

**Submission
No 74**

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Organisation: NSW Rural Fire Service Association Inc

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RFSA

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21 July, 2017

The Director
Portfolio Committee No. 4 – Legal Affairs
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Sir,

Inquiry into Emergency Services Agencies

To assist Members in addressing the terms of reference of this Committee, the NSW Rural Fire Service Association, as the officially recognised body in the Rural Fires Act, effectively represents the views of over 74,000 Members and wishes to submit the following submission.

The submission provides an introduction to the Association and responds to the matters raised in the Terms of Reference, including other related matters.

I trust the Committee will find this information useful during its deliberation and I confirm that I would be in a position to attend and provide evidence at any hearings conducted by the Committee, if deemed appropriate.

Yours sincerely,

Ken Middleton
President

Supporting Our Members To Protect The Community



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Inquiry into Emergency Services Agencies (Portfolio Committee No. 4 – Legal Affairs)

Introduction

The NSW Rural Fire Service Association (RFSA) represents over 74,000 members of the NSW Rural Fire Service and provides grants for brigades, groups of brigades and Districts, scholarships, sponsorships, advocacy and chaplaincy/welfare support. It was established over 20 years ago and has developed an excellent and respected working relationship with the NSW Rural Fire Service, NSW Parliament, Local Government Councils, NSW Farmers Association, NSW State Emergency Service Volunteers Association and other emergency service agencies through well-established and effective consultative arrangements.

The Association has established a representative structure comprised of 16 divisions covering the entire State, and these divisions are represented by elected delegates on a State Council which meets four times a year. Under the 16 divisions, the Association has over 40 branches allowing grass roots members the opportunity to be heard. A map showing the divisional boundaries is attached for the information of the committee (Annexure A).

The NSW Rural Fires Act identifies the Association as a member of the NSW Rural Fire Service Advisory Council, which amongst other things advises and reports to the Minister for Emergency Services and the Commissioner on any matter relating to the administration of rural fire services, under the Act. The Association very much respects this role and actively participates in the deliberations of the Advisory Council on behalf of its members. The Association is also proud to represent its members on other statutory and non-statutory committees reporting to the Minister and the Commissioner.

The Association therefore is well placed to comment, in an informed and balanced manner on the specific issues identified in the terms of reference of this Inquiry, and welcomes the opportunity to provide this submission.

In responding to this Inquiry, the Association has referred to quantitative findings of the 2016 Volunteer Welfare and Efficiency Survey, conducted by the Council of Australian Volunteer Fire Associations (CAVFA). Whilst the final report is expected to be released shortly the Association has highlighted some of the findings specifically relating to discouraging workplace bullying and the relationship amongst members of the NSW Rural Fire Service.

The opportunity is taken to provide members of the Committee with a copy of the Association's publication produced in 2010, "Building a Rural Fire Service for 2030". This publication identifies 33 issues considered to be critical if the NSW Rural Fire Service is to maintain its present high standards in meeting the needs of our members (Annexure B). In 2014 a supplementary booklet was produced to primarily update the status on the 33 issues (Annexure C).

Specific Issues to be addressed by the Inquiry.

- a. The prevalence of bullying, harassment and discrimination as well as the effectiveness of the protocols and procedures in place to manage and resolve such complaints within the emergency services agencies including the NSW Rural Fire Service.**

Response: The Association is aware of claims of bullying, harassment and discrimination in the NSW Rural Fire Service and data from the 2016 Volunteer Welfare and Efficiency Survey referred to earlier in this submission would suggest that attempts to actively discourage workplace bullying do not completely meet the expectations of members. Nevertheless, the Association is aware that policies have been put in place by the NSW Rural Fire Service to manage and resolve such complaints. Additionally, this Association has in place an advocacy support policy to assist in resolving grievances which can involve interpretation and application of service standards, policies or an allegation of discrimination, harassment and bullying.

