

**FILED**

14 SEP 2012

Form 1 A
Application for Making of an Award

OFFICE OF THE INDUSTRIAL
REGISTRAR

BEFORE THE INDUSTRIAL RELATIONS COMMISSION
OF NEW SOUTH WALES

No. IRC 981 of 2012

APPLICATION
For Making of an Award

Filed by:
Fire Brigade Employees'
Union of NSW

Contact name:
George Maniatis

Address:
1 - 7 Belmore Street
Surry Hills NSW 2010

Telephone: 9218 3444
Facsimile: 9218 3488

A. This application is made for the making of the Crown Employees (NSW Fire and Rescue NSW Firefighting Staff Consolidated Conditions) Award 2012.

B. Under: Section 11 of the Industrial Relations Act 1996.

C. In the terms set out in Schedule A.

D. Awards affected: Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011 and Crown Employees (Fire and Rescue NSW Retained Firefighting Staff) Award 2011.

E. Grounds and reasons:

1. This application seeks to make an award pursuant to Section 11 of the Industrial Relations Act 1996;
2. It would not be contrary to the public interest to grant this application;
3. The application is consistent with current State Wage principles;
4. Any other ground as the Commission deems fit and proper.

F. Particulars:

1. The intention of this Award is to consolidate and regulate by way of an Award the industrial policies, procedures or arrangements set out within Part B that were hitherto given effect to by Regulation, Departmental Standing Orders, correspondence between the parties and/or in settlement of previous matters before the Commission.

G. Applicant:

Fire Brigade Employees' Union of NSW.

Capacity in which applicant applies:
Industrial Organisation of employees

Address:
1 - 7 Belmore Street
Surry Hills, NSW 2010

Address for service:
As above

H. Respondents:

Fire and Rescue NSW Level 10
227 Elizabeth Street
SYDNEY NSW 2000

State Secretary
Dated: 13 September 2012

Form 1A continued

TO THE RESPONDENT(S):

Fire and Rescue NSW Level 10
227 Elizabeth Street
SYDNEY NSW 2000

IMPORTANT NOTICE:

(1) The respondent is *(and/or, in an award application or where appropriate, or any other person interested in or affected who desires to take part in the proceeding are)* required, under the Rules of the Industrial Relations Commission, to file a notice of appearance at the Industrial Registry *(address and telephone number)* within 7 days of service of this notice *(or as the case may be)* on you.

(2) If you do not enter an appearance, or if there is no attendance by you or your counsel, solicitor or agent at the time and place specified in this notice or as notified to you subsequently, the proceedings may be heard in your absence and an order may be made against you.

(3) Unless the time, place and date of hearing are endorsed on this application, the parties will be subsequently advised of the date time and place when the Commission will hear this application. Any enquiries should be made to the Industrial Relations Commission List Clerk, telephone *(number)*.

(where the time for service has been abridged, add

The time before which this notice *(or as the case may be)* is to be served has been abridged by the Commission to 5.00 pm on (date).

(Add, where necessary, form of Appointment for Hearing)

**CROWN EMPLOYEES (FIRE AND RESCUE NSW FIREFIGHTING STAFF CONSOLIDATED
CONDITIONS) AWARD 2012**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by the Fire Brigade Employees' Union of New South Wales

IRC Matter No. of 2012

Before the Commission

Award

PART A

1. Introduction

- 1.1 This Award shall be known as the "Crown Employees (Fire and Rescue NSW Firefighting Staff Consolidated Conditions) Award 2012".
- 1.2 The intention of this Award is to consolidate and regulate by way of an Award the industrial policies, procedures or arrangements set out within Part B that were hitherto given effect to by Regulation, Departmental Standing Orders, correspondence between the parties and/or in settlement of previous matters before the Commission and the policies, procedures or arrangements set out within Part B shall apply to all permanent firefighters, or all retained firefighters, or to all firefighting employees as the case may be.
- 1.3 This Award is in two parts as follows:-

