

From: Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017
To: [LCSC](#)
Subject: New Submission to Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017
Date: Friday, 7 July 2017 3:38:28 PM

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Mr Brendan Jenkins


SUBMISSION CONTENT:

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A number of reviews have been undertaken into the CFA over the last decade and further and the issues raised by both volunteers and others are relatively consistent. The CFA and Victorian fire services do a relatively effective job fighting fires but do not necessarily handle the increasingly complex tasks of running an organisation on behalf of volunteers, employees and the community of Victoria as effectively.

Concerns regarding

- Training
- Volunteer recruitment
- Provision of personal protective equipment
- Broadening the volunteer base (age, gender, minority representation)
- Addressing viability of rural brigades
- OH & S for volunteers
- Volunteer/career firefighter morale relationship interaction

have been highlighted as issues for some time, particularly by volunteers, and have not been adequately addressed under the present system.

For some time volunteers have not been the major focus of the CFA. This is not necessarily a criticism of the organisation's management but rather a recognition that more and more time is required to be spent dealing with the demands of an increasing number of permanent employees. This situation will only increase as the numbers of permanent firefighters increases with metropolitan population increases and community expectations.

TRAINING

The requirements and modes of delivering training to volunteers is markedly different to that of permanent employees. Utilisation of pre reading, online, out of hours and variable modes of delivery is essential. The CFA's inability to address this issue means that many volunteers are unable to upgrade qualifications while some courses go undersubscribed or are cancelled due to non-attendance. The failure of courses has led to increased frustrations for both volunteers and CFA officers alike. Section 29 Brigade annual skills audits show many brigades lacking in agreed numbers of trained volunteers in such basic skills as chain saw operation, First aid, and defensive, accredited and heavy vehicle driving. In exasperation brigades are addressing skills training themselves; paying for driving training

and 'train the trainer' (Cert IV in Training and assessment) themselves.

PROVISION OF PERSONAL PROTECTIVE EQUIPMENT – Example for illustration.

Volunteers are provided with the essentials in terms of equipment. A great deal of time and effort was expended ensuring the most suitable equipment was provided to cater for Bushfire firefighting (yellows) and, when qualified, a separate set of 'Structural' gear. It is extraordinary, then, that to this day active volunteer fire fighters are not issued with helmet (or any other for that matter) torches. A few years ago a convoluted and time rich exercise evaluated the best way to provide torches to volunteers and finally came up with a system of providing a number of torches (less than capacity) per CFA appliance. These standard plastic torches were allocated in a plastic box with a changeover of batteries. CFA vehicles are not used exclusively by their own brigade and are part of a 'pool' during major campaign fires. Needless to say the method of delivery of the torches to volunteers is/was completely unsatisfactory. How can an organisation with any focus on the health and safety of its volunteer fire fighters send them out into the dark without the most basic of safety equipment? Career fire fighters would not and do not allow it. It is still the situation today. Other shortcomings exist with regard to the replacement/renewal of 'disposable' equipment such as gloves, glasses and boots (brigades do not carry their own 'spares') and sees volunteer fire fighters sometimes attending fires less than adequately provisioned.

SOME EXAMPLES OF ISSUES AROUND DIVERSITY, OH&S, RURAL BRIGADES

Rural brigades are often in most need of extra support from the CFA in the provision of the most basic of brigade equipment and provisions. At this stage the CFA has not addressed the issue of internet access for brigades rural or otherwise. Other organisations in both private and public sector would use their 'buying power' to gain a deal over the provision of such services across the State thereby gaining from both bulk buying and cross subsidisation. The CFA has been unable to ensure this most basic of services to volunteers.

OH&S is an issue which needs to be addressed beyond Presumptive Cancer legislation and needs to be dealt with specifically for volunteers. At the moment many volunteers see the protections offered to career firefighters by OH&S legislation and Award conditions as discriminatory. They ask why the CFA and the VFBV have not begun discussions to bring parity to volunteers. They ask if an organisation focussed on volunteers would not be more inclined, or pressed, to go address this issue.

