

Incident Review

Eaglehawk Fire Brigade
27 November 2017



Final Report

23 January 2018



1. Executive Summary

Eaglehawk Fire Brigade is located at 29 Loddon Valley Highway, Eaglehawk. The brigade has 70 volunteer firefighters – 51 men and 19 women. The brigade runs a junior program, and has 18 members aged under 18 years.

The brigade attended 104 fire and rescue events in the last year as the primary brigade, and 79 as a support brigade.

On Monday 27 November 2017 an incident occurred at the Eaglehawk Fire Station involving a 17 year old female volunteer firefighter and four male volunteer firefighters. The incident was captured on Eaglehawk Fire Station CCTV. The footage depicted the apparent assault of the young woman, whilst other members observed but did not intervene.

Senior volunteers from the brigade concerned about the behaviour of the participants in the incident met and resolved to raise it with CFA management. The video footage was provided to the CFA District 2 Operations Manager on 4 December 2017, who subsequently provided it to the Senior Integrity and Investigations Manager at CFA Headquarters on that day.

For the purpose of providing legal advice to the CFA Chief Executive Officer and Board, and on the basis of the evidence provided in the video footage, CFA's General Counsel instigated an immediate investigation into the nature of the incident, any other incidents of a similar nature that may have occurred at the brigade, and the impact of these incidents on the Eaglehawk Brigade, the wider community and CFA. The Senior Integrity and Investigations Manager and an independent investigator were appointed to conduct the investigation.

Four members of the brigade identified as directly participating in the incident were immediately suspended pending the outcome of the investigation. This included the Captain of the brigade.

The incident was initially portrayed as “play fighting” by those involved. A review of the CCTV footage has substantiated the serious and potentially harmful nature of the incident. The footage clearly shows that the young woman was wrestled to the ground by a male volunteer, dragged along the floor, and forced under a fire truck where she was sprayed with water.

It has become apparent that the incident on 27 November was not an isolated event, but was in fact the latest in a series of inappropriate actions directed at the young woman and other young members of the brigade. Evidence has been provided of three other recent incidents of a similar nature, all involving potentially harmful physical contact with young people.



The Captain of the brigade was involved in all four of the incidents. His behaviour demonstrates a lack of judgement and awareness of his responsibilities as a leader. The behaviour did not meet the values of CFA nor community expectations.

The Captain has since resigned from CFA, but if he had remained in the organisation he would have faced serious disciplinary action. In the event that he sought to return to CFA, his application to re-join would be denied.

Other members who participated in the various incidents have been subject to disciplinary action pursuant to Regulation 44 of the *Country Fire Authority Regulations 2014*.

Members who observed the incident but did not intervene have been counselled and all Eaglehawk Fire Brigade members will receive further compulsory training under CFA's *Matter of Respect* program.

On becoming aware of the incident, and given the existence of clear evidence contained in the CCTV footage, CFA made a public statement and briefed the media in line with CFA's commitment to transparency. CFA indicated clearly that the type of behaviour evident in the video footage is unacceptable and will not be tolerated within CFA.

It is important to note that all parties were provided with ample opportunity to provide their side of the story as part of a thorough investigation.

In addition to instigating its own investigation, CFA informed Victoria Police, WorkSafe Victoria, and the Victorian Human Rights and Equal Opportunity Commissioner (VEOHRC) . WorkSafe Victoria has commenced its own investigation into the incident.



2. Description of Incidents

CFA is now aware of four incidents at Eaglehawk involving inappropriate behaviour which occurred in September and November 2017. Three of these incidents were captured by the station's CCTV cameras.

2.1 Incident 1: 27 November 2017

On Monday 27 November 2017, the Eaglehawk Fire Brigade attended a community event in the Eaglehawk area. The members returned to the fire station prior to 1930hrs. At approximately 2000hrs an incident occurred at the Eaglehawk Fire Station between a 17 year old female volunteer firefighter and four older male volunteer firefighters.

The incident was captured on Eaglehawk Fire Station CCTV cameras located in the engine bay.

The video footage shows that the young woman (YW) was wrestled to the ground by a male volunteer (V1), pushed by another young volunteer (V2), and then dragged along the floor and forced under a fire truck where she was sprayed with water. V1 has stated in interview that the Brigade Captain directed him to bring YW towards the water jets. The Captain operated the water jets once the YW was under the truck.

2.2 Incident 2 – 27 November 2017

Review of CCTV footage has revealed that later in the evening on 27 November, YW was the subject of another incident involving the Captain and V1.

YW was pursued by the Captain, who repeatedly flicked her with a towel. As YW attempted to grab the towel from the Captain she slipped over and fell on the ground. The Captain then grabbed a set of keys attached to a lanyard from the wall and started swirling the keys near YW's head.

After getting to her feet, YW flicked V1 with the towel. V1 then removed his thong and chased her through the fire station and struck YW. The footage shows that YW reacted to this contact and appeared to be injured.

2.3 Incident 3: 26 November 2017

On Sunday 26 November 2017, the Eaglehawk Fire Brigade running team attended a competition in Horsham. The team returned to the fire station at approximately 1840hrs.