Part A – Introduction, Index and Definitions

Part B – Consolidated Conditions

2. Index

1. Introduction
2. Index
3. Definitions
4. Personnel
5. Hours of work and Leave
6. Training
7. Protective Clothing and Uniforms
8. Travelling Compensation
9. Station Amenities
10. Occupational Health and Safety
11. Conduct and Discipline Provisions
12. Miscellaneous
13. Disputes Avoidance Procedure
14. Anti Discrimination
15. Area, Incidence and Duration

3. Definitions

“Department” means Fire and Rescue NSW, established as a Department of the Government under the Fire Brigades Act 1989 and a Division of the Department of Attorney General and Justice under the Public Sector Employment and Management Act 2002.

“Permanent Firefighter” means a person, other than an employee covered by the *Crown Employees (Fire and Rescue NSW Retained Firefighting Staff) Award 2011*, employed in one of the classifications covered by the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011*, as a member of Fire and Rescue NSW in terms of the provisions of the *Fire Brigades Act 1989*.

“Permanent Firefighting Staff Award” means the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011*.

“Retained Firefighter” means a person classified by the Department as a Retained Firefighter and appointed as a Volunteer Firefighter pursuant to the provisions of the *Fire Brigades Act 1989*.

“Retained Firefighting Staff Award” means the *Crown Employees (Fire and Rescue NSW Retained Firefighting Staff) Award 2011*.

“Standing Orders” means *Fire and Rescue NSW Standing Orders 2011, Version 18.11* as published 16 November 2011.

“Union” means the Fire Brigade Employees’ Union of New South Wales.

PART B

4. Personnel

- 4.1 “Rank Structure” as set out at page 291 of Standing Orders.
- 4.2 “Guidelines for the allocation of unfilled Country Station Officer and Inspector positions” as set at page 313 of Standing Orders.
- 4.3 “Re-appointment to Fire and Rescue NSW” as set out at page 316 of Standing Orders.
- 4.4 “Procedures for appointments to Regional Communication Centres” as set out at page 315 of Standing Orders.
- 4.5 “Response of specialist appliances crewed by two firefighters” as set out at page 3 of Standing Orders.
- 4.6 “Operational Staffing of aerial appliances” as set out at page 381 of Standing Orders.
- 4.7 “Retention of selection committee documents” as set out at page 317 of Standing Orders.
- 4.8 “Recalling country Station Officers to duty” as set out at page 11 of Standing Orders.
- 4.9 “Guidelines for prioritising the allocation of relieving staff” as set out at page 385 of Standing Orders.

- 4.10 "Relieving outside a Fire District" as set out at page 386 of Standing Orders.
- 4.11 "Station Work Routine Guidelines" as set out at page 547 of Standing Orders.
- 4.12 "Honorary Captains and Deputy Captains" as set out at page 293 of Standing Orders.
- 4.13 "Variations to staffing of retained brigades" as set out at page 294 of Standing Orders.
- 4.14 "Captains and Deputy Captains in fire stations where the standard roster operates and the station has two or more appliances" as set out at page 298 of Standing Orders.
- 4.15 "Retained firefighter response coverage and crewing levels" as set out at page 299 of Standing Orders.
- 4.16 "Firefighters Assisting at incidents while off duty" as set out at page 21 of Standing Orders.
- 4.17 "Staffing of water tankers" as set out at page 302 of Standing Orders.
- 4.18 "Medical examination" as set out at page 305 of Standing Orders.
- 4.19 "Retained authorised duties" as set out at page 525 of Standing Orders.
- 4.20
 - 4.20.1 The parties agree that it is beneficial to have a component of personnel within the Department's operational establishment to relieve staff on various forms of leave. Subject to subclause 4.20.2, the parties further agree that the relieving staff numbers shall be determined by the number of staff in a given fire district and each reliever will be attached to one of the platoons worked in that fire district and shall relieve on that platoon only.
 - 4.20.2 It is accepted by both parties that relieving staff attached to fire stations in the GSA, Newcastle, Wollongong and the Central Coast (unless agreed otherwise) will work in accordance with the pattern of relieving as outlined in subclause 4.20.1 and that the patterns in subclause 4.20.1 constitute normal relieving arrangements.
 - 4.20.3 In the context of subclauses 4.20.1 and 4.20.2, the parties jointly acknowledge that in the exceptional circumstances of nominated specialised work locations (eg. Operational Communications) and country centres it may be necessary to make provision for relieving arrangements outside of those normally contemplated in subclauses 4.20.1 and 4.20.2. In such special circumstances the parties agree that designated relievers may be required to work on more than one platoon for relieving purposes. Relieving personnel working across two platoons will be identified as J Relievers and relieving personnel working across four platoons will be identified as Z relievers.
 - 4.20.4 The table at Annexure A represents the extent of the J & Z relieving personnel within Fire and Rescue NSW and shall not be varied or added to without the agreement of both parties.
 - 4.20.5 J/Z relieving staff will be provided with notice of future working patterns by way of a roster scheduled at least 64 weeks in advance. Such staff will be rostered to work on one platoon for a minimum period of 28 days prior to changing platoons under the roster. The roster will specify both the platoon and location to which the employee will be assigned.

