

To The Education and Employment Legislation Committee
Submission; Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016
[provisions]

I have reviewed all the information published so far from the CFA, UFU, and VFBV in relation to the latest UFU/CFA EBA. While a number of clauses of the EBA and the Fair Work Commission's recommendations are subject to interpretation; it is clear that it will not mean the 'end of the CFA as we know it'. The bulk of the clauses which have been quoted to support a 'change to the CFA as we know it' are substantially the same as clauses included in the previous agreement and even that which was in place in 2007. I understand that the role of volunteers will remain largely unchanged as a result of the EBA as interpreted and presented by Commissioner Roe.

*Volunteers won't be required to stand around waiting for 7 career firefighters to come along before beginning to respond to an emergency event.

*When required, appropriately qualified volunteers will take their positions as incident controllers and sector commanders and guide the activities of a range of personnel; volunteer and career alike.

*The UFU will have no more right to veto than the rights accorded to volunteers under the CFA's 'Volunteer Charter' which requires real consultation to occur with volunteers before any changes are made by the CFA. Similarly, volunteers will have no more right to interfere with the legitimate protections of working conditions accorded to career firefighters than will career firefighters have a right to interfere with the legitimate activities and roles of volunteers.

Simply put; the sky will not fall as a result of this EBA. If more reassurance was necessary, in his most recent ruling by Commissioner Roe (now mirrored in the EBA and memorandum) mandated the inclusion of a specific provision in the EBA guaranteeing the volunteer role would remain the same; "For the avoidance of doubt nothing in this agreement shall prevent volunteers in the CFA from providing the services normally provided by such volunteers as volunteers without remuneration."

None of the above is secret. Anyone who takes the time to read the recommendations of the Fair Work commission as well as the CFA/UFU EBA and who is prepared to listen to the public pronouncements, comments and commitments made by the parties will understand that this EBA, for all its faults, is a long way short of the biggest issue facing the CFA and volunteers.

It is not only staff and volunteers who have had concerns about the operation of the CFA over some years. Recent inquiries into the organisation have been numerous and they all point to the need for significant organisational change. They all cry out for significant cultural change if the CFA is to be able to continue to operate as a successful volunteer based emergency service organisation. If that positive renewal is to be realised then there has to be change at all levels. There must be cooperation and a shared vision. There must be a commitment to real consultation and a recognition of the value of all the people who make up the CFA. But most importantly there must be leadership. There must be leadership and there must be respect. To isolate the change and commitment to the provisions of a UFU EBA is to continue to 'let the CFA off the hook'; to continue to reward the CFA's failure in their broader obligations to volunteers encouraging the CFA to use them as 'shock troops' after a failed bargaining process.

The CFA has a volunteer charter which they have not adhered to for a number of years. Specifically the CFA failed in their obligations to consult with volunteers over most of the critical issues within and without the EBA for the whole of what should have been a concurrent consultation period. To enshrine the obligation on the CFA as part of the industrial relations process is to condemn volunteers to a duplicate process and outcome every 3 - 4 years. It is to

invite the CFA to continue to pay lip service to the volunteer charter until they need to call on volunteers every few years in a continuing farce while at the same time ignoring the need to formalise the structure of the much vaunted 'Volunteers Charter'. If the Federal Parliament wished to protect, respect and recognise the role of volunteers they would not hide such recognition away as an afterthought to Industrial Legislation but rather put in place serious legislation which recognises and codifies the place of volunteers in a stand alone Federal 'Volunteer Charter' with the appropriate legislative support. Such a charter should formalise the requirement to undertake a Volunteer Impact Assessment for major change decisions within Government funded volunteer agencies. Anything less is playing politics.

If Committee members wish to evaluate the extent to which the CFA has failed to address known issues within the organisation; they should avail themselves of the REPORT OF INQUIRY INTO THE EFFECT OF ARRANGEMENTS MADE BY THE COUNTRY FIRE AUTHORITY ON ITS VOLUNTEERS a report by His Honor David Jones AM and published in July 2011 (The Jones report). The Jones report was commissioned by the then responsible Minister in 2011 and, whilst obviously colored by the prevailing politics of the time, highlights all the issues which cause such apparent angst today. However, the clear obligation to address these issues rests with the CFA. Every one of the major concerns raised now, are referred to directly in the Report at that time with a adjoining recommendation/requirement on the CFA to begin to address them by reference to the Volunteer charter and the obligation of the CFA to consult immediately with volunteers. The issues are not new. They are not a product of the most recent EBA. They therefore cannot and do not 'change the nature of the CFA as we know it'. By their own admission and confirmed by the VFBV; none of that consultation on key issues occurred until after the EBA had been finalised and all but endorsed by the 'independent umpire'. For an organisation or organisations to fail in their specific and itemised obligations to undertake actions for the better part of four years only contrive to use that failure to impose a 'punishment' on a third party and the majority of employees is unconscionable. To legislate to reward this will do nothing to support volunteers but will entrench a culture of division and reinforce the CFA's reluctance to change.

There must be cooperation and a shared vision in the CFA not further division. There must be a commitment to real and continuing consultation and a recognition of the value of all the people who make up the CFA. But most importantly there must be leadership. There must be leadership and there must be respect. The proposed legislation will do nothing to encourage such leadership. The proposed legislation will promote, encourage and foster division in our ranks and further disrespect for the CFA.

Thank you,
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