

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 5

INQUIRY INTO THE NEW SOUTH WALES RURAL FIRE SERVICE

At Sydney on Friday 24 March 2000

The Committee met at 10.00 a.m.

PRESENT

The Hon. R. S. L. Jones (Chair)
The Hon. R. D. Dyer
The Hon. D. J. Gay
The Hon. J. R. Johnson
The Hon. M. I. Jones
The Hon. A. B. Kelly
The Hon. C. J. S. Lynn

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CHRISTOPHER PETER VARDON, President, Shires Association of New South Wales, 215 Clarence Street, Sydney, and

WARREN IRVINE TAYLOR, Manager Advice and Development, Local Government and Shires Associations, 215 Clarence Street, Sydney, sworn and examined:

KENNETH ROY GALLEN, Vice President, General, of the Local Government Association, 215 Clarence Street, Sydney, affirmed and examined:

CHAIR: I welcome the media and members of the public to this meeting of General Purpose Standing Committee No. 5 for its inquiry into the Rural Fire Service. Members of the media, I advise that under Standing Order 252 of the Legislative the 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. Copies of guidelines governing the broadcast of the proceedings are available from the table by the door.

Members of the public, I wish to advise you that committees are regarded as extensions of the Legislative Council, governed for the most part in their proceedings by the same rules as those which prevail in the House. While the Committee welcomes members of the public to view these proceedings, you should observe the same courtesies as are expected of the public when the House is sitting. Members of the audience are required to refrain from any interruption to proceedings or discourtesy to the Legislative Council, particularly any interjection or demonstration of support or dissent in relation to these proceedings.

Gentlemen, did you each received a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr VARDON: I have.

Mr GALLEN: I have.

Mr TAYLOR: Yes.

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

Mr VARDON: I am.

Mr GALLEN: I am.

Mr TAYLOR: I am.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents which you may wish to present should be heard or seen only by the Committee, the Committee would be willing to accede to such a request and resolve itself into confidential session. But 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 VARDON: I would like to make an opening statement. I first apologise for my colleague the President of the Local Government Association of New South Wales, Councillor Peter Woods, who is unable to be in attendance today. I will give a quick overview of the Local Government and Shires Associations submission to the inquiry. Some time ago the Shires Association of New South Wales put out a discussion paper for councils that belonged to the Shires Association to talk about their particular view of the Rural Fire Service because we had been informed by our member councils that there was a deal of unrest about a number of matters concerning the Rural Fire Service. That discussion paper was issued in February of last year. Then in June of last year at the Shires Association conference, which was held in Sydney early in June, the Shires Association passed a motion which was subsequently similarly passed by the Local Government Association that there should be a full public inquiry into the Rural Fire Service.

The reasons for that were numerous but the most significant reason was the dual accountability of fire control officers [FCOs] to the Rural Fire Service and to general managers of councils. For all matters relating directly to fire it was clear that the FCO must be accountable to the commissioner. However, matters of council policy, administration, management of volunteers, managing the fleet, managing the issue of protective clothing,

giving advice about fire risk, and attending training were all duties for which the FCO should be accountable to the general manager of council. We had a number of other concerns as well -- concerns regarding equipment, training, and volunteerism within the movement. These have all been discussed widely by our member councils. We have disseminated some information from them.

Subsequent to the Shires Association conference the Minister announced that, while a wide-based public inquiry would not be appropriate, he would undertake a forum of a Minister's working party consisting of the Rural Fire Service, the Shires Association, the Local Government Association, and the Volunteers Association, and independently chaired by the Director of the Office of Emergency Services. We have participated in that working party and have put a number of concerns to it. When this parliamentary standing committee inquiry was set up we provide written evidence to it, which we are now happy to take questions on if you so wish.

CHAIR: We have had differing evidence on dual accountability. Some councils wish to retain the fire control officers within their employ. Other people say that it is very confusing having a dual accountability role. Can you see it being possible that some councils will choose to employ their fire control officers yet others may allow theirs to be controlled by the Rural Fire Service? Or do you see the possibility of all of the fire control officers being taken over, as it were, and employed by the Rural Fire Service?

Mr VARDON: At the moment I can see all three of those situations occurring.

CHAIR: Which do think is most likely?

Mr VARDON: I believe that many councils in New South Wales believe that fire control officers should continue to be under the control of councils. Some councils would gladly give over the whole responsibility provided, of course, the whole responsibility for the equipment, the training, the payment thereof were also taken over by the Government. Our submission is based on fire control officers coming under the control of local councils. Only in the case of emergencies should fire control officers be responsible directly to the commissioner. That is the basis of our written submission.

CHAIR: Apparently there is a proposal for about 12 of the fire control officers to be employed directly by the Rural Fire Service. Do you see that option being acceptable, some employed by the service and some not employed by it?

Mr VARDON: That would bring a situation which could loosely be described as schizophrenic. It would probably be to the disadvantage of the service and away in which it is managed throughout New South Wales. It is very possible that under those circumstances there would be conflict in regard to how brigades should be managed, how they should be equipped and how volunteers should be trained. I think it would be an almost untenable and unworkable situation.

The Hon. C. J. S. LYNN: On the issue of fire control dual accountability, I raised a submission last week but I would like to raise it with you because it is about command and control. I would like your comments on it. The relevant parts read:

Because of the problems alluded to regarding the voice of the volunteers in the Rural Fire Service management the proposal that the fire control officers and possibly deputy fire control officers be removed from local government management for appointment and employment is strongly opposed. Even if the recommended changes allow for better representation of volunteers, the fire control officers should remain firmly under local government control and appointment. The main reasons for this stance is to do with knowledge of local conditions and ratepayers' needs and expectations, which are best articulated by the people elected to represent them, the shire councillors. It is also a supplementary way of ensuring that consensus views of volunteers are included in local bushfire management matters rather than simply those of a coterie of those to whom the fire control officer chooses to listen and or consult.

There are perfectly workable models of handling the apparent dichotomy of the present shared arrangement. The army support services model provides for support of a given force by allocating appropriate resources to the force commander. These services, however, take their technical direction from their respective service chiefs. The support service adviser, therefore, works according to the commander's wishes but within the technical parameters laid down by his service chief. Whenever there is conflict there are mechanisms for resolution, usually by higher authority. However, many in these positions regard it as a mark of personal failure if they are unable to satisfy the demands of the commander. The fire control officers' position is directly comparable: they are there to support their local councils and obtain their technical guidance from the Rural Fire Service organisation.

If a command and control operation such as this can work in the heat of battle in war why can it not work under normal circumstances with the Rural Fire Service? I would ask you to comment on that, gentlemen.

The Hon. A. B. KELLY: Mr Chairman, I have a comment to the present witnesses and those to come. It does not necessarily referred to the question just asked but if witnesses would like to take questions on notice and provide us with information at a later stage that is quite acceptable. You may wish to partly answer it now and provide additional information later. There is no problem with that.

Mr VARDON: Thank you for that. I tried to listen fairly carefully to what Mr Lynn was saying. One of the things we would wish to avoid is any form of schizophrenia in management of these issues. Another thing that we in local government are most concerned about is the ability of the commissioner to bring in somebody during an emergency who may not have knowledge of the terrain and the people with whom he is working during a fire. That may cause conflict as well. Unfortunately, I was not able to take in everything that you were saying, Mr Lynn, so I would prefer to provide a written answer to that question a little later.

The Hon. C. J. S. LYNN: Supplementary do that, when you were talking about the command and control of a fire being looked after by the fire control officer at the local level but handled by the Rural Fire Service in an emergency, were you talking about a section 44 fire emergency?

Mr VARDON: I was, yes.

The Hon. R. D. DYER: Councillor Vardon, you have used the term "schizophrenia" more than once. Are you arguing against dual accountability? Before you respond, I advise that a Mr Scanlon gave evidence to this inquiry when it sat in Lismore to the effect that the relationship between the local Rural Fire Service and Coffs Harbour Council was so unsatisfactory that he thought there should be a total severance from local government, at least at that local level. Could you clearly indicate to the inquiry what the Local Government Association is arguing for regarding the dual accountability?

Mr VARDON: The Local Government Association's position is clearly indicated diagrammatically on page 3 of our written submission. We believe that the local council should in fact employ the fire control officer on staff and that the local council would manage all fire activities except emergencies. In other words, we would have control of the fire control officer and his deputies and any council fire staff, and consequently have control of the volunteer fire brigades. We also believe that the commissioner should have control during emergencies, on advisory services and co-ordination of fire risk management, plans, service standards and the like, which are clearly indicated in our written submission.

The Hon. R. D. DYER: Continuing the schizophrenia metaphor, it is sometimes referred to as a disorder rather than a split personality. Do you think that if the model you were suggesting were to be adopted there would be a fundamental splintering of responsibility across the State among numerous local government authorities and that it would break down the centralised and efficient response that perhaps some of us would argue has developed over recent years?

Mr VARDON: My answer to your question is no, I do not believe that would be so. We in local government are vitally concerned that there should be single accountability, that we should ensure that the service is run as efficiently as possible, without introducing yet another tier of governance and by making sure that there is some democratic form of control over the issue. Obviously, if a council has control, it has the democratic processes whereby people in its community can advise councils on how they would like to see the fire service in their particular area organised and run.

CHAIR: Councillor Vardon, you will be provided with a copy of the transcript, which you will be able to use for the purpose of answering questions on notice and providing further clarification or information if you wish.

The Hon. D. J. GAY: You have dealt with two main areas, one of which is dual accountability, which has been dealt with in detail. The other is the concern of the volunteers. It has been said in other places that you do not have a volunteer bushfire service without volunteers. In your summation, are there particular areas that can be addressed by this Committee to address the concerns of the volunteers and ensure that we keep volunteers, particularly farmer-type volunteers as you described them, within the service?

Mr VARDON: I think that is a very good question. I think that volunteerism is an issue that we all must be extremely concerned about. I believe that worldwide there has been a diminution, if you like, of volunteering for many things. One has only to look at what is happening in service clubs, for example. Therefore I would encourage this Committee to say to the Government that it believes that funding ought to be provided to enable volunteers to be encouraged to come forward in the service. I believe that much of the work that is currently being done, particularly with junior brigades et cetera, is very important and needs to be

boosted. I believe that if this Committee were to make suggestions to the Government along the lines of boosting funding towards the education of young people to be part of this very fine volunteer movement, you would have done something which would be useful for generations to come.

The Hon. D. J. GAY: You also dealt with the adequacy of representation, which is crucial in relation to volunteers having a voice. The concern I have heard is that the volunteers' voice is not getting through.

Mr VARDON: I believe that there is an element within the whole service that believes the volunteers' voice is not getting through. I think that that can be adequately achieved through representation through the elected representatives at council level, and it also may be possible of course that the various advisory committees to council, and indeed to the Rural Fire Service itself, could have a few more volunteer representatives on that. I believe that perhaps there has been an overemphasis on the lack of volunteers in this particular organisation. I do not know that the facts and figures actually prove that there has been a great diminution, and there may be other reasons why volunteers have reduced. For example, it may be that in particular council areas there is a move away from those areas anyway, which is happening in many rural areas. However, I believe that if we want to, firstly, get better representation and, secondly, get more volunteers into the organisation, we must find a way whereby younger people are encouraged to come into the movement. I believe that that is something that ought to be looked at at the highest level and encouraged, and if it needs to be funded, so fund it.

The Hon. M. I. JONES: Comment has been made about land-holders having the inability to use their own equipment in the first instance at the scene of a fire. Could you expand on that? Surely, if one is confronted with a fire, one would use one's own equipment in the first instance. Why is there a prohibition on this?

Mr TAYLOR: We do not have a lot of information on that. You must bear in mind that we are not directly involved in fire activities ourselves, but we rely on the advice and comments received from our member councils, that is, in respect of both associations.

The Hon. M. I. JONES: But it is mentioned in your submission?

Mr TAYLOR: It is mentioned in a submission, but it relies on correspondence that has come from individual councils. The general drift of what those councils are saying is that there ought to be a little more incentive for rural fire equipment to be available in more remote areas, so that they can be used for the fighting of fires without the distance problems of going to the local brigade area, obtaining the equipment, and rushing back to the fire that they have already passed on the way.

The Hon. M. I. JONES: I am sorry, but that answer contradicts the claim in the submission, which infers that privately owned equipment cannot be used. You are saying that Fire Brigade equipment should be made available. There is a difference between the two.

Mr TAYLOR: I will take that on notice, if I may.

The Hon. J. R. JOHNSON: Councillor Vardon, do you believe that the service locally should be subject to any interference by the elected councillors, as distinct from the fire control officers?

Mr VARDON: Elected councillors have a duty to ensure that the finances of their council are properly accounted for and properly expended. Obviously, where a council is putting funds towards the service, elected representatives should indeed have some say and control over that, through the general manager and the budgetary processes. Of course, a general manager of a council, as you are aware, is now required by law to provide councillors with budgets which now have to go out for public consultation through the draft management plan that has come in through the 1993 Local Government Act. Councillors therefore have some form of control, and must have that form of control.

Actual day-to-day interference by councillors in any form of the management of a council, in my opinion, should not occur. Councillors should set policy, and general managers should then be responsible for the way in which that policy is administered through the council. If councillors are unhappy with that, they then deal with that through the proper processes with the general manager. But with regard to actual day-to-day interference by a councillor going to a fire control officer and telling the fire control officer how he is to operate, I would think that that would be quite abhorrent.

The Hon. J. R. JOHNSON: In your submission use state that land-holders are now compelled to leave their firefighting equipment at home and wait for outside help. Presumably, this refers to fires that start on the landowners property?

Mr VARDON: Yes, I would think that that would refer to that. It is an area that, I must admit, I am not particularly au fait with, so I might have to take that general line of questioning on notice.

The Hon. J. R. JOHNSON: Councillor Vardon, are you aware that the service actually encourages the use of privately owned equipment for firefighting purposes and that there is no restriction on the use on the landholders' own property?

Mr VARDON: I can answer that by saying that I recently heard the Minister confirm that particular line at the conference that I heard him speaking at about two weeks ago. There is a good deal of misinformation that goes around communities, as you know, about a whole host of things. In my opinion, the Rural Fire Service, like councils and government, very often suffers from the fact that people are not educated in the real facts, and quite a lot of rumour et cetera, rather than the true matter, often becomes the fact. As I said, I have heard the Minister indicate exactly as you indicated then. It was certainly news to the group who were listening to the Minister, and was immediately swooped on with glee by many of those listening.

The Hon. D. J. GAY: Do you have any idea what form that encouragement takes? Is there any material form to that encouragement, for example, any financial help? I provide my own four-wheel-drive fire truck where I had not had any help from the Minister, but I am not allowed to take it off my property. That flies in the face of the position as I understand it. Of course, the fire truck is unregistered.

The Hon. J. R. JOHNSON: May I ask a supplementary question. Are you aware that streamlining procedures have also been put in place to permit such equipment, if unregistered, to travel on public roads where necessary for firefighting-related work?

The Hon. D. J. GAY: If one has a pink slip.

Mr VARDON: That was certainly stated by the Minister in the same talk. As I said, many of the people listening to it swooped with glee on that particular information. It is not something that I believe people in the firefighting community have known or understood at all. In fact, I would think that most people believe that they can certainly use their unregistered vehicles or any vehicles on their own property, but very few of them are under the impression that they can actually take them out onto public roads.

Mr TAYLOR: The association in its weekly circulars has made a number of statements to member councils to clarify that situation and to bring it to their attention. I am not sure of the precise details from memory at the moment. But certainly it is an issue in respect of which there has been a fair bit of representation to us, and from us to the Rural Fire Service, and the outcome has been made known to councils. Maybe they do not understand it, but certainly there has been an involvement.

The Hon. D. J. GAY: Regarding Crookwell and a pink slip, one used to be able to have a truck tested in Crookwell, but now one cannot.

The Hon. A. B. KELLY: There are some questions and answers on the issue of what vehicles could be used, the pink slip and so on. Has your council circulated those documents to all brigades? We have heard that some councils have withheld them from the brigades because they believe them to be propaganda. I am not suggesting that your council has done that. Have you actively distributed the documents to your brigade?

Mr VARDON: I understand that my council has done so. I understand also that other councils may not have distributed the document. Much paperwork often does not see the light of day, but that is no excuse. I would think that most councils that received the information would ensure that it was dealt with appropriately.

The Hon. A. B. KELLY: To follow on your earlier discussion about volunteers, do you think the significant increases in funding for the RFS over the past five years have helped volunteerism in the rural fire service? Have you talked about junior brigades? It is the first time that I have heard them mentioned.

Mr VARDON: I do not believe that organisations from Apex, to Lions, to Rotary to Quota, to View Club or whatever actively pursue recruiting new and younger people. I believe the rural fire service in some areas of the State has been exemplary in managing to encourage junior members to join their fire brigades. They have trained them and many brigades enter competitions. For example, in my shire recently some 300

young people under age 16 or so came from all over the State to take part in a day of competition, which was held in Batemans Bay. A junior brigade from Cobar won that competition.

From what I saw—and I spent a day watching the competition—young people were being trained in a way that I have not seen for a long time; in fact, probably not since my cadet days at school. Those young people were doing a first-class job and they obviously derived great enjoyment from the day and made many friends. Many youngsters whom I spoke to said that they would retain a lifelong interest in the rural fire service as a volunteer. That activity seems worthy of pursuit, and I was most interested to hear that it is receiving a small amount of funding. If we wish to see the rural fire service continue—and we do—we must make as many encouraging moves as we can. It must be recognised and funded at government level so that more people can join the junior brigades and start a lifelong commitment to what is clearly an excellent service.

The Hon. M. I. JONES: Judging from the evidence that we have received from the New South Wales Shires Association about dual accountability, some shires clearly believe the FCO should be accountable to councils while other shires feel that he should be answerable directly to the commissioner. I am sure also that one or two councils do not have a specific opinion either way. Could you advise the Committee—perhaps you should take the question on notice—of the percentage of members who would prefer direct accountability to the commissioner and those who would prefer direct accountability to the local shire councils?

Mr TAYLOR: I can provide some information about that. We formulated a survey discussion paper in January 1999, which was discussed by all councils across the State in a series of division meetings of the Shires Association and of the Local Government Association. About 140 of the 177 councils responded to that survey and, of those, from memory, about 15 councils said that they would like to hand the whole show, including the financial aspects, back to the RFS. Those councils said that they would like to be divorced totally from that issue. That was their opinion as of about March last year, but we have no idea what the figures are now. We know that several councils have said—someone mentioned Coffs Harbour—that they want to hand back the process to the RFS. May be they would contract it out; I am not sure what process they are thinking of. We cannot give the Committee any idea at present of how many councils feel that way. We hope that we will learn more from recent comments by councils. However, numerically, very few councils have said that they feel that way.

The Hon. A. B. KELLY: Do you think the dual accountability issue has been overexaggerated?

Mr VARDON: No.

The Hon. A. B. KELLY: For example, members of Parliament are accountable to several people: they are accountable to their party, to the Parliament, to their preselectors, and their Whips and have an overarching accountability to their family members. No-one is responsible to only one person in day-to-day life.

Mr TAYLOR: In local government, the general manager is responsible for implementing the day-to-day activities of that organisation and all staff are accountable to the general manager. There is one exception: the FCO is accountable to the Minister for some activities, which may consume about 80 percent of the FCO's working life.

The Hon. A. B. KELLY: That is my point: they are definite activities. For example, in his day-to-day administrative activities, the FCO is accountable not to the commissioner but to the general manager. When it comes to fire issues, the FCO is accountable to the commissioner. When I go home, I am accountable not to my party Whip but to my wife—a different kind of whip.

Mr VARDON: I am glad to know that your situation is similar to ours.

The Hon. A. B. KELLY: I am a little confused about that issue sometimes.

Mr VARDON: Local councils have a great deal of difficulty accepting that, when the general manager wishes to have contact with the FCO, he may be elsewhere performing other duties that the rural fire commissioner has asked to do. For example, you might want an FCO to make an immediate comment about a development application that has come before the council, seeking advice about fire risk and so on. Control must be delineated clearly. It is very important that we do not create situations in which the dual accountability question continues to hover. We must ensure that that does not happen. In my opinion—which I think is shared by most member councils—we also need to make sure that we do not introduce another tier of governance.

The Hon. C. J. S. LYNN: Could a group or regional councils come together to look after the operational and administrative requirements of the fire control officers in that region? We have received evidence from fire control officers who have not been able to get along with their councils; they do not feel that their councils take any notice of them or support them in any way. For example, there may be rogue councils across the board. If the council was responsible for everything but the commissioner felt that it was not preparing its area adequately, what system would you put in place to bring that council to order?

Mr VARDON: That is a very good question. I will take it on notice and think it through.

The Hon. C. J. S. LYNN: Could you comment about the regional issue?

Mr VARDON: A number of councils have decided that, between them, they will employ one fire control officer and one deputy control officer. That arrangement appears to be working relatively satisfactorily. There has not yet been a blow-up in that situation. I believe we would all be extremely happy and much better served if we could ensure that management responsibility lies clearly with one party or the other, that the service required is given properly to the community and that it is answerable to the local community, who could determine at what level it wanted the service provided.

