

**UNITED FIREFIGHTERS UNION OF AUSTRALIA  
TASMANIAN BRANCH  
ANNUAL REPORT  
6 DECEMBER 2002**

### **Introduction**

The 12 months since my last annual report has seen the resolution of a number of important issues, the most significant of these being the 2001/2002 bargaining round.

The union has again strengthened its financial position so that the last six consecutive years have seen a surplus recorded.

The ongoing financial position of the Union continues therefore to be very strong and membership numbers have been stable.

### **Enterprise Bargaining**

At the time of writing my last annual report, the enterprise bargaining round was drawing to a close. Or so we thought.

Although the UFU EBA negotiating team had at that time extracted a significantly improved position from Government negotiators, what followed was months of frustration and waiting for a formal offer to be made to us.

In the end the result was soundly endorsed by a large majority of members and for the first time in many years we will have a period of time when EBA planning and negotiation is not on the calendar.

### **Public Safety Training Package**

Much work has been done this year on trying to ensure that the new training system, when it is introduced, will not cause confusion and frustration in same way that the introduction of the CBT system did in the mid 90's.

A subcommittee of CTAC was established early in the year and has done (and is continuing to do) a significant deal of preparatory work on this issue.

In addition, agreement has been reached with the TFS on the documents that will be given to volunteer Firefighters so as to recognise their units of competence under the new system. This agreement will in a large measure protect the professional standing of our qualifications and our broader interests.

Considerable effort has also been expended on trying to achieve a national union approach on this issue.

### **Disciplinary matters**

The past year has seen an unusually high level of disputation about disciplinary matters and other personal issues. Some of these have been highly visible and have even been the subject of significant media attention. Others have been and remain private and confidential.

Some of these issues have been the most difficult I have ever dealt with, particularly because of the differing views members have had on some of them.

The most high profile of these issues (everyone will know what I am talking about) is now in the past and in my view we should all move on.

### **Competency recognition**

After successfully forcing the TFS and the Government to recognise our concerns on this issue, we found ourselves in a position where the new lime green helmets that were supposed to be ordered and issued to us were not really lime green at all, but a sort of greenish yellow. Many members expressed the view that the competency recognition system we therefore ended up with was more confusing than what was there previously. Consequently the UFU has had to take matters into its own hands and provide our own system of competency recognition by way of UFU helmet stickers.

What totally and utterly escapes me is how bureaucrats and administrators who sit in air conditioned offices think that they could possibly have the understanding let alone the right to tell Firefighters what is best for them on the fireground, as many of them have done in this case.

### **Outstanding matters**

The past six month period has unfortunately seen a phenomenon where the TFS appears to have been unable to cope with the complexity of many of the issues that have been raised by members. These include but are not limited to,

- Performance feedback working party
- Excessive hours (non rostered shiftwork) working party
- Fitness assessments for Station Officer applicants
- 2% allowance for specialist trainer Senior Firefighters
- standard turnouts to all calls within 15 minute of career brigades
- existing compulsory employee superannuation contributions to be treated as salary sacrifice

It can only be hoped that the paralysis that seems to have gripped the second floor of TFS headquarters of late is a temporary thing and in future we will all be able to get on with business.

**Financial and membership**

The financial performance of the Branch has again been strong. The audited accounts show that a surplus of \$10,980 was achieved for the year and that our bank balance stood at \$76,710 as of 30 June 2002.

Membership has remained stable despite the fact that there was no recruit course in 2002.

**Conclusion**

The resolution of the 2001/2002 bargaining round has bought a relative degree of stability in the workplace.

Although 2003 will not be an EBA year, there will be many issues and challenges.

The first of these will be 2002/2003 summer fire season.

**My thanks**

As a final note I wish to express my thanks to Wayne Seabrook, Leon Dewhurst, Jeremy Smith, the Branch Committee of Management our Workplace Representatives and most importantly of all Kae Jones for being the Rock of Gibraltar, as always.

- **Where adequate fire protection measures have not been undertaken, the occupants of houses should relocate to a safe area well in advance of the fire for their own safety.**
- **Where in the opinion of the most senior fire officer present or a police officer that a person's life is immediately at risk by them being in a particular location they will be advised to evacuate either by a fire officer or a police officer. The police officer will seek the advice of the senior fire officer prior to making a decision to evacuate, except in the most urgent of circumstances. In the event that such advice is ignored a police officer may order them to evacuate and has the legal power to enforce that evacuation.**

Is this "position" right?

The answer is that it is right at present, and will continue be right, until someone dies because of it.

This may of course never happen. But then who amongst us is prepared to give an iron clad guarantee that it will not?

It is clear that under legislation police officers ultimately have the power to order residents to evacuate. However, in a climate where residents are encouraged to stay and defend their homes if it is considered safe to do so, how many would ignore the advice of the most senior fire officer present? How many would refuse an order from a police officer to evacuate? What is a police officer to do if someone refuses to evacuate? Pull a gun on them?

Is this all sending a seriously mixed message?

*Where did this "position" come from*

The third recommendation of the "Report of a Board of Inquiry into the fire prevention arrangements in the State of Tasmania 1977" (the Cox report) was as follows.

*"That, as soon as the Chief Administrator Designate is appointed, that he forms, with the Urban and Rural Fire Brigades Administrators (and any other person he desires to co-opt), as a Planning Panel, the objective of which is to produce to the Minister by 31<sup>st</sup> December, 1978 a comprehensive protection plan for Tasmania aimed at meeting the needs of the latter up to the year 1990".*

There is no further specific reference to the subject matter of this essay in the Cox Report. That is, there is nothing in it that could be described as a "stay and protect your home if it is safe to do so" policy.

