

**IN THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

**IN THE MATTER of the Victorian Firefighting
Industry Employees Interim Awards 1995 Division
B**

**AND IN THE MATTER of a Review pursuant to
the Workplace Relations and Other Legislation
Amendments Act 1996**

C No 37547 of 1997

C No 31397 of 1998

C No 31407 of 1998

JOINT SUBMISSIONS OF CFA AND THE UFL

Since this matter was last before the Commission on 24 September 1999, the parties (CFA and the UFL) have in consultation with each other and for the purposes of item 51 of the Workplace Relations and Other Legislation Amendments Act 1996 (Cth) (the WROLA) reviewed and re-examined the issues involved in the proceedings. In that process they have reconsidered their views as previously expressed to the Commission regarding the nature of the industry and the appropriateness of a number of the parties' proposed variations to the Award. They are now agreed that a number of variations to the Award that were previously proposed are not appropriate and should not be made.

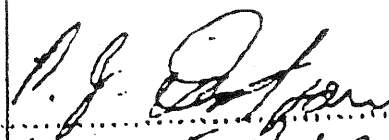
The parties are almost in the position to provide the Commission with a draft Award which they agree should be made as the outcome of award simplification.

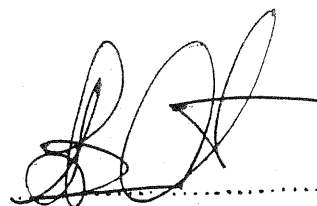
In that same process of review and re-examination of the issues the parties have determined to actively resume their enterprise bargaining negotiations with a view to reaching an agreement for certification by the Commission in the very near future. As an earnest of their intention to reach such an agreement they have agreed to arrangements for the appointment of an independent facilitator to assist in those negotiations. They agree that if necessary that person will be selected by the Minister for Police and Emergency Services. In furtherance of the objective of reaching such an agreement the UFL is terminating its Notice of Intention to take industrial action.

In accordance with the outcome of their review and re-examination of the issues in the proceedings the parties now state their agreed submissions on a number of the issues in the proceedings.

1. CFA does not seek any variation to the award to provide for the employment of 'day' firefighters or officers on a lower rate of pay or lesser conditions than those applicable to firefighters and officers on the 10/14 roster.
2. The parties consider that it is not appropriate to employ part-time firefighters or officers in the CFA.
3. The parties agree that the rates provided in the award are properly fixed minimum rates.
4. CFA does not seek any variation to the award to alter its current provisions in respect to higher duties as those provisions meet the relevant criteria in the WROLA.
5. The parties submit that the award provisions in relation to transmission of business are within the Commission's jurisdiction and power.
6. The parties agree that the jurisdictional issue regarding the award's provisions in respect of redundancy and related payments should be determined by the Commission after written submissions from the parties.

The parties are still engaged in discussions on other outstanding issues. The parties intend to agree on variations to the award which they submit accord with the provisions of section 89A of the *Workplace Relations Act 1996 (Cth)* and item 51 of the WROLA and then provide the Commission with a draft award. The parties accordingly request that the Commission allow the parties to continue discussions on Thursday 25 and Friday 26 November 1999 and appear again before the Commission on Monday 29 November 1999.


P. J. O'Farrell
Manager Employee Relations
On behalf of the Country Fire Authority
24 November 1999



On behalf of the United Firefighters' Union
24 November 1999

**IN THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

C No 37547 of 1997
C No 31397 of 1998
C No 31407 of 1998

IN THE MATTER
of the *Victorian Firefighting Industry Employees*
Interim Award 1993 Division B

AND IN THE MATTER
of a Review pursuant to the
Workplace Relations and Other Legislation Amendments Act 1996

FURTHER JOINT SUBMISSIONS

1. As foreshadowed in the CFA and UFU joint submissions to the AIRC on 25 November 1999, the parties have had further discussions and are now in a position to provide the Commission with a draft simplified Award that they submit accords with the requirements of the *Workplace Relations and Other Legislation Amendments Act 1996 (Cth) (WROLA)* and the *Workplace Relations Act 1996 (Cth) (WRA)*. A copy of this Award is attached to this submission and the parties will seek to tender this.
2. In these submissions, the parties make further submissions to the Commission on a number matters, namely: day firefighters; part-time firefighters; and rates of pay.

A. DAY FIREFIGHTERS

3. The draft Award makes it clear that firefighters and fire officers may be employed on the 10/14 roster, the 'not subject to the 10/14 roster' basis or on the special duties

roster. Such employees are paid the same total weekly wage under the Award as firefighters or fire officers on a 10/14 shift roster.

4. Since 1986 the CFA has not employed any firefighter or fire officer pursuant to the Award on other than the 10/14 roster, the special duties roster or the 'not subject to 10/14 roster' basis.
5. The parties accordingly submit that the Award provisions relating to day firefighters are obsolete.
6. Consistent with the provisions of the WROLA, the parties submit that the Award ought be varied by removing the obsolete provisions of the Award.
7. Consistent with the provisions of the WROLA, the parties submit that the Award ought be varied to avoid any confusion and to clarify that the wages to be paid under the Award to various firefighters within any given rank are the same.

B. PART-TIME EMPLOYMENT

8. The parties submit that, having regard to the nature of the industry and of the firefighting occupation, it is not appropriate to employ part-time fire fighters and officers in the CFA. Accordingly the Commission need make no variation to the Award in this regard.

C. RATES OF PAY

9. The parties submit that the Award rates of pay provided for firefighters and fire officers are properly fixed minimum rates of pay. In paragraphs 10-14 the parties briefly summarise the relevant award history to that effect.
10. Following the *August 1989 National Wage Case Decision (NWC)* (Print H9100), the rates of pay and the classification structures were comprehensively reviewed by the parties and by the Industrial Relations Commission of Victoria (IRCV) to ensure that the Award complied with the NWC principles. As submitted below, three increases to the Award rates were granted because the principles of the NWC had been complied with. Since that time the only increases to the rates of pay have been 'safety net' increases.
11. First Structural Efficiency Principles (SEP) increase The Parties agreed on a Joint Statement on 19 September 1989 which committed them to major reforms of the fire service in the context of structural efficiency negotiations. On November 1989, the parties entered into the *CFA Structural Efficiency Enabling Agreement* that outlined specific principles to govern the structural efficiency process. The MFB and UFU entered into another Structural Efficiency Enabling Agreement in November 1989 in similar terms. This was signed on 22/11/89 by the UFU and MFB. The first SEP increase became accessible following a commitment to restructuring in accordance with the SEP. Decision D89/1395 on 22 November 1989 granted the first SEP increase to the MFB and CFA.
12. The UFU applied to the CFA Operational and Operational Support Conciliation and Arbitration Board on 21 September 1990, for the establishment of a new award – the *CFA Operational and Operational Support Award 1990*. This amalgamated two

previous CFA awards. The Commissioner considered whether the proposed award would infringe the SWC or NWC principles and held:

'The parties have addressed their minds to ensuring that the provisions contained in this first consolidated award are provisions that are consistent with the SWC Principles. There are no increases in salaries or allowances that have not been the subject of approval of either the Full Bench or approval by this Board'.¹

In addition, the Commissioner noted that the SEP had not been infringed.²

13. The second SEP increase On 31 May 1991 a Full Bench of the IRCV, hearing the matter as a special case, held that the second SEP increase was justified.
14. The third SEP increase As a result of the *State Wage Case* on 15 July 1991 (Decision D91/0300 of the IRCV), a further 2.5% (maximum) SEP increase became available upon application. On 15 August 1991 the IRCV granted the third SEP increase (Decision D91/0345).

Safety Net Increases

15. Following the variations to the classification structures and the wage rates in accordance with the *National Wage Case Decision 1989* and the structural efficiency principles, the only variations to the Award rates of pay have been safety net increases. These increases are as set out in the following table.

¹ At 2.

² At 3.

Classification n	Nominal Relativities	Safety Net Adjustment 1 C. No. 34859 ³ Nov. 1994 \$8.00	Safety Net Adjustment 2 C. No. 32549 May 1995 \$8.00	Safety Net Adjustment 3 C. No. 34194 ⁴ Oct. 1996 \$8.00	Safety Net Adjustment 4 C. No. 32933 ⁵ June 1997 \$10.00	Safety Net Adjustment 5 C. No. 36508 ⁶ Sept. 1998 \$12-14.00
Recruit (10week)	88	405.70	413.70	421.70	431.70	445.70
F/F Level 1	88	582.93	594.42	605.91	615.91	640.40
F/F Level 2	90	594.71	606.20	617.69	627.69	652.20
F/F Level 3	92	607.93	619.42	630.91	640.91	665.40
Qualified F/F	100	659.51	671.00	682.49	692.49	717.00
Qualified F/F (with L/F Quals)	105	691.98	703.47	714.97	724.97	749.50
Senior F/F	110	724.31	735.80	747.30	757.30	781.80
Leading F/F	115	756.78	768.27	779.77	789.77	811.40
Station Officer ⁷	125	821.59	833.08	844.57	854.57	876.20
Snr Station Officer	135	886.39	897.88	909.37	919.37	941.00

Ernie Russell

On behalf of the Country Fire Authority
30 November 1999

1 December 1999

P. J. Marshall

On behalf of the United Firefighters' Union
30 November 1999

1 December 1999

³ Print L5300.

⁴ Print M5600.

⁵ Print P1997.

⁶ Print Q1998.

⁷ The classification levels of Station Officer and Senior Station Officer were replaced by the terms Fire Officer Grade 1 and Grade 2, respectively to distinguish the CFA from the MFB.

**IN THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

C No 37547 of 1997
C No 31397 of 1998
C No 31407 of 1998

IN THE MATTER
of the *Victorian Firefighting Industry Employees*
Interim Award 1993 Division B

AND IN THE MATTER
of a Review pursuant to the
Workplace Relations and Other Legislation Amendments Act 1996

WITNESS STATEMENT OF GREGORY ALAN PATERSON

I, Gregory Alan Paterson, of 518 Springvale Road, Springvale, in the State of
Victoria, state the following:

1. I am a Fire Officer Grade 2 stationed at Springvale Fire Station. I have been employed by the CFA for seventeen years. I have been stationed at Springvale for 7 years.
2. From December 1982 to 1984 I was employed as a day Firefighter at Doveton and I started work 0700 hours and worked until 1700 hours. There were 4 day firefighters at Doveton. I was promoted to a shift firefighter at Dandenong in May 1984. I then worked at Dandenong until 1986.

