

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PAPER FOR TABLING

**GOVERNMENT RESPONSE – ACT LEGISLATIVE ASSEMBLY STANDING COMMITTEE ON
JUSTICE AND COMMUNITY SAFETY –
REVIEW OF ACT EMERGENCY SERVICES RESPONSES TO THE 2019-20 BUSHFIRE SEASON**

**Presented by
Mr Mick Gentleman MLA
Minister for Police and Emergency Services**

**Government Response – ACT Legislative Assembly Standing Committee on Justice and Community Safety –
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Recommendation	Government Response
Recommendation 1 Take decisive action on rolling out updated breathing apparatus for RFS to be in line with the information which has been available since 2006 in Australia that P2 particulate filtering is not adequate for firefighters.	Agreed-in-principle This response is based on the premise that the recommendation refers to face masks, not breathing apparatus. The health, wellbeing and safety of volunteers and staff is of the highest importance to the ACT Government, including respiratory protection. The current P2 masks available to ACTRFS volunteers are adequate for firefighters and meet the standards required by the Australasian Fire and Emergency Service Authorities Council's (AFAC) <i>Managing Bushfire Smoke Exposure Guidelines</i>. The Environment, Planning and Sustainable Development Directorate (EPSDD) also provides P2 masks to its staff for use in fire management operations, and is working closely with the National Fire and Equipment Development Officers Group to assess and refine the direction around the use of facemasks in bushfire management As part of its commitment to innovation and improvement, the ACT Rural Fire Service (ACTRFS) is continuing trials commenced in August 2019 on a variety of P2 and P3 masks in consultation with the NSW Rural Fire Service (NSWRFS), as they are also reviewing their use of this equipment. The NSWRFS advise the expected timeframe for their review is 2-3 years given the time required for the research, trial phase, analysis and procurement. Attached for the information of Members of the ACT Legislative Assembly (MLAs) is the framework for the ACTRFS trial. Any decisions made following the trial will be evidence-based, with the safety and wellbeing of our personnel being the main priority. Some of the considerations will include the fit of the mask and the airflow during high physical activity. In addition, the AFAC <i>Managing Bushfire Smoke Exposure Guidelines</i> are currently being reviewed by the Rural and Land Managers Collaborative Group on which both the ACT Emergency Services Agency (ESA) and EPSDD have representatives.

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Recommendation	Government Response
Recommendation 2 Make the data regime transparent and consistent regarding the number of RFS and Fire and Rescue personnel who are engaged; those who are active volunteers and those who are available to work – so that this data is clear, consistent and comparable from year to year.	Agreed ACT firefighting capability is outlined in the ACT Strategic Bushfire Capability Framework. The Framework delivers on legislative requirements under Section 76 of the <i>Emergencies Act 2004</i> (the Emergencies Act), by identifying the level of resources available to respond to bush and grass fires in the ACT. Maintaining the Framework is an agreed action under Action 5.1 of the Strategic Bushfire Management Plan (SBMP). The SBMP is available at https://esa.act.gov.au/about-esa/publications/strategic-bushfire-management-plan. The ESA acknowledges the need to centralise and coordinate whole-of-agency personnel data. Personnel numbers for ACTRFS staff and volunteers, ACT Fire & Rescue (ACTF&R) staff, and Community Fire Unit volunteers are collated and reported separately. These figures are publicly available in Justice and Community Safety Directorate (JACS) Annual Reports and the Productivity Commission’s Report on Government Services. These reports provide numbers at a specified point in time each year (usually as at 30 June in the reporting year) but do not directly correlate with the numbers of personnel actually available for deployment in response to a particular incident. In defining active ACTRFS volunteers, the ACTRFS maintains a comprehensive membership database which is updated annually. The ACTRFS also has a flexible membership model allowing the recruitment of members who are not actively involved in firefighting tasks. These members provide valuable support but are not counted in active firefighter numbers. The Fire Unit within EPSDD has developed a detailed Training Skills matrix which identifies the people required to fill the various fire related roles for both fire preparedness and fire suppression. This data is maintained and updated as required and is available through a transparent and consistent rostering and availability system (CIMARA) specifically developed by EPSDD.

