

Chapter 3 NSW Rural Fire Service

This chapter examines the prevalence of bullying, harassment and discrimination within the NSW Rural Fire Service (NSW RFS). It describes the policies and procedures currently in place to manage and resolve complaints, before considering issues raised by inquiry participants concerning how these policies are applied, including the timeliness of complaints resolution, and the rights of members and services available to them during the process. The chapter then examines mental health supports for members and then focuses on workplace culture within the NSW RFS, including the divide between salaried staff and volunteer members, and current recruitment processes. The chapter concludes by discussing the relocation of NSW RFS Headquarters.

Introduction

- 3.1** The NSW Rural Fire Service (NSW RFS) provides fire and emergency services to 95 per cent of the land mass of New South Wales, including responding to bush and grass fires, structure fires and motor vehicle accidents. The NSW RFS also provides support to other emergency services agencies in responding to storm damage, floods, and search and rescue operations, and in many parts of the state, first response.¹⁵⁷ The NSW RFS comprises more than 73,000 volunteer members and 900 staff, of which 70 per cent are either former or current volunteer members.¹⁵⁸
- 3.2** The number of bullying, harassment and discrimination matters investigated by the NSW RFS in the last three financial years is detailed below.
- In 2014-15 there were 32 matters, of which 10 were sustained, 1 was partially sustained, 14 were not sustained and 7 did not proceed.
 - In 2015-16 there were 35 matters, of which 9 were sustained, 4 were partially sustained, 13 were not sustained, 4 were not yet finalised and 5 did not proceed.
 - In 2016-17 there were 16 matters, of which 2 were sustained, 1 was partially sustained, 1 was not sustained, 10 were not yet finalised and 2 did not proceed.¹⁵⁹
- 3.3** As noted in chapter 1, the results from the Public Service Commission's People Matter Employee Survey indicated that the rates of bullying in NSW RFS is 'still fairly high' at 27 per cent, even though there was a decline of around six percentage points between 2012 and 2017. The Public Service Commission highlighted that the rate of bullying by immediate managers or supervisors 'showed a marked increase' for NSW RFS, and that close to half of those subjected to bullying 'took sick leave as a result of the bullying they experienced'.¹⁶⁰

¹⁵⁷ Submission 82, NSW Rural Fire Service, p 3.

¹⁵⁸ Evidence, Mr Shane Fitzsimmons, Commissioner, NSW Rural Fire Service, 18 September 2017, p 28.

¹⁵⁹ Submission 82, NSW Rural Fire Service, Attachment 9, p 1.

¹⁶⁰ Submission 83, Public Service Commission, pp 2 and 13-14.

3.4 Mr Shane Fitzsimmons, the Commissioner of the NSW RFS, stated that although the majority of members act responsibly and in line with these values, where this does not occur the NSW RFS will take action:

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.¹⁶¹

3.5 Mr Fitzsimmons detailed a number of strategies that the NSW RFS has implemented to combat bullying behaviour in the agency, including:

- code of conduct and ethics training for all members
- implementation of the respectful and inclusive workplace online training package and the Public Service Commission's *Respect, Reflect, Reset* initiative
- roll out of an electronic performance management system to regulate performance management and objectives
- continuation of a number of consultative committees to improve communication and consultation between employees and managers.¹⁶²

3.6 The NSW RFS currently conducts the following training, for both paid staff and volunteer members, to raise awareness of the organisational values and expected behaviours:

- online induction programs – outlines the Service Standards and the *Code of Conduct and Ethics*
- Bush Firefighter, Crew Leader, Group Leader and Crew Safety Welfare training courses – contain content relating to discipline, conflict resolution, managing team issues, ethical decision making, leadership responsibilities and interpersonal communication
- *Code of Conduct and Ethics* training – all members are required to attend the training and each year acknowledge and sign the *Service Standard 1.1.7 Code of Conduct and Ethics*¹⁶³
- online training on the new *Service Standard 1.1.42 Respectful and Inclusive Workplace*.¹⁶⁴

3.7 In relation to training for managers, the NSW RFS provides a number of programs to build capability across their leadership team, including annual NSW RFS District Manager forums which provides support to District Managers to enhance their capacity to manage workplace conflict, grievances and misconduct.¹⁶⁵

¹⁶¹ Evidence, Mr Fitzsimmons, 18 September 2017, p 28.

¹⁶² Evidence, Mr Fitzsimmons, 18 September 2017, p 41.

¹⁶³ Submission 82, NSW Rural Fire Service, p 6.

¹⁶⁴ Evidence, Mr Shane Fitzsimmons, 18 September 2017, p 38.

¹⁶⁵ Submission 82, NSW Rural Fire Service, pp 6-7.

Concerns about bullying, harassment and discrimination

3.8 A number of former and current members of the NSW RFS raised concerns about the level of bullying, harassment and discrimination in the agency and the ineffective processes in place to address this. Many wrote to the committee confidentially, and some of the themes and concerns from these submission authors are summarised below.

- Members experiencing constant and repeated acts of bullying and intimidation, sexual misconduct, verbal and physical abuse, exclusion or harassment.
- Members harassed and discriminated against due to their ethnicity, gender and weight.
- Systemic bullying and harassment culture with only ‘lip service’ paid to NSW RFS policies and procedures.
- A culture of paid staff bullying volunteer members to the point of them leaving the agency.
- Fear of retaliation if members speak up against senior management.
- Members who have reported bullying experiencing reprisals.
- Clear conflicts of interest during the investigation of formal complaints.
- Extensive amount of time taken to resolve formal complaints, sometimes over years.
- A culture of cronyism that favours those who are part of the group and harassment of those who are not.
- Members actively persuading and bullying other members to vote a certain way during member elections.

3.9 Some of these themes and concerns were echoed in public submissions received by the committee. For example, the author of submission 73a stated that ‘bullying is entrenched within all levels of the agency’ and highlighted a ‘lack of management support and effective systems to deal with bullying behaviour’.¹⁶⁶ The author of submission 128 similarly commented on the failure of the protocols and procedures in place and indicated that this leads to further victimisation of the complainant.¹⁶⁷

3.10 The author of submission 57 told the committee that throughout the NSW RFS hierarchy there is a culture of ‘condoning bullying’ and ‘punishing victims who stand up for themselves’, with ineffective processes or little to no remedial action to stop bullying occurring.¹⁶⁸ Likewise, the author of submission 73a explained that after being subjected to regular bullying by managers, they did not make a formal report due to the management culture of taking ‘nil or little action’ to address issues or deal with the perpetrators.¹⁶⁹

¹⁶⁶ Supplementary submission 73a, Name suppressed, p 2.

¹⁶⁷ Submission 128, Name suppressed, p 1.

¹⁶⁸ Submission 57, Name suppressed, p 1.

¹⁶⁹ Supplementary submission 73a, Name suppressed, p 1.

3.11 The following comments made by submission authors detail the types of bullying and harassing behaviour members have witnessed or been subjected to in the NSW RFS.

