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Hon Tony Piccolo MP  
Minister for Emergency Services  
GPO Box 668  
Adelaide SA 5001

RE: Emergency Services Sector Reforms – Further submission by the Volunteer Marine Rescue Council of SA

Dear Minister

As you are aware, following your meeting with the Volunteer Marine Rescue (VMR) Council of SA (*the Council*) on Saturday 2 August, 2014, Council provided a written submission to you dated 7 August in which it outlined high level support for the ongoing inclusion of VMR in the current emergency services sector reform process.

In reaching that position, Council identified a number of supporting factors and drivers:

- VMR associations have evolved over the past 50 years through necessity to meet risk within communities. **They are not fishing, boating or yachting clubs that undertake an emergency service role as a sideline, but exist solely to meet and respond to marine-related risk in their communities on a 24-7 basis, in a manner no different to the role that volunteers of the Country Fire Service (CFS) and State Emergency Service (SES) play in their respective hazards.**
- While mentioned within the provisions of the *Emergency Services Funding Act 1998*, there is **no mention of VMR within the *Fire and Emergency Services Act 2005*, and subsequently their volunteers are not afforded the protections and legislated powers** provided under that act. In fact, other than a mention within the National Search and Rescue Plan, VMR has no legislated authority to conduct their activities.
- Currently the only 'occupational' marine search and rescue (SAR) resources are located centrally in Adelaide (including South Australia Police (SAPOL) Water Operations Unit, fixed wing aircraft and the MAC rescue helicopter). While metropolitan VMR capabilities complement those resources, **there is a total reliance on VMR volunteers to provide an immediate waterborne emergency response** in all other areas of the state.
- VMR associations are grateful for the funding provided through the Community Emergency Services Fund towards the provision of a search and rescue service, but **due to competition in traditional fundraising and grant programs and the escalating cost of providing a marine SAR service, notwithstanding efficiency efforts across the board, there is a widening gap between income and expenditure.** Since inception, grants provided to VMR associations have risen by CPI, which has not kept pace with the cost of doing business. This situation genuinely threatens the future of the capability and if not addressed, the safety of communities working and recreating in a marine environment.
- COAG initiated reforms to create a single national marine jurisdiction under the Australian Maritime Safety Authority (AMSA), have prescribed the activities of VMR as

'commercial' in nature. In SA, this means that as of 1 July 2013, VMR associations moved from a 'recreational' regulatory treatment to compliance with the provisions under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

While the National Volunteer Marine SAR Committee continues to consult with AMSA and advocate on behalf of VMR nationally, there is **no doubt that the maritime reforms will have a significant impact upon VMR** in SA in two areas. Firstly, as of 1 July 2013 all vessels will need to adhere to 'commercial' construction standards, which is significantly more than purchasing a 'recreational' standard vessel. Secondly, members will need to undertake training competencies in line with a 'commercial' training pathway. For unrestricted skippers, this equates to 15 new Units of Competency. Currently only one VMR association in SA (Australian Volunteer Coast Guard) is auspiced to a Registered Training Organisation through their National affiliation, which would be a requirement to comply with the new legislation. The ability and cost of meeting any obligations imposed by the reforms are unable to be met by VMR through existing arrangements, including the VMR Vessel Replacement Program.

- **These views are supported by comments previously expressed to Hon Paul Holloway in his review of the *Fire and Emergency Services Act in 2013***, and while not explored thoroughly due to the scope of that review, were reflected more specifically in recommendations 20 and 21 of his final report.
- Aside from the VMR Manager position that sits functionally within the SES and acts as a conduit to government for VMR associations, **VMR have no employees and as such, there is a total reliance on volunteers to provide governance, administration, training and support services**. Current and emerging demands in these areas are well above those that could be reasonably expected of volunteers in an emergency service, and raise potential liability through non-compliance with contemporary business practices and relevant legislative provisions, including workplace health and safety, as well as adversely impacting upon the recruitment and retention of volunteers. It is Councils view that present arrangements are unacceptable and pose a significant risk to both VMR associations and Government.

