

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION**Letters Patent issued 16 February 2009**

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SUBMISSION OF VOLUNTEER FIRE BRIGADES VICTORIA**Introduction**

1. Volunteer Fire Brigades Victoria ("VFBV") makes these submissions in response to a request by Counsel assisting the 2009 Victorian Bushfires Royal Commission ("the Commission") to VFBV to set out its views in relation to the prospect of amalgamating Victoria's fire service agencies.
2. VFBV understands the term amalgamation to mean the complete dissolution of Victoria's fire fighting agencies ("the agencies"), namely the Country Fire Authority ("the CFA"), the Metropolitan Fire and Emergency Services Board ("the MFB") and Land and Fire Management Division of the Department of Sustainability and Environment ("the DSE"), and creation of one fire service for Victoria.
3. In drafting this submission, VFBV has consulted with its membership base to ascertain the views of the CFA volunteer fire fighters.

Outline of VFBV's concerns

4. VFBV supports the integration of the agencies under the command and control of the CFA during fire emergency events, as set out in the submission of VFBV

titled Proposal for a *Single Control Agency and Line of Control for Bushfire Management in Victoria*.¹ VFBV reiterates its previous submission.

5. VFBV does not support the prospect of amalgamating the agencies more generally. VFBV believes that the fire agencies cannot be effectively amalgamated. Further, VFBV is concerned amalgamation poses a real risk of destabilising the fire fighting framework and seriously undermining Victoria's fire fighting capacity.
6. It is doubtful whether Victoria will have the capacity to fight fires like those that occurred on Black Saturday if the current framework is destabilised. VFBV submits that this risk is unacceptable. VFBV cautions the Commission against amalgamating the agencies in these circumstances.
7. In summary, VFBV is of the view that;
 - 7.1. The Commission has identified deficiencies in the current fire services framework which must be remedied, irrespective of whether or not the agencies amalgamate;
 - 7.2. Amalgamating the agencies is not a panacea to these deficiencies and poses a real risk of eroding the beneficial elements of the current fire fighting framework;
 - 7.3. Amalgamating the fire agencies will give rise to additional practical problems that can not be overcome and difficulties typically associated with merging large organisations;
 - 7.4. Significant improvements can be made to the current fire services framework to achieve the outcomes sought by the Commission, without amalgamating the agencies.
 - 7.5. The strengths of the current fire fighting framework must be retained, including the integrated workforce model comprising volunteers supplemented by paid staff.

¹ Filed at the Commission in October 2009.

8. Volunteers are integral to Victoria's emergency management framework and the success of Victoria's fire fighting capability depends on the participation of volunteers at all levels of the fire fighting services.
9. More particularly, Victoria's capacity to cope with major fire and other emergency incidents and to simultaneously respond to incidents in different parts of the state is dependant on a workforce that is overwhelmingly comprised of volunteers. There is no practical or affordable alternative. The evidence given in the Commission to date supports these propositions. Any determination in relation to the future structure of Victoria's fire fighting framework must have regard to the potential impact on the sustainability of the volunteer base, both in the short and long term.
10. Volunteers have a long and proud history in Victoria of responding to bushfires and a vast array of other emergency situations. The Volunteer Fire Brigades were formed in country Victoria in 1854, when the primary means of combating fire involved a human chain, comprised of volunteers passing buckets of water to the fire front. The State has relied on volunteers for its fire fighting capacity since the creation of the *Fire Brigades Act* in 1890.
11. Over time, communities have come to rely on their local CFA and each region has forged its own identity, emerging out of the particular history of townships and their brigades. The CFA is at the heart of many of these communities. Volunteers identify with the CFA and this relationship gives rise to a loyalty and sense of ownership that underpins Victoria's fire fighting capacity. This relationship also creates a partnership whereby local communities share with the CFA the responsibility for fighting bushfires.
12. Moreover, CFA volunteers contribute an estimated \$840 million dollars to the Victorian community.² Employing, training, equipping and resourcing a paid workforce of commensurate size and capability of the CFA volunteers would be a significant cost to the State.

² The CFA Annual Report, 2008, citing Handmer, J., Ganewatta, G., Comparison of approaches for valuing fire and emergency services volunteers, RMIT Centre for Risk and Community Safety, 1 March 2008.

13. VFBV is concerned that amalgamation of the agencies will jeopardise the values associated with volunteerism and may discourage citizens from participating in the defence of their communities. There is a risk of an irretrievable loss of the volunteer resource if the partnership between the CFA and volunteers (and their communities) is undermined.
14. Similarly, the Commission should avoid the risk of *designing* volunteers out of the fire-fighting framework, either through short term organisational change associated with amalgamation, or through longer term incremental change associated with attempting to make amalgamation work.