- 4.20.6 Departures may be made from the roster provided at subclause 4.20.5, giving 8 days notice, when arrangements need to be made to cover unexpected changes to annual leave and long service leave arrangements at the stations specified as being covered for each position in Annexure A. Under such circumstances, the minimum period that such relievers can serve on any one platoon is 8 days.
- 4.20.7 Where a firefighter on a J/Z relieving roster is required to depart from their roster (ie. work at a different location or on a different platoon to that indicated in the roster for that employee), he/she shall be paid a 25% loading on the relieving allowance prescribed in the *Crown Employees' (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011* for the period of the departure from that roster.
- 4.21 In the event that insufficient applications are received from permanent firefighters for any permanent firefighter position within the Regional Operations Directorate, permanent employment will be offered in the first instance to retained firefighters employed within the Fire District of the station in question. Provided that any retained firefighter in this situation will be required to fulfill all of the existing requirements for entry in to the permanent fire brigades, and to undertake the Department's permanent recruitment training in order to gain permanent firefighter employment at that station.
- 4.22
- 4.22.1 Subject to subclauses 4.22.2, 4.22.3 and 4.22.4, the Department shall take all steps necessary to ensure that there is a safe and effective minimum crew of not less than four permanent firefighters present and available at all times at each fire station for which a roster is in operation pursuant Clause 8 of the Permanent Firefighting Staff Award and, to avoid doubt, for each pumper located at City of Sydney Fire Station.
- 4.22.2 The Department shall take all steps necessary to ensure that there is a crew of not less than two additional and suitably qualified permanent firefighters present and available at all times for the CO2 appliance located at Pyrmont Fire Station and for each specialist appliance located at each fire station for which a qualification allowance is payable pursuant to subclause 6.6.3, 6.6.5 and 6.6.11 of the Permanent Firefighting Staff Award.
- 4.22.3 In the event that sufficient permanent firefighters cannot be raised through the use of relievers, out duties or the recall of permanent firefighters on overtime pursuant to subclause 4.9, the Department shall then take all steps necessary to ensure that the required minimum staffing is maintained as soon as possible through the use of retained firefighters on stand by pursuant to subclause 6.7 of the Retained Firefighting Staff Award.
- 4.22.4 The minimum permanent staffing requirements of subclause 4.22.1 shall not apply at fire stations with only a single Country Station Officer attached.
- 4.23 The Department shall activate the pagers or otherwise notify each and every retained firefighter who is attached to a fire brigade which is required to respond to an incident, whereupon such firefighters shall be entitled to payment pursuant to subclause 6.5 of the Retained Firefighting Staff Award.
- 4.24 To avoid doubt, a retained firefighter who attends more than one call within a one hour period shall, provided that they have already signed off in the station's occurrence book for the previous call, be entitled to a minimum payment of one hour for each such call pursuant to subclause 6.5.2.1 of the Retained Firefighting Staff Award.

