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**The Secretary**

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**Submission to the Inquiry into the Fair Work Amendment  
(Respect for Emergency Services Volunteers) Bill 2016**

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***SUBMISSION TO THE INQUIRY INTO THE FAIR WORK AMENDMENT  
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### **SECTION 1: THE LEGISLATIVE ENVIRONMENT**

Following the tragic Black Saturday fires in February 2009, the Victorian Bushfires Royal Commission made a number of recommendations in its final report. One of the actions taken by the Parliament of Victoria was to enact the **Country Fire Authority (CFA) Amendment (Volunteer Charter) Act 2011**.

These amendments are now included in the CFA Act. Four new sections, 6F -6I were included.

#### **Section 6F - Recognition of Authority as a volunteer organisation**

*The Parliament recognises that the Authority is first and foremost a volunteer-based organisation, in which volunteer officers and members are supported by employees in a fully integrated manner.*

#### **Section 6G – Recognition of Volunteer Charter**

*The Parliament recognises that the Volunteer Charter -*

- (a) Is a statement of the commitment and principles that apply to the relationship between the Government of Victoria, the Authority and volunteer officers and members; and*
- (b) Requires the Authority recognise, value, respect and promote the contribution of volunteer officers and members to the well-being and safety of the community; and*
- (c) Requires that the Government of Victoria and the Authority commit to consulting with Volunteer Fire Brigades Victoria Incorporates on behalf of volunteer officers and members on any matter that might reasonably be expected to affect them.*

#### **Section 6H – Authority to have regard to Volunteer Charter**

*The Authority must, in performing its functions, have regard to the commitment and principles set out in the Volunteer Charter.*

## **Section 6I – Authority’s responsibility to encourage, maintain and strengthen capacity of volunteers**

*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 focus of this submission is on the key words of this section of the CFA Act.

**Volunteer-based organisation** – Many of Australia’s emergency service organisations rely heavily on volunteers. In the case of CFA, there are approximately 60,000 volunteers of which 35,000 are active firefighters. Given the propensity for bushfires in Victoria, this number of volunteers provides an enormous surge capacity in the vent of major weather events, whether bushfire, storm or flood.

The final words on Section 6F are ***in which volunteers are supported by employees in a fully integrated manner.***

Within the CFA, there are approximately 2,300 employees of which 800 are career firefighters. The role of employees is quite clear under the CFA Act. They are to support the volunteers.

The final five words ***in an integrated manner*** are also very important. For the volunteer model to be successful, it is essential the way in which career staff work is fully integrated.

In the case of CFA, there are 1,220 brigades situated throughout Victoria, including many part of outer metropolitan Melbourne. In more recent times, career fire fighters have been employed to assist in the delivery of this vital service emergency service to the State. The fire-fighters are placed at one of Victoria’s 34 integrated fire stations – integrated because there are both career and volunteers involved at delivering the service from that station.

In coming years, the model of integrated stations will increase, particularly in densely populated locations including peri-urban Melbourne and larger country cities/towns.

My experience of the success of integrated stations during my many visits as a Board member was mixed. At the stations where every effort was being made to work together and respect was the key value engaged, the commentary was very encouraging. Volunteers spoke of the readiness of their career staff to provide training for them and to work side by side. These visits were typified by my inability to recognise whether the firefighter was a career member of a volunteer (unless they wore their jacket).

However, I also visited stations where the volunteers were treated as second class citizens. One captain proudly told an audience at the opening of the new station, “if you are a volunteer and want to come out on the trucks to incidents, you should find another brigade.” To me this is not integration. This is segregation and should be avoided.

**Sections 6G, 6H and 6I of the CFA Act all provide further direction to the leadership of CFA on how the CFA is to be operated. The focus is on building a strong, vibrant and capable emergency service.**

## **SECTION 2: THE INDUSTRIAL ENVIRONMENT**

There is disconnect between the way career firefighters negotiate their benefits and the impact on volunteers which is the primary trigger for the need for this Bill. The channel for determining disputes is via Fair Work Australia. Fair Work is primarily an arbitration commission. The disputes it considers are generally between two parties, the employer and the union representing the employees. In the case of CFA, there are four unions representing employees. The career firefighters are represented by the United Firefighters Union (UFU). For the purpose of resolving the dispute, the negotiations are generally restricted to the parties involved. The State Government is one of the parties to the negotiation as it is ultimately required to foot the bill.

It is not difficult to see how the impact on volunteers is often disregarded.

At the centre of the industrial dispute relating to a new Enterprise Agreement between the UFU and the CFA, which has been the trigger for the change recommended by the Federal Government, is the role of the Chief Officer and his/her need to have unrestricted control over the placement of resources. The Chief Officer's firefighting resources includes both career and volunteer firefighters. The determination on how these resources are to be allocated to assist in the mitigation of an event should be the responsibility of the Chief Officer.

The UFU is seeking to have veto over the decisions of the Board, Chief Officer and Management. Rather than focusing on the traditional areas of pay and conditions, the 400+ page EBA under negotiation looks more like an operations manual. Many of the clauses have a detrimental impact on volunteers, handing the control of resources to the career fire-fighter and relegating the volunteers to "second-class" firefighters.

## **3: THE IMPORTANCE OF VOLUNTEERS**

**The volunteer-based model is the only financially sustainable model available for emergency management in Australia.** The cost of providing paid resources to deliver all the services required in this vast land is prohibitive.

It is then important to consider how we make the role of the volunteer attractive to ensure we are growing the volunteer base in both numbers and skills. Training is an important component of emergency management. This can be delivered in a variety of ways. However, it needs to be available for all active emergency services responders.

It is unfortunate that we have seen discriminatory spending appear in the allocation of funding from governments that can discourage volunteers.

For example, the Victorian Government provided \$9.6m in the 2015/16 Budget to provide training in Emergency Management Response at 33 integrated stations. No funding was made available to train volunteer brigades in the skills required, despite the fact that this activity within CFA is not restricted to staff at integrated stations. A number of volunteer brigades around Victoria have been providing this service for many years and others would become available if they received the training.

The final point I wish to make is one often forgotten when we consider the value of our emergency services volunteers in Australia. **Volunteers are sourced from their local community.** They understand the environment in which they are living and how best to communicate with the locals. They have a vested interest in looking after their family, neighbours, property and the local environs.

This understanding is not picked up in a short space of time. It comes from living in the area and understanding how to deal with the challenges the environment. Many of the volunteers have skills developed through living off the land, or providing services to those who do.

At a Brigade dinner for a brigade based in Melbourne's Dandenong Ranges, I met a highly credentialed Metropolitan Fire Brigade Officer who was a volunteer at his local CFA. He said to me, being an MFB Officer is his job, but being a CFA volunteer is his life. This spoke to me about the value of volunteerism in Australia.

#### **SECTION 4: SUMMARY**

Australia has a rich tradition of delivering emergency services via volunteers. The need to augment the volunteer capacity with career staff is not in dispute. However, attracting volunteers will be impacted if the industrial environment in which the benefits of career staff are determined does not factor in the value delivered by volunteers.

It is incumbent on all of those determining the operational capability of the various emergency services to think through the way in which decisions will impact on the organisation. Respect should be a key value in all decision making.

John Peberdy

11/09/16