



United Firefighters Union of South Australia Inc (UFUSA) Response to the Document of Dominic Lane titled *Analysis of South Australia's Fire and Emergency Services* of September 2019

Executive summary

1. This is the UFUSA's response to the report authored by Chief Executive of the South Australian Fire and Emergency Commission (**SAFECOM**), Dominic Lane, titled *Analysis of South Australia's Fire and Emergency Services* (**the report**).
2. The report states that it is a "strategic review of the South Australian Fire and Emergency Services Commission" (**the review**), and contains a number of findings and six (6) recommendations (**the findings and recommendations**).
3. The UFUSA condemns Mr Lane's carrying out of the review, commissioning and now implementation of the report as it has occurred without the SAFECOM Board's authority and without consultation with members as required under the *Fire & Emergency Services (FES) Act*.
4. The report contains countless "findings" and assertions that are either wrong, unsubstantiated or vague, misrepresenting the operational reality of the sector, as well as the powers, responsibilities and value add of SAFECOM.
5. The overall theme of the report points toward SAFECOM leading the sector and toward the "*building yet another inefficient bureaucracy*",¹ which the UFUSA together with the CFS Volunteer Association (**CFSVA**) and SES Volunteer Association (**SESVA**) reject.
6. The FES Act is unequivocal in placing management and administration of the sector in the MFS, CFS and SES, and not in the hands of a non-operational bureaucrat.
7. UFUSA member experience of SAFECOM's management of, eg, human resources, workers compensation, and planning and implementation of joint projects like the roll out of the Emerald database is poor and characterised by no consultation, no engagement and no or wrong advice.
8. Mr Lane's sustained focus on MFS "budget overspends" which overlooks the chronic underfunding of the sector, with the South Australian sector receiving below the Australian average for funding and numbers of personnel.

¹ CFSVA Response FAQs, p 2.

9. Mr Lane's sustained focus on MFS, CFS and SES leadership and internal administration also overlooks the systemic governance failings of the SAFECOM Chief Executive and inadequate support to the sector.
10. The UFUSA joins with CFSVA and SESVA in rejecting the six (6) recommendations in Mr Lane's report and calls for an immediate stop to their implementation.
11. Mr Lane's conduct in relation to the carrying out of the review and commissioning adds to a list of abuses of his responsibilities as Chief Executive combined with mismanagement and poor governance of SAFECOM and the UFUSA calls on Mr Lane to stand down.

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Overview

12. The UFUSA response is divided into three (3) parts: an overview of the UFUSA response; the UFUSA's call for action in response to the review and report; and a specific response to each of the six (6) findings and recommendations made by Mr Lane.

Mr Lane exceeding his statutory powers

13. The UFUSA condemns Mr Lane's carrying out of the review and commissioning of the report without the SAFECOM Board's authority.
14. Although dated September 2019, the SAFECOM Board only became aware of the review three months **after** the report was commissioned when Board members were provided a copy of the report for mere "consultation and feedback".
15. Carrying out a review and commissioning a report that makes sector-wide recommendations without Board authority is a gross breach of his responsibilities as Chief Executive, which are expressly limited to "*giving effect to the policies and decisions of the Board*".²
16. Indifferent to SAFECOM Board authority, Mr Lane has already proceeded to now implement his recommendations, including approaching and seeking the Minister's endorsement again without the Board authority.
17. Mr Lane has also exceeded his statutory powers by, eg, failing to get Board authority in respect of aspects of the planning and implementation of the "Emergency Services Command Centre" at Keswick, and his frequent meetings with the Minister.
18. Mr Lane's exceeding his statutory powers is an abuse of his responsibilities as Chief Executive of SAFECOM; **the UFUSA calls on Mr Lane to stand down.**

Findings wrong, unsubstantiated and vague

19. Mr Lane makes numerous findings in the report (**the findings**) which are either wrong, unsubstantiated or too vague for the UFUSA to be able to meaningfully respond to.

SAFECOM has "ultimate leadership" of sector

20. Mr Lane states that the Chief Executive of SAFECOM "*bears the ultimate leadership*" of the sector.³
21. Under the FES Act, "*Leadership*" of the sector is in fact shared between Chief Officers, and the SAFECOM Board:

² FES Act s 16(3)(b).

³ Report p 5.

- the Chief Officers have responsibility for the management and administration of their respective organisations, including operations;
 - the SAFECOM Board has responsibility for “*governance, strategic and policy aspects of the sector*”.
22. The Act confers the Chief Executive of SAFECOM with responsibility for “*giving effect to the policies and decisions of the Board*”;⁴ the Act does not confer the Chief Executive with leadership responsibility.

Funding levels to sector have been maintained and improved

23. Mr Lane asserts that “*over successive years funding levels have been able to be maintained and improved*”.⁵
24. In fact, per capita funding has dropped in four (4) of the 10 budgets to 2019, with South Australia languishing below the Australian funding averages.
25. The Productivity Commission’s Report on Government shows that for funding, in real terms, in the 10 years to 2019 to South Australia’s fire service organisations, the MFS and CFS increased by only \$22m, an average of \$2.2m pa, or \$22.76 per person, putting SA funding today almost \$30 per person less than the Australian average.
26. The Productivity Commission’s Report on Government also shows that in the 10 years to 2019 firefighting and support FTEs were cut in four (4) of the 10 budgets, with per capita FTEs falling by almost 9 FTEs in 2013-14, which the sector has still not recovered from with per capita numbers having increased by around only three (3) FTEs and South Australia having six (6) FTEs per 100,000 less than the Australian average.
27. Far from showing improvements in funding the Productivity Commission statistics show the sector is chronically underfunded.

Improved investment in stations, appliances, equipment, training

28. Mr Lane asserts that funding to stations, appliances, equipment and training has improved over successive years.⁶
29. In fact, despite South Australian population increases, the number of MFS stations declined in the 1990s with the closure of Norwood station (and taking off line of appliance and crew), and the first new MFS station opened in 2008 (Beulah Park station).

⁴ FES Act s 16(3)(b).

⁵ Report p 1.

⁶ Report p 1.

30. South Australian Government Budget Agency Statements also shows underinvestment in the MFS with appliances ageing, particularly over the last five (5) years, with:
- the percentage number of MFS fleet requiring replacement within two (2) years increasing from 7.4% to 25%, well above the target of less than 10%;
 - the percentage of times the MFS were able to maintain fleet reserves of at least 2 appliances dropping from 90% to 16.53%, well below the target of 80%.
31. Our members are increasingly responding to different and more complex fires, including bushfires and complex urban structure fires, as well as responding to an increasing mix of incidents, including, eg, oil spills, with only limited training and inadequate and unsafe equipment and appliances.
32. MFS responsibilities are also increasing without accompanying increases in FTE allocations, with Built Environs FTEs remaining unchanged despite workload increases resulting in increases in fire safety fees of just under \$400,000 over the last 10 years.

South Australia sits “in the middle” of Australian performance & expenditure stats

33. Mr Lane asserts *“South Australia sits ‘in the middle’ when compared to performance and expenditure with other States and Territories”*.⁷
34. In fact, in terms of community preparedness South Australia consistently outperforms other States and Territories, consistently reporting less accidental residential structure fires per capita than the national average, and recording the lowest per capita number nation-wide in 2018-19.
35. This above average performance is achieved with lower labour and capital expenditure than the Australian average (eg, \$25.44 less than the Australian average in 2018/19).
36. Far from sitting ‘in the middle’, South Australia currently leads the field despite being underfunded and under resourced, though we cannot continue to do so without a long-term increase in funding.

MFS pay increase without productivity and efficiency gains

37. Mr Lane asserts that the SAMFS Enterprise Agreement 2017 provided for a 3.6% pay increase per annum over the life of the Agreement and that this was without productivity and efficiency gains.⁸

⁷ Report p 1.

⁸ Report pp 10-11.

38. The pay increases amounted in fact to an increase of 2.95% per annum over the life of the Agreement, which was less than the per annum pay increases paid to the police (2.96% pa) and CFS operational staff (2.97% pa) over the life of their respective agreements.
39. Productivity and efficiency reviews were conducted on 1 July 2018 and 1 July 2019, and gains demonstrated not just by agreement but by arbitral determination of the Single Bargaining Centre.
40. The gains demonstrated were not just through reduction in overtime expenses but also through, eg, increased community preparedness measures, increased health and safety measures, and increased communications centre surge capabilities.

Sector has little interest in long-term planning

41. Mr Lane asserts that operational personnel have “*little interest in detailed long-term planning and the governance of government*”.⁹
42. UFUSA members have in fact long been campaigning for a consistent and long-term approach to investment in stations, appliances, equipment and personnel, and welcomes Mr Lane’s recommendation for long-term capital planning.
43. For long-term capital planning to be effective it must be accompanied by:
 - **consultation** with operational personnel, which means operational personnel sitting at the table and discussing future priorities, and not just a department handing down a report; as well as
 - **increased funding to the sector**, to provide for the necessary expansion of agency capabilities to meet changing community needs, as well as the ongoing renewal and upgrade of existing capabilities.

Sector has little interest in inter-agency collaboration

44. Mr Lane states that “*operational personnel generally do not work across and with other emergency services except at actual incidents*” and that¹⁰

[i]t is not their fault that they do not see value in joining up on areas such as consolidated budgets, training systems, collective procurement and joint information and warning protocols.

⁹ Report, p 17.

¹⁰ Report, p 17.

45. The UFUSA endorses the CFSVA comment that the *“insinuation ... that the ESOs¹¹ are operating in non-collaborative manner is disingenuous and unfounded”*.¹²
46. The MFS, CFS and SES deeply value inter-agency collaboration with feedback from members from deployments to the bushfires in 2019-20 noting the professionalism and good working relationship they enjoy with both volunteer and paid operational personnel.
47. MFS, CFS and SES in fact already work together on a regular and increasing basis across a range of areas, including in:
- **response to incidents**, through Mutual Aid agreements that enhance organisational capacity by allowing for cross-agency surge capability, including by way of co-crewing of appliances and incident management teams;
 - **training**, including MFS carrying out joint training with CFS on, eg, suppress wildfire, AIIMs, hot fire pad and structural fire training, and SES on South Australian Urban Search and Rescue (SAUSAR);
 - **procurement**, including MFS, CFS and SES collaboration on the selection and purchase of, eg, structural fire suit and gloves, rescue gloves and breathing apparatus;
 - **repair & maintenance**, including MFS and CFS joint use of engineering department facilities at Angle Park for repair & maintenance of appliances & equipment, which offers further scope for long term savings for both agencies on the basis of short term investment;
 - **governance, policy and strategy**, through MFS, CFS and SES participation and sharing of information on SAFECOM Board and Sector Advisory Committee, including on finance and information & communication technology matters.
48. Scope for further collaboration exists, which respects the independent statutory structures afforded the MFS, CFS and SES under the FES Act.¹³

Sector implements priorities of Government of the day

49. Mr Lane asserts that the sector is required to “implement”, “execute”, “deliver on” the “priorities” of the “elected Government of the day”.¹⁴

¹¹ MFS, CFS and SES.

¹² CFSVA Response p 12.

¹³ CFSVA Response p 12.

¹⁴ See, eg Report p 7 and 13.

50. In fact, neither SAFECOM nor the MFS, CFS and SES are part of the Public Service or Public Sector, although the SAFECOM Board is “subject to the control and direction of the Minister”¹⁵ the power has been and is intended to be exercised rarely.
51. The UFUSA strongly endorses the comments of the CFSVA that “*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.*”¹⁶
52. Although a good working relationship with the Minister is important in effective administration and management of the sector, SAFECOM, the MFS, CFS and SES operate independent of Government; they do not implement the priorities of the Government of the day.

