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NSW Legislative Council Hansard

FIRE BRIGADES AMENDMENT (COMMUNITY FIRE UNITS) BILL

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Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [4.57 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

One of the most successful and growing bushfire protection initiatives over the past four to five years has been the Community Fire Unit program.

Under this program, groups of residents living close to the urban/bushland interface are trained and equipped by the NSW Fire Brigades to assist with the defensive protection of their homes from bushfire.

The CFU program was first established after the disastrous 1994 Sydney bushfires.

At that time, community feedback to the Fire Brigades included comments that people felt helpless when fire fighting resources were not immediately available in a bushfire emergency. They wanted to help protect their homes but lacked the necessary knowledge and equipment.

The real growth in CFUs occurred in the aftermath of the severe bushfires this State experienced over the Christmas/New Year periods in 2000 and 2001, particularly in and around Sydney.

Today, we have 280 CFUs in various locations, made up of 4700 volunteer members, including 1,640 women.

By October this year, the Fire Brigades anticipates that another 32 units will be established, taking the number of units around the State to 300, with a total of more than 5,000 members. New units are to be established around the Sydney basin and in regional areas, including Albury, Singleton, Goulburn, Nowra and Tweed Heads.

The Units are trained by the Fire Brigades and receive a CFU trailer or box which is equipped with basic fire fighting equipment including a pump, hoses and protective clothing such as overalls, helmets, boots and gloves for each of the members, at a cost of \$15,000 to \$20,000 per unit.

Typically, a Community Fire Unit will comprise residents who live in a street adjacent to bushland of National Parks and other reserves who want to help the Fire Services protect their homes and those of their neighbours from bushfires.

They do this by:

- undertaking fire prevention work particularly the preparation of properties in the lead up to the bushfire season and assisting with hazard reduction work.
- assisting firefighters during a bushfire with the defensive protection of homes from spot fires and ember attacks.
- assisting with the recovery operations after a bushfire such as bushland regeneration, and
- educating members of the community in relation to fire safety and the prevention of fires.

It is important to emphasise that the role of members of CFUs is to help and support the Fire Services.

They are not intended to replace the specialised, highly trained and equipped fire fighters from the Fire Brigades and the Rural Fire Service.

The Government is committed to supporting the CFU program.

\$1.2 million is being provided to the Fire Brigades over the four years of this Government's term to establish further CFUs.

This funding has been supplemented over 2 years by \$580,000 from the Natural Disaster Mitigation Program, which is jointly funded by the Commonwealth and State Governments.

Members of CFUs are also covered for workers' compensation in case they are injured and for public liability by the Treasury Managed Fund.

It is the view of the Government that the number of CFUs and the growing community involvement has now reached a level that warrants formal recognition of a Unit's role and a legislative framework for their establishment, training and operation.

The amendments to the *Fire Brigades Act 1989* proposed in the *Fire Brigades Amendment (Community Fire Units) Bill* fulfils these objectives.

Among other things, the Bill creates a new Division within the *Fire Brigades Act* referring specifically to Community Fire Units.

The Commissioner of the NSW Fire Brigades will be authorised to establish CFUs within a fire district and to determine their areas of operation.

Clearly, the establishment of a CFU will be dependent upon the level of interest by local residents and an assessment of the bushfire risks, which would be conducted by the Fire Brigades.

A new provision (Section 74C) clearly sets out the objects and functions of CFUs, to which I have already referred.

The Commissioner will be authorised to appoint persons as members of a CFU.

And a new Section 74E will also require the Commissioner to provide the necessary training and equipment to CFUs.

A number of other existing provisions of the Fire Brigades Act will be amended to confirm:

- firstly, that any damage caused by a CFU member in the exercise of the Unit's function to assist fire fighters during a bushfire or undertake fire prevention work is to be considered as damage by fire for the purpose of any insurance policy against fire damage (Section 38), and
- secondly, that members of CFUs will be protected from liability when they have performed their functions in good faith (Section 78).

Finally, the Bill contains savings and transitional provisions to effectively acknowledge the existence of the 280 CFUs which have already been established and their members.

The Community Fire Unit program has, by any measure, been an outstanding success, and it is a credit to the NSW Fire Brigades.

Word is spreading fast about the program—so much so that the Fire Brigades have received 160 applications to establish new units.

