

# TRANSCRIPT

## STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

### Inquiry into fire season preparedness

Melbourne — 2 August 2016

#### Members

Mr David Davis — Chair

Ms Samantha Dunn

Ms Harriet Shing — Deputy Chair

Mr Adem Somyurek

Ms Melina Bath

Ms Gayle Tierney

Mr Richard Dalla-Riva

Mr Daniel Young

#### Substitute Member

Mr Greg Barber

#### Participating Members

Mr Jeff Bourman

Mr James Purcell

Ms Colleen Hartland

Mr Simon Ramsay

#### Staff

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#### Witnesses

Mr Andrew Ford (sworn), Chief Executive Officer, and

Mr Adam Barnett (sworn), Executive Officer, Volunteer Fire Brigades Victoria.

**The CHAIR** — The UFU — Peter Marshall and Mr Hamilton, their president — indicated at 4.59 last night that Peter Marshall is ill. For that reason the hearing at 10.15 a.m. will not proceed, and we will return, as scheduled, at 11.00 a.m. for the VFBV.

I declare open the inquiry into fire season preparedness, noting that the committee is hearing evidence today in relation to its inquiry into fire season preparedness, and the evidence is being recorded. I welcome the witnesses, Mr Andrew Ford and Mr Adam Barnett, to the table. The evidence at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat those things, the comments may not be protected by privilege.

I ask you, Mr Ford and Mr Barnett, to lead off with a short statement. I understand you may give further evidence beyond this inquiry, but if you could lead off with that short statement, we will then follow with some questions.

**Mr FORD** — Firstly, I thank the committee for the opportunity. You know us — Adam Barnett and Andrew Ford from Volunteer Fire Brigades Victoria. We wish to and offer to support the inquiry in any way we can, either today or beyond today. We have an interest in the issues impacting not only on the forthcoming fire season but also emphasise that the approach taken to address the issues now and the issues that are of interest to Victoria in preparation for this forthcoming season will have a significant and compounding effect on fire seasons into the future.

Our interest, and no doubt the committee's interest, is driven by achieving safer communities and reducing the impact of fire, whether this involves preparing the landscape, preparing communities, building community capacity and resilience, building and maintaining prevention and response capability, or recovering from fire. We come from a viewpoint that volunteers are not only vital for Victoria's emergency management arrangements — and the only cost-effective model, we would put to you, for providing the fire and emergency management arrangements required in Victoria, as one of the most fire-prone areas in the world — but also that the community embedded volunteer-based model is core to community sharing responsibility for its own safety and core to building local and broad-scale community capacity to help with fire season preparedness.

The leadership and resilience that come from the volunteer approach is core to providing that essential local knowledge and corporate memory. I will use 'corporate memory' but community and societal memory are required to prepared for and plan for and respond to emergencies during fire seasons. We apply your term 'preparing and planning for fire seasons' to refer to the ongoing capability and preparedness and performance to limit the damage of fire in the landscape, particularly during the summer months, and I hope that is the spirit with which the committee looks at it. We acknowledge that this has got to be a joined-up, whole-of-system effort, and certainly the CFA is working with DELWP, with other agencies and with communities as one to achieve that goal.

For this presentation particularly we want to stress the vital importance of CFA volunteers to fire season preparedness, and we want to address to you some matters in particular — volunteer surge capacity required for major events, and I have a short presentation that I would like to play in a minute that I think will paint the picture much more efficiently than 1000 words. We want to talk about the interrelationship between fire service delivery in outer metropolitan Melbourne and Victoria's fire season preparedness, we want to talk about the importance of the CFA's integrated model for managing this interrelationship and we want to talk about our serious concerns about the negative impact that the current UFU-proposed EBA will have on the powers of the CFA chief officer, the volunteer and integrated nature of the CFA, and a direct impact on Victoria's fire season preparedness, in our view.

We also want to talk about our real concern about pushing this unworkable agreement through before summer just to get it off the books, and we would say that serious long-term and potentially disastrous impacts must be addressed before the EBA is finalised. We come today to appeal to the committee to do everything in your power to ensure that the concerns we are raising, that the previous emergency services minister has raised, that the previous CFA board has raised, the previous CFA CEO and chief officer have raised, and also the entire CFA leadership team have raised — we want you to ensure that those concerns are fully understood and there is a transparent analysis so that the problems can be removed from the EBA as quickly as possible and that decisions are not made that will impact on us not just for this fire season but for fire seasons to come.

I want to be very clear: we have no issues with the pay and conditions aspects of our paid firefighter colleagues and maintain that these aspects should be separated from the concerns we are raising about the problematic impacts of the EBA and ideally signed off and the pay issues resolved as quickly as possible. Our issues are not between paid firefighters and volunteers; they are about a broader union control than that industrial interference with CFA decision-making and an EBA that we submit effectively dismantles the legislated nature and operations of the CFA and therefore erodes the capacity of the CFA to manage their operations. If I can play this short video now, I will then talk to some of the key points.

**Video shown.**

**The CHAIR** — This, to be clear, is on your website, I think — is it?

**Mr FORD** — A similar version.

If I could, I would like to just point out a couple of key points. You will see from that video, and hopefully it is quite self-explanatory, that we will every year and increasingly experience multiple large-scale fires, often at the same time, and at the same time need to maintain day-to-day service delivery at local patches. So the resources required for that concurrent and often long-duration fire and emergency are critical to our fire season preparedness.

The other issue is volunteer and paid firefighters working as one integrated team, a single chain of command, an issue well recognised and discussed in the bushfires royal commission of 2009, is vital for effective response. Volunteers are trained, experienced and endorsed to perform all roles, from firefighting on the ground through to major incident management and incident control roles. CFA is founded on the principle that the roles performed are based on knowledge, skill, training and availability, not on pay status. A significant portion of the response capacity you just saw comes from the volunteer brigades and integrated brigades in outer metropolitan Melbourne and provincial centres. So the two things are very interrelated. If you erode the volunteer capacity in outer metropolitan Melbourne, you will not have the capacity to respond to the major incidents that we see each fire season. Not only that, but volunteers are vital to the local knowledge and experience and provide that inbuilt community capacity and leadership that is core to community resilience and recovery.

I want to emphasise the importance of sustaining volunteers in outer metro Melbourne. I want to emphasise that 40 per cent, often, of those resources to major fires are volunteers coming from brigades in outer metropolitan Melbourne, and therefore the importance of sustaining that integrated model in outer metropolitan Melbourne is paramount, as is recognised in CFA legislation. I also emphasise the importance of consulting with volunteers about the policy and organisational arrangements that are in place in CFA so that volunteers have a say in what is going to work for them and work for sustainable volunteering, and the importance of the CFA chief officer being able to direct his or her resources to make operational decisions as set down in the CFA act.

These things are just the base starting point for any fire season preparedness, and we say they are critical to the future. Committee, to us it is incongruous that currently the government could be considering for CFA or CFA could be forced to enter into an EBA covering less than 2 per cent of the workforce that would work against these fundamental principles.

I now wish to raise some specific concerns about the proposed EBA. We purport to you that it erodes the role of volunteers, it restricts support to volunteers, it dismantles the CFA integrated model and it restricts and overrides decision-making, particularly operational decision-making of the chief officer, things we say are fundamentally important to Victoria's fire season planning and preparedness. We believe that because of that the EBA as it stands will potentially lead to reduced volunteer capacity, potentially create a significant cost burden with potential to monopolise resources in urban Melbourne, rather than allowing CFA to determine priorities based on service need and risk, and this will retain resources to one small aspect of CFA's business and operations and drain them away from regional Victoria and often those high-risk fire season priorities. It will also risk losing volunteers in the future and volunteers walking away now. It is a little bit along the lines of use them or lose them, or respect them or lose them, and we just cannot afford that in Victoria. Once gone, that capacity will be very difficult to rebuild.

Whether people have been ill advised or simply just do not understand, we repeatedly hear comments that there is no impact on volunteers of the current EBA, that the volunteer concerns have been addressed and that the EBA only affects 34 integrated brigades.

**Ms SHING** — The current EBA or the proposed EBA?

**Mr FORD** — The proposed EBA, sorry, Harriet. This is simply not correct. Statements are made that volunteer roles are protected. This is not correct. There is a general clause in the EBA that purports to protect some of the roles of volunteers. It specifically omits reference to those brigades and volunteers servicing urban communities, which I have just shown you is a significant portion of Victoria's surge capacity.

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

**Mr FORD** — That would be clause 7A. The other problem with clause 7A in the proposed EBA is it is suggesting a general provision will be able to override specific provisions in the EBA that contradict it. That will not be the case. The general will not override the specific in law.

Statements are made that the support of volunteers is not impacted. This is not correct. The critical support roles that are provided to volunteer brigades for brigade and community capacity building — the community support facilitator's role, the brigade administration support officer's role, the volunteer support officer's role and training issues, just as four examples — are all impacted by the proposed EBA. Statements that are made that the EBA only impacts on the 34 integrated brigades are not correct. Schedule 1 of the proposed EBA immediately applies to an additional three brigades, heralding things to come. I have already talked to you about the impact on the brigade admin support officers and volunteer support officers who currently support brigades right across the 1200 CFA brigades. There are clauses in the EBA — and if you are going to ask, David, it would be clause 35 — —

**Ms SHING** — Proposed EBA.

**The CHAIR** — The proposed.

**Mr FORD** — I am sorry, the proposed EBA. Clause 35.4 outlines that staff will not report to volunteers, in my simple language. The clause is quite specific about paid staff reporting to paid staff. That dismantles the integrated nature of CFA and destroys the integrated chain of command that is required.

