



UNITED FIREFIGHTERS UNION OF AUSTRALIA  
UNION OF EMPLOYEES QUEENSLAND

4 December 2014

Mr A L Bloomfield  
Deputy President  
Queensland Industrial Relations Commission  
GPO Box 373  
BRISBANE QLD 4001

INDUSTRIAL REGISTRAR  
- 4 DEC 2014  
QUEENSLAND

Dear Deputy President Bloomfield,

**RE: Matter A/2014/1**

As you are aware, UFUQ made an application for a modern award to cover auxiliary firefighters on 2 December 2013.

The application was subject to a full bench decision which ordered *inter alia*:

*"That pursuant to s 274(4) (a) (ii) of the Industrial Relations Act 1999, matter A/2014/1 is referred to Deputy President Bloomfield for his consideration pursuant to the Attorney General's Award Modernisation Request under s 140C of the Act".*

That Full Bench order is now subject to an appeal before Justice Martin of the Industrial Court.

No directions have been issued by the QIRC in relation to matter A/2014/1 since the release of the Full Bench decision. No listings, documents, correspondence or any form of material whatsoever in relation to matter A/2104/1 have been provided by the QIRC to the UFUQ, until we received correspondence from Commissioner Knight dated 26 November 2014. (I have attached four relevant items of correspondence that lead up to the Commissioner's recent letter, in order to provide proper context).

Commissioner Knight has chaired three conferences about the "award modernisation process" and more are scheduled. No mention of matter A/2014/1 was made by the Commission, or any party present at any conference, until the conference of 2 December 2014, when the union raised the issue of Commissioner Knight's correspondence. No documents have been tabled or produced by the tribunal which deal with A/2014/1, or indeed mention it at all.

None of the work produced by the "award modernisation team" administration staff has dealt with A/2014/14, and there is only a passing reference to it in the emails we have seen that have passed between the fire service and the "award modernisation team" administration staff.

(In passing I should record that, the exposure draft created by the "award modernisation team" administration staff, includes draft sub clauses, that refer to auxiliary firefighters, and have been derived from the "interim award" which has "no effect" and fire service policies, it is not evident

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whether these actions were undertaken by the QIRC staff of their own volition, under direction from a tribunal member, or as a result of prior discussions between QIRC staff and the fire service. Nothing in the exposure drafts refers to A/2014/1, or is derived from the material filed for A/2014/1. Nothing is derived from A/2012/13).

UFUQ has stated our view that QIRC ought not to deal with the matter A/2014/1, (or award provisions for auxiliary firefighters) pending a decision from the Industrial Court.

(The fire service has submitted to the Industrial Court, that the application made by UFUQ on 26 September 2012 for an award to cover auxiliary firefighters, (Matter A/2012/13), is required by the transitional provisions, to be considered as part of the "award modernisation process".)

The UFUQ's view regarding the tribunal refraining from dealing with the issue of making an award for auxiliary firefighters until the Industrial Court decides matter C/2014/39 has not been accepted by QIRC or the fire service.

In correspondence dated 26 November to UFUQ in reference to the above mentioned order, referring A/2014/1 to you, Commissioner Knight advised *inter alia* that she "*is obliged to continue with conferences in accordance with the order*".

UFUQ had been unaware that Commissioner Knight was conducting any conferences pursuant to the Full Bench order referring matter A/2014/1 to you. This is unsurprising in circumstances where no one informed the union, no record of it appears in any paperwork, no listings were made, no mention was made of it in any conference, until the union queried correspondence from the fire service and no consideration has been given to A/2104/1 by the "award modernisation team" administration staff, or to our knowledge the QIRC.

Our union has raised this issue with Commissioner Knight at the conference on 2 December and have advised her that we intend to correspond with you about it.

I respectfully request that you advise the union, and allow us to be heard, about what actions you intend to take, or if relevant, have already taken, and what procedural steps the tribunal is taking, in relation to the Full Bench order:

*"That pursuant to s 274(4) (a) (ii) of the Industrial Relations Act 1999, matter A/2014/1 is referred to Deputy President Bloomfield for his consideration pursuant to the Attorney General's Award Modernisation Request under s 140C of the Act".*

Yours faithfully



**John Oliver**  
**State Secretary**

cc. Commissioner Knight

Attached





QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Mr J. Oliver  
State Secretary  
United Firefighters' Union of Australia,  
Union of Employees, Queensland  
286 Montague Road,  
WEST END, QLD 4101

Ref: MA/2014/60 and MA/2014/61

26 November 2014

Dear Mr Oliver,

I refer to your letter of 24 November 2014.

