



# VOLUNTEER FIRE BRIGADES VICTORIA

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## VICTORIAN FIRE SERVICES RESTRUCTURE

By Andrew Ford, VFBV Chief Executive Officer

Only one month ago, in the May edition of 'Fire Wise', I wrote about rumours of a Government proposal to carve up CFA and even worse, that this carve up was motivated by the Government's desire to pacify the UFU at any cost, to find a way to push through with their industrial deal with the UFU despite it being contrary to the requirements of the CFA Act and the Fair Work Act.



I am deeply disappointed to report now that on 19 May, still without any consultation with VFBV or volunteers, that the Premier Daniel Andrews and Minister James Merlino announced splitting the CFA, separating paid operational employees and volunteers into different organisations through major structural reform of Victoria's Fire Services.

From all information received since the announcement on 19 May, these reforms were drawn up by a small group working in secret within the Department of Premier and Cabinet, and did not involve the fire agencies. This group and its work was also reportedly hidden from Cabinet itself. This would be the first time in Victoria's history, that Fire Service Reform has not been the subject of any public scrutiny or consultation.

As a sign of Government's desire to push through these changes before any detail is known, before any expert analysis/impact statements and before any public scrutiny, Minister Merlino has advised his intent to push the legislation through Parliament in the sitting weeks of June.

Despite some short briefings being offered since the announcement, it has been made quite clear to VFBV that the briefings are NOT an opportunity for consultation nor potential modification to the reform direction or legislation. Be clear, the intent is to push the legislation through as is. VFBV has and will continue to raise this failure to consult as a major breach of moral and legal obligation to consult with volunteers before a decision is made, let alone a complete failure in terms of due process on such a major reform and the error in not working through the detail with volunteers on the ground to maintain their motivation and continued dedicated service.

### THE CHANGE AT A GLANCE

We have more questions than answers at this point. The Minister has committed to providing answers to our questions as soon as practicable and we will circulate these to members once we have them.

VFBV's understanding of the core elements of the change, based on the Premier and Minister's public comment and our discussions with Minister Merlino since the public announcement is that:

- MFB will cease to be an agency and Government will establish a new fire agency to be called Fire Rescue Victoria (FRV). According to the Government release, this agency will "lead firefighting in major regional cities and Melbourne". This new agency will operate without a Board and CEO and will be led by a new 'Commissioner' reporting to the Minister.
- All CFA operational paid staff will be transferred to the MFB replacement 'Fire Rescue Victoria.' This means not just paid firefighters (ranks from Recruit through to Senior Station Officer) transferring to the new FRV, but also all paid CFA operational staff who currently support volunteer brigades across Victoria. Operations Managers, Operations Officers, Training Instructors, Community Safety Managers, Communications and Protective Equipment Staff, and training ground PAD Operators/Supervisors will be transferred to FRV and will then be 'seconded' or contracted back to work in CFA. This will mean that these staff will be FRV employees, working under their FRV EBA – but then seconded back to CFA under a contract to be drawn up between CFA and FRV to provide all of CFA's operational management and volunteer brigade operational leadership support.
- CFA's model of integrated brigades will be discontinued and FRV will be a 100% paid staff only service.
- All current 35 CFA Integrated brigade response areas will be removed from the CFA, and redefined to become FRV first response areas.
- Current integrated brigades will be split into two separate Brigades – a paid firefighter FRV Brigade and a separate CFA Volunteer Brigade, 'co-located' in the existing CFA facility. Each agency will own its own assets and equipment, including vehicles.
- CFA appliances currently crewed by staff in integrated stations will be removed from CFA and transferred to FRV. It is unclear which specific appliances but with a strong indication that FRV's EBA is likely to be very close to what the UFU

proposed CFA EBA is, it is conceivable that FRV will use appliance based manning, so staff will be rostered to specific appliances, and those appliances will then be transferred to FRV, with the remaining left for CFA.

- Whilst the Minister has confirmed that there will be no current changes to the operational procedures of the first arriving agency appointing the Incident Controller – it is unclear what will happen if the new FRV EBA includes similar provisions to the proposed CFA EBA which did not allow staff to report to volunteers acting as Sector Commanders and Strike Team Leaders for example. Based on the Government's website it appears that the new FRV Commissioner may be provided additional powers to determine these arrangements in the future. It is not known what powers the CFA Chief Officer will have in relation to any EBA terms negotiated by FRV.

- The Government will remove the need for Local Councils to request changes to boundaries, and will instead establish an 'Independent' Fire District Review Panel that will undertake periodic reviews, to determine any future changes to areas covered by FRV and CFA.

### MINISTER MERLINO STATEMENTS ABOUT CONSULTATION WITH VFBV ARE UNTRUE

It is important to understand that none of these reforms have been the subject of consultation with VFBV. The Minister's comments that we have been consulted, are false and misleading.

Despite rumours about the proposed split, circulating for some weeks now, there was no consultation with VFBV and no briefing of any detail whatsoever prior to the announcement. The first information provided to VFBV was via a short briefing from the Minister on the afternoon of Friday 19 May 2017, several hours after the Government's media launch. VFBV received a copy of the proposed legislation on Thursday 25 May 2017 after it was tabled in parliament.