3. I have extensive experience with training that commenced when I was promoted to a Station Officer at Morwell in March 1986. I transferred from Morwell to the CFA training college at Fiskville in September 1988 where I was an instructor for 4 years. My duties there were recruit training (including 2 CFA 13 week recruit courses and 12 months in the Volunteer Training Workgroup).
4. I was the CFA's representative on the National Fire Industry Training Development project that developed and implemented Australian Fire Services Competencies from 1989 to present. The competencies are the standard for all Firefighter training throughout Australia. The CFA have adapted their training to the AFC standard. Volunteer training and courses are also aligned with the competency standards.
5. Now produced and shown to me and marked with the letters "GP1" is a document outlining the Australian Fire agencies Competency Standards 1994 requirements as to what constitutes 'Level 1'. Pages 3 to 5 of that document explain the role of AFC's.
6. Now produced and shown to me and marked with the letters "GP2" is Appendix A to the CFA document entitled 'Training Opportunities'. This Appendix explains the competencies that are required for each level of employment within the CFA.
7. Springvale Fire Station is located close to the MFESB/CFA interface. 'Mutual aid' procedures are in place between the two services which means that MFESB appliances will support CFA appliances in certain circumstances. Approximately 50% of the calls Springvale attends involve either support to or

support from MFESB stations. Firefighters at Springvale regularly attend combined training with MFESB firefighters.

A. THE 10/14 SYSTEM

8. A significant aspect of employment on a 10/14 shift basis is that firefighters are aware of the skills and competencies of their fellow workers. I have many times become aware through training or operations that a co-worker needs further training in a certain discipline. As a shift we then ensure that that person receives sufficient training. I do this because I have to be able to rely with my life on the skills of my co-workers.
9. Knowledge of co-workers' abilities is also made possible because of the nature of shift-work. By spending all your working hours in close proximity to your co-workers you become aware of others' strengths and weaknesses. You also become acutely aware of how your co-workers operate and act in particular situations. It is only because of this absolute knowledge and trust that I am prepared to expose myself to life-threatening situations as part of a team.
10. If I do not have this knowledge or trust of my co-workers I would not work as effectively. Only under exceptional circumstances would I put in a position of responsibility, supervision or command a person whose skills and capabilities I haven't been exposed to on a regular basis.
11. Full confidence and trust in your fellow firefighters is vitally important to the success of any operation. I need the ability to be able to delegate tasks to my co-workers and know that they will be performed in an efficient and reliable manner.

12. Because of the 10/14 shift system, I have sufficient confidence in my co-workers such that I am willing to put myself in life-threatening situations.

B. PART-TIME FIREFIGHTERS

13. Part-time firefighters would negatively affect the harmonious and effective operation of the 10/14 shift. There would be a number of negative consequences for the effectiveness of the fire service we provide to the community.
14. From my experience with training, it would not be possible for shift firefighters working on a shift station to provide enough training to a part-time firefighter working on their station. Our training schedules are tightly organised around the needs of shift staff. They work as a team and have developed strategies for training themselves and allowing for skills maintenance and skills development for people on their shift. For example, if a Firefighter wanted to do a Leading Firefighter module we would facilitate this. We plan our training according to the goals set for the station and for the shift.
15. The changes that would be required to platoon priorities to accommodate the needs of part-timers as proposed by Russel Rees would be impractical and inappropriate. I would not and could not rearrange the training needs of shift personnel to meet the needs of a part-time employee.
16. With part-timers 'straddling' shifts, these problems would be increased. A part-time employee would start their day's work while one platoon was mid way through its shift. A significant amount of the part-time employee's working time would overlap with the duties associated with changeover of

shifts. The part-time employee's hours of work may end mid-way through another platoon's shifts. When the part-time employee came back to work the next day, there may well be different platoons at the station. I believe it would be very difficult for the shift workers to be satisfied part-timers were receiving sufficient developmental training and skills maintenance.

17. Further, I would not give a part-time employee responsible tasks to carry out without the supervision of firefighters from my platoon. This would occur regardless of the part-time firefighter's rank. If other Fire Officers were of a similar mind, the part-time employee would not be given responsible tasks at any time during their employment and could not be adequately trained.
18. My area adjoins an MFB area. We carry out combined drills with MFB firefighters on B platoon in our area on a regular basis. A part-time firefighter would not necessarily attend these combined drill sessions.
19. As part-time employees would not be part of a shift, there would be a perception amongst shift staff that part-time employees were not fully competent. There would be a lack of trust in part-time employees and this would disrupt the teamwork that would exist as part of the ordinary operations of the 10/14 shift.
20. Firefighters would be extremely upset and their morale would be affected if rostering systems were altered at their station and new systems of employment introduced without their consent. The introduction of part-time employment by the CFA would be perceived as a provocative move designed to create disruption and lower morale. This would be another factor which would foster industrial disharmony at my station in relation to part-time employees.

21. I exercise a substantial amount of control over formal and informal training of fellow shift employees. Due to their hours of work and for the above reasons, I would not be able to exercise the same amount of control over the training program of a part-time employee. As a supervisor, because of this lack of exposure and control, I would not be able to presume that a part-time employee's training needs have been met and that that employee is able to operate effectively as part of my team.
22. Based on the above reasons, having a part-time Firefighter would affect the operational decisions I make. Having a part-time firefighter would be a factor I have to consider in choosing strategies on the fire ground. This will adversely impact on the effectiveness and efficiency of operations. For instance, I am unlikely to commit a firefighting crew in breathing apparatus (BA) to an internal fire attack if part of that crew is a part-time Firefighter who I don't know and in whose skills I cannot fully trust. Instead I may use a more "defensive" type of fire attack where I can maintain adequate supervision of the crews.
23. I attend factory fires on a regular basis. For example, on Monday 26 July 1999, Springvale attended a factory fire in Regal Ave involving a clothing manufacturer. There was heavy smoke logging of the area and to locate the seat of the fire required an internal investigation and fire attack by a crew in BA and equipped with a 38mm hose line.
24. If a part-time employee was part of this crew, I would be reluctant to commit a part-time and a full-time firefighter to an internal attack team. Given the circumstances surrounding the Springvale Fire District and the fact that

Springvale is often supported by MFESB crews, I would probably delay internal attack operations until our support from MFESB arrived on scene. In this example, because of the mutual aid procedures, MFESB support will and did occur. While waiting for MFESB support to arrive on scene, fireground preparation would take place and strategies would be developed and we would put an emphasis on protection of surrounding properties. Once appropriate crew was established we would commit to internal fire attack. I would make these decisions because safety of crews would be the priority. In the case of the Regal Ave fire, a delayed internal fire attack may have resulted in a greater loss of property. The decision not to commit crew to an internal attack can be described as a “defensive” approach. Such an approach results in greater likelihood of more property damage.

B.1. Part-time Leading Firefighters

25. I understand that the CFA intends to employ firefighters at the rank of Leading Firefighter. Now produced and shown to me and marked with the letters “GP3” is a copy of a “CFA Update” signed by Brent Jones, Director Human Resources, which contains the following words at page 7:

“Two part time leading firefighter positions are proposed for:

- Region 7 - Shepparton”

26. I am very concerned at the prospect of having a part-time employee as a Leading Firefighter at any station in the CFA. A Leading Firefighter carries out many operational duties from hands on firefighting to command and control and, probably more often than not, as a Sector Commander/Liaison

Officer as part of the overall operations. I believe the Leading Firefighter role is almost as important as the officer's role in as much as the Leading Firefighter is assisting the officer with the application of overall strategies.

27. In addition to the reasons above, employing a part-time firefighter at leading firefighter level would be disastrous for the following reasons:

27.1. Unless a Leading Firefighter works on a full-time basis, I would have serious doubts as to whether competencies are being maintained.

27.2. Formal Command and control qualifications are only a basis for being a Leading Firefighter. It is absolutely essential that these qualifications are supported by practical experience in command and control roles, responsibilities and functions. Integral to the success of any operation is that the Leading Firefighter in question has worked with the firefighters they are commanding so that the firefighters know and trust the Leading Firefighter and vice versa. I do not believe this can occur if the Leading Firefighter is not working full-time hours and part of the same platoon as the Firefighter's.

27.3. If the part-time leading firefighter is given primary responsibility to perform other roles such as Community Education or Volunteer Training, the earlier concerns regarding part-time employment have added force as there will be less time available for the part-time employee to attend to the 'operational' aspect of their duties.

27.4. Given the time spent training volunteers and maintaining skills to train volunteers, it is difficult to see how a part-time leading firefighter as proposed by Russel Rees and Alan Davies would be able to maintain the basics required to be an operational leading firefighter.

27.5. In addition to the operational skills required of a firefighter, training of volunteers requires a certain level of competence. A part-time employee responsible for training volunteers would require the necessary qualifications, knowledge, skills, attitude and experience associated with Leading Firefighter responsibilities, including being Trainer and Workplace Assessor.

B.2. Part-time Fire Officers

28. I would be strongly opposed to having a part-time officer appointed or replace another officer on shift. Career officers or firefighters would not have the confidence or trust in that individual's abilities.

C. DAY – FIREFIGHTERS

✓ 29. Employing firefighters and paying them only the base rate of pay would create a second and lower class of employee within the CFA.

✓ 30. When I was employed as a day firefighter, even though I was of the same rank as other shift firefighters, I was treated as being of lesser status than those shift firefighters due to the difference in pay. I was treated like a labourer. I wasn't respected for my skills or abilities. It was accepted that I had to be supervised all the time. It was seen as a promotion to become a shift firefighter after being

a day firefighter even though it was employment at the same rank and I used the same skills.

31. I remember that there was significant industrial disharmony within the CFA when there were day firefighters and shift firefighters on different rates. This was the case even though day firefighters did not work on shift fire stations. This disharmony was resolved when day firefighters and shift firefighters were paid the same overall rates of pay.
32. If day firefighters were employed again now on the base rate only, and especially if these day firefighters were employed at the same stations as shift firefighters, the disharmony referred to above would be worse. It would be ongoing and thus have a greater impact. Morale amongst current employees would be severely adversely affected.
33. The sense of teamwork, essential to an effective firefighting service, would be reduced as co-workers of the same rank would be on substantially different rates of pay. There would be resentment from day firefighters towards shift firefighters as the shift firefighters would be earning more but doing the same duties and working a similar number of hours.
34. Shift firefighters would not respect day firefighters because of the difference in pay, even though they may be of the same rank. I would have to be aware of this as an issue when commanding and managing the people on my shift. It may affect the operational decisions I make as I may not be sure that the two types of firefighters – day firefighters and shift firefighters – worked together as a cohesive unit.

