

SUBMISSION

to the

FIRE SERVICES REVIEW

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1 Definitions:

The following abbreviations are used throughout this Submission:

AFAC	Australian Fire Authorities Council
CFA	Country Fire Authority
DELWP	Department of Environment, Land, Water and Planning
EMV	Emergency Management Victoria
IMT	Incident Management Team
MFB	Metropolitan Fire Brigade
SDS	Service Delivery Standards
UFU	United Firefighters Union
VFBV	Volunteer Fire Brigades Victoria

2 Term of Reference 1 (a):

An assessment of the resourcing requirements necessary to ensure Victoria is appropriately equipped and fire ready.

2.1 Current Service Delivery Measures are Flawed

An assessment of fire-fighting resource requirements must be evidence-based, using appropriate and meaningful parameters.

The current service delivery standard (SDS) of having an appliance on scene within 8 minutes of receiving the fire call is fundamentally flawed. When evaluating the need for additional resources, an outcomes-based measure (in terms of lives and property saved) is more appropriate. It may also produce more cost-effective outcomes, as it removes the fallacy that a paid fire service automatically produces better outcomes. Consider the following:

- 2.1.1 Time-based “Pass or Fail” standards do not allow for sensitivity of measurement. For example, an appliance arriving on scene at 7 minutes 55 seconds is a “Pass”, whereas arrival on scene at 8 minutes 5 seconds is a “Fail”. The outcomes – that is the benefits to the community in terms of lives and property saved - would be much the same, and not impacted by this 10 seconds difference.
- 2.1.2 Consider the Metropolitan Fire District, which has a fully paid fire service, and generally meets the time-based response standard. Despite the early deployment of skilled resources, there can still be significant property damage, and there are still lives lost. This illustrates that continually increasing the numbers of paid firefighters is not necessarily the answer to achieving improved outcomes.
- 2.1.3 In terms of wildfire, unlimited resources would not have changed the outcomes on Black Saturday, February 2009. There have been suggestions by industrial bodies that more firefighters (specifically paid firefighters) would have made a difference. That is not the case, as there was already a large contingent of firefighters deployed – mainly CFA volunteers, who are trained to Australian national standards.
- 2.1.4 It is recommended that Government broaden its thinking away from a fire-fighting resources-based model of response. Significant improvement of outcomes in the built environment in future will more likely be driven by initiatives such as residential sprinkler systems, which extinguish or contain house fires before they cause significant damage and/or life loss.

2.2 Resourcing for Incident Management in CFA

- 2.2.1 There are currently no procedures in place to systematically and effectively identify and target suitable CFA volunteers for incident management training. Currently, it appears to be an ad-hoc process, where volunteers themselves tend to make the first move by applying to undertake training.
- 2.2.2 In some areas of Victoria, the district management will not distribute the IMT training calendar, so that they can control who is able to nominate. Elements of cronyism and favouritism seem to be at work, where volunteers have their applications ignored or “lost”, on the basis of someone’s personal opinion (which is not evidence-based) that a nominee is “not suitable”. The problem is that no-one is prepared to have the “difficult conversation” with the member to discuss why they may not be suitable, or to discuss a suitable career development path.
- 2.2.3 There is currently an inherent bias against CFA volunteer members of IMTs, because they are not automatically given log-in credentials to the computer systems they require access to in order to perform their IMT role. This is unacceptable, and must change.

CFA has been working with DELWP to gain access for volunteers to the Fireweb computer application, but the “wheels are moving slowly”. However CFA itself stands accused of maintaining the bias against its own volunteers by not providing access to the CFA Incident Management System, and other CFA systems. Again, work has been done to identify the volunteers who require access, but there has been little progress in providing this access.

It has been argued that generic passwords can be supplied to enable access. However this has implications for systems security, and does not enable traceability of actions. Individual log-on credentials will overcome both issues, and ensure that people have the level of access required to perform their role.

- 2.2.4 It is recommended that all IMT-qualified personnel be allocated log-in credentials to all systems they require to undertake their IMT roles.

2.3 Chief Officer to Determine Resourcing Requirements

- 2.3.1 Prior to the last election, the Labor Party announced an election platform which included the employment of 350 additional firefighters for CFA, and 100 for MFB. These numbers were not arrived at through consultation with the relevant Chief Officers, nor through any evidence-based decision-making process to establish a need. The expenditure in salaries and supporting infrastructure will unnecessarily drive up the cost of fire service provision.
- 2.3.2 It is noted that during the term of the last State Labor Government, it was decided to employ an additional 350 firefighters on a similar non-justified basis. Approximately 250 of those have been employed to date. Many of them have been appointed to brigades on an “above strength” basis because these resources are not genuinely required.
- 2.3.3 It is recommended that the resourcing of the fire services be de-politicised, and that resourcing decisions be left to the respective chief officers, and based on evidence of need.

