

Firefighters' Presumptive Rights Compensation and Fire Services
Legislation Amendment (Reform) Bill 2017

A submission to

The Fire Services Bill Select Committee

By

The Whipstick Group of Fire Brigades
6 of July 2017

1

Abstract

The Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 has been referred to "The Fire Services Bill Select Committee" as a result of failure of the Victorian Government to gain the necessary support from other members of parliament to enable this piece of legislation to be passed. This Bill is intended to impose restructure on CFA without proper consultation with Volunteers through their representative body Volunteer Fire Brigades Victoria (VFBV) and is contrary to the CFA Act and the Volunteer Charter which CFA and the Government is obligated to do. Full details of the proposed changes, including answers to detailed operational questions and a full operational impact assessment of changes have not been provided.

Introduction

Failure to undertake proper consultation with CFA Volunteers as well as to provide sufficient information on the proposed reform is at the heart of this issue. It is also disrespectful to this committee and CFA volunteers that even though this committee has been given the task of reviewing the proposed reform that this Government intends to proceed with the reform process before this committee's report is available.

This submission will cover issues such as

1. The impact of this reform on CFA volunteer's
2. The lack of any substantive justification for this reform
3. CFA to be a Volunteer only organisation
4. The future expansion of FRV's response area
5. The duplication of CFA services
6. The impact on the flexibility and surge capacity of CFA operations
7. The inclusion of Presumptive Rights Compensation in this Bill.
8. Conclusion and Recommendation

Back ground

The Whipstick Group is made up of the following Brigades Elmore, Goornong, Hunter-Diggora, Kamarooka, Raywood, and Woodvale. Our response Area is north of The City of Bendigo and protects significant structural assets in residential towns, the wider rural communities, vast agricultural interests as well as very high value industry spread across our district. We have some major risk factors in our Group such as a number of major highways conveying large numbers of vehicles, festivals, field days and seasonal harvesting issues. Some brigades in the Whipstick Group also provide support into Bendigo when required. Our group also provides support to Strike Teams when requested and on the availability of our members.

We fully endorse the work that VFBV have done on behalf of CFA volunteers. They have from day one only sought to do what they are entitled to do under the CFA Act and the Volunteer Charter and that being to have input into matters that affect CFA volunteers.

1. The impact of this reform on CFA volunteers

The proposed reform has been promoted by the Premier Daniel Andrews and the Minister for Emergency Services James Merlino as having no impact on Volunteers. Well to highlight the significant impact of this reform on Volunteer's those Volunteer's that were part of an integrated station will see their response area taken over by Fire Rescue Victoria (FRV) as well as appliances and stations. Any reduction in the operational activity by volunteers at these stations will see a decline in these volunteers' skills. These stations provide a significant number of experienced volunteer members to act in IMT roles at incidents as well as to lead Strike Teams when required. The importance to CFA of having these members remain active in incident management is critical to CFA's operational capacity.

2. The lack of any substantive justification for this reform

Victoria's CFA Volunteer based fire service supported by career staff is providing Victoria with an excellent service which it is famous for both nationally and internationally according to our current CFA Board Chair and CEO's comments in the 2016 Annual report. "We are proud of this exceptional work ". Our delivery of services to the Victorian community was thoroughly scrutinised this year (2016) by the Independent Victorian Fire Services Review. It found that the Victorian Community was well served by our fire services.

The final paragraph of Chair Greg Smith report is;

"Most importantly, I would like to acknowledge all our CFA members, whose diligence, commitment and skill on the front line throughout the year has once more been a powerful response to those who might seek to question this remarkable organisation".

None of the major reviews have ever recommended that CFA be split into a fully career staff service, and a 100 % volunteer service. In fact the 2009 Victorian Bushfires Royal Commission specifically stated in its final report that it considered the CFA integrated service delivery should be maintained as a viable model.

These comments hardly paint a picture of an organisation (CFA) that is in need of a major reform of its service delivery model.

The Government is stating that through this reform they wish to "Restore CFA to a Volunteer and Community Focused Firefighting Organisation" yet if you read the current CFA web page under "**Who are we**" it clearly states that "CFA is a volunteer and community based fire and emergency services organisation" now . This just further underlines that the arguments being promoted by the government to justify this reform are very hollow.

3. CFA to be a Volunteer only organisation

We have 967 (2016 annual report) support staff currently in CFA many have operational and management roles in CFA. The majority of these staff will transfer to FRV and then be seconded back to CFA. CFA will still have career staff in the organisation. However, importantly CFA will be restricted to taking management and operational staff from FRV only. CFA should be able to select the very best staff available regardless of where they come from. Volunteers should have a voice on all selection panels for staff positions in CFA. CFA should not be restricted to selecting staff from an organisation (FRV) that has competing interests in attracting staff to manage its own organisation.

