



**UNITED FIREFIGHTERS UNION  
OF AUSTRALIA  
WEST AUSTRALIAN BRANCH**

ABN: 31 367 577 278

PRESIDENT: Frank Martinelli

SECRETARY: Kevin Jolly

Ref 1 -14

16th January 2014

Hon Robyn McSweeney MLC  
Chair  
Standing Committee on Legislation  
Legislative Council  
Parliament House  
Perth WA 6000

Dear Ms McSweeney,

**Re: The Workforce Reform Bill 2013**

On behalf of the United Firefighters Union of Australia - West Australian Branch, I wish to convey to the Standing Committee the grave concerns my members have about the proposed Workforce Reform Bill 2013.

Your Committee may not be aware that our members attend 80% of the State's Fires and they also provide emergency services to the community including road crash rescue, and responses to hazardous material incidents. Our Union has a 99.3% rate of Union membership, and our ~ 1,140 members expect and receive comprehensive industrial and welfare services from the Union. We also provide an independent voice on industry and professional issues for Firefighters and Officers and we are democratically structured to ensure our members have a fair opportunity to contribute to the Union's decision making and governance.

Yesterday my Branch Committee met and considered the Draft Bill and recent correspondence the Union had received from Minister Mischin about the State Government's Wages Policy and the Committee directed me to call a Special General Meeting of our membership to discuss the Bill, the policy and our forthcoming EBA negotiations as soon as possible.

As you are aware, our members provide professional Fire and Rescue and broader Fire services to communities throughout Western Australia and our industrial agreements will be affected by the proposed Bill.

The United Firefighters Union (UFU) rejects the proposed Workforce Reform Bill 2013 in its entirety and endorses the submission to your Committee from Unions WA.



The UFU believes the current Industrial Relations Act provides a reliable system including final decision making arbitration for our members and the employer. In recent years we have had industrial matters determined where the Commission has taken into account the economic impact of the submissions made by the Union and the employer before determining final decisions and handing such decisions down. On those occasions, neither the employer or the State Government appealed the decisions on the basis that the Commission had not exercised their obligation to consider the economic impact of the arbitrated decisions. And in our view, this is indicative of the Commission's capacity to make decisions impartially and with due consideration of their obligations to the State, as well as to our members and the employer. The Workforce Reform Bill 2013 seeks to constrain the Commission to Government Wages Policy and that is both unnecessary and a restraint on the practice and principles of "good faith bargaining".

The UFU has negotiated and acted responsibly in a range of industrial matters and has often sought to argue matters in dispute before the Commission and to seek conciliated and sometimes arbitrated decisions as opposed to taking industrial action.

Our members have supported the UFU's actions to negotiate and to seek the assistance of the Commission to resolve matters that could not be negotiated successfully because they have trusted the independence of the Commission or "umpire". Recently we surveyed our members and the responses we have received from them about our forthcoming EBA and the new Government Wages Policy have been disturbing. Our members are not happy that negotiations with the employer are constrained by a policy and that the new Workforce Reform Bill compels the Commission to take into account a policy that currently is very conservative and has no transparent formulae for its foundation. Further to this, the Bill does not provide the Union with any right to challenge the validity of the policy or any variation of the policy that may be determined by the Government. No other workers face similar restrictions in their negotiations with their employer.


Another aspect of the Bill that is disturbing is the proposal that the legislation could over ride industrial conditions in our Agreements like our established redundancy provisions. Traditionally our Union has been opposed to any reduction of operational positions, including any proposed redundancies and the conditions in our agreements set out a framework of regulation for such cases that is fair and is considered together with a General Order of the WAIRC that relates to Termination, Change and Redundancy. That General Order again sets out a framework that includes genuine consultation with those personnel directly affected, together with the Unions representing those people.

On behalf of our members, I respectfully request the opportunity for the Union to address your Committee about our concerns with the proposed Workforce Reform Bill 2013 and for the Union to be represented by myself, Frank Martinelli - our President and Lea Anderson - our Assistant Secretary.

Please contact me if you require any further information.

Yours faithfully,

Kevin Jolly  
Secretary



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