

SUBMISSION by email to: LCSC@parliament.vic.gov.au

For:

**INQUIRY INTO THE FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND
FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017**

From;

Edvardas Starinskas



It is requested that this submission be treated as “STRICTLY CONFIDENTIAL”.

Disclaimer: *This submission is made by me as a concerned private citizen whose profession is fire-fighting. This submission has not been made in any capacity as a public official and any views expressed are personal and do not necessarily represent the views of my employer, being the Metropolitan Fire Brigade (MFB).*

Dear Assistant Clerk Committees,

My name is Edvardas Starinskas, employed as a Senior Station Officer with the Metropolitan Fire Brigade (MFB), I am currently stationed at the South Melbourne Fire Station on “C” Platoon. I have been a fire-fighter with the MFB for over 13 years and I have worked in both “Central District” and “Western District” which interfaces with the Country Fire Authority (CFA) boundary.

As a MFB officer, I hold the following nationally recognised qualifications:

- Graduate Certificate in Applied Management (Policing and Emergency Services)
- Diploma of Public Safety (Firefighting Management)
- Diploma of Fire Technology
- Graduate Member – The Institution of Fire Engineers
- Certificate IV in Training and Assessment

I have also performed the following roles:

- Member – Public Safety Industry Reference Committee
- Member – Victorian Skills Commissioner – Industry Advisory Group
- MFB-CFA secondment course co-ordinator
- MFB course co-ordinator – officer promotion courses
- MFB officer promotional course instructor
- MFB recruit course instructor

I hold the following honours/awards:

- National Emergency Medal – Vic Fires 09
- Australian Active Service Medal (East Timor 1999 & ICAT 2002)
- International Force East Timor Medal
- Defence Long Service Medal
- Australian Defence Medal
- Chief Officers Commendation – Melbourne CBD Shooting 2007

I live in Hamlyn Heights, Geelong, whose fire cover is provided by an integrated CFA fire service model.

I am writing this submission in support of the proposed fire fighters presumptive rights compensation and reform of the fire services.

I will address the committees terms of reference below:

Proposed fire-fighters presumptive rights compensation legislation:

- There is a wealth of accepted Australian and international research that has proven that career fire-fighters have a significant increased risk and incidence of specific cancers.
- Internationally, it has been accepted that presumptive legislation is a mechanism that enables fire-fighters access to entitlements and compensation as they can for any other work-related injury or illness. Rebuttable presumption legislation reverses the onus of proof by presuming the cancer is an occupational disease, unless proven otherwise.
- In Australia, presumptive legislation recognising the same 12 cancers with the same qualifying periods of service for each cancer has been enacted in Tasmania, South Australia, Western Australia, Northern Territory, Queensland, and the ACT and to protect Aviation fire-fighters.
- In 2014 Monash University produced a report - “Australian Fire-fighters Health Study”, which was commissioned by Australasian Fire and Emergency Service Authorities Council (AFAC). The findings were consistent with other international research; it demonstrated the significant increase of incidence of cancers for career fire-fighters.

<http://www.coeh.monash.org/downloads/finalreport2014.pdf>

- Tasmania, Western Australia, the Northern Territory and Queensland have structured their legislation to give certainty to volunteer fire-fighters as opposed to enshrining them in a legal battle to obtain their rightful benefits from the cancer contracted when protecting the community.
- The Victorian Government proposes the Queensland model, under which volunteers can provide information to a specialist committee to show they have served for the relevant qualifying period. This protection was put in place as volunteers were concerned their records may not be complete. The Victorian Bill extends the presumption to protect volunteer fire-fighters, and like career fire-fighters, volunteers have to demonstrate that they have served as an operational fire-fighter for the relevant qualifying period for the particular cancer.

- The Victorian Bill also introduces a new provision which provides for the committee to give special consideration for exceptional exposures for career and volunteer fire-fighters who do not meet the relevant qualifying period, but can demonstrate they have attended an exceptional event.

Fire Services Legislation Amendment (Reform) Bill 2017

Terms of Reference

- ***Impact on fire service delivery across Victoria***
 - ***Underlying policy rationale***
 - The proposed fire service reforms will strengthen and enhance the fire service response framework across metropolitan Melbourne and the major regional centres across Victoria. Providing Victoria with a more responsive, better equipped and most importantly, safer response model for both the community and fire-fighters.
 - Victoria currently operates under systems and structures that have not changed since the 1950s. Many areas in Victoria have experienced substantial growth in the past 60 years. The initial areas brought within Fire Rescue Victoria are those serviced by CFA's 35 integrated stations. These are areas that due to population and increasing urban fire risk require stations with career staff operating 24 hours a day, seven days a week.
 - 2016 Census results reveal that Victoria had the highest increase in population of all States and Territories, in part due to Melbourne City becoming the third-fastest growing region in Australia. The Census has been used to update Victoria's estimated resident population, which at December 31, 2016 had grown to 6,244,227 people. The Census counted 5,926,624 usual residents of Victoria on Census night, an increase of 572,582 people since 2011 (or 10.7 per cent).
 - Outside Melbourne City, Wyndham, located on the western edge of Melbourne, was the State's next fastest growing region, with its population increasing by 56,000 people to 222,000 people (up 34 per cent).
 - Outside of the Greater Melbourne area, the region of Surf Coast – Bellarine Peninsula was the fastest growing, showing a population increase of 18.4 per cent since 2011. Bendigo (9.6 per cent) and Ballarat (8.6 per cent) also showed considerable growth since 2011.
- <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/C508DD213FD43EA7CA258148000C6BBE?OpenDocument>
- An independent Fire District Review Panel will make future recommendations on whether changes to the response boundary are required, which will ensure that any changes to the response framework are made as required, supported by statistical data. The Panel will conduct future reviews of the boundary between fire services, based on population growth, urban development and the volume of Triple 000 calls.
 - A number of reviews and inquiries have made clear, particularly the 2009 Victorian Bushfires Royal Commission, that our fire-fighters and the community are being let down by an out-dated structure.

