

TRANSCRIPT

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Inquiry into fire season preparedness

Melbourne — 30 August 2016

Members

Mr David Davis — Chair	Ms Samantha Dunn
Ms Harriet Shing — Deputy Chair	Mr Adem Somyurek
Ms Melina Bath	Ms Gayle Tierney
Mr Richard Dalla-Riva	Mr Daniel Young

Participating Members

Mr Greg Barber	Mr James Purcell
Mr Jeff Bourman	Mr Simon Ramsay
Ms Colleen Hartland	

Staff

Acting secretary: Mr Joel Hallinan
Research assistant: Ms Annemarie Burt

Witnesses

Mr David Hamilton (affirmed), President,
Mr Peter Marshall (sworn), National and Victorian Secretary, and
Mr Geoffrey Barker (affirmed), Lead Firefighter, United Firefighters Union.

The CHAIR — I declare open this hearing of our inquiry into fire season preparedness and indicate that witnesses will be sworn in first and then we will seek a short statement followed by questions by the committee members. I can indicate that matters that are received here are under parliamentary privilege, but if they are repeated outside, they may not be covered by parliamentary privilege. This relates to the committee's inquiry into fire season preparedness.

Ms SHING — Sorry, did we have one further witness, Chair?

Mr MARSHALL — That is Mr Geoff Barker.

The CHAIR — What is his role?

Mr MARSHALL — His role will be helping the committee understand some critical information from an operational perspective in relation to fire preparedness and response. He is there for the committee's benefit, not for our benefit, but he needs — —

The CHAIR — What is his role?

Ms SHING — Title.

Mr MARSHALL — Sorry, he is an operational firefighter with the CFA — a career firefighter.

The CHAIR — And he is here as a witness with the UFU?

Mr MARSHALL — Correct.

The CHAIR — I am just trying to establish that.

Mr MARSHALL — Sorry; I did not understand. I just got off the plane.

The CHAIR — If I can ask you, Mr Marshall — and I am conscious of the time; we have got quite a deal shorter time than we imagined — in that circumstance if you could make your submission succinctly.

Mr MARSHALL — Yes. Thank you very much, Mr Davis, and can I say I just want to extend a sincere apology to the committee for the inconvenience that has been caused. I actually was in Canberra, and unfortunately the plane schedule did not go to the time scale that would allow me to attend. I mean no disrespect to the committee over that, so I do apologise.

Visual presentation

Mr MARSHALL — You actually have in front of you a folder that is very much part of the UFU submission, and it is extremely important because it really does go to the issues that we would like to talk about, in particular some of the issues that are traversed in the enterprise agreement and some of the questions that have been raised. In your folder — has everyone got that folder?

Ms SHING — Yes. Do you intend to make that a public document, Mr Marshall?

Mr MARSHALL — Yes, we do. In your folder, if you have a look in the tab at the front — it is where those photos are of the uniform — underneath there is an extract from the royal commission, the organisational structure. It is a purple document. Have we all got that? I can take you to a particular paragraph that is extremely relevant on that. I will just give you time to do it. Have you all got it? It is on page 360 to begin with, and it is the second paragraph. I think it has been highlighted for the sake of expediency for the committee. It says:

The commission acknowledges this long history of fire agencies. The events of 7 February 2009 tested the arrangements, however, and it became apparent to the commission that some organisational factors inhibited the fire authorities' response on the day. There were serious deficiencies in the top-level leadership arrangements as a result of divided responsibilities, and the full potential of the operational capability that was available was not exploited because of differences in processes and procedures.

We respectfully submit to the committee that the enterprise agreement, both for MFB and CFA, indeed picks up a lot of the issues that were actually identified in the royal commission. If I can take the committee to the next relevant page, which is 373.

Ms SHING — Do you mean the proposed enterprise agreement or the current enterprise agreement?

Mr MARSHALL — No, this is of the royal commission report, page 373. So 10.5, ‘The commission’s view’:

A disaster of the scale of 7 February will always put strain on organisational processes and structures. As outlined, the evidence revealed failures in or impediments to achieving an optimal operational response in several areas:

policy

practice and protocol

systems

structures

capability.

I will just refer you to those, because a lot of those issues were addressed in trying to ensure interoperability between the two services.

The next relevant page, if I could indulge you again, is 374. You will see again on page 374, down the bottom, it is highlighted:

The commission views improved operational performance as the absolute priority. In support of this, it considers modest and targeted structural reform is needed as a catalyst for change and to tackle the identified operational shortcomings in order to achieve four goals ...

The first goal is ‘improved common operational policy and standards’. For the committee’s information, both services have different standards and different procedures — for example, recruit firefighters in the CFA and the MFB are taught a different syllabus; they are actually taught different terminology. Effectively, under the enterprise agreement, it will be the first time ever there will be one single recruit course for both career and MFB recruit firefighters, with commonality in relation to terminology, procedures and training.

‘Stronger coordination and unambiguous command and control’. Currently, I am not sure if the committee is aware, but the command structures in the CFA and MFB, in particular, even though they may perform the same function, have a different classification; there are different terminologies. For example, an operations officer in the MFB, which is a fairly senior rank, is equivalent to a commander in the MFB, yet they are identified differently on the fireground; it creates confusion. Again, the commonality in relation to standards and operational policy: for the very first time, in this enterprise agreement, from a recruit firefighter up to a commander and from a recruit firefighter up to operational officer, they will be standardised in classifications, and this has been done with an agreement with the authorities so as there is no confusion on the fireground. In other words, a commander is a commander irrespective of what agency.

Additionally, for the ranks above that, there is a process in the enterprise agreement where the more senior ranks will then be referred to a process in Fair Work Australia for determination to standardise the more senior ranks as well. Again, this is all about commonality on the fireground so the firefighters do not get confused as to who is in charge and in identification. Certainly, in the heat of a fire, it is pretty busy enough, let alone trying to work out who is who. So again it goes to that.

There is also interoperability. For the very first time there is a secondment process between the MFB and CFA to try and break down the parochial barriers, which is picked up again in this enterprise agreement. The secondment program is where MFB firefighters, operational firefighters, are embedded in the CFA system — there is a transitional course — and CFA firefighters are embedded in the MFB system, again to break down those parochial barriers and to try and get standardisation of terminology.

And there is a stronger capacity for agencies to provide an integrated response. Traditionally the barriers were artificial geographical barriers for actually accessing the resources that the community pay for. For example, there have been many occasions where CFA have actually run out of career staff and the fire station had to either close or revert back to volunteer response. The only problem with that, in some cases, is volunteer availability was not around, so the community was vulnerable. There was another pool that could have been actually accessed, and that was in the MFB, because of having additional staff in that particular time, or

alternatively using an MFB fire truck to move up to cover that location. Again, there are processes in these enterprise agreements for that to happen.

The committee may not be aware, but certainly one of the most glaring abnormalities is the fact that in relation to an officer arriving on scene and making a determination in relation to what equipment is used and needed to actually suppress that fire or save lives, MFB use a greater alarm response, which is a predetermined system; that is, that if the officer in charge and incident controller arrives, he or she is able to just use a single terminology — ‘respond second alarm’, ‘respond third alarm’, ‘respond fourth alarm’ — and depending on the level of the alarm, there is a pre-allocated determination of resources. CFA use escalated tables: ‘make pumpers two’, ‘make pumpers three’ or ‘not yet under control’. That terminology is antiquated. It was removed many years ago. Under this enterprise agreement, under the guidance of the fire services commissioner Craig Lapsley, we are moving toward looking at implementing the greater alarm response, predominantly in Melbourne metropolitan, outer Melbourne metropolitan areas and regional towns. It will not be suitable for country Victoria. So they are just some of the issues that I would like to take you to.

Now, behind the purple document there is a transcript that is actually out of the royal commission. If I can take you to the last page of that transcript, this goes to the very heart of increased firefighting numbers. If you see at line 1 at the last page — and the page number is 19 358, for the record — it says:

To your knowledge in July 2009 did the CFA request funding from the state of Victoria for a further 684 career firefighters?

This is Mick Bourke, the chief executive officer of the CFA being cross-examined in the royal commission under oath. Mick Bourke responds:

I don't know what occurred in July 2009. That's prior to my time. But I'm aware that there was submission made along those lines that flowed out of what I do know to be the Merriman process.

That is a board of reference process. I understand this is parliamentary privilege, but the Merriman process actually looked at critical data, which we will show the committee, in relation to whether communities were exposed and whether there was an adequate response in relation to a fire cover in the case of an emergency, and it found there was not in certain locations.