Amalgamation is not a panacea

15. The Commission has identified deficiencies in the current fire services framework in relation to bushfire planning, prevention, preparation and response.
16. The prospect of amalgamation may have superficial appeal. However, the suggestion that amalgamating the agencies will remedy the deficiencies identified by the Commission is over-simplistic.
17. There is no doubt that greater coordination and interoperability between the agencies must be achieved. However, VFBV is of the view that amalgamating the fire services will result in a focus on the practical difficulties typically associated with the merger of large organisations, rather than a resourced focus on the critical issues requiring immediate rectification.
18. In preference to amalgamation, VFBV supports allocating resources to increasing coordination and interoperability between the agencies in specific areas such as human resource management, resource tracking, allocation and deployment, standardisation of IT and communication systems, training and the development of compatible operating procedures.

Practical impediments to amalgamation

19. VFBV is of the view that whilst amalgamation may seem attractive in theory, there are, in reality, numerous practical impediments to amalgamation. These include;
 - 19.1. The different roles, structures and cultural identity of the agencies;
 - 19.2. The agencies' different workforce models;
 - 19.3. Industrial relations arrangements.
20. VFBV submits that these are barriers to amalgamation and cannot be satisfactorily resolved so as to facilitate amalgamation, either in the short or long term.

Different roles, structures and cultural identity

21. The differences between the agencies will prevent effective amalgamation. The proposal to amalgamate the agencies overlooks the fact that many of the differences between the agencies have evolved over time and for good reason. They benefit the agencies in advancing their respective mandates. Consequently, many of the differences are valuable to those agencies and should be retained.
22. The DSE fire-fighting capacity is comprised of employees who undertake forestry and public land management roles throughout the year, supplemented during the fire season by temporary staff (Project Fire Fighters). The DSE Land and Fire Management Division does not 'stand-alone'. VFBV understands that the Fire Management Division draws employees more broadly from National Parks Victoria, the Department of Primary Industries and other government agencies, who perform roles unrelated to fire management at times other than emergencies. Consequently, separating the Land and Fire Management Division from the DSE is potentially complicated.
23. The MFB is a strict hierarchical organisation with a centralised command structure, operating predominantly in high density, urban settings and is subject to strict industrial regulation.

24. By contrast, the CFA is a decentralised volunteer based emergency service, which services rural communities and urban areas, including regional cities as well as a substantial proportion of Melbourne's suburbs.
25. The differences between the CFA as a fire fighting (and emergency) agency and the DSE as a public land manager are reflected in their respective approaches to fighting fires. The DSE manages fire for ecological purposes. Moreover, the DSE has significant and diverse responsibilities for managing public land beyond managing uncontrolled fire. The CFA's core focus in fire and emergency management is to protect life and property.
26. In this context, it is evident that many of the differences between the agencies are in fact important and beneficial. Bushfire Inquiries have previously considered the prospect of joining the CFA and DSE.³ On each occasion, this suggestion has been rejected, essentially because these agencies have different purposes, experience and expertise.
27. More particularly, these inquiries concluded that the amalgamation of the DSE and CFA would erode the expertise, experience and knowledge housed within each agency – the CFA as an emergency management organisation and the DSE as public land manager.
28. In the Report of the Inquiry into the 2002 – 2003 Victorian bushfires, the Inquiry considered integrating the fire fighting capacity of the DSE into the CFA. The inquiry concluded that it did not support an amalgamation⁴ and stated that;

We believe there is a very real risk of degrading the crucial forest firefighting knowledge and experience within DSE's Fire Management Branch if it is transferred to the CFA – even if it is maintained as a separate entity within

³ See the Report of the Bushfire Review Committee on Bushfire Disaster Preparedness and Response in Victoria, Australia, following the Ash Wednesday Fires, 16 February 1983 at paras 178 to 181 and the Report of the Inquiry into the 2002 – 2003 Victorian Bushfires at p. 240 to 246.

