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NSW Government announces an inquiry – we want a National Royal Commission too.

An Inquiry into the 2019/20 bushfires was announced by the Government last week. This is an opportunity for firefighters to highlight the many issues that have impacted our ability to perform our duties, including the government's ongoing failure to adequately resource firefighters and fire services in our communities.

We have seen various failures at fire-fronts and in the lead up to these fires, due not to decisions made by frontline firefighters but as a result of budgets and resourcing. The scope and scale and impacts of these fires reflects the decisions made in the lead up to them. It is possible that more lives and property could have been saved if these decisions had been different.

While the NSW inquiry is a positive step forward, we need the federal government to follow suit. We need a Royal Commission into these fires. We need to answer the many questions around liability, budgets, command and resourcing decisions that have seen these fires rage with such devastating impact.

Any member who has evidence of issues or would like to make comment in any or all of the upcoming Inquiry/s please email office@fbeu.net

State of Emergency – What's the go and what it means for members.

The Premier of NSW has declared a State of Emergency under the State Emergency and Rescue Management Act of 1989 ("SERM") three times so far during the current 2019-2020 bushfire season. This is significant as prior to 2019 a State of Emergency had only ever been declared in NSW four times.

Under the SERM, the Premier may declare a State of Emergency when satisfied an emergency constitutes significant and widespread danger to life or property in NSW. When declared, it gives the Minister of Police and Emergency Services the power to delegate extraordinary powers to relevant emergency services agencies to combat the emergency situation. These powers are more extensive than those available to these agencies under their own Acts. During the current bushfire crisis, the Minister chose to delegate these powers to the RFS Commissioner.

The specific powers conferred under the SERM are:

- To direct any NSW government agency to conduct or refrain from conducting its functions
- To control and coordinate the allocation of government resources
- To evacuate people from property within the declared area
- To close roads and thoroughfares to traffic



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- To pull down or shore up infrastructure at risk of collapse
- To order the shutdown of essential utilities in the declared area, including electricity, gas, oil and water
- To enter or take possession of property in the course of the emergency response.

The powers conferred under the SERM exist only in the context of the emergency and only where the actual emergency exists (i.e. these powers do not exist outside of the emergency itself or the location where the emergency exists). However, when an agency is directed under the powers of the SERM to conduct or refrain from conducting its functions, this direction prevails over any Act or law to the contrary (except the Essential Services Act).

While the FBEU believes that the seemingly “absolute powers” under the SERM would not permit an egregious breach of the Award (i.e. FRNSW could not refuse to pay an employee for work performed), whether less egregious breaches of the Award or skewing of a job description would be allowed remains untested in the IRC/courts.

Retained Authorised Duties

The Union has received a number of inquiries about what duties constitute authorised duties for our retained members. Table 4 of the Retained Award (the second last annexure) provides this list. This list is not exhaustive.

These duties below constitute Authorised Duties:

Attendance at:

- Bushfire Management Committee Meetings
- Local/District Emergency Management Committee Meetings
- Local Government Meetings
- Zone/Regional conferences and information days
- Other such meetings as authorised by the Department.

Also:

- Completion of Fire Reports where insufficient time available at the conclusion of calls Testing of Fire Alarms
- Attendance at station to enable service and maintenance work to be carried out
- Station maintenance (i.e. lawn mowing, cleaning, BA and equipment checks) Performance of Engine Keeper duties
- Transporting FRNSW equipment in private vehicle
- Restowing of Firefighter vehicles
- Hose Repairs



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- Transporting a Firefighting Vehicle for servicing and/or repairs from the Station to another location Recharging of BA cylinders
- Participation in selection committees
- Attendance at PR activities (i.e. open days, fetes, career markets, information displays, etc.)
- Attendance at Public Education activities (i.e. sessions in schools/community groups, smoke alarm campaigns) Participation in joint training sessions/exercises with other emergency services
- Attendance at training exercises/schools additional to the regular drill program
- Hydrant Inspections
- Pre-incident planning exercises

Each station shall be allowed at least 26 hours per month of station based duties, 1.5 hours per week of Engine Keeper duties, 2 hours per week of SIMS duties, 16 hours per annum of attendance at station open days and local shows and for all other duties:

14 hours per month (if less than 100 incidents a year)

19 hours per month (if incidents between 100 but less than 200)

24 hours per month (if more than 200 incidents per year)

May Day – Member T-Shirt Design Competition

Opens: Today, Monday Feb 3, 2020

Closes: Friday Feb 28, 2020

Winning Design announced: March 6

Registration to attend organised May Day Events opens: Early March

T-Shirt orders (for those who cannot attend an organised event) open: March 6

T-Shirt orders close: March 18

Every year the FBEU has a special and limited May Day edition T-Shirt. This year we are opening up the May Day T-Shirt design to you, the FBEU membership. All financial members are able to enter – one design only per member, please.

The winner of the design competition will not only be the talk of May Day but will be a special guest at the Rex Threlfo Toast or Sydney May Day (which ever you chose), we'll get you there, no matter where you live, and you will be awarded with a framed version of your T-Shirt for your home and one for your station/workplace too.