The issue of diversity is one which will continue to stand as an area which has been understood but unaddressed for too long in the CFA. Efforts are now being made to be more inclusive, particularly as it relates to the participation of women in a broad range of roles in the organisation. It will not come without significant angst. For CFA volunteer brigades the progress has been patchy. It will require a different approach to the one mandated by Government for career fire fighters – it is the nature of volunteer organisations. An organisation focussed on volunteers will need to address the issue from the standpoint of the increase participation in rural areas as well as increase diversity in more populous areas. Country football/netball clubs have been saved by the recognition of the benefits of openness.

VOLUNTEER/CAREER FIREFIGHTER MORALE RELATIONSHIP INTERACTION

The steadily increasing number of career fire fighters in the CFA has had a number of impacts;

- Diverted the focus away from volunteers to career fire fighters – industrial realities and the impact of a variety of legislative provisions relating to employee relations dictates that this is so.
- Led to a degree of jealousy between volunteers and career fire fighters. – Standards of equipment, modes of training and means of communication are often markedly different between the different divisions of fire fighters.
- The utilisation of volunteers through the VFBV as a 'fall back' guardian of the CFA's negotiating position in industrial negotiations has now become Standard Operating

Procedure for management and Government in an industrial context. - Firstly such a position renders negotiations between the CFA and the UFU moot as any agreement would require some ratification from the VFBV regardless of the willingness of the two primary parties to deal. Secondly the position invites fourth parties to encourage the VFBV to intervene in industrial disputes for spurious reasons regardless of the impact such negotiations and subsequent agreements may have on volunteers.

- Since negotiations in 2008/09 till the most recent UFU CFA negotiations this has added a complexity to industrial relations which is not simply counterproductive to the industrial process. It has meant that the bodies representing career and volunteer fire fighters have spent more time at one another's throats than on any other issue facing the CFA and their members. The list of critical issues facing the CFA and volunteer fire fighters remains unaddressed. It has created an animosity between individual career fire fighters and volunteer and a culture of 'war footing' between two organisations representing individuals who must rely on one another in what can be the most harrowing of circumstances.

- The continual infighting between volunteers and career fire fighters continues to diminish the credibility of all fire fighters amongst many in the community who cannot understand why they just don't get along. It has also caused an ever widening schism to develop between volunteers, a significant number of whom recognise the legitimacy of career fire fighters being entitled to negotiate employment conditions without the demand for 'a right of veto' by their volunteer organisation.

DOES THE PROPOSED LEGISLATION ADDRESS ANY OF THESE ISSUES?

The Government's proposed legislation goes some way to addressing major issues impacting on the CFA. While the outcomes of the restructure will need to be reviewed (in 24 months?), there can be no doubt that the separation of career fire fighters and volunteers into parallel organisations both serving the Victorian community will provide sufficient room for both to more adequately serve the community's expectations and their staff/volunteers' needs.

At its simplest the restructure creates Fire Rescue Victoria with all the former MFB staff and the CFA operational staff to be transferred into this entity. In addition to fire fighters, the operational staff who are predominately concerned with operational firefighting (Operations Officers, Operations Managers, and full time trainers) would be transferred. Brigade and District support staff as well as ancillary personnel charged with serving volunteers would remain within the CFA. The structure within the 'new wholly volunteer CFA' would be largely unchanged. Operations officers and Managers would be appointed to the posts as per the present structure but these staff would be contracted/seconded in from FRV – not unlike contracted specialist staff in much of the private sector or specialist corporate services in some Government sector organisations. Most volunteers will see no change to their operations by this reorganisation. It will not impact on them in either a day to day basis nor during firefighting activities.

Staff and volunteers within integrated Stations would be covered by separate organisations and operational equipment and infrastructure to be utilised by FRV fire fighters would also be transferred to FRV. Volunteers will be able to remain as a CFA brigade at their current location, co-located with their Fire Rescue Victoria (FRV) colleagues. That decision will be taken by volunteers on a station by station basis. \$10 million has been set aside to cater for any infrastructure changes which arise from those negotiations. I have spoken to a number of members of our neighbouring integrated brigades who agree that the formal allocation of resources to either FRV or CFA under the new structure would simply recognise the situation which occurs presently on the ground. – Again, no change. While there are some differences of opinion amongst those volunteers as to whether CFA volunteers should remain collocated with FRV or not; I believe there will be a number of models adopted giving the organisations the opportunity to learn about the value of each.

