

General Purpose Standing Committee No 5

**Report on Inquiry into  
the NSW Rural Fire Service**

Ordered to be printed 23 June 2000

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## Committee Membership

The Hon Richard Jones MLC (Chair)	<i>Independent</i>
The Hon Ron Dyer MLC (Deputy Chair)	<i>Australian Labor Party</i>
The Hon Tony Kelly MLC <sup>1</sup>	<i>Australian Labor Party</i>
The Hon Richard Bull MLC <sup>2</sup>	<i>National Party</i>
The Hon John Johnson MLC	<i>Australian Labor Party</i>
The Hon Malcolm Jones MLC <sup>3</sup>	<i>Outdoor Recreation Party</i>
The Hon John Jobling MLC <sup>4</sup>	<i>Liberal Party</i>

## Committee Secretariat

Ms Anna McNicol	<i>Director</i>
Ms Roza Lozusic	<i>Senior Project Officer</i>
Ms Phaedra Parkins	<i>Committee Officer</i>

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<sup>1</sup> The Hon Jan Burnswoods MLC was represented by the Hon Tony Kelly MLC for the purposes of this inquiry.

<sup>2</sup> The Hon Duncan Gay MLC was represented by the Hon Richard Bull MLC for the purposes of this inquiry. The Hon Richard Bull MLC was represented by the Hon Duncan Gay MLC at the hearing on 24 March 2000.

<sup>3</sup> The Hon Malcolm Jones MLC was represented by the Hon David Oldfield MLC at the hearings on 29 February 2000 and 8 March 2000.

<sup>4</sup> The Hon John Ryan MLC was represented by the Hon John Jobling MLC for the purposes of this inquiry. The Hon John Jobling MLC was represented by the Hon Charlie Lynn MLC at the hearings on 8, 20 and 24 March 2000.

## Terms of Reference

1. That General Purpose Standing Committee No. 5 inquire into and report upon the adequacy of fire suppression services provided by the NSW Rural Fire Service to rural communities in NSW, and in particular:
  - (a) The appropriateness of the Government's expenditure on rural fire tankers and other fire fighting equipment for the NSW Rural Fire Service;
  - (b) The appropriateness and adequacy of fire fighting apparatus available to the Rural Fire Fighting Service in NSW;
  - (c) The adequacy of stakeholder representation in the operations of the NSW Rural Fire Service within:
    - (i) Various statutory bodies at the State level;
    - (ii) Executive management level;
    - (iii) Technical level.
  - (d) The provision and adequacy of fire fighter training and personal protective equipment to:
    - (i) Meet the health, safety and welfare requirements of rural firefighters;
    - (ii) Perform effective fire suppression.
  - (e) The appropriateness of the command and control system in the suppression of bush and other fires on:
    - (i) Providing effective coordination of resource allocation within the NSW Rural Fire Service;
    - (ii) Providing for accountability arrangements for Fire Control Officers to both the Commissioner of the NSW Rural Fire Service and General Managers of Local Councils;
    - (iii) Selecting and appointing those people charged with the responsibility and management of suppression action against fires;
    - (iv) Taking into account the recognition and utilisation of appropriate local knowledge and skills.
  - (f) Any other matter arising out of or incidental to the above.
2. That the Committee report to the House its findings on the first sitting day of the parliament in 2000.<sup>5</sup>

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<sup>5</sup> Note: The reporting date was extended to 30 June 2000.

## Recommendations

### Funding Process –Chapter 3

#### **Recommendation 1:**

- (a) The Committee recommends that in order to reduce inequities in the distribution of resources, that the revised Standards of Fire Cover Methodology be applied across the state.
- (b) The Committee views the actions of some property owners who fail to insure, or under-insure, their properties as unsatisfactory, and recommends to the Government that this matter be reviewed.

### Tankers –Chapter 4

#### **Recommendation 2:**

The Committee recommends local builds to Rural Fire Service specifications, subject to price and quality, in order to assist in the generation of rural employment.

### PPE & Training –Chapter 4

#### **Recommendation 3:**

The Committee recommends that the existing provision of personal protective equipment and training, to volunteer fire fighters, be extended to those volunteers in catering, welfare and other support functions.

## **Stakeholder Representation –Chapter 5**

### **Recommendation 4:**

The Committee recommends that the Rural Fire Service give consideration to expanding the program whereby central committees meet from time to time in rural areas of NSW to facilitate a transparency of process, and better communication with volunteers.

## **Communication –Chapter 5**

### **Recommendation 5:**

The Committee recommends that the Rural Fire Service communication strategy be reviewed to ensure its effectiveness.

### **Recommendation 6:**

The Committee recommends that Fire Control Officers should ensure the dissemination of information and material (such as newsletters) from Rural Fire Service head office to volunteers.

**Recommendation 7:**

The Committee recommends that the Rural Fire Service provide a facility to allow local brigades to put individual home pages on the Internet.

**Recommendation 8:**

The Committee recommends that a Code of Ethics for Rural Fire Service Volunteers be adopted as soon as possible.

**Command and control system –Chapter 6**

**Recommendation 9:**

The Committee recommends that local committees be established across New South Wales in order to facilitate greater efficiency and use of resources, and better coordination of bush fire services, personnel and equipment.

**Recommendation 10:**

- (a) The Committee recommends that further detailed protocols should be developed by the Rural Fire Service, in conjunction with Fire Control Officers and the Local Government and Shires Associations, to clearly define and delineate Fire Control Officer duties.
- (b) The Committee recommends that Fire Control Officers and other Rural Fire Service staff be employed by the Rural Fire Service.
- (c) The Committee recommends that local councils be involved in the selection process for Fire Control Officers.
- (d) The Committee recommends that local performance agreements be entered into between the Rural Fire Service and local councils regarding management and responsibilities under the *Rural Fires Act 1997*.

**Recommendation 11:**

The Committee recommends that the Rural Fire Service develop an appropriate industrial framework for salaries, conditions and employment for Fire Control Officers.

**Recommendation 12:**

The Committee recommends that the Rural Fire Service continue to promote an awareness of the section 44 appointment process.

## **Hazard reduction –Chapter 7**

### **Recommendation 13:**

The Committee recommends that hazard reduction burns continue to be based on best scientific knowledge of the effect of burns on vegetation types to reduce the risk of increasing fuel loads.

## Abbreviations

BFC	Bush Fire Council
BFCC	Bush Fire Coordinating Committee
BFMC	Bush Fire Management Committees
DFCO	Deputy Fire Control Officer
FCO	Fire Control Officer
FSJSC	Fire Services Joint Standing Committee
LGSA	Local Government & Shires Associations
NCC	Nature Conservation Council
NPWS	National Parks and Wildlife Service
NSWFBEU	NSW Fire Brigade Employees' Union
NSWRFS (used interchangeably with RFS)	NSW Rural Fire Service
PPE	Personal Protective Equipment
RFFF	Rural Fire Fighting Fund
RFS	Rural Fire Service
RFSA	Rural Fire Service Association
RFSAC	Rural Fire Service Advisory Council
RPL	Recognition of Prior Learning
RVFFA	Rural Volunteer Fire Fighters Association
SOC	State Operations Centre
SOFC	Standards of Fire Cover



## Chairman's Foreword

The NSW Rural Fire Service has undergone extensive reforms in the past decade. The catalyst for these reforms was the devastating impact of the fires which occurred in the 1990s. The reforms were based on recommendations from the many inquiries established to investigate the effectiveness of the Service in light of these fires – the key inquiry being the Hiatt Coronial Inquiry into the 1994 bushfires. The recommendations resulted in a new Act, the *Rural Fires Act 1997*, which replaced the *Bush Fires Act 1949*.

Apart from a Performance Audit Report conducted by the Auditor-General in 1998, there has been no comprehensive review of the effectiveness of the Service since the new Act commenced. Some of the reforms appear to be contentious. This Inquiry into the NSW Rural Fire Service has provided an opportunity to review the operations of the Service since the introduction of the Act.

The Committee's investigations have clearly show that there has been a major transformation of the RFS in the past decade. There has been a move towards a more professional Service with a greater emphasis on safety.

The Committee acknowledges that the Service is working hard to address outstanding issues or areas of concern that have been raised during this Inquiry and in other fora. For example, there appears to be an ongoing process of reviewing policies and procedures - such as the communication strategy adopted by the Service in response to concerns raised before the Committee. The Committee believes that the responsiveness of the RFS to this Inquiry has been positive and has pre-empted the need to make recommendations in certain instances.

The Committee also recognises and acknowledges the hard work, experience and dedication of volunteers and that they give their valuable time freely to help others. The Committee notes that the Rural Fire Service is founded on the dedication of volunteers. The Committee believes that we should strive to maintain and support the volunteer ethos, and a key part of that process is listening to the concerns of the volunteers.

I would like to thank all those who made submissions, and to thank witnesses who appeared before the committee for their contributions. The Committee received over 600 submissions, which is the largest number of submissions ever received by a Legislative Council Committee.

The submissions reflect a diverse range of views expressed by volunteers and others. The number and range of views highlighted the need for flexibility when considering the issues before the Committee and particularly any reform proposals.

One such issue is the question of dual accountability. My view is that it would be preferable to maintain flexibility and to keep the status quo where it is working and where it does not work to develop a dispute resolution process and then a mechanism for the Commissioner to take over direct employment of Fire Control Officers by the RFS. The majority of members of the Committee, however, felt that weight of evidence of conflict over dual accountability was

sufficient to resolve the issue once and for all by recommending direct RFS employment of all Fire Control Officers.

I would like to thank the Members of the Committee for their hard work and their contribution to this report.

I would like to thank the Rural Fire Service Head Office in assisting the Committee, particularly Commissioner Koperberg and Ms Jane Hollier.

I would also like to thank the Committee secretariat, Director Ms Anna McNicol, Senior Project Officer Ms Roza Lozusic and Committee Officer Ms Phaedra Parkins, for their invaluable assistance in preparing the report. I would also thank the Clerk Assistant-Committees Mr Warren Cahill, and Mr Steven Carr for their assistance in the concluding stages of the Inquiry.

**The Hon Richard Jones MLC**

Chairman

# 1 Introduction

## 1.1 Referral of the Inquiry

The Inquiry into the NSW Rural Fire Service was self referred by the Legislative Council General Purpose Standing Committee No 5 on 18 November 1999<sup>6</sup>. The Committee was required to inquire and report on the adequacy of fire suppression services provided by the NSW Rural Fire Service to rural communities in NSW, and in particular:

- (a) The appropriateness of the Government's expenditure on rural fire tankers and other fire fighting equipment for the NSW Rural Fire Service;
- (b) The appropriateness and adequacy of fire fighting apparatus available to the Rural Fire Fighting Service in NSW;
- (c) The adequacy of stakeholder representation in the operations of the NSW Rural Fire Service within:
  - (i) Various statutory bodies at the State level;
  - (ii) Executive management level;
  - (iii) Technical level.
- (d) The provision and adequacy of fire fighter training and personal protective equipment to:
  - (i) Meet the health, safety and welfare requirements of rural firefighters;
  - (ii) Perform effective fire suppression.
- (e) The appropriateness of the command and control system in the suppression of bush and other fires on:
  - (i) Providing effective coordination of resource allocation within the NSW Rural Fire Service;
  - (ii) Providing for accountability arrangements for Fire Control Officers to both the Commissioner of the NSW Rural Fire Service and General Managers of Local Councils;

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<sup>6</sup> The General Purpose Standing Committees have the capacity to self refer matters for inquiry, provided they are connected with the portfolio areas assigned to the relevant Committee, under the provisions of paragraph 3 and 4 of the resolution establishing the General Purpose Standing Committees, *Minutes of Proceedings* of the Legislative Council, 13 May 1999, p62.

- (iii) Selecting and appointing those people charged with the responsibility and management of suppression action against fires;
- (iv) Taking into account the recognition and utilisation of appropriate local knowledge and skills.

Any other matter arising out of or incidental to the above.

The Committee was due to report on the first sitting day of the Parliament in 2000 - 4 April 2000. On 3 April 2000, the Committee extended its reporting date to 30 June 2000.

## **1.2 Conduct of the Inquiry**

### **1.2.1 Advertising**

The Committee resolved, at its meeting on 18 November 1999, to call for submissions in relevant regional newspapers and one metropolitan newspaper. The Committee placed advertisements calling for submissions in the *Sydney Morning Herald* and in 16 major regional newspapers. The closing date for submissions was 31 January 2000.

The Committee further resolved to invite submissions from the following: the Rural Fire Services Association; NSW Farmers Association; Shires Association; and the Minister for Emergency Services.

### **1.2.2 Submissions**

The response to advertisements calling for submissions was overwhelming. The Committee received a total of 607 submissions ranging from Volunteers in the Rural Fire Service, to other key stakeholders such as government departments and agencies – the majority of which were generally supportive. A list of submissions is contained at Appendix 1.

The Committee notes that the total number of submissions sent to the Committee is by far the largest number ever received by a Legislative Council Committee. This perhaps reflects the large number of volunteers (approximately 70,000) in the Rural Fire Service, and their dedication and commitment to improving the Service.

### **1.2.3 Hearings**

The Committee held four hearings, two of which were held in Sydney - at Parliament House on 29 February 2000 and 24 March 2000. The other two hearings were held in Lismore on 8 March 2000 and Dubbo on 20 March 2000. A total of 49 witnesses appeared before the Committee during the four hearings. A list of witnesses who appeared before the Committee is included at Appendix 2.

### **1.3 Structure of the Report**

The Report is divided into 8 chapters. Chapter 2 is a background chapter which looks at the factors leading up to the reform of the Service in 1997 - in particular the devastating fires of 1994 which culminated in various inquiries.

Chapter 3 details the Rural Fire Fighting Fund, and how the funding contribution and allocation process works. The Committee explored this issue in some detail as it was noted that equity of funding allocation underpinned much of the Committee's terms of reference, particularly with respect to tanker and equipment allocation.

Chapter 4 looks at tankers, equipment and training and details evidence relating to these areas - such as the level of equipment available in certain districts and the adequacy of such equipment.

Chapter 5 concerns stakeholder representation and communication issues. This chapter also looks at the issue of volunteerism within the Service as well as internal brigade matters.

Chapter 6 relates to the command and control system, most notably the issue of dual management of the rural fire brigades by the Rural Fire Service (RFS) and local government authorities. This was one of the key issues facing the Committee's inquiry and an issue that has been explored in previous inquiries - but one which has remained unresolved.

Chapter 7 relates to hazard reduction and the appropriateness of burning as a hazard reduction measure.

Finally, Chapter 8 relates to allegations made before the Committee.

## 2 Background

During the 1990s, New South Wales experienced many large and devastating fires – in particular the December 1993 to January 1994 fires. The 1993/94 fires resulted in several inquiries and a major coronial inquest which were held to investigate, respectively, the effectiveness of then NSW Bush Fire Services (now the NSW Rural Fire Service), the cause of the fires, and the loss of life in the fires. The key inquiries and inquests include: the Legislative Assembly Select Committee on Bushfires (1994)<sup>7</sup>; a Coronial Inquiry conducted by the then Senior Deputy State Coroner John Hiatt from 1994 to 1996 – the result of which is known as the Hiatt Report (1996)<sup>8</sup>; and the response to the Hiatt Report by the Bush Fire Coordinating Committee, the *Report of the Coordinating Committee on the findings of the NSW Bushfire Inquiry* (May 1996)<sup>9</sup>.

Shortly after the 93/94 bushfire emergency, a Cabinet sub-committee was formed which was chaired by the then Deputy Premier Ian Armstrong MP, Member for Lachlan. The Cabinet sub-committee recommended a number of reforms including the mandatory formation of Bush Fire Management Committees at the local level, and the preparation of bushfire operational and fuel management plans of these committees. These reforms were implemented following amendments to the then Bush Fires Act in 1997.

In 1997 the NSW Bush Fire Service, now the NSW Rural Fire Service (also referred to in this report as ‘the Service’, ‘the NSW RFS’ or ‘RFS’)<sup>10</sup> underwent extensive reforms, partly as a result of the various recommendations made by these inquiries, particularly those of the Hiatt Coronial Inquiry.<sup>11</sup>

This chapter briefly describes the events in the 1990s and the resultant investigations and their recommendations for change to the Service. This chapter then explains the changes made to the Service by the *Rural Fires Act 1997* (‘the Act’). It also outlines the findings and

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<sup>7</sup> The NSW Legislative Assembly, *Select Committee on Bush Fires Report*, November 1994.

<sup>8</sup> Senior Deputy State Coroner John Hiatt, *New South Wales Bushfire Inquiry* (also known as the “Hiatt Report”), handed down in February 1996.

<sup>9</sup> *Report of the Coordinating Committee on the Findings of the NSW Bushfire Inquiry*, submitted to the Hon. Bob Debus MP, Minister for Emergency Services, May 1996.

<sup>10</sup> The NSW Rural Fire Service was established under the *Rural Fires Act 1997*. The Act made many reforms to the service.

<sup>11</sup> Mr Debus, Minister for Emergency Services, second reading speech on the Rural Fires Bill 1997, *NSWPD* (Legislative Assembly), 28/5/97.

recommendations of a later report by the Auditor-General in 1998: the Performance Audit Report on the *Rural Fire Service: The Coordination of Bushfire Fighting Activities*.<sup>12</sup>

## **2.1 Large fires in the 1990s**

### **2.1.1 December 1993 to January 1994 fires**

From 27 December 1993 to 16 January 1994, a series of over 800 severe fires swept across the coastal and largely urban areas of New South Wales. The fires had a devastating impact and resulted in the largest fire suppression activity ever conducted in Australia. The scope of this activity is evidenced by the extent of the fires as well as the number of people involved in the fire suppression. The fires ranged from the Queensland border of NSW through the North and Central Coast, and down through Sydney to the South Coast area of Batemans Bay. The total area burnt by the fires was 800,000ha.<sup>13</sup>

Throughout the emergency, over 20,000 firefighters (both from NSW and interstate) and other emergency services personnel were utilised to fight the fires. The breakdown of the number and origin of the firefighting force during December 93 and January 94 are as follows:

- NSW Bush Fire Service – 1950 units/ 16700 firefighters
- NSW Fire Brigades – 280 units/ 1600 firefighters
- Interstate and military – 206 units/ 1954 firefighters
- 250 National Park and Wildlife Service firefighters
- 350 State Forest firefighters
- State Emergency Service (SES) – 40 units/ 400 firefighters.<sup>14</sup>

Three people died and 206 homes were lost in the fires.<sup>15</sup>

<sup>12</sup> Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, December 1998. The report reviewed the operations of the NSWRFSS since the 1997 reforms.

<sup>13</sup> NSW Rural Fire Service, *A State Ablaze, the January 1994 Fires*, January 1998; Department of Bush Fire Services, *Annual Report 1993/94*, pp38-50.

<sup>14</sup> op. cit., n13, *A State Ablaze*, p18.

<sup>15</sup> op. cit., n13, *Annual Report*, p38. The deaths of Norman Anthes, Robert Page, William Roach and Pauline O'Neil were the subject of the Hiatt Coronial Inquest. It should be noted that Coroner Hiatt (at p44 of the report) found that William Roach died of natural causes that were not related to the bush fires – thus bringing the number to 3.

### **2.1.2 Other fires - 97 Pilliga, 98 Wingello**

There have been other devastating fires – post the 1997 reforms – including one in the Pilliga in 1997 and one in Wingello State Forest on 1<sup>st</sup> January 1998. The fire in Pilliga appeared to be started by a lightning strike on 27 November 1997 and a section 44 declaration was made on 29 November 1997 (and ceased on 7 December 1997). The fire burnt approximately 145,024 hectares of primarily State Forest and National Parks land – although some private property was also affected. The latter fire involved a backburning operation which unpredictably spread and killed the Senior Deputy Captain of the Wingello Brigade, David Quinlivan.<sup>16</sup> Both these fires were discussed in some of the submissions and evidence tendered to the Committee.

## **2.2 Select Committee Report – 1994**

The NSW Legislative Assembly established the *Select Committee on Bushfires* on 17 March 1994. The Committee was required to consider and report on the 1993/94 bushfires without duplicating examination of the evidence before the Hiatt Coronial Inquiry. Some of the factors which the Committee was required to consider, according to its terms of reference, were: hazard reduction and fire prevention matters; treatment of victims; compensation for firefighters killed or injured whilst fighting fires; adequacy of equipment and training available to brigades; the environmental impact of bushfire management and control on biodiversity; and the causal factors of the bushfires.<sup>17</sup>

The Select Committee received 151 submissions and examined 22 witnesses.

The Select Committee made several findings and recommendations. The Select Committee's report noted that the findings and recommendations were not complete due to external limitations such as "restraints placed on the Committee due to 'Cabinet Paper' conventions, Deputy Coroner requests for limitations on evidence and the demand for tabling prior to the House rising for a General Election". The report also noted that some of the terms of reference were not dealt with for similar reasons.<sup>18</sup>

The recommendations included:

- that all public authorities conduct adequate hazard reduction and provide and maintain fire trails on their land.

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<sup>16</sup> Submission No 79, Leanne Quinlivan-Scurr. Note, coronial inquest was conducted by Deputy State Coroner John Abernethy, the report was entitled *Wingello Fire Inquiry*.

<sup>17</sup> op. cit., n7, Appendix 1.

<sup>18</sup> op. cit., n7, pii and p56.

- that the Department of Bush Fire Services establish a minimum standard for fire trails, directing all government and public authorities to provide a fire trail maintenance schedule to all relevant fire control officers.<sup>19</sup>
- that the Department of Health provide the community with quantitative information as to the effects of controlled burning on human health.<sup>20</sup>
- the adoption of a standard emergency warning signal, which is sounded to get the attention of listeners before the warning is read. (This Standard Emergency Warning Signal was implemented by each state and territory on 7 October 1998)
- that the media be approached with the view to establishing a formal “Situation Report” in the form of a regular bulletin delivered by an authorised officer at the Fire Control Centre.
- the adoption of Australian Standard 3959 into the Building Code of New South Wales
- that the Parliament establish a Standing Committee on Natural Disasters.<sup>21</sup>
- that the proposed Standing Committee on Natural Disasters be charged with the responsibility of monitoring the standard of bushfire fighting equipment throughout the State<sup>22</sup> ... and closely monitor the implementation of the Government Radio Network.<sup>23</sup>

The recommendations with respect to fire trails were adopted by the RFS, which is noted in Chapter 7 of this report. The recommendation with respect to the adoption of Standard 3959 (which was also recommended by Deputy State Coroner Hiatt) was also adopted.

### **2.3 Coronial Inquiry – February 1996**

The then Senior Deputy State Coroner, Mr John Hiatt, headed the Coronial Inquiry into the cause of the 1993/94 fires, and an inquest into the deaths of four people. The inquest was dealt with during the course of the inquiry.<sup>24</sup> The Inquiry was conducted from August 1994 to

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<sup>19</sup> op. cit., n7, p20

<sup>20</sup> op. cit., n7, p22

<sup>21</sup> op. cit., n7, p57

<sup>22</sup> op. cit., n7, p35

<sup>23</sup> op. cit., n7, p39

<sup>24</sup> op. cit., n8, p2. As noted earlier, Deputy State Coroner Hiatt found that one of the deceased died of natural causes which were not related to the bush fires, therefore only three people died as a result of the fires.

February 1996 and the report was handed down on 28 February 1996. The Report was lengthy (402 pages) and made 125 findings and recommendations.

One of the key findings with respect to the management of the Bush Fire Services related to the problems with dual control of the Service by local authorities and the Department of Bush Fire Services. The Deputy State Coroner stated:

...what is required is a structured full time organisation, such as the Department of Bush Fire Services, to administer these organisations in respect of their District Fire Committee duties, unfettered from the interference of local Councils.<sup>25</sup>

The Deputy State Coroner further suggested that the Service and the NSW Fire Brigades (NSWFB) have their management amalgamated. These findings are outlined below.

### **2.3.1 Dual control**

With respect to the problems of dual control, the Deputy State Coroner noted:

The dual control – Councils and Department of Bush Fire Services – in the Courts opinion, has given rise to many of the problems and concerns encountered during the hearing of evidence in these proceedings and others heard by the Court. Coincidentally, such problems to a major degree, arise in respect...of the provisions of the Bush Fires Act relating to the activities, in the main, of the Fire Control Officers, their staff and volunteer Bush Fire Brigades. These organisations where their bushfire activities are concerned, are wanting in respect of command structure and accountability, whereas the evidence otherwise demonstrated the NSW Fire Brigade work extremely well and are commanded, and accountable, on a permanent basis in respect of their jurisdiction. Likewise, the Police, National Parks and State Forests have the same permanent structure in place which lends itself to efficient command and accountability.

A number of witnesses in the Inquiry into the Bell Range bushfire have given evidence in respect of this issue. Witnesses of standing have put forward a very compelling case why Fire Control Officers should be employed by the Department of Bush Fire Services... In the Courts opinion, the authorities should consider these issues seriously.<sup>26</sup>

...

In this Inquiry, the Court is of the opinion that the major problems which arose were brought about because of dual control between the Department of Bush Fire Services and the Local Council.<sup>27</sup>

The Coroner recommended:

The role the Councils now play in respect of Bush Fire Administration should be modified.

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<sup>25</sup> op. cit., n8, p126

<sup>26</sup> op. cit., n8, p127

<sup>27</sup> op. cit., n8, p257

The Fire Control Officers should be employed permanently in the new Rural Fire Service but keeping contact and liaison with their local areas through Councils and by supervision and control of the local volunteer Bush Fire Brigades.<sup>28</sup>

### **2.3.2 Single Rural Fire Service**

The Coroner stated, with respect to the need for a single rural fire service:

The evidence demonstrates the need for a single Rural Fire Service – an organisation permanently in place, with a Commander and a permanent structure and with accountability.<sup>29</sup>

The Coroner further stated, with respect to the management of the services being amalgamated:

It makes sense to the Court – the permanent structure of the NSW Fire Brigade with a dedicated structure of command and communications should deal with all existing NSW Fire Brigade Districts ... and a Rural Service be set up with the Department of Bush Fire Services having a similar command structure, and communications system, to deal with rural fires with one Board to administer both.<sup>30</sup>

The New South Wales Fire Brigade should not be in the Courts opinion, subject to direction of a body such as the Bushfire Council but should be responsible to a Board of Commissioners appointed to administer all fire fighting services in New South Wales.

It follows that a restructured Rural Fire Service should also be, in the Courts opinion, responsible to the same Board of Commissioners and major reform of the...[*Bush Fires Act 1949*]... should be undertaken. <sup>31</sup>

### **2.3.3 Other recommendations**

Other recommendations of the Deputy State Coroner include:

- A review of the Act with respect to giving consideration to the NSW Fire Brigade having power to carry out hazard reductions and section 13 Notice procedures under Fuel Management Plans in respect of their own Fire Districts.<sup>32</sup>

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<sup>28</sup> op. cit., n8, p384

<sup>29</sup> op. cit., n8, p257

<sup>30</sup> op. cit., n8, p189

<sup>31</sup> op. cit., n8, p333

<sup>32</sup> op. cit., n8, p307

- That consideration should be given to making it mandatory that development applications in bushfire risk areas be referred to the FCO (or NSWFB representative).<sup>33</sup>
- Several other recommendations with respect to planning of, and building developments in, residential areas that are bush fire prone.
- That the Government give serious consideration to how Emergency Services can obtain instant access to the electronic media for the purpose of broadcasting appropriate, accurate information.<sup>34</sup> (The full recommendations are included at Appendix 3)

## **2.4 Bush Fire Coordinating Committee Report – May 1996**

The Hiatt report was referred by the Minister to the Bush Fire Coordinating Committee (BFCC) for its consideration and report.<sup>35</sup>

The BFCC had diverse membership comprising many of the key stakeholders:

- ❖ Commissioner of the NSW Bush Fire Services, Assistant Commissioner, and the Manager Planning and Research
- ❖ Assistant Commissioner for the NSW Fire Brigades (NSWFB) and Superintendent
- ❖ Departmental representatives from State Forests, National Parks and Wildlife Service (NPWS)
- ❖ Bush Fire Council (BFC) Members representing Fire Control Officers (FCOs), rural landholders, Local Government and Shires Association<sup>36</sup>

The BFCC made many recommendations<sup>37</sup> including the following relating to the structure of the Rural Fire Service:

- That a system based on an enhancement of the status quo, with key operational personnel remaining employed by Local Government, but with clearly defined lines of operational accountability through to the Commissioner of Bush Fire Services be implemented.

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<sup>33</sup> op. cit., n8, p350

<sup>34</sup> op. cit., n8, p357

<sup>35</sup> op. cit., n9, pxxvii

<sup>36</sup> op. cit., n9, ppxviii-xxix.

<sup>37</sup> op. cit., n9, recommendations are listed at ppxii-xxvi

- That a tri-partite consultative committee representing the Department of Bush Fire Services, the Local Government and Shires Associations ('the LGSA') and the Fire Control Officers' Association be convened to address the issues of: an industrial framework for Fire Control Officers, Position Grading and Reporting Lines, amongst other issues.<sup>38</sup>
- That the principle of a ranking system be adopted to reflect the operational chain of command from fire fighter to Commissioner.
- That the generic name for the organisation be the "New South Wales Rural Fire Service" with the proviso that such identification will not detract from the ability of either a Council or a Brigade, with the consent of the parent Council, to display a local name on fire fighting units, that identifies that Brigade.
- That the Bush Fires Act 1949, be repealed and replaced by a new Act to reflect the recommendations made in this report. In keeping with the recommendation to identify the totality of the volunteer organisation as the NSW Rural Fire Service, the new Act should be titled the "Rural Fires Act of NSW".<sup>39</sup>

The BFCC, however, did not support Deputy State Coroner Hiatt's recommendations to remove local government from management and control with respect to the NSWRFs, and to amalgamate the NSWRFs and NSWFB:

39. Option 4 ...[the complete removal of Local Government from rural fire management by creation of a Single Fire Service]... was effectively ruled out by the Premier and the Minister on 28 February 1996 when they publicly announced that the Government had no plans to create a "Single Fire Service". The Committee concurs with that view and commends the decision. The culture of the permanent and volunteer fire services in NSW is such that any move to amalgamate, would, in the Committee's collective view, be destructive of the very strong volunteer ethic pervading the NSW Bush Fire Service.

40. The Committee wishes to express at the outset, the absolutely vital role played by volunteers in rural fire management in NSW. It is essential that any proposals affecting the delivery of a fire service to the state recognise this, and do not in any way compromise volunteer status or identity, nor their association with their chosen geographic area of regular operation.<sup>40</sup>

The Committee made many other recommendations with respect to brigade training, funded equipment, standard operating procedures, responsibility for section 13 of the *Bush Fires Act*, responsibility under section 54 of the *Bush Fires Act*, land use planning (development

<sup>38</sup> This was in recognition of the disparate pay and general employment conditions experienced by FCOs across the state.

<sup>39</sup> op. cit., n9, ppxxi-xxii & pp52-56. The report interestingly noted that the Local Government and Shires Associations (LGSA) did not fully support the recommendation to create a separate industrial framework for FCOs to ensure consistency across the state (pp53-54).

<sup>40</sup> op. cit., n9, p13

applications and building applications), section 10 permits, and adherence to standards of fire cover (SOFC).

## **2.5 Reform of the Rural Fire Service**

### **2.5.1 Amendments to the Bush Fires Act 1949 in 1994**

Various amendments were made to the *Bush Fires Act 1949* in 1994, and proclaimed in June 1994. The BFCC noted in its report that some of the amendments had already addressed issues that Coroner Hiatt identified in his report.<sup>41</sup> Some of the key amendments related to planning which included the compulsory formation of Bush Fire Management Committees in districts and compulsory preparation of fuel management plans.

### **2.5.2 Joint Fire Services Standing Committee – 1996**

A Joint Fire Services Standing Committee was established in August 1996. This Committee has representatives of both the RFS and the NSWFB. The purpose of the Committee is to “...oversee the development of cooperative fire fighting arrangements”, which was recommended by Coroner Hiatt.<sup>42</sup>

### **2.5.3 Introduction of the Rural Fires Act 1997**

The Rural Fires Bill 1997 was introduced in the Legislative Assembly on 28 May 1997 and had its second reading on the same day<sup>43</sup>. It was considered and passed in the Legislative Council on 25 June 97<sup>44</sup>, and was assented to on 10 July 1997. The Bill was to replace the earlier Act (the *Bush Fires Act 1949*), and make extensive reforms to the Service. The Minister for Emergency Services<sup>45</sup>, in his second reading speech, noted that the Bill represented “...the first comprehensive revision of the State’s largely volunteer bushfire fighting movement since the current Act was brought into being in 1949”<sup>46</sup>. The object of the Bill was to provide:

- a) for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and

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<sup>41</sup> op. cit., n9, p1

<sup>42</sup> NSWPD (Legislative Assembly), 28/5/97, p9468

<sup>43</sup> op. cit., n42, p9467

<sup>44</sup> NSWPD (Legislative Council), 25/6/97pp11095-11139

<sup>45</sup> Mr Debus, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Minister for the Arts.

<sup>46</sup> op. cit., n42

- b) for the co-ordination of bush fire fighting and bush fire prevention throughout the State, and
- c) for the protection of persons from injury or death, and property from damage, arising from fires, and
- d) for the protection of the environment by requiring certain activities referred to in paragraphs (a)-(c) to be carried out having regard to the principles of ecologically sustainable development described in section 6(2) of the *Protection of the Environment Administration Act 1991*.

The purpose of the Bill was twofold – both to update and remove the uncertainties that existed in the old Act, and to address the findings and recommendations of the coronial inquiry into the fires of December 1993 and January 1994.<sup>47</sup>

The Bill was generally supported by the Opposition and Cross-bench at the time. There were two amendments moved. One, Government, amendment in the Legislative Assembly which was passed, dealing with the ability of a local councillor, who was also a Fire Control Officer, to remain in that position until the expiry of his or her term in office.<sup>48</sup> The other amendment was an Opposition amendment which was negated in the Legislative Council. It related to the appointment of an independent Chairperson to the Advisory Council (RFSAC).

### **Changes resulting from the 1997 Act**

The new Act substantially reformed the Service. Changes included:

- Establishing the NSW Rural Fire Service, comprising Commissioner, staff, Fire Control Officers (FCOs), Deputy Fire Control Officers (DFCOs) and volunteers.<sup>49</sup>
- The establishment of a command structure within the Service, so that volunteers are accountable to FCOs, who are then accountable to the Commissioner, who is then accountable to the Minister. Under the old Act, FCOs were directly accountable to the Minister.<sup>50</sup>
- Alteration of accountabilities of FCOs, to local government in administrative matters and to the NSW RFS in operational matters.<sup>51</sup>

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<sup>47</sup> op. cit., Second Reading speech on the Rural Fires Bill 1997, n43, pp 9467-9468

<sup>48</sup> op. cit., n43, pp10624-10626

<sup>49</sup> Part 2 of the Act

<sup>50</sup> Part 2, Division 4 and 5 of the Act

<sup>51</sup> Section 37 and 38 of the Act

- The establishment of the Rural Fire Service Advisory Council ('RFSAC') to replace the Bush Fire Council as the body advising the Commissioner and Minister on management and administration matters.<sup>52</sup>
- The removal of the ability for a local councillor to be appointed as a Fire Control Officer within a rural fire district.<sup>53</sup>
- The establishment of the Bush Fire Coordinating Committee resulting in increased representation by key stakeholders: the NSW Farmers Association; the Local Government and Shires Associations; the Nature Conservation Council; and the Department of Community Services.<sup>54</sup>
- The establishment of responsibilities of both public and private landholders with respect to managing fuel build-up on their land<sup>55</sup>, including the ability of local authorities to issue notices<sup>56</sup> for the reduction of such build-up. <sup>57</sup>
- The introduction of a provision which requires property owners who insure with a foreign company to contribute to the Rural Fire Fighting Fund ('the RFFF').

### **Government reasons to retain local government involvement**

The removal of local government from the management of rural fire brigades and the amalgamation of the rural and urban fire service was strenuously rejected by the Minister in his second reading speech on the Bill. He stated that to have adopted the Coroner's recommendations in this regard:

...would have undermined the very essence of the volunteer bush fire fighting movement, and removed the local administrative and community autonomy that goes hand in hand with the volunteer spirit and culture.<sup>58</sup>

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<sup>52</sup> Part 6 of the Act

<sup>53</sup> Section 36 of the Act

<sup>54</sup> Part 3, Division 2 of the Act

<sup>55</sup> Section 63 of the Act

<sup>56</sup> Section 66 of the Act

<sup>57</sup> The Act also includes an environmental impact restriction (section 66(6)) with respect to hazard reduction notices - in that notices cannot require owners/occupiers to destroy trees that are reasonably necessary for the protection of threatened species, populations, communities or critical habitats. The Act also includes a provision which gives landowners and occupiers a right to object to notices. This incorporates a new appeal mechanism (which replaces the Land and Environment Court with the Commissioner) in the event of a failure of consultation and conciliation between owner/occupiers and FCOs (section 68).

### The Minister indicated:

It is the Government's position that fire control officers are absolutely pivotal to the achievement of the cohesive and integrated command structure for the Rural Fire Service recommended by the deputy coroner. It is essential that they be subject to the direction of the commissioner. Accordingly, the provisions of the new bill establish a chain of command between the commissioner and fire control officers and between FCOs and the volunteer fire fighters, with local government retaining a supervisory role over the performance of FCOs. It is important to emphasise that the Government will not be moved on this issue. If we did so we would effectively neuter this bill. We would be creating 142 separate rural fire services instead of the cohesive single service which the deputy coroner recommended and the Bush Fire Coordinating Committee embraced.<sup>59</sup>

## 2.6 Auditor-General Report in 1998

The Auditor-General handed down a performance audit report, entitled *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, in December 1998. The purpose of the audit was to assess whether bushfire management was conducted in an efficient and economical manner. The focus was on whether there had been improved policies, processes and procedures to rectify issues raised by the January 1994 fire emergency. The audit opinion recognised the size and complexity of the NSW RFS and found that in general the model employed in NSW has worked well, particularly given the amount of cooperation required. The audit opinion found that significant progress had been made by the RFS, local councils, stakeholders and volunteers.<sup>60</sup>

The Auditor-General made several findings and 14 recommendations. Some of the key findings and recommendations are as follows. The recommendations are included in full at Appendix 4.

### Findings

- Cooperation & stakeholder participation varies across districts.
- That the dual accountability issue for FCOs has not been resolved.

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<sup>58</sup> op. cit., n11, p9468

<sup>59</sup> op. cit., n11, p9470 & p10558

<sup>60</sup> op. cit., n12, pp2-3

- Communications require improvement and further work – with respect to radio communications in particular.
- Greater resource allocation is provided for fire suppression rather than fire prevention.
- Aircraft have limited effectiveness.
- There is a need for adequate post fire evaluation.
- There is a duplication of resources (stations, equipment and personnel) in many areas of the state.
- There is no automatic linkage of Standards of Fire Cover (SOFC) to the resource bidding process.
- Hazard reduction strategies need improvement and greater guidance and assistance needs to be provided to local communities in this regard.
- There is an uneven distribution of trainers and assessors in NSW which has led to varying fire fighting competency levels.<sup>61</sup>

### **Recommendations**

- The RFS and local government give higher priority to addressing outstanding issues regarding FCOs.
- Bush fire management committees be required to develop adequate communications strategies for their rural fire district
- Priority be given to addressing the difficulties with radio communications amongst rural fire fighting authorities. If a single radio communication system for all agencies is not feasible then adequate communications protocols should be developed.
- The RFS review the administrative procedures applying to the RFFF to:
  - clarify RFFF expenditure guidelines
  - better define the roles and responsibilities of RFS regional and head offices to remove existing duplication of activities
  - identify methods to simplify budget allocation procedures
- The eventual linking of SOFC methodology with resource allocation in the Service

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<sup>61</sup> op. cit., n12, pp3-6

- Hazard reduction reporting requirements be enhanced to assist fire management committees comply with differing legislative requirements.

A response from the NSWRFSS to the findings and recommendations of the Auditor-General was included in the report. An update to the NSWRFSS response was provided to the Committee at its hearing on 24 March 2000. It is reproduced at Appendix 5. It contains the improvements/actions taken by the RFS in response to the Auditor-General's findings and recommendations.<sup>62</sup> Some of the key improvements/actions (from the update) are:

- Dual accountability – the RFS gives the highest priority to addressing outstanding issues relating to FCOs and dual accountability. A Ministerial Working Party, comprising of LGSA and NSWRFSS representatives, has been established to consider the issue.
- Communications (radio communications in particular) – to ensure local input, the Commissioner has directed that at least one representative from a local brigade is to be included on Incident Management Teams (IMTs) when formed. The RFS has released a Service Standard to specifically address this issue.

With respect to radio communications, the RFS has embarked on a restructuring of its communications capability. The RFS has adopted the new Government Radio Network (GRN) and a compatible Ultra High Frequency (UHF) private mobile system for areas outside the coverage of GRN. (The response provides greater detail about the communications system)

- Budget process and Standards of Fire Cover (SOFC) – A Service Standard has been issued that requires funding allocations to be based on SOFC methodology. The SOFC methodology is also being reviewed.
- Hazard reduction – 2.25 million hectares has been hazard reduced by the NSWRFSS and other agencies.

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<sup>62</sup> op. cit., n12, pp7-9

## 3 Funding Process

During the Inquiry, it became clear to the Committee that there was a significant amount of confusion and discontent over the method of funding collection and funding allocation. The Committee also heard evidence of inequitable distribution of funding to rural fire districts which has led to a disparity in the type and age of vehicles and equipment in different areas. This chapter will outline how the Rural Fire Fighting Fund operates - how funds are collected and then allocated based on local government 'bids' and Standards of Fire Cover (SOFC).

### 3.1 Legislative basis for the Rural Fire Fighting Fund

The Rural Fire Fighting Fund (RFFF) is established under section 102 of the *Rural Fires Act 1997* ('the Act').<sup>63</sup> Money from the fund is payable:

- to assist in meeting the costs of rural fire brigade expenditure<sup>64</sup>,
- in connection with the exercise of duties imposed on the Commissioner by section 45<sup>65</sup>, and in the construction and maintenance of fire trails and other fire prevention and hazard reduction works,<sup>66</sup> and
- as is directed under the Act or under any other Act.<sup>67</sup>

### 3.2 Estimates of fund expenditure

Under section 103 of the Act the Minister is required to prepare an estimate of the probable rural fire expenditure for the next financial year taking into consideration information made available by councils, rural fire brigades and FCOs to the Commissioner.<sup>68</sup>

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<sup>63</sup> Part 5 of the Act relates entirely to the RFFF

<sup>64</sup> Section 102 (2)(a) of the Act

<sup>65</sup> Section 45 relates to the power of the Commissioner to give directions to FCOs, local authorities, police and others with respect to the prevention, control and suppression of fires.

<sup>66</sup> Section 102 (2)(b)

<sup>67</sup> Section 102 (2)(c)

<sup>68</sup> such information is outlined under section 104

### 3.3 How is the RFFF funded?

The RFFF is funded by contributions from 3 areas:

1. the NSW Government (must contribute 14 percent, as per s108),
2. local Government in rural fire districts – (12.3 percent as per s109), and
3. the insurance industry (73.7 percent as per s111).

Contributions are payable within 60 days of the assessment notice date, as made by the Minister under section 106.

### 3.4 NSW Government contribution

The total amount of the fund is calculated once the NSW Government portion has been determined.<sup>69</sup> The NSW Government portion is determined partly by taking into account the bids from local government – see Appendix 6 for further detail.<sup>70</sup> Once the government portion has been determined, it will be multiplied out by 7.14 to get the total fund amount.<sup>71</sup>

### 3.5 Contributions by local government

The contribution by councils to the fund is 12.3 percent. Under section 110(1)(b) the total amount of the contribution of any council which falls within a rural fire district is determined by the Minister.

Contributions must come from council rates and not from donations, unless otherwise approved by the Minister.<sup>72</sup>

Councils can be exempted from making contributions<sup>73</sup>, or they can choose to raise their contributions. Councils who decide to make higher contributions than that required under the

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<sup>69</sup> Auditor-General's Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, December 1998, p44.

<sup>70</sup> Appendix 6 contains a chart outlining the bid process and funding allocation process.

<sup>71</sup> *ibid.*, n69

<sup>72</sup> Section 109(2)

<sup>73</sup> Section 109(3) – the Council must show that the danger from bush fires is negligible in order to be granted such an exemption.

Act can do so by imposing an additional levy on their ratepayers - which is allowed under s110(2) of the Act.<sup>74</sup>

While funding allocation is not necessarily based solely on contribution to the fund, it appears that in the past this has been the case.<sup>75</sup> That is, that councils have been able to bid for more funding due to their larger rate base and as a consequence a greater ability to meet the cost (12.3 percent) for equipment allocated through the fund to that particular council. As noted in the Auditor-General's 1998 report, some councils state that they have difficulty in meeting their contribution obligations due to their relatively small rate base.<sup>76</sup> In other words, the ability to pay the statutory contribution of 12.3 percent is a significant factor in determining the bids made annually by a council.

In determining allocations to councils, the bids are reviewed having regard to the total funds available, standards of fire cover (SOFC) recommendations and existing resource levels.

### **3.6 Contributions by insurance companies**

As stated earlier, insurance companies are required to contribute 73.7 percent of the total amount required by the RFFF. Insurance companies use funds collected through premiums to meet their RFFF contribution.

#### **3.6.1 Advance payments**

Under section 112, an advance payment must be made by insurance companies to the Commissioner pending an assessment under section 106. Advance payments are an amount equal to a percentage (fixed by the Minister in respect of that year) of the total amount of the premiums<sup>77</sup> received by the company during the financial year that ends one year before the financial year for which the advance payment is due.<sup>78</sup> That is, a percentage of premiums collected, for example, during the 98/99 financial year were required as an advance payment to the fund for the following financial year, 99/00.

The percentage referred to above, that fixed by the Minister, is the percentage of premiums that would constitute 73.7 percent of the estimate. For example, say the estimate of RFFF is \$100

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<sup>74</sup> op. cit., n69, p45

<sup>75</sup> op. cit., n69, p45

<sup>76</sup> op. cit., n69, p45

<sup>77</sup> The premiums referred to are only those which are listed at schedule 2 of the Act. The schedule lists the amount/percentage of premiums under each class which are subject to contribution under section 112.

<sup>78</sup> Section 112(2)

million for 99/00, of which 73.7percent is \$73.7 million – the advance payment is a percentage of the premiums that would be equivalent to \$73.7million. A more detailed example is included in section 3.6.3.

### **3.6.2 Overseas insurance companies**

Under section 115 of the Act, where a property owner is insured by a foreign insurer (and has paid premiums to the company which fall under the provisions of the Act) the Commissioner may notify that person that they are responsible for the contributions required to be paid by the insurance company under Part 5 of the Act. Where such notification has occurred, the person must pay any amount that would otherwise be payable by the company, as if the person was the insurance company.

The RFS advertises in newspapers and relies on the goodwill of overseas companies in informing them of the appropriate information so that they can enforce contributions from individual property owners.

### **3.6.3 Summary of how insurance company contributions are collected<sup>79</sup>**

Insurance companies must pay contributions totalling 73.7 percent of the RFFF.

Companies are required to submit a statement of premium income annually to the RFS. The onus is on companies to submit returns. The returns are audited by independent auditors<sup>80</sup>, and the auditors certificate forms part of the return.

These returns must list the amount of premiums collected for certain classes of policies of insurance, as set out in Schedule 2 of the Act. Schedule 2 also provides a mechanism whereby the class of policy is factored into determining the contributions for individual companies. For example, if two companies collect exactly the same amount in premiums, but one is primarily involved in house insurance and the other in motor vehicle insurance, the first company will be charged a much higher contribution to the RFFF.

The RFS uses these returns to determine the contributions to be paid by individual companies. The contributions paid by individual companies is determined by a percentage fixed as set out under section 112(3) of the Act. The percentage is arrived at by dividing the total contribution required by all insurance companies by the total return of all companies.

For example, assume the total amount of the RFFF is \$100 million, of which 73.7percent of the fund (or \$73.7 million) must be contributed by insurance companies. Assume also that \$500

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<sup>79</sup> Information contained here is based on the RF Act as well as from information received from the RFS on 22/3/00.

<sup>80</sup> Auditors are appointed by the insurance companies, they are sometimes internal and sometimes external but always independent. The return has to be signed by auditors.

million is the total (amount of premiums subject to contribution based on) return by all insurance companies combined. The percentage is determined by dividing the total required (\$73.7 million) by the total return (\$500 million) which would give a percentage of 14.74 percent. The percentage of 14.74 percent would then be applied to each individual company return to determine its individual payment.

A practical example of this process is provided in the following table. Please note that the figures used are likely to bear no resemblance to the actual premiums collected by insurance companies, or the size of the RFFF – the example is for illustrative purposes only.

