

Andrew Grant

[REDACTED]
Volunteer Fire Fighter Drouin Fire Brigade

Phone [REDACTED]

Members of LSCS LCSC@parliament.vic.gov.au

Fire Services Bill Select Committee

Parliament House, Spring Street

East Melbourne VIC 3002

July 3rd 2017

Dear Members

As a volunteer firefighter with CFA for over 25 years, I am writing to you to give my view on how the proposed Fire Service Legislation with its amendments to the CFA & MFB Acts will impact on fire services and volunteerism in the State of Victoria. With over 70 years of history, the CFA as an organisation had built on decades of experiences of volunteers, supported by career fire fighters and other support staff. It was essentially formed by volunteers for volunteers to service and safeguard the State of Victoria. It is my firm belief that any attempt to alter fire services in Victorian without first working with volunteers to design and implement these changes will produced many unintended consequences for the state. This being particularly so as the intent of the proposed legislation is to find a political fix to intransigent and vexed issues of an ongoing UFU union dispute with the CFA Board and the State Government in general.

The root cause of the dispute was the historical overreach by the UFU in the formatting of CFA EBA's, that use clauses that directly impact on CFA volunteers and CFA operational matters, which then override the intent and purpose of the CFA Act and the CFA Volunteer Charter. Essentially the UFU created unnecessary conflict by developing clauses within Enterprise Bargaining Agreements to dictate how and where these career fire-fighters are used by the simple directive that a Federal EBA trumps Victorian Legislations and Agreements, and by itself far exceed the normal scope of an EBA. This being so, the attempts to find a political fix in the proposed legislation will not address the primary issue and as such not resolve in the long term the impact of EBA clauses on the ability of the CFA or the new FRV to deploy resources when and as needed. Career fire fighters within the CFA are not the issue, indeed they are essential for the maintenance of a flexible and responsive CFA. Yet the proposed legislative changes immediately take out several hundred career fire fighters from CFA operational use, as they will be moved to an organisation, the FRV, with the associated training, vehicles, equipment, command, control and communication processes that are primarily focused on urban firefighting. During Black Saturday, I witnessed a strike team of bulky MFB urban pumpers parked along Sinclair Street opposite the Drouin Fire Station, with their well-trained crews awaiting instructions to attend to any structural fires that might break out in an urban area with reticulated water during the late afternoon. This did eventually happen, however the pumpers had to make a hasty retreat as the area was in an urban rural interface and the bush fire posed too greater risk around them. The crews and leadership were keen and brave, but the vehicles were unsuited to that environment. I fear that this may be the portents to the future of all career fire fighters belonging to an urban focused organisation.

I am a volunteer fire fighter of the Drouin Fire Brigade located in West Gippsland, I have qualifications as a crew leader, BA operator, FEM officer, Thermal Imaging Camera operator amongst a longer list of qualifications and experiences. I have received a National Emergency Service Medal for my services during Black Saturday on the Bunyip Ridge fire in Gippsland, as well as experience on other campaign fires.

I will attempt to address the four questions posed briefly, I am happy to elaborate with more detail to any of the points made at any public hearing.

a. Impact on fire service delivery across Victoria

Any fire management process that attempts to ignore fire behaviour and human nature is bound to fail. Despite the rhetoric of the legislation that volunteers in the current integrated stations will be accommodated by co-location! That in conjunction with the vague details of how the FRV and the CFA will co-exist at these stations, can only bring a loss of experienced volunteers in Fire Rescue Victoria (FRV) areas as there will be no role for them to play based on the impacts of the legislation. Simply said, if volunteers train and train but witness the FRV command, control and communication process by pass them to deploy career fire fighters to support the FRV brigade at their co-located station, a dramatic loss of morale and purpose can only impact on retention and recruitment. There is simply no guarantee that the FRV radio and communication systems at these stations will even be able to dispatch CFA volunteers if there is such a desire. The two systems currently maintain two separate command, control and communication systems. Periodic upgrades to the CFA systems have been long and expensive undertakings. Attempts to integrate both services would be more costly than the 100 million dollars promised to implement changes. In addition, the fire stations will belong to the FRV, with their titles handed over from the CFA. Volunteers will only be tenants in another fire service property with no articulated rights on how the facility will be shared immediately or in the future. The legislation also takes away the volunteers community education role, fund raising through running Fire Equipment Maintenance (FEM) programs for the local community and the possibility of being locked out of facilities or equipment that volunteers had previously fundraised for. In essence, they will have little to no say in their future, no ability to improve the stations for volunteers, since it will not be their fire station. No access to train on or use FRV vehicles and equipment, or the ability to utilize their considerable urban fire-fighting experience since they may well not ever be dispatched to one again. The legislation being so vague and the ability of future UFU EBAs to override state legislation that puts the volunteers in this situation. Human nature being what it is, demoralisation can only ensure. Not at every station at once, but one by one as the comradery of the integrated CFA fades into distant memory as career fire fighters transfer, resign and retire, to be replaced by FRB career fire-fighters that are trained at FRB training grounds and have undertaken the UFU fire fighter cultural courses.