The seven paid firefighters dispatched to the fireground for that fireground to be safe ignores the role of trained and experienced and available volunteers as though they were somehow not part of a safe firefighting crew. It also will use, potentially, an industrial vehicle to override and dictate to the chief officer how he or she uses the operational resources available to them.

Statements are made that there is no veto. The EBA interference in the CFA decision-making — the ex-chief officer resigned, saying he would be unable to fulfil his statutory obligations or make timely decisions. That is the extent of concern about the veto in the proposed EBA.

VFBV has provided detailed briefings and submissions to CFA on our concerns with regard to the proposed EBA. We want to highlight to the committee that we have an ex-minister, ex-CFA board, ex-CFA CEO, ex-CFA chief officer, the CFA entire organisational leadership team and volunteers saying the same thing. There are very few people saying we have got it wrong but very many people at all levels of the organisation saying there are concerns. There is independent legal advice saying the same thing, and we understand that even the emergency management commissioner and the current operational leadership team are also concerned.

We appeal to the committee to do everything in its power to ensure urgent expert and transparent analysis of the concerns raised by the previous CFA board, CEO and chief officer of the advice that is available from legal experts, of the impact on the CFA volunteer capacity and volunteer workload, and on the full additional costs and funding to ensure that limited funds are not ill-directed away from best community safety outcomes as determined by CFA rather than per an industrial agreement.

We appeal to the committee to get to the bottom of the widely varying cost estimates. CFA estimates an additional cost to Victoria of \$1.2 billion over the next three to four years — the life of the proposed EBA — plus the ongoing additional costs each year. Treasury estimates from my memory, and if my memory is wrong, I apologise, are about 160 million over that same period or thereabouts. Surely the figures should be closer than that if we are to have confidence in either.

We plead with the committee to do whatever you can to ensure that the resolution of the EBA is not done recklessly just to get it ticked off. The Premier is saying that it has dragged on for 1200 days. Just shy of the 1000-day mark the government was saying that the reason the agreement was not signed was because, and I quote, ‘The community cannot afford the unrealistic demands’ and that the union’s demands were over the top, unreasonable and a compromise to community safety. Community safety deserves and demands that the damaging clauses be transparently examined and the aspects that we have referred to, if substantiated, be set aside.

**The CHAIR** — Right, so there is a wealth of material for us to work our way through here. I am going to ask a couple of questions and then ask other committee members to assist.

It seems to me, and I must say that I am very concerned with what I have heard and the potential risk to Victorians. Tell me if I am paraphrasing you incorrectly here but the various clauses, and I will come to the specifics in minute, in aggregate mean that the chief officer would not be able to discharge his statutory role without impediment and the arrangements would mean that the integrated nature of a response would be lost and that the consequence of those things in aggregate would mean that Victorians would be at greater risk, that we could see greater loss of life and property in a severe summer period in particular, entirely in this case because of the arrangements that are seeking to be imposed in the EBA.

**Mr FORD** — That is certainly our concern. Our interest is for one thing, and that is the community safety outcomes. As you have explained it, David, the current proposed EBA — —

**Ms SHING** — It is ‘Chair’. Sorry, formal titles are preferred.

**Mr FORD** — Sorry, Chair. The proposed EBA, as an amalgam of clauses rather than separating clause by clause, will have that devastating effect.

**The CHAIR** — So lives and property could be at risk because of these arrangements if they were put into place in the way that is contemplated?

**Mr FORD** — Certainly the state’s fire season preparedness and response capability could be diminished. We have already experienced fire seasons in the past where lives have been lost. If we forgo either this fire season or in the future required response capability, there is potential that more life or more property or more livelihood impact will occur.

**The CHAIR** — To just follow on from your short video presentation. I think essentially what you are saying there is the enormous surge or reserve capacity of the CFA is a major protection for Victorians and that, over time with this EBA, would be lost or diminished.

**Mr FORD** — There are several factors, Chair. Certainly the surge capacity is a major factor. The volunteer-based and community-embedded model is fundamental to the community sharing responsibility. We see that could be eroded. The proactive obligation of CFA to develop policy — and I am quoting from the CFA legislation, section 6I — and organisational arrangements that encourage, maintain and strengthen the capacity of volunteers is not supported actively by the proposed EBA. In fact there are clauses in the EBA that, astonishingly, work against that obligation.

**Ms SHING** — Proposed EBA.

**Mr FORD** — Proposed EBA.

**Ms SHING** — We need to be clear about which document you are talking about.

**The CHAIR** — Further, let me understand the costings. There are widely varying estimates. Which documents would you direct the committee to to examine these? You would say that there is a CFA document that seeks to examine the cost and there is a Treasury document. Are there any further analyses that we should be looking at?

**Mr FORD** — I understand there have been previous department of treasury analyses of the cost and funding issues for CFA, identifying problems going forward with CFA over and above the proposed EBA. There are costings that have been done by CFA over the previous recent months specifically relating to the additional cost

of the EBA, and I would assume that even more recent costings may have been done. I do not have those, but I know CFA do have them.

**The CHAIR** — Has Volunteer Fire Brigades Victoria undertaken any of its own analysis of estimated costs?

**Mr FORD** — No, we have not — only at the very broad level. You can do pretty rough cost estimates looking at the additional firefighter requirement, but certainly the detailed costings we have not done.

**The CHAIR** — Just on another matter, I understand you may have presented last night to the CFA. Is that correct?

**Mr FORD** — Yes, that is correct.

**The CHAIR** — Who else presented? Is it correct — I am told, but I was obviously not there — that the UFU presented at that meeting?

**Mr FORD** — I understand the United Firefighters Union, VFVB and the emergency management commissioner were invited to present to the board, and last night it was the United Firefighters Union and ourselves presented to the new board.

**The CHAIR** — Right.

**Mr DALLA-RIVA** — What time was that? Was it after 4.57 p.m.?

**Mr FORD** — Yes. We were scheduled to present at 5 o'clock, and I think the presentation before us went for longer and we presented at 6.30.

**Ms SHING** — Thank you, gentlemen, for presenting today. Just to pick up on what the Chair had asked about the meeting that you had with the CFA — the board, was it — last night? Was it the full board?

**Mr FORD** — I think all bar one of the new board members.

**Ms SHING** — So that includes the new representatives that were nominated as independent directors but put forward by the VFVB?

**Mr FORD** — Yes.

**Ms SHING** — Okay. Was that the first meeting that you have had with the board?

**Mr FORD** — The first meeting with the full board, yes.

**Ms SHING** — Have you had previous meetings with other members or representatives of the board or the organisation since the changeover of the board?

**Mr FORD** — Yes. In accordance with the court-ordered consultative process, myself and some representatives from VFVB met with the new board chair, CEO and acting CEO and acting chief officer on two occasions in detail and one occasion more briefly.

**Ms SHING** — So three meetings in total plus the meeting with the full board last night?

**Mr FORD** — Yes.

**Ms SHING** — So that is four meetings all up. What do you take to be the definition of consultation, Mr Ford?

**Mr FORD** — The effective two-way exchange of information, being able for one party to express views of issues of concern and question matters that may be impacting on them and the other party to share that information in answer to those questions so the two parties can understand one another's needs so that the decision-making process can be fully and transparently informed.

**Ms SHING** — On that basis, it is not necessary for a consultation process to be successful or to comply with the definition of consultation where all of the ideas or proposals of one such party, such as the VFBV, are not taken into consideration in a final decision?

**Mr FORD** — Deputy Chair, can you just repeat the question. I am not sure I understand it.

**Ms SHING** — Sure. Is the meaning of consultation that you have just explained to the committee then consistent with you being able to put your view and put any of your concerns, as you have done so to the committee today, to the other party to the consultation prior to the making of a final decision?

**Mr FORD** — I think I understand your question. If I can just be clear, the three meetings — the two lengthy meetings and the one shorter meeting — we had with the new chair and the CEO, to our disappointment, followed the strict letter of the law in terms of the court order, which was an opportunity for VFBV to present our concerns to the CFA and for the CFA to listen. The definition applied by the CFA chair was that that was what was required and there would not be a two-way conversation. Certainly also, and we understood, it was not a negotiating process. So during those conversations critical information that would enable the two parties to understand the issues more fully was not able to happen because it was a one-way dialogue.

The meeting last night was invited to be a 30-minute briefing to CFA of the concerns volunteers have, as expressed by Volunteers Fire Brigades Victoria, amalgamating feedback we have had in from across the state. Again, it was a very productive conversation. We raised a number of significant issues and we do have quite a bit of hope that the full CFA board now, with an understanding of those issues, is better equipped to be able to have a conversation within the board and themselves understand the implications of the proposed EBA.

There are a number of matters that were raised during our court-ordered consultative process in terms of information that we requested from CFA — how some of the critical clauses would operate, how CFA saw them operating and therefore the impact on CFA. That conversation has not been able to happen yet, but the chair did indicate that he would have a look at a request for that information so that we could follow up with a further conversation, and he has invited us to come back to them with some further information.

