



Wednesday 27 April 2022

Mr Greg Leach  
Commissioner  
Queensland Fire and Emergency Services

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Dear Commissioner

**Re: Notification of Dispute – Expression of Interest (EOI) for Assistant Commissioner (SES3) / Executive Director (SES2) positions**

We refer to the above matter and to the attached EOI provided to our office by members of the UFUQ Senior Officer Branch.

We consider the recruitment and selection process relevant to Assistant Commissioner positions has failed to comply with the recruitment and selection principles prescribed by *Directive 12/20 – Recruitment and selection* (the Directive), particularly the principle requiring recruitment and selection to be conducted in accordance with the merit principle and the criteria prescribed in section 28 of the *Public Service Act 2008* (the PS Act).

We therefore notify you, in accordance with clause 7.2 of the *Queensland Fire and Emergency Service Employees Award – State 2016* (the Award), that we are in dispute.

The dispute relates to the assessment of merit for the Assistant Commissioner positions, including the failure of QFES to appropriately apply the merit criteria.

Section 28 of the PS Act prescribes that “*in applying the merit principle to a person, the following must be taken into account— (a) the extent to which the person has abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to the carrying out of the duties in question*” (emphasis added).

This dispute specifically relates to the ‘qualifications’ relevant to the carrying out of the duties of an Assistant Commissioner.

It is clear that an Assistant Commissioner must be an authorised fire officer, as prescribed by section 52 of the *Fire and Emergency Services Act 1990* (the FES Act) and defined in Schedule 2 to the *Instrument of Delegation of Chief Executive/Commissioner, QFES [Statutory Powers] (No. 1 of 2021) – Powers under the Fire and Emergency Services Act 1990* which prescribes the fire officers authorised by the Commissioner pursuant to section

52 of the FES Act, and that this is a qualification relevant to the carrying out of the duties of an Assistant Commissioner.

The natural meaning of the word ‘qualification’, as prescribed in the seventh edition of the Macquarie Dictionary includes “*a required circumstance or condition for acquiring or exercising a right, holding an office, or the like*”.

QFES doctrine clearly prescribes that it is a required circumstance or condition for an Assistant Commissioner to be an authorised fire officer to take control of incidents that have been identified as being the responsibility of the Fire and Rescue Service.

We provide the following as clarification for holding this view –

- QFES Command Directive *CmdD 01.02.00 – General – Command Principles* prescribes that:

*“The ability to take command of QFES events or incidents can be undertaken by QFES paid staff, temporary employees or volunteers relevant to the authority scribed in the Fire and Emergency Services Act 1990, or other appropriate authorising instruments and are collectively referred to as QFES personnel, within all Command Directives”.*

- QFES Command Directives and Operations Directives are relevant ‘appropriate authorising instruments’.
- QFES Command Directive *CmdD 02.01.00 – Service Specific – Fire and Rescue Service* prescribes that:

*“Authorised fire officers (other than scientific officers) are to take control of incidents that have been identified as being the responsibility of Fire and Rescue Service or as directed by an officer of Fire and Rescue Service at a more senior rank”.*

- QFES Operations Directives *OpsD 02.01.02 – Incident Classification Level 2 Incidents* and *OpsD 02.01.03 – Incident Classification Level 3 Incidents* both prescribe that:

*“During a Level 2 or Level 3 Incident all QFES regional resources will come under the direct control of the QFES Regional Assistant Commissioner”.*

- Therefore, a person carrying out of the duties of an Assistant Commissioner is required to be in direct control of Level 2 and Level 3 incidents that have been identified as being the responsibility of the Fire and Rescue Service and can only do so if they are an authorised fire officer.

Given the circumstances, the assessment of merit for an Assistant Commissioner position must include the mandatory qualification for an applicant to be an authorised fire officer. However, this is not prescribed in the EOI.

Therefore, the relevant recruitment and selection process does not comply with the Directive. You have failed to appropriately apply the merit principle and the criteria prescribed in section 28 of the PS Act.

The UFUQ considers this to be a serious matter and we request your urgent confirmation that this matter will be resolved without delay.

To be clear, in order to resolve the dispute, the EOI process must be conducted again in accordance with the recruitment and selection principles prescribed by the Directive. You must appropriately apply the merit principle and the criteria prescribed in section 28 of the PS Act.

We advise of our availability to meet with QFES representatives to discuss the urgent resolution of this matter.

We remind you that in accordance with 7.2(h) of the Award the status quo existing before the emergence of this dispute is to continue whilst the dispute resolution procedure is being followed. Therefore, we expect no outcomes of the recruitment and selection process to be finalised until this matter is resolved.

We reserve our rights and the rights of our members,

Should you require any further information, please do not hesitate to contact UFUQ Industrial Officer Mr Nate Tosh at [nathantosh@ufuq.com.au](mailto:nathantosh@ufuq.com.au) or on 07 3844 0366.

Regards

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

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