As a follow-on from my discussions with participants in the award modernisation conference of the same day I can confirm that as per the Full Bench decision an order was made, pursuant to s 274(4)(a)(ii) of the Industrial Relations Act 1999, that matter A/2014/1 is referred to Deputy President Bloomfield for his consideration pursuant to the Attorney - General's Award Modernisation Request under s140C of the Act.

Until any other decision is made by the Court I am obliged to continue with the conferences in accordance with this order. However, as per my letter on 21 November 2014, I made it clear to the parties that we will deal with 'Auxiliary firefighters' in due course and will for now focus our efforts on the other parts of the Award(s).

As mentioned at the conference of 24 November 2014, notwithstanding the content of the Request, Deputy President Bloomfield and I were directed by the Vice President of the Commission to include the preparation of a modern award for the QFES sector in that group of awards which the Award Modernisation (AMOD) Team is to develop during the course of Stage 2 of the award modernisation process. Unfortunately a letter, in the same terms as that sent to other parties interested in Awards to be dealt with during Stage 2, was incorrectly sent to both UFU and QFES on 10 September 2014. This error was explained by Deputy President Bloomfield in his letter to you of 12 November 2014. Consequently, any reference by any party to Awards of interest to

UFU, referred to in the Minister's Award Modernisation Request of 27 August 2014 should be disregarded.

Lastly, in my letter dated 21 November 2014 and during the most recent award modernisation conference of 24 November 2014 I confirmed the reasons why members of the AMOD Team have communicated with QFES.

The QFES/PSBA response to matters raised with them, where relevant to proposed award clauses, has been included in the form of notes in the Exposure Draft. The reasoning behind the note was to alert all parties about the matters raised where it had a direct impact on the initial drafting of the proposed exposure draft. Nonetheless, copies of such communications are attached for your information.

The purpose of such engagement by the AMOD Team was to also seek clarification and gain a greater understanding of various elements of the industrial materials provided by QFES, given the unique nature of the sector's rostering processes and the role of the PSBA in administering the sector's payroll system.

Importantly, you'll note the majority of information provided by the QFES is in the form of HR policies or jointly signed documents (QFES and the UFUQ) where the parties have previously agreed on how existing industrial conditions should be interpreted.

Kind regards

A handwritten signature in black ink, appearing to be 'W. Knight', written over a horizontal line.

Industrial Commissioner Knight  
Queensland Industrial Relations Commission



24 November 2014

UNITED FIREFIGHTERS UNION OF AUSTRALIA  
UNION OF EMPLOYEES QUEENSLAND

Commissioner Knight  
Queensland Industrial Relations Commission  
GPO Box 373  
BRISBANE QLD 4001

Dear Commissioner Knight,

**Re: Award Modernisation Process MA 60 and MA 61**

1. I have received a copy of correspondence sent to you by QFES and dated 21<sup>st</sup> November 2014.

**Matter number**

The QFES correspondence submits that the current conferences regarding the 'award modernisation process' incorporate proceedings arising from the full bench decision of 1<sup>st</sup> August 2014 in matter number B/2014/7.

We have taken QFES correspondence to refer to the following order:

*"That, pursuant to s 274(4)(a)(ii) of the Industrial Relations Act 1999, matter A/2014/1 is referred to Deputy President Bloomfield for his consideration pursuant to the Attorney-General's Award Modernisation Request under s 140C of the Act."*

I request your confirmation as to whether or not, the QIRC adopts a similar view to QFES, in that the current conferences incorporate discussions pursuant to that order. Similarly, whether or not any of the previous discussions and communications between the registry staff/award modernisation team and the fire service have involved discussions relating to that order.

I am in receipt of your advice that the award modernisation conferences will prioritise other matters for the time being, however as the fire service submits that matter A/2014/1, is currently being dealt with by the QIRC as part of the award modernisation process conferences, I request clarification from the tribunal as to whether or not the conferences incorporate the referral set out in the order.

**Attorney General's award modernisation request (as varied)**

QFES also state in their letter that they are 'aware that the Attorney General's Request has revised the award modernisation for the QFES to April 2015.'

