



**Joint Select Committee on Bushfires
BUSHFIRES INQUIRY**

April 2002

Submission by the

New South Wales Fire Brigade Employees' Union (FBEU)

267 Sussex Street Sydney NSW 2000

Telephone 02 9267 5552 Facsimile 02 9267 6304 E-mail office@fbeu.labor.net.au

INTRODUCTION

The Fire Brigade Employees' Union (FBEU) is an industrial organisation registered under the Industrial Relations Act 1996. It represents professional firefighters across NSW and has members throughout all services including the NSW Fire Brigades, the Rural Fire Service and private sector industrial brigades (eg. Shell Refinery). Formed in 1910, the Union is the most established and democratic firefighters' organisation in this State.

This paper concentrates on Term of Reference (g): "The adequacy of changes made to bushfire planning and fighting, development planning and other relevant matters since the 1994 bushfires". Under this term of reference, the FBEU asserts that changes to the RFS and its interrelationship with the NSW Fire Brigades continue to fall short in providing to the people of NSW with effective and coordinated fire services. Furthermore, we contend that the RFS bureaucracy has lost focus of its core function, that of bushfire protection, and frequently squanders and misdirects its resources in order to compete with the NSWFB.

THE ADEQUACY OF CHANGES MADE TO BUSHFIRE PLANNING AND FIGHTING, DEVELOPMENT PLANNING AND OTHER RELEVANT MATTERS SINCE THE 1994 BUSHFIRES

On 12 January 2002, *The Australian's* editorial observed:

"The 1996 NSW Coroner's Report into the 1994 NSW bushfires that claimed four lives and caused \$50 million in damage, recommended that communications between the emergency services be improved, and that the two NSW fire services (metropolitan and rural) be merged into one. The report also stated that: 'The feeling coming to this court from the witnesses is that despite this issue (of communications problems) being identified time and time again, little has been done by governments to overcome it'.

The recommendation to merge what is now the volunteer NSW Rural Fire Service with the professional NSW Fire Brigade was immediately rejected by the NSW Premier, Bob Carr. Yet the problems highlighted five years ago have not gone away. It was reported during the current crisis that despite some improvements in co-ordination, the two forces are engaged in an ongoing turf war. This threatens to sap both the Rural Fire Service's spirit of mass volunteerism and the fire brigade's professionalism. It must be questioned by the proposed NSW parliamentary inquiry."

It is the FBEU's submission that this "ongoing turf war" is a matter of fact that is having a direct impact on bushfire operations. It is therefore of direct relevance to the Joint Committee's deliberations.

Best Laid Plans - the Fire Services Joint Standing Committee (FSJSC)

The Fire Services Joint Standing Committee was established in 1996 (under the title Joint Fire Services Standing Committee) as an outcome of the 1994 Bushfires. The Union has actively participated in, and held membership upon the FSJSC since its inception.

At its 4th meeting of 13 December 1996, the FSJSC resolved:

“..That a 5 year statewide strategic plan . . . be jointly developed to identify areas of significant urban infrastructure for which the NSW Fire Brigades is the appropriate service, and bushland (including villages) for which the NSW Bush Fire Service is the appropriate service.”

“The focus of the investigations . . . identified for priority consideration, will be directed at:

Contiguous Areas, involving either:

- transfer of bushland contiguous with a Bush Fire District*
 - from Fire District to Bush Fire District and/or*
 - transfer of urban infrastructure contiguous with a Fire District from Bush Fire District into the Fire District; and*
- New Fire Districts:*
- Identification of towns with a level of urban infrastructure requiring establishment of a new NSWFB Fire District.”*

These themes were reinforced by the NSW Parliament in the form of the Fire Services Joint Standing Committee Act, 1998. The Act assigned the Committee with the following functions :

- (a) to develop and submit to the Minister strategic plans for the delivery of comprehensive, balanced and co-ordinated urban and rural fire services at the interface of fire district boundaries and rural fire district boundaries,*
- (b) to review periodically the boundaries of fire districts and rural fire districts and, if it considers it appropriate, to make recommendations to the Minister concerning those boundaries,*
- (c) to develop and submit to the Minister implementation strategies to minimise duplication and maximise compatibility between the services of New South Wales Fire Brigades and the services of the NSW Rural Fire Service, with particular reference to the following areas:*
 - (i) infrastructure planning,*
 - (ii) training activities,*
 - (iii) community education programs,*
 - (iv) equipment design,*
- (d) to report to the Minister on any matter referred to the Committee by the Minister and, if it considers it appropriate, to make recommendations to the Minister concerning that matter,*
- (e) such other functions as are conferred or imposed on the Committee by or under this or any other Act.*

The underlying philosophy of both the Parliament and the Committee itself was clear in that both services should complement one another, but not compete. This was reinforced with the signing of a Memorandum of Understanding between the RFS and the NSWFB which states that:

“The understanding recognises that the NSW Rural Fire Service is primarily a rural fire service, the NSW Fire Brigades is primarily an urban fire service (with additional responsibilities for hazmat and rescue) and that the two services complement each other in meeting community needs.”

After six years of operation, the FSJSC has proven itself incapable of delivering on many of its stated objectives. With the arguable exception of the Central Coast (Gosford and Wyong local government areas), its “5 year statewide strategic plan” has failed to materialise.

Despite the obvious growth being experienced throughout NSW, not one new Fire District has been identified, agreed upon or established. More disturbing is the fact that there is no sign of this impasse changing in the foreseeable future, with the result being that citizens within many high-growth urban centres are destined to continue to be denied fire protection commensurate with that afforded to other similarly sized yet “older” urban centres.

The failure of the FSJSC to coordinate the two services in light of the Act and the MOU is readily exemplified in how it has dealt with: firstly, defining urban and rural spatial delimiters; secondly, the recent Communications Service Level Agreement, and; thirdly, growth in urban areas.

Reinventing the Wheel - defining the concepts of Urban and Rural

In 2001 the FSJSC invited tenders from interested bodies to “identify on what grounds jurisdiction for a two fire services system in NSW should be based”. Unbelievably, six years after its formation the FSJSC and its main constituents (NSWFB and RFS) still cannot agree on an issue as fundamental as what defines an urban area, a rural area or a village.

However, the two services already have delineated roles as outlined in legislation, policy and historical practice. Furthermore, where commonsense fails then readily available spatial delimitation systems developed by independent and well respected bodies exist for the FSJSC’s use in settling jurisdictional issues between the Services. One example is the Australian Standard Geographical Classification (ASGC) that has been independently developed by the Australian Bureau of Statistics¹, a system well researched and independent of the bureaucratic politics of the FSJSC.

The 2000 Upper House Inquiry into the RFS actually touched upon the turf war question, although it appeared to have barely recognised having done so. On 24 March 2000, the Chair asked RFS Commissioner Koperberg to comment on the ongoing RFS/NSWFB turf war over Terrey Hills in Sydney’s north. Commissioner Koperberg replied:

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. [...]. 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*

¹ ABS Cat. 1216.0 Statistical Geography: Volume 1 -- Australian Standard Geographical Classification (ASGC)

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.

The RFS Commissioner's reliance on outdated boundaries (when Terrey Hills was an outlying village & bushland area, rather than a developed suburb of Sydney) indicates the attitudinal problems that hinder the development of rational jurisdictional delimiters between the Services. The Commissioner also deliberately limited any examination of duplication to small spatial areas rather than across the State/Service.

Commissioner Koperberg is not alone in his defence of ancient boundaries. The section titled "'That's always been our area' - urban growth outstrips protection" reinforces our claim that this intractability severely hinders rational policy making in the FSJSC's deliberations.

The recent correspondence between the two services with regard to Eurobodalla Shire fire district boundaries (see Attachment 1) demonstrates that the absurdity of these boundary disputes knows no bounds.

Keeping Everyone in the Dark - the Operational Communications Service Level Agreement

Despite claims that the FSJSC is facilitating the coordination of RFS and NSWFB efforts, the negotiations around and operation of the Operational Communications Service Level Agreement proves otherwise.