The Government is committed to providing the necessary resources for CFUs to flourish but more than that it wants their role and functions formally recognised in legislation.

I would also like to take the opportunity to make some additional comments.

Following a meeting between members of my staff, a representative of the NSW Fire Brigades and representatives of the Greens, an undertaking was given that I would clarify some matters about the important roles of Community Fire Units—or CFUs—in relation to hazard reduction and bushland regeneration.

I am happy to do that now.

As described in the Bill in proposed section 74 (c) (2) (c), one of the very important roles of a CFU is to undertake fire prevention work by encouraging their neighbours to prepare their homes before the start of the bush fire danger period—generally on October 1 each year—and to assist with hazard reduction work such as

clearing and pile burning.

I want to assure the House that any clearing undertaken by CFU members for the purpose of hazard reduction will not be indiscriminate.

This work has been and will continue to be carried out under the supervision of the Fire Brigades and in accordance with the Bush Fire Environmental Assessment Code.

This Code, in most cases, governs the environmental considerations to be taken into account when conducting hazard reduction works.

In essence, this means that CFU members can and do assist in controlled burning to reduce potential bushfire hazards but when burning is not appropriate for environmental reasons, then the clearing will be undertaken by manual means, in other words by hand, raking or slashing.

Members of CFUs also have a role to play in bushland regeneration and this is reflected in the Bill at Section 34 (2) (c).

Many of us would know that bushland is most vulnerable to infestation by weeds, such as lantana, in the aftermath of a bushfire, before the native plants have had an opportunity to re-establish.

CFU members are encouraged to monitor bushland areas near their homes following bushfires to ensure that weed growth does not prevent the regeneration of native flora.

In this regard, members often work closely with local bush care groups whose members, as we know, are well trained in bushland regeneration techniques, the identification of noxious weeds and the appropriate means of their removal.

I look forward to the support of the House for this important amendment to the *Fire Brigades Act*, which recognises the important role that Community Fire Units fulfil within our community and provides a legislative framework for their establishment, training and operations.

I commend the Bill to the House.

The Hon. CHARLIE LYNN [4.58 p.m.]: The Fire Brigades Amendment (Community Fire Units) Bill amends the Fire Brigades Act to establish a legislative framework for the establishment of community fire units, which are made up of volunteer residents living close to bushland who are trained by NSW Fire Brigades to assist them should a fire break out, thus enabling them to protect their homes. They are given fire protection clothes, basic firefighting equipment, and valuable training. The purpose of the units is not to replace NSW Fire Brigades or the Rural Fire Service but to help them to protect their homes.

In some instances community fire units will be the first on the scene, providing critical work in stopping the spread of the fire and critical intelligence on it. In the non-fire season they help prepare properties and surrounds to avoid potential fire disasters, through hazard reduction and raising community awareness on fire safety issues. As I said, community fire units are made up of volunteers and they do a fantastic job. Currently there are 268 units with 4,700 volunteers. I understand that more units will come on line in the near future. The bill formally recognises the existence and role of community fire units as a division of the New South Wales Fire Service, and it authorises the commissioner to establish them in various fire districts.

Importantly, new section 78 specifically provides that damage caused by a member of a community fire unit, in the exercise of their functions in good faith, is to be considered damage by fire for the purpose of any insurance policy against fire damage, and as such will be protected from liability, as is the case with the Rural Fire Service and the State Emergency Service. The Coalition has always encouraged and supported community participation in emergency service organisations, and this is a sensible bill that protects our hardworking volunteers undertaking a very valuable task for the community, particularly in times of emergency. I congratulate the Government on introducing the bill, and I am pleased to support it.

Mr IAN COHEN [5.00 p.m.]: On behalf of the Greens I welcome the Fire Brigades Amendment (Community Fire Units) Bill. The volunteer work done by people living in bushfire-prone areas is to be highly commended. The bill provides for the New South Wales Fire Brigades commissioner to establish community fire units [CFUs] and appoint members. The objects of such units are to assist with the defensive protection of homes during bushfires and to carry out other protection work under the direction of the commissioner. It is pleasing to see that the work done by volunteers in the protection of homes during the course of bushfires will be recognised in legislation. Under the bill, one function of a community fire unit is to:

... undertake fire prevention work by encouraging the preparation of properties in advance of the bush fire danger period and assisting with hazard reduction work such as clearing and pile burning.

