



Mr Simon Corbell MLA
Minister for Planning
Minister for Police and Emergency Services
Attorney-General

Subject: The ACT Government's Response to the Coroner's Recommendations for the 2003 ACT Bushfires.

Dear Minister

Recently the ESA Commissioner Gregor Manson gave an opportunity for ACT RFS volunteers to put forward their views with respect to the Coroner's recommendations.

In essence, the Volunteer Brigade Association's views are similar to those of the ACT Fire Controllers Group, and this was confirmed in writing by Tony Greep, President of FCG to the ESA Commissioner.

The major issues are, in our view:

1. The return of ESA to a Statutory Authority
2. That appointments of personnel to functional positions in an IMT be based solely on competence and experience
3. A review of the ESA communications system
4. The rejection of the 'Single Fire Service' recommendation

We take this opportunity to provide further comment.

The Emergency Services Agency

7. That the Emergency Services Agency be removed from the Department of Justice and Community Safety and transformed into an independent statutory authority reporting directly to the responsible Minister. I note in this regard that Mr McLeod (McLeod Inquiry - 1 August 2003) made a similar recommendation, and I endorse it unequivocally. Placing the agency within a government department puts unnecessary layers of bureaucracy between the agency and the responsible Minister, and the bureaucrats concerned usually have no special knowledge of or experience in emergency management, regardless of their seniority in the bureaucracy.

We fully support the Coroner's recommendation to return ESA as a statutory authority as per McLeod's recommendation #53. We wish to reiterate that, with the return of ESA to being placed under the control of JaCS, there is again potential for senior bureaucrats to interfere with operations/incidents simply due to their seniority in the organisation.

12. That appointments of personnel to functional positions within the incident management team be based solely on competence and experience and be made by the Chief Officer of the

ACT Rural Fire Service or, in the absence of that officer, the Deputy Chief officer of the ACT Rural Fire Service.

We fully support the Coroner's recommendation and we strongly urge that all ESA agencies fully implement AIIMS (latest version) to run ALL incidents. In addition, we also strongly urge that ESA introduce an up-to-date training database (as opposed to the current outdated system). This will ensure the most appropriate personnel are appointed to an incident.

#20. That the Emergency Services Agency review the communications systems used by the four services (the ACT Ambulance Service, the ACT Rural Fire Service, the ACT State Emergency Service and the ACT Fire Brigade), by the Australian Federal police, by NSW Emergency Services and by aircraft and ensure the systems are compatible.

We fully support the coroners recommendation and we strongly urge that the current COMCEN arrangement be changed so that the nearest, most appropriate units/personnel are responded to an incident. It is our opinion that the current arrangements do not provide the service that the RFS requires to do its job effectively.

The 2003 Inquiry by the House of Representatives Select Committee on the Recent Australian Bushfires

#67. I recommend that, as appropriate, the ACT cooperate with the Commonwealth in the implementation of the committee's recommendations and, in particular, give careful consideration to adoption of the following recommendations:

- recommendation 44 – exemption of volunteer firefighters from paying firefighting levies

We fully support the coroner's recommendation. We also urge a review of all emergency service type taxes and levies that ACT Emergency Service volunteers pay with a view to having further exemptions.

Resources and strategies

#22. That, because of the small jurisdiction of the ACT (equivalent to one fire district in NSW) the ACT Government consider all possible options for the provision of fire services to the ACT, among them

- Subcontracting the provision of all fire services – or a part, such as bushfire services – to NSW firefighting services.
- including in the memorandum of understanding between the ACT and NSW mutual obligation arrangements
- Gradually integrating the ACT Rural Fire Service with the ACT Fire Brigade and establishing a single ACT fire service under a single management and command and control structure – along the lines of the Tasmania Fire Service and Victoria's Country Fire Authority.

With respect to "Subcontracting the provision of all fire services" the Volunteer Brigade Association has been provided no specific information on how this would operate and how volunteers would fit into this arrangement and so is unable to comment, either for or against, such a proposal.

With respect to “memorandum of understanding between the ACT and NSW mutual obligation arrangements” the Volunteer Brigade Association supports this.

