



Country Fire Service Volunteers Association

Response to Analysis of the
South Australian Fire and Emergency Services

March 2020



Introduction

The Analysis of the South Australian Fire and Emergency Service (the Analysis) prepared by the Chief Executive of SAFECOM primarily focusses on the functions of South Australian Fire and Emergency Services Commission (SAFECOM) and its relationship with the three Emergency Services, the South Australian Country Fire Service (SACFS), the South Australian State Emergency Service (SASES) and the South Australian Metropolitan Fire Service (SAMFS) all of which are recognised as emergency service providers under the Fire and Emergency Services Act 2005 (FES Act).

Whilst the Analysis is promoted as a 'personal view' by the CE of SAFECOM and contains several questionable assertions, the document and its recommendations have been accepted and supported by the Minister for Emergency Services. The Minister's public acceptance of the Analysis, prior to consultation and the release of the Analysis document to sector partners and key stakeholders coupled with his support for the immediate implementation of all its recommendations is astonishing.

The fact that the Analysis has been prepared without Crown Law advice in regards to its legal interpretation of the FES Act is staggering as is the assertion that all previous and current leaders within the sector since 2005, when the FES Act was written, have misinterpreted the legislation and therefore the intent of the legislation has not been applied.

The Analysis prepared without consultation of key stakeholders is itself in breach of legislation (SACFS and SASES Volunteer Charters) which requires consultation of volunteers on all matters that impact them and is in stark contrast of Government's public position of revering our SACFS volunteers for their tireless and unrelenting work in defending and serving South Australian communities.

It is ironic that SACFS volunteers, as key significant stakeholders within the emergency services sector, were not consulted during the writing of the Analysis, yet the Analysis infers that SACFS management is not functioning as it should, and rather than offer supporting evidence for reaching this conclusion boldly recommends that SAFECOM should manage SACFS' expenditure.

The rationale for the CE of SAFECOM to make this recommendation must seriously be scrutinised, given that SACFS has consistently met and fulfilled its annual budget obligations and has through good management constantly remained within budget. SACFS' annual budget and expenditure is audited by Treasury; is approved by the SAFECOM Board; and meets and fulfils all its legislative requirements.

The CFSVA questions the author's interpretation of the FES Act, and their assertions and recommendations within the Analysis. Whilst acknowledging that the review has been promoted as a 'personal view' it does lead the CFSVA to question SAFECOM's ability to support the emergency service agencies as required under the FES Act. Further, the Analysis fails to consider its long-term impact and the implications of its flawed recommendations on the future functionality of the Emergency Services.

Undoubtedly a shift in budget from SACFS to SAFECOM will assist SAFECOM to meet its own budget deficit and increase its bureaucracy whereas SACFS will be forced to compete for and win back its own budget. This will seriously reduce on-the-ground investment to South Australian communities in favour of growing bureaucracy and providing ultimate financial control for all ESOs to the CE of SAFECOM.

There is no argument to the fact that funding within the emergency services sector is tight, which without the contribution of volunteers would not be able to sustain the ESOs. SACFS volunteers are adamant that they will not support SACFS funds being managed by SAFECOM and insist, that as required under legislation, that it is the SACFS Chief Officer's responsibility to manage SACFS funds.

SACFS volunteers further demand that these funds are used to the benefit of the South Australian communities they proudly serve, and that the resources provided by the taxpayer through the Emergency Services Levy is applied for its intended purpose and not to fund an increased bureaucracy.

A key aspect of the Analysis as identified by volunteers is the emphasis on describing SAFECOM as the "Commission" and that the Commission headed by the Chief Executive assumes the leading role. This recommendation is untenable as it will diminish the independence of all other emergency service organisation (SACFS, SASES, SAMFS) and would inhibit each of them from complying with their legislative obligations under the FES Act.

The proposal for SAFECOM to function as the "Commission" is ludicrous as this will ultimately result in an increase in the number of non-operational staff embedded into SAFECOM whilst the number of operational staff within the ESOs will be drastically reduced. Since many staff perform operational roles during incidents, this would create significant risk for the ESOs which are already grossly understaffed and would significantly increase liability and public hostility towards Government.

It has been mooted that SAFECOM staff could assume operational roles, however given that their public sector employment contracts are with the CE of SAFECOM, it would be easy to construe that this is a deliberate attempt to remove staff from the three ESOs thereby crippling the agencies to SAFECOM's advantage. The Chief Executive of SAFECOM could then assume a Commissioner role, as this shift in staff would substantively change the role of CE.

The CFSVA quotes comments received during the CFSVA's consultation process of SACFS volunteers:

"....this is nothing short of empire building with little regard or consideration for community safety"

It must be clearly articulated that SAFECOM's role is non-operational and SAFECOM has no basis under which to delve into or impose itself on operational matters. The FES Act is quite specific in this regard and given that any such interference may impact community safety, any such actions by SAFECOM should be swiftly curtailed.

Reference to the SACFS rank structures on Page 18 of the Analysis, has been met with harsh reproach and criticism from volunteers who question its intent, and indeed the covert agenda that is being driven.

