



5 April 2018

Mr Paul Baxter
Commissioner
Fire and Rescue NSW
1 Amarina Avenue
GREENACRE NSW 2190

Attention: Bernard King, Director Employee Relations

Dear Mr Baxter,

Re: Recall kilometre payments

I refer to the items in Sitreps 3, 4 and 6 of 2018 concerning recall kilometre payments pursuant to subclause 9.8 of the Permanent Firefighting Staff Award, and to the discussions subsequently held on the subject during the course of a wider meeting between the parties on 16 March.

The Award is clear. Employees who are claiming residential priority on any Clause 28 transfer register must be paid the Kilometre Allowance for the distance between the permanently staffed station closest to their primary residence and the station/location where the recall is performed. The return distance is payable where the Department does not return the employee's gear.

Equally clear is the requirement for the Department to make these payments without the need for employees to submit claims for them. It follows that the Department remains in breach of subclauses 9.8 and 6.9.2 (ie, payment within two pay periods of the date upon which the overtime was worked) for presumably thousands of instances, in some cases as far back as November 2014, and irrespective of whether the employee concerned has submitted claim for their payment or not.

Please note that the Union's decision on whether or not to prosecute for these breaches will be influenced in no small part by the Department's response to this letter, which I request be provided by Thursday 19 April.

Yours sincerely,

Leighton Drury
State Secretary