35. Day firefighters' training needs would be affected when working alongside shift firefighters. Training is organised on a shift basis and a day firefighter would not be 'linked' with any particular shift. That is, their hours of work would span various shifts. Platoons would prioritise their own training and skills maintenance needs over those of a day firefighter. This will have a negative effect on the skills acquisition, skills maintenance competence and morale of a day firefighter.
36. The employment of people at the same rank on less pay would be perceived as a threat to the conditions of shift firefighters. This would affect shift firefighters' sense of commitment to their job and to the CFA.
37. These divisions between firefighters as discussed above would affect my roles as a supervisor. The loss in morale, lower commitment, resentment and division would be something I as a supervisor would have to manage. The effectiveness of our teamwork and our fire service would be increased if these problems were absent.

D. HIGHER DUTIES

38. A firefighter should not act up more than one rank. An increase in supervisory and management responsibilities of more than one rank could put someone with little command experience in a position where they are responsible for the safety of firefighters under their control and of the community generally. Such positions of responsibility should only be given to people of proven experience.

39. As someone with extensive experience in training, I emphasise that it is one thing to possess formal competencies and another entirely to have experience in command situations. Experience allows a fire fighter or fire officer to develop skills in command, supervision and effective delegation. These are particularly essential qualities in an emergency service where a person may be required to deal with a dangerous and life threatening incident. Allowing someone who does not possess this experience to act as someone who does is dangerous.
40. It is unreasonable to expect someone to have the skills, experience and maturity to act up more than one rank. To put someone in a situation where they are responsible for decisions that may be the difference between life and death when they do not have such experience could adversely affect their ongoing confidence and usefulness in the CFA.

1 Australian Fire Agencies Competency Standard 1994, Level 1

2 CFA Training Opportunities: Appendix A, 18 August 1998

3 CFA UPDATE #191, 2 July 1999

**IN THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

C No 37547 of 1997
C No 31397 of 1998
C No 31407 of 1998

IN THE MATTER
of the *Victorian Firefighting Industry Employees*
Interim Award 1993 Division B

AND IN THE MATTER
of a Review pursuant to the
Workplace Relations and Other Legislation Amendments Act 1996

WITNESS STATEMENT OF BARRY THOMAS

I, Barry Thomas, of 42 Rodbrough Crescent, Corio, in the State of Victoria, state as follows:

A. BACKGROUND

1. I am a Fire Officer Grade 2 employed by the Country Fire Authority ('CFA') and permanently appointed to the Corio Fire Brigade.
2. I have been employed by the CFA since September 1976 when I commenced as a Day Worker Firefighter at North Geelong Fire Brigade. Since that time, I have gained promotion to the positions of Senior Firefighter, Station Officer Grade 1 and Station Officer Grade 2. At times I have performed higher duties as the Officer in Charge of both Norlane and Corio Fire Brigades.

3. I have worked at a number of different CFA fire stations including Norlane, North Geelong, Geelong City, Belmont, Warrnambool and Corio.
4. I have attended a number of CFA conducted training courses including hazardous materials handling in emergency situations, advanced fire protection, fire investigation, advanced fire investigation, incident control systems and teacher training.
5. I have also attained the Certificate of Fire Technology from Ballarat School of Mines. Now produced and shown to me and marked with the letters "BT1" is a copy of the certificate.
6. I am a qualified as a workplace assessor, having completed the module 'Conducting Assessment' as part of the Certificate IV in Workplace Training through University of Ballarat. Now produced and shown to me and marked with the letters "BT2" is a copy of the Statement of Achievement.
7. I am part of the Corio Management team. The Management Team is responsible for the management of the fire station. I have been involved on the interview panel for the recent appointment of Leading Firefighter at Corio Fire station. I was active in the development and remain active in the implementation of a new management structure currently on trial at Corio.
8. I am the Team Leader responsible for training at Corio Fire Station. Now produced and shown to me and marked with the letters "BT3" is a diagram illustrating the structure and functions of the Corio Management Team. The training function involves training of both CFA permanent staff and CFA

volunteers. There are 23 permanent firefighters and fire officers attached to Corio fire station and about 30 active volunteers.

9. I have been a member of the UFU since I commenced employment with the CFA. I have represented the UFU in a number of working parties and negotiations with the CFA. Some of the more significant matters I have been involved with include the conversion of day firefighters to shift firefighters in 1983-84; the establishment of a 38 hour week for firefighters; the reduction in hours of duty for CFA Station Officers from 72 to 56 and the establishment of a 38 hour base for Station Officers; the establishment of clauses in the Award prescribing Expenses and Relieving Allowances and the Rank Restructure Project. I was on the Victorian Branch Committee of Management ('BCOM') from 1979 to 1988. Each time I stood for election to BCOM there was a contested election and I was elected. I am no longer on BCOM as I did not stand for re-election to the 1989 committee.
10. I was introduced into rostering by being placed on a UFU roster sub committee in 1979. This committee looked at roster issues both within MFB and CFA. I have been actively involved in rostering since this time. As a result of my participation in that sub-committee I have obtained extensive knowledge and understanding of rostering principles. I represented the CFA in the rostering committee established in early 1991 to oversee the implementation of the 10/14 system for officers.
11. On behalf of the CFA I have provided verbal and written advice to a number of CFA officers throughout the State on rostering principles and practices. For example, in 1991 I was asked by the CFA to design a roster for the officers

which would better utilise existing manpower. I did that and the roster I designed was implemented in that year and officers have worked under it since.

12. I have also developed a computer generated rostering program to assist me in my rostering. The program was extensively utilised in the CFA including by rostering officers in Dandenong, Doveton, Chelsea, Springvale, Frankston, Shepparton and Morwell. The program, or a program similar to it, is used in many locations today. The program provides a spreadsheet detailing the work commitments and availability of individuals over a cycle of 88 weeks. From 1991 until 1995 I was also responsible for rostering in Region 7.
13. I have considerable expertise regarding rostering in the CFA and have maintained and improved my knowledge of rostering throughout my employment. I am still regularly asked by the UFU and the CFA to advise on matters concerning rostering. For example, I am currently assisting the CFA to resolve a problem relating to Alignment of Leave Cycles. The CFA is paying me at overtime rates for all travel and work on the project. Now produced and shown to me and marked with the letters "BT4" is a signed agreement confirming my involvement in this project.

B. THE PROFESSION

B.1. Teamwork

14. Being a firefighter or fire officer is a unique profession. My co-workers and I may at any time be subjected to dangers that are life threatening. As a matter of course we enter areas that we are trained to advise the public to leave. Now

produced and shown to me and marked with the letters "BT5" is a copy of an advertisement from a newspaper for CFA Firefighters. I agree with that part of the advertisement that states that a firefighter must:

"have excellent communication and interaction skills and have the ability to work under adverse physical situations involving for example heights, confined spaces, heat and poor visibility. The position will involve shift work and the potential to perform duties outside normal working hours. You may also be required to work in hostile environments which may be physically, mentally and emotionally demanding."

15. Now produced and shown to me and marked with the letters "BT6" is a copy of a document produced by the CFA called "Firefighter Application Information". I agree with that part of the document at page 2 that states:

"Firefighters work in teams in the front line saving lives and protecting property. As well as fighting fires Firefighters attend road and workplace accidents and chemical spills. A firefighter has personal integrity, is community orientated, accepts responsibility and enjoys working as part of a team."

I also agree that the duties listed on pages 2 and 6 of this document are performed by a firefighter.

16. Firefighters responding to any emergency rely heavily on teamwork to survive any situation that may become life threatening. The very basics of operations require firefighters to put their lives in the hands of other firefighters. For example, when entering a burning dwelling to effect a rescue, the only safe manner is for two firefighters to enter together. As stated in the Chief Officer's Standing Order, a copy of which is now produced and shown to me and

marked with the letters "BT7", it is the incident controllers responsibility to ensure personnel undertake tasks in a safe manner. In such a situation, a firefighter must trust that the incident controller has assessed the incident correctly and made the correct decisions. The pump operator must be able to keep the supply of water up to the branchman. The firefighters entering the building also want to know whether the other person entering with them is someone they can rely upon. Proper teamwork allows us to fight a fire "offensively" – we put our lives at risk to successfully perform an operation. If this teamwork and total reliance on my co-workers are not present I may find myself inside a burning building with nothing to protect me. Unlike most other professions, the consequences of a lack of teamwork may be fatal.

17. The significance of teamwork is magnified many times when it comes to industrial fires or incidents as the consequences of a fire can be catastrophic. As a firefighter located at Corio, I am responsible for responding to calls to the Shell Refinery and to many other industrial sites. In my experience, permanent firefighters attend calls to such places before volunteers. The staff first on scene are required to perform the more dangerous and difficult tasks.
18. For a major incident at Shell, for example, we will turn out four people. Two will be on the aerial appliance and two will be on the pump. In such a situation I would usually be one of the 2 on the pump. It is an essential part of my role that I leave the pumper and go to talk to the shift controller from Shell. The person left on the pump would effectively be the brigade control point.
19. With the limited initial resources we provide at a fire, I rely heavily on the person left on the appliance to perform the tasks we have trained together,

such as sourcing water supplies, ensuring that reserves of water are available, securing the scene, acting as a marshalling point for incoming resources and communicating with me on those issues he or she understands that I need to know.

B.2. Teamwork and the 10/14 roster

20. A crucial way that teamwork is developed so that we have optimum operational capacity is through the shift system. Each shift at a station is comprised of a group of firefighters who train and work together to develop the trust and knowledge of each other's abilities and reactions to pressure situations. Due to the amount of time each shift spends together, we effectively live "in each other's pockets."
21. Each shift has their own normal method of operation. I don't always need to give orders because I know how my co-workers will operate. When people work overtime or who otherwise aren't part of our roster work with us, I notice the difference in the method of operation. Working becomes less 'automatic' and the shift is commonly less effective for that reason.
22. Spending considerable amounts of time together is also integral to ensuring that the firefighters trust the person in command. Such trust and respect is developed over time and through continued contact with the firefighters on a shift.
23. I am prepared to put my life at risk and fight a fire "offensively" because I have full confidence that my coworkers are fully trained. I know this because I have trained them and trained with them. I spend a significant amount of "non-

fireground" time with my co-workers engaged in skills maintenance, debriefing and training.

