



TRANSCRIPT OF PROCEEDINGS

*Fair Work Act 2009*

1053354

**JUSTICE ROSS, PRESIDENT  
SENIOR DEPUTY PRESIDENT O'CALLAGHAN  
COMMISSIONER WILSON**

**AM2014/202**

**s.156 - 4 yearly review of modern awards**

**Four yearly review of modern awards  
(AM2014/202)**

***Fire Fighting Industry Award 2010***

**Melbourne**

**9.32 AM, THURSDAY, 21 APRIL 2016**

**Continued from 20/04/2016**

PN2391

JUSTICE ROSS: Mr Moore, I know these issues are difficult to estimate but I think at the beginning of the proceedings you indicated that the expectation, correctly as it turns out, was that we'd be going into today but we'd finish within the day. For the purpose of travel and other arrangements, are you able to give an indication as to how long you're likely to be with the remaining witnesses or where that might take us to?

PN2392

MR MOORE: I'm anxious as I begin to say this but I'm confident that I'll finish by the end of today, within the normal sitting hours.

PN2393

JUSTICE ROSS: Right.

PN2394

MR MOORE: That's probably - - -

PN2395

JUSTICE ROSS: We'll finish today, whether it's within the normal sitting hours or not is the question isn't it?

PN2396

MR MOORE: Well, I'm expressing confidence that we would complete the scheduled witnesses within normal sitting hours today.

PN2397

JUSTICE ROSS: Right.

PN2398

MR MOORE: Hopefully earlier but I don't want to express that confidence.

PN2399

JUSTICE ROSS: Thanks.

PN2400

MR MOORE: Your Honour, there were a number of matters raised by you yesterday that I just wanted to report back on. In terms of the query raised about getting a witness from the New South Wales Fire Services, my clients have been in contact with New South Wales Fire and Rescue and that agency has confirmed that they will assist by providing evidence in relation to their arrangements. We are though waiting on information as to a contact point, so that that can be progressed.

PN2401

JUSTICE ROSS: Can I suggest this to the parties that once you've identified the contact point I have a short telephone directions hearing involving that witness as well or the prospective witness and identify the when issue and the where, so that it suits everyone's convenience.

PN2402

MR MOORE: You mean the scheduling of the giving of that evidence?

PN2403

JUSTICE ROSS: Yes.

PN2404

MR MOORE: Yes, yes. I think Mr Kenzie's anxious to ensure he has an opportunity to consider what evidence that witness might give understandably.

PN2405

JUSTICE ROSS: Look there's not going to be - it's a review process, it's not an inter parties proceeding. So there's no formal closing of evidence or anything of that nature and our obligation is to ensure that it's a fair process. So once that material comes in, if that requires some response or consideration then of course our interest is in finding out about it.

PN2406

MR MOORE: Yes.

PN2407

JUSTICE ROSS: Not necessarily confining that to one source of evidence. So let's see how we go and we'll see how we can progress it.

PN2408

MR MOORE: So can it be left on the basis, your Honour, noting your Honour's observations as to a proposed course that my clients will get onto obtaining something in the nature of a witness statement from an appropriate person, as soon as that can be done, and provide that to the Commission and to the union. Then - - -

PN2409

JUSTICE ROSS: Yes, and shortly after that we'd have a mention to program how we will deal with that evidence and whether there's a need for or a desire to call any further evidence in relation to that issue.

PN2410

MR MOORE: Yes, thank you, your Honour. The second issue that came up was the earlier inquiry that your Honour made about comparative information about safety, as between states. We have obtained and can provide to the Commission, if it's convenient, copies of the annual reports of various agencies in other states. In the limited time available a quick look's been had of that material. We don't think that it offers much assistance, so I don't want to unduly burden the members of the Bench with more folders.

PN2411

JUSTICE ROSS: No, no, that's fine. I read the New South Wales Annual Report overnight and that doesn't really provide much assistance on this issue, other than some generalised statements. But there doesn't seem to be any detail. There's quite a bit on the financial reporting side but not much on the - - -

PN2412

MR MOORE: Yes. So we have that material but I'm not suggesting to you that would assist the Bench in any way.

PN2413

JUSTICE ROSS: No, but I'd probably rather have it than not.

PN2414

MR MOORE: Of course. Well we can provide that now to my learned friends.

PN2415

JUSTICE ROSS: Thank you. Of course in the written submissions if there's anything in any of that material either party particularly wants to draw our attention to, then you'll have the opportunity to do that.

PN2416

MR MOORE: Yes, your Honour. There is - we are making inquiries with another agency, which goes by the acronym AFAC - A-F-A-C.

PN2417

JUSTICE ROSS: Yes, the federal body.

PN2418

MR MOORE: Which is the Australian[sic] Fire and Emergency Services Authorities Council, I'm instructed.

PN2419

JUSTICE ROSS: Yes.

PN2420

MR MOORE: As to whether it may have comparative data which might shed light on those matters.

PN2421

JUSTICE ROSS: Sure, thank you.

PN2422

MR MOORE: The only other issue which remains outstanding is I think your Honour asked a question, was interested in obtaining further information about the situation in Queensland.

PN2423

JUSTICE ROSS: Yes.

PN2424

MR MOORE: Now we've made some inquiries overnight about that. The position is not entirely clear, those inquiries are incomplete and I'm not quite sure how best to proceed in that regard and how we can best assist the Commission. There have been developments there but I don't yet know the full narrative in relation to those developments.

PN2425

JUSTICE ROSS: We can deal with that in the same way as the New South Wales matter and see how that progresses. If you can advise me once the position's clearer and advise the UFU and then we can deal with it at the mention if need be. It may be that in the context of the case it's not necessary to expend resources finding information out about it but I'd be interested in the views of the parties about that, and we can deal with that at the mention.

PN2426

MR MOORE: Right.

PN2427

JUSTICE ROSS: I think New South Wales are in a different position because - well it's mentioned in the annual report there's the 24 hour shift issue, there's the evidence that we've received and that evidence is obviously not direct evidence, so I think that's in a different category. But let's see how your inquiries develop.

PN2428

MR MOORE: Yes, I suppose the parties, noting your Honour's inquiry, can further pursue those inquiries.

PN2429

JUSTICE ROSS: Certainly.

PN2430

MR MOORE: If a party forms a view that there's some interest or the Commission might be assisted by putting material on about that we can raise that - either do that or raise that at the mention.

PN2431

JUSTICE ROSS: Certainly.

PN2432

MR MOORE: Yes.

PN2433

JUSTICE ROSS: Are you content with all of that, Mr Kenzie?

PN2434

MR KENZIE: No, I agree with everything my friend said.

PN2435

JUSTICE ROSS: Right. Next witness. Any further preliminary matters? No, right.

PN2436

MR KENZIE: The next witness is Kenneth Leslie Brown.

PN2437

THE ASSOCIATE: Could you please state your full name and work address?

PN2438

MR BROWN: Kenneth Leslie Brown, 456 Albert Street, East Melbourne.

<KENNETH LESLIE BROWN, SWORN

[9.40 AM]

EXAMINATION-IN-CHIEF BY MR KENZIE

[9.40 AM]

PN2439

MR KENZIE: Mr Brown, could you state again for the purpose of the record your full name and address?---Yes, Kenneth Leslie Brown, 456 Albert Street, East Melbourne.

PN2440

Mr Brown, in relation to this proceeding did you prepare a witness statement dated 6 April 2016?---Yes, I did.

PN2441

Do you have a copy of that statement in front of you in the witness box?---Yes.

PN2442

Are there any matters in that statement that you need to correct or alter or not?---No.

PN2443

Thank you. Do you say that the contents of that statement are to the best of your knowledge and belief true and correct?---Yes.

PN2444

I tender the statement, your Honour, subject to I think the changes that were effected to paragraph 25 - - -

PN2445

JUSTICE ROSS: That's right.

PN2446

MR KENZIE: - - - in the discussion, your Honour.

PN2447

JUSTICE ROSS: As I understand it, in the fourth line it's to delete the words "to limit" and insert the words "what I considered to be". Then after the word "implications" to insert the words "referred to above".

PN2448

MR KENZIE: They are the amendments, your Honour.

PN2449

JUSTICE ROSS: I'll mark that exhibit UFU6.

**EXHIBIT #UFU6 STATEMENT OF KENNETH LESLIE BROWN,  
AS AMENDED, DATED 06/04/2016**

PN2450

Yes, Mr Moore.

\*\*\* KENNETH LESLIE BROWN

XN MR KENZIE

PN2451

MR KENZIE: Your Honour - - -

PN2452

JUSTICE ROSS: Is there a further one?

PN2453

MR KENZIE: - - - just before that, I was too hasty - - -

PN2454

JUSTICE ROSS: You're quite right.

PN2455

MR KENZIE: It should read;

PN2456

*and to limit what I considered to be the damaging implications referred to above.*

PN2457

JUSTICE ROSS: I see, yes. I'm sorry. Yes, thank you.

PN2458

MR MOORE: Sorry, what was that marked, your Honour?

PN2459

JUSTICE ROSS: UFU6.

PN2460

MR MOORE: Thank you.

**CROSS-EXAMINATION BY MR MOORE**

**[9.42 AM]**

PN2461

Good morning, Assistant Chief Fire Officer. I want to ask you some questions about your witness statement if I may?---Yes, thank you. Good morning.

PN2462

Now I just want to understand some fundamental things about your statement. You have expressed many concerns about part-time employment and part-time firefighters in your statement, and I want to understand the specific type of employment in the arrangement you're envisaging when you address part-time employment and part-time firefighters in your statement. Evidence has been given by a number of witnesses called by the union that the concept of part-time employment and part-time firefighters, about which they have expressed concern in their statements is employment on an irregular and casual basis. Is that your position?

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2463

MR KENZIE: Your Honour, I haven't objected to this form of question in the past. I possibly should have but - - -

PN2464

JUSTICE ROSS: Should the witness be outside while you put your objection?

PN2465

MR KENZIE: Yes, your Honour. I think so.

<THE WITNESS WITHDREW

[9.43 AM]

PN2466

JUSTICE ROSS: What's the basis of your objection?

PN2467

MR KENZIE: Your Honour, I have no idea what the witness' answer to that question is or is likely to be but our friend having put this sort of question - put a question to the first witness and having obtained from the first witness his view that he was referring to casual and - - -

PN2468

JUSTICE ROSS: Yes. Yes, irregular.

PN2469

MR KENZIE: And part time, has then proceeded to put to a number of succeeding witnesses, not the question - - -

PN2470

JUSTICE ROSS: Yes. Without objection.

PN2471

MR KENZIE: Yes, I agree, your Honour – the question, "Look, previous witnesses have said, and do you agree?"

PN2472

JUSTICE ROSS: Yes.

PN2473

MR KENZIE: But the last witness didn't agree.

PN2474

JUSTICE ROSS: Yes, that's all right. He's not saying all previous witnesses though.

PN2475

MR KENZIE: No, well that's – and your Honour, it's really as to the fairness of the question. He is being asked, look, do you sign up to what other people are saying.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2476



JUSTICE ROSS: Yes, what's wrong with that?

PN2477

MR KENZIE: The fairer question would be, "What do you understand to be a part time firefighter?"

PN2478

JUSTICE ROSS: But look, why is there anything wrong with asking a question that a previous witness called by the UFU, "Has said this, do you agree with it?"

PN2479

MR KENZIE: I read the question as reading "previous witnesses have said", as though all previous - - -

PN2480

JUSTICE ROSS: Well, you could say "a number of previous witnesses", that would be accurate.

PN2481

MR KENZIE: That's right. If that's the question, I suppose it assumes a different dimension, your Honour.

PN2482

JUSTICE ROSS: Look, the only – can I put it, the only unfairness that I detect is the – it may be implicit in the question that all previous UFU witnesses have expressed the same view about that. Is there anything wrong with rephrasing the question to say, "A number of the previous witnesses called by the UFU have", et cetera, and then ask the question?

PN2483

MR MOORE: I turned my mind to this, quite specifically, your Honour, and I thought that the question I asked the witness a moment ago was evidence being given by a number, or - - -

PN2484

JUSTICE ROSS: In that case - - -

PN2485

MR MOORE: So I think I addressed the concern that your Honour has raised because I am mindful of that.

PN2486

JUSTICE ROSS: Yes.

PN2487

MR MOORE: I don't want to misrepresent the position.

PN2488

JUSTICE ROSS: No, no, that's fine. Well if that's the question is the objection pressed any further or?

PN2489

MR KENZIE: Well, your Honour, in light of that I think – no, your Honour.

PN2490

JUSTICE ROSS: Okay. All right, let's get the witness back in please.

<KENNETH LESLIE BROWN, RECALLED [9.46 AM]

CROSS-EXAMINATION BY MR MOORE, CONTINUING [9.46 AM]

PN2491

MR KENZIE: Assistant Chief, evidence has been given by a number of witnesses called by the union in this matter, that the concept of part time employment and part time firefighters about which they have expressed concern in their evidence to this Commission, is in their minds, employment on a regular and casual basis. Is that your position? That is, when you are referring to part time employment and part time firefighters in your witness statement, are you referring to firefighters employed on an irregular or casual basis?---What I refer to as part time work is any work that's taken outside of the special administrative duties roster, which is what we determine as the day work roster, or the 10/14 system.

PN2492

I see. So any work outside of the day work roster or 10/14?---Yes, with the special administrative duties roster.

PN2493

Yes. The special administrative duties roster is work on a full time basis?---That's correct, on a Monday to Friday rotation basis over a period of 7 o'clock in the morning till 5 o'clock in the afternoon, over four days cycle.

PN2494

Yes, that's right. I see. And so your position, when you're addressing part time employment and part time firefighters, is anyone who is employed other than on that sort of basis, on either of those basis?---Yes, that's correct, and the 10/14.

PN2495

Yes. You don't have any experience in working as a part time firefighter?---No.

PN2496

And is your understanding of what – as you've just put it, that that would include – you would take objection for the reasons you set out in your statement to a firefighter employed on, for example, a regular, let us say, 30 hours per week on the 10/14 roster?---The only objection I have is if it was classed as minimum crewing, as part of minimum crewing. If it was above minimum crewing then I could see there would be an opportunity but that has never been raised with me as an option.

PN2497

I see. And have you ever worked on anything other than a 10/14 roster?---I've worked on the special administrative roster.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2498

I'm sorry, other than that roster?---And I work currently on the assistant chief's roster.

PN2499

Yes. And how long have you been employed by the MFB?---Thirty-two years.

PN2500

Yes, that's right. So your experience is limited to those work arrangements?---As far as the MFB, yes.

PN2501

Yes. And what did you do before the MFB?---I worked at Kodak Australia-Australasia, in Coburg.

PN2502

In what sort of position?---I worked in a number of positions there from chemical mixer through to transport, so it was a number of – I was there for about eight years prior to joining the MFB.

PN2503

I see. And did you work there on a full time basis?---That's correct.

PN2504

So would it be fair to say that your objection to the variation that's proposed by the MFB and the CFA is an objection to any employment arrangement for operational – or any employment arrangement for operational firefighters that is different to the arrangements which currently provide for the performance of work?---In addition to the arrangements - 'm not objecting to it but in the current 10/14 system in minimum crewing, minimum staffing, then yes, I have an objection to that forming part of minimum staffing, as I've set out in my statement.

PN2505

Yes. So any employment arrangement that is different to that currently provided for, you take objection to if it is within the minimum staff level?---That's correct.

PN2506

I see?---For the reasons that I've set out in my statement.

PN2507

I understand. Thank you. Now I just want to ask you about skills maintenance training?---Yes.

PN2508

The situation is this. In short, the obligations on each station to conduct 48 drills per year and four drills each 28 days?---That's correct.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2509

Yes. And the district training officer sets the drills and makes the material available and the training is then administered by the station officer or the senior station officer?---That's correct. That's the minimum amount of drills that are required.

PN2510

Yes, that's right. And the conduct of those drills is recorded in the skills maintenance database?---The electronic skills maintenance database that is accessible by their direct supervisors so they can monitor the activities of the skills maintenance program.

PN2511

Yes. And just on that database, if any officer ever had a question as to whether or not a particular firefighter had undertaken certain skills maintenance through a drill they could access the data base to check their skill level, in terms of the drills that have been undertaken?---They can access the skills maintenance database to see what drills are being conducted at their station, yes that's correct.

PN2512

Yes. And they can do that at any time in relation to any operational site though?---At this station, yes.

PN2513

Okay, thank you. And do you agree that there is no requirement for individual firefighters to complete four drills every 28 days, or 48 drills a year. The obligation is for the drills to be conducted at the station in the way I have just asked you about a moment ago?---No, the obligation is the shared obligation. Every firefighter has an obligation to maintain their skills and the obligation sits with the officer to make sure that those drills are conducted. But everyone has an obligation to complete those drills.

PN2514

All right, can I put it another way. If a firefighter does not complete the minimum drills requirement they're not prevented from continuing to work as a firefighter?---No but during the inspection regime from the district commander the monthly drills are monitored and there's a report prepared on activities of that station so there would be some station about why that drill hasn't been completed, and it would be expected to be completed as soon as possible.

PN2515

I see, so it's fair to say that the obligation on individual firefighters is in the nature of an expectation?---No, it's their obligation to do the drills. They have to maintain their skills.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2516

Now can I ask you this. The question as to the scheduling and timing of the conduct of drills at the stations is a matter to be determined by the officers in charge of the station?---Yes, to meet in with the different work codes at different stations, because different stations have different risk profiles, so their workload is

determined around their current work arrangements. So the officer will set the skills maintenance regime for that month and determine when they're going to do the drills, and it'll be depending on the type of the drill as well. There are drills that's done in the skills maintenance database which is drill that's done on the computer or in the lecture room, but there will be components of that drill that need to be taken offsite and an example of that is when you do maybe fire safety drills around major hazards and that, there may be a drill that's conducted outside of that with a number of neighbouring stations at those major hazards. So it's not just about doing that 40 minute drill or the hour drill on that day. There is a practical component that needs to be completed as well, plus the other drills that they have to do. So it's not just a simple time of scheduling that drill every week at that same time because there are a number of other tasks that they have to do on a rotating shift.

PN2517

So the scheduling of when the skills maintenance training is done at a station inherently has to be approached in a flexible way, given the unpredictable nature of the operational demands?---That's correct, because our job is unpredictable.

PN2518

Yes, that's right. So it's an inherently flexible regime for imparting that skills maintenance training?---That's right.

PN2519

Now it also needs to be - do you agree that because it's quite common place for firefighters to be absent from the workplace, from their station, in line with their entitlements under the applicable agreement?---I don't know what you mean by common - by common. I don't know what you mean by common.

PN2520

You don't understand the word common?---No, I don't understand the context that you're using it.

PN2521

JUSTICE ROSS: You might explain what the entitlements are you're referring to.

PN2522

MR MOORE: Yes, I'll come at it another way. So firefighters have a substantial entitlement to annual leave?---They have an entitlement to leave.

PN2523

Sixty-five days a year. Is that right?---They have entitlement to leave that is common to the industry which takes in the fact that they work public holidays. They work at 35 hour week but because we're a 24/7 operation we can't reduce the hours of our spread so what they do is there's a calculation done each week on the additional hours that they work and then they're compensated that with time off. So they're not taking any more than what the average person gets in their entitlements but because we have to provide a 24/7 coverage, they have to have the leave banked into blocks where they can actually take it.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2524

So what you've just given is something in the nature of a justification for the entitlement for 65 days leave per year. Is that right?---I've given you the justification that it's the same leave that other people are entitled to but because it's a 24/7 operation you can't have people working a 35 hour week, it just doesn't work.

PN2525

Can we just go back a step?---Yes.

PN2526

Is the entitlement to annual leave 65 days a year for operational firefighting?---Yes.

PN2527

Thank you. There's an entitlement to sick leave?---That's correct.

PN2528

Do you agree with the general proposition that there is a high level of absenteeism on sick leave within the MFB?---There is perception of that but it's how - I believe it's how it's reported in the data. Because when you capture the data on the station management system, it captures all nonattendance at the station, such as training leave, such as bereavement leave, such as jury service, such as paternity leave, military leave, pressing necessity leave, there's a whole list of - and accrued leave. Every shift the MFB encourage people to take - it's called accrued leave or single day long service leave. There's 11 positions allocated to that day and night so 22 in the 24 hour period that the MFB actually encourage people to take. Now they show up in the unavailable figures so there's a misconstrued reporting of the figures because those leave that people should be taking outside of sick leave are actually captured into the numbers.

PN2529

I understand your evidence. So there is a whole host of other more specific leave entitlements that firefighters have, some of which you've just referred to; parental leave, bereavement leave, defence force leave, study leave, industrial planning leave and so on?---That's correct, and there's also WorkCover that comes under there. So if somebody is injured at work actually shows up in that figure, and I think it actually distorts the figures that somebody that gets hurt at work should be captured in and put in a negative framework. Now we've had officers and firefighters have sustained significant injuries that have been off for some period of time and then that's been portrayed as an absence, and I take huge offence to that because they're actually getting hurt in the defence of their job and protecting the community.

PN2530

Are you aware of the report generated by the Victoria Auditor General's office in March 2013, entitled Management of Unplanned Leave in Emergency Services?---The VAGO report, I've heard of it, yes.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2531

You've heard of that?---Yes.

PN2532

Are you aware that that report records that as at that time the personal unplanned leave in the MFB was higher than any other emergency service in Victoria?---Yes, as I said before the unplanned leave needs to be broken down as well. It's not just about sick leave. We have carer's leave entitlement, which are a requirement, so if a family member is ill we're entitled to take time off to care for them. If a grandparent or mother or father is ill and they're part of - a member of the household then we're entitled to take time to care for them. So when it says unplanned leave they are unforeseen leave, such as WorkCover as well. They're all captured into those figures. So it sometimes distorted and we've raised this a number of times that we need to actually extract the data and clearly articulate what the issues are and work with the crews to make sure we capture that data correctly.

PN2533

I see. So there's a range - the import of what you're saying, Assistant Chief, is that there is a whole range of reasons why firefighters are absent properly on an authorised basis from the workplace?---Yes, some firefighters, not all firefighters.

PN2534

Certainly. The point I just want to ask you about, is it because of that, that's another reason why the conduct of drills and skills maintenance training at the station level needs to be organised flexibly, because of the variety of circumstances when firefighters are away from the workplace on leave for one or other reason?---Yes, for undetermined leave like the unplanned leave as you say, but what will happen is that the officer will plan that. So there might be an exercise or a drill that's planned for that week, so the officer might turn round and say well firefighter X is off for these four days because of this, so we'll delay that drill to next week so we can do it all together. That's the important thing about doing it all together, it's that teamwork in there and have an understanding. So that's why the flexibility is put into the skills maintenance database so you can capture those drills in that process.

PN2535

The example you just gave is a typical one of a station officer thinking about absences from work and scheduling drills accordingly?---Yes, on the exception.

PN2536

Pardon?---On the exception, because at a station you may not have an absence.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2537

No, but people with 60 days annual leave a year, I mean people would be taking annual leave, that would not be an uncommon thing of course?---No, what happens there is there are staffing factors that are built into the agreement or the rostering system that allows rotation of staff to cover those annual leave, and I'll give you a very simple example. At a single fire truck station there will be three

firefighters on crew all the time. So when we do our rostering we actually roster four firefighters to that position, so as every month they self-relieve. So what happens there is when that firefighter comes back from leave those drills are made up with the team in that environment. So you're actually - because there's one off every month as the rotation and then every six months they're all together again, you're actually able to pick up those extra drills in that format to do that, without creating an overwhelming burden on the station to complete those drills.

PN2538

So do you mean by that that to accommodate the sort of situation you've just described, that it can be necessary from time to time for drills to be conducted more than once?---Yes, everyone will have to do those drills to catch up. So that's an extra burden on the station.

PN2539

Yes. You'll accept that there needs to be, for all of the reasons you have just given evidence about, there needs to be flexibility around the provision of drills and skills maintenance training at station level?---Everything we do at the station has to have flexibility.

PN2540

Yes?---Station maintenance, station inspections.

PN2541

Yes?---OH&S inspections and all that have to have flexibility because if we get a fire or an incident during that shift they have to be moved to another time.

PN2542

I understand that. And that sort of skills maintenance training conduct of drills has a different character in some respects to specialist skills training, specialist skills training for matters such as high angle rescue, urban search and rescue, heavy rescue and so forth, those specialist skills, although would you agree that typically firefighters might have a couple of specialist skills qualifications that may be more?---Yes, and that's created a problem for the MFB in the past, is people over-skilling. So what we're trying to do now is stream people into special skillsets so they align with two or three skillsets because you can't maintain the high number of skills that some of the people have got. So they've had to drop some skills because they can't maintain them in the time that you've been allocated to do those drills.

PN2543

And the training for specialist skills, for the acquisition of such specialist skills, is provided I think by Monash University?---That's for emergency medical response.

PN2544

I'm sorry, I've got it wrong?---Yes. For all the other specialist - - -

PN2545

That's for EMR?---Yes, for EMR.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE



PN2546

Yes, I'm sorry, that was my mistake?---Yes.

PN2547

And the specialist skills training, the aspect I just want to draw your attention to is that it is scheduled and planned well ahead, as a calendar for the conduct of those courses?---For EMR?

PN2548

No, sorry, for specialist skills training. I'm not asking about EMR at the moment?---Okay, so you're just talking about the technical specialist skills?

PN2549

Yes. Yes?---Yes, we allocate times for that, to bring people in to do that.

PN2550

Yes?---And then there's the local drills that they do at the stations, because people who are specialist qualified generally are at the station with the specialist equipment.

PN2551

So that the undertaking of the training for specialist skills - - -?---Yes.

PN2552

Can be planned ahead?---For skills acquisition - - -

PN2553

Yes?---It's planned ahead.

PN2554

Yes, all right?---Yes, absolutely.

PN2555

Okay, thank you?---But for skills maintenance it's done at station level.

PN2556

Right?---Okay, and that's – once you obtain the skill then you don't revisit that skill, except for EMR. There's the re-accreditation every four years. But for normal specialist skills, you do your skills maintenance at station level or on a combined drill format.

PN2557

And the specialist skills maintenance, am I right in understanding that to some considerable extent, but not wholly, one sees the situation where there'll be a congregation of firefighters with specialist skills at a particular station?---That's correct.

PN2558

Yes, and so the maintenance of those specialist skills at that station also occurs on a flexible basis having regard to your earlier evidence?---Yes, it has to.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2559

All right, than you. And - - -?---There may be some times when the need to be off site to do these skills maintenance, it's programmed in on a certain day and it's done on a, what we call a combined drill format, and that's a pre-organised drill where the trucks are taken actually offline. So the flexibility of that is taken away because those trucks are actually – and firefighters are taken offline to do the drill on the set task day.

PN2560

Yes, and so that's - - -?---Okay, so that's programmed but on shift.

PN2561

Yes?---And that's done for a reason but they're always, always available so if we get a major fire like at Wesley College yesterday, the drill would be cancelled and those trucks will be sent on. But when they're at that exercise they won't be selected for a fire unless they're actually taken off, so they're taken offline. So those drills have to be scheduled in at certain times because a lot of times we're working with industry. And another example of that is, in the marine area we get access through the Australian Shipping Lines to ships through the Water Police for that, and that has to be co-ordinated for when the vessel is actually coming up the channel. So those can't be rescheduled so they actually have to board those vessels at certain times, coming up the channel. So we have to preprogram that and do a lot of planning on that, and that involves the people in shift actually being taken off line to do those things at certain specific times. You can't do it any other time.

PN2562

That free planning for those examples of specialist skills maintenance - - -?---Yes.

PN2563

Which occur offsite, because there's a lot of preplanning involved, those events are scheduled well ahead?---Sometimes. Sometimes it may be a week ahead. It depends on what the drill is, the availability to – it may be a transport vehicle, a special type of transport vehicle like a liquid petroleum gas tanker, that the company's going to have access – we are going to have access to do a drill on. So we have to fit in with the trucking company's schedule. So they might say, well, you contact us next week and we'll see if we've got a truck available next Tuesday morning. So it may be a week out, it may be two days out, that you actually confirm those drills and pull people in. But we work with – a lot with the private industry and the goodwill of the private industry allows us access to these infrastructure, if we like to call it, not only just transport vehicles but site specific stuff, that allows us access to that on a goodwill basis. So we just can't go in and say, oh, we want access to your truck next Wednesday, because they've got to run a business. So what happens then is, we burn the goodwill and then we don't get that access to the training which saves the organisation a lot of dollars. And it creates that team amongst the industry, as well.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2564

And coming back to emergency medical response training which I mentioned before - - -?---Yes.

PN2565

That's a core function of the MFB?---Yes, it is now.

PN2566

It is now?---Yes.

PN2567

And all firefighters need to have an maintain that qualification?---The majority of firefighters need to maintain those skills. When emergency medical response was first introduced it was voluntary and it was run under a pilot. Then it was instituted across the whole of the MFB. Some of our firefighters struggled with doing the medical side of that role because that's not what they joined to be, and so some of the people really struggled with that side so they can elect to opt out as being a first respondent and we have to manage that.

PN2568

Right?---So there's only – to my knowledge there's only a couple that have done that, over the time.

PN2569

I see. We're talking about a couple of firefighters?---Yes. But only the newer firefighters come in, the recruit firefighters come in with the knowledge that we're doing emergency medical response. So they have an understanding of what it is. It's more the older firefighters that didn't join expecting to be ambulance officers.

PN2570

We're talking about a couple of people in that regard?---Yes.

PN2571

Right?---There might be a dozen. I'm not sure of the numbers.

PN2572

And the EMR training, as I incorrectly mentioned before but now correctly, is conducted in terms of its acquisition by Monash University, and Ambulance Victoria provides the maintenance training on EMR?---It's conducted under the MFB's RTO status, okay, so we're a registered training organisation and Monash University is the preferred contractor to deliver that training under our RTO status. So whilst we have that contract, Monash will deliver at that but we could – that contract could change at any time.

PN2573

I see. And Ambulance Victoria does the skills maintenance?---Yes.

PN2574

Yes?---Yes, what they call the CE sessions.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2575

And there's a requirement on firefighters to do a minimum of four continuing education sessions a year in EMR?---There's a requirement for firefighters to ten and what it is, is they have to do a minimum of four because the firefighters that are on shift – now these aren't day working people, or day special administrative duties people, these are people that work the 10/14 and are required to do a minimum of four, but the target is ten.