- ‘I have seen what was a vibrant brigade gradually deteriorate with harassment, misinformation and personal attacks resulting in experienced officers being marginalised in the service and brigade’.¹⁷⁰
- ‘Unjustified criticism and complaints’, ‘excluded from activities and isolationist actions’, information and resources being withheld that are essential to performing the role, and ‘false rumours and negative comments’ spread throughout the district.¹⁷¹
- ‘I and other colleges within my section were subject[ed] to harassment, sexual ... harassment, discrimination, age discrimination and blatant lying’.¹⁷²
- ‘Repeated sarcastic or snide remarks and glaring stares’, ‘belittling comments to others, false accusations’ and ‘nasty and abusive verbal assaults’.¹⁷³

3.12 The NSW Rural Fire Service Association and the Volunteer Fire Fighters Association both acknowledged the existence of bullying, harassment and discrimination in the NSW RFS. The NSW Rural Fire Service Association stated that it is ‘aware of claims of bullying, harassment and discrimination’ in the NSW RFS and suggested that ‘attempts to actively discourage workplace bullying do not completely meet the expectations of members’.¹⁷⁴ Likewise, Mr Michael Holton, President, Volunteer Fire Fighters Association, commented on the level of bullying within the NSW RFS and his concerns for members:

Appalling behaviour of bullying, harassment and discrimination has reached catastrophic levels, and I am deeply concerned about the welfare of many volunteer firefighters.¹⁷⁵

3.13 In his evidence to the committee, the Commissioner, Mr Fitzsimmons, acknowledged that the agency has had cases of bullying:

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.¹⁷⁶

¹⁷⁰ Supplementary submission 54a, Name suppressed, p 1.

¹⁷¹ Submission 93, Name suppressed, p 3.

¹⁷² Submission 40, Name suppressed, p 1.

¹⁷³ Submission 131, Name suppressed, p 1.

¹⁷⁴ Submission 74, NSW Rural Fire Service Association, p 2.

¹⁷⁵ Evidence, Mr Michael Holton, President, Volunteer Fire Fighters Association, 18 September 2017, p 2.

¹⁷⁶ Evidence, Mr Fitzsimmons, 18 September 2017, p 43.

- 3.14** In response to questions by the committee relating to the fear of reprisals from members who report bullying, Mr Fitzsimmons emphasised that this should not be occurring:

... [W]hat 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.¹⁷⁷

Elections

- 3.15** One particular area of concern raised by inquiry participants was the conduct of member elections and how this process can create an environment of bullying and harassment.
- 3.16** In the NSW RFS, to become a Field Officer (Captain, Senior Deputy Captain or Deputy Captain) or a Group Officer (Group Captain or Deputy Group Captain), a volunteer member must be elected by fellow brigade members in accordance with the brigade's constitution. The elections for Field Officers and Group Officers are usually held every three years.¹⁷⁸
- 3.17** The author of submission 56 suggested that the election of Brigade and Group Officers 'is left open to manipulation and can be utilised as an avenue for harassment and bullying'. Submission author 56 went on to explain how this can come about:

Election procedures and even candidates can be manipulated by District Managers who have the right of veto and who can also stipulate what format is acceptable, then oversee vote counting without scrutineers sometimes assisted by elected volunteers who were assisted into the position by the same salaried Officers. There have been instances of Election procedures being advised comprehensively in writing then altered mid Election.¹⁷⁹

- 3.18** The following case study details the experience of a member who was subjected to bullying and intimidation during an election process.

Case study: Phillip¹⁸⁰

Phillip held an elected position and was extremely active in both operational and training capacities. He was relied upon by the brigade leadership to take on high levels of responsibility. However, following a personal dispute with another member, the leadership of the brigade took sides and began a campaign of bullying and harassment towards Phillip which lasted several months.

Phillip was excluded from participating in the duties of his elected position. He was denied brigade support in obtaining formal qualifications, and was openly criticised and belittled both in front of other members and to other members when he was not in attendance. The brigade leadership actively campaigned to manipulate the membership vote at a brigade Annual General Meeting to ensure Phillip

¹⁷⁷ Evidence, Mr Fitzsimmons, 18 September 2017, p 42.

¹⁷⁸ NSW Rural Fire Service, *Service Standard 2.1.4 Appointment of Field and Group Officers* (23 June 2015), p 2.

¹⁷⁹ Submission 56, Name suppressed, p 5.

¹⁸⁰ Name has been changed.

was not re-elected to the role he held, openly stating that their reason for doing so was solely because of his personal dispute with one of their friends.

Other members who supported Phillip were ostracised and threatened with sanctions if they did not support the desires of the brigade leadership. When Phillip was successfully re-elected, veiled insinuations and accusations about Phillip began to circulate within the brigade around inappropriate conduct towards junior female brigade members. These insinuations and accusations were made by members of the brigade leadership and their friends. Phillip eventually ceased his involvement with the brigade in order to protect his reputation and avoid an escalation of the false accusations made against him.¹⁸¹

- 3.19** The committee also received several confidential submissions detailing concerns around elections.
- 3.20** The Volunteer Fire Fighters Association indicated that ‘there is an increasing tendency for some staff to actively influence elections and cause removal of senior volunteers from positions’,¹⁸² although Mr Holton noted that such behaviour ‘is not everywhere’.¹⁸³
- 3.21** When asked about how the NSW RFS could prevent disputes arising from elections, Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, suggested a process where elections are run by an external person, such as a councillor, who would be responsible for conducting the election process, including counting the numbers.¹⁸⁴
- 3.22** Similarly, the author of submission 56 suggested that a state-wide format be implemented whereby ‘the calling for nominations, the election itself and the tally of votes’ be managed by an external body without members’ involvement, resulting in improved transparency and accountability.¹⁸⁵

Complaints handling processes

- 3.23** The NSW RFS has a number of Service Standards that govern the way the agency deals with and responds to complaints.¹⁸⁶ These include:
- *Service Standard 1.1.2 Discipline* – sets out the procedure to be followed when disciplinary action is taken against a volunteer member of the NSW RFS¹⁸⁷

¹⁸¹ Submission 128, Name suppressed, p 9.

¹⁸² Submission 92, Volunteer Fire Fighters Association, p 3.

¹⁸³ Evidence, Mr Michael Holton, 18 September 2017, p 10.

¹⁸⁴ Evidence, Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, 18 September 2017, p 12.

¹⁸⁵ Submission 56, Name suppressed, p 5.

¹⁸⁶ Submission 82, NSW Rural Fire Service, p 3.

¹⁸⁷ Submission 82, NSW Rural Fire Service, Attachment 8, p 1.

- *Service Standard 1.1.3 Grievances* – provides comprehensive advice and guidance on the management of grievances in the NSW RFS¹⁸⁸
- *Service Standard 1.1.7 Code of Conduct and Ethics* – specifies the mandatory requirements and best practice conduct expected of all NSW RFS staff and volunteer members¹⁸⁹
- *Service Standard 1.1.42 Respectful and Inclusive Workplace* – defines what is and what is not classified as bullying, discrimination, vilification and sexual harassment, details the responsibilities of members and the support services available, and outlines the procedures for raising and responding to such matters.¹⁹⁰

3.24 *Service Standard 1.1.3 Grievances* also sets out the following process to follow when involved in a grievance:

- stage 1 – member raises grievance, verbally or via writing, with:
 - other member
 - the first level of supervision/management
 - the next level of management
- stage 2 – the grievance receiver takes action to manage and resolve the grievance in accordance with the procedures
- stage 3 – if the grievance is not resolved at stages 1 or 2, the grievance is then referred in writing to the next in charge level of management
- stage 4 – the grievance receiver, who is next in charge, takes action to manage and resolve the grievance in accordance with the procedures
- stage 5 – if either party does not accept the outcome, they can lodge an appeal to the higher level of management within the NSW RFS, including the Commissioner, or an external agency such as the Industrial Relations Commission. Once an appeal is conducted and completed the grievance is finalised.¹⁹¹

3.25 The Professional Standards Unit within the NSW RFS plays a significant role in analysing, reporting and acting upon serious complaints, as well as providing education and training relating to professional standards for staff and volunteer members.¹⁹² It is responsible for investigating serious allegations against staff and volunteers, including:

- serious misconduct or breaches of discipline
- corruption
- public interest disclosures
- potential crimes

¹⁸⁸ Submission 82, NSW Rural Fire Service, Attachment 6, p 1.

