FAIR WORK COMMISSION
Matter No. AM2014/202
Fire Fighting Industry Award 2010 – Part-Time Work

WITNESS STATEMENT OF STEVEN MARK WARRINGTON

I, Steven Mark Warrington, of 8 Lakeside Drive, Burwood East, Victoria, Deputy Chief Officer of the Country Fire Authority (CFA) say as follows:

1. In this statement I respond to a number of matters set out in the witness statements of Cory Woodyatt, Patrick Geary, Malcolm Hayes, Gerald (Archie) Conroy, John Radford, Michael Lia and Barry Thomas.

2. I am authorised by the CFA to make this statement on its behalf.

3. I make this statement from my own knowledge except where otherwise indicated. Where I make statements based on information provided by others, I believe such information to be true.

My background

4. I commenced my employment with the CFA in 1983. In my 33 year career with the CFA, I have attained the following ranks:

   (a) Firefighter (1983);
   (b) Qualified Firefighter (1986);
   (c) Senior Firefighter (1987);
   (d) Station Officer (1987);
   (e) Senior Station Officer (1990 – 1995);
   (f) Operations Manager- Westernport (2001-2007);
   (g) Deputy Chief Officer (2005).

5. My current role is Deputy Chief Officer – Emergency Management. I am responsible for a number of programs including, but not limited to, implementation of the CFA’s Emergency Medical Response (EMR) program, Operational Doctrine,
Major Events and Security, State Commander rotation in the State Control Centre, and a member of the Executive Leadership Team (ELT).

6. Throughout my career with the CFA, my other major roles have been:
   (a) Manager Community Safety;
   (b) Manager Corporate Plan (Business Planning and Review);
   (c) Operations Manager – District 8;
   (d) Deputy Chief Officer – Readiness and Response; and
   (e) Chief Officer (Acting).

7. I hold the following qualifications:
   (a) Level 3 - Incident Controller Accreditation (2013);
   (b) AFAC Strategic Command Program (2012);
   (c) Executive Fire Officer Program, National Fire Academy, Emmitsburg, USA (2009);
   (d) Graduate Diploma in Executive Leadership (2004);
   (e) Graduate Certificate in Applied Management (2003);
   (f) Certificate of Business Management (2001); and
   (g) TAFE Teacher accreditation - Hawthorn Institute of technology (1987).

The 10/14 roster – trust, confidence and teamwork amongst firefighters

8. I refer to the witness statements of:
   (a) Cory Woodyatt (paragraph 6);
   (b) Patrick Geary (paragraphs 9, 11, 12, 14, 18, 21);
   (c) Malcolm Hayes (paragraphs 11, 14, 17, 24);
   (d) Gerald (Archie) Conroy (paragraphs 11, 12);
   (e) John Radford (paragraphs 15-17);
   (f) Michael Lia (paragraph 18); and
   (g) Barry Thomas (Attachment DK-1 at paragraphs 16, 20–23a).
9. All of these witnesses, in one form or another, express the view that full-time firefighters on a 10/14 shift are familiar with and trust the capabilities of their fellow firefighters on shift, leading to successful emergency responses and that this is inextricably linked to health and safety on the fireground.

10. If the CFA were able to employ part-time employees, I do not believe this would impact on the ability of these firefighters to successfully fight fires or compromises the health and safety of their full-time counterparts. There are already numerous situations that arise within the CFA where firefighters successfully work with firefighters outside their shift.

11. The CFA’s area of operation spans all of regional Victoria and the outer metropolitan areas of Melbourne which are not otherwise serviced by the Metropolitan Fire Brigade (MFB). Attached to this statement and marked SW-1 is a copy of a map setting out the CFA’s area of operation.

12. The CFA has approximately 1220 fire stations throughout Victoria. Thirty-four of these stations are staffed by both career firefighters and volunteers (known as ‘integrated stations’). The remaining 1186 stations are staffed by volunteers. No stations are staffed solely by career firefighters.

