



INDUSTRIAL MANSLAUGHTER PROSECUTIONS

Last year, after years of campaigning from the NSW Union movement, the NSW Government fulfilled its commitment to legislate industrial manslaughter. The change gives prosecutors the ability to hold an individual or business responsible for the death of a person due to gross negligence in the workplace.

Previously, the maximum penalty under the Work Health and Safety Act was 10 years imprisonment for an individual or \$11.1 million penalty for a body corporate. Now, those penalties are up to 25 years jail for an individual and up to \$20 million for a business, signalling a significant increase in accountability for employers.

To bolster compliance with these new laws, the NSW Government has announced the funding of a dedicated unit within the Office of the Director of Public Prosecutions (ODPP) to prosecute cases of industrial manslaughter.

The criminalisation of industrial manslaughter has been a key priority of the FBEU with professional firefighters facing significant health risks, such as carcinogen exposures, and the possibility of occupational fatalities. These new protections send a very clear message to the Department that FBEU members expect to go home safely at the end of their shift, and that negligence will be prosecuted.

Recent excuses peddled by the Department's Safety Team have highlighted some significant gaps in the safety priorities of the Department. "*We don't have the resources*" hasn't worked on SafeWork NSW (see SitRep [24](#) & [33](#)) and it won't gel in the event of industrial manslaughter.

Now, more than ever, the Department needs to prioritise firefighter safety.

SUBSEQUENT INCIDENTS IN GARTAN TIMESHEETS

We have become aware of some members who have been incorrectly managing timesheets, which has cost them thousands of dollars.

Retained members are reminded that the 1-hour (soon to be 1.5-hour) minimum payment in the Retained Award is the minimum payment **per incident**. Once a timesheet is dismissed, if another incident occurs, whether it's 1 minute later or 20 minutes later, that is a new incident with a new timesheet and a new entitlement to the 1-hour minimum payment.

Subsequent timesheets should only have a start time which matches the end time of a previous incident where the first incident has not been dismissed yet – so if the appliance is code 2 or code 4 returning to station, or if the crew is filling the appliance up with water after going code 5 but not yet dismissed the incident, then the start time of the subsequent incident should match the end time of the previous incident.

There is no requirement for multiple incidents within the 1-hour minimum payment period to be joined up to each other after the dismiss time has been entered.

If your station has been retrospectively amending timesheets that occur within the 1-hour minimum period when there is a subsequent call, after the dismiss time has been entered, get in touch with the FBEU immediately as we will be seeking an audit from the Department for any station which has been incorrectly managing timesheets for subsequent incidents.



SitRep 34/2025

PERMANENT OVERTIME MEAL ALLOWANCES

A reminder of our expectations around overtime meal allowances per [SitRep 30/2025](#) – they are claimable back to 17 October 2023, and should be approved by managers as they are an Award entitlement.

In Unity

A handwritten signature in blue ink, appearing to read "L. Drury".

Leighton Drury
State Secretary