

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 5

INQUIRY INTO THE NEW SOUTH WALES RURAL FIRE SERVICE

At Sydney on Tuesday 29 February 2000

The Committee met at 10.00 a.m.

PRESENT

The Hon. R. S. L. Jones MLC(Chairman)
The Hon. R. T. M. Bull MLC
The Hon. J. H. Jobling MLC
The Hon. J. R. Johnson MLC
The Hon. A. B. Kelly MLC
The Hon. D. E. Oldfield MLC(substitute for the Hon M. Jones)

- **CHAIR:** I welcome the media and members of the public to this hearing of General Purpose Standing Committee No. 5 for its inquiry into the New South Wales Rural Fire Service. I advise that under Standing Order No. 252 of the Legislative Council, evidence given before the Committee and any documents presented to the Committee that have not yet been tabled in Parliament:

. . . may not, except with the permission of the Committee, be disclosed or published by any Member of such Committee or by any other person.

PHILIP CHRISTIAN KOPERBERG, Commissioner, New South Wales Rural Fire Service, Unit 3, 175 James Ruse Drive, Rouse Hill, and

ROSS WILLIAM SMITH, Assistant Commissioner, New South Wales Rural Fire Service, Unit 3, 175 James Ruse Drive, Rouse Hill, and

MARK BERNARD CROSWELLER, Assistant Commissioner, New South Wales Rural Fire Service, Unit 3, 175 James Ruse Drive, Rouse Hill, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr KOPERBERG: I am appearing as a witness with the Rural Fire Service and the chief executive officer of that service under whose name the submission was made to this inquiry.

Best wishes,

Mr SMITH: I am appearing before this Committee as an officer of the New South Wales Rural Fire Service.

Mr CROSWELLER: I am appearing as an officer of the New South Wales Rural Fire Service.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr KOPERBERG: Yes, I did.

Mr SMITH: Yes, I did.

Mr CROSWELLER: Yes, I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr KOPERBERG: Yes, I am.

Mr SMITH: Yes, I am.

Mr CROSWELLER: Yes, I am.

CHAIR: If you feel at any stage during your evidence that in the public interest your evidence or any documents should be heard or seen only by the Committee, the Committee would be willing to accede to your request and resolve into a confidential session. I remind you that the Parliament may override that decision at any time and make your evidence public. Would you like to make a statement?

Mr KOPERBERG: I should say at the outset that the New South Wales Rural Fire Service welcomes this opportunity to acquaint the inquiry not only with achievements that we believe impact favorably upon the community but also the members of the Rural Fire Service, to acquaint the inquiry with the rationale for some of the things we do—or, hopefully, all the things we do—and, lastly, to provide the inquiry with a broadly based overview of a range of catalysts which have given rise to a number of reforms that I am pleased to say are supported by a significant majority of those members we call upon almost continuously to provide fire protection to some 90 per cent of New South Wales.

We are very cognisant of the fact that processes such as this inquiry will better equip the Rural Fire Service with addressing broad issues which, for whatever reason, have not come to light or have not been cogently put. I am sure it is obvious to honourable members that in an organisation as diverse as the Rural Fire Service, which employs or engages the energy of some 69,000 volunteers and liaises on a regular basis with 142 local government councils, which at the end of the day have the carriage of day-to-day affairs of the management of brigades, that there will be some in that vast number of people who do not necessarily and always agree with the processes of management that apply, in this case, to the Rural Fire Service.

Indeed, if one were to examine the principal catalyst—not the only catalyst but the principal catalyst—for some of the reforms you would revisit the events of 1994, which are often all too soon forgotten not only by members of the community but perhaps in other quarters as well. In December of 1993 and January of 1994 New South Wales was engulfed by probably the most extensive fire event to impact on Australia in the past 200 years. Some, of course, will say that since the losses were not akin to those experienced in South Australia and Victoria in 1983, they could not have been all that bad. However, if you examine the issues here, by the first week in January 1994 there were some 800 fires burning throughout New South Wales, totally out of control. Some 800,000 hectares of New South Wales were burnt by a series of fires which raged for about 12 days under fire danger indices which ranged between “very high” and “extreme”.

It took the combined resources of every fire service in Australia without exception—the Darwin Fire Service, the Tasmanian Fire Service, the Queensland Fire Service, the Adelaide Fire Service and the Melbourne Fire Service—and people from as far afield as New Zealand to eventually combat those fires. After more than 200 houses had been destroyed and a slightly larger number had been severely damaged—and of course the damage was not only to residential property; it impacted adversely on a range of infrastructure, a range of rural assets—it was clear that had the organisation not progressed to the stage it had, it could not possibly have dealt with that devastating series of fires. But what is even more clear to us is that on that occasion we were fortunate to be able to engage every other fire service in Australia during the middle of the bush fire season.

I suspect that if such an event were to occur again, as it inevitably will, we will not have the good fortune of being able to call on every other fire service. I suspect that the message was very clear: with an extensive array of weaponry and armory to combat large fires we could move quickly to reforms to ensure that we get as near to self-sufficient as we can and reduce the losses even more. I might add that the advice from around the world, particularly from the United States of America, which was watching our activities closely, suggested that the losses would not be in the hundreds but, indeed, in the thousands when referring to residential property, but the loss of life would not be confined to three, as indeed

it was, but to many persons if we were lucky. Due to the energy, commitment and skills of the combined fire forces of Australasia that was able to be avoided.

Indeed, in one subsequent fire season there was a not dissimilar array of fires, albeit that they were not compressed into a space of two weeks, and indeed the losses from those fires, albeit that they burnt throughout the length and breadth of New South Wales, were not nearly as severe. If I could go back a little further to 1985, before the advent of the Department of Bush Fire Services, the New South Wales Rural Fire Service and a range of other government agencies—a year upon which I often reflect because that is the year I embarked on this particular position—I note with interest that in terms of the provision of equipment the office was proud to announce that during that particular year it would provide 12 new fire tankers to New South Wales.

Today, we provide somewhere in the order of 300 new or refurbished fire tankers to New South Wales. That is for a number of reasons, not the least being the fact that budgets have been significantly enhanced by the Government and that we have improved the design, provision and what have you of such equipment. That is in stark contrast to the early days, which are often referred to as the good old days when there was no accountability and no expectation, and everything just flowed nicely. Of course, had the organisation remained as it was then, there is no doubt in my mind that it could not possibly have discharged anywhere near as effectively its obligations in 1994.

Following the 1994 fires, the Judiciary embarked upon one of the most extensive coronial inquiries it has ever undertaken. That inquiry was undertaken by the Senior Deputy Coroner, John Hiatt. He made many observations. Amongst them he observed that the bushfire fighting movement, as it was then known, was, for all intents and purposes, disparate, lacked cohesion, had no identifiable chain of command, lacked resources, administered an Act which many described then and now as being antiquated, and did not have the capacity to interface with other emergency services in New South Wales, the foremost being the New South Wales Fire Brigades. It lacked the ability to recognise the range of skills and it was generally non-responsive to a whole range of issues that arose from the recommendations of the firefighters themselves and from the community. If I could, I would like to quote several of Coroner Hiatt's observations. Coroner Hiatt said, during the conduct of the coronial inquiry, that:

However, in the Court's opinion, what is required is a structured full time organisation, such as the Department of Bush Fire Services—

Which was the predecessor to the Rural Fire Service—

to administer these organisations—

In that regard he was referring to the local government bushfire organisation predecessor—

in respect of their District Fire Committee duties, unfettered from the interference of local Councils.

He went on to say:

The dual control—Councils and Department of Bush Fire Services—in the Courts opinion, has given rise to many of the problems and concerns encountered during the hearing of evidence in these proceedings and others heard by the Court.

Mr Hiatt went on to say:

Coincidentally, such problems to a major degree, arise in respect of the provisions of the Bush Fires Act relating to the activities, in the main, of the Fire Control Officers, their staff and volunteer Bush Fire Brigades. These organisations where their bushfire activities are concerned, are wanting in respect of command structure and accountability.

The coroner went on to observe:

A number of witnesses in the Inquiry into the Bell Range bushfire—

The Bell Range bushfire was a significant bushfire that impacted in the first week of January in the Blue Mountains, considerably exacerbating our problems and our capacity to do a great deal—

have given evidence in respect of this is due. Witnesses of standing have put forward a very compelling case why Fire Control Officers should be employed by the Department of Bush Fire Services . . .

The coroner went on:

Ultimately, the Court agrees and adopts the admission of Mr P. Menzies of Counsel—Emergency Services Submission in Reply p.21 at 5.26—“This issue comes down to command and structure of the Firefighting Service in NSW—this dual control—Council as opposed to the Department of Bush Fire Services, particularly in respect of Rural Fire Services, has brought about multiple problems that need to be solved if an efficient fire service is to be provided to New South Wales.

The coroner makes a large number of other observations that I shall not labour the inquiry with now, but what followed from that was a series of recommendations that Coroner Hiatt put to the Government and which included, inter alia, that there be a single fire service for New South Wales. That would have made an attempt to merge two cultures which had not effectively been merged before, with paid firefighters and volunteer firefighters. The coroner went on to recommend that until such time as it was found, if it were to be done, that a single rural fire service be established, the organisation responsible for the administration and management of the States bushfire brigades should be to the exclusion of local government.

As you can imagine, this gave the Government a great deal to think about and, prior to the enactment of the Rural Fires Act 1997, the Act we now administer, the Minister of the day, Bob Debus, embarked upon an extensive consultative process to consider what might be enacted to give effect to some of the coroner's recommendations to bring about a more effective fire protection system for New South Wales. The Government did not see its way clear to enact legislation which would give rise to a single fire service, an act we believed to have been a very wise decision. We believe the volunteer culture would have suffered enormously; and volunteer firefighters would have been regarded as subservient firefighters and that would have been very much to the detriment of the safety of the people in New South Wales.

The Government also considered that local government had a very real role to play in the day-to-day management of firefighting services. It concluded that with volunteers being drawn from a community there needed to be a political community to which those volunteers could relate, and what better than local government, the very areas from which are those people are drawn. So, after careful consideration it decided not to do two things: One, it decided not to merge the fire services into one; and recognised that the culture and distribution of volunteer firefighters was such that they would be well served in the

immediate future by remaining by and large under the auspices of local government which, to this day, still manages fire control officers at the local level and continues to recruit the volunteers, to assign their officers after being duly elected, and to be responsible for the day-to-day management. Of course, the Government could not afford to totally disregard what it Mhas decided to do, and that is to significantly reform the rural fire service, so it embarked upon the drafting of an exposure bill to become the Rural Fires Act 1997, to which there were some 1,200 responses during the consultative process. It was comforting to observe that of those 1,200 submissions, 87 per cent supported the direction of of the Rural Fires Act 1997.

We have great regard for the major stakeholders. We tried to satisfy the needs of organisations such as the Local Government and Shires Associations and the 142 councils with whom we deal on a regular basis, the Farmers Association of New South Wales, and various other representative groups and other fire services and land management groups with whom we work. All these organisations, after extensive consultation, signed off, if you like, agreed to the provisions of the Rural Fires Act 1997. The Rural Fires Act 1997 confirms in perpetuity the volunteer nature of the firefighting organisation. It recognised the role of local government as an essential ingredient in the management of rural fire services, and it established an array of consultative processes, and a system of decentralised management across the length and breadth of New South Wales, not the least being the establishment of some 130 bushfire management committees which are based at the local level and which are believed to be representative of all the stakeholders, the volunteer firefighters, the farmers association, local government, the Forestry Commission where forestry lands occur, National Parks and Wildlife Service, ecological and environmental groups, other emergency services, and so forth. It is the task of those committees to plan for all necessary contingencies, both operational and from a risk management point of view.

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

Finally, to ensure that the views of our stakeholders are heard, particularly as they relate to the administration of the department, we have formed a corporate executive group at the headquarters. This also has a volunteer firefighter on it, as it has local government fire control officers. I would suggest that you would find very few enterprises that endeavour so extensively to ensure there was adequate representation of not only the people at the agencies with whom it works but also those that it relies on heavily to provide a service in New South Wales.

Those were by no means the only initiatives. Since its inception the department has been committed to a process of reform to enhance the safety of volunteer firefighters. At this stage it is appropriate to mention that in the decade to 1988, 17 volunteer firefighters were killed in the course of their duties as a result of being overtaken by fire. Of course, that is totally unacceptable to the community, to us as a service and most certainly unacceptable to those the dead firefighters have left behind. The succeeding 11 years

contained two of the worst series of fires—the 1994 fires that burnt from the Queensland border to the Victorian border predominantly in the eastern parts of the States, but not exclusively; and the 1997-98 fire season, which also saw one of the highest levels of activity throughout New South Wales.

Despite those two events, the death toll amongst volunteer firefighters was reduced from 17 to three. That is still three too many, but a significant impact has been made on the death toll within our ranks. We see it clearly as our unequivocal obligation to provide an environment to volunteer firefighters that is as safe as the dangerous task of firefighting can be possibly made. We relocated our head office, which was originally located at 121 Macquarie Street. Following extensive concerns expressed by local government, we deregulated the provisions of the Bush Fire Fighting Fund. In those days a council would receive a subsidy towards the construction of a fire station. I recall when such subsidies were \$1,100, which meant that if they were lucky they would perhaps fits a couple of windows or pour a concrete floor at the very best and the rest of the money would have to be found by the volunteers, ratepayers and whathaveyou.

Funding has increased massively in the time since. For argument's sake, in 1985 funding was under \$10 million; in the current financial year it stands at more than \$80 million. In our submission to this inquiry we have analysed in considerable detail the increase in funding and, as a result, the equipment that has been made available to volunteer firefighters by the Government. Workers compensation has been increased massively to the point now that in most circumstances an injured firefighter will receive a greater level of compensation than his or her colleague in the private sector in commerce or industry, and indeed so it should be. We introduced a comprehensive training program, which complies with national standards. In that regard, allow me to clear up one or two misunderstandings and perhaps even myths.

It is suggested by some that unless a formal process of training has been entered into, access to workers compensation is denied. Of course, that is not the case. The provision of our workers compensation scheme does not discriminate in that regard. It does not discriminate in terms of age, sex or any other activity. Indeed, if a firefighter is injured during the legitimate pursuit of activity related to firefighting, he or she is entitled to workers compensation. Of course, that does not detract for a moment from our commitment to encourage training wherever possible. We recognise that some people have more time to engage in such activities than others. More importantly, we recognise that over the years many skills have been obtained, particularly by those people on the land, farmers and those who assist them, in the management of rural assets and whathaveyou.

Indeed, those skills that have been developed over many decades are recognised as a result of a national initiative to recognise prior learning and to base accreditation on competency achieved in one field or another. We have introduced a chaplaincy, prior to which we were not able to provide any support for our firefighters during times of trouble or, indeed, to the families of firefighters. The chaplaincy has attended to many thousands of cases providing support to people, I might add, not only when troubles arise through activity in the Rural Fire Service [RFS] but to totally unrelated problems. If people are having financial difficulty or any other difficulty the chaplaincy, which is statewide, is able to assist in their problems.

We have introduced a critical incident stress program. We recognise that often our firefighters come into contact with incidents that cause them a great deal of stress. Our firefighters, who are, as I said, responsible for about 90 per cent of New South Wales,

often come across horrendous incidents. When they attend a motor vehicle accident to prevent fire they come across the most appalling carnage and to this extent we have provided that support mechanism for them as well. We have engaged upon a personal protective equipment program, which is protective clothing that is world standard. Indeed, the Rural Fire Service is recognised as driving the standards internationally. Our officer responsible for such affairs is a constant adviser to the International Standards Organisation for the improvement and development of protective clothing for firefighters not only for New South Wales and Australia, but worldwide.

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

We have embarked upon a program of regionalisation. We recognise that the major energies have their source in country New South Wales and to that extent we have eight regional offices throughout the State that relate closely to those local government councils within their regions and, indeed, the volunteers. We have embarked upon a program to ensure that the organisation had such mobility to be able to move quickly, efficiently and effectively to anywhere in the State to assist any part of the State experiencing difficulties. We call this out strategic tactical response group component, which is able to marshal very quickly large numbers of firefighters and move them equally quickly anywhere in the State where they are needed.

I might say, over the past 10 or so years that group, which is not a consistent group—it is a group of firefighters drawn from brigades and able to go at any time—has moved to the west of the State on dozens of occasions to help brigades in rural New South Wales deal with fire outbreaks. We have embarked upon far greater use of aviation technology. As we speak, we have four aircraft able to respond immediately. These are contracted aircraft; two are large helicopters and two are large agricultural aircraft capable of delivering substantial loads of water to a fire where needed. We have introduced a range of technologies that allows us to monitor weather anywhere in New South Wales, to detect lightning strikes anywhere in New South Wales. We have gone further afield than just New South Wales; we have engaged upon a program of seeking the advice of international organisations and, indeed, providing advice to those other organisations.

We have memoranda of understanding with a number of countries and we draw upon these skills and experience for our research programs. Conversely, we contribute to their development. Importantly, it also provides for us to earn additional revenue for the service. The work we do in Malaysia, Indonesia, Brunei and elsewhere generates revenue and this revenue is available for the procurement of additional equipment. We have embarked upon an ambitious program of personal safety equipment—those things I spoke of earlier, but it goes further. We are embarking also upon a program of ensuring those tankers, those pieces of equipment that we use, are of the highest safety standard possible, which means that tankers now built are equipped with crew protection, heat shields, sprays and so forth. So it is with our protective clothing.

The range of initiatives and reforms can go on and on. As you would expect, we spend a great deal of time in the bush. We meet regularly with many thousands of volunteer firefighters and we listen to their concerns. I am constantly gratified. Only a couple of days ago I was in West Wyalong, Forbes and Parkes. During the course of that particular regional visit I met with 400 to 500 people. We sat around and talked. I asked them to talk to me about their concerns. There were many concerns, but I suspect most are as a result of them not having the correct information. For argument's sake, a number of people, as has been enunciated in regional press in recent times, asked me, "Why is it that farmers of New South Wales can't use their own equipment to fight fires on their land or their neighbours' land?"

Of course, my response was, "Of course they can." There is no inhibition in that regard whatsoever. If a farmer has a tractor, utility or whatever, he or she is perfectly at liberty without any impediment whatsoever to use that. The only thing that we ask, as a result of RTA requirements, is that if that equipment is to be taken on a public road used by others, that it be roadworthy and capable of traversing that public road without causing death or injury to other road users. The person who asked that question said, "Well, why didn't you tell us that?" I said, "Well, we did or we have tried to." I was able to produce one of hundreds of documents we produce, not unlike this one which is a question-and-answer document entitled, "The Use of Privately Owned Vehicles for Firefighting Purposes."

I quoted from this particular document. I said to him, "You've got that, of course?" He said to me, "Junk mail. I don't read junk mail." I thought, well, in future I will telephone each of the 69,000 people individually and tell them something new has developed! What we keep coming across more and more is that in some cases, fortunately not too many, we face a process of censorship. Indeed, some of these documents were recently forwarded to a local government council and the fire control officer who, as you know, is an employee of local government, was told that he was not to distribute to his brigades because it was RFS propaganda. Of course, that material contained vital information for volunteers.

I suspect that we have to get smarter in distributing this information. I was asked why someone could not attend a fire unless he or she had received a certain level of accreditation. Again I was able to say that no such restrictions are in place. Whilst we encourage consistently a level of training to ensure that the skills are attained to ensure that they in turn can do their work safely, nevertheless, it is a fact that training is not compulsory.

Some local government councils, as I have said on a number of occasions before, have the day-to-day carriage of affairs in fire management and insist that training be compulsory before a firefighter can embark upon the fire ground. So far as the Rural Fire Service is concerned, whilst it encourages training at every level, it is not compulsory. It certainly does not deny people the ability to either be covered by workers compensation or indeed be entitled to a range of other benefits. There are many such myths and clearly we need to get better at communicating the fact that the organisation or its policies are not nearly as restrictive as some would not only believe but happily promote through the ranks of the organisation.

Another common myth is the capacity of a local government council to build equipment locally as they have done for years. We place no restriction on the conversion of vehicles to fire tankers at the local level. Local government is able to choose a contractor, convert a cabin chassis purchased from the market and to a fire tanker. Indeed, the same applies to new fire tankers despite the fact that under the rules of embarking upon the contractual arrangements and such we are required to call for tenders statewide. We have

been listening very carefully to what country New South Wales has been saying and we have convinced the government supply agency and the Contract Control Board that there needs to be a more liberal and flexible approach taken. They have agreed that in future even new vehicles can be constructed provided that the prices are competitive, as one would expect, in country New South Wales.

I might add that in the range of equipment available to volunteers in the area of trucks alone there are more than 12 varieties of trucks available ranging from a small two person unit at to the very large category one fire tanker, our front-line category. Each of those 12 categories, incidentally, have a range of variations within them as it relates to fitting them out for grassland firefighting, having them in two-wheel drive or four-wheel drive and capacities and so forth. Even the category one tankers will be able to be built locally by contractors for fabricators chosen by local government, providing they meet the standard design and other criteria and are competitive.

It is interesting to make the observation that in the most recent round of tenders for items of equipment the country based fabricators and construction companies were in some cases considerably higher than others. I guess that has something to do with economies of scale. It will be interesting to see whether or not the pursuit of the promotion of local enterprise, in fact, translates effectively in two choices once these quite high quotes are taken into account. There is then a whole range of issues which the Rural Fire Service is addressing.

I might make a couple of closing observations. I am delighted, having read the RVFFA submission to this inquiry, that the Rural Fire Service has a range of common objectives as, indeed, is very much the case with the RFS which is the organisation predominantly representing the States 69, 000 or so volunteers. Notwithstanding that the RVFFA accuses the RFS of just about every sin known to man, ranging from theft to abuse of human rights which I hope one day it will be asked to substantiate, there is nevertheless a core in the concentrations which aligns very closely to ours and to that of the RFS, not the least of which is the emphasis on training, the emphasis on protective clothing, the need to have a common criteria for the construction of vehicles and so on.

It has been suggested largely in the submission put to this inquiry by the Local Government and Shires Association that we revert principally to a range of circumstances which prevailed before the advent of the Rural Fires Act 1997. It is so proposed on the supposition that local councils are best equipped to manage such affairs at the local level and that such circumstances should apply in everything but emergencies. I put it to the inquiry that not only is that a massively regressive step but it would fly in the face of every examination and critique of our affairs ever undertaken. It is also tantamount to suggest that each local government council in New South Wales have its own defence force—some, of course, would not be able to have a navy—in the hope that when the community as a whole comes under threat they could all suddenly come together and work as a cohesive unit.

The fact is that as has been the case before, and as undoubtedly will be the case in the future, all of those units at some stage or another will need to come together. Therefore to go back to the circumstances which prevailed in pre-1997 would be to totally ignore history, overturn it and commit the organisation to being incapable of providing a relatively safe environment for the people of New South Wales. Elsewhere it is suggested that the organisation be split into two. I think it was the Farmers Association that suggested that there ought to be a western and an eastern division. Of course that is no more tenable on the basis that we are trying to provide a level of cohesion, it is not a level of separation. We

want to ensure that the benefits which are attached to the organisation as a whole are universally applied; not just to the east or west.

However, we recognise that volunteers are motivated by a range of different facets. We recognise that fully and that is why we have a great variety of policies and equipment as some are motivated by the need for self protection, and the protection of their immediate neighbours while other brigades have absolutely no desire, and no capacity to become involved in other activities such as our very large response to the Sydney hail storm and the agricultural emergency which was constituted by the Newcastle disease when tens of thousands of birds had to be destroyed. To that extent we recognise these limitations and motivations. In the not too distant future we will move towards a classification system for brigades. That will classify brigades into a range of categories from those who want to and are able to become involved in everything to those who are only able or only want to become involved in protecting their immediate environments, their own assets and the assets of the neighbours. That program together with zoning is well on its way. Zoning is a process whereby we are trying to bring groups of local government councils together to share resources for the purpose of rural fire management.

We will listen carefully to what is put before this inquiry. Our resolve remains to provide the people of New South Wales with a cohesive fire service, one in which the majority of volunteers are happy to serve. I noted with a great deal of satisfaction that of the 600 submissions put to this inquiry—which constitutes about 0.17 percent of the total organisation—some 78 percent have expressed their fears in a supportive or neutral fashion. In the order of 22 per cent have expressed dissatisfaction with the way in which the direction is going. Given the fact that the organisation is going through this massive and tumultuous change and a range of reforms which cannot always be immediately understood, it is not surprising that there is a level of anxiety and concern in the community.

At the end of the day the program of reform needs to continue not because we say so but to do otherwise would be to negate our responsibilities to a vast majority of our members who do not have time to waste and who want to be well-equipped, well-trained and well utilised—not that we are perfect in that regard by any means—and indeed our obligation to the community. I think the committee for the opportunity to make this some lengthy opening statement.

Mr SMITH: Thank you for the opportunity to address this inquiry. My submission will certainly not be as lengthy as that of Mr Koperberg. I will briefly set out my credentials in fire management in New South Wales which now spans more than 40 years. My initial involvement was as a 13-year-old high school student when I tagged along with the local bushfire brigade to mostly wheat crop fires and stubble burns in the north-west of New South Wales. My memory of those days is an abiding image of almost no equipment, absolutely no communications and certainly no training or protective equipment. The only communications we had were runners in vehicles or motorbikes. The management system was very simple: anybody who could do so turned up and used whatever they could get to attempt to put out the fire. It was not a terribly useful exercise.

I can also bring an additional perspective to this debate from the point of view of a land management agency. I worked for the Forestry Commission of New South Wales from 1963 and remained in that field until 1994 when I joined the Rural Fire Service. With Forestry I served at a number of field locations across New South Wales. I had very extensive interaction with volunteer brigades and their parent councils before joining the fire management division of the Forestry Commission in 1983. During that period I witnessed

very considerable development of the volunteer bushfire movement in this State. Indeed, I have been a part of that development. I was a major contributor to basic bushfire training modules and the crew training modules that were developed in the 1980s.

