

To: Members of the Victorian Legislative Council Select Committee

From: David Shane Cramer

Thursday, 6 July 2017

This submission is made in my capacity as a volunteer of more than 40 years with CFA, during which time I have held numerous positions in both brigade (including 12 years as captain) and Group management.

In the interests of full disclosure I am a member of the Greendale Rural Fire Brigade with the roles of President, Treasurer and Junior Leader. I am also currently an employee of CFA in the Volunteer Sustainability Team, as well as being a VFBV State Councillor for District 15 (Ballarat and surrounds) and am the current Group Officer for the Ballan Group of Fire Brigades.

I am ambivalent about the reforms proposed by the government for the Fire Services, believing that the lack of detail makes it impossible to form a rational position one way or the other as to whether they will deliver what the government suggests. That then leads me to the conclusion that with no rational reason to support the proposed changes, the only sensible position is to treat any claims about them with a high degree of scepticism.

However, there are some matters that are amenable to a rational position in amongst the many views swirling around the whole CFA situation.

- The Government has failed to comply with the requirements of the CFA Act in that it has not consulted with volunteers about this matter as is their obligation.
- It is the detail that will make or break the proposed reforms and until the detail is known, we are all flying blind, and my preference is to have a pilot that can actually see, not just claim that they can see, with no actual evidence to back-up that claim.
- The despicable act of tying two fundamentally unrelated matters together into the same legislative package is such a transparent device it is insulting that the government thinks so little of us that they assume we cannot see it for what it is. Tying the presumptive rights legislation to the fire services reform is, in my view, a form of blackmail, and indicative of a government that knows the Fire Services Reform part of the legislation needs all the help it can get to be enacted.

- As the Premier and, if I remember correctly, the minister, stated last year, there is a lot of mis-information associated with the current CFA matters. Unfortunately for them, they are not immune from promoting mis-information themselves. For example, the Presumptive Rights component of the legislation is not, as they say, equal between staff and volunteers, nor a straight copy of the Queensland model. If they dispute that claim I would suggest a test; swap the clauses in the legislation that detail the provisions for career and volunteer firefighters and see if the UFU is still as supportive, because clearly, if there was equal treatment, it would make no difference.
- It is interesting to note that a NSW like model for the structure of the fire services was seen as solving all CFA's problems (whatever they may be). I am left to wonder if another services model would have been the basis for the reform if the lead architect had been from another service. Underlying that question is, what evidence backs up the claim that the proposed reforms will deliver what is claimed for them?
- It is almost a given that matters done in secret by a small group of people would miss important considerations, and the proposed legislation is not immune to that condition. At least one very important consideration was not included within the legislation – that of the FRV Commissioner not having the authority to declare a Fire Danger period – if something that important can be forgotten, then it casts serious doubt on to the package as a whole.

Some other matters that are open to conjecture, and have been stated by various parties in my hearing:

Filling in the Detail

The CFA CEO said at a meeting in Ballarat on the 29th June, that she was happy with the absence of detail as “we get to add that”. Lacking from her expression of happiness was an explanation of where the idea that ‘we’ (whoever ‘we’ is) get to fill in the detail stems from. It is not written into the legislation that I have been able to find, nor I suspect is it entirely correct, because CFA will get to fill in exactly no detail on the FRV side of the ledger, yet that detail will clearly have significant potential to impact CFA and its volunteers. For example, if FRV simply translates various matters from the moribund CFA Operational EBA that would have been deemed by the Fair Work Commission as objectionable (as defined in the recent amendment to the Fair Work Act), then those matters will be beyond the scope of CFA to influence or object to, and as they become a requirement for FRV employees to comply with,

and at the very least it seems that our CFA's Operational and Training staff will be FRV employees, then they will be required to comply.

A specific example of this that should be easily understood is the matter of "Potable Water for Training" included in the final draft of the Operational EBA. This clause required that water used for training involving staff covered by the EBA was to be potable water. The overwhelming majority of CFA brigades do not have potable water in their appliances, nor would be in a position to provide it, meaning that a staff member covered by the EBA could not be involved in training with that brigade using that water. If this provision is written into the FRV regulations, SOP's or EBA, then CFA is left in the position of being unable to have the trainers provided by FRV actually do their job in certain training matters with a large number of brigades. It was this sort of provision that the Fair Work Amendments were put in place to stop, yet volunteers could still be limited by such matters, again without any say or recourse.

