

May | 2010



VFBV Response to Counsel Assisting's Submission on Systemic Issues – Firefighter Safety

2009 Bushfires Royal Commission Submission

Volunteer Fire Brigades Victoria makes the following submission to the 2009 Victorian Bushfires Royal Commission, in response to the submissions of Counsel Assisting titled "Systemic Issues – Firefighter Safety."

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION**Letters Patent issued 16 February 2009**

Date of document: 11 May 2010	Solicitor's Code: 021614
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RESPONSE TO COUNSEL ASSISTING'S SUBMISSIONS ON SYSTEMIC ISSUES – FIREFIGHTER SAFETY (SUBM.504.001.0001)

- 1.VFBV makes this submission in response the submissions of Counsel Assisting for the 2009 Victorian Bushfires Royal Commission (“the Commission”) titled “Systematic Issue - Firefighter Safety” (“the Submission”).
- 2.VFBV wishes to highlight matters relating to the proposed recommendations that it considers particularly significant. VFBV also wishes to place the recommendations made by Counsel Assisting in a separate submission titled Resource Management and Tracking (SUBM.507.001.0001) within the context of these submissions on firefighter safety
- 3.We deal with each issue in turn, according to the numbered proposed recommendations of Counsel Assisting in both submissions.

Proposed Recommendation 1**CFA/DSE should immediately implement the United States model of providing Safety Officers with the power to veto unsafe operational decisions by:**

- recasting SOP J3.04;

- **developing a position description for the Safety Officer role in line with the one used by Calfire; and**
 - **providing training on these changes to all relevant firefighters.**
4. VFBV believes that the presence of a Safety Adviser in an Incident Management Team) IMT is vital for safety, not only of firefighters, but also for civilians. They provide the focal point for consideration of safety issues and can assist an Incident Controller to focus on issues of the utmost importance when they are faced with an enormous number of elements to weigh in their decision-making.
 5. Given the importance of this role VFBV agrees with Counsel Assisting's support for the idea that the appointment of an experienced and endorsed Safety Adviser to the Incident Management Team should be mandatory across all agencies when pre planning and resourcing IMTs. The evidence before the Royal Commission indicates that where a Safety Adviser was appointed during Black Saturday that officer played a vital role in decision-making within the IMT, with the result being enhanced safety.
 6. VFBV has previously enunciated its preference for a single and clear line of command and control for bushfire management (SUBM.002.051.0275) and belief that this single line of control is essential for safe management of a fire. This concept has been adopted through the current interim arrangements, where a single State Fire Controller is appointed.
 7. The same concept applies to each level of operation, including Area of Operations and Incident Control. One single line of command is essential. Any provisions for a veto power exercised by a Safety Adviser would be contrary to these principles of command. The power of veto is at odds with the intent of the role being focused on safety matters and the provision of advice to the management team, whatever the level within the hierarchy of command.

8. In this respect VFBV considers that Recommendation 10 of the Linton Report reflects an appropriate balancing of powers between the Incident Controller and Safety Adviser, with the Safety Adviser having a limited ability to effect an operational decision and the Incident Controller needing to provide reasons to justify not taking the advice of the Safety Adviser.
9. Despite the importance of this role, VFBV does not support giving the power of veto to the Safety Adviser/Officer. If there is no focal point then there is the potential that vital safety concerns will fall by the wayside. However, when there is a strongman presence enforcing these concerns then there is a real danger that others will fail to take responsibility, assuming either consciously or unconsciously, that any matters concerning firefighter safety are being taken care of by the Safety Adviser/Officer. This is a very real dilemma that, although briefly discussed by Mr Esnouf and Mr. Edgar, has not been given great weight in this recommendation, nor has it been explored in sufficient depth to justify the dismissal of its premise.
10. The evidence given by Mr Streblov quoted at paragraph 7.17 does not demonstrate that the power of veto is what makes the system he describes effective. It demonstrates that it is the presence of a safety focal point that makes it effective. In addition, his evidence also does not demonstrate that having the power of veto is a better system in comparison to a system with a safety adviser without the power of veto.
11. The evidence before the Commission is that where a Safety Adviser is appointed it works well. The opinion of the Safety Adviser at Bunyip was sought and advice listened to by the Incident Controller. Counsel Assisting recognizes that this occurred at Bunyip, where the Safety Adviser “play[ed] a key role in the safety-related decision by the IMT to send firefighting crews back on to the fireground at Bunyip” (paragraph 7.33) and that “[o]verall, firefighter safety issues were well managed at the

Bunyip fire” (paragraph 7.33). This was achieved without the power of veto.

12. Additionally, it is not a necessary corollary of the events at the Alexandra ICC that a Safety Adviser/Officer needed to have the power of veto. Counsel Assisting suggest at paragraph 7.44 that if a Safety Officer with US style veto powers had been present at the Alexandra ICC this “may well have been one of those rare occasions which justified the Safety Officer exercising his/her power of veto over an operational decision of the Incident Controller”. While it may or may not have necessitated the use of this power, the evidence provides no suggestion that it would have been necessary to use such a power. Indeed the evidence suggests that such a power would have been unnecessary. A Safety Adviser would have been able to flag issues of concern to the Incident Controller. There is no evidence to suggest that this advice would not have been taken. In fact, as indicated above, the evidence suggests that the advice is likely to have had a significant influence on decisions made by the Incident Controller. There is no evidence that the power of veto would have been necessary, nor desirable.
13. Whether or not there is an antipathy about the appointment of Safety Advisers as suggested by Counsel Assisting (paragraph 7.28) – and VFBV does not agree with such a statement – this does not provide evidence to support the suggestion that a Safety Adviser/Officer should have the power of veto. The evidence before the Commission relates to the appointment of that officer rather than the powers that officer should have.
14. Counsel Assisting themselves submit that the role of the Safety Officer in the US should be “informed by a proper and detailed understanding of the US system” which has not been provided to the Commission. In addition, there is little evidence before the Commission that the US system is any better than the Victorian system. The problem with the Victorian system

is that it was not implemented. Appointing higher powers does not address this problem.