	<b>Total amount paid in premiums to the company</b>	<b>Amount of premiums subject to contribution (% are taken from schedule 2)</b>	<b>As a proportion of all premiums subject to contribution</b>	<b>Total contrib. to RFFF</b>
<b>Company 1</b>				
Property insurance	\$100 mil	\$80 mil (80%)	0.16 (80/500)	\$11.79 mil (0.16 x 73.7)
Householders (contents)	\$50 mil	\$25 mil (50%)	0.05 (25/500)	\$3.69 mil (0.05 x 73.7)
Total	\$150 mil	\$105 mil	0.21 (105/500)	\$15.48 mil (0.21 x 73.7)
<b>Company 2</b>				
Motor insurance	\$150 mil	\$3.75mil (2.5%)	0.0075 (3.75/500)	\$552,750 (0.0075 x 73.7)
Total	\$150 mil	\$3.75mil	0.0075 (3.75/500)	\$552,750 (0.0075 x 73.7)

With respect to insurance company contributions, the Committee notes two important points:

- **While the Act sets out a process for determining the entire contribution of insurance companies, the Act does not stipulate how companies apply it to individual premiums. It would appear that some people in the rural community believe that the Act stipulates a certain percentage that will be applied to premiums for the benefit of the RFFF –this is not the case. The Minister, Commissioner, and RFS have no input into how insurance companies collect ‘levies’, nor how they determine the size and type of levy on individual policies.**
- **Insurance companies do not know at the time they collect their premiums what percentage will be required to be paid to the RFFF. It is therefore difficult for them to indicate on policies how much of the policy premium relates to the RFFF.**

### **3.6.4 Lack of insurance/ under insurance**

An issue was raised during the inquiry which related to concerns that some property owners were failing to insure their properties or under-insuring their properties.

**The Committee notes that not all property owners insure their properties and that therefore the funds available to insurance companies to pay their compulsory contribution to the RFFF are thereby diminished.**

**The Committee views this as being unsatisfactory and recommends to the Government that this matter be reviewed.**

Notwithstanding the above problems raised with respect to the way in which the insurance – based system operates, five years ago the Government decided to retain the existing funding arrangements for the Fire Services. This decision followed a comprehensive review of those arrangements by a former NSW Auditor General, Mr Ken Robson. While Mr Robson considered the insurance – based system had some shortcomings and in many respects was not fully understood, he found that it was a system which works. It raises the amount required for the fire services and is administratively efficient and inexpensive to operate, and has been proven over many years.

### **3.7 Allocation of funds**

Funds are allocated via a bidding process as outlined in the Auditor-General's 1998 Performance Audit report (see Appendix 6).<sup>81</sup> As noted earlier, the bidding process is linked to the calculation of the total size of the RFFF as the Minister uses information received from local councils regarding their budgetary requirements (their bid) in preparing the size of the fund.

The Commissioner then determines the allocation of funds to local councils based on their bids and the SOFC. (See section 3.8.5 for a discussion about SOFC)

### **3.8 Evidence regarding the funding process**

The Auditor-General raised concerns about the budget process in his 1998 Performance Audit Report, stating that "...the bidding process tends to favour councils with large rate bases and <sup>82</sup>. The Auditor-General recommended that SOFC should eventually be linked with resource allocation. That is, to link the appropriate level of resources required to a

<sup>81</sup> op. cit., n69, p47

<sup>82</sup> Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of bushfire Fighting Activities*, December 1998, p48.

fire district based on an assessment of risk of fire threat in that area (which is determined using SOFC).

The Committee received submissions and evidence expressing dissatisfaction with different aspects of the funding process and these will be outlined below.

### **3.8.1 Fundraising**

As noted at section 3.5, contributions to the RFFF must come from council rates and not from donations, unless otherwise approved by the Minister – as per section 109(2) of the Act. However, rural fire brigades have in the past utilised fundraising in their local areas to meet any shortfall in funding and to pay for support services.

Some submissions expressed dissatisfaction about the necessity to fundraise to meet needs, and argued that the RFFF should be totally funded by contributions. For example, Mr Chris Lavars of Deniliquin Rural Fire Brigade stated:

Volunteers should not have to pay for fire fighting equipment nor should they have to find the money to pay for equipment via raffles etc. These volunteers are already doing their communities a big service by fighting fires and assisting where they can.<sup>83</sup>

Mr Weston from the Central East Region stated:

I feel strongly that there is positive discrimination against the volunteer organisation in that the members are expected to fund many needs and pieces of equipment that the Unionised Town Brigades are given from State Funds...In our local area, the members of the local mobile canteen are expected not only to go out and feed the firefighters in an emergency but also to work to raise money to buy the food so provided and help to provide central kitchen facilities.<sup>84</sup>

A Group Captain from the Hunter region similarly discussed the high level of fundraising that has been required in his area for catering and other needs, and stated that their welfare support brigade:

...raised over \$34,000 last financial year in order to provide a catering service to our volunteers ...[and]...without this level of commitment our firefighters welfare would have been compromised.<sup>85</sup>

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<sup>83</sup> Submission No25, Mr Chris Lavars, Deniliquin Rural Fire Brigade (Riverina Region)

<sup>84</sup> Submission No12, C.W. Weston, (Central East Region)

<sup>85</sup> Submission No2, Mr Roger Lewis, Group Captain, RFS Lake Macquarie District (Hunter Region)

### **3.8.2 Burden of funding**

Some expressed concern about the burden of funding. For example, the NSW Farmers' Association expressed concern over the burden of funding falling on rural ratepayers and landholders (in the form of insurance) :

As to the allocation of resources and funding, funding per se is outside the scope of this inquiry. However, an issue of great concern to many of our members is the increase in the bush fire fund, from the point of view that 73.7 per cent of that fund comes from insurance policy holders. From about \$10 million in 1984-85 to \$80 million in the last financial year is a great increase. Farmers and our members recognise the improvement in vehicles and equipment, but they also recognise that the burden of this funding is coming directly from farmers and other insurance holders. For example, the fire service levy, which is applied to insurance premiums, for farm properties is now 39 per cent. I understand that it is 19 per cent for a residential property. The concern is that it is inequitable and applies to a narrowing funding base as more people underinsure or choose not to insure. As I said, it is a separate issue, but we believe that the funding needs to change.<sup>86</sup>

Following questioning by the Committee, Ms Dee Wilkes-Bowes, indicated that the Association was unclear as to how insurance premiums are calculated and what proportion goes to the RFFF. They admitted that the only control the RFS has with respect to insurance is to ask for the 73.7 percent contribution. She further stated the percentages (calculated on premiums) referred to are set by the Insurance Council of Australia:

It is not particularly clear how those figures are arrived at. But my understanding is that it is a fire component...

Yes, that is right, and the Insurance Council sets it. I understand that the fire service levy is not applied to insurance premiums that do not have a fire component, but I could not comment on exactly how the Insurance Council arrives at those figures. In fact, we have tried to find out, but we have not had a great deal of success.<sup>87</sup>

### **3.8.3 Transparency of funding**

Some submissions commented on the lack of understanding about the funding process and the necessity to have greater transparency of the funding allocation process.

The NSW Farmers' Association also stated that there needed to be greater transparency with respect to the funding allocation process:

We also believe that there needs to be greater transparency in the way that funding is allocated so that people can see exactly where the funds have gone, how much has been allocated to equipment, vehicles, salaries, administration and so on. It would be useful also for people to know whether the funding allocation has improved the effectiveness of the service. We think that the benchmarks or indicators that used to be published in the Rural Fire Service annual reports should be reintroduced.

<sup>86</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p50

<sup>87</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p52

We also think that the finance committee, which existed prior to the 1997 Act, could be usefully re-established to provide some transparency in funding and the allocation of funding.<sup>88</sup>

The Mayor of Wellington Council also stated that there was a need for transparency of funding allocation:

We still believe the basis for distribution of funds between regions and between councils needs to be justified.<sup>89</sup>

He also provided the Committee with a copy of a letter from the Minister in response to a query presented by his Council with respect to how much money is collected by the insurance industry in the form of fire service levies:

I am not in a position to identify the total amount collected by the insurance industry from policyholders in the form of fire service levies. I can say however that of the total amount collected for 1997/98 financial year \$51.4 million was paid to the NSW Rural Firefighting Fund. Of this amount \$17.4 million was allocated to councils west of the Great Dividing Range.

The letter further stated:

The responsibility for the payment of insurance contributions rests with the insurance companies unless that company is off shore based.<sup>90</sup>

### ***3.8.4 Evidence received regarding allocation of funding***

There was a significant amount of discontent about the allocation of funding across the state, and various suggestions for improving the allocation system to ensure greater equity.

The budget system is a cause for concern as there is no consistency across the State. Some Council's are supportive of their Rural Fire Service and offer a contribution in excess of what can be met.<sup>91</sup>

Mr Summerill, a Volunteer from Northern Region, stated that some Councils were at a disadvantage in terms of their equipment because of their smaller rate base. He suggested that there should be cross-subsidisation amongst Councils to rectify this situation:

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<sup>88</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p50

<sup>89</sup> Evidence, 20 March 2000, Mr Mark Griggs, Mayor, Wellington Council, p13

<sup>90</sup> Correspondence from Wellington Council, tabled at the Committee hearing on 20 March 2000

<sup>91</sup> Submission No35, Mr Mark Blayden, Deputy Fire Control Officer, Great Lakes District (Hunter Region)

The current expenditure whilst significant does not meet equality of equipment across the State of NSW. It has to be acknowledged that some Council's due to their extensive 'rate base' have the capacity to provide new and up to date fire equipment regularly to the various Brigades located in the Shire. Other Councils particularly those with a small 'rate base' do not have the capacity to meet current needs... It is my opinion that Councils in more affluent areas should subsidise those other Councils who do not have the resources to fund the purchase of new equipment...<sup>92</sup>

Other evidence argued that disparate funding is based on local council ability, or desire, to pay. Mr Rodgers from Northern Region Conference, RFSA, stated:

I believe that there is a disproportionate allocation of funding between east and west of the divide, if you want to call it that, but basically the reason for that comes down to council politics. While ever it is in council's hands to decide the level of funding, an underfunded rural council is going to look at the bottom line and say there is an expense we can chop down.

Because of the bidding system, the bidding system relies on councils putting up their hands for funding, and most of the inequity is brought about simply by that point. Whereas if it can come back to a centrally-based organisation where the commissioner is responsible for providing the service, he would then have to look at east, west and every where else and say, "Okay, that area needs more funding, that is where the funding goes, that is where the resources go".<sup>93</sup>

Mr Simpson, Assistant Commissioner (retired), stated that the weakness with the present method of funding allocation is due to budgetary requirements being set by local government:

Over the last decade, respective State Governments have made significant budgetary increases to the Rural Fire Service. One of the weaknesses of the system is that local brigade budgetary requirements are set by the Local Government Council. This system, although modified to an extent at State level, limits the allocation to the Local Government Council bid. This means that the rural fire brigades influence at local Government level or its ability to fund itself determines the dispersal adequately of State Funds. Funding for the State Rural Fire Service needs to be set at State, thereby removing the many funding anomalies that currently exist throughout the State. This would ensure that an equipment standard was provided throughout the State appropriate to the needs of an area as well as providing a mechanism for state accountability<sup>94</sup>

Some argued for a greater use of Standards of Fire Cover (SOFC) and centralisation of control (and funding), as the current inequity is based on local council ability to pay:

The Government should look to provide the equipment that is required throughout the State that has been identified by the Standards of Fire Cover (SOFC). If the communities of NSW have had SOFC report done, then the equipment and training to match that report are stated. If these recommendations are deficient is the Government not liable for the effects or repercussions that

<sup>92</sup> Submission No43, Mr Michael Summerill, Volunteer (Northern Region)

<sup>93</sup> Evidence, 8 March 2000, Mr Ian Rodgers, Northern Region Conference, RFSA, p16

<sup>94</sup> Submission No63, Mr Keith Simpson, Assistant Commissioner (retired)

may come from an incident, where an area does not meet SOFC Recommendations due to the reliance of Local Government Funding.<sup>95</sup>

Some argued for there to be a set contribution from councils based on SOFC to ensure that districts obtain the appropriate level of equipment required:

This should be rectified so that Councils are obliged to contribute a set percentage of the funding required to be spent in their area. This can be achieved by using the Standards of Fire Cover reports which identify what equipment is needed in order to afford the community a reasonable level of protection.<sup>96</sup>

The RFSA have stated that they support a risk management approach to improve the equity of district funding:

Whilst the budget increases over the last ten years or so are recognised and applauded, the RFSA believes that the Rural Fire Service is underfunded relative to comparable volunteer-based fire services and that an annual budget of approximately \$100 million is appropriate. The current processes used for allocating budgets to districts lacks structure and rigour. The RFSA supports the use of a risk management approach, combined with strategic planning to improve the equity and effectiveness of district funding. Auditing of district financial performance needs to improve. The current system of program charges does not provide sufficient incentive for savings.<sup>97</sup>

The LGSA argued for a better synchronisation of budget process.

Councils are often in a very difficult situation in that they are required probably in January, February of each year to start preparing their budgets, which then have to go into draft management plans. They then have to go out to the community for a period of 28 days for public consultation and submission and then come back to councils for adoption before you can approve your expenditure for the next 12 months. We have to do those in five-year time frames, with updates each year on these things. Quite often the figures we require are not forthcoming from a whole host of bodies, sometimes even from government itself, on what we need to know to prepare these...I think the process just needs tightening up so that the situation can actually get in synchronisation, so councils will have some feedback from the RFS in time to be able to do their budgets...I think that is what councils are saying.<sup>98</sup>

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<sup>95</sup> Submission No38, Mr Ken Hepplewhite (Hunter Region)

<sup>96</sup> Submission No21, Mr Sean McArdle, Volunteer, Thurgoona Rural Fire Brigade (Riverina Region)

<sup>97</sup> Evidence, 29 February 2000, Mr Donald Luscombe, President of the RFSA, p82

<sup>98</sup> Evidence, 24 March 2000, Mr Christopher Vardon, President of the Shires Association of NSW, LGSA, p11

## Geographical allocation

A significant number of submissions and evidence to the Committee showed a level of dissatisfaction with the allocation of funding to specific rural fire districts. Although dealt with generally above, this section relates specifically to concerns raised with respect to the geographical allocation of funding.

Volunteers from the areas west of the Great Dividing Range stated that a greater proportion of funds go to the coastal regions – the Central East Region in particular. This is evidenced by ‘Table 1’, included at section 3.10, which shows that in 99/00 funding for the Central East Region (which includes some metropolitan areas of Sydney) was more than four times greater than the allocation of funds for the Western Region.

Dubbo City Council expressed concerns about the allocation of funding across various regions of NSW. Whilst acknowledging there had been a significant increase in the amount of funds provided to Central Region, the FCO of Dubbo City Council, Mr Jenks, stated:

I fully understand the funding levels and the improvements we have had and there is no way in the world I am knocking that. The part of the funding that I am saying we need increased out here is the comparison, and maybe it is through some of the supportive councils in the Central East Region who are driving around with their oldest vehicle being three years old and five years old and we are driving around here with 35-year-old tankers and 30-year-old tankers.

That is where I am saying we need a funding increase, whether it draws funding away from the Central East or just totally improves the funding system to give even more money to the other areas of the State and other areas besides the Central Region, the western region and other regions.<sup>99</sup>

Mr Whiteley, Group Captain in the North Wellington Shire (from Central Region) also expressed concern about the geographic inequity of funding distribution:

My main concern and, really, need to be here is to try to point out the lack of resources that Wellington council in particular and many other councils in the Central Region have with regard to their tankers.

Wellington council has a tanker fleet of 55. Of those, as the council has indicated, we have some newer diesel tankers but we have 42 petrol tankers and those tankers are basically made up of ex-army trucks, four-by-four petrol trucks. They are really, in my mind, not suitable for the role that we ask them to play.

...

The Central Region has a pilot program now where our funding allocation is on a formula. They have capped repairs and maintenance bills and all the other incidental costs and they have a formula that allows for tanker replacement programs.

At the present time, Wellington's tanker replacement allocation has a unit figure of \$73,000. That \$73,000 will not fund even a category seven tanker, and in much of our area we need tankers of a

<sup>99</sup> Evidence, 20 March 2000, Mr John Jenks, FCO, Dubbo City Council, p6

greater capacity than category seven tankers. We would much rather in our open-space farming areas have category one and category two tankers.

If Central Region's funding could be improved by \$1.4 million, we would then move our unit cost from \$73,000 to \$120,000. \$120,000 still will not fund a category one tanker but it will go fairly close to funding a category three tanker.

In my dealings with other volunteers at training and conferences, I have learnt that many of the other western shires are in the same boat. If we were looking at increased funding or a reallocation of funding, may I suggest that that formula be put across the whole State. If the tanker replacement program was put on a funding-for-needs basis as assessed by the standard of fire cover and Central Region could have a doubling of its tanker replacement costs for three to four years, many of the problems with the substandard tankers we have out here in the country would be immensely addressed.

I think then we could go back to just our present normal allocation of two a year. We would have broken the back of the problem with the ageing fleet.<sup>100</sup>

The RFS advised the Committee that the reason coastal regions received greater funding was because they experienced greater fire activity. The RFS submission stated:

It is frequently claimed that high population areas around Sydney, Newcastle and Wollongong receive the bulk of funding allocations. It is important to note that much of the very severe fire activity occurs on a regular basis in the coastal zone, with a higher frequency of occurrence than is the case in the more westerly parts of the state.

There can be no doubt that the coastal strip carries most of the very difficult fire country... Traditionally, funding has favoured those areas. Analyses of severe fire occurrence suggest that the frequency of severe fire is less in the western parts of the state but the potential does exist for huge fires in adverse seasons. ...

However, the RFS further advised that:

In recognition of this, the Service has made increased allocations available to the regions outside of the heavily urbanised area. In the last decade, a concerted effort has been made to lift allocations to the more western areas.<sup>101</sup>

### **Operational v administrative funding**

Mr Rheinberger of the Steering Committee of the Bush Fire Brigades stated that a higher proportion of the budget seems to be allocated to areas other than operational areas, ie administrative areas:

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<sup>100</sup> Evidence, 20 March 2000, Mr Paul Whiteley, Group Captain (Northern), Wellington Shire, pp26-27

<sup>101</sup> Submission No193, RFS, p79

...We believe that when the budget was considerably smaller—less than half of last year’s budget of \$85 million budget—we received more equipment in the bush than we are receiving now. So somewhere the \$85 million has been soaked up in other areas and it is not equipment.<sup>102</sup>

Other evidence and submissions similarly expressed concern about the perception that non operational costs were increasing or were eating into operational funds. For example, Wellington Council stated in their submission that there has been a 10 percent increase in the proportion of funds devoted to “other programs” and the Council maintains that this increase in administrative costs is linked to a 24-hour staffing at the State Operations Centre.<sup>103</sup>

The NSW Farmers’ Association also stated in their submission that there is a perception that funds are spent on unnecessary bureaucracy.<sup>104</sup>

Commissioner Koperberg noted that it was a common misconception that funding which was not spent on equipment was automatically administrative in nature or that a vast proportion of funding was spent on salaries or the bureaucracy:

It is a common misconception that those parts of the budget which do not go directly back to councils and manifest themselves in tankers, gloves, hats and what have you are administrative charges when in fact they are not. The staff of the RFS has been referred to by some as a growing bureaucracy and an empire out of control and what have you. There are 141 employees of the Rural Fire Service, about half the number employed by the Zoological Board, which has 325 employees. The Rural Fire Service is responsible for fire protection in 90 per cent of the State and the ratio of paid employees to volunteers is in the order of one half of one per cent. Program charges, as we call them, cover a whole range of things. The emergency fund which reimburses local government councils after a major fire during which their expenditure is extraordinary constitutes \$4.3 million of those so-called overheads. The premium for workers compensation to ensure that volunteers are adequately covered in case they are injured amounts to another \$2.3 million of those so-called overheads. The public liability insurance to ensure that volunteers are not litigated against amounts to another \$750, 000 of those so-called administrative overheads.

On top of that are our community education programs, training programs, and operational programs. There is the need to make aircraft available to local government across the State. There is the management of the operational centres, the regional offices and so forth. Indeed, contrary to some misconceptions I am pleased to say that the salaries of service staff constitute a mere 10 per cent of the total budget. Indeed, the accommodations, the so-called empires, amount to \$1.26 million of the total budget. I note that it has been cited in at least one submission that we have a multimillion-dollar call centre. Let me place on the record that that multimillion-dollar 24-hour call centre cost \$50,000 and not many millions.

In essence, whilst there are other programs as part of the total budget which do not relate to the provision of tankers, this is not just about handing out tankers or protective clothing or anything

<sup>102</sup> Evidence, 29 February 2000, Mr Barry Rheinberger, Steering Committee of the Bush Fire Brigades, pp35-36.

<sup>103</sup> Submission, No414, Wellington Council, pp3-4

<sup>104</sup> Submission No601, NSW Farmers’ Association, p7

else; we have a Statewide responsibility to manage and we have a Statewide responsibility to ensure that we have an informed community, that we have trained firefighters and that we provide an environment for them. Far from a bloated bureaucracy, we pride ourselves as having one of the lowest ratios of salaried people to volunteers of any organisation in the world.<sup>105</sup>

**The Committee notes there is a widespread view that too much of the available funds is being spent on administration and program charges at the expense of equipment. This perception is partly as a result of inadequate communication from the RFS. The Committee urges the RFS to ensure that funds spent on administration are tightly controlled.**

**The Committee notes and accepts the explanation given by Commissioner Koperberg in respect of these charges.**

**The Committee expects that the communication strategy introduced during the course of the inquiry will overcome many of the communication problems which have existed.**

### **3.8.5 Standards of Fire Cover**

The Committee notes that in order to assist councils determine their bid, Standards of Fire Cover (SOFC) have been developed by the RFS in order to link an appropriate level of resources necessary to protect an area based on its risk of fire threat.<sup>106</sup>

As noted earlier, the Auditor-General Report found that there was no automatic linkage of SOFC to the resource bidding process. To that end, the Auditor-General recommended a review of the administrative procedures applying to the RFFF to clarify expenditure guidelines amongst other things as well as encouraging local government participation in developing the SOFC methodology with the aim of eventually linking resource allocation to SOFC analyses.<sup>107</sup>

As noted above, evidence to the Committee supported the use of SOFC to ensure equitable distribution of funding.

The RFS advised the Committee that a Service Standard concerning funding allocations was issued in September 1999<sup>108</sup>. The Service Standard on the Standards of Fire Cover<sup>109</sup> requires

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<sup>105</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, pp26-27

<sup>106</sup> Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of bushfire Fighting Activities*, December 1998, p54.

<sup>107</sup> op. cit., n106, p5 & p8.

<sup>108</sup> Correspondence from Mr Phil Koperberg, Commissioner, RFS, to the Director, dated 21 March 2000, providing answers to questions on notice at/after the hearing on 29 February 2000.

funding allocations to be based on the SOFC methodology. Part 2.4 of the Standard states “Regions will use Standards of Fire Cover as the basis for equitable distribution of the NSW Rural Fire Fighting Fund, thereby ensuring appropriate equipment levels are provided to meet identified threats”. The RFS further notes that the SOFC methodology is currently under review and will be in place for the 2002/2003 financial year.

### **3.9 Findings**

**The Committee finds that there is significant discontent with the funding allocation process and this is evidenced by inequitable standards of equipment in various districts. The Committee believes that equipment allocation should be based on need and risk and not simply according to local government ability to pay and in this regard supports the increasing use by the RFS of SOFC to determine equitable funding allocation.**

**The Committee also finds that the funding system is complex and poorly understood. The Committee finds that the Rural Fire Service should make the funding process more transparent –particularly with respect to insurance company contributions.**

**The Committee finds that the failure of some property owners to insure their properties diminishes the funds available to insurance companies to pay their compulsory contribution to the RFFF.**

**The Committee further finds that the communication strategy introduced during the course of the inquiry will overcome many of the communication problems which have existed with respect to funding allocation.**

#### **Recommendation 1:**

- (a) The Committee recommends that in order to reduce inequities in the distribution of resources, that the revised Standards of Fire Cover Methodology be applied across the state.
- (b) The Committee views the actions of some property owners who fail to insure, or under-insure, their properties as unsatisfactory, and recommends to the Government that this matter be reviewed.

### 3.10 Appropriateness of overall levels of funding

Whilst strictly outside the Committee's terms of reference, the issue of overall levels of funding arose during the Inquiry. The RFS submission to the Committee stated that the overall funding for the RFS has increased by 116 percent from 1990-95 to 1995-00. In some regions, such as the Western Region, funding has increased by 238 percent. Table 2 shows the allocation of funding to the various bush fire regions.

**Table 1 - Financial Allocation (\$million by region)**

<b>Region</b>	<b>90/91 -94/95</b>	<b>95/96 -99/00</b>	<b>% increase</b>
Northern	16.1	39.9	147
Central	20.0	41.8	110
Castlereagh	11.4	25.7	126
Central East	42.0	89.2	112
Southern	26.8	48.9	82
Riverina	12.8	31.6	147
Western	5.9	19.9	238
Hunter	25.3	49.4	95
<b>Total</b>	<b>160</b>	<b>346</b>	<b>116</b>

Source: Submission 193, RFS, p80

The RFS submission to the Committee stated:

The Rural Firefighting Fund has enjoyed spectacular growth, rising from \$20.3million in 1990/91, to \$50.7 million in 94/95 and \$80.4 million in 1999/00...Total allocation in the first 5 year period was \$160 million rising to \$346 million in the second period, an overall increase of 116%.

...

The Service believes that the commitment of funding, particularly to improve the State tanker fleet, but also to acquire other firefighting equipment and protective clothing is the basic foundation on which a successful fire management enterprise is based. The Service acknowledges that there are areas in need of additional or improved equipment and the staged path that the Service has followed will, if continued, enable resources to be allocated to match the needs that exist.<sup>110</sup>

Commissioner Koperberg, RFS, during evidence stated that funding has dramatically increased:

Funding has increased massively in the time since. For argument's sake, in 1985 funding was under \$10 million; in the current financial year it stands at more than \$80 million. In our submission to this inquiry we have analysed in considerable detail the increase in funding and, as a result, the equipment that has been made available to volunteer firefighters by the Government.<sup>111</sup>

<sup>110</sup> Submission No193, RFS, pp79-80

<sup>111</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p7

Few witnesses expressed a dissatisfaction with the overall level of funding. Mr Scanlon, Group Captain of the Country Club Rural Fire Brigade in Coffs Harbour stated:

...I would like to expand on my submission in relation to funding. I submit that the Rural Fire Service expenditure of the available funding on tankers and other firefighting equipment has been appropriate over the last few years. However, the availability of funding has not been sufficient to meet the needs.

This, I believe, is basically due to a lack of funding in years gone by, which has created a backlog. Even though the funding now is substantially increased over previous years, I think it is still insufficient to safely equip the volunteers for the job that they have.<sup>112</sup>

**The Committee acknowledges the substantial increase to the overall level of funding. The Committee finds that there has been a great increase in the allocation of funding particularly to the Western Region which is despite evidence received by the Committee that the incidence of fire is greater in the coastal strip rather than in the western parts of the state.**

**The Committee recognises that in a world of competing budget priorities there is a limit to the level of funding that can be provided to the RFS. The key is to ensure that it is allocated in the best and most equitable way.**

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<sup>112</sup> Evidence, 8 March 2000, Mr Bruce Scanlon, Group Captain, Country Club Rural Fire Brigade, Coffs Harbour, p27

## 4 Tankers, Equipment & Training

This chapter considers the suitability of tankers and other equipment in fire suppression activities in different rural fire districts.

Evidence and submissions raised a number of concerns with respect to the suitability of tankers, and the need for flexibility with the allocation of tankers (and tanker trailers) to suit the differing terrains in various districts. Another related area of concern was the ability of local businesses to construct tankers.

### 4.1 Appropriateness of expenditure on tankers and equipment

The NSW RFS, in its submission and evidence to the Committee, has stated that \$103.5 million has been allocated for a tanker replacement program to supply 1,318 new and reconditioned tankers over the past five years. They have also stated that a further \$100 million will be allocated over the next four years for the acquisition of 1,250 tankers. Commissioner Koperberg, of the RFS, told the Committee that:

The Government has embarked upon one of the most ambitious tanker replacement programs ever encountered in this country. In the last four years some 1,300 new or refurbished tankers have been put into the field compared to 12 in 1985. The program for the next four years is to provide a further 1,250 or so tankers, which means, all things being equal, by 2003 or thereabouts every brigade in New South Wales will have a front-line tanker that is under 15 years old. I suspect the 300 tankers per year currently being supplied are more than the number being provided by all the other rural fire services in Australia to their respective organisations put together.<sup>113</sup>

The number of tanker units funded and the allocation of funding for tankers from 1995/96 to 1999/00 is shown in Table 1 below<sup>114</sup>:

**Table 2 – Tanker units funded**

<b>Year</b>	<b>New</b>	<b>Reconditioned</b>	<b>Total</b>	<b>Amount</b>
1995-96	109	187	296	\$20,259,000
1996-97	148	112	260	\$19,597,168
1997-98	176	62	238	\$21,224,250
1998-99	152	93	245	\$18,785,724
1999-00	157	122	279	\$23,624,000
<b>Total</b>	<b>742</b>	<b>576</b>	<b>1,318</b>	<b>\$103,490,142</b>

Source: Submission No197, Minister for Emergency Services, p8

<sup>113</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p8; Submission No193, p78

<sup>114</sup> Submission No193, RFS, pp86-87

The RFS stated that “tanker construction and purchase is designed to provide an optimum level of cover in a given area, consistent with the level of fire threat that exists” and alluded to safety as the primary reason for the upgrade and replacement of tankers – which was highlighted by a coronial inquest into the Wingello fire.<sup>115</sup>

The Committee received little evidence which expressed dissatisfaction with the overall level of funding made available for the tanker replacement program.

**The Committee notes that expenditure on tankers has significantly increased in the past 5 years. The Committee supports the tanker replacement program.**

## 4.2 Tankers

### 4.2.1 Classes/categories of tankers

The Committee received evidence from the RFS that there were a wide variety of tankers available to suit all conditions and terrains. Table 3, below, details the 12 categories of fire fighting tankers:

**Table 3: RFS Firefighting Tankers**

Category	Build Variations	Water Capacity	Approximate Cost
<b>Cat 1</b>	Rural, Forest, Village	Single Cab 4000L	\$168,000
		Dual Cab 3300L	\$173,000
<b>Cat 2</b>	Rural, Forest	Single Cab 2400L	\$138,000
		Dual Cab 2000L	\$143,000
<b>Cat 3</b>	Rural, Forest, Village	Single Cab 1500L	\$158,000
		Dual Cab 4000L	\$163,000
<b>Cat 4</b>	Rural, Forest	Single Cab 3000L	\$128,000
		Dual Cab 2600L	\$133,000
<b>Cat 5</b>	Rural, Forest, Village	4500L	\$160,000
<b>Cat 6</b>	Rural, Forest, Village	4500L	\$160,000
<b>Cat 7</b>	Rural, Forest	Single Cab 1250L	\$86,000
		Dual Cab 1050L	\$82,000
<b>Cat 8</b>	Rural, Forest	1500L	\$75,000
<b>Cat 9</b>	Light Tanker	500L	\$70,000
<b>Cat 10</b>	Urban Appliance	1800L	\$171,000
<b>Cat 11</b>	Urban Appliance	1800L	\$183,000
<b>Cat 12</b>	Tanker Trailers	Western Region Issue	

Source: RFS Catalogue

<sup>115</sup> Submission No193, RFS, p78; Deputy State Coroner John Abernethy, *Wingello Fire Inquiry*

The RFS, in its submission to the Committee, pointed to the support given by the Deputy State Coroner John Abernethy in the Inquiry into the Wingello Fire, as to the adequacy of tankers and equipment:

I am satisfied that as a result of the 1994 and 1998 bush fires (including this one) the RFS has and is taking substantial steps to improve all relevant equipment. The Service is utilising the CSIRO extensively and much research is ongoing...Accordingly, I see no need to make recommendations relating to vehicles and equipment.<sup>116</sup>

The National Parks and Wildlife Service (NPWS) also stated that the variety of tankers and equipment was appropriate and adequate for the tasks which the RFS are required to carry out.<sup>117</sup>

However, the Committee received evidence that there was a need for greater flexibility with respect to local districts being able to purchase the equipment that suits their needs. Councillor Vardon of the Local Government & Shires Associations echoed this view:

A number of councils have told us that they believe that equipment that is provided centrally through the RFS is unsuitable for the particular set of circumstances, and there is good anecdotal evidence to suggest that that may well be so. However, we would need to get more definitive in relation to that. I think a number of councils would like to see perhaps some kind of agreement that particular equipment is more suitable for particular areas, for example, fighting bush farm fires in the Western Division as opposed to fighting fires on the North Coast or the South Coast or wherever it might be.<sup>118</sup>

The RFS, argued that there was a wide range of vehicles available and the flexibility to order the vehicles:

There is flexibility. There are 11 different categories of vehicles, ranging from category one, which carries 3,500 litres of water—to use an analogy, they are like the battleships of the fleet—all the way down to the patrol boats, category nine vehicles, which are LandCruisers or Nissans with a small tank on the back. They are for quick response, get-there-quickly kind of equipment. Then there is all the range in between.

They also suggested that volunteers may not be aware of the level of flexibility available, and that this lack of awareness may come from a lack of communication from local government:

To my recollection, the evidence my colleague referred to about the smaller tankers being required for the banana plantations was presented by a witness in response to exactly the same question you asked about the suitability of equipment. Subsequently, in answer to another member of the Committee's inquiry, the witness admitted that he got it. The flexibility is there. What may not be

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<sup>116</sup> Submission No193, RFS, p81

<sup>117</sup> Evidence, 24 March 2000, Mr Brian Gilligan, Director-General, National Parks and Wildlife Service, p13

<sup>118</sup> Evidence, 24 March 2000, Mr Christopher Vardon, President of the NSW Shires Association, LGSA, p9

there is an understanding by the volunteers that the flexibility is there and the management of that flexibility is firmly within the grasp of local government.<sup>119</sup>

The Committee also received evidence from Commissioner Koperberg that confirmed that all the equipment was available for purchase and that it is up to the local council areas to order it (via their FCO):

...Ms Dee Wilkes-Bowes from the Farmers Association put to you on the same date that there was great concern about the nature of the equipment that was being supplied to rural firefighters throughout the State. She too made reference to the need for smaller equipment. There is an enormous range of equipment. For argument's sake, the 12 categories of tankers go from the smallest, the sort one would put on the back of a Toyota Land Rover or Land Cruiser, right up to the frontline mountain forest firefighting unit. Even within that extensive range of 12 units there are another two variations at least, which means there are 24 types, styles and capacities of tankers. I defy any community anywhere in the world not to find a satisfactory application in that enormous range of firefighting equipment. That is augmented by all manner of ancillary equipment such as tanks, pumps, tanker trailers, so forth and so on.<sup>120</sup>

**The Committee finds that there is a wide range of vehicles available to suit all terrains. The Committee is satisfied that the current range of tankers and equipment available are appropriate and adequate and based on ongoing research.**

**The Committee finds, however, that there is a communication problem with respect to local brigades getting their equipment needs fulfilled. The Committee finds that FCOs are pivotal in the RFS structure and finds that there needs to be greater liaison and open lines of communication between the FCOs of districts with their brigades to ascertain appropriate equipment needs to the satisfaction of the brigades (The matter of communication is discussed further in Chapter 5).**

#### ***4.2.2 Allocation of tankers/ equipment***

The Steering Committee of the Bush Fire Brigades stated that there were areas with little or no equipment:

A lot of shires and brigades do not have equipment. I have had phone calls from many areas of brigades that have hardly any equipment. Some brigades do not have one mobile firefighting unit. One that comes to mind is a brigade at Coonabarabran ...[which is in the Castlereagh Region]..., which does not have one mobile fire brigade unit. That was heavily into the Pilliga fire...<sup>121</sup>

<sup>119</sup> Evidence, 24 March 2000, Mr Mark Swayn, Vice President (Volunteers) and Mr Keith Harrap, Vice President (Salaried), RFS, p31

<sup>120</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p36

<sup>121</sup> Evidence, 29 February 2000, Mr Barry Rheinberger, Steering Committee of the Bush Fire Brigades, p36.

The RFS has refuted claims that there are some areas without any tankers or equipment, and has stated that the allocation of equipment such as tankers has become more equitable:

There is no shire in New South Wales which subscribes to the Bush Fire Fighting Fund by contribution of 12.3 per cent that does not have equipment. Every shire has equipment. Some brigades do not have a front line tanker. There are 2,400 brigades in this State and often in many cases the brigade simply constitutes a family or perhaps two on a farm. Clearly, the folly of supplying a piece of equipment worth \$110,000, \$120,000 or \$150,000 in those circumstances does not make for effective management of the State's rural fire problem.<sup>122</sup>

The RFS further stated, that there has been a significant transfer of resources, including allocation of new tankers, to areas West of the Dividing Range and that equipment distribution was becoming more equitable:

Indeed, there has been a major transfer of wealth. We undertook to communities west of the Great Dividing Range some four or five years ago to critically examine the level of resourcing in the east. I point out that the majority of the incidents occur in the east. By far the majority of calls which brigades attend occur in the east. It is also the area where the greatest risk to asset exists from regular fire occurrence as opposed to irregular fire occurrence. Therefore, you would expect a commensurate level of resourcing. But I am fairly positive that all of the 12 new tankers went to the Great Dividing Range or to the east as they were mountain type forest fire fighting units.

Today, of course, quite the contrary is the case. If we look at tankers supplied over the last five years, you will find a far more equitable distribution. For argument's sake, of the total number of tankers provided, only 23 per cent went to the area where the greatest number of incidents occurred. If we look at the central region, for argument's sake, 227 new or refurbished tankers were supplied—a far cry from the none in 1985.

In the Castlereagh region, 121 tankers were provided; in the Southern region, 198 tankers; in the Riverina region, 194 tankers; in the Western region, which, as you know, is far more widespread and has fewer brigades, 93 tankers; in the Northern region, 188 tankers. So there is a far more equitable distribution of this type of equipment across the spectrum than there ever has been.<sup>123</sup>

## **ADI Fire King**

The Rural Volunteer Fire Fighters Association of NSW ('the RVFFA') tendered evidence to the Committee concerning a tanker called the ADI Fire King Tanker – which they proposed for use by the RFS. The RVFFA claimed that the tanker was superior to the present range of tankers because of its large water capacity and other features. Mr McLean, of the RVFFA further claimed that the tankers were similar in price to the current tankers:

The Rural and Volunteer Fire Fighters Association, a member of the Australian Assembly of Volunteer Fire Brigade Associations which covers all States and the Territories, has been working with others, except the Rural Fire Service, on a specifically designed vehicle for fighting bushfires with safety of crew and the vehicles' survival in mind. Everybody who wanted to had input into the

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<sup>122</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p34

<sup>123</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p27

vehicle but the Rural Fire Service chose not to have anything to do with it. Now that it has finally been built—and the committee will see a demonstration of it in a minute—the company ADI, a Victorian company which makes Commonwealth Government vehicles for use by soldiers when they are going into the bush so it is a well-established Company, has a vehicle that can be arranged to suit differing areas. As the committee knows, the State of New South Wales has three fundamental fire zones, that is, the coastal area, the mountains and the plains on the other side of the mountains. Each zone requires slightly different equipment.

The ADI vehicle is built in Bendigo of Australian materials. Tests were carried out in furnaces, et cetera, on heat-resistant glass and steel from around the world. It was found that the Australian material is superior so the vehicle is built from all Australian materials. The big heavy and noisy pump motor on present vehicles has been replaced with a light and quiet hydraulic motor which allows for extra water in place of the heavy engine.<sup>124</sup>

Commissioner Koperberg of the RFS, at the hearing on 24 March 2000, gave the RFS response to the proposed use of the tanker:

...Mr McLean told this inquiry in advocating the use of an Australian defence industry [ADI] tanker that we are letting the volunteers down and we are not exercising economic rationale by not buying the unit. He cites the tanker as costing somewhere around \$200,000. The fact is that unit costs \$250,000. He suggested that is only 5 per cent more than the current RFS category one tanker, which is strange to us because the current RFS category one tanker cost \$173,000 and the difference between \$173,000 and \$250,000 is a lot more than 5 per cent. The other thing is that that unit only carries two people. A normal firefighting crew would be anything between four and six. I do not know how we propose to transport the rest of the crew to the fire if we were to adopt that sort of thing.<sup>125</sup>

**The Committee supports the RFS in its decision not to use the ADI Fire King due to its cost (44 percent more expensive than the category 1 tanker) and its limited crew carrying capacity.**

### **4.2.3 Local construction of tankers**

Many submissions stated that local areas were able to build more suitable tankers and at a lower cost than those available through the RFS catalogue. They also stated that there were difficulties with local areas competing for tender:

The Mudgee RFS Consultative Committee stated, in response to questioning as to why locally built vehicles are superior, that:

<sup>124</sup> Evidence, 29 February 2000, Mr Harry McLean, Secretary, RVFFA, p59

<sup>125</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p37

They are built to suit the local conditions. Some of the Cat 7s that you see coming out of Sydney have pumps on them that are way too big for what you use in the bush. It is all right if you run off mains pressure and are hooking up to a standpipe in the city but they are no good in the bush.<sup>126</sup>

The LGSA advised the Committee<sup>127</sup>:

...that a Category 2 tanker was built on a new super cat chassis for the cost of \$89000. The specifications for the vehicle was identical for the Rural Fire Service specifications...The current cost of such a vehicle if purchased from the Rural Fire Service is \$139,000. The vehicle was fabricated by Cooma Coach and Body Works, Cooma.

They also provided information to the Committee about the ability to build vehicles cheaper locally, but with lower specifications:

Mudgee Shire Council states that the cost of a Category 7 tanker from the Rural Fire Service is \$82,000. In 1997, the Council purchased a Mitsubishi cab/chassis and contracted local coach builders R&J Andrews Engineering of Gulgong to construct the tank and equipment at a cost of \$60,000. The Fire Control Officer claims that the vehicle is very close in specification to that of the Rural Fire Service.

A number of submissions and evidence to the Committee pointed to concerns about the tendering process for local construction of tankers, and the ability of local businesses to compete successfully in the tender process. Mr Kitching, Honorary Secretary of the Castlereagh Branch of the RFSA stated:

...The only problem that we do mention and do raise is that the current government contracting system is tending to put a lot of our local suppliers at a disadvantage, not of necessity outside the contracting system, but at a disadvantage.

The current State Government contracting system is apparently making it reasonably hard for our inland contractors particularly to actually get into the system to provide and build these trucks. They have got the ability, the wherewithal. They are having problems with the contracting arrangement, getting into the government supply system.<sup>128</sup>

The NSW Farmers' Association concurred with this view. Ms Dee Wilkes-Bowes stated:

...Another issue on vehicles is the building of tankers. We understand that the guidelines for the local building of tankers, in particular, second-hand tankers, have changed, making it much more difficult for councils to build these locally. That, I guess, has had two impacts. First, it appears that the vehicles and/or equipment are not as appropriate to local needs as they could be and, of course,

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<sup>126</sup> Evidence, 20 March 2000, Mr Barry Grady, Member, Mudgee RFS Consultative Committee, pp52

<sup>127</sup> Correspondence from Mr Warren Taylor, Manager Advice and Development, LGSA, to Director, dated 18 April 2000, regarding answers to questions on notice from hearing on 24 March 2000

<sup>128</sup> Evidence, 8 March 2000, Mr Terry Kitching, Honorary Secretary Castlereagh Branch, RFSA, p25-26

second, that it takes away employment from that local area. We have suggested that the guidelines facilitate rather than inhibit local building of the equipment.<sup>129</sup>

Other evidence, however, stated that local builds were more expensive. Mr Kel Gardiner, FCO from Orange City Council stated:

Deans are down in Bowral. I do not think they are under contract at the moment. I purchased the cab chassis locally. We built the tankers as per the Rural Fire Service specifications, so they were identical to Rural Fire Service units, and they cost us more money to build than buying them through the service. Thank you, Mr Chairman.<sup>130</sup>

Mr Peter Ryan, Central Region Coordinator of the RFS, concurred with this view:

Looking around the region and beyond, I do not think they can build them much cheaper because people are trying to compare apples with oranges and you have got to compare apples with apples. So until that exercise is gone through I do not think the comparisons can be truly made. I think the point Kel Gardiner raised, the previous speaker, was that he tried to build one himself and found that it was about \$3,000 or \$4,000 dearer to build it than what the department did, and that was comparing an apple to an apple.<sup>131</sup>

Other evidence received by the Committee indicated that some local areas are building vehicles locally, with seemingly little impediment. Mr Brett Condie, FCO for Nymboida Shire Council and Grafton City Council, in the Northern Region stated:

I think it would only be fair to say that I have some concerns with some of the tanker designs, albeit that, again, from a district perspective we have been able to satisfy our own needs. We are similar to Lismore, having undertaken local builds through the same body builder and the design that has been largely adopted there has certainly fulfilled our needs and satisfied some of the concerns that I have, albeit the concerns are more operational, not necessarily safety or design issues, I think I need to qualify that. But there have been some problems in that area and the service is in fact initiating a new process at the moment which I believe will help to alleviate some of those problems.<sup>132</sup>

Mr Harrap, Vice President (Salaried Officers) of the RFSA stated that there can be problems with respect to local builds which are different in specification to the RFS builds:

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<sup>129</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p49

<sup>130</sup> Evidence, 20 March 2000, Mr Kel Gardiner, FCO, Orange City Council, p67

<sup>131</sup> Evidence, 20 March 2000, Mr Peter Ryan, Central Region Coordinator, RFS, p75

<sup>132</sup> Evidence, 8 March 2000, Mr Brett Condie, FCO, Nymboida Shire Council & Grafton City Council, pp54-55

I think one of the issues that has been raised with regard to local builds relates directly to an employment issue in the district from which those people come, which one could arguably say is not really a function of the Rural Fire Service, although the Rural Fire Service has an ability to impact on it. The problem with local builds appears to be, from the evidence the association has, in many cases the work that is done is to build a vehicle that is not the exact equivalent of the service vehicle. Therefore, that can lead to problems, not only of the operational effectiveness of it and the longevity of it; as the president mentioned in his opening address this morning, but it can add to the perception that it is cheaper. That is not necessarily so and it is something we have to be very mindful of. The service—and the association has supported the service in the direction it has taken—has and conducts an ongoing research into the development of firefighting equipment.

The firefighting equipment we are provided with, and the majority of equipment you are referring to in your question, tankers that employ staff to build them, are the result of continual improvement and continuing development to get a vehicle that is not only effective for the firefighter but is also cost-effective for the community. Whilst the association understands the need for local areas in the country, particularly, to have gainful employment, one of the functions that is causing the problem, to our belief, is that the issue of tendering comes under the State Government Contracts Board. I do not profess to know what its legislation says, but it may well be that the service is feeling an impact caused by other regulations that exist in terms of freeing this up a bit. However, one thing the association is adamant about, if we are going to have local builds, the local build has to meet the service standard so that we do not end up with the potential of substandard equipment out in the fire ground.<sup>133</sup>

The RFS response to evidence about local construction of tankers is that there are arrangements in place that will allow for the local construction of new tankers, and that local construction of second-hand tankers has always been available. The RFS further dismissed complaints of paperwork with respect to the tendering process, arguing that if local businesses wish to gain Government Business they are obliged to compete equally with other tenderers.<sup>134</sup>

The RFS further stated:

A lot has been said about local builds and the Rural Fire Service is no exception in supporting the notion that local communities, especially rural communities, should not be financially disadvantaged by having business done in the city. In fact, it was at our request that the Contracts Control Board has agreed to invite expressions of interest from a whole range of fabricators and manufacturers right throughout New South Wales for the tanker construction program. It is simply now a requirement where such an organisation, whether fabricator, local government council or whatever, may lodge with the Government an application to become an accredited supplier of this sort of equipment.

Interestingly though, the economies of scale cannot really apply and to demonstrate this we have had a range of tenders from fabricators both within the precincts of the city and those within the country and the variation in construction costs is as much as \$20,000 or \$30,000. The Committee would not be surprised to hear, I am sure, that the upper end of that cost structure comes from rural New South Wales, and why not? There are no economies of scale to be practised. A fabricator in Dumaresq shire might be able to build one or two tankers if he is lucky but he cannot build 30 or

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<sup>133</sup> Evidence, 24 March 2000, Mr Keith Harrap, Vice President (Salaried Officers), RFS, pp29-30

<sup>134</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p28

40 and those who can base their final product price on the fact that they can buy all their materials en masse, in bulk ,and produce a tanker of that magnitude.

