

## Malcolm Turnbull risks bad burn on FWA amendments

Victorian Premier Daniel Andrews has made a series of errors in the case of the CFA dispute.  
Judith Sloan, The Australian, 12:00AM August 23, 2016

Malcolm Turnbull owes a debt of gratitude to the volunteer firefighters of Victoria and the Andrews Labor government. Were it not for the unresolved issue of the Country Fire Association enterprise agreement, Turnbull would probably now be sitting on the other side of the House.

We all know that they play hard ball in the People's Republic of Victoria; the government will do almost anything to assist its union buddies. Mostly this works out really well for the relevant parties. But in the case of the CFA dispute, Premier Daniel Andrews has made a series of errors that imperil his grip on the top job. He got rid of the minister who was standing in the way of a union-friendly and volunteer-hostile agreement. He then sacked the whole board of the CFA. The chief of the CFA resigned and the chief fire officer followed her out the door.

Even so, Andrews still hasn't achieved his ultimate aim of having the enterprise agreement certified. Apart from bulking-up the obscenely generous pay and conditions of members of the United Firefighters Union, the other intent of the agreement is to replace volunteer firefighters with paid professional ones. Where this is not possible, the professional firefighters must have control over the volunteers. The cost of the deal to the Victorian taxpayer is anywhere between \$160 million (if you believe the government, which you shouldn't) and \$700m.

While Turnbull promised during the election campaign that he would protect the volunteers by amending the Fair Work Act, events have passed him by. Volunteer Fire Brigades Victoria has been able to have the CFA agreement suspended until a case is heard before the Supreme Court in late September. The VFBV will argue the agreement is not consistent with the CFA fulfilling its statutory responsibilities.

In the meantime, the federal government is still proposing to amend the Fair Work Act to render unlawful any agreement that "would impede an organisation from deploying volunteers to best advantage". For my money, amending the FWA is a very uncertain route. Indeed, as one wag put it, you could drive a fire truck through this kind of tinkering with the legislation. The Fair Work Commission could decide the agreement doesn't impede the CFA from deploying volunteers to best advantage. (How would the FWC really know?) The matter could be appealed to a Full Bench of the FWC, but the result would probably be the same. Taking the matter to the Federal Court would be another toss of a coin.

The PM will be hoping the VFBV wins, because his ploy to amend the FWA, assuming he can get it passed, may not achieve the hoped-for outcome. Supportive volunteers could overnight become unfriendly volunteers.

## Derryn Hinch offers support to block CFA deal in Victoria



Incoming Senator Derryn Hinch has offered his support to any government move to block a CFA deal in Victoria. Picture: Kym Smith

Jared Owens, Rick Wallace, The Australian, 9:33AM August 23, 2016

Support is building within parliament for Malcolm Turnbull's proposals to block the proposed Country Fire Authority deal, with Victorian senator-elect Derryn Hinch throwing his support behind the Prime Minister. The Coalition's proposed legislation was revealed yesterday, reigniting the dispute between the commonwealth and Victorian governments over a proposed industrial agreement that allegedly subjugates the CFA's volunteers to the United Firefighters Union.

It also prompted an embarrassing backdown from federal Employment Minister Michaelia Cash, who was pilloried for misrepresenting one of the most controversial claims about the agreement.

Mr Turnbull yesterday accused Victorian Premier Daniel Andrews of having a "sinister purpose" in foisting the union-friendly deal on the CFA, while Mr Andrews' deputy, James Merlino, said the Prime Minister and Senator Cash were not telling the truth.

The laws unveiled yesterday are designed to protect volunteers by ensuring that clauses in enterprise agreements that undermine volunteers would be unlawful under the Fair Work Act.

But is not clear they will pass the Senate and legal experts were divided yesterday on whether the commonwealth's unorthodox move would succeed even it did pass the parliament. Mr Hinch last night tweeted he supported "100 per cent" the government's actions on the CFA issue. "I had talks with Michaelia Cash about it last week in Melbourne and during the campaign I went to a lot of sausage sizzles and field days and I'm pleased that the government is going to do this to try to thwart Premier Andrews and the union," Senator Hinch told the ABC today.

As Labor and the Greens oppose the government's intervention, the Coalition will need support from nine of the 11 remaining crossbench senators, including Mr Hinch.

Mr Turnbull gave a press conference with Senator Cash at Coldstream in the fire-prone Yarra Valley, vowing he would do what he could to avoid the attempted takeover of the CFA by the militant United Firefighters Union. "We will not stand by and let the discriminatory and offensive terms of this agreement undermine the effective use of the CFA's volunteer firefighters," he said.

But Mr Merlino, the state's Emergency Services Minister, attacked Mr Turnbull and Senator Cash and warned their approach may have unforeseen consequences. "I don't know Michaelia Cash but today she admitted that she had not read the proposed agreement and she lied in regard to how the seven-on-the-ground clause works," he said, referring to an opinion piece that the minister was forced to verbally correct yesterday. "We always said the Liberal campaign was a campaign of lies and misinformation and today the Prime Minister and the federal Employment Minister have confirmed it." He said the agreement would deliver 25 extra firefighters to the fire-prone CFA District 13, in which the Prime Minister did his press conference yesterday, and he challenged Mr Turnbull to explain why he opposed this.

Mr Merlino, who fluffed his lines yesterday during his comments about the contentious "seven on the fireground" clause, also struggled with questions about the cost of the union-friendly deal his government wants to foist on the CFA. He rejected the \$700 million cost estimate attributed to CFA management and said \$160m was the cost "over and above indexation" before adding "the Department of Treasury and Finance and the CFA continue to work through the costs of the agreement".

The latest version of the proposed agreement states that seven professional firefighters have to be dispatched before volunteers can begin fighting a fire in areas where both volunteers and professionals operate.