The Hon. R. D. DYER: Councillor Vardon, do I take it from your response to that question that the Association supports, at least in general terms, the concept of zoning the operations of adjacent rural fire services?

Mr VARDON: We have not yet received a definitive answer from our member councils to that question. I hate to use the word "schizophrenic" again, but obviously councils have many models in their minds about what they would like to see in respect of the rural fire service. Many options have been put to councils; some support one option and some support another. Some councils have introduced modifications. I think we need to sort out the dual accountability situation once and for all. Local communities, which of course includes the volunteers, must feel that they have some say in the level of performance and what goes on in their community.

The Hon. R. D. DYER: Do you agree that it is not uncommon in local government throughout New South Wales for councils to band together in regional or zonal operations? That being the case, it is a useful precedent to apply here.

Mr VARDON: Yes, it happens already in a whole host of areas. For example, the councils in my area cooperate to do the state of the environment reports on a regional basis. There is no reason why that could not occur elsewhere.

CHAIR: Councillor Vardon, you mention local coach builders in your submission and you give some examples. You may like to take this question on notice.

On page 7 of your submission, you refer to one council's obtaining a quote for \$60,000 for a category 7 vehicle, which would have cost \$82,000 through the service. As to the Snowy River, there is a quote of \$89,000 for a category 2 type tanker that would cost \$139,000 from the RFS. There are several other examples. Would it be possible to give more details about the builders of those tankers and whether they are identical to those that could be brought from the RFS?

Mr VARDON: Yes, I will take that on notice. I would have to say at this moment a lot of information we have on this is more anecdotal than definitive. We will certainly provide you with a definitive answer if this is possible.

CHAIR: If it is possible. We have had occasions where it was not actually the same vehicle and the vehicle was deemed to be not as good as the one acquired from the RFS.

Mr VARDON: We certainly understand that. We have had some difficulty in coming to terms with some of these things as well.

CHAIR: Also the question of pumps able to be acquired locally at a lower price, but are they also the same?

Mr VARDON: We have evidence put before us which says yes, they are exactly the same, and they can be a lot cheaper if you purchase them locally through the RFS system, et cetera.

The Hon. J. R. JOHNSON: That is the pump only, it is not the protective frame?

Mr VARDON: It could be a whole host of things, and I think we need to get some more evidence for you on that, and we will be happy to provide that when we have it.

CHAIR: Did you ask whether any on costs were added in to the equipment? I guess we will find that out later.

Mr VARDON: Yes.

The Hon. M. I. JONES: Would you care to comment regarding the preference of equipment supplied on our tankers and so forth from a centralised purchasing officer to the smaller units, which you have indicated you feel are more useful?

Mr VARDON: A number of councils have told us that they believe that equipment that is provided centrally through the RFS is unsuitable for the particular set of circumstances, and there is good anecdotal evidence to suggest that that may well be so. However, we would need to get more definitive in relation to that. I think a number of councils would like to see perhaps some kind of agreement that particular equipment is more suitable for particular areas, for example, fighting bush farm fires in the Western Division as opposed to fighting fires on the North Coast or the South Coast or wherever it might be.

The Hon. A. B. KELLY: I just wanted to follow-on from a couple of comments you made earlier, that the Local Government Association supports the zoning principle. You are still supportive of some sort of zoning?

Mr VARDON: I think I might have indicated earlier that as far as the zoning principle is concerned we have not actually gone out and surveyed our member councils definitively on that, but we have a number of councils which already have determined that, instead of employing a fire control officer each, have gone into a regional basis of, maybe, three or four councils and employed an FCO on that basis.

The Hon. A. B. KELLY: What would you see as the benefit each of doing that, bearing in mind that the Rural Fire Service actually pays for the fire control officer, pays all his salary? I have always found it a bit difficult, if someone is willing to pay your staff, I would try to avail myself of that. In fact, I had two of them.

Mr TAYLOR: Sometimes the difficulty is overcome where a part-time fire control officer is appropriate for a smaller remote council area, but where a number of councils can agree that there is a commonality or sharing arrangement, a fire control officer can be employed on a full-time basis and together with assistance, be it clerical, be it a deputy or a part-time deputy, be it a common equipment share, whatever the basis is. Our understanding is that a part-time fire control officer does not receive the same amount of subsidy or the same formula of subsidy as a regular, full-time FCO. There have been a number of voluntary FCOs at various times, and that process is one that the associations have been wishing to discourage, to promote the idea of a permanent, paid employee to co-ordinate that on a wider basis. The associations have looked at the zoning discussion paper issued by the RFS, and both associations agree with the concept, subject to it being very clear that the individual councils in a proposed area would have the full right to decide whether they be involved or whether they not be involved. There is no particular friction with that, because that was clearly identified also in the RFS discussion paper. At this stage the associations have not wished to advocate the zoning process until the main problem, the dual accountability problem, is resolved.

The Hon. D. J. GAY: Just on that particular area, on a zonal basis in the current situation who is an FCO answerable to?

Mr TAYLOR: The FCO in a zoning situation is answerable to the council that has agreed to be nominated as the host council, if you like.

The Hon. J. R. JOHNSON: Councillor Vardon, I am sure that your council and all other councils are much appreciative of the vast amount of additional funds that have been made available in the past few years. Have you observed a great pride in the service by the volunteers as a result of the additional equipment, the updated equipment, the better fire protective clothing, et cetera?

Mr VARDON: First of all, let me say I believe that councils throughout the State are very appreciative of the additional funds that have been put into the service. I think it was probably long overdue and there is no

doubt that has been very helpful to councils to bring them into the various upgradings of the service. However, I would have to say that it has also brought about a situation where many in rural areas of New South Wales in particular believe that things have gone a little too far, that in fact training, equipment, clothing—yes, uniforms—and all the rest of it, has all been very severely criticised by many people, and I am sure you have heard that before. So we have a number of our member councils saying to us this is great, we like what is going on, a number of our member councils are saying that their volunteers are thoroughly enjoying the training they are getting now, the fact that they have to be brought up to certain standards. Others are saying look, we have been fighting fires for 20 or 30 years, why do we have to go through and qualified and do 120 hours of training, et cetera.

The Hon. J. R. JOHNSON: But they are the people who say to you are we fought bushfires in thongs and shorts.

The Hon. D. J. GAY: Not all of them.

The Hon. M. I. JONES: Not necessarily.

Mr VARDON: I would have to say not all of them are saying that. A number of people are saying things like we do have experience and should not our experience, for example, count towards training? I could liken it to this: you might have a teacher, for example, who was a two-year trained teacher and who might have had 20 years experience, and the government of the day had no problem whatsoever in saying we will take the 20 years experience as being two years additional training, and they are put on pay levels as a four-year trained teacher or whatever. Although many in the service may not recognise that as being the argument, they are saying we have had so much training that we do not need all these hours to bring us up to speed. We want our service over 20 or 30 years to be recognised. I would have to agree with you that there are a number of people in the movement who probably have some difficulty with coming to terms with having more protective clothing, et cetera.. I think that is exactly the same way as many people on councils or committees or whatever might have difficulty with having to come to terms with sets of rules for the way it in which meetings might be run. As it was in the beginning, ever shall be, that kind of thing. A number of people in the movement are like that. Obviously, those who recognise, (a), their responsibilities and, (b), their liabilities and, (c), the probability of litigation may well in fact find that is an outdated attitude to have, and rightly so.

CHAIR: Would you care to comment about problems that councils have encountered in relation to funding requirements of the Rural Fire Fighting Fund, first in relation to funding contributions and decisions about funding levels and particular councils?

Mr VARDON: I will take that on notice.

The Hon. M. I. JONES: We have had reported to us complaints regarding duplicity between the New South Wales Fire Brigades and the Rural Fire Service. Would you care to comment on that?

Mr VARDON: No. I would not comment on that all, if you do not mind.

The Hon. R. D. DYER: I note that the associations' submission states that there needs to be some formal consultative body that provides direct connection between the commissioner and mayors and general managers. The Rural Fire Service advises that is one of the key roles of the Rural Fire Service Advisory Council, which includes a representative of each of your associations and, further, that there is a joint working party between your associations and the Rural Fire Service to resolve issues of common concern. Can you illustrate to the Committee why you have any residual concern about that issue of access and consultation?

Mr VARDON: I have to say that that is probably twofold. I believe that many people who are involved in that actually thought it was tokenism, and that may or may not be so. Secondly, I think it also came about as a result of us not having a member of our executive on that advisory committee. That situation has now altered and I would say at this moment most of us believe that the advisory committee is working quite well.

The Hon. A. B. KELLY: Just a comment about training: you are saying a lot of people are unhappy that their capabilities are not taken into account in training. We have heard evidence consistently that RPL, which does the same sort of thing, TAFE trained, recognises trials, and that is taken into account. So, if someone has to sit down and do a chainsaw course, they can go straight and do the exam, if they believe they are capable of doing it. I notice that a lot of people who do the training in local government are farmers, and at the end of the day they are not disappointed they have done the training even though they might have used a chainsaw for 20 or 30 years.

Mr VARDON: I agree with the comments you made but I have to reiterate something I said earlier in answer to another question. That is, often the message does not get through to people and they hear from their FCO or whoever that they are required to go off and do 120 hours training here and 120 hours of practical in this area, and the message has not got through that much of their previous experience is going to be taken into account. Once again, it is an educative process and you need to keep enforcing and reinforcing all of these things, and often that does not happen.

CHAIR: You note on page 18 of your submission that the RFS should develop a reliable system so that each quarter trend can be established to enable local government to make a uniformed estimate of the 12.3 per cent contribution necessary. Can you expand on some of the problems you have encountered in this regard in raising the 12.3 per cent contribution?

Mr VARDON: Councils are often in a very difficult situation in that they are required probably in January, February of each year to start preparing their budgets, which then have to go into draft management plans. They then have to go out to the community for a period of 28 days for public consultation and submission and then come back to councils for adoption before you can approve your expenditure for the next 12 months. We have to do those in five-year time frames, with updates each year on these things. Quite often the figures we require are not forthcoming from a whole host of bodies, sometimes even from government itself, on what we need to know to prepare these. Certainly in the past the Rural Fire Service has provided some difficulties for councils to actually determine what kind of budget they might need. I think the process just needs tightening up so that the situation can actually get in synchronisation, so councils will have some feedback from the RFS in time to be able to do their budgets. Often you have to make adjustments at the moment and subsequently which might, (a), have been unnecessary and, (b), may well prove to put a council over into an unhealthy situation as far as their finances are concerned. I think they need a lot more thought and a lot more synchronisation. I think that is what councils are saying.

The Hon. M. I. JONES: I would like to correct something I said in an earlier question regarding the New South Wales Fire Brigades. I said "duplicity" and I should have said "duplication".

The Hon. D. J. GAY: Perhaps councillor Vardon might be able to answer the question with that clarification.

Mr VARDON: Did I take "duplicity", which I understood to be something underhanded, rather than "duplication"? That is certainly how I did take the question. I apologise. Maybe that is my local government training. I will take that on notice.

(The witnesses withdrew.)

BRIAN JOHN GILLIGAN, Director-General, National Parks and Wildlife Service, 43 Bridge Street, Hurstville, and

ROBERT JAMES CONROY, Director-Central, National Parks and Wildlife Service, 10 Valentine Avenue, Parramatta, affirmed and examined:

CHAIR: Mr Gilligan, in what capacity are you appearing before the Committee?

Mr GILLIGAN: As Chief Executive of the National Parks and Wildlife Service.

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

Mr GILLIGAN: I did.

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

Mr GILLIGAN: I am.

CHAIR: Mr Conroy, in what capacity are you appearing before the Committee?

Mr CONROY: Director-Central.

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

Mr CONROY: Yes, I did.

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

Mr CONROY: Yes, I am.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documentary evidence should be heard or seen only by the Committee, the Committee would be willing to accede to your request and resolve into 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 opening statement?

Mr GILLIGAN: Yes, I do. The National Parks and Wildlife Service has made a submission to the inquiry. I would like to run through and highlight some key aspects of that submission. The service is the lead agency responsible for the protection and conservation of natural and cultural heritage in New South Wales. The service is assisted in that role by various other State government agencies, local government, Federal Government and, of course, the local community.

The National Parks and Wildlife Act 1974, the Wilderness Act 1987 and the Threatened Species Conservation Act 1995 provide the statutory basis for the exercise of responsibilities, functions and jurisdictions of the service. These responsibilities extend to the care, control and management of national parks and nature reserves, CAR conservation reserves, State recreation areas, regional Parks, Aboriginal areas, historic sites and game reserves. They also extend to the protection and care of Aboriginal relics and places, the protection of native plants and animals, threatened species, endangered populations and endangered ecological communities and their habitats, and the identification and protection of wilderness areas.

The Environmental Planning and Assessment Act 1979, the Rural Fires Act 1997, the Heritage Act 1977 and the Noxious Weeds Act 1993, in part, also provide very clear statutory responsibilities for the parks service in the management of protected areas, of native species and also of Aboriginal sites. Fire regimes have been identified as a major factor affecting the conservation of both natural and cultural heritage values throughout the State. Wildfires also present a threat to National Parks and Wildlife Service park and reserve neighbours and to park visitors. For this reason the service has developed a very strong partnership with the Rural Fire Service at agency level and also at fire control officer and rural firefighter levels.

I would like to highlight those elements of our submission that particularly relate to each of the terms of reference of this inquiry. First of all, our submission makes it very clear that the National Parks and Wildlife Service supports the government expenditure budgets on firefighting tankers and rural fire fighting equipment supplied to the Rural Fire Service. The service itself utilises a highly mobile light firefighting tanker fleet in order to access fires in the rugged and remote areas, which we are responsible for managing. The service has configured its own firefighting fleets, at least in part, based on the understanding and knowledge—from co-operative firefighting arrangements—that the RFS firefighting tanker configurations can provide additional heavy water capacity and back-up support to the service during difficult firefighting operations when necessary.

The service is of the opinion that the variety of equipment and apparatus available to the RFS is adequate and appropriate for the task and functions that the RFS is required to carry out. The service's light firefighting tanker fleet and other equipment—which can be easily configured for firefighting purposes and includes aircraft, boats and portable pumps—are designed very much to meet our own needs. However, this equipment complements very well the RFS equipment configuration. The service is also of the opinion that there is an adequate level of stakeholder representation in the operations of the RFS at the various statutory bodies at State level—the Bush Fire Co-ordinating Committee and the Rural Fire Service Advisory Council—and at the executive management level—the bush fire management committees. The public exhibition requirements for bush fire management plans also provide another effective opportunity for stakeholders to present their views for consideration.

The service actively participates in a range of RFS committees, including the Bush Fire Co-ordinating Committee, the Bush Fire Co-ordinating Committee policy, risk management and section 52 subcommittees. National Parks and Wildlife Service staff are represented on all the bush fire management committees, their executive committees and a variety of subcommittees where National Parks and Wildlife Service-managed parks and reserves exist within the relevant local government areas. This totals something in excess of 135 committees throughout the State. I might add that usually means an involvement of both specialist fire management officers and regional managers within the service because of the significance we place on fire management at the local level.

We also make a point of playing an active role in the planning subcommittees of the local fire management committees, and we take an active role in some of the field days and so on that are conducted, which gives us an opportunity to establish a ready rapport and working relationship with the firefighters at the local level. It is also worth noting that, in addition, the parks service seeks nominations from local government, the RFS and the New South Wales Fire Brigades of representatives with local firefighting experience to participate on the National Parks and Wildlife Service regional advisory committees. This arrangement provides members of the RFS and others involved in rural fire fighting with an opportunity to contribute to park and reserve management planning.

A section of our submission relates particularly to training. I would like to give some emphasis to that because the service support very much the view that ideally all firefighters should receive accredited training and be expected to achieve nationally recognised competency standards under the Australian Fire Competencies before attending any wildfire incident. It is important to recognise that the training should be to the level that the firefighter is expected to perform during any fire incident. However, the service notes and supports a system for the recognition of prior learning and experience of longstanding RFS volunteers. Given the range of tasks that need to be performed in fire management situations, there are opportunities to recognise that experience and those skills and to appropriately involve those people.

The service has sought to make some significant contributions to the development of both basic and crew leader level fire training modules and has adopted and led the implementation of the aims incident control system training in New South Wales. The service staff has attained what most people would acknowledge is a very high level of firefighting competency as a result of the service's commitment to accredited training at all levels. As a result, the service has more than 800 trained firefighters and some 400 support staff. The service supports joint training programs where firefighters from the rural fire fighting agencies are able to participate and learn together. We have conducted and participated in interagency training and refresher courses, particularly in relation to helicopter safety and the incident control system training.

The training is also closely associated with some of the occupational health and safety issues, particularly the issue of protective clothing. I want to note that the service fully supports the position that all bush fire fighters within New South Wales should be provided with protective equipment in accordance with the standards that have been identified by the RFS. The service is satisfied that the equipment provided by the RFS is appropriate and adequately meets those relevant occupational health and safety standards. It is important to

recognise that this is not only for the benefit of the individual but also for the safety of their colleagues and the whole team effort that is involved in a firefighting situation. It is really a critical issue.

Moving on to the command and control system, I would stress that the service fully supports the use of the incident control system as approved by the Australian Fire Authorities Council. It is the national standard for command control and co-ordination of all incidents and has been used not only in bush fire situations but also in other emergencies. It certainly facilitates interstate and interagency sharing of resources, such as has occurred during some of the major fire incidents. The sharing of resources also occurs periodically in other circumstances, such as hailstorms, and sometimes we use the same models to respond to situations such as the Newcastle disease outbreak on the Central Coast. It is important to recognise that the incident control system training and the investment that we and other agencies have put into it have spin-offs beyond just fire management.

In terms of co-ordination and resource allocation within the Rural Fire Service, I would simply note that this is a matter for the Rural Fire Service in setting priorities for the allocation of resources, based on the areas of greatest need as identified through the RFS's standards of fire cover reporting system. We have confidence in that process as it is implemented by the RFS. As to fire control officers—which I appreciate have been the subject of a fair degree of discussion in this inquiry—it is in the interests of the National Parks and Wildlife Service to have fire control officers and support staff with appropriate skills and experience for the co-ordination of fire management operations, research and planning within rural fire districts. The service has sometimes been asked to assist in the recruitment of fire control officer and deputy fire control officer positions, where appropriate. A complementary arrangement also exists where Rural Fire Service personnel are sometimes asked to participate in the selection of local area managers and field supervisors within the National Parks and Wildlife Service. I mention that simply because I think it illustrates that these arrangements serve to assist in building the confidence of both agencies and a sense of ownership in the appointment of the people who have to work together at that local level.

With respect to the selection of incident controllers charged with the responsibility and management of suppression action against fires, it must be noted that the community's interest is best served by having the best qualified person available to manage the incident. This is rightly a matter for the commissioner of the Rural Fire Service to determine in accordance with the provisions of section 44 of the Rural Fires Act. Our submission also makes brief mention of the recognition and utilisation of appropriate local knowledge and skills, because sometimes that is an area where there is some tension.

It is worth noting that, while on most occasions local knowledge and information can be effectively integrated into decision making, during major fire events an incident controller needs to consider a range of global issues. Some of those global issues may not always be apparent to individual local divisional commanders and sector leaders. These global issues, which not always be appreciated at that local level, can lead to some dissatisfaction with decision making. However, we are satisfied that those sorts of tensions are understandably things that happen in the circumstances we are talking about here, and that the existing debrief procedures provide the obvious and appropriate mechanism for dealing with them and then building refinements of future procedures and working relationships. Most of them seem to be sorted out after an incident or two at the local level. We believe that the processes that are in place to deal with them are appropriate.

In terms of the few matters we raised under the term of reference that related to any other matters, it is worth registering the strength of the service's commitment to its role in fire management. The service has been through an extensive review—the divisions for the new millennium review—in recent years. It is worth underlining the fact that that review recognised the significant investment that the service has made in fire management in recent years. The review endorsed that focus and recognised that that was a critical thing for the service to continue to do. It also focused very much on the importance of appropriate partnerships and stakeholder relationships for the service to deliver on its key statutory responsibilities.

It is worth registering also that because of its involvement in maintaining a well-trained and experienced fire fighting resource, and because the service is a highly decentralised and geographically dispersed organisation, the service is at times able to provide a very effective backup for volunteer resources in regional and rural communities. Increasingly, we are seeing that partnership working more and more effectively. The service also plays an important role in assisting the RFS, the bushfire co-ordinating committee and the bushfire management committees in relation to its statutory function of having regard to the principles of ecologically sustainable development.

In that area, the service is providing guidance, support and assistance to the various fire authorities to highlight both the issues that need to be addressed and some of the options for dealing with those issues in a way

that does not affect and erode the fundamental imperatives of good fire management and protecting life and property. In that spirit as well, the service is actively involved in applied fire research and employs internationally renowned scientists in this field. The service is not only involved in that science but also actively involved in the communication of those research findings to the RFS and the co-ordinating committee members.