24. Skills Maintenance is an important part of a Firefighter's duties. This involves spending time on shift demonstrating skills that the Firefighter has already learned with the aim of ensuring that the Firefighter remains competent in those skills.
25. We will often spend time on shift debriefing and discussing issues arising out of a recent firefight. By way of example, it is often the case that a spontaneous 5 minute discussion or drill can result in hours of discussions or drills as we attempt to ensure our skills are adequate. Performing such activities together gives me confidence in the skill levels of my co-workers.
26. Training involves a wide variety of subjects including short duration drills and lessons that require a definite outcome; such as Safety and Survival, where a Firefighter would be required to show that they could use a certain piece of equipment. Now produced and shown to me and marked with the letters "BT8" are documents detailing training completed at Corio Fire Brigade. As can be seen, such training involves all persons on the shift. Such training is organised on a station by station basis and is not part of an overall CFA strategy
27. As we are all working together on the same shift and reliant on each others' skills and abilities, we are confident that essential tasks will be performed properly. For example, each day an extensive check of a truck is performed involving a thorough check of its equipment, ^{and will see} removing ladders and jacking the

cabin of the appliance. This way, the people who will be driving and relying on the truck are the same ones who are attending to the appliance and thus the shift trusts that the work has been done properly.

28. Further, a significant amount of informal training occurs on shift. I and other more experienced firefighters ensure others are sufficiently trained and, where a deficiency is apparent, we encourage them to rectify it. We make sure everyone on the shift is committed to their job and "up to speed".

29. As we work in a team employed on the same shift and spending significant amounts of time together, we can assess a co-workers' needs and attitudes and take action to address problems. One such case was a leading firefighter on my shift who appeared to become stale in his approach to his job. This had nothing to do with his skill level. After discussion with him I was able to get him to perform higher duties as a fire officer at another fire station for a number of months. He returned to our shift with significantly improved morale. It is only possible to make such assessments because shift firefighters are working closely together. It is very difficult to "informally" assess the deficiencies of someone who is not working on the same shift full-time.

C. PROPOSED PART-TIME EMPLOYMENT

30. The CFA's proposal for part-time employment would be detrimental to the CFA's ability to provide an effective fire service. Significant problems arise in relation to part-time employment of firefighting personnel. Below I address the operational problems which would arise: from implementing this proposal under the following headings:

- Defensive firefighting
- Training and Skills Maintenance
- Industrial Harmony
- Command

My statement also focuses on the proposed rationale for part-time firefighters, addressing:

- The absence of data supporting day or part-time firefighters
- So-called “peak demand” times
- Manning
- Training
- The current training needs of firefighters

From what I say at paragraphs 91 to 101 it is apparent that there is sufficient existing flexibility under current employment arrangements for the CFA to meet its perceived needs.

C.1. OPERATIONAL PROBLEMS

C.1.1. “Defensive” firefighting

31. Firefighters would be more cautious and concerned about their safety on the fireground working with a part-time employee than if they were working only with people on their shift. Firefighters are very alert to anything which might compromise their teamwork and affect the trust they have in their fellow firefighters. I have no doubt that firefighters would be more reluctant to put

themselves at risk when working with a part-time employee. This would greatly affect my operational capacity and that of my shift.

32. For example, as a Fire Officer responsible for assessing the situation at a burning dwelling I would have to consider the effect of having a part-time employee present. If this person working on the pumper were a part time employee then my focus would include his actions as well as the planning of the firefight as I would need to be mindful of the skills, experience and previous exposure of the part time employee. This would affect my willingness to leave the pumper and would not allow me to devote my full attention to planning the firefight. Firefighters would also have doubts regarding the competence of a part-time employee and would not view him of their team and would be less likely to put themselves in a life threatening situation.

33. I would choose to fight the fire "defensively". That is, we would not go inside and do a search. Instead we would fight the fire from outside of the building. This could endanger life if we were unaware someone was inside. It is very likely to result in increased property damage. There is greater likelihood of putting a fire out if we are working from inside. Simply put, the more defensive a firefight the greater the likelihood of serious injury or death of occupants or increased property damage.

34. A part-time employee who is not part of a 10/14 team and who has not had experience working with that team will affect the proper operation of that team. In such a situation, firefighters will be more reluctant to put themselves at risk.

C.1.2. Training and skills maintenance

35. As detailed above, training is organised on a shift basis and occurs over a spread of hours which does not coincide with the proposed hours of employment for the part-time employees proposed by Mr Rees and Mr Davies in their statements of 23 July 1999.
36. Due to the hours of their work and the fact that they would not be spending all their working hours with one particular shift, a part-time employee who 'overlaps' shifts would not be exposed sufficiently to all of these aspects of skills maintenance. It would be extremely difficult to ensure that the part-time employee is at the required level of competence and receives sufficient skills maintenance training. Accordingly, if part-time employees are to 'straddle shifts' or work within a shift, it would be highly impractical if not impossible for each 10/14 shift to rearrange their skills maintenance training to ensure that the part-time employee was adequately trained. Even if it were so rearranged, it would entail an inefficient use of resources.
37. If the CFA is proposing that the part-time employee will have a separate training regime, and a full-time employee perform the duties of the part-time employee while the part-time employee engages in their 10 hours of training, this would also be an inefficient use of resources.
38. Further, shift meetings are a necessary part of our communication process in that they set the focus for the day or any following period. Shift meetings held on days or at times when a part timer were not on duty would see those part

timers not being aware of the shift focus. Many of these meetings are held on night shifts.

39. The part-time employees proposed by Mr Rees at paragraph 27 of his statement will spend 10 hours - almost half of their working hours - engaged in skills maintenance. Due to their proposed hours of work, they would not be attached to a particular shift and that shift's training schedule. Rearrangement of shift activities to meet part-time training needs would affect the ability of the full-time employees to train.

C.1.3. Industrial harmony

40. I consider that the introduction of a part-time roster system would negatively affect staff morale and industrial harmony. Based on my experience, as a shift manager I am concerned that CFA would not be able to continue let alone improve its current service delivery. I am well aware that our service delivery is directly related to the team environment and the employees willingness to achieve. If significant changes are introduced which affect those who deal with firefighting emergencies, it will inevitably lead to inefficiencies related to the negative effect such changes will have on employee morale.
41. It is inappropriate to introduce part-time employees if for no other reason than that employees would see it as contrary to their interests and needs as referred to above and this would negatively affect their performance and morale.

C.1.3.1. Consultation at Corio

42. Issues regarding the implementation of new staffing systems to meet perceived demands should be resolved through a full consultative process.

43. As Region 7 was listed on the documents given to us on 21/5/99 (referred to in paragraph ⁵⁷ 61 of this statement) as having 2 part time employees, on 23 June 1999 I spoke to Barry Foss, my Officer in Charge, in person ^(by phone) and asked to meet with my Area Manager, Lex de Man to do with the issue of ^{part-time general} ~~part-time~~ employment. Barry Foss said he would arrange the meeting. I told him I was happy for him to be there. That meeting was held on 25 June 1999 at about 1500 hrs at region 7 Headquarters in Lex de Man's office and Barry Foss attended. I said that we had been told area managers wanted part-time employees. I said you're my area manager, what's going on. He told me that such an issue had been raised. He said he was approached by Brent Jones at Headquarters and asked if he (Lex De Man) could use part-timers. He said he told Brent Jones he could but that it was a very quick discussion. Lex de Man then told me he believed it would go through the appropriate discussion process. I understood this to mean that this proposal would be discussed with the union. There were other matters related to this issue also discussed at this meeting. In a later phone conversation dated 29 July 1999 I spoke to Lex de Man and told him that I was intending to give evidence in these proceedings and discussed with him what aspects of my conversation I could refer to in my evidence. He told me I could refer to that part of my discussion that I have reported in this paragraph.

44. As a shift manager and part of the management team at Corio it is reasonable to expect that I would have input at management level into any proposal that was planned to operate at or impact on the conditions of Corio employees.
45. I am not aware of any discussions regarding part-time employees that have taken place with my Officer in Charge regarding part time employees working across stations.
46. Paragraph 28 of Mr Russel Rees' statement of 23 July 1999 makes mention of training. I would expect as a team leader for training at Corio and the station's representative on the Region 7 Integrated Brigade Training Committee, that I would have some input into the effective delivery of training in the Corio brigade. This has not been discussed with me.
47. I am not sure why the CFA thinks it is appropriate to employ part-time firefighters in my region. I do not perceive any such need. For the reasons detailed above, I believe it is inappropriate to employ part-time firefighters in our region.

C.1.4. Command

48. The above operational problems are magnified if the part-time employee is a leading Firefighter or Fire Officer. Such a person occupies significant leadership roles and is required to manage, command and control those under them. A part-time person in a supervisory position who is not part of a shift would have very little exposure to other members of the shift. Those other members would also have different superiors depending on whether a part-time employee was working a particular shift, detracting from the efficiencies

and productivities of the 10/14 system. These problems are further exacerbated if the part-time employee is performing a relieving role and is not only moving between shifts but moving between stations.

C.2. PROPOSED RATIONALE FOR PART-TIME AND DAY EMPLOYEES

C.2.1. Absence of data supporting part-time or day firefighters

49. I have been part of the UFU team involved in negotiation for a Certified Agreement with the CFA. I have also been part of the UFU team on Award Simplification and have been in discussions with the CFA about this issue.
50. Some of the issues in dispute between the UFU and the CFA include:
- The level of staffing at CFA fire stations;
 - Whether the CFA may employ “day firefighters”; and
 - Whether the CFA may employ part-time firefighters.
51. During these discussions, I have asked the CFA representatives on numerous occasions to supply information on the proposed part time and day work so that the UFU can evaluate it.
52. On or about 28 April 1999, I attended a meeting at CFA Headquarters along with a number of members of the UFU team and several representatives of CFA. Mr Len Foster, the Chairman of CFA, was in attendance. He spoke about a number of matters. One of the matters he spoke about was staffing. He said that an analysis of staffing at stations was underway and that once it was resolved, the information would be shared with the UFU. He expressed

concern that given the State Budget was to be announced soon, and that this would have implications for staff, he wanted to explain to the UFU the methodology behind the staffing analysis as soon as possible. He explained further that the analysis was not finished but that trends were emerging which showed that more stations were needed, especially to the west of Melbourne. He also said that the CFA wanted to employ day firefighters and part-time firefighters. He finished by explaining that next week he would tell us that 18 to 20 firefighters would be employed in the near future.