The Association's advocacy includes:

- *Helping clarify the grievant or respondent's problem*

- *Assisting in communication with the parties concerned and navigating the system*
- *Providing information or research on where to source information*
- *Providing non-judgemental support*
- *Helping to clarify an acceptable outcome*
- *Providing honest feedback*
- *Listening to all concerned*
- *Any other role as determined by the Association's CEO based on the circumstances of the case.*

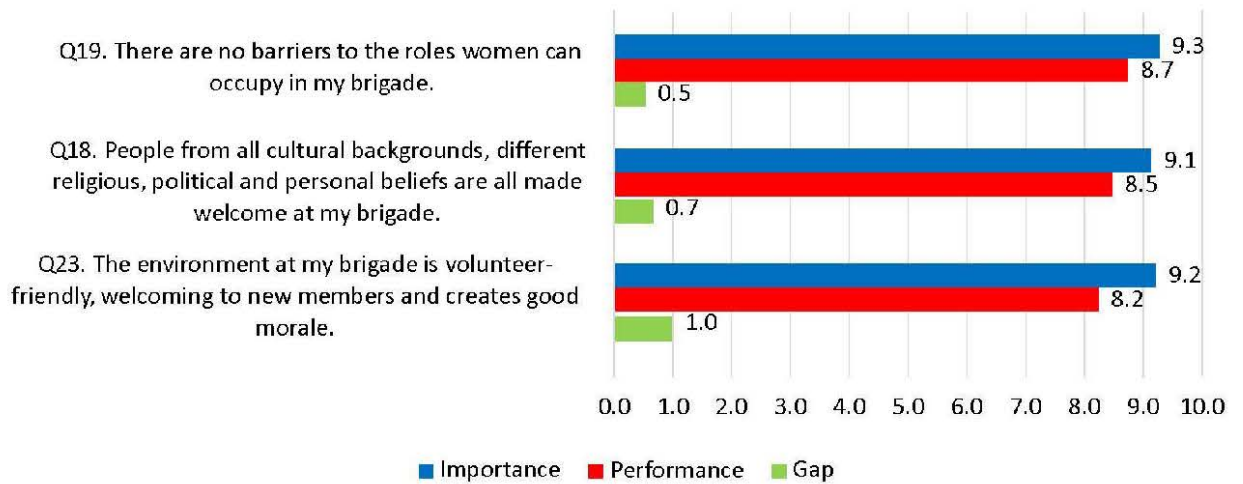
Through this policy, the Association has been able to assist members in resolving grievances relating to bullying, harassment and discrimination. Whilst the Association cannot provide specific examples due to privacy, the NSW Rural Fire Service provided full cooperation and support in resolving the complaints.

The qualitative findings of the 2016 Volunteer Welfare and Efficiency Survey, to which almost 2,000 NSW Rural Fire Service members responded identified that:

- *84% of NSW Rural Fire Service respondents were satisfied with their role as a NSW Rural Fire Service volunteer.*
- *88% of them intended to continue their membership with the NSW Rural Fire Service and,*
- *84% would recommend to people to volunteer with the NSW Rural Fire Service.*

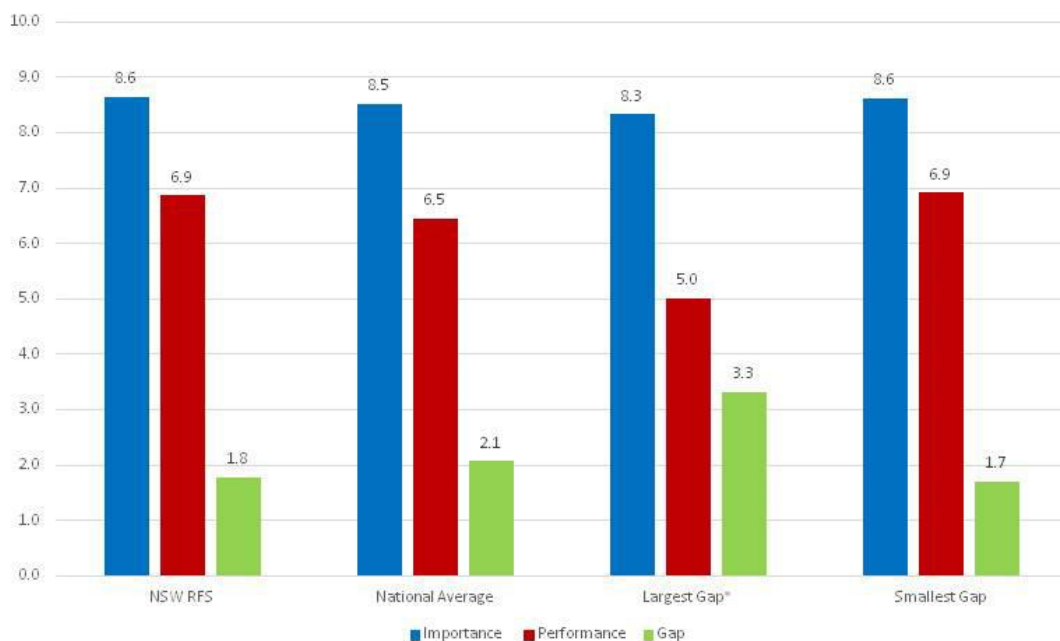
The survey findings also identified key NSW Rural Fire Service strengths indicating an accepting environment for women, cultural backgrounds, and members with different religious, political and personal beliefs.