**Ms SHING** — So there has been a process including four meetings, you have met with the full board and you have been invited to provide further information, and despite the fact that it has occurred as a consequence of a court-ordered process, are you saying you are not satisfied with the consultation that has taken place to date?

**Mr FORD** — Certainly the consultation that has taken place in the last short period is a start, but it is not sufficient for the new board, who have been in place for less than a fortnight. I understand they met with ourselves and the United Firefighters Union last night and may have had a very short briefing, but for them to digest the information that we were given and to ask any further questions and enter into a genuine two-way consultative process — that has not happened yet. Now, we are not saying — —

**Ms SHING** — What do you mean by ‘a genuine two-way consultative process’, because what you have said to me is that you have had an opportunity to put your position; you have put your position and your concerns, and you have had multiple opportunities to do that, and because it has not been a two-way street, despite that you have been invited to provide further information, that does not tick the box in terms of consultation? I want to flesh this out a bit more.

**Mr FORD** — Deputy Chair, what I am saying is I think that whilst the process, as it started to work last night, which was a two-way conversation, was healthy and in the right direction, to say that it has finished, when the board themselves have identified that we had raised issues that require their own further consideration and discussion with us and that there was information that CFA has that would help the conversation that has not yet been able to be tabled, those conversations are still happening. The fact that they are still happening does not mean it has been unsatisfactory. It just means it is not finished.

**Ms SHING** — So it is on foot, then?

**Mr FORD** — It is on foot.

**Mr BARNETT** — Ms Deputy Chair, could I just add to Andrew’s response?

**Ms SHING** — Sure.

**Mr BARNETT** — So there is vital information in order for us to actually analyse and for us to actually understand the impacts. I will use two examples: the infrastructure agreement is referenced in the document. That goes to the very heart of an integrated brigade and how it is designed. Volunteers have not seen that document and we have not seen that document to date. The second part is around GARS.

**The CHAIR** — What was the name of that document?

**Mr BARNETT** — Infrastructure agreement. It is referenced at 88.1 of the agreement.

**Ms SHING** — The proposed agreement.

**Mr BARNETT** — The proposed agreement.

**Ms SHING** — We just need to be clear about the fact that this is not yet a made agreement.

**Mr BARNETT** — I note that. The second part is around GARS, which is the greater alarm response system. It would be a fundamental change to the way that CFA operational doctrine actually works. CFA to date has not provided us any details on how they intend on implementing it, how it will work or what the volunteer impact or workload would be.

**Ms SHING** — So how do you know that it would be a fundamental change if you have not seen the detail?

**Mr BARNETT** — Because the proposed agreement basically dictates that the MFB GARS system will be used in CFA.

**Mr FORD** — The other issue with it, Deputy Chair, is that you have now got an operational response procedure and doctrine being embedded in and dictated to the CFA chief officer by an industrial agreement, as opposed to the CFA chief officer determining what is most practical, most effective and most warranted.

**Ms SHING** — Well, it is interesting that you should say that, and that leads into my next question. One of the key concerns that has come out of this for me is the interface between what is operational and what is industrial. I note that this is an issue that has plagued the delivery of fire services since the 1880s, when the CFA delivered fire services to and on behalf of landholders throughout regional Victoria, and it has been the —

**The CHAIR** — More a predecessor of the CFA, I think.

**Ms SHING** — The predecessor, correct. And it has been the subject of very, very passionate conversation and debate in the public domain ever since then, when people have called for the paid fire services to stay out of, effectively, the regional delivery of fire services that occur on a volunteer basis. Now, I note that in 2006 there was a letter from the VFBV which referred to the negotiations of the enterprise agreement at that time, which had been going for over 12 months. It stated:

This EBA contains clauses that seriously impact on the autonomy of CFA to make decisions, including some related to the relationship between CFA and its volunteers. On this basis, and because it undermines the statutory responsibilities of the CFA board, chief executive officer and chief officer, the CFA board has refused to sign the agreement.

Gentlemen, I put it to you that in fact we have had a series of industrial agreements which have operated for more than a decade which have in fact been the subject of intense scrutiny from the fire services review, from the Jones report and from various other interrogations of the way in which interoperability works, integrated stations work and, more recently, the changes to population growth and development that are pushing our peri-urban and urban boundaries out, and yet these issues seem to come up time and time again. Your volunteer numbers continue to rise, and you have also indicated that in fact your interest is for community safety. That is something which the UFU is on the record about as well, so I cannot see how there is not ample space for common ground on community safety being at the heart of what you do to ensure that life and property and livestock are protected to the best extent possible. What do you say to those ambiguities there?

**Mr FORD** — So, Deputy Chair, I think it is pretty simple. There is pretty strong alignment, very strong alignment, from all players or contributors that the focus needs to be on community safety. The CFA act is designed, and sets down obligations, to protect the provision of community safety in Victoria — —

**Ms SHING** — Which should also apply to you in your organisational development.

**Mr FORD** — Which applies to CFA volunteers and CFA staff alike.

**Ms SHING** — And down to your funding as well, too, does it not? The VFBV funding also ties back to the CFA act?

**Mr FORD** — I wish the funding was set down in the act. No, it flows from our role that is set down. Can I come to that question in a minute, because you are asking two very, very different questions. If your question and motivation is to understand the community safety aspects, as opposed to the funding aspects, the CFA act is constructed to protect and sustain a volunteer-based and integrated service model for Victoria. It sets down in the act that the CFA is first and foremost a volunteer-based organisation in which staff and volunteers will work in a fully integrated manner — number one. It also sets down, obviously, that the CFA has a role to prevent and suppress fires in the country area of Victoria.

It sets down that the CFA, as I have said before, has an obligation to develop policy and organisational arrangements that will encourage, maintain and strengthen the capacity of volunteers, and it sets down consultative arrangements. It also sets out that the chief officer has the power and needs the power to direct his or her resources and make operational decisions. On that we all agree. The problem you have is an industrial agreement empowered by commonwealth workplace legislation that overrides that CFA legislation. So we are not arguing that people are not motivated by the same thing; we are arguing that those matters that are to do with operational decision-making in CFA, operational control of CFA, provision of support to volunteers and sustaining strong volunteerism for Victoria into the future should not be interfered with and overridden by an industrial agreement.

**Ms SHING** — So — —

**Mr FORD** — If I could — —

**Ms SHING** — Yes, just very quickly, because I have got one final point to finish up on.

**Mr FORD** — Yes. There are some things we all agree with — that the role of volunteers to deliver CFA services should be supported and sustained, that we should support and protect consultation with volunteers on matters that affect them, that the provision of support to volunteers to ensure that they are able to do what they need to do today and tomorrow is provided, and that volunteers and paid staff work in a fully integrated manner. Those things are not in dispute. The problem is that there are clauses in the proposed EBA that work against those fundamental principles.

Now if everybody is totally committed to those principles, let us identify the clauses in the EBA that contradict those principles and address them, and what we are saying to the committee is that you need to help us do that because if we do not — and let us imagine that what we are saying has any potential to have the impact we are saying — you will not have the capacity that we demonstrated on that video today. It will be an irreversible loss that will be fundamentally damaging to Victoria. That is our sole motivation here.

**Ms SHING** — So I take you again to the letter of 2006 that says:

At a mass meeting held in Melbourne last week, volunteers agreed that action must be taken to increase public awareness of the threat to our capacity to do our job, and agreed to stage a public rally within the next few weeks ...

That has happened some 10 years later. We are still talking about the same thing. I take you to page 34 of the fire services review, which indicated, amongst other things:

VFBV must also move away from an 'us' and 'them' mentality on behalf of volunteers and engage constructively and openly with the CFA and government. The VFBV is also urged to support positive engagement by the CFA's senior management with its volunteers.

So how do we actually implement that good faith in terms of the principles that you have just indicated bring everyone together around community safety and getting a fire service that actually works well for everyone?

**Mr FORD** — It depends on what detail we have time to go into today, but if I read to you clause 35.4 of the proposed EBA:

All employees covered by this agreement shall only report to operational employees under this agreement or at the rank of DCO (deputy chief officer) or chief officer when responding to fire alarms or incidents under this agreement except in the case where the incident is a level 3 multi-agency incident or to a CFA/MFB incident controller at an incident.

We say that clause directly contradicts the notion of working as one. It ignores the capacity of trained and endorsed volunteers, and it will dismantle the integrated nature. So we are actually in terrific agreement with you, Deputy Chair, that what we are asking for is for those clauses in the proposed EBA that work against not just CFA paid staff and volunteers working as one but the collective agencies — that clause will impact on the way the CFA works with DELWP and others. We are asking that those clauses be removed so that we can continue to work as one.

**Ms SHING** — So that nothing in the agreement prevents the CFA from providing services normally provided by volunteers as volunteers without remuneration?