53. I don't remember who asked the question, but someone from the UFU team asked how staffing levels would be determined. Mr Foster said this would be explained in more detail next week when the "LaTrobe Valley model" was explained to us. Towards the end of the meeting, UFU members asked more questions about staffing and other matters.
54. Now produced and shown to me and marked with the letters "BT9" is a copy of a transcript of a media conference addressed by Mr Len Foster on 6 May 1999. I was not in attendance at this conference and did not read this transcript until later, however the statements made by Mr Foster are generally in accordance with his statements to us 28 April.
55. On 11 May 1999, I attended a meeting at CFA Headquarters along with a number of members of the UFU team and several representatives of CFA. Mr Trevor Roche, Chief Officer, was in attendance. This was the meeting referred to on 28 April. I expected that at this meeting it would be explained to me what the LaTrobe Valley model was and how it related to the questions about staffing levels and part-time and day firefighters. Trevor Roche explained that

the LaTrobe Valley Pilot project was in its infancy. In the La Trobe Valley, he said, the CFA had collected various types of information about fire risks and other data and had developed a model for determining scientifically where stations should be located and how they should be resourced. He said that this was a long term project. He then said that in the short term another process was being used to determine these issues but that in the future these two processes would be pulled together. Mr Roche then introduced David Nicholls who gave a presentation regarding the LaTrobe Valley project. Now produced and shown to me and marked with the letters "BT10" are copies of Mr Nicholls' Powerpoint presentations. During the course of his presentation he said it would be at least one year before this system could be applied elsewhere. Mr Nicholls did not mention how this system related to staffing levels, part-time or day firefighters.

in relation to the 1996 ESA

56. Mr James Hollyman then gave a presentation. He said that as the LaTrobe valley project was not complete, the CFA had collected various kinds of data in the "new career fire station" areas and that this – rather than the information collected in the LaTrobe valley study – was used to determine staffing levels. Now produced and shown to me and marked with the letters "BT11" is a copy of Mr Hollyman's presentation. I cannot remember who asked the question, but a UFU member asked how the data referred to led to the conclusion that certain numbers of firefighters were required at certain stations and on certain hours and conditions of employment. He said it followed an analysis of the availability of volunteers and discussions with brigades. It was apparent to me that, contrary to what was said on 28 April and 11 May, the system referred to by Mr Foster on 28 April was not used to determine the hours and conditions

of employment of the firefighters. In fact in relation to a direct question the Chief Officer replied that "professional judgement" had instead been used in determining staffing levels.

57. The first time that anyone from the CFA told me how many firefighters they wanted to employ on a part-time or day basis was on 21 May 1999 at a meeting between CFA and UFU representatives at Corio. The CFA representatives at that meeting gave us several documents. Now produced and shown to me and marked with the letters "BT12" are copies of those documents. These documents were discussed for several hours. I remember discussing with Mr Rees the employment of day workers at Eltham and explaining to him how the conditions of the award could provide the CFA with further flexibility. When questioned as to where the existing award was inflexible he had no answer. He said that other people tell him what to do. When asked if the matter was only to deal with cost, Mr McDonald, a representative of the CFA, intervened and said cost was important. I remember the UFU representatives pursuing the issue that "professional judgment" was not an acceptable way of establishing manning.

58. On the basis of the answers to my questions and those of other UFU representatives on a number of occasions, I am of the view that (1) the La Trobe valley model referred to by Mr Foster was not used to reach the conclusion that part-time and day firefighters were desirable, and (2) the method outlined by Mr Hollyman was not used to reach the conclusion that part-time and day firefighters were desirable, and (3) the CFA does not have

any data or scientific basis supporting their claims for part-time and day firefighters.

C.2.2. "Peak Demand" times

59. In his statement Russel Rees states his belief that part-time employment is necessary because of the perceived problems which arise because of the coincidence of "peak" call-out times with the changeover of shifts.

60. Assuming that Russell Rees is correct in his assessment of the "peak" call-out times, I consider that the current changeover of shifts in fact provides the optimal staffing structure for such times. In terms of fire response the time near the changeover of shifts is currently our most productive and efficient time. We effectively double our manpower. Our shifts currently change at 0800 hours and 1800 hours daily. At these times and up to 30 minutes either side of these hours the numbers available on station are greater than the normal minimum manning as staff attend or leave the station. At the change of shift the firefighting strength is doubled. If the on duty shift was out at a fire or call, there are a number of options open to the incident controller. Pursuant to the Award, he may:

- Bring onto the fire the oncoming shift and thus double the permanent staff strength at the fire.
- Bring on the oncoming shift to the fire and dismiss all or part of the off going shift.

- Hold the oncoming shift at the station and thus provide a primary response from the station to another call.

61. I have never heard any suggestion from management or anybody else that changeover of shifts was a problem for the CFA. If it were a problem, which I don't believe it is, capacity exists to change existing rosters to solve the problem. In my experience such changeovers are not a problem; to the contrary, during changeover there are more firefighters available than at any other time.

C.2.3. Minimum number of employees

62. I consider that prior to determining whether 'supplementary' part-time employees are appropriate, it is necessary to determine whether the existing 'core' complement of career staff is adequate.

63. In 1996 the CFA set its minimum number of employees at 278. At the time, I did not consider that this was a sufficiently high number of staff. I still consider this to be the case. In 1996 the UFU provided me with the information given to it by the CFA in relation to its proposal for a minimum number of employees. I analysed that information. It was apparent to me from that information that the CFA's calculations were in part based on a number of errors and that the minimum of 278 was clearly too low.

C.2.4. Minimum Manning

64. The CFA currently has minimum manning, at any one time, of 51 employees on shift. There is a minimum number of 278 employees to provide this manning across four shifts.
65. The inadequacy of current minimum manning can be demonstrated by reference to the situation at Corio. Corio Fire station is responsible for the area detailed on the map which is now produced and shown to me and marked with the letters "BT13". The Corio Urban Fire Brigade is located within the boundaries of the City of Greater Geelong and to the north of the Geelong CBD. The Corio Fire Brigade area is predominantly urban in nature and contains the majority of Geelong's industry. To the north & west of the Brigade area is the urban/rural interface. I have identified in the document now produced and shown to me and marked with the letters "BT14 the major non-residential areas of risk and related issues in the Corio fire district.
66. According to the Chief Officer's Standing Order 3.01, referred to in paragraph 16 above, there is a preferred minimum of four firefighters at the scene of a fire or incident. Corio's minimum manning is one Fire Officer 2, one Leading Firefighter and two Firefighters.
67. I do not believe that this number of four is sufficient to perform a safe fire attack. When Corio responds to an alarm at Shell Refinery, for example, the volunteers are paged for the fire but for safety reasons they must respond to the Corio Fire Station. The response to the scene is therefore slower than the normal response where volunteers attend a fire in their own transport. As

stated previously the responding officer from Corio must seek out and meet with the Shift Controller from Shell. Further, all of the criteria listed in the Chief Officers Standing Order 3.01 at point 2.2 apply to Shell Refinery. Therefore this standing order requires the responding officer to appoint a Safety Officer. Our response of four would now be down to two firefighters to perform any firefighting operations. Similar conditions apply to any major industry or large complex or a difficult residential fire.

68. It is unwise to rely on volunteer attendance to provide sufficient manning in many situations. Unfortunately, there are sometimes problems in obtaining volunteer attendance. I now refer to three instances of such problems.
69. **Geelong Grammar School – 22 May 1999.** This call reporting this incident was received at 9:55am on Saturday 22 May 1999 a day and time which is outside of the proposed hours of employment of the part-time employees proposed by Mr Rees. This school is a large residential school on the extremity of the Corio fire district. Because of the distance from the station to the school, our response time to a fire would enable any fire to develop. This school has a large life risk and poor water supply for firefighting. The dormitory accommodation is in two storey old style buildings with high fuel loads. In the event of fire it would take a great deal of trained firefighters to conduct a search or internal fire. On 22 May 1999, no volunteer responded to the call for their attendance. Now produced and shown to me and marked with the letters "BT15" is a copy of the fire report relating to this call.
70. **Grace McKellar – 9 June 1999.** The call reporting this incident was received at 5:59pm on Wednesday 9 June 1999, a time which is outside of the proposed

hours of employment of the part-time employees proposed by Mr Rees. Grace McKellar is a large aged care nursing home with many bed ridden patients. This call was to an alarm of fire caused by smoke from burnt toast setting of a smoke detector. Had this call been a fire there would have been insufficient firefighting crews to perform an evacuation and firefight. The supporting volunteer brigade also failed to respond. Now produced and shown to me and marked with the letters "BT16" is a copy of the fire report relating to this call.

71. **Residential address – 3 April 1999.** The call reporting this incident was received at 10:07 am on Saturday 3 April 1999, a day and time which is outside of the proposed hours of employment of the part-time employees proposed by Mr Rees. Upon arrival at the address it was apparent that the call was a malicious false-alarm. However, no volunteers responded to this call. Had this been a situation where we were required to perform a rescue, there would have been insufficient manpower to safely do so. Now produced and shown to me and marked with the letters "BT17" is a copy of the fire report relating to this call.

72. I do emphasise that these incidents are only examples. There are many other incidents that also occurred outside that "peak demand" time. These examples given above occurred outside of the times referred to by Russel Rees as "peak demand" times or outside of the days of work indicated to be performed by part-time employees.

73. The difficulty ensuring that volunteers are available is not confined to times other than "peak demand" times.

74. The fact that the CFA cannot rely upon volunteer response is illustrated by its decision in relation to the Lovely Banks Fire Station. Because there was a continuing inability to rely upon volunteer response in relation to Lovely Banks turnout area, the CFA has had to direct Corio to respond in the Lovely Banks area by providing two appliances from the Corio station. Now produced and shown to me and marked with the letters "BT18" is a Memorandum from Operations Officer Barry Foss regarding this matter.
75. There is no correlation between the so-called "peak demand" times and the times when there are insufficient firefighters on the fire ground. It is wrong to suggest that the problem of response is limited to when the most calls are received.
76. A presumed resolution of the problem of response during certain hours masks the real issue of response to all fires. Equally as important as the issue of "peak demand" – if not more so – is the issue of whether sufficient qualified people will turn out for any given call and whether they will turn out in time.
77. In instances outside of "peak demand" time where inadequate response occurs, I am of the opinion that proper 24 hour coverage is not being maintained. In other words, response is a "full-time" problem which does not lend itself to a "part-time" solution.

C.2.5. Training

78. One of the roles proposed by the CFA that a part-time employee at Shepparton would perform is training of volunteers. I believe that the training of

volunteers is an issue which should be addressed on a CFA wide basis. The CFA is currently having discussions with the UFU regarding current permanent firefighters training the CFA volunteers to Certificate 2 standard. I am involved in these discussions together with representatives of the CFA and the UFU.

