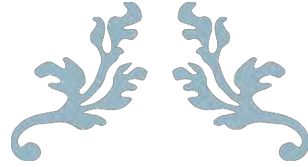


Inquiry into volunteering in Queensland

Submission No: 178
Submitted by: John Stalker
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:



**SUBMISSION FROM JOHN
STALKER TO THE LOCAL
GOVERNMENT, SMALL
BUSINESS AND CUSTOMER
SERVICE COMMITTEE
INQUIRY INTO
VOLUNTEERING IN
QUEENSLAND**



FEBRUARY 20, 2025

Submission from John Stalker to the Local Government, Small Business and Customer Service Committee Inquiry into Volunteering in Queensland

I am a rural fire volunteer with twenty years of service, I also volunteer with Disaster Relief Australia as a member of the GIS team. I am also volunteer member of the International Association of Wildland Fire (IAWF) and serve on the IAWF's Diversity and Inclusivity Committee (my area of interest is volunteer wildland firefighters). I recently retired from ten years' service at the Council on the Ageing Queensland where I had the privilege of working with older volunteers from a diverse range of backgrounds.

I am a member of the Samford Rural Fire Brigade and serve on the Brigade management committee as the Deputy Chair. **The views expressed in this submission are my own.**

My submission will focus on several issues, largely around the July 1, 2024 reforms and the lack of effective collaboration with volunteers, that will impact further on the membership of rural fire brigades (Brigades). These issues have led to significant negative changes in the way that Brigades are governed, in particular the community-based status of Brigades. In addition, significant failures in the manner that Queensland Fire and Emergency Services (QFES)/Queensland Fire Department (QFD) implemented these changes without due consideration of the impact on Brigades and volunteers will be highlighted.

Recommendations:

- 1. Urgent action needs to be undertaken to reverse the downward trend in numbers of rural fire volunteers in Queensland. A strong focus also needs to be placed on retaining existing members.**
- 2. Enable rural fire brigades to make the choice as to whether they wish to be incorporated community-based brigades with pre-July 1, 2024 powers and responsibilities, or remain units within RFSQ.**
- 3. Review the command-and-control management style within QFD to ensure that it embraces a stronger collaborative and networked management approach in relation to volunteers.**
- 4. Ensure that a more transparent and open consultative culture is developed in the fire services supported by genuine consultation to guarantee that all volunteers are able to express their views.**
- 5. Change the role of the Rural Fire Service Advisory Committee to ensure that all matters it will consider are not treated as in confidence and not open to consideration by volunteers.**
- 6. Review the changes to legal status of Brigades and ensure that Brigades that choose to remain community-based brigades have strong legal liability protection without having to be a unit of RFSQ/QFD.**
- 7. Include within the Fire Services Act 1990 a provision establishing authorised rural fire officers and relevant powers to ensure transparency in respect to the powers available to rural fire volunteers undertaking their duties.**

Rural Fire Volunteer Membership in Decline

The decline in rural fire volunteer numbers detailed below is a major concern given the increased demand for emergency volunteers to respond to the increase in natural disasters events arising from climate change. I welcome the Inquiry into Volunteering and I hope the inquiry will be able to identify new approaches to both attracting new volunteers as well as retaining existing volunteers.

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In Queensland, rural fire volunteers comprise 88 per cent of Queensland firefighting workforce managed by the Queensland Fire Department. However, the overall number of rural fire volunteers in Queensland has fallen considerably since the early 1990s. In the 1991-92 year it was reported¹ that there were 1,566 brigades with 48,534 volunteer members, as at 30 June 2024 the number of brigades had fallen to 1,408 and rural volunteers to 27,200². The 44 per cent decline in rural volunteers across Queensland is quite significant in respect to maintaining the capacity to provide effective statewide rural fire services.

Over the same time period the Queensland population has grown by 89 per cent³. The majority of rural fire volunteers are members of brigades located in the remote area classifications of Major Cities, Inner Regional and Outer Regional where overall there has been strong population growth between 2001 and 2023⁴. The Remote and Very Remote areas have relatively low rural fire volunteer membership and these areas have experienced some population decline between 2001 and 2023. Therefore, the decline in brigade membership cannot be attributed to a lack of possible candidates across the majority of communities where brigades are situated. The social structure of some communities may have changed particularly in the urban interface areas, however, there should still be a sufficient pool of potential recruits given the right incentives.

