

Victims of New South Wales Rural Fire Service Volunteer and Staff Impact Summaries

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Failed

RFS Report Card

credit ABC



Volunteers Guilty Regardless of Being Proven Innocent

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About the Author: -

During the 2019-2020 fire season, Mr Condren deployed to Holbrook NSW twice and Canberra ACT once to help his fellow volunteers. While on deployment to Holbrook NSW in early January 2020, Mr Condren was nearly killed in a near rollover of RFS Cat1 Walla Walla 1B. There were a number of other near fatal experiences for him during these deployments.

Jeff Condren joined the New South Wales Rural Fire Service as a volunteer in 2015 after a career in the 3D Printing and manufacturing industry. Mr Condren was an early innovator in 3D Printing, designing and developing many processes that led his company to become an international market leader. During his time with the CSIRO Mr Condren guided a large team of engineering personnel to design and construct many highly technical, advanced scientific experimental equipment, liaising directly with department heads to achieve the scientific goals of the organisation.

He has worked with/ designed for / had as customers / or consulted to many of Australia's largest companies and government departments, including but not limited to- ANSTO, Santos, Australian Federal Police, Queensland Health, CSIRO, Thiess, University of Queensland, James Cook University, RMIT, ADF, Queensland University of Technology, Griffith University, University of New England, University of Sydney, University of Wollongong, University of Canberra, Queensland Museum, Newcrest Mining, Triple Eight Race Engineering, Africa Mercy Ship, Ford Performance Vehicles, Veem Propellers, Australian Maritime College, Australian Institute of Architects, Email Westinghouse

Author and designer of Federal Government Proposal to eliminate communications black spots for Australia's Emergency Services fleet of vehicles. Improving safety and in times of natural disaster, allowing every Emergency Services vehicle the ability to be used as a mobile phone and internet hub.

Mr Condren freely gave input to many product designs and patents. Currently patent application is WO/2019/034980 [High Ratio Latent Energy Device and Methods Thereof] is in PTC. He is the designer.

Jeff is a strong advocate for equality, diversity and anti-discrimination, having seen and experienced this first hand while volunteering for an International NGO Hospital Ship in West Africa in 2019 and consulting in India in 2017 & 2018.

"The mark of a human being is not how small you can make someone feel – but how high you can lift them above your shoulders."

Jeff Condren

Introduction

Of all the workplaces the Author has experienced around the world, the New South Wales Rural Fire Service has the most sickening culture of disregard for the rights of its most valuable resource – its Volunteers. It is clear that the management have forgotten that without the volunteers they would not have a reason to be employed. *The mission statement needs to reflect that the Volunteer is the most valuable resource of the organisation and the staff are employed to assist the volunteers in fire management.* The chasm between what the RFS says it does, compared to what it actually does, is so vast, that one would wonder if it's the same organisation.

The Victim summaries contained in this document are from volunteers and staff who have bravely contacted the author to express their distressing and desperate plights. What is clear in every case is that the New South Wales Rural Fire Service (RFS) knowingly showed an arrogant disregard of its duty of care as an employer. It, the RFS, fosters a culture where reports of Bullying, Harassment, Discrimination and Sexual Misconduct were ignored, suppressed or dismissed. Complaints and grievances are systematically lost and investigations delayed and incompetently mishandled to the point complainants simply give up and leave the service. Retaliation is a common occurrence for victims of the RFS. It is common for a complainant to be the subject of a new counter complaint especially when the original complaint is about a Captain or other senior member of their Brigade.

It is a totally inadequate and unprofessional system that allows a complaint to be handled by those who are friends with the defendant.

The New South Wales Rural Fire Service is arguably the world largest volunteer fire fighting service. For years Volunteers have been fighting a disciplinary and complaints handling system that is biased 100% against the volunteer. Although the RFS has an extensive list of Standard Operating Procedures (SOP) for complaints handling of Bullying, Harassment and Discrimination (BHD) the RFS is negligent in almost every case in its duty of care for the volunteer and in many cases staff.

SOP's

SOP 1.12 Discipline	SOP 1.121 Stand Down and Removal
SOP 1.13 Grievances	SOP 1.124 Assistance in Legal Matters
SOP 1.17 Code of Conduct and Ethics	SOP 1.1.42 Respectful and Inclusive Workplace

It is common for the grievance process to go on for years without any resolution. The effect on the mental health is devastating. Volunteers have shared that as a direct result of the way they have been treated by the RFS they have felt suicidal, needed anti-depressants, have lost jobs because their mental health has prevented them from getting out of bed and relationships have suffered.

Without any doubt this is as a direct result of the appalling workplace culture within the Rural Fire Service.

NSW Ombudsman is unable to investigate workplace grievances.

The NSW RFS conveniently calls everything a "grievance".

The Industrial Relations Commission does not have any investigative powers.

Questions asked of Commissioner Rogers.

By Mail and on the RFS Connect the commissioner was asked the following questions.

Bulling, Harassment and Intimidation by RFS staff.

Dear Commissioner Roger,

I'm follow up to the question I asked on RFS Connect Wednesday 30th September.

"Given the overwhelming volume of concerns expressed by volunteers about bullying, intimidation and mishandling of complaints about paid staff, will the commissioner take the lead and set up an independent advocate solely for the purpose of representing the volunteer? The RFS staff have the public sector union but the volunteers are on their own."

I call on you to again address these issues that rot at the core of the volunteer base. What is abundantly clear from my own experience and after consulting with other volunteers is that certain fractions within the RFS staff have forgotten that their jobs exist solely because there are volunteers not there are volunteers because they have a job.

Commissioner; - if ever there was a prime example of why volunteers are disengaging with the RFS in droves, then look no further than how the RFS management treats the volunteer.

After waiting five months for a response to a complaint against a manager, it took a further complaint to Professional Standards to get a response which; in effect reflected the condescending and narcissistic attitude of the RFS towards the volunteer. The RFS has a whole encyclopedia of SOP that it waves at the volunteer however conveniently disregards it for its own self-serving purposes.

Sir, the pendulum of power has swung firmly in favour of the RFS Staff. I again call on your leadership to right this by the enabling the voice of the volunteer by setting up an independent advocate for the volunteer. Without the volunteer there is no RFS.

On 30th September the Commissioner answered this question in part saying that

*"I don't know about the volume of complaints, I see some but I'm not aware of and I was **Deputy Commissioner for a long time** in this organization having oversight of districts, of the volume but nevertheless they do happen.*

By way of answering the Commissioner confirmed that he would know about a complaint if it was raised because of his position as Deputy Commissioner. As a contradiction of his previous answer, the Commissioner on 18/03/21 in what is seen as an attempt to defend the RFS wrote to volunteers and admitted that:

Each year, on average, we are made aware of 25 complaints of bullying, harassment and discrimination overseen by the Area Commands and/or the Professional Standards Unit. Where matters have been proven disciplinary action has been taken, ranging from reprimand to termination of membership.

This does not include matters that are managed at the local level by brigades and Districts, which emphasises the importance of reviewing our processes to ensure that all complaints of this nature are known and managed appropriately.

The Commissioner was asked on Tuesday 6th April by mail the following question that has yet gone unanswered.

Commissioner Rogers,

Given the serious allegations made of Sexual Assault, Bullying, Harassment and Discrimination within the RFS and the imperative, that volunteers, staff and the general public have total confidence in the past and present conduct of its leadership, what assurance can you give that the record of all senior staff right from the very top down is 100% free of such allegations?

Serious questions need to be asked, and difficult conversations need to be had about why it is that only after the author and the media exposed the sexual assaults that the commissioner has referred the matters to the police?

SOP 1.1.7 Code of Conduct and Ethics v4.1 and Code v1.1

2.4 The NSW RFS Commissioner may also be required by law to report some breaches of the Code of Conduct to one or more of the following external agencies and such conduct may constitute a criminal offence:

- › NSW Police
- › NSW Ombudsman
- › NSW Independent Commission against Corruption (ICAC)
- › Office of the Children's Guardian

The question here needs to be considered is Rob Rogers guilty of misconduct by failing in his duty of care and statutory requirement under legislation by not reporting until exposed?

Commissioner Rogers further goes on to say in correspondence to members on 16/03/2021 that:

However, since becoming Commissioner I am concerned with instances of workplace conduct by both staff and volunteers. In particular the issues of sexual harassment and violence, which have come to me directly.

Here Rogers indicates that prior to becoming commissioner he wasn't concerned because he only became concerned since becoming commissioner. If on 30th September the commissioner states he hasn't seen that many complaints then contradicts himself later and admits that in fact there are on average 25 complaints of a serious matter each year, a logical question is where is the truth?

By admission Commissioner Rogers has stated that if there was a complaint that he would know about it because he was Deputy Commissioner for a long time. In fact, it is true to say that Rogers was former Commissioner Fitzsimons right hand man. *It is difficult to accept that any decision by Fitzsimmons was kept from Rogers and vice versa.*

There have been some very serious and disturbing allegations shared with the author about the conduct and character of those at the top and accountable for the lives of so many volunteers.

It is completely feasible that in order to hold the perpetrators of misconduct within the RFS accountable, a Royal Commission into Misconduct, Sexual Assault, Bullying, Harassment, Intimidation and Discrimination is warranted.

Volunteers Defending Themselves.

Everybody would agree that the RFS is on a good thing. A massive, motivated volunteer base who give thousands of hours in the defence of their communities without any monetary remuneration.

The national minimal wage for a 20-year-old casual is around \$24.80 per hour. A conservative figure of 100 000 volunteer hours equated to nearly \$2.5M of unpaid labour that volunteers supply. Recently the author asked the RFS to supply an estimate of the hours volunteers committed for the past 3 years. The RFS declined to supply that figure.

Increasingly volunteers are needing the assistance and advice from legal professionals in order to defend themselves against the actions involving the RFS. When you look at the case of the volunteer that was slugged with a **\$105 000 legal bill** in order to clear his name from charges brought upon by the RFS, it seems disproportionally viscous. SOP 1.1.24 has provision for ex gratis assistance that was only partially given by Former Commissioner Fitzsimons to a clearly innocent man. Why?

The reality for a Volunteer of the New South Wales Rural Fire Service is that there is no statutory support mechanism similar to that of the public sector employee. There is no union to turn to as no union wants to support volunteers. The NSW Ombudsman cannot intervene on behalf of a volunteer in a workplace grievance. The Rural Fire Service Association will not provide any financial assistance in legal matters. There is no advocacy to offer free assistance for the volunteer. For a volunteer you're on your own.

The volunteer is discriminated against on a daily basis by not being afforded the same rights in the workplace as that of the paid counterpart.

A Financial Fund to Support Volunteers.

Increasingly volunteers are required to provide services for free where a paid professional would otherwise need to be employed. The demands for professionalism and accountability of the volunteer are not matched in any way by the support offered to them. It seems an oxymoron that a volunteer gives freely their time to an organisation then has to financially defend themselves against a disproportionally powerful organisation.

A financial fund to pay for legal advice and legal representation to defend the volunteer needs to be legislated. This should not be an ex gratis payment as most volunteers don't have a spare \$100 000 to defend themselves. The above figure of \$2.5M is a yearly starting figure.

The power of the Commissioner's office.