4. The future expansion of FRV's response area

Whatever the justification for reviewing the existing boundaries between the CFA / MFB interface, there is no logic or justification for creating FRV response areas in rural and regional Victoria. We have been told by the Government that over the last ten years there has been a 37 per cent increase in responses by integrated brigades. These brigades already have 24/7 coverage by career staff and if there was a need to increase career staff in these stations to cater for the increased number of responses then the 450 extra firefighters currently being recruited would more than meet this demand. The benefit of our current model is that these integrated stations have the advantage of a substantial number of highly trained and experienced volunteer's to provide additional support. Our current model also allows for a unified chain of command using the same standing orders and operational structure. The government's appointment of the "Fire District Review Panel" is suggested to be justified by Recommendation 63 of the 2009 Victorian Bushfires Royal Commission. This is a complete fabrication. Recommendation 63 does not suggest that there be a "Fire District Review Panel" formed it merely states that The Fire Commissioner is to provide periodic advice on the Metropolitan fire district boundary. Recommendation 63 makes no reference to Country areas of Victoria. CFA will struggle without the continued support and availability of all volunteer's at the 35 integrated stations being transferred to FRV, however, if the FRV response area was to expand to include even more CFA Volunteer Brigades, then this will almost certainly have a significant detrimental impact on CFA's surge capacity and operations.

5. The duplication of CFA services

We have already heard that one of the options that could be considered at the 35 integrated stations being transferred to FRV is that to cater for these Volunteer's is that they may get their own appliances or even their own stations. We already have a significant number of brigades that need urgent station up grades or refurbishment. There are a number of current brigades that have appliances that are in need of replacement. Are these brigades that have been extremely patient now to be pushed further down the waiting list in favour of brigades that already have very good stations and appliances but are the victims of this reform? Are the brigades caught up in the Government's attempts to justify this reform going to be given gratuitous offerings in an attempt to alleviate concerns as to their future in CFA?

6. The impact on the flexibility and surge capacity of CFA operations

CFA is a very flexible organisation that can deploy resources around the state as needed without complication. Career staff when required can be moved from Station operational duties to fulfil District management roles. Appliances both ground and aerial can be moved around the state at short notice to areas of high fire risk at the discretion of the Chief Officer. There is a strong argument for maintaining one service delivery model for Victoria for reasons of equipment, deployment, training, chain of command, surge capacity, support and communications. During times of extreme fire danger we need a seamless and unified fire service that can at short notice and with limited complication deploy resources to where they are most needed. All of these issues and considerably more is what makes CFA the strong and renowned organisation that it is.

7. The inclusion of Presumptive Rights Compensation in this Bill

The inclusion of “Presumptive Rights Compensation” for Volunteers in this Legislation is an affront to CFA Volunteer’s in that if the Government doesn’t get its way with this Bill then access to Compensation for Volunteers will be lost also. We have constantly heard from this government that CFA Volunteers will have **equal** access to “Presumptive Rights Compensation” as career staff, yet when reading the detail of how Volunteer claims are to be processed you soon realise that access to “Presumptive Rights Compensation” for Volunteers will be conditional. Their claims will be the subject of an Expert opinion of an Advisory Committee who will determine whether the Volunteer firefighter has attended fires to the extent reasonably necessary to fulfil their duties as a firefighter. This committee will also have access to a range of other records and information in order to give an “Expert Opinion”. Yet Minister Merlino when asked of the role of this committee answered, that it will be no more than “Ticking the Boxes” type of situation. Why do we need a committee to give an expert opinion when the Minister has suggested that this process will be a mere formality?

Conclusion

The CFA is a world renowned organisation that has continually evolved and progressed to provide the Victorian community with an excellent fire service. CFA and its current Volunteer based model supported by career staff needs to be preserved and supported not fractured by a government that is more focused on enabling their industrial deal with the UFU to circumvent the CFA Act and Fair Work Act than to consider what is the best option for Victoria. It is disappointing that the Government has again failed to respect the Volunteer Charter and its Statutory Obligations under the CFA act. Full details of the proposed changes, including answers to detailed operational questions and a full operational impact assessment of changes have not been provided. Victoria is fortunate to have 60,000 volunteers available to respond to significant fire events whenever that situation arises.

Our recommendation is;

1. That we reject the proposed government reform. That we strengthen the existing CFA Integrated model and that any changes or improvements to this Model can and should be looked at as part of CFA evolving into an even stronger fire service that has flexibility and unity across the State and not division. Career staff and Volunteers can and will work together under one CFA organisation to deliver the very best outcome for the Victorian Community if we maintain a unified fire service with one seamless chain of command.
2. That this legislation should be presented as two separate Bills for consideration. The “Presumptive Rights Compensation” should be a separate Bill as this issue deserves consideration on its own.

I would be happy to appear at a public hearing to provide further information or answer any questions.

Regards Frank Tobin
Group Secretary