Finally, I just mention two things. First, the New South Wales Scientific Committee constituted under the Threatened Species Conservation Act has recently determined to list high frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition as a key threatening process under the provisions of that Act. This determination will result in a couple of particular implications. It will result in all relevant authorities having to take that determination and that issue into account in the preparation of fire management plans and other decisions that relate to fire, and as a mechanism for ensuring that that occurs, it places a responsibility on the National Parks and Wildlife Service to prepare a threat abatement plan. That plan will be prepared by the service in consultation with the other agencies. We expect that that plan will provide some guidance for those agencies to assist that deliberation and incorporating those considerations into decision making.

The service is currently reviewing the National Parks and Wildlife Act 1974. Part of that review will investigate whether the relationship between the Rural Fires Act 1997 and the National Parks and Wildlife Act requires any clarification and, to the extent to which there are any outcomes of this inquiry or any other deliberations which need to be factored into that refinement, we believe that refining that relationship can be incorporated in the review of the National Parks and Wildlife Act. It only remains for me to flag the fact that attached to the submission of the National Parks and Wildlife Service were a number of fact sheets which detailed the level of commitment in terms of expenditure by the service to fire management, some details on recent equipment and uniform issues and also details of things like the extent of a higher fire management trail system and our commitment to maintaining that trail system in order to manage fires effectively.

The documentation also flags a few matters relating to potentially contentious issues or issues that have been contentious from time to time in the community, such as the questions of the level of commitment that the service has to prescribed burning for example. I would make the point fundamentally that any focus on just the area burnt can in fact be misleading. I draw your attention to those areas of our documentation which make it very clear that we are strongly committed to hazard reduction burning. The critical element is that that hazard reduction burning has to be strategically located and strategically managed in such a way to deliver the outcomes we are seeking. Not properly managed or just chasing some area figure, because a percentage area burnt might look good to some constituencies, would not be sound fire management and may, in fact, be counterproductive. We have worked very hard on that issue, particularly in recent years.

Also included in the accompanying documentation are the figures on the source of fires and the manner in which they have been controlled, because there are a few myths around on that score as well. Table 4 on page 4, to which I draw your attention, highlights the fact that 75 per cent of fires with which we have been involved in recent years, since 1993-94, actually started on park and were controlled on park; 7.5 per cent started on park and moved off park. I think you would agree that is a very small percentage. In fact, 17.2 per cent of the fires over that period have started off park and then come on to park and we have had to deal with them.

I will not go through all the documentation; suffice it to say, I think we are gathering some information which illustrates, firstly, a very strong commitment by the service to fire management; secondly, a strong commitment to working in partnership with the other agencies and rural communities; and, thirdly, increasingly a good record of achieving good fire management.

CHAIR: You mentioned the counterproductivity of hazard reduction burning. We have heard evidence from a couple of groups that prescribed burning has exactly the opposite effect and the area is more fireproof for up to 15 years afterwards. Do you have any scientific information from your internationally renowned scientists or local people to show that in fact hazard reduction by burning can have a counterproductive effect?

Mr GILLIGAN: I believe there is sound information available to that effect. I would be happy to take that on notice and look to identify it precisely and provide it to you.

The Hon. R. D. DYER: Mr Gilligan, you referred in passing to this during your remarks. What is the relationship between that the National Parks and Wildlife Service and the Rural Fire Service in terms of managing a bushfire?

Mr GILLIGAN: The critical foundation of that relationship is the incident management system. It is worth registering that the Rural Fires Act avoids any inflexible division of functions for fire fighting. The

National Parks and Wildlife Service is recognised within the legislation as a fire authority, along with the RFS, the New South Wales Fire Brigades and State Forests. The service is also a land manager, and as a land manager and public authority the service has a duty under the Act to make the notified steps and any other practical steps to prevent the occurrence of bushfires on our estate and also to minimise the danger of the spread of a bushfire either within the park service system or from any land that is invested in our control and extending on to the land.

The Act also provides for fire control officers with similar functions throughout the rural fire district to operate in that way. It is worth underlining the fact that the parks and reserves that we are responsible for are within the rural fire districts and, therefore, come under those overall management arrangements. Arrangements for incident management between our two agencies are defined within the operational plans that are prepared in accordance with section 52 of the Rural Fires Act. Guidelines on appropriate in-charge arrangements to be formalised within section 52 plans are provided by a recently negotiated interim wildfire suppression policy that the service has devised. This interim policy was provided to give guidance to National Parks and Wildlife Service representatives on the local bushfire management committees to ensure that there was a consistent approach across the State.

We have worked that through, and we will continue to work it through to ensure that any local tensions that may exist from time to time can be addressed through appropriate mechanisms. We believe that they are clearly there. As well as the incident management arrangements, it is also important to mention that joint training programs, particularly in relation to incident management but also for prescribed burning and remote fire fighting, is regularly conducted throughout the State each year. That is an important element of our relationship with the RFS.

The Hon. D. J. GAY: I noted the importance that you placed on the planning subcommittees, contact with FCOs and local skills and knowledge in the handling of fires by the National Parks and Wildlife Service. I noted that you also identify some fires where it has worked very well. You may not be aware that I live in Crookwell in southern New South Wales. Some three or four years ago we had a fire at Razorback Nature Reserve between Bigga and Tuena. During a week of high temperatures and high winds the service put a controlled burn in without contacting the local brigades, the neighbours or the local fire control officers. It certainly created a lot of ill will in our area and reinforces a perception that the National Parks and Wildlife Service is not a good neighbour. The only good thing that came out of it is that we will not have to worry about it being a bad neighbour for another 10 years because the national park received a good gutting which, I suspect, is not good for the national park. Can you assure me that some lessons have been learned from that fire?

Mr GILLIGAN: I am not in a position to comment in detail about the allegations you make about the performance of the park service but I can assure you that lessons are learned out of every fire and that we have picked up significantly in recent years on making sure that the debriefing sessions that occur are thorough and very effective. There will often be, in my experience, various versions of what happened in a fire and it is important to get everyone around the table and sort out what the fundamental lessons are and make sure they are carried forward in a couple of ways: first, in training programs and, second, in local management plans that are put in place to deal with the next fire. Yes, I can assure you that lessons are learned from all of those situations. We have rigorously enforced all those debriefing procedures and the currency of our staff's training and reviewed the training to make sure we are picking up those lessons.

The Hon. M. I. JONES: You mentioned that you have a strong commitment to hazard reduction. You also pointed out that it is important not to focus on the actual areas burned. The table on page 3 of your submission states, "Total areas burnt in prescribed burns", and in the last seven years that has reduced by 75 per cent. Whilst I appreciate that we should not just look at the areas burned, a 75 per cent reduction in burning would possibly suggest that philosophically the National Parks and Wildlife Service has moved away from endorsing and encouraging hazard reduction to one of rapid fire extinguishment. What are your comments on that?

Mr GILLIGAN: I can categorically assure you that the service has not philosophically or in any other way moved away from a recognition of the important part that hazard reduction plays in overall fire management.

The Hon. M. I. JONES: Can you explain the 75 per cent reduction?

Mr GILLIGAN: I draw your attention to the fourth paragraph underneath the table, which makes the point that the size of areas that undergo prescribed burning varies from year to year and depends on a range of

variables such as seasonal conditions and weather conditions, which have been significantly less fire friendly in that sense over the last few years.

The Hon. M. I. JONES: I appreciate that, and that is why I took the last statistic on the table and not the preceding one, which would have brought the percentage to possibly an 88 per cent reduction in hazard burning.

Mr GILLIGAN: Let me assure you that we have not moved away from a commitment to appropriate use of hazard reduction as one of the range of tools available to effectively manage fire. Second, I draw your attention to the second part of the paragraph which makes the point that the strategic location of those fires may be more significant. In recent times, as we have become more sophisticated in our capacity to control hazard reduction burns, we are actually managing strategic burns at the interface where there is the greatest risk of the fire moving off park and where we need to manage that interface in order to protect life and property and be a good neighbour.

We are refining our methodologies. We are targeting better and one of the logical outcomes of that is as we get better at it, my guess is that the total area in any particular park might become a little bit less because we are more surgical about the way we do it, but it does not reflect in any sense a lack of commitment to appropriate hazard reduction.

The Hon. M. I. JONES: With respect, the figures are far worse than are illustrated here because the size of the estate has expanded significantly over this period as well.

Mr GILLIGAN: I can only repeat the assurance that we are absolutely committed to hazard reduction burning as a tool but we are becoming more sophisticated in the manner in which we use it. We believe we can target and control it better and that may contribute to some reduction in the total area that gets burnt, but we are not about setting about significantly reducing that area in any categorical way. We are simply about developing good fire management plans for our reserves in collaboration with our neighbours and with stakeholders and then effectively implementing those fire management plans.

The Hon. A. B. KELLY: Using the same set of figures, why have you increased the prescribed burns by 50 per cent over the last two years?

Mr GILLIGAN: All I am saying is we are doing what needs to be done.

The Hon. J. R. JOHNSON: How does the service integrate heritage conservation objectives with fire management practices? What role does the National Parks and Wildlife Service play in advising the Rural Fire Service [RFS] of the principles of ecologically sustainable development?

Mr GILLIGAN: Fire regimes can impact on a number of elements of the heritage that we have a responsibility for managing. They can impact on ecological diversity and on the structure, function and evolution of both plant and animal communities. They can also obviously impact on some of our historic heritage and Aboriginal cultural heritage that we are responsible for managing. Whether the impact is positive or negative will depend on the management objectives for the particular area concerned as outlined in our management plans.

Fire history, species life history characteristics and also post fire environments are all-important in determining just how natural communities and species will respond following a particular fire event. The service recognises that both fire exclusion and high fire frequency can diminish diversity but if one unnaturally totally excludes fire, that can have a negative impact on biodiversity if one is not careful. We employ fire ecology researchers and we participate in nationwide research programs such as Project Vesta, where we have been involved particularly with the Western Australian authorities to gain a better understanding of relationships between fires and biodiversity. The staff also assist in the organisation and conduct of major symposiums, such as the Australian Bushfire Conference.

We have presenters who are regularly invited to share this information at conferences, both with nature conservation agencies and fire combat agencies in order to get a better understanding of the effects of fire on biodiversity values and to share that information with our colleague agencies at all levels, both at the co-ordinating committee level, statewide level and the local level.

We have agreed to share information on threatened species, Aboriginal sites, vegetation, et cetera, without cost within the framework of developing those local fire management plans in order to make sure that

ecologically sustainable development considerations can be factored into those plans without any particular burden at the local level. We can put various figures on the level of commitment and in-kind contribution that the service makes, but suffice to say we believe it is a significant contribution.

We also have collaborative arrangements in place. For example, we have just recently agreed to second two of our particularly well-qualified specialist officers to the RFS to assist in the writing of the bushfire risk management plans that are being developed. Through that sort of secondment arrangement we have very close collaboration to ensure that those issues get factored into both the policies of the RFS and the plans that are developed. That means that at times whereas we might have liked to have allocated some resources just to our own patch and look after something that might be a narrow focus for us, increasingly there is a wider, whole-of-government recognition that we need to address these issues and that in our case we can get some conservation outcomes across the State beyond the national parks and nature reserves by collaborating closely with other agencies and, in this case, particularly the other fire authorities.

The Hon. C. J. S. LYNN: At a previous meeting one of the firefighters in conversation said that he had fought more fires out west with matches than he had with water. What is your view on backburning and those sorts of methods?

Mr GILLIGAN: We use backburning extensively, some people would say too extensively, in a fire situation. I think it is important that we distinguish here between hazard reduction burning as a preventative measure and where, as I indicated to you earlier, we are seeking to become more and more sophisticated and more and more surgical about the bit that needs to be burnt to achieve the result. In proactive hazard reduction burning we are trying to be very precise. With backburning in an emergency fire situation, we will err on the side of safety for life and assets. I guess that is where the significance of the area of the service reserves and parks becomes an issue. If there is a doubt we will put in a backburn rather than leave life or property at risk. That has led to some criticism from some quarters that in fact we have been a bit too—

CHAIR: Gung-ho?

Mr GILLIGAN: Well, I was going to say playing it safe in terms of protecting life and property with backburns. We are trying to be more and more surgical with hazard reduction burns on a proactive basis but we recognise that backburns can be an important safety device and in emergency situations the last thing we want is to have an impact on life and property associated with our neighbours, so we will err on the side of burning a bit more, if necessary, to get it right.

The Hon. C. J. S. LYNN: In your opening statement you mentioned the difficulty that sometimes occurs with local fire management. You said that there are wider global issues that cannot be taken into consideration at a local level in the management of a fire. Can you give us some examples of that?

Mr GILLIGAN: They may be myriad. Sometimes they will be related to the particular significance of a site for threatened species, for example, where if it is a highly significant site we might want to go to extra lengths to avoid burning a particular location. We were to have very comprehensive fire management plans for, say, the major sandstone complex of the Blue Mountains, Wollemi National Park and Yango, which involves a major area. If you look at it at a local level the people sitting in Mudgee, Lithgow or on the Putty Road side around Bulga or the back of the Central Coast may have a particular perspective about what is going on, but the incident controller needs to have the wider picture and needs to have particular reference to the plans of management for that total area, rather than just a single patch.

CHAIR: Over the weekend I visited a small section of the Wollemi National Park with a local firefighter whose property borders the park. He said that the burn-off hazard reduction that was carried out about four years ago has left him in a far more vulnerable situation because of the regrowth. He said that the fire had a counterproductive effect. Will the service take account of the local people's knowledge of how fire sometimes creates more of a hazard than less of a hazard. He reckons he will be at more risk than he has been for 15 years. Apparently, the area has not been burned for many years and in his view there was very little hazard from what was there. That hazard reduction got out of control and burned thousands of hectares.

Mr GILLIGAN: Yes, I can assure you that we take account of that sort of local knowledge. Obviously, as I indicated earlier, we are well aware that hazard reduction is very complex and, as you are indicating, in some circumstances it can be counterproductive. That can particularly be an issue when a hazard-reduction burn is followed by a couple of seasons of uncharacteristically high rainfall that promotes significant growth. Whether that has ramifications for as long as 15 years, and just what the overall fire management arrangement in that local area might be, I do not particularly want to get into. But my colleague Mr Conroy has

been taking notes as you were asking the question. As that is his area of responsibility, I can assure you that we will investigate it and make sure that that sort of issue is being addressed. It has to be addressed, but it is addressed through fire management planning and the local level.

CHAIR: In consultation?

Mr GILLIGAN: Absolutely. Yes.

The Hon. A. B. KELLY: You mentioned in your submission and also this morning that the scientific committee has listed high frequency fires as the key threatening process to threatened species. Has the committee made its final determination? Will the matter be discussed in terms of working with the Rural Fire Service [RFS]? How will that impact on back-burn in the middle of a wildfire?

Mr GILLIGAN: Yes, the scientific committee has finalised its determination, and that determination act knowledge is that high-frequency fires differentially impact on different species and ecosystems. There are some species of shrubs, particularly those that reproduce by seeds that have a fundamental problem, obviously, if you have a limited seed store on plants on the ground if you have a fire. Until the seeds that germinate after that fire grow to mature, flower and produce more seeds then you have not had a complete cycle. If fire frequency is such that it continues to break that cycle and reduce it, significant species could be lost. One of the best known species is probably the rather delightful grevillea caleae which is known in the northern suburbs of Sydney around Terrey Hills. If there is high-fire frequency in those areas we know that that plant disappears from that area.

I emphasise that these considerations are also relevant to fauna. If there has been a population of sugar gliders, glossy black cockatoos, or something that is in a particular area, especially in shrub and heath communities where the population has been at a significant level, if there has been a significant loss of that population because of a fire you obviously had to allow time for that population to build up again before the next fire; otherwise there will be a decline. This has been fundamentally known for some time, but the scientific committee's determination gives a firm statutorily empowered determination that this is fact so far as the known science is concerned. It means that the Parks Service has a responsibility to prepare a threat abatement plan to deal with that issue within three years, and that threat abatement plan will be developed in consultation with the RFS and all other relevant government agencies.

The determination also places an obligation on decision makers to take account of this issue in finalising fire-management plans and in the actions they take. We will look at spelling out in that planning guidance for decision makers so that the imperatives are addressed as a fire management process. In terms of the implications for a hazard-reduction burning or back-burning, it means that in some locations we will very deliberately avoid burning an area to make sure that we have not gone over the threshold to the extent to which we are able to define the threshold of too high a fire frequency. That would apply to both hazard-reduction burning and also back-burning in a fire situation so that if it is at all possible, without endangering life and property, we will attempt to avoid a back-burn impacting on an area in which we know there are sensitive species.

The value of the scientific committee's determination is that it specifies the species that are most susceptible to this impact and therefore gives ask some guidance immediately. The Parks Service has already prepared a number of facts sheets to provide preliminary guidance to local fire authorities and fire management committees. We can certainly provide the Committee with copies of those, if you would wish to have them. We will certainly make them available to all fire management committees so that they can be considered as the work of finalising plans occurs.

The Hon. M. I. JONES: It is probably more appropriate that this question be taken on notice, but what would you say to the concerns of the people of the Womboyne township next to the Nadgee Wilderness who are extremely concerned that the wilderness area, which is very close to their settlement, has fuel five-foot deep on the ground? The area has not burned since 1981 and any attempts to have hazard-reduction operations exercised in that wilderness area have been denied. They live with this constant fear that if there is an ignition in that wilderness area it will fast turn into a holocaust. They are very much at risk.

Mr GILLIGAN: I do not know that there would be any particular value in taking it on notice, other than to say that I will check the status of the local fire management plan for that area. The answer is very straightforward, and that is from a Parks Service point of the view the policy with respect to fire management in wilderness areas, whether it be Nadgee or anywhere else, is no different from any other area. We are focused on doing what needs to be done to protect life and property. I am not aware of any veto, in any sense, that the

service might have either exercised or sort to exercise on any appropriately identified need for hazard-reduction burning in that area.

I would have thought that any concerns of the local community ought to have been sorted out and addressed in the fire management plan. That service is an active player in the formulation of those fire management plans, and is absolutely committed to honouring the commitments it makes in implementing those plans. I am a little surprised to hear that there is a problem of the scale to which you are referring, because I would have thought it is just another fire management issue that ought to have been addressed, and would be routinely addressed, by Parks Service officers. If there is as much fuel there as you say, I question whether there might not be some threat to some of the values that we are seeking to protect as well and, therefore, we would have concerns. I cannot quite understand it, but I will check the status of the plans. I would not expect, as the end of the day, that there would be a problem; it would be sorted out around the table at a local fire management committee.

The Hon. R. D. DYER: I realise that this is a general question and that you have averted to the matter in passing in response to some earlier questions, but could you fairly concisely tell the Committee the operational methods used by the National Parks and Wildlife Service in combating bushfires within national parks?

Mr GILLIGAN: The focus from the Parks Service point of view is that we have recognised that our particular brief and our contribution to the overall team effort on firefighting is that we can, and have developed particular expertise at remote area rugged terrain firefighting, and particularly ready response. As a result, and some of this was recommended from the Coroner's findings from the 1994 fires, the Parks Service has developed a very strong record in helicopter response to lightning strikes in remote areas that managed to get in very quickly, put trained people into the remote areas, and put out a fire before it has an opportunity to spread and become a major issue. Our capacity to do that is widely recognised now by the RFS and by local committees throughout the State. It is recognised that that is a significant element of our contribution.

As well as that, in terms of a response capability, we have committed to the preparation of fire management plans for car parks and reserves. We have in excess of 100 of them now either approved or in final draft stage throughout the State. We are getting on with having those developed in a way that enables us to become more and more sophisticated in the manner in which we conduct hazard-reduction burdens, to be more surgical about them, but also to be able to factor in things like the threatened species considerations and the sensitive area considerations so that in back-burning under emergency circumstances we can, nonetheless, contain our response. It is a combination of using the whole menu of mechanisms that are available to us, and making sure that they are effectively co-ordinated in a plan. We are committed to preparing those plans for the parks and reserves throughout the State. As I said, we have just over 100 of them pretty well finalised at the moment.

CHAIR: Does the RFS ever use your aircraft for private land operations? If so, are you compensated for it?

Mr GILLIGAN: Yes, presumably. Our helicopter and our fixed-wing aircraft are available for the joint effort that needs to be mounted in any fire-response situation.

The Hon. D. J. GAY: It was operating recently at White Cliffs, rescuing sheep.

Mr GILLIGAN: Yes, it was.

CHAIR: Do you get compensation for that from the other agencies?

Mr GILLIGAN: Yes. It depends on the circumstances of the particular instance. Sometimes it comes out of a Treasury managed fund in terms of an emergency situational disaster relief; if it is a controlled hazard-reduction burn or something that is managed it may be an in-kind contribution from us to a joint effort; or it may be that our aircraft is chartered by another agency to do a job. There is not one single answer to your question. It depends on the particular circumstances and the issue at hand.

The Hon. A. B. KELLY: You presented a table in your index to your submission which, in part, dispels the myth that a lot of wildfires originate in national parks. You talked about the table on page 4, but I am really referring to the bottom of page 6. Could you expand on that?

