

UNITED FIREFIGHTERS UNION OF AUSTRALIA TASMANIA BRANCH

ANNUAL REPORT

4 DECEMBER 2009

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1. Introduction

2009 has been a taxing year for the union and its members. The superannuation dispute has been one of the longest and most complicated disputes in all of Tasmania's history. In addition, the Myer Coronial Inquiry inquest, The Victorian Royal Commission and the reviews of both TFS responses and FireComm have ensured a significant workload for the union office and its members over the year.

The end of the financial year saw the union's finances back in growth mode after the significant costs associated with legal opinions about superannuation and the YOURIGHTS@WORK campaign in the previous financial year.

2. Superannuation

After the failure of Government authorities to put the assets of the State Fire Commission Superannuation Scheme into cash in 2008, the agreement to close the fund became non-viable because of the 2008 stock market crash. This necessitated the negotiation of a new Memorandum of Understanding that allowed members to have a choice as to where their money should be placed in the future without them losing existing employer superannuation contributions.

The negotiation of this Memorandum was an extremely difficult process involving multiple drafts and constant back and forth communications by the union office with government negotiators and our lawyers.

The end result is that members can control their own destiny in so far as superannuation is concerned.

A very significant compensation package was also negotiated for members who resigned or retired between 1 July 2005 and 31 July 2009.

This dispute also required constant communication with members by union newsletters, e-mails and countless telephone conversations.

3. Review of Responses

The eventual engagement of KPMG to undertake this review necessitated the preparation of an extensive written submission by the UFU to the consultants. It is very disappointing to note that the consultants took very little notice of this submission despite the fact that it contained quotations and repeated references to the obligations of the Tasmania Fire Service as required by Tasmanian Workplace Health and Safety legislation.

The only references made to these legislative obligations in the entire 161 page final report provided by KPMG are to be found in a rather shallow summary of the UFU submission.

The view of the union office and the Branch Committee of Management is that the consultants who provided this report blatantly ignored not only the UFU submission referred to above but the law regarding Occupational Health and Safety as it stands in Tasmania. The Branch Committee of Management will this afternoon consider making a formal complaint to the National Directors of KPMG on this profoundly disappointing outcome.

4. Review of FireComm

While the report provided by KPMG in relation to FireComm was a much better outcome in relation to its recommendations, little progress was made during the year on their implementation. However, things have taken a turn for the better in recent weeks. A number of break through meetings have been held recently which have given reasonable cause for members to think that TFS management is listening to FireComm concerns and starting to deal with them.

Most pleasing has been the advice of the new Chief Officer to TFS members generally about making phone calls to FireComm as follows.

“FireComm

Speaking of FireComm, their primary role is to process 000 calls and provide support to our brigades on the radio, and to process and disseminate important community information. We at all times default to FireComm for assistance when we should not. A

considerable amount of FireComm operators' time is taken up with answering unnecessary phone calls with requests to be put through to another phone number or provide information that is available elsewhere which impacts on their ability to carry out their primary duties effectively. I would remind and request that you restrict your telephone calls to FireComm to essential operational business."

UFU members employed in FireComm have been imploring senior management to adopt this approach for years and years.

5. Myer Inquest

The union office was plagued with telephone calls from media outlets for months leading up to, during and after the Coroner's Report into this matter. For some reason it seems that journalists these days are not trained to understand that making comments about a case that is currently before the courts is a highly dangerous business and can lead to people such as union officials ending up in prison.

The union office did its best to provide support to those members who appeared before the Coroner and defend them when the recommendations were handed down.

It is also pleasing to note that while the findings from the Coroner left a great deal to be desired, the recommendations were generally positive in respect to many of the arguments the union has mounted over the years. Because of this the UFU will need to vigorously pursue the implementation of these recommendations in 2010.

6. Victorian Bushfire Royal Commission

The National UFU of A was successful in its application to appear and be heard before the Royal Commission. The National Union was even more successful in receiving an offer from law firm Slater and Gordon to appear before the Royal Commission on a pro bono basis.

A specially convened National Executive meeting was held in February to consider what submissions the UFU should put to the Royal Commission. This initial National Executive meeting led to further e-mail debate and the subsequent preparation of briefing documentation for our barristers.

The Tasmania Branch argued vigorously that other branches should consider the Tasmania Fire Service position. That is, a single state wide fire authority. The Tasmania Branch explained that the approach of dividing the state up into thirteen districts and having District Officers and Station Officers manage these districts in each case is highly effective.

It is interesting to note the following recommendations from the Royal Commission.

