



UNITED  
**FIRE  
FIGHTERS  
UNION**  
QUEENSLAND

Sunday 24 March 2024

**Committee Secretary**  
Community Safety and Legal Affairs Committee  
Parliament House  
George Street Brisbane Qld 4000

Delivered via email: [CLSAC@parliament.qld.gov.au](mailto:CLSAC@parliament.qld.gov.au)  
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Dear Secretary

**Re: Disaster Management and Other Legislation Amendment Bill 2024**

- **UFUQ response to correspondence to the Committee from the Human Rights Commission**
- **UFUQ reply to QFES departmental response to submissions to the Committee**

On Friday 15 March 2024 the United Firefighters' Union of Australia, Union of Employees, Queensland (the UFUQ) provided a submission to the Community Safety and Legal Affairs Committee (the Committee) in contribution to their consideration of the Disaster Management and Other Legislation Amendment Bill 2024 (the Bill).

On 21 March 2024 the Human Rights Commission provided a submission to the Committee.

On 22 March 2024 QFES provided a departmental response to various submissions to the Committee, including those of the UFUQ, to the Committee.

Attached to this correspondence are –

- a response to the Human Rights Commission's submission that the UFUQ hopes may assist the Committee in its consideration of the Bill,
- and a reply to the QFES departmental response to some of the UFUQ submissions that the UFUQ hopes may assist the Committee in its consideration of the Bill.

We hope the attached documents are accepted by the Committee for consideration and that they do assist as we intend them to. We confirm should the Committee accept the attached documents that we support their publication should the Committee wish to do so.

The UFUQ representative for this matter is Senior Industrial Officer Mr Anthony Cooke and he can be reached at [anthonycooke@ufuq.com.au](mailto:anthonycooke@ufuq.com.au) or on 0738440366.

Regards

  
**John Oliver**  
State Secretary

*2 Attachments enclosed.*

**Attachment 1:**

**UFUQ response to Submission number 60 to the Bill:**

The UFUQ provides the following information to the committee as 'further justification' in response to the Human Rights Commission correspondence to the Committee of 21 March 2024, where the Commissioner states '*Any departure from this standard approach requires further justification.*' In relation to the Bill's proposed amendments at clauses 28 and 34.

**Why do QFRS senior officers need professional expertise?**

1. Senior officers in a contemporary 21<sup>st</sup> century professional fire and rescue service naturally need to meet a broad range of eligibility criteria that go well beyond expertise in how to manage a professional fire and rescue incident to be suitable for appointment.
2. It could be argued that many individuals might be perfectly suited to the non-incident response role requirements of a modern senior officer role in QFRS. However, when there's –
  - a house fire or factory or large-scale structure fire, or
  - a road crash rescue, or
  - a lithium-ion scooter or car, or other battery fire, or
  - a high-rise structure fire needing high-rise firefighting in breathing apparatus, or
  - a chemical fire or chemical spill of known or unknown type, or
  - a person trapped in a house or a car (or up a tree) in fast moving flood, or
  - a person who has fallen from a cliff, or
  - a person who is trapped in a confined space needing specialist extraction techniques, or
  - a trench has collapsed requiring a person to be rescued, or
  - a radiation leak, or a terrorist style 'white powder' incident, or
  - people are trapped in a collapsed building or elsewhere trapped following an earthquake and specialist search and rescue is required across, Queensland, Australia or anywhere in the world, or
  - any other emergency (including bushfires), there is only one group of qualified and experienced workers in Queensland who are ready to respond 24/7/365 to all of these types of incidents and many more when the call goes out.
3. Professional firefighting has evolved significantly in the types of responses performed, and the qualifications and skills required to perform them when compared to the days of simply spraying water onto fires. Even in the last 20 years the role has become so much more technical and proficient expertise is required in a broad range of skills to ensure the safety of those doing the work, and the safety of others. Those who may have once done this work, or similar work in other services would find modern professional firefighting is a world away from what it was even a generation ago.
4. But despite modern diverse firefighting, rescue and response requirements it's professional firefighters who always have, and always will, fight fires and rescue people.
5. And there is only one group of senior officers with the history of knowledge, skills and expertise to manage (if required) the command and control of the response to any of these incidents, and that is professional firefighters who have attained (or are seeking to attain) the rank of professional fire and rescue senior officers.
6. When this type of professional fire and rescue response is needed, all of the other eligibility criteria in the world won't help.

7. Therefore, it is reasonable that mandatory inclusions within the criteria for appointment to a senior role within QFRS are of course, professional firefighting, incident control and fire prevention expertise as proposed within the definitions in the Bill.
8. It is not possible for there to be a '*disconnect between the legislative requirements and the actual requirements of particular roles over time*' as suggested by the submission.
9. We note that Schedule 1 of the *Queensland Fire and Emergency Service Employees Award – State 2016* (the Award) has for some decades included 'generic level statements' (for QFRS employees only) with the following requirements –

Inspector:

Work at this level requires specialised knowledge in relation to fire prevention, suppression activities and emergency management. There is a clear requirement for the capability to lead and manage complex emergency incidents including roles in disaster management.