2.4 Risk of Over-servicing

- 2.4.1 The fallacy of using time as a service delivery measure has been outlined above. However the following discussion assumes that a time-based SDS is retained.
- 2.4.1.1 It is believed that Ambulance Victoria (AV) use an SDS of 15 minutes from the time of call to ambulance on scene. This is surprising when compared with the fire

services' SDS of 8 minutes, including fully volunteer brigades. What evidence is available to demonstrate improved outcomes with an 8 minute SDS for the fire services? What impact would moving to a 10 minute SDS have?

2.4.1.2 The recent Australia Productivity Commission report on fire service provision acknowledges that Victoria's fire services operate at a high level, but Victorians pay a premium for this. Does the cost outweigh the benefit? More research is required.

2.4.1.3 If time-based SDS are to be retained, then it is recommended that studies be done to determine the optimum time-based SDS versus optimal outcomes, and that resourcing be geared around delivering an optimal level of service to the community, at a level of cost acceptable to the community.

2.4.2 The Emergency Medical Response (EMR) Program has been implemented in many integrated and volunteer CFA brigades. This program is considered to be a success in terms of improved patient survival rates for "Priority 0" (high risk of death) calls. However, it is questioned whether this is the correct path to take, for the following reasons:

2.4.2.1 Would survival rates be even better if adequate funding was provided to Ambulance Victoria to achieve a higher SDS, ie reduce the on-scene time for highly-qualified paramedics to 10 minutes instead of 15 minutes?

2.4.2.2 Is fire service delivery by CFA and MFB being compromised by appliances and crews attending to EMR events, and being unavailable for fire and incident events?

2.4.3 Recent CFA brigade integrations have resulted in paid firefighters responding into adjacent brigade areas. In many cases this level of service is unnecessary, and occurs even where the travel times mean there is no realistic hope of arriving on-scene before the local volunteer brigade achieves "under control" status. Does this indicate that the brigade has been integrated prematurely and is now over-serviced, and the paid firefighters are being given something to do to justify their presence? This creates the following risks:

2.4.3.1 The integrated brigade area is put at risk because the paid firefighters are out of their "home area", and unavailable if a fire or incident occurs there.

2.4.3.2 Reduced opportunities for paid firefighters to gain experience.

2.4.3.3 Local CFA volunteers may lose interest, with a corresponding reduction in numbers, because they are made to feel that their services are no longer required.

2.5 The decision to Integrate

2.5.1 The cost of staffing and providing the required infrastructure to move a volunteer brigade to integrated status is significant, and recent examples have included the construction of multi-million dollar fire stations. There must be a demonstrated need before this significant step is taken and these costs are incurred, because it has ramifications for the cost of service delivery, the future of volunteer members of the brigade, and brigade links into the community.

2.5.2 Population growth in an area, and the impact of climate change, have both been cited as potential triggers for integration. This is disputed:

2.5.2.1 Population growth is in itself not an appropriate trigger, provided the volunteer brigade can still deliver the level of service required by the community.

2.5.2.2 Climate change is not a trigger to increase the number of paid firefighters. In fact, the reverse could be the case:

Firstly, it would not be sustainable to employ paid firefighters on a year-round basis to manage the expected risk of increased numbers of wildfires in summer.

Secondly, winter minimum temperatures are expected to be warmer as a consequence of climate change. Currently, a significant number of winter house fires arise from problems with heating systems (eg electric blankets, heater problems). This risk would be reduced, with a reduced number of responses required. In this sense, there may be a reduced requirement for brigades to be supported by paid firefighters.

2.5.3 To avoid the potential for over-servicing and unnecessary expenditure of public monies, it is recommended that clear, evidence-based guidelines be developed to establish the indicators that a volunteer fire brigade may need to move to integrated status, and that these guidelines include:

- 2.5.3.1 All means of supporting volunteer brigade viability have been exhausted before integration is considered.
- 2.5.3.2 Clear evidence be provided of service delivery trends that indicate that the brigade requires support. The evidence must be based on meaningful service delivery outcomes, not simple “pass-fail” measures.
- 2.5.3.3 The level of support shall only be increased on the basis of evidence to justify it, and in consultation with the brigade.
- 2.5.3.4 The most appropriate level of support by paid firefighters be determined from a range of options including casual, part-time, day manning only. Full 24/7 shift manning should only occur where there the need can be established and justified.
- 2.5.3.5 In particular, resourcing decisions shall only be made by the relevant chief officers, and NOT by either industrial bodies, the provisions of an industrial agreement, or by political parties as part of their election platform.