In more recent times, particularly in my employment with the Rural Fire Service, on behalf of that service I was asked to provide advice on fire management issues to: AUSAID; several arms of the United Nations; the International Tropical Timbers Organisation; the Asian Development Bank; and the World Bank for countries in South-east Asia and Europe. In this debate it is very important that we understand the nature of fire in our country. There is no doubt that the agencies involved in rural fire management must work together in times of crisis. They must do so in a coordinated fashion. Our most severe fires are typically wind driven as distinct from ignition and drought driven fires that occur much closer to the equator.

All of the agencies in this State, in our country and in all of the developed world agree that no agency can operate in isolation. They are all reliant on each other for assistance in times of severe fires stress. That is particularly the case with our land management agencies in New South Wales—State Forests and the National Parks and Wildlife Service. They can each master about 1,00 firefighters across the State. In times of dire stress those agencies rely on in the Rural Fire Service to assist them.

In my view three decades ago the Forestry Commission of New South Wales was the preeminent rural fire agency in New South Wales. It built all the tankers—12 each year—for bushfire services and it provided much of the impetus for the further development within the service. Indeed earlier in the piece it provided the chief officers to the Rural Fire Service. Those roles have now been reversed and State Forests relies very heavily upon the Rural Fire Service for support, as indeed does the National Parks and Wildlife Service. Coordination is absolutely essential for a defective and efficient operations across the four agencies in New South Wales—the two big the land management agencies, the Rural Fire Service and the New South Wales Fire Brigade.

I would like to take you back even further than Commissioner Koperburg did—to 1968. That was probably a fire season in which we had a classic lack of co-ordination. It was one of our worst fire seasons ever from a loss-of-life perspective in New South Wales. In that fire season, 14 people died across this State; over one million hectares of land burned along the east coast; and about 170,000 to 180,000 houses were destroyed. In 1968 similar weather conditions prevailed to those which prevailed in 1994. But 1968 was characterised by abysmal co-ordination between the agencies. Very few interagency plans were in existence; there were very poor communications; there was no real idea of effective interaction in a crisis; there was no understanding of each agency's capabilities and resourcing levels; and no realistic management systems were in place to span across the boundaries of the agencies.

I guess the classic example that emerged out of 1968 was the example of two agencies that more or less co-operated in implementing a backburn. They agreed to start at each end of a firetrail and work towards the middle. When they got to the middle they had lit up opposite sides of the break. That might be quite humorous in retrospect but, on the day, it could have had extremely serious ramifications for the safety of personnel and the safety of nearby communities. There would not have been a lot of humour in that exercise. In essence, 1968 was highly symptomatic of each individual fire service operating in isolation, with little or no regard for the actions of other agencies. Another classic example occurred when one

agency implemented a backburn and half an hour later a second agency, which was following behind, tried to extend that backburn.

A major review followed that fire season. That led to strengthened co-ordination provisions along the coast and nearby ranges, roughly in the eastern one-third of New South Wales. The 1970 amendments to the Bush Fires Act identified the need for much stronger processes and established the first co-ordinating committee, with five representatives out of the then Bush Fire Council, being the chairman of the Bush Fire Council, a representative from local government and a representative from each of forestry, national parks and New South Wales fire brigades. That committee was charged with developing co-ordinated firefighting measures in the co-ordination zone. Those measures have since been extended to apply across the entire State.

It is interesting to compare 1968 with 1994. Again there was severe drought, extended periods of adverse weather and a very high incidence of fire. But in 1994 the losses were much lower. We had four fatalities in 1994 verses 14 fatalities in 1968; 800,000 hectares of land were burnt verses one million plus in 1968; and 205 houses were lost in 1994 verses 170,000 plus in 1968. I do not think there can be any doubt that the reduction in the loss of life between those two seasons was due, in great part, to better training, better equipment, improved safety equipment and better management systems and communications.

A Cabinet committee immediately followed the 1994 fires, and the first direct action was to amend the legislation, which required mandatory preparation of operations and risk management plans by all bushfire management committees [BFMCs] across the State. The service had earlier encouraged all BFMCs to develop those plans, but there was no mandatory requirement in the legislation. The effect of operational plans, of course, is to determine in advance how the agencies will interact together and define their responsibilities for certain actions. I refer you to a section from the submission of the Local Government and Shires Associations, from which I will quote in part:

The command and control of any emergency incident must follow appropriate systems which are identical across all agencies who may be required to participate in such a co-ordination role. It must firstly be established utilising local input and if required, supplement from outside the area. However, balanced to ensure that local knowledge of the area and people is maintained.

In many cases it has been the lack of planning in the local areas themselves where they have not identified the local people that can assist in large incidents that has caused the perceived problems. When a fire happens there is much to do in a very short time and unless there are procedures in place even the best incident controllers can forget to contact some of the people with the requisite local knowledge. In other cases the person with the local knowledge that is needed to assist has already taken off on one of the fire tankers to the fire front and is lost to the controllers as a resource.

If local plans are in place all the players are aware of their roles and know where to go and what to do.

I commend that to you. The service is often under fire because of the fact that these plans need to be put in place. But in reality it is up to the local people to make sure that their plans are in place and that they all know what their role is in these situations. Despite the improved result that we achieved in 1994 the senior deputy State coroner still determined that the Rural Fire Service was effectively 142 separate and independent local government-based entities, often operating in isolation to each other. Following the coroner's review, significant weight was placed on his observations about lack of uniformity in standards and operating procedures and the need for fire management to proceed smoothly. This, of course, led to the

Rural Fires Act 1997, with its attendant service standards, which set out in great detail how many issues were to be dealt with.

One argument that has been promoted is that local government should be responsible for the vast bulk of fires, perhaps against all the smaller fires, and that the commissioner should become involved only for section 44 fires. I think we have been there. It does not work all that well. We must have a system that allows for a completely transparent and smooth transfer of command as we escalate through a worsening fire scenario. We really need to ask ourselves: What is the community expectation about fire management and, in particular, about fire suppression? I would suggest that the community wants it expressed very simply. The community wants the fire service to respond rapidly; it wants the fire service to save life and property; and it wants the fire service to be as efficient and cost-effective as possible. The community does not really care what colour overalls the firefighters have and what type of truck they drive, so long as their equipment is up to the task and enables them to do their job with the maximum amount of safety.

In this debate a number of other contributors have raised the issue of local control verses control by non-local resources. I draw your attention specifically to paragraph 4.5 of the service submission, in particular, folios 118 to 121. There we describe the classes of fire established by the Bushfire Co-ordinating Committee and the control arrangements that should apply in those circumstances. For both class one and class two fires control arrangements are categorically in the hands of local people—there is no question about that. For section 44 fires, or class three fires, where the commissioner makes an appointment, the appointee is nominated by the local bushfire management committee. In a severe fire season we may experience between 35 and 40 section 44 appointment fires. In a very quiet season, such as this one, we may experience anywhere between zero and five. I think so far this season we have had one fire that has resulted in a section 44 appointment.

CHAIR: I point out that if we run out of time for questions we might have to call you back again. I would be grateful if you could keep your comments as brief as possible.

Mr SMITH: It is only on rare occasions that the commissioner elects to appoint someone other than those persons nominated by local people. I suspect that that has occurred only once or twice in the entirety of his time as commissioner. I briefly turn to firefighter safety. The vast bulk of our volunteers recognise the value of both training and the supply and wearing of appropriate safety apparel. Unfortunately, there are people who would move us back to the 1950s or earlier, and completely remove our ability to adequately protect our firefighters with both good training and protective equipment. I have been there and I really do not want to go back there. I recall that, when we went through the exercise of introducing overalls, a number of doomsayers suggested that this would make firefighters believe that they were invincible. The same sort of thing is happening now. The analysis of firefighter fatalities in the last two decades suggests strongly that better protective equipment, formal training and improved management systems have led to a massive reduction in firefighter fatalities.

I ask you to pose another question to your panel: What is the community expectation about firefighter safety? I submit again that the community holds strong ideals about protecting its volunteers. It definitely wants the volunteer firefighters to be safe. I am sure that most people regularly visit their dentists. I am sure you would agree that it is far less dangerous than firefighting, but I guarantee that nobody in this room would knowingly visit a dentist that he or she knew was not trained and equipped with modern equipment. There is no

question that volunteers are entitled to compensation. That has always been the case. The real goal is to avoid scenarios that require compensation. As our submission states, workers compensation does not work like house insurance. There is no technology that enables people to recover from severe bushfire burns. I remember the infamous statement, "I know a lot of people who have worn thongs and shorts to fires and we have never had one burnt. We have may have burnt a thong or two but we have never had anyone burnt." That statement, which generated a huge level of interest in many quarters, and which was run on Prime local news, northern, on 26 October 1999, defies comprehension. Our records suggest the area from which the author originates sustained a bushfire fatality.

The final issue I seek to comment upon is a matter of specific submission to this inquiry. I had the benefit of reading a number of submissions to this inquiry from individuals and different organisations. There are some people who hold different viewpoints—in the minority it would seem to the Rural Fire Service and the general direction in which it is heading. That is obviously in line with our democratic society. They are quite clearly entitled to hold their points of view. There is one submission to which I take some exception, that is, the submission put forward by the Rural Volunteer Fire Fighters Association [RVFFA] and signed by Mr Henk Luf. In this submission there are a large number of baseless and groundless observations.

The submission waxes lyrical about "grubby shams", "complicity in the systematic and chronic abuse of the rights of volunteer firefighters and their families" "unjustifiable disciplinary action", "blatant abuse of power", "cases of mismanagement, unresolved and hidden from public view", rampant and blatant cronyism and theft". What concerns me about these statements is that, whilst they are substantial, they are not very specific. If there is any basis to these claims probity dictates that they must be openly investigated. I suspect strongly that there is no basis to these claims. I have devoted my entire working life to public service in this State, most of it in the rural fire management arena. I do not particularly want my reputation, nor that of the organisation for which I work, to be sullied by anybody making outrageous and unsubstantiated claims.

I understand that a representative of the RVFFA will appear before you to give evidence in this inquiry. I urge you to seek detailed and specific details of the claims that have been made. If there is any substance to these claims there can be no doubt that the RVFFA should possess relevant material to place before you. It is crucial that such information be exposed. In particular, I ask you to seek substantiation of the claims: "blatant abuse of power by some within the Rural Fire Service that has allowed volunteer firefighters and other subjects of such abuses to be exposed to situations that, under normal democratic processes and circumstances, would simply not be tolerated", which is on page 2 of the RVFFA submission; "complicity in the systematic and chronic abuse of the rights of volunteer firefighters and their families", which is on page 3 of the submission; "cases of theft that have been swept under the carpet", which is on page 6; "cases of mismanagement have gone largely unresolved such cases being hidden from view by both the RFS", which is on page 6; and "rampant and blatant cronyism", which is on page 14.

Should you receive any evidence from the RVFFA that substantiates any claims of illegal or corrupt behaviour I urge you to place that before the appropriate authorities for action. In closing I echo Commissioner Koperberg's words about our desire to provide a safe, efficient and cost-effective fire service for the people of this State. I thank you for the opportunity to appear before your panel.

Mr CROSWELLER: To make my evidence as brief as possible, I would like to table a report which will substantiate much of what I am going to say.

CHAIR: Thank you.

Mr CROSWELLER: My evidence pertains largely to my experience both as a volunteer firefighter and now on the salaried side of the organisation. I joined the service in 1985 as a volunteer and progressed through the ranks of the service until 1994. I then came on board as a full-time officer, and I now hold the position of Assistant Commissioner, largely responsible for strategy, policy and information.

I wish to make a couple of salient points. There has been criticism raised against the service about the level of consultation. Apart from the fact that the service has extensive consultation at the formal level, I would like to demonstrate by way of practical example how the service also consults all stakeholders on specific policy issues. I draw the members' attention to folio 3 in relation to the policy on zoning.

Without getting into the detail of what zoning is all about—which is essentially the bringing together of two or more local government area is—an extensive process of consultation occurs at the local level. The policy is underpinned by four principles. Those principles are: the outcomes must be beneficial to volunteers; there must be improved levels of service delivery to the community; the service must be more cost-efficient; and the ultimate decision is a matter for local stakeholders. It is a policy position of the service that we consult extensively down to the stakeholder level.

Turning to folio 5, I make specific reference to a consultative process that is about to occur in the northern part of the State. Members will note that a significant amount of discussion and input will occur at the volunteer level locally before any decisions are made in relation to zoning. The zoning policy platform requires a working party to be put together locally, consisting of volunteers, general managers, councillors and fire control officers. The outcomes of the working party determine whether the policy position goes ahead in that local area.

I draw members' attention to folio 6, the model 2 process chart, which shows the series of procedures. At the end of the day, if the working party does not agree with the proposal, then the process stands. We are quite clear about the fact that the control over the policy implementation is a matter for local people, not a matter for the State. Folio 7 refers to appropriate stakeholder input and poor stakeholder input. It has been my experience from travelling across the State extensively that adequate stakeholder input occurs when a number of key factors are in place.

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

I turn to folio 8 and make reference to the specific statement of Ross Smith about the wearing of thongs and shorts to fires. I will make my point by referring to practical examples. As part of my travels to far western New South Wales last week I met with a group of volunteers over dinner. I asked one of the volunteers, who had been in the service approximately 40 years, what he thought about training. I expected an attitude that is purported to be widespread in the bush, that is, that it is unnecessary. He told me a story.

He said that a very good friend of his, a farmer and property owner, was cutting down a tree. He had cleared his property that way for some 20 years. The tree fell on him and killed him; it cost him his life. He left behind a wife and a son of about 12 years of age. It took this volunteer three or four years to come to grips with the fact that there was training for a chainsaw operators. He undertook that course, and once he completed it he realised two things. First of all, he realised how lucky he was to be alive, because the techniques he had applied for the past 20 years were dangerous. Secondly, he realised that his best friend could still be alive today if he had undertaken the training. This volunteer is now the surrogate father of the 12-year-old boy, because his father is no longer alive.

My second point relates to protective clothing. I draw the members' attention to folio 10. I will briefly explain a fire investigation report that occurred in the southern part of the State. A fire ignited late in the afternoon at approximately 4 o'clock on a typical summer's day. Although there were high temperatures, there was no wind and stable weather conditions. Two volunteers turned out to the fire. One forgot to take his protective clothing, but continued on to the fire ground regardless. The fire flared and the volunteer was caught in the path of the fire, on what was a fairly calm day.

Folio 11 lists the injuries that were sustained by that volunteer. The gentleman is lucky to be alive. His first comments in hospital to us were, "I will never be so foolish again. I wish to God I had taken by protective clothing with me." He received burns to 20 per cent of his body, and a large number of them were third degree burns. It was not a blow-up day, it was not a severe fire, and it was not a major fire operation. It was a small paddock fire in the middle of country New South Wales. Protective clothing was not taken and the volunteer sustained serious injury.

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

My last comment relates to folio 12. Again, there is a perception that volunteers have no say about the control and suppression of major bushfires. Speaking from my personal experience in 1994—and accepting that the provisions of the Bush Fires Act in relation to the co-ordination of firefighting were largely brought forward in the new Act—the volunteers, particularly in the Warringah and Pittwater area, had a substantial amount of input into the strategies and tactics of fire suppression activity. The fire burned over a seven-day period. It took out 12,000 hectares of bush, destroyed 30 homes and damaged another 198. At every management level of the firefighting operation, senior volunteers represented and gave significant input into the strategies and tactics, resource deployment and decisions on the fire ground.

If it can happen there, it can happen under the same provisions anywhere in the State. The reason it happened there is because the volunteers, the council and the service worked together to ensure that everyone knew what was to happen. There was a large level of consultation, and three identified volunteers accepted key positions in the management training. When the match was lit, that system was brought into effect. It is nothing unusual, simply what the Act provided for and still provides for in the planning arrangements. My suggestion is that those volunteers who argue that they no longer have input into fire suppression should read the Act and the documentation that the service provides. They should participate in the processes, as opposed to criticising them.

There are many, many examples that are not quoted in the media of operations that are particularly successful, but they get no limelight because they were so successful in that regard. When the operation appears not to go well, because a few volunteers believe they have not had input, is when it tends to get the attention of the media. But I can assure you that provisions as a volunteer, when I was a volunteer, were more than adequate to give me an extensive amount of input into the determination of strategy and tactics at the local level.

CHAIR: In appendix 1 you have a response to the queries raised by the Audit Office in the Performance Audit Report of the Rural Fire Service published in December 1998. Have you had an opportunity since your response to that Audit Office report to review the comments made by the Audit Office? Can you update any of your comments that appear in appendix 1?

Mr KOPERBERG: That particular overview, which goes to the very heart of how our affairs are managed and supports many of our contentions, is constantly being updated. I am unable, here and now, to give you specifics, but I could take that on notice and provide the inquiry with relevant updates and responses.

CHAIR: If you could have another look at the comments made by the Audit Office, then come up with your renewed response to that we would appreciate it.

Mr KOPERBERG: Surely. I might observe, though, that that particular audit referred to the co-ordinated firefighting structure as a whole, and not specifically the RFS. It looked at the generic nature in which bushfires were fought, not only by this agency but, indeed, all the other agencies. Certainly, I will provide the Committee with timely updates on that.

CHAIR: I refer to comments made by Barry Rheinberger that the RFS would prefer not to have volunteers. Would you like to comment further on the acceptance of volunteers by the RFS?

Mr KOPERBERG: I dismiss that remark by Mr Rheinberger as really quite silly, to be charitable, given the fact that most of us could have come to work whenever we were appointed and kept our seats warm, and collected our salaries at the end of the day or the end of the week as the case may be, without pursuing every avenue, politically and otherwise, to improve the environment in which volunteers work, which is what we did instead. I cannot conceive of a circumstance in which it can be legitimately claimed that we do not like the very people who are the essence of our service. This is a volunteer service. I was a volunteer firefighter. Mr Croswell on my left was a volunteer firefighter. Many of the people who now occupy positions within the service were volunteer firefighters. It is our job

to administer a volunteer-based organisation. It is our moral obligation, gladly accepted, to do everything we can to promote volunteerism.

I was one of the strongest advocates against amalgamation between the permanent fire fighting service and the volunteer service. If the RFS did not like volunteers it would not have fought bitterly to stop that from happening. The fact remains that this State can only be adequately served in terms of the widespread fire responsibility if it engages the energies of tens of thousands of volunteers. It is our task to provide them with as good an environment as possible, and to do so happily and gladly. But that does not mean to say that we will please all of them. It is a diverse organisation. There are many views that we respect. But not all of them can be accommodated. Mr Rheinberger has said, for argument's sake, that he needs permission to go to fires. I have never heard such nonsense. As you heard Mr Crosswell and Mr Smith state, it is very much a locally based organisation. If any rules are in place that prevent Mr Rheinberger from going to a fire, then they are placed locally, certainly not as a result of any policy, legislation or service standards imposed by this service. I reject that out of hand.

CHAIR: A submission made by the Steering Committee of the Bush Fire Brigade, which is Mr Rheinberger and Mr Kemmins, states that there is a need for greater flexibility in the way shire councils can spend their firefighting allocation. Would you care to comment on that?

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

We have greatly refined the process. It is a fact that in the old days many local government councils would go to the volunteers and seek from them their 25 per cent contribution, which is to be made by local government councils from the ratepayers or anything else. It is now 12.3 per cent because the government lowered that contribution. Brigades had to struggle amongst their membership and their communities to raise the 12.3 per cent, or 25 per cent as was the case, which was council's responsibility. The Minister has not allowed that process to continue and, as a result, more government local councils are meeting their statutory obligations and the impost is not passed on to brigades. It is a fact that the determinant of the type and variety of equipment that is given to volunteers is very much at the behest of local government councils with whom we consult on an annual basis.

The Hon. A. B. KELLY: But it goes one step further than that. When you ask the councils for the list of requisitions and their priorities they then ask the brigades and the volunteers.

Mr KOPERBERG: In many cases that is so.

The Hon. A. B. KELLY: Then they put in their requisitions to the councils, which the councils amalgamate, so it actually goes back to the grassroots.

Mr KOPERBERG: Quite so. As Mr Kelly said, many councils, not all, have annual requisition meetings where the brigade captains are brought together, they promote what they need, councils put those into a package and they are passed on to us. But we do not determine what councils get; quite the contrary.

CHAIR: Mr Hepplewhite, a fire control officer with 21 years experience, put in a submission that deals with a number of issues, including the fact that consideration should be given to a suitable structural bushfire tower. Have you read this submission?

Mr KOPERBERG: No.

CHAIR: He said that the need for a change from a bush to a structure in the event of being redirected would not be necessary. Are you aware of this submission?

Mr KOPERBERG: I am certainly aware of it, but I have not read it in detail. Mr Hepplewhite is a former fire control officer of the Port Stephens Shire. He is a most professional firefighter who has contributed a lot, and continues to do so, albeit in his retirement. I will be happy to look at his submission. As I said to the inquiry earlier, protective clothing is under constant development. It is very much a voluntary thing, the same as all technology. We would be happy to pursue Mr Hepplewhite's suggestion.

CHAIR: They also said that having used various types of pumps over the years in a variety of situations he believes that it would be in the best interests of personal safety to fit all category one and two tankers with a three-cylinder Hats pump unit. Do you have any comment to make on that issue?

Mr KOPERBERG: All of the equipment we develop is as a result of the committees I spoke of earlier, in this case the technical committee, which has eight volunteers, one chosen from each of the eight regions. We do not wake up in the morning and unilaterally decide what type of pump someone will get or what type of tanker. This is all as a result of feedback and input from the grassroots level. Various people have many opinions on whether it should be a three-cylinder Hats or a four-cylinder Honda, or whatever. There is a mechanism for that information to come back to us when it is evaluated at a professional level by engineers and the like. Again, if Mr Hepplewhite has a suggestion to make, we will examine it.

CHAIR: He also talks very briefly about the consideration of designing a tanker so that the primary fire fighting hose for rural firefighting is 38 millimetre. He also talks about removing live reels from high-category tankers. You might like to give that consideration.

Mr KOPERBERG: As I said, Mr Hepplewhite had a distinguished career. He will not find favour with that suggestion among the majority of volunteers, given the fact that live hose reels are often the first and last resort in terms of protecting the tanker and its occupants, and the fact that in bush fire fighting, although 38 millimetre might be the preferred hose of choice one can come across the circumstances when something larger than 38 is required. Therefore, we will continue to provide a greater deal of flexibility. To do away with live hose reels, for argument's sake, could well jeopardise the crews and the equipment.

The Hon. J. H. JOBLING: In your opening address you dealt at length with the 1993-94 fires, the coronial inquiry, probably Wingello in 1997, and the changes suggested by Deputy Coroner Hiatt. Could you tell me how many changes in structure and delivery were recommended by the deputy coroner, and how many of those recommendations have not been implemented?

Mr KOPERBERG: I can answer that partially. Coroner Hiatt's report comprised many observations and fewer recommendations, but the principal recommendations of Coroner Hiatt were the move towards a single fire service, and I touched upon that in my opening address; a more cohesive single bush fire fighting service, and one that was devoid of local government input. The majority of the observations by Coroner Hiatt related to the fact that there was a lack of cohesion, there was no command structure, there were no standards and so forth. All of those observations were reacted too. That is why we have a Rural Fires Act. That is why there is a clear chain of command. That is why there continues to be local input. That is why there is now a range of service standards to determine such things as standard operating procedures, and the organisation is cohesive.

The Hon. J. H. JOBLING: Perhaps I can come back to that because, as you understand, time is of critical importance.

Mr KOPERBERG: Sure.

The Hon. J. H. JOBLING: I am more interested in ascertaining what observations or recommendations in those reports have not been implemented, and why. If they are questions you cannot give me an answer to now, I would very much like you to come back to this committee and take the questions on notice.

Mr KOPERBERG: I would be happy to answer the questions. What has not been implemented is the recommendation that a single fire service be established in New South Wales. The reason that is so is because of the bringing together of the volunteer bush firefighting movement with the other organisation which principally engages full-time firefighters. First of all, that would have completely alienated local government from the process. As you know, the New South Wales Fire Brigade is a centrally administered organisation with no local input at all. It would also have provided for a severe degrading of the volunteer contribution.

As I told the inquiry earlier, to bring two totally alien cultures together would have meant that by virtue of the voluntary nature of the latter, the former would become pre-eminent in the determination of policy and so forth. This is not just my view but also, over many decades, the result of having canvassed extensively the volunteer organisation and on all occasions its having rejected the notion of such an amalgamation—not universally and not unanimously, but with a significant majority which probably can be equated to 95 per cent or 96 per cent.

The other recommendation of Coroner Hyatt which was not implemented was the removal of local government altogether from the equation of management of bush firefighting services. The reason for that is that the very volunteers are upon whom the community relies are drawn from an array of 142 local government areas. Local government is the sponsor of these volunteers. Many local government councils contribute significantly over and above the contribution which is derived from the State. The removal of local government altogether rather than recognising that it has a role to play, which in many cases is a significant role, once again would have been a recipe for fragmenting the firefighting

capacity of the State. They are the two principal recommendations of Coroner Hyatt which were not implemented, albeit that a significant number of his observations were. They are the reasons why that occurred.

The Hon. J. H. JOBLING: Could I reasonably assume that may have been some of the reasons why volunteers were concerned and felt that they were subservient? From what you say, you still do not concur with Deputy Coroner Hyatt's view that there should be one service and if there was only one, the rural fire service, as a volunteer organisation, therefore would have collapsed.

Mr KOPERBERG: Were this 1900 and we were starting from scratch, only an obtuse person would recommend against a single unified and cohesive service. But it is not 1900; it is 2000 plus, and we have gone down 100 years of developing particular organisations which largely rely on the goodwill of people who contribute. Those people take a great deal of pride in their relative autonomy and the separation of roles. To try to amalgamate for some quasi economic rationale would be to spell the end of the organisation. I have resisted it on that basis and will continue to do so .

