

Our Ref: (DES/03/0813-1357)

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 20 August 2004, enclosing a petition number 347-04 received by the Queensland Legislative Assembly, lodged by residents of Thursday Island, regarding the dismissal of Auxiliary Captain John Takai by the Queensland Fire and Rescue Service (QFRS).

I note the residents concerns and their desire to see former Auxiliary Captain John Takai reinstated to his position.

On 1 April 2004, the Commissioner QFRS, dismissed seven Auxiliary Fire Protection Officers as a result of their withdrawing fire services from Thursday Island. The dismissals only occurred after a robust disciplinary process that involved the officers being afforded natural justice through a 'show cause' and hearing process.

On 1 and 2 June 2004, the Queensland Industrial Relations Commission (QIRC) conducted a Conciliation Conference at Thursday Island relating to the reinstatement applications lodged by the dismissed Auxiliary Fire Protection Officers, including Auxiliary Captain John Takai.

On Wednesday 2 June 2004, the QIRC Commissioner, Mr Don Brown, handed down a decision, agreed to by the parties, to resolve the reinstatement applications. The key elements of the decision were:

- The decision was made with a broader view of the 'public interest' in mind;
- That 6 of the 7 dismissed Auxiliary Fire Protection Officers be reinstated to their former rank as a full and final settlement of all of their claims;
- The application for reinstatement by Former Captain Takai be withdrawn and the QFRS prepare a confidential settlement agreement between the QFRS and Mr Takai. The settlement agreement would contain a standard 'non-disparagement' clause requiring the parties not to make any negative public announcements or discussion, except as required by law;
- The QIRC decision is binding on the parties immediately; and
- All parties (including Mr Takai) agreed with the decision.

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The outcome of this Conciliation Conference did not include a recommendation that Mr Takai be reinstated to his position with the QFRS. Rather, the agreed outcome was that Mr Takai would remain dismissed and receive a settlement from the QFRS.

The QFRS fully supports the decision of the QIRC in this case that the agreement between Mr Takai and the QFRS is full and final settlement of Mr Takai's reinstatement application.

I trust this information is of assistance and thank you for bringing the concerns of the petitioners to my attention.

Yours sincerely

Hon Chris Cummins MP
Minister for Emergency Services