Unlike the public sector employee who has their terms and conditions of employment set out in the Government Sector Employment Act 2013 No 40 and Government Sector Employment (General) Rules 2014, the terms of engagement of a volunteer are set by the Commissioner by the Service Standards. Ultimately the right to a workplace right comes down to the opinion of just one person.

If in the Commissioner's opinion, the volunteer is not entitled to a workplace right, the volunteer does not have that right. A volunteer is a worker under workplace law and should be entitled to the same protection under the law and given the same rights and opportunities under workplace law.

The entitlement of the hierarchy to form an "OPINION" that a volunteer is not a "Fit and Proper Person" needs to be abolished and replaced with a requirement to provide factual evidence to support any discussion. By retribution volunteers have seen "Opinion" used to convict a member as "not a fit and proper person" in order to remove them from brigades and the RFS.

Clayton UTZ Law Firm



<https://lsj.com.au/articles/lunch-with-former-clayton-utz-partner-stuart-clark/> Credit Kate Allman FEB 10, 2020

Within minutes of the announcement by Commissioner Rogers of the appointment of Law firm Clayton UTZ would undertake an independent review process relating to previous claims of serious conduct matters, my phone started to ring. Pictured here is **Former Clayton Utz partner Stuart Clark**. In an extract from the above article states Mr Clark, a sole practitioner on Sydney's North Shore, spent the best part of his 40-year legal career as a litigator at Clayton Utz. He rose to partnership in 1988 and focused mostly on **defending class actions and large-scale litigation**. Clark joined the RFS in 1973.

The author has been told by 2 independent people that Clayton UTZ has had a longstanding legal representation arrangement with the RFS of which the RFS did not declare when making the announcement of the appointment. There is no suggestion that there is anything improper about the commercial arrangement or the appointment.

The logical question needs to be asked is, if there is a pre-existing legal advice, commercial arrangement between the RFS and Clayton UTZ and Clayton UTZ is engaged to undertake an "independent review" how can the volunteer be sure it is? I'm sure Commissioner Rogers would be willing to define for the volunteers just exactly what the pre-existing representation (if any) Clayton UTZ provided for the RFS. I'm sure a tender document for the appointment is available for this somewhere???

This appointment raises more questions about the internal goings-on of the RFS than it provides reassurances for the volunteers.

External Reporting and Review

On 29 April 2021 Commissioner Rogers announced that Law firm **Clayton UTZ** had been engaged by the RFS "to undertake an independent review process relating to previous claims of serious conduct matters". While this is a step in the right direction, the limitation of up to 3 years to cut off reviews needs to be extended to 5 years. Many cases extend well past 3 years with the RFS. One of the excluding limitations that jumps out as a major concern is:

If the original complaint was about a staff member and was managed under the misconduct provisions of section 69 of the Government Sector Employment (GSE) Act, it is not eligible for review. These are subject to existing review processes under legislative arrangements. A matter is likely to have been managed under the misconduct provisions if: a) the complainant was issued with correspondence that references that the matter was dealt with under the misconduct provisions of the GSE Act; b) a formal investigation was undertaken; and/ or c) the matter was dealt with centrally by the PSU. "Speak up independent review process PDF"

This greatly limits the relevance of the "Review". In many cases the complaint was about a staff member and was made by a volunteer. It has been proven time and time again that the RFS is incapable of investigating itself independently and objectively. The provisions of section 69 of the Government Sector Employment (GSE) mean nothing to the RFS with an arrogant disregard for due process, independence, accountability (in the case of an employee) or natural justice.

Independent reporting.

There has been countless reviews and reports written about the need for reform in emergency services agencies in Australia especially in the area of reporting of abuse. One of the finest and well-defined reports looked at the prevalence of bullying, harassment and discrimination in NSW emergency services including the New South Wales Rural Fire Service.

Portfolio Committee No.4 -

Inquiry into emergency services agencies Chaired by Hon. Robert Borsak, MLC.

The final report can be found here.

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2442/Emergency%20services%20agencies%20-%20Final%20report%20-%2024%20July%202018.pdf>

The government's response can be found here

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2442/Government%20response%20-%20Emergency%20services%20agencies.pdf>

The committee chaired by Hon. Robert Borsak, MLC. Found as their number 1 recommendation

Recommendation 1

That the NSW Government establish an independent, external complaints management oversight body for workplace bullying, harassment and discrimination in the NSW Police Force, NSW Rural Fire Service, Ambulance Service of New South Wales, NSW State Emergency Service and Fire & Rescue NSW, which:

- is available to workers who have exhausted their agency's internal complaints management processes, or whose complaint has not been determined within a reasonable timeframe
- facilitates the timely resolution of complaints
- promotes procedural fairness and natural justice
- provides advice and support to all involved parties
- works with the agencies to improve policies and procedures relating to complaints management.

The report is 100% correct in its identification of the need for an external body however the volunteer requirements have not been addressed adequately.

For the volunteer especially an RFS volunteer an external body needs to be the first point of reference. All complaints minor or major need to be funnelled to this external body. As mentioned, several times previously the RFS is totally incapable of investigating itself openly, independently, without malice or retribution, adhering to fairness or due process and natural justice. Objectively looking at the how the RFS handles complaints internally is akin to watching reruns of Dad's Army.

Report dismissed by Tony Grant.

Under former Police and Emergency Services Minister Tony Grant the fine work and accurate recommendations of the Committee were all but dismissed.

What the Volunteers Need.

- A Royal Commission into Sexual Assault, Bullying, Harassment, Intimidation, Discrimination, Harassment, Misconduct and complaints handling process within the RFS
- All staff be verified that they have not been the subject of misconduct of any kind while employed in the public sector.
- For volunteers paid legal representation and defence that is NOT LEGAL AID and NOT ex gratia payments.
- External advocacy that defends the rights of volunteers
- External reporting and truly independent investigation of complaints.
- External investigation into the conduct of the RFS Professional Standards Unit and Senior Investigators within the RFS
- External investigation into the RFS fatigue management.
- Anti-discrimination and workplace laws reinforced to protect the rights of volunteers not just in the RFS
- Abolition of the brigade practice of "voting" a brigade member into or out of a brigade.
- Abolition of "Opinion" in determining if a member is deemed "A fit and Proper Person"
- **Yearly** mandatory requirements of ranked offices at all levels to undergo **extensive** training in Personnel Management, Brigade Management, Financial Accountability, Equal Opportunity in the Workplace, Anti-discrimination, Health and Safety and Brigade Training.
- Police Checks on all members
- The Government owned RFS Facebook page to require ALL members to display minimum mandatory requirements of, Clear facial Photo, Verified Name, Brigade, Membership Number, and an icon that identifies if the profile is Volunteer or Staff or both. A Code of conduct that is enforced.

RFS Victim Summary 1

Stealing of Brigade funds by Brothers

November/ December 2017 – Submitted allegations to District Manager of Regional and Deputy Captain of Brigade against the Captain and Senior Deputy Captain (Brothers). Allegation of Bullying, Stalking and of stealing money from RFS Brigade funds.

Two others had put in complaints about 4-5 months previous. Needed to be resubmitted as the complaint hadn't progressed. After complaint submitted bullying and stalking massively increased. Captain and Senior Deputy Captain seen watching the house of Victim's partner at 5 am watching his car leave.

January 2016 Captain was heard to make the comments word to the effect of

"we're untouchable" "[District Manager of Regional] our friend. Any complaint he will make sure they're delt with properly" "He's been a family friend for years."

December 2017 Victim was acting treasurer at brigade noticed Captain and Senior Deputy Captain (brothers) writing cheques to each other to the value of in excess of \$15 000. This was brought to the attention Deputy Captain and Regional Inspector and District Manager of Regional.

Victim gave statement to police in July 2018. Police indicated that they knew District Manager of Regional very well and had dealings with him and would go and have a chat with him about what they were going to do.

April 2018 meeting – verbal attack by District Manager of Regional on volunteers Victim, & 3 other complainants. These are the people who reported the fraud over the money.

District Manager of Regional appointed younger brother of Captain and Senior Deputy Captain as new Captain.

May 2018 District Manager of Regional told a brigade meeting that Victim and [another complainant] *should be taken to the town square and hung for what we had done* (for submitting a report about Captain and Senior Deputy Captain). At the meeting was District Manager of Regional, Deputy Captain, and others.

District Manager of Regional lied to brigade members about the outcome and length of suspension of Captain and Senior Deputy Captain. Police investigation handed back to District Manager of Regional around August 2018. Victim was told that District Manager of Regional wants to put a complaint against Victim over email and airing frustration of another 18-month delay.

Heavy drinking sessions at the brigade on Wednesday nights and Captain and Deputy Captain and management team driving home drunk.

Also driving the fire truck while smelling of alcohol

Payslips from RFS (as state Mitigation) have been withheld from Victim.

An attempt by Victims Ex-Partner to apply for an ADVO was rejected by police and this seems to form the basis District Manager of Regional to apply a misconduct charge against Victim.

RFS Judgment

There was no evidence to support misconduct by the victim **but** Victim deemed *"not a fit and proper person"* by "Opinion" and removed from job at state mitigation and from RFS as volunteer.

RFS refusing to adhere to any proper due diligence and accountability. RFS using "opinion" rather than supported evidence in investigations. There is strong evidence to indicate that District Manager

of Regional, Captain, Senior Deputy Captain shared confidential information that endangered the victim and the victim's new partner and her children.

Victim unable to join another brigade because fabricated evidence and "opinion" was used to deem victim 'not a fit and proper person'

There appears to be sharing of confidential information between staff and volunteers.
District Manager of Regional may be guilty of misconduct.

RFS Victims summary 2

Assaults by Brigade Captain

March 2018

Captain, assaulting people, threatening to assault, Bullying, Haphazard operations as Captain, Failure to attend brigade training. Fears of reprisals, Isolated community

2 Confirmed incidences of assault in the brigade and 50% or more threats of violence or bullying towards volunteers. Misconduct of field officer and mismanagement of brigade. Victim fearful of own physical wellbeing and mental health.

Attempts to report or deal with the Captain have been shut down by Group Captains and Zone managers. January, February and March 2018 2 volunteer members were assaulted and or threatened with assault by the Captain. Victims threatened by brigade president not to speak to anyone about the matter as he would deal with it.

Another RFS Volunteer fearful of Captain. Many victims and witnesses of captain's violence. Senior volunteer threatened with a bashing if he didn't shut up. Failure to act by Zone Management. Captain assaulted brigade member in a work dispute. At a separate official RFS function Captain again threatened to bash brigade member. Captain set property on fire. Captain threatened to bash brigade member over a disagreement on accountability and management. Captain allegedly assaulted a member of the public while acting as an RFS field officer.

Captain threatened 80-year-old lady with mental health issues that if she didn't get out of the way he would run over her with the tanker.

Lack of training and accountability on WHS matters.

After 17 months no action on complaint

RFS Judgment

Assistant Commissioner despite overwhelming evidence to the contrary found Captain had no case to answer for.

Victim Summary 3

Guilty regardless of being proven innocent

September 2019

Victim with 12 years RFS experience was a Cat1 Driver on out of area deployment. Victim followed instruction from local land holder to follow a 4wd track that other fire vehicles were using. In the dark with poor visibility victim's truck became stuck when the soft edge of a gully gave way under the weight of the vehicle. No injuries and very little damage to the truck were sustained. Victim as driver received confusing and conflicting instructions as to how to find the way to the site. Victim accepts responsibility for incident.