The inquiry will be pleased to hear that once these contracts and tenders are finalised, local government will be able to choose their contractor, whether they be in the bush or in the city. We work at the behest of the Government's purchasing system. We are not arbitrators or determinants in this matter. We propose to extend that also to the other range of tankers, depending upon the demand for them. Within a relatively short space of time local government not only in terms of category one tankers but other categories of tankers, including category seven and category two tankers, will be able to choose their own contractor provided the contractors are accredited by the Contracts Control Board. It will be interesting to see whether or not a contractor in Dumaresq shire who is \$20,000 dearer than the contractor down at Rockdale in fact gets the job from the local shire. I suspect somehow probably not, but that remains to be seen. Nevertheless, that opportunity is very much there and will be extended in the near future.<sup>135</sup>

### **Recommendation 2:**

The Committee recommends local builds to Rural Fire Service specifications, subject to price and quality, in order to assist in the generation of rural employment.

## **4.3 Tanker trailers**

Tanker trailers are trailers that contain a water tank which attach to the back of conventional vehicles. Tanker trailers can be deployed in the event of a fire by being attached to a conventional vehicle and driven to the fire source. Tanker trailers have traditionally been kept on individual properties.

### **4.3.1 Suitability of tanker trailers**

The Committee received conflicting evidence about the suitability of tanker trailers, particularly with respect to their suitability in hilly areas.

Some of the evidence and submissions were supportive of the use of tanker trailers, due to the speed with which they are able to get to fires, as well as their ability to get into narrower areas. Mr Keith Pryor, landholder, stated:

<sup>135</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p36

... out in the country we need more of the trailer units because they are readily available, quicker on the scene.<sup>136</sup>

Representatives from the Coffs Harbour Branch of the NSW Farmers' Association concurred with this view. Mr Meredith, Vice President stated:

There is an old saying that five minutes saves five hours. If the trailer and the people are nearby and they can get to the sign of smoke quickly and extinguish it, then the problem is over. You have not got a big fire. While I heard the gentleman before mention the expense of trailers, it is possible that the five uses that he did say were occurring each year may well have stopped five large fires. I just would not know. But that is always the problem with any sort of emergency equipment. Its quick and ready use possibly inhibits expenditure on it.

They further added, interestingly and in direct conflict with other evidence, that tanker trailers were appropriate in hilly areas. Mr Moran, Member stated:

...I think definitely the trailers would still be good in country where you cannot get the big tankers in. I am against big tankers because they are big. They might be good on the open country where you cannot get big tankers in, but in the rough territory and where we are, in the mountainous country and the heavily timbered stuff, trailers definitely still would be useful.<sup>137</sup>

Others concurred with this view, such as Mr Gibson, Captain of Bocobra Rural Fire Brigade, who stated:

In our area, very hilly country, big areas of timber, we are subjected to lightning strikes. For this reason, our brigade, which is not a big brigade, has nine tanker trailers placed throughout the brigade and on numerous occasions those trailers put out fires before our tanker truck gets there. I think if we did not have them we would have a lot more bigger fires. In one instance we had seven lightning strikes in one day. Without tanker trailers we would have lost control completely. The district could have been burnt out.<sup>138</sup>

Mr Rheinberger, from the Steering Committee of the Bush Fire Brigade, concurred with this view:

Bigger tankers are getting into trouble in hazardous areas such as the mountains. They get down the track and they cannot manoeuvre the big tankers to get back. That has happened on numerous occasions. We have asked the commissioner and regional fire control officers for smaller units in these areas. In our country we want smaller units so that we can get there and put the fire out, because we can manoeuvre the smaller units. One farmer in our brigade built a tanker that holds 18,000 litres of water and has provided it for our brigade. Our smaller units can feed off that tanker, and that is the way it should be.

Smaller units have a quick turnaround. They can feed off the big unit and we can put the fires out quicker. Other areas want tanker trailers. At a meeting held at Gunnedah in the western area it was

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<sup>136</sup> Evidence, 20 March 2000, Mr Keith Pryor, Landholder, p61

<sup>137</sup> Evidence, 8 March 2000, Mr Meredith & Mr Moran, Coffs Harbour Branch, NSW Farmers' Association, p46

<sup>138</sup> Evidence, 20 March 2000, Mr Barry Gibson, Captain, Bocobra Rural Fire Brigade, p20

evident that the tanker trailer was a great benefit to those people because they can have it hooked on to an old tractor and ready to go at a moment's notice. In the bigger areas, in the grass country, it is an advantage to have tankers so that they can just hook onto them and go at a moment's notice.<sup>139</sup>

Other evidence received by the Committee stated that tanker trailers were inappropriate, unsafe and rarely used. For example, the Fire Control Officer from Dubbo City Council, Mr Jenks, stated:

Dubbo City Council believes that the tanker trailers should be disposed of. They do not give any protection or safety to the firefighter and often they are used incorrectly.

...it was found that hardly any of these tanker trailers ever went to an actual fire. All they did was property protection so far as stubble paddock burns, which really in itself is management of that land problem, not the problem of the Rural Fire Service. So, therefore, we accepted that basically that is what they were, a personal protective unit.

The other side of it, it had no safety features to protect firefighters. As with the tankers, we provide heat shields. Now we are providing other safety things like blankets, spray protection and everything else for these firefighting units. You cannot do that with tanker trailers.

The other situation is we have proven over the years that communication is a very valuable thing during firefighting operations. You do not have any communications with tanker trailers. They do not usually carry any communications and if they are on a tractor they can barely hear you, anyway.

The other side of the story is that they were being towed with incorrect vehicles at incorrect speeds and, even as late as last year, there was a very bad accident in part of the State where two people were actually riding on the tanker trailer and the tanker trailer came adrift from the towing vehicle and those two firefighters were badly injured. I believe they are an unsafe vehicle to use for fire operations.<sup>140</sup>

Further evidence stated tanker trailers were unsafe and particularly not suitable for hilly or undulating terrain. Mr Ray Collyer, FCO for Lismore City Council stated:

The average person has no perception of how to reverse an articulated piece of equipment such as a tanker trailer. You add the adrenalin flow of a fire or up a narrow strip and that particular piece of apparatus becomes a death trap. So far as I am concerned they might be okay out in the flatter country out west, but in Lismore or in hilly or undulating country there is no place for tanker trailers. I think they are a death trap.<sup>141</sup>

A final concern related to the maintenance of trailers that were kept on private properties.

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<sup>139</sup> Evidence, 29 February 2000, Mr Barry Rheinberger, Chairman, Steering Committee of the Bush Fire Brigades, p36

<sup>140</sup> Evidence, 20 March 2000, Mr John Jenks, FCO, Dubbo City Council, p2 & p6

<sup>141</sup> Evidence, 8 March 2000, Mr Ray Collyer, FCO, Lismore City Council, p6

Mr Kitching, Honorary Secretary of the Castlereagh Branch of the RFSA stated:

And the tanker trailer issue: tanker trailers are generally becoming more and more recognised as an encumbrance on the fund. They are expensive, because we now have to bring them to registrable standard, and that is costing us money each year to keep them at that registrable standard.

In the case of Inverell, to bring 65 tanker trailers to registrable standard was something of the order of \$67,000 initially. Just prior to that they did not have to be to a registrable standard. Now, they have to be. That was over \$1,000 a tanker trailer. They actually have a retail value, or an auction value, of probably \$400 to \$450, so there was some inequity there in the amount of expenditure to bring these things up to level.<sup>142</sup>

Mr Gibson, Captain of the Bocobra Rural Fire Brigade also stated that maintenance of trailers was problematic:

The maintenance on tanker trailers is a pretty tough thing. We have an inspector going around prior to the fire season to inspect the tanker trailers to make sure they are up to scratch. It is his duty to make sure that they are right, and if they are continually out of order it is taken away from that property and given to another property.<sup>143</sup>

Mr Jenks, FCO from Dubbo City Council, similarly expressed concern about the lack of maintenance of trailers on private properties:

Yes, we do support the phasing out of tanker trailers. When I first started here 10 years ago we were actually carrying out plant musters around the area. Not much of the equipment was put forward. The following year I went from property to property to look at the fire fighting equipment and found tanker trailers that were left out in the open, that were not operable, engines seized, pumps seized, they were in very poor condition and that is why we started phasing them out, the ones that were not being looked after.<sup>144</sup>

Evidence presented to the Committee suggests that there has been an inappropriate use of RFS issued tanker trailers in the past. Mr Kitching, from the Castlereagh Branch of the RFSA stated:

...I have to default to my own area where approximately three years ago during a survey I went to find a tanker trailer on a particular property. I did eventually find it. It was actually dug into the side of an earthen wall on a dam and was actually hard plumbed in with galvanised pipe.

It took quite an amount of work to actually get it out from there, and in fact, it was removed from that particular property and placed on another property. It was in fairly dry conditions, and it was used to supply water to the house, a rental house, I might add, too, not the owner's house.<sup>145</sup>

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<sup>142</sup> Evidence, 8 March 2000, Mr Terry Kitching, Honorary Secretary Castlereagh Branch, RFSA, p21

<sup>143</sup> Evidence, 20 March 2000, Mr Barry Gibson, Captain, Bocobra Rural Fire Brigade, p20

<sup>144</sup> Evidence, 20 March 2000, Mr John Jenks, FCO, Dubbo City Council, p6

<sup>145</sup> Evidence, 8 March 2000, Mr Terry Kitching, Honorary Secretary Castlereagh Branch, RFSA, p21

He also referred to the infrequent use of trailers:

In Inverell, and I quote Inverell in this case, I average five tanker trailer usages per annum. There are 64 or 65 tanker trailers out there. Five of those are used each year at actual firefighting. The rest is done by tankers and crews.<sup>146</sup>

The RFS have stated that the decision to remove the tanker trailers from the catalogue, with respect to eastern regions, was to do with safety and based on a recommendation of the Bushfire Council Technical Committee, which was comprised of representatives from various stakeholder groups. The recommendation to discontinue the trailers was made by the NSW Farmers' Association representative on the Council. Commissioner Koperberg stated:

We have curtailed the use of this equipment based on advice from the RTA and WorkCover Authority because of the disproportionately high number of injuries that were being sustained in the use of that equipment, not in the flat country of New South Wales but in the hilly country. To that end, we have accepted the recommendation put forward by the Farmers Association representative on the Bush Fire Council of New South Wales that in undulating terrain this equipment no longer be provided. Recognising the value in some circumstances of that equipment, it is a fact that we continue to provide those tanker trailers to the flat lands, such as the Western division. Councils there are at liberty to order the equipment, because they are still being made available. We recognise their place in firefighting but not in undulating country in the interest of safety.<sup>147</sup>

**The Committee notes that tanker trailers are suitable for use in areas which they are presently available. The Committee further notes that individuals who wish to use a tanker trailer for private use on their land, can purchase appropriate equipment out of their personal funds.**

#### **4.3.2 Availability of tanker trailers**

The Committee received conflicting evidence about the availability of tanker trailers. This issue was clarified during the inquiry.

Evidence was received by some witnesses that tanker trailers were not available for allocation to rural fire districts - particularly in the western districts. Mr Rheinberger, from the Steering Committee of the Bush Fire Brigade, stated:

...These are the things that have happened. We cannot get tanker trailers because they have been taken off the list. Mr Koperberg said that that is not right. We cannot get them and our fire control officers and regional officers say that they are not available. As late as last week in Mudgee the commissioner made a statement that these slip-on tanks and pumps were available. Our fire control

<sup>146</sup> Evidence, 8 March 2000, Mr Terry Kitching, Honorary Secretary Castlereagh Branch, RFSA, p21-22

<sup>147</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p34

officer and regional officer, only just before that, told us that they were not on the list, so I do not know.<sup>148</sup>

Ms Dee Wilkes-Bowes of the NSW Farmers' Association stated that the problem of tanker trailers not being allowed in certain areas has been addressed but is still a problem in some areas:

...We have had many people say that equipment and vehicles for bushfire brigades are not appropriate to their needs. In particular, there has been an issue with tanker trailers. That, to some degree, has been addressed by tanker trailers being allowed back into areas where they had not been allowed, but that is still a problem in some areas. There is perhaps a bigger problem with a trend towards larger community based equipment and vehicles particularly, as opposed to privately held, smaller tankers. That is obviously a problem when the large tankers have a role to play, of course...So we have suggested that that policy ...[of community based equipment rather than locally held equipment]... not be imposed unless it is at the wish of the brigades within the shire or the region and that bush fire brigades, regardless of the management structures that have been put in place, be much more involved in determining their own equipment needs.<sup>149</sup>

Ms Helen Cole, Secretary of the Mudgee RFS Consultative Committee, stated that the Central Region cannot get tanker trailers and that they are only available to the Western Region.<sup>150</sup>

The RFS response to the availability of tanker trailers, is that they have been made available for use in the Western Region - as evidenced by the RFS catalogue for Category 12 Vehicles which are for Western Region issue only. Commissioner Koperberg stated:

We still continue to make tanker trailers available in those parts of the State which are essentially flat. We have discontinued them in the hilly parts because the rate of injury was such as to catapult our claims against the workers compensation fund to a very high level. But that was not important: what was important was that many people were being injured. The equipment was used inappropriately, in the majority of cases. I know, Mr Kelly, that you and I have some minor difference of opinion on that, but not great.

...

We also acknowledge—and this is vitally important—that there are many parts of the State in which they can be perfectly well used, and we continue to supply them there. The interesting thing, though, is that the advice to no longer provide these tanker trailers came from the Bushfire Council Technical Committee, which comprised the stakeholders. Of course, the motion to discontinue them was made by the Farmers Association representative on that particular advisory council. And to this day, that committee is still critical of my having reversed that decision, at least in the flat

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<sup>148</sup> Evidence, 29 February 2000, Mr Barry Rheinberger, Chairman, Steering Committee of the Bush Fire Brigades, p36

<sup>149</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p49

<sup>150</sup> Evidence, 20 March 2000, Ms Helen Cole, Secretary, Mudgee RFS Consultative Committee, pp36-37

parts of New South Wales. I can recognise a need there, and we accept, as does the RTA, that that particular equipment can be used more safely there than it can in other parts of the State.<sup>151</sup>

**The Committee finds that tanker trailers have not been totally discontinued and are still available to brigades in the Western Region. They have only been discontinued in areas where their use was not considered safe. The Committee notes that individuals from areas other than in the Western Region can purchase tanker trailers privately (as private property), but not through the RFS catalogue.**

**The Committee supports the RFS in the limited provision of tanker trailers to the most appropriate areas.**

#### **4.4 Appropriateness & adequacy of equipment**

A significant amount of evidence submitted to the Committee highlighted the increase in the standard of equipment available to the RFS in recent years. Mr Stacchino, FCO, stated:

I had the opportunity to attend the 1994 Bushfire emergency in NSW as a strike team leader for CFA...[Country Fire Authority in Victoria]..., and was surprised at how the service had evolved in respect to its upgrading of equipment. When I left the NSW Bushfire Service 12 years ago in 1987, the equipment was antiquated, outdated and lacked a level of OH&S safety built into the vehicles.

I also had the opportunity to return in 1997 as the 2IC of the CFA's contingent to the bushfire emergency around the Sydney basin. Within 3 years it was astounding to see the level of upgrading of equipment that was on the fire ground. It would be safe to say that the NSW Rural Fire Service is moving extremely fast in respect to vehicle replacement policy and allocation of equipment to better service its communities. NSW RFS has a whole range of different equipment available now to meet the risk that the community faces. Therefore, it is up to the Fire Control Officer who is the district manager to determine with the Brigades in his/her district the appropriate plant and equipment required for the risk in the Brigade area.<sup>152</sup>

The RVFFA also recognised the improvements in equipment:

The RVFFA recognises that the Rural Fire Service has achieved enormous progress in terms of better equipment and better training.<sup>153</sup>

The RFS also noted the improvements in equipment:

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<sup>151</sup> Evidence, 29 February, Mr Phil Koperberg, Commissioner, RFS, pp27-28

<sup>152</sup> Submission No70, Mr Paul Stacchino, FCO, Blue Mountains RFS, p3 (Central East Region)

<sup>153</sup> Evidence, 29 February 2000, Mr Henk Luf, President, RVFFA, p58

In the area of equipment, the RFSA would like to place on record its increasing satisfaction with the improvements to the amount and quality of the firefighting equipment being supplied to rural fire districts. A number of issues remain however.<sup>154</sup>

**The Committee found that flexibility was a key issue with respect to the availability and distribution of equipment.<sup>155</sup> The Committee found that there has been a great increase in the variety of equipment available - as demonstrated by the RFS catalogue. The Committee also finds that such equipment available is appropriate and adequate.**

#### **4.4.1 Equipment distribution**

Whilst there was significant support for the type and range of equipment available, some evidence and submissions expressed concern about the perceived haphazard nature of equipment distribution and the inequitable funding allocation for equipment. For example:

One matter I have noticed is the discrepancy of distribution of firefighters equipment where some units seem to have a couple spare of everything and other places scratch around for one of anything.<sup>156</sup>

At the hearing in Lismore, the Committee heard evidence from Copmanhurst Brigade about their experience of lack of personal protective equipment due to local government budget constraints:

...a very professional approach into researching the design of personal protective equipment has been taken by the RFS. Equipment that is available, though, is dependent upon a shire RFS budget's capacity to afford it.

Our brigade, the village protection brigade, presently possesses only four of the required structure helmets and required structure jackets. These required four helmets and jackets must be shared by all members. They are to be used at both structure fires and motor vehicle accidents and are insufficient for the brigade, as each type of incident could have two or more times those four members in attendance. Such limitations are a consequence of the shire's inability to fund the needed gear.

For some years now we have been watching on the nightly news brigades in the urban areas attending motor vehicle accidents and other major incidents kitted out in that sort of equipment and we have been wondering when is our turn going to come. I have to say here that our turn came this week. Ten sets of that equipment was issued to our brigade this week, and we are very grateful for that.<sup>157</sup>

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<sup>154</sup> Evidence, 29 February 2000, Mr Donald Luscombe, President, RFSA, p82

<sup>155</sup> A full list of equipment available to districts can be found in the RFS Catalogue

<sup>156</sup> Submission No17, Mr Robert Gordon, Volunteer, Orchard Hills Rural Fire Service (Central East Region)

<sup>157</sup> Evidence, 8 March 2000, Mr Thomas Adams and Ms Judith Gibson, Copmanhurst Volunteer Bush Fire Brigade

**The Committee notes that the brigade had received their equipment by the date of the Committee hearing in Lismore.**

Whilst the Committee heard evidence about a disparity in equipment, the Committee also heard evidence that it was up to the FCO in each district to ascertain the needs of brigades and bid for equipment accordingly, and that it was not desirable to have each brigade equipped to the same standard due to the differing conditions under which fires are fought. Mr Collyer, FCO for Lismore City Council told the Committee:

...We go through a process of a needs analysis. Each brigade through their group officers tells us what they need. At the end of the day it is still the FCO who makes the bid for equipment by the need to which they perform.

There are brigades that possibly never see a structure fire; there are brigades that deal with a multitude of vehicle accidents and all that. So you cannot have every brigade equipped to the same level, because it is a waste of resources.

Brigades that deal mostly with grass and bushfire fires are equipped to that level, and the person who best knows that is the FCO and the group officer. The more busy brigades are, through their FCO's knowledge, are given better gear and more gear.<sup>158</sup>

Whilst those who expressed concern about inequitable distribution of equipment were not confined to one particular region, a greater proportion came from the non coastal regions. Mr Thompson and Mr Lynch, from Dubbo RFSA, stated in their submission:

Volunteers west of the mountains cannot help feeling envious of coastal Brigades when they see the standard of equipment held by these Brigades. Admittedly many of these Brigades cover much more densely populated areas and also much more affluent areas and much of the equipment is supplied through local effort. However there still seems to be some inequity in the distribution of funds and perhaps the inquiry could explore some more equitable methods of distribution. The standard of equipment being supplied to Rural Fire Brigades has improved greatly over the past few years, but there is still a great inequity between what is available on the coast and what is available west of the mountains.<sup>159</sup>

The Committee also received evidence that adequacy of equipment was directly related to the local funding ability. Mr Simpson, Assistant Commissioner Retired, stated:

The adequacy of Fire Fighting equipment is directly related to the budgetary constraints placed on the local Rural Fire Service by the Local Government Council or the ability of the local brigades to raise their own funds. The development of equipment standards can only be achieved if the funds to meet these standards are centrally (State) administered. This would ensure than an equitable and automated equipment enhancement program was put into place.<sup>160</sup>

<sup>158</sup> Evidence, 8 March 2000, Mr Ray Collyer, FCO, Lismore City Council, pp4-5 (Northern Region)

<sup>159</sup> Submission No82, Mr Bernie Thompson and Mr Brian Lynch, Dubbo RFSA, (Central Region)

<sup>160</sup> Submission No63, Mr Keith Simpson, Assistant Commissioner Retired

Some witnesses raised a concern with respect to the flexibility of equipment allocation. Commissioner Koperberg of the RFS provided this response to the issue of equipment allocation:

... There is a great deal of flexibility. It is a fact that every year the service writes to each of its 142 local government councils participating in the bushfire fighting fund and asks them what they would like in terms of equipment, resources and reimbursement for things like maintenance and repair. It goes on to say to each of those 142 councils, "Would you please prioritise your requests so that if there is not enough money in the cake, if the cake is not big enough, we can meet your priorities." The only restriction is that we will not allow councils to cut protective clothing. We will not allow them to discard a call for protective overalls in favour of something else, because firefighter safety is paramount. Despite the fact that we are alleged not to like volunteers, we go to extraordinary lengths to ensure that they come home after a fire.<sup>161</sup>

**The Committee supports the current direction of the RFS with respect to the ongoing improvement and availability of equipment, and its further use of Standards of Fire Cover (SOFC) in determining equipment needs.**

**The Committee also finds that there is a wide range of equipment available and that it is up to the local FCO to adequately assess and manage brigade needs.**

#### ***4.4.2 Equipment costs – local vs RFS catalogue***

The Committee received conflicting evidence regarding whether equipment was available at a cheaper price locally.

For example, Mr Rheinberger from the Steering Committee of the Bush Fire Brigades has stated:

Another point is the cost of equipment. We find that equipment is costing us a lot more than we can buy it. Funded equipment is costing us a lot more than the price we pay when we buy it off the shelf in our own towns. One example of that is pumps. I am talking about firefighting pumps equipped with hoses which can be bought for around \$600. The same sort of pump from the fund is more than \$1,200. Sometimes the cost of building tankers in our shires is half the cost of buying that completed tanker from the fund. So there is something wrong there.<sup>162</sup>

Coolah Shire Council also stated that they could purchase cheaper equipment locally and submitted a list of such equipment.<sup>163</sup>

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<sup>161</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p19

<sup>162</sup> Evidence, 29 February 2000, Mr Barry Rheinberger, Chairman, Steering Committee of Bush Fire Brigades, p36

<sup>163</sup> Submission No10, Mr Shane Burns, Coolah Shire Council, (Castlereagh Region)

The Committee notes that although the LGSA provided evidence to support claims relating to cheaper tankers with exact specifications, they could not confirm the anecdotal evidence received by members relating to claims of other cheaper equipment.<sup>164</sup>

Other witnesses stated that whilst some equipment was available cheaper at a local level, that the equipment was not the same or often inferior than the equipment available through the RFS catalogue and that the comparison was inappropriate. Mr Kitching, Honorary Secretary from the Castlereagh Branch of the RFS stated:

...people come to me as a fire control officer and say "Oh, look I can buy that pump down town." Yes, they can. I am not going to argue with that. Except the pump down town is a bare pump. If we get the pump through the government supply system, it comes with all the other things – suction hoses, stores fittings and all the other bits and pieces. That, generally, is not taken into account.

If you went down town and asked to be supplied with the same pump as was contract supplied, you would find the price is fairly much the same, because they are looking at the base pump and not the additional stuff that actually comes with the pump through government supply and government purchase.<sup>165</sup>

Commissioner Koperberg told the Committee:

All of our trials and field tests indicate that we can buy a Davey pump from the stock and station agent at West Wyalong or somewhere else but it is not the same pump. It may look the same but it is not. The pumps we have manufactured for us are not the commercial pump that you can buy off the shelf; they are designed and engineered to provide a longer life and to be more reliable, and they are provided with all manner of ancillaries, such as hose couplings and frames, to safeguard both the user and the pump.

It is very easy to say, "Look, I can buy a pump which costs half of what the catalogue says it costs". And, indeed, you can, but it is not the same pump. We have an obligation to ensure that the products we ask our volunteers to use are those which are least likely to cause them injuries.<sup>166</sup>

The RFS also stated in its submission to the Committee that where someone has found equipment at a cheaper price, and it is exactly the same product, this should be brought to the attention of the RFS for their investigation.

**The Committee notes that it has only received anecdotal evidence that equipment is available at a cheaper price than through the RFS catalogue. The Committee further notes that the RFS has stated its willingness to investigate any such claims.**

<sup>164</sup> Correspondence from Mr Warren Taylor, Manager Advice and Development of the LGSA, to Director, dated 18 April 2000, regarding answers to questions on notice from hearing on 24 March 2000

<sup>165</sup> Evidence, 8 March 2000, Mr Terry Kitching, Honorary Secretary Castlereagh Branch, RFS, pp25-26

<sup>166</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS p34

## **4.5 Personal protective equipment**

Evidence presented to the Committee noted that there was an ongoing evolution of personal protective equipment (PPE) as a result of experience on the fireground. As a result, PPE has become more suitable in protecting volunteers whilst performing fire suppression and has made firefighting safer – thus meeting the appropriate health, safety and welfare requirements of rural firefighters.

An example of the ongoing evolution of PPE is the replacement of reflective tape on clothing used in fire suppression. This was as a result of evidence and experience in fires where the former reflective tape was found to be a fire hazard.<sup>167</sup>

In submissions and evidence to the Committee, some confusion was expressed over whether wearing PPE was compulsory. Some submissions did not support the wearing of PPE. Others, however, not only supported its use but advocated its compulsory use.

### **4.5.1 Evidence against the appropriateness of PPE**

Some submissions raised objections to wearing PPE or stated that their use was often impractical or inconvenient. Others were under the (mistaken) impression that PPE was always compulsory and that there could be penalties, or workers' compensation implications, for not wearing it. Mr Purcell, Chairman of the Riverina Region RFSA stated:

There are few RFS firestations in most rural districts. The members do not assemble at a station, change into firefighter gear and then respond to a fire. When fires occur in the rural sector the members respond from their immediate location, dressed in normal farm attire, and sometimes in private firefighting vehicles...There isn't much room on a tractor, motorbike, or horse to keep a kit bag.<sup>168</sup>

Mr Murdoch, General Manager of the Council for the Shire of Murray stated:

In relation to protective clothing Council supports the requirement that firefighters wear protective clothing but believes that the new Rural Fire Service requirement, that all firefighters are to wear lace-up boots, is impossible to implement in rural areas...[Rural people]...still prefer to wear their own boots which are normally elastic sided rather than the Rural Fire Service lace-up type...<sup>169</sup>

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<sup>167</sup> Evidence, 29 February 2000, Mr Mark Croweller, Assistant Commissioner Strategic Planning, RFS, p30

<sup>168</sup> Submission No107, Mr Rodney Purcell, Chairman, Riverina Region RFSA (Riverina Region)

<sup>169</sup> Submission No112, Mr Greg Murdoch, General Manager, Council for the Shire of Murray (Riverina Region)

Some firefighters even went so far as to completely object to the use of PPE and dismiss its importance, such as the often quoted Steering Committee of the Volunteer Bush Fire Brigade comment:

I know a lot of people who have worn thongs and shorts to fires and we have never had one burnt. We may have burnt a thong or two but we have never had anyone burnt.<sup>170</sup>

The Committee heard in later evidence that the Western Region issue with boots has been dealt with. Mr Mitchell, Volunteer from the Kerrigundi Rural Fire Brigade, stated:

There is a problem in the Western Division with boots. They refuse to lace them up. Ted Davies and others have resolved this issue in the Western Division with the commissioner - very lengthy it was; as long as the laces. Yes, they wear elastic-sided boots in the Western Division fire brigades.<sup>171</sup>

#### **4.5.2 Evidence in support of the appropriateness & adequacy of PPE**

The majority of evidence and submissions received by the Committee supported the use and appropriateness of PPE, and some submissions went so far as to advocate its compulsory use in all circumstances.

Mr Collyer, FCO for Lismore City Council supported the use and appropriateness of PPE:

You have the overalls, the full gamut of protective gear. Our blokes are pretty well protected.<sup>172</sup>

Mr Condie, FCO from Nymboida Shire Council and Grafton City Council, stated:

I believe that currently the protective clothing that is being provided to volunteers is at a very high level. I think it is one of the areas that the service can really take pride in, that over particularly the last five to 10 years there has been a lot of research and development gone into protective clothing. I think that the standard that our volunteers are turning out at the moment in terms of the protection offered and the gear that they have is something that the service has certainly done very well in.<sup>173</sup>

Mr Hepplewhite, FCO from Raymond Terrace, advocated the compulsory use of PPE on the fireground:

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<sup>170</sup> Submission No193, RFS, p33; Evidence, 29 February 2000, p15

<sup>171</sup> Evidence, 20 March 2000, Mr Wally Mitchell, Volunteer, Kerrigundi Rural Fire Brigade, p44 (Western Region)

<sup>172</sup> Evidence, 8 March 2000, Mr Ray Collyer, FCO, Lismore City Council, p8

<sup>173</sup> Evidence, 8 March 2000, Mr Brett Condie, FCO, Nymboida Shire Council & Grafton City Council, p55

If a fire fighter appears on the fireground and is not wearing the approved protective clothing, he/she should be directed away from the scene for their own safety.<sup>174</sup>

Mr Kitching, Honorary Secretary of the Castlereagh Branch of the RFS, stated:

Training and protective clothing are areas in which there must be no compromise. Anyone not wanting to put the time and effort into training is a danger, not only to themselves, but also to other crew members and the public. And anyone silly enough not to want to be protected should not be involved with the RFS.<sup>175</sup>

Evidence to the Committee also highlighted the injury that can be suffered as a result of inappropriate or inadequate PPE. Mr Scanlon, from the Country Club Rural Fire Brigade in Coffs Harbour, stated:

There was an incident where two brigade members attended a grassfire and they became entrapped in the grassfire due to a change in weather conditions and various factors. They were not equipped with the approved and issued personal protection equipment and, as a result, suffered burns. The vehicle was also burnt. The New South Wales Rural Fire Service inquired into this incident and found a number of things, one of which was the firefighters were wearing short sleeved polyester cotton shirts, denim jeans, thick work socks and elastic-sided work boots.

“His shirt had begun to burn and melt around the sleeves, chest and back that were close to ignition. The jeans had scorch marks from cuffs to knees and there were indications that they, too, were about to ignite. Inside the jeans, parts of the elastic-sided boots had melted on to the jeans. The boots had scorching to the elastic soles. Their pull-on loops had melted and the sides of their soles had begun to melt.”

There are illustrations here as to the areas that these two members received second and third degree burns to their bodies, front and back. It also found out that the damage to the firefighter's own clothes indicated that they would have been unlikely to have suffered any substantial injuries if they had been wearing service approved protective clothing. Recommendations were that the fire ground standard operating procedures and training emphasised taking up a safe attack position in fires and other recommendations.<sup>176</sup>

The RFS also highlighted the detriment that can be suffered as a result of inadequate PPE:

A fire ignited late in the afternoon at approximately 4 o'clock on a typical summer's day. Although there were high temperatures, there was no wind and stable weather conditions. Two volunteers turned out to the fire. One forgot to take his protective clothing, but continued on to the fire ground regardless. The fire flared and the volunteer was caught in the path of the fire, on what was a fairly calm day.

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<sup>174</sup> Submission No68, Mr Allan Hepplewhite, FCO, Raymond Terrace (Hunter Region)

<sup>175</sup> Evidence, 8 March 2000, Mr Terry Kitching, Honorary Secretary Castlereagh Branch., RFS, p14

<sup>176</sup> Evidence, 8 March 2000, Mr Bruce Scanlon, Country Club Rural Fire Brigade, Coffs Harbour, p30 (Northern Region)

...The gentleman is lucky to be alive. His first comments in hospital to us were, "I will never be so foolish again. I wish to God I had taken by protective clothing with me." He received burns to 20 per cent of his body, and a large number of them were third degree burns. It was not a blow-up day, it was not a severe fire, and it was not a major fire operation. It was a small paddock fire in the middle of country New South Wales. Protective clothing was not taken and the volunteer sustained serious injury.

Protective clothing is provided to volunteers by the service for their welfare. When critics of the service claim that because they are only volunteers all this protective clothing is nonsense, they grossly undervalue the worth of a volunteer. We have an obligation as a community to give them the best level of protection possible and not to simply say that they are only volunteers. To say anything else would be to undervalue their efforts.<sup>177</sup>

The RFS also stated that there were no penalties for not wearing PPE, nor were volunteers unprotected from workers' compensation as a result of a failure to wear PPE:

The NSW Rural Fire Service requires, in all but the most exceptional circumstances, that persons involved in attending an incident must wear appropriate clothing. Although the Service requires it, there is no penalty for failure to wear PPE, other than individuals risking personal injury.

It is not a precondition of insurance coverage that a firefighter wears protective clothing. The requirement to wear protective clothing is a policy of the NSW Rural Fire Service designed to protect volunteers from injury during firefighting.<sup>178</sup>

The RFS further stated that the NSW RFS was a world leader in terms of the ongoing development of PPE:

We have engaged upon a personal protective equipment program, which is protective clothing that is world standard. Indeed, the Rural Fire Service is recognised as driving the standards internationally. Our officer responsible for such affairs is a constant adviser to the International Standards Organisation for the improvement and development of protective clothing for firefighters not only for New South Wales and Australia, but worldwide.<sup>179</sup>

**The Committee notes that wearing PPE is not compulsory in all instances, but is strongly recommended by the RFS in all but the most exceptional circumstances. Even though PPE is not always compulsory, the Committee believes that PPE is essential to the health and safety of firefighters and therefore supports the RFS in urging firefighters to wear PPE. The Committee, further, dismisses as reckless those suggestions by some that PPE is not necessary.**

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<sup>177</sup> Evidence, 29 February 2000, Mr Mark Croweller, Assistant Commissioner Strategic Planning, RFS, p17

<sup>178</sup> Submission No193, RFS, p108

<sup>179</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p8

### **4.5.3 Provision of PPE**

Overall, the Committee heard that the provision of PPE has greatly increased in many areas. Mr Hepplewhite, FCO in the Raymond Terrace area, stated:

I believe that within the Port Stephens Rural Fire Service, members are adequately supplied with protective clothing. From my personal knowledge there would be very few if any active fire fighter that did not have two sets of bush fire clothing.<sup>180</sup>

In response to the issue of provision of PPE, the RFS stated that over the past 5 years, more than 39,000 additional overalls had been issued to volunteer firefighters.<sup>181</sup>

**The Committee finds the provision and adequacy of PPE has improved and is continuing to do so. Whilst the Committee did hear some evidence that some Brigades have not had adequate provision of PPE, the Committee is of the view that the RFS is addressing these concerns. The Committee supports the RFS in this regard.**

## **4.6 Training**

Training is provided to RFS volunteers at no cost in relation to a number of broad and specific skills, for example basic firefighting and use of chainsaw. Training is competency based, and therefore recognises previous experience and skills (or recognition of prior learning – ‘RPL’):

The Rural Fire Service certainly has now gone to competency-based training, so the old perennials about, "I have been doing this for 30 years," or whatever always create the problems that people perceive they are being forced to do training.

If someone can do a job, as we use the vernacular, it is a tick and flick. If someone can demonstrate competencies, they are there. So this perception that you have to go and sit through a formal class is false. It is there for someone to demonstrate his competencies and they are considered to be trained.<sup>182</sup>

Whilst volunteers are encouraged to participate in training, there is no compulsion to do so.

### **4.6.1 Voluntary nature of training**

Some submissions and evidence pointed to the misconception that training was compulsory. Mr Scanlon, Group Captain in Coffs Harbour, stated:

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<sup>180</sup> Submission No68, Mr Allan Hepplewhite, FCO, Raymond Terrace (Hunter Region)

<sup>181</sup> Submission No193, RFS, p107

<sup>182</sup> Evidence, 8 March 2000, Mr Ray Collyer, FCO, Lismore City Council, p3 (Northern Region)

I would like to expand my comments in the submission on training. A criticism of the Rural Fire Service made by some uninformed individuals is that "members should not be forced to do any training". No member is forced, made to or pushed to do any training. There is no compulsory training. Anyone who tries to tell this Committee that is either unaware of the facts or trying to mislead the Committee.<sup>183</sup>

The RFS have emphasised that training is not compulsory, but beneficial from a safety perspective. Commissioner Koperberg stated:

Whilst we encourage consistently a level of training to ensure that the skills are attained to ensure that they in turn can do their work safely, nevertheless, it is a fact that training is not compulsory.

Some local government councils, as I have said on a number of occasions before, have the day-to-day carriage of affairs in fire management and insist that training be compulsory before a firefighter can embark upon the fire ground. So far as the Rural Fire Service is concerned, whilst it encourages training at every level, it is not compulsory.<sup>184</sup>

#### **4.6.2 Criticism of training**

Some criticisms of training were passed on to the Committee both anecdotally and first hand by witnesses at hearings or through submissions. The criticisms expressed are that training is time consuming, irrelevant and often inconvenient (due to it being held on weekends).

For example, Mr Brooks General Manager of Guyra Shire Council, stated:

Whilst it is recognised that formal training is important many rural volunteers, who have successfully fought fires for many years, see it as a burden imposed by a Bushfire hierarchy who are out of touch with reality. The Inquiry should realise that the reason rural volunteers shy away from training is the perception that they will have to spend their time starting pumps and rolling up hoses which they do regularly in the course of their occupations.<sup>185</sup>

Others also objected to the type of training or the way in which training was conducted. In particular, some saw training as an ineffective substitute for fireground experience. Mr Rheinberger, from the Steering Committee of the Bush Fire Brigades, stated:

I should just like to mention training. We are not against training, but we believe that the way the training is being done is wrong. Some people are being accredited although they have never been to a fire. Half of them would not know how to light a fire. I was speaking to one of our older members only two days ago. He has 30-odd years experience. He said that the crew leader trainer had not been to a fire. People are getting into dangerous ground with this training. They get a

<sup>183</sup> Evidence, 8 March 2000, Mr Bruce Scanlon, Group Captain, Country Club Rural Fire Brigade, Coffs Harbour, p29 (Northern Region)

<sup>184</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p9

<sup>185</sup> Submission No108, Mr Geoff Brooks, General Manager, Guyra Shire Council (Northern Region)

certificate and it puts a false sense of security in their minds. They think they can do the whole thing, and that is not right. It cannot happen that way, and that is why people are getting into trouble. We believe that this is partly the cause of the problems.<sup>186</sup>

The NSW Farmers' Association, whilst not critical of training being available, also stated that recognition of prior learning was important to its members:

On the issue of training, the association is very supportive of appropriate training being made available for volunteers but strongly opposes the implementation of compulsory training for volunteer bush fire fighters. In many areas there is a perception that training is a prerequisite for volunteer bush fire fighters to be covered under public liability. The Commissioner of Rural Fire Services stated clearly that is not the case. However, perception prevails in some areas. In particular, NCOs need to get that message across that training is not compulsory. It is also very important that recognition of prior learning be taken into account when any training is being developed for volunteer firefighters. Many people who have been volunteers for a long time have built up a great deal of experience, both from firefighting and their farming enterprises.<sup>187</sup>

#### **4.6.3 Support for training (and compulsory training)**

There was significant support for the type and range of training available to volunteers. Mr Collyer, FCO from Lismore City Council stated:

I feel training is essential at all levels. I think it is unfair to seasoned, untrained people to do the job, because it just places them and their colleagues in danger.

...compulsory is a strong word. I would suggest that an active firefighter, if you are familiar with the term active fire fighter, and anyone who is actually participating on the fire line, should up to a standard.<sup>188</sup>

Further, Mr Scanlon, Group Captain in Coffs Harbour, stated:

...any volunteer that goes on the fire ground should have a certain level of competency. That starts with basics. People who take on the responsibility of the field officer's position, deputy captain, senior deputy captain or group captain, not only have their own life to think about, they have the responsibility of other members as well as the property they may be trying to protect and there are additional levels of competency that they must demonstrate before taking on that position. I think that is fair to everyone concerned.<sup>189</sup>

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<sup>186</sup> Evidence, 29 February 2000, Mr Barry Rheinberger, Chairman, Steering Committee of the Bush Fire Brigades, p36

<sup>187</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p50

<sup>188</sup> Evidence, 8 March 2000, Ms Ray Collyer, FCO, Lismore City Council, p3 (Northern Region)

<sup>189</sup> Evidence, 8 March 2000, Mr Bruce Scanlon, Group Captain, Country Club Rural Fire Brigade, Coffs Harbour, p31 (Northern Region)

Dubbo City Council also expressed its support for training, but not compulsory training. Mr Jenks, FCO Dubbo City Council, stated:

So far as training and protective clothing is concerned, training is very appropriate and very much needed. Although you will not get 100 per cent training levels throughout the service, you could get a higher percentage. We are working towards high levels, towards 100 per cent. I think Dubbo can boast about a 65 per cent training level to basic firefighter.

The thing with training is that you cannot make people train. Training is a thing that you have to encourage, and I think there is a lot of belief out there, especially by some of the larger landowners, that they do not require the training because they have been fire fighting for many, many years. However, training does improve their skills. But in saying that, also it is competency-based training. If they already have those skills, they can get a record of prior learning through those skills.<sup>190</sup>

There were many other examples of support for the importance of training, and support for the introduction of compulsory training. Mr Lewis, Volunteer in the Lake Macquarie District, stated:

I can sleep at night knowing that no member's safety will be compromised due to my training. Structured standardised training must be mandatory across the state, without such, we shall continue to face higher and higher workers compensation premiums. This then effects funding for other much needed resources. No training may result in loss of life of a fire fighter or a member of the public who has depended upon the response of the firefighter. Are we to compromise the lives of innocent members of the public and members of the service simply to appease a number of vocal members who feel they are above structured training?<sup>191</sup>

#### **4.6.4 Provision & adequacy of training**

The Committee received a significant amount of evidence that the provision and adequacy of training has increased dramatically over the past several years.

For example, Mr King, Volunteer in the Regentville Fire Brigade, stated:

When I first joined...[23 years ago]... you didn't do any training, you just turned up and you went to a fire. Since then training and safety procedures have been implemented that have improved the capability and safety of firefighting personnel, in that when I am at a fire I know the minimum capability of the person I'm with, no matter what Brigade, Region or Fire district they come from. We are in this organisation to save life and property, you want to be sure that the person beside you will not put your life at risk because he is not trained.<sup>192</sup>

<sup>190</sup> Evidence, 20 March 2000, Mr John Jenks, FCO, Dubbo City Council, pp2-3

<sup>191</sup> Submission No2, Mr Roger Lewis, Group Support, RFS Lake Macquarie District, p4 (Hunter Region)

<sup>192</sup> Submission No16, Mr John King, Volunteer, Regentville Fire Brigade (Central East Region)

Also, Mr Collyer, FCO for Lismore City Council, stated that training has dramatically improved:

I have been here five years, going on six years, and we cannot supply enough from basic fire fighter all the way through. I would stand by my record on training in Lismore. The volunteers embrace it enthusiastically and we never have a shortage of people wanting to do courses.<sup>193</sup>

Further, others have stated that this increase has prevented the possible deaths of firefighters. Ms Quinlivan-Scurr, Volunteer and Widow of Senior Deputy Captain of the Wingello Brigade who died on 1<sup>st</sup> January 1998 in the Wingello fire, stated:

...I believe that the extensive training Wingello Brigade...received...were put into practice on New Years day 1998, when an unpredictable 'microburst' hit the main fire spreading it and turning the main fire into a fire ball which overran the crew on Wingello One as they were evacuating. I believe that if they did not put the extensive and in-depth training that they received into practice that day there would have been eight deaths.<sup>194</sup>

Evidence submitted to the Committee from the RFS in the form of training material, training participation statistics and other documents displayed the range of training available as well as the significant participation in such training.

**The Committee finds that the provision of training has greatly improved and increased. The Committee further finds that training meets health safety and welfare requirements of volunteers, and provides appropriate skills to perform effective fire suppression. The Committee supports the RFS in this regard.**

**The Committee also notes that the RFS policy on training recognises prior skills, contrary to concerns expressed in this regard.**

Commissioner Koperberg stated:

...we place a great deal of value on the experience that, individually or collectively, firefighters from all over the State bring to the effort of rural fire management.

...As you heard this morning, we subscribe to the national standards of recognising experience, recognising prior learning and recognising current competencies. However, it is not universally implemented, and because these are things over which we have little or no control at the local level. It is a fact that some local government councils will not permit their members to attend fires until they have undertaken one level of training and been accredited, but that is a local government decision. The Rural Fire Service policy is that the principles of prior learning and current competencies are an integral part of preparing a firefighter for the task that he or she might have in

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<sup>193</sup> Evidence, 8 March 2000, Mr Ray Collyer, FCO, Lismore City Council, pp3-4 (Northern Region)

<sup>194</sup> Submission No79, Ms Leanne Quinlivan-Scurr, Volunteer (Central East/ Southern Region)

the field. The manner in which that is exercised, however, has been left to the jurisdiction of local government.<sup>195</sup>

#### **4.7 PPE & training for support volunteers**

Another issue raised by some submissions, particularly in the Hunter Region, was that there was no PPE or training provided to non-active volunteers - ie support staff in firefighting operations, for example welfare and catering. Also, that there was no funding provided for support needs such as catering equipment and food, with these needs having to be met by fundraising efforts such as raffles.<sup>196</sup>

For example, Mr Fitness, a Support Officer in the Lake Macquarie district, stated:

The RFS should be proud for the resourceful management in handling past funding allocations for the Firefighters of our Service. Sadly one cannot say the same with the Support side of the RFS such as Catering/ Transport.

We have to spend many a long hour Fundraising to purchase equipment so we can do our job properly to serve the Firefighters in the field...You remove the dedicated Catering staff and Support Drivers from the RFS and one wonders how long the Firefighters would sustain their activity in the field...

Over 1998/99 we have purchased through Fundraising, to better our Service Marquees, Tables/chairs and uniforms..<sup>197</sup>

Ms Pearson, Communications Officer in the Lack Macquarie district, echoed this view:

The training which is provided to and conducted by Captains of firefighting Brigades is both effective and substantial. This is not the case for support Brigades...

Support Brigades are not recognised within the Rural Fire Service, we are not provided with protective clothing. Although communications members can be required to assist an Incident Controller on the fireground, we are unable to provide this service due to the fact that we are not provided with protective clothing. No member of the Communications Brigade in Lake Macquarie has been issued with protective clothing for fireground activities at this time.<sup>198</sup>

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<sup>195</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p34

<sup>196</sup> Submission No29 (Hunter Region); Submission No61 (Hunter Region); Submission No103 (Hunter Region)

<sup>197</sup> Submission No29, Mr Clifford Fitness, Welfare/ Support Officer, Lake Macquarie (Hunter Region)

<sup>198</sup> Submission No61, Ms Julie Pearson, Communications Officer, Lake Macquarie (Hunter Region)

**Recommendation 3:**

The Committee recommends that the existing provision of personal protective equipment and training, to volunteer fire fighters, be extended to those volunteers in catering, welfare and other support functions.

**4.8 OH& S and workers' compensation issues**

Evidence received by the Committee demonstrated that there were problems with respect to workers' compensation, as well as some concern over workers' compensation payments.

For example, some evidence received by the Committee suggested that workers' compensation was not available to volunteer firefighters who had not completed formal training, nor to those who did not wear PPE. This was refuted by the RFS in both its evidence and submission:

It is suggested by some that unless a formal process of training has been entered into, access to workers compensation is denied. Of course, that is not the case. The provision of our workers compensation scheme does not discriminate in that regard. It does not discriminate in terms of age, sex or any other activity. Indeed, if a firefighter is injured during the legitimate pursuit of activity related to firefighting, he or she is entitled to workers compensation. Of course, that does not detract for a moment from our commitment to encourage training wherever possible.<sup>199</sup>

The Committee heard evidence from witnesses about a disparity in workers' compensation payouts with respect to farmers and other self-employed people. The problem seemed to be attributed to the assessment of income for that class of worker, where income is seasonal in nature, and the averaged out payment was not necessarily reflective of their income at the time of injury.

While generally supportive of the level of workers' compensation available to volunteers, Mr Kitching, of the RFSA Castlereagh Branch, expressed some concerns about workers' compensation available to self-employed persons:

A self-employed person who is injured and has to have time off work from his own employment is currently not being given what I would call adequate justice under the workers compensation system.

...I will use a current example of a bloke who is a harvesting contractor for silage. That is seasonal. He happened to injure his foot at the beginning of the season so he lost a considerable amount of

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<sup>199</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p7; Submission No193, RFS, p51 & p105

his annual income in that three-month period, and that was his prime three or four-month period of the year for his harvesting activity.

