

**The Community Development and Justice Standing Committee's
Inquiry into the State's preparedness for this year's fire season**

**A submission by the Community and Public Sector Union/Civil Service
Association WA (CPSU/CSA)**

Introduction

The CPSU/CSA represents staff within the Department of Environment and Conservation (DEC) and the Forest Products Commission (FPC). Consultation with our members within DEC and FPC has revealed that the majority of concerns about the State's preparedness for this year's fire season relate directly to Recommendation 5 of the *Appreciating the Risk: Report of the Special Inquiry into the November 2011 Margaret River Bushfire* (hereafter, the Keelty Report):

The Department of Environment and Conservation explore human resourcing models that:

- *Make succession planning a priority;*
- *Look at options for the attraction and retention of staff; and*
- *Review how the salary levels of staff matches the decision making required in major activities such as prescribed burns.*

Recommendation 5 of the Keelty Report echoes similar observations made previously in *A Review of the Ability of the Department of Environment and Conservation Western Australia to Manage Major Fires (2010)* and *A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review*.

Members within DEC and FPC also have concerns regarding the future role of FPC staff during fire emergencies.

The effective implementation of Recommendation 5 of the Keelty Report forms the basis of the CPSU/CSA submission to this Inquiry.

Background

When considering this submission it is important to remember that the involvement of DEC and FPC employees in fighting fires is something that is done over and above their substantive roles.

During a fire season employees can opt to be placed on a range of on-call or availability rosters such as the Pre-formed Teams (PFT) Roster. For employees working in District Offices there is a strong expectation of involvement on the District Roster or Fire and Emergency Availability (FEA) Roster.

Employees on these rosters are required to be available to attend incidents in their particular region within prescribed timeframes. In practical terms, this necessitates employees rostered on over a weekend or holiday period to remain close to home and abstain from consuming alcohol.

The Department's prescribed burn program is also undertaken by employees on availability rosters.

The current remuneration arrangements and voluntary nature of the roster system rely heavily on the good-will of DEC employees. Were this system to default instead to the rates set out in the overtime provisions of the *Public Service Award 1992*, the financial cost to the Department would dramatically increase. The good-will sustaining the present system and ensuring the safety of staff, public, and land, is presently being eroded by the government's inaction on Recommendation 5 of the Keelty Report.

Annually, DEC respond to more than 500¹ fires covering approximately 50% of the state. The area of coverage incorporates both Crown Land and unvested Crown Land. DEC is also called on to attend fires on private land that lies within one kilometre of these areas.

¹ <http://www.dec.wa.gov.au/management-and-protection/fire/fire-management.html>

Succession Planning

CPSU/CSA members across all regions and districts have consistently raised their concerns about the need for more effective staff development and succession planning to ensure that there will be sufficient and appropriately experienced staff into the future.

In 2011, prior to the release of the Keelty Report, the need for effective succession planning was also identified in a report prepared by Integral Development and Lynda Folan: *Department of Environment and Conservation Succession Planning – Regional Services*.²

This report reflected the common knowledge that "...there are too few people doing too much – certain key roles are of particular concern from a role overload perspective". One of the key reasons behind this is "...the knowledge of the key individuals is not being systematically passed on to the younger generation". The report also states that "...the use of the EPDP (Employee Performance and Development Plan) is not consistent and the quality is variable".

A focus needs to be placed on employee progression paths in fire management, in addition to their substantive roles. CPSU/CSA members express concern at the distinct lack of staff being recruited with experience in fire roles. This is compounded by Regional/District staff working in 'silos' and fire not being a whole of district priority.

Some regions are already reporting that their effectiveness is being compromised by a lack of experienced staff in certain roles, including a lack of experienced Duty Officers in Mundaring and Albany.

Integral Development's succession planning report states "...mentoring does not appear to play a key part in the development of high potential individuals – there is ad-hoc mentoring, however this is not systematically developing the future leaders". While 'shadowing' is occurring in some districts, it is not a formalised program and only occurs at prescribed burns.