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Recommendation	Government Response
Recommendation 3 Implement a consistent and continual recruitment program in ACTF&R and RFS to ensure that there is appropriate succession planning and the maintenance of a pre-determined capability, not leaving any outcome of those available in a given season to chance.	Noted The ACT Government is aware of the importance of a consistent and continual recruitment program to ensure there is appropriate succession planning and maintenance of a pre-determined capability. A number of the Objectives of the SBMP articulate the ACT Government’s strategies to support a responsive bushfire fighting capability, supported by clear principles and systems of work to support operations. Further, the SBMP contains a number of specific actions aimed at building on volunteer programs (refer to Actions 3.2 and 4.2). ACTRFS has an ongoing recruitment campaign informed by the needs of the Brigades. The ACTRFS capability statement outlines the number of firefighters required to maintain the capability of the Service. Refer also to the response to Recommendation 2 with regard to the ACT Strategic Bushfire Capability Framework. ACTF&R recruitment is determined by the capability of the Service i.e. ensuring an adequate number of staff to fill vehicle capability. The ACTF&R workforce strategy entails the recruitment, training and equipping of 180 firefighters over a five-year period, consisting of 99 new staff and 81 replacement staff. The five-year recruitment strategy will have dedicated resources who will provide targeted recruitment activities such as direct contact with candidates, individual work plans, direct feedback, and whole of life management application. This will assist the ESA in achieving greater diversity as target groups can be specifically managed and assisted through the process. An important part of fire management succession planning and capability across the ACT is the EPSDD land management staff who provide 180 fully trained and experienced employees available seven days a week. These staff are highly skilled land managers who operate in fire management all year-round delivering fire preparedness across over 70% of the ACT and providing a valuable and reliable source of experienced forest fire suppression personnel.

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Recommendation	Government Response
Recommendation 4 Work with the strategic end in mind to recruit and train, not just to competency but to proficiency, more IMT controllers and members than needed so that there is a full complement of these personnel when required each and every bush fire season.	Noted The ACT Government is committed to maintaining and expanding its IMT capability to remain prepared to manage an emergency. To assist preparedness, the ESA has identified suitably qualified individuals from across the fire agencies and wider ACT Government (in particular the ACT Parks and Conservation Service (PCS)) who can fill key leadership roles within an IMT. This list is published as part of the <i>Emergencies (Concept of Operations for bush and grass fires in the ACT) Commissioner's Guidelines 2017</i>. The ESA has committed to scheduling a minimum of two incident management courses annually, with flexible training times to facilitate volunteer participation. These courses will be complemented by desktop and incident management exercises conducted by the ESA. Personnel will also continue to have opportunities for interstate deployments to enhance their skills and experience. PCS is responsible for delivering a wide range of training, including IMT and specialist fire related training, throughout the year to its employees. PCS in particular utilises IMT's throughout the year operationally in both its extensive prescribed burning program as well as for other major land management programs including wildlife management, biosecurity operations and feral animal control. Further, the ESA, as part of its innovative training program and following constructive feedback, has initiated a familiarisation tour of the bushland surrounding the ACT for Incident Controllers, ACTRFS volunteers, and rural leaseholders. It is envisaged that this will be an annual event to familiarise individuals with the current conditions and environment prior to each bushfire season.

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Recommendation	Government Response
Recommendation 5 Select AIIMS level 2 and 3 incident trainees from personnel with significant on the ground firefighting experience, and in the case of IMT managers for bushfire, those with years of significant experience in fighting bushfires, so that decisions emanating from a bushfire IMT are realistic and in tuned with the decision making on the ground.	Agreed-in-principle The ESA acknowledges the importance of having personnel with on-the-ground firefighting experience in specialist IMT roles, such as the Operations and Planning functions. However, an IMT is made up of multi-skilled personnel who can perform efficient and effective roles within an IMT, even without on-the-ground firefighting experience i.e. Logistics, Finance, Public Information. Volunteers are provided opportunities throughout the year to undertake various forms of training for operational and non-operational activities. These opportunities are delivered outside of standard working hours, including weekends, recognising the availability of volunteers. This training forms part of several training pathways available to volunteers should they choose to undertake them. The ESA also offers several different courses to ACTRFS volunteers, some of which are coordinated by staff and others by volunteers. This allows the ACTRFS some flexibility in the way training can be delivered and provides volunteers with valuable experience and skills in course coordination and delivery. All courses comply with Registered Training Organisation and National Vocational Education and Training standards and are delivered and assessed by qualified trainers and assessors. The ACTRFS also has a flexible membership model which caters to volunteers who can no longer undertake active fireground activities, or who choose to move into IMT and support roles. EPSDD utilises AIIMS for many of its standard land management operations over 12 months of the year. A detailed Training Pathways process is regularly undertaken within PCS to enable individual employees to identify their own career goals and directions. This data linked with the Training Needs Analysis then ensures that PCS only select appropriate personnel, who already have significant on ground forest fire fighting experience, to fill the crucial roles within an IMT.

