

NATIONAL VICTORIA

CFA volunteers win bid to prevent career firefighters from voting on pay deal

By Richard Willingham and Benjamin Preiss

Updated 17 August 2016 – 6:12pm, first published at 12:24pm

The CFA crisis will be dragged through the Supreme Court, exposing Premier Daniel Andrews to the risk the bitter dispute could rage into the fire season.

In a win for the volunteers' association, the court will test the legality of the controversial workplace agreement for 800 paid firefighters in the CFA, which was approved by the government's hand-picked board.

The court's decision has further damaged the relationship between the volunteers' association, the firefighters' union and the Andrews government.

It follows a plea from Emergency Management Commissioner Craig Lapsley for all sides to end the dispute.



CFA employees will be prevented from voting on a controversial workplace deal.

"We have got a war out there; it's almost a war between volunteers and career [firefighters]. That has got to stop," Mr Lapsley said.

"The leaders of the VFBV [Volunteer Fire Brigades Victoria], leaders of the union, we have to get together."

Both Emergency Services Minister James Merlino and United Firefighters Union secretary Peter Marshall lashed out at the VFBV for dividing volunteer and career firefighters.

"Firefighters are sick of being used as political footballs and just want to get on with the job they love, which is keeping our community safe," Mr Merlino said.

"The proposed agreement will not change the vital role played by CFA volunteers at nearly 1200 brigades across the state."

For more than a year the volunteers' association has argued the deal would undermine their role and management's power to run the CFA effectively, by granting the union too much power.

But the union has maintained throughout the dispute, which dates back to 2013, that the EBA will improve safety for firefighters and the community.

After initially backing his then minister Jane Garrett to fight against the union's "outrageous" demands, Mr Andrews changed tack and backed the union's position, arguing the deal negotiations had gone on too long and it should be sorted before the fire season.

"This dispute had to come to an end, and I ended it," he said on June 15.

Next month the Supreme Court will hear the volunteers' case that the workplace deal contains clauses that breach state laws.

The case is expected to last up to four days, with the losing side potentially appealing. The case must conclude before paid CFA firefighters can vote on the deal.

The Turnbull government is preparing laws to protect volunteers in workplace agreements and has said it will be a matter of urgency when Parliament returns later this month.

Stuart Wood, QC for the volunteers, argued in court on Wednesday that the proposed deal would give an "effective veto" to the union over the CFA chief officer's power.

It is the same view shared by the sacked CFA board and a trio of senior people - then emergency services minister Ms Garrett, CFA chief executive Lucinda Nolan and chief officer Joe Buffone - who all resigned.

The dispute has also caused tension in the community with both volunteer and paid firefighters reporting a drop in morale, as well as cases of harassment.

Many volunteers have contacted *The Age* to attack the association, saying the organisation did not speak for all CFA volunteers.

Outside court on Wednesday, VFBV chief executive Andrew Ford told reporters the decision was good for volunteers.

"This will give volunteers hope," he said. "There was a great anxiety about the destruction of the nature of CFA, the erosion of the role volunteers perform and a disrespect for the skills and professionalism of volunteers. That was having a huge impact on their morale."

He said the EBA, if it proceeded, would destroy volunteer morale "for a long time into the future", but would not impact on the fire season.

Mr Marshall said the action of the volunteers' association proved it was more interested in playing politics than protecting the community.

"Victoria's fire services are not a political plaything," he said. "Victorians rightly expect career and volunteer firefighters to get back to work protecting them with the onset of another fire season."

CFA chief executive officer Frances Diver said she was "disappointed" because the dispute "has been damaging enough for our people".

Speaking on morning radio, Mr Lapsley, who is charged with overseeing the EBA, said he was confident the agreement would not undermine volunteers, with its statement of intent outlining protection for volunteers.