Strengths



With regards to respect and professionalism, comparing the NSW Rural Fire Service to the National Average, the following results were achieved:

Respect and Professionalism – National Average



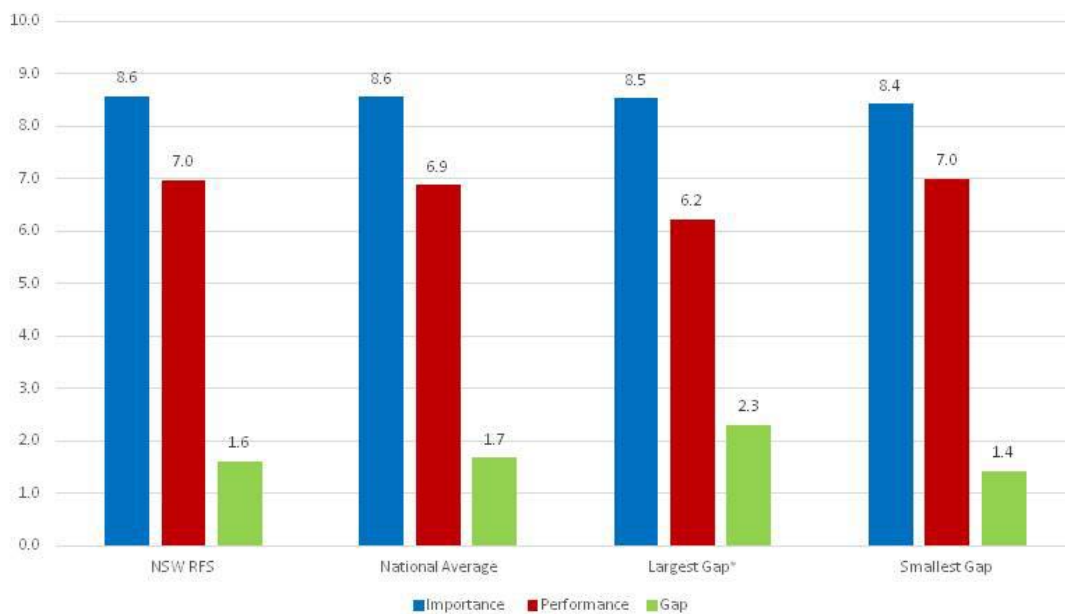
The data indicating, that with regards to levels of respect and professionalism demonstrated towards members, the NSW Rural Fire Service ratings were better than the National Average. Questions asked covered matters including whether the value of the volunteers’ contribution is respected and valued in the NSW Rural Fire Services’ actions and culture.

Other survey categories of relevance provided insight into the morale and culture of the NSW Rural Fire Service including ratings on the participants’ role as a volunteer, recruitment and retention, people management and co-operation across the agency, and support from the NSW Rural Fire Service.

Graphs depicting the results of the NSW Rural Fire Service in these categories in comparison to the National Average are detailed below. The “Gap” identified is the difference between Importance and Performance.