Sector lacks trust and confidence of Government

53. Mr Lane asserts that the sector needs to “*build the trust and confidence of Government*”,¹⁷ and that the sector has “*not been able to achieve some of the basic expectations of the Government*”.¹⁸
54. The UFUSA is not aware of the Minister having made any statement or direction to the effect that he does not have the trust and confidence of the sector or that the sector has not been able to meet the Government’s expectations.
55. Mr Lane’s assertions are vague and unsubstantiated and the UFUSA requests that Mr Lane provide the Board with
 - evidence of where the Minister has indicated he has lost the trust and confidence of the sector and how it is asserted it was lost;
 - evidence of what the Government’s expectations of the sector are and how they have not been met.
56. In the absence of this further requested information, the UFUSA is unable to meaningfully respond.

UFUSA, CFSVA and SESVA are merely “stakeholder” bodies

57. Mr Lane refers to the UFUSA, CFSVA and SESVA as merely “stakeholder” bodies.
58. In fact, under the FES Act the UFUSA, CFSVA and SESVA each have a position on the SAFECOM Board, the governing body of SAFECOM.

¹⁵ FES Act s 7(1).

¹⁶ CFSVA Response p 9.

¹⁷ Report p 3.

¹⁸ Report p 13.

59. The UFUSA, CFSVA and SESVA co-administer SAFECOM along with the Chief Executive, Chief Officers and two (2) Ministerial appointments; they are **not** mere stakeholders requiring consultation.
60. The UFUSA, CFSVA and SESVA are the voice of front line first responders in the sector whose voices are not just to be listened to but embedded in sector governance as well as strategy and policy formation.

Poor stakeholder engagement across paid and volunteer workforces

61. Mr Lane asserts that there has been “*poor stakeholder engagement across both paid and volunteer workforces*”.¹⁹
62. The UFUSA is unable to meaningfully respond to this assertion without further detail, including which stakeholders and where, when and in relation to what stakeholder engagement is said to have been poor.
63. UFUSA members greatly value consultation through, eg, their involvement in MFS consultative committees, working with the MFS senior management on, eg, the:
 - TAC (training advisory committee) to build a Senior Fire Fighter Qualified (SFFQ) upskill training programme;
 - OTWG (overtime working group) to reduce MFS overtime costs and ensure better compliance with WHS standards;
 - Comcen (communications centre) Surge Capacity Working Party to enhance Comcen personnel capacity in case of surge in inbound calls;
 - VEC (vehicle & equipment committee) and PPEC (personal protective equipment committee) to ensure vehicle, equipment and PPE purchases meet front line needs and member health and safety;
 - COVID-19 Consultative Group including working on a day to day basis on the operational levels of preparedness, risk assessment plans and procedures, and the Roadmap to Recovery throughout the pandemic.
64. Despite participation on SAFECOM Board and Sector Advisory Committee, UFUSA members report limited consultation from SAFECOM, especially in respect of planning and implementation of cross-agency projects, eg, Emerald database.

Recommendations made without consultation

¹⁹ Report p 3.

65. Mr Lane’s recommendations and findings in his report were made in absence of any known or documented consultation with operational personnel.
66. “Effective consultation” is a statutory requirement,²⁰ and requires, at the very least, meeting with, interviewing and seeking feedback from operational personnel, and providing documentary evidence of same.
67. Consultation must occur **before** findings or recommendations are made, and not the other way around as has occurred in the case of Mr Lane’s review and report.
68. The UFUSA endorses the comments of the CFSVA that consultation can assist in driving the process of change and that until consultation occurs resistance will likely continue to be encountered.²¹

Recommendations subvert role of SAFECOM Board

69. Mr Lane recommends the development and implementation of an “*Emergency Services Joint Executive Charter*” agreed to and signed by the Chief Executive of SAFECOM, the Chief Officers and the Minister, with the effect of committing them as a “*unified team*” when presenting at the SAFECOM Board (recommendations 1 & 2).
70. Mr Lane’s proposal subverts the operation of the FES Act by requiring four (4) members of the Board (the Chief Executive of SAFECOM and the three (3) Chief Executives) to vote as a bloc at SAFECOM Board meetings.
71. The FES Act provides that SAFECOM is administered and governed by a Board of nine (9) members, including an appointee of the UFUSA, vesting collective “leadership” in the Board and **not** a subset of the Board.
72. Requiring Board members to arrive at a position outside of Board meetings means “*due consideration and consultation*” to matters, to act “*in the best interests of fulfilling the sector’s functions*”, and to “speak up”, decide “*individually*” and “*ensure that the correct decision is made*” and sets a poor governance example for the sector.²²
73. **The UFUSA calls on the Joint Executive Charter on 19 February 2020 to be rescinded forthwith.**

Recommendations subvert MFS, CFS & SES independence

74. Mr Lane’s recommendations undermine the Chief Officers’ ultimate statutory responsibility for the management and administration of the sector, recommending, eg,

²⁰ FES Act, s 8(1)(n).

²¹ CFSVA Response p 19.

²² FES Act s 8(1)(b).

- the Chief Executive has the “*the authority ... to preside over*” SAFECOM (recommendations 1 & 2);
 - SAFECOM exercise “financial control” over the MFS, CFS and SES (recommendation 3);
 - SAFECOM act as “functional lead” on project management (recommendations 4 & 5); and
 - all ministerial briefings be through the Chief Executive (recommendation 5).
75. Neither SAFECOM Board nor the Chief Executive have “*authority*” or “*preside*” over the sector; SAFECOM’s role is limited to matters of governance, strategy and policy, it’s function is effectively that of a “support agency” for the MFS, CFS and SES.²³
76. Administration and management of the sector instead rests in the hands of the MFS, CFS, and SES, with each having ultimate statutory responsibility for their respective services.
77. Mr Lane’s unilateral setting of “*priorities across four key areas*”, including proposals about equipment, training and operational responsibilities, exemplifies not just the exceeding of his statutory powers but his overreach into the Chief Officer’s responsibility of administration and management.²⁴
78. Requiring ministerial briefings to go through the Chief Executive also limits the ability of the Minister to inform himself through first-hand operational knowledge necessary to inform himself about the activities and performance of the sector.

Recommendations build SAFECOM bureaucracy

79. Mr Lane proposes increased SAFECOM control over the finances of the MFS, CFS and SES (recommendation 3).
80. UFUSA endorses CFSVA’s concerns that the impact of SAFECOM having more control over MFS, CFS and SES finances is that each agency will have to “compete for and win back its own budget”.²⁵
81. UFUSA endorses CFSVA’s concerns that this “*will seriously reduce on-the-ground investment to South Australian communities in favour of growing bureaucracy and providing ultimate financial control for all ESOs²⁶ to the CE of SAFECOM*”.²⁷

Recommendations overlook SAFECOM’s own internal poor governance

²³ CFSVA Response p 13.

²⁴ Report p 3.

²⁵ CFSVA Response p 3.

²⁶ MFS, CFS and SES.

²⁷ CFSVA Response p 3.

82. The report overlooks a number of systemic governance failings in the running of SAFECOM which impede the Board from maximising sector effectiveness.
83. As already described, the Chief Executive's carrying out of the review and commissioning of the report indicate, at best, a failure to comprehend the limits of his statutory responsibilities under the FES Act, for which he should stand down.
84. The contents of the report also give the appearance of a conflict of interest, with many of Mr Lane's findings and recommendations pointing toward, as the CFSVA state, "*a single person leading the sector with many key functions being taken over by SAFECOM*".²⁸
85. With responsibility for governance, strategy and policy, SAFECOM must not just ensure "sound corporate governance"²⁹ and "high ethical standards"³⁰ in the MFS, CFS and SES, but in SAFECOM itself; SAFECOM must lead by example.
86. **The UFUSA joins the CFSVA in calling for the appointment of an independent chair of the Board.**
87. The Chief Executive's running of the SAFECOM Board is also poor, with Mr Lane regularly:
 - failing to fully report on activities of the Chief Executive and SAFECOM staff, including, eg, on the "Emergency Services Command Centre" project and frequent meetings with the Minister;
 - silencing and shutting down discussion at Board meetings; and
 - failing to provide the Board with meeting documents in a timely manner.
88. SAFECOM's management of the planning and implementation of joint projects, eg, the Emerald database, has been poor with limited consultation and cost overruns.
89. The UFUSA receives frequent member feedback about the poor administration of SAFECOM services, especially human resources and workers compensation.
90. **The UFUSA calls for the Board to review the SAFECOM Charter and Board procedures to ensure they are consistent with the FES Act and establish the highest standards of governance.**
91. **The UFUSA also calls for the Board to review and develop more robust governance training to ensure the Chief Executive, staff and Board members lead the sector in acting in accordance with the highest governance standards.**

²⁸ CFSVA Response, FAQs, p 2.

²⁹ FES Act s 8(1)(b)

³⁰ FES Act s 8(1)(j).

Recommendations overlook SAFECOM's need to better support the sector

92. The Chief Executive's main responsibility is in "giving effect to the policies and decisions of the Board".³¹
93. Having no operational functions, the Chief Executive is best placed to support the MFS, CFS and SES in all "governance, strategic and policy aspects of the emergency service sector".
94. The FES Act does not require leadership from the Chief Executive but extensive governance, strategic and policy support that assists in, eg, more productive and efficient project management, and quicker advice to the Minister.

Recommendations overlook need for funding increase

95. The UFUSA vigorously rejects Mr Lane's assertion that the MFS has "overspent its budget regularly for the last decade";³² the budget has quite simply never been enough.
96. MFS is periodically required to make out of budget or "bilateral" bids for funding to, eg, to replace appliances as required under the MFS replacement schedule, or purchase new Personal Protective Equipment (PPE) and uniforms.
97. Funding for replacement of appliances and purchase of PPE is foreseeable and should not have to be bid for; provision must be made for it in the MFS recurrent budget funding.
98. **The UFUSA calls on the government to boost recurrent funding to the MFS, CFS and SES to allow demands for expanding capability to be met as well as for maintenance, repairs and renewals of stations, appliances, equipment and training to be undertaken.**
99. Long term capital planning will assist in estimating the increase of expenditure required to meet these sector-wide demands; **the UFUSA calls on the Board to commence long-term capital planning as a matter of priority.**
100. **The UFUSA calls on the Government to publish the MFS expenditure inquiry as a matter of priority to assist in the planning process.**
101. Boosting recurrent funding to the sector will also enhance agency collaboration and SAFECOM's effectiveness, with MFS, CFS and SES no longer left to fight over the crumbs of funding currently available.

³¹ FES Act s (3)(b).

³² Report p 2.

UFUSA call for action

102. In response to the review and report, the UFUSA calls for:

- Mr Lane to stand down;
- the Joint Executive Charter dated 19 February 2020 to be rescinded forthwith;
- the Board to review the SAFECOM Charter and Board procedures;
- an Independent Chair of SAFECOM Board be appointed;
- the Board to review and develop more robust SAFECOM governance training;
- the Board to commence long term capital planning as a matter of priority;
- publication of the MFS expenditure inquiry;
- government boost recurrent funding to fire and emergency services sector.

Response to Findings & Recommendations

Findings & Recommendation 1: Leadership

103. The UFUSA rejects Mr Lane's assertion that a lack of leadership explains the past and present failings of SAFECOM.

104. SAFECOM is not led by any individual or body; it is administered by a Board of nine (9) members.³³ The Chief Executive is the "presiding member" of the Board, but without casting vote. The Chief Executive does **not** bear "ultimate leadership accountability".³⁴

105. SAFECOM Chief Executives, past and present, have consistently failed to recognise the limits on the role of Chief Executive and staff and have failed to implement its chief responsibility: to give effect to the policies and decision of the Board.³⁵

106. The UFUSA endorses the CFSVA's response that, whilst the MFS, CFS and SES have generally achieved their statutory functions,³⁶ the SAFECOM Board has not.