This awareness contradicts the information the union has recently sought to clarify, and the advice we received from Deputy President Bloomfield dated 12<sup>th</sup> November 2014.

UFUQ has not seen signed and dated versions of every variation to the Attorney General's initial award modernisation request made under Section 140CA of the Act.

However, to our knowledge, the request and variations have been issued as follows:

1. Initial request made under Section 140C of the Act. (19<sup>th</sup> December 2013)

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2. 1<sup>st</sup> variation to the request made under section 140CA of the Act. (3<sup>rd</sup> February 2014)
3. 2<sup>nd</sup> variation to the request made under section 140CA of the Act. (2<sup>nd</sup> May 2014)
4. 3<sup>rd</sup> variation made under section 140CA of the Act. (27<sup>th</sup> August 2014)
5. 4<sup>th</sup> variation made under section 140CA of the Act. (13<sup>th</sup> October 2014)

I request your confirmation, of our understanding as set out above, and clarification as to what is the actual current content of the Attorney General's 'award modernisation request' as varied.

**QIRC letter to UFUQ dated 21<sup>st</sup> November 2014**

I request, for our records, a signed version of your correspondence to UFUQ dated 21<sup>st</sup> November 2014.

**Communications between registry staff/award modernisation team and QFES**

UFUQ are concerned about communications between registry staff/award modernisation team and the fire service.

In our view, such communications is inappropriate and irregular, particularly when this communications is not divulged to all of the other parties.

Comments indicative of such communications are included in the 1<sup>st</sup> exposure draft, and refer to material, other than material distributed by QIRC to UFUQ.

The union requested the fire service to provide the union with the material they had submitted to QIRC, and the fire service did not provide such material to us.

QIRC provided the union copies of 14 industrial instruments, described as submissions from the QFES,

The 1<sup>st</sup> exposure draft incorporates material and commentary beyond any material described by QIRC as being submitted any of the parties (including material outside of 'standard clauses').

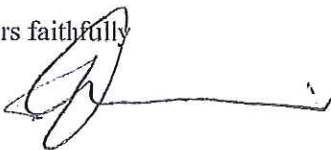
Further the material includes comments and questions which appear to extend beyond the boundaries of appropriate commentary from the QIRC registry staff/award modernisation team.

I request full disclosure of the process being undertaken, between the fire service and the QIRC registry/award modernisation team which the UFUQ has been excluded from to date.

I also intend to correspond to Deputy President Bloomfield about the communications between registry staff/award modernisation team and QFES, on the basis that Deputy President Bloomfield has written to us and indicated that he is leading the team, and by way of correspondence on 9<sup>th</sup> April 2014, that he directs the activities of the team.

If you have any queries regarding this matter, please contact our Senior Industrial Officer, Mr John Spreckley on 3844 0366 or email at [johnspreckley@ufuq.com.au](mailto:johnspreckley@ufuq.com.au).

Yours faithfully



**John Oliver**  
**State Secretary**



Ph: 3635 3503  
Our Ref: 08923-2014



Queensland Fire and  
Emergency Services

Office of the  
Deputy Commissioner  
Operations and Emergency

21 November 2014

The Registrar  
Queensland Industrial Relations Commission  
Level 21 Central Plaza 2  
66 Eagle Street  
BRISBANE QLD 4000  
Email: [qirc.registry@justice.qld.gov.au](mailto:qirc.registry@justice.qld.gov.au)

**Attention: Commissioner Knight**

Dear Registrar

**Re: Award Modernisation Process Queensland Fire and Emergency Services  
Matter numbers MA 60 and 61 of 2014**

Queensland Fire and Emergency Services (QFES) has been provided with a copy of correspondence from the United Firefighters Union of Australia, Union of Employees Queensland (UFU) which was forwarded to the Commission on 20 November 2014. The QFES believes a response on the matters raised in the UFU correspondence is warranted.

The major issue of contention appears to be the inclusion of Auxiliary Firefighters into the proposed modern award discussions. While the UFU have identified that there is an appeal on foot before the Industrial Court regarding Auxiliary Firefighters, no decision on that appeal has been made. Subsequently the decision of the Full Bench, issued on 1 August 2014 has not been overruled. The decision of the Full Bench that any application for an award for Auxiliary Firefighters be considered pursuant to the Attorney-General's Award Modernisation Request under section 140C of the Act is still valid.