If you go down to paragraph 21, again it says:

Do you know whether or not in July 2009 the CFA did in fact request from the state of Victoria for funding for a substantial increase in the amount of career firefighters available to it?—I understand it did make a submission prior to my time at CFA.

As a result of that evidence to the royal commission, the then Brumby government allocated an extra 342 firefighters to the CFA, based on the CFA's submissions to government in relation to the need to protect the community. The Andrews government allocated an extra 350 firefighters in this enterprise agreement, which equates nearly up to the figure that is actually specified in that request before the royal commission.

May I say this with some disappointment, that in 2011, when there was a change of government, those 342 extra firefighters that were critically needed were challenged legally as to whether they could actually be deployed and employed. That resulted in a full bench hearing before the full Federal Court, who handed down a decision in January 2015 and said those 342 were legal and they should be delivered. As I said, there was a change of government in November 2010. The change of government in 2011 actually challenged those 342. But for the record, the 350 firefighters who have been deployed in this enterprise agreement are for community safety. They are not a sweetheart deal; they do go to the very heart of community protection, which we will be showing you.

Now if I could take you to the first tab there, which is the enterprise agreement and mainly the controversial clauses that are being advocated around the public arena. We are somewhat disappointed in the misrepresentation and, in some cases, the blatant lies that have been spread about the content. It has created unnecessary anxiety and worry amongst the firefighting community. The first tab I would like to take you to is 7A. That is tabbed for you on 7A.

Ms SHING — So this is the document that is currently — —

Mr MARSHALL — This is the current document that has been endorsed by the CFA board.

The CHAIR — The most recent draft.

Mr MARSHALL — So this is the one that has been endorsed by the CFA board and came out of the Fair Work process.

The CHAIR — All right.

Mr MARSHALL — If you actually have a look at 7A, it is highlighted there, The role of volunteers'. I understand the committee has received evidence that that particular clause only applies to rural firefighters. That is totally incorrect. If you have a look at 7A.1:

The role of firefighters in fighting bushfires — —

I am sorry; I will start again.

The role of volunteers in fighting bushfires and maintaining community safety and delivering high-quality services to the public in remote and regional areas and in integrated stations —

I emphasise 'integrated stations' because that is out of metropolitan as well as regional towns —

is not altered by this agreement.

It is not altered by this agreement. And then it goes on to say at 7A.2:

For the avoidance of doubt, except as provided in clause 60 — Peer support, nothing in this agreement shall prevent volunteers in the CFA from providing the services normally provided by such volunteers without remuneration.

Peer support is a very personal thing, and I think the committee would understand, given some of your backgrounds. That is about counselling after a traumatic event. It could be in relation to an emergency medical response, to a young baby that has passed away, so it has to be a required expertise. So that is the only exclusion. That was actually inserted in there as part of the Fair Work process, after a very long process of examining each clause, to ensure that it was clearly understood that there was no impact on volunteers by this enterprise agreement.

If we actually go to the next tab down — it is tab 10, 21. It is the consultation and extra claims clauses. There has been a lot said about this. It is actually tabbed there for you. Everyone got that? So consultation, change — —

The CHAIR — Before you proceed with that, I am conscious that this is quite a large — —

Mr MARSHALL — I am only going to do about four or five clauses.

The CHAIR — Okay. I am not wanting to cut you off because if we need more time, we will take more time.

Mr MARSHALL — I am more than willing to come back. I do apologise for the delay this morning.

The CHAIR — That is all right.

Mr MARSHALL — What I am saying is that these are the ones that are being traversed in the public arena and being portrayed as something they are not. Can I say that Consultation, change and extra claims, Consultation, clause 21, if you actually go to 21A, which is the next tab, 21A is the dispute resolution officer, who was put in there as a result of the Fair Work process, where there was concerns raised of potential delay through consultation, and may I say we make no apology for having stringent consultation processes.

In your folder, in the sheet there in front of you, on the left-hand side you should have some photos. Have you got some photos there? You have got them on the left-hand side, yes? I would urge the committee, with respect, to look at those, because it may give an insight as to why consultation is so important in the fire industry.

You will see this photo here is actually a uniform that failed a firefighter. It was an inferior uniform that actually got held up as a result of — the CFA wanted to buy a cheap replacement, whereas the union and the expertise advising the union wanted a better uniform, called PBI Gold. This firefighter was engulfed in flames in a job over in Yarraville at Japanese Screens.

Ms SHING — When was that, Mr Marshall?

Mr MARSHALL — I will give you the exact date. Probably — —

Ms SHING — Just even a ballpark date.

Mr MARSHALL — Probably about four years ago or five years ago.

The reality is that you will see that the gloves here actually failed that firefighter. The uniform failed that firefighter. He actually received burns, critical burns. He actually perished at the scene. If it had not been for a rescue crew outside, who actually dragged him out and revived him, that firefighter would not be alive. You will see — this is very graphic and probably not for the media — that he lost all his fingers, and he was never able to work again.

Hence we make no apologies for having rigid consultation processes, because in reality if that new uniform had of been put in place, that PBI Gold, that firefighter would not have received one burn, and I do not say that lightly. The PBI Gold uniform was tested on a mannequin. It is totally engulfed in flames, it has sensors, and it will tell you what burns the firefighter will receive.

The Nomex brand that the CFA wanted to produce — obviously for cost reasons — it was an inferior garment, which broke down. The whole purpose of the test is to see whether a firefighter will be safe enough to exit the building if engulfed in flames, which sometimes does happen. Clearly PBI Gold have had two young firefighters being totally engulfed in flames and being able to leave the building.

So the consultation process, as we said, is very rigid and it has been built up over many years in relation to making sure that firefighters have the best possible equipment and not bought on the cheap. We understand financial pressures sometimes, but what price do you put on a life, and in particular what price can you put on a career?

Mr RAMSAY — Can I just ask — —

Mr MARSHALL — I have not finished yet.

Mr RAMSAY — We are allowed to ask for clarification.

Mr MARSHALL — Can I finish my spiel and then answer? Is that all right, Mr Ramsay? Is that okay?

Mr RAMSAY — I just wanted clarification on the consultation process that you talked about in this clause. Is that referring to in the middle of a fire response?

Mr MARSHALL — Sorry?

Mr RAMSAY — In a fire response where there is a requirement for the UFU to consult with either the MFB or CFA?

Mr MARSHALL — No, that is not in the consultation process.

Mr RAMSAY — That is not part of the consultative committee process in the clauses?

Mr MARSHALL — No, it is not. That is another furphy. But if I could deal with the consultation process — —

Mr RAMSAY — I will come back to that later.

Mr MARSHALL — Yes, I would be happy for you to.

So '21A. Dispute resolution officer': there was some suggestion that there were delays and it is as a result of that the commission actually dealt with 21A and inserted it in there. What that is is a circuit-breaker. Within seven days, if the CFA and UFU do not agree to a chairperson, it will be appointed by Fair Work Australia. The committee is either the CEO of the CFA or their delegate and indeed the secretary of the UFU and/or their delegate. The idea is to resolve that matter expeditiously. If it cannot be resolved, it then goes off to Fair Work Australia. I will come back to your question and have a response, if that is fine.

The next question I would like to deal with is 35.4. There has been much said out in the public arena about how under this agreement career staff will no longer be able to report to volunteer incident controllers. That is a complete lie. In fact, the people perpetrating this particular untruth out in the public arena failed to read the clause in its entirety. If I could read the clause to you, it says:

All employees covered by this agreement shall only report to operational employees under this agreement or at the rank of DCO —
deputy chief officer —
or CO —
chief officer

when responding to fire alarms or incidents under this agreement except in the case where the incident is a level 3 multi-agency incident or to a CFA/MFB incident controller at an incident.

Let us just stop at 'a level 3 multi-agency incident'. A lot has been said about the Wye River fires, out in the public arena. A level 3 multi-agency incident is where it is actually taken over and the fire services commissioner puts an incident controller in place. That fire started on Crown land and as a result of that DELWP were in charge and DELWP remained in charge of that particular fire.

The most important part about this clause is the myth that career firefighters will no longer report to volunteer captains and lieutenants. If you read the whole sentence, the following bit, 'or to a CFA/MFB incident controller at an incident'. Now an incident controller is a captain, a lieutenant, a career officer, a leading firefighter. There is no prohibition, no prohibition, on reporting to volunteers. So whoever propagated that myth, it is an untruth. Conveniently, whenever it has been propagated out in the public arena, that last sentence has been lost, left out of the conversation.

