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Submission to Parliamentary Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

Introduction

I provide this submission as a passionate Country Fire Authority (CFA) Volunteer Member, firefighter, Officer for over 37 years and a Government appointed CFA Board Member first appointed in 2003 and re-appointed successively in 2007, 2011, 2014 until I and all of the CFA Board were removed by the State Government in June 2016.

I thank the Committee for seeking submissions and reserve the right to appear before the Committee not only to expand on the points in this submission but to answer any questions the Committee may have to enable an informed outcome of the Committees work.

The contents of this submission are my own personal views from my significant experience and roles I have played within Victoria's Emergency Management arrangements over many years with the sole intention of ensuring community safety and fire service readiness before, during and following events but importantly for the ongoing viability and sustainability of the Victorian Integrated Fire Service model into the future.

I also have strong views as do all of my firefighting colleagues that there should be common and equitable presumptive legislative support for both career and volunteer firefighters and not additional hurdles or justification for any of us. Cancer and firefighting have clear linkages and increased levels and is non-discriminatory therefore neither should any protection and support.

CFA, and all of Victoria's Fire Services provide a 365 day, 24 hour service I believe that the levels of resourcing and preparedness are critical and vital all year and I'm unsure with the proposed 'reforms' by creation of Fire Rescue Victoria (FRV) and separating paid and volunteer firefighters helps to provide either the same or improved level of service.

Background

Our collective interests should be, and I believe are driven by achieving safer communities and reducing the impact of fire on our communities and the protection of life and property, acknowledging the primacy of life.

This involves a range of perspectives and points in time during fire and other emergencies in this 'all hazards, all agencies' approach from preparing the landscape and communities, building community capacity and resilience and building and maintaining prevention and response capability and importantly recovering from fire.

We should all agree that volunteers are not only the vital for Victoria's emergency management arrangements, it is the only cost effective model for providing the fire and emergency management arrangements in Victoria and as stated in the CFA Act a prime responsibility for us all under Section 6 and 6 (i) in particular "*The [Authority](#) has a responsibility to develop policy and organisational arrangements that encourage, maintain and strengthen the capacity of volunteer officers and members to provide the [Authority's](#) services*"

The integrated model of volunteer and career firefighters is unique and allows CFA to effectively protect the Victorian community. To begin to 'tear down' and destroy this model will have a serious impact on the preparedness and response capability of the State's Fire Services, in particular the CFA.

Presumptive Legislation

Bill should be split to separate presumptive rights compensation from the aspects relating to structural changes to Victoria's Fire Services

My concerns regarding the broader reform aspects of the Bill remain and are in addition to the Presumptive Rights Compensation aspects of the Bill. I am deeply disappointed that the Bill combines two totally separate issues. One being firefighters' presumptive rights compensation and the other being proposed changes to the fire service structure and arrangements for Victoria. It is highly offensive and morally wrong to combine an issue as important as firefighter cancer protection with the proposed reforms to the fire services that essentially carve up CFA, one as a ransom note for the other.

I am hopeful that this issue will be respectfully resolved by a resolution to split the Bill when the legislation is considered in the Upper House.

It is untrue and misleading to say the Firefighters Presumptive Rights Compensation aspects of the proposed Bill is the same as the QLD presumptive legislation

Regarding the presumptive rights compensation aspects of the Bill I refer you to the summary legal advice from Jack Rush QC confirming the proposed firefighter presumptive rights legislation is being sold as something that it clearly is not. The proposed Victorian legislation does not provide a simple process for volunteers, it does not treat volunteers and paid firefighters equally, it is not the same as the well regarded QLD model and it sets up potential for ambiguous protracted legal debate and bureaucratic hurdles for sick volunteers.

This legal advice, provided by Jack Rush QC, a former Supreme Court Judge, former Chairman of the Victorian Bar Council, and Counsel Assisting the 2009 Victorian Bushfires Royal Commission confirms that the proposed presumptive rights legislation:

“...establishes two distinct mechanisms for the operation of the presumption that specified cancers are due to the nature of firefighting – one for career firefighters and one for volunteer firefighters. The Bill discriminates against volunteer firefighters, is inequitable to them, has been drafted in a manner that is prejudicial to volunteer firefighters’ entitlements and rights to claim for specified forms of cancer when compared to the claims process created by the Bill for career firefighters for precisely the same cancer conditions.”

This directly contradicts the Governments statements that

“Career Firefighters and Volunteers will get equal treatment” They clearly do not

“..it is the same or better than the QLD model” It is clearly not

To sell the cancer protection as being the same as other simple and equitable models such as the QLD approach is false. The proposed Victorian cancer protection legislation is not the QLD model, it sets up a complex and ambiguous legal battle for volunteers and a much simpler process for paid firefighters. I fully support paid firefighters being provided with simple and compassionate cancer protection but not the discrimination against volunteers.

