

Disaster Management and Other Legislation Amendment Bill 2024

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**Submission by Anthony Paul Marks to the Community Safety and Legal Affairs
Committee Inquiry into the Disaster Management and Other Legislation Amendment Bill
2024**

My Background as a volunteer

I am a volunteer in the Rural Fire Service Queensland and have been so since 1999. Prior to that, I was a volunteer in the NSW Rural Fire Service in both the Ku-ring-gai and Berowra Brigades. My service in both states has included:

- as a volunteer fire fighter
- as a volunteer fire investigator
- as a remote area fire fighter
- as a volunteer crew leader
- as a volunteer officer
- as an elected RFBAQ representative between 2010 and 2014
- as a volunteer Deputy Chair and Chair of the Samford Brigade, and
- as a (volunteer) fire warden.

I have also served as a senior, full-time officer within the RFSQ.

In my various fire fighter roles, I have served in my Brigade area, in out-of-area deployments within Queensland and into NSW.

I have been awarded both the National Service Medal and the Diligent and Ethical Service Medal, plus other citations

Aside from my volunteer roles, I am an accountant, tax agent and tax lawyer and am currently a Tax Partner in a second-tier accounting firm.

Accordingly, I believe I am amply qualified to make this submission to this Committee.

In terms of references within my submission, I note the following:

- DIMA Bill, the Disaster Management and Other Legislation Amendment Bill 2024.
- FES Act, the Fire and Emergency Services Act, 1990 (as it currently is without the amendments proposed by the DIMA Bill).
- FS Act, the Fire Services Act, 1990 (being the FES Act, assuming the amendments proposed in the DIMA Bill are passed).
- FRS, the Fire & Rescue Service, Queensland
- QFD, the Queensland Fire Department, as used in the DIMA Bill
- RFSQ, the Rural Fire Service Queensland, using its colloquial term and as a defined term in the DIMA Bill.

I thank the Committee for the opportunity to make this submission and welcome the opportunity to clarify any aspects covered in it.

Setting the scene of what volunteers do and contribute in their communities

*Our volunteers are not and never have been paid for their Brigade service and many sacrifice income to turn out to fires when they should be working. They do not begrudge this but look on it as their service to the community. They are rewarded by personal satisfaction that they do a worthwhile job for their own community and sometimes, when called, to other communities.*¹This statement still applies today. Volunteers have always responded to many calls from communities for assistance both from within and outside of their area of responsibility. It is quintessentially an Australian thing to do; to help their fellow Australian in a time of need and expect nothing in return apart from gratitude and respect. There is no need for rewards and medals, but they are welcome when provided, but their legacy is remembered in what they managed to achieve.

Members of the Samford Brigade, in which I am a member, have responded to so many incidents over the years, including during the Canberra fires in 2003, several “Black Summer” fire events (over the past few decades) in NSW, the ACT and Queensland and WA and Victoria over various periods. I have personally assisted, as a member of the Samford Brigade in response to a number of flood and storm damage recovery operations, including those in 2011, 2022 and 2024. In 2023 the Brigade also had a member travel to Canada as part of the Australian fire-fighting contingent and many members have assisted in incident management roles, RAFT and cyclone relief/recovery efforts in northern Queensland.

It must be appreciated that RFSQ volunteers volunteer their services to Queensland communities and not the Queensland Government. Volunteer firefighters are not employees or quasi-employees of the Queensland Government and have expressed no desire to be so.

Bush Fire Brigades were first formed by community volunteers under the Rural Fires Act 1946 to work in partnership with the then Rural Fire Board. The brigades would provide the firefighters, equipment and local knowledge while the Board provided limited logistical support in a “supportive” legislative framework. This model is still supported by rural fire volunteers today despite the current efforts to erode the mutually supportive partnership that has worked so well for many years.

The upshot of volunteers doing what they do so well is that the State is a much safer and more resilient place to live in. It also needs to be recognised that across rural, remote and regional communities in this State, the essential organisations that commonly bond a community together are organisations like the RSL, CWA, SES, the local RFSQ Brigade and the local pub. Diminish the capacity of these organisations to do what they do best and you undervalue the importance those organisations have in maintaining the strength and resilience of those communities.

Recommendation One

As a first point for consideration by the Committee, the report prepared by KPMG recognised the extent to which volunteers had been critically undervalued by the State, as represented by both sides of Government, over a very long period of time. This should be a salutary reminder to Committee Members that neither side of politics has a “good” track record in supporting RFSQ volunteers. Hence, I recommend that the Committee place at the forefront of their thinking on the merits of the DIMA Bill – a guiding principle, if you like - the contribution made and yet to be

¹ Greenhalgh, Don. Fifty Flamin’ Years: Samford Rural Fire Brigade’s fifty years of volunteer service to the community.2002. p15.

made by RFSQ volunteers and the kind of arrangements that will best serve volunteers and the State going forward.

