

Disaster Management and Other Legislation Amendment Bill 2024

Submission No: 42
Submitted by: United Fire Fighters' Union Queensland
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Submitter Comments:

Amendment Bill Clauses 1 – 21:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 22: Insertion of new s2A

One of the clear intentions and benefits of this Bill at (for example at amending Clause 34) is to provide that only those who have particular qualifications, skills, experience, proficiency or expertise are to perform certain duties within FRS (and RFS). The UFUQ is entirely supportive of this intention, as set out in various responses in this submission.

However, the Bill also proposes (at Clause 22) that despite the clear expectations being set by Clause 34, that one of the ways the obligations of the Act are to be achieved is via ensuring ‘*ongoing operational and strategic collaboration and coordination*’ of the fire services.

The UFUQ submit that the terms ‘collaboration and coordination’ proposed in this context (and at Clause 26) create a potential unintended consequence of mis-definition of the intention of these terms and then a misdirection to perform, or choice to perform, duties that are only to be performed by one or the other of the fire services due to the particular qualifications, expertise, experience, skill or proficiency in tasks (that often require use of specific technical equipment, and always require specific knowledge and expertise) related to that duty.

Mis-definition, misdirection, or choice to perform, duties during collaboration between the services would be a potential contravention of the Act, and would also create a risk to health and safety of fire services officers and/or volunteers within either of the fire services, and also a risk to the health and safety of Queenslanders and their communities.

The Macquarie Dictionary 7th Edition defines collaboration as ‘*a united effort*’ and also as ‘*cooperation*’. The Dictionary defines cooperation as ‘*joint operation or action*’. Therefore, our position is that whilst the two services can be united in effort, and jointly operating, this

must be subordinate to qualifications, roles and functions legislated by the Act or decided on and subject to direction of the Commissioner via obligations within the Act.

Define collaboration and coordination in context used.

We consider the Committee ought to consider a further amendment to the Bill.

Specifically, we propose that for this Clause that the term ‘collaboration and coordination’ is defined as being able to take place recognising, and subordinate to, the need to comply with the mandatory qualifications and other criteria the Act has established.

The definition would articulate that collaboration and coordination in these contexts means working together in a way that is subordinate to any duty for which there is mandatory criteria that exist via legislation and/or a Commissioner’s decision and direction. The definition would be added to the current proposed insertion of new definitions at Clause 83 (amendment of Schedule 6).

Proposed definition.

***collaboration and coordination** means working together in a way that ensures each fire services officer complies with any existing mandatory employment criteria including qualifications and expertise.*

Make a Regulation mandating qualifications and duties of each of the fire services.

We also suggest the Committee further recommend that the Commissioner introduces a Regulation further articulating the totality of the rules within QFD required to eliminate the risks set out above. We note the proposed capacity for making a Regulation relating to the management and administration of the fire services at Clause 73 (discussed further below).

This would permit the definition of collaborate and coordinate to all apply during operations occurring within the requirements of the mandatory criteria mentioned in the Regulation would apply during any collaboration or coordination of the fire services.

UFUQ Recommendation 1:

The UFUQ proposes further amending the Act to eliminate unintended consequences relating to misuse by mis-definition of ‘collaboration and coordination’ of the fire services, by both –

- a) introducing a definition of these terms for the purposes of the sections proposed to include them, and
- b) introducing a Regulation articulating the specific roles and functions of the fire services as related to the mandatory qualifications and other criteria required to perform them.

Amendment Bill Clauses 23 & 24:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 25: Amendment of s5

The UFUQ wholeheartedly supports the proposal at Clause 25 to re-establish operationally focused criteria as mandatory considerations for appointment of the Commissioner as one of the cornerstones of the Bill before the Committee.

We contend that at minimum, a Commissioner of a professional fire service must have an understanding of professional fire and rescue operational planning, preparation, response and recovery matters. However, it is reasonable to contend that it is a mandatory requirement that the person in charge of an Australian jurisdictional professional fire and rescue service has a

deep and genuine understanding of these matters arising from having done that job, and that this has many benefits for those working for the department, and for all of Queensland.