⁴ In reaching this conclusion the Inquiry cited at p. 240 Ron McLeod. *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, pp.148 – 149, in which Mr McLeod criticised previous decisions to merge the bushfires expertise of land management agencies with the ACT Bushfires Services.

the CFA. Over time, with staff attrition and altered recruitment patterns, it is difficult to see how the specialist expertise could be maintained...⁵

With any organisational change, efficiencies can be gained – but there can be losses in corporate memory, organisational structure, skills, experience and knowledge.⁶

29. VFBV supports a unified approach to preparing for and managing bushfires under a single line of control,⁷ however, VFBV submits that the agencies should be retained to pursue their respective mandates.
30. It is important to note also that the distinct roles of the agencies have contributed to their cultural identities. These cultural aspects of the agencies have evolved over time and are defined by the unique history of the respective agencies.
31. Local pride in the CFA and the community role of local brigades is central to the attraction of the CFA to the volunteers. CFA members have a profound sense of service to their community and this is reciprocated by community connectedness to and support for their local CFA. Even very small townships have a strong network of support for the local CFA brigade and its members.
32. In many local communities the CFA is at the heart of the community; the CFA station is the local meeting place and CFA volunteers are often deeply involved in community activities and leadership roles beyond their fire and emergency function. These cultural aspects exemplify the identity of an organisation that is strongly supported within the State of Victoria and is deserving of recognition and respect.
33. The importance of the volunteers' identification with the CFA at local level and resulting sense of ownership of the CFA cannot be underestimated, as highlighted by the statements filed by VFBV in relation to this issue and evidence already given to the Victorian Bushfires Royal Commission by many CFA witnesses. The VFBV urges caution in implementing any change to the

⁵ P. 240 of the Report.

⁶ P. 246 of the Report.

⁷ As noted in the submission of VFBV referred to at para 4 above.

current framework that may potentially alienate the volunteer membership base.

Workforce and industrial relations issues

34. The disparate industrial relations arrangements across the various agencies constitute a serious impediment to amalgamation and the likelihood of achieving a well functioning organisation. VFBV is of the view that amalgamation will intensify, rather than resolve issues of incompatibility arising out of the different industrial relations arrangements that apply to the agencies.
35. The industrial differences are highlighted by the fact that the staff of the agencies are represented by a range of different unions. Most of the MFB workforce is comprised of operational fire fighters. The MFB has no volunteers and is covered by the United Fire fighters Union and to a lesser extent the Australian Services Union. The DSE has no volunteers and is covered by the Australian Workers Union and the Community and Public Sector Union. CFA paid staff comprise less than 3% of its workforce. Only these paid staff are under the auspices of the United Fire Fighters Union and the Australian Services Union.
36. Despite the fact that amalgamation has been considered by various inquiries and mooted from time to time, a model as to how this might successfully occur is yet to be put forward. The MFB industrial relations arrangements do not contemplate either a volunteer based model or a model comprising an integrated workforce where both paid and volunteer staff work together.
37. This issue is inextricably linked to the organisational structure and operating model of each agency. The MFB is comprised entirely of a paid workforce, which is tightly regulated under industrial awards and agreements, is subject to a centralised command and management structure and which operates in a relatively small geographic area.
38. Likewise, long established industrial and workforce arrangements have contributed to the distinct culture of the DSE, CFA and MFB. In respect of

some of the agencies, the workforce culture has developed over generations is perpetuated within the agencies' operational and training ethos.

39. VFBV understands that for some time the CFA management has been confronting industrial issues that impact on its ability to fulfill its functions. The industrial issues that our members most frequently raise as impacting on volunteer welfare and efficiency are:
 - 39.1. The apparent right of the UFU to veto CFA management decisions;
 - 39.2. Interference with the CFA management's capacity to initiate operational, resourcing, equipment, infrastructure and volunteer support changes without specific union agreement or lengthy external dispute processes;
 - 39.3. Restrictions on lateral entry or secondment of suitably qualified or experienced people to operational positions;
 - 39.4. Restrictions on hiring paid sessional instructors for volunteer training across the State;
 - 39.5. Delays in the filling of paid full time instructor positions, limiting opportunities for volunteer training;
40. Unless the industrial relations dichotomy is resolved any attempt at amalgamation is doomed to fail. Meddling with a currently workable model risks negatively impacting on the training, support and utilisation of volunteers.
41. VFBV understands that resolving these and other industrial issues is presently a priority for the CFA. However, VFBV believes that amalgamation will exacerbate rather than resolve these issues. Further, amalgamation of the agencies will undermine the integrated workforce model comprising paid staff and volunteers and will seriously impact on Victoria's fire fighting capacity.