On returning to Sydney, Captain advised victim verbally that he was no longer permitted to drive an RFS vehicle.

In January 2020 without any progress on action victim made enquiries that concluded that in order to be stood down a Disciplinary Procedure needed to be followed. That procedure had not been followed at all.

After numerous attempts to gain an outcome and receiving no response victim followed the chain of command and contacted RFS HQ at Homebush around mid-April 2020. Victim advised a senior inspector was looking into the matter. Victim lodged a grievance around third week in April. Late May victim was requested to attend a "Fact Finding Meeting" that did not address any of the victims concerns but focused on the incident and on other allegations.

August/ September victim advised verbally, not in writing by captain that he was under investigation and there was to be a disciplinary hearing into his attitude and breaches of discipline and he was to be stood down from all RFS duties. Other volunteers told victim that the accusations were totally unjustified.

RFS Judgment

Through a third party the captain had indicated that the disciplinary action was in retaliation for the victim taking the matter up with Homebush HQ. The victim had followed the correct process however the captain had neglected his duty of care in not actioning the matter in an appropriate time frame.

The RFS has shown neglect for the victim by disregarding its duty of care. The victim had been denied natural justice in having his case heard appropriately and in a timely manner. Allegations appear to be fabricated to support a flawed and unprofessionally run investigation and act as a form of punishment for victim going to Homebush.

The captain may have acted in a manner which could be considered misconduct and may have coerced other volunteers to make misleading allegations against the victim.

Victim has been left feeling hollow and devastated with his self-esteem destroyed as a result of the incompetently investigated incident. The victim is having ongoing support from a psychologist in order to deal with the mental anguish the RFS has inflicted. A seemingly minor incident that was poorly managed by the RFS and the victims captain has disproportionately and unjustly crucified an otherwise respected member of the RFS community with 12 years' experience.

The grievance and disciplinary hearing processes are fundamentally flawed with the **"guilty regardless of being proven innocent"** policy adopted. This has been shown to be true in so many cases. The RFS process for handling complaints is nothing more than a Kangaroo Court.

Victim Summary 4

Bullying, Harassment, Defamation, Stalking

September 2015

Victim 1: - Primary victim. Volunteer 40 years RFS Service, commencing 21/03/1981 as a 14yo Junior. Service in logistics, geospatial engineering, emergency communications and control, community engagement, Junior, training, safety, and disability advocacy. Victim holds high ranking professional qualification in both military and civilian fields

Victim 2: - Secondary victim. Male volunteer, 45 years RFS Service as a Brigade Captain, Crew Leader and Training Officer. Volunteer 1's partner. Self-employed tradesman.

Perpetrator:- Male Volunteer. 5 years RFS Service as a current Deputy Captain. Retired Army WO2.

Start date of RFS harassment - September 2015.

Current Incident: - Bullying, harassment, defamation, incitement of other Brigade members, stalking, targeting of private business, targeting within the workplace and criminal damage and animal cruelty at V1 & 2's home while at RFS events. Incitement of members of the public to abuse V1 on private Social Media. V1 blocked perpetrators wife and reported her abusive behaviour to the President and Captain. Perpetrators wife, a senior NSW Government Manager, also appears to have placed V1 on the NSW Government "Do Not Employ" Register.

Perpetrator's behaviour was carried to the local community and the RFS from Defence, and back to Defence where V1's RFS Service was used as a retrenchment tool. His behaviour as a Member of the RFS has been the primary destructive tool of V2 and a secondary, but equally destructive tool of V1. His behaviour appears to be at the behest of a person who has conducted sustained workplace harassment of V1 in Defence who was Court Martialled for serious misconduct in September 2015. As some of the incidents constitute white supremacist race hate crimes, V1 has requested a transfer for herself and V2 to a safe Brigade.

Victim Impact: - V1 has been physically, emotionally, professionally and financially targeted for 6 years and, at times, has been suicidal. Her health has been severely impacted. V1 is struggling to obtain employment in her professional field due to reputational destruction and is facing homelessness. The placement of V1 on the NSW Government "Do Not Employ" Register has had severe impact on V1's career. There is no reason for V1 to be on this register. V1 is a NSW Justice of the Peace, holds numerous Police Clearances including working with children, and held a Federal Secret (NV2) Clearance for the 9 years in Defence without issue.

V2's business has been severely affected. V1 and V2 remain volunteers only on paper and have effectively been forced out of the RFS by V3. V2's business and health has also been severely affected.

Police Reporting: - The issues were reported to NSW Police in December 2016. The targeting of an engineer with V1's background is automatically a National Security Incident. The lead agency in this incident is normally ASIO, however as she was also a Defence engineer, the matter is being handled by IGADF, ASD, and the AFP.

RFS Reporting: - The issues were reported to NSW Rural Fire Service in March 2021 as part of a dialogue on why V1 did not receive a Premier's Citation for her 53 days of service over Black Summer, and why she does not currently feel safe in the RFS. Prior reporting was viewed as pointless due to repeated failures of the RFS to respond appropriately to incidents.

V1 advised the RFS the matter was out of their control and NSW Police will advise if V3 should be removed from the NSW Rural Fire Service and Police process must be followed. Brigade response has been textbook; however, the Captain has lately taken to bullying V1. The requested Brigade transfer for safety reasons has not been addressed.

Victim Summary 5

Sexual Assault Bullied Harassed Intimidated Threatened

Start Date January 2020

Dual roll individual

Mid October 2020 Sexually Harassed while on RFS training. Reported to Director of Professional Standards (PSU) with acknowledgement and passed to Executive director Membership and Strategic Services.

Not followed up and no contact to the victim.

End October 2020 sexually abused while on RFS training. Reported to chain of command. No contact or duty of care for the victim. Reported to area Commander with no immediate intervention. Mental health very low and anxiety very high.

Early November 2020 **third sexual assault form the same individual**. Reported again but four days passed before RFS coordinator made contact. Clearly by the actions of other crews in avoiding the victim the incidents were not kept confidential and the victim was made to feel interrogated.

The RFS failed in its **fundamental duty of care** of a victim at the most basic level.

The perpetrator was dismissed from the RFS sometime after the 7th January 2021 but the victim was not informed of the outcome so anxiety and mental health compounded.

Running in parallel to the above sexual assaults is the following intimidation and retaliation.

Paperwork from PSU supported a serious breach of confidentiality of personal information.

RFS Senior deputy captain accessing and then passing on personal information about the address location of the victim and the victim's partner to the victim's partner ex-partner. The Ex-partner has a history of false allegations, physical violence, destruction of property and attempting to place false ADVO onto the victim's partner (retracted by police). The victim was fearful for her safety and that of her children.

The matter was reported to PSU and was sent back down the line to the district manager. The senior deputy captain denied any wrongdoing despite evidence to the contrary. Victim met with Director of PSU and District Manager late in December 2020 and was threatened with her job (even though this was a volunteer related matter) because of the "inappropriateness of her actions"

There is clearly a pattern of disclosure of confidential information both by RFS personal and senior volunteers, fabrication of allegations and coercion of persons to make false allegations. Intentional manipulation of investigation to a predetermined outcome not based on factual gathering of evidence or unbiased interviews or independence in any professional manner.

The victim was not voted into their brigade as an ordinary member despite have all necessary qualifications and experience.

In a meeting with the Commissioner and executive director at Homebush HQ the commissioner stated that the RFS **had gone lightly on the victim because of what she had endured**.

Despite being a fulltime employee for more than 6 months the victim has had personal protective equipment withheld. No properly fitting shirts, no correctly sized boots, no cold weather jacket or Hi-vis jacket or pants. These are mandatory personal protective equipment. Others that were employed at the same time have received all the mandatory equipment. Again, it is a clear case of the RFS retaliating against someone who dares to make a complaint.

Victim Summary 6

Sexism, Racism, Homophobia, Vulgar language, Violent threats, Severe Bullying

August 2019

Victim is dual role individual. Victim has witnessed and has been the subject of many instances of sexism, racism, homophobia, vulgar language, violent threats, physical abuse and severe bullying. When victim has reported these instances to RFS staff, on most occasions RFS staff failed in their duty of care to take any action against the misconduct.

RFS Staff may be guilty of misconduct by being the perpetrators of the above abuse and by failing to take appropriate action to correct the behaviour of the perpetrators.

Victim has experienced the “pack mentality of retaliation” in speaking up and reporting instances of sexism, racism, homophobia, vulgar language, violent threats and severe bullying. This may include but is not limited to tasking a person to do all the work, the worst jobs or the majority of the work, not allowing a person to progress, falsely and repeatedly accusing someone of damaging vehicles/equipment, unfairly criticizing a person’s work, making snarky remarks and humiliating or degrading the person in public or behind their back.

Victim has been forced to relocate for personal safety reasons in order not to be the subject of the above abuse. Victim now travels an excessive distance to and from work and is at risk of travel fatigue.

Victim requires ongoing counselling and sees a psychologist in order to prevent further degradation of mental health and wellbeing. Victim reports that there are times that victim can't go to work because mental health and sleep patterns are so poor. Before being exposed to the appalling culture of abuse in the RFS victim had been a mentally sound individual. As a direct result of the workplace culture rampart in the RFS, victim’s mental health and wellbeing is at a lifetime low.

Victim reports “I never go to my volunteer brigade anymore because there are many 'bad people' there too. It's a shame, I just wanted to do something good for our people and our bushland. “

RFS reports that it does not condone the above behaviour but the reality is that the RFS is negligent in its duty of care for its people. Rather than eliminate the appalling actions of persons, the RFS takes the line that if it looks the other way it didn't happen. Sadly, this not an isolated occurrence and seems to be promoted as accepted practice at all levels of the New South Wales Rural Fire Service.

Victim Submission 7

Supplied by Volunteer Fire Fighters Association (VFFA)

Probationary Volunteer

Initial volunteer assistance requested in October 2017 with other alleged complaints. (Probationary)

This issue August 2021 start date?

A probationary volunteer member was on a medical certificate due to an injury caused outside any RFS activities.

This person had transferred from another brigade to a new brigade before the injury occurred and was BF (Bush Fire Fighter) qualified and was nearing completion of AF (Advanced Firefighter).

During the time whilst on medical restrictions this person received no communications from the brigade for meetings or training.

This person could still get around, drive a car and was willing to attend brigade meetings and attend theory training to keep up to date with organisational changes and maintain their competencies.

But no, the brigade ostracised and discriminated against this person for years until the person he had enough and left the RFS.

Left RFS due to the appalling treatment approximately April 2020.

Victim Submission 8

RFS Members Facebook page

The RFS Members Facebook page is a cesspit of vial comments from fake profiles.

The RFS Staff who administrate the page are without doubt negligent in their duties by allowing the perpetuation of abuse and bullying on a GOVERNMENT OWNED SITE. The RFS administration exercise zero duty of care over the content. There is no way of knowing who is a volunteer and who are employees. Some of the profiles are fake. Access should only be granted to those who's profile photo is clearly identifiable, Brigade Name and Membership Number clearly shown and an icon to show if they are employee of volunteer or both.

Below is a typical example of the treatment of posters by the vial trolls on this government owned page. There is a group of profiles who incestuously support each other in perpetuating abuse.