¹⁸⁹ Submission 82, NSW Rural Fire Service, Attachment 4, p 1.

¹⁹⁰ Submission 82, NSW Rural Fire Service, Attachment 7, p 2.

¹⁹¹ Submission 82, NSW Rural Fire Service, Attachment 6, p 8.

¹⁹² Submission 82, NSW Rural Fire Service, p 7.

- high risk matters.¹⁹³

- 3.26** In addition, Membership and Strategic Services provides advice and support on matters relating to grievance management, performance management and industrial issues. Line managers are responsible for the management and resolution of less serious conduct issues, including workplace conflicts and misunderstandings.¹⁹⁴
- 3.27** The NSW RFS has also introduced District Disciplinary Panels that can be utilised when a grievance cannot be dealt with through a verbal interaction between members and may require a more serious disciplinary process. District Disciplinary Panels comprise senior volunteer peers in a local area and have the power to impose cautions, reprimands and/or suspensions. Mr Fitzsimmons advised that matters which go beyond these powers are referred off to ensure the panels 'are not exceeding their brief' or putting in place inconsistent measures or punishments.¹⁹⁵
- 3.28** The following sections outline some of the issues that were raised with the committee relating to the complaints handling processes contained in the NSW RFS Service Standards and Procedures, including the practical application of the standards, the rights of members and the support available for victims.

Practical application of the Service Standards

- 3.29** Concerns were raised by numerous inquiry participants in relation to how the Service Standards and related documents are working 'on the ground'.
- 3.30** One concern was around what the author of submission 128 described as the 'clear discrepancy between the intention and the practical application of the RFS Service Standards'. They went on to explain that the standards are 'viewed as unknown territory, too complicated and restrictive for brigade management', and are used as an excuse to victimise and exclude members from brigade activities.¹⁹⁶
- 3.31** Similarly, the author of submission 73a said that 'senior staff only pay lip service to the Code of Conduct' and that the agency's stated values are 'not inculcated by management, nor are they acted upon by management, nor are they demonstrated by management', with members perceiving them as 'meaningless'.¹⁹⁷
- 3.32** Other submission authors argued that there are too many Service Standards to be able to understand and apply them all, with submission author 93 commenting that the number of standards makes it 'impossible for anyone to even be aware that most exist'.¹⁹⁸ Along similar lines, the author of submission 128 reflected on what has occurred within their brigade, with management not adhering to the many Service Standards in place:

¹⁹³ Submission 82, NSW Rural Fire Service, p 7.

¹⁹⁴ Submission 82, NSW Rural Fire Service, p 7.

¹⁹⁵ Evidence, Mr Fitzsimmons, 18 September 2017, p 36.

¹⁹⁶ Submission 128, Name suppressed, p 4.

¹⁹⁷ Supplementary submission 73a, Name suppressed, p 3.

¹⁹⁸ Submission 93, Name suppressed, p 2.

Severe breaches of discipline within our brigade have been excused by our brigade leadership because, in their words, “There are too many service standards. We haven’t read them, and we don’t expect anyone else to.” Breaches of discipline within our brigade carried out by our brigade leadership have been excused by those persons with the words “It’s my job to show someone the door if I deem it necessary”.¹⁹⁹

- 3.33** In terms of the application of Service Standards across the state, Mr Fitzsimmons explained that it is a challenge to create standards that can be consistently applied across such a diverse geographical workforce:

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.²⁰⁰

- 3.34** However, inquiry participants raised concerns that the Service Standards are not suitable for some regional areas. Mr Barry Aitchison and Mr Peter Bottom commented that the Service Standards are ‘written by bureaucrats in Head Office’ and do not suit ‘rural/country people or brigades’.²⁰¹ The author of submission 73a expressed similar views, explaining that policies are developed and ‘strongly’ controlled by a small number of individuals in Headquarters, without consultation and with a limited understanding of the particular circumstances unique to regional areas.²⁰²
- 3.35** A number of submission authors called for a complete review of the Service Standards.²⁰³ In this regard, Mr Fitzsimmons advised that the standards ‘are the subject of ongoing review and adjustment’, and that during these reviews the NSW RFS consults with all staff and volunteer members, who have the opportunity to provide feedback.²⁰⁴

The rights of members

- 3.36** Numerous inquiry participants expressed the view that the complaints management process lacked procedural fairness and justice, with the rights of members not adequately taken into account. The concerns brought to the attention of the committee in this regard included:
- the denial of the right to legal representation during the investigation process²⁰⁵

¹⁹⁹ Submission 128, Name suppressed, p 4.

²⁰⁰ Evidence, Mr Fitzsimmons, 18 September 2017, p 36.

²⁰¹ Submission 98, Mr Barry Aitchison and Mr Peter Bottom, p 1.

²⁰² Supplementary submission 73a, Name suppressed, p 3.

²⁰³ Submission 98, Mr Barry Aitchison and Mr Peter Bottom, p 1; Submission 119, Name suppressed, p 3; Submission 128, Name suppressed, p 14.

²⁰⁴ Evidence, Mr Fitzsimmons, 18 September 2017, p 34.

²⁰⁵ Evidence, Mr Holton, 18 September 2017, p 2; Submission 92, Volunteer Fire Fighters Association, p 4.

- an investigator not being obligated to provide all relevant information to the complainant²⁰⁶
- action not being taken unless a complaint is formally lodged in writing by a member, and a formal written complaint only being accepted on the proviso that a copy of the complaint be provided to the accused person, with no obligation on the agency to provide a copy of the accused person's response²⁰⁷
- if one involved party refuses to participate in mediation the matter goes no further²⁰⁸
- the inclusion of a provision in many of the operating procedures that provides District Managers with the discretion to alter the outcome of an investigation as they see fit²⁰⁹
- lack of direction in the Service Standards on the level of penalty that should be imposed for a breach of discipline, leaving it open to inconsistent application²¹⁰
- no provisions within the standards to provide for action being taken against persons who make false, misleading or vexatious statements during proceedings²¹¹
- the burden of proof resting with the victim making the complaint²¹²
- the process protecting the accused's right to privacy, to the extent that the victim is not informed of the details relating to an outcome²¹³
- members being bound by a confidentiality clause that appears to discourage them from seeking outside advice during investigations²¹⁴
- no appeal mechanism available beyond a determination made by the NSW RFS Commissioner.²¹⁵

3.37 More generally, a number of submission authors stated that the complaints handling process does not follow the principles of natural justice and procedural fairness, and lacks transparency and impartiality.²¹⁶

3.38 In relation to the process in place for determining disciplinary matters, Mr Fitzsimmons told the committee that 'there are extensive safeguards and protections built into the system including the rules of natural justice and procedural fairness', and that 'where there is a failure to meet these requirements the existing appeal system ensures that the decision is set aside and

²⁰⁶ Submission 92, Volunteer Fire Fighters Association, p 4.

