



**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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**S T R E N G T H      P R I D E      C O U R A G E**

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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 "1st 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."

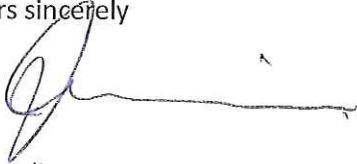


*"QFES advises these position titles were created for a specific purpose but have never been 'put to use'."*

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 line extending to the right.

John Oliver  
**State Secretary**



UNITED FIREFIGHTERS UNION OF AUSTRALIA  
UNION OF EMPLOYEES QUEENSLAND

18 November 2014

Mr M Roche  
Acting Deputy Commissioner  
Queensland Fire and Emergency Service  
GPO Box 1425  
BRISBANE QLD 4001

Dear Acting Deputy Commissioner,

**Re: "award modernisation process"**

As you aware, UFUQ wrote to the fire service on 14<sup>th</sup> April 2014, and provided, draft "modern awards" and explanatory tables, the union had prepared for discussion with the fire service to see whether any matters could be agreed in the knowledge of the likelihood that the pre-modernisation awards applicable to the fire service would be expected to be affected by statutory changes.

We subsequently wrote to you on 7 and 23 May, 6 and 20 June, 7 and 25 July, 8 and 25 August 2014 and sought that you provide your feedback to the material we have prepared and meet with us to discuss it. In correspondence to us dated 23 July and 1 September, you indicated that you would be in a position to discuss the material later in this year.

We subsequently wrote to you on the 24 September 2014, including updated versions of the material we provided you in April, (updated principally to account for the 2014 state wage case). As the QIRC had written to us, requesting documentation or information we may have compiled in the knowledge that award modernisation was to occur in 2014/15, we advised that we would provide QIRC with the correspondence between the parties to date, including the draft awards and tables.

In our correspondence of 24 September 2014, we also requested that you provide us with any material or documentation that you have provided to the QIRC. You did not provide us with any material, but on 12 November 2014 the QIRC circulated an email of 14 documents, described as "QFES submissions". I have attached to this letter a list of the documents circulated by QIRC and request that you confirm to us that, those documents comprise all of the relevant material provided on behalf the fire service to the QIRC to date, or if there is any omitted material please provide it to us.

In the material we provided, was a proposed redraft of the career fire officers' classification structure to reflect the contemporary situation. This matter had been raised some time ago, well in advance of any contemplation of an "award modernisation process", but more recently set out in an email from our Mr Cooke to your Ms Swindells dated 14 October 2013.

At a QIRC conference yesterday, convened to discuss the "award modernisation process", Commissioner Knight suggested that the fire service and UFUQ, might want to take the opportunity to meet and discuss reaching agreement on matters for inclusion in a modern award or awards as the case may be.

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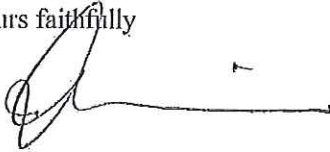
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I am advised, that at the conference, your representatives, suggested that now the QIRC had called on conferences dealing with "award modernisation", the fire service may now be in a position to discuss potential agreement on matters, including, for example updating the classification structures.

I request that you provide feedback to our documents and arrange to meet with us to discuss what agreement may be reached.

Please contact Ms Paula Newman at this office on (07) 3844 0366 in order to arrange a meeting.

Yours faithfully

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

**John Oliver**  
State Secretary

### LIST OF DOCUMENTS

1. QUEENSLAND FIRE AND RESCUE AUTHORITY, COMMERCIAL ACTIVITIES CERTIFIED AGREEMENT 2001
2. QUEENSLAND FIRE AND RESCUE AUTHORITY – ENTERPRISE PARTNERSHIP CERTIFIED AGREEMENT, 1999
3. QUEENSLAND FIRE AND RESCUE AUTHORITY – ENTERPRISE PARTNERSHIP CERTIFIED AGREEMENT, 2000
4. QUEENSLAND FIRE AND RESCUE AUTHORITY – ENTERPRISE PARTNERSHIP CERTIFIED AGREEMENT, 1997
5. QUEENSLAND FIRE AND RESCUE AUTHORITY – SUPPORT SERVICES STAFF AND RURAL FIRE DIVISION ENTERPRISE PARTNERSHIP CERTIFIED AGREEMENT, 1997
6. QUEENSLAND FIRE AND RESCUE SERVICE – CERTIFIED AGREEMENT 2009
7. QUEENSLAND FIRE AND RESCUE COMMUNICATIONS CENTRES AWARD – STATE 2003
8. QUEENSLAND FIRE AND RESCUE SERVICE – ENTERPRISE PARTNERSHIP CERTIFIED AGREEMENT
9. QUEENSLAND FIRE AND RESCUE SERVICE – CERTIFIED AGREEMENT 2006
10. QUEENSLAND FIRE AND SERVICE WORKPLACE REFORM PROGRAM  
MEMORANDUM OF AGREEMENT FIREFIGHTERS AND JUNIOR OFFICERS  
ARRANGEMENT OF MEMORANDUM
11. QUEENSLAND FIRE AND RESCUE SERVICE INTERIM AWARD – STATE 2013
12. CERTIFIED AGREEMENT – QUEENSLAND FIRE SERVICE SCHEDULE A TOTAL  
FORTNIGHTLY SALARY RATES
13. QUEENSLAND FIRE SERVICE – SUPPORT SERVICES STAFF AND RURAL FIRE  
DIVISION CERTIFIED AGREEMENT 1995
14. QUEENSLAND FIRE SERVICE – WORKPLACE REFORM CERTIFIED AGREEMENT 1996