Committee Members should appreciate that many rural fire volunteers have served for and in their communities for decades and it often involves whole families. Unfortunately, it is my view that this Bill will, if passed in its current state, change the essential character of volunteer rural firefighting in Queensland for no gain, at best, or cripple or destroy their capacity to support their communities, at worst. It is my personal view that passing this legislation as it stands will shift the focus of the RFSQ from a community based and local needs driven service to one that is absorbed into and controlled by a highly structured and autocratic command-and-control organisation and volunteers will end up as a “poor cousin” of the proposed “professional firefighters” within the QFD. This will have a negative impact on many volunteers who are passionate supporters of community driven volunteering through their local rural fire brigades.

For the above reasons, I ask that the DIMA Bill be rejected by the Committee in its current form and that any new Bill be presented back to Parliament with a completely separate, independent and autonomous RFSQ. This kind of structure will significantly enhance the kind of support that will appropriately value RFSQ volunteers in reality rather than in words.

Recommendation 1: That the current DIMA Bill be rejected in its entirety as it fails to value volunteers and their contribution to the State and that the DIMA Bill be represented to Parliament at a later date with a wholly independent, separate and autonomous rural fire service, one with its own Commissioner and resourcing consistent with the recommendations contained in the KPMG report.

Recommendations Two to Four

Clause 22 of the DIMA enshrines an overriding object for the QFD as “the recognition of the valuable role of volunteers in supporting the delivery of fire and emergency services in the State.” This statement is, at best, a gross misunderstanding of what volunteers, as professionals, do and are capable of doing or, at worst, nothing short of patronising and insulting to RFSQ volunteers as professional emergency service personnel. Hence, I point out that the actions of Minister in introducing this Bill in its current form and the (current) QFES Senior Executive in preparing and sponsoring this Bill do not in any way reflect or value the essential role volunteers fulfil in their local communities and certainly fail at the first threshold (object) in showing that volunteers actually matter and are valued.

As proof, I note that:

- there has been no structured consultation with Brigades and volunteers on the contents of the DIMA Bill, nor a robust discussion on the implications for volunteer rural firefighters in this State.
- Brigades and volunteers have only had access to the DIMA Bill since it was tabled in Parliament last Thursday. To then find out that brigades and volunteers only had a week to digest the Bill and make submissions to this Committee was truly dismissive of and undervaluing of volunteers. I volunteer my time; I have a family and work commitments and on top of this I must (now) respond to a very important piece of legislation in a ridiculously short period of time.

This situation is, to my mind, an unfortunate reflection of a culture that exists within the QFES Executive and views volunteers as an obstacle to be controlled and beaten down and then placated with words rather than as an asset to be valued and enhanced. Consequently, if Recommendation One is not adopted by the Committee, I strongly support a recommendation

from the Committee that Parts 4 and 5 of the DIMA Bill be excised and be presented at a later time in a separate Bill once extensive consultation with volunteers has been completed. Anything less will simply highlight what “value” RFSQ volunteers have in the view of the current Committee Members and the communities they (also) represent.

It may also be relevant for Committee Members to note that communities are comprised of people who vote and they vote for those candidates whose values they share. And volunteers, particularly those who are frontline emergency service volunteers, reflect particular values that support rural, remote and regional communities, not those that would degrade those communities. I’m sure each Committee Member has personally seen the gratitude and respect shown to rural fire volunteers by those communities where they have come to assist in their time of need. This a genuine reflection of the high value those communities place on their volunteers.

Recommendation 2: That Parts 4 and 5 of the DIMA Bill be excised and be included in another Bill for consideration by Parliament at a future date.

Recommendation 3: That the new Bill only be presented for consideration by Parliament after substantial consultation with all volunteer rural fire stakeholders, consistent with the object of valuing the contribution they make in keeping communities across Queensland safe and resilient.

Recommendation 4: That any new Bill be presented with a wholly independent, separate and autonomous rural fire service, one with its own Commissioner and resourcing consistent with the recommendations contained in the KPMG report and one which volunteers support.