The intended aim of the Service Level Agreement was (and remains) "*to avoid misunderstandings between the services and to more effectively and efficiently co-ordinate responses to ensure that the community is provided with the best possible responses to [emergency] incidents.*"

Attached is correspondence from the Union to the Executive Officer, FSJSC dated 23 October 2000 detailing serious and fundamental flaws in the exchange of operational communications between the two services (see Attachment 2).

Despite the Union's objections, the FSJSC went on to endorse a new Service Level Agreement which failed to address our particular and fundamental concerns. This has allowed the RFS to continue to operate without any scrutiny or accountability for their real response performance, and by so doing has severely compromised the safety of both firefighters and the community.

When NSWFB communications operators relayed emergency calls to RFS during the recent bushfire crisis, they were frequently advised that no NSWFB assistance was required because "we've got units in the area". It was when 30 minutes or more had passed, and multiple further telephone calls for assistance had been received, that the communications operators acted on their own initiative by dispatching NSWFB units. When NSWFB crews did arrive, no RFS units were in attendance.

As recently as Monday, 8 April 2002, the dangerously dysfunctional communications arrangements between the two services again failed the people of NSW. It was reported to NSWFB communications that the Blakebrook Public School (7 kms north of Lismore) had

caught fire. Being in a Rural Fire District, the NSWFB communications operator immediately passed the call to the local RFS contact officer. The NSWFB's offer of assistance was declined, and the only further information to be provided by the RFS came hours later when the RFS advised NSWFB communications that the fire had been extinguished.

It transpired that the Blakebrook Public School had indeed been alight and further, that over 70 children needed to be evacuated. Numerous children were transported by ambulance to hospital suffering smoke inhalation. The NSWFB learnt of this not from the RFS, but rather from the next day's local newspaper. It was reported that three RFS units had responded to this fire, the furthest of which had come from Nimbin more than 20 kms away. Meanwhile, the NSWFB's full time professional firefighters at Lismore remained available at their Station, but unaware of the emergency, less than 8km away.

"That's always been our area" - urban growth outstrips protection

The Union's experience as an FSJSC participant in debates over jurisdiction of particular areas has been disturbing. Rational policymaking has been supplanted by a dysfunctional focus on current boundaries, the service combatants horse trading over minor shifts in boundaries, fighting over a hundred metres here or there at the expense of clear operational needs.

A classic example is the recent FSJSC deliberations in the Kiama/Shellharbour areas. Gerringong, a sizeable (and expanding) urban area with a population of over 3000 people, was not even contemplated for jurisdictional review. Why? Because it stands within a Rural Fire District - notwithstanding the FSJSC's headland decision of 13/12/96 concerning "towns with a level of urban infrastructure requiring establishment of a new NSWFB Fire District".

Prior to the March 1999 election, the-then ALP candidate for the seat of Kiama, Matthew Brown, announced a returned Carr Government's commitment to the establishment of a NSWFB Fire Station within Gerringong. RFS interests responded to this announcement by protesting through both the media and directly to the Minister for Emergency Services, who immediately shelved all plans for the NSWFB in Gerringong.

The same problem is evident in other rapidly developing urban areas of the State, such as St Georges Basin-Sanctuary Point (South Coast) and Salamander Bay - Soldiers Point (Port Stephens). Other areas identified by the NSWFB as requiring new Fire Districts and new NSWFB Fire Stations, but which continue to meet RFS resistance, include Pottsville / Cabarita (Tweed), Bulahdelah (Myall Lakes), Medowie (Port Stephens), Anna Bay (Port Stephens), Salamander Bay (Port Stephens), Lemon Tree Passage (Port Stephens), North Nowra / Bomaderry (South Coast), Culburra (South Coast), Huskisson/ Vincentia (South Coast), Sussex Inlet (South Coast), Mossy Point (Bega) and Tura Beach (Bega).

These areas are denied even the *possibility* of improved fire services by virtue of this dangerous and dysfunctional refusal to undertake jurisdictional reviews of these areas.

It is abundantly clear that the fundamental jurisdictional question of which service should cover which area is currently determined not by the requirements of these communities, nor by the 'complementary' capabilities of the respective fire services, but rather by historical coverage and politics. At the same time, more scientific and objective Standards of Fire Cover are being ignored, as are the stated aims of the FSJSC.

OTHER TERMS OF REFERENCE

Causal factors of the bushfires

Clearly the causal factors of bushfires in NSW are varied depending on land use, topography and climate. The Premier and the RFS Commissioner explored every aspect of one causal factor of bushfires, that of arson. However, much less attention has been given to evidence of poorly organised and orchestrated back burn operations.

Of particular concern is where such operations are at best ill-judged, as the dangers to life and property from many back burns frequently outweigh those of fires started by other means.

The fires of December 2001 & January 2002 are a case in point: On 3 January 2002, The Daily Telegraph asked on its front page “*Did a backburn gone wrong destroy up to 20 homes and force 5000 people to flee?*” (see Attachment 3) in reference to a back burn in the Sussex Inlet area. The problems experienced in Sussex Inlet were not, however, isolated.

Attachment 4 is correspondence received from an RFS communications operator who was active in the Shoalhaven Fire Control Centre during the bushfire emergency earlier this year. Attachment 5 is a report from a NSWFB officer expressing his very real concerns over the conduct of bushfire operations on the Central Coast. Both attachments highlight the problems of ill-managed back burning operations.

Use of aircraft in firefighting

The Hiatt Coronial Report supported the use of aircraft in bush firefighting operations.² In its analysis of Hiatt’s discussion on this matter, the NSW Fire Brigades’ Operations Research Unit noted the “impressive” performance of the Canadair water-scooping aircraft with dry sclerophyll and pine forest fuels. They also stated:

“It should be noted that all of the major fires in January 1994 where major property loss occurred were within NSWFB Fire Districts, and were within 5 – 10 minutes flying time of major water sources suitable for scooping aircraft, or airfields.”³

Very early in the course of the last bushfire emergency, the Union called for the introduction of Canadair ‘Super Scooper’ firefighting aircraft. A Rural Fire Service spokesman publicly rejected this call within the hour. The Union wrote to the Minister on 30 December 2001 (see Attachment 6) setting out our reasoning for that call, and requesting that the matter be acted upon urgently. No response was ever received.

The demonstrable success of the Erikson SkyCrane helicopters in the recent bushfire crisis must clearly be factored into this State’s future bushfire planning. A combination of SkyCrane helicopters and ‘Super Scooper’ firefighting aircraft would provide the State’s fire services with a flexible and rapid response capability to future bushfires that does not currently exist. It cannot in future be left until after a major bushfire emergency has developed to bring these aircraft into operation.

² Hiatt (1996), pp356-357

³ NSWFB (1996)p.20

FURTHER CONSULTATION

In February 2000 the Union was advised by the Committee Secretariat Director that we had been requested to make representations to the Upper House Inquiry into the RFS. However, on the motion of the Hon. Tony Kelly (ALP) on 20 March 2000, the Committee voted to instruct the Director to cancel these arrangements without any rationale or explanation offered.⁴ Whilst the Committee heard from RFS Association representatives no less than six times throughout that Inquiry, it consciously and without reason chose to suppress any verbal representations from State's only registered industrial body representing firefighters. Attachment 7 is a copy of correspondence sent to that Committee.

Should the Joint Select Committee on Bushfires decide to similarly deny us the opportunity to make such representations, then we would respectfully request that the reasons for such a decision be given.

REFERENCES

Legislation

Fire Services Joint Standing Committee Act 1988 No.18

Reports

Australian Bureau of Statistics (ABS) (1996) *Census of Population and Housing: Selected Characteristics for Urban Centres and Localities, New South Wales and Australian Capital Territory*, (Cat. No. 2016.1), ABS, Canberra.

Hiatt, J (1996), *New South Wales Bushfire Inquiry Volumes 1-5*, NSW Coroners Court, Sydney.