107. The failures of the SAFECOM Board lie not in a failure of leadership, but in a failure of SAFECOM Chief Executive and staff to adequately support it and its members to fulfil its functions.

³³ FES Act s 10(1).

³⁴ Cf. Report p 5.

³⁵ FES Act s 16(3)(b).

³⁶ CFSVA Response p 10.

108. The SAFECOM Chief Executive and staff support the Board and its members; not the other way around.
109. The UFUSA rejects Mr Lane's recommendation that the "*Chief Executive and Chief Officers need to drive collective leadership*" and that four (4) of the nine (9) members of the Board show a "*unified front*" and act as a "unified team".
110. The FES Act and SAFECOM Charter already provide for collective "leadership" or "accountability" through the Board; Mr Lane seeks to confine the collective to a subset of Board members.³⁷
111. "*Leadership*" of SAFECOM does **not** rest with the Chief Executive and Chief Officers; it rests with all nine (9) members of the Board.

Findings & Recommendation 2: Governance

112. Mr Lane's finding that "*poor governance has stifled collective innovation and improvement*"³⁸ of SAFECOM is vague and unsubstantiated.
113. The UFUSA, together with the CFSVA, agree that "*the sector has never fully reached its full effectiveness as was envisaged in the FES Act*".³⁹
114. But without further details provided by Mr Lane of the "*poor governance*" alleged, the UFUSA is not in a position to meaningfully respond.
115. The report demonstrates a flawed understanding of the FES Act which must be remedied as a matter of priority along with existing governance failures within SAFECOM.

SAFECOM administered by the Board

116. Mr Lane's summary of the functions of SAFECOM, including the functions of the Board, Chief Executive and staff is flawed and inconsistent with the FES Act.
117. SAFECOM is administered by a Board of nine (9) members, and by that Board alone.⁴⁰
118. The Board alone has ultimate authority and responsibility for ensuring the functions of SAFECOM are effectively exercised in accordance with the FES Act.⁴¹
119. Mr Lane asserts that the Board "*has not previously been able to fully exercise its functions as intended and in some cases it has even been prohibited from doing so.*"⁴²

³⁷ SAFECOM Charter p 12.

³⁸ Report p 3.

³⁹ CFSVA Response p 10.

⁴⁰ FES Act s 10(1).

⁴¹ FES Act s 10(1a)(b).

⁴² Report p 18.

120. The UFUSA seeks clarification on what Mr Lane means, particularly evidence of each instances in which the Board has been prohibited from exercising these functions so that this can be addressed as a matter of priority.

SAFECOM Chief Executive and staff support the Board

121. The UFUSA endorses the CFSVA's response that SAFECOM is, in effect, a "support agency" for the MFS, CFS and SES.⁴³
122. The primary statutory responsibility of the SAFECOM Chief Executive is to support the SAFECOM Board by "giving effect to the policies and decisions of the Board";⁴⁴ the Chief Executive has a "stewardship role".⁴⁵
123. The Chief Executive "presides" administratively at Board meetings, but does not have a casting vote and so does not have "authority" over the Board.⁴⁶
124. The Chief Executive does not "direct" the Board; rather the Board directs the Chief Executive.
125. The Chief Executive and Board are both assisted by the SAFECOM staff, day to day managerial responsibility for which rests in the hands of the Chief Executive.⁴⁷
126. The Chief Executive has no power to report and advise the Minister in relation to SAFECOM and the performance of the emergency services sector independent of the authority given by the Board.⁴⁸
127. The power is limited to reporting and advising and does not include making decisions, such as the signing of a Joint Executive Charter without the Board's authority.
128. The UFUSA endorses the CFSVA's concerns about the closeness of relationship of Mr Lane to the Minister,⁴⁹ and his ability to act in the interests of SAFECOM, rather than the interests of the Government of the day.
129. The UFUSA also expresses concerns about the lack of detailed reporting back to the Board about the contents of his discussions with the Minister, and his apparent decision making with the Minister in the absence of Board authority.

⁴³ CFSVA Response p 13.

⁴⁴ FES Act s 16(3)(b).

⁴⁵ SAFECOM Charter p 7.

⁴⁶ Cf Report p 5.

⁴⁷ FES Act s 16(3)(a).

⁴⁸ FES Act s 8(1)(q) & (r).

⁴⁹ CFSVA Response p 10.

SAFECOM independent of Minister

130. Neither SAFECOM nor the MFS, CFS and SES are part of the Public Service or Public Sector, and they operate largely independent of Government.
131. Although the SAFECOM Board is “subject to the control and direction of the Minister”,⁵⁰ the Minister can only do so using the procedures set down in section 7 of the FES Act.
132. The Minister can only direct the Board if done “in writing”, and a copy of the written direction is laid before both houses of Parliament within 6 sitting days, as well as included in SAFECOM’s next annual report.
133. The Minister’s power of direction was intended to be and is in fact exercised rarely; the UFUSA endorses the comments of the CFSVA 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.”*⁵¹
134. UFUSA also endorses the CFSVA that directions are only to be given *“to deal with a serious matter of omission or failure to comply with the provisions of the Act”*⁵²
135. The Minister is not and does not act as the “Chief Executive” of the fire and emergency sector as Mr Lane asserts;⁵³ that function is in the hands of the Chief Officers and SAFECOM Board.
136. The UFUSA strongly rejects Mr Lane’s assertion that the Board’s responsibilities include “implementing” and “executing” the “priorities of the elected Government of the day”, whether laid out in the budget paper or otherwise.⁵⁴
137. UFUSA endorses CFSVA comments that SAFECOM is *“not simply there to meet the priorities of the Government of the day, nor matters raised at whim”*.⁵⁵
138. The Chief Executive and Chief Officer are “appointed” by the Minister; they are **not** employed by the Minister.
139. No Board member, whether Chief Executive or Chief Officer, is “accountable” to the Minister through their “executive contracts”;⁵⁶ rather they each have responsibilities that must be exercised in accordance with the FES Act.

⁵⁰ FES Act s 7(1).

⁵¹ CFSVA Response p 9.

⁵² CFSVA Response p 9.

⁵³ Report p 6.

⁵⁴ Report p 7.

⁵⁵ CFSVA Response p 14.

⁵⁶ Report p 2.

140. Impartiality from government is reflected in the public sector principles which requires public sector employees to be *“detached from political influence and the influence of partisan interests within the community”*,⁵⁷ and that it is ensured they may *“give frank advice without fear of reprisal”*.⁵⁸

Good governance must start with the Chief Executive

141. As a key SAFECOM function, the SAFECOM Chief Executive must lead the way on development and implementation of "good governance", which he has failed and continues to fail to do.

142. Although dated September 2019, the SAFECOM Board only became aware of the review three months after the date of the report when Board members were provided a copy of the report for mere “consultation and feedback”.

143. SAFECOM is administered and governed by the SAFECOM Board;⁵⁹ it alone has ultimate authority and responsibility for SAFECOM’s *“role in the governance, strategic and policy aspects of the emergency service sector”*.⁶⁰

144. The SAFECOM Chief Executive’s responsibilities are limited to *“giving effect to the policies and decisions of the Board”*;⁶¹ without the Board’s authority the Chief Executive cannot and must not carry out the Board’s functions.

145. Carrying out a review and commissioning a report that makes sector-wide recommendations required SAFECOM Board authority which Mr Lane did not seek.

146. Indifferent to SAFECOM Board authority, Mr Lane has already proceeded to implement his recommendations:

- in October 2019 Mr Lane conducted a strategic planning workshop, excluding five (5) of the nine (9) SAFECOM Board members, at which Mr Lane asserts they undertook to *“commence engagement and implementation of the six recommendations”*;
- on 19 February 2020 Mr Lane along with the Chief Officers of the MFS, CFS and SES and the Minister signed a Joint Executive Charter (recommendation 2); and
- at the 24 February and 13 May 2020 SAFECOM Sector Advisory Sector meetings Mr Lane distributed a “framework” for the “delivery” of the recommendations in the report.

⁵⁷ Commissioner for Public Sector Employment, Code of Ethics for the South Australian Public Sector, p 4.

⁵⁸ Public Sector Act 2009 s 5(5).

⁵⁹ FES Act s 10(1).

⁶⁰ FES Act preamble.

⁶¹ FES Act s 16(3)(b).

147. Mr Lane has further gone beyond his powers by approaching the Minister about the contents of the report and seeking the Minister's endorsement of its as well as implementation of its recommendations without the Board's authority.
148. Mr Lane has also exceeded his statutory powers by, eg, failing to get Board authority in respect of aspects of the planning and implementation of the "Emergency Services Command Centre" at Keswick, and his frequent meetings with the Minister.
149. Mr Lane's exceeding of his statutory powers is an abuse of his responsibilities as Chief Executive of SAFECOM and **the UFUSA calls on Mr Lane to stand down.**
150. The UFUSA endorses the CFSVA response that⁶²
- scant information is often presented to the Board and therefore is not properly debated, but more often simply just noted.*
151. The FES Act requires "accurate minutes" to be kept of its meetings,⁶³ responsibility for which falls squarely within the scope of the Chief Executive's role.
152. The UFUSA is concerned that at Board meetings the Chief Executive regularly silences and shuts down discussion from Board members, preventing agenda items from being fully discussed and additional items added.
153. The UFUSA is also concerned that Mr Lane regularly provides the Board with lengthy meeting documents only shortly before meetings, preventing Board members from adequately preparing for meetings.
154. The SAFECOM Charter, which is made under s 8(4) of the FES Act, requires that the presiding member "*enable sufficient time for each agenda item to be dealt with effectively; and enable sufficient time for other issues that arise during the year to be dealt with appropriately*".⁶⁴ This simply does not happen.
155. The UFUSA also expresses great concern at Mr Lane's proposal that the Chief Executive meet with Chief Officers "in camera".
156. Mr Lane's call for "in camera" or secret meetings about matters for consideration of the Board undermines basic public sector principles: "*accountability*" and "*transparency*".⁶⁵
157. In camera meetings also avoids a core function of SAFECOM: "*effective consultation with the community*".⁶⁶

⁶² CFSVA Response p 10.

⁶³ FES Act s 14(7).

⁶⁴ SAFECOM Charter p 10.

⁶⁵ Public Sector Act 2009 s 4(h).

⁶⁶ FES Act s 8(1)(n).

158. The UFUSA also endorses the concerns raised by the CFSVA about the close working relationship between the Chief Executive and Minister.⁶⁷
159. It cannot be reiterated enough that the chief responsibility of the Chief Executive is to “give effect to the policies and decision of the Board”⁶⁸ and not the other way around.
160. Matters to do with the administration of SAFECOM may only be raised by the Chief Executive with the Minister with the authority of the Board; to do otherwise is a breach of statutory power.
161. UFUSA agrees with Mr Lane’s conclusion that “[i]n exercising these functions, Board minutes and outcomes should be transparent. A communique of monthly meetings should be circulated to all staff and volunteers for guidance and reference.”⁶⁹

Joint Executive Charter breaches FES Act

162. The UFUSA endorses the CFSVA’s rejection of Mr Lane’s recommendation of a “Joint Executive Charter” and **calls on the Joint Executive Charter on 19 February 2020 to be rescinded forthwith.**⁷⁰
163. Mr Lane asserts that the intent of the Joint Charter is to establish the “*authority of Chief Executive SAFECOM to preside over the Commission*”.⁷¹
164. This is inconsistent with the support role of Chief Executive under the FES Act, and with the administration of SAFECOM being in the hands of the Board.
165. Mr Lane’s use of the Joint Charter to effect an end that is inconsistent with the FES Act is improper and inconsistent with his role as a member of the Board.
166. The Chief Executive, Chief Officers and all Board members are “accountable” through the statutory responsibilities that are attached to their office; “[t]he statute itself controls the terms of service”.⁷²
167. Neither the Chief Executive nor Chief Officers or Board members are accountable through extraneous instruments such as “executive contracts” or “Joint Executive Charters”.