PN2576

Yes?---And the reason why it's been reduced from ten to four is because they're going to medical calls, continuously, so their skills are being maintained regularly as they attend work. So with the support of AV and Dr Miller who's our expert in these fields, they've actually understood that they can reduce that number down. As long as they attend a minimum of four and they are attending EMR calls then that's considered as skills maintenance to meet the ten that's required. However, people on special administrative duties, because they're not doing their EMR calls as part of riding the truck at the station, if you want to put it, they try and get the ten done so as they can maintain that difference between the four and ten, if that makes sense.

PN2577

I see. And if the minimum requirements aren't met the firefighter would lose their certification?---That's correct.

PN2578

Yes. Thank you. You say in your evidence in paragraph 9 that the 10/14 roster is at the core of the system that provides trust and confidence in one another's training and abilities. Can I just ask you some questions about that?---Yes.

PN2579

Do you accept that within the MFB, it's a regular occurrence for MFB firefighters to work alongside firefighters they don't know?---No, I don't accept that.

PN2580

Do you accept that that happens in a number of different circumstances?---I would say it happened infrequently.

PN2581

It happens - can I take you through a number of scenarios. Obviously it happens when fresh recruits come to a station. Do you accept that?---Yes, fresh recruits come to a station, they're earmarked certain stations for recruits to go to. They are normally the larger stations where there's a senior station officer, so for argument's sake if you went to Western District you would have Sunshine which has 10 firefighters on shift, you might have Footscray which has I think it's six firefighters on shift and Newport which has seven firefighters. The idea is that is to put them into a station where there is already a strong team culture in there for at least their first three months, so they get to learn about the team culture and about training together and the importance of that.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2582

Thank you for all of that but my question was really do you accept that it's self-evidence that when a recruit turns up at one of the stations you've just described, that's a firefighter working alongside of an existing firefighter where the recruit's not known to the firefighter?---That's right, that's for their day one.

PN2583

Yes, from day one. Can I ask you about the recalled firefighters, the situation where there is a need to recall firefighters?---Yes.

PN2584

It works this way doesn't it. If someone calls in sick to a shift the procedure is to retain a firefighter going off shift and to recall another firefighter who has gone off shift?---That's correct.

PN2585

The recalled firefighter who then comes in can be from any of the 47 different stations around the Melbourne area?---Hypothetically, yes.

PN2586

Can I suggest to you that the recall of firefighters to a station coming from another station at which they're ordinarily based happens on a daily basis?---No, what happens is that when the retained person is retained and it goes to a recall, that person comes within the district, right. So what happens there is that you'll have neighbouring stations that actually come into that station. So the idea is there's a legal requirement for the MFB to dismiss people from duty as soon as possible. So to be retained unnecessarily is actually a breach of the agreement. So what they try and do is to pick the nearest station to send somebody into relieve that person. So there is that relationship already within that group and it even goes as far as - as part of the training in future planning, we're talking about spoken hub stations. So you get that teamwork more as they work together. So the ideal situation is that you get a firefighter from a neighbouring station or a near station because of that understanding of local knowledge, the understanding of the people that are in that area and the risk profile.

PN2587

Thank you. So going back a step, putting to one side the station from which the recalled firefighter comes from?---Yes.

PN2588

Do you accept that that recall scenario, the necessity to recall someone happens on a daily basis. Putting aside where they're coming from?---It may not happen on a daily basis. It may happen on a weekly basis but that will be depending on what the rostering strengths for each of those platoons are, because the MFB try to roster additional people on that to cover and so you don't recall, because recall is not an ideal scenario for the MFB.

PN2589

Can I suggest to you it happens on a daily basis?---Well I don't accept that.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2590

Now in terms of where the firefighter comes from who's recalled, you said before that the ideal situation is that the recalled firefighter comes from a neighbouring station. Do you accept that that's not always - that ideal is not always able to be achieved?---It's not always possible, no.

PN2591

So often times firefighters will come from outside of the district on recall?---I don't know how often but it is possible for it to happen, but the ideal scenario is not to do it.

PN2592

Well if I suggest to you that it often happens?---Well I - my experience, I spent eight years on as a district commander and I really supervised the movement of staff in there, and my goal and we were always instructed from our supervisors is to minimise the time of travel and get people off duty as quick as possible. So we would always insist that the neighbouring stations would come first or from that station first, once you exhausted all those people at that station, that you go to the next nearest neighbouring station.

PN2593

Can I ask you this, the need to recall firefighters from - let's put to one side where they're coming from if it's a neighbouring station or a far flung place, is a need which becomes real on weekends particularly?---It can happen any time.

PN2594

Well that wasn't my question. My question was it's a need, that is the need to recall firefighters because of an unplanned absence, someone calling sick, happens particularly on weekends?---Well there's a need to recall a firefighter as soon as we go below minimum crewing to maintain the staffing charts. So it can happen on a Friday night, it can happen Thursday night, it can happen Saturday, Sunday, Monday, Tuesday or Wednesday. It just depends on what's occurring during the week. We may have high numbers of recall on a Wednesday because we're doing a - we have taken on a significant amount of people off the roster to do training. So - - -

PN2595

Do you - I'm sorry, have you finished your answer?---Yes.

PN2596

I'll just ask you to direct yourself to my question if you would. Do you accept that the need to recall firefighters occurs very frequently on weekends?---Yes, I accept that.

PN2597

Do you know that last Saturday, for example, there was a need to recall 30 firefighters. Do you know that?---No, I'm not aware of that because I wasn't the duty officer at that weekend.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2598

Now I want to move to another topic. I've asked you about recruits, I've asked you about recalled firefighters. It's also the case that from time to time, would you accept, that firefighters are sent on a standby to other stations away from the station at which they're based where there's a shortage at another station?---That's correct, that's the ideal situation as against recall.

PN2599

Yes?---Because that - and again we pick the nearest station to send the firefighters. They're on the same shift so they're spending a lot of time with each other on there. So the familiarity and the training is there, so you try to keep it within the neighbouring stations within the district before you go outside the district.

PN2600

Well can I suggest to you that it regularly occurs that firefighters are sent to more distant places, stations outside their district, to fill shortages?---I can answer that pretty simply. If there's five firefighters in the district that are above, there may be four that go into that district and there may not be a position for that extra firefighter that's required in another district. In that sort of circumstances then they would go out of the district.

PN2601

That's an occurrence, that situation does occur regularly?---It can occur at any time.

PN2602

It occurs regularly?---No, I haven't looked at the figures lately.

PN2603

You don't dispute the evidence?---I don't dispute. No, I don't dispute it because it can happen.

PN2604

Do you accept that when that does happen, when a firefighter is sent to a more distant station outside of their district, that when that person comes in the existing firefighters at that station don't know anything specific about that person's particular level of training or skill or approach to the job?---They may know because they may have spent time with them because - - -

PN2605

Well if they know the person they may know but in the scenario that they've been sent to a distant station, they may well not know the person?---That's a distinct possibility.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2606

Yes, and in that scenario the existing firefighters wouldn't know anything about their particular approach to the job?---They would assume that that person has maintained all their skills maintenance that they've done. If they're coming as a specialist operator then they would assume that all their skills maintenance has been maintained to what they have done, so the only issue would be there that

they would be an additional person into that crew, so the local knowledge of the other three on the truck would actually - they would try to impart some of that knowledge in that time. But they would know that that person's skills maintenance is up to date and that they're current in all their competencies.

PN2607

That's the key thing is it not, that the knowledge that firefighters need to have that any firefighter alongside whom they work has obtained and maintained the requisite skills?---That they're current in their skills.

PN2608

Yes?---Absolutely.

PN2609

That's the key issue?---That's the key issue that you're current in your current skills.

PN2610

If you have - if a firefighter in your experience has that knowledge, that the person arriving let us say into the station that they've not met before, they can assume that they have the required skills and that those skills have been maintained, such that they're current, they'll get on with their job and work as part of the team?---Yes, but what also they do, as well, when you've got a new member into the team - - -

PN2611

Yes?---Even though they've got current qualifications and its currency, the area they're going to has a different risk profile and a different overlay. So they will make sure that they task that person with someone to work closer with them, as well, to try and understand what the task is at that thing, and it's a local knowledge thing, as well.

PN2612

Of course?---Because if you're going into a building that's very unfamiliar it can put a lot of pressure on the remaining crew because they have to really keep watching out for that other person, so it's not an ideal situation but it does – because we know the person's currency is up to date.

PN2613

Yes. It goes without saying that if a firefighter walks into a station that they've never been to before, that people are going to speak to them, yes?---Yes.

PN2614

And find out something about them?---Yes.

PN2615

And tell that person, as you've just described, about the local situation in terms of its risk profile?---Some of the local.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2616



Some of it, yes?---You know, it might be that we have a high incidence of supported residential or nursing homes.

PN2617

Yes?---Okay, so if we get a call to a nursing home, understand at night time there's only going to be two duty staff on, there might be some of those conversations.

PN2618

Yes?---But you can't capture all there is. So there may be a brief conversation on the way to the call about what they're going to – and an example of that is Wesley College yesterday, the local knowledge of the crew there understanding the complexities around that incident, knowing that there's not a lot of street hydrants that service there, actually engaged the booster connections very early because of their local knowledge. Now somebody that's not in that area may have just driven into the school and not understood the fire protection systems within that school, and may have put other people at risk but that local knowledge is really important.

PN2619

And that sort of conversation of the type you've just described and given an example of that is imparting to the person who arrives in the station and learning something about that person and telling that person about the local risk profile, that is the sort of conversation which would occur with every unknown firefighter who turned up at a station, you'd expect?---Every firefighter that does a duty from another station, yes.

PN2620

You would expect a conversation like that to occur?---You would expect some conversations like that.

PN2621

Yes. And that sort of conversation would occur irrespective of the terms and conditions of employment upon which the firefighter arriving was employed?---No, it'd be based on the understanding that the people skills are maintained, they're current in all their competencies, so it's just the add-on skills of local knowledge and things like that. It's not the baseline – you know, they're not going to ask, when was the last time you did breathing apparatus exercises.

PN2622

No?---Because they know in the skills maintenance that that's done.

PN2623

But the point I'm just suggesting to you is that the conversation of the type that I've just asked you about and you've given evidence, firefighters will have those conversations with a person arriving in a station, regardless of what the specific employment conditions of the new firefighter coming in?---Well - - -

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2624

It's just a sensible, commonplace safe thing to do, is it not?---No, well they assume they're all on the same conditions. So the conversation is just about the local knowledge. The same conditions that they work on is not a conversation.

PN2625

The question of local knowledge and local conditions, has got nothing to do with the terms and conditions upon which a firefighter might be employed, do you agree with that?---Yes, but that's – I don't understand your question about why - - -

PN2626

Well, whether or not – if a person turns up at a station and the existing firefighters don't know that person - your evidence to the Commission is that the existing firefighters will tell the new arrival about the local conditions, yes?---As much as possible.

PN2627

Yes?---And their risk profile.

PN2628

Yes, and what I'm suggesting to you is that the nature and content of that conversation is not going to be changed by whether or not that firefighter works 30 hours a week or 42 hours a week?---Yes, it is because what happens there is that when the firefighter comes there, working under the same conditions, they know that they've entered into the skills maintenance program, they know that their skills are currently competent. If somebody was to come in on less hours there may be question about, have you completed your BA training this month.

PN2629

So the real issue again is having that confidence in knowing that a new arrival in the station has the requisite skills and has maintained those skills to currency?---And has applied those skills.

PN2630

Yes, that's the real issue, that they have those skills?---Applied the skills. Applied the skills.

PN2631

Well, with a new arrival coming into a station, let's say in a recall situation - - - ?---Yes.

PN2632

Let's say alternatively, where a firefighter is sent to a distance place to fill a gap, a shortage, in those situations the existing firefighters at the station are not going to know anything about the person's application, in the past, of their skills?---But they'll be aware they've worked at 10/14, 42 hour roster and they know that other than the 65 days leave, that they've actually attended all their skills maintenance programs.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2633

Well, what they'll know, and I think you said before, they'll assume that they've undergone the same training and skills maintenance?---Yes.

PN2634

That's the key issue?---That's right but they can check up - - -

PN2635

Yes, they should check up - - -?---As you're identified early.

PN2636

You could get on the database and check it out, couldn't you?---Yes. Yes.

PN2637

Yes. All right, now another scenario I want to ask you about is, putting aside recall, putting aside assignments to fill shortages when they arise, beyond all that employees moved around stations on a routine basis?---We try to minimise the movement of firefighters around the stations and I'll give you an example. As a district commander out Western, I used to manage the rosters so I use that example that I used last time, that there's three positions for a firefighter, so I roster – I'll make sure I roster to that station, four firefighters and what happens then, they self-relieve. So that negates the issue for a firefighter to move to another station. Now you equate that across the whole district, you minimise the movement of the firefighters across the job so as you keep that teamwork together. So I was very strong in making sure the rosters reflected that.

PN2638

Yes. Can I suggest to you that while people - and no doubt efforts are taken to minimise the need to move firefighters around, it does routinely occur?---I would say, not routinely if the roster's set because the annual leave roster is set for three years and when you form the roster for three years for the annual leave cycles, that gives you some certainty around firefighters staying at the station. So if the annual leave roster is drawn and it's populated for three years, you can actually minimise the movement to, I'd say, one every six months.

PN2639

And you're referring to your own experience here in the way you've handled this?---Absolutely. Eight years as a district commander, ten years as a senior station officer.

PN2640

Yes?---We had a heavy involvement in rosters so I think 18 years of making sure that we minimise move, gives me the opportunity to explain that's how it works.

PN2641

And under the applicable agreement it is the case that firefighters can be moved seven times in three years without paying move penalties?---Yes, that came about with the - - -

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2642

No, no, I'm just asking if that's so or not. Is that right?---That is a possibility but not all firefighters move seven times.

PN2643

Right. No, I'm – that wasn't my question?---Okay.

PN2644

Can I suggest to you that typically most firefighters would be moved around to a different station about five times in about three years, on a temporary - - - ?---Depending on the - - -

PN2645

On a temporary basis, not necessarily a permanent basis?---that's a possibility, yes.

PN2646

Yes, all right. And again, when those moves do occur, when the person arrives in a new station the existing firefighters don't know anything specific to that person about their approach to the job?---Not correct. What happens is, we try to move them within clusters, what we call clusters. There'll be a group of three or four stations and you try to move firefighters and retain them within their clusters. They turn out together, they train together in their work groups. They're actually training clusters that they actually exercise together, so they have – whilst they're on the same shift, they're not moving across shift, they've moving across stations within their clusters. So they are really well aware of everybody's skills and attributes.

PN2647

So you're referring to a situation of a movement within a district?---That's correct.

PN2648

Yes, but of course, transfers, these moves, do and can occur to other districts outside the districts?---Very rarely.

PN2649

Outside the cluster?---Very rarely.

PN2650

Well - - -?---There may be a time to bring specialist people into another district to operate a specialist appliance and I'll give you an example of that. The marine unit has a boat at Port Melbourne. Now there'll be people across the job that have to maintain their marine skills. Now they'll be moved across the district to catch the marine – or to be on the fire boat but they're actually going with people that they've trained with and worked with over a number of times. So there is a requirement each year to do their skills maintenance, so they have to be transferred to that unit, and that's along with a lot of the technical specialist skills that they actually come in as a team, so that - - -

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2651

That's - I'm sorry, please finish your answer?---Yes, so what happens on a certain platoon is each specialist skills have a team. Some of them have a team leader that coordinates the exercise training. If I was, say, an urban search and rescue person and there's an urban search and rescue, I may go to that unit for two or three months to get my skills maintenance up but I still respond out of sight of that station to an incident, but because I've done my skills maintenance and I work in as that team continually exercising together, then that relationship is always strong. So moving from a district is not a disadvantage when you've got a specialist skill in that.

PN2652

So you're dealing with the particular scenario of transfers involving those with particular specialist skills?---That's correct.

PN2653

But the transfer scenario, the ability to transfer firefighters and the occurrence of that is not confined to those circumstances?---It's actually - it's not advised to do it because there's a penalty when you move people across a district to another district that's non-annexed to that station - to that district, so there's a penalty the MFB has to pay to move that person across. So it's actually discouraged to move people unnecessarily across districts because of the penalty that it actually creates.

PN2654

But they can be transferred, notwithstanding, outside a district, notwithstanding any penalty?---Yes, but if I transfer someone I may get a please explain to why I did it.

PN2655

I just want to ask you about another topic. Secondments occur quite frequently between the MFB and the CFA?---Currently there's been two secondments.

PN2656

Well I think at the moment there are about 10 CFA staff on secondment to the - - - .---They're secondees.

PN2657

Pardon?---They're secondees.

PN2658

Yes.---There's been two secondment programs.

PN2659

I'm sorry.---Okay, so, sorry, I apologise for that. The first secondment program had four CFA and four MFB go across.

PN2660

Yes?---And this time I think it could be five or six, something like that.

PN2661

I think it's ten?---It might be five from each agency.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2662

I see.---So it's not ten going across from each agency; it's five from each agency.

PN2663

Excuse me a moment, your Honour. Just talking about secondments, as I understand it, the Eastern Hills station is the largest fire station in Melbourne?---Very close to being the largest now. It used to be the largest but as specialist trucks have moved out, there's a minimum staffing of 17 there but there's other stations with 14, so it's very close; it's just slightly the largest station.

PN2664

Just slightly the largest station?---Yes.

PN2665

Do you know Stuart Marshall?---Yes, I know Stuart Marshall.

PN2666

He's the senior station officer in charge at Eastern Hill, isn't he?---I thought he was at West Melbourne.

PN2667

Pardon?---I thought he was at West Melbourne.

PN2668

Well I can suggest to you that he's currently the senior station officer in charge at Eastern Hill?---Yes, well he may have just been moved there.

PN2669

Yes, and he's on secondment from the CFA, is he not?---He's on his second secondment.

PN2670

Yes.---He spent nearly four years with the MFB.

PN2671

And he has, I think, 17 firefighters on shift?---That's correct - 17 including himself.

PN2672

Including himself?---Yes.

PN2673

As someone who has come from the CFA, his responsibility is to look after the whole of the city of Melbourne?---He's to look after the immediate maintenance area of Melbourne. Melbourne's broken up into I think it's about five city stations and each of them have a maintenance area to look after.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2674

When you say a maintenance area you mean a particular region within Melbourne?---Yes, a response area. I say a response area. They have a primary

response area and then a support area into another - so you've got West Melbourne, Carlton, you've got South Melbourne, that all respond into the central business district, and they all have senior station officers there of equivalent rank to Stuart Marshall.

PN2675

So the situation in relation to Stuart Marshall when he first arrived and came in as senior station officer in charge of Eastern Hill, because he's come from the CFA his particular skills and approach to the job wouldn't have been known by the persons whom he led?---That's not correct. When first Stuart came into the MFB under secondment he did a secondment induction program which introduced him to all aspects of the MFB. His first posting was to Newport Fire Station and then he went to Footscray to learn about the job, and then he moved into West Melbourne where he spent some significant time. He went back to the CFA for a short period of time, applied for the new secondment program, came back and he spent a lot of time at West Melbourne Fire Station. He may only just been recently transferred, but I know there's been a direction given that the senior station officers on secondment are to be rostered to number one, or to headquarters. But Stuart has been on his second secondment program, so he's very familiar with the shift. He's worked on the shift for three-plus years so he knows - he's built the confidence of the shift and therefore the commanders moved in there.

PN2676

And that's a product of the particular circumstances that you've just outlined to the Commission involving Stuart Marshall, that is, that he's on his second secondment?---That's correct.

PN2677

But of course none of that was so when he first turned up in the MFB, I think you said at West Melbourne or wherever the first place which he worked - - ----He went to Newport.

PN2678

At Newport?---Yes.

PN2679

He would not have been known there by the persons with whom he was to work and lead?---That's why he had a mentor assigned to him - the shift commander, on B platoon I think it was originally when he went, actually sponsored him into the station, so made sure that he had all the support he need and then the team grew very quickly with him.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2680

Is that an example then of the way in which someone from outside the organisation has come in and leadership has been shown to facilitate the development of understanding between the new person, in that case Stuart Marshall, and the existing staff?---He's been allowed to grow and form part of that

strong team to where the confidence has grown to him to send him to headquarters.

PN2681

And the development of that confidence, it is I would have thought - a critical ingredient of that is the way in which leadership and guidance was provided to facilitate his development?---You get the confidence from leading your team, not from what the command gives you. The command gives you some personal confidence, but the confidence you actually get as an officer in this job is from your subordinates, the people that are under you; that's where the respect goes, the confidence in your ability to do your job and that's how the team really evolves into a high performing unit.

PN2682

Indeed, and you get the confidence from being supported from the top?---Yes, you get your self-confidence.

PN2683

All right.---But you can't - from the top, I can't go to a firefighter and say I want you to be confident in Stuart, all right; they have to build their confidence.

PN2684

You understand that obviously from time-to-time firefighters get promoted to new leadership roles?---That's correct.

PN2685

And when that happens they usually have to change platoons?---No, they don't have to.

PN2686

Usually is what I've asked you.---No, they get an option - that's a hangover from going back when I'd say 30 years ago or 25 years ago where there was a thought that you put officers, when they're promoted, officers on another shift, so you get away from the familiarity. What now is that the officers' course now is a development course, so it develops people in more skills about behaviour and all that, so when they get to their graduation they're actually asked to nominate a shift that they want to go on.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2687

Can I suggest to you that the usual practice is for those getting promoted to change platoons so that they can grow into their leadership role away from having been in the platoon with other firefighters?---I don't accept that. I accept that they have some say into what platoons they go, because these people are leaders. The old system of moving people off across to different platoons was based on officers moving to a different role, whereas now we develop and foster our people through leadership programs and all that. So it's not as necessarily essential to move people across platoons, so they get an opportunity now to actually put in for their platoons and depending on where the vacancies are, then they may get their first



choice, second choice or third choice. It's not a deliberate - it's not a deliberate thing now to move people across platoons.

PN2688

Can I ask you about another subject matter. It often now occurs that MFB firefighters operate in Country Victoria?---That's correct.

PN2689

That can happen to deal with any type of emergency including specialised emergencies?---Yes, yesterday we responded our High Angle Rescue and Urban Search, trench rescue crew to an incident in Epping.

PN2690

Yes?---So it does - - -

PN2691

That's Epping is in the CFA zone?---It's on a cross-border so it's right on the border. So you'll have MFB resources and CFA resources, yes.

PN2692

In circumstances where MFB firefighters are assigned to assist CFA crews in whatever emergency might be at hand, and it may be anywhere in Victoria?---Yes, it could be up to New South Wales border and South Australian border.

PN2693

In that scenario the firefighters, the MFB firefighters might also be working alongside volunteers?---They may work alongside but they work what we call a sector, so they go up as a team, right, and it'll be a specialised function that they're actually going that the CFA can't supply and I'll use the example of Epping yesterday. We had to send high angle rescue and trench rescue people into a very dangerous situation where a gentleman was trapped in a life threatening situation within a three and a half metre trench. Now they actually take that sector and run that sector as their team. So the team works within that but it's coordinated from the CFA site. So they coordinate it, they give us that sector and we work there as a team.

PN2694

The potential or the assignment of the MFB crews to CFA areas is not confined to bringing to bear specialised skills. Do you agree with that?---No, what we've got on the fringe of Melbourne, there is co-responding areas. So if you take the prisons for argument sake out western, the women's prisons, the Dame Phyllis Frost Prison is in CFA area. The Metropolitan Remand Centre is in CFA area, but the major prison, I should know it, Port Phillip Prison - sorry, I had a mental block there. Port Phillip Prison is actually an MFB area but both agencies co-respond there. So what they do is they meet regular there, they exercise together and they're neighbouring stations as if it was MFB. So they actually train together, they exercise together and they respond together - - -

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2695

That's a different scenario than what I asked you about. You've given an example of some collaborative work that might be engaged in between the CFA and the MFB where they're neighbouring stations near the border, so to speak, between the two areas of responsibility?---That's correct.

PN2696

My question was, in terms of the assignment of MFB resources to work with CFA resources, that is not confined to the provision of specialised skill by MFB?---But that's a - that's more of a rarity. What will happen is we will provide a strike team into CFA areas outside the metro - out of the greater metro area. We may provide a strike team which is a make-up of five MFB trucks. So you'll have 22 as a team going into work as an area. They work as a team in that area so they do respond at a request and it'll be the senior duty officer that will authorise the response, comes through the state for a request for a strike team, for argument sake, and then there will be a strike team of five trucks led by the commander which will go to the incident and the second commander will go to the control centre to be the liaison. So they go as a team.

PN2697

When that happens the commander who might lead that strike force may well be employed as a day worker?---It's normally the shift commander with their team. The second commander that goes to the liaison centre may be a day work commander.

PN2698

The commander of a strike force may not be a 10/14 worker?---It's normally a 10/14.

PN2699

Now can I suggest to you that it regularly occurs that MFB crews are sent to CFA - to work with CFA volunteers and career firefighters, not in specialist roles and not confined to a strike force situation?---Every day, on the fringe, on the border.

PN2700

Well beyond the fringe it occurs - - -?---No, it's very rare.

PN2701

I'm not suggesting it occurs every day but it does regularly occur doesn't it?---It happens every day just about, across the greater metro, on the border, but outside of that border it's very rarely that it does happen and it's confined to specialist appliances. And it may be - it's like the tanker roller in Bendigo I think it was the other week. We had to send our specialist foam generation pump up there, so we sent a team up there to support our crew up there. So they go from the 10/14, they go up there at the request of the CFA. So they go up there as a team, but that's more the unusual. The normal is to perimeter stations.

PN2702

There's also the scenario of largescale emergencies obviously?---Yes.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2703

Such as the Hazelwood mine fire and large bush fires and - - -?---Yes.

PN2704

- - - overseas events, and in those - such as earthquakes in New Zealand?---Yes.

PN2705

In those circumstances plainly MFB firefighters have been assigned as part of those events?---Yes, that's correct.

PN2706

They would inevitably be working alongside other firefighters that they do not know?---No.

PN2707

Are you saying - - -?---At Hazelwood - at Hazelwood - I'll take your examples, right. At Hazelwood, it was a fire that required a specialist type appliance, it's what we call a teleboom. So we had to send in telebooms there and they would work in a sector. So whilst they went down there as a group and there might be a bus load of 20 or so people that go down, they're actually broken up into their smaller groups and they were given a sector to work in. So they went there as a team of four and worked in that sector. They didn't have any other people in that crew working alongside them. They actually operated in a sector. The New Zealand example of the collapse is our urban search and rescue teams went over there to relieve the New Zealand Urban Search and Rescue and they took over that sector and operated as a team.

PN2708

Can I ask you, your example about the teleboom situation at Hazelwood?---Yes.

PN2709

You're not suggesting that that was the only specific involvement that MFB officers or firefighters had at Hazelwood?---That's the ground troops. That's the only task they had down there was to operate the telebooms. There was people that worked in command centres, I myself worked in the command centre down there. There was people that worked in staging areas supporting that, there was people that assisted in health and safety, so they were doing safety functions in there.

PN2710

In the command roles that you and others performed?---Yes.

PN2711

You would have been commanding resources, not just confined to MFB but other resources from other agencies?---Depends on what task you're allocated. We were allocated safety in our functional areas, so we were looking at safety plans that involved all agencies, but we were working directly on the safety function. Whereas others might have been working on operations. So they were working alongside CFA operations officer but commanding MFB teams out on the fire ground.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2712

Plainly the buzz word interoperability, you're aware of that word?---Yes, I'm seconded, currently seconded to EMV as fire enhancement - - -

PN2713

Yes, you know all about interoperability?---Yes.

PN2714

Since Black Saturday and the creation of Emergency Management Victoria, do you accept that all firefighters are much more likely than they were in the past to be working alongside other fire services and other emergency services?---Yes, in - wherever we can it should be always the nearest agency goes regardless of the badge, because that's what delivers the best value for the community.

PN2715

So as long as we've got the most appropriately trained and equipped people, they are the people that should go, and interoperability is working that in all areas.

PN2716

Excuse me a moment. Now aside from MFB firefighters working alongside firefighters wearing another badge, MFB firefighters obviously work closely alongside with other emergency services providers?---Yes, they work with all SES, Coast Guard, Life Saving Victoria.

PN2717

Ambulance Victoria?---Ambulance Victoria, Port of Melbourne Authority.

PN2718

Victoria Police?---Victoria Police, everyone.

PN2719

Yes. Plainly in some of those examples, I'm thinking of some of the marine areas, the firefighters presumably may well know some of the officers working in the counterpart agency in that space?---Yes, that's correct. They train together.

PN2720

Yes, but in relation to, for example, Ambulance Victoria, you would expect it would be probably, would you agree, probably a daily occurrence that firefighters would find themselves working alongside Ambulance Victoria teams?---More so now than previously. When we had co-location - a lot more co-location, you found that you responded more with your ambulance group. Now the co-location has fallen away a bit. There's only a very few locations that co-locate, and now you may not end up with - because of AVL tracking.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2721

AVL tracking?---Yes, automatic vehicle location. In Ambulance Victoria they have a thing called automatic vehicle location, so what happens there, an ambulance might start at Broadmeadows and they may end up at Frankston, because it always picks the nearest end, so as soon as they clear a hospital they'll

go to the next nearest, so they have a thing called AVL creep which sends ambulances all over the metropolitan area.

PN2722

Yes, and so the consequence of that, probably for other reasons as well, is that your firefighters are, you accept, working with Ambulance Victoria officers on a daily basis?---That's correct.

PN2723

And they are often doing so with people they have not met before?---Yes, that's correct.

PN2724

And they're doing so, often times, in highly stressful or difficult conditions?---That's correct, but it creates problems.

PN2725

The same analysis applies, would you accept, generally speaking, in relation to the interface with Victoria Police?---No.

PN2726

All right.---There's a difference. Under the Emergency Management Act nearly all the agencies have a functional role within that and they have a command role, so at a certain incident we'll be the controlling agency; at other incidents police will be the controlling agency. At all incidents AV are not the control agency, they are the support agency for every other incident. So it works slightly different with AV as opposed to the other agencies.

