



SITREP 16/17

Permanent members – Cyclone Debbie, Queensland

As advised in SITREP 14/2017, permanent members who elected to attend the QLD emergency and did so for 48 hours or more worked under Clause 12a - Interstate and International Deployments. Permanent members who attended for less than 48 hours or who were directed to respond to QLD, remain entitled to the general provisions of the Award (see the advice below for members who attended the North Coast Floods).

A detailed advice on these entitlements can be found on the online version of this SITREP, but in broad terms, members covered by Clause 12a are to be paid for travel and work performed on the first and final day in accordance with their ordinary roster, or if they were not rostered to work, at single time for travel and at overtime otherwise. For all days in between, members are guaranteed a minimum payment of 16 hours at single time for each 24 hour period, with overtime payable after 16 hours or if the member has not had 8 hour continuous hours off between each 16 hours period. Allowances are also payable if meals and accommodation are not provided to the appropriate standard.

Permanent members - North Coast floods

Permanent members who attended the NSW floods have definitely not done so under Clause 12a, and remain entitled to all of the Award's standard provisions. The Union and Department have long disputed the application of the Award to extended incidents, and this deployment is no different.

Earlier this week the Union asked the Department to comment on our advice to members, which can be found as link in the online version of this SITREP. Management confirmed that it does not agree but offered no justification why. The point of difference? Essentially, the Department believes it can stand down members without pay during deployments despite the Award providing no such ability.

The Award provides a minimum payment of 2 hours overtime for recall to attend an incident. It does not allow those recalled members to be stood down/clocked off/rested (or whatever else they might call it) without pay prior to their return to the station or location at which they commenced duty.

The Award also provides that on duty permanent members who attended the incident are to be paid continuously from the time they commenced duty (in most cases 0800 hrs) until the time they ceased duty, which will be either (a) their rostered cessation time or, if their duty has exceeded their rostered shift and they are therefore on overtime, (b) the time following their return to their own station that they were dismissed. Note that members relieved are also entitled to a reasonable amount of additional "clean up" time (for showering, changing of clothes, etc) before leaving the station - see subclause 9.4.

The Award's Clause 6.9.1 requires overtime to be paid within two pay periods from the date of the overtime worked, which in most cases means 27 April. Any member who has not been paid in accordance with the Union's advice should forward their most recent payslip to the Union along with the hours that they commenced and ceased duty.

Retained members – North Coast floods and Cyclone Debbie

Retained members deployed to either the flooding emergency in the Northern Rivers district, or to Queensland, did so pursuant to Clause 29 of the Award. This includes members who were:

... continued on Page 2



SITREP 16/17

... continued from page 1 (*Retained members - North Coast floods and Cyclone Debbie*)

- contacted in advance for the purposes of forming a Strike Team or attending the flood emergency, and/or
- told to expect to be away from home overnight and to bring a change of clothes etc, and/or
- marshalled in an area organised by FRNSW before deployment to the flood, and/or
- specifically told you were being deployed in accordance with Clause 29; and/or
- accommodated by FRNSW overnight.

A detailed advice for retained members can be found with the online version of this SITREP but in broad terms, Retained members working under Clause 29 for more than 48 hours are to be paid:

- on the day of departure from their residence, from the time of departure to 2400 Hrs; and
- on the day of return after attendance, from 0000 Hrs to the time of arrival at their residence; and
- for the period between the day of departure to and the day of return from attendance at a major emergency, all time less any periods of down time, provided that all members are entitled to a minimum payment of 16 hours per day.

Members from local retained brigades who responded by pager continue to be paid under Clause 6 of the Retained Award, including payment for overtime.

Tamworth to go 10/14

The Union welcomed this week's confirmation that 452 Tamworth, the last Back to Back Roster station, will soon move to 24/7 permanent staffing. In 1997 there were just three Regional permanent (S/O & 3) FRNSW stations - the three 10/14s at Albury, Turvey Park and Broken Hill. By 1999 Union campaigning and Award negotiations had increased this to three 10/14, six Special Roster and six Back to Back Roster stations. By October this year it will be thirteen 10/14 and four Special Roster stations, rounding off a remarkable 20 years of largely Union-driven growth.

RBRP update #3

The Union and Department held a constructive meeting this week on the Department's RBRP proposal, remains on hold while the Department considers the Union's submissions. More to follow.

Union fined \$84,000

The NSW Public Service Association (PSA) was this week fined a record \$84,000 by the Supreme Court after 500 PSA members took 24 hour strike action in February to protest the Berejiklian Government's privatisation of disability services. This extreme penalty is the first to be handed down following the Government's transfer of the IRC's judicial functions to the Supreme Court and sets a disturbing precedent for all public sector unions (including the FBEU) operating in the NSW industrial relations system. Unions NSW has arranged a briefing of all affiliates to consider a unified response.

Leighton Drury
State Secretary

Friday 21 April 2017