



United Firefighters Union Victorian Branch

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The Hon Louise Asher MP
Chair
Electoral Matters Committee
By email:

Dear Chair

INQUIRY INTO THE CONDUCT OF THE 2014 VICTORIAN STATE ELECTION

I refer you to the Committee's report of the Inquiry into the conduct of the 2014 Victorian State election which was received by the UFU on the 13th May 2016.

Unfortunately it appears the Committee appears to have made findings that are not consistent with the evidence before it, or are not founded on evidence.

Views or findings made inconsistent with the evidence before the Committee undermines the credibility of the Inquiry and the validity of the Report.

Further, these incorrect views damage the reputation of the UFU and me personally.

These are not minor matters. It is important that the record be corrected immediately.

We respectfully request that this letter be placed on record and the below matters be rectified with an amended report tabled in Parliament accordingly.

Use of fire trucks

At page 145 of the report the Committee incorrectly found that publicly owned and commissioned fire trucks were used in the election campaign and made a recommendation in response to that wrongly held view:

Committee's view:

The committee finds that public property, such as fire trucks, were used during the 2014 Victorian state election. It is implausible to claim that there was only one decommissioned fire truck used in the 2014 Victorian state election campaign, given the number of fire trucks seen all over the state.

Recommendation 19

The committee recommends that the Public Sector Code of Conduct be amended to prohibit public sector workers using government property, such as ambulances, fire trucks and uniforms for political purposes and in election campaigns and that penalties be developed for a breach of this type.

Importantly there is no commentary in the report prior to the Committee's view, or review of any evidence before it, regarding the allegation of the use of a state fire truck. There is only reference to ambulances being used as "billboards".

In fact, the Committee's view is not consistent with the evidence before it.

The UFU's submission dated 8 July 2015 directly addressed the allegation that the UFU had used an operational fire appliance. At paragraph 12(v):

"This again is a blatant untruth. Career professional firefighters at their own expense via the UFU hired a de-commissioned fire appliance from a private provider for the public-political awareness campaign. This appliance was not operational and was not owned or operated by any fire service agency."

I appeared before the Committee on 11 August 2015 and again addressed this issue clearly outlining that the fire appliance used in the election campaign was a decommissioned appliance hired by the UFU. I categorically stated that not one state resource was used in the UFU campaign.

"On the allegation of the use of operational fire appliances on election day, we understand that there have been some issues in that regard. I respectfully submit — and again I can provide the evidence of the receipt — that we hired a decommissioned fire appliance and that fire appliance was utilised by members of my union, who are firefighters, in part of their public awareness campaign. Again, as I said to the committee, I can provide the receipts for that, but there was not one state resource used in relation to this process at all. In fact again there is a prohibition and it is an offence for a member to do so, for which they could be charged and dismissed. There has been no allegation by the fire services themselves as to the utilisation of their fire trucks for that purpose, so I am not quite sure where that came from, other than someone seeing a fire truck who did not inquire as to where it had come from. We actually hired it. On a lighter note, most of the time it is hired out for children's parties, but on this day it was something more serious for us."

To come to the view that it was "implausible to claim only one decommissioned fire truck used" the Committee must not have accepted the UFU's submission or my evidence.

I note I was not asked any questions by the Committee on this issue and am personally greatly offended that the view of the Committee is that my evidence and the evidence of the UFU is not only not accepted but deemed "implausible."

I am willing to put my evidence on oath in an Affidavit if the Committee is questioning my honesty and integrity.

Use of CFA/MFB uniforms

I am equally perturbed that the Committee has found it necessary to include in the recommendation an amendment "to prohibit public sector workers using government property, such as ... uniforms for political purposes in election campaigns.." as it infers that the Committee has not accepted the UFU's submission, or my oral evidence that the UFU did not use Government property and only used UFU campaign uniforms. The UFU submissions dated 8 July 2015 directly addressed this issue at paragraph 12 (II):

"The UFU has its own firefighter uniforms that are not, and have never been, CFA or MFB uniforms. The UFU distributed the UFU's public-political awareness campaign uniforms of yellow pants, red braces and a campaign t-shirt to all those participating in the campaign. Career professional firefighters did not wear CFA or MFB uniforms while doorknocking residential areas, handing out public-political awareness campaign material or how to vote cards at public areas or events"