PN2727

I see, but I don't quite follow that in terms of - I would have thought that the Victoria Police officers who might attend an emergency incident at which firefighters are also in attendance - there's no particular organisational or procedural reason which would mean that those police officers are likely to be known to the firefighters?---There may be at command level and there may be the odd time where somebody runs across the general duties police officer that they may know, but the chances of coming across somebody that you have worked with regularly is a rare occurrence.

PN2728

Is a rare occurrence?---Yes.

PN2729

So the general situation with Victoria Police is that firefighters having to work and do their job with Victoria Police officials that they don't know?---That's right, yes.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2730

As I understand, the import of your evidence is that full-time firefighters working 10/14 is the only way that work can safely be done and that part-time employment of operational firefighters would undermine that?---Yes, I believe that.

PN2731

Your opinion in that regard is your opinion or is your impression based upon your experience, is it?---Yes, my opinion based on 25 years in operations.

PN2732

Yes, but in that time you've never worked alongside part-timers?---No. I've worked alongside volunteers.

PN2733

And you've only ever worked 10/14?---Other than special administrative, but most of the time - - -

PN2734

Other than sorry?---Other than special administrative day-working roster, I've worked the 10/14.

PN2735

You're aware I take it that - or you may not be - are you aware that other States and Territories around Australia such as New South Wales have options for part-time work for operational firefighters?---I've been made aware of that, yes.

PN2736

Are you aware that in New South Wales there has recently been introduced a 24-hour roster to work alongside the - - -.---Yes, I'm aware of that. It was a trial, yes.

PN2737

You're aware of its introduction?---Yes, I'm aware of the trial.

PN2738

I take it you're not suggesting that these different arrangements allowing for part-time work and the operation of a 24-hour roster mean that in New South Wales, for example, they're operating an unsafe system of firefighting?---All I can say to that, I know the Metropolitan Fire Brigade has got the highest performing service in the country. We contain fires to room of the origin in 90 per cent of the times, so what we're doing must be right, and we do it safely. We limit the number of fire fatalities to, I think it's three or four it's been this year, whereas other countries around the world have, you know, like Canada - Ontario lose between 100 and 130 people a year in fire-related fatalities, so we're doing something right here. We're the best performing.

PN2739

So your claim that the MFB is the best performing - - -.---That's the Productivity Commission's report.

PN2740

It's the Productivity Commission's report?---Yes. It's not my - - -

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2741

No, just let me ask you a question. So your evidence that MFB is the best performing, as you've just outlined, you base that claim on what basis?---On what we do, the 10/14 system, the team work that we do, our response times, and how we aggressively attack fires to confine to room of origin.

PN2742

Is your claim that MFB's the best performing based upon any data or analysis?---Yes, it's based on the Productivity Commission report.

PN2743

Which Productivity Commission report?---I haven't got it with me but that's been spruiked across the MFB for quite some time, that our performance level is the highest in the country.

PN2744

JUSTICE ROSS: I can provide you with a copy of the report.

PN2745

MR MOORE: Yes, that would be of assistance, thank you.

PN2746

JUSTICE ROSS: It's a regular report into both courts, other government agencies that deliver services - I've forgotten the precise title but something like the government services report or something of that nature - and compares the delivery of services between states. I'm assuming that's the report the witness is referring to.---Yes, your Honour.

PN2747

But we'll put it in the material that I referred to earlier that we'll provide to the parties.

PN2748

MR MOORE: I'd be grateful for that, your Honour. Do you accept that the New South Wales Fire Service does a good job?---I believe so.

PN2749

Would you accept then that the fact that they have introduced alternative rostering arrangements and part-time employment demonstrates that there's nothing fundamentally incompatible between part-time employment and alternative rostering arrangements and for safe performance of work?---I'm not in a position to give an answer of the way with that because I haven't done the research and analysis of it to form an informed position.

PN2750

But you come to this Commission and you apparently seek to give, and I presume informed, evidence about saying that 10/14 is the only safe system of work, and that's on the basis of your experience solely with the MFB, is it not?---It's based on the experience with the MFB and our performance.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2751

You haven't done any other wider analysis to consider whether that conclusion and opinion you have is sound?---No, I've never been asked to do that. I never thought the need to do it. What we do do research on is areas that other services looked at, say, marine. We looked at what other services were doing in marine. We constantly look at what other services are doing in specialist fields like urban search and rescue, because New South Wales and Queensland are INSARAG accredited, so they can deploy internationally. We can't. We can only support them. So we look at what the lead agencies on our information are performing the best in the country or at best in the world, and then we do research about how we can improve us. I've seen we're performing, in my belief, that the highest performing service in Australia. I haven't looked at how other services are doing that because we're already performing at a high level. What I look at is where areas that we can improve in, such as marine and other areas that we've looked at, and now we've built that capacity. Our marine unit's probably one of the highest performing ones in the country.

PN2752

You're aware that in terms of the other agencies with whom firefighters work, Victoria Police and Ambulance Victoria, they obviously both - it's self-evident deal with - they're dangerous professions like firefighting?---Absolutely.

PN2753

Do you know that Ambulance Victoria operates a 10/14 roster?---That's correct, yes. They also operate a different shorter shift roster as well at certain locations. They operate remote ambulance rosters where the ambulance officer takes the ambulance home and responds from home. So there's a number of rosters that they have.

PN2754

A number of rosters?---Yes.

PN2755

Do you also understand that Ambulance Victoria employs some paramedics on a part-time basis?---That's correct, yes.

PN2756

Do you understand that some of those paramedics employed on a part-time basis work on the 10/14 roster?---I'm not aware.

PN2757

You're not aware of that?---Yes, I'm not aware of that.

PN2758

Well the evidence before the Commission is that that does occur?---I'll take your word for it.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2759

You're not suggesting to this Commission that Ambulance Victoria is operating an unsafe system of work by engaging part-time paramedics on a 10/14 roster?---They have a high burnout factor in AV. We have people that do 35



years, 40, 45 years. I think from the information I've been given that AV have a life expectancy of an ambulance paramedic between eight and 10 years. They burnout.

PN2760

Do I take it from your answer that you are saying that Ambulance Victoria operates an unsafe system of work?---I can't comment on that. I'm only saying that the information I have that they can't retain ambulance paramedics the way that the MFB retain firefighters.

PN2761

With Victoria Police, are you aware that they operate a two week roster?---Yes, that's correct.

PN2762

That roster is three eight hours shifts over 24 hours?---That's correct.

PN2763

You understand that Victoria Police employs part-time police officers?---That's correct, but not general duties.

PN2764

I'm sorry?---Not general duties. On a general duties roster. My understanding is and the people I've spoken to in Victoria Police, that those people perform functions outside the general duties rosters. They do respond to a major incident but they don't ride the van for general duties, the way I - the way - I've asked some questions, because I wanted to get my head around the understanding that there are a lot of Victoria Police work part-time. The information I have, they don't work in specialist roles, they don't work in normal general duties. They work in office hours but they do support frontline police. That's my understanding.

PN2765

Excuse me a moment. Do you recall you gave evidence in the proceedings before Wilson C last year in relation to the termination of the enterprise agreement?---Yes, that's correct.

PN2766

I take it that the evidence you gave to the Commission on that occasion was true and correct in every respect?---That's correct, yes.

PN2767

You'll recall that in that evidence you discussed among other things your experiences at Hazelwood?---Yes.

PN2768

You understand that during Hazelwood the MFB committed a large number of resources to that task, including firefighters. That's right?---Absolutely.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2769

That included firefighters engaged on shift work on 10/14, as well as day workers?---That's correct.

PN2770

The UFU and the MFB worked closely during that - excuse me a moment. It's correct that the UFU and the MFB worked closely during that fire?---That's correct.

PN2771

One of the matters that was considered in the context of dealing with the Hazelwood fire was the need for a new roster for firefighters working on that fire?---That's in the current enterprise agreement. That by agreement you can negotiate - yes, a work arrangement. And it was a state of emergency.

PN2772

Yes, it was a state of emergency?---Absolutely.

PN2773

A new roster was achieved between the union and the MFB for Hazelwood?---Yes, that's correct.

PN2774

That was achieved in a very short space of time?---Absolutely.

PN2775

Reading from your evidence on that occasion, you said this about that new roster;

PN2776

*A whole new rostering system had to be adapted to meet the needs at Hazelwood and it went on for some time and it worked really well.*

PN2777

For the record, that's paragraph 6068?---Yes, that's correct.

PN2778

You gave that evidence?---Yes, I did.

PN2779

Excuse me a moment. That roster that was agreed and operated was not wholly a 10/14 roster?---No, it wasn't. Because of the geographical location of Hazelwood and the transfer times, we still had to - we had to bus people down because of the fatigue management issue. It was a complex incident because of the specialist equipment that was required that our people were down and people could operate those equipments. Same as New South Wales, ACT Fire, CFA firefighters had to operate the equipment. So there was a heavy reliance from the state on the agencies to pull together in a time of emergency because you've got to remember the people of Morwell were our focus, about protecting those.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2780

I understand?---So we did everything we possible could to accommodate this as a state of emergency, and you do those things.

PN2781

You've given evidence that you're aware that in New South Wales, the fire and rescue service there, you're aware that a 24 hour roster has been introduced alongside the 10/14?---I believe there was a trial.

PN2782

I see?---There's a trial running.

PN2783

So when you say in your witness statement at paragraph 30 that rostering isn't a simple task to roster employees, it's not an insurmountable task would you accept to change and adapt rostering to meet operational needs without prejudicing the safety and welfare of employees. Do you accept that?---No, I don't. Rostering is complex in a number of areas, because you've got to set for the annual leave cycle

- - -

PN2784

I'm not disagreeing it's complex?---Yes.

PN2785

The word that I used - - -?---Sorry.

PN2786

- - - it's not an insurmountable task?---No.

PN2787

Do you accept that?---I accept that.

PN2788

Now your - - -?---That's why we have a rostering department that specifically works on that. There's four people employed in there to manage rosters.

PN2789

No doubt rostering is a nightmare, an administrative nightmare?---Yes.

PN2790

But rostering can be adapted to meet changing needs and to ensure operational needs are met as well as the welfare and safety of employees?---You can - yes, if you resource it appropriately, you can develop any rostering system.

PN2791

Now you said in your evidence at paragraph 12 that;

PN2792

*The 10/14 roster is at the core of the system that provides trust and confidence in training and abilities of firefighters.*

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2793

I just want to understand a bit more about that. Your current role is Assistant Chief Fire Officer but you're in the position of Director of Special Operations, is that right?---Yes, that's my substantive position, currently I'm seconded to Emergency Management Victoria.

PN2794

That's right, and your substantive position is Director of Special Operations?---Yes.

PN2795

You're seconded to EMV?---EMV, yes.

PN2796

I take it that as Director of Special Operations you give advice - it's part of your job to give to the Victorian Emergency - Emergency Management Commissioner Mr Lapsley about removing barriers to interoperability?---As special operations, no. I report to my executive director which is Greg Leach and Greg Leach through the deputies meeting and the chiefs meeting each week will provide that advice through to Mr Lapsley.

PN2797

I see, so you don't provide advice to Mr Lapsley?---Not directly. In my role as Director of Special Operations.

PN2798

But in your role as Director of Special Operations, putting aside - I'll withdraw that. In your role as Director of Special Operations, one of the matters you're charged with is removing barriers to interoperability?---That's correct.

PN2799

You provide advice about that but you say that you provide it via Mr Leach?---Through to the Commissioner - - -

PN2800

Through to the Commissioner?---But I work directly with the other agencies. We've got good partner relationships with CFA in EMR, Trench Rescue, High Angle Rescue, Hazards Material. We actually - our scientific officers work together as a unit, the CFA/MFB, to manage smoke management protocols across the state and we respond jointly together to all incidents. So it's a very cohesive unit and we have worked some time on that together.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2801

I see. You work together with others and you provide advice about removing barriers to interoperability. That advice is ultimately directed towards the Commissioner, Mr Lapsley?---What we – the advice we provide is a special operations – we're a technical advisory group, so we provide the technical advice to operations. Operations sets the direction, so the troops, the deputies in operations set the strategic direction. We do the research. We provide assessment of equipment. We provide subject matter experts into the training. So the

operation sets – for how many operators we need and specialists, they set that. Then we provide those subject matter experts into the training and delivery of those specialist skills but we're purely guided by what our operations directs us to do.

PN2802

I take it that in your role as director, special operations can you tell me about your responsibilities in relation to the intra-operability in your seconded role?---Yes, I work on all the intra-operability working parties so it's about aligning the agencies in things like appliances or firetrucks, personal protection equipment, breathing apparatus, so I sit on those committees to provide that if you like, to say that an independent representing EMV on those to make sure that both agencies are working towards a common operating system.

PN2803

I see. And so the desire for a common operating system, that theme comes out of the Royal Commission, including, if I can simply things and it's a very complex area no doubt but including at its core, the need for emergency services to be able to work together?---Seamlessly.

PN2804

Seamlessly, and in the broad, that's what you're charged with advising about - - - ?---Yes, that's correct.

PN2805

How to aid the seamless operation of the emergency services?---That's correct. And to get the best outcomes for the community.

PN2806

And I take it that in your role as director of special operations and with Emergency Management Victoria you've become familiar with the use of volunteers at the CFA?---No, I have over my whole career been - - -

PN2807

Yes, it's not a surprise to you, it's not the first time you've become aware that the CFA uses volunteers?---Over my whole career I've worked with volunteers.

PN2808

Yes, and obviously volunteers don't work on a 10/14 roster?---No, they don't.

PN2809

No. And have you informed Commissioner Lapsley or Mr Leach of your view that the 10/14 roster is the only safe system of working?---I've never been asked that.

PN2810

Well, you understood your role to be you're charged with providing advice directed at ensuring that the agencies work seamlessly, yes?---That's correct.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2811

All right, so do you say that in providing such advice you wait to be asked specific questions?---No, I work with the – what there is, is there's the intra-operability leadership group which is the chiefs, the Commissioner, and they – everything goes up through that committee. Then there's working parties established under that. So what I do is, I confine myself to the working parties and I work across all the working parties. There is no working party about rostering, about that – all the working parties has been about equipment, gear, doctrine and how we respond together, not about rostering.

PN2812

All right. But you say that the rostering, the current system, is at the core of the system that provides trust and confidence in training and abilities?---Yes, I firmly believe that.

PN2813

All right, so presumably it follows that you're of the view that the 10/14 roster is likewise at the core of ensuring that agencies operate seamlessly together and effectively?---In the team environment, yes.

PN2814

Yes?---Absolutely.

PN2815

Well, with the 10/14 roster?---Yes, absolutely.

PN2816

Yes, and that's not occurring at the moment, is it?---It is.

PN2817

Well, with the CFA volunteers it's not occurring?---No, but what happens is that the – the CFA brigades around the MFB are – almost all of them are integrated stations so we respond with career staff backed up with volunteers. Now there's no guaranteed response when you talk about a volunteer station because they have a six minute response failure on there. So after six minutes, if they haven't responded it defaults to another brigade. So when we work closely, we welcome the volunteers' attendance but we don't rely on them.

PN2818

It just seems to me that, Assistant Chief, that if you are genuinely of the view that 10/14 is the only way that safe work can be undertaken, that you would have drawn this to Commissioner Lapsley's attention?---I've never been asked about a change of rostering system. I try to restrict myself to the working parties that I've been tasked to do. If the Commissioner asked me to look at this through the intra-operability and had a working party to do it, I would represent him and then I would work closer with the agencies to come up with a system that would work.

PN2819

Well, you weren't subpoenaed to come here and give evidence, were you?---No, I volunteered to give evidence.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2820

No, so you've taken the initiative to come to the Commission to complain about proposed changes in rostering arrangements and part time work, but you don't take that initiative with the Commissioner, is that not your position?---No because I'm chartered to follow the direction of the leadership group.

PN2821

All right?---I don't make the determination at leadership but I'm able to make a determination here, that I can come here because I believe strongly in this.

PN2822

All right. Now the intra-operability roster committee - - -?---There's no intra-operability roster committee.

PN2823

Is there not?---No.

PN2824

Not that you're aware of?---No, there's not.

PN2825

Okay. Now can I ask you about your pre- secondment role position of director of special operations?---Yes.

PN2826

That's a day job?---Yes, assistant chiefs work a day - - -

PN2827

Yes?---Monday to Friday and then they're on call after hours.

PN2828

Yes?---And I'm on call this week from Wednesday night - - -

PN2829

You're on call every few weeks?---Yes, I'm on call out of hours - - -

PN2830

Yes?---From 5.00 at night till 7.00 in the morning, every, you know, about five weeks. I'm on call this week from last night, through till next Wednesday, I'm on call - - -

PN2831

I see, so - - -?---But for general day, during the day, I'm on call Monday to Friday.

PN2832

But you're not working the 10/14 roster when you are – before the secondment, you're working days?---No, assistant chiefs don't work the 10/14 roster.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2833

No. I'm just clarifying?---Yes. I'm just explaining that there's no 10/14 roster for assistant chiefs.

PN2834

No. And in that pre-secondment role you're in charge of about 35 operational firefighters, is that correct?---Yes, approximately that, and corporate.

PN2835

About 35 operational firefighters?---Approximately.

PN2836

Yes?---Approximately.

PN2837

And they are also working on as day workers, not on the 10/14, that's right?---Yes, that's correct.

PN2838

Yes?---Special administrative duties roster.

PN2839

They're working on the special administrative duties roster?---Yes, that's correct.

PN2840

Yes. And your base of operations as director of special operations prior to the secondment was at the complex at Burnley Street in Richmond?---That's correct, yes.

PN2841

Yes, you're familiar with general order 1, no doubt?---Yes.

PN2842

And in short, it requires operational firefighters and others, everyone, to respond to fire as their first priority?---Absolutely. Yesterday our unit responded to that trench job in Epping, that's correct.

PN2843

Your unit did?---Yes, in support of operations.

PN2844

And so I take it that that indicates that you consider your team as ready to respond to fires and other emergencies as required?---Absolutely because they work from 7 o'clock in the morning till 5.00, right across Monday to Friday on their roster.

PN2845

And you've referred to responding to the trench incident in Epping yesterday?---That's correct.

PN2846

That's what your team did?---Yes.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE



PN2847

And your team were all day workers?---That's correct.

PN2848

I also understand that you had arranged to have two trucks moved to the Burnley Street complex so your team can be ready to respond to fires if called to do so, is that right?---In surge capacity.

PN2849

Pardon?---In surge capacity.

PN2850

Surge capacity?---That's correct.

PN2851

Yes. That would plainly indicate to me that you don't have any reservations in your 35 operational firefighters of being able to respond safely and appropriately to emergency incidents when called upon?---If they're fit operational firefighters I don't have any problem.

PN2852

They're working the dayshift?---That's correct. They apply for a position for up to two years to work because they've got specialist skills. So they've actually come off 10/14 to support the organisation in their specialist skills. So they provide that learning from out in the operational field back into the research and all that, and then after their two years they can either elect to go back on or we can extend their secondment if we don't bring other people in. But we try to turn some people over there so we get some new people into the team and get some of those people and expertise back out into the other team.

PN2853

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PN2867

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

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PN2880

PN2881

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

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PN2892

JUSTICE ROSS:

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MR KENZIE:

PN2894

JUSTICE ROSS:

PN2895

MR MOORE:

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2896

JUSTICE ROSS:

PN2897

MR MOORE:

PN2898

JUSTICE ROSS:

PN2899

MR MOORE: Can I ask you about another subject matter, Assistant Chief. In your role - part of your role as Director of Special Operations involves being an incident controller?---That's my normal role as an assistant chief, regardless of what department I'm working in.

PN2900

Yes?---Yes.

PN2901

But from time to time as DSO you've had to act as an incident controller?---I've acted a number of times as an incident controller.

PN2902

That's a very important role?---It is.

PN2903

As it means that as incident controller you may be in charge of up to 100 firefighters, paramedics, police?---Yes.

PN2904

You were the incident controller for the Lacrosse building fire in November last year?---I was delegated the authority of incident controller. I was attending and when I attended as incident controller. Deputy Chief Youssef attended and under the Act he does not have to take charge, so he delegated that authority to me to remain incident controller.

PN2905

Your role in acting as incident controller was obviously crucial to ensuring the safety of the workers, of all of the emergency services personnel?---That's correct, I'm responsible and charged with that.

PN2906

At that time you were not working on a 10/14 roster?---No, I was working under the assistant chief, so I was the duty officer for that night.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2907

You were a day worker at the time?---Yes, same as what I am now.

PN2908

And you were no doubt confident and satisfied in your ability to ensure the safety of emergency personnel during that incident?---I would like to think I - I take that very seriously.

PN2909

I'm sure you do, but no issue has been raised about your performance at that time?---No.

PN2910

Thank you. Can I ask you about the evidence you gave in the termination of agreement proceedings before the Commissioner, in terms of working with CFA and other agencies?---Yes.

PN2911

Your evidence - I'm reading from paragraph 5551 - do you recall stating to the Commission - this is in relation to the Hazelwood fire, to provide you some context:

PN2912

*We have worked really closely with the CFA to deliver a seamless service to the community.*

PN2913

?---That's correct.

PN2914

You gave evidence at paragraph 5567 that each agency, being the MFB and CFA, will respect how the modus operandi of each service?---Absolutely, that's in the MOU.

PN2915

Yes.---In the joint MOU.

PN2916

And do you recall giving this evidence, as in paragraph 5741:

PN2917

*The Hazelwood fire was a great example of how different cultures came together and worked cooperatively and the trust that has been built over that incident amongst the agencies.*

PN2918

?---That's correct.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2919

In your evidence at paragraph 19 you say that a day worker roster would create different strata of operational firefighters, and you refer to implications for rates of

pay as no shift penalties or overtime would apply. It would create an us and them culture?---Yes, that's correct.

PN2920

Have you seen the draft determination that the MFB has proposed in this case?---No, I haven't seen it.

PN2921

So you would be unaware that it makes no reference to rates of pay?---I'm not aware of the rates of pay they're offering, but I'm saying if you create a day roster that's outside of the 10/14 and special amenity duties officer that didn't contain the entitlements of that, it would create an us and them because you'd have a different pay structure for people working alongside of each other.

PN2922

The different pay structure would arise in that scenario because of the shift penalties which are attached to doing shift work as compared to day work?---No, well the special amenities duties roster is a shift roster. It is not a day work position as far as a day work roster. They actually work 10-hour shifts over a five-day period and they're on call during those times, so they can extend the 10 hours in there. So actually it's not a 9 to 5 job. It's still a shift roster, so they maintain their shift entitlements in that roster. So if you created, like, say, a business roster - I'll refer to it as a business roster so we can separate it from the special administrative duties - there'd be no shift penalties or shift loadings on that and that would create different pay scales for people working alongside, and that would create, I believe, a fracture in the team.

PN2923

Unless of course the arrangements established were analogous to what currently applies in relation to the special administrative duties roster?---Yes, so if the - - -

PN2924

It doesn't necessarily result in a difference in pay rates, does it?---No, but if the hourly rate was the same and it was additional positions, then that animosity would go away because they're working alongside each other on the same pay rates, but you'd have to create a special pay rate for those persons working under that and it would have to be additional positions, because you can't be available for four days on a part-time basis and still perform that role as an operational person.

PN2925

At paragraph 23 of your statement you say that you're not aware of any instance of the UFU withholding agreement where alternative working hours have been requested?---No, I'm not aware of any.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2926

Do you know of any request for alternative working hours for operational work?---In addition to the functional positions that have been budgeted for, so we've got one person working in technical ops at the moment on a return to duty

from maternity leave; we've got two other people that are returning from operational support group that work in the department above it, and there's a number of people that actually working in day work positions that are part of the return to work program, and we foster that and encourage that.

PN2927

Just so we're clear, none of the examples you've given involve requests or arrangements for returning to work to perform operational firefighting work, is that the case?---The people who are operational support group aren't cleared medically to return to operational duties.

PN2928

No, I'm not asking about the reason why, but I just want you to confirm that, to the best of your knowledge, has there been any request for alternative working hours for operational work?---It depends on what you mean by operational work. To ride a truck, they may not go out on a truck but they may perform a functional role in the incident control centre as an administrative officer, a deputy planner or work in a cell.

PN2929

I'm talking about firefighters?---Yes, firefighters perform that role in - - -

PN2930

On a truck?---No, well I haven't heard any requests for that.

PN2931

Okay, all right. Would you agree that it would seem likely that the reason you've never heard of a request for a firefighter to return to operational work in a crew on truck is because there's no point in requesting something that's not currently permitted under the relevant instruments at the moment?---Well it is; it is by agreement, and each case is taken on its merit. So somebody can apply and then it can go to the union, and it can be requested and due consideration will be given. But I don't know if there's been any request made; I'm not aware.

PN2932

Do you accept that it's valuable to have diversity in the workplace?---I think we've got a very diverse - - -

PN2933

No, do you accept that it is a valuable thing?---Yes, absolutely.

PN2934

I think you gave evidence before the Commissioner in the termination proceeding at paragraph 5723:

PN2935

*We understand the value of diversity in our job. We're probably one of the most diverse fire services in the country.*

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2936



Do you remember giving that evidence?---Yes, I believe that.

PN2937

Do you understand that the importance of diversity means that you are representing the people you serve?---Absolutely.

PN2938

Do you think a workforce of 3.6 per cent women in the MFB means that you're representing the people you serve very well?---You've got to look at that in the context. For 10 years the MFB did not recruit firefighters, and if you look at it the time since they started recruiting, it's more than the 3 point per cent. I believe the figures are for the amount of women that apply to men, the equivalency's the same in their success rate.

PN2939

The evidence before the Commission is that the MFB workforce is 3.6 per cent women. I ask you to assume that that is so; that is the evidence - - -.---I'll take your word for it, but I thought it was around 5 per cent.

PN2940

It's 3.6 per cent.---Yes, I'll take your word for it.

PN2941

And can I suggest to you that it's self-evidence that the workforce is not representative of the diversity of the community. Do you accept that?---No, I don't accept that because you're talking about diversity about females. Diversity is more than females. It's about ethnicity. It's a wide range of things, and if you look at the ethnicity across the MFB, we have been more inclusive than we ever were before. I was part of a program back in the 2000s where we have an open day for the Vietnamese community. We had 5000 people come there. I worked with the recruitment people at HR to set up a recruitment stand to actually explain what the job was so we could actually capture more diversity in there. We had two people that showed an interest in there. You can't make people join and you can't lower the standard because as soon as you lower the standard you actually impact the safety. If we get it wrong, people die.

PN2942

So you say the workforce is diverse in terms of the ranges of ethnicity in the community. Do you accept that the MFB workforce is manifestly not a diverse one in light of the small number of women employed?---We could always do better and I think we're trying harder. It's just a matter of going out targeting people because people don't - a lot of people don't understand the role of a firefighter, so what we've got to do as an organisation is go out and market that better to the female group, to say that it's not just about putting water on fires. It's a complete trade, if you like. It's a four year program to learn to be a firefighter. It's 18.8 weeks of recruit training. It's not just about putting the wet stuff on the red stuff. It's a job, it's a career and we need to market that more amongst our females. No doubt we can do it better and we need to do it better. But we don't need to lower the standards.

\*\*\* KENNETH LESLIE BROWN

XXN MR MOORE

PN2943

Do you accept that if skills, the acquisition of skills and the maintenance of skills could be adequately addressed so as to ensure that you have confidence that part-time firefighters have the same level of skills and maintain the same level of skills, that the introduction of part-time work would be a substantial aid to improving diversity - gender diversity in the workforce by encouraging women in particular, to join the workforce?---I don't know how you could actually achieve it because the recruit course is 18.8 weeks, it's not a part-time course. The qualification is a four year qualification. You've got to do continuation training, you've got to do retention training where you come back, you do driving. That's not part-time. EMR, the final four days of EMR is not part-time, so you would have to gain that qualification. So if you were going to look at trying to induce some sort of part-time, you want to pick a certain level within the rank structure that you reckon you could get your best value out of that for - not only for the people who are doing the job but for the organisation and the community. So it's not impossible to look at it but you'd want to look at the right rank where to go. But there's definitely no way known that I would support doing it at recruit level because of the amount of training that they have to do. Our training is applied training. We'll do 18.8 weeks of recruit training which covers a lot of things. That teaches how to do the basics of the firefighting. What you do is you learn it when you go out actually fighting fires and that, so if you try to do a part-time course, say you had 50 per cent of the time, that would double the amount of recruit time that you need to do and then how would those people be able to do their continuation training, because they've got to do modules.

PN2944

Excuse me a moment. Nothing further, if the Commission pleases.

PN2945

JUSTICE ROSS: Any re-examination?

**RE-EXAMINATION BY MR KENZIE**

**[11.47 AM]**

PN2946

MR KENZIE: Mr Brown, you gave - when you were asked to explain what you understood by part-time you gave an answer and your objection, you gave an answer that your objection was to say to any employment arrangement if it was - I think you said within minimum crewing?---Crewing, yes.

\*\*\* KENNETH LESLIE BROWN

RXN MR KENZIE

PN2947

Can you tell us how that impacts as a matter of fact, where the platoon's typically run at minimum staffing levels as we speak?---When the roster's drawn it's roughly around 29 to 30 above the minimum crewing, so that gives you flexibility to do training, people to take appropriate leave and that. So those people can form positions above crewing. If you were to introduce part-time you'd want those people to be above that minimum crewing, so the team could go in together and that person that maybe have missed a few skills maintenance sessions. You know, maybe down a little bit on skills because they haven't attended a few drills and all that, the confidence of the team actually going in is supported, because

you've got that other person, and that's what I'm just saying. It's just the confidence of the team to go into those dangerous environments.

PN2948

I just want to understand this?---Yes.

PN2949

Does it follow from your evidence that the introduction of part-time will have an implication as to what would have to happen in relation to minimum crewing?---Yes, that's correct.

PN2950

You were asked a number of questions about day work personnel including those for whom you had responsibility?---Yes.

PN2951

And their operational role. Including those that are identified in MFB/CFA the confidential exhibit. First of all those persons are dayworkers who can be called out to operational work?---That's correct.

PN2952

You've expressed, I think, agreement that that's a satisfactory situation?---That's correct.

PN2953

Two questions. Firstly, where do they fit in in terms of concerns about minimum crewing?---Because they don't form part of minimum crewing, right. The roster's set every 28 days, it's set for that period of time across four platoons. The day working roster has its own roster and people are allocated to funded positions. So it's - you know, if you need a position there you put a case and the organisations agree to fund that position in a day work role, so it's outside the minimum crewing.