What was trying to be done to him, and they are trying to address this at the moment, they averaged his income annually which does not quite work for the three months where he is almost bringing in his total income in three months. There are some sort of problems there, as I understand it, outside the current workers compensation system and need to be addressed.<sup>200</sup>

**The Committee was gratified to learn of the announcement, at the hearing on 24 March 2000, to change the method for assessing workers' compensation payouts for this category of worker.**

Commissioner Koperberg stated:

It has been a fact that for some considerable time the formula for determining an appropriate level of compensation for a firefighter who, through injury or other circumstances, was denied his or her income whilst engaged in firefighting be determined. Whilst many volunteers are in regular employment, many also generate their own income, and of those many are on farms. Since our global objective is tax minimisation, if, for argument's sake, the compensation were based on income for the last 12 months, in some cases, particularly in agriculture, the income records and tax assessments were viewed by WorkCover to find that there was no income last year. How do you compensate a person according to a regular level of income if there is no income? I am pleased to say that the Minister will shortly make an announcement to the effect that the WorkCover authority, the Attorney General, the Minister and the Rural Fire Service have come to a sensible arrangement whereby the formula for assessment of income will be revised and a more global approach of income for farmers will be taken when assessing workers compensation entitlement, which should alleviate the concerns that have been raised.<sup>201</sup>

The Committee was advised that a new policy was implemented by WorkCover following a meeting prior to Christmas 1999.<sup>202</sup> The policy concerns the payment of weekly compensation benefits to self employed RFS volunteers as well as other volunteer emergency service and rescue association workers. The policy addressed the issue of workers compensation benefits not taking into consideration seasonal fluctuations in income, future loss of earnings, and the expense of remunerating other people to manage the business whilst the principal person is incapacitated.

**The Committee finds that the decision to review the formula for assessing income with respect to workers' compensation payouts for self-employed people was timely.**

<sup>200</sup> Evidence, 8 March 2000, Mr Ian Rodgers – Northern Region Conference RFS, and Mr Terry Kitching, Honorary Secretary Castlereagh Branch, RFS, p25

<sup>201</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, pp42-43

<sup>202</sup> Correspondence from the Office for Emergency Services, to Senior Project Officer, dated 15 May 2000, providing information regarding workers' compensation policy in response to verbal request.

## 5 Stakeholder Representation & Communication

One of the key issues that arose during the course of the Inquiry and permeated through all the terms of reference was the issue of communication; in particular communication between RFS salaried officers and RFS volunteers. The issue of communication is linked to stakeholder representation, another key issue identified in evidence to the Committee.

This chapter details the range of committees currently in place in the RFS and the concerns raised in evidence and submissions about stakeholder representation and communication.

### 5.1 Representative bodies of the RFS

The RFS, in its submission, outlined its various committees and the increasing representation of volunteers on the committees since the 1997 reforms.<sup>203</sup> These are outlined in Table 4 below.

**Table 4: RFS Committees**

RFS Representative Forum	Pre 1997			Post 1997		
	Volunteer	FCO	Total	Volunteer	FCO	Total
RFSAC* (formerly Bush Fire Council)	4 Committee of 16 Bush Fire Council	1	5	2 Committee of 9 RFSAC	1	3
Corporate Executive Group	-	-	-	1	1	2
Local BFMC*	2	1	3	2	1	3
Technical Committee	Ad hoc	Ad hoc	Ad hoc	8	8	16
Training Committee	“	“	“	8	8	16
Community Education	“	“	“	8	8	16
Communications	“	“	“	8	8	16
Bush Fire Coordinating Committee *	“	“	1 de facto	-	1	1
Fire Services Joint Standing Committee	-	-	-	1	1	2
Service Standards	-	-	-	2	2	4

Source: Submission No193, RFS, p92

<sup>203</sup> Submission No193, RFS, p92

In the above table the asterix (\*) denotes a statutory committee established under the *Rural Fires Act 1997*.

The membership of stakeholders on the statutory committees is as follows:

RFSAC – Apart from RFS members, consists of 9 members including representatives from: Insurance Council of Australia (ICA); LGA; Shires Association of NSW; NSW Farmers' Association; and Nature Conservation Council (NCC)<sup>204</sup>

BFMC – constituted in accordance with the regulations – stakeholder representatives including: Mayor(s) or Councillor(s) for the local council within the BFMC area; person nominated by local authority (where this is not a council); RTA; DLWC; NSWFB; Police Service; an electricity distributor; Transgrid; SRA; Rail Access Corporation; NPWS; Forestry Commission; NCC.<sup>205</sup>

BFCC – Apart from RFS members, consists of 12 members including representatives from: NSWFB; Forestry Commission; NPWS; LGA; Shires Association of NSW; recommendation of the Commissioner of Police; recommendation of Minister for the Environment; NSW Farmers' Association; and Department of Community Services.<sup>206</sup>

With respect to the type and range of committees, the Commissioner Koperberg stated:

The Rural Fire Service also established a Rural Fire Services Advisory Council. The composition of the organisation is such as to ensure there is legitimate representation from stakeholders and the administration of the department and the Rural Fire Service. Therefore, volunteers are represented, farmers are represented, local government is represented and, indeed, those with environmental responsibility are represented on that council. We have gone considerably further than that. To ensure there is effective consultation on a whole range of issues we have established no less than four major committees. They are technical, communication, community education and training. Each of these committees has no less than eight volunteers. The number of salaried and non-paid are the same. There are eight fire control officers from local government and eight volunteers from regional New South Wales on those four committees.

Finally, to ensure that the views of our stakeholders are heard, particularly as they relate to the administration of the department, we have formed a corporate executive group at the headquarters. This also has a volunteer firefighter on it, as it has a local government fire control officer.<sup>207</sup>

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<sup>204</sup> Section 123 of the Act

<sup>205</sup> Section 50 of the Act, Part 3 of the *Rural Fires Regulation 1997*

<sup>206</sup> Section 47 of the Act

<sup>207</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p6

### **5.1.1 Evidence presented to the Committee**

The submissions and evidence pointed to a range of concerns with stakeholder representation: from complaints that there is excessive involvement from external agencies to complaints of inadequate representation from one group or another. Mr Lewis, Volunteer in the Lake Macquarie District stated:

I believe that there is too much involvement from agencies outside of the RFS into the management and control of the RFS. The service is drowning in red tape and faction fighting, with each of these agencies having their own agendas without considering the needs of the service.<sup>208</sup>

Mr Downing, Deputy Group Captain for Cessnock Rural Fire Service stated:

Yes, volunteers are represented but I believe that there are too many agencies involved and I have concerns that political factions are formed and good attempts to provide better services are hijacked by individual services or by ganging up as to improve funding or public perception of their worth to the communities they represent.<sup>209</sup>

Mr Kiss, General Manager for Coolamon Shire Council stated:

The representation on the Rural Fire Service Co-Ordinating Committee and Rural Fire Service Advisory Council perhaps needs reviewing. From Council's understanding the Farmers Association only has one representative and perhaps given the genuine interest and concern of farmers this may need to be reviewed to provide for more representation from those persons whose livelihood is most affected by the threat of fire.<sup>210</sup>

Whilst some submissions were concerned with inadequate representation from some stakeholder groups, other submissions argued for an increase in representation of external agencies, such as the LGSA who stated that the NSWFB and the NSW Police Service should be represented on the RFSAC.<sup>211</sup>

The NSW Farmers' Association had a differing concern in that they believed the Bush Fire Co-ordinating Committee and the Rural Fire Service Advisory Council were ineffective in resolving issues:

The representation of stakeholders throughout the bush fire management system is clearly not facilitating the smooth running of bush fire issues. It appears that neither the Bush Fire Co-ordinating Committee and the Rural Fire Service Advisory Council are an effective form to resolve

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<sup>208</sup> Submission No2, Mr Roger Lewis, Group Support, RFS Lake Macquarie District (Hunter Region)

<sup>209</sup> Submission No26, Mr Graham Downing, Deputy Group Captain, Cessnock Rural Fire Service (Hunter Region)

<sup>210</sup> Submission No7, Mr Terrey Kiss, General Manager, Coolamon Shire Council (Central Region)

<sup>211</sup> Submission No204, LGSA, pp11-12

issues of concern to volunteers and land holders. The Association has noted a number of occasions where our representative has been frustrated by issues not being dealt with in a timely manner or simply being subject to a circuitous process and never resolved.<sup>212</sup>

Another submission pointed to the perception that the RFS has inadequate representation of volunteers who are from west of the Blue Mountains and that the RFS deals almost exclusively with the “hobby type volunteer from the Central East Region”.<sup>213</sup>

Alternatively, many submissions and other evidence supported the current level of representation and pointed to the increases in representation in recent years:

I believe that everyone has an opportunity to put his or her thoughts and concerns forward from the local volunteer to the Commissioner. There are numerous committees, which look at all aspects of the service and have representatives from all the stakeholders on them. Those that claim they cannot have a say simply have not used the avenues that are open to them.<sup>214</sup>

Mr Collyer, FCO with Lismore City Council stated:

The representation on statutory committees at State level consists of persons who are senior in their organisations and are responsible for Land management throughout the State. While criticism may be levelled that certain individuals are not on these committees, the major land managing agencies are fully represented with a cross section of views and opinions which should lead to sound decisions.<sup>215</sup>

Mr Scanlon, Group Captain for the Country Club Rural Fire Brigade in Coffs Harbour stated:

There is adequate stakeholder representation in all levels of the RFS even for people whose property or assets may be at risk and do not bother to help protect them by joining the local brigade. Even these people have an opportunity to have input in the running of the RFS.<sup>216</sup>

Mr Condie, FCO for Nymboida Shire Council and Grafton City Council stated:

Since the introduction of the Rural Fires Act in 1997 the opportunity for wider stakeholder input has dramatically increased. The real issue is whether the opportunities are being realised particularly in the outer regions of the State. Organisations such as the Co-ordinating Committee, the RFS

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<sup>212</sup> Submission No601, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, pp3-4

<sup>213</sup> Submission No459, Mr John Jenks, FCO, Dubbo City Council

<sup>214</sup> Submission No21, Mr Sean McArdle, Volunteer, Thurgoona Rural Fire Brigade (Riverina Region)

<sup>215</sup> Submission No19, Mr Ray Collyer, FCO, Lismore City Council (Northern Region)

<sup>216</sup> Submission No292, Mr Bruce Scanlon, Group Captain, Country Club Fire Brigade, Coffs Harbour (Northern Region)

Advisory Council and Bush Fire Management Committees generally provide the full cross section of stakeholder representation.<sup>217</sup>

The RFSA supported this position and argued that there was a significant increase in stakeholder representation in comparison to less than a decade ago, and that this has benefited volunteers in particular as they have had the biggest increase in representation.<sup>218</sup>

The RFS, in its submission to the Committee addressed a number of concerns that were raised with respect to stakeholder representation. In particular the RFS stated that whilst it is impractical to consult with every member due to the large number of volunteers<sup>219</sup>, there are many committees through which consultation and representation takes place:

I would suggest that you would find very few enterprises that endeavour so extensively to ensure there was adequate representation of not only the people at the agencies with whom it works but also those that it relies on heavily to provide a service in New South Wales.<sup>220</sup>

**The Committee finds that the various stakeholders are adequately represented on the many committees established by current legislation, and by the RFS. The Committee finds, however, that the central committees could be more accessible to rural fire fighters by holding meetings in different locations throughout the state. The Committee notes that Cabinet meets from time to time in rural areas. The Committee emphasises that the Rural Fire Service is just that, a *rural* Service. It is therefore imperative that there is a greater degree of decentralisation in the way the committee structure operates, to allow rural fire fighters to attend meetings and therefore feel more included in the process.**

#### **Recommendation 4:**

The Committee recommends that the Rural Fire Service give consideration to expanding the program whereby central committees meet from time to time in rural areas of NSW to facilitate a transparency of process, and better communication with volunteers.

<sup>217</sup> Submission No440, Mr Brett Condie, FCO, Nymboida Shire Council & Grafton City Council (Northern Region)

<sup>218</sup> Submission No195, RFS, p8 & pp32-36

<sup>219</sup> Submission No193, RFS, p47 & 90

<sup>220</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p6

## 5.2 Communication issues

Evidence received by the Committee indicates that some volunteers perceive that there is a lack of communication, particularly between volunteers and RFS management.

For example, Ms Gibson, Secretary of the Copmanhurst Brigade, stated:

In compiling the points our members wanted to make for our submission, it came to me that basic to most of the areas or issues we see as problematic is communication. It is like the weather; everybody talks about communication but nobody wants to do anything about it. In the US military they talk about the 10 per cent who never get the message. Sometimes in Copmanhurst we think we must be part of the 90 per cent who do not even know there is a message out there somewhere that we have missed.

...

A fire service should have a sure-fire method of getting information out. Vital information may be received late or not at all. It is sometimes unclear or contradictory, at least by the time we get it. Is it any wonder rumours abound? The lines of communication should be a two-way street. That one-way line can be a heavy burden.<sup>221</sup>

Mr Crossweller, Assistant Commissioner – Strategic Development of the RFS, told the Committee that communication sometimes breaks down at a local level:

The first factor is that the relationship between the council's general manager and the fire control officer is sound and professional. The second factor is that the fire control officer understands the needs of the council, the service and the volunteers. Other factors are that regular meetings are held with brigade members and the council and that there is regular distribution of service material and information. That occurs throughout the majority of the State, but in some areas of New South Wales almost the exact opposite occurs. Communication between the council and the fire control officer is poor, information is stifled, brigade meetings may be held once a year and the district meetings once the year, or twice a year if we are lucky. In those areas our ability to promote information and to get information out to volunteers is exceptionally stifled due to lack of consultation at the local level.<sup>222</sup>

Mr Luscombe, President of the RFSA stated that communication is an area that is constantly being addressed:

An issue of critical importance is that of improving communication throughout all levels and across the service. It is clear that a large number of issues emanate from a misunderstanding of how systems are designed to operate, the large number of new initiatives occurring across the service, or communication of new initiatives and variability in the standards of communication from region to region and from district to district. There is no doubt that managing communications in organisations the size of the service is a difficult task. The RFSA is itself recognising the enormity of this issue. To its credit, the service has made progress in improving communications, including

<sup>221</sup> Evidence, 8 March 2000, Ms Judith Gibson, Copmanhurst Brigade, p62 & p63 (Northern Region)

<sup>222</sup> Evidence, 29 February 2000, Mr Mark Crossweller, Assistant Commissioner Strategic Development, RFS, p16

the use of a web site for important information, the implementation of Fire Chat to discuss issues of interest, regular publication of the "Quench" newsletter, establishment of a number of standing committees and working parties with volunteer and salaried officer participation, and regional visits by senior service personnel. More work is required to build on this foundation. The systems processes and cultures required to ensure all members of the service have the opportunity to be either aware of or participate in service initiatives need to be further developed and implemented. The RFSA is committed to working with the service to ensure that this occurs.<sup>223</sup>

The RFS noted in its submission that the communications strategy was being reviewed by the RFS to increase the accessibility of information.<sup>224</sup> At the hearing on 24 March 2000, Commissioner Koperberg tabled the RFS communication strategy and stated:

I suggest that if there is a common thread running through what has been put before you it is the magnitude of problems at the local level. Please do not misunderstand me. I am not for one moment suggesting that everything we do is beyond scrutiny. Quite the opposite--I believe we have a tremendous amount of work to do in terms of getting communications right. A number of witnesses have been less than complimentary about the manner in which policies, decisions and views are communicated, and that is so. But at the same time we work through a very convoluted system. We rely on the good officers of 142 separate councils, some of whom claim they are getting too much information and others who claim that they are not getting enough, to promulgate the message.

Recently we have developed a communication strategy in direct response to what has been put before this Committee. I need it to be understood that we are very conscious of what is put before you, and where we believe we can move forward and improve something we are doing so as this goes on. We will not simply wait. If there is a legitimate concern we react to it; hence the promulgation of this particular strategy. We hope that will improve, but it does place some requirements on people over whom we have no influence. For argument sake, we are advocating that fire control officers should at least once annually meet with the mass of volunteers and they should at least twice annually meet with all their captains.<sup>225</sup>

The communications strategy is included at Appendix 7. The main aim of the strategy is to ensure that stakeholders have a structured framework for communications. The strategy states that it is the first stage of a long-term organisational communications strategy which will aim to improve communication channels, develop reporting structures from sub-committees and '...engender a culture of open, controlled and inclusive communication'.

**The Committee was pleased to learn that the communications strategy was developed in direct response to the evidence put before the Inquiry and believes that it is an appropriate and timely development.**

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<sup>223</sup> Evidence, 24 March 2000, Mr Donald Luscombe, President, RFSA, p22

<sup>224</sup> Submission No193, RFS, p47

<sup>225</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p35

**The Committee finds that the evidence of Commissioner Koperberg recognised that considerable problems exist in the Rural Fire Service as a result of inadequate communication. The Committee recognises that the implementation of the communication strategy is a positive step to remedy communication problems, and recommends that the communication strategy be reviewed to ensure its effectiveness.**

#### **Recommendation 5:**

The Committee recommends that the Rural Fire Service communication strategy be reviewed to ensure its effectiveness.

### **5.2.1 Newsletters**

Some volunteers expressed concern about not receiving RFS newsletters such as *Quench*. Evidence by some brigades, such as Copmanhurst Brigade in the Northern Region, stated that newsletters and other information was received spasmodically.<sup>226</sup>

Evidence put to the Committee noted that it was the responsibility of FCOs to distribute information. Mr Noel Blizzard, FCO for Byron Shire Council explained how he distributes RFS publications:

All our information, if I can answer the last question first, is given out at the captains' meetings for the captains and presidents to take back to their brigade members. The meetings are held once every two months, and if there is, as was stated here a delivery, at least every captain would be in touch with me once a week, generally in the evening, to pick up on anything that is going or anything that needed to be clarified.

Generally, as the publications come through, we distribute them. As they come through quarterly or monthly, or if it is an important fax or something that they need to know fairly quickly, we would get it out a lot quicker than that. It just depends.<sup>227</sup>

The RFS in its submission stated that anecdotal evidence suggests that information is not being passed on at the local council or FCO level or that communication at the local level is poor:

<sup>226</sup> Evidence, 8 March 2000, Ms Judith Gibson, Copmanhurst Brigade, p65 (Northern Region)

<sup>227</sup> Evidence, 8 March 2000, Mr Noel Blizzard, FCO, Byron Shire Council, p71 (Northern Region)

Anecdotal evidence suggests that while information from the head office and regions from the Service is widely distributed, the information flow frequently stalls at the local council or Fire Control Officer level.<sup>228</sup>

Some witnesses stated that their local areas have found innovative ways to resolve communication problems such as producing local newsletters:

It has been said that there is not enough communication through the brigade levels. Dubbo experienced this in earlier years when fire control officers or councils wrote to the brigade secretaries, the captains or the presidents, and basically that is where the communications stayed until the next annual general meeting. We have improved that system by a monthly newsletter that goes to most of our members, and I think that can be improved right throughout the State.<sup>229</sup>

**The Committee notes that it is the responsibility of Fire Control Officers within each region to disseminate information to their local brigades –and local authorities have a major role in this regard. The Committee finds that FCOs have a critical role in the communicating information to volunteers as they are the link between the RFS and the local brigades.**

### **Recommendation 6:**

The Committee recommends that Fire Control Officers should ensure the dissemination of information and material (such as newsletters) from Rural Fire Service head office to volunteers.

### **5.2.2 The Internet**

The RFS web site is located at: <http://www.bushfire.nsw.gov.au>. The Committee found that extensive information is available to volunteers via the RFS web site, including newsletters bulletins, and a question and answer forum called *Firechat*. There are also links to individual brigade sites.

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<sup>228</sup> Submission No193, RFS, p93

<sup>229</sup> Evidence, 20 March 2000, Mr John Jenks, FCO, Dubbo City Council, p2

**Whilst the Committee is cognisant of difficulties of access to the Internet for some rural areas, the Committee believes that the Internet is the way of the future for communication. The Committee finds that the RFS has utilised the Internet well to provide information to volunteers. The Committee finds that there could be further improvements by helping establish more local brigade pages and incorporating local newsletters –as well as ensuring volunteers are made aware of the existence of the web site on an ongoing basis.**

### **Recommendation 7:**

The Committee recommends that the Rural Fire Service provide a facility to allow local brigades to put individual home pages on the Internet.

### **5.3 Internal brigade matters**

A few submissions raised the issue of interpersonal disputes within brigades such as discrimination, lack of cooperation, poor team work and individual personal problems. Several submissions also raised the issue of the lack of adequate procedures to address grievances and disputes.

The Nature Conservation Council<sup>230</sup> and the NSW Farmers' Association<sup>231</sup> recommended the introduction of a procedure to provide an adequate forum for dispute resolution within the Service. The Committee believes that an adequate grievance procedure would alleviate some of these problems and also go some way to reducing perceptions of the volunteer 'voice not being

**The Committee notes that at the hearing on 24 March 2000, the RFS stated that a grievance procedure was 'signed off' by the Department on 23 March 2000 and would become policy as of that date. The Committee was pleased to learn that the RFS had signed off on a grievance policy during the course of the Committee's inquiry, which has circumvented the need for the Committee to recommend such action. The Committee finds that this is a positive move and fully supports the RFS in this regard.**

<sup>230</sup> Submission No198, Nature Conservation Council of NSW Inc.

<sup>231</sup> Submission No601, NSW Farmers' Association

**The Committee further finds that a Code of Ethics or Code of Conduct would also be beneficial to define the ethical responsibilities of volunteers and others in the Service. The Committee notes that the RFS has yet to issue a Service Standard in this regard.**

**Recommendation 8:**

The Committee recommends that a Code of Ethics for Rural Fire Service Volunteers be adopted as soon as possible.

## **5.4 Volunteerism**

The issue of volunteers, the number and types of, was raised throughout the course of the inquiry alongside general discussions about stakeholder representation and communication.

Two issues arose with respect to volunteers within the RFS. Firstly, there was a perceived reduction in numbers of volunteers, which may be linked to some extent to changes in demographics in rural communities. Secondly, some stated that there are fundamentally two types of volunteers in the RFS – the main difference between the two being the extent to which they wish to participate in activities of the Service which extend beyond their local area (and extend beyond fire).

### **5.4.1 Volunteer numbers**

It was suggested to the Committee that there has been a decrease of volunteers within the Service since the 1997 reforms were implemented. For example, the Steering Committee of the Volunteer Bush Fire Brigades stated in its submission:

Under the existing structure a large number of volunteers are leaving the organization. This is because of ...lack of local control, this control now being vested in the upper hierarchy of the

<sup>232</sup>

The RVFFA, in its submission concurred with this view:

...a large number of volunteers have simply given the Bush Fire Brigade movement away in disgust.

...

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<sup>232</sup> Submission No206, Steering Committee of the Volunteer Bush Fire Brigades

It has become a healthy fact of life that formerly healthy volunteer numbers have declined to such an extent that, in some NSW regions, some brigades have difficulty finding enough crews to turn out to a fire or other incidents.<sup>233</sup>

However, the Committee was told by Mr Harrap of the RFSA that there had not been a large decrease in volunteers. Instead the changing demographics in rural areas had resulted in a natural flux of volunteers within the Service:

... the attrition rate and the perception that there have been large losses of volunteers from the service are not borne out by the statistics that are presented on an annual basis by the local governments that manage the service. The statistics that are forwarded to head office, which form part of the training database, do not indicate a large drop off for volunteers, and I think they are the terms that people have used. What I suspect is more likely to have been happening...is that there is a demographic change in the rural area and that is affecting everything not just the Rural Fire Service. The Rural Fire Service, because of its size, is a reflection of the community at large. If the community at large, for whatever reason, rightly or wrongly packs its bags and leaves, clearly that will have the an impact in that area.<sup>234</sup>

#### **5.4.2 Nature of volunteers**

There was some discussion about the nature of volunteers within the Service – namely, that there are two types of volunteers. For example, the National Farmers Association suggested that the fundamental difference between these two kinds of volunteers in the RFS was based on their willingness to participate in extra activities (such as training) or incidents outside of their local area. Ms Wilkes-Bowes stated:

...The issues that we have put to the Committee have come to us over the last three years particularly. We have been gathering evidence and we have received verbal and written representations from members and non-members about some of the concerns that they have. I would just like to outline the two key issues that we see as underlying many of the problems that our members have, and then I will briefly outline a model which our general council has recently adopted, which we believe may offer solutions to some of these problems. The two main underlying issues that we have determined over the last couple of years are that there seem to be two groups of volunteers within New South Wales, the first of whom are volunteers because they need to be to protect their life, their property and the property of their neighbours and their districts. They are not interested in becoming overly involved in the Rural Fire Service from the point of view of going to motor vehicle accidents and to events such the Sydney hailstorm or outside events. They are not interested in lots of training and so on and they see the process as having become a little bureaucratic.

There are other members, of course, of bush fire brigades, who are much more heavily involved and who wish to go through all those sorts of activities. That is fine. Obviously, we need both of

<sup>233</sup> Submission No98, Rural Volunteer Fire Fighters Association

<sup>234</sup> Evidence, 24 March 2000, Mr Keith Harrap, Vice President (Salaried Officers), RFSA, p30

those types of volunteers, but we think that there must be a delineation between the two and the needs of both must be taken into account.<sup>235</sup>

**The Committee recognises and accepts that there is a great diversity in the range of volunteers, and that this impacts on the volunteers' level of participation within the Service. The Committee also recognises that volunteers perform an extremely important service to the community, without remuneration, and recognises that their time is valuable. Limited time can also be a contributing factor to volunteers' level of participation.**

**The Committee supports and encourages participation by volunteers at all levels in the Rural Fire Service.**

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<sup>235</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p48

## 6 Command & Control System

As noted in chapter 2, the Coronial Report into the 1994 bushfire emergency made several findings with respect to the then Bush Fire Services. One of its key findings related to the lack of an integrated command structure in the Service. In particular, the Deputy State Coroner was concerned about the dual control exercised by local government and the Bush Fire Services. To that end, the Deputy State Coroner recommended the establishment of a Rural Fire Service with a command structure directly linked to districts to ensure accountability, with a minimal role for local councils. The Deputy State Coroner further recommended that Fire Control Officers be employed permanently by the new Rural Fire Service, with accountability to directly rest with the RFS rather than local councils.

The 1997 reforms addressed these recommendations by establishing a Rural Fire Service with a clear operational command structure. The operational reporting line runs from volunteers to Fire Control Officers (FCOs) to the Commissioner. The 1997 reforms did not remove local government from the management of FCOs, but instead established separate lines of accountability for FCOs – reporting to local councils in an administrative capacity but to the Commissioner in an operational capacity.

As noted in Chapter 2, the 1998 Auditor-General performance audit report found that the issue of dual accountability of FCOs remained to be resolved and recommended that the RFS and local government give higher priority to addressing outstanding issues regarding FCOs.

This chapter focuses mainly on the issue of dual accountability of FCOs, and also considers command roles during fires.

### 6.1 Structure of the RFS

The RFS is separated into 142 rural fire districts which are situated in (and mirror) the 142 Local Government areas. The 142 rural fire districts then are grouped into 8 Bush Fire Regions<sup>236</sup>. A Bush Fire Region map, from the 1998/99 Rural Fire Service *Annual Report* is attached at Appendix 8.

There are 2328 brigades in the RFS. These are comprised of volunteers, of which there are reported to be approximately 70,000<sup>237</sup>. Within each Local Government area is a Fire Control Centre, a Fire Control Officer and assisting staff.<sup>238</sup>

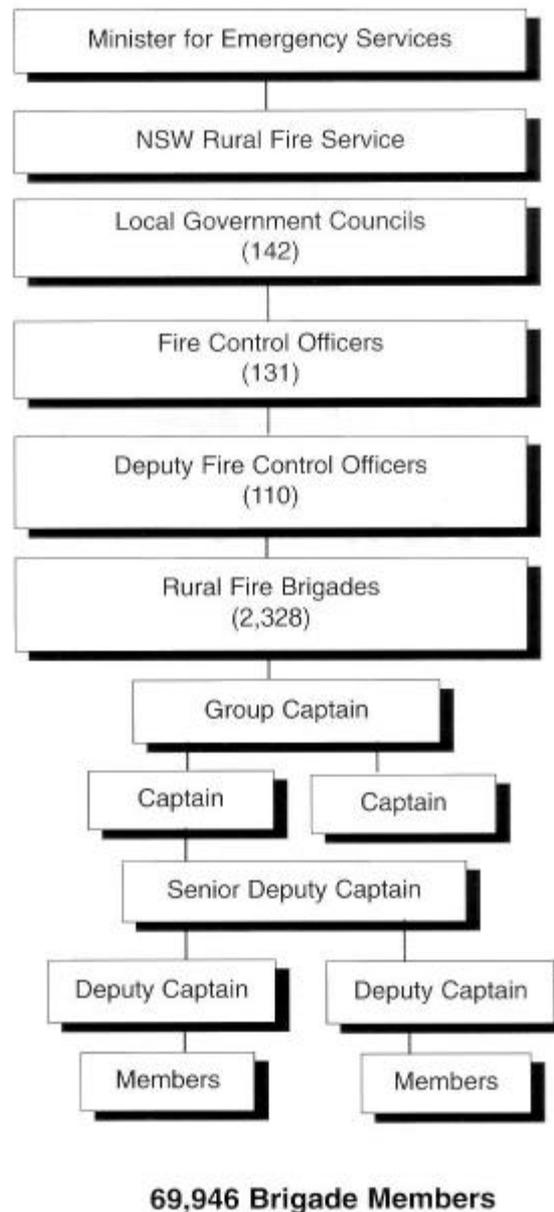
<sup>236</sup> A Bush Fire Region map, from the 1998/99 Rural Fire Service Annual Report is attached at Appendix 8

<sup>237</sup> Rural Fire Service, *Annual Report 1998/99*, p19. The figure given is 69,946 brigade members. There appears to be some dispute about the exact number of volunteers. This was dealt with in Chapter 5, section 5.4.1.

<sup>238</sup> Submission No193, RFS, p6

The organisational structure of the RFS is detailed in Figure 1 below:

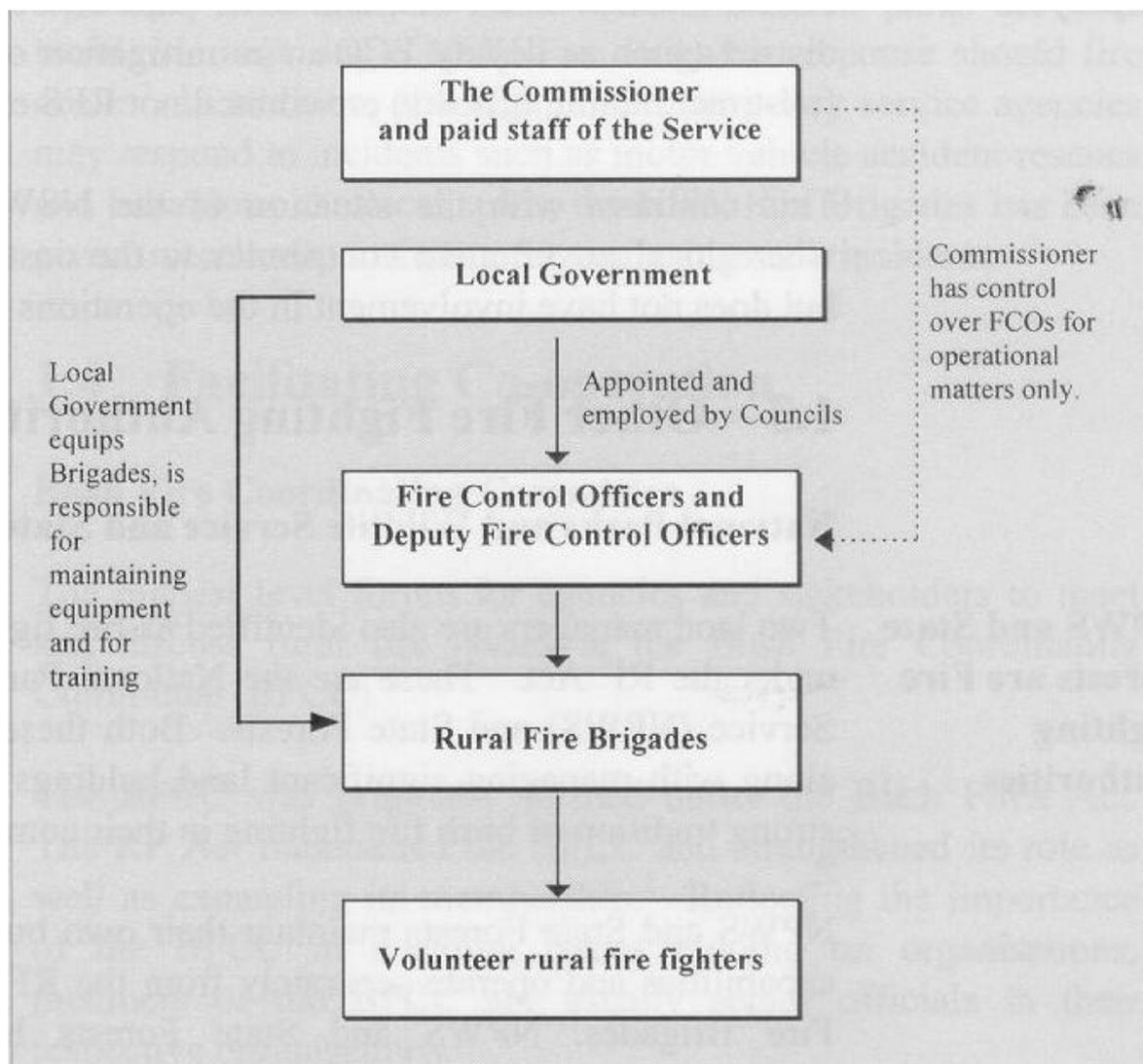
**Figure 1: Organisational Structure and Accountability**



**Source: NSW RFS, *Annual Report 1998-99*, p19**

The Command Structure is outlined in figure 2 below:

**Figure 2: Rural Fire Service Command Structure**



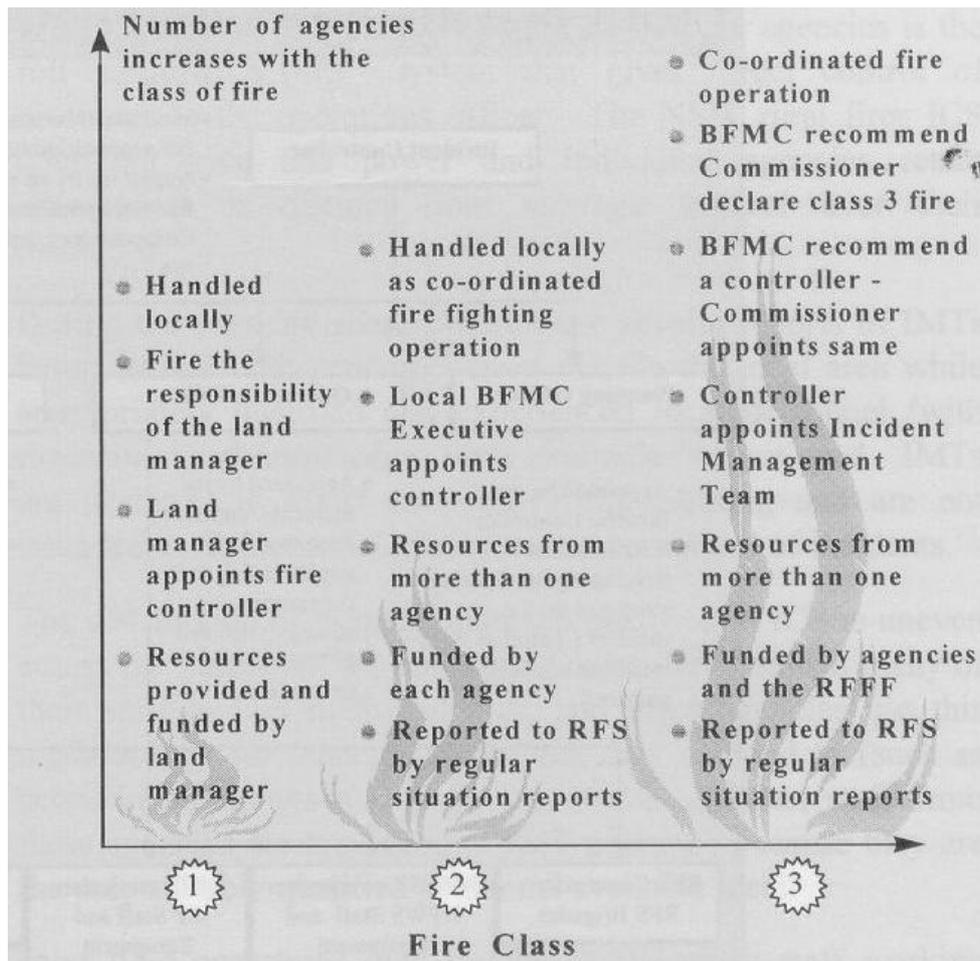
**Source: Auditor-General, *The Coordination of Bushfire Fighting Activities*, 1998, p13**

## 6.2 Coordination of resource allocation within the NSW RFS

Resource allocation is controlled at a local level. During a fire suppression activity, available local resources are used. If additional resources are required, they are sourced from nearby brigades. Where a fire has escalated in size, a Regional Co-Ordinator co-ordinates additional

resources. Figure 3 below outlines the involvement of other agencies with the escalation in the class of fire, and the management of resources during an escalation:

**Figure 3: Fire Management**



Source: Auditor-General, *The Coordination of Bushfire Fighting Activities*, 1998, p27

### 6.2.1 Location of equipment

The Committee heard evidence about the location of equipment for effective deployment during fire suppression activities, particularly tanks, pumps and tanker trailers. In particular it was questioned whether having tanks and pumps (and tanker trailers) located centrally would be of strategic benefit for rapid deployment during a fire suppression activity or whether distribution throughout the brigade was more beneficial.

Some stated that the both methods had some merit. For example, Mr Gibson, Captain of Bocobra Rural Fire Brigade stated in response to questioning as to whether centralising equipment would be more beneficial:

That could have some merit, perhaps. You would assume, though, in the event there was a small house fire, they are better distributed throughout the brigade.<sup>239</sup>

Some stated that having equipment distributed throughout the brigade was more beneficial. Ms Dee Wilkes-Bowes of the NSW Farmers' Association stated:

...There is perhaps a bigger problem with a trend towards larger community based equipment...as opposed to privately held, small tankers...But in terms of a quick response to putting out a fire quickly before it gets away, larger tankers which may be some distance from a fire will not be as useful.<sup>240</sup>

Ms Cole, Secretary of the Mudgee RFS Consultative Committee, concurred with this view. She stated:

We find a big problem in a lot of areas where we are told we cannot have bush fire protection per house. Nobody is asking that. We are saying that ...we want to put these vehicles strategically around the shire for a quick response, but we do not have that.<sup>241</sup>

A problem that was raised with respect to the distribution of tanker trailers, tanks and pumps throughout the brigade was noted in Chapter 4, Section 4.3. This related to the misuse of equipment, and poor maintenance of equipment in the past.

### **6.2.2 Duplication of resources**

Another issue raised with respect to resource allocation concerned the potential duplication of resources, particularly in metropolitan areas where RFS and NSWFB resources may overlap. The NSW Fire Brigade Employees' Union (NSWFBEU) raised this concern in their submission to the Committee, and cited particular instances of where they believed that this has occurred<sup>242</sup>.

The RFS response to the duplication of resources cited by the NSWFBEU is as follows:

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<sup>239</sup> Evidence, 20 March 2000, Mr Barry Gibson, Captain, Bocobra Rural Fire Brigade, p21

<sup>240</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p49

<sup>241</sup> Evidence, 20 March 2000, Ms Helen Cole, Mudgee RFS Consultative Committee, pp36-37

<sup>242</sup> Submission No203, NSWFBEU, pp5-7

...The Rural Fire Service has a response time to structure house fires which is the equivalent, if not better in many circumstances, than the alternative can provide. As I have told another forum, the Minister, as you know, has established the Fire Services Joint Standing Committee for the very purpose of ensuring that there is not duplication and that there is a healthy relationship between the State's primary fire services, and that is working very well. But to suggest that there will be duplication there is not the case. The Fire Brigade is in fact desirous of siting a station at Terrey Hills—not to cover the suburb of Terrey Hills but its other strategic responsibilities in that general region, which we have supported.

So far as Kariong is concerned, the New South Wales Fire Brigades only recently assumed responsibility for the Gosford suburb of Kariong, and that caused great consternation to the volunteers. However, in the determination of jurisdiction the Kariong brigade was left with a good deal of property protection, including some small industrial areas. It is therefore not unexpected that that brigade and a neighbouring brigade would have a capacity to respond to those sorts of fires which are not within the jurisdiction of the New South Wales Fire Brigades. Perhaps lastly, it makes sense that if you have a human resource capable of responding to any emergency, irrespective of districts—and there ought not to be lines of delineation in matters of life and death—that extra capacity in fact is trained and equipped to support the principal service in perhaps the saving of a life or the saving of a structure.<sup>243</sup>

The sharing of resources was issue raised by the Auditor-General who found that:

At present there is duplication of resources (stations, equipment and personnel) in many areas of the State and existing facilities could be better utilised. There are generally no agreements amongst agencies on resourcing levels required in rural fire districts or on the sharing of resources.<sup>244</sup>

The RFS have indicated, in response to the Auditor-General's findings, that extensive analysis has been undertaken with respect to where zoning might occur across the State to enable more effective sharing of resources. The RFS has further indicated that "There are encouraging signs that zoning will be implemented in many areas across the State in the next few years".<sup>245</sup>

**The Committee notes that the Fire Services Joint Standing Committee should be in a position to ensure that no overlap occurs between the RFS and NSWFB.**

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<sup>243</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p44

<sup>244</sup> Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, December 1998, p5

<sup>245</sup> Correspondence from Mr Phil Koperberg, Commissioner, RFS, to Director, dated 21 March 2000, providing corrected transcript and answers to questions taken on notice at/after the hearing held on 29 February 2000. Update of response to Auditor-General's recommendations contained in Appendix 1 of the *Performance Audit Report: The Coordination of Bushfire Fighting Activities*.

### **6.2.3 Zoning – local management committees**

The Committee heard evidence about how local management committees are being implemented successfully across local government areas. These committees can have a beneficial impact on resource management and allocation due to practices such as sharing of resources among two or more local councils.

Mr Alan Holding, the Central Region Chairman of the RFSA, and Mr Kenneth Hall, Joint Fire Control Officer for the South-West Rural Fire Group - incorporating shires of Boorowa, Cootamundra, Harden and Young - described how this process works in their area through the establishment of the South-West Rural Fire Group:

If I can just expand on that, the South-west Rural Fire Group has a management committee that is two local members from each council that sit on the committee, as well as the fire control officer and the general manager for Harden Shire.

...basically I meet with the management committee quarterly and we take our policies and so forth, like our funding policy and our tanks and pump reports and so forth, to that committee. If there are any recommendations that we want to implement in the area we go through the process of our captains' meetings and group captains' meetings, and they are our management at operational level, and that is taken up. The management committee has only just recently allowed volunteers to sit on the committee, but they have no voting rights.<sup>246</sup>

The RFSA have stated that their preferred model for solving the dual accountability problem, as dealt with in section 6.3.2 further below, incorporates a mechanism whereby a local management council is established as a statutory body under the *Rural Fires Act 1997*. This council operates in a similar manner to the structure above in that the council becomes the management body for the rural fire district (in a zone).

The NSW Farmers' Association also preferred a similar system which would allow for sharing of resources among two or more councils, with a board of management overseeing the management of the Service within that area. Ms Dee Wilkes-Bowes stated:

The model that we have adopted is looking at putting regions, ranging from one to four or five councils being in a region, with a board of management, made up of a local government representative from each shire within that region, a volunteer elected by brigade captains for each of those shires, a New South Wales Farmers Association representative and a Rural Fire Service representative for each of those shires.

The board would employ and manage the fire control officer, hold the equipment, set standards for fire cover and determine the service requirements for the area. It would also be able to classify brigades into one of two classifications, along the lines that I outlined a short while ago. Obviously, brigade members would choose which of those classifications they would want and those brigades,

<sup>246</sup> Evidence, 20 March 2000, Mr Alan Holding, Chairman, Central Region RFSA, and Mr Kenneth Hall, Joint Fire Control Officer, South-West Rural Fire Group, pp93-94

regardless of classification, would have to be treated equally in terms of funding, support from the service and, of course, in a fire situation they would be treated exactly the same.<sup>247</sup>

### **Recommendation 9:**

The Committee recommends that local committees be established across New South Wales in order to facilitate greater efficiency and use of resources, and better coordination of bush fire services, personnel and equipment.

## **6.3 Dual accountability of FCOs**

As noted above, the dual control of the former bush fire services by local councils and the then Department of Bush Fire Services was discussed at some length by the 1996 Coronial Report into the 1994 bushfires. As previously discussed (see Chapter 2, section 2.3.1), despite the Deputy State Coroner's recommendation that local government be removed from the management of bush fires, the Government rejected this recommendation based on the potential destructive impact it would have on the volunteer ethic of the Service if local government involvement were removed.

Notwithstanding the reforms in 1997, problems with the dual accountability mechanism were still evident. The Auditor-General's Report in December 1998 found that:

The issue of dual accountability that exists for fire control officers (FCOs) remains to be resolved between the RFS and local government. Although this has been a long identified problem, little progress has been made on this issue.<sup>248</sup>

The problematic nature of the dual accountability of FCOs was a recurrent theme throughout many of the submissions received by the Committee, including many submissions that were generally or highly supportive of the RFS. The RFSA even went so far as to say dual accountability is "...perhaps the most important issue facing the Inquiry".<sup>249</sup>

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<sup>247</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p49

<sup>248</sup> op. cit., n244, p4

<sup>249</sup> Submission No195, RFSA, p9.

### 6.3.1 Current structure

Dual accountability refers to the division of responsibilities between state and local governments in the management of bush fire activities. The current structure was implemented by the 1997 Act in response to the Coronial Inquiry and other Inquiries (dealt with in Chapter 2). The current structure has retained local government involvement by separating the lines of accountability for FCOs. FCOs are employees of local government areas and report to local councils in an administrative capacity and report to the RFS Commissioner in an operational capacity.

Table 5, below, sets out the responsibilities of the RFS and local government in the management of FCOs, and the sections of the RFS Act that determine these responsibilities.

**Table 5: Joint Responsibility for FCOs under the *Rural Fires Act 1997***

<b>RFS Commissioner</b>		<b>Local Government</b>	
<b>Section</b>	<b>Item</b>	<b>Section</b>	<b>Item</b>
12 (2)	Determines and allocates duties of FCOs		
34(1)	Approves the appointment of the candidate for the position of FCO	34(1)	Determines candidate for appointment to the position of FCO
13	Issues service standards	124	Involved in developing service standards through LGSA representation on RFS Advisory Council
14	May delegate responsibilities to FCOs	38(2)(e)	May direct FCO to carry out other duties consistent with the role of FCO
37(1)	May direct FCOs in the performance of their duties	37(2)	Ensure that FCO carries out responsibilities defined in Service Standards
101(a) 102(2)(a)	May reimburse salary and overhead costs of FCO from the RFFF	37(3)	Required to provide suitable accommodation and facilities

Source: Auditor-General, *The Coordination of Bushfire Fighting Activities*, 1998, p24

### **6.3.2 Options for change to reporting relationships**

The Committee received a large amount of evidence about the reporting arrangement for FCOs.

Some cited the reason for conflict in dual accountability as being due to tension between local councils and the RFS resulting from the reforms to the Service. Mr Leon Gary, of the Binalong Bush Fire Brigade stated in his submission that:

In recent years, I have seen a dramatic change take place. The advent of professional FCOs, Government funded large and modern tanker units, a professional approach to training, safety, organization and the development of an excellent communications...brought local problems. These appear to stem from jealousies within our local council. The appearance of a first class local Bush Fire Service...well equipped, trained and with the backup from Sydney and adjoining areas, appears to be a threat to the absolute autonomy of our local shire.<sup>250</sup>

Commissioner Koperberg of the RFS told the Committee that local control was strengthened as a result of the 1997 reforms, not diminished:

Mr Chairman, I will address the question on the matter of local control generally. First I need to restate that, if anything, local control has been enhanced, not diminished. The fact remains that a bush fire captain, subject only to the rules imposed by the local government council and no other, it is in charge of fires in his or her area of operation until such time as the fire escalates beyond his or her area of operation. Even then, the group captain, who is locally appointed and locally elected, remains in charge. It is only when fire has reached a circumstance in which an emergency is declared—a major fire which impacts on one or more local government areas—that the jurisdiction of the Act in terms of the Commissioner's responsibility comes into force. But even under those circumstances it is the local committee that recommends to the Commissioner who should be in charge of firefighting operations.<sup>251</sup>

It is clear that current reporting arrangements are not satisfactory in all cases. Options put to the Committee for change to the reporting relationships fell into three categories: strengthening local reporting relationships or increasing local responsibility; increasing RFS control; and maintaining the status quo.

The proponents of an increase in local responsibility suggest that local management is more effective in bush fire management due to the local knowledge base. The proponents for increasing RFS control suggest that this would remove the confusion that the present system generates as well as removing inconsistencies across the state. The proponents for maintaining the status quo were those who did not have any difficulty with the current arrangement.