Recommendation 1: Urgent action needs to be undertaken to reverse the downward trend in the numbers of rural fire volunteers in Queensland. A strong focus also needs to be placed on retaining existing members.

Community-based and managed Brigades still work well

Samford Rural Fire Brigade was formally established in 1952 (originally Samford Bush Fire Brigade) and has provided continuous service to the Samford community for 72 years. Formal community-based volunteer bush fire management in the area dates to the 1920s with the appointment of “fire constables” (now fire wardens) supported by “Standing Committees” under The Rural Fires Act of 1927. As in most rural communities, Samford community members had a history of turning-out and responding to community threats.⁵

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.⁶

Rural Fire Brigades in Queensland have, until July 1, 2024, been community based and managed. Since 1946 Brigades have worked under a co-production model with which ever Government agency

¹ Bureau of Emergency Services, “Annual Report 1991-92,” 1992.

² The State of Queensland, “Queensland Fire and Emergency Services Annual Report 2023-24,” 2023.

³ ABS, “National, State and Territory Population” (Australian Bureau of Statistics, 2024), <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>.

⁴ ABS, “Digital Atlas of Australia” (Australian Bureau of Statistics, 2024), https://digital.atlas.gov.au/datasets/323bafa8e823463dad69db4164629b3_0/explore.

⁵ “The Samford Rural Fire Brigade Submission to the Community Safety and Legal Affairs Committee Inquiry into the Disaster Management and Other Legislation Amendment Bill 2024” (Samford Village: Samford Rural Fire Brigade, 2024).

⁶ D. Greenhalgh, *Fifty Flamin’ Years* (Samford Rural Fire Brigade, 2002).

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had the responsibility for bushfire management, commencing with the Rural Fires Board. This arrangement changed on July 1, 2024 when the management of Brigades was formally transferred to Rural Fire Services Queensland (RFSQ) through amendments to the Fire and Emergency Services Act 1990.

Co-production is the term that captures the joint delivery of a service on a collaborative basis by Government and community-based organisations. Prior to 1946 most rural communities had no formal fire response mechanisms available locally. Community members were reliant on other community members to provide assistance in responding to fires. The Rural Fires Act 1946 enabled interested communities to seek Rural Fires Board approval to register a Bush Fire Brigade. This arrangement was an early example of co-production in operation where brigades would provide the firefighters, equipment and local knowledge while the Board provided limited logistical support as well as a supportive legislative framework. The local brigades were fully responsible for providing a bushfire management service to their communities. This model is still preferred by most Rural Fire Brigades today despite the current efforts by QFD to end the mutually supportive partnership that worked well for many years in favour of a more coercive model.

Lyn Staib⁷ in the 1996 Fire Service Review stated that the management of rural fire brigades was based on a community self-help ethos. *A recommendation of the Malone Review (supported by the Keelty Review) was...That the founding principle of the Rural Fire Service, that Brigades are formed on the principle of neighbour helping neighbour to collectively manage fire events, remains one of the foundations of Rural Fire Service Queensland.*⁸ In 2008 the then Director-General of Emergency Services stated.... *Rural fire brigades are community self-help organisations with brigades expected to assist with funding their own operations, purchases and expenses*⁹. The Director-General also emphasised that *...Strong community involvement has been the feature of rural fire brigades for the past 60 years. This feature was encompassed in legislation from 1947 and provided the basis for service provision to rural communities. As a result, rural fire brigades were established as community-based organisations. Since 1990 the Queensland Fire and Rescue Service (QFRS) continues to treat brigades as community-based organisations and strives to ensure that the relationship with the community is maintained.* The term *community self-help ethos* relates to community members working together to address shared problems and improve the community. It's based on the idea that people can help themselves and each other by sharing experiences, offering support, and taking action¹⁰.

Recommendation 2: Enable rural fire brigades to make the choice as to whether they wish to be incorporated community-based brigades with pre-July 1, 2024 powers and responsibilities, or remain units within RFSQ.

