

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

EMERGENCY SERVICES AGENCIES

UNCORRECTED PROOF

At Macquarie Room, Parliament House, Sydney on Monday, 18 September 2017

The Committee met at 12:00

PRESENT

The Hon. R. Borsak (Chair)

The Hon. D. Clarke
The Hon. C. Cusack
The Hon. G. Donnelly
The Hon. T. Khan
The Hon. P. Primrose
Mr D. Shoebridge
The Hon. L. Voltz

The CHAIR: Welcome to the first hearing of Portfolio Committee No. 4 inquiring into emergency services agencies. Before I commence I would like to acknowledge the Gadigal people who are the traditional custodians of this land. I would also like to pay respect to elders past and present of the Eora nation and extend that respect to other Aboriginals present. The Committee is here today because our inquiry is considering the policy response to bullying, harassment and discrimination in emergency services agencies, including the NSW Rural Fire Service, Fire and Rescue NSW, the NSW Police Force, the Ambulance Service of NSW and the NSW State Emergency Service. This includes examining the prevalence of the issue, the effectiveness of what is in place to manage and resolve such complaints, along with what support is available for victims, workers and volunteers of emergency services agencies. Today is the first of several hearings we plan to hold for this inquiry. We will hear today from representatives of the Volunteer Fire Fighters Association, representatives from the NSW Rural Fire Service Association and senior officers from the NSW Rural Fire Service.

I would like also to make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind members of the media that they are not authorised to film outside of this hearing room without permission and may not film witnesses coming into and out of the hearing. I remind media representatives also that they must take responsibility for what they publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could answer only if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. I ask witnesses to please be careful when using individuals' names during the hearing and remind participants in respect of the privacy of individuals. In order to avoid unnecessary harm to people's reputations, I ask witnesses to ensure that their comments are relevant to the terms of reference. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing so I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. Finally I ask everyone to turn their mobile phones to silent for the duration of the hearing.

NEIL CRAWLEY, Member, State Executive, Volunteer Fire Fighters Association, sworn and examined

MICHAEL HOLTON, President, Volunteer Fire Fighters Association, sworn and examined

BRIAN WILLIAMS, Vice President, Volunteer Fire Fighters Association, sworn and examined

The CHAIR: I now welcome our witnesses from the Volunteer Fire Fighters Association. Would you like to start by making a short opening statement?

Mr HOLTON: Yes. First of all, I thank the members of the Committee for giving us the opportunity to represent our growing membership of volunteer firefighters throughout New South Wales. I will open with three quick points. The first relates to local knowledge, bullying, harassment and discrimination. Each of the representatives here today has provided evidence in their submissions that the NSW Rural Fire Service [RFS] has demonstrated a blatant disregard for local knowledge, which has the potential to destroy our rural culture, environment and way of life. Appalling behaviour of bullying, harassment and discrimination has reached catastrophic levels, and I am deeply concerned about the welfare of many volunteer firefighters. Am I able to share with the Committee something that I have printed?

The CHAIR: Yes. You can table those documents now if you have them to hand.

Mr HOLTON: I have confidential information that is not for public distribution to share with the Committee. I will refer to one part of it that is very sensitive in nature, but I will come to that as part of the proceedings. I will let you know that there are legal proceedings underway that could ultimately lead to a chain reaction of similar proceedings, claims, lawsuits and even class actions. Second, inappropriate protocols and procedures: We believe that the RFS disciplinary procedures do not provide appropriate procedural fairness and impartiality. They have been developed in a way that favours the NSW RFS and not the volunteer. They deny volunteer firefighters rights to legal representation, investigation and interviews and there is a lack of procedural fairness.

Nepotism and favouritism are evident in the management of disciplinary procedures, and I expect that this will ultimately result in a domino effect as individuals are held to account in our legal proceedings. Mismanagement of very serious and substantiated civil and criminal allegations should be considered very carefully by this Committee. Regarding the evidence I have put before you, the section I want to draw your attention to is on the last page. It is the very last piece of paper in the document. It is in paragraph 4 of page 3 of a report by an individual I do not think it is appropriate to name.

The Hon. CATHERINE CUSACK: Is that the conclusion?

Mr HOLTON: On top of the very last page of the document, with one more section behind it, it says page 3. It is paragraph 4, which starts off with, "Of greatest impact on my family". It is probably not right that I read that out loud.

The Hon. TREVOR KHAN: No, it is not.

Mr HOLTON: But I want you to look at it, and I sincerely request that you consider looking at this particular matter and perhaps even talk to that individual in camera about that case. Third, the relocation of the NSW RFS headquarters to Orange, Dubbo, Parkes or any regional area, for that matter. We run a campaign you have all no doubt heard of: "Putting the Rural back in the Rural Fire Service". It is designed to water down the city-centric management of the NSW RFS by allowing greater rural influence over time.

I will make one recommendation in finishing up my introduction: I believe the time has come for the NSW RFS or the State Government to consider the appointment of a commissioner from outside of the Rural Fire Service. That strategy has been very successful in other emergency service management models and strategies. We are seeing it now with Fire and Rescue NSW with someone from a fire service and there are cases with people from military backgrounds, and I think this would be a great way forward. Nothing bad intended in terms of our existing commissioner: I think he has served us well in many areas. I have never liked to personally attack people; I would rather play the game not the player. That is all from me in terms of my introduction.

The Hon. PETER PRIMROSE: On page 4 of your submission you talk about the bullying survey results. I particularly note the responses to questions 4, 5 and 6. Could you give us some more details about the survey so that we can get a feel for how extensive it was? For example, when was it conducted and how many people were approached?

Mr HOLTON: Absolutely. The thing I have to say about surveys—and even our survey—is that they are not a real accurate thing. Everyone runs surveys and they draw out of it what they want to, so I would take them with a grain of salt. But that particular survey, in my mind—

The Hon. TREVOR KHAN: I have a similar view on surveys. There is one at the moment that I have a similar view on, but we will move on.

Mr HOLTON: There are tons of surveys out there and, as you are all aware, they can be manipulated. This particular survey was done on our website. It was used over the period between 21 May 2016 and 6 March 2017 to gauge where people think we are at. We do not put a whole lot of credibility on one source of information alone; we like to look at a whole range of things and get a good cross-sectional view. The survey was just one of those aspects. I would put a whole lot more credibility on face-to-face conversations with people, and we do lots of that.

Mr DAVID SHOEBRIDGE: But you had 7,000 respondents, did you not?

Mr HOLTON: Did I quote the figure? I do not know the figure of the top of my head. Have I quoted it in my report?

Mr DAVID SHOEBRIDGE: You say it on your website.

Mr HOLTON: Okay. If we say it on the website, that is what it is.

The Hon. TREVOR KHAN: It is always true if it is on the internet!

Mr DAVID SHOEBRIDGE: That is why I was asking you.

Mr HOLTON: I would have to consult the website. I cannot remember off the top of my head.

The Hon. LYNDA VOLTZ: I was a member of the Wambelong fire inquiry, and I notice a similarity between some of the concerns you had at that time and those now. Has there been any shift in terms of the use of local knowledge of volunteer firefighters?

Mr HOLTON: We could go back even further than that submission, right back to the Nairn report after the 2003 fires. Mr Williams is holding it up: "A Nation Charred". Similar points come up with pretty much every inquiry we have seen. Out of those inquiries the Rural Fire Service might pick a few things that it wants to use, but those same old things keep coming up that have not been appropriately addressed.

The Hon. LYNDA VOLTZ: Are you seeing a large amount of churn in the Rural Fire Service because of problems in specific areas where people join the fire service but there is an issue, so they do not come back? Are you seeing a lot of churn in certain places?

Mr HOLTON: I am trying to understand the question.

The Hon. LYNDA VOLTZ: Sorry: Is there a large turnover of people who volunteer? For example, a brigade might have 1,200 on the books but there are only 100 or 200 people doing the on-the-ground work because the 1,200 are people who have signed up for short periods and subsequently left. We call that "churn".

Mr HOLTON: Oh, I see. There is obviously a lot of that sort of thing happening. To get an understanding of the numbers, I always say publicly: "Don't take my word for it. Ask your local brigade." If you want a true picture, go and ask your local brigade. Ask them how many are on their books and how many actually go out and put the wet stuff on the red stuff—how many go out and put fires out. Even the support roles, which we acknowledge are very important—there is no doubt about that—but the numbers do not reflect the 70,000-odd volunteers. That number that gets used by the service is just not accurate.

Mr WILLIAMS: Even in the recent hazard reduction that has taken place on the Northern Beaches vehicles came from all parts of the State to assist. They could not fill their own obligation on the Northern Beaches to carry out their recent hazard reductions. A lot of vehicles had to be brought in from outside areas. It is hard to get numbers in this day and age. People are starting to lose confidence in the system. There is quite a large paid workforce now. You have got the State Mitigation Support Services, which is the paid workforce. When you start mixing people on the fire ground who are paid and those that are not paid, people say, "What the hell am I doing here?" There is certainly a turn off with the numbers of people who are willing to respond.

The Hon. TREVOR KHAN: It is a difficult thing. In all walks of life we are seeing the level of volunteering dropping back—even participation rates in, for instance, churches. The church can say, "We've got 500 parishioners," but, in fact—not that I have actually visited one recently—you will see 50 turn up.

Mr WILLIAMS: One of the questions I would like you to ask the RFS staff later on is how many people are on the books that are qualified to get on a truck and go to a fire. That is a very important question that needs answering, I believe.

Mr DAVID SHOEBRIDGE: It has been suggested that there could be, say, 500 members on a book in a particular brigade but actually only one-third or less are active participants and ready to fight fires. Would that be isolated?

Mr WILLIAMS: Yes, I would agree. I reckon a third would be a fairly reasonable guess of the membership.

Mr DAVID SHOEBRIDGE: Would that be across the State?

Mr WILLIAMS: Yes. It varies a little, but generally across the State that would be a pretty fair assumption, I would think.

The Hon. TREVOR KHAN: What conclusion do you draw from that? I accept that that may well be the case, but what does that mean?

Mr HOLTON: Again, you have to look at the area in particular that you are wanting to target. We have already heard evidence that even in the Northern Beaches they have trouble with the numbers, but let's focus on the rural areas. In the brigade of which I am a member we do not even have power on our shed. I think the small, active membership base—it is quite small—does a fantastic job. But, again, if you were running a group and you want to encourage people to come there, you would give them nice amenities.

Mr DAVID SHOEBRIDGE: You would let them make a cup of tea for starters?

Mr HOLTON: That sort of thing. We are on solar power—

The Hon. CATHERINE CUSACK: Surely you have a generator?

Mr HOLTON: We have a generator and things like that—that is right. That is just one example of the huge amounts of money that get spent and yet—to put power on in our fire shed is \$20,000 or \$30,000 to put up a pole or two in. It is a lot of money for a fire shed but in the big picture it is probably money well spent in rural areas to look at those sort of things. That is just one example. I look at the local brigades that have similar issues where they have those small core groups of people that rock up. We have to find ways to encourage them and support them.

The Hon. TREVOR KHAN: I do not disagree with anything you say, but if you go to the local hockey club you will find the same core group of people that run have the hockey club for the past 10 or 15 years. This is an issue with our society that people are not engaging in the way that they did 20, 30 or 50 years ago.

Mr HOLTON: Can I put this to you? One of the complaints we get from volunteers is that we have got a loss of local knowledge. If you were looking at an example like your local hockey team, if you start to bring in things that those hockey players do not like, you will lose them. This is what is happening with the Rural Fire Service. We have got situations where, because everything is wrong from the city-centric model—nothing against city people—if we are going to be fair to rural people, we have to tailor things to their needs. If the bureaucracy is such that it is not meeting the needs of those rural people—those farmers and those people—we will lose them. If they are not being asked to manage their own—hazard reduction is a classic example. Hazard reduction has been very much driven by a city-centric model. When these fire brigades were run by councils, those local people were doing their own burns. They managed it themselves. They did not have all the hurdles. Sure, whenever we put fire on the ground there are risks, but those locals managed that risk themselves. Now there are so many hoops to jump through, it is just too hard and people are just throwing their hands in the air and they are not doing the job.

The Hon. CATHERINE CUSACK: With respect, there are local fire management plans that require interagency cooperation in that local area—national parks, State forests and the council. They are the ones doing the local fire management plans and planning the hazard reduction, are they not?

Mr HOLTON: That sort of planning is all well and good. My report suggested that we are not engaging even traditional land owners in that planning model. But even beyond that, if we identify areas that need to be treated, what we want to be able to do is let the locals do the job. I know there will be others who will say that that does occur, but there are a whole lot of hurdles. Many a politician I have spoken to in the lead-up to previous elections has said, "Yes, we want to remove the red tape around hazard reduction"—

The Hon. TREVOR KHAN: Politicians in the lead-up to an election will say a lot of things.

The Hon. CATHERINE CUSACK: We have got record hazard reduction burns going on.

Mr DAVID SHOEBRIDGE: We should get back to the subject of this inquiry.

The Hon. CATHERINE CUSACK: This is about the city-centric approach, which is critical.

The CHAIR: Order!

The Hon. LYNDA VOLTZ: Except my original question was in regards to the churn. I am trying to ascertain what is driving the churn. I heard that you are concerned about government requirements and infrastructure—for example, whether you have electricity. But are you saying it is not the cliqueness of brigades or bullying and harassment that causes the high churn in certain areas?

Mr HOLTON: If I was trying to answer that question globally and thinking about why we might be losing people generally—I think that is the gist of your question—I would have to say it is a cultural problem. Certainly from the feedback we are getting, and from my own experience, we are getting people who do not like the way that the service is not meeting their needs. This would be area-specific to some degree but it is still an overall cultural problem. For instance, many years ago when it was run by councils, it was very much a local connection. The fire control officer lived in the area and grew up there in many cases, so you can see there would be that connection—understanding the needs of those people. If you lose that, that is a key part of this. There is a policy now where they move staff around for the purposes of broadening their experiences, which sounds good, but what you lose is local knowledge, local connection. Can you see how that could tie in to this cultural aspect, this connection?

The Hon. CATHERINE CUSACK: I am really sorry, I do not understand what you are saying. What are their local needs that we are not addressing? What needs are you talking about?

Mr WILLIAMS: If I could just add a couple of points here, I have been a captain for 33 years and I have seen it under all the systems. We live on top of a mountain range, completely surround by bush. I have 18 blocks that need to be burnt. Under local government, when I would make all the decisions, we could burn on a seven year to eight year time frame. I could look at an area on Tuesday and burn on Saturday. Life was that simple. I would get local farmers involved, or whoever I needed. Since the Rural Fire Services has come into existence, this big bureaucracy has slowed down the process so badly that I now have a lot of 16-year-old fuels around Kurrajong Heights and I face a disastrous fire. If I get a fire on a bad day, I am in real trouble. I have lost my local control and input. There are a lot of reasons that has happened and it is a big, complicated, bureaucratic process now. People lose interest. People come along and all they want to do is protect their community and environment in which they live. They do not want to get involved in a whole lot of other things. They do not have the time to get the qualifications you need in this day and age to get in a truck. There are a whole range of issues. Life used to be simple. It is very complicated now. The bottom line is we can no longer offer our community protection from wild fire.

Mr DAVID SHOEBRIDGE: I go back to your submission. Under the heading "Nepotism, Favouritism and Similar Forms of Discrimination", you state:

The VFFA has researched and documented the relationships between 58 senior staff positions and additional roles for persons engaged to investigate disciplinary actions.

You say you are happy to discuss the situation further.

Mr HOLTON: Yes.

Mr DAVID SHOEBRIDGE: Can you do that now?

Mr HOLTON: Yes, no worries.

The Hon. TREVOR KHAN: No.

Mr DAVID SHOEBRIDGE: I do not want you to name the 58 people.

Mr HOLTON: Before I answer your question, can I give you one other little element to answer the question from Ms Voltz. While Brian was talking, I was thinking of practical examples where the disconnect occurs with people on the ground. Let us think of something as simple as a tractor with a blade. You are a local farmer, you have been in your local brigade, you have a tractor and you have a blade on it. It is the perfect tool to run around a fire. With the way the service has become larger—remembering, whenever you move back, if you take that bigger picture, you lose detail, correct? If you are managing local resources as a local, you have detail. The further you get back, you lose detail. Farmer Joe has his tractor with a blade on, but now because of this State management model, we lose connection to that information. We miss that because we now have plant contracts. Everything is really well structured, but with that global structure, we have lost the detail. The detail

is that that bloke has got a blade. He can run around the fire ground with that tractor. Right there, Johnny on the spot. That is key to stop these big fires.

The Hon. CATHERINE CUSACK: Sorry, I have to follow this up because I grew up on a farm and I have seen hazard reduction get out of control and its effects.

Mr HOLTON: Yes.

The Hon. CATHERINE CUSACK: On the North Coast I have also seen Farmer Joe and his blade go in and clear 80 hectares of wetland in the national park without authority. These incidents are perhaps well meant but some quite catastrophic outcomes have caused people to want to have more collaboration and a stronger chain of accountability when these things go horribly wrong. You would have to concede that the days are well behind us when someone can drop a match in the Blue Mountains—

Mr WILLIAMS: That does not happen.

The Hon. LYNDA VOLTZ: Point of order: We can talk about hazard reduction all day.

The CHAIR: We are getting outside the terms of reference.

The Hon. LYNDA VOLTZ: Maybe we could go back to Mr Shoebridge's question.

Mr DAVID SHOEBRIDGE: The issue has been repeatedly raised. Maybe we can get a quick response to Ms Cusack's point and then I am happy for my question to be answered.

Mr HOLTON: It does not matter what model we use, there will be areas of shortcoming, and there will be times when a privilege is abused and someone does the wrong thing. If we look at the big picture, we are not winning the war. We are having greater problems associated with burning, so fire mitigation, and extinguishment. Something is not right. We did not have those problems before. Some may say there are reasons for that.

The Hon. CATHERINE CUSACK: We had some core outcomes before.

Mr WILLIAMS: Yes, but not to the extent of the wildfires we are getting now.

The Hon. LYNDA VOLTZ: Perhaps we can move back to the question.

Mr DAVID SHOEBRIDGE: Let us focus on the subject of the inquiry.

Mr WILLIAMS: Yes.

Mr DAVID SHOEBRIDGE: The question I put to you is based on the heading "Nepotism, Favouritism and Similar Forms of Discrimination" on page 5 of your submission. You state:

The VFFA has researched and documented the relationships between 58 senior staff positions and additional roles for persons engaged to investigate disciplinary actions.

You say you are happy to discuss the situation further.

Mr HOLTON: Absolutely. Neil has some information in his submission as well. We have certainly had a look at the various positions and in that particular document we have documented people within the Rural Fire Service.

