



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTES FOR VOLUNTEERS – 2 August 2016

VFBV – CFA Consultation on Operational Staff EBA

VFBV concluded its formal court ordered consultation period with CFA on 20 July 2016. Subsequently, we requested to extend the consultations once the new CFA Board was in place in order to bring new CFA Board members up to speed with our concerns and suggestions.

Whilst CFA did not agree to further formal consultations we were invited to make a presentation to the full CFA Board on Monday 1 August. The UFU were also invited to make a presentation to the Board at an earlier time the same day.

I am pleased to report that this meeting was constructive and I am hopeful that progress on our issues can be made – we'll wait and see.

In the lead up to this meeting we wrote to CFA on Friday 29th July with further questions on the effect of the proposed CFA-UFU Operational Staff EBA, arising from our consultations so far and the feedback we are receiving from members. We also sent CFA an updated comprehensive assessment of the proposed EBA, clause by clause, with comments on issues and the actions that we believe are required.

We expressed the strong view that the completion of a genuine and meaningful consultation process under the Supreme Court undertakings, as well as the *CFA Volunteer Charter*, is dependent on the provision of all the information pertinent to the matter. We also expressed concern as to the lack of response and clarification from CFA, relating to the issues we have raised so far.

Parliamentary Inquiry into Fire Season Preparedness

On Tuesday, 2 August, VFBV made a presentation and submission to the *'Inquiry into Fire Season Preparedness'* by the Victorian Parliament's Legislative Council Environment and Planning Standing Committee. The UFU was also scheduled to make a presentation but Peter Marshall advised he was not able to attend due to illness. The effects of the proposed EBA on the preparedness and operations for the forthcoming fire season have already been raised as an issue in the Inquiry. Attached to this News Note is a summary of the evidence Andrew Ford and Adam Barnett presented to the Committee.

The Premier's Troubling Comments

Over the past couple of weeks Premier Daniel Andrews has told the media that the proposed EBA will not affect volunteers. He has accused those who say it will affect volunteers and public safety to be liars, spreading grubby mischief and following a political agenda. For example, on regional ABC radio he said:

"One would hope that the misinformation, the lies the pretty grubby mischief that's been going on in recent months will come to an end. Again we'll continue to be out there with the truth, the actual facts of these matters."

In the past week he has even implied that if the dispute went on, lives may be lost because CFA members were not focussed on the job if the industrial dispute continued and was not resolved:

"... the price is me having to sit in this studio and say to you that lives were lost, property was lost, because the CFA was not focused on keeping Victorians safe, I'm not prepared to do that."

These comments are an insult to all CFA members, volunteers and paid. For all of us, our public service to the people of Victoria, our commitment to public safety comes first and we will never be distracted from that. The very reason we are taking the stand we have on the EBA is because of a profound commitment to a volunteer based, fully integrated CFA as the best way to provide public safety for Victorians.

Information we have requested from CFA

VFBV has requested further information from CFA in regard to the EBA arising from our consultations so far and feedback from members. The matters raised included::

- Whether the catchall clause 7A is the only proposed protection for volunteers
- How the proposed CFA Greater Alarm Response System (GARS) would work
- The effects on volunteers of clause 43.2.7; "seven professional firefighters to fireground incidents are dispatched before commencement of safe firefighting operations..."
- The impacts of restricting BASO and Volunteer Support program roles to paid firefighters
- How CFA will ensure VFBV and volunteers are genuinely consulted on issues handled by the EBA's dispute resolution processes
- The content of the proposed Infrastructure Agreement between CFA and UFU, to be placed on file at the same time as the EBA is lodged with FWA, and how VFBV and volunteer members of those Brigades will have genuine opportunity to have input before any decision is made
- The listing of four additional locations for new integrated brigades - a direct contradiction of the Premier's and Minister's assurances that the proposed EBA will not affect volunteer brigades
- How the Emergency Management Commissioner will ensure genuine consultation, ensure the CFA Act is not overridden, take any necessary action in the Fair Work Commission, and protect the roles of volunteers in accordance with the CFA Volunteer Charter?
- When VFBV will receive an updated proposed EBA, showing amendments that are proposed to accommodate the volunteers' concerns

- Whether there is a proposed interpretation document that will guide the application of clauses in the EBA, and when it will be provided to VFBV for discussion and consultation

In our view, the responses to these matters are fundamental to “genuine and meaningful” consultation with volunteers so that we may help shape the final decisions that affect us and CFA as a volunteer based fire and emergency service.

VFBV'S NEXT STEPS

VFBV is continuing to work to ensure the now-complete CFA Board fully understands volunteers' concerns, the ramifications of approving the EBA and ways in which those concerns can be resolved. It is important to repeat that none of our concerns are about the pay and conditions of paid firefighters.

We are working with Federal Government to ensure its intended legislation to change the Fair Work Act is effective in protecting volunteers from the effects of enterprise bargaining agreements.

VFBV will keep raising the issues with Members of Parliament, business and community leaders and the general public.

We are actively advocating through public forums, events and the media, and it is important that volunteers across the state continue local activities to support our push for a fair outcome.

