



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTE TO MEMBERS – 28th March 2018

GOVERNMENT FIRE SERVICES REFORM LEGISLATION UPDATE

SUMMARY

This is a brief note to provide an initial update regarding developments in the Victorian Parliament Upper House yesterday specifically relating to the Governments proposed fire services restructure and presumptive legislation Bill.

The legislation was considered by the Upper House yesterday along with some ineffectual amendments tabled at the last minute. Beyond the fundamental concerns about the legislation, the Government received strong criticism about the last-minute tabling of these amendments, the lack of briefing prior to them being tabled in the Upper House and the sudden haste to push the legislation through whilst parts of Victoria and many volunteers have been involved in major fire events.

Seizing on the absence due to illness of one MP who has indicated she does not support the legislation, the Government used its numbers to extend the sitting of the Upper House late into the evening. And due to the ill MP being hospitalized and unable to return to parliament yesterday the Government, with the support of the Greens and Reason Party MPs, was able to get the numbers to get a supporting vote through. The legislation was supported by one vote and has now passed the second reading stage.

The legislation was supported by one vote in an outcome that would have been totally different if the Government had followed standard practice of pairing a vote with the sick MP who had to urgently depart Parliament.

This is an alarming and very disappointing outcome and puts the future of CFA under serious doubt.

The legislation is scheduled to go back to the Victorian Upper House for further debate and questions tomorrow. If passed the legislation will bring an end to integration and the CFA as we know it.

BRIEF RECAP OF THE JOURNEY SO FAR

To recap, this proposed legislation change was announced by Premier Daniel Andrews and Minister James Merlino in May 2017 and subsequently received wide spread condemnation for being ill-conceived, driven by an industrial interference agenda, diminishing and discouraging volunteer capacity, dismantling the CFA integrated model and eroding the CFA Chief Officers power and

control of CFA resources. Despite Government spin, the proposed legislative changes provide no additional service capacity or service interoperability than exists today and in fact the proposed changes further fragment the fire services. The Governments own messaging indicates the proposed change has been motivated by a Government and United Firefighters Union desire to find a way to push ahead with an over reaching EBA that limits how CFA supports, equips, recognises, respects and consults with volunteers.

The proposed legislation was introduced in May 2017 without consultation with volunteers, and without involvement of representatives from Emergency Management Victoria, the Country Fire Authority or the Metropolitan Fire Brigade.

Appallingly, the proposed legislation combines two totally separate issues, one being firefighters presumptive compensation rights for cancer illness caused by firefighting duties and the other being the proposed fire services restructure and arrangement changes that essentially carve up CFA, one as a ransom note for the other.

Based on concerns raised about the proposed legislation, including fundamental flaws and the lack of transparency underpinning its development, the legislation was referred to a Fire Services Bill Select Committee back in mid 2017. That Committee provided a detailed report in August 2017 making a number of key findings and recommendations (see attached), specifically including findings and recommendations completely opposite to the effect of the legislation now before parliament again yesterday.

Since August 2017 the proposed legislation has sat to the side-lines, well down the Upper House agenda list and not debated, no doubt because there has been strong indication from coalition and cross bench MPs that the legislation would not be supported if put to the vote.

OUTCOME FROM THE UPPER HOUSE YESTERDAY

The legislation was eventually put for debate in the Upper House yesterday. Appropriately, there has been much criticism about the disrespect this shows by the Government for the parts of Victoria still experiencing or recovering from the impact of major fires and the fact that volunteers from across Victoria have been heavily involved in major firefighting and recovery deployments.

As indicated above, the legislation was debated in the Upper House yesterday along with 29 pages of amendments that were apparently tabled to MPs yesterday. From a quick read, these amendments do not address concerns raised by VFBV including many concerns known to be shared by many senior officers within CFA.

Due to the volume of amendments and the late tabling of these there was a motion put to parliament yesterday for the debate to be adjourned for a day or two so that due consideration could be given. This motion was voted down by Labor, Greens and the Reason Party MPs.