In relation to my further recommendations, I note these are made in the event that neither Recommendations 1 or 2 are adopted by the Committee. However, I would point out that if neither of those recommendations are adopted, this would, in my view, mean that the Committee has not given sufficient light to the real value of RFSQ volunteers. In essence, this would mean a primary object – to recognise and value volunteers - would be failed before the DIMA Bill is even passed, meaning the intention to recognise and value RFSQ volunteers is corrupted and undermined from inception. And I hope the Committee appreciates that a foundation built on sand without the right structures will fail.

Recommendation Five

Clause 22 of the Bill inserts a new section 2A “**How objects are to be achieved**”. The proposed 2A(b) reads: “*The objects of the Act are to be achieved by establishing processes to ensure – ... (b) recognition of the valuable role of volunteers in supporting the delivery of fire and emergency services in the state*”. The current wording of paragraph 2A(b) completely misstates and undervalues the role that volunteers play in the delivery of fire and emergency services across Queensland.”

Volunteer rural fire fighters actively respond to assist at bush and structural fires, storms, cyclones, floods and other emergency situations including road traffic crashes etc. Volunteers also perform significant roles in incident management, air support, incident triaging... the list can

go on and on. Hence, for example, while the DIMA Bill enshrines the concept of what constitutes “professional firefighting experience” and only attributes that to someone working within the FRS, volunteers have been and continue doing those activities within their local communities for decades, recognising they frequently are the only emergency service available in that community, with other services hundreds of kilometres and hours away. Hence, I believe that the current provision fails to recognise and value the breadth of services provided by volunteers, nor does it recognise the value volunteers have in and to their local communities. And, as these are the guiding objects for all functions to be fulfilled under the amended Act, I believe these aspects must be reflected in that object.

Recommendation 5: That the proposed paragraph 2A(b) set out in Clause 22 of the DIMA Bill be amended to read “*recognition of the valuable role of professionally trained, skilled, resourced and supported volunteers in delivering mitigation, fire and other emergency services across the State and in their local communities.*”

Recommendations Six to Nine

The appointment of the Commissioner quizzically states that the person must have

- “(a) professional firefighting experience; and
- (b) incident control expertise; and
- (c) fire prevention expertise.”²

The same requirements exist for a chief fire officer and deputy commissioner³, while a chief officer is required to have:

- “(a) rural firefighting experience; or
- (b) rural incident control expertise; or
- (c) rural fire prevention expertise.”⁴

In terms of the way these roles have been defined, I note this will mean that:

- The Commissioner, Chief Fire Officer and Deputy Commissioner will only ever be able to be appointed from within FRS. While the definitions contemplate that someone from another “equivalent” fire service could be appointed, the threshold is set so high and stilted towards service within the Queensland service that this will never be able to be satisfied. Accordingly, this will, at best, reduce leadership and innovation being introduced from outside of the organisation or, at worst, entrench a FRS mindset that is unable to be changed as all nominees could only come from within that stream. It is a case of lemmings can only produce lemmings!

For example, the appointment of Katarina Carroll as the Commissioner of QFES could never occur under the proposed legislation. And that appointment, on merit, was publicly shown to be necessary to address serious cultural flaws that existed within the FRS stream. We are also aware that the Queensland Branch of the UFU has lodged official complaints and notices of dispute to the appointment of persons from outside of the FRS stream to senior positions within QFES, which, interestingly, have all been

² Clause 25, inserting proposed sub-section 5(1A), of the DIMA Bill.

³ Clauses 26 and 28, inserting proposed sub-sections 7C(2) and 7K(2), of the DIMA Bill.

⁴ Clause 28, inserting proposed sub-section 7Q(2), of the DIMA Bill.

female. This probably highlights the type culture that is entrenched within the FRS stream of QFES, but certainly highlights the fear that exists from within to the appointment of a person from outside of FRS.

- A person coming from a rural fire background or aerial fire fighting background with substantial “equivalent” fire fighting experience is highly unlikely to meet the threshold tests to be considered, let alone be appointed, to the positions of Commissioner, Chief Fire Officer or Deputy Commissioner. Yet a person with only a FRS background and minimal or no volunteer experience could be appointed to the role of Chief Officer. Hence, there is complete inequity in the way those roles are defined and they are self-limiting and self-serving of what exists now and not where the QFD needs to be.

I note that the appointment to the lead role in an organisation like Defence is rotated between Army, Air Force and Navy, each very different streams with vastly different backgrounds, skills and knowledge. Yet that system works, recognising that, once in those most senior positions, it is their leadership and ability to bring together disparate skills to make the whole better, that is relevant. Hence, I suggest that the entrenching of FRS personnel, by legislation, to those senior roles is very short sighted and will inhibit the appointment of people who can add much needed depth and diversity to the leadership of the QFD. For example, if a person who had been Chief of any of those Defence streams applied for one of the QFD roles, despite their having very deep and relevant experience in managing and leading people in emergent situations, they would be ineligible for appointment, even though they may be the best candidate based on merit.