79. Adequate training of volunteers to the CFA proposed standard will require many hours of work. I estimate that it will require 500 to 1000 hours to bring each volunteer up to this standard. The CFA and the UFU are still discussing the most appropriate ways of delivering this training. At no stage during these negotiations has it been suggested that this issue should be approached on a station by station basis, nor that it is a job especially suited to part-time employment, nor that the current rostering provisions would be an impediment to the effective delivery of this training.
80. I consider the discussions between the CFA and the UFU demonstrate that the CFA accepts that training of volunteers is an issue requiring considerable planning. Given the preliminary stage of the discussions between the UFU and the CFA towards developing such a plan, it is not appropriate to rely on the apparently perceived (but unresearched) need to train volunteers at one station as a reason for introducing part-time employment.
81. I agree with that part of Rees' statement at paragraph 7 of his statement where he refers to staff as a highly skilled workforce. I believe that the permanent firefighting staff as a group has the skills necessary to deliver the majority of outcomes necessary for the training of volunteers for the foreseeable future. However, I do not believe that one person can be employed to deliver the

necessary training needs. The effective delivery of training should be based on management having the resources necessary to release the appropriate people to deliver that training irrespective of whether or not the appropriate person is on day or night shift or some other agreed roster configuration.

82. Given the preliminary stage of discussions, I do not believe that CFA has accurately assessed its needs or outcomes in the Shepparton or any other area.
83. Through my involvement in training I have found that using shift personnel to deliver training to volunteers or the public is a productive method of management of resources. It not only delivers the required outcomes of training to our volunteer members and the public but also provides skills maintenance to our shift personnel. This cannot happen on an increasing scale for CFA without the introduction of staff that can regularly relieve 10/14 shift workers outside of day hours.

C.2.6. The current training needs of career firefighters

84. The current training needs of firefighters are not a justification for employing part-time firefighters. Although additional staff may be needed to meet these needs, current training needs of firefighters can be met by using the existing range of rosters.
85. For more than a year, I have been involved in discussions between the UFU and the CFA to align the annual leave of firefighters so that training needs could be properly met. Now produced and shown to me and marked with the letters "BT19" is a letter dated 14 August 1998 from WJ McIntosh, Deputy Chief Officer, Operations, to Dick Lowe, UFU, outlining the CFA's

commitment to align leave cycles in this manner. The UFU then wrote to the CFA on 8 April 1999 seeking an assurance that the overtime required of firefighters (so that other firefighters would be “freed-up” to be trained) as part of the training process would not be used as a reason for introducing new types of employment. Now produced and shown to me and marked with the letters “BT20” is a copy of that letter. Brent Jones of the CFA responded by letter of 3 June 1999 giving an undertaking that the process of ‘leave alignment’ is in no way connected to the creation or introduction of other types of employment within the CFA. Now produced and shown to me and marked with the letters “BT21” is a copy of that letter.

86. At no stage during these discussions about training existing firefighters did anyone from the CFA suggest that part-time firefighters were necessary, desirable or appropriate to perform training or relieving functions. The issue of part-time firefighters has not been mentioned in this context at all.

C.3. EXISTING EMPLOYMENT FLEXIBILITY

87. Any assertion that full-time employees could not meet the CFA’s perceived needs is misleading. The CFA can currently employ firefighters on any one of the following bases:

- The 10/14 Roster system (Clause 8(a) of the Award)
- Employees Not subject to the 10/14 Roster (Clause 8(c))
- Special Duties Roster (Clause 10)

88. It is misleading to suggest that CFA's business plan objectives cannot be met under current Award arrangements. I believe this to be an inappropriate tunnel vision view by CFA management. This tunnel vision view by CFA in relation to rostering has been typical since 1979.
89. I am of the "can do" philosophy and have spent many years both on behalf of the UFU and CFA altering perceptions and views to come up with systems that have the support of employees and provide positive outcomes for CFA.
90. For example, in about 1983 I was aware that local brigade management believed that staff above the minimum manning were exclusively for their local use. I was actively involved in changing that view so that relieving staff on fire stations became a resource available to CFA across all stations. This concept has progressed and continues today.
91. Management members who have had little exposure to rostering tend to look in isolation at a problem area instead of taking a broad view of using our resources to achieve a desired outcome.
92. One such case was in 1991 when I was asked by CFA to become involved in the rostering of station officers changing from a 56 hour per week to a 42 hour per week roster. (I had previously designed the leave system for the 56 hour roster.) CFA was of the view that the only cost efficient way of delivering its minimum manning was to use the Officer in Charge of the work location to relieve other staff. This was seen as being undesirable for both the OIC's and CFA. As a result of becoming aware of this problem, I designed a leave system that overcame the use of OIC's as part of the relieving component.

93. This system introduced significant change to the conditions of relieving officers in that hours of work were calculated over 88 weeks provided that the relieving officer followed the pattern as shown in the 1991 agreement. This showed that by adopting a wide focus on the organisation, a desired outcome can be achieved. This system is still in operation today.
94. The suggestions that the current system creates inefficiencies at Shepparton is a good example of the "tunnel vision" which does not look for solutions to perceived problems in a global fashion. It is clear that with committed discussion and negotiation some very positive flexible outcomes can be achieved.
95. I believe the CFA should explore the flexibility that can be achieved by looking at manning other than on the fire station in order to provide a coordinated approach to training and risk management. One of the aims of the 1991 rank restructure was to have a multi skilled workforce that could both work at station or regional office level. In accordance with the rank restructure aims, it would be appropriate for people in the headquarters to maintain their fireground skills and for those in the fire station to be able to do the work performed in headquarters. If this were done the fire station would have access to extra appropriately trained personnel. This would, for example, provide extra flexibility at a station such as Shepparton I understand that the regional headquarters and the fire station are next to each other.
96. Based on my experience I consider that if extra employees were made available under the "employees not subject to the 10/14 clause" then productivity would be much greater than under a day worker or part-time

system. The benefits available through employees working 'not subject to the 10/14 roster' would enable the management teams both station and regional to set priorities based on 24 hour manning.

97. On the basis of my experience, day workers or part-time workers as proposed by the CFA would not give the CFA the flexibility to provide relief for shift workers to be released from rostered duty to deliver training. The most productive method for rostering for special duties is to have shift workers above the minimum number required, and allow management station/ region to select the most appropriate person to deliver the outcomes. It would usually be the case that different employees will have the best skills to deliver different outcomes. And such an employee may have to be taken from either a day or a night shift. "Above strength" shift workers/ relievers will enable the CFA to facilitate a wider range of training and training times.

D. CFA PROPOSED DAY FIREFIGHTERS

98. There is a long history of dispute and industrial unrest surrounding the CFA's attempts to employ firefighters on a roster of hours not agreed to by CFA firefighting employees. Following is a brief summary of this history.
99. In 1972, the Fire-Fighters Wages Board (FFB) voted to introduce the 10/14 roster system. The FFB made no ruling in relation to the day work principle proposed at the time by the CFA. The CFA appealed to the Industrial Appeals Court ('IAC') seeking: (i) to overturn the FFB's introduction of the 10/14 roster; and (ii) to amend the FFB's determination in order to provide for the employment of permanent firefighters on day work. The Court retained the

10/14 roster but allowed for the employment of day firefighters paid only at the base rate (i.e. without shift allowances).

100. Between 1972 and 1982 the UFU State Committee of Management (SCM) passed numerous resolutions calling for the elimination of day firefighters. For example, on 10 May 1981, the UFU instituted policy calling for: "The abolition of day worker firefighters by having them up-graded to stand-by shift firefighters. This matter is to receive the highest priority by the Union and all CFA members are to be kept fully aware of the progress".
101. It is to be noted that persons employed as day firefighters at that time were not located at a station where there were firefighters on the 10/14 roster. They operated only out of stations where all other firefighters were day firefighters only.
102. I believe that the impetus for this policy was twofold: (a) day workers suffered from low morale; and (b) did not provide the 24hr coverage necessary to guard against the dangers of a one man turn out.
103. So far as the first impetus (a) is concerned, I consider the problem of morale arose because day workers' remuneration was less than that enjoyed by shift firefighters. Not only was the ordinary weekly remuneration less than that enjoyed by shift firefighters but the overtime payments were calculated on a time-and-a-half basis, as against double-time for shift firefighters. Day workers' lifestyle was also inferior to that enjoyed by shift firefighters.

104. When I was employed as a day Firefighter I worked within the hours of 0730 to 1830 Monday to Friday. My duties consisted primarily of cleaning, maintenance of equipment, personal training and emergency response.
105. I spent more time on duty but earned considerably less than my shift counterparts. I felt that because we received less pay we were not treated as equal to shift firefighters. I was treated like a second-class citizen in that I was given tasks to perform which shift-workers felt were beneath them.
106. In relation to the second impetus (b), the inability of day workers to provide 24hr coverage was an issue because it posed safety risks for firefighters and the public. In 1972, when the day worker clause was introduced, the CFA claimed that day firefighters would solve the problem of erratic volunteer turnout, at least in respect of day call outs.
107. However, at night or on the weekend the problem of volunteer unavailability was undiminished. If volunteers failed to respond to a call out at night or on the weekend, the lone permanent firefighter on duty would have to respond. This is the problem known as the "one man turnout".
108. On 28 May 1982, the CFA ceased regular weekend overtime for day workers. We regarded this move as a provocation and a dispute ensued. The dispute passed through many forums and elicited unsuccessful Government attempts at conciliation and arbitration.
109. In or about 1983 or 84 the dispute was resolved through the negotiation of a package which included the introduction of a 56hr week for officers, a more efficient regional manning system and the conversion of all day workers,

except those at Shepparton, to shift workers. Thus, the day workers at North Geelong, Norlane, Boronia and Doveton Brigades were up-graded to shift work. I was involved in the process of converting day workers to shift work.

110. In 1986, the day workers at the Shepparton Brigade were converted to a shift firefighters. As far as I am aware, since this time no-one has been employed under the Award by the CFA on a day basis being paid only the base rate.

D.1. Special Duties Roster

111. Another example of the industrial disharmony being caused by the CFA introducing without agreement a new roster system is the history of the introduction of the special duties roster.
112. On 21 December 1990, the Industrial Relations Commission of Victoria decided, amongst other things, to oversee a trial of 12 hr shifts at two stations as proposed by the CFA. The Shepparton and Boronia brigades were nominated. Both were stations where permanent firefighters were stationed. The parties were to monitor the trial and the results were to be reported to the Commission.
113. The UFU subsequently conducted a plebiscite of members in relation to the issue. Now produced and shown to me and marked with the letters "BT22" is a document dated 24 October 1990 detailing the results of that vote. As the CFA firefighters were unwilling to work these hours, a dispute in relation to this and other issues arose. The Commission intervened and on 8 March 1991 handed down its decision to postpone payment of a wage increase until the dispute was resolved.