Mr GILLIGAN: Yes. The critical thing is that I do have a concern to make sure that the parks service is working as a collaborative partner with rural communities throughout New South Wales. One of the things that we have been at pains to dispel is this notion that all fires, all weeds and all ferals originate in a national park somewhere. The reality clearly is to the contrary. These figures document the extent to which the service, reserves and parks are impacted by fires coming from other sources and are impacted by the—a lot of the time it will be arson and other activities such as is detailed in the table to which you refer. The response from the parks service is to make sure that we are targeting the areas where we believe we can most have an effect. Lightning strikes, particularly in remote areas, are a significant issue as demonstrated in the table. Hence our commitment to a rapid response remote area SWAT team capability in the fire season, and we have people on standby when the conditions dictate that. Similarly, with those risks in mind we plan to make sure that we are building -- and I believe it is happening -- increasingly a recognition that we are a good neighbour and we are responsible in the way in which we manage fire and that we do it collaboratively with our neighbours and with the other agencies.

(The witnesses withdrew)

DONALD LUSCOMBE, Chartered Accountant and Group Captain, New South Wales 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 on former affirmation:

KEITH ARTHUR HARRAP, Fire Control Officer, New South Wales Rural Fire Service Association, 143 Galston Road Hornsby Heights, and

SAMUEL STUART CLARK, Solicitor, Deputy Captain, New South Wales Rural Fire Service Association, 1 O'Connell Street, Sydney, on former oath:

CHAIR: The Committee welcomes the witnesses on their former oaths and affirmations. Do you have an opening statement?

Mr LUSCOMBE: The Rural Fire Service Association [RFSA] would like to thank the inquiry for being able to present our views at this final session. As you are aware, we have attended every session to date and there are a number of issues we would like to address. Following these comments we will welcome questions. As a general comment, a large number of the presentations featured issues that are the responsibility of local government, issues such as equipment selection and purchase, implementation of training and recognition of competencies, funding priorities, provision of personal protective equipment, communication and information, and selection of incident controllers. Local government is finding it difficult to manage an ever-increasingly sophisticated Rural Fire Service in a more complex environment. Furthermore, the core business of local government and the service are diverging and customer expectations are becoming more demanding. The RFSA contends that local government should continue to have a significant role in the future of the service, not as line managers but as important stakeholders.

Dual accountability: Obviously, one of the major themes of the presentation to the inquiry has been the issue of dual accountability of district staff to both the Commissioner of the Rural Fire Service and general managers of local government. I am sure the inquiry is aware of two factors; namely, that FCOs presenting to the inquiry had generally come from those local government areas that are supportive of the direction and actions of the Rural Fire Service; and that no FCO is going to say in a public arena that they receive little or no support—indeed, they suffer active interference—from their employer, namely, local government.

The Hon. A. B. KELLY: They would not want to.

Mr LUSCOMBE: Nonetheless, the issues arising from the impact of dual accountability are starkly clear. Where the roles are not properly defined or elected individuals become inappropriately involved in decision making the situation is almost intolerable. Unfortunately, the situation is all too prevalent across the State and will impede the future development of the service. As you will no doubt recall, the RFSA has proposed a number of options to address this issue. We believe that all of these will improve the situation to a greater or lesser extent. Our option C has been mentioned several times in the inquiry, and it remains our most favoured option. However, we believe that all our options are an improvement on the current situation and provide stepping stones to option C. The association is willing to discuss all aspects of our options with any stakeholder in order to progress the future development of the service.

Communication: An issue of critical importance is that of improving communication throughout all levels and across the service. It is clear that a large number of issues emanate from a misunderstanding of how systems are designed to operate, the large number of new initiatives occurring across the service, or communication of new initiatives and variability in the standards of communication from region to region and from district to district. There is no doubt that managing communications in organisations the size of the service is a difficult task. The RFSA is itself recognising the enormity of this issue. To its credit, the service has made progress in improving communications, including the use of a web site for important information, the implementation of Fire Chat to discuss issues of interest, regular publication of the "Quench" newsletter, establishment of a number of standing committees and working parties with volunteer and salaried officer participation, and regional visits by senior service personnel. More work is required to build on this foundation. The systems processes and cultures required to ensure all members of the service have the opportunity to be either aware of or participate in service initiatives need to be further developed and implemented. The RFSA is committed to working with the service to ensure that this occurs.

Equipment: The association would like to make a number of points regarding the discussions about equipment. Firstly, both volunteer and salaried officers, as members of the RFSA, have input into the development of the specifications of service equipment through the RFS committee structure. Wherever equipment is sourced, be it locally obtained or supplied through the service, it should meet the specifications developed by the service. Despite a number of comments to the inquiry, it is still unclear as to whether locally sourced or built equipment is in fact less expensive than that supplied through the service. One of the difficulties is ensuring that comparisons are made between like equipment of identical specifications. A district may choose to support local industry even if it is more expensive to do so. However, a mechanism needs to be found to ensure that this is not being cross-subsidised by other districts.

Training: The important issue is not to focus on simply attending training courses but rather to identify the competencies required. The competency levels need to be commensurate with the identified role of the brigade. This eliminates unnecessary training and allows resources to be better targeted. The RFSA believes a lot more work is required to publicise and implement the process of the recognition of prior learning and current competencies across the State. Currently, there is a high degree of variability between districts, causing problems for volunteers and district staff alike. Most witnesses who discussed the training reinforced the message that the service's training modules and course content are of the highest quality. Many FCOs also mentioned that they were oversubscribed with members wishing to participate in training courses. Even those people who did not originally wish to participate invariably finished their courses expressing satisfaction at having learnt something new.

Specific instances: Much comment has been made about a number of incidents at fires such as the Pilliga, Parkes and Tambar Springs fires. Whilst these issues are of interest, they do not in our view directly relate to the terms of reference and are more properly addressed in other forums. Fighting large fires such as these is like fighting a battle. Even the most successful battles have actions that could have been undertaken in a better manner. Identification and improvement of these issues requires thorough analysis of all the contributing factors. Often the participants do not know the full extent of the factors that lead to their concerns and continue to maintain their passion long after the event. I think that this has been evident in a number of presentations in which comments have been made about a number of issues viewed from the perspective of a specific portion of the incident. Care should be exercised in drawing conclusions from such narrow viewpoints.

In conclusion, Mr Chairman, the association believes that by and large the evidence presented to the inquiry shows that the service is at a crucial stage in its development. Most of the specific issues raised are local in nature and are symptomatic of the history and current structure of the service. None of these issues are indicative of an organisation in crisis, but rather one that is attempting to meet the challenges posed by the expectations of the community it serves. Nonetheless, the association believes that a number of issues including funding, structure and legislation need to be resolved to enable continuing development of the service.

CHAIR: On the question of dual accountability you will notice from the evidence given this morning by Councillor Vardon that there would be severe resistance to implementation of option C. Do you see any other option, for example, having that as an optional option C whereby some councils will maintain the employment of fire control officers and others will not? Is that a possibility or would that be even more confusing than the current situation?

Mr LUSCOMBE: I think that Councillor Vardon himself indicated that that situation would not be acceptable to them and it certainly would not be acceptable to us, because the point that everybody is trying to make is that we need to have one line of management authority, not two. We of course would see that line through the service.

The Hon. D. J. GAY: Mr Luscombe, I am thankful to Mr Kelly, who asked that a press release be tabled in the evidence before the Committee. I appreciate your tabling the press release. I have no problem with the press release that has been tabled. Whilst I am not happy with some of the things said in it—I can see my swimming pool disappearing into a bucket of cold water—I have a great concern in that the press release that the Committee asked you to table is not the one that I expressed concern about, the one that I spoke to you about personally. I expressed my concern in no uncertain terms. The one that you have tabled is different in significant areas. A sentence has been removed at the beginning of the second paragraph and one has been removed at the end of the fourth paragraph. This changes my concerns dramatically. Whilst I am happy with what you have tabled—perhaps as an act of goodwill—have you deliberately misled this Committee and are you not in contempt of the Committee through not tabling what you were asked to table?

Mr LUSCOMBE: Mr Gay, following your phone call to me I was able to press the button and stop the press release. It had gone only to your office. I then did not send this press release out to anywhere else and amended it following our conversation. So I would have to say that we are not attempting to mislead the Committee whatsoever.

The Hon. A. B. KELLY: So the media release that actually went out was the one you tabled?

Mr LUSCOMBE: Yes.

The Hon. D. J. GAY: But you did not tell me that.

Mr LUSCOMBE: No, I did not.

Mr CLARK: Mr Chairman, a very, very serious matter has been raised. A contempt of a Committee of this Parliament is the most serious matter that can be raised in this forum. I am aware of events that have occurred in the Legislative Council which have found their way to the New South Wales Court of Appeal and the High Court of Australia. Can we take it from the exchange that has just occurred that any suggestion that this witness, or any other witness representing the Rural Fire Service Association, has committed a contempt of this Committee and thus of the Parliament, is withdrawn?

CHAIR: The Committee will have a deliberative meeting after the hearing to discuss the matter, and we will let you know after that.

Mr CLARK: Are we to assume that we are at the moment in a position where there is a suggestion that a witness representing this association is guilty of a contempt of this Committee?

The Hon. D. J. GAY: I think the question was asked.

Mr CLARK: So the suggestion was made that Mr Luscombe was in contempt of this Committee?

The Hon. D. J. GAY: A question was asked and an answer was given.

CHAIR: There is no question of guilt or innocence, but merely a question asked. The Committee will consider the matter in its deliberative meeting after the hearing.

Mr CLARK: I think we would seek from this Committee an opportunity to address any suggestion that a witness representing this organisation is in contempt of the Committee. As I said, that is an extraordinarily serious matter to raise and to go onto transcript. I would seek from you, Mr Chairman, an assurance that if there is any suggestion that Mr Luscombe is in contempt of this Committee, or indeed any other witness who is sitting here is in contempt of this Committee, we will be given a proper and fair opportunity to respond in terms to that allegation.

CHAIR: Indeed.

The Hon. C. J. S. LYNN: As a lay person, I would have thought that the question that the Hon. D. J. Gay asked was adequately answered by Mr Luscombe. Certainly, it was answered to my satisfaction.

Mr CLARK: You would understand that it is an extremely serious allegation to be raised.

The Hon. C. J. S. LYNN: I understand your concern. However, in my view it has been adequately answered.

Mr CLARK: If we are to proceed on the basis that there is no suggestion of contempt, we would be happy with that.

CHAIR: If this matter is pursued further, obviously there would be a forum for you to answer any allegations. I believe that the witness has answered adequately at this point, and I think we should continue with the Hon. R. D. Dyer's question.

The Hon. R. D. DYER: The Committee, especially my colleague opposite, the Hon. C. J. S. Lynn—who has sometimes given the impression that he is freaked out by too many stripes on shoulders—has sometimes raised the matter of uniforms for volunteer firefighters. What are your association's views on this issue? Are current uniforms and safety clothing appropriate to the needs of volunteers?

Mr SWAYN: I would like to answer this question as a volunteer. The protective equipment is world-class and is recognised by international standards. It has been developed as a result of significant testing and also assessment by volunteers both in a laboratory sense and also in field usage, and has been the subject of ongoing improvements in its utility and the like. It has also been developed to address the membership that we now have, with its increasing number of women. It is of more comfort to them in terms of their fit and the like, and I think is now second to none and is entirely adequate.

Again as a volunteer, with regard to the dress uniform, I think the most sincere form of flattery is to see how our volunteers vote with their own wallets. As an association, we have meetings across the State. Indeed, our annual general meeting that we have at Bathurst has several hundred volunteers and salaried staff turn up. The number of volunteers who proudly wear the uniform, generally funded out of their own pocket, is increasingly encouraging. I know that in my own district the issue of uniform is more one of pride and corporative entity, if you like. Rather than seeing ourselves as some sort of paramilitary organisation, it is a matter of proudly wearing something that identifies us as part of a well-run and cohesive organisation.

The Hon. C. J. S. LYNN: My experience has been as a simple soldier. On the ceremonial side, out in the west I have heard people speak about the white shirts and so forth. I think there is something more Australian about those uniforms, as opposed to the European uniform, with the braid and the bird droppings.

Mr LUSCOMBE: I guess the problem at the moment is that there is a significant number of volunteers out there who put their hand in their pocket. If we were to ask them to do something different, I suspect we would find ourselves in all sorts of strife.

The Hon. J. R. JOHNSON: Last Monday in Dubbo the Committee heard from the Mayor of Wellington council that the Rural Fire Bill was rushed through Parliament. I think I set him straight on that. In fact, the Mayor alleged that the consultative process had been patronisingly flippant. I would like your comment on the level of consultation involved in your association about the bill having regard to the fact that you represent close to the total 70,000 or so volunteer firefighters.

Mr CLARK: I find it hard to understand how that comment could have been made, having regard to the level of consultation that did take place. In my 27 years experience in the service or one of its predecessor organisations, there was quite an extraordinary level of consultation. The number of submissions that came from individual members of the service and other organisations was quite extraordinary having regard to the range of issues involved.

I have had some experience in other forums with the legislative process and input into the legislative process. There was quite an extraordinary degree of consultation with other stakeholders, ranging from the New South Wales Fire Brigades, the National Parks and Wildlife Service, the local government organisations, and indeed, I think the Hon. C. J. S. Lynn will confirm, the Opposition. It was not necessarily the case that both sides of politics ultimately agreed, but I am certainly aware that changes were made as a result of those consultations all the way down the line. To answer your first point, I think there was quite an extraordinary degree of consultation.

So far as the input of the volunteers was concerned, it must be recognised that our organisation was at that time a very young organisation. We had nothing like as sophisticated an infrastructure as we have managed to develop since then. However, we did manage to ensure that there was a very wide range of use taken from across the State, from most sides of the Great Divide—not perhaps so much through the formal structures that

we have now, but by bringing the volunteers, fire control officers and others together on a working party. I think you as members of this Committee can be assured that the bill had a great deal of input from all concerned. Nobody will say that everybody got what they wanted in totality. I guess there is always some ongoing concern in that regard. We did not get everything that we wanted from a volunteer perspective; the Opposition did not get everything it wanted; and I suspect that the Government did not get everything it wanted. However, of course, I am not privy to the inner workings of the process.

The Hon. M. I. JONES: Mr Luscombe, during your initial address when talking about equipment sourced from local manufacturers you said that equipment was not provided to one area and not cross-subsidised by other districts. What do you mean by that?

Mr LUSCOMBE: If a district decides that it wants to source something locally, and it happens to cost more than it does by the district going somewhere else, effectively, through the way the fire fighting fund is managed, other districts have the State subsidising them so that they can purchase locally.

The Hon. A. B. KELLY: There has been a lot of discussion about the various ways in which the dual accountability issue can be resolved, including the association's option (c), on page 69 of your submission, which we have talked about. Do you agree that progress towards the model such as that provided in your option (c) can be achieved? Progress towards that can be substantially achieved perhaps by firstly addressing the dual accountability role of the fire control officers, embracing that zoning concept, and lastly establishing the advisory committees as per your option (b)?

Mr SWAYN: Yes. We have deliberately structured our options so that they are a phased approach. As we mentioned in our preamble, we believe that all the options offer an improvement over the current situation, but we believe that some are better than others. Earlier this week we heard evidence from our representatives in central regions, including representatives from the south-west group, which is the Harden, Boorowa, Young zoning in the central west of New South Wales. To all intents and purposes, it is an example of our option (b), except for the ownership of the assets point of view. They mentioned a number of factors that assisted in the management of assets, and a larger view of resourcing in the central west part of New South Wales and the advantages that that offered. They also mentioned that there were issues still to be addressed, and those included the development and improvement of volunteer representation on what they laughingly called the star chamber, their consultative group, and the issues of getting all local government areas to equally contribute or participate in the management and sharing of resources and the funding issues that are associated with that.

If we look upon that as being our model of how option (b) may work in the future, yes, that is an improvement. Simple employment of fire control officers and district staff by the State Government would be an improvement, but fundamentally while ever the assets are managed by another body, namely local government, there will always be a potential for some degree of conflict to occur. We believe that option (c) provides the best resolution to that, in strengthening the responsibility of local management but putting it all under a clearer line of accountabilities so that all resourcing decisions are arrived at using local stakeholders as and input but in a manner which best meets the needs of the service as a whole.

CHAIR: Do you not think that some councils will not provide resources and will resist the attempt to impose option (c)? Might there be a lack of resources as a result of that?

Mr HARRAP: May I answer that from a fire control officer's point of view. In theory, yes, but currently the State Emergency Service works under a system where local government has a legislative responsibility to provide the control centre they operate from whatever administrative resources are required in order to make that organisation work. There is no reason why a similar system could not exist. From a salaried officer's point of view, there is a strong belief that if the service is to progress into the future we need to break that nexus with local government.

I was interested to note in the LGSA submission that Mr Vardon, I think in answer to a question, estimated that a fire control officer's work was 80 per cent service work, which one assumes means 20 per cent local government work. It is interesting that some councils, and not all—and you yourself, Mr Chairman, alluded to some councils who are offering to hand their service over—are saying that if someone does 80 per cent of his or her work for another "boss", and that council pays only 12.3 per cent of the cost of that, the council wants total control of the person it is employing. It seems that there is an imbalance there somewhere.

The Hon. A. B. KELLY: That is 12.3 per cent of the cost of the equipment; the council does not pay anything towards the fire control officer.

Mr HARRAP: It pays a 12.3 per cent contribution to the fund. It is effectively getting the employee for 12.3 per cent for only 20 per cent of the time, but it is saying that it should be totally in control of that employee.

Mr CLARK: There is also some statutory recognition of the need for councils to satisfy their obligations through section 37 of the Act, which imposes certain obligations on councils in relation to the supply of facilities. Ultimately, the Minister has the power to assess the 12.3 per cent contribution if there is a dispute. A number of mechanisms exist within the legislation as it stands that would address those concerns should they arise.

The Hon. A. B. KELLY: Is that through the standards of fire cover?

Mr CLARK: It would be through actual statutory obligations: the requirement to provide facilities and to make contributions.

The Hon. A. B. KELLY: The Chairman alluded to providing a minimum base, or what would be expected to be fair and reasonable. The requirement varies, depending on councils' contributions.

Mr CLARK: You are correct. Through mechanisms such as standards of fire cover, it would ultimately be possible to set a minimum level and use the existing statutory mechanisms, perhaps on amendment, to enforce that level of protection for the community.

Mr HARRAP: Under the current system, local councils provide all administrative support, and variability between districts is enormous. The current system does not guarantee a standard of administrative support.

Mr CLARK: In fact, there may be an argument for the Minister of the day to exercise his or her power under the legislation with respect to the 12.3 per cent figure in order to address some of those minimum concerns, particularly in rural areas where we are worried that local government is not doing enough to support the service.

The Hon. D. J. GAY: My question, which is addressed to Mr Luscombe and probably to Mr Swayn, is about the relevance and effectiveness of the RFSA. We have talked about dual accountability and the problems that FCOs face because they have two bosses. I have looked at your submission and I agree with large parts of it, particularly your remarks about equipment.

We also talked about press releases, and I referred to one of your press releases that lauded Commissioner Koperberg. I said, in probably colourful language, that you were not representing your people properly in being so laudatory. Your people have concerns—particularly the volunteers who are not always as enamoured of what is happening as your organisation appears to be. The question that arises is: why are the volunteers—not all volunteers, but some in certain areas—largely unhappy at present? Even in your submission you continue to say that everything is fine and that there is no problem. Are you addressing that difficulty? If volunteers are unhappy, have you failed because you have a problem representing salaried officers and volunteers? Is there a case for establishing a new organisation that represents only the volunteers and is able to espouse their concerns—which is something that your organisation is perceived as failing to do at present?

Mr CLARK: I can answer that question on a number of levels. First, it would be inaccurate to characterise the submission as only being supportive of the service: it identifies many areas where we think the service can lift its game.

The Hon. D. J. GAY: I acknowledge that.

Mr CLARK: Thank you. We believe that, when something is progressing in the right direction, we should support it. We believe also that, when something needs to be changed and we can identify it, we should make that change. We have been guilty of using the quite extraordinary degree of representation that we have at various levels within the structure—the Rural Fire Services Advisory Council, the local bushfire management committees and the corporate executive group—to achieve results without the need to cause a stink publicly. That has worked to our detriment sometimes because our achievements have not necessarily been recognised.

Secondly, the service has 70,000 members with various capacities spread across the State. It is very easy to say that there is much unhappiness in particular areas. That may or may not be the case; it is very hard to identify to what extent there are grievances. Everyone recognises that there are some problems in certain

areas, and we are trying to address them. In some places very noisy individuals or organisations, such as RVFFA—18 members turned up to its annual general meeting—have been extraordinarily critical of the service and of the commissioner. I am sure you would agree that they do not reflect properly the position on the ground.

