



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SERVICES
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Submission Cover Sheet

Review of ACT emergency services
responses to the 2019-20 bushfire season

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Submission to Review of ACT emergency services response to the
2019-20 bushfire season

Hello,

Many thanks for accepting submissions to this review. I feel it is extremely important that multiple views are expressed and incorporated into the learnings and response. I for one, am a volunteer firefighter who played a small part in the overall bushfire response in the ACT and elsewhere; like everyone else who contributes to their community. I have asked for my personal information to be suppressed whilst releasing the content of this submission, as I wish for no recriminations for my fellow brigade members, other firefighters or anyone else. In a recent after action review process, draft notes from the brigades were leaked to the press, and this has had the unfortunate effect of undermining the confidential nature of inputs into the process, and the process itself. I hope this review allows for full and frank input where the after action review was wilfully compromised by someone, because these opportunities provide what limited scope there is for genuine honesty.

We have seen multiple leaks and whining to the press, by presumably a small number of individuals. However this shouldn't be conflated with there being minimal problems, or the low morale being among a "small minority of firefighters" - on the ground I can assure you this is untrue. There are significant once in a generation issues with volunteer firefighter morale. There are many problems with the current situation, which need to be rectified before lives or more property are unnecessarily lost. In my case, frankly I contemplated at the time if I had lived near a NSW brigade going to work with them, such was the atmosphere and morale imposed on us.

With any bureaucracy and any bureaucrats, operational workers (including volunteers) in life and death type work depend on two things. All we ask for is:

- Competence,
- The bureaucracy being on our side.

The commissioner has frequently taken credit for the fact lives nor property were lost in the ACT. Given she takes personal credit for it, I urge this inquiry to press the commissioner for detail as to how her actions were responsible for these outcomes, as opposed to say the firefighters on the ground. I do note that properties in Colinton

were needlessly lost just across the border (noting that the commissioner has a pre-scripted excuse for not tasking stood up ACT crews, and instead allowing this to happen).

<https://www.abc.net.au/news/2020-02-02/canberra-escapes-worst-fate-as-namadgi-bushfire-claims-property/11921090>

The recently appointed ESA commissioner has demonstrated neither competence nor support of volunteers, with respect to firefighting operations. In such a situation, one would hope that such a bureaucrat delegates to those competent, but as I will discuss the opposite of this seems to have occurred. Don't get me wrong, the typical bureaucracy where you receive a certificate confirming you have completed a course 9 months or more after being assessed, this sort of routine incompetent inefficiency isn't ideal but is routinely laughed off by volunteers. But operationally, a lot more is at stake. In respect of operational failures throughout the just gone season, your inquiry will no doubt receive evidence about the shambles of the IMTs, inadequate briefings to firefighters, the non-utilisation of deployed volunteers, poor shift and fatigue planning, other logistics, even catering etc. This is in complete contrast to when we go interstate for deployments, where we are treated with the utmost respect, given meaningful tasking and allowed to go and do that tasking (which has the reinforcing effect of bringing the best contribution out of volunteers, or people generally). I urge your inquiry to take these seriously and deeply question any dismissive remarks about this evidence from physically distant bureaucrats.

It is a nasty combination when the commissioner doesn't have either of these, as the situation occurs where the incompetence and lack of support becomes a chicken and egg scenario, creating a vicious feedback loop where each of these phenomena exacerbate the other, with no circuit breaker in sight. This is the frustration volunteers are now living with, with no end in sight.

But I can't believe what you are saying, an armchair commentator would comment. She was "so competent" ! I would urge the public, and this inquiry, not to conflate a saturation of press appearances with competence. Regrettably this is an easy trap to fall into. A large volume of public appearances creates a false (or at least disproportionate) sense of panic, and this builds public trust. We could be seeing something similar with regard to SARS-CoV-2, in terms of bans on fishing or fines for eating a kebab alone on a park bench.

