

## **ASSETS, PREMISES AND FUNDING OF THE NSW RURAL FIRE SERVICE**

**Organisation:** Gunnedah Shire Council

**Date Received:** 10 May 2024

# SUBMISSION

**Submission to Inquiry: Assets, premises and funding of the NSW Rural Fire Service**

**Lodged on behalf of [Gunnedah Shire Council](#)**

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**Online submissions to:**

**<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3028#tab-submissions>**

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## Introduction

We welcome this Public Accounts Committee inquiry into assets, premises and funding of the NSW Rural Fire Service and Gunnedah Shire Council appreciates the opportunity to make a submission to this inquiry.

### The Gunnedah Shire

The Gunnedah Shire is in the North West Slopes Region of north-west New South Wales, about 450 kilometres north of the Sydney CBD, and about 650 kilometres south of the Brisbane CBD.

Gunnedah Shire Council administers a large rural local government area (LGA) of 4,992 sq km and in 2023 recorded an estimated resident a population of 13,280.

### Rural Fire Service Background

The NSW Rural Fire Service (RFS) is a statutory body of the NSW Government, established by an Act of the NSW Parliament, the *Rural Fires Act 1997* (the Act). The Act specifies the functions of the RFS and confers and imposes certain functions of the RFS on a local authority within a rural fire district, being local councils. Some of the functions imposed on local councils are asserted to be:

- a) maintain the District Equipment and the Premises (as defined in the Agreement) to the extent required by sections 7(1), 38(2)(c) and 119(5) of the Act;
- b) appoint and manage brigades and brigade officers as a matter of practicality and pursuant to section 15 or 16 of the Act, as appropriate; and/or
- c) appoint a fire control officer to take, or cause to be taken, all necessary measures for suppressing fires in the rural fire district and protecting and saving life and property in case of fire pursuant to section 38(2)(d) of the Act (among other responsibilities and functions).

### Rural Fire Service Arrangements

By way of a District or Zone Agreement (Agreement), the functions imposed on a local council are delegated to the RFS Commissioner. The RFS agrees to exercise all of the functions imposed on the Councils by the Act, except those set out at clause 4.2(a) of the Agreement, and to undertake the day to day management of the service in the Zone.

On 23 July 2012, Gunnedah Shire Council, Liverpool Plains Shire Council and Upper Hunter Shire Council entered into a District Service Agreement for the Liverpool Range Zone with NSW RFS. The term of the Agreement was a period of 3 years to operate from 1 March 2011 to 1 March 2014.

While the Agreement has expired the councils have continued to exercise the functions and responsibilities outlined under the Agreement as if it were still in place.

Under the Agreement, the councils have agreed to:

- provide certain administrative accounting and maintenance services to the RFS;
- allow the RFS to use the District Equipment (defined as “Fire fighting apparatus and other vehicles and equipment owned by the State of NSW, owned by the Council;
- vested in the Council or under the control of the Council and used by the RFS operating in the Districts”. Fire fighting apparatus means all vehicles, equipment and other things used for or in connection with, the prevention or suppression of fire or the protection of life or property in case of fire, by the RFS operating in the Districts; and
- allow the RFS to use the premises (defined as “the land and buildings or parts of land and buildings specified in Schedule 1” of the Agreement.)

Under the Agreement, the RFS have agreed to:

- maintain the District Equipment on behalf of the Council in accordance with the applicable service standards; and
- maintain a register of the Zone equipment.

#### Rural Fires Act 1997

The evolution of the RFS is well documented on the RFS website [<https://www.rfs.nsw.gov.au/about-us/history>] and it is acknowledged that it has grown from separate grass roots entities into the sophisticated organisation that it is today. The nature of what the RFS must contend with now compared to when brigades were first established is vastly different, as is the vertical and horizontal integration into the NSW Government's critical emergency response capability.

However, the Act that the RFS operates under is outdated and does not reflect the modern organisation or environment that it now operates within.