²⁰⁷ Submission 131, Name suppressed, pp 2-3.

²⁰⁸ Submission 131, Name suppressed, p 3.

²⁰⁹ Submission 56, Name suppressed, p 4.

²¹⁰ Submission 108, Name suppressed, p 6.

²¹¹ Submission 108, Name suppressed, p 6; Submission 128, Name suppressed, p 6.

²¹² Supplementary submission 166b, Name suppressed, p 3.

²¹³ Submission 128, Name suppressed, pp 5-6.

²¹⁴ Submission 56, Name suppressed, p 4.

²¹⁵ Submission 108, Name suppressed, p 6.

²¹⁶ Evidence, Mr Holton, 18 September 2017, p 2; Submission 56, Name suppressed, p 4; Submission 92, Volunteer Fire Fighters Association, p 4; Submission 93, Name suppressed, p 2; Submission 108, Name suppressed, p 1; Submission 128, Name suppressed, pp 5-6.

the matter addressed properly'.²¹⁷ Mr Fitzsimmons also outlined the existing appeal mechanism available:

Under the *Rural Fires Regulation 2013*, a volunteer member who has been found guilty of a breach of discipline may appeal to the Commissioner against the findings of the disciplinary panel (or discipline delegate) and/or any penalty that the disciplinary panel (or discipline delegate) imposes or recommends. The Commissioner receives a significant number of appeals.

The Commissioner, or delegate must conduct the appeal in accordance with the rules of natural justice. The Commissioner or delegate can either confirm the decision being appealed, or substitute the decision with his or her own decision. This mechanism allows for an appropriate degree of oversight and accountability of volunteer made decisions in the disciplinary process. 117 decisions have been made on appeal since 18 September 2014 ... Of these, 44 involved appeals from disciplinary decisions and 73 from decisions made in relation to applications to join the NSW RFS.²¹⁸

Timeliness of complaints resolution

- 3.39** Another concern raised with the committee was the length of time it takes the NSW RFS to resolve bullying, harassment and discrimination matters, with many inquiry participants calling for improvements in this area.
- 3.40** For example, the author of submission 108 advised that 'the time taken to resolve a disciplinary matter, including assessment, hearing and final proceedings are often unacceptable'.²¹⁹ The author of submission 128 explained that such delays allow for the escalation of bullying behaviour and avoidable damage to the victim and their support network.²²⁰
- 3.41** Mr Ken Middleton, President, NSW Rural Fire Service Association, commented that the time it takes to resolve grievances could be improved, with delays caused by various factors such as management not prioritising matters, going on leave, or responding to a large fire. Mr Middleton further indicated that members can mistakenly assume that timeframes commence from when they initially raise a matter, when in fact they will commence only once a formal report is made.²²¹
- 3.42** In response to these concerns, Mr Fitzsimmons stated that he is aware of member dissatisfaction regarding the timeframes for investigating and resolving complaints, and acknowledged that this has been a problem in the past, explaining that previous versions of the Service Standards did not specify timeframes. However, he told the committee that following a review the updated standards now include specific timeframes for key decision points, and that 'we will seek to hold to those'.²²²

²¹⁷ Answers to questions on notice, Mr Shane Fitzsimmons, Commissioner, NSW Rural Fire Service, 9 November 2017, p 10.

²¹⁸ Answers to questions on notice, Mr Fitzsimmons, 9 November 2017, pp 9-10.

²¹⁹ Submission 108, Name suppressed, p 1.

²²⁰ Submission 128, Name suppressed, p 7.

²²¹ Evidence, Mr Ken Middleton, President, NSW Rural Fire Service Association, 18 September 2017, p 26

²²² Evidence, Mr Fitzsimmons, 18 September 2018, pp 29 and 39.

3.43 In an effort to improve the timeliness of complaints resolution, inquiry participants made the following suggestions:

- a review of the current timeframes with the aim of reducing these²²³
- appropriate communication channels implemented to ensure members are kept up to date on the progress of an investigation²²⁴
- members notified when milestones are not being met and an investigation is delayed²²⁵
- sufficient resources provided to ensure that all investigations are concluded within the set timeframes, unless there are complicating factors.²²⁶

Lack of support during the complaint process

3.44 Another issue raised by inquiry participants was the lack of support for victims during the complaints grievance process.

3.45 The author of submission 108 commented that the management of disciplinary matters in the NSW RFS was ‘unfair and flawed’ due to members involved in the process having to take ‘time from their family, work and life ... without compensation’.²²⁷ Submission author 166b expressed similar concerns, recommending that members who are the subject of bullying and harassment and who are unable to return to the workplace until the investigation is completed be provided with financial support.²²⁸

3.46 Other inquiry participants called for perpetrators of bullying and harassment to be stood down immediately whilst investigations are ongoing to protect the victim from further harmful behaviour.²²⁹ The author of submission 128 advised that *Service Standard 1.1.21 Stand Down/Removal from Membership and Notification of Criminal Charges and Convictions* allows ‘for a member to be stood down pending the outcome of an investigation’, however indicated that this rarely occurs in practice.²³⁰

3.47 In terms of legal assistance, Mr Holton stated that the NSW RFS declines requests for legal assistance which makes it unfair for members during an investigation:

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.²³¹

²²³ Submission 128, Name suppressed, p 14.

²²⁴ Submission 92, Volunteer Fire Fighters Association, pp 4-5; see also [Evidence, Mr Middleton, 18 September 2017, p 26].

²²⁵ Submission 92, Volunteer Fire Fighters Association, pp 4-5.

²²⁶ Submission 92, Volunteer Fire Fighters Association, p 5.

²²⁷ Submission 108, Name suppressed, p 1.

²²⁸ Supplementary submission 166b, Name suppressed, p 3.

²²⁹ Submission 119, Name suppressed, p 3; Submission 128, Name suppressed, p 6.

²³⁰ Submission 128, Name suppressed, p 6.

²³¹ Evidence, Mr Holton, 18 September 2017, p 2.

- 3.48** When asked to respond to this evidence, Mr Fitzsimmons clarified that ‘there is absolutely no restriction on members being represented or assisted by lawyers in investigations into disciplinary processes’. Mr Fitzsimmons further explained that it is ‘very rare’ that an application for legal assistance would be refused, and stated that in the last seven years five applications for legal assistance for activity-related matters have been received, all of which ‘were supported in respect of ex gratia assistance’.²³²
- 3.49** However, in response to this evidence, Mr Holton indicated that the Volunteer Fire Fighters Association was aware of many cases where either ‘ex gratia assistance has not been made available, or the conditions of the assistance were such that they exposed the volunteer to additional risk’.²³³

Mental health supports

- 3.50** The NSW RFS informed the committee that it has a number of mental health related support services in place to assist volunteer members and staff, including:
- Critical Incident Support Services – provides critical incident support and other mental health support to members and their families
 - Member Assistance Program – a free and confidential service that ‘provides information and advice about mental health related issues, including referrals to external services that provide support and assistance’
 - Employee Assistance Program – as discussed in chapter 2
 - Chaplaincy and Family Support Network – a team of 24 chaplains and 12 family support chaplains who provide support to volunteer members, staff and their families in their local communities.²³⁴
- 3.51** Mr Fitzsimmons told the committee that the NSW RFS has a very good support system in place, which has normalised seeking help within the agency:

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 decade 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.²³⁵

- 3.52** A number of inquiry participants commended the support services provided by the NSW RFS. Mr Williams and Mr Holton from the Volunteer Fire Fighters Association expressed the view that the agency is doing an ‘excellent’ job in providing support following a critical incident.²³⁶ Women and Firefighting Australasia had a similar view, stating ‘that these programs are well

²³² Evidence, Mr Fitzsimmons, 18 September 2017, pp 29 and 33.