Mr DAVID SHOEBRIDGE: There is a document?

Mr HOLTON: Yes.

Mr DAVID SHOEBRIDGE: Can you tender the document? We will not publish it straightaway.

Mr WILLIAMS: We can tender this document. The people in red have since left the service, but the ones in black are still in the service. They are all from the Northern Beaches.

Mr DAVID SHOEBRIDGE: That is a good starting point.

Mr HOLTON: This document makes connections between various people at this upper level of the Rural Fire Service management. That is what we have done with that.

Mr DAVID SHOEBRIDGE: What does it show?

Mr HOLTON: It is evidence that we are seeing nepotism. We are not getting the influence from the broader statewide base.

Mr DAVID SHOEBRIDGE: Are the same people repeatedly doing investigations? Are they doing investigations with people with whom they have a relationship of some sort? What is it showing?

Mr HOLTON: We have had investigations when the person completing the investigation is connected by way of employment outside of the Rural Fire Service. Those are the sorts of examples we have documented.

The Hon. TREVOR KHAN: Mr Holton, if you went to a pony club and did the same thing you would end up with a terrible result as well, would you not? In any organisation that involves volunteers, there is a huge web of familial connections and the like.

Mr HOLTON: That is what my report states on page 5, that you will always get that.

The Hon. TREVOR KHAN: Yes.

Mr HOLTON: That will always occur, but it is very important that the Rural Fire Service or the State Government moves towards breaking that down. One way of breaking that down—

The Hon. TREVOR KHAN: Sorry to interrupt, but if you talk about essentially re-localising the operations, instead of, in a sense, professionalising it, what you are talking about is going back to the way that it was always done, which is the pony club or hockey club example. That is, it is run—

The Hon. CATHERINE CUSACK: Like a family business.

The Hon. TREVOR KHAN: Yes, run like a family business. You get the secretary who is the wife, the husband who is the president and woe betide you if you upset those people who have been running the place for the past 20 years. That is the way the old Rural Fire Service sheds used to run, is it not?

Mr HOLTON: That is why I believe we need to bring someone external in to move the Rural Fire Service forward.

Mr DAVID SHOEBRIDGE: Can we go back to the investigation you did of 58 positions. I had a quick glance at it. From what I have read, they were mainly paid staff; they were not volunteers doing the investigation?

Mr WILLIAMS: No.

Mr HOLTON: They were paid staff.

Mr WILLIAMS: They were all paid staff.

Mr DAVID SHOEBRIDGE: All paid staff, so we are not talking about the volunteers at a pony club?

Mr WILLIAMS: No, you are talking about the top echelon of the RFS.

Mr DAVID SHOEBRIDGE: Are you finding it is constantly the same people doing the investigations?

Mr HOLTON: Not always, no.

Mr DAVID SHOEBRIDGE: You speak about bullying in your submission. You say that you can give some further examples of bullying. Without mentioning names of individuals, can you give us a standout case that has come to your attention that would demonstrate the problem?

Mr HOLTON: We have Neil.

Mr CRAWLEY: I am happy to answer any questions, but some of this is not the terms of reference that I thought we were discussing, which you have voiced too.

The Hon. TREVOR KHAN: We have gone for 40 minutes so far with a lot of it being well outside the terms.

Mr DAVID SHOEBRIDGE: Bullying is undoubtedly one of the issues. I do not know if that was a misunderstanding on your behalf, but bullying is one of the things we are looking into.

Mr CRAWLEY: Just what we have been discussing, but I am quite happy to speak about bullying.

Mr DAVID SHOEBRIDGE: Which is what I am asking you to do now.

Mr HOLTON: Do you want to talk about your scenario?

Mr CRAWLEY: Well, yes. Do you want to know about it?

Mr DAVID SHOEBRIDGE: I want to know what the nature of the bullying is and whether there was an effective remedy inside the RFS that addressed it.

Mr CRAWLEY: It is all in my submission. It went back to the time when I actually applied for a job with the Rural Fire Service. It is fully detailed in there. From that time on there has been what appears to be a concerted effort to intimidate and bully me. That is nearly 12 years now, and it continues.

Mr HOLTON: That is Mr Crawley's submission. It starts with the blue section.

Mr DAVID SHOEBRIDGE: I have seen that. In your submission you say that you would be willing to and are in a position to provide further details. You are here before the Committee so I am giving you that opportunity now.

Mr HOLTON: We have a number of cases going on. It depends how much detail you want and what is appropriate for this—

Mr DAVID SHOEBRIDGE: I do not want names. Give us one specific complaint so we get the sense of it. The word "bullying" on its own does not help. What was the conduct?

Mr HOLTON: We have a person going to court this week where we have assisted with some legal proceedings. This person was accused of doing something that was not substantiated and it will be going to the court this week. That is one case that we are looking at very closely and we are supporting that member. The member is one of our members.

Mr DAVID SHOEBRIDGE: I will give you another example from your submission. You say:

There is an increasing tendency for some staff to actively influence elections and cause removal of Senior Volunteers from positions whenever they believe those members have found it necessary to not support views championed by staff and management.

Is this a one-off incident or is it a commonplace thing?

Mr HOLTON: There is another one that is from the South Coast. We have a situation with a group captain where that sort of scenario was being applied where he was raising a concern of safety, which was not popular with the management because it would have involved use of a different vehicle—that type of thing.

The Hon. CATHERINE CUSACK: What was their concern?

Mr HOLTON: Mr Crawley will elaborate on that.

Mr CRAWLEY: It did not involve me but the concern was that this brigade had been issued with a pumper—like an urban appliance. It was announced in Parliament here at the time. It was \$250,000 worth. It has been in service and it was set up to attend predominantly road accidents and structure fires. But in that area there are a lot of heavy vehicle accidents. I think in 30 years I have been to 35 fatalities, so it is an area that it gets used a lot. This thing was set up with emergency lighting at the brigades expense. They raised money. It came equipped but they put all the stuff on it. And out of the blue it was just decided that it was not allowed to go out of reticulated area, which meant it could not even go into most of its own area because it is not reticulated. The station is in a reticulated area but it is New South Wales fire brigade.

Mr DAVID SHOEBRIDGE: And it had a pump specifically to go out?

Mr CRAWLEY: It is a power take-off [PTO] pump, where most of the tankers are set up for bush, grass et cetera. This fellow was actually my deputy—I had already been removed—and that is all detailed in the thing. He voiced his disapproval. These are procedures that were brought in long before the present staff were even in that area. They took him to task. Three members swore out a grievance against him. The procedures as set up in the standing operating procedures [SOPs] were not followed. I think Mr Holton was at one of the meetings. He has since refused to stand again for election and as far as I know he has instigated legal action.

Mr DAVID SHOEBRIDGE: When I read that I was concerned that the paid staff might have been using their paid time to help organise for the elections to get the right volunteers elected. Am I misreading your submission?

Mr CRAWLEY: No. I think that is entirely valid.

Mr DAVID SHOEBRIDGE: Does it happen?

Mr CRAWLEY: I personally think it does.

Mr DAVID SHOEBRIDGE: Is it commonplace?

Mr CRAWLEY: In my area I think it is.

Mr DAVID SHOEBRIDGE: Mr Holton and Mr Williams?

Mr HOLTON: Yes, certainly in my area. There was a person I named in my report. He was a group captain who was told to leave if he did not like the way the service was going, and he did.

Mr DAVID SHOEBRIDGE: That is quite different to paid staff ringing around or contacting volunteers to get the right election result in the volunteer election.

Mr HOLTON: In that particular example you are talking about. This case on the South Coast is one clear one that that has occurred.

The Hon. CATHERINE CUSACK: Is this in the submission, because I cannot see this?

Mr HOLTON: Yes.

Mr DAVID SHOEBRIDGE: At the bottom of page 3 it states:

There is an increasing tendency for some staff to actively influence elections and cause removal of senior volunteers from positions...

I am wondering how that plays out in reality.

The Hon. CATHERINE CUSACK: Is this captain accused of bullying three people? Is that what happened? The grievance was against the captain by three of the volunteers.

Mr DAVID SHOEBRIDGE: I am more than happy for the Hon. Catherine Cusack to chase that down, but I am interested in the elections. Are there paid staff interfering in the elections for volunteer positions?

Mr HOLTON: Absolutely.

Mr DAVID SHOEBRIDGE: Can you give us chapter and verse on it rather than just a general allegation?

Mr HOLTON: There is one we have heard then. I will give you another one in Western Sydney that is linked to that document that I first told you about.

The CHAIR: Mr Holton, would it help you if at some stage the Committee proceeded in camera so you could name names?

Mr HOLTON: Yes, it would be probably more appropriate if we could name names.

The Hon. PETER PRIMROSE: I just have one question.

The CHAIR: We might not have time to do that now. We might have to get you back.

Mr HOLTON: Not a problem at all.

The Hon. PETER PRIMROSE: It is a different area.

Mr DAVID SHOEBRIDGE: Mr Crawley is about to answer.

Mr CRAWLEY: I think that thing you are discussing there is maybe not the Volunteer Fire Fighters Association [VFFA] submission but part of mine, because that sounds like it is detailing my own situation.

Mr DAVID SHOEBRIDGE: No, it is page 3.

Mr HOLTON: No, it is mine.

Mr CRAWLEY: Mine is very similar and I do not mind discussing that.

Mr DAVID SHOEBRIDGE: Tell us, Mr Crawley.

Mr CRAWLEY: It resulted from an accusation made against me by staff, or a staff member—I have to be careful how I put this. The district manager has the power to say whether you can stand for a position or not. They have the end say. He had decided that I was not allowed to stand or should not be allowed to stand—was not fit to stand. The regional manager got involved, had a meeting with my peers and put forward a proposal that we put our case to them, leave, and whatever they decided was final and confidential. They found in my favour and within hours staff were out running my name down, and so were a couple of the volunteers.

The chief superintendent directed the superintendent to hold the group elections the next week, because they were already held up for six weeks. He held them 14 weeks later when I was away, and had known for some time. In that time, meetings were held in all brigade areas, including my own group. The superintendent

actually sat in, at the table, at one of the meetings. I was not allowed to attend, nor was my deputy. They put a vote forward as to whether I should be able to stand with my own brigades, and two said no. The rest said yes. The two that said no were both the ones that they were engineering to stand against me, and they are both now group officers. Because in the time it took to hold the elections, people were spoken to and votes were changed.

Mr DAVID SHOEBRIDGE: When was that, Mr Crawley?

The Hon. TREVOR KHAN: Is that "votes were changed" or "opinions were changed"?

Mr CRAWLEY: Opinions, sorry. Votes, I take as—

Mr DAVID SHOEBRIDGE: They are different things.

Mr CRAWLEY: I am not a politician.

Mr DAVID SHOEBRIDGE: When was this?

Mr CRAWLEY: This was just over four years ago. Since then my deputy has had similar treatment but not so much the election.

Mr DAVID SHOEBRIDGE: When you raise those concerns, does it resonate with other brigades around the State? Are we seeing that in other brigades around the State, where if somebody is offside with management, management manufacture an election outcome to get rid of them?

Mr HOLTON: It is probably worth saying that we do hear these cases come to us. If we opened up my computer or had a closed meeting and were able to pull them out, I could show you evidence. But it is also comforting to know that it is not everywhere. It comes down to individuals, obviously. But we are seeing cases where this does occur.

The Hon. PETER PRIMROSE: One of the Committee's terms of reference is looking at the support services available to emergency service workers and volunteers and their appropriateness. Halfway down page five of your submission you refer to the volunteer assistance program. Can you tell the Committee whether or not it is valuable and how it works in relation to volunteers seeking a referral?

Mr HOLTON: We have asked for assistance for volunteers in defending themselves and it has been refused, probably because they have been associated with the Volunteer Fire Fighters Association.

The Hon. PETER PRIMROSE: I think this is more about support for the possibility of referral for things like drug and alcohol—

Mr HOLTON: These are recommendations.

The Hon. PETER PRIMROSE: Is there a volunteer assistance program now?

Mr HOLTON: Nothing that I believe is of any great worth.

The Hon. PETER PRIMROSE: The Rural Fire Service Association talks about "critical incident stress teams". Are you aware of any volunteers interacting with those teams?

Mr HOLTON: Those teams are designed more for critical incident stress; that is, people who have had to deal with bad scenarios in an operational sense. My report is built around gaining assistance for volunteers who may even be facing disciplinary matters so they can get the support they need, even if it is not conducive in the long run because perhaps they are guilty. In many cases they may not be.

The Hon. PETER PRIMROSE: I will leave the issue of guilt aside. Mr Crawley, you said that you have been to a number of fatal accidents. I think you said 31. Has anyone approached you at any time and said, "Do you want to talk about this?"

Mr CRAWLEY: No, they have not. However, as a captain and then as a group captain for many years—I have been in the service for 50 years—I know that a lot of people can handle it. However, we always ensure that people who may not be able to do not step back because they think people will think they weak or will think less of them. To this day, I regularly think of the first fatal accident I went when I was 17 involving a four-year-old girl. I still think about that. I do not know whether it would be any different. It affects me, but not to the point where I would do anything stupid.

Mr WILLIAMS: That does work. I had a crew involved with a bad fatality. They got assistance and support.

The Hon. PETER PRIMROSE: What sort of assistance?

Mr WILLIAMS: Just counselling; that is all. We had a one-hour counselling session.

The Hon. PETER PRIMROSE: By whom?

Mr WILLIAMS: By a critical incident person qualified in that field. That is available.

The Hon. PETER PRIMROSE: A one-hour session?

Mr WILLIAMS: Yes. If anyone else needed more support, it was offered. I believe the service does a good job with critical incidents like that.

Mr HOLTON: That is what I was going to say. We have not attacked the Rural Fire Service on that issue. I believe the service is doing an excellent job in that area.

The Hon. CATHERINE CUSACK: The Committee has been given two different pictures of what is going on: one by the Rural Fire Service Association and another by your organisation. How many members are there in your organisation?

Mr HOLTON: The best thing to do is to state that we will not divulge our membership numbers until such time as the Rural Fire Service Association completes an audit of its membership. We say that because we know it is an opt-out system. Everyone who joins the Rural Fire Service automatically becomes a member of the association unless they tick the opt-out box. Our membership is voluntary and opt-in.

Mr DAVID SHOEBRIDGE: Imagine if the CFMEU did that.

Mr HOLTON: To make matters worse, the association keeps sending correspondence to a person who ticked the opt-out box. We have many cases where information has been sent—

The Hon. CATHERINE CUSACK: I will ask about that later. I am interested in your organisation. Do you have regular meetings in the different districts? How does your organisation operate?

Mr HOLTON: At this stage, we have representatives spread around the State.

The Hon. CATHERINE CUSACK: Is there just one organisation or do you have branches?

Mr HOLTON: We do not run branches; we are one organisation and we have representatives.

The Hon. CATHERINE CUSACK: How many people come to your meetings?

Mr HOLTON: We do a lot of phone hook-ups. We have annual general meetings and general meetings, and the numbers vary depending on the meeting.

The Hon. CATHERINE CUSACK: As an example, how many attend the annual general meeting?

Mr HOLTON: We do not get a lot of people.

Mr WILLIAMS: We cannot afford to sponsor our people to come to our meetings like the Rural Fire Service Association does.

The Hon. CATHERINE CUSACK: How many were at the annual general meeting?

Mr HOLTON: We get a quorum.

Mr WILLIAMS: It can vary between 30 and 50.

The Hon. CATHERINE CUSACK: What is a quorum?

Mr WILLIAMS: I am not sure; I would have to consult the constitution.

Mr HOLTON: I am not sure, but we have always managed to get a quorum.

The Hon. CATHERINE CUSACK: I appreciate your comment that the online survey was not a scientific survey. When you asked those questions did you distinguish between volunteers and staff and was there a male/female breakdown?

Mr HOLTON: The main breakdown was whether or not they were a Rural Fire Service volunteer. We got some people who were supporters or simply interested, but that was the main breakdown.

The Hon. CATHERINE CUSACK: The Committee is hearing that there are disputes between members at annual general meetings. Sometimes people are not elected to a position they want and the dispute escalates. It is an issue essentially between volunteers and then it escalates to legal action and a range of forums. Do you have any suggestions about these annual general meetings and how these disputes between members can be avoided, particularly when members do not get the outcomes they want?

Mr HOLTON: You are obviously not talking about our annual general meetings because we do not have disputes.

The Hon. CATHERINE CUSACK: I am not talking about your organisation; I am talking about the brigade level. There are many brawls between volunteers at annual general meetings and people are saying that they have been bullied.

Mr HOLTON: It is not so much the annual general meetings. The local stuff seems to work okay. The people I talk to say that the annual general meetings at the brigade level are not too bad. As Mr Crawley said, there have been cases, but they are associated with election of group officers.

Mr CRAWLEY: It is about a person that they do not want.

The Hon. CATHERINE CUSACK: The Committee is hearing of other cases.

Mr HOLTON: We hear of it. There have been issues with the case I referred to earlier. But the case we were talking about before was higher up than the brigade annual general meeting.

The Hon. TREVOR KHAN: If it was higher up than the brigade annual general meeting, what was it?

Mr CRAWLEY: That was my case when I stood again for group officer.

The Hon. TREVOR KHAN: Was that another annual general meeting?

Mr CRAWLEY: My group was a group of eight brigades and they vote in the group captain.

The Hon. TREVOR KHAN: Annually?

Mr CRAWLEY: No, about every four years. It varies from district to district and group to group.

Mr HOLTON: I recall a case where a person was elected. I think it was as a senior or deputy captain—it was a senior role. That is the case that is going to court this week. In that case, they suspended that person. There was a failure of communication, trouble associated with that person not being informed, and it was unconstitutional. All this information came out and no doubt how it was handled will come out in this court case. I am not sure how much I should say about that on the *Hansard*.

The Hon. CATHERINE CUSACK: For things to escalate to that point from what is meant to be a democracy of volunteers electing their leaders—things were ending up in court and it is costing taxpayers a fortune. It is demoralising all sides of the debate. Do you have any thoughts on how these meetings could be run? Sometimes there is an awkward moment where they are trying to get fresh blood in. All organisations go through this, but people do not accept the outcomes and they end up in court.

Mr HOLTON: In the cases I have heard about, the way to resolve the problem is to let the locals elect the people and then the management will not step in unless there is a real reason to. That is probably the crux of the matter.

Mr DAVID SHOEBRIDGE: And maybe a direction to staff not to meddle in the elections.

Mr HOLTON: Absolutely.

Mr CRAWLEY: I have not heard of this in my district and it is a pretty poor district in a lot of ways.

