



10 November 2016

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

Dear Mr Mullins,

Re: Risk Based Response Protocols Program

I write in response to your letter of 18 October following our meeting last Friday, 4 November and careful consideration by the Union's officials of the numerous issues arising.

Your attempt to dress up your proposed Risk Based Response Protocols (RBRP) Program as beneficial for firefighters and the community is noted, but it clearly constitutes a significant departure from long-standing FRNSW procedures. The parties would be better served by acknowledging up front that your proposals are driven primarily by the Baird Government's irresponsible cuts to the FRNSW budget and your requirement to now find and deliver over \$22 million in Labour Expense Cap savings.

While there are three distinct elements to your proposed RBRP Program:

- Revised response protocols;
- Selective calling; and
- Revised response to Automatic Fire Alarms (AFAs);

they each share a common capacity to significantly erode the activation levels, and therefore earnings, of retained firefighters. The RBRP Program would, if implemented, also commonly result in reduced service to the community and reduced safety for firefighters.

The Union prefers the dispatch of both the quickest and the closest resources, which remains a more responsible approach that delivers numerous benefits for firefighters and the community alike. The Union also acknowledges technological advances and remains open to reviewing response protocols to ensure they remain appropriate, but this preparedness is tempered by our expectation that retained firefighters will not suffer as a result. The comments in your letter of 18 October about reduced attendances and accrued leave values have given the Union little comfort in this regard.

Your letter nominated several expected benefits of your RBRP Program without acknowledging any of the expected drawbacks, including:

- Increasing the distances travelled by responding resources under emergency conditions;
- Increasing the risk of delayed attendance and/or larger fires if the initial response is involved in an MVA or heavy traffic conditions en route;
- Increasing the risk of injury to firefighters attending calls that are found to be actual fires, and to persons trapped in those fires;
- Decreasing the resources responded to AFAs following yet another increase in the AFA false alarm charge;
- Decreasing retained activity, interest and skill levels;

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- Increasing retained non-availability and non-attendance; and
- Decreasing retained earnings.

While the Union is obviously concerned by the Baird Government's budget cuts and your proposed RBRP Program, we remain willing to engage in meaningful discussions with the Department. Those discussions are presently at the Retained Award's subclause 27.4 stage. It is our intention that the parties will arrive at a mutually satisfactory resolution without the need to progress to subclause 27.5 or beyond however this will depend on the good will of both parties and your timely provision of the various response and wages data requested by the Union.

Concluding on the critical question of good will, the Union was greatly disturbed by your letter's confirmation that *"this mobilisation protocol is already in place in the Illawarra, Albury and Bathurst/Kelso fire districts"*. The Union was aware of no such thing.

By 2014 FBEU members in all three areas were increasingly complaining that the Department had altered the local response protocols. The Union duly and repeatedly raised these claims with the Department's representatives, only to be assured on each occasion that the claims were incorrect and baseless. The Union also asked the question that year during a conciliation conference with Justice Walton and we (and by extension, His Honour) were again assured that no such protocols had been introduced.

This leaves only two possible conclusions. Either the Department was deliberately misleading the Union and the IRC in 2014, or it introduced new response protocols between then and now without consulting the Union, and therefore in breach of Clause 27. The Union reserves its right to notify the IRC of a dispute and/or to prosecute the Department over these breaches, but will refrain from doing so while these negotiations continue and in the expectation of no further breaches occurring.

Yours sincerely,



Leighton Drury
State Secretary