- 4.25 To avoid doubt, the reference made to consultation and decisions regarding Clause 6 (Rates of Pay and Allowances) shall include decisions to alter the response protocols for any fire brigade with retained firefighters attached, which will be subject to the consultation, notification and determination procedures of Clause 27 of the Retained Firefighting Staff Award.

5. Hours of work and Leave

Hours of Work

- 5.1 "Job share arrangements for permanent firefighters" as set out on page 375 of Standing Orders.
- 5.2 "Part Time roster" as set out on page 375 of Standing Orders.
- 5.3 "Change of shift procedure" as set out on page 376 of Standing Orders.

Annual and Long Service Leave

- 5.4 "Permanent firefighters converting annual leave to consolidated leave" as set out on page 331 of Standing Orders, provided that point 8 "Trial period" set out therein shall have no effect.
- 5.5 "Recredit of annual and long service leave when sick" as set out at page 351 of Standing Orders.
- 5.6 "Recognition of retained service" as set out at page 354 of Standing Orders.
- 5.7 "Remote area recreation leave traveling allowance" as set out at page 537 of Standing Orders.
- 5.8 "Calculation of long service leave" as set out at page 352 of Standing Orders.
- 5.9 "Peak holiday periods and special events" as set out on page 353 of Standing Orders.
- 5.10 "Allocation of Recruit Firefighters' annual leave groups" as set out at page 331 of Standing Orders.

Sick Leave/Personal Carers Leave

- 5.11 "Reporting absence from duty" as set out at page 328 of Standing Orders.
- 5.12 "Dental certificates" as set out at page 350 of Standing Orders.
- 5.13 "Suitable duties for Permanent Firefighters" as set out at page 225 of Standing Orders.
- 5.14 "Personal/carer's leave" as set out at page 358 of Standing Orders.

Consolidated Leave and Part change of Shift

- 5.15 "Arrangements for full or part change of shift" as set out at page 379 of Standing Orders.
- 5.16 "Leave without pay" as set out at page 368 of Standing Orders.
- 5.17 "Consolidated leave" as set out at page 356 of Standing Orders, provided that the section headed "Accumulation" set out therein shall have no effect.

Other

- 5.18 "Leave for bone marrow donations" as set out at page 351 of Standing Orders.
- 5.19 "Union leave" as set out at page 369 of Standing Orders.
- 5.20 "Parental leave" as set out at page 358 of Standing Orders.
- 5.21 "Military leave for permanent firefighters" as set out at page 366 of Standing Orders.
- 5.22 "Councillor's leave" as set out at page 367 of Standing Orders.
- 5.23 "Jury duty" as set out at page 362 of Standing Orders.
- 5.24
 - 5.24.1 If a 38 hours leave credit is generated as a result of permanent firefighter changing annual leave groups, the permanent firefighter will be credited with a corresponding amount of consolidated leave; and
 - 5.24.2 If a 38 hours leave deficit is generated as a result of a permanent firefighter changing annual leave groups, and that change was not at the permanent firefighter's request, then the deficit will be written off and therefore worn by the Department.
- 5.25 The Department shall not debit a firefighter's leave balances in the event of an error which occurred more than six years prior to the date of identification of that error.

6. Training, Progression and Promotion

- 6.1 The provisions set out within this Clause shall have effect unless otherwise amended by the Training Review Committee pursuant to Clauses 13 and 35 of the Permanent Firefighting Staff Award or Clauses 24 and 27 of the Retained Firefighting Staff Award.
- 6.2 "Public Safety Training Package units of competency on Recruit Program" as set out at page 474 of Standing Orders, provided that the units of competency 'PUATEAA002B Work Autonomously' and 'PUACOM001C Communicate in the workplace' shall instead be delivered on the Firefighter Level 1 to Qualified Firefighter Training Program.
- 6.3 "Progression from Qualified Firefighter to Senior Firefighter" as set out at page 477 of Standing Orders.
- 6.4 "Arrangements for progression from Senior Firefighter to the rank of Station Officer" as set out at page 479 of Standing Orders.
- 6.5 "Changes to training and assessment program for Recruit to Qualified Firefighter as set out at page 469 of Standing Orders, provided that in order to satisfy the requirements for progression and promotion from:
 - 6.5.1 Firefighter Level 1 to Firefighter Level 2, firefighters are required to complete the following units of competency and training delivered by the Department:

