



10 October 2013

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

Dear Mr Mullins,

I write in response to your letter of yesterday concerning the SITREP 38/2013 item titled "Meal and Travel allowances increased from 1 July – update #2".

It is true that the meal and refreshment allowances under Clause 10 of the Permanent Award and Clause 8 of the Retained Award *"shall be re-calculated, and shall take effect from the same date, as any adjustments made to the overtime meal allowances for breakfast, lunch and dinner allowances in the Crown Employees (Public Service Conditions of Employment) Award"*.

It is also true that the Crown Employees (Public Service Conditions of Employment) Award provides at subclause 52.1.1 that the subject allowances *"will be determined at a level consistent with the reasonable allowances amounts for the appropriate income year as published by the Australian Taxation Office (ATO)"*.

The ATO's Taxation Determination TD 2013/16 circular was published 3 July 2013. It took Treasury until 25 September to issue Treasury Circular TC 13/07 and it will apparently be 17 October (not 4 October, which was the next pay period following 25 September) before FRNSW will be able to update its payroll system.

The adjustment of the Public Service Conditions Award rates (and by extension, the Permanent and Retained Award rates) is not contingent upon the publication of Treasury memoranda, only the publication by the ATO of the new reasonable allowances. It follows that Treasury is at fault for taking a full 12 weeks to issue TC 13/07, and FRNSW is equally at fault for waiting for that circular to be issued before adjusting its pay systems to reflect the ATO's published rates.

I acknowledge your apparent offence at SITREP 38's assertions and tone, but in doing so note also that a productive working relationship is very much a two-way street. The Union's alleged "journalistic largess" [sic] in this instance was simply a reflection of the frustration of the many members who contacted this office to complain about their employer's inability to promptly adjust their award entitlements.

To avoid similar difficulties in future the Union proposes that both awards be varied to reflect and align Clauses 10 and 8 (respectively) with the changes made, by consent, to Permanent Award subclause 26.8 and to Retained Award subclause 20.7 in the 2008 award negotiations.

Yours sincerely,

Jim Casey
State Secretary

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9 October 2013

Mr Jim Casey
State Secretary
Fire Brigade Employees' Union of NSW
1-7 Belmore Street
Surry Hills NSW 2010

Dear Mr Casey

I refer to the SITREP 38/2013 item on Meal and Travel Allowances. The assertion that the timing of the increases is a result of "bureaucratic incompetence and/or managerial bloody-mindedness" is both regrettable and offensive to the individual Fire & Rescue NSW employees who processed the required changes.

The assertion is incorrect, and as previously discussed, journalistic largess such as this does nothing to foster a productive working relationship.

Those allowances which increase automatically with increases in ATO Determinations (TD2013/16) and the March Quarter CPI (Clause 26.8 of the Permanent Award and Clause 20.7 of the Retained Award) were processed for payment on pay day 22 August 2013.

As you would be aware, some other allowances, specifically meal and refreshment allowances referred to in Clause 10 of the Permanent Award and Clause 8 of the Retained Award, only move when changes are made to the Award covering most public servants (the *Crown Employees (Public Service Conditions of Employment) Award 2002*).

Fire & Rescue NSW was advised by Treasury Circular (NSW TC 13/07) dated 25 September 2013 of the changes to the public service Award and then arranged for the necessary adjustments to occur in the next pay, 17 October 2013.

Accordingly, there was no delay.

Yours sincerely



Greg Mullins AFSM
Commissioner