New South Wales Fire Brigades (NSWFB) (1996), *Summary of Findings of the NSW Bushfire Enquiry*, NSWFB, Sydney.

⁴ see Legislative Council GP Standing Committee No.5 (2000) p.191.



New South Wales Fire Brigades
Zone S5 Office
1/30C Orient Street
Batemans Bay 2536

Telephone: (02) 4472 3042
Telephone: (02) 4472 3041
Facsimile: (02) 4472 3038
Email: firstname.lastname@nswfire.nsw.gov.au

Your Ref:
Our Ref:

10 May 2000

T Toll, AFSM
Superintendent
NSW Rural Fire Service
PO Box 99
Moruya 2537

COPY

Dear Terry

I refer to your letter dated 6th April 2000, in reference to a possible review of fire boundaries within the Eurobodalla Shire.

I realise your concern regarding what constitutes a village, however, after receiving your letter, I am still required to address the issue of fire district boundary extensions.

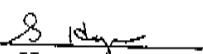
The briefing we both attended in January 1999, clearly identified the role of both fire services, Key Recommendation No. 2 stated that a 5 year statewide Strategic Plan be jointly developed to identify areas of urban infrastructure for which the NSW Fire Brigades is the appropriate service and bush land (including villages) for which the NSW Rural Fire Service is the appropriate service.

The areas I have identified, in the Eurobodalla district, which should be considered as part of our fire district are from Sunshine Bay to Malua Bay, Surfside and the industrial area, in the Batemans Bay area and Kianga in the Narooma area.

These areas cannot be considered as villages as they are a continuation of the urban growth from the main townships. I would like to arrange a meeting to discuss these issues with you, as I have been directed to do so as soon as possible.

Should you have any further enquiries please do not hesitate to contact me on 44-723042 during business hours.

Yours faithfully


Steve Hyman
Zone Commander - Zone South 5

15.Apr. 2002 17:55
15-APR-2002 11:34

NSW F.B.E.U. +61 2 92676304
FROM

TO No.2267 P. 2/6
92652886 P.02/02

25

**NSW RURAL FIRE
SERVICE
EUROBODALLA
DISTRICT**



FIRE CONTROL CENTRE
PO Box 99 MORUYA 2537
Telephone: 0244 742855
Facsimile: 0244 743888

12 May 2000.

COPY

Steve Himan
Zone Commander-Zone South 5
1/30C Orient Street,
BATEMANS BAY NSW 2536

Dear Steve

I refer to your letter dated 10 May 2000 pertaining to a possible review of fire boundaries within the Eurobodalla Shire.

Please be advised that, as previously mentioned, the existing Rural Fire Services resources are willing, trained, equipped and capable of providing the appropriate level of fire cover for the areas mentioned in your letter and I am not prepared to concur with any proposals to alter the existing boundaries.

I trust this information is satisfactory.

Yours faithfully


T.R. TOLL. AFSM. JP.
SUPERINTENDENT.

New South Wales Fire Brigades
227 Elizabeth Street
Sydney NSW 2000
PO Box A249 Sydney South 1232



Telephone: (02) 9265 2999
Facsimile: (02) 9265 2988
Email: nswfb@nswfire.nsw.gov.au
Home Page: www.nswfb.nsw.gov.au

JN:vb
Tel: (02) 9265 2966
Fax: (02) 9265 2886

Mr Alan Brinkworth AFSM AAIQS FRICS ACIARB MAIES
Operations Officer
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

COPY

17 May 2000

Dear Superintendent Brinkworth

Please find attached a letter from NSW Fire Brigades' Superintendent Hyman to FCO Toll and a reply from FCO Toll to Superintendent Hyman.

These are the last 2 letters in a series of correspondence that was initiated following our briefing of Zone Commanders and FCOs at Nowra.

Superintendent Toll's position of refusing to discuss boundary variations in relation to existing fire districts is clearly at odds with the agreed principals as announced at our briefing. At that briefing we provided those present, including Superintendents Toll and Hyman, with a handout which detailed the agreed principals and provided guidelines for the boundary variation process. After speaking with Superintendent Hyman I believe that he understands the principals and processes and Superintendent Toll's refusal to discuss this issue indicates that he does not.

As the first step in resolving disagreements was for the local stakeholders to contact their representatives on the working party to ensure no misunderstanding of the principals and processes existed, you may wish to speak to Superintendent Toll in relation to this matter. Should you consider this inappropriate or be unsuccessful I believe the matter should be raised at the next Review and Policy Sub-Committee meeting.

Should you wish to discuss this matter, please do not hesitate to call me on (02) 9265 2966 or on my mobile, 0417 414 821.

Yours sincerely

John Neely
Superintendent
Manager Operations Research Unit
for Commissioner

0005006.vb

FAXED
16/5/00

**Rural Fire Service**

Fire Control Centre

28 Bridge Road, (P.O Box 42) Nowra NSW 2541
Phone:(02) 4429 3467 Fax:(02) 4421 7576
firecontrol@shoalhaven.nsw.gov.au

27

COUNCIL REFERENCE:BP:cq 2481 OTH001/3

4 July, 2000

Superintendent Steve Hyman
NSW Fire Brigades
1/30C Orient Street
BATEMANS BAY NSW 2536

COPY

Dear Sir

Thank you for your letter of the 26th June, 2000 requesting that we meet to discuss possible boundary variations for the Fire Districts.

On the 16th April, 1999 the Fire Services Joint Standing Committee Review and Policy Sub-Committee wrote to me acknowledging receipt of the Mutual Aid Agreement for the Shoalhaven Local Government area, indicating that the document had been reviewed and endorsed then forwarded to the New South Wales Fire Brigade State Communications for implementation to the Fires Computer Aided Despatch System. It is now more than 12 months since that was forwarded to the New South Wales Fire Brigades and at this time the Mutual Aid Agreement has not been introduced or evaluated apropos any further changes that may be required.

I am prepared to discuss boundary variations but not until the Mutual Aid Agreements have been introduced and trialled so that an accurate assessment can be made of boundary variations that may be considered necessary. I consider that it would be quite reasonable for the Mutual Aid Agreements to be operating for at least six months and preferably a year so that their effectiveness can be fully evaluated.

The Fire Services Joint Standing Committee have agreed that a copy of the map outlines for the Mutual Aid Agreement will be provided together with the date for their introduction, together with the date of commencement. I expect that at the same time you will be advised along similar lines.

I trust that you concur with this view point. It does seem pointless implementing further change without having tried the measures that have already been approved. Should you have any further queries regarding this matter then please contact me on 4429 3466 at your convenience.

Yours faithfully

Brian Parry
Fire Control Officer

New South Wales Fire Brigades
227 Elizabeth Street
Sydney NSW 2000
PO Box A249 Sydney South 1232



28

Telephone: (02) 9265 2999
Facsimile: (02) 9265 2988
Email: nswfb@nswfire.nsw.gov.au
Home Page: www.nswfb.nsw.gov.au

JN:vb
Tel: (02) 9265 2966
Fax: (02) 9265 2886
Our Ref: CHO 03308

Superintendent Alan Brinkworth AFSM AAIQS FRICS ACIARB MAJES
Operations Officer
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

6 July 2000

COPY

Dear Superintendent ~~Brinkworth~~

Please find attached a copy of a letter from Fire Control Officer Brian Parry to Zone Commander Steve Hyman in relation to discussing possible boundary variations to fire districts.

Superintendent Parry indicates that he is not willing to discuss boundary variations until the local Mutual Aid Agreement has been in operation for a period of 6 – 12 months. He also indicates a belief that the effective operation of the MAA will negate the need for boundary changes. These beliefs are clearly at odds with the agreed boundary review principles and processes.

In light of Superintendent Parry's position and that taken by Superintendent Toll, as indicated in my letter of 17 May 2000, there appears to be a poor understanding of the agreed principles and processes amongst RFS staff on the South Coast. This is further supported by conversations that Superintendent Hyman has had with various RFS staff within his zone that indicate a widespread belief that MAAs are an alternative to boundary variations. It is clear that our working party did not manage to convey a sufficient understanding of the agreed principles and processes at our briefing held in Nowra in the early part of 1999.