114. The UFU and the CFA then commenced negotiations regarding alternatives to the 10/14 and the 12/12 roster.
115. Following considerable discussions, on 22 March 1991, the special duties roster was inserted, by consent, into the Award. This roster serves the same function as the day worker system, but provided parity with the 10/14 roster in terms of pay and conditions. Another flexibility mechanism introduced at around this time was the clause dealing with "Employees not subject to 10/14 roster", which provided for variation of duties and rostering at the same level of pay as the 10/14 roster. This is now clause 8(c) of the current Award.
116. I consider that the introduction by consent of the Special Duties Roster into the Award provided the CFA with considerable flexibility in its staffing arrangements. I am not aware that this roster has been tried on any shift station where firefighters are employed. The one station, Eltham, where it has been applied, has operated efficiently.
117. Award employees who work in regions work the flexible 'not subject to the 10/14 roster'. I am not aware that this roster has been tried on any shift station where firefighters are employed. The CFA has not provided Corio with sufficient manning to be able to trial such a rostering system at my station. I consider that this is because the CFA's primary focus in this regard is on providing minimal numbers on shift rather than on that shift meeting other outcomes such as training or risk management.

118. My experience has led me to believe that for a system of hours of employment to work effectively, it must have the support of the people who are working the system.
119. On the basis of my statements in the above paragraphs, if a new system of hours of employment was introduced without the CFA firefighters' staff consent, I believe that it would drastically affect the usual efficient performance of work.

E. HIGHER DUTIES

120. It is not acceptable to allow someone to act up more than one rank.
121. By allowing someone to act up more than one rank, that person will be taking on significant command and management responsibilities that they would not ordinarily exercise. Qualifications alone are no guarantee that someone will be able to perform a command or management role. To be promoted to Fire Officer level, an employee must have an excellent performance record in operational command and Brigade management. It is not appropriate to act a firefighter up to a level where they are required to have experience in command and management. Such a person could be required – almost immediately upon being acted up – to command a fireground operation. Doing so without proper experience is dangerous.
122. Further, in addition to this lack of experience, one could not expect firefighters to practice and maintain the skills 2 ranks above their existing rank which they would be called upon to exercise.

123. In terms of productivity it is essential given the nature of the industry to have a manning strategy that ensures the best people are available for command and control of fires or incidents. In terms of emergency management it is essential that those performing the management role demonstrate an excellent performance record in operational command and Brigade management areas. It is not appropriate to place cost before safety in emergency management by acting someone up more than one rank so that the cost to the CFA is less than if someone of the same level relieved the absent employee.

UFU 32

**IN THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

C No 37547 of 1997
C No 31397 of 1998
C No 31407 of 1998

IN THE MATTER
of the *Victorian Firefighting Industry Employees*
Interim Award 1993 Division B

AND IN THE MATTER
of a Review pursuant to the
Workplace Relations and Other Legislation Amendments Act 1996

WITNESS STATEMENT OF GREIG FIMMEL

I, Greig Fimmel, of 268 Maude St, Shepparton, in the State of Victoria, state as follows:

A. BACKGROUND

1. I am a Fire Officer Grade 2 employed by the CFA at Shepparton Fire Station. I have been employed by the CFA for 21 years.
2. I am and have been responsible for rostering at the Shepparton Fire Station for the past 9 years.

B. STAFFING LEVELS AT SHEPPARTON

3. There are 5 fire officers and 6 firefighters employed at Shepparton. The minimum manning for each of the 4 shifts is set at one fire officer and one

firefighter - 4 each of the fire fighters and fire officers are thus allocated to shifts. The fifth fire officer spends almost all of his time relieving the other four officers. The fifth fire fighter spends almost all of his time relieving the other fire fighters. The sixth fire fighter (when not required for relief) is employed on what I understand is a special duties roster. The sixth firefighter on this roster works the following hours in alternating weeks:

- Week 1: Monday Day Shift; Tuesday Day Shift; Wednesday Night Shift; Thursday Night Shift
- Week 2: Tuesday Day Shift; Wednesday day Shift; Thursday Night Shift.

4. In addition to performing the usual roles of firefighters, staff at Shepparton are required to maintain a 24 hour presence at the Shepparton Fire Station for:

- 4.1. receipt of local and regional phone enquires,
- 4.2. receipt and dispatch of local, regional and interstate (southern NSW) fire line and 000 emergency calls,
- 4.3. local and regional radio contact to appliances, and
- 4.4. monitoring of a number of direct brigade alarms.

5. Shepparton station is undermanned. In March of 1990 a document called "Fireplan - Region 22" was distributed to staff in our region. Shepparton is in region 22. I am aware that Alan Davies was involved in the preparation of this document. Now produced and shown to me and marked with the letters "GF1" is a copy of that document. According to paragraph 4.1. of that document, the

existing manning of 1 Officer and 1 Firefighter was to increase by 1 firefighter per shift in 1990/91 and again in 1996/97.

6. The 1996/1997 increase was stated to be due to the "projected H.A." score. This is the Hazard Assessment Score ('HAS'). This is a score that assesses the hazards in an area and is calculated with reference to a number of factors. At page 3 of the Fireplan, the HAS for Shepparton in 1990 is stated as 23,688. The projected score for 2001 is 34,550. On the basis that this projection was based on a steady increase from 1990 to 2001, the projected HAS in 1996/97 to justify additional staff would have been between 29585 and 31778. I remember being briefed by Alan Davies and believed that the extra staff would be employed when HAS was over 30,000.
7. In June 1995 I prepared the HAS for Shepparton. At 30 June 1995 the HAS was 30,318. Accordingly, at or soon after this time, the minimum manning should have increased to 1 Fire Officer and 2 Firefighters per shift. This did not happen.
8. Since 1990, the number of calls we have responded to has increased. According to the Shepparton Fire Brigade Annual Report for 1990, 283 calls were attended in that year. In 1998/9, the relevant report discloses that 638 were attended. According to the relevant annual reports, the number of calls received by the Watchroom has increased from 437 to 1080 over this period. Now produced and shown to me and marked with the following letters are the following documents:

- 8.1. "GF 2" is the 1990 Annual Report.

8.2. "GF 3" is the 1998/9 Annual Report.

C. VOLUNTEER TURN-OUT

9. As the minimum manning at Shepparton is set at 2 permanent staff, we are reliant on at least 2 volunteers attending each call so that the Chief Officer's minimum requirement of 4 on the fireground is achieved.
10. Unfortunately, despite the increase in calls, many volunteers do not attend calls within an acceptable time or at all.
11. The CFA uses a computer program called Fire Incident Reporting System ('FIRS').
12. After returning from a call-out to an incident the relevant Fire Officer enters a 'fire report' into FIRS. This fire report includes data relating to the people who responded to the call-out and attended the incident.
13. FIRS is able to produce reports summarising this information.
14. I have asked Glenn Jennings, a Fire Officer Grade 2 at Shepparton, to provide me with information regarding volunteer turnout. Now produced and shown to me and marked with the following letters are documents regarding the following topics:
 - 14.1. "GF4" – Statistics for Shepparton Fire Brigade 1998-1999 regarding volunteer turn-out
 - 14.2. "GF5" – Breakdown of calls where Chief Officer's requirement of 4 on fireground not achieved for the financial year 1998-1999

- 14.3. "GF6" – Statistics for Shepparton Fire Brigade 1998-1999 showing the hours of the day when Shepparton was unable to achieve the Chief Officer's requirement of minimum of 4 on fireground.
15. Glenn Jennings told me, and I believe, that each of the documents referred to above repeats data in FIRS reports.
16. According to these FIRS reports, the Chief Officer's requirement of a minimum of 4 on the fireground was not met on 65 of 283 occasions, or 23% of the time in 1998/99.
17. Until sufficient minimum manning is reached, there will be a need for more staff. Part-time employees performing the duties suggested by Alan Davies will not resolve the problem of inadequate turn-out of volunteers.

D. PROPOSED PART-TIME EMPLOYEES AT SHEPPARTON

18. I am extremely insulted by the proposal to employ a part-time firefighter at Shepparton as a Leading Firefighter. The previous Leading Firefighter at Shepparton resigned in 1998 and was not replaced, leaving a gap that needed to be filled. If a part-time employee who will spend little time on station occupies this position, is operational and out-ranks existing permanent full-time staff, morale amongst these people would plummet.
19. I am surprised that I have not been consulted regarding the introduction of part-time employees at Shepparton. It has not been suggested to me by management at Shepparton that the perceived needs of volunteer training and community education require the employment of extra staff, let alone on a

part-time basis. The first I was aware of this was when I read a "CFA Update" outlining the CFA's proposal.

20. The importance of teamwork and interdependence in firefighting cannot be under-estimated. It is an integral part of our profession and of performing our roles in a effective manner that we are able to rely totally on one another.
21. Further, it would be difficult to form a strong cohesive unit when it is uncertain whether a part-time employee will be responding as part of that team. According to the CFA's proposal, each shift may only encounter a part-time firefighter several times during each month and not at all during some tours of duty. This will detrimentally effect the sense of teamwork and morale amongst full-time firefighters.
22. I note the duties to be performed by the proposed part-time employees at Shepparton. It would be difficult to perform these duties and spend much time at the fire station or responding to calls.
23. Further, I believe that the amount of work required for training volunteers in Region 22 requires several full-time staff. I do not believe that one part-time staff member would be sufficient to do this work. The proposal of Alan Davies requires one part-time employee to cover in excess of 80 brigades. One part-time employee working approximately 20 hours a week (of which 10 hours are proposed to be used for skills maintenance) cannot fulfil the volunteer training needs within the area and region.
24. The employment of part-time employees for the periods proposed by Mr Davies and Mr Rees will not facilitate full-time staff at Shepparton attending

working parties and meetings in Melbourne. When full-time staff attend such working parties or meetings, relief is usually required for the whole of a day shift. A part-time employee will not be able to provide such relief. Involvement in training courses off station also requires firefighters to be away from the station for extended periods of time. The employment of part-time employees will not solve the problem of providing relief during this time as the absences will extend beyond the proposed hours of employment.

25. The issue of manning at Shepparton and in our region needs to be addressed comprehensively and not in a piece-meal manner. A minimum of 2 full-time employees should be appointed to Region 22 to undertake the duties of volunteer training and community education. In addition, at least a further fire fighter per shift should be appointed in accordance with the Fireplan. This would have several advantages:

- 25.1. The watch room could be manned by a firefighter during operations until relieved by a volunteer. Currently the watchroom is often unmanned for a period of up to 4 minutes until the first volunteer arrives.
- 25.2. The requirement of 4 on the fireground could be more often met.
- 25.3. The staff at Shepparton could undertake increased skills maintenance training and a more satisfactory level of fire related training to commercial and institutional establishments could be achieved.