In September 2014 you released "*A Safer Community*" (discussion paper), in which you presented provisional feedback and themes learnt during the 'Round Table' consultative process, provided a proposed five tier organisational structure and outlined the process ahead, including the invitation for written submissions by 24 October 2014.

On 9 October the VMR Council reconvened to consider the content of the discussion paper, as a result of which it makes the following further submission for consideration.

#### ATTITUDE TOWARDS PROPOSED REFORMS

The position and attitude of VMR associations towards the proposed reforms is extremely positive, but may vary from existing emergency services. In acknowledging that the reforms pose a significant and timely opportunity for VMR associations, Council also recognises that the reforms may be perceived in an entirely different light, perhaps even as a threat, by some agencies and individuals already within the emergency services sector framework.

For that reason, Council does not seek to make comment on the potential impacts of the reforms upon existing emergency services, other than to assert that cooperative arrangements between services have been established over many years, and no matter what the future structure looks like, VMR associations undertake to continue that outlook.

## DESIRE TO BE CONSIDERED AS AN EMERGENCY SERVICE

Notwithstanding the current sector reform process, VMR associations have for a number of years been quietly advocating for the need to investigate opportunities to bring them closer in to government, which as previously mentioned, is a position supported by recommendations contained within the *Holloway Review*. That position is strongly reiterated by Council as part of the current review process.

The reason is simple. If changes are not made to the current VMR structure there is a real risk that VMR associations will not be able to lawfully deliver the level of service required by the community and risk profile.

There are a number of contributing factors. Firstly, an increasing risk profile over recent years has resulted in a steady increase in the demand for VMR services. The *sea change* trend is seeing more people move to coastal areas, there is a greater focus and participation rate in aquatic pursuits, recreational mariners are venturing further out to sea in order to seek a catch and severe weather events are more frequent and greater in intensity.

Other than a waterborne occupational capability within SAPOL located in Adelaide, VMR (and some SES units) provide the primary response to marine emergencies for the remainder of the state.

Correspondingly, grants provided to VMR from the Community Emergency Services Fund towards the provision of a marine rescue service are indexed with CPI, and have not kept pace with the rising cost of doing business. Most VMR associations have only limited capacity to undertake projects of a capital nature, which in some cases has resulted in compromises and interim measures in maintenance, questionable legal compliance with current tow vehicles and an inability to plan for expansion to meet growing needs. Additionally, increased costs associated with the impact of the national marine reforms with respect to vessel construction standards and volunteer qualifications are unable to be met within the current funding arrangements.

***Even if the current sector reforms do not proceed, Council remains committed to advocating for VMR associations to be formally included within the emergency services structure and legislation.***

Accordingly, Council supports VMR being recognised as a stand-alone front line emergency service in its own right, and seeks to have VMR installed in legislation as the fourth operational capability, alongside those of the CFS, MFS and SES.

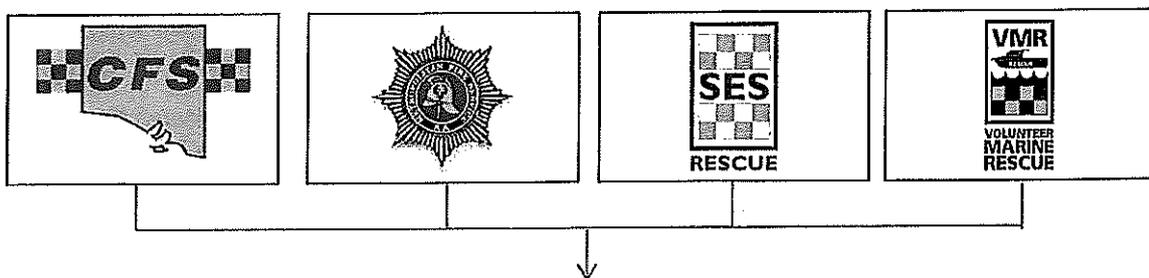


Figure 1. Front line service delivery model.

In considering this position, Council acknowledges that closer alignment with Government may bring with it increased governance, accountability and compliance with associated policies and procedures, which it accepts.