PN2954

The second question is this; in circumstances where you were cross-examined about your evidence about departing from a 10/14 roster and your evidence about that in paragraph 9 of your statement, where you said the 10/14 roster is at the core of the system that provides trust and confidence. The examples of dayworkers pointing - being required to do operational things was put to you, and my question is does the existence of those positions that were put to you of dayworkers doing the operational work cause you to change your view expressed in paragraph 9 that the 10/14 roster is at the core of the system that provides trust and confidence?---No, it doesn't change.

\*\*\* KENNETH LESLIE BROWN

RXN MR KENZIE

PN2955

Why would that be?---It's because on the 10/14 roster they actually live together, they drill together, the train together, they exercise together, they do everything together. They eat together, they build a very strong team. When they go out on the frontline they're the first attack principal people, so they're the people that are on the end of the hose that go into the burning building and that. What we do is

we provide logistical support, technical expertise in day work positions. Now we came onto those fire grounds like yesterday and there are specialist people who respond to that trench (indistinct). We go there and provide additional advice and support to that and we bring the learnings back and we make sure that all the equipment is doing the roles and the functions it needs to do. But the people on the front line are the people that deliver that service.

PN2956

Thank you. It was also - a number of scenarios in relation to working with others were put, including questions in relation to specialist skill training. You remember being asked questions about that?---Yes, I do.

PN2957

The scheduling of that training?---Yes.

PN2958

You gave examples in relation to that including cooperation with industry, marine authorities, the arrival of a vessel in the channel, access to industrial facilities?---That's correct.

PN2959

In relation to your answer about scheduling. You recall that?---Yes, I recall.

PN2960

The question I have for you is what are the - in relation to exercises like the ones you describe, what if any are the implications of introducing part-time employment?---Because like I said before about scheduling that to meet industry needs not our needs and having that collaboration between industry so as we don't impact on their operations, we can only schedule at certain times. So if that person was working part-time and that wasn't the day, you would never get that drill again because they're normally one-off drills and you never get a chance to catch up on those. So they're really, really hard to do. Sometimes you might organise two drills but it's more often you only get the one.

PN2961

In relation to the skills retention - acquisition and retention drills, you described in your evidence, as I recall it, two types of drills. You referred to the drills that were done strictly on base and which you gave evidence were recorded in the database. Is that correct?---That's correct.

PN2962

You also referred to other drills, as I understood, were off site and a number of other tasks being required on a rotating shift. Is that correct?---That's correct.

\*\*\* KENNETH LESLIE BROWN

RXN MR KENZIE

PN2963

What I wasn't clear on is where they fitted into the database?---In the database you have the four drills, but there is a miscellaneous section, if you like. I forget the exact terminology about it, but you can enter other drills. If you've got a specialist station that has certain equipment or you've got a special risk within your area, you just go into other drills and you type in what the drill was. Now, it might not

necessarily be done on base at the station. It may be done, say, at Mobil Refinery, so you come back and you write in we did pumping or foam drill at Mobil Refinery. That's the advantage of doing it there, because you actually do live drills that you've done through your training.

PN2964

Would that record - - -?---That gets recorded.

PN2965

That type of recording, would that record who was present?---Yes. It's a miscellaneous section.

PN2966

Thank you. In relation to people working on a day work roster, I think in the context of your questions as an incident controller you referred to the "us and them" culture. As I recall, you said you can't be available for four days and still provide the operational response on a part-time basis. Do I understand you to say that?---Yes, so currently now on a specialist duties roster - - -

PN2967

Yes?--- - - - you're available from 7.00 until 5.00, okay, so we factor that in. We know that those people are going to be available four days a week. If, for argument's sake, an incident occurred and that person only works until 2 o'clock, how do you get them back? You know, do you have a whole heap of - a flotilla of cars that go out there and pick them up? Who is going to do the job, do their role, when it comes knock off time, because they've got to go back part-time. Currently now they're on duty until they're relieved, so if it goes past 5 o'clock, they're still there and they'll work until they're relieved. We try not to go over 14 hours, 18 hours maximum, but there will be times that they will go past those 10 hours. If you've got part-time and you deploy a strike team say up to the Dandenongs or something like that, they're in the middle of a bushfire, how can you get people back? There is a risk to the other crew if you take somebody off the truck without replacing them.

PN2968

Thank you.

PN2969

JUSTICE ROSS: You were just asked a question about specialist drills that were conducted with industry and, because it was conducted with industry, I understand your evidence was that the times at which they were conducted were quite restricted. Is that right?---Yes, your Honour.

\*\*\* KENNETH LESLIE BROWN

RXN MR KENZIE

PN2970

As I understood your evidence, it was, well, if a part-time person wasn't available at that time, then they'd miss the opportunity to do that drill and the nature of the drill was that they may never get the opportunity to do that drill?---Yes, only in certain circumstances. A lot of the things - we try to organise drills for four times a year, so each shift can get across it. Sometimes they'll give us an opportunity

for a catch-up one, but it's a balancing act between interfering with their day-to-day business and trying to get the skills. All I'm saying is sometimes it's not impossible, but you just don't want to wear your welcome out in some of these places because they are really accommodating of us.

PN2971

Would the same issue arise for firefighters who are on leave?---The same issue does arise now, but they may be able to pick that up on a catch-up time later or they miss out on it. It's the same thing.

PN2972

Depending on whether there is a catch-up later?---Yes, it's the same thing.

PN2973

Thank you. Any other questions? No? Thank you for your evidence. You're excused?---Thank you.

**<THE WITNESS WITHDREW**

**[11.59 AM]**

PN2974

JUSTICE ROSS: We will take a short break; 15 minutes.

**SHORT ADJOURNMENT**

**[11.59 AM]**

**RESUMED**

**[12.17 PM]**

PN2975

MR KENZIE: Thank you, your Honour. The next witness is Bradley Ivan Quinn.

**<BRADLEY IVAN QUINN, SWORN**

**[12.18 PM]**

**EXAMINATION-IN-CHIEF BY MR KENZIE**

**[12.18 PM]**

PN2976

MR KENZIE: Mr Quinn, could you state again, for the record, your full name and address?---Bradley Ivan Quinn, (address supplied).

PN2977

Mr Quinn, in relation to this matter did you prepare a witness statement dated 6 April 2016?---I did.

PN2978

Do you have a copy of that with you in the witness box?---I do.

PN2979

And that contains an annexure?---Yes.

PN2980

I understand there are some amendments you want to make to certain paragraphs of that?--- Yes, there are.

\*\*\* BRADLEY IVAN QUINN

XN MR KENZIE

PN2981

Your Honour, by agreement with my friend, if I can indicate what they are and get the witness's agreement?

PN2982

JUSTICE ROSS: Sure.

PN2983

MR KENZIE: Would they be these, Mr Quinn? In paragraph 9, first line, the word "four", should we read "three and a bit" - the word after "approximately", should it be "three" rather than "four"?---Correct.

PN2984

Yes, okay. Paragraph 10, first line. At the end of that line, you want to delete the work "for" after "station"?---Yes.

PN2985

Paragraph 12, in the first line, it isn't a new sentence. It's a comma after "this" and "each" is not capitalised. Is that correct?---Correct.

PN2986

Then paragraph 15 in its entirety, Mr Quinn, is that in fact a whole quote from a paragraph within the annexure to your statement?---Yes, it is.

PN2987

So you desire to simply put quotation marks around the whole paragraph to indicate that?---Correct.

PN2988

And to attribute it by adding the words "Annexure BIQ1" at the end.

PN2989

JUSTICE ROSS: Does it need to remain in this part of the statement at all if it's in the annexure and he adopts that?

PN2990

MR KENZIE: Probably not, your Honour.

PN2991

JUSTICE ROSS: Okay.

PN2992

MR KENZIE: Paragraph 19, in the first line of the quote where it says, "The committee - - -"

PN2993

SENIOR DEPUTY PRESIDENT O'CALLAGHAN: Can I just interrupt you for a moment. If you remove it from the statement, what does that do paragraph 16?

\*\*\* BRADLEY IVAN QUINN

XN MR KENZIE

PN2994

MR KENZIE: Yes.

PN2995

JUSTICE ROSS: I think we can follow it. We'll just say, "As can be seen from the graph at", whatever the page is of the annexure and your junior can locate that in due course, and let us know and we'll make a notation.

PN2996

MR KENZIE: We'll correct that.

PN2997

JUSTICE ROSS: Yes.

PN2998

MR KENZIE: Paragraph 19, the first line of the quote, the word "committee" should be deleted and substituted should be the word "community"?---Correct.

PN2999

In paragraph 25, within the first indented part of the paragraph commencing with the word "Firstly", in the line within that commencing with the words "firefighter and the team to the degradation of skills", you want to delete the words after "skills" before the word "is" and insert instead of those words which don't appear to make any sense, the words "secondly, as previously stated, the teamwork component"?---Correct.

PN3000

JUSTICE ROSS: Which para was that?

PN3001

MR KENZIE: Paragraph 25, the first indented paragraph, the eighth line commencing with the words "firefighter and the team to the degradation of skills". After the word "skills" and before the word "is" in that line, delete the entry which appears to not make sense and insert the words "secondly, as previously stated, the teamwork component". In the second indented paragraph commencing with the word "Thirdly" on the top of page 7, in the fifth line after the word "inspection", you want to delete the word "by"?---Correct.

PN3002

In the third last line of that same paragraph, after the words "if a part-time worker was", you want to delete the words before the word "that" and insert the words "not on at"?---Correct.

PN3003

In the following indented paragraph commencing "Lastly", in the fourth line after the word "opportunity to visit each", you want to insert the word "of"?---Yes.

PN3004

In paragraph 26, in the first line after the words "is in favour", you want to delete the word "on" and insert the word "of"?

\*\*\* BRADLEY IVAN QUINN

XN MR KENZIE



PN3005

JUSTICE ROSS: Sorry, that has been redacted.

PN3006

MR KENZIE: I'm sorry.

PN3007

Paragraph 29, the second line, after the words "who need access to do so", delete the word "a" before "part" and insert the word "as"?---Yes.

PN3008

With those amendments, Mr Quinn, do you say the contents of the statement are to the best of your knowledge and belief true and correct?---Correct.

PN3009

I tender the statement.

PN3010

JUSTICE ROSS: We'll mark that exhibit UFU7.

**EXHIBIT #UFU7 WITNESS STATEMENT OF BRADLEY IVAN QUINN**

PN3011

JUSTICE ROSS: May I make this observation: if there are going to be any more extensive changes to any of the other statements, do them over the lunch break, tender an amended document and don't take up the time.

PN3012

MR KENZIE: No, your Honour. That snuck up on us, your Honour, I think it's fair to say. We had no knowledge of that beforehand. We will certainly attend to that.

PN3013

JUSTICE ROSS: Thank you.

**CROSS-EXAMINATION BY MR MOORE**

**[12.25 PM]**

PN3014

MR MOORE: Good afternoon, commander. I just want to ask some questions of you about your statement. You have expressed various concerns about part-time employment and part-time firefighters in your statement?---Yes.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3015

I'm keen to understand the specific type of employment arrangement you're referring to when you refer to part-time work and part-time employment in your statement. I can tell you this: evidence has been given by a number of witnesses called by the UFU that the concept of part-time employment and part-time firefighters about which they have expressed concern, is employment on an

irregular and casual basis. Is that your position, as well?---Anything that is out of the normal 10/14 and the special day roster that we have.

PN3016

Thank you. Your objection really then is, in substance, to any alternative employment arrangements from how you currently work?---Yes.

PN3017

I want to ask you about skills maintenance. There is evidence before the Commission - I don't believe it's controversial - that at the MFB firefighters need to do 48 drills per year or 28 - I withdraw that. The evidence before the Commission is that there is a requirement for each station to run 48 drills per year. Do you understand that?---That's at a minimum.

PN3018

At a minimum. Yes, this is the required minimum?---Yes.

PN3019

The requirement, which is four drills each 28 days as a minimum?---Yes.

PN3020

That's run by the station officer or the senior station officer?---It can be run by a variety of people on shift.

PN3021

I see, yes, but typically one would see the drill run by a station officer?---No, not necessarily.

PN3022

Do you accept that there is no express obligation on an individual firefighter to have undertaken four drills per 28 days and that instead the obligation is just for the station to provide four drills each 28 days?---No, I wouldn't agree with that statement.

PN3023

All right. The scheduling of when the drills at station level are conducted is a matter that's decided by the officers in charge of the station?---It depends on what type of drill you're talking about.

PN3024

Are you alluding to there the possibility that there may be a more specialist drill to be undertaken off site, the timing of which might be determined by others?---No. What I mean is our EMR drills - - -

PN3025

EMR?---EMR.

PN3026

Okay. Putting to one side EMR, if I could ask you just to consider - because there is specialist training that's required to be undertaken for EMR?---Correct.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3027

Yes, so putting that to one side, there is a requirement for other drills to be conducted; minimum of four a month, four every 28 days, at a station level?---Yes.

PN3028

The subject matter of those drills is determined by the district training officer?---Correct, yes.

PN3029

What I'm suggesting to you is that the timing of when the drills are actually conducted is determined by the station officer or the senior station officer?---Yes, the programming of them when it fits in their work schedule.

PN3030

Yes, and the programming of the drills necessarily has to be very flexible?---Yes, obviously for the business we're in, yes.

PN3031

It also needs to be very flexible because of the fact that for reasons to do with the entitlements of employees, firefighters are often not at work? They're on leave for example?---Yes, correct.

PN3032

So there's an entitlement to annual leave, there's an entitlement to sick leave and various other specific types of leave?---Yes.

PN3033

And so because firefighters taking those leave entitlements - and I'm not meaning to suggest that they're taking those entitlements without due warrant, are taking them inappropriately - but because people are not at work, they're on leave and because of the nature of the business you're in, managing emergencies, the scheduling of the drills at station level needs to be inherently flexible?---Correct.

PN3034

And that the scheduling of those drills at a station level is different though when it comes to considering some other types of training, for example, emergency medical response, that's dealt with in a different way?---It is.

PN3035

The evidence before the Commission is that the provision of EMR is a core function of the MFB, do you understand that?---Yes, I do.

PN3036

There's a requirement for firefighters to have acquired training and skill in EMR, that's right?---There is.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3037

And they need to do - to maintain those skills, they need to do a minimum of four continuing education sessions a year, and many do many more than that?---Yes, and they need to be re-accredited every four years.

PN3038

Yes, that's right. And that's a difference with the skills maintenance that's undertaken at a station level, which is decided by the training officer and administered by the senior station officer or the station officer? There's no particular adverse consequence that flows to a firefighter if they've not done the four drills per month, that's correct?---Other than a lack of knowledge or uptake of skill.

PN3039

I'm not saying it's a good thing.---Yes.

PN3040

But there's no adverse consequences of the nature of a loss of certification that attaches to a firefighter if they don't do the four drills per 28 days?---I would suggest that the manager or the commander, the person of my rank, would have oversight of that, and if that has occurred would put a system in place to rectify that.

PN3041

And raise it with the firefighter?---And the officer in charge.

PN3042

Yes, all right. The conduct of the acquisition of EMR is dealt with by an outside agency, Monash University, do you understand that?---I do.

PN3043

And the maintenance training is provided by Ambulance Victoria?---Correct.

PN3044

And that's scheduled in advance?---It is.

PN3045

Specialist skills training - I'm going to a different topic now - specialist skills training, such as - and this is just some example so we make sure we're talking about the same thing - matters like heavy rescue, road rescue, high angle rescue, urban search and rescue, in terms of those skills, once a firefighter has obtained that specialist skills the maintenance of that skill occurs through scheduled courses?---Scheduled drills, as opposed to courses. And I believe in some - this is my limited understanding of that specialist side - some courses to maintain these skills.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3046

Yes, and the scheduling - I just want you to focus on the scheduling part of your evidence - the scheduling is done well in advance typically for most of those specialist skills?---No, not necessarily. If it's a drill and an opportunity presents to practice a specialist skill, that could be within a 28-day period. It's in our roster.

PN3047

I see, so just to go back over this ground so that we make sure I'm not misunderstanding your evidence and that I'm asking the questions fairly of you, to acquire a specialist skill one does the relevant course and that course is scheduled well in advance?---In skills acquisition, it is.

PN3048

Sorry, I confused the situation in my earlier question, but your evidence is that the maintenance of those skills once obtained occurs in a more flexible manner with drills at a station level?---Specialist skills, are we talking about now?

PN3049

Yes?---No, there will be a set date, and depending on the skill, and it depends on the resources that are required to maintain those skills on availability, and then so you'll be locked into a date, and I refer to the Melbourne Wheel in my statement. We get it on x amount of dates during the year. That's locked in; there's no - - -

PN3050

How many dates?---I think it's four. I know - it would only concern my platoon as a shift commander, for my shift to get my specialist operators there on that one day.

PN3051

When you say on that one day, there's a total of four days?---Yes.

PN3052

But in your particular group or - - ----Platoon.

PN3053

In your platoon, I'm sorry, you've got one designated day?---One designated day to train on that front.

PN3054

Yes, but conceivably training could be undertaken on any of those four days if it could otherwise be arranged?---At a cost to the organisation, of course.

PN3055

The cost being what, the need to replace the person doing the training?---I would need to bring that person in on that day.

PN3056

Yes, all right. You say in paragraph 24 of your statement that you believe that if part-time work was introduced as part of the 10/14 roster and/or as a part of minimum crewing, the bonding of the team would be impacted due to the availability or unavailability of team members during a roster period. I just want to ask you about that. Would you accept this general proposition, that it's a regular occurrence for MFB firefighters to be working alongside firefighters that they don't know?---I wouldn't accept it as a regular occurrence.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3057

Okay.---I would accept that it occurs and it's a risk we have to manage.

PN3058

Yes, and would you accept this description, that it's a situation which is not uncommon?---With regard to it happening, the occurrence of it, it occurs with people that you don't know. I would definitely say that it's not uncommon, so it's a bit of a double negative, I apologise if there's any confusion there.

PN3059

Excuse me a moment. I take it you have a familiarity with the concept of interoperability?---I do.

PN3060

I don't want to go into any detail or examination of it, save to confirm that what it in short means is that it's directed at facilitating and ensuring seamless operation between different emergency services agencies. Do you agree with that description?---I would suggest that that's its intent.

PN3061

That's its intent. That's the goal we're striving towards?---Yes.

PN3062

But life is not always perfect and we're not necessarily achieving that end. Is that what you're saying?---Yes.

PN3063

But in striving towards that goal, I take it your experience, being a long serving officer, is that compared to when you started with the MFB, there's much more interaction now with other emergency services and agencies than when you experienced at the start of your work?---Yes I would agree with that.

PN3064

How many years have you been with the MFB?---26.

PN3065

26. What did you do before?---A whole lifetime. I actually worked for Telstra.

PN3066

Telstra, in what sort of role?---Data technician.

PN3067

Data technician, on a permanent full time basis?---Yes, I was, yes.

PN3068

How long had you done that fir?---Five years.

PN3069

Do you hold any offices with the United Firefighter's Union?---No, I don't.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3070

Coming back to interoperability, do you agree with this general proposition that - I'll withdraw that. How many MFB staff are under your command, approximately?---At this current time, or in my role as an operational commander?

PN3071

Well, at the current time?---In my current time, I'm in charge of a department where I have 10 staff. As an operational commander, I was in charge of central district and I've had 60-70 people on shift at any one time.

PN3072

When were you most recently an operational commander?---12 months ago.

PN3073

How long had you been an operational commander for?---A little over two years.

PN3074

Thinking back to that two year period, would you agree that it was quite common place in that time for the persons under your command, and yourself, to work with staff from other emergency services agencies, such as Ambulance Victoria, Victoria Police, the SES. Would you agree with that?---In their role of emergency response at an incident, yes.

PN3075

Your experience would have been that in your work with staff from other agencies, and the work by those under your command with other agencies, that in doing your job and in your people doing their job, they would often be working with emergency services personnel, other emergency services personnel that they did not know?---In clearly defined roles.

PN3076

Yes, of course. No one's at large, doing what they want to do, but everyone's got a role to do at an incident, don't they?---Yes, they do.

PN3077

But the intermeshing and the coordination of those roles is critical?---Yes, for a successful outcome.

PN3078

That's right, so that coordination between everyone's roles is occurring with people who are not known to you, necessarily, yes?---Generally through the chain of command. So we would have the control and coordination function. So AV will be working up doing their thing. Big pole will be working up through their ranks, and at the top, there'll be decision made around what is required.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3079

I see. Going back down to the bottom, so to speak, at the actual level of the incident, while no doubt all of the relevant persons at a scene are discharging their professional roles to the best of their ability and in line with the particular operational requirements of the agency that they serve, they are nonetheless,

generally speaking, having to do that in a broadly collaborative way with other emergency services staff?---Yes.

PN3080

Those staff would quite likely not be known to your staff, to the firefighters?---Correct.

PN3081

Am I right in thinking, that underpinning, trying to get to the heart of the matter, underpinning your concerns about part time employment and part time firefighters, is a concern that you have that a part time firefighter may not have the same level of skill training and skill maintenance as a full time firefighter on a 10/14 roster?---That is one of my concerns.

PN3082

Is it the central concern that you have?---Not necessarily.

PN3083

Can I suggest to you that if those concerns that I just asked you about, about acquisition of skills, being properly trained and the maintenance of skills could be adequately addressed, that your concerns about part time employment would be substantially diminished?---No, I would suggest that I would be less anxious about it. My main concern has and always will be, is for the care of my people. I see part time employment creating an issue to be able to provide that care and support for my people.

PN3084

Can I ask you just to explain a little bit more what you mean by providing care and support to your people. I'm just trying to better understand what you have in mind?---I make reference to it in the last paragraph in my statement.

PN3085

In which paragraph, I'm sorry?---Paragraph 25.

PN3086

I see?---The last one there. I use an example of a couple of years ago as a commander, I had the devastating experience to have one of our firefighters die on shift. It was an incredibly impacting situation for that group of people and the rest of the shifts that I was in charge of. In the ensuing days I had to put a whole lot of mechanisms in place to look after my people. If I had someone on part time duty there, that wasn't able to be there for these engagements, I believe it would have had a greater effect on the crews that were involved in this incident. So I had no control over that under part time. Under the current agreement I know they're coming to work; I know I can factor in psychological support, medical support. I can have an operational debrief, I can keep check of these people. Under this proposal, I don't believe I could.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3087



Can I just ask a follow-up question. So is your concern, as you've just described it, about being unable to properly support the needs and the circumstances of the part time worker, or the rest of your crew?---Of all.

PN3088

Of all?---All of them. Part time worker and that.

PN3089

I understand the proposition that to simplify things, to provide support to the worker themselves, individually, you want to be able to access and communicate with that person, yes?---Yes. And it's more than to simplify, it is to provide genuine help.

PN3090

I'm sorry, I was simplifying my question?---Sorry.

PN3091

I don't mean any disrespectful way at all. I understand that you want to provide genuine and very real support in a very complex and difficult situation. I understand that. You have a concern about whether or not you could provide adequate support to the part time employee in the context of a distressing incident. Is that right?---The part time employee is only one element of it. For an incident like this or critical incident stress debriefing, one of the common tasks we'll perform is organise a station drop-in and that's when a peer will attend.

PN3092

A peer will attend?---A peer will attend or our employee assistance coordinator will drop in. For the benefit for that to have any value, all the players need to be at the table. So in the regard that the person isn't going to be there, the system gets stalled, so the mechanism for support isn't able to be put in place.

PN3093

Thank you for that. So in terms of you've just referred to the mechanisms that are there for support, to support the welfare of firefighters?---Yes.

PN3094

Although commanders do their best, no doubt, to provide direct support for those under their care, you're not alone in that regard, there is a broad structure of vital supports directed at providing welfare support to firefighters, yes?---Normally generated by the commander.

PN3095

Yes, the commander is critical in terms of raising a flag, for example, that we need those supports now, for example?---Yes and to be included. I think the point that's missed is that people like myself that have been involved with the peer support program for 17 years and have a level of training in this.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3096

You have a level of training in that, do you?---So we attend and we support, as do our officers who receive information and training through their officers' courses

on how to identify for the signs of stress, for people within the group. So it's that disconnection that I feel is detrimental to this submission.

PN3097

For you, is this a fair observation? For you, to address the remainder of your concern about part time, by which I mean putting aside the questions of training and skills which I asked you about before, to address the remaining key issue as you've identified, which is provision of welfare supports, if I can call it that, generally, you would need to be satisfied that the system of welfare support could be suitably shaped so as to provide support for a part time worker. Is that fair observation?---Only part. Again, you focus on the part time employee. You're not focussing on the collective team. So if it was to occur and I was satisfied that the part time employee would get the support, which is great, it's still the issue of the rest of the team that won't be able to get it in the scenarios that I've provided.

PN3098

For you to feel comfortable and have less concern about the potential impact of part time employment in relation to provision of welfare support to firefighters generally, you would need to be satisfied that there were systems and processes in place which provide that welfare support, not just to the part time employee concerned, but to the whole team?---Yes I am.

PN3099

If that concern was addressed, together with you being satisfied that the level of skills acquisition and skills maintenance was provided to part time employees, would we then be in a position where your concerns about it would be removed, or substantially diminished?---They would be diminished. I would still have concerns about the team aspect of it and issues of that.

PN3100

In terms of the evidence you just gave a moment ago, your concerns about the team aspect of it, your evidence is that you have doubts about how a part time worker could effectively operate in the team based environment in which firefighters work. Is that a fair comment?---Yes.

PN3101

Would you accept that it's certainly not impossible to conceive of how someone, let us say, is working 30 hours a week. Well let's say they work two shifts a week, right, for the sake of the question. If someone is working two shifts a week, on a 10/14 roster, that person could, with good leadership at the station at hand, be equally part of the team as someone who's working 42 hours a week. Would you accept that that's possible?---I would accept that they would be accepted into the team. Whether it's a high performing team or whether it's just a team, I think that's the difference between.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3102

Just bear with me for a moment, if the Commission please. I've nearly completed - I just want to ask you a couple of last questions. In other proceedings in this

Commission involving the termination of the enterprise agreement, you recall you gave evidence in that proceeding?---Yes.

PN3103

Do you recall giving some evidence about the role of commanders in that proceeding?---No, I can't recall it.

PN3104

I can tell you, I don't think it should be too controversial. I'm not trying to ambush you in any way?---It was just a long time ago.

PN3105

You described two types of commanders - those who work day work and those who are operational commanders?---Yes, I do remember that.

PN3106

That rings a bell?---Yes.

PN3107

The transcript that I'm looking at here is at paragraph 11530 records you as agreeing with the proposition that was put to you that day work commanders are basically in an officers. Do you remember giving an answer to that effect?---I don't, but I believe I would say that, yes.

PN3108

That's true. Those commanders aren't on the team 14 roster?---No, they're on the day duty roster.

PN3109

Day work commanders may be required to turn out at times of an emergency?---Correct.

PN3110

In fact, that's a regular part of their duties, when those incidents arise?---Yes.

PN3111

You've been a day work commander?---I am currently.

PN3112

You are now, and have you turned out at incidents and emergencies as a day work commander?---I have.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3113

I take it that - please don't take this wrong way, but I assume, because no doubt you're a committed professional, commander, in turning out as a day work commander and leading a team, you didn't have any concerns about putting yourself or those that you were leading at risk beyond the inherent risks of an emergency incident?---As a day worker commander, they put us into a function where we can probably do no harm. We'll run a function which will be in the control unit. We'll be well removed from the fire ground. There'll be an

operational commander who works a 10/14 in charge of that fire and will provide them with administrative support, so to speak.

PN3114

But those roles are equally vital, no doubt, to the effective dealing with an incident?---We like to think they are, yes.

PN3115

I'm sure they are, would you agree?---Well we don't save anyone's life with what we do, but what we do do, is we ensure that there's a record of the event that occurs.

PN3116

As a commander, you've also been a strike team leader?---I have, yes.

PN3117

That's involves you leading a strike team to deal with a particular substantial event?---Yes.

PN3118

Can you give us an example?---So as a strike team leader you'll have five crews from five different locations and their appliances and you'll be deployed to wherever to provide a role. Each of those trucks will report to you as a strike team leader. Each of those trucks has an officer in charge who's in charge of that truck.

PN3119

I would gather that some of the members - not all of the members of the strike team, would all be on the 10/14 roster? Some could be day workers?---Not in my experience, they've all been - the ones that I've led have always been 10/14s.

PN3120

Nothing else. Thank you, if the Commission pleases.

PN3121

JUSTICE ROSS: Any re-examination?

PN3122

MR KENZIE: I have no re-examination, your Honour. I don't want to take one moment's more time in relation to the form of the document. I just want to note, we will attend to this and the Commission needn't worry, but the removal of paragraph 15, which was accomplished, is fine. The relevant paragraph in the annexure is the text, but not the graph, so that we will give your Honours an amended document.

PN3123

The citation is in paragraph 2.50 on page 19 of the BIQ1. But it doesn't include the graph, that's all, so the text is there. That's the complication. We'll attend to it, your Honour, but I just wanted to have it on the record.

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3124

JUSTICE ROSS: Anything further for the witness?

PN3125

You are excused?---Thank you, your Honour.

<THE WITNESS WITHDREW

[1.02 PM]

PN3126

MR KENZIE: Is the Commission proposing to - - -

PN3127

JUSTICE ROSS: I was, yes. The previous witness referred to the Productivity Commission report and made reference to comparative data on fire performance. That report, as I can best gather, would be the report on government services. It's produced annually by the Productivity Commission, the 2016 report volume D deals with emergency management. The whole report goes over several volumes, but I apprehend that's the volume that's most relevant and it will be tabled D3. I'd propose to mark that volume D Emergency Management of the 2016 Report on Government Services as common exhibit 1 and links to that document will be provided to both parties.

**EXHIBIT #1 VOLUME D EMERGENCY MANAGEMENT OF THE  
2016 REPORT ON GOVERNMENT SERVICES**

PN3128

MR MOORE: Thank you, your Honour.

PN3129

MR KENZIE: Thank you, your Honour.

PN3130

JUSTICE ROSS: And you can make of it what you wish in your submissions.

PN3131

MR KENZIE: The next witness is Corey Woodyatt. I'm sorry, I mistook your Honour.