Victim Submission supplied by Volunteer Fire Fighters Association (VFFA)

A volunteer suffering from Autism posted some comments on an RFS social media page.

The comments were of a general nature in regard to firefighting training. This person has the autism symptom of Deficits in language comprehension and has difficulty in spelling their words correctly.

Whilst his post intentions were of introduction and complimenting people for the good work, they were doing in training there was no malice in any of the comments.

One person (RFS volunteer *Perpetrator*) unleashed a personal attack on this person using abusive and inappropriate language on the social media network.

This person was jumped on by other social media members, but he just kept on going. A complaint was lodged to the Commissioner's Office on behalf of the victim and the response received

'was not satisfied to the required standard that Mr. (RFS volunteer *Perpetrator*) comments were directed towards causing that offence. It is on that basis that no further action will be taken by the NSW RFS regarding this matter'.

This was not the first instance this RFS volunteer (*Perpetrator*) used social media to vent their abuse on other people.

Letter sent the NSW RFS Commissioner 9 October 2018.

Victim Submission 9

Facebook chat illegally hacked

Victim Submission supplied by Volunteer Fire Fighters Association (VFFA)

Start Date January 2020.

A small group of people (RFS volunteers) had a private Facebook chat where amongst themselves they discussed everyday activities including RFS discussions of brigade issues and RFS in general.

In their discussions they used everyday language and no malice or any personal attacks on any person was conducted.

From rumour and inuendo their private Facebook chat was **illegally** hacked by some of the brigade executive in an underhand and backdoor action and downloaded many pages (without permission) to try and find evidence of a rumour that did not exist.

At no time, were any of the Facebook chat members approached and asked about the alleged rumour.

When passed up the chain for further investigation no cause could be found to substantiate the now complaint. A caution was put on their RFS service records for inappropriate language. This a clear example where an illegal act sanctioned by RFS has resulted not in the perpetrators of the illegal act punished or referred to the police but the victims having an unsubstantiated caution placed on their otherwise clean service record.

In defence, many pages in the public domain from other Facebook chats that clearly identified RFS volunteers using abusive and inappropriate language were presented as evidence. No action was taken against those members.

RFS Judgment

End Date 6 May 2020. Letter sent stating no evidence could be found of alleged complaint but a caution was placed on their files (6 members).

Victim Submission 10

Intimidation by Staff

22/05/2020 Complaint submitted to Area Commander RFS North Eastern.

Complaint was against New England Zone Manager.

Complaint related to emails and preceding behaviour of New England Zone Manager towards victim.

There was significant supporting evidence presented with the complaint.

Area Commander RFS North Eastern referred the matter to Manager, People & Business Area Command, North East.

Victim spoke with Manager, People & Business on 18 & 19 June 2020. Note almost 1 month delay

Highly detailed verbal and written account given to Manager, People & Business.

Several letters from Victim's solicitor were sent to New England Zone Manager & Area Commander RFS North Eastern requesting action on the complaint. Solicitors' letters were acknowledged but not actioned.

Victim emailed Area Commander & Manager, People & Business requesting updates several times but was ignored and no response.

After waiting for nearly 5 months for a response victim contacted Professional Standards Unit (PSU).

PSU contacted Area Commander & Manager, People & Business and tells victim that a response will be forwarded by end of the week.

Response was received by victim on Friday 18th September and it should be noted that the Manager, People & Business Area immediately went on holidays for 2 weeks.

Official response addressed nothing of the complaint and the issues raised or the neglect in responding to the specific allegations of the lack of response to the victim's lawyer. The response from Manager, People & Business attempted to place all the blame back onto the victim.

Victim wrote to the commissioner and Chief Superintendent was assigned to look into the matter. Chief Superintendent contacted victim and spoke at length. Victim was assured by Chief Superintendent that he would give the matter appropriate attention. After 60 days of no contact victim again contacted PSU about the lack of response. Chief Superintendent claimed victim refused to supply information which is denied. Victim had already supplied all information to Area Commander & Manager, People & Business and referred Chief Superintendent there to obtain information, as victim knew Chief Superintendent would need to consult them in any case.

Victim called out the incompetent manner in which the investigation had been mishandled and received an abrupt email from PSU claiming victim was withholding the required information and that PSU would not communicate with victim again.

Victim wrote to every politician in NSW urging action.

Matter is still not resolved or has there been any attempt to resolve it from the RFS

Victim Submission 11

Volunteer Driver nearly Kills 4

Victim while on deployment nearly killed 4 times by same volunteer driver.

January 2020

22/May/2020 Complaint lodged to Area Commander RFS North Eastern about dangerous driving of volunteer resulting in near death of victim on four occasions.

Victim approached on first day of deployment by driver to join a composite crew. We had never worked together.

Withing 2 hours of the first day of deployment driver ran 13 tonne RFS cat 1 sideways of a track and ended up on about a 45-degree angle. Left hand wheels off the track, right hand wheels on the track. During the incident the vehicle very nearly rolled completely. Victim felt the water in the tank slap the side and experienced the feeling of the right-hand wheels lift off the track and come back to earth. The track was on the side of a hill. It was a very steep incline below the track where there was a dam at the bottom. Victim was in the front passenger side closest to the ground. Victim felt if the truck had rolled, we all would have continued to roll all the way to the dam, about 100 metres below us. Victim yelled to the driver to watch out for the edge of the track and then had to yell again to insist the vehicle be stopped. **Victim felt he was going to die.** The driver was going to attempt to drive the truck back onto the track but it was clear to victim it was impossible and insisted the driver get out of the driver seat and allow the vehicle to be recovered.

Shortly after the vehicle had been recovered, at another location on the fireground, the same driver stopped the vehicle and requested that victim obtain a rakehoe from storage on the right side of the vehicle and do some work with it. No sooner had victim exited the stationary truck and walked in front of it to obtain the rake hoe, the driver popped the clutch and nearly ran victim over. Victim had to jump out of the way of the advancing truck. Again, victim thought he was going to die.

The same driver reversed the truck into a group of deep wombat holes that victim had pointed out before the truck was reversed. As the rear left hand side wheels dropped into the wombat holes the front of the truck buck upwards and ejected victim out of the front passenger seat resulting in victim striking the back of his head against the top of the truck cabin and then on the way down striking the front of his upper chest against the steel console where the radios are mounted. Victim had a sore head, neck, back and chest. Part of victim's helmet strap was also smashed during this incident.

On the final day of the second deployment with the same driver and same truck to the same location victim was gathering some cans of drinks from the refrigerator in the locker on the left side of the truck. All the doors to the truck were open. Victim had just stepped of the left-hand rear wheel rim that he had been standing on to gain access to the refrigerator when without any warning the driver dropped the clutch and just drove off. The locker door smacked the victim in the head on the way past. Half a second earlier victim had his feet on the dual rear wheels. It took about 50 metres for the driver to stop the truck. How many times is this driver going to try to kill him.

Driver is good friends with Zone manager so there was no other option than to report to Area Commander RFS North Eastern along with a complaint about the conduct of Zone manager. Area Commander RFS North Eastern breached confidentiality by referring the matter to the deputy zone manager against victims' express wishes. This was confirmed by deputy zone manager sending victim an email saying that the investigation into the driver would not be handled by deputy, for reasons expressed in victims' email to Area Commander RFS North Eastern.

Despite nearly killing the victim and others several times and driver openly admitting so, no action was taken. **Victim never so much received a thankyou from RFS for preventing the destruction of the truck and preventing another 4 deaths.**

Victim Submission 12

Personal privacy breach

February 2020

Victim receives email from Inspector on 28/03/20 and twice on 13/03/20 and 23/04/20 relating to a training exercise. Email on all 4 occasions email exposes the email addresses of 22 persons who are unknown to victim.

16/03/20 victim receives email containing email address of 12 persons unknown to the victim.

Victim replies to Inspector suggesting a distribution list may be mor appropriate. Inspector acknowledges the error and states inspector is aware of privacy laws.

27/04/20 victim receives email **with approximately 500 email addresses** of persons who the victim does not know.

29/04/20 victim lodges privacy complaint against RFS for breach of personal privacy in recklessly broadcasting email address. Complaint was handled by Legal and Government Information. Victim receives confirmation via email that an investigation is commencing.

27/05/20 Area Commander North East Area disregard privacy and confidentiality and shares confidential information about an unrelated investigation with Inspector

29/07/20 victim receives finding stating the RFS has done nothing wrong (again)

Victim no longer receives any email correspondence other than from RFS Communications.

Victim Submission 13

Refusal to support free internet.

March 28/2020 Victim met with captain at one of the two brigade fire sheds to discuss the victim taking over as captain from the captain as the captain had expressed on numerous occasions that he didn't wish to stand again as captain.

Captain agreed to support the victim in the process to becoming captain of the brigade. Victim requested captain to consult other members who may consider standing for captain and if those members did not wish to stand, then victim would accept the nomination.

04/04/20 Victim was asked to be involved with the \$10 000 grant program from the \$51M raised by Celeste Barber. Current brigade captain and brigade secretary enthusiastically accepted the help.

Victim asks numerous times for guidance from captain and secretary about what they saw as the needs of the brigade without any response or input. Victim on 07/05/20 emails captain and secretary to suggest that the brigade members be invited to make suggestions regarding the grant funds by email. Victim received no feedback as to what the captain or secretary felt the brigade needed other than the captain requested a quote for a new chainsaw as one had gone missing.

Victim didn't feel that the brigade should be made to replace the chainsaw as this was the responsibility of the RFS so asked the captain about what he had done to get it replaced. Victim suggested that at the very least the missing chainsaw should be reported to the police and that there would be some sort of insurance for this. Captain was very defensive and negative about the police report and in the end followed up with a report to fire control. To this day the chainsaw has not been replaced.

Victim has extensive experience in business and leadership. It was clear to the victim that the brigade had suffered from a "s'en fiche" management approach for several years. The victim identified several items and processes that the brigade clearly needed.

Satellite internet connection was a clear need for both brigade fire sheds to enable communications where no communication was possible. No cable NBN and limited mobile coverage for volunteers in the bush. Victim in the course of investigations for the 10K grant made enquiries to a number of satellite internet providers. One provider agreed enthusiastically to provide 2 FREE internet connections for the brigade. There was no cost burden to the brigade. The victim also downloaded and used the freely available brigade template to create a draft request for donation of routers and a printer that would be needed for the proper brigade operation. This was sent to captain for approval and subsequently to RFS Zone manager for approval. It was clearly a draft and approval was sort.

Victim received feedback from captain that the RFS Zone manager was furious that I have even downloaded the freely available brigade template and that he was more furious that I have spoken with an internet provider "without his permission"

Victim was summoned by email to RFS zone manager's office because "he had concerns over my actions" Victim had very negative relationship with RFS zone manager after an incident in December 2019 at New England air base. Victim requested that zone manager put his concerns in writing in order to give victim an opportunity to consult his lawyer. Zone manager never responded to this or letters from victim's lawyer requesting for zone manager to put his concerns in writing.

Victim submitted formal complaint to Area Commander Michelle Cooper on 22/05/20 and advised captain of same. Captain stated "what did you do that for you shouldn't do that." Captain and Zone Manager were very good friends. Even though Captain had previously been ethicistic about assistance with the grants and being relieved of being captain he set about relinquishing that support and denying that he knew anything about what was happening.

