

Report on the online questionnaire

Inquiry into the provisions of the Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020

As part of its Inquiry into the provisions of the Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020, Portfolio Committee No. 5 – Legal Affairs launched an online questionnaire to encourage public participation in an efficient and accessible way. This was the primary means for which community members were encouraged to share their views on the Bill.

The questionnaire was not intended as a statistically valid, random survey. Respondents self-selected in choosing to participate. This means that respondents were not a representative sample of the NSW population, but rather interested members of the public who volunteered their time to have a say. It should be noted that some of the participants in the questionnaire resided outside of New South Wales.

The online questionnaire was open from 18 June 2020 to 5 July 2020. The committee received responses from 162 individual participants. This report summarises the responses expressed by participants and provides a sample of views on the Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020. These responses will inform the committee's views throughout the inquiry and may be used in the inquiry report.

Questions asked

The questionnaire comprised of three main questions, including a question regarding the respondent's position on the bill and open ended questions regarding:

- the reasons for their position on the bill
- any other comments to explain their views on the bill.

The questions are reproduced at Appendix 1.

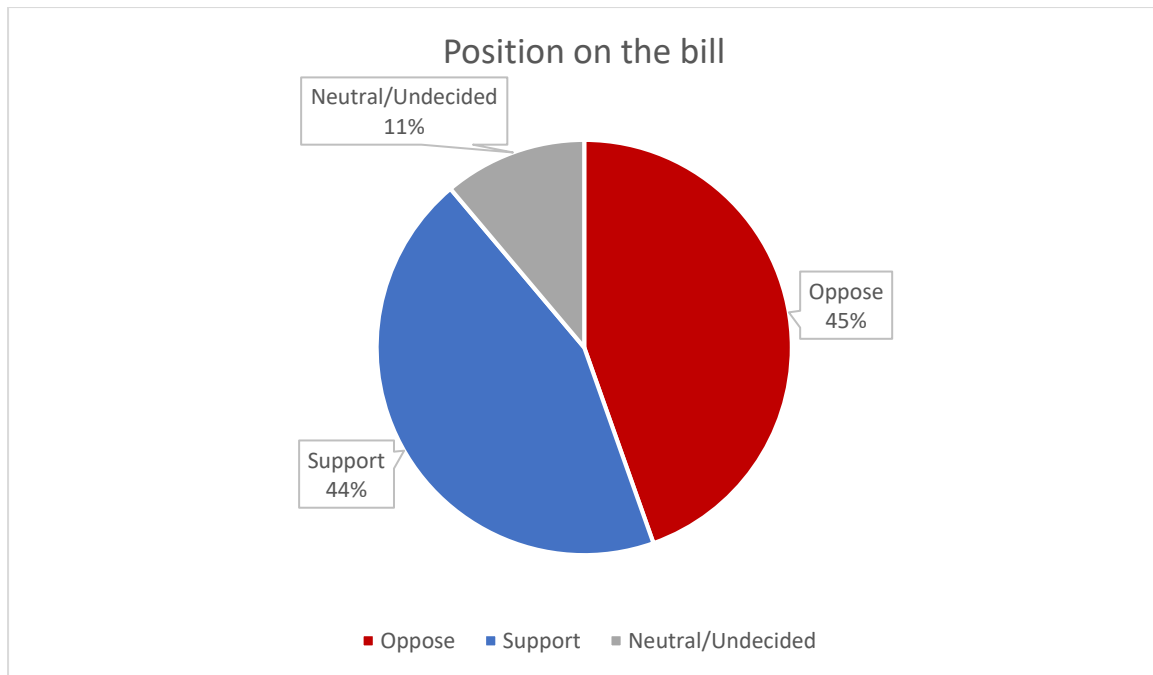
Responses to questions

Question 2: What is your position on the bill?

Question Two was presented in a multiple choice format and participants were able to choose from the following options: Support, Neutral/Undecided or Oppose.