The QFES considers the inclusion of Auxiliary Firefighters in any discussions regarding Award Modernisation for the QFES as a reasonable approach and that it complies with the Full Bench decision.

With respect to the development of one award for the QFES, there is no discernible issue that would dissuade the QFES that the inclusion of conditions of employment for all its employee groups within one award would in any way complicate or confuse employees or in any way be unsound. The current QFES Award has the inclusion of the Rural Fire Service as a schedule with no lack of understanding by employees of their conditions of employment. The standard clauses, now a requirement for modern awards as a result of the legislative changes under the *Industrial Relations Act 1999* (the Act) need not be reiterated in a second document applying to employees within the same Department. Combined with this, is the very real objective of the modern award provision in relation to overlapping of awards.

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GPO Box 1425, Brisbane  
Queensland 4001  
Australia

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Website	<a href="http://www.qld.gov.au/emergency">www.qld.gov.au/emergency</a>
ABN	93 035 163 778

The QFES is also aware that the Attorney-General's Request has revised the award modernisation for the QFES to April 2015. This would appear to be an imminently sensible period in which to conference the conditions associated with the QFES and the respective employee groups into the provision of one Award for the service. The QFES understands the pressures of the Commission and the tight timeframes that the Commission is subject to with the award modernisation of public sector awards. The QFES is however cognizant that there are a range of matters that have or could have a bearing on the process of award modernisation for the service and is enquiring with the Commission whether an additional period, past the Christmas break for conferences to allow negotiations to continue, might assist all the parties, including the Commission, in the development of a modern award for the QFES.

Should you require further assistance, please contact Mr Glenn Carthew, Manager, Employee Relations, Public Safety Business Agency on telephone (07) 3635 3503 or email [glenn.carthew@psba.qld.gov.au](mailto:glenn.carthew@psba.qld.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'N Gallant', with a stylized, cursive script.

Neil Gallant AFSM  
Acting Deputy Commissioner  
Operations and Emergency Management





UNITED FIREFIGHTERS UNION OF AUSTRALIA  
UNION OF EMPLOYEES QUEENSLAND

20 November 2014

Ref: MA/2014/60 and MA/2014/61

Commissioner Knight  
c/o Industrial Registry  
GPO Box 373  
BRISBANE QLD 4001

INDUSTRIAL REGISTRAR  
20 NOV 2014  
QUEENSLAND

Dear Commissioner

**RE: Modernisation of Queensland Fire and Rescue Service Award 2012 and Queensland Fire and Rescue Service Communications Centre Award 2012, matters MA/2014/60 and MA/2014/61**

I refer to the conference in relation to the above matters held on 17<sup>th</sup> November 2014.

**Conference Action Items**

*'Fire Services Industry'*

The union submits that the relevant employees are employed in the public sector not in a 'fire services industry'.

*'Working group'*

The UFUQ and QFES have not agreed to 'form a working group'. The UFUQ provided the fire service with proposed revised classification descriptors in October 2013 and have persisted with our requests for the fire service to meet with us to discuss them since that time.

UFUQ provided the fire service with redrafted awards and explanatory tables in preparation for award modernisation (including revised classification definitions) in August 2014 and have persisted with our requests for the fire service to meet with us to discuss them since that time.

I am advised that our Mr Spreckley suggested at the QIRC conference on 7<sup>th</sup> November 2014 that a sensible course of action would be for the fire service to meet with the union and look at our proposals to see if any consent position could be reached.

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STRENGTH PRIDE COURAGE

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During the period, from April 2014 until now, the fire service has not agreed to meet with us, but indicated at the 17<sup>th</sup> November conference, that they are now willing to meet with the union to discuss award modernisation. The union is encouraged by the fire service's willingness to meet with us.

The UFUQ meeting with QFES to discuss award modernisation matters does not constitute a 'working group' and I am advised that the union never articulated, or agreed to such a notion in the 17<sup>th</sup> November QIRC conference.

The union is keen to meet with the fire service about these matters, as you will be aware from the material filed in the QIRC Registry on 24<sup>th</sup> September 2014.

I have attached to this letter a copy of correspondence sent to the fire service on 18<sup>th</sup> November 2014.

#### *'Auxiliary firefighters'*

UFUQ reiterate our request to the tribunal to refrain from dealing with matters relating to 'auxiliary firefighters' because those matters are before the industrial court (C/2014/39). It is highly irregular and inappropriate for the tribunal to be conducting conferences about matters which are before the court.

