

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

EMERGENCY SERVICES AGENCIES

CORRECTED

At Macquarie Room, Parliament House, Sydney on Tuesday, 20 March 2018

The Committee met at 2:30 pm

PRESENT

The Hon. Robert Borsak (Chair)

The Hon. David Clarke

The Hon. Catherine Cusack

The Hon. Scott Farlow

The Hon. Peter Primrose

Mr David Shoebridge

The Hon. Lynda Voltz

The CHAIR: Welcome to Portfolio Committee No. 4 and its inquiry into emergency services agencies. Before I commence I would like to acknowledge the Gadigal people, the traditional custodians of this land. I would also like to pay respect to elders past and present of the Eora nation and extend that respect to other Aborigines present. Today we will hear from representatives from the Fire Brigade Employees' Union and the Commissioner and Deputy Commissioner of Fire and Rescue NSW.

Before we commence I would like to make some brief comments about procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. I ask members of the audience to respectfully observe the discussion today. Please be aware that today's hearing is not an open forum for comment from the floor. Audience interruptions make it difficult for witnesses to communicate with the Committee.

If there are interruptions from audience members, I may stop the hearing and ask for quiet, or for those making a noise to leave the room. The Committee may decide to hear confidential evidence in camera—that is, in private—today. If this occurs, I will ask for the public gallery to be cleared and audience members will leave the room for the duration of the in-camera proceedings. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind members of the media that they are not authorised to film outside of the hearing room without permission. They may not film witnesses coming into and out of the hearing. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. I ask witnesses to be careful when using individuals' names during the hearing and remind participants to respect the privacy of individuals. In order to avoid unnecessary harm to people's reputations, please ensure that comments are relevant to the terms of reference. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing, and so I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decides to take an action for defamation. Finally, could everyone turn their mobile phones to silent for the duration of the hearing.

LEIGHTON DRURY, State Secretary, Fire Brigade Employees' Union, affirmed and examined

GEMMA LAWRENCE, Senior Industrial Officer, Fire Brigade Employees' Union, affirmed and examined

The CHAIR: Would you like to make a short opening statement?

Mr DRURY: Just a short one. I thank the Committee for giving us the opportunity to answer questions and provide any information that we can. I think it is important that a wide range of people with different sets of skills have been called and asked to submit their views on these different issues before the Committee. The Fire Brigade Employees' Union is here as an employee advocate group which holds the employer to account on their responsibilities and advocates for members' rights, wages and conditions. We have reviewed some of the submissions and we certainly look forward to reading the Committee's report.

The Hon. LYNDA VOLTZ: I assume you have looked at the Fire and Rescue NSW submission. It notes that the People Matters Survey indicates that 30 per cent of people have witnessed bullying in the fire brigade and 19 per cent were victims of bullying in 2016. The 2015-16 figure of 14 instances of bullying being investigated and only four being sustained would appear to be particularly low.

Mr DRURY: I agree with that statement.

The Hon. LYNDA VOLTZ: On those figures, around 650 to 700 people reported being bullied and more than 1,000 have reported seeing bullying.

Mr DAVID SHOEBRIDGE: Not necessarily in that year.

The Hon. LYNDA VOLTZ: I understand that.

Mr DAVID SHOEBRIDGE: That would be a big disparity.

Mr DRURY: What was the question?

The Hon. LYNDA VOLTZ: The fire brigade has more than 3,500 people.

Mr DRURY: No, we have 6,300 members. That is 3,500 permanent members and close to 3,000 retained members.

The Hon. LYNDA VOLTZ: With 3,500 members, 19 per cent of that would be about 650.

Mr DRURY: Possibly, if you extrapolate that. I cannot go into how the survey was done and the poor rate of return of surveys, although unfortunately that is common with the surveys sent out to fireys.

The Hon. LYNDA VOLTZ: Have you ever raised concerns with the fire brigade on behalf of union members about what appears to be high reported rates of bullying and the actual outcomes?

Mr DRURY: Have we ever taken that up with management?

The Hon. LYNDA VOLTZ: Yes.

Mr DRURY: We had different discussions with management before my time as secretary. We obviously have discussions around it when issues come up. If you go back to 2014, our submission talks about us being in lock step with Fire and Rescue NSW with regard to rubbing out bullying. We certainly do what we can and talk to them about the different ways that can occur.

The Hon. LYNDA VOLTZ: Have you questioned management about why the incidence of investigations being sustained is so low? Four cases seems extraordinary low.

Mr DRURY: No, I have not asked that exact question. One of the things we included in our submission relates to the change to procedural guidelines in the Industrial Relations Commission a few years ago. We thought the old system was better with regard to how they ran the process.

Ms LAWRENCE: The length of time it takes an investigation from when it commences to when it concludes—and of course they can be quite resource intensive—means that only a small number are fully investigated. That is not to say that some are not reviewed by the workplace standards branch and subsequently referred to local management to resolve. In our view, that is not always acceptable. We have been focusing with management on the issue of the length of time these matters take. That obviously takes away from other investigations being able to be properly resourced and seen through to a satisfactory conclusion.

The Hon. LYNDA VOLTZ: Are you satisfied that all complaints are being logged?

Ms LAWRENCE: Members have certainly complained that not all claims are being logged. Particular claims logged in a particular way are. If they are formally written in a particular format, that goes to the workplace standards branch and it is popped into a database and logged. But I would not expect that complaints shared with a manager in a more informal way would necessarily make it to that formal recordkeeping process. Issues that get raised through the workers compensation system because someone has made a claim but then not taken it to the professional standards branch may not hook into that other stream of recordkeeping. There is debate about whether or not that is appropriate. I imagine that things do not get logged or recorded necessarily because of some of those informal channels that do not—

The Hon. LYNDA VOLTZ: Have you spoken to the commissioner about how they should be resolved?

Ms LAWRENCE: Not personally.

The Hon. CATHERINE CUSACK: Your submission states:

It is neither the Union's role nor intention to judge and take sides amongst its members and so the Union will generally (but not always) rely on FRNSW to prosecute complaints and confine its involvement to assisting members who are facing allegations of misconduct.

In other words, you represent only the bullies in these matters.

Mr DAVID SHOEBRIDGE: I do not think that is fair,

Mr DRURY: I do not think that is fair at all.

The Hon. CATHERINE CUSACK: Where does that leave the victims? At what point do the victims get assistance from the union?

Mr DRURY: Whenever they come to us and ask for it.

The Hon. CATHERINE CUSACK: You just indicated that it is not your role.

Mr DRURY: No, I think you are misrepresenting that. It is not our role to prosecute people; that is the employer's role. We do not get involved in member-on-member issues. At the end stage, whoever comes to us for help, we provide it.

The Hon. CATHERINE CUSACK: Can you give me any examples of how you have assisted victims of bullying?

Mr DRURY: My state committee officials and I spend hours on the phone talking to these people. I think it is unfair to presume—if I dare say—that the union throws these victims to the wolves. I would say that unions are there to promote the downtrodden, and these are those people. We are not there only to protect.

The Hon. CATHERINE CUSACK: Your submission says that your role is confined to assisting members who are facing allegations of misconduct.

Mr DRURY: That is in the complaints process. If a member comes to us and says they have a letter from Fire and Rescue NSW stating that they have been charged with X, Y or Z, we will look at that. We have a capability in our rules to not defend that person. We weigh up the benefits and generally we support those people. That is what a trade union is all about. There is another part to this. If the person who has been bullied contacts us, we support them. We obviously send them to the appropriate services that the employer, not the union, should provide. The union is not here to provide those levels of service. We provide any other support that we can. I have come from being a sub-branch secretary to a junior vice-president and I am now the state secretary. The number of calls I have had from people going through these times is countless.

The Hon. CATHERINE CUSACK: We know that people have tried to get union help. We are looking for just one example of where union help was provided. Do you have a case study of assistance being given?

Mr DRURY: I will take that question on notice and provide an answer.

Mr DAVID SHOEBRIDGE: I would like to ask a question on that point in terms of the services to which you can refer your members. You point out on page 4 of your submission that it is very positive that New South Wales paramedics have been given an additional \$30 million to 2020 for their health and wellbeing acknowledging their mental stress. You also point out that it is positive that NSW Police have an extra \$17 million. You then point out that your members do not have any additional support.

Mr DRURY: That is correct.

Mr DAVID SHOEBRIDGE: Can you talk the Committee through that?

Mr DRURY: We have been advocating for some time for more support. I will say that Fire and Rescue NSW is happy to work with us on different programs. However, we find as a rule that it is happy to put out a brochure or an idea—

Mr DAVID SHOEBRIDGE: A new policy.

Mr DRURY: Yes, or a new policy. However, it never provides the funding to get the work done that provides that benefit. As we all know, that comes down to money. I will not blame Fire and Rescue NSW for that part because, unfortunately, it is your role to provide that funding.

The CHAIR: It is not my role.

Mr DRURY: Fair enough.

The CHAIR: It is the role of my colleagues on my right.

Mr DRURY: I did look at them when I said it. We have suffered significant budget cuts over the past five years under the current Government. That is certainly hampering the way that Fire and Rescue NSW can sort out its members.

Mr DAVID SHOEBRIDGE: In regard to those services, when you have a member who is hurting and needs help and support, are adequate services being provided by the employer for you to refer them to?

Ms LAWRENCE: I can probably answer this question, in so much as the Employee Assistance Program [EAP] is an example of a service that we might advise members about, explain what the entitlement is and refer them to. I think at the moment three sessions are provided to employees who contact that service. I understand in certain circumstances additional consultations can be provided, but certainly from the outset the offer is three contacts with EAP. There is a 24/7 hotline as well. That is a service that we refer people to. We would probably like to see that expanded a bit because certainly three sessions is not enough to see a person through what can sometimes be quite a lengthy process.

Mr DAVID SHOEBRIDGE: I had always seen the standard as 10. Most organisations will have 10, at least five, but normally 10. Three is very low. Have you had members go through it and find it inadequate?

Ms LAWRENCE: We have had some feedback that members will use those three sessions but then feel like well, they could ask for some more but that is going to run out in due course anyway. I think the other thing that members have fed back to us is that whilst it is good to have that service there, they do not know Fire and Rescue intimately enough to connect with them, I suppose. And that is why we refer to the Metropolitan Fire Brigade Workplace Behaviour Line, which adds a more specific level of support beyond a general employee assistance program hotline. That is one area that we would refer people to. Obviously, one of the things that we do discuss with members who have been injured as a result of bullying and harassment are possible claims for workers compensation, which can bring with them opportunities for treatment that they may not be able to access, or may not readily be able to access. There are obviously issues to do with members that we have that are in remote locations and the like, which makes accessing certain services expensive and difficult.

The Hon. LYNDIA VOLTZ: By the time they have got to a workers compensation claim though it has possibly been an ongoing issue for some time.

Mr DRURY: True.

Ms LAWRENCE: That is right.

The Hon. LYNDIA VOLTZ: What proportion of the claims where people are medically retired out would relate to stress?

Ms LAWRENCE: I honestly could not tell you that.

Mr DRURY: No. Fire and Rescue would be able to tell you.

The Hon. LYNDIA VOLTZ: I was wondering whether you had that data.

Mr DRURY: We do not get that data, unfortunately.

Ms LAWRENCE: You are right, by the time it does get to that point an injury has occurred and it has been going on for some time. Often that is when we are contacted.

The Hon. LYNDA VOLTZ: That was why I was getting back to my original point about the reporting and the low reporting numbers. The evidence I am hearing is that people initially make some kind of complaint or some kind of approach and it escalates and escalates and is ongoing. It appears people do not have confidence in reporting mechanisms and they do not seem to be actioned very quickly.

Mr DRURY: I think you are right and I think probably, going back to Ms Cusack's point, we generally do not get the phone call saying, "I am getting bullied." We generally get the person who has already gone to the point where they are at the disciplinary end; we do not get the start of it. We only get to the point where someone has been sent a letter and been charged with something. You are right, generally that is done through Fire and Rescue and I think most people do not see the union as someone to go to and say, "Look, I am being bullied. What do I do?"

The Hon. LYNDA VOLTZ: There is always an internal conflict, is there not? I had this when I was in the army. Quite often the command sergeant major or the regimental sergeant major would be the person investigating what happened in their own units and that was hugely problematic. What is your view on the mechanisms as they sit now and is there a way of improving them?

Ms LAWRENCE: I think there is a difference between a manager intervening in something at an early stage, as opposed to an investigation. I think there has been some evidence given by two doctors who have undertaken some research—their names escape me for the moment—talking about training for managers. If there is an intervention at the point where it is not at the stage of accusations of bullying and harassment but rather a complaint of, "This behaviour is making me uncomfortable"—

The Hon. LYNDA VOLTZ: Unprofessional.

Ms LAWRENCE: or it is unprofessional, there can be some intervention to try to head off getting to the investigation stage. Once it gets to an investigation stage and there are reports submitted, facts are being tested against one another, it does take it out of the unit, if you like, or the local management because people need to feel like there is integrity in the system. So there is a tension there, I agree with you.