The South Australian Fire and Emergency sector has over the years been the subject of a copious number of reviews and scrutiny which have only served to destabilise the sector, and it has been made clear that the only change that is acceptable is change which benefits South Australian communities and provides value for money to taxpayers. Until such time as altruistic changes are evident there will continue to be strong resistance to change. SACFS volunteers outright reject change for the sake of change or driven by personal or covert agendas.

The CFSVA is a founding member of the Council of Volunteer Firefighter Associations (CAVFA) and regular meets with its counterparts. It is interesting to note that many other states are envious of the emergency services structure in South Australia and encourage the CFSVA to protect it as it is considered one of the best in the nation.

The CFSVA make it clear that we do not oppose change, however we are seriously concerned by the biased and flawed assertions contained within this Analysis and fail to comprehend how a bureaucratic "top heavy" agency, in a city location can deliver operational service and support to our 13,500 CFS volunteers and their brigades so that they may continue to serve and defend from the most centralised to the most remote South Australian communities.

Response

Recommendation 1

The Chief Executive and Chief Officers need to drive collective leadership, be accountable through their executive contracts and through the development and implementation of an Emergency Services Joint Executive Charter which is agreed to and signed by the Chief Executive SAFECOM, each Chief Officer and the Minister for Emergency Services.

This recommendation binds the Chief Officers (SACFS, SASES, SAMFS) to reach agreement prior to any external discussion whether this be reporting to the SAFECOM Board or within their own agencies. Under the FES Act, the Chief Officers have individual obligations which form part of their contract of employment with the Minister for Emergency Services and their statutory reporting obligations to the SAFECOM Board. The forming of this Joint Executive Charter compromises the integrity of the legislation and is deleterious to the ability of the SAFECOM Board to hold informed debate leading to sound and informed decisions being made at Board level.

Further, this challenges the trust between the SAFECOM Board and the Presiding Officer to conduct the business of the Board, as he is also a signatory to the Joint Executive Charter which is outside of the FES Act. It is imperative that the Presiding Officer conduct the business of the Board and make representation on behalf of the SAFECOM Board to the Minister for Emergency Service in a fair and impartial manner.

SAMFS' continual budget deficit is of great concern as this over budget expenditure ultimately impacts and reflects on the whole emergency services sector. To combine the budgets of SACFS, SASES, SAMFS and SAFECOM as is recommended in the Analysis may balance the books, however it serves nothing other than to punish the emergency service agencies that have been diligent in meeting their budgets.

Several previous reviews have clearly identified a funding deficit within the emergency services which have been consistently ignored. A simple solution would be to adequately fund the sector to meet their budgets and for the SAFECOM Board to carry out its duty and ensure that budgets are met. The aggregation of budget deficits carried over from year to year is totally unacceptable and is rejected by the CFSVA.

The Analysis further contains several comments and assertions that either deliberately or naïvely misconstrue the essential intent of the FES Act. The CFSVA puts forward the following analogy which we as sector partners view is the intent of the FES Act and which if appropriately applied will allow the sector to function as intended when the FES Act was enacted in 2005.

The CFSVA agrees that the legislation in South Australia is unique and fully supports the context of this legislation. The parliament of the day drafted an important and ingenious piece of legislation that enshrined the distinctive characteristics which encapsulate the differing emergency service cultures, operating requirements and delivery practices to meet the needs of a diverse community. It is critical to recognise and maintain the independence of each ESO and retain the independence of the governing body.

As the independent governing body, the SAFECOM Board was established to provide the sector with stability to reduce the impacts of continual changes of government direction and diminish the need for continual Ministerial guidance and direction of the sector.

To understand the context of the legal environment we are operating in, we need to understand what is being outlined in the FES Act.

(Extracts from the Act are in *italics* throughout this document).

It must be stressed that the “Commission” is simply and intentionally the terminology used in the FES Act to shorten the South Australian Fire and Emergency Services Commission title.

Part 2—South Australian Fire and Emergency Services Commission

Division 1—Establishment of Commission

6-(1) The South Australian Fire and Emergency Services Commission is established.

The Commission is not a Chief Executive (CE) lead authoritative body as is asserted throughout the Analysis. To understand the Commission’s role requires an in-depth analysis of its functions.

Division 2—Functions and powers of Commission

8—Functions and powers

(1) The Commission has the following functions:

(a) to develop and maintain a strategic and policy framework across the emergency services sector;

(b) to develop and implement a framework of sound corporate governance across the emergency services sector;

The above two points relate to the Commission drawing up a strategic framework to create an elementary direction to the sector but is not prescriptive as to how each ESO will deliver the outcome. The strategy and policy framework are driven by the SAFECOM Board.

(c) to ensure that appropriate strategic, administrative and other support services are provided to the emergency services organisations;

(d) to ensure that appropriate strategic and business plans are developed, maintained and implemented across the emergency services sector;

This function may be delivered through SAFECOM staff; however, these services are primarily a support role to the ESOs for the benefit of the ESOs and are not a policing role.

For (d), there would need to be adequate staff in the ESOs for them to undertake this activity. The wording “provided to” does not imply that the work must be done within SAFECOM, it can imply that it is SAFECOM’s responsibility to ensure there are provisions in place so that these services can be delivered by the ESOs.

