



SIGNAL SEVEN

8 May 2024

Federal Circuit Court Case Settled 20 Contraventions of Fair Work Act Admitted Compensation and Damages Payable Leave on Half Pay to be Granted Arbitrated Policies on FWAs and Transition to Retirement

Further to Signal 7 [26 February 2024](#), Signal 7 [27 February 2024](#), Signal 7 [26 March 2024](#), & Signal 7 [16 April 2024](#), and Signal 7 [6 May 2024](#), we proudly announce an outstanding outcome in the Federal Circuit Court litigation.

A Deed of Settlement has been executed between the UFU and ACT Government. The Deed provides for terms of settlement on the following basis:

- A total of 20 contraventions of the Enterprise Agreement and the Fair Work Act are admitted by the Territory, arising from the refusal of the leave on half pay requests and failure to consult with the employees as required by the Enterprise Agreement.
- Within 7 days of the execution of the Deed the Court Proceedings against the CO will be discontinued, and the proceedings against the Territory will be adjourned by consent pending notification by the Parties to the court that all obligations under this Deed have been complied with.
- On or before the 29th May 2023, the Territory will:
 - Pay 5 of the 8 members named in the proceedings compensation for Economic Loss, Superannuation and interest (minus tax) to a combined total of \$190,977.77.
 - Pay all 8 members named in the proceedings will receive damages for hurt, humiliation, pain and suffering to a combined total of \$135,000.
 - Contribute \$130,000 to the legal and other costs incurred by the UFU.
 - Subject to the agreement of the UFU, finalise the Flexible Working Arrangement Policy and the Transition to Retirement Policy so that it reflects the arbitrated outcome and implement those policies.

- The Territory will approve applications for annual leave (including recreation leave) at half pay made by the two members with remaining leave balances within seven days of such an application being made with the leave to conclude either at a nominated retirement date or at the expiration of leave accruals whichever is the sooner.
- Upon the relisting of the Proceedings, the UFU and the Territory will seek orders by consent dismissing the Proceedings with no order as to costs.

This is a remarkable outcome for the UFU and our members. It delivers the three catchwords of the current UFU leadership:

Fairness, Consistency, Transparency

As a result of these proceedings, every member of the UFU and every future firefighter will know the applicable rules, will have greater certainty, and will have fair mechanism to make transition to retirement with dignity. The 8 members in the proceedings have served a combined total of 300 years in ACTF&R, and rightly fought for a dignified and fair transition to retirement.

The 8 members deserve the thanks and appreciation of all current members. They stood up for what they believed was right and answered the call of the UFU leadership to come forward with their issues to help the broader membership. Every single one of them has stated their motivation for fighting this issue was to benefit the broader membership, and their motivation has brought great reward for all members.

When members come forward to fight together for the common good, all firefighters win.

There are other significant issues in the pipeline flowing from this case, and we will provide further news about those in coming days. For now, we should reflect on this win which was delivered by struggle through great difficulty.

We extend our appreciation and thanks to the ACT Government representatives who engaged with us in good faith to settle this matter. We look forward to putting this regrettable episode behind us, and enshrining a genuine relationship of consultation, cooperation, and advancement in the interests of the ACT community.

In conclusion, on behalf of the BCOM and the broader membership, we say to these firefighters:

Commander Greg Harmey
Superintendent Ronald Weston
Commander Michael Cochrane
Station Officer Qualified Brian Turton
Station Officer Qualified Morris Brighty
Station Officer Kelvern Hannon
Senior Firefighter Robert Whitmore
Senior Firefighter Qualified Keith Rourke

“Hold your head high, knowing that through your struggle you have secured great gains for all”

To Update your details, please email admin@ufuact.asn.au
National Facebook page: <https://www.facebook.com/UFUAnational>
National Website: <https://www.ufua.asn.au/>
ACT Branch Website: <http://ufuact.asn.au/>
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Strength in Unity

Authorised by Greg McConville, Secretary, UFU, A.C.T. Branch.