Due to an illness and hospitalisation yesterday of one of the cross bench independent MPs, who has indicated she does not support the legislation, the Government was able to have the numbers to get a supporting vote through late last night.

VFBV understands that it is a long standing standard practice that when an MP from one side of an argument falls ill or cannot attend parliament sitting they will be paired with a corresponding MP from the other side of an argument, to keep the deliberations of parliament 'fair play'. VFBV also understands that this request for a pairing was rejected by the Government yesterday.

The outcome is that by days end yesterday the Upper House voted on the second reading of the proposed legislation and the proposed legislation now progress to a committee phase and potentially final decision tomorrow.

There was then a motion put by the Victorian Shooters, Fishers and Farmers Party to split the Bill and appropriately separate the firefighters presumptive compensation rights for cancer illness aspects of the Bill from the proposed fire services restructure, allowing the presumptive compensation aspects to proceed. The motion to split the Bill, allowing presumptive rights aspects to proceed, was voted against by Labor, Greens and the Reason Party MPs. The motion was defeated by one vote.

NEXT STEPS

The legislation will now be considered by the Victorian Parliament Upper House again tomorrow with a process of MP's working through the legislation in detail and an opportunity to ask questions, seek further amendments etc. Depending on progress of these discussions the legislation could be voted again tomorrow and either supported or rejected. If the legislation is voted and supported tomorrow without amendment, it will become law.

VFBV has already provided very detailed briefings to MPs about our concerns with this legislation and will continue to advocate these concerns today, tomorrow and beyond. Pending the outcome of tomorrows debate there will be further campaign action activated and further information will be provided to support and coordinate this.

Between now and the close of tomorrows debate volunteers are encouraged to re activate contact with your local MP and voice your views about the impact of the changes of the proposed legislation and also the foul play used to push this legislation through by seizing on the illness of an MP to rort the numbers and vote outcome.

LOOK AFTER YOURSELVES AND WATCH OUT FOR EACH OTHER

During these difficult times, it is extremely important that you look after yourself, and your fellow peers.

While emotions are running high, it is now more important than ever to support one another, and be kind to one another. Show compassion and empathy for those you interact with, and act with honour and respect. We would urge members not to resign, we joined to protect our communities, and our communities still rely on us. We will not be taking this lying down, and we will pursue this until the end.

This also a good opportunity to remind members of the following services available to all CFA members:

Emergency contacts

If your query is urgent, you should seek immediate assistance using one of the contacts below:

CFA Member assistance program

Access to psychologists and counsellors who can provide support to members and their families in managing the impacts on their psychological health and safety.

Phone 1300 795 711 (24 hours)

Lifeline

Lifeline provides crisis support 24 hours a day, 7 days a week.

Phone 13 11 14 (24 hours)

BeyondBlue Support Service

Access free, confidential support from a trained mental health professional.

Phone 1300 22 4636

Non-urgent contacts

There are a number of services available to members and their families to deal with non-urgent issues:

Member assistance program

Access to psychologists and counsellors who can provide support to members and their families in managing the impacts on their psychological health and safety.

Phone 1300 795 711 (24 hours)

Peer support program

CFA Peers are trained to provide Psychological First Aid following Potentially Traumatic Events, one on one support and links to other services for members and their families.

Phone your local Peer Coordinator. A complete listing of all peers by District can be found at;
<http://cfaonline.cfa.vic.gov.au/mycfa/Show?pageId=publicDisplayDoc&docId=017975>

Chaplaincy program

Chaplains are allocated on a district basis. They provide pastoral care to members and their families including spiritual, physical, psychological and emotional care. Support is not limited to a faith.

Chaplains can also be contacted directly. Contact your local CFA office for more details.

Phone 1800 337 068 (24 hours)

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ATTACHMENT
FIRE SERVICES BILL SELECT COMMITTEE
FINAL REPORT RECOMMENDATIONS (AUGUST 2017)

RECOMMENDATION 6: Due to the lack of implementation, operational and funding certainty; failure to undertake consultation; and consequential polarisation of fire services volunteers and staff, the Bill should be withdrawn. If not withdrawn, the Legislative Council should reject the Bill.