**Mr BARNETT** — I think we have dealt with that, about the general being overridden by the specific. If I could, please, just chase up on your last bit, you make the point about previous inquiries. One of the core frustrations of volunteers — and you go back to 2006 in your letters and the quotes that you pulled out — is that inquiry after inquiry after inquiry finds the same problems and embuggerance to the system. Time and time again. And nothing — —

**Ms SHING** — I disagree with you there. The Jones report would disagree with you there.

**Mr BARNETT** — Well, I could quote and unquote through the Jones report about things that have not been enacted, and he goes to great lengths to suggest changes that should be made to the EB which have not been made in the proposed EB that is on the table. You talk about previous inquiries. The royal commission spent weeks and months and years looking at single line of control and chain of command. Who was in charge? You have now got a proposed document on the table that is going to put that very question into doubt. Who actually is in charge? Does every firefighter need to have a copy of this agreement? It does not even recognise DELWP, and you talk about paid staff working in rural and provincial cities. DELWP do it day in, day out, and volunteers by and large work extremely well with their DELWP employees.

**Ms SHING** — A final question, gentlemen, have you received any advice or information about where or whether the VFBV will receive any proceeds from the 'Hands off the CFA' site or fundraising conducted by or auspiced by the Liberal Party?

**Mr FORD** — I can answer your question in two parts: no, if your question is have we received any advice or offer? Absolutely no. And if we were to receive any offer, we would absolutely reject it. We have nothing to do with that site and are very concerned that it was raised and bringing us into any sort of disrepute.

**Ms SHING** — An unfortunate politicisation of the work that you do.

**Mr FORD** — But not something that we did, Deputy Chair.

**Ms SHING** — Thank you, gentlemen.

**The CHAIR** — Just before we move on, I just wanted to get some words here: GARS was referred to, and that is — —

**Mr BARNETT** — Greater alarm response system.

**The CHAIR** — And is there a document that lays that out?

**Mr FORD** — I think you would be best to ask the CFA current chief officer how he would see the greater alarm response system working.

**The CHAIR** — And the Jones inquiry has been referred to, and as I understand it, there is an implementation plan for that.

**Mr FORD** — We can provide you with both the VFBV's submission to that inquiry, the inquiry report itself and the CFA/VFBV implementation plan.

**Ms BATH** — Following on from that, you mentioned a level 3 fire situation. Could you define what that is?

**Mr BARNETT** — There are three levels of incidents — level 1, level 2 and level 3. Level 1 is the smallest incident, normally categorised — and these are not hard and fast rules; it is a judgement call — by the first responding appliances being able to deal with the incident in a fairly short period of time. So you do not need to call in additional resources above what originally responded. A level 2 incident is more complex in nature, more likely to be of a longer duration than a level 1 and more likely going to need more resources than was originally sent to the call. A level 3 is the most complex of all — long-term, high-risk and additional resources far beyond what was sent originally.

**Mr FORD** — And within those incidents there are layers of command and control that will have either paid staff or volunteers working in them and the system needs to be able to work as one.

**The CHAIR** — Or both.

**Mr FORD** — Or both.

**Ms TIERNEY** — Good morning, gentlemen. One thing that we are in vigorous agreement with is community safety, absolutely. As you know, that is the main driver for volunteers stepping up and saying, 'I want to join'. Absolutely that is the case. I have been in a number of situations, even as recently as last Thursday when I was at the integrated station in Warrnambool. I also received a delegation of CFA volunteers on Friday night in my office in Geelong. With the Thursday situation we had career firefighters as well as volunteers in the same room. It was an opportunity to essentially chew the fat, where you could raise any issue you wanted to and you could do it with the minister directly. In the case of my office, it was all CFA volunteers — Teesdale, Highton, Grovedale and Lara, off the top of my head. There were some others, but they were the main brigades who were represented.

The general sense I got was that now people are indicating, in terms of the proposed EBA, that that is a process that is just working its way through the system. In terms of their direct needs, apart from the presumptive legislation issue, the main issue that was raised by the volunteers and the career firefighters was the lack of training and that this has been an issue that has been going on for a long, long time. On Friday night there was only one person who could tell me that he had been trained or had undertaken a course, and that was once and it was seven years ago. No-one else could remember anyone else. So I suppose I am particularly concerned about the lack of training because it is training in relation to on-job or on-preventative fire training as well as those very core things that we need in our communities, and that is leadership training and community capacity. That clearly is not being done, and of course that has a dramatic impact in terms of fire preparedness. So what I would like to know is what your organisation has been doing to prosecute the case for extra resources and training that is needed across the service.

**Mr FORD** — If I could start. Because I do not have a list in front of me, if I miss any, I will come back to the committee. If you go to the Jones inquiry, if you go to the fire services review, if you go to the Garnock training review and if you go to our ongoing dialogue with CFA, you will find that we agree with you that the problems with the access to and provision of training and the funding of training is one of the major problems in CFA. If I paraphrase, Jones — in recognising the issues that we have extensively raised — identified that one of the problems with training in CFA is that the resourcing of training is not driven by training needs analysis, driven by operational needs analysis, but is driven by the historic budget, which is not appropriate for an emergency management organisation such as CFA. We need to train to the need and the need needs to be driven by the risk situation. The notion that volunteers could be denied opportunity for training simply because the budget has run out or been spent on something else has been an ongoing concern of ours. In the last year — and I think you will need to get these reports more from CFA — cost pressures in CFA, and we were briefed by the ex-CEO in March this year I think, including a \$20 million overtime blowout for paid staff, meant that other areas of CFA's budget were being squeezed, and invariably training becomes one of those issues. So we have raised it continuously.

**The CHAIR** — Training was put on hold because of a blowout in overtime?

**Mr FORD** — There were a range of brigade support functions and some training activities curtailed. The closure of Fiskville, while we understand the decisions and the issues that led to the closure of Fiskville, took out a major training facility from CFA's training infrastructure. The opening of Craigieburn training facility was supposedly going to help replace the gap created by the closure of Fiskville. If it is more than one or two lots of brigades that have been there, I would be surprised. In fact my understanding is that next to no volunteers have had access to training at Craigieburn. My information may be a couple of months old. That is not for want of trying and not for people wanting to be able to provide access to volunteers, but it is very heavily in demand at the moment because of the legitimate need to train the additional paid firefighter recruits that are coming onstream. So the gap in training capacity, just in an infrastructure sense in CFA, has been a very big concern of ours. We have raised it very extensively.

We undertake a volunteer welfare and efficiency survey each year. That survey is underway at the moment; I am happy to explain a bit more about that. It surveys volunteers — in the past across CFA and in this year across all emergency services and in fact across Australia — around the 30 or so issues that they say are most critical to their welfare and efficiency and ongoing capacity and satisfaction to perform their role. Training is the worst performing area, and we have been raising that with CFA continuously. I think it has been something we have been very vocal about.

In terms of the leadership training issue at brigade level, we agree with you and acknowledge that leadership training is a significant issue. In addition to what CFA and others may do, VF BV established a leadership scholarship program about five years ago, funded initially from some donations moneys that we have and augmented in recent years from the Valuing Volunteers program funding. We have now put, I think, in excess of 250 — I might have that number wrong — volunteers through that leadership training program. It is not the panacea and it is not training for anyone who needs it. So we are not only expressing a concern about training and expressing a concern about leadership training, we are also doing something about it.

**Mr BARNETT** — There are two things I would add to that. The first one is, and we go to I guess the heart of some of the frustrations around the inflexibility that has been proposed. So you have got 97 per cent of CFA's workforce being volunteer. When are they most likely going to need training and access to paid trainers? It is going to be evenings and weekends. Under the proposed agreement — and it was the same, as the Deputy Chair alluded to, in all previous agreements — the training instructors' normal hours of business are prescribed as being Monday to Friday during business hours. That is of no assistance to volunteer brigades that want, need and are asking for access from their highly skilled, highly respected paid training pool. They cannot access it unless those members choose or elect to work on overtime. Through the training grounds, PAD operators, there are restrictions around instructors and how many evenings and how many weekends they can work, which they should have for normal work-life balance. But the fact that you cannot then supplement that with a casual or part-time workforce that is available at the hours that volunteers need is one of the major impediments to volunteer training.

The second part is: when people talk about training they often think about bricks and mortar, and books and study. Mentoring is one of the key parts of training. If you think of the senior volunteers in the state who have 30, 40, sometimes 50 years experience of running the most complex incidents, all the way up to level 3 incident controllers, how do they share that knowledge? They get in a strike team vehicle, which is a head vehicle in charge of five trucks, and actually share knowledge between each other. A proposed agreement that starts stipulating minimum crew levels and not allowing volunteers and staff to work side by side because of their pay status, how do those senior volunteers actually share their knowledge if you cannot put a station officer in a strike team vehicle on his own to share that knowledge? Prohibited by the proposed agreement.

**Mr FORD** — The Deputy Chair may also in the notes she has there about concerns raised by VF BV on the 2006 EBA and 2010 EBA, significant concerns about barriers to CFA engaging sessional training instructors to provide the flexibility for volunteers to be able to access training at a time and a place that makes it as easy as possible for them to get there and for CFA to be able to provide as much training as possible to meet the demands in the most flexible and adaptive and cost-effective way.

**The CHAIR** — Not 9 to 5.

**Mr FORD** — Not necessarily 9 to 5. If I could, I think because of time we can follow this up with some written information on it.

The issue of preventative burning, which is obviously a key interest to the committee in terms of planning and preparing for fire seasons, we have also previously submitted to CFA, the emergency management commissioner and DELWP a number of principles that we believe would increase the involvement, engagement and opportunity for volunteer capacity to be utilised and engaged in preventative burning. Not only will that have benefit for preventative burning programs across the state, there are also learning advantages for a greater involvement in preventative burning. In the last couple of years I think some of those principles have been applied with more vigour and what you see there is, A, a better preventative burning program, and, B, better utilisation of volunteers and better practical experience.