Superintendent:

Work at this level requires specialised knowledge in relation to fire prevention, suppression activities and emergency management. There is a clear requirement for the capability to lead and manage *highly* complex emergency incidents including *significant* roles in disaster management.

Chief Superintendent:

Work at this level requires *high level* specialised knowledge in relation to fire prevention, suppression activities and emergency management. There is a clear requirement for the capability to lead and manage highly complex emergency incidents *including a significant leadership role* in disaster management.

10. The UFUQ notes (*our emphasis*) the escalation of the generic criteria's wording as the ranks progress and also notes further references to incident command and control throughout each rank's level descriptor. And whilst we will not reproduce the RFS 'stream' descriptors for ranks of the same name, any comparison between the two immediately produces significant differences.
11. When these current descriptors were developed for the Award, the parties clearly recognised the primacy of the combination of qualifications, skills, proficient expertise and more, obtained from the journey from the Recruit Firefighter through 1<sup>st</sup> Class Firefighter, Senior Firefighter and Station Officer ranks provide the expertise to manage, lead, or command and control incidents. That is the primary requirement of the senior officer roles, along with secondary considerations of all of the other desirable management eligibility requirements it is also appropriate for these roles to have. There is no role within QFRS that is not a professional operational firefighter planning, preparation, response or recovery role.
12. All the senior officer roles at these ranks are constantly available throughout their working day roles (whatever they may be) to take up the management via command and control of incidents via the QFES operational tactical doctrine (see for example QFES doctrine '*Command D01-02-00, OpsD02-01-02 (and) OpsD02-01-03*'). And importantly, out of hours, all senior roles covered by this mandatory criteria requirement for FRS are required to be 'on-call' via a rotating on-call roster across the state.
13. An on-call senior officer is on call for a range of out of hours response requirements, including taking command and control of an incident. When a senior officer takes command and control, they are taking direct responsibility for all decision making at that incident regarding the way the incident will be managed, including instructing others on what to do and when.

Why do the requirements need to be in the Act?

14. The UFUQ considers these mandatory eligibility criteria are appropriate in the Act due to the need to prevent incremental change in role criteria via position descriptions by those with various motives to do so. The UFUQ does not intend to expand in this response on why these incremental changes have occurred. We will say that mistakes have been made in accidental or deliberate mis-characterising certain roles as not requiring professional firefighting, incident control or prevention expertise.
15. Those mistakes were made by people outside of QFRS who have no frame of reference regarding the actual expertise obtained by doing the job. You don't know what you don't know. Professional firefighters know, and they know they need managers who also know. That is the best way to keep them and Queenslanders safe.
16. As such, it is entirely appropriate to mandate those requirements within the Act. The UFUQ entirely supports the proposals in Clause 34 of the Bill for FRS senior officers to have the proposed mandatory requirements.

Why do executive officers need professional expertise?

17. Flowing on from the responses above, the UFUQ also consider it reasonable that QFRS executive officers have mandatory requirements placed on them.
18. The QFRS Commissioner's black helmet is not a ceremonial trinket given them as Director General of the department. The black helmet is a respected functioning piece of operational turn-out safety equipment, just as every other professional firefighter's helmet is, from recruit, through the ranks to Chief Superintendent, and then Assistant Commissioners, Deputy Commissioners, the (proposed) Chief Fire Officer and the Commissioner.
19. Each executive officer can (and has been) called on to become involved in emergency responses of significantly high risk, and they are issued with, and wear their helmet because it's part of their operational turn-out gear.
20. Executive officers in QFRS are not severed from the operational reality of those they manage. The decisions they're making on a daily basis (outside of command and control) have a direct risk impact on those performing professional firefighting functions below them.
21. Executive officers are called on to decide about matters such as –
  - Strategy and direction and tempo of the department.
  - Funding allocations for stations, appliances or crewing.
  - Equipment to be contracted (such as aerial firefighting planes or helicopters).
  - Operational doctrine relating to mandatory qualifications for roles and who can do what and when.
  - Actual command and control of operations.
22. Every single decision an executive officer makes, and therefore holds liability for, has a direct risk impact on the safe systems of work of professional firefighters and their health and safety. And the decisions also impact the safety of Queenslanders' lives and their property.
23. Executive officer's roles in establishing and managing the framework for the ongoing management and administration of the fire services requires them to have intimate knowledge of the work performed. Many incident responses across Queensland by professional firefighters involve bushfire response. As such bushfire firefighting, prevention and incident

control expertise is also held by QFRS executive officers, ensuring their role can take into consideration those RFS functions.

24. We note that no comments have been identified as being made by a professional firefighter of any rank, past or present, during the reform of QFES (beginning with the announcement by Minister Ryan in December 2022) that executive officers of QFD don't need to have been professional firefighters. Professional firefighters know what the job requires, and therefore every single one of them think those who manage them also must be professional firefighters or hold that expertise due to having done that work.
25. On this basis, the UFUQ considers it necessary to include the mandatory requirements for the roles proposed in (for example) Clauses 25 and 28 of the Bill.