The Hon. LYNDA VOLTZ: If you are complaining about a culture inherent within, say, a local area command, it is naturally going to be dealt with by that local area command. It is inherently their culture.

The Hon. CATHERINE CUSACK: It is not a few rogue individuals; it is a cultural problem.

Ms LAWRENCE: I think by the time it gets to an investigation stage or a complaint of a culture within a local area, you will find it is getting to workplace standards and it is stepping out of that local area.

Mr DAVID SHOEBRIDGE: We have had a number of witnesses say that senior management has good operational skills. Their skills often come from having worked in the organisation for decades, but what they are lacking in is organisational skills and being able to handle things such as how to set up a complex complaints structure, how to deal with those sort of managerial issues. What do you say to those observations?

Mr DRURY: I totally agree, and I have already started informal conversations with Fire and Rescue around training through their promotional pathways of dealing with conflict and complaint handling. We have an internal conversation in our unit at the moment with our senior officers sub-branch secretary who is looking into that as well. I think the training on the specifics is lacking at the moment.

Mr DAVID SHOEBRIDGE: They would have been good firefighters but when it comes to managing a complex organisation attention needs to be addressed to some of those managerial skills.

Mr DRURY: I would not say that as a general view. Some people obviously need training in different areas, but I certainly would not say that is the bulk of the membership in any way.

The Hon. LYNDA VOLTZ: It is not necessarily the bulk of the membership, but you call it complaint handling—expecting someone to do their job in a professional way. When they fail to do that raising it as an issue is not necessarily a complaint; it is expecting it to be done. I think that is the problem. When you are in a small unit, particularly outside the metropolitan area in a small regional town, any time you raise an issue it automatically gets perceived as a complaint rather than an expectation that people operate on a professional level. That is due to the nature of any emergency service that you are in, just as it would be in the NSW Police Force or the army. That would be an issue in smaller units the further away you are from the mainstream.

Mr DRURY: Not knowing the evidence that you have heard—which probably seems like something that would help me in answering this question—we have a reasonably clear complaint line. If you cannot go to your immediate line manager in your small group you can go around them. If you do not think you can go to them you can go around them. That can occur.

The Hon. LYNDA VOLTZ: That is very difficult if you are in a small town, is it not?

Mr DRURY: No. It is just an email to workplace standards.

The Hon. LYNDA VOLTZ: No, it is not physically difficult to do; it is difficult to do in the community that you live in.

Mr DAVID SHOEBRIDGE: It is hard for an individual working with the same eight people in a small town to make a complaint or issue about one of them. It is much harder in a small team than in a larger team, is it not?

Mr DRURY: Yes. If that is the path you are going down, yes, I agree.

Mr DAVID SHOEBRIDGE: What do you say to the potential for having almost like an emergency services ombudsman who cuts across Fire and Rescue NSW, NSW Ambulance, the State Emergency Service and the NSW Rural Fire Service and is a kind of external reference point so there is a bit of space and distance on those complaints?

Mr DRURY: Good question. There you go. I will take that question on notice—an emergency services ombudsman.

Mr DAVID SHOEBRIDGE: Call it an ombudsman, call it an external professional standards command, call it what you like, but with that degree of distance so that you have a sense of independence. We have had a number of people saying that going down that path would provide a level of comfort and independence and distance that would overcome a lot of the problems.

Mr DRURY: Yes.

Ms LAWRENCE: Feedback that we get from our members is about integrity in the inner process. Sometimes that is as much about a perceived integrity as it is about actual integrity. That is not to diminish any of the feedback I have received from members. Sometimes Fire and Rescue NSW may be aware of what is going on in certain areas—and they have spoken to these people and they have spoken to others and investigated something thoroughly—but that has not been communicated to the person who has made the complaint or the person who has been investigated. That can create the perception that there is a lack of integrity in the process.

Mr DAVID SHOEBRIDGE: Justice must not only be done; it must be seen to be done by the people who have been participants.

Ms LAWRENCE: I think that it is natural, when you are feeling that you have been left in the dark, to distrust the person who is undertaking the process. That is because you already feel let down by them because you were harassed or bullied in the first place. So I think there is merit in us considering how an external contact, agency or ombudsman might help reinforce integrity in a process so that those who are making complaints, or those who are being investigated, feel that they are being heard in a safe space.

The Hon. LYNDA VOLTZ: It is not for every investigation; it is for those that will be prolonged and ongoing.

Ms LAWRENCE: No, that is right. The other thing is that it is also an opportunity for somebody to ask a question about a particular behaviour because they want some reassurance that they have read the situation correctly without having to raise it with the workplace standards branch which may or may not of its own volition decide to investigate the matter.

The Hon. LYNDA VOLTZ: And go straight back to the unit you are at.

Ms LAWRENCE: I often speak to members who ring me and say, "This has happened at work. I do not know if that is bullying and harassment. Are they saying that to me because they are monitoring my every move, and I am about to get picked up for something at work? Then I am going to have this person say X, Y and Z." Sometimes they need someone to workshop what has gone on to reconcile, in their own minds, what is happening to them. As much as we would love to provide that service, I am not a counsellor. We muddle along and do our best, but this needs a particular skill set where people can feel that they have somebody to speak to who understands what is going on for them.

The Hon. CATHERINE CUSACK: Is there a cultural issue in Fire and Rescue NSW?

Mr DRURY: In regard to?

The Hon. CATHERINE CUSACK: Bullying and harassment, cliques, power arrangements.

Mr DRURY: Sorry, what were the last two things?

The Hon. CATHERINE CUSACK: Cliques and different power arrangements—boys' clubs, people watching each other's backs. A generation goes through together and it is tough on the young recruits. Are there any cultural issues at all that you have picked up on?

Mr DRURY: I think you would be silly, in an organisation as large as ours with 6,500 people, to say that there are no cliques or that there are not people who work together, get promoted together and have similar likes. I think you are heading to the question of nepotism or cronyism. I have no evidence of that. I would hate to think that that does occur, but in an organisation like ours you work in teams—teams that work well together. In Fire and Rescue NSW you start at the bottom and you work in a team of four. That generally continues even as you go all the way up. So it is a team environment and the connectedness that our members have goes all the way through.

The Hon. SCOTT FARLOW: Is that part of the problem, though, this connectedness, because we keep on hearing that if you step out you are ostracised from the team. That has been in a lot of the evidence we have heard. That camaraderie, the team environment, is part of the problem in a sense, in the culture. Is that something that you have perceived?

Mr DRURY: It quite possibly could be. At the same time, that is what keeps us safe in most cases, when you are out there doing the job. We work as a team of four or a team of two when we are going to house fires and we rely on those people. You rely on them to watch your back, look after you, know their job. You rely on them when you go to bad jobs and you want to cry on somebody's shoulder or tell them that you have had a shit day. It is actually a bit hard to turn that off.

The Hon. SCOTT FARLOW: It cuts both ways; yes. I guess that is one of the things the Committee is looking at—how we can get around some of these things to reach a positive outcome. We have heard, for instance, allegations of behaviour where a unit will say, "We need to do something in the workplace"—like drinking at the workplace—"and if you don't do this you are not part of the team; we can't trust you." If somebody does something in an environment and makes a report, the person who makes the report is no longer part of the team. Do you think that one of the issues we face in of emergency services—particularly Fire and Rescue NSW—is that there is not this culture of being able to make a complaint, because then you are against the team; you are cutting against that trust of the team?

Mr DRURY: I would suggest that that is the case in every workplace—even in this place. You guys have parties, and if you speak out of school—

The Hon. LYNDA VOLTZ: I am always reporting them!

Mr DRURY: You guys have parties, and if you speak out of school you will be ostracised. I think that occurs across all workplaces, not necessarily just in Fire and Rescue NSW.

The Hon. CATHERINE CUSACK: So are we to accept it?

Mr DRURY: I am not saying that we accept it. I think Mr Farlow was suggesting that this is a bigger problem in Fire and Rescue than it is anywhere else. I do not think it is. Do we combat that? Absolutely. Do I have the answers to that at the moment? I do not, unfortunately.

The Hon. LYNDA VOLTZ: Just on that point, it is probably in organisations where you work so closely together and you watch people's backs. I have been in the army and I have been here. I am happy to go on the front page of the *Daily Telegraph* and give cheek to the State secretary of the Labor Party, but I would not have done that in the army under any circumstances. Culturally, it is hugely different.

Mr DRURY: I agree.

The Hon. LYNDA VOLTZ: As you know, it would be frowned upon.

Mr DRURY: I agree with you.

The Hon. LYNDA VOLTZ: Whereas everyone in the party was happy when I went on the front page and did that in the *Daily Telegraph*. No, I am joking.

The Hon. SCOTT FARLOW: We have heard quite a lot of evidence that if you make a complaint there is a high likelihood that a retaliatory complaint will be made against you. Considering particularly your purview, and what you have outlined, your role is very much in assisting those who have allegations made against them. Is that something that you often see in your members—that they will come to you and say, "I made a complaint against X and now I have this complaint against me and I need your assistance."

Ms LAWRENCE: I can probably comment on that, insomuch as where you see that you are dealing with a conflict within the workplace. You can see that there are two parties—sometimes it is more than

individuals. Yes, you will have examples where a complaint will be made about a person and then there will be a subsequent complaint that comes in about the other. When you dig down you can see that this has been a simmering issue within a station, or between some people over a long career, that is now presenting itself in complaints but it is really a workplace conflict.

We have an organiser who works for us who does a lot of work in engaging with members in that situation to try to head these sorts of things off at the pass, because once complaints are put in at 20 paces then it escalates to quite a serious issue. Where there has been an issue of somebody putting in a complaint against someone—I am trying to reflect on some of the cases I have dealt with—I cannot say that I recall where there has been a vexatious retaliation to the effect, "I'm going to put in a complaint against you," unless there has been this greater conflict sitting in the background already. My point is that it is not a retaliation tool, necessarily. I think it is usually an indication of some other conflict that has been going on for some time.

Mr DAVID SHOEBRIDGE: Can I take you to a different point? Since 2016 there has been a conscious change in the recruitment to have more women coming in at the recruitment base. I think 1 per cent of male applicants are getting offered a job and 3 per cent of female applicants are being offered a job. It is still a highly sought-after career. How do you think the organisation has been handling that change—the conscious decision to recruit more women into the organisation?

Mr DRURY: In what respect?

Mr DAVID SHOEBRIDGE: Has it been smooth? Is it going down the right track?

Mr DRURY: Look, no.

The Hon. LYNDA VOLTZ: Do the blokes show resentment to it?

Mr DRURY: Yes, the members do resent it because I think the messaging from Fire and Rescue has been hopeless, to be honest. They really could have come out on the front foot, run a lot of education programs about why they instigated these changes for the organisation. I think they have done, I suppose, a fig leaf of what they should have done on this issue. But you are right; it is a highly contested job that we have. When I got in in 1999 there were about 9,000 people applying for about 100 jobs. I do not think that has changed.

Mr DAVID SHOEBRIDGE: It may not surprise you but we have had other people say that Fire and Rescue really has not done what has been needed over the past two years to support this new cohort of women in the workplace, to make them feel valued and to ensure the rest of the organisation understands why this transition is happening in recruitment. What could be done in that regard?

Mr DRURY: Like I was saying before, Fire and Rescue gets some things right really well and then other things such as this, such as the mental health services, we put out a brochure and that is it. Like I said before, I do have a level of sympathy for them. We have had a 1.2 labour expense cap, or 1.6 I think, recurrent for five years, courtesy of the Government. Fire and Rescue are struggling to fund all the things that it probably needs to do in the future. When that sort of money is cut out of Fire and Rescue, and you do not take frontline services offline you have to take it from somewhere unfortunately.

Mr DAVID SHOEBRIDGE: New South Wales has not got smaller or less flammable in the past eight years?

Mr DRURY: No, funnily enough. This Government has a history for not opening fire stations, and certainly not providing too many jobs to open fire stations. On saying that, with fire stations comes support services. If you look at the way the cops are supported with the funding that they get for their mental health, and so does the ambulance, these guys will know how much they spend on mental health services. But I can tell you it is absolutely nowhere what those other two service have. Yet we are there with those guys doing the same sorts of jobs.

Mr DAVID SHOEBRIDGE: Lots of motor vehicle trauma—

Mr DRURY: Motor vehicle trauma, house fires. Our retained members are now doing community first responder, which is basically an ambulance role across 14 different areas in regional New South Wales. We go to floodings, we go to concerns for welfare—I will not go into those for you. Our members are turning up to a lot of critical incidents, for want of a better word, and it would be nice to feel supported, certainly by the Government.

The Hon. CATHERINE CUSACK: Increasing female participation is not a mental health issue, is it?

Mr DRURY: I did not say it was.

The Hon. LYNDA VOLTZ: No, he was separating them. I think he was talking about those different streams.

The Hon. CATHERINE CUSACK: Returning to the original question of Mr David Shoebridge, what things do you say should have been done in managing an increase in female participation?