Currently the purpose of the CFA is stated in Section 6F CFA Act, the “CFA is a volunteer based organisation supported by employees in a fully integrated manner”. This culture and capability that creates a summer surge capacity for CFA brigades from outer metro Melbourne can only be eroded over time, and this may well be quicker than anticipated. This ability to provide large volumes of human resources to support major fire operations will be lost. The flexibility of the current situation will be lost. The culture and history that built this up will be lost. The support to volunteer brigades by FRV brigades who are currently in integrated stations, particularly in the rural interface will be lost. The ability for career firefighters and appliances to support areas where volunteers are off on campaign fire will be lost. FRV will be an urban based fire service only. As mentioned previously they won't have the capacity to support volunteer brigades in a rural context which they currently do. Pumpers only, not tankers. This will be a great loss to Victoria and all for a political quick fix!

b. Effect on volunteer engagement and participation in fire service delivery

Within hours of the supposedly secret legislation being put out for public comment, the CFA CEO, the Chair of the CFA board and the CFA chief officer were all sending out e-mails to volunteers hailing the merits of the changes. Yet when I sat down to read the legislation, I was confounded by how vague, incoherent (compared to say the state OH&S legislation, the revised Education Act etc.) and totally reliant on having both a copy of the CFA act and the MFB act to make any sense of what was being proposed. It seemed that there was a great coincidence between the hasty appointment of these people after the sacking and resignations of their predecessors and the haste of signing the legislations praise.

There has been no genuine consultation with volunteers through the Volunteers Fire Brigades Victoria (VFBV) so far. The summoning of Andrew Ford CEO of the VFBV hours by the Emergency Services Minister before the formal announcement of the legislation was a farce. The current Chief Executive Officer (CEO) of CFA has been all but silent through months of media speculation except for writing via an e-mail to all volunteers condemning the Liberal Party for their robot phone calls and warning volunteers not to engage with the public. CFA volunteers are members of the CFA, they are not responsible for the action of political parties, and the e-mail clearly indicates a position that is more concerned for the welfare of the state government than it does for volunteers. I wrote back to her, agreeing with her sentiments (that no political party should speak on behalf of volunteers, that is we have our own organisations for that) but I also wrote about how the then current UFU radio advertisements smears both career and volunteer fire fighters at integrated brigades and asked her to speak out about this. However she did not reply to my e-mail. Francis Diver's e-mail and my reply follow:

25 May 2017

 [Facebook](#)  [Twitter](#)

Automated Phone Calls

Over the last twenty-four hours we have been flooded with complaints from members of the community who have received automated phone calls.

These calls warn that reforms recently announced by the State Government will put Victorian families at risk.

This is a highly irresponsible and unfounded claim and not an authorised message from CFA.

CFA is deeply concerned that these calls may erode confidence in public safety and unfairly cause alarm across the community.

CFA will urgently investigate this as a possible breach of privacy and take whatever further steps necessary to protect the integrity of CFA.

Frances Diver
CEO

Thu 25/05/2017 10:22 AM

Andrew Grant

RE: From the CEO

Hello Frances

Thank you for your e-mail.

I too have heard alarming radio advertisements that create concern, fear and anxiety about the supposed deficiencies of the current CFA. These are originating from the UFU.

I am very concerned that a group that is not the CFA or the state government is speaking on behalf of the CFA to the public.

As the CEO of the CFA, please speak out about this dreadful state of affairs of the UFU undermining the status of the CFA. I have Cc'd this to the District 9 VFBV President Brian Brewer for further action concerning these UFU ads.

Kind regards

Andrew Grant

Volunteer Drouin FB, District 9

The silence by the CFA, CEO and CFA Chair means that during the secret legislative negotiations the Volunteer Charter has been ignored. During this whole process of putting together this legislation it's as if we don't exist to Government. Their only concern is providing a political fix for the United Firefighters Union (UFU) Secretary, Peter Marshall. One casual observation is that what Peter Marshall wants, he gets. An example being his stand on the appointment of the previous CFA Chief Officer:

“Union slams Buffone appointment as Victorian fire chief”

KATH SULLIVAN, The Weekly Times

October 21, 2015 12:00am

THE appointment of a chief fire officer with no professional firefighting experience has riled the United Firefighters Union.

Victoria's new Chief Fire Officer Joe Buffone — a CFA volunteer for more than 15 years — worked in emergency management for 25 years before his appointed last week to the role vacated by Euan Ferguson.

