

## UFUA - AVIATION BRANCH

### S I T R E P:



**Branch Legal Arrangements** - When the election was declared it was apparent to the new BCOM that we needed to get across all Union matters. The information gathering process was complicated not only by COVID related issues but by the fact that there was no centralised data storage or cloud storage for Union files. The new BCOM had no access to Union files as they were stored by employees on their personal computers or file storage systems. This is a matter which will be rectified in the immediate future.

To ensure that the new BCOM was apprised of all Union matters I sent the two legal officers employed by the Union, letters asking for amongst other things, a list of all matters they had been working on. Based on the correspondence I received in response, it became clear that neither legal officer wished to work co-operatively with the new BCOM.

We decided to seek advice from external lawyers regarding Branch governance and compliance with UFUA rules as well as models for the Union moving forward with or without employed legal officers. Advice was sought from National Secretary Peter Marshall who recommended Simone Bingham (Barrister) and Davies Lawyers.

As a result of this recommendation, the BCOM engaged Simone Bingham (Barrister) and Davies Lawyers both of whom specialise in employment and industrial law to give the BCOM the advice.

The cost of employing the 2 legal officers would have cost the Union approximately \$290,000 per year plus Workcover insurances, professional negligence insurance, practising certificates etc. The Union's books showed that its outgoings regarding wages and on costs were just about the same as what was incoming by way of membership fees. The BCOM determined that the Union would be better served at this stage to contract out all industrial and Comcare matters as and when needed. In any event it appears that industrial matters were already briefed out despite having an inhouse legal team. Davies Lawyers was already on the record in a number of these matters. I have also received extremely positive feedback from a member who had his matter referred to Endeavour Legal Services with respect to his Comcare matter.

Further, when BCOM discovered the number of active files held by the legal officers, it was clear that there was insufficient work for two full time legal positions.

Therefore, in relation to Comcare matters, it was determined that members would not be disadvantaged by utilising external expert Comcare lawyers who have extensive expertise in the area and that it would be cost effective to the Union, there would be no ongoing costs and the Union could treat each matter on a case-by-case basis to determine if it would fund

any contested matters past the conciliation process. The Comcare lawyer operates on a No win No fee basis. In relation to all other matters the BCOM determined that it would retain Simone Bingham, Barrister and Davies Lawyers.

Both Simone and Tonia Sakkas and Tracey Davies of Davies Lawyers have acted for firefighters and the UFUA for many years. Davies Lawyers have previously acted for the Branch. They have a great understanding of the fire services sector and have a wealth of experience in negotiating enterprise agreements and running court and commission matters.

As we will now have access to a specialised Comcare firm and lawyers with vast amounts of experience in employment and industrial matters, there will be no impacts for those members who were previously using the legal team. If you have not been contacted by the Union regarding referring any ongoing matter please contact me, unfortunately because of the porosity of information coming from the formal legal officers regarding active files your matter may have been omitted from the list or we may be unaware that your matter is active.

Further, we will now be able to quickly assess matters and refer them to the most appropriate legal adviser. If a matter is purely a disciplinary matter under Airservices Code of conduct, this maybe immediately referred to Counsel or Davies Lawyers. The saving on salaries can be put towards the legal costs.

Our aim has been and will always be the best interests of the Branch's members. This could mean that we change our practices in the future if it means that these interests will be better served.

**Retirement Incentive Scheme (RIS)** - CFO has informed us that at present there are 122 ARFFS personnel eligible to apply (application age raised to 56 years). Process will take up to 12 months. Some diligence needs to be applied so that locations are not left short of FF's or officers. RIS will "liberate" movement of staff i.e. transfer and/or OTOE opportunities.

122 RIS approvals would equate to a reduction in Union revenue of approx. \$116,046/annum.

**Office Relocation** – Removalists uploaded furniture today, enroute to Adelaide via rail.

**UFUA Funds:** Transfer of signatories: Yet to be finalised, this is quite a process requiring multiple signatories to attend bank branches in person to physically sign documentation. On the upside, it is a very secure system.

**BCOM TRA Workshop** - Airservices have invited the BCOM to participate in a workshop this Friday 30/7/2021. Higher level engagement with senior managers responsible for the TRA project is also forecast.

**UFUA Branch Executive/Airservices Managers Meeting** - This will be the first of an on-going schedule of meetings with the CFO. Our hope is that these meetings provide the UFUA and its members an opportunity to table and discuss priority issues.

**ARFFS Physical Safety Standard** - Brendan Parsey and Claire Marrison have requested to meet with BCOM and engage with the UFUA on this important issue. Meeting has been tentatively Scheduled for Aug 2<sup>nd</sup>.

**COVID Issues** - State Orders - Mandatory vaccination/medical intervention of airport workers – The UFUA met with the CFO last week to discuss several Covid related issues brought to us by concerned members. As a result, we can pass on the following advice:

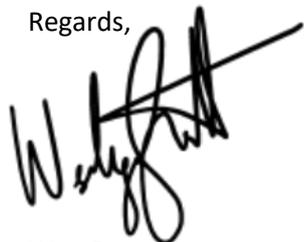
Airservices is currently not required to enforce State Orders requiring mandatory vaccination or medical intervention (swab testing) of ARFFS employees (airport workers). Nor are they inclined to enforce it. Airservices' position will run parallel with Commonwealth Government advice. Airservices/ARFFS position has been established in consultation with Chief Health Officers in relevant jurisdictions. ARFFS does have policies for medical intervention if ARFFS staff are required to respond to an incident and staff necessarily come into direct or casual contact with known or potential COVID positive casualties. BCOM discussed these matters at our meeting on Friday, legal advice regarding mandatory vaccination and medical intervention has been sought.

Representation was also made concerning the current Covid status effecting NSW & ACT stations. The UFUA asked for stronger rostering controls to be considered with a view to minimising exposure pathways, commensurate with increased transmission potential of Covid Delta strain.

**OTOE Transfer Offers Prior to Recruitment** – Members concerns regarding applications opening for RC96 prior to consideration of internal transfer opportunities (OTOE) have been raised with Airservices. A response will be provided by Airservices shortly.

**Administration Officer** - For those who remember, our longstanding Administration Officer Julie Wiggins “retired” in January this year. Fortunately, she has stayed on for 2 days a week (probably more than that at the minute) to assist with the transition in Branch Leadership and office relocation. An advertisement for her position has been published this week.

Regards,

A handwritten signature in black ink, appearing to read 'Wes Garrett', with a long horizontal stroke extending to the right.

Wes Garrett,  
Secretary  
UFUA Aviation Branch