Senator the Hon Michaelia Cash
Minister for Employment
Minister for Women
Minister Assisting the Prime Minister for the Public Service

Reference: MC16-002878

Mr Ian Goodenough MP
Chair
Parliamentary Joint Committee on Human Rights
S1.111
Parliament House
CANBERRA ACT 2600

Dear Mr Goodenough

Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016

This letter is in response to Ms Toni Dawes' letter of 12 October 2016 on behalf of the Parliamentary Joint Committee on Human Rights (the Committee), concerning the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016 (the Bill). The Bill passed both Houses of Parliament on 10 October 2016. It commenced on 13 October 2016 and is now the *Fair Work Amendment (Respect for Emergency Services Volunteers) Act 2016* (the Respect for Emergency Services Volunteers Act).

The Australian Government is committed to protecting emergency services volunteers who perform the vitally important role of ensuring the safety and wellbeing of the broader Australian community, particularly in situations of emergencies and disaster. The Respect for Emergency Services Volunteers Act gives effect to our election commitment to prevent enterprise agreements from being misused to undermine the role of volunteers in emergency services bodies.

Terms in enterprise agreements must be about permitted matters - this includes, relevantly, matters pertaining to the relationship between employers and employees and matters pertaining to the relationship between employers and employee organisations.

Terms in enterprise agreements should not be allowed to undermine the role of volunteers in emergency service bodies. That is why the Respect for Emergency Services Volunteers Act provides that 'objectionable emergency management terms' are unlawful terms that cannot be included in enterprise agreements and will be legally ineffective if they are included. The *Fair Work Act 2009* currently identifies a number of other categories of terms that would be unlawful terms.

The Respect for Emergency Services Volunteers Act prevents enterprise agreements from including terms that could undermine the role of volunteers in emergency services bodies and is directed towards achieving the legitimate objective of ensuring the safety and wellbeing of the broader Australian community.

Importantly, the Respect for Emergency Services Volunteers Act protects the volunteers of the Victorian Country Fire Authority (CFA) and of other similar emergency services bodies. I am concerned that a number of terms in the proposed enterprise agreement being negotiated between the CFA and the United Firefighters Union may be unlawful. I also note that the Victorian Equal Opportunity and Human Rights Commission has expressed concern that some of the terms in the

proposed agreement are discriminatory and do not comply with the Victorian *Equal Opportunity Act 2010*. As I stated during the election campaign, I will intervene in any proceedings before the Fair Work Commission and the courts to oppose the approval of an agreement containing such terms.

As noted by the Committee, the Respect for Emergency Services Volunteers Act is relevant to the right to just and favourable conditions in work, the right to collectively bargain and the right to freedom of association. The Act enhances, rather than limits, these rights. To the extent that the Committee considers that the provisions may limit certain human rights, it is a reasonable, necessary and proportionate measure to achieving the legitimate objective of protecting the role of volunteers in emergency services bodies and the safety and wellbeing of the broader Australian community.

As is usual practice, the Government consulted on the Bill with the Committee on Industrial Legislation, which is comprised of representatives from relevant unions, including the United Fire Fighters Union, and employer organisations, as well as with state and territory governments and Volunteer Fire Brigades Victoria.

Yours sincerely

Senator the Hon Michaelia Cash
/ᴢ /)ᴢ/ 2016