



18 September 2018

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

Dear Mr Baxter,

**Re: Updates to the *Fire Brigades Act 1989***

The Union writes in response to the Department's letter of 30 August concerning proposed amendments to the *Fire Brigades Act 1989*.

With respect, the explanation offered in response to the Union's concerns over the absence of checks and balances around the imposition of new FRNSW charges – namely, that there is nothing to worry about because the Commissioner will now set or vary such charges by way of policy rather than the Parliament doing so by way of Regulation – is difficult to fathom, and simply reinforces our opposition to this provision.

With reference to the Emergency Services Legislation Amendment Bill introduced by the Minister on 15 August, the Union does not support the proposed re-naming of the *Fire Brigades Act 1989* (there is no "Rural Fire Service Act"), the insertion of section 5A, the deletion of sections 6 and 7 and/or the amendment of the aforementioned section 42. The Union is however advocating the amendment of section 44 (proposed to become section 45A) of the *Rural Fires Act 1997* by the replacement of the words "a person employed in Fire and Rescue NSW" with "a Fire and Rescue NSW officer nominated by the Commissioner or a Deputy Commissioner of Fire and Rescue NSW".

Yours sincerely,

Leighton Drury  
State Secretary



Mr Leighton Drury  
Secretary  
Fire Brigade Employees' Union of New South Wales  
1-7 Belmore Street  
SURRY HILLS NSW 2010

30 August 2018

Dear Mr Drury

**Re: Updates to the *Fire Brigades Act 1989***

I thank you for the productive consultations with Mr Nairn and Ms Lawrence on 14 May 2018 concerning proposed legislative amendments to the Fire Brigades Act 1989.

The process of managing the amendments is the responsibility of the Office of Emergency Management (OEM), at the direction of the Minister. Fire & Rescue NSW has contributed to this and has taken into consideration the issues raised by the FBEU in its recommendations to OEM.

The issues raised by your officers included the following:

- Concern about any change to the objectives or roles of Community Fire Units (CFUs): there is no longer any change being proposed in relation to CFUs.
- Concern that allowing FRNSW to charge for a broader range of services within a charging policy needed checks and balances: there is no longer a proposal to allow a charging policy to determine the range of services for which FRNSW can charge. The amendments will allow the Commissioner to set or vary charging levels via a policy document in cases where there are not already charge amounts set under the Regulation.
- Changes to Fire District Boundary variation/setting process: these are no longer being proposed.

The timing of the introduction of any legislative amendments into the Parliament is a matter for the Minister.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Catherine O'Mallon", written over a large, loopy scribble.

Catherine O'Mallon  
**Director Governance and Legal Office**