That is an issue that volunteers and VFBV strongly support, considering the principles and design features that might be required and sensible to not impact on the progress of the preventative burning program but optimise the opportunity for volunteer capacity to be engaged.

**Ms TIERNEY** — The royal commission, in taking evidence about the ongoing and potential growth of the population, indicated that there needs to be more paid staff. Do you agree with that?

**Mr FORD** — Yes. Where there is a need for service capacity that exceeds volunteer capacity we definitely need to supplement that capacity with whatever solution is required to meet community needs. The royal commission actually identified — I think it is in section 10.2 of their report — that it was not a simple calling for additional paid firefighters. What they said was when Melbourne is considering its future fire and emergency service planning two factors need to be considered hand in hand. One is the approach taken to respond to urban and metropolitan growth, and two is the approach required to ensure we have the major fire incident management capability required for the state.

The royal commission in fact also acknowledged the current success — they did not pass judgement on it — of the current integrated model in being a feature in balancing those two factors. VFBV and volunteers and volunteer brigades will be the first people to put their hands up for support if a brigade is experiencing a risk situation or a workload beyond their capacities. There are documents in CFA — they were tabled to the royal commission in fact — that talk about a set of brigade support planning principles that identify that a brigade experiencing service demand pressure or capacity pressure can be supported in a range of ways: administrative support, support with recruitment and retention, support with community education, support with training, support with leadership development. The notion that the only support available is paid firefighters we would contest, and we would strongly contest that the provision and planning for support to brigades needs to be flexible and adaptable to changing local circumstances and needs to be the domain and decision-making of the CFA chief officer, not an industrial process.

**Ms TIERNEY** — Mr Ford, in your previous answer you mentioned that the CFA has a significant deficit and because of the cost overruns that the CFA — that was the reason why the CFA has not been able to produce the level of training that you and I and others would expect. But that of course has been the case for a long time. It is not just this financial year; it has been going on for some time. Would you agree that if the CFA cannot provide training, then there must be clearly some structural issues that the CFA has — if it cannot provide training?

**Mr FORD** — My apologies. The last 10 words of that I missed because of that phone ringing.

**Ms TIERNEY** — Would you agree, given that the CFA has not provided training, regardless of it being in deficit or not, that clearly the CFA has structural issues?

**Mr FORD** — I think — and if I could just go back — I was using the example of cost pressures last year that impacted on a number of support provisions to brigades, including training. The broader problem of the CFA's training budget and resource allocation not meeting training needs is not due to last year's deficit; it is an ongoing problem and needs to be addressed. That is one of the concerns we have, that there will be externally driven — and not driven by CFA chief officer decision-making and recommendations — funding allocations that address other aspects of CFA's capacity in lieu of or in the absence of addressing the training requirement. However CFA determines to manage its available resources, it needs the decision-making prerogative and power to direct its limited funds to the most important need. The current industrial arrangements play a significant impact on the ability for CFA to mix and match its funding expenditure to need, and a growth in training will be limited by an inability to fund it.

**Ms TIERNEY** — So you are saying that the industrial instrument prevents proper training delivery in the CFA?

**Mr FORD** — The industrial instrument — —

**Mr BARNETT** — The industrial instrument diverts much-needed resources.

**Mr FORD** — The industrial instrument certainly contributes to deficiencies in training. Clause 149, the clauses around sessional instructors, the clauses around the requirement in the proposed EBA requiring the use of potable water, clauses around where training will be conducted will contribute to difficulties in getting the best of the available resources for CFA training.

**Ms TIERNEY** — So has your organisation been in conversation with the CFA or the government in terms of the cost issues?

**Mr FORD** — VFBV wrote to the Premier and the minister and every member of cabinet seeking an opportunity to explain to those members our concerns around the proposed EBA and seeking some answers around the issues that we needed to understand more fully, including the cost impacts. Extremely disappointingly for us, we had no material responses to any of those letters.

**The CHAIR** — Do you have a copy of that letter?

**Mr FORD** — We do have copies of those letters. We had a small number of the members of cabinet reply saying that the issue was a matter for the minister. That minister subsequently resigned regarding concerns about the topic in question.

**Ms TIERNEY** — Have you raised this with the CFA directly about their cost structure?

**Mr FORD** — The ongoing cost structure or the cost of the proposed EBA, sorry?

**Ms TIERNEY** — The ongoing cost structure.

**Mr FORD** — Yes, we have. It was a topic in the Jones inquiry. It was a topic in the Jones implementation planning discussions.

**Ms TIERNEY** — And in the last four meetings?

**Mr BARNETT** — Absolutely, at each one.

**Mr BARBER** — Just in relation to the volunteer surge capacity, and you gave us some very intriguing data in your presentation there but it flew by very fast, I gather what you are indicating is that the surge capacity consists of like a daily surge on an extreme fire day where there are large numbers of ignitions that need to be put out, but that is also overlain once the fire season is underway and there are a number of large fires that are ongoing with you then having to maintain those fires and then also respond to new ignitions. Is that more or less what that data is supposed to show?

**Mr FORD** — It is, if I understand your question, and the story can be either short or very long depending on the time we have. You will have seen from the video the blue flag showing brigades that have sent a crew to a fire, and in many cases we pointed out brigades from outer metropolitan Melbourne. What does not show in that video is they may have been rotating that crew day and night for anything up to months — so days, weeks, months, depending on the incident. You would have also seen during those major fires not only brigades sending crews to a major fire but also attending incidents back in their home patch or supporting neighbouring brigades throughout Victoria and that there are numerous major fires happening at the same time. So being able to call on that trained and ready resource and sustain it for long durations is a critical component of the surge capacity.

**Mr BARBER** — Yes. But when your charts show large numbers of brigades leaving the city and going out to Orbost, that is not to deal with an ignition. That is actually to support a fire that is ongoing possibly for days or weeks. So to deal with an ignition, and I think on Black Saturday there were over 100 ignitions of which only a handful got away, that has to be a locally based capacity to deal with that aspect of it, does it not?

**Mr FORD** — Obviously the first response would be the closest brigades and be a rapid response, if that is where your question is going. But in those major fires you will actually experience ongoing ignitions, hour to hour, day to day, as fire spreads. You might have a fire in a particular patch of land, the initial brigades will respond, the local brigades. What you will have seen in that video, typically you will have your first, most local brigades respond. As a fire progresses, if it progresses to be a more major or significant event, brigades come from surrounding areas and then draw from further and further across the state. You will then have, particularly on those big fire events, a need to pre-position resources due to forecast fire behaviour and fire spread, so you will also have brigades that have come from a long distance being the first respondents to new ignitions in major events, if you understand what I am saying.

**Mr BARNETT** — The operational response to that is around the appropriate way to respond, so any powers that the chief needs to be able to deploy his resources applicable to the actual situation and incident. That is why it is so important, because your weight of response actually can change by the minute depending on further information that is actually coming into the call centre.

**Mr BARBER** — So the other metric that you chose to use was, I think, days when more than 250 appliances were required. I presume that if that is 250 appliances, it is more than 1000 firefighters to go with them. You said that had doubled over 10 years. What if it doubles again over the next 10 years?

**Mr FORD** — Okay. I think if it doubles, even if it increases, the only way you are going to combat that sort of service demand is having a trained and ready resource able to be rapidly deployed, and the only cost-effective way of doing that is volunteer capacity. If it is going to increase, which it looks like it is, the priority and importance of proactively encouraging, maintaining and strengthening voluntary capacity becomes even more important. If we are going to continue to need to draw resources to those fires, we are going to need to continue to draw nearly half of those resources from metropolitan Melbourne, as we do now.

**The CHAIR** — So this is particularly the outer metro area?

**Mr FORD** — Particularly the outer metropolitan area, because you have got large numbers of people, large numbers of volunteers, more densely spaced brigades and therefore a good resource pool to send away to remote fires.

**Mr BARBER** — So there would never be enough volunteers in those local areas to deal with those issues? That is what you are saying. They would have to come from the city.

**Mr FORD** — Depending on the size of the fire.

**Mr BARBER** — The size of the task, which has doubled in 10 years, and it is probably going to grow at the same rate.

**Mr FORD** — So if you get a fire at Albacutya that needs 100 fire appliances sustained over many days, you are never going to have 100 fire appliances in Albacutya. You are going to need to be able to mobilise them from across the state.

**Mr BARBER** — So not only to double the effort but inevitably it would have to come from metropolitan Melbourne.

**Mr FORD** — It is going to come from right across the state. A huge portion of the volunteer capacity comes from across the state. The reason we used the 250 is really it is a significant number of trucks. It could have been 200 or it could have been 300, so it is a reasonably arbitrary number.

**Mr BARBER** — It was growing pretty steadily over those 10 years.

**Mr FORD** — Yes, that is right.

**Mr BARBER** — This is not a couple of bad fire years. This is an ongoing rate of growth.

**Mr BARNETT** — It is important to understand that if you have an incident and you want to deploy every single one of your paid firefighters who are on shift today — so a major fire sparks off in the next hour — if the

CFA were to deploy every single one of its paid firefighters on shift, you would get just over 100 people to the fire.