The Hon. J. H. JOBLING: So, obviously, the answer to the three questions principally is "Yes." In your opinion New South Wales Rural Fire Service's current state of readiness to face a major fire crisis in this State, is the New South Wales Fire Service ready to face such a major crisis?

Mr KOPERBERG: Indeed. It is more ready every day. It will be more ready tomorrow than it is today on the basis that tomorrow there will be some more new equipment and there will be some more people trained and so forth. We are a lot more ready today than we were in December 1993, and in December 1993 the Rural Fire Service was a lot more ready than it was in 1968, to which Mr Smith has already alluded. Indeed, in five years time, it will be even more ready, and one only has to look to the organisation's capacity to extend itself beyond firefighting to see that.

Mr Chairman, you will be aware that during the catastrophic hailstorm which impacted upon the most densely populated area of Sydney, the major resource numerically which helped the community to recover was the Rural Fire Service. Five years ago it could not have done that. When the Newcastle disease struck affecting hundreds of poultry growers who were facing devastation and destruction, the Rural Fire Service was able to come to their aid in huge numbers and was able to help communities. That is what the Rural Fire Service's charter is—to assist local and neighbouring communities. With advances in technology, training and equipment, the fire service becomes more responsive and, yes, it is prepared to deal with those situations.

That is not to say that there cannot be a catastrophic fire season which no fire service can deal with. As all members of this committee would know and would be very well acquainted with, that is the way things are in this part of the world. But even in this fairly benign season, there have been fires in remote parts of New South Wales whereas two or three years ago they would have become campaign fires that would have gone on for days, if not weeks. Because of training and equipment, we are now able to get people into those areas quickly by helicopter and by the use of water bombers. It is not that we drop people out of water bombers but that small fires are contained to small areas.

The Hon. J. H. JOBLING: Obviously, there are a number of emergency services, including your own. The army also helped during the hailstorm. In relation to the

state of readiness, what would you say to this committee are the major inadequacies in the firefighting equipment that is available to the rural firefighting service in New South Wales?

Mr KOPERBERG: Given that we have come from a position in 1995 of having to describe almost half or slightly more than half of the fleet as inadequate to meet the needs of the community or inadequate to provide safety for the volunteers, and given the fact that in that period some 1,300 new or refurbished tankers were supplied and that the program provides for another 1,250 in the next four years, can I say that most of the deficiencies are in the process of being addressed.

In an ideal world, we would have a government give us \$500 million and we would run round the world buying up everything we could. But it is not an ideal world and we are subject to the same economic constraints as are the rest of the community. We recognise the significant enhancement of budgets in the last five years which I hope is demonstrated amply in our submission to this inquiry. We are committed to resolving some of the deficiencies in equipment and we recognise that there are many brigades that still have not got a modern fire tanker, but five years ago there were double that number and 10 years ago there were double that number.

The Hon. J. H. JOBLING: That is very nice and I think it is a very fair comment, but can I bring you back to the question I want an answer to: What are the inadequacies now—not what were they ten years ago or what they may have been five years ago? I want to know from you the accurate situation of where there are inadequacies in major firefighting equipment in New South Wales, particularly in the rural firefighting service.

Mr KOPERBERG: As I have suggested, Mr Chairman, there are still large numbers of brigades and I cannot give the exact number.

The Hon. J. H. JOBLING: Are we talking about tankers? Are we talking about pumps? Are we talking about boots?

Mr KOPERBERG: I was coming to that. There are still a large number of brigades that do not have a modern firefighting tanker, that is, a tanker that is under 15 years of age. But as I have also said, there is a program in hand to address that whereby, by 2003, every brigade in New South Wales should have a fire tanker which is less than 15 years old. Given the fact that, as I have said, there are 2,400 brigades and that only half the fleet was effectively serviceable a mere five years ago, much progress has been made. In terms of inadequacy, yes, there are still brigades that do not have such equipment. But as each week or each year goes by, those brigades are fewer in number. We cannot resolve those problems overnight.

The Hon. J. H. JOBLING: Let us try another tack, shall we? Let us stay with tankers and put to you that there are petrol tankers and diesel tankers. Of those that I presume are getting towards 15 years of age, what percentage of tankers in the Rural Fire Service in service would still be of a petrol nature?

Mr KOPERBERG: I would have to take that question on notice. I do not have those statistics with me.

The Hon. R. T. M. BULL: I want to talk about the lines of command. As you are probably aware, one of the major criticisms up of the current Act has been the loss of local control. I know you have addressed this in your remarks to some extent, but I just want

to clarify some of these points in my own mind. The Fire Control Officer [FCO] is employed by the local council. What direction do you hold over the FCO, apart from being the general managers who are employing him?

Mr KOPERBERG: Mr Chairman, I will address the question on the matter of local control generally. First I need to restate that, if anything, local control has been enhanced, not diminished. The fact remains that a bush fire captain, subject only to the rules imposed by the local government council and no other, it is in charge of fires in his or her area of operation until such time as the fire escalates beyond his or her area of operation. Even then, the group captain, who is locally appointed and locally elected, remains in charge. It is only when fire has reached a circumstance in which an emergency is declared—a major fire which impacts on one or more local government areas—that the jurisdiction of the Act in terms of the commissioner's responsibility comes into force. But even under those circumstances it is the local committee that recommends to the commissioner who should be in charge of firefighting operations.

The Hon. R. T. M. BULL: I think they were section 13s in the old days—

Mr KOPERBERG: Sections 17 and 41F.

The Hon. R. T. M. BULL: Is the process basically the same as it was then? When does the local control decide that this is a category three or class three fire that will require the State service assistance?

Mr KOPERBERG: It decides that upon the advice of a locally constituted committee, which is part of the Bushfire Management Committee, also constituted locally. When the local authorities are of the view that the fire is likely to gain such proportions as to be incapable of local control they will recommend to the commissioner that section 44 of the Rural Fires Act be applied. It is at that time that the commissioner agrees in most cases and asks the local committee, "Who would you like to be in charge of your major firefighting operations? Is it Captain Smith or is it National Parks and Wildlife Service Superintendent Jones or is it your FCO or is it a forestry person?" It is only upon their advice that I make such appointments. As Mr Smith has said, in the 15 years that I have had this function there would be no more than two or three out of the hundreds of appointments with which I have not concurred. That was in the interest of community safety. So, if anything, the Rural Fires Act of 1997 and the attendant service standards and policies and what have you have enhanced the local control. It has not been taken away; it has been strengthened.

The Hon. R. T. M. BULL: When fire breaks out in Kosciuszko National Park—that is always a good example—

Mr KOPERBERG: Only because it is dear to our hearts.

The Hon. R. T. M. BULL: Is that under the control of the National Parks and Wildlife Service or is it immediately in the control of the Rural Fire Service brigade?

Mr KOPERBERG: The beauty of the current system is that control is not predetermined. It depends very much on the circumstances. So, for argument's sake, if there were to be a fire in Kosciuszko National Park, again, that local committee on which National Parks has a representative is able to say, "This is going to be bigger than we can handle and therefore we recommend that XYZ be done." Each of these 130 or so committees is required to prepare a plan of operations which clearly identifies the person or persons whom the local

constituents want to take charge of firefighting, irrespective of the land tenure.

The Hon. R. T. M. BULL: I would assume then that quite often that person would be the one that has had the most experience or the one that has the most qualifications in that area. But you would not have time to call meetings if a fire was breaking out. Is there an automatic position of control?

Mr KOPERBERG: There are preferred candidates who are pre-identified. The rationale for those people would be, as you have said, the array of knowledge they might bring to the firefighting operation, or it could be those with the greatest resource at their beck and call. It could be their statutory responsibilities, depending upon the land tenure. One of the other significant enhancements is the fact that we now require each of those district committees to have grassroots level representation on them. When a section 44 is invoked we even require that the local captain or some representative of that significance is included in the incident management team. So we have addressed this whole question of local knowledge being properly applied.

The Hon. R. T. M. BULL: Under the new Act all councils have an FCO. Their status is basically full time. What sort of compliance have you received from councils on this matter?

Mr KOPERBERG: As you are aware, Mr Bull, the FCOs are responsible to general managers for administrative and management matters and are accountable to the commissioner for operational matters. This was very much a compromise position put to the Minister when the exposure bill was being consulted upon. The Minister said that it would require a great deal of goodwill to make that dual accountability issue work. The Minister indicated in his second reading speech that, where necessary, he would revisit the provisions of the Rural Fires Act to do any finetuning that might be necessary. I have to say that many local government councils have made it work very well, which is evident in the submissions put to you. Some have not. Nevertheless, the area of difficulty is in that whole compliance area.

As I visit the bush, which I often do, more often than not I find that the volunteers are not aware of a particular issue affecting them greatly, because they have not been told. Our information flow is from us to the regional structures, of which there are eight, and then from them on to fire control officers. As I have demonstrated this morning, often there is a conflict between what the fire control officer wants to do—and what he or she ought to do—and the views of the council. That is why in some cases information is not getting through. We are working on a performance management system for fire control officers which requires them to meet certain criteria in terms of relating to their brigades, managing their brigades, and it will be the role of general managers to introduce or monitor the performance agreement.

The Hon. R. T. M. BULL: Do operational matters include training and education—

Mr KOPERBERG: Certainly we are desirous of having fire control officers trained in a whole range of areas, management obviously been one. Environmental issues are another which has attracted most controversy from local government. Their capacity to relate to volunteers is another. Yes, we get many complaints about those facets being wanting. But at the end of the day we do not have fire control offices as our employees. We are developing an extensive training regime for fire control officers in those three principal areas. Within the

next couple of years a fire control officer will need to be qualified in a range of issues before he or she can be accepted for appointment to the position.

The Hon. A. B. KELLY: Richard, did you ask whether all councils had appointed a fire control officer?

The Hon. R. T. M. BULL: No, it was just on compliance.

The Hon. A. B. KELLY: I am not sure whether it has come out yet but is it something like 87 per cent of the cost of a fire control officer is reimbursed to the council?

Mr KOPERBERG: The salary is totally reimbursed to the council. The associated—

The Hon. A. B. KELLY: It is the on-costs?

Mr KOPERBERG: Workers compensation, holiday provisions and such are borne by the council but the salary is reimbursed. I might add that there is a tremendous variance in salaries paid. This is one of the inconsistencies. A council at X would pay a fire control officer considerably more, or less, than a council at Y doing exactly the same thing. But that is an industrial matter.

The Hon. A. B. KELLY: A range of submissions expressed concern about the increasing program and administrative charges associated with the Rural Fire Service. Can you explain to the committee what these charges are for and explain any increases, if there are any?

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

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

In essence, whilst there are other programs as part of the total budget which do not relate to the provision of tankers, this is not just about handing out tankers or protective clothing or anything else; we have a statewide responsibility to manage and we have a statewide responsibility to ensure that we have an informed community, that we have trained firefighters and that we provide an environment for them. Far from a bloated bureaucracy, we pride ourselves as having one of the lowest ratios of salaried people to volunteers of any organisation in the world.

The Hon. A. B. KELLY: I obviously already know the answer to some of these questions, having been in local government for 30 years and been one of the general managers that administered the Act before and after the 1997 changes. I never had any problem with dual accountability. A number of the submissions raised the non-availability of funding for tanker trailers. Is it true and what benefits or otherwise are there for the use of tanker trailers for bushfire operations? Talking about tankers, you said that in 1985 there were 12 new tankers as opposed to those old Blitz wagons we used to get. How many of them were on the Sydney side of the Blue Mountains and how many went to the other side of the Blue Mountains? It is only in recent years we have seen new ones on the other side the Blue Mountains.

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

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

In the Castlereagh regions, 121 tankers were provided; in the southern region, 198 tankers; in the Riverina region, 194 tankers; in the western region, which, as you know, is far more widespread and has fewer brigades, 93 tankers; in the northern region, 188 tankers. So there is a far more equitable distribution of this type of equipment across the spectrum than there ever has been.

The Hon. A. B. KELLY: On the issue of tanker trailers?

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

The Hon. A. B. KELLY: For the Committee's benefit, I am a member of two brigades and I have a tanker trailer.

Mr KOPERBERG: We also acknowledge—and this is vitally important—that there are many parts of the State in which they can be perfectly well used, and we continue to supply them there. The interesting thing, though, is that the advice to no longer provide these tanker trailers came from the Bushfire Council Technical Committee, which comprised the stakeholders. Of course, the motion to discontinue them was made by the Farmers Association representative on that particular advisory council. And to this day, that committee is still critical of my having reversed that decision, at least in the flat parts of New South Wales. I can recognise a need there, and we accept, as does the RTA, that that particular equipment can be used more safely there than it can in other parts of the State.

The Hon. J. R. JOHNSON: Commissioner, a range of submissions have called for the decentralisation of tanker construction to allow local manufacturers to participate. I take it that there are certain arrangements in place to allow for the construction of tankers locally.

Mr KOPERBERG: Yes, indeed there are. I alluded earlier to the fact that we had been able to satisfy the New South Wales Supply Department and the Contracts Control Board that a more flexible approach in support of the rural industry ought to be adopted. To that extent, I have explained that category one tankers, which are our mainstay tanker if you like, have already been the subject of the invitation of expressions of interest and tenders from fabricators around the State. It will be a matter for local government to choose which particular contractor they use. They may choose one in their town or in an adjacent town. We are moving in a similar direction with other categories of tankers. I would add, however, that there are certain constraints. We are responsible for the expenditure of vast amounts of public money. What the Contracts Control Board has agreed to is that a range of potential fabricators would need to seek accreditation as suppliers to the Government. They would need to give certain assurances as to viability, security, and design and fabrication capacities.

I was in Parkes only a day or three ago and the question was posed by such a fabricator. I said to that person, "Yes, of course you are at liberty to bid to build this equipment." He said, "No, I haven't bid because the paperwork is too much. I really can't bring myself to filling in the forms." My response to him was, "You are in business, the same as everybody else. If you want to compete for government business, if you want to compete for taxpayers dollars, you need to go through that process."

Finally, I might say that councils have always had the ability to either build themselves, as many do, or have others build for them, conversions. That is, when a cab chassis has been procured, a second-hand cab chassis is to be refurbished, and a firefighting body put on that, councils have always been able to do that.

The Hon. R. T. M. BULL: And can still?

Mr KOPERBERG: And can still, to this day.

The Hon. J. R. JOHNSON: Some submissions suggest that there has been a dramatic decline in volunteer numbers in recent years. What are the facts?

Mr KOPERBERG: The facts simply are that there has not. This is not something we dreamed up. Local government councils submitted returns to us as to their membership. As at 30 June 1999, it was local government who indicated to us that there were 69,946 volunteers, which is around that figure that we have been saying all along. We do not

keep a register of volunteers at head office. Of those, it claimed that 46,675 were firefighting members. But, of course, there is a lot more to being in a brigade than being on the front line of a hose. There are people involved in communications, there are people involved in operation centres, there are people involved in catering, there are people involved in intelligence gathering—all manner of people. Local government claim—and we have no reason to disbelieve them—that there remain 69,000 or 70,000 people in the organisation.

Could I make an interesting observation. At a recent meeting Councillor Robert Gledhill, who is the mayor of the Boorowa shire, when engaged in conversation about this claim of a dramatic fall in volunteer numbers, in fact told that committee on 14 December 1999 that this was rubbish. He said the fluctuating membership in brigades was simply a reflection of changing demographics in country New South Wales. Indeed, so it is.

The Hon. D. E. OLDFIELD: Mr Smith, what percentage of the service's budget is spent on officer vehicles, wages, consultants, administration, and so on?

Mr SMITH: I will have to take that question on notice.

The Hon. D. E. OLDFIELD: Mr Smith, is it anticipated that carbon credits may pose a problem with regard to hazard reduction?

Mr SMITH: I should not think there would be any great disadvantage in the carbon credits issue with regard to hazard reduction. The fuel that occurs in the bush will naturally break down. Given the experiences that this State has had over most of this area, if the fuel is not burned in a hazard reduction at some point, it almost certainly will be burned in a bushfire.

The Hon. D. E. OLDFIELD: With regard to hazard reduction, is it legal for firefighters to reduce hazards or back-burn at all during a total fire ban?

Mr SMITH: Yes, it is. There is a special provision in the instrument that declares a total ban, which removes any liability for lighting a back-burn during a total ban.

The Hon. D. E. OLDFIELD: Mr Crosweller, in your document entitled "Our Strategic Plan" you particularly say: "provide competitive income-earning services to meet customer needs; develop a program and guidelines for the participation of volunteers in cost-recovery business ventures". What exactly do you have in mind with regard to volunteers being involved in cost-recovery business ventures?

Mr CROSWELLER: Essentially, the service is conducting a number of overseas projects with overseas countries. What we are able to do is to provide volunteers with the opportunity to provide them with extensive experience in those programs. It is not the intention of the service to use volunteers to produce income locally, in other words, to supplement their budgets. It is simply a matter of giving them the opportunity to participate in the business side of the organisation using their experience, and at their will and at their leisure.

The Hon. D. E. OLDFIELD: So we can expect that there will be no cost recovery imposition on anyone in New South Wales?

Mr CROSWELLER: That is correct.

The Hon. D. E. OLDFIELD: With regard to the disclosures from the Wingello fire of the problems of reflective tape and the burns that resulted from that, what has taken place with that form of equipment?

Mr CROSWELLER: My understanding is that the reflective tape was reviewed and replaced. Extensive testing was done on the current tape that is being supplied with protective clothing, and it appears to me to meet the standards and expectations.

The Hon. D. E. OLDFIELD: With regard to the inquiry into the death of Mr Quinlivan, what is being done to address the communications issue that was brought up?

Mr CROSWELLER: The service has embarked on and successfully concluded a statewide private mobile radio [PMR] system, which will supplement the government radio network. In other words, where the government radio network does not at this point in time operate, the PMR network will basically supplement that area, to ensure radio coverage. At the end of the day, any fire grant is subject to variable communications, depending upon atmospheric condition, smoke impact in the area, and so on. One can never guarantee 100 per cent of radio communications, and therefore where that communication may fail in the short term, there are numerous procedures that are put in place to ensure firefighter safety.

The Hon. D. E. OLDFIELD: Commissioner, with regard to the number of submissions received by the Committee, I note that in the 1994 inquiry there were only 150 submissions, whereas this time there are more than 600, and there appears to be quite a short period in which those submissions could be made. A good percentage of the submissions seem to be from fire control officers and group captains. Was there any work on behalf of the service to solicit submissions from individuals?

Mr KOPERBERG: Yes, indeed there was. We encouraged all participants in the Rural Fire Service, or on the peripheries of it, to make their views known. What we did not do, of course, was to suggest what those views ought to be. In fact, there were many conversations which I personally had with volunteers, encouraging them to put a submission forward, to put their views on a whole range of issues. I said to them, "Irrespective of what those views are, you have an opportunity here to make your thoughts known." Yes, indeed, like some members of Parliament, we encouraged participation, but we did not only encourage negative participation.

The Hon. D. E. OLDFIELD: The 1994 Legislative Assembly report recommended that all public authorities accept the responsibility to conduct adequate hazard reduction in the provision and maintenance of fire trails on their land. It also recommended that the Department of Bushfire Services establish a minimum standard for fire trails, directing all government and public authorities to provide a fire trail maintenance schedule to all relevant fire control officers. Has that been implemented?

Mr KOPERBERG: Yes, indeed it has. Land management authorities, whether they be local government or State—and we refer, of course, to such agencies as State Forests and the National Parks and Wildlife Service—have a legislative responsibility, as indeed do private land-holders, to reduce hazards on their holdings and to maintain standards which are acceptable from a firefighting point of view.

You would expect there to be differences of opinion on what constitutes an area through which a fire trail might traverse. That is why the Government has formed the

130 or so local bushfire management committees, so that that argument can be put forward for a whole range of mitigation and other measures. However, I am pleased to say that the land management authorities take very seriously their responsibility. They do not always achieve their objectives, of course, because there are a whole range of considerations, not the least of which are weather and financial considerations. The system as a whole works quite energetically to bring about the desired result. It does not always achieve that result, but it tries hard to do so.

The Hon. D. E. OLDFIELD: Having implemented those recommendations, do you have any data that establishes the extent of compliance?

Mr KOPERBERG: Yes, indeed we do, but not at hand. We regularly monitor the rate of compliance regarding the preparation of operational plans, referring specifically to the matter that you raise, Mr Oldfield, the rate at which risk management plans are complied with. I would be happy to provide that data if the inquiry wishes me to do so.

The Hon. D. E. OLDFIELD: Commissioner, how much faith do you have in the effectiveness of fixed-wing water bombing?

Mr KOPERBERG: It depends upon the aircraft. I believe we bring to bear whatever technology can offer us, providing it is cost effective. We have had this argument raging about whether to use huge, converted military aircraft or fancy aeroplanes from Canada, and what have you. We are able to demonstrate, on the basis of cents per litre of water delivered, and the preferred option of the majority of firefighters, farmers and landholders, that agricultural aircraft are effective. They are quick and manoeuvrable, and they have the tremendous advantage of being able to land almost anywhere—in a paddock, on a road, on a track—fill up quickly, and become airborne again. So we use agricultural aircraft extensively. To that extent, we have some 200 casual contractors who have made themselves available for deployment across the State.

I must add that local government is at liberty at any time to engage such aircraft, and it is able to reclaim the cost of doing so from the State. In addition to that, there are four aircraft on permanent contract: two large helicopters, which have the advantage of being able to work in mountainous country and drop their loads precisely where they need to drop them, complemented by fixed-wing aircraft, which can cover greater distances and are particularly effective in grass fires, for instance.

The Hon. D. E. OLDFIELD: Commissioner, why was not water bombing employed in the Wingelo fire?

Mr KOPERBERG: With the benefit of hindsight, it would have been. But, if we were to send an aircraft to every one of the thousands of fires that occur in New South Wales every year, we would need a fire-fighting force of a considerable number of aircraft. Who knows? Maybe as many as 6,000 aircraft would be needed to deal with all those fires. There was no indication that the Wingelo fire would lead to an event that would cost a life. Indeed, the fire was of such magnitude as to not even have been reported to us.

The Hon. D. E. OLDFIELD: Is it corrected that there were aircraft on standby for that fire and that they were not employed?

Mr KOPERBERG: No, it is not. The aircraft were in fact on standby for a major fire that had been burning for some considerable time in the catchment area, the Lake

Burraborang area, which was a major campaign fire threatening adjoining townships and villages and indeed Sydney's water supply. Aircraft were used extensively on that fire. Might I reiterate, Mr Chairman, that the Wingelo fire was not even considered to be sufficiently significant to be reported as a notifiable incident. The fact is that those people were dealing with flame heights of a meter or thereabouts. As has been explained to and accepted by the Coroner, a micro-burst occurred—which is a sudden downward movement of air—causing the fire to fan and erupt quite quickly, causing the firefighters to be overrun.

But, of course, the claims about aircraft having to be applied invariably are made by those with a vested interest in having their aircraft attend. On this occasion, such was certainly the case. Mr Adams provided testimony to the Coroner, which the Coroner noted but took no further. We gave an extensive overview of why an aircraft was not used—simply because there was in that fire no foreseeable circumstances in which suppression would have been aided and abetted by the application of an aircraft.

The Hon. D. E. OLDFIELD: You could understand—if you would excuse the pun—the inflammable nature of the next question that I will ask. There has been a consistent allegation made to me in different parts of the State to which I have travelled in the past few weeks relative to the hearings that are taking place. I will ask Mr Rheinberger this question, so I think it is only fair to ask both of you the same question. There is an allegation, strange as it might seem, that when private property is not under direct threat, where fires are essentially in purely bush areas, those fires are not tackled quickly enough and that, to a degree, there is even a policy to allow them to enlarge. What do you say to that allegation?

Mr KOPERBERG: I think it is absurd. I could demonstrate the absurdity of that claim by referring to what occurred in the Blue Mountains in the past couple of weeks. There, remote fires of no threat to anybody in the foreseeable future were the subject of massive suppression action, on one occasion by no less than six aircraft and some dozens of firefighters. Those fires could have burnt in that sort of country for weeks on end and hardly be noticed, let alone impact on any property. Quite the contrary to the claim is the case. In fact, we regard all fire, unless it is within prescribed parameters as part of a hazard reduction operation, as fire in need of attention.

The Hon. D. E. OLDFIELD: Commissioner, in response to my question about aircraft not being employed at Wingelo and whether it was correct that those aircraft were on standby and were not use, you said that in fact they were on standby for a much larger fire. However, in your answer to the question that I just asked you, you said that small fires in the Blue Mountains that did not pose any great danger or would not damage property were in fact suppressed very quickly by no less than six aircraft. How would you explain the apparent conflict in those two answers?

Mr KOPERBERG: Very simply. The prevailing weather conditions on the occasion at Wingelo did not indicate—as was subsequently proven, because it in fact rained within a very short space of time—that that fire, which was small and insignificant, ultimately would have led to anything. The local authority that had charge of that fire was quite satisfied that the forestry units and brigade units that attended were capable of handling that fire. It was only a unique circumstance that changed that fire environment.

On the other hand, the fire in the Blue Mountains to which I referred was one which was burning in remote areas—under very dry, hot and windy conditions—and ultimately would have had the capacity to become a very large fire that would necessitate the use of extensive resources and threatening all manner of assets, though that would have been

well down the track. But, to ignore that fire when the technology was there would have been unwise. In any event, the local authority had called for a particular resource—in this case aircraft—and we gave them that resource; whereas, at Wingelo, such a resource was not recognised as being needed, nor was it asked for.

The Hon. J. H. JOBLING: Mr Smith, you expressed very strong views about minority views and you referred to a submission by Mr Henk Luf of the Rural Volunteer Fire Fighters Association, and to certain allegations. As the submission, which was dated 24 January, is a public document, have you sought to meet with Mr Luf or investigate the matters raised by Mr Luf?

