






# NSW RURAL FIRE SERVICE



Mr Nick Roberts  
Chief Executive Officer  
Forests NSW  
Locked Bag 100  
BEECROFT NSW 2119

Your ref:  
Our Ref: HQ14/0837

10 July 2014

  
Dear Mr Roberts

## Incident Control at Bush Fires in Rural Fire and Fire Districts

New South Wales has been well served for many years by the principles of co-ordinated fire-fighting which ensure co-operation and co-ordination between the four fire-fighting authorities identified in the *Rural Fires Act 1997 (NSW) (RF Act)*: the NSW Rural Fire Service (RFS); Fire & Rescue NSW (FRNSW); the Department of Environment, Climate Change and Water (currently Department of Planning and Infrastructure: Office of Environment and Heritage – National Parks Division); and the Forestry Corporation.

However, in recent times events have occurred that have necessitated a review of the current arrangements in relation to bush fires where the Commissioner of the RFS (**Commissioner**), has not 'taken charge' of the fire pursuant to section 44 of the RF Act. Having reviewed those arrangements it has been determined that a number of changes should be made in relation to Class 1 and 2 fires.

Accordingly, the purpose of this letter is to:

- confirm that the NSW Rural Fire Service (RFS) has statutory responsibility under the RF Act for the suppression of fires in rural fire districts and Fire & Rescue NSW (FRNSW) has statutory responsibility under the *Fire Brigades Act 1989 (NSW) (FB Act)* for the suppression of fires in fire districts;
- confirm that, as all land within NSW falls within the boundaries of a rural fire district or a fire district,<sup>1</sup> then either the RFS or FRNSW has ultimate responsibility and authority in respect of suppression of fire throughout the State;
- remove any uncertainty as to the identity of the Incident Controller<sup>2</sup> at fires in rural fire districts and fire districts, while ensuring that the principles of co-operative fire-fighting are maintained; and
- set out interim arrangements for land managers that are also fire-fighting authorities<sup>3</sup> to follow in relation to providing information to the RFS/FRNSW when responding to fires on managed or other land in a rural fire district or fire district.

<sup>1</sup> See sections 6(1) and 5(2) of the RF Act and FB Act respectively. This includes managed land under the control of the Department of Planning and Infrastructure: Office of Environment and Heritage – National Parks Division (National Parks) and the Forestry Corporation (State Forests).

<sup>2</sup> The expression 'Incident Controller' is used to describe the person who is in overall charge of a fire and all resources in attendance at a fire. While the expression is used in this context by all fire-fighting authorities it is neither used nor defined as such in any relevant legislation.

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### Street address

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[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)





In this letter the RFS and FRNSW are referred to collectively as "**the Fire Services**".

#### **Section 44 of the RF Act**

Part 3 Division 1 of the RF Act requires the RFS Commissioner to take charge of all bush fire-fighting operations and bush fire prevention measures anywhere in NSW if, in the opinion of the Commissioner, certain conditions set out in section 44(1) of the RF Act are satisfied.

These provisions operate in both rural fire districts and fire districts.

Where the Commissioner has taken charge pursuant to these provisions the Commissioner or his or her delegate is the Incident Controller.<sup>4</sup>

#### **Incident control in Rural Fire Districts and Fire Districts when a section 44 declaration is not in place**

The RF Act<sup>5</sup>, imposes specific obligations on public authorities and owners and occupiers of land in NSW, including managed land, to prevent and manage fires on their land

Specifically:

- a public authority must take action to prevent bush fire or the spread of bush fire should one occur on its land. This includes taking steps to minimising the risk of spread of a fire from that land; and
- where a fire occurs on that land during an applicable bush fire danger period, the public authority is obliged to take all possible steps to extinguish the fire immediately it becomes aware of the fire.

While the Fire Services have statutory responsibility for control of incidents in their respective districts other fire authorities will respond to fires on or adjacent to managed land for which they are responsible and may be the first fire authority to respond to such an incident. Where that occurs, the Incident Controller will be determined by that authority's policy and procedures unless the Fire Service with statutory authority for the area in which the incident is located determines that responsibility for incident control should be transferred.

Where a fire is being effectively managed by the land manager the Fire Services may, subject to:

- the provision of regular, comprehensive situation reports by the Incident Controller; and
- an ongoing assessment of prevailing and projected weather conditions, fire behaviour and other relevant factors,

leave incident control with the fire authority while continuing to monitor the Incident Controller's strategy and progress.

However, consistent with the statutory responsibility imposed by the Acts, the Fire Services reserve the right to assume control of any fire in their respective jurisdiction with absolute discretion, regardless of the tenure of the land on which the fire is burning or which fire-fighting authority was first to respond.

#### **Plans of operation and bush fire risk management plans**

The RF Act provides for the Bush Fire Coordinating Committee (**BFCC**) to plan for bush fire prevention and co-ordinated bush fire-fighting through bush fire risk management plans. In addition to these plans, there also exist various memoranda of understanding and land management plans and strategies to assist in these efforts.

Accordingly, it will be necessary for the BFCC to review and, where necessary amend relevant policies. While this review is being undertaken, interim arrangements will be put in place to ensure consistent and appropriate initial response.

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<sup>3</sup> As defined in the RF Act.

<sup>4</sup> See section 44(2) of the RF Act.