Good will

There is no doubt in my mind that the gears of CFA are lubricated from a well of good will between the various parties that has ensured that the organisation maintains a high standard of service delivery. In various ways over the past 15-20 years this well of good will has been emptying out, and my fear is that the well is close to running dry, and I consider that the proposed reforms, the nature of their secret development, the toying with people's health and wellbeing by tying the presumptive rights to the reform package, and the uncertainty of the outcome will not in any way stop that occurring, and will likely accelerate it. The emptying of the well is due to a number of matters, some industrial and some to do with the way CFA has been battered from pillar to post since Linton, and the less than stellar introduction of 'minimum skills'. Whatever the reason, matters that potentially affect the available reserves of goodwill should not be introduced lightly, and the proposed reforms, clearly undertaken, from my perspective, for ideological and industrial reasons, could not be any lighter given that almost any query about how it would work is met with, 'we don't know, that is in the detail that we don't have yet'.

An indication that the well is running dry is a recent reflection on the campaign fires of 2003/4 and 2006/7, when as captain of a medium sized rural brigade I had little trouble getting members to support those campaigns for extended periods. Now as a Group Officer, I worry that I won't have enough people in an entire group of brigades, willing to support a multi-day operation, let alone to support a multi week/month operation.

I know surge capacity gets talked about a lot by VFBV and I fully support their views on the matter. However that conversation is largely about the pool of people in the outer metro area that is potentially at risk in the proposed reforms, but there is a pool of people in brigades all over the state that is also in danger, and I can recall no conversation with a Group Officer or Brigade captain in the past few years that demonstrates that the capacity of their brigade or Group is as good as it always was, and can recall many conversations where concerns were expressed in the opposite direction.

The reservoir of good will is not something that governments should be affecting on an industrial or ideological whim.

Secondment

At the above mentioned meeting in Ballarat, the most common question from the floor related to how the secondment of personnel from FRV to CFA was actually going to work, with neither the Chief Officer nor the CEO being able to provide one iota of clarity on the matter except a rather Pollyannaish view that it would.

I have doubts that it can work in general and note that operationally it is against the principles of the Australian Inter-service Incident Management System (AIMS), which states that command remains within agencies. Quite clearly that will not be the case when the operational stream within CFA is not actually from CFA. It is likely that this will matter little in actual fireground operations when the focus is on delivering a result to the community, however, in the day to day matters, there will always be a question mark over decisions made by people outside of our organisation, for our organisation. Questions such as:

- Was that decision based on what is best for CFA or best for FRV?
- Was that training session cancelled because FRV was short of trainers and took one of their seconded trainers back and left the volunteers hanging?
- Does the dollar they just said no to spending in CFA mean that there is an extra dollar for FRV, and is that why they said no?

The implied messages.

I look at the three parts to the proposed legislation (Presumptive Rights, Fire Services Reform, and the \$100M – although that last one is not guaranteed by the legislation) and see a government that pretty much knows it is trying to do something that cannot stand on its own merits.

They have presented us with a black box. The box is empty, but they assure us that we will like what they plan to put in it when they get around to doing so.

Just in case we are unsure, they offer us a teaspoon of sugar in the form of some money to accept the black box, although nowhere can you find where they guarantee to actually deliver the teaspoon of sugar, and finally attached to the black box - for no discernible reason - is something full of detail and bells and whistles that we have desired for a number of years. I put to you that if these circumstances occurred in your life, you would look very askance at the black box, and wonder why they were trying so hard to get you to accept it.

In the interests of brevity I will leave it there, but please be aware that my list of concerns is significantly longer than what I have included here

Bottom line for me.

In the interests of brevity I will leave it there, but please be aware that my list of concerns is significantly longer than what I have included above.

I believe that until the details are added, the proposed reforms cannot rationally be viewed in a positive light, and if the legislation is passed without the detail being known in advance, we will be very unlikely to be better off, and will quite likely enter into a period of ongoing uncertainty as the details get considered and tested. There may be no way to effect change within the Victorian Fire Services (noting that the case for change that the government has put up is far from convincing) without some level of disruption, but some ways seem inherently worse than others. In my view the government has picked a bad way, in secret, no detail and ignoring their requirement to consult, and they know it. My hope is that you can see that as well.

shane cramer

CFA volunteer

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