you to.

**Ms BATH** — Mr Marshall, in your assessment of the proposed EBA, does it in any way contain objectionable terms?

**Mr MARSHALL** — No. Are you talking about the discriminatory matters that were raised by Ms Nolan?

**Ms BATH** — Correct.

**Ms SHING** — Well, no, because — —

**Mr MARSHALL** — No, that is okay. I am happy to answer it.

**Ms SHING** — Sorry, just to be clear, ‘objectionable provisions’ also has a legal meaning under the Fair Work Act, so we have to be careful about that.

**Mr MARSHALL** — I am happy to respond.

**The CHAIR** — She is referring to that evidence.

**Ms SHING** — No, that is fine.

**Mr MARSHALL** — In December 2015, VHREOC gave a report to the CFA on a draft of the enterprise agreement that made comment about that and suggested that some of the matters were discriminatory that were contained in there. It was not legal advice. Page 6 of that report put the qualifiers in — this is the VHREOC report. The qualifiers were that you are not to use this as legal advice; this is just a cursory view. It is not to be used in the context of the Fair Work Commission et cetera. Subject to that, a long time after there were amendments to the agreement to accommodate any perception of discriminatory matters. Ms Baldini can take you to those in the agreement, if you like, but there are none anymore.

**Ms BATH** — Thank you. Finally, in your contribution earlier, and there have been a lot of contributions backwards and forwards, you commented that people in the bush do not understand. I would like you to expand on or explain that, because I may have misinterpreted what you said, so can you explain what people in the bush do not understand?

**Mr MARSHALL** — What I mean by that, and it is not derogatory to people in the bush, is essentially — —

**The CHAIR** — It certainly sounded it.

**Ms SHING** — Well, no, it was clarified earlier in relation to 28 front pages when I followed that up as an earlier question, Chair, and it is just appalling that you would now again seek to go to the lowest common denominator.

**Mr MARSHALL** — I am happy to answer if you want me to answer, but I do not want to be interrupted.

**Ms SHING** — Sorry, Mr Marshall. As you were.

**Mr MARSHALL** — There have been 29 front-page advertisements in the *Herald Sun*. Some of those 1200 fire stations are nowhere near integrated stations; they would never come in contact with each other. To try and get the counter information out there to show that what was being said in the *Herald Sun* or on the VFBV's website is just so hard to do, so you cannot take them through to actually alleviate the concerns, and that is why I was talking about a geographical area rather than a colloquial term meaning bush.

**Ms DUNN** — Thank you, Mr Marshall. I am just wondering if your organisation has any views in relation to climate change, its impact on extreme weather and its impact, therefore, on your organisation and your membership?

**Mr MARSHALL** — We do have a view on that. We actually were involved in the Senate inquiry into extreme weather events, and we did put a very strong submission in relation to that, in particular about the fact that what we call protracted campaigns are going to become more lengthy. As well as that, the state of Victoria has gone to an all-hazards, all-weather approach. I might get the terminology wrong there, because it is no longer that firefighting agencies deal with just fires; they have actually got floods and a whole range of things, so they have had to remodel themselves. Also, we had independent research that did the projection on the likelihood under two scenarios — one being a low-level rise, and high level — and that actually plugged in the frequencies. The eastern states in particular are at risk. Also there is the projection of the number of firefighters that would be needed to increase the ability to protect the community.

The other issue — and it has just come back to me now — that we raised during that inquiry was that Victoria deployed firefighters to Tasmania. Essentially that was a useless exercise because the fact is that they could not operate the equipment. The idea was to deploy them into the Tasmania fire stations so the firefighters there could actually have some respite and they could make sure the protection — —

**Ms DUNN** — This was about fatigue management.

**Mr MARSHALL** — Yes. But the equipment was not interoperable; the training was not interoperable. So from memory what was suggested is that in the old days — and I am going back to the 1990s — there used to be a commonwealth fire board, which the fire chiefs sat on and they looked at a global picture, and when I say global I am talking about the confines of the Australian boundaries, as to what we should do.

