



## Minister for Emergency Services

1 Treasury Place  
Melbourne Victoria 3002  
Telephone: +613 9651 1222

Mr John Peberdy  
Acting Chairperson  
Country Fire Board  
PO Box 701  
Mount Waverley VIC 3149

Dear Mr Peberdy

I write in relation to the ongoing negotiation of an enterprise agreement (**EBA**) for the Country Fire Board (**Board**).

As you are aware, on 1 June 2016 the Fair Work Commission (**Commission**) issued a Final Recommendation in respect of the EBA, recommending that certain amendments be made to it and then put to the Board's employees for endorsement and, if passed, submitted to the Commission for approval.

In addition to the Final Recommendation, President Ross of the Fair Work Commission has made a number of proposals to resolve the Board's concerns about the role of volunteers, the consultation and dispute resolution provisions, the impacts of the 'seven on the fireground' provisions, and workforce diversity.

I note that this matter has had a protracted history and remains unresolved notwithstanding the Commission issuing its Final Determination and President Ross's proposals.

As a matter of Government policy, the Government expects that the Board, as a Victorian statutory body which is a party to this long standing and protracted industrial dispute, will abide by and implement the final recommendations of the Commission, with the necessary changes to implement the substance of President Ross's proposals (**Proposed EBA**).

While I acknowledge the Board may continue to have concerns that provisions of the Proposed EBA are potentially discriminatory or unlawful, as the Commission is required to consider these matters as part of the certification process, the Government's view is that the Commission (and not the Board) should finally determine these issues.

It is important that finality is now brought to the dispute over the terms of the enterprise agreement. The efficient resolution of industrial disputes and conclusion of industrial agreements involving such bodies is integral to the Government's industrial relations and wages policies and the broader regulation of its workforce. The ongoing dispute is a significant distraction from the operational work of the Board and will, unless resolved, continue to cause disruption and uncertainty within the Board and the broader community.

It is therefore the Government's view that the Proposed EBA should be put to employees for consideration.

In light of these expectations, I request that:

1. the Board indicate in writing to me, by 5.00pm on 10 June 2016 whether the Board will comply with the Commission's Final Recommendation by:
  - (a) putting the Proposed EBA to the Board's employees, including any incorporated materials, as soon as practical; and
  - (b) requesting that the Board's employees who would be covered by the Proposed EBA approve the Proposed EBA by voting for it as soon as practical;
2. if the Board does not propose to take the measures outlined in paragraph 1, the reasons why the Board will not comply with the Government's stated policy expectations; and
3. members of the Board do not make, or cause others to make, public comment on any matter relating to the terms of this letter or the Proposed EBA.

If the Board does not comply with paragraph 1 and, subject to me considering any reasons given in response to paragraph 2, this will constitute a ground for me to:

- issue the Board with a direction to take the action referred to in paragraph 1 in accordance with section 6A of the *Country Fire Board Act 1958* (the **Act**); and/or
- recommend to the Governor in Council that any member be removed from office under section 8(2) of the Act.

I wish to stress the importance with which the Government views this request. Given that one option that I am considering in the event that the Board does not comply with the request set out in this letter is to take steps for the Governor in Council to remove members of office under section 8(2) of the Act I am giving each member of the Board the opportunity to explain why, in the light of any failure of the Board to comply with the request, his or her appointment should not be terminated under section 8 of the Act. To that end I am copying this letter to each member of the Board.

I look forward to the Proposed EBA being concluded consistently with the Government's stated policy expectations.

Yours sincerely



10.6.16

The Hon James Merlino MP  
**Minister for Emergency Services**

Copy to: Ross Coyle, CFA Board Member  
Michael Freshwater, CFA Board Member  
Katherine Forrest, CFA Board Member  
James Holyman, CFA Board Member  
John Schurink, CFA Board Member  
Michael Tudball, CFA Board Member  
Samantha Hunter, CFA Board Member