Mr WILLIAMS: It would be fair if an outside person was to run the election—like a councillor should run a brigade election. It should not be anyone from the staff counting the numbers.

Mr DAVID SHOEBRIDGE: Perhaps you could reflect on that and give us further information on notice. With the document you handed up with the 58 names, am I to read from this that there is a geographic concentration on people being chosen? Do they come from a certain select number of brigades?

Mr WILLIAMS: Absolutely. That is one of the reasons we are trying to push to have the RFS moved. We want a broad range of people at the higher echelon.

Mr DAVID SHOEBRIDGE: You say you have investigated 58 senior staff positions. Are these all staff who have been given investigation roles?

Mr WILLIAMS: No, not at all. They are just people with key roles within the RFS.

Mr DAVID SHOEBRIDGE: One thing you are saying is that they come from a highly concentrated group of brigades located around Sydney.

Mr WILLIAMS: Absolutely. I do not see all the talent in the RFS living on the Northern Beaches.

Mr DAVID SHOEBRIDGE: How did you choose the 58? Are they all the senior positions that you could find?

Mr WILLIAMS: We have people supply us with information. It is just the list that came to us. You can double-check all those positions if you like, but they all have key—

Mr DAVID SHOEBRIDGE: This is not a comprehensive list of all the senior staff.

Mr WILLIAMS: No, it is not. That is the list of the people from the Northern Beaches.

Mr DAVID SHOEBRIDGE: Or thereabouts.

Mr WILLIAMS: No. They all come from within that Warringah area. It is now called Northern Beaches.

Mr HOLTON: In terms of the concentration in one area that we are talking about, it was mentioned by someone on the Committee that if we were to relocate the Rural Fire Service it would move the problem to another area. To put those fears at rest, I would certainly congratulate the Rural Fire Service and the Government on the initiative to build a centre of excellence in Dubbo. There is no reason why we could not, as a State, move key parts of the Rural Fire Service to different regional areas.

Mr DAVID SHOEBRIDGE: It is wrong to see it as all or nothing; there are things that can be devolved regionally—that is what you are saying. It does not have to be the whole lot.

Mr HOLTON: It does not have to be holus-bolus. What I am saying is, as a government, we need to look at the big picture and look at ways to decentralise. There are lots of examples.

Mr DAVID SHOEBRIDGE: In Wagga Wagga they thought a big chunk of the RFS could go to Wagga Wagga.

The Hon. CATHERINE CUSACK: Where would you see the operations centre being located during an emergency?

Mr HOLTON: One reason I believe the operations centre should be out of Sydney is because it does not make sense to have all your eggs in one basket. We have Fire and Rescue NSW here. Certainly when we have major bushfires they want to run the major centre out of Homebush. That can be run anywhere, to my mind. It does not have to be run there. There is plenty of infrastructure elsewhere around the State. One advantage of having that centre on the other side of the sandstone curtain—the Blue Mountains divide—is that we are separated. There are tons of bad things that could occur—counterterrorism and the whole range of contingencies that could impact on Sydney as a whole. Why have all your eggs in one basket?

The Hon. CATHERINE CUSACK: In an emergency everybody comes rushing in from all over the place, including from all over the State. I am from the Northern Rivers area—they will come down. Does it not make sense to go to a centralised location that all the key people can get to and where there are air services—Sydney Airport—and that kind of thing?

Mr DAVID SHOEBRIDGE: With the best transport links and communication links.

Mr HOLTON: I came from Wagga Wagga this morning.

Mr WILLIAMS: That can be Dubbo. Fire is a rural problem; it is not a city-based problem.

The Hon. CATHERINE CUSACK: But what if Dubbo has a blackout?

Mr WILLIAMS: What if Sydney gets a terrorism strike. You could put up all sorts of arguments. The State Emergency Service operate out of Sydney and they manage problems statewide.

Mr DAVID SHOEBRIDGE: But if you are in Bega it is a bloody sight harder to get to Dubbo than to Sydney. And if you are in Tweed it is a bloody sight harder to get to Dubbo than to Sydney, as a general rule.

Mr HOLTON: But those examples may not be good examples.

Mr DAVID SHOEBRIDGE: That is the question being put to you.

Mr WILLIAMS: They can fly to Dubbo just as easy as they could fly to Sydney.

The Hon. CATHERINE CUSACK: That is incorrect.

Mr WILLIAMS: There are hourly flights to Sydney from Dubbo now.

The Hon. TREVOR KHAN: Yes, sure, but if you are coming from Bega to Dubbo, it is two flights.

Mr WILLIAMS: I do not know of anyone who comes from Bega to Sydney for a major emergency.

The Hon. TREVOR KHAN: Let me say "Tweed" then.

Mr WILLIAMS: Okay, but—

The Hon. CATHERINE CUSACK: We have got the media; we have got the Salvation Army head office—all these other people that need to coordinate during a disaster. Are we meant to be flying jumbo jets out to Dubbo?

Mr HOLTON: The first thing we need to consider, though, is: if we are going to put fires out, the first priority is those local crews.

The Hon. CATHERINE CUSACK: Absolutely.

Mr HOLTON: As a State, we need to focus on them first—focus on making sure we get all their problems sorted out, even right down to having a tanker trailer with the local farmer, johnny-on-the-spot. The best way to deal with big fires is: do not let them get big in the first place. That is the first step. If we are faced with larger fires, what goes on in Sydney is important—I do not discount that—but you have a bit more time to establish that element of management. The RFS themselves tell us that they have got really good infrastructure spread around the State in the form of large fire control centres. They are excellent facilities and they can be used. When they have big fires that are being run out of there, the media get there pretty quick. People go there pretty quick.

Mr DAVID SHOEBRIDGE: Do you not have two answers—an A answer and a B answer? The A answer is relocate everything and the B answer is relocate those bits you can relocate and diffuse some of the organisation. You run both arguments, do you not?

Mr HOLTON: I do believe we could relocate the lot. A compromise might be to keep certain elements in Sydney. But I do believe it is workable to move the lot, absolutely.

Mr CRAWLEY: Regarding a lot of people coming from the one area, we are not necessarily saying those people are not doing a good job. Our concern is whether they are the best people for the job.

Mr DAVID SHOEBRIDGE: It is a big State.

Mr CRAWLEY: There are a lot of good people within the RFS staff. Down my way, they all shifted from one office to another because we were teamed. The boss came from that office, so that is where the jobs go.

The CHAIR: Thank you very much, gentlemen, for attending the hearing today. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions you have taken on notice.

(The witnesses withdrew)

(Luncheon adjournment)

TREVOR ANDERSON, Policy and Governance Advisor, NSW Rural Fire Service Association, sworn and examined

KEN MIDDLETON, President, NSW Rural Fire Service Association, sworn and examined

BERNARD COX, Chief Executive Officer, NSW Rural Fire Service Association, sworn and examined

The CHAIR: Would any of you like to make an opening statement?

Mr MIDDLETON: Yes, I would like to make an opening statement, just to give some background to our association. The Rural Fire Service Association, by legislation, represents volunteers to the service through the Rural Fire Service Advisory Council [RFSAC] and the many other committees that we have been invited to attend and ministerial committees. I personally sit on the corporate executive group and a number of other groups and I attend RFSAC to pass on volunteer opinions to the commissioner and the executive directors of the service.

We have an organisation that is designed to represent everybody in the State. We have 16 divisions and those 16 divisions come from the four regions. We have over 40 branches and each branch represents a fire district. There are approximately 43 districts and we try to encompass every brigade's opinion and every member's opinion if they are willing to participate in our organisation. We hold approximately at least 150 meetings a year that I know of. At our annual general meeting we have approximately 50 people—the 32 representatives of the regions plus the 10 board members, and invitees and other people, observers—who come to those meetings. We do have a conference every two years and three years in the next case where we have up to 500 delegates who come to that conference and represent opinions. They get to hear from the Minister and directly from the commissioner and other invitees.

We do a similar thing at our State council meetings. We invite guests to present and we look at business papers. One of the models that we would recommend to this Committee—and I thank the Committee for the opportunity to come and answer questions on our submission—we have a consultative committee system where, in conjunction with the service, we have provided eight members to each of four committees which represent the four regions, so two members from each region. They get to talk directly to the executive director of whichever part of the service—infrastructure services, operations, membership services and community engagement—and bring up business papers that are progressed from branches through to division and the brigades have their input to those branches. That is who we represent; that is how we represent people.

Bearing in mind this inquiry, we have seen some examples of people who are disaffected by the system and we have always attempted to take on board their opinions. We also have participated and strongly urge people to take part in a national survey conducted by the Council of Australian Volunteer Fire Associations [CAVFA] and that association has conducted a survey. Melbourne University started this off with the VFBV, the Volunteer Fire Brigade Victoria. We came on board last year and we have had 2,000 respondents to that survey, which has a wide demographic. That may answer some of the queries. I have copies which I am happy to table.

Document tabled.

There are two parts to that. One is the State view and one is the Federal view. There are 2,000 people from New South Wales who have answered the State one and there are about 6,000-odd across Australia. I will just open it now to questions.

The Hon. LYNDIA VOLTZ: I go to the process you have in place in regard to bullying and harassment. You actually put yourself in as part of the process?

Mr MIDDLETON: We look to represent people, to advocate for them if they have been bullied or they are being charged with bullying. We look to both sides of the argument. There is a volunteer charter that we have worked very hard to ensure came into place. We look at the terms of that volunteer charter, which requires that members show respect to each other and bullying is certainly well outside that. Whether it is from staff or from members, if there is a case of bullying and a member brings it to our attention, we will ensure that the appropriate attention is given to it. Most of our advocacy is where a person has gone before a district disciplinary panel or is required to appear, they may come to us for someone to go with them to make sure that the procedure is fair.

The Hon. LYNDIA VOLTZ: How many harassment and bullying cases would you have been involved in, say, in the last two years?

Mr MIDDLETON: I will take that question on notice because we would have to look at it in particular—but Mr Cox has the figure.

Mr COX: I can answer that. We have had roughly 18 over the last two years.

The Hon. LYNDA VOLTZ: In how many cases of people going before disciplinary tribunals have you represented members ?

Mr COX: We have not attended the actual DPP hearings but I guess our involvement in that process is to make sure that the RFS is following the process. We are not there to determine the outcome or provide a view on who is right and who is wrong. In most cases when we have been involved, the process has been resolved without us needing to attend.

The Hon. LYNDA VOLTZ: Of the 18 cases where you have had a role, how many have had a formal written report at the end?

Mr COX: I would say most of the ones that we have been privy to.

The Hon. LYNDA VOLTZ: Most of them or all of them?

Mr COX: Most of them. I would not have an exact figure for it.

The Hon. LYNDA VOLTZ: What would be the requirement as part of the process for the conclusion of the process?

Mr COX: What do you mean?

The Hon. LYNDA VOLTZ: If you have made an allegation and are going through a process, what would be the end outcome? Would a report be part of that process?

Mr COX: Yes. I understand the service will produce a report.

The Hon. LYNDA VOLTZ: So for the ones that did not have reports?

Mr COX: There might have been a report but we were not privy to it. Sometimes our involvement does not go all the way through. The person that is seeking the assistance might feel that they have had the question answered through our involvement and there is no need for us to be involved with it further.

The Hon. LYNDA VOLTZ: Are you saying that out of the 18 some of them do not actually become formal investigations?

Mr COX: Yes.

The Hon. LYNDA VOLTZ: You say you have been involved in no disciplinary hearings?

Mr COX: No.

The Hon. LYNDA VOLTZ: Have you been approached to be in any disciplinary hearings, Mr Middleton?

Mr MIDDLETON: We have been approached for advice. There are currently one or two that are before districts and regions. We have been approached by a person and we would normally tell people about the procedure and what they can expect. We would normally advise them to have someone from the district, a senior volunteer, attend with them to ensure that their point of view is heard.

The Hon. LYNDA VOLTZ: Except you have not been to any in the last two years. Is that correct?

Mr MIDDLETON: We do not have to go to those meetings. But if, for instance, we advise that person to ask for a senior group officer—who would be a senior volunteer from their district—to attend with them, that senior volunteer would, if invited, go with them to make sure the process was—

The Hon. LYNDA VOLTZ: You effectively fulfil a role that is a bit like that of a union where you advise them what to do and what the processes are.

Mr MIDDLETON: We do. I would also advise them to speak to Trevor Anderson, with his knowledge of the procedures.

The Hon. LYNDA VOLTZ: How is the Rural Fire Service Association funded?

Mr MIDDLETON: We conduct a raffle and we are funded independently of government or the service.

The Hon. LYNDA VOLTZ: Do you take membership fees?

Mr MIDDLETON: No, we do not charge fees.

The Hon. LYNDA VOLTZ: You run solely on raffle monies?

Mr MIDDLETON: And bequests, that sort of thing.

The Hon. LYNDA VOLTZ: Raffle money, bequests and nothing else?

Mr COX: We have income from investments.

Mr MIDDLETON: We have invested some of that money and the proceeds from the investments also go into the running of the association.

The Hon. LYNDA VOLTZ: Figures say there are 74,000 members of the New South Wales Rural Fire Service represented. We have heard evidence from a number of witnesses today that in some brigades there are a high number of volunteers on the books but only a very small number of them actually participate. Is that something you have found at brigade level?

Mr MIDDLETON: I am a senior deputy captain and volunteer in my brigade. Last weekend we had hazard reductions. Eight of our members directly participated in the hazard reduction because of the vehicles involved—a category 1 and a category 9. That will not mean a lot to you, but six people can fit in the category 1 and two in the category 9. So out of our brigade only eight people could possibly attend that hazard reduction. I heard evidence given about the fact that other people were brought in. It is now standard operating procedure to involve other areas to make sure that the number of vehicles appropriate to that hazard reduction are on the scene.

The Hon. LYNDA VOLTZ: In your area, where you had eight working in the weekend, how many would you have on the books?

Mr MIDDLETON: We have approximately 35 on the books.

The Hon. LYNDA VOLTZ: Are they all involved during the year?

Mr MIDDLETON: Some of them would only come once a year. If there are no big fires in our area, there are some members who only come to the larger fires if they are needed. Other members are more active in the meetings and training. There is an emphasis within the service now, because of work, health and safety, that we have to and every crew leader has to ensure members going onto the vehicle have a knowledge of what they have to do on the fire ground and that they are in fit condition to undertake that.

The Hon. LYNDA VOLTZ: Mr Anderson, are you in a brigade as well?

Mr ANDERSON: No, I am not a member of a brigade.

The Hon. LYNDA VOLTZ: What about you, Mr Cox?

Mr COX: No.

The Hon. LYNDA VOLTZ: Could you outline the role of youth members at brigade level?

Mr MIDDLETON: In my own brigade, I had a young lady who was under 25 and one of our deputy captains. We have a number of members under 25. That is what the service defines as a young member.

The Hon. LYNDA VOLTZ: Sorry, I am talking more about the under 16 members.

Mr MIDDLETON: My brigade does not have anyone under 16.

The Hon. LYNDA VOLTZ: No, but what role would members between 12 and 16 be fulfilling in a brigade?

Mr MIDDLETON: We have a cadet scheme—a school cadet scheme and a brigade cadet scheme—and a junior members scheme. Ages 16 to 18 would be considered junior members. In those brigades where they have appropriate supervision and where there is a cadet involvement, they would have young members undertaking skills and drills—

The Hon. LYNDA VOLTZ: That is for those aged 16 to 18?

Mr MIDDLETON: Yes. They will not be going onto the fire ground until they have undertaken basic firefighter—

The Hon. LYNDA VOLTZ: What about those aged 12 to 16?

Mr MIDDLETON: They are in the cadet scheme. They are involved in drills and there is a cadet championships. They learn how to do the basics.

The Hon. LYNDA VOLTZ: Operating the trucks and rolling up the hose, that kind of thing?

Mr MIDDLETON: They do not operate the truck.

The Hon. LYNDA VOLTZ: No, but they learn how to put the equipment on the truck, how to dig a pit?

Mr MIDDLETON: They do indeed. They are very enthusiastic. There are a lot of young female members in that group, which would interest you, who are captains in their cadet brigades and who do go on to enrol in the RFS. But that is not the primary aim of that group; it is just to provide them with an outlet.

Mr DAVID SHOEBRIDGE: Is that the way minors engage through the cadet brigades? They are not just members of general brigades?

Mr MIDDLETON: They engage as members of the cadets. Then, if they are aged 16 to 18 and there are enough of them or enough numbers in the district who want to do that, they are invited to join. If I had a 16-year-old approach me, as the senior deputy of my brigade I would encourage them to come along and talk to the district about the program for them. We just have to be careful what activities we take them to and that what we provide for them has to be appropriate.

The Hon. LYNDA VOLTZ: Given your experience at the RFSA, how big a problem would you say bullying and harassment are in the Rural Fire Service?

Mr MIDDLETON: I would say it is not a huge problem, but I would say that individuals are very badly affected when they feel they have been bullied. The definition of "bullying" varies from person to person. Some people feel they are exercising rightful authority which they have done for many years; other people would call that bullying. It depends to what extent they try to exercise their authority and do not listen to the concerns of the individual member. It is important, in a volunteer organisation, to err more towards the side of explaining yourself and why you were doing things. It is fine to volunteer for any organisation but we are a uniformed organisation with a set of operating procedures and you have to obey those procedures. There are radio procedures—for everything that we do on a fire, it is vital that you know what you are doing and you have to do it properly. It is not something that precludes everybody being members but they have to adhere to those policies.

The Hon. LYNDA VOLTZ: In how many of the 18 cases you were involved in was action taken against the person whom the complaint was made against?

Mr COX: I do not have that information with me.

Mr MIDDLETON: We can take that on notice. I can say that from time to time there are actions taken against people and those people can appeal. You heard this morning that they can appeal to a region. There is a regional manager above the district manager.

The Hon. TREVOR KHAN: I think you are being asked about retributive action, that is, a tit-for-tat style thing.

Mr MIDDLETON: There are over 2,000 brigades. I am not sure what happens in individual brigades when somebody says something about their captain, I presume that is what you are saying, and makes an allegation of bullying. All I can say is the service is very keen to make sure that people do not suffer because they have made a complaint and that if the complaint is found to be unsubstantiated that there should not be retribution from the brigade.

The Hon. PETER PRIMROSE: Under "Support services" (b), in relation to workers compensation claims it states, "any claims are closely monitored to ensure they are managed sympathetically and effectively and that appropriate rehabilitation programs are put in place." How do you monitor that?