- Under current arrangements, the CFA serves Victoria through a network of 1,220 community-based volunteer brigades including 35 integrated stations staffed by both career firefighters and volunteers. At the same time, the MFB operates in built up areas of Melbourne through a network of 47 stations staffed by career firefighters.
- A key change of the reforms will be that at the 35 integrated stations there will be guaranteed backup - guaranteed that two trucks with at least 7 firefighters will be dispatched within 8 minutes. What that response means is enhanced community and fire-fighter safety and protection. This is critical for breathing apparatus procedures and is a best practice model. At the 35 integrated stations, this is currently not always the case. Through no fault of their own, volunteer brigades cannot always respond in the designated timeframes, or with appropriately qualified structural firefighters required for internal firefighting and rescue operations.
- Emergency Management Victoria (EMV) Commissioner Craig Lapsly has shown public support for the reform, making the following statement on the EMV website.
- “This is bold reform and it has not just been undertaken because of industrial issues. It’s time to change, to provide Victoria with a refreshed model with a strong future direction and this is our opportunity”.

<https://www.emv.vic.gov.au/news/future-change-in-the-fires-services>

- ***Effect on volunteer engagement and participation in fire service delivery***
- ***Short and long term cost impact on fire service provision***
- I cannot see how volunteer engagement will be impacted in a negative manner. My understanding is that there are 1220 volunteer brigades, and the vast majority of CFA volunteers will be unaffected by the proposed reforms. There are 35 integrated stations which will be impacted in that there will be an enhanced career staff response. This can only be good for the communities they protect and for the safety of all fire-fighters responding to incidents.
- Volunteers at these integrated stations will still have the ability to respond to incidents, just as before, as part of a joint response. They may not be required for as many calls due to an enhanced response from Fire Rescue Victoria (FRV), however, this is a positive for the community, who will be receiving a faster response, which will save lives and property, reducing the economic and social cost to the community.
- Volunteers at the integrated stations will still train, exercise their skills, be provided with staff support from FRV and will still be required to respond to incidents. The government has committed substantial funding for the CFA, for training, facilities, assets, recruitment and retention, which will now be a fully volunteer organisation.
- Unless large numbers of CFA volunteers leave the organisation (which I believe to be highly unlikely), there will be no impact to Victoria’s surge capacity. That fact that the vast majority of volunteer brigades will be totally unaffected by the reforms, and the fact that the CFA will be better resourced and funded as a result of the reforms, makes me question the motives of anyone suggesting they would leave the CFA if the proposed reforms came into effect.
- EMV Commissioner Craig Lapsly made the following observations on the EMV website.

- “Under the proposed new legislation, Fire Rescue Victoria goes to 82 stations and 2800 career firefighters. Fire Rescue Victoria will still work beside CFA brigades; co-located rather than integrated”.
- “This consolidates and confirms the role of volunteers in CFA. CFA has been spending a lot of time managing staff and industrial issues. This is the opportunity to put CFA back on the map and have the focus squarely on the management of volunteers”.
- “A CFA Board, Chief Executive and the Chief Officer all stay. CFA operation officers and operation managers will be employed by Fire Rescue Victoria and will be seconded back to work for CFA. They’ll still answer to the CFA Chief and wear the CFA uniform”.
- “All volunteers stay and retain their important role. There is no reduction in brigades planned”.
- “An implementation committee will oversee the roll out and this will be chaired by former Fire Rescue NSW Commissioner Greg Mullins. An independent committee will be established to consider any future boundary changes. This was originally included as part of the Victorian Bushfire Royal Commission recommendations and will now be enacted”.
- “Fire Rescue Victoria is a new organisation and it has to be, in relationships, in culture and in service delivery. It's not picking up bits of both MFB and CFA. Fire Rescue Victoria isn't Melbourne based, it will reach across Victoria to regional hubs including Geelong, etc., any major town which already has integrated brigades with paid full time firefighters”.
- “This is bold reform and it has not just been undertaken because of industrial issues. It's time to change, to provide Victoria with a refreshed model with a strong future direction and this is our opportunity”.

<https://www.emv.vic.gov.au/news/future-change-in-the-fires-services>

- The proposed reforms will also assist with standardisation of career training, specialist response, operational doctrine, standards and equipment. It will drive down costs by reducing duplication between services and create a more efficient and capable service delivery model.
- Importantly, the reforms will promote industrial harmony, something which I have not experienced in over 13 years as a fire-fighter. This will reduce unnecessary litigation costs and promote a new healthy organisational culture free from the shackles of past disputes. Creating a new fire service, ready to adapt to ever changing environmental risks such as terrorism, hostile acts, growth in complex infrastructure and consequence management, a fast growing and aging population and the emergence of any unknown future risks such as the use of combustible cladding in construction.
- I have seen first-hand the damage that disputation in the workplace has had on career fire-fighters and the emotional strains that it has placed on fire-fighters and their families. It is time to move ahead and support fire-fighters in protecting the community they serve.

Yours sincerely,

Edvardas Starinskas