## IDENTITY

The acronym 'VMR' is recognised nationally (Volunteer Marine Rescue Services within the WA Fire and Emergency Services Authority, Volunteer Marine Rescue Association Queensland, National Volunteer Marine Rescue Committee, are a few examples) as a descriptor for associations providing a volunteer based marine SAR service. The term has been widely used and accepted in SA for over 13 years, consistent with the introduction of council.

Although VMR associations in SA are proud of their individual origins, history and culture, and are passionate about retaining their individual identities; they work cooperatively alongside of each other to provide an efficient, cohesive and effective waterborne emergency service.

While some states have amalgamated VMR associations into a single service model, given that the current operational alignment is effective, there is no appetite (nor identified benefit) for seeking amalgamation in SA, with associations preferring to maintain their individual incorporation and existing identities, whilst operating collectively under the banner of VMR.

Amending the name to any other would fail to capitalise on existing acceptance by both VMR members and members of the public, as well as existing branding and recognition. It is not unforeseeable that, in order to provide a single service at the operational level, that associations would wear the same VMR operational uniform, and recognise their individual association origins through inclusion of the respective logos, whilst retaining any association historical ceremonial uniform.

In accepting the need to provide a united capability under the banner of VMR, Council acknowledges that it exists in name only, and is not an incorporated body or formal entity. This will need to be reviewed by the working group to determine whether more formal establishment is required, in order to best meet any new organisational structure and functional arrangements.

## POSSIBLE STRUCTURE

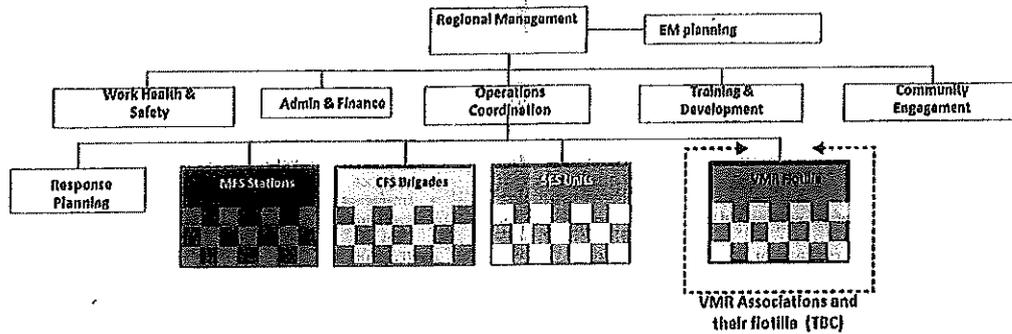
With respect to a framework to accommodate the inclusion of VMR as a fourth service, there are a number of opportunities available including partial and full integration, subject to a final position on any revised organisational structure and associated considerations.

In his review, Mr Holloway (Recommendation 20) suggested that in order to recognise the role of VMR and provide them legislated powers and protections, provision could be made within the Fire and Emergency Services Act for the Chief Officer of the SES to designate VMR associations as 'affiliated organisations'. Given that the current position of SES Chief Officer (and other existing CO's) would cease to exist in the proposed streamlining of the emergency services organisational structure into a single department, the VMR Council submits that the maintenance of identity as a fourth emergency service better recognises and reflects the role of VMR, provides identity within coastal communities and supports specific recruitment strategies.

One model aligning with the structure proposed in the discussion paper is to support the operational capability of VMR in the same manner in which those of the CFS and SES are

