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 Volunteer Fire Brigades Victoria is seeking an injunction against the CFA.

## VIC NEWS

# Country Fire Authority believes Supreme Court can't stop controversial pay deal

Angus Thompson, Herald Sun

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THE CFA claims it can't be stopped from imposing its controversial pay deal even if a Supreme Court judge rules it breaks state law.



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him the CFA had no case to answer as the proposed agreement was governed by the Fair Work Act, a federal law.

Mr Donaghue said that even if Justice McDonald found the agreement contradicted the CFA Act “it couldn’t lead to the injunctive relief which our friends are seeking.”

“Your Honour might find that to the extent that there’s tension ... the tension doesn’t help here,” Mr Donaghue said, explaining it wasn’t possible for state legislation to overrule Commonwealth law.

Stuart Wood, QC, acting for Volunteer Fire Brigades Victoria, said his client would argue the federal law was an “inadmissible interference” in the state legislation.

The beginning of the colossal 10-day trial — edging close to fire season — may be pushed beyond October 3 after Justice McDonald allowed the CFA to file an amended defence outlining its new argument.

It is the volunteers’ view the pay deal flies against their legal protections built into the CFA Act, gives the United Firefighters Union veto powers over the Chief Officer and diminishes the authority’s operational abilities.

The court heard the volunteers’ ability to dispute the terms of the deal would be “vaporised” if it was approved.

Justice McDonald, who labelled the CFA’s new position “unattractive,” said it contradicted previous admissions before the court.

“It sounds like you’re saying Mr Wood doesn’t have a serious issue to be tried. I’m surprised that back in June you conceded that very point,” he said.

Notice has been sent to the Attorneys General around the country to have their say in the court proceedings, with the case now bringing a major constitutional issue to the fore.

[angus.thompson@news.com.au](mailto:angus.thompson@news.com.au)

[@AngusGthompson](#)