13. There are approximately 879 career firefighters currently employed by the CFA and over 55,000 volunteer firefighters.

14. Of the CFA’s integrated fire stations, all but the Portland station operate on a 24 hour basis and career firefighters engaged at those stations work a 10/14 roster (an average of 42 hours per week) in accordance with the terms and conditions set out in the **Country Fire Authority/United Firefighters Union of Australia Operational Staff Enterprise Agreement 2010 (Operational Agreement)**.

15. As all 34 integrated stations have career and volunteer firefighters, career firefighters work alongside volunteer firefighters who they may not know well.

16. Career firefighters from different shifts and crews are also required to work together. For example, firefighters are transferred or recalled to duty at other stations where they would not normally work. This happens on a regular basis.

17. Until recently, we have also engaged recruits on day shifts (rather than on the 10/14 roster) for the initial 34 weeks of their career which meant that they were required to
work across shifts, gained experience from different officers and had more time to train. Day shifts also used to be commonplace when I started at the CFA and meant that you would overlap with other crews who you may not have been necessarily familiar with.

18. Due to minimum manning level requirements, it is also common for firefighters to be called in to cover shifts when other crew members are sick or on leave (within their station and at other stations).

19. Firefighters may also be seconded with the CFA or laterally hired. For example, in the last 12 months, approximately six firefighters from the CFA have been seconded to the MFB and six firefighters from the MFB have been seconded to the CFA.

20. In all of the circumstances above, CFA firefighters are required to work together with other CFA firefighters that they may not know.

21. In addition to the ‘blending’ of firefighters within the CFA that I have described above, we also often work closely with MFB crews as well as other interstate fire services. For example, if a CFA station is short staffed, a MFB crew may be moved up into the CFA station. Another example is when both CFA and MFB crews attend incidents such as those on the fringes of the CFA/MFB areas or during large wild fires.

22. When we service major incidents like large bush fires, all three fire agencies (CFA, MFB and an interstate fire service) could and would be working along side each other. In some cases other emergency agencies like the SES, Victoria Police, the Department of Environment, Land, Water & Planning (DELWP) and Ambulance Victoria may also be involved.

23. A further example is the Hazelwood mine fire in 2014 where crews from the CFA and MFB, as well as interstate crews, worked together for more than six weeks.

24. In the last few years there has also been an increased need for emergency services to work together. For example, during major incidents such as the Western Australian, South Australian and Tasmanian fires, the NSW Thredbo incident, and occasionally during international deployments such as the New Zealand earthquakes, firefighters from many jurisdictions come together as one. The need for agencies to work closely together is becoming increasingly common given the greater frequency of natural disasters like heatwaves, bushfires, floods and earthquakes.
25. In my 33 years of experience, working with firefighters you do not know has not compromised firefighter or community safety.

26. In my view, it is actually advantageous for firefighters to work across different shifts and platoons because you get to work with different people and benefit from their different experiences.

**Operational training and skills maintenance**

27. I refer to the witness statements of:

   (a) Cory Woodyatt (paragraphs 3, 4, 9, 12);
   (b) Patrick Geary (paragraphs 9, 11, 12, 14, 17, 18, 21);
   (c) Malcolm Hayes (paragraphs 9, 15, 16, 17, 20, 21);
   (d) Gerald (Archie) Conroy (paragraphs 7, 9, 11, 12);
   (e) John Radford (paragraphs 25–31, 37–41);
   (f) Michael Lia (paragraphs 11–14, 17); and
   (g) Barry Thomas (Attachment DK-1 at paragraphs 24–28, 35, 36).

28. Broadly, these witnesses say that it would be difficult to provide ongoing training and skills maintenance to part time employees, largely because training is determined at a local level and carried out during a shift.

29. These witnesses suggest that a 10/14 roster best facilitates employee training needs. In my experience, the type of shift you are rostered on does not dictate the quality of your training. Quality training has been provided to station staff employed on alternate shifts to the 10/14 roster, such as day shift.