- A person appointed to any of the roles is, interestingly, not required to have any volunteer experience or significant experience working with volunteers. I would have thought that to be a minimum requirement to be considered for any of those roles given volunteers from RFSQ will comprise approximately 87% of the response capability of the QFD. Further, volunteer culture is very different from that which exists in a full-time or retained fire service, so a person appointed to lead volunteers must have significant experience in leading them in practice, not just in theory. It isn't simply a case of saying “You are a volunteer. You are valued.” that qualifies a person to lead volunteers. That qualification is hard-earned through working alongside volunteers.

Recommendation 6: That each of the roles of Commissioner, Chief Fire Officer, Chief Officer and Deputy Commissioner⁵ include a requirement to the effect of:

“(d) a significant period of service in the direct leadership and management of a volunteer workforce.”

Recommendation 7: That the role of Chief Officer⁶ include a further requirement to the effect of:

“(e) a significant period of service as a volunteer in a volunteer-based rural fire service or an organisation involving volunteers in the management of emergent situations.”

⁵ Clauses 25 and 28 of the DIMA Bill, specifically proposed sections 5AA, 7C, 7K and 7Q.

⁶ Clause 28 of the DIMA Bill, specifically proposed section 7Q.

Recommendation 8: That the concept of “significant period of service” be defined to mean:

“a minimum of five years.”

Recommendation 9A: As a minimum, that the definition of “professional firefighting experience”⁷ be amended to delete all references to FRS, meaning any person from a fire service and who meets the minimum requirements specified in paragraphs (a) to (d) could be appointed to any of those roles.

Recommendation 9B: In addition to that proposed under Recommendation 9A, that the concept and definition of “professional firefighting experience” be amended to read “urban firefighting experience” and other references in the Bill be amended to be consistent with this definition.

Recommendation 9C: As an alternative to that proposed under Recommendation 9A and/or 9B, that the concept and definition of “professional firefighting experience” be removed from the Bill due to its self-serving and self-limiting nature and the concept and definition be changed to read:

“*emergency management experience* means significant knowledge of and practical experience in the leadership of a large organisation or service and focussed on the management of emergent situations, including –

(a)...(d). (as currently drafted or proposed).

I note that consequential amendments will also be required in the Bill where similar requirements have been inappropriately entrenched into the proposed legislation e.g. clause 34 of the DIMA Bill, referencing changes to section 25 of the FES Act.

Recommendations Ten to Twelve

There are a range of amendments proposed in the Bill that will increase the Commissioner’s control over various operational and administrative functions of rural fire brigades. The reason for these changes as stated in the Explanatory Notes is to provide clarification of the legal status of brigades and brigade volunteers. It is unclear why it is necessary to dilute the responsibilities of rural fire brigades to achieve this outcome when a project in QFES to investigate concerns over legal status was finalised in 2020 and concluded: *It was found that brigades are predominately comfortable with the current legal status. Brigades wish to have a simple legal structure that allows them to function effectively whilst ensuring the volunteership operates within a legal framework that provides appropriate levels of protection to undertake their respective roles and brigade functions.*⁸

The outstanding legal issue that was not addressed in either this project or in this Bill relates to the lack of authority held by rural fire brigade volunteers to enforce provisions of the Act when responding to incidents. Under section 52 of the FES Act 1990 the Commissioner can authorise a fire officer to be an authorised fire officer and so exercise all the powers conferred by the Act. The only rural fire brigade member who (currently) can exercise the powers of an authorised fire officer with certainty is the First Officer of that brigade acting within that Brigade’s designated area of operation. The Committee will note this means the First Officer can only exercise their powers in the area assigned to the brigade by the Commissioner and not elsewhere. In situations

⁷ Clause 83 of the DIMA Bill.

⁸ Queensland Fire and Emergency Services. The Legal Status of Rural Fire Brigades Project Summary. October 2018.

where a brigade must respond to and take charge of an incident in another brigade area, the First Officer (of the responding brigade) is not able to exercise the powers of an authorised fire officer unless the First Officer in that area in which the incident is occurring directs them to take action. This situation can place volunteers in some very difficult situations with property owners and the management of that incident.