Mr SMITH: Mr Chairman, I have not done that. But, as I said in my closing statement, I would very much appreciate if this inquiry could put to Mr Luf the very questions that I posed. If he has any evidence of that nature, I would certainly urge him to place that evidence before the appropriate authority.

The Hon. J. H. JOBLING: Why did you not make an approach yourself?

Mr SMITH: Basically, because I believe Mr Luf does not have the evidence.

Mr KOPERBERG: Could I provide supplementary advice on that matter, Mr Chairman?

CHAIR: Certainly.

Mr KOPERBERG: The nature of the RVFFA allegations range, as I said, from petty theft on the one hand to what could only be described as abuses of human rights on the other hand, and just about everything in between. The RVFFA has been told on many occasions, during meetings with Assistant Commissioner Tony Howe and others, that if they believe any of those things are going on, they should ensure that they bring those things to the notice of the appropriate authority. Indeed, the RVFFA late last year published a statement that allegations of corruption would be substantiated in January 2000. January has come and gone and we are still waiting.

The Hon. A. B. KELLY: I do not have a question. Rather, I issue a challenge. It has been suggested that increasing the level of communication might be an advantage to the service. I would challenge you to better the communications that I received from the service and from you, Mr Commissioner, via a recent Wellington newspaper. Those communications are contained in full-page items on the front and third pages. There are further communications on pages 4 and 5, with accompanying photographs. On page 5 on the newspaper is an item to do with you presenting my cousin with the keys to a new tanker. On the next page are some 12 items, making a total of about 18 altogether. I am sure every member of this Committee would be delighted to even equal that level of communication that you and your service received. I sure would like to know how you managed that level of coverage in my local newspaper!

Mr KOPERBERG: Mr Kelly, I would be happy to assist any aspiring local members in that regard.

CHAIR: The Rural Fire Service annual report for 1988-99 indicates that a five-year strategic plan has been developed. Could the Committee have a copy of that?

Mr KOPERBERG: Mr Oldfield has the strategic plan before him and will undertake to provide it to the inquiry.

The Hon. D. E. OLDFIELD: I am happy to assist you with that, Commissioner.

Mr KOPERBERG: Thank you, Mr Oldfield.

(The witnesses withdrew)

THOMAS BARRY RHEINBERGER, Chairman, Steering Committee of the Bush Fire Brigade, of “Tralee”, Wollar, and

NEIL LESLEY KEMMIS, Member, Steering Committee of the Bush Fire Brigade, of “Bara”, Boggabri, sworn and examined:

CHAIR: Did each of you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr RHEINBERGER: Yes.

Mr KEMMIS: Yes.

CHAIR: Are you conversant with the terms of reference of the inquiry?

Mr RHEINBERGER: I am.

Mr KEMMIS: Yes.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee would be willing to accede to your request and resolve into a confidential session. However, I should warn you that the Parliament may override that decision at any time and make your evidence public. Would you like to make an oral submission?

Mr RHEINBERGER: Thank you for bringing on this inquiry to hear the evidence that will be given. It is a long time since we first tried to get an inquiry going, and I appreciate this one. Our organisation was started purely because of problems within the volunteer organisation. The volunteers I am talking about are people who have properties to protect—farmers and the like. There are many of them out in the west and around the State who are purely firefighters and volunteers to protect their own property and their livelihood. This inquiry is not about politics, politicians or personalities; it is about a volunteer organisation that was set up probably 50 years ago or more and is now being washed away by a bureaucracy. We are now trying to protect the volunteer organisation, which we believe is probably one of the best organisations in Australia today. Because of the problems that have started to arise over the past 10 or 15 years, we have set about trying to arrest the organisation.

One of the main points in our submission is to have a country fire service based west of the mountains with its own board of directors. We believe that if that happens a lot of the problems that we now face will automatically be better. Another main point is the insurance we are now paying, which is 39 per cent and will go higher. We believe that a lot of people will not insure because of the high premiums. We have had phone calls from insurance companies saying that they do not like it, they are only collectors of the insurance for the Government and it is not their fault that the insurance premium is so high. I understand that about 75 per cent of the total allocation comes from that source.

We believe that when the budget was considerably smaller—less than half of last year’s budget of \$85 million budget—we received more equipment in the bush than we are receiving now. So somewhere the \$85 million has been soaked up in other areas and it is

not equipment. A lot of shires and brigades do not have equipment. I have had phone calls from many areas of brigades that have hardly any equipment. Some brigades do not have one mobile firefighting unit. One that comes to mind is a brigade at Coonabarabran, which does not have one mobile fire brigade unit. That was heavily into the Pilliga fire, but I do not want to go into that at the moment. Mr Kemmis was one of the co-ordinators in that fire and he will tell you about that later.

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

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

I should just like to mention training. We are not against training, but we believe that the way the training is being done is wrong. Some people are being accredited although they have never been to a fire. Half of them would not know how to light a fire. I was speaking to one of our older members only two days ago. He has 30-odd years experience. He said that the crew leader trainer had not been to a fire. People are getting into dangerous ground with this training. They get a certificate and it puts a false sense of security in their minds. They think they can do the whole thing, and that is not right. It cannot happen that way, and that is why people are getting into trouble. We believe that this is partly the cause of the problems.

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

Smaller units have a quick turnaround. They can feed off the big unit and we can put the fires out quicker. Other areas want tanker trailers. At a meeting held at Gunnedah in the western area it was evident that the tanker trailer was a great benefit to those people because they can have it hooked on to an old tractor and ready to go at a moment's notice. In the bigger areas, in the grass country, it is an advantage to have tankers so that they can just hook onto them and go at a moment's notice. Another point relates to who is in charge of the fire. In many cases today the older experienced firefighter volunteer has been pushed aside. A person who knows the area and who knows all about fighting fires has been discarded in many cases, and Neil has the evidence to support that. We must have control. We must be able to put fires out as soon as they arise.

Over the years many fires which could have become major fires have been put out with a pump, a 44-gallon drum and a ute because they were able to jump in the thing and go to the fire. These utes were unregistered; no-one took any notice then and they got the fire out. In many cases those fires could have become much larger fires. The last major fire I attended in our area burnt about 40,000 acres in one afternoon and went into rough country. The decision was made in the valley that afternoon to do a burn-back. That decision was made by two captains, me and our adjoining captain. We made the decision to do the burn-back. No-one had feared. We did the burn-back, we put it out, and we went home. Nothing happened after that. The other captain is sitting in the room behind me.

We can put out these fires. We can run these fires; we have done it before. We have done it for years and years and years. In the past we have put them out with bags and stopped them. The equipment is all very good. My brigade, Wooli brigade, is fairly well equipped at the moment. In fact, I cannot understand—and I still have not got to the bottom of it—why we were offered another tanker that we never ordered and did not want. I do not know why. We already have four tankers and we are happy with what we have. We have no problem with that. Yet they rang up and said, “We have another tanker here. You can have it.”

CHAIR: Yet Coonabarabran does not have one at all.

Mr RHEINBERGER: No. That is right. There is something wrong somewhere. That is about all I can say at the moment.

CHAIR: Mr Kemmis, would you like to make a comment?

Mr KEMMIS: First, thank you for allowing me to speak to you. Until a couple of days ago I had absolutely no idea about the format of the hearing so I did not put much in writing. What I say comes from here and out here. The main thrust of the submission is that inland New South Wales west of the Great Dividing Range wants control of its own destiny. It is so different to the coastal regions. Let me say here and now that inland New South Wales has no animosity to the coast or metropolitan areas, as witnessed when Sydney houses had their roofs blown off. Who put on the tarpaulins? Members from the sparsely situated western sections came in and put on the tarpaulins. There is no animosity at all. We want to control the system west of the range, to look after the west of the range. We do not want to interfere with the coast or the metropolitan area. That is their business, they know it best, just as we know our business best. We will not interfere with them, we will only help them.

A great deal of rhetoric has been said this morning about what has been given and what has been done. You will notice that 95 per cent of what has been spoken is about the eastern fringe of the State. Very little has been said about the inland. We talk about equipment. Until two or three years ago we did not know what a new truck looked like. We got ex-coastal trucks. Every truck we got came from the coast or the metropolitan area, second hand. They were passed onto us when they got the new ones. We did not object. We were very happy to have a second-hand truck when we had not had one. That is how the system has been running. It is a centralised system based on population, not on area. Mr Koperberg mentioned this morning that further out west where it is sparsely populated there are only so many units. There was no mention of the area they had to protect, only the population.

Over the years the system of firefighting in western New South Wales has been this. On a hot day when the winds are right all eyes scan the horizon. A wisp of smoke goes up and the first to see it is first to it if he is close enough. It does not matter what he is in or how he gets there or what he has got, he gets to it. Whoever comes along next will probably bring a little bit of equipment and they will get the fire out quickly. Nine out of 10 fires that start inland are unknown to the authorities, they never hear about them, they are out so quickly. We talked about tanker trailers versus tankers. We were given a new tanker in our area, probably because I have been involved so much in fire brigades, and it is pretty quick off the mark and gets to the fires very quickly. Last season there were two fires where those trailer units had the fire out or close to it before the tanker got there. That is the system we have operated under. Those units were designed in the inland to take the place of trucks during harvest time when no trucks were available. Those trailers were available to be hooked on to a utility or a tractor, whatever would move, and take it to the fire.

We are not against training but we are against certificates overruling experience. I would like to speak to some extent about the 1997 pilliga fire, and you will see what I mean. Something was mentioned this morning about the reduction in casualties. With the equipment that is available today is it not reasonable to expect there to be a reduction? But there has not been a continual reduction in the size of the fires. They seem to have got bigger and better. I have figures concerning the pilliga fires from 1951 to 1977 [sic]. There were seven of them, the first one was the biggest. The next five got smaller and the last one jumped up again. I will now tell you some history about the pilliga fires. Ever since I left school at the end of 1942—that is a while ago—I have been involved in bushfire fighting.

Our property's western boundary is the eastern boundary of the pilliga scrub. That scrub is our next-door neighbour. The pilliga scrub has been described by the author Eric Rolls as a million wild acres. For the young at heart, that is 400,000 hectares. In more recent times it has been divided in two. Half of it is forest and half is nature reserve. That division is fair in the middle of our boundary, so I think I know what I am talking about when I talk about the pilliga. Over the years we have cultivated a wonderful relationship with the National Parks and Forestry people, ever since they came to Coonabarabran. We have a wonderful understanding with them. We work with them and they work with us.

The normal procedure in all the previous fires up to 1997 was that a chap in Narrabri was at the northern end, I was in the middle and another person was at the south. We were all local, experienced people. We would handle those fires. We knew what to do with them. You jumped on them as soon as they got up and if that did not stop them you got out of their way and waited for them to come to the outside so you can burn back and meet them and put them out. Only two things will ever put out a pilliga fire. You bring it to the edge and bed it down or it rains. We have never cost the State a penny. If we needed help, a brief call to the local radio station and we had all the help we needed.

We did not have to have this fancy organisation providing food and all this sort of thing. It was done. The women did it. If it was a small fire, they were there with a thermos and sandwiches straight away. If it was a big fire they got into groups and made them up and a couple of women in a vehicle would bring them out. In the past they would go to town and get a heap of groceries and the grocer would say, "It's all right, take it." He did not want to be paid, he was part of the volunteer system. It has all been a volunteer system and it has all worked extremely well and it has saved this country millions and millions in damages. That was in the past.

To say this last fire in the pilliga was the biggest is not correct. It was made as big as possible. As I pointed out in this submission, two points of the fire were nearly controlled early in the piece by some volunteers. I am a section 44 nominee. That means I can be called upon to control a major fire. When the fire went up we were doing the normal things, preparing the boundaries, doing the fire break, and shifting all the stock back. I got a radio call to go to the Gunnedah office as deputy fire controller. The controller who, as it turned out, had only come from the coast the previous week was placed at Narrabri and he was put in charge of the fire.

There are several things you have to know about a pilliga fire. You have to know the geography, the topography, the climate that exists under these conditions and what is likely to happen. The fire makes its own climate as it gets going and you have to know about that and work accordingly. The new controller knew nothing about that. He did not speak to me. I went into the office but could not contact him. I tried for three days but could not make contact with him. He did not speak to the fellow I knew at Narrabri who had been working on these fires all these years. He did not speak to the one in the south, he spoke to no-one in the volunteer system.

A couple of volunteer groups got on to the edge of the fire and in two instances had it almost controlled but were told to get out. On one occasion they had their equipment taken away so they could not do anything. The fire went on and on and fortunately there was some funny weather and they got a respite at one stage which, incidentally, could have saved some lives. When a single unit was sent on its own down a bush track in the middle of the pilliga, it made the hair on my back stand on end. You never do that. That is criminal, to have a unit go in on its own. One fault in any bit of equipment and you can cart out the burnt carcasses. Fortunately, the people involved saw the danger they were in and got out themselves. One vehicle was lost but fortunately no lives were lost.

In desperation I went to Coonabarabran with our local fire control officer one night to see what was happening. We could not get any information. We got there after going through a road block and could hardly find a park because of all these fire control vehicles—not firefighting vehicles but fancy land cruisers and the like—on both sides of the street. I happened to hear one very senior officer in the control centre—which was quite sufficient to run World War III, by the way—say to another one there, “Well, so and so will be able to say he has had the biggest fire.” The second man said, “No he can’t, such and such a fire was bigger.” To my mind, that set the scene for what was going on. Fortunately for everyone, rain came and put it out.

As I said, only two things put out a pilliga fire; rain was one of them. It did spoil the fun in Coonabarabran. All the hotels and motels were booked out and all the shops had sold out. They were having a wonderful time. The amount of equipment that went into that fire was unbelievable. I have here a press cutting that I took out just as a matter of interest which reported something about the fire. It said that 2,500 firefighters with 1,000 support volunteers and 17 aircraft were involved. You could take two noughts off all those numbers and handle it the way we used to.

CHAIR: Do you have the reference for that?

Mr KEMMIS: It is the *Namoi Valley Independent* describing a year of fire and it mentions the fire in the town.

CHAIR: What is the date?

Mr KEMMIS: I do not have the date. You will be able to get it all right. Units from all over New South Wales and some from Queensland were called in to that fire. There is such a thing as duty of care with regard to fire breaks, and the settlers in the eastern part of the pilliga—and I refer to the eastern part because what I call respectable fires only travel from west to east because they need the westerly wind to get a good fire—they came from all over the State and suddenly the National Parks people, and I think Forestry too, realised they did not have a fire break around their territory. We had been asking for it for years but they never had any money. So, they mustered five graders from all around the State—I know one came from Lismore and one came from Parkes—and at night put them under the control of a person from Coonabarabran who had never been in that area and sent word out to all the local land-holders to shift their cattle as they were going to cut their fences.

They did not have to tell them to shift their cattle, because they were gone because of the fire. Through they went, five graders wide, until they got to the stage where the grader drivers had not been fed and they pulled up and abandoned the graders. As you can imagine, they made a mess grading up hill and down dale with a bank up each side. It was nice to drive on but you could not get off it which was not very pleasant if you had a fire breathing down your neck. Fortunately, after I kicked up a fuss about it, after the fire went out, the shire sent me a grader to repair the damage because it was a sitting duck for erosion. I do not think they will ever do that again. If they do there will be some trouble.

When the fire stopped, three of those imported units that I came into contact with said, “We came to help, we sat there for three days and we were given nothing to do. We will never come back.” In all my years I have never heard that said before. Volunteers have always said, “Let us know if you need us.” I have never heard it said that they would never come back. I heard it then. Three comments were made to be about the fire by different people. One experienced person from the district said, “If only we could get rid of all above the fire control officers, we would be all right. We could handle the situation.” The second comment was from an ex-World War II veteran. He said, “It reminds me of an American air raid in World War II: load up the bombs, boys, and go out and drop them. It doesn’t matter where.”

The third one came from the captain of our own brigade who said, “What I want to know is what has it cost to save what?” You see, the history of the pilligra scrub is burning every so many years. The Aborigines did it, the early landholders did it, and we had a very nice forest, not a scrub. Now we have a scrub because of restrictions on burning. Just lately Forestry and National Parks have become more realistic and are instigating a much better cold season burning system than we ever had. This is making the situation a lot better.

That is what has happened and that is one of the main things that is driving volunteers away. They said, “If that’s the treatment we are going to get, if we are going to be ignored, not acknowledged in any shape or form, we are out. Don’t count on us.” You heard the figures quoted that there has been no reduction. They have not put their resignations in writing. They have just walked away. The numbers in the books are still there. They have told me and others, “If you have a meeting, count us out. We are not in it.”

We are trying to save that situation. We have to get a control system back west of the range that controls that country because it is not being controlled from the eastern side. They do not understand the conditions, it is as simple as that. Local knowledge, local experience, it is as simple as that. There are no complaints about training, provided it does

not overrule experience. Another point in our submission concerned litigation. Litigation is something that the volunteer will not have. He will not face up to litigation. He will leave rather than have any chance of having litigation taken out for anything that he might have done. It is a threat. It is all very well to say you are covered by this and that, but there is that threat if something goes wrong—you know we are living in a suing in society—there is going to be some litigation taken out against somebody and the volunteers are not going to be in it. They are going to keep out.

CHAIR: The Committee will have to ask questions at this stage, unless you can conclude your remarks fairly quickly.

Mr KEMMIS: Questions would probably be better because then the Committee will get answers to things it wants to know.

The Hon. J. H. JOBLING: On page 1 part of your submission you detail problems about local councils having spent their firefighting allocations on equipment. Could you amplify that and give examples of what you mean?

Mr KEMMIS: I will ask Mr Rheinberger to answer that. What I have noticed in travelling in recent times is that there is such a variation of what is happening. If you go to one shire something is happening and in another shire something else is happening. In our own location, perhaps because we work so closely with our fire control officers, we are in a pretty good position. We are doing very well.

Mr RHEINBERGER: In our shire there are five wide vehicles that are driven by fire control and deputy fire control officers. I think Dubbo has two. I can talk only about our shire in this regard, but many other shires around the State have similar problems. In many cases these vehicles have not got any fire equipment and they are just being driven around. We think that is a waste. It is okay for the deputy fire control officer and the fire control officer to have a vehicle, but it does not happen in many other parts of the State. That is one problem that has arisen in our shire.

The Hon. J. H. JOBLING: You said councils had difficulty in spending the money, which indicated to me that there was money unspent.

Mr KEMMIS: In some areas I believe that is right, but there is no consistency. In some areas there is difficulty spending it and in others there is difficulty in getting equipment.

The Hon. J. H. JOBLING: The other matter you mentioned, which I have heard anecdotally from a number of areas and when I was wandering around in your half of the world a few weeks ago, relates to equipment and you quoted an example of a pump and hose costing \$600 at your local stock and station agent I presume, or whomever you go to, as opposed to \$1,200 on the tender list. Have you evidence to produce so the Committee can take that up with the commissioner?

Mr RHEINBERGER: We could. We have not got it here today, but we could get those figures.

The Hon. J. H. JOBLING: Would you forward that to us?

Mr RHEINBERGER: Yes.

The Hon. J. H. JOBLING: On page 2 you refer to volunteers not being able to afford Roads and Traffic Authority [RTA] inspection of vehicles.

Mr KEMMIS: In my travels I found wherever I went I got a different answer to what the rule was. If we go to one we hear Mr Koperberg said there is no problem and we go to another and we are told we cannot take them out. That is one of the problems. There is no consistency.

The Hon. J. H. JOBLING: Could you provide more detail of where you went for the Committee to pursue? Obviously it is a matter of concern.

Mr RHEINBERGER: We received a fax from the RTA regarding unregistered vehicles. Is that what you are referring to?

The Hon. J. H. JOBLING: Yes, simply to get some evidence.

Mr RHEINBERGER: We have been told that all vehicles have to have a pink slip, so they have to be eligible for registration. The rules on that have not changed for 20 years. It said in the fax that an unregistered vehicle can go to a fire provided it has the sign of the brigade on the vehicle.

The Hon. J. H. JOBLING: Again, can you send the Committee the old information and the RTA information because this will help us identify where you are getting into some trouble. In relation to the Pilliga example, there is much interesting argument about what happened between the three centres at Gunnedah, Narrabri and Coonabarabran. Again, speaking to a number of people more from the Narrabri and Gunnedah end than the Coonabarabran end, would you say it is correct that a lot of volunteers that came in were not directed, were not given maps, were not assisted in the area and were not put to use?

Mr KEMMIS: They were given nothing, including instructions.

The Hon. J. H. JOBLING: That is what I heard.

Mr KEMMIS: I know of individuals who went and could not get anything to do and so they went home.

The Hon. J. H. JOBLING: Would you agree with the suggestion that the control centres of Coonabarabran and Narrabri did not liaise or correspond with one another effectively?

Mr KEMMIS: I certainly would.

The Hon. J. H. JOBLING: I was led to believe that the equipment used to communicate between the Rural Fire Service, volunteers, police, ambulance and everyone else in the major emergency services was not effective and there was difficulty in getting mobiles to work in many parts of the area.

Mr KEMMIS: That is absolutely correct. One of the stupid parts of our frequencies with fire control authorities is, for instance that Forestry is different. They cannot speak to one another. In 1982 I had a radio system which a fellow at Narrabri spent years working up this good control system. It was pretty effective. Now we have a more modern

contraption I call it that does not work anymore. We are out in the Pilliga and it will not work. It will work on the plains and if you are on top of two hills, but it will not work in the Pilliga. They are working on it, but, God, it is taking a long time.

The Hon. D. E. OLDFIELD: Do I understand from what you said in your submission about training that you believe there should be a level of actual fire experience brought into the accreditation system?

Mr RHEINBERGER: Yes, I do.

The Hon. D. E. OLDFIELD: So, regardless of training, accreditation could take place only where fire experience had been related?

Mr RHEINBERGER: Yes. You have to have some experience to be a trainer. Without that experience how can you train people about fires? Let us face it, every fire is different. No two fires are the same. You cannot say just because this happened with this fire that it will happen with the next one. That is out of the question.

The Hon. D. E. OLDFIELD: Do you have much knowledge of the Wingello fire situation?

Mr RHEINBERGER: No I do not.

The Hon. D. E. OLDFIELD: Do you believe there has been any improvement with radio communications? You probably heard me ask an earlier question of Mr Smith about improvements to radio communications after the recommendations of the inquiry into Mr Quinlivan's death.

Mr RHEINBERGER: Mr Kemmis might be able to answer that better.

Mr KEMMIS: I do not know so much about the Wingello fire. One thing I would like to point out is that the commission made a good blowup about how it had improved workers compensation for volunteers. I would like them to remember that it was several years ago that a man was killed out in the nature reserve at Pilliga and compensation was refused. Our brigade, which I have said bounds on the Pilliga, said, "No more Crown land fires for us until that's solved." Me being in the hot seat got the job of fixing it. I travelled a lot and spoke to a lot of people and I got the ear of the Minister. Eventually that Minister said to me, "Send me in writing what you just told me, address it to me personally. I want to deal with it." He did and I am pretty pleased really that when the Act was changed a lot of the wording I gave the Minister was in the Act to get just compensation arrangement for volunteers. They are claiming here today they did this and they did that. That is when the real change took place and it was a long hard battle. Incidentally, I did not get any payment for travelling in those days. This is the first time when I have done anything, and I have been involved all my life in these sorts of things, that I have got a free plane ticket to get here.

The Hon. D. E. OLDFIELD: Have radio communications improved?

Mr RHEINBERGER: No, they have not. I think it has gotten worse over a number of years. We have had no less than probably three or four different radio systems that were going to be the you-beaut system of all. Every one has failed. In fact, from memory coming into the fire season, I know one of our vehicles has not got a radio put back in. The radios were all taken out and taken away.

Mr KEMMIS: Three times.

Mr RHEINBERGER: This is in the beginning of the fire season, mind you, and no communication. Some of those radios have never been returned. They still have not been returned.

The Hon. J. R. JOHNSON: Over what period?

Mr RHEINBERGER: They were taken out early October and some of them have not been put back in.

The Hon. J. R. JOHNSON: Was that because of the change to the new system?

Mr RHEINBERGER: As I said, we have had three new systems over the last eight years and every time they put one in it fails.

The Hon. J. R. JOHNSON: There is analogue and digital, and there has been a changeover.

Mr RHEINBERGER: I am talking about radios.

The Hon. A. B. KELLY: Is that the special Motorola one?

Mr RHEINBERGER: Yes. Our terrain is pretty mountainous. We live in the middle of the Great Dividing Range. Neill is way out in the north-west, but in our area they introduced pagers—I understand that most people have pagers—and they do not work. They are a complete waste of money.

The Hon. D. E. OLDFIELD: You heard me ask a question of the commissioner about small fires becoming big fires. I listened with some interest as the chemist described the Pilliga situation. The general allegation that I have heard—I have heard it said in many places, so it is not isolated—is that there is a tendency, unbelievable as this might seem, to want to justify the whole bureaucracy, the elite nature and to facilitate a position of being able to draw media etc. This allegation relates to allowing fires that were raging through bushland that could be stamped out very quickly when property was not in danger to get much bigger in the sense to draw media involvement and generally justify the whole scheme. Would you have any comments about that?

Mr RHEINBERGER: I will go back to the last fire at Wollar, which was started in the national park. We sent a team of people in. It was started by a lightning strike in the middle of the Goulburn River National Park. We sent a team of six people in on foot to put out that fire. We had a radio call to say that they had got around it, they put a trail around it and had put out most of the fire. Admittedly they did not have a lot of equipment, as you would understand. National Parks was involved in that and it was going through its computer telling us how much fuel load was on the ground and all this. It did not have a clue how much fuel load was on the ground because there was tonnes of it there. There had not been a fire in that area for a number of years.