PN3132

JUSTICE ROSS: I'm usually one for pressing on Mr Kenzie, but I think we'll probably take a break till two.

PN3133

MR KENZIE: Yes, your Honour.

PN3134

JUSTICE ROSS: I'm assuming you're still staying with your earlier indication Mr Moore, that - - -

\*\*\* BRADLEY IVAN QUINN

XXN MR MOORE

PN3135

MR MOORE: Yes, the witness early this morning took longer than I had anticipated, but we have seven to do today.

PN3136

JUSTICE ROSS: Just bear with me for a moment.

PN3137

MR MOORE: Six witnesses, sorry.

PN3138

JUSTICE ROSS: A couple of options present themselves and you might want to think about this during the adjournment break. One of our members will need to leave at five to catch an interstate flight. The balance of the Bench is happy to stay until we finish. An alternate may be that - although we'd want to avoid running into the same problem, may be that when Mr Thomas is scheduled to give evidence, then you could probably add another witness to that list as well. There could be a video link for that, but for that reason, because of the video link, I probably wouldn't want to have more than two witnesses in that position. So it might be a combination of the two. So give it some thought and have a discussion between yourselves as to what suits you, but I certainly don't want to move into another day later down the track, otherwise the thing just gets out of control.

PN3139

All right, 2 o'clock.

**LUNCHEON ADJOURNMENT** [1.06 PM]

**RESUMED** [2.02 PM]

PN3140

MR KENZIE: I will try again, your Honour. The next witness is Corey Woodyatt.

PN3141

JUSTICE ROSS: Thanks.

**<COREY JAMES WOODYATT, AFFIRMED** [2.02 PM]

**EXAMINATION-IN-CHIEF BY MR KENZIE** [2.02 PM]

PN3142

Mr Woodyatt, could you state again your name and address for the record, please?---Yes, Corey James Woodyatt and it is (address supplied).

PN3143

Thank you. Mr Woodyatt, for the purpose of this case, you have made a statement in writing dated 6 April 2016?---Yes.

PN3144

You have got it in the witness box there?---Yes.

\*\*\* COREY JAMES WOODYATT

XN MR KENZIE

PN3145

Do you say that the contents are, to the best of your knowledge and belief, true and correct?---Yes.

PN3146

I tender that statement. Again, it is subject to the amendments that were discussed and detailed on transcript, your Honour.

PN3147

JUSTICE ROSS: I would note that the amendments, the first sentence at paragraph 17, are not read not read and in paragraph 19, the words after "Specialist Skills" on the first line, the balance of that paragraph is not read. And paragraph 27 is not read.

PN3148

MR KENZIE: Correct, your Honour.

PN3149

JUSTICE ROSS: I will mark that exhibit UFU8.

**EXHIBIT #UFU8 STATEMENT OF COREY WOODYATT, AS  
AMENDED, DATED 06/04/2016**

**CROSS-EXAMINATION BY MR MOORE**

**[2.04 PM]**

PN3150

MR MOORE: Mr Woodyatt, I just want to ask you some questions about your statement, if I may. How many career firefighters are at the Melton Fire Station?---It's five per shift.

PN3151

So you are in overall command of all of those firefighters?---On a particular shift, yes.

PN3152

How many volunteers work out of the Melton Fire Station?---That are active? So there are 110 on the books at Melton, but out of that about 17 of them are active members, approximately 17.

PN3153

Is the general requirement with the volunteers that they attend for training on a Monday night?---Yes.

PN3154

How long is the session on a Monday night?---Anywhere from an hour to an hour and a half.

PN3155

You provide training. You or one of your staff provide training on those occasions?---We provide – we assist or they run it themselves.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3156

Is there an additional training opportunity provided on weekends?---Yes.

PN3157

For volunteers?---Yes.

PN3158

What is that, Sundays or the like?---Sunday mornings, yes.

PN3159

Sunday mornings?---Yes.

PN3160

Are there any other weekly or regular training activities that are provided to volunteers at Melton?---No, however, the ones on the weekend it is provided for them, but in my eight years of being at that location I haven't seen anybody training of a Sunday morning yet.

PN3161

In your eight years?---Yes, so seven and a half years that I have been stationed at Melton.

PN3162

So the training is available to be provided to volunteers on a Sunday morning?---Correct.

PN3163

But it doesn't actually happen because no-one turns up for it?---There is probably other reasons behind it, yes.

PN3164

I don't quite understand that. So training can be provided on a Sunday morning?---Training is available to be provided to them on Sunday morning, however, they choose to probably socialise, so barbecues, some beers, a few drinks, that kind of stuff, sorry.

PN3165

I am not asking - - -?---I am just providing a reason why they don't train.

PN3166

I am not asking for the reason why they don't train. I am just asking you for what happens. So training is available, but as a matter of fact it is not provided, is that right?---It's provided. It's offered and provided when they take it up.

PN3167

The 17 active volunteers to whom you refer, are they – I withdraw that. So in the event that you need to deploy to an emergency, if you are called out so to speak, depending upon the incident at hand, those that would deploy would be the career firefighters as well as some of the volunteers if they were available?---Correct, yes.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE



PN3168

That is the normal arrangement?---Correct.

PN3169

You have set out a range of concerns in your witness statement about part-time employment and part-time firefighters and I just want to better understand the specific type of employment arrangement you have in mind when you refer to part-time employment and part-time firefighters in your statement. Evidence has been given by a number of witnesses in this proceeding called by the union that the concept of part-time employment and part-time firefighters about which they have expressed concerns is employment on an irregular and casual basis. Is that your position when you are referring to part-time employment and part-time firefighters in your statement?---Yes.

PN3170

I just want to ask you a little bit about skills maintenance, by which I mean, in practical terms, the conducting of drills at the station?---Yes.

PN3171

Do you administer those drills from time to time?---Yes, yes.

PN3172

Is it only you or are there other people at Melton that do that?---No, there would be other people that work on my shift that would do that.

PN3173

I see. How often in a week - I am not sure if you can give me an average, if you like, or a typical week - how often is a drill conducted at Melton, whether by you or by someone else, in the nature of skills maintenance?---Yes, so on a 10/14 roster?

PN3174

Yes?---It would occur quite often, every single day, at a spasmodic timeframe throughout the course of the day. It would depend on what you call skills maintenance as well, whether it's just the practical firefighting or whether it's skills maintenance in community education and that as well.

PN3175

Depending upon what we are referring to as skills maintenance, what do you understand that phrase to mean?---So it's maintaining the skills that a firefighter has to have to carry their work.

PN3176

Is the Commission correct to understand that you are saying there would be skills maintenance of that type carried out every single day at Melton?---Correct.

PN3177

More than once a day or just once a day?---Subject to operational capacity, and even then that is then skills maintenance as well.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3178

Yes?---So it would happen - probably on a 10-hour day, you would maybe say that approximately six or seven hours of that, in some way, shape or form, you are maintaining your skills.

PN3179

Just to be clear there - I understand what you say - but obviously by attending to an incident, you are maintaining your skills?---Yes.

PN3180

But, putting that to one side and talking about skills maintenance not in an actual incident setting, might there be more than one skills maintenance session in a day?---Correct.

PN3181

Oftentimes there might be?---Yes, yes.

PN3182

One, two or three?---It could occur, as I said, on a period, maybe six hours of a day, of your 10-hour day shift, not including operational response.

PN3183

Yes?---That you would conduct some form of skills maintenance training.

PN3184

So it would be fair to say that that skills maintenance at the station, not including operational response, is almost ongoing?---Correct.

PN3185

You referred earlier - in answer to a question I asked you, you used the word "spasmodic". By that, I take it, you mean that the actual timing of when the skills maintenance occurs needs to be approach in an inherently flexible way because of the unpredictable nature of operational demands?---Yes.

PN3186

Excuse me a moment. Do some of the firefighters at Melton, and officers, have specialist skills?---Yes.

PN3187

Is there a particular specialty at Melton?---Yes, we run the Road Accident Rescue Unit and also coordinate ground observing out of there as well.

PN3188

Are they two different specialties?---Two different specialties, yes.

PN3189

How many people at Melton have those specialisations, do you know?---So Road Accident Rescue, we've got 25 staff at Melton across all the shifts and every one of those personnel maintain and have that skill, yes.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3190

To obtain that skill, to take that as an example, there is a course that one goes and does?---Again that is not structured, so it could be done as a course joint with another station, or it could be done by yourself while you are on shift over a period of four to six months.

PN3191

I was asking you about the acquisition of that?---That's correct, so four to six-month training, which is done on shift. So, again, take aside the skills maintenance side of things when you're performing acquisition, so you might do a two or three-hour acquisition session on shift that day to work towards obtaining road rescue increment or qualification.

PN3192

Excuse me a moment. Am I right in understanding that training to acquire a specialised skill such as the one that you were referring to before, arrangements for those training sessions are planned well ahead?---They are certainly planned, but again you have got to take the role of the operational response capability or skill visits being booked in, or whatever it may be, at the last minute, which then might adjust you to be able to do that training. You might have it planned for today and not achieve it today and then might get an hour done tomorrow.

PN3193

Of course. So operational demands can get in the way?---And whatever else is put forward throughout the course of the day.

PN3194

I understand that, but, accepting all of that, the conduct of the skills acquisition training is scheduled well in advance?---No, it's probably on a day by day basis, like you have full intentions of doing training and planning ahead over a period of time, but it's probably saying, "Well, tomorrow we'll do this" and then the next day you discuss what you're doing on the next shift.

PN3195

Are we talking about the same thing here?---Acquisition of a skill?

PN3196

Yes?---Yes, correct.

PN3197

Of a specialised skill?---Yes, correct.

PN3198

You are saying it is just dealt with on a day by day basis?---Yes, because you're not really sure what you are about to contend with the next day or the previous day coming in, so you would have it in your mindset that you were going to do training the next day and then, when you look at the next day, you would then plan for the next day after that.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3199

Can I suggest to you that you are just wrong in that evidence, that that is just not the case and that - I want to be clear about this - the acquisition of specialised skills training is not dealt with in an ad hoc way on a day-to-day basis and that it is scheduled well ahead. That is the case, is it not?---No, it's not.

PN3200

I take it that all of the staff at Melton have EMR training?---No.

PN3201

Most?---None.

PN3202

Are you saying that no-one at Melton has EMR training?---No training has been conducted for any of the Melton people. They may have brought the skill with them from another location since they have transferred to Melton, but Melton is not an EMR station.

PN3203

I see. You say in your witness statement, in paragraph 7, in the second line, you refer to whether there were any issues with the skill levels or attitudes of firefighters on our shifts and you say:

PN3204

*As a senior station officer, I frequently have been able to identify issues with firefighters on my shift.*

PN3205

And you go on to say that it is only possible to properly identify these issues when working with team members on a full-time basis. Do I take it from that evidence that your position is that you do not and cannot identify issues with skills, skill levels with your volunteers?---That's not correct.

PN3206

Of course, I am sure, as a conscientious and competent senior station officer, you make sure your volunteers, those that are active particularly, that their skills are up to scratch and you identify any issues that you perceive; yes?---Yes.

PN3207

They're not part of a 10/14 roster obviously?---No, correct.

PN3208

You say in paragraph 12;

PN3209

*Arranging training to ensure that the skills of part-time employees were maintained would be particularly difficult given that scheduled training on shift is frequently required to be rescheduled or postponed due to operational incidents.*

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3210

Now do you want to withdraw that evidence in light of the evidence you've already given today. That is that skills maintenance training on shift is in effect ongoing. Do you want to change that evidence?---No.

PN3211

Well it's not accurate is it?---Yes, well I believe that it is.

PN3212

It just doesn't accord with your earlier evidence I'd suggest to you. Do you accept that?---No.

PN3213

I take it that it's quite common place for - I'll withdraw that. You and the staff at Melton would often work with other firefighters beyond those who are stationed at Melton. You'd agree with that so far?---Career firefighters?

PN3214

No, firefighters?---Yes.

PN3215

Namely, firstly you work with volunteers?---Yes.

PN3216

They deploy with you to incidents?---Yes.

PN3217

You also work with - I'll withdraw that. From time to time, do you have vacancies at the Melton fire station?---Yes.

PN3218

Do you have any now?---Yes.

PN3219

How many?---One.

PN3220

So that's an ongoing vacancy is it?---No, no.

PN3221

Well there's a gap, there's a vacancy in the shifts?---In one shift, yes.

PN3222

So I take it then that on a weekly basis that vacancy needs to be filled?---Yes.

PN3223

It is filled by career firefighters being assigned from elsewhere into Melton?---Generally off own station.

PN3224

I see, so often you fill that from within your own platoons?---Yes.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3225

But do you accept that quite often it's necessary for someone who arrives from elsewhere?---Not quite often, sometimes.

PN3226

Sometimes?---Yes.

PN3227

When that happens you'd accept you and the firefighters under your command wouldn't know necessarily anything about the particular skills approach or attitude of that firefighter?---No, you do know about them.

PN3228

The person in this scenario that turns up may not be known to you or your firefighters. Do you accept that?---No, it would be known.

PN3229

They're known to you?---Yes.

PN3230

Is that because you're saying that they'd come from a nearby station or something?---Yes.

PN3231

From time to time are CFA career firefighters assigned to your station from places well beyond your zone?---Yes.

PN3232

In those circumstances you wouldn't know the person was turning up?---No, you still know them.

PN3233

Pardon?---No, you still know them.

PN3234

You know everyone who works for the CFA?---I've got a - well not personal basis but I've come across a fair few, yes.

PN3235

You're not saying to the Commission that in relation - that you know all of the CFA firefighters and have a good grip and understanding of their level of skill, expertise, conscientiousness? Or are you saying that - - -?---I'm not saying - I don't know them all personally but I know that they've gone through a vigorous 18 week recruit course and I know the skill set that they're bringing with them.

PN3236

Is that the key issue in your concern in relation to part-time employment?---It's part of, yes.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3237

My understanding is that that is really central to your concerns that when you consider the prospect of part-time employment, you can't be satisfied or you have serious doubts that part-time firefighters would have the same level of training and skill and the maintenance of that training and skill as permanent firefighters?---It's part of, yes.

PN3238

Would your concerns in relation to part-time firefighters be at least partially addressed if the question of the obtaining and maintenance of their skills was also addressed?---It would be partly addressed, yes.

PN3239

Do your firefighters at Melton often get transferred - do they get transferred from time to time to other stations?---No.

PN3240

Because you've got vacancies at the moment, I suppose?---Yes, we don't transfer generally. It's an individual chooses to work at another location, due to family reasons, personal reasons.

PN3241

No doubt firefighters at Melton from time to time are unwell and unable to perform the rostered shift?---Yes.

PN3242

I take it that ordinarily when that happens their spot would be filled by someone from the 5th Platoon. Is that right?---No, it would be filled from somewhere else off the station.

PN3243

Somewhere else?---From off the station. So from on station, so another member from Melton would fill that position.

PN3244

Sorry, that's what I meant. I see?---Yes.

PN3245

Does it occur though that from time to time that spot is filled from someone other than a Melton staff member?---Yes.

PN3246

So that's another example isn't it of where you and your staff work alongside firefighters who may not necessarily be known to you or well known to you?---Personally, yes.

PN3247

Have you worked on large scale emergencies before? Such as the Hazelwood mine or - - -?---No.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3248

- - - larger bush fires. I take it you've worked on large bush fires?---Yes.

PN3249

In those circumstances, times of large scale crisis, you would find yourself and your firefighters working alongside other firefighters that may not be known to you?---Yes.

PN3250

Where you are based, what's the nearest MFB station?---It would be 43, which is Deer Park.

PN3251

Deer Park?---Yes.

PN3252

There would be, I assume, tell me if I'm right in this assumption. There would be a range of occasions when you would - Melton would be called upon to attend an incident together with MFB resources?---No.

PN3253

Doesn't happen?---No. Because there's Caroline Springs between us and Deer Park and they would respond.

PN3254

Just to be clear, I'm not referring - my question is not simply about Deer Park MFB?---Yes.

PN3255

I'm asking a more general question, that from time to time do you respond to incidents with MFB resources and firefighters?---No.

PN3256

No doubt you and your staff at Melton regularly work with other emergencies services officers, such as paramedics?---Yes, yes.

PN3257

That'd be a daily occurrence?---Yes.

PN3258

Victoria Police?---Yes.

PN3259

State Emergency Services persons from time to time?---Not as often but yes.

PN3260

In dealing with staff from those agencies, you would regularly, you and your people from Melton, your staff at Melton would find yourself working with emergency service personnel that may not be known to you?---Correct.

\*\*\* COREY JAMES WOODYATT

XXN MR MOORE

PN3261



No doubt when that occurs broadly speaking your satisfied that you and your CFA staff have discharged your responsibilities in an effective and safe way?---Yes.

PN3262

Excuse me. You indicated earlier that Melton has a specialty in road rescue?---Yes.

PN3263

So that would see you working with Victoria Police and Ambulance Victoria quite extensively?---Yes.

PN3264

Nothing further, if the Commission pleases.

PN3265

JUSTICE ROSS: Re-examination.

**RE-EXAMINATION BY MR KENZIE**

**[2.29 PM]**

PN3266

MR KENZIE: Just a couple of matters, your Honour. Mr Woodyatt, you were asked a number of questions about firefighters at Melton working together with or alongside persons either volunteers or from other stations or the MFB, the police and ambulance. Can you just have a look at the views you've expressed in paragraphs 9 through to 12 of your statement. This is where you refer to your views as to issues about the introduction of part-time firefighting and you give reasons why. The only question I have for you is this; having those matters put to you about working with other groups does that in any way cause you to alter the views that you've expressed?---No, no.

PN3267

Why would that be?---If we talk about the other agencies, so Vic Pol, AV, SES, they're coming to provide a particular skill or a contribution to the incident we're at and as much as they're there and you're working alongside them it's a completely different job that you're there doing. So the AV obviously at a motor vehicle accident providing medical assistance and support to the patient, whereas the road rescue individuals at Melton would be providing extrication, focusing on extricating that person from the car. So you're working alongside them, it'd be probably no different to going into a shop and talking to somebody in a shop. They're there doing what their job is and you're there doing what your job is.

PN3268

Thank you.

PN3269

JUSTICE ROSS: Nothing further?

PN3270

MR KENZIE: No.

\*\*\* COREY JAMES WOODYATT

RXN MR KENZIE

PN3271

JUSTICE ROSS: Thank you for your evidence. You're excused?---Thank you.

<THE WITNESS WITHDREW

[2.31 PM]

PN3272

Next witness?

PN3273

MR KENZIE: The next witness is Patrick Geary, if it please the Commission.

PN3274

THE ASSOCIATE: Could you please state your full name and your work address?

PN3275

MR GEARY: Patrick Gerard Geary, 20-32 Birdwood Avenue, Norlane.

<PATRICK GERARD GEARY, SWORN

[2.32 PM]

EXAMINATION-IN-CHIEF BY MR KENZIE

[2.32 PM]

PN3276

MR KENZIE: Mr Geary, could you state again for the record your full name and address please?---Patrick Gerard Geary, 20-32 Birdwood Avenue Norland.

PN3277

Mr Geary, in relation to this proceeding did you make a witness statement dated 6 April 2016?---I did.

PN3278

Do you have a copy of that with you?---I have.

PN3279

Do you say to the best of your knowledge, information and belief that that - the contents of that are true and correct?---That is correct.

PN3280

I tender the witness statement of Mr Geary, if it please the court. I don't think that's affected by any - - -

PN3281

JUSTICE ROSS: Yes, paragraph 21.

PN3282

MR KENZIE: It may be. I'm sorry.

PN3283

JUSTICE ROSS: No, that's all right. The last line, "the firefighters agree that" is deleted.

\*\*\* PATRICK GERARD GEARY

XN MR KENZIE

PN3284

MR KENZIE: That's right.

PN3285

JUSTICE ROSS: I'll mark the exhibit with that amendment UFU9.

**EXHIBIT #UFU9 STATEMENT OF PATRICK GEARY, AS  
AMENDED, DATED 06/04/2016**

PN3286

Cross-examination.

**CROSS-EXAMINATION BY MR MOORE**

**[2.33 PM]**

PN3287

MR MOORE: Thank you, your Honour. Good afternoon, Operations Officer. You've been with the CFA for 28 days, is that right?---I've been employed with the CFA for 28 and a half years. I was a volunteer with the CFA for up to 12 months before that.

PN3288

Do you hold any office in the United Firefighters Union?---I don't at the moment.

PN3289

You have previously?---I have previously.

PN3290

What office?---I was on the Branch of - Branch management - Committee of Management in the 90s and I was union president for three years in the 90s.

PN3291

Am I right in understanding that there's - at Corio where you work there's a total of 45 employees. Is that right?---44 at the moment with one vacancy.

PN3292

Have there been any greater number of vacancies in recent times?---In recent times, in the last two of three years?

PN3293

Yes?---Yes, there has been vacancies.

PN3294

I want to ask you about vacancies. When vacancies - in terms of managing those vacancies, what would often have to happen is that a CFA career firefighter would need to come in from another station?---We do have relievers attached to our stations and to other stations, so one of those people or persons may come and fill that position.

PN3295

So a reliever would be the first port of call to fill the vacancy?---That's correct.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3296

But it happens and has happened I understand that it from time to time becomes necessary to get a firefighter from elsewhere?---Yes, that's correct.

PN3297

That happens reasonably frequently?---Depending on the vacancy, depending on which position on station is vacant. If it's a firefighter's position it'll be replaced most likely with an above strength firefighter that we have attached to the station. I have eight above strength firefighters attached to the Corio station.

PN3298

So in those - so it's known to occur, I take it, that from time to time you will to deal with those vacancies a CFA firefighter will come to Corio that's not known to you?---There will be a - yes, that is correct.

PN3299

Thank you. Am I right in thinking that at Corio there are 180 volunteers?---No, Corio only has its 60 volunteers on our books, 20 of those volunteers are operational members. There's 20, what we call brigade members and there's 20 what we call running team members.

PN3300

Could you explain to the Commission the difference between the operational members, the brigade members and the running team members?---Certainly. The operation members of the brigade are the ones that respond, they'll carry pagers and have turn out gear and respond. The brigade members are the ladies, auxiliaries, the older retired members of the brigade that are no longer operational or maybe they're as a brigade assist. They may be there as a secretary et cetera and holding some role. We have a running team at Corio that purely are part of the CFA running competition. Some of them do turn out as wild fire people but -  
- -

PN3301

When you say running competition, you mean athletics?---Running competition, as in - - -

PN3302

Running?---It's a very unique sport, fire brigade sport and what they do is run with a cart and a hose reel. In my view it's totally irrelevant, it's an historical event but it's very big in regard to brigades around the state, they network et cetera.

PN3303

It's a popular thing?---Not with me it isn't, no, but it is with some of the volunteers.

PN3304

I see, so the 20 running team members may also deploy on incidents?---Some of them do. In the Corio brigade I've two or three that are also - they are operational but they're only wild fire operational, they're not - - -

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3305

They're only what, sorry?---Wild fire - grass fire, bush fire.

PN3306

I see?---They're not even firefighters.

PN3307

You've got 20 volunteers at Corio?---20 operational.

PN3308

I'm sorry, yes. 20 operational volunteers and they are persons who will turn out with the CFA career firefighters at Corio when you need to?---They carry pagers, they'll respond from their home location and they'll go to the address of the incident.

PN3309

I see?---But they do respond - if they're at the station they may respond on the vehicles.

PN3310

So they may go directly. They respond whether or not though from the station or some other location?---Yes, they respond.

PN3311

And there may be a few others who respond from the running group if it's a wildfire?---If it's a wildfire during summer.

PN3312

These 20 operational volunteers and those others who might respond to wildfires, do you or persons under your command provide training to them?---That's part of our role as permanent firefighters. We will train, organise and deliver training for our volunteers.

PN3313

That's right, that is part of your role and that is what you do?---Yes.

PN3314

And you do that when?---We do that on a Tuesday night, and they'll occasionally have training on weekends, and of course responding to incidents is part of training as well.

PN3315

I take it - but this perhaps goes without saying - but I take it that best efforts are made by you and the people under your command to ensure that that training is of the highest quality?---We need to make it of a very high quality but we also need to make it a little bit entertaining so that we can keep the interest level up. It's got to be a little bit challenging as well, so we try and get away from just providing the same training all the time. We try and mix it up a little bit.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3316

So it's intended to be challenging and demanding to keep people interested and engaged and to develop their skills?---Absolutely.

PN3317

You've expressed concerns in your statement about part-time employment and part-time firefighters?---That's correct.

PN3318

I just want to ask you some questions about specifically what type of employment you have in mind when you refer to part-timers and part-time employment in your statement. Evidence has been given by a number of witnesses, called by the UFU in this case, that the concept of part-time employment and part-time firefighters, about which they have expressed concern, is employment on an irregular and casual basis. Are you in the same position that when you refer to part-time employment and part-time firefighters in your statement, are you referring to firefighters employed on an irregular and casual basis?---My definition of part-time employees would be anyone working less hours than normal on a different roster than what's allowed in the EB.

PN3319

When you say less hours than normal, you mean 42 hours?---Pretty much our roster is based on 42 hours, but my view is a part-time would be anyone that would come in on a day here or a day there, or work a couple of days or work a couple of nights a week. That may be regular but it would be part-time. It wouldn't be the permanent 10/14 roster.

PN3320

So is your concern about someone working, as you've said, a day here or a day there, 10 hours a week or is it a concern at 30 hours a week or 20 hours a week?---Well there's a lot of differing concerns, and I suppose my greatest concern is that people just popping in every now and again to work a shift for a start is going to create a massive workload for me being an OIC of the station.

PN3321

I'm not asking you what the substance of your concerns are.---All right.

PN3322

I'm just trying to understand the character of the class of persons about which you're concerned, and so you're concerned about people, as I understand it - is this really what your concern is? Are you concerned about people being engaged on anything other than a 10/14 roster over 42 hours a week?---Can I be bluntly honest?

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3323

Of course.---I'm concerned with part-timers because of the experience that I've had with part-timers in the CFA, when part-timers were introduced as casual firefighters and (indistinct) firefighters in the 90s, which was a very upsetting process. It was a process that exposed the people that they utilised and it was a process that exposed the people that were working on shift, and I was working on

shift at those times, and that has left a lasting mark upon me, that those times that I just don't believe part-time on a 10/14 roster or any part of the minimum manning roster is a good thing in the CFA. I'm concerned for a number of reasons in regards to health and safety, I'm concerned that people don't fit in, I'm concerned that people don't receive the proficiency in their training that they need to receive.

PN3324

Thank you. You referred to part-timers in 1990s in the CFA?---Mm-hm.

PN3325

Where do you refer to that in your witness statement?---I haven't referred to that in the statement.

PN3326

I thought you said that, in telling the Commission - in asking whether you could be bluntly honest to provide - you said that you wanted to indicate what your, in my words, heart of your concerns were.---I suppose - - -

PN3327

Can I - - -.---Yes, sorry.

PN3328

Just listen to my questions and then you can answer them. You're saying that the big reason why you're concerned about part-timers in the CFA is because of the experience in the 1990s. Well where is this in your witness statement if that is your big concern, Mr Geary?---The reason why I haven't referred to that in my witness statement is purely this is a witness statement about part-time work and I don't know - I don't know what that refers to.

PN3329

You don't know what you're referring to when you're referring to part-timers?---No, I don't know what the CFA are referring to when they want part-time work and that's what concerns me, because I've got a history of being exposed to other types of work other than 10/14 that haven't been successful.

PN3330

Can I suggest to you, Mr Geary, that the reason you don't refer to the 1990s experience with part-timers in the CFA is because in your evidence today what you see yourself as doing and what you are doing is just arguing the union's position in this proceeding. That's so, isn't it?---No, that's not true and I'll argue my position, because I was a leading firefighter on the truck that had to drive the vehicle to a going job with a casual firefighter next to me that I did not know what skills, what experience, did not even know where he came from; on day one that we had the first casual firefighter at Geelong City in the CFA, 1994.

PN3331

Evidence has been given in this proceeding by Steve Warrington. You know who he is?---I do know Steve.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3332

I'm just going to have shown to you a witness statement. Deputy Chief Officer Warrington has filed a statement in this proceeding and if you can turn to paragraph 40 on page 7, you'll see that on about the third line in paragraph 40 the Deputy Chief states:

PN3333

*The CFA did trial a limited tenure arrangement for firefighters and in doing so it recognised the shortfalls associated with that particular arrangement. The CFA can learn from that arrangement in the event that part-time arrangements are introduced into the organisation in the future.*

PN3334

Do you see that?---Yes, sir.

PN3335

That's the evidence that Deputy Chief Warrington gave, and I realise you can't put yourself in the mind of Deputy Chief Warrington's thought processes but when you referred some moments ago to part time in the 1990s, was that otherwise known as limited tenure arrangement for firefighters?---The first concept of what I'd call part time, was just casual firefighters from my memory, and limited tenure firefighters followed shortly after when the casual firefighter program was closed down.

PN3336

Right?---But it was a very similar process.

PN3337

Looking at the last sentence in that paragraph where the Deputy Chief states that the CFA can learn from that arrangement in the future in the event that part time arrangements are introduced in the organisation, does that give you any greater confidence that in the event that part time was introduced today, that it would be done in a different way and in a better way?---Nothing that has changed since 1994 will give me any more confidence that the situation would be handled any differently.

PN3338

All right, thank you. Coming back to your understanding of part time employment that I was asking you about a few moments ago, and what you had in mind when you referred to that in your statement, am I correct in understanding that the high point, if you like, of your concern is about the possibility of firefighters coming into work on station on an irregular basis?---I would be concerned if I had members on my shift that weren't working the same rosters and hours that other members were working. That would be a concern.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3339

I see. So the bottom line in your position is that your concerns are not going to be addressed unless all operational firefighters are working 10/14 as they currently do now, is that where you're at?---My concerns would be addressed if I knew



what the CFA were interested in implementing and I could be convinced later down the track that if they had a concept that I believe that we would have confidence in, I would be comfortable. I could be convinced that that could be a reasonable concept.

PN3340

I see. So you've got an open mind?---I would like to think I've got an open mind.

PN3341

Okay. And you understand, and I think you're a member of the consultative committee under the EBA, is that correct?---I'm not at the moment. I was in the nineties.

PN3342

You were in the nineties. But you understand that the CFA is not in a position to impose a change of that type without first consulting with the union?---That – look, I do understand that that's the way it operates but that was the same in the nineties when they just implemented the two different programs.