3 Term of Reference 1 (b):

How CFA and MFB Staff can be best supported in protecting communities, taking into consideration operational needs, as well as Occupational Health and Safety best practice and best training methods.

3.1 Term of Reference Should Be Amended

ToR 1 (b) fails to acknowledge that around 57,000 of Victoria’s firefighters are volunteers. This number far outweighs the number of CFA and MFB paid firefighters, believed to be less than 10% of that number. It also fails to acknowledge the role and responsibility of CFA paid firefighters to support CFA volunteers under the CFA integrated model of service.

3.2 Cost-Effective Service Provision

3.2.1 The CFA protects the area of Victoria outside the metropolitan fire district, excluding public lands such as state forests and national parks. Every CFA brigade is staffed by CFA volunteers who are trained to nationally-recognised Public Safety Standards of Competency.

- 3.2.2 In volunteer brigades, the cost of service provision is limited to the cost of appliances, equipment, station infrastructure and protective equipment and uniforms. In many cases, the assets (including appliances, fire station buildings and equipment) are provided free of charge to CFA through CFA volunteer community fund raising efforts, further reducing the overall cost of service provision. The quality of service provision by CFA volunteers is high, and does not incur the costs associated with the not-insignificant salaries for paid firefighters and the costs of their fire station accommodation.
- 3.2.3 CFA volunteers save the State of Victoria an enormous amount of money. Some estimates put this cost saving in excess of \$1 billion per annum.
- 3.2.4 Any move towards unnecessarily employing paid firefighters will result in an increased cost to the community through increases in the Fire Service Levy.

3.3 The Role of CFA Staff:

- 3.3.1 In heavily urbanised areas with high workloads, CFA volunteers may struggle to meet service delivery standards. In these cases, the volunteer brigade is supported by the appointment of paid firefighters to create an “integrated brigade”.
- 3.3.2 Under CFA’s integrated model of service, CFA paid firefighters are “integrated” into the volunteer brigade to support the brigade to deliver services. There is no distinction between CFA volunteers and paid firefighters. Each member is trained to the required standard, and their qualifications for particular roles are respected. If a member is qualified to do a job, it is not relevant whether that person is paid or volunteer. This model has been effective in delivering CFA’s services in a cost-effective manner for decades. It will remain effective into the future, providing all members are genuinely committed to the CFA ethos of a volunteer and community based organisation.
- 3.3.3 In most locations, the volunteers and paid firefighters work together as equals to deliver a quality community service, in accordance with CFA’s integrated model. However there is anecdotal evidence to suggest an increasing trend for some paid firefighters to believe that they are superior to volunteer firefighters, probably due to ongoing campaigns by the UFU to seek more influence over the management of CFA.
- 3.3.4 The UFU’s work to drive a wedge between CFA volunteers and paid firefighters, and to poison what have historically been good working relationships, must be recognised for what it is – an attempt to destroy the integrated model of service. It is recommended that the State Government and CFA act in unison to address this threat, to ensure that Victoria’s fire services remain effective, and the service provision cost can be maintained at sustainable levels.

3.4 Integrated brigade issues

- 3.4.1 It is acknowledged that at some locations, volunteers are not treated as equals by paid staff. Examples include volunteers who are in the fire station not being allowed to respond to calls on the truck with staff. There have been instances of appliances being unable to respond because the volunteer firefighters are not permitted to drive and operate the appliances. This is a cultural issue which CFA needs to address.
- 3.4.2 **The Performance Paradox:**
There is anecdotal evidence of problems created by paid firefighters being appointed to integrated brigades who are not supportive of volunteer firefighters. The end result is the volunteers find themselves in an environment where their skills and experience are not valued or utilised. In some cases, there has been bullying of volunteers. Naturally, the volunteers will lose interest in these circumstances. The Performance Paradox refers to the situation where

poorly-performing paid firefighters are rewarded with the appointment of additional paid personnel to replace the volunteer members that they have alienated. This drives up the cost of service delivery unnecessarily.

