



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTES FOR VOLUNTEERS – 19 August 2016

JUDGE'S DECISION: THE EBA WILL GO TO THE SUPREME COURT

The Supreme Court has supported our application to have the CFA/UFU Enterprise Bargaining Agreement suspended until the conclusion of a court case that has arisen due to CFA's inability or unwillingness to genuinely consult with VFBV and volunteers and amend the offending clauses causing greatest concern, including that the proposed Enterprise Bargaining Agreement would see:

- The powers of the Chief Officer overridden;
- The union given power of veto on issues affecting volunteer organisation, operations and support;
- Clauses that are contrary to the CFA Act, and
- Volunteers treated as second class just because they are not paid.

The Supreme Court trial will allow the EBA to be properly examined by an independent umpire that will hear and judge the volunteers' concerns without the emotion, the hype and the politics that have complicated the issue until now.

While the Supreme Court's decision is encouraging, VFBV is disappointed that it had to take the issue to court at all. The previous Minister for Emergency Services, the previous CFA Board, the previous CEO, the previous Chief Officer, and now the Supreme Court have all clearly seen there are clauses within the proposed EBA that must be examined for their effects on volunteers.

THE VOLUNTEERS' CONCERNS

The court hearing will give us another chance to raise the questions CFA has refused to answer, such as;

- Claims that volunteers will be protected by a clause in the EBA
- The proposed Greater Alarm Response System (GARS)
- The interference in non-operational personnel who provide critical volunteer support functions through the BASO and Volunteer Support programs

- Restrictions in the EBA on effective volunteer consultation rights under the *CFA Volunteer Charter*

Our interest is in preserving and protecting the powers of the CFA Act, and VFBV did not take legal action lightly.

The last thing volunteers wanted to do was take on the organisation and the Government that should have been protecting CFA all along, but our repeated efforts in asking for the genuine consultation guaranteed under the *CFA Volunteer Charter* and the CFA Act have been unsuccessful.

VFBV had little choice but to take up leadership on the issue, when on Friday, 12 August, the new CFA Board resolved to sign the EBA.

The CFA Board claimed it had “consulted extensively” with VFBV and “worked to address their concerns before making our decision”. However, a letter from CFA’s lawyers to VFBV the same day admitted that no changes had been made to the EBA in response to the volunteers’ concerns, saying “In light of the bargaining position of the UFU... ..and in the context of the policy position of the Victorian Government, no further changes have been able to be agreed.”

Our list of questions had not been answered during the consultation period ordered by the Supreme Court earlier, and VFBV had already asked CFA for the information in writing or in person on four separate occasions before the CFA Board announced its decision.

THIS WEEK’S COURT APPLICATION

Our application for an injunction was heard by the Supreme Court on Wednesday, 17 August.

The Honourable Justice McDonald ruled that the trial should begin on 22 September, and it is expected to take three to five days to complete.

During the hearing, the Judge noted that “there is no evidence before the court that delay in the approval of an EBA to replace the current agreement is having any adverse operational impact upon CFA.”

When he asked whether in a particular situation the proposed EBA would give the UFU a power of veto, CFA’s barrister said he accepted that it was “arguable” but in his submission that did not mean a blanket veto.

Earlier in the day, Emergency Management Commissioner Craig Lapsley called for all parties to move forward on the issue, but told ABC radio he did not think the United Firefighters Union had made any concessions.

THE NEXT STEPS

There is a lot of hard work, research and preparation to be done ahead of the Supreme Court hearing in September. We are interested in going into this summer season without EBA clauses that will override how CFA operates, and without clauses that interfere with the work volunteers do and the way volunteers are supported.

We are greatly encouraged by the many messages of support we are receiving from volunteers everywhere, including spontaneous efforts of practical support.

Volunteers around the state have begun fundraising for the *Valuing Volunteers Support Fund*, which will assist with VFBV activities in support of volunteers without the use of any government or CFA funds, or Brigade and Group affiliation funds – see the attached page on fundraising for how you can help.

We will continue to advocate for all volunteers, to save the CFA as a volunteer and fully integrated emergency service for the people of Victoria.

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Fundraising to support volunteers and save CFA

Volunteers around the state have begun fundraising to support VFBV's significant work to protect, advocate and represent CFA volunteers on issues that may determine the future of CFA as a volunteer based and fully integrated emergency service.

VFBV's normal budget and income arrangements (including grants from CFA and the Government) are not sufficient or appropriate for this purpose and it would not be fair to use Brigades' or Groups' affiliation contributions, so VFBV has set up the *Valuing Volunteers Support Fund* to accept donations from the public.

The Fund also accepts donations from corporate donors, but it does not accept donations from political parties or organisations.

This is not just a fund for legal costs; it will also support our work to:

- Liaise and consult on the operation of the *CFA Volunteer Charter* in the interests of CFA volunteers about all matters which might reasonably be expected to affect them.
- Develop awareness, respect and support for CFA volunteers and their fundamental role in the CFA as a community based, volunteer based fire and emergency service for the people of Victoria
- Preserve and strengthen CFA's community and volunteer based foundations by enabling members of CFA brigades to consider and bring to the notice of CFA all matters affecting their welfare and efficiency
- Assist in maintaining high morale, ongoing health and welfare of CFA volunteer members and their families

Members of the public, corporate donors, community organisations and volunteers wishing to support this important work can find details of how to donate in the *Valuing Volunteers Fund Donations* item on the front page of the VFBV website www.vfbv.com.au