²³³ Supplementary submission 92a, Confidential, p 3 (published by resolution of the committee).

²³⁴ Submission 82, NSW Rural Fire Service, p 10.

²³⁵ Evidence, Mr Fitzsimmons, 18 September 2018, p 28.

²³⁶ Evidence, Mr Williams and Mr Holton, 18 September 2017, p 11.

established and respected across emergency services nationally’, and acknowledged ‘the quality, timeliness and professional nature of these services which, given the impactful and often confronting nature of the work we undertake, are regularly provided to our membership’.²³⁷

3.53 Likewise, the author of submission 122 said that from their experience the agency provides a high level of support for their members:

I have suffered trauma on the fire ground and worked with crews who have suffered trauma greater than mine. My personal experience and my experience as a leader of people who have received support services from the RFS is that they are first class services provided without question at any time and in any location that they are needed.²³⁸

3.54 However, other inquiry participants raised concerns regarding the adequacy of the support services available to members. For example:

- the author of submission 40 expressed the view that ‘there is no mechanism in place for anyone that is subject to this environment’, and that ‘you are left to your thoughts and the only support is from other colleges, which are suffering with you’²³⁹
- submission author 86 commented that when they reached out to the Critical Incident Support Service they experienced ‘no follow up, no trained personnel’ and later learnt that another member’s conversations with the support service were not kept confidential²⁴⁰
- the author of submission 131 had a similar experience, indicating that when they called the Critical Incident Support phone number they were told to expect a call back, which was never received. They followed up and were informed that this system failure would be addressed, however stated that ‘there has been no long term follow-up or contact’ from the service following their mediation meeting.²⁴¹

3.55 In terms of the level of support provided to victims of bullying, harassment and discrimination, a number of submission author’s informed the committee that these services are lacking. For example, the author of submission 128 expressed the view that the service does not take the support for victims of bullying seriously:

Whilst we as a Service take a highly considered and formalised approach to protecting life and property, we do not do so with our members once off the fire ground. Restoring normality is something the Service appears to be singularly poor at when it comes to bullying and harassment, because providing a telephone number or brochure for Critical Incident Support Services is the only consistent action taken by the Service to support victims.²⁴²

²³⁷ Submission 100, Women and Firefighting Australasia, pp 2-3.

²³⁸ Submission 122, Name suppressed, p 1.

²³⁹ Submission 40, Name suppressed, p 2.

²⁴⁰ Submission 86, Name suppressed, p 2.

²⁴¹ Submission 131, Name suppressed, p 2.

²⁴² Submission 128, Name suppressed, p 8.

- 3.56** Further, the author of submission 128 said that the Critical Incident Support Service, however ‘invaluable’, does not ‘extend to protecting victims of bullying and harassment within their brigades’. They explained that for many volunteer members the brigade is their ‘extended family and an important part of our support network’, and that during a grievance process the victims of bullying should not have to isolate themselves from this network ‘to protect themselves from further harm’. Submission author 128 stated that the NSW RFS should recognise that when bullying has taken place ‘the victim is the one who should be supported and encouraged to remain within their brigade if they choose to do so, with the accused perpetrators being the ones to be removed and isolated until the matter is resolved’.²⁴³
- 3.57** Along similar lines, the author of submission 119 told the committee that ‘there is little to no ongoing support for the survivors of this invisible heinous treatment’, referring to the bullying and harassment that exists in the agency, and recommended that ‘ongoing support for survivors and their families regardless of investigative outcomes’ should be made available.²⁴⁴
- 3.58** Offering a different perspective, the author of submission 73a indicated that although support services are available to members for bullying and harassment issues ‘there is a widely held belief that these are not totally independent from RFS management and hence if they are utilised for these purposes by staff, they may suffer adverse consequences for their career’.²⁴⁵

Agency culture

- 3.59** This section discusses the culture of the NSW RFS, and highlights in particular the apparent divide between salaried staff and volunteer members, and the ‘boys club’ mentality within the agency.
- 3.60** Typical comments made by inquiry participants on the divide between salaried staff and volunteer members included:
- ‘a culture of protectionism between RFS salaried staff, that hinges on keeping volunteers uninformed’²⁴⁶
 - ‘the departmental officers believe that they are the authority and volunteers are just followers’²⁴⁷
 - ‘there is unfortunately an “us and them” mentality’²⁴⁸
 - ‘the culture of the RFS has become such that the volunteers are treated by the paid staff as nothing more than the most junior employee ... the views of volunteers are not just unwelcome but routinely ignored’²⁴⁹

²⁴³ Submission 128, Name suppressed, p 15.

²⁴⁴ Submission 119, Name suppressed, p 3.

²⁴⁵ Supplementary submission 73a, Name suppressed, p 3.

²⁴⁶ Submission 32, Name suppressed, p 1.

²⁴⁷ Submission 55, Name suppressed, p 1.

²⁴⁸ Submission 40, Name suppressed, p 3.

²⁴⁹ Submission 93, Name suppressed, p 1.

- ‘volunteers have always felt that the department is isolated to the needs and views of the volunteers’.²⁵⁰

3.61 The authors of submission 86 and 56 both claimed that some salaried staff members have engaged in bullying, harassment and discrimination towards volunteer members,²⁵¹ with submission author 56 adding that ‘these attacks are causing volunteers to walk away from the NSW RFS’ and in some cases impacting on members’ mental health.²⁵²

3.62 The author of submission 93 commented that while they did not believe NSW RFS staff ‘are bad people, or are even aware that their actions are so detrimental to volunteers’, they are ‘simply operating in a culture that has developed over many years’.²⁵³

3.63 Along similar lines, several inquiry participants highlighted the ‘boys club’ mentality within the NSW RFS,²⁵⁴ which they stated causes:

- a continuation of ‘entrenched systematic bullying’²⁵⁵
- protection for members who are part of the ‘boys club’²⁵⁶
- status within the ‘boys club’ respected over knowledge and experience.²⁵⁷

3.64 For example, the author of submission 115 commented on the tendency of managers to accept the status quo:

There is very poor people management and it surprised me how quickly people who are promoted are willing to join the club stay silent and toe the line. We were told by a senior manager if we wanted to get ahead not to be “purple cows” not to complain, not to get noticed, not to be innovative. I would never treat my employees the way we are treated in the RFS.²⁵⁸

3.65 Mr Fitzsimmons acknowledged that the community had traditionally viewed the NSW RFS as a ‘boys club’ and that this was something the agency was actively trying to change:

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.²⁵⁹

²⁵⁰ Submission 55, Name suppressed, p 1.