The Performance Paradox can be mitigated by implementing performance appraisal and measurement of paid firefighters, in line with employees in other industries. Poor performers could be assisted to improve, or be moved on before they drive up the cost of service delivery by alienating the volunteer members.

3.5 Over-servicing

Volunteer brigades may only need support from paid firefighters during normal business hours on a Monday to Friday basis (known as “day manning”) while volunteers are at work. The Day Manning Model has been successfully implemented in the past. However, it is understood that current inflexible staffing arrangements require that Day Manning is the first step towards automatic progression to 24/7 shift manning within 12 months. This is both unnecessary, and costly in terms of salaries and additional infrastructure.

3.6 Alternative Staffing Models

The Fire Services Review should consider alternative methods of providing support to volunteer brigades, including alternative staffing models such as:

3.6.1 Day Manning Only:

Remove the inflexible staffing provisions to ensure that if only day manning is required, then 24/7 shift manning will not automatically follow.

3.6.2 Part-Time and Casual Employment of Firefighters:

Options for part-time and casual employment should be considered as a cost effective alternative model of service delivery for brigades that only require a low level of support. This option could be used to provide daytime support, occasional ad-hoc support when needed, and peak period support - for example in summer or winter tourism areas.

Today, many people are less interested in full time employment than was once the case. Many employees enjoy the flexibility that part time and casual employment can offer, particularly those with family responsibilities. Paid firefighters have generous superannuation entitlements, and some may welcome the opportunity to utilise “transition to retirement” arrangements in place of full time shift employment.

A proper evaluation of the qualifications actually required to support a particular brigade may offer further opportunities for cost effective service delivery. This would enable the employment of personnel who are qualified to a standard specified by the Chief Officer for the level of service actually required in a particular area.

3.7 Training Standards

As noted elsewhere, CFA volunteers are trained to nationally-recognised Public Safety Standards of Competency. CFA paid firefighters are currently trained to the outdated AFAC training standards, which became obsolete around 2005. It is understood that CFA has been striving to ensure uniform training standards for both volunteer and paid personnel, but that the paid firefighters’ industrial body has not yet agreed to this.

It is recommended that training standards be uniform across volunteer and paid personnel in CFA, that training packages only include the learning outcomes actually required to perform the role (ie exclude “nice to have” and retain only “need to have”) and that the standards of training required be determined solely by the CFA Chief Officer.

3.8 Improve CFA Organisational Management Skills

- 3.8.1 Current restrictive employment practices mean that senior operational managers are appointed from the ranks of paid firefighters who were originally employed to meet the selection criteria for a recruit firefighter.
- 3.8.2 CFA used to operate a “two-tier” entry system to employ managerial personnel through “Lateral Entry”. This enabled suitable personnel to be identified, targeted and employed for senior positions. It is considered that CFA would benefit from re-instituting Lateral Entry to enable the employment of managerial talent at an Operations Officer level and above. There is no service delivery benefit to be derived from restricting the talent pool for these positions to paid station staff.
- 3.8.3 An obvious pool of talent available is senior skilled and experienced CFA volunteers, who have a diverse range of backgrounds, including management and director positions in industry, coupled with an in-depth knowledge of CFA and a strong understanding of working with CFA volunteers.
- 3.8.4 It is recommended that restrictive work practices preventing Lateral Entry be removed, and that appointment to positions of Operations Officer and above be based on merit.

3.9 Improve CFA Training Capability

- 3.9.1 Restrictive work practices also effectively prevent the employment of anyone as a CFA instructor unless they have come through the paid firefighter ranks. This often results in long-standing vacancies for instructor positions, because paid firefighters in brigades are loath to sacrifice overtime payments to move into instructor positions.
- 3.9.2 There are plenty of skilled and experienced volunteers who are qualified to Certificate IV in Training and Assessment standard. Many are trainers and assessors in their day jobs.
- 3.9.3 It is recommended that the restrictive work practices be removed to enable the appointment of instructors on merit.

4 Term of Reference 1 (c):

The interoperability between the CFA and MFB.