Fire Service Reform legislation

I am totally supportive of genuine and cost effective fire service modernisation but cannot see how this current government proposal achieves real reform. To be frank this proposal redefines boundaries, creates a new entity with no governance accountability and hives all career firefighters and Officers into the new entity only to be ‘contracted’ or ‘loaned back’ to CFA which seems a very unusual model for reform, most likely it counters frustrating industrial arrangements currently in place.

Key Operational and Non-Operational current CFA members provide support to Volunteer Brigades and Members to provide the professional voluntary service into 1200+ communities across Victoria. These positions current and past such as Brigade Administrative Support Officers (BASO’s), Community Support Facilitators (CSF’s), Operations Managers and Officers along with training, community safety, education and operational support are what makes the CFA Integrated model work and function effectively and there is no clarity in the proposed legislation on how this is to work in the future.

The approach to modernisation needs to be re-thought. My strong view is that those aspects of the Bill relating to the split up of the integrated CFA model and the creation of FRV are so fundamentally flawed they should be rejected and at a minimum require a major review before being considered by the Legislative Council.

It creates less flexibility for the fire services to adapt to changing risk and service demands. The Government, the Emergency Management Commissioner, and the CFA Chief Officer are yet to be able to explain to the Victorian public what public safety improvement will occur in communities currently serviced by CFA’s 35 Integrated Brigades.

It further fragments Victoria's fire services when all recent reviews have said fire service modernisation needs to be about joining up effort.

None of the recent major reviews, and certainly not the 2009 fires Royal Commission, recommended splitting the world-renowned CFA model. This is confirmed by Jack Rush that the 2009 Bushfires Royal Commission applauded the CFA model as being 'the nations pre-eminent firefighting organisation.

Jack Rush has also confirmed that the 2009 Bushfires Royal Commission recognised the importance of maintaining and strengthening the existing CFA model that fully integrates volunteers and paid firefighters. The 2009 Bushfires Royal Commission and other recent reviews recognised the absolute importance of the existing CFA model as the best way for Victoria.

Cost implication of the proposed reform

It is fair to say that whatever the ultimate cost for this reform and its ongoing recurrent funding the only funding source apart from Budget Expenditure Review Committee (BERC) direct funding is from the Fire Services Property Levy (FSPL) and all of Victorian Landholders, including all Volunteers and a large number of farming families and CFA Volunteers that will contribute to this cost on top of their significant Volunteer contribution.

Any misjudgment of the costs associated with the implementation of these changes and arrangements will no doubt have a detrimental effect on other vital programs including preparedness, prevention, community education and response activities of CFA. This could further flow on to previous Bushfire Royal Commission recommendations and outcomes that would no longer be able to be funded due to these competing and ultimately overriding priorities.

A level of complexity will also be introduced into the FSPL in rural and regional areas where a FRV model provides some level of service to some of the Municipal District and a CFA model provides the rest. Currently the Metropolitan and 'Country' rates are different, calculated differently and distributed differently and believe it will impose additional workload and complexity to both Local Government and the Rate-paying community.

Summary & Conclusion

Based on the 2015 Fire Services review the following statement summarises the position in regards to CFA, Volunteers and the Integrated Model of Fire Service Delivery here in Victoria.

“Because volunteers are fundamental to Victoria’s emergency management capability, fundamental to community resilience and at the core of communities sharing responsibility for their own safety, it is vitally important to ensure that they are involved in decision making on all issues that affect them, both to make the most of their frontline knowledge and to help sustain Victoria’s essential volunteer resource.”

As a CFA volunteer I appreciate and respect the dedication, skill and work of my CFA paid colleagues. CFA should be a modern and contemporary emergency service where volunteers and paid staff work side by side, as equals and respect one another.

We should be fundamentally against anything that tries to create a wedge between volunteers & paid staff, and any arrangements that seek to demoralise, discriminate or segregate volunteers from paid colleagues. We are all CFA members who want to put our communities first.

We should aspire to a modern approach, focussed on all people working together to maintain and build volunteer and community safety; a respectful culture focussed on empowering and supporting local volunteer brigades and community with the flexibility and agility to enable CFA to tailor resources and support to local community’s needs.

The Governments proposed legislation is not modern, it is not flexible, it does not further community safety outcomes, and it does not promote interoperability or connectedness, and it does not build and strengthen community resilience before, during and after natural and other disasters.

I thank the Committee for the opportunity to submit and hopefully to give evidence to the Inquiry in person prior to final reports and recommendations to Government.

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