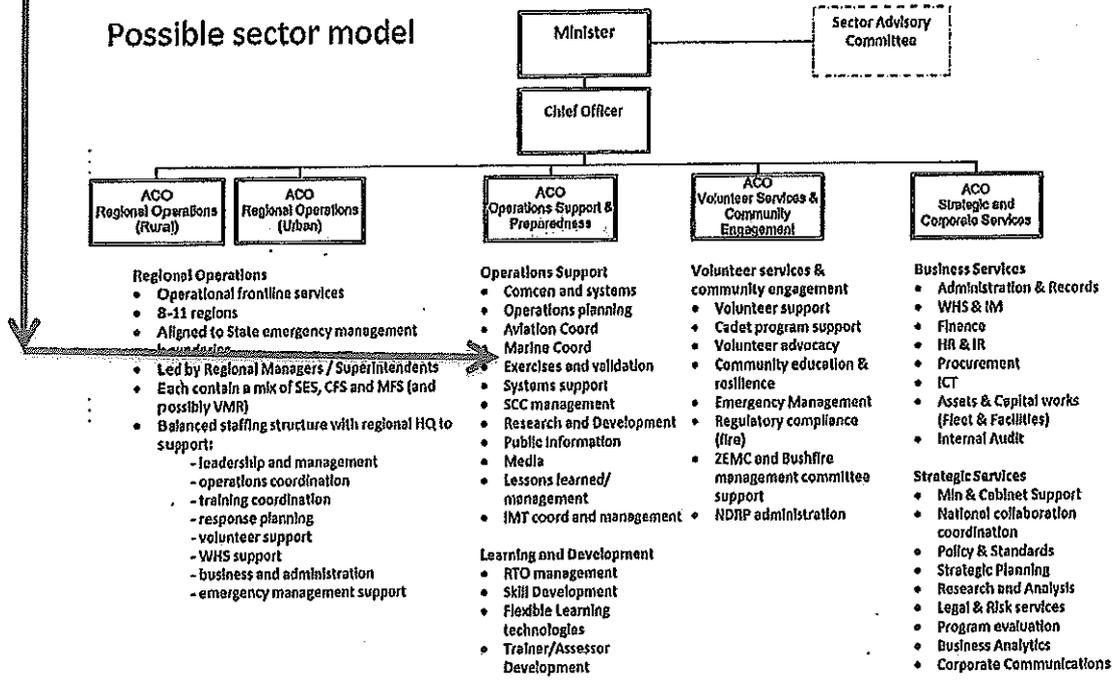
proposed, through a regional structure for a specified geographical area, as was posed as a possibility during the third round-table consultation at the Adelaide Town Hall on 13 October.

**REGIONAL OPERATIONS**



Administratively VMR could be serviced through either a marine specific business unit (preferred option) placed accordingly within the organisational structure as was provided as a possibility at the third round table discussion, and/or by several business units in support, such as Training, Finance, Assets and Infrastructure, Workplace Safety and Volunteer Support.

**Possible sector model**



If the reforms proceed in another manner, such as retention of single service identities beyond front line services, Council supports the vision of Mr Holloway in amending legislation to provide the Chief Officer of the SES with the ability to accredit VMR Flotilla's.

Having said that, there is a strong desire to maintain the identity as VMR, and not as an SES Unit.

It is likely that a firmer position could be provided once an organisational structure and appetite to bring VMR into government under the reforms, is decided.

#### COMMAND, CONTROL AND COORDINATION

SAR operations are carried out in accordance with the National SAR (NATSAR) Plan, which designates responsibility for overall coordination of incidents within the Australian SAR Region, dependant on location and nature of the target. The designated SAR Authority in SA is the South Australia Police (SAPOL), with whom VMR associations have enjoyed a mutually beneficial relationship for many years. Council sees any new organisational arrangements as having no impact upon the relationship with SAPOL or level of service delivery to the community, and would exist in much the same way as the relationship between SAPOL and the SES does for land SAR.

Each VMR association is structured in a loose para-military organisational framework, with Executive Committees overseeing strategic considerations and a clear rank structure at the operational level. If VMR were to be admitted as an emergency service in their own right, further consideration would need to be given to ensure that clear command and reporting relationships were provided throughout the organisational structure.

#### LEGISLATED AUTHORITY TO OPERATE

While VMR associations are mentioned within the NATSAR Plan as a resource to Police, in SA they actually have no existing legislated powers or authority (or protections) to undertake their operational activities. Although this arrangement may have suited days gone by, it is not in line with contemporary requirements and places both associations and Government at an unacceptable level of risk.