The preparation of properties, such as clearing gutters, plays an important preventative role in limiting damage caused by bushfires. Hazard reduction can also be important in this respect, but it must be done in a responsible manner. Clearing debris, noxious weeds and dry undergrowth by hand from bushland, and then pile burning, can be a very effective preventative measure as it has a low impact on bushland. I had some concerns about community fire units being given a mandate to clear vegetation. Concerns had been raised about such clearing being done overzealously, with negative environmental impacts. However, I have been assured by the New South Wales Fire Brigades that activities such as clearing and hazard reduction burning would not be undertaken by community fire units without supervision and the presence of the New South Wales Fire Brigades.

As such, these activities would need to be undertaken in accordance with the codes of practice and environmental policies of the New South Wales Fire Brigades. Members of community fire units are to be subject to the operational guidelines of the commissioner. Any hazard reduction must be done in a responsible manner, and community fire units must be given adequate education and training in regard to conservation issues. There is a need to correct the common misconception that responsible fire management always involves burning to reduce moderate and high fuel loads generally throughout the landscape, irrespective of where they occur. Rather, such activities should be strategically planned, in proximity to vulnerable assets. Many vegetation communities and plants cannot survive frequent fire, and for this reason frequent fire has been listed as a key threatening process by the New South Wales Scientific Committee under the Threatened Species Conservation Act.

Another function of community fire units is to assist firefighters during a bushfire, especially in the defensive protection of houses and while waiting for firefighters to arrive. This is a sensible function which recognises the valuable contribution of members of the community in fire areas in minimising damage and working hand in hand with fire crews. At the same time, this function implicitly recognises that properly trained firefighters have the core function of fighting fires at the main fronts. However, on many occasions I have indicated that floating embers before and after the main front passes can cause significant damage. If window glass is broken before the main front passes through, embers may float through the broken window and enter a house, setting the curtains ablaze. Often that is the main reason a house goes up in flames.

Community fire units can assist with post-fire recovery operations, including bush regeneration and the removal of debris. This could be a very valuable function of the units. Contribution to bush regeneration by community fire units would be welcomed by the Greens. Adequate clear-up and regeneration is often lacking after a bushfire. Everyone is so relieved that the fire is over that they often do not take the next step of recovery operations. This can be a great opportunity to plant appropriate native vegetation, rather than letting noxious weeds reclaim the burnt land. However, I seek an assurance that adequate education and training will be provided in this regard. Certainly, many species, particularly rainforest species, can be planted around houses. While they will not necessarily survive a fire, they can act as a fire retardant during a fire.

Education is to be another function of the community fire units. The Greens support this function. The role of the units within their communities should include an educative function about fire prevention and safeguarding homes against fire damage. Once again, however, I stress that they would have to be properly trained to carry out this role. Education and community awareness material needs to focus especially on the threat to the environment and property of the inappropriate use of fire, particularly burning that is too frequent, extensive in area, of excessive intensity, badly timed or carelessly implemented.

Under this legislation, any person can be appointed as a member of a community fire unit, noting that members are generally volunteers who live in the bushland area for which the unit is established. Units generally comprise six to 12 members. While I am sure that the majority of volunteers are sensible and well intentioned, there has been some evidence of volunteer firefighters starting fires themselves. A publication by the Australian Institute of Criminology, "Bushfire Arson: A Review of the Literature" by Matthew Willis in 2004, states:

Most studies of arson identify a small proportion of cases where fires are lit by the very people charged with preventing and suppressing them—firefighters. Despite the phenomenon not occurring in great numbers, and especially considering the very many volunteer firefighters who provide valuable and committed service to the community, firefighter arson is considered sufficiently serious to warrant special consideration. A small number of studies have examined very closely the motives behind firefighter arson and the types of firefighters who light malicious fires.

These studies suggest that firefighters are most likely to start fires to generate excitement and thereby relieve inactivity, or gain recognition or be treated as a hero for putting out the fire.

One recommendation of the report is to "examine and analyse the application of psychological screening tools for the selection of paid and volunteer firefighters". I understand that a risk assessment has been done and that screening will not occur prior to entry to community fire units. I also understand that these units are community based and that the people involved would be protecting their own properties, so presumably they

would not wish to start a fire that could endanger their home. However, I urge the Government to consider background checks for CFU members nonetheless, such as those are carried out for entry to the Rural Fire Service. The bill provides for the training and equipping of community fire units by the commissioner "as the Commissioner considers necessary".

