



Mark Gunning [REDACTED]

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To Consultation/DTF@DTF  
cc  
bcc  
Subject Submission to Inquiry

Please find attached my submission to:

INQUIRY INTO THE FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES  
LEGISLATION AMENDMENT (REFORM) BILL 2017

Please contact me should you have any problems opening or reading the attached submission.

Provided for submission

Regards



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Protecting lives and property



[cfa.vic.gov.au](http://cfa.vic.gov.au)



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**Submission of Mark Andrew GUNNING to:**

**INQUIRY INTO THE FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND  
FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017**

**By email to:** *consultation@dpc.vic.gov.au*

**Introduction**

As a resident of Elliminyt in Victoria and an employee and volunteer in one of our Victorian Fire Services please accept this submission. The consideration of emergency service reform is a great responsibility and the right of Victorian's to have access to a well trained, proficient and well resourced emergency service practitioners should be supported and be hosted by governments in a manner of cooperative and continuous improvement.

My formal qualifications include Management Studies at Deakin (Graduate Certificate), Applied Science (Fire Technology) with Swinburne University (Certificate IV), Leadership Studies with RMIT and a Bachelor of Laws with Deakin. Within the Fire Services I hold a number of accreditations in the Emergency Management, Fire Investigation (Bushfire, Structural & Bomb Scene), Bushfire and Structural environments, the most senior of these being Level 3 Incident Controller and Regional Controller.

In making this submission I state that I have been involved with the fire service since I was a child. My family were CFA Volunteers, I lived and worked on the farm of the Westmere Group Officer as a teenager. From there I became a volunteer myself, serving in rural brigades in Districts 5 (based at Hamilton) & 16 (based at Ararat), moving to the then Urban brigade structures in Districts 5 & 3 (then Geelong based). In these volunteer roles I believed (at the time) I had learnt a great deal about firefighting and fire behaviour (particularly in the rural environment). My volunteer career began in 1980 and I was involved for many days with Victoria's largest fire on Ash Wednesday in 1983. I am still a volunteer in a relatively busy brigade (*circa* 275 calls per year).

In 1988 I joined the CFA as a career officer and since that time I have worked in CFA Districts 4, 5, 6, 11 and 17. I have worked on Fire stations at Ballarat, Doveton, Dandenong, Springvale, Shepparton & Frankston. I have held positions in Operational Training and have also worked in CFA Regional and State Headquarters environments.

I have worked as a fire fighter and officer and held extended higher duties appointments as a Regional Manager and Deputy Chief Officer. My present role is an Operations Officer but have spent a lot of time in recent years undertaking higher duties roles as an Operations Manager, or an Operations Manager Regional Commander.

My work career as a fire officer was interrupted about a decade ago and I have also worked in other sectors – including Local Government the legal sector (remaining a volunteer and keeping many fire competencies current during that time). I am now working in an acting

role as Operations Manager with CFA. During my time employed outside of CFA, I sat on panels for review of bushfire as well as Otways Fire Management generally. I have recently chaired the Fire Planning Committee that has prepared a single fire management plan for the Otways risk landscape and has now been adopted by 3 separate municipalities (Corangamite, Colac Otway & Surf Coast)

In utilising some of these delegations I have been an incident controller/deputy at many major emergencies, recently including Grampians Fires 2014, Orbost Complex Fires 2014, Mickleham Road Fires, Portland Ship Fire and more recently the Wye River (Jamieson's Track) Fire.

I am the recipient of the National Medal (2 bars), National Emergency Medal (Vic Fires 09) and am a Life Member of CFA with over 35 years' service.

In providing this submission I would like to think that my qualification and experience is broad and valuable to the Inquiry.

## Issues

The Government proposed a Policy Statement<sup>1</sup> in May 2017 which informed proposed Legislation<sup>2</sup>.

The Policy outlined, *inter alia*, 4 Priority Matters<sup>3</sup>:

- Restore CFA to a volunteer and community focussed organisation
- Establish Fire Rescue Victoria (FRV) to lead firefighting in major regional cities and Melbourne
- Planning and building for the future – including creation of an Infrastructure Authority
- Valuing our Fire fighters (Volunteer and Career)

The proposal to make new legislation (or amend current legislation) is meritorious in its intent and improvement I will, however, make some submission herein with respect to possible improvements.