The CFA's budget will be assessed and scaled to take into account any impacts of the new structure. The CFA's initial annualised budget will be set at that scaled figure plus an increase allocation of \$56.2 million to establish a CFA Support Fund. CFA volunteers will be invited to consult on the most appropriate initiatives to direct this towards but could include; improved training capacity at the local level, equipment upgrades, expanded brigade support, new volunteer recruitment and retention drive, ICT and internet connectivity, and an expansion of the volunteer peer support and counselling programs. Such an increase in funding will be needed to allow a refocussed volunteer CFA to make sorely needed improvements in the areas of Training, volunteer and personal development as well as the organisational changes necessary to bed in the government's changes.

The Government will also establish a new stand-alone Emergency Services Infrastructure Authority. One of the first tasks for the new authority will be to work with the CFA on delivering a new \$44 million station building program. A stand-alone agency will allow the new CFA to be even more focused on the task of developing/improving firefighting capability.

The oversight of common standards of operational equipment, facilities and procedures will be the responsibility of Emergency Management Victoria (EMV). This approach will see the EMV evaluate standards and options for both the CFA and FRV. Those organisations will be able to work within the parameters set and not necessarily duplicate one another's decisions.

A new structure as outlined in the Government's plans will mean that some of the CFA internal activity presently handled 'in house' will be undertaken under a new corporate structure, including FRV 'contracting in', with clearly defined roles, responsibilities and, importantly, budget allocations. Organisations contracting services into CFA, including FRV, will be under a commercial obligation to satisfy criteria as set out by the CFA. The CFA (and VFBV) need not concern itself with the industrial agreements entered into by the FRV with their employees – it will simply require performance of tasks and completion of contracted work. Again, no necessity for volunteers and career fire fighters to be placed at loggerheads.

All negotiations, decisions and responsibilities for the wages and conditions of UFU member fire fighters and operational staff in FRV will be undertaken by FRV. Neither the CFA nor our volunteer organisations will be enabled nor tempted to become involved in these negotiations at either a corporate or political level. The duties and roles of FRV personnel seconded into the CFA will be the subject of separate commercial agreements between the CFA and FRV. For at least the first two years these roles will be allocated exclusively to FRV but there is nothing preventing future Governments (after an appropriate review) from making statutory changes to the nature of the relationship between the FRV and CFA or, indeed EMV.

Future Government will be able to allocate funding and grants to specific arms of emergency services; either to the volunteer CFA or alternatively to other arms of the services. This means that alternative Governments could commit to specifically allocate funding to the volunteer CFA without the risk of that allocation being diverted away from volunteer support. Under such a structure CFA volunteers and our communities will have the opportunity to extract specific commitments from alternative Governments.

I do not fear being a volunteer in a wholly volunteer organisation. I appreciate a clear delineation of roles and the capacity to evaluate the performance of organisations and subcontractors charged with providing services to a new CFA. I relish the capacity to directly challenge alternative governments to fund a volunteer CFA in the manner to which the community expect. I look forward to a time when we can focus on and take responsibility for those areas in the CFA which really impact on volunteers; improvements in the delivery of training, resource allocation, provision of adequate personal protective equipment, consultative mechanisms, health and safety, support services, brigade development, all as they impact on volunteers. And, yes, it is with some relief that I envisage a time when we volunteers can get on with the job working with other emergency

services personnel and not be called upon as foot soldiers in anyone's latest battle with the UFU or career fire fighters.

There are those for whom there is a degree of risk in the Government's proposed reconfiguration of fire services but they are not local brigades, they are not our volunteers and they are not the Victorian community. The Government's plan doesn't address all of our problems. Nor does it immediately re-establish the good will which has been sorely tested by ten years of unedifying and destructive pitched battles amongst fire fighters. It does, however, give us the chance to stand on our own two feet and deliver a better volunteer CFA for both our communities and volunteers.

Brendan Jenkins

Captain Moe South CFA

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Captain Moe South Fire Brigade

Vice President District 27 VFBV

Merton Group Nominee to District 27 District Planning Committee

Member of Merton Group

Former;

3 x mayor of Latrobe City

Councillor of city of Moe

Secretary Gippsland trades and Labour Council

MLA for Morwell

Deputy chair and Board member of Gippsland Water

Director Coal Corporation of Victoria

Director Gippsland Development Limited

Life Member Latrobe Region hospital

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