



3 December 2020

Mr Paul Baxter  
Commissioner  
FRNSW  
1 Amarina Ave,  
Greenacre, NSW 2190

Dear Commissioner,

**Re: Progress of the Award 'Discussions' and the Union's response to the FRNSW log of claims**

We write about the Award 'discussions' that have taken place to date and our concerns going forward.

It appears from our interactions in the meetings that negotiating the three firefighting awards is not a priority for Fire and Rescue NSW.

We have engaged the membership to put an earnest and reasonable log of claims to you and instead you continue to regurgitate the unsuccessful claims put to us in the past. Claims that you have not costed and are put to us without reasonable explanation.

We understand that you have recently engaged Wages Policy Taskforce (WPT) however were unable to confirm your bargaining parameters. We are now less than three months out (not factoring in the Christmas shutdown) from the expiry of the current Awards and the bargaining parameters have not been determined.

The Union continues to bargain in good faith, and we hope that our upcoming meetings are more fruitful. Below is our response to your log of claims for the Permanent and Retained Award.

**Response to your log of claims**

**Permanent Award**

1. Reform of Clause 28 transfer system – The Union does not agree to this claim. You have discussed putting a line under the current system but have provided no information on what would replace it. Any replacement would involve major changes to the award and most likely require additional costs.
2. Banked leave – The Union does not agree to this claim. This has been put to our membership previously and rejected.
3. Permanents working as Retained firefighters – The Union would need to see more detail before making a decision. Noting that this will likely require major operational change, and that payments should occur in line with the current Permanent award.
4. Roster flexibility where there is planned training - – The Union would need to see more detail before making a decision.
5. Broaden use of education/training roster - The Union does not agree to this claim. We have a current trial in place and discussions around cost savings needs to be had.

6. Clause 8 roster proposals – The Union does not agree to this claim. There are already options for increased flexibility that Fire and Rescue managers are refusing to use.
7. Clause 8.2.5 proposal – The Union does not agree to this claim.
8. Clause 7 proposal – The Union does not agree to this claim. Once you have the number of positions needed to allow this process to work effectively, then we could revisit any concerns.
9. Clause 27 – The Union does not agree to this claim. If the reason for this is around training, then discussions around clause 16 can cover any concerns.
10. Replacing the word “commissioner” with “commissioner or delegate” – The Union does not agree to this claim and is surprised that the Commissioner would be happy to relinquish their responsibilities.
11. Incentive to take consolidated leave during “off-peak” periods – the Union would like more information on this.
12. Revise the definition of Emergency Meal and Refreshments - The Union does not agree to this claim.
13. Removing clause 37 – The Union would like more information on this.
14. Overpayments proposal – The Union would need to see more detail before making a decision.
15. Clause 14.10 proposal to include “conditionally” - The Union would like to explore this claim with a draft of the suggested wording change.
16. Out duties limit not to be applicable for HDA - The Union does not agree to this claim.
17. Simplification of the Award – The Union would like to explore this claim although the Union does not agree to the consolidation of the permanent and retained awards. Given the lack of time any suggested simplification would need to be presented by 18 December 2020.
18. Intrastate deployments proposal – The Union would need to see more detail before making a decision, although we note that a position was put to members and rejected last award round.
19. Review of minimum hours paid for overtime worked immediately prior to a rostered shift – The Union would need to see more detail before making a decision.

### **Retained Award**

20. Replace “retained” with “on-call” – The Union does not agree to this claim. The failure of rebranding our service has led to more confusion about what professional firefighters do for their communities.
21. Overpayments proposal - The Union would need to see more detail before making a decision.
22. Use of authorised duties instead of relief rates where supplemental staffing is required - The Union does not agree to this claim. We have structures currently in the award that could be used to overcome this. Also, the retained to permanent pathway will assist with this.
23. Definition of Unit trainer - The Union would need to see more detail before making a decision.
24. Allow retained firefighters to join the e-recall system – The Union would like to explore this claim, but for clarity we expect that the current custom and practice would remain and be built on to create a more equitable distribution of standbys etc between retained members.
25. Pathway for retained to permanent – As this is a claim in the Union’s log the Union would like to explore this claim.
26. Combining the Awards - The Union does not agree to this claim – see above.

- 27 . Removal of clause 22 - The Union would like more information on this.
- 28 . Replacing the word "commissioner" with "commissioner or delegate" – See above.
- 29 . Revise the definition of Emergency Meal and Refreshments - The Union does not agree to this claim.
- 30 . Engine keeper proposal – The Union would like to explore this claim. We will draft some words for consideration.
- 31 . Retained cover retained shortages and permanents covering permanent shortages - Union does not agree to this claim. The retained to permanent pathway will help with overtime issues.
- 32 . Changing the focus from attendance to availability – The Union would like to explore this claim.

The Union has engaged the membership and it has endorsed a log of claims which you have had for over a month now. We would like confirmation on the FBEU's log of claims as to which claims Fire and Rescue support and which ones are rejected.

Also, we would expect as a minimum that you come to the table with bargaining parameters approved by the Wages Policy Taskforce. It appears to be a waste of our time and your time to proceed with discussions about claims that you may not have the authority to put to us.

Yours fraternally



Leighton Drury  
State Secretary