² *Department of Environment and Conservation Succession Planning – Regional Services, 2011* by Integral Development and Lynda Folan

Mentoring, except in some cases where a deputy is appointed, does not occur within the PFT structure. Furthermore, a lack of regular attendance of fires as a part of a PFT can result in an atrophy of skills and experience.

Integral Development's succession planning report states that "...the strong day to day and sometimes reactive nature of fire management work in the Department needs to be balanced with a more strategic perspective". Regional Duty Officers seeking staff to fill roles at a fire without deployment of a PFT, quite often call on those who are reliable or just familiar - as opposed to those that are capable and experienced. Whilst not necessarily meeting the requirements of the situation, this approach also fails to support those attempting to gain experience; or enable the skills to be built within the Department that an effective succession plan relies upon.

CPSU/CSA members are of the view that any succession plan adopted by DEC should include:

- A formalised, effective and practically-focused mentoring program, inclusive of shadowing for staff on both District and PFT rosters. Recommendations include the appointment of a senior fire manager to a mentoring and developmental role for each Pre-formed Team.
- Strengthening the capability of staff on both District and PFT Rosters through involvement in prescribed burning, including a formalised involvement with FPC. Running prescribed burns into the night would allow staff in roles not normally engaged in prescribed burns, such as catering and resources, to gain experience.
- A more strategic approach to staffing an emergency. This could be achieved by preparing a list of those that can be called upon in an emergency outside of Districts, indicating their level of experience. Regional Duty Officers would consult this list prior to filling positions in an emergency. This would facilitate a more equitable division of workload. At the same time, exposure to fire incidents can be provided to those staff in need of experience.

Remuneration for Responsibility

Keelty's Recommendation 5 calls for a review of "...how the salary levels of staff match the decision making required in major activities such as prescribed burns". This is the issue of most concern for CPSU/CSA members.

When looking at an appropriate level of remuneration for those staff involved in major incidents, the CPSU/CSA examined equivalent agencies such as the Fire and Emergency Services Authority of Western Australia (FESA). Agencies in other Australian states and some emergency workers' rates in the United States were also surveyed. Although no one-to-one relationship exists between these groups, a broad comprehension of equivalency was gained.

CPSU/CSA members within DEC were canvassed to determine the DEC staff indicative 'level' that most accurately matches the relevant 'Australasian Inter-Service Incident Management System' (AIIMS) role. This indicative level was used as a starting point in determining the rates represented in Table 1.

Each incident is assigned a level based on its severity. The make-up of incident management teams is determined by this severity level. For instance, not all AIIMS roles will need to be filled for a Level 1 incident. A Level 3 incident however, may well see all roles filled.

A person with an acting or substantive level higher than their specified AIIMS role will remain at that level while performing their AIIMS role. Conversely, a person with an acting or substantive level lower than their specified AIIMS role will receive the level of remuneration referred to in Table 1. An employee filling more than one AIIMS role will be paid at the rate of the highest role.

While not all roles mentioned in Table 1 represent roles responsible for decision making, they have all been included in the table. CPSU/CSA members recognise the importance of people performing these roles being exposed to major incidents to further their experience, which in-turn assists with succession planning.

CPSU/CSA members have a preference for this model which provides remuneration based on hours worked in a particular role. The 'lump sum' model which is currently favoured by the Department of Sustainability and Environment (Victoria) was seen as inequitable in that, over the course of a fire season, it favours those who do less while not adequately rewarding those who do more.