Despite Mr Buffone's experience as deputy commissioner at Emergency Management Victoria and a former deputy chief officer with the CFA, the Union said he was a “very bad choice” because he had “no operational experience”. “This flies in the face of what's needed at the CFA,” UFU Victorian secretary Peter Marshall said.

“We hold Mr Buffone in high regard,” he said. “But it’s a concern to us how you could appoint someone who has never undertaken a recruitment training program, never served time on a professional fire station or shift and does not have the competencies his subordinates have.”

Mr Marshall questioned the timing of the appointment given the Victorian Government is reviewing the state’s fire services. “This organisation has been in turmoil for a decade or more,” Mr Marshall said. “It hasn’t had the right people steering the ship to give confidence to the people below.”

Emergency Minister Jane Garrett said Mr Buffone was highly accomplished.

“His knowledge and understanding of the CFA will be a great asset for the organisation,” Ms Garrett said.

Mr Buffone will take up the role when chief executive Lucinda Nolan starts next month.

Volunteer Fire Brigades Victoria welcomed Mr Buffone’s appointment.”

I have added this newspaper article as an example of the overriding perspective that Peter Marshall has had in this whole affair. One might ask “is Peter Marshall the elephant in the room that no one wants to address? Is this whole process being done to placate one man in one union position? I guess that is a question that can never be answered without the behind closed doors accounts by the current Premier and Emergency Services Minister.

Morale for Volunteers is being impacted on. Volunteers are starting to withdraw their services. I have noticed a decline in numbers turning out at all hours. Volunteers are no longer prepared to engage in strike team activities and are remaining to service their communities only. This will have a direct impact on surge capacity from regional Victoria. This is happening now, I am hearing at Brigade Meetings such phrases as “why bother”, and “if the UFU wants it all, let them do it, why should I hold a stop and go sign at a car accident if the government only wants to talk to the UFU?”

The greatest impact on volunteers is the whole secondment fantasy. Many who followed events expected the government would take away the CFA career firefighters and put them in the MFB. What was not anticipated was that every person that the CFA had employed, trained and deployed, whose employed job was to directly assist volunteers, whether that be a District Manager, a Training Officer, stores manager, a fire vehicle mechanic, a secretary, a writer of volunteer training packages, a scientific officer would all be taken away from volunteers. Not only that, but with the exception of District offices, the training grounds, many other buildings and facilities will be handed over title and all to the new FRV. It’s like a primary play ground where a child says, “Dad says I’m not to play with any of you, so I’m taking my bat and ball and going home”. So now volunteers are to be directed and assisted by people, good people but people nevertheless who don’t belong to the CFA, whose career belongs to the FRV and who will be at the mercy of the FRV to be seconded, since the legislation is incredibly vague about how this will work. That is for now, but don’t attempt to search Australia or worldwide for any replacements, because the legislation states that the CFA can only seconde people from the FRV for any position. However it does not say if the CFA will get any choice as to who can be released or appointed from the FRV or even if the CFA gets to choose. Hence an organisation with no paid staff, decreasing assets, no guarantees about future funding and, in the eyes of some, no meaningful future to guide its own destiny. Indeed, future EBA clauses may still impact on seconded personnel. E.g. what is to stop a future UFU EBA clause from putting restrictions on who paid staff can train, or the equipment

that they are allowed to carry out the training with? What is to stop the UFU from putting various perceived OH&S restrictions on the designs of future fire trucks that make them unsuited to a rural or semi-rural environment? The CFA loses its ability to develop its own capacity - that is transferred over to the FRV. The CFA does not get to negotiate the EBA, the FRV does. Human nature being what it is, what is the intrinsic motivation for a FRV negotiation team to drag out negotiations to ensure that volunteers are well looked after. Surely the motivation and pressure from any government is to get the negotiations over and done with. This uncertainty, and the lack of respect shown to volunteers by the current Government can only impact on volunteer morale, recruitment and retention.

c. Short term and long term cost impact on fire service provision

This issue should be simple: a government that worked with all parties with the primary concern of enhancing and improving the delivery of services would have treasury on-board to cost this. The secret nature of this legislation with the primary aim of providing a political fix has as its partner, the politics of hope to achieve this. Hope that all will turn out right and that if enough money is initially thrown at the problem, then something should happen that removes the political problem.

Hope means very little thought has gone into what will actually happen and what the unforeseen costs are, both to the Victorian taxpayer and to the long term safety of this state. No one knows what the short or long term cost may be, certainly not a government that is attempting to rush through this legislation. At the very least, even if some form of the legislation goes through, it should not be passed until thorough cost analysis, costings and appropriate budget lines are secured for it. As it stands the promised funding to handle the implementation of these changes, is separate to the legislation, there is no legislative guarantee that the extra funding will actually happen!