⁶⁷ CFSVA Response p 10.

⁶⁸ FES Act s 16(3)(b).

⁶⁹ Report p 7.

⁷⁰ SAFECOM – Joint Executive Charter (19 February 2020).

⁷¹ Report p 5; CFSVA Response p 15.

⁷² *Director-General of Education v Suttling* (1987) 162 CLR 427, 437-8 (Brennan J).

168. There is no power in the Minister or SAFECOM to engage the Chief Executive, Chief Officers or Board members “*on terms at variance with the statute*”; “*the contract must be consistent with any statutory provision which affects the relationship*”.⁷³
169. The UFUSA strongly rejects Mr Lane’s recommendation that the “*Chief Executive and Chief Officers commit as a unified team when presenting at the SAFECOM Board*”.⁷⁴
170. The SAFECOM Board considers and makes decisions about the “governance, strategic and policy aspects of the emergency services sector”.
171. The FES Act makes no provision for the Chief Executive and Chief Officers to make decisions themselves.
172. UFUSA endorses the CFSVA comment that “[b]y 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”.⁷⁵
173. The SAFECOM Charter provides that the Board must give “due consideration and consultation” to matters “prior to making a decision”, requiring the Board to:⁷⁶
- Ascertain all relevant information;
 - Objectively consider all relevant facts and criteria (and avoid irrelevant considerations);
 - Consider all the relevant options; and
 - Understand the full implications (strategic, financial, community, etc.) of its proposed decision.
174. Decisions of the Board must also be “*in the best interests of fulfilling the sector’s functions*”.⁷⁷
175. The SAFECOM Charter also recognises that Board members have duties analogous to membership of any public or private sector Board, including the duty to exercise due care, diligence and skill, and a duty to speak up, ask questions, and ensure that the correct decision is made.⁷⁸
176. The SAFECOM Charter also emphasises the importance of Board members having appropriate opportunity to “*ask questions, express ideas, and offer opinions*” and deciding “*individually whether to agree with, or dissent from, a proposed decision*”.⁷⁹
177. By resolving to commit as a unified team, the Chief Executive and Chief Officers constrain their ability to give “*due consideration and consultation*” to matters, act “*in*

⁷³ *Director-General of Education v Suttling* (1987) 162 CLR 427, 437-8 (Brennan J).

⁷⁴ Report p 2.

⁷⁵ CFSVA Response p 14.

⁷⁶ SAFECOM Charter p 12.

⁷⁷ SAFECOM Charter p 13.

⁷⁸ SAFECOM Charter (dated March 2018) p 12.

⁷⁹ SAFECOM Charter (dated March 2018) p 12.

the best interests of fulfilling the sector's functions" rather than the interests of the their respective organisations, and to "speak up", decide "individually" and "ensure that the correct decision is made".

Need for independent Chair of SAFECOM Board

178. The UFUSA has substantial concerns about the appropriateness of the Chief Executive as the presiding member of the Board, including Mr Lane's:
- acting without Board authority, eg, in undertaking the review and commissioning the report and the planning and implementation of the "Emergency Services Command Centre" at Keswick,
 - lack of transparency about his contact with the Minister; and
 - poor governance of SAFECOM Board and staff.
179. **The UFUSA endorses the CFSVA's recommendation that an independent Chair be appointed to the SAFECOM Board.**⁸⁰

Review of governance training and procedures

180. The UFUSA agrees with Mr Lane that SAFECOM, including the Board and Chief Executive, needs to more effectively exercise its governance function.⁸¹
181. More effective governance will not be achieved by making decisions in camera and subverting the Board procedures.
182. The Charter made under section 8(3) of the FES Act provides a mechanism for addressing SAFECOM's functions and operations, as well as the Board procedures made under section 14(8) of the FES Act.
183. The Charter and Board procedures are not robust enough and are, in parts, contrary to the FES Act.
184. For example, the Charter provision that "*[if] voting is equal, the Presiding member has a casting, as well as deliberate vote*" is contrary to s 14(3) of the FES Act which provides that if votes are equal the presiding member "*does **not** have a second or casting vote*" (emphasis added).
185. The Charter and Board procedures must be consistent with the FES Act and establish the highest standards of governance so that SAFECOM is in fact the lead in the sector on governance.

⁸⁰ CFSVA Response p 11.

⁸¹ Report p 7.

186. **The UFUSA calls for the Board to review the SAFECOM Charter and Board procedures to ensure they are consistent with the FES Act and establish the highest standards of governance.**
187. It is not clear what governance training the SAFECOM Chief Executive, staff and Board Members have and continue to receive on a yearly basis.
188. Although, eg, the SAFECOM Charter provides that new Board members receive “suitable induction” and “regular assessment...of collective and individual performance” it is not clear that this actually takes place.⁸²
189. **The UFUSA calls for the Board to review and develop more robust governance training to ensure the Chief Executive, staff and Board members lead the sector in the *practice and implementation* of good governance.**

Findings & Recommendation 3: Financial Control

190. The UFUSA vigorously rejects Mr Lane’s assertion that the MFS has “overspent its budget regularly for the last decade”;⁸³ the budget has quite simply never been enough.
191. MFS is periodically required to make out of budget or “bilateral” bids for funding to, eg, to replace appliances as required under the MFS replacement schedule, or purchase new Personal Protective Equipment (PPE) and uniforms.
192. Funding for replacement of appliances and purchase of PPE is foreseeable and should not have to be bid for; provision must be made for it in the MFS recurrent budget funding.
193. **The UFUSA calls on the government to boost recurrent funding to the MFS, CFS and SES to allow demands for expanding capability to be met as well as for maintenance, repairs and renewals of stations, appliances, equipment and training to be undertaken.**
194. The UFUSA agrees with Mr Lane that “ongoing unfunded budget pressures ... if allowed to continue will impact on service delivery”.⁸⁴
195. The UFUSA endorses the CFSVA’s “simple solution”: adequately fund the fire and emergency services sector so that budgets are met!⁸⁵

⁸² SAFECOM Charter p 9.

⁸³ Report p 2.

⁸⁴ Report p 4.

⁸⁵ CFSVA Response, p 5.

196. Boosting recurrent funding to the sector will also enhance agency collaboration and SAFECOM's effectiveness, with MFS, CFS and SES no longer left to fight over or compete for the crumbs of funding currently available.

MFS allocation of Emergency Services Levy

197. Under the FES Act, the MFS is the primary provider of urban firefighting, rescue and other emergency services in South Australia.
198. MFS responsibilities for protecting life, property and environmental assets in urban areas includes not just the Adelaide metropolitan area, but also 17 major regional centres.
199. The Adelaide metropolitan area alone has a population of almost 1.4 million, approximately 77.6% of South Australia's population,⁸⁶ as well as the bulk of the State's most valuable built infrastructure and assets.
200. To fulfil its statutory obligations the MFS requires a significant portion of the State's fire and emergency service funding.

More funding needed

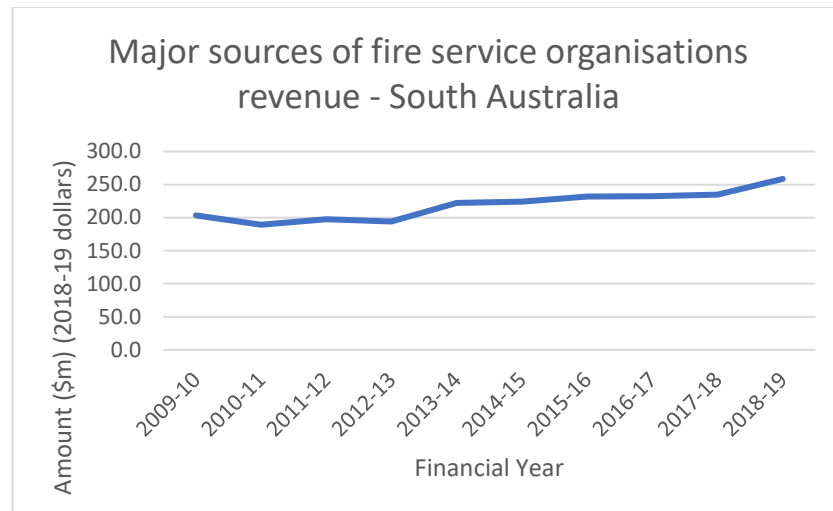
201. Current fire and emergency service organisations funding is woefully inadequate for the MFS, CFS and SES to meet their statutory functions.
202. In the previous 10 years funding to the fire and emergency services sector has come under repeated attack.
203. For example, in 2018/19 the Government cut the Emergency Services Levy (ESL) leaving a forecast \$90m (or 28%) hole in the Community Emergency Services Fund.⁸⁷
204. As the source of 93.4% of funding to the MFS and CFS alone in 2018/19,⁸⁸ attacks on the ESL are a very real threat to the security of funding to the sector.
205. Between 2009 and 2019 total funding to fire service organisations in South Australia was cut in two (2) out of the 10 budgets delivered during that period (see Graph 1).⁸⁹

⁸⁶ As at 30 June 2019, South Australia's population was estimated to be 1,756,494: SA Department of Planning, Transport & Infrastructure, Population (SA Planning Portal, at 21 May 2020).

⁸⁷ Economic & Financial Committee, Emergency Services Levy 2019-20 (6 June 2019), p 4.

⁸⁸ Productivity Commission, "Chapter 9: Emergency services for fire and other events" in *Report on Government Services 2020*, Table 9A.1.

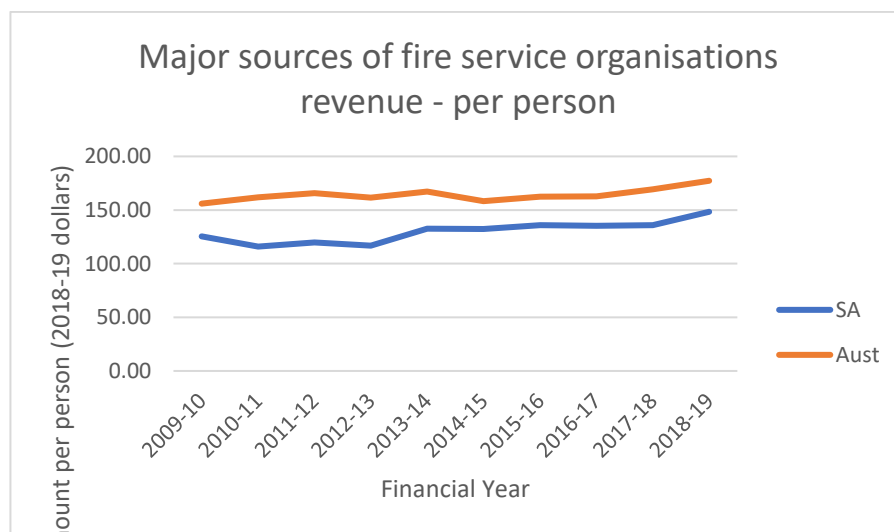
⁸⁹ Financial years 10/11, 12/13: Data from Productivity Commission, "Chapter 9: Emergency services for fire and other events" in *Report on Government Services 2020*, Table 9A.1



Graph 1⁹⁰

206. In contrast to the \$60m increase in funding that Mr Lane asserts the MFS have enjoyed,⁹¹ funding has in fact only increased, **in real terms**, by approximately \$22m (see Graph 1), or an average of \$2.2 million per year.⁹²

207. Per capita funding fell in four (4) out of the 10 budgets over that same period, rising by only \$22.76 per person in the 10 years to 2019, and only \$3.21 per person in the 5 (five) years between 2013 and 2018.⁹³



Graph 2⁹⁴

⁹⁰ Data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.1.