²⁵¹ Submission 56, Name suppressed, p 1; Submission 86, Name suppressed, p 1.

²⁵² Submission 56, Name suppressed, p 1.

²⁵³ Submission 93, Name suppressed, p 2.

²⁵⁴ Submission 67, Name suppressed, p 2; Supplementary submission 73a, Name suppressed, p 2; Submission 119, Name suppressed, p 3; Submission 128, Name suppressed, pp 1 and 3.

²⁵⁵ Supplementary submission 73a, Name suppressed, p 4.

²⁵⁶ Supplementary submission 73a, Name suppressed, p 2; Submission 119, Name suppressed, p 3; Submission 128, Name suppressed, p 3.

²⁵⁷ Submission 67, Name suppressed, p 2; Supplementary submission 73a, Name suppressed, p 2; Submission 128, Name suppressed, pp 1 and 3.

²⁵⁸ Submission 115, Name suppressed, p 2.

²⁵⁹ Evidence, Mr Fitzsimmons, 18 September 2017, p 45.

- 3.66** Mr Fitzsimmons also observed that if the NSW RFS is ‘going to be an organisation of choice’ it needs to be open, inclusive and reflective of the local community. Mr Fitzsimmons added that ‘fundamentally that starts with our own individual and collective behaviour’ and that this is something the NSW RFS is ‘investing very heavily in’.²⁶⁰

Recruitment issues

- 3.67** The committee heard allegations from a number of submission authors that the NSW RFS’s internal recruitment processes were not ensuring that salaried, and particularly senior management positions are being filled based on merit, and that nepotism is common when promotional opportunities arise.

- 3.68** In relation to the process for filling salaried positions, the author of submission 54a commented ‘that the selection process for paid staff has failed in that it has led to the appointment of people with less than adequate skills for their jobs’.²⁶¹ Submission author 115 expressed similar concerns, stating that senior managers have ‘very little management experience’ and are not provided training on complaints handling, internal processes and the NSW RFS and Public Service Awards. They went on to suggest that this ‘leads to inequitable application of the provisions’ that ‘can be perceived as bullying when sometimes it is just ignorance’.²⁶²

- 3.69** In relation to the selection and training of staff, Mr Fitzsimmons stated that with all new staff ‘we ensure that if we are employing people they align with the training, skills and competence required for the role’, and that the NSW RFS invests heavily in members to obtain the required skills through professional development and participation in training courses.²⁶³

- 3.70** In terms of external recruitment of senior management positions, a number of inquiry participants called for the appointment of a NSW RFS Commissioner from outside of the agency.²⁶⁴ Mr Holton noted that appointing someone external to lead the organisation has been beneficial in other emergency services agencies:

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 & Rescue New South Wales 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.²⁶⁵

- 3.71** In relation to the issue of nepotism, a number of inquiry participants expressed concern that this was a factor within the NSW RFS’s recruitment process. For example, the author of submission 55 said that ‘nepotism is rampant with staff family members and relatives receiving

²⁶⁰ Evidence, Mr Fitzsimmons, 18 September 2017, p 45.

²⁶¹ Supplementary submission 54a, Name suppressed, p 1.

²⁶² Submission 115, Name suppressed, pp 2-3.

²⁶³ Evidence, Mr Fitzsimmons, 18 September 2017, p 38.

²⁶⁴ Evidence, Mr Holton, 18 September 2017, p 2; Submission 56, Name suppressed, p 6; Submission 93, Name suppressed, p 3.

²⁶⁵ Evidence, Mr Holton, 18 September 2017, p 2.

positions'.²⁶⁶ Similarly, submission author 115 told the committee that 'the removal of an outside person in the recruiting process was a BIG mistake' and has led to the appointment of 'favoured internal candidates' or 'mates'.²⁶⁷

3.72 Along similar lines, the author of submission 56 suggested that those who have successfully obtained senior management positions in the NSW RFS have tended to come from particular brigades or local areas:

A check into the background of many senior and not so senior salaried officers employed in the NSW RFS will reveal a high level of similar postcode addresses than that which could be explained away as a coincidence. Many of these people also come from the same or neighbouring brigades, many have allegedly been the instigators of bullying and harassment of volunteers.²⁶⁸

3.73 In relation to this concern, the Volunteer Fire Fighters Association and the author of submission 93 both alleged that numerous staff currently in senior management positions appear to have come from the Warringah/Pittwater/Northern Beaches area.²⁶⁹

3.74 In giving evidence to the inquiry, Mr Holton from the Volunteer Fire Fighters Association provided a document that listed a number of former and current high level staff in the NSW RFS that only come from brigades on the north side of Sydney. Mr Holton stated that he suspected this was the result of 'nepotism' and that it is important the NSW RFS 'moves towards breaking that down'.²⁷⁰

3.75 When asked to respond to this evidence at the hearing, Mr Fitzsimmons called the allegation 'nonsense' and stated that all positions are recruited through 'open, advertised, merit-based selection' processes that are in line with the *Government Sector Employment Act 2013*.²⁷¹

3.76 Mr Fitzsimmons subsequently provided the committee with an analysis of the geographical spread of NSW RFS staff employed since 2011, which found that the Northern Beaches area 'does not have the highest proportion of staff who are also volunteers, nor is the rate significantly different from a number of other districts'. The analysis also indicated 'a correlation between the districts with the highest percentage of volunteers who become employees and proximity to employment opportunities'.²⁷²

²⁶⁶ Submission 55, Name suppressed, p 1.

²⁶⁷ Submission 115, Name suppressed, p 2.

²⁶⁸ Submission 56, Name suppressed, p 6.

²⁶⁹ Submission 92, Volunteer Fire Fighters Association, p 5; Submission 93, Name suppressed, p 3.

²⁷⁰ Evidence, Mr Holton, 18 September 2017, pp 6-7.

²⁷¹ Evidence, Mr Fitzsimmons, 18 September 2017, pp 31-32.

²⁷² Answers to questions on notice, Mr Fitzsimmons, 9 November 2017, p 6.

NSW Rural Fire Service Headquarters

3.77 The NSW RFS Headquarters is currently situated in Lidcombe, a suburb of Western Sydney. However, due to land use planning changes, the current lease will not be extended beyond its scheduled expiry in November 2018.²⁷³ It was announced in December 2016 that the NSW RFS had signed a long-term lease for a new headquarters in Sydney Olympic Park.²⁷⁴

3.78 Mr Fitzsimmons advised the committee that ‘the tender has gone out and the work is now underway’ for the new headquarters.²⁷⁵ A media release issued by the Hon Troy Grant MP, Minister for Emergency Services, in April 2017 confirmed that construction was due to be completed by the end of 2018.²⁷⁶

3.79 In support of the headquarters remaining in Sydney, the NSW RFS advised that the Sydney Olympic Park location was chosen ‘based on organisational and operational requirements’, including:

- its close proximity to other emergency service organisations and government agencies, which is particularly important during periods of high fire danger
- the technological availability, capacity, redundancies (such as power and water supplies and communication systems), and performance, which cannot be achieved in a regional area
- accessibility to government ministers and the media during periods of operational activity.²⁷⁷

3.80 At the hearing, Mr Fitzsimmons further articulated the rationale for why the NSW RFS Headquarters should be located in Western Sydney:

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.²⁷⁸

²⁷³ NSW Rural Fire Service, *Annual Report 2016-17* (4 December 2017), <https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0008/73673/NSW-RFS-Annual-Report-2016-17.pdf>.

