

Board of Reference  
*Operational Staff Agreement 2002*

**United Firefighters Union of Australia**

and

**Country Fire Authority**

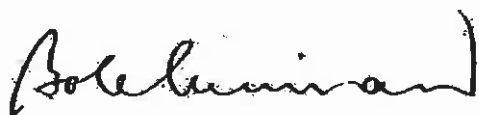
CHAIRMAN: MERRIMAN

MELBOURNE, 27 JULY 2007

**ORDER**

1. The Board of Reference is hereby established pursuant to the *Operational Staff Agreement 2002* between the United Firefighters' Union of Australia and the Country Fire Authority ("the Agreement").
  2. The Board of Reference is constituted by Robert Merriman (Chair) and three representatives of each of the parties to the Agreement.
  3. The parties to the agreement are to nominate two additional members each should other nominated representatives be unavailable.
  4. The Board of Reference shall have a quorum of 5 members, being the Chair and two representatives from each party to the Agreement.
  5. The parties to the agreement may seek additional "Assistants" to the Board of Reference as required. Objections to the appointment of Assistants in any proceeding shall be heard and determined by the the Chair.
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6. The Board of Reference may exercise conciliation functions subject to any objection of the parties to the Agreement.
  
7. The preference of the Board of Reference is to avoid written submissions and written witness evidence, however exhibits, technical reports, papers or expert witness materials are considered to assist the Board of Reference in the conduct of its processes.
  
8. Referrals to the Board of Reference may be via telephone or e-mail to the Chair. The Chair shall then program a meeting of the Board of Reference, ordinarily to be held at 26 Queensberry Street North Carlton within approximately two days of the referral.
  
9. Where the parties to the Agreement have met and reached an impasse in relation to a matter which may be referred to the Board of Reference, either party is encouraged to contact the Chair to convene a meeting of the Board of Reference.
  
10. The Chair is content to assist the parties resolve matters outside the matters the subject of clauses 45.2, 45.5, 45.6 and 52.1.1 to 52.1.6 of the Agreement should the parties seek such assistance.



CHAIR: R. MERRIMAN .....

DATED: Friday, 7 September 2007

# CFA/UFU BOARD OF REFERENCE DECISION

7 April 2009

On 12 March 2009 the Chairman issued a statement which is now incorporated into this decision in its entirety and it is now endorsed by a majority of the Board.

This decision therefore commences by re-stating the 12 March 2009 decision.

In March 2008 and in accordance with the Country Fire Authority (CFA) and the United Firefighters Union of Australia (UFU) Operational Staff Agreement 2008 and the 2008 Deed of Agreement, I commenced chairing a number of conferences dealing with issues pursuant to Clause 39.6 and 39.7 of the said Staff Agreement.

I have been provided with significant documentation; I have issued direction and conducted conciliation sessions which have failed to reach agreement despite the parties exercising a reasonable approach. The final conference occurred on 18 December 2008 when the parties' final position as to all locations, grouped "A", "B" and "C", was identified.

On 29 January, 2009 a document was produced to reflect the position as at 18 December, 2008.

Given the unforeseen and tragic circumstances of 6 February, 2009, the final review of this 29 January, 2009 document was not conveyed to me until 11 March, 2009.

I have concluded the following –

1. I fully support the template and process adopted by the UFU and accepted that the parties have acted in good faith in accordance with Clause 39 and in particular Clause 39.7.1 specifically 39.7.1.5 and 39.7.1.6.
2. The outcome of the Disputes Board established under the Deed as to this dispute will require significant additional financial resources both for buildings and employee costs. Such funding is the matter for Government and should not be taken into consideration by the Board in resolving this dispute given the work.
3. The evidence is beyond doubt that the following should apply to the following stations:-

Rowville	24/7
Warrandyte	Day going to 24/7
Pakenham	24/7
South Morang	Day going to 24/7
Philip Island	Seasonal
Mooroopna	Day going to 24/7
Ocean Grove	Day going to 2/7
Portland	24/7
Mildura	1 additional firefighter per shift
Lara	Day going to 24/7

On 17 and 24 March 2009, the Full Board heard final submission in respect to the remaining stations that had been subject to the dispute and review by the Board.

At the conclusion of submissions the Full Board considered the matter and the following represents its decision.

### Epping

The Board has still to finalise its view as to this location and will give the matter further consideration.

### Geelong West

The majority has decided that Geelong City should be increased by 2 Firefighters per shift. This will permit 4 competent structural Firefighters to respond to all Geelong West calls and provide for 4 to remain in the Geelong CBD area.

### Noble Park

The majority has decided that there should be an increase of 1 Firefighter per shift at Springvale and Dandenong to enable these brigades to respond with 4 on the pumper.

### Narre Warren

The majority decision is that the new Casey East station should be manned 1+1 with a transition over time to 1+1+2 to support volunteerism and that the performance should be closely monitored to determine the timing of this change.

### Hastings

The majority decision is that there should be a day roster with the performance being monitored and if the targets are not reached a progression to 24/7 1+1 +2.

Philip Island

The majority decision is that there should be a seasonal roster 1+1. The CFA and the UFU are to work on an acceptable day roster and if necessary with recourse back to the Board. The Board considers that this is an appropriate area for a Volunteer Development Program.

Sale and Warragul

The majority decision is that there should be a day roster of 1+1 with the parties to review after 3 months as to performance with a view to introducing 24/7 including progression to 1+1+2 if targets are not reached.