**Mr BARBER** — That is a different question to the one I am asking.

**Mr BARNETT** — If you double the size of CFA's employee pool, the best you are going to get for that incident will be 200.

**Mr BARBER** — I was asking you if you believe you can double the volunteer effort.

**Mr BARNETT** — Prior to Ash Wednesday it was actually 100 000.

**Mr FORD** — What you are looking at in those graphs, Greg, is a growing demand on the available resource. It is not a depiction of that resource hitting its capacity. So the joy of that extensive volunteer capacity is that it has been able to be ramped up and it can ramp up on any particular day, ramp up yet again if a fire spreads and sustain that for many days. So rather than needing to double the number of volunteers, you need to keep the number of volunteers we have today. You need to ensure they are well trained, well equipped, well coordinated and well motivated so they stay for tomorrow. The capacity exists to meet that demand now, but if we lose a great chunk of it, we will be in trouble.

**Mr BARBER** — Your chart did not show 60 000 volunteers all out there. You quote the headline figure of 60 000, but that chart showed a few thousand.

**Mr FORD** — Well, the chart was not intending to show you that. The chart was intending to show you that you would not be able to address those major incidents without a very strong volunteer capability.

**Mr BARBER** — But I asked you a different question — what if it doubles again?

**Mr FORD** — What if what doubles?

**Mr BARBER** — The task. If it continues to grow at the rate you have shown, in another 10 years it could double.

**Mr FORD** — We have talked about the Black Saturday fires and those periods. If I use examples of days where there has in fact been double that demand and CFA has coped with it — CFA brigades across the state —

**Mr BARBER** — For one day or a week.

**Mr FORD** — Or a week or a month. I think you are asking a very hypothetical question. I think as a state we have got a capability and a priority to ensure that we do sustain and grow the capability required to address the growing need.

**Mr BARBER** — Just one more topic — —

**The CHAIR** — The other point with that is that in a sense what you are saying is the agreement will interfere with that capacity.

**Mr BARBER** — They can do their own testimony, thanks, Chair. I just want to move on to another topic, but it will not take long. Dot point 2 of your statement of purpose is:

To provide a united voice for volunteer fire brigades and regional councils —

et cetera. You have got 60 000 volunteers. How much unanimity do you require before you can represent those volunteers in the way that you have been over the last few months?

**Mr FORD** — Over the last few months — you are talking about with regard to the proposed EBA? The VFBV runs ongoing consultative processes, ongoing engagement processes, informal and formal. The formal processes involve delegates from each brigade attending district council meetings in their district. There are 21 CFA districts and discussions through those meetings. Representatives from each of the district council meetings go to state council meetings and these issues are discussed. The issues that have been raised, as the

Deputy Chair pointed out, have been a concern for some time. In fact with the topic of a petition that we ran a few years ago there were 27 000 signatures to that, a large number of those volunteers. We have a range of engagement processes that do have volunteer engagement in those processes.

**Mr BARBER** — I am just asking an open-ended question. Obviously you have been very busy. You have been going to court, you have been running rallies, you have been in the media. I have also received representations from volunteers and had dialogue with them — not as many as you, but I have had some. So with this drip-feed of information we have all been getting about the progress of the negotiation, how much unanimity can you get from 60 000 volunteers when you seek to make the representations that you do?

**Mr FORD** — I think we have got extensive input from volunteers. Is it every single volunteer agreeing with every single issue? That would be false of me to put that to you. There will be different views.

**Mr BARBER** — How many are active in putting forward those views within the 60 000?

**Mr FORD** — I could not give you a number.

**Mr BARNETT** — But with respect, you would understand, given your career, that you do not do a push poll of every resident that sits in your electorate on every decision or every representation that you are going to make.

**Mr BARBER** — I am just providing you guys with an opportunity to give me any relevant information about the extent of the consultation within the 60 000.

**Mr FORD** — Look, understanding the process that we are in here as well, Greg, it would be wrong of me to try and give you a number. I do not have one.

**Mr DALLA-RIVA** — Just following on from an earlier statement about writing to the then cabinet before the resignation of the emergency services minister, you also wrote to the Premier. Have you received any correspondence back from the Premier?

**Mr FORD** — We wrote to the Premier — you will have to excuse me; I am going from memory — but my memory is we wrote on two occasions in that period and also on two occasions to the minister at one point. That may have been after the resignation of the previous minister. One letter we received back, again quite disappointingly for us, acknowledged not so much that we were seeking to be consulted but acknowledged that we were seeking to be kept informed and noting that we had the ministerial volunteer consultative forum as a key avenue for volunteers to raise their concerns. That is a committee or a forum chaired by the emergency management commissioner. That forum in fact does not have the ability to be a consultative forum on these issues. We took the issue to the forum and clarified that it does not have the ability to perform that role. But that was the only response we had.

**Mr DALLA-RIVA** — So have you sought a personal meeting with the Premier on your concerns about —

**Mr FORD** — Not since those letters, no.

**Mr DALLA-RIVA** — Has the Premier sought to speak to you on the concerns that you have raised?

**Mr FORD** — No, to your question just now, but I also need to, for the sake of completeness, say that we did have the opportunity to meet with James Merlino for a 30-minute briefing during that process once he became minister, and we outlined a number of these concerns.

**Mr DALLA-RIVA** — And you have had that meeting?

**Mr FORD** — We have had that meeting.

**Mr DALLA-RIVA** — Can I just ask on an issue — we have heard of threats and bullying occurring or alleged to have been occurring on certain individuals. Have you been personally threatened or bullied during this process of the EBA negotiations?

**Mr FORD** — I am hesitating because I need to cast my mind back over the 70 days. I do not feel that I have been personally bullied or threatened.

**Mr DALLA-RIVA** — Have any of your members told you that they have been threatened or bullied because of their stance on the EBA negotiations?

**Mr FORD** — Look, I think it would be fair to say that there are different members, with most of them wanting to remain anonymous, that have found life has been harder on certain issues. There has been some tension, and the approach we are taking is that these are tense times and that people need to do whatever they can as individuals in the way they behave themselves and the way they understand others' behaviour towards them to ensure that we maintain strong working relationships on the ground. So that has really been our focus as opposed to me doing any more than that. But certainly there have been concerns raised. Certainly there are probably concerns from volunteers and paid firefighters throughout CFA that relationships have been a bit frayed.

I do not know whether I am giving you a complete brief. I am just trying to cast my mind through it, but you will also note in some of our messaging to members and messaging to service personnel — paid and volunteer like — that before we get into any sort of tense conversation, if I can paraphrase it that way, people need to understand one another's viewpoints and understand the issues at hand.

One of the big problems that I think existed for a lot of the start of this process is that many people, including many paid firefighters themselves, were not aware of what was in the EBA and genuinely thought perhaps it was a proposed EBA that was just about their pay and conditions and that people were making the rest of it up. I have to say the comments that are being put around from a number of significant leaders in the state that these stories are lies or have been made up does not help with the relationship between paid firefighters and volunteers. There are concerns in the proposed EBA. There are issues that could impact on the way volunteers and paid firefighters work together, and for anyone to stand up and say that the message that is being expressed on behalf of volunteers and concerns about the impact on volunteers are lies or a political game is actually very damaging to the relationship.

**Mr DALLA-RIVA** — The reason I ask that is that you spoke about the surge capacity and we have discussed about the fire season and the preparedness to deal with that surge capacity. So you have indicated the number of volunteers is about 60 000. Mr Barber has raised the point that there will be or should be an increase of volunteers. So my question is: have you had an estimation or a calculation, with this whole process that seems to have been unfolding, of the number of volunteers that potentially you are going to lose out of Victoria and what real impact that will have on the capacity of Victoria to face the next fire season?

**Mr FORD** — Quantifiable numbers are not possible yet. We have all heard of some brigades and some volunteers saying they will walk away. Again our message has been to not walk away, and the spirit of volunteers and all fire and emergency services personnel is to be there to protect their communities. So that is the encouragement to not walk away, but it has been there as a qualitative trend as opposed to something I can quantify for you. I mentioned to you that VFBV run an annual volunteer welfare and efficiency survey. That survey is underway now, and some of the questions that it asks each year — and again I do not have the document in front of me — are regarding volunteer satisfaction with the way they are treated in CFA, and that does not mean just by CFA but in their activities in CFA — —

**Ms SHING** — Are they the same questions every year?

**Mr FORD** — They are the same questions every year. Another question is their satisfaction with the role they perform in CFA. Another question is whether they intend to continue their role in CFA, and another question is whether they would recommend a role as a volunteer in CFA to other people. We have had interim results in for the survey that opened about two weeks ago. There has been nearly 1500 CFA responses, and I can report to you that there has been a dramatic dip in the answers to those questions. That is a trend that is of concern. My anecdotal evidence, based on conversation with people, particularly around the question of the dramatic dip in satisfaction with their role in CFA and their intention to continue their role as a volunteer in CFA, is about watching where this proposed EBA conversation goes.

If the constructive CFA is dismantled, if the respect for volunteers and the roles they do and can and have performed is eroded, and if the provision of support to them to perform their role well is eroded, then volunteers will walk.