- PUAFIR302B Suppress Urban Fire (Test and inspect equipment)
 - PUALAW001A Protect and Preserve Incident Scene
 - PUATEA004C Work effectively in a public safety organisation
 - Driver training (Six months and 35 hours of driving)
- 6.5.2 Firefighter Level 2 to Qualified Firefighter, firefighters are required to complete the following units of competency and training delivered by the Department:
- PUACOM005A Foster a positive organisation image in the community
 - PUAFIR303A Suppress wildfire
 - PUAFIR302B Suppress Urban Fire (Ventilation)
 - PUAFIR302B Suppress Urban Fire (Salvage and Overhaul)
 - PUAFIR302B Suppress Urban Fire (Fire Suppression 2)
 - PUATEAA002B Work Autonomously
 - PUACOM001C Communicate in the workplace
- 6.6 "Training logbooks" as set out at page 463 of Standing Orders.
- 6.7 "Fire and Rescue NSW Public Safety Training Package Phase 1 – equivalence" as set out at page 475 of Standing Orders.
- 6.8 "Retained Firefighters Certificate II fees" as set out at page 466 of Standing Orders.
- 6.9 "Recruit Retained Firefighter Program" as set out at page 467 of Standing Orders.
- 6.10 "Driver's licence entry requirements" as set out at page 496 of Standing Orders.
- 6.11 "RTA licence upgrades" as set out at page 496 of Standing Orders.
- 6.12 "Qualifications for operating Fire and Rescue NSW appliances" as set out at page 499 of Standing Orders.
- 6.13 "Aerial appliance training" as set out at page 501 of Standing Orders.
- 6.14 "Assessment of operators of aerial appliances with platforms" as set out at page 501 of Standing Orders.
- 6.15 "Aerial appliances - roster eligibility" as set out at pages 502 of Standing Orders.
- 6.16 "Relinquishing aerial appliance qualifications" as set out at page 504 of Standing Orders.
- 6.17 "Water tanker, composite and rural pumper driver training" as set out at page 504 of Standing Orders.
- 6.18 "Basic life support training" as set out at page 505 of Standing Orders.
- 6.19 "Make up drills" as set out at page 510 of Standing Orders.
- 6.20 The Department shall reimburse OTEN fees for external courses required for progression and promotion that have been undertaken on and from 5 February 2009, in accordance with the following:
- 6.20.1 The Department will meet the cost of any external course fees required for promotion for a

period not exceeding 24 months from the date of enrolment.

- 6.20.2 Firefighters who do not attain the competencies required for promotion within that 24 months, but who still seek promotion, will be required to re-enrol directly with the external course provider (ie, OTEN) and to pay any enrolment and/or course fees up front and directly to that external course provider.
- 6.20.3 Firefighters who self-enrol and who subsequently attain the competencies required for promotion will be reimbursed by the Department to an amount equivalent to the cost of the most recent enrolment and/or course fees incurred by them. To avoid doubt, the Department shall not reimburse firefighters for more than one self-enrolment period, except in cases where the Commissioner is satisfied that the cost of self-enrolment would cause a firefighter undue financial hardship or would not be appropriate given the firefighter's circumstance during a previous enrolment period (for example illness, carer's responsibilities or other such circumstances judged to be beyond the firefighter's control).
- 6.20.4 The Department will provide on going support to firefighters enrolled in external courses by advising them in writing of their progress throughout the enrolment period at each six-month interval, and offering the firefighter any reasonable assistance that may be requested.
- 6.21 Training for rescue and hazmat qualifications (both skills acquisition and maintenance) shall be conducted on-shift, provided that there shall be no reduction in the number of Rescue and Hazmat Operational Support instructor positions as a result of the introduction of on-shift and/or unit trainers within these areas.
- 6.22 Urban Search and Rescue Training (only) may be delivered by 'casual' instructors, who will be paid at the Operational Support Level 2 rate of pay while performing USAR instructor duties and at their substantive rank's rate of pay (plus applicable allowances) at all other times.