⁹¹ Report p 8.

⁹² Data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.1.

⁹³ Financial years 10/11, 12/13, 14/15, 16/17: Data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.1.

⁹⁴ Data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.1.

208. Far from sitting “in the middle” of funding metrics,⁹⁵ South Australia consistently lags combined funding to fire service organisations across Australia (see Graph 2).⁹⁶

209. For example, in 2018/19 the MFS and CFS were provided funding of \$148.36 per person compared with total funding to fire service organisation Australia-wide of \$177.29 per person; a difference of \$28.93 per person.

More personnel needed

210. South Australia has also suffered persistent cuts to personnel numbers in fire service organisations (the MFS and CFS) across the last 10 years.

211. From 2008 to 2018, the number of South Australian firefighting and support FTEs in the MFS and CFS was cut in 4 of the 10 budgets (see Table A).⁹⁷

Firefighting and support workforce in SA

Financial Year	FTEs
2009-10	1 064
2010-11	1 050
2011-12	1 081
2012-13	1 072
2013-14	1 068
2014-15	1 066
2015-16	1 084
2016-17	1 105
2017-18	1 168
2018-19	1 211

Table A⁹⁸

212. Notwithstanding these cuts, the MFS has continued to expand its capability to meet increases in population and community needs, opening new stations at Beulah Park (2008; 22 FTEs), Seaford (2010; 22 FTEs), Mount Barker (2019; 2.5 FTEs) and adding additional shifts at Mount Gambier (2008 & 2017; 10 FTEs) over this same 10 year period.

213. Cuts in firefighting and support workforce have coincided with a drop in per capita FTEs of almost nine (9) FTEs in 2013-14, with FTE per capita numbers having recovered by only three (3) (see Graph 3).

⁹⁵ Report p 1.

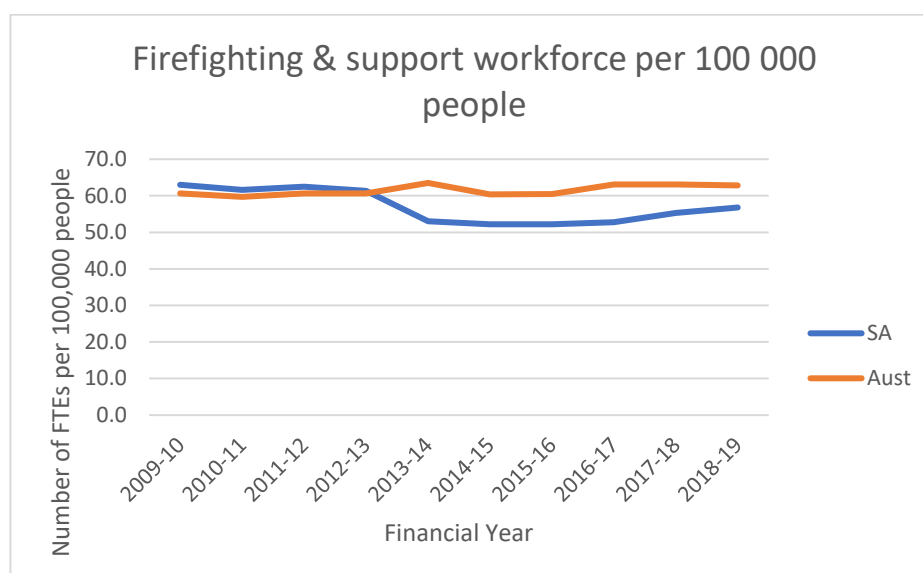
⁹⁶ Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.1.

⁹⁷ Financial years 10/11, 12/13, 13/14, 14/15.

⁹⁸ Data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.3.

214. Since the drop in per capita FTEs, South Australia has consistently lagged behind the per capita number of firefighting and support workforce FTEs in Australia (see Graph 3).

215. For example, as at 2018/19 South Australia had 56.8 firefighting and support workforce FTEs per 100,000 where Australia-wide there were 62.8, a difference of six (6) FTEs.⁹⁹



Graph 3¹⁰⁰

216. The South Australian fire and emergency sector needs more firefighters and support staff, and increasingly so with the increasing impacts of climate change.

217. Since the 1950s the frequency of the extreme heat events has increased approximately fivefold.¹⁰¹ The cause of these increases is long term climate change.¹⁰²

218. The increase in length and intensity of the bushfire season directly impacts the demand for firefighting resources.¹⁰³ As a result of climate change, firefighters are deployed to more bushfires, more often and for more protracted periods.

219. Increased demand on firefighters alone in South Australia because of climate change means a forecasted 448 to 705 (50% to 78%) increase in the number of career

⁹⁹ Data from Productivity Commission, "Chapter 9: Emergency services for fire and other events" in *Report on Government Services 2020*, Table 9A.3.

¹⁰⁰ Data from Productivity Commission, "Chapter 9: Emergency services for fire and other events" in *Report on Government Services 2020*, Table 9A.3.

¹⁰¹ Bureau of Meteorology, *Annual Climate Statement 2019* (9 Jan 2020).

¹⁰² Commonwealth Scientific and Industrial Research Organisation (CSIRO) & Bureau of Meteorology, *2018 State of the Climate Report* (2018) p 2.

¹⁰³ National Institute of Economic and Industry Research (NIEIR), *Firefighters and climate change: the human resources dimension of adapting to climate change: final and consolidated report* (February 2013) p 8.

firefighters in South Australia is required by 2030 depending on the climate change scenario that plays out.¹⁰⁴

Table 1 Forecast firefighter demand for Australia based on two climate change scenarios					
	Base	H2 Scenario		H3 Scenario	
	2012	2020	2030	2020	2030
NSW	3826	4741	5728	5175	6759
VIC	2648	3405	4296	3564	4697
QLD	2525	3529	4951	3529	4892
SA	906	1098	1354	1196	1611
WA	1225	1693	2334	1751	2494
TAS	321	337	367	337	395
NT	255	369	522	383	560
ACT	334	435	586	455	656
AUST	12041	15607	20136	16391	22065

Source: ABS Census data/NIEIR forecast.

220. Current total number of firefighters in the MFS is 990 FTEs, which is well below the projected increase needed to meet the demand under the “best case” H2 climate change scenario of 1098 career firefighters.

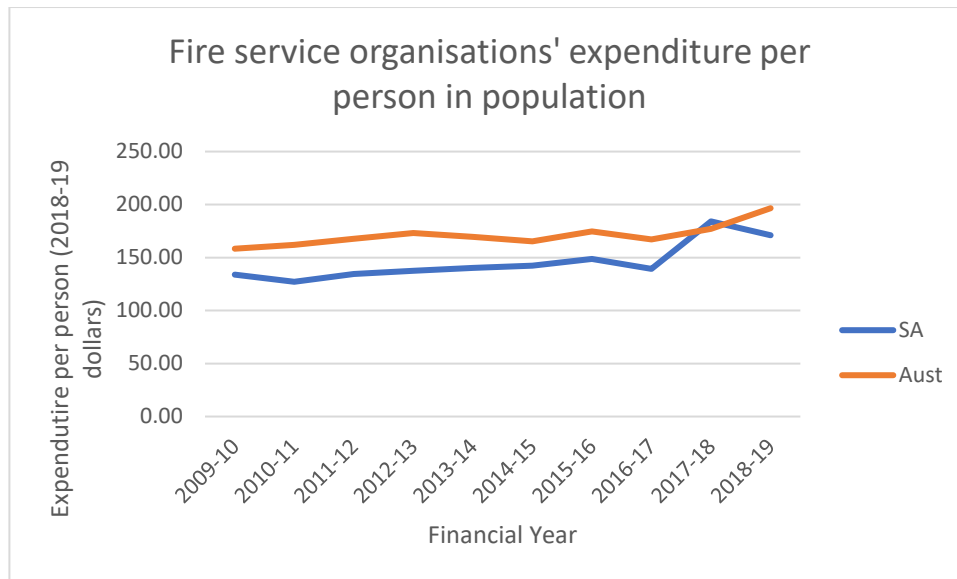
Cost efficiencies of SA fire and emergency services sector

221. From 2009 to 2019, capital and labour costs in fire service organisations in South Australia have dropped, **in real terms**, in at least two (2) out of the 10 budgets during that period.¹⁰⁵
222. Labour and capital expenditure of SA fire service organisations per person is consistently less than the Australian average (see Graph 4).
223. The exception is 2017/18 when a one-off revaluation of workers compensation claims for presumptive legislation for MFS firefighters with specific cancers and compensation provision for certain work-related injuries took place.¹⁰⁶
224. For example, in 2018/19 South Australia contributed \$171.11 in labour and capital expenditure per person compared with \$196.55 Australia-wide, a difference of \$25.44 per person.

¹⁰⁴ NIEIR, *Firefighters and climate change: the human resources dimension of adapting to climate change: final and consolidated report* (February 2013) pp i & 27.

¹⁰⁵ Financial years 10/11 and 16/17: data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.13.

¹⁰⁶ Data from Productivity Commission, “Chapter 9: Emergency services for fire and other events” in *Report on Government Services 2020*, Table 9A.13

Graph 4¹⁰⁷

225. Per person expenditure is a proxy for efficiency, with lower expenditure per person suggestive of greater efficiency.¹⁰⁸
226. In short, the SA fire and emergency sector is consistently cheaper and more efficient in its spending than interstate counterparts.
227. Greater efficiency cannot though be at the expense of investment in, eg, ongoing fleet renewal and training, as is increasingly the case, with appliances getting older and less safe and the training backlog getting larger.
228. The UFUSA rejects the Government's drive for further cost efficiencies when it is on the current 'rob Peta to pay Paul' approach, which endangers the health and safety of our members and the lives and property of the community.

Increasing MFS productivity & efficiency

229. The UFUSA has been working with the MFS management to enhance productivity and efficiency of MFS' operations.
230. For example, two of the wage increases agreed in the SAMFS Enterprise Agreement 2017 were made contingent on productivity and efficiency gains demonstrated at reviews on 1 July 2018 and 1 July 2019.
231. Contrary to Mr Lane's assertions,¹⁰⁹ on both occasions productivity and efficiency gains were demonstrated (including, in the case of the second review, by

¹⁰⁷ Data from Productivity Commission, "Chapter 9: Emergency services for fire and other events" in *Report on Government Services 2020*, Table 9A.13.

¹⁰⁸ Productivity Commission, Chapter 9: Emergency services for fire and other events interpretative material in *Report on Government Services 2020*, p 9.19.

¹⁰⁹ Report pp 10-11.