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Recommendation	Government Response
Recommendation 6 Discontinue training HR personnel and any other non-experienced on the ground personnel for IMT management roles.	Not Agreed The independent ESA Operational Review of the 2019-20 bushfire season found that the IMT arrangements set up by the ESA to manage the protracted and serious bushfire threats experienced during the season were ‘effective and helped lead to the ultimate mitigation of the fire threats facing the ACT’. As advised in response to Recommendation 5, volunteers and staff do not require on-the-ground experience to perform efficient and effective roles within an IMT. Their inclusion is critical in maintaining capability and assisting in the safety of the ACT community. This was evidenced during the 2019-20 bushfires, where capability was able to be maintained for an incident that lasted several weeks. Formal competency-based training in IMT functional roles is offered to all ESA personnel, including volunteers, to increase the pool of resources. The ESA also runs annual training and exercise activities to develop existing and new personnel in incident management roles. These activities are aimed at stress testing IMT personnel and systems to ensure a coordinated IMT response. This coordination provides interoperability and means ESA is well prepared and has ample resources available to manage any incident in its jurisdiction. EPSDD also provide extensive and ongoing IMT training to its employees who are available to the ESA for fire suppression as required and detailed under the “<i>Interagency Joint Arrangements for Fire Management Operations in the ACT.</i>” During the 2019-20 fires, EPSDD was able to continually provide people for a full range of roles within the IMT as well as in the field. The objective is to utilise trained and experienced people in appropriate roles in the IMT that match their ability, skills and experience.

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Recommendation	Government Response
Recommendation 7 That the Bushfire Council’s TOR include a requirement to annually review the RFS strategic capability framework and training plan to ensure there are sufficient trained and experienced personnel to cover both IMT and operational tasks during major bushfires.	Noted The ACT Bushfire Council already has the opportunity to comment and report on the capability of ACT to deal with an unplanned bushfire, without the need to include this requirement in the Terms of Reference. Under Section 76 of the Emergencies Act, the ESA Commissioner must conduct an assessment, based on the SBMP, of available resources and capabilities for bushfire prevention and preparedness, and provide it to the Minister for Police and Emergency Services and the ACT Bushfire Council. This assessment is based on advice provided by the ACTRFS, given that the ACTRFS has legislative responsibility for bush and grass fire response, as detailed in the <i>Emergencies (Concept of Operations for bush and grass fires in the ACT) Commissioner’s Guidelines 2017</i>, and they are also responsible for the ACT Strategic Bushfire Capability Framework.
Recommendation 8 AIIMS incident level 2 and 3 training courses to be offered outside of business hours and/or weekends to allow RFS volunteers to be able to attend and to achieve the necessary competencies.	Noted Wherever possible the ESA has and will continue to offer all training, including AIIMS courses, after hours and on weekends to meet the needs of volunteers.