In order to resolve these matters in the simplest way possible, I suggest that a joint briefing of RFS Fire Control Officers from at least the eastern part of RFS Southern Region together with the NSWFB Zone Commander be conducted at a convenient location as soon as can be arranged.

As the level of misunderstanding apparent in this area is seriously hampering implementation of the Minister's instructions in relation to boundaries and carries with it some potential for conflict I ask that you give this matter early attention. Should you wish to discuss this matter with me please do not hesitate to contact me on (02) 9265 2966.

Yours sincerely,

John Neely
Superintendent
Manager Operations Research Unit
for Commissioner

0007003.VB

New South Wales Government
Smoke Alarms Save Lives

**NSW RURAL FIRE
SERVICE
EUROBODALLA
DISTRICT**



FIRE CONTROL CENTRE
PO Box 99 MORUYA 2537
Telephone: 0244 742855
Facsimile: 0244 743888

5 July 2000.

Mr. Steve Hyman
NSW Fire Brigades
1/30C Orient Street
BATEMANS BAY NSW 2536

COPY

ATTENTION MR. S.HYMAN NSW FIRE BRIGADES

I refer to your letter dated 26 June 2000 in which you have again raised the issue of discussing variations to fire district boundaries. I again reiterate that there were two issues which the presenter from the NSW Fire Brigades steadfastly and adroitly refused to address. I refer of course to what constitutes a village and existing resources.

As it is obvious that no agreement can be met between the two Services in this regard, I must therefore make my own determination of what constitutes a village and the fate of existing resources. Accordingly I determine that any area with a population of 50,000 or less constitutes a village in the Eurobodalla District. I further determine that if the existing resources are capable, equipped and effective, then no boundary alterations are necessary.

In light of the above I am more than happy to meet with you at our earliest convenience and discuss the removal of the NSW Fire Brigade stations and fire districts from the Eurobodalla Shire.

Yours faithfully


J R TOLL AFSM JP
SUPERINTENDENT



23 October 2000

The Executive Officer
Fire Services Joint Standing Committee
Unit 5
175-179 James Ruse Drive
Rosehill NSW 2142

Dear Commissioners,

Re: Communications Service Level Agreement (SLA)

I refer to the most recent meeting of the Fire Services Joint Standing Committee, and specifically to the recent decision of the Committee concerning the subject SLA. This correspondence therefore serves as the Union's submission to both Commissioners in response to Mr Dick Tucker's invitation of 28 September and will, we hope, prevent the signing off the SLA in its current form.

I would stress at the outset that I neither wish nor intend to approach this question in a technical nor pedantic manner. The point of contention here is simply an issue of whether or not the Rural Fire Service should be expected to provide NSWFB Communications with information on:

1. the time of the actual response (ie departure from the station) of each Rural Fire Service unit; and
2. the time of the actual arrival of each Rural Fire Service unit at the scene of the incident in question.

Assuming for the purpose of discussion that the provision of both points of information is agreed, the issue can then be further broken down as to the timing of the provision of that information. That is to say, whether this information is relayed to NSWFB Communications immediately, or whether it is provided during the course of, or even following the conclusion of each incident.

The Union contends that the proposed SLA in its current form is inadequate in that it expressly fails to require the provision of any response/arrival information from the Rural Fire Service to NSWFB Communications in anything other than the joint response of both services to so-called "life threatening" incidents. Even then, experience dictates that the term "life threatening" is so subjective and so open to interpretation that it will invariably result in the continued failure by RFS units to provide the relevant information to NSWFB Communications. The current SLA stands to invite a flood of "we didn't know" or "we didn't believe" justifications from RFS units for their failure to provide that information.

New South Wales Fire Brigade Employees' Union (FBEU)
267 Sussex Street Sydney NSW 2000

Telephone 02 9267 5552

Facsimile 02 9267 6304

E-mail office@fbeu.labor.net.au

Website fbeu.labor.net.au

The RFS has continued to argue that the NSWFB has no need to know of the RFS' operations, and that the NSWFB's only real role (at least in the area of joint communications) is to provide details of incoming 000 calls to the relevant RFS contact point. From there, the RFS holds, all NSWFB interest in and responsibility for that incident should cease. It may be that this position is arguable from a technical and narrow legal perspective, having reference to jurisdiction alone. However, it is a woefully unsustainable stance when taken from a whole of Government perspective.

Why would the NSWFB require this information? There are numerous reasons, including (but not limited to) the following primary points:

- Even where a call has already been passed to the RFS, it is the NSWFB Communications operators who continue to field calls from agitated citizens seeking information as to the estimated time of arrival of the responding unit(s). The failure of the RFS to provide Code 7 response times, or even to confirm a response at all, means that the NSWFB Communications operators cannot provide any information to those callers other than to advise that "we've told the RFS and we really hope that somebody's actually going", or words to that effect. All too often, it has been found that no RFS unit was in fact responding.

This is clearly hopeless from a provision of service perspective. The public expect and deserve better, and I for one would not want to be the Minister presiding over such a feeble state of affairs.

Further, it also places unnecessary additional stress and strain upon the NSWFB Communications operators who receive these calls, being as they are the direct recipients of calls from frightened and/or angry citizens who care nothing for the petty politics inherent in the jurisdictional argument. The nature of this work means that this stress and strain can never be entirely overcome, but it can certainly be mitigated via the provision of the information in question.

The Union considers that the failure of the RFS to provide real-time NSWFB Communications operators with response and arrival times constitutes a Section 15 breach of the Occupational Health and Safety Act, 1983, and we shall prosecute along these lines if the SLA is signed off in its current form.

- The same argument applies again in the case of incidents involving the joint response of both services – particularly so where the only supporting unit for NSWFB members are RFS volunteers. This is in stark contrast to the situation where an NSWFB appliance responds with another NSWFB appliance in which case both crews are always aware of the response and the estimated time of arrival of the other supporting unit.

The uncertainty of RFS response and arrival on such occasions necessarily impacts upon the ability of the NSWFB crew to initiate offensive firefighting strategies with any degree of confidence. Indeed, in the absence of any

confirmation from the RFS that a unit had responded (and just which unit is responding is also highly important having regard to that unit's estimated time of arrival), OH&S principles and good fireground management requires that the OIC of the first arriving unit must assume that the second unit has not in fact responded at all. As the communications situation currently stands, the response of a supporting RFS unit can only be taken to have occurred when that unit has actually pulled up at the incident.

This situation adversely impacts upon fireground tactics and operations, particularly in the first few crucial minutes following arrival of the first responding unit. And on the rare occasion that the RFS unit is actually the first arriving unit (and the available data will reveal that this is the exception rather than the rule), the same limitations apply given that the communications arrangements (both as they exist and as they are proposed) will not afford the RFS crew any confidence in the response or arrival time of the NSWFB.

More importantly from our Union's perspective, this arrangement also clearly prejudices the health and safety of our members on the fireground. This uncertainty is entirely avoidable, and the Union will therefore again seek to prosecute for a Section 15 breach in the event that the SLA is signed off in its current form.

There have been many documented occasions where the failure of the RFS to respond has not been relayed back to the NSWFB, thereby preventing the response of the closest NSWFB unit in its place. The RFS regularly advises NSWFB communications that the RFS shall be responding to an incident and that NSWFB assistance is not required. However, it is not uncommon in these circumstances for NSWFB communications to receive ongoing calls from agitated citizens complaining that their house was well on the way to being razed to the ground and that there was still no fire unit in attendance – in some instances as late as 30 minutes or more after the call was first received. NSWFB communications operators will generally then respond the nearest NSWFB unit, whether or not that response has been requested by the RFS, but after such an extended delay the benefit (if any) to the citizen will obviously be minimal.