Andrew Ford
CEO
Volunteer Fire Brigades Victoria

ACTIONS YOU CAN TAKE AT THE LOCAL LEVEL

Volunteers should still be:

- Emailing and talking to local Members of Parliament at every opportunity
- Seeking meetings with MPs to tell them about volunteers' concerns
- Raising the issue with local media and the community
- Keeping your signs, leaflets and other campaign materials ready, we may need to hit the streets at short notice
- And at all times, maintaining your normal professional standards of behaviour and emergency response to your community

Stay in touch with the issue via your State Councillors, *FireWise*, www.vfbv.com.au and VFBV updates to volunteers.

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SUMMARY OF KEY MATTERS RAISED BY ANDREW FORD AND ADAM BARNETT TO THE LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING STANDING COMMITTEE INQUIRY INTO FIRE SEASON PREPAREDNESS – 2 AUGUST 2016

Noted significant and compounding effect on fire seasons into the future

Stressed the vital importance of CFA volunteers to fire season preparedness, particularly:

- Volunteer surge capacity
- Interrelationship between fire service delivery in outer metropolitan Melbourne and Victoria's fire season preparedness
- The importance of CFA's integrated model for managing this interrelationship
- Proposed EBA's impact on powers of the Chief Officer, the volunteer based and integrated nature of CFA and direct impact on Victoria's fire season preparedness and operations
- Long term and potentially disastrous impacts of the proposed EBA requiring a cure

Urged Committee to rapidly do all they can to transparently investigate the EBA problems we have raised, ensure appropriate awareness of the problems and seek out necessary remedies to them.

The issue is not volunteers versus paid staff but rather the issue of inappropriate union control and influence in CFA and an EBA that effectively dismantles the current statutory nature and operations of CFA and erodes the CFA's capacity to manage its operations.

CFA's single chain of command is vital for effective response – CFA is founded on the principle of roles being performed based on the best person for the job (training, experience, proficiency, availability) – not based on pay status. Volunteers are trained, experienced and endorsed to perform CFA's range of roles from firefighter to incident controller and incident management roles at the highest level in the state.

A significant proportion of response and surge capacity to deal with fires and major incidents is from outer metro volunteers. An erosion of the numbers and capacity of outer metro volunteers will cut Victoria's response and surge capacity to deal with major fires and incidents and more community loss will occur.

The network of 1200 volunteer brigades across Victoria is the first line of community planning, preparedness and resilience and the basis of community education capacity all year round including the lead-up to every fire season.

Often 40% and sometimes more than half of the resources used to fight major fires and respond to major incidents are provided by volunteers from outer metro Melbourne. Sustaining and growing volunteer capacity in outer metro Melbourne and supplementing it based on genuine need, and based on the CFA integrated model, is essential to a state-wide response and surge capacity. The operation of fully integrated brigades with their core of paid staff working with volunteers to meet local service delivery requirements is an important part of the CFA's model of operation. Full integration of staff and volunteers is recognised in the CFA Act.

The CFA Act also requires that CFA policy and organisational arrangements (for example, policies, procedures, work force design, volunteer brigade support arrangements and training) encourage, maintain and strengthen the capacity of volunteers. Further, the CFA Act also requires consultation with volunteers on all matters that may affect them prior to decisions being made – this is a vital mechanism for engaging and rendering a sense of co-operative involvement to volunteers in determining CFA's future as it affects volunteers. This is an important part of sustaining and building CFA's volunteer workforce – currently

about 97% of the total CFA workforce – to meet current and future challenges, be it urban growth or the fire and flood effects of climate change.

The matters raised with the Committee regarding the proposed EBA:

- Erodes the role of volunteers;
- Restricts support to volunteers;
- Blocks proper consultation on matters which may affect volunteers;
- Dismantles the CFA integrated model; and,
- Restricts and overrides CFA (including Chief Officer) decision making.

These factors inherent in the current version of the proposed EBA will lead to reductions in volunteer capacity. If volunteers are not respected and utilised in a meaningful way there is a high risk of disengagement and loss of members – ‘use them or lose them’; respect them or lose them.

Implementation of the proposed EBA creates a significant and growing cost burden which will inevitably lead to the monopolising of resources to one small aspect of CFA business primarily in urban Melbourne rather than allowing CFA to determine priorities based on service need and risk. Consequently, regional Victoria and other operational priorities will see a progressive draining of available resources.

Once volunteers are gone and the traditions of service lost it will be very difficult to rebuild.

Pointed to various comments and assurances from Government regarding the EBA including:

- There is no impact on volunteers;
- Volunteer concerns have been fixed;
- The EBA only affects a handful (34) of CFA brigades;
- Volunteers are protected from the affects of the EBA;
- Support to volunteers is not impacted by the EBA;
- There is no veto power for the UFU in the EBA

Pointed out how these comments and assurances were not true!

Finally, appealed to the Committee to do everything in its power to ensure urgent, expert and transparent analysis of:

- The concerns raised by the immediate previous CFA Board, CEO and Chief Officer;
- Advice received from senior legal experts, including a numbers of QCs;
- The impact on CFA volunteer capacity and volunteer workload;
- The full additional costs and funding required to ensure limited funds are directed to best community safety outcomes as determined by the CFA, not an industrial agreement; and,

The wildly varying cost estimates of the EBA, noting CFA cost estimates suggesting an additional \$1.2 billion required over three to four years, where some Treasury estimates place the cost at around \$160m – There is a need to generate figures of which we can all be confident.

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