Mr MIDDLETON: I sit on the Workers Compensation Working Group, a body that was set up. Originally Mr Anderson was the assistant commissioner at that time in charge of that area and I was a volunteer on that committee. We brought in a set of standards for the service to deal with volunteers with injuries and compensate them in an appropriate manner. We also closely worked with the chaplaincy, and that critical incident stress team that was mentioned before. Mr Paul Scott is the manager of the group; he is a clinical psychologist. We also have the two chaplains, Ian and Kerry Spore, from the Salvation Army who are contracted to the service. We fund them in relation to providing help to volunteers who are involved with an injury of that sort. We provide them with advice.

The Hon. PETER PRIMROSE: How many clinical psychologists are on the critical incident stress team to support the 74,000 members?

Mr MIDDLETON: I think that is a question for the commissioner. I know of many members of the critical incident stress team, some of whom are volunteers from local districts who also assist in that process.

The Hon. PETER PRIMROSE: Are volunteers expected to receive support from someone in their local area?

Mr MIDDLETON: I believe that would be the first thing that would be done immediately. The whole idea with critical incident stress is to provide immediate support and then that would be escalated. In every case that I have seen, the senior chaplains are brought in at a very quick stage. Mr Scott is brought in in the initial inquiries to make sure that it is being properly conducted.

The Hon. PETER PRIMROSE: There are two chaplains?

Mr MIDDLETON: There are more than two chaplains in the service but they are the principal chaplains.

The Hon. PETER PRIMROSE: I am trying to get a handle on "critical incident stress team", which means something different to me coming from the health department where I used to work and having basically some local people who I might meet at the local RSL or the Lions club—

Mr MIDDLETON: That would be at a brigade level you would have a debrief, but you would make sure that the district manager would no doubt be present at a debrief of that nature and then the critical incident stress people available from that area. Then someone from outside that area would normally be brought in at an early stage so that you were not talking to someone who you knew and you were a neighbour and you would run into at Woolworths.

The Hon. PETER PRIMROSE: I will talk to the commissioner about the role of chaplains.

Mr DAVID SHOEBRIDGE: Do you say the primary source of counselling is provided through chaplains?

Mr MIDDLETON: Yes. If someone presented to the service with a psychological problem or whatever, they could be referred for medical help. Money is provided for outside counselling and for doctors et cetera so that they could have their own medical team.

Mr DAVID SHOEBRIDGE: Internally is it chaplains mainly?

Mr MIDDLETON: Internally it is the critical incident stress team, including the chaplains who are a slightly different branch of that.

Mr DAVID SHOEBRIDGE: Who else in the critical incident team has counselling skills?

Mr MIDDLETON: As I said, I would prefer the service to answer that because I do not know the answer.

Mr DAVID SHOEBRIDGE: Are there counsellors on those teams?

Mr MIDDLETON: I know they are counsellors but I do not know their qualifications.

Mr DAVID SHOEBRIDGE: The 2017 Welfare and Efficiency Survey of the NSW RFS largely seems to show broad general support for the organisation. Page seven, for example, states that there are 2½ times as many people are dissatisfied with how they were treated by the NSW RFS as to dissatisfied with their role in the NSW RFS. It rises from 8 per cent dissatisfied with their role to 21 per cent dissatisfied with their treatment. In fact, the level of dissatisfaction with how they are treated stands out on that page. From your knowledge of the volunteers, what has driven that increased level of dissatisfaction?

Mr MIDDLETON: I think the problem for a volunteer is when you join a brigade you know the members of that brigade but you are not aware of how the district runs or the wider picture. You may feel that you have no great input into the machinations of the RFS. If I asked a volunteer, "Do you have input into the running of the RFS?" they would probably say "no". They have input into who was elected as the brigade deputies et cetera but a wider policy is out of their hands. I am not surprised that they would be happy with the role that they undertake but they do see that they are not enormously influential in the way the entire service runs.

Mr DAVID SHOEBRIDGE: Page eight refers to areas for improvement and the ones that stand out "volunteers are effectively consulted and involved in decision-making in RFS corporate levels." Volunteers are

saying it is very important, but they are saying the RFS is doing a pretty poor job on that. There is a very big gap.

Mr MIDDLETON: That particular one, I think it is communication. They are represented on the corporate executive group. As I said, I and my vice-president represent volunteers at that level. We have the consultative committees. Some people are not aware of the existence of the consultative committees. No matter how much we put it on Facebook and we write to people and make them aware, some of them are not up to date with that information. It is up to us to make sure that we disseminate that information.

Mr DAVID SHOEBRIDGE: If they are not aware, they are almost, by definition, not consulted?

Mr MIDDLETON: Basically if you have got a brigade represented at district level, and those 40 branches represent the brigades and members of their district, a lot of volunteers are not interested in anything political. They think that is just political or that is something that does not concern them and therefore they switch off to it. If you ask them what we are doing they do not know.

Mr DAVID SHOEBRIDGE: When you asked them in this survey if volunteers are effectively consulted and involved in decision-making at local and district regional levels they rate that very highly. They say it is important and they give it a rating of 8.7. They give a performance rating of only 6.00, again one of the largest gaps. They value it but they do not feel they are being involved.

Mr MIDDLETON: They do value it, but at regional level—there are only four regions in New South Wales.

Mr DAVID SHOEBRIDGE: It says local, district plus regional.

Mr MIDDLETON: Yes. That is right. If someone has no knowledge of regional will they answer "yes" to that question? I do not know. Maybe it is poorly framed. I have a high knowledge of how we are represented. I would say that a new volunteer would have a very low knowledge of how we are represented. It depends on their district and how much information they care to give them. Most of our volunteers would be worried more about information overload these days than lack of information.

Mr DAVID SHOEBRIDGE: Further, on page eight the other things that concern people according to your survey is whether or not RFS provides good leadership training for volunteers in people management, brigade management, conflict resolution and mentoring. That is where one of the biggest gaps appears. Also, whether the RFS paid personnel in my local brigade or district are committed to supporting and empowering volunteers is where there is another big gap. It is one thing to say in answer to all of these things they just do not know what they are talking about, but it might be real.

The Hon. TREVOR KHAN: How can you say that is a big gap? It says it is 2.4, which is equivalent to the smallest gap.

Mr DAVID SHOEBRIDGE: This is in the areas for improvement. If you look at the rest of the survey, these are the worst.

Mr MIDDLETON: I do not say it is only because they do not know what they are talking about. I would say some of them are unaware of some of the things they can do. Your point is valid. If they are unaware, we need to be more proactive in making them aware of what is available to them.

The CHAIR: Mr Middleton, what is the purpose of the existence of the RFSA?

Mr MIDDLETON: The RFSA was originally designed and continues to be an interface between members of the service and the hierarchy of the service. We also represent volunteer issues to government, and we ensure that the brigades have some of the additional things that are lacking. Some country areas are not well funded because they do not have the advantages of some city brigades with the old style of council funding. We are there to ensure that they have comforts such as air-conditioning, refrigeration, those things that we give in grants. We also ensure that people can get scholarship grants to further their education.

The CHAIR: I note that during the year, and correct me if I am wrong, you changed the corporate structure of the association. You have incorporated a not-for-profit company. Is that true?

Mr MIDDLETON: Yes.

The CHAIR: How is that supposed to operate in practice? In your annual report you talk about a financial arrangement or financing agreement with the association. Are the terms of that agreement public?

Mr MIDDLETON: Totally so. Basically, the 10 directors of the Royal Fire Service Association are the directors of that company group.

The CHAIR: That is a public document?

Mr MIDDLETON: Yes.

The CHAIR: Could we ask you to table a copy of that in due course?

Mr MIDDLETON: We shall indeed.

The CHAIR: In the principal activities of the corporation, it talks about providing tangible benefits to the association and its members by raising funds to promote and fund the association's objectives and activities. I am assuming that the consolidated entities means the consolidation of the association's accounts and the new company entity, is that true?

Mr MIDDLETON: That is correct.

The CHAIR: In 2016 you booked a loss of \$1,444,000-odd. Can you or Mr Cox explain why you booked a loss in that year?

Mr DAVID SHOEBRIDGE: And the big turnaround.

Mr COX: Sure. I do not have the full details of accounts with me. We were previously running quite a large grants scheme. For two years it was around \$1.7 million in each year. By the time that we could roll those grants out, sometimes the money raised in a particular financial year would not be dispersed until the following financial year. We have a March year end, so if we were to raise money, say, \$1 million—

The CHAIR: You would have been doing your accounts on an accruals basis, not on a cash basis?

Mr COX: Yes, but unfortunately with our auditors we cannot take up accruals for the grants scheme. They are paid when the grant is paid because we have changes to the grants throughout the year. We were finding it was timing. We might find that money accumulated in one year goes to retained earnings and then we would have a huge loss the following year by the time the expenditure hit the books. That is being checked by our auditors.

The CHAIR: Can you take it on notice and give us a detailed breakdown of how that loss was arrived at? My next question was going to a section in your report that talks about a decrease in member expenses of \$1,944,000 this year attributable to the deferral of the support program and provisions for givings in 2017-18. The way that reads to me, and I might be reading it wrongly, you have cancelled a whole lot of future payments or support for members?

Mr COX: I would not say cancelled. We have revisited the giving programs that we give to our members. We were finding that a lot of the brigades were adequately supplied with what we used to provide under our old grants scheme, such as fridges, global positioning system units. We changed the approach recently to put it out to brigades to say "you come to us with what you would like". We used to produce a catalogue, which ended up becoming like a wish list: "Yes, I will have a computer", "Yes, I will have a fridge or hose reel", et cetera. We put it back to them to come to us and say, "Our district or brigade needs X, Y, Z." It started off slowly, but we are seeing that gain more momentum with the applications increasing. But certainly not to the extent it has been in previous years, which was in the millions.

The CHAIR: Should you not be running this organisation as a not for profit? In other words, you should not be making a surplus or a loss every year, at least from a budgeting point of view?

Mr COX: Yes, but at the end of the day we want to be responsible with the money we raise from the public. If we have a good idea about an initiative around learning development or something, we want to ensure we have the funds that might not be expended in that year but down the track.

Mr DAVID SHOEBRIDGE: That is a huge change. An organisation that has, give or take, \$10 million in expenditure, to have a decrease in member expenses of \$1,944,578 attributable to the deferral support programs and provision for givings in one financial year is a significant change. I could have missed it. I have only been skimming through this document now. I do not see it highlighted in the executive report.

Mr COX: I do not have our annual accounts with me, but I can come back to you with information on that.

Mr DAVID SHOEBRIDGE: With a \$10 million or \$9 million budget, I would have thought a \$2 million change in direction would be front and centre. "This is what we are doing. This is what we have done", so the members know what is happening. I may have missed it. Is it prominent in the executive report?

Mr COX: It is probably not highlighted, only that we talk in the report about the changes to our giving programs. If you look back through our audited accounts for many years, you will see years when we have had

a profit and other years when we have had a loss. Again, it all comes back to the timing and cash flow of mainly our grants program.

Mr DAVID SHOEBRIDGE: It does not say that though—

Mr COX: No, it may not say that in there.

Mr DAVID SHOEBRIDGE: —in the discussion in these accounts.

Mr COX: Sure.

Mr DAVID SHOEBRIDGE: If that is the reason, I would have thought it would show up in the discussion on the accounts. It does not say that.

Mr COX: They are only an extract of our audited accounts. There may be a statement in our audit accounts, but I would have to come back to you on that.

The CHAIR: On my reading of it, these purport to be the audited accounts.

Mr COX: No, there is a disclaimer in there saying they are an extract.

The CHAIR: There is an audit certificate there.

Mr COX: That is fine, but what you are seeing there is—

The CHAIR: Could you please table a full set of audited financial accounts for us?

Mr COX: I can, absolutely.

Mr MIDDLETON: One thing that was decided by the State council was to change the giving scheme and that automatically changed the timing of the giving scheme. It now goes back more from the branch. Things are initiated through the branch and the district rather than coming straight to State council and to us directly to give grants. We have more of a grassroots approach. As we took that approach, we realised that there would be a diminution of giving in one particular year, which would again speed up, and that is reflected in what happened to us this year. That grant giving has come up to speed again. We deferred our larger meeting—we made it a three-yearly event instead of a two-yearly event. That took away the two years spending from that particular financial year and pushed it into the next financial year.

Mr DAVID SHOEBRIDGE: Feel free to provide anything on notice that you feel is necessary to give context to it.

Mr MIDDLETON: We shall.

The CHAIR: I noticed in your cash flow statement you have cash inflows, sale of receipts from customers. That is fine. Then you have got cash paid to suppliers and employees. Where does the amount paid out in your giving program appear? That is more a trading-related cash flow statement. On my quick reading of it, you do not seem to highlight it in there, unless you highlight it somewhere else?

The Hon. CATHERINE CUSACK: Chairman, I wish to take a point of order.

The CHAIR: There is a point to my questioning. I have listened to your questioning all afternoon. My questioning is going to the heart of where in these financial statements and where in this report do we see the amount of money that is being given to support the people we are hearing from in this inquiry who are making accusations of being bullied. We have to assume that they are being bullied.

Mr COX: As I said previously, they are an extract. That is a concise report of two entities put together. There are audited annual accounts for each entity.

The CHAIR: You have said that. Where, in this statement, does it say, "This is how much we are giving"? Your organisation is set up not for profit. Your job is to support the people who are in the rural fire brigades. If I am wrong in reading that, then you had better tell me, otherwise you should be paying tax if you are a trading entity.

Mr MIDDLETON: We are not a trading entity.

The CHAIR: By my reading, these are a set of accounts prepared for a trading entity.

The Hon. CATHERINE CUSACK: I would like to take my point of order now.

The CHAIR: Take your point of order.

The Hon. CATHERINE CUSACK: I believe this is outside the terms of reference. It puts the witnesses in an awkward position because they have not come here prepared with audited statements and to answer detail. They have come to address our terms of reference. I think it is fair enough to take things on notice but I want to draw that to your attention.

Mr DAVID SHOEBRIDGE: To the point of order: These witnesses tendered this document, and the financial support or otherwise that the largest organisation gives to people who are the subject of bullying is surely a valid inquiry.

The CHAIR: That is the heart of my inquiry. Where is it stated how much of the funds that this organisation raises from the people of New South Wales goes to supporting people who need it?

Mr MIDDLETON: I am more than happy to take that on notice and to provide the Committee before you end your sittings within the 21 days with those materials so that you have those to hand. We have many giving programs. Next weekend I am attending a volunteer family day at Coolah, near the Sir Ivan fires. We put money into that event to give directly back to volunteers. We do not put all of our family days or how much they cost into that document, we just generally refer to them. I understand what you are asking. We will certainly provide that information but we did not come here today to go through our finances. We came here, we tendered that document, and that is fair enough that you ask us about it. We do say we have got that information and we will provide it to you.

The CHAIR: Thank you. Can you suggest any improvements to the grievance handling procedures of the Rural Fire Service?

Mr MIDDLETON: I believe they could be improved in the amount of time it takes for a grievance to be addressed. The biggest problem that volunteers who come to us have is that there has been a grievance raised. However formally or informally that was done, those people have a genuine need for an answer. It goes through a process where it goes to district. There might be a district disciplinary panel empanelled and they are queried on it. Unfortunately, some managers are very quick to get onto these problems and to answer them and to resolve them satisfactorily. Other managers are not as quick to answer the problems and they fester and you get brigades where people start to take sides on issues and that issue grows.

I would like to see that issue handled much more rapidly, that people be given a 30-day period to give a preliminary report. We were asked, Do people provide written reports? I think the timing of these written reports causes a lot of problems. "There is a report coming" does not mean anything to anyone. They want to know when that report will be there, what it says about them and what the consequences for them will be. We urge the service to ensure that if there is a grievance that it is handled rapidly, and that is part of what we try to do. If someone comes to us we try to take it to the service and say, "This is an important issue, please resolve it within the district".

The CHAIR: We have had a number of submissions already today from parties suggesting that there should perhaps be an independent process involved in assessing. Do you have any comment about that?

Mr MIDDLETON: I do not know if there is any value in having an independent process unless you were satisfied that the process put in place by the service does not work or was prejudiced in some way. I believe the service takes into account legislative requirements. I do know they are very thorough in reviewing any matters that are brought to hand. They quote the Act, they go through all the particular procedures that they do. The biggest problem for volunteers is they want a quick answer. I do not know that anyone from outside would be any quicker. I think that people from within the organisation, district managers, could probably give an initial result and report, which could be progressed to an appeal if people were unhappy with that report, but I believe that should be given.

Mr DAVID SHOEBRIDGE: Most people say it is best to handle complaints initially at a local level, as best you can as close to the issue. Do you think an external body is required when it is not being resolved or when the grievance continues without a resolution?

Mr MIDDLETON: Some of those people have resorted to court cases, as you have heard, and that is when it gets out of hand and the cost to everybody involved in terms of their time and money, and for volunteers particularly. We do not particularly like to be involved in court cases because we would be far better off looking after our families and then putting our time into firefighting activities. I can see that there is a value in resolving them quickly. That mechanism, I do not see where the external part of it is necessary. I think that internally something should be set up to handle things quicker.

Mr DAVID SHOEBRIDGE: There have been concerns about nepotism and the like, who gets protected in senior management, whether or not a complainant ends up having their career ended rather than the person they are complaining about. Do you have any of those concerns raised with you?

Mr MIDDLETON: No. That is hearsay. And I have not had any member or salaried member come to me saying that their career has been terminated because somebody had it in for them because of the district they came from.

Mr DAVID SHOEBRIDGE: What about because they made a complaint? That is what I was asking about.

Mr MIDDLETON: Many people who complain generally feel that anything that happens, if they do not progress, it is because of the fact that they complained. I have not got any direct evidence of that happening, and nobody has come to me to say that they have been particularly put upon in that area. People who have complained that they feel they were not given a sufficient hearing are normally in the same jobs they were in before or have moved on and not necessarily been pushed out of the service or pushed sideways.

The Hon. TREVOR KHAN: Has any member come to you and said that the RFS or a regional manager has accessed their Facebook account to use against them?

Mr MIDDLETON: I have not heard of that.

Mr DAVID SHOEBRIDGE: Do you have delegates or organisers on the ground who would hear those sorts of issues?

Mr MIDDLETON: Yes. Each of the divisions has a chair and a delegate. They are then made up of branches. There is a branch delegate to each division. The branch delegate would be the closest to the brigades and the individual members. Each of the brigades, depending on their structure, can send a couple of delegates to each branch, or whatever that structure suggests, and that would be the opportunity for them to do it. They can ring our office. We maintain an office number.

Mr DAVID SHOEBRIDGE: It is much more likely at that local level and it may not ever feed up to you.

Mr MIDDLETON: Yes, that could be resolved at local level within our branches and if the branch did not choose to notify us that that had happened we would not be aware.

The Hon. LYNDA VOLTZ: Earlier you said that anyone who complained was either in their job or they have moved on. What do you mean by "they have moved on"?