We said the fire is out. We have had a radio call. They have been around it and it is okay. So National Parks said, "Yippee, we'll buy the boys a carton of beer and that's

the end of it." Incidentally, they said they would look after it from then on. Two days later a wind came up and blew up the fire. Nobody was out there. They never went near it and so it finished up into a major fire after a week. We immediately wanted to put in a bulldozer and equipment to get around that fire to stop it from spreading right through the national park. We were not allowed to do that. We were stopped. They said, "We will send some equipment up to put a break around the fire." Do you want to know what turned up? A little tractor on rubber tyres, no bigger than a ride-on lawnmower and they left the key in Newcastle, would you believe! So, they could not even start it!

Eventually, after all of the bother, we got them to see sense and the shire agreed to put a dozer in and to put a circle around it. They are the sorts of things that happen. We should be allowed to do what we have got to do put these things out. If we had been allowed to go back to that fire in the first place and check it, we would have put it out and it would not have got away.

The Hon. D. E. OLDFIELD: With regard to the allegation that the policy is to allow fires to get bigger, do you have any evidence or comment to make?

Mr RHEINBERGER: The only thing I can say is that in the major Parkes fire—I am only telling you what I have been told as I was not there—they had the fire under control. They wanted to do a burn-back but were prevented from doing that. To do a burn-back one has to know what to do and when to do it. Most burn-backs should be done in the afternoon or evening, in my experience. They were not allowed to do a burn-back. They had to seek permission to do a burn-back. These are people who have looked after fires for a long time. They could not get permission all night. At 9.00 o'clock they got permission to do it. They were pushed out of the road, they lit the fire and it got away and burnt thousands and thousands of acres of land.

The Hon. D. E. OLDFIELD: The commissioner said there was not a need for them to seek permission. From whom did they have to seek permission?

Mr RHEINBERGER: The fire control officer and the regional officer. We say that there is no communication. What they are doing is dangerous and awful. One person will tell you something and another person will tell you something completely different.

The Hon. R. T. M. BULL: Your key recommendation is to break the Rural Fire Service into eastern and a western country fire services run by a board of directors. Would you elaborate on that? What would change and improve the current position? Will there be two bureaucracies instead of one? I am playing devil's advocate because I think we need to go through all of these issues.

Mr KEMMIS: At least they would be accountable. The idea is to have an accountable bureaucracy, that is, one that knows what it is doing in that area. We are being dictated to by people who do not know anything about the territory.

The Hon. R. T. M. BULL: Are we only talking about section 44s?

Mr RHEINBERGER: No, we are talking about the whole thing.

Mr KEMMIS: We are talking about splitting the control authority of the State. It would be an autonomous authority west of the range to handle all fire brigade matters. You will still have your State standards in many respects—you have got to have

those—but the complete control would be west of the range. It will be accountable and it will be run by people who know the territory, the climate, the conditions and the works and we would get good results.

Mr RHEINBERGER: With full control given back to the shires. In many cases the fire control officer has sole charge of the organisation in that shire and the general manager who is supposed to be in control has no jurisdiction over him, as far as we know. We have had a battle trying to find that out. We want complete control of that fire control officer under the control of the general manager of the shire. I am told they are having trouble because they have got two bosses, that is, the Rural Fire Services boss and the general manager. I can tell you that in many cases the boss is the Rural Fire Service and not the shire. We believe that if you take control away from the shire you will lose all the equipment that the shire puts in in times of fire.

I cannot speak for the whole of the State but I can speak for my own shire. In times of fire my shire is very generous with its equipment—bulldozers, graders et cetera. If you take that sort of control away from the shires you are going to have to pay a private operator to do the same job. Once when we had two major fires in our area the shire had committed the bulldozer at one fire and we had to employ a private bulldozer operator at the other fire. He agreed on the condition that he was going to be paid after a certain time. He would give a certain amount of his time but after he was there for a while he wanted payment. We asked the appropriate authorities—the shire and the Rural Fire Service—about that and they agreed and said they would pay him. He was never paid. If that same situation arises when you take the control away from the shire there will be big trouble.

The Hon. J. R. JOHNSON: How long ago was that?

Mr RHEINBERGER: That is a good while ago, probably 12, 14 years ago.

The Hon. A. B. KELLY: Who made the recommendation for the appointee in relation to the Pilliga fire?

Mr KEMMIS: We never ever found out who made the recommendation. The whole thing is a big mystery because we cannot find out what it even cost.

THE Hon. A. B. KELLY: The commissioner has told us that it is normally the local committee.

Mr KEMMIS: Yes, it normally is. There are a number of section 44 nominees in that area but none of them are appointed. We do not know why.

The Hon. A. B. KELLY: It still could have been the executive of the local committee who made the recommendation?

Mr KEMMIS: Apparently not from what I have been told. I only know that from what I have been told. There are quite a number of things about the Pilliga fire on which I haven't touched the cause of time.

CHAIR: In relation to your comment that equipment can be bought cheaply locally, you talked about a pump being bought at \$600 instead of \$1,200. The submission of the Rural Fire Service states that local councils have been challenged to name the item price and supplier where people have not indicated that they can get it at a cheaper price. They

indicated that this often resulted in a back down or that equipment is different or of inferior quality. Have you on any occasion bought at a cheaper price to the alternative of the Rural Fire Service? If so, what was the response?

Mr RHEINBERGER: As you can imagine many farmers have their own pumps to do various jobs and a fire-fighting tank. The last pump that I bought was \$540 complete with hoses. At that time the only difference with the funded pump was that it had a frame around it. They are quite easy to put around, it is just a frame so that you can pick it up and carry it. It would not cost very much and that was the only difference.

CHAIR: Did you tell the Rural Fire Service about that cheaper price?

Mr KEMMIS: We have always been telling them that.

CHAIR: In this instance did you tell them?

Mr RHEINBERGER: I can tell you an instance that happened a few years ago in Forbes at a bush fire meeting between the fire control officer and council's general managers and mayor. At the time I was mayor of Mudgee council. I went to Forbes and a man in the audience said, "Mr Koperberg, why is it that our overalls from the fund are \$55 when we can go down the street and buy them for \$35?" He said, "that is not right, that can't happen". He said also that they would be different and they would not be the quality. That is the sort of thing they say. The man produced the overalls there and then at the meeting and they were exactly the same. They had all the stripes on them and everything and they were really top overalls.

I do not know what happened but his secretary, or the lady who was sitting alongside him, got up and walked out of the room. About a half an hour later she came back. He stood up and said overalls will now be \$35 but that never changed. Another instance is when we were at him and at him to build a tanker ourselves. At that stage a tanker was \$110,000 through the fund. We bought a truck from Suttons and put it into the shire yard and built a tanker to the specifications of the Rural Fire Service and the Roads and Traffic Authority. The truck was finished at \$56,000.

(The witnesses withdrew)

(Luncheon Adjournment)

MEREDITH KATHERINE WILKES-BOWES, Director, Rural Affairs, New South Wales Farmers Association, GPO Box 1068, Sydney, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Ms WILKES-BOWES: As Director, Rural Affairs, New South Wales Farmers Association.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms WILKES-BOWES: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms WILKES-BOWES: Yes.

CHAIR: If you should consider at any stage during your evidence that, in the public interest, certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee would be willing to accede to your request and resolve into a confidential session. But I warn you that the Parliament may override that decision at any time and make your evidence public.

Ms WILKES-BOWES: I will try to be brief as I understand that you had a full morning. Thank you for the opportunity to present to you on behalf of our members. The New South Wales Farmers Association represents approximately 16,000 members across New South Wales, a great many of whom are also volunteer bush fire fighters. I would like to stress that we are raising a number of issues in our submission. We have encouraged our members to give individual submissions when there are particular local issues that they want to raise within the inquiry, or when they have a specific local point of view on some of the issues that we will raise.

The issues that we have put to the Committee have come to us over the last three years particularly. We have been gathering evidence and we have received verbal and written representations from members and non-members about some of the concerns that they have. I would just like to outline the two key issues that we see as underlying many of the problems that our members have, and then I will briefly outline a model which our general council has recently adopted, which we believe may offer solutions to some of these problems. The two main underlying issues that we have determined over the last couple of years are that there seem to be two groups of volunteers within New South Wales, the first of whom are volunteers because they need to be to protect their life, their property and the property of their neighbours and their districts. They are not interested in becoming overly involved in the Rural Fire Service from the point of view of going to motor vehicle accidents and to events such the Sydney hailstorm or outside events. They are not interested in lots of training and so on and they see the process as having become a little bureaucratic.

There are other members, of course, of bush fire brigades, who are much more heavily involved and who wish to go through all those sorts of activities. That is fine. Obviously, we need both of those types of volunteers, but we think that there must be a delineation between the two and the needs of both must be taken into account. The other key issue that has come through from many parts of the State is the dual accountability of fire

control officers. This seems to lead to difficulties in some, not all, areas where the fire control officers are responsible both to the general manager and the commissioner of the Rural Fire Service. It is not always clear to whom they should answer. So the model that the association is prepared to support looks at taking a regional approach to the service.

But I must say that the association's second-best position, if you like, if this model that I am about to propose is not adopted in its entirety, is that the fire control officer be wholly accountable to the general manager of the local council, except in a section 44 event, when he or she would obviously be accountable to the commissioner. The model that we have adopted is looking at putting regions, ranging from one to four or five councils being in a region, with a board of management, made up of a local government representative from each shire within that region, a volunteer elected by brigade captains for each of those shires, a New South Wales Farmers Association representative and a Rural Fire Service representative for each of those shires.

The board would employ and manage the fire control officer, hold the equipment, set standards for fire cover and determine the service requirements for the area. It would also be able to classify brigades into one of two classifications, along the lines that I outlined a short while ago. Obviously, brigade members would choose which of those classifications they would want and those brigades, regardless of classification, would have to be treated equally in terms of funding, support from the service and, of course, in a fire situation they would be treated exactly the same.

I will now just go through some of the key issues that have been raised in our submission, and then take questions. We have had many people say that equipment and vehicles for bushfire brigades are not appropriate to their needs. In particular, there has been an issue with tanker trailers. That, to some degree, has been addressed by tanker trailers being allowed back into areas where they had not been allowed, but that is still a problem in some areas. There is perhaps a bigger problem with a trend towards larger community based equipment and vehicles particularly, as opposed to privately held, smaller tankers. That is obviously a problem when the large tankers have a role to play, of course.

But in terms of a quick response to putting out a fire quickly before it gets away, larger tankers which may be some distance from a fire will not be as useful. That is a real concern that has come through from a lot of areas. So we have suggested that that policy not be imposed unless it is at the wish of the brigades within the shire or the region and that bush fire brigades, regardless of the management structures that have been put in place, be much more involved in determining their own equipment needs.

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

As to stakeholder representation, farmers and volunteers are well represented through the various structures that are in place. We have reservations about how well bush fire management committees are working in some areas. We also have reservations about all issues being able to be dealt with effectively at the Rural Fire Service Advisory Council and the Bushfire Co-ordinating Committee level. There have been situations where issues raised

by members of those councils have not been dealt with in a timely and effective manner. Perhaps mechanisms need to be put in place to make sure that those issues are dealt with as quickly as possible and in a satisfactory manner.

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

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

We also believe that there needs to be greater transparency in the way that funding is allocated so that people can see exactly where the funds have gone, how much has been allocated to equipment, vehicles, salaries, administration and so on. It would be useful also for people to know whether the funding allocation has improved the effectiveness of the service. We think that the benchmarks or indicators that used to be published in the Rural Fire Service annual reports should be reintroduced. We also think that the finance committee, which existed prior to the 1997 Act, could be usefully re-established to provide some transparency in funding and the allocation of funding.

On the issue of emergency control, there have been a number of instances where emergency controllers, who have been appointed to section 44 fires, appear not to have a great deal of local knowledge and have not worked particularly well in such situations. The Commissioner has made it clear that he very rarely appoints section 44 controllers who have not been nominated locally. We believe that process needs to be reformed. Emergency controllers should be chosen from a list of people who have been nominated by local area brigade captains. This would make sure that those who are appointed as emergency controllers have the confidence of the volunteers they will eventually control.

We have heard from a number of members in various areas where local issues have arisen after fires. It appears that the resolution of the issues has sometimes been a difficult, long and involved process for all concerned. We believe that there needs to be a consistent and transparent dispute resolution process put in place so that everyone knows exactly how his or her dispute will be dealt with at a local level.

I would like to mention two other issues. One issue is compensation for injury under public liability, that is, cover for bush fire fighters. In two cases farmers have had difficulty in getting adequate compensation for injury from a bushfire. The main reason seems to be that their income or average weekly earnings have been very low or even negative. There needs to be some clarification that farmers' long-term earnings will be taken into account when compensation is being determined.

The last issue I would like to mention is hazard reduction. Again, this perhaps falls slightly outside the inquiry's terms of reference, but it is an issue of real concern. The 1997 Rural Fires Act appears to have made hazard reduction more difficult in that it has dual objectives: to protect the environment and to protect life and property from fire. Obviously, we have no problem with environmental concerns being taken into account in all hazard reduction activity. However, it appears that these conflicting objectives are making it difficult and, in some instances, impossible for hazard reduction to occur. The Act must be amended and guidelines put in place so that people know exactly what they can and cannot do in terms of hazard reduction.

I will finish there. Thank you for listening to my presentation. I will answer any questions. If I cannot answer the question now, I will get back to the Committee as soon as I can.

CHAIR: On the issue of training, you said there are two types of volunteers. For example, one type of volunteer would be owner-occupier. Are you proposing a two-tier system of training with different levels of responsibility for different types of volunteers?

Ms WILKES-BOWES: Perhaps not two levels of training. Training to be available to both types of brigade members, but not compulsory for either. I would imagine that over time the two different types of brigades might choose to do training, but not necessarily slot either of those brigades into a certain level of training. We would expect that it be voluntary for both types of brigade members.

The Hon. R. T. M. BULL: If training remained voluntary, then those who are serious about spending more time as fire brigade members would go ahead with the training while others who are happy to be in the second category probably would not. If training remained voluntary it would sort itself out.

Ms WILKES-BOWES: That is right. People would choose to do the type and level of training that they saw fit. It may also make a difference if one type of brigade is attending a lot of motor vehicle accidents or other types of incidents. Those brigades may need different types of training.

CHAIR: How do you propose that the guidelines be amended to facilitate the building of tankers locally?

Ms WILKES-BOWES: Local government would be in a much better position to answer that. We understand that there have been changes which mean that the local tradesmen who used to be able to do that work are no longer accredited. A system may need to be implemented to make sure that those people can be accredited or some arrangements made so that those tradespeople can be used.

CHAIR: On the issue of hazard reduction, have you any examples of hazardous areas which should have been reduced which were not as a result of the Act?

Ms WILKES-BOWES: There is anecdotal evidence from many people that hazard reduction is not being done. There have been general comments. I believe that we can find specific examples with a relatively quick survey to our general council.

CHAIR: If there were any particular examples we would be very interested to find out about them.

Ms WILKES-BOWES: I shall do that.

The Hon. A. B. KELLY: If I remember correctly, Commissioner Koperberg told us this morning that some 200 companies in the country are accredited to do conversions. I think they must be doing that, but those figures might be double-checked. You mentioned the disparity between the fire service levy that funds the 73.7 per cent of the cost to the Rural Fire Service, 19 per cent for urban property and 39 per cent for rural property.

Ms WILKES-BOWES: It is 39 per cent for a farm premium and 19 per cent for a residential. That residential could be urban or country.

The Hon. A. B. KELLY: No, I do not think so. It is 19 per cent for the home in town and 39 per cent for the home as well as anything else on the farm. The Insurance Council selects that percentage, but is it based on history or risk?

Ms WILKES-BOWES: That is another issue. It is not particularly clear how those figures are arrived at. But my understanding is that it is a fire component.

The Hon. A. B. KELLY: My understanding is that the Government says, "You will pay 33.7 per cent" and the rest is up to them.

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

The Hon. A. B. KELLY: Are you suggesting that perhaps twice as many farms as urban properties are uninsured? You are not drawing that conclusion, are you?

Ms WILKES-BOWES: No.

The Hon. R. T. M. BULL: You mentioned the dual accountability of FCOs in your remarks and certainly in your submission. Dual reporting is a pretty general term. In exactly what areas is this concept a problem? If it is a category one fire which is simply a local fire, or even a category two fire, then it is handled within the local area, as I understand it. The fire control officer, who would consult the general manager in the local council area is in charge. There does not seem to be a conflict until there are statewide issues through a section 44 decision. Is the conflict of dual accountability in that area, or is this more in the non-fire period of training, education and so on? Could you elaborate on that point?

Ms WILKES-BOWES: It is more in the non-fire period; it is in the general administration of bushfire issues. That is where we have struck it most. Indeed, in actual fire situations we have had fewer complaints because the hierarchical chain of command seems to

operate quite well. It is in the day-to-day running of bushfire issues where we have had local councils say that a fire control officer may be told one thing by the general manager and will be required somewhere else by the service and that officer will have to make up his or her mind where to go. There are no clear guidelines, which makes it difficult for the FCO, but I imagine it would also make it difficult for the councils and for the outcome of that process. That is where our members feel it the most.

The Hon. A. B. KELLY: I would not have thought it was very difficult. Phil Koperberg told us this morning that all the fire control officers are paid at a different rate throughout the State. The reason for that is that the general manager has a fair input through the award restructuring system as to how the officer is paid, so I do not think the officer should take too long at all to work out who he should listen to.

The Hon. R. T. M. BULL: But if the Act is insufficient in this area—

The Hon. A. B. KELLY: I think it is clear. The general manager looks after most of those issues, except when it comes to a fire.

The Hon. R. T. M. BULL: You are talking to a former general manager from Wellington shire.

Ms WILKES-BOWES: When the Act was changed we set a time that there should be very clear delineation, and we suggested, and would still suggest if the model I outlined is not adopted, that the Act be amended to say exactly that, that the FCO is accountable to the general manager at all times, except under section 44 when, quite clearly, they need to be responsible to the commissioner. But at the moment the Act does not do that. It said that they are responsible to the general manager, but also to the commissioner for a range of issues.

The Hon. R. T. M. BULL: You mentioned a regional approach to the service, I presume from Rosehill. Could you elaborate on that? You are talking about four or five councils getting together on a regional basis. Is that to organise a strategy and plan a co-ordination for fires that go beyond one shire? What did you have in mind?

Ms WILKES-BOWES: For the management of all bushfire issues within that area, and in some cases it may be one shire, and one shire may be working perfectly well now and does not need to change. But there could be other situations where there will be benefits in terms of efficiencies for more than one shire to get together to manage their bushfire issues. I understand there is a move towards that regionalisation within the RSF zoning as it is. If that were to occur the board of management within that area, which would still have a lot of input from local government but also from local stakeholders, would manage all the equipment and training within, obviously, broad parameters set by the Act and the department, as they are now. If a section 44 were declared, the same process that happens now would come into effect, so the co-ordination of bush fire fighting would remain, to that a degree, unchanged.

The Hon. R. T. M. BULL: What about FCOs? Would you have only one FCO or would you continue to have an FCO for each?

Ms WILKES-BOWES: We would hope that there would be rationalisation. Certainly that is a comment we have had from some of our members, that there are more salaried people, such as FCOs, than they believe is necessary. If that is the case then there

could be a rationalisation, but you may well need more than one FCO, you may need a deputy.

Ms WILKES-BOWES: Obviously, you are more knowledgeable about the Act than I am. Does the current Act provide for the coagulation of councils, or does that require a change to the Act?

Ms WILKES-BOWES: To be honest, I would not like to answer that categorically. I think there is probably scope for regionalisation.

The Hon. R. T. M. BULL: I got a few nods over there.

Ms WILKES-BOWES: I would imagine that the Act would certainly need to change to transfer the control and management of the FCO to that sort of structure, and certainly legislation would have to be put in place to govern what those boards did, who was represented and so on.

The Hon. A. B. KELLY: Who would fund that? Would local government continue to find that sort of organisation?

Ms WILKES-BOWES: As I said before, we believe that funding should come from a levy imposed on all rateable land.

The Hon. A. B. KELLY: So that the council would levy an additional rate?

The Hon. R. T. M. BULL: It could work like the weed councils, I presume.

Ms WILKES-BOWES: So that that funding base is broadened significantly as it is not just down to those people who insure, but everyone who has land and are therefore protected from fire by the service.

The Hon. R. T. M. BULL: What sort of disputes are you talking about when you refer to dispute resolution?

Ms WILKES-BOWES: Disputes have arisen about how one or more persons has managed that fire.

The Hon. R. T. M. BULL: Could this be simply a burn-off of stubble that got out of hand and then burnt out the next property?

Ms WILKES-BOWES: Or it could be a dispute about the tactics that were used within a fire situation. Sometimes they are about the way the brigades are structured, if there is a concern about amalgamation of brigades or something like that. But usually the disputes that people have brought to us have arisen out of bushfire situations where there has been a concern. It seems that sometimes those disputes are not addressed as quickly as they could be and therefore they cause a lot more distress than is necessary.

The Hon. R. T. M. BULL: This is short of legal action. We are not talking about getting to that stage?

Ms WILKES-BOWES: That is right. We would much prefer to see these dispute settled fairly and transparently much earlier in the process, rather than seeking legal redress.

The Hon. R. T. M. BULL: Do you envisage a mediator?

Ms WILKES-BOWES: Yes, a mediator situation.

The Hon. R. T. M. BULL: Like farm debt mediation?

Ms WILKES-BOWES: I had better be careful drawing parallels the, but certainly someone who is independent. Our policy says that such people should be on oath if one or more parties to the dispute requests it so that there is no doubt that people are under oath to tell the whole story.

The Hon. R. T. M. BULL: You said that a couple of members were still having difficulty receiving just compensation. Has this been dragging on for a long time?

Ms WILKES-BOWES: One of those cases certainly has dragged on for some time, yes. I understand that each case is separate in that it is dealt with by WorkCover in its own way, but the problem is that WorkCover does not seem to recognise that the person seeking compensation may have to employ someone else to do the work while that person is away, or that farmers can have a low or negative income for considerable time and they should be able to receive reasonable compensation even if the recent income has been—

The Hon. R. T. M. BULL: It is a WorkCover issue rather than something covered by the Fire Services Act?

Ms WILKES-BOWES: Possibly.

The Hon. J. R. JOHNSON: Are they covered while fighting fires on their own properties?

Ms WILKES-BOWES: As I understand it, yes, they are. They are covered wherever they are fighting a fire in good faith.

The Hon. A. B. KELLY: It is actually a pretty good scheme. I have a question arising from that, but it is really on notice to the commissioner. My understanding was that South Australia had introduced the sort of system that the witness is proposing, and that it cost something like \$100 million to transfer over from one system to the other and that the insurance companies would not pay for it. The policyholders actually paid more than they were originally paying. I would like to put the question on notice to the commissioner.

CHAIR: How do you think the Act should be amended in terms of hazard reduction?

Ms WILKES-BOWES: We have a concern that there are conflicting objectives of the Act. It can be conflicting for one objective of the Act to say that the environment will be protected and the other to say that life and property will be protected from fire. That needs to be amended. It needs to be clear that environmental principles are taken into consideration as much as possible when hazard reduction and bushfire work of any

description are occurring, but that the two objectives are conflicting. The objective of the Act should be protection of life and property from fire.

CHAIR: So that the environmental objectives should be downgraded?

Ms WILKES-BOWES: For that particular Act, yes, it should be taken out as an objective and incorporated into the Act where possible, but not to the point where that objective could be seen to override the objective of protecting life and property from fire.

CHAIR: Do you think that most land-holders would support that?

Ms WILKES-BOWES: I think that most land-holders would be supportive of protecting the environment as much as possible.

CHAIR: But not at a cost of their economy?

Ms WILKES-BOWES: No. One of the issues that is raised with us by members is that the risk to the environment and to the safety of volunteers is increased if hazard reduction does not take place over a long time, because fuel builds up and the risk is far higher. I do not think our members would want to protect the environment in that respect. They fear that a lack of sensible hazard reduction will actually cause a greater risk to the environment.

CHAIR: Effectively, the environment would have to be protected by burning.

Ms WILKES-BOWES: Hazard reduction does not necessarily have to be constituted by burning, as I understand it, but that is one method that is often required.

CHAIR: I understand that there are some areas which, if not burned, actually are less of a fire hazard.

Ms WILKES-BOWES: We certainly would not want hazard reduction to take place unless it is required. I am pretty sure of that most of our members would not want to see unnecessary hazard reduction. If indeed an area being left actually reduced the risk, that is great.

CHAIR: It would have to be done on a scientific basis, in other words.

Ms WILKES-BOWES: Definitely.

The Hon. R. T. M. BULL: In your submission, you refer to too much funding being spent on administration instead of equipment and this reflected a basic theme about bureaucracy versus on-the-ground service. Do you have any ideas about changing the Rural Fire Service?

Ms WILKES-BOWES: In terms of structure in the way that I have outlined at a regional level, we believe that the funding being allocated to those regions could be allocated within the region in the way that the local board determined. That would get around some of the problems at a local level where our members have seen money being spent on things that they think are not necessary.

The Hon. R. T. M. BULL: The equipment funds would be raised at that level and hypothecated to equipment in that area rather than being dealt with on a Statewide basis.

Ms WILKES-BOWES: If the funds were to be raised in the same way in which they are presently or, as we suggested, through a levy of all land, they would still need to be collected at a Statewide level and allocated to the regions. But within those regions, a board would be able to select the type of equipment that is needed. Whether a shed for the equipment is built or another tanker is bought is the type of decision that would be made locally. If that board structure worked well and was truly accountable to the local community, then the local communities would be having input to those sorts of decisions and that would get around a lot of the problems. As we have said, from a head office point of view there needs to be greater transparency to show where the remainder of the money is spent in order to convince people that the money is being spent appropriately. They are the two ways in which we see the issue being addressed.