RECOMMENDATION 7.1

The CFA revise the publications and programs by which it communicates with the community about preparing for bushfires and what to do in the event of a bushfire to:

- **reinforce existing advice that community members should prepare, and decide, well before a fire occurs, whether to leave early or stay and defend their homes; and**
- **clearly convey the following principles:**
 - **the safest option is always to leave early rather than to stay and defend,**
 - **not all homes are defensible in all circumstances and householders are advised to undertake an individual assessment of defensibility,**
 - **unless a property is defensible the advice is to leave early,**
 - **the impact of topography, fire weather and fire intensity on defensibility should be factored into household assessments,**
 - **the risks of staying to defend include the risk of physical injury and death,**
 - **contingencies are needed as the best-made plans may fail,**
 - **even if a plan is to stay, preparations to enable leaving should also be made, including the preparation of a 'relocation' kit specifying the location of designated community fire refuges,**
 - **there could be psychological impacts of staying to defend a property, it is inadvisable for children to be present during the defence of properties, practical steps are needed to protect the vulnerable. Families with young children, older people, and disabled people are advised to plan for early relocation, advice on triggers for when to leave to incorporate the need for flexibility, the dangers of leaving late and the undertaking that a warning may not be received, and advice in relation to the policy specifically targeted to urban communities on the urban/rural interface.**

RECOMMENDATION 7.2

The CFA consider the means of providing individual advice to residents in bushfire prone areas, as to the defensibility of their homes.

RECOMMENDATION 7.3

The CFA ensure its members are fully trained as to the changes to the advice to the community set out in Recommendation 7.1.

The Tasmania Branch will continue to vigorously advance the view in the National Union forum that the sort of work set out in the recommendations above can only properly be done by full-time employees. Asking volunteer firefighters to do this work would simply be too great a burden on them.

Moreover, the explanation of how incident control teams are established and how they operate in Tasmania came as a significant surprise to representatives from many other branches. Many other states are plagued with jurisdictional disputes and turf wars. The fact that a multi agency competence based approach has emerged in Tasmania in respect to appointments to incident management teams came as a revelation to many other branches. In this regard it is pleasing to note the following further recommendation from the Interim Report of the Royal Commission.

RECOMMENDATION 9.2

The CFA and DSE agree procedures to ensure the most experienced, qualified and competent person is appointed as Incident Controller for each fire, irrespective of the point of ignition of the fire.

7. Emergency Response vehicles

The vexed issues of the 3.1P bushfire truck in Bridgewater and the new 8.1 rescue vehicles were a constant source of irritation from late 2008 and throughout 2009. The utterly inappropriate commissioning of the 3.1P vehicle in Bridgewater continues to be a festering sore. Significant progress was made however on negotiating an outcome in respect to the 8.1 vehicles. A critical breakthrough occurred when TFS negotiators came to their senses and agreed that these vehicles should be used as technical/heavy rescue vehicles only instead of a grey nomad's caravan loaded up with everything including the kitchen sink.

While these vehicles are far from ideal in respect to road accident rescues generally, it is hoped that the configuration that has been negotiated will at least allow firefighters and officers to get on with the job.

8. Other matters

Critical Incident Stress Disorder is emerging as an issue that the union will have to give significant attention to in 2010. In particular, the union will have to devise a strategy that ensures that members who suffer from this condition are not simply paid off and pushed out the door.

Interstate and Intrastate Deployments were discussed at length this year. The first objective of the union has been to eliminate confusion about the terms and conditions under which members participate in these sorts of deployments. The second objective has been to vigorously argue that members dispatched to the mainland should work in accordance with Tasmanian operational safety procedures and not under those of any host agency.

The union office also undertook a project that involved working jointly with the retained and volunteer firefighters associations to lobby the state government to give firefighters more control over the behaviour of the driving public at motor vehicle accidents. The UFU and both associations met with Police and Emergency Management Minister Jim Cox on 4 November 2009. The Minister was most receptive in respect to the representations made to him and gave a commitment to “see what he could do.”

9. Conclusion

There are many people to thank at the conclusion of 2009.

The members who participated in the UFU Working Party to draft the submission to the KPMG Emergency Response Review deserve special thanks.

Mark Cullen deserves a special note of thanks for his work on superannuation and retiring Returning Officer Jeremy Smith (retiring as Returning Officer, not from the Fire Service) deserves our gratitude.

The Branch Committee of Management has had a difficult year not assisted by the disruption caused by branch elections.

Union Workplace Representatives and Employee Safety Representatives also deserve thanks for their efforts throughout the year.

Kae Jones has again done a valiant job in keeping the office running and making sure that everything that needs to happen does happen.

Lastly, immediate past President Wayne Seabrook will this evening be presented with life membership of the UFU for his decades of service to the union and more particularly for his ten years in the top job as President.

Richard Warwick
Secretary
4 December 2009