Practical worked experience in, and knowledge of, the mandatory criteria required to perform the duties of professional firefighting, incident control and fire prevention is fundamental to the safety of those employees performing them. Theoretical, classroom, scenario or other virtual experience is simply inadequate to appreciate the dynamic way the myriad of fire and rescue responses require management (including preparation and planning, resourcing, and funding those responses) of the significant and fluid risks arising from the work.

The benefits associated with significant, strategic, operational decisions being made about matters that directly affect the operational response of professional firefighters by someone with the deep and genuine understanding of those risks outweigh the risk associated with any contention these criteria aren't necessary.

Legislative requirements for a safe system of work incorporating clear doctrine relating to functions and duties to exist within (the proposed) QFD are matched with obligations to ensure the health and safety of those who work within that system applying to managers responsible for them. Therefore, a person being considered for appointment as Commissioner naturally ought to have the knowledge those below them have relating to the health and safety risks associated with professional firefighting.

On that basis we consider the benefits to safety and safe systems of work to be self-evident in the proposal at Clause 25 and do not see the need to further articulate them here.

We do note that former Minister for the portfolio, the Hon Mark Ryan, stated (*inter alia*) (see Hansard 14 December 2022) that a review of QFES was going to be conducted and that the review was to determine '*what can work better*'. The Minister went on to say that doing this (identifying what can work better) was in the interest of safety and in the best interests of Queenslanders.

Regarding Clause 25, the UFUQ contends it is most certainly in the interests of the safety of our members, and of Queensland that the Commissioner of a professional firefighting service is required to be a professional firefighter.

Amendment Bill Clause 26:	Amendment of s7A
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7A(1A)(c).

The UFUQ position on the proposal at Clause 26 (at 7A(1A)(c) is that the Committee make a recommendation that the extension of Regulation making powers at Clause 73 (discussed further below) is used to ensure that there is a Regulation made for establishing the qualifications and duties of fire service officers, as those functions are vital to the successful management and administration of both of the fire services.

A Regulation governing these matters would provide surety and clarity to fire service officers in both of the fire services as to who can and cannot perform a function, when that function can and cannot be performed, how it is to be performed, and where relevant, due to mandatory qualifications, skills, experience, proficiency and expertise, why it is the case that only particular fire services officers can perform certain duties, and therefore why others cannot.

7A(1A)(f).

We note that we articulated our concerns regarding the term ‘collaboration and coordination’ as proposed at Clause 22 above and we rely on our submissions above relating to Clause 26 proposing 7A(1A)(f).

7A(1A)(g).

We also suggest that a Regulation is established to provide surety and clarity on matters such as uniforms, rank nomenclature, rank markings and insignia, badging and epaulettes, and

vehicle markings and any other ways members of the services and or others outside of QFD can easily identify who is a professional firefighter and who is not.

Examples of 7A(1A)(g) in operation.

Operational employees in other Queensland government departments rely on the easy identification of persons with particular functions and roles during emergency situations that require a version of command and control (see for example QPS with differences in rank markings and epaulettes within sworn police officers, Queensland Health with different epaulettes worn by RN versus AIN nurses and allied health, paramedics epaulettes indicating qualifications and role). The safety of their jobs and the safety of those they are providing services to require their ability to identify each other's capacity and capability is assisted by easy identification.

Unambiguity in rank and other insignia and markings is vital to safe operational work.

When fire services officers from both fire services attend a response together (a frequent occurrence) it is important for them and others involved at the incident to be able to quickly identify who is who on the basis of who can do what (given mandatory qualifications drive functions and duties of different fire service officers). The FRS and RFS rank structure markings, insignia and uniforms are currently too similar and don't permit this.

Thus, to reduce confusion, a Regulation mandating the requirements of 7A(1A)(g) would significantly improve the way fire service officers from FRS and RFS currently look and are therefore identifiable as to qualifications and expertise.

No one disputes that individual specialist functions require specific qualifications, skills, and expertise, and nor should they dispute that these are identified by the markings the fire services ought to be wearing allowing those within and others outside the department to easily identify who can perform particular functions by the way they appear.