Each option is discussed in some detail below.

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<sup>250</sup> Submission No69, L.V. Garry, Captain, Binalong Bush Fire Brigade (Southern Region)

<sup>251</sup> Evidence, 29 March 2000, Mr Phil Koperberg, Commissioner, RFS, pp23-24

### **Increasing local responsibility**

The NSW Farmers' Association supported an increase in local responsibility, and put forward two alternative proposals to effect an increase. Their favoured approach was the use of regional management structures. Ms Dee Wilkes-Bowes told the Committee:

The model that we have adopted is looking at putting regions, ranging from one to four or five councils being in a region, with a board of management, made up of a local government representative from each shire within that region, a volunteer elected by brigade captains for each of those shires, a New South Wales Farmers Association representative and a Rural Fire Service representative for each of those shires.

The board would employ and manage the fire control officer, hold the equipment, set standards for fire cover and determine the service requirements for the area. It would also be able to classify brigades into one of two classifications, along the lines that I outlined a short while ago. Obviously, brigade members would choose which of those classifications they would want and those brigades, regardless of classification, would have to be treated equally in terms of funding, support from the service and, of course, in a fire situation they would be treated exactly the same.<sup>252</sup>

Their second approach was to make FCOs solely accountable to local government except in a section 44 emergency:

...the association's second-best position...is that the fire control officer be wholly accountable to the general manager of the local council, except in a section 44 event, when he or she would obviously be accountable to the commissioner.<sup>253</sup>

In response to questioning by the Committee, Ms Wilkes-Bowes indicated that dual accountability problems mainly arose in non-fire periods, that is in everyday administration matters, and stated that the command structure during a fire worked quite well:

...it is in the general administration of bushfire issues. That is where we have struck it most. Indeed, in actual fire situations we have had fewer complaints because the hierarchical chain of command seems to operate quite well. It is in the day-to-day running of bushfire issues where we have had local councils say that a fire control officer may be told one thing by the general manager and will be required somewhere else by the service and that officer will have to make up his or her mind where to go. There are no clear guidelines, which makes it difficult for the FCO, but I imagine it would also make it difficult for the councils and for the outcome of that process. That is where our members feel it the most.<sup>254</sup>

The Mayor of Wellington Council, Mr Mark Griggs, also supported increased involvement for local councils:

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<sup>252</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, pp48-49

<sup>253</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, pp48-49

<sup>254</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, pp52-53

We believe that the majority of rural communities not only want local government to continue with the role and those responsibilities but that these should be expanded.<sup>255</sup>

Councillor Vardon, President of the LGSA and Mayor of Eurobodalla Council also supported the proposal to have FCOs report to local councils except in section 44 fires.:

We believe that the local council should in fact employ the fire control officer on staff and that the local council would manage all fire activities except emergencies. In other words, we would have control of the fire control officer and his deputies and any council fire staff, and consequently have control of the volunteer fire brigades. We also believe that the commissioner should have control during emergencies, on advisory services and co-ordination of fire risk management, plans, service standards and the like.<sup>256</sup>

Mr Taylor of the LGSA indicated that only 10 percent of the 80 percent of local councils who responded to a survey undertaken by LGSA wanted to hand control over to the RFS which suggested that a majority of councils would prefer to retain the current structure or favour increasing local responsibility:

I can provide some information about that. We formulated a survey discussion paper in January 1999, which was discussed by all councils across the State in a series of division meetings of the Shires Association and of the Local Government Association. About 140 of the 177 councils responded to that survey and, of those, from memory, about 15 councils said that they would like to hand the whole show, including the financial aspects, back to the RFS. Those councils said that they would like to be divorced totally from that issue. That was their opinion as of about March last year, but we have no idea what the figures are now. We know that several councils have said—someone mentioned Coffs Harbour—that they want to hand back the process to the RFS. May be they would contract it out; I am not sure what process they are thinking of. We cannot give the Committee any idea at present of how many councils feel that way. We hope that we will learn more from recent comments by councils. However, numerically, very few councils have said that they feel that way.<sup>257</sup>

The LGSA, in evidence before the Committee, did not support a mechanism which would allow councils to elect to have their FCO report to the RFS as they felt this could create inconsistencies across the state:

It is very possible that under those circumstances there would be conflict in regard to how brigades should be managed, how they should be equipped and how volunteers should be trained. I think it would be an almost untenable and unworkable situation.<sup>258</sup>

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<sup>255</sup> Evidence, 20 March 2000, Mr Mark Griggs, Mayor, Wellington Council, p9

<sup>256</sup> Evidence, 24 March 2000, Mr Christopher Vardon, President, Shires Association of NSW, LGSA, p4

<sup>257</sup> Evidence, 24 March 2000, Mr Warren Taylor, Manager Advice and Development, LGSA, p7

<sup>258</sup> Evidence, 24 March 2000, Mr Christopher Vardon, President, Shires Association of NSW, LGSA, p3

The Committee notes, however, that since evidence given by Mr Taylor of the LGSA, the Committee received a LGSA circular, included at Appendix 9, which indicated that the LGSA had changed its position with respect to the dual accountability issue.<sup>259</sup> The circular states that in the event that the FCOs become employees of the RFS, specifications should be developed that allow local councils to contract out fire services to the RFS. To that end, a Statement of Principles has been adopted by the Executives of both Associations to be incorporated into the *Rural Fires Act 1997* which states, among other things, that FCOs, deputy and other staff, whose salaries are paid from the RFFF, be employed by the State. Further, that local councils enter into a service level agreement with the RFS, and annual performance agreements with the RFS Commissioner, to assess the performance and ongoing effectiveness of the new structure.

However, others could see the merit in allowing a more flexible approach. Mr Wally Mitchell, a volunteer from the Western Region told the Committee:

...each of those local government divisions should have the same right and autonomy to exercise their input into how the service should be operated for fire control within their local government group...

All of those local government divisions are quite concise in the fact that they have a common role and a common purpose so that you have communities of common concern that deal through those local government shires association divisions.

...I would be very pleased to see a close liaison of the local government divisional groups with fire control services.

...from area to area you would run into big problems if you did not discuss it and finalise it locally because of the great differences...

I would rely on the elected people and the people who support them and their bushfire captains in those areas to come up with the service with the correct methodology to handle it within their division.<sup>260</sup>

### **Report directly to the RFS**

The Committee also received a number of submissions and evidence by others who believed FCOs should report directly to the RFS. Mr Lewis, a Group Captain from the Lake Macquarie district is of the view that:

...the RFS would run more effectively if it were answerable to one person, the Rural Fire Service Commissioner.<sup>261</sup>

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<sup>259</sup> LGSA Circular: *Local Service Level Agreements – Councils and the NSW Rural Fire Service*, tabled by the Hon Tony Kelly MLC at meeting No24, Monday 29 May 2000.

<sup>260</sup> Evidence, 20 March 2000, Mr Wally Mitchell, Volunteer, Kerrigundi Rural Fire Brigade, p40 (Western Region)

<sup>261</sup> Submission No5, Mr Roger Lewis, Group Captain, RFS Lake Macquarie District (Hunter Region)

A similar view was put forward in a submission from Ms Lavars from the Deniliquin Rural Fire Brigade:

We need to scrap the council system. The RFS take charge, have one system of management with the RFS at the helm.<sup>262</sup>

Mr Thompson, from the Mudgee RFS Consultative Committee told the Committee that:

It would be more satisfactory for a fire control officer to be employed by the State, working under the Rural Fire Service. The present situation of working for two bosses causes confusion and conflict, placing the fire control officers in a difficult situation.

Within local government, the guidelines can change according to the serving councillors or general manager at that time. This can change from one term of councillors or general manager to another how they support the fire control office in the area. Depending on what council or fire control officers are employed, he could be responsible to the general manager, engineering services, health and building or manager of the plant and depot, none of whom have had the required experience in bush fire management and funding to make the correct decision.<sup>263</sup>

The NSW Fire Brigade Employees' Union (NSWFBEU) was also supportive of a direct reporting relationship to the RFS:

...the employment – and therefore command, control and accountability of FCOs should be transferred from Local Government to State Government (ie to the RFS directly).<sup>264</sup>

As noted earlier, the LGSA, has issued a Statement of Principles which supports FCOs becoming employees of the state.

### **RFSA options**

Mr Luscombe, President of the RFSA told the Committee:

...the RFSA believes the following are important considerations. The connection to the local community is important. Local government has an important role to play. Stakeholders are demanding an increased input into the management of the Rural Fire Service. Options for change need to allow for zoning in those districts where it is supported, and performance improvements can be identified. Structural change will require a new budget allocation and financial management systems. Options for change will require a different management culture in the Rural Fire Service.

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<sup>262</sup> Submission No24, Ms Karyn Lavars, Deniliquin Rural Fire Brigade (Riverina Region)

<sup>263</sup> Evidence, 20 March 2000, Mr Thompson, Mudgee RFS Consultative Committee, p45 (Central Region)

<sup>264</sup> Submission No203, NSWFBEU, p18

<sup>265</sup> Evidence, 29 February 2000, Mr Donald Luscombe, President, RFSA, pp83-84

The RFSA detailed four options:

### ***Option A***

- The RFS employs all RFS staff – FCOs therefore become state government employees.
- Local Government maintains ownership of brigade equipment and other resources.
- This option is the same as present arrangement with the exception of FCOs becoming state government employees.

### ***Option B***

- The RFS employs all RFS staff – FCOs become state government employees.
- Local Government maintains ownership of brigade equipment and other resources.
- A local advisory council is established for each zone or district which acts as the interface between the RFS and local government. The suggested composition of the council includes: FCO or Zone Commander, local government representative from each local government area in zone/district, volunteer representative from each local government area in zone/district, community representative, RFS representative.

### ***Option C***

- The RFS employs all RFS staff – FCOs become state government employees.
- Local Management Council established as a statutory body under the RFS Act – this becomes the management body for the rural fire district (in a zone). Membership of the Council is established through nominations of proposing organisations to the Minister for Emergency Services.
- Commissioner is responsible for monitoring performance of councils.
- Local Management Council owns all brigade equipment and other assets.

### ***Option D***

- The RFS becomes a state government instrumentality.
- The state government, through the RFS, manages all operations, staff, resources and infrastructure.
- Local government retains mitigation responsibilities.

Mr Luscombe of the RFSA told the Committee that Option C was the favoured model:

Whilst the RFSA is yet to make a final decision on the matter, a general preference for option C, which you may recall relates to management councils being appointed, is what has been expressed by our membership as our general preference.

A Ministerial Working Party has been established to investigate Option C. The Working Party comprises representatives from the LGSA and NSWRFSA.<sup>266</sup>

### **Why were there such diverse views expressed?**

The Committee notes that evidence indicated that diverse views about the appropriate arrangements for FCOs were mostly based on local experience. Some councils had a better working relationship with their FCO and the RFS than others.

#### *Successful working relationships*

Some local government areas found the current structure very successful.

For example, the FCO in Lismore City Council stated he had an excellent rapport with his local council. He further stated that the command structure is effective in that the local FCO retains complete control of a fire suppression until it reaches a more severe class.<sup>267</sup>

Similarly the FCO in Nymboida Shire Council & Grafton City Council found the situation worked quite well there, but recognised that this was not the case elsewhere. He particularly noted that the current separation of accountability for operational matters is not solely restricted to section 44 incidents:

If I could perhaps just qualify one point in terms of my current perception of the existing arrangement and that is that the existing arrangement is that I am accountable to council in terms of the administrative functions of the service. On all matters operational I have an accountability and there is a clear chain of command that goes through to the Commissioner for the Rural Fire Service and it is important that I guess we have an understanding of what that operational function is. It by no means is restricted to section 44 declarations.

...I am at times probably out of step with some of my colleagues in that I find that the current dual accountability within our local district in fact works quite harmoniously and that there are no current problems. Notwithstanding that, I am fully aware that there are many districts that do have quite major problems with the dual accountability issue.<sup>268</sup>

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<sup>266</sup> Correspondence from Mr Phil Koperberg, Commissioner, RFS, to Director, dated 21 March 2000, providing corrected transcript and answers to questions taken on notice at/after the hearing held on 29 February 2000.

<sup>267</sup> Evidence, 8 March 2000, Mr Ray Collyer, FCO, Lismore City Council, p2

<sup>268</sup> Evidence, 8 March 2000, Mr Brett Condie, FCO, Nymboida Shire Council & Grafton City Council, pp52-53

The FCO of Dubbo City Council also supported the current split of accountability.<sup>269</sup> As did the FCO from Orange City Council.<sup>270</sup>

*Unsuccessful working relationships*

Other evidence and submissions told of their less harmonious working relationship between FCOs, local councils and RFS.

A particularly dramatic example can be found at Coffs Harbour. A submission from Mr Scanlon, a Group Captain in the Coffs Harbour district stated:

The present system of dual accountability of FCO to the Commissioner and the General Manager of Local Councils is clearly not an acceptable system of management. This was highlighted in Coffs Harbour a couple of years ago when a hostile Council not only made it very difficult for the FCO and DFCO to perform their duties, but made it extremely difficult for the volunteers. The FCO and DFCO, being employed by Council, were very restricted in what they could do.

The volunteers initiated a course of action which has culminated in Coffs Harbour being the first shire in the state to separate from Local Council. The RFS and Coffs Harbour Council, together with their respective lawyers have been working towards this for 18 months and the final arrangements should be signed off on 1 March 2000.<sup>271</sup>

Following questioning at the Committee hearing in Lismore, Mr Scanlon told the Committee:

I think dual accountability is a system that really cannot work when you have got one person who is accountable to two different bosses virtually, depending on what is happening at the time, coupled with the different legislation for service standards and what have you which the FCOs must comply with.

I know some general managers are having difficulty just keeping up-to-date with the requirements that the FCOs must meet. From a management point of view, you may have a general manager, and I know this has happened, saying to an FCO, "Well, you must do this," when the FCO has turned around and said, "Well, according to the legislation, I cannot do that. According to the service standards, I have got to do blah, blah, blah."

Not many general managers, I do not think, can really grasp the fire management service as well as the local government job which they have, which some of you will know is extensive enough as it is.<sup>272</sup>

<sup>269</sup> Evidence, 20 March 2000, Mr John Jenks, FCO, Dubbo City Council, p2

<sup>270</sup> Evidence, 20 March 2000, Mr Kel Gardiner, FCO, Orange City Council, p68

<sup>271</sup> Submission No292, Mr Bruce Scanlon, Group Captain, Country Club Rural Fire Brigade, Coffs Harbour (Northern Region)

<sup>272</sup> Evidence, 8 March 2000, Mr Bruce Scanlon, Group Captain, Country Club Rural Fire Brigade, Coffs Harbour, p33

The Central Region Coordinator, Mr Ryan, also expressed concern about the accountability arrangements of FCOs and support for the need for them to be solely accountable to RFS:

...Some of the issues that concern me greatly since taking the position in Central Region are: different rules being applied in each district to FCOs; varying disparity of wages and conditions for FCOs across the region; non-payment of overtime and on-call allowances as per the award; diversity and inadequacy of accommodation from which to work; total misunderstanding of FCO duties by many councils; general managers allowing interference of an employee by elected councillors; lack of delegations to fire control officers by general managers; FCOs expected to be on-call 24 hours a day; and FCOs expected to be all things to all persons at all times.

Inconsistencies of management of the FCO is a major problem. Some regional councils do respect the FCO as a manager who must perform and is given authority by way of delegation to do that. They are often treated as political tools, particularly at local government election time, or a nuisance that must be tolerated.

...This situation needs to be rectified. Fire control officers need to fit where they belong, and that is under the direct control of the Rural Fire Service.<sup>273</sup>

The Committee notes that the RFS is reviewing and reissuing a Service Standard that relates to FCO duties and expects the standard will resolve some of the grey areas with respect to this matter.

### **6.3.3 Findings**

**The Committee finds that there is a difference of opinion amongst stakeholders about the optimum reporting relationships for FCOs. The evidence received by the Committee shows that individual local government areas have different experiences and expectations which have impacted on their desire for more or less local responsibility.**

**The Committee notes there was considerable discussion about RFSA Option C, and that a Ministerial Working Party has been established to consider the dual accountability issue. The Committee finds that, given the representative composition of the Working Party, it is an appropriate vehicle to give detailed consideration to changes that might resolve current concerns with dual accountability.**

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<sup>273</sup> Evidence, 20 March 2000, Peter Ryan, Central Region Coordinator, Rural Fire Service, pp73-74

**Recommendation 10:**

- (a) The Committee recommends that further detailed protocols should be developed by the Rural Fire Service, in conjunction with Fire Control Officers and the Local Government and Shires Associations, to clearly define and delineate Fire Control Officer duties.
- (b) The Committee recommends that Fire Control Officers and other Rural Fire Service staff be employed by the Rural Fire Service.
- (c) The Committee recommends that local councils be involved in the selection process for Fire Control Officers.
- (d) The Committee recommends that local performance agreements be entered into between the Rural Fire Service and local councils regarding management and responsibilities under the *Rural Fires Act 1997*.

**6.3.4 Appointment of and rate of pay for FCOs**

As touched on in section 6.3.2, another concern raised in evidence and submissions is the disparity of FCOs terms and conditions of employment. This arises due to FCOs being employed by individual local councils without an award structure to cover all FCOs. The Committee notes that this has been a concern for some time. The BFCC report of 1996 found there were such disparities and stated that these needed to be rectified.<sup>274</sup> The 1998 Auditor-General report also highlighted this problem.<sup>275</sup>

In evidence to the Committee, the RFS expressed similar concerns about the disparity in pay and conditions. Commissioner Koperberg stated:

There is no industrial uniformity for fire control officers. It ought to be of concern to this Committee that there is a massive disparity between what officer A is paid compared to officer B when they are in essence doing the same job right around New South Wales. Often those who are

<sup>274</sup> *Report of the Coordinating Committee on the Findings of the NSW Bushfire Inquiry*, submitted to the Hon. Bob Debus MP, Minister for Emergency Services, May 1996, pp51-56

<sup>275</sup> Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of bushfire Fighting Activities*, December 1998, p25.

being paid less have a far greater job to do because they have no other support; they have no clerical support or administrative support...<sup>276</sup>

The Auditor-General noted that the LGSA does not support a separate industrial framework to cover FCOs as they believe that disparities can be addressed through the present award structure.<sup>277</sup>

**Recommendation 11:**

The Committee recommends that the Rural Fire Service develop an appropriate industrial framework for salaries, conditions and employment for Fire Control Officers.

## **6.4 Management of section 44 fires**

A section 44 fire is one which has escalated substantially in size and scale and is subsequently beyond the capacity of a single rural fire district (or neighbouring rural fire districts) to manage – that is beyond the control of local authorities. The Commissioner is notified in such an event, and will take charge of the fire fighting operation. Under section 44 of the Act, the Commissioner can take charge of bush fire fighting operations if he is of the opinion that the fire is incapable of control or suppression by the local fire fighting authority or authorities.

The Committee heard some concerns about the manner in which people are selected and appointed to manage section 44 fires.

The NSW Farmers' Association believes section 44 nominees should have more local knowledge:

On the issue of emergency control, there have been a number of instances where emergency controllers, who have been appointed to section 44 fires, appear not to have a great deal of local knowledge and have not worked particularly well in such situations. The Commissioner has made it clear that he very rarely appoints section 44 controllers who have not been nominated locally. We believe that process needs to be reformed. Emergency controllers should be chosen from a list of people who have been nominated by local area brigade captains. This would make sure that those

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<sup>276</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p42

<sup>277</sup> op. cit., n275, p25

who are appointed as emergency controllers have the confidence of the volunteers they will eventually control.<sup>278</sup>

The Captain of Bocobra Rural Fire Brigade, Mr Gibson, was also supportive of greater local control:

Our major concern is control and fire management after the declaration of a section 44 and fires in national parks using the ICS system. At this point I would like to submit our "Response by Local Volunteers into Section 44 Wolabler Fire 1998" as documented evidence of the serious problems that arose in the control and management of that fire. That was posted to you with our submission.

...In every instance where the management of the fire was left in the hands of local captains and group captains the fires were contained on every control line and break by implementing backburning. During four of these fires the control was taken from local captains on short sections of the control line. In every instance it was on a roadway or adjacent to where they either disallowed or hampered backburning procedures to the extent that adequate breaks could not be implemented, and in every case the fires failed to be contained.

Over the 43-year period, the total perimeter of six fires controlled by local brigades was approximately 420 kilometres and there was a 100 per cent success rate. During the same period, on a total of only 16 kilometres, professionals using their strategies allowed the fire to escape over the roadway or control line in every instance, and acreages were burnt needlessly. To put it bluntly: a 100 per cent failure rate.

In agricultural areas, where brigade members are protecting their own livelihood and are experienced in fire behaviour in that area they have an advantage over outsiders. For this reason, control, logically, should remain with the local captains in all cases.

With the increase of interference of professionals we can only envisage a rapid decline in the efficient and successful containing of fires in the future. I am concerned that the level of morale of the volunteers is declining rapidly and that without a change in direction immediately the volunteer service will become too fragmented to be effective.<sup>279</sup>

Despite concerns there is insufficient local involvement in some instances, the Committee was told that current policy provides a mechanism to identify section 44 nominees in each district. Mr Condie, FCO, stated:

No, that is a current policy in relation to the operation of bushfire management committees under the co-ordinated planning arrangements for each district's operations plans. It, in fact, composes a list of preferred section 44 appointees and class 2 incident controllers. In that respect, that is something that is in place now and it is currently being operated within our district.<sup>280</sup>

Commissioner Koperberg told the Committee that section 44 appointments are made on the nomination and advice of locally constituted committees:

<sup>278</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p50

<sup>279</sup> Evidence, 20 March 2000, Mr Barry Gibson, Captain, Bocobra Rural Fire Brigade, pp17-18

<sup>280</sup> Evidence, 8 March 2000, Mr Brett Condie, FCO, Nymboida Shire Council and Grafton City Council, p53

It decides that upon the advice of a locally constituted committee, which is part of the Bushfire Management Committee, also constituted locally. When the local authorities are of the view that the fire is likely to gain such proportions as to be incapable of local control they will recommend to the Commissioner that section 44 of the Rural Fires Act be applied. It is at that time that the Commissioner agrees in most cases and asks the local committee, "Who would you like to be in charge of your major firefighting operations? Is it Captain Smith or is it National Parks and Wildlife Service Superintendent Jones or is it your FCO or is it a forestry person?" It is only upon their advice that I make such appointments. As Mr Smith has said, in the 15 years that I have had this function there would be no more than two or three out of the hundreds of appointments with which I have not concurred. That was in the interest of community safety. So, if anything, the Rural Fires Act of 1997 and the attendant service standards and policies and what have you have enhanced the local control. It has not been taken away; it has been strengthened.<sup>281</sup>

Mr Ross Smith, Assistant Commissioner of the RFS, stated:

We must have a system that allows for a completely transparent and smooth transfer of command as we escalate through a worsening fire scenario... For section 44 fires, or class three fires, where the commissioner makes an appointment, the appointee is nominated by the local bushfire management committee. In a severe fire season we may experience between 35 and 40 section 44 appointment fires. In a very quiet season, such as this one, we may experience anywhere between zero and five. I think so far this season we have had one fire that has resulted in a section 44 appointment.<sup>282</sup>

The RFSA discussed the level of competency required to be a section 44 nominee, acknowledging there may be a need for increased training in this regard:

Primary responsibility for identifying appropriate personnel to manage fire suppression activities rests with bush fire management committees. Currently, to be a section 44 incident controller, an officer must be in possession of competencies equivalent to the National Fire Agency Competencies Operational Management and Incident Control System. The RFSA supports a review of the availability and distribution of officers with these competencies together with the provision of training to address any gaps. The RFSA supports the development of an appropriate competency framework to be applied to all New South Wales Rural Fire Service officers responsible for managing fire suppression activities. The RFSA supports the qualifications required for fire control officers and the transitional arrangements applying between 1 January 2001 and 1 January 2005.<sup>283</sup>

**The Committee notes that there is a mechanism in place for section 44 appointments and that such appointments are based on local nominations.**

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<sup>281</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, p24

<sup>282</sup> Evidence, 29 February 2000, Mr Ross Smith, Assistant Commissioner, RFS, p14

<sup>283</sup> Evidence, 29 February 2000, Mr Donald Luscombe, President, RFSA

**Recommendation 12:**

The Committee recommends that the Rural Fire Service continue to promote an awareness of the section 44 appointment process.

## **7 Environmental Responsibilities & Hazard Reduction**

### **7.1 Environmental provisions under the *Rural Fires Act 1997***

#### **7.1.1 Objectives under the Act**

The *Rural Fires Act 1997* ('the Act') contains various provisions relating to the environment and bush fire prevention – some of which were introduced in 1997 (as noted in Chapter 2).

#### **Hazard reduction provisions**

In particular, the Act contains various provisions with respect to hazard reduction and hazard reduction burning<sup>284</sup>:

- Under section 63 of the Act, public and private landholders are responsible for managing fuel build-up on their land;
- Under section 66 of the Act, local authorities can issue notices for the reduction of such build-up;
- Under section 66(3) the notices may specify conditions relating to the hazard reduction, such as the time and manner in which it is to be carried out. It also may specify if any means (other than fire) are to be employed in the hazard reduction work;
- Section 66(6) contains an environmental impact restriction with respect to hazard reduction notices (and burning). Under this section, hazard reduction notices issued by local authorities cannot require owners or occupiers to kill or remove trees that are reasonably necessary for the protection of threatened species, populations, communities or critical habitats within the meaning of the *Threatened Species Conservation Act 1995*.
- Section 54(2) contains another possible limitation to fire hazard reduction measures. Under section 52 of the Act, Bush Fire Management Committees must prepare and submit to the BFCC draft bush fire management plans for the district (or area) in which the BFMC is constituted.<sup>285</sup> Section 54(2) states that draft bush fire management plans may restrict or prohibit the use of fire or other fire hazard reduction activities in all or specified circumstances to which the plan applies. The Act notes that, for example, a plan may prohibit the use of fire because of its effect on fauna or flora in an area.

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<sup>284</sup> Part 4, Division 2 of the Act

<sup>285</sup> Note: Part 3, Division 5 provides for public participation in the preparation of plans

- Under section 67, owners or occupiers can object to hazard reduction notices.
- Section 68 provides an appeal mechanism with respect to notices. Under this section, an appeal may be lodged in writing with the Commissioner.
- Section 87 requires an owner or occupier to obtain a permit before land clearing or burning fire breaks.

### **7.1.2 Dual environmental and hazard reduction objectives**

It was suggested to the Committee that there are conflicting objectives under the Act with respect to protection of the environment and protection of life and property. Ms Wilkes-Bowes of the NSW Farmers' Association told the Committee that the environmental objectives under the Act are making hazard reduction more difficult. She stated that although environmental principles should be taken into consideration when implementing hazard reduction measures, the Act must be amended to reflect what she perceived to be the core objective – the protection of life and property:

The 1997 Rural Fires Act appears to have made hazard reduction more difficult in that it has dual objectives: to protect the environment and to protect life and property from fire. Obviously, we have no problem with environmental concerns being taken into account in all hazard reduction activity. However, it appears that these conflicting objectives are making it difficult and, in some instances, impossible for hazard reduction to occur. The Act must be amended and guidelines put in place so that people know exactly what they can and cannot do in terms of hazard reduction.<sup>286</sup>

...

It needs to be clear that environmental principles are taken into consideration as much as possible when hazard reduction and bushfire work of any description are occurring, but that the two objectives are conflicting. The objective of the Act should be protection of life and property from fire.<sup>287</sup>

The Nature Conservation Council opposed any weakening of environmental provisions in the Act. Dr Judy Messer, Chairperson of the NCC told the Committee:

On principle we would be most opposed to watering down the environmental considerations of the Act. We think it was landmark legislation. It was well overdue but, on the other hand, it then became a piece of legislation you could recommend to the whole nation. It was really cutting edge. I am surprised that New South Wales Farmers would make that recommendation, because I believe landholders particularly in inland New South Wales—and we have had a lot to do with landholders there—are increasingly showing they are very concerned to manage their lands for the benefit of future generations and managing the environment the best way possible. I would think, rather than watering down the legislation, what perhaps needs to be addressed are the farmers, the landholders, particularly in inland New South Wales, who have different environments and different needs to

<sup>286</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, p51

<sup>287</sup> Evidence, 29 February 2000, Ms Dee Wilkes-Bowes, Director Rural Affairs, NSW Farmers' Association, pp55-56

the coastal zones, that acknowledgment should be made of their peculiar situation and more dialogue with them as to how they can best implement it. I really cannot accept that landholders actually want to downgrade the environment as a priority.<sup>288</sup>

The RFSA stated that it supported the existing provisions under the Act in this respect. Mr Clark, Member of the RFSA, stated:

We would be in favour of supporting the existing provisions. There are certainly implementation difficulties in terms of getting people sufficiently aware of the requirements, for example, in relation to prescribed burns. However, we see the implementation of these provisions in the Act as the inevitable way forward in this State and this country. We are committed to making them work. It is as simple as that.<sup>289</sup>

**The Committee does not support any amendment to the Act that would weaken its environmental provisions.**

## 7.2 The effectiveness of burning as a hazard reduction method

Under the Act, bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire but does not include construction of a track trail or road.<sup>290</sup>

Hazard reduction is a fire prevention activity. It refers to a mechanism of minimising the risk of fire threat in a certain area by reducing or removing hazards, which could contribute to a fire (or the escalation of a fire), particularly where there are certain optimal fire conditions. A fire hazard usually refers to fuel build-up - which is generally speaking a build-up of grass, leaves, bark, twigs and litter.

Hazard reduction can be conducted in a number of ways such as: physically removing forest fuel by human or mechanical means; pulverising the fuel; and clearing fuel with rakes and removing it.<sup>291</sup>

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<sup>288</sup> Evidence, 29 February 2000, Dr Judy Messer, Chairperson, NCC, p72

<sup>289</sup> Evidence, 29 February 2000, Mr Stuart Clark, Member, RFSA, p87

<sup>290</sup> *Rural Fires Act 1997*, Dictionary

<sup>291</sup> *The Burning Question: The rationale and the problems* (p12)

The NPWS notes in its submission to the Committee that:

While fuel management burning is the most commonly used method of reducing fuel, mechanical methods such as slashing, hand clearing, raking or ploughing may also be used. Mechanical methods often have the benefit of minimising the ecological impacts of the fuel reduction operation.<sup>292</sup>

Hazard reduction burning refers to the application of fire under controlled circumstances to minimise or remove fuel loads and thus minimise or prevent future fire.<sup>293</sup> There has been some confusion with respect to burning as a hazard reduction practice and backburning in the event of a fire. Burning as a hazard reduction practice is undertaken with the aim of reducing fuel loads - as a preventive measure. Backburning is undertaken in the event of an actual fire to prevent fire spread.

The issue of effectiveness of burning as a hazard reduction method was discussed with an Officer from the NPWS at the Committee Hearing on 24 March 2000. In response to a question about whether hazard reduction decreased or increased fuel loads, Mr Gilligan, Director-General of NPWS stated:

...we are well aware that hazard reduction is very complex and...in some circumstances it can be counterproductive. That can particularly be an issue when a hazard-reduction burn is followed by a couple of seasons of uncharacteristically high rainfall that promotes significant growth.<sup>294</sup>

The NPWS was asked to provide further information to the Committee about the effectiveness of burning as a hazard reduction method. The NPWS advised the Committee that it is very unusual for hazard reduction burns to be counter productive, but that this can be the case in certain circumstances:

In most situations, prescribed burning leads to an immediate and effective reduction in fine fuel (ie vegetation >6mm diameter which burns at the fire front). The fine fuel component gradually accumulates as the vegetation responds to the disturbance. This is usually dependent on such things as weather conditions (eg drought or above average rainfall), occurrence of other disturbances (eg hailstorms, clearing etc) and grazing pressure. The accumulation of fine fuel after a fire is usually described as a negative exponential relationship. That is the rate of accumulation is very high in the first few years but total fuel loading is low; gradually the rate of accumulation eases until accumulation equals decomposition and a steady state condition is achieved. Different vegetation types have different growth rates and different steady state conditions.

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<sup>292</sup> Submission No 200, NPWS, Attachment 2, *Living with Fire: Bushfire Management, the environment and the community*, p16

<sup>293</sup> NSW Rural Fire Service, *Fire! The Australian Experience*, January 1998, p27

<sup>294</sup> Evidence, 24 March 2000, Mr Brian Gilligan, Director-General, National Parks and Wildlife Service, pp18-19

It is very unusual for hazard reduction burns to be counter-productive ie to result in a higher fire hazard than existed before. However such a situation may arise if for example extensive clearing has occurred in certain vegetation types and this clearing is then followed by a bushfire. Occasionally this may cause germination of large quantities of seed stored in the soil resulting in a flush of vegetation growth and therefore higher fuel levels than existed beforehand. This can occur particularly with vegetation types such as brigalow or myall ie vegetation with a high proportion of species in the Fabaceae (Pea) family. It may also occur in other situations but this is not common. If this scenario does arise, it can be easily rectified through the adoption of an appropriate fire regime for the location which does not favour this type of response.

Certain bushfire regimes can effect changes in the composition of vegetation and therefore fine fuel. For example, it is generally accepted that frequent fires will encourage herbaceous growth and reduce woody plant growth. The proliferation of grasses in an area changes the composition and structure of the fuel and therefore changes to fire behaviour can also be expected. A grassy fuel complex will generally create fires which are less intense than a woody fuel complex. However grass fires will ignite more easily and spread much faster than fires occurring in a more woody fuel type. These are of course generalisations. Frequent fires over a very long period of time can also have the effect of changing plant communities. For example frequent fires can be detrimental to rainforest vegetation and favourable to grassland and shrubland, depending on the frequency. It could be argued that this can have a counter-productive effect in terms of hazard management. Rainforest vegetation is not a hazardous vegetation type whereas grassland and shrubland is.

In summary, prescribed burning has been shown to be an effective means of reducing the risk of high intensity fire.<sup>295</sup>

Two landholders from Castlereagh Region, Mr Grahame Pryor and Mr Keith Pryor, told the Committee of their concerns about excessive use of burning as a hazard reduction method. Mr Keith Pryor stated his belief that burning as a hazard reduction method can actually increase fuel loads and prove to be a greater hazard than areas that are unburnt:

In relation to the last fairly big fire that we were at, the Tambar Springs mountain fire, some of the country was so bare in parts of that country before the fire took place that it could not burn. Where that has been burnt, because of the trees that have fallen down, et cetera, it is a bigger fire risk now. It allows all the rubbish to come up through the timber and you have rubbish higher than this table. It is a bigger fire risk now and it is just a fallacy to think that by burning something and calling it hazard reduction it will make it safer in the future. It is just a fallacy and it does not exist.

...

It seems to take away the ground cover and all of a sudden you have this bare vegetation that gives more light and allows this rubbish to germinate. If the timbered country is left alone they do not seem to come.

...

in most timbered country it seems to be where it has been hazard reduced and you finish up with a lot more of a fire hazard afterwards than what it was before.<sup>296</sup>

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<sup>295</sup> Correspondence from Mr Robert Conroy, Director-Central, and Mr Brian Gilligan, Director-General, of the National Parks and Wildlife Service, to Director, dated 14 April 2000, enclosing witness records and answers to questions on notice from hearing on 24 March 2000.

<sup>296</sup> Evidence, 20 March 2000, Mr K Pryor, pp56-57

*NCC Bush Fire Management Conference Proceedings,*

February 1999, pp36-42

300

Brian L. Lord, 'Predictive Capability of Fire Effects from Recurrent Fire', *NCC Bush Fire Management Conference Proceedings*, February 1999, p19

The Committee recommends that hazard reduction burns continue to be based on best scientific knowledge of the effect of burns on vegetation types to reduce the risk of increasing fuel loads.

### 7.2.1 Strategic hazard reduction burning by the NPWS

Table 6 below provides information about total area burnt in prescribed burns on NPWS reserves in the past six years:

**Table 6: Total Area Burnt in Prescribed Burns on NPWS Parks and Reserves 1993-99**

Year	Area Burnt (ha)
1993-94	47 816
1994-95	35 778
1995-96	25 572
1996-97	15 866
1997-98	8 302
1998-99	12 876
<b>Total</b>	<b>146 210</b>

Source: Submission No200, NPWS, p3

The NPWS explained that reasons for the reduction in areas being burnt to reduce fire hazards related both to seasonal variables, and to an increasingly more strategic approach to prescribed burns:

I draw your attention to the fourth paragraph underneath the table, which makes the point that the size of areas that undergo prescribed burning varies from year to year and depends on a range of variables such as seasonal conditions and weather conditions, which have been significantly less fire friendly in that sense over the last few years.

...

In recent times, as we have become more sophisticated in our capacity to control hazard reduction burns, we are actually managing strategic burns at the interface where there is the greatest risk of the fire moving off park and where we need to manage that interface in order to protect life and property and be a good neighbour.

We are refining our methodologies. We are targeting better and one of the logical outcomes of that is as we get better at it, my guess is that the total area in any particular park might become a little bit

less because we are more surgical about the way we do it, but it does not reflect in any sense a lack of commitment to appropriate hazard reduction.<sup>301</sup>

The NPWS also tendered evidence regarding wildfire ignition sources for NPWS reserves which showed that only 7.5 percent of fires started on park moved off park, as opposed to 17.2 percent of fires started off park which moved on park.

**Table 7: Wildfire Ignitions Sources for NPWS Reserves 1993-99**

Ignition/Control category	93-94	94-95	95-96	96-97	97-98	98-99	Total	%
Started on park/ controlled on park	216	173	142	147	372	145	1195	<b>75.3</b>
Started on park/ moved off park	25	15	16	18	38	8	120	<b>7.5</b>
Started off park/ moved on park	59	62	31	29	56	36	273	<b>17.2</b>
<b>Total</b>	<b>300</b>	<b>250</b>	<b>189</b>	<b>466</b>	<b>189</b>	<b>1588</b>	<b>100</b>	<b>100</b>

Source: Submission No200, NPWS, p4

**The Committee supports the NPWS in its application of strategic targeted burning practices.**

### **7.2.2 Backburning**

The National Parks and Wildlife Service told the Committee that they err on the side of protection of lives and assets when backburning. The Director-General, Mr Brian Gilligan stated:

We use backburning extensively, some people would say too extensively, in a fire situation. I think it is important that we distinguish here between hazard reduction burning as a preventative measure and where, as I indicated to you earlier, we are seeking to become more and more sophisticated and more and more surgical about the bit that needs to be burnt to achieve the result. In proactive hazard reduction burning we are trying to be very precise. With backburning in an emergency fire situation, we will err on the side of safety for life and assets. I guess that is where the significance of the area of the service reserves and parks becomes an issue. If there is a doubt we will put in a backburn rather than leave life or property at risk. That has led to some criticism ...<sup>302</sup>

<sup>301</sup> Evidence, 24 March 2000, Mr Brian Gilligan, Director-General, NPWS, pp16-17

<sup>302</sup> Evidence, 24 March 2000, Mr Brian Gilligan, Director-General, NPWS, p18

Mr Keith Pryor, who had been critical of excessive use of burning as a hazard reduction measure, stated that back burning can be useful in containing fires on certain occasions - although local circumstances must be taken into consideration:

I am saying there is a place in big fires in certain circumstances to light a backburn in order to stop it under those circumstances...

Mr Pryor used an example of a fire at Tambar Springs to illustrate his point:

...each fire in its own terrain, even though you say they are similar, has its differences. Tambar Springs, for argument's sake, is situated at the bottom of the eastern descent of Tambar Springs Mountain, and it is a very steep descent.

The training modules of the Rural Fire Service tell you that if you understand the simple laws that govern fires, which is heat, fuel and oxygen, you can accurately predict what they are going to do. Fires cannot burn down steep descents because they cannot pre-heat the fuel in order to form combustion.

Now, in the case of the Tambar Springs Mountain fire they lit a backburn behind the village that burnt for three days and two nights in 40-degree heat and a total fire ban in the middle of the day and never ever met the head of the bushfire. Situations are different for each fire, and it is a bit hard to, say, use the one brush and cover all fires the same even though they are in timbered country.

...in the Tambar Springs Mountain fire, where they tried to light backburns, and did on three occasions, they were totally ineffectual and useless and did more damage to the environment and to people's private property than they ever set out to achieve. That is what I am saying about different areas, different terrain. Even though they are all timbered, they still have their own little things that tell you what you should and should not do in relation to a fire. That is what I call landowner knowledge.<sup>303</sup>

**The Committee confirms that backburning is an appropriate mechanism to mitigate fire spread and that RFS operational procedures state, among other things, that only incident controllers (ie those officers of deputy captain and above who are in charge at a fire) can authorise the undertaking of a backburn and that they are required to consider prevailing local conditions before exercising that authority.**

### ***7.2.3 Hazard reduction – government departments & fire trails***

There was concern expressed about government departments not undertaking sufficient hazard reduction of their property:

In the Port Stephens local authority area, substantial tracts of land (in excess of 10,000 hectares) are controlled by either the Hunter Water Corporation or the New South Wales National Parks and Wildlife Service. Fuel loadings (typically in excess of 30 tonnes per hectare) in these areas are such that they consistently present a significant fire potential...the Hunter Water Corporation or (to my knowledge) the National Parks and Wildlife Service in the Port Stephens Council area have not instituted any significant hazard reduction measures since...[1994]...

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<sup>303</sup> Evidence, 20 March 2000, Mr G and Mr K Pryor, pp59-60

...Were such land to be privately owned, the requirement for fuel reduction measures to be undertaken could be enforced under the *Rural Fires Act 1997*, but this is apparently not so in the case of land administered by a statutory authority.

My understanding is that the Rural Fire Service Commissioner has no powers to enforce such measures. It is consequently requested that the Committee makes a recommendation that, by law, the statutory authority controlling lands of this type be subject to similar requirements as private landholders in respect to hazard reduction.<sup>304</sup>

Some submissions stated that not enough attention was paid to the creation and maintenance of fire trails.<sup>305</sup> Other submissions and evidence raised concerns about inadequate hazard reduction on fire trails.<sup>306</sup>

Commissioner Koperberg of the RFS told the Committee that land management authorities do have a legislative responsibility to reduce fire hazards on their holdings:

Yes, indeed it has. Land management authorities, whether they be local government or State—and we refer, of course, to such agencies as State Forests and the National Parks and Wildlife Service—have a legislative responsibility, as indeed do private land-holders, to reduce hazards on their holdings and to maintain standards which are acceptable from a firefighting point of view.

You would expect there to be differences of opinion on what constitutes an area through which a fire trail might traverse. That is why the Government has formed the 130 or so local bushfire management committees, so that that argument can be put forward for a whole range of mitigation and other measures. However, I am pleased to say that the land management authorities take very seriously their responsibility. They do not always achieve their objectives, of course, because there are a whole range of considerations, not the least of which are weather and financial considerations. The system as a whole works quite energetically to bring about the desired result. It does not always achieve that result, but it tries hard to do so.<sup>307</sup>

**The Committee is satisfied that the *Rural Fires Act 1997* requires all landowners to reduce fire hazards on their holdings. The necessary provisions are contained in Part 4 of the Act, such as section 63 which relates to the duties of public authorities (and owners and occupiers of land) to prevent bush fires.**

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<sup>304</sup> Submission No72, Mr David Thomas, Deputy Captain, Salt Ash Brigade, Port Stephens (Hunter Region)

<sup>305</sup> Submission No14, R Bruce, Volunteer, (Central East Region)

<sup>306</sup> Evidence, 29 February 2000, Mr Harry McLean, Secretary, RVFFA, p61

<sup>307</sup> Evidence, 29 February 2000, Mr Phil Koperberg, Commissioner, RFS, pp30-31

## 8 Other Issues

### 8.1 Corruption allegations

Serious allegations were raised by the RVFFA at the Committee hearing on 29 February 2000<sup>308</sup>. Documents which purported to substantiate the allegations of the RVFFA were also tendered in confidence to the Committee at the hearing.<sup>309</sup> The allegations were very general and related to corruption, nepotism and cronyism within the Service.

The Committee was interested in ensuring that various groups in the community had an appropriate forum for raising concerns that were within the Committee's terms of reference. The Committee, however, was mindful of ensuring that sufficient evidence was tendered in support of concerns, particularly where these concerns amounted to serious allegations against the RFS. The RVFFA was asked to provide any additional evidence to substantiate allegations at the hearing on 29 February 2000. The RVFFA provided additional documents by way of correspondence.<sup>310</sup>

The Committee received a letter from Mr Tony Gates, the RFS Officer who had carriage in investigating some of the matters referred to by the RVFFA on 24 March 2000, which countered the allegations. At a public hearing held that day, Commissioner Koperberg addressed many of the allegations and made reference to Mr Gates' letter.<sup>311</sup> Commissioner Koperberg also questioned the validity of the claims, and the credibility of the witness making the allegations.<sup>312</sup>

**The Committee notes that the alleged matters of corruption, nepotism and cronyism were outside the Committee's terms of reference. The Committee was not persuaded that the documents tendered by the RVFFA substantiated the allegations made.**

**However, the Committee notes that the appropriate body to investigate any complaints of corruption is the Independent Commission Against Corruption (ICAC).**

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<sup>308</sup> Evidence, 29 February 2000, RVFFA, pp62-63

<sup>309</sup> Evidence, 29 February 2000, RVFFA, p64

<sup>310</sup> Correspondence from RVFFA, dated 18 February 2000

<sup>311</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p37

<sup>312</sup> Evidence, 24 March 2000, Mr Phil Koperberg, Commissioner, RFS, p38

## **8.2 Clarification of evidence**

At a meeting on 21 June 2000, the Committee noted correspondence from the Hon Duncan Gay MLC relating to evidence provided by Mr Luscombe of the RFSA.<sup>313</sup> The Committee resolved to write to Mr Luscombe seeking clarification of his evidence.<sup>314</sup>

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<sup>313</sup> Letter from the Hon Duncan Gay MLC, to the Chair, dated 10 May 2000, relating to evidence provided to the Committee by Mr Luscombe, President of the Rural Fire Service Association.

<sup>314</sup> See Minutes No 31 of the Committee appended to this report.



## **Statement of Dissent by the Hon Malcolm Jones MLC**

The Director-General of the National Parks and Wildlife Service (NPWS), Brian Gilligan in his evidence, emphasised the importance of hazard reduction in the strategy of combating rural fires. However Table 6 entitled "Total Areas Burnt in Prescribed Burns on NPWS Parks and Reserves 1993-99" illustrates the drastic reduction in areas burnt from 1993-94, was 47,816 ha to only 12,876 ha in 1998-99, with a low in 1997-98 of only 8,302 ha.

During the same period the National Park estate has increased by approximately 50% in size to 4.5 million ha, with the addition of over 150 new parks.

Conditions in 1999-2000 will create an abundance of fuel loads on the ground which, together with any cyclical change in conditions from wet prevailing weather to dry conditions, particularly along the eastern seaboard, have the potential to create extreme fire conditions in the summer of 2000/2001 or subsequent years.

Therefore, notwithstanding the Director-General's comments regarding how much better the NPWS are at hazard reduction, unless efforts are increased in the future the horror firestorms of 1994 will again revisit us.