From a total of 162 responses received:

- 75 participants (46.30 per cent) indicated opposition to the bill, raising a variety of concerns relating to the amendments to retrospectively allow for certain money to be used for emergency relief, contrary to the current scope of the NSW RFS and Brigades Donations Fund.
- 70 participants (43.21 per cent) supported the bill, recognising the impact of the 2019-20 bushfire season, and supported the changes the bill will make to allow for much needed assistance to people, communities, and animal welfare organisations significantly affected by the bushfires.
- 17 participants (10.49 per cent) indicated their neutrality on the bill.



Samples of the individual comments made in support of these views are outlined below.

Question 3: In relation to the previous question, please explain your position on the bill.

Opposition to the bill

A majority of participants opposing the bill indicated that the purpose and intention of donations made to the NSW RFS and Brigades Donations Fund were clearly stated and known during the fundraising process. Many did not support amendments in the proposed bill to broaden its scope:

- 'When donations were made, it was clear where the donations were going and how the money would be spent. Changing it now is inappropriate.'
- 'The fund was set up for a specific purpose, and the funds should remain with the intent of the Charity the funds were paid into. The funds are being used for their intended purpose and this should not change post-donations.'
- 'The Fund was set up specifically to hold funds donated by the public to the Rural Fire Service for their activities and should remain that way. If people want to donate to other causes they can. A misconception by the person arranging the fundraising should not change the purpose of the fund.'
- 'The fund has a specific purpose, this bill undermines that purpose. If people wanted to donate to victims etc they should have donated to a fund specifically for that purpose. It's no different to me donating to world vision and expecting them to spend it on eye care (vision) despite their agenda being different.'
- 'The bill seeks to take control of the fund, to which some feel has been misappropriated. However, those who feel that it is misappropriated, never understood the stated aim of the fund - to support RFS brigades. Now to retrospectively redirect the funds, misappropriates the funds in the eyes of those who did actually understand its aims. To my knowledge there's no way to determine who did or didn't understand the aim of the fund. This sets a dangerous precedent for trust funds, and undermines those who genuinely gave money with the understanding it would be given to brigades of volunteers.'
- 'The money was donated with the intention of going to assist RFS Volunteers. Donations were made, with this explicitly implied. Why should it be changed now. I understand that the donation pool became a lot larger than originally intended. This is a wonderful thing. And allows for great investment into our Rural Fire Brigades.'

Some participants also raised concerns regarding the provision of the bill to allow for certain funds to be used to assist affected communities and animal welfare organisations:

- 'If I make a donation to a Rural Fire Brigade by donating to the NSW Rural Fire Service and Brigades Donations Fund, I want to have confidence that my donation will only be used to benefit RFS Brigades, and not be diverted to animal welfare or other causes which are not what I donated it for.'
- 'Donations to the RFS should be used to support the RFS. If people want to support animals or communities [affected] by bushfire then they should donate to an applicable charity.'
- '... I don't agree with being used by animal carer groups or out of RFS as it set a precedent for future use. These groups should be funded by national parks and wildlife budget.'
- 'The trust operates well. ... If people want to donate to the animals or people who can't be bothered insuring themselves, there are other organisations dealing with that. The NSW RFS needs to stop trying to be all things and focus on what they are - a response agency.'
- 'I disagree funds being used for the use animal recovery as there's separate funds set up for that purpose.'
- 'The Brigades Donation Fund is set up with a very specific purpose in mind - to support RFS firefighters and brigades. This is a worthy cause, and the trust has been managed effectively, efficiently and transparently to achieve these goals. ... Parts 3 and 4 however are very concerning, as they fundamentally change the purpose of the trust and dilute its direction. Charities already exist to support the work done to protect and care for injured wildlife impacted by bushfires (WIRES, local wildlife charities etc.)...'
- 'I prefer that the purposes and intent of RFS operations and brigade membership not be diluted by taking on responsibilities outside our scope. The care of wildlife and other fire affected sections is currently managed by others. To extend the present scope may have the effect of introducing disharmony in communities as others also seek to draw on resources from others. There is much yet to be done under our current remit to improve fire preparedness, response and recovery.'