One of the areas that has created vast disagreement within the NSW local government industry is the fire fighting equipment vesting provisions to councils. The inclusion of this reference in the Act means that councils are required to liaise with the RFS to track and account for assets that councils do not have any practical control over. Modern auditing standards now place a massive burden of proof on councils to prove the assets they include in their financial statements exist and what may have been previously viewed as a simple administrative function is no longer the case. The outcome is an unnecessary financial burden by way of additional depreciation for councils already struggling financially due to limitation of revenue generating capacity fueled with increased community and regulatory expectations.

Councils have no visibility on the movement of RFS assets and this creates an unnecessary administration burden for both agencies to reconcile the movements at year end. This unnecessary double handling of information and accounting processes between councils and the RFS is an extreme inefficiency negatively impacting both RFS and councils, and both agencies would be far better off using the resources that would be freed up by removing the vesting provisions from the Act to better use.

The Act should reflect provisions that align RFS functions with the NSW Government. The RFS view themselves as part of the NSW Government's emergency service response and framework. It is inconsistent and unnecessary to have the control of human and operational resources with the NSW Government but have vesting provisions for RFS assets with councils.

#### The future of the Rural Fire Service

As a largely volunteer-based organisation, the RFS is likely to face significant challenges in attempting to attract and retain volunteers into the future, as many volunteer-based organisations are facing now.

We would encourage the NSW Government to consider a combined emergency response agency into the future comprising the State Emergency Service, Rural Fire Service and Fire and Rescue NSW. This would allow for greater economies of scale and allow for an easier transition into an environment where relying on volunteerism may not be a sustainable emergency response model.

#### The appropriate role for local authorities in the provision of emergency services

Local government in NSW plays an important role in supporting emergency services but should not be otherwise involved in funding or providing emergency services.

Through the State Emergency and Rescue Management Act 1989 (SERM Act), local government already provides the Chair of all Local Emergency Management Committees (LEMC) and executive support to

the committee through the Local Emergency Management Officer (LEMO). The SERM Act recognises the involvement of local council involvement in all stages of an emergency is critical.

Councils are increasingly expected through the LEMO position, to develop and implement plans e.g. Recovery Plan, Pre-Event Recovery Plan, Disaster Adaptation Plan; increase emergency management capability; and play a key role in the comprehensive approach to disaster management – Prevention, Preparedness, Response, Recovery. An example is the recently released NSW Recovery Plan that identifies a Council delegate will chair any Local Recovery Committee established following a disaster.

The majority of NSW councils do not have a designated full time or part time position of LEMO; do not have certain or regular external funding for the position/s or resourcing; and nor is there sufficient funding and resourcing for enhancing emergency management capability and improving community preparedness and resilience. Typically, the LEMO function is an adjunct to the incumbent's primary role and functions and as an underfunded and under resourced adjunct, local government should not be expected to be providing even more emergency services or disaster response functions. The NSW and Australian Governments should support the increasingly comprehensive approach to disaster management by properly recognising the role of local government and their LEMO's through ongoing funding of emergency management officers and emergency management capability teams in each Local Government Area considered by the relevant combat agency as a high or medium risk to a particular natural disaster.

#### Recommendations

**We request the Committee:**

- **Review the outdated *Rural Fires Act 1997* and recommend urgent changes to amend Section 119 to remove fire fighting equipment vesting provisions from Councils, and empower RFS to hold/manage this equipment in an efficient manner.**
- **Consider the viability of a combined emergency response model comprising the State Emergency Service, Rural Fire Service and Fire and Rescue NSW.**
- **Consider the establishment of ongoing funding of emergency management officers and emergency management capability teams in each local government area considered by the relevant combat agency as a high or medium risk to a particular natural disaster.**

For any further information regarding this submission please contact Director Corporate Services, Kelly Stidworthy, at [council@gunnedah.nsw.gov.au](mailto:council@gunnedah.nsw.gov.au) or (02) 6740 2100.

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