(The witness withdrew)

HENDRIK MARTINUS LUF, President, Rural Volunteer Fire Fighters Association of New South Wales, 25 Railway Parade, Woodford, Blue Mountains,

BRUCE RICHARD LYTONE WILDIE, Member, Rural Volunteer Fire Fighters Association of New South Wales, 34A Jacaranda Avenue, Pacific Palms,

HARRY McLEAN, Secretary, Rural Volunteer Fire Fighters Association of New South Wales, Cattai Ridge Road, Glenorie, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr LUF: Yes.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr LUF: Yes.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr WILDIE: Yes.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr WILDIE: Yes.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr McLEAN: Yes.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr McLEAN: Yes.

CHAIR: If any witness considers at any stage during the evidence that, in the public interest, certain evidence or documents that you may wish to present should be heard or seen only by the committee, the committee would be willing to accede to your request and resolve into confidential session. But I warn you that the Parliament may override that decision at any time and make that evidence public.

Mr LUF: As President of the Rural and Volunteer Fire Fighters Association [RVFFA], I would like to make the following observations and comments. Our submission highlights are some of the problems that currently exist within the Rural Fire Service [RFS] as well as some proposals which, in our view, are viable solutions designed to smooth the way towards a more harmonious and effective rural fire service.

The RVFFA recognises that the Rural Fire Service has achieved enormous progress in terms of better equipment and better training. The RVFFA also recognises that volunteer participation in RFS processes has in recognisable form been non existent which is in part the reason why various parties are before the committee today.

In our submission, we recommend sole operational RFS control of firefighting activities within local government areas while retaining a substantial level of local government involvement. We recommend a widening of consultation and decision-making processes within the RFS. We recommend that appropriate training be available to all those who wish to participate in such training but that, in overall terms, such training is to be regarded as essential.

Although considerable progress has been made already, we also recommend improved levels of safety in vehicle designs and protective clothing designs, and better levels of protective clothing provision. The RVFFA has always been of the view that improvement in areas to which your terms of reference apply are not difficult to achieve but that such improvements would either require a change in RFS management or in methodology. In overall terms, we must find a defined balance between volunteerism and professionalism. We must achieve such a fine balance through local and Statewide volunteer, and other stakeholder, involvement.

Mr McLEAN: It is my view that the Rural Fire Service is top heavy and is not cost effective. I have been a volunteer firefighter for 40 years and I can go through all the similar stories that members of the committee heard previously. They do not mean very much because they are not backed up and, apart from that, they reflect only a one-off situation, so are not worth taking too much notice of. But I must say that there were a few untruths told.

I believe that we, the volunteers, on numerous occasions over recent years have been fed inaccuracies by headquarters and by the commissioner. Owing to time constraints, I will not elaborate on this as I would like to see something constructive achieved, such as the safety of volunteers and their equipment, in order to save lives and to save people from being severely burned. The recent deaths and burns suffered by volunteers at Wingello are an example.

The Rural and Volunteer Fire Fighters Association, a member of the Australian Assembly of Volunteer Fire Brigade Associations which covers all States and the Territories, has been working with others, except the Rural Fire Service, on a specifically designed vehicle for fighting bushfires with safety of crew and the vehicles' survival in mind. Everybody who wanted to had input into the vehicle but the Rural Fire Service chose not to have anything to do with it. Now that it has finally been built—and the committee will see a demonstration of it in a minute—the company ADI, a Victorian company which makes Commonwealth Government vehicles for use by soldiers when they are going into the bush so it is a well-established Company, has a vehicle that can be arranged to suit differing areas. As the committee knows, the State of New South Wales has three fundamental fire zones, that is, the coastal area, the mountains and the plains on the other side of the mountains. Each zone requires slightly different equipment.

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

I personally brought this up as an idea with the commissioner some ten years ago. I was ultimately told that his technical people said that it could not be done. Of course, it has now been done and it has been done on concrete wagons. I do not know whether

members of the committee know very much about concrete wagons, but all concrete wagons now carry an extra cubic metre of concrete because the auxiliary motor, which was a big four-cylinder motor, has been replaced by a very small hydraulically driven motor. The company has had the vehicle in that way for years and, of course, there is no reason why we could not have had that years ago.

The video that will be shown will indicate the thick material and the vehicle's system capability in providing protection from falling objects to comply with Australian standard 2294 and its all-over protection system which meets ADR59 requirements. Smoke, dust and odour are filtered by the effective cabin air-conditioner and a GPS electronic system is installed to locate the exact position of the vehicle in any emergency. If the radios broke down or anything like that occurred, the fire control officer can give an accurate indication of where the vehicle is. The engine bay is fitted with a class A foam protection unit which means that if there is a fire in the engine compartment, it can be put out automatically.

The vehicle has a simple inflation system with changeable computer program capability. This allows getting out of creek beds, et cetera. I do not know whether the committee knows much about how that works, but it is automatic. If someone goes into a creek bed where it is boggy, slushy and slimy and the vehicle loses traction, the tyres will automatically deflate until such time as traction is restored. Then when the vehicle is out of the creek bed again, the vehicle will automatically inflate the tyres back to their normal pressure. In addition, all the tyres are covered so that this vehicle can drive through a fire and come out okay.

The reason is that it has an extra 500 litres of water in the tanker to service the sprays that are over each of the wheels. That keeps the wheels cool so that there is no chance of the rubber burning. Underneath it is a monocoque construction. It is made so that there is no access to any of the fuel lines, the things with fuel in them, the hydraulics and that sort of thing. It is all completely enclosed by a fairly thick heat-resistant steel plate. The initial small cost increase over the existing outdated and unsafe fire vehicles is overcome by the vehicle being able to tow a 9,000 litre or 12, 700 kg trailer to near the fire, thereby saving another water carrying vehicle that is needed to back up firefighting vehicles. They need someone to bring water to them, but this vehicle takes its own trailer.

It has other features such as a roof-mounted, internal-controlled spotlight. If a fire vehicle is out in the night it needs someone up on the back of the truck working the spotlight to look on either side. This one is controlled from inside. People do not have to stand up on the back and suffer the consequence of a branch knocking them off in some instances. Because it has a big Caterpillar engine in it, it has an open road speed of 100 kilometres an hour, which is about double that of existing outdated trucks. Maybe, and only maybe, in the Bega-Bermagui call-out blunder it might have saved the life of the old lady who died in the fire. About three years ago there was a fire at Bermagui. The call-out was given to the Bega metropolitan brigade, as it was, New South Wales Fire Brigades. That was 40 miles away. The bushfire shed was within 1 km of the fire. A lady rushed in to the bloke in the hardware shop because she knew that he was the bushfire captain. So he was able to get their but the lady who died was already dead when he got their. She was not saved.

They were promised oxygen equipment for structure fires. They were given one oxygen cylinder. Under regulations you are not allowed, and it is mighty unsafe, to go into a house with one oxygen cylinder and no backup. They were promised seven years prior to that that they would have an upgraded fire shed. The framework was put up but nothing else happened. They did not get any extra equipment. They had an old, I think, 1971 tanker at

the time. I heard Mr Koperberg speak this morning. He said that a certain number of vehicles were going out and brigades were getting all new vehicles. It is the same as at the Wingello fire. The people there were in an old, disused tanker that the Blue Mountains handed over to them. He is counting the old vehicles that have been distributed out to the country areas from the metropolitan areas more or less.

There are lots of stories that get around. Because the volunteers are being reduced in numbers lately, particularly recently—I mentioned this to Mr Koperberg about three years ago—we should try to get volunteers to volunteer for bush fire fighting not to fight fires particularly but to do radio work or first-aid work, to bring the food out or do other stuff. Not all people like to fight fires. There should be an education program to teach people to do various functions other than fight bushfires, especially if they would prefer that.

We have not spoken to Mr Koperberg in three years because he has given away talking to us. He underhandedly went ahead and formed the Rural Fire Service Association. They declared that every volunteer was a member. It did not matter whether they were or not. None of them paid to be members and most of them did not want to be members. But they did not want to give up their volunteer firefighting. Most people volunteer to be a firefighter so that they can help them mate protect his property knowing that he will help them when it is their turn for him to help on their property. That is how it works.

If there is a fire in an area, whether it is at Orange or wherever, the fire control officer is the bloke in charge. He looks after the fire. If a section 44 is declared other shires get involved, otherwise it is the fire control officer. Many fire control officers had never been trained in firefighting or indeed administration. Some of them are looking after 100 to 150 blokes yet they have never had any training and they are not capable of doing it—not all of them, of course. There are lots of problems. The environmental people kick up a fuss about hazard reduction and nobody seems to know which out the endangered plants and this sort of thing. I reckon that fire trails should be made necessary in most areas. When there is no hazard reduction the vehicles cannot get into the fire because the fire trail gets grown over unless it is used regularly. Their needs to be something in the training to have fire trails rather than hazard reduction burning. I will now introduce you to this movie now.

(A video was then shown)

Mr McClain: I did not mention that the vehicles are guaranteed for 10 years but they reckon they will last 20.

The Hon. A. B. Kelly: How much do they cost?

Mr McClain: They cost \$200,000 each but it depends on what sort of equipment you want with it. They can be a little less. But the present Isuzu costs \$190,000 fitted.

Chair: So that is quite a bit more expensive than the current vehicles?

The Hon. D. E. Oldfield: Five per cent on that figure.

Mr McClain: But where you pick it up is that you do not need another tanker to bring you water. So you save on the tanker, even though the water tankers are usually a bit cheaper, and many of them are donated by the fuel companies. Also, with this vehicle you do not need the training that you need on the present vehicles. Apart from that,

the present cab chassis vehicles have the tanks on top of the chassis, which means that the water is above where it should be for rollover problems. That is a problem that exists at present. So for the extra bit of money you will save if you by the full equipment.

CHAIR: First, to you Henk or whoever wishes to answer, as you are aware, the commissioner was critical of your claims and your submission. Do you have any response to the commissioner?

Mr LUF: The commissioner is always quite critical of what the RVFFA puts. I think that the reason for that is that our organisation is designed to, wherever possible, protect the rights of the volunteers, not to have them run over by people. Often our comments will conflict with the commissioner's view or his knowledge from time to time of certain situations around the place. That is to be expected. We expect it, and we accept it.

CHAIR: Is there any basis to your claim?

Mr LUF: There are a number of cases whereby the 1997 Act has been breached over and over again. When we put it before the Commissioner it has basically been put under the table, never to be seen again. And when we are critical of that process, of course we come into conflict.

Mr McCLAIN: The Assistant Commissioner brought up the fact that the RVFFA did not have documentary evidence and they were not able to say—

Mr WILDIE: We have documentation going back to 1995. I am only an ordinary volunteer, way down at ground level—no stripes, no nothing. Basically, we, the RFS, are queried in our area and council. Before that, we have been victimised. In 1997, on 1 April, a meeting was held of volunteers and captains, including council's engineer, Assistant Commissioner, Tony Gates, and the RFSA, ourselves, and we were basically ridiculed. It is known as the great kangaroo court in Great Lakes. Anyway, that is all right. At that meeting I handed over to the RFS a pile of documents. I also happened to mention casually, I think it was before the meeting, that there are possibly five boxes of documents going back over the last couple of years.

I was immediately pounced upon by Tony Gates at that meeting. I thought I was being kind in sorting those documents out. I was told to get those five boxes of documents, coupled with research, and to take them down to the Assistant Commissioner. I said, "Well, I'm not going to Sydney, because this is all on my own, I am only a pensioner. I'll deliver them." He said to me, "Well, where is the best place?" I said, "To Ian Turps." I took them to Ian Turps and handed them over, and I got a receipt for them. These were documents of the brigade, and so on, plus what was going on at the time. Nothing happened. They were given to RFS, and that is the last we heard of it.

Then we wrote several letters, and you promised to investigate the contents of these letters. Nothing happened. Then we wrote perhaps five letters to Mr Gates, who sent us back a printed screed saying "no substance, no substance, no substance". After that, Geoff Hargreaves, the vice-president, and I sat down over the weekend and replied to these "no substance" letters. Not long after that, he resigned. We did not hear any more.

Then late last year we had a meeting with the Commissioner. Certain facts were brought up as victimisation, and so on, and certain things that are in some of these documents. He promised an investigation into the management of Great Lakes. This is what

we are on about, the volunteers themselves. At the end of that meeting, the Commissioner had said he would do a management report, and he left it to Assistant Commissioner, Tony Howell. I went up to Assistant Commissioner, Tony Howell, and said, "I suppose you want my phone number?" He said, "Well, I suppose." I said, "Well, here it is, and here is my name." I assumed that whoever he sent up to Great Lakes would want to know about these matters.

I have not heard anything since. The only letter we got from the Commissioner was that he held a meeting at Tea Gardens with some captains, and they wrote back and said they did not want an inquiry. He wrote back and said he did not want an inquiry, and the matter was closed. So we reopened it. In the meantime, council has been desperately trying to sack Geoff Hargreaves and me through council for certain matters we raised, such as the tanker bill. That report is in here, and it is well worth reading. I feel the other document on management is the critical document, because I have been in this for probably four years myself, fighting fires from Victoria to Queensland as a farmer. It is the human resources that are the most valuable. You can have the best tankers in the world, you can have the best hoses. But if you cannot manage that human resource—and it appears plainly to me that it cannot be managed, it is all done on a cronyism, despotism—what is the good of it? My brigade, in 18 months, dropped from nearly 62 people to about four. It will still all be in the books, except for one; I think he went to gaol.

The Hon. J. H. JOBLING: The allegations you are putting before the Committee at the moment are of an extraordinarily serious nature. For the benefit of the Committee, are you applying the statements and allegations specifically to your own area of Great Lakes, or are you suggesting that this is general across the State?

Mr WILDIE: I do not say that it is in every region of the State. I do not say it is isolated, by any means. But it is a pattern.

The Hon. J. H. JOBLING: In view of the seriousness of the allegations, I think the only fair thing for the Committee is to ask that these documents be made available to the Committee and they could then be incorporated as evidence. If there is a matter that requires investigation, it will then be on the public record and will certainly be looked at. If you have the documents, I ask that they be made available.

Mr WILDIE: There is one document that I suggest you do that in conjunction with these documents, and that is the document relating to the management of the report that Great Lakes Council made. We thought it was for the RVFFA, as the Commissioner promised, but it never materialised. The New South Wales Ombudsman has been trying to get it for the last six months. His letter is here in the fax. I realise that there is perhaps some confidentiality, but this is the sort of thing that the RVFFA has been on about. It is the volunteer that we consider to be the most important piece of equipment.

CHAIR: Who has the documents you are referring to at the moment? You have a number of documents. Are they all there?

Mr WILDIE: Some are there.

CHAIR: Do you wish to provide those documents to the Committee?

Mr WILDIE: Yes, they can be provided to the Committee. But unless you ask questions about them, some of them probably would not make sense. But no-one has

bothered to ask questions. Previously, these documents have been given to the RFS and the council.

The Hon. J. H. JOBLING: Are you prepared to tender these documents as evidence before the Committee today, and to supply any documents that are in your possession?

Mr WILDIE: Yes, most certainly. But may I say that these are the only documents I have. I do not have a copy of them.

The Hon. J. H. JOBLING: I move that the documents be accepted.

Motion agreed to.

Mr LUF: As Bruce has just been highlighting, there is a pattern in certain areas whereby some areas are excellent, whilst in others, when conflict begins, those problems are not nipped in the bud quickly enough and often they grow to be bigger than Ben Hur. So there are problems with certain areas, and in other areas the situation between fire control officers and RFS is quite harmonious. But in certain areas there are problems, and the problems follow a pattern.

The Hon. R. T. M. BULL: Do your members principally come from the eastern part of New South Wales?

Mr LUF: No. Its is about 50:50.

The Hon. J. H. JOBLING: That is the 900 you indicate?

Mr LUF: About 450 from the eastern seaboard, and the rest come from the north, west and south.

The Hon. J. H. JOBLING: In the introduction to your submission you refer to the choice of exclusion made by the RFS some time ago on the grounds of lack of RVFFA compliance with flawed RFS policies. To what flawed policies do you refer?

Mr LUF: Our association was in favour of the Act as it was implemented, but the Act is not actually complied with. Often when problems occur and members start to scream, there are certain processes that the Act needs to follow, and those processes are not followed.

The Hon. J. H. JOBLING: Could you give us details?

Mr LUF: Yes. We had a case whereby a group of people in the Blue Mountains wanted to set up a brigade. Certain allegations were made, which were not about media coverage—it has not yet been forbidden to speak to the media as a volunteer—following which processes took place, those processes were flawed. One has since left to go to another brigade and the other one was suspended for two years, I believe it was, and those people still do not have a brigade. The reason why this situation occurred is that one brigade did not want a new set-up in the local area because it was a closed off area, if you like. Those processes are flawed all the time. The lady involved in that case applied to become a member of a brigade. To his credit, Commissioner Koperberg told the brigade that the processes were

flawed. The next night, there was a letter in her letterbox saying that they were going to do the same processes again. So whilst the Act is there, the Act is not complied with.

The Hon. J. H. JOBLING: You are saying that the Commissioner was aware of it and did nothing?

Mr LUF: No. To his credit, at the time the Commissioner held a hearing in terms of the appeal, and he ordered the brigade in question to allow her membership. The brigade in question sent a letter the next day saying, "Sorry, you are not a member, and basically you can take it whichever way you like."

The Hon. J. H. JOBLING: There was no follow-up process?

Mr LUF: There was no follow-up process. It was made known to the Minister, it was made known to the Commissioner, and in the end these people just gave up.

The Hon. J. H. JOBLING: In your submission you say that on a number of occasions the current New South Wales Government has failed to act in order to rein in some of the more blatant abuses of power by some within the Rural Fire Service's practices, et cetera. Could you explain what you mean by that and give examples?

Mr LUF: Yes. I refer to the one example that I have just given, whereby the processes within the Act are not followed. The Minister had been advised and handed it to Mr Koperberg. Whose Act is it—Mr Koperberg's or the Minister's? There is also the Great Lakes issue. There was recently a case at Casino whereby people had not been allowed to join in the brigades of their choice, for reasons that have yet to be determined. They make the rules up as they go. They basically decide, "This is our Constitution", whether the Constitution complies with the Act or not. They just make up the rules as they go. There are numerous examples of it.

The Hon. J. H. JOBLING: To my mind, probably the most serious allegation that you put before the Committee you state on page 3, as follows: "The Government failed to act when allegations appeared in a number of districts and regions, in relation to mismanagement, cronyism, discrimination, and even theft." They are very serious allegations.

Mr LUF: They are.

The Hon. J. H. JOBLING: Can you indicate to the Committee the evidence that you have to support those allegations?

Mr LUF: Yes. Bruce has the evidence of the theft. In terms of cronyism, one example was given, and there are more. One was of a group captain's election being held and of the election being rigged. It was proved to be rigged because they had to hold the election again. There is cronyism in the northern area, or there has been. Again, it is in the Great Lakes area.

The Hon. J. R. JOHNSON: Where is the evidence? You are just making statements.

Mr LUF: Bruce has the evidence about the group captains.

Mr WILDIE: Most of it is in those files.

The Hon. J. R. JOHNSON: Most of it, or all of it? Or is some of what you are saying to us unable to be substantiated?

Mr WILDIE: There are receipts there for five boxes given to the Rural Fire Service way back in 1997, and it was going to act on that, but we have not heard a word since. We were even going to get minutes of that meeting that was held, but we have not received a thing.

The Hon. J. H. JOBLING: What other actions have you taken, when that did not succeed, to get what you wanted? Have you followed up with any other organisations?

Mr LUF: On all occasions we tried to follow up these matters. For instance, I went to the Great Lakes area and said, "If there are problems, let us sit down and sort them out within the provisions of the Act." That was basically ignored.

The Hon. J. H. JOBLING: When you say "sort them out", this is you and who else?

Mr LUF: Some of the other members, basically to say, "If there is a problem, let us act within the boundaries of the Act and solve problem," or any problems that there might be. That approach was basically ignored.

Mr WILDIE: We never get a response.

The Hon. J. H. JOBLING: Is this all minuted in the sense that there are letters to and from you to other organisations?

Mr LUF: Yes.

Mr WILDIE: As much as we can. But, when you do not get a response, there's nothing to minute.

The Hon. J. H. JOBLING: If the Committee felt it necessary, and if need be, would you be prepared to appear before this inquiry in confidential session and name names, places and dates?

Mr LUF: Yes.

The Hon. J. H. JOBLING: Would those people be prepared to appear before the Committee to substantiate those matters?

Mr WILDIE: I cannot speak for the others, but I know one person who has been a key figure in it who would.

Mr LUF: The problem appears to be in our relationship with the Rural Fire Service. That could be the reason that the allegations come up. Every time we have been prepared to mediate, to sit in the middle or to sit to one side of our members and say, "There's a problem, let us solve it", for whatever reason, they say, " We do not really

want to know about it. We just want the people out." In some cases we have had some success, but in other cases it has been a waste of time. I personally went to Newcastle, where someone had been drummed out of the brigade for no reason whatsoever—no legal reason, anyway. With the help of the Ombudsman, we came up with a solution. The solution was that he would be able to join another brigade. He is no longer here, because he is now in Canada, but in some situations it does work. But, mainly in respect of regional problems there is no co-operation. The majority of our difficulties, perhaps 90 per cent of them, relating to fire control officers and local councils stem from local problems. The other 10 per cent relate to the Rural Fire Service itself. However, the majority of our problems relate to local issues with councils.

The Hon. J. H. JOBLING: If this is as widespread as you say it is, and if it is mostly on a regional and district basis—

Mr LUF: It is localised, yes.

The Hon. J. H. JOBLING: —why does it appear that yours is the only group that is raising this type of matter? I am concerned about the so-called 70,000 or, as you point out, 35,000.

Mr LUF: Our membership often comes from people who have a problem. The first people they will come to is us, and we then have them as members but we also get their problems. That is not in all cases, but a considerable number of people who join us come with an existing problem involving the local fire control officer or the local council, or perhaps the group captain, or whatever. Once they have joined the association, we are expected to see what we can do for those people.

CHAIR: We are running out of time, so I will give the Hon. A. B. Kelly and the Hon. J. R. Johnson an opportunity to ask questions.

Mr WILDIE: Might I add that in our attempts to solve these problems we have followed the chain of command, but it simply does not work.

The Hon. J. H. JOBLING: What would you change?

Mr WILDIE: No-one wants to listen. They just do not want to know about it. It seems that the quickest way to get rid of the problem is to get rid of the people involved.

Mr LUF: The Act has to be complied with. There are within the Act some very good processes.

The Hon. A. B. KELLY: I want to follow up a question asked earlier by the Hon. J. R. Johnson as to evidence you might have to support the allegations that were referred to by the Hon. J. H. Jobling. You said that "a lot of it" is in those documents that you have handed to the Committee.

Mr WILDIE: Well, some of it.

The Hon. A. B. KELLY: "Some of it"?

Mr WILDIE: Well, yes.

The Hon. A. B. KELLY: You must be fairly explicit if the Committee is to take on board what you are saying.

Mr WILDIE: The association probably has a bit more as well, because I am only dealing with the region.

The Hon. A. B. KELLY: Would you send that information to the Committee? We really will not be able to take much notice of what you are saying if it is merely anecdotal and is not substantiated.

Mr LUF: Yes.

The Hon. A. B. KELLY: I would like to clarify your position, Mr Luf. You said that you are a journalist.

Mr LUF: That is correct.

The Hon. A. B. KELLY: In September 1998 you wrote in the Rural and Volunteer Fire Fighters Association newsletter:

Congratulations must also be passed on to our Editor and Vice President, Henk Luf, on his recent admission to the Bar. Another fine example of the diversity of people who choose to become volunteers.

Are you actually a barrister?

Mr LUF: No, I am not. That statement was made at the time in error by the person, and it has since been corrected. However, I have had a fair bit of what could be called legal training, if you like.

The Hon. J. R. JOHNSON: A bush lawyer!

Mr LUF: It has been mainly out of my own self-interest in human rights and civil rights. I have had no formal training.

The Hon. A. B. KELLY: You have not had any formal training?

Mr LUF: No.

CHAIR: You used the word "nepotism" a number of times. That is a specific word. Do you have any examples of acts on nepotism?

Mr LUF: Yes. We have an assistant commissioner whose son-in-law is now an assistant commissioner also.

CHAIR: Is that the only example you have of a relative also being in the service?

Mr LUF: There are other cases. Bruce has one in the Great Lakes area, where family members have been promoted, if you like.

The Hon. J. R. JOHNSON: “Promoted, if you like”. What does that mean?

Mr LUF: It means that may have been applying for the job and getting the job when other people perhaps have not been so fortunate because a relative has already been in the organisation.

CHAIR: These are quite serious allegations.

Mr LUF: Yes.

CHAIR: They really must be documented properly to have credibility. The Committee needs to have the names of the people whom you believe have been promoted unfairly. The Committee would need actual examples of nepotism and cronyism, if that is possible. Do you understand that we must have that evidence to give your statements credibility?

Mr LUF: Yes.

CHAIR: The Committee must have evidence.

Mr LUF: Yes.

The Hon. J. H. JOBLING: It may be submitted in confidence to the Committee.

CHAIR: Yes, it can be taken in confidence, and it probably would be better if it is.

Mr LUF: Yes.

Mr WILDIE: I think it should be taken in confidence.

CHAIR: If you could do that by way of a separate document, that would be appreciated by the Committee.

The Hon. J. R. JOHNSON: How many members do you actually have, and our they fee-paying?

Mr McCLAIN: Yes, they are fee-paying.

The Hon. J. R. JOHNSON: How many members, actually?

Mr McCLAIN: I do not know the current count because I have not checked on it.

The Hon. J. R. JOHNSON: You are on oath. Can you provide that evidence to the Committee?

Mr McClain: There are some who dropped out, and there are more coming in.

The Hon. J. R. JOHNSON: But you do not know the number. Can you provide that number to the Committee? How many were at your annual general meeting?

Mr LUF: The annual general meeting was only a small number.

The Hon. J. R. JOHNSON: How many were at your annual general meeting?

Mr McClain: It was 13 or 18, I think.

Mr LUF: Eighteen, I think it was.