30. The witnesses identify that there may be practical difficulties arranging training for employees engaged on a part time basis. In the event that part time rostering was introduced into the organisation, the CFA would need to consider appropriate arrangements for part time employees to ensure that training and standards are maintained. Previous experience demonstrates that training (and therefore standards) can be achieved and maintained on alternative shifts, not just the 10/14 roster. In fact, there are often greater opportunities to provide training for staff on a day shift. Given the rest and recline provisions on night shift (which allow firefighters to sleep during the shift), there is often more time available to
firefighters on a day shift. As I mentioned earlier, until recently recruit firefighters were rostered on day shifts which had the benefit of maximising the time they could train.

31. Given that the majority of skills maintenance and training occurs on shift, part time employees could undertake training on the shifts they worked. Further, the fact that an employee works part time doesn’t preclude them from attending a training ground to ensure individual competencies.

32. These witnesses also suggest that it would be difficult for managers to ensure that part time employees’ skills are up to date, and as a result, managers would have less confidence in part time employees, which would affect how they are used on the fireground. In my view, it is incumbent on all parties that operational standards are not compromised, irrespective of whether staff are employed on a part time or full time basis.

33. These witnesses also say that it is important for firefighters to work both day and night shifts because firefighters are then exposed to different types of incidents, which provides opportunities for firefighters to utilise different skill sets. I disagree with this view. Firefighters are exposed to the same types of incidents regardless of whether it is day or night. Experience is gained by attending these fires and incidents whenever they occur.

34. Last, the witnesses suggest that it would be difficult for part time employees to be mentored, leading to limited career development opportunities. I do not agree that an employee engaged on a part time basis would be limited in such a way. Mentoring and career development can occur irrespective of employment arrangements.

**Firefighter welfare and morale**

35. I refer to the witness statements of:

   (a) Cory Woodyatt (paragraphs 7 and 8);

   (b) Patrick Geary (paragraphs 19–21);

   (c) Malcolm Hayes (paragraphs 22–24);

   (d) Gerald (Archie) Conroy (paragraphs 11, 12, 20); and
These witnesses express the view that the CFA would be less able to provide support to firefighters engaged on a part time basis and that this will impact on employee welfare. Some witnesses also suggest that the engagement of part-time firefighters would have a negative impact on firefighter morale, for example, due to differences in pay and competency levels.

CFA offers a comprehensive welfare support program to all members, irrespective of whether they are career staff, volunteers, part time or full time.

There has been no suggestion that a different pay scale would be agreed for part time employees, and in the event that there was a different pay scale, I would expect that CFA staff would treat all colleagues appropriately.

Further, the CFA would not support different competency levels. The CFA expects all its firefighters, regardless of their basis of employment, to maintain competency.

I refer to paragraph 34 of the statement of John Radford, where he states that the impact on firefighter morale has been seen previously when CFA introduced limited-tenure firefighters. The CFA did trial a limited tenure arrangement for firefighters, and in doing so, it recognised the short falls 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.

**Current rostering arrangements**

I refer to the witness statements of:

a. Cory Woodyatt (paragraph 16);

b. Patrick Geary (paragraphs 10 and 22);

c. Malcolm Hayes (paragraphs 25 and 26);

d. John Radford (paragraphs 48 and 49);

e. Michael Lia (paragraphs 6 and 20); and

f. Barry Thomas (Attachment DK–1, paragraph 87).
42. While expressed differently, each of these witnesses state that the current rostering arrangements set out in the Operational Agreement adequately provide for flexibility to allow part time employment already.

43. I understand that this matter concerns the inability of the CFA and the MFB to employ operational staff on a part time basis under the *Fire Fighting Industry Award 2010* (Award). The Award currently allows a public sector employer to employ firefighters on a full-time basis only, which is prohibitive, particularly where it relates to shift employees returning from maternity leave.