4.1 Culture

- 4.1.1 Interoperability between CFA and MFB is dependent upon acceptance of the culture of one organisation by the other. Effective interoperability between CFA volunteer brigades and MFB stations is not only possible, but occurs in many places. For example, the CFA brigade at Bayswater (fully volunteer) has an excellent working relationship with its neighbouring MFB stations.
- 4.1.2 However, there have also been examples of MFB staff not accepting the presence of CFA volunteers. There have been reports of CFA volunteers being abused and spat on by MFB personnel. (It is acknowledged that this behaviour is demonstrated by only a small minority, and that relationships between MFB and CFA are generally good, with strong interoperability evident.)
- 4.1.3 CFA and MFB paid recruit firefighters are now training together. It is recommended that their training course be enhanced with the inclusion of specific training to work with volunteers and

understand volunteer culture and values. This is vital, particularly when MFB personnel provide support into the CFA area and are required to work under an incident controller who may be a CFA volunteer. In essence, interoperability depends upon the qualifications to do the job – it is not at all dependent upon paid or volunteer status.

4.2 Relationship with EMV

4.2.1 Interoperability may be improved by creating a closer relationship between the MFB and CFA through EMV, which has become the umbrella organisation for Victoria's emergency services.

4.2.2 It is understood that a unique opportunity has arisen through the Chief Officer positions in both CFA and MFB becoming vacant. Consideration could be given to amending the relevant pieces of legislation to create both Chief Officer positions as Deputy Commissioners of EMV. It would also be logical to include the Chief Officer of the SES as a Deputy Commissioner.

4.3 Equipment Compatibility

4.3.1 Interoperability would be improved by CFA and MFB having compatible equipment. The obvious examples include radio communications, and hose couplings and fittings.

4.3.2 It is noted that there is currently a project on foot to purchase common breathing apparatus equipment for both services.

4.3.3 It is recommended that future procurement procedures for both CFA and MFB include requirements to ensure that:

4.3.3.1 Purchased equipment is compatible with the equipment in use by both organisations.

4.3.3.2 Whilst it is not mandatory for both organisations to have exactly the same equipment, the cost advantages of bulk purchasing on behalf of both organisations be considered in purchasing decisions.

5 Term of Reference 1 (d):

The interoperability across fire agencies responsible for preventing and suppressing all types of fire in Victoria, whether on public or private land.

5.1 DELWP Excluded from Fire Services Review

It will be difficult for the Review to examine this Term of Reference in depth, because DELWP are excluded. As the agency responsible for major wildfires on public land, DELWP has a stake in questions of interoperability, as this is the most common scenario where all agencies must work together.

5.2 Qualifications of CFA Volunteer Officers

5.2.1 As noted elsewhere, interoperability is dependent upon the people performing a role having the qualifications to do so. This is particularly important in an environment where paid firefighters may find themselves reporting to volunteer firefighters.

5.2.2 Currently, volunteer officers of brigades and groups are elected to their positions. Traditionally, this was thought to be an advantage because popularity was equated with

getting the job done. This situation is no longer appropriate for a modern fire service, where persons in authority, particularly in urban areas, need to have the technical knowledge and people skills to deliver CFA services effectively, and an awareness of the legal implications in the environment in which they operate.

- 5.2.3 It is therefore recommended that the Chief Officer be empowered to determine the qualifications required for the operational management positions (captains and lieutenants) in Class 4 and 5 brigades, which are typically urban areas with a predominant structural risk.
- 5.2.4 It is further recommended that the CFA Act and Regulations be amended as required to ensure that candidates for election to volunteer officer positions in CFA Class 4 and 5 brigades have appropriate qualifications, as determined by the Chief Officer.

6 Term of Reference 1 (e):

CFA and MFB management structures and management work practices.

6.1 Combining Back Office Functions

- 6.1.1 The combining of CFA and MFB back office functions such as procurement, financial management, and information communications and technology should be investigated to determine the potential for organisational cost savings, and common standards across both organisations. Benefits from adopting common computer systems may also be achievable, and will promote interoperability.
- 6.1.2 Where such services can be combined, it is recommended that consideration be given to taking those services out of CFA and MFB, and including them in the EMV organisational structure, to further promote interoperability within the emergency services sector.

6.2 Delivery of MFB Services

Historically, MFB had volunteer firefighters up to around the 1950s. It is recommended that consideration be given to re-introducing volunteer members to the MFB. This would improve the cost effectiveness of service delivery and ensure that MFB has direct links into the communities it protects. It would also supplement the CFA “surge capacity”.

