



Presumptive cancer Bill debated the NSW Parliament

Further to SitRep 27, the Labor Opposition's *Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018* in support of firefighters suffering occupational cancers was debated for an hour on Wednesday morning. The online version of this SitRep provides a link to that debate, but it took the Liberal MP for Kur-ing-gai over 5,000 words and 40 minutes to confirm with one line that the Government was not supporting the Bill. Presumptive rights legislation for firefighters has enjoyed cross-party support in every other parliament in this nation - state, territory and Commonwealth - but not in Berejiklian's NSW.

We stand by SitRep 27's prediction that whatever alternative bill this Government produces will be inferior to Labor's. If what the Minister told me on Wednesday is true about the Government introducing its own legislation shortly, and possibly as early as next week, then we'll know soon enough. Stay tuned.

Emergency Services Bill passes the NSW Parliament

The Berejiklian Government this week rammed through its *Emergency Services Legislation Amendment Bill 2018* (see SitRep 26), brushing aside numerous amendments proposed by the Labor Opposition and the Greens along the way. As a result, the FRNSW and RFS Commissioners are now subject to potential direction and control by a Deputy Commissioner of the NSW Police Force. Both services' Acts also now include a requirement to "carry out such other functions as may be assigned to the Commissioner by or under this or any other Act, or by the State Emergency Operations Controller or the Minister." Medical response, anyone?

One amendment the FBEU lobbied for, and the Opposition ran with, was to give retained firefighters (and all emergency employees) the same employment protections that volunteers already enjoy when responding to declared emergencies. The Government used its numbers to vote this sensible amendment down.

Another amendment this week, this time from the Greens, proposed to make it the legislated responsibility of the FRNSW Commissioner to take and deal with all fire-related 000 calls on behalf of both services (ie, to confirm the current status quo in law). This Government has already confirmed its intention to kill FRNSW Comms, and unsurprisingly wasted no time in killing this amendment too.

The Greens' MLC David Shoebridge recognised the FBEU's role, and concerns, in the debate on the Bill on Wednesday when he said "I note the very real engagement of the Fire Brigade Employees Union in this. Of all the stakeholders it has been the one that has really analysed the bill and tried to have a conversation with the Government about what is intended with the amendments and why the Government is putting those additional functions on the commissioner and why safeguards are not in place. Despite those real efforts of engagement it is still not clear from the Government what additional duties and functions under the proposed changes will be imposed upon the Commissioner and employees of Fire and Rescue." Indeed.

The online version of this SitRep provides a link to that debate and the Parliament's website on the Bill.

Health checks on hold

The Department earlier this month announced a revised starting date for mandatory firefighter health checks of 31 October. Unresolved issues and several weeks of negotiations led to agreement today that the health checks will remain on hold until at least February 2019. The Union (and therefore members) will also be given at least 4 weeks notice of the new start date. More to follow.



New AMP show cause guidelines

A permanent member was recently served with an AMP show cause notice. Nothing new in that, and the member quite rightly replied to the Department that he had supplied the Health and Safety Branch with medical certificates for many of his absences. The member didn't want to disclose his personal medical information to his chain of command, and thanks to Permanent Award subclause 23.4, he didn't have to. This didn't sit well with the decision maker, though, who rejected his explanation and found him in breach.

So the Union intervened, and following proceedings in the Industrial Relations Commission the member's response was accepted and the breach record removed from the member's file. Also arising from those IRC proceedings was agreement between the Union and Department for a new guideline for the assessment of show cause responses. Now, any member who supplies an Award-compliant medical certificate and who later relies on that m/c as part of their response to a show cause letter will have their response considered adequate in respect of those particular absences. The full agreed guideline can be found as link from the online version of this SitRep.

"Z relieving" dead and buried

As reported in SitRep 27, Z relieving (ie, relief across multiple platoons) stopped at 0800 on Monday 1 October. With the exception of two members attached to Comms, every former Z reliever is therefore now attached to a single station, roster and platoon (even if they don't know which platoon that is yet, because management still hasn't told them). Any former Z reliever who has worked on more than one platoon since 1 October can only have done so by way of overtime. We will be regularly inspecting the Department's records and will enforce payment of the overtime and prosecute the Department for every Award breach we find.

To be clear, other than for the two members attached to Comms, there is no agreement for any permanent member to be working across platoons or across rosters for any reason, including acting-up. Word is that some zone or area management teams are planning to get around the end of Z relieving, and the Award, by regularly transferring members from one platoon to another with 14 days notice. Members in regional command who receive notice of a transfer of platoon should contact the Union immediately.

In brief ...

- Next week's Commissioner's Orders 2018/21 will include scores of FF to **QF promotions**, confirming the successful conclusion of the QF backpay and promotion agreement as reported in SitRep 26.
- We welcomed FRNSW's decision to withdraw all remaining **MSA airsets** from service on the evening of 10 October, although the correspondence between us (see the online version of this SitRep) confirms that your Union played a much larger role in that decision than the Department would have us believe.
- As we head towards two elections early next year, unions state and federal are ramping up the fight for workers' rights, pay and conditions. We encourage all members able to do so to swing past the Union office, pick up an FBEU flag and join us **midday next Tuesday 23 October** at the ACTU's **Change the Rules rally** in Belmore Park.

Leighton Drury
State Secretary