

NEW SOUTH WALES FIRE BRIGADES

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8 April 2008

Mr Simon Flynn
State Secretary
NSW Fire Brigade Employees' Union
1-7 Belmore Street
SURRY HILLS NSW 2010

Dear Mr Flynn

Re: Traffic infringement notices

I refer to the FBEU's ban on completion of documentation by firefighters relating to red light and speed cameras, and the two matters where firefighters incorrectly received penalty notices at their private addresses, each relating to genuine cases of emergency response.

I wish to point out that whilst the FBEU implemented the ban on 20 March 2008, there had been no contact by the FBEU with the Brigade to either explain the Union's concerns, or to make representations on behalf of its two members, until contact was made by the Brigade with a Senior Industrial Officer of the FBEU last Friday.

In the absence of any FBEU representations or advice, on Friday afternoon 4 April 2008 the Brigade made e-mail contact with the FBEU outlining progress in trying to resolve the issues that we were able to discern from listening to FBEU media statements.

I now wish to advise as follows:

1. Despite the FBEU not providing details of the two members to the Brigade or making representations on their behalf, details were obtained from the newspaper via the Minister's Office. The Penalty Notices were immediately withdrawn by the Debt Recovery Office (DRO) on Friday afternoon in accordance with a long-standing process adopted when such a mistake is made. The Brigade had written to the DRO on 7 March in both cases providing evidence that they were each related to emergency response. An administrative error resulted in Penalty Notices being sent to the firefighters, and the DRO has apologised for any inconvenience caused.

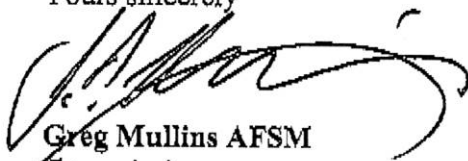
2. When the Union's concerns were able to be identified, I initiated discussions at a high level with other agencies. The outcome is that, effective immediately, Penalty Notices related to genuine cases of emergency response that are able to be readily identified by reference to the FireCAD and / or AIRS databases will in future be dealt with in Head Office, and *the names of drivers will no longer be identified.*

Of course, in accordance with long-standing procedure, where a traffic infringement is identified by a speed or red light camera that is not related to emergency response, the necessary Statutory Declaration and address details will need to be provided.

All of the matters raised were able to be rapidly and easily addressed once the specific concerns were identified. I suggest that in future adoption of a more consultative approach by the FBEU will be more likely to lead to resolution of issues. Please feel free to contact the Brigade should you have any outstanding concerns relating to this matter, or matters concerning members for whom you wish to make representations.

Attached is a copy of an In Order that will be published this Friday, 11 April. Accordingly it is requested that you lift the bans imposed on 20 March, which are no longer relevant.

Yours sincerely



Greg Mullins AFSM
Commissioner

Cc: Mr Chris Windsor. President, FBEU

DRAFT IN ORDER

Penalty notices for driving offences

This instruction rescinds In Orders 1998/6, *Corporate penalty notices for driving offences*.

If a NSWFB vehicle is recorded by a speed, traffic light or other camera as breaking a road rule, the State Debt Recovery Office sends the NSWFB a penalty notice.

The following procedure ensures that the NSWFB complies with the law concerning penalty notices.

1. The State Debt Recovery Office sends all penalty notices to the NSWFB's Head Office, where they are dealt with by the Senior Legal Officer.
2. On receiving a penalty notice, the Senior Legal Officer will:
 - get information from the Fleet Unit on where the vehicle was attached at the time it was photographed, and
 - check FireCAD and/or AIRS to see if the vehicle was responding to an emergency call.
3. If the databases show the vehicle was responding to an emergency call, the Senior Legal Officer will return the penalty notice to the State Debt Recovery Office stating this was the case. The name of the driver is not required in these circumstances.
4. If the databases do not show that the vehicle was responding to an emergency call, the Senior Legal Officer will send the penalty notice to the appropriate Zone Commander or Manager.
5. The Zone Commander or Manager will contact the driver and determine whether or not the vehicle was responding to an emergency call.
6. If the vehicle was responding to an emergency call, the Zone Commander or Manager will advise the Senior Legal Officer and provide documentary proof. This information will then be sent to the State Debt Recovery Office, as in (3).
7. If the vehicle was not responding to an emergency call, the Zone Commander or Manager must complete the Statutory Declaration on the back of the penalty notice, sign it before a Justice of the Peace, and return it to the Senior Legal Officer within 14 days. The Senior Legal Officer will send the penalty notice to the State Debt Recovery Office which will then issue a new penalty notice to the driver who must accept personal responsibility for the penalty notice.
8. If you receive a personal penalty notice in relation to an incident where the State Debt Recovery Office has been notified that the vehicle was responding to an emergency call, contact the Senior Legal Officer as soon as possible, so that the penalty notice can be cancelled.