To the priority matters I submit –

### ***Restore CFA to a volunteer and community focussed organisation***

Volunteers are a vital part of Victoria's emergency management community, in many areas, this is the only cost effective way to deliver fire and rescue services.

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<sup>1</sup> Fire Services Statement, May 2017, V ctor a State Government

<sup>2</sup> Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (V c)

<sup>3</sup> Fire Services Statement at 1 above, pp10-11

CFA has around 1220 brigades doing business daily, the proposal seeks to change service delivery in only 35 of these, approximately .03% of brigades. However, the model does NOT remove volunteers from undertaking the firefighting roles they do in those 35 communities. In many of the 35 locations the proposed model is reliant on CFA Volunteers supporting FRV. The integrated brigades I have visited want to work with Volunteers, train with Volunteers and have positive relationships with Volunteers. Whilst I know this is not the case everywhere, positive working relationships are to be fostered, and enhanced, in any working model to get the best outcomes for the community we serve. Surely .03% of brigades could be supported to develop better relationships under any proposed model.

The Policy identified some of the challenges facing our fire services<sup>4</sup>, there is no need to recapitulate these challenges, however they are not an exhaustive list. In the last few years I have worked in rural areas – rural decline and aging populations are detrimentally affecting many of the CFA brigades in more rural areas. Aging populations in rural townships are reflective in the profiles of brigade membership and some brigades are closing down, seeking to close, or looking for a more contemporary style of management to reduce time commitments to CFA.

In parts of the West of the state first response to many bushfires is now done by Aircraft<sup>5</sup>, paid fire fighters from Forest Industry Fire Brigades or DELWP<sup>6</sup> Forest Fire Management staff with CFA Brigade ability to respond in a timely manner being affected by rural decline. Some group structures are also reliant on paid officers of Forest Industry Brigades to fulfil positions in the Group structures as Deputy Group officers<sup>7</sup>.

Consideration should be given to future models of supported firefighting (above the Fire Rescue Victoria model) to rural, bushfire environments for the reasons of rural decline and increased fire challenges in this environment associated with climatic change<sup>8</sup>.

With no reduction in the number of CFA brigades proposed, I personally struggle to see how any argument can be put that the proposed models will affect base, or surge capacity of CFA. Indeed, with new proposals CFA are permitted to form brigades in populous areas (covered day to day by the proposed FRV areas, whereas in MFB area today they cannot), CFA could establish new opportunities and increase surge capacity in the future.

Training of CFA Volunteers is a critical issue, the lack of on line resources, ready and mandated access to hot<sup>9</sup> fire training means some members do not experience the phenomenon of fire in a controlled and educative environment until attending their first call. Emphasis on Safety training (prudent and required), has not been balanced with experience of controlled fire and some members are wary of entering situations where small fires could be easily controlled. The lack of burning skills in the rural environment has left Victoria with a very limited number of people who can use fire for back burning under

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<sup>4</sup> *Fire Services Statement* at 1 above, pp6-7

<sup>5</sup> Note – Pre-Determined Dispatch of Aircraft by Fire Fighting Agencies

<sup>6</sup> Department of Environment, Land, Water and Planning

<sup>7</sup> Merno Group of Fire Brigades & Dartmoor Group in District 4 are examples

<sup>8</sup> *Fire Services Statement* at 1 above, p6

<sup>9</sup> Note - Training involving the use of live fire – e.g. At Training Camasses, Portable Props, Controlled Burning operations

challenging conditions to contain major fires. The North American (USA) experience<sup>10</sup> is one to be considered to ensure we continue to try to build skills in this area of our business, speakers at a recent conference in presenting their papers acknowledged deskilling because of reduced risk appetite for burning in parts of that country.