Proposed Recommendation 2

DSE, and where appropriate CFA, should ensure that all relevant staff are trained in the need for incident controller approval to be obtained before a backburn is lit in the circumstances outlined in the DSE's Fire Suppression Manual. Such training should draw on the experiences of the Marysville and Kinglake West backburns and the expertise of people such as Dr Kevin Tolhurst.

15. VFBV agrees that lessons learned should be incorporated into training and that this is an ongoing responsibility of the fire agencies. However VFBV does not believe that this can be done comprehensively without a specific focus on lessons learned (see discussion below). Additionally, there should be no limitations on the type of people that could be engaged to assist in this process. Experts, no matter what their status, should be used for analysis and training.

Proposed Recommendation 3

CFA should completely overhaul its procedures for conducting investigations into OHS incidents. It should develop a new procedure that ensures all relevant people are consulted during the investigation process and that all relevant people are informed of the results of the investigation. To ensure that all contributing factors are identified, those investigations must examine management faults including faults at the Incident Management Team level as well as failings at the crew level.

Proposed Recommendation 4

DSE should ensure that it revises its investigation protocols so that in future it investigates OHS incidents such as the Kinglake and Marysville backburns.

16. VFBV supports a comprehensive investigation regime where the investigation of incidents follows the same process in each fire agency. Frequently incidents will involve players from several agencies, and staff with varying employment status. A common process would be valuable

for these types of investigations, where incidents will frequently involve people from a variety of agencies in management roles. A common process opens the possibility for joint investigations, joint learning exercises and a resulting improved level of trust between agencies.

17. VFBV agrees that all relevant people should be informed of the results of an investigation. VFBV also believes that this information should spread much further than those involved. VFBV considers that a collating of lessons into a single body of knowledge, accessible to all fire agencies, is a fundamental step in the process of improvement. The investigation of incidents carries little value if lessons are not learned by all firefighters. Learning from incidents involves a significant number of steps including information gathering, analysis, dissemination, as well as an analysis of methods of dealing with identified problems. This is a specialised area that should be dealt with through a national lessons learned centre.
18. VFBV agrees with Counsel Assisting that the investigation process should ensure that all relevant people are consulted during the investigation. Without such a comprehensive approach it is doubtful that an accurate assessment can be made of an incident. Such an approach needs to be accompanied by reassurances that blaming is not the aim of this process but rather learning and improvement. This message needs to be received by all those involved in firefighting.
19. VFBV agrees that this process should look at the roles and responsibilities of the variety of levels of management in an incident. However VFBV also considers that all investigations should consider elements outside the current technical focus. Human behaviour during times of stress is a big part of how and why decisions are made during a firefight. These issues should be given the same focus as the technical aspects of a firefight. However consideration of these issues can only properly done in an atmosphere of no blame and collegiate assessment. As discussed above,

management in all fire agencies are responsible for ensuring that all staff are comfortable in discussing these matters.

Ongoing Health and Welfare of Firefighters

20. VFBV appreciate the concern demonstrated by the Commission about the ongoing needs of firefighters and their families, both in physical and mental health terms, after significant events. The effects on firefighters and their families from their direct involvement in a major event such as Black Saturday can be long term and potentially devastating. This is a central part of VFBV's responsibilities to volunteers.

21. The VFBV will continue to work to support volunteers and their families in this area and will continue to look for opportunities to improve available assistance.

Proposed Recommendations in Counsel Assisting's Submissions on Resource Management and Tracking (SUBM.507.001.0001):

1. By 31 December 2010, the CFA conduct an audit of its brigades to determine which firefighting resources are fitted with Global Position System (GPS) and/or Automatic Vehicle Locator (AVL) units and the make and model of each such unit.

2. Where a CFA brigade installs such equipment in the future, it should inform the relevant CFA regional office of the details.

3. By 30 June 2012, the CFA ensure that appropriate GPS and AVL equipment is installed in all its firefighting resources.

22. VFBV notes the recommendations made by Counsel Assisting for Resource Management and Tracking and the links made in their submission to firefighter safety. VFBV supports the recommendation that the AVL and GPS features be adopted as a matter of priority. Threats to firefighter safety when fighting bushfires can be dramatically reduced through the use of this technology. This can only be achieved by ensuring that full funding is provided for these systems.

23. VFBV also considers that the introduction by CFA of a Human Resources Management System that permits the time critical capture and dissemination of fire agency human resources availability, endorsement and subsequent tasking, is achievable within a relatively short time frame. Such a system is another essential component of a firefighting system that is truly focused on safety, for firefighters and the community. This system should be structured so that decisions about matters of fatigue management, adequacy of the depth of the available resource pool and the selection of the 'best person for the job' are based on current and accurate data.

11th May 2010

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