Mr McClain: Of course, we cover the whole of the State, and most of the volunteers are not interested in becoming office-holders because they cannot do the job because of their locality. We have members from Bourke up to the Queensland border. It is no good trying to get them to come to an annual general meeting. But they all have the opportunity to vote by proxy. We send them proxy forms.

The Hon. J. R. JOHNSON: How many members voted by proxy at the annual general meeting?

Mr McClain: I would say about another 18. It would be about an equal number.

The Hon. J. R. JOHNSON: How long is it since you admitted a new member?

Mr McClain: Tuesday last week, I think.

The Hon. J. R. JOHNSON: How many persons have you admitted to membership in the past 12 months?

Mr McClain: In the past 12 months I guess there would have been 20 or so.

The Hon. J. R. JOHNSON: Can you provide the Committee with the actual number?

Mr McClain: Yes.

(The witnesses withdrew)

JUDY MESSER, Chairperson, Nature Conservation Council, Level 5, 362 Kent Street, Sydney, affirmed and examined, and

JOHN ASQUITH, Vice Chairperson, Nature Conservation Council, Level 5, 362 Kent Street, Sydney, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the Parliamentary Evidence Act 1901?

Dr MESSER: Yes, I did.

Mr ASQUITH: Yes, I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Dr MESSER: Yes.

Mr ASQUITH: Yes, I am.

CHAIR: If you consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee would be willing to accede to your request and resolve into a confidential session. However, I should warn you that the Parliament may override that decision at any time and make your evidence public. Do you wish to make an opening statement?

Dr MESSER: I shall make a brief opening statement. I am assuming that everyone has read our submission. One important point to make is that the knowledge that we bring to this Committee and in our submission is based on a long history of involvement with bushfire issues. Since 1994 we have had the benefit of input from quarterly workshops, which our bushfire representatives and observers from the community attend. These workshops have been held virtually throughout New South Wales, inland, on the South Coast, on the North Coast and in the Sydney region.

In addition, we have a bushfire reference committee which makes valuable input. We have representation on the Bush Fire Council and the co-ordinating committee, so we feel that we are very close to the community viewpoint, the understanding of communities, including the farming community. We have had meetings face to face with New South Wales Farmers Association to discuss problems. We have made a real effort to reflect a lot of community concerns. We also place a high value on the role of volunteers in the Rural Fire Service, and we have placed great emphasis on better training for volunteers and increasing the environmental sensitivity of volunteers. We recognise that this is difficult because, like everyone else in the community, many people are starting from a fairly low level of understanding of ecological factors. We have put a large amount of effort into trying to get this into simple English explanations.

As you can see from our publications list, we did produce a manual to help what we consider ordinary people in the street who are concerned about the environment or who may not have such an awareness to enable them to get on top of how to reflect the environmental aspects of the Rural Fire Service's statutory obligations. As our submission indicates, there is still a long way to go in environmental training of members of the Rural

Fire Service and the wider community. I would emphasise that zoning and the issue of fire control officers is very high on our list of concerns.

Mr ASQUITH: I will just add a few quick points if I may. From our workshops and conferences that the National Conservation Council [NCC] has held, and they total some 29 over the past five years, we found the audience and the people who participate in all levels of volunteer firefighting and the Rural Fire Service have a wide diversity of skills and experience, and quite often this outlines the need or highlights the need for all those people to be able to have input. It is a very big volunteer-based organisation which, in a way, is similar to NCC except it has statutory functions and it is an emergency service. One of the things that became very apparent to us is that need for people at the grassroots; their ability to get their concerns and views addressed is fundamental in all this.

CHAIR: The New South Wales Farmers Association in its evidence earlier today said that it wished to amend the Act to downgrade the environmental protection within the Act because it felt it was getting in the way of hazard reduction. What is your view of that and would this accord with community sentiment, do you think?

Dr MESSER: On principle we would be most opposed to watering down the environmental considerations of the Act. We think it was landmark legislation. It was well overdue but, on the other hand, it then became a piece of legislation you could recommend to the whole nation. It was really cutting edge. I am surprised that New South Wales Farmers would make that recommendation, because I believe landholders particularly in inland New South Wales—and we have had a lot to do with landholders there—are increasingly showing they are very concerned to manage their lands for the benefit of future generations and managing the environment the best way possible. I would think, rather than watering down the legislation, what perhaps needs to be addressed are the farmers, the landholders, particularly in inland New South Wales, who have different environments and different needs to the coastal zones, that acknowledgment should be made of their peculiar situation and more dialogue with them as to how they can best implement it. I really cannot accept that landholders actually want to downgrade the environment as a priority.

Mr ASQUITH: I think one of the things that comes across to us again in these workshops is a thirst for knowledge. People want to understand why is fire a threat to the environment and in what way is it a threat. It is a natural event, and we all understand that. It comes down to specifics: when you burn and how frequently you burn are the real issues. One thing I would like to say in support of that is that we are asked a lot of questions that indicate not enough information is getting out there to people, whether it is written material or support by extension officers or people who can help them assess and understand the dynamics of the ecology of the area.

CHAIR: New South Wales Farmers say that as a result of the provisions of the Act there are areas that have not been burnt and now have too high a fuel load and are a risk. They said they could provide examples of that. Are you aware of such areas?

Dr MESSER: Perhaps they are looking at an area down near Yass or somewhere there.

Mr ASQUITH: I think the key thing in responding to that is the process now under the Act is that all areas are producing bushfire risk management plans. The risk management plans assess a whole range of things, including the risk of ignition, the fuel load that exists, the likelihood that an area is likely to catch fire and burn with a hot fire or

whether they are areas such as a rainforest that are not likely to catch fire. Through the risk management process the key or strategic areas you want to protect, for example, crops or houses or hospitals, are identified on the maps and the strategic zones around them, and those areas are managed in some way. It may be by burning off or fuel reduction or by slashing. So, a range of responses are available. The key thing is the risk management process requires that you identify what you value and then identify how you go about protecting that. So, all over the place there are many areas, isolated areas, that have not had a fire for many years. That quite often comes from the topography, the isolation of the area. For examples, places closer to the edge of the city are more often set on fire by arsonists. So there is a whole range of inputs that may or may not make that mean anything.

CHAIR: Is there any scientific evidence that you know of that shows that areas that are burnt frequently become more fire prone?

Dr MESSER: They can. The vegetation community can change. For instance, if you have an area that has not been burnt for 30 years and it looks like a woodland, if you burn it it can turn into extremely dense vegetation which will provide more fuel than an open woodland with just grass. We were also informed of this at a workshop in Albury to which a lot of Victorians came. They had been through severe bushfires and they were quite concerned that continual burning had in fact increased their hazard rather than allowing the fuel to decompose and form a moist sub-layer. So, in the end it really varies so much from ecosystem to ecosystem, from the high rainfall to the low rainfall, that the only strategy is to follow the Act, create the bushfire risk management plan on a five-yearly basis, create the yearly operational plan, all of which is done in consultation and which should all deal with the risks borne by particular land managers and landholders. That is the sort of process. It should then take that into account. It is a very orderly, transparent process and I think one has to question whether enough resources have been put in to facilitate this process in a way that can take account of the regional difficulties.

CHAIR: You proposed a new concept for boundaries: RFS zones based on ecological criteria, communities of interest, agricultural boundaries, physical boundaries and other related land uses. Can you explain in more detail how this concept would work and how it will bring about more coherent land management over different land tenures and between the RSF and the New South Wales Fire Brigades?

Dr MESSER: Well, starting with the ecological criteria, we are really starting from the bioregional zones, zones based on bioregional characteristics, which are the natural characteristics, and there is a natural logic in that. However, what we know is once you put human beings into the landscape there are communities of interest where you may find people are connected by roads or particular farming practices that may go over two bioregional zones, but if you look at the people there and how they can come together, perhaps that is a better approach. The agricultural boundaries have to be taken into account and then there are the local government boundaries. We are going away from using local government boundaries as the zone. We would like to reconsider starting with the best environmental zones you can come up with and then modify them in terms of local communities and what makes for good firefighting practice or bushfire prevention.

Mr ASQUITH: One anomaly that really stands out and probably shows the failing of what is there at the moment is Warragamba Dam. Part of Kings Tableland is in Wollondilly shire and so, in theory, comes under the Wollondilly bushfire management committee. But, as a result of an exchange of letters and an agreement it is handled by the Blue Mountains bushfire management committee, even though it is a different local

government area. So, it is recognising both the physical boundaries and the other elements that we think would lead to more rational boundaries and a better use of resources.

The Hon. J. H. JOBLING: Have you done any work throughout New South Wales in creating a zoning system and, if so, other than that have you any examples of a zone you would create in New South Wales either on the east of the range or the west of the range?

Dr MESSER: We have a person who works full time on major vegetation management. Through that we have established all the bioregions based on the vegetation community. However, we are also involved with the water reform process so sometimes the river catchments cut across that and you find that settlement patterns follow the river patterns rather than the vegetation communities.

The Hon J. H. JOBLING: But you do not have physical examples you could give the Committee of a new zone

Dr MESSER: We have discussed it in relation to the southern coastal area. What we saw there for instance was the land zoned by national parks and managed by them as State Forest land. Then, if you look at the map and draw the boundary and put them all in a basket, so to speak, the zone that is left would be a coherent Rural Fire Service zone. I forget how far north we came.

Mr ASQUITH: We came roughly north to Shellharbour and down to the Victorian border and the coastal ranges.

Dr MESSER: For example, on the North Coast where you have local government areas amalgamating, we would want to look at the amalgamated boundary and see how that intersects with the natural boundary. Clearly, the watershed divide is one boundary between coast and inland.

CHAIR: How does this model fit with the employment of fire control officers by councils? Do you not think they should be employed by the RFS anyway?

Dr MESSER: Yes. We strongly support the control passing to the Rural Fire Service. We believe that would enable the status of fire control officers to be improved over time, offering a career path. It means you can concentrate your resources on training people who have to be very conversant with the Rural Fire Service needs. Having that sort of split jurisdiction is not a really good administrative model. So, we are very much in favour of that transfer. We would expect over a period of 10 years significant resources would be made available to ensure that those fire control officers who may come in before certain provisional requirements were made necessary would be assisted to become more qualified so that they have a career path.

The Hon. A. B. KELLY: Provision already exists for that sort of proposition. You talked about the Blue Mountains. Section 7 of the Act allows two or more local authorities, with the approval of the Minister, to agree in writing to combine as the situation requires. The local authority may, with the approval of the Minister, agree in writing with another authority to give them responsibility for whole or part of that area. So, provision exists for them to do that now. It is one of the 1997 changes.

The Hon R. T. M. BULL: I understand what you are saying about ecological similarities and so on, but in terms of fire fighting or fire suppression, what benefits are there in these new zones that you believe warrant consideration?

Mr ASQUITH: One would be better use of resources. With the risk management plan identifying how fire response is in a strategic sense, then to that one can match resources. A lot of the problems we see that quite often come back through the co-ordinating committee when there is a section 44 come down to who is in charge, who is doing this, and the more you can combine and co-ordinate the less that will come about. So, we see a couple of levels of benefit.

The Hon. R. T M. BULL: So the local zone would have quite a deal of independence from Rosehill, as you said?

Dr MESSER: Our view is that the service should be seen to include everybody. It should be inclusive. You have to accept and recognise that people out on the land, wherever they are, whether it is in a village or large grassland-based farm or forest, they all have to have input and they all have to feel they are part of it. Because the service is such a volunteer-based organisation, its primary role should be facilitation and co-ordination. But the actual needs of the local group or discipline has to be recognised because they are actually people who will take action when they are in a suppression mode. When you are in a prevention mode a lot more people may be involved, but you have a much narrower work group when you are actually suppressing a fire. All of those people have to feel they are part of the team, and the way to be part of a team is to feel you have some input into it.

I think particularly as an example it is useful to look at the different needs of land-holders in coastal areas and inland where they have large distances to travel. They are relatively isolated and problems have arisen because of insurance liability and so forth to cover cross-country practices you might say. The way to solve that is to say to people, "This is the Act, these are the objectives we all have to achieve, you work out the best way to achieve the objectives." That is the river management committee strategy. They have to save water, but they have been given considerable leeway to work out how they are going to save that water.

The Hon. J. H. JOBLING: But is that not returning to the individual volunteer brigade the authority to act and react to their own natural situation rather than the effects of different zonings?

Dr MESSER: No. I believe local brigades and bushfire risk management committees have to be challenged to see how they can contribute to a unified service because they need resources—the radio, tankers, legal liability protection, input, external firefighters—in a crisis and so forth. When we have like what happened in 1994, when you never know when the next fire is going to burst out, you cannot fight it on a local level because someone might need you somewhere else or you might need them. Perhaps there should be more opportunity or better structures to make those local groups feel that they are actually part of the process rather than being told, "This is what you have to do." People in the country hate being told what to do up front. That is the biggest sin of all time.

The Hon. J. H. JOBLING: At the bottom of page 3 of your joint submission you refer to volunteers also requiring mechanisms to enable them to voice their grievances or more adequately deal with their grievances. Would you explain precisely what you mean by that and give examples of why the statement is there?

Mr ASQUITH: I guess it comes from many different levels. In there we talk about the volunteers, but to us, again going back to what was said earlier, that it is a large volunteer-based organisation with a structure over the top of it, first off with volunteers there is quite often a range of complaints and issues that arise that are out of things such as equipment, what is ordered, when it comes, a whole lot of things that are sort of fairly day to day and relate to the tools or mechanics of what they do. We do not see that there are particularly good mechanisms for that information to go back and forth. For example, a couple of weeks ago I listened to a bushfire management committee talking about its tankers. They put in the order, it had changed because standards had changed, but what they had not received was any feedback about why it had changed and when they were going to get the equipment they wanted.

The grievance procedure there is really partly grievance and partly consultative that the people at the front end are getting feedback on their requests or concerns so that it is a two-way dialogue, not that they raise issues and never hear from them again. Quite often that is the way bureaucracies react or people who have a lot to. In the second level of that in regard to not only volunteers we believe also that there are a lot of other stakeholders in regard to rural fires management and they are groups such as local government, which are always concerned about having to put in the increased contributions and what they see as a lack of input for them.

There is a range of stakeholders that say, "We want to be involved", whether it is equipment, local government, and even comes down to things like safety procedures, equipment, why do they have to have their tankers built in a certain standardised way rather than have the local engineering shop do them. We see a big need to crank open that area and one of the suggestions in our submission was for the co-ordinating committee to put out a regular bulletin of when met, what issues it discussed and for that to be aimed to getting out to all volunteers.

The Hon. J. H. JOBLING: Are you not really saying to me that this is a communications failure rather than a grievance failure? How do you relate that then when you say in another paragraph, "Better managed by promoting dispute resolution mechanism together with better training etc"? Surely we have two separate issues there that do not agree?

Mr ASQUITH: Yes. With the grievance procedure we often get dragged into issues that are between volunteers and the local FCO, primarily, where there seems to be an inability, which is why it comes down to training, with some FCOs to respond in a way that gets the emotion out of it and gets people to clearly state what the problem is and seek to resolve the conflict or concern rather than to escalate it. What we typically quite often see, I will not say we always see, is that someone will take a position on something they are unhappy about and next thing there is a big kerfuffle in some local area. Of course, people then try to drag us into it and probably do it with all the other stakeholders, farmers and whathaveyou. There is a need for a mechanism to train people on how to deal with those situations.

Dr MESSER: We had an example where a bushfire risk management committee was not performing properly. The problem appeared to lie with the FCO. We spoke to the commissioner. We understand the commissioner spoke to the person. In the end, we went to the Ombudsman, nothing ever happened. It just went on and on and 18 months later we still had the problem. The person would not recognise our representative. We have a statutory right to nominate someone. In the end, it was left to John. John, who has had

experience in industrial dispute resolution, called a meeting of the parties and got the problem resolved. What we are saying is that there should be an institutional framework for dispute resolution, particularly if in some cases it becomes extremely heated. In one case, it even went to the courts. We would like to see a mechanism that avoids that sort of confrontation. It is an objective strategy or mechanism within Rural Fire Services so that these matters can be resolved in a win-win manner rather than a win-lose manner.

The Hon. A. B. KELLY: If you had that sort of dispute, why not go to the superior officer, to the council?

Dr MESSER: We went to the commissioner.

The Hon. A. B. KELLY: That is a bit of a heavy jump to start with, is it not?

Mr ASQUITH: Yes. That is exactly where this duality of responsibilities really hits home. We tried to go to the council and we could not. So, we tried the commissioner and got a certain response. We then tried the council and because the person is half-employed by the general manager of council we could not get any response out of the council officers. One of the things that enabled us—

The Hon. A. B. KELLY: Was the matter in relation to the operation of a particular fire?

Dr MESSER: No. They were refusing to accept our representative. I do not wish to say what the cause of the problem was but you could say it was in the personal sphere, not the public domain. The point we are making is that there was no formal mechanism for dealing with this. It was just hit and miss. In the end we hit it because John went in and solved the problem.

The Hon. A. B. KELLY: Have you read the Act?

Dr MESSER: We know it inside out.

Mr ASQUITH: It is not us that needs to know the Act. It is some of the people.

The Hon. A. B. KELLY: I agree.

Mr ASQUITH: The only way we can enforce it is what it comes down to: who can enforce the Act.

The Hon. A. B. KELLY: People make a mountain out of this dual responsibility. If you have a look at the Act, they are responsible—

Dr MESSER: No. It does not work.

The Hon. A. B. KELLY: Have a look at the section.

Mr ASQUITH: But when they do not do it, who do we go to?

The Hon. A. B. KELLY: You go to the council first to try to resolve it. You do not go to the commissioner first.

Dr MESSER: We did not.

The Hon. A. B. KELLY: I am sorry, I thought that is what you said, that you went to the commissioner first.

Mr ASQUITH: No. We went to both. I cannot remember in what order we particularly went to them.

Dr MESSER: We had a lot of problems in the first years. Things have been getting better all the time. So, we are not being pessimistic, we are being optimistic, but this is an opportunity to make it less stressful for everybody, to have an overt process that people know they can use. I do not think it is a problem for Rural Fire Services. They do not have a problem with this.

The Hon. J. H. JOBLING: Your submission on page contains something that intrigues me when you say, "Funding should be enhanced by ensuring that property owners, occupiers of land contribute to the fire levy etc". Would you amplify in simple form precisely how your council sees a proposal of land-holder contributions to this fire levy would operate?

Dr MESSER: We think everybody who occupies land and whose property is particularly in a lot of urban fringe areas where there is a lot of bushland, such as the Blue Mountains, everybody who is going to be at risk should contribute to the insurance scheme, essentially. At the moment it is not uniform for everybody. Lots of people contribute nothing to the funding of bushfire management.

The Hon. J. H. JOBLING: You are saying they do not have any household contents insurance etc.?

Dr MESSER: That is right. There is no obligation to carry personal insurance.

The Hon. J. H. JOBLING: How would you enforce that?

Mr ASQUITH: The thought we discussed was that if you pay the fire services levy through your insurance, I would not think it would be difficult these days with computers, that council would know about that and therefore could deduct that off your rates or in the case when you did not have insurance, add it to your rates. Regardless of whether your property was insured, everyone would pay the equivalent of the fire services levy in some way so that it just was not insured households.

The Hon. J. H. JOBLING: You have made a major assumption that they are not a tenant or a share farmer or somebody that does not have insurance or does not own property?

Mr ASQUITH: No. It is through the rate system. You own property if you are being rated.

The Hon. J. H. JOBLING: If you are a tenant you do not own property. You are assuming that it will be passed on in equity?

Mr ASQUITH: Well, we have not tried to come up with the mechanism in detail. It is just inequitable at the moment that people who have insurance pay the fire services levy and everyone benefits from having the rural fire service.

The Hon. J. H. JOBLING: That would be very hard on some rural people.

Mr ASQUITH: Yes. Well, we see that there would need to be things that equalise those sorts of things.

Dr MESSER: We are well aware of social equity issues, but we are particularly concerned in the case of the fringe areas, of settlements where there is a lot of bushland, the financial responsibility is not equally distributed.

The Hon. J. H. JOBLING: It could be argued on a demographic basis, but I do not want to take that time now. My next question relates to fire trails, which comes out of your 1997 bushfire policy No. 18. In that document you suggested a number of things do not happen and that trails should be closed. Closing fire trails is a major problem, irrespective of the difficulty in which somebody is placed if they cannot get out because a trail has been closed. You argue that the authorities are not willing or are unable to maintain them in a safe and ecologically sound condition—that is a catch-all probability. You say that the fire trails do not play a substantial or strategic role in bushfire mitigation or suppression and that must intensely worry any firefighter.

Mr ASQUITH: The key things are that we are not advocating carte Blanche closure of trails. It is very specific to trails that do not have a purpose and are unsafe. When I was on the coordinating committee I saw any number of examples when fire crews got into trouble and were trapped on trails. That is what we are saying. Part of the role of the local bushfire committee is to get funding. We have concerns at a number of levels but, for example, if a trail is not maintained and is allowed to have timber collapse on it, wash away, a sheer lack of maintenance or what have you that may present a safety problem. Also if a trail is not part of the plan for control of fires in an area in many cases it is more of a problem than not.

The policy also does not preclude the building of trails. We often get comments made to us about people wanting to put in trails in different areas. It all comes down to has the strategic need for the trail been thought through? How does it fit in with the response plan? How will it be maintained? It is not carte Blanche closure of trails and people are trapped.

Dr MESSER: Trails are being evaluated and relocated in the light of better strategic understanding of how to fight fires, or if a trail has not got an active role in the strategic plan and is a problem insofar as there may be arsonists who comes in, or if it has a weed penetration problem, particularly in the forested areas and so forth. Trails that are not being used are better off being closed off but the strategic plan should provide the framework for that. A risk management plan is prepared by the committee virtually on a consensus basis.

(The witnesses withdrew)

DONALD LUSCOMBE, chartered accountant, and group captain, New South Wales Rural Fire Service Association, 64 Macquarie Road, Springwood, and

MARK ANDREW SWAYN, public servant, and group captain, New South Wales Rural Fire Service Association, 68 Bowden Street, Ryde, affirmed and examined:

KEITH ARTHUR HARRAP, fire control officer, New South Wales Rural Fire Service Association, 143 Galston Road, Hornsby Heights, and

SAMUEL STUART CLARK, solicitor, and deputy captain, New South Wales Rural Fire Service Association, 1 O'Connell Street, Sydney, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr LUSCOMBE: As the President of the New South Wales Rural Fires Association. I have served in that service for 23 years.

Mr SWAYN: Vice-President of the volunteers of the Rural Fire Service Association. I have served in that service for 33 years.

Mr HARRAP: Vice-President of the salaried officers of the Rural Fire Service Association. I have been a member of the service for 20 years as a volunteer and 12 years as a salaried officer.

Mr CLARK: I am a member of the Rural Fire Service Association. I have been a member of that service for 27 years.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr LUSCOMBE: Yes.

Mr SWAYN: Yes.

Mr HARRAP: Yes.

Mr CLARK: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr LUSCOMBE: Yes.

Mr SWAYN: Yes, I am.

Mr HARRAP: I am.

Mr CLARK: I am.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the committee would be willing to accede to your request and

meet in a confidential session. I should warn you that the Parliament may override that decision at any time and make your evidence public. Do you wish to make an oral submission?

Mr LUSCOMBE: The New South Wales Rural Fire Service Association is a body representing the volunteers and salaried officers of the New South Wales Rural Fire Service. It is a body that is recognised by both Government and Opposition alike, as was demonstrated by the 1998 annual general meeting of the association which was addressed by the Premier, the Leader of the Opposition, the Minister for Emergency Services and the shadow minister. Unlike the Rural and Volunteer Firefighters Association and others, the RFSA is not a confrontationist organisation, nor is it one that would, for the sake of self aggrandisement, refer to volunteers as the brown shirts. It is an organisation that prides itself on its ability to achieve change without confrontation and without creating animosity.

Our greatest achievement to date is the enormous increase in volunteer participation in the Rural Fire Service management where volunteers from across the State take part in the policy and management decision-making processes, something that was unheard of five years ago. The RFSA was established with the following objectives, namely to provide a forum for the consolidation and representation of the views of its members and as a focal point to assist the New South Wales Rural Fire Service in the development of the service. Politically the RFSA is a bipartisan organisation and seeks to find consensus among all major stakeholders of the Rural Fire Service in order to support its objectives.

In addition to its own forum of volunteers and salaried officers, it has also consulted with both sides of the New South Wales Parliament, the New South Wales Farmers Association and is currently taking part in a working party of government with the Local Government and Shires Associations. It is important to recognise that the RFSA is not a union and its constitution prohibits involvement in industrial activities related to negotiating terms and conditions for employees. In order to ensure equal representation of all geographic regions of the State, the peak body of the RFSA—our State council—provides for equal representation from every region of New South Wales. Thus the State council, the body that determines policy and elects the State executive, consists of four representatives from each of the eight regions.

The RFSA has now established branches in no less than 71 of the 142 rural fire districts, comprising some 46,000 volunteers. I table for your records a list of those branches and the numbers of volunteers registered in those branches. Seven of the eight regions are regularly represented at meetings of the State Council and steps have been established to enable participation of the final region. Six of the eight regions are also represented on the State executive. The RFSA strives to ensure that regional members have an opportunity to participate in the debates of its organisation. For that reason of State council meetings are open to all visitors and are conducted at regional locations around the State.

The RFSA actively contributes to the development of the Rural Fire Service through participation in a wide range of statutory bodies, committees and working parties. They include: the Rural Fire Service Advisory Council on which it has three members sitting; the bushfire coordinating committee on which it has one member sitting; the fire services joint standing committee on which it has one member sitting; the New South Wales Rural Fire Service corporate executive group on which it is represented by two people and the New South Wales Rural Fire Service technical, communication, training and community education

committees on which it has 16 members on each committee. The committee will find further information about participation in those committees in the RFSA submission.