7. Protective Clothing and Uniforms

- 7.1 "Laundering" as set out at page 739 of Standing Orders
- 7.2 "Bushfire/safety goggles" as set out at page 737 of Standing Orders.
- 7.3 "Multi purpose helmets" as set out at page 735 of Standing Orders.
- 7.4 "Initial issue of uniform and protective clothing" as set out at page 720 of Standing Orders.
- 7.5 "Replacement of uniforms and protective clothing" as set out at page 723 of Standing Orders.
- 7.6 "Rain coats" as set out at page 734 of Standing Orders.
- 7.7 "Winter jackets" as set out at page 733 of Standing Orders.
- 7.8 "Maternity uniform" as set out at page 727 of Standing Orders.
- 7.9 "Laundering structural firefighting uniform" as set out at page 88 of Standing Orders.
- 7.10 "Sunglasses" as set out at page 191 of Standing Orders.

8. Travel and Travelling Compensation

- 8.1 "Private use of vehicles" as set out at page 701 of Standing Orders.
- 8.2 "Travelling entitlements while on rehabilitation" as set out at page 542 of Standing Orders.
- 8.3 "Travel cash advances" as set out at page 535 of Standing Orders.
- 8.4 "Claims forms for travelling, meal and motor vehicle allowances" as set out at page 535 of Standing Orders.
- 8.5 "Remote area recreation leave travelling allowance" as set out at page 537 of Standing Orders.

9. Station Amenities

- 9.1 "Station Redevelopments" as set out at page 567 of Standing Orders.
- 9.2 "Sanitary bins" as set out at page 833 of Standing Orders.
- 9.3 "Duty to consult" as set out at page 565 of Standing Orders.
- 9.4 "Contractors on site" as set out at page 568 and page 570 of Standing Orders.
- 9.5 "Portable toilet facilities" as set out at page 137 of Standing Orders.
- 9.6 "Parking private vehicles on Fire and Rescue NSW premises" as set out at page 562 of Standing Orders.

10. Occupational Health and Safety and Fitness

- 10.1 "Health and fitness programs policy" as set out at page 205 of Standing Orders.
- 10.2 "Debriefing" as set out at page 140 of Standing Orders.
- 10.3 "OHS consultation arrangements for firefighters" as set out at page 153 of Standing Orders.
- 10.4 "Rest breaks for staff using keyboards" as set out at page 191 of Standing Orders.
- 10.5 "Gymnasium facilities" as set out at page 210 of Standing Orders.
- 10.6 "Touch football and jogging programs" as set out at page 206 of Standing Orders.
- 10.7 "Sporting events" as at page 215 of Standing Orders.
- 10.8 "Supplementary benefits for retained firefighters" as set out at page 222 of Standing Orders.
- 10.9 "Employee Assistance Program" as set out at page 228 of Standing Orders.
- 10.10 "Maternity Management protocol" as set out at page 372 of Standing Orders.
- 10.11 "Preventing and managing workplace bullying" as at page 417 of Standing Orders.

- 10.12 "Occupational Health and Safety Training" as set out at page 507 of Standing Orders.

