



**Submission from the Members of the Lara Fire Brigade to the Select Committee inquiry into Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.**

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Please accept this submission from the Members of the Lara Fire Brigade to the Select Committee inquiry into Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

We believe the modernisation of the Victorian fire services is appropriate given that we live in one of the most fire prone areas of the world, and have a complex and growing built environment. We also believe that it is well overdue that both paid and volunteer firefighters are protected by identical presumptive legislation and that the time and exposure limitations should be based on contemporary multi study evidence based and peer reviewed scientific research.

We are concerned that the changes outlined to the fire services delivery models in the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 has been stimulated by an industrial relations need and not via a (i) thorough evidenced based assessment, (ii) a community engagement process that is thorough and far reaching, (iii) input from all stake holders within the fire service that wish to contribute, (iv) a thorough disciplined and well-structured debate.

Whilst Victoria is considering splitting its fire services for industrial reasons, jurisdictions such as Western Australia<sup>1</sup> and New Zealand<sup>2</sup> are currently working towards combining their fire services, and have been working on this for several years.

The industrial "tone" within CFA is one that has been brewing for possibly decades. The issues that have led to the current state of disputation have not been addressed adequately, and will still remain, even if the CFA is split and loses its paid firefighters.

The Bill for the Act in relation to the splitting of the fire services has been rushed and is not a good demonstration of a sound legislative frame work based on good public policy. We see an UNDER planned split to be of great risk to Victoria and a step backwards.

The risk Victoria faces IF volunteer support is lost because of the new model, especially in the urban rural interface and outer metropolitan areas, will possibly be one of a greatly reduced surge capability which is what enables the CFA in many areas to project its fire fighting force forward into areas of extreme risk on days of high fire danger. This surge capability also supports incidents in the urban/built landscape. Whilst the proposed new FRV/CFA model claims to allow CFA volunteers to still respond to those types of incidents, a reduced collaborative environment, and a reduced usage of volunteers will reduce operational effectiveness from where the CFA system is today.

What underpins this surge capability is the District Planning Committees, District Planning Operations Sub Committees via Group Officers and Deputy Group Officers who structure and plan the Groups of Brigades<sup>3</sup> to be able to when necessary deploy their fire fighting force into the areas that urgently need it. At this time, it is unclear if FRV brigades will participate in this co-ordinated process of planning that has been via the volunteer Group structure with support from district staff. Cutting out the 35 integrated stations may have an unplanned effect.

A continuing remnant of the EBA clause<sup>4</sup> which states that a paid fire fighter will in effect not report to a strike team leader, a sector commander if they are a volunteer (our words). This issue is extremely dangerous and will be made much worse if the proposed fire service model causes a larger division at both the Brigade and Group level.

A large concern of our Brigade is based on our understanding that in an FRV area the Declared Fire Danger Period<sup>5</sup> (FDP) that occurs in the CFA areas will not apply. Whilst within our district, the highly urbanised areas (though small by Melbourne standards) of central Geelong most probably does not have a problem with the lack of an enforceable FDP, however ALL of the urban/rural interface boundaries of Geelong will be put at extreme risk without an FDP, and could suffer a similar disaster to that experienced in Melbourne during the Mickleham fires in 2014 (for which a class action is currently before the Supreme Court of Victoria)<sup>6</sup>.

The FDP enables the CFA and the municipalities to control the use of fire in the landscape. This means that burn offs, rubbish burns and other uses of fire in the outdoors is controlled. Strict requirements of what, where, when, what weather conditions and what resources are required for fire suppression is all controlled by a fire permit system enforced by the CFA act. In addition in our area the Brigade Captain or Duty Officer must be notified of each and every burn, which helps in managing false alarms and accurate and appropriate responses to out of control permit fires. The FDP also has other enforceable elements such as Duties of Owners (Sec 34), Motor Vehicle requirements (Sec 50). These are not in the MFB/FRV act at the moment and these instruments assist in protecting rural Victoria, especially the urban rural interfaces which includes those areas which will be expunged from the current CFA areas into the proposed FRV areas.

The current CFA structure acts as a Mantle around the inner urban areas of Melbourne. It is important to recognise that this Mantle protects the urban rural interface in a legislative and an operational manner. The operational issue is not just an issue of 90 seconds out the door, it's a complex structure of interlinked planning of brigades, groups of brigades, CFA Districts, the community and various stake other holders. Removing that mantel of protection carelessly is not responsible legislative and operational practice. As we have said before, we are not against the modernisation of the fire service, however, we do not want to see legislation that is rushed and not based on sound public and operational policy. The very fact that we have had limited time to prepare this response is testament to the apparent rush to get this legislation through.

It is unclear if a CFA brigade in an FRV area will be able to continue to provide community education programs. In Lara we run a great program which educates every child in every pre-school, primary school and Special Needs Secondary Students in our town about fire safety in both the home and outdoor environments. We run multiple resident information sessions, and do "on site" info sessions for our urban rural interface residence. We have been runners up in National Fire Safety Awards and we are extremely passionate about our programs. We know that in the EBA<sup>5</sup> says that our volunteers will be the second choice, and therefore we do not have a guarantee that we can continue this important work. Splitting the CFA does not assist us in ensuring that we can continue this work if we are in an FRV area in the future. We also understand that there may be an issue if we are in an FRV area in the future using CFA publications.

In addition to these areas of concern we understand there may be issues if we are a CFA brigade in a FRV area we may not be able to continue undertake the Fire Equipment Maintenance services that we currently undertake, which raises money for equipment and training of members.