This function requires each ESO to draw up its own plans whilst ensuring that they are complimentary to the plans of the other ESOs. SAFECOM’s role is to guide the strategies outlined in (a) and make sure the overall strategies and plans are in accordance to (a). This is a task for the Chief Executive with reporting lines to the SAFECOM Board on a regular basis and a report to the Minister.

(e) to provide for the effective allocation of resources within the emergency services

Once the ESO business plans and budget papers are developed, the CE’s role is to prepare documentation to present to the Board for discussion, decision and the allocation of financial support where necessary.

(f) to ensure that the emergency services organisations have appropriate systems and practices in place—

(i) to provide for effective management and planning; and

(ii) to monitor management performance against plans and targets, and to take corrective action as necessary;

(g) to ensure that the emergency services organisations maintain appropriate risk-management systems and practices;

(h) to ensure that the emergency services organisations regularly review, and revise as necessary, their plans, structures, systems, targets and practices to address changing circumstances and to improve the provision of emergency services and business practices;

(i) to ensure that the emergency services organisations meet their statutory responsibilities and comply with the provisions of this or any other relevant Act;

These four functions are an observance and auditing process which are completed by SAFECOM staff or the CE as they are not onerous or time consuming tasks. Reports made to the Board should identify any discrepancies requiring rectification by the relevant authority.

(j) to ensure the observance of high ethical standards within the emergency services sector;

The observance of appropriate ethical standards is gathered when auditing the documentation of the ESOs. A challenge for SAFECOM is self-reporting in relation to how it records, monitors and reports on its own ethical standards requirements. The ability for SAFECOM to direct any change or correction of any shortfall should be dealt with through the Board process.

(k) to foster and support career development opportunities for officers and staff within the emergency services sector;
(l) to support and encourage voluntary participation in SACFS and SASES, and to foster and support personal development opportunities for members of the emergency services organisations;
(m) to recognise outstanding achievements of persons who are involved in the provision of fire and emergency services, or who take action or assist at the scene of any fire or emergency or who otherwise support the objectives or activities of the emergency services sector (or any part of that sector), within any part of the State

Most of these activities are undertaken within the ESOs, whilst SAFECOM assumes a passive role when producing strategy and policy and with decisions made at Board level.

(n) to ensure that there is effective consultation with the community in relation to the operation of this Act;

This is an ethical standard which incorporates aspects like the Volunteer Charter and is part of the documentation within the ESOs; a large part is outlined in (a) being a part of the strategy and policy framework developed by SAFECOM. The Sector Advisory Committee (SAC) as established in Division 5 – Committees – (1) is an effective advisory body to assist the Board in gathering information and evidence.

(o) to disseminate knowledge in the field of fire and emergency services in order to advance community safety;

This function is the role of not only the ESOs or SAFECOM staff, but also encompasses the SAC, as members of SAC have a broad range of expertise and are able to make recommendations to the Board for implementation.

(p) to undertake a leadership role from a strategic perspective with respect to emergency management within the State and to maintain an appropriate level of liaison with other bodies responsible for the management of emergencies in the State;

This is SAFECOM's only function which requires it to step outside the sector and assume a lead role to ensure that emergency management strategies across different agencies are effective and complementary. SAFECOM's role is to investigate any deficiencies within the relevant agency however it does not have the power to direct another authority. It is the Board role to report activities of this function to the Minister.

(q) to provide regular reports to the Minister on the activities and performance of the emergency services sector;

The Board is required to report to the Minister on the functions of SAFECOM and its business activities including budget and expenditure reports for all ESOs and SAFECOM to reassure the Minister that the FES Act is being effectively implemented and complied with and that the ESOs are able to deliver an effective and efficient emergency service to the community. SAFECOM does not report on the operational activities of the sector as SAFECOM is not involved in operational matters.

(r) to provide to the Minister reports or advice in relation to the operation of this Act or the provision of emergency services under this Act;

The Board gathers evidence of any issues agencies may face when implementing the requirements of the FES Act, which may include operational aspects which are brought to the Board's attention by Chief Officers (COs). It is then the Board's role to advise the Minister of such matters.

Division 4—Chief Executive and staff

16—Chief Executive

- (1) *The office of Chief Executive (CE) of the Commission is established.*
- (a) *managing the staff and resources of the Commission; and*
 - (b) *giving effect to the policies and decisions of the Board; and*
 - (c) *undertaking other executive management roles associated with the activities of the Commission; and*
 - (d) *performing other functions assigned to the CE by the Board*

This clause is very clear on the role of the CE of SAFECOM. The CE is subservient to the Board as it is the CE's role ensure that the decisions or functions as assigned by the Board are carried out. The CE executive management role includes preparing briefing papers for the Board and Advisory Committee meetings and managing the processes so that the functions of the Commission are fulfilled.

The CE of SAFECOM's role is **NOT** to head the sector as this is the function of the SAFECOM Board.