**Mr DALLA-RIVA** — That should sound alarm bells throughout the government, it should sound alarm bells around the state and it should sound alarm bells around every volunteer organisation in Victoria. The one question I have — and you probably have this all the time — is why? Why do this, if everything that you are telling us is leading towards a catastrophic potential outcome for the fire season this coming summer, where we may end up having basically limited numbers of volunteers and a limited amount of satisfaction? Have you asked a question on behalf of your volunteers: why? Can I ask that question on behalf of the Victorian people?

**Mr FORD** — Can I say to you it is a question that I, the VFBV board and senior volunteers across Victoria ask often and with a lot of dismay, I have to say. I have been involved with CFA for nearly 25 years, 15 of those years employed by CFA and in various roles, including at CFA corporate level in running one of the major field regions of CFA, and always in that time I understood my role was as part of a bigger team that was there to support and sustain volunteerism. The CFA model, both the paid staff and the volunteers who make it up, is something we have luckily inherited, and I always saw it as a fundamental responsibility of myself as an operator — and I think policymakers and politicians should see it as a fundamental responsibility — to sustain it for future generations. For volunteers, who do what they do for no other reason than to benefit their fellow man and woman, their society and their communities, to feel that the roles they perform and the skills that they have are somehow second rate because they are not paid, to feel that they can be in this much debate simply to express and have their concerns about the future of CFA operating as well as it can, is heartbreaking. I cannot stress to you enough — —

**Mr DALLA-RIVA** — You are emotional about it; you are obviously feeling it, on behalf of your members?

**Mr FORD** — Yes. If we destroy CFA, we will not get it back. We cannot allow for that to happen. It is incumbent on us as representatives of volunteers, on the management and leadership of CFA and on the state of Victoria to work through this issue well. We have an amazing organisation. Okay, we have some issues that have been identified for the first time in my working life with CFA, an alignment of concerns from volunteers, from the ground through to leadership, the chief officer and the entire operational leadership team, the CEO and the entire organisational leadership team, the board of CFA and the minister — all now departed, apart from the organisational leadership team — telling you the same thing, telling us the same thing: that the conditions of this proposed EBA will actively or inadvertently or intentionally work against the construct of CFA, and yet we have not been able to hold the debate up to have those issues addressed. It astounds me as a citizen of this state.

**Mr DALLA-RIVA** — You are lucky you cannot be sacked.

**Mr FORD** — I am, because I would not be able to live with myself otherwise.

**The CHAIR** — Just in follow-up, that research that you have done, the attitude research, could we have a copy of that when that is complete?

**Mr FORD** — I think if it is on the basis of when it is complete, that would be sensible. We have provided a progress brief to CFA board last night. The survey will remain open until the end of August, and I think at that time it would be well worth providing it to you. To do it prematurely I think would be doing things on the run.

**The CHAIR** — I agree.

**Ms BATH** — Thank you, Mr Ford and Mr Barnett, for being here today. I would like to ask a couple of questions in relation to some scenarios. I will paint a scenario that in mid Gippsland there is a, say, level 1, initially, expanding to a level 2 fire, and initially the local volunteer fire brigade captain and his crew turn out. He is then, in the chain of command — my question relates to the chain of command — the chief in charge of that situation. As it expands more fire services brigades turn out, and at present there turns out a brigade from an integrated station. So I would like you to paint us the picture today of how it stands at the present, what would happen in that line of command, and then under the proposed EBA what would happen to that chain of command under the new proposed system.

**Mr FORD** — I might start and then Adam can help. Very few, if any, incidents start as a level 3 incident. I know you are not saying that. Most will start as a small fire, level 1, go to level 2 and go to level 3. As you deploy resources to a growing incident, your command structure will evolve and grow to meet that incident.

You will have today fire trucks and crews and strike teams and crew leaders and sector commanders and divisional commanders working as one team, whether they be paid or volunteer.

There have been at different times some tensions around strike teams, internal debate about how they will work if there are paid staff in the strike team and a concern that we have raised with CFA in recent fire seasons, and a directive in fact issued by the current acting chief officer in another term as acting chief officer, that that issue was to be addressed, that the system was to work as one and that volunteers and paid firefighters work according to their endorsed role, not their pay status. If I have answered your question, that is how it would work today: you would see a group of people working as one, according to their endorsed roles, to combat that fire. To the naked eye, you would not know who were paid and who were volunteer.

The proposed EBA, particularly clause 35.4, brings that structure into question. Another clause in the proposed EBA that talks about the crewing of appliances where there will be appliances crewed by a crew of paid staff as opposed to a mixture of paid staff and volunteers could change. Those would be the two significant changes. In a technical sense there is your change. That is in the CFA scenario that I have just painted. Today, and take the Wye River fire where you will have had people from Parks and DELWP and CFA working together — mixed crews, mixed command structure, a volunteer incident controller and various volunteers or paid personnel working in the structure below — the proposed EBA will bring that into question. Exactly how that would work on the ground I think you would need to ask the current CFA chief officer. We have asked the same question: how do they see that working? We see that it would not work. It certainly would not work as a single chain of command as we understand it today. It certainly would not work as a fully integrated firefighting service as we see it today.

**Ms BATH** — Could you explain what potential — in your opinion — effects that would have on the safety or effectiveness of putting out those fires?

**Mr FORD** — Where you have got an industrial agreement overriding how the chief officer deploys his or her resources, you have got an industrial agreement with a capacity to dictate and interfere with another clause in the EBA, the operational policy and doctrine and procedures of CFA, can I know with certainty that that is going to destroy the CFA's command structure? Of course I cannot. Can I predict to you that it will create unnecessary confusion? It will disjoint the single chain of command. It will intersperse an industrial agreement with operational command. That has got to be a recipe for disaster.

**Mr BARNETT** — It reopens the royal commission's principal question: who was in charge? It reintroduces who is in charge and creates doubt and confusion.

**Mr FORD** — And can I say that is the short term. Long term would volunteers continue to go through the training and the service delivery only to be subject to a system that does not recognise their skills for what they are simply because they are not paid? My prediction to you with probably as much confidence is that in the next five or 10 years you will not have the firefighting capability or the major incident management capability that you have in your volunteers today if CFA is not actively and diligently driven to encourage and maintain the strength and capacity of volunteers in all roles.

**Ms BATH** — Thank you, gentlemen. In relation to that and noting the recognition of skills within the CFA we have talked about the fact that there is population growth happening in Victoria. It is happening across metropolitan Melbourne but also out into the peri-urban fringes and into the larger centres as well, and I am assuming that this will still continue. I think I heard you in response to an earlier question comment that there is going to be a need for increased paid career service personnel.

My question relates to the lateral movement of, we will say, experienced, skilled volunteers into that paid career force. So the question will be around: are there clauses within the enterprise agreement, the one on the table before us, around the recognition of prior experience and understanding, and also in that context, the flexibility of delivery of part-time work? Take it on notice?

**Mr FORD** — They are big questions. There are limitations. There are limitations on the ability for CFA to laterally recruit people into vacant operational positions as opposed to bringing them in as new firefighter recruits and training them year in and year out. There are much bigger restrictions on recognising volunteers' skills and experience in that lateral entry process, so it is already quite limited for paid firefighters from other

services. It essentially puts impassable barriers for volunteers to be laterally entered into those paid firefighter roles. I am hoping that is an accurate enough way of putting it.

**Ms BATH** — Thank you.

**Mr FORD** — I take you to clause 48 to have a look at. Again, either we need to come back or, even better still, you could ask the CFA chief officer for his understanding of how clause 48 would work in relation to the question you have asked.

You also mentioned, and it is important that I cover it, the fact that metropolitan Melbourne is growing and provincial centres are growing, and as they grow there is no debate that at times volunteer brigades will need to be supplemented with some other support, as I said before, whether that is brigade admin support, volunteer support officers helping them to recruit, train and retain volunteers, engage diverse communities and so forth. You might find brigades that have no problem meeting their service demands most of the time but struggle during the day — the day manning. The ability for the CFA chief officer to decide what, where, when, how many and how much support will be provided to a brigade is severely limited by the EBA. The ability to put in day manning for a short time let alone for a long time and the ability to put seasonal paid firefighter support into a brigade are severely limited by the EBA.

The issue for us is that nobody would argue that volunteer brigades should not have their capacity supplemented by whatever paid support is needed if the service demand is there. That should be an operational decision made by the CFA and made by the CFA chief officer, not by an industrial agreement. Interestingly, there are claims made that the proposed agreement impacts only the current 34 integrated brigades. We have already outlined to you that it in fact impacts on brigades right across Victoria, particularly with the provision of other support. It automatically lists three additional brigades to receive paid firefighter support, not driven by a transparent operational analysis and CFA chief officer decision-making but driven by inclusion in the proposed EBA. There are an additional 509 paid firefighters included in the EBA; 350 of those announced as part of this current government's commitment to increase the resourcing of CFA. Those 509 paid firefighters are going to result in the opening up of three additional volunteer brigades with paid firefighter support. So somewhere in the order of \$100 million a year of salaries and on-costs and training costs and equipment support is going to give you an additional three locations with paid firefighter support. It is not going to address the issues that were raised by the royal commission. It is a big amount of money that is not going to be spent on community education, on fire prevention, on training and support and volunteer capacity building across Victoria. It is a significant drain on the fire resources to a very small solution not driven by the CFA operational chief.