In order to properly remediate this situation, the definition of fire service officer needs to be broadened to include other suitably qualified persons, First Officers and volunteers so as to be authorised as authorised fire officers where situations require this to occur. In addition, a First Officer needs to be able to exercise the powers of an authorised fire officer in any brigade area, including within a FRS boundary, where they have been tasked to respond to and manage an incident or where they are the first responding brigade.

Recommendation 10; That the DIMA Bill be amended as follows:

1. That the current definition and current associated references to “fire service officer” be changed to “FRS service officer” across the entirety of the Bill.

2. That a new definition of fire service officer be included as follows –

“fire service officer means a FRS service officer, an RFSQ service officer, a chief fire warden or a fire warden.”⁹

3. That a new definition of an “RFSQ service officer” be included in the Bill as follows–

“RFSQ service officer means –

- (a) A person employed by the commissioner or chief officer as an officer of the RFSQ; or
- (b) the first officer of a brigade; or
- (c) a person nominated by the chief officer, their delegate or the first officer of a brigade, in that order of priority, to undertake the role of first officer for a designated task, role or for a period of time, where the first officer of that brigade is not available, able, capable or is under-resourced so as to undertake that task, role or for that period.”

4. That Clause 49 of the DIMA Bill incorporating proposed section 83A, be amended as follows:

a) That a definition of “person” be included at the end of subsection 83A(8) to read as follows:

⁹ Refer to Recommendation 19 for clarification for the inclusion of the positions of Chief Fire Warden and Fire Warden in this definition.

“(9) For the purposes of this section, a person means a fire service officer or a person with equivalent skills, knowledge and experience to be able to take on the role of a fire service officer.”

- b) **Subsection (2) be amended to delete the word “However” first occurring, insert the words “an alternate” before the current word “person”¹⁰ and change the reference from “first officer” to “RFSQ service officer”¹¹.**

5. That the concept of a fire officer being an authorised officer under section 52 of the FES Act be changed so that:

- a) **The commissioner, chief fire officer or chief officer may exercise the power to authorise persons specific to the QFD or that are specific to the FRS or the RFSQ, as is relevant to that line of service; and**
- b) **The words “fire officer” be deleted and the words “fire service officer” be included instead.**

I note adoption of Recommendation 10.5 will address a number of issues associated with current defects in the operation of the QFES Act as it applies to volunteers.

Recommendation 11: That proposed subsection 25(3) be amended to add a paragraph (d) to this subsection, consistent with Recommendation 6.

Recommendation 12: That proposed subsection 25(4) be amended to delete the word “or” and be replaced by the word “and”. I note that, consistent with Recommendation 7, a paragraph (d) and (e) will also need to be added to this subsection.

Recommendations 13 to 16

Clause 26 of the Bill (in respect to functions assigned to the commissioner) includes a proposed section 7A (1A) (c), which embeds a power to decide the number and deployment of fire service officers and rural fire brigade volunteers.

The note included in clause 45 states that “each person in the group who applied for registration is not necessarily a member of the rural fire brigade.”

Clause 46 of Bill inserts a new section 80, which grants to the Commissioner the power to regulate the appointment of persons as rural fire brigade members.

Clause 46 of Bill also inserts a new section 80 A “Rules for rural fire brigades.” This provision provides the Commissioner with the authority to make model rules for the proper management and operation of rural fire brigades.

Clause 47 of the DIMA Bill amends section 81 of the FESA Act to include a new subsection 81(2A) “*A rural fire brigade may elect any member of the brigade to be the chairperson, secretary or treasurer of the brigade (each an office bearer)*”. These office bearers and their appointment is also subject to the approval of the Commissioner.

¹⁰ Line 11 at Page 43 of the DIMA Bill

¹¹ Line 17 at Page 43 of the DIMA Bill

Firstly, I note that, consistent with the appointments to positions under the retitled FS Act, the relevant person to exercise these powers should be the Chief Officer and not the Commissioner. The Chief Officer should be closer to the issue being/needing to be addressed and so should be the decision-maker and not the Commissioner. Further, if the Chief Officer is responsible for the service delivery of the RFSQ, then they need to have the powers to achieve that; this is a very basic management 101 principle, but has been ignored in the drafting of the DIMA Bill.

Recommendation 12: That the Chief Officer be the position designated as the maker of decisions relevant to the responsibilities assigned to that position.

Secondly, I note there is no limitation to the circumstances under which these powers can be exercised. Ordinarily, the purpose for which a power is included is specified so that a decision made occurs within certain parameters. This isn't the case, which is unusual and likely to result in unproductive disagreements and disputes.