Mr DRURY: Mr Shoebridge asked, "Did Fire and Rescue bring those changes into the workforce?" That was the question.

Mr DAVID SHOEBRIDGE: Yes.

The Hon. CATHERINE CUSACK: I thought you said, "What sorts of things might have been done?"

Mr DAVID SHOEBRIDGE: You were talking about the inadequate messaging and structural organisational support at that time.

Mr DRURY: There is not enough money to bring in a whole range of programs that I am sure Fire and Rescue wants to do. They need money to roll out programs. Does that answer the question? It is not just mental health.

The Hon. CATHERINE CUSACK: I want to narrow this down to increasing female participation in Fire and Rescue successfully rather than just throwing some women in and seeing whether it changes.

The Hon. LYNDA VOLTZ: You are asking, "What programs would you introduce for gender diversity?"

Mr DRURY: I would have gone out and run an education program with the current membership saying, "This is why we are doing it."

Mr DAVID SHOEBRIDGE: And that did not happen?

Mr DRURY: Yes, I found that astounding.

The Hon. DAVID CLARKE: Does your union operate any education programs against bullying?

Mr DRURY: No, because that is a job for the employer.

The Hon. DAVID CLARKE: Except that you have no say in it. You have perpetrators of bullying but you have a lot of your members who suffer from bullying?

Mr DRURY: Correct.

The Hon. DAVID CLARKE: Would you not also be contributing in a positive way if you had an education program directed against bullying?

Mr DRURY: Absolutely, but realistically in the end all that would do is let the Government off the hook of its responsibility for paying for services for the people that work underneath them.

The Hon. DAVID CLARKE: Your union provides services to its members.

Mr DRURY: Correct.

The Hon. DAVID CLARKE: Nobody is letting the employer off the hook but surely that would be a services for all your members to have some sort of education program?

Mr DRURY: No.

The Hon. DAVID CLARKE: You do not think that would be a positive step?

Mr DRURY: It would be a positive step. I think any education program is a positive step. But in the end, if the union pays for it guess who would not pay for it? That would be the Government.

The Hon. SCOTT FARLOW: Do you run any campaigns on work health and safety or occupational health and safety in the workplace at all, informing your members of their workplace rights with respect to work health and safety issues, or safety issues on the job?

Mr DRURY: Yes, certainly. We run a whole lot.

The Hon. SCOTT FARLOW: So why would you not run similar things—

Mr DAVID SHOEBRIDGE: The witness has not finished his answer.

The Hon. SCOTT FARLOW: No, I am asking questions. Why would you not run similar campaigns to alert your members to their rights in the workplace when it comes to bullying?

Mr DAVID SHOEBRIDGE: They are not the employer.

Mr DRURY: No, I agree with you. I would be happy to run a campaign.

The Hon. SCOTT FARLOW: It works under the same principle as Mr Clarke is raising.

Mr DRURY: But Mr Clarke is saying paying for education in regard to bullying, which is something totally different. I am happy to educate my members where those programs are. I am more than happy for you guys to go and pay for them. I am happy to point them in that direction. We are not here to prop up the State Government.

The Hon. CATHERINE CUSACK: When did you last talk to the State Government about this issue?

Mr DRURY: I deal with the employer at the moment. You guys are a bit hard to speak to.

The Hon. CATHERINE CUSACK: On the issue of bullying?

Mr DRURY: I cannot remember; I will get back to you on that.

Mr DAVID SHOEBRIDGE: If we are serious about work health and safety, one thing you clearly raise is the lack of presumptive legislation.

Mr DRURY: Correct.

Mr DAVID SHOEBRIDGE: You point out that firefighters are being exposed to fumes and potential carcinogens. Presumptive legislation is pretty much standard now around the rest of the country but New South Wales is a stick in the mud and has not come forward.

Mr DRURY: Correct.

Mr DAVID SHOEBRIDGE: Are you asking this Committee to recommend the presumptive legislation?

Mr DRURY: Yes, that would be great if the Committee could take that position. Around the country everywhere except Victoria at the moment there is a form of presumptive legislation being brought in as well as federally. It has received bipartisan support around the country except Victoria at the moment but they might get there.

Mr DAVID SHOEBRIDGE: Victoria has its own problems, has it not?

Mr DRURY: It has its own problems. Certainly it is an important issue for our members and certainly for our volunteers in the Rural Fire Service as well. It is something that we thought we would put to the Committee to have a think about.

Mr DAVID SHOEBRIDGE: I think we should be clear: Your union has a clear history of protecting your members on workers compensation rights. I recall you hosing down the Parliament—congratulations. Presumptive legislation would be a step forward as well in regard to work health and safety?

Mr DRURY: Absolutely. There are different things that affect different industries. Cancer is one of those for firefighters. The Monash report that was done in 2014, from memory, identified that. Reports from studies overseas have also shown that firefighters attract cancer at different rates to the regular population. So yes, we think it is important that the employer—which is the State Government in this case—should protect its workers.

Mr DAVID SHOEBRIDGE: It should step up.

The Hon. DAVID CLARKE: Has your union made any recommendations to Fire and Rescue as to how to deal with bullying?

Mr DRURY: I will take that on notice, unless Ms Lawrence wants to say something.

Ms LAWRENCE: I will add that certainly since 2010—and this is obviously coming out of the KPMG report—the union and the employer have been in ongoing discussions about the processes and how to deal with bullying and harassment. One of the things that we recommended is that the processes should be as quick as possible. That is not to take away from any thoroughness in the process but they should be quick. The longer that investigations or complaints take to be handled, the more stress and anxiety that is caused and the more difficulty it creates in people being able to return to a workplace and restore relationships where that is possible. That is certainly one recommendation that we have been continually raising with Fire and Rescue and

it is one of the areas that Fire and Rescue has shied away from because any strictures or guarantees around time frames obviously would limit their capacity and attitude for resourcing and so on. That is one area in particular where we see there is some deficiency.

The Hon. DAVID CLARKE: Would you like to take that on notice to think about whether there are any other areas dealing with the issue of bullying where you might make recommendations to Fire and Rescue?

Ms LAWRENCE: Certainly.

Mr DAVID SHOEBRIDGE: To your observation, that 2014 set of guidelines, which has those strict timelines in it, as I read your submission you are saying that those timelines are honoured in the breach. Is that right?

Ms LAWRENCE: They are actually not that strict. Whilst there are indications of timelines—

Mr DAVID SHOEBRIDGE: There are a whole lot of get-out-of-jail free clauses in it.

Ms LAWRENCE: That is right. I think we cited two cases, one of which continued for another three months after these submissions were made and the other that continued for a further six months and required intervention in the Industrial Relations Commission to resolve it. The guidelines certainly do not have the definitive steps that, say, the old regulations used to have. Now, the old regulations also had issues; do not get me wrong. But one thing it did have was a set point in time where both parties knew what to expect and what was going to occur. At the moment the processes for handling grievances and complaints and investigations have a wooliness that leave both parties unsure of what is really going on.

Mr DAVID SHOEBRIDGE: Phrases such as "generally be concluded within four weeks".

Ms LAWRENCE: Yes.

Mr DAVID SHOEBRIDGE: What does that mean?

Ms LAWRENCE: That is right. Look, I think we could do with that sort of flexibility provided that there were also regular intervals when people were being advised where the process was up to and what the expectation is. But that is not happening. There can be large periods of time when there is no contact or definitive "Yes, okay, it has been four weeks. We anticipate another three weeks because of X, Y and Z."

Mr DAVID SHOEBRIDGE: But instead it might be six to 12 months where it just wallows and nobody knows what is happening.

Ms LAWRENCE: Yes.

Mr DRURY: One of the cases, as an example, that is in our submission—and this submission went in I cannot remember when but sometime in August last year—was sorted out in only just the last two weeks. So here we are, what is that now—seven or eight months ago?

Mr DAVID SHOEBRIDGE: Would you describe that as an uncomplicated matter, or a complicated matter?

Ms LAWRENCE: Oh, no: There were complications in the matter. I think we would acknowledge that these are complex—there are complex issues. There are multiple parties involved. Do not get us wrong: That was a complicated issue, but 18 months is an extremely long time for people to not have closure.

The Hon. CATHERINE CUSACK: Was the member that you are representing—

Mr DRURY: No, members.

The Hon. CATHERINE CUSACK: Were the members that you are representing subject to complaints or allegations being made against them?

Ms LAWRENCE: I understand it was both. I understand they were subject to and had made complaints but it was a complicated matter where there had been a workplace conflict with multiple parties.

The Hon. CATHERINE CUSACK: Do you have any statistics on how many members you represented? I am just looking at professional standards. They say that in the 2016-17 year, they finalised 327 matters. Do you have any statistics on how many cases you had taken up with the department during that period and what the outcomes were?

Ms LAWRENCE: No, not on hand.

Mr DRURY: We can take that on notice. One thing I will say is that not all members also come to us. If it is 327, that might have only been 200 that came to us.

Ms LAWRENCE: And I would question if it were that many.

Mr DRURY: That is right, yes.

Mr DAVID SHOEBRIDGE: I am sorry, Chair: We are now well past time. We want to have the commissioner in.

The CHAIR: Yes. Thank you very much for coming today. I note that you took a number of questions on notice. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions that you have taken on notice. Thank you very much for coming in.

Ms LAWRENCE: Thank you.

Mr DRURY: Thank you.

(The witnesses withdrew)

PAUL BAXTER, Commissioner, Fire and Rescue NSW, sworn and examined

MALCOLM CONNELLAN, Deputy Commissioner, Fire and Rescue NSW, affirmed and examined

The CHAIR: I welcome our next witnesses from Fire and Rescue NSW. Would you like to start by making a short statement?

Mr BAXTER: Yes, certainly. First, I will elaborate on the introductions. Obviously, I have taken up this job in a little under 12 months and I am now in the role. I also have with me Deputy Commissioner Malcolm Connellan, who I brought along for the inquiry today by way of his term of office in the organisation—30-plus years—but also because he is responsible for the people and culture division, which obviously has an intricate knowledge of the subject matter. Both of us can provide that perspective looking forward, the immediate past but also the distant past as well.

Mr DAVID SHOEBRIDGE: That includes the Workplace Standards Board?

Mr BAXTER: It does, yes. Thank you for the opportunity to respond. Fire and Rescue NSW has a tradition of service to the community dating back over 100 years. We are one of the world's largest urban fire and rescue services within and certainly the busiest in Australia. We have 7,329 employees and 6,000 volunteers. They come from operational and support, permanent, retained and volunteer ranks and work from around 350 locations around New South Wales. They are highly skilled people who are committed to enhancing community safety, confidence and the quality of life by working with communities, our partner emergency services, and Government to prevent emergencies while maintaining an emergency response capability and remaining able to respond 24 hours a day, seven days a week.

While we have a proud history of service to our community and the overwhelming majority of our people display a connection, level of care and camaraderie with each other that is second to none, there are aspects of our history that we are not proud of. In 2009-10 Fire and Rescue NSW became aware of a number of extremely serious complaints of criminal conduct by some of our people towards their colleagues inflicted under the guise of initiation or hazing and dating back as far as 1964. To suggest that this was a wake-up call for the trusted organisation would be an understatement.

As well as referring those matters to the NSW Police Force where a strike force was created, police investigations and some criminal proceedings ensued. Fire and Rescue NSW undertook an extensive independent review by KPMG of the workplace systems, policies and processes for managing serious workplace complaints. Around the same time concerns were being raised about the handling of Fire and Rescue NSW workers compensation matters. As with many frontline organisations, Fire and Rescue NSW started to fully realise the impact that exposure to trauma was having on some of our staff and how-less-than-ideal responses by the organisation were compounding them. In response to those sentinel events and independent reviews, Fire and Rescue NSW embarked on a journey of improvement for the handling of workplace complaints and bullying matters.

We have improved our response to workplace injuries and more generally we are supporting the welfare and mental wellbeing of our people. Nobody comes to work to be harmed. I take this opportunity to say, "Sorry", to any of our current or former employees who have been bullied or who have suffered workplace injuries, or who have not been supported by us as well as they should have been. I have no doubt that the Committee has reviewed our submission in detail and is aware of the many actions that Fire and Rescue NSW has taken, including boosting our Peer Support, Chaplaincy and Employee Assistance program; establishment of the Well Check program, providing free psychological assessments for staff by clinical psychologists; implementation of mental first-aid programs like the Respect program and the SANE Australia Mindful Employer online program for our supervisors; delivering respectful workplace training for all staff and implementation of alternative dispute resolution practices, such as mediation and conferencing; development of the Be Heard Strategy and training, which focuses on developing positive workplaces and the role of bystanders in preventing bullying; and establishing a dedicated return to work team to proactively assist staff with workplace injuries. These strategies are improving things for our people. Fire and Rescue NSW has seen a decrease in workplace injuries, we have seen more definitive outcomes for bullying matters and we have vastly improved support services for our people.

