

UNITED FIREFIGHTERS UNION OF AUSTRALIA
UNION OF EMPLOYEES QUEENSLAND

Wednesday 16 July 2014

Mr A. Bloomfield
Deputy President
Queensland Industrial Relations Commission
GPO Box 373
Brisbane Qld 4001

Delivered via email

Dear Deputy President Bloomfield

Re: Award modernisation program published on QIRC website

I refer to our previous correspondence to you dated 3 April 2014 and your response dated 9 April 2014 regarding the award modernisation program published on the QIRC website.

You will recall that UFUQ requested that you cause the reference to "auxiliary fire officers" (presently award free) be deleted from the program as they were not employees covered by any award subject to the award modernisation process.

Further, they were subject to QIRC proceeding A/2014/1 and B/2014/7.

We understood your response to indicate that you had not made any decisions or determinations about the two existing awards to which UFUQ is a party (the Queensland Fire and Rescue Service Award – State 2012 and the Queensland Fire and Rescue Service Communications Centres Award – State 2012), and that they were matters for the future.

We have recently been made aware that the employer (Queensland Fire and Emergency Services) aspires in the future to having a single award covering the employment of the majority of their employees, potentially including auxiliary firefighters.

STRENGTH PRIDE COURAGE

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We also understand that the compilation of the information included in the QIRC award modernisation program followed a request by the commission to all Queensland state government agencies to provide a list of their current operating pre-modernisation awards and the number of employees employed under each award.

The provision by the relevant agency to the QIRC of additional information about auxiliary firefighter employees who are not covered by a pre-modernisation instrument appears to reflect the employer's recently disclosed aspirations about potential award coverage.

At the hearing held Monday 23 June 2014, which dealt with B/2014/7 (the employer's application to "strike out" the union's application for the making of a modern award to cover the award free auxiliary firefighters), the employer made submissions about the award modernisation program which is published on the QIRC website.

The employer provided documentation (a copy of the documentation is attached to this correspondence at Attachment A) called "SIZE OF AWARD MODERNISATION PROJECT (2)" that describes auxiliary firefighters as forming a group of 4500 employees "subject to award modernisation".

The document under the heading "Award Name" states "Fire Service (inc. auxiliaries)".

During the hearing of 23 June 2014 the employer made submissions to the effect that the publication by the QIRC on the website of the award modernisation program reflected a declaration or decision by the tribunal to make a single award to cover employees of the fire service.

Further, the employer submitted that QIRC had made a declaration or decision to use the process of modernising existing pre-modernisation awards as a vehicle to extend their application to over 2000 award-free auxiliary firefighters.

These submissions by the employer did not reflect our understanding of the situation or the standing of the award modernisation program published on the QIRC website.

The transcript of the proceedings of B/2014/7 is attached at Attachment B. I draw your attention to Page 10 of the transcript, commencing at line 19 –

"And that's what this is. In my submission this is the Commission's timetable produced in accordance with the minister's directive, and it's a progress report as to what's occurring. There are documents that have been released which have specific dates and which have been issued by the Vice President, but the combined effect of all of this is that the Commission, acting in accordance with the direction, is undertaking a structured process in which the Commission has decided and published its decision on its website that the two existing fire service awards and the coverage of the auxiliaries will be included under a single process for the fire emergency service industry."

(Emphasis added)

I request that you clarify for UFUQ, and the employer, that the QIRC has not made any decisions or declarations of any kind about the modernisation of the Queensland Fire and Rescue Service Award – State 2012 and the Queensland Fire and Rescue Service Communications Centres Award – State 2012, or about the applicability of the award modernisation program or process to the currently award-free auxiliary firefighters.

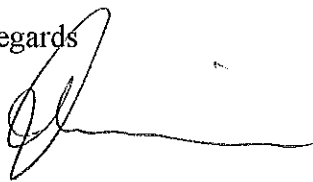
Given the recent circumstances, and the employer's recently declared aspiration, we request that you amend the published program so that it simply records and numerates the names of each pre-modernisation award along with the number of employees covered by each such award.

In doing so, this will limit the program appearing to record the employer's desired outcome, without limiting the rights of any party.

Moreover, in doing so, it would assist to clarify that there has been no determination of any matters as suggested by the employer.

Please do not hesitate to contact me directly at johnoliver@ufuq.com.au or on 07 3844 0366 to discuss this matter further.

Regards

A handwritten signature in black ink, appearing to be 'JO' followed by a long horizontal stroke.

John Oliver
State Secretary

SIZE OF AWARD MODERNISATION PROJECT (2)

Number of employees subject to award modernisation

AWARD NAME	No. of employees	% of public sector
Other main awards		
Teachers	46,000	20.1
TAFE Teachers	3,100	1.4
Police	11,000	4.8
Fire Service (inc. Auxiliary's)	4,500	2.0
Ambulance Service	3,650	1.5
Corrective Services	2,000	0.8
Disability Services	1,500	0.6
Total of other main awards	71,750	31.2 (of 229,000)

ATTACHMENT A.

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TRANSCRIPT OF PROCEEDINGS

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QUEENSLAND INDUSTRIAL

RELATIONS COMMISSION

MR D L O'CONNOR, Deputy President

MR L KAUFMAN, Deputy President

MR G J NEATE, Commissioner

**RELEASED TO
PARTIES AND
PUBLIC**

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Date: 23 June 2014
Attachments - NO

No B/2014/7

INDUSTRIAL RELATIONS ACT 1999

S274DA – DISMISSAL OF APPLICATION

**STATE OF QUEENSLAND (DEPARTMENT OF QUEENSLAND FIRE AND
EMERGENCY SERVICES) v. UNITED FIREFIGHTERS' UNION OF AUSTRALIA,
UNION OF EMPLOYEES, QUEENSLAND**

BRISBANE

10.10 AM, MONDAY, 23 JUNE 2014

DAY 1

FULL BENCH

Any Rulings that may be included in this transcript, may be extracted and subject to revision by the Presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.