Command and Control Management Style needs overhaul

⁷ Lyn Staib Australia, "Queensland Fire Service Review," 1996.

⁸ M. J. Keelty, "Sustaining the Unsustainable. Police and Community Safety Review," trans. Queensland Government, 2013.

⁹ Queensland Audit Office, "Report to Parliament No. 3 for 2008 Management of Rural Fire Services in Queensland A Performance Management Systems Audit," 2008.

¹⁰ D. Burns, C. Williams, and J. Windebank, "An Alternative to the Market and State: Community Self-Help as a Challenge," 2004, 101–16, https://doi.org/10.1057/9780230000575_7.

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RFSQ (QFD), despite having had a long working relationship with volunteers, still views volunteers as part of its workforce, it does not understand what motivates volunteers to give their time freely to help communities at risk. The department wants all of its workforce operating within a very tight command and control structure, especially volunteers. Brigades operating as community organisations have always been just out of reach in respect to QFES/QFD having full control over Brigade operations.

Cultural differences do exist between QFD and Brigades, this also has been identified in several of the reviews that I have referred to in this report. For example, the KPMG Review¹¹ states: *There is a need to continue to address cultural challenges*. Despite the strong history of community-based brigades as evidenced in the above quotes, QFES and now QFD have a strong belief that rural volunteers should happily embrace the QFD organisational culture. Volunteer firefighters **are not employees** of the Queensland Government. **Volunteers do not volunteer to serve the Queensland Government. Volunteers' loyalty lies with the community that they belong to and other communities that may require assistance.** The working relationship with QFD/RFSQ is meant to be a cooperative partnership based on collaboration and consultation. It is not meant to be a master and servant relationship.

The cultures of the Urban based Fire and Rescue Service and the Rural Fire Brigades are different and that is understandable given the differences in management arrangements, training, workplace characteristics to name a few. *Fire services in Australia tend to have a hierarchical, para-military and patriarchal structure*¹². These differences in culture, however, do not prevent rurals and QFD employees from working together. Cultural differences exist between rurals and other partner agencies but we still work effectively together in the field.

The nature of a volunteer organisation's culture heavily influences the morale of volunteers. Volunteers typically have families, employment or other interests external to volunteering, the last thing a volunteer wants to do is donate valuable time to a toxic culture that fails to support volunteers.

An overseas example that underlines the importance of safeguarding positive culture occurred in Holland several years ago. 80 per cent of firefighters in Holland are volunteers, volunteers and career firefighters are both professional firefighters, there is no differentiation in status. A possible conflict with several European Labour Directives arose requiring consideration be given to undertaking task differentiation which would then prevent volunteers from being be classed as part-time and still be volunteers under European law. Strong concern was raised that... *task differentiation threatens the essence of the current fire brigade culture. This culture is largely based on voluntariness, and that voluntariness is in turn partly based on the full and equal role of volunteer firefighters. The (certainly in their own eyes) 'demotion' of volunteers and the mandatory specialization of professionals, even where this is not even necessary based on the risk profile, thus affects the heart of the system*¹³. Another pathway was chosen to protect volunteer firefighting in Holland.

¹¹ KPMG, "Independent Review of Queensland Fire and Emergency Services," 2021.

¹² Michael Morgan and Sally Woolford, "Creating Culture Change through Inclusion," *AJEM* 37, no. 4 (2022), <https://knowledge.aidr.org.au/resources/ajem-october-2022-creating-culture-change-through-inclusion/>.

¹³ Ministry of Justice & Security, "The legal framework for maximum retention of volunteer firefighters in the Netherlands" (Central Government, October 14, 2021),

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In our Brigade, like many others, we have members who have served actively for decades. 62 per cent of rural fire volunteers¹⁴ in Queensland are over 50 years of age, with 41 per cent over 60 years of age. Many will have been volunteering at between 20 to 50 years, many of these older volunteers would be firm supporters of the traditional community-based model. These members also form the core of brigade cultures as well as possessing the bushfire firefighting and mitigation skills and knowledge necessary for Brigades to function effectively.