Division 3—Constitution of board

10—Establishment of Board

- (1) *The Commission is administered by a board established as the governing body of the Commission under this Division.*
- (1a) *In acting under subsection (1), the Board is responsible for—*
- (a) *establishing the strategic direction of the Commission; and*
 - (b) *ensuring that the functions of the Commission are effectively exercised in accordance with this or any other Act; and*
 - (c) *developing an annual budget for the Commission and monitoring results against the Commission's budget on a regular basis; and*
 - (d) *monitoring and assessing the performance and outcomes of the Commission against its statutory, strategic and other responsibilities, goals and objectives.*
- (2) *An act done or decision made by the Board (including by exercising any power of the Commission under this or any other Act) is an act or decision of the Commission.*

The role of the Board is clearly defined in this section. The SAFECOM Board is the governing body of SAFECOM (or Commission in the short form). The Board's role is to oversee the functions as outlined in Division 2 – 8 – (1). Reports to the Board on activities taken to enact matters of those functions are prepared by the CE of SAFECOM or SAFECOM staff so that the Board Minutes can reflect that as a Board that they have fulfilled their statutory obligations. In (c), the budget would only be developed for SAFECOM as it states in *Part 4 – Division 1 section 57 (2) SACFS (a) is a body corporate, and in section 58 (2) The Chief Officer of SACFS is responsible for the management and administration of SACFS (and will, in undertaking this responsibility, also be the Chief Executive of SACFS).*

SACFS, as a body corporate, is an entity in its own right, and therefore has the requirement to manage its own business affairs including finance and budget, strategy and planning. This aspect of the business is managed by the Chief Executive of SACFS who holds the dual role of Chief Officer which is an operational position.

Division 3—Chief Officer and staff

60—Chief Officer

(1) The office of Chief Officer of SACFS is established (and a reference in this Part to the "Chief Officer" will be a reference to the Chief Officer of SACFS).

(4) In addition to the Chief Officer's responsibility for the management and administration of SACFS, the Chief Officer has ultimate responsibility for the operations of SACFS and may therefore—

(a) control all resources of SACFS; and

(b) manage the staff of SACFS and give directions to its members; and

(c) assume control of any SACFS operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SACFS.

The role of the SACFS CO is clearly outlined above. Their statutory responsibilities are to manage the SACFS operations as CO which ensures the provision of emergency response services and as the SACFS CE is responsible for management of all corporate support functions which facilitates the provision of those services.

Division 1—Establishment of Commission

7—Ministerial control

(1) The Commission is subject to the control and direction of the Minister.

(2) A direction given to the Commission under this section must be in writing.

(3) The Minister must, within 6 sitting days after giving a direction to the Commission under this section, have copies of the direction laid before both Houses of Parliament.

The Minister is the ultimate head of the sector and as described above can give direction to SAFECOM, (the Board) as the governing body. It would rare for the Minister to give direction to the Board, but it could occur to rectify poor governance or a wrongdoing. The legislators in 2005 were clear that the Minister is not to be involved in management activities of the sector nor is it appropriate for the sector to lose strategic direction through continual changes in government policy for politically advantageous purposes.

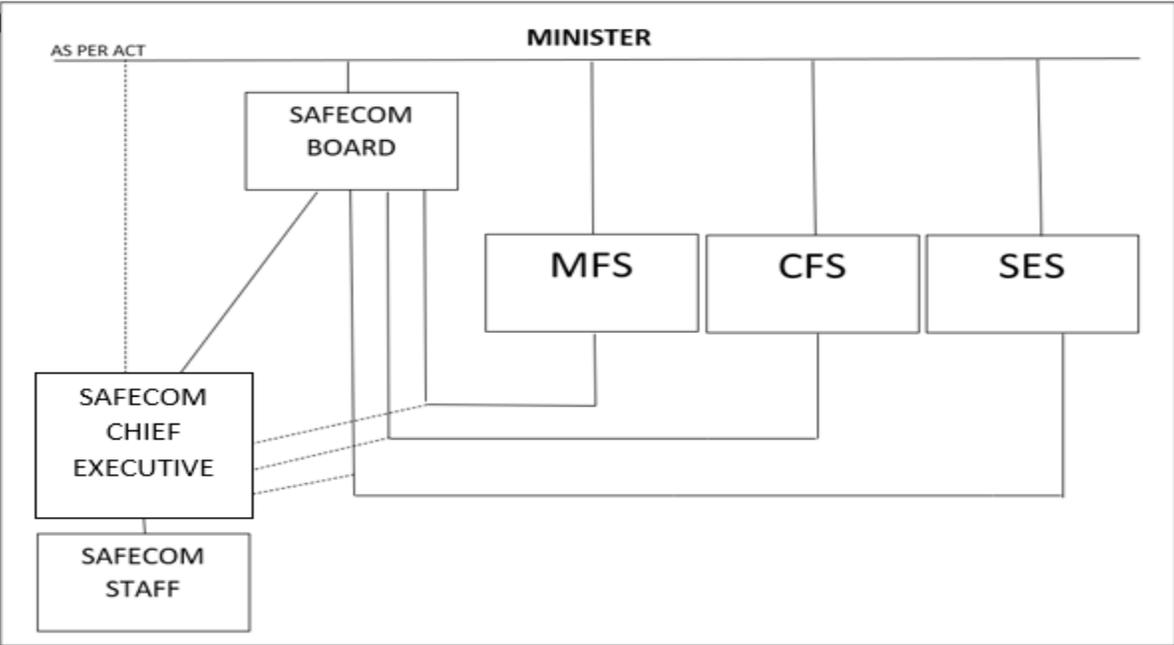
If a direction is given, there are set processes to follow which further supports the notion of direction given only to deal with a serious matter of omission or failure to comply with the provisions of the Act.