UFUQ Recommendation 2:

The UFUQ propose further amending the Act to require a Regulation be made to eliminate the potential unintended consequences created by confusion relating to qualifications and duties of fire service officers.

UFUQ Recommendation 3:

The UFUQ propose further amending the Act to require a Regulation be made setting out requirements for dress and appearance of fire service officers and rural fire brigade members.

Amendment Bill Clause 27:	Insertion of new 7AA
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The UFUQ supports this amendment without further comment.

Amendment Bill Clause 28:	Insertion of new Ch 2, pts 2 – 4
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7C.

The UFUQ strongly supports the Bill ensuring progression of insertion of 7C to the Act.

7D – 7J.

The UFUQ supports these amendments without further comment.

7K.

The UFUQ strongly supports the Bill ensuring progression of insertion of 7K into the Act.

7L – P.

The UFUQ supports these amendments without further comment.

7Q.

We note that there is a significant importance placed on professional firefighting experience, incident control experience and fire prevention experience in the eligibility criteria required for appointment to the FRS positions of Inspector through to Commissioner (including the new Chief Fire Officer) at various Clauses within the Bill and we consider this appropriate to the management and administration of the risks associated with these roles.

We particularly point out that the mandatory criteria for each role relevant to those eligibility criteria includes that the person being considered must have professional firefighting experience **AND** incident control expertise **AND** fire prevention expertise. We also consider this appropriate and note the contrast between them to the various eligibility criteria thresholds for RFS fire service officers and the Chief Officer.

As articulated throughout these submissions the UFUQ considers mandatory eligibility criteria of the highest importance and a key, if not the key, aspect of the Bill's proposed amendments and we are extremely pleased to see this Bill clearly sets this out.

7R – V.

The UFUQ supports these amendments without further comment.

Amendment Bill Clauses 29 – 31:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 32: Amendment of s8B

The UFUQ contend that the amendments at Clause 32 create potential unintended consequences regarding confusion and potential misunderstanding of functions, roles and mandatory qualifications resulting in potential contraventions of the Act (and of doctrine resulting from decisions of the Commissioner (as proposed at Clause 26 amending s7A, inserting 7A(1A)(d)) if the amendments of Clause 32(5) (amending s8B(f) of the Act) and 32(6) (amending s8B(2) of the Act) proceed as proposed.

This proposed s8B(f) amendment provides an opportunity in the Act for error arising from blurring of the lines between the fire services with regard to mandatory qualifications and duties when these amendments allow for either service to *‘perform functions incidental to the other functions of each of the fire services’*. Critical to this amendment is the word ‘incidental’ in this context.

Incidental is defined by the Macquarie Dictionary 7th Edition as (*inter alia*) *‘happening or likely to happen in fortuitous or subordinate conjunction with something else’*, where ‘fortuitous is defined as (*inter alia*) *‘happening or produced by chance or accident’*, and subordinate is defined as (*inter alia*) *‘belonging to a lower order or rank, of lesser importance, secondary, under the authority of a superior’*.

Fortuitous.

Clause 32 permits the functions of the fire services to include work mandated to be performed by FRS being able to be done by the RFS by chance or accident (fortuitously). This is a significant concern for the UFUQ.

We contend that the Bill errs in allowing these mandated duties to potentially, be it via decision making, instruction, or action, be fortuitously performed by fire service officers or volunteers without the qualifications and/or expertise. We therefore contend that a

Regulation and doctrine provided by the Commissioner (arising from 7A(1A)(d)) will dictate what can and cannot be performed and settle the matter.

Subordinate.

In this context, the concept of subordination would appear to address the concerns of the UFUQ relating to both the proposed amendments to s8B(f) and s8B(2). This would ensure that any functions or duties done by one of the services are those they are authorised to do.

Specifically, the functions or duties would be secondary to mandated duties and could only occur with the clarity of the mandated qualifications and duties applying to those duties, and/or with and/or under the authority of a superior (in this case one with the mandated qualifications and able to perform the duties) as referenced in a Regulation.