## Appendix 1 – Submissions Received

No. 1	MCTAGGART, Mr Dennis
No. 2	LEWIS, Mr Roger (NSW Rural Fire Service - Lake Macquarie District)
No. 3	DAVISON, Mr Alan
No. 4	BROTHERHOOD, Mr John (University of Sydney - Faculty of Health Sciences)
No. 5	CLINCH, M E
No. 6	MEEHAN, Mr Keith (Evans Shire Council)
No. 7	KISS, Mr Terrey (Coolamon Shire Council)
No. 8	BELTON, Mr Tony
No. 9	OWERS, Mr Gary
No. 10	BURNS, Mr Shane (Coolah Shire Council)
No. 11	ADAMS, Mr Col (Col Adams Aerial Services Pty Ltd)
No. 12	WESTON, Mr C W
No. 13	BRENNAN, Mr H S
No. 14	BRUCE, R
No. 15	GRANT, Mr Robert
No. 16	KING, Mr John R
No. 17	GORDON, Mr Robert
No. 18	ANDERSON, Mr Ron (Salvation Army Officer)
No. 19	COLLYER Supt Ray (Lismore City Rural Fire Service)
No. 20	CONFIDENTIAL
No. 21	MCARDLE, Mr Sean
No. 22	HUTCHINSON, Mr Geoffrey & Mrs Gay
No. 23	GRILLS, Mr Allan
No. 24	LAVARS, Ms Karyn
No. 25	LAVARS, Mr Chris
No. 26	DOWNING, Mr Graham (Cessnock Rural Fire Service)
No. 27	GARDINER, Mr Don
No. 28	TAYLOR, Mr John (Borah Creek Bushfire Brigade)
No. 29	FITNESS, Mr Clifford
No. 30	MEANEY, Mr Philip
No. 31	SNOW, Ms Jenny
No. 32	SMITH, Mr B
No. 33	SMITH, Mrs K
No. 34	QUINN, Mr Brett
No. 35	BLAYDEN, Mr Mark
No. 36	CONFIDENTIAL
No. 37	IVIN, Mr W C
No. 38	HEPPLEWHITE, Mr Ken
No. 39	JARRETT, Mr Tony
No. 40	WEIGH, Ms Maree
No. 41	SHALES, Mr Peter
No. 42	MANSFIELD, Shane

- No. 43 SUMMERILL, Mr Michael
- No. 44 THORNTON, R S
- No. 45 KIRBY, R
- No. 46 WOODS, Mr Allan
- No. 47 WOODS, Ms Elaine
- No. 48 WOODS, Mrs G N
- No. 49 WOODS, Mr & Mrs A B
- No. 50 HOLMES, Mr Bill
- No. 51 JONES, Mr Daniel
- No. 52 MANNERS, Mr C E
- No. 53 KUIK, Mr Damien
- No. 54 NORTHEY, Mr Graeme (Geissler Motors)
- No. 55 CASPER, Mr Mark
- No. 56 ACHESON, Mr Bob
- No. 57 NATION, Mr Darren
- No. 58 WRIGHT, Mr Andrew
- No. 59 WEBB, D M
- No. 60 DAWES, Mr Noel (Woodlands Volunteer Rural Fire Brigade)
- No. 61 PEARSON, Ms Julie
- No. 62 DONOVAN, Ms Jenny
- No. 63 SIMPSON, Mr Keith
- No. 64 HULL, Mr & Mrs G C
- No. 65 BEAN, Mr William
- No. 66 KELLY, Mr Martin
- No. 67 O'MEARA, Mr John & Mrs Robyn
- No. 68 HEPPLWHITE, Mr Allan
- No. 69 GARRY, Mr Leon
- No. 70 STACCHINO, Mr Paul (Blue Mountains Rural Fire Service)
- No. 71 DUNN, Mr Bill (Wingecarribee Rural Fire Service)
- No. 72 THOMAS, Mr David
- No. 73 GODDE, Mr Greg
- No. 74 WHITE, Mr Graham
- No. 75 PETHER, Mr Alan
- No. 76 KOVACS, Mr Michael
- No. 77 GIBBONS, Mr Eddie (Oberon Rural Fire Service)
- No. 78 FRENCH, Mr Barrie
- No. 79 QUINLIVAN-SCURR, Ms Leanne
- No. 80 OXFORD, Mr Neil
- No. 81 ARMSTRONG, Mr James (Wingecarribee Rural Fire Service Association)
- No. 82 THOMPSON, Mr Bernie (Dubbo Rural Fire Service Association)
- No. 83 REID, Cr Jim (Mosman Municipal Council)
- No. 84 ABBOTT, Mr Grahame
- No. 85 O'MALLEY, Mr Neville
- No. 86 NEAL, Ms Marian (Telegraph Point Rural Fire Service)
- No. 87 LEPOIDEVIN, Mr Gordon
- No. 88 GLEAVE, Mr Keith
- No. 89 EAGLESHAM, Mr Robert
- No. 90 CAREY, Mr Adrian

- No. 91 ORLANDI, Mr Anthony  
No. 92 BREWER, Mr Rob  
No. 93 OXFORD, Mrs Margaret  
No. 94 MCBRIDE, Ms Tanya  
No. 95 DODD, Mr Ken (Fernmount Volunteer Rural Fire Brigade)  
No. 96 HARGRAVES, Mr Geoff  
No. 97 WHITNEY, Mr Jeff  
No. 98 LUF, Henk (Rural Volunteer Fire Fighters Association of NSW Inc)  
No. 99 APPS, Mr Jack  
No. 100 DAY, Mr Warren  
No. 101 RAWLINSON, C J  
No. 102 ROBINSON, Dr David  
No. 103 BRADFORD, Mr Max  
No. 104 PALMER, Mr Wayne (Bungwahl Rural Fire Service - Great Lakes Shire)  
No. 105 BARRON, Chris  
No. 106 ALLWORTH, M R (Ralvona Bushfire Brigade - Holbrook Shire)  
No. 107 PURCELL, Mr Rodney  
No. 108 BROOKS, Mr Geoff (Guyra Shire Council)  
No. 109 KEMP, Mr Rex  
No. 110 FERRINGTON, Mr Randall  
No. 111 KINKEAD Supt Peter (NSW Rural Fire Service Singleton District)  
No. 112 MURDOCH, Mr Greg (Council for the Shire of Murray)  
No. 113 GALBRAITH, Mr Ian  
No. 114 COWAN, Mr Colin (Cessnock City Council)  
No. 115 BULL, Mr Kevin  
No. 116 BOYDON, Mr Keith  
No. 117 MALONEY, K R  
No. 118 HUGHES, Ms Wendy  
No. 119 LAMBURN, Mr Charles  
No. 120 ELLISON, Chris (Yarramundi Rural Fire Brigade)  
No. 121 LANE, Mr Dominic (Riverina Regional Committee NSW Rural Fire Service Association)  
No. 122 YOUNG, Mr Donald  
No. 123 REYNOLDS, Mr Allan  
No. 124 LINDSAY, M C  
No. 125 NOLLES, Mr Tom (Orange Rural Fire Service North West Brigade)  
No. 126 PARSLOW, H  
No. 127 COTTERILL Supt Richard  
No. 128 TREVASKIS, Mr Greg (Greater Taree City Council)  
No. 129 FERGUSON, Mr Roy  
No. 130 MILLAR, Mr Brian  
No. 131 WEHNER, Ms Margaret (Jindera Rural Fire Brigade)  
No. 132 FRULLANI, Mr Greg  
No. 133 HARRIS, G  
No. 134 MANNING, Mr Peter (Blue Mountains Rural Fire District - Woodford Brigade)  
No. 135 ELLIS, Mr David & Ms Julie  
No. 136 CAIN, Mr Barry  
No. 137 DUNLOP, Mr Denis  
No. 138 SAUNDERS, R K

- No. 139 SCRIVEN, Mr Colin  
No. 140 LANE, Mr Dominic  
No. 141 MCMAHON, Mr Peter  
No. 142 WILLOUGHBY, Mr Bob (Hunter Region Rural Fire Service - Lake Macquarie District)  
No. 143 STREET, Mr Timothy (Mulwaree Support Rural Fire Brigade)  
No. 144 HUNTER, Mr Christopher  
No. 145 DOWLING, Mr Eric  
No. 146 BYRNES, Mr Dennis  
No. 147 NOCCO, Ms Hilda  
No. 148 KING, Mr Andrew  
No. 149 HOJEL, Mr John (Baulkham Hills Shire Council)  
No. 150 LUFF, P M (Gundagai Shire Council)  
No. 151 MULLINS, Mr Paul (Tumut Shire Council)  
No. 152 PLUIS, R C (Leeton Shire Council)  
No. 153 D'AGOSTIN, Mr Fred (F & J D'Agostin Engineering & Repair Service)  
No. 154 WALLACE, Ms Verna (Bellangry Rural Fire Brigade)  
No. 155 JERVOIS, Mr Peter  
No. 156 EDGAR, Mr Ian  
No. 157 VAN-DER-LEY, Mr Mathew  
No. 158 VAN-DER-LAY, Ms Kylie  
No. 159 VAN-DER-LEY, Mr Chris  
No. 160 VAN-DER-LEY, Mrs Gwenda  
No. 161 PLACE, Mr Anthony  
No. 162 YENSCH, Mr Graham  
No. 163 PRYOR, Mr Keith  
No. 164 CAMPBELL, Mr Darryl (Narrabri Rural Fire Brigade)  
No. 165 PARKER, Mr John  
No. 166 HYDE, Mr Cecil (Jackadgery Brigade)  
No. 167 BORGER, Mr Harry (Mooneba - Turners Flat Volunteer Fire Brigade)  
No. 168 ANDERSON, Mr Neville  
No. 169 CABLE, Mr Peter  
No. 170 PRATT, Mr Albert H  
No. 171 CONFIDENTIAL  
No. 172 CAMPBELL, P (Harden Shire Council)  
No. 173 WIFFEN, Mr Mark  
No. 174 SMEDE, Mr Rodney (Munmurra Rural Fire Service)  
No. 175 HOWARD, Mr Dennis  
No. 176 SECOMB, Mr Roger  
No. 177 CAVANAGH, Mr Neville  
No. 178 MEDWAY, D  
No. 179 FLANERY, Mr John  
No. 180 PURVIS, Mr Geoff  
No. 181 GIBSON, Ms Judith (Copmanhurst Volunteer Bush Fire Brigade)  
No. 182 TINDALL, Ms Gabrielle  
No. 183 KLEIN, Mr Adam  
No. 184 GIBSON, Mr Barry (Bocobra, Red Hill, Gumble, Cumnock, Manildra Brigades)  
No. 185 HARDING, Mr Malcolm  
No. 186 O'MULLANE, Ms Philomena

- No. 187 ROBERTS, Mr Chris  
No. 188 O'MULLANE, Mr Mike  
No. 189 SWANSON, Ms Narelle  
No. 190 KERSHAW, Mr M J (Gunnedah Shire Council)  
No. 191 GILL, Mr A  
No. 192 STRATHDEE, Mr Gordon  
No. 193 KOPERBERG, Mr Phil (NSW Rural Fire Service)  
No. 194 FOSTER, Mr Len (Country Fire Authority)  
No. 195 LUSCOMBE, Mr Donald (NSW Rural Fire Service Association Inc)  
No. 196 HOWARD, B W (State Emergency Service)  
No. 197 DEBUS MP, Mr Bob (Minister for Emergency Services)  
No. 198 MESSER, Dr Judy (Nature Conservation Council of NSW Inc)  
No. 199 LEMBIT, Mr Roger (National Parks Association of NSW)  
No. 200 GILLIGAN, Mr Brian (NSW National Parks and Wildlife Service)  
No. 201 SMITH, Mr Bob (State Forests of NSW)  
No. 202 MACDOUGALL, Mr Ian (NSW Fire Brigades)  
No. 203 WRIGHT, Mr Michael & SNOW, Mr Darryl (NSW Fire Brigade Employees' Union)  
No. 204 WOODS, Cr Peter; VARDON, Cr Chris (Local Government & Shires Associations of NSW)  
No. 205 LAVELLE, Mr L (Australasian Fire Authorities Council)  
No. 206 RHEINBERGER, Mr Barry (Steering Committee of the Bush Fire Brigades)  
No. 207 STUDDERT, J H  
No. 208 BELL, Mr Richard  
No. 209 MARJASON, Cr Ian (Yarrowlumla Council)  
No. 210 MCKEOWN, Ms Barbara (Jerrawa Rural Fire Brigade)  
No. 211 RYAN, Mr Peter (NSW Rural Fire Service Central Region)  
No. 212 MACGREGOR, G C (Davidson Rural Fire Brigade)  
No. 213 KATZ, Mr Mike  
No. 214 BOYER, N.S.  
No. 215 ZWAN, Mr Col (Patonga Beach Volunteer Rural Fire Brigade)  
No. 216 WITCHARD, Mr Eric  
No. 217 SMITH, Mr Roger (Deep Creek Rural Fire Service)  
No. 218 SEWELL, Jack  
No. 219 GEDDES Supt Craig (Warringah-Pittwater Emergency Control Centre)  
No. 220 SARGEANT, Mr Barry & Mrs Sandra  
No. 221 SALIER, Mr Doug  
No. 222 WEST, Mr John  
No. 223 BURGESS, Mr John  
No. 224 DMYTRYK, Mr Garry S  
No. 225 ROSEWELL, Ms Dorothy  
No. 226 CONFIDENTIAL  
No. 227 STEWART, Mr Alan (Tallaganda Shire Council)  
No. 228 CONFIDENTIAL  
No. 229 PRYOR, Ms Belinda  
No. 230 PRYOR, Mr Grahame  
No. 231 CONFIDENTIAL  
No. 232 CONFIDENTIAL  
No. 233 CONFIDENTIAL

- No. 234 HOARE, Mr Trevor
- No. 235 HILE, Mr James
- No. 236 PETHERBRIDGE, Mr Warren
- No. 237 PILE, Mr Ron
- No. 238 HOARE, Mr Brenton
- No. 239 CREE, Mr Jeffrey J
- No. 240 DREW, Mr Scott
- No. 241 TICKELL, Mr Rob (Hornsby Heights Rural Fire Brigade)
- No. 242 JONES, Mr Scott
- No. 243 PASCOE, Mr Robert W
- No. 244 HOWE, Mr Glen
- No. 245 MOORCROFT, Ms Anne (Gloucester Branch of Rural Fire Service Association)
- No. 246 ARCHIBALD, Mr David (Ellerston Bushfire Brigade)
- No. 247 O'BRIEN, Mr Graeme (Rural Fire Service Association - Hunter Branch)
- No. 248 KINKEAD Supt Peter (NSW Rural Fire Service Association - Hunter Regional Committee)
- No. 249 PINKERTON, Ms Coleen (Parkville Rural Fire Brigade)
- No. 250 FLEMING, Mr Peter
- No. 251 SCOTT, Mr Timothy
- No. 252 SCHWARZE, Mr Reg L
- No. 253 WALLACE, Mr John
- No. 254 RADFORD, Mr Brian
- No. 255 BROWNE, Mr Geoff
- No. 256 WISEMAN, Mr John
- No. 257 HUGHES, Mr Robert W
- No. 258 YARWOOD, Mr G
- No. 259 HAMILTON, Mr Andrew
- No. 260 BRETT Supt Michael (Muswellbrook Rural Fire District)
- No. 261 FISHER, L P (Muswellbrook Shire Council)
- No. 262 OWENS, Ms Susan (Grose Vale Bush Fire Brigade)
- No. 263 WILSON, Ms Ann (Tumbarumba Shire Council)
- No. 264 DOAK, Mr Alan
- No. 265 HUNGERFORD, Mr Brian (Mt Tomah Volunteer Bush Fire Brigade)
- No. 266 WHITTAKER, Mrs Evelyn
- No. 267 ANDERSON, Mr Donald R
- No. 268 HOARE, Mr Stephen
- No. 269 BALLANTINE, Mr C J
- No. 270 COLLISON, Mr Merton
- No. 271 PEET, Mr Rein
- No. 272 CHARLTON, Mr Ewan (Cooma-Monaro Shire Council)
- No. 273 REDMAN, Mr Keith
- No. 274 STATION COMMANDER, (Regentville Rural Fire Service Brigade)
- No. 275 TRUELOVE, Mr B (Empire Bay Rural Fire Brigade)
- No. 276 BRADFORD, Mr Nigel
- No. 277 HEWITT, Ms Helen
- No. 278 HUKE, Mr Wal
- No. 279 CLARK, Mr Matthew
- No. 280 ROGERS, Mr Rob

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No. 281	HICKS, Mr Matthew
No. 282	GLAW, Mr Harry
No. 283	CARRIGAN, Mr Patrick
No. 284	HELDT, Mr Iven H
No. 285	ALEXANDER, Mr George
No. 286	PELLOW, Mr Lionel
No. 287	KOHLHASE, Mr R
No. 288	HAWLEY, Mr Ted (Kanimbla Bushfire Brigade)
No. 289	MEREDITH, Mr Warren
No. 290	HOCKEY, Mr Rex G
No. 291	GORDON, Mr Angus
No. 292	SCANLON, Mr Bruce
No. 293	BAKER, S M (Lidster Bushfire Brigade)
No. 294	MAYNARD, Mr Warren
No. 295	HUGHES, Mr Laurie
No. 296	BRANDENBURG, Mr G E
No. 297	LUKINS, Mr R A
No. 298	LEBUSQUE, Mr Harry & Mrs Marcia
No. 299	BRETHEERTON, Mr Harry
No. 300	MCGOWAN, D J (Wingecarribee Shire Council)
No. 301	STANLEY, Mrs G (Krawarree Rural Fire Brigade)
No. 302	SPINKS, Mr Colin
No. 303	HEATON, Ms Vicki
No. 304	LEVIN, Mr Keith
No. 305	POTTER, Mr Tom (Bullaburra Volunteer Rural Fire Brigade)
No. 306	ROGERS, Mr Eric (Yarrahappini Stuarts Point Rural Fire Brigade)
No. 307	MCGRATH, Mr John
No. 308	CAMILLERI, Mr James
No. 309	FRANK, Mr Ashley
No. 310	HAWKINS, Trevor & HOWARD, Westley
No. 311	YEO, Mr Phillip (Boyben Rural Fire Service)
No. 312	MICHELL, Mr John
No. 313	KLEIN, Mr Neville
No. 314	FARRY, Mr P (Lavington Bush Fire Brigade)
No. 315	FRAZER, Mr Peter (Hawkesbury Rural Fire Brigade)
No. 316	NORTON, Mr Laurie
No. 317	REED, Barry & Mark
No. 318	MCDERMOTT, Ms Kim
No. 319	HOLDING, Mr A W
No. 320	RADFORD, Mr Ben
No. 321	CATHLES, Mr Peter (Yass Shire Rural Fire Service Volunteers )
No. 322	SCALES, Mr Noel
No. 323	TINDALE, Mr W W
No. 324	HOLDING, Mr Rod
No. 325	THOMAS, B
No. 326	WALKER, Ms Joy
No. 327	CARTER, L R (Lockhart Shire Council)
No. 328	ORROCK, Mr John

- No. 329 JANSSEN, Mr Trevor
- No. 330 STARK, Peter & SMEED, Mark (Wattle Flat-Sofala Rural Fire Service)
- No. 331 ANSHAW, Mr Graham (Faulconbridge Rural Fire Brigade)
- No. 332 CAPP, Ms Cate
- No. 333 HOSKINS, Ms Sarah (Wardell Rural Fire Brigade)
- No. 334 WURCKER, Mr Max
- No. 335 WAITE, Mr N P (Thornton Rural Fire Brigade)
- No. 336 NEVINSON, Mr John
- No. 337 WILKINSON, Mr Brian (Wards River Rural Fire Service)
- No. 338 BRUCE, Ms Lorraine
- No. 339 POOLE, Ms Lisa
- No. 340 DOWDING, Mr K J
- No. 341 THIESSEN, A L (Yerrinbool Volunteer Rural Fire Brigade)
- No. 342 LAVER, Mr Stephen
- No. 343 WAITE, Mr Barry
- No. 344 COTTLE, Mr Ean
- No. 345 RAWLINSON, Mr Kenneth
- No. 346 REID, Mr Neville
- No. 347 ADAMS, Mr Kevin
- No. 348 STRUTT, Ms Alice
- No. 349 COLLINGRIDGE, Mr Ron
- No. 350 FOSTER-BROWN, Ms Judi (Orara Rural Fire Brigade)
- No. 351 WRIGHT-PEARCE, Ms Cherie (Wagra Bushfire Brigade)
- No. 352 ORTEL, Ms Caroline
- No. 353 SQUIRES, Mr R H
- No. 354 PEARCE, Mr Douglas
- No. 355 HAINES, Mr Trevor
- No. 356 FRANCIS, Mr Chris
- No. 357 HOWE, G & SELFE, M (Kariong Volunteer Bush Fire Brigade)
- No. 358 ELFICK, Mr Michael
- No. 359 PALMER, Mr Elan
- No. 360 GALLAGHER, Mr Peter
- No. 361 BROWN, Mr Rodney
- No. 362 HARGAN, Mr Neil
- No. 363 TURNER, Mr Scott (Kyogle Council)
- No. 364 CUTHBERT, T
- No. 365 INGLIS, Mr Glenn (Parry Shire Council)
- No. 366 CROWTHER, Mr Ian & Mrs Lyn
- No. 367 RAISTRICK, Mr Alfred
- No. 368 DUNNING, Mr Vernon
- No. 369 ROGERS, Mrs M M
- No. 370 MCDERMOTT, Mr Paul
- No. 371 DYCE, Mr Peter
- No. 372 VAN DER VLIET, Mr Len (Mangoola Rural Fire Brigade)
- No. 373 SMITH, Mr Garry
- No. 374 GARROD, Mr Russell
- No. 375 LOCKE, Mr Steve
- No. 376 SPEED, Mr Greg (Orchard Hills Rural Fire Brigade)

- No. 377 NELSON, Mr Reg (Bombala Fire Control Centre)  
No. 378 SNELL, Mr John  
No. 379 ARMOUR, Mr Ian  
No. 380 CONROY, J C (Foxground Rural Fire Service)  
No. 381 MORE, Mr John (North Arm Cove Rural Fire Service)  
No. 382 HUER, Ms Sandra  
No. 383 WIRTH, Ms Denise (Mallanganee Bushfire Brigade)  
No. 384 PORTER, Mr John (Shannons Flat-Yaouk Rural Fire Brigade)  
No. 385 SENDALL, Mr John  
No. 386 OWENS, Mr Peter  
No. 387 PRIOR, Mr Steve  
No. 388 SNOW Miss Jenny (Coramba Rural Fire Brigade)  
No. 389 CASPER, Mr Mark (Terrey Hills Volunteer Rural Fire Brigade)  
No. 390 CROSWELLER, Mr Scott (Headquarters Brigade NSW Rural Fire Service)  
No. 391 BOORMAN, Ms Debbie (Lismore District Volunteers)  
No. 392 DAVIES, Mr B J  
No. 393 MANN, Cr Norm  
No. 394 HENDERSON, Mr Peter (Bolwarra-Largs Volunteer Bush Fire Brigade)  
No. 395 LOWE, Mr Michael  
No. 396 MCKELLAR, Mr Jayson (NSW Rural Fire Service Port Stephens District)  
No. 397 BURMAN, Mr Jason (Mulwaree Remote Area Fire Team)  
No. 398 BATES, Cr Peter  
No. 399 STAIR, Mr Craig (Darlington Rural Fire Brigade)  
No. 400 STOREY, Mr Alan  
No. 401 MACKENZIE, Mr John  
No. 402 SUTHERLAND, Mr John (Tooma Rural Fire Brigade)  
No. 403 BUCKMAN, Mr John (Raymond Terrace Rural Fire Brigade)  
No. 404 DAVIES, R J (Cobar Shire Council)  
No. 405 FERGUSON, M J (Coffs Harbour City Council)  
No. 406 LANGFORD, R N (Severn Shire Council)  
No. 407 FINNIE, K J (Kempsey Shire Council)  
No. 408 HOLLIER Supt Peter (Wyong Rural Fire Service)  
No. 409 (Iona/Duns Creek Brigade)  
No. 410 DUTTON, D N (Scone Shire Council)  
No. 411 GILMOUR, P H (Cumnock Rural Fire Service)  
No. 412 ROCHE Supt W D (Coffs Harbour Rural Fire Service)  
No. 413 COLLINS, P J (Bega Valley Shire Council)  
No. 414 RAMSLAND, D H (Wellington Council)  
No. 415 CAPTAINS, (Griffith Rural Fire Brigades)  
No. 416 GRAY, Mr Stephen (Griffith Rural Fire Brigades Advisory Committee)  
No. 417 BEHL, R (Griffith City Council)  
No. 418 PINNUCK, Mr Steven (Council of the Shire of Culcairn)  
No. 419 PHILLIPS, Mr David  
No. 420 HUNT, Mr John S (Manilla Shire Council)  
No. 421 BILLING, Mr Ralph H (NSW Farmers Association, Marrar Branch)  
No. 422 HARDIE, J D (Bethungra Bush Fire Brigade)  
No. 423 RIDDLE, Ms Leslea (Euston Fire Brigade)  
No. 424 BARRY, Mr Stephen (Markwell Rural Volunteer Fire Brigade Great Lakes Shire)

- No. 425 MCLACHLAN, Mr Len (Bulga Rural Fire Brigade)
- No. 426 CARMICHAEL, S (Tenterfield Rural Fire Service)
- No. 427 COLLEY, Mr R J (Hargraves Bush Fire Brigade)
- No. 428 MITCHELL, Mr Richard (Kerrigundi Rural Fire Brigade)
- No. 429 MCDONALD, K L (Eungai District Rural Fire Service)
- No. 430 BLIZZARD, Mr Noel (Byron Shire Rural Fire Service Management Committee)
- No. 431 BANNISTER, Ms Sandra (Long Flat/Ellenborough Rural Fire Brigade)
- No. 432 KERBOEUF, Mr Ian (Hillston Strategic Rural Fire Brigade)
- No. 433 VAGG, Mr Jonathan (Merrowie Creek Bushfire Brigade)
- No. 434 MATTHEWS, Mr Doug (South West Rocks Brigade)
- No. 435 CRAKANTHORP, Mr Andrew (Jerilderie Shire Council)
- No. 436 BYRNE, Mr Stuart (Gregory Bush Fire Brigade)
- No. 437 MCKINNEY, Mr Ross (Snowy River Shire Council)
- No. 438 GALVIN, Mr Andrew
- No. 439 DUPREE, Mr Tom (Catherine Hill Bay Rural Fire Brigade)
- No. 440 CONDIE, Mr Brett (Nymboida Rural Fire Service)
- No. 441 HURST, Mr Desmond
- No. 442 LUGSDIN, Mr Peter (Hay Shire Rural Fire Service)
- No. 443 PAIX, Dr Bruce
- No. 444 HAGARTY, Mr David
- No. 445 MURPHY, K M (Narrandera Shire Council)
- No. 446 NOTT, Mr Don (Blue Mountains Group of Bushfire Brigades)
- No. 447 LEWIS, Mr Mark (Port Stephens Council)
- No. 448 ORTEL, Mr Peter
- No. 449 COX, Mr Neville (Corindi/Red Rock Rural Fire Brigade)
- No. 450 REDMAN, Mr Stuart (Rookhurst Rural Fire Brigade)
- No. 451 COLE, Ms Helen (Mudgee Rural Fire Service Consultative Committee)
- No. 452 WARING, Mr Eric (Majors Creek Volunteer Bushfire Brigade)
- No. 453 TOLL, T R (NSW Rural Fire Service - Eurobodalla District)
- No. 454 HYNE, Dr R H (Orangeville/Werombi Bush Fire Brigade)
- No. 455 ANDERSON, Mr T J
- No. 456 JENKINS, M (Lochinvar Rural Fire Service)
- No. 457 LEPOIDEVIN, Mr Gordon (Wentworth River Brigades Group)
- No. 458 MAY, Mr Simon (Coolamon-Junee Rural Fire District)
- No. 459 PEACOCKE Councillor the Hon G B (Dubbo City Council)
- No. 460 LANDY, Mr P J (Dungog Shire Council)
- No. 461 SWINDELLS, Mr Gary (Pikapene and Cherry Tree Environment Centre Inc)
- No. 462 JOHNSON, Mr Charles (Bushfire Advisory Committee)
- No. 463 JONES, Mr Paul
- No. 464 GERAGHTY, Mr R J (Coonabarabran Shire Council)
- No. 465 ROCHE Supt W D (Brigade Captains of Coffs Harbour Rural Fire Service)
- No. 466 ROCHE Supt W D (Group Captains of Coffs Harbour Rural Fire Service)
- No. 467 MCMILLAN, Mr David (Council of the Shire of Wentworth)
- No. 468 MOORE, Mr Robert
- No. 469 GOMOLA, Mr Mike
- No. 470 BENSON, Mr Robin (Gosford City Council)
- No. 471 SANDERS, Mr John
- No. 472 WADE-FERRELL, Mr Ken (Winmalee Rural Fire Brigade)

- No. 473 FAVELLE Inspector Christopher T  
 No. 474 EYERS, Mr Russell (The Tallong Rural Fire Brigade)  
 No. 475 LOBB, T V (Weddin Shire Council)  
 No. 476 WILLIAMS, Mr Arthur  
 No. 477 ROBINSON, Mr Keith (Clarence Dargan Rural Fire Service)  
 No. 478 ADAMS, Mr Robert (Murrumbidgee Shire Tubbo Rural Bush Fire)  
 No. 479 KENNY, Mr Bernie (Chambigne Bush Fire Brigade)  
 No. 480 ARMSTRONG, N (Cowra Shire Council)  
 No. 481 TRAPPEL, Mr Gordon (Strour Road Rural Fire Service)  
 No. 482 WILLOUGHBY, Mrs B (Collombatti Rural Fire Brigade)  
 No. 483 MUNRO, Mr Glen (Wyndham - Mt Darragh Rural Fire Service)  
 No. 484 FLEMING, G L P (Cabonne Council)  
 No. 485 HERIOT, Mr Andrew (Cookardinia Bush Fire Brigade)  
 No. 486 PARKS, Mr Bruce (Southampton Bush Fire Brigade)  
 No. 487 BOWMAN, Mr Phillip (Moorland Rural Fire Brigade)  
 No. 488 BARRINGTON, Mr Richard (Envirotech Fire & AG Products NSW Pty Ltd)  
 No. 489 HEDGES, Mr Max (Group 2 RFS Volunteers of the Yass Shire)  
 No. 490 PURCELL, Mr Garry J (Lowther Hampton Volunteer Bush Fire Brigade)  
 No. 491 RYAN, Mr Michael (Orange City Council)  
 No. 492 BYRNE, Mr Michael (Brooms Head Rural Fire Service Brigade)  
 No. 493 KICIK, C (Plumpton Rural Fire Brigade)  
 No. 494 JENKINS, Mr Tim (Ulmarra Shire Council)  
 No. 495 HAYMAN, D A (Clifton Grove Rural Fire Brigade)  
 No. 496 (Coonabarabran Rural Fire Brigade)  
 No. 497 TEUDT, Mr Rick (Richmond River Rural Fire District)  
 No. 498 BOORMAN, Ms Debbie  
 No. 499 CONFIDENTIAL  
 No. 500 WILLETT, Mr Laurie (Gunning Shire Council)  
 No. 501 CAREY, Mr Martin (Springside/Pinnacle Rural Fire Brigade)  
 No. 502 MACKENZIE, Mr Brian  
 No. 503 TOSH, Glynne  
 No. 504 MACKINNON, Ms Carolyn  
 No. 505 DEW, Mr Garry  
 No. 506 BAXTER, Mr Peter  
 No. 507 CALDWELL, R M T  
 No. 508 – FRANKLIN N  
 No. 509 CRAWLEY, Mr Neil A  
 No. 510 CONFIDENTIAL  
 No. 511 THOMAS, Mr Neil  
 No. 512 MUNNS, Peter & YOUNG, Rod  
 No. 513 HOPKINS, Mr Frank  
 No. 514 THOMAS, Mr Daniel  
 No. 515 MCMILLEN, M W  
 No. 516 THOMAS, Mr Ian  
 No. 517 THOMAS, Mrs Lyn  
 No. 518 HOLLIER, Ms Jane  
 No. 519 HEAZLEWOOD, Mr John  
 No. 520 METCALFE, Mr David

- No. 521 STEVENS, C  
No. 522 WOODYATT, T  
No. 523 WEYMAN, Mr Stephen L  
No. 524 NORVILLE, C H  
No. 525 FLANERY, Mr Tom  
No. 526 PAULINE, G  
No. 527 AYLIFFE, Mr Brian  
No. 528 WALKER, Mr Ralph  
No. 529 SINCLAIR, Mr Ray  
No. 530 MOYLAN, Mr John  
No. 531 (Lanitz/Kungala Rural Fire Service)  
No. 532 TROTT, Mr Warwick  
No. 533 SMITH, Mrs Judy  
No. 534 SMITH, Mr Errol  
No. 535 O'CONNELL, Mr Martyn  
No. 536 BENJAMIN, Mr Roger  
No. 537 WRIGHT, Mr Stephen  
No. 538 GARDAM, Mr and, Mrs Barry and Kathleen  
No. 539 HARRIOTT, V  
No. 540 BURBIDGE, Mr Donald W  
No. 541 POILE, Gary & GORMAN, John  
No. 542 RAWSON, Mr Jonathon  
No. 543 BEILBY, Mr Brian  
No. 544 PIPER, Mr Bob  
No. 545 WILLAMS, S M  
No. 546 GOWEN, Mr Peter  
No. 547 BROWN, F H  
No. 548 CARRUTHERS, Mr Allan K  
No. 549 KILDUFF Miss P J  
No. 550 DAVIES, T G  
No. 551 GATELY, Mr Wally  
No. 552 STURGISS, Cr Denzil  
No. 553 BENNETT, G  
No. 554 OAKLEY, Mr John  
No. 555 JACKSON, Ms Janette  
No. 556 CONE, N J  
No. 557 KENNERLEY, Mr Ian  
No. 558 LAVERTY, Mr Ian  
No. 559 LAVERTY, Mr Charles  
No. 560 BELTRAN, Mr Mick  
No. 561 DALY, Mr Bryan  
No. 562 RITTER, Mr Graeme  
No. 563 THOMSON, R (Camden Headquarters Rural Fire Brigade)  
No. 564 GRAHAM, Mr Brian J  
No. 565 GILLESPIE, Mr Alan  
No. 566 HOLDING, Mr Peter  
No. 567 CLARKE, Mr Bruce  
No. 568 BIDENCOPE, Mr Chris

- No. 569 BYRNE, Mr John  
No. 570 KERBOEUF, Mr Ian  
No. 571 ROSE, Mr Raymond  
No. 572 SHEIL, Mr Brian  
No. 573 BRIESE, Mr Mark  
No. 574 COULTHARD, Mr Wayne  
No. 575 WINTER, Mr John  
No. 576 DRIVER, K  
No. 577 BELL, Mr Stephen  
No. 578 FRANCIS, Mr Terry (and others)  
No. 579 KNIEPP, Mr Dale  
No. 580 PEARCE, Mr John  
No. 581 NORRIS, Mr Sean  
No. 582 RATCLIFF, Mr Dennis  
No. 583 REEVE, Mr Gary  
No. 584 SCHOLZ, Ms Kerrie  
No. 585 SHIPMAN, Mr Rod  
No. 586 DAVIS, Mrs Helena  
No. 587 PASSFIELD, Mr George (Bishops Bridge Rural Fire Brigade)  
No. 588 BELL, Mr Ian  
No. 589 BYRNES Inspector Glenn  
No. 590 HILL, Mr Gordon R  
No. 591 RUSSELL, Mr Jon  
No. 592 POOLE, Mr Rolfe  
No. 593 BYRON, Mr Ross  
No. 594 WILLCOXSON, Mr Doug  
No. 595 BRIESE, Mr Andrew  
No. 596 JOHNSTON, Mr Geoff  
No. 597 RODGERS, W L  
No. 598 GLASSON, Mr David  
No. 599 HODGE, Mr Alan  
No. 600 CORRIGAN, Mr Greg  
No. 601 (NSW Farmers' Association)  
No. 602 RODGERS, Mr Ian  
No. 603 (Fairfield City Rural Fire Brigade)  
No. 604 MACPHERSON, Cr Ron  
No. 605 WEBER, Mr & Mrs W & I  
No. 606 CORRIGAN, Mr Ted  
No. 607 BROMFIELD, Mr Geoff (Yetholme Rural Fire Service)

## Appendix 2 – Witnesses

**Hearing No. 1  
Tuesday, 29 February 2000  
Parliament House, Sydney**

Name	Position Organisation
Mr Phil Koperberg	Commissioner NSW Rural Fire Service
Mr Ross Smith	Assistant Commissioner – Regional Management & Planning NSW Rural Fire Service
Mr Mark Crossweller	Assistant Commissioner – Strategic Development NSW Rural Fire Service
Mr Barry Rheinberger	Steering Committee of the Bush Fire Brigade
Mr Neil Kemmis	Steering Committee of the Bush Fire Brigade
Ms Dee Wilkes-Bowes	Director – Rural Affairs NSW Farmers' Association
Mr Henk Luf	President Rural Volunteer Fire Fighters Association of NSW
Mr Harry McClain	Secretary Rural Volunteer Fire Fighters Association of NSW
Mr Bruce Wildie	Member Rural Volunteer Fire Fighters Association of NSW
Dr Judy Messer	Chairperson Nature Conservation Council of NSW Inc
Mr John Asquith	Vice Chairperson Nature Conservation Council of NSW Inc
Mr Donald Luscombe	President NSW Rural Fire Service Association
Mr Mark Swayn	Vice President (Volunteers) NSW Rural Fire Service Association
Mr Keith Harrap	Vice President (Salaried Officers) NSW Rural Fire Service Association
Mr Stuart Clark	Member NSW Rural Fire Service Association

**Hearing No. 2**  
**Wednesday, 8 March 2000**  
**Lismore & District Workers' Club, Lismore**

Name	Position Organisation
Mr Ray Collyer	Fire Control Officer Lismore City Council
Mr Ian Rodgers	Chairman, Northern Region Conference NSW Rural Fire Service Association
Mr Terry Kitching	Hon Secretary, Castlereagh Branch NSW Rural Fire Service Association Salaried Officers Committee
Mr Bruce Scanlon	Group Captain Country Club Rural Fire Brigade
Mr Warren Meredith	Vice President, Coffs Harbour Branch NSW Farmers' Association
Mr Joseph Moran	Member NSW Farmers' Association
Mr Brett Condie	Fire Control Officer Nymboida Shire Council & Grafton City Council
Ms Judith Gibson	Secretary Copmanhurst Volunteer Bush Fire Brigade
Mr Larry Adams	Member Copmanhurst Volunteer Bush Fire Brigade
Mr Noel Blizzard	Fire Control Officer Byron Shire Council
Mr Tony Belton	Deputy Captain Nimbin Rural Fire Brigade

**Hearing No. 3**  
**Monday, 20 March 2000**  
**Dubbo RSL & Memorial Club, Dubbo**

Name	Position Organisation
Mr John Jenks	Manager, Rural Fire Control and Emergency Dubbo City Council
Mr Tom Knowles	General Manager Wellington Council
Cr Don Ramsland	Mayor Wellington Council
Cr Mark Griggs	Councillor Wellington Council
Mr Barry Gibson	Captain Bocobra Rural Fire Brigade
Mr Paul Whiteley	Group Captain (Northern) Wellington Shire
Mr Wally Mitchell	Volunteer Kerrigundi Rural Fire Brigade
Cr Percy Thompson	Councillor Mudgee Rural Fire Service Consultative Committee
Mr Barrie Grady	Group Captain Mudgee Rural Fire Service Consultative Committee
Ms Helen Cole	Secretary Mudgee Rural Fire Service Consultative Committee
Mr Grahame Pryor	Landholder
Mr Keith Pryor	Landholder
Mr Kel Gardiner	Commercial and Emergency Services Manager Orange City Council
Mr Peter Ryan	Central Region Coordinator NSW Rural Fire Service
Mr Howard Mangelsdorf	Rural Fire Service Advisory Council NSW Farmers Association
Mr Alan Holding	Central Region Chairman NSW Rural Fire Service Association
Mr Ken Hall	Member NSW Rural Fire Service Association

**Hearing No. 4**  
**Friday, 24 March 2000**  
**Parliament House, Sydney**

Name	Position Organisation
Cr Christopher Vardon	President NSW Shires Association
Cr Kenneth Gallen	Executive Member Local Government Association of NSW
Mr Warren Taylor	Manager – Advice & Development Local Government & Shires Association of NSW
Mr Brian Gilligan	Director General National Parks & Wildlife Service
Mr Bob Conroy	Director – Central National Parks & Wildlife Service
Mr Donald Luscombe	President NSW Rural Fire Service Association
Mr Mark Swayn	Vice President (Volunteers) NSW Rural Fire Service Association
Mr Keith Harrap	Vice President (Salaried Officers) NSW Rural Fire Service Association
Mr Stuart Clark	Member NSW Rural Fire Service Association
Mr Phil Koperberg	Commissioner NSW Rural Fire Service
Mr Mark Crowweller	Assistant Commissioner – Strategic Development NSW Rural Fire Service
Mr Trevor Anderson	Director, Corporate Services NSW Rural Fire Service

## **Appendix 3 – Coroner Hiatt’s Recommendations**

(Senior Deputy State Coroner John Hiatt, *New South Wales Bushfire Inquiry*, February 1996, pp397- 402)

Section 22A hearing

Under the provisions of Section 22A of the Coroners Act, 1980, the Court recommends to the Government of New South Wales:

- That a permanent Board of Commissioners be created, responsible to a Minister, to administer, manage, control and regulate, fire services in New South Wales.

Such permanent Board of Commissioners should be representative of the interests of the two principle fire services - the NSW Fire Brigade and the Department of Bush Fire Services, and of the land managers - National Parks & Wildlife Service, State Forests, and local Councils - who also have responsibility for fire management policy.

The emphasis should be placed on a permanent structure composed of members with relevant qualifications in Fire Management and Operation with at least one member having Administrative, Management and Legal qualifications.

The Board should be the apex of a fire fighting service, primarily responsible for initiating policy and allocating resources. There should be an appropriate command structure supporting the Board with a Government Department to give effect to Administration, Management, Regulation, Control & Operation.

All financing should be allocated from existing financial sources available to the NSW Fire Brigade, Bushfire Services, Local Councils, National Parks & Wildlife Service, and State Forests in respect of Fire Management and Operations managed by the Board of Commissioners.

- That initially, there be two principal divisions of the Fire Service.
  1. Metropolitan; and
  2. Rural Fire Service

## Section 22A hearing

**Metropolitan**

The existing NSW Fire Brigade structure and fire districts should be maintained in the Metropolitan, Newcastle, Wollongong and town areas under the provisions of the Fire Brigades act, 1989.

Each fire district should be responsible for its own fire management policy with priority in respect of the bushland urban interface

At each fire district, the equivalent of a fire control officer, and also a prevention officer should be permanent positions with responsibility for Fire Management policy. There should be appropriate resourcing to ensure policy objectives are achieved.

It should be the responsibility of the dedicated Fire Control Officer, to formulate Fuel Management and Operational Plans for the fire districts in association with permanent, dedicated officers from National Parks & Wildlife Service, State Forests, the Police Service, and local Councils. Such planning operations could be set up by Regulation under the Fire Brigade Act with the Fire Control Officer being accountable through his command structure to the Board and the Minister.

The Fire Brigades Act, 1989 should be amended to provide for a Board of Commissioners and to give the Board and its Fire Control Officers jurisdiction, powers and authority to Plan (similar to S.41A of the Bush Fires Act, 1949); and functions similar to S.41B and Section 13 & 14 of the Bush Fires Act, 1949.

It has to be emphasised that these powers must be given to the NSW Fire Brigade in respect of their fire districts, so that fire hazards can be quickly identified and reduced by a permanent, dedicated service, within the windows of opportunity as they arise. These powers are necessary to obtain objectives on the bushland-urban interface.

In an emergency fire and in respect of all fires, the NSW Fire Brigade should coordinate all operations where fires originate in their fire districts. Each fire district, through the Fire Control Officer, should have a structure permanently in place of nominated persons forming an Incident Control System modelled on A.I.I.M.S. (Australian Inter-Service Incident Management System).

All persons who will be expected to participate in a fire operation of a degree of emergency identified in the operational plan should be trained to understand the Australian Inter-System Incident Management System.

Section 22A hearing

Whilst all fire fighting during emergencies involving inter agencies should be based on cooperation, the presence of representatives of the Board of Commissioners and regulations under the Fire Brigades Act should ensure acceptance of responsibility and accountability. If necessary there should be complementary amendment of existing legislation governing other agencies to ensure cooperative fire management and operation.

The provisions of S.41F of the Bush Fires Act, 1949 should not be applicable to fire fighting operations in NSW Fire Brigade fire districts. There should be maintenance of a provision within the Fire Brigades Act, 1989 whereby the NSW Police Service and State Emergency Services give all necessary assistance to the NSW Fire Brigade where an emergency falls short of a declaration of a State of Emergency.

In the case of a fire emergency under the provisions of the Fire Brigades Act, 1989, when members of the Police Service are giving such assistance to the operation, their specific powers in respect of evacuations and road closures should be set out in the Fire Brigades Act, 1989.

The NSW Fire Brigade are presently structured to Regions, Zones and Districts with access to the 000 communications system and their areas relate to Council areas.

## Section 22A hearing

**Rural Fire Service**

There should be a Rural Fire Service with a command structure from the Board of Commissioners through a commander incorporating Fire Control Officers and voluntary bush fire brigades.

Each fire district (schedule 3 and section 17) as set out under the provisions of the Bush Fires Act, 1949 should be maintained and identify as closely as possible to existing Local Government areas.

The provisions of the Bush Fires Act, 1949 should regulate the Rural Fire Service with amendments to account for new administrative, management and control arrangements.

The provision of a permanent, structured, Rural Fire Service with greater presence in priority areas, should also provide for the Volunteer Brigade component in the same way as retained personnel are part of the NSW Fire Brigade organisation.

The provisions of S.41F of the Bush Fires Act, 1949 should be repealed with all operations being coordinated by the permanent command structure.

There should be no provisions in the Act relating to the Bush Fire Council, Those functions, duties and responsibilities should be taken over by the Board of Commissioners and provided for in the Bush Fires Act, 1949.

In each Council area, the responsibilities for volunteer Bush Fire Brigades should be taken over by the Fire Control Officer who would be employed by the Government Department charged with the administration of the Fire Services. Existing volunteer bushfire brigades should be taken over by the Fire Control Officers already having responsibility for their management.

Each Bushfire district should have a Fire Control Officer and a Prevention Officer dedicated to Fire Management Policy and responsibilities comparative to those already outlined for the Metropolitan Fire Service in these recommendations.

Like the NSWFB Fire Control Officers, they should be responsible and accountable for Fuel Management and Operational Planning at the Local level. This planning activity should occur in association with permanent dedicated officers from National Parks & Wildlife Service, State Forests, NSW Police Service and local Councils, set up by regulation under the Bush Fires Act, 1949. Such Fire Control Officer being accountable through his command structure to the Board of Commissioners and the Minister.

It should be emphasised that a permanent structure and dedicated personnel are imperative to achieve objectives of identification of fire hazards and reduction by a permanent service within the limited windows of opportunity, so as to protect assets at risk in the Rural areas.

The Fire Control Officer, with a permanent Rural Fire Service in place within his District should be the Coordinator of Fire Fighting Operations.

Each Fire District, through the Fire Control Officer, should permanently have in place a structure of nominated persons forming an Incident Control System modelled on A.I.I.M.S. (Australian Inter-Service Incident Management System).

All persons who will be expected to participate in a Fire Operation of a degree of emergency identified in the operational plan, should be trained to understand the Australian Inter-Service Incident Management System.

There should continue to be provision in the Bush Fires Act, 1949 whereby the NSW Police Service and State Emergency Services give all necessary assistance to the Rural Fire Service where an emergency falls short of a declaration of a State of Emergency.

Specific powers of evacuation for members of the NSW Police Service, Emergency Services and the Rural Fire Service should be set out in the Bush Fires Act, 1949. Specific Police powers in respect of road closures should be provided.

When structuring the Rural Fire Service, consideration should be given to providing Regions, Zones and Districts comparable to those designated to Metropolitan Fire Service areas.

Both the Metropolitan Fire Service and Rural Fire Service should utilise a computer system linked to the NSW Police COPS Computer. There should be a facility whereby, in cases of deliberate lit fires particularly, they can be identified and investigated at the earliest point of time. Such a procedure should be used to assist in forming profiles of offenders. It follows that both the Metropolitan Fire Service and the Rural Fire Service should be supported by a well resourced Fire Investigation Unit.

## COMMUNICATIONS

The Court recommends to the Government of New South Wales that it ensures the Government Radio Network is implemented totally to provide an effective radio communications system for the Fire Services of New South Wales, including an efficient fire ground communications system which will enable all fire fighters participating in operations to communicate with each other and the Fire Control Centre.

Section 22A hearing

## BUILDING CODES

The Court recommends to the Government of New South Wales that the Australian Standard 3959, "Construction of Buildings in Bushfire prone areas" be adopted within the State of New South Wales.

## AMALGAMATION OF FIRE SERVICES

The Court recommends to the Government of New South Wales that, ultimately, consideration be given to the reformation of all legislation covering the provision of fire services in New South Wales to provide a single Fire Service under a single Act of Parliament, amalgamating the Metropolitan and Rural Fire Services.

J.W.Hiatt

Senior Deputy State Coroner

28th February, 1996

## Appendix 4 – Auditor-General’s Recommendations

(Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, December 1998, pp7-9)

### Recommendations

It is recommended that:

1. The RFS and local government give higher priority to addressing outstanding issues regarding FCOs.
2. All rural fire fighting authorities take adequate action to ensure that:
  - there is agreed understanding on the Incident Control System and the roles and responsibilities of each functional area in the Incident Management Team
  - training for prospective Incident Control Team members be undertaken to reinforce such an understanding at all levels of operation.
3. Bush fire management committees be required to develop adequate communications strategies for their rural fire district and that these strategies be:
  - promulgated widely amongst all relevant stakeholders
  - supported by brief checklists to be completed at the commencement of a fire activity.
4. Priority be given to addressing the difficulties with radio communications amongst rural fire fighting authorities. If a single radio communication system for all agencies is not feasible then adequate communications protocols should be developed.
5. The RFS:
  - develop and promulgate comprehensive guidelines on what is allowable expenditure under s44 arrangements
  - enhance finance and purchasing training for personnel undertaking the logistics function.
6. The procedures for requesting aircraft in fire suppression activities be reviewed to include more objective and quantifiable criteria for fire controllers requesting aerial assistance.