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Recommendation	Government Response
Recommendation 9 To send RFS personnel, other than PCS staff, interstate to gain appropriate not just competency but to proficiency in IMT roles including IMT controller status.	Noted The ESA provides opportunities for all of its personnel, including ACTRFS personnel, to gain appropriate experience and skills in IMT roles. Noting that requests for resources or assistance by interstate agencies often call for experienced, competent, and qualified personnel only, wherever possible the ESA also offers shadowing and mentoring roles to less experience personnel to allow them to gain experience and increase their eligibility for future interstate deployments in these types of roles.
Recommendation 10 Improve the ability for RFS feedback to be taken seriously and to be implemented wherever possible, for volunteers to be treated as the professionals which they are and to be able to be more invested in the work that they are enthusiastic for so that they reach their full potentials and so that they are afforded the appropriate respect that the community expects.	Noted The ACT Government is committed to ensuring that ACTRFS volunteers are always treated as respected professionals, consistent with the Volunteer Charter The Volunteer Charter is a statement of principle that applies to the relationship between the ACT Government, the JACS Directorate and ESA volunteers who operate under the Emergencies Act. The Volunteer Charter commits all parties to undertake meaningful consultation in relation to any matters that are likely to affect volunteers. There are established mechanisms for ACTRFS members to raise concerns or provide feedback. These include, but are not limited to, after action reviews, debriefs and cyclical meetings. Volunteer input is respectfully considered alongside all collated feedback and, where possible, feedback is acted on to inform improvements to practice or policies.

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Recommendation	Government Response
Recommendation 11 An accountability method to be implemented when feedback from RFS personnel is not taken into account over a number of years so that there is some recourse, via an ombudsman or a supervising body to ensure that such feedback is both taken seriously and also acted upon.	Noted Like all Senior Officials in the ACT Government, the ESA Commissioner and ACTRFS Chief Officer are accountable for their decisions. Further to the response under Recommendation 10, the ACTRFS always ensures concerns or feedback from members are heard, understood, and considered in decision-making. This does not mean that all suggestions made will be implemented. Decisions are made taking into account a number of factors, including the consideration of all input received, evidence, and budget. If there is any evidence that the concerns or feedback of an ACTRFS member has not been considered in decision-making, this can be raised directly with the ACTRFS Chief Officer. There are several opportunities throughout the year for consultation to occur with volunteers where they can raise concerns with ACTRFS and ACTSES representatives and the Minister for Police and Emergency Services, including at monthly Captains and Commanders meetings and the quarterly volunteers meeting with the minister. The ESA Commissioner also consults with volunteers, union representatives and Chief Officers twice a year as a part of the Emergency Service Operational Review Group. All meetings are minuted and actions recorded.
Recommendation 12 That the current round of “reset Meetings” with the RFS captains be turned into a two way dialogue intended to resolve the genuine workplace concerns that the RFS personnel have regarding the way in which they have been treated and that the ESA acknowledge the genuine nature of their concerns.	Noted The ACTRFS reset meetings are a two-way dialogue. The meetings involve conversations between senior members of each Brigade and the ACTRFS, with open dialogue on the current and future state of the Service. Brigades are asked to canvas their membership for relevant issues before coming to the reset meetings, and they are provided information ahead of meetings. The Chief Officer of ACTRFS and the ESA Commissioner meet with the Brigade Captains and Presidents and the President of the Volunteer Brigades Association on a regular basis and visit training activities and sheds (COVID restrictions permitting).

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Recommendation	Government Response
Recommendation 13 That the treatment of the RFS personnel be accurately evaluated and that improvements of the treatment of the RFS be resolved before the next bushfire season.	Noted The ESA Operational Review, which included 38 After-Action Review (AAR) sessions, provided an opportunity for individuals to communicate the experiences they had during the 2019-20 bushfire season, so that they could be accurately recorded and evaluated. These experiences were analysed and synthesised to identify lessons and understand if the issues raised were a random occurrence or indicated a systemic gap in performance that needed to be addressed. As a result of some of the matters raised in the AARs, measures have been, and continue to be, put in place to continue to improve the relationship between ACTRFS volunteers and other personnel/areas within ESA.
Recommendation 14 That as a part of such an improvement that their genuine workplace issues not be trivialised and that they be provided with an occupationally healthy and safe work environment free of subjugation to other paid staff and with a full recognition of their skills and proper role under the Emergency Services Act 2004 as the first responders to bushfire.	Noted See responses to Recommendations 10, 11, 12, and 13. Further, like all Senior Officials in the ACT Government, the ESA Commissioner and ACTRFS Chief Officer have responsibilities under the <i>Work Health and Safety Act 2011</i> to provide an occupationally healthy and safe work environment. These responsibilities apply equally in respect of all paid and volunteer members of the Service. Likewise, the working conditions of paid and volunteer personnel within the ACTRFS are the same.
Recommendation 15 That an investigation be conducted on how appropriate UDD training can become a regular feature of the training calendar each year and be delivered at times suitable to allow volunteers to attend.	Noted Emergency Response Driving (ERD) in ACTRFS, including training, has undergone a full review, resulting in the development of structured governance arrangements and a new skills training package. This training has already been rolled out on two occasions and will become an annual training cycle for members who hold the correct competencies to undergo the training, pending an evaluation of the pilot program.