With respect to “integrating the ACT Rural Fire Service with the ACT Fire Brigade “ the Volunteer Brigade Association rejects the coroner’s recommendation.

“On 28 February 1996 the then Senior Deputy State Coroner, Mr John Hiatt, presented his wide-ranging report to the Government on the 1994 emergency. That report contains 125 findings and recommendations. The deputy coroner’s principal recommendation was that the Government should introduce a more cohesive and integrated command structure under the umbrella of a Rural Fire Service. He specifically suggested that local government should be removed from any role in the administration and management of the Rural Fire Service, and that ultimately the rural and urban fire services should be amalgamated. However, the Government immediately rejected the last two propositions. To have adopted them, in our view, would have undermined the very essence of the volunteer bush fire fighting movement, and removed the local administrative and community autonomy that goes hand in hand with the volunteer spirit and culture.”

*Mr DEBUS (Blue Mountains - Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Minister for the Arts)
28/05/1997 NSW Legislative Assembly Hansard*

It is the Associations view that, now as then, that should the ACT Government to adopt the Coroners recommendation #22 it “*would undermine the very essence of the volunteer bush fire fighting movement*” in the ACT.

There have been numerous reviews of the emergency services over the last 20 years or so, including the Hannan Report (1991), the Purdon Report (1992) and the MacDonald Report (1993) with conflicting recommendations on the ‘single fire service’ issue.

On the issue of “Proposed Merger” the Purdon Report stated
“It was agreed by all workshops that the operational autonomy and identity of the existing services be retained. The reasons for this were that the existing service delivery was of a high standard and few people felt that it could be improved by a merger as advocated in the Hannan Report, differing characteristics of the three services made merger impractical; the general accepted incompatibility of volunteers with career professionals in urban firefighting, and the likely dominance of the ACTFB in any merger.”

We note that the recent Commonwealth Productivity Commission Report for 2007 states that

“The quality of fire services in the ACT, as measured by responses times and containment of incidents, has been maintained despite a 9% increase in incidents in 2005/06. The ACT also continues to provide amongst the best performing ambulance services with very high satisfaction levels.”

And further too this, your comments

“The report once again highlights the first class service being delivered for the people of Canberra by our emergency service staff and volunteers.” (31/ 01/ 2007)

MacDonald's terms of reference required that the Report "should have regard to past reviews ..."

MacDonald stated

"While the prospect of a full merging of urban and rural fire services has a superficial appeal, I am satisfied that, given the different cultures and interests any such proposal would be fraught with difficulties and thus be counter productive; I therefore recommend against the merging of the two fire services. Much more is likely to be achieved from further development of what I would describe as the 'administrative umbrella' for various emergency services, with optimal integration of corporate functions but with the retention of separate statutory/operational responsibilities involving direct reporting to the Minister on them."

From the McLeod Inquiry (1 August 2003)

"Reflecting the particular roles, the equipment and the techniques used, staff in the two firefighting organisations have differing skills and their training differs significantly."

Although preventing a fire's spread is often important with fires in buildings, the firefighting task in this situation is typically more static and surgical, requiring intensive attack using sophisticated, specialised equipment. As well as being conversant with these circumstances, urban firefighters must also be trained in techniques for entering burning buildings to rescue people and dealing with the threats of hazardous and highly flammable materials."

In contrast, bushfires and grass fires are more unpredictable targets, strongly affected by weather conditions, terrain, and the amount of flammable material in their path. Dealing with these fires calls for a range of skills that are, in some ways, broader and more basic—using different means to control or extinguish fires, coordinating efforts with units dispersed over sometimes wide areas, and using different methods of suppressing or containing fires, including backburning and the construction of firebreaks."

"These differences help to explain why distinct bush and urban fire services have developed in Australia."