Does our organisation reflect the views of everyone in the service? No it does not, in the same way that the parliamentary representatives of any political party cannot be said to represent the views of every member of that party. For example, there are different positions within the National Party with respect to the monarchy. We have a representative structure that tries to—and, we believe, it succeeds—throw up the majority view and the broad thrust of views of people in the service. Through that structure, the members of the service—if viewed as a whole—generally endorse the position and direction that the service is taking. They endorse the changes that have been made and want a whole lot more.

The Hon. D. J. GAY: I apologise for interrupting, but you have said that your organisation represents the majority view. Is that not part of the problem? It goes to my final question: is there not a case for establishing an organisation that represents only volunteers? Are you not running the risk of their being overruled?

Mr CLARK: I will address that point. As someone said, the overwhelming majority of our members are volunteers. Our submission was written by volunteers and endorsed by the whole structure of the service. Three volunteers and one full-time person are sitting before you. I do not believe there is room for a multitude of organisations in this service. I do not think anything will be achieved by setting up a separate FCO organisation because, at the end of the day, it is generally recognised that the service is one. There are separate issues. If you look at our constitution, you will see that our structure has separate volunteer and FCO streams so that issues unique to the FCO or to the volunteers can be addressed. Issues raised by the rank-and-file come from volunteer-only structures; our regional conferences are volunteer only. Therefore, I reject the implicit suggestion that this organisation is dominated by the commissioner or its paid members. Organisations such as the RVFFA—which, it seems, it is intent upon disruption; one can see from its policies that it is hardly constructive in its approach—believe that there should be a separate organisation. I, for one, am not aware of any significant level of support for that proposition.

Mr LUSCOMBE: I wish to add to Stuart's comments and respond to the second question. The RFSA has existed in its current form for only about three years. During that time, we have seen a significant reduction in the "us and them" syndrome that had existed in the organisation between salaried officers and volunteers. There is no doubt that salaried officers are viewing their volunteers in a different light and that, likewise, volunteers are viewing their FCOs in a different light. That breakdown is also occurring, to a degree, between the state and local levels. The RFSA has made a significant contribution to that change in attitude. Contrary to what you are suggesting, some salaried officers are saying that the RFSA is too biased towards volunteers. Like Stuart, I do not believe there is any benefit to be gained from splitting the members of this service. That is the path that we would take if we adopted your suggestion.

The Hon. M. I. JONES: In support of the question asked by the Hon. D. J. Gay, this inquiry was established because of complaints by various parties. It is a huge inquiry that has received many submissions—it is probably the biggest parliamentary inquiry ever. Inquiries do not become this big if the avenues of communication are as you would suggest: if there is good communication between the levels. The weight of evidence that we have received contradicts your comments. In fact, the "us and them" syndrome is manifest in a number of submissions that we have received.

The Hon. R. D. DYER: Most submissions are supportive of the service.

The Hon. M. I. JONES: Many submissions support the service, but much of that support comes from salaried individuals who use the same terminology. That support is an effort to snuff out any criticism of the organisation.

Mr CLARK: I reject that out of hand. That is a mischaracterisation—I do not mean that in a derogatory sense—of the views that are held by the vast majority of members of the service. I am very concerned about the number of organisations that have used this inquiry as a vehicle to attack the service. I cannot help but observe that two Committee members have in front of them, and are referring to, letters from the Fire Brigades Employees Union. If you look at the published writings of that organisation, you will see that it is fundamentally opposed to the existence of both the rural fire service and the Rural Fire Service Association. That is a matter of fundamental concern. A number of organisations and people have used this inquiry to undermine something that they appear to hate and despise. Why they feel that way is beyond me. It would be

very dangerous to draw conclusions as to what the silent majority—I hate to use expressions such as that—might think about the service based on the views advanced by several organisations, some of which fundamentally oppose the existence of the very service that we are investigating.

The Hon. M. I. JONES: I must advise the witnesses that the New South Wales Fire Brigade sent a submission to the Committee. As recently as last Monday, we discussed the possibility of having its representatives appear before us, but we decided against that. It is misleading to use that example, as we have just received this information from our staff.

Mr CLARK: I am simply drawing that as an example of an organisation which has made a submission in circumstances where that organisation is fundamentally opposed to the very existence of what we stand for. We could go into it. It contains many misleading statements in relation to this organisation and the views of the volunteers.

The Hon. M. I. JONES: But it is only one of 600.

The Hon. D. J. GAY: A supplementary question to Mr Clark. Mr Clark said that two members of this Committee had that in front of them. In fact, all members have that in front of them. It was just dropped by the staff in front of us. There is no conspiracy theory as your evidence suggests.

Mr CLARK: I am not suggesting a conspiracy theory.

The Hon. D. J. GAY: You did.

Mr CLARK: I saw that two members had it in their hands.

The Hon. D. J. GAY: Just further to your evidence, are you aware that your organisation put out a letter to your members suggesting submissions to this Committee?

Mr CLARK: Yes.

The Hon. D. J. GAY: With particular guidelines on how—

Mr LUSCOMBE: No, that is not quite true. Quite plainly the letter said we encourage everybody to put in submissions.

The Hon. D. J. GAY: Highlighting—

Mr LUSCOMBE: No, it did not say that. I can provide you with a copy of the letter.

CHAIR: We have one.

Mr LUSCOMBE: You have one, right. The letter said quite plainly please put in submissions, here are a number of items that the association sees as positive. At no point in that letter does it give anyone any direction.

Mr CLARK: And we would be failing in our duty if we did not encourage people to put in submissions. I would have thought that this inquiry wanted as many submissions as it could possibly get.

The Hon. D. J. GAY: You can hardly be critical of others, having done that yourself.

Mr CLARK: With the greatest of respect, sir, I can be critical of submissions that are put before this inquiry by organisations that are fundamentally opposed to the organisation that are misleading in their content. If you wish me to address the misleading content of some of those submissions, I am more than happy to.

Mr SWAYN: One example from the FEU's submission, and you were alluding to this, one result of the poor representation of the RFSA has seen the formation of the Rural Volunteer Fire Fighters Association. Now, that is a throw away line used in there, but the RVFFA and its predecessors were formed for many years before the RFSA. Even after all those many years of supposedly representing the volunteers and the like, we have a recent member who is now member 541.

Mr CLARK: And they claim an organisation of 900.

Mr LUSCOMBE: And might I say that they do not have, and have never had—

The Hon. M. I. JONES: Point of order: I think the evidence we are receiving now, without the people being present to defend themselves, is inappropriate.

CHAIR: I think it might be appropriate to discuss this in deliberations later, whether we should call the Fire Brigade Employees Union to give evidence at some later date. Do you wish to continue with your answer or should we continue with the next question?

Mr LUSCOMBE: My simple point was going to be in the about 15 years since the Rural and Volunteer Fire Fighters Association's predecessor came into existence, they have not put together anything near as representative a structure as we have in the past three years. Might I also just put on record that our understanding of the 600 submissions that have been lodged with the inquiry is that 70 per cent are supportive or partly supportive, 8 per cent are neutral and 22 per cent have some concerns.

The Hon. R. D. DYER: I noticed during the hearing at Lismore there were differing opinions about the question of training. The Farmers Association tended to be putting the view, in my opinion, that there is no substitute for experience. On the other hand, other witnesses suggested that training was about right and yet others thought there was room for even more training. What is your association's view regarding training? Should there be more or is it about right now?

Mr SWAYN: I think the important issue is to make sure we have the required competency levels to undertake the job effectively and safely. Whether those competency levels are obtained through life experience or through the armed services or through rural fire service training is not important but effective mechanisms to identify those people who do have that the required competencies and where the gap exists in the training required are relevant and useful. I think many of the submissions—and I know one or two fire control officers from Lismore—said that invariably most training courses were oversubscribed and they were doing well to keep up with the demand from volunteers for both the core training and also the additional training of chainsaw usage and four-wheel-drive training and those other specific skills that are required.

The Hon. M. I. JONES: Does that mean there is such enthusiasm or there are too few courses?

Mr SWAYN: I think it is more to do with enthusiasm than too few courses. Our experience has been very similar, that as a more structured approach to managing the training is deployed across the State, it provides the opportunity for volunteers to put their hands up to undertake training, and the ability for us to service that is becoming increasingly strained, because there is such a large demand for it. The association recognises that the recognition of the current competency process needs to be streamlined and improved. One other difficulty is operating through the current structure where local government has an input into the overall management of that responsibility. There is a high degree of variability in both their resourcing and their willingness to support it. We need to make sure that is improved across the State in terms of its implementation and appropriate levels of standards.

The Hon. A. B. KELLY: To do with local built, have you any other comments on local built? We had a number of comments as we went around on local built. Do you think there should be some sort of a preference scheme for local built? I am aware in some areas it ranges from 16 up to even 30 people who might be employed in some areas of the State building fire trucks.

Mr HARRAP: I think one of the issues that has been raised with regard to local built relates directly to an employment issue in the district from which those people come, which one could arguably say is not really a function of the Rural Fire Service, although the Rural Fire Service has an ability to impact on it. The problem with local built appears to be, from the evidence the association has, in many cases the work that is done is to build a vehicle that is not the exact equivalent of the service vehicle. Therefore, that can lead to problems, not only of the operational effectiveness of it and the longevity of it; as the president mentioned in his opening address this morning, but it can add to the perception that it is cheaper. That is not necessarily so and it is something we have to be very mindful of. The service—and the association has supported the service in the direction it has taken—has and conducts an ongoing research into the development of firefighting equipment.

The firefighting equipment we are provided with, and the majority of equipment you are referring to in your question, tankers that employ staff to build them, are the result of continual improvement and continuing development to get a vehicle that is not only effective for the firefighter but is also cost-effective for the community. Whilst the association understands the need for local areas in the country, particularly, to have

gainful employment, one of the functions that is causing the problem, to our belief, is that the issue of tendering comes under the State Government Contracts Board. I do not profess to know what its legislation says, but it may well be that the service is feeling an impact caused by other regulations that exist in terms of freeing this up a bit. However, one thing the association is adamant about, if we are going to have local built, the local built has to meet the service standard so that we do not end up with the potential of substandard equipment out in the fire ground.

The Hon. C. J. S LYNN: I do not know who is best equipped to answer this, but can you give us an idea of the attrition rate of the volunteers? What is dropping off at this end and what your recruitment rate is? Also, some question was brought up before about the definition of an active firefighter and someone who is not active, I suppose?

Mr HARRAP: If I may, I guess the attrition rate and the perception that there have been large losses of volunteers from the service are not borne out by the statistics that are presented on an annual basis by the local governments that manage the service. The statistics that are forwarded to head office, which form part of the training database, do not indicate a large drop off for volunteers, and I think they are the terms that people have used. What I suspect is more likely to have been happening, and Chris Vardon this morning referred to it to some extent, is that there is a demographic change in the rural area and that is affecting everything not just the Rural Fire Service. The Rural Fire Service, because of its size, is a reflection of the community at large. If the community at large, for whatever reason, rightly or wrongly packs its bags and leaves, clearly that will have the an impact in that area.

If I can speak for the eastern seaboard, which is the area in which I operate, our membership tends—and I suspect the same happens right across the State, but it would be wrong for me to say I know it does—to rise dramatically when you have a busy season, quite clearly. To give you an example, after the 1994 fires my district had an influx of about 250 members, of which a hard core of 100 actually really wanted to join the organisation. The rest were on an adrenalin run because of what was going on. On that basis our membership has slowly but surely crept up and we find that natural attrition is replaced by enthusiasm from some of the instances that were cited earlier this morning, from the junior brigade system. In regard to active members, that is an ongoing problem for all fire control officers in all districts. There has been a tendency over the years, including the years when I was a volunteer, that a big brigade was automatically a great brigade—the old American syndrome, big is beautiful. All brigades are formed around a nucleus of active members—

Mr CLARK: And very active members.

Mr HARRAP: And very active members, that could be a good way of putting it. But the point is, the constitution of the brigades within the service is currently being reviewed under service standards. Every brigade needs a core of people who do not actually go out and physically fight the fires but support the people who do. The argument tends to be whether someone who does the backroom work is actually active or not. There is also a misconception in some brigades that in order to be covered by workers compensation you must be an active member. In other words, unless you are doing everything a brigade wants of you, you are not covered by workers compensation. Clearly that is not the case. Workers compensation legislation covers everybody who takes part in bushfire fighting. It is designed specifically to enable the community to get on with doing something about what can be a potential disaster. So, there will probably be further discussions and disagreement about the difference between active and associate, but they are not insolvable; it is just a question of brigades coming up with an understanding that an associate member is as important to the brigade as an active member.

Mr LUSCOMBE: Can I just add to that and say—and I know it is hearsay—that in a recent forum I was involved in the mayor of Boorowa actually supported the view that a lot of problems with the fall off in numbers of the Rural Fire Service in the rural areas is due to demographics more than disillusionment with the service.

The Hon. D. J. GAY: Economics.

Mr LUSCOMBE: Economics, yes.

Mr SWAYN: Ageing populations and the like.

CHAIR: Do you accept that there may be a need in certain areas, such as Far Western New South Wales, for different types of equipment to be used?

Mr SWAYN: Yes. Every district has slightly different topography and vegetation, different volunteer groupings, different types of fires. The current system is designed to have in place the mechanism by which, firstly, those differences are identified and, secondly, management in those districts are able to obtain, build or specify the equipment that best suits their needs. For example, one presentation in Lismore related to the desirability of having category nine vehicles to be able to get between the banana palm plantations. The current system is all about ensuring the opportunity to obtain the equipment that best meets the specific needs of a district.

CHAIR: There should be as much flexibility as possible?

Mr SWAYN: There is flexibility. There are 11 different categories of vehicles, ranging from category one, which carries 3,500 litres of water—to use an analogy, they are like the battleships of the fleet—all the way down to the patrol boats, category nine vehicles, which are LandCruisers or Nissans with a small tank on the back. They are for quick response, get-there-quickly kind of equipment. Then there is all the range in between.

Mr HARRAP: To my recollection, the evidence my colleague referred to about the smaller tankers being required for the banana plantations was presented by a witness in response to exactly the same question you asked about the suitability of equipment. Subsequently, in answer to another member of the Committee's inquiry, the witness admitted that he got it. The flexibility is there. What may not be there is an understanding by the volunteers that the flexibility is there and the management of that flexibility is firmly within the grasp of local government.

The Hon. D. J. GAY: Why is that message not getting out?

Mr LUSCOMBE: The best understanding we can get is that there is resistance within local government to do so.

The Hon. D. J. GAY: Is that not part of your task to get the right message out?

Mr SWAYN: Yes, as an organisation we have a responsibility to represent the views of our members. To use the example from Lismore, two separate brigades from two districts—Copmanhurst and Nimbin—presented. Both districts receive the same information at the local government level. One brigade complained about not getting the information or getting *Quench* magazines in one bundle, that sort of thing. The other brigade said, "We always receive information. We are getting overwhelmed with information." That gives you an example. It seems to be falling down at the local government level. As was mentioned this morning, we know of one district where, until recently, the general manager stopped the distribution of the *Quench* magazine.

Mr CLARK: That is a service magazine, not an association magazine.

Mr SWAYN: It is a service magazine, which contains many safety issues and information about policy changes and the like. The general manager actively stopped distribution because it was viewed as "propaganda". They are the kinds of issues that are stopping it getting down to the tactical brigade level.

The Hon. C. J. S. LYNN: You would see option C as facilitating the flow-on of information?

Mr SWAYN: Very much so. Option C is very much about the overall direction of the service that is being established by the Commissioner and guided by the key stakeholders through the Rural Fire Service Advisory Council, to establish the levels of service the community expects and financial, safety and equipment targets. However, the responsibility and management of that implementation is very much the responsibility of local areas.

CHAIR: We are out of time. Thank you for your attendance.

(Luncheon adjournment)

PHILLIP CHRISTIAN KOPERBERG, Commissioner, New South Wales Rural Fire Service, 175 James Ruse Drive, Rosehill, and

MARK BERNARD CROSWELLER, Assistant Commissioner, Strategic Development, New South Wales Rural Fire Service, 175 James Ruse Drive, Rosehill, on former oath:

TREVOR JAMES ANDERSON, Director, Corporate Services, New South Wales Fire Service, 175 James Ruse Drive, Rosehill, sworn and examined:

CHAIR: Mr Anderson, in what capacity are you appearing before the Committee?

Mr ANDERSON: Director, Corporate Services.

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

Mr ANDERSON: Yes, I did.

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

Mr ANDERSON: Yes, I am.

CHAIR: Commissioner, do you wish to make an opening statement?

Mr KOPERBERG: First of all, I thank the Committee for the opportunity to act as what might be regarded a rebuttal witness to these most important proceedings. In that regard, I would like the opportunity to clarify a number of issues that have been put before you. Before I do so, I turn briefly to the proposition raised earlier in today's proceedings by the Hon. Duncan Gay when he asked the RFSA whether or not in its view there was room for a new organisation representing solely the views of volunteers to ensure that the issues did not become diluted because of perceived conflict of interest and so forth. What I want to suggest is that in fact is the case. There are two such fora. One is the RVFFA, which is solely a volunteer organisation and does not represent the views of other than volunteers. Of course, the other is the new steering committee for the Bush Fire Brigades Association. I suggest to you that there is a marked absence of tens of thousands of volunteers beating a path to the doors of either of those organisations. In fact, you will recall in evidence before you that the organisation purporting to represent truly the views of volunteers had difficulty getting more than 10 or 12 people to its annual general meetings.

The other point I would like to make is that whilst it has been said there have been a record number of submissions to this inquiry, it is important to consider two things. Firstly, of an organisation of 69,000—figures based not on the views of the Rural Fire Service but on returns from local government—how many have you not heard from? I suggest that you probably have not heard from 68,000 of those 69,000 volunteers. That would suggest to any reasonable thinking person that if those volunteers had a major concern with the way in which their organisation was being managed they would have been more numerous in their approach. Secondly, of the number of submissions received, the fact remains that 78 per cent of those were not in opposition to the manner in which the Rural Fire Service conducts its affairs. In fact, 70 percent were overtly supportive and another 8 per cent were neutral. Only somewhere in the order of 20 per cent had serious issues to raise.

I recognise that the determinations of the inquiry are going to be very much based on the evidence before you, and that you have a realistic expectation that what has been put before you is, in the main, fact. To that end, if I could be permitted to spend a little time on reviewing some of the matters that which have been put before you in the last number of hearings. I have not had the benefit of the *Hansard* of the Dubbo meeting, so I shall refrain from commenting about that. One of the disappointing things about the process so far is the tendency on the part of a very small minority, to wit, the mayor of Wellington, to play the man rather than the ball.

During the hearing of 29 February, at page 36 of the proceedings, Barry Rheinberger made a number of mentions to the need for the continuation of small equipment. By that, I presume Mr Rheinberger refers to the provision of tanks, pumps, tanker trailers and small vehicles. The service agrees totally with Mr Rheinberger, and that is why we continue to provide the level of equipment. However, we have ceased providing every farm in New South Wales with a tanker trailer, a pump and a tank, simply because there are more global issues to be addressed. Were we to continue to do that—as was very much the case in the seventies and, to some extent, the

eighties—we would not be looking at a tanker replacement program, a major capital works program, which would put this service on a par with community expectations. Mr Rheinberger, whilst advocating the extensive use of small equipment, nevertheless spoke favourably in evidence of a unit having been built which carries 18,000 litres of water. The inquiry ought to be aware that the biggest tanker we make is somewhere in the order of 3,500 litres of water. If the cry is for small equipment, why advocate something carrying 18,000 litres of water, which must be enormous?

Mr Rheinberger asserts that the volunteer organisation, which he said started somewhere in the order of 50 years ago—it in fact started 100 years ago—is now being washed away by bureaucracy. “Bureaucracy” is a term that springs readily to mind when you want to be critical of something. The fact remains that within this so-called bureaucracy, as I have given in evidence before this Committee, the total number of paid staff, fire control officers, deputies and head office staff constitutes less than 1 per cent of the total organisation. It would have to be regarded in any theatre as a very small bureaucracy. Nevertheless, that bureaucracy is not there for its own sake. It is there to effect matters of workers compensation, research and training. It is there to disburse and administer the budget, to plan, to conduct operations, to exercise occupational health and safety requirements, and so the tasks go on.

One of the biggest criticisms that we get from the majority of volunteers is that we are vastly under-resourced in terms of the number of people to do the number of tasks that we have. I have consistently said in the past 15 years that until such time as we break the back of the equipment program and make sure that every volunteer has an appropriate level of personal protective clothing, that every brigade has a decent tanker and decent equipment, we are not going to increase the size of the bureaucracy to really meet the need. I suggest to you that rather than having an inflated bureaucracy, quite the opposite is the case.

It is suggested by Mr Rheinberger at page 35 of the transcript of the same date that a dual organisation be formed in New South Wales, that is, one based in the west—presumably those areas west of the Great Dividing Range—and one in the east. Whilst I can fully sympathise with the motives which drive such statements, I put it to you that is in direct contradiction of every principle of effective emergency management. It is a fact that the west comes to the aid of the east and the east often goes to the aid of the west. The only way that can be effectively discharged is for there to be a cohesive and integrated service. If, for argument’s sake, there were to be another organisation established in the west, one would also sooner or later have to create one form of management and administration, or shall we say bureaucracy, to discharge the responsibilities of the western group.