9—Directions

(2) *The Commission may not give a direction in relation to any matter concerning the procedures that are relevant to responding to an emergency situation or to dealing with any matter that may arise at the scene of an emergency.*

This clause outlines that SAFECOM is only an administrative and governance body and has no role in giving direction to the ESOs in anything to do with operational activities.

Below is a flow chart of based on the FES Act.



The CFSVA agrees that the sector has never fully reached its full effectiveness as was envisaged in the FES Act. The ESOs have however generally achieved the requirements placed on them under the Act, whilst the area that has not fully realised its potential function is the SAFECOM Board. The Board has not been successful in achieving its role of true decision makers following presentation and debate on detailed papers, submissions and presentations under proper corporate governance processes. In fact, scant information is often presented to the Board and therefore is not properly debated, but more often simply just noted. Often, no minuted decision is made but actions still proceed. Further, there is a close working relationship between the CE and the Minister causing numerous decisions to be made, despite this being technically being in breach of the FES Act.

A further issue surrounding Board governance is that it is the Presiding member of the Board's role to oversee the activities of the CE and prepare the agenda and papers in conjunction with the CE which is normal Board practice. This is currently ineffective because the Presiding member and CE are one and the same person. The issue that arises is that the CE is subservient to the Board in one section of the Act but is the head of the Board in another. Discussion at Board level can also be stifled if the meeting is run by a CE as the chair and they wish to deflect or avoid questions - thereby technically manipulating the meeting.

Recommendation to the SAFECOM Board:

That an Independent Chair be appointed to the SAFECOM Board.

To truly understand the activities and role of SAFECOM, a holistic overview is required. There are key words used within the nineteen functions of SAFECOM. These are: to develop, to ensure, to provide, to support, to recognise, to disseminate, to undertake and to perform. None of these require taking control of the ESOs

Basically, SAFECOM, for most of its functions takes a passive role in overseeing governance and ensuring that the ESOs perform prescribed activities. For SAFECOM to effectively oversee governance, it cannot be the service provider as it cannot effectively assess the aspects it is required to oversee and report to the Board and the Board to the Minister. It is clear from the FES Act that it was never intended for SAFECOM to be a large agency with a large staff.

In relation to the work load as described in the FES Act, and once the strategies and plans are all written, little time would be required to review them, therefore it could be agreed that the previous CE SAFECOM, Malcolm Jackman, was correct when he indicated the CE role is only a part time position.

Previous COs clearly defined that when they lose a function to SAFECOM they also lose operational capacity. It cannot be denied that staffing levels in SACFS are very low which is an issue during large or prolonged incidents requiring sustained operational activity.

All SACFS staff members are required to fill operational roles, which would not be possible if these staff were transferred to SAFECOM. It is preferable that instead of SAFECOM providing all these services to the ESOs, that the ESOs work to a lead agency model to undertake these administrative tasks, which can create greater efficiencies as the ESO staff are more likely to be connected to the needs and understanding of operations, resulting in better outcomes.

The advantage for volunteers is that they would only have to deal with SACFS which is preferable at their own regional level, and not become confused and frustrated with having to contact 'some other department' with very little association with the people they serve. The CFSVA further questions why the Volunteer Support Branch forms part of SAFECOM and is Adelaide based when its clients are regionally based. Should the VSB not also be regionally based where it can support volunteers.

The CFSVA supports the concept of a lead agency model as the most effective manner through which to reduce duplication of roles.

The CFSVA supports the embedding of the Volunteer Support Branch into the appropriate ESO.

The Analysis states:

“It is evident that has been a lack of trust between the emergency services and with SAFECOM. Fire and Emergency Services also need to build the trust and confidence of Government.”

This suggests that the sector lacks the trust and confidence of Government and amongst itself, which apart from being an insult to all members of the emergency services sector, both volunteer and paid, is in direct contradiction to Government’s public praise and adulation for these very same people during and after major incidents.

How was this conclusion drawn? What are the issues that the sector needs to consider? Is the sector not delivering the appropriate emergency response?

The Analysis also states that there are Ministerial expectations and priorities. What are these expectations and priorities? Has the Minister given direction to the Board outlining these matters? It is a Board responsibility to deal with these issues, not the responsibility of the CE SAFECOM to have independent dealings with the Minister.

Perhaps a critical factor that the Minister and Government overlook when making these spurious statements is that all our emergency service responders, regardless of the badge they wear are trained professionals dedicating their lives to defending and serving South Australia, and rather than unjustly criticise, perhaps Government should in fact take notice and adopt a similar principle of operation.