²⁷⁴ NSW Rural Fire Service, *NSW Rural Fire Service stays in Western Sydney* (21 December 2016), <<https://www.rfs.nsw.gov.au/news-and-media/ministerial-media-releases/nsw-rural-fire-service-stays-in-western-sydney>>.

²⁷⁵ Evidence, Mr Fitzsimmons, 18 September 2017, p 34.

²⁷⁶ Media release, Hon Troy Grant MP, Minister for Emergency Services, ‘New NSW Rural Fire Service Headquarters underway’, 28 April 2017.

²⁷⁷ Submission 82, NSW Rural Fire Service, pp 15-16.

²⁷⁸ Evidence, Mr Fitzsimmons, 18 September 2017, p 29.

- 3.81** In relation to investment from the NSW RFS in regional areas, Mr Fitzsimmons advised that in the last few years ‘approximately \$130 million’ has been allocated to brigade stations and fire control stations across the state and of that, \$115 million is being distributed to areas outside the Sydney Basin.²⁷⁹ Mr Fitzsimmons added that the agency is implementing a range of decentralised functions across the state, including functions currently on the South and North Coast and the identification of new facilities in Dubbo, Eurobodalla shire, Lithgow region and possibly Tamworth.²⁸⁰
- 3.82** The author of submission 122, who supported the headquarters remaining in the Greater Western Sydney area, stated that this location would enable easy access to major freeways, adding that a move to a regional area ‘would inconvenience more people and would effectively limit access to the headquarters when close collaboration should be the primary objective’.²⁸¹
- 3.83** The NSW Rural Fire Service Association also supported the move to another Sydney location, and indicated that this would ensure the ‘media and government have immediate access to State Operations’ and would facilitate an effective, coordinated approach to major bush firefighting efforts.²⁸²
- 3.84** On the other hand, a number of inquiry participants advocated for the NSW RFS Headquarters to be situated in a regional area, and greatly opposed the planned move to Sydney Olympic Park.²⁸³
- 3.85** The reasons provided by submission authors as to why a move to a regional area would be beneficial included:
- the opportunity to create cultural change in the agency²⁸⁴
 - removal of the city-centric management that is causing the staff and volunteer divide²⁸⁵
 - an increased opportunity for regional members to obtain positions in headquarters and bring with them the knowledge of regional fire issues and a greater influence on the direction of the NSW RFS²⁸⁶

²⁷⁹ Evidence, Mr Fitzsimmons, 18 September 2017, p 33.

²⁸⁰ Evidence, Mr Fitzsimmons, 18 September 2017, p 34.

²⁸¹ Submission 122, Name suppressed, p 2.

²⁸² Submission 74, NSW Rural Fire Service Association, p 11.

²⁸³ Evidence, Mr Holton, 18 September 2017, p 2; Submission 56, Name suppressed, p 6; Submission 67, Name suppressed, p 5; Supplementary submission 73a, Name suppressed, p 4; Submission 90, Mr Brian Williams, pp 1-5; Submission 92, Volunteer Fire Fighters Association, pp 6-8; Submission 98, Mr Barry Aitchison and Mr Peter Bottom, p 1; Submission 108, Name suppressed, p 2; Submission 115, Name suppressed, pp 1-2; Submission 119, Name suppressed, pp 3-4; Submission 157a, Name suppressed, pp 3-4.

²⁸⁴ Submission 67, Name suppressed, p 5; Submission 90, Mr Brian Williams, p 1; Submission 108, Name suppressed, p 2; Submission 115, Name suppressed, p 2; Submission 119, Name suppressed, p 3.

²⁸⁵ Submission 90, Mr Brian Williams, p 5.

²⁸⁶ Supplementary submission 73a, Name suppressed, p 4; Submission 92, Volunteer Fire Fighters Association, pp 6-7.

- the move would be consistent with the government's commitment to decentralise²⁸⁷
- it will position the NSW RFS within its main geographical area of responsibility²⁸⁸
- it will boost development and economic growth across regional areas²⁸⁹
- it will assist in relieving Sydney city congestion and enhance environmental outcomes²⁹⁰
- regional areas can provide location stability, more space, cost-effective property options and easy access to aviation services²⁹¹
- it will put the 'Rural' back into the Rural Fire Service.²⁹²

3.86 Mr Williams, who strongly supported the move to a regional area, argued that it was 'essential' for headquarters to be regionally located to ensure the NSW RFS is fulfilling 'its responsibility of state wide fire management'. Mr Williams added that this move would create the cultural change that is much needed in the agency:

Now is the time to make change. Let's honour the volunteer, the RFS core constituency. Let's acknowledge the invaluable contribution to the protection of their community and their environment. Move the RFS Headquarters to a rural community - eliminate the city centred bureaucratic – volunteer divide. Allow local community based fire practitioners and land managers to mitigate local fire risks. Moving the Headquarters would engender the change the RFS needs to survive.²⁹³

3.87 Similarly, the Volunteer Fire Fighters Association supported the relocation of the NSW RFS Headquarters to a regional area on the basis that it would 'importantly ... see a greater rural influence' and would improve the current 'disconnect' between management and volunteer members.²⁹⁴

3.88 The NSW Farmers' Association, which made a number of representations for the headquarters to be relocated to the Central West of New South Wales, indicated that their members believe a move to a regional area would 'improve the overall operational management of the RFS' and would bring back trust in the agency:

... [F]eedback from our members suggest that following the Wambelong Inquiry and the Sir Ivan Fire, there is considerable mistrust in some sections of the community, which will need to be repaired for the future smooth functioning of the RFS and its local command structure. A move to a regional location would foster a more regionally-

²⁸⁷ Submission 90, Mr Brian Williams, p 1; Submission 92, Volunteer Fire Fighters Association, p 7; Submission 108, Name suppressed, p 2.

²⁸⁸ Submission 90, Mr Brian Williams, p 1.

²⁸⁹ Submission 90, Mr Brian Williams, p 1; Submission 92, Volunteer Fire Fighters Association, p 7; Submission 108, Name suppressed, p 2; Submission 115, Name suppressed, p 2.

²⁹⁰ Submission 90, Mr Brian Williams, p 1; Submission 115, Name suppressed, p 1.

²⁹¹ Submission 90, Mr Brian Williams, p 1; Submission 92, Volunteer Fire Fighters Association, p 7.

²⁹² Evidence, Mr Holton, 18 September 2017, p 2; Submission 90, Mr Brian Williams, p 1; Submission 92, Volunteer Fire Fighters Association, p 8; Submission 108, Name suppressed, p 2.

²⁹³ Submission 90, Mr Brian Williams, p 5.