**End of Attachment 1.**

## Attachment 2.

### UFUQ response to QFES departmental response to submissions to the Bill.

#### **Objects of the Act (page 2):**

QFES states '*Flexibility in the legislation is required...to deliver...more broader services...*'.

The Macquarie Dictionary (7<sup>th</sup> Ed., 2017) defines 'flexibility' as '*capable of being bent; susceptible of modification*'.

The UFUQ response to the QFES response is that we support flexibility as we accept overly rigid rules may create their own risk. However, on this matter we do not resile from our position that suggesting '*flexibility*' is exactly why we made our submissions on the matter.

As such, on the basis that flexibility as defined creates exactly the potential contravention of the Act and increase of risk of injury or illness for our members, the UFUQ iterates our various submissions to the Committee on the matter of collaboration and coordination relating to the need for further clarity in who can do what and when.

#### **Establishment, membership and functions of the fire services (page 3):**

QFES states '*...do anything necessary or convenient...is a standard provision...common across the statute book. Powers of this kind are strictly ancillary.*'

The UFUQ remains concerned that the ancillary nature of the power available via amendment of s8B by Clause 32 is not clear and may have to be tested to ensure that the interpretation of '*anything necessary and convenient*' by those charged with discharging the functions of QFD cannot include blending of functions or roles where mandatory requirements exist for a role. We expect there will likely be factions within the new QFD (outside of FRS) who will consider this sort of provision as the grounds to attempt to alter rules regarding roles and functions, to extend duties beyond those they are authorised to perform. This attempt to gain capacity has frequently occurred under QFES and this provision provides the opportunity for it to continue.

The UFUQ iterates there needs to be clarity on what can be done, by whom and when, and the concept of subordination to the requirements of both the Act and those set by the Commissioner must be considered as necessary to manage the potential increased risk to safe systems of work.

#### **Appointment of executive and senior officers (mandatory qualifications) (page 17):**

We first want to clarify that the UFUQ concerns relating to '*rural incident control expertise*' in our submissions relate ONLY to the part of the definition of that expertise including reference to '*disaster-related events*'. We in no way intend to assert that RFS senior officers and executive officers ought to be prevented from command-and-control capacity at bushfires and other rural incidents.

QFES states '*...regulation is a policy matter for Government and outside the scope of the current reforms.*'.

The UFUQ maintain that there is positive utility in the new powers proposed relating to making a Regulation that assist in administration and management of the fire services provided at Clause 73.

We consider the Committee has the capacity to make a recommendation (or at minimum acknowledge in the Committee's Report). Further, with reference to command-and-control matters, that a Regulation would be suitable as it could clearly set out relevant command and control doctrine.

This, we contend, is an example of where a Regulation would provide clarity and would prevent incremental changes and tampering with the 'rules' by those working to discharge the objects of the Act. Whilst QFES states recommending a Regulation is beyond the scope of the reform, it is not beyond the scope of the Committee's powers in consideration of the Bill.

#### **Additional functions of RFSQ (page 30):**

Defining the difference between a bushfire and a structural fire is a positive proposal in the Bill. The UFUQ contend a Regulation setting out the doctrine relating to these matters would assist in management and administration of the fire services as they relate to who can take command and control of an incident, and when, and therefore, who cannot.

We also contend that calling out particular functions in particular locations ought to sit within a Regulation, again, to prevent slight amendments slowly changing the circumstances of functions given to particular locations within RFS.

QFES states '*The issues raised by UFUQ are currently dealt with by way of policies, procedures, directions or doctrine.*'.

We rely on our response above regarding the clarity and utility of a Regulation setting out the doctrine as it relates to command and control and locations where particular functions may be prescribed to RFS. We consider it within the capacity of the Committee to recommend a Regulation.

#### **Regulation making power (page 33):**

The UFUQ submitted that a Regulation relating to uniforms, rank names and other identifiers was needed. We iterate our comments on the capacity for the Committee to recommend consideration of a Regulation as it also relates to this matter.

QFES states '*Matters relating to uniform and insignia, vehicle markings, etc are currently dealt with through of policies, procedures, directions or doctrine.*'.

We respond by pointing out this is exactly the problem. During the period 2012 – 2024, there were multiple examples of professional firefighter rank names, insignia and other identifiers, uniforms and more being removed, or co-opted by other services within QFES. This extended to all other services being named by their service, with Fire and Rescue being simply named QFES for some years.

The history and pride of the professional firefighter is something that it would seem others seek to coopt. This must be prevented, not because of pride, but simply because if you are not a professional firefighter, even if you dress like one, and drive a vehicle marked up like one, or you wear the epaulettes like on, you are not one. And this can create a risk during combined services incident response, not only within the fire services, but also outside of them, where police or other responding agencies cannot tell who is who, and therefore might attempt to instruct or request assistance from the wrong person, who might be unqualified and/or lacking expertise in a particular function.

The UFUQ maintain our position that a Regulation on these matters would settle them, and prevent incremental coopting as occurred continuously under QFES and that the Committee has the capacity to recommend a Regulation.

#### **End of Attachment 2.**