



VOLUNTEER FIRE BRIGADES VICTORIA

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FEDERAL ELECTION IMPACTS ON CFA

As this edition of Fire Wise goes to print, volunteers across Victoria are working within communities to express their concern about the current CFA/UFU industrial agreement negotiations. The issue has been made a federal election issue by the timing of Victorian Premier Andrews push to ram the deal through and because the deal is using federal industrial relations legislation to override CFA State legislation to give control of CFA to the UFU.

Although some people are saying this is a state issue, it is both a federal and state issue because the UFU deal is using federal industrial legislation to take control of and override CFA state legislation. The links will become clearer as the federal debate proceeds in the new parliament. As this edition goes to print, there is a solution on the table from Malcolm Turnbull: we are still hoping for help with a solution from Bill Shorten and we will continue to pursue support for the necessary changes from all members of parliament.

VFBV and volunteers have remained non-party political throughout this dispute and will remain so. There is no doubt that we have enormous community support across Victoria. Many people have said to volunteers across the State that they share our disgust and anger with Premier Andrews about the sell-out of CFA. In recent days newly appointed Minister Merlino has attacked the integrity of our CFA Chief Officer Joe Buffone who resigned because he said the UFU EBA proposed deal would make it impossible for him to fulfil his statutory role, and this is just another demonstration of how low people pushing this deal are prepared to go. UFU Secretary Peter Marshall, Premier Daniel Andrews and Minister James Merlino have politicised the Fire Services. Public safety should be above party politics, and VFBV deplores the approach this government has taken on this issue, wedging volunteers, their paid colleagues and the community against each other. They have criticised and acted to gag VFBV, CFA Board, CFA CEO, CFA Chief Officer and their own Minister, Jane Garrett for speaking up, but we will not step back or apologise for defending volunteers and the communities they protect. We will not be gagged.

Whatever happens at this 2016 federal election, volunteers need to continue to hold our heads high as we continue to seek a fair hearing on this issue and to sustain Victoria's proud history of CFA volunteering.

CFA/EBA VOLUNTEER FEEDBACK

You can now find the current version of the proposed CFA-UFU Operational Staff Enterprise Agreement 2016 (version 174) on our website, that has been provided to VFBV for consultation purposes arising from our recent court action to enforce the consultation provisions of the Volunteer Charter.

We now urge you to examine the document and provide feedback covering such things as:

- questions
- concerns
- practical implications
- local volunteer capacity implications
- impacts on CFA operating as a fully integrated organisation
- potential to discourage volunteers or impact on their welfare and efficiency
- potential impacts on CFA's volunteer based culture
- anything that might limit or erode support for volunteers
- anything that impacts on CFA's ability to genuinely consult with volunteers

The document should serve to dispel any criticisms of VFBV's broad concerns and comments made to date as "unfounded and misleading" by Premier Andrews', new Minister Merlino and UFU leadership.

Clearly this latest version speaks for itself as did earlier versions when they were made public. The matters of concern that we have raised are either written in the document itself or would be the necessary outworkings of the implementation and operation of various clauses on volunteers and the organisation and operation of the CFA as a volunteer based and fully integrated fire and emergency service.

Recent independent legal commentary by Mr Jack Rush QC sums it up well, by stating that the UFU EBA proposal is contrary to the CFA Act because it works against the idea that CFA is first and foremost a volunteer based organisation in which volunteers and paid staff are to work in a fully integrated manner; it undermines the role of volunteers; and it provides unprecedented powers to the UFU.

VFBV'S CONCERNS

At a fundamental level our concerns with previous drafts of the UFU EBA proposal are not addressed. There has been some change in the detail but the EBA still includes clauses that interfere with the Chief Officer's operational resource decision making autonomy; directly impact on the provision of support to volunteer brigades; affect the way the CFA integrated system works; affect the role of volunteers and impact on CFA brigades across Victoria, not just the 34 integrated brigades as stated by Premier Andrews and recently appointed Minister Merlino.

Recent claims made by Premier Andrews and Minister Merlino that the UFU EBA proposal only impacts on the work of paid staff or on the way CFA's 34 integrated brigades operate is not only fundamentally wrong in terms of the way CFA's volunteer and integrated brigades network together to respond to

FAREWELL TO CHIEF OFFICER JOE BUFFONE

By Andrew Ford, VFBV Chief Executive Officer

On behalf of the VFBV Board and volunteer leaders across CFA, it was with sadness and regret that we heard that Chief Officer Joe Buffone tendered his resignation.

The CFA Chief Officer holds a special place in volunteer's hearts. He has been our operational leader and our symbolic head of authority in our shared mission to protect lives and property. Joe has exercised his responsibilities and authority with honesty, integrity and compassion.

Joe has been very clear in his recent messages and letter of resignation, that as Chief Officer he would have been unable to discharge his legislative responsibilities under the proposed industrial agreement, confirming that the latest changes do not address his fundamental concerns. Joe, just as Minister Jane Garrett and CEO Lucinda Nolan before him, had to choose between following his conscience and his job. As CFA's most senior operational officer, he has acted with respect and integrity and done everything in his power to protect the safety of Victorian's and remain impartial. He has, like those before him, been clear and unequivocal about the impacts the proposed agreement would have not just on volunteers but on CFA and its

ability to discharge its responsibilities, in particular the powers of the Chief Officer.