6.3 Re-alignment of the CFA-MFB Boundary

- 6.3.1 This has been specifically ruled out by the Minister for Emergency Services as a term of reference for this Review. However, it is considered that a thorough review of Victoria’s fire services must consider the location of the CFA-MFB boundary, which effectively demarcates the area served by the MFB fully paid fire service and the area serviced by CFA volunteer and integrated brigades.
- 6.3.2 A boundary change would only be justified by a demonstrated benefit to the community in terms of improved cost effectiveness of delivery of an appropriate level of service. The need for change must be demonstrated and evidence-based.
- 6.3.3 If CFA brigades adjacent to the boundary were to become fully paid and volunteers were let go, then those brigades would best be included in the MFB area because the culture of those brigades would no longer be consistent with the CFA ethos of volunteer brigades supported by paid firefighters.

- 6.3.4 However be aware that expanding the MFB area would compromise CFA's unique capability to quickly organise and deploy CFA volunteers and paid firefighters from close to Melbourne to major wildfires anywhere in Victoria - the so-called "surge capacity".

7 Term of Reference 1 (f):

Enhancing workplace culture, including fostering greater respect and co-operation between management and its workforce, as well as enhancing workplace innovation and diversity.

7.1 Enhance Paid Firefighter Training

It is essential that the fire services workplace culture be volunteer-inclusive, as CFA volunteers make up the vast majority of the workforce. Training of MFB and CFA paid recruit firefighters must include a "Volunteerism" module, to ensure they can effectively work with CFA volunteers, and to promote interoperability through a workplace culture of mutual respect.

7.2 Industrial Agreements Creating Adversarial Cultures

- 7.2.1 A review of current industrial agreements is required to ensure that they are confined to setting out conditions of employment only. These agreements must not create tools to prevent fire service managers from doing their jobs, exercising their statutory responsibilities, or appointing people to positions on the basis of merit.

- 7.2.2 The current CFA Operational Staff Enterprise Agreement, and its associated "Deeds of Agreement", exceeds its remit in this regard, and is a constant source of tension between management and employees. It also directly and adversely impacts on CFA volunteers through a range of exclusionary provisions, including removal of employment opportunities. This Agreement has driven a wedge between CFA volunteers and paid firefighters. It is the perception of CFA volunteers that every time the Operational Staff EA is re-negotiated, there is a further increase in provisions designed to exclude volunteers, driving this wedge in even further.

8 Term of Reference 1 (g):

Options for the establishment of a Career Firefighters Registration Board.

8.1 Why?

- 8.1.1 Before creating an expensive bureaucracy, the need for such a Board must be considered in terms of demonstrable benefits to the community. No such need or benefit has been demonstrated.
- 8.1.2 Is it intended that such a board be funded by a levy on registered members, in the way that, for example the Nursing and Midwifery Board is?

8.2 The Nature of Firefighting

Despite the UFU's current push to use terminology such as "professional career firefighter", firefighting cannot be considered a profession. Doctors, lawyers, scientist and engineers are professionals, distinguished by university training over a period of years along with the associated intellectual rigour of their studies.

In contrast, paid firefighters undertake a 16 week full-time skills-based “Recruits Course”. After passing the recruits course, they are deployed to fire brigades where their “on the job” training commences, supplemented by occasional short courses. This is more akin to apprenticeship training for a trade. It is a hands-on job and, whilst absolutely vital to the community, can in no way, shape or form be characterised as a profession. Nor does it need to be.

8.3 Training Standards

Professional registration boards usually have the responsibility for determining training requirements. However, firefighter training standards are already in place under the Australian Qualifications and Training Framework.

8.4 Potential for Discrimination

The terminology expressed in the Term of Reference of “Career Firefighters Registration Board” immediately suggests an intent to discriminate against CFA volunteer firefighters. Current restrictive work practices specifically ensure that CFA volunteers cannot be employed in operational roles, no matter how well qualified and experienced they are. This is clearly discrimination against CFA volunteers. The concept of a Career Firefighters Registration Board appears to be designed to perpetuate this discrimination.

9 Term of Reference 1 (h):

The best mechanism to provide support for volunteer fire brigades and to ensure their viability in providing emergency services.

9.1 Timely Implementation of CFA Training Packages

9.1.1 New training packages are developed in consultation with a wide range of paid and volunteer personnel to ensure that the scope is adequate and that they incorporate the technical knowledge required. This process is considered appropriate, albeit with the potential to be lengthy. However there are two further sources of delay for the implementation of training packages which need to be addressed.

9.1.2 Once CFA’s training function has developed a training package, it must be submitted formally to the Chief Officer for approval. This approval process takes time, leaving a perception that training packages are sitting on someone’s desk for months, in some cases years.

It is recommended that the Chief Officer appoint a nominee to participate in the consultation process, to enable the Chief Officer to sign off immediately upon completion, and enable early deployment of training packages into the field.