If I could actually go now to the issue of seven firefighters on the fireground being dispatched, that is clause 77.5. If you have a look at this particular clause, 77.5, it says:

Consistent with the increases in staffing provided in this agreement, the CFA will conduct an extensive range of preventative and preparedness programs and meet its duty of care by ensuring a minimum of seven professional firefighters to fireground incidents are dispatched —

'are dispatched'. Not 'on scene', 'are dispatched' —

before commencement of safe firefighting operations. This requirement [only] applies to integrated stations in districts 2, 7, 8, 13, 14, 15 and 27. Consistent with the increases in staffing provided in this agreement ...

I will just explain that to you. There are 1200-odd fire brigades in the CFA of which 34 are integrated. An integrated station is a station that has a volunteer base. On top of that it actually has career staff that have been embedded in that particular location because of the density of that particular location. It is in high-density areas. For example, regional towns: Geelong, integrated station; Corio, integrated station; Morwell, integrated station; Springvale, integrated station; Dandenong, integrated station. So there are 1200 brigades in the CFA; 34 are integrated. Out of the 34, 31 of those will receive an increase of dispatch. That is, that two career trucks will be dispatched. They will not be on scene. Contrary to what has been propagated out there, that volunteer firefighters have to wait until career firefighters arrive to commence firefighting suppression activities or rescue, that is a lie. The word is 'dispatch'. Currently the dispatch protocol is a career truck and a volunteer truck — two trucks to any call code 1, with an 8-minute standard. Critical data in the CFA will show you that there has been a failure to respond for the second truck, or alternatively there have not been enough firefighters turn up to ensure the safety of the first truck.

I will just take you through that scenario. The first truck has a crew of four on it. They arrive at the scene. There is a going fire. The two firefighters who must have breathing apparatus — there must be a minimum of two that enter that structure to commence structural firefighting operations or search and rescue operations or both; they must have breathing apparatus. Then there is the incident controller outside who controls the incident and then there is the pump operator. So the whole crew is totally depleted in doing a job.

Standard operating procedures say that if there are two firefighters in a building, there must be two firefighters outside in breathing apparatus ready and able to go into that building in case the roof collapses or if they are

engulfed in a fire — or a flashover like this particular firefighter was — so they can be rescued. So the second truck is critical to firefighters' safety. And then the other firefighter is there to assist with equipment et cetera.

Given that at these locations there has been a problem with the second truck arriving — and that is why the words 'duty of care' being met are in that clause — it means that in the first truck the firefighters are being put at risk, because if the roof did come down or alternatively they were engulfed in flame, then the reality is there would be no-one to get them out, and that is not an acceptable situation, a breach of duty of care. We can go on to read the clause even further:

... agreement, CFA will ... ensure that there is a minimum of seven professional firefighters to fireground incidents that professional firefighters are dispatched to before commencement of safe firefighting operations ...

Again I say 'dispatched' — no different to what happens now. When there is a call coming in, there are two trucks dispatched. This will mean two career trucks will be dispatched; it does not preclude volunteer dispatch. Most importantly, if we read down even further, into the indented part, it says:

To avoid doubt, in accordance with current procedure ... undertaking a risk assessment/size-up upon arrival at the fire/incident, the first arriving incident controller on scene can determine the number of appliances and crews required for the fire/incident and can notify the oncoming appliances and crews that they are not required to attend.

In other words, if the incident controller on the first truck gets there and it is a rubbish-bin fire, or it is not a big fire, they can send the second truck home. So the myth about seven firefighters — career firefighters — being on the fireground before the volunteers can commence structural firefighting operations is a lie. On top of that, I will just take you through the main points. Twelve hundred brigades in the CFA — 34 of them are integrated.

The CHAIR — Mr Marshall, can I just interrupt here. We are about just after 1.00 p.m., so it has been 25 minutes on your statement. I do not want to cut you off on this, but it is very clear to me we have got quite a few tabs to go, and I am not wanting to not cover them.

Mr MARSHALL — It will not take long.

The CHAIR — I just want to make sure that you do, and I am just conscious that we have got till 1.30 p.m. That is probably not going to give us enough time to cover the material. We may need to, you know, follow up on — —

Ms SHING — Sorry, Chair, I might just indicate that given the complexity of the detail here and the presentation that goes to the very heart of a number of lines of questioning that have been proceeded on with other witnesses, I would suggest that it might be useful for us to continue to hear the submission and the initial presentation and then for us to reschedule a further hearing date for questions to be answered at that time.

The CHAIR — Well, I do want to ask some questions today —

Ms SHING — I am sure we all do, Chair.

The CHAIR — and I think there is good reason to do that, but notwithstanding that, maybe we can — —

Ms SHING — I am sure the media come back, Chair.

The CHAIR — No, maybe we can think about Wednesday of the next sitting week to continue in exactly the way that the Deputy Chair has outlined so that we can look at each of these clauses in some detail.

Mr MARSHALL — Yes, so if you are able to ask your federal colleagues not to proceed with that bill up here, I am more than happy to attend next Wednesday.

The CHAIR — I have no control over my federal colleagues, as you well appreciate —

Mr MARSHALL — It was a joke!

The CHAIR — and nor would we want that.

Ms SHING — So, again, if we could just continue with the presentation. Thanks, Mr Marshall.

Mr MARSHALL — Okay. Thank you, Chair. In the indented part, in relation to the seven on the fireground. It is so important, because the incident controller is not owned by a career firefighter. It says:

To avoid doubt, in accordance with current procedure, after undertaking a risk assessment ... upon arrival at the fire/incident, the first arriving incident controller —

which can be a volunteer captain or lieutenant —

on scene can determine the number of appliances and crews required for the fire/incident and can notify oncoming appliances and crews that they are not required to attend.

So nothing changes other than if the first truck that has been deployed into a building — and a normal house fire is 1400 degrees Celsius, and you have seen what can happen if there is a flashover — there is a backup in accordance with the duty of care of the CFA, and it does not preclude volunteer trucks attending, or if the volunteer truck gets there first, they can commence structural firefighting operations. There is no prohibition. That is a myth, and it is a lie.

Mr RAMSAY — Can I get clarification there, Mr Marshall, because you have used the word ‘lie’ on a number of occasions.

Mr MARSHALL — It is a blatant lie.

Mr RAMSAY — The fact, as I understand in the clauses, was that a second truck has to be dispatched before a volunteer CFA brigade can actually start fighting the fire.

Mr MARSHALL — No, that is a lie.

Mr RAMSAY — That is what you just said before.

Mr MARSHALL — That is not a lie — sorry, that is a lie.

Mr RAMSAY — What part is a lie?

Mr MARSHALL — Because there is no prohibition on a volunteer truck commencing structural firefighting or any operations before the career truck arrives, or — —

Mr RAMSAY — No, I did not say that; I said before it is dispatched.

Mr MARSHALL — There is still no prohibition.

Mr RAMSAY — Is that not in the clause, though?

Mr MARSHALL — No.

Mr RAMSAY — There is a requirement for a CFA career-based brigade or truck to be dispatched before the first crew can start fighting the fire.

Mr MARSHALL — I will take you through it again.

Mr RAMSAY — No, that is what you said just before.

Mr MARSHALL — No, let me take you through what actually happens and what the clause says. Normal dispatch is that there is a career truck dispatched and a volunteer brigade dispatched, yes? At 31 locations out of the 34 there has been a problem in relation to the reliability of the second truck. As a result of that, to meet the duty of care — the second truck is for the safety of the firefighters — the word is that seven career firefighters will be dispatched.

Mr RAMSAY — That is what I said.

Mr MARSHALL — That is right, but there is no — —

Mr RAMSAY — It is not a lie, though.

Mr MARSHALL — Tell me where the prohibition is.

The CHAIR — Why are the volunteers so concerned about this?

Ms SHING — Sorry, we appear to have actually gone into questions.

Mr MARSHALL — Show me where the prohibitions are in relation to a volunteer brigade not being dispatched or being stopped commencing firefighting operations, because if you read the clause, it goes on to say the first arriving incident controller, upon arrival at the fire/incident, which could be the volunteer brigade — there is no prohibition — can determine the number of appliances and crews required for a fire/incident and can notify oncoming appliances and crews that they are not required. There is no prohibition. Nothing changes other than one thing, and that is there is a second career truck being dispatched in the case there is a failure — if there is a failure to respond, the second truck, being the volunteer one. And if it is not needed, the incident controller says, 'Go home'. So there are no changes.

The CHAIR — That is a change, though, I understand; that is a change. You have just described a change.