Volunteers do not work rostered shifts like their urban counterparts. Volunteers at our Brigade are on call 24/7 to respond to incidents whether they be fire, road traffic accidents or flood recovery. When we attend an incident, members can be on the fireground for 12 hours or more. Volunteers also can face extreme risks to health and safety when attending incidents. In 2024 our Brigade members invested just under 10,000 hours undertaking Brigade business, this includes fire risk mitigation, responding to fires, assisting at Road Traffic Crashes, training, administration, meetings to name a few. In financial terms this equates to approximately \$890,000 in labour costs that our members contributed to community safety that year. It should be mentioned that despite the high value labour contributions Brigade members make in volunteering, Brigades are also expected to ... *raise funds to support rural fire brigades in the performance of the brigades' other functions.*¹⁵ Brigade members have undertaken substantial fund-raising activities since our Brigade was first established. However, the funds raised were to directly safeguard our community. However, we now have a situation where the Queensland Government has taken over direct control of Brigades and made it quite clear that Brigades are now Queensland Government entities. Therefore, why would volunteers invest their valuable time in fund-raising when the Government has assumed responsibility for Brigade operations. Career firefighters in QFD are not expected to fund-raise to support firefighting functions so why should volunteers? So yes, there will be cultural differences that exist across the partnerships that contribute to QFD, however, these differences should be embraced and used to develop more collaborative working relationships.

The QFD both today and previously has always had a strong command-and-control and bureaucratic management style based around directives rather than consultation. The 1996 Staib Review found that ... *The directive and controlling leadership style still prevalent in the Queensland Fire Service is outmoded and inappropriate for future requirements....* From a rural fire brigade perspective this leadership style has not changed. This in part is why it makes it extremely hard to reconcile the two cultures. Brigades were unincorporated associations which made them extremely democratic in relation to making non-operational decisions. Every member had an equal voice and could vote at meetings on matters relating to Brigade management. Command and control did apply to Brigade operational and training activities, Brigade officers were responsible for directing response and mitigation activities in a safe, responsible, co-ordinated and effective manner.

Some of the tensions caused by the difference in governance approaches of QFD and Brigades are highlighted by the following assessment made by the then Auditor-General presented in 2011 to the

<https://www.rijksoverheid.nl/documenten/rapporten/2021/10/14/tk-bijlage-de-juridische-kaders-voor-maximaal-behoud-van-brandweervrijwilligheid-in-nederland>.

¹⁴ Productivity Commission, "Emergency Services for Fire and Other Events – Data Tables Contents - Table 9a 4," 2025, <https://www.pc.gov.au/ongoing/report-on-government-services/2025/emergency-management/emergency-services/rogs-2025-partd-section9-emergency-services-data-tables.xlsx>.

¹⁵ S139(1)(d) Fire Services Act 1990. Functions of a rural fire brigade.

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Public Accounts and Public Works Committee Inquiry into the Management of Rural Fire Services in Queensland¹⁶.

80. *The Auditor-General advised that the department needs to decide whether it is either:*

- (a) 'shopping' for a product, where the department is responsible for the service but has decided not to deliver it themselves but to buy it from another organisation; or*
- (b) whether it wants Brigades to be like a P&Cs and form part of the department.*

81. *He advised that either way the legislation needs to reflect the decision. He advised that if they do not want these bodies to be part of the department then they need to ensure they are set up properly as incorporated associations and have a proper arrangement with them. Alternatively if they want them to form part of the department then they need to amend the legislation to reflect this situation.*

82. *The Auditor-General highlighted that the audit found that currently QFRS is doing an adequate job. The concerns that the audit identified are about the future. He advised that there were deficiencies in the areas of forward planning, risk management, brigade funding and resources and performance measurement and training. These deficiencies were there because the department could not control the brigades. He advised that the responsibility for fire protection in Queensland rests with the government not with the volunteers and it is a government policy choice as to how they deliver that...*

However, in the 2008 Audit Report the Audit Office stated: *...The significance of the need to maintain a volunteer-based service delivery model is highlighted by the cost to Government of alternative models of fire service delivery. QFRS estimate that in the past two years, (which have been relatively quiet years with respect to bushfires given the drought conditions across Queensland), at least 350,000 hours of service¹⁷ have been undertaken by rural fire service volunteers within the most populated areas of Queensland covered by the rural fire service.*

The Auditor-General's view that, *the responsibility for fire protection in Queensland rests with the government not with the volunteers and it is a government policy choice as to how they deliver that*, is a fairly typical bureaucratic response where control and accountability are paramount concerns. What is frequently overlooked is that the Government of the day is meant to be serving the needs and interests of the people and the communities they are part of and not the bureaucracy that works for the Government. Equally without the volunteers willing to contribute their valuable time there would not be a volunteer rural fire service and Government would need to invest substantial public funds to expand the capacity of the urban fire service.