In July 2004 the New Zealand Department of Internal Affairs commissioned a report "THE GOVERNANCE OF FIRE SERVICES IN AUSTRALIA", and from this Report a number relevant comments on the integration of fire services are made:

"The term integration can have different meanings. For example:

- Integrating at the legislative level (e.g. passing a single Act to cover urban and rural services)*
- Integrating at the structural level (e.g. establishing a single agency to undertake urban and rural fire service, and perhaps other emergency services)*
- Having separate rural and urban services, but working to develop better collaboration and co-operation between them (e.g. having joint board meetings of the boards of the urban and rural services)*

- *Using a combination of the above.*”

“As a generalisation, the urban fire service culture has generally been more militaristic and discipline-based, better paid, modelled on the United Kingdom model. The rural fire service can be very different: more democratic rather than autocratic; more relaxed; using more informal systems and structures; and relying more heavily on volunteers. Merging the two can cause significant issues at many levels of the process – including governance of the organisation.”

“In Tasmania, despite their Act being passed in 1979, and with good political support for “integration”, it took around 10 to 15 years for integration to really occur. Problematic issues requiring resolution included designing the right funding model, and the fact that many resources were run down.

Tasmania Fire Service noted one of the biggest challenges in their reform process was the challenge of trying to merge urban and rural services when they are different organisations, with very different cultures that had developed over many decades, and often had entrenched ways of operating. Culture and values become firmly entrenched. It can be inherently difficult to affect immediate change.

The CEO of the Tasmania Fire service summed up the Tasmania experience: ‘an important lesson is compromise, communication and consultation’.”

The McLeod Inquiry noted a perceived reluctance on the part of some urban brigades to properly liaise with volunteer personnel at an incident. Additionally, volunteer bushfire brigades identified problems with organisational arrangements, and the perception that they were seen as ‘free labour’.

Lex Lasry QC Counsel Assisting the Coroner into the Inquiry into 2003 Canberra Bushfires noted

“In particular, we understand that a full integration of the two fire services in the short term could operate to undermine the existing culture among rural brigades leading to disaffection and the loss of some members.” 4 May 2006

There are three points that we would use this opportunity to emphasise:

1. No doubt the Government would be aware there is a decline in Emergency Service volunteers across the country and Governments are actively looking at ways to retain and increase volunteer numbers. So we put this question to the government - how can it implement this recommendation knowing that it would lead not only to a loss of volunteers but the loss of their experience and ‘local knowledge’ which is so fundamental to bushfire fighting?

Further to this, a Victorian study in 2001 estimated that the contribution of volunteer fire fighters was worth more than half a billion dollars (*reference: The Cost of Volunteering Nov 2006*); the CFA is one of the world’s largest volunteer-based emergency services with around 58,000 volunteer members. Using these numbers as a rough guide - the ACT RFS’ 450 volunteers contribute somewhere in excess of \$3.8 million p.a. to the ACT community. (There is, however, anecdotal evidence that this

number is a conservative estimate of how much volunteers 'save' the community financially).

2. There remains a complete difference between urban and rural fires. While urban fires do not generally travel horizontally (they move vertically) they involve a complex mix of burning fuels which in many instances emit gases which are quite toxic to humans. The skills required to deal with such hazards are specific and need considerable training and discipline.

All urban fires are, by their nature, "bad" because they directly consume economic assets and are closer to persons, so must be extinguished as soon as possible.

Rural fires, on the other hand, burn homogeneous fuels mainly comprising vegetative matter, but travel horizontally. These fires are driven by the immediate weather environment and develop as that changes along with the topography over which the fire travels. So the skill set required for rural fires tends to concentrate on the management of fire suppression forces which are spread relatively widely around the incident.

Not all parts of a rural fire are "bad" and are often left to burn - to a place where they can be attacked or to remove fuel from the expected path of the fire (eg inside control lines). While they are also recognised as likely consumers of economic assets they do not use those assets as their only or primary fuel.

The seasonal, widespread and decentralised nature of rural fires makes their suppression by full time professional firefighters quite uneconomic. Similarly, the application of administration of rural fire management (which is as much an environmental management task as it is a suppression task) is generally beyond the training and outlook....indeed the "theology"... of structural fire administrators.

I would remind the minister of the recent issue raised in the media over bringing in US firefighters to assist in the Victorian Fires –

Melbourne's Metropolitan Fire and Emergency Services Board (MFB) says its crews lack the necessary training to fight bushfires.

