



The Federal Court dispute between the UFUA and the UFUQ

Dear Member,

Recently I wrote to you providing important information about your membership of the United Firefighters Union of Australia (QLD Branch) and the important role it plays for firefighters in Queensland and across Australia.

As you may have heard, there was recently a dispute between your national union, the United Firefighters Union of Australia QLD Branch (The National Union) and the State Union the United Firefighters Union – Queensland (UFUQ) and I'd like to provide you with important information about this matter.

The Federal Court dispute between the UFUA and the UFUQ

In 2018 the Branch Committee of Management (BCOM) of the Queensland Branch of the United Firefighters' Union of Australia claimed that, due to an error on its membership form, its members were only members of the State Union and not members of the National Union – the United Firefighters Union of Australia (UFUA). On this basis, the UFUQ stopped paying affiliation fees to the UFUA and kept members funds within its own accounts.

It is important to note that at the time, the members of the Branch Committee of Management (BCOM) of the UFU Queensland Branch were exactly the same people as the members of the State Committee of Management (SCM) of the State Union. The Federal Court observed:

“The officers in the State Union applied every three years, from 2006 onwards, to the Queensland Industrial Relations Commission (QIRC) to be exempt from the need to run elections for the State Union. The applications were made and granted based on the fact that membership of the Federal Union was the same as membership of the State Union.”

The UFUQ claimed that from FY 2016-17 to FY 2017-18 the membership of the UFUA in Queensland has now fallen from 2,472 to just 56. UFU BCOM members also personally resigned from the UFUA.

In response, the UFUA and four members of the UFUQ took legal action in the Federal Court arguing that members of the UFUQ were in fact members of the State Union, and also members of the National Union.

It was argued that members of the Queensland Branch paid a single fee, which they believed entitled them to membership of both the State and National Union. The court was shown audited financial statements for the State Union which stated:

“The members of the United Firefighters Union of Australia Union of Employees Queensland (State Union) are also members of the United Firefighters Union of Australia Qld Branch (Federal Union). As part of this arrangement the State Union transfers funds to the Federal Union during the financial year to assist in the ongoing management of that Union.”

The Federal Court found that, this was indeed the case and members of the Queensland Branch, were in fact legally also members of the Federal Union.

This means that under Federal law, UFUQ members are indeed also members of the UFUA, without the payment of any additional fees or charges.

Other significant findings of the Federal Court concerning evidence from and statements made by the State Union included:

- “Evidence, that the actions taken, which had the consequence that these four firefighters were disenfranchised, along with many others, were in accordance with legal advice, was disingenuous. Regardless of who was said to have driven the actions which resulted in the disenfranchisement, or whether the actions taken were by one person or multiple people, the action, the manner in which it was taken, the timing, and the inevitable consequences thereof, could not reasonably have been seen to accord with legal advice, particularly given the obligations of the BCOM towards its members.”
- “The statement that the view of the State Union’s lawyers was that members did not become a member of the Federal Union is incorrect. If that statement is based on the Hall Payne advice, it was not the advice given.”
- “The statement that they are not members of the Federal Union, and that the error in membership “appears to have been inherited by the current executive and at no point in time since the formation of the federal union over 20 years ago, was it picked up” is also incorrect.”

Given that the UFU Queensland Branch BCOM had resigned from the National Union, the Federal Court accepted the UFUA’s submission that there were ‘no effective means under the UFUA Rules which might be employed for the purpose of ensuring a timely restoration of the effective functioning of the Queensland Branch.’

An administrator appointed for the UFUA

The Federal Court ruled that Mr Gavin Marshall be appointed as Administrator of the United Firefighters Union of Australia (QLD Branch) (UFUA) until new elections could be held.

The Administrator’s role is to undertake several key activities to protect the interests of UFU members, to organise new elections for the UFUA Queensland Branch BCOM (to be conducted by the Australian Electoral Commission) and to restore the effective functioning of the Branch including the preparation of financial accounts and a list of members,

The Administrator will seek to organise new elections for the UFU Queensland Branch BCOM within 120 days of the order which was granted on 24 February 2022

For further information, please contact Gavin Marshall, administrator of the UFU Queensland Branch: ufuaqueenslandbranch2022@gmail.com

What this means for you?

The United Firefighters Union of Australia (QLD Branch) exists to serve your interests, protect your health and safety and to make your voices heard at the highest levels. The administrator will shortly be calling elections to re-establish your BCOM to reinstate the proper functioning of the branch to ensure QLD members receive the representation you deserve.

We’ll be in touch to keep you updated on further events, but if you’d like more information on your national union, please visit www.ufua.asn.au or email ufuaoffice@ufua.asn.au

Yours in Unity,

Greg McConville
National President
United Firefighters Union of Australia