Mr MIDDLETON: Some people have left the RFS because they are unhappy. I understand there are a few in that category. But some people are in a particular job where they say something is happening, then they move to another district and they seem to be perfectly happy where they are. We do have a program that does encourage people to move around the service, around the State.

The Hon. LYNDA VOLTZ: The complainants who move on and leave the job, do you follow up the reason why they have left the job?

Mr MIDDLETON: We do not take an exit interview. I believe it is up to the service to take an exit interview.

The CHAIR: Really, Mr Middleton, what you are saying to us is you do not actually have an advocacy role for your members.

Mr MIDDLETON: No, that is not correct. We do have an advocacy role.

The Hon. TREVOR KHAN: If retributive action were being taken by individual managers against your members, what system do you have of monitoring that that is or is not occurring?

Mr MIDDLETON: First of all, we would need to know from the member that that was happening.

The Hon. TREVOR KHAN: Supposing they have dealt with one of the local delegates.

Mr MIDDLETON: Yes. And we would presume they would escalate that if they have dealt with a local delegate.

The Hon. TREVOR KHAN: Why do you presume that?

Mr MIDDLETON: Because if someone is not satisfied with the answer they get in our service they tend to escalate it to us or to the commissioner.

The Hon. TREVOR KHAN: Does it depend upon the member kicking up a stink in order to have retributive action identified?

Mr MIDDLETON: If we saw it happening, if I personally saw it happening in my district I could intervene.

The Hon. TREVOR KHAN: I am not doubting your bona fides. I am trying work out the mechanisms that exist in your organisation to ensure that your members are protected.

Mr MIDDLETON: On a systemic basis, we have the division delegates who come to State council and report on issues within their district. I presume they would report those instances. We do not audit them on what incidents have occurred, except through surveys. We could easily put questions to them in the survey about how many issues have been brought to them. That is part of the development of this questionnaire. You have pointed out the gaps that we need to address. That is an area we can investigate.

The Hon. TREVOR KHAN: When I worked in industrial relations, I worked with employers. However, given what I heard today, I am very concerned that at least one of your former members was subject to very serious retribution. It is a real worry if you do not know about that.

The Hon. CATHERINE CUSACK: That was a staff member, not a volunteer.

The Hon. TREVOR KHAN: I am still worried.

The Hon. CATHERINE CUSACK: I understand. But in fairness, it was a staff member. Thank you for the work you do. Our firefighting volunteers are simply incredible. It is great that they are getting this support and that you are doing things like this survey, which represents transparency. I see this as a completely constructive document because you are publishing it and making it available to the Committee. That is terrific. Many organisations do this internally. As I said, thank you for the work you do. Do you find that the complaints are generally between volunteers or between volunteers and staff?

Mr MIDDLETON: There is a mixture of complaints. One area is where a volunteer will say, "I don't get picked to go out on the tanker. Fred Jones gets picked every time because I am a woman, because I am old, because I am fat." That is an issue for their district to address, and if they raise it the district should ensure it does not happen. For us it is an issue to advocate on their behalf to ensure there is no systemic problem in our operational orders that would stop people from giving their time.

The Hon. CATHERINE CUSACK: That would involve the volunteers themselves internally?

Mr MIDDLETON: Between volunteers, it would normally be settled at the brigade level.

The Hon. CATHERINE CUSACK: I understand. Is that the most common complaint?

Mr MIDDLETON: That would be the most common one that I hear about. I do not know that many volunteers complain that the fire control officer is picking on them. The Committee has heard evidence this morning that it is up to the fire control officer to sign off on positions. A group officer is a fairly high-level operative, and it is up to them to sign off that that person can act as a group officer in their area. It is entirely within their province to refuse to accept that person, even though they were elected through a process. However, I would expect that would be done on the grounds of competency and having done the correct courses.

The Hon. CATHERINE CUSACK: Is the conduct of elections a political process in some cases, or do you find that it is a chore to find people to fill the roles?

Mr MIDDLETON: It varies from brigade to brigade. I can give you an example in my district where a senior volunteer comes to oversee the election, sometimes it is a member of staff, and they rotate. The positions are advertised and they are called out at the meeting. Anyone can nominate from the floor. As an executive committee, we ask people who want to take up positions to notify us because we are always looking for people to take on those roles. They are not great; there is a lot of work involved in being a captain, a senior deputy, a secretary or a president. Those positions are open to any full member of the brigade. There is no bar in my district to someone standing for those positions. There is sometimes a question of popularity. Some people will say, "They're more popular. I'll never get a position because people in the brigade generally don't know me or like me." I do not know what we can do about that in popular elections.

The Hon. TREVOR KHAN: Is there a standard constitution for each brigade?

Mr MIDDLETON: There is, but that is a vexed question. We are waiting for the new constitution to be rolled out. This is one area where I am critical of the service. We have been looking at the new constitution for the past four years. It is not that it is very different from the old one, but it will become a standard for all brigades. It is important that that standard becomes the way all brigades conduct themselves.

The Hon. CATHERINE CUSACK: If I do not like the outcome of a meeting and I feel that people have been lobbying against me or whatever and it has been unfair, to whom would I appeal? It is not that I would appeal, but if I felt I had to, whom would I consult?

Mr MIDDLETON: The fire control officer would be the first port of call. As an association, we do not necessarily interfere in elections at the brigade level.

The Hon. CATHERINE CUSACK: That would then go to the service to handle?

Mr MIDDLETON: Yes, it would go to the service.

The Hon. CATHERINE CUSACK: I am interested in the geographic profile of your organisation. A comment has been made about there being lots of people in Sydney and not in the country.

Mr MIDDLETON: There are a lot of members of brigades in Sydney. We are represented across the State, even in the unincorporated area, which is outside our structure. There are people there who come in and talk to us. I recently did a tour of Cobar and Bourke, which everyone would agree are in a very sparsely populated area. We must listen to what the farmers have to say. They say to me, "Ken, we are not volunteers; we are born into the brigade." A number of initiatives have been taken out there that have reduced the number of farms and therefore the number of farming families. The volunteer base is disappearing. It is very difficult, but they do it out of self-preservation. They work with each other; there is a huge community spirit in those country areas. They all pitch in. I have never found anything to poke at them or to say they are doing the wrong thing. They are all very highly motivated.

Farmers particularly understand that there are work healthy and safety issues and that they must obey the rules. They must have personal protective equipment and other equipment; that is vital. Reference was made to tanker trailers. They are not vehicles anyone would ride around on because there have been accidents, they are not properly registered and they are not part of what we do. The service is equipping country brigades with suitable category 1, category 7, and category 9 vehicles, which are very small, so that they can attend fires. However, we still get the farming element who have slip-ons or whatever. That is their prerogative. They can attend as a neighbour if they wish because there is no law that says they cannot help a neighbour.

Mr DAVID SHOEBRIDGE: When you talk about the Rural Fire Service you talk about it as "we". This is not meant as a criticism of you, but do you see the Rural Fire Service Association and the Rural Fire Service as a team?

Mr MIDDLETON: We have a very close relationship. I am a member of the Rural Fire Service first and foremost, and I joined the Rural Fire Service Association as a result of being a member of the Rural Fire Service. Our people all believe that they are part of a big team. We are part of a big team. We just happen to have a different representative function in that team.

The Hon. TREVOR KHAN: I have looked at Service Standard 1.1.3, and I understand from earlier evidence that it might have been amended. However, it is basically the same as it was before its most recent iteration. It provides what appear to be reasonably strict standards for resolution or elevation of a matter: 10 days at one level; 10 days at the next level; 40 days for resolution unless an extension is given; then 10 days to make a response. The impression I get—please tell me if I am wrong—is that this is a procedure—

Mr DAVID SHOEBRIDGE: That is honoured in the breach.

The Hon. TREVOR KHAN: They are the words I was looking for. Is that the case?

Mr MIDDLETON: I believe that is. I believe a lot of people think the procedure starts from when they first raise the issue. But it has not been formally raised, therefore, there is a longer period entailed. I do not think that is the case all the time. There have been occasions when a matter has been complicated and it has been allowed to carry on. I have seen instances where a manager or a person appointed by the service takes on the inquiry, a large fire happens or they are on leave, and it waits for them to come back or it is not given the emphasis it should be. We can play a part in ensuring that it does get better attention.

Mr DAVID SHOEBRIDGE: There is a parliamentary inquiry on bullying. Before you wrote this submission did you send a communication to your delegates and/or members and ask: "What is the situation with bullying? Have you been bullied?" Your survey does not mention bullying.

Mr MIDDLETON: No, not a specific survey. We relied on answers to questions in the main survey. We saw the satisfaction levels in that survey. You have identified a gap. We did not specifically say to every member, "Have you been bullied?"

Mr DAVID SHOEBRIDGE: What about delegates? Did you call out to the delegates and say, "We are about to put a submission together for the parliamentary inquiry. Can you give us examples of bullying?"

Mr MIDDLETON: We talked to delegates at the State council meeting about the fact that we would be represented at this inquiry. I have not got the minutes.

Mr DAVID SHOEBRIDGE: I am happy for you to take it on notice. It would be relevant if you asked that question and nothing came back.

Mr MIDDLETON: We did not specifically ask that question with that emphasis.

Mr COX: We did ask for feedback. I would have to check the date that went out. We did promote that we were doing this through our structure, and I would have to check what feedback there was. We did highly promote the survey to gauge feedback.

The Hon. TREVOR KHAN: Can you provide us with what you sent out and what you got back?

Mr DAVID SHOEBRIDGE: I am not trying to entrap you.

Mr MIDDLETON: You have given it an emphasis, which is an admirable thing to do. As a result of this, we will be asking that question to our next State council meeting. We will ask members to go out and gather any instances they have so we can give further feedback. That will not occur until November. I take on board what you are saying. We did not specifically ask because it has not been raised as a huge issue to us during the course of the proceedings.

The CHAIR: How many members do you have?

Mr MIDDLETON: We have 40,000 registered members and we have a database. When people join the service they have the opt-out option and then the service provides us with a list of members and a list of people who are no longer members of the service that we can strike off our membership list.

The CHAIR: You have 40,000 active members?

Mr MIDDLETON: Registered members.

The Hon. LYNDA VOLTZ: Did it concern you that such a low number of the 40,000 members responded to the survey? That is, 1,941 or 3 per cent.

Mr MIDDLETON: Most people have not got the time to do surveys. When people ring me at night and ask me to do a survey I normally hang up on them.

The Hon. LYNDA VOLTZ: When we get high informal votes in politics we often think there is a reason behind people not wanting to vote. Does it concern you?

Mr MIDDLETON: I would like to increase the survey numbers. At the recent Australasian Fire and Emergency Service Authorities Council [AFAC] conference, we gave out a pamphlet at our stand that says how to vote. We follow up with members who have voted before.

The Hon. LYNDA VOLTZ: You are getting responses from people who have previously given a response. You have looked at the demographics and what criteria they fulfil. I am asking whether you asked members who did not respond why they did not respond?

Mr MIDDLETON: We have not asked that specific question.

Mr COX: In surveys, anything above 1 per cent is pretty good. To get 2,000 responses is pretty good. We conducted a survey five years ago and we had just over 1,000. Comparing our results to Victoria and other States, we were pleased. It is the first national survey of volunteer firefighters that has ever been done.

The CHAIR: The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions you have taken on notice.

(The witnesses withdrew)

(Short adjournment)

SHANE FITSZIMMONS, Commissioner, NSW Rural Fire Service, sworn and examined

The CHAIR: Would you like to start by making a short statement?

Mr FITZSIMMONS: Yes, thank you, Chair. The Committee will have already received our submission to the inquiry but it is an opportunity to provide some more introductory comments. I just remind the Committee that the RFS is the world's largest volunteer fire service, with more than 73,000 members and 900 staff across more than 2,000 brigades around New South Wales administered through 47 districts. I have been a part of this organisation for more than 30 years and I am certainly very proud of how far we have come, particularly the efforts of the men and women right across the State.

We have a history of more than 100 years of volunteering and the volunteers are absolutely at the heart of everything we do. Whilst the profile is 99 per cent volunteers and 1 per cent staff, the criticality, the vital nature of the staff, is incredibly valuable, and those staff too—70 per cent of them—have either got a volunteer background or are still serving volunteers in their own right. We provide services right across this great State, not just in bush and grass fires but structure fires, motor vehicle accidents and other events. We assist other agencies, locally, interstate and overseas, whether that be with storm damage, flood, search and rescue operations or what have you.

In many parts of New South Wales the RFS is the only emergency service in that small village or that locality, and increasingly in recent years we have seen RFS members broaden their role in that community, whether it is community first responder, assisting with defibrillation and medical incidents or more recently rescue. The volunteers and members of the organisation are recognised across the world. Right at the moment we still have people over in Canada helping with large-scale firefighting operations, and of all the firefighters who have gone over to Canada in the last couple of months 48 per cent of those are RFS members.

We are a community-based organisation and we certainly seek to reflect both the values and the expectations of a modern community. The responsibility of all our members is to live by the RFS's seven values around mutual respect; integrity and trust; one team, many players, one purpose; support, friendship, camaraderie; adaptability and resourcefulness; community and the environment; and knowledge and learning. There are firm expectations on acceptable attitudes and behaviour and whilst the vast majority succeed in meeting all our expectations and are aligning themselves with the values, there are incidents where people do not get this right. Whilst the data shows low incidence, any incident is unacceptable and will be and is dealt with decisively.

We are focused on being an organisation of choice and being a respectful, inclusive, flexible and diverse workplace for all our members. We have more volunteers than any other emergency service in the country. The numbers alone show we are an organisation of choice, and we have a very low turnover rate, both staff and volunteer, compared to other organisations. We are continuing to seek more females and other diversity and we are seeing more females join than ever before, improvements in female membership trends, and we have an extremely successful secondary school cadet program and young members program.

I genuinely believe you would struggle to find a more consultative and collaborative organisation than the RFS. We have a range of consultative mechanisms and processes, from the local level through to the regional level and indeed right through to State committees. Over many years we have adopted frameworks, strategies and doctrine that will assist us in recruitment and retention of members, increasing our diversity, improving age dynamics as well as ensuring ultimately the safety and wellbeing of all our members. We have a very robust framework which has evolved with consultation, applied experience, and independent assistance and guidance.

The principal documents centre around code of conduct and ethics, a respectful and inclusive workplace, grievance and discipline. These are all underpinned by the principles of natural justice and procedural fairness as well as safeguards, reviews and appropriate appeal processes. Indeed, our volunteers are central to the process of determining the outcomes of the overwhelming majority of disciplinary matters. We also have a very sound support system in place, whether it is through our critical incident support services [CISS], our chaplaincy and family network and employee assistance programs, or our membership assistance programs. Whether that is in matters of crises and difficulty or indeed celebration, our support services provide a lot of connectedness with members.

I can say in the last decades what used to be something that was seen as soft or not coping is now very much normalised in the modern operation of the Rural Fire Service. We are also rolling out new dedicated strategies in collaboration with sister agencies and institutions, mental health and first responders, the University of New South Wales and Beyond Blue. Our personal protective clothing [PPC] is absolutely world standard and

has been based on decades of research and development, experience and application, and most importantly, consultation and feedback with volunteers.

I am also very pleased to say that we are now distributing the next generation of PPC, significantly transformative compared to what we have just had in the last couple of decades. Already we have just spent \$5 million worth in new apparel, which is starting to be rolled out around New South Wales, including for the first time in our history apparel that has been specifically designed with female cuts and sizes, so we have both a men's sizing chart and a women's sizing chart for our PPC.

The world-class RFS State headquarters and operations centre is located in Western Sydney for sound operational reasons that have actually proven to work during some of the worst bushfire disasters this State has ever seen. The focus of that State operations centre includes the coordination of firefighting, fire agencies, emergency services and functional areas of government which need to come together at very short notice, often in times when during the emergency we can have more than 200 personnel co-located in there. Secondly, the centre is critical to the provision of the statutory obligations around community warnings information. We rely heavily on local, State and national media to assist in effecting that. It works and it works well.

Whilst I understand the Committee is deliberating for some time, given the forecasts for the season, I would certainly invite Committee members at any time, particularly if we are busy this season, to feel free to come and visit and witness firsthand how the operation centre works, how the other agencies interact and the criticality of that interplay in ensuring that we get information from the field and public information to the community. Last Wednesday was a good example where we were dealing with 106 fires concurrently around New South Wales, a number of which got to emergency warning and emergency alert status.

On that note, I think you would be hard pressed to find a more decentralised organisation than the RFS. Seventy per cent of our staff are based outside of head office and more than 50 per cent of those staff are based in regional areas. In the last 10 years alone, more than \$130 million has been allocated for brigade stations and control centres right across the State, with \$115 million distributed to facilities outside the Sydney Basin. As I said at the outset, I am incredibly proud of the RFS, to be part of this RFS and, most importantly, of the work and efforts of our members, without whom, if they were not doing what they were doing day in, day out, we would be very much the poorer, as I am sure our communities would agree. I had the opportunity to see some of the earlier witnesses today as well as the Rural Fire Service Association. Would you like me to touch on some of the points made?

The CHAIR: Time will get away from us, so perhaps if you do not have anything else to say you could wrap up your opening statement?

Mr FITZSIMMONS: I will simply clarify a few facts. There is absolutely no restriction on members being represented or assisted by lawyers in investigations into disciplinary processes. As a matter of fact, members routinely avail themselves of that sort of arrangement. I would also say that the disciplinary service standard—and you would have received a copy—expressly provides for the ability of a member to so utilise that. The only matter I am aware of that might be the subject of some legal action relates to a member who might be doing something next week. I am pretty sure that is the only case, dating back to 1997, where a matter has involved legal proceedings in the Supreme Court. There is only one that I am aware of in the entire history of the discipline service standard.

The other thing I will add is that it is very rare to have an application for legal assistance refused. We are bound by the Premier's guidelines. We have a service standard and in the last seven years where we have seen applications I think we have confirmed five ex gratia legal assistance to members for activity-related matters where they might need some assistance. A lot of trucks came into the Sydney Basin on the weekend to assist with firefighting complex burns, as was mentioned. Concerning the matter raised by the RFS about time frames, I agree with the feedback about time frames historically. There is a real balance in trying to get members accommodated in terms of them seeking extensions and the flexibility with being out of hours, but we have articulated in the new service standard updated in August locking in some time frames around key decision points, and we will seek to hold to those.

The Hon. TREVOR KHAN: That is the 10-10-40-10-days I referred to earlier?

Mr FITZSIMMONS: Correct. That would be the provisions in the new service standard, yes.

