

February | 2010



VFBV Submission: Leave to Appear

2009 Bushfires Royal Commission Submission

Volunteer Fire Brigades Victoria makes the following submission to the 2009 Victorian Bushfires Royal Commission.

OUTLINE OF SUBMISSIONS ON BEHALF OF
VOLUNTEER FIRE BRIGADES VICTORIA INC

1. This submission is made on behalf of Volunteer Fire Brigades Victoria (“the Volunteers”) seeking leave to appear at the 2009 Victorian Bushfires Royal Commission (“the Commission”).
2. The *Country Fire Authority Act* (Vic) 1958 (“the CFA Act”) establishes the Country Fire Authority (“the CFA”) and charges it with the “duty of taking superintending and enforcing all necessary steps for the prevention and suppression of fires”.
3. The CFA cannot function without volunteer brigades and personnel. The CFA is the authority established under the CFA Act to oversee the provision of fire fighting services across the State. The CFA is effectively the command centre, but 98% of CFA personnel are volunteers who live and train in local communities under the auspices of local volunteer brigades which fight fires wherever the need arises.
4. The CFA Act expressly recognises the existence of two volunteer organisations¹ which existed prior to the creation of the CFA in 1945, namely:
 - (a) The Victorian Rural Fire Brigades Association (“VRFBA”); and
 - (b) Victorian Urban Fire Brigades Association (“VUFBA”).
5. The two volunteer associations were formally amalgamated on 4 October 2008 by a deed of agreement to form the Volunteers. The Volunteers now perform the task of both associations, each of which was established under the CFA Act²:

For the purpose of enabling members of brigades...to consider and bring to the notice of the Authority all matters affecting their welfare and efficiency (other than questions of discipline and promotion)
6. The CFA Act expressly and impliedly acknowledges:
 - (a) Fire prevention and suppression in country areas is dependent upon the existence of state wide network of volunteer brigades;
 - (b) Associations of brigades should be formed with the object of informing the CFA about the welfare and efficiency of the members of the brigades with first hand knowledge and experience gained in the field; and
 - (c) The Associations are separate and distinct from the CFA, though their role is to inform the CFA.

¹ Section 100(1) of the CFA Act

² Ibid

7. This relationship is confirmed by the existence of the Volunteer Charter³ which obliges the State of Victoria, the CFA and volunteers represented by the Associations to consult with each other on all matters impacting on volunteers.
8. Volunteers presently provide the major resource for fighting fires in Victoria, and as a matter of necessity this situation is likely to continue. It is anticipated that the capability of volunteer fire brigades and services will be directly scrutinised by the Commission. This scrutiny is likely to extend to specific issues relating to the response of volunteers to the events of February 2009 through to the overall ability of a volunteer system to produce effectively trained and capable fighters who can respond to extreme fires such as that experienced in February. The Volunteers should be given the opportunity to engage in any discussion of these matters and respond to any perceived or suggested inadequacies.
9. Given its organisational background, expert knowledge, access to local information and depth of experience in matters affecting volunteers and the provision of a volunteer based service model, the Volunteers are one of the best placed organisations to assist the Commission in a number of critical aspects of its terms of reference.
10. The Volunteers are therefore interested, either directly or indirectly in almost all of the Commissions terms of reference.
11. Before the Commission reports on the issues relating to the February 2009 fires it will need to ensure that it is properly seized of the facts that relate to:
 - (a) The actual events on the ground⁴;
 - (b) The various governmental and departmental approaches to fire risk, current practices and policies, and resource allocation⁵; and
 - (c) The state of preparedness of emergency bodies to deal with such a fire event⁶.
12. Consistent with its statutory role and function the Volunteers have been and are expected to continue to be intimately involved in providing advice to government, various departments and officers and to the CFA concerning matters specifically raised in the Commissions terms of reference, namely:
 - (a) Resourcing, overall co-ordination and deployment⁷;
 - (b) Equipment and communication systems⁸;
 - (c) Preparation and planning for bushfire threats and risks⁹;

³ Ratified first in 2001 and again 4 October 2008.

⁴ Terms of Reference ("TOR") Nos.1 to 4.

⁵ TOR Nos. .2, 3 and 4

⁶ TOR 2, 3 and 4

⁷ TOR 9 and 11

⁸ TOR 10 and 11

⁹ TOR Nos.6 and 10

- (d) Fuel management¹⁰;
 - (e) Emergency response¹¹; and
 - (f) current training practices, infrastructure and overall resourcing.
13. The Volunteers have an interest in the Commission's consideration of any matters that impact on Victoria's ability to maintain and build upon an even stronger volunteer based service model for the future.
 14. Depending upon the recommendations that are ultimately made by the Commission, most of the matters that the Commission has been called upon to consider have the potential to directly affect the current and future operational practices of the volunteer brigades and their members that the Volunteer Associations represent.
 15. It is highly likely that the existence, conduct and level of training of volunteer brigades, both during the 2009 Bushfires and into the future, will be the subject of consideration by the Commission, including a consideration of alternative service models, volunteer capability and in general the capacity of a volunteer based system.
 16. The decision of the Victorian government to approach this Commission by instructing one set of lawyers to represent the whole of the government and all government agencies including the CFA is a matter of deep concern to the Volunteers. While the CFA is usually the public face of the volunteer service and should be the principal advocate for volunteers, the interests of the CFA and the Volunteers have not always been identical. On occasions the CFA has, in the opinion of the Volunteers, failed to address the concerns of the Volunteers (either at all, or in a timely manner). It is likely that matters will arise during the course of the Inquiry where there will be a divergence of interests and opinion between the Volunteers generally, and/or particular volunteer brigades on the one hand, and the CFA on the other, and when those matters arise, without separate representation of the Volunteers, the same will not be properly investigated.
 17. Here the CFA may have been able to adequately represent most of the interests of Volunteers, but given the representational model adopted by the government, not even this can be guaranteed.
 18. The Volunteers wish to make clear that they stand ready to assist the Commission in any way possible and are concerned to ensure that the Commission is well informed so that any recommendation made by it will be made in the full knowledge of the practical exigencies that confront a volunteer based fire fighting model.

¹⁰ TOR Nos 6 and 7

¹¹ TOR No.9, 10 and 11