It is an arrogant view that believes that the thousands of volunteer firefighters who face danger for their communities have no role or voice in determining on what basis they volunteer their time. Government agencies rather than undertake sincere consultation on how a more collaborative approach can be taken find it easier to resolve the issue through coercive means. Increased control through amended legislation may gain the Government a perceived increase in its ability to direct

¹⁶ Public Accounts and Public Works Committee, "Management of Rural Fire Services in Queensland" (Queensland Parliament, June 2011), <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5311t4568/5311t4568.pdf>.

¹⁷ In dollar terms the 350,000 hours would equate to approximately \$31.5 million in labour costs today. This figure excludes on-costs and associated human resource management costs if paid firefighters were utilised.

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and manage Brigades and their membership. However, in the words of Mary Parker Follett¹⁸: *Genuine power can only be grown, it will slip from every arbitrary hand that grasps it; for genuine power is not coercive control, but coactive control. Coercive power is the curse of the universe; coactive power, the enrichment and advancement of every human soul.*

*Support from external agencies can weaken local self-organization and ownership if it is too heavy-handed or lasts too long. Local ownership can be undermined when community volunteers are not able to articulate their own priorities but are still called upon to implement the priorities of external agencies.... Ultimately, governments and their development partners need to balance the autonomy and independence that self-organized volunteer groups have achieved with efforts to integrate them into external systems of support.... Stakeholders must be mindful not to partner with volunteers as a source of cheap labour but rather would be well advised to nurture volunteerism as an attribute of resilient communities*¹⁹.

Studies of regulation emphasize the advantages of moving on from the command-and-control approach and the opportunities it both provides and encourages for formalism. Clear-line rules, especially if backed by zealous officials, are prone to incite a formal, minimalist response from the complying parties, who may regard strict rules as a sign of distrust by officials. ²⁰ These words well capture the level of response from many rural fire volunteers when the changes to the governance, legal and financial administration of Brigades that would take effect from July1, 2024 were announced. The failure of QFES to fully consult with volunteers over the proposed changes to the status of brigades has severely eroded the level of trust that volunteers have in the new QFD.

The Auditor-General's comments quoted earlier also represent in the emergency services context a merger of command and control and professionalisation. *Professionalisation*²¹ is also often linked with managerialism (e.g., growing use of generic management practices, a focus on accountability and measurement, and tighter organisational control of workers). In the emergency services, tensions clearly exist between these changes and the motivations and expectations of volunteers. *Emergency service organisations will need to strive for a workable balance between the benefits and negative consequences of these shifts. To do this, the skills and capacities of the people leading and supporting volunteers will need to be further supported and developed, and more relational rather than transactional workforce management approaches emphasised.*

Recommendation 3: Review the command-and-control management style within the Queensland Fire Department to ensure that it embraces a stronger collaborative and networked management approach in relation to volunteers.

Failure to consult, failure to listen to alternatives, failure to consider rights of volunteers

QFES made the choice that it wanted the Brigades to be fully under its control by being made entities within RFSQ. Brigades were not given the opportunity to explore other options with QFES. Given the

¹⁸ Follett Mary Parker, *Creative Experience*, Kindle (Left of Brain Onboarding, 2021).

¹⁹ United Nations Volunteers (UNV) Programme, "2018 State of the World's Volunteerism Report. The Thread That Binds Volunteerism and Community Resilience" (Bonn, 2018).

²⁰ D. J. Galligan, *Law in Modern Society* (New York: Oxford University Press, 2007).

²¹ B. J. McLennan, "Emergency Services Workforce 2030" (Melbourne: RMIT University, Curtin University, Bushfire and Natural Hazards Cooperative Research Centre., 2022).