AIIMS Role (within Incident Management Team)	Level 1* Incident	Level 2 Incident	Level 3 Incident	L 1* (\$/hr.)	L 2 (\$/hr.)	L 3 (\$/hr.)
Incident Controller/Duty Officer	Level 6.1	Level 8.1	Level 9.1	45.10	59.83	68.66
Safety Advisor	Level 5.1	Level 7.1	Level 8.1	38.75	52.73	59.83
Public Information Officer	Level 5.1	Level 7.1	Level 8.1	38.75	52.73	59.83
Liaison Officer	Level 5.1	Level 7.1	Level 8.1	38.75	52.73	59.83
Operation Officer	Level 5.1	Level 7.1	Level 8.1	38.75	52.73	59.83
Air operations Leader	Level 4.1	Level 6.1	Level 7.1	34.84	45.10	52.73
Divisional Commander	Level 4.1	Level 6.1	Level 7.1	34.84	45.10	52.73
Sector Commander	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Planning Officer	Level 5.1	Level 7.1	Level 8.1	38.75	52.73	59.83
Assistant Planning Officer	Level 4.1	Level 6.1	Level 7.1	34.84	45.10	52.73
Situation Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Resources Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Communications Planning Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Management Support Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Information Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Logistics Officer	Level 5.1	Level 7.1	Level 8.1	38.75	52.73	59.83
Assistant Logistics Officer	Level 4.1	Level 6.1	Level 7.1	34.84	45.10	52.73
Supply Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Communications Support Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Ground Support Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Facilities Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Finance Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Catering Unit Leader	Level 3.1	Level 5.1	Level 6.1	30.94	38.75	45.10
Minimum rate	Level 3.1	Level 3.1	Level 3.1	30.94	30.94	30.94

* Incident over 1ha/ prescribed burns

Attraction and Retention

While suitable remuneration for responsibility goes some of the way to attract potential staff and retain existing staff in the area of fire response, CPSU/CSA members have also developed an additional range of attraction and retention recommendations:

Staffing Levels

To adequately address the issues of staff shortages and resulting workload problems being experienced by staff on availability rosters, CPSU/CSA members recommend the development of a new Fire Model for the entire state.

This Fire Model should identify the staffing and resources needed to undertake prescribed burning and bushfire control by:

- Defining the minimum number of accredited staff and resources required for prescribed burning and bushfire control.
- Defining the minimum level of experience of accredited staff required for prescribed burning and bushfire control.
- Using these numbers as a minimum benchmark for prescribed burning and bushfire control.

Work / Life Balance

CPSU/CSA members recommend that all fire availability rosters are structured in such a way that allows staff to have one weekend off in four as a minimum.

CPSU/CSA members also propose an initiative to recognise long-term fire service. Under the proposal, all staff on fire rosters would be provided with one season free from any fire roster after seven consecutive years of active fire service. For this 'long service leave' season, the employee would receive the average of any of the previous two years availability payments. This initiative would not only act as a retention benefit, but also assist in burnout prevention.

Public / Media Relations

Members have expressed concern regarding the potential for public castigation and the lack of vocal support from the government for its staff - when incidents that attract media interest occur. This is a significant deterrent when it comes to attracting and retaining staff in fire services.

To address this issue, CPSU/CSA members propose the development of an effective, fully funded and regional-based promotional campaign for DEC's role in fire management. A promotional campaign of this nature would benefit from the employment of a media officer in each region and the active involvement of experienced fire staff. Such a campaign has the potential to help form effective relationships between local staff and local media. This would help to ensure the accurate and timely dissemination of information to media during major incidents.

Fear of Litigation

Although the likelihood of litigation being undertaken successfully against an individual DEC officer performing his or her duty is minimal, this is not widely understood. As a result, the fear of litigation acts as disincentive for many staff who would otherwise consider volunteering for fire service.

Information on protection from litigation is available but not easy to locate for those not heavily involved in fire. For this reason, CPSU/CSA members recommend that information on employee legal rights and responsibilities is incorporated into all DEC training, manuals and induction material.

Pre-formed Teams

Attraction and retention of staff in PFTs, particularly in specialist branches and regional centres has been identified by CPSU/CSA members as a major concern. Involvement in PFTs varies from branch to branch and is virtually non-existent in some branches. In some cases staff are having to fill roles on more than one team due to the lack of experienced staff in certain roles.

To alleviate the problem CPSU/CSA members recommend the following:

- Fire Management Services (FMS) advertise and promote involvement in PFTs within specialist branches.
- All staff who wish to be involved in a PFT roster be made available to participate and be provided with the relevant training.
- FMS map the involvement of specialist branches and non-district staff. The mapping can be used to guide selection by regional fire coordinators in choosing to fill PFT rosters with a view to a better distribution of PFT staff across DEC.
- Managers assess the impact of their staff involvement in PFTs (after each fire season) and report to their relevant Directors the additional cost in staffing required to meet this involvement.