Recommendation 13: That the parameters and considerations relevant to a decision made by the Chief Officer (or Commissioner, if necessary) be stated in the legislation or a power be incorporated requiring the Chief Officer to set out those considerations in the Regulations.

Thirdly, my interpretation of these amendments is that the Commissioner can regulate how many volunteers a rural fire brigade can admit to membership. Currently, Brigades are created and resourced according to the needs of their community. Hence, Brigades are responsible for managing the number of volunteers in a Brigade and their roles. This is vital as it is at the Brigade level that the local operational requirements are best understood.

Brigades currently receive volunteer applications and manage the onboarding of new volunteers. The volunteer application is forwarded to Area Office for processing, with Area Office then initiating various background checks which, if clear, allow Brigades to admit the person to membership. It is vital that Brigades meet potential applicants and explain the operations of the Brigade and the onboarding process. My concern is that the recruitment process is being centralised and removed from Brigades, and new volunteers will be allocated centrally to Brigades.

Within the Explanatory Note it states: *The Bill provides that volunteers of rural fire brigades are to be appointed by the Commissioner. The amendment seeks to create consistency with other emergency service volunteers and remove ambiguity about the relationship of brigades and brigade volunteers with the State, thus enhancing applicable protections.*

From a personal perspective as a Chair, there has never been any ambiguity about our Brigade's relationship with the State. Community volunteers volunteer a substantial part of their lives to help safeguard their communities in partnership with the State, not at the direction of the State. The State provides some resources and support and what should be a supportive and not an oppressive legislative umbrella to enable volunteers to effectively undertake their duties. These duties include the recruitment of new volunteers from the community.

Recommendation 14: That the Chief Officer (or Commissioner, if necessary) be required to consult with a Brigade where limitations are to be placed on their member admission process or the number of members they can admit to their Brigade. The Chief Officer should then be required to provide a written notice of their decision and the matters they have considered in making that decision. An appropriate mechanism to challenge that decision should also be provided for.

Fourthly, the nature of these amendments implies, to me, that Brigades are not capable of and are presently not well managed, and that Brigades are operationally ineffective. This assertion ignores the fact that Brigade membership is made up of volunteers drawn from various highly qualified professions and occupations. For example, Samford Brigade membership includes, to my knowledge, health professionals, police, serving and retired military personnel, scientists, lawyers, accountants, engineers, auditors, software engineers and coders, trades people, business owners to name a few. This means the membership in my Brigade is very professional, highly capable and much better skilled than any QFD person (being made responsible for this oversight) could ever hope to be. And I'm sure our Brigade is very typical of other brigades across the State.

While making rules is not a new development, of concern is the frequent and consistent pattern of a lack of consultation with brigades on the content of proposed rules and a failure to consider or even appreciate its impact on the operations of brigades. It is imperative that the Commissioner or, as I believe should be the case, the Chief Officer be required, when either developing or modifying a model rule, to constructively consult with brigades across the State and/or the RFBAQ.

Fifthly, I note that the underlying assumption of these provisions seems to be that Brigades and their membership are self-serving in the people they vote into specific roles. This isn't the case as properly constituted brigade rules provide for an effective brigade operational and management structure. Consequently, I see the collective impact of these proposed changes as another attack on the autonomy and self-management of brigades.

Many brigades have a five-person management committee comprised of the Chairperson, Deputy Chairperson, First Officer, Secretary and Treasurer. Samford has had the Deputy Chairperson position for over thirty years and considers it essential for the effective operation of the Management Committee and to act in the Chairperson's role in their absence. QFES has not consulted with brigades on this change and has simply made a unilateral decision that three office bearers is sufficient. In doing so, QFES has ignored the fact that brigades are heterogeneous in composition and operations. There are smaller primary producer brigades ranging through to larger I-Zone brigades, such as Samford. The larger brigades require a larger and more active management and operational structure than the smaller brigades. One size will definitely not fit all, meaning Brigades need to have the ability to determine their own internal management structure...what actually works in their circumstances.

Recommendation 15: That the Chief Officer (or Commissioner, if required) be required to provide a written statement documenting their reasons for rejecting proposed changes to a Brigade's rules or covering the appointment or dismissal of a RFSQ volunteer from a Brigade.