Volunteers are trained in a number of ways, face to face, local training delivered by volunteers, self paced learning, on the job etc. Career instructors are used to deliver many training sessions in rural areas to supplement volunteers training volunteers. This process has been, in my experience invaluable. The instructors work experience in working in structural and bushfire environments (before becoming instructors) is able to be passed on to brigades and members who may only have 1 to 2 call outs per year. Unfortunately, the quiet areas may be, one day, confronted with situations that could have dire consequences – verbally shared experience may be the only experience these people get before they have to act in a pressure situation.

The quote “*you don’t know what you don’t know*”<sup>11</sup> is critical in our understanding of the need for volunteers to be trained by very experienced personnel. I regularly hear volunteers say things like “*I’ve learnt that*” or “*I did that in my minimum skills course*”. My breadth of study and experience has shown me that where volunteers are currently required to be trained to a minimum competency, the ability to operate readily, and sometimes infrequently, at a proficient standard is requisite to provide the proper standard of services to the community of Victoria. Competency was introduced many years ago – today, on fire grounds where attending brigades do not utilize their skills often, I see practices that show competencies have been lost and operation of equipment that is below acceptable standards. Whilst I work to rectify these where possible, I am also worried that I don’t know the true capacity of all of our brigades and personnel in some of the areas where I operate. Resourced professional trainers are one way of ensuring we can get to as many volunteers as possible in a consistent way.

The proposed model of Government allows for use of instructors from a paid and available service, but does not prohibit, or restrict, the use of volunteers, or a combination thereof to deliver these services.

Capacity challenges – I recently attended a factory fire in a large rural township where volunteers provide the response. The factory is a major employer in the township and significant fires there would have a detrimental effect on the employment in the area. The primary brigade provided a response in a timely way, however the crew that responded were not trained for internal structural firefighting, or in the need for significant safety considerations required in that fire fight. When I arrived there were unsafe work practices and there was no ability (of the responding crew) to provide an internal fire attack, which should have been the primary attack method in this case. The attending brigade were doing the best with what they had, but this example highlighted (to me) that a paid crew would have arrived on scene with the skills and numbers of properly trained firefighters to meet

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<sup>10</sup> Crysta S. Stonesfer/David E. Caikn/Michael S. Hand, ‘Federal fire managers’ perceptions of the importance, scarcity and substitutability of suppression resources’, *International Journal of Wildland Fire*, February 2017

<sup>11</sup> Variant of Socrates (circa 430BC) quote “*I know that I do not know.*”

the needs of this fire. I want to be clear I am not criticising the volunteers involved, I am simply highlighting that we can never guarantee an adequate response to major risks with a fully volunteer model of service delivery.

### ***Establish Fire Rescue Victoria to lead firefighting in major regional cities and Melbourne***

Again I state that the Policy identified some of the challenges facing our fire services<sup>12</sup>, and there is no need to recapitulate these, however in a community growing in areas not subject to the decline we see in the remote country areas, a modernised service that can be immediately effective on arrival at incidents is vital. The introduction of an ability to provide Road Accident Rescue Services and Emergency Medical Response into more areas of Victoria than ever before can only improve the survivability and recovery of people exposed to these types of emergencies. This is an improvement to our current service options and would only serve to enhance our response ability to the community.

Recently I found the following text from the United States *“...the results of research performed by Underwriters Laboratories (UL) to better understand the changing dynamics of contemporary residential structure fires. To summarize, UL found that residences are now larger, have more open floor plans, contain increased fuel loads from synthetics and composites, and are made with substantially different construction materials and methods than those built just a few decades ago. The consequences of those changes are faster fire propagation, shorter time to flashover, rapid changes in fire dynamics, shorter escape times, and shorter time to collapse. Additional UL research has identified the contaminants in today’s smoke, and their greater levels of toxicity, but the acute and chronic health effects from exposure to that smoke is still being studied. This article is intended to present currently available information so that firefighters and officers may have a more immediate understanding of the hazardous materials in today’s smoke, particularly carbon monoxide (CO) and hydrogen cyanide (HCN) because of their significant toxicity.”*<sup>13</sup>

The text shows the increasing challenges faced by firefighters in the structural environment. The recent Grenfell Tower Fire in the United Kingdom highlights that disasters of significant magnitude can still occur in a modern Western society and adequate emergency and fire responses are vital. It is important to properly resource fire services – response times in the UK had increased since fire service funding cuts in 2010, and a review is underway on how that has been detrimental to response aspect of fire services provided to the community<sup>14</sup>.