CCTV footage shows a volunteer (V3) running through the wet car park into the fire station with an open bottle of beer in his hand. As V3 entered the engine bay he slipped on the wet floor and fell heavily on his back.

The CCTV footage also shows some members of the running team mingling and consuming alcohol. A volunteer (V4) is seen with a bottle of scotch in one hand and a stubby holder with a can in the other.

At approximately 1900hrs, the running team congregated at the rear gate for a team photo. Just after the photo was taken, three members were lifted off the ground and, despite resisting, were thrown into a water trough filled with water. V3 has stated that he filled the trough with water for this purpose. The group then returned to the inside of the fire station and continued drinking.

2.4 Incident 4 – August/September 2017

A fourth incident that occurred in August/September 2017 came to light during interviews with those involved in the first incident. This incident involved the YW being restrained with duct tape to the bull bar of a fire truck. Whilst there is no CCTV footage of the incident, the allegation has been put to the Captain and V3, who have both admitted that the incident occurred and that they were involved.

3. CFA Response

3.1 Initial Notification and Commencement of Investigation

On 27 November, a volunteer firefighter from the Eaglehawk Fire Brigade who observed Incident 1 raised his concerns about the actions of the volunteers with the Brigade Captain but his concerns were dismissed.

On Thursday 30 November, the same member raised his concerns with two other senior members of the brigade. A meeting was convened on Sunday 3 December between the ex-captain and the current serving three brigade lieutenants who viewed the footage and made a decision to notify a CFA District Operations Officer the following day.

On Monday 4 December, the District 2 Operations Manager notified the CFA Senior Integrity and Investigation Manager who then briefed CFA's General Counsel. In order to prepare a memorandum of advice for CFA's CEO and the Board, CFA's General Counsel caused a full investigation to be commenced. The Chief Executive Officer and the Chief Officer were also briefed by the Senior Integrity and Investigations Manager.



3.2 Support for Young Woman and her Family

On 4 December, the CFA Senior Integrity and Investigations Manager contacted YW's mother and met with her family. Peer support and welfare support was offered to the young woman, her family and to the members of the brigade.

3.3 Immediate Suspension of Four Volunteers

Four Eaglehawk Fire Brigade members who were identified as directly participating in Incident 1 were immediately suspended pending the CFA investigation.

3.4 Referral Process

CFA senior management made the following notifications on 4 December 2017:

1. Bendigo Police Criminal Investigation Unit
2. WorkSafe
3. CFA Board
4. Office of the Minister for Emergency Services
5. Victorian Equal Opportunity Human Rights Commission (VEOHRC)

Volunteer Fire Brigades Victoria was notified on Tuesday 5 December.

The CEO of the City of Bendigo was notified on Wednesday 6 December and advised that services delivery to the community would not be affected.

As a result of these referrals:

- WorkSafe Victoria has commenced its own investigation;
- VEOHRC has incorporated information on the incident into its existing review of equity and diversity within the fire services; and
- Bendigo Police interviewed YW, who indicated that she did not wish to take the matter further with the police.

3.5 Brigade Meetings

A special meeting of the brigade, attended by the Assistant Chief Officer (ACO) and Operations Manager (OM), was called for 5 December to address the brigade on the matters that were presented to District on the previous day.

A further meeting which included the Chief Officer, ACO and OM was held on 13 December where the Chief Officer and the investigating officer briefed the brigade on the investigation and findings so far.

The ACO and the OM attended the Brigade Management Team meeting on 18 January 2018 to discuss the current status.

3.6 Review of CCTV Footage

CCTV footage was obtained from the brigade and reviewed by the Investigation Team.



3.7 Advice to the Public via the Media

CFA made a public statement and briefed the media on this issue. In addition, the Chief Executive Officer was interviewed on radio.

The decision to brief the media that an investigation was underway prior to its completion was carefully considered by CFA. The decision was in line with CFA’s commitment to transparency, and was based on the fact that clear evidence of the incident was available via the CCTV footage. This is to be contrasted with other matters where allegations are made requiring an investigation before findings of fact can be considered.

CFA indicated publicly that the type of behaviour evident in the video footage was unacceptable and would not be tolerated, that it would be rigorously and openly investigated, and CFA would hold itself publicly accountable.

3.8 Disciplinary Action

Those volunteers who participated in or observed the various incidents that have come to light have been subject to disciplinary action pursuant to Regulation 44 of the *Country Fire Authority Regulations 2014*, as outlined in Table 1 below. The disciplinary action has taken into account whether the participants have accepted the potentially harmful nature of their behaviour and have shown remorse.

Table 1: Disciplinary Action

PERSONNEL	OFFENCES/CONSIDERATIONS	PENALTY
Captain	Multiple Misconduct & Negligence charges were considered	Faced serious disciplinary charges, but resigned prior to being charged. Will be subject to disciplinary charges if he attempts to re-join CFA.
Volunteer Fire Fighter V1	1 instance of Misconduct	Disciplinary process underway. Will include compulsory counselling and <i>Matter of Respect</i> training
Volunteer Fire Fighter V2	1 instance of Misconduct	5 weeks’ suspension. Compulsory counselling and <i>Matter of Respect</i> training.