It can be assumed then, that the abovementioned "position" has been developed in the period since 1977.

*Who developed it?*

Because there is no reference to the Tasmanian Government in the "position" document referred above, it seems that the TFS Chief Officer and the Commissioner Tasmania Police, whose names appear on it, developed the policy.

*What role has the Parliament and the Government played?*

One would hope they played some role in it, although there is nothing to suggest they did.

*What is the purpose of the "position"?*

There are two ways of answering this question. Both answers are to some extent true.

In the first instance, it is true to say that this is a free country. A public policy that prohibited citizens from staying and defending their homes against bushfire would be inconsistent with our notions of a modern democracy, not to mention highly unpopular. Moreover, while a policy of this sort would guarantee against loss of life, it would probably have the adverse effect of leading to greater property damage than would otherwise be the case.

All of that is good and well, but there is also another way of looking at it.

Who will be responsible when we have civilian bushfire fatalities?

The answer is that under the current "position" the civilians will be responsible.

Who decides if "adequate fire protection measures" have been implemented?

The reality is that neither the Tasmania Fire Service nor Tasmania Police have the power to make residents implement fire protection measures to protect their homes, and moreover the Government chooses to not "make" us do these things.

Contrast this situation with commercial properties, public buildings, and facilities that house hazardous materials around Tasmania. All of these are appropriately regulated because of the good work conducted by the TFS Building Safety Unit and by brigades supported in the first area by the Building Code of Australia and more broadly by relevant legislation. In these cases, people can ultimately be prosecuted for doing the wrong thing.

Here there is no doubt about what "adequate fire protection measures" are.

In the case of private residential properties in bushfire prone areas, all that exists is advice about stuffing socks with earth and putting them in drainpipes and fixing your hose to the laundry tap.

Some will say that I am just being cynical.

Well the reality is that all that can be found on the Tasmania Fire Service website is “advice” about protecting your house in a bushfire and a freecall number to ring. To my mind the message that this sends is as follows. *“We will provide further assistance if you ring us up but if you don't ring us up and something happens then it's going to be your fault, not ours”*.

### Who is responsible?

It is reasonable that most citizens regard their homes as inviolate territory. That is, the view of citizens is that we are entitled to do what we want to do in our own homes, and anyone who wants to invade our privacy should have a warrant and a very good reason for doing so. Should this therefore mean that when it comes to bushfires, the responsibility of the Government stops at the white picket fence?

To look at this issue in another way, think of all of the ways that the Government, as the agent of the broader community, passes laws to prevent reckless and self-destructive behaviour by individuals and groups in the community. The list could be endless. Laws designed to prevent illicit drug use, laws against driving when intoxicated, regulation of gun ownership, regulation of gambling and of course, as previously mentioned regulations to prevent fire deaths in commercial properties and public buildings. There are scores of other examples.

Why then does the Government decline the opportunity to pass laws and regulations to minimise the risk of lives and homes being lost because of bushfire threats to residential properties?

### Public policy

The “position” of the TFS and Tasmania Police might well be right from a firefighting and policing point of view, but it is wrong from a public policy point of view.

After all, the Tasmanian Government is ultimately responsible for public safety. We are not prone to devastation by volcanoes, earthquakes, floods, or civil unrest. The one and only clearly identifiable threat to the broader Tasmanian community comes from bushfires (as 1967 clearly demonstrated - and then it was not for the first time).

Given this fact there are two choices facing the Government. The first is that they can pass laws that cross the white picket fence and establish a range of offences for those who do not ensure that “adequate fire protection measures have been implemented” in and around their homes.

It is highly unlikely that this will occur in the near future.

The second option is to properly fund community fire protection programs by -

- Significantly expanding the number of professional fire officers employed in the business of fire protection in rural and urban-bush interface areas and also in the business of training volunteer firefighters.
- Substantially enhancing the way in which bushfire safety messages are communicated to the community so that in addition to buying advertising space, the TFS has a much more proactive strategy to ensure that bushfire safety is an issue at a grass-roots level in all bushfire prone areas. The Community Fireguard program constitutes the right approach, but it under-funded and therefore far from adequate.
- Negotiating formal pre-planned arrangements with regional AM radio stations so that during the course of serious bushfires that are threatening residential properties, residents can gain accurate, continual and up to date information from the Tasmania Fire Service about the status of those fires.

If the use of the legislative sledgehammer is unpalatable to residents and politicians alike, then the politicians can't have it both ways. If they are not prepared to pass laws and regulations, they must take responsibility for ensuring that a far more comprehensive approach is taken to secure the safety of the citizens of Tasmania when threatened by bushfires.

*Has this "stay if it is safe to do so position" been the subject of a review?*

Who would not agree that all significant public policy documents in relation to preventable deaths in Tasmania should be reviewed from time to time?

When was this TFS/Tasmania Police "position" on evacuation last reviewed?

Has it ever been independently reviewed?

In my view this document is seriously overdue for a comprehensive independent review.

*Volunteer training*

In my 1999 Annual Report I wrote in relation to the threat of bushfires that,

*"The fact that only about two dozen people are permanently employed by the TFS to specifically deal with a threat that is a proven killer of large numbers of Tasmanians is in my view nothing short of a scandal."*

I do not withdraw from that comment one millimeter. It is true that there have been a handful of new jobs created in this area, but not nearly enough has been done.