Issue not resolved at all. Zone manager retired without proper investigation. Victim denied natural justice. Victim escalated to PSU. PSU gave several excuses as to why the free internet service could not go ahead including that the council owned the building and the installation of a small satellite dish was outside the scope of the service level agreement. PSU also stated that **"NOBODY IN BUSINESS DOES ANYTHING FOR NOTHING"**

Local council was very supporting of the installation giving the victim instructions on the very minimal requirement of council to notify adjacent land holders. The victim is an adjacent land holder.

RFS assistant zone manager contacted the local council by phone and after that phone conversation the local council went from being very assistive to extremely unco-operative, insisting that they would only deal with the RFS zone management from then on.

The brigade Captain who has been purely ornamental in his function for may years refuses to step down as Captain. Brigade meetings (when or if held) are always held at the fire shed closest to the Captains house and to the disadvantage of the members of the other fire shed within the brigade. Its approximately 25 minutes' drive between the 2 fire sheds. The 2 sheds has forced amalgamation several years ago and since then the fire shed at the Captains end has been a financial

There is no free internet connection for the brigade.

Victim Submission 14

RFS Inspector intimidated, harassed and belittled Group Captain

RFS Inspector in front of 8 witnesses intimidated, harassed and belittled for about 8 minutes a Group Captain. The Inspector was reported and numerous phone calls and emails to RFS but nothing done about the incident and covered up.

Letter written to Minister David Elliott but no response and no action against the Inspector. It was revealed that the Inspector has had many instances of the same behaviour which has gone unchecked.

Victim Submission 15

Refusal to support public access defibrillation

January 2020

Victim lives in a small remote rural community. Nearest Ambulance is 40minutes drive. Next closest ambulance and hospital is 55 minutes' drive.

Victim is first aid officer with local brigade and also a volunteer with a volunteer ambulance service.

The community where the victim resides has seen several people die while waiting for ambulance assistance over many years.

Victims local RFS brigade has a defibrillator in the fire truck and first aid kits and the victim is trained to use them.

Victim identified that the community could benefit from a Community first responder and made enquires to Ambulance NSW relating to the same. Victim knew of several RFS brigades which also ran Community first responder programmes and contact those brigades for advice.

Victim also spoke with several times to Ambulance NSW and Ambulance NSW revealed that it was in advanced discussions with RFS about a new scheme called Public Access Defibrillator.

As a courtesy victim emailed RFS Zone manager and Deputy Zone manager advising them that victim was making enquiries about the above should they be contacted by anyone. Victim receives email back from deputy zone manager that in extract states "I really do not believe you will be able to get any traction through RFS Head Office unless it comes through our office." "Victim received an email from deputy zone manager by mistake which appears to be meant for Zone Manager stating *"I thought I spelled it out in the previous email but looks like he will continue to contact people as an individual so probably won't get too far anyway."*

It was clear that the New England Zone manager and deputy zone manager having a previous track record of not supporting the victim in making improvements had no intention in supporting this as well.

NSW Ambulance Volunteer Project Support Coordinator Clinical Operations confirmed on 06/05/20 that a JV have been signed between NSW ambulance and RFS to roll out the public access defibrillator program. Victim emails Zone Manager and Deputy Zone manager after the announcement on the instruction of Ambulance NSW requesting brigade have access to this.

RFS never responded.

This lack of response formed part of a larger complaint against New England Zone manager and deputy manager that RFS has not dealt with.

Victim Case 16

NSW RFS sued for damages after female volunteer groped by deputy captain

By [Bellinda Kontominas](#) ABC

Posted Thursday 18 March 2021 at 10:04am.



The RFS deputy captain was convicted of indecently assaulting the woman.

A volunteer firefighter is suing the NSW Rural Fire Service (RFS), after she was groped by one member of her brigade in the state's Central Tablelands and allegedly crash tackled by another.

Key points:

A deputy captain groped the woman's bottom and grabbed her hips

She injured her knee when a captain allegedly crash-tackled her during a training exercise

The deputy captain was removed from the RFS after being convicted by a court in 2019

It comes after RFS Commissioner Rob Rogers was forced to respond on Tuesday to online allegations of sexual assault, bullying, harassment and physical violence within the service and confirmation by NSW Police that it was investigating two complaints. The ABC has chosen not to identify the woman suing the RFS as she fears retribution in the small, rural town.

She is seeking aggravated and punitive damages over the assaults, which she alleges occurred between October 2015 and October 2017, when she was a member of the local brigade. In a statement of claim filed to the NSW District Court, the woman claims the brigade's then-deputy captain made comments about her body parts, asked questions about her sex life and smacked and grabbed her backside. He also touched her up the back of her leg and pinched the inside of her thighs.

In another incident the married woman claims he grabbed her hips from behind and pulled them in front of him, while laughing.

"Such grabbing of the plaintiff's hips ... was done without [her] consent," the statement of claim alleges.

His actions were "a deliberate, intentional and reckless disregard of the plaintiff's interests".

In a letter to then-RFS Commissioner Shane Fitzsimmons, the woman said by 2017 the deputy captain had begun to display identical behaviour towards another female member who reported it up the chain of command. As part of that investigation, the woman told a senior RFS officer of her experiences with the man.

He was then stood down and the brigade captain was questioned over his deputy's conduct. The woman claims the brigade captain crash-tackled her to the ground during a training exercise the following day, injuring her right knee and back.

The captain allegedly crash-tackled the woman, injuring her knee.

The woman says she had been playing a disgruntled farmer during the training exercise and as part of that role had been throwing water balloons near a fire truck.

She alleges the captain "taunted" her, saying: "Do you know who I am? Do you know what I do? I suggest you run." She turned and ran before the brigade captain "charged" at her, the statement of claim alleges.

"When the plaintiff was crash-tackled by [the captain] he slammed into the left-hand side of the plaintiff's body, grabbing the plaintiff above her legs, with his hands around the plaintiff's waist," it alleges. He then allegedly sat on her back, holding her arms behind her. She required a knee operation as the result of the incident. The woman's lawsuit claims that at all times both men were agents of the RFS and, alternatively that the RFS failed in its duty of care to her.

Commissioner Rob Rogers has referred alleged misconduct to police.*(ABC News)*

She is seeking damages for medical expenses, loss of earnings and future earning capacity due to her inability to be on her feet for too long. While her legal team would not reveal how much money she is seeking, claims in the District Court can reach up to \$750,000.

The incidents involving the deputy captain were reported to NSW Police and in February 2019 the man was convicted of two counts of indecent assault and two counts of stalk/intimidate, intend physical harm against her. He was sentenced to community corrections orders for three of the four offences. A spokesman for the RFS would not comment on the civil matter but said the deputy captain was stood down immediately after being charged and removed from the RFS after being found guilty by the court.

The RFS is yet to submit its defence.

The woman has since joined another RFS brigade.

Victim Case 17

NSW RFS volunteers come forward with more allegations of sexual assault, harassment and bullying

By [Bellinda Kontominas](#) ABC

Posted Saturday 20 March 2021 at 7:58am,



Sam and Alex will never return to the RFS after Alex was ostracized.

They were the heroes of the Black Summer, inspirational figures who protected lives and homes during one of Australia's worst bushfire seasons. But behind the international praise and public goodwill, the NSW Rural Fire Service (RFS) has been rocked by claims a culture of bullying and harassment has developed within its ranks.

RFS Commissioner Rob Rogers was on Tuesday **forced to acknowledge** allegations of sexual and physical assaults, discrimination and sexual harassment, after they were aired on an RFS members' Facebook page. It was revealed two complaints had been referred to NSW Police for investigation and one volunteer is suing the organisation over alleged sexual and physical assaults.

The ABC has been inundated with stories of alleged incidents across the state in which volunteers say they have been indecently assaulted on fire grounds, left off fire trucks, had their tyres slashed and been subjected to verbal harassment after whistle-blowing about inappropriate or fraudulent behaviour.

One female volunteer from the Hunter Area Command told the ABC the RFS's reckoning had been a long time coming.

"The amount of women, including myself, that have been sexually assaulted is shocking," she said.

"But we don't want to come forward and report as we will be bullied by the other male members who like the guy."

She claims she was groped and sexually assaulted on a fire line while in "a vulnerable location".

"I couldn't push him off as he would have fallen down a steep embankment and been very injured — I didn't want to do that to the team," the 17-year veteran said.

"We were all tired and wanted to go home, so I just shut up and gritted my teeth through it."

Commissioner Rob Rogers says sexual misconduct in the RFS won't be tolerated.

The woman said she didn't report the matter as the man was well loved and "no-one would believe me".

"I would become 'that girl' who people wouldn't want to work with.

"We have all heard of ladies coming forward [with a complaint] and then the men in her station refuse to get in a truck with them in case she makes up stories about them too — totally rallying around the man to protect him."

Another volunteer said she had supported a friend who was sexually harassed by an RFS member. But while investigating her complaint the RFS only spoke to the alleged perpetrator, while a senior male colleague told the complainant: *"There are no laws against being creepy."*

Like many volunteers, these women reported frustration in their attempts to navigate what they described as a **"dysfunctional"** complaints process.

It's a familiar story for Alex and Sam (not their real names) who quit the RFS in 2019 after they say Alex was subjected to bullying from their brigade.

"In late 2017, another member approached my wife to ask her whether things were okay at home, and he heavily implied that I was violent to my wife and offered her a place to stay if she wanted to leave me," said Alex.

The couple have been married for 11 years and say their relationship has always been positive, strong and free of violence.

Around the same time, Alex started to feel ostracised by other brigade members.

"Nobody would speak to me at training and I became increasingly fearful of attending call outs with people who apparently hated me so much," Alex said.

"In the field, near misses and accidents happen very quickly, and I felt I couldn't trust anyone to step in if they saw that something dangerous was about to happen to me."

Sam and Alex say their relationship is strong and respectful.

Just over two years later, when it was clear the situation was never going to improve, Alex and Sam both resigned from the RFS and made a complaint to two senior brigade members.

They both were shocked and promised to follow it up, but Alex claims that after months of waiting, they were told by the local Fire Control Centre the matter had been **"TAKEN CARE OF"**.

"No details were forthcoming, and no apology was made for the experience I'd had," Alex said.

"My wife and I will never return to the RFS or support it in any way."

A spokesperson for the RFS said the organisation was unable to comment on specific matters, however it encouraged anyone with a serious complaint to report it to police.

Commissioner Rogers again wrote to members on Thursday, to express his "deep concern" at sexual harassment and discrimination allegations and reinforce his expectations of members.

"In a volunteer-based organisation, where we consistently rally together to protect those who are most in need, it is impossible to understand how any of our members can justify perpetration of such acts let alone engage in this appalling behaviour," he wrote.

"Such behaviour is simply not on and it will not be tolerated.

"It is not acceptable — not now, not ever, nor has it ever been."

On average each year, 25 complaints of bullying harassment and discrimination are dealt with by the RFS's Professional Standards Unit and Area Commands out of a membership of 75,000.

A review is now underway into the RFS's complaints process and is expected to be finalised before the end of the year.

Victim Case 18

'If you want to stay, keep your mouth shut'

Several volunteers the ABC spoke to said they were subjected to bullying and even counter-complaints from other members, after exposing inadequacies or breaches in protocol. A former volunteer of five years in the Central West said she was made to feel "**LIKE A PIECE OF DIRT ON SOMEBODY'S SHOE**" after she was wrongly accused of accessing confidential information on an RFS laptop.