Mr MARSHALL — No change to volunteers.

Ms SHING — No change to the capacity to commence firefighting.

The CHAIR — But there is a change in the arrangements. It is a change in the arrangements.

Mr RAMSAY — Under the previous EBA.

Ms SHING — Hold on.

Mr MARSHALL — It is a safety mechanism for career firefighters, but the — —

The CHAIR — Why are the volunteers concerned about it?

Ms SHING — Hold on, hold on!

Mr MARSHALL — The question that is being put and what is being propagated outside this committee by many people is that volunteers have to wait at the fire scene for seven firefighters to arrive in all of country Victoria before they commence firefighting operations. That is a lie. It is a myth.

The CHAIR — But it is true that they have to wait for the dispatch of that other truck.

Mr MARSHALL — No, they do not.

The CHAIR — No?

Mr MARSHALL — No, that is wrong.

The CHAIR — That is what I understood you just said.

Mr MARSHALL — No, that is wrong. The assignment rules do not change other than they have added in an extra truck for those 31 locations.

The CHAIR — They have to wait for that.

Mr MARSHALL — Sorry?

The CHAIR — They have to wait for that truck to be dispatched.

Mr MARSHALL — No, that is not true.

Ms SHING — The witness has answered the question three times.

The CHAIR — No, no — —

Mr MARSHALL — That is just simply not true, and I implore you to understand that is not true, because that is the most ludicrous proposition — I am not suggesting you have made it up — to suggest that a fully operational volunteer crew would sit there having to wait until seven career firefighters were dispatched.

The CHAIR — Well, it is ludicrous, and that is what has concerned a lot of the volunteers.

Mr MARSHALL — And it is not true.

Mr RAMSAY — Well, you better explain that to the chief fire officer of CFA.

The CHAIR — Well, why do they have this concern — the CFA?

Ms SHING — Sorry, can we just have a bit of discipline here in relation to the asking of questions?

Mr MARSHALL — I am happy to answer questions, and I very much want to have a conversation about your particular area, Mr Ramsay.

The CHAIR — Steve Warrington indicated this was an area of concern.

Mr MARSHALL — Well, it is not. I would be interested to see that transcript because Mr Warrington was involved in the deployment of these 350 firefighters for this seven on the fireground.

Ms SHING — Sorry, Chair. Point of order. Can I actually just make sure that we have some discipline around the way in which we are going to go through this?

The CHAIR — We have got discipline.

Ms SHING — No, we have not, because we have just had six questions asked. I would like to hear the completion of the presentation.

The CHAIR — I know you are determined to protect the witness.

Ms SHING — I beg your pardon, Chair? Would you like to repeat that?

The CHAIR — Yes. I understand you have got an urgent need to protect the witness.

Ms SHING — Okay. Chair, be very, very careful because I reserve my rights in relation to you actually casting aspersions on me. I am trying to set up a structure which every witness has had the benefit of in relation to being able to present. This is an issue which you would like to work through, which we have the opportunity to do so now, and rather than actually starting with to-ing and fro-ing, let us just keep going.

Mr MARSHALL — I have actually answered your question. Whether you accept my answer is another thing. I will just go back over it. There are 1200 brigades in the CFA, approximately. Thirty-four of them are integrated. Out of the 34, 31 will be going to a requirement to dispatch seven career firefighters. The purpose of that is to ensure that the necessary backup, safety backup, arrives because there have been problems with the volunteer truck not arriving, and you will see that later on. It does not preclude a volunteer truck commencing operations, getting there first, and if it is there first, the volunteer captain or the lieutenant is the incident controller.

Can I take you to the next tab, please. If you have a look at this, this is the Fair Work recommendations — tab 2, right at the back of the agreement now.

Ms SHING — This is the document dated 1 June 2016.

Mr MARSHALL — Yes, that is correct. That is final recommendations from Commissioner Roe. If you turn over, I have highlighted the relevant pages for you. If you have a look at paragraph 4 — —

The CHAIR — Can I just understand the status of this document? So this is a recommendation from Commissioner Roe?

Mr MARSHALL — Accepted by the CFA board.

The CHAIR — Recently.

Mr RAMSAY — Which board is that?

Ms SHING — The CFA board, Mr Ramsay. Nice, cute attempt to introduced — —

Mr MARSHALL — I only know one CFA board.

Mr RAMSAY — The old board or the new board?

Ms BATH — When was it accepted by the CFA board?

Mr MARSHALL — There is a motion at the back when the agreement was accepted, so you will actually have a look at the motion at the back of the book.

The CHAIR — Did you meet with Tony Bates on the 29th — —

Ms SHING — Sorry, can we go through the presentation? Chair, please!

The CHAIR — I am just trying to understand the status of this document.

Mr MARSHALL — Can I just ask a question please?

The CHAIR — Yes.

Mr MARSHALL — I have read the transcript of your demeanour with Mr Ford. You allowed Mr Ford to give his presentation unimpeded for over an hour, and I would like the same respect because otherwise what it shows is a degree of bias that you are bringing to this. I have come to this committee to provide evidence that will help you. I would appreciate it if you allowed me to provide that evidence.

The CHAIR — And Mr Marshall, I am trying to be very fair here and give you plenty of time.

Mr MARSHALL — Well, you are not being.

Ms SHING — You just accused me of protecting the witness, Chair.

The CHAIR — Well, I think you are, but that is the point.

Ms SHING — Well, then you are hardly being fair.

The CHAIR — What I am indicating here is 30 minutes is a very significant period of time for an initial presentation — —

Ms SHING — This is a chair of independent parliamentary committee who we are hearing actually talking about witnesses being protected.

The CHAIR — But I am trying to understand the — —

Mr MARSHALL — Can you just let me go through my presentation, please, because — —

The CHAIR — Can I understand the status of this document?

Mr MARSHALL — This document is a Fair Work recommendation. It has been accepted by the government and the board.

The CHAIR — Did you meet with Mr Bates on the 29th, before this document came forward?

Ms SHING — No, can we please keep going through the presentation?

Mr MARSHALL — You just asked me a question. I would like to do my presentation and — —

The CHAIR — Well, I will come back to that question.

Mr MARSHALL — Well, you can come back to that question. If you allow me to do my presentation and give me the courtesy that you gave Mr Ford, I would really appreciate it.

The CHAIR — You are getting as much courtesy as you need.

Mr MARSHALL — No, I am not. I have read the transcript.

Ms SHING — ‘As you need’ — there we go. We have got some prejudgements there, have we, Chair, in relation to your views?

Mr MARSHALL — As I need — OK. Paragraph 4 of the final recommendation — if you have a look, at it says:

In the more recent conciliation sessions it appears to me that the CFA have sought to ignore the long and sensitive bargaining process that has been before me since November 2015. In the context of good faith bargaining and the general clause by clause approach that has been adopted before me, I find it difficult to now disturb the agreements that have been made during the course of bargaining.

In other words, after all this time the CFA wanted to open up the bargaining again, and the commissioner said no.

Then you go down to 7. If you have a look at 7, it says:

I do consider it necessary to recommend changes to the agreement to underline that the agreement only applies to paid professional firefighters and does not apply to volunteer firefighters or affect their important role. The changes also underline the maintenance of the discretion of incident controllers in managing resources in the interests of public safety. The changes to clause 83.5 are also designed to emphasise that the provisions only relate to integrated stations and to the work of professional firefighters. The role of volunteers in fighting bushfires and maintaining community safety and delivering high-quality services to the public in remote and regional areas and in integrated stations is not altered by this agreement.

Then he goes on to recommendations. That recommendation was giving effect to 7A, which was the first clause I took you to, as well as if you go back to 7A, that is where 7A got inserted into the agreement.

Ms SHING — As a consequence of this recommendation.

Mr MARSHALL — As a consequence of that recommendation. And 7A virtually repeats verbatim what the commissioner recommended through the independent umpire process. As well as you go to — —

The CHAIR — So my question about this document — —

Mr MARSHALL — I have not finished.

The CHAIR — I am just trying to understand it.

Mr MARSHALL — I have not finished.

The CHAIR — Well, I am seeking some information.

Mr MARSHALL — I know. You are seeking to interrupt me, which is rude.

The CHAIR — No, it is not rude — I am seeking to understand.

Ms SHING — Chair, please do not argue with the witness. It is actually entirely inappropriate. I would like to hear from the witness.

The CHAIR — I would like to hear from the witness too, but I would like to hear in a way that I understand the nature of the document.