²⁹⁴ Submission 92, Volunteer Fire Fighters Association, p 6.

focused culture in Headquarters staff, and would also result in a greater ownership of and regard for the organisation among the people of rural New South Wales.²⁹⁵

- 3.89** The Fire Brigade Employees' Union commented that 'most reasonable people would have viewed the forced eviction of RFS headquarters as an opportunity to relocate the Rural Fire Service to where it always should have been – in regional New South Wales'. The Union pointed out that the decision to remain in Sydney was against the government's decentralisation policy and the reasons for staying regarding operational benefits and accessibility to the media were 'questionable'.²⁹⁶
- 3.90** In relation to the rationale put forward for maintaining the headquarters in Sydney, the author of submission 108 claimed that with 'modern communication technology' there should be no barriers for a regional headquarters to still provide 'timely and effective communication with all stakeholders during a bushfire emergency'.²⁹⁷
- 3.91** If a move to a regional area was not feasible, the Fire Brigade Employees' Union expressed the view that co-location of the NSW RFS with Fire & Rescue NSW Head Office in Greenacre would have been 'the next most logical and efficient alternative'. The Union further added that the fact that 'this option was never seriously considered (at least not openly) is a clear reflection of the significant divisions that remain between the state's two fire services'.²⁹⁸
- 3.92** Another suggestion put forward by the author of submission 157a was that the NSW RFS be split into 'urban and rural divisions with separate headquarters', adding that this divide already exists within the NSW RFS:

To begin with I feel as do many others, that RFS Headquarters looks after the brigades closest to it and the further you get from HQ the lower the consideration. To further define this I would go so far as to say that there are two components of the RFS now, urban, within 100km of Sydney or headquarters and rural, everywhere else!²⁹⁹

Committee comment

- 3.93** The committee has heard from a significant number of inquiry participants from within the NSW RFS, both in public and confidential evidence, regarding the extent of bullying, harassment and discrimination in the agency. It is troubling to see that the NSW RFS is still tracking well above the public sector average, and indeed most of the other emergency services agencies, in the People Matter Employee Survey in relation to experienced and witnessed bullying, noting that the survey is only for paid staff and not for the NSW RFS's 73,000 volunteer members.
- 3.94** The committee is disappointed to hear about members being subjected to bullying and harassment during election meetings and about a lack of integrity in the elections process. In order to maintain members' confidence in this process and reduce the risk of bullying, it is

²⁹⁵ Submission 101, NSW Farmers' Association, p 1.

²⁹⁶ Submission 97, Fire Brigade Employees' Union, pp 6-7.

²⁹⁷ Submission 108, Name suppressed, p 2.

²⁹⁸ Submission 97, Fire Brigade Employees' Union, p 7.

²⁹⁹ Supplementary submission 157a, Name suppressed, p 3.

imperative that elections be conducted fairly, impartially and transparently. To this end, we recommend that the NSW RFS implement an independent and impartial process, utilising an external person or organisation, for the election of senior brigade officers.

Recommendation 11

That the NSW Rural Fire Service implement an independent and impartial process, utilising an external person or organisation, for the election of senior brigade officers.

- 3.95** Notwithstanding the policies and structures in place to manage workplace bullying, the repeated complaint heard by this committee was that these policies are not adhered to and that the structures are not delivering. It is apparent that there is a lack of understanding of the Service Standards relating to the management of workplace bullying, and that they are not always being appropriately applied on the ground. This only serves to act as a disincentive for victims to come forward and report such behaviours.
- 3.96** We understand the difficulty the NSW RFS faces in trying to ensure consistency across such a diverse geographical workforce; what works in one brigade may not work in another. We also note that the NSW RFS need to be attuned to the needs of local volunteers when developing or revising its Service Standards. Ultimately, if members are not using the standards on the ground, then it is pointless having them in place.
- 3.97** The committee therefore recommends that ongoing training be provided to all NSW RFS volunteers and staff on the Service Standards pertaining to bullying, harassment and discrimination, and that quick reference guides and factsheets be developed and distributed with links to further information.
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Recommendation 12

That the NSW Rural Fire Service:

- provide training to all volunteers and staff on the Service Standards pertaining to bullying, harassment and discrimination
 - develop quick reference guides and factsheets on these Service Standards that contain links to further information, to be distributed to all volunteers and staff.
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- 3.98** We note the concerns raised by inquiry stakeholders relating to the timeliness of complaints resolution and are pleased to see that the NSW RFS has recently specified timeframes within the Service Standards. It is critical that complaints are managed and resolved in a timely manner and that these timeframes are followed, and we urge the Commissioner to keep a watching brief on the adherence to the timeframes specified in the Service Standards. We also note Recommendation 2 in chapter 2.
- 3.99** On the issue of mental health, the committee received varying evidence around the adequacy of mental health support services available to NSW RFS members. Some individuals reported that the NSW RFS provides excellent support following critical incidents, using well-established services, and we applaud the agency for their work in this area. However, other individuals reported a lack of support outside of what is provided after a critical incident and in particular,
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for victims of bullying and harassment. We encourage the NSW RFS to focus on improving this area of support for its members. We also refer back to our recommendations in chapter 2 regarding the mental health support services across all emergency services agencies, which we believe will also assist the NSW RFS in this space.

- 3.100** We note the issues raised by volunteers regarding a lack of procedural fairness and integrity in the complaints management process. We are hopeful that the establishment of an independent, external complaints management oversight body, as recommended in chapter 2, will go some way to addressing these issues.
- 3.101** The committee also notes that we have received conflicting evidence in relation to requests for legal assistance by NSW RFS volunteers. We do not want members to be disadvantaged during investigations by being denied legal assistance. As we have seen, these processes can take some time and can create financial burden for the victim and their families, many of whom volunteer their time and effort to give back to their communities. The committee therefore recommends that the NSW RFS review the processes and criteria in place for considering requests for legal assistance by volunteers and staff, to ensure that this support is provided in all appropriate cases.

Recommendation 13

That the NSW Rural Fire Service review the processes and criteria in place for considering requests for legal assistance by volunteers and staff, to ensure that this support is provided in all appropriate cases.

- 3.102** Looking at culture, the committee is concerned at what appears to be a long standing divide between salaried staff and volunteer members within the agency. These barriers must be broken down if the organisation is to work well together as a team, which is critically important given the role that our rural firefighters play in protecting the community. We acknowledge that cultural change in any organisation takes time, and urge the NSW RFS to take the issues raised in this report on board in bringing staff and volunteers together.
- 3.103** Finally, in relation to the relocation of the NSW RFS Headquarters the committee believes there are sound and logical arguments for relocating the NSW RFS Headquarters to a regional centre, including reducing the divide between staff and volunteers, and fostering a regionally-focused culture. The committee states clearly that it does not consider either Wollongong or Newcastle as being an appropriate alternative location for the headquarters. The committee recognises there are countervailing arguments relating to operational efficiency, as well as issues relating to media accessibility, however the committee believes modern technology will allow these issues to be overcome.
- 3.104** We do however note that the effectiveness and safe operation of the headquarters must be the primary concern in any decision to relocate. This is critical state infrastructure and it is not an exaggeration to say that lives depend on its effective operation during the bushfire season. We therefore recommend that the NSW Government and the NSW RFS review the undoubted benefits of relocating the NSW RFS Headquarters to a regional city, while ensuring that any such relocation meets the essential operating requirements of the headquarters.

Recommendation 14

That the NSW Government and the NSW Rural Fire Service review the undoubted benefits of relocating the NSW Rural Fire Service Headquarters to a regional city, while ensuring that any such relocation prioritises the effectiveness and safe operation of the headquarters.
