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4<sup>th</sup> April 2011

Safe Work Australia  
GPO Box 641  
Canberra ACT 2601  
(By email )

**Re: Draft Model Work Health and Safety Regulations – Public Comment**

Volunteer Fire Brigades Victoria (VFBV) is pleased to be able to review and comment on the Draft Regulations particularly in regard to the inclusion of volunteers in the definition of workers.

VFBV is the body that represents Victoria's 60,000 Country Fire Authority (CFA) volunteers ensuring we bring to the attention of government, authorities, employers, local government, business and the public, matters that impact on the welfare and efficiency of these volunteers.

VFBV has an established statewide representative network of volunteer delegates who work collaboratively with CFA officers, staff and the public in all Districts to identify matters that may impact, impede or prevent community based volunteers from performing their obligations. Without this model of volunteer engagement and involvement CFA would be incapable of performing its role.

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 they 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 organization 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.

This includes:

- 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.
- 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.

VFVB on behalf of CFA volunteers would indicate that our CFA volunteers strongly support the WHS Act, Regulations and Codes of Practice arrangements and do not seek any exemption from their obligations or duties under such arrangements.

As partners with CFA officers, staff and the public through our community based partnerships, the health and safety of all concerned is paramount and complements our mission to protect life and property of members within these communities.

Yours sincerely



**Andrew Ford**  
**Chief Executive Officer**