

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re United Firefighters' Union of Australia, Union of Employees, Queensland* [2025] QIRC 029

PARTIES: **United Firefighters' Union of Australia, Union of Employees, Queensland**
(Applicant)

CASE NO: RIO/2024/260

PROCEEDING: Application to amend name

DELIVERED ON: 3 February 2025

HEARING DATE: 3 February 2025

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER:

- 1. The Commission approves, pursuant to s 661 of the *Industrial Relations Act 2016* (Qld), an amendment from the name of 'United Firefighters' Union of Australia, Union of Employees, Queensland' to 'Queensland Professional Firefighters' Union, Industrial Union of Employees.'**
- 2. The operative date of the amendment will be 3 February 2025.**

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – INDUSTRIAL ORGANISATIONS – APPLICATION TO AMEND NAME OF ORGANISATION – where the Applicant is a union of employees registered under the *Industrial Relations Act 2016* (Qld) – where the application was validly made – where no objection

LEGISLATION:

Industrial Relations Act 2016 (Qld) s 661

Industrial Relations Regulations 2018 (Qld)
r 17

Industrial Relations (Tribunals) Rules 2011
r 197

APPEARANCES:

Mr D. Blackmore of Hall Payne Lawyers for
the Applicant

Decision Ex Tempore

- [1] The United Firefighters' Union of Australia, Union of Employees, Queensland ('the Union') has brought an Application before this Commission seeking a change of name pursuant to s 661 of the *Industrial Relations Act 2016 (Qld)* ('the Act').
- [2] The Application arises following an out of session ballot of the State Committee of Management (SCM) to change the name of the Union to the Queensland Professional Firefighters' Union, Industrial Union of Employees.
- [3] Section 661 of the Act vests the Commission with power to order an amendment. That section relevantly reads:
- (1) This section applies to an amendment of an organisation's name other than an amendment mentioned in section 660.
 - (2) The commission may, by order, approve the amendment only if satisfied the name as amended—
 - (a) has been proposed under the organisation's rules; and
 - (b) is not—
 - (i) the same as another organisation's name; or
 - (ii) so similar to another organisation's name as to be likely to cause confusion.
 - (3) Approval may be given wholly or in part.
- [4] Rule 197 of the *Industrial Relations (Tribunals) Rules 2011 (Qld)* stipulates the necessary preconditions and obligations an applicant union must fulfill before the Commission can grant a name change pursuant to s 661. Rule 197 relevantly provides:

An application for an order under *section 661* of the *Act* approving an amendment of an organisation's name must—

- (a) be in the approved form; and
- (b) show how the amendment was proposed and approved in accordance with the organisation's rules; and
- (c) describe the nature and effect of the amendment; and
- (d) state that the amended name is not the same as another organisation's name or so similar to another organisation's name as to be likely to cause confusion; and

- (e) be under the organisation's seal or be signed by 2 of the organisation's officers authorised to sign the application; and
- (f) attach a copy of a resolution passed in accordance with the organisation's rules agreeing to the amendment.

Note—

See also the regulation, *sections 16 and 17*.

[5] The application was filed in the correct form in the Industrial Registry. Filed with the application, was an Affidavit of Mr John Oliver, Secretary of the Union, confirming that the Union had complied with its obligations under r 197(b).

[6] Under r 64 of the Union's Rules, an amendment of the rules may be made in the following circumstances:

- (a) A member of the SCM may, subject to sub-rule (b), request that the SCM:
 - (i) at an Ordinary Meeting;
 - (ii) at a Special Meeting; or
 - (iii) by an Out of Session ballot, determine to amend these rules.
- (b) Despite sub-rule (a) and rule 39, if the Secretary considers that an amendment to the rules must occur urgently then the SCM may determine to do so by an out of session ballot, where the ballot must remain open until either:
 - (i) sufficient members of the SCM have voted and a majority have approved, or disapproved, the proposed amendment; or
 - (ii) seven (7) days have elapsed from the commencement of the ballot.
- (c) The members of the SCM must be given a copy of the proposed amendment, with respectively the notice of the meeting or the request for an out of session ballot, as the case may be.

[7] In his Affidavit, Mr Oliver advised that an out of session ballot of the SCM was conducted to change the name of the Union urgently, as the Executive wanted the new name for the Union to be publicly launched by the conclusion of 2024.¹

[8] Rule 39 of the Union's Rules provides for the out of session ballot:

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Governance Body	SCM; and Executive

- (b) An out of session ballot of a Governance Body may be conducted where the Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the respective Governance Body.
- (c) An out of session ballot is to be conducted by means of:
 - (i) post;

¹ Affidavit of Mr J. Oliver filed 1 November 2024, [4].

- (ii) email;
- (iii) text message;
- (iv) other electronic communication; and/or
- (v) a mixture of those means.

- (d) Where an out of session ballot of a respective Governance Body is conducted:
 - (i) the Secretary will determine a time limit within which the ballots must be received, but which is to be no less than two (2) days;
 - (ii) in a ballot 50% of the members of the Executive casting a ballot plus one (1) in the time limited under paragraph (i), constitutes a quorum; and
 - (iii) determination of the ballot will, unless these rules otherwise require, be by simple majority of the votes cast.
- (e) In an out of session ballot of a Governance Body a member of the Governance Body has a deliberative vote only.

[9] The out of session ballot was conducted by text message sent from Mr Oliver to members of the SCM for approval to change the name of the Union. The time limit for the ballot was 7 days.

[10] On 17 October 2024, the State Committee resolved to amend the name of the Union. The requisite majority under the Union's Rules voted in favour of the resolution.

[11] Annexed to Mr Oliver's Affidavit was a copy of the resolution voted upon. The resolution reads:

That in accordance with Rule 64, the State Committee resolves to amend the rules of the United Firefighters' Union of Australia, Union of Employees, Queensland as follows:

By deleting Rule 1 and inserting in lieu the following:

"The name of the Union is Queensland Professional Firefighters' Union, Industrial Union of Employees."

[12] I am satisfied that the nature and effect of the amendment are adequately described in the originating application and subsequent affidavits.

[13] The originating application affirms that the name is not so similar as to cause confusion with another union. Therefore r 197(d) is satisfied.

[14] Mr John Oliver and Mr Wayne McLean both signed the originating application in accordance with r 197(e).

[15] The resolution has been annexed to the supporting affidavit filed 1 November 2024.

[16] On the material provided by the Union, I am satisfied that the Applicant has fulfilled its obligations under r 197.

[17] I am further satisfied that the Applicant Union has complied with its obligations under r 17 of the *Industrial Relations Regulation 2018*, in particular r 17(3), which requires a notice of the proposed change to be published throughout the State within 21 days from the filing of the application.

[18] The affidavit of Mr Dale Blackmore filed 15 November 2024, affirms that the advertising requirements have been met. Annexed to Mr Blackmore's affidavit is a copy of the advertisement in the Courier Mail dated 8 November 2024. The date of publication is within the 21-day limit prescribed by r 17.

[19] I note further that the time for objections has lapsed, and no objection has been received. On that basis, I make the following orders:

- 1. The Commission approves, pursuant to s 661 of the *Industrial Relations Act 2016 (Qld)*, an amendment from the name of 'United Firefighters' Union of Australia, Union of Employees, Queensland' to 'Queensland Professional Firefighters' Union, Industrial Union of Employees.'**
- 2. The operative date of the amendment will be 3 February 2025.**