The Hon. PETER PRIMROSE: I have a couple of questions relating to pages 10, 11 and 12 of your submission relating to support services. How would someone access the Critical Incident Support Service?

Mr FITZSIMMONS: In a variety of ways. We have access directly through their local senior management team or local district office. We also have 24-hour hotlines, phone lines, for the different service

provisions. We routinely as a matter of course, particularly for critical incidents or events, actively prompt and promote as we are responding with trucks or firefighters if it is a particularly difficult incident. As you would appreciate, in a lot of areas of New South Wales our members are often responding to incidents involving people that they know—their neighbours, family members or fellow brigade members—so we have an automated aspect to responding in critical incident and family support services for members and their families.

The Hon. PETER PRIMROSE: You mentioned that you have at least 42 peer support officers who are trained to support Critical Incident Support Services. Can you tell me what training they have been given?

Mr FITZSIMMONS: I cannot give you the specific training, but they are trained in peer counselling and support services. We also have referral mechanisms so that when it gets beyond the peer support and assistance category we do have a range of referral services and professional services through Health and what have you to assist in that facilitation. I am more than happy to give you an indication of the training package of the peer personnel.

The Hon. PETER PRIMROSE: Could you take it on notice?

Mr FITZSIMMONS: Absolutely.

The Hon. PETER PRIMROSE: That would be of value, because I am trying to get a handle on what the peer support officers are, their backgrounds and what degree of training they have experienced.

Mr FITZSIMMONS: The backgrounds of our members are many and varied. I would be presumptive but reasonably confident to say that some of them would have some medical background. Some most probably will not, but they have a background in volunteerism, in care and in understanding what it is to be a volunteer or attending. It is more that peer review. The head of our counselling service is highly credentialled. I think he has a masters in sociology or psychology, but I will double check on that degree.

The Hon. PETER PRIMROSE: Since you have raised that, could you also advise whether he has qualifications in trauma counselling?

Mr FITZSIMMONS: I understand he does. As a matter of fact, he has a masters of counselling degree. Our chaplains also do crisis training in terms of crisis intervention and assistance, and lots of suicide intervention.

The Hon. PETER PRIMROSE: I am sure they do, but I would rather have a doctor than myself. If I have a brain injury I would much rather have someone who is a specialist in brain injury.

Mr FITZSIMMONS: We also send key members of our teams, whether it is the Chaplaincy and Family Support Network or our critical incident peer debriefers. We also collaborate nationally and internationally, and we send them to conferences and programs overseas to ensure we are maintaining world's best practice.

The Hon. PETER PRIMROSE: I am interested in the training they have experienced, particularly relating to trauma counselling. I am interested in looking at issues of vicarious trauma but I will not raise those at the moment. Can you tell us how the member assistance program, which you say is a free and confidential program for volunteers, works?

Mr FITZSIMMONS: Again, that is a 24-hour number and it provides access through our manager of counselling services. But it is also external access to clinical psychologists, referral to medical practitioners—

The Hon. PETER PRIMROSE: If I rang them, who would I get on the phone?

Mr FITZSIMMONS: My understanding is that, and I would have to take it on notice, initially it would go to our 24-hour duty officer with our counselling services, our manager of counselling services, or their deputy on-roster officers.

The Hon. PETER PRIMROSE: Please take that on notice. I am interested in who they are, not as individuals but in terms of their qualifications. The final dot point here is on the Employee Assistance Program, a free and confidential program. Again, how does that work and how would people access that?

Mr FITZSIMMONS: Again, that is a 24-hour system. It is government convention, as I understand it. Government departments will have access to the Employee Assistance Program. That one is more targeted at the employees of the service or the public service, whereas the member assistance program seeks to replicate the equivalency of the normal government Employee Assistance Program, if that makes sense.

The Hon. PETER PRIMROSE: Again, you may wish to take this on notice: One of our submissions from the Mental Health Commission makes reference to the beyondblue report, "Heads up: Good practice

framework for mental health and wellbeing in first responder organisations". Are you familiar with this document?

Mr FITZSIMMONS: I will say I am familiar with it, but do not ask me to quote it. We are a signatory partner to the agreement and there are a number of guiding principles. Off the top of my head, from memory, there were four or five key principles that together with our fellow agencies in the emergency service and first responder community we are subscribing to. We are facilitating with beyondblue a number of member survey research forums which have been taken out as well. I have a note here: "The RFS has worked with the Mental Health Commission and other emergency services."

The strategy is designed to harness opportunities for knowledge exchange, collaboration and pooling of resources on the promotion and protection of mental health. It was launched by the Premier and the Minister for Mental Health last October. The key strategies are to create a culture that facilitates early identification of mental health in first responders and encourage early help seeking. Unique factors associated with first responder work are acknowledged and appropriate systems put in place to identify and mitigate the consequences of trauma exposure and continue to build on an evidence base to better understand mental health first responders. As I said, we are also working with other industry stakeholders such as the collaborative research study of the University of Sydney Brain and Mind Centre, the Black Dog Institute and so on.

The Hon. PETER PRIMROSE: I have a copy of that report and I have read it with great interest. I will provide you with some points on notice. This is not a trick question but will you clarify how many people within the RFS are required to do Working With Children Checks?

Mr FITZSIMMONS: We have worked with the Office of the Children's Guardian. We actually identify focus areas. It will be those groups of people that have a role with a regular exposure to Working with Children, so our cadets and our junior leaders and our officers of those bodies. I do not know if we have a note handy but it is only within the child-related employment or the child-related engagement areas. It is not universal across the organisation but if we have people who are engaging in and managing cadet programs or junior programs then they are the areas we would target with the Working with Children Check. We had that validated through an independent audit through the Office of the Children's Guardian some few years ago to help us guide that requirement.

The Hon. PETER PRIMROSE: I am not interested in trapping anyone but I want to get a handle on the parts of your organisation where you feel it is important to have Working with Children Checks and whether that would apply to various volunteer parts of the organisation or within the uniform branch—

Mr FITZSIMMONS: No, it does not distinguish between paid or volunteer. It includes both paid and volunteer and it particularly focuses on things like the secondary school cadet programs where we run 10-week programs with high schools or indeed when we have junior members in a brigade structure as well quite independently. We are there targeting those sorts of roles, that is the focus, and related to that is the criminal history checking as well that we do routinely.

Mr DAVID SHOEBRIDGE: The Volunteer Firefighters Association presented a document to the Committee which indicated—

The Hon. TREVOR KHAN: It is to be made clear the document has been tabled but not published.

Mr DAVID SHOEBRIDGE: It has not yet been published. The document indicated that some 58 current and former staff members and, as I count, 47 current staff members come from just 11 brigades on the north side of Sydney. The suggestion is that if you come from a brigade on the north side of Sydney you have a much better likelihood of getting a job. On those numbers, that appears to be evidence of that. What do you say to that?

Mr FITZSIMMONS: I would say that is a nonsense. In my time in the organisation when Commissioner Koperberg was in charge, the same metrics, the same arguments would try to link anyone associated with the Blue Mountains. When it was before Phil Koperberg, who had a volunteer background with the Blue Mountains, it was a chief coordinator of bush fire fighting in New South Wales, which was Bill Hurditch, and everyone used to complain then that most of the people were linked to the Forestry Corporation of New South Wales. I am more than happy to have a look at the list of 48 names.

Mr DAVID SHOEBRIDGE: There are 58 in total but 47 current.

Mr FITZSIMMONS: Forty-seven out of 900 staff.

Mr DAVID SHOEBRIDGE: You say 855 on your website.

Mr FITZSIMMONS: It depends when you have your counts taken but, yes, correct.

Mr DAVID SHOEBRIDGE: Let us do those numbers: 855 staff, 2,029 brigades, and 11 brigades are providing 47 of the current staff members. On those numbers a person is more than 10 times as likely to get a job if you come from one of those 11 brigades than the other 2,018 around the rest of New South Wales.

Mr FITZSIMMONS: I trust your figures. I would counter that by saying that every position that is recruited is the subject of open, advertised, merit-based selection. It is in line with the GSE [Government Sector Employment] provisions. I cannot give you an explanation on the correlation.

Mr DAVID SHOEBRIDGE: I think an explanation is required when you see from just 11 brigades, from the likes of Duffy's Forest, Beacon Hill, Terry Hills, and Belrose, on these figures 47 current staff—

The Hon. CATHERINE CUSACK: Point of order: The Committee has not yet resolved whether it will publish this document from which the member is quoting. The witness has not seen the document. I ask that this matter be postponed until the Committee has had the opportunity to consider it sufficiently on the document?

Mr DAVID SHOEBRIDGE: Providing the rest of the Committee agrees, I am more than happy to show the commissioner a copy of it.

The Hon. CATHERINE CUSACK: You could have done that in a deliberative. Do you want to go into a deliberative?

Mr DAVID SHOEBRIDGE: No. I am proposing to hand the commissioner a copy of it.

The CHAIR: I think it is too late to discuss a deliberative right now. The commissioner will be handed a copy of it and he can decide whether to take it on notice.

Mr FITZSIMMONS: I do not understand the question.

Mr DAVID SHOEBRIDGE: I am asking for an explanation of why from those 11 brigades an average of 4.27 are current employed staff with the RFS but from the remaining 2,018 brigades throughout the rest of New South Wales it is an average of just 0.42. A person is 10 times as likely from each of those brigades to be employed.

Mr FITZSIMMONS: I am happy to play with the maths later. I would say to that that for over a decade now—and I instituted it when I was in a previous role—we have run right across regional New South Wales what we call volunteer-to-career programs where we have tried to encourage as many volunteers from right around the State to seek employment in the Rural Fire Service. There is nothing in the system that puts a leaning one way or the other. It is all open. I am more than happy for the recruitment process to be challenged.

Mr DAVID SHOEBRIDGE: You say there is nothing in the system, but the figures show that a person who comes from one of those brigades is 10 times as likely to get a job. We should not be shy about this but one of the reasons that is raised is that your background is from Duffy's Forest?

Mr FITZSIMMONS: Correct.

Mr DAVID SHOEBRIDGE: Ten times as likely if a person comes from that small part of Sydney to have a job than from the other 2,018 brigades around the entire rest of the State. You say there is nothing to see here but I think there is. I am after your systemic response.

Mr FITZSIMMONS: I do not have anything other than coincidence.

Mr DAVID SHOEBRIDGE: It is a bloody lot of coincidence, commissioner.

Mr FITZSIMMONS: Yes, that is fair.

The Hon. CATHERINE CUSACK: Yes, two people from Tumbledown Dick.

Mr FITZSIMMONS: That is a brigade in the Northern Beaches.

Mr DAVID SHOEBRIDGE: You say coincidence. I can accept one or two but 10 times—

Mr FITZSIMMONS: What is the inference?

Mr DAVID SHOEBRIDGE: The inference is that if you part of these brigades or part of this north side club, if you like, you are 10 times as likely to get a job as if you are not. That is not an inference; it is borne out by the numbers.

Mr FITZSIMMONS: It is coincidence. It does not correlate with the recruitment process, I can assure you. The same arguments used to run when the former commissioner was from the Blue Mountains. They would

pull a few figures together of people from the Blue Mountains. I am happy to try to give you a breakdown of where all the members come from in the employment ranks if you wish.

Mr DAVID SHOEBRIDGE: I invite you to do that because I am not persuaded by the coincidence argument.

Mr FITZSIMMONS: Okay. I do not know how you get convinced.

Mr DAVID SHOEBRIDGE: By showing the Committee figures that do not show the kind of status that a person is 10 times as likely to get a job if they come from 11 brigades on the north side. That is a lot of coincidence.

Mr FITZSIMMONS: All I can tell you is that every job in the service is advertised for open recruitment. We encourage statewide and we assist with understanding the process of recruitment to members right around New South Wales how to best apply for a job in the public service and the Rural Fire Service.

Mr DAVID SHOEBRIDGE: Do you say a person is just a lot better at getting the job if they come from Beacon Hill or Terry Hills?

Mr FITZSIMMONS: I cannot explain the figures.

Mr DAVID SHOEBRIDGE: I think the figures deserve an explanation.

Mr FITZSIMMONS: I cannot give you one. If you are the best candidate on the day you will be chosen for the job.

The CHAIR: I advise you to take the question on notice and provide the information you said you would provide.

Mr FITZSIMMONS: Yes.

The Hon. DAVID CLARKE: Today the Committee heard that the RFS has denied legal support for volunteers involved in disciplinary processes. What is the process for application for legal support? Have you ever received a request for legal assistance by a member of the Volunteer Firefighters Association? What was the outcome?

Mr FITZSIMMONS: I will answer that question in a number of ways, if I have heard it correctly. Inherent in our doctrine members can bring with them legal assistance to grievance matters. That is just inherently available in the service standard. There is a provision in the RFS for members to access what we call ex gratia assistance particularly if they have got a matter that they find themselves needing to deal with in the course of their duties. In the last seven or eight years since I have been commissioner, I am aware of five applications being received. All of those were supported in respect of ex gratia assistance.

There is a service standard to follow and it is in line with the Premier's guideline on seeking ex gratia assistance. When we get it, we consider them and we make the application through the Department of Justice. I am not aware ever of receiving anything from the Volunteer Fire Fighters Association [VFFA] concerning legal assistance in my time as commissioner. Moreover, if I did, we would respond to them and say the individual would need to make the application because there is an obligation and also some privacy issues around disclosing things which are personal and typically private when weighing up the provision of endorsing that legal representation.

The Hon. CATHERINE CUSACK: Commissioner, significant investment has been made in your new head office to be based at Sydney Olympic Park. What level of expenditure are you seeking and seek to commit to regional and rural areas?

Mr FITZSIMMONS: The investment in regional and rural New South Wales is good. It is a good story. As I said in the opening statement, in the past few years we have identified that approximately \$130 million has been allocated for brigade stations and state-of-the-art fire control centres right around the State, with \$115 million of that \$130 million being distributed to areas outside of the Sydney Basin. By way of example, in this current financial year budget we are seeing record amounts of money going out in respect of stations and control centres around the State. As a matter of fact, some \$20.56 million, which is an increase of \$1.7 million from last year, is going to brigade stations across the State this financial year. Those infrastructure projects—stations and control centres—incorporate some 99 separate infrastructure projects ranging from brand new facilities through to modifications, refurbishments and extensions.

Some of the refurbishments could be as focused as providing fundamental services like water, power, toilet facilities, hard stand areas, whatever is the priority in that area for the local brigade. We are also delivering multimillion-dollar fire control centres and emergency operation centres. On the weekend prior to last weekend

I was in attendance at a brand new \$4 million centre at Coonabarabran. We have another one being opened officially soon in Bathurst. We have another large-scale one in the Liverpool range. I am aware of major refurbishments going on around Glen Innes. We have allocated another multimillion-dollar facility in Deniliquin this financial year. Proportionally speaking, the vast majority of our infrastructure spend on buildings, stations and brigade control offices is occurring right around New South Wales.

On top of the brigade stations and control centres, we also have a range of decentralised functions around the State in addition to the district offices. We have our planning and environment services centres in Western Sydney and down the South Coast near Batemans Bay. We also have a facility on the North Coast. We have identified a new facility in Dubbo in western New South Wales that we will be building over the coming years in partnership with council which will be a state-of-the-art training facility to offer access, particularly for specialist work in the rescue area in which a number of RFS brigades are taking up that role in remote and far western regional areas in New South Wales. We also have a number of training hubs that we have invested in by way of multimillion-dollar infrastructure, whether it is the South Coast around Mogo in the Eurobodalla shire or around the Lithgow region. We are waiting on a final determination for Tamworth. There is a significant investment above and beyond the brigade allocations around the State.

The Hon. CATHERINE CUSACK: Can you respond to suggestions that during a crisis the headquarters should be moved out of Sydney into a rural centre? Are there reasons for it being in Sydney?

Mr FITZSIMMONS: As I mentioned at the outset, it is in Sydney for sound reasons. It is a critical facility for the provision of coordinated firefighting. As has been mentioned, it can swell quickly to having more than 200 multi-agency and indeed multi-jurisdictional personnel from interstate or the Commonwealth who might be involved. We also require access to those personnel who are traditionally based in the Greater Sydney environment. The other important thing is that, legislatively, not only is there a role for leading and managing large-scale firefighting operations around the State but there is also a statutory obligation for the provision of timely and accurate community warnings and information concerning risk strategies, safety and directions.

One of the key elements to resourcing that facility is that the small number of staff located in head office are also quickly transitioned into doing operational roles above and beyond their normal day-to-day role, so the scaling up and scaling down is relatively seamless in that regard. Following a detailed analysis with government properties, we did a facility survey and location analysis and identified the Olympic precinct site as the new location, and sensibly so. There is a lot of inherent redundancy, technological capability and performance in the Olympic precinct, whether it is water mains, power mains, data and those sorts of things.

The geographic convenience is also important. The tender has gone out and the work is now underway. I would also reinforce my comments earlier and add, as an observation, a lot of people who are advocating for the head office and State operation centre to be relocated, I am not aware of any of them having worked in the centre to understand or appreciate the functionality and the criticality of that performance. They certainly have not had the legislative responsibility for delivering on things like coordinated firefighting and the provision of public information and warnings.

The Hon. TREVOR KHAN: Can I take you to the grievance procedure 1.1.3? The previous 1.1.3 had been in existence since 2008, I think.

Mr DAVID SHOEBRIDGE: Since 3 October 2008.

The Hon. TREVOR KHAN: Are you able to step me through how it came that the procedure was changed and what the nature of those changes were?

Mr FITZSIMMONS: Our service standards, including the likes of the grievance service standard, are the subject of ongoing review and adjustment.

The Hon. TREVOR KHAN: I am not suggesting a conspiracy. If I am going to suggest a conspiracy, I am old enough to do so.

Mr FITZSIMMONS: By way of background, for all our doctrine we seek to consult with membership far and wide, volunteers and staff alike, both in respect of the review and the formulation of materials. We ultimately reach a point when we launch documentation for three months for formal consultation and feedback before we ratify that as the completed document. It goes through a range of checks formally and it is signed off. The grievance service standard has been linked in, particularly since the RFS was formed in 1997. The whole purpose around the grievance service standard is to get a clear and fair process for members to raise and resolve grievances which arise with another member or members.

The Hon. TREVOR KHAN: I do not want to cut you off, but we all know what a grievance procedure is. I am interested in the time frame in which this new one was developed.

Mr FITZSIMMONS: In 2014, it was due for an administrative update and incorporated changes in legislation—update references and terminology—pending the full review. In 2015, a full review of the service standard was done with the knowledge that the service standard would be due for further review in 2017 and would require lead time and broad consultation. The aim of the full review was to streamline the grievance handling process, particularly with some of the concerns about the time frame and, ultimately, seeking to ensure that they were being resolved at the lowest possible level, sensibly so, and providing mechanisms to further them, if it was not deemed to be adequately dealt with at a local level. The previous arrangements were seeing way too many getting up into the system and being complicated and taking a lot of time. Draft 1.1.3 version 3 was released for consultation to all staff and volunteers for a three-month period from 3 March to 29 May this year.

