

Subject: Fire and Rescue NSW Consultation Obligations
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From: Jeremy Fewtrell
To: Jeremy Fewtrell, Karen Foldi, Kelly McFadyen, Michael Baldi, Michael Morris, Nicole Chettle, Paul McGuiggan, Robert Hilditch, Trent Brown
CC: Leighton Drury, Office, Lisa Johnstone, Amira Thomson, Megan Dodd, IR Correspondence
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Dear CLG,

Following recent disputes before the Industrial Relations Commission and under the internal dispute resolution procedures of the *Permanent* and *Retained Firefighter Awards* it is timely to provide a reminder of the importance of FRNSW's consultation obligations and what those obligations are so far as they relate to firefighters.

Consultation Obligations under the Awards

Under both the *Permanent* and *Retained Firefighter Awards*, FRNSW must consult with the FBEU and affected employees **before** introducing or implementing any change that:

- affects employees,
- affects provisions of the respective Award(s), or
- affects the employment relationship.

The scope of matters requiring consultation is broad.

While the process of consultation does not require or mean agreement, it does require FRNSW to:

- provide sufficient and relevant information that explains the nature and need for the change to enable meaningful engagement;
- respond to questions or concerns raised in a timely manner; and
- give genuine consideration to the views expressed by employees and the FBEU **before** a decision is finalised or before a change is introduced or implemented.

The level and extent of consultation required should be proportionate to the potential impact of the proposed change as reinforced by the Full Bench of the Industrial Relations Commission in its 2025 decision.

At paragraph 345 of the 2025 decision, the Full Bench held that:

“Second, the extent of consultation and information provided will vary based on the significance of the change and its urgency. There is no need for consultation if a change has no significance to employees. A small change that has a minor impact on one or two firefighters will require a lower level of consultation than a change that will have a significant impact on a small group or a moderate impact on a large group, each of which would necessitate full consultation”.

Further at paragraph 351, the Full Bench held that:

“Consistent with the principles set out above, the extent of consultation needs to vary with the nature of the change. A change to alter the rostered start time for a group of workers going forward would require full consultation with the provision of reasons and one or more meetings. However, a one-off change to the start time for a small work group for a single day to accommodate a need for a briefing would require much less by way of consultation – probably no more than a notification of the event and its purpose and the opportunity to seek more information if required”.

The Executive should also be aware that there are specific provisions within each of the Awards which require

FRNSW to consult with the FBEU in specific circumstances.

Support and Dispute Resolution

Managers should seek early advice from the Industrial Relations team if they wish to introduce or implement any change that affects employees, affects provisions of the respective Award(s), or affects the employment relationship or if as a result of project delivery assistance is required to develop an appropriate, fit-for-purpose consultation process.

Managers should also be aware of Clause 11 of the Awards which provides a structured dispute resolution process, including the requirement to maintain the *status quo* while a dispute is being addressed. This means that once a dispute is notified and while it is unresolved, the “status quo” – meaning the work situation or work practice as it existed immediately before the dispute – must be maintained. This mechanism helps prevent unnecessary escalation and supports constructive, good-faith problem-solving. The Industrial Relations team can also provide advice and assistance in relation to maintaining the status quo.

Working Together

While operational priorities can pressure timeframes and decision-making, consistent compliance with consultation obligations is essential to maintaining collaborative relationships and meeting both organisational and employee needs.

We appreciate your continued commitment to upholding these Award obligations.

Kind regards,

Jeremy



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