**Ms BATH** — I have to say this is my last, last question. Gentlemen, in relation to the number of fire brigades across Victoria — volunteer fire brigades — vehicles become worn out, old, they are ageing, they need to be replaced. If we look at a certain sector each year or in each five-year period, there will be new vehicles. Under the new proposed EBA, what will be the process that the CFA would have to go through in order to get a vehicle endorsed or staying on the road?

**Mr FORD** — I cannot give you the clause number; I think it is — —

**Mr BARNETT** — Eighty-eight.

**Ms BATH** — Under the new proposed EBA.

**Mr FORD** — There are clauses in the EBA — the proposed EBA; I do not know if it works for the transcript, but wherever I have said EBA I have intended to say proposed EBA — —

**Ms SHING** — It is just fairly important to get it right, yes.

**Mr FORD** — Yes. I assure you I do not want it to be an EBA; I am happier for it to be a proposed EBA.

**Ms SHING** — No, exactly. We are all reviewing the transcript.

**Mr FORD** — So the design of new appliances is where the clause specifically impacts. I have to say to you I would hope it does not impact on the allocation of a replacement truck or a new truck to a volunteer-only brigade. There are not provisions in the proposed EBA that limit that, but it will limit volunteer input and the chief officer's ability to make timely decisions about the design, and there are other clauses in the EBA that will

put pressure on the CFA chief officer to allocate resources to particular places. Given you have got a finite budget, it therefore could flow that you will not have them to allocate to other volunteer brigades, if you understand what I am saying. So that is a concern.

**Mr BARNETT** — One of our key questions is around schedule 25. Schedule 25 explicitly expresses appliances, the cab chassis and the manufacturer of those appliances and can only be deviated from by agreement. We are struggling to understand how that complies with government procurement and tendering guidelines.

**Ms SHING** — Is that not the case, though, that the discretion for equipment and appliances that will be used by volunteers is retained by the chief fire officer?

**Mr BARNETT** — It is clause 88, and those clauses actually bring into question all appliances and equipment. The thing that you need to understand with the CFA is that we do not design paid firefighter trucks and volunteer trucks; we design fire trucks.

**Ms SHING** — It was my understanding, though, that there is a provision in the proposed agreement that says that any and all appliances or equipment to be used by volunteers shall be commissioned at the sole discretion of the chief fire officer.

**Mr BARNETT** — If you could find me that clause number, we would love to read it.

**Ms SHING** — Sure. Yes.

**Mr FORD** — I think you have got other clauses for appliances that will be used by paid firefighters, and they are impacted by other clauses into the decision-making in the CFA. What Adam is saying is that if you have that issue happening with one part of your firefighting capability, it impacts on the whole. The CFA works as an integrated service. You cannot have a different fire truck for paid staff and a different truck for volunteers.

**The CHAIR** — So I am just trying to understand this. What you are saying is in effect the proposed EBA would mean that only certain appliances could be ticked off and that would be at the discretion of the union?

**Mr BARNETT** — Yes.

**The CHAIR** — And that the CFA chief officer would not have absolute discretion to make decisions on an operational basis as to what the best fire appliances are.

**Mr FORD** — The recently resigned chief officer, Joe Buffone, part of his reasons for resigning, certainly as we understand it, was because he felt that the proposed EBA would make it impossible for him to fulfil his statutory obligations and impossible for him to make timely, needs-driven operational decisions and that the EBA would interfere that much in his decision-making. I think it would be fair for the detailed concern about how that would impact to be told to you by him rather than by me, but that has been a documented reason for his departure.

**The CHAIR** — To me, that is a complete circus. I have got to say that if your chief fire officer cannot have full and total discretion on a vehicle, I think we are in very dangerous territory.

**Ms SHING** — I might just pick you up there. Going to the point that you have made in relation to the allocation of protective clothing, equipment or appliances, the UFU is in fact on the record as indicating that there is nothing in its log of claims to restrict the provision of the CFA's volunteers' protective clothing, equipment or appliances, and that seems to be at odds with what you are saying.

**Mr BARNETT** — All I can go off is the legal proposed agreement as it is written in writing.

**Ms SHING** — If you could direct us specifically to the clauses that you say give rise to that apparent veto, as I think you have expressed it — —

**Mr BARNETT** — Certainly, and the chief officer has raised those as well. I am more than happy to provide that.

**Ms SHING** — If you can provide that to the committee, that would be great.

**Mr FORD** — We will. I think there is some conjecture around, particularly in that case, the UFU saying that that clause will not have that impact. To go back to an earlier conversation we were having around people's shared intent of community safety, people's shared intent of not eroding the role of volunteers, people's shared intent of not eroding the support for volunteers and people's shared intent of not eroding the fully integrated nature of the CFA, what we are asking the committee and anyone else who can assist is to have a look at our concerns and test them against those principles, and if there is any doubt that the proposed EBA could in fact work against those agreed principles, then address those matters.

Community safety in Victoria deserves that attention, and if people genuinely hold the view that we should not be eroding any of those key principles, then we ought to address the problematic clauses in the EBA in a fully transparent manner. Certainly what we are saying is: 'Do that before it is signed'. Do not rush it through and then find there are problems so that people say, 'Gee, we should have listened to them in the first place'.

**Mr BARNETT** — Chair, sorry, there was just one aspect that I want to load in that we have not covered, and that is around fleet management and the tenets of fleet management. A typical CFA appliance could be in the service for 30 years. It may enter the service, tagged to an integrated brigade, but it is not going to live there for its entire duration of life. So it is an absolute furphy to insist that an appliance designed for one location is going to be in that location for its entire 30 years, and an organisation that cannot move its fleet because it has an agreement about an appliance for one location is just unfathomable.

**The CHAIR** — There are a couple of points I would make here. We will certainly ask Mr Buffone, and the committee has subpoenaed Mr Buffone, or will in coming days, and a number of other witnesses as well to follow up exactly these points. Mr Young raised this with me before he left: you have put in a short written submission, and it may be well worthwhile to see a more lengthy submission. I think it is fair to say that we would welcome some of those clauses being put out in detail and the opportunity to see some of those points.

The second thing I wanted to say is on the training. I just wanted to check back — does VFBV provide any training itself or could it?

**Mr FORD** — Could it? Yes. Does it? No. In an operational sense we provide leadership training and we are also commencing a program of, we call it, delegate development — so training in diversity management and engaging diversity. We are embarking on those aspects of training. We have been doing a leadership scholarship program now for, I think, four or five years. As I say, we facilitate that program as a multi-agency program right across the emergency sector. The opportunity in the future to expand our training offering is something that we have looked at in the past, and certainly wherever there are barriers to volunteers being able to access whether it be leadership training, innovative planning discussions or what have you, we ought to look at removing those barriers and volunteers being supported and organised to do it themselves. We have in the past harboured the vision of a volunteer centre of excellence to do just some of those things that you talk about as a future aspiration.

**The CHAIR** — I have two further points. The chief officer and the leadership role and the decision-making role that they have: is there a need — you do not have to answer this now necessarily — to bolster and clarify that role as absolutely supreme?

**Mr FORD** — I think we covered this issue in both our submissions to the royal commission and to the fire services review. Certainly volunteers have held a strong view that the role of the chief officer needs to be — I do not think supreme is the right word — appropriately empowered in the organisation. The royal commission in fact made the observation that the chief officer needs to be empowered and supported to perform their role and not, in our view, my view — and I have been on the record as saying this — have operational decision-making at risk of being administratively overrun — —

**The CHAIR** — Through industrial or other — —

**Mr FORD** — Whether it be through an industrial process — or an administrative process or a lack of understanding of what is required. At the end of the day the chief officer has legislated accountabilities for operations and direction of resourcing in the CFA and must be supported, empowered and unencumbered in performing that role.

**CHAIR** — I should just say that Mr Young did make the point to me that we should make sure that you put in a detailed submission.

**Ms SHING** — No, he didn't.

**The CHAIR** — He did — just then. He spoke to me right then. The other point he said is that he may wish to see you return to give some further evidence at a later point.

**Mr FORD** — I repeat my offer at the beginning: we are willing and ready to assist the committee in whatever way possible. We believe we have some useful input to make on some other aspects, particularly preventative burning.

There was a question raised a second ago around the legal opinion on some of our interpretation, and we have not seen it, but we understand the CFA has had a range of legal advice provided to it, including from Parry, QC, I understand.

**The CHAIR** — What name?

**Mr FORD** — Parry, QC.

**Ms SHING** — Frank Parry.

**Mr FORD** — Frank Parry. What I guess we would like to close on is that we have appreciated the opportunity with you today and with the CFA board to raise the concerns that we have. We think this issue is important enough that you work through those concerns yourselves and the CFA work through them themselves. Use the independent reviews of previous years, as the Deputy Chair points out. Use the legal advice to test those issues so that if we have got it wrong, we can be made aware of that and then help you sell it. If we have got it right, then thankfully we will fix it before it is too late.

**The CHAIR** — Thank you, and I thank both of you for providing evidence and thank Hansard for its assistance today. We look forward to hearing more tomorrow.

**Mr BARNETT** — Chair, just for the transcript, appliances are dealt with at clause 83, not 88, as we were talking — —

**The CHAIR** — Thank you.

**Mr BARNETT** — There is an oblique reference in 88, but 83 particularly.

**The CHAIR** — Thank you.

**Committee adjourned.**