The grandmother says she was "put through the wringer" for making a complaint.

When she was eventually cleared by head office, the woman claims she was excluded by her brigade from fire calls, training and social events. "I was found not guilty but that doesn't stop everybody in town treating me as if I'm a criminal," she said. The grandmother believes the complaint against her was retribution after she made allegations of fraud within her brigade.

She said if she had her time again, she probably wouldn't have made the initial complaint.

"If something happens ... you don't report it, you don't say anything, you don't do anything about it, because if you do you are just put through the wringer," she said.

"If you want to stay in the RFS you keep your mouth shut and your head down because as soon as you speak out and say, 'Hey, look, this is inappropriate,' you've just totally and utterly sunk yourself."

This is the dilemma another volunteer found himself in after he reported the fraudulent use of an RFS fuel card at a brigade in southern NSW. He claims his tyres were slashed and other members refused to let him ride in the truck with them to jobs.

He was ultimately voted out of the brigade by his fellow members, in a process the RFS says is "fundamental" to the Service.

"A brigade's ability to democratically determine its membership is fundamental to the way in which the RFS operates as a volunteer organisation," **former Commissioner Shane Fitzsimmons** wrote to the volunteer in late-2015, to confirm his removal from the brigade. "It is also important to ensure harmony within brigades so that members may function effectively in emergency situations."

Some volunteers are concerned the system encourages cliques to develop within brigades, and for volunteers who dare complain to be removed, without serious issues being investigated.

They fear that by voting for senior brigade members, the process becomes a popularity contest, where the best people for the job aren't always the ones leading the group.

The RFS spokesperson said the Service had "no plans to change processes as outlined within our Brigades Constitution in which our members vote for field positions, brigade executive and their membership".

One former brigade captain in the state's central west who had also been a staff member, said *bullying and harassment was "now a culture" within the RFS.*

He said despite the internal politics, volunteers were still committed to getting the job done.

"Australians being Australian, they'll put anything behind them to help their mates," he said.

"When it all turns to s**t, everyone will get on a truck and go fight a fire, but when they go home, they still hate each other."

Victim Case 19 \$105 000 Legal Bill

RFS volunteer has dangerous driving conviction overturned after two years

Emma Partridge, The Daily Telegraph

POLICE never saw it and no one was hurt, but it still took two years and \$74,000 for a Rural Fire Service volunteer to overturn a conviction for driving dangerously during a hazard reduction burn on Sydney's northern beaches.

A judge quashed Oliver Maruda's dangerous driving conviction and slammed the "problematic" and "imprecise" evidence of two other RFS volunteers who dobbed him in to police simply because they heard a "whoosh" as he drove past them in his car in October 2016.

Mr Maruda, a volunteer of 15 years at Cottage Point RFS, was charged by police five months after the event based on the accounts of Duffys Forest volunteers Rick James and Luke Graham.



Oliver Maruda, an RFS volunteer cleared of a speeding charge, leaves court on Thursday. Picture: Richard Dobson

Mr Maruda, an IT worker and passionate volunteer, was suspended from the RFS and later convicted of the charge after a three-day hearing involving 13 witnesses. He appealed.

NSW District Court Judge Paul Conlon on Wednesday disagreed with the magistrate's finding that Mr James and Mr Graham were "credible witnesses".

“The evidence is very problematic in this case ... the estimate of speed comes about from Mr Graham by virtue of his fact that he opened the door ...(and) he was startled by a car passing about 1m from him,” Judge Conlon said.

During Mr Maruda’s appeal hearing, the court was also told the two RFS volunteers believed Mr Maruda had been speeding because the force of his car passing had caused the door of their ute to slam shut as they were parked on the side of Cottage Point Rd.

Judge Conlon noted the door may have shut due to high winds on the day.

Outside the court, Cottage Point RFS captain Jon Russell said the RFS had abandoned Mr Maruda and offered him no support throughout the court process.

“Oliver is one of the most decent fellows I’ve met in my 38 years and what has been done to him (by the RFS) is the most despicable thing that has ever happened to a volunteer and the RFS completely abandoned him,” Mr Russell said.

The RFS yesterday said Mr Maruda was stood down after being charged in May 2017, but he then sought a review of that decision.

“The matter was reviewed and he was reinstated in July 2017,” an RFS spokesman said.

“The NSW RFS has offered Mr Maruda a number of support services throughout the matter.”

Victim Case 20

Too Old, Too Fat and Too Unfit to join the brigade

My partner and I wanted to do something together, so decided to join NSW RFS in the same brigade in 2017. From day one there was no interest in what our skill sets were and what we could bring to the brigade. It seemed to be a “girls’ club” or a “boys’ club” and if you weren’t “in the club” you were treated differently. My partner was told that if he wanted to complete BF practical, he would have to join another brigade and was given a suggestion as to which brigade, he should apply to. In an initial discussion with one of that brigade’s senior members he was told he was too old, too fat and too unfit to join the brigade, plus lived too far away (15 mins). (We had both seen the physical condition of the current members and that left a lot to be desired. My partner was moving over six tonnes of product by hand every day, so that was an insult by someone who didn’t know him.)

There were times when we were both yelled at by a supervisor, my partner yelled at more than once in front of me and other shift members. This was in the early stages when we were still learning. Supervisors would instruct us differently and we were constantly confused as to which method to use. We raised the issue and were told: "We all do things the same". This was later proved to be an incorrect statement. My partner was "targeted" at a training session where we were the only two to turn up, other than the executive members. My partner was constantly criticised for his spelling and words used, before he could check his work. It was a tag team between two executive members in their "standover tactics".

Our probation was eight months old when my partner tendered his resignation, which was accepted, seemingly on good terms. Being someone used to working outside, it was claustrophobic in the brigade work area and felt to him like he was in a prison.

At a later date it was suggested my partner join another brigade in another district. It took fourteen months to find out his membership had been rejected, after the captain requested he fill in a total of four applications during that time under various pretexts. The captain "ruled by fear" and my partner was singled out with comments like: - "Where's your number. You are useless without your number." Members weren't allowed to do anything without his permission, sitting around wasting time. It was as if you were walking on egg shells waiting for the next outburst. My partner took exception to the way the captain was conducting himself in relation to some safety issues and raised this with him, which wasn't accepted well.

The rejection letter gave no specific reasons as to why his membership was rejected and when we asked for clarification, he was accused of writing a threatening letter and they wouldn't continue any communication. We approached RFS FOI to clarify what is on my partner's file so we can correct some misinformation we believe to be on it. It is now two months and no response.

My partner has been publicly humiliated by senior members of brigades, denigrated and made to feel worthless, just because he wanted to do something with me. It is now at a stage where he will no longer volunteer his services for any organisation. I am still a member and not happy with the treatment of my partner and have told him on many occasions I will resign, but he wants me to continue, because I do enjoy the work and learning curve, despite the treatment we have both received.

What happened to treating people with dignity and respect? Code of Conduct means nothing to some of these members in executive/officer roles.

The whole of this has been poorly handled, and no-one will give a straight answer to why my partner's membership was rejected. It seems there's people in positions of power that take great pleasure in treating people badly. We are volunteers donating our time to our community, so should be treated better.

Sydney Morning Herald

Workplace culture

Police to investigate RFS complaints following social media post

By Peter Hannam and Laura Chung

Updated March 17, 2021 — 12.52pm first published at 9.52am

Police are investigating two complaints from Rural Fire Service members following social media posts urging members to report bullying and sexual harassment allegations.

It comes as Rural Fire Service Commissioner Rob Rogers told staff and volunteers on Tuesday that instances of sexual harassment and violence had been raised with him since he took on the role last year, prompting plans for a “new model” to deal with such claims.

In an unusual statement apparently in response to social media posts, Mr Rogers said that since becoming head of the service, he had been “concerned with instances of workplace conduct by both staff and volunteers”. He said he had written to all staff “about my concerns” on February 11 and is readying “a similar communication to our volunteer members”.



RFS Commissioner Rob Rogers has sent a statement out to volunteers and staff warning them to treat colleagues with respect after a letter circulated to MPs about complaints within the service. CREDIT: JESSICA HROMAS

“It genuinely disturbs me that in 2021 we still have instances where female members of the NSW RFS, being paid or volunteer, are not treated with respect and dignity and in some cases do not feel safe at the RFS,” Mr Rogers said in the statement obtained by the Herald.

“I will have more to say about this issue in coming days.”

The trigger for Mr Rogers’ statement appears to be a post on social media calling on those within the RFS to contact politicians, including Minister for Police and Emergency Services, David Elliott, about their treatment within the volunteer-dominated service.

“This week every NSW Member of Parliament (MP) and the NSW Governor received a letter from me detailing some of the appalling instances of Bullying Harassment and Discriminating (BHD) that have happened to volunteers within the Rural Fire Service of New South Wales (RFS),” the social media post states.

"I have asked every MP to show their support for all volunteers and stand beside you the - volunteer - in stopping this recurring nightmare.

"I could not stand by and listen to female volunteers sharing with me about being assaulted and then demonised for making a complaint. Others needing [sic] police protection and yet other men and women [are] too afraid to speak out publicly," it states.

A RFS spokesperson said the agency had not directly received a list of allegations as posted on social media. Instead, matters have been referred directly to NSW Police.

"The Service is aware that correspondence has been forwarded to NSW Police for further consideration, and will assist in any investigations that relate to its members," the spokesperson said.

"We take these matters seriously to ensure we have a safe, respectful and inclusive workplace.

"We always encourage our members to come forward if they have any allegations of misconduct, and encourage them to report any illegal matters directly to Police for investigation."

A NSW Police spokesperson said the force was aware of two complaints made by members of the RFS and was conducting inquiries.

David Elliott, the Minister for Police and Emergency Services David, noted that "correspondence has been forwarded to NSW Police for further consideration and an investigation is underway".

"The NSW government takes incidents of sexual assault, harassment and bullying seriously," Mr Elliott said. "I support the [RFS] in continuing to build a workplace that is safe and respectful."

In his comments, Mr Rogers said he had been "made aware of some recent social media posts relating to the way some members believe they have been unfairly treated in relation to their brigade role".

"This seems to be covering all sorts of matters including bullying, physical violence, sexual harassment, discrimination and sexual assault," Mr Rogers added.

The RFS chief said that any matter that broke the law "which some of those clearly do, should be reported to the Police. In fact, since these matters have been raised publicly and have come to our attention, they have been referred to NSW Police for their attention and appropriate action."

Mr Rogers said that if people wished to contact their MP it was up to them. "It is a cornerstone of our democratic system."

Australian Associated Press News Wire

NSW RFS complaints referred to police

Hannah Ryan



Published: Wednesday, 17 March 2021 4:02 pm AEDT



RFS volunteers are making accusations of sexual assault and bullying on social media. Credit: AAP

A police investigation is under way and the NSW Rural Fire Service commissioner has promised an overhaul of the complaints process for volunteers, after members said harassment and bullying claims were being swept under the rug.

More than a dozen current and former volunteers sent shocking stories to colleague Jeff Condren over the weekend after he posted in the official RFS volunteers Facebook group.