It is likely too that under separate jurisdictions we would find fairly quickly a state of significant variation in standard. The moment that there is variation in standard, equipment, particularly, stops being interchangeable. For the past 30 years we have battled in this State to get a level of uniformity of equipment, so that in a scenario where a crew had to stand down after a long stint in the field, a totally different crew—whether it be from Mudgee, Bourke or Sutherland—could hop onto that piece of equipment and be familiar with it. That makes the type of equipment totally interchangeable. I suggest strongly to you that any attempt to separate the organisation would lead to a degradation of our capacity to standardise things like that. Of course, ultimately, different views would prevail as to the occupational health and safety standards that needed to be applied and so on.

Mr Rheinberger says at page 35 also that when the budget was considerably smaller than it is now they got a lot more gear. I would have to say to some extent that Mr Rheinberger is correct. In the days of a considerably smaller budget a lot more equipment was handed out. However, the equipment generally was inferior. It consisted largely of a few tanks here, a few pumps there, a small vehicle here, a tanker trailer there. However, we have wider, more global responsibilities, that is, the welfare and safety of our firefighters. I have previously given in evidence to this Committee that in one decade 17 firefighters were killed and in the succeeding decade only three were killed. That is clear evidence of the fact that our occupational health and safety commitment is beginning to impact.

The real test of Mr Rheinberger’s claim—of which to a large extent he is right—is the fact that in the year 1993-94 we provided 74 new firefighting vehicles. However, in the current budget year we have provided 157, more than double that number. Whilst there is a lesser quantity of inferior equipment being randomly spread across the landscape of New South Wales, a more cohesive approach has led to a higher quality of equipment being made available to brigades in this State. He refers also to the fact that tanker trailers are no longer as readily available as they were. Tanker trailers are a small unit of two or four wheels, depending on the capacity, with either a square or elliptical tank, which may be readily hooked onto a farm Toyota LandCruiser or other such vehicle.

Again, Mr Rheinberger is correct. We have curtailed the use of this equipment based on advice from the RTA and WorkCover Authority because of the disproportionately high number of injuries that were being sustained in the use of that equipment, not in the flat country of New South Wales but in the hilly country. To that end, we have accepted the recommendation put forward by the Farmers Association representative on the Bush Fire Council of New South Wales that in undulating terrain this equipment no longer be provided. Recognising the value in some circumstances of that equipment, it is a fact that we continue to provide those tanker trailers to the flat lands, such as the Western division. Councils there are at liberty to order the equipment, because they are still being made available. We recognise their place in firefighting but not in undulating country in the interest of safety.

Indeed, the proposition is indicative of the fact that it is not the Rural Fire Service head office that is the determinate of the type of equipment that will be used. It is still, to this day, the province of local government to select from what is virtually a shopping list. We provide annually a catalogue of available equipment and local government councils may choose from that catalogue equipment which best suits their needs, even to the extent that they are asked to prioritise it in terms of demand so that in the event of the budget not meeting the demand--and no budget ever meets demand--we are at least able to gauge what is most important to them.

Other than in the circumstance where local councils want to reduce the amount of personal protective clothing, we acquiesce to that. The only thing we ask local councils not to take off their shopping list in favour of something else is personal protective clothing. Mr Rheinberger went on to say that a lot of shires and brigades do not have equipment. There is no shire in New South Wales which subscribes to the Bush Fire Fighting Fund by contribution of 12.3 per cent that does not have equipment. Every shire has equipment. Some brigades do not have a front line tanker. There are 2,400 brigades in this State and often in many cases the brigade simply constitutes a family or perhaps two on a farm. Clearly, the folly of supplying a piece of equipment worth \$110,000, \$120,000 or \$150,000 in those circumstances does not make for effective management of the State's rural fire problem.

Mr Rheinberger referred to funded equipment costing a lot more than the price one might pay locally from the shelves of the stock and station agent. I can only reiterate again--and as someone said this morning--that a lot of the evidence must be regarded as anecdotal. All of our trials and field tests indicate that we can buy a Davey pump from the stock and station agent at West Wyalong or somewhere else but it is not the same pump. It may look the same but it is not. The pumps we have manufactured for us are not the commercial pump that you can buy off the shelf; they are designed and engineered to provide a longer life and to be more reliable, and they are provided with all manner of ancillaries, such as hose couplings and frames, to safeguard both the user and the pump.

It is very easy to say, "Look, I can buy a pump which costs half of what the catalogue says it costs". And, indeed, you can, but it is not the same pump. We have an obligation to ensure that the products we ask our volunteers to use are those which are least likely to cause them injuries. Mr Rheinberger said that in many cases the older experienced firefighter has been pushed aside, that a person who knows the area and knows all about firefighting has been disregarded and that we must have control at the local level. I put it to you that if this is in fact so, it is a fact which we very much regret because we place a great deal of value on the experience that, individually or collectively, firefighters from all over the State bring to the effort of rural fire management.

However, if it is so, it is not as a result of any decision taken by the Rural Fire Service. As you heard this morning, we subscribe to the national standards of recognising experience, recognising prior learning and recognising current competencies. However, it is not universally implemented, and it is not universally implemented because these are things over which we have little or no control at the local level. It is a fact that some local government councils will not permit their members to attend fires until they have undertaken one level of training and been accredited, but that is a local government decision. The Rural Fire Service policy is that the principles of prior learning and current competencies are an integral part of preparing a firefighter for the task that he or she might have in the field. The manner in which that is exercised, however, has been left to the jurisdiction of local government.

You heard this morning the shires association advocating strongly that all such matters remain within the realm of local government. So is it any wonder then that you have standards which vary significantly from local government area to local government area? Thus, if there is a loss of people as a result of them being required statutory or mandatory to train, then that is a decision taken at that level and not our level. The only level in which we require formal training and accreditation is in dangerous tasks such as the use of breathing apparatus--and I am sure no-one would argue with the need for that--and to a lesser degree things like chainsaw operation, heavy vehicle driving and so on.

In terms of the exercise of firefighting skills, while we are strong advocates, from which we will not resile, of the notion of formal training and accreditation, experience and current competencies are an integral part of our policy.

As for local control, I can only reiterate that the Government has established under the provisions of the Rural Fires Act one of the most comprehensive local control mechanisms seen anywhere across this country or any other country in terms of the provision of an emergency service. It remains a fact that fire control officers--those who manage the day-to-day affairs on behalf of their councils, of the brigades--are locally employed. They are locally selected and locally fired, if that is the case.

It is a fact that all the ancillary staff--those who support that effort--are also locally selected and locally employed. It is a fact that throughout New South Wales there are in excess of 120 bushfire management committees which bring together all the stakeholders, without exception. They bring together the Farmers Association or its representatives, the volunteers, the police, State Forests, the National Parks and Wildlife Service, the local government council, the fire control office and so forth. That bushfire management committee is charged with determining an appropriate standard of fire cover, response, planning and risk management for the local level. We do not influence that at all.

The co-ordinating committee, which is the peak body for bushfire co-ordination in this State and covers the way in which other agencies shall also operate in a given set of circumstances, has prepared guiding documentation and models on which district committees can model their plans, but is totally flexible when it comes to recognising that a particular framework is more suitable for one area than another area and, therefore, it is given complete jurisdiction in that regard. So far from local control being removed, it has in fact been strengthened.

Similarly, on the question of representation, you have heard many times that there is an unprecedented level of representation. We are not averse to the notion that there should be more or less representation. Indeed, on a daily basis we make some alternative arrangement when one particular area believes that its enterprise would be enhanced by a greater level of representation from one or the other. It is not all that long ago that the Minister acquiesced to representation from the Farmers Association, that its representation be elevated to the executive level of these district committees. The Minister readily agreed with that.

It is interesting to note that, despite vigorous campaigning to have that occur, less than one-third of those committees have been blessed with the presence of a representative of the Farmers Association. Nevertheless, the opportunity to demonstrate the flexibility of the scheme is very much there. Mr Rheinberger referred to a particular brigade--the Woolli brigade--being fairly well equipped. He said he could not understand why that brigade was offered another tanker that it never ordered. Nor can I understand it. Clearly, that is a local decision which we have no capacity to influence one way or another.

I suggest that if there is a common thread running through what has been put before you it is the magnitude of problems at the local level. Please do not misunderstand me. I am not for one moment suggesting that everything we do is beyond scrutiny. Quite the opposite--I believe we have a tremendous amount of work to do in terms of getting communications right. A number of witnesses have been less than complimentary about the manner in which policies, decisions and views are communicated, and that is so. But at the same time we work through a very convoluted system. We rely on the good officers of 142 separate councils, some of whom claim they are getting too much information and others who claim that they are not getting enough, to promulgate the message.

Recently we have developed a communication strategy in direct response to what has been put before this Committee. I need it to be understood that we are very conscious of what is put before you, and where we believe we can move forward and improve something we are doing so as this goes on. We will not simply wait. If there is a legitimate concern we react to it; hence the promulgation of this particular strategy. We hope that will improve, but it does place some requirements on people over whom we have no influence. For argument sake, we are advocating that fire control officers should at least once annually meet with the mass of volunteers and they should at least twice annually meet with all their captains.

Similarly, it imposes obligations on us at the head office to communicate in as good a fashion as we can. We produce four times a year a comprehensive bushfire bulletin, copies of which I would like to table for the interest and perusal of members. We also produce a periodic newsletter bringing to attention matters of interest or relevance at the time. The means of communication for these mediums, apart from the others you already heard about this morning from Mr Luscombe and others, including our Internet web page and so on, goes from us to local government. Local government would get a stack of these--probably not enough for every volunteer but we recognise that there is some sharing--and we then rely on local government to forward these matters on.

While many of the problems that have been brought to your attention are local, we are not immune to legitimate criticism. In fact, we recognise that we are an evolving organisation. No-one has got communications right. Parliaments do not have it right. Governments do not have it right. Often the private sector does not get it right because it is very much an evolutionary thing. As technology improves, so can communications improve. As

understanding of the human psyche improves, so can communications improve. It behoves us to keep abreast of developments to ensure that our communications can improve.

During your hearings in Lismore you heard from Mr Neil Kemis, who was very critical in a number of areas. The theme he took was not unlike those put to you by other witnesses. Again, it was in relation to equipment and the perceived loss of local control. I can only reiterate that the nature of equipment is different and there may be a level of discomfort with the new regime of equipping. However, we are doing everything we can to lessen that level of discomfort. At the end of the day it is incumbent on us to provide the best that is available. That is equally so with local control. The Rural Fire Service [RFS], in accordance with the provisions of the Rural Fires Act, promulgates service standards on a whole range of issues. It does not get down to telling brigades how they must operate. It certainly does not tell local government councils where brigades should operate. It does not determine the area of a brigade, who shall be the captain of a brigade or how many deputies brigades should have. These are all matters very much for local issues.

However, one of the disturbing elements is the reliance on anecdotal evidence on the part of some on a range of issues and the cost of equipment is but one of those. For argument's sake at page 47 of the transcript of the same date Mr Rheinberger talks about Mudgee having built a tanker for \$56,000 at the time when our category one, our frontline tanker, in fact cost \$110,000, almost twice as much. He talks of having gone to Suttons Motors to procure a cab chassis on which to build the truck and the end product cost \$56,000. Our inquiries revealed that at the time that our category one cost \$110,000 the bare truck, the cab chassis, the cabin, the chassis rails and the wheels cost \$74,704. The pump cost \$17,809 and that does not take account of the fitout, putting it together, hoses, hose reels and those sorts of things.

I put to you that it is impossible to build the product, the equivalent of what we were providing for \$110,000, for \$56,000 because the cab chassis alone cost some \$20,000 more than the quoted total price. It simply does not add up. Ms Dee Wilkes-Bowes from the Farmers Association put to you on the same date that there was great concern about the nature of the equipment that was being supplied to rural firefighters throughout the State. She too made reference to the need for smaller equipment. There is an enormous range of equipment. For argument's sake, the 12 categories of tankers go from the smallest, the sort one would put on the back of a Toyota Land Rover or Land Cruiser, right up to the frontline mountain forest firefighting unit. Even within that extensive range of 12 units there are another two variations at least, which means there are 24 types, styles and capacities of tankers. I defy any community anywhere in the world not to find a satisfactory application in that enormous range of firefighting equipment. That is augmented by all manner of ancillary equipment such as tanks, pumps, tanker trailers, so forth and so on.

A lot has been said about local bills and the Rural Fire Service is no exception in supporting the notion that local communities, especially rural communities, should not be financially disadvantaged by having business done in the city. In fact, it was at our request that the Contracts Control Board has agreed to invite expressions of interest from a whole range of fabricators and manufacturers right throughout New South Wales for the tanker construction program. It is simply now a requirement where such an organisation, whether fabricator, local government council or whatever, may lodge with the Government an application to become an accredited supplier of this sort of equipment.

Interestingly though, the economies of scale cannot really apply and to demonstrate this we have had a range of tenders from fabricators both within the precincts of the city and those within the country and the variation in construction costs is as much as \$20,000 or \$30,000. The Committee would not be surprised to hear, I am sure, that the upper end of that cost structure comes from rural New South Wales, and why not? There are no economies of scale to be practised. A fabricator in Dumaresq shire might be able to build one or two tankers if he is lucky but he cannot build 30 or 40 and those who can base their final product price on the fact that they can buy all their materials en masse, in bulk, and produce a tanker of that magnitude.

The inquiry will be pleased to hear that once these contracts and tenders are finalised, local government will be able to choose their contractor, whether they be in the bush or in the city. We work at the behest of the Government's purchasing system. We are not arbitrators or determinants in this matter. We propose to extend that also to the other range of tankers, depending upon the demand for them. Within a relatively short space of time local government not only in terms of category one tankers but other categories of tankers, including category seven and category two tankers, will be able to choose their own contractor provided the contractors are accredited by the Contracts Control Board. It will be interesting to see whether or not a contractor in Dumaresq shire who is \$20,000 dearer than the contractor down at Rockdale in fact gets the job from the local shire. I suspect somehow probably not, but that remains to be seen. Nevertheless, that opportunity is very much there and will be extended in the near future.

It is suggested at page 51 of the transcript by Ms Dee Wilkes Bowes that emergency controllers should be chosen by a list of people put forward by brigade captains. That is a laudable proposition if it is only the brigades that are to be satisfied in this but there is a far bigger issue. There are broader communities that have a real stake, a real interest in ensuring that a fire is effectively dealt with. Of course, there are a number of agencies that have equally important responsibilities in terms of fire management, such as the National Parks and Wildlife Service and State Forests. There are more players than simply the brigade captains, who are vital elements in this entire process because, after all, they manage their volunteer resources.

But, of course, they already have the capacity to influence an outcome as to who should be an emergency controller because they are represented on each of the 120 or so bushfire management committees that I spoke of. It is quite possible for them to put forward a proposition that Mr A or B or Ms X, Y, or Z be the emergency controller. However, it is important to reiterate that contrary to some myth and urban folklore which has been allowed to permeate, the commissioner does not choose randomly or in any other way who shall exercise that function. The commissioner reacts to a recommendation put to him by the bushfire management committee at the local level and makes no attempt to influence.

There have been a handful of cases in the past 15 years, during which time hundreds of such appointments have been made, where I have in fact rejected a proposition. It would only be one or two where I have felt that the community would be put at risk, perhaps due to the fact that this particular person had been working long hours already or had not the necessary training or qualifications, or some such thing. But in 99.9 per cent of cases the local recommendation, as I said to the inquiry before, is accepted.

The Committee had quite emotional representations from Mr Luf of the RVFFA. Mr Luf told this inquiry in response to a question from either Mr Johnson or Mr Kelly that his being cited as having been admitted to the bar on the RVFFA homepage was all a big mistake and someone else did it. Shortly after that evidence was given I phoned the former president of the RVFFA, one John Harper, an employee of the State Rail Authority and suggested that to him and he said, "No, certainly not. Mr Luf was the publicity officer at the time he wrote the article and he posted the article onto the homepage."

Again, this goes very much to the credibility of some of the evidence put before you. Harry McClain from the RVFFA suggested to you, "We have not spoken to Mr Koperberg in three years because he has given away talking to us." I find that very strange indeed because over the page Mr Wildie, one of his executive, tells this inquiry that the RVFFA met with me last year. I have difficulty in working out the mathematics of that. Last year I presume to be 1999 but in the year 2000 you were told that I had not met with the RVFFA for three years. Again I think that goes to the credibility of some of the witnesses who appear before you.

Mr McClain told this inquiry in advocating the use of an Australian defence industry [ADI] tanker that we are letting the volunteers down and we are not exercising economic rationale by not buying the unit. He cites the tanker as costing somewhere around \$200,000. The fact is that unit cost \$250,000. He suggested that is only 5 per cent more than the current RFS category one tanker, which is strange to us because the current RFS category one tanker cost \$173,000 and the difference between \$173,000 and \$250,000 is a lot more than 5 per cent. The other thing is that that unit only carries two people. A normal firefighting crew would be anything between four and six. I do not know how we propose to transport the rest of the crew to the fire if we were to adopt that sort of thing.

There have been some quite serious assertions put to this Committee which we, the RFS, must dismiss as being simply untrue or irrelevant. Mr McClain flatters me in suggesting that I could underhandedly or in any other way give birth to the Rural Fire Service Association. I wish I could take credit for that but unfortunately I cannot. I give instead credit to the founding executive, who had the foresight to disband the Fire Control Officers Association, an association of salaried officers of which I had the honour of being the inaugural chairman in 1972, and opened that organisation up to the entire volunteer movement. I applaud unashamedly the efforts of the RFSA. It has worked tirelessly to ensure that the views of anyone who wanted to give one were adequately represented to the State, to the Government, to this inquiry and indeed on a constant basis to the Rural Fire Service.

Mr Luf et al made some very serious allegations about nepotism, about cronyism, about abuse of human rights and all manner of things. I am aware that this inquiry called upon him to produce the evidence of such. The Committee has been handed this morning a statement by a former senior assistant commissioner, Tony Gates, who was charged with investigating some of the claims and after frustrating months of attempting to get to the bottom found absolutely nothing. Mr Gates has provided a written submission to the Committee in recent minutes. Luf cites as evidence of nepotism—and I am glad you asked him at that time, Mr Chairman,

whether he knew what it meant and unfortunately he did—that we now have an assistant commissioner and also another assistant commissioner who happens to be father-in-law and son-in-law respectively.

We did some checking. The father-in-law to whom Mr Luf refers is one now retired K. Simpson, Assistant Commissioner Operations, who had his last day of service on 2 November 1998. Following a normal public sector recruitment campaign one of the staff, to wit now Assistant Commissioner Operations Shane Fitzsimons was appointed to that position on 26 November 1998. The files are there for examination by the Committee. It was a normally conducted process. Mr Simpson's son-in-law happened to be the best candidate on the day. But at no stage were they serving simultaneously in a senior capacity within the Rural Fire Service. And so it goes on. You have heard some quite outrageous claims, and I respectfully ask the Committee to have the RVFFA produce the evidence, or perhaps be to hold it in contempt of the Parliament for misleading and false allegation.

During the last session the Hon. Richard Bull, in response to some questions about the small equipment being distributed around the farms of New South Wales, made a statement that I believe encapsulates what we are all about. In response to something put to him by eyewitness who asked the witness whether he ready believed that it was the responsibility of the State to place a tank and a pump on every farm in New South Wales. Mr Bull said, "I am a farmer myself and I have responsibility, both morally and legally, to prevent the escape of fires from my property; so I went out and I bought a tank trailer." In much the same way that the State does not provide every household in New South Wales with the fire extinguisher, a fire blanket or a fire alarm. There are some responsibilities and aspects of fire management for which we must accept responsibility. And so, indeed, it is.

I would like to close by saying that we can demonstrate that the vast majority of volunteers in this State supported the general direction in which we are attempting to steer the Rural Fire Service. It is a fact that we can do many things better. It is equally a fact that we will do many things better. But at the end of the day, if you show me a faultless organisation, especially during a time of great change, a time of considerable turmoil, then I will happily concede the point that we are in dire disarray. But I can assure you that we are not. It is a fact that in recent months I have spoken not to one or two volunteers, not to tens of volunteers, but, indeed, to hundreds of volunteers. They have not been in Warringah, Pittwater, Sutherland or the Blue Mountains either, they have been at Parkes, Forbes, Cowra, Menindee and many other places.

I accept that there are those who do not agree with the direction in which we are headed, and that is a healthy manifestation of the society in which we live. You have no doubt head in evidence how well things are working in Cowra. It is hardly urban Sydney. Only yesterday and the day before Councillor Panton of the Narrabri Shire Council entertained in Narrabri the co-ordinated committee and the Rule Fire Service Advisory Council, following my decision to decentralise those meetings at least twice a year. Councillor Panton spoke in glowing terms of the relationship between the Narrabri Shire Council, its volunteers and the Rural Fire Service. For every one who says to you that things are falling apart I will bring you one hundred who will say that things are going really well. We look forward to improvement and they can expect improvement. But the Rural Fire Service is certainly not in a mess: quite the contrary.