Constructive feedback was received from members across a number of areas, including the Rural Fire Service Advisory Council, the Rural Fire Service Association [RFSA] and the PSA, the Public Service Association, being the representative body of the salaried members. Then ultimately, with the incorporation of that feedback, the document was released in August 2017. As we mentioned earlier, there is a whole bunch of things, but some of the key points we are really seeking to address are locking in some time frames. I would also say we are an organisation that seeks to be accommodating of and realistic around the pressures on people and the time they have to devote to some of these things, particularly if this arises in their volunteer capacity and they are holding down jobs. Invariably, a lot of people, whether they are the grievant or the respondent, may seek extensions of time to deal with matters. We do try to be accommodating but we are focusing very much on trying to shorten those time frames to avoid the angst.

The Hon. TREVOR KHAN: What oversight is there to ensure that those time frames are more or less met? I accept all that you say. There are issues of procedural fairness for people who have had complaints against them. There are also issues of procedural fairness for complainants—that they have time to respond and the like. We understand all of that, but if you set down time frames and they end up meaning nothing then it is pointless.

Mr FITZSIMMONS: In my experience the one thing you can be assured of in an organisation like the RFS is, if you are not sticking with what you pledge to stick with, I will certainly know about—it if it is not being administered effectively at the local level—or the senior executive will. We are also introducing a new case management system. We have worked in partnership with—

The Hon. TREVOR KHAN: I make this point; these are not Dorothy Dixers.

Mr FITZSIMMONS: You are damn right. I have notes. There are check mechanisms documented in the service standard. We have worked with the Department of Justice and we have started to introduce a new case management system for regions and what I call the professional standards unit, or the PSU, known as Resolve. I do not know if you have heard that in the other justice clusters. It is in its infancy in our organisation, dare I say it. As a matter of fact, I think we are leading the implementation of it in the cluster. Already some of the feedback is coming in.

In December 2016 we implemented Resolve. The system is used by PSU regional services to record and manage complaints relating to staff and volunteers. Matters can be categorised by type—for example grievance, discipline or misconduct, issues such as bullying, discrimination or a child-related criminal offence. The system provides prompts as to the steps to be taken and processed for users, depending on how the matter is categorised. This is another safeguard to ensure the appropriate processes are followed. The Resolve system allows matters to be monitored more effectively by way of reports and case notes, identifies matters reported to an external agency and identifies matters involving a member under 18 years. It captures allegations, findings and outcomes and, once a sufficient amount of data has been captured, it will be used to assist the PSU, the professional standards unit, MCU, our membership coordination unit, and regional services to monitor trends and target training and support programs, for example. With that trial we are looking at rolling out the Resolve system to be universally available to all the district offices around New South Wales in the future.

The Hon. TREVOR KHAN: I note that I had other questions.

Mr FITZSIMMONS: Sorry.

The CHAIR: Listening to you earlier—and perhaps I did not hear you correctly—were you saying new systems have been put in place to stop problems before they are resolved being elevated to a higher level, that too many were reaching the higher levels and not being dealt with?

Mr FITZSIMMONS: A lot of them were being repeatedly pushed up and then being absorbed in a regional office or in head office rather than the matter being dealt with locally. There are still legitimate and

appropriate mechanisms to ensure that where something is not dealt with satisfactorily at a local level there are elevation mechanisms or appeal mechanisms higher up the line to have those matters resolved.

The CHAIR: Are the people who are subject to those, I suppose, failures of system aware of the fact of how they can appeal or what they need to do to appeal?

Mr FITZSIMMONS: Yes, it has been articulated in the doctrine. There are also supporting documents that go with the service standards. There are handbooks to assist with understanding the application of the service standard—the doctrine. One of the challenges we do have in a geographically very widespread organisation and in terms of the make-up and structure of the brigades is that our big focus on doctrine and policy is to ensure that, if we are creating State policy, it has to be applicable locally. There have to be inherent arrangements in that doctrine so that what applies in location X can also be applied in location Y—it is not so prescriptive that it is unworkable, but there are still some fundamental steps, processes and time frames and other elements that need to be followed no matter where you are.

The Hon. TREVOR KHAN: Are these booklets provided to the members?

Mr FITZSIMMONS: Yes.

The CHAIR: What mechanisms are in place to ensure that outcomes are consistent across the board?

Mr FITZSIMMONS: Are you talking about grievances or matters of discipline?

The CHAIR: Any and all, where someone complains that they are not being fairly dealt with.

Mr FITZSIMMONS: Most grievances can be dealt with as a verbal interaction between two people. If someone says something or their actions are inappropriate, that can be called to account and someone can deal with that, someone can complain about that. If the person is accepting of their actions as being inappropriate and they apologise unreservedly then the matter is stopped. But where it becomes something a little more that might require a disciplinary process, then we have what we call DDPs, or district disciplinary panels, which are typically a panel of senior volunteer peers in that local area that will preside over matters. There are some safeguards in the determinations that DDPs can make. The DDP has the ability to exercise matters of caution, reprimand and suspension. Matters that go beyond that will require a referral to ensure that they are not exceeding their brief or starting to put in measures or punishments that create the sort of inconsistent potential that you refer to. There are checking mechanisms in place so that if a panel is contemplating a certain action then there will be a reference point to validate whether that is in keeping with the infraction, if you like.

The CHAIR: Would you be supportive of, for example, an emergency services tribunal that people could appeal to?

Mr FITZSIMMONS: At the moment our members have the ability to appeal, whatever occurs, and there is also the ability to go external, through to the Supreme Court if they wish.

The CHAIR: No—a tribunal, not a court process. Everyone has access to a court process. The trouble is any competition at court is not going to be equal. My question was: Would you be supportive of an emergency services tribunal that would perhaps have as part of its brief dealing with aggrieved parties who feel that the system has failed them?

Mr FITZSIMMONS: I would have to give that some more thought. At the moment members have the ability to lodge appeals. There is something very important, I believe—

The CHAIR: Appeal to whom?

Mr FITZSIMMONS: They can appeal up through to the commissioner, ultimately, if they are concerned about what is occurring at the local level. What I would need to get my head around is what would be the value, what would be the cost versus the derived benefit and would that actually add or exacerbate the complications, the time constraints. Then, if there are those sorts of things, what about the cost to the members and the complexity of those sorts of more litigious environments, if you like, particularly for volunteers where these things are popping up in their spare time—non-core time in life, if you like—if that makes sense.

Mr DAVID SHOEBRIDGE: If you are taking that on notice, can you also take on notice the number of times it has escalated up to you?

Mr FITZSIMMONS: Sure.

Mr DAVID SHOEBRIDGE: I would like a sense of whether that is a viable way of resolving things.

Mr FITZSIMMONS: There have been a number of appeals where I assigned a delegated officer and we had to overturn some decisions.

The CHAIR: It has been put to the Committee on a number of occasions earlier today that people would like to see an independent process of investigating bullying allegations. What would be your response to that?

Mr FITZSIMMONS: We already do that where appropriate. Depending on the nature of the allegation or the matter, we have engaged—

The CHAIR: Who makes the decision as to whether an independent investigator will be appointed?

Mr FITZSIMMONS: It varies; it depends on the matter and its complexity. We will use investigators off the Government's procurement panel for contracting arrangements.

Mr DAVID SHOEBRIDGE: But the ultimate decision is always internal and it is made by an officer of the Rural Fire Service?

Mr FITZSIMMONS: Correct.

The Hon. GREG DONNELLY: I refer you to page 6 of your submission and the reference to "Training for Managers". The first paragraph, in particular, outlines various programs that are available. Can you explain to the Committee the process for encouraging or requiring participation in these programs? Do they automatically move through a range of programs, or is it ad hoc?

Mr FITZSIMMONS: It is more structured. I will take the Committee through a couple of things. We develop a range of capabilities for leaders, whether it is sponsoring volunteers or staff to undertake external programs, like the AFAD programs or the Institute of Police Management programs, advanced diplomas, and certificate IVs with TAFE. Leadership and people management skills are also developed through the volunteer group leader, crew leader, and incident management programs, which are inherent in member training. The Multi-Agency Leadership Program is another good example of a program that focuses on personal attributes, relationships, results and people management, and it is available to staff and volunteers. That program was developed jointly by NSW Ambulance, NSW Rural Fire Service, NSW State Emergency Service and Fire and Rescue NSW.

The annual district manager forums provide support to district managers in respect of enhancing their capacity to manage the workplace, conflict, grievances and misconduct. The following sessions are listed by way of example. There is the Volunteer Discipline course; Service Standard and Case Studies; Complaints Management; Grievance versus Misconduct; Performance Management; and Difficult Conversations. Similarly, the biennial Leadership Forum focuses on building the leadership capacity of NSW Rural Fire Service managers and senior volunteers across the State. Whether it was 2011, 2013 and 2015, or indeed this year, the forums focused on managing people, key attributes of leaders, and leading with influence. In addition to that, we have the code of conduct and ethics material. There are numerous resources for members that reference the importance of appropriate behaviour and leadership. For example, the Recruitment and Retention Kit, which is distributed to brigades—

The Hon. GREG DONNELLY: I can read that. Are full-time employees required to move through these programs systematically?

Mr FITZSIMMONS: They are mandated to do a bunch of things. The code of conduct and ethics training is compulsory for all employees, and there is annual recertification. There is an online electronic acknowledgement that the course has been completed. Depending on what you are talking about, some of them are professional development opportunities and they are institutionalised through forums where collective supervisors or managers are present. Others will be individual and targeted. We have also introduced and run a range of training programs for investigators to get the right qualifications and skills with regard to investigation techniques and so on. There are also guidelines for managing volunteer discipline, conducting volunteer investigations, a range of templates and so on. Obviously, like everything else, we add it to the list, but there is always scope for more training.

The Hon. GREG DONNELLY: If you are a full-time employee, is it fair to say that after a period of time—I will call it "x"—you will have completed all of those programs, or is it less organised than that?

Mr FITZSIMMONS: Not necessarily all of them. Some of them target management, for example. However, there are compulsory induction programs for every new employee and volunteer. We are rolling out the code of conduct and ethics course for members as well. There is a range of requirements. We invest very heavily in internal training and development. The example I will use is that in 2001 the Rural Fire Service engaged local government employees—off the top of my head there were close to 300 employees—who were engaged in the administration of fire control services around the State. When we transferred them across to

management and other roles, we identified that about 43 per cent of them had the requisite qualifications to hold the position.

In the intervening period, and with all the new staff, we ensure that if we are employing people they align with the training, skills and competencies required for the role. However, we also invest very heavily internally in professional development to get the requisite skills but also to ensure that they have the capacity for growth, promotion and movement through the organisation. There is a structure to a range of different training courses listing the specific programs, but not every member would access them. The other thing we launched recently is the new Respectful and Inclusive Service Standard. That has been released along with online training. There are scenarios and training programs that will ultimately be mandatory.

The Hon. GREG DONNELLY: I now refer to page 10 of your submission, and specifically the first and second dot points. In respect of volunteers and injury it states:

...a NSW RFS volunteer who sustains an injury (including psychological injury) during authorised NSW RFS duties may be entitled to benefits under the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987.

Mr FITZSIMMONS: That is correct.

The Hon. GREG DONNELLY: Does the Rural Fire Service have ongoing dialogue with volunteers, or indeed any dialogue with volunteers, about the adequacy or otherwise of that Act with regard to servicing or looking after them if they are injured at work?

Mr FITZSIMMONS: Yes.

The Hon. GREG DONNELLY: How is that done? Is it done formally or informally?

Mr FITZSIMMONS: Are you talking about case management or the adequacy of the provisions?

The Hon. GREG DONNELLY: Is there any discussion with them about how the Act is meeting their needs as an injured volunteer?

Mr FITZSIMMONS: Absolutely. We meet very formally and we also have regular dialogue between our insurers and the administrators of the legislative provisions. We also have detailed discussions with the RFSA as the representative body for members. A memorandum of understanding allows us to go above and beyond what might be statutorily required or available in the legislation. In terms of how often and how regularly we do that, we have a dedicated staff at head office to deal with the administration and management of volunteer workers compensation matters. Off the top of my head, we meet at least six weekly or monthly with representatives from the insurer to monitor and to manage any cases that we have that are the subject of workers compensation. It is fair to say that in the past couple of months we have had some challenges in that space because the insurer has some legal privacy advice that has now caused it to say it can no longer share details with us unless we have the express permission of our member. We understand the nuance of the privacy position. We are working through that with any member that now gets signed in.

The Hon. GREG DONNELLY: What is the implication of that?

Mr FITZSIMMONS: The implication is—as I understand it; I am not a lawyer—that because the case is being managed with our insurer and with the individual then they are matters of relationship between the individual and the insurer. Unless it has been expressly endorsed otherwise, we have not got visibility of the metrics and the details necessarily. We have had to communicate recently with members that are the subject of workers compensation matters that the insurance body is able to share those details with us so we can continue to work as a threesome, if you like, between the injured, the insurer and the service. I am not aware of anywhere there has been any resistance to doing that. We do meet very regularly.

The Hon. GREG DONNELLY: With respect to the memorandum of understanding that you referred to in your answer, has that been recently renegotiated or has it been of standing for some period of time?

Mr FITZSIMMONS: It has been around for some period of time, but it is the subject of periodic review. I do not know off the top of my head when I last signed it, but it would have been in recent years.

The Hon. GREG DONNELLY: I will let you take that on notice.

Mr FITZSIMMONS: I am happy to give you a copy of it if you like.

The Hon. GREG DONNELLY: With respect to the staff/employee component of the Rural Fire Service and the adequacy or otherwise of their workers compensation coverage pursuant to the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998, I ask the same question: Are there discussions between the Rural Fire Service and those injured staff in terms of the adequacy or otherwise of their workers compensation coverage?

Mr FITZSIMMONS: In the same way, yes. We have regular periodic meetings with the insurers.

Mr DAVID SHOEBRIDGE: Commissioner, when you replaced the grievance policy in August of this year—

Mr FITZSIMMONS: When we published it.

Mr DAVID SHOEBRIDGE: Was that when it was formally replaced?

Mr FITZSIMMONS: Yes. Once it is published, it takes effect. There is a guide in there that says anything under the current one will be finished there and any new ones under the new one will start here.

Mr DAVID SHOEBRIDGE: Can you give us a copy of the previous grievance procedure?

Mr FITZSIMMONS: I think you have that in the package we have provided you. I will give you an updated document. In our initial submission there was the 16-page document and there was a heap of attachments attached thereto, but I am happy to give you both.

Mr DAVID SHOEBRIDGE: I may not have buried into that attachment.

Mr FITZSIMMONS: There were a fair few documents there, so I will give you both.

Mr DAVID SHOEBRIDGE: And an analysis of the difference, if you have it.

Mr FITZSIMMONS: I have a summary of the key changes.

Mr DAVID SHOEBRIDGE: Were there time periods for grievances in the previous procedure?

Mr FITZSIMMONS: There were some but not as many in the steps.

Mr DAVID SHOEBRIDGE: There were time periods within the grievances.

Mr FITZSIMMONS: There were some, but they were limited. This provides more safeguards in terms of the time frames.

Mr DAVID SHOEBRIDGE: Were those time frames being met?

Mr FITZSIMMONS: Not all the time, no. Sometimes they were not, to be honest, and that was the complaint that came back. Correct.

Mr DAVID SHOEBRIDGE: Was it sometimes they were not or was it sometimes they were?

Mr FITZSIMMONS: Either way. Whichever way you want to look at it.

Mr DAVID SHOEBRIDGE: Was it in a minority of cases that the time frame was being met or was it the majority of times?

Mr FITZSIMMONS: I could not tell you.

Mr DAVID SHOEBRIDGE: Did you do that kind of analysis when you looked at your policy?

Mr FITZSIMMONS: I would have to find out if we have that detailed analysis. I can certainly tell you the feedback I got directly from members was one of the frustrations was the time frames, and we sought to address that with more prescription.

Mr DAVID SHOEBRIDGE: I take that as acknowledging there was a problem with time frames.

Mr FITZSIMMONS: Without a doubt—happy to acknowledge that. To be honest, if I can—

The Hon. TREVOR KHAN: I hope so.

Mr FITZSIMMONS: I am always honest. If I may add, often there were good reasons and intentions behind the time frames because people were seeking extensions of periods. Other times it was poor administration. We are trying to lock up both.

Mr DAVID SHOEBRIDGE: I would assume wherever an extension has been requested and granted that that would be consistent with the time frames. I am talking about where the time frames were breached.

Mr FITZSIMMONS: Sorry. I need to go back a bit. I have confused the issue between two documents. There were not specific time frames in the old service standard. It was not prescriptive. That was in the different service standard. My apologies, for the record. The new one does provide time frames, whereas the previous one did not have the specific time frame. That is why there were challenges with the measurement and performance, because it was invariably seeking to accommodate those involved as the grievant or the respondent.

Mr DAVID SHOEBRIDGE: Did you do any analysis of how long it was taking to deal with grievances under the previous policy?

Mr FITZSIMMONS: Not that I am aware of, but certainly the feedback was one of frustration and disappointment.

Mr DAVID SHOEBRIDGE: Could you take that on notice if there is some information in the organisation about it?

Mr FITZSIMMONS: If there is something, I am happy to share it with you, but I am not aware that there is.

Mr DAVID SHOEBRIDGE: What is the number of bullying complaints that the organisation has received in the last few years? Have you done that review?

Mr FITZSIMMONS: I have got that in the material I provided.

The Hon. TREVOR KHAN: Does your organisation undertake the survey?

Mr DAVID SHOEBRIDGE: The answer is yes, they are part of the public sector wide survey.

Mr FITZSIMMONS: To give you an indication, in that table I provided, attachment H, bullying, harassment and discrimination, in 2014-15 we had 32, in 2015-16 we had 35, and in 2016-17, at the time of the submission—I will have to update this; there will potentially be a figure at the end of the financial year for when we lodged it. Of the 75 matters in our Resolve system, seven relate to bullying. There are no discrimination matters and those seven matters are not finalised, so we are not aware whether they are substantiated or unsubstantiated at this stage.

Mr DAVID SHOEBRIDGE: Can you tell me the metrics on how many of those bullying complaints were formalised?

Mr FITZSIMMONS: Do you have the table there, Mr Shoebridge?

Mr DAVID SHOEBRIDGE: No, I do not have the table.