Since I commenced as commissioner in April last year I have been travelling across New South Wales talking with and listening to our dedicated and committed staff. I have read submissions made to this inquiry, I have heard other evidence provided to you and I have been struck by the similarities in the concerns raised by the challenges our agencies face. In particular, like other emergency service agencies, there is a disconnect at Fire and Rescue NSW between the amount of bullying our people have reported having seen and experienced

and the number of formal reports we see. While for some staff this may be because they have been able to resolve the situation locally, I am extremely concerned that for many it reflects a lack of trust in the organisation that we will deal with the issue or that when dealing with the issue there may be repercussions for them. It is clear the emergency service agencies face some particularly wicked problems in regard to bullying and minimising the impacts of difficult work on our people's health.

Research tells us that our organisations have many factors that make us vulnerable to bullying—shift work, exposure to trauma, lack of control over work allocation, hierarchical structure and insufficient diversity. We are working on strategies across every level of the organisation to deal with these issues. Bullying is not about one part of the organisation. It is not about any one system. It is not about any one person. It is about all of us developing a workplace culture in which bullying cannot exist and where our values of respect, integrity, service and courage are not just aspirational words but demonstrated by everyday behaviours. We have centralised our reporting, we are delivering training, we are communicating outcomes of matter and we are undertaking alternative dispute strategies. We are increasing diversity and we have accommodated requests for changed rosters.

I welcome the opportunity to provide evidence to you today to assist the inquiry and reconfirm my commitment to all employees of Fire and Rescue NSW and the people of New South Wales that Fire and Rescue NSW will retain its focus on promoting our employees' health and wellbeing and eradicating bullying so that they can focus on protecting and serving the community

The Hon. LYNDA VOLTZ: Have you received any or heard of any complaints about the streamlining process to recruit more women?

Mr BAXTER: The streamlining approach, sorry?

Mr DAVID SHOEBRIDGE: The conscious change in recruitment policy in 2016.

Mr BAXTER: The fifty-fifty system that was introduced. Yes, there has been dissatisfaction both outside of the organisation and within the organisation. We feel now, or certainly since I have picked up that initiative coming on as the new commissioner, that the communication around the reasons for doing that and the reasons to seek out better diversity in the organisation were not well communicated. We are putting things in place even with the last recruitment round to better communicate why it is a good thing to do.

The Hon. LYNDA VOLTZ: What is the nature of the complaints?

Mr BAXTER: The nature of the complaints is that it disadvantages men.

The Hon. LYNDA VOLTZ: So the blokes are having a whinge?

Mr BAXTER: Pretty much.

The Hon. LYNDA VOLTZ: Does that speak to you that there is a cultural problem?

Mr BAXTER: I think it is a communication issue and we are engaging with people all over the place where we can. But when you have got an organisation that is 90-something per cent male you are always going to get that. That culture exists across the whole organisation, because we see as many complaints from people outside the organisation talking about that as we do inside the organisation on social media, for example.

The Hon. LYNDA VOLTZ: Do you not think that it is a tremendous problem that people are complaining about people being employed because they are women?

Mr BAXTER: They do not complain that they are being employed because they are women in general. They complain because they perceive that there is a difference in standard. That is simply not the case and that is where we have to improve our communication.

Mr DAVID SHOEBRIDGE: Figures I have heard is that 3 per cent of the women applicants manage to get through the extremely rigorous test and I think 1 per cent of male applicants get through the extremely rigorous test. You are getting extraordinarily competent, highly skilled firefighters, but that message has not been properly communicated.

Mr BAXTER: No, and that is where I have been trying to take a personal interest in this by actually attending the physical fitness testing that these people do. I have got to say that the standard of candidates that come out of our recruit school is exceptional. The type of people that are being recruited today and the people that are successfully recruited into the system and graduate from those courses are absolutely outstanding.

The Hon. LYNDA VOLTZ: Why would they assume there was a different standard?

Mr BAXTER: Once again I think that went back to the communication around some changes that we made prior to my time—I think it was in 2012, I stand corrected on that—to the physical fitness testing regime, which was actually put in place prior to the 50/50 initiative. That was to bring about a more scientific and consistent level of testing that was researched by university and won awards all around the world.

The Hon. LYNDA VOLTZ: I understand that, but why would they assume that there was a different standard across the sexes? Why would they assume that?

Mr BAXTER: I could not say what they are thinking and I do not know, but we are doing everything we possibly can to demonstrate to our workforce that the standard is exactly the same and the standard meets the minimum criteria.

The Hon. LYNDA VOLTZ: A complaint that has consistently come before this Committee—not only in this service but particularly in this service—is that there is a blokey culture. Wouldn't the fact that they just assume that there is a different standard speak to the problem that we get complaints about that there is a blokey culture?

Mr BAXTER: That is an ongoing challenge for us. It is an ongoing challenge in society. Some of the recruitment stuff you saw hit the media in the *Daily Telegraph* with some regrettable headlines which does not help our efforts.

The Hon. LYNDA VOLTZ: As politicians we can all talk about regrettable headlines in the *Daily Telegraph* but, that aside, these are professionals doing a job that they are paid for on behalf of the people of New South Wales. Does it not concern you that we are getting complaints about a culture that they believe should be perceived in a certain way and they have just made an assumption about a standard that is not correct?

Mr BAXTER: Absolutely. If that is going on in the workplace that would be one of the things that we are very concerned about and would act on.

The Hon. LYNDA VOLTZ: You have just said that was the perception out there and that there have been complaints, so it must be going on, must it not?

Mr BAXTER: I have not received an official complaint about it.

The Hon. LYNDA VOLTZ: No, not an official complaint.

Mr BAXTER: I do get communication from staff and I take a great deal of effort to respond and explain individually to all of those people why the organisation is doing what it is. Having come into Fire and Rescue NSW from another organisation that I worked for in New Zealand for 30-odd years, I really applaud the initiatives that were taken. I think it is going a long way towards changing the culture that exists in the organisation over that period of time. I think it is going to only deliver positive results.

The Hon. LYNDA VOLTZ: Are there any messages being delivered that if you just do not want to behave in a professional way maybe the fire service is not for you?

Mr BAXTER: That is part of the narrative that we are starting to have now, that this initiative is not going to change, the organisation is going to be more diverse and we want an inclusive organisation. A huge body of work that we are starting to undertake now is about how all of the people, no matter what background they come from, whether it is race, gender or religious background, et cetera, can be included into organisation so that we can benefit from their contribution.

The Hon. LYNDA VOLTZ: In regard to repercussions, if you are in permanent fire services in a regional town and you see unprofessional conduct and want to make a complaint how do you do that without repercussions?

Mr BAXTER: There should not be any repercussions.

The Hon. LYNDA VOLTZ: There should not be complaints about women being recruited either.

Mr BAXTER: Part of the change in our culture is people understanding that they can make a complaint. Encouraging our people to bring forward complaints is part of the change that we want to see and we are starting to see that in our statistics. In fact, I think the latest figure quoted to me—and we can follow up on it for you if wanted—is there has been quite a large increase in the reporting of those incidents out in all of our areas where people are prepared to bring those complaints forward.

Mr DAVID SHOEBRIDGE: What are the numbers?

Mr BAXTER: We will see a substantial increase in the amount of reporting in this current financial year. I understand that at the moment, year to date, we are about 100 up on the previous year, which is quite substantial.

The Hon. LYNDA VOLTZ: Is that an increase in reporting? How many of those are being investigated?

Mr BAXTER: Anything that is reported into our system is investigated if it is deemed necessary to investigate.

Mr DAVID SHOEBRIDGE: You say it has gone from nine in 2016-17 to 100 in 2017-18?

Mr BAXTER: I would have to come back to you with that.

The Hon. LYNDA VOLTZ: Is that under investigation?

Mr BAXTER: Those incidents that have been reported to us.

Mr DAVID SHOEBRIDGE: You have given us a table on page 12 of your submission and you said there were 10 instances of bullying investigated in 2014-15, 14 in 2015-16 and nine in 2016-17. Is it your evidence now that as best you can recall there are now 100?

Mr BAXTER: All complaints.

The Hon. SCOTT FARLOW: That is a complaint about an operational issue as well?

Mr BAXTER: All staff-related complaints.

The Hon. LYNDA VOLTZ: We are asking how many of those complaints are being investigated. We had 14 last year and 10 the year before that.

Mr DAVID SHOEBRIDGE: That is all complaints, not just bullying.

The Hon. SCOTT FARLOW: The commissioner is distinguishing that that number relates not just to bullying complaints. You are talking about all complaints across the board?

Mr BAXTER: All workplace complaints.

The Hon. SCOTT FARLOW: With respect to bullying do you have any figures?

Mr BAXTER: Yes. Year to date we have had a total of— From July last year we have had— I can talk about the amount that have been— It is better that I come back to you.

Mr DAVID SHOEBRIDGE: The table on page 12 talks about instances of bullying investigated. Do you have that as a number?

Mr BAXTER: Not for the current financial year, I have not.

Mr DAVID SHOEBRIDGE: What about sustained, not sustained and not yet finalised?

Mr BAXTER: I understand at the moment that there have been, as a result of disciplinary outcomes, nine people removed from the organisation. I know that we had eight that constituted bullying and four of those resulted in removal from the organisation.

The Hon. SCOTT FARLOW: In the current financial year?

Mr BAXTER: In the current financial year, yes.

The Hon. LYNDA VOLTZ: When you say "removal", how many of them were medically discharged and how many were terminations?

Mr BAXTER: I understand none were medically discharged as part of that process. Once again I will have to come back on notice and give you the figures year to date. The resolutions are increasing.

The Hon. CATHERINE CUSACK: If the victim, or alleged victim, is medically discharged what happens to the complainant? Does the matter cease?

Mr BAXTER: It would be a discussion between the victim and professional standards or the manager to say what they expect to happen.

The Hon. CATHERINE CUSACK: If they go on workers compensation and they leave, what happens to the complaint?

Mr BAXTER: The difficulty would be continuing our investigation without their participation. If they were prepared to continue to participate in that process we would try to conclude the matter. If they did not want to participate we would try to conclude the matter with the evidence that we had. If we had insufficient evidence then obviously we could not move on to a full conclusion.

Mr DAVID SHOEBRIDGE: Deputy Commissioner Connellan, can you say what the organisation policy is? Other organisations have said that in those circumstances the complaint ends. What is the official policy?

Mr CONNELLAN: That is the process we take. We take it based on the evidence and the likelihood of success at the end.

The Hon. CATHERINE CUSACK: Are there any examples of it continuing after the victim has left? Are there any examples at all?

Mr CONNELLAN: I would have to take that on notice.

Mr DAVID SHOEBRIDGE: Would it be fair to say that the standard response is the complaint terminates once they leave the organisation?

Mr CONNELLAN: I do not think that is fair to say.

Mr DAVID SHOEBRIDGE: Could you give us the numbers?

Mr CONNELLAN: I will take that on notice.

The Hon. LYNDA VOLTZ: You had no terminations last financial year?

Mr DAVID SHOEBRIDGE: Or the year before.

Mr BAXTER: For disciplinary outcomes we had terminations in the last financial year—2016-17.

The Hon. LYNDA VOLTZ: Terminations? Not 2016-17. In 2015-16 you had one.

The Hon. SCOTT FARLOW: Is this with respect to bullying?

Mr BAXTER: With respect to bullying there were no terminations last year, that is correct, but there were demotions and there were cautions or reprimands.

The Hon. LYNDA VOLTZ: There was one demotion.

The Hon. CATHERINE CUSACK: When you say "last year", do you mean 2016-17?

Mr BAXTER: Yes, the 2016-17 financial year.

The Hon. CATHERINE CUSACK: To clarify, your annual report says there were 327 complaints finalised by professional standards in that year, of which 122 were not sustained and nothing further was needed. About 140 were referred back to local management to resolve. That does not tell us whether or not it was sustained with only a couple of disciplinary actions resulting. I am trying to reconcile that with the numbers you have given us. They seem different to the numbers you are reporting in the annual report.

Mr DAVID SHOEBRIDGE: If it is 100 complaints now and 300 in the last financial year.

The Hon. CATHERINE CUSACK: It was 327 in the annual report.

Mr BAXTER: Because there are alternative ways to resolve the dispute, the amount reported does not necessarily constitute bullying and the alternative methods, like the direct intervention at the station level, if it is a communication issue or a poor leadership issue. So it does not meet the threshold of bullying, which means it is resolved in that manner and it does not go on to a formal investigation.

Mr DAVID SHOEBRIDGE: Mr Baxter, you were talking about all complaints and it was clarified by Mr Farlow that it was all complaints. Year to date, 100 is the number of all complaints received. Ms Cusack says in the last financial year there were 300-odd. Your rhetoric on it was things are great, more people are reporting, and that we have 100 reports to date?

Mr BAXTER: One hundred more than we had year to date last year.

The Hon. CATHERINE CUSACK: It is looking like 40 per cent of the investigations are not sustaining any allegations. That seems high to me. Even more than that, 42 per cent are being referred back to the local area.