The Role of the Forest Products Commission

CPSU/CSA members at FPC are seeking certainty regarding their future involvement in fires. Many FPC staff have extensive experience in fire management roles. Any decision to exclude FPC staff from involvement on fire availability rosters would have dire consequences for the implementation of recommendation 5 of the Keelty Report.

As a part of a government initiated restructure to FPC in 2010, it was understood that FPC involvement in fires would be phased out after two years. That time has lapsed without further clarification. DEC staff working in districts where there is an FPC office in the town recognise that they are a valuable, and in some cases essential asset.

In its latest annual report, the FPC said staff involvement in fire response was "...interrupting its day-to-day business and hitting its bottom line"³. Statements such as this from FPC do nothing to alleviate the uncertainty felt by FPC staff regarding their ongoing involvement during fire season.

³ *Bushfires hit forestry bottom line – The West Australian* 24/10/12

In order to retain the involvement and experience of FPC staff in fire management, consideration must to be given to the provision of separate government funding to provide for resources and staffing during fire seasons. Such a provision would help minimise interruptions to the day-to-day business and impact on the bottom line of FPC.

CPSU/CSA members in FPC have also raised concerns about the potential for litigation through their involvement in fire emergencies. Currently FPC staff do not have the same protection as DEC staff (given under the *Bush Fires Act 1954*) when a fire travels onto certain land tenure including private property. FPC staff are not authorized officers under the *Conservation and Land Management Act 1984*. CPSU/CSA members recommend that FPC staff are provided with the same legal protections as their DEC counterparts, ensuring they are able to participate fully in fire rosters without fear of litigation.

The impact of arbitrary 'savings measures'

The arbitrary 'savings measures' implemented by government, including caps to FTE, and 'efficiency dividend' budget cuts, have an impact on the ability of DEC to respond to fires. As noted in the previous section, FPC is concerned over the impact of fire response on the agency's 'bottom line'.

As noted above, employees who respond to fires are employed substantively in other positions in DEC. When government announces caps on FTE to so-called 'back room' staff, but maintain 'front line' services will not be impacted, this is problematic. The absurdity of the dichotomy between 'front line' and 'back room' staff is clear: although the government may not consider Environmental Officers to be 'front line' staff, the role of responding to fires is certainly a 'front line' duty. Any reduction in so-called 'back room' staff, degrades the ability of DEC to respond effectively to fires – and to protect land, property, and the public.

Summary of Recommendations

CPSU/CSA members have identified the effective implementation of Recommendation 5 of the Keelty Report, in addition to confirmation and clarification of the on-going involvement of FPC staff, as being crucial to ensuring the State is prepared for this fire season and beyond.

To achieve this outcome, CPSU/CSA members in DEC and FPC have developed the following key recommendations:

Succession Planning

- A focus to be placed on employee development in fire management in addition to their substantive roles.
- Implementation of a formalised mentoring program with a practical focus.
- Utilisation of prescribed burns to provide experience to employees in fire management roles.

Remuneration for Responsibility

- Adoption of a role-specific hourly rate for prescribed burns and fire incidents as represented in Table 1.
- Recognition of all AIIMS roles, not just those responsible for decision making.

Attraction and Retention

- The development of a new state-wide Fire Model.
- Availability rosters that allow for one weekend off in four as a minimum.
- Recognition of continued service by the introduction of fire service 'long service leave' after seven consecutive years of active fire service.
- A media campaign promoting the role of DEC and FPC in fire management.
- The appointment of regional media officers.
- Education on legal rights and liability for employees involved in fire response, to ease concerns regarding potential for litigation.
- Fire Management Services (FMS) advertise and promote involvement in PFTs within specialist branches.
- All staff who wish to be involved in a PFT roster be made available to participate and be provided with the relevant training.
- FMS to improve mapping of involved staff to assist with a more even distribution of PFT staff across DEC.

The Role of the Forest Products Commission

- A clear directive issued regarding the role FPC staff will play this fire season and beyond.
- The provision of separate government funding for resourcing and staffing to FPC, to allow for their continued involvement in fire management.
- Legislative change to afford FPC staff the same legal protections as DEC staff.