11. Conduct and Discipline

- 11.1 "Complaints alleging misconduct, breach of duty or corrupt conduct by firefighters or officers" as set out at page 426 of Standing Orders.
- 11.2 "Remedial action policy" as set out at page 456 of Standing Orders.
- 11.3 "Guidelines for disciplinary interviews" as set out at page 457 of Standing Orders.
- 11.4 "Suspension of firefighters" as set out at page 458 of Standing Orders.
- 11.5 "Guidelines on exercising powers of suspension" as set out at page 458 of Standing Orders.
- 11.6 "Penalty notices for driving offences" as set out at page 51 of Standing Orders.
- 11.7 "Parking Infringement Notices" as set out at page 52 of Standing Orders.
- 11.8 Regulation 12 of Part 2 – Appointments and conditions of service of the Fire Brigades Regulations 2008 as at 1 September 2012, provided that the Commissioner shall only terminate a firefighter's appointment as a firefighter on the grounds that the firefighter is no longer a suitable person to exercise the functions of a firefighter in exceptional circumstances and only where it is not practicable to have recourse to the usual disciplinary processes available under Part 4 of the Regulation. Examples of these exceptional circumstances include -- abandonment of employment, incarceration for a serious offence (whether on remand or otherwise).
- 11.9 Part 4 – Disciplinary Provisions of the Fire Brigades Regulations 2008 as at 1 September 2012.

12. Miscellaneous

- 12.1 "Community Language Allowance Scheme" as set out at page 581 of Standing Orders.
- 12.2 "Home telephone subsidies" as set out at page 823.
- 12.3 "Retained firefighters' family members who answer telephones" as set out at page 545.
- 12.4 "The reimbursement of Roads and Maritime Services knowledge test and licence upgrade fees" as set out at page 496 of Standing Orders.
- 12.5 "Wearing medals and ribands" as set out at page 429 of Standing Orders.
- 12.6 "Policy and procedure for use of videos collected at incidents" as set out at page 664 of Standing Orders.
- 12.7 "Insurance" as set out at page 544 of Standing Orders.
- 12.8 "Policy and procedure for the use of video recordings collected at incidents and the Overt video surveillance" as set out at page 664 of Standing Orders.

- 12.9 "Jury Duty" as set out at page 362 of Standing Orders.
- 12.10 "Observing religious duties and days of religious significance" as at page 364 of Standing Orders.
- 12.11 "Special leave for NSWFB band members" as at page 365 of Standing Orders.
- 12.12 "Employee Housing Manual" as at page 374 of Standing Orders and the associated Employee Housing Manual published May 2000.
- 12.13 "Transfer review guidelines - permanent firefighters" as set out at page 323 of Standing Orders.
- 12.14
 - 12.14.1 Employees of the Department shall be granted leave of absence without pay during any period that such employees are selected, by election or appointment, to hold a position of full time employment with the Union. Upon vacating their full time position with the Union, such employees shall resume duty with the Department at the rank held, and within the Fire District to which they had been permanently attached, prior to the commencement of leave of absence.
 - 12.14.2 Subject to the provisions of subclauses 12.14.4 and 12.14.5, the period of any leave of absence shall be treated as if there was no break in continuity of employment with the Department.
 - 12.14.3 During any period of leave of absence of an employee who is a member of the State Superannuation Fund or State Authorities Superannuation Fund, the Department shall pay all contributions, from both the employee and the Department, to such Fund and the Union shall reimburse the Department in respect of all such payments.
 - 12.14.4 Subject to long service leave under subclause 12.14.5, all leave due to an employee by the Department shall not accrue or be paid during any period of leave of absence provided that upon the expiry of such leave of absence the employee shall be credited with the annual leave period accumulated by the employee immediately prior to the commencement of the said leave of absence.
 - 12.14.5 During the period of absence, long service leave will continue to accrue as though there was no break in continuity of employment with the Department, and on the return, retirement or death of the employee, the Union will pay to the Department all long service leave accrued during the period of employment with the Union, and the Department will be responsible for payment to the employee of all long service leave.
 - 12.14.6 An employee who proceeds on leave of absence pursuant to this subclause may resume duty with the Department for one annual leave group period within each 12 month leave of absence period. The provisions of subclauses 12.14.3, 12.14.4 and 12.14.5 shall not apply during these periods of resumed duty, the timing of which shall be agreed between the Department and the Union, and during which the Department shall resume responsibility for all entitlements.