CHAIR: I hope you would have had a chance to read the New South Wales fire brigade employees union submission, which is somewhat controversial.

Mr KOPERBERG: Even if I had the chance, I would not have read it.

CHAIR: The submission says it is the unions view that the dangerously dysfunctional arrangements that currently apply to the provision of fire services in urban and rural New South Wales cannot be fully canvassed in the context of this inquiry. The submission refers to the inequities and inefficiencies that are generated by having two competing fire services. The submission refers in to the Hyatt Coronial inquiry into the 1994 bushfires, which recommended that the two fire services be united under the one umbrella. What is your response to the suggestion? What effect would that have on firefighting services? Would it not lead to a more efficient service?

Mr KOPERBERG: If 20 per cent of the Rural Fire Service constituency now has a perception that a centralised control is wrecking its organisation, how would it be if the entire organisation were to come under the single and centralised umbrella of the New South Wales Fire Service with no involvement of any of the stakeholders? I told the inquiry on the first day of sitting that it was dealing with two entirely differently motivated groups. It is a fact that those who would assume firefighting as a profession do so, quite apart from any altruistic motives they might have and I do not deny there are many of those, for the ability to sustain

themselves. Volunteers do so for a totally different motive. They do it for self-protection, protection of their neighbours as a community service and to fulfil all sorts of need.

It is impossible to conceive of a circumstance in which those two cultures would come together harmoniously. The fact remains, and experience has shown not so much here but elsewhere, that if you attempt to integrate a fully volunteer organisation with a fully salaried organisation you will end up with two classes of firefighters—the professional and the well-meaning volunteer: the ancillary, the auxiliary firefighter—and that would destroy the very essence of what has occurred in New South Wales. Far from it being more efficient, could you imagine if the fire brigade employees union got its way and all those who now fight fires for nothing began to receive some level of remuneration? The bill for the combined fire service in this State would exceed that of the salary of the Commissioner of Police, although that is difficult to conceive. I say that with the greatest affection for Commissioner Ryan.

The fact is that there would be an inevitable trend on the part of the Fire Brigade employees union to put the Government in a position where more and more firefighters were paid, which would destroy the volunteer movement. Can you imagine two firefighters side by side as a matter of course, one sitting comfortably in the notion that he or she is in the second hour of overtime while the other, the farmer who wants to get back to the shearing, the milking or whatever it may be, is not getting a cent? I cannot imagine it.

The Hon. M. I. JONES: Is that not the situation with the FCOs?

Mr KOPERBERG: The FCOs are not firefighters. The FCOs are managers. What is being proposed is two firefighters together, one is paid the other is a volunteer working for the same totally centralise organisation. It cannot work.

The Hon. D. J. GAY: As you would imagine, having listened to a 45-minute contribution, some of which I agree with and some of which I do not, I would have many questions, but I have limited myself to three. I note your opening statement that the Mayor of Wellington would be better off playing the ball and not the man. However, I suspect that the Mayor of Wellington is not the only person who has been playing the man and not the ball. My three points come from several areas. First, you indicated that among the 70,000-odd members of the Rural Fire Service there were very few critical submissions, therefore everyone else was happy.

If I were to use that analogy and indicate that I get one or two letters a year in my office from people complaining about the terrible job I am doing, that everyone else in the State of New South Wales believed I am doing a good job, would you agree that your use of statistics in that instance does not add up? I do not have a copy of Mr Reinberger's submission, but you were critical of his submission about the 18,000-litre tankers. I am not sure in what context he advocated them, but for those who are not aware of what an 18,000-litre tanker would be, a semitrailer that carries fuel is about a 40,000-litre tanker.

The Hon. A. B. KELLY: It was a former fuel tanker they used as a fuel vehicle. They have one.

The Hon. D. J. GAY: I was hoping it was something like that because I know from personal experience that that sort of vehicle is something that I would have to support: The mothership that provides water in instances where we can use the smaller units, a cost-effective vehicle to supply water to the various categories of tanker. I cannot understand your criticism of such a suggestion in that instance. The third point, rather than relying on anecdotal evidence, you were critical of submissions about the supply of pumps. You said that you could go to Dalgety's, Farmer and Graziers, Pitt Sons or whoever—I am dating myself a bit now—to buy a cheaper and more effective pump.

I indicated earlier that I provide my own four-wheel drive truck. Eight years ago I contributed half the price from our pastoral company to buy a fire service pump; I think you were the procurement officer. That pump was a Briggs and Stratton-powered pump and it has done about four-hours service. We have had it rebuilt twice, once at the expense of the council and once at my own expense. The problem is that every time it gets hot, it was turned off and it could not be restarted. As a result I have had some nasty experiences with that pump and it is now sitting on the shelf in my garage. I have now procured a Suzuki-powered pump from Elders, which has served me well.

You indicated that your pumps may be better, but not cheaper. In my case your pump failed its primary test: to be a safe and effective piece of firefighting equipment. I know it is some years since you have had Briggs and Stratton pumps, but that is how long my Suzuki, which I bought off the shelf, has been giving me good service. In that instance, and not relying on someone else's anecdotal evidence, I am able to say to you that

your equipment is not always the best and certainly not the cheapest in this instance. They are the three points I would like to make, the 18,000-litre tank, the numbers and the pumps.

Mr KOPERBERG: I will respond to each of the points raised by Mr Gay in the order in which he raised them. On the statistics for the submissions, the fact remains that 70 per cent of those who wrote in were supportive, with or without qualification depending upon the individual submission, of the direction of the Rural Fire Service. That is a healthy margin of support in anyone's opinion. Some 8 per cent remained neutral. Therefore one has to assume that they had no specific complaint. They made suggestions, which is healthy. Somewhere in the order of 20 per cent were against. We are not unsympathetic to those who have a problem. We try to satisfy those problems, but if we attempt to satisfy everyone we will satisfy no-one, and we cannot work like that.

My suggestion simply was that given the nature of the way in which the submissions have been invited—remember, it is a fact that at the Casino meeting those who chaired the meeting said, "Tell us about your problems." There was deathly silence from the floor. They said, "Surely there must be some problems. You must have problems." They did not ask for a balanced view of how the Rural Fire Service was working. You, sir, in your own press release which was published in rural New South Wales said that this inquiry was here to get to the bottom of the problems. It did not say, "We're having a look at the Rural Fire Service to see how we can generally improve things, how they have gone after two or three years of the Rural Fires Act, how the organisation is generally." It was all about finding the problems.

Given the fact that a great deal of energy was devoted to identifying the problems—and there was an invitation to anyone with a problem to come forward—I am suggesting to you that there are 69,000 members and if they had been so anxious to bring forward a problem there would have been thousands, acknowledging the high number of submissions, and there are not. There were 600 submissions, of which 70 per cent were supportive or generally supportive and 8 per cent were neutral. That is all I was trying to demonstrate. It has been said that the Rural Fire Service is in disarray. It has been said that the RFSA is not representative, but I do not witness an exodus from the rural fire service, nor do I witness a massive transfer of membership from one organisation to another. I suggest that at the end of the day some of the processes that have been put in place or some of the suggestions that have been made are a good deal more divisive than the administration of the Rural Fires Act by the Rural Fire Service.

I want to close my answer to the question, Mr Chairman, by reassuring this inquiry that we do not simply discount the views of those who do not happen to agree with us; quite the contrary. We have an elaborate consultative process, a mechanism, a representation structure. We will consider anything put to us by anyone. We are not anxious to disenfranchise the 20 per cent who do not happen to like the way we are doing things. But in an organisation as diverse as this, as complex as this, there are going to be differences of opinion, and they cannot all prevail. In regard to the second matter, I was not critical. In my submission to this inquiry I was not critical of Mr Rheinberger at all. I have simply acknowledged the matters that he has put to the inquiry and tried to clarify. I brought to the attention of the inquiry the apparent conflict in philosophy between advocating small units on one hand and supporting the notion of an 18,000 litre unit on the other, which is hardly small. It was not criticism; it was merely an observation.

No, I think Mr Rheinberger has made some pertinent observations in some areas. As I said, to some extent it is correct that there was less equipment when there was more money, and I have sympathy for Mr Rheinberger's view. He has practised fire control in a different era. However, we have to move on. We cannot linger there forever. We will try to accommodate as many of those views as possible. On your last point, I cannot accept personal responsibility for your Briggs and Stratton pump. I have always hated them as well, even when I was a brigade member. Many a time I have nearly lost a hand or a finger on a Briggs and Stratton. I was never the procurement officer—I skipped that grade in my public sector employment.

The Hon. D. J. GAY: You were in charge when I got it, though. The buck has got to stop.

Mr KOPERBERG: Oh, I see. So the buck stops at the top. Briggs and Stratton was a horrible pump and that is why we stopped providing them. I reiterate that point that we field sample this sort of stuff. We say to brigade captains and brigade members and fire control officers, "If you can procure the identical product then bring us that product." For a start, those who supplied are in breach of the tendering process because the tendering process is designed to provide at the lowest possible price. If the manufacturer is undercutting the tender price then we have got a real problem. But, Mr Chairman, we continue to be receptive to any of these arguments and, where it can be demonstrated that the identical product can be bought more inexpensively locally, we will look at that.

For the edification of the Committee, Mr Lynn, in his witticisms at the commencement of these proceedings, talked about braid on uniforms. There is no braid on our uniforms, you will be pleased to know, Charlie. The history of uniforms will be interesting to the Committee. It was not the RFS that introduced uniforms; it was in fact the Fire Control Officers Association, quite unilaterally, in the mid-1970s. They decided that they could better discharge their duties, especially when working with the public and other agencies, if they could be identified. They were the catalyst to the wearing of uniforms by fire control officers and a salaried staff. Even more interestingly, it was Minister Terry Griffiths in the Fahey Government who directed that the RFS become a uniformed service. It is upon that Minister's direction that the service became a ranked and uniformed structure. The Fire Control Officers Association was years ahead. Volunteers are not required to wear uniforms; they are required to wear protective clothing. You heard evidence this morning that many volunteers are very proud to wear that uniform, to such an extent that they are prepared to pay for it themselves. But it is entirely optional for volunteers; there is no compulsion. I thought the Committee might be interested in history of the so-called RFS private army wandering around in white shirts in the nether regions of New South Wales.

The Hon. M. I. JONES: Commissioner, may I request that a copy of the catalogue and pricing costings of the equipment available be made available to this Committee please?

Mr KOPERBERG: Yes, certainly. Through you, Mr Chairman, could I pre-empt further consideration of that by saying that the prices indicated in the catalogue are indicative and do not necessarily represent the end price to the user. In other words, when the catalogue is printed we may be in the middle of calling for a new tender or whatever. The price may go up or down. If it goes down, the cost of what the council has paid for it is credited to its account.

The Hon. M. I. JONES: Do prices go down frequently?

Mr KOPERBERG: Not a lot.

CHAIR: The New South Wales Shires Association asked whether there are any overheads added on to that.

Mr KOPERBERG: We make provision for freight and CPI or other increases. For example, if you look at the cost in the equipment catalogue of the category one tanker for the ensuing financial year it may be \$170, 000 or a \$180, 000 or whatever, but that is based on the fact that we have a whole range of tenders which vary significantly. The local council decides which contract it wants stop so it may get the product for X and another one might get it for X minus Y . But we have to have an indicative price. It is not necessarily the price at the end up paying. Rarely do they pay more, but often they pay less.

The Hon. M. I. JONES: You have been critical of the past ability of your organisation in communicating with volunteers. You have said that some of the communication problems may lie with local government. I am pleased to hear that you have devised a communication strategy which has recently been completed. I think you said it was due to be adopted. This is one of the largest inquiry is in terms of submissions that the Parliament has held. Because of the volume of submissions I have not been able to read all of them. Many of the submissions, in numbers if not in percentages, are critical of your organisation. If that is a result of poor communication surely that is a responsibility which must be owned up to and countenanced by the Rural Fire Service?

Mr KOPERBERG: It is. I think that I said a few minutes ago that, like every other enterprise, we have to improve our communication. It is never enough. It can always get better. I put to you that we have gone ahead in leaps and bounds in communications. But there are still some people in our organisation who do not have the correct information. That is for many reasons. You heard this morning that in some cases local government actually does not pass it on. In other cases we are criticised for bypassing the council. On the one hand some councils may say, "We're not going to pass this on to our volunteers; it is RFS propaganda." On the other hand, when we try to correct that by going directly to the brigades, as we do with those bulletins, for argument's sake, we get criticised for bypassing the local government structure. What I am suggesting to you is that while there is considerable room for improvement in the area of making sure—and I suggest to you that were every one of those who have put a submission to you aware of all of the facts there would be not 20 per cent disenchantment but probably about five per cent. You are still hearing from people who believe that there is no more local control. There is a great deal of local control. There is more local control and there ever has been before.

The fact that we are not communicating that is something we have to address. But we must accept that there will be circumstances in which people do not want to know. "I don't want to know. I like my version and

that's the one I'm sticking with." We will adopt an enhanced communication strategy but we are still reliant upon all links in that chain to make it work. Currently, whilst much of local government does it very well, some does not do it at all and some does it very badly. We do not have the capacity for a cohesive and contemporarily managed system of communications, because we cannot be sure, no matter how much we write or show or colour or whatever, it will be passed down until it gets to the bottom of the line under our current system.

The Hon. M. I. JONES: My last question is a real dorothy dixer.

Mr KOPERBERG: Can I guess where it came from?

The Hon. M. I. JONES: It came from me.

The Hon. C. J. S. LYNN: He is schizophrenic.

Mr KOPERBERG: I did not know that he also had dual accountability.

The Hon. M. I. JONES: Do you feel that FCOs should come directly and solely under control of the Rural Fire Service? If so, how would you suggest that the grievances or the needs of the Local Government Association or the Shires Association can be best met in those circumstances?

Mr KOPERBERG: I can negate the second part of the question by not answering the first part, I guess. Much has been said about RFSA option C, which seeks to establish a number of management boards to which the fire control officer would in effect be the general manager, the executive officer and the fire control officer, and that those boards be responsible for determining the standard of fire cover—as has been said, it would depend on the zoning process—for the communities in which they serve, and that those boards comprise all of the stakeholders and they become mini boards of directors and that the RFS sets the standards in terms of the discharge of functions and that the boards are answerable to the commissioner as opposed to the fire control officer, who is employed by the board, in other words the State.

I have to say that that proposition has much to commend it but to go there without some transitional processes would cause a great deal of consternation, heartache and confusion. Mr Chairman, the Minister, as you know, established before the advent of this inquiry a working party to review the area of joint accountability, training and a number of other things. The parties to that committee, which include the Local Government Association, the Shires Association, the RFSA and the RFS are working quite successfully towards resolving this issue of accountability. Were it to be the case that fire control officers become employees of the State as opposed to local government then clearly there would need to be an independent arbitration or conciliation process identified which could deal with the grievances, whether they be industrial, structural, personal or whatever.

It is interesting to note that there is no such process at the moment. There is no industrial uniformity for fire control officers. It ought to be of concern to this Committee that there is a massive disparity between what officer A is paid compared to officer B when they are in essence doing the same job right around New South Wales. Often those who are being paid less have a far greater job to do because they have no other support; they have no clerical support or administrative support, et cetera, et cetera. In answer to your question, there would need to be identified an appropriate process to deal with that.

CHAIR: Would you be able to supply to the Committee a copy of the communication strategies?

Mr KOPERBERG: Yes, I would be happy to do that.

The Hon. A. B. KELLY: I refer to your comment about the disparity in wages between fire control officers. That is a symptom of local government generally, I suppose; general managers have the same problem.

I turn to workers compensation and the self-employed. The matter was raised during our first discussions, and since then I think you may have come to some solution. I had discussions with people over lunch today about the problems that self-employed people such as farmers have with workers compensation. Could you expand on that, and also advise of the solutions that you may have arrived at or are about to arrive at?

Mr KOPERBERG: Certainly. It has been a fact that for some considerable time the formula for determining an appropriate level of compensation for a firefighter who, through injury or other circumstances, was denied his or her income whilst engaged in firefighting be determined. Whilst many volunteers are in regular employment, many also generate their own income, and of those many are on farms. Since our global

objective is tax minimisation, if, for argument's sake, the compensation were based on income for the last 12 months, in some cases, particularly in agriculture, the income records and tax assessments were viewed by WorkCover to find that there was no income last year. How do you compensate a person according to a regular level of income if there is no income? I am pleased to say that the Minister will shortly make an announcement to the effect that the WorkCover authority, the Attorney General, the Minister and the Rural Fire Service have come to a sensible arrangement whereby the formula for assessment of income will be revised and a more global approach of income for farmers will be taken when assessing workers compensation entitlement, which should alleviate the concerns that have been raised.

The Hon. J. R. JOHNSON: It is not only farmers?

Mr KOPERBERG: No, it is right across the board. Mr Anderson, who has carriage of such things, is probably better qualified than I am. But simply put, the assessment will no longer be based on the tax assessment of the year prior to the injury or loss of income being sustained; a more equitable view of that will be taken.

The Hon. C. J. S. LYNN: I agreed with the need for a uniform. My queries generally relate to style. When I first joined the Australian Army in the mid 1960s we were equipped with the British-style uniforms. I found that berets, peaked caps, and so on, do not give much protection from the sun. However, by the time I had left in the mid 1980s the uniform had been Australianised, with the slouch hats for protection, and so on. I think your ceremonial uniform reflects a European style more than an Australian style. However, I see the need for a uniform, and certainly protective clothing. It may be of benefit if copies of the bushfire publication that you have tabled today could be distributed to members of all political parties. I think it is an excellent publication. If we had access to the publication, I think we would be in a better position than to be able to answer people's queries and complaints.

Mr KOPERBERG: That is a proposition that we will take on board.

The Hon. C. J. S. LYNN: I also see the need for you to have standardisation with regard to pumps. The example you gave reflects the communications aspect that you have raised. I would like your view on option (c). Given the voluntary nature, size and scope of the different regions across New South Wales, if there is a complaint they will all point to Rosehill, saying that it is a long way away, it is bureaucracy, "We never see them and they never see us."

Mr KOPERBERG: It is in fact considerably closer to rural New South Wales than the Farmers Association headquarters building.

The Hon. C. J. S. LYNN: I would like your personal view about option (c).

Mr KOPERBERG: I think the option put forward by the Rural Fire Service Association has a lot to commend it. It suggests that more cohesive management will be able to be applied. It takes account of stakeholders and others, of course, which are a prerequisite of doing things effectively. My concern is that it is a quantum leap, and if we have been criticised in the past for moving change too quickly, I think it behoves the Government, who will make the decision on these matters, to consider whether or not there are some transitional arrangements which might be suitable to herald in something along the lines of option (c).

The Hon. C. J. S. LYNN: Perhaps option (c) could be trialled west of the mountains?

Mr KOPERBERG: I would advise the Minister against any trial which attempted to segregate the seaboard from the west, simply because that may well provide the catalyst for the development of two totally different management structures, which, as I said, would give us major impediments. There have been, and there will continue to be, circumstances which impact upon the society to which there needs to be global response by emergency services across the board—the Sydney hailstorm and Newcastle disease, just to name two. In 1994 all the conditions were right for major fires throughout western New South Wales. It is pure luck and vigilance on the part of the communities out there that we did not have a situation in the west at the same time as we did in the east. That is why we were loath to move many brigades away from the west.

Grass fires move very quickly, and they have the capacity to destroy crops and assets in a fraction of the time that forest fires might do it. Had we denuded the west to cater for the situation in the east, we would have been exposing those communities to a very high level of threat. The need to ensure in the longer term—and we are trying to look 10, 15 or 20 years ahead—a cohesive, interchangeable and interacting structure is vital to us. Therefore I would not support the notion that we trial it, particularly in the east or the west. We might well

trial it with a proportion in the east and a proportion in the west, but I would not choose the west or the east to trial such a scheme.

CHAIR: The New South Wales Fire Brigades Employees Union in its submission talks about competition between the services. The union gives some instances, for example in Kariong. It says: "Now that permanent staff are finally in place at a new fire station in Kariong, the Rural Fire Service has decided to duplicate that service by installing an urban pumper equipped with self-contained breathing apparatus at a nearby station." The union talks about Narellan, where there has been the installation of a "category 11 type urban pumper at the station only 400 metres from the New South Wales Fire Brigade facility and clearly within the New South Wales Fire Brigade's area of operation." The union talks about competition at Terrey Hills, Albion Park, and so on. Could you comment on the urban interface between the Rural Fire Service and the New South Wales Fire Brigade and why there is that duplication as evidenced in the union's submission?

Mr KOPERBERG: Yes, I would be delighted to. I might refer firstly to the Terrey Hills position. It is intriguing that the Fire Brigade Employees Union would cite Terrey Hills as an area of duplication, when the Fire Brigade does not currently have any jurisdiction at Terrey Hills, nor is there a station at Terrey Hills. The Rural Fire Service is responsible for the whole of the suburb of Terrey Hills, as it is in some surrounding areas.