PN3343

I just want to ask you about skills maintenance, by which I mean the conducting of drills at the station?---Yes.

PN3344

Yes. Do you do those?---I have in the past.

PN3345

I see?---But being an operations officer, I'm more administrative, other than operational incidents, I'm more – but I delegate that to my officers.

PN3346

Sorry, so the station officer or senior station officer does that?---The senior station officer is in charge of training for each platoon.

PN3347

Yes, and would I be right in thinking that this is subject to any events out there in the real world which call for an operation response – but speaking generally, is it right to understand that skills maintenance training through the conducting of drills occurs at the station at Corio on a daily basis?---Absolutely.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3348

Right?---If I could just expand on that, as the OIC, I've been there for 21 months – I've implemented a station training plan and out of that, every shift has its training plan, so there's certain training they must do. So what they do, they have a written plan on what they want to achieve and it's a month by month, going forward. And what they do in that month, and it comes out of the station training plan, they'll identify the bits that a firefighter at the Corio Police Station needs to do on a yearly or monthly basis. Now all the firefighters now have personal development plans, as well. A lot of them are actually going up through the ranks. They're being assessed as leaders and officers. They all must have development plans to

do that, and that involves a training plan, as well. My crews, they will do a short duration drill. They will then, at least, do one two hour session of training per day and they will do that 365 days a year, other than Christmas day, or other than probably the grand final day. I wouldn't expect them to be drilling all day on a grand final day. But they will do one to two sessions a day on dayshifts on training. Because what you need to understand, a firefighter in the CFA at Corio, we've got six different appliances in that shed. We've got enormous risks. We look after oil refineries. We've got five major facilities. The guys have to be highly trained and highly skilled. And it's all about proficiency. It's not just about competencies, it's about being proficient at your job, so we need that intense ongoing training. They will train on nightshifts, they'll have all sorts of drills, et cetera, on nightshifts, they'll be training people for development. It's ongoing.

PN3349

All right?---I can only speak for the Corio fire station but that was the same at Geelong City were I worked as the senior station officer until two years ago.

PN3350

Thank you for that. And the training regime that you've just outlined, that's something that you've instigated or driven?---It was driven from a station that I worked at previously which is Geelong City, and I've carried it over to Corio but I do understand that most of the major stations, and probably most of the stations in the CFA have a similar system.

PN3351

You said that you put in place this written training plan for the shifts in the last 12 months. What was there before that? Does that mean there wasn't a training plan?---Well, it wasn't a written – it was a very ad hoc training plan and this is one of the issues that I had when I was an SSO at Geelong City, that I'd rock up for a dayshift and I'd think, what am I going to do today for training? And I'd have to try and rack my brains to see what we're going to do for training. So we found out it's a lot more efficient, especially with the bigger numbers, of having a set training plan. So there's certain criteria that we must meet every year and we must wear – for an example, we must wear a gas suit for two hours. Every year we pretty much do that so – so we've got a limited number of training gas suits so we actually have to plan that out for all 45 people over the 12 month period.

PN3352

And given the well developed nature of that training plan that you've put in place, am I right in thinking that aspects of that training plan, particular aspects, may well be repeated in the course of a week or two week period to cover for when people are away?---You are correct. We have to pick up people that are on leave or on training courses that may need to pick that training up.

PN3353

Yes. And I assume it goes without saying but I'm going to say it anyway and ask for you to tell me if you agree, that while you have that training plan and that regime which is set down, obviously the execution of that gets subject to interruptions in the nature of operational requirements?---Absolutely.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3354

And so the execution of that, if I might say, comprehensive training plan by the sounds of things, is necessarily a flexible – a flexible approach needs to be delivered?---It's a living document.

PN3355

It's a living document - - -?---Yes.

PN3356

By which you mean it needs to be applied and pursued in a flexible way?---Very flexible.

PN3357

Yes, okay. And just to ask you about another matter, you were senior station officer before your current role at Geelong?---That's correct.

PN3358

And am I right in thinking that that's an illustration of a general practice which is adopted, which is upon being promoted, an officer will usually change stations?---Not necessarily, and I was actually offered the position at Geelong City. I was asked by – the previous OIC of Geelong City was promoted to (indistinct) manager, whether I'd take on his role at Geelong City, and because I'd worked there for 27 and a half years I thought that probably wouldn't be a good idea. So there was as vacancy, a temporary vacancy that came up at Corio so I requested to take that position.

PN3359

Just excuse me for one moment. And emergency medical response training, do all or most of the career firefighters at Corio have that qualification?---No, that hasn't rolled out in district 7 which is the Geelong district. That's coming, I believe, later this year or early next year.

PN3360

I see. Am I right in thinking that firefighters at Corio, many of them have specialised qualifications?---Yes.

PN3361

And is there any particular specialty that Corio has?---Corio look after a couple of specialist vehicles. One of them is the heavy HazMat that very well qualified in what we call CBR, which is the terrorism type HazMat. It's chemical, biological and radio action[sic]. There's only two vehicles in country Victoria, two stations that have that technology, and so – also we have a breathing apparatus van which covers a fair bit of Western Victoria.

PN3362

Yes?---And we also have an aerial appliance which can go a long way, as well.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3363

And so those specialist resources are reflected in appropriate specialisations held by the firefighters, or some of them, at least, at the station?---Sorry, could you - - -

PN3364

Sorry. In light of the specialised resources that you've just described at Corio - - - ?---Yes.

PN3365

That the firefighters, many of the firefighters have the appropriate specialisations for that?---The expectation is that they will have every increment on every vehicle.

PN3366

Okay?---And the increment process takes a lot of time.

PN3367

Yes, and to obtain the specialised qualifications to work with some or all of the equipment that you've just described, the person needs to first acquire that specialised training qualification?---Absolutely.

PN3368

Yes, and then they need to do the required training to maintain that qualification?---That's correct.

PN3369

And at the first level of acquiring that qualification the training for that purpose is usually scheduled well ahead?---It certainly fits into the shift plan, as I talked earlier about the shift training plan. And what we do is when a recruit comes to Corio fire station we start them on the first vehicle that they need to get increment on, is the tanker, which is a grass firefighting appliance. It takes them probably two months to get that increment. They then move onto the pumper. That'll take them another couple of months. Then they move onto the tele-boom which is the aerial appliance, which will take them probably up to six months. Then after that they'll move onto the heavy HazMat and then onto the BA van, so it's a series of incidents they need to work through.

PN3370

I see?---So that's prioritised by the SSO and myself. Just recently – Corio is going through a transformation. We're moving from five crew a shift to seven crew a shift at the end of this month. So I've brought all those people to the station over April and I've run two tele-boom courses and a heavy HazMat course to get people up on those skills. I took them off 10/14 onto dayshift to run those courses for those people.

PN3371

Firefighters at Corio have been deployed in large scale emergencies?---Yes, certainly.

PN3372

And in those circumstances, necessarily, they're working alongside firefighters they don't know?---Yes.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3373

And would I be right in thinking that Corio firefighters have also been part of strike teams from time to time?---Yes.

PN3374

And that involves working with other firefighters who they may not know?---Usually they'll know the crew. The tanker crew that they're with will be a Corio crew, so they'll know that crew and that's a crew that they'll work intimately with.

PN3375

Yes?---But they will be working alongside other tankers.

PN3376

Yes?---Usually the tankers come from the one group, which is the Geelong group. So most people know most people in that group but yes, they can be working with crews from elsewhere around the state.

PN3377

Yes, and that does happen?---It does happen.

PN3378

Yes. And do firefighters get transferred into Corio from time to time?---They will apply for positions and move there but we will have people to come to work overtime or fill vacancies.

PN3379

Yes, but you'll get newcomers who will be assigned and transferred into where the - - -?---Yes, they'll apply for positions, they'll go through an interview process which I run and we'll select the appropriate people for that position.

PN3380

Yes. So speaking generally, whilst most of the time you and the people at Corio are working with each other and the volunteers, do you accept that there's many circumstances where from time to time Corio firefighters and yourself, for that matter, are working with firefighters that they may not know?---Yes, absolutely.

PN3381

All right, thank you. And that situation of working with firefighters you may not know, doesn't give you reason to doubt the safety or effectiveness of that work because - - -?---It gives you reason to be very cautious.

PN3382

If you can just listen to my questions - - -?---My apologies.

PN3383

Now I take it that you were – in addition to working with firefighters that you and the Corio firefighters may not know, you're working with volunteers and you also work with other emergency services?---That's correct.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3384

And you do that on a regular basis?---I do it on a regular basis but when I work with other services it's usually in the non-operational or non-combat role.

PN3385

I see, so - - -?---It's not on the edge of the action.

PN3386

I see. The firefighters at Corio under your command - - -?---Yes.

PN3387

Are working side by side, for example, on a daily or weekly basis with Ambulance Victoria personnel?---That's correct.

PN3388

That'd be a daily thing, I take it?---Almost daily.

PN3389

Yes, and Victoria Police, similar?---Yes, certainly.

PN3390

And oftentimes they would be working with personnel from those agencies that may not be known to them?---That's correct.

PN3391

Yes. Am I right in understanding your evidence to the Commission that at the core of your concerns about part-time operational firefighters is the serious doubt that you have about whether or not they would have and would be able to maintain the requisite level of training and expertise of skills?---I've got no doubt that a part time employee would be able to keep their competencies relevant but my concern would be the proficiency of those competencies.

PN3392

The?---Proficiency. Proficiency.

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3393

The proficiency. I see?---And if you allow me to explain that, that when – the fire services, we base our training on competency based training but one of the things we do that a lot of organisations don't, we want to become, not just competent, we want to become very proficient at it and I'll give you an example and a lot of the tasks that we do are time critical, and one of the tasks that is a great example of it is putting a breathing apparatus on your back, donning it up and putting it on to go into a structure fire to save someone's lives. To become competent in that it could take you three or four minutes to put it on, you could quite competently put it on in that time. But that time is far too long for someone that's in a very dangerous situation and seconds can make a big difference. So what our guys do, is work and work at it, and they're proficient and we put a time limit on it that they need to be able to put that BA on and be at the front door in 90 seconds. Now a lot of our guys through intense training, continual training, will put a BA on a lot quicker than that and what that does is allow us to be able to get inside the house fire and

save anyone's life that we can. It's very important that we're very good and competent and safe, but quick in what we do.

PN3394

And the notion of proficiency as you've just described and the illustration you've given to the Commission, is about achieving what you believe to be high standards?---An acceptable standard and a high standard.

PN3395

All right. In terms of the illustration you just gave about the particular type of training, do you accept that assuming an employee had the required access to the training necessary to become proficient as you've described it, that a part time employee could become equally proficient as one working on a 10/14 shift?---I could agree that a part-timer may become as proficient in some areas of the basic skills a fireman needs but at the Corio fire station I find it very hard to believe that a part-timer could become proficient in not only all the basis skills and the skills a firefighter needs, but all the specialist skills that a firefighter needs, as well.

PN3396

I see. So your concerns are particularly around whether or not a part-timer could be come proficient, as you've described it, in relation to the specialised skills?---Not – as a whole, all the skills. To be a fireman, to be a complete fireman, to do your role and have the flexibility of doing it on the fire ground, you'd need a lot of proficiency, you need a lot of competency, you need a lot of training. Otherwise their mates are going to have to make up the difference.

PN3397

I understand what you're saying, but as I understand – well, let me be clear. I understand your principle reservation to be around the capacity of part-timers to be able to develop proficiency of the type you've described, in particular, in relation to specific specialisations?---That and the complete skills, but that's only one of my concerns.

PN3398

You say in paragraph 14 of your statement that, "As an officer in charge I would be concerned that part-time employees would not be accepted by the crews that they work on as part of the team due to them not being a constant part of those crews". Now I take it that as an officer in charge you would agree that if a part-timer, and assume there is a part-timer for the sake of this question, who was properly trained and was participating in skills maintenance, you wouldn't expect that part-timer to be treated differently?---No, I wouldn't.

PN3399

All right. And if you – I take it, as an officer in charge, discharging your duties, that if you perceived someone was being treated differently for the fact that they were working part-time, that would be a big problem?---As part of the role of an OIC is to look after the welfare of all the people under his jurisdiction - - -

\*\*\* PATRICK GERARD GEARY

XXN MR MOORE

PN3400

Yes?---And I would be concerned for that person's welfare.

PN3401

Yes?---And I would certainly ensure, or try and make sure that that person wasn't treated any differently.

PN3402

Merely because they were part-time?---Yes.

PN3403

And as an officer in charge it would be your job to make sure that a part-time firefighter in the example we're considering - - -?---Yes.

PN3404

Was treated appropriately by his or her peers?---It would be part of my job.

PN3405

Yes?---Unfortunately I'm not at the station all the time and I can't be there to monitor everything all the time, so I'd have to delegate some of that to my senior station officers to make it clear to them how I believe that person needs to be treated, or should be treated.

PN3406

All right, so as part of your job, if you're not there making sure that people aren't bullying or mistreating fellow workers, you'll make sure that a subordinate to you is doing that?---Absolutely.

PN3407

Yes. Thank you. If the Commission pleases.

PN3408

JUSTICE ROSS: Re-examination, Mr Kenzie?

**RE-EXAMINATION BY MR KENZIE**

**[3.13 PM]**

PN3409

MR KENZIE: Mr Geary, you were asked some questions about the number of volunteers at your station and in particular the 20 operational volunteers that you gave evidence about, do you remember that?---That's correct, yes.

PN3410

And these were people that you agreed would carry out with you, either coming from home or on the truck, they would respond and I think you also said these were people that you, your station, trained, is that right?---That's correct.

\*\*\* PATRICK GERARD GEARY

RXN MR KENZIE

PN3411

Now could you just explain in a practice sense, in that deployment situation when you've got those volunteers responding in that way, how, if at all, will the fact that they are volunteers who've been trained in circumstances under your control, may that impact on the role that they play in the practical operational



sense?---Certainly, and we know our volunteers very well, we know who we can task with what. I've got a volunteer, his name's Polly(?) Martin, and he's our most prolific turnaround but he's a little bit challenged. He's a really good guy and he's good for the brigade but we need to be really careful of what roles we give him to do. So he's a structural firefighter without BA. We don't put him in BA and we don't put him inside any fires. A couple of those members are lieutenants. I can use them as crew leaders. I'm confident enough that they can be a crew leader with one of the volunteers but they can't be crew leaders with the staff. If I'm putting staff inside that building I need to ensure I've got a staff crew leader with them. And that's the same in a strike team. If we send a strike team away, that's a (indistinct) strike team, I have to ensure the strike team leaders is a career staff person.

PN3412

Can I just ask this. The circumstances that you're asking about now and that I'm asking about now, you understand the concept of minimum crewing?---Yes.

PN3413

Where do these volunteers sit in relation to minimum crewing?---They're a bonus. They're extra to the minimum manning that we have. Corio, at any one time, turns out with a maximum of five people unless I've got some above strength people, so the volunteers who turn up are extra. You probably need to highlight that out of that 20 that are turning – or are operational, I've got five that regularly turn out. The average when I started at Corio for the volunteer turnout per call was less than one. We got it up to five but it's not dropped back in the last month or so. But the average turnout of volunteers is two.

PN3414

Okay. You then gave some evidence about your own experience with part-time in 1994, I think it was, is that correct?---That's correct.

PN3415

Now you gave some evidence about the introduction of casual and then limited tenure personnel?---That's correct.

PN3416

The experience you had that you were describing, was that in respect of casual personnel or limited tenure, can you remember?---Yes, the first one was casual. We turned up on a Monday morning and – to the best of my memory, we turned up on a Monday morning and there was a guy sitting at the station that was now part of our crew and we had him for three months.

PN3417

Yes?---I'm pretty sure the limited tenure firefighter system happened after that.

PN3418

Okay. And can you just tell us, I don't need chapter and versus - - -?---Yes.

\*\*\* PATRICK GERARD GEARY

RXN MR KENZIE

PN3419

But can you just tell us what was it that happened, in your experience, that caused you to answer the question in the way you did?---We were basically turning our one person down because we didn't know what his skills were, we didn't know his history, we could not utilise him. He couldn't drive the truck. I was the leading firefighter. I had to drive the truck and he has to sit in the passenger seat, and that's where he stayed, pretty much, for the job because it was – the onus is on us for the safety of this guy and we just didn't know where he'd come from or what his skills were so we were unable to task him.

PN3420

In fairness though, would you accept that with reference to a database and improved information since that time, in all fairness, might that situation be something that might be able to be ameliorated better for that - - -?---Potentially, and I think if that was to happen today that the first thing that we would do was probably run him through some skills maintenance just to check how his skills were. I think that could be overcome.

PN3421

Would that ameliorate to an extent your concern?---It wouldn't remove them, but it would on the skills base. If I knew that the people that were coming in that were part-time were as highly trained as the firefighters that I have got now, I would be comfortable on that point.

PN3422

I think when it was put to you that your concerns were related to skill-based, you said that they were part of your concerns; is that right?---Yes.

PN3423

So leaving aside what I have just asked you about, when you talked about your other concerns, again I don't need chapter and verse?---No.

\*\*\* PATRICK GERARD GEARY

RXN MR KENZIE

PN3424

Could you identify the nature of those?---The first concern pretty much is a bit of a safety concern and welfare for those people and not only that, the welfare of the rest of the crews that I have got there. And as you have probably had explained to you, the crew is a very tight-knit group. They work together on the 10/14 system. They spend more time some of them with the guys that they work with, rather than their own families. So they get to know each other very well. If I have only got someone that is popping in every second or third day, we don't get to know that person, we don't know how they're reacting to some of the scenes that they see. And believe me, Corio is a very busy station. It's a very busy area. We get a lot of road accidents. We get a lot of structure fires. We get a lot of fatalities. The guys really get to see a lot of bad things. Part of my role and the roles of the SSOs is to make sure that they look after those people's welfare. If you don't know a person that well, you don't know when they are not travelling well and if someone has a bad job and disappears and comes back a week later, I don't know what's happened in that meantime. The other problem I have got as an OIC is the complexities of running a roster a Corio. Not only do I have to have the make-up, I have got to have an SSO, I have got to have a leading firefighter, I have got to

have three firefighters on duty at any one time. They have all – then I have also got to have two teleboom operators, two pump operators, two BA operators, BA van operators, and at least two heavy HAZMAT operators. So you can see that I have got to try and – if I have got a hole that happens at Corio that we need to fill and I can't get someone from the Corio area to fill that that have got the skills, I have to search wide and far to get a person that's got a number of those skills to fill those increments because otherwise we have got to put the trucks off the road. If we put the heavy HAZMAT off the road, there is only one other in country Victoria.

PN3425

Finally, you were asked some questions about your firefighters working with people they didn't know including Ambulance Victoria, Victoria Police, other scenarios?---Yes, yes.

PN3426

You agreed that all happens?---Certainly.

PN3427

The only question I have is this. Having had that put to you, does that cause you to change any of the views that you expressed in your statement about your concerns?---No, it doesn't, and I will explain that. We might work with people we don't know. If we don't know what their skill level is or their competency level is, we will be very wary, very careful, and we will watch that person, especially if it is operation on the fire line we will be very careful working with that person.

PN3428

Thank you.

\*\*\* PATRICK GERARD GEARY

RXN MR KENZIE

PN3429

JUSTICE ROSS: Can I just ask you a question about an answer you gave a moment ago regarding the welfare aspects and if you attend a difficult job and it is the follow-up care for the members who attended that particular incident? And, as I understand your evidence, if they were part time, you won't be in contact with them as opposed to a full-time member that you would be, is that the essence of it?---Pretty much, yes, and if I could give a quick example, only probably six weeks ago at Corio they had a suicide person versus train which is a pretty messy scenario. It happened in the evening. The next morning I get up and when I have my breakfast I turn on my tablet and have a look at what's happened overnight and I can bring up the CAD data and when I looked at the CAD data for that job, it was obvious to me it was a suicide and was a real mess. So I rang the SSO straight away and he's a guy that I have got to look after his welfare and I just went through a few questions regarding asking him how he was travelling. And he said he was fine and he told me what he did with the rest of the crew. They had a quick debrief after the job. They were going home. It was their first night shift. They were coming back for the next shift. He was going to sit them all down and he said there's a couple of the younger members that he was a little bit concerned about, but they seemed to be going all right. They were going to come back that night. He was going to sit down. They were going to an after action

review. They will talk about the job and he will just put it out there. Part of my role is to say to him: "Well, you understand. You know how it is. If you need someone, give us a ring and we will get the chaplain in." And I have done that on two occasions in the last three or four months with some of our members. If we have a part-timer that disappears or we don't know how they react, we really get to understand the people that we work with. We have spent a lot of time with them. We know when they are not happy. I can walk in on a station and instantly know when a shift is not going well. They are not joking. They are not laughing. They are taking things very seriously. I know something has gone wrong. The shift is the same. They know when there is a person that is really starting to struggle. They have gone quiet. They are not enjoying the joke, et cetera. So they will just start asking a few questions and that is our first step in critical incident response. It's the shift's mates look after the shift mates.

PN3430

What do you if a volunteer is part of the turnout?---We have – we will probably – what I normally do is talk to the lieutenants because they like looking after the volunteer side of things and I give them some responsibility. They will often ring that person up. They might drop around and have a look. We try not to expose, especially our volunteers, to a lot. But we will do follow-up on that. We will make sure that someone does at least speak to them or speak to their partner and if there is any issues, we will follow up and we will ring the CIS coordinator and organise a peer support person, or if it's serious enough, the chaplain.

PN3431

Thank you. Anything arising? No. Thank you for your evidence. You are excused?---Thank you.

**<THE WITNESS WITHDREW** [3.24 PM]

PN3432

Next witness.

PN3433

MR KENZIE: The next witness is Archie Conroy.

**<GERALD ANTHONY CONROY, SWORN** [3.25 PM]

**EXAMINATION-IN-CHIEF BY MR KENZIE** [3.25 PM]

PN3434

MR KENZIE: Mr Conroy, could you again state for the record your full name and address, please?---Gerald Anthony Conroy and on my statement it is at (address supplied) but I currently work at Barkly Street, Ararat.

PN3435

Mr Conroy, did you make a witness statement dated 6 April 2016 in relation to this proceeding?---I did.

\*\*\* GERALD ANTHONY CONROY

XN MR KENZIE

PN3436

In that statement, I think you are wrongly named on the last page of that statement; is that right?---That's correct.

PN3437

What should that read?---Gerald.

PN3438

Gerald Conroy. We just need to make that correction. Other than that correction, do you say that the contents of the statement to the best of your knowledge and belief are correct?---I do.

PN3439

I tender that statement again with the - - -

PN3440

JUSTICE ROSS: That is fine. I will take you through those, yes, the comments made in the previous one. As I understand it, it is the last sentence in paragraph 6, that falls into the hearsay category. It was discussed when all the matters were dealt with. The last sentence in paragraph 19, the second last line, there was a full stop after the words "used in the past" and the balance of the paragraph was deleted. Paragraph 22, in the first line, after the words, "I consider that women are encouraged by the CFA", and insert the words, "I consider that" before completing the rest of that sentence. In the next sentence delete or insert before the word "existing" the words "in my view". And 20, paragraph 20, the last - - -

PN3441

MR KENZIE: I think there is another one in 20, your Honour.

PN3442

JUSTICE ROSS: Yes, the last sentence not read.

PN3443

MR KENZIE: Correct, the last sentence is not read.

PN3444

JUSTICE ROSS: That is right.

PN3445

MR KENZIE: I tender that, your Honour.

PN3446

JUSTICE ROSS: Mark that exhibit UFU10.

**EXHIBIT #UFU10 STATEMENT OF GERALD CONROY DATED  
06/04/2016**

PN3447

Mr Moore.

\*\*\* GERALD ANTHONY CONROY

XN MR KENZIE

PN3448

MR MOORE: Thank you, your Honour.

**CROSS-EXAMINATION BY MR MOORE**

**[3.27 PM]**

PN3449

Mr Conroy, I just want to ask you some questions about your statement. Your position is operations officer at Ararat. Just broadly speaking, what does that involve?---I look after volunteer brigades in the Greater City of Ararat Rural City Council, Northern Grampians Council. So 34 brigades and three groups of brigades.

PN3450

Your job in simple terms is to look after the volunteers in those brigades?---Yes, I look after the core capacity of the brigade to make sure they can look after the risks that they have got in their area. Their search capacity to make sure they will be able to respond in the case of other areas and for either one duration or a tour of duty. And I work with the other emergency organisations to make sure that we have an all hazards approach to make sure we can deal with all hazards and we deal with the municipalities to make sure they are on track too with the risks on their area.

PN3451

Is this in relation to a particular district or area?---District 16.

PN3452

How many CFA stations are there in District 16?---Sixty-eight, roughly.

PN3453

How many of them are integrated stations?---None in District 16.

PN3454

So does that mean there are no career firefighters in District 16?---Apart from the staff that work in the office, there would be none, correct.

PN3455

So there are how many stations in District 16?---Sixty-eight.

PN3456

How many staff are in the office?---There is three operational staff and there is support staff. There would be another four or five support staff, admin staff.

PN3457

That includes yourself?---I am part of the operational personnel.

PN3458

You are part of the operational personnel?--- Yes.

PN3459

So as operations officer, you are not working on shift, I take it?---We have a rotating shift, rostered duty officer role.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3460

I am sorry. Are you working a 10/14 roster or day shift work, day work?---We are on a rotating rostered duty officer roster, so it's work as required. We average 42 hours a week over a 13-week period.

PN3461

So it is not four ten-hour days. Is that how it generally works?---No.

PN3462

It doesn't work that way?---No.

PN3463

So there isn't in place in District 16, a 10/14 roster?---No.

PN3464

No, because the provision made for dealing with emergencies and fire by the CFA in that area is principally through volunteers?---That's correct.

PN3465

Supplemented by, I think, half a dozen or so operational staff who are office-based most of the time?---No, we are field based. Our location is in the office, but we are field-based officers, so we respond and support the brigades in their endeavours to combat emergencies and risk.

PN3466

So you are not working on a 10/14 roster?---No.

PN3467

So when emergency arise, who is deployed in District 16, who is deployed to deal with them?---The volunteers at this stage.

PN3468

The volunteers?---Yes.

PN3469

Do the operations staff, including yourself, respond to that?---We can.

PN3470

You can?---Yes.

PN3471

In District 16, was it?---That's correct.

PN3472

How many volunteers are there?---Volunteers, brigade members or operational volunteers, I couldn't tell you off the top of my head. So there might be, say, 3,500 volunteers, but operationally it might be only 25 to 30 per cent of them were actually operational.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3473

So to understand those words, when you say 'operational', does that mean that they have a pager that goes off when they are required to attend?---They have a pager that tells them there is an incident happening. It all depends on their ability to work or where they are at the time as to whether they can actually respond.

PN3474

So 25 to 30 per cent is your best estimate of how many? What is the total number of volunteers?---I would be only guessing.

PN3475

What did you say? 3,500 is your best guess, is it?---Yes, yes.

PN3476

So it is pretty apparent then that the provision of the CFA's services in District 16 is critically dependent upon the volunteers?---It is.

PN3477

When emergencies arise, it is principally up to the volunteers to provide the necessary services that the CFA is there to provide?---It is with the support by us and the field staff based at the office.

PN3478

You all work together to deal with the emergencies at hand?---That's correct.

PN3479

From time to time, particularly in relation to the larger scale emergencies, do you receive the assistance of other CFA firefighters from other districts?---That's correct.

PN3480

They might be volunteers or career firefighters or both?---Both.

PN3481

That happens quite a bit, does it?---It all depends if the incident has been able to be contained or not. If it's not able to be contained when you call in more resources, they come from whatever is the nearest or the most appropriate resources or equipment we need.

PN3482

So it is really truly a blended approach in grappling with the emergencies that arise?---That's correct.

PN3483

The blending would include, from time to time, resources from the MFB. That happens from time to time?---Not in my time there, but it has before.

PN3484

Could you just clarify, Mr Conroy, when did you last work on station?---The last time on station? I would probably need a bit more. Give us another – rephrase the question?

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE



PN3485

Certainly?---I responded with the Ararat Fire Brigade which is the station the last three weeks – two incidents - - -

PN3486

Sorry, let me perhaps be clearer. At the moment, you are operations officer in Ballarat?---Ararat.

PN3487

Ararat, I am sorry. And although you are based in Ararat, but it is a field position and you are out and about; that's right?---That's correct.

PN3488

So when were you last actually placed on station?---On station? When I worked on a fire station like career staff?

PN3489

Yes?---It would have been 2002 when I was officer in charge of Ballarat City Fire Station.

PN3490

Of Ballarat City Fire Station?---Yes.

PN3491

So your evidence about the effects of and concerns about part-time work in relation to operations on station is from that time, most recently in 2002?---Yes, but I also deal with volunteers turning out to jobs as well.

PN3492

I understand that. Since 2002, your experience has been largely if not overwhelmingly about working with volunteers?---Not necessarily so, because when I worked – before I started working at Ararat, I was also the RDO roster duty officer in District 15 that had the major fire station in Ballarat, and when they had calls there we dealt with the staff as they responded to incidents in the greater District 15 area.

PN3493

So just so I can understand, insofar as you are giving any evidence here about your concerns about part-time work or part-time firefighters in relation on-station operations, it is based upon your experience from and before 2002?---I'd say from 1982 up to last year.

PN3494

You haven't been on station for the last 14 years?---No, but – no, but I actually support station activities. So if there is a fire in Ballarat, when I was the roster duty officer working up there and they called for the assistance of the RDO, we come and support them.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3495

But there are no integrated stations in district 16 for which you are responsible?---Yes, that's only for the last nine months.

PN3496

There was an integrated station in that district before nine months ago?---No, no, because I worked in District 15 up to April last year. Then I left and I have started working in District 16.

PN3497

So is this where we get to? You were last on station as a career firefighter in 2002, but you have had some dealings with operations at a station level since that time?---As operations level, but a lot of experience.

PN3498

You have expressed a set of concerns in your statement about part-time firefighters and part-time employment and I want to understand the specific type of employment you have in your mind when you are referring to part-time work as a firefighter or part-time employment. Evidence has been given by a number of witnesses called by the union in this proceeding that the concept of part-time employment and part-time firefighters which they have expressed concern about, is employment on an irregular and casual basis. Are you in the same position, is that what you're referring to when you're referring to part-time firefighters or part-time employment?---Well, I think I'm referring to part-time firefighters, that they're not full-time firefighters.