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Recommendation	Government Response
Recommendation 16 That the government table in the Assembly the timetable of events which explains why UDD was suspended before a risk assessment had been completed.	Agreed The information in this response provides the timing of events around ERD being suspended for ACTRFS volunteers and staff, without the need to table a separate document in the ACT Legislative Assembly. Advice was received from the JACS Director of Health, Safety and Wellbeing on 20 August 2019 that ERD in the ACTRFS was considered a significant risk and that a full risk assessment should be undertaken. Based on this advice and prior to a full risk assessment being undertaken, the then ACTRFS Chief Officer made a risk-based decision to suspend all ERD for ACTRFS volunteers and staff. This was communicated via a Chief Officer’s direction issued on 20 August 2019. The full risk assessment was completed in October 2019 which raised the same concerns as those in the initial advice from the JACS Director of Health, Safety and Wellbeing. The decision to suspend ERD prior to a full risk assessment being undertaken was made to eliminate any risk to ACTRFS personnel and members of the community. At the time, ACTRFS had not provided ERD training to its members and there was no currency of skill maintained. The ramifications of receiving the initial advice and not acting on it immediately could have been significant, especially in the event of an adverse incident. As advised in response to Recommendation 15, a training and upskilling package has subsequently been developed and will be implemented, pending an evaluation of the pilot program. It should be noted that PCS ceased ERD over 10 years ago and, based on a risk analysis, it is currently not permitted by any PCS employee, regardless of the situation.

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Recommendation	Government Response
Recommendation 17 That training in general be improved to the point that a strategic objective of an RFS force ready and trained to respond on the worst day we could expect is ready and operational each and every bushfire season as is the community's expectation.	Noted Under the leadership of the A/g Chief Officer, the ACTRFS is currently going through a reset, which is designed to evolve and shape the ACTRFS as a positive, collaborative, and high performing workforce. This is being done in cooperation with the senior management of each Brigade, who have been meeting personally with the A/g Chief Officer. Improved training is one of the matters being considered as part of the ACTRFS Reset, providing members with better opportunities for career progression by teaching them to become leaders as well as firefighters. EPSDD continue to provide extensive high-level training to all its 180 employees involved in fire management through a Training Needs Analysis and a Training Pathways project. These highly skilled, experienced and trained PCS employees are available to the RFS for fire suppression via the <i>“Joint Arrangements for Fire Management Operations in the ACT.”</i>
Recommendation 18 That proper training be implemented and proper policies and procedures implemented so that in coming seasons the communication between the IMT and the Fire front decision makers be a two way conversation, with proper and detailed information exchange both on the strategic direction during each shift in the IMT, but also full respect and listening to the views of those on the fire ground throughout any decision making process creating a smooth flow of decisions in the IMT and actions on the fire ground.	Noted This matter was raised in the ESA Operational Review. The AIIMS structure used by the ESA recognises and identifies the intelligence capability within the IMT structure. The ESA has already commenced work to mature and better define this capability as a component of successful incident management by enhancing the flow and analysis of intelligence from front line operations to the IMT.