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diversity in Brigades in respect to membership numbers, finance and equipment it is to be expected that some Brigades would prefer to be absorbed into RFSQ to ensure the ongoing safety of their communities. Equally, many Brigades would prefer that the community-based model would continue. A sensible approach to consultation on alternate models that would satisfy all parties was not a pathway that QFES wanted to follow.

Brigades were only made aware that the Government had chosen this option the day the amendment Bill was tabled in Parliament. When Brigades and volunteers complained about the lack of notice and consultation the Government spin doctors advised that there had been ongoing consultation in regard to the machinery of government changes that would occur as a result of the KPMG Independent Review of Queensland Fire and Emergency Services²² and that Brigades had been provided opportunities to respond.

The central concern with the Queensland Fire and Emergency Services' (QFES) position on consultation in regards to the 2024 legislative amendments is that not once since the Independent Review was conducted had any mention been made that Brigades would cease to be community Brigades operated by community volunteers. No mention was made that Brigades would stop being unincorporated associations and would become operational units of RFSQ. Brigades would lose direct control of Brigade funds and other assets. No opportunity was provided for other governance options to be considered. The approximately 27,200 Rural Fire Volunteers did not rate high enough in the political pecking order to be given a direct say about their futures. Brigade members would no longer be community volunteers instead they became volunteer public service officers. In effect, Queensland Rural Fire Brigades had been nationalised. **Nationalisation** is the process of transforming privately owned assets into public assets by bringing them under the public ownership of a national government or state.²³

Government policy guidelines²⁴ place a heavy emphasis on the need to fully consult with any stakeholders that could be impacted by proposed changes, QFES did not consider that each Brigade needed to be consulted on a series of changes that would fundamentally change their legal status as independent organisations and the legal protection of volunteers as well as strip Brigades of funding control that volunteers had invested countless hours in fund-raising to safeguard their communities.

As well, QFES apparently ignored the fact that Brigade members also had rights under the Human Rights Act 2019²⁵ that were not given proper consideration. The Statement of Compatibility prepared for Disaster Management and Other Legislation Amendment Bill 2024²⁶ was heavily focussed towards the objectives of QFES without providing equal consideration to the rights of volunteers. Section 24 of the Human Rights Act²⁷ reads:

²² KPMG, "Independent Review of Queensland Fire and Emergency Services."

²³ **Nationalization** (**nationalisation** in British English) is the process of transforming privately owned assets into public assets by bringing them under the public ownership of a national government or state.
<https://en.wikipedia.org/wiki/Nationalization>

²⁴ Queensland Treasury. 2023. Better Regulation Policy. <https://s3.treasury.qld.gov.au/files/Queensland-Government-Better-Regulation-Policy.pdf>

²⁵ "Human Rights Act 2019" (2019),
<https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2019-005>.

²⁶ "Disaster Management and Other Legislation Amendment Bill 2024 — Human Rights Statement of Compatibility," n.d., <https://www.legislation.qld.gov.au/view/html/bill.first.hrc/bill-2023-068>.

²⁷ Human Rights Act 2019.

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- 1. All persons have the right to own property alone or in association with others.**
- 2. A person must not be arbitrarily deprived of the person's property.**

Our Brigade as an unincorporated association owned substantial assets including fire appliances and Brigade infrastructure. These assets had been funded by members investing their time undertaking activities to raise funds. This was volunteer time over and above mitigation, response and training activities. For example, for over 30 years we undertook mitigation work at Enoggera Close Training Areas, Gallipoli Barracks. The fund-raising work supported by our community enabled the Brigade to self-fund our Samford 61, Samford 51, Samford 41 and Samford 91 and partially fund Samford 42. The land our station is situated on is owned by the Government; however, the station was built by funds and labour provided by the Brigade and our community.

As an unincorporated association the Brigade assets were held equally by Brigade members and any decision to dissolve our association and/or dispose of the association's assets needed to be voted upon by a majority of members. QFES arbitrarily deprived the Brigade of its right to consider proposed changes by failing to consult and legislating the change to the legal status of the Brigade.