Key improvements can be made without amalgamating the agencies

42. VFBV understands that the key improvements sought to be achieved by the proposed amalgamation of the agencies include;
 - 42.1. Making the protection of life the priority focus during a bushfire event;
 - 42.2. Implementing greater accountability in bushfire planning, preparation and response;
 - 42.3. Ensuring there is a seamless command and control structure;
 - 42.4. Ensuring fire preparedness in terms of training, accessibility to human resource information and adopting and implementing the *best person for the job* principle.
 - 42.5. Ensuring optimal development and utilisation of volunteers;
 - 42.6. Facilitating timely and accurate flow of information internally to aid decision making and for the provision of information to the community;
 - 42.7. Increasing compatibility, coordination and sharing of resources between the agencies;
 - 42.8. Identifying, clarifying and streamlining the purpose, role and responsibilities of key players in bushfire planning and response management.
 - 42.9. Making legislative amendments and facilitating change to industrial relations arrangements necessary to facilitate the above outcomes.
43. VFBV submits that these changes need to be made irrespective of the fire (and emergency) management model adopted by the State.
44. Each of these key improvements can be achieved through means other than the amalgamation of the agencies. Amalgamating the agencies may produce a sense of satisfaction in that it appears to *overhaul* the current framework; however it will not redress internal systemic deficiencies. When viewed in this

context any real improvement sought by amalgamation may well be illusory. Accordingly, VFBV supports future measures that directly address the systemic deficiencies within the current framework in preference to amalgamation.

Key attributes of the current framework to be retained

45. VFBV submits further that the strengths and assets of the current system should be retained. VFBV is of the view that any future fire service model must maintain and strengthen;
- 45.1.1. The community embedded nature of CFA volunteer brigades;
 - 45.1.2. An integrated workforce model comprising paid and volunteer staff;
 - 45.1.3. The volunteer surge and reserve capacity in outer metropolitan Melbourne and throughout the state, derived from the CFA model;
46. VFBV submits further that changes must be made to the current system to ensure the development and utilisation of volunteers is improved.⁸

Maintain and strengthen community embedded nature of CFA volunteer brigades

47. In addition to ensuring that the volunteer base is maintained and strengthened, VFBV submits that increasing community capacity to participate in the fire services is essential to the future success of Victoria's fire fighting framework. Building volunteer and community capacity should remain a high priority.
48. The concept of *shared responsibility* for fire preparation, planning and response between the CFA and local communities is core to Victoria's fire fighting capacity. The building block for shared responsibility is volunteerism. That is, volunteers organised in community based fire brigades working throughout

⁸ This was confirmed in the submission of Counsel Assisting titled *Systemic Issues – Training of Incident Controller, Resourcing of Incident Management Teams and Incident Control Centres and Preparedness*.

the year with their local communities. The CFA volunteer brigade model is central to embedding CFA into the community and the community into CFA.

Maintain and strengthen integrated workforce

49. The current CFA resource comprises 60,000 volunteers supported by 1,300 paid CFA management, operational and support staff working as an integrated workforce. This integrated structure provides the flexibility, surge and reserve capacity and rapid mobilisation and deployment capacity required to deal with simultaneous emergency incidents, both large and small. In many locations, the local knowledge, experience and expertise of the CFA volunteers coupled with their ability to mobilise quickly and according to the needs of a particular emergency situation is invaluable and irreplaceable.
50. This integrated model must be maintained and strengthened to ensure that the CFA is able to target resources according to local brigade needs. This will allow the CFA to progressively increase local brigade capacity in response to changes in service demand, community demographics or volunteer capacity. The integrated model retains the benefits of the volunteer resource whilst enabling service capacity to increase according to community needs.
51. VFBV would be concerned about any model that creates, in effect a paid fire fighting organisation and a separate volunteer organisation. Such segregation would reduce organisational cohesion, encourage internal conflict and further diminish opportunities for the CFA to support the growth and development of the volunteer workforce.

Maintain and strengthen CFA volunteer reserve and surge capacity

52. The volunteer resource in outer metropolitan Melbourne and regional Victoria provides a vital contribution to Victoria's surge capacity for major incidents at the same time as maintaining a reserve capacity to respond to local needs. If the volunteer workforce in these areas is lost Victoria will not have a sufficient fire fighting force to deal with fire emergencies.
53. Likewise, any change to the current MFB and CFA boundary that expands the MFB area will destroy the volunteer surge capacity in outer metropolitan

Melbourne unless the integrated volunteer and paid workforce model is retained. The MFB industrial relations and workforce arrangements do not make provision for such a model.