Having more paid operational staff in CFA is a good move, however, as in our case there has not been an adequate amount of genuine volunteer support to enhance volunteer membership, and this has fundamentally been due to the industrial environment. Flexible use of staff, such as daytime only roles, would not only provide enhanced diversity in workplace arrangements and hence might be more family friendly for staff, it would also save huge amounts of operating costs and strengthen volunteer Brigades. The campaign of 90 seconds response is shallow, as is the insistence of a 24/7 staff only program. The new FRV model does not recognise that without the industrial shackles that have been brought to bear on busy volunteer stations there are dozens of different ways to get the same service for the community, however we need a process of innovative service model creation which is not happening with the rushed through Fire Services legislation amendments.

We are now also of the opinion that whilst we support paid staff and a one CFA model, the industrial toxicity that has developed needs to be addressed and new models within the CFA framework needs to be developed, to possibly be a little more like the Tasmanian or German model. At the moment volunteers do need to be separated and protected from SOME paid operational staff for many reasons, including bullying and work place harassment. In the case of Lara, so as to maintain a strong Volunteer surge capacity and enhance the fire service a separate staff station would be ideal in this area. However, rushing a split of the CFA is not the answer and is wrought with many issues. Some elements within the industrial relations arena promote the concept that a volunteer fire service is a second rate service, this could not be further from the truth. Sophisticated first world economies such as Germany focus on their fire services as being volunteer centric, even though they do not have the wild fire risk we do. In Germany they recognize the benefits of surge and cost management within the built environment.

The presumptive legislation being tied to a bill to change the Fire Services is a tactic that concerns the members of this brigade, several of whom have suffered cancers that are within the scope of the legislation. We are concerned that Schedule 1 does not list respiratory/lung cancers, which are included in USA literature<sup>7,8</sup> on fire fighter cancer risks. We are also concerned that there is a lack of underpinning evidence that a standard/flat time limitation of 10 years post work cessation/exposure is scientifically sound. In the case of asbestos exposure it is well documents in Australia and internationally that it may take up to 30 years for presentation of mesothelioma.

#### Summary:

Victoria is one of the most fire prone areas of the world. CFA has a fire fighting force that is amongst a “best in class” cohort of fire services. Changing the fire services and creating presumptive legislation in a rush is irresponsible and dangerous.

There are industrial issues with the current EBA and between SOME paid operational staff and volunteers which needs to be recognised and managed, but this does not equal splitting the CFA. Lara Fire Brigade supports modernising the Victorian Fire Services. This does not equal a change driven by an industrial relations need, but by modernising both the staff and volunteer elements of the service.

In closing we would like to invite any members of the committee to visit our station and fire district so we can show you firsthand what we do and openly discuss the bill in a friendly environment.

## Foot notes

<sup>1</sup> Report of the Special Inquiry into the January 2016 Waroona Fire

[https://publicsector.wa.gov.au/sites/default/files/documents/waroona\\_fires\\_2016 - volume 1 - report\\_final.pdf](https://publicsector.wa.gov.au/sites/default/files/documents/waroona_fires_2016_-_volume_1_-_report_final.pdf)

<sup>2</sup> Fire and Emergency New Zealand Bill

[https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH\\_BILL69468\\_1/fire-and-emergency-new-zealand-bill](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH_BILL69468_1/fire-and-emergency-new-zealand-bill)

<sup>3</sup> Country Fire Authority Act 1958

Part III Division 1 Section 2 General duty of Authority

The duty of taking superintending and enforcing all necessary steps for the prevention and suppression of fires and for the protection of life and property in case of fire and the general control of all stations and of all brigades and of all groups of brigades shall, subject to the provisions of this Act, so far as relates to the country area of Victoria be vested in the Authority.

<sup>4</sup>Country Fire Authority /United Firefighters Union of Australia Operational Staff Enterprise Agreement 2016 (Various unnumbered versions have been produced resulting in the clause numbers may be changed)

Clause 35.4 All employees covered by this agreement shall only report to operational employees under this agreement or at the rank of DCO or CO when responding to fire alarms or incidents under this agreement except in the case where the incident is a level 3 multi-agency incident or to a CFA/MFB incident controller at an incident.

<sup>5</sup> Country Fire Authority Act 1958

Section 4 - Declaration of fire danger period

The Chief Executive Officer after consultation with the Department Head of the Department may by declaration published in the Government Gazette declare any period to be the fire danger period in respect of the country area of Victoria or any specified part or parts thereof and, without affecting the generality of the foregoing, may declare different periods to be the fire danger period in respect of different parts of the said country area. Any declaration so published may be revoked amended or varied by a subsequent declaration so published.

<sup>6</sup>2014 Mickleham-Kilmore bushfire class action - Fourth Amended Statement of Claim filed 23 February 2016

<sup>7</sup>Country Fire Authority /United Firefighters Union of Australia Operational Staff Enterprise Agreement 2016 (Various unnumbered versions have been produced resulting in the clause numbers may be changed)

Clause 17.2 The parties therefore agree that career Firefighters/Station Officers or when such Firefighters/Station Officers are not available volunteer Firefighters/Officers will be the deliverers of community education on fire prevention and awareness.

<sup>7</sup> Findings from a Study of Cancer among U.S. Fire Fighters

<https://www.cdc.gov/niosh/pgms/worknotify/pdfs/ff-cancer-factsheet-final.pdf>

<sup>8</sup> Frequently Asked Questions: NIOSH Fire Fighter Cancer Study

<https://www.cdc.gov/niosh/firefighters/pdfs/FAQ-NIOSHFFCancerStudy.pdf>