Under the revised legislation the Commissioner will have the power to either dismiss or disqualify a Brigade office holder. The dismissal or disqualification of a volunteer office holder can have serious implications for that individual in their life outside the Brigade and in their local community. All individuals should be afforded to natural justice when responding to allegations that may jeopardise their future. Further, the criteria to be utilised by the Commissioner or Chief Officer in exercising these powers need to be clearly spelt out in the Act. An individual facing either dismissal or disqualification needs to know in advance what impartial avenues of appeal are available to that individual as a volunteer. We note with concern the stream of queries being addressed via forums such as Emergency Law, where rural fire volunteers are found to have

little or no standing/grounds to challenge decisions impacting upon them or their Brigades; and this in jurisdictions and organisations that are wholly volunteer-focussed.

Recommendation 16: That the Chief Officer (or Commissioner, if required) be required, by legislation, to structure any review process according to specified criteria that are set out in the FS Act.

Recommendation 17: That the Chief Officer (or Commissioner, if required) be required, by legislation embedded in the FS Act, to structure and detail the review process to the volunteer and to provide a written statement to the volunteer documenting their reasons for dismissing that member or for disqualifying that volunteer from holding an office.

Personally, I'd note that the changes suggested in Recommendation 17 also need to be extended to the role of Chief Fire Warden or Fire Warden, as they are also volunteers. I'd also note that the actions contemplated of the Chief Officer or Commissioner in the DIMA Bill are very limited in scope; industry best practice would also include alternative actions, such as a requirement to complete further technical or ethical training, mentoring and/or supervision for a period of time.

Clause 48 of the DIMA Bill inserts a broader set of functions of a rural fire brigade. It is acknowledged that for many Brigades these activities are what they currently undertake. The broad range of activities detailed in the amended section 82(1) underlines the vital front-line work undertaken by Brigades in their communities and is something I endorse given the current ambiguity around what is and isn't a Brigade activity.

As noted earlier in this submission, the effective operations of a Brigade are still restricted by sub-section 82(2) *The commissioner must notify a rural fire brigade of the area for which and the circumstances in which the brigade is in charge of fire fighting and fire prevention*. I have no issue with having the principal responsibility for fire fighting and fire prevention allocated to a specific brigade. However, to facilitate more effective responses to incidents in other areas of the State, volunteers need to be able to be nominated to exercise the powers of an authorised fire officer across all brigade areas. Very few brigades continue to operate only in their own backyard; weight of required response, climate change and other operational factors are creating a more unpredictable and very dynamic operating environment requiring a wider response capability. Queensland has to have a more adaptive and responsive RFSQ that empowers dedicated volunteers to fully undertake their duties without unnecessary restrictions. I note this flexibility can, in part, be addressed through the introduction of the definition of an "RFSQ service officer".

Recommendation 18: That section 82 of the FES Act be amended as follows:

- 1. Subsection (3) be renumbered as subsection (4);**
- 2. A reference to "commissioner" in the section be removed and substituted with "chief officer";**
- 3. The references to "fire fighting and fire prevention" be removed and substituted with "the functions required of the RFSQ";**
- 4. A new subsection (3) be included to the effect of:**

“The chief officer may nominate one or more RFSQ fire officers, including the first officer of a specific rural fire brigade area, to support, assist or be in charge of the functions required of the RFSQ related to one or more rural fire brigade areas. The nomination may specify a role or task to be performed and/or a period over which the nomination is to remain effective.”

- 5. Subsection (4) be amended to remove the definition of “fire prevention” and the words “*functions of the RFSQ means those roles and functions assigned to the chief officer under this Act.*” Inserted.**

Recommendation 19 to 22 - The role and function of a chief fire warden and fire warden

The roles of Chief Fire Warden and Fire Warden are steeped in history and were possibly the first persons in the State to be recognised, in legislation, as being responsible for fire prevention and fire fighting in Queensland. They were, in many respects, the equivalent of the combined roles of Commissioner and Chief Officer as they are proposed to exist under the FS Act. Consequently, their powers were broad so as to be able to mitigate, prevent and fight bushfires across the State. They were very important persons across rural, remote and regional Queensland and were held in high esteem within their communities.

Move forward to the current day and the geographic area they have responsibility for is more limited, but they are vitally important in all aspects relating the management and mitigation of vegetation hazards across their district. In fact, they are the primary means available to the QFES or to the QFD (as it will be) to manage vegetation loads across the landscape and to seek to prevent bush fires through the controlled use of fire in the landscape.

Chief Fire Wardens and Fire Wardens are appointed by the Commissioner¹², so in contrast to an RFSQ volunteer, they are appointed and are able to exercise the power of an authorised fire officer at all times pursuant to their appointment. However, while this is a reasonable interpretation of the current legislation, this needs to be made clear. Hence, I recommend that a Chief Fire Warden and Fire Warden be included in the definition of a “fire service officer”. I also note that a person who is appointed as a Chief Fire Warden or a Fire Warden is not necessarily a volunteer rural fire fighter, so may not fall within the recommended definition of an “RFSQ service officer”¹³. This isn’t a legislative issue if those roles are included in the description of a fire service officer though.