Moreover, some participants stated that the proposed bill would set a bad precedent and felt it would be inappropriate to retrospectively amend the terms of NSW RFS and Brigades Donations Fund:

- 'I have been involved in many charitable fund raising exercises. If you change where funds can go after they are raised you will cause no end of heartache for organisers for years to come as people will challenge where funds can be spent. PLEASE do not open this floodgate.'
- 'The money was donated to a specific Trust, in good faith. It is not the role of Government to retrospectively make adjustments to a charity Trust Deed. Doing so creates a precedent that Governments of the future can override the Trust Deeds of any charity, thus undermining public confidence that monies donated will be used for the purposes for which they were donated. Many of the people who want access to this money are people who have sadly lost their homes to bushfire and were not adequately covered by insurance. Giving them money from a Trust setup to further the objectives of the NSW Rural Fire Service undermines the proper role of insurance in our financial system.'
- 'Unconscionable to change the purpose of donations after the event. This motion would not arise if the proposal was to take donations intended for victims and pass to the RFS.'
- 'Our RFS Volunteers should not be put in a position where Government is trying to take money off them, raised for them. It also has the potential to set a bad precedent and definitely would deter people from donating to causes in the future. People gave with the assumption 100% (no fees) was going to the RFS - those who donated would be upset if 10c in every dollar went to another cause. With over 2,000 RFS Brigades and 70,000 volunteers, the \$50m is not a huge amount when divided up ...'
- 'The conditions that were applied to original payment should not be modified. Just because poor judgement was made as to the donation distribution by Celeste Barber, it should not erode the principles of the trust. The money has been committed to the fire brigades and should be utilised correctly as per the trust rules.'

A few participants also mentioned that the matter had already been settled in the Supreme Court of NSW:

- 'The Supreme Court has already ruled that people knew what and who they were donating to. Changing the law will not change it. You need to review and change the Trust laws.'
- 'This has been settled through the courts. If changes are made they should not be retrospective. The donations were made with the information available to those donating to what the funds were to be used for, this has been ratified through the courts. Again all changes should not be back dated.'

Support for the bill

Many participants supported the changes to legislation to allow for the funds donated to assist families, communities and animal welfare organisations significantly affected by the 2019-20 bushfire season:

- 'The bill enables a greater diversity in distribution relevant to the proposers intentions.'
- 'Funds from the Celeste Barber appeal should be allocated to support victims of the fires, including people who have lost homes and because of varying restrictions, are unable to rebuild. Wildlife agencies who are caring for injured and displaced animals should also receive support.'
- 'It overcomes a technical issue that affected the intent of the donations.'
- '... Unfortunately the trust deed of the NSW Rural Fire Service and Brigades Donations Fund in its current form does not allow for any of the funds to be used other than for purchasing new equipment and training of firefighters. Because of this all of those people who worked so hard and donated so much towards her wonderful appeal have been horrified to find that there is such a blockage stopping those funds from going to the very people who should benefit. Even now there are still people living in tents and caravans on their land who have not received any assistance whatsoever to restore their lives and properties. This is simply not right and so I wholeheartedly support the amendment to the Rural Fires Act 1997.'
- 'I believe that it is too much for the RFS to use solely for their own purpose and would be more beneficial to be shared with the people who were affected by this tragedy and still in urgent need of funds to help them get re-established.'
- '... [T]his money was donated to the community for the community.'
- 'The money raised by Celeste Barber needs to be spent to help many of the people rebuild after the fire. As a resident of Tathra, I see how long it takes to rebuild and also know that many of us here are still 2 1/2 years later very much affected by what happened. I can only imagine how horrendous it is for people who've lost everything and are currently living in tents or caravans.'
- 'I think the donated money should be given out to individuals who have lost their place of residence in the fires. Not the fire brigade. They don't have to rebuild a life from scratch.'
- 'The money was raised in good faith for victims. This current law needs amendment.'