The amendment.

UFUQ propose insertion of the word subordinate into both s8B(f) and s8B(2) as follows –

S8B(f) *‘to perform **subordinate** functions incidental to the other functions of each of the fire services’.*

S8B(2) *‘the fire services have the power to do anything necessary or convenient to be done for the performance of the **subordinate** functions of the fire services’.*

UFUQ Recommendation 4:

The UFUQ propose Clause 32 amending s8B(f) and s8B(2) of the Act be further amended with the addition of the word ‘subordinate’ to those subclauses.

Amendment Bill Clause 33:

The UFUQ supports this amendment without further comment.

Amendment Bill Clause 34: Replacement of s25

As with our support for Clause 25, we again advise we strongly support the mandatory eligibility criteria articulated in Clause 34 amending s25, particularly the addition of s25(3)&(4).

Senior officer criteria.

The UFUQ contend that our members regularly respond to an extensive range of emergency fire and rescue incidents, significantly broader than that of any RFS brigade in Queensland. Professional firefighters are called on to respond to (for example) –

- structure fires and large-scale structure fires (see Clause 83 definitions).
- high-rise building fires.
- road (and soon rail) tunnel rescues.
- chemical fires and incidents involving hazardous materials.
- radiation leak and similar incidents.
- electric battery fires.
- road crash rescues.
- swift water rescues (Level 1 and 2).
- technical rescues (including an extensive range of specialist skills required in particular circumstances, such as trench, vertical and confined space rescue).
- disaster and recovery team response to major incidents including search and rescue after (for example) earthquakes, tsunamis, terrorist attacks.
- building construction assessments and approvals, including cladding assessments.
- structural safety assessments.
- community engagement in road accident prevention and fire awareness.

- significant planning, preparation, and response readiness at major events, such as Commonwealth Games, the upcoming Olympic Games, and more.

These are only some of the sorts of responses professional firefighters are required to have qualifications in, experience, skills, proficiency, and expertise in and be ready to deal with across 100% of Queensland and beyond, with regular calls for our services across Australia and the world. There are a significant number of emergency situations that ONLY professional firefighters can (and are called on to every day and night to) respond to.

This results in FRS professional fire service officers obtaining a deep and genuine set of expertise in these sorts of responses. On occasions when a response to these sorts of incidents extend to multiple crews or large-scale incidents, senior officers of the ranks Inspector, Superintendent and Chief Superintendent are required to use their expertise to command and control the incident in a way that relies on that expertise to handle the emergency, minimising the loss of life and/or property, and at the same keeping our members safe as they work to respond.

Senior professional firefighter officers MUST have done the job to be able to do their job, in the same way that in an operational environment, senior teachers manage teachers, senior nurses manage nurses, senior police manage police and so on for the same reasons.

Scientific officers.

Scientific Officers are currently engaged as senior officers within FRS as Inspectors (7 employees) and Chief Superintendent (1 employee) in FRS. The UFUQ supports Scientific Officers continuing employment within FRS under QFD.

Scientific officers perform roles vital to the FRS safe systems of work, having limited command and control functions relevant to their roles, but none of the current Scientific Officers have undergone training as professional firefighters.

The UFUQ has previously expressed our strong support for Clause 34 of the Bill (at the proposed 25(3) referencing mandatory criteria for ‘senior officers’). We have articulated how important this amendment is to our members. However, the amendment would unintentionally limit current and future employment of Scientific Officers, who are required to have a tertiary qualification in chemistry or chemical engineering or a similar field of study to obtain this employment.

No other function or role in the current (or proposed) FRS or RFS require this mandatory qualification. As such the UFUQ proposes that an additional amendment is added to the Bill to address retaining employment of Senior Officers who have been and will be employed specifically as Scientific Officers.

The amendment.