44. In line with the Award, the Operational Agreement also does not permit part-time employment.

45. The Operational Agreement provides the following rostering arrangements:

   (a) 10/14 roster (clause 76) – where employees are rostered to work two 10 hour day shifts followed by two 14 hour night shifts then have four non-working days before the cycle repeats itself (an average of 42 hours per week);

   (b) Special Duties Roster (clause 77) - where employees work 42 hours over a seven day cycle;

   (c) Chief Officer’s emergency roster (clause 78) – where employees work a 12 hours on/12 hours off roster in emergencies to cover protracted major fires or incidents. To my knowledge, this roster has only ever been used once, during the Hazelwood Mine Fire;

   (d) Not subject to the 10/14 roster (clause 79.1) – where employees work an average of 42 hours per week but not on the 10/14 roster; or

   (e) Any other configuration as agreed between the UFU and the CFA.

46. Predominantly, only firefighters working the 10/14 roster are engaged in operational duties and attend incidents to suppress fire.

47. The Operational Agreement also does not permit part-time employment in circumstances where a shift employee is returning from parental leave (clause 30). To my knowledge, all career firefighters are engaged on a full-time basis and required to work an average of 42 hours per week.
48. I am only aware of one instance where a career firefighter has returned from parental leave on a part-time basis for an interim period before returning to full-time duties. This employee did not return on a 10/14 roster and therefore did not form part of the minimum manning levels required under clause 27 of the Operational Agreement.

49. To my knowledge, all other employees who have returned to work following parental leave have returned on the 10/14 roster.

**Part time on 10/14 roster**

50. I refer to the witness statements of:

   (a) Patrick Geary (paragraph 7);

   (b) Malcolm Hayes (paragraph 8);

   (c) John Radford (paragraphs 10 and 11); and

   (d) Barry Thomas (paragraphs 8 and 12).

51. Each of these witnesses express their view that part-time employment cannot be accommodated on a 10/14 roster.

52. In the event that part time arrangements were introduced into the organisation, the rostering arrangements would be subject to consultation between the parties.

53. However, I note that I can imagine different options for how part time work could be facilitated within a 10/14 roster. One that comes to mind is simply working either the 10 hour day shift or the 14 hour night shift. Alternatively, job sharing arrangements could be utilised.

54. While the 10/14 roster is currently favoured at the CFA, other rostering arrangements are used successfully in other states, for example in New South Wales.

**Minimum manning levels**

55. I refer to the witness statements of:

   a. Cory Woodyatt (paragraphs 28–31);

   b. Patrick Geary (paragraph 23);

   c. Malcolm Hayes (paragraphs 8 and 9);
d. Gerald (Archie) Conroy (paragraphs 13, 17 and 18);

e. Michael Lia (paragraph 12); and

f. Barry Thomas (paragraph 13).

56. Although expressed differently, each of these witnesses expresses the view that if part time arrangements were introduced, part time employees should be rostered in excess of the minimum safe staffing levels provided under the Operational Agreement.

57. The Operational Agreement deals with the CFA’s safe staffing levels. Schedule 1 of the Operational Agreement sets out the number of firefighters at different ranks that must be rostered at any one time within each station. It requires the CFA to roster 526 career firefighters at all times.

58. As I have mentioned earlier, the Operational Agreement does not currently permit part-time employment. The precise nature of how part time employees would be accommodated within the Operational Agreement and the minimum safe staffing levels would be a matter for consultation, if and when those arrangements are sought to be included in the Operational Agreement.

59. I do not consider there to be any operational difficulties which could not be overcome by the CFA through discussions with employees and the union.

Steven Mark Warrington

18 April 2016
FAIR WORK COMMISSION

Matter No. AM2014/202

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ATTACHMENT SW-1

This is the attachment marked SW-1 referred to in the witness statement of Steven Mark Warrington dated 18 April 2016.
Our regions and districts