CHAIR: What about Kariong, Narellan and Albion Park?

Mr KOPERBERG: If I could finish referring to Terrey Hills. The Rural Fire Service has a response time to structure house fires which is the equivalent, if not better in many circumstances, than the alternative can provide. As I have told another forum, the Minister, as you know, has established the fire services joint standing committee for the very purpose of ensuring that there is not duplication and that there is a healthy relationship between the State's primary fire services, and that is working very well. But to suggest that there will be duplication there is not the case. The Fire Brigade is in fact desirous of siting a station at Terrey Hills—not to cover the suburb of Terrey Hills but its other strategic responsibilities in that general region, which we have supported.

So far as Kariong is concerned, the New South Wales Fire Brigades only recently assumed responsibility for the Gosford suburb of Kariong, and that caused great consternation to the volunteers. However, in the determination of jurisdiction the Kariong brigade was left with a good deal of property protection, including some small industrial areas. It is therefore not unexpected that that brigade and a neighbouring brigade would have a capacity to respond to those sorts of fires which are not within the jurisdiction of the New South Wales Fire Brigades. Perhaps lastly, it makes sense that if you have a human resource capable of responding to any emergency, irrespective of districts—and there ought not to be lines of delineation in matters of life and death—that extra capacity in fact is trained and equipped to support the principal service in perhaps the saving of a life or the saving of a structure.

CHAIR: What about the Albion Park aviation crash tender which is at the Albion Park regional aerodrome? Why does the Rural Fire Service not have an aviation crash tender?

Mr KOPERBERG: Probably because it is responsible for some aspects of protection for that area. Secondly, the Minister has encouraged, promoted and succeeded in bringing about a whole range of mutual aid agreements between the two services, whereby one recognises that the other has a capacity to support. In some cases, particularly adjacent to things like airports, many of which come under the jurisdiction of the Federal body—some come under the jurisdiction of the New South Wales Fire Brigade and some come under the jurisdiction of the Rural Fire Service—where two or more are in close proximity to somewhere like Albion Park and there is an agreement in place that one will support the other, it is not unreasonable that the support you expect to get be equipped to provide you with that support effectively.

The Hon. A. B. KELLY: Most airfields are in rural areas?

Mr KOPERBERG: Yes, they are.

CHAIR: With regard to the salvage appliance at Raymond Terrace, New South Wales Fire Brigades say that they only maintain salvage appliances in major urban areas, such as Sydney, Newcastle and Wollongong, and that there is no need for a salvage appliance at Raymond Terrace. Do you know why there would be a need for such equipment at Raymond Terrace?

Mr KOPERBERG: Because the brigade at Raymond Terrace has a very modern suite of equipment. I do not know what the union would refer to as a salvage unit in our configuration; we do not have something

called a salvage unit. However, I am personally familiar with the equipment up there, and it is very suitable for the width and breadth of the responsibilities that they have. Of course, the union does not really have any firefighting resources; they are those of the New South Wales Fire Brigade. I am sure that the Fire Brigade has a perfectly good reason for not having a salvage unit there. There is a lot of cross-pollination in areas of equipment and so on, and there is close collaboration between the two services on what should go where. You will always have a level of perceived duplication.

The Hon. J. R. JOHNSON: Commissioner, yesterday, in company with the Hon. A. B. Kelly and the Hon. Dr B. P. V. Pezzutti, I was in Yamba. We called at Yamba Engineering and, much to our delight, observed the completion of the fiftieth Land Rover Defender firefighting unit, and another one under construction. This is marvellous for decentralised industry. One of the other things that fascinated us was that they have 16 on the staff and more than half of them were volunteer firefighters.

Mr KOPERBERG: I remember that, yes.

The Hon. J. R. JOHNSON: That particular establishment not only employed 16 but it has about the same number outside tendering for other works that are not in their field of expertise, that is Yamba Engineering. Are there any other establishments around like Yamba Engineering that would be making this sort of equipment to the same degree and extent as Yamba Engineering?

Mr KOPERBERG: There are numerous fabricators and constructors around the State who construct firefighting equipment for local brigades and local government councils. Yamba Engineering is probably the biggest, because their principal business, as you know, is watercraft construction. They are also specialists in aluminium, unlike the majority of fabricators.

The Hon. J. R. JOHNSON: Everything is aluminium.

Mr KOPERBERG: Sure, and technically it is a totally different prospect from steel and what have you. I was in Wentworth only a couple of weeks ago and they were able to proudly show me a fleet of vehicles which had been locally built, some of them on second-hand cab chassis, for example, for which there is still a big market. There are many such enterprises around the State but Yamba Engineering is probably unique inasmuch as it engages in a diversified range of applications and deals exclusively in aluminium, an area we keep looking at too.

The Hon. D. J. GAY: Commissioner, whilst you, I think, bravely suggested there is no problem between the RFS and the Fire Brigades over this duplication, as such, my experience in my former capacity as Shadow Minister for Emergency Services indicated that there is disquiet between all the services, particularly in the rescue area where, in many cases, we have the three services arriving at a rescue and on at least two occasions a fight has broken out at the scene. That is a statement I do not expect you to answer, but you can if you wish.

The question I want to ask was about the status of volunteers in a brigade. Recently I met with a group of people—and I think at this stage I will not indicate the brigade but if you are willing I can send you the material—where five members of the brigade as volunteers had been sent dismissal notices as such: Do not come on Monday, we do not want you any more. Our brigade has met and voted 13 to 1 that we do not want you to be part of our brigade. That certainly concerns me, that that sort of thing is happening within the brigades. Do you have any feelings on that or do you share my concerns?

Mr KOPERBERG: Clearly I would share your concerns. If there is no cogent or legal or moral or other reason why members ought to be asked to resign their membership, a unilateral decision without any justification at all ought to be of concern to all of us. There is an appeals mechanism, and I would invite those people who believe they have been unjustly treated to fully utilise that.

The Hon. D. J. GAY: Can they contact you?

Mr KOPERBERG: Yes. The local authority in the first instance, that is the council.

The Hon. D. J. GAY: They have done that.

Mr KOPERBERG: In that case, we would be happy to look at it. It is not unusual at all for us to appoint someone to investigate incidents such as the Hon. D. J. Gay has raised. In fact, it is commonplace in any given month that we would be carrying out two or three such examinations, and where an injustice has been

perpetrated we try to conciliate a more satisfactory outcome. On the question of rescue, I did not suggest there were no problems between the Fire Brigades and us. What I said was a duplication by and large is being avoided. On the question of rescue, could I inform the Committee, because it has been raised elsewhere, that the RFS has no role in rescue. There is no bushfire brigade or rural fire brigade that is accredited for rescue. We provide a supporting role to accredited units and, as you know, the Minister may, subject to the provisions of the State Emergency and Rescue Management Act, accredit organisations to conduct rescues in their areas of jurisdiction. So, we have the position where we have primary and secondary accreditation throughout the State. Primary is given to the agency most capable of executing that. In many cases you will find it is, for argument's sake, with the New South Wales Fire Brigades.

The Hon. A. B. KELLY: In that particular area?

Mr KOPERBERG: Yes. In other cases it will be with VRS and in other cases it will be with the ambulance, or the VRA, the Volunteer Rescue Association. Then we have a system of secondary. Secondary is done simply because if, for example, the Fire Brigades are attending a fire and a rescue situation arises you have to have a backup. So, throughout the State there are these primary and secondary accredited units, but the RFS is not part of that. But, we do provide first-aid and we do attend such incidents in the event of fire. Clearly, if people are trapped and there is a likelihood of fire there ought to be not only a rescue component but a fire suppression component, and invariably we provide the latter and never do we provide the former.

CHAIR: Following up on the question of the Hon. D. J. Gay about the grievance process, is there a formal grievance process known to all volunteers and is it an independent process?

Mr KOPERBERG: Yes, there is, and it has been circulated in service standards.

Mr CROSWELLER: It was authorised, I believe, yesterday by the Rural Fire Service Advisory Council as part of the stakeholder process, and it is due to be issued next week. It has been issued for draft comment for some months prior to that.

CHAIR: Can we get a copy of this?

Mr CROSWELLER: Yes, certainly we can make it available to the Committee.

The Hon. A. B. KELLY: We heard probably for the first time this morning some comment on junior brigades, and I noticed in these publications there is quite a deal of information about junior brigades. You might like to make some comments about that, and how they are being supported, but also about women in the brigades. I notice in this particular junior brigade half of them are girls. But what about women in brigades around the State now?

Mr KOPERBERG: There are two aspects. Firstly, as far as we can centrally, bearing in mind that brigade membership is still very much a local government issue, we are engaged in some quite energetic recruitment programs. We are an inaugural partner along with one private sector and the ACB, the Australian Cricket Board, in the Federal Government's living in harmony project, one of three originally chosen to spearhead a program to ensure that all sections of the community were able to freely understand how we work and to join us, and to make sure there were no impediments to that. So, we are encouraging junior members of the community to join the brigades. We have comprehensive training. It is not universally the case across all districts, I might add. Similarly, we held only a few weeks ago the inaugural forum of women—I think it was at Parkes or Forbes—to explore what issues were preventing more women—after all, they constitute 52 or 53 per cent of the population—from joining the brigades.

They are not well represented now. It was a significant learning experience for us, because there were lots of myths and images and perceptions held which we will now attempt to break down. Not the least of them, I might say, are those who say: A woman deputy captain! Well, I am out of here. We will soon take care of those. The fact is we are encouraging the community across the board, irrespective of race, sex or ethnic background, whatever, to join us, and that is a comprehensive program to which we devote a lot of resources, because we recognise the changing demographics. It was gratifying to hear councillor Rod Gledhill from Boorowa, who has not been shy to criticise us from time to time, to say: No, volunteers are not leaving the Rural Fire Service in droves, that is a lot of nonsense. The Rural Fire Service is just one component affected by the changing demographics.

The Hon. D. J. GAY: So, he was right then but wrong before?

Mr KOPERBERG: You would have to ask councillor Gledhill that.

The Hon. A. B. KELLY: The problem these days is, because of declining rural incomes, a lot of farmers now have another source of income and the first persons to get to some fires are the women.

Mr KOPERBERG: The short answer to your question, Mr Kelly, is that we are active in the recruitment of young people and, indeed, women and every other section of our community.

CHAIR: Commissioner, could I have a clarification please on the grievance policy. When was it drafted, has it been signed off, when would it be finalised and who is being consulted? And, what about the grievance process within the salaried ranks?

Mr KOPERBERG: The grievance process?

CHAIR: Yes.

Mr KOPERBERG: On the grievance process can I defer to Assistant Commissioner Crosweller, whose responsibility it is to consult on service standards and such matters.

Mr CROSWELLER: The grievance procedure was developed in consultation with volunteers and fire control officers towards the latter part of last year. The service, through the public sector management process, had its own grievance procedure for salaried staff. The Service Standards Review Committee looked at that and decided it was simply inappropriate to have a grievance procedure for one part of the service and not for the other. Effectively, it called some volunteers and fire control officers together and established a grievance procedure that applies from the volunteers through to the commissioner. So, in any step along the way there is a procedure to be undertaken if there is a grievance with anyone of a combination of officers. For example, if a fire control officer has a grievance with a volunteer, there is a clearly mapped process in which to undertake the grievance and at any point in time an independent mediator can come in and assist either the volunteer or the fire control officer, and so forth.

So, an enormous amount of work was done in establishing a policy so, irrespective of whether you are a volunteer or a salaried member, the process was there and equitable and the same. So, there is no differentiation between the salaried person or the volunteer. That policy was put before the Rural Fire Service Advisory Council yesterday after consideration by the Service Standards Review Committee approximately two weeks before. It is my understanding that the advisory council did yesterday approve that policy, subject to some minor amendments. Therefore, on the basis of that policy being approved or considered by the advisory council, it should be issued within the next four weeks through a document control process to ensure that all those who ought to receive it will receive it.

Mr KOPERBERG: Could I be permitted a very brief statement?

CHAIR: Of course.

Mr KOPERBERG: It appears that AAP is running Police Commissioner Ryan's salary matter. My intended wit has backfired. I want to make it perfectly plain that it was said with no offence to Commissioner Ryan whatsoever.

CHAIR: The Rural Fire Fighting Fund is a complex means of raising the money each year. Who advises Treasury of the amount needed? Does it all start with the Treasury contribution and worked out from there?

Mr KOPERBERG: Indirectly, I am pleased to say, local government does. The process is simply that annually we ask each of the 142 councils to put to us their estimates of expenditure for the ensuing year in all of the various categories—equipment, maintenance, repairs, reimbursements, capital works, et cetera. We then compile those figures and advise the Minister of the expectation. Then there is the usual process of negotiating with the Treasury until, ultimately, the Budget is brought down. As you could imagine, between the first and last steps there is a deal of negotiating. Invariably, the global expectation is greater invariably than the Government's capacity to supply it. Therefore, we go back to local government and say, "You have asked for \$1 million but you are only getting \$800,000. What are your priorities? What would you like to drop off? What do you need most?" Indirectly local government begins the process of determining the total need. The gap between need and get is closing rapidly.

CHAIR: Under section 108 of the Act, Government must contribute 14 per cent. The amount that Treasury has agreed to contribute has been increased by 7.14 per cent to get that final figure. Is that final figure getting closer to the actual figure needed by the councils?

Mr KOPERBERG: I think so. Whilst Mr Rheinberger and witnesses like him have correctly told you there is a lot to be done, you should have seen where we were four or five years ago. The strides that have been made are enormous. However, there is a fair way to go yet. The Government has a commitment in excess of 1,000 new or refurbished tankers in the remaining three years of the current term. The gap is closing. In about 1985 I did a very rough estimate of what local government and the State were meeting of the total need. We found that well under 50 per cent of the total was being met by the State. The rest came from all manner of places, such as brigade fundraising and support from Apex and Rotary. Now we find that the State contribution to the total expenditure is probably up around 80 or 90 per cent, with the others' contribution only constituting probably 10 per cent, save the 12.3 per cent contribution from local government. The gap is closing. When you consider that the budget now stands at \$80 million and we have a clear program for the next two or three years, the gap will continue to narrow.

CHAIR: Some of the richer councils can make a higher bid. Is there an inequity in the funding between the richer and poorer councils?

Mr KOPERBERG: Not nearly as bad as it used to be before the advent of the Standards of Fire Cover, which is now used as a guide. You will recall also that the Government, to be precise the former Government, reduced the council contribution from 25 per cent to 12.3 per cent. It was Minister Pickering, I think, who made it clear to local government that whilst the statutory contribution was being reduced considerably, or halved, that the Government expected it to provide a very high level of support for their brigades from those benefits gained. In the old days it was purely a case of the bid being based on the willingness or ability to pay. In other words, "Can we afford the 25 per cent? No. In that case we will not bid for equipment." The reduction to 12.3 per cent has gone a long way to overcoming that. More latterly, with the introduction of the Standards of Fire Cover there is a base from which to work. We are now able to persuade local government far more effectively than we could in the past that it needs to contribute that amount.

You will also be pleased to know that we enter into contractual agreements with a number of local councils to allow them to embark upon a loans borrowing program so that they can accelerate their tanker replacement program. We give them a reasonable assurance of contributions back, which will allow them to meet the loan repayments, providing they service the interest component. That means in many cases an organisation will have all of its equipment replaced in the space of one year as opposed to 10 or 15 years, and we simply continue to ensure the level of allocation to the council. Wellington put such a proposition to us, and such is the case with Merriwa and others I could name. We are very flexible in that regard.

CHAIR: Where an overseas insurance company insures a person, the insurance company is involved in a voluntary process whereby the money has to come from the individual property owners. How is that worked out? Do we know how many properties foreign companies insure?

Mr KOPERBERG: I do not know. It is a question the Committee should refer to the Insurance Council of Australia, I expect. The Act not all that long ago has been amended to ensure that those who would broker insurance arrangements also have a liability in the contributory system. Those who insure with an overseas company are required to register that fact, so that an assessment can be taken of the premium and the property owner levied. That is my understanding of it. If I have not got it right, I will take the question on notice and provide you with the true position.

CHAIR: In answer to a question on notice you talked about the South Australian model and how it appears to be breaking down. Would you care to expand on your comments on that?

Mr KOPERBERG: My reaction to the South Australian model is only what I have read. It is not dissimilar to what happened in Queensland more than a decade ago where there was an attempt to introduce a property-based levy and identify various collection mechanisms. Queensland chose local government to be the collection mechanism. It allowed local government to invest the yield on the short-term money market and pass it over to the State twice a year. That occasioned in one year a \$90 million deficit in the State's capacity to fund the fire services. My understanding is that Queensland has recovered from that, but the system continues to cause a great deal of distress and pain. I might add that the losers in that particular equation were the bush fire brigades. The permanent services did quite nicely out of it. A whole new bureaucracy was established to administer it and there were inequitable distributions of available funds. That may well have been corrected.

South Australia chose to go down a not dissimilar path. You have been privy to what has been said in South Australia about this. They are talking about the fact that despite promises that those who had faithfully insured their properties would be facing a lesser premium, they are now facing the same premium plus a fire service levy. The GST will now impact not only on the insurance premium, it will also impact on the fire service levy, and so it goes on. Instead of the majority of the insured being better off, the majority will be considerably worse off. There is a great deal of consternation. There is also an estimate that to administer the scheme efficiently and equitably may cost as much as \$100 million. That is not per annum, that is a transitional arrangement. In any event, it would need a fairly massive system to make it work—for collections, distributions and so forth.

The Hon. J. R. JOHNSON: Is that levy in South Australia only on the insurance premiums or also on homes?

Mr KOPERBERG: It is on a range of assets, Mr Johnson, including motor vehicles and houses. Almost every aspect of real estate, except land, is required to pay a property-based levy and thus do away with the insurance levies altogether. That is why it is causing so much consternation. Clearly, the insurance industry has an interest in ridding itself of the unpopular tag of being the insurance collector. As Ken Robson, the former New South Wales Auditor-General, advised the Government, whilst there might be some inequities, as there are in most forms of taxation, the system works quite nicely—not only for those required to administer it, which should be a secondary consideration, but also ultimately for the users of the system.

The Hon. D. J. GAY: Is it not a fact that there will be a bonus this year for the State because the State levy has been applied to the insurance policy after GST—a tax on a tax?

Mr KOPERBERG: Could I defer to the New South Wales Treasurer, Mr Egan, on that one?

CHAIR: Would you make any changes to sections 102, 103 and 110 of the Rural Fires Act 1997 in relation to the Rural Fire Fighting Fund? Would you change the formula at all?

Mr KOPERBERG: I think that the funding of fire services or any emergency service is a community responsibility. Whilst I have some sympathy for the user-pay principle, it is not equitable universally across the board. The fact remains that we have a contributory system which tries to capture as many people as possible. Thus, the formula was established. People with far greater expertise in these areas than I have advised that it is as close to equitable as possible. I am prepared to accept that advice. I have no further comment to make.

CHAIR: Do you think the system is adequately transparent, particularly with regard to insurance companies?

Mr KOPERBERG: It can be. During some earlier examinations of this I met with the Australian Insurance Commissioner. The commissioner of the day was concerned about the proposition that there was a lack of transparency. Critics of the system have long claimed that the insurance industry did not hand over to the State everything it collected. The insurance industry denies that. In my dealings with the Australian Insurance Commissioner, the Commissioner was not able to support the notion that the insurance companies did not hand over everything they collected.

The Hon. A. B. KELLY: There were suggestions by some witnesses that they did not actually pay over all the premiums.

Mr KOPERBERG: Indeed. Even to the point where transitional arrangements are such that if you insure somebody today, you do not really know what you are going to be up for tomorrow in terms of your contribution to the fire fund, whatever the case may be. The insurance industry concedes that in some cases there will be a surplus. However, it claims that is then calculated in the following year's premiums by not having an increase or reflected in no claim bonuses, et cetera. The Insurance Commissioner confirms that. There is a level of transparency, but it is not blatant. It might need to be explored further with the Insurance Commissioner.

CHAIR: I have an allegation concerning a comment made by a senior Rural Fire Service officer, which reads:

If you choose not to employ another Deputy Fire Control Officer in the Junee-Coolamon shires, then when the firefighting allocation comes across my desk I will deduct from your allocation the amount equivalent to the DFCO salary. As a result of this statement I do not propose to begin the process for appointing another DFCO.

The point of all this is employing staff and growing a bureaucracy obviously has precedence over extra equipment and maintenance allocations.

Without naming the person involved, what do you think about that statement?

Mr KOPERBERG: It is not the sort of arbitrary statement that we would countenance. The need for a deputy fire control officer or otherwise is or should be the subject of some properly based analysis. We do not give any senior officer the authority to tell local government or to imply any financial penalty. I would be happy to look at that particular instance if you want to pass it to me in confidence. But, no, we would not countenance that as appropriate.

CHAIR: The reason I did not name the people is that it needs following up in a confidential way.

Mr KOPERBERG: Sure.

(The witnesses withdrew)

(The Committee adjourned at 4.00 p.m.)