

# Appendix 3

## Examples of Clauses Constraining CFA Decision Making

### Attachment 6 Examples of Clauses in the UFU Agreement constraining CFA decision making

The following table provides a list of references in the latest version of the 2016 Agreement as examples that constrain CFA decision making and erode the CFA ability to meet its consultation obligations to volunteers consistent with the CFA Act and Volunteer Charter. There are also many other clauses not contained in the following table that require 'consultation and agreement' eroding CFA management prerogative, impact on timely decision making and CFA legislative accountabilities in terms of the direction, deployment and management of the CFA workforce.

Clause		Topic	Term used
1	11.29	FSCC modules	"..course structure agreed between the parties"
2	12.13	Rank & Promotional Structures	"..other than by agreement of the parties."
3	14.3	Community Support Facilitators	"..shall not pursue any claims in relation to CSF's or any alternative classification performing similar duties not provided for in this agreement"
4	15.1	Brigade Administrative Support Programs/Officers (BASO)	"..and reach agreement with the UFU on any change...to the structure of any Brigade Administrative Support Programs..."
5	16.1	Volunteer Support program/Officers	"...will consult and reach agreement with the UFU...on the structure of any Volunteer Support Programs..."
6	23	Legislation and Reform	"Any position...put to government...must be consistent with the outcomes of consultation."
7	30.2	Bushfires Royal Commission Report	"..and reach agreement in relation to any matter that arises out of the Royal Commission's report..."

Clause		Topic	Term used
8	35.2.1	Work Organisation	"...except where agreed..." "FWC cannot determine that any employee should or will carry out such work."
9	41.1	CFA Policies	"...may only be made or varied by agreement."
10	44.1	Minimum Staffing Levels	"The parties have agreed...Charts in Schedule 1..."
11	44.3	Minimum Staffing Levels	.An alteration to the number and rank of employees...by agreement between the parties."
12	44.14	Appliance Crewing	"...ensuring that there are four professional career firefighters on all appliances except as where agreed..."
13	44.15	Cross Crewing	There will be no cross crewing of appliances unless otherwise agreed..."
14	44.20.3	Schedule 1 dates	"The commencement date of operations for the charts in Schedule 1 can be extended...only by agreement..."
15	46.4	On Shift Relievers	"The home location for any employee... cannot be changed without agreement.  "No other...reliever other than district-based or station-base unless by agreement..."
16	48.3.1	Secondment & Lateral Entry	"...in agreement with the UFU, will offer agreed secondment program training for a minimum 12 CFA...and a minimum 12 MFB..."  "...Other fire services may be considered on a case by case basis if agreed..."
17	48.3.9	Secondment & Lateral Entry	"Any further extensions [beyond one year secondment] will be by agreement of the parties."

Clause		Topic	Term used
18	48.4.3	Secondment & Lateral Entry	"...must be from the MFB or from another fire service that has been agreed between the CFA and UFU..."
19	48.6.4.1	Lateral Entry	"...the position may only be filled, by a career firefighter of the MFB unless otherwise agreed..." &
20	48.6.4.2	Lateral Entry	"...(a recruit course agreed between the CFA and UFU)."
21	48.6.4.4	Lateral Entry	"...undertake a short course...These requirements will be as determined by the CFA and UFU as agreed."
22	48.7.3	Lateral Entry	"Firefighting Services other than the CFA and MFB can be considered...but such consideration must be by agreement..."
23	50.3	Part-time/Casual	"The CFA will not employ an employee on a part-time or casual basis...unless in each case there is agreement..."
24	50.6.5.1	Part-time	"work and be rostered on hours negotiated and agreed in writing"
25	58.2	Disputes Panel	"Where agreed between the UFU and CFA the Disputse Panel may consider...any other matter agreed by the parties"
26	58.8	Disputes Panel	"the Minister will accept a recommendation...who shall become the chairperson of the Disputes Panel..."
27	58.14	Disputes Panel	"Both parties agree to abide by the Dispute Panel's determinations."
28	60.1.1	Peer Support	"Peer support employees under this agreement will be drawn from professional firefighters."
29	60.1.6	Peer Support	"...and agreed psychologists and doctors"
30	67.1	Marine Capability	"...parties agree...to implement an enhanced Marine capability and capacity within the organisation."

Clause		Topic	Term used
31	70.2	Health and Safety	"The parties agree to apply and to review the OHS agreement..."
32	73.2	Gambling, Drug and Alcohol Rehabilitation	"The protocol will be developed and agreed..."
33	77.2	Training and Professional Development	"In all training matters, the parties agree..."
34	77.4	Training Locations	"Training will only take place at agreed recognised training locations..."
35	77.8	Number of Courses	"The CFA will provide a minimum number of courses per year of the agreement unless otherwise agreed..."
36	83.4	Uniforms, Appliances and Equipment	"The CFA and UFU must agree on all aspects of the:  83.4.1 articles of clothing;  83.4.2 equipment, including personal protective equipment;  83.4.3 technology;  83.4.4 station wear; and  83.4.5 appliances."
37	83.7	Uniforms, Appliances and Equipment	"Changes to...will be by agreement only..."
38	83.10	Uniforms, Appliances and Equipment	"...consult and agree with the UFU..."
39	83.13	Uniforms, Appliances and Equipment	"...prior to the development/building or tendering of the appliance/s consultation will occur and CFA will reach agreement..."
40	87.6	Amenities	"Where the employer seeks to make changes to any amenities or access to communications...such changes will only occur by agreement..."

Clause		Topic	Term used
41	88.4	Infrastructure	"The Infrastructure Agreement may only be varied or departed from where this is agreement..."
42	88.6.2	New Work Locations	"...will adhere to and apply the Infrastructure Agreement for the design and specification of appliances and equipment...except as agreed..."
43	88.6.3	New Work Locations	"Deployment of staff to a particular work location shall not occur...unless agreed between the parties."
44	88.7.3	Existing Work Locations	"Any modifications to existing work locations...except as agreed..."
45	88.7.4	Existing Work Locations	"Any modifications will be by agreement between..."
46	88.12	Existing Work Locations	"No employee will be relocated or directed to relocate into any permanent premises...prior to there being agreement reached between..."

