

April 2011

BACKGROUND

Proposed changes to Workplace Occupational Health & Safety Laws are planned for nation-wide implementation from 1 January 2012.

Although many of the proposed changes will only moderately impact on Victoria where current Victorian OH&S Legislation (2007) applies, the key issue for CFA volunteers is the new definition of volunteers as workers. This key change will bring accountability and liability issues that will apply to volunteers and VFBV is pursuing potential changes.

A VFBV State OH&S Reference Panel has been activated; their initial focus has been to develop a submission to Work Safe Australia on the Model Regulations and some Codes of Practice. VFBV's submissions was lodged in early April.

The VFBV State Panel will continue to define the matters that will be pursued on behalf of CFA volunteers with each District Council asked to form District OH&S forums to provide expert advice. CFA and VFBV Boards have agreed to form a Joint OH&S Working Party to provide high level guidance to both organisations in the lead up to January 2012 and through the implementation period beyond.

KEY ISSUES RIGHT NOW THAT REQUIRE ACTION

As emergency service supporters and responders, CFA volunteers through their representative body VFBV consider that elements of these draft regulations will place challenges and complexities on their ability to continue to meet their community obligations. Predominant to these community obligations are the volunteer's legislative obligations to protect life and property, particularly when their constitute the bulk of the CFA's workforce.

VFBV is resolute in its position that further consideration to arrangements in the WHS Regulations and Codes should be given to ensuring volunteers, and CFA as a predominantly volunteer based emergency service organisation will see amendments, inclusions and exemptions sought that are detailed in our and CFA's Public Comment submissions.

In its submission, VFBV highlights the required volunteer friendly changes to the Regulations and Codes so their application will not negatively impact on volunteerism, nor mandate obligations, duties and administrative burdens that prevent ESO volunteers from performing their duties and community obligations in a timely and safe manner.

SPECIFICALLY

- The disincentives to the sustainability of volunteerism represented by the imposition of penalties following possible prosecution (in cases other than willful or gross negligence) VFBV strongly advocates that volunteers do not seek exemption from their obligations or duties, in fact welcome these as part of the service they provide under the legislation, yet consider **the imposition of penalty where actions are in good faith when following policies and procedures will have a negative impact on the future of volunteer participation.** This must be addressed.

KEY ACTION ITEM

VFBV officials and delegates MUST as a matter of urgency advocate strongly with key decision makers both local and state based to argue the retention of protection for volunteers when this new legislation is enacted. No lesser position is tenable.

VFBV will use all means including a strong media campaign to promote this position.

- The position above follows on from existing Victorian OH&S Legislation and it should be seen that volunteers are expecting nothing less than that which is already provided. National Policy should not detract from but enhance benefits as a key principle.
- The further burden of complying with obligations and duties upon enactment of the Legislation that will fall on CFA volunteers to meet compliance, training and consultative processes where this may impact on their primary careers, their employers and their ability to dedicate additional time to that already freely given.
- VFBV strongly maintains that the Victorian Country Fire Authority (CFA) as a unique organisation with a predominant volunteer workforce will need to provide adequate skilled resources to support volunteers (as workers) in their environment, by providing or allocating:
 - Administrative support
 - Training and assessment services
 - Specialist advice
 - Other targeted support essential to sustain volunteerism and minimise impacts of compliance and duty.
- VFBV strongly recommends that CFA as a predominant volunteer based ESO will need special consideration to implement the arrangements using a staged and transitional approach so as not to negatively impact on volunteers.
- VFBV considers CFA volunteers currently give their time freely to train, achieve nationally recognized skills and competencies, respond to fires and incidents and commit to work in close partnerships with their communities. Any requirement of further training and consultative process must be flexible and established with arrangements that suit the volunteer, their families and their primary employer. Elements of modern training and assessment methodologies must be employed to provide dynamic and flexible choices.
- CFA volunteers have current exemption under the Victorian OH&S Legislation (2007) that permits the conduct of competitive drills and competition events that require ascending ladders and platforms under specific clauses that define these activities as sport or athletics. The CFA has maintained a strong tradition for more than 128 years, the ongoing support for their continuance by specific exemption/exception with both generic and dynamic risk assessment processes being applied and tested is seen as benefiting society and the continued strong support for this practice and skill.

VFBV'S State Reference Panel is made up of the following:

Chair of State Panel	Frank Zeigler	VFBV Board Member
	Hans van Hamond AFSM	VFBV President
	Bruce Pickett AFSM	VFBV Board Member
	Tony Brown	District 8
	Greg Murphy	District 12
	Steve Gibbs	District 7
	Rohan Stevens	District 14
	Steve Atkinson	District 7
	Robert Taylor	District 14
	Vicki Linaker	District 13
	Allan Monti	VFBV