The claims include harassment of female volunteers, sexual assault, and sustained bullying, all of which the complainants say was not acted on appropriately when they contacted the RFS about it.

Mr Condren, who has volunteered with the service at Kingstown in the New England region for the last five years, told AAP he had been agitating internally about the organisation's complaints process for the past six months.

After he wrote to NSW politicians about the issue, he posted last Friday in the private Facebook group for RFS volunteers asking them to write to politicians about bullying, harassment and discrimination in the RFS. The group has more than 10,000 members.

"Almost immediately I started getting people pouring in, private messaging me and saying, 'I've been sexually assaulted', 'I've been assaulted', 'I've been stripped of my rank', 'I've been intimidated', 'I've been this, I've been that,'" he said.

"You name it, it was there."

After receiving the disclosures, Mr Condren on Monday wrote to politicians again, including Minister for Police and Emergency Services David Elliott, outlining the range of problems that had been raised with him.

"Correspondence has been forwarded to NSW Police for further consideration and an investigation is underway," Mr Elliott told AAP in a statement.

NSW Police confirmed on Wednesday that an investigation has been launched into two complaints made by volunteers.

Commissioner Rob Rogers wrote to volunteers on Tuesday to respond to the concerns.

"Since becoming Commissioner I am concerned with instances of workplace conduct by both staff and volunteers. In particular the issues of sexual harassment and violence, which have come to me directly," he wrote.

"It genuinely disturbs me that in 2021 we still have instances where female members of the NSW RFS, being paid or volunteer, are not treated with respect and dignity and in some cases do not feel safe at the RFS."

The organisation's executive will speed up a review of how it deals with grievances and disputes involving volunteers, Mr Rogers wrote.

"I am determined to ensure a fair and consistent approach to dealing with these serious and complex matters, and to give the membership confidence to raise these issues directly," he said.

Mr Condren said he was sceptical of the organisation's response and that the cultural problems had persisted for years.

An RFS spokesperson told AAP the organisation "has not directly received any list of allegations as posted by individuals on its members' social media group".

"The Service is aware that correspondence has been forwarded to NSW Police for further consideration, and will assist in any investigations that relate to its members."

Mr Elliott said the government "takes incidents of sexual assault, harassment and bullying seriously" and that he supports the RFS "in continuing to build a workplace that is safe and respectful".

Questions asked by the office of Julia Finn regarding Work Health and Safety.

<https://www.parliament.nsw.gov.au/la/papers/pages/qanda-tracking-details.aspx?pk=54808>

Q1. Is a volunteer a worker for the purposes of the Work Health and Safety Act?

A1. Yes, unless there are no paid workers in the organisation.

In some circumstances work health and safety laws apply to volunteers and volunteer associations.

If the volunteer association employs a paid worker, they have work health and safety duties and obligations, including a primary duty of care, to all of the workers and volunteers. In this case, both workers and volunteers have health and safety obligations at work. This includes taking reasonable care of the health and safety of themselves and others.

Q2. Generally, who is determined to be the person conducting a business or undertaking in a Government agency for the purposes of the Work Health and Safety Act?

A2. The Work Health and Safety Act 2011 (WHS Act) states that if notices are to be issued to the Crown, or proceedings are to be commenced against the Crown, the notices may be served on, or proceedings commenced against, the responsible agency. The Act provides some guidance on what constitutes a responsible agency for the purposes of each of these types of action.

A department, an agency, a particular role, or the Crown itself can be regarded as a Person Conducting a Business or Undertaking (PCBU) in relation to a Government worker. In some cases, multiple such parties can be a PCBU in relation to the same worker.

Determining the appropriate PCBU in a particular case requires consideration of the individual facts and circumstances of the matter, in particular, the legislation applicable to the agency, how the agency is structured, where responsibility for employment and work health and safety functions sit, and other factors.

Q3. What duty of care is owed to a volunteer in relation to workplace safety?

A3. Subject to the exemption noted in 1 above for volunteer associations with no paid workers, it is the same as a worker, so the primary duty of care from section 19 of the WHS Act.

Q4. What guidance is given by SafeWork to employers in relation to workplace bullying?

A4. Safe Work Australia (SWA) Guides are Preventing and responding to workplace bullying and Work-related psychological health and safety: A systematic approach to meeting your duties.

SafeWork NSW website provides access to the guidance and information about what is bullying and what SafeWork

Q5. How many complaints of workplace bullying have been received by SafeWork in each of the past three years?

A5.

Year Received	Complaints related to bullying
2018	638
2019	552
2020	686

Q6. What actions should a volunteer take to complain about bullying in a workplace?

A6. Like a worker, a volunteer should use the internal procedures, and any worker in New South Wales can complete the SafeWork NSW online bullying form and submit for triage.

Q7. What actions should a person conducting a business or undertaking take on being informed of a complaint about bullying in the workplace?

A7. The Safe Work Australia (SWA) Guide for Preventing and responding to workplace bullying outlines the recommendations on responding to a bullying complaint and are clarified in the guide.

Q8. On receiving a complaint from a volunteer in relation to bullying in a workplace, what action would generally be taken by SafeWork?

A8. The request would be submitted for triage against the Heads of Workplace Safety Authority, national framework for a common approach to work health and safety regulator event triaging. Triage assesses the potential risk which then guides the type and level of response required to address the risk.

Q9. What actions should a volunteer undertake if they are harmed by the negligent driving of another volunteer in a government agency vehicle?

A9. Like any hazard, it should be reported through internal processes, and any worker can contact SafeWork NSW on 13 10 50. If the harm meets the criteria, it may be a mandatory notification to SafeWork NSW.

Q10. If an incident of harmed caused to a volunteer by the negligent driving of another volunteer in a government agency vehicle is reported to the agency, which agencies are responsible for compliance with the Work Health and Safety Act?

A10. Under the WHS Act, each PCBU has a duty and duties are not transferable.

Reference

The employees including the Commissioner of the RFS are governed and employed by:-

Government Sector Employment Act 2013 No 40

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2013-040>
and

Government Sector Employment (General) Rules 2014

<https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2014-0065>

The RFS is governed by

Rural Fires Act 1997 No 65

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1997-065>

Rural Fires Regulation 2013

<https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2013-0488>

The RFS is established by the Rural Fires Act 1997 and comprises of the following

The commissioner and Staff

Volunteer Rural Fire Fighters

New South Wales Rural Fire Service SOP

SOP 1.1.2-Discipline-v4.0

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0009/8685/1.1.2-Discipline-v4.0.pdf

SOP 1.1.3-Grievances

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0005/8690/1.1.3-Grievances.pdf

SOP 1.1.7 Code of Conduct and Ethics v4.1 and Code v1.1

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0016/8710/1.1.7-Code-of-Conduct-and-Ethics-v4.1-and-Code-v1.1.pdf

SOP 1.1.21-Stand-Down-Removal-from-Membership-and-Notification-of-Criminal-Charges-and-Convictions

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0005/8744/1.1.21-Stand-Down-Removal-from-Membership-and-Notification-of-Criminal-Charges-and-Convictions.pdf

SOP 1.1.24-Assistance-in-Legal-Matters-for-Members-of-the-NSW-RFS-v2.0

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0006/8754/1.1.24-Assistance-in-Legal-Matters-for-Members-of-the-NSW-RFS-v2.0.pdf

SOP 1.1.42-Respectful-and-Inclusive-Workplace

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0017/34244/1.1.42-Respectful-and-Inclusive-Workplace.pdf

The Rural Fires Act 1997 No 65

(3) In this Act—

volunteer rural fire fighters means—

- (a) officers and other members of rural fire brigades, and
- (b) any person other than a member of a rural fire brigade who, without remuneration or reward, voluntarily and without obligation engages in fighting (or in activities associated with fighting) a fire with the consent of or under the authority and supervision of an officer of a rural fire brigade.

11 Ministerial control

The Commissioner is, in the exercise of the Commissioner's functions, subject to the control and direction of the Minister.

12 Functions of Commissioner

- (1) The Commissioner is responsible for managing and controlling the activities of the Service and has such other functions as are conferred or imposed on the Commissioner by or under this or any other Act.
- (2) The Commissioner may determine the various duties that members of the staff of the Service are required to perform and allocate the duties to be carried out by each member of the staff.
- (3) The Commissioner may, when the Commissioner considers it appropriate to do so, conduct an audit of all or any activities of members of the Service to determine whether the members are carrying out the activities effectively and doing so efficiently and in compliance with the Service Standards.
- (4) The ranks of members of the Service are to be determined by the Commissioner.
- (5) The Commissioner (on behalf of the Crown) may make or enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise of the functions of the Service.
- (6) This section is subject to the other provisions of this Act and the regulations.

13 Service Standards

- (1) The Commissioner may from time-to-time issue written policy statements to members of the Service for or with respect to procedures to be followed in connection with the operation, management and control of the Service.
- (2) Without limiting the matters with respect to which statements may be issued under this section, statements may be issued in respect of standard operating procedures, including procedures in respect of the following—
 - (a) fire reporting,
 - (b) operational co-ordination,
 - (c) operational planning,
 - (d) bush fire risk management planning,
 - (e) firefighting assistance planning,

- (f) standards of fire cover reporting,
- (g) implementation of training standards,
- (h) communications,
- (i) brigade management,
- (j) community education,
- (k) protocols on relevant matters,
- (l) health and safety.

(3) The Commissioner is, wherever practicable, to consult with the Advisory Council before issuing policy statements under this section.

Rural Fires Regulation 2013

A volunteer IS NOT referred to at all in a search of the Rural Fires Regulation 2013

5 Membership of rural fire brigades

(1) A person is eligible to be listed on the brigade register if the person—

- (a) complies with the procedures (if any) for attaining membership set out in the constitution for the rural fire brigade, and
- (b) satisfies the requirements (if any) for attaining membership of a rural fire brigade determined by the responsible authority.

Note. Under section 20 of the Act, the persons listed on the register for a rural fire brigade required to be kept under that section are the members of the brigade

(2) However, the responsible authority may refuse to list a person's name on the brigade register if, in the **opinion of the responsible authority**, the person is not a fit and proper person to be a member of the rural fire brigade.

(3) The responsible authority must give notice of any such refusal to the person concerned.

(4) A person's listing on the brigade register is subject to such conditions as may be imposed by the responsible authority.

7 Removal from membership

(1) The responsible authority must remove the name of a person from the brigade register if the person—

- (a) has died, or
- (b) applies in writing to have his or her name removed from the brigade register.

(2) The responsible authority may remove the name of a person from the brigade register if the person—

- (a) is found guilty of a breach of discipline under clause 9, or
- (b) becomes a mentally incapacitated person, or

(c) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or

(d) in the **opinion of the responsible authority**, is no longer a fit and proper person to be a member of the rural fire brigade.

9 Disciplinary action

(1) An officer or member of a rural fire brigade or group of rural fire brigades is guilty of a breach of discipline if the officer or member—

(a) contravenes the Act or a provision of this Regulation, or

(b) is negligent, careless, inefficient or incompetent in the discharge of his or her duties, or

(c) fails to comply with the Service Standards.

(2) An appropriate disciplinary authority may take disciplinary action against an officer or member of a rural fire brigade or group of rural fire brigades if—

(a) an alleged breach of discipline is dealt with in accordance with the procedure set out in the Service Standards and notice has been given in accordance with clause 10(1), and

(b) the officer or member concerned is found to have committed the breach.