Mr MARSHALL — Also 77.5 was inserted there as a result, and that is in relation to the integrated stations and the seven on the fireground, which makes it clear they only apply to integrated stations — 31 out of 34, and there are 1200 volunteer brigades.

If I could just take you to the next tab, which was your point over here. If you have a look at this particular board resolution that was adopted, it is a very — —

Mr RAMSAY — Which tab are we onto now?

Mr MARSHALL — Mr Ramsay, you are onto tab 3.

Mr RAMSAY — Right.

Mr MARSHALL — This board resolution was adopted by the CFA board. I have not got the exact date, but I can get that for the committee. As you see — your point, point 2:

The board considered:

...

2. The history of the negotiations including conciliation in the Fair Work Commission ... and the final recommendation of Commissioner Roe ...

Then it goes on to outline a whole lot of other things. Then the actual board endorsed the adoption of the enterprise agreement that actually came out of Commissioner Roe's process. I will not labour on that. You can read it yourself later on.

If you go to tab 4 — —

Ms SHING — Sorry, Mr Marshall, just for the sake of clarity, is this document entitled 'Board resolution' with the CFA logo at the top of it — a two-page document? Is that the document that was put to the board and then passed as part of that consideration that the board undertook?

Mr MARSHALL — Yes.

Ms SHING — OK, thank you for that.

Mr DALLA-RIVA — Sorry, Deputy Chair, was that the current board or the sacked board?

Ms SHING — You see, I like where you are going with the media stunts there. You might get a tweet out of that if you are lucky, Mr Dalla-Riva.

Mr DALLA-RIVA — No. Sorry, there is no date on it.

Ms SHING — If you could provide the date. We did not have a resolution from the former board that was actually passed, Mr Dalla-Riva. You should know that if you had done any of your homework in relation to the chronology of this issue.

Mr RAMSAY — We are actually questioning the witnesses, Ms Shing, not ourselves.

Ms SHING — Are we or are we arguing with them?

Ms DUNN — It would appear we are arguing amongst ourselves.

Mr MARSHALL — I have already said to you I will. During the break I will get you the date, but it is the current board.

Mr DALLA-RIVA — Thank you.

Mr MARSHALL — Can I go to paragraph 4 now of 'Joint statement of intent by the Country Fire Authority and the United Firefighters Union ...'. Again, this is a document that is not normally accompanying this enterprise agreement, but because of the mischief that has been caused by the lies and innuendo out in the public arena, we felt it necessary to enter into this process to say exactly what the intent of the parties were and it goes to the very heart of the effective role of 350 new career firefighters.

Most importantly in paragraph 2, the enterprise agreement implementation will be overseen by the emergency management commissioner, Craig Lapsley. Reports will be made publicly available and will monitor the following matters: the 350 career firefighters; increased recruitment and support of women and other programs associated with diversity; the rollout of the training of recruit firefighters; and operational impact of seven on the fireground. It talks about the consultation and dispute resolution. It also talks about seven on the fireground. It is

there for your information at a later time. I am coming back — you can read it — and actually answer any questions, because I am acutely aware you keep talking about time.

Tab 5 is frequently asked questions in the CFA-UFU proposed enterprise agreement. These are the allegations that were made: that it was a union takeover. That is untrue.

Ms SHING — Who produced this document?

Mr MARSHALL — The UFU produced this document, based on Commissioner Roe's recommendations and based on the content of the enterprise agreement.

If I could take you to tab 6, there is more information in relation to seven firefighters being dispatched, and you will see up the top there that it says, 'There must be seven professional firefighters at every fire in Victoria before any firefighting can begin'. And then it sets out more clearly how that clause operates, for your own information. I am rushing through this now. If we can go to tab 7.

The CHAIR — We have only got 13-odd minutes left.

Ms SHING — That should lay your opening gambit, Chair, in relation to the questions you have then got.

Mr MARSHALL — I have not finished my presentation.

The CHAIR — Yes, I understand.

Mr MARSHALL — It is critical information that is in the public interest, as you know.

The CHAIR — I agree with that.

Mr MARSHALL — So 7 is a 'please explain' — the explanation that this is the incident controller incident that puts the myth that career firefighters will not recall the volunteers.

Ms SHING — Is this another UFU-produced document, Mr Marshall?

Mr MARSHALL — Yes, they are. The next is tab 8, and this is a critical one, of which I hope you take very acute notice. This is the fire curve that the standards of response time are based on for CFA and MFB. It actually came out of a parliamentary inquiry here in Victoria, chaired by Robin Cooper, MP for Mornington, from the Liberal Party. It has been reaffirmed in a Senate inquiry in 2011, and what that fire curve shows you, that if you can get a fire truck with adequate crew numbers, being four, before 8 minutes to a structure fire, you are able to contain that fire to the room of origin. Chances of rescuing someone are greatly enhanced. The dangers to firefighters are minimised because it is a small fire. If it is a business, there will be no flow-on effect within the community due to business interruption. Damage to the property is minimised.

After 8 minutes you have a phenomenon called flashover — unfortunately you have seen photos of what flashover can do to a firefighter — and you have unrestrained fire growth, so no longer is it a small fire. If you get there after the 8 minutes, you are now dealing with a large fire. That means any chances of rescuing a member of the public is greatly diminished. That means the firefighters are now involved in a very large fire fight. The structure has been probably lost, business interruption has occurred and it will have a flow on through the community.

What is the purpose of me showing you this graph? If you flick over to the next document.

Ms SHING — Who produced that graph, Mr Marshall. I note that it is from the Cooper review.

Mr MARSHALL — That came out of the Public Bodies Review Committee inquiry into the fire services in 1993, reaffirmed at a Senate inquiry on fair protection for firefighters in 2011.

Ms SHING — Okay, thanks.

Mr MARSHALL — If you have a look at the next critical document, this is the CFA service delivery standards. It is not an UFU document, nor was the last one. What it says for median, urbanised areas there needs to be an 8 minute response, and that 8 minute response coincides with the fire curve of after 8 minutes where

you are no longer able to contain the fire to the room of origin, the chance of rescuing someone is greatly diminished, damage to the property has increased and there will be business interruption. That is why the CFA has the 8 minutes standard response.

Ms SHING — But that has not changed since 2004, which is the date of this document.

Mr MARSHALL — No, that has not changed. It is current as we speak, and for a low urban response, it is 10 minutes.

Most importantly, Chair, if I could take your attention to this, because this goes to the very heart of the submissions of the CEO of the Country Fire Authority to the royal commission, asking for a 684 increase in career staff, as well as the fact that the Brumby government gave us 342, the Napthine government changed that legally, the Andrews government gave us 350 this time around. This is internal data that has never been released, but I urge you to go and ask to have a look at all of the internal data, and I will show you some, but let me just take you through it.

Mr RAMSAY — Chair, can I just ask: is it the intention of yourself to allow Mr Marshall to take up the entire 1 hour of this hearing?

Mr MARSHALL — Mr Ramsay, this is a fire station in your area,

Mr RAMSAY — This is about fire preparedness, an inquiry at which we want to ask the questions. We have not asked one question yet and we are nearly an hour in.

Ms SHING — That is rich coming from an opposition that has only ever talked about alleging that the union is full of thugs and it is part of a takeover.

Mr MARSHALL — Can I just take you to this, Chair, because this is so critical.

Mr RAMSAY — A lot of this information is over 15 years old.

Ms SHING — This is precisely on point.

The CHAIR — I am cognisant of the fact that we have had truncated time and this is the third attempt to have this hearing.

Mr MARSHALL — I would like to take you to this because this may mean the difference — —

The CHAIR — You would, but I would also like to ask some questions, and I am keen to make enough time at the next hearing to cover it.

Mr RAMSAY — This is about ancient history.

Mr MARSHALL — That is fine, and I have told you I will make myself available. What I have said is that this is critical to whether a member of the public will live or die if there is a fire in Lara.

The CHAIR — I agree.

Mr MARSHALL — What it shows is there is a 45 per cent compliance rate. It is a CFA internal audit document. There is a 55 per cent failure in Lara — that is your area. So the response currently in Lara is that Lara is a fully volunteer brigade. The response is that they respond and then the Corio fire station integrated brigade backs them up. It has been often the case that there has been no volunteer response or an inadequate response. If you have a look at the pie graph here, the pie graph shows you for medium urban — and that is the 8-minute response — there are 90 incidents there. If you have a look at the low urban, there is 10 minutes. Then if you have a look at the remote — that is the rural area — there is 36 minutes. But if you actually have a look above that, for the previous year there was a 52 per cent compliance.

