

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Variation of the Queensland Fire and Emergency Service Employees Award - State 2016 [2017] QIRC 015*

PARTIES: Queensland Fire and Emergency Service
Queensland Fire and Rescue – Senior Officers Union of Employees
Together Queensland, Industrial Union of Employees
United Firefighters' Union of Australia, Union of Employees, Queensland

CASE NO: MA/2016/32

PROCEEDING: Variation of a modern award

DELIVERED ON: 6 March 2017

HEARING DATE: 1 March 2017

HEARD AT: Brisbane

MEMBERS: Deputy President O'Connor
Deputy President Swan
Industrial Commissioner Thompson

ORDERS: **1. The Queensland Fire and Emergency Service Employees Award - State 2016 be varied in the terms set out in the attached Determination; and**
2. The Determination operate on and from 1 March 2017.

CATCHWORDS: INDUSTRIAL LAW - AWARD MODERNISATION - VARIATION OF A MODERN AWARD - Application for Determination varying a modern award - Section 140GA(2) and 140GC(2) of the *Industrial Relations Act 1999 - Queensland Fire and Emergency Service Employees Award - State 2016* varied.

CASES: *Industrial Relations Act 1999*, Chapter 5A, Part 3, Division 2, ss 140GA(2), 140GC(2).
Industrial Relations Act 2016, s 996.

APPEARANCES: G. Carthew for Queensland Fire and Emergency Service.

R. Smith of Maurice Blackburn Lawyers, for Queensland Fire and Rescue - Senior Officers Union of Employees.

D. Goldman for Together Queensland, Industrial Union of Employees.

N. Tosh for United Firefighters' Union of Australia, Union of Employees, Queensland.

Reasons for Decision

- [1] A referral to vary the *Queensland Fire and Emergency Service Employees Award - State 2016* (the Award) by the making of a Determination varying the Award in accordance with sections 140GA(2)(a) and 140GC(2)(b)(i) of the *Industrial Relations Act 1999* (the Act) was provided by Deputy President Bloomfield, as head of the Commission's Award Modernisation Project, for the following purposes:
- (i) to create a minimum safety net of employment conditions, in keeping with the modern award objectives at section 140D of the Act, that is fair and relevant in accordance with sections 140G(2)(a) and 140D of the Act; and
 - (ii) to remove ambiguity and uncertainty and/or correct an error, in accordance with section 140GC(1) of the Act.
- [2] The referral for the making of a Determination to vary the Modern Award is supported by the Queensland Fire and Emergency Service, Queensland Fire and Rescue - Senior Officers Union of Employees, Together Queensland, Industrial Union of Employees and United Firefighters' Union of Australia, Union of Employees, Queensland.
- [3] The making of the Determination to vary the Award is also supported by all of the relevant parties.
- [4] In the circumstances, the Full Bench is satisfied that it is appropriate for the Determination to be approved.
- [5] The Determination varying the Award will operate on and from 1 March 2017.
- [6] The Commission issues the following Orders:
1. the *Queensland Fire and Emergency Service Employees Award - State 2016* be varied in the terms set out in the attached Determination; and

2. the Determination operate on and from 1 March 2017.