All members (and family members) who register to attend an official May Day event (usually in Sydney, Newcastle and Wollongong – and let us know if there is something in your area or if you'd like



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to organise something for union members in your area) will be decked out in the FBEU May Day 2020 design.

All members who cannot attend will be invited to pre-order a May Day T-Shirt at cost price – to be advised.

The details:

1. Use this form (<https://fbeu.net/wp-content/uploads/Form-May-Day-T-Shirt-Design-.pdf>) to enter – you are welcome to attach your design in other formats (PDF, JPEG – but please send the form as well). You can only enter one design.
2. Enter your design BEFORE 5pm FRIDAY Feb 28 at office@fbeu.net
3. Your entry can use 1 – 3 colours.
4. Your entry can be a hand sketch or computer generated – it's the idea not the technical side that we will judge.
5. Your entry must be your work alone and must be an original design idea.
6. The competition will be judged by a panel of SCOM Reps.
7. Your design will be given to a graphic designer to assist to prepare it for print and may be changed to meet printing needs – for example its sizing, composition or colour.
8. Your design will need to be able to be placed on the back OR front of a T-Shirt.

If we don't receive a suitable design we'll engage a designer to make sure we are kitted out for May Day 2020.

Any questions? Get in touch with Emily Mayo (emayo@fbeu.net).

CAFS Pumpers

We have received reports of issues with CAFS pumpers that have come to light over the current fire season, specifically in regard to faulty screens and technical issues that have affected the electronic deliveries of the pumper.

CAFS Pumpers were taken offline for a period and repairs were done – we understand these have not fixed the problems entirely. While many stations will be receiving the new generation of CAFS pumpers over the coming weeks, we still want members to report any difficulties that may arise in the first instance.

There have been reports of members on the fireground having to retreat to safety due to faulty electronics leaving them without the ability to put fires out, so detecting an issue early on means we have the potential to avert these scenarios and that we don't put the lives of our members in danger.



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If you do find that there is an issue, please call the union office, SCOM Rep or your organiser immediately.

In BRIEF:

Organisers out and about this week

Max will be making a round of visits to Regional West 3 this week. If Max isn't in your station on this trip he is making another trip in the coming couple of months. Delegates can contact Max on 0408 617 217 or mmurphy@fbeu.net to talk about the planned trips.

Georgie will be in Armidale to meet new recruits and then in Stations in Regional North 1 Georgie is planning more trips in these Zones – Delegates can contact Georgie on 0417 924 151 and gslater@fbeu.net

Jono is starting with us this week and we will be getting him briefed, settled in and set up to hit the road as soon as possible. He will also be making a trip to Canberra with myself to be part of the ACTU's work around the response to the bushfires.

Call for Pay Parity

As some members would know there has been a petition faxed to the membership calling for a pay parity case to be run during the current award negotiations with the award ending on February 16. The timing of this idea is problematic as it is not a part of the Wages Policy Task force endorsed parameters and therefore the payment of the 2.5% starting on February 17 is at risk.

To be upfront, I liked the idea when it was explained to me by 28 Stn C platoon. That said this needs to be investigated so that we know what we are discussing, negotiating, winning and/or possibly losing. I've asked the Industrial Officers to look into pay parity last week and the initial advice is that there is a lot of work to be done before we can, let alone should, consider pursuing this avenue.

Expression of Interest – Practical Legal Training Placement, FBEU

The FBEU Industrial team has a position available for a law student looking to complete their practical legal training. You will receive training and supervision and gain experience working with the industrial officers, lawyers and barristers who are running matters in the NSW Industrial Relations Commission.



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As a PLT student you will need to be available at least 2 days per week.

Location: Surry Hills NSW. Travel to the Industrial Relations Commission NSW in Parramatta is required.

Close date: Applications will be reviewed on a rolling basis.

How to apply: To make an application for the position, please send a current version of your CV and cover letter to office@fbeu.net. Please include in the subject line "PLT placement". Successful applicants will gain valuable, practical employment law experience working alongside experienced lawyers and barristers. Permanent and Retained firefighters who are studying law are encouraged to apply.

How to interpret the recent Status Quo decision from the IRC

We have had concerns that the orders of Commissioner Sloan made on 14 January 2020 regarding In-Orders 2019/20 and 2008/22 are being disregarded by FRNSW on the basis of a perceived ambiguity with the Code Red that is in place.

To be clear Commissioner Sloan directed FRNSW not to implement In-Order 2019/20 in so far as it departs from the practices and procedures prescribed by In-Order 2008/22, subject to further order of the Commission.

As such firefighters should be adhering to the original Commissioners Orders (In Orders) 2008/22 in its entirety.

Register your expression of interest in Delegate Training today

Register [here](https://www.surveymonkey.com/r/7ZMST8B): <https://www.surveymonkey.com/r/7ZMST8B> and see SitRep 3 for more info.

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

Leighton Drury
State Secretary