PN3499

I see. So that means you're referring to any firefighter employed on anything less than 42 hours per week, on a 10/14 shift?---If that's the - considered as a full-time firefighter.

PN3500

Pardon?---If that's considered as a full-time firefighter.

PN3501

Yes. Well, that's what I understand it to be, is that what you understand it to be?---Yes, well, currently a full-time firefighter usually works 10/14 shift, unless he's on special duties.

PN3502

Yes. So your concern is - is this where we get to, your concern is you object to any employment arrangements which provide for hours of work which - or arrangements different from the 10/14 arrangements, 42 hours, on average, a week?---Yes, but the - - -

PN3503

Thank you. Now, with 3500 volunteers in District 16, and you've got - your job is, is it fair to say, managing and coordinating the volunteers in District 16?---That's one part of it.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3504

One part of it?---Yes.

PN3505

What other parts are there?---Well, the other part is dealing with the risk, making sure the brigade's in the right spot, make sure they've got the right equipment, make sure they've got the right training.

PN3506

Okay. In relation to that last aspect, make sure they've got the right training, how do you make sure they've got the right training?---Well, we give guidance to the captain and the captain and his brigade management team deal with the brigades.

PN3507

I see. So the delivery of the training in the stations, in District 16, is the responsibility of the captain of the brigade, is that right, do you say?---Responsible for him to manage it, that's it.

PN3508

So he may not deliver it - - ?---No.

PN3509

- - - but he may arrange for someone else to deliver it?---That's correct, and it could be done by career staff or volunteers.

PN3510

I see. So you liaise with the captain of these brigades to resource them and support them to ensure that they are able to provide adequate training to the volunteers?---That's right, or actually deliver the training myself.

PN3511

Or what?---Or deliver the training myself.

PN3512

Or you might deliver the training yourself?---That's correct.

PN3513

I see. So in terms of the first aspect of that, of liaising with captains to make sure that they are providing adequate training for the volunteers, what does that involve you doing?---We do a risk assessment, we score the brigade to see what sort of hazard they work in. We work out the capacity, the brigade's capacity, what they can and cannot actually deliver and we put a training plan in place to make sure the members who can do the skills or acquire the competencies can do it and to see if they're proficient at it and make sure - well, the next thing, it's up to the volunteers to see if they're actually available to respond.

PN3514

Okay. So just working through that, a risk assessment is done to identify the risks and then a training plan, directed at developing the necessary skills to address those or manage those risks, is developed, is that right?---That's correct.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3515

You do that?---In conjunction with the brigade, yes.

PN3516

Then that training plan is you work out how to execute it, is that right?---We work out what we need to do, what's the capacity of the brigade to actually achieve it and then we put in a plan whether it's going to be achieved in one month, six months or five years or if we can't achieve it, what else can we do to actually mitigate the risk.

PN3517

I see. And in terms of achieving the training plan, the objective is to get volunteers to a level of competency that you identify?---That's the first part but then get them proficient in them.

PN3518

I see, which is beyond competency?---Well, competency shows that you can do it, proficient is actually, you know, you can actually really do it.

PN3519

Really do it well?---I'm not saying really do it well, but I've seen people who that are - wore BA and they're competent and then they come through a training session or a fire and they put the BA upside down or they - do you know what a breathing apparatus is?

PN3520

I do now?---So it's like a scuba diving kit, it goes on your back and you put the face mask on and you've got a set period of time, 90 seconds, to put it on. So as long as they do the training in 90 seconds you can do it, but when it comes to see if they're proficient, you've seen them, they put it on upside down, they've actually put their arms through the front of the straps and instead of the cylinder on your back it's in front and they're wondering why the helmet and the face mask - take nothing wrong away from the volunteers, because that's what we're all here to support the community and protect it, but proficiency is a big thing about it.

PN3521

Yes, I understand. So the training plan, in terms of implementing the training plan, the first goal is to get the volunteers competent and then it's to get them proficient, that is, doing it properly and well?---Yes. Then the big part is, what's their availability? Because we can have the volunteers, have them trained, have them proficient but if they're not available to respond we have no capacity.

PN3522

You're talking about their availability to respond to an incident?---Well, that's what we're all here about talking about, isn't it? It's about the end product.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3523

I'm just wanting to understand what you're talking about, when you talk about availability you're talking about availability to respond to an incident?---That's right.

PN3524

Yes, okay. So putting that to one side, coming back to the training, coming back to the training, your role is to develop the training plan, in conjunction with - - - ?---In conjunction with the brigade.

PN3525

In conjunction with the brigade, and then to oversee it's implementation, yes?---No. We support the implementation.

PN3526

I see, and supporting - I'm sorry, please go on?---See, I've got 34 brigades to deal with, I deal with the ones that are most at risk, the ones that have got the highest life risk or highest community risk or highest employment risk then gradually work our way down.

PN3527

So you support its implementation by making sure that volunteers are competent, yes?---Competent in the first part.

PN3528

And then proficient?---That's correct.

PN3529

All right. Then, secondly to all that, you said before that you also actually provide the training yourself?---I can.

PN3530

You can do that?---Yes.

PN3531

You do that from time to time?---Yes.

PN3532

Is that a regular thing you do?---All depends on availability of the other instructors and if the risk. A couple of weeks ago, at Halls Gap, the alarm went off, they've got a new facility and it's got an alarm, like an alarm panel with smoke detectors. Do you know what I'm talking about or do I have to go into more depth?

PN3533

No, I don't think you need to go into any more depth about that?---So do you want me to answer the question?

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3534

Yes, you've answered the question, I don't want to cut you off?---No, that's all right. So what happened was the brigade turned out to it, didn't know what they were doing, called me, I said, "Well, 10 o'clock tomorrow morning what are you doing?" I said, "Give us half an hour to organise ourselves." I got five people and said, "Right, here's the alarm panel, there's a proper course on it, I can give you a quick and dirty one on what you do when you come to an alarm panel, how you

set up control, what you've got to do and then if you want to do the three day course we'll try and structure it in later in the year."

PN3535

I see. So that's a specific example of the other day, of a broader approach that you need to adopt to training?---No. No, that's a recent one. I've got thousands if you want.

PN3536

No, no, I understand it. I'm not suggesting there are not other examples, I'm not meaning to diminish that at all. What that illustrates, is this right, that in delivering the training and in designing the training, you need to be very flexible about what training is required and how it's delivered and when it's delivered, in order to achieve competency and then proficiency in volunteers, is that right?---There's too many questions there. I don't design the training, the trainings are designed by someone else, so it's already laid out by the Australian - - -

PN3537

I understand. So you don't design the training, but you design a training plan, in conjunction with the captains of the brigades?---Yes.

PN3538

All right. So you need to be very flexible, because you're dealing with volunteers, and because of the unpredictable nature of operational designs, you need to be very flexible about when and how the training is provided, is that right?---No, I wouldn't say - no, that's not right, no. What we've got to do, we've got to have an end state where we want to me and we've got to - - -

PN3539

Say that again?---An end state where we want to be.

PN3540

An end state?---An end state. So we've got this brigade that needs to have these competencies to be able to perform their role. The risk is there, the risk isn't going away because that's why we're going to devise this training plan or whatever for it, do you follow me?

PN3541

Yes?---And we can't let it go, so we can't be too flexible, so we've got to have this done within six weeks, two months, or within the end of the year. And, how many people have we got? And if you can't commit to it, well, we can't deliver the product, so we might have to go elsewhere. So the flexible in our delivery of a service might be more part, but the flexible in the training, well, if it's too flexible and we can't get the training delivered, well, we move on to the next one, because some things are just unachievable.

PN3542

I see. When you are designing, in conjunction with the captains of the brigade, the training plan, you've done that, right?---Yes.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3543

Then you want to implement that plan?---Yes.

PN3544

You want to get the members of the members of the brigade competent?---Yes.

PN3545

Then proficient?---Yes.

PN3546

To achieve that end, you have to work out when and how to provide the necessary training?---There is, but it all depends on what their end of the training is going to be. So if it's a wildfire brigade, a bushfire brigade, it might be bushfire minimum of skills and a few others. If it's a low structure brigade it's bushfire minimum skills and low structure training. If they need BA qualifications, well it could take you two or three years to actually get to that point.

PN3547

Yes. So it depends on the particular content of the training that's required, particular type of training?---And the prerequisites for it.

PN3548

Yes. All right. Excuse me, your Honour. In paragraph 9 of your statement, have you got that there?---Let me put my glasses on.

PN3549

Sure. Do you see paragraph 9 there?---Yes.

PN3550

You say:

PN3551

*If an employee, such as a part-time employee, is not part of that team, I would not know the capabilities, fitness or training levels of that employee because they are not part of the team.*

PN3552

Do you see that?---Yes.

PN3553

So that statement has nothing to do with the work you currently do or have done, in any large part, since 2002, is it?---Yes, but I had 30 years of training in that before that.

PN3554

No, just answer my question, is that right? Is that - - -?---No, I think I said earlier, excuse me, but I think I said earlier that up till last year I had a lot of experience of a staff station, as a roster duty officer and as the officer in charge of the fire station.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3555

That was on a relieving basis, was it?---No, rostered duty officer basis, so ongoing.

PN3556

I see. And why can't - why couldn't a part-time employee be a member of a team? Why?---I don't know how I'm going to explain this. Have you got a part-time member of your team here?

PN3557

I'm the one who asks the questions?---I know, but I'm trying to explain it the best way. If I come in and I've got a job to do and the team takes four persons to do it, and if I've got faith in my team and it's a life risk situation - I'll give you an example, I went to a house fire, turned out there was three people on the truck. I'm the officer in charge, I got the pump driver operating the truck and I've got two blokes in the back, in BA. So I've got to do a search of the house and I've got to put them in. I know they're fully trained, skilled, got the competency, got the proficiency. I know, in my mind, that if I send them in to do a job they're going to come back out and tell me the truth what's happening inside the house and what they can and cannot achieve. If I turn up, if a part-time employee, I've got to take time, "What competency have you got? Can you drive and operate this appliance? If you can, well and good. If you can't, well, straightaway I'm down one person." If he's not going to be able to be the driver/operator of the appliance I'm going to put him in BA. "What experience have you got?" "I've got my competency." "Are you proficient at it, can you don it in 90 seconds? Have you done any search and rescue? Have you ever dragged a dead person out? Have you ever dragged another person out? Have you done that before?" He goes, "No, I'm only just learning." I said, "Well, how can I expect the job to be done if you can't even do those minor things?" I shouldn't say "minor" because they're a very big part of our job.

PN3558

Why do you assume that you wouldn't know anything about the part-timers skills in that situation?---I mightn't even know him.

PN3559

Well, that happens now, regularly, doesn't it?---No.

PN3560

Well, you agreed, earlier in your evidence, that there would often be firefighters working in your district, District 16, that are not known to you?---Yes, but they've come off a crew.

PN3561

Pardon?---They've come off another crew.

PN3562

So that's the key issue, isn't it, knowing that the firefighters - knowing that they've done the required level of training?---Yes, but I'm talking about my team now.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE



PN3563

Yes. But I'm saying, coming back to your example you just gave a few moments ago, what your concern to know is that everyone in the crew has got the required level of training and competency and that you have confidence in their ability?---No, I disagree with that.

PN3564

That's not what you're saying?---No, I'm not disagreeing with what you're trying to make me say. I'll give you another example, as we have strike teams go away. We leave the trucks there, we get another whole heap of other crews to come in and put them on that truck. We say, "Are you right here now?" He goes, "Yes, there's a truck, I don't know how to use that truck, you'll have to put me on another one."

PN3565

Yes, so that happens with strike teams now, you sometimes participate in those?---Yes, manage them.

PN3566

You manage them. When that happens you're working together with other personnel you don't know?---It is, but the point is, you've either got to take that truck off the line, stand that crew down or send them home.

PN3567

You work together on those strike teams because you know that they've got the relevant training - - -?---Didn't you just hear what I said? I said sometimes I've got to take the truck off the line, stand the crew down or send them home.

PN3568

Right, I see, because you don't have the confidence in them?---Well, they've told me they've haven't themselves.

PN3569

Your referring to volunteers, in that instance, are you?---Volunteers there, yes.

PN3570

All right?---And staff. It'd be no difference with the staff than volunteers. If they can't use the equipment they can't use the equipment.

PN3571

So your well able - at the moment, if an incident happens, what you do with the volunteers, if you're in charge of an incident, or dealing with an incident, is you work out what skills and competencies the team have or the crew have, is that right?---I ask them what capacity they have, who's in charge, what's he doing, what's happening, what do you think will happen, what are you going to do about it, have you got enough capacity? "No, we've got no BA wearers, where are you going to get them from?" I said, "Well, that's your job."

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3572

So you get informed about those matters when you're doing your job now, in the context of emergency?---That's correct.

PN3573

Yes. And if you - there'd be no difference between getting informed in that sort of way, by asking people what their abilities are, if you were dealing with any other type of firefighter?---Well, it's a bit late when you're already at the fire and the fire's going.

PN3574

But that's what you have to deal with now?---Yes, but we're dealing with volunteers at the moment.

PN3575

Pardon?---Volunteers, in regards to the moment.

PN3576

Yes. But you deal with other firefighters from elsewhere, on a regular basis, in emergencies, paid firefighters?---No, mainly volunteers, some paid firefighters.

PN3577

All right. Now, you've said, in paragraph 20 of your statement, you say you've worked as a day worker with the CFA and you were considered the lowest on the food chain?---Yes, we were called that, plankton.

PN3578

I just want to ask you how long ago that was?---That was end of 1982.

PN3579

Thank you. No doubt that was a very unpleasant experience for you?---In hindsight it was. At the time I was just glad to have a job in the CFA. But we were at a station, we called it a day station, we were a part of minimum manning, we were never replaced if we were sick. We had career firefighters working 10/14 within 5 kilometres of us and we weren't allowed to go work on their shifts.

PN3580

Nothing further.

PN3581

JUSTICE ROSS: Can I just clarify what your current shift is? You said it was a rotating shift, but how does it work?---We have a defined roster so our roster - it all depends how many people work in your district. Up at our district there's three, so over a 21 day period we cover the 21 days. So you work out - when you're RDO you've got to be available for it's either four days or three days of the stint. There's things you've got to go to, there's things you should go to and there's things that the volunteers would really like to go to but you've also got these other commitments you've got to do, you know, fires and incidents and things.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3582

But just over a three week period, if you take the last roster period that you had, what days and times were you on?---That's a bad example.

PN3583

All right?---We'll use it though. It'd be good.

PN3584

No, pick a good example; pick a standard example, because at the moment I don't have any understanding of when you work?---We're available all the time.

PN3585

So you work 24 hours a day every day?---We can be; we're on call 24 hours a day.

PN3586

Well, I don't find that helpful either?---Yes.

PN3587

What are you rostered on for?---Last week I weren't rostered at all because we had only two people and the three-person roster was available. So I had to work last week - the Thursday before last weekend right up to Tuesday. I had the weekend off and then I'm working Monday to Thursday this weekend.

PN3588

What hours?---Nominal hours: half-past 8 till, say, 5 o'clock. But we are available any time in that period on those days - we're available.

PN3589

Any re-examination?

PN3590

MR KENZIE: No, your Honour.

PN3591

JUSTICE ROSS: No? Thank you, you're excused.

<THE WITNESS WITHDREW

[3.59 PM]

PN3592

MR KENZIE: The next witness is Glenn Raymond Veal.

PN3593

JUSTICE ROSS: Mr Kenzie, far be it from me to tell you what your order of your witnesses should be but depending on how long we are with Mr Veal I'm conscious that Mr Edmonds from Traralgon - and it might be more desirable to get him done - but I don't know how long Mr Moore is likely to be. For our part we're happy to sit through till 5 and at least deal with two of the three.

\*\*\* GERALD ANTHONY CONROY

XXN MR MOORE

PN3594

MR KENZIE: I'm sorry, your Honour: I was being too presumptuous because I was assuming from what your Honour had said that 5 o'clock was the target rather than 4.15.

PN3595

JUSTICE ROSS: No, no - that's true. That's fine, yes.

PN3596

MR KENZIE: We're quite comfortable with that. That's the reason I'm doing it as I'm doing.

PN3597

JUSTICE ROSS: No, no - that's fine as long as we get through Veal and Radford, that's fine.

PN3598

MR KENZIE: That's correct, your Honour; that is the aim and we are pretty confident - at least I remain confident that we will finish those by 5.

PN3599

JUSTICE ROSS: If need be we'll sit a bit later and we'll see how we go.

PN3600

MR KENZIE: Yes, your Honour. So that's the explanation - I call Mr Veal.

**<GLENN RAYMOND VEAL, AFFIRMED [4.01 PM]**

**EXAMINATION-IN-CHIEF BY MR KENZIE [4.01 PM]**

PN3601

MR KENZIE: Mr Veal, could you state again for the record your full name and address, please?---Glenn Raymond Veal, 30 McIntyre Road, Sunshine.

PN3602

Thank you. Mr Veal, in relation to this matter you have made a witness statement in writing dated 6 April 2016?---That's correct.

PN3603

You have a copy of that with you in the witness box?---I do.

PN3604

Do you say that the contents of that statement are, to the best of your knowledge and belief, true and correct?---Correct.

PN3605

I tender the statement of Mr Veal. I don't think it is the subject of any matters, your Honour.

\*\*\* GLENN RAYMOND VEAL

XN MR KENZIE

PN3606

JUSTICE ROSS: I'll mark the exhibit UFU11.

**EXHIBIT #UFU11 WITNESS STATED OF GLENN VEAL DATED  
06/04/2016**

**CROSS-EXAMINATION BY MR MOORE**

**[4.02 PM]**

PN3607

MR MOORE: Mr Veal, how many staff are at the Sunshine fire station where you work?---We have a minimum of 10 we operate with but it can be anything up to 12 or 13 or 14 - - -

PN3608

On a shift at any given time?---On a shift at any given time.

PN3609

So between 10 and 13?---Yes.

PN3610

So the total number of staff who might - who are attached to that station is how many?---When you say attached to that station - we need to have a minimum of 10 - - -

PN3611

Yes?--- - - to operate as per our award.

PN3612

Yes, I see; all right. You've expressed a number of concerns in your statement about part-time employment and part-time firefighters?---Correct.

PN3613

I just want to understand the specific type of employment arrangement you have in mind when you're referring to part-time employment and part-time firefighters. There is evidence been given by some witnesses called by the union in this proceeding that the concept of part-time employment and part-time firefighters about which they have expressed concern is employment on an irregular and casual basis. Is that your position? Is that what you're referring to when you're referring to part-time firefighters and part-time employees?---I'm not aware of the model that's being considered as part-time. So I have no knowledge of how the part-time system will work.

PN3614

All right. But - - -?---Whether it's one day a week, whether it's two shifts a week or one a month; I've got no idea.

PN3615

All right, but you've prepared a witness statement - - -?---Yes.

PN3616

- - and you've given evidence expressing concern about part-time employment, part-time firefighters?---Yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3617

What are you referring to there?---I'm referring to skill levels, competency, training as to the levels they may be at, the experience they may have.

PN3618

No, I'm not asking about your concerns: I want to know what you mean when you refer to part-time firefighters and part-time employment. What type of employment are you referring to? Are you referring to casual and irregular employment or something else?---I'm referring to those who are employed as firefighters on a part-time basis.

PN3619

What does that mean? Take firefighters employed on a part-time basis; what do you mean by that?---Well, I mean the people that don't work our full 10/14, four days a week. I'm sorry if I misunderstood but that's my understanding.

PN3620

So in short your objection to - when you set out your concerns about part-time employment what you are objecting to is any employment arrangement other than 10/14 as currently applies?---Correct, yes.

PN3621

Now, there is a requirement for each station to run four drills every 28 days as a minimum?---That's correct.

PN3622

This is skills maintenance. The requirement is on the station to run those drills. It's not a requirement on each individual firefighter to undertake four drills every 28 days, is it?---I have an obligation to insure that my crews conduct or we conduct a drill on those four topics every roster, yes.

PN3623

Yes, but - - -?---Every month.

PN3624

I understand that. So - but it doesn't mean, for example, if an individual firefighter is identified as not having undertaken four drills, attended four drills in a month, it doesn't then follow that they're not allowed to work as a firefighter?---No, that's right.

PN3625

You're the officer in charge of the station?---Correct, yes.

PN3626

Yes. It falls to your feet to determine when these drills are conducted?---Yes.

PN3627

You've no doubt got lots of things to juggle in working that out, most importantly the real world and emergencies and incidents when you're called upon?---That's correct.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3628

That and various other factors mean that fundamentally you need to be very flexible about the timing of when these drills are conducted?---Correct.

PN3629

Yes. How many drills would be conducted at Sunshine every week? Would it be a daily thing or would there be several drills a day?---Again, it's dependent upon the call-outs we have and other demands on our time through other areas or other departments that have demands on us.

PN3630

Yes?---It can vary. We try and get through our four drills per month and they become the theme for the month, I suppose. So while they're the four we try and get through there are many others that we'll conduct also as I require or as I feel the need for.

PN3631

I see?---So the amount of drills can range from four a month to 12 a month.

PN3632

Depends what else is going on?---Depends what else or anything else I identify that I think we may need to strengthen up on.

PN3633

Yes. One of the challenges that I imagine you face is that firefighters at Sunshine and elsewhere are not always at work; they're rostered off, yes?---Yes, yes.

PN3634

And they are away on leave?---Correct.

PN3635

Annual leave, sick leave a number of other particular leave entitlements?---Yes.

PN3636

That's right. So that's another aspect of why you need to be very flexible in providing the drills?---True.

PN3637

That's right. Does it also mean that because firefighters are sometimes away for legitimate reasons on leave that drills are repeated?---Drills are repeated as required, yes.

PN3638

Yes?---Where possible.

PN3639

Where possible, they are?---Yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3640

Yes. Now, do you have - all your firefighters obviously are accredited in emergency medical response training; they have to be?---Yes, apart from the recruits, yes.

PN3641

I see. At Sunshine station there are firefighters with specialist skills?---Correct, yes.

PN3642

Is there any particular specialty at Sunshine or is there a blend of specialties?---We have a blend of special skills: we have a rescue vehicle - - -

PN3643

Yes?--- - - which is a specialist skill, that requires skills acquisition to become an operator of that.

PN3644

Yes?---And we have an aerial appliance that we call a teleboom that's also a specialist appliance.

PN3645

In terms of acquiring - the acquisition of a specialist skill, that's - typically you need to go and do a course?---Correct.

PN3646

That's scheduled way in advance?---Yes, hopefully not as much as we'd like, but yes.

PN3647

No doubt not a lot more but it's scheduled well in advance and can be planned for?---Yes.

PN3648

In paragraph 14 of your statement you say that: "Due to the unpredictable nature of any particular shift it is foreseeable that part-time employees may be unable to participate in regular and ongoing skills-maintenance sessions"?---Correct.

PN3649

You see that?---Yes.

PN3650

So would you accept that in light of your evidence about the flexible way in which skills maintenance and drills need to be provided at the workplace that it's quite possible that skills maintenance could be provided in a way to accommodate people working on a part-time basis; that is, less than 42 hours?---It would be very difficult to accommodate.

PN3651

You would find it difficult?---Yes, yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE



PN3652

Wouldn't it be a question - could it not - would you accept that it could be addressed by, for example, conducting a drill or a session on a repeat occasion, as you do at the present time?---Well, where ever possible, where time allows - but we move on from drill to drill and we move on through a variety of different demands on our time.

PN3653

Yes, all right. When you say it's foreseeable that part-time employees may be unable to participate in regular, ongoing skills-maintenance sessions, when you say it's foreseeable and they may be unable to participate I take it that you're keeping an open mind about this, that because of the flexibility required in skills maintenance? You accept that it may be able to be done?---It may be but the skills maintenance is a very small part of the actual drill. It's the reinforcement that follows up after skills maintenance: for example, we might do a skills maintenance on a particular day and it might involve sitting in front of a computer for an hour. Having done that you can be signed off as having done that skills maintenance but we reinforce that by ongoing training on a similar topic over the course of a few weeks.

PN3654

Yes?---So really, to have your skills right up you need to be there for the whole time.

PN3655

All right, so you've got a strong view that to be properly skilled you need to be there 42 hours, on average, a week?---It'll make the best, yes.

PN3656

You don't accept - do you accept, I'm sorry, that skills acquisition - I'm sorry, the skills maintenance session and then the follow-up training, that that could well be provided to someone working less than 42 hours a week?---Do I agree with that statement?

PN3657

Yes?---No.

PN3658

You don't agree with that statement because of the strong view you have that to be competent and proficient a firefighter needs to be on the job 42 hours a week?---Ongoing development.

PN3659

Right. Do you know that firefighters work - are able to work on a part-time basis in all other states and territories and Australia?---I'm not aware of how that's worked.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3660

You're not aware of how it works but you're aware that it happens?---I believe so, yes.

PN3661

Yes. So does that lead you to doubt your own assumption that a firefighter needs to be on the job 42 hours a week?---No.

PN3662

No. That's all you've ever known, isn't it; that is, working a 10/14?---Correct.

PN3663

Yes. You've been with the MFB for 31 years?---Correct, yes.

PN3664

What did you do before that?---I'm a jeweller by trade.

PN3665

Jeweller?---Yes.

PN3666

SO you've never had any experience yourself of working part-time?---Working part-time?

PN3667

Yes?---Not for the fire brigade, no.

PN3668

Well, all right?---Certainly I've worked part-time jobs, yes.

PN3669

Have you? Before your 31 years with the MFB?---Yes.

PN3670

I see. What were those jobs?---Driving a truck.

PN3671

You've never worked alongside a part-time firefighter?---No.

PN3672

No. Now, you say that - in paragraph 11 - that the 10/14 roster system plays an important role in that it allows teams to form and for team members to build confidence and trust in each other's skills and abilities?---Yes.

PN3673

Now, do you accept that in general terms the firefighters - yourself and the firefighters at Sunshine, it's not uncommon for them to have to work alongside firefighters they don't know?---On occasion, yes.

PN3674

Yes, and can I just give you some examples?---Please.

PN3675

Obviously a new recruit comes out; that's someone that's not known?---Yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3676

Then there is the situation dealing with recalled firefighters?---Yes.

PN3677

So in that setting, without going through all the details, is this correct: that if someone calls in sick for a shift it may be that someone from another station needs to be recalled?---Yes.

PN3678

That's right?---Recalled or will be moved from a station that has surplus.

PN3679

Yes?---A standby, we call that.

PN3680

Yes, and that could be a firefighter not known to the existing members of the station?---Very rarely; very rarely.

PN3681

Is that because the ones who get shifted in typically are from stations nearby?---Yes, from the western district, yes.

PN3682

But from time to time it occurs that they come from elsewhere?---Yes.

PN3683

From time to time, firefighters get sent on standby to distant places?---Correct.

PN3684

That's right? I'm not sure if they get sent on standby to Sunshine?---From Sunshine.

PN3685

From Sunshine they get sent?---From Sunshine out or out in.

PN3686

I see?---It works both ways.

PN3687

In those circumstances they well may - those firefighters coming in may not be known?---Mainly it's people from within the district so they're known, the people that come to our station.

PN3688

I see. Do you accept that - there is evidence before the Commission that it's routine - I withdraw that. Do you accept that it's routine for firefighters to be moved around between different stations? I'm now moving on to a different topic, not recalls but I'm talking about transfers?---Just rotated from - yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3689

Yes, rotating?---Yes.

PN3690

And either for a temporary period to cover a leave absence or on a permanent basis?---Correct.

PN3691

So people are coming and going all the time?---Correct, yes.

PN3692

There are secondments?---Secondments, yes - yes, in the CFA.

PN3693

Yes, and so that can present you with the situation of having CFA firefighters working alongside you?---Correct, yes.

PN3694

Would you accept that - I'm not sure if this has been your experience but when firefighters are promoted they are typically moved to a different station?---Regularly, yes, not all the time.

PN3695

Not all the time but usually?---Yes.

PN3696

And in that situation firefighters are by definition working with someone not known - who may not be known?---May not be all that familiar with, yes.

PN3697

From time to time MFB crews need to attend to emergencies in country Victoria?---Correct.

PN3698

It happens and they'll be in that situation working with CFA career firefighters that they may not know - that they won't know?---Wont' know.

PN3699

And also with volunteers?---Correct.

PN3700

That they won't know?---Correct.

PN3701

And there are large-scale emergencies, such as the Hazelwood fire?---Correct.

PN3702

Where firefighters are required to pull together, to work together with each other even although they don't know each other?---Teams of people are working with other teams of people that may not know each other, yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3703

And strike teams?---Strike teams, we get on, yes.

PN3704

That's another scenario where firefighters are called upon to work side-by-side with people they may not know?---With a strike team it'll be, say, for example my station was called to a strike team, it would be myself and my team going on that strike team.

PN3705

With a number of other teams forming the strike team?---With a number of other teams, yes.

PN3706

Working together?---Working together.

PN3707

When one steps back from it, I'd suggest to you when you consider the huge variety of circumstances firefighters need to work, it's really not uncommon for firefighters having to work alongside other firefighters in one circumstance or another, that that does occur?---It does occur, yes.

PN3708

And it occurs reasonably frequently?---Yes.

PN3709

Obviously you and the firefighters at Sunshine work closely and often with other emergency personnel?---Yes.

PN3710

Victoria Police?---Ambulance.

PN3711

Ambulance?---Yes.

PN3712

And that will often be again with emergency personnel who are not known to you or the firefighters?---That's correct.

PN3713

Coming back to paragraph 11 and your evidence that I took you to before that the 10/14 roster system plays an important role in that it allows teams to form and for team members to build confidence and trust in each other's skills and abilities, accepting that the team system is obviously integral to the work that firefighters do, do you accept that in many circumstances firefighters need to be and are much more adaptable than that and do know how to work with other people who are not necessarily members of their known team?---Are you talking when we respond with another station - - -

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3714

Yes.--- - - - or we turn out with another service?

PN3715

Well the various examples I've taken you through?---Yes. Generally speaking we're working within our own sub-group, my own station, my own crew, who I know well and who know me, and we will go and work alongside others.

PN3716

For firefighters to do their job well and effectively for the community, while team work is no doubt an important part of it, the key thing I would suggest to you is knowing that the members - the firefighters have the required skills and maintain those skills. Do you agree with that?---Yes.