A properly trained, resourced and risk based service, such as the proposed FRV, would be able to continually assess real time risks and respond in training and readying the emergency management community to the challenges outlined in the Policy, and herein.

<sup>12</sup> Fire Services Statement at 1 above, pp6-7

<sup>13</sup> Kevin Hayes, *Is Structure Fire Smoke Killing Us?* (2017) <<https://staton-pr.de.com/2017/04/16/s-structure-fire-smoke-killing-us/>> at 2 July 2017

<sup>14</sup> Adam Benkov, *Briefing - Boris Johnson faces questions over fire brigade cuts following Grenfell Tower blaze*, <<https://www.businessinsider.com/boris-johnson-faces-questions-over-fire-brigade-cuts-following-greenfell-fire-2017-6>> at 15 June 2017

We (CFA) are also responding to a greater number of technical rescue events, such as high angle rescue. The training required to develop skills in this area of business is onerous, and the skills maintenance is more so. For this reason we are seeing a greater number of career firefighters obtaining these skills and being a large part of the State's response capability. Whilst CFA and SES volunteers still provide this service, a paid workforce where a known capacity is available 24/7 is a more reliable model for those people who may require service of it.

Availability of firefighters in a volunteer capacity in our larger centres cannot be guaranteed, we might know we have "x" number of volunteers, we may know they have "y" skills but true capacity may be dependent on availability to leave normal employment, or be affected by family commitments, delayed by traffic and the variants go on. The career model, supported and supplemented by volunteers is a safer model for busier, or higher risk, parts Victoria, and one which I support.

### ***Planning and building for the future***

#### Independent Fire District Review Panel

I think it critical that the proposed panel have licence in a number of ways. Creation of FRV territories (for want of a more appropriate term) is one part of the role. Reviewing if our fire services are located in the right place, if growth of the service is required within an existing FRV district, or if reversion of a FRV area to Country Area of Victoria is appropriate should be considered. The review panel should have the power to make service delivery recommendations to FRV and CFA, where required, to guide cooperative service delivery, across a range of emergency environments, across Victoria.

#### Creation of an Emergency Services Infrastructure Authority

This is a fantastic initiative – in particular to our sister services SES and SLSV the ability to have a proper authority looking after their infrastructure needs is long overdue. This Authority will ensure we build in the right place and I would see the need to have a close relationship with the Independent Fire District Review Panel in areas that have close boundary alignment to ensure effective resourcing into the future.

I am personally against the creation of separate facilities for FRV and CFA in the same communities. The synergies of training and working together should be viewed from end user's perspective. If this were so responding from the same location, total awareness of each agency's (and their member's skills and capability) abilities to operate in an emergency are vital. Unless the establishment of facilities is for travel time reasons (to supplement service deficiencies) FRV and CFA should be encouraged, and where necessary, directed to co locate for the benefit of all Victorians.

## Valuing our Firefighters (Volunteer and Career)

Presumptive rights to compensation and support for firefighters is long overdue. For the reasons outlined in page 5 above the health effects for firefighters are well documented and this is a matter of need for all firefighters exposed to trigger levels of carcinogens through firefighting activities.

Diversity and change should be a part of any organisation in today's world. Targets are meritorious but should not be adopted for convenience, or political correctness, however properly encouraged and supported persons should have access to accepted skill development opportunities to meet targets where achievable.

Whilst a modern emergency service should, rightly, provide the best range of services needed by our community the growing challenge of Post Traumatic Stress associated with hostile events, major road trauma, EMR and many incidents involving children, or vulnerable persons takes a great strain on the resilience of those entrusted to respond to such events. It has long been accepted that firefighters have a higher chance of developing PTSD<sup>15</sup>. I believe this is an opportune time to legislate for compensation/assistance packages in support of this emerging threat to firefighters as the Government has been seen to propose in support to work related cancers.