Mr CONNELLAN: We had a change 18 months ago with putting in our Resolve system to record complaints, then making it compulsory for all complaints to come into that system. Prior to that local complaints were managed and dealt with locally with very little statistics around them, whereas now all complaints come into professional standards for logging for triage and that is why there has been a change in the numbers. That is the 42 per cent—that turnaround. They would have been handled locally in the past but there would not have been any centralised record of that. Now we have the ability, through the information technology platform, to record and log all the complaints, which allows us to look for trends, hotspots, areas or factors that we may be able to look at.

The Hon. CATHERINE CUSACK: The statement in the annual report was that professional standards branch investigated and finalised 327 cases and that number, I think it was 140 or something, were referred back to the local area command. It did not say they were logged with the professional standards branch; it said that they were investigated and then referred back.

Mr CONNELLAN: They all go through a triage process before they go back to work out whether they are serious enough to stay with professional standards or go back to local command. Support is also given to local command if they require it or there is deemed to be a need to do that at local area command. They are involved in that ongoing process.

The Hon. CATHERINE CUSACK: "Investigate" and "triage" are interchangeable?

Mr CONNELLAN: Triage is part of the investigative process.

The Hon. CATHERINE CUSACK: I see them as different. Do you get the outcomes of what happens when you have referred it back locally?

Mr CONNELLAN: Yes.

The Hon. CATHERINE CUSACK: Can you tell us what the outcomes are?

The Hon. LYNDA VOLTZ: Of the 140 how many had action taken?

The Hon. CATHERINE CUSACK: We are hearing it is not good.

Mr BAXTER: I think it would be best for us to take that on notice and report it back to you. There will be a variety of numbers about how they were resolved, whether it was direct action or mediation, et cetera, and how many went on to a formal investigation.

Mr DAVID SHOEBRIDGE: It sounds to me like you have better data capture of complaints than you had before, which sounds positive. That might be a significant part in explaining the increased numbers you are seeing reported.

Mr BAXTER: True.

Mr DAVID SHOEBRIDGE: It may not be a change in culture, but a more comprehensive data capture that is happening.

Mr BAXTER: Certainly.

Mr DAVID SHOEBRIDGE: You understand the difference? Culture has to be changed and data capture might be a step in that direction.

Mr BAXTER: I guess the thing that we are looking for is one of those things. If we were driven by true statistics we would say we have less being reported and we have less of a problem. I tend to look at it the other way and say, if I have more reporting of issues it is a good problem for me to have because the culture is changing such that people are prepared to make a complaint.

Mr DAVID SHOEBRIDGE: You may just have better data capture rather than more reporting at the moment.

Mr BAXTER: Potentially both.

The Hon. SCOTT FARLOW: Or you may have more incidents.

Mr BAXTER: A better understanding of the culture that exists is the important thing for us. We have to take into account a number of those factors; for example, the engagement levels which we are doing really well in as an organisation. Our engagement is going up. Engagement tends to indicate that you will have lower instances of bullying. When we compare ourselves across the cohort of other agencies we can see that those indicators, even if they are a proxy, seem to show that we are doing better as an organisation.

Mr DAVID SHOEBRIDGE: You made an observation that I say is absolutely made out in the evidence; that is, what is happening to your organisation is hardly unique. Very similar issues have been raised in NSW Ambulance, the Rural Fire Service, the State Emergency Service and to a degree in the NSW Police. Do you think then that the whole emergency services area needs a systemic response, perhaps in the form of an emergency services ombudsman or an emergency services professional standards unit which sits outside the various units, which is seen to be independent and which can act independently?

Mr BAXTER: For the most part, I think that we are dealing with a majority of the incidents referred to us appropriately. I also would have concerns that any type of body brought in that imposed an additional layer of bureaucracy—or probably better described as distance from the issue—would slow things down and could cause us additional problems. I would be keen to see what any such body looked like and how it would operate. Inevitably, it would still require the participation of our people at the station, the managers, and the professional standards branch. The mechanism would need to be clear for us to make an informed comment.

Mr DAVID SHOEBRIDGE: I can understand your reticence about time frames, resources and the like. However, we have had not one single submission—not even one—saying that your complaints system works, that it is resolving bullying and harassment, and that it is timely and effective. Not one submission says that. It is not as though we are starting from a high standard. Do you think there might be a legitimate case to be made for a fundamental rethink?

Mr BAXTER: The organisation has been on quite a journey. All of the evidence that is able to be shown to the inquiry indicates that year-on-year improvement is occurring. In terms of the engagement of employees and satisfaction on the part of the people who work for us, the evidence indicates that we are on the right trajectory.

Mr DAVID SHOEBRIDGE: I draw your attention to the level of concern that is raised in the submissions, both public and confidential, about bullying and harassment in your organisation, and to the fact that 19 per cent of people in your organisation have said they have experienced bullying. When you look at your submission and you realise that no-one was cautioned or reprimanded, no-one was fined, no-one was terminated, and only one person was demoted in the last financial year because of bullying and harassment, it is not indicative of an organisation which has it right or which is treating this issue with the resources or seriousness that it deserves.

Mr BAXTER: I do not accept that. I have worked with the leadership team since I have arrived. I have engaged with close to 1,000 people across the organisation, and I have also heard that from them. They still think there are issues with bad behaviours and they drill down on what they are. We have a large program of work that is about to kick off that is set to address further behavioural changes and to move the culture of the organisation forward from what it has already achieved since 2010 in particular. That is not to say the work is done. My personal position on bullying is that it is absolutely insidious and unacceptable in the work place. I make that clear wherever I go. However, I think organisations such as Fire and Rescue NSW that have demonstrated an ongoing commitment to address the problem need to be left to get on and make the best efforts they can.

Mr DAVID SHOEBRIDGE: You say you should be left to make your best efforts. However, if you are a bully in your organisation—and there are bullies in your organisation as there are in all organisations—and you look at the statistics, you will see that of the permanent staff in the 2016-17 financial year who engaged in bullying and harassment only one person was demoted and one person was counselled. Everyone else got away with it. What message are you sending?

Mr BAXTER: The message that I am sending face to face to people when I meet them is that we will address these issues.

Mr DAVID SHOEBRIDGE: But they look at the statistics and laugh at you.

Mr BAXTER: The statistics do not tell the whole story. The behaviours that are reported, and certainly those reported in the People Matters Survey, may occur at a station and they may be witnessed by 20 people and are reported as bullying and harassment for one single issue. The reality is that we are removing people from the organisation. I have removed people from the organisation since I have been here. We have not communicated as well as we should have the actions we have taken in response to bullying. I can understand that some people in the organisation think that nothing has happened because we have not been seen to—

Mr DAVID SHOEBRIDGE: This was a very good opportunity for you to communicate the numbers, but you have not come here to this committee hearing adequately prepared to provide the numbers. I find that surprising. If you wanted to send a message to the 6,000-odd people in your organisation, surely you would have used this opportunity to do so. You could have said, "You know what, X number of people have been sacked

and X number of people have been demoted. We're taking it seriously." You do not have the numbers to give to the Committee, and I find that very surprising.

Mr BAXTER: I have given you the numbers today around the bullying and harassment that has happened year-to-date since I have been in the role.

The Hon. LYNDA VOLTZ: You have told the Committee about an increase in the reporting of incidents.

Mr BAXTER: But I have also told the Committee that we have removed nine people from the organisation.

Mr DAVID SHOEBRIDGE: For what?

Mr BAXTER: Alleged misconduct or bullying.

Mr DAVID SHOEBRIDGE: How many of those cases related to bullying or harassment?

Mr BAXTER: I understand there were four.

The Hon. LYNDA VOLTZ: That is about the same as the figure for 2014-15.

Mr BAXTER: It is one more.

The Hon. LYNDA VOLTZ: Mr Connellan, you spoke about 140 cases being referred back. If someone has not been able to resolve an issue at the local level—it could be an administrative issue with their pay, penalty rates, overtime and so on—why would it be referred back to them?

Mr CONNELLAN: It would not be referred back to them; it would be referred to the person responsible for that area to resolve with that workplace. In regional New South Wales, for example, an area commander will have three zones and about 20 stations in each zone. There may be a small issue in one of the stations and it is referred back to a different part of the management structure to be resolved. It is not referred back to the person or the particular work unit; it is referred to the line supervisor or to the line supervisor's supervisor to resolve.

The Hon. LYNDA VOLTZ: One of the complaints the Committee has heard often is that once people get out of Sydney the workplace can get very cliquey and there can be very close relationships between people. They might be people who have served together for a long time, and often they have trained together. The problem is that people come into an existing culture as the outsider. If a complaint from a regional area has been reported and it is coming back down the line to that area, how do you know you are not running into that problem?

Mr CONNELLAN: That is the nature of those regional communities.

The Hon. LYNDA VOLTZ: I know.

Mr CONNELLAN: There could be a reverse power structure from what is in the town to what is in our fire station in that particular community.

Mr DAVID SHOEBRIDGE: What does "reverse power structure" mean?

Mr CONNELLAN: You could have a boss and an employee at the local hardware store and they might work for us part time. The employee who works in the hardware store might be the captain in the fire station and the boss in the store might be one of the firefighters. Regional areas have people who are supporting their local communities who have family roots in the area and they have been in those fire stations for a very long time. We have a comprehensive rollout of programs that touches all of those people. We also have training for the captains in those areas about appropriate conduct and managing their fire stations.

The Hon. LYNDA VOLTZ: That is exactly the problem I raised with regard to referring it back. If someone has gone outside that system and they work in the hardware store together, they know each other well and there are deep family connections, surely they could have resolved it at that level?

Mr CONNELLAN: As I said before, we would not send it back to that work unit to resolve. We would send it back to another part of that wider area for a supervisor or a supervisor's supervisor to resolve. If you are talking about a particular fire station that had a small issue like a pay issue that they could not resolve, we would refer it to the zone to resolve or the area to resolve. Some of these are complaints driven out of a misunderstanding of where to go. It may be an interpersonal issue between two people and we put in the local supervisor, not from that work location but from a supervisory perspective to go in there and resolve the issue.

The Hon. LYNDA VOLTZ: When someone makes a complaint about pay, that is usually an underlying indicator of someone who is making a complaint about bullying, is it not? Quite often the complaints we get are, "I am excluded from the penalties. I am excluded to come in and sign on. Overtime, there are exclusions. I am making a complaint." These are the cases we are getting before us. People are saying to us "It is being referred straight back to the local area commander or back to our region to deal with and then I am ostracised by everybody."

Mr BAXTER: Without understanding the specifics of the cases that you are quoting, it is difficult for us to hone in on that. But I can say that I have already experienced issues such as those you are talking about that relate to pay and to being marginalised and all those sorts of things. Those that have come through have been dealt with appropriately. But if we were to refer something back we would be referring it back with proper independent support either from someone within our professional standards branch or, in some cases, as I have directed in the past few months, an independent mediator or another independent investigator to dig that out as appropriate for the circumstances.

The Hon. LYNDA VOLTZ: How many of the 10 that are referred back down the line are followed up with an independent person overseeing them? How many of the 140 did you refer back last year?

Mr CONNELLAN: I would have to take that on notice.

Mr DAVID SHOEBRIDGE: We are going to get those numbers.

The Hon. CATHERINE CUSACK: I understand last year a superintendent who was a manager of training was charged with raping a female recruit. The case is unresolved and he was suspended but has been put on full pay. Is that correct?

Mr BAXTER: That case is currently before the court.

The Hon. CATHERINE CUSACK: He has been on full pay ever since those charges were laid and he was suspended?

Mr BAXTER: I am uncomfortable. I am certainly happy to have a discussion in camera on that one.

The Hon. LYNDA VOLTZ: It is before the courts; he cannot say anything.

The Hon. CATHERINE CUSACK: The victim also went on leave and I am interested to know what type of leave that was.

Mr BAXTER: I am more than happy to discuss it in camera. I am really uncomfortable, because of the serious nature of that case, to discuss it in the public setting. I am sorry, I really feel uncomfortable talking about the specifics.

Mr DAVID SHOEBRIDGE: Perhaps you can give us those answers on notice and we can look at them.

The Hon. CATHERINE CUSACK: Is it generally true that people take sick leave because they have been the victim of poor behaviour?

Mr BAXTER: We would look at the individual's circumstances and particularly in regard to the victim we would discuss with the victim what they wanted and what they needed. We provide a support person to people who are defendants, if you like, and the victims, and we continue to work with them on a regular basis because circumstances change over time. But whether a person was put on leave with or without pay would be decided on by the facts that presented themselves.

Mr DAVID SHOEBRIDGE: You can understand the industrial position. If someone is the subject of a complaint, even a criminal investigation, there may be a trial. Until that is resolved they are off work on pay. That is the presumption. Is there the same presumption for the victims who cannot go to work because they say they have been assaulted? It is not that they are not being investigated. Is there that same presumption for the victims?

Mr CONNELLAN: I can expand on this. As the commissioner was saying, it is a case-by-case basis based on the needs of that person. There is a range of—

Mr DAVID SHOEBRIDGE: People always need to be paid.