Ms SHING — Sorry, which one are you looking at? Incidents attended by day of — —

Mr MARSHALL — Second page, up the top — 45 per cent compliance in the right-hand corner.

Ms SHING — Yes.

Mr MARSHALL — And if you go down a little bit it talks about the hourly time periods. Then if you have a look on the left-hand side, it says 45.6 per cent.

Ms SHING — Yes, ‘Current period’.

Mr MARSHALL — That is the current period. Last year it was 52.5 per cent. Then you can see there is a decrease; it is getting worse for compliance. Why? There are two prisons down there, it is an urbanised area, there is downward pressure on the volunteers. It is not their fault that they cannot meet those standards, because a lot of them travel out of the area to work et cetera. But it is unacceptable, and the CFA knew this. That is why they asked the government for an extra 684 firefighters. That is why there are an extra 350 firefighters in this agreement. But that is just Lara.

Mr RAMSAY — So why have those Lara station volunteers been raising concerns around bullying and other things?

Mr MARSHALL — I have not finished this.

Ms SHING — Nice try, Mr Ramsay; you will get there eventually.

The CHAIR — I think we have two more — —

Mr MARSHALL — I have not finished. If I could actually go to this. If you have a look at the next page, the second page in, there are four — —

The CHAIR — Mr Marshall, I think it might be better if we are going to go through each of the graphs in detail —

Mr MARSHALL — This is critical.

The CHAIR — we might want more time to do that in proper detail.

Mr MARSHALL — I am going to finish in a minute. On this particular point — —

Mr RAMSAY — You had four points you were making 20 minutes ago.

Mr MARSHALL — Mr Ramsay, I would have actually thought you would be concerned about the fact that there is a 55 per cent failure of a brigade that is in your area.

Mr RAMSAY — I am.

Mr MARSHALL — I thought you would be really concerned about that.

Mr RAMSAY — These hearings are about trying to elicit information for the benefit of the inquiry.

Ms SHING — That is precisely what we are doing.

Mr MARSHALL — Yes, and what I am trying to do — —

Ms SHING — If you would listen, then we could keep going.

Mr RAMSAY — All I have heard you say is a one-sided presentation.

Ms SHING — That is the nature of witness evidence, Mr Ramsay — a one-sided presentation.

Mr RAMSAY — Yes, but not for an hour though.

Mr MARSHALL — If you have a look here, this is in relation to four qualified crew on scene — this document here. Do you see that?

The CHAIR — Yes. We might spend more time on this when you come back.

Mr MARSHALL — No, let me actually put it on the public record because there has been more than — —

The CHAIR — It will be; it will be on the website.

Mr MARSHALL — More than adequately it has been traversed through this committee and elsewhere that the 350 firefighters are not needed — not needed — and this is about the critical areas of the community that are not protected.

If I could just take you to this, let us look at four qualified crew on scene. Out of 13 incidents on three occasions — three occasions only — they had four qualified on scene. When you go to the seven that are necessary for the backup, there were only two incidents. I will not take you to any more on that document, but I also want to take you to another point. You talk about consultation and the effect of the enterprise agreement on volunteers. If you now go tab no. 9, there is no effect on volunteers, as the Fair Work commissioner indicated. The document there is off the VFBV's website. The volunteers have their own standing committees — consultative committees — between the CFA and the VFBV. The UFU has nothing to do with it, nor do we want anything to do with it.

Ms SHING — Sorry, Mr Marshall, you just said the document here is from the volunteer website.

Mr MARSHALL — It is from the VFBV's website. It has been put in a form that is actually able to be there. These are the committees, the standing committees. You only have to actually — —

The CHAIR — When did this go up on the website, do we know?

Mr MARSHALL — It has been there for a long time.

The CHAIR — I am just try to establish that.

Mr MARSHALL — It has been there for a long time, but no-one has ever looked. If you have a look at those, you can see that these are the standing committees. So the volunteer associations of Victoria and the CFA have their own standing training committee, their own standing volunteering committee, their own equipment infrastructure committee that actually deals with fire station design, that actually deals with — —

Mr RAMSAY — Can I get a clarification? Are we talking about the CFA and the volunteer brigade agreement or the EBA?

Mr MARSHALL — Are you going to talk over the top of me?

Mr RAMSAY — No, just a clarification. Are we talking about the CFA and the Volunteer Fire Brigades Victoria agreement rather than the EBA that we were talking about prior between the CFA and the — —

Mr MARSHALL — That is right. There have been allegations — —

Mr RAMSAY — So we are talking about different agreements?

Mr MARSHALL — There have been allegations that the enterprise agreement and its consultative committees that you are actually having a look at through this process impact on the ability for volunteers to choose equipment and uniform and dictates to them. I have just pointed out to you that they have their own standing committees that we have no business to interfere with, nor do we have any input, between the CFA board and the VFBV, and those committees go to equipment and infrastructure, uniform and fire station design. Apart from the Fair Work Commission recommendation saying that this agreement has no impact on volunteers, how can anyone suggest that the consultative committees in the enterprise agreement subvert these? They had their own silos, their own standing committees — —

The CHAIR — Many have suggested it; that is the point.

Mr MARSHALL — Of course. But no-one has produced that document to you; Mr Ford did not.

The CHAIR — No, and I am always interested to see new documents.

Mr MARSHALL — Chair, I know you have been very tolerant; I just want to do two more things and then I am going to get out of your hair.

The CHAIR — We are now at 55 minutes.

Mr RAMSAY — You have left no time for questions though. It has been the Peter Marshall show for an hour.

Ms SHING — So has every front page of the *Herald Sun* for the last few months, and it is nice to actually be able to get some detail.

The CHAIR — Just 2 minutes, if we can, and then we will ask some questions.

Mr MARSHALL — Yes. I will whip through it really quickly. So firefighter preparedness, you have focused on the nature and level of the emergency response in terms of retrospectivity. The 2009 bushfires royal commission — —

Ms SHING — Sorry, we cannot get you on Hansard.

The CHAIR — You need to come and sit back here so that Hansard can hear, please.

Mr MARSHALL — I will need glasses. In 2009 the Victorian bushfires royal commission CFA CEO Mick Bourke confirmed that the CFA sought funding for 684 additional firefighters. I have given you evidence on that, and there is the transcript in relation to that.

The next one — I will rush through this — there are the questions. The answers were essentially on the transcript. The next one: Jack Rush, counsel assisting the commission, also made submissions in relation to the need for more career firefighters.

Mr RAMSAY — Is that the Jack Rush who does not support the current EBA proposal?

Mr MARSHALL — That is an interesting contradiction, and that is why have the submission up there.

Ms SHING — That is right. How timely, Mr Ramsay.

Mr MARSHALL — The next one: again, this is the release by the Brumby government as a result of the 2009 bushfires royal commission, where the CFA chief executive officer asked for 684 career staff to protect Victoria. The Brumby government announced 342 new career firefighters and put out how much that was. That announcement was in August 2010.

Next one: 'Liberal/National government elected in 2010'. The newly elected Liberal-Nationals government, for whatever reason, challenged the 342.

Next one: 'Cuts to fire service budget'. You asked about preparedness. It has had an effect because there was a delay in the implementation of those 342.

The CHAIR — The budget went up every year in fact.

Mr RAMSAY — We actually increased the budget.

Ms SHING — Oh, right.

Mr RAMSAY — I mean, talk about lies and myths.

The CHAIR — Keep going.

Mr MARSHALL — Well, sorry. I am only going on what your minister said. It is on the public record — \$66 million was slashed out of the fire service budget.

Next one:

The above mentioned budget cuts and litigation have resulted in critical delays in addressing the shortcomings identified in the 2009 Victorian Bushfires Royal Commission.

Under emergency management service volunteers you talk about surge capacity. This is important, and it actually says:

Both agencies' assessments of current workforce capacity overestimate their emergency response capabilities, meaning neither agency can be assured that it has the capacity to respond to incidents when they occur.

And we have actually seen data; this has come from the Auditor-General in 2014.

In the next one you go on to the Auditor-General's report again, and it says there — the highlighted bit — 'rather than the minimum number of volunteers it needs to perform its functions'.

While CFA currently has around 57 500 volunteers, it identifies only the number of volunteers with specific skills it needs, rather than the minimum number of volunteers it needs to perform its functions.

In the next one — and this is training and deployment:

... brigade operational skills profiles do not determine the number of members —

The CHAIR — Keep going.

Mr MARSHALL —

a brigade requires for overall viability.

Down the bottom it says:

This practice may give false assurance that a brigade has a capacity to respond, when it does not.