Brigade members in Queensland were also denied their Human Right to fully participate in public life by being able to participate in full and open consultation on the proposed reforms to the status and operations of individual Brigades. Section 23 of the Human Rights Act 2019²⁸ reads:

- 1. Every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.**
- 2. Every eligible person has the right, and is to have the opportunity, without discrimination**
 - a. to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors; and**
 - b. to have access, on general terms of equality, to the public service and public office.**

The United Nations **Guidelines for States on the effective implementation of the right to participate in public affairs**²⁹ states:

Participation before decision-making

64. Rights holders should be given the opportunity to participate in shaping the agenda of decision-making processes in order to ensure that their priorities and needs are included in the identification of the subject matter and content for discussion.

The following statement was extracted from the 2016 Rural Fire Service Volunteer Charter developed by QFES and RFBAQ, somewhere between 2016 and now the QFES commitment to consult and engage with volunteers has become very selective over what issues require full and open consultation with all Brigades.

The volunteer's commitment to working with the Queensland community remains the core strength of the RFS. Meeting the individual and collective interests and needs of volunteers supports the safe and effective delivery of their services with the Queensland community.

²⁸ Human Rights Act 2019.

²⁹ Office of the High Commissioner for Human Rights, "Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs" (Geneva, 2018).

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Consultation and engagement with them on issues that affect them as volunteers is an integral element of the relationship between QFES, the brigade and the volunteer.

QFD (RFSQ) through the establishment Rural Fire Service Advisory Committee has established a more controlled mechanism for consulting Brigades. *The role of the Committee is to provide advice to the RFSQ Chief Officer regarding enhancing the capability, culture and operations of the RFSQ and championing key activities. The Committee will address strategic priorities but will not act on behalf of, or make decisions for, the RFSQ in any capacity.*

Brigade members were invited to nominate for membership on this Committee, however, a stumbling block for many people (including myself) was the first role of members listed in the Terms of Reference which was to adhere to strict confidentiality of all matters discussed by the Committee unless otherwise specified. This did not indicate that Committee members would be free to consult with fellow volunteers on matters under discussion. The other concern in regard to the formation of this committee was that the volunteer members would not be selected by the volunteers, instead senior QFD/RFSQ officers would make the determination on who would best represent volunteers.

Volunteers feel that they are not listened to, concerns raised with the department are frequently not answered or even acknowledged. In the Keelty Review it was noted that *...The issue of volunteer identity and 'voice' is one that has been raised on a number of occasions throughout the review process.*³⁰ In sociological terms, volunteers lack agency... *agency refers to the ability of individuals to make decisions and take actions that are, to some degree, independent of the constraints imposed by social structures.... However, agency is not absolute; it exists within limits set by social structures, such as norms, institutions, and power relations*³¹.

Our Brigade had raised safety issues with QFES in previous years that have still not been addressed. For example, the lack of radio interoperability between Brigades and partner agencies has been an ongoing safety concern. Radio interoperability is a long-standing issue as evidenced by the 1994 Queensland Bushfire Strategy Report³². The Report found that *...The Audit confirmed a lack of compatibility between the two-way radio systems operated throughout the State by the many agencies likely to be involved in a multi-agency response to a wildfire. The same finding applies to rural fire brigades.* This issue has been around for at least 30 years and it is a serious safety issue, if a strategy has been formulated to resolve the issue it has not been shared with volunteers.

Following the 2019/20 Bushfires, the Brigade, in frustration, made a submission on radio interoperability to the Royal Commission into National Natural Disaster Arrangements and a witness appearance. It was hoped that raising our concerns in this forum would if nothing else result in QFES reaching out to discuss the matters raised at the Commission. Unfortunately, the Brigade was never contacted by QFES to discuss the issues raised at the Royal Commission.

Recommendation 4: Ensure that a more transparent and open consultative culture is developed in the fire services supported by genuine consultation to guarantee that all volunteers are able to express their views.

³⁰ Keelty, "Sustaining the Unsustainable. Police and Community Safety Review."

³¹ <https://easysociology.com/general-sociology/understanding-agency-in-sociology/>

³² Queensland Emergency Services, "Queensland Bushfire Strategy Report," 1994.