- determination of the Single Bargaining Centre,¹¹⁰ established pursuant to the the SAMFS Enterprise Agreement).
232. For example, following the “Burns Review”¹¹¹, the MFS Communications Centre has trained 28 personnel in call and dispatch, improving surge capability without additional FTE allocations whilst also reducing overtime costs.
233. The MFS Communication Centre’s enhanced capability was essential in coping with the highest volume of calls it has ever experienced during the December 2019 Cudlee Creek bushfires.
234. Other productivity and efficiency gains included but were not limited to:
- introduction of electronic rosters,
 - flexible rostering systems and processes,
 - enhancement of community safety and engagement strategies,
 - a culture and policy review,
 - functional fitness,
 - establishment of a health and well-being department,
 - review of operational procedures/policy.
235. Combined with the modest 1.6% pa wage and salary increases, total MFS wage and salary increases over the 3 year life of the Agreement was 2.95% pa; not 3.6% as Mr Lane erroneously states.¹¹²
236. MFS wage and salary increases are on par with pay rises in the 2016/2017 enterprise agreements of public sector comparables, eg, police (2.96% pa) and CFS operational staff (2.97% pa).
237. As part of the SAMFS Enterprise Agreement 2017, the MFS was provided funding for an additional 54 FTEs, to be introduced *over the life of the Agreement*.
238. 30 FTEs were intended to offset overtime costs (not 50 FTEs as Mr Lane wrongly asserts¹¹³) by bolstering relieving components in training and operations.
239. By 30 June 2019 only 11 FTEs had been introduced to relieving components, with the remaining 19 FTEs not introduced until the second half of 2019 into early 2020, and so the bulk of gains are yet to be reflected MFS financial reports.

¹¹⁰ Single Bargaining Centre Chair, Determination (29 Aug 2019).

¹¹¹ *Independent Review of the Extreme Weather Event South Australia 28 Sep – 5 Oct 2016*, pp 63-4 & recommendation 24.

¹¹² Report p 10.

¹¹³ Report p10.

240. Member indications are that “recalls” (a major source of overtime) are down as a result of the increased relieving component, with further anticipated savings in overtime likely to follow.
241. Recalls have been particularly high at the Station Officer rank as a result of a 2 year delay to the Station Officers promotions process pending a candidate appeal that spanned 2018 and 2019.
242. The increase in Station Officer recalls coincides with the most recent spike in MFS employees receiving remuneration at or above the public sector executive base level pay as mentioned by Mr Lane in his report.¹¹⁴
243. Since the promotion of 7 Senior Firefighters to Station Officers in March 2020, Station Officers have reported a marked drop in recalls, with further anticipated savings in overtime likely to follow.
244. The UFUSA continues to work with the MFS through the Overtime Working Group to review the overtime requirements within the MFS to achieve further gain in productivity and efficiency, together with consistency and fairness.
245. The remaining 24 FTEs introduced as part of the SAMFS Enterprise Agreement 2017 were intended to enhance MFS capability. For example:
- 8 FTEs allocations to enhance services to regional communities in Mount Gambier and Port Pirie;
 - 4 FTEs allocations to enhance MFS’ marine emergency response;
 - 4 FTEs allocations to enhance operational support;
 - 4 FTEs allocations to create a new MFS Health and Wellbeing Department;
 - 2 FTEs allocations to the Engineering Department;
 - 1 FTE allocation to admin support to Learning & Development Department.
246. The increases in capability are likely to also have long term productivity and efficiency gains, with, eg, the work of the Health and Wellbeing Department likely to assist in ensuring our members are healthier for longer, reducing the MFS workers compensation and sick leave liabilities.
247. The re-building of staffing numbers in the Engineering Department is alleviating the backlog of repairs and maintenance mounting due to the ageing of the MFS fleet, meaning more repairs are performed and faster.
248. One of the 54 FTEs was diverted by the MFS to the creation of the position of HR manager without any selection process. Unfortunately, this appointment has born **no** discernible productivity increase.

¹¹⁴ Report p10.

249. Further productivities and efficiencies lie in better strategic management of MFS resources at the level of Chief Officer, Deputy Chief Officer and Assistant Chief Fire Officer, with, eg, better management of rostering reducing the need for recalls and overtime expenditure.

Success in achieving decreasing numbers of structural fires

250. Despite population increases, fire service organisations in South Australia (MFS & CFS) have worked to reduce the number of structural fires in SA, which are at their lowest in last 10 years (at 1,228 fires in 2018/19, down from 1,418 fires in 2009/10) (see Graph 5).



Graph 5¹¹⁵

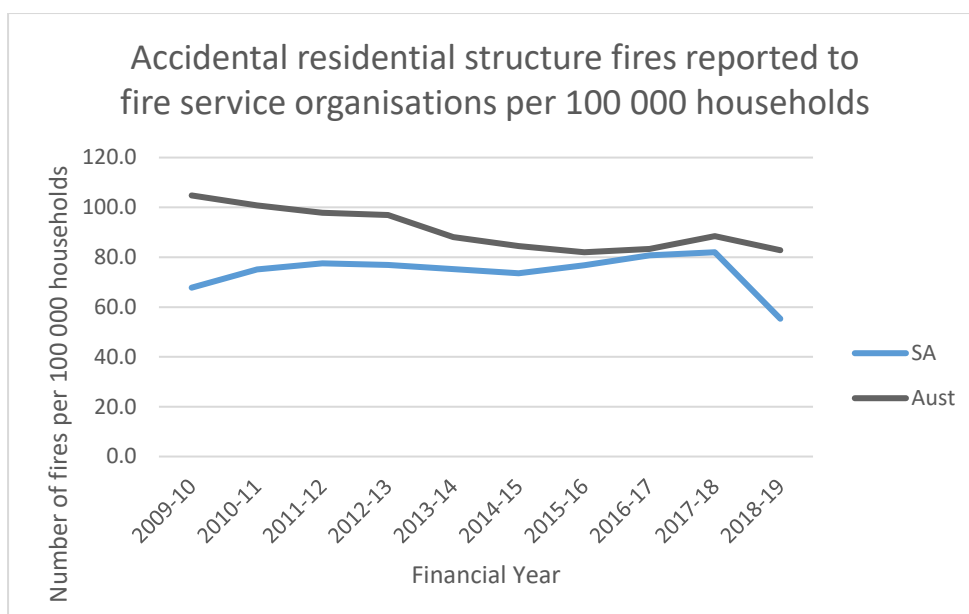
251. The low and decreasing incidence of accidental residential structural fires in South Australia is indicative of “*greater community preparedness*”.¹¹⁶

252. The downward trend in reported structure fires is also reflected in the number of reported accidental residential structure fires per 100,000 in South Australia, which has dropped from 67.8 in 2009 to 55.3 in 2019.

253. South Australia performs better than the number of Australian reported accidental residential structure fires per 100,000 (see Graph 6).

¹¹⁵ Productivity Commission, Chapter 9: Emergency services for fire and other events interpretative material in Report on Government Services 2020, p 9.9.

¹¹⁶ Productivity Commission, Chapter 9: Emergency services for fire and other events interpretative material in Report on Government Services 2020, p 9.16.

Graph 6¹¹⁷

254. For example, in 2018-19 South Australia recorded the lowest number of reported accidental residential structure fires per 100,000, and had 27.5 reported fires less than the number of reported fires per 100,000 Australia-wide.

255. The UFUSA rejects Mr Lane’s suggestion that an “ongoing gradual decline in responses to structural fires” as well as lack of “significant variance in total responses over the past decade” is reason for concern about the MFS budget.¹¹⁸

MFS’s increasing investment in community safety & resilience functions

256. A major factor for the decline in structural fires in South Australia can be attributed to the MFS increasing investment in services aimed at preventing the outbreak and reducing the impact of fires.¹¹⁹

257. Part of the downward trend in structure fires in South Australia can be attributed to the work of the MFS’s Community Safety and Resilience Department (**CSR**D), which in 2018/19:¹²⁰

- carried out 803 educational visits to community groups, with all community education programmes attended by 83,206 people;
- established fire cause in 95% of all fires examined, ensuring dangerous products are promptly identified and removed from the community;

¹¹⁷ Productivity Commission, Chapter 9: Emergency services for fire and other events interpretative material in Report on Government Services 2020, p 9.9.

¹¹⁸ Report p 8.

¹¹⁹ This falls within the scope of its responsibilities under s 26(1)(a) FES Act.

¹²⁰ MFS Annual Report 2018/2019, p14.

- administered the Juvenile Fire Lighters Intervention Programme (JFLIP), with only 3% of participants reoffending;
 - administered the Road Awareness Programme (RAP), with 98.7% of participants indicating they will adopt safer behaviours post-program.
258. CSRD's Built Environs team is one of the main providers of fire safety assessment, inspection and investigation in South Australia.
259. Built Environs assesses the fire safety of billions of dollars of public and private buildings in South Australia every year, including health facilities and schools as well as defence projects, as required under the Australian Building Code and in response to evolving community and government need, including, eg, in response to fire safety concerns about the use of aluminium composite panelling in many buildings.
260. For example, in 2018/19, CSRD's Built Environs work included:
- 358 education and health facilities inspections and fire safety surveys;
 - 180 building development proposals assessments, with 93% of building development assessments completed within 20 days;
 - 73 hazard complaint sites investigations;
 - 319 fire alarm inspections and connections;
 - 222 booster/hydrant tests/commissioning;
 - 189 Building Fire Safety Committee meetings/inspections.
261. Increasing complexity and square meterage of building developments and increasing fire safety standards required of residential buildings, means Built Environs is spending more time per building as well as assessing a greater scope of buildings.
262. The increase in workload of Built Environs is reflected in the increase in fire safety fees received by the MFS over the last 10 years of almost \$400,000.¹²¹
263. But the value of CSRD cannot be quantified just in fees or reflected in reduced structural fires; rather, every potential structural fire averted by better education or better planning is a value add of the CSRD team.

¹²¹ MFS Annual Report 2018/2019, p 48 (\$419,000); MFS Annual Report 2008/2009, p 91 (\$22,000, or approx. \$27,500 in 2019 dollars).

264. Far from being a cause for fiscal tightening, the success of the MFS and CFS in reducing accidental structural fires in South Australia and the benefits to lives and building in the community is reason for ongoing and increasing funding.

Board has no coercive financial powers

265. The UFUSA strongly rejects Mr Lane’s proposal that SAFECOM extend its functions in respect of financial matters to “deal with” expenditure in excess of budget.¹²²
266. The Board’s functions affect the financial matters of the MFS, CFS and SES, including ensuring provision of “effective allocation of resources”.¹²³
267. Despite the Board’s wide remit of power, it does not have coercive financial powers; its functions in respect of financial matters are purely advisory in nature.
268. By contrast, the FES Act confers on each of the Chief Officers “*ultimate responsibility*” for the operations of their respective organisation that they “*may therefore control all resources*”.¹²⁴
269. This is consistent with the overarching role of SAFECOM: the “governance, strategic and policy aspects of the emergency services sector”.¹²⁵
270. The Board may give directions to the MFS, CFS and SES under s 9 of the FES Act, but direction may not be in relation to matters concerning emergency response, and must be read as consistent with the Chief Officers control of all resources.
271. In other words, whilst the Board has functions in respect of the development and maintenance of strategy and policy in respect of the allocation of resources, once allocated by the Minister the Board has no control.

Recommended review of service delivery models & capital programs

272. Mr Lane recommends: “*broader review of service delivery models and capital programs that better balance and align risk to service delivery outcomes and investment decisions.*”
273. The UFUSA understands the outcomes of the inquiry are complete but that they remain “cabinet in confidence”; **the UFUSA calls on the Government to publish the MFS expenditure inquiry as a matter of priority.**

¹²² Report, p 18.

¹²³ FES Act ss 8(1)(e).

¹²⁴ See, eg, in respect of MFS, FES Act s 24(4)(a).

¹²⁵ FES Act, preamble.