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Recommendation	Government Response
Recommendation 19 That catering on the fire front and where all ESA personnel be deployed is equitable and extended to the RFS and its personnel.	Noted The provision of meals to both IMT and field personnel during IMT-level operations is critical to ensure that personnel are adequately fed and refreshed to perform their tasks safely and efficiently. Catering arrangements for ESA personnel are consistent and do not discriminate or exclude any personnel or Services. The ESA will always prioritise food health and safety standards when providing catered meals for its personnel. The types of meals provided is heavily dependent on the location, so that the meals can be safely prepared, handled, and stored prior to consumption. With food health and safety standards in mind, the ESA provides catered meals and improvised meals for its personnel. Catered meals consist of food and drink provided at set locations, such as the IMT and staging areas. Improvised meals are pre-packaged food and drink suitable to be eaten on-the-go or to supplement personnel between catered meals. The different dietary requirements of personnel are also considered in the provision of catered and improvised meals.
Recommendation 20 That the government improve the assistance offered to those whose fences and properties were damaged during the fires, where possible repairing fences before withdrawing plant and equipment from the fire ground.	Noted The ACT Government provided immediate relief in the form of personnel and financial support to repair boundary fences impacted by the Orroral Valley fire. Further assistance may be available to impacted land holders through the National Disaster Recovery Funding Arrangements inclusive of nationally consistent grant programs and concessional loans which remain open until 31 December 2020.
Recommendation 21 That the government work to widen the fire break as Namadgi National Park regrows so as to allow for a sufficiently wide and maintained fire break be between the park and the rural land holder neighbours of the park.	Not Agreed Due to terrain, vegetation and rock it is not possible to construct and maintain fire breaks on all boundaries. The annual EPSDD Bushfire Operations Plan contains a 12-month outline of fuel management activities to address the risk to rural land holder neighbours of the park.

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Recommendation	Government Response
Recommendation 22 That fences, pastures, sheds and dwellings be acknowledged by the government as assets that were lost during the fires.	Agreed-in-principle The government recognises the importance of identifying all assets damaged or destroyed by bushfire whether they be physical or natural. The government is working as part of national arrangements to strengthen the consistency between states and territories in reporting bushfire damaged assets.
Recommendation 23 That roadblocks intended to stop the public do not block rural land holders from returning to their properties if they have a need to return.	Noted No one can be forced to evacuate their residence. Once a resident has chosen to leave their property, the instructions issued to the contractors engaged to set up and maintain roadblocks during emergency incidents is to allow residents to return to their properties, providing it is safe to do so. The safety is determined by an Emergency Controller or Incident Controller, taking into consideration the Bushfire Warning Level in the area at the time. For example, at an Emergency Warning Level, where a risk is at its highest, the recommendation is that no one is in the impact zone. This process was enacted during the January 2020 bushfires. It is also important to note that Roads ACT contractors and staff, working at the direction of Roads ACT, do not have legislative authority to request photo identification of members of public who claim to be rural landholders and/or local residents.
Recommendation 24 That the government consider upgrading the data terminals in RFS vehicles to allow RFS members to log in and out of their work to allow for improved situational visibility of personnel on the fire ground and deployed every shift.	Noted The ESA and EPSDD continually look at opportunities to upgrade equipment for the benefit of personnel. In this instance, the data terminals currently used by the ESA and EPSDD already allow for members to sign in and out. The responsibility is on the individual to ensure they are logged in or out.

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Recommendation	Government Response
Recommendation 25 That the government consider a system by which Rural land holders be compensated at least to 50% the cost of replacing fencing damaged during the firefighting efforts of the summer.	Agreed-in-principle The ACT Government provided immediate relief in the form of personnel and financial support to repair boundary fences impacted by the Orroral Valley fire. Rural landholders also have the opportunity to apply for financial assistance through the Disaster Recovery Funding Arrangements inclusive of nationally consistent grant programs and concessional loans which remain open until 31 December 2020. The Common Boundaries Act 1981 provides the legislative basis for decision making: https://www.legislation.act.gov.au/a/1981-39
Recommendation 26 That recruitment into the RFS as well as across the ESA be aimed at having in particular a more broadly culturally and linguistically diverse group of new recruits in the coming years, as well as representing the whole community more broadly. This will only be achieved if very specific effort is put in to promoting this form of service and employment directly to CALD communities and other diverse groups.	Noted Recruitment campaigns across all ESA Services already focus heavily on increasing a diverse workforce. When engaging with CALD communities, volunteering opportunities are always promoted by the ESA. ACTRFS also has a flexible membership model that allows for a diverse workforce. EPSDD provide resources to the ESA for fire suppression operations. EPSDD focus on developing a culturally diverse workforce and resources provided to the ESA for fire suppression have a far-reaching range of cultures, backgrounds, gender, and diversity that represent the community more broadly.