We expect the RFS to counter this by claiming that this is anecdotal nonsense on our part which has no basis in fact. This is not correct, the recent Coronial investigation into the fire at Bushman's Run, Nevertire being a celebrated case in point. Further, we understand that a great many of these incidents are well documented to the extent that they could be readily reviewed by the FSJSC if the Committee saw fit to do so. And even if the RFS were to concede that such instances do occur, but only on the rarest of occasions, we would then be left to ask the obvious question: Is even one incident per year acceptable when lives and property are placed at unnecessary risk?

Rather than continually asking "why?" should this information be exchanged, as the RFS continues to do, the appropriate question here must surely be to ask "why not?".

Whilst it was not previously possible to do so, the arrangements now in place mean that there is no real impediment to the transmission of all radio traffic from both services directly through NSWFB communications. I acknowledge that this goes well beyond the intents and purposes of the subject SLA, but I nonetheless raise it here as the logical extension of our arguments. Further to the relaying of all radio messages through the one NSWFB Communications network, there is also no logical reason why the system presently used by NSWFB Communications for the response of retained Brigades across the state should not be extended to all volunteer RFS units also.

It is appropriate that I quote at this stage from the findings arising from the Inquiry into the 1994 Bushfires conducted by the then Senior Deputy State Coroner, John Hiatt:

"The evidence was clear that at any given time the NSW Fire Brigade knew where their resources were and what resources they had in total. There was accountability because of the structure in place. Whereas the evidence made it clear that the Department of Bush Fire services could not be certain what resources would be currently available to the 142 volunteer Bush Fire Brigades; what use was being made of it and its state of maintenance. In fact there was evidence that some equipment was not roadworthy and that in many areas fire ground communications systems were non-existent."

The fact remains that very little has occurred to address these problems since that Inquiry, and that the signing of the SLA in its current form will achieve nothing other than to formalise the illogical, inefficient and dangerous existing communications arrangements (or more correctly, the lack thereof) between the services.

Put simply, we contend that the RFS is continuing to oppose the provision of response and arrival times to NSWFB Communications in order to prevent the exposure of the RFS to any genuine scrutiny of its performance. There can be no other rational explanation for such resistance.

We consider that the citizens of this State not only expect the rapid arrival of a fire service – any fire service – to a call of fire or other relevant emergency, but that they actually have a right to it. The SLA in its current form seriously prejudices that right, together with the health and safety of all firefighters and therefore must not be signed off by either Commissioner. In view of the weighty consequences attaching to this matter, I would also request that our Union be formally informed by way of correspondence immediately once both Commissioners have determined whether or not they will sign the Agreement.

Yours faithfully,



Chris Read
State Secretary

THE Daily Telegraph

Thursday, January 3, 2002 90 cents* including GST

BLACK CHRISTMAS FIRES: DAY 1 1



A town under siege... Sussex Inlet residents watch encroaching fires near through bushland from the other side of the holiday inlet today.

Picture: IAN WILKINSON

CRUEL TWIST

Did a backburn gone wrong destroy up to 20 homes and force 5000 people to flee

By STEVE GEE

A BACKBURNING operation gone wrong was today identified as the likely cause of a bushfire which destroyed up to 20 homes and forced the evacuation of more than 5000 people at Sussex Inlet on the NSW south coast.

The Rural Fire Service said that volunteers were forced to abandon a controlled backburn — aimed at keeping the fires at bay — as the outskirts of the holiday hamlet when the wind blew up on Tuesday night.

And Fire Service spokesman

Domenec Wade said an aerial patrol had been launched to determine whether the back burn — along Sussex Inlet Rd — was to blame for the outbreak.

"There were some rumours that this fire was in fact a backburn [but] we're still looking into that," he said.

"But you have to realise this is a fire which has been burning for more than a week in the whole Shoalhaven area.

"It's progressed into the urban areas of Huskisson and now it's at Sussex Inlet so to say that it's a backburn or to try and blame it on that is probably a bit premature at this time."

The Iny south coast hamlet

remained isolated today despite the continued firefighting efforts overnight, with many of the 5000 evacuees still unable to return home.

Police said more than 1000 residents and holidaymakers were evacuated onto Wather-womburn Beach from the holiday hamlets of Bendaong, Marrynna and Curjarong, while at least 3000 people stayed overnight at the Sussex Inlet RSL and bowling clubs.

Others were also moved to the ZEMAN Adventure youth base at Nowra and the Sussex Inlet Tavern. The fire was the first in



Ruins... one of the houses destroyed by fire at Sussex Inlet

Continued Page 2

**Daryl SNOW
President
New South Wales Fire Brigade Union
267 Sussex Street,
SYDNEY NSW 2000**

Dear Daryl,

Further to our recent conversation I have attached an annexure outlining the incidents I mentioned. These incidents are only those that I personally witnessed and unfortunately I do not doubt that there are other similar incidents throughout this crisis.

As I stated, from the evening of 25 December, 2001 to Thursday, 3 January, 2002, I volunteered my services and was utilised as a communications operator within Shoalhaven Fire Control. I have previous experience with the New South Wales Rural Fire Service (N.S.W.R.F.S.) over many years as well as fifteen years as a Police Officer. It is from these experiences that I make my observations and comments.

Unfortunately many shortcomings were highlighted in the operations of Shoalhaven N.S.W.R.F.S. during the recent crisis. The performance of many Group Officers in the Shoalhaven has been less than satisfactory. For some time I have felt concern in relation to the process by which officers are appointed in the N.S.W.R.F.S. As you well know, from Group Officer to Captains, are elected positions, offering the opportunity to individuals to take advantage of this system to create 'pyramids of power'. As a result any principle of 'merit based promotion' is slim. It also seems to be the accepted culture that Group Officers perform many field tasks, observations and planning. This has frequently resulted in lengthy delays in the deployment of resources whilst these officers were engaged in ancillary duties. It would seem more timely if these officers were to concentrate on management of a situation and suitably task available resources to conduct the necessary field tasks and observations. I believe this type of management and utilising forward command posts to ensure effective communication and cooperation between all agencies would greatly increase success of any response to a crisis.

Another observation during this recent crisis within the Shoalhaven which surprised me, even though urban areas were under threat regularly, it seemed to me, the planning team consisted mainly of N.S.W.R.F.S., National Parks and State Forest personnel. I would have thought that New South Wales Fire Brigade (N.S.W.F.B.) personnel may have had expertise in this area and needed to have a greater input. Similarly I would suggest that urban townships, although in N.S.W.R.F.S. areas, perhaps should have N.S.W.F.B. personnel as 'Sector Leaders' utilising their structural fire expertise, obviously working closely with local N.S.W.R.F.S. personnel to maximise any advantage of local knowledge.

I did raise some of these concerns with staff at Shoalhaven Fire Control, especially concerning some of the incidents I mention in the attached annexure, but there was definitely a belief that they were not responsible or accountable. I think that this belief was basically because they are made up mostly of volunteers. Obviously I disagree with this principle and firmly believe if individuals wish to perform these roles, they must be prepared to accept the attached responsibility and accountability.

I forward this information to you as I strongly believe that there is currently insufficient controls within the N.S.W.R.F.S. to properly monitor the motives and performance of individuals within that organisation. I feel that retained professionals have a better process of staff selection and mentoring. As a result I very strongly support the effort to increase the N.S.W.F.B. presence in the Shoalhaven to improve services available to the community.

Further to this, I also very strongly support primary rescue duties being performed by N.S.W.F.B. personnel in the Shoalhaven and statewide. I believe that the requirement for this primary rescue unit in the Shoalhaven is easily justified, even if it is a shared role with the N.S.W. Ambulance Service, due to the following brief facts:

Due to the large area covered by primary rescue from Nowra

High, constant and diverse workload, often including protracted operations such as searches

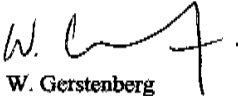
Downgrading of Australian Federal Police rescue services in the Jervis Bay area

Improvements to Main Road 92 increasing traffic and tourism into the area

Predicted population increases and greater people and traffic movements.