7. A standard suite of performance measures be developed for use by all rural fire fighting authorities when reporting on fire suppression activities.
8. The RFS review the administrative procedures applying to the RFFF to:
  - clarify RFFF expenditure guidelines
  - better define the roles and responsibilities of RFS regional and head offices to remove existing duplication of activities
  - identify methods to simplify budget allocation procedures, for example through the use of standard maintenance costing methods for light, medium and heavy tankers
  - improve local level record keeping and inventory controls for firefighting equipment.
9. The RFS:
  - undertake education activities for councils, FCOs and brigades on the objectives of, and the rationale behind, the SOFC methodologies to address current misinformation
  - encourage local government in all rural fire districts to develop long-term equipment replacement plans.
10. The Government, rural fire fighting authorities and local government develop cooperative arrangements to identify and then facilitate the sharing of resources. The long-term objective of the process should be to rationalise resources in regions according to risk.
11. As a matter of priority guidelines be enhanced to assist fire management committees comply with differing legislative requirements.
12. Hazard reduction reporting requirements be enhanced to include analysis after wildfires occur of the effectiveness of any hazard reduction activities.
13. The RFS and BFCC review the adequacy of existing strategies to promote community involvement in their own protection.
14. The RFS, in consultation with local government, continue if not accelerate efforts to:
  - determine the training needs for all rural fire districts in the State
  - determine the level of training infrastructure required to address that need
  - develop and implement strategies to encourage more volunteers to become certified trainers and assessors.

## **Appendix 5 – RFS updated response to Auditor-General’s recommendations**

(Correspondence received from RFS, dated 21 March 2000)

**Question on Notice – page 18: The Hon. Richard Jones MLC to Commissioner Koperberg, 29 February 2000**

Update of Appendix 1 – “Performance Audit Report – The Co-ordination of Bushfire Fighting Activities

**NOTE:** *Bold text denotes amendments to the document*

<b>SUBJECT</b>	<b>AUDIT OFFICE COMMENT</b>	<b>RURAL FIRE SERVICE RESPONSE</b>
RURAL FIRE OPERATIONS ....	<p>Local cooperative arrangements, stakeholder participation and the effectiveness of local bush fire management committees vary across rural fire districts.</p> <p>A number of issues have arisen in recent years over the responsibilities of the NSW Fire Brigades and the RFS. Issues include areas of responsibility, joint operations, common training and equipment, and how to determine boundaries between the two services. Several strategies are being pursued to address these issues and cooperative efforts are apparent, and progress is being made.</p>	<p>While considerable progress has been made in establishing a framework for cooperation between rural firefighting authorities in recent years there is clearly scope for further improvement.</p> <p>The strategies underpinning the cooperative framework include:</p> <ul style="list-style-type: none"><li>▪ a Memorandum of Understanding between the NSW Fire Brigade and the NSW RFS in 1996</li><li>▪ the progressive establishment of local mutual aid agreements at the interface of Fire District and Rural Fire District boundaries</li></ul> <p><b>Guidelines for the development of Mutual Aid Agreements have been produced and promulgated to all Rural Fire Service Fire Control Officers and NSW Fire Brigades Zone Commanders to aid in the development and establishment of local Mutual Aid Agreements.</b></p> <p><b>Whilst a significant number of Mutual Aid Agreements have already been completed, the Fire Service Joint Standing Committee have issued a directive to ensure the completion of Mutual Aid Agreements by 30 June 2000 for all areas where there is an interface between the NSW Fire</b></p>

		<p><b>Brigades District and NSW Rural Fire Service District.</b></p> <ul style="list-style-type: none"> <li>▪ conducting joint training exercises for operational personnel</li> <li>▪ sharing training facilities and resources</li> <li>▪ the ongoing review of Fire District and Rural Fire District boundaries</li> </ul> <p>Guidelines for the review of Fire Services boundary adjustments have been provided to all Rural Fire Service Fire Control Officers and NSW Fire Brigades Zone Commanders to aid in the process of boundary review. This has been promulgated Statewide and is an ongoing process with reviews being conducted periodically.</p> <ul style="list-style-type: none"> <li>▪ the preparation of operational plans by bush fire Management Committees</li> </ul> <p><b>Please refer to Attachment 1.</b></p>
<p><b>Dual Accountability</b></p>	<p>The issue of dual accountability that exists for fire control officers (FCOs) remains to be resolved between the RFS and local government. Although this has been a long identified problem, little progress has been made on this issue.</p>	<p>The Rural Fires Act clearly contemplates the accountability of Fire Control Officer (FCOs) to both:</p> <ul style="list-style-type: none"> <li>▪ the Commissioner in respect of operational matters, and</li> <li>▪ local government as employees of local councils and in their day to day management of rural fire brigades.</li> </ul> <p>Negotiations between the NSW RFS and local councils to resolve any difficulties that arise over the daily management of the FCOs receive the highest priority. In fact a Ministerial Working Party comprising Local Government and Shires Association and NSW RFS representatives has been established to consider this issue. While there exists a high degree of co-operation between the NSW RFS and many local councils there remains strong</p>

		<p>opposition by other local councils to any form of NSW RFS intervention in rural fire management affairs, let alone the direction of FCOs.</p>
<p><b>Incident Control System</b></p>	<p>There are conflicting reports on the success of the Incident Control System (ICS) in NSW which defines the responsibilities and activities for the control of fire operation and the management of resources during those operations.</p> <p>Differences arise because some agencies, particularly NPWS, have adopted the full national ICS structure which gives control of resources to the operations officer. RFS, on the other hand, had adapted a NSW rural ICS model, whereby individual agencies retain operational as distinct from strategic control over their resources.</p>	<p>The Bush Fire Coordinating Committee (BFCC) is aware of use of different operations management systems by rural firefighting agencies and intends to examine the issue of a common ICS for coordinated bushfire fighting. However, the BFCC remains of the view that it is the province of individual firefighting agencies to select an ICS structure suitable to its operational needs when acting outside the coordination system.</p> <p><b>The Bush Fire Coordinating Committee is considering the issue of ICS systems as part of the work of the Operations Standing Committees role in the revision of the Manual of Coordinated Fire fighting.</b></p> <p><b>The position of the NSW Rural Fire Service has not changed at this point.</b></p>
<p><b>Communications</b></p>	<p>Communication during fire suppression activities require improvement. Communication blockages amongst members of the Incident Management Team (IMT), between fire sector commanders and the IMT, and to other emergency response agencies, adversely affected several major fire operations last season.</p> <p>Fires during the last season highlighted operational problems from fire fighters not being able to contact each other directly by radio. This difficulty arose partly because RFS use different radio systems to NPWS and State Forests. Agencies have incurred the additional</p>	<p>The NSW RFS has concerns about the way in which Incident Management Teams (IMTs) are structured in certain circumstances and the implications for communications among IMT members and between the MIT and other operational personnel, for example fire sector commanders.</p> <p>Earlier this year following certain operational difficulties in the management of a large bushfire in the west of the State, I directed the inclusion of at least one representative of local rural fire brigades on IMTs when formed to ensure local input into the decision making process. The BFCC will further consider the issue.</p>

expense of purchasing mobile radios capable of communicating directly with other systems. This seems an unnecessary duplication of resources. Further work on addressing radio communications needs to be undertaken as a priority.

**As a result of identifying concerns about the way in which Incident Management Teams (IMTs) were being structured in certain circumstances and the implications for communications among IMT members, and as a result of my direction for the inclusion of at least one representative of local rural fire brigades on IMTs when formed to ensure local input into the decision making process, the Service has released a Service Standard that specifically addresses this issue and ensures that a local volunteer is included on the Incident Management Team.**

From a technical perspective some difficulties have been experienced with radio communications on the fireground. The NSW RFS is progressively addressing these difficulties by complementing the Government Radio Network (GRN) where it does not adequately service the operational needs of Rural Fire Brigades with a UHF Private Mobile Radio Network.

**Difficulties caused by the then disparate nature of the Service's radio communications platform were consistently highlighted by Senior Deputy State Coroner Hiatt in his deliberations into the 1994 fires.**

Communications  
cont....

**Since that time the Service has embarked on a major restructuring of its communications capability. The Service adopted the new Government Radio Network (GRN) and a compatible Ultra High Frequency (UHF) Private Mobile Radio (PMR) system for those areas outside the coverage range of the GRN. Following some performance and coverage inefficiencies with the GRN, the Service has provided for a UHF PMR solution to all local areas across the State for tactical-type communications.**

Communications  
cont....

**The Service now has an integrated communications system comprising:-**

- **UHF Strategic Network - a UHF Strategic Network linking local areas to Regional Offices and State Operations, as well as inter agency communications with other fire related Agencies;**
- **GRN - for Strategic, inter agency and other ancillary-type communication needs. This is limited to the GRN coverage area;**
- **Very High Frequency (VHF) - hand-held and portable repeater communications, principally between tanker and firefighter;**
- **UHF Ambulatory – a combination of “car-to-car” and transportable repeaters providing for additional channels and infill coverage;**
- **VHF Paging – a stand-alone and integrated network provided to local areas for call out of Brigades to incidents and sending of general information.**

**The Service also utilises UHF CB, particularly in Western parts of the State for intercommunications with other Agencies and community members.**

**The Service has recently completed a Statewide reprogramming of all radios incorporating all UHF channels, including PMR, Stratnet, GRN and ambulatory, and ensuring a standard level of functionality in all units. This allows for Service units to be deployed to other areas of the State and be able to maintain common communication with other Service units.**

**Fire Prevention**

Present resource allocation methods place great emphasis on resourcing fire suppression activities. The same level of resourcing is not available for fire prevention activities.

It is true that the majority of available funding is directed toward fire suppression as opposed to prevention activities. No matter how successful a fire prevention program may be the nature of a bush fire is such that a single ignition source can result in a fire burning over the thousands of hectares and threatening assets over a wide area. There are still parts of the State where firefighting resources require upgrading and therefore I expect considerable expenditure on fire suppression hardware for years to come.

This is not however, at the cost of prevention activities, community education, community fireguard, awareness programmes and hazard reduction activities that continue to be well funded.

**Use of Aircraft**

Concerns have been expressed by some people over the number of aircraft being used in fire fighting and the cost that this represents. Aircraft are an expensive resource with limited effectiveness. Analysis into the effectiveness of using aircraft in rural fire fighting by those responsible would be of benefit.

**The Rural Fire Service recognises that aircraft are an expensive resource and that they do not suppress fires on their own. Aircraft are a tool that may be used to support ground base firefighting operations and may not necessarily be required on all occasions.**

**Over recent years, the Rural Fire Service has incorporated aviation into its fire management practices including tasks such as reconnaissance, transport, firefighting support to ground crews. The Service has aligned its practices to world standards deployed in other Australian states and major fire fighting agencies internationally.**

**To ensure the effective and efficient utilisation of aircraft, the Service employs aircraft on stand-by contracts and a casual hire basis. The stand-by contracts currently provide**

<p><b>Use of Aircraft</b> <b>cont...</b></p>		<p><b>for two fixed wing aircraft based at Scone and Goulburn, and two medium helicopters based at Bankstown during the bush fire season. A number of other aircraft and helicopters are available to support these contract arrangements including National Parks, State Forests, NSW Police and more than 100 private operators registered in all areas of the State.</b></p> <p><b>Additionally, the Service trains a number of specialist air and ground crew personnel to support the management of aviation resources including air attack supervisors, air observers, airborne system operators, air operations managers, airbase and helibase managers and airbase operation personnel.</b></p>
<p><b>Post Evaluation</b></p>	<p><b>Fire</b></p> <p>The assessment and evaluation of fire fighting operations is yet to be achieved satisfactorily. There is usually no overall formal assessment of strategies used in fighting each major fire. There are no specific performance measures of economy, efficiency and effectiveness in place, and no formal evaluation of an agencies' effectiveness in fire suppression activities was evidence during the audit.</p> <p>It is acknowledged that difficulties exist in measuring and quantifying performance because of the number of variables: weather; terrain; risks; resources available; fuel levels; making each fire different. Nevertheless, the demands of effective decision making require further effort to be made to develop relevant, comprehensive and quantifiable performance measures. This would also help accountability and transparency of decision making.</p>	<p>In most major incidents, debriefing processes do in fact occur. These are designed to specifically identify the value of strategies and to address problems that may have arisen during the management of the incident.</p> <p>A more formal evaluation process will be developed and debriefing guidelines incorporating issues of particular focus will be issued.</p> <p><b>A Coordinating Committee – Operations Working Party, is currently in the process of rewriting the policy and procedures manual which will address this issue.</b></p>

RURAL FIRE RESOURCING....

**Sharing of Resources**

At present there is duplication of resources (stations, equipment and personnel) in many areas of the State and existing facilities could be better utilised. There are generally no agreements amongst agencies on resourcing levels required in rural fire districts or on the sharing of resources. Examples of shared operations facilities elsewhere indicate that potential exists for gains in efficiency and effectiveness (from better coordination and cooperation) and for capital and recurrent cost savings (from rationalisation and sharing of expensive capital facilities and operational resources).

The NSW RFS supports the notion of resources sharing and in this respect a growing number of joint NSW RFS/State Emergency Service (SES) facilities can be found throughout the State.

Further opportunities exist for capital and recurrent cost savings and therefore the NSW RFS and SES management continue to encourage local government to provide infrastructure on a shared basis.

Furthermore efforts are being made by the NSW RFS to provide resources such as fire control centres, catering and communications facilities on a zone basis enabling them to be shared by a number of local Councils. Similarly, the NSW RFS is encouraging local government councils to share key NSW RFS staff such as mitigation, training and education officers.

**The NSW RFS has undertaken extensive analysis with local stakeholders to ascertain where zoning might occur across the State. The process involves extensive stakeholder consultation with the outcomes being determined by local people. There are encouraging signs that zoning will be implemented in many areas across the State in the next few years.**

<b>Matching Resources to Risk Levels</b>	<p>Each of the rural fire fighting authorities is developing its own model for determining fire risks and resource levels. RFS has developed a Standards of Fire Cover (SOFC) methodology. However, SOFC resourcing recommendations are not mandatory and there is no automatic linkage of SOFC to the resource bidding process.</p>	<p><b>The NSW RFS has recently issued a Service Standard that requires funding allocations to be based upon a Standards of Fire Cover methodology. In addition, the NSW RFS is currently reviewing its Standards of Fire Cover methodology to incorporate the broader principles of risk assessment and Service delivery needs. This amended methodology should be completed and in place for the 2002/2003 financial year.</b></p>
<b>Administrative Procedures</b>	<p>Current administrative procedures for the Rural Fire Fighting Fund within RFS are duplicated with both head office and regional offices undertaking checking and record keeping procedures. Streamlining of procedures while maintaining adequate controls and accountability would bring efficiencies.</p>	<p>The NSW RFS is establishing computerised data-bases to better manage funding and other administrative matters. The distribution and use of a new universal software programme is expected to streamline administrative procedures and processes.</p>

PREVENTION ACTIVITIES....

<b>Impediments to Hazard Reduction Activities</b>	<p>Hazard reduction activities are being affected adversely by uncertainty over the perceived competing requirements of different environment protection legislation. In some areas, bush fire fuel loads have not been reduced for a number of years. This was a source of concern identified in previous major bush fire incidents. More guidance and assistance is required from expert agencies to assist local communities to fulfil their hazard reduction obligations. Reporting of hazard reduction has been uneven and it is difficult to determine how effective hazard reduction has been at a State level. Further analysis needs to be done to develop methodologies to measure the effectiveness of hazard reduction and further refine fire prevention and suppression strategies.</p>	<p>In the light of the finding of the Coronial Inquiry into the January 1994 bush fire emergency that the single most important cause of the devastating fires was the prevailing fuel levels, the NSW RFS has undertaken a massive fuel reduction program.</p> <p>In the last 4 financial years more than <b>2.25 million</b> hectares of land has been hazard reduced by the NSW RFS and other agencies.</p>
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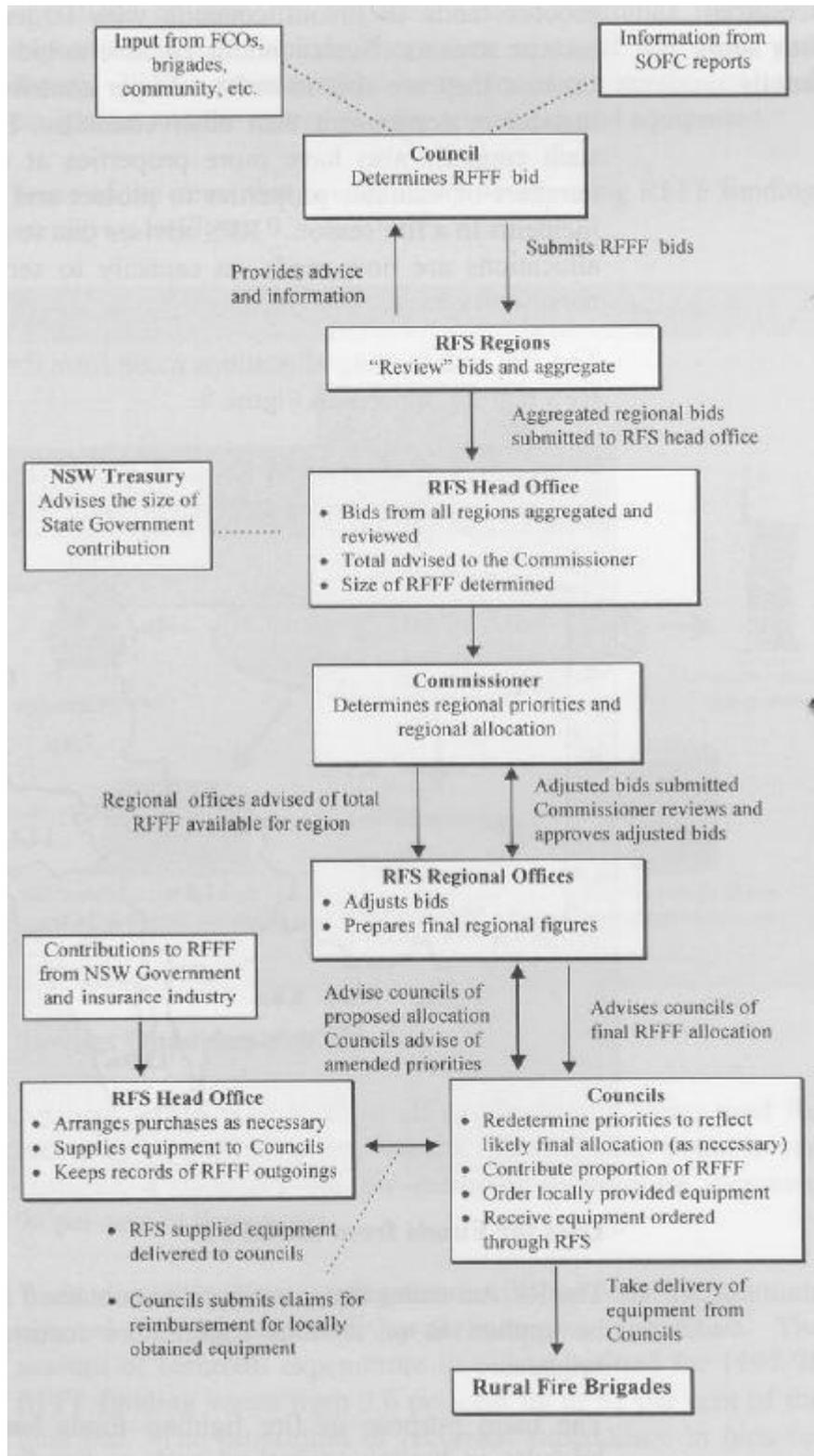
<b>Community Education</b>	Community education programs that target specific and high-risk areas are being developed. However, in the rural fire environment community these programs are just starting.	<p>The NSW RFS Community Fireguard program is designed to involve the community in the development of self-protection measures and also home and property preparation for bush fires.</p> <p>This and other community education programs offered by the NSW RFS are actively promoted by FCOs and volunteers.</p>
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FIRE FIGHTING COMPETENICES AND TRAINING....

<b>Joint Training</b>	There is no central training facility for all NSW fire fighters and training is the responsibility of the individual fire fighting authorities. Although cooperative arrangements exist in such areas as the development of training packages, joint delivery of training and the sharing of training facilities, opportunities exist for further improvements.	Joint training, particularly between the urban and rural fire services occurs and has occurred since the early 1970s. The NSW RFS is often involved in the provision of training to NSW FB officers in terms of bush fire fighting and conversely in the areas of structural firefighting and associated incidents. From time to time, industrial issues will arise to mitigate against the positive benefits such as training, but in the main, focus continues on the development of joint training across a broad spectrum of activity.
<b>Firefighting Competencies</b>	Because there has not been one central rural fire authority, training infrastructure ahs developed without a guiding plan. The distribution of trainers and assessors in NSW is uneven and the effect of this is reflected in the differing levels of fire fighter competency across the State.	In certain areas of the State there remains <b>some</b> opposition to formal training of volunteer firefighters. <b>Given that the implementation of training is largely a local matter</b> , it is hardly surprising that the greatest successes of volunteer firefighter training are in those areas which have most <b>receptivity</b> to this activity. Nevertheless, there exists a high level of competency throughout the NSW RFS and the extent of competency <b>certificate</b> is expanding rapidly.

## Appendix 6 – RFFF bid/allocation process

(A-G, Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, Dec 1998, p47)



## **Appendix 7 – RFS Communication Strategy**

(Tendered by Commissioner Koperberg at hearing on 24 March 2000)

### **Rationale**

One of the greatest challenges facing any organisation is the provision of effective communication. The issue is common to all manner of enterprise and few, if any can claim to have it 'right'. The ones that do get it right are those that commit to the process from Senior Management through to the newest and youngest member of the organisation.

The Rural Fire Service is no exception and if there is a common thread which runs through our collective considerations, it is that of improving service wide organisational communication and whilst it is one of the most difficult problems to resolve, it is also one of the most critical. Many channels of communication are in place throughout the Service, yet they are still not used effectively. In some parts of the organisation communication is very effective and in other parts it is almost non-existent or problematic.

All office holders have a key responsibility to ensure that the Service's communication system can meet the following range of challenges:

How can instructions and information be passed without distortion from one part of the Service to the other?

How can people responsible for making decisions and organizing action at the top of the organization be kept informed of what is happening throughout the organisation?

How can people at the same level keep in touch with each other's activities to ensure co-operation and co-ordination?

There are no easy answers to these questions, but they must be addressed. Answers need to take account of the characteristics of the Service, the people and various groups which make up the Service, and the behavior and attitude of these people. Behavioral change is required in many instances and this will not happen overnight.

The following framework ensures that key stakeholders within the Service participate in a more cohesive and structured Communication strategy. The framework presented below is the minimum required and is designed to encourage the development of open, inclusive and controlled or directed communication. It shows who is responsible for initiating the meetings, forums or publications and who is responsible for attending the meetings and passing on the information discussed. The Framework shows why and how the messages can "get through"

but it is up to each member of the Service to take responsibility for attending meetings and receiving the information. Information brings with it responsibility and it is time to take responsibility for sending and receiving the right information.

The following framework outlines the first and most basic stage of a long-term Organisational Communication strategy. Service-wide research will be conducted and all members of the Service will be given an opportunity to participate in data collection. The Long-term strategy will involve extensive research and needs analysis on existing practices in order to develop action plans that will address problems in communication. The long-range plans intend to: -

- Continuously improve existing communication channels
- Develop formal reporting structures from sub-committees involved in decision making for the Service
- Engender a culture of open, controlled and inclusive communication where information is passed on and responded to in the most effective way.

**NSW Rural Fire Service  
Communication Framework to integrate information**

<b>Type</b>	<b>Who is responsible for Initiating</b>	<b>What would they be communicating? Why are they communicating?</b>	<b>When (minimum)</b>
Regional Forums	Commissioner and Asst Commissioners	<p><b>What</b> Messages that might be communicated in this channel would include: policy and general service initiatives; new tankers or new fire control centre openings; concerns of members as they inform and react to policy direction; concerns and hopes of members about their local areas and brigades.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ To ensure that all senior management has immediate and regular contact with members across the state and is open to feedback on policy decision making regarding their region, thus keeping in touch with membership at all levels.</li> <li>▪ The Commissioner and Assistant Commissioner available for ceremonial events to recognise and acknowledge the efforts of all members of the Service.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Min 5 visits</li> <li>▪ Needs basis</li> </ul>
Corporate Executive Group Committees and sub-committees	FCO & Volunteer representatives on Sub-Committees (eg Training, Engineering)	<p><b>What</b> Messages that might be communicated in this channel would include: collecting information from districts they represent to inform representation on each sub-committee. This information would be directly related to the decisions being made by each sub-committee (eg engineering designs etc). Representatives on these meetings must also be able to communicate effectively the input of those they represent.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ Disseminating decision making outcomes back to members</li> <li>▪ Collecting information and issues and ensure adequate representation of each at relevant committee</li> </ul>	Min 4 p.a for each committee meeting.

Type	Who is responsible for Initiating	What would they be communicating? Why are they communicating?	When (minimum)
Senior Management Meeting	Commissioner	<p><b>What</b></p> <p>Messages that might be communicated in this channel could include: collecting and disseminating information on Service Direction, Ministerial and Cabinet decisions, strategic direction, updates from other agency committee participation.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ Disseminating and consultative decision making by Senior Management with maximum input on activities by all Sections and Departments under the management of and represented by each Assistant Commissioner.</li> <li>▪ Collecting information and issues to inform Departments and Sections under the management of each Assistant Commissioner</li> </ul>	Min fortnightly
Departmental Meetings	Assistant Commissioners	<p><b>What</b></p> <p>Messages that might be communicated in this channel could include outcomes of CEG, Senior Management Meetings; requests for information to inform business planning and management issues of concern to the Department. Messages might also include responses from visits to Regions and Districts.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ To ensure adequate consultation with each Department requiring input from and to salaried and volunteer members on Service direction and management.</li> </ul>	Min Monthly
Department Managers Meetings	Managers of Departments	<p><b>What</b></p> <p>Messages that might be communicated in this channel could include discussion on directives and decisions made by each Department where relevant to others; the sharing of information on business plans and initiatives, discussion of input from Regions and Districts on issues and initiatives of concern to all Departments.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>• To ensure the correct flow of information from one Department to another and from participants on the same level within the Service.</li> <li>• To ensure that all Departments are kept abreast of activities and initiatives in other Departments and Sections to benchmark effective performance.</li> </ul>	Min Monthly

Type	Who is responsible for Initiating	What would they be communicating? Why are they communicating?	When (minimum)
Regional Co-ordinators conferences	Head Office	<p><b>What</b></p> <p>Messages that might be communicated in this channel would include: full briefings by Departments and Sections of Head Office as to issues requiring Regional input and dissemination. These will vary from Section to Section and could include new training programs in development, new design progress, research programs, strategic initiatives, HR issues and performance management, estimates and funding updates, service standards etc.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ Sectional Managers will ensure current issues and proposed policy positions shall be adequately discussed with Regional Co-ordinators and Deputy Regional Co-ordinators with an expectation for further dissemination and consultation and to promote service initiatives and policy decisions</li> </ul>	Min 5 p.a.
Fire Control Regional conferences	Regional Co-ordinators	<p><b>What</b></p> <p>Messages that might be communicated in this channel would include: full briefings by Regional staff on issues and decisions requiring input and dissemination. Some information will vary from Region to Region depending on the local concerns. The issues should directly relay information given at Regional co-ordinators conference at Head Office and might include information on new training programs in development, new design progress, research programs, strategic initiatives, HR issues and performance management, estimates and funding updates, service standards etc.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ Conferences are intended to facilitate the Regional Staff the opportunity to promote ideas to salaried staff who will pass it on to brigades. Regional staff needs to have a tangible and motivating presence face to face and these afford the most cost-effective way of giving and receiving information on key issues.</li> <li>▪ Sectional managers to be available for specialist advice on request from Regional Staff.</li> </ul>	Min 2 p.a.

Type	Who is responsible for Initiating	What would they be communicating? Why are they communicating?	When (minimum)
Regional visitations to Captain Meeting	Regional and Deputy Co-ordinators	<p><b>What</b></p> <p>Messages that might be communicated in this channel would include: full briefings by Regional staff on issues and decisions of immediate concern to their local areas. These might include an update on training opportunities, new tanker allocation, new Service Standards, new recruitment initiatives or promotional activities, new strategic or organisational management issues, recognition ceremonies or forums in their Region and District. These forums for instance could be used to actively encourage nomination of brigade members for recognition by the Service. It is essential these forums are well-structured to collect information as much as distribute it.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ To attend a District Group Captain/ Captains meetings in order to discuss a range of issues pertinent to the local areas and disseminating information of other service forums and to keep in direct contact with brigade management to collect information of concern to members in the Service..</li> </ul>	Min 4 p.a.
Captains/ Group Captains Meeting	Fire Control Officers	<p><b>What</b></p> <p>Messages that might be communicated in this channel would include: full briefings by District staff on issues and decisions of immediate concern to their local areas. These might include an update on training opportunities, new tanker allocation, new service standards, new recruitment initiatives or promotional activities and the announcement of changes of office holders or recognition of members in their brigades. These forum need to be well-structured and led by the Fire control staff, and held as regularly as possible to encourage an open flow of information to and from decision makers. These forums could be used to conduct consensus decision-making processes, the outcomes of which could be disseminated in a newsletter within each District.</p> <p><b>Why</b></p> <ul style="list-style-type: none"> <li>▪ Group Captains and Captains to attend a district Group Captain/Captains meeting in order to discuss a range of issues pertinent to the local areas and disseminate information from other service forums. Brigade office holders and managers need to take responsibility for seeking information and passing information on to members.</li> </ul>	Min 2 p.a.

Type	Who is responsible for Initiating	What would they be communicating? Why are they communicating?	When (minimum)
District General Volunteer forums	Fire Control Officers	<p><b>What</b></p> <p>Messages that might be communicated with this channel would be those of concern to the district overall – these might be strategic direction of the Service, contributing to the district strategic planning process. New Service Standards, new policy issues, new promotional activities, Award ceremonies, new fire control centre or brigade stations, new fire control staff. These forums should be used to encourage open discussion, Q&amp;A from members on issues of concern to their local area. The forum should also be used to seek consensus on decision-making pertinent to their district and the results of which could be issued in the newsletters sent out to districts. These forums could be used to seek nominations for Service recognition and awards.</p> <p><b>Why</b></p> <p>To bring volunteers of the district in a general assembly to discuss pertinent issues and to disseminate current information about service initiatives</p>	Min 1 p.a.
Publications (Bulletin/Web/ Newsletter)	Public Affairs/ Media Unit	<p><b>What</b></p> <p>Publications should be used by all stakeholders and be relevant to all members of the Service. Monthly newsletters and Quarterly publications and Web chat pages and media releases are the most far-reaching and most consistently reliable method for disseminating information for both immediate and continuous means. Therefore it needs to be all things to all people. To balance new initiatives, announcements, seek information (surveys) against news of existing or long-standing initiatives.</p> <p>All sections of the service, at all levels should be responsible for using these publications to disseminate information. Notification of publication dates is issued to all staff and all staff must be responsible for sending information in. Messages might include research issues, educational information to underpin a new program (ie what does <i>Service Delivery</i> really mean?); explanation of new equipment design and use; explanation of new training available; surveys seeking information on brigade membership trends, training trends and recognition of achievements.</p> <p><b>Why</b></p> <p>To present information in the most reliable, consistent and clear way so that members can access information when they need it and be updated on activities and achievements of districts outside their own immediate vicinity. In this way, members can be informed directly of decisions being made and be updated on initiatives and strategies undertaken by the service.</p>	Min 4 p.a (Bulletin)  Monthly Quench  Weekly Web update

Type	Who is responsible for Initiating	What would they be communicating? Why are they communicating?	When (minimum)
Publications (Newsletter)	Fire Control Officer	<p><b>What</b></p> <p>Messages that could be communicated with this channel would be outcomes of brigade forums and Captains meetings in each of these districts. The newsletter, like <i>Quench</i>, could be used to update brigades on issues of concern at the time of issue (eg Fires or emergencies). The newsletter should reflect input from brigade members and may be used to actively promote brigade activities. Messages of recognition may also be used through this channel.</p> <p><b>Why</b></p> <p>To ensure that the most reliable, repeatable and consistent information flow supplements the face to face forums and meetings for all members in the district. To keep members up to date with information of a technical or specific nature that is better communicated in writing or in technical diagram.</p>	Min 4 p.a.

These guidelines come into effect immediately.

### *Head Office Departments and Sections*

- Each Department include a *Communication Plan* in its current business planning process using at least the framework of communication channels listed above. This Communication Plan must comply with the minimum requirements (ie Frequency) as outlined above.
- Each Department and Section factor in Regional Co-ordinator meetings at Head Office to ensure that they present new issues to Regional Co-ordinators, and ensure that this staff have adequate support to conduct briefings on the issue in their Regions. This does not mean that the Department needs to send specialist staff out to Regions, rather that Regional staff be fully briefed and trained to facilitate issue management on their own. Highly technical information may need to be communicated by diagram and writing as well or if necessary may need to have specialist staff attend briefing meetings, but this would be as requested by Regional Staff on a needs basis only.
- All Assistant Commissioners are responsible for disseminating dates of Regional and District meetings to their staff, to facilitate the attendance of specialist staff as required.
- All Departments and Sections regularly inform Public Affairs and Media Unit of activities, issues, research and development, new policies, initiatives etc for dissemination throughout the Service, through the *Bushfire Bulletin*, *Quench*, *Firechat* and the Web site.
- The equivalent of an editorial board or committee under the direction of the Editor is established for the *Bushfire Bulletin*. This committee will be responsible for overseeing adequate representation of all stakeholders in this key publication.
- The appointment of Staff to pro-actively conduct interviews, as directed by the Editor and committee with Head Office/Regional and District staff to ensure adequate stakeholder representation in the copy being published and to ensure deadlines are met and appropriate levels of technical writing skill be upheld.
- Head Office Media Unit issue guidelines for Districts to write regular newsletters on request.

*Regional staff*

- Each Region issues a full list of dates for its FCO conferences twelve months ahead to ensure adequate representation from all stakeholders (eg Head Office departmental staff and volunteer representatives (if required)).
- Each Region issues dates for Group Captains and Captains meetings to Fire Control Staff and volunteers and to Assistant Commissioner, Regional Management to facilitate the flow of information and planning for specialist staff if required.
- Each Regional Staff issue information to Fire control staff for inclusion in their newsletters or for Group Captain/Captain meetings. This means the promotion of open and direct communication to assist in promoting service initiatives and receiving responses and feedback when required.
- Each Regional Office to send information in time for deadlines for the Bushfire Bulletin and to notify Public Affairs and the Media Unit for information to be included on the Web or *FireChat* or *Quench*.

*Fire Control Staff*

- Fire Control Staff issue the dates for their Group Captain and Captain meetings and quarterly newsletters to Regional staff and volunteers to ensure that the frequency is adhered to and that Regional staff can facilitate support and up to date information.
- To be responsible for managing the flow of information at each forum and meeting within their district. This means the open and direct communication of information received from Regional Staff to brigades and the open and direct flow of information received from Brigade members.
- Fire Control Staff to issue quarterly newsletters to Brigades in their district. (Guidelines can be obtained from Media Unit). Dates for these newsletters must be forwarded to Regional Offices.

*Sub-committee volunteer representatives and volunteer members*

- Established processes in conjunction with RFSA to ensure training and development of reporting skills for representatives on each of the sub-committees responsible for Training, Engineering and Public Affairs, State Operations.

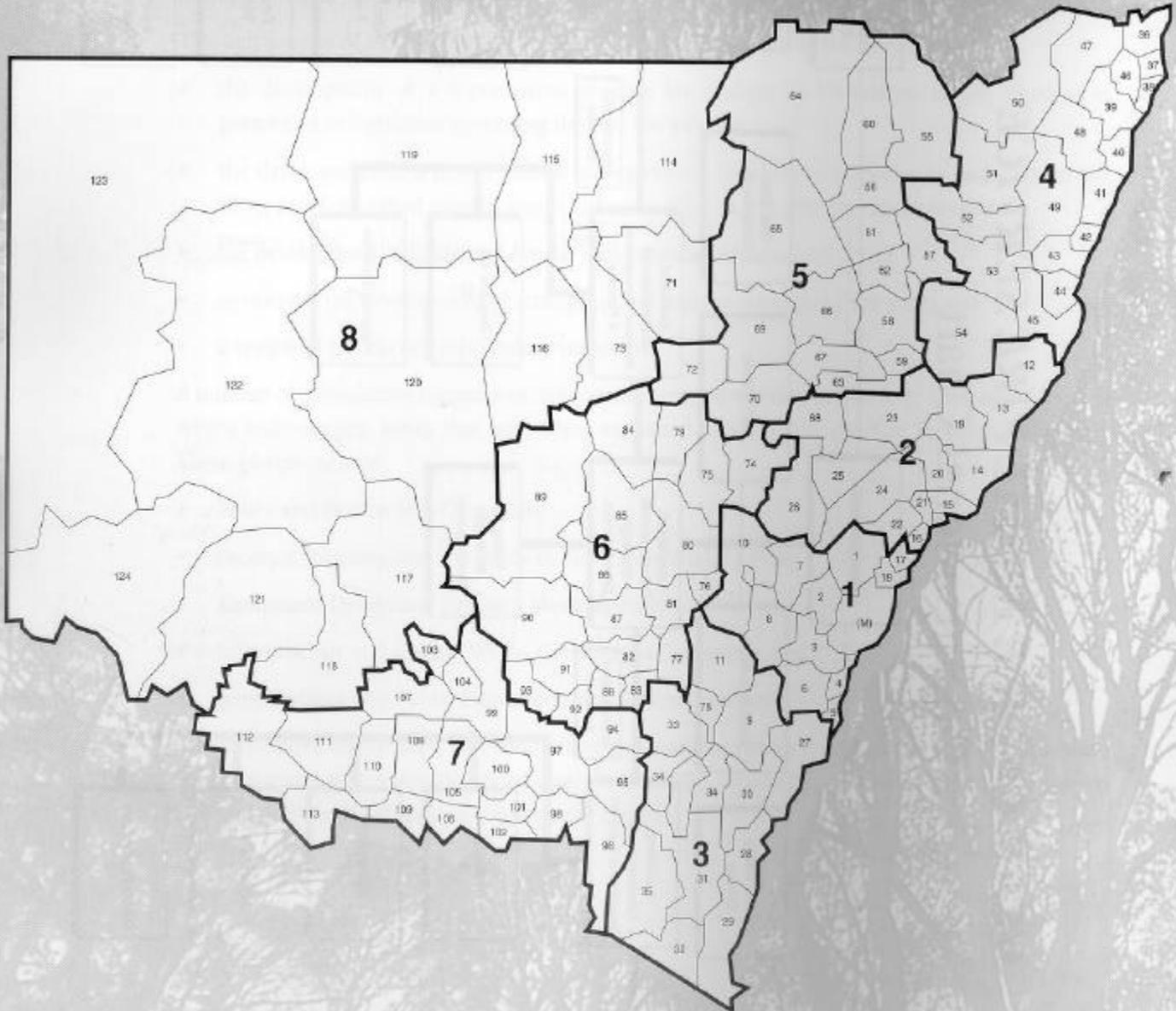
- RFSA to issue process for disseminating representatives' reports on each sub-committee meeting
- RFSA and NSW Rural Fire Service to assist in the facilitation of expressions of interest for sub-committee and working party representatives
- RFSA and NSW Rural Fire Service to develop training programs for representatives requiring communication skills training and report writing skills.

### **Group Captains, Captains and volunteer members of the Service**

- To be available where possible for district meetings with Regional staff and District Staff and to hear the information in an open and receptive manner.
- To take responsibility for contribution of ideas and response to ideas at these forums and meetings to the betterment of brigade members under their charge in their district.

## Appendix 8 – Bush Fire Region Map

(NSW Rural Fire Service, *Annual Report 1998-99*, pp30-31)



On this map of New South Wales local government areas are grouped into Regions. Some of the numbered subdivisions include a Shire plus the adjacent City or Municipality and may include either the whole or part of a Rural Fire District.

## BUSH FIRE REGIONS 1999

### 1 Central East Region

#### (M) Metropolitan includes:

Baulkham Hills  
Blacktown  
Camden  
Campbelltown  
Fairfield  
Hornsby  
Ku-ring-gai  
Liverpool  
Penrith  
Sutherland  
Warringah / Pittwater

- 1 Hawkesbury
- 2 Blue Mountains
- 3 Wollondilly
- 4 Wollongong
- 5 Kiama  
+Shellharbour
- 6 Wingecarribee
- 7 Greater Lithgow
- 8 Oberon
- 10 Evans
- 17 Wyong
- 18 Gosford  
Lord Howe Island

### 2 Hunter Region

- 12 Hastings
- 13 Greater Taree
- 14 Great Lakes
- 15 Port Stephens
- 16 Lake Macquarie
- 19 Gloucester
- 20 Dungog
- 21 Maitland
- 22 Cessnock
- 23 Scone
- 24 Singleton
- 25 Muswellbrook
- 26 Rylstone
- 68 Merriwa

### 3 Southern Region

- 9 Mulwaree
- 11 Crookwell
- 27 Shoalhaven
- 28 Eurobodalla
- 29 Bega Valley
- 30 Tallaganda
- 31 Cooma-Monaro

- 32 Bombala
- 33 Yass
- 34 Yarrowlumla  
+ Queanbeyan
- 35 Snowy River
- 78 Gunning

### 4 Northern Region

- 36 Tweed
- 37 Byron
- 38 Ballina
- 39 Richmond River
- 40 Maclean
- 41 Ulmarra
- 42 Coffs Harbour
- 43 Bellingen
- 44 Nambucca
- 45 Kempsey
- 46 Lismore
- 47 Kyogle
- 48 Copmanhurst
- 49 Nymboida + Grafton
- 50 Tenterfield
- 51 Severn
- 52 Guyra
- 53 Dumaresq
- 54 Walcha

### 5 Castlereagh Region

- 55 Inverell
- 56 Bingara
- 57 Uralia
- 58 Parry + Tamworth
- 59 Nundle
- 60 Yallaroi
- 61 Barraba
- 62 Manilla
- 63 Murrurundi
- 64 Moree Plains
- 65 Narrabri
- 66 Gunnedah
- 67 Quirindi
- 69 Coonabarabran
- 70 Coolah
- 72 Gilgandra

### 6 Central Region

- 74 Mudgee
- 75 Wellington
- 76 Blayney
- 77 Boorowa
- 79 Dubbo

- 80 Cabonne + Orange
- 81 Cowra
- 82 Young
- 83 Harden
- 84 Narromine
- 85 Parkes
- 86 Forbes
- 87 Weddin
- 88 Cootamundra
- 89 Lachlan
- 90 Bland
- 91 Temora
- 92 Junee
- 93 Coolamon

### 7 Riverina Region

- 94 Gundagai
- 95 Tu m ut
- 96 Tumbarumba
- 97 Wagga Wagga
- 98 Holbrook
- 99 Narrandera
- 100 Lockhart
- 101 Culcairn
- 102 Hume+Albury
- 103 Griffith
- 104 Leeton
- 105 Urana
- 106 Corowa
- 107 Murrumbidgee
- 108 Jerilderie
- 109 Berrigan
- 110 Conargo + Deniliquin
- 111 Windouran
- 112 Wakool
- 113 Murray

### 8 Western Region

- 114 Walgett
- 115 Brewarrina
- 116 Bogan
- 117 Carrathool
- 118 Hay
- 119 Bourke
- 120 Cobar
- 121 Balranald
- 122 Central Darling
- 123 Western Division  
Unincorporated Zone
- 124 Wentworth
- 71 Coonamble
- 73 Warren

## Appendix 9 – LGSA Circular 16/00 dated 21 April 2000

ITEM 5 – LOCAL SERVICE LEVEL AGREEMENTS – COUNCILS AND THE NSW RURAL FIRE SERVICE

Contact: Warren Taylor - LGSA

### **The Executives of both Associations have adopted a Statement of Principles to be incorporated into amendments to the Rural Fires Act.**

This would require councils to contract out some or part of their fire management role if the Minister for Emergency Services proceeds with his intention of making Fire Control Officers employees of the RFS.

One of the principle concerns expressed by councils during debate on the Rural Fires Bill, was the question of the FCO being accountable to the Commissioner for fire related matters, and to the GM of council for administrative and Local Government Act matters.

The Minister for Emergency Services gave Parliament an assurance that problems arising from the passing of the Rural Fires Act would gradually be resolved by a minister's working party that would include the Associations.

Local fire management issues were discussed at all division meetings in February and March 1999, in response to an options discussion paper issued by the Associations in January 1999. The majority decision from councils was to seek amendment of the Rural Fires Act to give councils a greater say in local fire management, except during times of emergency and develop a strong memorandum of understanding through zone and resource management processes. This has been the basis for recent submissions by the Associations.

The 1999 Annual Conference of both Associations resolved that representations be made to the Premier of NSW to commission a public inquiry into:

- the operational relationship between the RFS and councils
- the functional interrelationship between the NSW Fire Brigade, the NSW RFS and the State Emergency Service of NSW and
- funding issues

with the inquiry to call for public submissions and to make recommendations on alternative service models.

Subsequently, the minister indicated the government saw no need to conduct a public inquiry, but that the minister's working party would give priority to resolving the particular concerns raised by the Associations and Councils.

The Legislative Council announced on 1 December 1999 it would conduct an inquiry into aspects of the RFS and submissions were invited from many stakeholders closing on 31 January 2000.

The Associations and many councils prepared detailed submissions to both review processes.

The minister's working party has met on a number of occasions, with the Associations stressing the need to overcome unacceptable dual accountability problems, and a range of other issues.

The minister indicated to the chairperson of the working party that the Associations' submission was unacceptable and would perpetuate the dual accountability role where much of the FCOs duties are already specified by the Rural Fires Act as being accountable to the Commissioner. If the Associations' submission was adopted, the minister considers fire services would return to the criticisms raised by Coroner Hiatt about there being 142 uncoordinated separate fire fighting organisations in NSW.

The Associations' representatives saw these opinions as totally unacceptable, because the only responsibilities that would remain with council were

- to pay the 12.3% contribution
- or, in some cases, retain the important role of liaising with and managing volunteer matters.

In the event the minister perseveres with the FCO becoming an employee of the RFS, the Associations would submit only one model would provide Local Government with a guarantee of being able to decide on local service levels, consider the annual "bid" with resultant budget considerations, agree on local administrative requirements and advice, and retain control of volunteers and their needs.

The result is to develop a specification for contracting out fire services, to the agreement of council and the RFS.

The Statement of Principles subsequently developed and adopted by the Executives are:

1. FCOs, deputy and other staff, whose salaries are paid from the Rural Fire Fighting Fund, be employed by the State.
2. Commissioner of the NSW RFS appoint FCOs, deputy FCOs and other related staff but local councils be involved in the selection process.
3. Local councils enter into a Local Service Level Agreement with the RFS (say 3 years) with annual performance agreements with the NSW RFS Commissioner with a view to the

Commissioner (through the local FCO) carrying out council's day to day bushfire management and prevention responsibilities under the Rural Fires Act. Performance criteria for the following period should be completed 3 months before expiry of the current agreement, and adopted by 1 July for any contract renewal.

4. Principle elements of performance agreement to include:
  - standards of fire cover
  - consultation in the preparation of annual bids
  - managing of fire fighting equipment
  - performance measures
  - service standards
  - the FCO perform a range of administrative services to council to the standard and frequency specified in negotiations between council and the RFS.
5. RFS Commissioner to report at least annually to councils on performance agreement outcomes, with quarterly reports from the FCO as part of Councils' Management Plan requirements.
6. Local councils continue to contribute to the Rural Fire Fighting Fund in accordance with the Rural Fires Act, in regular advance consultation with council.
7. All fire fighting equipment to remain vested in the ownership of local councils and local councils continue to maintain the equipment. However, the management responsibility for equipment stays with the Commissioner under the Local Service Level Agreement.
8. Councils continue to provide office accommodation and facilities to enable the Commissioner (through the Fire Control Officer) to exercise his functions.
9. Support be given to amend legislation so councils be permitted to negotiate with the RFS to form a Rural Fire District supported by a Local Advisory Committee, without the need to seek ministerial consent.
10. Subject to consultation with and approval by the Treasury Managed Fund, the RFS agrees to indemnify local councils against all liabilities and claims arising out of or in relation to the performance or non-performance by the Commissioner of the terms of agreement.
11. It be reaffirmed that local councils will continue to provide communications, support and encouragement to volunteers.

The specification negotiated by council may provide for council to specify levels of service for any particular local needs.

The Executives consider that this process will in many cases actually improve performance management controls over the FCO and the RFS. Councils will have the option of deciding the extent of its fire activities to be contracted to the RFS, bearing in mind that many responsibilities are already assumed by the FCO from the Rural Fires Act.

