



11 July 2013

Mr Greg Mullins AFSM
Commissioner
Fire and Rescue NSW
PO Box A249
SYDNEY SOUTH NSW 1232

Dear Mr Mullins,

Re: Inspectors Promotion Program

I write in response to your letter of 4 July regarding the Inspectors' Promotion Program (IPP), noting and sharing your view that our meeting on 1 July was productive. While progress was made, we had insufficient time to explore all of the issues and I as such I believe that further direct discussions should prove equally fruitful.

Unfortunately, however, your letter was conspicuous in its failure to acknowledge my letter of 24 June, let alone respond to the numerous concerns and counter-proposals detailed therein. I do not propose to repeat those concerns and proposals again here, but it is difficult to see how you could reasonably conclude that the consultation process has now been exhausted.

The Union offered seven (non-exhaustive) points of concern in my letter of 24 June. The Department partly addressed some, but by no means all of those points in your letter of 4 July. And in the instances where those concerns were commented upon, the response was in most instances so light on detail as to raise as many questions as they answered.

For but one example, you wrote *"following sign-off on the selection panel's report by the Deputies, applicants will have a defined period following receipt of their feedback to request a review. This review will be undertaken by a two-person panel comprising the Commissioner FRNSW and a high level external person from a comparable agency within the Attorney General cluster."*

Why do the "Deputies" (presumably the Deputy Commissioner and Deputy Chief Executive) need to "sign-off" on the panel's decision/report, and under what (if any) circumstances might they decline to do so? How long is the feedback for unsuccessful candidates expected to take, how long will this be available to them and what, therefore, is the "defined period" expected to be? Will the review be able to overturn the decision of the panel and Deputies (ie, a genuine appeal), or will it simply be another feedback step? And consistent with our previously stated concern at point 4 of my letter of 24 June, how do you reconcile this internal review with your previous reassurances of there being an external and independent appeals process available to dissatisfied applicants?

Perhaps all of these issues can be readily answered, but until they are answered and further, either agreement or a genuine impasse is reached, it cannot be said that consultation has been exhausted. And this is of course only one point of many. As His Honour Justice Haylen recently observed in another matter before the Commission, consultation means much more than simply serving your position on the other party as a "take it or leave it" proposition. For its part, the

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Union cannot reach a final position without a sufficiently detailed response from the Department to each of our concerns.

Your letter of 4 July asserts that postponement of the IPP Pre-Entry Test to 2014 "would create significant practical difficulties and cost impacts". This is not accepted nor, it follows, is your subsequent claim as to "the pressing need to proceed" as a "given". Indeed, both assertions are expressly refuted as an attempt to create the impression for the IRC of an immediate staffing crisis when in reality none exists.

Firstly, the Department's recent failure to observe the long-standing industrial agreement for the replacement of Country Station Officers for known absences in excess of three days is projected to save management in excess of \$300,00 per annum. Ignoring for the moment the Union's continued opposition to the abrogation of a standing agreement, it is difficult to take your claim of possible "cost impacts" seriously.

Secondly, the recent increase in regional Inspector positions is just that – ie, recent – and the Union would be prepared to accept the deferred introduction of what are effectively new positions for a further 12 months if it is indeed necessary in order to avoid additional cost. Similarly, the Union also suggests that the five additional 10/14 Metropolitan Duty Commander (Inspector) positions which your letter of 15 June 2012 advised were both funded and due to be established at the conclusion of the 2013 IPP could and should now be deferred until 2014.

Thirdly, there remain other possible solutions, including the temporary redistribution of existing regional Inspectors to fill any existing vacancies and the use of Station Officers from the last Pre-Entry Test, which are yet to be properly explored by the parties.

As welcome as they were, I also question your assertion that the revised positions advised in your letter of 4 July constitute "significant changes", or that there has been "accommodation of the bulk of issues raised by the FBEU".

Clearly, there remains much to be answered and settled, not least the "first principle" issue of additional remuneration that was cited in my letter of 23 May 2013, and which remains unanswered.

I look forward to further direct negotiations on what is clearly agreed to be an issue of significant importance to both parties.

Yours sincerely,

A handwritten signature in cursive script that reads "J Casey".

Jim Casey
State Secretary