I lay out here some clear examples portraying the commissioner and/or the overarching agency not apparently being on our side:

1. When a tree fell on some of our comrades from Jerra Creek in NSW, the commissioner stated that firefighters “were given a clear directive to only operate on established fire trails and mopping up was to be no more than 10 metres from the edge of the road.” It wasn’t to clarify that the firefighters were okay or anything else to express empathy, it was just to avoid blame. Like a sleazy workers compensation lawyer worried about a buck or her own image; not someone who cares about us at all.
<https://the-riotact.com/firefighters-injured-by-fallen-tree-in-orroral-valley/353712>

This preoccupation with playing lawyers games, perceptions and not getting sued as opposed to making the best community decisions goes against the very spirit of volunteers, because volunteers volunteer for their communities.

2. Your inquiry will no doubt hear about a lingering issue regarding the ban of UDD. The ESA stated that a directive was not issued to use lights and sirens on the way to the Beard fire:
<https://www.canberratimes.com.au/story/6627897/act-volunteer-firefighters-speak-out-following-canberras-bushfires/#gsc.tab=0>
However, it subsequently emerged that clearly this was a complete lie.

<https://www.canberratimes.com.au/story/6638084/fire-crews-given-green-light-to-operate-sirens-esa-admits/>
It is almost as if this was originally stated solely to be contrarian to the volunteers - all non-simplex radio traffic is recorded and stored so the truth was always going to emerge. As volunteers, is it too much to ask for that we be listened to, and not dismissed and told we are wrong about everything we say? If the after action review is not somehow materially independent of the ESA, I fear this could easily just happen again, despite the best efforts of the acting RFS Chief Officer.

3. The commissioner referring to some volunteers as “keyboard warriors”
<https://www.canberratimes.com.au/story/6649982/responding-to-summergeddon-georgeina-whelan-on-fire-threats-and-volunteer-fury/>
Volunteers are anything but. This needs little explanation as

to the commissioner' s attitude to us, and appears to be an attempt to pit some volunteers against others in order to distract from what is actually going on.

I lay out examples here of the commissioner acting incompetently:

1. It seems the commissioner is intent on doing every job except her own. She has attempted to fulfil the role of an entire media team (refer to the sheer number of media appearances) and head of operations throughout the major ACT fires - apparently not sleeping very much.

<https://www.canberratimes.com.au/story/6649982/responding-to-summergeddon-georgeina-whelan-on-fire-threats-and-volunteer-fury/>

The job of commissioner is not to be a media team or to override IMTs. It is to remove politics between contributing emergency agencies, have agencies working well together and provide them with what they need to fulfil their mandate. This is clearly not happening. She appears unaware of what these mandates even are! (below)

2. The commissioner stated that "I think the biggest challenge for ACT Rural Fire Service is finding their place and having real ownership of what their role is... The agency is working with them to better define that. When they compare themselves to others - such as NSW Rural Fire Service brigades in small towns - their role looks very narrow. The reality of it is, unfortunately it is."

<https://www.canberratimes.com.au/story/6649982/responding-to-summergeddon-georgeina-whelan-on-fire-threats-and-volunteer-fury/>

But actually this role is incredibly well defined, and should be completely clear. And it is! The ACT Emergencies Act is entirely unambiguous (as one would hope for in operational emergency settings), and states that

(part 4.3)

(1) The main function of the rural fire service is to protect and preserve life, property and the environment from fire in rural areas

(2) In exercising the function, the rural fire service is responsible for—

(a) operational planning for fire response in rural areas, including fire preparedness; and

(b) fire response in rural areas, other than for a fire that is

in a building and at which a member of the fire and rescue service is present.

(part 5.1)

(4) An area in the ACT is a rural area if it is not within an area declared to be a built-up area.