The United Firefighters Union says there are 800 off-duty MFB firefighters who should be attending the Victorian bushfires, instead of highly paid foreign firefighters.

MFB spokesman Tony Murphy says MFB employees are trained to fight structural blazes and not forest fires.

"The people who have been applied to the fires in the north-east have been the people with the professional skills in firefighting," he said.

"In particular deep-seated forest fires ... it's a different skill set and a lot of aerial fire fighting."

<http://www.abc.net.au/news/newsitems/200701/s1833125.htm> Wednesday,
January 24, 2007. 7:45pm (AEDT)

3. We also question the issue regarding size – “*a jurisdiction as small as the ACT*”. This shows a lack of understanding about bushfire fighting; some of the most important factors with regard to bushfire fighting and safety are “local knowledge” and experience, NOT the size of the organisation.

We note that this season has been extremely difficult across the whole of South Eastern Australia, as well as in the USA, and the ACT has been able to supply a number (I believe in total some 16) of strike teams, taskforces and RAFT teams to assist not only NSW and Victoria but has also sent bushfire fighters to assist in the USA. As the minister, you will be aware that the ACT RFS crews are requested to assist, not for some ‘political’ gesture BUT, because we can do the job and have the expertise and skill sets required. I refer particularly to the number of requests for our RAFT crews and the 2 taskforces to Victoria with their CAFS capability. These have increased our skills, experience and capability to assist the ACT Community if required.

Historically, the greatest threat to the ACT has always been from bushfires so we question the logic of ‘disbanding’ the RFS with its growing expertise and replace it with an ‘urban’ orientated single fire service. We argue that, instead of getting rid of the RFS, particularly with the more extreme weather conditions being forecast for the foreseeable future the government should be increasing the size of our service, NOT getting rid of it.

It is our Associations view that the two services (urban and rural) are and will always be, quite different, there only commonality is that they deal with fire. This commonality is why those with little or no operational experience, be they coroners, bureaucrats, politicians or for that matter the public, consider it to be ‘efficient’ in integrating them without understanding the ramifications, both in the short and long term, of these so-called ‘efficiencies’.

For the reasons outlined above, we strongly urge the government NOT to integrate the 2 fire services, further to this we believe, that with the full implementation of AIIMS in the ACT across the RFS, ACTFB and ACT SES and using the principle of “the most appropriate person and resources responded to an incident”, there is no need for integration.

In addition to our comments on the recommendations noted above, we make the further recommendations:

1. We strongly urge that the RFS has responsibility for ALL bush and grass fires in the ACT irrespective of where the fire is in the ACT, as it did prior to the forming of (JACS) ESB. We have the vehicles, the personnel and the skill sets required - we just need to be allowed to do our job.
2. We strongly urge that the current ESA guideline re. the BAZ be scrapped since it is ambiguous, is open to interpretation and causes control issues operationally. The criterion for running an incident under AIIMS is – ‘the most appropriate person’.

Some final comments against a “single fire service model” ...

From the Value your Volunteers Summit 2001 hosted by EMA

- The Governor-General of the Commonwealth of Australia The Right Reverend Dr Peter Hollingworth AC OBE

“Volunteers are different. Volunteers form the fabric of a civil society. Volunteers are its lifeblood. It isn’t only important what you do, of profound significance though that is, it’s also important who you are and what you stand for and what you give to the building up of a nation.

From the Emergency Management Volunteer Summit 2005 hosted by EMA

- The Honourable Philip Ruddock MP, Attorney-General of the Commonwealth of Australia stated in his opening address

“Governments can never hope to replicate all the work that volunteer services do. Ordinary Australians are in the best position to work for the good of their community and to overcome the problems they face.

It is a simple fact that emergency management will always be best managed at the grassroots level.”

- Mr Len Foster AO, CEO of the Australasian Fire Authorities Council commented

“...that successful volunteers have to be connected to their local community. Volunteers are the ‘glue’ of the community that contributes to social capital.”

And again

“...there are a lot of drivers for change, some very clear, some emerging. It is critical that we maintain and protect volunteerism with the community at the local level.”

Pat Barling

President of the ACT Volunteer Brigades Association

20 February 2007