In my oral evidence I again addressed the issue and I note that this quote was reproduced in the Inquiry Report at page 143:

"The second allegation is that career professional firefighters were wearing Country Fire Authority and Metropolitan Fire Brigade uniforms while campaigning. Again, that is a falsehood. The uniforms were purchased by the United Firefighters Union. They were never, and never have been, CFA or MFB uniforms. They are indeed uniforms that designate that a person is a firefighter, but they are not agency specific. In fact, there is a directive from both the CFA and MFB that states a prohibition on members wearing their brigade uniform, being the MFB-designated or CFA uniform, at rallies or at political protests. Again, that was a falsehood. I can provide the receipt if necessary as to the cost of those uniforms. They were purchased by the union, if there is any doubt about that."

At the Committee Hearing Committee Members Ms Fiona Patten MLC asked the following question on the issue.

Ms PATTEN — For me, good. Looking at the uniforms that you as a union supplied, would you concede that they were very similar to the volunteer uniforms? I note that the volunteer fire association are saying that they felt that you were imitating them.

Mr MARSHALL — With respect to the volunteers, we do not need to imitate volunteers. We have our own political capital. I say that with respect, and I do not want to get into an us-and-them conversation here. All firefighters serve the community well, but firefighter uniform is generic around the globe. If anyone starts trying to tell me they can distinguish between one classification and another by the type of uniform they wear, it would be interesting to know, because just as uniforms are similar or different in New Zealand, they are similar or different in the US and the UK as they are here in Australia, depending on what state you are in. I can understand that allegation, but it is not made out when you look at the facts.

There is no evidence supported by any direct knowledge or documentation to support an allegation, or view or conclusion, that UFU members wore anything other than the UFU campaign uniforms.

Again, as with the decommissioned fire truck I can provide evidence of the UFU's purchase of the campaign t-shirts, yellow pants and red braces.

Again I am willing to put my evidence on oath in an Affidavit if the Committee is questioning my honesty and integrity.

Allegation of Peter Marshall masquerading as a firefighter in an advertisement

At page 154 of the Inquiry Report there is reference to a CFA volunteer (name suppressed upon request) who made the following claim:

"A CFA volunteer firefighter, who requested and was granted confidentiality by the committee, also made allegations relating to the false and misleading provisions in s148 of the Electoral Act 2002 (Vic). In his submission he provided a copy of a print advertisement in the Midland Express, from 18 November 2014. The advertisement features an image of a volunteer firefighter and a fire appliance and statements about the former Napthine government's alleged policies on Victoria's firefighting services. He notes:

...I'm advised that the "firefighter" in the advertisement is Peter Marshall, an office-bearer of the UFU and not an active firefighter. If this is correct, the advert should have carried a statement that actors were used to depict real firefighters, as well as an authorisation statement."

The following comment immediately follows in the Report:

"The committee notes that an official office bearer of the UFU, who is currently on leave, retains the classification of an active firefighter."

The fact that the Committee noted that an office bearer of the UFU who is currently on leave retains the classification as a firefighter implies that the Committee accepts the account of the CFA volunteer.

I am offended that the Committee has formed this view or is implying the allegation is accepted as true or correct.

I have not been afforded the opportunity to respond to this allegation and importantly I was not asked about it when I appeared before the Committee.

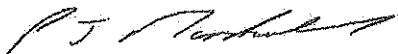
I can categorically state that I did not authorise my image or photo to appear in any advertisement in the election campaign in this manner, and to my knowledge I did not appear in any such advertisement.

I have not been afforded the opportunity to view the advertisement in question. The person who made this allegation was granted name suppression but I have taken the time to look through submissions available on the website and have seen one from a person claiming to be a CFA volunteer with an advertisement attached claiming to be a clipping from the Midland Express. I can categorically state I am not that firefighter in that advertisement. I know that firefighter personally and can categorically state he is a career firefighter.

Again I am willing to put my evidence on oath in an Affidavit if the Committee is questioning my honesty and integrity.

I look forward to your response and the rectification of these serious matters.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Marshall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Marshall
Branch Secretary