Following news reports overnight on Thursday 18 May that Cabinet had met and approved reforms, VFBV CEO Andrew Ford requested an urgent meeting with the Minister. The Premier and Minister held their press conference at 10am on Friday 19 May and the Minister met with VFBV later that day at 12:45 and provided a briefing covering the publically released information pack. VFBV raised many questions that were not able to be answered and the Minister took these questions on notice.

The only other discussion on this issue was on Monday 8 May 2017 when the Minister informed VFBV he was considering 'several options' to change the CFA arrangements because the proposed EBA agreed with the UFU would not pass the volunteer protection amendments to the Fair Work Act. VFBV expressed disappointment with this being the motivation of proposed reform let alone being factually incorrect. The Minister did not provide any detail, nor discuss any options he was considering, and would not be drawn on any detail other than to say an announcement of changes was 'imminent.' Even 10 days prior to cabinet approving the reforms the Minister was not prepared to discuss particular ideas or options or seek volunteer feedback.

A letter from CFA CEO received late afternoon on Friday 19 May 2017 confirmed that significant reforms had been announced by the Government. There had been no opportunity for consultation with CFA prior to this because up until late Thursday advice from CFA to VFBV was that there was no information known. Minister Merlino confirmed that even CFA Chief Officer Steve Warrington had not been involved in the discussions until two or three days prior to the announcement, despite the Chief Officer being on annual leave.

Apart from raising serious failure to consult with CFA volunteers in accordance with the CFA Act and Volunteer Charter it beggars belief that such major reform could be contemplated for CFA without detailed assessment and advice about operational impacts, volunteer capacity impacts, cost impacts and future service delivery implications.

Even the Emergency Management Commissioner only recently stated, under oath, that there was no work that he had done towards the new model and that he was not doing any work on changing the CFA service model or boundaries or changes between CFA and MFB.

### OPPORTUNITY TO UNDERSTAND DETAIL AND IMPACT IS ESSENTIAL PRIOR TO ANY DECISION

Clearly there are many more questions than answers. VFBV has been inundated with volunteer concerns about the lack of detail and many are assuming this detail will be provided before any final decision is made.

Please do not be fooled by the lack of detail, it is either an intentional move to gloss over the obvious serious and detri-

mental impact this change will have; or perhaps, and just as alarming, the detail is not known and the impact analysis, practical implementation challenges, cost impact, etc has not been adequately done.

Given the magnitude of the proposed changes, VFBV is advocating actively for due process of review and impact assessment before decisions are made and certainly before legislation is passed.

### WHAT HAS VFBV ASKED FOR?

VFBV has requested the Minister:

- Not proceed with legislation or implementation until there is volunteer and community consultation prior to decisions being made, as is the legal obligation under the CFA Act
- Full details of the proposed changes, including answers to detailed operational questions and a full operational impact assessment of changes before a decision is made
- A full volunteer impact assessment of the proposed changes before a decision is made
- For the draft legislation and amendments to be provided to volunteers for consultation prior to it being considered by Parliament

Further, VFBV has communicated directly to the Minister:

- Its disappointment that the Government has again failed to respect the Volunteer Charter and its Statutory Obligations under the CFA Act
- The CFA Act places a Statutory legal obligation on both Government and CFA to meaningfully consult with volunteers, allowing enough time for real involvement on all matters which may impact upon them before the adoption or implementation of any new or changed policies, procedures or approaches
- That the Minister's statement on Neil Mitchell's 3AW on Friday morning 19 May where he stated: "Well, I would say to you that in a high population, high density areas, the community deserves 24/7 career station delivering urban fire services" ignores the fact that volunteers do and can provide professional services in urban areas and is deeply offensive
- That the reforms outlined, and the way this is being done, will have a significant and negative impact and will lead to reduced volunteer capability and decreased public safety

### WHAT SHOULD YOU DO?

Volunteers should not sit and wait for the detail given that the Government plan to push the legislation through before they release the detail.

VFBV has already raised a number of vitally important impact, implementation and governance questions with Minister Merlino and we are waiting on the answers to these. We have set down to the Minister our expectation that consultation obligations will be met prior to a decision and prior to legislation being put to parliament.

Volunteers should contact your local MPs and demand that this occur prior to a decision.

Victoria deserves a community and public safety driven solution to the current dispute, not a political one. VFBV is committed to providing a way forward to the current tension and always has been.

Since our first letters to the Fair Work Commission, Premier Andrews, Minister Merlino, and CFA Board/Management when this issue started all we have sought is for an opportunity for constructive, transparent and fair conversation with an opportunity for volunteers to have input.

We believe all firefighters, paid and volunteer alike, deserve respect and recognition for the work they do and the skills they have. We have always maintained that the pay and condition aspects of their EBA has already been agreed and implemented, and the EBA issues should be separated from how we design the best fire service arrangements for Victoria.

It is time for the dispute to end but putting a bad solution on the table is not the answer. VFBV will continue to urge the Government to stop, take a breath, and work with us constructively and in consultation with our people delivering the services on the ground to find a model that will modernise Victoria's fire and emergency services, not take it backward.

The Emergency Management Commissioner's vision is "we work as one". Further splitting the fire services is not the answer.

VFBV welcomes any reforms that improve the way Victorian Fire Services work but these reforms need to be developed collaboratively and openly.

You need to be contacting your local MPs immediately, requesting as a minimum, that legislation not be considered before there is formal process of inquiry regarding its impact plus opportunity for volunteer consultation.