(3) The chief officer (rural fire service) is responsible for—

(a) the general management and control of the rural fire service; and

(b) matters relating to the professional and technical expertise of the rural fire service; and

(c) operational planning for fire response in rural areas, including fire preparedness and control; and

(d) fire response in rural areas

Along with this, the Strategic Bushfire Management Plan, given effect through the Act, states that “The RFS has primary legislative responsibility for bush fire response in the Territory rural areas” and then specifically discusses the volunteers. It is the commissioner’s job to provide RFS and its volunteers with whatever we need to fulfil this mandate! And to enable the Act to be followed; not to belittle our skills in the press (which by the way, she has absolutely no understanding of) and our role on the fireground.

3. It is worth noting the legacy of having a parks agency which also carries out firefighting, which is to exacerbate some inter-agency politics. In this context, it is worth noting that the legislation around land managers states that

(part 5.3)

The manager of an area of unleased territory land or land occupied by the Territory must—

(a) as far as practicable, ensure that the area is managed in accordance with the strategic bushfire management plan; and

(b) comply with any bushfire management requirement for the manager or the land.

Given this, this review should seek to establish arrangements between the ACT RFS and any land management agency, which seek to give effect to these legislative mandates, given the commissioner has failed to fulfil this part of her role. Again, it is the role of successive commissioners to address these historical politics (all of which seem to have failed) and have the agencies working together in accordance with legislation. Only, the current commissioner may not do this because it is

hard, and because she may not get misplaced public accolades.

4. A “state of alert” being declared in the ACT. The information on the website, when the “state of alert” was first declared, related to things like walk-in centres, maternity care, library services, child care centres, disposal of green waste and other completely irrelevant administrative arrangements, as opposed to any prospective bushfire threat. Again however, I reiterate the creation of needless panic leading to falsely placed public trust (a panic that in this case led to a run on bottled water in supermarkets, which could then not be purchased by charities for sending to the south coast where it was actually needed).
5. The commissioner referring to “teabagging” as a fire suppression technique. Although the public video briefing of this remark was hastily removed from the ESA website, and whilst she appears to have received somewhat misleading and/or malicious briefing, it demonstrates complete, utter and unmitigated incompetence regarding the operations of firefighting.

This is not about volunteers vs the commissioner, or winning and losing, or any such thing. This is about working together to actually help the community, not just make it look like you are.

Morale of the volunteers does appear to be at close to an all time low, if not at one. And this is quite recent; since the appointment of the current commissioner and some of her actions. But the situation is tricky. The defacto union type body of the volunteer brigades, the VBA, is not a well established or setup institution, and has a self appointed president, probably the only person who put his hand up for the role. The VBA has thus taken up issues which don't appear to be a primary concern to volunteers, e.g. dry cleaning of uniforms - as opposed to gathering views from volunteers or their brigades as to broader concerns. However volunteers shouldn't need a union! Thus, could I urge this inquiry to setup an annual survey of all volunteers to measure things like morale, perceptions of competence in their bureaucracy, etc. The VBA is not strong enough as an organisation to do so, and I fear that this may not change. Metrics from this volunteer survey should contribute to KPIs for the bureaucrats in ESA headquarters, as the role of the bureaucracy is to support us and allow us to fulfil our functions.

As for the ACT volunteers, we get so much respect elsewhere around the country. It is truly beyond humbling. We do need some respect and competence from our commissioner and our whole of agency bureaucracy. We need a commissioner who wants to do, and does her own job instead of trying badly to do everyone else' s. We really need a new commissioner; whether it is the same occupant of the role or some other person I don' t care. But we need a new commissioner.

A good way to start with this new commissioner would be for her to have no more words, delays or excuses. Roll out the UDD course to all RFS brigade licensed drivers, and make sure all drivers have the opportunity to get it done. Surely UDD and adequate training for it is an essential activity in an emergency service. Further, the commissioner could and should commit to running the agency in full accordance with the relevant legislation, including the ACT Emergencies Act. The commissioner' s job is after all to administer the agency in accordance with this Act, providing us with whatever we need in order to fully comply with it whether that be adequate training, supports, interagency protocols, equipment or whatever. The commissioner could also make a statement to the volunteers acknowledging the past, express a desire to listen to us, work with us and let us work to protect our community, which is after all what we are here to do.