



UNITED  
**FIRE  
FIGHTERS  
UNION**  
QUEENSLAND

30 September 2016

The Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane QLD 4000

By email: [FAC@parliament.qld.gov.au](mailto:FAC@parliament.qld.gov.au)

Dear Research Director

**Re: Industrial Relations Bill 2016**

I refer to the above bill and the offer by the Finance and Administration Committee (the FAC) of the Queensland Parliament to the United Firefighters' Union of Australia, Union of Employees, Queensland (the UFUQ) to provide a submission to inform the FAC in its consideration of the bill.

I am pleased to offer the attached submission regarding the bill to the FAC on behalf of all UFUQ members in Queensland.

Please do not hesitate to contact industrial officer Mr Anthony Cooke on \_\_\_\_\_ or  
via email at \_\_\_\_\_ should you seek any further information.

Regards

**John Oliver**  
**General Secretary**

United Firefighters' Union of Australia, Union of Employees, Queensland



## Submission regarding the Industrial Relations Bill 2016

United Firefighters' Union of Australia, Union of Employees, Queensland (UFUQ)  
30 September 2016.

Contact:

John Oliver  
General Secretary  
[johnoliver@ufuq.com.au](mailto:johnoliver@ufuq.com.au)

### 1. Request for permission to publish this submission

UFUQ requests permission from the Finance and Administration Committee (the committee) to publish this submission, particularly for the information of our members, interstate firefighter unions, and Queensland unions affiliated with the Queensland Council of Unions (the QCU).

We authorise the publication of this submission by the committee.

### 2. United Firefighters' Union Australia, Union of Employees Queensland (UFUQ)

The UFUQ is an industrial organisation of employees registered under the *Industrial Relations Act 1999* (the IR Act), providing representation and coverage to urban firefighters (both professional firefighters and auxiliary firefighters) employed by Queensland Fire and Emergency Services (QFES) and also to scientific officers and communication officers, along with firefighters employed by private providers outside of QFES.

UFUQ is bound by Awards of the Queensland Industrial Relations Commission (the QIRC) and is also party to a number of Certified Agreements made and registered under the IR Act.

UFUQ have over 2,500 members, both full time and part time, who are affected by the Bill. Our members respond to almost every emergency situation not only in Queensland but interstate and internationally. Our members are extremely dedicated to all facets of firefighting and rescue and are highly regarded by the Queensland community.

### 3. Consultation about the Bill

UFUQ is pleased to be able to provide this submission about the Bill and would request the opportunity to appear before the committee at any scheduled public hearing.

We are satisfied that the timetable for consultation about this Bill provides adequate time to consider and provide submissions to the committee.

### 4. Policy objectives

The purpose of the bill is set out in clause 3, namely –

*“to provide for a framework for cooperative industrial relations that –*

*(a) is fair and balanced; and*

*(b) supports the delivery of high quality services, economic prosperity and social justice for Queenslanders.”*

UFUQ acknowledges that this bill is informed by the Review of the Industrial Relations Framework in Queensland (the Review), that took place over 8 months in 2015. This bill is the product of a wider effort by the state government to restore fairness and clarity to the industrial relations system. UFUQ submits that the policy objectives of the Bill are sound and in the public interest.



## **5. Replacement of the current IR Act**

In 2015, the Industrial Relations Legislative Reform Group conducted a broad review of Queensland's Industrial Relations system on instruction from the State Government. UFUQ made submissions expressing our support for a significant modernisation of the existing legislation and institutions. We noted that the Industrial Relations Act has been amended 7 times over the past 4 years, and that the legislation has become piecemeal and inefficient.

UFUQ raised a number of points for consideration in the drafting of a new act, including ensuring an independent tribunal, the incorporation of certain ILO provisions, and the simplification of existing legislation to increase accessibility.

UFUQ also advocated for recognition of protected industrial action as an integral tool during bargaining, rather than an unwelcome conflict to be resolved.

This bill seeks to repeal the current act and replace it in its entirety. UFUQ is supportive of this policy objective for the reasons listed above and in our submission to the 2015 review.

UFUQ is also broadly supportive of the bill as a simplified and reformed version of the current industrial relations act, our comments are discussed in the sections below.

## **6. General protections**

UFUQ supports the implementation of a general protections jurisdiction comparable to that in the Fair Work Act. The general protections create a layer of security for Queensland workers who are faced with adverse action, or the threat of adverse action, through the course of exercising their legitimate workplace rights.

UFUQ notes that this process has worked well in public sector environments in other jurisdictions. While the current IR framework provides some protections for workers including through the Anti-Discrimination Act and unfair dismissal provisions, these are unnecessarily complex and provide incomplete coverage.

UFUQ supports the proposal for a general protections section of the Act to ensure that all protections are listed in straight-forward language in the same place. Our members would directly benefit from this, as they have in the past been exposed to the sorts of issues this section is intended to address.

## **7. Legal representation**

UFUQ's position is that the independent tribunal should remain a modern laypersons' tribunal as far as practicable. We acknowledge that circumstances may arise where legal representation becomes necessary for the purposes of procedural fairness, and this issue was considered in depth in the Review.

The Review recommended that discretion be given to the commissioners to allow legal representation in full bench matters, in consideration of the principles of procedural fairness. The bill seems to step beyond this recommendation by allowing the independent tribunal discretion to permit legal representation for any matter.

UFUQ has concerns regarding the increased flexibility being granted to the independent tribunal. We support the balance struck in the recommendations of the Review, to preserve procedural fairness while also preventing the independent tribunal from becoming unnecessarily legalistic.

UFUQ would support an amendment to the bill to bring it in line with the Review recommendations regarding legal representation for full bench matters only.

## **8. Review of Modern Awards**

Clause 156 of the bill seeks to introduce a process for the reviewing of modern awards, either on the independent tribunal's own initiative or on application from an affected party or individual.

UFUQ notes that clause 147 of the bill already provides a process for the making of orders to vary a modern award. Clause 147 allows an affected employer, employee, organisation or the minister to apply for a variation order. This process is logical and comprehensive, and UFUQ considers that the proposed 'review' process is unnecessary in the circumstances.

UFUQ also objects to the clause allowing the independent tribunal to vary or review a modern award on its own initiative. The main functions of the independent tribunal are to supervise bargaining processes, resolve industrial disputes and facilitate agreement making. The tribunal should not need to initiate changes to awards. The system should be modern and flexible enough to allow parties to take the responsibility for initiating proceedings about awards.

UFUQ submits that clause 156 of the bill is an unnecessary addition and we would support its removal. We would further support the removal of sub-clause 147 (a) as there is no reason why an independent tribunal would need to initiate award proceedings

## **9. Protected industrial action**

UFUQ is concerned about the drafting of the requirements to authorise industrial action. The proposed requirements appear ambiguous and convoluted.

UFUQ has robust internal processes of decision making which accommodate a means of endorsing union policies and actions.

Our members are practically limited in the extent to which they will take industrial action, given their critical role in maintaining community safety. Despite this, the right to take protected industrial action is one that belongs to our members and should not be subject to undue complexity in a fair IR framework.