Our view is fortified by the '1<sup>st</sup> Discussion Draft' prepared by QIRC administrative staff which includes provisions from the *'Queensland Fire and Rescue Service Auxiliary Employees Interim Award - State 2013'*, an instrument which the parliament expressly legislated to have 'no effect' as from 27<sup>th</sup> November 2014. There is no controversy between any party or the tribunal, that the instrument has 'no effect'. It is remarkable in those circumstances, that the tribunal would permit such material to be incorporated into a draft 'modern award' document to be prepared and circulated on behalf of the tribunal. Further, it appears as if QIRC staff and the fire service have engaged in private discussions about these matters without the knowledge of the union.

As advised to you at the conference, UFUQ has prepared extensive material regarding modern award provisions suitable for auxiliary firefighters. The material was filed in the Registry in relation an application for the making of a modern award for auxiliary firefighters.

Depending upon the view of the industrial court, that material may be informative and relevant to the QIRC's determination of modern award conditions for auxiliary firefighters.

QFES are well informed by that material already.

Please note also, that in the period between September 2012 to date, the fire service have provided little or no indication as to what they are prepared to agree to in relation to any award conditions, for auxiliary firefighters, have provided no response to the union's proposals and have made no proposals.

In the circumstances, notwithstanding that matters which are before Justice Martin, of the Industrial Court should not be the subject of alternative conferences, conducted by the QIRC, it seems most unusual, in any event for the tribunal to be formulating proposals about employment conditions for such employees.



The incorporation of such conditions into a draft, is entirely distinct from redrafting existing 'pre modernisation awards', for 'relevant employees' as immediately contemplated by the 'award modernisation process'.

#### *'One award'*

UFUQ does not agree that there is any 'overlap' between the existing two pre modernisation awards *Queensland Fire and Rescue Service Award 2012* and *Queensland Fire and Rescue Service Communications Centre Award 2012*.

We do not agree that there is any 'overlap' between the two draft modern awards we have prepared and provided to the fire service in April 2014 and filed in the Registry on 24<sup>th</sup> September 2014 in response to a request from DP Bloomfield.

In our view, there is no objective benefit in creating 'one award' simply for the sake of it. The '1<sup>st</sup> exposure' draft dated 17/11/2014 fortifies our view.

We do not have any 'in principle' opposition to having 'one award', but the fire service haven't articulated any rationale or benefit to us, and we apprehend an unnecessary process, and a potential for a complicated outcome, where awards become more difficult to understand.

We understand the general exhortation, to 'combine awards' where some obvious and demonstrable objective reasons suggest benefits for that course of action.

Having said that, we are quite willing to meet and discuss this matter with the fire service, as we have no 'in principle' opposition to the notion of a 'single award'.

#### *'Timetable'*

We are aware that the Act and the Attorney General's latest varied request requires the 'award modernisation process' to be completed by 31<sup>st</sup> December 2015.

Within that timetable, the union believes that essential time is available for meetings between the fire service to work through the fine detail of modern award conditions.

On that basis, we propose deferring future conferences about the 'award modernisation process' to allow those discussions to occur.

We understand the fire service is now in a position to commence discussions with us. This is a positive and encouraging step.

#### *Response to 1<sup>st</sup> exposure draft*

I have attached our response to '1<sup>st</sup> exposure draft' dated 17/11/14.

The "1<sup>st</sup> exposure draft" includes references to communications between QIRC staff and the fire service:

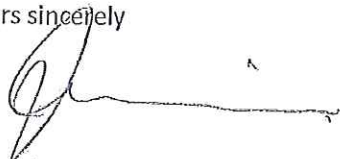
e.g. "However, QFES advises that roles descriptions are available for some of these positions."

*"QFES advises these position titles were created for a specific purpose but have never been 'put to use'."*

I request advice as to the nature, substance and purpose of the communications between QIRC staff and the fire service which has been occurring without our knowledge and copies of any relevant written communications.

If you have any further queries, please contact our Senior Industrial Officer, Mr John Spreckley on 3844 0366 or email at [johnspreckley@ufuq.com.au](mailto:johnspreckley@ufuq.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Oliver', with a long horizontal stroke extending to the right.

John Oliver  
State Secretary