The Analysis delves into four key areas of activities which are the responsibility of the ESOs, and whilst it would be appropriate for SAFECOM to acknowledge these aspects in order to form long term strategies for the sector, it is **NOT** the responsibility of SAFECOM to drive these aspects. These areas form part of the ESOs’ business and permit them to set strategy and budget priorities which is their responsibility to deliver. The FES Act is clear in that SAFECOM operates at a strategic level but with the ESOs delivering the strategies.

In relation to recovery activities, who and where are these volunteers who will be expected to undertake rapid assessment? Whilst recovery is a critical aspect of large critical incident, what is SAFECOM’s role in this? The Analysis suggests that recovery is operationally based however the ESOs do not hold responsibility for this function. Again, we emphasis that it is SAFECOM role to oversee recovery, and that it is the ESOs who must have a seamless strategy for moving an incident from emergency phase to recovery, as outlined in the “Stronger Together” strategy.

Leadership

The insinuation in the Analysis that the ESOs are operating in non-collaborative manner is disingenuous and unfounded. There have been several changes within the ESOs to facilitate collaboration, however under the FES Act, the ESOs are designed to be independent. In recent years the ESOs have worked far more collaboratively, especially once the lead agency model began, with obvious benefits realised from this process which has assisted and improved the working relationship of the ESOs.

The Analysis further suggests there are many reforms and improvements required within the ESOs, and that SAFECOM is not meeting its own charter. The CFSVA disagrees and would suggest that supporting evidence put forward over time appears to point to a campaign by SAFECOM to discredit the ESOs and thereby deflect criticism of its own shortcomings. The CE of SAFECOM appears not to understand SAFECOM's role and appears to want to direct the ESOs instead of fostering SAFECOM as a support agency with a legislated governing Board whose task it is to oversee the governance aspects of the ESOs.

From the proposal to establish the role of Commissioner and with consecutive CEs of SAFECOM having a predilection to want to direct the ESOs, it is clear that there is a lack of understanding of role of SAFECOM, its CE and the SAFECOM Board, albeit that each role is well defined within the FES Act and must be adhered to. We believe that poor governance is a direct result of the SAFECOM Board being pushed aside and therefore not permitted to fulfil its leadership role.

Within legislation, the CE of SAFECOM is not regarded as the leader, but as equal in status to the COs. In the FES Act, the CE of SAFECOM is regarded as the manager of SAFECOM staff and works under the direction of the SAFECOM Board.

The CFSVA asserts that under the FES Act, the CE of SAFECOM is a subservient position not a leadership position.

Some of the key failings within the sector has been the numerous reports and reviews undertaken and released publicly. This has created angst from the Unions and Associations because these key stakeholders have not been involved during the process, hence denying them buy in and ownership of the final report. This Analysis clearly supports the previous statement as there was no consultation of key stakeholders until the document was publicly released. Rushing the Analysis through the SAFECOM Board is not consultation and does not suggest proper governance, but rather disregard and disrespect of the FES Act.

The intent of the FES Act is clear - the CFSVA does not support the statement in the Analysis that *"the FES Act and administrative arrangement set expectations upon leadership."*

The requirements of the FES Act are that the ESOs deliver emergency services to the community and that the process through which outcomes are delivered has established strategies, policies and planning. An in-camera session between the CE SAFECOM and the COs is not appropriate as the CE of SAFECOM has no legal authority to direct any actions from such a meeting. Actions can only be directed within a SAFECOM Board discussion and from a Board direction.

Examples outlined on Page 4 of the Analysis are genuine concerns however their success or failure is based around resourcing, financing and staff to complete the tasks. Issues related to strategic planning are a SAFECOM issue for not providing appropriate support.

The intent and requirement of the FES Act is that the Board approves the strategies and direction of the sector. The public sector employees are accountable to the Board's strategies and policies and not simply there to meet the priorities of the Government of the day, nor matters raised at whim. The instance by which a Government can interfere is by Ministerial direction under Section 7 – (2) of the FES Act.

The presiding member of the Board has leadership responsibilities, which are constrained within the Board management, not sector management. The COs have right to be concerned in relation to the ambiguity of being a Board member, because as Board members they are no longer COs of their respective ESO, but based on the discussion and evidence presented, are required make the best decisions for the sector as CEs within the sector, yet are required to present reports of their ESO.

The presiding member has a larger issue, in that this person is required to manage a meeting, work with the CE in between meetings, as well as give reports, and then vote in accordance of the best interest of the sector, which has the potential of being contrary to the information and recommendation presented by this same person.

These are all points which complicate good governance; however, the Joint Executive Charter creates further complications and potentially has legal ramifications. By working through the Joint Executive Charter outside of the Board to form a unified position is poor governance and undermines the integrity of the Board. One must question how a proper Board governance can be achieved if four members out of a Board of nine vote as a block and reach this position based on discussions held outside of the Board room? The quorum for the SAFECOM Board is five, and this therefore leads to questions how proper governance can be executed when four members have already agreed to vote as a block.

It is bewildering that the Minister supports and is in fact a signatory to the Joint Executive Charter when in fact his direction to the Board should be that a signed agreement between some members of the Board which allows them to vote as a block is not acceptable.

Governance

The CFSVA does not agree that SAFECOM should be known as the "Commission" nor that there is a difference between Commission and SAFECOM, as the FES Act under interpretations identifies that the word Commission is used as the short form of South Australian Fire and Emergency Services Commission.