The UFUQ proposes that 25(3) is amended with additional wording and 25(5) is amended with a third definition for the section as follows –

(3) However, the commissioner may employ a person as an executive officer, or a senior officer (*except for scientific officers*), in QFR under this section only if the commissioner is satisfied the person has –

(5) In this section –

scientific officer means a person who holds a recognised tertiary qualification (minimum degree level) in applied science, science, chemistry, or chemical engineering, employed in a role equivalent to that of a senior officer under the Public Sector Act 2022, schedule 2.

[UFUQ Recommendation 5:](#)

THE UFUQ propose that the Committee’s Report recommends further amending the Act to clarify that Senior Officers currently appointed to the role of Scientific Officer

can retain employment, and that future appointment to the Scientific Officer role within FRS requires particular eligibility criteria to be met.

Amendment Bill Clause 35:	Insertion of new s25B
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In the period since QFES commenced and as the public service arm of the agency grew exponentially, an ever-growing impact on FRS has occurred relating to ideology, doctrine, policy and procedure, and methodology of generic public service requirements. One important example of this is the recruitment and progression processes for professional firefighters.

The UFUQ supports all existing legislation regarding a modern public service setting standards for a free and democratic society and we acknowledge that as employees of the State of Queensland, our members ought to have many of those standards applied to them, and that it is entirely reasonable to expect this. However, with regard to merit, QFES recruitment and selection processes have almost entirely abandoned the primacy of professional firefighting expertise in assessments of merit for progressions through FRS ranks.

The current processes (including the merit assessments) include little primacy of consideration given to whether or not the applicant is actually proficient in professional firefighting. However, the bulk of a merit assessment process in the current FRS progression processes relate to generic public service merit criteria and public service standards.

Whilst these criteria ought to be considered, the UFUQ contend the absolute first consideration MUST be the applicant's expertise at actually being able to do the job. Assessing in the first instance if someone has the qualifications and expertise to do the job ensures their safety and the safety of their colleagues and those they are managing. FRS safe systems of work, operational doctrine and many other QFES policies are designed with the expectation that this is the case. Queenslanders and their communities are safer if the people doing the job and managing the job are qualified, skilled and hold the expertise to do so.

As such, the UFUQ is overwhelmingly supportive of the proposal at Clause 35 to insert 25B to the Act.

Primacy of requisite conditions of employment, which will be drawn from a combination of the requirements of (for example) senior officers Clause 34 requirement to insert 25(3), and for FRS fire service officers, Clause 26 requirement to insert 7A(1A)(d)), is a significant improvement to recruitment and selection processes for operationally focussed professional fire service officer roles.

We also support this proposed amendment from a recruitment of new professional firefighters' perspective.

The mandatory consideration of skills, as included in the proposed insertion of 25B(1) '*...must consider... mandatory... skills... for the position (the requisite conditions)*' as it applies to new recruits considered as the first consideration (25B(2) '*...must consider the primacy of the requisite conditions over any other matter...*' means that what the UFUQ consider to be the single most important consideration in a recruit obtaining a job as a firefighter must be considered first before anything else.

That single most important consideration is the 'Operational Focussed Abilities Test' (OFAT). The current QFES recruitment firefighter OFAT is an independently verified assessment of a candidate's ability to perform the role, as stated in the QFES OFAT document –

'The Queensland Fire and Emergency Services (QFES) Firefighter Recruitment Operational Focused Abilities Test (OFAT) is a series of operationally focused tasks that are completed in a sequence to simulate tasks which occur at an emergency incident.'

The OFAT, along with other critical assessments during the recruitment process that have proven to assist in identifying appropriate professional firefighter candidates (for example psychometric testing) is a vital requisite condition of employment as a firefighter. Entry to the

role of professional firefighter is a strongly contested process, with many thousands of people applying to be considered. The entry requirements that would form the requisite conditions as proposed by the Bill are deliberately designed to accurately reflect the genuine operational occupational requirements of the role of professional firefighter.