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Recommendation 5: Change the role of the Rural Fire Service Advisory Committee to ensure that all matters it will consider are not treated as in confidence and are made open to consideration by volunteers. The membership needs to be made more geographically balanced to ensure all have a voice.

Failure to consider all legal options and consult with Brigades

QFES presented the proposed reforms in the Disaster Management and Other Legislation Amendment Bill 2024 as actions that would improve the position of rural fire brigades and volunteers and address any lingering questions over brigade legal status. The question of brigade legal status has been previously addressed and resolved in a joint RFBAQ/QFES project and required no further clarification in legislation.

There were a range of amendments in the Disaster Management and Other Legislation Amendment Bill 2024 that increased the Commissioner's control over various operational and administrative functions of rural fire brigades. The reason for these changes, as was stated in the Explanatory Notes to the Bill, was to provide clarification of the legal status of brigades and brigade members. It is unclear why it is necessary to dilute the responsibilities of rural fire brigades to achieve this outcome when a project, in the then 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 membership operates within a legal framework that provides appropriate levels of protection to undertake their respective roles and brigade functions*³³.

The unresolved issue which was not addressed by the Amendment Bill was what powers under the Act should rural firefighters have when responding to an incident to ensure that all possible situations could be addressed. Career firefighters and SES volunteers have the powers they can utilise to carry out their duties clearly spelt out in legislation. The powers of Authorised Fire Officers are detailed in Part 1 of the Fire Services Act 1990 and the powers of Authorised Rescue Officers are detailed in Part 3 of the State Emergency Service Act 2024. At present the only brigade member who can temporarily have the power of an Authorised Fire Officer is a First Officer while in charge of an incident. Note the First Officer is not an Authorised Fire Officer for that period, the First Officer only has the powers of an Authorised Fire Officer. This situation is ridiculous and needs to be urgently resolved to enable rural fire volunteers to have clarity in relation to what powers they can utilise when responding to an incident. It is understood that the full range of powers listed for Authorised Fire Officers are not all required by rural volunteers. What is urgently needed to clarify the legal authority of rural fire volunteers when attending incidents is a new section in the Fire Services Act 1990 detailing the powers of an **Authorised Rural Fire Officer**.

Strengthening protections in regard to the legal liability of volunteers was also put forward as a reason to bring Brigades under the direct control of RFSQ. This was despite the fact that Brigade members having had strong protections already in place.

Legal protection was provided under the Fire and Emergency Services Act 1990 *sections 153B(1) (protection from liability for acts done honestly and without negligence) and 153B(2) (protection from being charged with offences)*

³³ Queensland Fire and Emergency Services. The Legal Status of Rural Fire Brigades Project Summary. October 2018.

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Although, if proper consultation had occurred with our Brigade we would have made suggestions on how existing protection afforded to volunteers under Section S153B(1) could have been strengthened by changing the wording to *protection from liability for acts or omission done in good faith*. Another option would have been to utilise the wording from the NSW Rurals Fires Act 1997 Section 128 (1) wording that would have provided clearer protection: *A matter or thing done or omitted to be done by a protected person or body does not, if the matter or thing was done in good faith for the purpose of executing any provision (other than section 33) of this or any other Act, subject such person personally, or the Crown, to any action, liability, claim or demand.*

The Civil Liability Regulation 2014 Schedule 1 Prescribed entities providing services to enhance public safety—Act, section 26 (1) (a) (prior to the July 1, 2024 amendments taking effect), read: **A rural fire brigade registered under the *Fire and Emergency Services Act 1990***. Following the July 1 changes coming into effect section 26 (1) (a) was changed to **Rural Fire Service Queensland established under the *Fire Services Act 1990***. Any direct reference to rural fire brigades being prescribed entities was removed. Therefore, the protection previously directly provided to Brigades was weakened and ensures that Brigades must stay under the RFSQ umbrella if members are to be protected under the Civil Liability Act 2003.

Recommendation 6: Review the changes to legal status of Brigades and ensure that Brigades that choose to remain community-based brigades have strong legal liability protection without having to be a unit of RFSQ/QFD.

Recommendation 7: Include within the Fire Services Act 1990 a provision establishing authorised rural fire officers and relevant powers to ensure transparency in respect to the powers available to rural fire volunteers undertaking their duties.

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