One example of unforeseen costs in the future is that no details of what happens to a currently all volunteer station when the new advisory group being set up by the legislation transfers the station to the FRV from the CFA. Will the station be deemed suitable for the FRV, or will it be knocked down for a new station? Do the volunteers stay and become co-located? What is the cost of this? Are the volunteers moved to a new station, what is the cost of this? Are the volunteers disbanded, and given that volunteers need to live within 4-6 minutes' drive of the station to achieve service delivery standards, they cannot be transferred to another distant all volunteer station and still remain operational if they end up being 15 minutes or further away. They will be lost to the state, and so what is the cost of increasing the number of career firefighters to cover this, but who won't be equipped or trained as rural firefighters. From what I have seen the total average cost of career firefighters, wages, penalties, allowances, superannuation now well exceeds the average cost of teachers to the state. Anything that diminishes the role or morale of volunteers will come as an expense to the state and to the taxpayer.

Another example of unforeseen costs is the Morwell CFA integrated station, which has been deemed as unsuitable for the new FRV organisation. One question I would raise given what I understand is happening at Morwell is, how many of the transferred stations will fit the UFU requirements for their future EBA that no doubt will cherry pick the highest expectation from their two EBA's (CFA and MFB)? Would it not be better to ascertain this before any legislation is passed so that these stations are not transferred over to the FRV only to be torn down at great expense to the community? There is already a history of MFB / CFA station upgrades failing UFU requirements at great cost to the tax payer.

Finally the legislation allows for the Emergency Services Minister to transfer any and all CFA assets (vehicles, stations, plant, stores, monies) as he deems fit to the FRV within 12 months of the passing of the legislation. How can the CFA possibly plan and budget for the future with this situation?

d. Underlying policy rationale

This is policy on the run, with both the CFA as an organisation and the CFA volunteers not invited to be part of the process. It is for political expediency: once through, public and government attention will shift their focus to other more pressing concerns, but the underlying issues will still remain. These include; the inability of any fire services, current or future, to manage themselves; the inability to be affordable and flexible; the detrimental impact on service delivery and provision for the welfare of the state in general come a major fire emergency. That is the ability of the UFU's EBAs to be manipulated to have far reaching impact on volunteers. If the proposed legislation goes through, these issues will still have to be dealt with by any future government of both sides of the House of Parliament. It does not solve the underlying issues, it postpones until after the next state election.

Victoria is one of the most fire prone areas in the world. This policy change does not come from any Royal Commission as such, it is driven by an industrial dispute. One of the world's most fire prone areas and Government are "just winging" it with an organisation that has served this state well since 1944. An example of this is that the Presumptive Legislation is tied to the wider changes to the fire services. As it stands the legislation flip flops between career and volunteer fire fighters, unfortunately cancer is not so discerning, it strikes down whoever, regardless of legislative descriptors.

Change is always needed, the world, our society, our understanding of the fire science changes. But change needs to be motivated for the right reason, a non-party political reason. Changes of this magnitude require all parties to be involved, not just through the machination of closed door policy makers. The State of Victoria can and should do much better than what is proposed. Bring all parties to this, bring in the scientific community, business, the insurance industry, the farmers, the UFU and the VFBV as equal partners in this. By all means lead but lead with the goals of making the best and most responsive and flexible career and volunteer fire service that is grounded in reality and is affordable in the good times and the bad.

This Legislation does not address the underlying issue of an UFU EBA's that have been written to both veto the Chief Officer and discriminate against volunteers. If passed, FRV employees will be covered by an EBA controlled by the UFU and sub-contract to the CFA. They won't be controlled by the CFA Chief Officer, rather the EBA, and will have little or no respect for volunteers.

Summary

This Legislation does not have any long term benefits to the State of Victoria, it will have many unforeseen consequences due to it being a short term fix to an industrial dispute.

The combination of the Fire Services Review and Presumptive Cancer Legislation is another example of a political quick fix, an absolute disgrace that treats volunteers with utter contempt. These two parts of the legislation need to be separated.

Until this issue is resolved to the satisfaction of volunteers and the VFBV, I will be withdrawing my services for any future strike team deployment duties but will be continuing to serve my community with my Brigade volunteer firefighting services only.

To get to this point the former Emergency Services Minister, CFA Board and Chair, CFA CEO, and Chief Officer had to go. The volunteers have been sidelined through the VFBV having no meaningful involvement with the government despite repeated requests to do so. And, yet again, one might ask why the secretary of the UFU is placed in such a position of power that he has a radio ad campaign ready to go once the state government releases its proposed legislation?

Yours sincerely

Andrew Grant

Volunteer Fire Fighter

Drouin Fire Brigade