(3) The appropriate disciplinary authority may take the following disciplinary action—

(a) reprimand the officer or member,

(b) suspend the officer or member from service with the rural fire brigade or group of rural fire brigades for a specified period,

(c) recommend to the responsible authority that the responsible authority do any one or more of the following—

(i) demote the officer or member,

(ii) disqualify the officer or member from holding rank in the brigade or group,

(iii) remove the officer's or member's name from the brigade register,

(iv) impose conditions on the officer's or member's membership of a rural fire brigade or group of fire brigades.

RFS Standard Operating Procedures (SOP)

The Commissioner's Role

The Commissioner has the responsibility of issuing standard operating procedures (SOP) that guide the members of staff and volunteers on their conduct in the RFS and to a limited extent outside the RFS

SOP 1.1.7 Code of Conduct and Ethics v4.1 and Code v1.1 (1)

1 Our Values

The community of NSW expects the NSW RFS to conduct its business with professionalism, accountability, integrity and respect. The actions, decisions and interactions of NSW RFS members must:

- be consistent with relevant legislation and policy;
- provide transparency to enable public scrutiny; and
- be soundly based on the NSW RFS values and the principles that guide their implementation.

There is no hierarchy among our core values and each is of equal importance.

2 Policy (Extract)

2.1 The Code of Conduct forms part of this Service Standard.

2.2 All members must comply with the Code of Conduct.

2.5 On joining the NSW RFS, all volunteer members are to be provided with a copy of the Code of Conduct and Ethics as part of the induction process.

2.7 The Code of Conduct obliges all members, contractors and consultants to be accountable for their own professional and personal conduct and behaviour and to act in accordance with the NSW RFS values and in the community's interest at all times.

2.8 The Code of Conduct recognises the role of the NSW RFS as a government sector agency in preserving the community's / public's interest and defending public value.

2.9 The NSW RFS Values and standards outlined in the Code of Conduct must be demonstrated and maintained by all NSW RFS members, contractors and consultants at all times; whenever and wherever it is relevant to the work, responsibilities, functions and activities of the NSW RFS.

2.10 NSW RFS members, contractors and consultants should also ensure that their off duty conduct is consistent with these standards to avoid any adverse impact on

2.2 When does the Code of Conduct apply?

The Code of Conduct applies whenever a member is:

- › acting in the capacity of a member;
- › attending or participating in any NSW RFS or NSW RFS sponsored activity, including but not limited to attending incidents, training, or other community relations events;
- › on NSW RFS premises;
- › wearing NSW RFS Uniform, whether on duty or otherwise;
- › attending any NSW RFS sponsored event including social events; or
- › holding him or herself out as a member.

The Code of Conduct applies to:

All members of the NSW Rural Fire Service (NSW RFS), including the Commissioner

Members should also make certain their off-duty conduct is consistent with these standards to avoid any adverse impact on the NSW RFS, or on their employment or volunteer status

2.3 How does it relate to NSW RFS service standards and policies and the law?

The Code of Conduct does not replace the general law or the NSW Public Service Commissioner's Directions. All members of the NSW RFS must also comply with all relevant State and Commonwealth laws and staff members must comply with the NSW Public Service Commissioner's directions.

If a conflict arises between the Code of Conduct and the provisions of any Act, Regulation or Public Service Commissioner's Directions, the latter provisions prevail.

The Code of Conduct provides the overarching principles and standards for how members are to approach the most common ethical issues that may arise as they perform their duties. A number of other service standards, policies and guidelines are also issued by the NSW RFS to set out the specific steps and actions to be taken when managing the ethical issues referred to in the Code of Conduct. Members must therefore ensure they are aware of, and comply with the Code of Conduct and the relevant service standards, policies and procedures.

2.4 What happens if a member breaches the Code of Conduct?

Behaviour contrary to the NSW RFS values and / or the Code of Conduct can bring individual members into disrepute, undermine productive working relationships, hinder service delivery and damage the community/ public trust in the NSW RFS, or the government sector more broadly.

There are a range of consequences for breaching the NSW RFS values and the Code of Conduct depending on the nature and seriousness of the breach and the status of members involved.

A failure to comply with the Code of Conduct may constitute:

- 1 A breach of discipline in the case of a volunteer – see Service Standard 1.1.2 Discipline and Service Standard 1.1.21 Stand Down/Removal from Membership and Notification of Criminal Charges and Convictions;
- 2 Misconduct in the case of a staff member – see the misconduct processes under Section 69 of the Government Sector Employment Act 2013 and Part 8 of the Government Sector Employment Rules 2014.

The NSW RFS Commissioner may also be required by law to report some breaches of the Code of Conduct to one or more of the following external agencies and such conduct may constitute a criminal offence:

- › NSW Police
- › NSW Ombudsman
- › NSW Independent Commission against Corruption (ICAC)
- › Office of the Children's Guardian

The Public Interest Disclosures Act 1994

The Public Interest Disclosures Act 1994 provides certain protections against reprisals for members who voluntarily report such matters, but not where the allegation is made vexatiously or with malicious intent.

Disclosure can likewise be made to a Member of Parliament or to a journalist, subject to the conditions provided under Section 19, Part 2 of the Public Interest Disclosures Act 1994.

4.10 Confidential, private and personal information

All members must ensure that personal and private information that is collected from other members or the public is treated in a confidential manner.

All members must ensure that corporate information created, received, or collected in the course of their duties is treated in a confidential manner.

Volunteers must comply with all service standards relating to the collection, handling and protection of information.

Staff members must comply with all policies and service standards relating to the collection, handling and protection of information.

SOP 1.1.42-Respectful-and-Inclusive-Workplace

1 Purpose

1.1 The NSW Rural Fire Service (NSW RFS) is strongly committed to providing and maintaining a respectful and inclusive workplace, where all members are treated with dignity, courtesy and respect at all times and in all work locations. Bullying, discrimination, vilification and/or sexual harassment have no place in a respectful and inclusive workplace.

1.2 The NSW RFS does not tolerate bullying, discrimination, vilification and/or sexual harassment. These behaviours are contrary to Service Standard 1.1.7 Code of Conduct and Ethics and the NSW RFS Organisational Values, which are:

- › Mutual respect
- › Adaptability and resourcefulness
- › One team, many players one purpose
- › Integrity and trust
- › Support, friendship, camaraderie
- › Community and environment
- › Knowledge and learning

Some of these behaviours are also unlawful and in breach of Federal legislation, and State legislation including the Work Health Safety Act 2011 (NSW) and Anti-discrimination Act 1977 (NSW).

2 Definitions

2.1 For the purpose of this Service Standard the following definitions apply: (EXTRACT)

l. Victimisation: means to subject a person to any detriment because that person raised a matter relating to bullying, discrimination, vilification and/or sexual harassment;

m. Vilification: is defined at clauses 3.26–3.28 of this Service Standard;

n. Work: unless stated otherwise, work refers to an authorised NSW RFS brigade activity and/or authorised work duties

o. Workplace: places occupied by NSW RFS members whilst undertaking authorised activities and may include, but are not limited to:

- Vehicles and tankers;
- Fire ground;
- Trailers, caravans, plant and machinery;
- iv. Fire Control Centres;
- v. Brigade Stations;
- vi. Offices;
- vii. Training Centres/Locations;
- viii. Base Camps;
- ix. Staging Areas;
- x. Canteens;
- xi. Workshops;
- xii. Storage facilities and warehouses;

- xiii. Garages;
- xiv. Toilets and amenities; and
- xv. Any other location where NSW RFS activities/duties occur

3 Policy

3.1 The NSW RFS does not tolerate bullying, discrimination, vilification and/or sexual harassment. All allegations of bullying, discrimination, vilification and/or sexual harassment will be taken seriously, whether raised orally or in writing.

3.2 Every member has a responsibility to act in accordance with Service Standard 1.1.7 Code of Conduct and Ethics and behave in a manner that is consistent with the NSW RFS Organisational Values.

3.6 Supervisory officers are responsible for supporting and maintaining a respectful and inclusive workplace. This includes raising concerns, directly intervening when witness to inappropriate workplace behaviour, and taking all complaints seriously as detailed in SOP 1.1.42-2 Responding to Matters of Bullying, Discrimination, Vilification and Sexual Harassment.

3.9 In certain circumstances the NSW RFS may have a legislative requirement to report matter/s to an external agency and/or regulator

What is sexual harassment in the workplace?

3.30 Sexual harassment is any unwelcome conduct of a sexual nature that is directed at an individual in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be:

- a. offended;
- b. humiliated; or
- c. intimidated.

3.31 Sexual harassment can be an ongoing pattern of behaviour, **or it may be a single act.**

3.32 Sexual harassment can occur in any location where members are undertaking authorised NSW RFS activities. It can also occur outside the physical workplace of the NSW RFS, and outside business hours, including during work related functions such as conferences, training courses and seminars, NSW RFS related social events and trips.

3.33 Sexual harassment can be perpetrated by any individual to any other individual within the NSW RFS, regardless of sex, age or position within the NSW RFS.

3.34 It is important to recognize that sexual harassment can involve behaviours which some individuals may consider 'normal' or 'in good fun', however they may be experienced as distressing or offensive to others.

3.35 Depending on the circumstances, any of the following could be experienced as sexual harassment, and some may also constitute a crime under the Crimes Act and other legislation:

- a. verbal comments and sexual jokes;
- b. offensive phone calls and text messages;
- c. sexual material, comments or jokes sent by email, or put on a website, blog or social networking site;

- d. displaying sexual material, for example on a notice board or as a screensaver on computer;
- e. unwelcome wolf whistling;
- f. staring or leering in a sexual manner;
- g. comments about a person's physical appearance or sexual characteristics;
- h. intrusive questions about a person's sex or private life;
- i. telling an individual or group of people details about your sex or private life, or that of others;
- j. sexual or physical contact, such as slapping, kissing, touching, hugging or massaging (may also constitute a crime under the Crimes Act);
- k. repeated sexual invitations when the person has refused similar invitations before;
- l. initiation ceremonies involving unwelcome sexually related behaviour; or
- m. sexual assault (may also constitute a crime under the Crimes Act).

3.36 Sexual harassment can be perpetrated in person as well as via email, social media (e.g. Facebook, Twitter), phone calls and/or text messages.

3.37 It does not matter if the behaviour was intended as a joke, a compliment or as 'a bit of fun'. By law, if a person engages in conduct of a sexual nature that is directed at an individual in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be humiliated, offended or intimidated, it may be considered sexual harassment.

Criminal Matters

3.52 Any allegation/s of inappropriate workplace behaviour which may involve criminal conduct should be referred by the individual member to the Police. In such cases, the individual member must also report the matter through the chain of command so that appropriate duty of care is considered.

3.53 Any Police investigation or inquiry will take precedence over a NSW RFS action.

3.54 The NSW RFS will be guided by Police in respect of commencing internal action.

3.55 The NSW RFS may take action against any volunteer member subject to criminal allegations in accordance with Service Standard 1.1.21 Stand-down and removal of members and notification of criminal charges (volunteers) or provisions under the GSE Act, GSE Regulations and GSE Rules, and P1.1.6 Reporting and Disclosing Serious Offences (Criminal Charges) and/or Convictions by Staff Members (staff).

End of report