54. VFBV is concerned that a shift to a paid only or predominantly paid workforce model in outer metropolitan Melbourne or regional Victoria will erode volunteer capacity. Further, any paid resource replacing it will not have the flexibility to be deployed out of the local area during major emergencies because of the need to maintain local service coverage.
55. Any future model must retain the flexibility to supplement rather than replace the volunteer membership base as the need arises, due to factors such as changes in demographics and population growth. The supplementation of the volunteer membership base may occur in all areas of operation, including administrative staff, community education officers, or management personnel. Service demand on brigades may also require additional paid fire fighters to be allocated either on a seasonal basis for holiday areas, or on a more permanent basis. VFBV submits that all instances, the focus should be on building and supporting volunteer and community capacity.

VFBV supports a future model with the following elements

56. VFBV supports a future model with the following attributes;
 - 56.1. One Minister responsible for overseeing emergency preparation, planning and response in Victoria;
 - 56.2. A single line control including dissemination of emergency warnings;
 - 56.3. Legislative amendment to ensure that at all times protection of life is the priority in fire prevention, planning and response;
 - 56.4. One organisation responsible for fire prevention planning, regardless of land tenure;
 - 56.5. A culture, values and behaviors that recognises volunteers are central to Victoria's fire and emergency preparation, prevention, response and recovery;

- 56.6. Policy, programs, procedures and support systems designed to maintain and maximise volunteer involvement;
- 56.7. Preservation of the community partnership between the CFA and local communities and mutual obligation/shared responsibility;
- 56.8. Land manager or owner retains accountability for mitigating risk;
57. There should be no organisational or industrial barriers to volunteers being trained, qualified and deployed in any emergency service role. In fact, the active promotion and facilitation of volunteer involvement and front line deployment in all facets of fire and emergency management must be an organisational priority.
58. Volunteers must be engaged in decision making about all matters that affect them and the future of volunteerism. This means genuine engagement and real input to direction not just consultation after decisions have been made. The current mechanisms to formally engage volunteers, including the formation of the Volunteer Association under the CFA Act, representation of volunteers on the CFA Board and the Volunteer Charter must be maintained and fully embraced.
59. VFBV has made a submission in support of single control and command structure.⁹ VFBV reiterates its position as outlined in its previous submission. VFBV also submits that any future organisational structure must work equally well for all hazards, and emergency events for which Victoria's fire services are responsible and not just fire.
60. Further, a future model should not divide the fire fighting organisation structure into urban operations on the one hand and rural or bushfire on the other. This approach would seriously undermine Victoria's ability and capacity to respond to all hazards and be counterproductive.
61. VFBV has previously made submissions on the opportunity for more integrated fire prevention planning which embraces both private and public

⁹ Referred to at para 4 herein.

land. This could be achieved by vesting in a single agency clear lines of authority and responsibility for fire prevention planning across the whole landscape. The powers and responsibilities of such a single agency should be created by legislation rather than in inter department agreements or statements of policy.

62. VFBV submits that fire prevention planning objectives for which such a single agency would be responsible should be driven by clearly established priorities which include, as the highest priority, the protection of human life.
63. VFBV considers that the CFA should be the single agency responsible for fire prevention planning across the whole landscape. The CFA is impartial and independent from any organisation or individual who owns or manages land and has ultimate responsibility to deal with the residual risk treatment strategy of fire suppression when fire threatens communities, life and property.
64. Public land managers should remain responsible for the implementation of fire prevention measures and risk mitigation in accordance with the directions set by the single agency after consultation with the public land managers. Such an arrangement would provide clearer lines of accountability for the implementation of planning and mitigation objectives.
65. VFBV recognises that there needs to be a stronger arrangement in place to ensure inter-agency coordination, cooperation, interoperability and common purpose. Ultimately, the protection of life must drive fire prevention and response across all land tenure and this should be an explicit obligation governing all fire and emergency service planning, preparation and response. Any future structure or structural arrangements, and the legislation underpinning those arrangements, should reflect this.

Conclusion

66. VFBV does not support the amalgamation of the agencies. VFBV is concerned that an amalgamation of the agencies will have a serious detrimental affect on volunteers and on the partnership between the CFA and local communities. This partnership is the foundation for any successful fire-fighting framework.

67. VFBV does not believe that amalgamation will remedy the systemic deficiencies identified by the Commission. This assumption is over-simplistic and assumes that the practical difficulties associated with amalgamation can be overcome and that the agencies can be effectively amalgamated. VFBV has real doubt about the prospect of amalgamating the agencies, having regard to the matters set out above. Moreover, VFBV believes that amalgamation of the agencies poses so serious a risk of destabilising the current framework that the Commission ought to reject it.
68. VFBV is of the view that the deficiencies associated with the current framework can be achieved by appropriately focusing resources to those specific issues and by ensuring that there is a single line of command and control under the direction of the CFA, as outlined in its submission on the issue.

Andrew Ford

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