



## BULLETIN

Bulletin No: 002

28 February 2022

TO ALL UFUA MEMBERS

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### **SIGNIFICANT DECISION**

## **Federal Court declares UFUA Queensland Branch has ceased to function effectively**

### **LINK TO DECISION:**

**<https://jmp.sh/9R5o08d>**

In 2020, following numerous attempts on the part of the UFU of A to engage with the UFUA Queensland Branch, the United Firefighters Union of Australia (**UFU of A**) filed Applications to the Federal Court with respect to the UFUA Queensland Branch.

The UFU of A Applications, in part, sought orders to appoint an administrator to **reconstitute the UFUA Queensland Branch**. The UFU of A contended that the **UFUA Queensland Branch had ceased to function effectively as a result of the disenfranchisement of Branch members**.

Following a trial, inclusive of cross-examination of witnesses for both sides, Justice Abraham of the Federal Court of Australia handed down her Decision with respect to the Queensland Branch.

Her Honour declared that the **UFUA Queensland Branch has ceased to function effectively**.

In addition, Her Honour found:

- That the 4 members that sought declarations under s 167 of the Fair Work (RO) Act have been **members of the UFU of A from the date on which they joined.**
- That the UFUA Queensland Branch did not establish any proper basis for why the declaration of member should not reflect that the members **have been members since joining, and that their membership is continuous.**
- That **there was no dispute that the UFUA Queensland Branch has ceased to function effectively** - it was not functioning at all.

Her Honour also described the actions of the UFUQ officers as “**misconduct... in wrongfully disenfranchising approximately 2500 members**”.

Abraham J made the Orders sought under s 323, reflecting the UFU of A’s proposed scheme for the administration of the UFUA Queensland Branch.

An administrator has now been appointed by the Court and their task is to “resuscitate” the Branch.

**This Federal Court decision is a significant one for the UFUA of A and all members.**

The UFU of A **strongly encourages members to read the Decision**, which can be accessed at this link: <https://jmp.sh/9R5o08d>

Further information will be sent to UFU of A members shortly.

*Authorised by National Secretary Peter Marshall*