UFUQ Comments on QIRC "1<sup>st</sup> Exposure Draft" dated 17/11/14

"1 <sup>st</sup> Discussion Draft"	UFUQ response
<b>1. Title</b>	<p><b>Not agreed by the UFUQ.</b> The note * refers to the "outcome of the current proceedings before the Full Bench".</p> <p>To our knowledge there are no such current proceedings. There are relevant proceeding before the Industrial Court.</p> <p>Please refer to our cover letter for our comments regarding a "single award".</p>
<b>2. Operation</b>	<p><b>Not agreed by UFUQ.</b></p> <p>UFUQ queries the source of the word "<i>commences</i>".</p> <p>Please refer to:</p> <ul style="list-style-type: none"> <li>• Section 140EB of the Industrial Relations Act 1999</li> <li>• UFUQ material filed in the Registry on September 24<sup>th</sup> 2014:-             <ul style="list-style-type: none"> <li>◦ Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], clause 1.3 (and explanatory table page 3.)</li> <li>◦ Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14], clause 1.4 (and explanatory table page 4).</li> </ul> </li> </ul>
<b>5. The Queensland Employment Standards and this award</b>	<p><b>No objection</b> from UFUQ to such a clause being included in a modern award, although we submit that it is superfluous, and has no effect.</p>
<b>6.1 Individual flexibility arrangements</b>	<p><b>Not agreed by UFUQ.</b></p> <p>Please refer to:</p> <ul style="list-style-type: none"> <li>• Section 170LA and s71NB of the Industrial Relations Act 1999.</li> <li>• UFUQ material filed in the Registry dated September 24<sup>th</sup> 2014:-             <ul style="list-style-type: none"> <li>◦ Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], clause 2.2 (and explanatory table pp 66-69).</li> <li>◦ Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] clause 2.2 (and explanatory table pp 62-64.)</li> </ul> </li> </ul>