PN3717

And if you could be satisfied that firefighters had and maintain the required skills, that would, would it be right, go a long way to addressing your concerns about part-time employment?---If the skills were developed and had been practiced and there was relevant experience, yes.

PN3718

Thank you. You say in paragraph 21 of your statement that you object to the introduction of part-time firefighters as it would impede your ability to provide adequate support and attend to the welfare needs of your crew. I just want to ask you a couple of questions about that?---Yes.

PN3719

No doubt as senior station officer, your role, speaking very generally, includes looking after your people?---Correct.

PN3720

It's an important part of your job?---Integral, yes.

PN3721

But it's not a task of course that you're solely responsible for, that is, looking after the welfare of your people, and nor should it be, do you accept that?---No, I don't.

PN3722

You don't accept that, all right. You understand that the MFB has a number of different structures in place to provide welfare support for firefighters?---Yes, I'm aware.

PN3723

Pardon?---Yes, I am aware.

PN3724

Without going through them in great detail, there's the employee assistance program, you're aware of that? You just need to speak your answer.---Yes, I beg your pardon, I'm sorry - yes.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3725

And there's the peer support program?---Peer support, yes.

PN3726

You appreciate that that's a sophisticated and large-scale program?---It's a very successful program.

PN3727

It's a very successful program, and I imagine that part of its success is that it doesn't operate on the basis of a firefighter calling it - it might operate that way, but it also operates in a proactive way of the relevant people from that group reaching out and making contact to firefighters who might need welfare support?---The way the system's set up as I understand it, should we have a major incident or something that's classed as unusually traumatic, it is activated - the peer support is activated and at that stage they do reach out to all that attend that particular incident, that's right.

PN3728

Do you have any specific training in peer support or welfare of firefighters?---I am not accredited as a peer, but through my time in the fire brigade through courses that we've done, both promotional courses and on what we call drills, we are quite often brought up to speed with how the peer support system works, things we need to be aware of, things we can look out for to look after our people.

PN3729

Yes, because you can activate the system?---I can activate the system and I can operate informally beforehand.

PN3730

So I suppose I'm just not fully understanding your objection to part-time on the basis of you saying that it would impede your ability to provide adequate support in terms of the welfare needs of your crew.---Yes.

PN3731

Are you saying that that would be difficult because you're assuming that it would be less easy to make contact with the part-time firefighters?---No, not at all.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3732

All right, could you just explain what your concern is?---I'd like to, thank you. What I'm saying is, as I mentioned before, if we have a traumatic incident, the CISD or the activation of peer support is done and they reach out to us. What doesn't happen automatically is that regularly we go to jobs, and I don't know if you've heard of a bucket theory - you see so much and something else in the bucket and eventually one day there's an incident and the bucket overflows. No one sees that coming. The people that best see that coming, and not only - it might not be a traumatic job; it might be a really insignificant type of job or what's perceived to be an insignificant type of job, but it might resonate with someone. It might be resonating from something that's happened in their home life or it might be other jobs they've had. The best people to see if someone is struggling are the people that work with them regularly, who understand their behaviours,

understand their personalities and know them well. But, in fact, with our peer support, there's probably only 50 per cent of actual people approach peer support directly. More than likely it's normally a staff mate or a crew member or someone who works with them that notices their behaviour's a little bit off or a bit odd and they go to the peer support and then they, peer support, then contact that person. So to reinforce what I'm saying there, if we don't know someone we might not know they're struggling. And if someone's coming to work struggling and we don't understand it, that puts them at risk, on the fire ground, and it puts the rest of us on risk at the fire ground and can impact on the actual situation.

PN3733

So the heart of that, as I understand it, is your concern that in the context of part-time employment you, as the person in charge at the station may not, in your words, know someone, know the part-time person - - -?---And know they're struggling.

PN3734

- - - and know they're struggling. Would you accept, though, that that's something that you could - that could be able to be addressed by being mindful of that very fact? That a person, let us say, is only working, just for an example, 30 hours a week, so therefore there's 12 hours a week, on average, when they're not around when everyone else is. Could you not take - would you not accept that steps could then be taken, if you felt it necessary, to check in with that person, as to their welfare?---Again, I don't know what the model is, whether someone's doing 30 hours a week or doing 40 hours a week.

PN3735

No, I know, I'm asking you just to assume that model. If you assume that model do you accept that, well, it could be addressed. Your concerns could be addressed by factoring in a process of taking proactive steps to check on that person's welfare?---Again, I just go back to if I don't know them well enough I won't notice any change.

PN3736

All right. The concern that - just to follow up on one question, the concern you've identified around welfare, that is a situation, I take it, where the part-time employee is a new employee? That is, if the part-time employee was an existing employee, currently on a 10/14, 42 hour a week, on average, roster, that they went part-time, if they reduced their hours of work and worked on a part-time basis, the concerns you've just identified really wouldn't arise, would you accept that?---Well, it depends on how well I knew the person.

PN3737

Pardon?---It depends on how well I knew the person.

\*\*\* GLENN RAYMOND VEAL

XXN MR MOORE

PN3738

Yes, but that's the case with all employees, isn't it?---Well, I take great heart in the fact that our 10/14 system allows us to know people regularly and allows us to understand the types of issues they're dealing with and allows us to understand the



types of job they've been to. Now, whether it's 30 hours or 20 hours, I don't know, I can't comment on that.

PN3739

But under the current system of 10/14 the extent to which you know people varies, you've just acknowledged that. Do you accept that's so?---I accept that that's so for people working full-time, yes.

PN3740

10/14 doesn't deliver up to you a laser like insight into the mental health of each and every one of the persons under your care, do you accept that?---No, because it allows me to know people well, working full-time with people. It's 48 hours in a 4 day period, we know each other quite well

PN3741

Nothing further.

PN3742

MR KENZIE: I have no re-examination.

PN3743

JUSTICE ROSS: You're excused?---Thank you.

**<THE WITNESS WITHDREW**

**[4.32 PM]**

PN3744

MR KENZIE: The next and the final witness for today, your Honour, is John Kenneth Radford.

PN3745

JUSTICE ROSS: We'll just stand down for a couple of minutes, reconstitute and return with two of us, rather than interrupt the cross-examination. That might be the most prudent course, I feel, if there's no objection to that?

PN3746

MR KENZIE: No.

PN3747

MR MOORE: No.

**SHORT ADJOURNMENT**

**[4.32 PM]**

**RESUMED**

**[4.38 PM]**

PN3748

MR KENZIE: I call John Kenneth Radford, if it please the Commission.

**<JOHN KENNETH RADFORD, SWORN**

**[4.39 PM]**

**EXAMINATION-IN-CHIEF BY MR KENZIE**

**[4.39 PM]**

\*\*\* JOHN KENNETH RADFORD

XN MR KENZIE

PN3749

MR KENZIE: Mr Radford, could you for the record restate your full name and address, please?---John Kenneth Radford and I reside at (address supplied).

PN3750

Mr Radford, in relation to this proceeding did you make a witness statement dated 6 April 2016?---Yes, I did.

PN3751

Do you have a copy of that witness statement in front of you in the witness box?---Yes, I do.

PN3752

Do you say that to the best of your knowledge and belief the contents of that statement are true and correct?---Yes, I do.

PN3753

I tender that, your Honour. I think the first line of paragraph 8 was the subject of attention.

PN3754

JUSTICE ROSS: That's right: the words, "firefighters are", were removed and the words, "I am", were inserted.

PN3755

MR KENZIE: Thank you.

PN3756

JUSTICE ROSS: With that change I'll mark it exhibit UFU12.

**EXHIBIT #UFU12 WITNESS STATEMENT OF JOHN KENNETH RADFORD DATED 06/04/2016**

**CROSS-EXAMINATION BY MR MOORE**

**[4.41 PM]**

PN3757

MR MOORE: Mr Radford, you're currently the senior station officer at Traralgon, is that right?---Yes, that's correct. I'm the senior station officer of half shift, which is the reliever shift at Traralgon fire station.

PN3758

Of the reliever shift?---Yes, that's correct.

PN3759

How long have you held that rank for?---The position at Traralgon I've held since 2 August 2011. Prior to that I had been a station officer, a senior station officer.

PN3760

I see?---Yes.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3761

You'd been at a different station, had you?---Yes, a number of locations, being from - in my current position as a senior station officer or fire officer grade two was back at Ballarat City; Hoppers Crossing fire station, senior instructor at the training college and then also at Traralgon.

PN3762

All right, so you've moved around a bit over your period of time at the CFA?---Yes, I've had the opportunity to work at a number of different locations across CFA.

PN3763

All right. So is it - putting aside - you've worked at about five different locations, is that right?---I was initially stationed as a firefighter at the old Doveton fire station which is now Hallam.

PN3764

Yes?---I worked at the Dandenong fire station. Early in the 2000s I was in the new or district 14 both at Greenvale, Caroline Springs and Hoppers Crossing fire stations. From there I worked at the training college as an instructor. From that time I've then moved to the Ballarat City fire station, Hoppers Crossing fire station and then to the Traralgon fire station where I'm currently stationed now.

PN3765

Thank you. I take it that in the course of your career one of the - no doubt there's many rewarding aspects of moving from station to station?---Yes.

PN3766

But one of the challenges it brings is that you find yourself working with new crews and new firefighters you don't know?---Yes, I've taken opportunities or taken advantage of opportunities to work at other locations across the state, yes.

PN3767

In dealing with - in learning to work with firefighters you don't know the key ingredient is having faith and confidence that they have the same level of skills, competency, proficiency and the maintenance of those skills as you do. Is that a key element of being able to navigate those moves with confidence?---Yes, that would be; yes.

PN3768

How many staff are on your shift that you're responsible for?---At the moment including myself the staffing profile of my shift is five, plus all the above-strength firefighters that come to Traralgon.

PN3769

Plus all of the - - -?---Above-strength firefighters.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3770

What are above-strength firefighters?---Firefighters who make up staffing or are not actually included in the staffing profile of the station.

PN3771

Beyond minimum staffing requirement?---Yes, that's correct.

PN3772

I see. Is that a seasonal thing, is it?---No.

PN3773

It's not?---No.

PN3774

So there's a minimum of five, including yourself?---Yes.

PN3775

Plus the above-strength?---Yes, there's opportunity when they come off the recruit course they can pick a fire station they would like to attend.

PN3776

Yes?---Some of them pick Traralgon and they come to the station as an above-strength firefighter.

PN3777

How long might they be there for?---Generally 34 weeks before they go on leave; then if they like being at Traralgon they might apply for a position to stay at Traralgon.

PN3778

I see. So how many above-strength firefighters are at Traralgon at the moment?---At present, one.

PN3779

I see. Are there vacancies at Traralgon?---At the moment, there are a number of vacancies at Traralgon, yes.

PN3780

How many, do you know?---At the moment there are two leading firefighter vacancies. They're currently being filled by a priority appointment program; that's people or firefighters who come to the station to take the opportunity to become leading firefighters. Those two positions are technically vacant even though people are holding the position number. Once they pass their assessment they will then take up their new appointment as a leading firefighter.

PN3781

I see. So they're notionally vacant but someone is filling them on an ongoing basis?---Yes.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3782

I see. So it doesn't call for a replacement to be shipped in?---At the moment, to maintain the minimum staffing profile that person doesn't actually hold that rank of the position. So there still needs to be a person holding that position, that rank,

that appointment, in the position until those guys are successful in becoming leading firemen.

PN3783

So does that mean that people do transfer in on a temporary basis to fill those positions?---Some on a temporary basis; overtime, recall and others a short-term appointment, maybe up to a month.

PN3784

I see. Over what period of time have those vacancies been managed in the way you've just described?---Probably - maybe three, maybe four months at the moment.

PN3785

Okay, so the last three or four months in relation to those two vacancies there's been a number of different firefighters coming in to the station at different times under different arrangements to fill those vacancies?---Yes, that would be correct.

PN3786

Yes, and that would include firefighters that are not known to those at Traralgon?---Most of the people we do know or we've had some exposure with - I've certainly had exposure with.

PN3787

Is that because they might come from a nearby station?---From a nearby station, plus I'm also involved in the promotional program so a lot of the people that do come to Traralgon, I've had some involvement in their development both as a leading firefighter or a station officer.

PN3788

I see. So your knowledge of them might reflect something in particular about your previous role as an instructor and involvement in the leadership program; would that be right?---Some of it would be, yes, but underneath the requisite skills that they have are the same across the rank structure.

PN3789

Yes, that's right, and again, the fact that they have the requisite skills across the rank structure is the necessary ingredient for the Traralgon firefighters to have confidence in working alongside them, is that right?---Yes, there is an understanding. Firefighting is a trade. You do a little bit of trade school, which is your recruit course; you do your level one, you do your level two, you do your level three components, which is also time, so that's three years until you become a qualified firefighter. From that point onwards, then that individual can then come into a leadership role which is our leading firefighter rank. They need to do at least four years as a firefighter before they hold a position of a leading - or as a firefighter, sorry, before they hold the rank of a leading firefighter. As a part of that, they then go off and do their training. There's, again, modules - trade school, so to speak, that they do, and then they go off and be assessed.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3790

Coming back to the question of part-timers, it would be right - I know you've got a set of concerns around skills acquisition and maintenance in relation to part-timers - but am I right in thinking that if you could be satisfied that part-time employees did acquire and did maintain the requisite level of skill for a rank that that would address a key part of your concerns about any proposal around part-time employment?---But how would they keep their skills and requisite - or training and those sorts of things as a part-time employee?

PN3791

That's not my question and I've asked you to make an assumption in answering my question, so if you assume - if you assume that they could acquire and maintain the requisite level of skill for a particular rank, making that assumption - and I know you don't accept that assumption, but making that assumption - would that address a large part of your concerns about part-time firefighters?---Well at the moment, no, because I don't know how they've maintained their skills, where their skill base has come from. If they've gone through a recruit course, as I said, if it's a trade and they've come through their recruit course and they've done the recruit course training and then they've done the level one and they've done the level two time and they've done their level three, their level four, and then they've become qualified so they're a firefight four, that's a three-year process or nearly a four-year process for that to occur. As a part-time employee, how long - where we would put them? I'm not quite sure what you mean - where they are.

PN3792

I understand what you've given in your evidence about what the process that you understand a firefighter needs to go through to acquire and then maintain the requisite level of skill. I'm just wanting to understand the scope and nature of your concerns about part-time work and I'm asking you to assume for the sake of my question that those processes could be obtained and addressed in the context of part-time employment so that you had confidence that a part-time employee had the requisite skills and training. Would that then address a large part or all of your concerns in relation to part-time employment?---Again, it would be what is the timeframe for their part-time employment; do they do a day here or two days there and they have a not employed or not working for a period of say two weeks, and then they come back and do two days here or three days and then have a period of absence or being absent from the fire station or from the position or from the job role and then coming back.

PN3793

I see.---I'm sort of - I'm not quite sure what you mean. I'd be concerned about that. That's - - -

PN3794

So I take it from your evidence just given then that your answer to my previous question would be yes, except I would still have a concern around knowing the frequency and the nature of the part-time work arrangements?---Well, again, that comes back to I'm not quite sure what the arrangements would be for the part-time employee.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3795

Yes.---Sorry, I'm not sort of picking up what you're trying to say to me.

PN3796

Can I ask you when you're referring to part-time employment and part-time firefighters in your statement, I want to understand specifically what you're referring to, and I can tell you that a number of witnesses called by the union in this case who have expressed concerns about part-time firefighters and part-time employment have given evidence that their concerns relate to employment on an irregular and casual basis. Is that your position that when you're referring to part-time employment and part-time firefighters in your statement, what you're referring to is firefighters working on an irregular and casual basis?---Yes.

PN3797

All right, thank you. I want to ask you some questions about skills maintenance. As the senior station officer I understand that it falls to you or the station officer to administer, that is, to carry out the drills?---No, I do carry out some of the drills. It's my responsibility to ensure that training has been conducted for the day. That can be either by myself, via my leading firefighter on the shift, and I also give opportunity for the firefighters to develop their own skills by revisiting some of the pieces of equipment and they deliver the training session.

PN3798

Thank you for that, and would I be right in thinking - and I'm sure there's no such thing as a typical week in the work that you do because of the unpredictable nature of emergency incidents - but broadly speaking, would you expect that skills maintenance training in the form of drills would be conducted on a daily basis?---That's correct, yes.

PN3799

And might one see skills maintenance drills conducted more than once a day?---Yes, well how I saw the structure of my day at the start of it is that we have musters to start the day, we go out and do our vehicle checks and do our daily routines which is the inventories and making sure equipment is ready, then we have a short break and then after that we generally do our training.

PN3800

Yes, all right, unless the operational demands interrupt?---Yes.

PN3801

If they do interrupt, that needs to then be rescheduled, the intended training?---Yes, well we either - depending on what the time and the duration of the event is, we'll come back, we'll get the appliances back online, get ourselves sorted and we'll continue on with our training.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3802

Because firefighters are often off-shift, either because they're rostered off or they're on leave, for one reason or another, does it also occur that drills are repeated more than once?---Well, I generally work an eight-week cycle, so, say on

a Monday - that would be, you know, our pumper day - in that eight-week cycle we would come across that appliance again and we would pick equipment off that appliance, so in an eight-week cycle we will generally touch everything or try and touch everything twice in that eight-week cycle.

PN3803

So that would mean that if a person was rostered off when the first drill on that particular bit of equipment was conducted and was rostered off, they could catch up, as it were, on that drill training by doing it the second time it occurred?---Well it'll be a different drill on that same piece of equipment, so it wouldn't be the same drill. It'll be, again, we'll look at another piece of equipment or we might say it'd be more practical - we might do a hose lay rather than bull hose, so it'd be a different drill.

PN3804

There would be some variation?---There was always a variation, yes.

PN3805

You say in paragraph 26 of your statement:

PN3806

*Although members of the shift at different career levels require individual needs, the training is generally based around the individual need whilst support the shift is agreed.*

PN3807

?---Yes, I've got that written there.

PN3808

I understand what you're saying there, amongst other things, is that the training that's provided, to the extent that it can be done, can be customised in terms of what the needs of the particular individuals are?---Yes. Say if we've got a fireman at the moment - I've got a fireman who is going for his leading firefighter assessment, so we do command and control drills which are practical in nature. What I will incorporate in that drill, not only as an opportunity to do his command and control but there'll be an opportunity for a firefighter to do pumping, there'd be an opportunity for us to use a piece of equipment maybe like the Big Easy, which is a forcible entry piece of equipment, for a part of that drill; so I'm tailoring the drill to the firefighter who needs the command and control, but I'm also tailoring the opportunity for people who may not or will need to work on some bits and pieces to be - such as a piece of equipment, to have that opportunity to use it if they haven't touched it for a while.

PN3809

MR MOORE: Yes?---So that's sort of how I based that individual need but also include the group.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3810



Yes?---So it's not just based on - say, at the moment, my firefighter Jay, who is working through his assessment, it's also the opportunity for him to do those other pieces as well.

PN3811

So in the same way that you can tailor training to some extent in that by reference to the particular needs of an individual, it would also in principle be possible to tailor skills-maintenance training to, for example, an employee who was working less than 42 hours a week?---You could include that into the training, yes.

PN3812

Yes. All right, now, you've said in paragraph 15: "The role of firefighters depends heavily on members of the same shift being unified and having a level of understanding and trust," yes?---Yes.

PN3813

Now, I just want to ask you some questions about that proposition?---Okay.

PN3814

Of course, there are many, many different circumstances where firefighters in the CFA need to work with firefighters who are not members of the same shift?---Yes, that would be correct.

PN3815

That's right?---Yes.

PN3816

So we asked you some questions before which raised a number of circumstances where that occurs, yes?---Yes.

PN3817

So other circumstances include where firefighters are recalled and someone might need to come in from another station because someone is sick?---Yes, that would be correct, yes.

PN3818

When people transfer around?---Yes.

PN3819

Yes, and when from time to time you work with MFB crews?---Not at Traralgon, no.

PN3820

You don't do that?---We do have operational step-up, which we did during the Morwell mine fire or the Hazelwood mine fire - - -

PN3821

Yes?--- - - where people would work alongside where they'd have liaison officers.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3822

Yes?---But other than that we would very, very - at Traralgon we would rarely work with the MFB.

PN3823

I see. All right, so we'll put that to one side. But Hazelwood, you did work with MFB crews?---MFB, yes; air services, crews from New South Wales.

PN3824

Yes, and that was in your experience a very effective operation?---Yes, because we continued to work in our own work units but alongside those crews.

PN3825

That's right and working in your own work units but alongside other units still calls for careful collaboration and coordination?---Yes.

PN3826

Yes, and strike teams - have you had experience in working in a strike team?---Yes, I have.

PN3827

Yes, and that is another circumstances where firefighters need to work side by side with firefighters they don't know?---At times, yes.

PN3828

Yes, so just coming back to what you said in your statement there: "The role of firefighters depends heavily on members of the same shift being unified and having a level of understanding and trust"?---Yes.

PN3829

I understand what you're saying there but the reality is that firefighters do commonly work with firefighters they don't know?---Yes, we do.

PN3830

That's right?---But we do have the same skill set.

PN3831

That's the key issue, isn't it; having the same skill set?---That's important to have - if we know, if you're a qualified firefighter, that you have that relevant skill set; if you're a leading firefighter you have that relevant skill set; if you're working alongside another station officer, that there is that skill set.

PN3832

That gives you the confidence?---Yes.

PN3833

All right?---But that skill set is also based on - again, what I said before is about the ongoing training - - -

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3834

Yes?--- - - the recruit course, the level one, the level two, the level three over those periods of time.

PN3835

I understand. Now, you of course - I haven't asked you about this, I don't think - there are volunteers at Traralgon?---Yes, Traralgon is an integrated brigade, so there are staff and volunteers that work out of the same station, yes.

PN3836

How many volunteers are there there?---Volunteers actually on the role would be approximately 44.

PN3837

Yes, and how many are - I think the word is, "operational"?---Well, at the last training session we had six.

PN3838

Right. There's training sessions on a weeknight, is that usually what it is?---Yes, on Tuesday night - Tuesday evening is our volunteer training night, yes.

PN3839

There's often training also provided on a weekend as well?---There is if they want to do it.

PN3840

YEs?---They come and see the relevant shift. But the requirement is for the Tuesday night training session.

PN3841

So on the last Tuesday there was only six there, was there?---There was only six, yes.

PN3842

Do you normally get a better turnout than that?---I don't want to belittle the volunteer system but that's probably an average.

PN3843

When there are incidents volunteers do get deployed with the career firefighters?---They are notified to the call via pager, yes.

PN3844

Yes, and they do attend?---Not always, no.

PN3845

Do some attend?---We do have fail-to-responds, yes.

PN3846

I'm sorry?---A fail-to-respond: that means the volunteers haven't attended the station and haven't been able to respond to the fires.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3847

So I understand that - all right. Is it your experience at Traralgon - have you responded to an emergency incident with volunteers before?---Yes.

PN3848

Yes, and you've done so on any occasions?---Yes.

PN3849

Yes. That's another situation where you're obviously working alongside a firefighter - although you may know them; you'll know them - - -?---Yes.

PN3850

- - they don't have the same career firefighting training that you do, obviously?---Well, they have a different requirement.

PN3851

Yes?---They have minimum skills that they have to have, which is different to what we have, yes.

PN3852

That's right, yes?---But then, at an incident I have to tailor what job I give them to insure that - again, they're safe and they can perform that job role.

PN3853

Yes. You often work - get called out to incidents which you attend with other emergency services?---Yes.

PN3854

Ambulance Victoria, Victoria Police, SES?---That's correct, yes.

PN3855

Perhaps others?---Well, they're the main ones. We do have industry brigades within the La Trobe Valley that work at the power industry that we also utilise.

PN3856

Although in those incidents where you attend with police and/or Ambulance Victoria, although the firefighters have a particular role to play, the paramedics have a particular role to play and the police have a particular role to play, it's critical for the overall management of the incident that those three streams of expertise work carefully together in a coordinated way?---Yes.

PN3857

Yes. In your experience, that occurs?---Most occasions.

PN3858

Yes?---Not always, but most occasions.

PN3859

In those circumstances you may be working alongside emergency services personnel that you don't know?---Yes.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3860

Yes?---But also they do run a very similar shift structure to us so we actually do generally come across a lot of them at the same time.

PN3861

When you're referring to, "them," you're referring to Ambulance Victoria?---Ambulance Victoria, also Victoria Police.

PN3862

Yes, so you understand that Ambulance Victoria use a 10/14 roster?---Yes, they do; yes, they do, sorry. I was thinking - there is a service that uses a 9/15 roster but that's - - -

PN3863

Ambulance Victoria uses a 10/14 roster, which is the same or similar at least to CFA?---Yes.

PN3864

You also understand that Ambulance Victoria employs paramedics on a part-time basis?---Not where we work - not with Traralgon or Morwell, no.

PN3865

You're not aware of that, are you?---Sorry, I'm aware that there is - I think they call them community - I don't know what the term is for them. Back in the way what I do remember is they were casual.

PN3866

Well, I can tell you the evidence before this Commission, if you might just accept this - this is what the evidence before the Commission is - is that qualified paramedics are employed by Ambulance Victoria on a part-time basis.---Okay. I know they work the 10/14 roster and I know that they do have casual employees.

PN3867

Yes, and I assume when you're attending an incident with paramedics you don't enquire about their employment status, do you?---No.

PN3868

No, because what matters is that they've got the required skills?---Yes.

PN3869

You say in your statement that you believe the introduction of part-time work will be divisive, you say that in paragraph 12, and do I take it that the reason you think it will be divisive is what you say in paragraph 13 that employees will be at different levels of pay with reduced shift allowances? Is that why you think it might be divisive?---I would see that, and in years gone by we have had day staffing and we've also had limited tenure firefighters back in the early 1990s, which did cause some concern and some division, so to speak.

\*\*\* JOHN KENNETH RADFORD

XXN MR MOORE

PN3870

So your concern, just to be clear here, your concerns about potential divisiveness brought about by part-time employment. You're assuming that they would be paid on a different basis, is that right?---Well they could be, yes.

PN3871

But that's the heart of your concern on this point, is that right?---On the point that I've got as in part 12 and part 13, yes.

PN3872

Nothing further.

PN3873

JUSTICE ROSS: Re-examination?

**RE-EXAMINATION BY MR KENZIE**

**[5.10 PM]**

PN3874

MR KENZIE: Only at the end. Mr Radford, you were asked a number of questions about your various concerns about the introduction of part-time firefighting?---Yes.

PN3875

Those concerns are the concerns you've expressed in your written statement?---Yes.

PN3876

You were then asked a number of questions about firefighters - your firefighters working alongside other people - Ambulance Victoria, police and other instances?---Yes, that's correct.

PN3877

Does the fact that that happens remove your concerns or any of them as expressed in your statements here?---The working alongside the other agency or my people in my agency working with them?

PN3878

Yes, does that remove the concerns that you've got?---No, it still comes back to the competency, the level of proficiency, safety on the fire ground, and understanding or knowing the skills and the knowledge of the people that I have in my crew.

PN3879

In relation to divisiveness, you were asked a number of questions about divisiveness?---Yes, that's correct.

PN3880

And you I think referred in your answer to the experience in relation to limited tenure firefighters?---That's correct.

\*\*\* JOHN KENNETH RADFORD

RXN MR KENZIE

PN3881

Again, without - can you correct me if I'm wrong? Is that the matter addressed in paragraph 34 of your statement?---I'll just have a quick look, my apologies. Yes.

PN3882

And that - you refer to the uncertainties and effects that that had in that paragraph of your affidavit - of your statement?---Yes.

PN3883

Could I just ask one question? That refers to a profound effect on training. Could you just tell us what you meant by that?---Well what I sort of mentioned previously in my answers was that it's just the inconsistent application of the training. Though we do a recruit course - we do firefighter level one, level two, as I've sort of explained, up to qualified then the other modules - is that if you're working on an inconsistent basis or inconsistent attendance, it makes it very, very hard to ensure that that person has the requisite skills and competencies. Again, on the fire ground, that's hard for me to identify what job role I can give that person who's on the fire ground. It's like if they're wearing different protective clothing and they need to wear structural clothing and they're in wildfire kit, I can't use them, and that's the concerns that I have. It's not so different to that - that I can't identify that that person's going to be safe and that I can keep them safe.

PN3884

Yes, thank you.

PN3885

JUSTICE ROSS: Nothing further? Thank you, you're excused.---No worries, thank you.

<THE WITNESS WITHDREW

[5.14 PM]

PN3886

JUSTICE ROSS: My associate will just give each of the parties a copy of common exhibit 1.

PN3887

MR MOORE: Thank you, your Honour.

PN3888

JUSTICE ROSS: I wouldn't want you to leave empty-handed, Mr Moore.

PN3889

MR MOORE: Thank you for your thoughtfulness, your Honour.

PN3890

JUSTICE ROSS: So we'll adjourn until 2 pm on Thursday the 28th. Is there anything else at this stage?

PN3891

MR KENZIE: No, your Honour.

\*\*\* JOHN KENNETH RADFORD

RXN MR KENZIE

PN3892

JUSTICE ROSS: We'll organise a video link. Perhaps if you can let my associate know whether that's required, Mr Kenzie, or whether you'll be here anyway.

PN3893

MR KENZIE: Yes, we'll do that, your Honour, but I can say now it will be required.

PN3894

JUSTICE ROSS: All right, thank you very much. We will adjourn.

**ADJOURNED UNTIL THURSDAY, 28 APRIL 2016**

**[5.14 PM]**



**LIST OF WITNESSES, EXHIBITS AND MFIs**

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<b>EXHIBIT #UFU6 STATEMENT OF KENNETH LESLIE BROWN, AS AMENDED, DATED 06/04/2016.....</b>	<b>PN2449</b>
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<b>EXHIBIT #UFU7 WITNESS STATEMENT OF BRADLEY IVAN QUINN</b>	<b>PN3010</b>
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<b>EXHIBIT #1 VOLUME D EMERGENCY MANAGEMENT OF THE 2016 REPORT ON GOVERNMENT SERVICES .....</b>	<b>PN3127</b>
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<b>EXHIBIT #UFU10 STATEMENT OF GERALD CONROY DATED 06/04/2016 .....</b>	<b>PN3446</b>
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