The Hon. CATHERINE CUSACK: Who makes that decision case by case?

Mr CONNELLAN: I do.

The Hon. CATHERINE CUSACK: How many victims are on full pay at the moment in Fire and Rescue NSW?

Mr CONNELLAN: I do not understand that question. How many victims?

The Hon. CATHERINE CUSACK: Alleged victims?

The Hon. LYNDA VOLTZ: How many people who are the victims of a complaint and who have been stood down are on full pay?

Mr CONNELLAN: They would all be on full pay.

The Hon. LYNDA VOLTZ: But how many?

The Hon. CATHERINE CUSACK: They are not on sick leave and using up entitlements?

Mr CONNELLAN: Again, I would have to look at it. There are individual circumstances around each and every one of those people. Some people elect to continue working; some people elect to take some leave; some people access and get approved workers compensation; and some people do a mixture of both. It really is a case-by-case basis.

The Hon. CATHERINE CUSACK: We are hearing evidence that some people are finding their matters are not being taken up and in an effort to force some action they are making workers compensation claims as a way of having their matters progressed. Their allegations of bullying and harassment have not been addressed and they have reached the point of going to workers compensation.

Mr CONNELLAN: Again, I am not too sure. If they have a legitimate workers compensation claim, they have a legitimate workers compensation claim.

The Hon. CATHERINE CUSACK: But that is due to bullying and harassment.

Mr DAVID SHOEBRIDGE: Unaddressed bullying and harassment.

Mr CONNELLAN: Workers compensation is about work being a contributing factor to an illness or an injury.

The Hon. CATHERINE CUSACK: Correct. Would it alarm you if somebody was so unwell due to bullying and harassment that they would be making a claim for workers compensation?

Mr CONNELLAN: But are we taking action on that?

The Hon. CATHERINE CUSACK: No, that is my question.

The Hon. LYNDA VOLTZ: Are you?

Mr CONNELLAN: Yes.

The Hon. LYNDA VOLTZ: If someone receives workers compensation as a result of bullying and harassment that has led to so much stress they can no longer work, what actions do you then take about the situation existing in that workplace?

Mr CONNELLAN: They are referred back through the system for an investigation.

The Hon. CATHERINE CUSACK: To me that is such a point of failure for you, quite frankly, if you are responsible for this area of activity and somebody has reached the point of having to make a workers compensation claim. Surely you would be wanting to see that managed before it reached that point?

Mr CONNELLAN: Absolutely, but without specific cases I do not see how the generalisations help me to give an informed decision.

The Hon. CATHERINE CUSACK: Surely you should be informed about what your workers compensation claims are.

Mr CONNELLAN: Yes, we are. We have improving workers compensation performance. We manage our workers compensation claims in such a manner that we have improving performance. We have a holistic approach even for someone who has a physical injury. We pre approve everything and then give a full psych work up at the start to make sure we are not missing anything. We have a holistic process that tries to capture even the ones we think we might not know about up-front in a workers compensation process. Someone may present with a musculoskeletal injury because there may be underlying factors. So we actively try to discover those conditions. We have a team of approved people and we make sure they are getting appropriate treatment, not only for their physical injury but for any psych injury with which they present at that time. What

that is showing in our workers compensation statistics is that we are getting people back to work sooner. We are getting them back to work in a more sustained manner and we are getting less recurrence of those injuries.

Mr DAVID SHOEBRIDGE: Deputy Commissioner, you said in your answer—and I was listening carefully—that when somebody has a physical injury you have some pre approved treatments. You very consciously made the distinction about physical injury, but of course the question was asked of you about bullying and harassment. Can you answer that?

Mr CONNELLAN: If they come to us with an injury that turns out to be bullying and harassment or stress related or psych related, that then moves through that whole process. We will make sure they get appropriate treatment for the injuries through the workers compensation—

Mr DAVID SHOEBRIDGE: But there is no pre approval for psych.

Mr CONNELLAN: Yes, there is.

Mr DAVID SHOEBRIDGE: That is what I am asking you.

The Hon. CATHERINE CUSACK: What if the best treatment is for the bullying and harassment to stop. What about that as a strategy?

Mr CONNELLAN: Yes, I think that is what we have been talking about.

Mr BAXTER: We will all agree with that. Could I add something as I have been over-viewing all of the cases that have been progressing on to workers compensation. Something that is typical of the cases I see that are currently before the workers compensation process is that they all become very complex. If someone is exiting the organisation because of bullying there will be a number of other associated factors that are part of that compensation claim—often physical and all sorts of other things that seem to manifest themselves. So they do become very complex, and those people often choose to leave the organisation, because they have. A number of the ones I have seen are quite historic cases—albeit, I acknowledge, there are one or two that are current.

The Hon. PETER PRIMROSE: I have three quick questions. Deputy Commissioner, you indicated in your earlier evidence that you made the decisions in relation to the matters we were talking about earlier. What appeals mechanisms exist against a decision that you have made?

Mr CONNELLAN: There is always an appeal to the commissioner. That is one part of that answer. Typically when we are dealing with people in those situations it is a negotiated outcome that is to the benefit of both parties. So it is not a decision foisted upon someone.

The Hon. PETER PRIMROSE: What mechanisms other than the commissioner are available as an appeals mechanism against a decision? You are a paramilitary organisation; you have admitted that. I am trying to understand what mechanisms exist outside of your paramilitary organisation and its culture?

Mr BAXTER: The Industrial Relations Commission [IRC] is one. That is a mechanism that has been utilised very recently. If it relates to a termination or a demotion or any of those types of employment or award cover issues they can make an appeal to the IRC.

The Hon. PETER PRIMROSE: Are people advised of that by you, Deputy Commissioner?

Mr CONNELLAN: In correspondence that goes to people there is always—especially around medical issues, medical discharge issues or those types of issues—notification to the union that is made available to them. It is an opt-in; they have to specifically opt out for the advice to go that way. As I said, in the leave thing, it is a negotiated outcome based on how we can best accommodate the wishes of the person—if I have the question and the context right.

The Hon. PETER PRIMROSE: There would be standard protocols and standard letters?

Mr CONNELLAN: Yes.

The Hon. PETER PRIMROSE: Can you table those—take it on notice?

Mr CONNELLAN: Yes, sure.

The Hon. PETER PRIMROSE: My second question was about protocols. I ask you next: What occurs when someone exits? Do you do exit interviews?

Mr CONNELLAN: We do exit surveys.

The Hon. PETER PRIMROSE: Are they available? Who are they available to?

Mr CONNELLAN: The exit surveys go with the exit paperwork to the employee. It is voluntary whether they fill them out. They come back in, and are scanned into the system. They are examined to see if there is anything that needs further, additional action. If so, they are referred to the appropriate area for that action.

The Hon. PETER PRIMROSE: So you would be able to provide us with statistics in relation to exit interviews and their outcome.

Mr CONNELLAN: We do not keep statistics on those.

Mr DAVID SHOEBRIDGE: What if people keep saying the same—

The Hon. PETER PRIMROSE: Wait a moment. You do not keep statistics on exit interviews?

Mr CONNELLAN: No, we record the actions from the interviews and refer them to the appropriate area for action.

The Hon. PETER PRIMROSE: You do not regard that data as something that may allow you to assess trends, problems, cultural issues arising within the organisation?

Mr CONNELLAN: The exit interviews are fairly bland as they come back. It is an exception that adverse comments are made on them. They usually relate to an existing professional standards investigation, or a recently completed professional standards investigation, and are related and connected to those incidents.

The Hon. PETER PRIMROSE: You are suggesting that the exit interviews may not be sufficiently rigorous. Is that right?

Mr CONNELLAN: I did not suggest that.

The Hon. PETER PRIMROSE: You are suggesting that they are bland, and you do not keep statistics that may allow you to go back and assess possible cultural or other changes that you need. They are not even worthwhile keeping statistics on, because they are too bland.

Mr CONNELLAN: No; we do take them for comments. Not only do we get the negative comments out of the exit interviews; we get positive comments out of the interviews, as well. We also give people the ability to thank people throughout their careers.

The Hon. PETER PRIMROSE: But you are just telling us that you are concerned and interested in cultural change. You have already indicated that there is no value in going outside of your paramilitary organisation to assess this; now, when you ask people through a "bland"—your word—exit interview, you do not get information back that is sufficiently valuable for you to keep statistics to assess why people are leaving your organisation. Can you understand why I am a bit concerned about whether you are really concerned about cultural change in your organisation?

Mr CONNELLAN: The vast majority of people who exit our organisation exit through age.

The Hon. PETER PRIMROSE: Yes.

The Hon. SCOTT FARLOW: Are they covered by an exit interview?

Mr CONNELLAN: Yes.

The Hon. PETER PRIMROSE: Do you keep statistics on them—on what they say?

Mr CONNELLAN: It is the same process.

The Hon. PETER PRIMROSE: That is what I said—you do not keep those statistics either.

Mr CONNELLAN: No.

The Hon. PETER PRIMROSE: I rest my case. Gee whiz, if this is what you call cultural change, I am very concerned.

The Hon. SCOTT FARLOW: What do you do with these exit interviews?

Mr CONNELLAN: As I said, we read them for content. If they raise any concerns it is relayed off to the appropriate area.

The Hon. SCOTT FARLOW: When you say "we", who is the we? Is that a team that does that?

Mr CONNELLAN: My assistant does that. It will be done and referred to the appropriate area—whether it be payroll, workers compensation, professional standards or another part. As I said, there is a section

in there that asks, "Is there anyone there that you want to thank through your career?" Those letters are prepared and sent out to those people. Then those are scanned into the system.

The Hon. SCOTT FARLOW: Do you keep all of these exit interviews?

The Hon. DAVID CLARKE: So they are, in fact, assessed.

The Hon. PETER PRIMROSE: By his assistance.

Mr CONNELLAN: Yes.

The Hon. CATHERINE CUSACK: She tells you if something keeps cropping up, does she?

Mr CONNELLAN: Yes.

The Hon. SCOTT FARLOW: Do you keep a record of all these interviews?

Mr CONNELLAN: Yes.

The Hon. SCOTT FARLOW: So that is something that would be available for the Committee to look at.

Mr CONNELLAN: I believe so.

The Hon. SCOTT FARLOW: Back to the bullying and harassment indicators and the process, if you receive a report of bullying or harassment in the organisation and an assessment is made on that, is that assessment made by one individual or is there a team that assesses these?

Mr CONNELLAN: It is assessed by the professional standards team.

The Hon. SCOTT FARLOW: Is it one individual that assesses it within that team, or is it a board meeting? I know from the previous committee with respect to the Police Integrity Commission there would be a group of three people that would make an initial determination with respect to a complaint that was lodged. Would it be a team of people or just one person who gets a complaint and says, "This is what the action is."

Mr CONNELLAN: It would be one person but we have a matrix that sits there, which outlines some of the things they should be looking for. Where it fits within that matrix determines the grading of that assessment. Typically it lands as a three, which is "more information". Typically that assessment requires a little more information before it is either referred back or taken on as a more rigorous investigation.

The Hon. SCOTT FARLOW: So going through that process, it is one individual who makes that assessment. If it goes to a three, and more information is required, what happens to it? Is it still handled by that one individual or is it referred somewhere else?

Mr CONNELLAN: I think the case manager allocates it to an investigator. I would have to get back to you.

Mr BAXTER: I could also add, from my experience with it so far, that with respect to those more complex issues that are being reported, the professional standards group, with the managers meet on a regular basis to look at the impacts—if it is a return to work, an injured worker, a psychological issue—with our brigade chaplaincy and anyone who might have had contact with the individual, so that there is a holistic view taken of the issue. So it is not down to one specific issue.

The Hon. SCOTT FARLOW: I am looking at the graph on page 12. I see that you have 49 reports of bullying received. There is one missing but I can see 20 reports of bullying requiring investigation. For those 29 that do not require investigation what is the process? What is communicated back to the person who lodges the complaint.

Mr CONNELLAN: If it would not meet the threshold of bullying and harassment, and it was lower level interpersonal conflict, it would go back to a local command to manage with the support of the professional standards branch and they would be involved in that process.

The Hon. SCOTT FARLOW: With regard to individuals, what sort of recourse do they have if they do not believe that that assessment is correct? Is there an appeal mechanism? Is there somebody to go to? I assume they get a letter back saying, "It does not meet the threshold for investigation at this level". Does it say, "If you do not agree with this assessment, you can appeal to X or you can escalate it"?

Mr CONNELLAN: No, it does not state that. But they can come back and appeal directly through that branch.

The Hon. SCOTT FARLOW: What do you mean by "that branch"?

Mr CONNELLAN: The professional standards branch.

The Hon. SCOTT FARLOW: They get the assessment and they can then come back and say, "We don't agree with that. Can you please have a look at it again?" If that is the case what happens within the organisation? Is that given to another individual to make an assessment? Is that escalated to a larger team to assess?