Further, nowhere within the FES Act does it state that the SAFECOM staff "are charged with providing coordinated functional support to the SAMFS, SACFS and SASES". The role of SAFECOM staff is clearly defined in Sections 16 and 17 of the FES Act.

The Analysis omits one key function of the SAFECOM Board, which is that it manages the sector on behalf of the Minister for Emergency Services in accordance with the FES Act. The Minister may only intervene in the management of the Sector if there is a need to rectify a situation. The role of the SAFECOM CE is that of being a figure head to the agency and they are directly responsible for providing Ministerial guidance.

The Analysis' description of staff objectives is questionable, given that budget papers cannot override the policies and strategies of the SAFECOM Board nor change the functions of SAFECOM in contradiction of the FES Act.

Recommendation 2 of the Analysis – The establishment of a Joint Executive Charter has no relevance to improving governance, and in fact it increases the probability of poor governance. Therefore the CFSVA rejects the implementation of this recommendation.

The FES Act must be adhered to and the Board's role not compromised. Informed discussion achieves healthy results. Further, to improve the decision-making process and achieve good results for the sector, the Board must have more ownership of the issues and entrust the Sector Advisory Committee to delve into the matters and make recommendations to Board.

The CE must immediately cease advocating that his role is one of leadership and that the position of Presiding Member gives power and authority to preside over the Commission.

The CFSVA again recommends that the Presiding Member of the SAFECOM Board be an independent member to improve governance of the sector.

The CFSVA further recommends to the SAFECOM Board that discussion be held as to whether the CE and three COs should have their voting rights terminated due to their conflicting roles.

It must be assumed that the Board has advised the Minister for Emergency Services that sections of the FES Act are creating ambiguity and must be resolved. If not, why not?

The CFSVA support that SAFECOM Board Minutes should be summarised and distributed to staff and volunteers through a monthly Communique.

Financial Control

It is of great concern that the SAMFS has been over budget for several years and provides a clear indication that SAFECOM, as the governing body, has not been fulfilling its obligations as prescribed under the FES Act. It is a failure of the CE of SAFECOM and the Presiding Member to ensure that the Board are fully informed of the situation so that the Board was able to make a direction to the CO of MFS or Treasury.

Further, permitting SAMFS to accrue budget overspend does not address the issue, but rather compounds the matter and must immediately be rectified.

The brief budget overview contained within the Analysis provides only a glimpse of the financial challenge ahead, and therefore it is difficult to make informed comment. To better understand the sector finances it should be explained how Enterprise Bargaining Agreements are funded. Are they funded through the ESL or through Treasury?

Innovation and Delivery

The sector must investigate new technologies and assess their benefits in the delivery of emergency services. Improved design fit-for-purpose vehicles and cost efficiencies across the sector fleet are imperatives. However, this is not just a function for SAFECOM but must assume a collaborative approach with all ESOs, if this is to be achieved.

For this to be successful and accepted by the workforce, it is imperative that discussion occur within the ESOs. The Sector Advisory Committee could be used as the conduit for sector discussions and ultimate referral to the SAFECOM Board.

Whole of sector ownership, which must have operational experience, will give better results than just a department giving a report. Whole of sector ownership and involvement will bring the ESOs closer as they will work together to achieve a satisfactory conclusion. This maintains individualism but creates collaboration.

Long term planning, with ten year rolling plans for capital expenditure will allow for better budgeting through Treasury whilst reducing the need for ad hoc budgetary bids as is now the case. A ten-year plan would also provide volunteers with future knowledge so they and their communities can plan and eliminates the current guess and wait concept.

It is imperative that the ESOs include future concepts into their strategic plans and that SAFECOM does not drive the process, as SAFECOM's role is to oversee and to ensure the ESOs have resources to do the planning and that these plans fit into the sector strategy.

The new headquarters internal design as described within the Analysis is questionable.

The FES Act promotes a silo style structure for the reasons previous outlined, and it is imperative that the new headquarters reflect the intent of the legislation. A critical point of the design is that SAFECOM must be completely removed from the ESOs so that they remain impartial and provide independent governance. Further, given SAFECOM's non-operational role, they should not be based in an operational environment.

SACFS volunteers view the new headquarters as 'empire building' and a further assault on their ethos as SACFS volunteers. SACFS volunteers want to feel that they have ownership of SACFS' headquarters and are of the strong view that the new headquarters must be volunteer friendly, with ease of accessibility to staff as required. This forms part of the volunteer ethos and recognises the close relationship SACFS volunteers have with our staff.

The CFSVA recommends that in collaboration with all sector partners that a 10- year rolling plan framework for capital investment for the emergency services sector be developed. That a working group or committee such as Sector Advisory Committee established under Section 19 of the FES Act provides direction and make recommendations to the SAFECOM Board. This will create collaboration and engagement across the ESOs and representative bodies and allow the Board to remain at strategic level.

Policy Advice and Support to Government

It cannot be disputed that over the years, policy advice to Government has been poor and although not explained in the Analysis, it would be our view that this has been due to the poor governance of SAFECOM.