Negotiations will continue, and progress reached will be reported in the Weekly Circular. Industrial implications will be carefully evaluated in the event the minister proceeds with the agreement negotiated by the Associations.

## Appendix 10 – Proceedings of the Committee

Note: At the time the Committee was conducting this inquiry, it was also inquiring into other unrelated matters. Those parts of the Minutes of the Meetings of the Committee which concern other matters have been deleted from the Minutes appearing below.

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### **Minutes No. 11**

Thursday 18 November 1999  
At Parliament House at 5.00pm

#### **1. Members Present**

Mr R Jones (in the Chair)  
Ms Burnswoods  
Mr Dyer  
Mr Gay  
Mr Johnson  
Mr M Jones  
Mr Ryan

#### **2. Apologies**

Nil

#### **3. Confirmation of Minutes**

Resolved, on motion of Mr Dyer, that the minutes of meeting number 10 be confirmed.

#### **4. Rural Fire Service**

The Committee noted the correspondence from Mr M Jones, Mr R Jones, and Mr Gay, dated 17 November 1999, requesting a meeting of the Committee to be convened to consider issues relating to the Rural Fire Service.

Resolved, on the motion of Mr M Jones:

That this Committee inquire into the adequacy of fire suppression services provided by the NSW Rural Fire Service to rural communities in NSW and specifically to examine:

- (a) The appropriateness of the Government's expenditure on rural fire tankers and other fire fighting equipment for the NSW Rural Fire Service;
- (b) The appropriateness and adequacy of fire fighting apparatus available to the Rural Fire Fighting Service in NSW;
- (c) The adequacy of stakeholder representation in the operations of the NSW Rural Fire Service within:
  - (1) Various statutory bodies at the State level;
  - (2) Executive management level;
  - (3) Technical level
- (d) The provision and adequacy of fire fighter training and personal protective equipment to:
  - (1) Meet the health, safety and welfare requirements of rural firefighters;
  - (2) Perform effective fire suppression.
- (e) The appropriateness of the command and control system in the suppression of bush and other fires in:
  - (1) Providing effective coordination of resource allocation within the NSW Rural Fire Service;
  - (2) Providing for accountability arrangements for Fire Control Officers to both the Commissioner of the NSW Rural Fire Service and General Managers of Local Councils;
  - (3) Selecting and appointing those people charged with the responsibility and management of suppression action against fires;
  - (4) Taking into account the recognition and utilisation of appropriate local knowledge and skills.

and to report to the House on its findings on the first sitting day of the 2000 parliament.

The Committee deliberated.

Mr Dyer moved that a further paragraph (f) be added to the terms of reference agreed to by the Committee:

- (f) any other matter arising out of or incidental to the above.

The Committee deliberated.

The Committee noted that paragraph (f), as proposed by Mr Dyer, was limited in its scope to enabling the Committee to examine matters related to the terms of reference agreed to and was not intended to enable the Committee to examine matters outside the scope of the terms of reference agreed to.

Resolved, on the motion of Mr Dyer, that a further paragraph (f) be added to the terms of reference agreed to by the Committee:

(f) any other matter arising out of or incidental to the above.

The Committee deliberated.

Resolved, on motion of Mr Gay, that advertisements be placed in relevant regional newspapers, and one metropolitan newspaper, calling for submissions in relation to the terms of reference, with a closing date for submissions of 31 January 2000.

Resolved, on the motion of Mr Gay, that the Committee write to the following organisations and individuals inviting submissions: the Rural Fire Services Association; NSW Farmers Association; Shires Association; and the Minister for Emergency Services.

\* \* \* \*

## **6. Adjournment**

The meeting adjourned at 5.45 pm until 10 am on Friday 26 November 1999.

David Blunt  
A/Clerk Assistant Committees

**Minutes No. 13**

Monday 29 November 1999  
At Parliament House at 9.45 am

**1. Members Present**

Mr Dyer  
Ms Burnswoods  
Mr Johnson  
Mr M Jones  
Ms Rhiannon (Mr R Jones)  
Mr Ryan  
Mr Samios (Gay)

**2. Apologies**

Mr R Jones

**3. Confirmation of minutes of meeting no 11**

Resolved, on the motion of Mr Ryan, to amend the draft minutes by inserting the words: "Following a suggestion from the Hon M Jones to broaden the terms of reference to include other matters" before the sentence "Mr Dyer moved that a further paragraph (f) be added to the terms of reference agreed to by the Committee".

Resolved, on the motion of Ms Burnswoods, that the minutes as amended be confirmed.

**4. Business arising**

Resolved, on the motion of Ms Burnswoods, that the advertisement calling for submissions in relation to the inquiry into the Rural Fire Service note that the terms of reference are specific, that the Committee is likely to be conducting a limited number of hearings, and that the Committee is unlikely to be conducting visits to regional areas during this inquiry.

\* \* \* \*

**6. Adjournment**

The meeting adjourned at 4.30 pm until 4.30 pm on Wednesday 1 December 1999.

David Blunt  
A/Clerk Assistant Committees

**Minutes No. 17**

Wednesday 23 February 2000  
At Parliament House at 3.00 pm

**1. Members Present**

Mr Dyer (in the Chair)  
Mr Bull (Gay)  
Mr M Jones

**2. Apologies**

Mr R Jones  
Mr Jobling (Ryan)  
Mr Johnson  
Mr Kelly (Burnswoods)

**3. Inquiry into the Rural Fire Service**

The Committee deliberated.

Resolved, on the motion of Mr Jones, that pursuant to the provisions of section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order 252, the Committee authorises the Director to publish all submissions received to date in relation to the inquiry into the Rural Fire Service, except those where the author has requested they remain confidential.

**4. Adjournment**

The meeting adjourned at 3.05 pm until 10.00 am on Tuesday, 29 February 2000.

Anna McNicol  
Director

## **Minutes No. 18**

Tuesday 29 February 2000  
At Parliament House at 10.00 am

### **1. Members Present**

Mr R Jones (in the Chair)  
Mr Bull (Gay)  
Mr Jobling (Ryan)  
Mr Johnson  
Mr Oldfield (M Jones)  
Mr Kelly (Burnswoods)

### **2. Apologies**

Mr Dyer

### **3. Tabled Documents**

#### *3.1 Submissions –Rural Fire Service Inquiry*

The Chair tabled submissions 1 to 601 in relation to the Rural Fire Service inquiry, as listed in attachment 1.

#### *3.2 Correspondence –Rural Fire Service Inquiry*

The Chair tabled the following 25 items of correspondence received.

E-mail from Mr Alan Davidson, Rural Fire Service Volunteer, to Director, dated 1 December 2000, requesting information about the inquiry.

Letter from Mr Paul Cromarty, Chief Pilot/Director, Cromarty Air, dated 8 December 1999, notifying his interest in the inquiry.

Letter from the Hon Bob Debus MP, Minister for Emergency Services, to Chair, dated 13 December 1999, providing names of contact people in the Office of Emergency Services.

Letter from Mr John Cobb, President, NSW Farmers' Association, to Chair, dated 10 December 1999, indicating the Association's intention to lodge a submission in relation to the inquiry.

Letter from Mr Glenn Inglis, General Manager, Parry Shire Council, to Director, dated 13 December 1999, indicating the Council's intention to lodge a submission in relation to the inquiry.

Letter from Mr Ean Cottle, Chairman, Merriwa District Bushfire Management Committee, to Chair, dated 13 January 2000, indicating individual volunteers would be lodging separate submissions in relation to the inquiry.

Letter from Mr Michael Byrne, President, Brooms Head Rural Fire Service Brigade, to Director, dated 23 January 2000, requesting an extension of time for their submission.

Letter from Mr Ross Smith, Assistant Commissioner, NSW Rural Fire Service, to Director, dated 31 January 2000, providing a copy of a submission from a Mr Allan Happlewhite, relating to the inquiry.

Letter from Mr M J Kershaw, General Manager, Shire of Gunnedah, to Director, dated 1 February 2000, seeking an extension of time to make a submission.

Letter from Mr L G Lavelle, Chief Executive Officer, Australasian Fire Authorities Council, to Director, dated 27 January 2000, requesting an extension of time to make a submission.

E-mail from Mr Laurie Davison, dated 1 February 2000, urging Members of the Committee to review all the material that was submitted to the Select Committee on Bushfires that looked into the RFS and NSW firefighting in general following the 1994 bushfires.

Memo from the Hon John Jobling MLC, Opposition Whip, to Director, dated 3 February 2000, advising that the Hon Richard Bull MLC and the Hon John Jobling MLC will be permanently replacing the Hon Duncan Gay MLC and the Hon John Ryan MLC respectively, for the inquiry into the NSW Rural Fire Service and all future inquiries.

E-mail from Ms Dee Wilkes-Bowes, to Committee Officer, dated 7 February 2000, requesting information about the dates and venues of public hearings.

E-mail from Mr Alan Davison, Rural Fire Service Volunteer, to Director, dated 7 February 2000, relating to the status of the Rural Fire Service Association submission.

Letter from the Hon Meredith Burgmann MLC, President, Legislative Council, to Chair, dated 7 February 2000, forwarding submissions received in relation to the inquiry.

E-mail from Mr Alan Davison, Rural Fire Service Volunteer, to Director, dated 11 February 2000, providing information about the Rural Fire Service Association submission.

Letter from the Hon Peter Primrose MLC, Government Whip, to Director, dated 14 February 2000, advising that the Hon Tony Kelly MLC will be replacing the Hon Jan Burnswoods MLC for the purposes of the Rural Fire Service inquiry.

E-mail from Mr Don Luscombe, President, NSW Rural Fire Service Association, to Director, dated 18 February 2000, requesting information about the public hearings.

Letter from Mr Don Luscombe, President, NSW Rural Fire Service Association, to Director, dated 21 February 2000, providing information about the Rural Fire Service Association submission, and asking the Committee to give consideration to the public release of submissions relating to the inquiry.

Memo from the Hon John Jobling MLC, Opposition Whip, to Director, dated 22 February 2000, advising that the Hon Charlie Lynn MLC will be replacing the Hon John Jobling MLC for the purposes of all meetings and hearings relating to the Rural Fire Service inquiry during the period from 3 March to 27 March 2000.

Memo from the Hon David Oldfield MLC, to Director, dated 23 February 2000, advising that he will be replacing the Hon Malcolm Jones MLC for the purpose of hearings relating to the Rural Fire Service inquiry on 29 February, 7 March and 8 March 2000.

Letter from Mr Gary Dew, to the Hon Duncan Gay MLC (and forwarded on to the Committee), dated 16 February 2000, requesting the Committee to accept his late submission.

Facsimile from Ms Tany Leishman, Nature Conservation Council of NSW, dated 24 February 2000, providing information about an Ecological Bush Fire Conference to be held on 24 and 25 March 2000.

Facsimile from Mr Kevin Ryan, NSW Farmers' Association Grafton District Council, dated 27 February 2000, requesting the Committee to hold additional regional hearings.

Letter from Mr Murray Kidnie, Secretary, Local Government and Shires Association of NSW, dated 28 February 2000, relating to its submission to the Committee.

#### **4. Inquiry into the Rural Fire Service**

The media and the public were admitted.

Mr Phil Koberberg, Commissioner, Mr Ross Smith, Assistant Commissioner – Regional Management and Planning, and Mr Mark Crossweller, Assistant Commissioner – Strategic Development, all of the New South Wales Rural Fire Service, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Mr Crossweller tendered one document to support his evidence.

Resolved, on motion of Mr Jobling, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Mr Barry Rheinberger and Mr Neil Kemmis, both of the Steering Committee of the Bush Fire Brigade, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Evidence concluded and the witnesses withdrew.

Ms Meredith Wilkes-Bowes, Director – Rural Affairs, New South Wales Farmers' Association, was admitted and sworn.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Henk Luf, President, Mr Harry McLean, Secretary, and Mr Bruce Wildie, Regional Coordinator, Mid North Coast, all of the Rural Volunteer Fire Fighters Association of New South Wales, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Mr Wildie tendered a folder of documents to support his evidence.

Resolved, on motion of Mr Jobling, that the Committee accept the documents on an in camera basis.

Evidence concluded and the witnesses withdrew.

Dr Judy Messer, Chairperson, and Mr John Asquith, Vice Chairperson, both of the Nature Conservation Council of New South Wales, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Evidence concluded and the witnesses withdrew.

Mr Don Luscombe, President, Mr Mark Swayn, Vice President (Volunteers), Mr Keith Harrap, Vice President (Salaried Officers) and Mr Stuart Clark, all of the New South Wales Rural Fire Service Association, were sworn and examined.

The witnesses answered questions by Members of the Committee.

Mr Luscombe tendered a document to support his evidence.

Resolved, on motion of Mr Jobling, that the Committee accept the document.

Mr Clark tendered a document to support his evidence.

Resolved, on motion of Mr Jobling, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on motion of Mr Bull, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish submission number 601.

Resolved, on motion of Mr Bull, that the Committee concur with the request of Mr Murray Kidnie, Secretary, Local Government and Shires Association of NSW, in correspondence dated 28 February 2000, that page 29 of the Association's submission be amended as requested.

Resolved, on motion of Mr Kelly, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish those documents accepted by the Committee today's hearing, except those tendered by Mr Wildie.

Resolved, on motion of Mr Johnson, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish the transcript of evidence of today's hearing.

Mr Kelly advised the Committee that he is a Member of the Showground and Nurea Rural Fire Brigades in the Dubbo region, and he is consequently a member of the Rural Fire Service Association.

Mr Bull advised the Committee that he is a Member of the Ten Mile Creek Rural Fire Brigade in the Hollbrook Shire, and he is consequently a member of the Rural Fire Service Association.

## **5. Adjournment**

The meeting adjourned at 5.30 pm until 9.00 am on Wednesday, 8 March 2000.

Anna McNicol  
Director

**Minutes No. 19**

Wednesday 8 March 2000

At Lismore and District Workers' Club, Lismore, at 9.00 am

**1. Members Present**

Mr R Jones (in the Chair)  
Mr Bull (Gay)  
Mr Dyer  
Mr Johnson  
Mr Kelly (Burnswoods)  
Mr Lynn (Ryan)  
Mr Oldfield (M Jones)

**2. Apologies**

Nil

**3. Confirmation of minutes of meetings no 16, 17 and 18**

Resolved, on motion of Mr Dyer, that the minutes of meetings no 16, 17 and 18, be confirmed.

**4. Tabled Documents**

*4.1 Submissions –Rural Fire Service Inquiry*

The Chair tabled the following submission relating to the Rural Fire Service inquiry:

Submission 602 – Mr Ian Rodgers

**5. Inquiry into the Rural Fire Service**

The media and the public were admitted.

Mr Ray Collyer, Fire Control Officer, Lismore City Council, was admitted and sworn.

Mr Collyer answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Ian Rodgers, Chair of the Northern Region Conference, and Mr Terrence Kitching, Honorary Secretary, Castlereagh Branch of the Salaried Officers Committee, both of the Rural Fire Service Association, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Mr Kitching tendered a document to support his evidence.

Resolved, on motion of Mr Kelly, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Mr Bruce Scanlon, Group Captain, Country Club Rural Fire Brigade, Coffs Harbour, was admitted and sworn.

The witness answered questions by Members of the Committee.

Mr Scanlon tendered three documents to support his evidence.

Resolved, on motion of Mr Kelly, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Mr Warren Meredith, Vice President, Coffs Harbour Branch, and Mr Joseph Moran, Member, both of the NSW Farmers' Association, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Mr Meredith tendered three documents to support his evidence.

Resolved, on motion of Mr Bull, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Mr Brett Condie, Fire Control Officer, Nymboida Shire Council and Grafton City Council, was admitted and sworn.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Ms Judith Gibson, Secretary, and Mr Thomas Adams, both of Copmanhurst Volunteer Bush Fire Brigade, were sworn and examined.

The witnesses answered questions by Members of the Committee.

Evidence concluded and the witnesses withdrew.

Mr Noel Blizzard, Fire Control Officer, Byron Shire Council, was sworn and examined.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Anthony Belton, Deputy Captain, Nimbin Rural Fire Brigade, was sworn and examined.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on motion of Mr Bull, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish submission number 602.

Resolved, on motion of Mr Bull, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish those documents accepted by the Committee during today's hearing.

Resolved, on motion of Mr Johnson, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish the transcript of evidence of today's hearing.

## **6. Adjournment**

The meeting adjourned at 3.27 pm until 9.00 am on Monday 20 March 2000.

Anna McNicol  
Director

**Minutes No. 20**

Monday 20 March 2000

At Dubbo RSL Club, Dubbo, at 9.00 am

**1. Members Present**

Mr R Jones (in the Chair)  
Mr Bull (Gay)  
Mr Johnson  
Mr M Jones  
Mr Kelly (Burnswoods)  
Mr Lynn (Ryan)

**2. Apologies**

Mr Dyer

**3. Inquiry into the Rural Fire Service**

The media and the public were admitted.

Mr John Jenks, Manager, Rural Fire Control and Emergency, Dubbo City Council, was admitted and sworn.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Cr Mark Griggs, Mayor, Cr Tom Knowles, and Mr Don Ramsland, General Manager, all of Wellington Council, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Mr Griggs tendered four documents to support his evidence.

Resolved, on motion of Mr Bull, that the Committee accept the documents.

Mr Ramsland tendered a document to support his evidence.

Resolved, on motion of Mr Kelly, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Mr Barry Gibson, Captain, Bocobra Rural Fire Brigade, was admitted and sworn.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Paul Whitely, Group Captain (Northern), Wellington Shire, was admitted and sworn.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Walter Mitchell, Member, Kerrigundi Rural Fire Brigade, was admitted and sworn.

The witness answered questions by Members of the Committee.

Mr Mitchell tendered three documents to support his evidence.

Resolved, on motion of Mr Lynn, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Cr Percy Thompson, Mr Barry Grady, Group Captain, and Ms Helen Cole, Secretary, all of the Mudgee RFS Consultative Committee, were sworn and examined.

The witnesses answered questions by Members of the Committee.

Mr Grady tendered a document to support his evidence.

Resolved, on motion of Mr Kelly, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Mr Grahame Pryor and Mr Keith Pryor, were sworn and examined.

The witnesses answered questions by Members of the Committee.

Mr Grahame Pryor tendered seven documents to support his evidence.

Resolved, on motion of Mr Bull, that the Committee accept the documents.

Mr Keith Pryor tendered a document to support his evidence.

Resolved, on motion of Mr Bull, that the Committee accept the document.  
Evidence concluded and the witnesses withdrew.

Mr Kelvin Gardiner, Commercial and Emergency Services Manager, Orange City Council, was sworn and examined.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Peter Ryan, Central Region Coordinator, NSW Rural Fire Service, was sworn and examined.

The witness answered questions by Members of the Committee.

Mr Ryan tendered eight documents to support his evidence.

Resolved, on motion of Mr Kelly, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Mr Howard Mangelsdorf, NSW Farmers' Association representative on the Rural Fire Service Advisory Council, was sworn and examined.

The witness answered questions by Members of the Committee.

Evidence concluded and the witness withdrew.

Mr Alan Holding, Central Region Chairman, and Mr Ken Hall, both of the Rural Fire Service Association, were sworn and examined.

The witnesses answered questions by Members of the Committee.

Evidence concluded and the witnesses withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on motion of Mr Johnson, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish those documents accepted by the Committee during today's hearing and the transcript of

The Committee deliberated.

Resolved, on motion of Mr Kelly, that the Committee Director be instructed to advise the NSW Fire Brigade Employees Union that the Committee would not be calling representatives from that organisation to give evidence in relation to the inquiry on 24 March 2000.

Resolved, on motion of Mr Kelly that appropriate individuals from the following organisations be requested to attend the hearing on 24 March 2000 to give evidence: the Local Government and Shires Associations of NSW, the NSW National Parks and Wildlife Service, the Rural Fire Service Association and the NSW Rural Fire Service (including Commissioner Koperberg).

Resolved, on motion of Mr Bull, that the Committee extend the reporting deadline for the Rural Fire Service inquiry until 31 May 2000.

#### **4. Adjournment**

The meeting adjourned at 4.23 pm until 10.00 am on Friday, 24 March 2000.

Anna McNicol  
Director

**Minutes No. 21**

Friday, 24 March 2000  
At Parliament House, at 10.00 am

**1. Members Present**

Mr R Jones (in the Chair)  
Mr Dyer  
Mr Gay  
Mr Johnson  
Mr M Jones  
Mr Kelly (Burnswoods)  
Mr Lynn (Ryan)

**2. Apologies**

Nil

**3. Confirmation of minutes of previous meetings**

Resolved, on motion, of Mr Kelly, that the minutes of meetings no 19 and 20 be confirmed.

**4. Correspondence**

Rural Fire Service Inquiry

Letter from Mr Col Adams, to Chair, dated 16 March 2000, responding to comments made at the RFS hearing on 29 February 2000.

Letter from Dr Judy Messer, Nature Conservation Council of NSW, to Chair, dated 20 March 2000, clarifying some of the issues raised in their earlier submission to the Committee.

Letter from Mr Ross Smith, NSW Rural Fire Service, to Director, dated 9 March 2000, providing corrected transcript and answers to a question taken on notice at the hearing held on 29 February 2000.

Letter from Mr Phil Koperberg, NSW Rural Fire Service, to Director, dated 21 March 2000, providing corrected transcript and answers to questions taken on notice at/after the hearing held on 29 February 2000.

Memo from the Hon John Jobling MLC, Opposition Whip, to Director, dated 22 March 2000, advising that the Hon Duncan Gay MLC will be representing the Hon Richard Bull MLC at the hearing on 24 March 2000.

Letter from Mr Harry McLean, Rural and Volunteer Fire Fighters Association of NSW, to Director, dated 18 March 2000, providing corrected transcript and answer to a questions taken on notice at the hearing held on 29 February 2000.

E-mail from Mr Don Luscombe, Rural Fire Service Association, to Director, dated 22 March 2000, providing copy of a press release requested by the Committee at the hearing on 29 February 2000.

Letter from Warren Meredith, to Chair, dated 24 March 2000, providing additional information in response to matters raised at hearing on 8 March 2000.

Letter from FBEU, to Chair, dated 24 March 2000, requesting that the Committee reconsider its decision not to request the FBEU to give evidence before the Committee.

Letter from Tony Gates, to Chair, dated 24 March 2000, concerning comments made about him at the hearing on 29 February 2000 by the RVFFA.

The Hon Duncan Gay MLC requested that the minutes note that the press release attached to the correspondence from Mr Don Luscombe (dated 22 March 2000) differed to that faxed to Mr Gay on 17 February 2000. Further, that Mr Luscombe advised the Committee on oath that the version sent to Mr Gay was not sent "anywhere

## **5. Inquiry into the Rural Fire Service**

The media and the public were admitted.

Cr Christopher Vardon, President, NSW Shires Association, Cr Kenneth Gallen, Vice President, Local Government Association of NSW, and Mr Warren Taylor, Manager Advice and Development, Local Government and Shires Associations of NSW, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Evidence concluded and the witnesses withdrew.

Mr Brian Gilligan, Director-General, and Mr Bob Conroy, Director Central, of the National Parks and Wildlife Service, were admitted and sworn.

The witnesses answered questions by Members of the Committee.

Evidence concluded and the witnesses withdrew.

Mr Don Luscombe, President, Mr Mark Swayn, Vice President (Volunteers), Mr Keith Harrap, Vice President (Salaried Officers) and Mr Stuart Clark, all of the New South Wales Rural Fire Service Association, were admitted on former oath

The witnesses answered questions by Members of the Committee.

Mr Phil Koberberg, Commissioner, Mr Mark Crossweller, Assistant Commissioner – Strategic Development, all of the New South Wales Rural Fire Service, were admitted on former oath. Mr Trevor Anderson, Director Corporate Services, was admitted and sworn.

The witnesses answered questions by Members of the Committee.

Mr Koperberg tendered six documents.

Resolved, on a motion of Mr Kelly, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on motion of Mr Kelly, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish those documents accepted by the Committee during today's hearing and the transcript of

## **6. Adjournment**

The meeting adjourned at 4.15 pm sine die.

Anna McNicol  
Director

**Minutes No. 22**

Monday, 3 April 2000  
At Parliament House, at 11.00 am

**1. Members Present**

Mr R Jones (in the Chair)  
Mr Dyer  
Mr Bull (Gay)  
Mr Johnson  
Mr M Jones  
Ms Burnswoods  
Mr Jobling (Ryan)

**2. Apologies**

Nil

\* \* \* \*

**5. Inquiry into NSW Rural Fire Service**

The Committee deliberated.

Resolved, on the motion of Mr Bull, that the Committee extend the reporting deadline for the Rural Fire Service inquiry until 30 June 2000.

**6. Adjournment**

The meeting adjourned at 11.28 am until Monday, 29 May 2000 at 10.00am.

Anna McNicol  
Director

**Minutes No. 24**

Monday, 29 May 2000  
At Parliament House, at 10:00am

**1. Members Present**

Mr R Jones (in the Chair)  
Mr Dyer  
Mr Bull  
Mr Jobling  
Mr Johnson  
Mr M Jones  
Mr Kelly

**2. Apologies**

Nil

**3. Confirmation of minutes of previous meetings**

Resolved, on motion of Mr Dyer, that the minutes of meeting numbers 20 and 21 be confirmed.

**4. Tabled documents**

**4.1 Submissions - Inquiry into the NSW Rural Fire Service**

*4.1.1 Public submissions*

The Chair tabled eight submissions received by the Committee in relation to its inquiry into the NSW Rural Fire Service.

Submission No. 468 – Mr Robert Moore  
(Replaces Submission No. 468 from Mr Doug Matthews, South West Rocks Brigade, which was a duplication of Submission No. 434)

- Submission No. 476 – Mr Arthur Williams  
(Replaces Submission No. 476 from Mr Roger Smith, Deep Creek Rural Fire Service, which was a duplication of Submission No. 217)
- Submission No. 498 – Ms Debbie Boorman  
(Replaces Submission No. 498 from Mr George Passfield, Bishops Bridge Rural Fire Brigade, which was a duplication of Submission No. 587)
- Submission No. 603 – Fairfield City Rural Fire Brigade
- Submission No. 604 – Cr Ron MacPherson
- Submission No. 605 – Mr W & Mrs I Weber
- Submission No. 606 – Mr Ted Corrigan
- Submission No. 607 – Mr Geoff Bromfield, Yetholme Rural Fire Service

#### *4.1.2 Submissions identified as private and confidential*

The Chair tabled 11 submissions received by the Committee in relation to its inquiry into the NSW Rural Fire Service identified as private and confidential.

- Submission No. 8 – Author
- Submission No. 20 – Author
- Submission No. 98 – Author
- Submission No. 171 – Author
- Submission No. 226 – Author
- Submission No. 228 – Author
- Submission No. 231 – Author
- Submission No. 232 – Author
- Submission No. 233 – Author
- Submission No. 499 – Author
- Submission No. 510 – Author

The Committee deliberated.

Resolved, on motion of Mr Kelly, that the submissions be made private and confidential.

### **4.3 Correspondence received - Inquiry into the NSW Rural Fire Service**

#### *4.3.1 Correspondence identified as private and confidential*

The Chair tabled correspondence from Mr Henk Luf, President of the Rural and Volunteers Fire Fighters Association, dated 13 April 2000, providing additional information (to confidential material tabled at hearing on 29 February 2000) as requested at hearing on 29 February 2000.

The Committee deliberated.

Resolved, on motion of Mr Kelly, that the documents be made private and confidential.

#### *4.3.2 Public correspondence*

The Chair tabled 22 items of correspondence received by the Committee in relation to its inquiry into the NSW Rural Fire Service.

Letter from Mr Mal Peters, Chairman Rural Affairs Committee, NSW Farmers Association, to the Committee, dated 22 February 2000, providing further detailed information on policy.

Facsimile from Mr Stacey Tannos, Office for Emergency Services, to Senior Project Officer, dated 15 May 2000, providing information regarding workers' compensation policy in response to verbal request.

Facsimile from Ms Jane Hollier, NSW Rural Fire Service, to Senior Project Officer, dated 12 May 2000, providing information regarding tankers in response to verbal request.

Facsimile from Ms Jane Hollier, NSW Rural Fire Service, to Senior Project Officer, dated 10 May 2000, providing information regarding the Pilliga Fire in response to verbal request.

Letter from Mr Cecil Miller, Superintendent of the Bourke Rural Fire Service, to the Committee, dated 1 May 2000, responding to statements made by Mr Mitchell at the Dubbo Hearing on 20 March 2000.

Letter from Mr Stuart Clark, Member of Rural Fire Service Association, to Director, dated 28 April 2000, enclosing corrected transcript of evidence and witness record.

Letter from Mr Phil Koperberg, Commissioner of the NSW Rural Fire Service, to the Chair, dated 20 April 2000, responding to a letter from the Chair, regarding allegations raised with Mr Koperberg at the hearing on 24 March 2000 about a senior officer of the RFS.

Letter from Mr David Farmer, General Manager of Mudgee Shire Council, dated 20 April 2000, regarding local government involvement in managing bush fire services.

Correspondence from Ms Jane Hollier, NSW Rural Fire Service, to the Director, received 26 April 2000, regarding the RFS Grievance Service Standard in response to verbal request.

Letter from Mr P.G. Ryan, Regional Coordinator of Central Region NSW Rural Fire Service, to the Chair, dated 17 April 2000, regarding allegations by Cr Forsythe of Junee.

Letter from Mr D.H. Ramsland, General Manager of Wellington Council, to Director, dated 14 April 2000, enclosing witness records and answers to questions on notice from hearing on 20 March 2000.

Letter from Mr Warren Taylor, Manager Advice and Development of the Local Government and Shires Associations, to Director, dated 18 April 2000, regarding answers to questions on notice from hearing on 24 March 2000.

Letter from Mr Phil Koperberg, Commissioner of the NSW Rural Fire Service, to Director, dated 18 April 2000, enclosing corrected transcript of evidence and RFS Catalogue in response to request at hearing on 24 March 2000.

Correspondence from Mr Robert Conroy, Director-Central, and Mr Brian Gilligan, Director-General, of the National Parks and Wildlife Service, to Director, dated 14 April 2000, enclosing witness records and answers to questions on notice from hearing on 24 March 2000.

Letter from Mr Barry Gibson, Captain of Bocobra Volunteer Bushfire Brigade, to the Committee, dated 10 April 2000, enclosing witness record and answers to questions on notice from hearing on 20 March 2000.

Letter from Mr Howard Mangelsdorf, Member of the NSW Farmers' Association, to the Committee, received 14 April 2000, enclosing witness record and answer to question on notice from hearing on 20 March 2000.

Letter from Mr Grahame Pryor, landholder, to the Committee, received 14 April 2000, enclosing witness record and additional information in response to questions on notice from hearing 20 March 2000.

Facsimile from Ms Jane Hollier, NSW Rural Fire Service, to Director, dated 11 April 2000, enclosing witness record for Mr Crossweller.

Letter from Ms Judith Gibson, Secretary of Copmanhurst Rural Fire Brigade, to the Committee, received 3 April 2000, providing additional information further to her evidence at hearing on 8 March 2000.

Letter from Mr Bill Rowlings, Member of Taylors Creek Bush Fire Brigade, to Director, dated 28 March 2000, regarding the RFS Bush Fire Bulletin.

Letter from Mr Terry Kitching, Secretary of the Rural Fire Service Association Castlereagh Region, to the Committee, received 28 March 2000, regarding answers to questions on notice and additional information to evidence given at hearing on 8 March 2000.

Letter from Mr John B. Smith, to the Chair, dated 24 March 2000, responding to statements made about him at the hearing on 8 March 2000.

## **5. Inquiry into the NSW Rural Fire Service**

The Chair submitted chapters 1, 2, 3, 4, 5, 6, 7 and 8 of his draft entitled "Report on Inquiry into the New South Wales Rural Fire Service" which, having been circulated to each Member of the Committee, was accepted as being read.

The Committee proceeded to consider the draft report.

Resolved, on motion of Mr Dyer, that where the Committee "notes" or "supports" a position, or presents "findings" that are not otherwise identified by a heading, the text should be bolded.

Resolved, on motion of Mr Jobling, that: "a majority of which were generally supportive of RFS" be inserted after "departments and agencies", in section 1.2.2, paragraph 1.

Resolved, on motion of Mr Kelly, that: "Shortly after 93/94 bushfire emergency, a Cabinet sub-committee was formed which was chaired by the then Deputy Premier, Ian Armstrong MP, Member for Lachlan. The Cabinet sub-committee recommended a number of reforms including the mandatory formation of Bush Fire Management Committees at the local level, and the preparation of bushfire operational and fuel management plans of these committees. These reforms were implemented following amendments to the then Bush Fires Act in 1997." be inserted in section 2, paragraph 1, after the last sentence.

Resolved, on motion of Mr Kelly, that: "(This Standard Emergency Warning Signal was implemented by each State and Territory on 7 October 1998)" be inserted, section 2.2, fourth dot point, end of sentence.

Resolved, on motion of Mr Kelly, that: "The exact method for calculating allocations to individual councils, however, is not entirely clear" be deleted, section 3.5, paragraph 6.

Resolved, on motion of Mr Kelly, that: "As this procedure relies on the goodwill of companies there is no guarantee that anyone is 'captured' by this method." be deleted, section 3.6.2, paragraph 2.

Resolved, on motion of Mr Kelly, that: “Finally, there is no direct correlation between what individual property owners in certain districts pay out in insurance premiums and what they receive in their district from the RFFF in funding (from the insurance component).”, be deleted, section 3.6.3, paragraph 10.

Resolved, on motion of Mr Kelly that a new section be inserted which reads:

“Section 3.6.4. Lack of insurance/ under insurance

An issue was raised during the inquiry which related to concerns that some property owners were failing to insure their properties or under-insuring their properties.

The Committee notes that not all property owners insure their properties and that therefore the funds available to insurance companies to pay their compulsory contribution to the RFFF is thereby diminished.

The Committee views this as being unsatisfactory and recommends to the Government that this matter be carefully reviewed.

Notwithstanding the above problems raised with respect to the way in which the insurance –based system operates, five years ago the Government decided to retain the existing funding arrangements for the Fire Services. This decision followed a comprehensive review of those arrangements by a former NSW Auditor General, Mr Ken Robson. While Mr Robson considered the insurance – based system had some shortcomings and in many respects was not fully understood, he found that it was a system which works. It raises the amount required for the fire services and is administratively efficient and inexpensive to operate, and has been proven over many years.”

Resolved, on motion of Mr Dyer that:

“Recommendation

The Committee views this as being unsatisfactory and recommends to the Government that this matter be carefully reviewed.” be inserted at 3.9, end of section.

Resolved, on motion of Mr Johnson that: “This is included at” be replaced by “See”, section 3.7, paragraph 1.

Resolved, on motion of Mr Dyer, that the quote of Mr Rodgers be deleted, section 3.8.4, Geographical Allocation.

Resolved, on motion of Mr Kelly, that:

“The Committee notes that there is a widespread view that too much of the available funds is spent on administration and program charges at the expense of equipment. This perception is partly a result of inadequate communication from the RFS. The Committee urges the RFS to ensure that funds spent on administration are tightly controlled.

The Committee notes and accepts the explanation given by Commissioner Koperberg with respect to these charges.

The Committee expects the communication strategy introduced during the course of the inquiry will overcome many of the communication problems which have existed.” be inserted, section 3.9, between second paragraph and recommendation.

Resolved, on motion of Mr Kelly that: “by the RFS” be inserted between “use” and

Resolved, on motion of Mr Kelly that: “extremely” be deleted, between “is” and “complex”, section 3.9, paragraph 2.

Resolved, on motion of Mr Bull, that:

“Recommendation

The Committee recommends local builds, to Rural Fire Service specifications, subject to price and quality, in order to assist in the generation of rural employment” section 4.2.3 final paragraph.

Resolved, on motion of Mr Bull, that: “ finds” be replaced by “notes”, and “essentially flat areas” be deleted, section 4.3.1, final paragraph.

Resolved, on motion of Mr Dyer, that:

“The Committee finds that the use of tanker trailers is appropriate in essentially flat (and therefore safe) areas. The Committee is of the view that there are areas, other than in the Western Region, in which the use of tanker trailers is safe.” be deleted, section 4.3.2 second last paragraph.

Recommendation

The Committee recommends that the Rural Fire Service adopt a flexible policy in relation to funding for tanker trailers. The Committee further recommends that these be made available for use on a case by case basis – in areas which are demonstrated to be safe.” be deleted, section 4.3.2, final paragraph.

Resolved, on motion of Mr Kelly, that: “The Committee supports the RFS in this regard” be inserted, section 4.6.4, paragraph 5, end of paragraph.

Resolved, on motion of Mr Kelly, that: “that consideration be given to providing support volunteers with personal protective equipment and training where appropriate” be replaced by “ the existing provision of personal protective equipment and training, to volunteer firefighters, be extended to those volunteers in catering, welfare and other support functions”, section 4.7, final paragraph, recommendation, after “ The

Resolved, on motion of Mr Bull, that: “demonstrates there are a few misconceptions” be replaced by “demonstrated that there were problems”, between “Committee” and “with”, section 4.8, paragraph 1.

Resolved, on motion of Mr Kelly, that: “its” be replaced by “expanding the program whereby”, between “to” and “central”, section 5.1.1, paragraph, 13, recommendation.

Resolved, on motion of Mr M Jones, that:

“The Committee finds that the evidence of Commissioner Koperberg recognised considerable problems exist in the Rural Fire Service as a result of inadequate communication. The Committee recognises that the implementation communication strategy is a positive step to remedy communication problems, and recommends that the communication strategy be reviewed to ensure its effectiveness” be inserted, section 5.2, second last paragraph.

“Recommendation:

The Committee recommends that the Rural Fire Service communication strategy be reviewed to ensure its effectiveness” be inserted, section 5.2, final paragraph.

Resolved, on motion of Mr Bull, that:

“and accepts” be inserted, section 5.4.2, paragraph 2, between “recognises” and “that”; and

“The Committee supports and encourages participation by volunteers at all levels in the Rural Fire Service.”, be inserted section 5.4.2, paragraph 2, end of paragraph.

Resolved, on motion of Mr Bull:

“The Committee notes that the Fire Services Joint Standing Committee should be in a position to ensure that no overlap occurs between the RFS and NSWFB” be inserted, section 6.2.2 as final paragraph.

Resolved, on motion of Mr Bull that a new section be prepared and inserted, Section 6.2.3 Zoning – local management committees.

Resolved, on motion of Mr Bull that a new recommendation be inserted:

“Recommendation:

The Committee recommends that local management committees be established across New South Wales in order to ensure greater efficiency in use of resources and coordination of bush fire services, personnel and equipment” be inserted, section 6.2.2, final paragraph.

Resolved, on motion of Mr Dyer, that:

“Recommendation:

The Committee recommends that the Minister conduct a review of equipment available in order to establish any overlap occurring between the Rural Fire Service and the NSW Fire Brigades, and to minimise any duplication of resources” be deleted, section 6.2.2, final paragraph.

Mr Kelly tabled a document entitled “Bush Fire and Emergency Services”, weekly circular 16/00, dated 21 April 2000, origin not identified.

The Committee deliberated.

Resolved, on motion of Mr Kelly, that: “The Committee notes, however, that since evidence given by Mr Taylor of the LGSA, the Committee received a LGSA circular, included at Appendix 9, which indicated that the LGSA had changed its position with respect to the dual accountability issue. The circular states that in the event that the FCOs become employees of the RFS, specifications should be developed that allow local councils to contract out fire services to the RFS. To that end, a Statement of Principles has been adopted by the Executives of both Associations to be incorporated into the *Rural Fires Act 1997* which states, among other things, that FCOs, deputy and other staff, whose salaries are paid from the RFFF, be employed by the State. Further, that local councils enter into a service level agreement with the RFS, and annual performance agreements with the RFS Commissioner, to assess the performance and ongoing effectiveness of the new structure.” be inserted, section 6.3.2, following paragraph 13.

Mr Kelly moved that:

“However, the Committee urges the Working Party to be particularly mindful of viewpoints expressed during the course of the Committee’s inquiry.

The Committee recognises the importance of maintaining the status quo where reporting relationships are working well. The Committee also recognises that where this is not the case that there should be a process that allows active facilitation for FCOs who wish to break away from local government management”, be deleted, section 6.3.3, paragraph 2, final sentence and paragraph 3.

The question put.

The Committee divided:

Ayes: 6

Mr Dyer

Mr Bull

Mr Jobling

Mr Johnson

Mr M Jones

Mr Kelly

Noes: 1

Mr R Jones

The question resolved in the affirmative.

Mr Bull moved that:

“Recommendation:

2. The Committee recommends that areas in which the reporting relationships of Fire Control Officers are working well should be allowed to maintain the status quo where so desired.
3. The Committee recommends that where there are irreconcilable differences in a local government area these need to be investigated. To that end, the Committee recommends that a mechanism for investigating conflict be developed.
4. The Committee further recommends that a mechanism be developed which would allow for a Minister to take control of an area and hand over responsibility to the Rural Fire Service. The Committee notes that there should be consultation and



The Committee recommends the Rural Fire Service develop an appropriate industrial framework for salaries, conditions and employment for Fire Control Officers”, section 6.3.4, final paragraph.

Resolved, on motion of Mr Kelly, that:

“Recommendation:

The Committee encourages an awareness of the section 44 appointment process. The Committee recommends that there should be a concerted effort to obtain nominees, with adequate local experience, from all areas”, be replaced by,

The Committee recommends that the Rural Fire Service continue to promote an awareness of the section 44 appointment process”, section 6.4 final paragraph.

Resolved, on motion of Mr Kelly, that: “continue to ” be inserted between “burns” and “be”, section 7.2, final paragraph, recommendation.

Resolved, on motion of Mr Kelly, that the table entitled “Wildlife ignition sources for NPWS Reserves 1993-99”, submission No. 200, NPWS, p4, be inserted section in 7.2.1 between paragraphs 2 and 3.

Resolved, on motion of Mr Kelly, that:

“The Committee notes that backburning is a useful mechanism to mitigate fire spread, but that consideration should be given to prevailing local conditions before undertaking backburning measures”, be replaced by

“The Committee confirms that backburning is an appropriate mechanism to mitigate fire spread and that RFS operational procedures state, among other things, that only incident controllers (ie those officers of deputy captain and above who are in charge at a fire) can authorise the undertaking of a backburn and that they are required to consider prevailing local conditions before exercising that authority”, section 7.2.2, final paragraph.

Resolved, on motion of Mr Dyer, that the transcripts of evidence, submissions, documents received and correspondence received (apart from confidential documents) be tabled with the report and made public.

Resolved, on motion of Mr Dyer, that dissenting statements relating to the report be provided to the Committee Director no later than close of business Friday, 2 June 2000.

Resolved, on motion of Mr Dyer, that the Chairman be given the responsibility for preparing and releasing a media release in relation to the report, issuing the report to the media, and making a statement to the media.

**6. General business**

Nil

**7. Adjournment**

The meeting adjourned at 2:50pm until 1:00pm on Wednesday, 21 June 2000.

Steven Carr  
Acting Committee Clerk

## **Minutes No. 31**

Wednesday 21 June 2000  
At Parliament House at 1:00pm

### **1. Members Present**

Mr R Jones (in the Chair)  
Mr Dyer  
Mr Bull  
Mr Kelly (Burnswoods)  
Mr Jobling  
Mr Johnson  
Mr M Jones

### **2. Apologies**

Nil

### **3. Correspondence**

The Chair tabled two items of correspondence received.

Letter from the Hon Duncan Gay MLC, to Chair, dated 10 May 2000, relating to evidence provided to the Committee by Mr Don Luscombe of the Rural Fire Service Association.

Letter from Mr Bill Rowlings to Director, dated 27 May 2000, relating to previous correspondence sent by Mr Rowlings on 28 March 2000.

The Committee deliberated.

Resolved, on the motion of Mr Bull, that the Chair write to Mr Luscombe seeking an explanation of the discrepancy between his evidence and information provided to the Committee by Mr Gay.

### **4. NSW Rural Fire Service inquiry**

The Committee continued its consideration of the Chair's draft report.

Resolved, on the motion of Mr Jobling, that “carefully” be deleted, between “be” and “reviewed”, section 3.6.4, paragraph 3.

Resolved, on the motion of Mr Dyer, that “can diminish”, be replaced by “diminishes”, between “properties” and “the”, section 3.9, paragraph 3.

Resolved, on the motion of Mr Jobling, that “carefully: be deleted, between “be” and “reviewed”, section 3.9, Recommendation 1(b).

Resolved, on the motion of Mr Kelly, that “management” be deleted, between “local” and “committees”, section 6.2.3, Recommendation 9.

Resolved, on the motion of Mr Kelly, that “ensure” be replaced with “facilitate”, between “to” and “greater”, section 6.2.3, Recommendation 9.

Resolved, on the motion of Mr Dyer, that last sentence in the second last paragraph, and the entire final paragraph, in section 8.1 be deleted and replaced with:

“The Committee was not persuaded that the documents tendered by the RVFFA substantiated the allegations made.

However, the Committee notes that the appropriate body to investigate any complaints of corruption is the Independent Commission Against Corruption (ICAC).”

Resolved, on the motion of Mr Bull, to add a new section, section 8.2 as follows:

“8.2 Clarification of evidence

At a meeting on 21 June 2000, the Committee noted correspondence from the Hon Duncan Gay MLC relating to evidence provided by Mr Luscombe of the RFSA. The Committee resolved to write to Mr Luscombe seeking clarification of his evidence.”

Consideration of the Chair’s draft report suspended.

The Committee deliberated.

Mr Bull sought leave to table a document relating to a discrepancy between evidence provided to the Committee by Mr Luscombe and information provided to the Committee by Mr Gay.

Leave granted.

Resolved, on the motion of Mr Bull, that the document be incorporated as an attachment to the minutes.

Consideration of the Chair's draft report resumed.

Resolved, on the motion of Mr Dyer, that the report, as amended, be adopted.

Resolved, on the motion of Mr Dyer, that the correspondence received by the Committee today be tabled with the report and made public.

Resolved, on the motion of Mr Kelly, that the Chair table the report in the House on Friday, 23 June 2000.

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## **6. Adjournment**

The meeting adjourned at 2:05pm until Wednesday, 28 June 2000, at a time to be determined.

Anna McNicol  
Committee Director

**Attachment – Document tabled by the Hon Duncan Gay MLC on 22 June 2000****RFSA media release**

On 17 February 2000, the Hon Duncan Gay MLC, then a Member of the Committee, provided Members of the Committee with a copy of a media release, *Gay only out to woo One Nation*, issued by the RFSA and dated 17 February 2000. The media release related to the Committee's inquiry and made several allegations about Mr Gay. Mr Gay indicated that he had requested a full withdrawal of the allegations in question from the RFSA, but one was not forthcoming. He further indicated that he made a telephone call to the President of the RFSA, Mr Luscombe, expressing concern over allegations contained in the media release.

At a public hearing held on 24 March 2000, Mr Luscombe tabled a different version of the media release. This version did not contain the material to which Mr Gay had taken exception. In response to questioning by Mr Gay, Mr Luscombe indicated that following the telephone call from Mr Gay, the media release had been altered and only that version tabled at the Committee hearing on 24 March 2000 had been made public. The following exchange took place between Mr Gay and Mr Luscombe at the hearing on 24 March 2000:

**The Hon. D. J. GAY:** Mr Luscombe, I am thankful to Mr Kelly, who asked that a press release be tabled in the evidence before the Committee. I appreciate your tabling the press release. I have no problem with the press release that has been tabled. Whilst I am not happy with some of the things said in it—I can see my swimming pool disappearing into a bucket of cold water—I have a great concern in that the press release that the Committee asked you to table is not the one that I expressed concern about, the one that I spoke to you about personally. I expressed my concern in no uncertain terms. The one that you have tabled is different in significant areas. A sentence has been removed at the beginning of the second paragraph and one has been removed at the end of the fourth paragraph. This changes my concerns dramatically. Whilst I am happy with what you have tabled—perhaps as an act of goodwill—have you deliberately misled this Committee and are you not in contempt of the Committee through not tabling what you were asked to table?

**Mr LUSCOMBE:** Mr Gay, following your phone call to me I was able to press the button and stop the press release. It had gone only to your office. I then did not send this press release out to anywhere else and amended it following our conversation. So I would have to say that we are not attempting to mislead the Committee whatsoever.

**The Hon. A. B. KELLY:** So the media release that actually went out was the one you tabled?

**Mr LUSCOMBE:** Yes.

**The Hon. D. J. GAY:** But you did not tell me that.

**Mr LUSCOMBE:** No, I did not.<sup>315</sup>

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<sup>315</sup> Evidence, 24 March 2000, p23

Given the assurance provided by the RFSA, the Committee did not pursue the matter any further.

On 10 May 2000 Mr Gay forwarded a third version of the media release to the Committee. The third version was slightly different to both the first and second versions, and contained some of the material to which Mr Gay took exception. Mr Gay provided the Committee with a copy of the release that indicates it is likely that this third version was faxed to at least one person, a Mr Richard Haigh of Kempsey.