  
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	<p>Note that the combined effect of s170LA and s71NB permit the UFUQ sub-clauses (Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], subclause 2.25, 2.2.6 and Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] subclauses 2.2.5, 2.2.6.) They could be located elsewhere if desirable.</p>
<b>6.2</b>	<b>Procedures to implement facilitative award provisions</b>
<b>7.</b>	<b>Consultation</b>
	<p><b>No comment at this stage .</b></p> <p><b>Not agreed UFUQ.</b></p> <p>Please refer to:</p> <ul style="list-style-type: none"> <li>• Section 170NB of the Industrial Relations Act 1999.</li> <li>• UFUQ material filed in the Registry dated September 24<sup>th</sup> 2014:-             <ul style="list-style-type: none"> <li>◦ Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], sub clause 4.5.7 (and explanatory table page 9).</li> <li>◦ Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14], sub clause 4.7.8 (and explanatory table page 17).</li> </ul> </li> </ul> <p>Please refer also to:</p> <ul style="list-style-type: none"> <li>• Regulations, Schedule 1AA, Part 1 (4) and (5)</li> <li>• 1<sup>st</sup> exposure draft sub clauses 7(d) and (e),</li> <li>• Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], clauses 11.2 and 11.3 (and explanatory table pp 64-65 )</li> <li>• Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] clause 11.2 and 11.3 (and explanatory table pp 59-60)</li> </ul>
<b>8. Dispute resolution</b>	<p><b>Not agreed UFUQ.</b></p> <p>Please refer to:</p> <ul style="list-style-type: none"> <li>• Section 170NB of the Industrial Relations Act 1999.</li> <li>• UFUQ material filed in the Registry dated September 24<sup>th</sup> 2014:-             <ul style="list-style-type: none"> <li>◦ Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], subclauses 3.1.10 and 3.1.11 (and explanatory tables pp 8-10).</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>o Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14], subclauses 3.1.10 and 3.1.11 (and explanatory tables pp 7-9)</li> <li>• Rules of the United Firefighters’ Union of Australia, Union of Employees, Queensland</li> <li>• <i>Queensland Fire And Rescue Service Award - State 2012</i> sub clause 3.1.2</li> <li>• <i>Queensland Fire And Rescue Service Communications Centres Award - State 2012</i> sub clause 3.1.4.</li> </ul> <p>N.B. Clause 8.1 (h) of the “exposure draft” is <i>verbatim</i> from the regulations.</p> <p>UFUQ believe that, although the sub clause must be included <i>verbatim</i>, the verbiage of the regulation may be suitable for a certified agreement, but is unlikely to have any effect in an award made by the tribunal.</p> <p>Refer to:-</p> <ul style="list-style-type: none"> <li>• Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], sub clause 3.1.9 (and explanatory tables page 9)</li> <li>• Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] sub clause 3.1.9 (and explanatory tables page 8).</li> </ul> <p>Please refer also to:-</p> <ul style="list-style-type: none"> <li>• Section 71NB of the Industrial Relations Act 1999</li> <li>• Regulations, Schedule 1AA, Part 2 (2)</li> <li>• <i>Queensland Fire And Rescue Service Award - State 2012</i> clauses 11.4 and 11.5</li> <li>• <i>Queensland Fire And Rescue Service Communications Centres Award - State 2012</i> clauses 11.4 and 11.5</li> </ul>
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	<ul style="list-style-type: none"> <li>Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], clauses 11.2 and 11.3 (and table pp 64-65 )</li> <li>Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] clause 11.2 and 11.3 (and table pp 59-60)</li> </ul>
<b>9.2 Part-time employment</b> QIRC question: Does (i) restrict flexible rostering arrangements (s71OJ(b))?	No
<b>9.3 Casual employment</b> QIRC question: How should casual employees be remunerated for public holiday and weekend work?	As per existing entitlements.
QIRC question: What other award entitlements should be afforded to casual employees in any/all streams?	This is currently a matter for discussion between QFES and UFUQ.
<b>9.4 Probationary employment</b> Should the standard probationary period be 6 months or 3 months? Why?	The union is unaware of a requirement for a probationary period to be prescribed in a modern award.
<b>9.5 Anti-discrimination</b> This is the standard anti-discrimination clause that has been included in all modern awards.	No objection from UFUQ to this clause.
<b>10. Termination of employment</b> All clauses in part 10 (other than 10.1) are standard clauses.	Please refer to UFUQ correspondence to Deputy President Bloomfield dated April 15 <sup>th</sup> 2014.
<b>11. Redundancy</b> All clauses in part 11 are standard clauses.	Please refer to UFUQ correspondence to Deputy President Bloomfield dated April 15 <sup>th</sup> 2014
<b>13. Allowances</b> Mount Isa locality allowance  Would it be inconsistent with other modern awards to retain this unique locality allowance?	Modern awards applicable to the fire and emergency services would exclude the operation and relevance of modern awards applicable to other agencies.



<p><b>14. Superannuation</b></p>	<p><b>No objection from the UFUQ.</b></p> <p>Please refer to:</p> <ul style="list-style-type: none"> <li>UFUQ material filed in the Registry dated September 24<sup>th</sup> 2014:- <ul style="list-style-type: none"> <li>Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], clause 5.6 (and explanatory table page 39)</li> <li>Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14], clause 5.6 (and explanatory table page 33)</li> </ul> </li> </ul>
<p><b>15.1 Ordinary hours of duty</b> Do (D) and (E) offend s71OJ(vi) by restricting flexible rostering arrangements?</p>	<p>No.</p>
<p><b>19.2 Additional provisions – career firefighting stream</b> Given the nature of commercial rates, perhaps it is appropriate to retain the reference to the certified agreement in this instance.</p>	<p>It is inappropriate and is not permitted by the Act.</p>
<p><b>20.3 Medical examination – career firefighter and communications streams</b></p> <p>Is this matter better addressed by a policy? If not, why not?</p>	<p>Please refer to:</p> <ul style="list-style-type: none"> <li>Sections 71OI, 71NA, and 71NB of the Industrial Relations Act 1999</li> <li>UFUQ material filed in the Registry dated September 24<sup>th</sup> 2014:- <ul style="list-style-type: none"> <li>Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], explanatory table pp 47-51.</li> <li>Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] explanatory table pp 42-44</li> </ul> </li> </ul>
<p><b>Schedule 1—Generic Level Descriptors</b></p> <p>These descriptors have been inserted to promote discussion.</p> <p>Do they need to be updated/revised?</p>	<p>Please refer to UFUQ material filed in the registry on September 24<sup>th</sup> 2014:- Correspondence from UFUQ to QFES dated October 14 2013, April 14 2014, May 7 and 23 2014, June 6 and 20 2014, July 7 and 25 2014, August 8 and 25 2014, September 24<sup>th</sup> 2014.</p> <p>Refer to UFUQ material filed in the Registry dated September 24<sup>th</sup> 2014:-</p> <ul style="list-style-type: none"> <li>Queensland Fire And Emergency Services Modern Award 2016 [Draft 24/09/2014], Clause 5.2 (and explanatory tables pp 19- 34)</li> <li>Queensland Fire And Emergency Service (Communications Centres) Award 2016 [Draft 24/09/14] Clause 5.2 (and explanatory tables pp 20-29)</li> </ul>