I hope this information is of use to you and feel free to contact me if you wish to discuss any further details.

Yours truly,



W. Gerstenberg

16 January, 2002

ANNEXURE

Wandean Road Back Burn:

About Tuesday, 1 January, 2002, N.S.W. R.F.S. vehicles were patrolling a back burn, which had previously been put in along Wandean Road in the area of Wandandian. During this day the fire activity from this backburn increased and further units were requested by sector leaders in that area. Some additional units were eventually tasked to this area, however this response was slow and the numbers of units supplied was limited. Inter-agency communication and field liaison problems were highlighted when a Qld task force was located on Wandean Road by a N.S.W. R.F.S. unit. At the time Shoalhaven Fire Control and Sector leaders in that area were unaware of the fact that they had been tasked to the area.

These containment lines could not be held, partly due to the lack of a timely response by Incident Controllers at Shoalhaven Fire Control. As a result fire crossed containment lines near a power easement north of Wandean Road, as well as crossing Wandean Road itself. This fire impacted on the townships of Wandandian, Bewong and Basin View, travelled across the Princes Hwy and travelled basically east, eventually impacting on the township of Sussex Inlet to the north.

A second fire which crossed the Princes Hwy south of Sussex Inlet Road was most responsible for property damage. I can not recall if this fire also originated from this same back burn area or whether it was an actual front from the original fire. This fire impacted on Sussex Inlet, Swan Haven, Cudmirrah, Berrara and later threatened Bendalong.

SUSSEX INLET TOWNSHIP

As stated above two main fires impacted on the township of Sussex Inlet. The first fire impacted on the northern side of the township and a second fire impacted mainly from the southern side of Sussex Inlet Road. The movement of these fires was observed by aerial reconnaissance during the day and many hours notice was given to the fact they were going to impinge on the Sussex Inlet township. On this day Bill BEAN, Group Officer 3 of the N.S.W.R.F.S. was the Sector Leader for this area and was in charge of field operations in the township. He was kept abreast of fire behaviour, movements and predictions.

During the day it was obvious due to requests from N.S.W.F.B. liaison personnel at the Shoalhaven Emergency Operations Centre (E.O.C.), little communication and liaison was being maintained by this sector leader with these units. This sector leader, as is common place and seems acceptable practice within the N.S.W.R.F.S., continually moved about the sector and became intensely involved in 'hands on' field operations. This meant that communication with the sector leader was difficult to maintain and his control and leadership over operations was limited.

After the first fire passed north of the township, and later as the second fire impinged more on the southern side of the township, this sector leader contacted Shoalhaven Fire Control by radio and stated that he and approximately ten other units were trapped by fire at the Sussex Inlet Road and Old Berrara Road intersection. Apparently he had taken these units into this area for property protection, even though the previous day and this day, properties in this area were supposed to be hosed and foamed down and then left, with units to move into the township. He apparently chose not to follow these directions.

At the same time fire was impinging on the township and remaining units were attending to property protection. During this crisis period N.S.W. Police at the E.O.C. requested Shoalhaven R.F.S. Communications to have fire crews attend the evacuation centre. Apparently no fire appliances had been deployed to these locations in order to protect these centres, reportedly housing numerous thousands of people and threatened by showers of live embers. Police stated that there was a degree of panic due to the fact no fire brigade personnel were at the locations. A category nine, small landcruiser or landrover tanker was deployed for this task.

It should also be noted that again on this day, this same sector leader was also 'trapped by fire' alone at a property whilst attempting to evacuate occupants, again restricting his control over the entire incident.

It seems clear to me that, although given a large degree of time and notice that the fire was going to impinge on the township, the sector leader had not developed a plan or effectively deployed his own units or others in the area.

This style of incident management is very ineffective, totally unprofessional and dangerous. Firstly, as the sector leader he was the point of contact for all agencies operating in that sector, including N.S.W.F.B., QLD F.B., out of area units and related agencies. With the sector leader constantly moving about and performing field operations, contact and liaison is lost with these other agencies, placing them at risk, unsure of where the fire is, as well as not being effectively deployed. The degree and gravity of the situation on this day, surely warrants the establishment of a forward command post. At this location a representative and communications for every agency should be maintained at all times. Likewise the Sector Leader should also be at this location at all times. This, I would suggest, is essential 'basic' incident management and would be the only effective way of properly coordinating a safe and effective response.

Twelve Mile Road/Mandalong Rd Containment Line

On the evening of Thursday, 3 January, 2002, as crew changes occurred vehicles were tasked to their respective sectors by Shoalhaven Fire Control Communications, dayshift South Division Commander, who commanded a number of southern sectors of the fire and other fireground leaders. However it soon became apparent, especially with the arrival of nightshift sector leaders that the plans in the possession of communications and nightshift Sector Leaders, differed immensely from the plans faxed to the dayshift South Division Commander and dayshift Sector Leaders. It soon became apparent that these dayshift Commanders had been faxed incorrect vehicle tasking information. As a result total confusion forced Stringybark(Bendalong), Inyadda(Manyana) and 12 Mile(Princes Hwy)/Sussex sector leaders to withdraw all vehicles to the Bendalong Rd and Princes Hwy intersection. This was necessary due to the total confusion as to the whereabouts of vehicles and their safety.

At the time, nightshift vehicles were supposed to be patrolling containment lines on Twelve Mile Road and Mandalong Road. These containment lines had been held by dayshift crews and were reported as contained by Brett STOREY, Deputy Group Officer for Group 1, during the day.

A short time later it was also ascertained that many vehicles on the correct version of the vehicle tasking were not in the field. At this stage it was obvious that vehicle strengths on the fireground were insufficient and the southern edge of the fire was not containable. At this stage Shoalhaven Fire Control and the Incident Management Team had lost control over fireground operations.

I then made inquiries with Operations Officer Richard PETCH who informed me that Logistics had told him that all stations were contacted in relation to nightshift crew requirements. He also stated that it would appear the wrong plan was faxed to South Division Commander and dayshift supervisors. I then spoke to Logistics Officer Annette ELSIE. She then showed me a list of nightshift crew requirements and stated that she had not contacted six to eight brigades on this list. I did request a copy of this list to be placed with a SITREP, however she denied access to the document. As a result these crews were not on the fireground and it appeared she had not informed anyone of this situation. I was informed the next day by Shoalhaven Fire Control Administrative officer, Carol QUILTER that the planning team had given the vehicle requirements for nightshift to the logistics section very late, apparently leaving them insufficient time to contact the required brigades.

Due to total fireground confusion and insufficient resources the fire crossed the established containment lines and impinged on the Princes Hwy and Bendalong Roads, which at the time were open, threatening various private vehicles, ambulances and fire brigade units. With the assistance of various agencies, this area was evacuated. Control over this section of the fire was again lost and it soon after crossed Bendalong Road and travelled south.

Martins Ridge Road Back Burn

About the night of Thursday 10 January, 2002, a back burn was undertaken from Martins Ridge Road, burning back north. The terrain from this road is quite steep dropping away to the north. During the next day the fire from this back burn intensified with predicted temperatures and wind conditions. As a result fire activity increased and travelled back south, up the steep slopes, impacting on Martins Ridge Road. As a result a number of fire crews were placed in danger and were forced to evacuate in vehicles through active fire. One crew and vehicle was trapped west of this fire for some time until the fire activity reduced. As a result this fire crossed Martins Ridge Road to the south and entered the McDonald State Forest.

Information from N.S.W.R.F.S. personnel on site this day, indicated that the original fire front did not impinge onto Martins Ridge Road and it was only the back burn 'flare up' that crossed this containment line.

Facts in relation to these situations can be verified by inspecting daily plans and maps developed and distributed by the Incident Control Team at Shoalhaven Fire Control, taped N.S.W.R.F.S. Shoalhaven Fire Control radio logs and SITREPS handled by the Operations Team of the Shoalhaven Fire Control. All these documents were apparently retained for filing.