This is critical information. In the next one it goes on to say under 'workforce planning data' — the underlined bit:

This has implications for sustainable workforces in rural areas and for CFA's ability to deliver services.

Then it goes on to say:

However, CFA does not have processes to identify the number of volunteers it has, so the basis of this number is unclear'.

The CHAIR — We will ask the Auditor-General to come.

Mr MARSHALL — Yes, I hope you do get him here. It is his report.

Next one:

This can result in towns not having an appropriate level of fire response available at all times.

The next one, 'Conclusion':

While systems and processes are in place to train, deploy and support volunteers, their effectiveness and efficiency is uncertain. Neither the ... CFA nor the ... SES is able to ensure itself that its training, deployment and retention practices are effective and that it has the volunteer workforce needed to carry out its emergency response roles.

The next one, 'Summary 2009' of the bushfires royal commission the CFA asked for 684 — —

The CHAIR — I do not think we can go through the full 2009 royal commission, I am sorry.

Mr MARSHALL — Okay. Next one, 'Importance of standards compliance' — this is in relation to response times:

Citizens expect a prompt response to an emergency call and want to know how long the response is likely to take. Therefore, the public takes a strong interest in the responsiveness of Victoria's emergency services.

Next one:

Community safety should be the paramount consideration of this inquiry.

The key question is:

Are the communities, that the CFA are responsible for, being protected in accordance with the standards required to maximise the potential for saving life, minimising damage to property, and preventing the flow-on of economic loss?

Failure to meet those standards of response does not meet community expectations, puts lives at risk and increases damage to property resulting in economic loss.

Next one:

The committee was chaired by Robin Cooper —

in 1994.

The CHAIR — We have already referred to that.

Mr MARSHALL — The next one refers to unrestrained fire growth. Get a crew there within 8 minutes with a fire truck — within 8 minutes — —

The CHAIR — That is a chart you have shown us.

Mr MARSHALL — Yes. You can contain the fire to the room of origin.

The CHAIR — Yes, we have seen that.

Mr MARSHALL — After 8 minutes what you are dealing with is a very large fire, chances of actually rescuing someone are greatly diminished. That is why the CFA has an 8-minute standard and the CFA and MFB have a 7.7-minute standard for urban areas.

Next one:

In order to maximise the potential of saving life and minimising damage to property, firefighters must enter the building to commence suppression activities to avoid flashover.

They have to go into the building; it is not an option to stand on the street.

Next:

Modern building products and increase of the use of plastics in the possibility of flashover occurring earlier.

The 8 minutes is getting worse because of the use of plastics.

The next one, 'Primary incident service delivery standards' — and this is so important that the committee must have a look at this. And I have nearly finished it.

The CHAIR — How many more pages have you got?

Mr MARSHALL — Just a couple.

Service delivery standards ... is the predefined response time allowed for a brigade to respond to an emergency incident and applies to any emergency incident in CFA territory;

A primary SDS is any incident occurring in a brigade's defined response area ...

Next is the CFA's service delivery standards, and you have already got that document. You can see that the response time standard is 8 minutes. Next one.

The CHAIR — That is the same document we saw.

Mr MARSHALL — Yes, that is right, and here they allow 90 seconds for career staff to actually exit from the station to turn out — that is, when the call comes in to get out the door. They allow 4 minutes travel time for a volunteer once the pager has been set up to get to the station. Then there is 4 minutes travel time. It cuts down the ability to get there within 8 minutes. No criticism; it is just the way it is.

Next one. Now this is the Honourable Richard Dalla-Riva's brigades, and we have brought this to your attention so you can do something about it.

Next one. If you have a look at this, the failure rate here is an 80 per cent failure rate. This is CFA data. There is no UFU data, but CFA data, and it should be on the public record.

The CHAIR — Yes. We are happy for it to be on the public record, but I am not sure that we can go through every brigade.

Mr MARSHALL — I would have thought, given the comments that have been made through this inquiry — we will not go through every brigade. We are just going to give you an example, Chair, and you have been very courteous to me.

Next one: in Warrandyte and Wonga Park you see there is a 69 per cent failure. In North Warrandyte there is a 50 per cent failure. In Mooroolbark there is a 41 per cent failure. In Bayswater, 45 per cent. Simon, I want to bring this to you.

The CHAIR — I am just getting nervous that we are going to go through every brigade in the state, Mr Marshall.

Mr MARSHALL — I want to bring this to Simon's attention, because Simon has had a lot to say about fire cover.

The CHAIR — If you have got a table, we are happy to have it incorporated.

Mr RAMSAY — I have not managed to say a thing for a whole hour and a half.

Mr MARSHALL — Well, I hope you say something after reading this data, so let us have a look at this next one.

The CHAIR — Mr Marshall, I am going to have to do indicate that we — —

Mr MARSHALL — This is not fair, Chair.

The CHAIR — No, no. We would like — —

Mr MARSHALL — This is critical data.

The CHAIR — Yes, and we are happy to take it on the record, and it will be on our — —

Mr MARSHALL — And I think you are trying to stop the media seeing it —

The CHAIR — Oh no, I am not. I am very keen to see it.

Mr MARSHALL — because I am being rushed through this. This is the most critical factor — that whether the public are protected. And this data, being CFA data, shows they are not. And for the sake of 5 minutes I would have thought it was in the public interest, given the controversy around this debate, for this to be made public during this forum now, not hidden somewhere like it has been.

The CHAIR — No, no. I am suggesting it be on the website so everyone can see it.

Mr MARSHALL — That is what the committee is — —

The CHAIR — Would you be in favour of — —

Ms TIERNEY — Brigades are in my electorate, too, and I would like to actually see this information.

Mr MARSHALL — Thank you.

Mr RAMSAY — Why are you afraid to take some questions, Mr Marshall? Not one question has been asked of you.

Ms SHING — No, no. That is why we are going to schedule a fresh time. We can have a whole hearing scheduled for questions, Mr Ramsay.

Mr MARSHALL — So for Highton, Mr Ramsay, there is a 71 per cent failure in your area.

Mr RAMSAY — I do not understand why you will not take questions.

Mr MARSHALL — Next one: Horsham, there is a 44 per cent failure. Next one: Lara; we have talked about Lara. There is an 81 per cent failure when you combine all the standards. Sebastopol, 46 per cent failure; Queenscliffe, 71 per cent failure; Geelong West, 35 per cent failure; Drysdale, 67 per cent failure; Portarlington, 33 per cent failure.

Mr RAMSAY — Does that mean they are 30 seconds outside the 8 minutes, or what constitutes failures?

Mr MARSHALL — It does not matter. It means they are not meeting the standards as required.

Mr RAMSAY — I mean you can use figures any way you want. but — —

Ms SHING — Except for the 8-minute rule.

Mr MARSHALL — These are CFA figures. These are CFA figures, and these standards are designed to save life and minimise damage to property. So, failure, 40 per cent. Next one. Now Eastern Victoria. We will go through this: 52 per cent; 76 per cent for Moe. We have got more and more. But my point is — —

The CHAIR — Mr Marshall, we are keen to have it in a table, and we will put it on our website.

Mr MARSHALL — You can put it on your website and I am quite happy to hand it out to the press gallery, because I want to say this, Chair — —

The CHAIR — No, no. We are actually at the end of — —

Mr MARSHALL — I know I am being very affirmative, but because the UFU has been so vilified in relation to having an effect on volunteers when it does not, nor does it seek to do, because the UFU has been used as a political football, the truth needs to come out why there is a need for 350 career firefighters.

Mr RAMSAY — I think you actually started that back in 2014.

The CHAIR — The truth will come out when we start to ask some questions.

Mr MARSHALL — Can I just say the 350 career firefighters that the Andrews government had deployed are because of these problems. And I just want to say one more thing: this data and — —

The CHAIR — Mr Marshall, we are going to have to ask some questions now.

Mr MARSHALL — This data has been known for a long time. It has been covered up.

The CHAIR — We are now on 1.38. We have been going for more than an hour.

Mr MARSHALL — It has been covered up, indeed been covered up because — —

The CHAIR — And I am keen to put it all on the website.

Mr MARSHALL — it did not want to alarm the public, but now it is public and it is incumbent upon you as a member of Parliament to do something about it.

The CHAIR — That is why we are going to have another hearing, Sir, and I am going to suggest Wednesday of the next sitting week and I am seeking your commitment to come without having to subpoena you. This is the third occasion we have sought to have you here.

Mr MARSHALL — Second.