We consider it important to note for the assistance of the Committee the following position of the UFUQ –

- Recruits are employed to be professional firefighters, to respond when called to put themselves in harm's way and provide their expertise to ensure the safety of Queenslanders and their communities.
- While there are many aspects to the role of a modern professional firefighter that might not specifically require the sort of capabilities assessed in the OFAT, this test determines that regardless of capacity to fulfil other functions or roles across FRS, when called on to operationally respond with expertise required to keep themselves, their colleagues and Queenslanders and their communities safe, those recruited can actually perform these functions of the job that no one else in Queensland is tasked to do!
- Therefore primacy of these requirements being required by the Act via the proposed amendment in the Bill must be supported through to the legislation, protecting those requirements from being reduced or side-stepped by people or groups who simply don't understand what it actually takes to perform the functions of a professional firefighter, resulting in risk of harm to those doing the work, and risk of loss for QFD, and risk of loss of life and or property.

The UFUQ strongly support Clause 35 providing confidence that during a) the recruitment process that only candidates who can do the job are selected, and b) that during the career progression process that only those that can demonstrate the requisite expertise are selected to progress.

Amendment Bill Clauses 36 – 53:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 54: Insertion of new Ch 3, pt 9A, div 5b

As professional firefighters providing the primary response to incidents involving caravans and mobile homes, our members strongly endorse the proposal at Clause 54 to extend smoke alarm requirements to these dwellings.

Laws like this assist the community to prevent and minimise risk of harm and loss of property resulting from fire. They also have an added benefit of providing early detection to occupants of these dwellings, thus reducing the number of incidents our members are called out to.

Every fire prevented or minimised is a result that is safer for professional firefighters and for Queenslanders and their communities.

Amendment Bill Clauses 55 – 61:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 62: Insertion of new Ch 4

The UFUQ provide commentary to support the proposed amendments at Clause 62 (amending s129 and s130) only on the basis of the importance we have placed throughout this submission on the risks associated with the inter-relationship (collaboration and coordination) between FRS and RFS and our contention is that this Clause assists our position.

We have provided submissions on the qualifications, functions and duties and the roles of professional firefighters in response matters, incident command and control and fire prevention expertise) and the difference between those criteria and RFS fire service officers and bushfire brigade volunteers criteria (if any). In support of this, we note the definition of ‘bushfire’ as proposed at Clause 83 (which also proposes definitions of ‘building’ and ‘structural fire’, all of which are relevant to our response to Clause 62).

129(a, b, c & h).

The UFUQ is naturally supportive of bushfire brigades being tasked to fight bushfires. That is the primary function of their role as brigades. Rural bushfire brigades do incredibly important work in and for their communities, keeping them safe throughout the four phases of emergency response. The UFUQ notes that we support the intent of Clause 22 that introduces recognition of the ‘*valuable role of volunteers in supporting the delivery of fire and emergency services in the State.*’.

The UFUQ contend that the clarity provided by defining the difference between a bushfire and a structural fire will assist with the delineation of the functions and duties of the fire services via Regulation, as it is easily identifiable when a structure is threatened or involved in a fire or other emergency, and therefore when the professional fire service officers of FRS are required to take command and control of that incident. The RFS is naturally required to take command and control and provide response services to bushfires (as defined) and other emergencies if directed by the Commissioner.

Those responsible for fire communications receipt and dispatch of emergency calls will also be able to rely on these easy and clear differences between the functions and roles of the two fire services regarding identifying to whom the response call goes to where there is any geographical blending of response types. It is noted that across much of Queensland there is no existing (nor need for) geographic blending of FRS with RFS response areas.

129(i).

The proposal to provide that the Commissioner can choose to give other functions to the RFS is reasonable, however our contentions elsewhere regarding ensuring those functions are carefully considered and where relevant, ensuring those functions are fortuitous and/or subordinate to functions that are governed by mandatory criteria, qualifications and roles are relied on here. There are many functions that could be given to a bushfire brigade that sit within our contentions on this matter and many additional services RFS volunteers may be able to provide in their brigade areas or to assist FRS when they are in command and control of incidents relevant to their responsibilities set by Regulation.

There may, however, be unique locations in Queensland where a particular function is required to be performed by a bushfire brigade that sits outside of the usual clear delineation between professional fire services officers of FRS and the volunteers and fire service officers of RFS.