RECOMMENDATION 7: Part 2 of the Bill, 'Firefighters' Presumptive Rights Compensation' should be reintroduced to Parliament as a stand-alone Bill to be considered on its merits.

Further recommendations of the Committee:

RECOMMENDATION 1: The Government ensure compliance with its consultation obligations under the Volunteer Charter and the Country Fire Authority Act 1958 prior to proceeding with any further reform of the fire services.

RECOMMENDATION 2: The Government undertake meaningful and balanced consultation with Emergency Management Victoria, the Country Fire Authority, the Metropolitan Fire Brigade, staff and volunteer representatives prior to proposing any further reform of the fire services.

RECOMMENDATION 3: The Government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal.

RECOMMENDATION 4: Country Fire Authority staff should continue to be employed directly by the Country Fire Authority, and solely within the Country Fire Authority chain of command. Secondment should only be used for staff exchange/development opportunities, not as a default employment mechanism.

RECOMMENDATION 5: The Government and its agencies not endorse any enterprise agreement, instrument or accord, which has the effect of limiting the exercise of statutory powers of the chief officer(s) of the fire service(s).

RECOMMENDATION 8: The Government ensure adequate infrastructure funding for the fire services independently of the restructure.

RECOMMENDATION 9: The Government develop and publish a detailed funding plan in parallel with any further fire services structural reform proposal. The funding plan should identify and address the impact of:

- a) resource and asset transfers between the Country Fire Authority and Fire Rescue Victoria;
- b) the creation of the Fire Rescue Victoria fire district on the Fire Services Property Levy revenue base beyond the two year freeze period; and
- c) any changes to the differential charging rates for the Fire Services Property Levy beyond the two year freeze period.

RECOMMENDATION 10: The Legislative Council refer the Department of Premier and Cabinet to the Legislative Council Privileges Committee for investigation of its interference with the Committee's inquiry.

In addition to the above ten recommendations, the Committee have also made ten findings:

FINDING 1: The restructure of the Country Fire Authority and the Metropolitan Fire Brigade as proposed in the Bill was not included among the recommendations of the fire services reviews undertaken over the last decade.

FINDING 2: The policy development process for the restructure did not involve representatives from Emergency Management Victoria, the Country Fire Authority or the Metropolitan Fire Brigade.

FINDING 3: The Government's failure to consult with the Volunteer Fire Brigades Victoria as required by the Volunteer Charter and the Country Fire Authority Act 1958 has caused considerable concern to Country Fire Authority volunteers, reinforced the perception of a bias towards the United Firefighters Union, and undermined confidence in the restructure proposal.

FINDING 4: The Government's original written submission to the Committee contained substantial errors relating to its claimed level of consultation. Its failure to acknowledge and correct those errors until prompted by the Committee undermines confidence in the claimed consultation process.

FINDING 5: The Government's failure to undertake implementation planning in parallel with developing the restructure proposal has caused substantial and unnecessary uncertainty in the community as to the impact of the proposed changes on the fire services.

FINDING 6: The Government has taken the unusual step of including 'implementing the Victorian Government's fire and emergency services priorities' as a statutory function of Fire Rescue Victoria alongside fire prevention and suppression, and emergency prevention and response.

FINDING 7: Section 38 of the Bill as drafted may limit the capacity of the Country Fire Authority Chief Officer to exercise operational control of seconded staff.

FINDING 8: The impact of the restructure on firefighting surge capacity is disputed and will not be known until after the restructure is bedded down. It is important that surge capacity is not diminished through changes to the fire services.

FINDING 9: The development and publication of quarterly outcomes-based fire services performance measures will provide the Victorian community with more meaningful data than is presently available.

FINDING 10: The Government's claim of executive privilege over the Victorian Equal Opportunity and Human Rights Commission report is inconsistent with the Commission's stated intention of publicly releasing its report in mid-2017.

The Committee regards the changing explanations provided by the Victorian Equal Opportunity and Human Rights Commissioner for her failure to comply with the summons, along with the Government's claim of executive privilege as designed to frustrate the Committee's Inquiry.