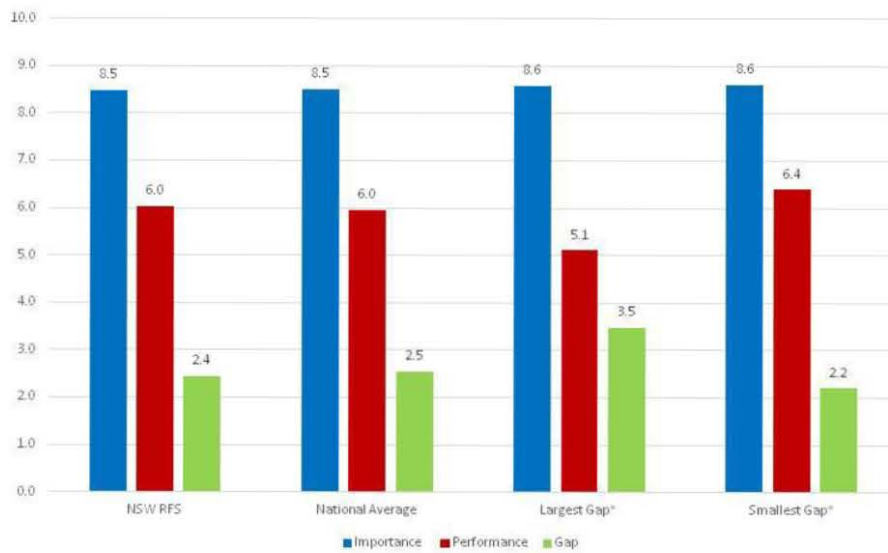
In summary, compared to the National Average, the NSW Rural Fire Service, in most cases rated the same as, if not better than the National Average. The full results of the survey will be available when the report is released.

My Role as a Volunteer – National Average

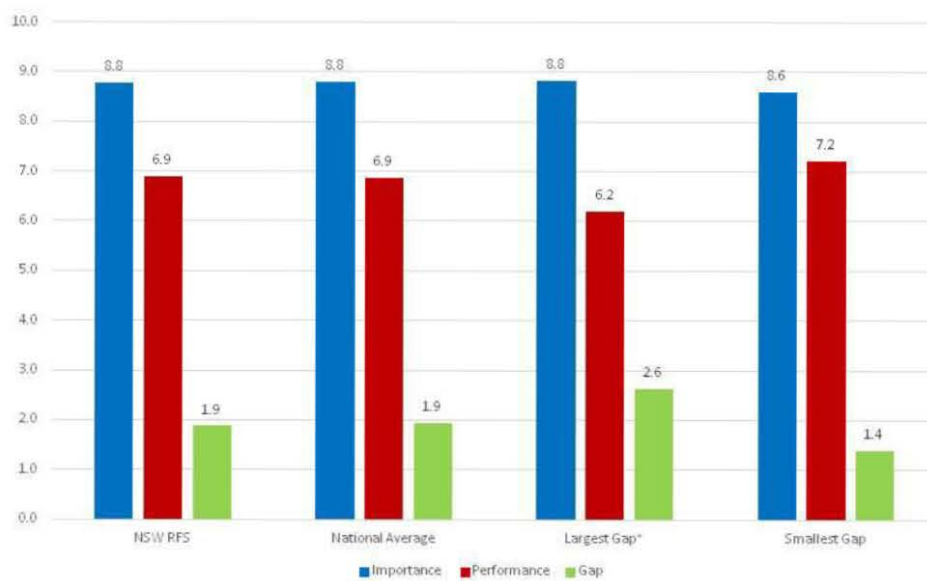


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Co-operation – National Average



Support – National Average



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a. The support structures in place to assist victims of workplace bullying, harassment and/or discrimination within the NSW Rural Fire Service.

Response: The Association is aware that the NSW Rural Fire Service has a Member Assistance Program (MAPS) and Employee Assistance Program (EAPS) in place and access to Critical Incident Support Services (CISS) and chaplaincy support for volunteers and staff.

The Senior Chaplain and Family Support Chaplain are senior ranked officers of the Salvation Army and are engaged by the NSW Rural Fire Service on a contractual basis.

The Senior Chaplain has access to this Association's funding should the need arise to provide assistance to volunteers and staff or their families in crisis situations.

During the 2015-2016 financial year, the CISS team provided counselling and support to over 800 personnel and the Senior Chaplain and the Senior Family Support Chaplain provided telephone support and counselling on 242 occasions and travelled in excess of 56,000kms throughout the State.

The NSW Rural Fire Service has also established a Professional Standards Unit within its administration which investigates serious allegations against staff and volunteers including misconduct or breeches of discipline.