It is councils' submission that formal recognition of VMR within legislation as a fourth emergency service would provide the instrument to issue specific powers and protections that would enable them to undertake their duties. These include but are not limited to authority to:

- Direct persons, vehicles and vessels at a vessel launching facility to facilitate the launching and retrieving of rescue vessels
- Respond to marine emergencies in accordance with the National Search and Rescue Plan
- Enter upon a vessel at sea for the purpose of ascertaining whether there are any person(s) aboard
- Take in tow an unmanned or abandoned vessel or object that poses a hazard to navigation
- With the permission of the owner or person in charge, take in tow any vessel or watercraft that is broken down, aground, otherwise incapacitated or causing a navigation hazard, to such place as deemed safe by VMR
- Ask questions on behalf of the Police or other Authorised Officer/Agency to determine the registration number, identity and welfare of the operator or any persons on board any vessel
- To facilitate reasonable requests from a Search and Rescue Authority

## GOVERNANCE STRUCTURE

Although each VMR association is independently incorporated and have their own constitutions, the VMR Council has the unanimous endorsement from all associations as the peak body. There are a further four key committees that ensure a functional and coordinated approach to VMR activities:

- The State Marine Rescue Committee
- State Marine Communications Management Committee
- VMR Training and Technical Committee and
- VMR WHS Committee

(Note: While VMR associations are mentioned within the Workers Rehabilitation and Compensation Act, and the SES carries associated budgetary risk, a recent opinion provided by SafeWork SA has determined that as VMR associations have no employees, they are not considered to be undertaking business, and are therefore not obliged to comply with the provisions of the Work, Health and Safety Act 2012. This exposes SES (and government) to a significant risk. Bringing VMR associations into emergency services legislation would immediately comply them to adhere to those provisions.)

Each committee focuses on a specific facet of business, and consists of representation from all VMR associations and in most cases, the SES and SAPOL.

In addition to policies implemented by each committee, historically further governance is available through insertion of specific conditions within funding agreements.

It is possible under a new organisational structure that these committees remain functional largely as they are, with adjustments to terms of reference to reflect any change in arrangements.

If VMR were incorporated within the organisation structure, it would be desirable that each sector reference, advisory and volunteer committee have VMR representation.

## PROVISION OF FUNDING

VMR associations have been provided with funding by way of grants from the Community Emergency Services Fund for many years and are defined within the Emergency Services Funding Act 1998 as an emergency service, however the Volunteer Marine Rescue SA Incorporated Association mentioned within the Act is defunct and has not met or several years.

*Emergency service* means —

- (a) a service of the kind provided by —
  - (i) the South Australian Country Fire Service;
  - (ii) the South Australian Metropolitan Fire Service;
  - (iii) the South Australian State Emergency Service;
  - (iv) Surf Life Saving South Australia Inc;
  - (v) a body or organisation that is a member of Volunteer Marine Rescue S.A. Incorporated.

No matter what the outlook for VMR, the Emergency Services Funding Act should be amended to reflect the current situation of accreditation through the State Marine Rescue Committee, or any revised arrangements,

In addition to quarterly grants provided to each association with respect to the provision of an emergency service, further funding is provided towards the VMR Vessel Replacement Program, VMR Contingency Fund and Committee funding.

Given that a large driver to consideration of integration is a need to review the entire financial capacity of VMR, it is recommended that this is investigated further by the working party.

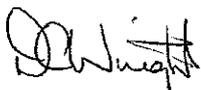
## CONCLUSION

The information provided above is submitted to enable high level consideration of VMR's potential integration into the emergency services sector, and it is likely that many of its facets and themes will need to be explored more thoroughly, once a firmer position is known with respect to an organisational framework and appetite to bring VMR closer into Government. Members of Council and individual associations have offered to contribute to any further discussion, consultation or working party as required.

No matter what the case, if the current arrangements remain in place the ability of VMR associations to continue to provide a marine emergency service into the future is under significant threat. VMR associations collectively see these reforms as a timely opportunity to gain legislated powers and protections, and to secure their capability into the future.

On behalf of Council I thank you for the opportunity to further contribute to discussions surrounding the emergency services sector reforms, and I welcome any enquiries that you or your staff may have.

Yours sincerely



DARRYL WRIGHT  
CHAIR

24 OCTOBER 2014