- 25.4. Staff would be released to perform community education programs and risk inspections within the fire district.
- 25.5. Staff could attend working parties and meetings in Melbourne.
- 25.6. Relief would be provided for staff wishing to participate in career development.
26. An increased number of full-time employees would not only create an acceptable manning level at Shepparton but would also allow the tasks listed by Mr Davies to be performed. There may be other solutions to the staffing problems at Shepparton and in the Area. Such possible solutions must be discussed with affected staff as part of a proper process of consultation. There has been no consultation with staff in the area regarding the proposed introduction of part-time firefighters into our ranks or about using existing staff to meet the CFA's perceived training and community education needs.
27. It is apparent that the proposal to employ part-time firefighters at Shepparton and in the Area has been hastily prepared, is poorly thought out, does not provide the most appropriate solution to the needs identified and will detrimentally affect morale.

E. DAY FIREFIGHTERS

28. I am concerned that the introduction into the CFA of day firefighters employed on base rates of pay only will create division within the workforce. It is inappropriate for the firefighting industry to have employees within the one rank performing the same work, taking the same risks, having the same

skills and levels of training, working almost the same number of hours yet being paid vastly different rates of pay. This would be the case if day firefighters were paid at a base rate.

29. Such a division would make the day firefighter a 'second rate' employee. There would be friction in the workplace as the day firefighter on base rates only would not be identified as part of a shift team, would be earning substantially less and would be perceived as worth less than a shift firefighter.

30. Although it is not possible to identify all areas where possible conflict, animosity and division could occur between day workers and shift workers particularly working side by side, the following are some:

30.1. Animosity due to considerable differences in pay rates and annual leave entitlements.

30.2. The likelihood of personal derogatory remarks or put downs such as "only a day worker" or similar.

30.3. The understandable attitude of day workers because of lesser conditions, reduced incentive to carry out or complete tasks or to leave tasks uncompleted with the knowledge that shift personnel will finish them.

30.4. A feeling of not belonging or being inferior because the day worker is not part of the shift team. There would also be a lack of personal ownership of ongoing shift projects and the tendency to be given the more mundane, less interesting day to day duties.

31. It is an inherent requirement of firefighting that employees work as a coordinated harmonious unit, with strong reliance on each other during periods of considerable stress. Any issue that can create division and dissent between employees (especially employees of the same rank) must be avoided. The fact that firefighters receive the same overall payment as each other – whether working the 'special duties roster', the 'not subject to 10/14 roster' or the '10/14 roster' – is essential to the maintenance of this cohesion and interdependence.

LIST OF EXHIBITS

- 1 Fireplan – Region 22, March 1990.
- 2 Annual Report 1990
- 3 Annual Report 1998/9
- 4 Statistics for Shepparton Fire Brigade 1998-1999
- 5 Breakdown of calls where Chief Officer's requirement of 4 on fireground not achieved
- 6 Statistics for Shepparton Fire Brigade 1998-1999 showing hours of day where requirement of 4 on fireground not achieved

**IN THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION**

C No 37547 of 1997

C No 31397 of 1998

C No 31407 of 1998

IN THE MATTER
of the *Victorian Firefighting Industry Employees*
Interim Award 1993 Division B

AND IN THE MATTER
of a Review pursuant to the
Workplace Relations and Other Legislation Amendments Act 1996

WITNESS STATEMENT OF MICHAEL LIA

I, Michael Lia, c/o Doveton Fire Station, in the State of Victoria, state as follows:

A. BACKGROUND

1. I am a Fire Officer Grade 2 stationed at Doveton and employed by the CFA since 1983.
2. I worked as a day working firefighter at Boronia paid at the base rate of pay only from December 1983 to May 1984. I was then transferred to Springvale. I worked at Springvale on what was known as 'Z shift'. 'Z shift' involved me working during the day but being paid the same overall rate of pay as a 10/14 shift firefighter.

3. I was transferred from Springvale to Dandenong in November 1987 and then to Doveton in March 1996.
4. Doveton is one of the busiest CFA fire stations. Minimum manning at Doveton is set at 1 Fire Officer and 1 Firefighter. Doveton supports 54 volunteer brigades and 1 integrated brigade.
5. In addition to my usual responsibilities, I coordinate the Trench Rescue Training for Region 8. This involves 69 brigades. I budget the training, program courses and select instructors.
6. Career staff at Doveton also conduct training for volunteers. We run courses to train volunteers to the level of AFC Level 1. This initiative was instigated by career staff. We also run specialist course for volunteers. I am involved in this training.
7. I have been the UFU shop steward at Doveton since 1996. I represent 14 people in my capacity as shop steward.

B. DAY FIREFIGHTERS

8. I understand from "CFA Updates" I have read that the CFA is considering employing firefighters and paying them only the base rate of pay.
9. I began working for the CFA on the 26th September 1983. After completing the recruit Firefighters training course I was appointed to Boronia Fire Brigade as a Day Firefighter paid only the base rate of pay. Being a Day Firefighter on severely reduced wages caused myself and my family much distress.

10. My former occupation was a plant operator, operating earth moving machines. My wages were \$25.00 a week above that of a builders' labourer. On starting with the CFA my weekly wages reduced by \$91.00 take home. My family had a drastic alteration to their standard of living.
11. To survive, I subcontracted on weekends as a security guard. This lasted for about three months after which I was required at home to help my wife with our three young daughters.
12. The original Day Firefighter employed by the CFA began at base level and was educated into the CFA and professional fire fighting. I found coming from a non-skilled industry receiving an average income to a highly skilled and fairly closed industry with below average income very demeaning. Here I was, previously a person who's only skill was to drive a bulldozer, now given the responsibility of life saving, expensive equipment, standard operating guide lines and all maintained to very high level, feeling as though I was a second rate employee.
13. This was reinforced by the extra hours' overtime given to each Day Firefighter to supplement their wages and by the attitude of the Volunteers who treated us as lackeys. In the eyes of the Volunteers we were just Day Firefighters and were there to clean up after them. I was not viewed as a Career or Professional Firefighter.
14. I transferred to Springvale Fire Brigade as a Shift Firefighter working day shift Monday to Thursday and discovered that my duties and responsibilities were the same as when I was a Day Firefighter but now I received a greater salary and was treated as a professional by my co-workers (Firefighters and Officers)

and the Volunteers. This change all came about due to a transfer from a Day Station to a Shift Station where I received the wage that recognised my skills.

15. With the proposed Day Time Firefighter I consider that many similar problems will arise. The Day Time Firefighter will be working on inferior wages alongside a fellow Firefighter on superior wages and yet be expected to execute his/her duties to the same level as the shift Firefighter.
16. I consider that the morale of a day firefighter will be low due to the wage difference.
17. This division of firefighters into two classes of employee doing the same work at the same rank, and the consequent disharmony, will apply to all areas of station life. A Day Firefighter would be working across platoons as they complete their rotating shifts and as such a Day Firefighter will, on each day, have to adjust to the running of each platoon. The Day Firefighter will find it hard to incorporate him/her self into the platoon structure on station. As the one person out, it will be very difficult to foster team building let alone team work.
18. Currently on my platoon, which consists of myself as Fire Officer and one (sometimes two) Firefighters we work as a team. We (one Officer and one Firefighter) are capable of arriving on scene at a fire where the Firefighter will don ^{Compressed} ~~Closed~~ Air Breathing Apparatus (CABA) while I run out the hose line to the fire (doing a quick size-up at the same time). I return to the appliance, engage the pump then don CABA and return to assist the Firefighter. All of this is performed with few words said. This can only come about by team work and practice.

19. For a Firefighter working days, being paid inferior wages and working across shifts, there will be no exposure to the ongoing, team nature of shift work. It will be difficult to build up the kind of teamwork referred to in this paragraph.
20. If the Day Firefighter has any ranking such as Leading Qualifications, there will be considerable problems fitting that person into the platoon structure. That person would be a higher ranking Firefighter yet lower paid than a Firefighter. All this will create is disharmony. For example, the day Leading Firefighter may order others to do duties because they are paid more, or the Day Firefighter may refuse to do duties because other Firefighters are paid more. It will also detrimentally affect the respect that co-workers have for that person.
21. I understand that the CFA may wish to employ Day Fire Officers on the base rate of pay. Such a Day Fire Officer may earn less than a Leading Firefighter yet have command over this person. This will create enormous problems. The Day Fire Officer may expect the junior Firefighters to perform tasks above their ability because they are being paid more than him. A day Fire Officer should not be expected to take on the responsibilities that come with being an Officer when he/she is being paid well below other Officers. A Fire Officer must be motivated so that he/she shows initiative towards work or station duties, training for the Career Firefighters, training the Volunteers and community safety. I consider that a Fire Officer's morale would be dangerously affected in this regard if he/she was getting paid less than co-workers he/she was supervising.

C. PART TIME FIREFIGHTERS

22. I have very serious reservations about the CFA's proposal to employ part-time firefighters.
23. As a Fire Officer, I cannot effectively manage a Part Time Firefighter at the station or on the fire ground if I am unsure of their ability. I do not accept that a Part Time Firefighter that arrives at a station will be of any benefit to me just because they are an "extra" person above my usual crew. To gauge the skill or knowledge level of a part-time employee, I as a Fire Officer would have to arrange training and set drills for them so I could make an assessment of their abilities. As such I could not use them to their full capacity until this has been achieved. Thus I would have to spend the few hours that they are infrequently with me trying to ascertain their skill level. Unlike other on shift employees who I see regularly, I may then not see this part-time employee for a considerable amount of time and may have to repeat this process when I next see them or when I see a new part-time employee.
24. With Part Time employees' having less exposure to the profession, I consider that their ability to maintain and acquire skills would be compromised. Further, a Part Time Firefighter, due to the lack of contact time at station, will require more supervision than a full-time firefighter because of their relative inexperience. This would draw resources away from our operational capacity where, according to Russell Rees, this new system is supposed to delivered resources.
25. I am stunned at a suggestion that Part-Time Fire Officers could be employed. A part-time Officer would have no knowledge about where the information is

kept on station, have no knowledge on how the station operates and as the title implies it will only be a part time job.

26. Due to their lack of contact with people on shift, a Part Time Fire Officer will have very little knowledge of his/her crew and possibly no knowledge of the fire district. The on duty Firefighters will have to take the lead and guide the Part Time Fire Officer on the requirements for the station. Issues such as which appliance usually goes to an incident, what's the best route to take, where on the appliance is the information kept, what support brigades will come, what do the support brigades offer and what Volunteers can do tasks assigned will probably be outside of the knowledge of a part-time officer. This will hinder the Career Firefighters in performing their duties on the fire ground because they may have to "carry" this Part Time Officer.