The allocation of a substantial amount of funds to support volunteers is admirable. However, all the money cannot create personnel where rural decline is such that there are no volunteers to support, or they are at an age and capacity where what service those volunteers can offer is limited. Whilst this is not the case everywhere, flexible mechanisms to support people who require emergency services, and are living in areas where the volunteer model has eroded should be provided for in any packages under consideration.

## Other matters

Regulation of Controlled Fire is an issue that is not covered well in the proposed structures covering Regional Victoria as a whole, and has the potential to confuse the public. Municipalities are trying to push back the role of issuing permits in the existing Country Area of Victoria. This could impact on the workload of, already busy, firefighting personnel in CFA and the proposed FRV structures. This matter needs to be either clearly designated to Local Government or, in turn, the resourcing provided to fire services to undertake this important role. Fire control is broader than the traditional prevention of bushfires – the hazards associated with backyard, or indiscriminate, burning of toxic (by household in some circumstances) materials is exposing first responders and communities to unacceptable health risks – it should be considered that fire regulation cover smoke as well as fire so communities can be better protected and informed from one source<sup>16</sup>.

<sup>15</sup> Chery Has am, *A preliminary investigation of post-traumatic stress symptoms among firefighters*, *Work & Stress*, July September 2003, Vo . 17, No. 3, 277–285

<sup>16</sup> *Public Health And Wellbeing Act 2008 (V c) Part 6 -Regulatory Provisions Administered By Councils*, *Environment Protection Act 1970 (V c) Part V -Clean Air*, *Local Government Act 1989 (V c) Part 5-Local Laws & other Regulations* at on a over ap n th s egs at ve arena

The existing CFA and MFB legislation contains a requirement to abide by standards set by the Emergency Management Commissioner for managing emergencies in Victoria. The success of standards already established in this space cannot be understated for their improvement to emergency management in this state. The need to ensure a cooperative and interoperable emergency workspace is another critical component of emergency operations. The UK are presently further enhancing interoperability in the emergency management sector, local planning capability for response, and prevention, has driven impressive results since reinvigoration of fire services following earlier budget and service cuts<sup>17</sup>. Any proposed changes should ensure accountability for a cooperative model of service delivery.

Interoperability of command and control staff – it is proposed that FRV Commanders and other officers will work on a secondment back to CFA. This arrangement is positive in intent however a lot of the officers affected by this change have skills in a number of risk environments (rescue, structural, hazmat, bushfire & other specialist areas). Having a future ability to utilise seconded officers into FRV areas, and indeed vice versa, will ensure skills maintenance and surge capacity in the command and control arena of our broader field of emergency operations across all boundaries in Victoria. The secondment arrangement also needs to be protected in some way so CFA do not simply change the goal posts and have a great number of highly trained and experienced staff out of work down the track and unable to support Victorians, or leave an experience void that will take a long time to replace.

Politicisation of the matters affecting volunteer and career firefighters in the last couple of years has personally affected me and saddened me greatly. The core needs of Victorian's affected by fire, and rescue, related matters should be such that elected members of government can work cooperatively to provide emergency services, in which, the community can, and should, have great confidence. Instead we have opposing parties aligning with Volunteers or Career personnel when they should be aligning with the communities that elected them. Career firefighters and volunteer firefighters should be focussed on delivering the best services they can within practical constraints to the communities they serve. Volunteer and career firefighters (for the most part) share common goals in doing what is best, and right, for people they assist – to be used as political footballs is unacceptable. I find in some quarters this matter is now more about winning a fight, or the arguments presented are about “us and them” rather than in furtherance of support to our communities through continuous improvement to their emergency services.

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<sup>17</sup> [http://www.reform.uk/pub\\_cat/on/what-next-for-f-re-reform/](http://www.reform.uk/pub_cat/on/what-next-for-f-re-reform/) at 2 July 2017

I strongly urge your inquiry to make a submission to the Parliament of Victoria that settles this, too often, ugly dispute and that will provide focus to the government, opposition and other Parliamentarians that clearly articulates what should be – that this matter is about the fire and rescue services that Victorians deserve – and that they be delivered by the best Career or Volunteer personnel working together in their respective endeavours within the State.

Provided for your earnest consideration.

**Mark Gunning**