Since 1980 at least 16 volunteer firefighters have lost their lives while protecting the community from bushfires. Firefighters work in life and death situations. St John Ambulance volunteers need to attain a Senior First Aid certificate, as well as further training requirements and skills maintenance programs. I am told that members of community fire units attend two training sessions per year, run by the New South Wales Fire Brigades, with presentations from the Rural Fire Service, St John Ambulance, and the National Parks and Wildlife Service. Such a training session held recently at St Ives attracted more than 500 people. This is encouraging, and I hope that the training provided continues to be developed and that there is adequate follow-up. The Greens would seek to ensure that community fire units are provided with adequate and appropriate protective clothing, equipment, machinery, and communications systems.

The bill will protect members of community fire units from liability, in line with the protection afforded to fire brigade members. If CFU members cause damage to property fighting a fire, they should not be liable. It is interesting to note that the community fire units are set up under the Fire Brigades Act and not the Rural Fires Act, which is the principal legislation in New South Wales covering the prevention, mitigation, control and management of bushfires. The Greens support the formation of a single fire service under a single Act of Parliament amalgamating the New South Wales Fire Brigades and the Rural Fire Service, to remove overlaps and inconsistencies. This single service would comprise permanent and volunteer brigades. The Greens are keen to commend the bill to the House.

Reverend the Hon. FRED NILE [5.10 p.m.]: The Christian Democratic Party supports the Fire Brigades Amendment (Community Fire Units) Bill. It is one of the more pleasant bills to support, and I am sure there will be no opposition to it in this House. I commend the Government and the current Minister for the support they have given to these community fire units. It was an imaginative idea to set them up, and they were first established after the disastrous 1994 bushfires and expanded after the severe bushfires in 2000-01. Although they have been operating, this legislation gives their role as community fire units [CFUs] legislative recognition.

The bill provides for the New South Wales Fire Brigades commissioner to establish CFUs and appoint members. The New South Wales Fire Brigades functions in metropolitan areas, and I note that CFUs are being formed not only in Sydney, Newcastle and Wollongong but also in Albury, Goulburn, Nowra, Tweed Heads and Singleton. The question that arose in my mind is how does this relate to the Rural Fire Service, especially in country areas and particularly in country towns? Would a CFU operate in the town and the Rural Fire Service operate outside the town?

Again, will the Rural Fire Service be given the same powers as the Fire Brigades to establish CFUs in country centres? Obviously, CFUs have a lower level of training and experience than members of either the Fire Brigades or the Rural Fire Service. The Fire Brigades has full-time employees, and even though members of the Rural Fire Service are volunteers they usually have a great deal of experience and training and become almost the equivalent of Fire Brigades employees. In a sense, the CFUs are amateurs but they have been given a very important role. Should the Rural Fire Service have some role in setting up these CFUs as well? I note that the bill provides that if damage is caused by a member of a CFU in the line of duty, it is covered by insurance. It also provides protection for liability. What happens if a CFU member is injured fighting a fire? A fire could flare up or could be more serious than first anticipated and there could be some casualties. Are CFU members covered in the same way as members of the Rural Fire Service and the Fire Brigades?

This is another cause for praise of the volunteer spirit in Australian society, which is almost unique. Many other countries envy Australia because, as was shown during the Olympic Games, Australians volunteer. Apparently there are not many countries in which people volunteer to do things without being paid. Australia is out in front, even compared with the United States of America.

The Hon. Charlie Lynn: Remember the Cooee March?

Reverend the Hon. FRED NILE: That is right, and volunteering for service in the military too. There are 268 CFUs with 4,700 volunteer members already. We congratulate them on their willingness to protect our society from the harmful impact of bushfires. I support the bill.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [5.14 p.m.], in reply: I thank honourable members for their contributions to this debate and for their support not only for members of the CFUs but also for members of the Fire Brigades and the Rural Fire Service. There has been no call to set up CFUs by the Rural Fire Service because they are normally part-time anyway and they are already at a higher level. The CFUs are an interface to assist the Fire Brigades or to mop up after it. They are not front-line troops. Again, I thank members for their contributions to

the debate and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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