Mr FITZSIMMONS: In the table, I can tell you that, of the 32 in 2014-15, 10 were sustained, one was partially sustained, 14 were not sustained and seven did not proceed. In 2015-16, nine were sustained, four were partially sustained, 13 were not sustained, four were the subject of finality and five did not proceed. In 2016-17—albeit I have to do a financial year close-off—as per the submission, of the 16 that were in, two were sustained, one was partially sustained, one was not sustained, 10 were still subject to finalisation and two did not proceed.

Mr DAVID SHOEBRIDGE: Are you aware of the People Matter Employee Survey?

Mr FITZSIMMONS: Yes.

Mr DAVID SHOEBRIDGE: Because the 2017 results I have in front of me from the People Matter Employee Survey have the RFS having proportionally substantially more respondents who witnessed bullying and experienced bullying than, say, the police force or Fire and Rescue service.

Mr FITZSIMMONS: Correct—I am aware of that.

Mr DAVID SHOEBRIDGE: A lot more. Given the size of the organisations, the RFS had 48 per cent saying they had witnessed bullying and 27 per cent said they had experienced bullying. For the NSW Police Force the figures were at 30 per cent and 18 per cent. That would trouble you, would it not? Because it troubled me when I saw it.

Mr FITZSIMMONS: Indeed. Like we have done with the previous People Matter survey results, we are factoring in and have put together an action plan to seek to remedy or address some of the feedback coming in the survey. There is not necessarily a correlation with the People Matter survey and the metrics we are dealing with, because the survey is about observation and opinion, not necessarily the test.

Mr DAVID SHOEBRIDGE: That is done by the Public Service Commission.

Mr FITZSIMMONS: Correct—and our employees.

Mr DAVID SHOEBRIDGE: On both the metrics, on the proportion of employees who witness bullying and the proportion of employees who experience bullying, the RFS comes out the worst—the worst of education, family and community services, all of justice, finance services, industry, health, planning and

environment, Premier and Cabinet, treasury and transport. I would have thought you would have addressed that in your submissions to us and addressed what you were doing in response to that.

Mr FITZSIMMONS: In fairness, I did not have this at the time of the submissions.

Mr DAVID SHOEBRIDGE: No, in your submission this afternoon because it stands out, commissioner.

Mr FITZSIMMONS: I am happy to talk about it.

Mr DAVID SHOEBRIDGE: Do so now; I am giving you the chance.

Mr FITZSIMMONS: It is concerning; I am not disagreeing with you in any way whatsoever. It is actually quite concerning. The real challenge is that the survey results are not correlating with cases reported or cases being dealt with and we have identified a range of strategies to address bullying in the workplace. To date we have a range of things, as I said already—the mandatory code of conduct and ethics training for all the 900 staff, code of conduct and ethics training for volunteers—and 235 have already been trained—and annual acknowledgement of that by all staff, and new members must acknowledge through acceptance letters and membership applications. We try to cover it off in inductions face to face and online.

We developed the respectful and inclusive service standard in late 2015 and the simplified grievance standards we are aware of. What is currently in development—and the People Matter survey has certainly assisted and reinforced this—is the implementation of the respectful and inclusive workplace online training package, the incorporation of sector-wide initiatives such as the Public Service Commission's Respect, Reflect, Reset initiative, which is a tool to assist in preventing and managing unreasonable behaviour and bullying in NSW RFS doctrine, build people management capacity of those in managerial and supervisory roles, and explore options for training to assist resolution officers to better resolve grievances.

In relation to the People Matter survey results, improved performance management, what we have implemented is the work plan professional development plan since 2011. We have a pilot of the electronic performance management system incorporating the Public Service Commission's capability framework in accordance with the Government Sector Employment Act in 2016-17. What is now in development is further roll out of the electronic performance management system across the agency to regulate performance management and supervisors to have a performance objective in their work plan about performance management requirements to ensure individual work plans and professional development plans are current and relevant.

The second big area is improved communication and consultation between the employee and the manager. We have had already the joint consultative committees since 2000 with the Public Service Association [PSA] and management. It meets at least four times a year and has had 146 meetings to date. We have also had a workplace advisory committee, which includes the PSA and other members right across the organisation, since 2013. We have special purpose committees as we need them through the Workplace Advisory Committee [WAC]. We have consultative committees across all directorates. We have policies and service standards.

Mr DAVID SHOEBRIDGE: Just stopping you there, Commissioner. Nobody has said you do not have nice looking policies or you do not have structures that appear to deal with the problem, but the repeated complaint is that the policies are not being adhered to and the structures are not delivering. This survey result to which almost half of the employees in your organisation responded—

Mr FITZSIMMONS: Correct.

Mr DAVID SHOEBRIDGE: —48 per cent of them said that they had witnessed bullying in the workplace and 18 per cent of them said that they had experienced bullying, and you say that it is not showing up in the cases reported or the cases dealt with. Perhaps there is a problem in your reporting mechanism?

Mr FITZSIMMONS: Or perhaps we are not hearing it, which concerns me as well.

Mr DAVID SHOEBRIDGE: That is the problem in your reporting mechanism.

The Hon. PETER PRIMROSE: Let him answer this.

Mr FITZSIMMONS: Well not even reporting; I am sorry, when you say "reporting", are you talking about people raising the issue?

Mr DAVID SHOEBRIDGE: I will let you answer the question.

Mr FITZSIMMONS: There is absolutely clear and available mechanisms to allow people to report observation or indeed experience of bullying. It is really difficult to do something about a problem if we have

not got visibility of the problem. There is that real challenge and I would encourage any members, whether they are salaried or volunteers, to raise these matters and if they are not getting satisfaction at the local level, then they can raise them directly with me if they wish. There are mechanisms in place to do that.

Mr DAVID SHOEBRIDGE: But, Commissioner, they are not doing it. Your structures clearly are not working because 48 per cent of your workforce are saying they have witnessed it.

The Hon. CATHERINE CUSACK: He has just given you a list of things that they are doing.

Mr DAVID SHOEBRIDGE: Which are not working; that is the point.

Mr FITZSIMMONS: What I tried to do in those couple of bullet points is to show that there are some things we have already implemented and there are a number of things we are putting into development now.

The CHAIR: Commissioner, before you start reading from that, I would like to ask you a question. We took evidence from participants this morning as victims of bullying at various stages through their lives in their involvement with the RFS as volunteers. The perception to me coming from their evidence was they felt they were being punished by the RFS for reporting or interacting with people they should be reporting to. Do you have a reaction to that?

Mr FITZSIMMONS: Obviously I do not know the things you are talking about but what I would say is there ought to be no retribution, there should be no punishment. Bullying is a serious issue. We take it very seriously and where we do hear about them we act decisively.

The CHAIR: Would it worry you, Commissioner—and it is not necessarily a rhetorical question—to know that of the submissions we have received as a Committee so far, 20 related to the Police Force, 26 related to the Ambulance Service, 25 to Fire and Rescue, and 16 to the State Emergency Service but we have received 46 for the RFS?

Mr FITZSIMMONS: That is a significant number, but I would also dare say we are proportionally larger than a lot of those other agencies.

Mr DAVID SHOEBRIDGE: Not the Police.

Mr FITZSIMMONS: I think the Police has 20,000. We are 74,000-plus. Any number is too many but we need to hear from them.

The CHAIR: I add that the majority of those 46 were coming from full-time staff also involved as volunteers.

Mr FITZSIMMONS: Okay.

The Hon. CATHERINE CUSACK: It is difficult because he has not seen the cases.

The CHAIR: I am asking for a reaction; I am not asking for a judgement.

The Hon. CATHERINE CUSACK: It is completely hypothetical.

The CHAIR: It is not hypothetical. I am asking for a reaction.

The Hon. CATHERINE CUSACK: To things he cannot see; they are not visible to him.

The CHAIR: Is this a point of order or just a comment? Would you like to comment anymore in relation to what I said?

Mr FITZSIMMONS: What is the question, sorry?

The CHAIR: The question is: Do you have any understanding of why there would be such a large disproportionate representation of submissions to this Committee?

Mr FITZSIMMONS: No, I do not. I simply do not. But I would say—and I am sure the Committee would be attune to this in any case—just using the word "bullying" does not necessarily make it so. We need to make sure that we are not detracting from the seriousness of bullying simply because there may be some who are unhappy with the outcome of a process or a disciplinary matter or something like that. I do not know who you have reporting to you but what I would say is we need to be very careful around concerns and outcomes, and whether they got voted in or not in an election. That may not actually constitute bullying, but I would be most pleased to have any matters raised that we can deal with.

Mr DAVID SHOEBRIDGE: But when it so clearly correlates with a disproportionate rate of bullying that comes out of the People Matter employee survey, you start putting one and one together and instead of getting five you actually get two, that there is a problem here.

Mr FITZSIMMONS: The data is telling us there is a problem with people either not reporting it or feeling concerned about reporting it and we need to address that.

Mr DAVID SHOEBRIDGE: Is not the more fundamental problem that people are subject to bullying in your organisation? Is that not the more fundamental problem?

Mr FITZSIMMONS: I am not denying in any way—and I hope you have not got any suggestion that I am shying away that we have had cases of bullying or harassment. We have had them. Where we have them we seek to deal with them. In the plan of action coming out of the latest People Matter survey, we are seeking to ramp up again changes and adjustments, whether it be in our areas of improved performance management, communication and consultation between everybody or recruitment processes. We are trying to do more to ensure that we hear those matters so we can deal with them appropriately; absolutely.

The Hon. DAVID CLARKE: We have heard today that hazard reduction is hampered by RFS management and may be a contributing factor to churn. What is your view to local participation in hazard reduction, in particular to local brigades and landholders?

Mr FITZSIMMONS: What I would say to that—and I have heard some of this rhetoric from time to time—is that anyone who is criticising hazard reduction ought to acquaint themselves with the facts and that is that hazard reduction completion rates are better today than they ever have been in the history of reporting. As a matter of fact, only about a decade ago when I became commissioner we put a big focus on completion rates of hazard reduction and we have implemented a range of strategies and programs to ensure that we get hazard reduction completion rates better.

Off the top of my head, invariably we were reporting 50 per cent or less than 50 per cent in any given year of completion rates of hazard reduction. Today we are invariably up around the seventies or eighties percentile bands in terms of completion rates. All hazard reduction priorities are identified and determined at the local level through the bushfire management committee, which involves senior volunteers, and it is based on risk. In the last reporting period, off the top of my head I think 75 or 76 per cent of all hazard reduction burns had been completed. The only real impediment to hazard reduction burns today is the weather.

We have seen a discernible difference where, for example, the State Mitigation Support Services are engaged to assist local brigades and local BFMCs with preparatory work because historically brigades would be investing a lot of their time doing manual hand tool construction rather than taking advantage of the weather. Anyone who suggests to you that environmental constraints are stopping hazard reduction does not look at the statistics. In any given year with the hazard reduction schedule, getting the right environmental clearances and checks are usually up at around 80 per cent or 90 per cent. The only thing we are waiting for in any given year is the weather to present itself and the resourcing. All of this red tape and green tape is, I am sorry, fictitious. The reality is in the results time and again on the ground.

Mr DAVID SHOEBRIDGE: I will take a point of order that that falls outside the terms of this inquiry.

The Hon. TREVOR KHAN: I agree with Mr Shoebridge.

Mr FITZSIMMONS: I have a second point, which is about the churn or retention of volunteers. I heard some of that earlier and I had a quick look at some figures on the way in. Our staff has on average about 7 or 8 per cent of separation from the Rural Fire Service. Those resignations account for 4 per cent to 5 per cent on any given year in terms of resignations. Regarding staff, 76 per cent have been with us for more than five years and 47 per cent of all our staff have been with us for more than 10 years. Our volunteer numbers, similarly, are available here, which gives you an indication. Our retention rates of volunteers, again, are borne out in the facts. All our brigade returns provide our numbers. So any suggestion that the numbers are flawed is a criticism of the brigades and the management of their membership registers.

The Hon. TREVOR KHAN: It is rather like members of political parties: you can have 800 people on your books in an electorate but whether they are participating members of your party is a bit different from having them signed up on your books.

Mr FITZSIMMONS: In the last few years we have deliberately sought to provide a flexible membership strategy. I do not have the statistics on the retention.

The Hon. TREVOR KHAN: You can take it on notice.

Mr FITZSIMMONS: I will take it on notice but it is a very low percentage of volunteers that churns through the organisation. We have started to identify a flexible membership model where we are seeking to be an organisation of choice. To be an organisation of choice it is not just about firefighting. There is an army of

men and women out there who do firefighting but, in order to keep a firefighter on a fire truck you need logistics, welfare, catering, communications and all sorts of things that support that. Brigades are progressively working through their brigade membership types. I have lost my notes here.

The Hon. CATHERINE CUSACK: Are you looking for who is in catering, for example?

Mr FITZSIMMONS: I was looking at the wrong document.

Mr DAVID SHOEBRIDGE: I do not think the question was about who is in catering and who is in driving; it is about how long they are remaining active. If you spend ages training someone and they are only active for two years, they may still be on the books but they are effectively a lost member.

Mr FITZSIMMONS: To give you an idea, exiting volunteers in any given year range from between 4 or 5 per cent through to 7 per cent in 2016, which reflected a massive spike in new membership applications of 6,500 following the 2013 fire season. The other thing is that currently brigade registers are identifying that 83 per cent are what they call operational members, 6.2 per cent are administrative members, 8.6 per cent are reserve members—they may not be there all the time but they are available if a big fire happens in the area, and that is particularly the case for a lot of rural areas. Cadets are less than 1 per cent, community fire are less than 1 per cent, and operational support is around 3 per cent of the membership. Each year we have seen a modest but positive growth in our overall membership over the last 10 years, so we are very much invested. We are continuing to see record numbers of women applying. Our overall membership has 22 or 23 per cent women but our new membership applications reflect closer to 28 or 29 per cent women applying to the service.

The Hon. TREVOR KHAN: I return to the bullying and harassment issue, which is at the centre of this inquiry. Are you able to provide us with some details regarding attachment H in terms of those bullying and harassment incidents that have been proved or partially proved—on notice, taking into account the time—as to the action taken against the person?

Mr FITZSIMMONS: I can give that to you right now. In terms of the outcomes of the matters, I can tell you that in 2014-15 three of them were remedial action, in 2015-16 10 were remedial and in 2016-17 two were remedial. There was one caution or reprimand each year. There were two cases of assigning the employee to a different role in 2015-16. There were two reductions in classification or grade of the employee in 2014-15. Where I am not answering, there are zeros in the other years. There were three reduced remunerations payable in 2015-16. There have been two terminations of staff or removals of membership from a volunteer in each year. There were two suspensions of volunteers in 2014-15.

The CHAIR: That is too complicated for me to remember. Could you table that?

Mr FITZSIMMONS: It is in the table. You have it in your attachment.

The Hon. TREVOR KHAN: I do not have the attachment.

Mr FITZSIMMONS: Sorry. There was a range of actions implemented concerning those outcomes where the matter has been substantiated or partially substantiated.

Mr DAVID SHOEBRIDGE: If 48 per cent of your staff have witnessed bullying in a year and only two people have been dismissed because of it, those statistics do not fit together.

Mr FITZSIMMONS: These are the matters that have been raised and dealt with.

Mr DAVID SHOEBRIDGE: I am saying that those two pieces of data do not fit together, one from the Public Service Commission—

Mr FITZSIMMONS: I think we agreed on that earlier.

The Hon. TREVOR KHAN: Mr Shoebridge, that point has been made. Does anyone get to know of the results?

Mr FITZSIMMONS: The results of these? We do not generally broadcast them, no. I have in leadership forums and staff forums in the last eight years been very open about behaviour, standards and actions and about identifying the number of cases that we are working on, the number of examples we get. I am very strong on the view that you cannot fix something that you are not talking about and not sharing. The first thing we have to do is start talking about the issue. We have not shied away from the fact that there are issues around behaviour and performance of people across the organisation but we have called upon everybody at all levels to ensure that they take affirmative and positive action. If you witness something, if you see something, call it out. Start at that local level, call it out and report it, particularly if it is bullying. If it is a repeated behaviour, not a one-off behaviour, we will take that most seriously. We will take all of them very seriously.

The Hon. TREVOR KHAN: My final question is, When you say "remedial action"—

Mr DAVID SHOEBRIDGE: What do you mean?

The Hon. TREVOR KHAN: Thank you, Mr Shoebridge. What does it mean?

Mr FITZSIMMONS: Generally speaking, it could range from counselling, training, mediation between a couple of people and that sort of thing. It is a variety of human elements.

The Hon. TREVOR KHAN: To use a bad term, using the statistics you have available, are you able to unpack in each of the years what the various remedial actions were?

Mr FITZSIMMONS: That is in the table.

The Hon. CATHERINE CUSACK: One final question, Do you ever get pushback, being a rural and devolved organisation, that "anti-bullying" is political correctness?

Mr FITZSIMMONS: No, quite the opposite actually. What I would say to that is the organisation I think has been very mature in the last decade or so particularly. We identified some very stark examples where the rhetoric organisationally was historically that we were open, inclusive, we wanted new members, we wanted women, we wanted diversity. We were mature enough to get some independent research into some of the local communities and the compelling feedback was that that is not how the community viewed us. The community viewed us as a closed shop, a men's shed, a men's club and if you were not in the clique then you could not get into the organisation. We have had to genuinely and seriously have a good look at what we do and how we operate and seek to change that right across New South Wales.

Only in the leadership forum just recently, where we had a few hundred people from right across the State, senior volunteers, supervisors and managers across the State, our young members group—we have got about 9,000 young members between the age of 16 and 25. They were representative in the leadership forum. People are not calling it political correctness. People are not calling out bad behaviour as political correctness. They are not talking about sexism and inappropriate actions, comments and behaviours at the local level as political correctness but identify that if we are genuinely going to be an organisation of choice we have got to be an organisation that is open and inclusive, welcoming genuinely of people in that community. Ideally we want to be an organisation reflective of the local community and we are taking very meaningful steps.

We have had a bit of pushback. There are a lot of people who do not like being held accountable for their actions and when they get a negative outcome or when their peers vote them out because they are no longer tolerating the actions and behaviours of yesteryear, then sometimes we do get a bit of pushback. The reality is our membership numbers every year are averaging about 4,500 new member applications coming in. Yes, we are seeing a few people go out the other end, generally because they die or they move on to other things. So we are modestly increasing, probably by about 2 or 3 per cent every year. But we are investing very heavily in ensuring that to be an organisation of choice we have got to be inclusive, and that fundamentally starts with our own individual and collective behaviour.

The CHAIR: The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions you have taken on notice.

(The witness withdrew)

(The Committee adjourned at 16:52)