NEW SOUTH WALES FIRE BRIGADES
228 Station BERKELEY VALE



Subject: **Safety Of Personnel At Bush Fires**

Reference: **NIL**

I hereby report that at approximately 1530 hrs on 26/12/01 the members of No 228 stn Berkeley Vale and two retained fighters from No 292 Doyalson were placed in extreme danger by the actions of a member of the Rural Fire Service.

At 1459 hrs on 26/12/01 No 228 pumper was responded to a bushfire at the Motorway Link Rd Bluehaven. Upon arrival two retained firefighters from No 292 stn joined our crew and we were deployed to the corner of the Pacific Hwy and Wyee Rd Doyalson. It was subsequently ascertained that the fire was burning in RFS area. A member of the RFS (who we ascertained to be the Captain of Wyong RFS acting as a group controller) requested that we remain at this location and get ready to extinguish that particular fire front when it reached the Pacific Hwy as the fire was travelling towards our position. This request was complied with.

Under the direction of our Station Officer Dennis Rayner we ascertained that we could carry out a flanking operation to extinguish the fire front by setting up operations at this point and keep the fire on the western side of the Pacific Hwy. We had a medium density fire with quite low flame height approaching us at an angle and were very confident of complete extinguishment at our location. We began setting up accordingly and at this time SO Rayner informed me that he was going to do a recon of the fire line and proceeded to do so.

I was the pump operator and at this time I was monitoring two crew members on a line of hose as we continued to set up operations. The two members of No 292 stn were in attendance with me assisting in setting up. This controlled situation then changed drastically when the RFS captain set fire to the unburnt bushland directly adjacent to our position over a distance of approximately 300M. the flame height reached 8 to 9 metres and driven by the south westerly wind that was present we were placed in an extremely dangerous situation due to the radiated heat and the dense smoke that enveloped us. Breathing became very difficult and visibility was almost zero.

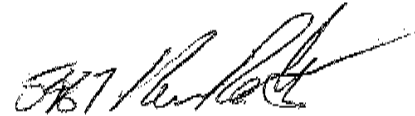
We deployed a line of 38mm hose as personal protection which proved to be reasonably effective. I was unable to relocate the appliance at this time because I was concerned about the safety of the branch men with whom I had lost contact due to the intensity of the fire and the dense smoke. The branch men subsequently made their way back to 228 pumper when they found their position untenable. This action enabled us to consolidate our position at the appliance as we now had two protection lines. We maintained this strategy until the fire front passed us and subsequently jumped the Pacific Hwy. We then proceeded to Doyalson Fire Station to refill our first aid tank as the fire station had the closest identified fire hydrant to our location.

At no time during this incident were the crew of 228 pumper informed by the RFS member who lit the attempted back burn (nor any other member of the RFS) that it was taking

place. We were placed in an extremely critical situation and my opinion is that we were very lucky to have escaped without serious injury.

My grave concern is that the safety of NSWFB personnel is being severely undermined by the irresponsible actions of some RFS members under the present arrangement of cooperative fire fighting when we attend incidents that are in the control of the RFS. Our safety procedures were completely negated by the actions of this person with poor sizing up of the situation, lack of communication and scant regard for our well being.

As a fire fighter with nearly 24 yrs experience most of which has been served in the bush fire prone areas of the metropolitan area and the Central Coast I have gained considerable experience working with bushfires of this nature and I have observed a decline in our safety at incidents that are controlled by the RFS that the two services jointly attend and I respectfully request that the safety issue be considered with a view to rectifying the situation.



5467 Kenneth Roberts
Senior Firefighter
"C" Platoon
27/12/01

**Zone Commander
NSW FIRE BRIGADES**



30th December, 2001

The Hon. Bob Debus MP,
Attorney General,
Minister for the Environment,
Minister Emergency Services,
Minister assisting the Premier on the Arts,
PO Box A290,
Sydney South NSW 1232

By facsimile: 9281 1115

Dear Minister,

Re: Canadair Super Scooper aircraft

I write urgently in my dual capacity as State Secretary of the FBEU and as a member of the Fire Services Joint Standing Committee which exists to advise you on matters of fire prevention and fire suppression in NSW.

As you are aware, on Friday last I made a public call for the immediate introduction of Canadair 'Super Scooper' firefighting aircraft to help combat the current bushfire emergency. You would therefore be equally aware that a Rural Fire Service spokesman publicly rejected my call within the hour. This I found not only disappointing, but also deeply disturbing - particularly when none of the reasons given by the RFS for this rejection appear to have any basis in fact.

As I understand it, the RFS' principal grounds for the rejection of the Canadair Super Scooper aircraft are two-fold, namely:

- That most (if not all) of the many dams and waterways situated in and around the Sydney basin are unsuitable for the Canadair aircraft to re-fill their water load, supposedly bearing no similarity to North American lake/river systems; and
- That whilst the Canadair aircraft have been demonstrably successful when deployed against North American pine forest wildfires, they would somehow be ineffective if and when deployed against Australian eucalypts.

I assume that it was upon this advice that the journalists who were responsible for the following tract which appeared in today's Sun Herald newspaper based their article:

"American firefighters often battle flames in pine forests. The lakes and wide rivers that are often a feature of American landscapes also allow their firefighters to use water bombers more extensively."

New South Wales Fire Brigade Employees' Union (FBEU)
267 Sussex Street Sydney NSW 2000

Telephone 02 9267 5552

Facsimile 02 9267 6304

E-mail office@fbeu.labor.net.au

Website fbeu.labor.net.au

This, however, is simply not correct.

You would recall that Canadair Super Scooper firefighting aircraft were extensively trialled here in NSW in 1996 by the Australasian Fire Authorities Council (AFAC), of which both the RFS and NSWFB are member organisations. It is my understanding that the Canadair passed every one of the performance benchmarks set for it by AFAC in those trials, including a demonstrable ability to successfully scoop from numerous local waterways. These included (but were not limited to) Warragamba dam, Woranora dam, Burragorang, Sydney Harbour, Pittwater, the Hawkesbury River (in shallow water) and the Georges River (between power lines). I believe that with the exception of those fires around the Cessnock area, every single major fire is currently well within reach of a nearby waterway suitable for use by the Canadair aircraft.

The Canadair has also been successfully measured and employed – time and again - for its effectiveness in combating eucalypt forest fires. Indeed the eucalypt, as an introduced species to North America, has thrived to the point where it is now a primary source of concern for many American fire authorities. This is certainly true of the outer Los Angeles environs.

When ferocious eucalypt wildfires threatened the Malibu locale in 1993, desperate fire authorities resorted to employing two Canadair aircraft despite the protestations of many nay-sayers and sceptics. It followed that the Canadair was considered to be so effective during that emergency that the LA fire authorities now have a permanent leasing arrangement in place for Canadair Super Scoopers each and every northern summer. Significantly, the Canadair aircraft there are used not only in fire suppression, but also for property protection given their ability to “paint” houses and other buildings (up to 20 at a time) with a foam concentrate which then renders those properties resistant to fire.

One legitimate concern is that the 5000 litre payload of these aircraft has been found to be such that eucalypt branches are often snapped off during drops, thereby requiring ground crews situated nearby to be carefully managed. However, this should be neither an insurmountable nor a particularly new challenge for incident controllers here given that some 56 helicopters and fixed wing aircraft are already in use during the current emergency.

As I understand it, the bottom line in the 1996 AFAC trials was not that these aircraft were unsuitable, nor that they were ineffective. Rather, it was simply that no single fire service could afford to lease them from within their existing budgets. I imagine that in the longer term this difficulty could, and should, be addressed by way of Federal Government funding given that these aircraft could serve as a national rather than simply as a state resource. However, the pressing nature of the current emergency is such that debates of this sort must be left for later, in which case the NSW Government should move to lease these aircraft now so as to avoid any further delay in their introduction.

Rather than repeatedly asking "why" with regard to these aircraft, surely the appropriate response in an emergency such as this should be to ask "why not"? Given their success in the 1996 trials, I cannot for the life of me understand the continued rejection of the Canadairs. It is surely not, in the height of this crisis, out of any Government concern for cost?