9.1.3 Under current industrial agreements, CFA is required to submit training packages to the UFU for approval, even where the packages are designed for training CFA volunteers. This contributes to unnecessary delays, enabling industrial bodies to compromise CFA’s operational capability, and restrict the training delivered to volunteers. It is questioned whether the UFU has a qualified training and development function to make decisions in this regard, or whether it has the best interests of CFA volunteers at front of mind.

9.2 Remove Restrictive Work Practices Impacting On Training

9.2.1 CFA has access to plenty of experienced CFA volunteers who are qualified workplace trainers and assessors capable of delivering CFA training. Current restrictive work practices mean that

they cannot be employed to deliver training. This has resulted in long-term instructor vacancies across the State.

9.2.2 It is recommended that the restrictive work practices be removed to enable CFA to:

9.2.2.1 Fill instructor vacancies quickly to ensure the continuity of training delivery by competent trainers and assessors.

9.2.2.2 Implement more flexible training delivery models, including the appointment of casual instructors, to meet peak training workloads at times that better suit CFA volunteers.

9.3 Implement Presumptive Legislation

9.3.1 Firefighters are exposed to many toxins and carcinogens when undertaking their firefighting role. Despite having the latest protective clothing, and equipment such as breathing apparatus and gas suits, it is not possible to totally protect a firefighter from these agents.

9.3.2 Research conducted in overseas jurisdictions has established that persons exposed to toxins and carcinogens whilst fighting fires are statistically more likely to develop certain cancers than the general population. This research statistically demonstrates the consequences of the exposure of human beings to certain agents when they are fighting fires – it does not distinguish between volunteer and paid firefighters.

9.3.3 “Presumptive Legislation” is an abbreviation for the concept of legislation that reverses the onus of proof from the firefighter to the employer, and accepts that when one of a specified range of diseases is involved, the firefighter most probably developed the disease as a result of their work, and is then covered by workers compensation.

9.3.4 Presumptive legislation has been implemented in several Australian jurisdictions to varying degrees, but has not yet been implemented in Victoria. Neither the Liberal nor Labor State Governments in Victoria’s recent history have been able to move forward on this issue.

9.3.5 During consideration of the need for presumptive legislation in Tasmania, and now in Queensland, the UFU made presentations based on the overseas evidence to support the need for presumptive legislation.

9.3.6 However, the UFU stands condemned for making misleading statements at the Tasmania and Queensland hearings in support of the proposition that paid firefighters should be eligible for compensation after one “exposure” (attendance at a fire) but that volunteer firefighters should not be eligible until they have attended 150 exposures.

9.3.7 It is important to note that in Victoria, operational CFA volunteer and paid firefighters do the same work, and are exposed to the same toxins and carcinogens when working together at fires.

9.3.8 The reason for the UFU’s position (apart from speculating about a general anti-volunteer stance, and an intention to ensure that many volunteers will not qualify for compensation) is not known, and is not consistent with the evidence that they themselves submitted.

9.3.9 The UFU has quoted a “Monash Australian Firefighters Health Study” which allegedly found “no overall increased risk of cancer for volunteer firefighters”. A copy of this study could not be obtained due to the short timeframe in which to make this submission. However some questions need to be asked about this study, including:

9.3.9.1 Who carried out this study, and what standing do they have in the research community?

(Bear in mind that sales of cosmetics and toothpaste have for decades relied upon “findings” from the “Ponds Institute”, and “university studies” of dubious provenance.)

