



# SITREP 13/14

## **16 hour award breach prosecutions – Department fined \$4000**

This week the Industrial Court of NSW fined FRNSW a total of \$4000 for eight breaches of sub-clause 8.11 of the Permanent Award – for working firefighters past the sixteen hour maximum. Back in SITREP 31/2012 the Union made it very clear that we would prosecute the Department if it continued to work members past sixteen hours. Despite this reports of further breaches continued to roll in. The Union duly commenced prosecution proceedings over what was such a straightforward matter that the Department was forced to plead guilty. FRNSW were then also ordered to pay the Union's costs in bringing the prosecutions to court.

It really is ridiculous that it takes legal action to get management to abide by our Awards. But if they keep setting them up, we'll keep on knocking them down.

## **Easter Sunday consolidated leave**

The Union's win in the long-running Easter Sunday public holiday dispute– see SITREP 25/2012 – means that Easter Sunday (20 April) is an additional public holiday for the purposes of sub-clause 6.4 of the Permanent Award. This means any permanent member who works on Easter Sunday is to be credited the same number of hours of consolidated leave as those hours they work on that day. Members who work O/T on Easter Sunday are also entitled to be credited the same number of hours of consolidated leave as those hours worked by them on the day.

Shamefully, retained firefighters currently receive nothing extra if they work this public holiday, or any other additional gazetted public holiday. The Union's Retained Award application includes a provision whereby any retained firefighter who responds to a fire call on either an additional gazetted public holiday, or on Easter Sunday, will be paid overtime rates. Management is flatly opposing this, and we are now waiting on Justice Walton's final decision on the matter.

## **O'Farrell cuts public sector wages... and loses – update #7**

Another of the O'Farrell government's attempts to knobble the IRC and strip wages from workers ran afoul of the courts yesterday. O'Farrell proposed to strip the IRC of the power to include provisions relating to redundancies in Awards by making a Regulation to that effect. The NSW Court of Appeal found the Government had exceeded its statutory powers and the Regulation was invalidated.

## **May Day March 2014 – Sunday 4 May**

The 2014 Sydney May Day march will be held on Sunday 4 May with members meeting at Parliament House, Macquarie Street at 1130 hours. Following the march, the Union will be putting on food and beverages for members and their families. It would be helpful for catering purposes if members who intend coming along could let us know with a phone call or email ([office@fbeu.net](mailto:office@fbeu.net)).

A handwritten signature in black ink, appearing to read "Jim Casey".

**Jim Casey**  
State Secretary

**Sunday 13 April 2014**