

From volunteers' perspectives, is the division of responsibilities between Councils and the NSW Rural Fire Service under the Rural Fires Act and District Service Agreement appropriate?

Many volunteers and particularly those who have joined the RFS in recent years, would be unaware of the specifics of the arrangements set out within District Service Agreements. We are aware of the significant age of these agreements, and have raised this issue through the NSW RFS Local Government Liaison Committee. We understand that work to finalise updates to the agreement has been put on hold pending the completion of this Committee's current process.

Volunteers' main relationship (outside their fellow volunteers) is with the RFS staff in their District office, and to the extent volunteers need assistance this is where they turn. The main instances in which volunteers are exposed to Council are in relation to issues with upgrades / repairs to their Brigade station, when fire appliances are in a Council workshop for repairs, or when there is an insurance issue affecting Brigade-purchased equipment. But in each instance, volunteers' engagement is most often with a staff member in their District office rather than anyone from Council.

Where volunteers have a strong view about the appropriateness of the division of responsibilities, this most often arises from a local experience where something has gone wrong, and so tends toward a negative view of the Council/RFS arrangements.

How do the funding and administrative arrangements between Councils and the NSW Rural Fire Service impact volunteers' access to appropriate safety equipment, training and facilities? If possible, include examples in your response.

The provision of safety equipment and training is largely unaffected by arrangements between the RFS and Council, however the facilities volunteers have access to vary significantly. There is a dramatically higher standard of facilities in some areas, typically those in and around Greater Sydney, than others. This is a legacy of those Councils having traditionally committed greater funding toward the RFS.

While we acknowledge that in more recent times funding has been shared more evenly across the State, in relation to both station builds and allocation of fleet, these historic discrepancies continue to be felt by volunteers – especially in the State's west. The reality is that more generous station builds over decades, funded by Councils with a greater capacity to pay, will leave a legacy of different standards for volunteers based on geography for a long time to come. The quality of builds varies across the State and with it access to things like appropriate toilet/change room facilities, training rooms, decontamination (clean) areas. These issues continue to impact recruitment of new members.

Many Districts received funding from the NSW RFS and Brigades Donations Fund to build hot fire training facilities following the 2019/2020 fires. These facilities would never have been available in the normal course of Council funding, particularly for those Councils with limited resources.

Similarly, it will take a long time for the allocation of fleet to be more equal, and the legacy of some having more generous Councils continues to be felt by many volunteers. For example, in some areas 'white fleet' command vehicles are available to all Group Captains and Deputy Group Captains, while in others they are only available to Group Captains. This does not seem to reflect a deliberate decision either way on the part of the RFS, but rather the historical availability of those vehicles, which was based on a Council's ability (and willingness) to pay.

Are there any situations where brigades have approached Councils directly for funding, if so can you provide examples?

We are aware of certain instances of Brigades approaching their Councillors or Members of Parliament for assistance, most often in relation to repairs or improvements they have sought to their Brigade station. That said, most of these requests are directed to staff in the RFS District office in the first instance, with subsequent requests to Councils or politicians resulting from dissatisfaction with the response provided by the District.

Brigades are more likely to approach other organisations or agencies for grant funding. For example, Brigades often access equipment through the RFSA's Grant Scheme, the NSW Government's Community Building Partnerships program, federal Volunteer Grants and Stronger Communities Programme grants, and other government and non-government grant schemes.

If the NSW Government were to undertake review of the NSW Rural Fires Act 1997, what sort of changes would volunteers like to see?

The Rural Fires Act should reflect (and guide) the way the RFS actually operates, rather than its historical legacy. The Act in its current form was created to modify a pre-existing system of local government control and management of rural fire services, and bring various aspects of that existing system under State control. Any broad review of the Act should presuppose a State-wide RFS, while accounting for whatever remnant involvement is determined to be appropriate for local government. This would likely require a complete re-write of the Act, rather than merely reviewing existing provisions as they stand.

Any such review must, whatever its other goals, have as its primary objective providing the optimal structure for the delivery of a volunteer-based rural firefighting force for the benefit of the community.

While there are many provisions that we could point to as being ripe for review, these arguably fall well outside the scope of this current inquiry.

Your submission highlights issues around insurance coverage for 'equipment that is purchased by, or gifted to, Brigades directly rather than being supplied by the RFS'. Can you explain who pays the excess for insurance claims on this type of equipment and why they are responsible?

Unfortunately, there is inconsistency across the State. Across Councils there is enormous variation in the excess for insurance claims, as a result of each Council's insurance coverage and financial resources.

Where financial resources are limited, a Council may opt for a much higher excess. In these cases, Brigades effectively self-insure these items, because the Council excess is so much greater than the value of the items.

Instances of Brigade purchased equipment being subject to problematic insurance issues that we are aware of have arisen where the value of the loss has been less than the amount of the excess. In these cases, Brigades have simply been told that their losses are unable to be covered.

Items purchased by Brigades from their own fundraising (or gifted to them) have not been purchased with money from the Rural Fire Fighting Fund, and are arguably therefore not vested in the local Council in the first place.

Where Brigades are effective in adding these types of items to the Brigade Asset Register, they can be covered by the local Council's insurance coverage or replaced through the M&R budget. Concerningly, in many instances items purchased by Brigades are not captured in any RFS or Council asset register.

Where the loss value of items is less than the Council insurance excess, replacement may come from the M&R budget, but in many cases it is funded again by the Brigade.

It would seem, given the narrow expression of the vesting provision at section 119 of the Rural Fires Act, that these items should be taken to be owned by the RFS rather than the local Council. This could create for the RFS an obligation to insure them, but such an obligation sits awkwardly against the fact that the vast majority of similar items, being items that *are* purchased from the Fund, are not owned by or capable of being insured by the RFS. This is not intended as a criticism of the RFS, rather offers a clear illustration of the awkwardness that is sometimes created by the current legislative scheme.