13. Disputes Avoidance Procedures

- 13.1 Subject to subclause 13.2, if an issue gives rise to a dispute it shall be dealt with in accordance with the Dispute Avoidance Procedures in Clause 35 of the Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011.
- 13.2 In the event of any inconsistency between the provisions of this Award and the Permanent Firefighting Staff Award or the Retained Firefighting Staff Award, the latter Awards shall prevail.

14. Anti-Discrimination

- 14.1 It is the intention of the parties bound by this Award to seek to achieve the object in section 3(f) of the Industrial Relations Act 1996 to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.
- 14.2 It follows that in fulfilling their obligations under clause 15 of this Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this Award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfillment of these obligations for the parties to make an application to vary any provision of this Award, which by its terms or operation, has direct or indirect discriminatory effect.
- 14.3 Under the Anti-Discrimination Act 1977, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- 14.4 Nothing in this clause is taken to affect any conduct or act which is specifically exempted from anti-discrimination legislation; offering or providing junior rates of pay to persons under 21 years of age; any act or practice of a body established to propagate religion which is exempted under section 56(d) of the Anti-Discrimination Act 1977; and/or a party to this Award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- 14.5 This clause does not create legal rights or obligations in addition to those imposed upon the parties by legislation referred to in this clause.

15. Area, Incidence and Duration

- 15.1 This Award shall be binding upon the Union and the Department.
- 15.2 This Award shall apply to all permanent firefighters and retained firefighters, as defined in Clause 3, Definitions, of this Award and shall take effect on and from 12 September 2012 and shall remain in force until 11 September 2015.

Locations of J and Z Relievers

Stn	Relieving Stations	Base Station	Rank
NORTH REGION		CURRENT POSITIONS	
760	North 3 & 7		1 x Insp Z Reliever
373	East Maitland*	373	1 x Station Officer Z Reliever
254	Cessnock		
374	Maitland		
373	East Maitland	373	2 x FF J Relievers
424	Port Macquarie	424	2 x FF J Reliever
468	Tweed Heads	468	1 x SO Z Reliever
362	Lismore		
316	Goonellabah		
468	Tweed Heads	468	2 x FF J Relievers
362	Lismore	362	1 x FF J Reliever
292	Doyalson	292	1 x FF J Reliever
341	Kariong	341	1 x FF J Reliever 1 x SO J Reliever
SOUTH REGION			
	South 3, 5 & 7	503	1 x Insp Z Reliever
472	Turvey Park	472	1 x SO Z Reliever
203	Albury Central		
405	Nowra	405	1 x FF J Reliever
428	Queanbeyan	428	1 x FF J Reliever
WEST REGION			
216	Bathurst	216	1 x FF J Reliever
343	Katoomba	343	1 x SO Z Reliever

Locations of J and Z Relievers

Stn	Relieving Stations	Base Station	Rank
NORTH REGION		CURRENT POSITIONS	
343	Katoomba	343	2 x FF J Reliever
280	Dubbo	280	1 x SO Z Reliever
280	Dubbo	343	2 x FF J Relievers
412	Orange	412	1 x SO Z Reliever
412	Orange	412	2 x FF J Relievers
452 205 302 331 381	Tamworth Armidale Glen Innes Inverell Moree (Addition)	452	1 x SO J Reliever
452	Tamworth	452	1 x FF J Reliever
238	Broken Hill	238	2 x FF J Reliever
OPERATIONAL SUPPORT			
859	FIRU	859	Level 3 x 1 Z Reliever
801	Comms - Alexandria	801, MOC, MFCO	2 x Insp J Relievers
802	Comms - Katoomba	802 and GSA	1 x SO Z Reliever
803	Comms - Newcastle	803	1 x SO Z Reliever
805	Comms - Wollongong	805	1 x SO Z Reliever
805	Comms - Wollongong	805	1 x FF Z Reliever