274. It is unclear from Mr Lane's report which service delivery models and capital programs he says are in need of review, and the UFUSA calls on Mr Lane to provide examples of issues arising with existing service delivery and capital programs.
275. UFUSA supports ongoing improvements of collaboration across the MFS, CFS and SES in project management, as well as improvements in efficiencies and productivity in capital works.
276. Our members are accustomed to prioritising funding proposals, whether for new stations, appliances, equipment or additional personnel, not least because of funding constraints that have tightened over time.
277. Any review must involve consultation with operational personnel. Operational personnel are best placed to assess priority of need on the ground; it remains then for the Minister with assistance from the SAFECOM Board to decide which proposals to fund.
278. Without consultation, there is a significant risk that service delivery models will be changed for the worse, leaving communities less protected and member safety in danger.
279. For example, **without having undertaken consultation**, Mr Lane asserts that there is "ongoing duplication of response" suggesting cuts to crews are on the table without any rationale for why or where such cuts would be made.
280. Consultation reveals multi-agency attendances at incidents through Mutual Aid Agreements allows necessary and proportionate responses, from bushfires in the CFS districts like the Adelaide Hills to major fire or rescue incidents in MFS fire districts.
281. Any review of service delivery models and capital programs must **not just** take into account the MFS *expenditure* inquiry, but that MFS and CFS have *below average* labour and capital *expenditure* and FTE allocations combined with *below average funding*.
282. In the absence of additional information and assurances that consultation with our members will take place, the UFUSA is unable to endorse this recommendation.

Findings & Recommendation 4: Innovation and project delivery

283. Mr Lane asserts "*delivery delays*", a "*lack of appropriate information management systems*" and "*substandard control facilities, and support equipment*" and that these are attributable to "*[f]ailure to develop a strategic capital works plan and poor project management*".¹²⁶

¹²⁶ Report p 2.

284. Again, the UFUSA is unclear exactly what “delays” Mr Lane is referring to, which information management systems and which control facilities and support equipment and without additional detail is unable to usefully respond to the assertion.
285. The UFUSA supports the need for better long-term capital works planning (eg 10 year plans) to provide for the necessary expansion of agency capabilities (including stations, appliances, equipment and personnel) to meet changing community needs, as well as the ongoing renewal and upgrade of existing capabilities that is required.
286. As the CFSVA state, long-term planning also provides cost efficiencies and provides members with *“future knowledge so they and their communities can plan and eliminates the current guess and wait concept”*.¹²⁷
287. The UFUSA endorses the CFSVA’s call for a “collaborative approach” to and “whole of sector ownership” of long-term capital planning, and that this means consultation with operational personnel from each of the agencies.
288. Consultation does not mean a department merely handing down a report but operational personnel views being canvassed and operational personnel sitting at the table and discussing future priorities.¹²⁸
289. Importantly, and this cannot be reiterated enough, consultation creates collaboration and helps the sector fulfil the objects of the FES Act.
290. The UFUSA condemns the lack of consultation with members in Mr Lane’s identification of four (4) “key areas” on page 3 of his report, which includes future capital works priorities; for any long term planning to work, this disregard for basic tenets of consultation must change.
291. Mr Lane recommends: *“Delivery of funded projects to be closely monitored by the SAFECOM Board as the sponsoring authority”*.¹²⁹
292. Again, the UFUSA is unable to meaningfully respond to this recommendation as it remains unclear what Mr Lane means by “closely monitored” and “sponsoring authority” and we seek further clarification.
293. The UFUSA endorses the CFSVA’s recommendation that a working group or committee such the SAFECOM Sector Advisory Committee be used as a “conduit” for planning, and that it provides recommendations to the SAFECOM Board.¹³⁰

¹²⁷ CFSVA Response p 16.

¹²⁸ CFSVA Response p 16.

¹²⁹ Report p 2.

¹³⁰ CFSVA Response p 16.

294. The UFUSA reiterates the CFSVA's comments that it is important that *"SAFECOM does not drive the process, as SAFECOM's role is to oversee and to ensure the ESOs¹³¹ have resources to do the planning and that these plans fit into the sector strategy"*; SAFECOM must *"remain impartial and provide independent governance"*.¹³²
295. The UFUSA endorses the CFSVA that *"The 10 year plan concept will help provide the evidence that there is a lack of funding for capital upgrades and give government the ability to factor additional funds into forward estimates instead of having additional funding measures based on political ideals."*¹³³
296. **The UFUSA calls on the Board to commence long-term capital planning as a matter of priority.**
297. In addition to the three (3) areas of priority for capital investment identified by Mr Lane (information and communications technology; fleet and buildings and facilities), the UFUSA calls on training and equipment to also be prioritised.

Information and Communications Technology (ICT)

298. The UFUSA agrees that ICT in the fire and emergency services sector must be improved but questions the capacity of SAFECOM to be the "functional lead".
299. SAFECOM Chief Executive and staff have been the "functional lead" on numerous major ICT projects, including the Emerald database.
300. Mr Lane correctly identifies that implementation of the Emerald database has been "poor" and that it has *"suffered from poor governance, project planning, documentation, contract management, and monitoring"*.¹³⁴
301. UFUSA member feedback about the roll out of Emerald database included that it was too quick, with no communication plan accompanying the roll out, project management was sporadic, and that the roll out was inadequately resourced.
302. Two years on from commencement of the project, and the Emerald database still does not meet the needs of our members and the UFUSA continues to receive member feedback about a back-log of issues with Emerald database that remain to be addressed, and which grows daily.
303. The consequence of poor project management is not just "cost over runs and delays to implementation" but a hampering of our members' ability to carry out their operational functions, including upholding work, health and safety obligations.

¹³¹ MFS, CFS and SES.

¹³² CFSVA Response p 16.

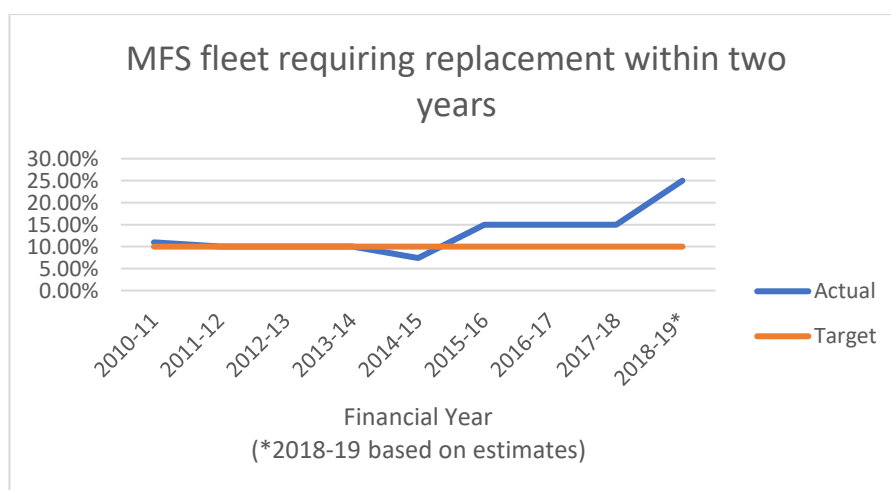
¹³³ CFSVA Response, FAQs p2.

¹³⁴ Report p 11.

304. The UFUSA has concerns about supporting SAFECOM Chief Executive and staff in circumstances where its leadership in ICT project rolls outs has resulted in “cost over runs and delays to implementation”.¹³⁵
305. Investment is also needed in ICT infrastructure, with many stations having no or outdated computers and poor or intermittent internet, and many members resorting to use of personal computers and phones for work purposes without recompense.
306. Station software systems are outdated and need immediate updating, including station management software, AIRS (Australian Incident Reporting System), functional training record systems, operations reporting programme, as well as Property Risk Information System Manager (PRISM) database.
307. The UFUSA reiterates that it is not sufficient to simply include ICT in a capital works plan; adequate resourcing must be allocated to it and consultation with members to implement it and implement it effectively.

Fleet & equipment

308. The UFUSA shares Mr Lane’s concern about the growing average age of the fleet of appliances in the SA fire and emergency sector.¹³⁶
309. This is reflected in the increasing rate MFS fleet that need replacement, particularly over the last five (5) years.
310. Whereas in 2014-15 only 7.4% of the MFS fleet required replacement within two (2) years, this rate has steadily increased to a high of 25% in 2018/19, well above the target of less than 10% (see Graph 7).



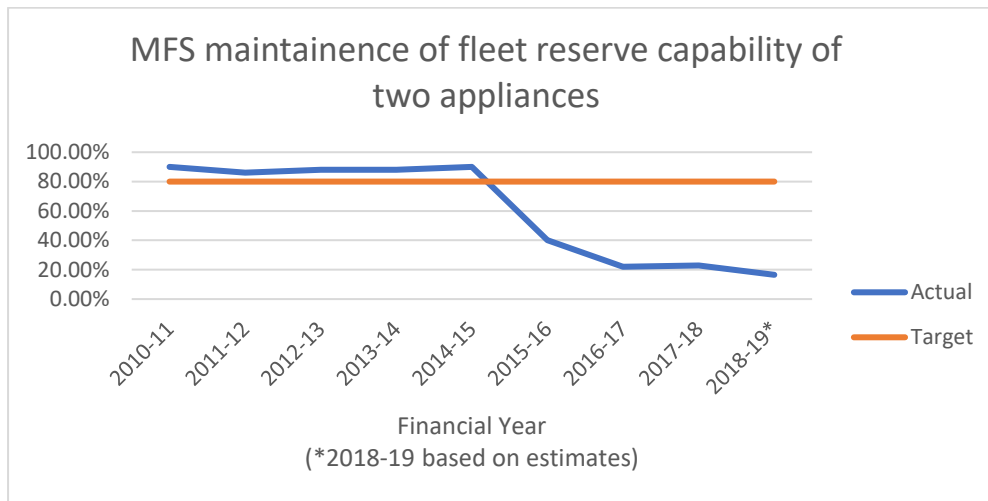
Graph 7¹³⁷

¹³⁵ Report p 11.

¹³⁶ Report p 12.

¹³⁷ Data taken from the individual South Australia Budget Agency Statements for the MFS for financial years 2011-12 to 2019-20.

311. The backup capacity of the MFS fleet is also being depleted and it is increasingly unable to maintain fleet reserves of at least 2 appliances, which is vital to ensuring coverage is maintained in case of break downs.
312. Whereas in 2014-15 the MFS maintained fleet reserves of at least 2 appliances 90% of the time, this has consistently dropped to the low of 16.53% in 2018-19, well below the target of 80% (see Graph 8).



Graph 8¹³⁸

313. The failure to invest in fleet replacement means that when fleet breakdowns happen there is significant risk that there are no backup appliances available, leaving MFS crews without an appliance to deploy in case of fire.
314. The risk is not theoretical and our members regularly report being left without reserve capability, including during days of catastrophic fire danger as occurred in November 2019.
315. Investment must also be made in new technologies, such as automatic vehicle locators or AVL, that respond to the changing type of fires and emergencies that our members are responding to, especially the increasing threat of bushfires.¹³⁹
316. MFS appliances lack essential bushfire protections, such as Burn Over Protection Systems (**BOPS**), which includes fireproof curtains, water sprinklers on exterior of appliances, lagging on fuel and brakes, and enhanced water reserves, and so urgent investment is required to ensure bushfire readiness.

¹³⁸ Data taken from the individual South Australia Budget Agency Statements for the MFS for financial years 2011-12 to 2019-20.

¹³⁹ See UFUSA Submission to the Independent Review into South Australia's 2019/2020 Bushfire Season pp 5-11.

317. Increasing the rate of replacement of the MFS fleet with, eg, urban interface appliances, would ensure bushfire preparedness, increasing water carrying capabilities and, crucially, provision of BOPS.
318. Although funding was allocated to assist in the retrofitting of BOPS to approximately half of the existing fleet following the Pinery Fires in 2015, 5 years on this has still not occurred with funding still not spent.
319. BOPS must be retrofitted on all appliances deployed in strike teams to bushfires, and the rollout performed as a matter of urgency in preparation for the next bushfire season.
320. MFS appliance capability must be expanded to include off-road (or 4WD) capability, additional bulk water carriers, vehicles for deployed support personnel and personnel carrying out rapid damage assessment that are fitted with firefighting equipment, BOPS, as well as safety and recovery equipment.
321. Finally, investment must also be made to ensure all appliances are fully stowed with safety and communications equipment, as well as food and water, and all members deployed to the fireground, whether operational or not, provided with personal protective equipment and access to fully functioning airconditioning.