**The CHAIR** — That was a fire board?

**Mr MARSHALL** — Commonwealth fire board it was called, and the fire chiefs sat on it. That was abandoned, and then it was sort of merged into COAG. We suggest that that dedicated fire board be set up again, even if it is under COAG, so that the chief fire officers can sit around and actually work towards — it will not happen overnight — the standardisation of equipment so that when you actually do deploy resources they are able to be used in a meaningful way. And unfortunately — and I say this with respect — the firefighters will still go there and put their lives on the line to fight the fire and save life and property, but it would be better utilisation of those resources if they were able to utilise and operate the equipment that is there. There were many things that came out of those, and I think they picked up a number of our recommendations, but I am just going from my memory. I am happy to supply that report.

**Ms DUNN** — That would be great. Also you mentioned research looking at the two different scenarios. If you are able to supply that to the committee, that would be useful.

**Mr MARSHALL** — That is actually in our submission to that report, so I am happy to supply that submission as well as the final report.

**Ms DUNN** — Thank you.

**Mr MARSHALL** — In fact we were quite proud of that initiative, because at that time there was still a little bit of denial about the climate issue. But firefighters were getting bigger fires and longer fires, and they were happening more frequently. I am not a scientist, but something is going wrong.

**Ms SHING** — We have heard a lot of evidence on that too.

**Mr MARSHALL** — Yes. So that was a groundbreaking report that came through that.

**Ms DUNN** — Great. Thank you, Mr Marshall.

**The CHAIR** — Thank you. We may well come back for further details and further information. There is clearly a significant amount of material that has been covered, and there are clearly different viewpoints on a number of key points, but we may well need the secretariat to be in touch on a number of matters over the forthcoming period.

**Mr MARSHALL** — Chair, if I could just say one thing, and I say it with respect, I am actually a union official, and you always come from the back wall anyway when you are a union official. I am also a firefighter of 31 years. I actually received an award from John Howard, which I do not tell people about, but anyway, put all that aside. But I really emphasise that firefighters have been badly affected by this vilification, and it has done enormous damage. I know that you are all responsible people in government, and I am not partisan politicking this. I am asking and urging you within government to try and rectify that for this reason: I am very, very frightened that we will end up with a suicide or, alternatively, a mass exodus. And I am not — —

**The CHAIR** — Mr Marshall, I understand the spirit you are saying this in, but likewise many of the volunteers feel a very similar kind of — —

**Ms SHING** — Chair, this is a comment from the witness. It is not an opportunity for you to editorialise. It is a serious point.

**The CHAIR** — I understand, but the key point here is that many of the volunteers are also feeling threatened by the UFU's behaviour.

**Mr MELHEM** — How low can you get?

**The CHAIR** — The UFU may well in itself be causing trouble and putting at risk a number of volunteers.

**Mr MARSHALL** — Perhaps if I could put it another way, Chair — and I am sorry, but you disappoint me — I will write a letter to all parliamentarians just expressing what I did in a genuine way thinking that you would be able to separate yourself from your partisan politicking and take it on board.

**The CHAIR** — I take it in that spirit, but I am also equally making the point that the UFU, I think, has put a number of the volunteers at risk, and that has certainly been conveyed to me.



**Mr MARSHALL** — Well, I can tell you there have been no articles generated by the UFU against volunteers in the *Herald Sun*, there have been no leaked documents in the *Herald Sun* from the UFU and there has been no vilification of volunteers by the UFU. There has been substantial — —

**The CHAIR** — That has certainly not been put to me. Others have put a very different viewpoint.

**Mr MARSHALL** — I would like to see that evidence.

**The CHAIR** — I am happy to provide some.

**Mr MARSHALL** — I am happy for you to provide it to me, because it does not exist.

**The CHAIR** — Mrs Rau indicated that the UFU had bullied her husband.

**Mr MARSHALL** — What I am saying to you is that the damage that is being done, you are absent from it, but it is profound, and I am asking you to do something to stop it.

**The CHAIR** — And, Mr Marshall, I am asking you to do something to stop the damage with the volunteers. Indeed still I do not believe we have had a satisfactory response on the matter of Mr Rau.

**Mr MARSHALL** — Well, ask Mr Rau.

**The CHAIR** — The hearing is closed.

**Committee adjourned.**