These matters will have to be carefully captured and determined via the Regulation we have proposed within these submissions which we contend will administer and manage exactly this sort of individual brigade point of difference regarding particular functions or roles, requiring individual brigades or volunteers to hold particular qualifications and obtain the sort of skills that other brigades and volunteers are not permitted to hold.

130.

The UFUQ supports this amendment without further comment.

Amendment Bill Clauses 63 – 72:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 73: Amendment of s154E

The UFUQ have provided examples throughout our submissions where we consider it natural and reasonable, and we contend necessary, for a Regulation be made to assist with the management and administration of the Commissioner's functions. As such, we note we strongly support the enhanced Regulation making powers proposed by Clause 73.

Regulations provide a more reliable basis for certainty regarding the rules that apply to those engaged within QFD and also for those who rely on QFD, than do doctrine of any type created by QFD. History has led the UFUQ to the position that doctrine is varied too frequently in minor or major ways, and this must end. As such, we contend only a Regulation will provide the visible surety our members seek, and will transparently provide all Queenslanders with confidence that the rules that govern those keeping them safe can't be whittled away (as happened all too often during the QFES era). Queensland needs to know that be it FRS or RFS, only those that can do the job are given the job of minimising the risk of loss of life and/or property and/or significant natural assets.

We therefore iterate our proposals that the Committee include in their Report, being recommendations that particular Regulations are made based on our submissions, for matters such as –

- Mandatory qualifications, training, eligibility criteria, recruitment eligibility criteria for the purpose of assessing –
 - i. who can perform certain roles, functions, and duties, and where and when that can occur, and
 - ii. merit for recruits and other requirements that differentiate fire service officers and volunteers from FRS and RFS.
- A register being kept by QFD of fire service officers who have attained the mandatory eligibility criteria, and this can be considered for professional firefighting fire service

officer roles and functions. Included within the register we propose the Regulation would articulate additional cohorts such as –

- i. those working to attain these standards via the recruitment and ‘QSTEP’ training process required to attain the rank of 1st Class firefighter, and
 - ii. those who have attained the qualifications and other criteria necessary to be engaged or progress in classification within the auxiliary firefighting cohort, and
 - iii. those who have attained the required criteria to be engaged or progress through the classifications of fire communication officer.
- Permitted rank naming conventions, uniforms and insignia, and rank markings on, for example, epaulettes, for both FRS and RFS fire service employees and volunteers, and for appliances and any other identifiers considered necessary to be regulated.

Amendment Bill Clauses 74 – 82:

The UFUQ supports these amendments without further comment.

Amendment Bill Clause 83: Amendment of Sch 6

The UFUQ strongly support the enhancement of definitions in the Act via Clause 83. However, we hold concerns relating to the unintended consequences of one particular definition. Our position on selected definitions is discussed below.

Definitions will assist to identify the responsibilities of the services.

There can be no doubt that the existing ‘rules’ around who can do what and when, and why, regarding response services required to be performed by professional firefighters are clear. We listed some of the work our members do that RFS senior officers and/or RFS volunteers don’t and can’t do above in our submissions (see for example our submissions on pages 7 and 8). The future for delineation of the functions, roles, and responsibilities of the

two services will be impacted by the definitions proposed at Clause 83 and the Regulation we have proposed.

A **structural fire** involving a **building** or other structure, such as those listed in the definition of building, or a **large-scale structural fire** (such as a chemical storage facility) can only be responded to and ‘fought’ by professional firefighters with the qualifications and expertise in these types of firefighting. This clear delineation is important from a safe systems of work perspective.

Matters required to attain the standard of **professional firefighting experience** is rightly defined as including these circumstances, along with other criteria (specialist and technical rescue and responding to and managing disasters).

The required **incident control expertise** for these sorts of responses is also defined, as is the requirement for **fire prevention expertise** (which includes some of the types of work we articulated in our response to Clause 34 (such as building approvals, road crash prevention sessions, and much more)).