Lorne

The majority decision is a seasonal 24/7 roster and the parties are to confer to develop an acceptable 24/7 seasonal roster 1+1+2.

Echuca

The majority decision that there should be no change but the performance should continue to be reviewed and the parties should consider this station as an appropriate area for a Volunteer Development Program.

Melton

The majority decision is that this station should now be increased by 1 Firefighter per shift and over time following the measurement of the performance by a further 1 Firefighter per shift.

### Ballarat

The majority decision is that Ballarat City should be increased by 2 Firefighters per shift however this should be further reviewed should an additional integrated station be constructed in support of Ballarat City.

### Werribee

The majority decision is to increase Hoppers Crossing to a crew level 1+1+2 and request CFA to develop a Strategic Service Delivery Plan to address fire service delivery into the Werribee area.

### Sunbury

To increase to 1+1+2 over a period of time as staff become available.

### Mornington

The majority decision is to increase to 1+1+2 over a period of time as staff becomes available.

### Diamond Creek

The majority decision is to increase staff in Eltham to 1+1+2 and that CFA develop a Strategic Service Delivery Plan to ensure optimal service delivery into Diamond Creek. This should include a consideration of the service that could be provided by MFB.

The Board in reaching its decision must take into consideration not only the proposed staffing increases contained within this decision, including the 12 March 2009 statement, but importantly the existing vacancies that exist at this time.

When considering all of those factors, the Board determines that the CFA must develop a Volunteer Development Program in consultation with the UFU and the Volunteer Association to enable adequate resources to accomplish these outcomes.

The Board fully acknowledges the significant and important concept of volunteerism and the Volunteer Development Program must ensure that the high standards of a career Firefighter are fully met.

Finally, the Board repeats and endorses point 2 of the March 12, statement which highlighted that the implementation of this Disputes Board Decision will require significant additional financial resources both as to buildings and employee costs.

The Board was established under the Deed negotiated between the CFA and the UFU and has operated strictly in accordance with the authority vested upon it by the Deed. Clearly the matter of funding is a matter for Government and cannot be taken into consideration by the Board in resolving this dispute given the wording of the Staff Agreement and the responsibility of the Board under the Deed.



**R. F. Merriman**  
Chairman

**Steven Warrington**  
Member

**Ken Brown**  
Member

Dated this 7 day of April 2009



# CHAIRMAN: BOB MERRIMAN

## CFA / UFU BOARD OF REFERENCE

CHAIRMAN: BOB MERRIMAN  
CONSTRUCTION INDUSTRY HOUSE  
26 QUEENSBERRY STREET  
CARLTON SOUTH VIC 3053  
TEL: (03) 9639 1322 FAX: (03) 9639 2490

### FACSIMILE TRANSMISSION

Date:	23 April 2009
To:	United Fire Fighters Union
Attention:	Leyal Aksu
Fax No:	9419 9258
From:	Bob Merriman, Chairman
Subject:	Decision

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See Attached.

Regards

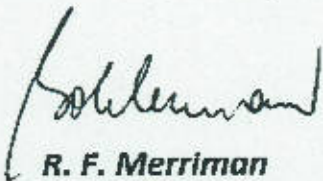
Bob Merriman

## CFA/UFU BOARD OF REFERENCE DECISION

23 April, 2009

In our decision dated 7<sup>th</sup> April, 2009 we indicated that we will be giving further consideration as to Epping.

We now by majority determine that South Morang should immediately go to 24/7 and that Epping also be supported by MFB and that a letter requesting the support should be forwarded to the MFB.



**R. F. Merriman**  
**Chairman**

**Steven Warrington**  
**Member**

**Ken Brown**  
**Member**

*Dated this*

*23*

*day of*

*April*

*2009*



# CHAIRMAN: BOB MERRIMAN

## CFA / UFU BOARD OF REFERENCE

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CONSTRUCTION INDUSTRY HOUSE  
26 QUEENSBERRY STREET  
CARLTON SOUTH VIC 3053  
TEL: (03) 9639 1322 FAX: (03) 9639 2490

### FACSIMILE TRANSMISSION

Date:	18 August 2009
To:	United Fire Fighters Union
Attention:	Peter Marshall, Secretary
Fax No:	9419 9258
From:	Bob Merriman, Chairman
Subject:	Decision

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Regards  
Bob Merriman

# **CFA/UFU BOARD OF REFERENCE DECISION**

**18 August 2009**

On 7 and 23 April, 2009 the Board issued decisions following extensive conferences and hearings.

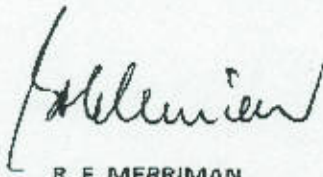
Following those decisions, further discussions have occurred between the parties including two meetings of the Board.

On 18 August, 2009, the Board has determined that it has concluded its obligation under the Deed in relation to this dispute.

In concluding its deliberations, the Board repeats that funding is a matter for the Government however, the Deed provides for any Board Decision to be implemented. This is the matter for the parties.

The Board was informed of the existence of the CFA Regional and Provincial Growth Strategy and that this strategy not only included the outcome from the Board's decisions but also other deliberations and the strategy proposed an increase of 684 operational career staff.


The Board also determined that the 52 High Risk Township identified as part of the bushfire preparedness strategy was not a matter for the Board and outside its scope.



R. F. MERRIMAN  
CHAIRMAN



STEVE WARRINGTON  
MEMBER



KEN BROWN  
MEMBER

Dated this 18 day of August 2009