- 9.3.9.2 Did the UFU fund this research, in which case did the study “find” what the UFU wanted it to find?
- 9.3.9.3 What was the size and nature of the volunteer cohort (compared with the remaining cohort) that enabled a finding that operational volunteers are somehow cancer resistant?
- 9.3.9.4 Were the researchers properly briefed that operational CFA volunteer and paid firefighters do the same work at fires?
- 9.3.9.5 If they were so briefed, how did the researchers arrive at an interpretation of results that contradicts the statistical evidence from overseas that human beings who fight fires are more likely to contract certain forms of cancer?
- 9.3.9.6 What difference would it make whether the cohort was volunteer or paid if they were performing the same role?
- 9.3.10 The Review must bear in mind that volunteer or paid status is irrelevant – it is about attending “that one fire” that exposes the firefighter to the carcinogen. A simple analogy is the use of black guinea pigs versus brown guinea pigs in the study – the colour doesn’t matter, they are both guinea pigs. Neither are resistant to cancer on the basis of their colour.
- 9.3.11 The fallacy in the UFU’s argument can be demonstrated by the following example.
- 9.3.11.1 A “new” CFA volunteer, backed up by a “new” paid firefighter, enter a factory building with a hoseline to carry out an internal fire attack. Unbeknownst to them, they are both exposed to a carcinogen while attending their very first fire.
- 9.3.11.2 Both members go on to attend many fires. Because the paid firefighter is a member of one of four platoons in that brigade, he statistically averages attendance at 1 in 4 fires attended by that brigade per week. The volunteer firefighter is away at work for say 10 hours a day, so statistically averages attendance at (50/168 =) approx 30% of fires attended by that brigade.
- 9.3.11.3 When we take into account the annual leave for both members (paid firefighters get 9 weeks, compared with the average worker’s four weeks per annum) the volunteer firefighter’s exposures increase, while the paid firefighters exposures decrease. When we further take into account that significant fires often occur at night due to late notification, the volunteer firefighter’s attendances increase even further.
- 9.3.11.4 Several years later, both members develop exactly the same form of cancer, one that has been specified in the presumptive legislation. On the basis of attending one fire, the paid firefighter is protected under presumptive legislation. The volunteer firefighter has attended many similar events, very possibly more than his paid colleague, but falls short of the 150 specified by the UFU. He is left to die, with his family left penniless. He will not receive compensation from either CFA or his employer.
- 9.3.12 Volunteer firefighters are happy to make sacrifices, but it is unreasonable to expect anyone to make this level of sacrifice. By ensuring that volunteers are excluded from the full protection of presumptive legislation, it is speculated that the UFU’s intentions are to kill off volunteerism, enabling an increase of their influence over Governments and fire services through an

increase in membership. This would be an expensive solution for Victorians in response to the loss of volunteer firefighters.

- 9.3.13 Based on the statistical evidence from overseas, ALL operational firefighters are at risk of developing certain types of cancers. Therefore presumptive legislation should be enacted to protect ALL operational firefighters – no exclusions, no exceptions. Paid or volunteer status is irrelevant, and cancer does not distinguish between the two.

10 Summary

10.1 Final Comments

- 10.1.1 The time allowed to make a submission to such a wide-ranging review has been insufficient to thoroughly examine all the issues that impact on fire service delivery in Victoria.
- 10.1.2 It is considered that the omission of the firefighting function of DELWP from the Review is unfortunate, and will prevent the Review fully considering the issue of interoperability of fire services in Victoria.
- 10.1.3 The Review must maintain a strong focus on ensuring that the provision of Victoria's fire services remains sustainable and cost-effective into the future. It is noted that the recent Australian Productivity Commission report on fire services across Australia demonstrates that while Victoria achieves good service delivery, it is paying a premium to do so. The question to be addressed is whether or not that premium represents value for money.

10.2 Recommendations

- 10.2.1 A number of recommendations have been made throughout this Submission for consideration by the Review.
- 10.2.2 In addition to those recommendations, and with a view to ensuring sustainable, cost-effective fire service delivery in Victoria into the future, it is recommended that the Review make specific findings as follows:
- 10.2.2.1 That the State Government must act to remove the restrictive work practices in the CFA Operational Staff Enterprise Agreement that impact on volunteers, particularly those discussed in this Submission.
 - 10.2.2.2 That the State Government must act to remove the so-called "power of veto" under the consultation provisions of the Operational Staff Enterprise Agreement, which enable the UFU to unreasonably, and without justification:
 - 10.2.2.2.1 Prevent any change, innovation or new initiative taking place.
 - 10.2.2.2.2 Prevent the Chief Officer from fulfilling his statutory duties under the Country Fire Authority Act and Regulations.
 - 10.2.2.2.3 Regularly prevent the commissioning of new appliances in a timely manner.
 - 10.2.2.2.4 Unreasonably delayed the introduction of Structural Personal Protective Equipment (refer to report by Judge Gordon Lewis).

- 10.2.2.3 That firefighters are at greater risk of certain cancers than the general population, and that presumptive legislation must be introduced at the earliest opportunity to protect ALL operational firefighters, with NO exclusions, NO exceptions.
- 10.2.2.4 That the UFU be compelled to constructively work with CFA, MFB and VFBV where consultation is required on any matter relevant to fire service delivery in Victoria. The UFU's current position of refusing to work with VFBV, or acknowledge volunteers, is considered to be childish and without justification.