The Bill proposes these definitions for the simple purpose of assisting anyone at all with being able to distinguish the functions provided by professional firefighter fire services officers within FRS, as compared to anyone else with a naturally lesser standard in the criteria to apply to them. In this way, RFS are greatly assisted by having details of the functions tasked to their fire service officers and volunteers.

Command and control responsibility can be distinguished via the definitions.

Clause 83 does a good job of proposing clarity for bushfire brigades and RFS fire services officers regarding understanding what incidents they’ll be responsible for providing command and control related services at. For example, our support for Clause 62 extends to noting that the term bushfire is clearly relied upon in the proposed subclauses.

Clarity of the obligations of the RFS for (as defined) matters relating to *bushfire*, *rural firefighting experience*, *rural fire prevention expertise*, and *rural incident control expertise* (all of which rely on the definition of bushfire to set the criteria for these definitions) greatly assist those engaged within RFS in any capacity, and those within FRS in any capacity and also anyone outside of the fire services to be able to quickly identify who is responsible for what and when.

With regard to *incident control expertise* and *rural incident control expertise*, the important distinctions within those two definitions greatly assists all engaged by the fire services (including fire communications) and the Queensland public to understand that when there is a bushfire, command and control matters fall to RFS, but when that bushfire threatens or involves a structure, then FRS is responsible for command and control. This clarity within the legislation will assist with the problem of many years of inadvertent misunderstanding of apportioning the appropriate (to be legislated) responsibility for command and control in particular situations.

The clarity will also assist in eliminating confusion that (we contend) has resulted in years of misguided errors in determining who ought to be engaged to provide the (to be legislated) required highest quality service where required to minimise the impact to Queenslanders and their communities.

It is clear that, finally, the Act will assist Queenslanders to understand that RFS fight bushfires and assist in other circumstances when required to by the Commissioner, and FRS respond to all incidents (including bushfires). The UFUQ strongly supports these definitions as set out above for these reasons.

Rural incident control expertise.

The definition of *rural incident control expertise* does, we contend, create a potential unintended consequence of a RFS fire service senior or executive officer (or perhaps volunteer) mistakenly being placed in or retained in command and/or control of an incident

where FRS professional fire service officers are engaged in operational response in what the definition terms as '*disaster-related events*' via the proposed amendment at Clause 34 amending s25 to include 25(4)(b) (rural incident control expertise).

Our position throughout this submission is clearly that our member's functions and roles require management in operational response settings only by those who also hold the mandatory requirements of a professional firefighter.

For example, in the response phase of a natural or man-made disaster, many of our members have capacity via qualifications and expertise to provide professional firefighting and rescue responses, and also quite technically detailed specific roles and functions. All these responses require knowledge to be held by anyone managing those responses of the risks and requirements of those functions. The UFUQ contend that anyone other than a professional firefighter (with the mandatory criteria for their appointment to that role having been met) cannot perform command and control functions wherever our members are providing operational response.

We rely on our submissions at Clause 25 regarding someone having qualifications but no worked expertise of professional firefighting functions and roles not being suitable for command and control of FRS fire service officers. Relying on having completed an 'AIIMS' course or some other similar training is inadequate.

The UFUQ contend this confusion can be addressed by an extension of the requirements of the Regulation we have proposed above to ensure that command and control doctrine MUST require professional firefighter FRS involvement wherever our members are providing their services in an operational disaster-related response.

Senior officer and executive mandatory criteria for both fire services defined.

In addition to the above comments, the UFUQ submit that we are strongly supportive of the definitions of fire prevention expertise, incident control expertise, large scale structure fire,

professional firefighting experience and structure fire. Each of these are reasonable definitions given the gravity of the risks involved in the operational matters they relate to, and therefore they clarify once and for all who is responsible for what and when, and who is not.

Safe systems of work are relied upon by our members from recruit training right through to senior officer's and expectations they take over at command and control at certain incidents.

Having the basis for the operational response criteria established for senior and executive officers in both fire services is a great step forward. As will be the Regulation we have proposed to mandate the functions and roles and then qualifications, skills and expertise required for them.

Amendment Bill Clause 84 – 92:

The UFUQ supports these amendments without further comment.