Buildings and facilities

322. Mr Lane asserts that in “recent years” there has been “poor coordination of major capital projects” and that “examples include Mount Barker and Angle Park”.¹⁴⁰
323. The UFUSA is again unable to meaningfully respond to Mr Lane’s assertion because of the lack of detail he provides. When is he referring to? Which projects? Which projects at Mount Barker and Angle park?
324. Long-term capital planning must make provision for investment in upgrades to MFS buildings and facilities, particularly the Angle Park facility.
325. The Angle Park facility was acquired 20 years ago from the Electricity Trust of South Australia and can best be described as a series of big sheds.
326. Today the sheds house the MFS Training Centre, Engineering Department as well as the multi-agency SA Urban Search and Rescue (USAR) which have not seen significant investment in 20 years.
327. Urgent investment is desperately needed to make the facility fit for purpose as well as to replace ageing infrastructure and equipment as well as meet increasing demand for training, repair and maintenance and search and rescue operations.

¹⁴⁰ Report p 12.

328. Angle Park should be a centre of excellence for training, engineering and urban search and rescue, with its increased capacity enabling greater scope for inter-agency collaboration.
329. Funding for the Angle Park upgrade could have come from the \$14m that is being spent on the fit out alone of the “Emergency Services Command Centre” at Keswick.
330. The UFUSA condemns Mr Lane’s failure to regularly report to the SAFECOM Board about the planning and implementation of the construction project, including refusing to disclose documents to the Board on the basis that it is “commercial in confidence”.
331. The Chief Executive acts under the authority of the Board and a refusal to report, in detail and upon request takes the Chief Executive outside his powers under the FES Act.
332. The UFUSA also condemns Mr Lane’s lack of consultation with members about the planning of the construction, heightening suspicions of “empire building” and so reducing the chance of increased inter-agency collaboration into the future.

Training

333. Any long-term capital planning must provide for an increase in the training budget to allow more personnel to be trained across the increasing number of areas members are being required to specialise in.
334. For example, the recent 2019-20 bushfire season highlighted the urgent need for investment in training, and its consideration as part of any long term capital planning.
335. Although MFS personnel are increasingly responding to CFS requests to assist in fighting bushfires, and, although our members’ respond professionally and competently, a large proportion lack basic wildfire training.
336. That our members were able to adapt to CFS and other fire agencies’ processes is a testament to their professionalism and flexibility, but it is no excuse for failing to provide the recognised nationally accredited appropriate training.
337. Bushfire training must be provided as a matter of urgency, including training in Respond to Wildfire, AIIMS, Suppress Wildfire, strike team leaders, and sector and divisional commanders, off-road driver training, and training in CFS appliance and equipment.
338. Bushfire training must also be prioritised for MFS support personnel as well, who are also deployed to support operational firefighters during bushfires.
339. MFS should no longer be forced to choose between providing our members with, eg, essential training or bushfire training; both are essential and must be provided.

340. Urgent increases in funding are also needed to increase training opportunities for regional personnel, particularly in bushfire response, as well as for hazmat and road crash rescue personnel and management.

Findings & Recommendation 5: Policy Advice & Support to Government

Board's responsibility for reporting to and advising Minister

341. SAFECOM's statutory functions and powers include providing the Minister with:

- "regular reports ... on the activities and performance of the emergency service sector",¹⁴¹ and
- "reports or advice in relation to the operation of this Act or the provision of emergency services under this Act".¹⁴²

342. The function of reporting and advising the Minister is that of the Board; the Chief Executive may exercise this power but only to the extent that he has been authorised by the Board to do so;¹⁴³ as the CFSVA note, advice must be "through the Board – not the CE".¹⁴⁴

343. Mr Lane labours under the misconception that SAFECOM, the MFS, CFS and SES are public sector agencies required to deliver services "in-line with the priorities of the elected government".¹⁴⁵ They are not.

344. SAFECOM and the agencies serve the community and are accountable to them through the Minister but they otherwise operate independently.

345. The UFUSA agrees that ideally SAFECOM and the emergency services organisations work with government to drive incremental and progressive change, but this is made a near impossibility when the government refuses to adequately fund the sector.

346. A key reason for this independence is the need for the Minister to have access to operational personnel, with local knowledge, who can advise openly and frankly about the needs of the fire and emergency sector.

347. Access to Chief Officers of the respective agencies provides the Minister with the first-hand operational knowledge from their respective operational perspectives necessary to inform himself/herself about the activities and performance of the sector.

¹⁴¹ FES Act s 8(1)(q).

¹⁴² FES Act s 8(1)(r).

¹⁴³ FES Act s 8(1)(q) & (r).

¹⁴⁴ CFSVA Response p 17.

¹⁴⁵ Report p 5.

348. If the approach to policy advice is “fragmented”,¹⁴⁶ it is a creature of the FES Act which creates three distinct fire and emergency service entities with distinct spheres of operation and expertise.
349. The UFUSA rejects Mr Lane’s assertion that neither SAFECOM, MFS, CFS nor the SES are of “*any significant size compared to other portfolio areas such as policing, transport, education or health*”.¹⁴⁷
350. Whilst the paid component of personnel in the fire and emergency service in 2019-20 is estimated at just shy of 1,300,¹⁴⁸ the volunteer component is approximately 14,000,¹⁴⁹ bringing total number of personnel to 15,300 (paid and volunteers combined).
351. The total number of paid and volunteer personnel in the fire and emergency services is 9,300 more than South Australia Police’s 6,000 paid and volunteer personnel.¹⁵⁰
352. In the case of an emergency the Minister does not need reports and advice from a bureaucrat, he needs advice from operational personnel in charge of the operations and resources and staff that are deployed on the ground.
353. The UFUSA categorically rejects Mr Lane’s recommendation that all ministerial briefings be brought through the Chief Executive,¹⁵¹ which he asserts has already begun and without the consultation period having closed in respect of this report.
354. This does not mean it is necessary for each of the Chief Officers to regularly meet with the Minister; that function may be and is regularly delegated to the Chief Executive of SAFECOM.
355. A substantial amount of support is required from the SAFECOM Chief Executive and staff to assist the Board in carrying out its reporting and advisory function.
356. Supported by the staff, and not having operational responsibilities, the Chief Executive is best placed to accommodate the competing views of Board Members into cohesive advice and reports for the Board to approve and provide to the Minister.
357. The Chief Executive is accountable to the Board and NOT the Minister; the Chief Executive is an arm of the Board and NOT an arm of Government.

¹⁴⁶ Report p 13.

¹⁴⁷ Report p 13.

¹⁴⁸ SA Gov, 2019-20 Agency Statements – Volume 2, p 32 (CFS, 161.4 FTEs), p 48 (MFS, 1002 FTEs), p 66 (SAFECOM, 62.4 FTEs), p 89 (SES, 64.5 FTEs).

¹⁴⁹ SAFECOM Annual Report 2018-19, p 9.

¹⁵⁰ SAPOL website, “Who we are” (available at: <https://www.police.sa.gov.au/about-us/who-we-are>) accessed 29 May 2020.

¹⁵¹ Report p 13.

358. The failings identified by Mr Lane, including “timeliness and responsiveness to ministerial correspondence” and “provision of updates on how key projects are tracking and when they are delivered” reflect the inadequate support the Chief Executive is providing the Board with.
359. Mr Lane asserts that there has been “[i]nadequate development of policy and poor collaboration within as well as across other departments”¹⁵² but does not specify what areas of policy and which departments he is referring to.
360. Likewise, Mr Lane asserts that he has observed “a lack of confidence by Government in advice it was receiving from Emergency Services in South Australia”¹⁵³ without specifying what areas of advice he is referring to, and without any such comment having ever previously been conveyed to the Board.

SAFECOM as functional lead a failure

361. Mr Lane recommends “Build on the functional lead model across SAFECOM, with the additional creation of Project Management and Governance functional lead positions”.
362. UFUSA is unable to meaningfully respond to this recommendation as it remains unclear what Mr Lane means by “additional creation of Project Management and Governance functional lead positions” nor what “building on” he has in mind.
363. The UFUSA endorses the CFSVA comment that because governance is a “core operation” of SAFECOM role Mr Lane’s proposal that SAFECOM take a “governance functional lead position” is “nonsensical”.¹⁵⁴
364. The UFUSA categorically rejects Mr Lane’s assertion that the “establishment of Functional Lead roles across support areas such as HR and Finance has been successful”.¹⁵⁵
365. SAFECOM’s “functional lead” in HR has been limited to embedding an HR Manager in the MFS, which the UFUSA has found to be far from a success, with numerous missed opportunities for implementation of productivity and efficiency measures.
366. The UFUSA receives frequent member feedback about the HR manager’s decisions and advice which demonstrate a lack of understanding of the legislation, industrial instruments and MFS operations.

¹⁵² Report p 2.

¹⁵³ Report p 13.

¹⁵⁴ CFSVA Response p 17.

¹⁵⁵ Report p 13.

367. The UFUSA is frequently required to follow up the Chief Officer and senior management about these decisions and advice, draining resources that could otherwise be directed to MFS operations.
368. The UFUSA experience is that the HR Manager's correspondence is neither timely nor professional, and the UFUSA has observed the HR Manager's attendance at committees and enterprise bargaining without any meaningful participation.
369. The UFUSA also rejects the assert that SAFECOM's functional lead in workers' compensation is a success.¹⁵⁶
370. Members are frequently frustrated at the length of time taken for the workers compensation department to respond to telephone calls and email enquiries, with enquiries not uncommonly being completely ignored.
371. UFUSA experience is that knowledge and command of workers compensation legislation by claims managers is patchy, and the UFUSA has to repeatedly follow up on correspondence to get responses.
372. Non-responsiveness to calls and correspondence is unacceptable and SAFECOM should be endeavouring to provide responses within 24 to 48 hours at a maximum.
373. UFUSA has repeatedly attempted to discuss concerns with SAFECOM management about the administration of workers compensation matters but has received no response.
374. The UFUSA rejects Mr Lane's proposal for the additional creation of a governance and project management functional lead position,¹⁵⁷ past experience has proven SAFECOM poor at governance and project management.
375. Likewise, the UFUSA's experience is that far from minimising the risk of failure, SAFECOM's involvement has often exacerbated this risk, the Emerald database project being one such example already described.

Findings & Recommendation 6: Emergency Management

376. The UFUSA supports the review of the State Emergency Management Plan (SEMP), especially in light of the most recent 2019-20 Bushfires and ongoing Covid-19 pandemic.
377. The review must take into account any findings and recommendations of the:
- Independent Review into South Australia's 2019/2020 Bushfire Season (**the SA Bushfire Review**);

¹⁵⁶ Report p 19.

¹⁵⁷ Report p 13.

- Royal Commission into National Natural Disaster Arrangements;
- Senate Committee's Inquiry into Lessons to be learned in relation to the Australian bushfire season 2019-20;
- Other state and Territory inquiries currently under way.

378. The UFUSA will provide copies of our submissions to the SA Bushfire Review as well as to the Royal Commission into National Natural Disaster Arrangements for consideration as part of the review.

379. The UFUSA looks forward to ongoing consultation as part of the SEMP review process, including the opportunity to comment on any discussion papers or draft amendments to the SEMP.

12 June 2020