As contemplated under subsection 75(4) of the FES Act, a person can hold an appointment to an office elsewhere under the FES Act – for example as an RFSQ service officer - conjunctly with their appointment as a Fire Warden or a Chief Fire Warden. Hence the potential duplication of a person’s roles as an RFSQ service officer and as a Fire Warden or Chief Fire Warden isn’t/won’t be a problem under the scheme of the FES Act.

Recommendation 19: That the positions of Chief Fire Warden and Fire Warden be specifically included in the definition of a “fire service officer.

Another common problem that exists under the scheme of the FES Act is the appointment of an alternative person in the event that the Chief Fire Warden or a Fire Warden is absent or unable to undertake their role. This frequently occurs when the person goes away on leave. Currently, this is attempted to be fixed through the appointment of a deputy, but the reality is that neither

¹² Section 75 of the FES Act

¹³ See Recommendation 10.3 of this submission.

the FES Act nor FS Act permits this form of alternating appointment; a person either is or isn't appointed to that role. Accordingly, I recommend to the Committee that an addition be made to clause 41 of the DIMA Bill to allow the Commissioner to pre-appoint a person as a deputy in the event the primary appointee is unable to undertake their role.

Recommendation 20: That clause 41 of the Bill have included a provision to renumber subsection 75(1) to 75(1A).

Recommendation 21: That a new subsection be included in (current) section 75 of the FES Act to the effect of;

“(1B) (a) the commissioner may appoint a person to the role of a deputy chief fire warden or a deputy fire warden as the commissioner thinks necessary or expedient for the purposes of this Act; and

(b) a person appointed to the role of a deputy chief fire warden or a deputy fire warden is appointed subject to the terms of their appointment and the limitations stated in their appointment as to when they are eligible to act in the role of a chief fire warden or a fire warden; and

(c) for the avoidance of doubt, where a deputy chief fire warden or a deputy fire warden is acting under the terms of their appointment, they are, for the purposes of this Act, the chief fire warden or the fire warden.”

Given that the RFSQ is to be a separate service within the QFD, it would make sense for the Chief Officer to have the powers ascribed to the Commissioner and for the Chief Officer to make the relevant appointments. As noted previously, if you are made responsible for a function you need to have the powers necessary to fulfil those functions.

Recommendation 22: That references to commissioner in sections 75 to 78 of the FES Act be changed to be the Chief Officer.

Finally, proposed section 75(2)¹⁴ indicates that the Commissioner (or Chief Officer as I recommend should be the case) be “satisfied the person is appropriately qualified to perform the functions and exercise the powers of a relevant fire warden.” While this provides some guidance, I would suggest that the tests be a little more specific. For example:

- Should the fire warden be based in their area of responsibility, so as to have the local knowledge and contacts to perform their role well?
- What knowledge or experience should the person have in vegetation assessment and management?
- What knowledge and/or experience should the person have in the application of fire?
- What knowledge and/or experience should the person have related to fire behaviour in the landscape?
- What knowledge and/or experience should they have related to weather?

These is by no means an exhaustive list, but there should be some parameters to an appointment to ensure the person has a base level of knowledge and/or experience to apply in their role. And while this kind of knowledge and experience has historically been a trademark in persons appointed to those roles, this may not always be the case. Hence, I'd recommend that the Committee consider amending the proposed subsection 75(2) to give some meaning to what the FS Act will describe as “appropriately qualified”. Specifically, perhaps the concepts of

¹⁴ Clause 41 of the DIMA Bill

“relevantly skilled by training and/or experience” and covering critical areas including: (a) the management of vegetation in the landscape; or (b) the controlled application or use of fire in the landscape; or (c) understanding fire behaviour in the landscape; or (d) how to authorise the use of fire in a landscape.” be substituted. This list is not intended to be prescriptive, but is certainly intended to ensure competent people are appointed in those roles.

Recommendation 23: That the words “appropriately qualified” in the proposed subsection 75(2) be deleted and words to the effect of –

“...relevantly skilled by training and/or experience, including:

- (i) the management of vegetation in a landscape; or
- (ii) the controlled application or use of fire in a landscape; or
- (iii) understanding fire behaviour in a landscape; or
- (iv) how to appropriately condition the use of fire in a landscape,

so as...”