In the unlikely event that the Canadair Super Scoopers were somehow found to be unsuitable for use in these bushfires then no harm will have been done, and there could be no criticism of the Government for having employed them. At the very least, not only will every effort have been seen to have been made, but minimal public expenditure will also have allowed the ongoing debate as to whether or not these aircraft are suitable for NSW to be conclusively resolved in an operational environment. At best, however, we might just find ourselves (as I am confident we would, and as the Los Angeles authorities very clearly did) with an important long-term contribution in our armoury against this state's bushfire threat.

The Premier has described this emergency – quite rightly - as the greatest threat posed to NSW in over 30 years, yet still no attempt has been made to bring these specialised firefighting aircraft and their crews out of their Canadian winter mothballs and into the battle here in NSW. I cannot help but view this continued inaction as scandalous, and in all good conscience I must again urge you and your Government to act without further delay in order that these aircraft may now be brought to NSW as soon as possible.

Yours faithfully,



**Chris Read,
State Secretary**

cc: *Commissioner I. MacDougall, NSWFB*
Commissioner P. Koperberg, RFS



**NSW
Fire
Brigade
Employees'
Union**

267 Sussex Street
Sydney NSW 2000
Telephone
02-9267 5552
Facsimile
02-9267 6304
email
office@fheu.labor.ner.au

24 March 2000

The Hon. Richard Jones, MLC
Chairperson
NSW Legislative Council
General Purpose Standing Committee No. 5
Rural Fire Service Inquiry

(By facsimile: 9230 2871)

Dear Mr Jones,

Re: Rural Fire Service Inquiry

I write further to our conversation of the afternoon of Tuesday 21 March concerning the apparently unanimous decision of the Committee to no longer hear verbal submissions from our Union (hereafter referred to as the FBEU). Prior to that morning we had been advised that we could expect to be subpoenaed to appear before the Committee today at 2.15pm.

I understand that that the Committee's determination to reverse its earlier decision was based in no small part on the view that the FBEU is at best peripheral, and perhaps even unconnected to the operations and interests of the Rural Fire Service. If this is so then I would respectfully submit that the Committee has erred, and in doing so has not acted in the public interest.

There are countless compelling arguments as to why the FBEU should have been heard, not the least being that the NSW Parliament has already recognised the FBEU's standing within the firefighting industry and our relevance to the operations of both the NSW Fire Brigades *and* the Rural Fire Service with the passage of the *Fire Services Joint Standing Committee Act 1998*. The Standing Committee established under that Act consists of 6 members as follows:

- (a) *the Commissioner of New South Wales Fire Brigades,*
- (b) *the Commissioner of the NSW Rural Fire Service,*
- (c) *a member of staff of New South Wales Fire Brigades nominated from time to time by the Commissioner of New South Wales Fire Brigades,*
- (d) *a member of the NSW Rural Fire Service nominated from time to time by the Commissioner of the NSW Rural Fire Service;*
- (e) *a person appointed by the Minister on the recommendation of the NSW Fire Brigade Employees' Union.*
- (f) *a person appointed by the Minister on the recommendation of the NSW Rural Fire Service Association.*

The FBEU is currently represented on the Fire Services Joint Standing Committee by the writer.

Significantly, the Act establishing the Fire Services Joint Standing Committee assigns that Committee with a number of important functions, including:

- (a) to develop and submit to the Minister strategic plans for the delivery of comprehensive, balanced and co-ordinated urban and rural fire services at the interface of fire district boundaries and rural fire district boundaries,
- (b) to review periodically the boundaries of fire districts and rural fire districts and, if it considers it appropriate, to make recommendations to the Minister concerning those boundaries,
- (c) to develop and submit to the Minister implementation strategies to minimise duplication and maximise compatibility between the services of the New South Wales Fire Brigades and the services of the NSW Rural Fire Service, with particular reference to the following areas:
 - (i) infrastructure planning,
 - (ii) training activities,
 - (iii) community education programs,
 - (iv) equipment design.

Whatever arguments might have been advanced by certain parties and/or individuals as to why the FBEU should not be heard at this Inquiry, it should be abundantly clear from the above that relevance is not one of them.

I assume that the Committee has been swayed in no small part by various witnesses to the Inquiry who have suggested that the FBEU does not represent the RFS, being instead a trade union with coverage of only professional firefighters employed by the NSW Fire Brigades. This is true of the vast majority of the Union's 5,300 financial members, but then this is not at all surprising - the RFS is essentially a volunteer-based fire service and it is not possible for volunteers to be admitted to trade union membership under the *Industrial Relations Act, 1996*. That being said, there are a relatively small number of professional firefighters within the RFS (ie FCO's and Deputy FCO's) who clearly fall within the constitutional coverage of the FBEU, and on whose part the FBEU is presently before the Industrial Relations Commission of NSW with regard to the making of a new industrial award. The fact remains that the FBEU is the only organisation in this state which represents the firefighting employees of both fire services.

Much has been made throughout the Inquiry's proceedings to date of the Rural Fire Service's alleged jurisdictional coverage of "99% of the state" (ie in land area), yet there has been no mention of the NSW Fire Brigades' jurisdictional coverage of over 90% of the state's population and infrastructure. The passage of the previously mentioned *Fire Services Joint Standing Committee Act 1998* serves as testament to the need to jointly consider and co-ordinate the roles, equipment and operations of both of this state's fire services, yet there has been not a single witness from either the NSW Fire Brigades or the FBEU throughout this Inquiry.

The professional firefighters of the NSW Fire Brigades who form the majority of FBEU's membership have an abiding interest in the Rural Fire Service and this

Inquiry given that they work directly alongside RFS firefighters literally every day of the week. As such, their own safety and operations are necessarily subject to the operations of the RFS. Mutual Aid Agreements established between the two services provide for the joint response of NSWFB and RFS units throughout the State wherever the respective fire districts merge, and the personnel of both services are invariably present whenever there is anything approaching even a moderate bushfire incident, regardless of the fire district in which that incident occurs. It is probable that the two fire services are jointly engaged in co-operative firefighting operations somewhere in this state even as you read this letter. Who better to independently and objectively assess the Rural Fire Service - it's equipment, training and command and control mechanisms - than the members of the NSW Fire Brigades who work with them?

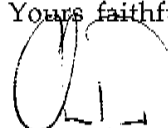
The Rural Fire Service Association (RFSA) has already been afforded multiple opportunities to give evidence to the Inquiry, with at least one submission from that organisation coming at each of the hearings held in Sydney, Lismore and Dubbo respectively. That the RFSA's Messrs Luscombe, Swayn, Harrap and Clark have been afforded yet another hour (from 12.15pm to 1.15pm) to give further evidence today whilst at the same time our Union has been denied it's sole opportunity to do so does not, in our opinion, reflect at all well on this Inquiry.

I believe it appropriate that I convey the FBEU's view that it is not possible to effectively review the roles and operations of one fire service in isolation from the other. It may even prove dangerous to do so in a worst case scenario.

The FBEU has for many years held that there should be a single fire service established in this State. It is worth noting that this was also the primary recommendation of the then Deputy State Coroner, Mr John Hiatt in his Coronial Inquiry into the 1994 NSW bushfires. History will tell that both the Government and the Opposition rejected that recommendation within one hour of release despite the fact that the Coroner's findings were delivered in the form of 6 weighty volumes following literally months of hearings from hundreds of witnesses. Mr Koperberg warned then, and continues to warn now that the so-called "cultures" of the two fire services are so disparate that any merger will result in the desertion of volunteers, and the destruction over time of the volunteer firefighting system. How and why this will occur is not explained, nor is any evidence provided. Suffice to say that such "end of the world" predictions are not supported by the experiences of merged fire services interstate.

It would be appreciated if you would circulate copies of this correspondence to all members of General Purpose Standing Committee No. 5 - Rural Fire Service Inquiry.

Yours faithfully,



Chris Read
State Secretary