Whilst the RFSA is still at a relatively early stage of its development, it has shown remarkable progress in providing the infrastructure and services required to support the needs of its members. The Rural Fire Service Association welcomes the opportunity to participate in this important inquiry. The RFSA is satisfied with the broad direction, government policy and recent achievements of the Rural Fire Service. However, no modern organisation can remain satisfied with its performance for too long because of the external environment in which it operates. It is constantly changing.

Furthermore, whilst the bush fire brigade movement is a century old, the New South Wales Rural Fire Service itself as an organisation is still at a relatively early stage of development. The RFSA recognises those circumstances and all of its comments and suggestions are made with that in mind. Even though there was a limited timeframe available, combined with the timing of the inquiry over the Christmas and New Year period, its response has been reviewed by a broad range of its members at meetings are conducted across the State. The RFSA State council, where all regional delegates are provided with an opportunity to participate, met twice on the matters arising from the inquiry. Special meetings were convened at Cobar, Gunnedah, Wagga Wagga, Queanbeyan, Rooty Hill, Blacktown, Campbelltown and Grafton, attended by a total of 400 people.

Broadly the issues identified by the RFSA fall into three main categories: funding, planning, and budget allocations; clarification of accountabilities; and improvements to the legislation. Whilst the budget increases over the last ten years or so are recognised and applauded, the RFSA believes that the Rural Fire Service is underfunded relative to comparable volunteer-based fire services and that an annual budget of approximately \$100 million is appropriate. The current processes used for allocating budgets to districts lacks structure and rigour. The RFSA supports the use of a risk management approach, combined with strategic planning to improve the equity and effectiveness of district funding. Auditing of district financial performance needs to improve. The current system of program charges does not provide sufficient incentive for savings.

In the area of equipment, the RFSA would like to place on record its increasing satisfaction with the improvements to the amount and quality of the firefighting equipment being supplied to rural fire districts. A number of issues remain however. They are: ensuring those districts with remaining petrol-powered vehicles have an opportunity to plan for their replacement; facilitating improvements to the basic design of vehicles through the RFS technical committee; improving communication to districts regarding the vehicle ordering and delivery details; better aligning the firefighting needs of a district with the equipment supplied through a process of risk assessment; and facilitating cross regional and district resource sharing of specialist equipment such as filler tankers, canteens, communication vehicles and so on.

In relation to the process of locally building vehicles, more work is required to ensure that there is a maximum possible flexibility for districts to do so; that designs are within the required specifications for roadworthiness and firefighting capability; that the true costs of local builds are identified to enable savings that are made to be retained by districts; and to ensure that other districts are not subsidising them. Concern has been raised about anomalies of State government purchasing requirements for four-wheel drive chassis compared to second-hand units. This is in an environment where second-hand units are nearly as expensive as new ones.

I deal now with dual accountability. The RFSA views the issue of the division of responsibilities between State and local government for the management of the Rural Fire Service as perhaps the most important issue facing the inquiry. In determining options to address the issue of dual accountability, the RFSA believes the following are important considerations. The connection to the local community is important. Local government has an important role to play. Stakeholders are demanding an increased input into the management of the Rural Fire Service. Options for change need to allow for zoning in those districts where it is supported, and performance improvements can be identified. Structural change will require a new budget allocation and financial management systems. Options for change will require a different management culture in the Rural Fire Service.

The RFSA has proposed four options for the future management of the Rural Fire Service. Each of these options provides for performance improvements over the current arrangement, although some are better than others. Also, each of these options have individual strengths and weaknesses that will need to be considered. In summary, those options are as follows. Option A. District personnel are employed by the service as State government employees. This option breaks the nexus with local government by having the State employ fire control officers [FCOs] and supporting staff but maintaining local government's vested ownership of brigade equipment and other district resources. Effectively, this option maintains all the current arrangements and responsibilities, with the exception of FCO employment. Capital assets and equipment remain the responsibility of local government.

Option B. District personnel again are employed by the service as State government employees, but with the addition of a local advisory council to act as an interface between the Rural Fire Service district and local government. Again, this option partially breaks the nexus with local government by having the State employ FCOs and supporting staff but maintaining local government's ownership of brigade equipment. The main difference between this and option A is the establishment of local advisory councils for each zone or district. The local advisory councils are designed to provide a local, structured interface between the operational responsibilities of the Rural Fire Service and the resources and infrastructure provided by local government.

Option C. Again district personnel are employed by the service as State government employees with the addition of a local management council to act as the management body responsible for the performance of the rural fire district. Option C breaks the line management nexus with local government by having the State employ FCOs and supporting staff, and ownership and management of zone resources and infrastructure vested with the local management councils. Local management councils will be statutory bodies established under the Rural Fires Act. The Minister for Emergency Services will appoint members to the local management council on the nomination of the proposing organisation. The commissioner will be delegated the responsibility for monitoring the performance of local management councils and making recommendations to the Minister. All zone or district staff will be employed by a single statutory body established under the Rural Fires Act.

Recruitment and selection of fire control officers and their deputies will be undertaken by the local management council with input from the New South Wales Rural Fire Service, and final approval by the commissioner. Recruitment and selection of other zone or district staff will be the responsibility of the local management council and the fire control officer. This option provides a combination of statewide control of the overall

performance of the New South Wales Rural Fire Service with implementation by local management.

Option D. The New South Wales Rural Fire Service becomes a State government instrumentality. This option is designed to completely break the nexus with local government. The management of all operations, staff, resources and infrastructure will become State government responsibility through the Rural Fire Service. As land managers, local government will retain its mitigation responsibilities. The New South Wales Rural Fire Service may provide mitigation support through the establishment of local service level agreements with councils.

Local governments may choose to use other service providers if they wish. In order to minimise costs the Rural Fire Service may elect to negotiate with councils to provide local administrative and personnel support by means of service-level agreements. Whilst the RFSA is yet to make a final decision on the matter, a general preference for option C, which you may recall relates to the local management councils being appointed, is what has been expressed by our membership as our general preference.

I deal now with the management of fire suppression. Primary responsibility for identifying appropriate personnel to manage fire suppression activities rests with bush fire management committees. Currently, to be a section 44 incident controller, an officer must be in possession of competencies equivalent to the National Fire Agency Competencies Operational Management and Incident Control System. The RFSA supports a review of the availability and distribution of officers with these competencies together with the provision of training to address any gaps. The RFSA supports the development of an appropriate competency framework to be applied to all New South Wales Rural Fire Service officers responsible for managing fire suppression activities. The RFSA supports the qualifications required for fire control officers and the transitional arrangements applying between 1 January 2001 and 1 January 2005.

I deal now with legislative issues. Following the implementation of the Rural Fires Act in 1997, the RFSA has a number of concerns about certain sections of the Act. The majority of our concerns revolve around what appear to be drafting errors, as there is a clear intent in many instances to simply roll over the provisions of the Bush Fires Act 1970. The sections about which we have concern cover the following issues: the powers of brigade officers; the powers of fire control officers; the powers of officers other than officers of rural fire brigades, or groups of rural fire brigades; backburning; authority to enter premises; co-ordinated bush fire fighting; powers of section 44 appointees; and the definition of a firefighting authority. In conclusion I would like to thank the Committee for this opportunity. We look forward to answering your questions.

Mr CLARKE: I wish to refer to a number of matters that have been raised in submissions in relation to the structure of the RFSA, which has been a hot issue. First, it was suggested that Commissioner Koperburg established it. That is not true. It was established as a joint exercise by FCOs and volunteers arising out of concerns that they had that they simply were not represented at any level of the service. Second, there has been a suggestion that people have been drafted because we do not try to individually recruit members. With respect, that is nonsense, having regard to the number of people in the service and the geographic spread. What we have done is quite simple. We have given every member of the service an opportunity to participate in a representative organisation. We have given them the option to vote in elections for delegates, to stand as delegates to their branches and at regional conferences—ultimately the State council—and to participate in the development of

the organisation's policies. There are no restrictions placed on any person. There is no requirement to participate. Indeed, there is no requirement to do anything with respect to the association unless a person wishes to take part in the organisation. It is entirely up to each individual and it is consistent with the approach that has been taken in other States through individual brigades belonging to the overall representative organisation.

It has been suggested that we are not representative. With respect, that is again nonsense having regard to the branch structure that we have been able to establish in the number of years we have been in existence. Those branches send delegates to the regional conferences which are operating in the regions. We send delegates to the State council. Over and above that, as you have heard from Mr Luscombe, there is an extensive consultation process in place when a specific requirement calls for that; for example, the preparation of a submission. I would suggest that no other organisation that has given evidence, or that will give evidence before this Committee, has anything like the level of representation or the level of consultation which this organisation has. We are not saying that it is perfect by any means. What we are saying is that it is better than the alternatives. If you compare it with the situation that existed prior to the 1997 Act and compare the level of volunteer representation within the service management structure, there is simply no comparison.

The suggestion has been made that we are somehow the tool or the toady of government or the service because the Government has contributed towards the running costs of the organisation. It is true. The Government has contributed the vast some of \$15,000 to the organisation to fund the calling of meetings, the bringing of delegates to meetings around the State, communications and the like. That is something like 40 per cent of the budget of the organisation, the rest of which has been raised through sponsorship or other activities. I add that there is no provision in the constitution for members to pay subscriptions or to be called upon to pay subscriptions.

Finally, it has been suggested that, because the organisation was unincorporated, that is, it was a voluntary organisation when it was first established and not incorporated as a company under the New South Wales incorporation legislation, it somehow prohibited or barred it from participation in the government consultative processes. You might recall from the RVFFA submission that this was apparently one of the respects in which the service or the Government had failed to comply with the law. As I am sure all members of this Committee would know, there is no requirement for that organisation to be incorporated before it can participate in the government process. Indeed, it is my recollection that most political parties, in particular, the Liberal Party, are non-incorporated associations. However, the Liberal Party seems able to play a fairly worthwhile role in government.

The Hon. D. E. OLDFIELD: Not so much in this State.

Mr CLARKE: Finally, I am reminded by Mr Harrap that, when taking into account the \$15,000 that this organisation receives from Government to fund its activities, it should be compared with the significantly larger amounts that are paid to similar organisations in the other States by their State governments to assist in the representative process—to ensure that the voices of volunteers are heard by the service and by respective governments. We are happy to answer any questions in relation to the organisation.

Mr SWAYN: I want to speak about an issue that was raised this morning by Mr Rheinberger and Mr Kemmis. With the greatest of respect, I have taken on board their views. In many instances their views about the current situation are correct. There is a huge degree of variability in funding and support across the State in terms of equipment, and the

support provided in the districts here and there across the State. There is a variability in the operational management expertise and its application across the State. There are differences in the dual accountability issues raised across the State.

They also made a number of comments that they did not believe they were getting the right vehicles to meet their needs. They expressed the view that they do not necessarily need large tankers in grassland territory. That is correct; I have no issue with that. But what they failed to mention was that all those decisions, all of that support, all of those final choices are currently the responsibility of local government. All of those points are the responsibility of local government. Yet their solution to this is to give local government total responsibility for fixing this. It seems to be an anomaly. It seems to be solving today's problems with yesterday's solutions. We are going back into the future. The proposal to split the State into two zones, if you like—a coastal zone and a western zone of rural fire services—would result, as I think an honourable member mentioned, in a doubling of bureaucracy. There would be 100-odd fire services west of the Divide with the incumbent problems that they raise. There would be a greater variability in the level of service provided to the community. Even west of the Divide it is not all flat country. The country out at Cobar is as different to the country around Wagga Wagga, and as different to the country around Moree and the like.

There is a reduced ability to resource manage and an almost inevitable pressure on the eastern Rural Fire Service to become part of the New South Wales Fire Brigade. It is totally untenable that one State would have three fire services. That kind of pressure to merge with the New South Wales Fire Brigade would lead to a mass loss of volunteers. As the Commissioner alluded to this morning, the proposal to merge the fire services would result in a mass loss of volunteers. The vast bulk of volunteers are from that eastern part of the State, in the area most at risk in terms of urban interfaces and the kind of catastrophic bushfires that occur regularly.

In our view, the option that the President has outlined is an imaginative and, we believe, workable solution to the kinds of issues that were raised by Messrs Rheinberger, Kemmis and others. It not only solves the current issues, it provides a workable, sensible and inclusive solution and a path for the future improvement of the Rural Fire Service.

CHAIR: In its submission the Rural Volunteer Firefighters Association said there is rampant cronyism and nepotism in the Rural Fire Service. Do you have any evidence of that?

Mr LUSCOMBE: No.

CHAIR: Have you discussed option C with the Commissioner and, if so, is the Commissioner in favour of it?

Mr LUSCOMBE: Yes, we have discussed it with the Commissioner and other organisations, including the New South Wales Farmers' Association. The indications are generally in favour of our option C. They do not have too much of a problem with it.

CHAIR: In your submission you have proposed amendments to the Act. There is nothing in your submission along the lines of that proposed by the New South Wales Farmers' Association to water down environmental provisions of the Act. Do you not favour that proposal?

Mr CLARK: We would be in favour of supporting the existing provisions. There are certainly implementation difficulties in terms of getting people sufficiently aware of the requirements, for example, proscribed burns. However, we see the implementation of those provisions in the Act as the inevitable way forward in this State and this country. We are committed to making them work. It is as simple as that.

The Hon. J. R. JOHNSON: Do you have a register of your members?

Mr CLARK: No. When the organisation was established, we realised that if we tried to centralise the bureaucracy and duplicate the Rural Fire Service's own record keeping at a district level we would spend all our time running an organisation of 70,000 people trying to keep track of changes of names and addresses. As we hope we made clear from the beginning, we are all actively involved in the service. Rather, we decided to use as the register, if you like, of the people who are entitled to participate in the organisation the records that are maintained at the district level.

The Hon. J. R. JOHNSON: Like mass baptism?

Mr CLARK: Exactly. Please do not get us wrong. We do not say that we speak for 70,000 people. What we say is that we are an organisation that has effectively established a mechanism for capturing and ascertaining the views of a significant number of people across the service through a representative structure. We do not say that everybody holds the same views as we have expressed. We say that the views we have expressed are those that have been endorsed by a majority and, in this case, a significant and substantial majority of the delegates who have come up through the system. That is all we are saying. We are not trying to say anything more.

The Hon. J. R. JOHNSON: You would consider yourselves members of the New South Wales Rural Fire Service Association. Are any of you members of the Rural Volunteer Fire Fighters Association of New South Wales?

Mr CLARK: Yes. As a matter of fact, I am. I was intrigued by the organisation and the claims that it was making. I applied for membership and was admitted to membership on 7 February 2000.

The Hon. A. B. KELLY: You are one of the recent ones they were talking about.

Mr CLARK: Indeed. I would be happy to table a membership card, a receipt and a letter of welcome I received. I was intrigued to note that the membership number on the card that was signed by Mr McClain, who gave evidence earlier today, and issued to me on 7 February this year was 541.

The Hon. A. B. KELLY: Not 941?

Mr CLARK: 541. I will table that card. I might say that colloquially we understand that a number of members of this organisation or a number of people who are active in the Rural Fire Service Association have taken the same course as I have and joined. I am not sure how many of the members they claim have joined on that basis.

The Hon. D. E. OLDFIELD: From your answer to the question by the Hon. J. R. Johnson, do I gather that the numbers against these various branches are not

representative of any lists you have, they are simply the members of the bush fire brigades relevant to the various areas?

Mr CLARK: Absolutely. We want to make that perfectly clear. We are not asserting that every one of those persons is a signed-up member. We are saying that is the number of members in the service in areas where we have a presence and where delegates are coming from.

The Hon. D. E. OLDFIELD: How much was your membership fee to the volunteer group?

Mr CLARK: To the Rural Volunteer Fire Fighters Association I paid \$5.

The Hon. D. E. OLDFIELD: There are some areas, such as Harden, Junee and Lithgow, which do not seem to have any registered membership at all. What is the story there?

Mr CLARK: Harden and a number of those shires are zoned together. This is a list of individual districts.

The Hon. D. E. OLDFIELD: Are Harden and Junee with Boorowa?

Mr CLARK: Yes. I think you will find that Lithgow is Greater Lithgow.

The Hon. J. H. JOBLING: For clarification purposes: The Commissioner raised the number and in your own executive summary you say, "... body established in 1996 to represent the 70,000 volunteers and salaried district officers." Evidence was presented to us—which it was suggested came from a 1998 report of a government committee, the Council on the Cost of Government—that there are only 35,000 members. In November 1999 it was suggested that it may be about 28,500. What is the real number that we should deal with?

Mr LUSCOMBE: I think the numbers that are presented through that government body are, in fact, the number of trained volunteers in the Rural Fire Service.

The Hon. J. H. JOBLING: Is that an assumption you are making or do you know that for a fact?

Mr LUSCOMBE: I cannot say that I know it for a fact, but I think that is the case.

The Hon. A. B KELLY: That is the number of trained people.

The Hon. J. H. JOBLING: I understand that. I want to know what the real figure is.

Mr LUSCOMBE: That is people who have gone through a training course. The numbers that the Commissioner gave this morning, which was some 69,000, are, to the best of my knowledge, the numbers presented by local government, which is responsible for maintaining the registers of membership.

The Hon. A. B. KELLY: That is the number that local government wants covered by workers compensation.

The Hon. J. R. JOHNSON: It was 69,946 in total and 46,675 of actual firefighters.

The Hon. J. H. JOBLING: Is it possible for you to try to ascertain the actual number? Your submission quotes 70,000. I would like to be sure of the real figure we are dealing with.

Mr HARRAP: I suspect the figures that the Commissioner was quoting are based on the 1999 training register return, which are figures provided to the service by local government.

The Hon. J. H. JOBLING: Your executive summary is clear: "The RFSA is a body established in 1996 to represent the 70,000 volunteers and salaried district officers of the New South Wales Rural Fire Service."

Mr HARRAP: That is correct.

The Hon. J. H. JOBLING: Is that figure accurate?

Mr HARRAP: I think the figure that was quoted this morning by the Commissioner was 69,900. For example, if you look at this document and take Castlereagh, the first region on the summary page, there are 6,304, of which 4,003 are active firefighters. The rest are the support people.

The Hon. A. B. KELLY: They are either members of the brigade or trained firefighters.

The Hon. J. H. JOBLING: I accept that. I am trying to work out the real numbers.

Mr LUSCOMBE: Through you, Mr Chairman, we ask what do you mean by the real numbers? Do you mean the number of active members, support members, trained members?

The Hon. J. H. JOBLING: I would be looking for the number of active members.

The Hon. A. B. KELLY: Does that include trained firefighters or active members who participate in the Rural Fire Service?

The Hon. J. R. JOHNSON: Such as the canteen workers.

The Hon. J. H. JOBLING: Canteen workers are not specifically trained as active fire fighting members of the brigade.

Mr LUSCOMBE: Can I suggest that the best source for that information is the Commissioner?

Mr CLARK: I would like to clarify one thing that Mr Oldfield mentioned. The 46,000 on that list that have been tabled by us is in relation to where we have branches. That does not purport to be the number of firefighters across the whole State. That is restricted to the number of people who are listed on council returns in relation to those districts where we have a presence. That is about half of the whole State.

The Hon. D. E. OLDFIELD: How do you get to have a presence? How do you start a branch? Does someone ring up and say, "I want to start a branch"?

Mr CLARK: No. The process has been to identify people in the district who are willing to get the process rolling. It varies from district to district. Essentially what is involved is calling together a meeting of the people in a district. Not everybody turns up but those who are interested do. Then they go through the process of electing a branch executive, then elect delegates and send those delegates to the regional conferences.

The Hon. R. T. M. BULL: I want to ask you some questions about your options. You say that option C is the one preferred by most of your members. However, you have not recommended in your submission the fact that your association supports it. I guess that is semantics. Why are you promoting this change? The change that you are promoting in option C is not supported by others who have made submissions today, nor is it the status quo. What good reason can you offer that we should seriously look at option C, or any change for that matter? Option C is basically taking away the FCOs and putting them under the umbrella of the Government, or salaries anyway?

Mr SWAYN: Two points to start off with. The reason we have not recommended a preferred option to date is because of the brevity of time between the announcement of the inquiry, it is the middle of the fire season—the Christmas and New Year period—we have to deal with a number of people and we have to conduct two State councils. We need to consult more broadly on all of the issues before we come to a recommended solution on the part of the association. We do not drag on proposals through the association. We are a consultative body. To get out to that number of people takes some time before we come to the final solution.

The second issue is that the presentation by New South Wales Farmers this morning was very much in favour of this option, in that the local management council, or whatever you call it, is the body responsible for the effective management of the provision of rural firefighting services in a district or a zone. If three current districts are joined together into zone the constitution of that local management council would consist of a volunteer from each of the districts, a local government representative from each of the districts, representative from New South Wales Farmers, a community representative from each of the districts and an ex officio member of the Rural Fire Services acting on behalf of the commissioner. We support this option because it does a number of things.

Dual accountability strikes at FCOs and goes to the heart of the effective management of the Rural Fire Service as it stands in almost every matter. It ranges from the trivial—the commissioner gave an example this morning that a general manager stopped the distribution of information because it purported to be propaganda—to the quite substantial where significant resource decisions are made on the basis of political expediency. There is not only that. The service can never hope to micromanage a State as large and diverse as this one from Rosehill. We recognise that, and I think that most people recognise that. We took the view that we should look at a system that provides overall direction to the service in the

development of standards, in the development of appropriate performance criteria, in the development of policies and direction.

But how can we estimate its management at the local level, recognising that the way in which we fight fires in Cobar this differs from the way in which we fight fires in Kyogle, and we have different volunteers in Cobar compared to, say, Hornsby. There is a different rationale. The commissioner is responsible for providing direction, guidance and advice in that matter from the Rural Fire Service Advisory Council. If you like, he establishes targets. How those targets are delivered is totally the responsibility of the local management council. The fire control officers are, effectively, the chief executive officers of the local management council, provided they stay within government guidelines in terms of purchasing or financial management, human resources, equity issues and those sorts of things.

The Hon. R. T. M. BULL: So you would have only one FCO for each council?

Mr SWAYN: If it were a local management council for a district it would be a fire control officer. If it were for three joint districts it would be the zone commander. But there would be inspectors, if you like, in the other three districts. In summary, we believe that this provides the mechanism to provide overall direction and goals and targets for the service to maintain, it provides a real mechanism for local management and implementation at the local level. The commission then has a responsibility to make sure that those districts or that the local management councils have met their targets at the end of an annual reporting period or something along those lines.

The Hon. R. T. M. BULL: Is this theme coming through in your country meetings?

Mr SWAYN: Yes. In fact, in all of those meetings we have conducted over the January period all of those meetings supported option C as being the preferred option.

The Hon. R. T. M. BULL: The local management council would be involved with and in charge of equipment distribution or ordering?

Mr SWAYN: Yes. In fact, a volunteer member said to me, "Okay. The executive of our brigade consists of a president, a secretary, the treasurer, a captain and deputies?" And I said, "Yes." Then he said, "They are responsible for organising the training, the maintenance of the truck and making sure the shed and everything is all okay"? And I said, "Yes." He said, "When the fire starts, responsibility is totally the captain and the deputy captain, is it not?" And I said, "Yes." And he said, "Well, this is like a big brigade." And that is basically it. The local management council is responsible for making sure that all the infrastructure is there, ready and operating so that when the fire starts the operational people have all the tools and everything they need to do what they have to do.

The Hon. R. T. M. BULL: At what category would the local management council or the FCO be engaged? Would it be at level two?

Mr SWAYN: Are you talking about class of fires?

The Hon. R. T. M. BULL: Yes.

Mr SWAYN: This would be exactly the same as it is now: The principles of co-ordinated firefighting would be as they are now.

The Hon. R. T. M. BULL: At the moment Rosehill does not become involved until it is a section 44.

Mr SWAYN: The role of the bushfire management committees would remain as it is. They would be responsible for making sure that the operational plans are in place, that the section 44 nominees are nominated and that when a fire has escalated from class two to requiring an appointee that the nomination go to the commissioner, as it does now.

The Hon. R. T. M. BULL: Do you see your model as decentralising Rosehill, or cutting out some of the bureaucracy in Rosehill?

Mr SWAYN: Rosehill gets out of micromanaging or attempting to micromanage, and gets into more the facilitation of making sure that standards are in place, making sure that service policies are comprehensive and making sure that things like the various standing committees are working and those volunteers and stakeholders are working, establishing the direction. But the actual doing is the responsibility of the local member councils.

The Hon. D. E. OLDFIELD: What did you think of the fire truck we saw?

Mr LUSCOMBE: Although the truck may provide additional protection for firefighters, we would have to purchase somewhere in the vicinity of three times the number of trucks we have today to get the same amount of people to the fire ground.

The Hon. D. E. OLDFIELD: I noticed that it seemed to carry only two people.

Mr LUSCOMBE: It seems to carry only two. It also carries 500 litres less firefighting water than our current vehicles. I think it is probably unworkable.

The Hon. D. E. OLDFIELD: Do you see any relationship for future design between what you need and the sort of thing they are trying to put together, which is obviously like an armoured firefighting vehicle?

Mr LUSCOMBE: I think that the designs of the trucks at the moment are moving in the right direction. Whether we would ever want to go and have a look at that, I cannot say.

The Hon. A. B. KELLY: Could you inform the Committee how many members consulted in the preparation of your submission?

Mr LUSCOMBE: Some 400, plus state council.

The Hon. A. B. KELLY: I note that you put out a media release recently concerning the meeting you had with the Coalition spokesman on emergency services, the Hon. Duncan Gay. Could you elaborate on that meeting?

Mr LUSCOMBE: Only to the extent to say that what we indicated in that press release was the impression that four of us left with.

The Hon. A. B. KELLY: Could you table those media release?

Mr LUSCOMBE: Yes, we can, if you would like us to. I do not have it with me, but I can supply it.

(The witnesses withdrew)

(The hearing adjourned at 5.23 p.m.)