Mr BAXTER: If on merit, yes it would be. But I can speak to two individual cases that I have dealt with since I have been here where the individual has been dissatisfied with the process. Because I have been saying wherever I go, "If you want to get in touch with me you can email me and I will deal with it", I have directed two external independent reviews of the process that has taken place so that we can try to conclude the matter satisfactorily for all parties.

The Hon. SCOTT FARLOW: Commissioner, I appreciate that you are relatively new to this role and a lot of this is not on your watch. I imagine that having the good fortune of meeting you on your rounds across the State is probably not the best way of conducting an appeal process. Something else might need to be in place to enable people who are aggrieved to be able to look for another mechanism by which they can appeal that determination or have somebody else assess it—even a broader group to investigate those complaints.

Mr BAXTER: I accept that. It is often difficult to reach out and get in touch with the commissioner but then there is also the ability to contact other managers. If they are not getting any satisfaction from their direct line manager they have the ability to go to that person's manager. Once again I am aware of instances where that has occurred where those have been followed right through to a conclusion and, in some cases, removal of the person.

Mr DAVID SHOEBRIDGE: The idea of going to one manager to get a review of another manager's behaviour is a difficult issue that has arisen in a number of submissions. I will try to summarise some of the submissions that the Committee has received. They say that in your organisation most of the managers—middle and senior—have risen up through the ranks and they have been in the organisation for 20 or 30 years.

The Hon. CATHERINE CUSACK: Together.

Mr DAVID SHOEBRIDGE: Together. They have a long history in the organisation together. Standards have changed a lot in the past 20 to 30 years about behaviour. The proposition is that many parts of the current senior and middle management have elements in their history that if brought out into the public might be quite damaging to them. That means it is very hard for them to hold each other to account because each of them has something on the other out of their history. It is a function of—

The Hon. CATHERINE CUSACK: Brotherhood.

Mr DAVID SHOEBRIDGE: Brotherhood is a summary of it. A number of witnesses have pointed this out as an institutional problem. They say that lateral transfers at a higher level and external reference points are necessary to deal with that. What do you say?

Mr BAXTER: You raise a number of issues.

Mr DAVID SHOEBRIDGE: But there is one big issue that I want you to address.

Mr BAXTER: There is. Whilst I cannot guarantee in all cases that that might not have occurred, the investment that we are putting into leadership selection predominantly of the right sorts of people to take on the leadership roles will see a minimisation of that. The people that we are now selecting for leadership roles are not selected just on how much beer they bought at the bar or on their technical abilities to be a firefighter. The emphasis is being placed far more on their emotional intelligence and the psychometric testing that we are doing to indicate that they can be a good and independent leader. That is not to say that those people have not worked together before; it is an organisation where people stay for 30 years. That will be the case whether they are male or female, junior or senior. But the ability to access support when it is required is the important thing. Lateral entry is an example. It could be said that I am a lateral entry coming from the New Zealand Fire Service to here.

Mr DAVID SHOEBRIDGE: A number of people have pointed to that and said that kind of lateral entry is a sign of hope for the organisation because there is not that institutional baggage, if I could put it that way.

Mr BAXTER: Yes, I think that is right. However, we have a number of barriers with award provisions, et cetera, for seniority and progression within the ranks that stop us doing lateral entry at other immediate supervisor positions. Once again the investment that we are putting into leadership that was never seen before is so important.

Mr DAVID SHOEBRIDGE: Noting the award structures and the very good industrial reasons to encourage internal recruitment, I take you back to the proposition I put to you earlier. Perhaps one of the essential solutions is having an external reference point—an external ombudsman or professional standards command separate to the organisation that does not carry the baggage, that does not have the history, that does not have the brotherhood problems and that can be seen as a genuine circuit-breaker.

Mr BAXTER: Once again, if I could have the benefit of seeing how that would work in practical terms I would be more than keen to provide some comment back to you on it. I once again caution that the more distance you remove away from issues being able to be resolved at the lowest possible level ends up making the matters far more complicated.

Mr DAVID SHOEBRIDGE: Nobody suggests that every matter should be referred. You would obviously need a threshold and you would need protocols for information exchange. But do you not see that on serious bullying, serious harassment matters, many victims would just love to have and would benefit from—and the organisation would benefit from—an external reference point to go to?

Mr BAXTER: Once again, I would want to know how it works so we could provide some comment on it.

The Hon. LYNDA VOLTZ: Have you looked at the Commonwealth Ombudsman, the Defence Ombudsman and the way that they work?

Mr BAXTER: I have a light idea of it, yes.

The Hon. LYNDA VOLTZ: Do you have any comments on that type of structure?

Mr BAXTER: Once again it all comes back to my concerns about being able to hold my leadership to account for dealing with issues in the first instance. The most important aspect of leadership is that they deal with the issues and support their staff. Once again, taking that away to an independent organisation that would allow a leader essentially to opt out of their responsibilities to me would be very concerning.

The Hon. LYNDA VOLTZ: I am sure the army is not opting out when it is using the Ombudsman.

The Hon. CATHERINE CUSACK: There are statistics in your submission that refer to bullying being investigated. Is that different to cases?

Mr CONNELLAN: Yes.

The Hon. CATHERINE CUSACK: Will you define what you mean by instances?

Mr CONNELLAN: Instances of bullying is where the definition refers to bullying and harassment. Certainly some misconduct issues are not bullying and harassment, such as fraud and corruption.

The Hon. CATHERINE CUSACK: Instances as opposed to cases. You have listed the statistics under instances of bullying investigated. Would that involve multiple instances by a smaller number of cases?

Mr CONNELLAN: Which page are you on?

Mr BAXTER: Page 12.

The Hon. CATHERINE CUSACK: Is it one person who has been accused 10 times?

Mr CONNELLAN: No.

The Hon. CATHERINE CUSACK: You do not say "cases investigated" you say "instances investigated".

Mr DAVID SHOEBRIDGE: At a separate point you say "incidents".

The Hon. CATHERINE CUSACK: It makes me wonder how many cases are being investigated?

Mr CONNELLAN: I will get that clarification.

The Hon. CATHERINE CUSACK: Thank you very much. I refer to the *Daily Telegraph's* negative coverage relating to female firefighters. There would have been distress in the organisation, particularly amongst female firefighters. But what action was taken to assist them and to address what occurred in that paper?

Mr CONNELLAN: We communicated with the whole workforce on that commentary, what it meant for us as a workforce, and what it meant for the women in the workforce. They were very, very unfortunate because, at the end of the day—and getting back to some of the original comments—we turn away thousands of

people who would make great firefighters every time we have a recruitment campaign. We regularly have 8,000 people for 100 jobs. As I said, we turn away thousands who would make great firefighters and we feel that a lot of the people that are making the comments are making it out of sheer disappointment and frustration because some of them have tried year after year after year.

The Hon. CATHERINE CUSACK: So you do not think that the story originated from within the service?

Mr CONNELLAN: I think it originated from both.

The Hon. CATHERINE CUSACK: I feel the same way as you—very disappointed by it.

Mr CONNELLAN: Yes.

The Hon. CATHERINE CUSACK: But I am just wondering: What steps did you take to—

Mr CONNELLAN: We communicated with the entire workforce.

The Hon. CATHERINE CUSACK: What? An email?

Mr BAXTER: No. We have a regular communications piece that goes out fortnightly from me,¹ and I wrote an extensive email responding specifically to the *Daily Telegraph* article and then, once again, outlining my support for more diversity in the organisation and the reasons why diversity was important. I also encouraged two-way communication for people to talk to me about it.

Mr DAVID SHOEBRIDGE: Can you provide us with a copy of that email?

Mr BAXTER: Yes, happy to.

Mr DAVID SHOEBRIDGE: But the *Daily Telegraph* article was misleading, inaccurate, misrepresented your staff—you are nodding your heads.

Mr BAXTER: Yes.

Mr DAVID SHOEBRIDGE: A deeply unfortunate case of tabloid journalism is how I would summarise it. What do you say about that?

Mr BAXTER: I completely agree.

Mr DAVID SHOEBRIDGE: So did you take it on with the editors of the *Daily Telegraph*? Can you show us a communication you sent to the *Daily Telegraph*?

The Hon. CATHERINE CUSACK: It undermined confidence in the whole service.

Mr BAXTER: We corrected all of the misrepresentations that were made to the *Telegraph* and that carried on to an Alan Jones interview with Mr Latham. So we corrected all those things, but there were no retractions made by them. But I took the decision after that to communicate internally with my people rather than the whole wide world.

Mr DAVID SHOEBRIDGE: Did you propose a formal response to the *Daily Telegraph* in the form of your own opinion piece to point out the errors in their reporting?

Mr BAXTER: We did.

Mr DAVID SHOEBRIDGE: Did you craft your own response and ask for it to be published?

Mr BAXTER: No. We corrected with the *Telegraph* the facts.

Mr DAVID SHOEBRIDGE: And they ignored you.

Mr BAXTER: Yes.

The Hon. LYNDA VOLTZ: Did you take it up with the Press Council?

¹ In correspondence to the committee received on 18 April 2018, Mr Paul Baxter provided the following clarification:

While the transcript refers to a communication to the FRNSW workforce through an edition of 'Commissioner's Corner' (which is a regular all-staff email bulletin sent out from my office) in fact the communication was in a separate, stand-alone email sent to all staff.

Mr BAXTER: I would have to get back to you on that one. It was handled by the media team.

Mr DAVID SHOEBRIDGE: Do you believe the journalist acted ethically with your employees in the way in which they gained the access and information from your employees? Do you believe the journalist acted ethically?

Mr BAXTER: I do not know how they gained the information.

Mr DAVID SHOEBRIDGE: I am happy for you to take that on notice.

The Hon. CATHERINE CUSACK: Did you see the allegation that the journalist is related to a firefighter?

Mr BAXTER: Okay. No, I had not heard that.

The Hon. CATHERINE CUSACK: You have not heard that.

Mr CONNELLAN: I do not know how we would find that out.

Mr BAXTER: Certainly I do not think they acted morally.

Mr DAVID SHOEBRIDGE: Do you see that your organisation is going through a difficult process. It is not easy. You have gone from an extremely male-focused or male-dominated workplace. You are bringing in, for exceptionally good reasons, fifty-fifty recruitment for women. Then you get attacked, your organisation gets attacked, your recruitment process gets attacked and by proxy the women get attacked. Do you not think there is an obligation for you to publicly meet that and publicly respond to the *Daily Telegraph* so as you can protect—I am thinking more of protect the women rather than the organisation?

Mr BAXTER: Once again, I took the decision to act on that internally rather than to have a media beat-up and continue to feed the story.

Mr DAVID SHOEBRIDGE: But when those women employees—

The Hon. CATHERINE CUSACK: David, can I just make the point—I just want to say, as a woman, these situations require courage, a press conference calling it out for what it is. When the commissioner feels that he will just deal with that internally, it is very disappointing for the women who are looking to him to stand up for them.

Mr BAXTER: Yes, I accept that, but I also—I mean, I will leave you to read the communication that I put out internally to them. It was a very strong communication, and the response that I have had from the women that I engage with in the organisation has been very thankful for the support that they were shown in that communication.

Mr DAVID SHOEBRIDGE: But you have to call out a bully.

The Hon. CATHERINE CUSACK: It is hard.

Mr DAVID SHOEBRIDGE: If the bully is the media, you have got to call them out.

The Hon. CATHERINE CUSACK: And have courage.

Mr DAVID SHOEBRIDGE: The worst thing is to not stand up to a bully. And in this case, I want to be clear: I think that reporting was bullying of your organisation and particularly those women who are fabulous entrants, 100 per cent qualified to be firefighters, and they did not get the support they deserved from their commissioner and their organisation in the public domain. You have to call out bullies.

The Hon. LYNDA VOLTZ: Did the Minister's office approach you about the media reports?

Mr BAXTER: I do not recall that specifically. We would have advised the Minister's office what we were doing at the time. I do not recall any specific conversation.

The Hon. LYNDA VOLTZ: Do you know if the Minister made any statements at the time in regard to those media reports?

Mr BAXTER: I am not aware of any, but I will once again reiterate that I think we made the appropriate response to what occurred. The continuation of it in the media would have done more damage. I have been more than active in the area of recruitment of more women to the fire services. I strongly support it. Wherever I go among my staff, which I think is the most important thing, I lead that by example and always will.

The Hon. SCOTT FARLOW: Commissioner, effectively what you are saying is that you took a deliberate media strategy not to make public comment on it because you thought that that would exacerbate the issue.

Mr BAXTER: That is absolutely what we did, and the proof, if you like, is in the pudding. There were no follow-up stories.

Mr DAVID SHOEBRIDGE: No, no, no, commissioner. The proof is not the follow-up stories. The proof is whether or not women in the organisation are feeling supported, whether there has been cultural change in the organisation, or whether or not an attack like that from the *Daily Telegraph*, not met in the public domain has actually exacerbated issues and empowered people who want to continue that critique of the organisation, internally and externally. The proof is not whether or not there is another article. The proof is quite different.