<sup>5</sup> Section 63 and 64 of the RF Act

Accordingly, I have asked that:

- a new policy framework and a revised operations plan policy for the amendment of local operations plans be developed and submitted to the BFCC, for consideration; and
- the executive officer for each BFMC and relevant Fire Service staff to meet with the local representatives of the other fire-fighting authorities to ensure they are aware of the interim measures set out below, to discuss their implementation and review classification and joint response protocols

#### **Interim arrangements**

Pending the revision of the relevant plans and other documents the following protocol is to be followed in order to ensure that the initial response to, and ongoing management of, bush fires is consistent and appropriate:

*Where a fire-fighting authority other than the NSW Rural Fire Service (RFS) or Fire & Rescue New South Wales (FRNSW) (hereafter referred to as **the Fire Services**), has responded to a bush fire and the Fire Services are not present:*

- 1. The fire-fighting authority must notify the relevant Fire Service of its initial response to the fire as soon as is practicable.*
- 2. The Incident Controller will be determined by that fire-fighting authority until such time as:*
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  - the relevant Fire Service has directed a member of that Fire Service or another person to assume the role of Incident Controller.*
- 3. The fire-fighting authority's Incident Controller must provide the relevant Fire Service with a situation report as soon as is practicable, which includes the following information:*
  - the location of the fire;*
  - its size and any relevant information in relation to its behaviour;*
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  - information in relation to any known injuries or damage to property.*
- 4. The fire-fighting authority's Incident Controller must provide the relevant Fire Service with further situation reports on a regular basis, together with any additional relevant information in relation to the management of the fire.*
- 5. The fire-fighting authority's Incident Controller must discuss any proposed significant changes to strategy prior to their implementation with the relevant Fire Service Senior Officer.*
- 6. The situation reports must be provided to the relevant Fire Service by way of the ICON system.*



Over many decades, NSW has established and implemented what are arguably the best bush fire fighting arrangements in the country. This is based on cooperation between fire authorities whilst still recognising that there ultimately is a single chain of command. These new arrangements will preserve the principles of the cooperative fire fighting arrangements whilst ensuring that incident control protocols are clearly understood by all fire authorities.

I am confident that these interim arrangements and the associated revision of the operations plan policy and framework will ensure that we achieve this objective.

I look forward to your support in their development and implementation.

Yours sincerely

Shane Fitzsimmons AFSM  
**Commissioner**

cc Commissioner Greg Mullins AFSM



## NSW RURAL FIRE SERVICE



Ms Pauline McKenzie  
A/Chief Executive Parks & Wildlife  
Office of Environment & Heritage  
PO Box A290  
SYDNEY SOUTH NSW 1232

Your ref:  
Our Ref: HQ14/0837

10 July 2014

Dear Ms McKenzie

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Yours sincerely

Shane Fitzsimmons AFSM  
**Commissioner**

cc Commissioner Greg Mullins AFSM

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Please address all correspondence to:

The Executive Officer  
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NSW Rural Fire Service  
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Telephone: 8741 5110  
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Email: [christine.roach@rfs.nsw.gov.au](mailto:christine.roach@rfs.nsw.gov.au)

7 AUG 2014

Executive Officer  
Bush Fire Management Committee

#### **Amended BFCC Policy 2/2006 Management of Bush Fire Operations**

At its recent meeting on 24 July 2014 the Bush Fire Coordinating Committee endorsed an amended Management of Bush Fire Operations Policy. I am pleased to enclose a copy for your information.

The changes to this Policy include *Interim Arrangements – Protocol for Management of Initial Response to Bush Fires*. This protocol overrides and replaces any alternative arrangements that are included in your current approved Plan of Operations. The local representatives of both fire services will be discussing the arrangements with local personnel from Forestry Corporation and National Parks & Wildlife Service (NPWS) in your area, to ensure readiness for the upcoming fire season.

In brief, the new protocol:

- Clarifies that either the NSW Rural Fire Service (NSW RFS) or Fire & Rescue NSW (FRNSW) has ultimate responsibility for any bush fire (including a grass fire) in its jurisdiction, regardless of land tenure.
- Prescribes who appoints the Incident Controller.
- Establishes the notification requirements for NPWS or Forestry Corporation when either of those agencies becomes aware of any bush fire and/or responds to any bush fire.
- Requires that an Incident Controller from NPWS or Forestry Corporation must provide situation reports and other information to the fire services, by way of the ICON system.
- Requires that an Incident Controller from NPWS or Forestry Corporation must discuss any proposed significant changes to strategy prior to implementation with the relevant fire service senior officer.

- Clarifies that the fire services have the right to assume control of any fire in their respective jurisdiction, regardless of the tenure of the land on which the fire is burning or which fire-fighting authority was first to respond.

Consequently, there are some minor changes to the arrangements for fire classification, clarifying that the role of the Bush Fire Management Committee (BFMC) Fire Classification Group is to make recommendations to the relevant fire service.

Any new draft Plan of Operations must be consistent with the amended policy. Previously, BFMCs were required to submit draft Plans of Operations to the Bush Fire Coordinating Committee (BFCC) by entry into BRIMS. Due to the immediate nature of the changes to the policy and the timeframe required to amend the BRIMS system, draft Plans will no longer be prepared in the BRIMS environment. A template for use in the production of draft Plans will be prepared and distributed to Executive Officers in the near future.

If your Committee has already submitted a draft Plan of Operations into BRIMS, but that Plan has not yet been approved by the BFCC, the Plan will be translated into the new format on your behalf by NSW RFS Headquarters.

Yours sincerely

Christine Roach  
Executive Officer

*Enclosure:* Copy of amended Policy 2/2006