The CHAIR — No, it is the third, in fact, indeed — and I can provide that list of times, if you wish. We had to subpoena you on this occasion and I think that is very — —

Ms SHING — Mr Marshall has already indicated he is very happy to come back.

The CHAIR — And I am seeking that clearly.

Ms SHING — So perhaps if we could just get confirmation that that will take place.

Mr MARSHALL — I will confirm that Wednesday is okay.

The CHAIR — Wednesday of the next sitting week.

Mr MARSHALL — I will confirm that, but I have a number of roles, which you are well aware of, in fact. As I said, if you do me a favour and talk to your parliamentary colleagues up in federal, I will not have to go up there anymore.

The CHAIR — Sir, I have got one question for you to start with, and that is: you had a meeting with the Premier of this state on 13 April — —

Ms SHING — So let us not worry about bushfire preparedness. Let us chuck the terms of reference out the window. Do not even worry about them.

Mr MARSHALL — I just showed you. Communities — —

The CHAIR — And we will come back to go through all of this in further detail.

Ms SHING — Yes, yes. Now the relevant and important things come out.

Mr MARSHALL — As we speak, there could be a fire call there where someone could burn in their home — a house would burn down — because there is inadequate fire cover, and you want to ask me a political question.

The CHAIR — That is why we have got an inquiry into bushfire preparedness.

Mr MARSHALL — And you want to ask me a political question.

The CHAIR — Sir, you will need to answer this question about the Premier and your meeting on 13 April. Did you meet with the Premier on 13 April 2 — —

Mr MARSHALL — I cannot confirm when it was. I met with the Premier. Whether it was 13 April, I have no idea.

The CHAIR — All right. When was the meeting, then?

Ms SHING — How many questions have you got, Chair? Because we are now over time.

The CHAIR — We are going to need more time, there is no question, for everyone's questions.

Ms SHING — No, just yours, Chair; is it just you getting on the agenda?

Mr RAMSAY — Well, stop talking and allow him to answer it and you might get a question.

Mr MARSHALL — What was the question? I have got nothing to hide about it.

The CHAIR — So you did meet.

Mr MARSHALL — It is on the public record that I had a meeting with the Premier.

The CHAIR — I want to understand what transpired at that meeting and what was discussed.

Ms SHING — Again, not that it has any bearing on the terms of reference at all.

Mr MARSHALL — The reality is it is not in the terms of reference, but it is already on the public record.

The CHAIR — Yes, it is indeed.

Ms SHING — Is it?

Mr MARSHALL — It is already on the public record.

The CHAIR — Did you discuss the EBA?

Mr MARSHALL — No. What I talked about is in relation to the ongoing damage that was occurring as a result of the protracted EBA process. Contrary to what has been alleged, there was no deal, no commitment, no outcome other than the fact that things — —

The CHAIR — Do you have records of that meeting?

Mr MARSHALL — No. Why would I have records?

The CHAIR — Well, many do.

Ms SHING — The Liberal Party has got records of the Hands Off the CFA site where it sought to solicit donations from volunteers.

The CHAIR — So the EBA was discussed in fact.

Mr MARSHALL — No, I just told you.

The CHAIR — Well, you have described the — —

Mr MARSHALL — I just told you. Please do not misrepresent what I say on transcript. The EBA as a concept was talked about in general. There was no content talked about. There was no deal, no commitments. The reality is that we did not want to be at war with the government the way that it had actually transpired, and that was the purpose of the meeting.

The CHAIR — Were there other people present?

Mr MARSHALL — Not to my recollection.

The CHAIR — So that is yes or no?

Ms SHING — That is an answer, Chair. Come on.

The CHAIR — No, no, I am seeking — —

Mr MARSHALL — I just told you, not to my recollection. I have lots of meetings with lots of people, and I have got to say to you that you have really reaffirmed in my mind that this is a political witch-hunt, given I have shown you many areas where someone could die in their home — —

The CHAIR — I would ask you to come back to deal with all of these matters — —

Mr MARSHALL — and all you are interested in is a political hit as to whether there was some deal. I am telling you on the record: no deal. There was no deal discussed, not even in the — —

The CHAIR — And why do you think the minister, Jane Garrett, was opposed to signing the EBA?

Ms SHING — Would you like to speculate on somebody else's opinion there, Mr Marshall?

Mr MARSHALL — Well, you will have to ask the minister.

The CHAIR — We may do that, too — former minister. And the board that was sacked, on the CFA, why do you believe that board was sacked?

Ms SHING — Do you want to speculate on another issue?

Mr MARSHALL — I was going to say you will have to ask the board members.

Ms SHING — Again, Chair, this is unbelievable. Can we please actually wrap this up?

The CHAIR — And the chief fire officer also has a different view about these matters, from the UFU, the former chief fire officer.

Ms SHING — You are going for the quinella, are you, Chair?

Mr MARSHALL — My understanding is the chief fire officer was happy with the agreement as long as he got a pay increase. That was my understanding.

Mr RAMSAY — That is a pretty cheap political shot.

Ms SHING — Oh, really? Let us talk about cheap political shots, Mr Ramsay. Not that that has ever happened in this inquiry. Not at all. No, we would never have anything that is cheap or political in this inquiry.

The CHAIR — And the former CEO was also opposed to the signing of the deal. For what reason do you think the former CEO of the CFA was opposed to signing it?

Mr MARSHALL — You know, that is really, really funny. It is a good question. You would have thought that the CEO would actually have come and spoken to the union about the enterprise agreement — never did. Turned up at the very last minute at Fair Work. Never had a conversation with her about the agreement. Never. Unusual, one would think.

The CHAIR — One of the documents — —

Ms SHING — Sorry, Chair, we are going to have to go to question time. It is a quarter to 2.

The CHAIR — I think we are going to call this hearing a day at a quarter to 2.

Mr MARSHALL — Can I just ask, Chair, for process — —

The CHAIR — No, no. I have just got something I wish to ask first.

Ms SHING — No, no, Chair. You do not get carte blanche on an unlimited diatribe about this before we head off.

Mr MARSHALL — That information is critical.

The CHAIR — We agree. We are happy to have any evidence provided to the inquiry.

Mr RAMSAY — It has been tabled.

Mr MARSHALL — And now that it is actually out in the public arena, it would be a travesty of justice to leave it buried.

The CHAIR — Well, indeed, I am proposing the opposite.

Ms SHING — Mr Marshall, is that information going to be provided to the secretariat, because if your support people could make sure that that is provided to the secretariat and able to be published online, that would be useful.

Mr MARSHALL — Yes.

Ms SHING — And you have confirmed also that you will be attending the next parliamentary sitting week?

Mr MARSHALL — I will confirm this afternoon once I get home and have a look at my diary.

Ms SHING — Thank you, on the Wednesday evening. Again, if that could be — —

Mr MARSHALL — Evening?

Ms BATH — Yes. We sit during the day.

Mr RAMSAY — We work evenings as well.

Ms SHING — Just like firefighters, except we get to knock off.

Mr DALLA-RIVA — Can I ask, Mr Marshall, the data you have given us there, I am interested to know, have you got a comparator for the MFB?

Mr MARSHALL — Yes. If you actually — —

Mr DALLA-RIVA — I would like to see them because you have referenced my area, for example. I would like to know what is the fail rate, because some of those, you have got a fail rate but it is like the glass half full. I look at a 36 per cent fail rate or 27 per cent fail rate.

Ms SHING — On the right-hand side. Primary SES compliance is circled on the right-hand side.

Mr MARSHALL — Actually, the MFB — the public bodies review as well as the Auditor-General report just recently on response times actually highlighted the MFB is the only one that makes their data known — their response time known, data known and their effectiveness known — in their annual reports. If you have a look here, what we did do as a comparison, and you can see there that is Geelong, a career station — —

The CHAIR — I think we are literally going to have to go because we have got question time.

Mr MARSHALL — You asked the question. You do not like the answer.

Mr DALLA-RIVA — No, no. I do.

Ms SHING — We will get back to that, Mr Marshall.

Mr DALLA-RIVA — That is why I wanted to ask. I was just preparing you that that would be along.

Mr MARSHALL — So that is the comparative. As you can see there, that is a 95 per cent — —

The CHAIR — I have to close the hearing because people have got a commitment in the Parliament.

Mr MARSHALL — Can I just say this, Mr Dalla-Riva: I am not doing this for a cheap shot.

The CHAIR — Thank you, Hansard, and we look forward to Mr Marshall coming back.

Mr MARSHALL — This is the crux of what is the real problem.

Ms SHING — Yes, so we will pick that up again next time.

The CHAIR — The hearing is now closed.

Committee adjourned.