The Hon. CATHERINE CUSACK: Mark Latham wrote that people in an emergency want to know that firefighters are there because they are qualified, not because they have a vagina. It shocks me that nobody stood up for the women employees in Fire and Rescue NSW when a comment like that was made.

Mr BAXTER: We did stand up for the women and continue to stand up for the women.

Mr DAVID SHOEBRIDGE: In public?

Mr BAXTER: Once again we talk—

The Hon. CATHERINE CUSACK: The message it sends is an awful message to just say, "Oh, I'm not going to say anything because that might make the story go further." I just do not find that leadership, and acceptable. You can say to me that "The women I talk to all say I did a good job." I do not think that is a valid test that you should be relying on, either.

Mr BAXTER: My own staff communicating with me—

The Hon. CATHERINE CUSACK: Your staff told you it was a good job, Commissioner.

Mr BAXTER: —and, unsolicited, sending me emails to say, "Thank you for that." I think that is a good test.

Mr DAVID SHOEBRIDGE: But saying "Thank you for the email" is not saying, "We respect you for not calling out a bully in public."

The Hon. CATHERINE CUSACK: It is a disgusting thing to say.

Mr DAVID SHOEBRIDGE: They are quite different things: Good email is a different thing to saying, "Oh, and by the way, thank you for not making a public comment to call out that appalling, disgraceful, disrespect for women firefighters in public." They are not the same thing, Commissioner.

Mr BAXTER: We cannot be held to account for what the *Daily Telegraph* publishes.

The Hon. CATHERINE CUSACK: You can be held to account.

Mr BAXTER: We responded to what the *Daily Telegraph* said, but we cannot be held to account for what they will or will not publish after that, which they decided not to.

Mr DAVID SHOEBRIDGE: But you can be held accountable for not having a press conference, calling it out publicly, damning that kind of behaviour and supporting the women in your workforce. You can be held publicly accountable for not doing that.

Mr BAXTER: Okay. I hold a different view than you, Mr Shoebridge, on that.

The Hon. LYNDA VOLTZ: Can I put it this way: I joined the Army in 1987 when they let women in for field force, and the abuse you got, the treatment you got, I cannot even begin to tell you how appalling it was. But the day David Morrison got up and said what he said—

The Hon. CATHERINE CUSACK: Yes.

The Hon. LYNDA VOLTZ: —that "I will not cop this and if you don't like it, get out of the Army, don't treat women this way", every woman was cheering him. Every woman who, for 20 years, had put up with that crap said, "Finally someone stood up and told it how it should be: Either you are professional or you get out."

Mr BAXTER: Absolutely.

The Hon. LYNDA VOLTZ: That is why the issue of 96 per cent of blokes in the fire brigade complaining because women are being recruited, who are 50 per cent of the population anyway, on the same standard—and yet they are still complaining—is unbelievable. You say it is not an issue and women thanked you, well, they are not because we are getting complaints, and we are getting complaints about the way people behave in the Fire Brigade.

Mr BAXTER: I did not say it is not an issue.

The Hon. LYNDA VOLTZ: No, no, but what I am saying to you is that you have a bigger issue than just putting out an internal document saying, "Well, the *Daily Telegraph's* wrong", because it got the story from your people. It did not get the story or come up with it on its Pat Malone; it got the story from your people.

Mr BAXTER: Either from the people or the other disaffected people that were applicants and did not get the job.

The Hon. LYNDA VOLTZ: Let us just take a rough bet. I am working on the principle that they got it from people in the fire brigade. You are saying the *Daily Telegraph* is outrageous. More outrageous are the people in your own organisation who gave them the story.

Mr BAXTER: I agree.

The Hon. LYNDA VOLTZ: That is the problem. You have got to say to these blokes not, "We're doing this because we think women are 50 per cent of the workforce", but, "We're doing this and if you think that women are not going to be here you can get out now."

Mr BAXTER: That is exactly what we said in the communication. I will add that Mr Morrison's army communication was an internal message that happened to go public.

The Hon. LYNDA VOLTZ: It was a video message that was put out to the media.

Mr BAXTER: But it was an internal communication primarily.

The Hon. LYNDA VOLTZ: But he made it public.

The Hon. CATHERINE CUSACK: It was a YouTube video.

Mr BAXTER: I know my communication went public as well. It has been put on Facebook sites and all that sort of stuff. Whether the media pick up on it is another matter.

Mr DAVID SHOEBRIDGE: A YouTube video is little different from an email that may find its way onto a Facebook page.

Mr BAXTER: It was not an email. It was our formal, normal fortnightly communication that our people are very used to receiving.²

The Hon. LYNDA VOLTZ: Are you saying you did a video to them?

Mr BAXTER: Are you saying I should do a video?

The Hon. LYNDA VOLTZ: No, did you do a video? You are saying it is a fortnightly communication. A video that goes onto YouTube is different from something—

Mr BAXTER: It was an intranet communication that is available to all of our staff.³

Mr DAVID SHOEBRIDGE: I do not think there is any parallel between the two. One is a regular fortnightly intranet communication and the other one is the senior leader of the army going on YouTube and calling out appalling behaviour. There is no parallel between the two. For you to suggest that they are parallel I find gobsmacking.

Mr BAXTER: I did not say they were parallel.

Mr DAVID SHOEBRIDGE: You said they are both internal communications. They are so fundamentally different. You can accept that, can you not?

Mr BAXTER: It is the only channel that I currently have available to communicate with my staff.

² See footnote 1.

³ See footnote 1.

The Hon. CATHERINE CUSACK: Your aim was to get no more media and you say you achieved that. His aim was to send out a powerful message through the media and he achieved that. There are two big differences already, don't you think?

Mr BAXTER: Sorry, could you state that again?

The Hon. CATHERINE CUSACK: Your aim was to have no more media, for the issue to go away. His aim was the opposite. His aim was to send out a big message and to make it clear that it was not acceptable.

Mr BAXTER: Yes, and he continues to do that with other agencies.

Mr DAVID SHOEBRIDGE: Can you now put it on record in the clearest possible way that you can that the women who are being recruited in this system are absolutely top grade recruits that meet every criteria and we would be lucky to have them in the fire brigade? Can you just say that clearly on the record?

Mr BAXTER: I thank for the opportunity to do it because right from the first time I was able to influence recruiting more women into fire services I have done so. I applaud the efforts of Fire and Rescue NSW to introduce a fifty-fifty quota which is going to accelerate the percentage of women and other minorities in the service. It will make the service better. It will make the service more closely represent the communities that we serve. I know from the bottom of my heart—not from research and not from study—that having more women in the organisation makes our culture better. Full stop.

Mr DAVID SHOEBRIDGE: And every single one of them is 100 per cent qualified, 100 per cent capable and we are lucky to have them in the fire service. Can you say that?

Mr BAXTER: Absolutely. Every one of the women that go through our recruitment process and pass through our recruitment training are outstanding individuals. I am nothing but impressed when I go to the training course and see them doing their training evolutions or see them graduate from the courses. The calibre of the candidate, both male and female, is far different than it used to be 20 or 30 years ago. We are lucky to have every single one of them.

The Hon. LYNDA VOLTZ: The other thing I want to say is that you have some of the greatest women role models in your organisation including people such as Ruan Sims and others. People learn by what they see and so you might want to think about better ways of promoting those women that you have. If all they see is a blokey image that is the image that the fire brigade will always have. You could start putting out some posters with men and women, for example. Other organisations have done it or are working on it to get that cultural change, because that is how it changes. People have got to see it.

Mr BAXTER: I agree.

Mr DAVID SHOEBRIDGE: On a different point, your employees see a lot of trauma. They go into very dangerous situations. They see road trauma and appalling death and violence in their daily work. It is part of being a firefighter. Do you agree with that?

Mr BAXTER: I agree.

Mr DAVID SHOEBRIDGE: The New South Wales police got an additional \$17 million last year to expand their health and wellbeing support for police. The New South Wales paramedics got \$30 million over four years to deal with their health and wellbeing. That is terrific; I am really glad that both of those organisations have got that funding to deal with their employees. Why is there not the same funding coming to your organisation and have you asked for it for your employees?

Mr BAXTER: I am not sure that there is new money coming to us specifically for that purpose. I can take that on notice.

Mr DAVID SHOEBRIDGE: But it is \$30 million of new money for paramedics and \$17 million of new money for police. Where is the new money for the firefighters?

Mr BAXTER: We can always do more with more money. We are more than happy to do that. I would ask Deputy Commissioner Connellan to talk about the additional resourcing that has been put into our workplace support, our peer support program and our psychological services for which we have increased our full-time employee count to be able to deal with. He can speak more specifically about the action that we are taking there. At the moment our peer support program is increasing quite considerably and the addition of professional psychiatrists within the organisation to support our staff, particularly around the PTSD area and other psychological issues, is increasing and meeting the need at the moment as far as I know.

Mr DAVID SHOEBRIDGE: I will ask the Deputy commissioner to respond. The Fire Brigades Union pointed out that you have had to have your efficiency dividend every year and that is making it all the harder to find additional resources to deal with health and wellbeing.

Mr CONNELLAN: But we have continued to expand those resources. As the commissioner said, we have put on an occupational psychologist. We have put on a diversity coordinator. Whilst that is not in that realm, the diversity coordinator works up all those programs for all those diverse groups that make them feel better at work. We have expanded our programs right from cradle to grave and beyond. We meet not only a recruit firefighter coming on board but we also meet with their families as well because anything around critical incident support, trauma, PTSD does not affect just the person, it has a wider effect. In the last two years we have put on a support team of retired peer firefighters supporting our retired firefighters as they have left the organisation as well. That is an opt-out program, not an opt-in program, so you will get contacted.

Mr DAVID SHOEBRIDGE: But your employees are facing not dissimilar trauma to paramedics and the police, who have had a significant budgetary commitment to help them deal with their health and wellbeing. Do you not think your employees are deserving of the same?

Mr CONNELLAN: If you want to give me more money I will use it.

Mr DAVID SHOEBRIDGE: It seems odd that the Government recognises the need for two of the emergency services organisations but not for your organisation.

Mr CONNELLAN: You can probably extend that to the State Emergency Service and the Rural Fire Service as well.

Mr DAVID SHOEBRIDGE: Indeed you could. The last question I have is on presumptive legislation. You know exactly what I am talking about, Commissioner Baxter. Every other State has either got it or is about to get it. Why not New South Wales?

Mr BAXTER: I think, if you look at the chain of events that occurred, the other States that introduced presumptive legislation at the time were acting on the research that was available at the time. As New South Wales progressed, as I understand, closer towards it the latest research that became available was less conclusive about the rationale for presumptive legislation. That aside, that will continue to be something before Parliament, whether they choose to go down that path or not. What we have instituted as an organisation is a new program of work that looks at, essentially, the fence at the top of the cliff rather than the ambulance, so to speak, at the bottom so that we reduce the amount of exposure firefighters have to the carcinogens that cause that reported higher incidence of cancers, arguably.

That program of work is already kicking off now. It is about protective clothing, how we address incidents and actually an incident management cultural change that we need to implement as well. The image of a charred firefighter carrying out someone with dirt all over them is no longer a badge of honour but actually something that is frowned upon.

Mr DAVID SHOEBRIDGE: I assume the fire brigade has a position on presumptive legislation.

Mr BAXTER: Our position is it is a matter for Government. If Government introduces presumptive legislation it will have an impact on our organisation and our insurers will have to respond accordingly.

Mr DAVID SHOEBRIDGE: Have you got advice about what that impact will be?

Mr BAXTER: No, not yet. It will depend on how the legislation is written, whether it is retrospective and the types of cancers.

Mr DAVID SHOEBRIDGE: Everyone that has had it introduced says it is retrospective and they are all basically the same pattern. I assume you are getting that priced?

Mr BAXTER: Our insurers are looking at the impact of any changes that will occur. As 30-year plus firefighters ourselves we are very interested in the matter. We have both worked with people who have died as a consequence of various cancers. We are very interested in where the legislation and the research goes.

Mr DAVID SHOEBRIDGE: Do you understand how New South Wales firefighters may be thinking, "Well, why are we the last to get it?" Regardless of where the evidence has gone since 2011, 2013, 2014 and 2015, when it has gone in in every other jurisdiction it is that sense of unfair dealing; on them being excluded.

Mr BAXTER: I can completely understand that. That is why we have introduced the program of work to say, "Let us do what we can do in the interim." That needs to be done anyway because I do not just want to have the ambulance at the bottom that is paying people out who have contracted cancer. We want to do the positive stuff.

Mr DAVID SHOEBRIDGE: That is all good, but you are not the only two firefighters who have had 30 years exposure?

Mr BAXTER: I absolutely accept and understand people's concerns around it.

The ACTING CHAIR: Thanks very much for coming today. I note you have taken a number of questions on notice. The answers to questions on notice should be returned within 21 days. The secretariat will be in contact with you in relation to those questions.

(The witnesses withdrew)

(The Committee adjourned at 16.52)