Several participants also argued that individuals donating were unaware of the limitations on the use of the funds raised to the NSW RFS and Brigades Donations Fund, at the time donations were sought:

- 'Most if not all of the people who donated money in Celeste Barber's campaign were not fully aware about the limitations on how their donations could be spent. Given the intensities of the recent fire season I think it is more than acceptable up release part if not all of the money donated in this campaign to the people that really need it. As an RFS volunteer I wholeheartedly support this bill.'
- 'The intent of the monies raised by Celeste Barber was to assist communities and families to rebuild after the unprecedented bushfires. There are thousands of people still displaced during this cold winter who require urgent assistance. By withholding the funds in the NSW Rural Fire Service Trust Deeds; it does not service the intent of donors or Ms Barber.'

- 'I support the amendment to have the funds released to the victims of the bushfires, if I had known the funds would be released to the bushfire brigade I would not have given, while I respect what they do, there were so many lives lost humans, animals and their homes. Give the money to the bushfires victims.'
- 'Obviously the people who donated expected it to go to the victims. No question the RFS is deserving, but that doesn't change the INTENT of the donors.'
- 'Money was donated with the intent it went to victims of the fires - to be distributed to them.'
- 'The money was donated to go to people directly affected by the fires as well as assist local RFS brigades. Their wishes need to be respected.'

Neutral/ Undecided responses to the bill

The participants who chose to remain neutral or undecided provided the following reasons for their position:

- 'While I generally support that money donated intended for victims of the fires should go to those people. I don't know if this Bill is the best way going forward. The Bill has very little substance and "significantly affected" is a rather general term. Having seen the Fire Trails Bill get rushed through and then left to the RFS to try and give effect to it and after years it still has resulted in any on-the-ground improvements, I think this Bill also need proper attention and planning before it gets passed.'
- 'I believe the most money that should be able to leave this fund is 20% because the use of this funds will help the RFS advance well beyond the years & there is plenty of money still sitting with charities that will more than cover for those in need.'
- 'Agree that monies donated to the Trust should be used for fire fighters and their families who are killed or injured in the course of their work with the RFS but other charities are in place to assist general community members and animals impacted by bush fire incidents.'
- 'The court has already decided the outcome. This experience should only be viewed as a learning exercise by other people when setting up donations.'
- '... I understand the complexities of the funds raised by Celeste Barber during the past fire season, but I feel that to amend the provisions of the Trust Deed to allow for a celebrity their way after not having done their research properly is absolutely inappropriate. The NSW RFS brigades will significantly benefit from these funds and be more effective in protecting communities as a result of these donations. The Trust Deed is explicit in its purpose and powers and should NOT be amended to include payments to other organisations or persons.'
- 'I believe, that any donations to the NSW RFS should be used within the NSW RFS for the betterment of the service.'

Question 4: Do you have any other comments on the bill?

In response to this question, participants reiterated their positions on the bill:

- 'I believe it is a reasonable bill, it is community focused and well intentioned.'
- 'It's not up to the government or anyone else to have a say over where people's donations go. If we start inter fearing, people will stop donating at All.'
- 'Individuals experiencing loss of home from the fires need more financial help.'
- 'Please ensure that the trust funds are managed effectively and efficiently to improve RFS brigades across the State.'

- 'Let's get the money to where it was intended to go. People have lost faith in the donation system after this. Next time an area or town or the farmers the feeds us all need a donation people are not going to put their hand as deep in their pocket as they will be sceptical as to where their money is going will it ever get to the people intended.'
- 'It sets a dangerous precedence, amending the purpose of the fund.'
- 'Please support this bill to give those families living in tents and out of homes shelter during this winter and start to rebuild. Insurance has not covered a lot of what communities have lost.'
- 'Keep the funding where it was intended. Allow investment into the future of our Rural Fire Brigades.'

Conclusion

The online questionnaire has been a valuable tool to efficiently gather the views of interested individuals on the issues raised in the terms of reference. The information gathered will inform the committee's views as the inquiry progresses and be reflected in the inquiry report. The committee may also use the responses to support its findings and conclusions.

Appendix 1: List of questions asked

Questions:

1. Please enter your contact details.

Name:
Email address:
Postcode:
2. What is your position on the bill?

a. Support
b. Neutral/ Undecided
c. Oppose
3. In relation to the previous question, please explain your position on the bill.
500 words – free text box
4. Do you have any other comments on the bill?
250 words – free text box