As mentioned previously, the Association has an established Advocacy Policy to support members in resolving claims of bullying, harassment, discrimination or any other concerns referred to it.

b. The support services available to emergency services workers and volunteers to assist with mental health issues resulting from workplace trauma and the effectiveness of those programs.

Response: Critical Incident Stress Teams have been established by the NSW Rural Fire Service and these are activated on an as needs basis. The Chaplains are also equipped to support members where needed.

Under the Workers Compensation [Bush Fire, Emergency and Rescue Services] Act provisions exist to provide compensation for injuries, including mental health issues, resulting from activities undertaken by volunteers. Any claims are closely monitored to ensure they are managed sympathetically and effectively and that appropriate rehabilitation programmes are put in place. A Workers Compensation Working Group was set up some years ago, upon which this Association is represented, to ensure that processes are put in place to minimise any stress or anxiety being suffered by members and their families. The Association was very active in the development of procedures to more fairly assess weekly benefits for self-employed volunteers particularly in the farming community where injuries resulting from firefighting prevented them from continuing to work.

For many years now, the Association has held numerous Volunteers' Family Days around New South Wales. These days provide a simple "thank you" gesture to the members and their families and place a special emphasis on making volunteers and their families aware of the welfare programmes available through the NSW Rural Fire Service. Representatives of the Chaplains and the CISS team always attend and are given the opportunity to address the attendees and provide an overview of their services. They are then able to make themselves available to the members in a comfortable, non-confrontational environment for counselling and support.

c. The appropriateness of uniforms provided to personnel in emergency services agencies.

Response: The Association, through the well-established NSW RFS/RFSA Consultative Committee process, is involved in the development of uniforms and personal protective clothing. The Association is often called upon by the NSW Rural Fire Service to provide input to working groups specifically set up to develop standards. Currently the Personal Protective Clothing Working Group is reviewing and updating personal protective clothing for firefighters and monitoring testing of prototypes developed by manufacturers.

Along with the NSW Rural Fire Service, the Association has a volunteer representative on the Australian and New Zealand Standards Committee, which examines and develops minimum standards for firefighting equipment including boots, gloves, goggles and helmets.

The NSW Rural Fire Service like any other professional service has a command structure which is heavily reliant on clear identification and rank. The Association supports this and the community recognise it, particularly during major operations involving other emergency services. It enables clear identification of the agency and the chain of command which is essential in co-operative emergency management.

A Director of the Association also participates on the Rank Review Committee of the NSW Rural Fire Service.

d. The relocation of the New South Wales Rural Fire Service Headquarters to Orange, Dubbo or Parkes.

Response: This Association is of the view that reasonable efforts have been made to relocate appropriate functions to Regional Offices of the NSW Rural Fire Service.

In order to effectively manage and co-ordinate high level functions of the Service, head office should remain within Greater Western Sydney. The media and government have immediate access to State Operations which is critical for reporting and updating the public during major operations throughout the State and other emergency service agencies are able to access the facilities and attend immediately if required. (Please see details of the Association's policy 1.2 in the publication "Building a Rural Fire Service for 2030").

Furthermore, basing the NSW Rural Fire Service Headquarters in Greater Western Sydney allows a more responsive approach to any logistical needs required. Being in close proximity to media outlets enables direct transmission of information to the public and engagement with other land management agencies and support authorities in effectively leading major coordinated bush firefighting efforts.

The NSW Rural Fire Service has a proven record of providing operational intelligence during major emergency events and the distribution of broadcasts directed at saving lives and property. Central to this is a modern State Operations centre with a highly skilled workforce in close proximity to Government and stakeholders.

e. Any other related matter.

Response: Other matters worthy of mentioning to the Committee are:-

- **Speed Limits around responding Emergency Service Vehicles**

It is imperative that the position in NSW be considered urgently as this is one of the biggest safety factors facing our members and given the frequency of interstate fire-fighting arrangements during major emergencies, consistent road rules nationally would be logical in minimising accidents.

This Association fully supports the recent decision taken by the Victorian Government to introduce new road rules to protect emergency workers on roads. Drivers in Victoria must safely slow to 40km per hour when passing a stationary or slow moving emergency vehicle that is responding to an emergency with flashing lights or sirens. Similar restrictions exist in at least one other State and the proposal is currently being considered by Tasmania.