Joe was appointed by the Andrews Government on 15 October 2015, and came to CFA from Emergency Management Victoria where he was the Deputy Commissioner of Risk & Resilience. The Andrews Government also appointed the now ex-CFA CEO Lucinda Nolan in November 2015, a distinguished Deputy Commissioner with Victoria Police with over 30 years' experience, including acting as Police Commissioner.

Attempts by some to discredit a man that has spent over 25 years in the emergency services encompassing senior roles with the Victoria State Emergency Service, Marine Safety Victoria, Port of Melbourne Corporation and Department of Infrastructure and served with the Australian Defence Force in Special Forces are quite disturbing. Both Joe and Lucinda have spent their entire lives serving the public in senior emergency response roles. Both have withstood the test of time and responsibility over their careers, that such important roles demand.

Just like the Government's spin about our court injunction "being lifted" and forget-

ting to tell the Victorian public that it was replaced with an even more onerous Court Order, they have again only told half the story.

Joe resigned on the Tuesday.

Joe has stated publicly that Minister Merlino's statements to the media about the factors underpinning his resignation are "absolutely incorrect".

VFBV understands that it was after his resignation that Government and/or EMV officials resisted his resignation, prompting discussions about what terms might be required to convince Joe to stay. It is entirely understandable that those terms might have included ensuring Joe had the organisational standing and powers to perform his role without the threat of being administratively overridden; it is also understandable that he might have sought confirmation about the security of his job tenure in order not to be threatened with being sacked if he didn't toe the Government line against his assessment of the CFA statutory obligations that create and direct his role.

Despite the half stories being quoted by people in the media, VFBV understands that Joe, after carefully considering his options, and concluding that he was simply unable to reconcile what he was being asked to do with what he knows are his statutory and legal obligations, advised Government he would not reconsider his res-



ignation. As Joe reminded volunteers, when things go wrong, it will be the Chief Officer who will be in the stand, as occurred during the Victorian Bushfires Royal Commission. It is therefore incumbent on the person who holds that office, to ensure they have the powers necessary to fulfil their role, and his assessment was frank and fearless. The proposed agreement is not good for CFA, it is not good for volunteers and it is not good for Victoria.

Joe has prosecuted his case in a respectful, professional and poignant way. He has gone to extremes to remain balanced and impartial, and operated as a loyal and honest broker. He will be remembered as the Chief who stood up for what he believes is right, and leaves with our utmost respect and thanks. Joe, your stance to attempt to save CFA has been exemplary.

Thank you for your service and dedication, we won't forget you.

enable an EBA instrument to override the Chief Officer's powers and decision making

- and the list goes on...

Sadly, most of the crucial concerns we have had with previous versions have still not been properly addressed. In spite of the Government's claims, a new clause (7A.1) which states "The role of volunteers in fighting bushfires and maintaining community safety and delivering high quality services to the public in remote and regional areas and in integrated stations is not altered by this agreement" fails to recognise that CFA brigades do more than fight bushfires in remote and regional areas and either cleverly or by accidental omission ignores the fact that CFA volunteer brigades service a huge part of metropolitan Melbourne and provincial centres and townships across Victoria.

We will be asking for clarification during this consultation stage as to what this clause means and how it works when other clauses contained in the EBA specifically contradict this clause. We know that CFA's own assessment is that the EBA clauses affect many more than the 34 integrated brigades and fundamentally alters the way CFA works today as a volunteer based and integrated system. By what it omits to say, if this clause is aiming to suggest that the role of volunteers in outer metropolitan Melbourne and urban communities will be altered, then this would be a matter of serious concern. The failure of this clause to specifically recognise the role of volunteers in the urban risk environment is consistent with our assessment of the impact of many of the clauses that this EBA would have on the CFA volunteer capability that we have today, and at a fundamental level reinforces our concern.

Premier Andrews and Minister Merlino continue to make public comment that all volunteer issues have been addressed despite the fact that they still have not bothered to seek to understand VFBV's concerns. Instead the Minister has advised us that Cabinet have made their decision.

Until the consultative process we are working through with CFA is completed, and despite the Government ignoring ex Minister Garrett's, the now sacked CFA Board's, and the ex CFA CEO Lucinda Nolan's advice, we remain hopeful that the Government will not continue to ignore volunteer and VFBV concerns.

Because of the Court arrangements, timelines for both member/brigade consultation and direct consultation with CFA are very tight and your expedited assistance is required.

Our next formal discussion with CFA is currently scheduled for Friday, 8 July and it is anticipated that a schedule of formal consultation meetings with then continue until 19 July.

We are looking to volunteers to respond as early as possible. All responses will be kept confidential, and will all be consolidated to anonymize any responses. You can send your feedback back to vfbv@vfbv.com.au

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