Volunteer Fire Fighter V3	3 instances of Misconduct 2 instances of Negligence	14 months' suspension. Compulsory counselling and participation in <i>Matter of Respect</i> training.
Volunteer Fire Fighter W1	Witness	Compulsory counselling and <i>Matter of Respect</i> training
Volunteer Fire Fighter W2	Witness	Compulsory counselling and <i>Matter of Respect</i> training
Volunteer Fire Fighter W3	Witness	Counselling and <i>Matter of Respect</i> training
Volunteer Fire Fighter W4	Witness	Counselling and <i>Matter of Respect</i> training
Volunteer Fire Fighter V4	Investigation ongoing	
Running team members	Investigation ongoing	

4. Findings

4.1 Leadership Deficiencies

Eaglehawk Brigade is a long-standing brigade with a fine history of serving the community through the efforts of many hard-working volunteers who make up the majority of brigade members. However, the brigade has been let down by a lack of mature and responsible leadership in recent times.

In particular, the behaviour of the Captain did not meet the standards of leadership that CFA and the community expects. His behaviour demonstrates a lack of judgement and awareness of his responsibilities as a leader.

Of most concern is the impact of the behaviour of the Captain on the younger members of the brigade. Many of these young people are at an impressionable age, and were being inducted into a culture that is the antithesis of CFA Values and the Code of Conduct. It would appear that the young members participated in the unacceptable behaviour to gain favour with the Captain and be offered “the first seats on the truck”.

Senior members of the brigade also have a responsibility to show leadership, and this has not occurred on a number of occasions.



4.2 Underlying Cultural Problems

The fact that there have been multiple incidents of a concerning nature is evidence of an underlying cultural issue within the brigade. This is also reflected in the apparently casual reactions of many of the observers to the incident on 27 November.

It was suggested by some participants that the incidents were occurrences of light hearted “hazing”. Even if the incidents could be characterised as such, they demonstrate a culture where there is a lack of discipline and respect for all members

In fact, the nature of the incidents and their repetition indicate a culture that tolerates and condones bullying of younger and more vulnerable members of the brigade.

4.3 Consumption of Alcohol

It appears that the consumption of alcohol was a contributing factor in at least one of the incidents.

4.4 Low Appreciation of CFA Values

The participants in the incidents showed a low understanding or appreciation of CFA Values, and several have shown little or no remorse for their actions or a willingness to embrace the Values and Code of Conduct in future.

4.5 Lack of Personal Responsibility

There is an unwillingness by some participants to take responsibility for their behaviour, and acknowledge the actual and potential harm of their actions on the physical and mental wellbeing of those involved. This should be taken into account during disciplinary proceedings.

5. Recommendations

Recommendation 1: Appointment of a CFA Staff Officer to lead the brigade

It is recommended that a CFA Staff Officer be appointed to lead the brigade during the transition to more permanent arrangements.

Recommendation 2: Review of leadership positions

It is recommended that the CFA Staff Officer review the leadership positions within the brigade to ensure that they are held by members with appropriate skills and experience.

Recommendation 3: Oversight by a Deputy Chief Officer

It is recommended that a Deputy Chief Officer be given responsibility for overseeing the implementation of these recommendations, reviewing progress of the brigade and the district, and reporting to the Chief Officer.

Recommendation 4: Urgent training on CFA Values

It is recommended that the new *Matter of Respect* Program be rolled-out at Eaglehawk Brigade as a matter of urgency, and that all members be required to participate.



Recommendation 5: Alcohol consumption

It is recommended that CFA review its current Drugs and Alcohol Policy.

It is further recommended that the consumption of alcohol at Eaglehawk Fire Station be prohibited pending the outcomes of the policy review.

Recommendation 6: Consider suspending the Eaglehawk running team

It is recommended that consideration be given to excluding the running team from participating in any events for the period of one year.

It is further recommended that CFA ensure that relationships between brigades and running teams are consistent with CFA Values and that running teams add value to brigades, as part of the current CFA Review of Championships.

Recommendation 7: Hazing & initiations be banned from CFA

It is recommended that CFA address the culture of hazing and initiations within CFA and clearly articulates its position that any behaviour that has the potential to harm people mentally or physically is not acceptable and will not be tolerated.

It is recommended that the Chief Officer engage with the volunteer leadership cohort to support this direction.

Recommendation 8: Pre-requisites for officers

It is recommended that the Chief Officer's Priority (Challenge 5 in CFA Plan 2017-18) as led by North West Region, should reference Eaglehawk.

Recommendation 9: Values & behaviours

It is recommended that CFA improves brigade support to identify the behaviours that reflect CFA Values.

Recommendation 10: Member selection process

It is recommended that CFA strengthen the volunteer member selection process, and provide clearer direction to brigades to improve the understanding of it.