This Association wrote to the Hon. David Elliott MP (the then Minister for Emergency Services) on the 18 August 2016 and again on 19 January 2017 suggesting similar legislation in NSW. More recently, letters have been sent to the Hon. Troy Grant MP, Minister for Emergency Services and the Hon. Melinda Pavey MP, Minister for Roads.

It is understood this initiative has the support of the NSW Police Association and the Australian Paramedics Association, as well as the NRMA.

- **Legal Protection for Volunteer Emergency Workers**

A recent judgement which followed an accident involving a volunteer has caused some unrest within the ranks of the NSW Rural Fire Service.

The accident occurred on the M1 freeway where a tanker driven by a volunteer performed a 'u' turn in bay number 10; the signage stated: "No U-turn", "Police, RTA, NRMA and emergency vehicles excepted".

It resulted in a fatality when the driver of an oncoming vehicle collided with the tanker. The driver of the tanker was found criminally negligent because he did not exercise reasonable care.

The judgement will have a deleterious effect on the ability of the NSW Rural Fire Service and other emergency services to respond to situations in a timely manner and this may result in unnecessary loss of life.

A working group has been set up under the State Emergency Management Committee to:

- 1. develop a proposal for legislative amendment to define the term 'emergency' consistently within NSW legislation.*
- 2. develop a policy defining the appropriate operational parameters for the use of u-turn bays and cross over points on dual carriageway roads by emergency service vehicles and others.*
- 3. develop a proposal for the appropriate identification and marking of u-turn bays and cross over points on dual carriageway roads.*

However it needs to be expedited as currently volunteers have been directed that pending resolution, cross over points or emergency u-turn bays on motorways or highways are not to be used. This includes where the facility is marked for the use of emergency service vehicles.

- **2016 National Volunteer Welfare and Efficiency Survey**

As an active member of CAVFA, the RFSA encouraged members to participate in the 2016 National Volunteer Welfare and Efficiency Survey, a CAVFA initiative.

Over 7,000 members responded nationally to the survey with close to 2,000 being from NSW Rural Fire Service. As the survey was also undertaken by volunteer rural fire fighters in other States around Australia during the same time period, the results will provide a nation-wide

snapshot on volunteer fire fighting across Australia. A publication detailing State and National results is expected to be released shortly. Meanwhile, a preliminary review of the data has been undertaken and referred to earlier in this submission.

- **Fire & Emergency Service Levy (FESL)**

The recent decision taken by the Government to defer the introduction of the FESL pending a review to find a better and fairer path forward is supported by this Association.

This Association has consistently stated publicly that any form of a property based levy would not be fair and equitable and could undermine the culture and independence of the “volunteer” emergency services that has evolved over many years. The reaction by the public clearly supports the Associations views and it is pleasing that the Government has reacted.

In reaching this conclusion this Association commissioned Deloitte Touche Tohmatsu to research a number of issues including the total cost of providing rural fire protection and minimising the threat to lives and property in NSW. These findings which took into account information from stakeholders including Local Government Councils are publicly available on the Association’s website. The Association intends to update this research to assist the Government in any future review of funding emergency services in NSW.

The reports from Deloitte Touche Tohmatsu are attached (Annexure D and Annexure E).

- **NSW RFS/RFSA Consultative Committees**

It would be remiss of this Association in responding to this Inquiry to not acknowledge the initiative to formally establish Consultative Committees based on the four directorates within the NSW Rural Fire Service (see RFS Service Standard 1.1.18).

These Committees meet on three occasions each year and are chaired by the head of the appropriate NSW Rural Fire Service Directorate. This Association nominates eight members for each committee through an EOI process representing the four NSW Rural Fire Service regions.

Over 220 business papers put forward by the Association have been considered by the Committees since establishment and appropriate changes have resulted. Many of these changes related to the safety and welfare of volunteers, and overall bushfire management including community engagement.

Similar processes could be suggested by Portfolio Committee No.4 - Legal Affairs if the Committee believed other agencies would benefit from such a concept.

I would be prepared to appear before the Committee at a future date and provide further information if required.

I trust you will find this submission of assistance in your deliberations.

Ken Middleton

President