Advice to the Minister in relation to the business and administrative sections of the sector must be through the Board – not the CE. This has not occurred, and we reiterate that the FES Act does not permit the SAFECOM CE to direct COs to submit all Ministerial briefings through him to the Minister. The CE has no legal authority to enforce this action and is outside the scope of the Act. It is critical for each CO to provide reports relating to operational aspects directly to the Minister.

Recommendation 5 in the Analysis is nonsensical. SAFECOM does not require a governance functional lead position because governance is a core operation of the body. Governance is achieved by fulfilling the functions of SAFECOM as outlined in Section 8 of the FES Act.

The CFSVA recommends that all functional lead roles established in SAFECOM be transferred back to the ESOs with a lead agency model encouraged and adopted.

Emergency Management

State emergency management frameworks are complex documents, with one of the key aspects which underpin the various documents or strategies being an understanding of what the legal requirements are for each organisation. Each organisation has legislated functions for which they are the lead agency or combatant authority, and these must accommodate that legislative directive.

SAFECOM's role is to oversee that all these strategies and documents are complimentary as it is the only body within the emergency management sector that has no operational capacity, thereby making it independent, and further justifies why SAFECOM must remain at arms-length in managing the functions of the ESOs.

Conclusion:

In summary, the Analysis document espouses several key issues, with the most dominant being that of leadership. It is emphasised on numerous occasions that the CE of SAFECOM will lead the sector as the pinnacle with many other aspects of the business to be delivered through this position.

A significant outcome is that the Analysis indicates that all reporting will go through the CE, and with the signing of the Joint Executive Charter, the three ESO COs must operate as one deciding direction prior to any Board discussion and will vote as a block as they are presenting information on an agreed position.

Another theme of the Analysis heavily emphasises the three ESOs as closed silos by the fact that they are managed by the COs, however by drawing more functions from the ESOs to be managed by SAFECOM the balance shifts.

The question of the continued parlous financial position of the SAMFS is justified but shows a distinct lack of governance of SAFECOM and the Board over a several years. The proposed solution in the Analysis is for the finances and budgets of the four organisations within the sector to be brought together as a single administrative financial system. The intention to reduce the “silo effect” and make presentation of financial positions to government simpler and easier is debatable. This may make the financial position of the sector balance but with detrimental effects on the ESOs, and gives greater control to the CE of SAFECOM to shift funds away from the ESOs to finance the new functions in SAFECOM.

Shifting functions to SAFECOM will dismantle the ESOs staffing structure and reduce their capacity to function. Combining budgets and questioning CFS rank structure only give indications of a move towards commonality of structures within the ESOs leading to a one fire service model based around a Commission.

Reference to the SACFS rank structure within the Analysis has met with harsh reproach and criticism from volunteers who question its intent and query its motives. Overall volunteers view the short and long term outcomes of the Analysis to be no different than the previous attempts at sector reform.

When putting all these themes together the volunteers have easily drawn a simple conclusion that this is sector reform reborn.

In accordance with the FES Act, key points and recommendations of the Analysis cannot legally occur, and must be immediately withdrawn. This direction must be given by the Minister and the SAFECOM Board.

For this sector to move forward it must have all stakeholders working together in house to develop the required strategies and policies and drive appropriate change based on the knowledge and experience of the sector through information gathered at working group or committee levels in both ESOs and SAFECOM. This provides ownership to the people of the sector, not the select few in executive positions. The Board can then create the appropriate strategies and be in control of the direction of the sector through maintaining its support and governance requirements according to the FES Act.

Undeniably there are opportunities for partners in the sector to better work together. SAFECOM must maintain its overarching governance role which will require them to relinquish most current functions. The ESOs should advance the Lead Agency model where appropriate to reduce duplication and increase efficiency.

There are aspects of sector wide centralised procurement that can reduce duplication and increase budget savings, however, it must be recognised that volunteers who run their Brigades and Groups view it from other aspects which may challenge this direction.

Centralised purchasing through fixed government contracts hurts regional areas and the communities that support local SACFS Brigade which is why each ESO must retain the independence to accommodate a diverse purchasing model which reflects the Brigade / Community relationship. This forms an integral part of the SACFS culture and strength.

Centralised purchasing will also remove the ability for local service providers to provide emergency supplies and assistance.

The ESOs must put forward strategies, plans and points for sector discussion to improve our emergency service delivery and take advantage of increased technological advances of today and into the future.

The CFSVA agrees that the sector requires a ten-year capital plan which considers how emergency services will be delivered in the future. This can only be successfully achieved if it is driven by the whole sector working together.

It is imperative that the process is not be driven from the top down but from bottom up and must have genuine engagement with volunteers, paid and operational staff. The sector has available a diverse range of personal skills, which must be brought together to assist in driving the process, and until such time as this is managed correctly resistance to change will continue to be encountered.

The CFSVA looks forward to working with our sector partners to make the SAFECOM Board its leader so that it oversees governance, sector wide strategy and policy aspects as legislated under the FES Act. This will allow the sector to focus on its core function of delivering emergency services which are built on the strength of professionalism and cultural with an understanding of our changing communities and their expectations.

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